



City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: August 12, 2019

Application:	<u>RZ19-0009: Rezoning from R-1 to D-Downtown (Santa Fe) and preliminary site development plan for Olathe Glass Expansion</u>
Location:	Northeast of the intersection of E. Santa Fe Street and E. Kansas City Road
Owner/Applicant:	Rebecca Shipley; C&J Properties, LLC
Engineer:	Patrick Cassity; Renaissance Infrastructure Consulting
Staff Contact:	Zachary Moore, Planner II

Site Area:	<u>1.48± acres</u>	Proposed Use:	<u>Commercial/Retail, Showroom</u>
Lots:	<u>1 (commercial) Minor Plat pending</u>	Plat:	<u>Cornwall & Barton's Addition to Olathe</u>
Current Zoning:	<u>R-1 (Residential Single-Family)</u>	Proposed Zoning:	<u>D – Downtown (Santa Fe)</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Urban Center/Downtown	Single-family homes used for fire training	R-1	3	C
North	Urban Center/Downtown	Street right-of-way/vacant	C-1	-	-
South	Urban Center/Downtown	Commercial/Office	C-1, CP-3	-	-
East	Urban Center/Downtown	Single-family residential	R-1	-	-
West	Urban Center/Downtown	Street right-of-way/vacant	C-1, CP-1	-	-

1. Proposal:

The applicant is requesting a rezoning from R-1 to D (Downtown, Santa Fe) District, with an associated preliminary site development plan for Olathe Glass Expansion. The associated preliminary site development plan is to allow for construction of a 10,403 square foot commercial structure, which is intended to be used as a showroom for Olathe Glass. The subject property is located along the south side of E. Kansas City Road, between its intersections with Santa Fe Street to the south and Poplar Street to the north. Staff is supportive of the request to rezone the subject property to the D (Downtown, Santa Fe) District, as outlined in this report.

The property currently consists of four residential lots, with three existing single-family homes located on them. The vacant lot previously had a home constructed on it, but that home was demolished in 2014. The three remaining homes do not have tenants, and the City of Olathe Fire Department is currently using those structures for training purposes. The existing homes will be demolished pending approval of the rezoning and subsequent site development plan application. A Final Plat application has been submitted to replat the subject property into one lot.

This application was originally scheduled for the July 22, 2019 agenda. The applicant requested the continuance to allow more time to work with staff on revisions to the architectural elevations.

2. History:

The subject property has been zoned R-1 since 1970, when conventional zoning was originally established throughout the City. The three existing structures were constructed in 1910, 1950, and 1952. Any properties within the Original Town Area, or properties 50 years old or older that are proposed to be demolished are brought before the Olathe Historic Preservation Board (OHPB) for their review and recommendation. The rezoning and preliminary site development plan application were discussed at the June 20, 2019 Olathe Historic Preservation Board meeting, and the OHPB had no objection to the demolition of the three existing homes, and construction of a new commercial building in this location.

3. Existing Conditions/Site Photos:

As stated previously, the subject property currently has three single-family homes which are currently being used for City of Olathe Fire Department training.



Aerial View of site – outlined in navy



Site View – looking SW along E. Kansas City Road

4. Neighborhood Meeting/Public Notice:

The applicant held a neighborhood meeting for the rezoning to D-Downtown (Santa Fe) and preliminary site development plan on the evening of June 17, 2019 at 313 N. Chestnut Street (see attached minutes). The development team presented the proposed development to the three (3) citizens who attended. One citizen had concerns about their property taxes but was supportive of the proposal. A copy of the meeting minutes is provided in this packet.

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property per *Unified Development Ordinance (UDO)* requirements.

5. Zoning/Development Requirements:

- a. **Setbacks** – The table on the next page lists the minimum building setback requirements for supportive uses in the Downtown Santa Fe District as well as the setbacks for the proposed structure.

UDO Requirement		Proposed Plan
Front Yard	n/a	15 feet
Side Yard	n/a	75 feet
Rear Yard	5 feet	10 feet

- b. **Building Height** – The maximum building height for supportive use buildings in the D-Downtown (Santa Fe) District is 35 feet. The height of the proposed building is approximately 32 feet, therefore, the proposed building is compliant with the height standards of the D District.
- c. **Landscaping** - Properties that are located within the Downtown District are exempt from the landscaping requirements of the UDO. However, the applicant has provided a landscape plan to buffer the proposed development from nearby single-family residential properties and other nearby commercial properties. At the northeastern portion of the site, the applicant has provided a row of evergreen trees to buffer the proposed parking lot from the adjacent single-family home. The applicant is also planting new trees along the southern property line adjacent to existing commercial uses. The majority of the trees on the perimeter of the site will be preserved as well.

