



STAFF REPORT

Planning Commission Meeting: December 9, 2024

Application:	RZ24-0016: Zoning Amendment with Preliminary Site Development Plan for The District
Location:	Southwest corner of E. 119 th Street and N. Renner Boulevard
Owner:	CF Olathe North LLC
Applicant:	James Arkell, Loretto Commercial Development
Architect	Scott Slaggie, Slaggie Architects Inc.
Engineer:	David Eickman, Olsson
Staff Contact:	Nathan Jurey, AICP, Senior Planner

Site Area:	<u>50.48 ± acres</u>	Proposed Uses:	<u>Arena, Amusement Park, & General Retail, Restaurant, Entertainment & Office uses</u>
Building Area:	<u>528,006 sq. ft.</u>	Plat:	<u>Unplatted</u>
Parking Stalls:	<u>2,047 stalls</u>	Existing Zoning:	<u>PD (Planned District)</u>
Lots:	<u>15 lots</u>	Tracts:	<u>1 tract</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Urban Mixed-Use Center	Undeveloped	PD
North	Urban Mixed-Use Center	Office	BP
South	Urban Mixed-Use Center	Warehouse/Distribution & General Commercial	BP & M-1
East	Urban Mixed-Use Center	General Commercial	CP-2
West	Urban Mixed-Use Center	Warehouse/Distribution	M-2

1. Introduction

The applicant is requesting approval of a zoning amendment to the existing Planned District (PD) and a preliminary site development plan for The District on 50.48-acres located at the southwest corner of 119th Street and Renner Boulevard. The overall development, as illustrated in the image below, is for an entertainment district that includes complementary commercial, and office uses. Specifically, the south portion of the site includes four (4) core users: an 11-acre ultra-accessible 'sports themed' theme park, an ice hockey arena with a capacity of 5,500, a six (6) story 160-room hotel, and a future destination entertainment user. These core users are nestled along a central pedestrian path that runs along The Lake and leads to The Commons, which is the heart of the development between the arena and theme park. The Lake includes a waterfall, fountain and artistic focal points and The Commons is a well-designed civic space intended to activate The District with programming and outdoor events.

Along 119th Street and Renner Boulevard, 10 commercial pad sites will be developed with a mixture of land uses that complement the core users, providing retail, restaurants, and a medical office. Parking is provided throughout this 50-acre site and on a separate 13-acre site to the southwest, which is included in this meeting agenda as a separate preliminary site development plan (PR24-0015).

The Planned District zoning designation will remain with this application and the applicant is requesting to repeal the zoning standards established in 2019 with the Olathe Gateway II PD and replace with new zoning standards for The District PD through the zoning amendment process. These new zoning standards are outlined in the Zoning and Design Standards document (ZDS) submitted by the applicant and included in the agenda packet. The ZDS offers a tailored set of zoning standards that provide flexibility for the unique uses proposed, and establishes requirements to ensure a high-quality, mixed-use, and walkable development is built in accordance with Unified Development Ordinance (UDO) requirements.



2. History

The subject property was annexed in 1966 (Ord. 1828-A) and zoned to the M-1 District in 1970 (Ord. 346-C). At that time, the property was used as farmland and 119th Street did not extend west past Interstate 35. In 1987, the northern portion of the subject property was zoned to the C-2 District (RZ87-0001) in anticipation of the 119th Street and I-35 interchange construction project. The interchange was completed, but the commercial project was never constructed.

In 2004 and 2007, the Olathe Arena Project (RZ04-0031) and the Olathe Gateway II project (RZ07-0036) were both submitted and later withdrawn by the applicants. Most recently in 2018, the site was rezoned as a Planned District (PD) for the Olathe Gateway II project, which was a high-quality, walkable development with a mix of commercial and residential uses. The 2018 Olathe Gateway II project was never built, and the site remains undeveloped today. In 2021, the City completed the I-35 and 119th Street improvement project along with improvements at the 119th and Renner intersection adjacent to this property.

