



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: August 12, 2019

Application:	<u>RZ19-0011</u>: Request for a zoning amendment to Ordinance 17-55, for a Planned District (PD) and revised preliminary site development plan for Tommy's Express Car Wash
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Dan Fernandez, Planner II, presented a request for a zoning amendment to Ordinance 17-55 for the Archer Subdivision Planned District, to allow for a car wash facility on a Lot 2 of the development. He said staff is not supportive of this zoning amendment and is recommending denial. Although staff informed the applicant of this recommendation to deny, the applicant wished to proceed. **Mr. Fernandez** presented the approved preliminary plan, noting apartments on the west side, Lot 2 or the proposed car wash, and additional commercial to the south. The applicant submitted a site plan for the car wash, which is a prohibited use so has not been reviewed by staff because of the zoning recommendation for denial. He said staff recommends denial because the proposed car wash is not consistent with the policies and goals of the Comprehensive Plan; the car wash does not align with the stipulations agreed upon at the creation of the Planned District; and the application does not meet several of the criteria for a rezoning under section 18.40.090 of the Unified Development Ordinance.

Vice Chair Rinke noted a statement of purpose from the applicant, indicating that the closest car wash is about four miles away. Vice Chair Rinke questioned if there is a car wash actually adjacent to the Archer Subdivision. **Mr. Fernandez** said there is.

Chair Vakas opened the public hearing and asked the applicant to come to the podium. **Rob Heise, 10561 South Glenview Lane**, approached the podium. Mr. Heise acknowledged that there is a car wash immediately adjacent to the subdivision, but not one that processes cars as quickly as theirs. He provided a history of the application process, which started in January of 2019. They understand that a car wash is not allowed in this district, but due to the lengthy amount of due diligence they have provided, they believe a car wash is warranted. He also noted there is a regional commercial center to the north that includes other drive-through or vehicle-related types of establishments, as well as auto service stores.

Comm. Nelson questioned how this particular car wash could be allowed and others couldn't. The auto stores are still retail stores, not service stores. He does not feel that the applicant is addressing staff's reason for denial. **Mr. Heise** does not know why car washes were not allowed in the original rezoning. However, he said the master developer for the overall Archer Court development has provided a letter in support of their project, saying it would be good for the apartment component of the overall project. He said they are also working with other retail developers in town to develop the commercial along the front, and they are also supportive of their car wash.

Rocky Gupta, 397 South Parker Street, approached the podium. He said there are actually four car washes in a one-mile radius from this location. They own one at 355 South Parker

Street. Another one is at Santa Fe and Ridgeview, one at Santa Fe and Parker Street, and one behind Quik Trip. He and his partner own several car washes in the Kansas City area. Other than competition, he is concerned about making the area auto-centric. Also, he stated that car washes do not create very many jobs because many of them are self-service. He believes adding another car wash will create problems with traffic. He supports staff's request for denial.

There being no one else to be heard, **Chair Vakas** called for a motion to close the public hearing.

Motion by Comm. Nelson, seconded by Comm. Sutherland, to close the public hearing.

Motion passed 6-0.

Comm. Fry asked staff to describe concerns that were raised and why a car wash in this location is not a good idea. **Aimee Nassif, Chief Planning and Development Officer**, said that when the development originally came in, it was proposed and approved as a Planned District. In a Planned District, the developer is allowed to propose their own development standards for items such as building height, site layout, setbacks, and land uses are negotiated in exchange.. This area was created and approved as a pedestrian-friendly and pedestrian-oriented uses, not motor vehicle-type uses. This is why car washes were specifically prohibited in this planned district.

Comm. Nelson does not understand why the developer would write a letter saying they support a car wash after they were part of the process that said one would not be allowed. He supports staff's recommendation for denial.

Motion by Comm. Nelson, seconded by Vice Chair Rinke, to recommend denial of RZ19-0011, for the following reasons:

- A. As detailed in this report, the proposed zoning amendment to allow a car wash in the Archer Subdivision Planned District is not consistent with the policies and goals of the Comprehensive Plan for a Neighborhood Commercial Center as identified in PlanOlathe. Neighborhood Commercial Centers are intended to define neighborhoods as specific places and be suited to a pedestrian friendly design and character.
- B. The proposed development of a car wash does not align with the stipulations that were agreed upon in the creation of this Planned District. A stipulation was included on the zoning ordinance stating that car washes were not allowed in the Archer Subdivision.
- C. As proposed, this application fails several of the criteria for a rezoning under section 18.40.090 of the Unified Development Ordinance.
 - 1) *"The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies."*
 - 2) *"The character of the neighborhood including but not limited to: land use, zoning, density (residential), floor area (nonresidential and mixed use), architectural style, building materials, height, siting, and open space."*
 - 3) *"The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses."*

- 4) *"The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations."*
- 5) *"The length of time the property has been vacant as zoned."*
- 6) *"The extent to which approval of the application would detrimentally affect nearby properties."*

If the Planning Commission recommends denial of the zoning amendment to the Archer Subdivision Planned District, as recommended by staff for failure to meet the UDO criteria for rezonings, approved stipulations of the Archer Subdivision Planned District, and PlanOlathe goals, the application will still proceed to the City Council. If the zoning amendment is denied, the associated preliminary development plan would automatically fail as the requirements and standards for the plan review are based upon the requested zoning amendment. Should the zoning amendment be approved, a preliminary development plan would return at a later date to the Planning Commission and City Council following staff review of the development plan.

Aye: Sutherland, Nelson, Rinke, Fry, Corcoran, Vakas (6)

No: (0)

Motion to deny was approved 6-0.