6. Building Design:

Development that occurs within the Downtown District is subject to architectural design guidelines that will contribute to a high-quality architectural design of Downtown Olathe, while complementing the existing development in residential neighborhoods. The proposed development meets or exceeds most of the applicable architectural requirements of the Downtown District that are listed below. The applicant is requesting two waivers from the Downtown Building Design standards. Analysis of the waiver requests can be found in section 8 of this report.

- a. Primary entrances to buildings at ground level shall face street rights-of-way rather than parking lots.
 - *The primary entrance to the building is facing the parking lot to the northeast. The applicant is requesting a waiver from this standard. Analysis of the waiver request can be found in Section 8 of this report.*
- b. The building façade shall have three vertical divisions: 'bases,' 'middles,' and 'tops.'
 - *The building has clear vertical division of a base, middle, and top.*
- c. Glass without coating or tints shall be used for all retail glazing. Highly reflective glass is not permitted at the ground level of building elevations that abut a street right-of-way.
 - *The applicant is requesting a waiver to allow tinted glass on the ground level of the proposed building. Analysis of the waiver request can be found in Section 8 of this report.*
- d. At least 80% of the façade facing a street or public open space, shall be composed of building materials required for Category C Building Types.
 - *All façades on the proposed building incorporate high amounts of high quality materials, such as stone veneer, stucco, and glass, to exceed this requirement.*
- e. Consistent architectural design and durable building materials shall be continued on all façades adjacent to public streets and residential districts.
 - *All façades adjacent to public streets and residential districts provide a consistent architectural design that is compatible with the surrounding area. The applicant has provided a pitched roof for this commercial building to increase compatibility with the surrounding residential area.*
- f. The majority of the building(s) of a development shall possess an architectural character that respects traditional design principals, such as the ones provided in the list below:
 - Variation in the building form such as recessed or projecting bays;
 - Expression of architectural or structural modules and detail;
 - Diversity of window size, shape, or patterns that relate to interior functions;
 - Emphasis of building entries through projecting or recessed forms, detail, color, or materials;
 - Variations of material, material modules, expressed joints and details, surface relief, color, and texture to scale;
 - Tight, frequent rhythm of column/bay spacing, subdividing the building façade into small, human scaled elements.
 - *The design of the building is consistent with these traditional design principles listed above.*

- g. Building walls facing a street, pedestrian walkway, or adjacent residential development shall:
- Incorporate architectural features such as columns, ribs, pilaster or piers, changes in plane, changes in texture or masonry pattern, or an equivalent element that subdivides the wall into human scale proportions.
 - *The northern, eastern, and western façades are all divided into human scale proportions. This is achieved by a stone wainscot being provided at the base of the building, and awnings being provided over the windows on the northern façade. The east and west façades both achieve human scale development by having the stone wainscot and a covered entry feature above the entrances to the building.*
 - Incorporate a building bay or structural building system for walls exceeding 30 feet in width. Bays should be visually established by architectural features such as columns, ribs or pilasters, piers, changes in wall planes, changes in texture or materials and fenestration pattern no less than 12 inches in width.
 - *Building bays are provided for all walls exceeding 30 feet in width. The north façade is the widest façade at approximately 151 feet wide, and it is broken into several façade bays, defined by wall changes, columns, and pilasters, all greater than 12 inches in width.*
 - Incorporate at least one change in wall plane, such as projections or recesses, having a depth of at least three percent (3%) of the entire length of the façade and extending at least twenty percent (20%) of the entire length of the façade.
 - *The northern façade incorporates a 7% projection in the wall plane for a total of 37% of the total façade, and the east and west façades incorporate an 8% projection for a total of 32% of the total façade.*
 - Incorporate features into ground level walls such as windows, entrances, arcades, arbors, awnings, trellises, or alternative architectural detail along at least sixty percent (60%) of the façade.
 - *A horizontal stone sill is being provided above the stone wainscot. Entry features are provided at the building's entrances on the north and south of the building and awnings are being provided above the windows on the north and east façades for at least 60% of the façade.*
 - Windows shall be recessed and include visually prominent sills or other forms of framing.
 - *The windows on all facades appear to be slightly recessed, have a prominent sill, and have an appropriately scaled trim provided around all sides.*

