

STAFF REPORT

Planning Commission Meeting: March 9, 2020

Application:	<u>RZ19-0023:</u> Rezoning from BP (Business Park) District to C-2 (Community Center) District and a revised preliminary site development plan for Chinmaya Mission
Location:	Southwest of 153 rd Street and Pflumm Road
Owner:	Dwight Beachboard; Rew Kansas Properties LLC
Applicant:	Rajasree Prakash; Chinmaya Mission Kansas City
Engineer:	Murali Ramaswami
Staff Contact:	Kim Hollingsworth, AICP, Senior Planner

Site Area:	<u>16.13± acres</u>	Proposed Use:	<u>Religious Institution</u>
Building Square Footage:	<u>15,612 square feet</u>	Plat:	<u>Unplatted</u>
Existing Zoning:	<u>BP (Business Park)</u>	Proposed Zoning:	<u>C-2 (Community Center)</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Employment Area	Vacant	BP	4	Office / Civic Building
North	Employment Area/ Secondary Greenway	Vacant / Olathe Girls Softball Complex	C-2 / AG	-	-
South	Employment Area	Vacant	BP	-	-
East	Employment Area	Johnson County Executive Airport	AG	-	-
West	Conventional Neighborhood	Single Family Residential	R-1	-	-

1. Proposal

The applicant is requesting a rezoning from BP (Business Park) District to C-2 (Community Center) District and a preliminary site development plan for Chinmaya Mission. The subject property is located west of Pflumm Road and south of 151st Street.

The applicant is requesting the rezoning to the C-2 District to develop a religious institution on the subject property. Religious institutions are permitted by right in the C-2 District along with lower-intensity commercial, recreational and civic uses. The preliminary site development plan includes an assembly space and classroom building totaling 15,612 square feet.

2. History

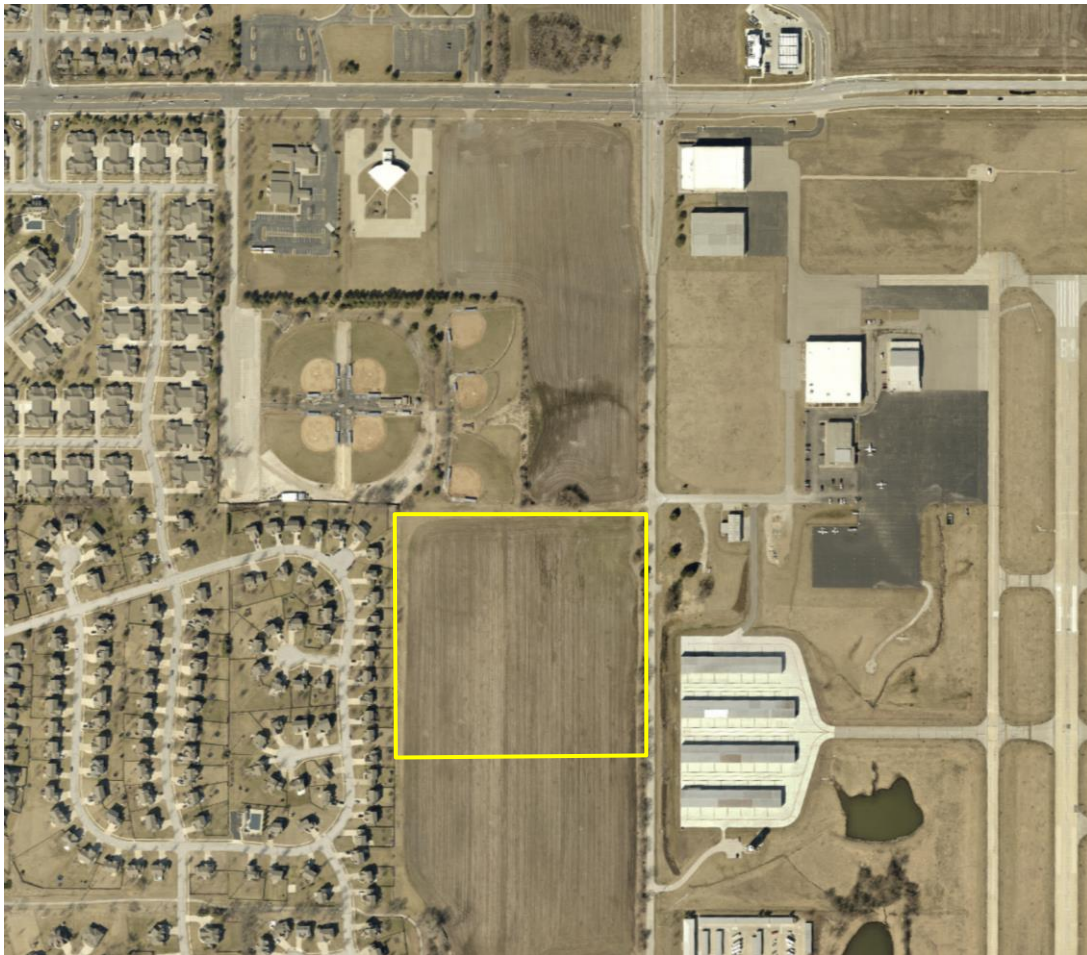
The subject property was annexed into the City in March 1985. The subject property and property immediately adjacent to the south were rezoned to the BP District in 2000 (RZ-02-00) with a preliminary site development plan for a business industrial park with six buildings totaling 205,800 square feet. The previously approved plan included two 73,500 square foot buildings along Pflumm Road and four smaller buildings ranging between 10,000 and 18,000 square feet west of the pipeline easement that bisects the property.

