



Planning Division

STAFF REPORT

Planning Commission Meeting: October 28, 2019

Application:	<u>RZ19-0021</u> Rezoning from C-2 to Downtown (Core) District and preliminary site development plan for Chestnut South Residential Multi-Family Buildings
Location:	Southeast corner of Park Street and Chestnut Street
Owner:	City of Olathe
Applicant:	Korb Maxwell, Polsinelli PC
Architect:	Justin Bridges, Davidson Architecture and Engineering
Staff Contact:	Emily Carrillo, Senior Planner

Site Area:	<u>1.98 ± acres</u>	Proposed Use:	<u>Mixed-Use / Multi-Family Residential</u>
Current Zoning:	<u>C-2</u>	Proposed Zoning:	<u>D-Downtown, Core</u>
Units/Commercial:	<u>170 Units</u>	Plat:	<u>Platted, Original Town; Pending FP19-0019</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site/Building Design Category
Site	Urban Center/Downtown	Civic/Public Library & Parking Lot	C-2	Downtown District
North	Urban Center/Downtown	Post Office	C-2	-
South	Urban Center/Downtown	Religious/Church	C-2	-
East	Urban Center/Downtown	Education/Mill Creek Center	R-5	-
West	Urban Center/Downtown	Office/Commercial/ Parking Garage	C-2	-

1. Introduction:

The applicant is requesting a rezoning from C-2 (Community Center) to D (Downtown, Core) and a preliminary site development plan for Chestnut South Residential Multi-Family

Buildings. The subject property is located at the southeast corner of E. Park and Chestnut Street, currently housing Olathe's Downtown Branch of the Public Library and adjacent parking. The preliminary site development plan includes a two-building configuration, each a 4-stories with a total of 170 residential units.

The subject property was rezoned to C-2 in June 1970 as part of a comprehensive zoning of the City. Based off staff's research of the site, this lot was razed in 1972 as a product of urban renewal and the existing library facility was constructed in 1979.

2. Existing Conditions/ Site Photos:

The site is currently the Olathe Library Downtown branch and parking lot.



Site Aerial



View looking northwest from Loula Street and Water Street

3. Zoning/Development Requirements:

Zoning/Use – The Downtown, Core District is the preferred zoning district for this proposed multi-family development, based on the Comprehensive Plan and Envision Olathe Downtown Plan. This zoning allows more flexibility in land uses and permits higher intensities of building form and scale. It also is designed to address building form, including continuous facades and the creation of visual interest through depth, façade design, and transparency. The district recognizes the unique characteristics of the traditional central area, which accommodates a mix of uses such as retail, service, special shops, offices and residential. The specific use requested with this district is for two (2) residential multi-family buildings on site.

Setbacks/Buildout – The minimum frontage buildout for nonresidential uses in the Downtown, Core District is 90%. The applicant is proposing 100% buildout for this proposed development.

Zero (0') foot setbacks are proposed for the north, east and west facades. Building projections and recesses from the right-of-way are provided to allow foundation landscaping and first floor patios. Approximately 33' feet of setback area is proposed for the south elevation adjacent to the existing alley to accommodate additional parking.

Building Height – The height of this proposed 4-story multi-family building is approximately 57' feet and complies with the height standards of the D-Downtown Core District.

Access/Streets – The subject site will have one access drive onto Chestnut Street and one access drive onto Water Street. Both access points will connect to a private

internal driveway and off-street parking and will not be a through public street. An existing alley to the south will remain with additional parking provided.

Parking – Minimum off-street parking is not required in the D-Downtown, Core District per UDO 18.20.210 because of the nature of downtown developments with shared parking areas for public use and increased opportunities for walkability. However, the City understands that downtown parking is viewed holistically and there are interrelated effects of any redevelopment within this district. The applicant is meeting or exceeding parking expectations typically required for similar uses in other commercial and residential districts. The proposed plan incorporates on-site parking, reconfigures off-street parking and utilizes creative solutions for shared parking opportunities during off-peak hours.

There are currently 21 public parking spaces, in a parallel configuration, adjacent to both sites (Chestnut North and South.) The proposed development, with reconfigured angled parking at the south redevelopment, includes a total of 54 public parking spaces, for a net increase of 33 public parking spaces.

Utilizing a combination of on-site and adjacent street parking available at both sites (Chestnut North and South), the applicant is providing 163 parking spaces. Additionally, a maximum of 250 spaces may be utilized in the adjacent parking garage for a total of 413 total parking spaces available. This exceeds the 364 spaces expected to be used for both developments combined (Chestnut North and South.)

Today, within the downtown core, a surplus of 629 parking spaces currently exists. After buildout of both sites (Chestnut North and South) the data indicates a surplus of 230 spaces will still remain, demonstrating no deficit, and therefore we feel confident that parking will not be an issue.