7. Site Design Standards:

The subject property is located in the Urban Center/Downtown future land use map designation according to the *Comprehensive Plan* and the development is subject to **Site Design Category 3** (UDO 18.15.115). The following is a summary of the composite site requirements:

- a. **Façade Width in Frontage Area** – Development that is subject to Site Design Category 3 is required to have a minimum of 30% of the façade located within the frontage area, which is up to 15 feet from the front property line. The proposed development shows the front façade comprising 36% of the frontage area.
- b. **Pedestrian Connection Options** – Development that is subject to Site Design Category 3 is required to provide enhanced pedestrian connections to encourage pedestrian use. The applicant has provided two landscaped pedestrian connections to the public sidewalk along E. Kansas City Road.

8. Waivers:

The applicant is requesting the following waivers from the Building Location and Design standards for the Downtown District. The justification provided to support the waiver requests by the applicant can be found in the waiver request letter included in this packet.

1. Waiver from UDO, Section 18.20.210.C.1 – *Request for a waiver to allow the primary building entrance to face a parking lot rather than street right-of-way.*
2. Waiver from UDO, Section 18.20.210.C.9 – *Request for a waiver to allow tinted glass to be used as retail glazing in the Downtown District.*

UDO, Section 18.40.240.D.2 states, “The Approving Authority may approve the waiver if the applicant demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the plat or site development plan.”

- a) An alternative higher quality development design with no negative impacts to either the residential or nonresidential properties.
- b) Development restrictions imposed on the property to ensure low impact land uses, low scale buildings, and a site design arrangement in which adjoining residential properties will not be negatively impacts by any change in the applicable regulations.
- c) Existing topography, hedgerows, or natural features provide significant screening and an appropriate buffer for adjoining properties.
- d) Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by any change in the applicable regulations.

- e) The regulations impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative site design, building design, and building arrangements that are not possible. In such instances, findings shall be prepared that:
 - i. No private rights will be injured or endangered by the Waiver.
 - ii. The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.

Staff Analysis of Waiver Requests:

Staff is supportive of the waiver requests due to the proposal meeting the criteria of an alternative quality development design being provided on the site and the building. These waiver requests will not have any negative impacts to the nearby residential or nonresidential properties.

One of the requested waivers was to allow the main building entry to face a parking lot rather than facing street right-of-way. Staff discussed the design of the building with the applicant several times to try to find ways for this application to comply with this standard. However, each scenario that was discussed would have compromised other design elements of the proposed building, such as the pitched roof element. In lieu of providing an entrance facing the street right-of-way, the applicant has designed the building so the façade that faces the street right-of-way is designed in a very high quality, using only Category 1 materials (stucco, stone, and glass), with the appearance of a front façade (see Image 1 below). Additionally, the two entrances to the building will be visible from Kansas City Road.



Image 1: View of proposed façade facing E. Kansas City Road

The Downtown District does not allow tinted, coated, or reflective glass to be used for retail structures. However, the applicant is proposing use of opaque glass for windows on the façade along E. Kansas City Road, as those windows are located in front of the restrooms for the building. The applicant is also proposing to use low-e coated tinted glass insulated units on the west side of the building to help block the sun, to aid with efficiency for the HVAC system. The other façades will use a light low-e coated glass insulated unit for energy efficiency. Staff is supportive of this waiver request, as staff finds the design of the building to be of a high quality, and it will not have any negative impacts to nearby residential or non-residential properties. The applicant is using all Category 1 Building materials on the proposed building and incorporates a high amount of quality design features.

9. Comprehensive Plan Analysis:

The future land use map of the *Comprehensive Plan* identifies the subject property as “Urban Center/Downtown.” The Urban Center/Downtown land use designation is intended to provide entertainment options, restaurants, offices, retail, and civic and cultural amenities. The proposed Downtown (Santa Fe) zoning and the commercial/retail development of a home décor showroom is appropriate for this area, based on consistency with the Comprehensive Plan future land use map designation.

The following are criteria for considering rezoning applications as listed in Unified Development Ordinance (UDO) Section 18.40.090.G.