3. Existing Conditions

The subject property is currently vacant and has never been developed. The only vegetation that exists on the subject property is native grass and a narrow line of trees along the east side of the property within the Pflumm Road right-of-way. There are also significant gas easements approximately 133 feet in width that extend north to south within the western portion of the property.



View of site looking west from Pflumm Road.



Aerial view of subject property

4. Zoning Requirements

- a. **Uses** – The proposed religious institution use is permitted in the C-2 (Community Center) District. The C-2 District permits a variety of lower-intensity commercial uses that primarily serve surrounding neighborhoods. Due to the proximity of the proposed district to the R-1 (Residential Single-Family) District, the applicant and staff have agreed on a list of a few prohibited uses as detailed within the attached Exhibit A. The described prohibited uses are not as compatible with character of the surrounding neighborhood due to their intensity, hours of operation or auto-oriented nature. The applicant is amenable to all uses listed in Exhibit A and any future modifications would be required to follow the zoning amendment process as prescribed in the UDO.
- b. **Maximum District Size** – The maximum district size in the C-2 District is 18 acres and the 16.13± acre property is compliant with this UDO requirement.
- c. **Building Height** – The maximum building height in the C-2 District is 2 stories or 35 feet. The proposed building has a maximum height of 32 feet which meets the UDO requirement.

- d. **Setbacks** – Parking and paving areas for developments in the C-2 District must be setback a minimum of 15 feet from street right-of-way and a minimum of 10 feet from adjacent property lines. The entry drive along the east side of the property is set back from the right-of-way approximately 19 feet and from the northern property line approximately 49 feet. Table 1 lists the building setbacks required in the C-2 District and proposed on the site plan.

Table 1: Building Setbacks		
	UDO Requirement	Proposed Plan
North	7 ½ feet	170± feet
South	7 ½ feet	396.3± feet
East	15 feet (minimum) 150 feet (maximum)	90.3± feet
West	7 ½ feet	624± feet

5. Site Design Standards

The subject property is subject to **Site Design Category 4** (UDO 18.15.120). The requested zoning district was used to determine the site design category as the proposed land use does not align with the Employment Area future land use designation. The following is a summary of the site design requirements:

- a. **Outdoor Amenity** – An outdoor amenity space for users of the property must cover at least 10% of the site area. A landscaped courtyard and common greenspace with landscaping are planned to meet this requirement.
- b. **Parking Pod Size** – Development subject to Site Design Category 4 permits a maximum of 80 parking spaces in one parking pod. The largest parking pod on the revised preliminary site development plan is 9 stalls, therefore the plan is compliant with parking pod size requirements.
- c. **Pedestrian Connections** – Development in Site Design Category 4 must provide pedestrian connections from surrounding development, parking, and adjacent transit stops. A pedestrian connection will be provided from the sidewalk along the entry drive to Pflumm Road to meet the UDO requirement.
- d. **Drainage Feature** – Open drainage and detention areas visible to the public must be incorporated into the design of the site as an attractive amenity or focal point. A note has been added on the preliminary development plan stating that the drainage feature will comply with this UDO requirement.

- e. **Landscape Buffer** – Buffer standards apply to development in Site Design Category 4 when developments are located adjacent to any residential zoning district. A buffer will be provided adjacent to the R-1 District to fulfill this requirement.

