

STAFF REPORT

Planning Commission Meeting: March 22, 2021

Application:	<u>RZ21-0004:</u> Rezoning from CTY RUR (County Rural) to M-2 (General Industrial)
Location:	Southeast of the intersection of Hedge Lane and 167 th Street
Owner:	Tom Vankiersbilck and Mike Dusselier
Applicant:	Clay Vanice, Jones Development Co.
Engineer:	Mick Slutter, Renaissance Infrastructure Consulting
Staff Contact:	Zachary Moore, Planner II

Site Area:	<u>11.6± acres</u>	Proposed Use:	<u>Parking Lot, Surface, as Principal Use</u>
Plat:	<u>Unplatted</u>		
Existing Zoning:	<u>CTY RUR</u>	Proposed Zoning:	<u>M-2 (General Industrial)</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Industrial Area	Vacant (proposed parking lot)	CTY RUR (proposed M-2)	6	N/A
North	Employment Area	Industrial Warehouse	M-2	5	E
South	Secondary Greenway	Vacant (County)	CTY RUR	-	-
East	Industrial Area	Industrial Warehouse	M-2	-	-
West	Secondary Greenway	Vacant (County)	CTY RUR	-	-

1. Proposal

The applicant is requesting approval of a rezoning from CTY RUR (County Rural) to M-2 (General Industrial) District with a preliminary site development plan for FedEx Olathe – Project 3. The subject property is located south of 167th Street just east of Hedge Lane.

The existing FedEx facility is immediately adjacent to the east of the subject property and there will be a private driveway connection between the existing site and proposed truck parking lot. Access to the new parking lot is only via the existing the driveway on 167th Street and no new entrances along 167th Street are proposed.

The applicant is proposing to add a parking area to accommodate an increase in shipping demand as there has been an E-commerce increase in the past several years. In order to develop this lot for the primary use of a parking area, the site must be rezoned to the M-2 District which allows for surface parking lots as a single, primary land use.

A preliminary site development plan is included with this rezoning request, as is required by Unified Development Ordinance (UDO), Section 18.40.090. The preliminary site development plan includes a 235 stall parking lot for truck trailers that will connect to a private drive internal to the existing FedEx property at its northwest corner. Landscaping has been provided around the exterior of the entire parking lot in excess of UDO requirements. No waivers are being requested with this application and staff is supportive of the request to rezone the subject property to the M-2 District and the preliminary site development plan.

2. History

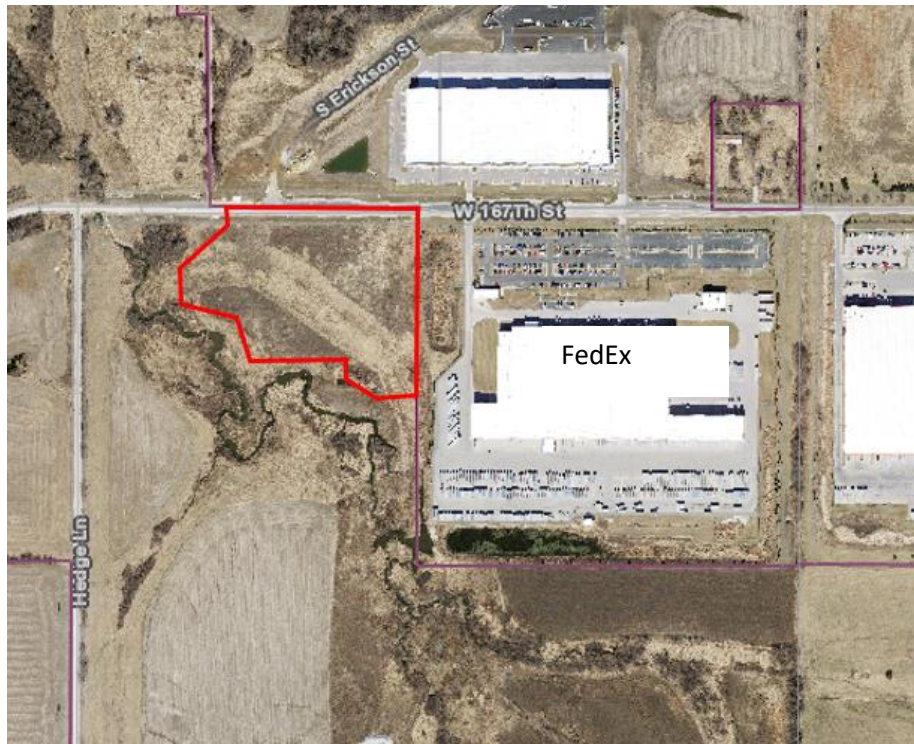
The 11.6-acre subject property was annexed in March of 2021 along with another tract of land located south of the existing facility which is also on this agenda for a rezoning (RZ21-0005). The adjacent FedEx facility was annexed in September 2014 and was rezoned to the M-2 District in November 2014. This 11.6-acre tract will be an extension of the FedEx facility operations by providing needed parking for Ecommerce and shipping area. There have been no previous development proposals on the subject property which is currently vacant.

