



**STAFF REPORT**

**Planning Commission Meeting: July 22, 2024**

<b>Application:</b>	<b>RZ24-0005: Rezoning from the CTY PEC-3 (County Light Industrial) to the R-1 (Single-Family), R-2 (Two-Family), R-3 (Low-Density Multifamily), and M-2 (General Industrial) Districts and Preliminary Site Development Plan for Park 169</b>
<b>Location:</b>	Northeast of W. 167 <sup>th</sup> Street and S. US-169 Highway
<b>Owner:</b>	V.T., Inc. (c/o Van Trust Real Estate, LLC)
<b>Applicant:</b>	Blue Springs Safety Storage South, LLC
<b>Engineer/Architect:</b>	Judd Claussen, P.E., Phelps Engineering
<b>Staff Contact:</b>	Jessica Schuller, AICP, Senior Planner

**Site Area:** 247.15 acres    **Plat:**    Unplatted

**Existing Zoning:** CTY PEC-3    **Proposed Zoning:** R-1 (Single-Family) | 29.9 acres,  
R-2 (Two-Family) | 35.6 acres,  
R-3 (Low-Density Multifamily) | 41.9 acres,  
M-2 (General Industrial) | 139.6 acres

Plan Olathe Land Use Category		Existing Use	Existing Zoning
<b>Site</b>	<b>Employment Area / Secondary Greenway</b>	<b>Undeveloped</b>	<b>CTY PEC-3</b>
<b>North</b>	Industrial Area	General Industrial	M-2
<b>South</b>	Conventional Neighborhood / Secondary Greenway	Undeveloped / Single-Family Residential	CTY PEC-3 / CTY RUR / CTY RN1 / CTY PRN2
<b>East</b>	Conventional Neighborhood	Single-family and Multifamily Residential	R-1 / RP-1 / RP-3
<b>West</b>	Industrial Area	General Industrial	CP-3 / M-2

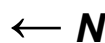
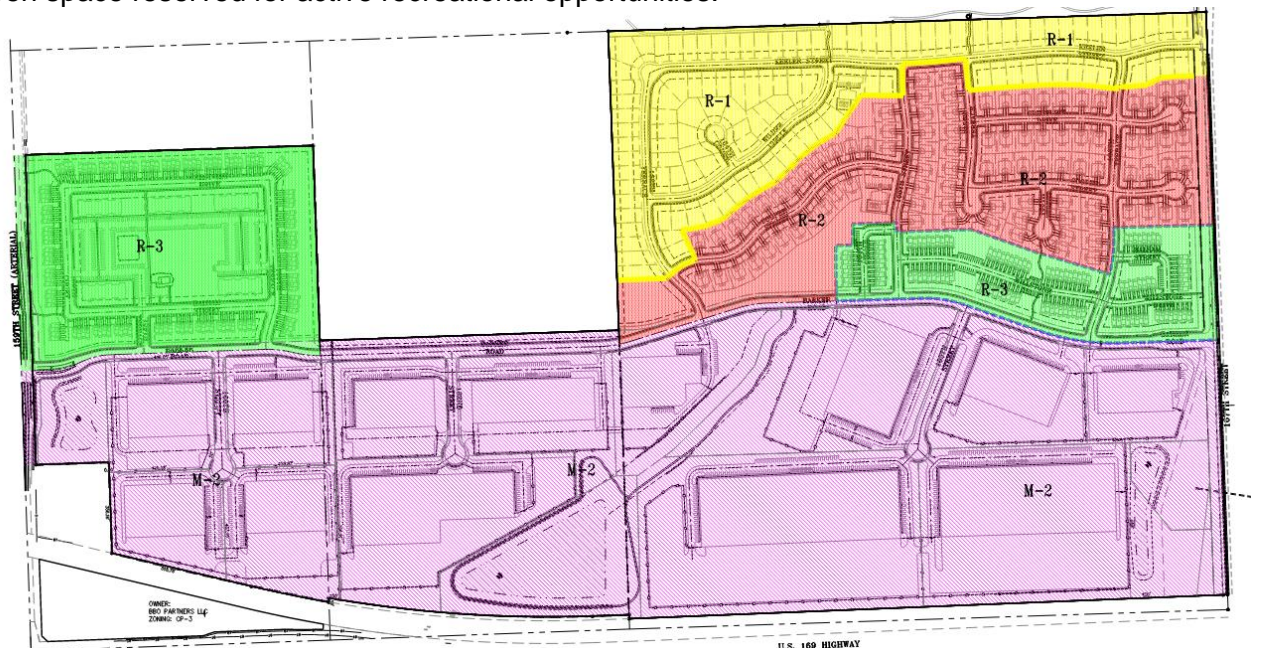
## 1. Introduction