6. Building Design

Religious institutions in nonresidential zoning districts are subject to the “Office and Civic” building design standards provided in UDO, Section 18.15.020.G.8. Conceptual renderings and elevations were provided with the preliminary site development plan that indicate the proposed building materials and architectural style. Significant amounts of glass are proposed along with a limestone veneer to be incorporated on façades of the classroom building. The assembly space is proposed to be clad with glass on all sides, with a wood rainscreen mounted to the exterior of the building. The main entry to the building will be covered with a canopy and a tower feature on the assembly space reaching a total of 31 feet in height to meet façade expression requirements.

The primary south and east façades of the proposed building are required to contain a minimum of two (2) materials from Class 1 or two (2) materials from Classes 1 and 2 on a minimum 70% of the façade, with a minimum of 25% clear glass. The applicant will be incorporating additional vertical and horizontal articulation, increasing the quantity of Class 1 building materials, and decreasing the amount of metal trim provided on the building through the final site development plan.

7. Development Requirements

- a. **Site Access** – Access to the site will be provided through an access drive from Pflumm Road within the northeast portion of the site. This location promotes the greatest distance of stacking for vehicles as they enter and exit the property.
- b. **Landscaping** – The site plan illustrates the proposed landscaping on the subject property. Type 1 buffers will be provided along the northern and southern property lines, and a Type 5A buffer will be provided along the west property line adjacent to the single-family residential properties. To fulfill the Type 5A buffer requirements, a 30-foot wide buffer area will be planted with a double row of evergreen trees on top of a five-foot tall berm. Landscaping will be provided along Pflumm Road to meet the minimum UDO requirements for nonresidential properties adjacent to arterial streets. The applicant will provide landscaped islands throughout the parking lot and will provide a landscaped grove area between the parking lot and the main classroom building.
- c. **Parking** – The required parking is based on the occupancy of the assembly space and size of the classroom spaces. The preliminary site development plan includes a total of 130 parking spaces which is greater than the minimum 126 parking spaces required for the property. The applicant also provided information regarding the number of vehicles typically visiting their current location which is slightly fewer than the number of parking spaces being provided. The proposed parking lot is located approximately 350 feet from the nearest residential property and no parking spaces are designed in a manner that would directly orient headlights of vehicles towards the residential properties.
- d. **Public Utilities** – The property is within the City of Olathe Water and Johnson County Wastewater service areas. An extension of the public waterline will be required to serve the proposed development.

8. Proximity to Airport

The subject property is located within one mile of the Johnson County Executive Airport and within the Johnson County Executive Airport Interest Area, which is identified in the Johnson County Executive Airport Comprehensive Compatibility Plan. The airport future land use map promotes commercial uses and airport compatible businesses in the area southwest of 151st Street and Pflumm Road directly west of the airport. All development applications within one mile of the airport are subject to review by the Johnson County Airport Commission and the Board of County Commissioners. The Johnson County Planning Department has provided preliminary comments and County Staff have no objections regarding the proposed rezoning and preliminary site development plan.

9. Neighborhood Meeting and Public Notice

The applicant held a neighborhood meeting on February 3, 2020 with eleven (11) residents in attendance. Topics of discussion at the meeting included future plans for expansion, funding of the project, buffering and screening provided to the west, drainage, widening of Pflumm Road, and landscaping.

Individuals at the neighborhood meeting expressed concerns with the wall that was originally proposed along the western property boundary with the single-family homes. In response to the discussion with attendees, the applicant revised the plans to include a double row of evergreen trees in addition to the minimum required plantings which is another option to fulfill the buffering requirements.

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. Staff has received an email and a phone call from the adjacent property owner to the north, who stated they were supportive of the project.

10. Comprehensive Plan Analysis

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as "Employment Area". The C-2 (Community Center) District does not align with the Employment Area future land use designation of the property; however, staff has determined that the proposed C-2 District and religious institution are more suitable for the subject property, for the following reasons:

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 comprehensive plan promotes the use of zoning as a tool to avoid conflict between potentially incompatible uses that vary in scale and intensity. The proposed development provides increased cohesiveness with the single-family residential neighborhood to the west and the existing C-2 District to the north. The proposed development increases the compatibility of land uses, as detailed in Policy LUCC-8.2, below:

Policy LUCC-8.2: Compatibility of Adjacent Land Uses. *"Where a mixture of uses is not appropriate or uses are not complementary, use zoning as a tool to*

avoid or minimize conflicts between land uses that vary widely in use, intensity, or other characteristics. This may include buffering, landscaping, transitional uses and densities, and other measures. Protect industry from encroachment by residential development and ensure that the character and livability of established residential neighborhoods will not be undermined by impacts from adjacent non-residential areas or by incremental expansion of business activities into residential areas.”