In October 2024, Planning Commission found that the STAR Bond and TIF Project Plans for this project (PLN24-0002 & PLN24-0003) are consistent with the City's Comprehensive Plan. City Council held a public hearing on November 19 to consider the economic incentives related to this project.

3. Existing Conditions

The site is bound by 119th Street and Renner Boulevard to the north and east, large industrial and commercial buildings to the west and south, and Olathe Fire Station 2 to the southeast. The eastern quarter of the property is open grass area and scrub trees and shrubs are found on the remainder of the site. From the southeast corner, the site gradually falls approximately 40 feet to the lowest point in the northeast corner of the undeveloped site. A small pond is in the southern portion of the property.



View of subject site looking southwest from 119th Street and Renner Boulevard.



Aerial map of subject site outlined in yellow and the associated case (PR24-0015) in orange.

4. Planned Districts

As stated in Unified Development Ordinance (UDO) Section 18.20.220, Planned Districts are intended to *encourage innovative land planning and design in a way that is not possible under conventional zoning districts*. Planned Districts allow the applicant the ability to *promote quality and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses, and allowing deviations from certain zoning standards that would otherwise apply*. This development is best suited to continue as a Planned District as this allows a tailored set of zoning standards to be created that require a higher-quality development than conventional zoning may otherwise apply, while simultaneously providing flexibility for the unique land uses proposed on this site.

As required for all Planned Districts, the applicant submitted a tailored set of zoning standards to administer on the subject property, hereby referenced as the Zoning and Design Standards document (ZDS). Where the tailored standards do not override or supplement any UDO standards, then the UDO standards remain applicable. Additionally, the applicant submitted development and architectural plans to illustrate how the ZDS may be applied to future development. Both the ZDS and the illustrative plans are included in the agenda packet. Further refinement of the architecture and site details will be reviewed through the final site development plan process in accordance with the ZDS. As summarized in the sections below, the proposed standards ensure a high-quality and walkable mixed-use district is built at this gateway into Olathe as envisioned by PlanOlathe Comprehensive Plan.

5. Zoning Standards – Zoning and Design Standards Document, Section 3

The following is a summary of the proposed zoning standards which are detailed in Section 3 (Use and Performance Standards) of the ZDS, with building height regulated in Section 4 (Building Design) and setbacks and open space covered in Section 5 (Site Design). Overall, the proposed zoning standards ensure the development is a walkable and urban entertainment district at its core that is surrounded by complementary mixture of commercial and office land uses.

- a. **Land Use** – As submitted by the applicant, the ZDS requires that the arena and theme park uses are established as anchors for the development, and also provides a list of allowed uses. Generally, the proposal allows the entertainment and recreational uses allowed in the C-4 District and all uses allowed in the C-2 District. Staff recommends prohibiting certain uses to ensure this is a walkable and quality development. This prohibited use list is included in staff's recommendation and includes uses that reduce walkability (i.e. car washes, outdoor storage areas, etc.) and those uses that are incompatible with the entertainment-focused character of this development and adjacent commercial areas to the east.
- b. **Performance Standards** – The proposal restricts business hours to between 7:00 a.m. and 11:00 p.m., with an allowance to extend the hours until 1:00 a.m. periodically for special events. All business operations and special events will adhere to Olathe's Noise Ordinance along the perimeter of the overall site and the developer will privately enforce noise restrictions internal to the site to ensure noise is monitored, particularly for the hotel.
- c. **Outdoor Event Space Standards** – The theme park, arena, the associated parking lot, and The Commons will occasionally be used for outdoor events such as farmers markets, food truck events, outdoor watch parties and movie nights, to name a few. All outdoor events will adhere to the Noise Ordinance and hours of operation as noted above. Additionally, the event management company for The District will coordinate all events on an annual basis with city staff to ensure traffic management, crowd management, event structures, sanitation facilities, and other items comply with applicable City requirements.
- d. **Building Height** – All primary and accessory buildings throughout The District will be a maximum of 35 feet tall, except the primary building for the theme park (i.e. the Welcome Center) and the arena will be a maximum of 55 feet tall, and the hotel will be a maximum of 100 feet tall. These taller buildings are central to the property and setback over 70-feet from the fire station property and over 300-feet from all other exterior property lines.