The applicant requests a rezoning and preliminary site development plan for approximately 247 acres located northeast of 167<sup>th</sup> Street and US-169 Highway (US-169). The development consists of four zoning districts with the M-2 (General Industrial) District proposed on the west half of the site, transitioning to the R-3 (Low-Density Multifamily), R-2 (Two-Family) and R-1 (Single-Family) from west to east (see map below). A new collector roadway, Barker Road, will be constructed central to the site and will separate industrial and residential land uses. The project will be developed in four (4) phases beginning with the four (4) industrial buildings and multifamily residential nearest 159<sup>th</sup> Street and concluding with the industrial buildings nearest 167<sup>th</sup> Street.

The M-2 District is 139.6 acres and consists of 13 speculative general industrial buildings ranging from 62,000 square feet to 264,000 square feet. All buildings are accessed from Barker Road, with no dock doors visible from roadways, except Building #9 as detailed in Section 7.

The R-3 District encompasses 41.9 acres and is located east of Barker Road in two locations. The northern R-3 District includes five (5) three-story apartment buildings with 30 units each, and 33 4-plex townhomes for a total of 282 units. Amenities for this residential area include a clubhouse and pool, dog park and active open space. The southern R-3 District consists of 13 townhome buildings with 8 and 10 units for a total of 118 units. Amenities include active open space areas that will be programmed with play equipment, ball fields, picnic tables, or sports courts, in accordance with the Unified Development Ordinance (UDO). All active space amenities will be determined at the time of final site development plan.

The R-2 District is 35.6 acres and will be platted with 94 lots for the construction of duplex homes, and the R-1 District is 29.9 acres and will be platted with 113 single-family lots. Both R-1 and R-2 Districts include separate amenity areas, including a pool and clubhouse, and open space reserved for active recreational opportunities.



Map of Proposed Zoning Designations

## 2. History

The property was annexed in 2012 (ANX-12-001) under Ordinance 12-55. The Future Land Use Map of the PlanOlathe Comprehensive Plan designates the entire property as an Employment Area. An application to rezone the entire site to the MP-2 (Planned General Industrial) District was submitted in 2012 (RZ-12-014) but was later withdrawn by that applicant.

## 3. Existing Conditions

The existing site is undeveloped agricultural land that drains into the streamways and associated wooded areas that bisect the south-central portion of the land area. There are no existing structures on the property. Right-of-way for Burlington Northern Railroad and an existing tree row is located adjacent to the western property line. A tree line extends along portions of the eastern property line. Anderson Automotive (unannexed property with County PEC3 zoning) is adjacent to the northwest corner of the property.



Site Location Map



*Site Photo Looking North from 167<sup>th</sup> Street*

#### **4. Zoning Standards**

- a. **Land Use** – The applicant is seeking a change of zoning to allow for the construction of general industrial use buildings under the M-2 District, multifamily housing under the R-3 District, two-family housing under the R-2 District and single-family housing under the R-1 District. Permitted uses in the R-3 District include multifamily residential, single-family residential and senior housing. Other uses permitted in the R-1 and R-2 Districts include assisted living facilities and daycare uses.

M-2 District uses include a number of industrial and service-type uses including warehousing/distribution and cold storage. Staff recommends the restriction of some land uses on the subject property due to the visibility of the site from US-169, greater intensity of these uses and due to incompatibility with proposed residential uses to the east. Staff worked with the applicant on these use restrictions and the applicant is amenable to the following:

- (1) Power Generation Plant
- (2) Parking Lots, Surface, as Principal Use
- (3) Public Utility Storage and Service Yards
- (4) Automobile Storage or Towing (Tow Lot)
- (5) Paper Manufacturing
- (6) Recycling Centers, Drop-Off
- (7) Rendering and Meat Byproduct Processing
- (8) Petroleum Bulk Stations and Terminals
- (9) Storage Area or Lot, except when as an accessory use to a building, and not visible from arterial and collector roadways

The site is designated as an Employment Area on the PlanOlathe Future Land Use Map. The applicant's request to rezone the west half of the property (59% of the site) to the M-2 District aligns with this land use designation, which generally supports free standing office buildings, office parks, medical facilities, and multi-tenant professional offices.

The residential zoning districts on the east side of the property do not directly align with the Employment Area designation; however, residential land uses and the construction of the north/south collector roadway central to the property serves as a transition between the desired Employment Area and the existing residential uses to the east. Additionally, the collector roadway will include landscaped berms on both sides of Barker Road, where feasible, and enhanced screening measures to support this transition.