3. Existing Conditions

The property has historically been used for agricultural purposes and have never been developed. A stream runs just past the southern and western property line and a portion of the site lies within the future floodplain.



View of site looking southwest from 167th Street



Aerial view of subject property, outlined in red

4. Zoning Standards

- a. **Land Use** – The applicant is seeking a change of zoning to the M-2 District to allow for a surface parking lot to be developed as the primary use of this site. Other uses included in the M-2 District include industrial uses such as distribution, warehousing, storage and manufacturing.

The site is designated as Industrial Area on the PlanOlathe Future Land Use Map, with a small portion to the south designated as Secondary Greenway. The land use proposed and the land uses allowed in the M-2 District are compatible with the Industrial Area designation, which calls for industrial uses such as manufacturing, assembly, warehousing, and distribution. There are no use restrictions proposed or recommended with this proposal.

- b. **Setbacks** – Parking and paving areas for developments in the M-2 District must be set back a minimum of 30 feet from street right-of-way and a minimum of 10 feet from other property lines. The proposed development meets all setback requirements established in the UDO. In addition to the required setback from the street right-of-way, a black, vinyl-coated, chain link fence is proposed 15 feet from the curb around the perimeter of the parking lot.
- c. **Open Space** – Development in the M-2 District is required to provide a minimum of 15% open space. The proposal will provide 43% open space, exceeding this requirement.

5. Site Design Standards

The subject property is designated as “Industrial Area” on the Future Land Use Map of the PlanOlathe Comprehensive Plan and is therefore subject to **Site Design Category 6** (UDO 18.15.130). The following is a summary of the site design requirements:

- a. **Parking Pod Size** – Development in Site Design Category 6 permits a maximum of 320 parking stalls in one parking pod. The proposed parking lot included with this preliminary site development plan includes 235 truck parking stalls and is therefore compliant with this requirement.
- b. **Drainage Features** – Development subject to Site Design Category 6 with open drainage and detention areas visible to the public must incorporate those features as an attractive amenity or focal point. All new drainage and detention areas on the site will not be visible to the public, as they will be located south of the proposed parking lot.
- c. **Landscaped Buffer Area** – Landscape buffer standards apply to developments that are subject to Site Design Category 6 when adjacent to an arterial street. The subject property is adjacent to 167th Street to the north, and the proposal includes a 50-foot setback from the street right-of-way to the northern curb of the parking lot. This setback area includes landscaping that will have a minimum of 70% porous surface and a minimum 50% planted material, compliant with this requirement.

6. Building Design

There are no buildings proposed with this preliminary site development plan, and therefore, no building design standards apply. If a guard shack or other structure is proposed in the future, it must comply with the City’s applicable building design standards.

7. Development Requirements

- a. **Site Access** – Access to the subject property will be provided from an internal drive within the existing FedEx facility. A spur from this drive will extend west to the proposed parking lot. No new curb cuts will be created along 167th Street to the north.
- b. **Landscaping** – Landscaping will be provided throughout the site in excess of UDO requirements. A 50-foot buffer will be provided along 167th Street, an arterial street, and will provide plant material in excess of the landscaping requirements of UDO, Section 18.30.130. Perimeter landscaping will be provided with 10-foot wide Type 1 buffers along the western and southern property lines, compliant with UDO requirements.
- c. **Parking** – Parking requirements for express and shipment facilities are required to provide a minimum of 1 parking stall per 1,500 square feet of building square footage. The existing building on the property to the east is approximately 305,859 square feet in size, and therefore requires a minimum of 204 parking stalls. The original proposal included 483 parking stalls for standard automobiles as well as 193 stalls for trailers and 107 stalls for long trailers. This proposal will add 235 stalls for long trailers to the west of the site. The applicant has stated that the significant increase in e-commerce has heightened the demand for additional truck parking on site.

- d. **Public Utilities** – The subject property is located within the City of Olathe Sewer service area and the WaterOne service area. Two sanitary sewer lines run through the property, one extending from the southeastern portion of the property running northwest. In the center of the property, this sewer line will connect with a sewer line that serves the properties to the north, in the Lone Elm Commerce Center. This sewer line will then flow to the west and northwest, off-site.