Flexibility from typical height standards is proposed to accommodate common types of theme park structures, such as rides and attractions. These structures within the theme park are allowed a maximum height of 75 feet, except towers (i.e. zipline spire) may extend up to 140 feet in height. These structures must maintain a minimum setback equal to their height from properties outside The District and a setback equal to 1/5 their height from properties within The District. All structures and buildings will also meet applicable FAA requirements.

- e. **Setbacks** – Along arterial streets (119th Street and Renner Boulevard), buildings and paving must maintain a minimum setback of 15-feet, matching that allowed in the C-2 District. In addition, buildings must be sited along the arterial street frontage and placed at street corners as outlined in the Site Design Standards (Section 6) below.

Along internal streets within The District, buildings must be setback a minimum of 5-feet from internal street right-of-way with a minimum paving setback of ten (10) feet.

Additionally, a minimum building and paving setback of five (5) feet is proposed between lots within The District, except where shared parking is provided.

Along the overall perimeter boundary of The District, buildings must maintain a minimum setback of 25-feet and a minimum paving setback of 15-feet from properties outside The District.

- f. **Open Space** – Mirroring the more urbanized open space standards of the C-4 District, a minimum of 15% of this site must remain open space. A combination of dedicated open space tracts and open space on each individual lot will be utilized to comply with this standard.
- g. **Civic Space** – A minimum of 5% of the site must be designated as civic space, which is defined as a public or semi-public active open space with a combination of pedestrian amenities and aesthetic elements, built with a high percentage of impervious surface. The District will provide the required civic space area in The Commons and central pedestrian path areas, which will be activated with the main plaza, tree bosques, landscaping, ample seating, and artistic design features as illustrated in the precedent images provided in Appendix I (Vision Book) of the ZDS.

6. Site Design Standards – *Zoning and Design Standards Document, Section 5*

The following is a summary of the proposed site design standards from Section 5 of the ZDS. Overall, the proposed standards ensure a sense of place is created with the requirement to place buildings along arterial street frontages. Walkability and the pedestrian experience are enhanced by the requirement to place internal buildings along well-designed civic spaces.

- a. **Frontage** – When adjacent to an open space feature, such as The Commons or The Lake, buildings will front the feature to activate the pedestrian environment. When adjacent to 119th Street or Renner Road, buildings must front the arterial street and set the street edge with a maximum building setback of 60 feet from arterial streets. Buildings at the corners of the two (2) main entry drives must be pulled up even closer to the street corner, with a maximum setback of 45 feet.
- b. **Frontage Build-Out** – A minimum of 30% of the lot frontage must be built out or otherwise occupied by a combination of the main building and other built features, such as outdoor patios, public art, and site walls. All vehicle use areas must be located behind the required frontage feature.
- c. **Pedestrian Connectivity** – A well-connected pedestrian network is required and the development achieves this with the central pedestrian path and sidewalk on both sides of all streets as illustrated in the color development plans included in the agenda. All buildings connect to this pedestrian network as required and pedestrian paths are placed within larger parking lots to encourage pedestrian traffic throughout the development.
- d. **Pathway Design** – To ensure consistency throughout The District, pedestrian paths and crosswalks must be constructed using the Exterior Materials Palette provided in the ZDS, which includes a mixture of integrally colored, decoratively stamped, and standard finish concrete applications.
- e. **Commercial Activity Space** – Every building will include at least 15-feet of dedicated space for outdoor dining, sidewalk sales, patios and general pedestrian circulation.
- f. **Parking Pod Size** – Parking is limited to 160 stalls per pod for the theme park and arena uses and pods must be separated using pedestrian paths. All other uses must have a maximum of 40 parking stalls per pod.

- g. **Drainage Features** – All drainage features must appear natural in design and water retention areas must be activated with design features, such as the proposed waterfall, fountain, and artwork.

