



MEMORANDUM

July 24, 2006

TO: Northwest Consolidated Zoning Board

FR: Jeff Malotte, Planner

RE: **RECONSIDERATION OF Application Nos. NW-PRB1-2684 and NW-PDP-2685 – Rezoning and Preliminary Development Plan (PDP)**

Allenbrand-Drews & Associates, applicants, and Kar Choi and Ying Yau Tse, landowners, request rezoning from RUR, Rural District, to PRB-1, Planned Rural Retail Business District and Preliminary Development Plan approval, for a commercial center including four commercial buildings to be known as Prairie West.

Note: This memorandum is supplementary to the May 8, 2006 Staff Report and the July 6, 2006 Memorandum. It does not replace these two previous reports. Please review this memorandum in conjunction with the aforementioned documents.

On June 15, 2006, the Board of County Commissioners (BOCC) approved Directive Number 06-15-06 (attached), returning the above listed applications to the Northwest Consolidated Zoning Board (ZB) for further consideration. At the July 17, 2006 ZB hearing, the Zoning Board continued their consideration of the application and directed staff to provide additional copies of the PDP and landscaping plan and provide evaluation criteria for only these documents.

DISCUSSION

PRB1 District Preliminary Development Plan (PDP):

Article 15, Section 3, A through N, of the *Johnson County Zoning and Subdivision Regulations* (Regulations), specifies that all PDPs submitted for County consideration contain certain minimum features. Paragraph F requires that a proposed PDP shows:

- F. For both the area included in the development plan and the area within two hundred (200) feet of the boundaries thereof:
 - 1. The location, widths and names of all existing or platted streets, railroad and utility rights-of-way, parks and other public open spaces and permanent easements.
 - 2. The location and dimensions of permanent buildings, structures, or houses and natural features, such as woodlots, streams and lakes or ponds, and any land area subject to the 100-year flood.
 - 3. Locations of existing sewers, water mains, culverts and other underground facilities, indicating pipe sizes, grades, manholes and locations of record.

The submitted PDP shows little beyond its boundaries. The City of Olathe approved Lakeshore Meadows preliminary plat completely surrounds the subject area on the west, north, and east boundaries. The first two phases of this subdivision have also received final plat approval from the City, abutting this proposal on the west and north sides.

To meet minimum requirements, the proposed PDP must be revised to meet Article 15, Section 3(F) 1 through 3, above, including, but not limited to, those required features planned within Lakeshore Meadows a distance of 200 feet from the proposed development's boundaries.

According to Article 15, Section 11 of the County Zoning and Subdivision Regulations, a review of Preliminary Development Plans shall consider the following:

A. Considerations relating to traffic safety and traffic congestion:

Public Works has identified the following traffic concerns that the applicant has not yet addressed:

1. Sight distance check at the proposed driveway
2. Traffic study for warrants for right and left turn lanes
3. A statement regarding how the applicant proposes to meet the minimum street infrastructure requirements.
 - a) At least one road, constructed to at least the Type B Local Street standard shall provide continuous access to a highway or a CARNP designated arterial or parkway constructed to at least a Type B Local Street standard. 143rd Street does not meet the Type B Local standard. ***This proposal does not meet this requirement.***
 - b) All section and ½ section line roads abutting the development shall be constructed to at least the Type B Collector Street standard. Again, 143rd Street does not meet the Type B Local standard. ***This proposal does not meet this requirement.***

The site plan needs to be revised to show the proposed lot and street arrangement, proposed utility easements and drainage layout of the adjoining subdivision to the west, north, and east of this site.

B. Considerations relating to outdoor signs:

The Regulations require that the number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures in relation to the creation of traffic hazards and the appearance and harmony with adjacent developments must be shown on proposed PDPs. No signage is indicated on this proposed PDP.

To meet minimum requirements, the proposed PDP must be revised to show all signage.

C. Considerations relating to landscaping:

Article 13, Section 3(J)4 outlines the requirements for screening between commercially and residentially-zoned properties:

Required: If a Planned Rural Retail Business District is adjacent to a Residential District or Planned Residential District, a solid screen fence of at least 6 feet in height, or equivalent landscaped buffer,

may be required as part of the development plan approval. Such required screening shall be provided and maintained in all locations depicted on the approved development plan.

The proposed PDP shows a continuous line of landscaping along the west north, and east boundaries where the proposal adjoins residentially-zoned property within the City of Olathe. Though this landscaping would provide a substantial screen, it would not be equivalent to a solid, 6-foot fence as required by the regulations. Staff suggests the addition of a 6-foot wood or vinyl fence just behind the landscaping and along the entire west, north, and east perimeters. Such a fence would have the added benefit of slightly reducing noise levels from the commercial uses on the property.

