



Planning Division

STAFF REPORT**Planning Commission Meeting: December 14, 2020**

Application:	<u>RZ20-0008:</u> Rezoning from CTY RUR (County Rural) to M-2 (General Industrial) District for Lone Elm Commerce Center Parcel
Location:	22310 W. 167 th Street
Owner:	Dale R. & Vereta Delores George Revocable Living Trusts
Applicant:	Rob Heise, Meyer Companies
Engineer:	Judd Claussen, Phelps Engineering
Staff Contact:	Emily Carrillo, Senior Planner

Site Area:	<u>2.85± acres</u>	Existing Zoning:	<u>RUR</u>
Proposed Use:	<u>Warehousing, Storage, Wholesale and Distribution Facilities</u>	Proposed Zoning:	<u>M-2 (General Industrial)</u>
		Plat:	<u>Unplatted Acreage</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Employment Area	Vacant	RUR	6	Industrial Buildings
North	Employment Area	Industrial	M-2	-	-
South	Industrial Area	Industrial	M-2	-	-
East	Primary Greenway / Industrial Area	Vacant	MP-2	-	-
West	Employment Area	Industrial	M-2	-	-

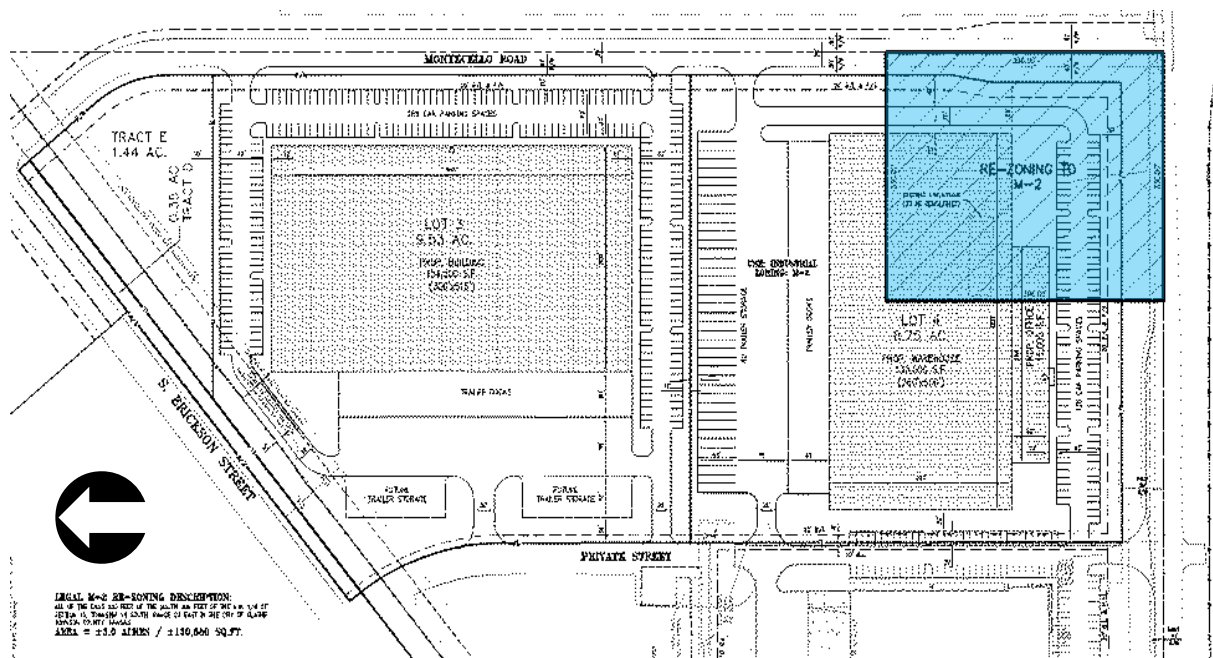
1. Proposal:

The applicant is requesting a change of zoning from CTY RUR (County Rural) to M-2 (General Industrial) for approximately 2.85± acres. This rezoning of the subject property is necessary to accommodate a larger revised site development plan associated with the

