



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 2/5/2019

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**DEPARTMENT:** Public Works, City Planning Division

**STAFF CONTACT:** Sean Pendley, Senior Planner

**APPLICANT:** Woodbury Corporation, Lynn Woodbury

**SUBJECT:** RZ18-0021, a rezoning from CP-3 to PD (Planned District) and preliminary development plan for Mentum, mixed-use development, located in the vicinity of 151<sup>st</sup> Street and Harrison Street

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**ITEM DESCRIPTION:**

Consideration of Ordinance No. 19-05, RZ18-0021, requesting approval for a rezoning from CP-3 to PD (Planned District) and preliminary site development plan for Mentum, mixed-use development, on 105.5± acres; located in the vicinity of 151<sup>st</sup> Street and Harrison Street. Planning Commission recommends approval 5-0.

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**SUMMARY:**

The applicant is requesting a rezoning from CP-3 (Planned Commercial District) to PD (Planned District) and preliminary site development plan for Mentum, a mixed-use development containing a total area of 105.5 acres. The subject property is generally bounded by 151<sup>st</sup> Street to the south, Harrison Street to the east and South Park Boulevard to the north and west. The site was formerly developed as The Great Mall of the Great Plains.

The proposed development for Mentum is envisioned as a regional destination with a variety of entertainment, commercial, office and multifamily residential uses. The primary entertainment uses consist of an arena with ice hockey rink, fitness center, interactive-golf facility, rock climbing center and theater. The preliminary plan also includes approximately 190,000 square feet of retail, hotel and restaurant uses, and 40,000 square foot medical office building. In addition, there are seven apartment buildings with a total of 570 units.

The applicant is requesting Planned District zoning due to the unique integration between different land uses and creative design elements for the overall development area. The zoning for Planned Districts establishes permitted uses, and development standards, such as building height, setbacks and architectural design. The UDO specifies certain uses that are prohibited in PD zoning but it allows flexibility for a variety of other uses. Based on the nature of the development, staff has created a list for permitted, restricted and prohibited land uses (Exhibit A). The applicant has requested consideration to allow automotive maintenance establishments in certain areas of the site. However, staff does not support this use due to incompatibility with the development and potential nuisances associated with automotive related services, such as overhead bay doors and noise.

The applicant completed a traffic impact study that included a review of several intersections around the proposed development and the interchange for I-35/US-169/K-7. For the first phase of development, the TIS recommended several public improvements to support the proposed development:

- 1) A new traffic signal at 151st Street and South Park Boulevard.
- 2) At 151st Street and Fountain Drive/ Access 1, restripe the southbound approach to create one left turn lane, one shared left turn/through lane, and one right turn lane, with corresponding signal modifications.
- 3) At the Harrison/K-7 and Southbound I-35 Off Ramp, construct a second southbound left turn lane so that the ramp has two left turn lanes, two through lanes, and one right turn lane. Signal modifications are required for this geometric change.
- 4) Along South Park Boulevard, construct left turn lanes at proposed access drives.

Stipulations are included in the ordinance for the public improvements to be completed by the developer as recommended in the TIS for the first phase of the development prior to issuance of the first Certificate of Occupancy. Additional traffic improvements are recommended in the TIS for future phases.

The Planned District includes design guidelines for the site and architectural design criteria to illustrate the desired materials and design features that will be incorporated in the development. The goal of the *Mentum Design Standards and Guidelines* is to ensure a cohesive theme for the development which establishes high quality design objectives without limiting flexibility or creativity. The applicant has submitted conceptual building elevations for the commercial buildings and apartments. The final site development plans shall follow the *Mentum Design Standards and Guidelines*.

The applicant and design team has worked closely with staff to review the arena design and staff supports the proposed building elevations and perspective drawings for the arena. The building incorporates a high quality design with a variety of materials, parapets and recessed wall planes. The primary building materials consist of precast concrete, architectural metal panels, synthetic wood panels and glazing. The courtyard in front of the arena will serve as the primary amenity space and additional amenities will be dispersed throughout the commercial area including public art as stipulated with the ordinance.

The applicant submitted a comprehensive sign package with the Planned District zoning. Due to the size and complexity of the sign package, staff is continuing to work with the applicant on the various types of signage and this will be submitted as a separate application to be scheduled for a future Planning Commission and City Council meeting.

On January 14, 2019, the Planning Commission held a public hearing for the rezoning and preliminary development plan. Two people spoke at the hearing with concerns regarding the proposed development. One of the speakers was John Duggan, who was representing Legato, LLC, the property owner to the north and west of Southpark Boulevard. They indicated concerns regarding the existing detention basins on their property that are used for stormwater management for the proposed development. Mr. Duggan also stated concerns about the number of apartments proposed

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with this project, which will compete with their R-3 property.

Chet Belcher with Public Works responded to questions regarding the use and maintenance of the existing detention basins. He stated that the ponds were analyzed for the ultimate development conditions within the watershed and as part of a larger study for Johnson County in 1998 and updated in 2013. Mr. Belcher noted that the existing basins will accommodate the required stormwater detention for the Mentum development and all other planned developments that drain to the ponds. In addition, the City has an agreement with the property owner for maintenance of the storm pipes exiting the basins to ensure the ponds will provide the intended flood protection. Following the meeting, staff forwarded information to Legato, LLC regarding stormwater management for the proposed development and a memo for Little Cedar Creek Floodplain Mapping (attached).

The Commissioners had questions for staff and the applicant regarding the rezoning and preliminary development plan. The preliminary plans do not show a user for the site at the corner of Southpark Boulevard and Harrison Street. A stipulation was revised for this lot to require approval of a separate preliminary development plan along with the golf facility. Additional plans and information will be required for these lots and preliminary site plans shall be approved by Planning Commission. Following discussion, the Planning Commission recommended approval of RZ18-0021, with revised stipulations, by an 5-0 vote as outlined on pages 6 and 7 of the minutes.

Protest petitions were submitted on January 25, 2019 by a surrounding property owner in opposition to the proposed rezoning. The total property area accounts for 19.5 percent of the public notice area, which is below the minimum area of 20 percent for valid protests. Therefore, the petition does not constitute a valid protest according to UDO requirements and a simple majority vote of the Governing Body is required for approval of the rezoning. The protest petition summary and map are attached

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**FINANCIAL IMPACT:**

None.

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**ACTION NEEDED:**

1. Approve Ordinance No. 19-05 for a rezoning from CP-3 to PD District and preliminary site development plan for Mentum as recommended by the Planning Commission and as stipulated in the ordinance.
2. Deny Ordinance No. 19-05 for a rezoning from CP-3 to PD District.
3. Return the rezoning 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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**ATTACHMENTS:**

- A. PC packet
- B. PC minutes
- C. Ordinance No. 19-05
- D. Stormwater Analysis Memo
- E. Little Cedar Creek Floodplain Mapping Memo
- F. Protest Petition Map
- G. Protest Petition Summary