Lighting – Redeveloped multi-family and nonresidential sites within the D-Downtown District, where a parking area or lot is part of the development, must include ornamental light poles and fixtures on the site. Per (UDO 18.20.210) photometric and lighting plans will be included in the final site development plan.

Public Utilities – The subject property is located within the City of Olathe water and sewer service areas. The applicant will need to coordinate with the City for utility connections.

Stormwater - The development will be constructed on a site that is mostly impervious surface. Verification has been submitted stating that the impervious area will not increase on this site more than 5,000 square feet which would trigger the requirement for detention and stormwater quality.

Landscaping –The applicant has provided a complete landscape plan that includes landscaping throughout the site, in landscape islands and foundation landscaping on all exterior and interior/courtyard elevations. Street trees, planting beds and planters are being provided where space allows within the sidewalk right-of-way along Chestnut, Park and Waters streets.

Mechanical Equipment/Dumpster Enclosure – The applicant will provide a note on the final site development plan stating all mechanical equipment and building

mounted utilities will be screened with appropriate landscaping or an architectural treatment compatible with the building architecture per UDO requirements.

An internal trash composting system is provided for all tenants and occupants of the proposed multi-family buildings, eliminate the need for a dedicated trash enclosure on site.

4. Site/Building Design:

Development 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 the applicable architectural requirements of the Downtown District that are listed below.

- a. Primary entrances to buildings at ground-level shall face street right-of-way rather than parking lots.

The primary entrances to both buildings are facing Chestnut Street.

- b. The building façade shall have three vertical architectural divisions: 'bases,' 'middles,' and 'tops.'

Both buildings provide vertical division of base, middle, and top components through the use of building materials and horizontal articulation which breaks the visual appearance and creates pedestrian scale.

- c. Buildings shall employ a uniform level of quality on street-facing sides of the building that is visible from a neighboring area in the Downtown, Core District.

The proposed design of the proposed buildings provide a uniform level of quality on the primary, street facing façades.

- d. Highly reflective glass is not permitted at the ground level of building elevations that abut a street right-of-way.

The glass proposed to be used at the ground level of the elevations that abut street right-of-way is intended to be clear glass.

- e. Each multi-story building shall have one clearly identifiable entrance abutting the street.

The proposed buildings each have a clearly identifiable entrance facing Chestnut Street.

- f. At least 80% of the façade facing a street or public open space, shall be composed of Class 1 building materials required per UDO 18.20.210.C.11.

Primary facades facing Chestnut, Park and Water Streets, as well as the existing alley to the south all incorporate a high amount of glass, brick, stucco, and a variety of high-quality architectural metal paneling, all which are Class 1 building materials required within the Downtown District design standards.

- g. 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 meets or exceeds standards and is compatible with the surrounding area.

- h. 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 proposal as submitted is consistent with each of the traditional design principles listed above.

- i. 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.

All façades provide a design that incorporates several changes in plane, materials and an overhang that subdivides the wall into human scale proportions.

- 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 along wall planes and are visually established by a change in wall plane, textures and materials.

1. Incorporate at least one change in wall plane, such as projections or recesses, the entire length of the façade and extending the entire length of the façade.

Changes in wall planes are established by projections and recesses providing depth and articulation the entire length of the façade.

2. 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.

Ground level features are included along 100% of the façade, on all four sides of the proposed buildings. Features include windows, entrances, overhangs and a mixture of architectural detail.

3. Windows shall be recessed and include visually prominent sills or other forms of framing.

The windows on all facades appear to be slightly recessed and have an appropriately scaled trim provided around all sides.

5. Public Notice/ Neighborhood Information:

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.

A neighborhood meeting was held on September 16, 2019 in accordance with the UDO requirements with approximately 20 attendees. Issues discussed included parking, types of units and project timeline. The minutes from the meeting and the sign-in sheet have been included in the Planning Commission packet.

As a result of neighborhood meeting conversations and a follow-up meeting with City Staff, a revised plan was submitted to include a reduction in residential units from 82 to 70 units, and an increase in on-site parking to accommodate 42 on-site stalls and 8 on-street spaces. Following these changes, the applicant did provide additional outreach to attendees of the neighborhood meeting to notify them of the changes aimed at addressing their concerns.

Staff has also received correspondence from adjacent property and business owners expressing concerns consistent with topics discussed at the neighborhood meeting. Those concerns were communicated to the applicant and direct contact information was provided to facilitate ongoing communication with adjacent property owners. Additionally, the applicant sent a follow up email communication to all attendees of the neighborhood meeting notifying them of the revisions made based off comments received, offering to meet with them as needed to walk through the changes and discuss any pending concerns. Staff has remained engaged in these discussions and the plans as submitted meet or exceed all UDO requirements.

6. Comprehensive Plan Analysis:

The future land use map of the *Comprehensive Plan* identifies the properties as Urban Center/ Downtown. The Urban Center/ Downtown area is intended to serve as the primary business, government, and commercial hub that also serves as a place for art, community spaces and cultural exhibits. The district accommodates a mix of uses such as retail, service, specialty shops, offices and residential.

