

## STAFF REPORT

Planning Commission Meeting: June 8, 2020

<b>Application:</b>	<b><u>SU20-0001</u>: Preliminary Development Plan and Special Use Permit for <i>Animal Care – Indoor or Outdoor Kennel, K-9 Acres</i></b>
<b>Location:</b>	16129 Lone Elm Road
<b>Owner:</b>	Jerry Bain, Lone Elm Ventures, LLC
<b>Applicant:</b>	Brandon Sutherland, Emerald Properties, LLC
<b>Engineer:</b>	Judd Claussen, P.E., Phelps Engineering
<b>Staff Contact:</b>	Jessica Schuller, AICP, Senior Planner

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

### 1. Comments:

The applicant is requesting a special use permit for K-9 Acres, a dog training and boarding facility with an associated veterinary clinic. The Unified Development Ordinance (UDO) requires a special use permit for this use category which is classified as an *Animal Care – Indoor or Outdoor Kennel*, in the M-2 (General Industrial) District.

The proposed facility includes multiple outdoor grass play areas, turf play areas, an indoor training and kennel facility, and an associated veterinary clinic. The project will be phased, with the remodel of an existing building taking place in Phase 1, and the construction of a new building and fenced areas east of the new building taking place in Phase 2. A related application is on this agenda for a rezoning and revised preliminary site development plan (RZ20-0004). Zoning to the M-2 district is required for consideration of this special use permit. If case RZ20-0004 is not approved, this special use permit cannot be recommended for approval.

### 2. History:

The subject property was the previous location of Southwest Community Church, which was constructed in 1999. The 4,000 square foot church building is proposed to remain on the property, to be used for veterinary services, in addition to a proposed 14,000 square foot training/kennel facility. The property is currently zoned CTY RUR (County Rural); a

related application to rezone the property to M-2 (General Industrial) is on this agenda (RZ20-0004).

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 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 special use.

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.

**4. Zoning Requirements:**

- a. **Land Use** – The proposed primary land use of *Animal Care – Indoor or Outdoor Kennel* for this development requires approval of a special use permit and is consistent with uses permitted within the M-2 District. *Animal Care – Indoor or Outdoor Kennel* is the primary use and is permitted with approval of a special use permit.
- 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.

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

**5. Development Requirements:**

- a. **Access/Streets** – One existing driveway provides access to the southern end 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 southern side of the existing building.
- b. **Parking** – Per UDO requirements, parking is required at a minimum rate of one space per 1,500 square feet of building area, with no parking maximum. With 18,000 square feet of total building area, a minimum of 12 parking spaces are required. The

applicant proposes to reduce the number of parking spaces from the existing 69 to 45 spaces and will add additional landscape islands to endcap the parking rows.

- c. **Landscaping** –The applicant will provide additional landscaping exceeding the current requirements of the UDO with additional evergreen trees along the northern property line to further screen the proposed development from the adjacent site 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 in order 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 Lone Elm Road right-of-way.

Preliminary plans identify locations and areas for proposed fencing. The details of the type of fencing and proposed screening will be finalized at the time of final development plan as the developer continues to collaborate with staff. The fences will be landscaped intermittently to break long expanses of fencing, as required by the UDO.

- d. **Public Utilities** – The property is in the Olathe sewer service and WaterOne service areas.
- e. **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.

**6. Site Design Standards:**

The site is designated as Employment Center on the *PlanOlathe* Comprehensive Plan Future Land Use Map but is proposed to be rezoned to the M-2 District, therefore the proposed development is subject to **Site Design Category 6** (UDO 18.15.130). Table 2 below provides an analysis of the site design requirements.

