



STAFF REPORT

Planning Commission Meeting: April 29, 2024

| | |
|-------------------------|---|
| Application: | <u>RZ23-0011</u>: Rezoning from the M-2 (General Industrial) District to the C-2 (Community Center) District and a Preliminary Site Development Plan for the New Creation Community Center |
| Location: | 504 E. Kansas City Road |
| Owner/Applicant: | Pamela Hanson, New Creation Inc. |
| Architect: | Martin DiNitto, MD Architecture |
| Staff Contact: | Emily Carrillo, Senior Planner |

| | | |
|--------------------------------|---------------------------------|--|
| Site Area: | <u>0.26± acres</u> | Plat: <u>Cornwall & Barton's Addition to Olathe</u> |
| Existing Building Area: | <u>3,214 square feet</u> | Proposed Use: <u>Social Services</u> |
| Existing Zoning: | <u>M-2 (General Industrial)</u> | Proposed Zoning: <u>C-2 (Community Center)</u> |

| | Plan Olathe Land Use Category | Existing Use | Current Zoning |
|--------------|--------------------------------------|---|-----------------------|
| Site | Urban Center/Downtown | Commercial/Retail (<i>former Gold River Auctions</i>) | M-2 |
| North | Urban Center/Downtown | Single-family Residential | R-1 |
| South | Urban Center/Downtown | Commercial/Retail | M-2 |
| East | Urban Center/Downtown | Commercial and Multifamily Residential | M-2/CP-2/RP-3 |
| West | Urban Center/Downtown | Commercial/Retail | M-2 |

1. Introduction

The applicant is requesting a rezoning from the M-2 (General Industrial) District to the C-2 (Community Center) District for New Creation, Inc. The property is located west of Kansas City Road and south of Spruce Street and is developed with an existing 3,214 square foot building and includes an asphalt and gravel parking lot.

New Creation Inc. is a nonprofit organization which purchased the property in 2023 for use as a meeting location and gathering space to support a variety of social service activities including food, counseling, and training for individuals recovering from substance abuse disorders.

The proposed use is categorized as '*Social Services*' in UDO Chapter 18.20.500 and is not permitted by right in the existing M-2 District. Staff advised that a rezoning would be necessary to accommodate the proposed use. The applicant began utilizing the property to serve their patrons prior to filing an application for rezoning but have since been working closely with staff through the rezoning process to bring the site and use of the property into compliance.

2. History

The property was zoned to the M-2 (General Industrial) District in 1970 under Ordinance 346-C along with other commercial structures fronting Kansas City Road. The existing building was constructed in 1966 and was the previous location of Gold River Auction.

3. Existing Conditions

The property is developed with a building and parking lot. There are no significant trees located on the site. A new sidewalk was installed by the City in 2023 along Kansas City Road in conjunction with public roadway improvements.



Aerial photo of subject highlighted above.



Photo of subject property looking north and west from Kansas City Road.

4. Zoning Standards

- a. **Land Use** – The proposed land use of Social Services is a permitted use in the C-2 District. The C-2 District is also consistent with the zoning of existing properties east of Kansas City Road, which have progressively zoned from industrial to commercial land uses since the 1970's. Commercial uses are also consistent with the PlanOlathe Comprehensive Plan which designates the site and surrounding area as Urban Center/Downtown.

Uses allowed in the C-2 District includes pedestrian-scale development with a variety of commercial uses that draw from area neighborhoods. To ensure compatibility of land uses in the area and maintain compatibility with the nearby residences, staff is recommending a list of uses to be restricted on the property. Staff has worked with the applicant, and they are amenable to prohibiting the following uses:

1. *Animal Care – Indoor or Outdoor Kennel*
2. *Bars, Taverns, and Drinking Establishments*
3. *Convenience Stores, with Gas Sales*
4. *Entertainment Establishment*
5. *Gas Station*
6. *Leasing/Rental – Consumer or Recreational Goods*
7. *Liquor Store*
8. *Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43*

- b. **Setbacks** – The C-2 District is subject to a front yard setback of 15 feet, and side and rear yard setbacks of 7.5 feet. Parking/paving areas must be setback 15 feet from street right-of-way and 10 feet from property lines. The existing building is setback 14-feet from the north, 6-feet from the west, 84-feet from the east and ranging between 1 to 30-feet from south due to the angle of the lot. This is an existing nonconforming condition which is permitted to remain in accordance with UDO Section 18.60.
- c. **Building Height** – Buildings in the C-2 District are subject to a maximum building height of 2 stories and 35 feet. The existing structure is approximately 16-feet tall at its highest point, therefore meeting this requirement.
- d. **Open Space** – The C-2 District requires that 20% of the net site area be maintained as open space. The existing site will be increasing open space provided onsite with the removal of the existing gravel areas in the front and side yards that will return to grass.

5. Development Standards

- a. **Access/Streets** – The site has one (1) existing access point off of E. Kansas City Road and no changes to this access are proposed.
- b. **Parking** – The minimum required parking for the social services use is one (1) space per 800 square feet of building area. The development has 3,200 square feet of building area; therefore, the minimum required parking is four (4) spaces. The existing site has approximately 4 dedicated parking stalls and 1 ADA stall, meeting the minimum UDO requirements.
- c. **Landscaping** – Existing site limitations, due to setbacks, existing utility easements and pavement locations, significantly limit the placement of additional landscaping. The proposed landscape plan is enhancing existing conditions to bring the site into greater conformance with UDO requirements by providing green space areas in front of the building and include plantings to support community image and promote pedestrian activity.