8. Neighborhood Meeting and Public Notice

A neighborhood meeting was not required for this proposal, as there is no residential development within 500 feet of the subject property. Public notice was still required and the applicant mailed the required public notification letters to surrounding property owners within 200 feet in the City and 1,000 feet in the County and posted signs on the property per UDO requirements. Staff has not received any correspondence from the public regarding this application.

9. Comprehensive Plan Analysis

The future land use map of PlanOlathe identifies the subject property as “Industrial Area”. The M-2 (General Industrial) District aligns with the Industrial Area future land use designation of the property, which are designated for more intensive industrial uses, including manufacturing, assembly, and distribution.

The criteria provided on the following pages are criteria for considering rezoning applications as listed in UDO Section 18.40.090.G.

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

The subject property is requesting rezoning to the M-2 (General Industrial) District, which aligns with the future land use map designation of “Industrial Area” in PlanOlathe. PlanOlathe includes policies to achieve economic sustainability and to maintain the character of Olathe while promoting mobility. The proposed rezoning and development plan aligns with the four policies of PlanOlathe listed below:

Policy LUCC-1.1: *“Land use proposals should be consistent with the vision of the Comprehensive Plan, as well as applicable local ordinances and resolutions.”*

Policy LUCC-8.2: *“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.”*

Policy ES-1.4: *“Support the retention, expansion and entrepreneurial activities of existing local business and maintain a positive business climate.”*

Policy M-1.8: *“Minimize truck traffic on local streets outside of industrial 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 properties to the north and east are both zoned M-2 and are developed with large industrial warehouse buildings 200,000+ square feet in size. These industrial warehouse buildings are finished with concrete tilt up panels and glass and are both just over 40 feet in height. The industrial buildings are centrally located on each respective lot, each set back over 80 feet from the 167th Street right-of-way.

The properties to the south and west of the subject property are vacant and are currently being used for agricultural purposes.

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 properties immediately to the north and east of the subject property are currently zoned M-2 and are both developed with industrial buildings. The properties to the west and south of the subject property are within the unincorporated portion of the County and retain a CTY RUR zoning designation. The proposed M-2 zoning and truck trailer parking lot proposed on the subject property will be in harmony with the existing zoning districts and uses on the nearby properties.

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

The current CTY RUR (County Rural) District primarily allows for agricultural uses and single-family dwellings on 10-acre lots or larger. The location of the subject property along an arterial roadway within the City, in close proximity to large industrial warehouse buildings is not suitable for agricultural uses nor large-lot single-family development.

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

The subject property has retained its CTY RUR zoning designation since 1994 and has never been developed. The property was also recently annexed into the City on March 2, 2021.

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

The proposed rezoning to the M-2 District and related preliminary site development plan will not detrimentally affect nearby property values. The existing FedEx facility that this rezoning will expand was originally constructed in 2015. Since then, appraised property values of nearby properties have increased each year, per the Johnson County Appraiser's Office.

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 proposed addition of the truck trailer parking lot to the west of the existing FedEx property will not adversely impact the capacity of the street network. 167th Street, which the FedEx facility takes access from, is an arterial roadway, and connects to Lone Elm Road approximately $\frac{3}{4}$ of a mile to the east of the subject property. The subject property is within close proximity to the 159th Street interchange with Interstate 35, and trucks may only access this interchange from the subject property by way of arterial roadways, which are designed to accommodate higher amounts of traffic. The addition of the 235 truck trailer parking stalls will help to ensure that no truck trailers will be parked along City right-of-way, and in addition to the parking area proposed with RZ21-0005, will help avoid any parking problems in the vicinity.

H. 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. The applicant is maintaining a buffer from the stream corridor and is landscaping the site in excess of UDO requirements.

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

Future development of the subject property will result in an increase of property tax and will provide additional opportunities for employment in the City.

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 be able to develop the property under the terms and regulations of the CTY RUR (County Rural) District, which allows for agricultural uses and large-lot single-family residential. The rezoning of the property to the M-2 District would allow for the development of this parcel as a parking lot to serve the adjacent FedEx facility. The proposed zoning does not negatively impact the public health, safety and welfare as presented.

10. Staff Recommendation

A. Staff recommends approval of the rezoning to the M-2 District for the following reasons:

1. The proposed development complies with the policies and goals of the Comprehensive Plan for Land Use and Community Character (LUCC-1.1, LUCC-8.2, ES-1.4, and M-1.8).
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. Staff recommends approval of the preliminary site development plan with the following stipulations:
 - 1. The following is required prior to issuance of a parking lot permit:
 - a. Final site development plan approval; and
 - b. Final plat approval and recording; and
 - c. Floodplain Development Permit approval; and
 - d. A copy of the Stormwater Treatment Facility Maintenance Agreement must be provided to staff.
 - 2. A final stormwater management report is required with the Final Site Development Plan.