Article 16, Section 3, outlines the minimum requirements for general screening and enclosures as follows:

Required: All trash, garbage collection or temporary storage areas for retail business, employment center and multi-family residential uses, shall be enclosed on at least three sides by a solid wall or fence at least four (4) feet high or at least as high as the container enclosed or inside a building or structure.

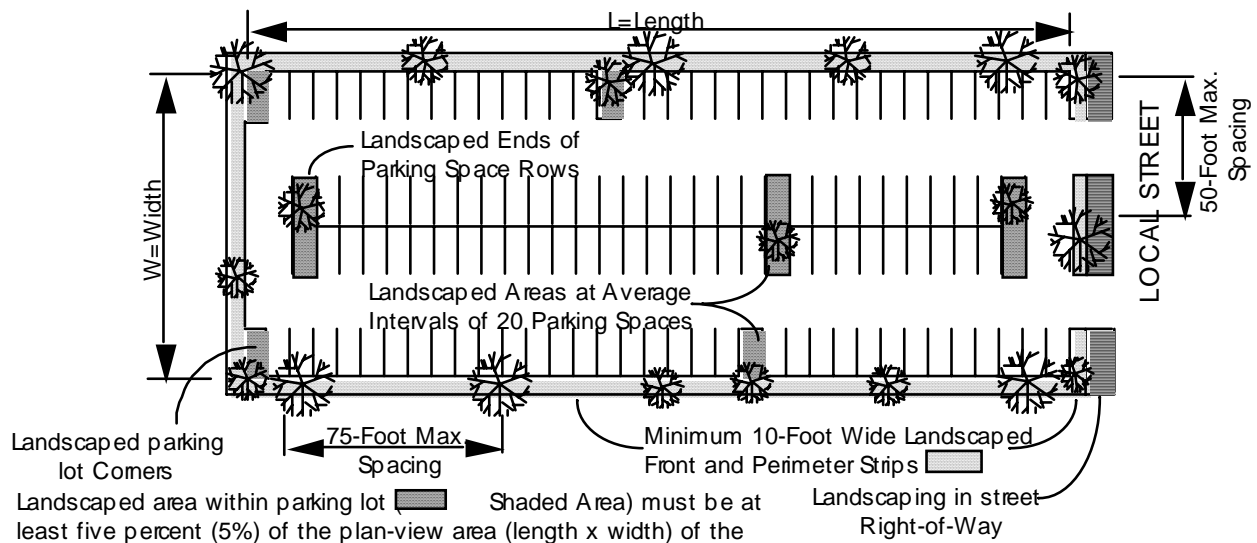
The proposed PDP indicates no such enclosures around trash receptacles shown. To meet minimum requirements, the proposed PDP must be revised to show the required trash enclosures.

Required: Parking lots in required front yard or side yards abutting a street shall be visually buffered with decorative fences or walls, berms or other land forms with rounded slope intercepts, or landscape plantings shall be provided at least as follows:

- a. *Perimeter Landscaping: A 10-foot wide strip of landscaping shall be provided with at least one tree for every 50 feet of street frontage of the parking lot and at least one tree for every 75 feet of land not fronting on a street.*

The proposed PDP shows a few trees along the street side, but is deficient. To meet minimum requirements, the proposed PDP must be revised to show at least the minimum required amount of street-side landscaping. The requirement for screening next to residentially-zoned property supersedes the above requirement for landscaping along the west, north, and east sides of the property (see Item C, above).

- b. *Interior Landscaping for parking lots with 20 or more parking spaces:*
 - 1). *At least 5% of the total plan-view area of the parking lot shall be landscaped.*
 - 2). *At least one tree shall be provided for each 300 square feet of that 5% of the total plan-view area (length times width) of the parking lot.*
 - 3). *The ends of parking space rows and the parking lot corner areas shall be landscaped. For example purposes, see drawing below.*
 - 4). *Landscaped areas at least equivalent to the area of one parking space shall be provided within parking space rows at average intervals of 20 parking spaces. For example purposes, see drawing below.*



The proposed PDP shows landscaping around the property perimeter, but no interior parking lot landscaping. To meet minimum requirements, the proposed PDP must be revised to show at least the minimum required amount of parking lot interior landscaping.

Required: Mechanical equipment, whether roof-top or ground mounted, shall be screened with a decorative fence or wall constructed of materials similar to those used on the exterior front of the building or shall be screened with dense landscape plantings. Berms or other land forms with rounded slope intercepts may be used to effect all or part of the screening of ground-mounted equipment.

While staff understands that the exact locations of mechanical equipment may not be known at this juncture, a statement should be added to a revised PDP that acknowledges the above requirements.

Required: Loading, storage and service areas for Planned Retail Business and Planned Employment Center uses shall be visually screened from view from residential properties with a decorative fence or wall, dense landscape plantings, or berms or other landforms with rounded slope intercepts. Such screening shall provide at least seventy-five percent (75%) visual screening of the loading and service area(s) as viewed from vantage points on lines perpendicular to the surfaces of the object(s) being screened.