7. Development Standards – *Zoning and Design Standards Document, Section 6*

The following is a summary of the proposed development standards from Section 6 of the ZDS. Except as otherwise noted below, The District will follow the development standards established in the UDO.

- a. **Phasing** – The developer intends to plat and construct all public improvements as a single phase. Construction is anticipated to begin on the theme park and arena first due to their long construction timelines, with the construction of individual pad sites to follow.
- b. **Access/Streets** – A traffic impact study (TIS) was prepared by Olsson and submitted to the City for review. The development will take public street access at five (5) locations: two (2) new drives on 119th Street, two (2) existing access points on Renner Boulevard, and one (1) new curb cut on Winchester Street to the southwest. On 119th Street, eastbound and westbound turn lanes and the associated traffic signal improvements will be constructed within the existing right-of-way as recommended in the TIS. Minor improvements are recommended at the intersections of 119th Street/Renner Boulevard and Renner Boulevard/Kansas City Road, as the existing infrastructure is projected to accommodate the anticipated traffic.

Within the site, the proposed private street network will connect to the five (5) proposed access points and be constructed to City standards with sidewalk on both sides. The developer is coordinating with the landowner to the south to share their existing access onto Renner Boulevard. The development will also connect to Winchester Street through the property to the southwest which will be controlled by the developer (see PR24-0015).

The TIS recommends a traffic management plan is prepared for large events held within the development. The City Engineer will work closely with event management to ensure the traffic generated by each event is handled in a safe and efficient manner. A stipulation is included requiring a traffic management plan be submitted and updated upon the request of the City Engineer.

These requirements are based upon the findings of the TIS and the City Engineer's concurrence. A stipulation is included requiring the TIS to be updated with the development of each lot if recommended by the City Engineer.

- c. **Parking** – The required parking analysis, prepared by Olsson, found that the development complies with the minimum parking requirements of the UDO. The parking analysis determined that a peak parking demand of 2,789 parking stalls is required and a total of 2,935 stalls are provided; with 2,047 stalls on-site and 888 stalls on the adjacent property to the southwest (see PR24-0015). The peak parking demand is expected to be on weekends in December (i.e. the holiday shopping season) with a secondary peak of 2,788 stalls anticipated on weekends in May when both the theme park and arena are open.

The arena and theme park generate the highest parking demand and share a parking lot to benefit from their overlaps in peak parking demand. The theme park is open from March to October and peak attendance for the arena is during the minor hockey league season, which runs from October to May. During the four (4) months that both the theme park and minor league hockey are in session, the analysis found that peak arena attendance occurs in the evening which is after the peak theme park crowd disperses in the afternoon. As

the end user for each pad site is not known at this time, a stipulation is included in staff's recommendation requiring the parking analysis to be updated as each lot develops.

- d. **Landscaping/Screening** – Landscaping requirements are established and generally follow the requirements of the UDO. Street trees, parking lot, and building foundation landscaping will be provided with each property. A Type 1 Buffer will be provided along the industrially zoned property to the west. All plantings must be selected from the Landscape Palette provided in the ZDS, which consists entirely of native plant species.

The general screening requirements of the UDO apply to the subject property. Additionally, a standard trash enclosure detail is provided in the ZDS to ensure a consistent style of enclosure is found throughout.