W 167Th St

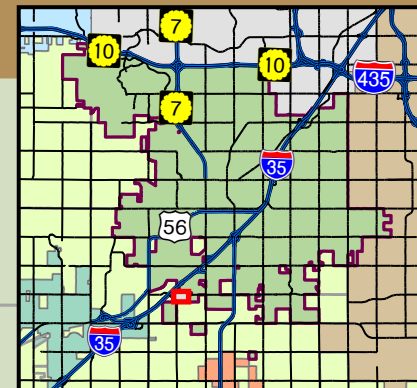
S Erickson St

Hedge Ln

RZ21-0004



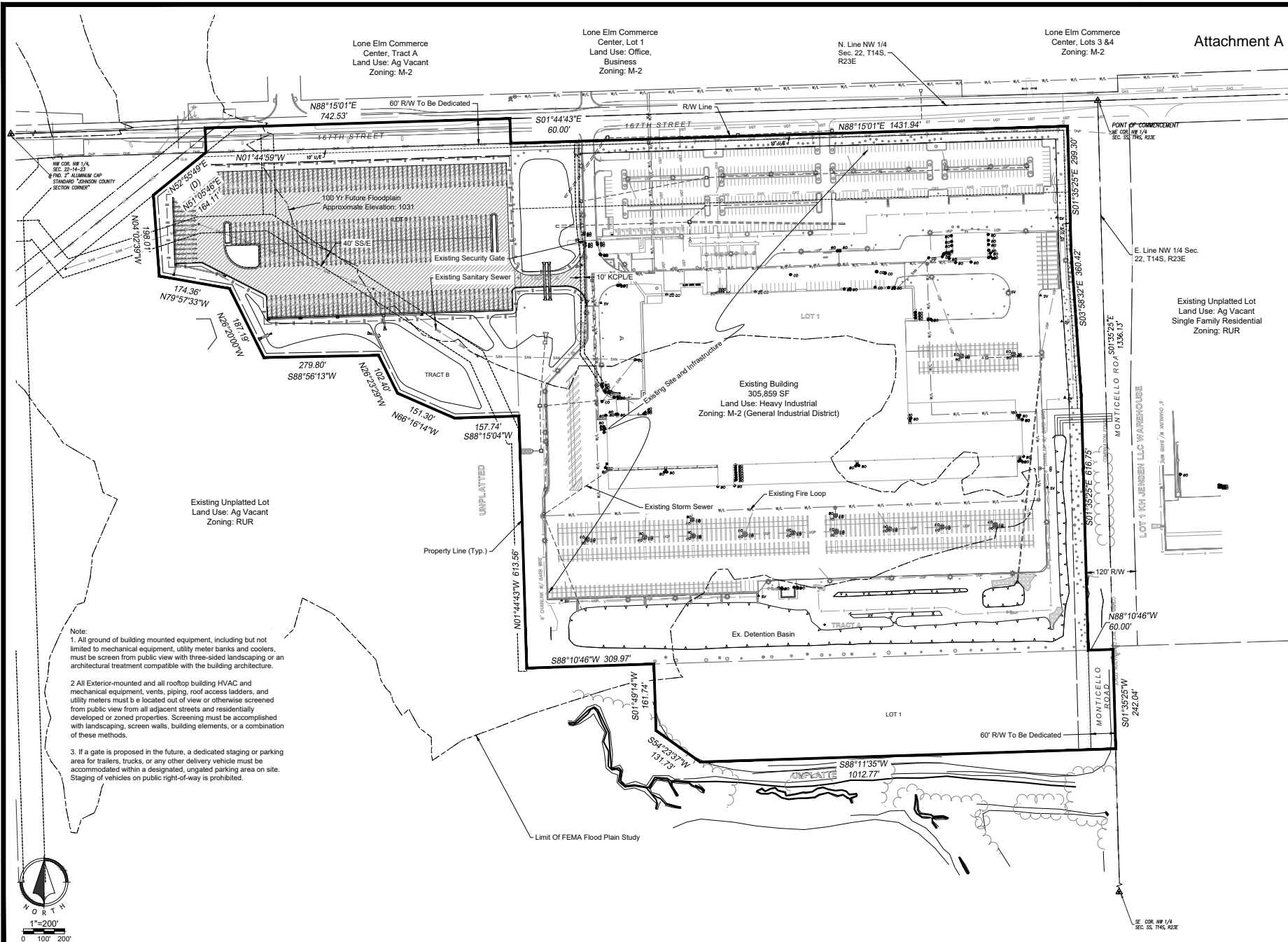
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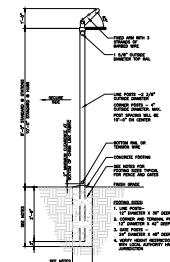
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FEDEX OLATHE PROJECT 3 RZ21-0004