A. *The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.*

The property falls within the current PlanOlathe designation for Urban Center/Downtown. The entire property is currently zoned R-1 (Residential Single-Family) and is proposed to be rezoned to D-Downtown (Santa Fe). The Urban Center/Downtown area is intended to serve as a primary business, government, and commercial hub as well as a place for art, community spaces, and cultural exhibits, with a revitalized historic downtown at the core of the urban center. The Urban Center/Downtown Area is intended to provide new entertainment options, retail, restaurants, offices, retail, civic, and cultural amenities as well. The proposed rezoning and construction of a new office building complies with the following goals and principles of the Comprehensive Plan:

- **Principle LUCC-4:** *“Encourage mixed-use development, especially in the downtown area, to support commercial uses, promote walkability, and provide for a variety of housing options.”*
- **Principle HN-1.3:** *“Design infill and redevelopment to avoid negative impacts and ensure compatibility and appropriate transitions between land uses.”*
- **Principle CRL-3:** *“Where possible, new construction should complement nearby historic buildings.”*
- **Principle OT-1.1:** *“Encourage multiple uses Downtown. This includes office, services, and government as well as retail, restaurants, entertainment, and night life, mixed with a diversity of residential housing types and other compatible uses in a manner that is harmonious with the historic character of Downtown.”*

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 area of the proposed redevelopment is primarily commercial in nature to the south, west, and east. The proposed land use is compatible with existing uses on nearby properties. The proposed zoning allows uses that are compatible with uses on nearby properties. The scale of the proposed building is compatible with the scale and appearance of other buildings in the surrounding area.

C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses.

The zoning and uses of the surrounding area include a mix of commercial uses with some single-family residential as well. The proposed commercial/retail use of a home décor showroom with retail sales is compatible with the commercial uses of nearby properties.

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

The property is currently zoned R-1. Redevelopment of the subject property with uses that would be allowed in the R-1 District would not be compatible with the existing commercial development in the area.

The Downtown District is appropriate for this area, and redevelopment of the subject property as a commercial use is also appropriate. The subject property is located on E. Kansas City Road, which is an arterial street and a connecting corridor into Olathe's Downtown.

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

The subject property has three existing single-family homes located on the property, which were constructed in 1910, 1950, and 1952. There is one lot on the southwest portion of the property which previously had a single-family home on it which was demolished in 2014. That property has remained vacant since demolition of the historic single-family home. While the land is not vacant, the structures have been vacant, and have been used for City of Olathe Fire Department training.

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

The proposed redevelopment of a new commercial/retail building for a retail showroom on the subject property should have no detrimental affect on nearby properties. The proposed building is designed in a similar scale and mass as the existing buildings in the surrounding area and will have a use that is compatible with the surrounding area.

G. 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 of a showroom will not have an adverse effect to the road network or create any parking problems in the vicinity. The subject property is located along an arterial roadway (E. Kansas City Road) and close to the intersection of another arterial roadway (Santa Fe Street). The applicant is expanding their off-street parking area to accommodate the showroom and is providing a connection from the existing Olathe Glass property to the proposed expansion. This proposed improvement will change the movement of trucks from entering the Olathe Glass property on Santa Fe Street to E. Kansas City Road. This will eliminate the need for trucks to enter the site off of Santa Fe Street, therefore improving traffic flow.

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

The proposed redevelopment of a home décor showroom should not create any air pollution, water pollution, or other environmental harm.

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

Construction of the proposed development will increase the value of the subject property and contribute to improved quality and character of the surrounding neighborhood, potentially influencing improved property values.

10. Staff Recommendation:

- A. Staff recommends approval of RZ19-0009 for the following reasons:
 - (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Land Use, Original Town, and Cultural Landmarks & Resources.
 - (2) The requested rezoning to D-Downtown (Santa Fe) district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the D-Downtown (Santa Fe) district.
- C. Staff recommends approval of the associated preliminary site development plan for Olathe Glass Expansion, subject to the following stipulations:
 - (1) A final site development plan shall be approved prior to issuance of a building permit.
 - (2) The final plat for the subject property shall be approved prior to issuance of a building permit and shall be recorded prior to issuance of a certificate of occupancy.
 - (3) The following waivers shall be granted:
 - i. A Waiver from UDO, Section 18.20.210.C.1 to allow the primary building entrance to face a parking lot rather than street right-of-way.
 - ii. A Waiver from UDO, Section 18.20.210.C.9 to allow tinted glass or glass with coatings on the building.
 - (4) Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities' meter banks and cooler shall be screened from public view with three-sided landscaping or an architectural treatment compatible with the building architecture.
 - (5) Proposed roof top equipment shall be screened pursuant to UDO, Section 18.15.020.F.