

STAFF REPORT

Planning Commission Meeting: June 8, 2020

Application:	<u>RZ20-0004:</u> Preliminary Development Plan and Rezoning for 16129 S. Lone Elm Road		
Location:	16129 Lone Elm Road		
Owner:	Jerry Bain, Lone Elm Ventures, LLC		
Applicant:	Brandon Sutherland, Emerald Properties, LLC		
Engineer:	Judd Claussen, P.E., Phelps Engineering		
Staff Contact:	Jessica Schuller, AICP, Senior Planner		

Site Area:	<u>9.7± acres</u>	Existing Building Area:	<u>4,000 sq.ft.</u>
Current Zoning:	<u>CTY RUR (County Rural)</u>	Proposed Total Building Area:	<u>18,000 sq.ft.</u>
Proposed Zoning:	<u>M-2 (General Industrial)</u>	Plat:	<u>M.G.A. Estates</u>

1. Comments:

The applicant is requesting approval of a rezoning and preliminary site development plan for the property located at 16129 Lone Elm Road, which is south of 159th Street and east of Lone Elm Road. The property is currently zoned CTY RUR (County Rural) and was the previous location of Southwest Community Church. The applicant proposes to rezone the property from CTY RUR to the M-2 (General Industrial) District.

2. History:

The subject property is the location of the former Southwest Community Church, which was constructed in 1999. The 4,000 square foot building is proposed to remain on the property, in addition to a newly proposed 14,000 square foot building located on the eastern end of the existing parking lot. A related application requesting a special use permit for *Animal Care – Indoor or Outdoor Kennel* in the M-2 District is also on this agenda (SU20-0001).

The subject property was platted in 1996 as part of the M.G.A. Estates and was annexed in May 2020 (ANX20-0001).



Site Aerial – Outlined in Blue



Site Photo – Looking east from Lone Elm Road

3. Property Owner Notice:

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property over 20 days prior to the public hearing.

The applicant held a neighborhood meeting on May 18, 2020, which no neighbors attended. Notice of the neighborhood meeting was mailed to all property owners within 500 feet of the subject property in accordance with UDO requirements and staff has not received any correspondence regarding this proposed rezoning.

4. Zoning Requirements:

- a. **Land Use** – The applicant proposes to rezone this property from CTY RUR (County Rural) to the M-2 (General Industrial) District. The proposed zoning is consistent with the surrounding zoning, as the adjacent lot to the south is currently zoned M-2, in addition to the TVH Industrial Park also located south of the subject property. The property to the north of the subject site is zoned C-O (Office) and consists of Mission Life Church and associated buildings used for gathering and event space.
- b. **Building Height** – Building heights within the M-2 District are limited to 55' in height. The proposed building is 21' tall at its highest point and the existing building is approximately 18' tall, meeting the requirements of the UDO.
- c. **Setbacks/Open Space** – Table 1, below, lists the required dimensional standards for the M-2 District and those proposed for the development.

Table 1: Setbacks	UDO Requirement (minimum)	Proposed Plan
<i>Front Yard</i>	30' from property line	129.8' from property line
<i>Side Yard</i>	10' from property line	60.8' from property line
<i>Rear Yard</i>	10' from the property line	789' from property line
<i>Parking/Paving</i>	30' from right-of-way/10' from property line	200' from right-of-way
<i>Open Space</i>	15% of site area	84% of site area

5. Development Requirements:

- a. **Access/Streets** – One existing driveway provides access to the southern portion of the site from Lone Elm Road which is not proposed to change. A 5' sidewalk is being constructed from Lone Elm Road to the existing building.
- b. **Landscaping** – The property is currently landscaped and the applicant has provided additional landscaping exceeding the current requirements of the UDO by providing

additional evergreen trees along the northern property line to further screen from the adjacent use to the north. A Type 1 Buffer is provided on the eastern property line, and additional plantings are provided on the southern property line to supplement the existing landscaping to meet the Type 1 Buffer requirements. Foundation plantings are provided along facades facing the parking lot, and an existing row of trees provides screening of the parking lot from the right-of-way. The applicant is also proposing plantings along long expanses of fence, per UDO requirements.

- c. **Public Utilities** – The property is within the Olathe sewer and WaterOne service areas.
- d. **Stormwater/Detention** – Existing Stormwater detention is located on the northwest corner of the property. The basin will be modified to meet current requirements for extended dry detention basins and is subject to Title 17 requirements.

6. Site Design and Building Design Standards:

The proposed development must follow Site Design Category 6 requirements (UDO 18.15.130), which address drainage features, landscape buffers, and parking pod sizes to ensure that the site is compatible with the General Industrial District requirements and surrounding uses. Future development will also be subject to the Building Design Category for Industrial Buildings. The building design requirements consists of an emphasis on high-quality building materials, building articulation, and façade expression tools that elevate the character of the structure.