- b. **Density and Lot Standards** – On the north side, the applicant is proposing vertically and horizontally attached multifamily units in the R-3 District with a density of 10.52 dwelling units per acre. The north R-3 District follows the requirements of Column 2 based on the consistency with the existing dimensional standards for the adjacent condominium development and provides for increased open space. On the south side, horizontally attached residential units are proposed at a density of 8.18 dwelling units per acre, following Column 1 of the R-3 District Standards. Both R-3 Districts provide a density less than the maximum of 12 dwelling units per acre (Column 1).

To the southeast, 97 two-family residential lots and 113 single-family residential lots are proposed. All lots meet minimum standards for lot width of 60 feet and lot area of 7,200 square feet for single-family and 4,750 square per two-family dwelling unit.

- c. **Building Height** – Building heights within the four (4) proposed zoning districts are limited to the following requirements:
- i. M-2 District – Maximum of 55 feet;
  - ii. R-3 District North – Maximum of 3-stories and 40 feet;
  - iii. R-3 District South – Maximum of 2.5 stories and 35 feet;
  - iv. R-2 District – Maximum of 2.5 stories and 35 feet;
  - v. R-1 District – Maximum of 2 stories and 35 feet.

The proposed buildings within each District align with these UDO height restrictions, with the industrial buildings proposed at 42 feet tall, the vertically attached multifamily residences at 40 feet tall, and the horizontally attached multifamily, two-family and single-family residences being a mix of one and two-story buildings.

- d. **Setbacks** – Setbacks within the four (4) proposed zoning districts are limited to the following requirements:
- i. M-2 District – 30-foot front, 10-foot side, and 10-foot rear yard setbacks;
  - ii. R-3 District North – 5-foot front, 20-foot corner side, and 15-foot rear yard setbacks;
  - iii. R-3 District South – 30-foot front, 15-foot side, 20-foot corner side, and 25-foot rear yard setbacks;
  - iv. R-2 District – 20-foot front, 7-foot side, 20-foot corner side, and 25-foot rear yard setbacks;

- v. R-1 District – 30-foot front, 7-foot side, 20-foot corner side, and 25-foot rear yard setbacks.

The proposed buildings within each District align with the setback requirements of the UDO.

- e. **Open Space** – The M-2 District requires a minimum of 15% open space, and each proposed M-2 District lot provides a range of 18-56% percent open space, exceeding this UDO requirement.

The R-3 Districts require 10-15% of the site to be utilized as common open space, with 50% of the open space being active space. The R-3 north and south districts are providing open space in excess of 40%, with the required amount of active space reserved. Active space amenities will be determined at the time of final site development plan, but will meet all UDO requirements by consisting of one or more of the following: swimming pools, play equipment, ball fields, picnic tables, sport courts or similar active uses.

The development will also include open space tracts for recreational amenities in the R-1 and R-2 Districts.

## 5. Development Standards

- a. **Access/Streets** – A new public collector street, Barker Road, will be constructed central to the site between 159<sup>th</sup> Street and 167<sup>th</sup> Street and turn lane improvements will be required along both arterial roadways at each street intersection. The development will dedicate additional right-of-way along 159<sup>th</sup> Street and 167<sup>th</sup> Street to provide the required 60-foot-wide right-of-way from centerline, and a traffic signal is required at the intersection of 159<sup>th</sup> Street and Barker Road. An additional access point onto 167<sup>th</sup> Street is proposed at Keeler Street for the single-family portion of the site and 167<sup>th</sup> Street is required to be paved from the eastern property line to this point of access. 167<sup>th</sup> Street is required to be improved to City standards and include three lanes with bike lanes, side path, sidewalk, and turn lanes. Phase 4 of the development is dependent on 167<sup>th</sup> Street overpass being constructed.

Significant offsite improvements to the intersection of 159<sup>th</sup> Street and US-169 Highway are also required, including: an additional southbound left turn lane, an additional eastbound through lane and separate eastbound right turn lane, and a second westbound through lane and separate westbound right turn lane.

The timing of all these road improvements is based upon the findings of the traffic impact study and the City Engineer's concurrence. A stipulation is included requiring the traffic impact study to be updated with each development phase to determine if updates to recommendations are needed at that time.

- b. **Parking** – Minimum parking requirements of UDO 18.30.160 for the proposed uses, and the proposed parking counts, are as follows:
  - i. **Industrial Uses** – 1 space per 1,500 square feet of building area. Parking requirements are being met with a total of 1,035 parking stalls required and 1,035 stalls provided.
  - ii. **Residence, Multifamily** – 1.5 spaces per dwelling unit. Parking requirements are being met through a combination of garage parking and open parking stalls. The R-3 District (north) requires 423 parking stalls, with 604 parking

stalls provided. The R-3 District (south) requires 177 parking stalls, with 295 parking stalls provided. Staff is supportive of the increased parking to accommodate guest parking.