<b>Table 2.</b> <b>Composite Site Design (Category 6)</b>	<b>Design Requirements</b>
<i>Parking Pod Size</i>	<p><b><i>The maximum number of parking stalls allowed in one parking pod is 320.</i></b></p> <p>The proposed plan has 45 parking spaces, meeting the requirements of the UDO.</p>
<i>Landscape Buffer Area</i>	<p><b><i>Buildings must be set back at least 50 feet from an adjoining arterial street or nonindustrial zoning district and landscaped with 70% permeable surfaces and 50% planted material.</i></b></p> <p>The property adjoins a nonindustrial zoning district to the north and east and an arterial street to the west. The building is setback approximately 73' from the northern property line, 790' from the east property line, and 130' feet from the arterial roadway; the site will be landscaped and sodded, meeting the requirements of the UDO.</p>

<i>Drainage Features</i>	<p><b><i>Open drainage and detention areas visible to the public shall be designed as an attractive amenity.</i></b></p> <p>The existing dry detention basin on site is maintained as landscaped open space or yard area, meeting the requirements of the UDO.</p>
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**7. Building Design Standards:**

The building is subject to building design standards for **Industrial Buildings** (UDO 18.15.020.G.10). Table 3, below, lists the requirements of the UDO, and the elements of the proposed design which meet these requirements.

<p><b>Table 3:</b>  <b>Building Design Standards</b></p>	<p><b>Design Requirements</b></p> <p>Proposed Design</p>
<i>Building Entryway</i>	<p><b><i>The main common building entry must be defined with a covered projection from the façade or by a recessed area.</i></b></p> <p>Entries are located at the corners and in the center of building and are defined with projecting canopies, meeting the requirements of the UDO.</p>
<i>Garage Doors</i>	<p><b><i>Garage and overhead doors may only face a local or collector public street, unless completely screened from view.</i></b></p> <p>No proposed garage doors face a local or collector street, meeting the requirements of the UDO.</p>
<i>Vertical Articulation</i>	<p><b><i>Each primary façade must provide vertical articulation every 50 linear feet of the façade.</i></b></p> <p>The parapet heights of the primary facade change by 4' across the front façade, creating variation in height at the building entrances located in the center and at both ends of the building, and meeting the requirements of the UDO.</p>
<i>Horizontal Articulation</i>	<p><b><i>Each primary façade must provide horizontal articulation every 50 linear feet of the façade.</i></b></p> <p>Wall projections that are 4" deep and 24" wide are provided for the full height of the facade on both sides of the central building entrance, and on each end of the building near the corner entrances, meeting the requirements of the UDO.</p>
<i>Building Materials – Primary Facades</i>	<p><b><i>Each primary façade requires a minimum of 75% Class 1 &amp; Class 2 materials and a minimum of 15% clear glass.</i></b></p> <p>The primary façade exceeds this minimum requirements. See Table 4, below, for building materials.</p>

<i>Building Materials – Secondary Facades</i>	<p><b>Each secondary façade requires a minimum of 40% Class 1, Class 2 and Class 3 materials.</b></p> <p>The secondary façade exceeds this minimum requirement. See Table 4, below, for building materials.</p>
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**Proposed Building Materials**

The proposed building will be constructed of architectural quality precast concrete panels with integral color in varying shades of gray, tan colored stone veneer, and gray colored genuine stucco. Glass is used on all facades, located around building entrances, and on the upper portions of the building. The standing seam metal roof is screened from the primary façade by the building parapet, which will also fully screen the rooftop mechanical units.

Table 4, below, lists the percentages of Class 1 and Class 2 materials used on each façade. A Class 3 material is used in the form of pre-cast concrete painted architectural panels, at 20% of the primary façade. A small percentage of metal trim (a Class 4 material) is also used throughout the building.

<b>Table 4. Building Materials</b>	<b>Stone Veneer &amp; Stucco (Class 1)</b>	<b>Clear Glass (Class 1)</b>	<b>Precast Concrete Panels (Class 1)</b>	<b>Metal Awning (Class 1)</b>	<b>Total (Class 1)</b>
<b><i>Secondary Façade - North</i></b>	12%	3%	83%	0%	98%
<b><i>Secondary Façade - East</i></b>	0%	16%	52%	25%	93%
<b><i>Secondary Façade - South</i></b>	12%	3%	77%	3%	95%
<b><i>Primary Façade - West</i></b>	16%	17%	47%	0%	80%

The existing building on site is proposed to be repurposed as a veterinary clinic. The exterior of the building is proposed to remain as existing, with the exception of new paint colors to match the color scheme of the proposed building.