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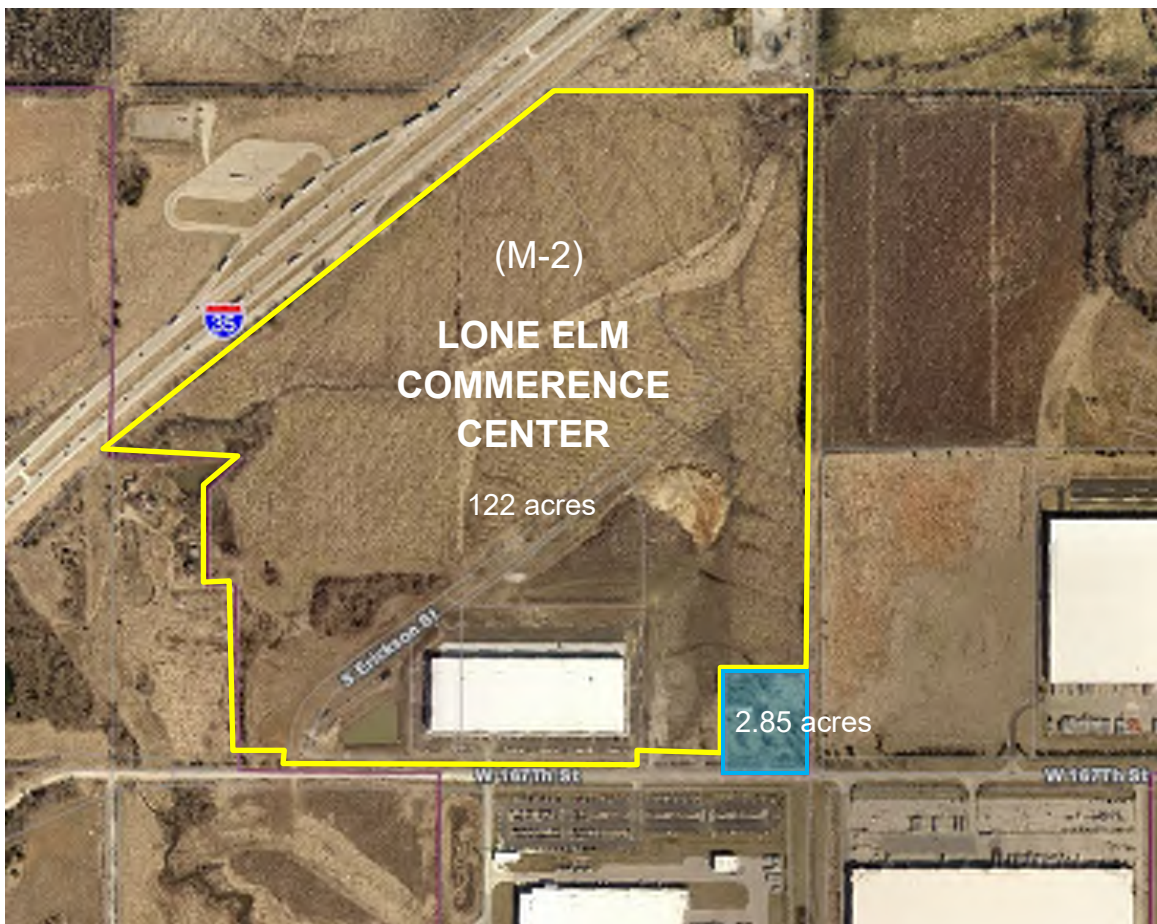
Lone Elm Commerce Center industrial park as noted in Exhibit 1 below. Due to the size and location of this 2.85-acre lot, full building improvements are being included as part of a larger revised preliminary site development plan currently under review, which will accommodate two warehousing/distribution buildings totaling approximately 300,000 sq. ft. of gross building area. These plans will ensure a cohesive design and are consistent with the high standard of development within the Lone Elm Commerce Center development area.

Exhibit 1.



2. Existing Conditions:

The subject property is surrounded to the north and west by warehouse and distribution facilities existing or currently under construction within the Lone Elm Commerce Center development. Warehouse and distribution centers for FedEx Ground and FedEx SmartPost/Bushnell are located directly south of the subject property, across W. 167th Street. A designated greenway space adjacent to the east separates the property from Faith Technologies, formerly Pacific Sunwear (PacSun) Distribution Center.