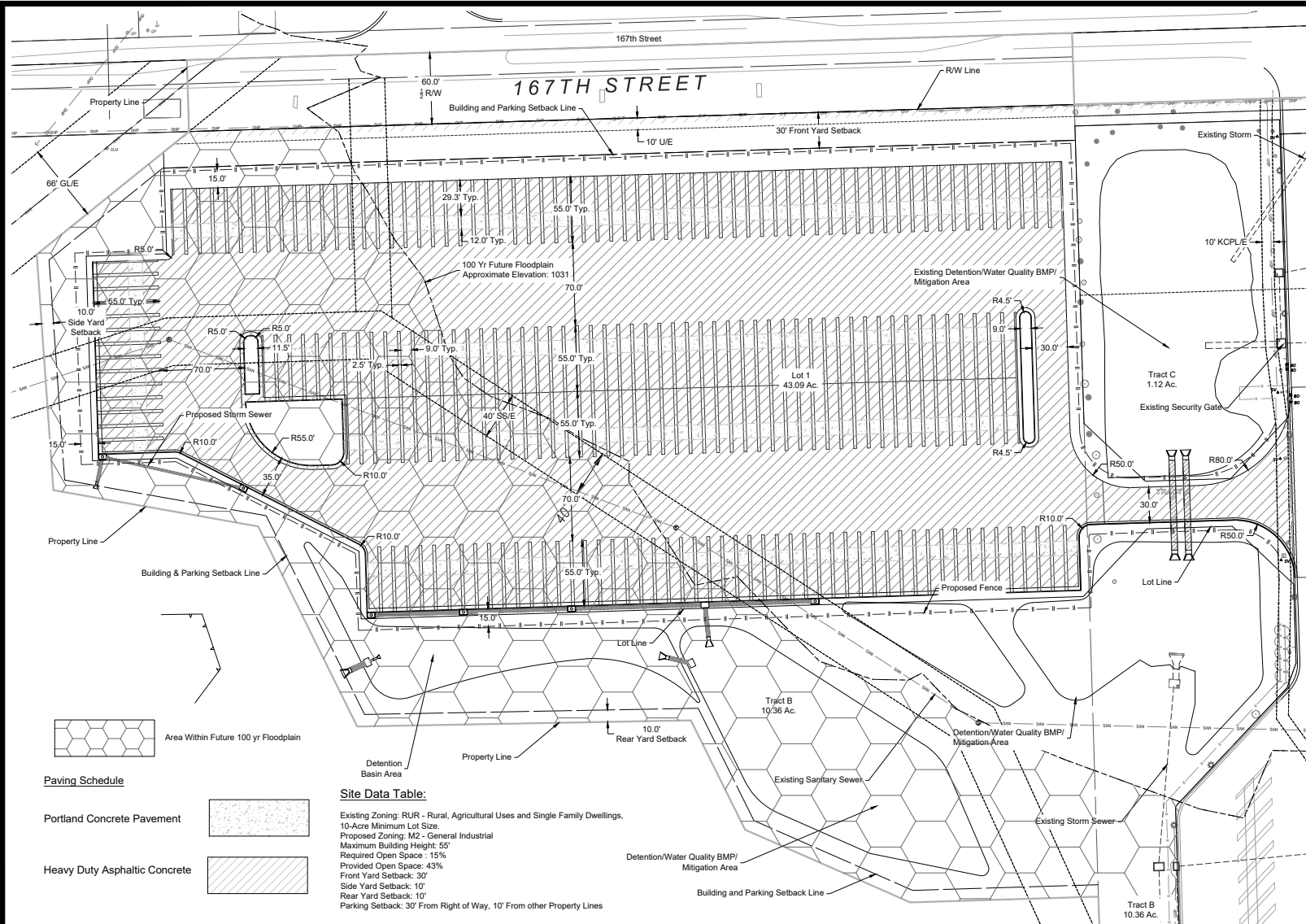


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Attachment A