- iii. Residence, Two-Family – 1.5 spaces per dwelling unit. Parking requirements are being met through a combination of garage parking and driveway parking. A total of 282 stalls are required and 386 spaces are provided.
  - iv. Residence, Single-Family – 2 spaces per dwelling unit. Parking requirements are being met through a combination of garage parking and driveway parking. A total of 226 stalls are required and 461 spaces are provided.
- c. **Landscaping/Screening** – The applicant provided a preliminary landscape plan meeting the requirements of the UDO. Landscape buffers are required along the perimeter of the site. A 25-foot-wide master landscape area is provided along 159<sup>th</sup> Street and 167<sup>th</sup> Street, and a 15-foot master landscape area is provided along Barker Road. Street trees are provided within all residential areas and interior lot trees are provided in the R-3 District. Signature landscape areas will be provided at the entrance to the site on 159<sup>th</sup> Street.
- Further refinements and landscaping details will be provided at the time of Final Site Development Plan for each phase of development, and all landscaping will meet the requirements of the UDO.
- d. **Tree Preservation** – A tree preservation plan was provided and identified 12 acres of existing tree canopy on the east side of the property and 26 acres on the west side of the property. The applicant is exceeding the minimum requirement to preserve 20% of contiguous wooded areas by preserving 28% and 26% of wooded areas (east and west), respectively. Tree preservation areas east and south of the R-3 District (north) act as a buffer between existing residential neighborhoods, and preservation areas west of industrial buildings 10 and 11 provide additional screening from US-169. The most significant area of preservation is central to the site, in the location of the existing stream corridor.
- e. **Stormwater/Detention** – The property is subject to all Title 17 requirements of the Municipal Code. Three wet detention basins will be located on site, and each will be enhanced with landscaping and fountain feature. These basins will be placed in common tracts to be maintained by homes associations and/or business associations.
- f. **Public Utilities** – The property is in City of Olathe sewer and WaterOne service areas. Sanitary sewer will be extended via a gravity sewer main from the western portion of the property. There is an existing WaterOne public main on the south side of 159<sup>th</sup> Street and the north side of 167<sup>th</sup> Street and this development will connect to both public mains to provide redundant water service.

## 6. Site Design Standards

### **M-2 District**

The M-2 District is subject to Site Design Category 6 (UDO 18.15.130) based on the M-2 District zoning designation. The following is a summary of the applicable site design requirements:

- a. **Parking Pod Size** – The maximum number of parking stalls allowed in one parking pod, is 320. The proposal is meeting this UDO requirement with the largest pod containing approximately 40 spaces.
- b. **Drainage Feature** – Open drainage and detention areas visible to the public must be incorporated into the design of the site as an attractive amenity or focal point. The three wet detention basins include a fountain feature and will be landscaped in accordance with UDO requirements and the existing stream corridor will be preserved in its natural state.
- c. **Perimeter Landscaping** – Industrial sites that directly abut an arterial street must include a minimum building setback of 50 feet from the roadway, and a minimum 50-foot landscaped area with 70% permeable surfaces and 50% planted material. Buildings 1 and 11 are setback considerable from 159<sup>th</sup> and 167<sup>th</sup> Streets and include a landscaped wet detention basin between the building and street, meeting UDO requirements. Building 13 is setback more than 70 feet from 167<sup>th</sup> Street and paving is setback more than 50 feet from the typical 120 feet of arterial street right-of-way. Additional right-of-way was acquired to accommodate grading for the future 167<sup>th</sup> Street overpass.

### **R-3 & R-2 Districts**

The R-3 and R-2 Districts are subject to Site Design Category 3 (UDO 18.15.115) based on the proposed zoning designations. The following is a summary of the applicable site design requirements:

- a. **Landscape Options** – Landscaping along sidewalks where building façades are not located within the minimum frontage area is required to enhance community image and support pedestrian activity. The applicant is providing master landscaping along arterial and collector roadways which is further enhanced by landscape berms, meeting this requirement.
- b. **Outdoor Amenity** – Developments greater than 4-acres in size must provide an outdoor amenity space covering 10% of the site area to enhance the public realm and promote pedestrian activity. The applicant is providing common areas in the R-3 north and south districts and preserving a natural tree stand areas in the R-2 District, meeting these requirements.
- c. **Parking Pod Size** – The maximum number of parking stalls allowed in one parking pod, is 40. The applicant is meeting this UDO requirement with the largest pod containing 37 spaces.
- d. **Street Connectivity**– The R-3 and R-2 Districts must have a minimum connectivity ratio of 1.7 to ensure a well-connected street network which spreads traffic efficiently. The R-3 north and south Districts have a connectivity ratio of 1.8 and 1.7 respectively, and the R-2 District has a ratio of 1.7, meeting UDO requirements.
- e. **Pedestrian Connectivity** – Enhanced pedestrian connections to encourage pedestrian use, integration with surrounding land uses or connections to regional paths and trails are required. The applicant is providing direct pedestrian connections from buildings to exterior sidewalks, connections through common space and amenity areas, and is differentiating pedestrian ways through decorative paving materials in the R-3 Districts.



