



# City of Olathe

## Legislation Details (With Text)

**File #:** G19-1054

**Type:** New Business-Public Works      **Status:** Agenda Ready

**File created:** 8/23/2019      **In control:** City Council

**On agenda:** 12/3/2019      **Final action:** 12/3/2019

**Title:** Consideration of RZ19-0011, requesting approval of a zoning amendment for the Planned District (PD), Archer Subdivision (specifically Tommy's Express Car Wash) on 1.04± acres located at 225 S. Parker Street. Planning Commission recommends denial 6 to 0.

**Sponsors:** Aimee Nassif, Kim Hollingsworth

**Indexes:**

**Code sections:**

**Attachments:** 1. A. Planning Commission Packet, 2. B. Planning Commission Minutes, 3. C. Letters of Support

Date	Ver.	Action By	Action	Result
12/3/2019	1	City Council	approved	Pass

**DEPARTMENT:** Public Works, Planning Division

**STAFF CONTACT:** Kim Hollingsworth, Senior Planner

**SUBJECT:** RZ19-0011: Zoning amendment for PD District, Applicant: Heise-Meyer

### ITEM DESCRIPTION:

Consideration of RZ19-0011, requesting approval of a zoning amendment for the Planned District (PD), Archer Subdivision (specifically Tommy's Express Car Wash) on 1.04± acres located at 225 S. Parker Street. Planning Commission recommends denial 6 to 0.

### SUMMARY:

The applicant is requesting a zoning amendment to Ordinance 17-55 for the Archer Subdivision Planned District to permit a car wash facility on Lot 2 of the development. The Planned District for Archer Subdivision was recently approved in 2017 with a stipulation explicitly prohibiting car washes and other intense commercial or automobile-oriented uses. Planned District uses as well as other development conditions are agreed upon as part of the negotiations during the zoning process. Staff recommends denial of the application for failure to meet the Unified Development Ordinance (UDO) Section 18.40.090 criteria for rezonings, inconsistency with the approved zoning stipulations of the Archer Subdivision Planned District, and incompatibility with PlanOlathe Comprehensive Plan goals.

The purpose of a Planned District is to encourage innovative land planning and design that promotes a cohesive character and quality of development. Land uses and development standards such as density, setbacks, and open space for Planned Districts are negotiated between the City and the applicant throughout the review process and are established at the time of zoning. This process allows the applicant more flexible development standards than would be permitted in other zoning districts in exchange for high-quality development and agreed upon restrictions.

Unified Development Ordinance (UDO), Section 18.20.220.B.3 includes the following requirement for Planned Districts: "The submittal by the developer and the approval by the City of development plans

is a firm commitment by the developer that development will comply with the approved plans.” During the negotiation for this Planned District, it was agreed upon that the uses for the commercial lots would be restricted to those allowed by-right in the C-1 through C-4 districts, with the exception of certain uses including car washes; convenience stores with gas; and gas stations. The restrictions on the smaller commercial lots were intended to permit uses that are complimentary to the adjacent multi-family residential units planned within the Archer Subdivision and promote the pedestrian-oriented character envisioned for the overall development.

According to PlanOlathe, the subject property is located primarily within the Neighborhood Commercial Center future land use area which promotes developments with a pedestrian-oriented size, scale, and intensity, and may include small offices, restaurants, retail, or other neighborhood-oriented businesses serving the immediate vicinity. Neighborhood Commercial Centers are intended to define neighborhoods as specific places that are particularly suited to a pedestrian-friendly design and character. Therefore, uses such as gas stations and car washes are not appropriate in Neighborhood Commercial Centers as they are automobile-oriented uses that are typically developed within higher-intensity commercial centers to generate a more regional draw of customers.

In addition, the proposed amendment fails several of the Golden criteria for rezonings under Section 18.40.090 of the UDO including conformance to the Comprehensive Plan, character of the neighborhood and length of time the property has been vacant as zoned. Staff’s analysis of the rezoning criteria are outlined in detail in the attached Planning Commission Packet.

The applicant has submitted a preliminary site plan and building elevations for the car wash; however, City staff has not performed an analysis of the site or building design due to staff’s recommendation for denial of the zoning amendment. If the zoning amendment fails, the preliminary development plan automatically fails. It is important to note however, the plan submitted does not comply with the original site layout which promoted pedestrian connectivity and walkability from the future multi-family development. The proposal for this prohibited use also changes that original layout and design concept.

On August 12, 2019, the Planning Commission held a public hearing for the proposed zoning amendment. One person spoke against the proposed car wash and referenced an abundance of other related facilities in the surrounding area that are already serving this need in higher-intensity commercial developments typically near major intersections. The Planning Commission voted 6-0 to recommend denial of RZ19-0011 for the reasons outlined in the Planning Commission minutes. Two letters of support for the proposed facility were received by City staff after the Planning Commission meeting and have been included as attachments for reference. City staff have not received any other correspondence from other individuals in support of or against the proposal since the Planning Commission meeting.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

1. Deny the requested zoning amendment to the PD District to approve a car wash as a permitted use within the Archer Subdivision PD District (4 positive votes required).
2. Overturn the Planning Commission’s recommendation for denial and approve the zoning

amendment for the PD District (5 positive votes required).

3. Return the zoning amendment application to the Planning Commission for further consideration with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

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**ATTACHMENT(S):**

- A. Planning Commission Packet
- B. Planning Commission Minutes
- C. Letters of Support