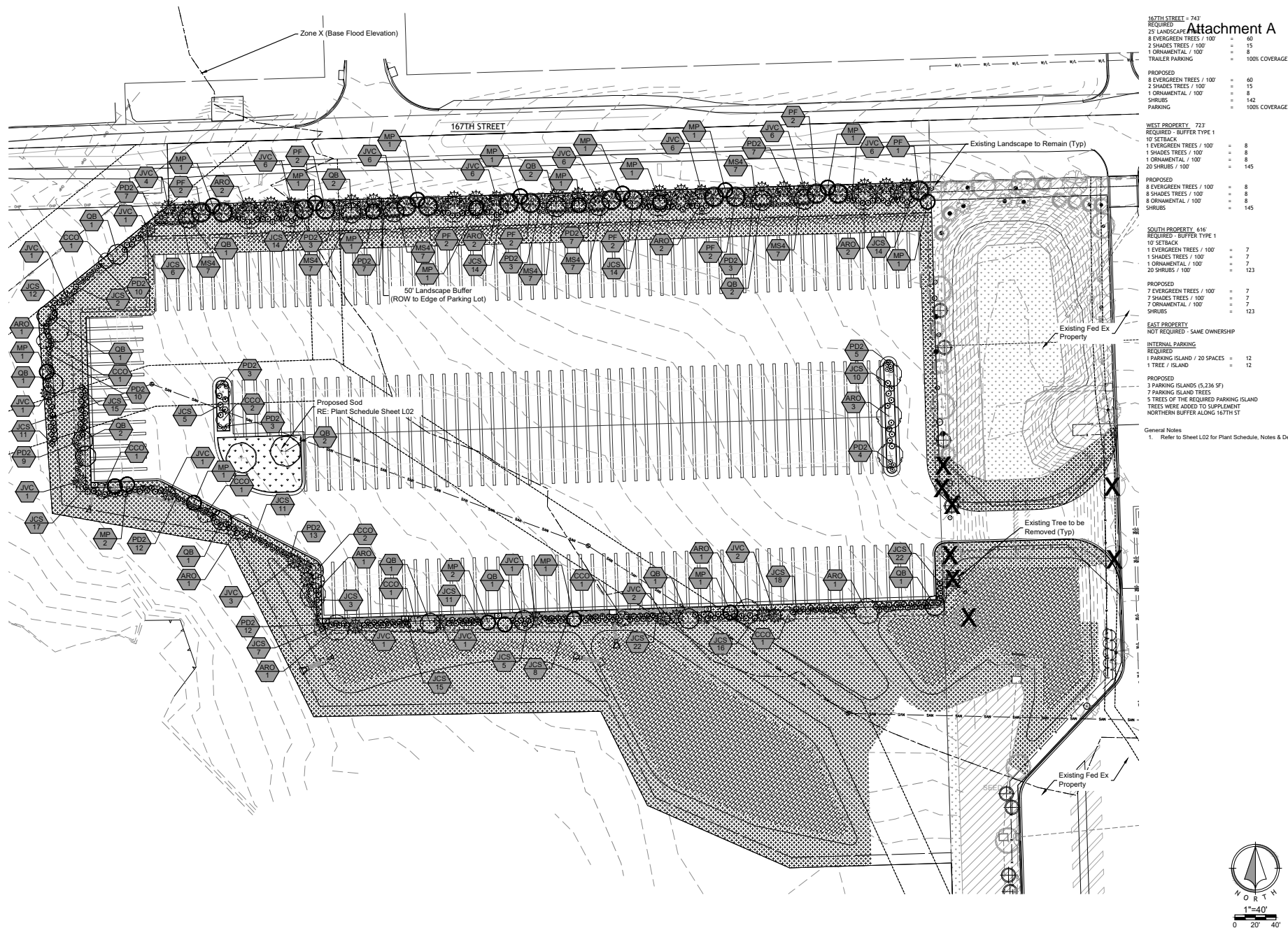


PERIMETER FENCE DETAIL
(NOT TO SCALE)