**R-1 District**

The R-1 District is subject to Site Design Category 1 (UDO 18.15.105) based on the R-1 District zoning designation.

- a. **Landscape Options** – A landscaped area that is at least ten (10) feet deep with a minimum of seventy (70) percent porous/permeable surfaces and fifty (50) percent planted material is required within the minimum setback area when the development is located adjacent to an arterial street or any nonresidential zoning district. Master landscaping is provided adjacent to W. 167<sup>th</sup> Street, meeting this requirement.
- b. **Pedestrian Connectivity** – Individual homes are connected to a public sidewalk with a driveway, as required by the UDO. Per the Trails and Greenways Guiding Plan, the City will construct a north/south trail connection between the proposed R-1 District and existing single-family neighborhoods to the east. To connect to the future trail, 30-foot-wide Tracts are designated between Lots 29 and 30, and Lots 38 and 39. A connection will also be available along 167<sup>th</sup> Street.
- c. **Street Connectivity** – The R-1 District must have a minimum connectivity ratio of 1.2 to ensure a well-connected street network which spreads traffic efficiently. The R-1 District has a connectivity ratio of 1.3 meeting UDO requirements.

**7. Building Design Standards**

**M-2 District**

Buildings in the M-2 District are subject to building design standards for Industrial Buildings (UDO 18.15.020.G.10). Color elevations were provided with the preliminary site development plan showing the proposed building materials and architectural style. Proposed materials consist of form-finished concrete panels and glass, in shades of gray, white and blue. Dock walls face towards the west, with the exception of Building #9, and will be screened from US-169. All dock wall facades are considered secondary facades.

The following table lists the applicable design requirements of the UDO and proposed design elements:

<b>Table 1:</b> <b>M-2 District</b> <b>Building Design</b> <b>Standards</b>	<b>Design Requirements</b> <i>(Industrial Buildings)</i> <i>Proposed Design</i>
<i>Building Entryway</i>	<b><i>The main common building entry must be defined with a covered projection from the façade or by a recessed area.</i></b>  Each building includes canopies that project over building entrances, meeting UDO requirements.

<p><i>Garage and Overhead Doors</i></p>	<p><b><i>Garage and overhead doors may only face a local or collector public street, unless completely screened from view.</i></b></p> <p>All overhead doors are oriented to the west and are screened from US-169 through existing vegetation and new evergreen trees, with the exception of Building 9. As overhead doors for Building 9 are visible from Barker Road, the doors will be architecturally treated per UDO requirements. Building 9 will also include a screen wall extending from the northeast corner of the building, and additional landscaping adjacent to Barker Road.</p>
<p><i>Horizontal &amp; Vertical Articulation</i></p>	<p><b><i>Each primary façade must provide horizontal and vertical articulation every 100 linear feet of the façade.</i></b></p> <p>Each primary façade on the 13 proposed buildings will have an element of horizontal articulation every 100 linear feet and an element of vertical articulation located every 100 linear feet or less by way of variation in height of four (4) feet or more, as required by the UDO.</p>

Primary facades are required to utilize a minimum of two (2) Class 1 and Class 2 materials on 75% of the façade, with a minimum of 15% glass on the first floor. Secondary facades must utilize a minimum of two (2) Class 1, Class 2 and Class 3 materials on 40% of the façade. All facades provide two Class 1 materials, including glass and form-finished concrete panels, and all front-facing primary facades exceed the minimum percentage of glass required. A waiver to minimum glass requirements is requested to side elevations which are also considered primary facades (see Section 9, Waiver Request).

**R-3 District**

Buildings in the R-3 District are subject to building design standards for Vertically Attached Residential (UDO 18.15.020.G.5) and Horizontally Attached Residential (UDO 18.15.020.G.4). Color elevations were provided with the preliminary site development plan showing the proposed building materials and architectural style. The proposed materials consist of stucco, manufactured stone, and cement lap siding. Primary building colors are shades of gray and white, with natural stone accents. Additional color accents are provided on shutters and doors to provide variation throughout the development and individualization between units. Color schemes and variations will be further refined at the time of final site development plan.