Subject property highlighted in blue.



View of subject property from 167th Street, looking northwest.

3. Site History:

The majority of the Lone Elm Commerce Center development was rezoned in 2017 (RZ-17-006) from CTY RUR to M-2, but at that time the 2.85-acre portion of the development at the corner of W. 167th Street and future Monticello Road was not included and therefore retains the current RUR zoning.

The existing site to be rezoned is currently unplatted and a separate annexation application was recently approved with the City (ANX20-0002). A vacant accessory structure is located along the western edge of the subject property currently identified as 22310 W. 167th Street.

4. Neighborhood Meeting/Correspondence:

The applicant held a neighborhood meeting on October 5, 2020 as required by the Unified Development Ordinance (UDO). Only one member of the public attended the meeting with no questions or concerns. The applicant nor the City have received any correspondence on this zoning request.

5. Zoning Requirements:

- a. **Land Use** – The applicant is seeking a change of zoning so this parcel can be incorporated into the larger Lone Elm Commerce Center. The uses requested mirror those in the industrial Lone Elm Commerce Center and include such uses as warehouse, office, distribution, wholesale, and storage facilities. Any future uses involving outdoor storage will be required to be screened from view just as the larger Lone Elm Commerce Center is required. The proposed use aligns with the *PlanOlathe* designation for Employment Area and is consistent with adjacent surrounding properties.
- b. **Building Height** – Building heights within the M-2 District are limited in height to 55'. The proposed buildings will meet the requirements of the UDO.
- c. **Setbacks** – All building and parking/paving setbacks will meet requirements of the UDO for M-2 Districts.

6. Development Requirements:

- a. **Access/Streets** – The industrial development will have access from 167th Street. A traffic impact study was submitted with the previous application (RZ-17-006). The study recommended several improvements for public infrastructure, based on the phasing of development.

The subject property is located on Lot 3 of the Lone Elm Commerce Center overall site development plan previously approved with RZ-17-006. As stipulated in Ordinance 17-38, new buildings located on Lot 3 will require construction of Monticello Road to south side of 167th Street to insure proper alignment and functionality of the future Monticello Road / 167th Street intersection. Future Erickson Street, running in the northeast direction through the site, will need to be extended to the northeast property line with future phasing and construction.
- b. **Parking** – Per UDO requirements, parking is required at a minimum rate of one space per 1,500 sq.ft. of building area. Parking will be required to meet all UDO

requirements such as maximum parking numbers, setbacks, and parking area plantings.

- c. **Landscaping** – This site will be required to meet all requirements of the UDO for items such as minimum planting areas and landscape buffers. Staff will work with the applicant on enhanced landscaping along Monticello Road for consistency with the requirements of the larger area.
- d. **Public Utilities** – The property is located in the WaterOne and City of Olathe wastewater service areas.
- e. **Stormwater/Detention** – The property is subject to all City of Olathe Title 17 requirements for stormwater detention and stormwater quality and will be required with final site development plans.

7. **Site Design Standards:**

The proposed development will meet all site design requirements for **Site Design Category 6** (Section 18.15.130) of the UDO.

8. **Building Design Standards:**

Staff will continue to work with the applicant on building design for the proposed development to ensure a cohesive, high-quality design that is consistent with the Lone Elm Commerce Center development area.

9. **Comprehensive Plan Analysis:**

The future land use map of the *PlanOlathe* Comprehensive Plan identifies the subject property as “Employment Area”. These areas are intended to provide a diversity of office buildings, business parks, research facilities and light industrial uses. The proposed zoning request and warehousing/storage buildings are consistent with the City’s future land use plan.

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 proposed M-2 District aligns with the *PlanOlathe* future land use designation for Employment Area and is consistent with adjacent surrounding properties. Promotion of Olathe as an ideal place for new industry and a strong economy are goals of the *PlanOlathe Comprehensive Plan*, which calls for the City 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).

Surrounding zoning of the subject property includes M-2 (General Industrial) to the west, north and south, and MP-2 (Planned General Industrial District) to the east. The land use, along with site and building design will be compatible with the existing uses in the

area and will be of similar scale to the surrounding industrial buildings and maintaining a high standard of development.