Area of Proposed Slopes
Exceeding 10%



PLANT SCHEDULE

DECIDUOUS TREES	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
ARO	Acer rubrum 'October Glory' TM / October Glory Maple	B&B	2.5"	Cal.	17
CCO	Cercis canadensis 'Oklahoma' / Oklahoma Redbud	B&B	2"	Cal.	11
MP	Malus x 'Prairifire' / Prairifire Crab Apple	B&B	2"	Cal.	10
QB	Quercus bicolor / Swamp White Oak	B&B	2.5"	Cal.	20
EVERGREEN TREES	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
JVC	Juniperus virginiana 'Canaerti' / Canaerti Juniper	B&B	6"	Ht. Min.	61
PF	Pinus flexilis 'Vanderwolf's Pyramid' / Vanderwolf's Pyramid Pine	B&B	6"	Ht. Min.	15
SHRUBS	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
PDZ	Physocarpus opulifolius 'Diablo' / Diablo Ninebark	5 Gal.	-	-	118
GRASSES	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
MS4	Miscanthus sinensis 'Morning Light' / Eulalia Grass	5 Gal.	-	-	49
EVERGREEN SHRUBS	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
JCS	Juniperus chinensis 'Sea Green' / Sea Green Juniper	5 Gal.	-	-	272
GROUND COVERS	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	QTY
	Lower Basin / Native Seed 50% - Panicum Virgatum - Switchgrass 50% Spartina pectinata - Prairie Cordgrass	SEED	-	-	48,692 sf
	Native Seed 50% - Bouteloua dactyloides - Buffalo Grass 50% - Bouteloua gracilis - Blue Grama	SEED	-	-	140,909 sf
	Turfgrass Sod Fescue Mix; RE: Notes / Fescue Sod	SOD	-	-	3,717 sf

LANDSCAPE NOTES:

- CONTRACTOR REQUIRED TO LOCATE ALL UTILITIES BEFORE INSTALLATION TO BEGIN.
- Contractor shall verify all landscape material quantities and shall report any discrepancies to the Landscape Architect prior to installation.
- No plant material substitutions are allowed without Landscape Architect or Owners approval.
- Contractor shall guarantee all landscape work and plant material for a period of one year from date of acceptance of the work by the Owner. Any plant material which dies during the one year guarantee period shall be replaced by the contractor during normal planting seasons.
- Contractor shall be responsible for maintenance of the plants until completion of the job and acceptance by the Owner.
- The developer, its successor and/or subsequent owners and their agents will maintain landscaping on the property on a continuing basis for the life of the development.
- The property owner will maintain landscape areas in good condition and in a way that presents a healthy, neat, and orderly appearance. This maintenance must include weeding, watering, fertilized, pruning, mowing, edging, mulching or other maintenance, in accordance with acceptable horticultural practices.
- Landscape contractor shall provide a automatic irrigation for all turf and planting areas within the property. Irrigation system shall have it's own separate meter and valve.
- Irrigation systems must be continuously maintained in working order and be designed so as not to overlap water zoned, or to impervious areas.
- No irrigation system will be installed or maintained abutting any public street which causes water from the system to spurt onto the roadway or to strike passing vehicular traffic.
- All landscape areas must be provided with a readily available water supply with at least one (1) outlet within 100 feet of the plants to be maintained. The use of nonpotable water for irrigation will be encouraged.
- All plant material shall be specimen quality stock as determined in the "American Standards For Nursery Stock" published by The American Association of Nurseryman, free of plant diseases, pests, and damage, of typical growth of the species and having a healthy, normal root system. Dead plants must be promptly removed and replaced.
- Sizes indicated on the plant list are the minimum, acceptable size. In no case will sizes less than specified be accepted.
- The height of any plantings used for screening must be at least the height of the equipment it is proposed to screen at the time of planting.
- All shrub beds within lawn areas to receive a manicured edge.
- All shrub beds shall be mulched with 3" of shredded hardwood mulch.
- All parking lot landscape islands shall be sodded.
- All sod areas to be fertilized & sodded with a Turf-Type-Tall Fescue seed blend.
- Along street right-of-way, parking areas shall be screened to a minimum height of 3' as measured from the grade of the parking lot or adjacent street curb, whichever is of the higher elevation.
- A minimum of 1/3 of all plantings shall be evergreen species.
- 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 architecture.
- All exterior-mounted and all rooftop building HVAC and mechanical equipment, vents, piping, roof access ladders, and utility meters must be located out of view or otherwise screened from public view from all adjacent streets and residentially developed or zoned properties. Screening must be accomplished with landscaping, screen walls, building elements, or a combination of these methods.
- All landscape shall be installed per the minimum size stated on the plant schedule. All plants found not to meet this requirement shall be rejected and shall be replaced and replanted at no cost to the Owner.
- Trees shall not be planted within 15 feet of a light pole. All tree locations near utility poles shall be field located to meet this requirement. Trees found to not meet this requirement shall be moved at the cost of the Contractor.
- Trees must not be placed within utility easements, but within adjacent areas that do no conflict with such public easements and meet site landscaping requirements.
- Trees, Shrubs and/or Woody plants shall not be planted within 10' of an existing or proposed Fire Hydrant. Planting near Hydrants shall be field located to meet this requirement. Plants found to not meet this requirement shall be moved at the cost of the Contractor.
- Utilities boxes & transformers shall be 100% screened from Public View at the time of planting. Utility boxes and transformers shown are for coordination only. Contractor shall notify Landscape Architect or Owner of any utilities that are not shown or constructed per plan.