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.

- **Policy 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."*
 - **Action:** *"Review the Central Business District (CBD) zoning for compatibility with the recommendations of the Comprehensive Plan. Revise and/or create new districts as necessary to enable multiple uses downtown."*

- **Action:** *Encourage the further development of City and County government functions downtown.*
- **Principle OT-3.1 Implement Existing Plans:** *“Continue implementation of the Envision Olathe Downtown Plan, Streetscape Master Plan and Original Town Enhancement Plan. Consider Neighborhood Action Plans when making decisions or prioritizing projects that affect the neighborhoods.”*

The proposed Downtown Core District is identified within the *Comprehensive Plan* as the preferred district for the downtown center. The district permits a greater number of permitted uses and encourages the opportunity to create a pedestrian-oriented, mixed-use development. Additionally, The *Envision Olathe Downtown Plan* identifies the subject property within the Downtown District as an area that should be redeveloped to increase residential density and expand commercial offerings. New market-rate housing will further this vision developed by the community to expand residential housing opportunities and attract a localized customer base to downtown businesses.

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).

Olathe has a unique advantage compared to typical suburban communities, as the central downtown and Original Town neighborhoods encompass a rich past and contain many historic buildings. The architectural style and building materials within the Downtown are especially sensitive and important to the community. The surrounding area consists of a variety of commercial, residential and institutional land uses. The downtown neighborhood is the most diverse and dense area of the city but does not currently contain a significant number of mixed-use developments within specific block areas. The proposed building will be constructed of durable high-quality materials which is consistent with the character of downtown development. The commercial and smaller office buildings within the district typically front the street to create a more cohesive pedestrian environment that promotes walkability and increased connectivity.

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 proposed development is consistent with the uses permitted in the surrounding C-2 and Downtown Core Districts. The proposed project is also compatible with the existing office and commercial uses in the surrounding vicinity while adding to the overall variety of uses, vitality and economic development opportunities in the greater downtown area.

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

The Downtown District consists of a variety of uses to create a more diverse, twenty-four-hour and vibrant environment. The prescribed uses within the existing C-2 District are primarily centered around a singular development pattern consisting mainly of commercially focused uses. The greater diversity of uses permitted within the proposed district will create a more comprehensive selection of uses to promote a

mixed-use environment that is encouraged by *PlanOlathe* and the *Envision Olathe Downtown Plan*.

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

The property is currently being used as a public library and associated parking lot with was constructed in the 1970's.

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

The proposed development is not expected to detrimentally affect nearby properties as the development provides a high-quality design that meets or exceeds design requirements and further realizes the vision for downtown Olathe.

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

Development of the proposed project is not anticipated to harm the value of any nearby properties. A greater diversification of compatible land uses should add additional value and economic opportunity and growth to the downtown as a whole.

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 existing public infrastructure has been designed to accommodate the anticipated vehicular trips related to the development to not adversely impact the surrounding road network. Parking within downtown areas are evaluated holistically as a complete network with shared parking and increased pedestrian activity.

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

Staff is not aware of any potential for unlawful levels of air, water or noise pollution with the proposed development. The development is required to comply with the City's stormwater requirements and provide best management practices for water quality.

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

The proposed zoning district has a direct economic impact on the downtown area and the entire Olathe community. The City's investment in the downtown revitalization and streetscape improvements have increased the opportunity for redevelopment by public and private entities in significantly underutilized sites within the downtown. In a central location, and as the densest portion of the city, downtown is in a position to capture a large increment of future development if it is properly marketed, positioned and adequate economic incentives are provided. The Downtown District permitted uses, encourage development patterns and greater flexibility to create an increased opportunity for a more diverse and sustainable economic environment downtown.

K. The gain, if any, to the public health, safety and welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application

There is no gain to the public health, safety, and welfare through the denial of the application.

7. Staff Recommendation:

- A. Staff recommends approval of RZ19-0021 for the following reasons:
 - (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Housing and Neighborhoods (Principle HN-1.8 HN-2.1 and LUCC-7.1).
 - (2) The requested rezoning to Downtown Core District meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.
 - (3) The proposed development as stipulated meets site and building design standards for the D-Downtown Core District (*UDO 18.20.210*).
 - (4) The proposed development aligns with the overall vision and recommendations of the *Envision Olathe Downtown Plan* for Housing Options in Downtown and redevelopment opportunities within the District.
- B. Staff recommends approval of RZ19-0021 as presented with no stipulations.
- C. Staff recommends approval of the associated preliminary site development plan for Chestnut North, subject to the following stipulations.
 - (1) A final site development plan shall be approved, and final plat approved and recorded, with all fees paid prior to issuance of a building permit.
 - (2) Genuine stucco, or similar Class 1 material will be used in the areas identified as stucco or fiber cement panels on the architectural elevations.
 - (3) 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.