- e. **Tree Preservation** – As this property was used as farmland as recently as 2006, vegetation that is currently on the property consists of scrub trees and shrubs and no significant trees are located on site.
- f. **Outdoor Lighting** – Generally, all lighting will comply with UDO standards with certain allowances for typical theme park lighting. Note, the theme park is designed to accommodate guests with sensitivities to light and other inputs and thus will maintain the City's restriction on blinking or strobing lights typically found in other theme parks. All lighting throughout the development will be turned off after business hours except for those necessary for safety or security purposes. Parking lot and pedestrian light fixtures have been pre-selected to ensure consistent fixtures are used throughout.
- g. **Public Art** – Public art will be installed as required by the City of Olathe Municipal Code at visible locations throughout the development, such as The Lake or in The Commons. The final location for the proposed artwork will be identified on the appropriate final site development plans.
- h. **Stormwater/Detention** – The development will comply with all requirements of Title 17 using a combination of stormwater retention areas (The Lake) and underground detention areas. Stormwater infrastructure will be installed throughout the site to convey water in accordance with Title 17. Final stormwater plans will be completed at time of final development plan.
- i. **Public Utilities** – This property is within the City of Olathe water and the Johnson County Wastewater sewer service areas. The developer will connect to the existing mains located along 119th Street and Renner Boulevard and extend water and sewer throughout the site as needed to serve this project.
- j. **Sustainability** – The developer is committing to achieve several sustainable initiatives. Native plants will be used to reduce water consumption and bioswales installed to reduce stormwater runoff and improve water quality. White membrane 'cool roofing' is proposed where appropriate to reduce energy consumption. Electric vehicle charging stations will be provided and low emission cars will be given priority parking. At time of final plan application, the developer will determine additional sustainability measures based on functionality needs of the end users, such as solar roofs and permeable paving.
- k. **Signage** – As this is a preliminary plan, a comprehensive sign plan for the project is not yet finalized. In general, the renderings show the developer's intent to comply with UDO requirements with certain allowances for the unique entertainment uses within this development. A stipulation is included in staff's recommendation requiring comprehensive signage standards to be reviewed and approved by City Council prior to the approval of any final site development plan.

8. Building Design Standards – Zoning and Design Standards Document, Section 4

The following is a summary of the proposed building design standards from Section 4 of the ZDS. The applicant submitted elevations and renderings to illustrate how the ZDS may be applied to future development. Additionally, Appendix I (Vision Book) of the ZDS illustrates broad architectural design concepts and language to be utilized throughout The District. Overall, the Vision Book and the proposed standards require high-quality architectural design and a consistent architectural language that focuses on enhancing the pedestrian experience.

The ZDS includes specific requirements for each of the four (4) primary building types: the Arena, Theme Park Welcome Center, Hotel, and general Retail/Commercial Buildings. The standards listed below provide a high-level overview of the general requirements applicable to all buildings. More specific requirements applicable to each building type are found within the ZDS.

Note that accessory buildings and structures, particularly those within the theme park, are given flexibility from the standards listed above to achieve the desired theming or purpose of each structure. In general, accessory structures will follow the broad design concepts as illustrated by the precedent images within Appendix I (Vision Book) of the ZDS.

- a. **Primary Façades** – Every building will be designed with four-sided architecture and four (4) primary façades except for the Theme Park Welcome Center. The Welcome Center will classify only public-facing elevations (i.e. façades located outside the theme park's perimeter fence) as primary façades.
- b. **Material Selection** – A well-curated Materials Palette is provided in Appendix G of the ZDS to ensure consistent materials and colors are used throughout. The Materials Palette groups materials into two (2) classes: high-quality and standard materials. High-quality materials include brick, stone, architectural precast concrete panels, decorative form-liner concrete, architectural masonry units, architectural composite metal panels, genuine stucco, and a high-quality drainable EIFS. Standard materials include a simulated wood fiber cement and architectural metal panels. The Planning Official may approve additional materials and colors that are consistent with the design of this development.

All primary buildings must use at least three (3) different materials from the palette, one of which must be brick, except architectural masonry units may be used in lieu of brick for the arena and hotel only due to the scale of those structures. High-quality materials, including glass, must cover at least 80% of the total primary façade area, with a minimum of 20% as masonry. Standard materials may cover the remaining 20% of the total façade area. Roof materials (standing seam metal and a non-visible membrane) are also included in the Materials Palette for selection.

- c. **Glass** – Every primary façade must use a minimum amount of glass, with the percentage changing based on the type and function of the building. Generally, 50% of the first floor (between 0 and 10 feet) primary facade must be covered in glass and 30% of upper floors, but these may be reduced where appropriate due to operational requirements of the building.
- d. **Articulation** – Vertical and horizontal articulation is required along all primary façades, except for the upper structure of the arena where broad architectural strokes are desired by the applicant. Buildings larger than 15,000 sq. ft. will provide a change in both the horizontal and vertical wall plane at least once every 100 linear feet, with smaller buildings providing this at least once every 75 feet.