7. Land Use Analysis:

The future land use map of the Comprehensive Plan identifies the subject property as “Employment Center.” Staff is supportive of the proposed rezoning, as General Industrial is a higher intensity use that relies on an increased amount of indoor and outdoor space, which this 9.7 acre lot provides. The following are criteria for considering special use applications as listed in Unified Development Ordinance (UDO) Section 18.40.100.F:

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

The Comprehensive Plan designates the subject property as part of an Employment Center which allows for a variety of uses, including light industrial uses, and complementary retail and service uses, which should be carefully integrated with the surrounding employment area. The proposed parcel has been platted since 1996 as part of M.G.A. Estates, and a religious institution was previously located on this site. The proposed M-2 District zoning aligns with the Employment Center designation and promotes the goals of PlanOlathe by promoting the infill of vacant parcels and discouraging sprawl. The proposed zoning district also serves to “develop distinct employment districts to ensure Olathe’s strong and diversified economy.”

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 surrounding area consists of commercial and industrial uses on large parcels. A large industrial building, the Frito Lay Warehouse, is located on the parcel immediately

south of the subject property and is a three-story tall concrete structure. Life Mission Church is located on the parcel north of the subject property and consists of multiple structures/assembly spaces and large parking areas. To the east of the subject property is the Olathe District Activity Center, a sports and recreation facility consisting of football, soccer, baseball and softball fields.

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 zoning of nearby properties and surrounding uses. The surrounding land uses range from outdoor athletic uses to the east (zoned AG – Agricultural), civic assembly uses to the north (zoned C-O – Office), and trucking/warehousing uses to the south (zoned M-2 – General Industrial). There are existing residences to the southwest, across Lone Elm Road. These single-family residences are situated on multi-acre lots with farmland (zoned RUR – County Rural) and are setback significantly from the roadway.

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

The M-2 (General Industrial) District permits more intensive uses than the existing CTY RUR zoning district, permitting uses such as warehousing, office, automobile, product assembly, and construction type uses. A number of additional uses require approval of a special use permit before being permitted in this district. The City requires that parcels zoned under county zoning obtain city zoning to an appropriate district prior to redevelopment of a site. The zoning of this property to the M-2 District provides a continuation of the zoning established immediately to the south and to the east of the Olathe Activity Center.

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

The subject property is currently zoned CTY RUR (County Rural) and the Southwest Community Church was constructed on the property in 1999 but is not currently in use on this site.

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

The proposed development is not anticipated to detrimentally affect nearby properties as it is a continuation of the M-2 zoning district established immediately to the south. The existing church located on the parcel to the north is located a reasonable distance from the subject property and will be screened at the property line with landscaping beyond the requirements of the UDO.

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

The proposed rezoning will not substantially harm the value of nearby properties, which consist of higher intensity industrial uses to the south, farmland to the west, religious assembly to the north and outdoor athletics the east. Landscaping buffers will be provided along property lines to screen from the adjacent uses and mitigate noise.

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 use will not adversely affect the capacity or safety of the roadway network. Lone Elm Road is a high capacity arterial roadway. The proposed use will likely result in fewer trips taking place at a specific time than the previous use on the site, that of a religious institution. The proposed application is reducing the total number of parking spaces that currently exist on site.

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 proposed development is be subject to all local, state, and federal environmental regulations.

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

Zoning of this property will allow for development of a new commercial business here which will generate additional sales tax revenue.

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 rezoning does not negatively impact public health, safety, or welfare as presented. If the related special use permit (SU20-0001) were denied, the parcel would remain abandoned, causing a hardship for the property owner. City staff and the applicant agree the rezoning offers an improved use of the property and service to the community, while providing consistency with surrounding properties.

8. Staff Recommendation:

Staff recommends approval of the rezoning and preliminary site development plan (RZ20-0004) with the following stipulations:

A. Staff recommends approval of RZ20-0004 for the following reasons:

1. The proposed development complies with the policies and goals of the *Comprehensive Plan*.

Principle LUCC-6: Discourage Sprawl. “Discourage “leap-frog” or sprawling land use patterns by encouraging growth in serviceable areas. Promote the infill of vacant parcels and reinvestment in buildable areas.”

ES-4: Employment Areas as Districts. “Develop distinct employment districts to ensure Olathe’s strong and diversified economy.”

2. The requested rezoning to the M-2 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.

- B. Staff recommends approval of the rezoning to the M-2 District as presented with no stipulations.
- C. The following stipulations apply to the preliminary site development plan:
 - 1. A final site development plan must be approved prior to building permit submittal.
 - 2. Building standards for new structures on site must comply with the Industrial Building requirements of UDO Section 18.15.020.
 - 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, shall be screened from public view with landscaping or an architectural treatment compatible with the building.
 - 4. All new on-site wiring and cables shall be placed underground.
 - 5. At the time of Final Development Plan, the proposed building must either provide an automatic fire sprinkler system or alterations to the access roads in order to resolve the fire access deficiency.