The following table lists the applicable design requirements of the UDO for vertically attached residential buildings and proposed design elements:

<p><b>Table 2:          R-3 District          Building Design          Standards</b></p>	<p><b>Design Requirements for Vertically Attached Residential          (North Apartments)</b>          Proposed Design</p>
<p><i>Deck, Patio, or          Rooftop Area</i></p>	<p><b><i>Each unit must have its own deck, balcony or patio, or access to a rooftop amenity.</i></b></p> <p>All proposed apartment buildings are designed with individual balconies, meeting UDO requirements.</p>
<p><i>Garage Doors &amp;          Carports</i></p>	<p><b><i>Street facing garage doors must be recessed and architecturally treated and freestanding carports must comply with primary structure standards.</i></b></p> <p>No garages are proposed in the apartment buildings within the R-3 District. No carports are proposed within the development.</p>
<p><i>Horizontal          Articulation</i></p>	<p><b><i>Articulation provided for each 50' of façade in the form of a wall offset, wall notch or wall projection.</i></b></p> <p>Wall offsets and projections are provided across all facades at less than 50-foot intervals, exceeding the requirements of the UDO.</p>
<p><i>Vertical Articulation</i></p>	<p><b><i>Variation in building or parapet height of at least 2 feet, or 4 feet for buildings greater than 2 stories in height.</i></b></p> <p>A combination of variation in roof height of at least 4 feet and roof form are used across the facades, meeting the requirements of the UDO. Roofs are flat with parapets that rise at different heights across the façade. Angled roofs serve as accents at building endcaps.</p>

Primary facades are required to utilize a minimum of three (3) Class 1 building materials on 70% of the façade, with a minimum of 20% glass. Secondary facades must utilize a minimum of two (2) Class 1 materials on 50% of the façade with a minimum of 10% glass. All facades provide three (3) Class 1 materials, including glass, genuine stucco and synthetic stone veneer, exceeding UDO requirements. All facades meet or exceed the minimum percentage of glass required.

The following table lists the applicable design requirements of the UDO for horizontally attached residential buildings and proposed design elements:

<b>Table 3:          R-3 District          Building Design          Standards</b>	<b>Design Requirements for Horizontally Attached Residential          (North and South Townhomes – 4-plex, 8-plex &amp; 10-plex)</b> Proposed Design
<i>Building Entryway</i>	<b><i>Each unit must have its own front porch or recessed front entryway, and the porch or recessed entry must be covered a minimum of 4 feet in depth and 6 feet in width.</i></b> All units have a front porch meeting minimum size requirements.
<i>Garage Doors</i>	<b><i>All street-facing garages must be recessed a minimum of 2 feet from the primary building façade front line.</i></b> Front porches of all townhomes extend 2 feet in front of garages, meeting this requirement.
<i>Windows</i>	<b><i>No less than two separate windows must be provided for each dwelling unit along all primary facades and each window must be no less than six square feet in size.</i></b> All buildings within the R-3 District provide at least two windows per dwelling unit, and the provided windows are greater than six square feet in size, meeting the requirements of the UDO.
<i>Horizontal Articulation</i>	<b><i>Each dwelling unit must demonstrate horizontal articulation through a wall offset, wall notch or wall projection.</i></b> Wall offsets are provided on each individual unit, and between adjacent units, meeting UDO requirements.
<i>Vertical Articulation</i>	<b><i>Each dwelling unit must demonstrate vertical articulation through variation in height or roof form.</i></b> Variation of height is provided between the pitched roofs across the facades, meeting UDO requirements.

Horizontally attached residential buildings are required to utilize a minimum of two (2) Class 1 building materials on 70% of primary façades and 50% of secondary facades. All facades provide three (3) Class 1 materials exceeding UDO requirements. An alternate elevation for corner side yards was also provided, meeting primary façade requirements.

### **R-2 District**

Buildings in the R-2 District are subject to building design standards for Two-Family Residential (UDO 18.15.030.G.3). Color elevations were provided with the preliminary site development plan showing the proposed building materials and architectural style. The proposed materials consist of stucco, manufactured stone, and cement lap siding in shades of gray, white and natural stone. Additional color accents are provided on shutters and doors to provide variation throughout the development and individualization between units. Color schemes and variations will be further refined at the time of final site development plan.