The proposed PDP shows a continuous line of landscaping along the west north, and east boundaries. Type and sizing of features appear to meet requirements in these areas.

D. Considerations relating to buildings and site layout:

The preliminary building elevations provided with the PDP provide no required information concerning exterior building materials, dimensions or other features necessary to determine compatibility with the growing residential area surrounding the proposal. Captions indicating roofing and siding types, for instance, are required. Also, the PRB1 Zoning District allows a maximum building height of 25 feet. No such dimensions are indicated.

Public Works expressed concern about how the grading, drainage and utilities will interface with the surrounding residential development that has been approved by the City of Olathe. The site plan needs

to be revised to show the proposed lot and street arrangement, proposed utility easements and drainage layout of the adjoining subdivision to the west north, and east of this site.

The County Fire Marshall/Building Official has indicated that the plan will need to be revised to accommodate a fire apparatus lane. Further, at the last ZB hearing, the applicant indicated that they would utilize bulk water and cisterns to provide water to the buildings, at least in the short term. The Fire Marshall indicated that the Fire Code requires at least 1,500 gallons per minute fire-flow and sprinklers in the commercial buildings proposed here. Such fire-flow and sprinkler provision is not possible without attachment to appropriately sized water mains. Water provision for fire-fighting is not even conceivable on cisterns.

Exact fire hydrant locations must be established after the civil work is complete and the building locations are established.

E. Considerations relating to drainage:

A final Public Works review can not be completed until a revised layout sheet showing grading and drainage is submitted by the applicant. Drainage should not be directed to locations that will not match the city storm sewer system.

As discussed at the July 17th ZB hearing, Public Works Engineer Keith Bredehoeft agreed to defer the additional stormwater information that they have requested from the applicant, but the applicant should be aware and staff suggests that the Zoning Board ask the applicant to acknowledge that such a deferral puts the application at risk for a possible voiding of both zoning and preliminary development plan if a stormwater study were to require significant plan changes. Should a preliminary development plan and rezoning be approved and a later final development plan require changes to a final development plan that causes it not to be in compliance with the approved preliminary plan, under planned zoning requirements, both the rezoning and the preliminary development plan would be void and a new preliminary development plan and rezoning application would need to be processed before a final development plan could be considered.

F. Miscellaneous Design Considerations.

1. **Exterior Lighting.** No lighting plan was included with the PDP. Cutoff-type fixtures, with no glare or light spillage off-site, are mandated by Article 11 of the Regulations for both building and free-standing lights. A Final Development would need to show light cutoff fixtures, all exterior light locations, photometric data meeting the requirements of Article 11, Section 7(D), fixture details, pole heights and light standard sizes.
2. **Building setbacks.** The proposed building locations meet all setback requirements.
3. **Floor Area Ratio.** The proposed building to land area ratio is 21% where a maximum of 25% is allowed in the PRB1 Zoning District.
4. **Off-Street Parking.** Generally, the PRB1 District requires 1 space per 250 square feet of building area, which would be 193 spaces for this proposed project. The proposed PDP shows 196 spaces, which would be adequate for most potential uses in the PRB-1 District. However, if one of the buildings were to house a restaurant or other food establishment with inside seating, one space per 3 seats would be required by Article 18, which would likely require additional parking spaces if the use contained more than a few seats. If a restaurant or other eating establishment is contemplated, the PDP should be revised to include additional parking as required.

Note: PRB1 Zoning District Regulations do not allow a restaurant use without attachment to sewers.

Public Works Department Staff: Please see the attached memorandums.

Fire Marshall Comments: Please see the attached memorandum.

RECOMMENDATIONS

At the May 15, 2006 Zoning Board hearing on this application, staff recommended and the Zoning Board voted to deny this application. The foregoing analysis of the PDP was not previously done by staff because we believed then and now that it is a distraction from adopted County Policies against the County approving a commercial proposal within an island surrounded by a city which has repeatedly expressed its opposition to the project. The previous discussion highlighted several examples of one of the primary reasons for this policy, the difficulty of coordinating the provision of services (water, sewer, storm drainage) in these instances. This preliminary development plan and rezoning should be reviewed by the City of Olathe rather than unincorporated Johnson County.

Allowing the proposed development to occur within the unincorporated area would establish a precedent that is clearly contrary to the specific policies and recommendations contained in the County's adopted Comprehensive Plan. Therefore, as before, Planning Staff strongly recommends **denial** of PRB-1 District zoning and the associated preliminary development plan.