Additional plantings that include shrubs and a mix of evergreen and deciduous trees will be provided along the north and east edges of the parking lot to screen the proposed trash enclosure and the parking areas from residential uses.

- d. **Public Utilities** – The property is located within the City of Olathe water and sewer service areas. Utilities are available to the site and no changes are proposed. An existing sanitary sewer easement runs along the northern portion of the lot that will limit any additional accessory structures or landscaping to be located in this area.
- e. **Stormwater/Detention** – There is no existing detention provided on the property. The proposed parking lot improvements will decrease impervious site area and there is no impact the property's stormwater runoff. Therefore, no stormwater improvements are required.

6. Building Design Standards

The existing single-story structure was built in 1966 and includes a covered front porch fronting E. Kansas City Road, and an overhead garage bay on the east façade facing the parking lot. The front façade is clad with brick and the remaining facades are clad with metal siding. This is an existing nonconforming structure which is permitted to remain per UDO 18.60.

The applicant has made tenant finish improvements since acquiring the structure, including painting and repair of the siding and entry canopy, removal of bars from

windows, new building signage, and new metal awnings will be provided above exterior doors on the east/primary façade.

7. 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 held on April 4, 2024, in accordance with the UDO and the minutes of this meeting are included in the agenda packet. Only one (1) resident attended this meeting and asked questions pertaining to food and waste disposal. The applicant addressed all questions, and the resident expressed their support of the proposed project and the work that New Creation provides for the community. Staff has not received any correspondence regarding the rezoning application.

8. UDO Rezoning Criteria Analysis

The application was reviewed against the UDO criteria for considering all rezoning applications listed in UDO Section 18.40.090.G and the request meets several of the criteria as detailed below.

A. The conformance of the proposed use to the Comprehensive Plan and other adopted plans, studies, or policies.

- **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.
- **OT-1.1 Downtown:** Encourage multiple uses Downtown. This includes offices, services and government uses as well as retail, restaurants, entertainment, and night life, mixed with a diversity of residential housing types.
- **OT-1.2: Original Town Neighborhoods:** Encourage a balanced mix of complementary and supportive land uses in each Original Town neighborhood, with a predominantly residential land use character.

The proposed use generally aligns with the PlanOlathe Comprehensive Plan Urban Center/Downtown future land use designation which supports a variety of commercial and residential uses.

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 area consists of residential land uses to the north and east, and other commercial and industrial properties to the south and west located adjacent to Kansas City Road. Residential properties are primarily a mix of one and two-story single-family homes, however, two-story attached townhomes are located directly to the east. Commercial properties are single-story buildings built primarily in the 1950's and 1960's. The proposed zoning and permitted uses complement the

surrounding uses by providing a mix of retail, small scale services, specialty shops, office uses and residential.

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 subject property is currently zoned to the M-2 District, along with properties to the south and west which consist of auto supply and pool supply businesses. Land to the northeast is zoned to the CP-2 District for commercial uses which include bicycle parts/accessories, and automotive repair businesses. The proposed C-2 District is in harmony with these existing commercial and light industrial uses.

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

The property currently permits a variety of general industrial uses under the M-2 District. Several permitted industrial uses require a greater land area to provide adequate parking and setbacks from adjacent single-family residential uses.

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

The existing building was constructed in 1966 and the property was later zoned for industrial uses in 1970. The property has contained various commercial business over the past 60 years.

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

The proposed rezoning will not have significant impacts to nearby properties which consist of other commercial and light industrial land uses, and residential land uses. The requested social services use will generate significantly less traffic than the previous auction business located here, and the use will serve residents living in nearby homes.

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

Staff has not received information indicating that the development as proposed would lead to a substantial impact on the value of surrounding properties.

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 proposed use will not have an impact on the surrounding road network which has direct access to E. Kansas City Road, an arterial roadway. Existing roadway capacity is adequate to support to the minimal number of trips generated for the proposed use, and the proposed parking meets the minimum parking required by the UDO.

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

The proposed use will comply with the requirements of Title 17 of the Olathe Municipal Code, and will not create air pollution, water pollution, noise pollution, or other environmental harm.

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

The proposed use provides value to the community through providing critical community services, jobs, and resources.

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 the public health, safety or welfare of the community as presented. If the application were denied, the applicant would be unable to use the building for the intended social services use.

9. Staff Recommendation

Staff recommends approval of the rezoning and preliminary site development plan (RZ23-0011) with the following stipulations:

- A. Staff recommends approval of RZ23-0011 for the following reasons:
 - 1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.
 - 2. The requested rezoning to the C-2 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the C-2 District with the following stipulations:
 - 1. The following uses are prohibited:
 - a. Animal Care – Indoor or Outdoor Kennel
 - b. Bars, Taverns, and Drinking Establishments
 - c. Convenience Stores, with Gas Sales
 - d. Entertainment Establishment
 - e. Gas Station
 - f. Leasing/Rental – Consumer or Recreational Goods
 - g. Liquor Store
 - h. Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43
- C. Staff recommends approval of the preliminary development plan with the following stipulations:

1. Proposed accessory structures must be removed and relocated outside of the existing sanitary sewer easement with submittal of the final site development plan.
2. Building elevations must be revised to include awnings or canopies over exterior doorways located on the east (primary) façade with submittal of the final site development plan.
3. Approved parking areas will be paved and striped per UDO 18.30.160.
4. All exterior signs require a permit in accordance with UDO 18.50.190.
5. All new on-site wiring and cables must be placed underground.
6. 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.