The following table lists the applicable design requirements of the UDO and proposed design elements:

<b>Table 4:</b> <b>R-2 District</b> <b>Building Design Standards</b>	<b>Design Requirements</b> <i>(Two-Family Residential)</i> Proposed Design
<i>Building Entryway</i>	<p><b><i>All buildings must have a front porch or recessed front entryway along at least one (1) primary façade for each unit which is a minimum of 4 feet in depth and 6 feet in width.</i></b></p> <p>Main entrances include a front porch meeting minimum size requirements.</p>
<i>Garages and Overhead Doors</i>	<p><b><i>The maximum projection of a street-facing garage from the primary façade (front) line will be two (2) feet.</i></b></p> <p>Front porches extend in front of garage doors, meeting UDO requirements.</p>

Two-family residential buildings are required to utilize a minimum of two (2) Class 1 building materials on 70% of primary façades and 20% of secondary facades. All facades provide three (3) Class 1 materials exceeding UDO requirements. An alternate elevation for corner side yards was also provided, meeting primary façade requirements.

## 8. Public Notification and Neighborhood Meeting

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted a sign on the subject property per UDO requirements. Neighborhood notice was also provided to property owners within 500 feet of the property and 1,000 feet into unincorporated areas, and a neighborhood meeting was held on April 8, 2024 with 23 attendees. Questions were asked about truck traffic and routes, stormwater, the project timeline, future improvements to 167<sup>th</sup> Street, land uses, and lot sizes among other inquiries. The applicant responded to these questions and summarized them in the meeting minutes. Staff responded to three general project inquiries and nine (9) letters, as included in the meeting packet.

The application was continued from the April 8, 2024 Planning Commission meeting. New meeting notifications were sent to property owners at least 10 days prior to the rescheduled hearing, and signs were posted on the subject property as required.

## 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 submitted a justification statement for the one (1) waiver requested which is included in the meeting packet.

- a. **Percentage of Glass** – The applicant is requesting a waiver from UDO 18.15.020.G.10 pertaining to the percentage of glass on industrial district buildings. Primary facades are those which are street facing and/or contain primary building entrances. The M-2 District has a number of side elevation facades (north and south elevations) which are also street facing. The UDO requires a minimum of 15% glass on the first floor of primary facades, while the applicant proposes 11-13% glazing on select facades of Buildings 1-8 and 10-12, as shown on the attached elevation drawings.

In lieu of this requirement, the applicant provided additional glazing between 17-21% on facades with primary entrances which are east facing and most visible from Barker Road.

Staff is supportive of this waiver request due to the additional glazing provided on the most visible facades, and because the north and south facing side elevations are internal to the industrial district. The side elevations also exceed vertical and horizontal articulation requirements for primary facades.

## 10. UDO Rezoning Criteria

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as an Employment Area, Primary Greenway and Secondary Greenway. A mixture of free-standing office buildings, office parks, medical facilities, and multi-tenant professional offices are permitted in the Employment Area land use category. Complementary retail and service uses should be limited in scale and carefully integrated.

The development is visible from US-169 Highway and in proximity to existing commercial and industrial uses to the north and west and residential uses to the east and south. The proposed zoning request meets the following policy elements of the Comprehensive Plan:

**LUCC-6.1: Targeted Development.** With the guidance of the Comprehensive Plan's Future Land Use Map, encourage targeted development, redevelopment and infill so as to channel growth where it will contribute to long-term community vision and improve access to jobs, housing and services.

**LUCC-8.1: Mixture of Complementary Land Uses.** Encourage and enable a mixture of complementary land uses in major new developments. In existing neighborhoods, a mixture of land use types, housing sizes, and lot sizes may be possible if properly planned and respectful of neighborhood character. Whenever land uses are mixed, careful design will be required in order to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.

**ES-1.3: Targeted Industries.** Promote Olathe as an ideal place for desirable new industries, especially those that would diversify the employment base, reflect the labor force capabilities of the community, and complement Olathe's high quality of life.

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 targeting development in locations accessible to jobs, housing and services, and carefully integrating a mix of land use types and densities. The Olathe 2040 Future Ready Strategic Plan identifies strategies that align with the proposal to promote and encourage a mix of housing types and opportunities throughout the community and encourage new residential to attract people to work and live in Olathe. The majority of the property aligns with the Future Land Use Map of the Comprehensive Plan, which designates the property as an Employment Area, Primary Greenway and Secondary Greenway.

***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 neighborhood to the east consists of two-story multifamily residential and two-story single-family residential within the RP-3 and R-1 Districts. These homes are of traditional design with pitched roofs and standard sized lots. Open space with walking trails and a City park are integrated into the neighborhood.

Single-story light industrial and office uses are located to the north across W. 159<sup>th</sup> Street within the M-2 District. Unannexed large lot single-family properties and an undeveloped property are located to the south across W. 167<sup>th</sup> Street, which retain County zoning for industrial and residential uses. Abutting the property to the west is railroad right-of-way and US-169. Two commercial properties, Anderson Automotive and Tractor Supply, are located to the northwest, and west of US-169 are existing single-story light industrial and office uses, as well as a recently approved district for large scale warehousing/distribution and food processing facility.