Alternatively, if the Zoning Board wishes to approve the rezoning and PDP despite staff's recommendation, the Zoning Board shall state its reasons for approval. In addition, staff suggests that any approval be subject to the following stipulations:

1. Development of Site. The site shall be developed in accordance with the approved preliminary development plan (PDP), as amended by these stipulations. Submitted final development plans must be in substantial compliance (as defined by the Johnson County Zoning and Subdivision Regulations) with said preliminary development plan.
2. PDP Revisions:
 - a. Show adjacent development. To meet minimum requirements, the proposed PDP must be revised to meet Article 15, Section 3(F) 1 through 3, of the *Johnson County Zoning and Subdivision Regulations* (Regulations), including, but not limited to, those required features planned within Lakeshore Meadows located a distance of 200 feet from the proposed development's boundaries.
 - b. Signage. The number, location, color, size, height, lighting and landscaping of outdoor advertising signs and structures shall be shown on a revised PDP.
 - c. Perimeter Landscaping and Fencing. In addition to the landscaping and berming shown, a 6-foot high, wood or vinyl fence shall be shown just behind the landscaping along the entire west, north, and east perimeters, in accordance with Article 16 of the Regulations. Gates may be shown for walking connections with the surrounding neighborhood, if desired.
 - d. Trash Enclosures. Enclosures shall be shown that enclose proposed trash receptacles on at least three sides by a solid wall or fence at least four (4) feet high or at least as high as the container enclosed.
 - e. Street Frontage Landscaping. A 10-foot wide strip of landscaping shall be provided with at least one tree for every 50 feet of street frontage of the parking lot.
 - f. Interior Landscaping for parking lots.
 - 1). At least 5% of the total plan-view area of the parking lot shall be landscaped.

- 2). At least one tree shall be provided for each 300 square feet of that 5% of the total plan-view area (length times width) of the parking lot.
 - 3). The ends of parking space rows and the parking lot corner areas shall be landscaped.
 - 4). Landscaped areas at least equivalent to the area of one parking space shall be provided within parking space rows at average intervals of 20 parking spaces.
- g. Building Elevations. Building elevations shall be revised to indicate exterior building materials (roofing, siding, and glazing), and scaled, with dimensions of the width and height of proposed features.
 - h. Utilities and Drainage. The site plan shall be revised to show the proposed lot and street arrangement, proposed utility easements and drainage layout of the adjoining subdivision to the west, north, and east of the proposal.
 - i. Fire Apparatus Lane. The PDP shall be revised to show a fire apparatus lane according to the adopted Johnson County Code.
 - j. Off-Street Parking. If a restaurant or other food service use with inside seating is contemplated, the PDP shall be revised to show the number of additional parking spaces required according to the formula in Article 19 of the Regulations. Note: Connection to City of Olathe sewers must be accomplished before such use may commence.
 - k. Mechanical Equipment Screening. A statement shall be placed on the revised PDP which says: "Mechanical equipment, whether roof-top or ground mounted, shall be screened with a decorative fence or wall constructed of materials similar to those used on the exterior front of the building or shall be screened with dense landscape plantings. Berms or other land forms with rounded slope intercepts may be used to effect all or part of the screening of ground-mounted equipment."
3. Entrance. A sight distance check at the proposed driveway location shall be submitted concurrent with submission of a revised PDP.
 4. Traffic Study. A traffic study for warrants for right and left turn lanes shall be submitted concurrent with submission of a revised PDP.
 5. Minimum Street Infrastructure. A statement regarding the methods that the applicant proposes to use to meet the minimum street infrastructure requirements shall be submitted concurrent with submission of a revised PDP.
 6. Revised Development Plan. The applicant shall submit a revised Preliminary Development Plan, prior to application for any Final Development Plan, in accordance with the aforementioned stipulations.
 7. Stormwater. A stormwater plan meeting specifications required by adopted Public Works standards shall be submitted concurrent with submission of the first phase Final Development Plan (FDP).
 8. Fire Code Provisions. Development of the site shall meet the requirements of the then current building/fire codes relative to fire flow and fire protection. Exact fire hydrant locations shall be shown on all Final Development Plans.
 9. Exterior Lighting. All Final Development Plans shall show light cutoff fixtures, all exterior light locations, light wattages and types, fixture details, pole heights light standard sizes, and photometric data meeting the requirements of Article 11, Section 7(D).

Reasons for Recommendation to Deny the Zoning:

1. The proposed rezoning is clearly inconsistent with as well as contrary to multiple policies and recommendations contained within the County's adopted Comprehensive Plan.
2. By denying the request, the public's welfare is upheld by maintaining the existing zoning until such time as appropriate zoning is proposed.
3. There would likely be detrimental effects to nearby properties from allowing a commercial development surrounded by the City of Olathe and yet not built to City of Olathe standards.

Enclosures:

Public Works memorandums (2)
County Fire Marshall's memorandum
Preliminary Development Plan (Site Development Plan and Grading and Landscape Plan)
Applicant's Preliminary Development Analysis Report