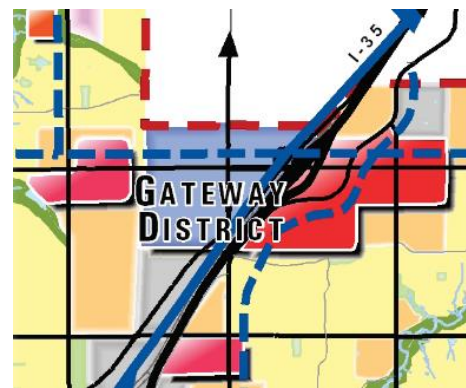
- e. **Expression** – Every primary building must be designed with a base, middle and top in proportion to the scale of the building. The base must be masonry to ground the building, and the top of the building must be well-defined. The middle of the building must be divided into no more than 50- and 75-foot segments for smaller and larger buildings respectively. Applique treatments, such as pilasters and storefront windows may be used to meet this requirement. Additionally, architectural details such as scoring patterns, cap stones, and brick corbeling are expected where appropriate.
- f. **Pedestrian Features** – Pedestrian scale features must be provided where the building fronts a pedestrian area intended for public use. Features may include wall offsets and recesses, canopies and other projections, storefront glazing, murals and other similar features to enhance the pedestrian experience.

9. Public Notification and Neighborhood Meeting

The applicant mailed the required public notification letters to the 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. A neighborhood meeting was held on October 24, 2024 with one (1) business representative and no residents in attendance. Staff corresponded with several residents and businesses. Most were simply interested in learning about the development and in general support of the project with some commenting on the traffic impacts of the development. One individual provided feedback on the proposed economic incentives and was informed of the date for those public hearings with the City Council.

10. UDO Rezoning Criteria

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as part of the Gateway District. The Gateway District, as highlighted in light blue on the map, is generally located west of I-35 along 119th Street, which is one of the busiest intersections in the region. The Gateway District provides the main entry experience into Olathe from Kansas City and thus a critical component in the overall image of Olathe. As such, development in this area should protect and enhance the image of the community and create an inviting environment to welcome travelers and visitors. High quality retail, services, offices and housing are the focus of this District. Superior design compatibility within the Gateway District can be achieved through consideration of building scale, design, proportions, site planning, landscaping, materials and colors.



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 the long-term community vision and improve access to jobs, housing and services.

LUCC-7.1: High Quality Design. Encourage economically reasonable efforts toward high quality architecture, urban design and site design. Use design guidelines as a tool for new development and redevelopment. Consider the desired context and character of existing neighborhoods and commercial centers.

M-3.9: Pedestrian Environment. Provide appealing and comfortable pedestrian street environments in order to promote pedestrian activity.

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 District meets several policies of PlanOlathe, including targeting development in locations that will contribute to the long-term community vision and providing high quality and pedestrian-oriented developments. Additionally, the Olathe 2040 Future Ready Strategic Plan identifies strategies that align with the proposal to establish Olathe as the premier business, retail, and entertainment draw in the region and to increase unique experiences and places. Overall, this development aligns with its PlanOlathe future land use designation as the Gateway District because it creates an inviting development through superior design that will enhance the image of Olathe and provide a welcoming and inclusive environment for all.

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 character of the surrounding area includes a mixture of land uses. Large office buildings with structured parking are found to the north and large industrial buildings to the west and south. To the east and southeast is a mixture of general commercial buildings of different sizes with large amounts of surface parking. All surrounding properties were developed with a low percentage of open space.

The District was designed in harmony with the character of Olathe Gateway to the east. Olathe Gateway is a high-quality development with a walkable cluster of commercial buildings centered around a civic space area. All buildings utilize superior architectural design and high-quality materials throughout with an emphasis on masonry materials.

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 proposed development is in harmony with nearby properties by providing similar and complementary commercial uses adjacent to the existing offices and commercial areas. The larger specialized theme park and arena uses are located closer to the larger industrial uses, away from the existing commercial areas.