Native Grass Establishment Procedure:

- 1st Year Growth season supplemental watering should be applied which should be 1" of natural or supplemental moisture per week.
- 2nd Year Growth season supplemental watering should be applied as needed.
- 3rd Year Growth season should have a large enough root system to withstand occasional drought. Dead plants should be removed, noting location and type and replaced with approved plants at the next appropriate planting season.

Mowing

First growing season - mow native areas to height of 6 - 8". Mow additionally every four weeks or as needed to prevent buildup of cuttings and prevent weeds from shading natives. Second and additional growing seasons: mow once at a height of 6" during May to June and once during dormant period (Jan.) mow with a bag or mow and rake off all excess



Free Standing Transformer



Free Standing Small Box



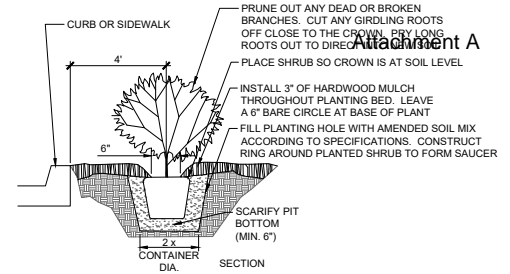
Free Standing Small Box



Clustered Boxes

UTILITY BOXES SHALL BE CLUSTERED AS MUCH AS POSSIBLE

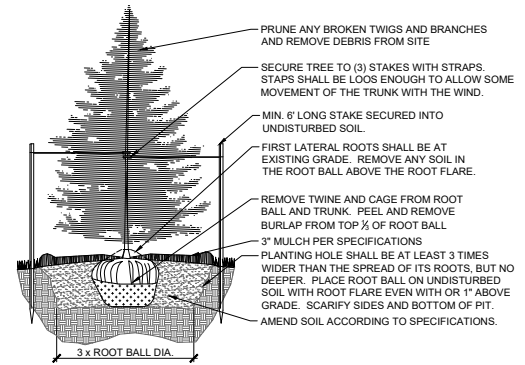
TYPICAL UTILITY BOX SCREENING - NTS



NOTES:

- REFER TO SPECIFICATIONS FOR TOPSOIL BACKFILL MIX.
- CONTRACTOR TO WATER THOROUGHLY AFTER PLANTING
- INSTALLATION TO BE IN ACCORDANCE WITH PLANTING SPECIFICATIONS

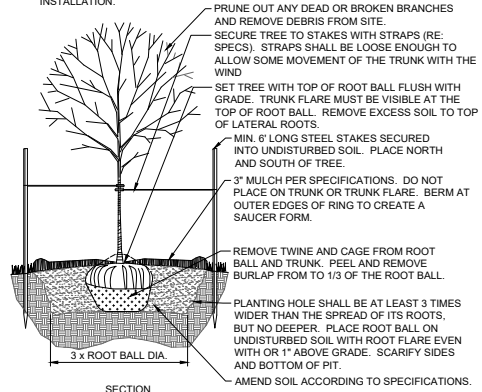
SHRUB PLANTING DETAIL - NTS



EVERGREEN TREE PLANTING DETAIL - NTS

NOTES:

- TREES THAT DO NOT MEET THE SIZE REQUIREMENT WILL BE REJECTED
- TREES SHALL BE INSPECTED BY OWNERS REPRESENTATIVE PRIOR TO INSTALLATION.



TREE PLANTING DETAIL - NTS

Sheet

L02

Rezoning/Preliminary Development Plans

20-0137

FedEx Ground - Olathe Project 3
Olathe, Johnson County, KS

Notes & Details

REVISION

Renaissance
Infrastructure
Consulting

1115 PACIFIC STREET, SUITE 200
KANSAS CITY, MISSOURI 64108
816.400.0953
WWW.RIC-CONSULT.COM
E-1814
KS Certificate of Authority

Rezoning Application Reasoning for JDC Olathe West Lot

The applicant is requesting rezoning to incorporate this parcel into their existing site to use for trailer parking. This request is due to the increased demand for shipping as more people are having goods delivered directly to their homes. Over the past few years, E-Commerce has seen a large increase. Last year with COVID, people were working from home and not wanting to leave home to shop because of the pandemic. This sped up the increase demand for E-Commerce as well. FedEx sees this trend continuing for the foreseeable future.