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 subject property proposed to rezone from the CTY RUR to M-2 District provides a continuation of an already established M-2 District and industrial area and is compatible with surrounding development.

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

The M-2 District provides for a number of permitted uses which are appropriate for this area designated as an employment district. Industrial districts encourage development to be grouped around major transportation systems; this site is in close proximity to I-35, and directly adjacent to 167th Street, an arterial roadway. The property is suitable to the use restrictions of the M-2 district.

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

The property is and has been vacant agricultural land, which reflects its current zoning designation. Large portions of the Lone Elm Commerce Center area plan also remain undeveloped.

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

The proposed rezoning will have no detrimental effect on nearby properties, which are also designated for existing and future industrial and employment area uses.

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 consists of general industrial uses to the north, south and west and vacant property to the east.

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.

Site development will provide improvements including the construction of Monticello Road extending to the south side of 167th Street to insure proper alignment and functionality of Monticello / 167th Street intersection. Circulation within the site and an adequate availability of parking spaces will be provided to accommodate the warehousing use. The site is also in proximity to the Lone Elm and I-35 Highway interchange. These high capacity roadways are equipped to handle the increased trucking traffic. With the construction of Monticello as proposed and the existing infrastructure in place, no adverse impacts are anticipated from the developing site.

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

The development will follow all regulations and codes pertaining to stormwater, air quality, noise and other impacts on the environment. Staff is not aware of any potential for unlawful levels of air, water or noise pollution with the proposed development.

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

Industrial warehousing can add value to the community through supporting a strong and diversified economy and an expanded employment base, among many other impacts. The proposed development aligns with the City's Comprehensive Plan providing additional economic development opportunities.

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.

The proposed rezoning does not negatively impact public health, safety, or welfare. If the rezoning were denied, the 2.85-acre portion of the property could not be developed for the warehousing use, causing a hardship for the property owner. City staff and the applicant agree the rezoning offers more developable land area for the proposed industrial use and offers consistency with surrounding properties.

10. Staff Recommendation:

Staff recommends approval of the rezoning (RZ20-0008) with the following stipulations:

A. Staff recommends approval of RZ20-0008 for the following reasons:

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

Principle LUC-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."*

Principle ES-4: Employment Areas as Districts. *"Develop distinct employment districts to ensure Olathe's strong and diversified economy."*

ES-3.1: Reinvestment in Existing Commercial and Industrial Areas. *"Cooperate with the private sector to foster the revitalization of existing commercial and industrial areas in order to create greater vitality."*