The proposed development is designed as an extension of the Olathe Gateway development to the east. The development uses a central pedestrian walkway to connect Olathe Gateway to this development. In addition, The District will utilize architectural design and high-quality materials to a similar level as Olathe Gateway.

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

The property is suitable for the uses to which it has been restricted. The proposal continues the general mixture of uses that were previously approved with the addition of several entertainment and recreation focused uses.

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

The site has remained undeveloped since it was annexed in 1966. The property was most recently zoned to the Planned District in 2018 for the Olathe Gateway II, a mixed-use development that did not come to fruition.

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 requested zoning standards are similar to those on adjacent properties and is surrounded primarily by commercial and industrial uses.

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

Staff has not received any information indicating that the development as proposed would lead to a negative impact on the value of surrounding properties. The proposed commercial development is separated from the closest residential area by the existing industrial zoning to the west.

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 development was evaluated through a traffic impact study, and acceptable traffic operations for the roadway network surrounding this site can be expected following the required roadway improvements. Parking demand for this development was evaluated through a parking analysis, and adequate parking will be provided with this development and will continue to be monitored and evaluated in the future.

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, and other impacts on the environment. The District will comply with Olathe's noise ordinance along the perimeter of the property. Regarding light pollution, all businesses, particularly the theme park with its rides and attractions, will turn off outdoor lights after business hours, except for those lights needed for security and safety purposes.

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

The proposed development is expected to have a positive impact on Olathe's economy and the surrounding region. New businesses and the hotel will generate additional sales tax and transient guest tax revenue for the City and visitors of the development will likely frequent other existing businesses in the area as well. In addition, the new buildings will increase property tax revenue to benefit the Olathe community.

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 zoning amendment does not negatively impact public health, safety, or welfare as presented. If this application were denied, the existing Planned District standards would remain and the landowner could develop the Olathe Gateway II project as approved in 2018 which included a mixture of commercial and multi-family residential uses.

11. Staff Recommendation

- A. Staff recommends approval of RZ24-0016, The District, 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 a zoning amendment for [Ordinance 19-24](#) to repeal all stipulations listed in Section Two and replace with the following stipulations:
1. Development of this property must comply with the regulations set forth in the attached 'Zoning and Design Standards' document dated December 5, 2024.
 2. Traffic improvements will be made in accordance with the Traffic Impact Study dated August 20, 2024 and approval of the City Engineer. The Traffic Impact Study must be updated with the development of each lot as recommended by the City Engineer.
 3. A traffic management plan must be submitted and updated for review upon the request of the City Engineer to ensure the safe and efficient flow of event traffic.
 4. The following uses are prohibited in this development:
 - a. All uses prohibited in Planned Districts per UDO 18.20.220.
 - b. Automotive services and Automotive repair & maintenance shops
 - c. Auto Supply (Parts) Stores
 - d. Class A, Class B, or other private club as defined in the Kansas Liquor control act
 - e. Check cashing, except in connection with a bank or savings and loan institution, tax service, or investment/brokerage service or as ancillary to a convenience store or grocery store.
 - f. Car Washes, whether a primary or accessory use
 - g. Convenience Stores with Gas Sales and Gas Stations
 - h. Funeral Home or Mortuary and Crematories
 - i. Coin-Operated Laundry
 - j. Distance Restricted Businesses as set forth in Chapter 5.43 of the Olathe Municipal Code and any amendments thereto
 - k. Outdoor storage of any kind, whether a primary or accessory use
 - l. Vapor Retailer and Tobacco Shop as defined in Chapter 6.20 of the Olathe Municipal Code
 5. A comprehensive sign package must be approved by City Council prior to approval of any final site development plan. The comprehensive sign package must establish the signage standards for this development.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
1. Plans submitted with final site development plan applications will comply with attached 'Zoning and Design Standards' document dated December 5, 2024.
 2. An updated parking analysis must be submitted with the final site development plan application for each lot to ensure sufficient parking is provided for The District.