**8. Employees/Operation:**

K-9 Acres anticipates a maximum of 25 employees with a ratio of one employee per 15 dogs. The maximum dog capacity is 250 and there will be overnight staff to care for the dogs, and 24/7 emergency hours for the veterinarian office.

According to the applicant, normal hours of operation are daily, 6 a.m. – 8 p.m.

**9. Time Limit:**

According to UDO 18.40.100F.4, unless otherwise specified, Special Use Permits are approved for a five (5) year period. In this instance, the applicant's proposal meets all UDO requirements and there are no residential developments within 500 feet of the site. The applicant is requesting a 10 year Special Use Permit, which staff is supportive of.

**10. 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 use, as *Animal Care – Indoor or Outdoor Kennel* is a higher intensity commercial/industrial use that relies on an increased amount of indoor and outdoor space. The potential for a higher level of noise creation is suitable for an employment center that is zoned for General Industrial uses. 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 use of *Animal Care – Indoor or Outdoor Kennel* is appropriate for the subject property as it is a commercial service-type use that is situated on a large lot and is well screened from adjacent uses.

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

**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 sporting uses to the east

(zoned AG – Agricultural), 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 west, across Lone Elm Road. These single-family residences are situated on multi-acre lots with farmland (zoned CTY RUR – County Rural) and are setback from the roadway. The proposed use of *Animal Care – Indoor or Outdoor Kennel* is in harmony with the surrounding uses as the uses are separated by large lots and exceed the minimum setbacks required in the UDO. The site is well buffered by landscaping and the style of the building is consistent with surrounding structures.

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

The proposed outdoor kennel use is not permitted within the existing CTY RUR zoning district, requiring a rezoning to develop the property as proposed. The proposed 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. The proposed use of *Animal Care – Indoor or Outdoor Kennel* is allowed in M-2 Districts with a special use permit. The special use permit ensures that adequate precautions are taken to assure compatibility with surrounding uses. The special use permit will be reconsidered by the Planning Commission upon its expiration, should the applicant wish to seek a renewal.

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

The subject property is currently zoned CTY RUR (County Rural) and was developed with the Southwest Community Church in 1999. The church, however, 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. The proposed use may potentially produce a greater level of noise than standard commercial uses due to the outdoor kennel areas, but is located a suitable distance from adjacent property lines and buffered with landscaping; neighboring uses (sporting, assembly, and trucking) also have the potential to create increased levels of noise.

The UDO requires that outdoor kennels not be located closer than 40' to religious buildings. The proposed kennels are approximately 70' from the property line, and a greater distance to the religious buildings.

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

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

**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 than the previous use on the site, that of a religious institution. The proposed application is also reducing the total number of parking spaces that currently exist from 69 to 45, which will provide adequate parking for the proposed use.

**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 shall be subject to all local, state, and federal environmental regulations.

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

K-9 Acres has indicated that they anticipate hiring 25 employees and the new center 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 special use does not negatively impact public health, safety, or welfare as presented. If the special use permit were denied, the parcel would remain abandoned, causing a hardship for the property owner. City staff and the applicant agree the special use permit offers an improved use of the property and service to the community, while providing consistency with surrounding properties.

**11. Staff Recommendation:**

Staff recommends approval of the special use permit (SU20-0001) with the following stipulations:

- a. The special use permit for *Animal Care – Indoor or Outdoor Kennel* is approved for a ten (10) year period effective from the date of the Resolution.
- b. A final site development plan must be approved prior to issuance of a building permit.
- c. 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.
- d. All new on-site wiring and cables shall be placed underground.
- e. Details of the fencing of the outdoor enclosed dog areas, including landscaping details, shall be determined at the time of Final Site Development Plan.

- f. Additional architectural interest on the north and south facades will be provided by the applicant during Final Site Development Plan review.
- g. At the time of Final Site 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.