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 property adjacent to the west is developed with an existing single-family residential neighborhood and the property to the east, across Pflumm Road, is developed with the Johnson County Executive Airport. The Airport property is developed with buildings spaced far apart, and set back significantly from Pflumm Road, with high amounts of open space and low floor-to-area ratios. The homes in the neighborhood to the west are two stories tall and are finished with stucco and siding. The proposed development is more compatible with the scale, building height, massing, and open space with the surrounding neighborhood than the character typically developed through the existing BP District.

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 vacant property to the north is zoned C-2 (Community Center) District and Olathe Girls Softball Complex is located within the AG (Agricultural) District. The properties to the west are developed with single-family homes zoned R-1 (Residential Single-Family). The property directly east is zoned AG and is developed with the Johnson County Executive Airport. Finally, the property to the south is zoned BP and is currently undeveloped. The proposed C-2 District and development of a religious institution would be harmonious with the zoning and uses on surrounding properties. The district promotes neighborhood-oriented development with a mix of lower-intensity uses that fit the size scale and intensity of a suburban neighborhood setting. The adjacent portion of the BP District to the south does restrict more intense industrial uses and contains specific site and building design requirements which promote compatibility with the proposed district and surrounding zoning districts.

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

The current BP (Business Park) District permits a variety of office, warehousing and light industrial uses. Uses permitted in the BP District are not as compatible with the single-family residential development abutting the property to the west as uses permitted in the proposed C-2 District. Uses permitted in the BP District can generate the potential for increased conflicts with residential properties due to the scale of buildings permitted, possibility of noise, lighting and other factors typically generated by the permitted uses. Additionally, the pipeline easement that bisects the property provides a challenge for the development of uses that would typically be constructed in the BP District. The lower intensity uses permitted in the C-2 District including the

proposed restriction of some commercial uses on the property promotes a more suitable mix of uses that complement surrounding neighborhoods.

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

The subject property was rezoned to the BP District in 2000 and has been vacant since that time. The rezoning in 2000 included a related preliminary site development plan for the property but was never developed. Approximately 61 acres in the general vicinity along Pflumm Road were zoned BP District between 2000 and 2003 and have never been developed for their intended business park uses.

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

The proposed rezoning to the C-2 District and related preliminary site development plan will not detrimentally affect nearby property values. In addition to the minimum required setbacks and landscaped buffers between C-2 and R-1 Districts, approximately 133 feet of easements provide additional separation from the proposed development to the existing single-family neighborhood.

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 trips generated by the church will not adversely affect the capacity or safety of the road network in the general vicinity. The parking lot proposed to the south of the church consists of an adequate number of spaces for the proposed use of the building. Trips generated by the proposed use will typically be during off-peak hours which promotes more cohesive traffic patterns with surrounding residential and commercial uses.

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

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

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

Religious assemblies can add value to the community through social capital, jobs, volunteer opportunities, community services, and physical resources among many other impacts.

J. 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.

If the rezoning were denied, the applicant would not be able to develop the proposed use in the existing BP District. The rezoning facilitates the proposed use and adopts a district that is compatible with surrounding neighborhoods. Additionally, the proposed zoning does not negatively impact the public health, safety and welfare as presented.

11. Staff Recommendation

- A. Staff recommends approval of RZ19-0023, Chinmaya Mission for the following reasons:
 - 1. The proposed development complies with the policies and goals of the *Comprehensive Plan* for Land Use (LUCC-6).
 - 2. The requested rezoning to the C-2 district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the C-2 District, with the following uses prohibited:
 - 1. Any Distance Restricted Business as provided in Olathe Municipal Code, Chapter 5.43
 - 2. Animal Care, Outdoor Kennel
 - 3. Auto Supply (Parts) Stores
 - 4. Bars, Taverns, and Drinking Establishments
 - 5. Building Materials Sales – Without Lumberyard
 - 6. Convenience Stores, with or without Gas Sales and Gas Stations
 - 7. Entertainment Establishment
 - 8. Hospital
 - 9. Hotel/Motel
 - 10. Liquor Store
 - 11. Pawnshops
 - 12. Vehicle Services
 - 13. Woodworking Shops
- C. The following stipulations apply to the preliminary site development plan:
 - 1. A final site development plan must be approved, and a final plat recorded prior to building permit submittal.
 - 2. Landscaping, parking and paved areas will meet the requirements of the UDO during final site development plan review.
 - 3. As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, must be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
 - 4. All new on-site wiring and cables must be placed underground.
 - 5. The fire hydrant and Fire Department Connection (FDC) proposed must be within 3 feet of the curb.