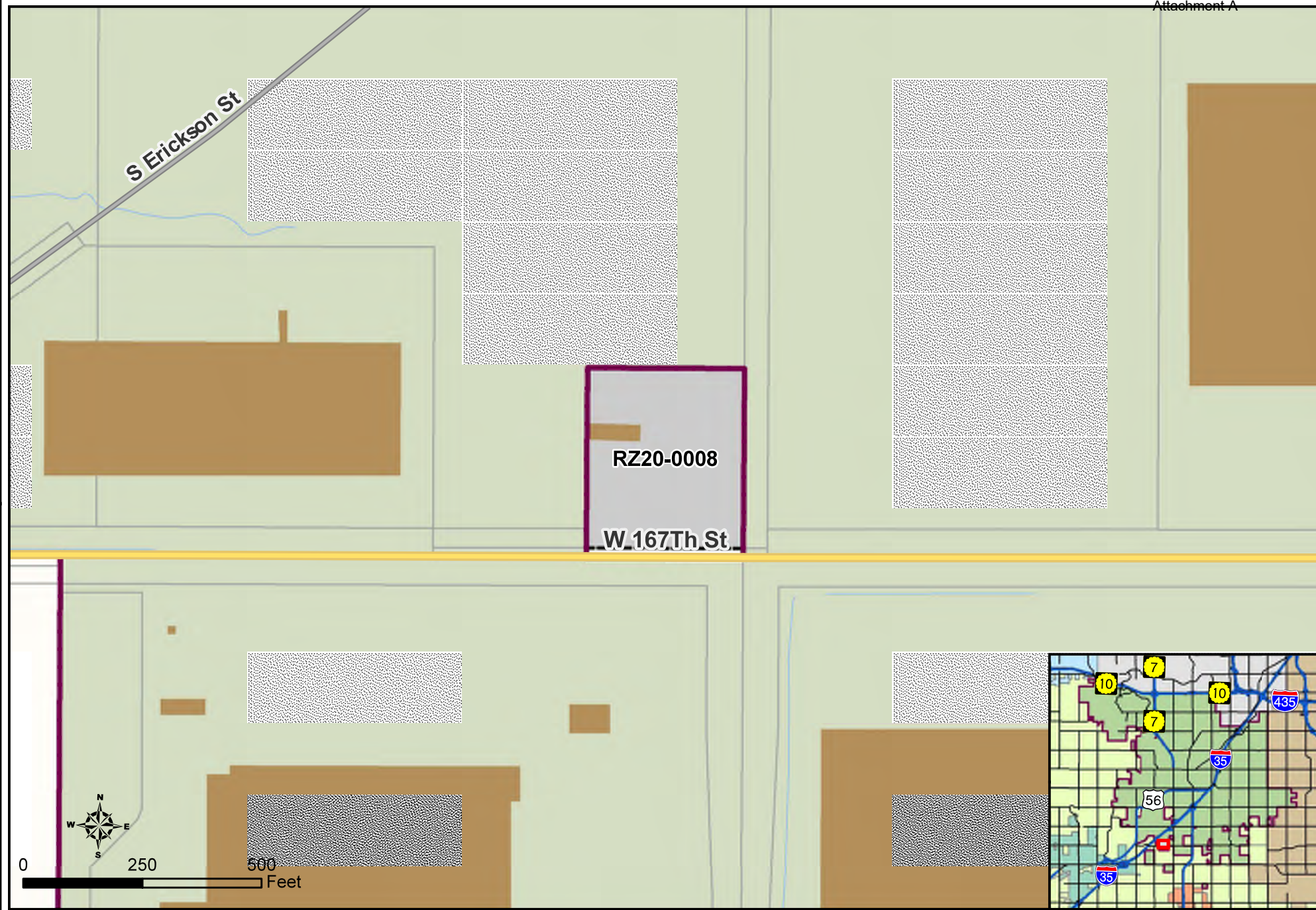
2. The requested rezoning to M-2 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.

B. Staff recommends approval of the rezoning to the M-2 District as presented with the following stipulations:

1. Final site development plans must be approved, and final plat recorded prior to issuance of building permits.

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2. Construction of Monticello Road from Erickson Street, extending to the south side of 167th Street will be completed through an approved development agreement or phasing plan required with forthcoming development plans.



LONE ELM COMMERCE CENTER, BUILDING 2
RZ20-0008



PLANNING
ENGINEERING
IMPLEMENTATION

Page Attachment A

Date _____

Job No. _____

Made By _____

Chkd. By _____

CLIENT _____

JOB _____

Name

Kurt's Campbell

Business

Fath Technologies



NEIGHBORHOOD MEETING MINUTES

TO: EMILY CARILLO
FROM: ROBERT H. HEISE
MEYER COMPANIES, INC.
SUBJECT: NEIGHBORHOOD MEETING FOR ANNEXATION
CC: DAN FINN, JUDD CLAUSSEN, KASEY GRAHAM
DATE: 10/6/2020

We held the neighborhood meeting at the offices of Phelps Engineering, 1270 North Winchester, Olathe, KS 66061. In attendance were:

Kurtis Campbell, Excellerate (Faith Technologies, 21800 W 167th Street, Olathe, KS 66062)
Dan Finn, Phelps Engineering
Rob Heise, Meyer Companies, Inc.

Rob Heise led the meeting conversation by giving background on Lone Elm Commerce Center and the recent development activity. We then addressed the annexation application of the 2.85 acres and described how we envisioned it fitting into the 122-acre business park. While this meeting was for annexation, the discussion led to zoning so we discussed our intention to rezone the property to M-2 with waivers consistent with our existing approvals. We informed Mr. Campbell that there was a public notification letter mailed out Friday 10/2/20.

The meeting lasted approximately 20 minutes and was adjourned.

Exhibit 1

Rezoning 2.85 acres for Lone Elm Commerce Center