***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 entire property is currently zoned CTY PEC-3 (County Light Industrial). The proposal to develop the site with multiple zoning districts allows a transition from industrial uses in the west to residential uses to the east. This proposal is in harmony with nearby properties by providing similar uses adjacent to the existing uses and complying with UDO requirements for architecture and site design.

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

The entire property is currently zoned CTY PEC-3 (County Light Industrial). The proposed development under pre-existing county zoning is not permitted and rezoning to a City zoning district is required prior to development. The property is proposed to be zoned to the M-2, R-3, R-2 and R-1 Districts, which permits general industrial use, as well as multifamily residential, two-family residential and single-family residential respectively. The property is suitable for general industrial uses in alignment with the PlanOlathe future land use map designation as an Employment Area, and is also suitable for residential uses as a means of transitioning to existing residential properties to the east.

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

The property retains CTY PEC-3 zoning since the time of annexation in 2012. The entire property remains undeveloped.

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

Staff has not received information indicating the proposed project will detrimentally affect nearby properties. The entire property was zoned for industrial land uses under County zoning, and the proposed multifamily, two-family and single-family residential land uses,

will reduce the intensity of land uses on the east half of the site from what was permitted for development in the County.

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

The development as proposed is not anticipated to have any detrimental impact on the value of surrounding properties. The proposed industrial land uses are separated from nearby existing residential land uses by the proposed residential uses and future collector roadway.

**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 development has been evaluated through a traffic impact study, and acceptable traffic operations for the roadway networks surrounding the project site can be expected following the required roadway improvements. These include new roadway construction and significant improvements to arterial roadways and major intersections. The site is adequately parked per UDO requirements and will not present parking problems in the vicinity of the property.

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

The development will follow all regulations and codes pertaining to stormwater, air quality, noise, and other impacts on the environment. A stream corridor and a significant number of trees are being preserved on site, and new plant material will be added to the property in accordance with UDO requirements.

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

The proposed development is expected to have a significant impact on Olathe's economy by adding 139 acres of industrial use development and 702 residential units.

**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 negatively impact public health, safety, or welfare as presented. If the rezoning were denied, the development could not be constructed as a City zoning district is required prior to development.

## **11. Staff Recommendation**

A. Staff recommends approval of RZ24-0005, Park 169, 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 M-2, R-3, R-2 and R-1 Districts with the following stipulations:
1. The following uses are prohibited in the M-2 District:
    - a. Power generation plant
    - b. Parking Lots, Surface, as Principal Use
    - c. Public Utility Storage and Service Yards
    - d. Automobile Storage or Towing
    - e. Paper Manufacturing
    - f. Recycling Centers, Drop-Off
    - g. Rendering and Meat Byproduct Processing
    - h. Petroleum Bulk Stations and Terminals
    - i. Storage Area or Lot, except when as an accessory use to a building, and not visible from arterial and collector roadways
  2. The R-3 District is limited to a maximum density of 12 dwelling units per acre.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
1. A waiver is granted from UDO 18.15.020,G.10, applicable to side elevations of Industrial Buildings 1-8 and 10-12, to permit between 11-13% glass as shown on the architectural elevations.
  2. Active open space amenities for residential zoning districts will be defined at the time of final site development plan, and must meet the definition of "Open Space, Active" as provided by UDO 18.90.020.
  3. Landscaping will be provided in accordance with all UDO requirements at the time of Final Site Development Plan.
  4. Residential building color schemes and variations will be further refined at the time of final site development plan.
  5. In the M-2 District, any fence which extends beyond the front line of the building must be decorative in nature and will not consist of chain-link material.
  6. Barbed wire fencing is not permitted in the development.
  7. 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.

8. Security gates installed for any of the industrial buildings must be installed such that adequate staging is provided onsite for trucks entering the development. No trucks are permitted to be staged on public streets in accordance with 18.30.160.L.
9. Traffic improvements, and associated timing, will be made in accordance with the Traffic Impact Study dated February 1, 2024 and approval of the City Engineer. The Traffic Impact Study is required to be updated with each development phase and shall adhere to Access Management Plan and City Engineer requirements.
10. Barker Road improvements are required to be extended to 167<sup>th</sup> Street with Phase 3 of this development and 167<sup>th</sup> Street improvements are required to be extended from Keeler Street to Barker Road with Phase 3 of this development.
11. Improvements to 167<sup>th</sup> Street are required to be consistent with the “167<sup>th</sup> Street & 169 Highway Overpass Preliminary Engineering Study”, Access Management Plan and City Engineer requirements.