



## STAFF REPORT

August 15, 2007

**To:** Southwest Consolidated Zoning Board  
**Fr:** Paul Greeley, Deputy Director  
**Re:** Application No. SW-CU/FDP-2798

### APPLICATION INFORMATION

**Applicant:** Facilities Department  
Johnson County Government

**Owner:** Johnson County Government

**Requested Action:** 1) Conditional Use Permit for an Adult Detention Center expansion that will exceed height limitations; and  
2) Final Development Plan for construction of Phase 2 of the Adult Detention Center.

**Purpose:** To allow vertical expansion of existing adult detention center facility (County jail)

**Legal Description:** A portion of the of Section 18, Township 14, Range 22

**Location:** 27745 W. 159<sup>th</sup> Street

**Existing Land Use and Zoning:** County law enforcement center and county jail; PEC, Planned Light Industrial Park District

**Existing Improvements:** Sheriff's Building, Adult Detention Center (county jail)

**Site Size:** 85 acres

**Proposal:** The Johnson County Facilities and Sheriff's departments are proposing to construct an addition (Phase 2 of a 3 phase project) to the existing Adult Detention Center facility which will exceed the building height limits in the PEC3 District and at the New Century AirCenter (45 ft. and 60 ft. respectively). The expansion will increase the inmate holding capacity from 264 beds to 818 beds (554 bed increase). The existing detention center is an approximately 250,000 sq. ft., two story structure (about 37 ft. tall). The proposed addition has an approximately 55,000 sq. ft. footprint, and is a three story building with mezzanines and ceiling heights in the range of 20 ft. Due to mechanical systems on top of the building, the height of the tallest portion of the building is about 95 ft.



*Aerial View of Subject Property*

## **BACKGROUND INFORMATION**

**Zoning History:** In 1994 the subject property was zoned PEC-3, Planned Light Industrial Park District as a result of the countywide zoning.

In April 1996, the Board of County Commissioners approved a conditional use permit for a three phase adult detention center facility and sheriff's building (Resolution No. 041-95) on this property. In August 1996, the Board of County Commissioners approved a final development plan for construction of phase one of the adult detention center facility and sheriff's building.

### **Infrastructure:**

**Water:** The property is located within New Century AirCenter. Water and fireflow is available in sufficient quantities to meet the requirements of the County's fire code.

**Sewers:** The property is served by public sewers.

**Public Safety:** Police protection is provided by the Johnson County Sheriff's Department. Fire protection is provided by Johnson Fire District No. 2. The nearest fire station is located approximately 1 road-mile to the southeast.

**Transportation:** The property has driveway access to 159<sup>th</sup> Street about 500 ft. east of Moonlight Road. 159<sup>th</sup> is a paved, two lane street. Moonlight is a paved two lane street.

## STAFF ANALYSIS

### Conditional Use Permit

The subject property is located at the New Century AirCenter and is zoned PEC3, Planned Light Industrial Park District.

This application proposes a vertical expansion to the existing adult detention center (County jail) for purposes of cost efficiency and to use less land area. Article 17, Section 8, of the Zoning and Subdivision Regulations provides for buildings or structures which by their general nature are often taller than the maximum allowed height, provided a Conditional Use Permit is approved. In evaluating this application, Planning staff has considered the regulations, the *Rural Comprehensive Plan* and the applicable laws in Kansas as to whether the proposed use is in the interest of the public health, safety, morals, and the general welfare of the community. Staff has also considered the application with regard to the following criteria:

1. Whether the use would be consistent with the zoning and uses of nearby properties. Property to the north, east and south is zoned PEC-3, Planned Light Industrial Park District. Property to the west, across Moonlight Road, is located in the City of Gardner and is planned for business park use. Land to the north across 159<sup>th</sup> is vacant. Further north, about 600 ft. is a 30 acre parcel zoned Rural District an occupied by one single family dwelling. Property to the east and south is utilized in manufacturing, warehousing, communication (tower) and government (local/law enforcement and federal/military) uses. Structures to the east and south are multi-story with one in the range of 150 ft. and the other 75 ft. tall.

The proposed height is consistent with the nearby structures and the PEC3 District zoning.

2. Whether the use is compatible with the character of the neighborhood. Structures to the east and south are multi-story and consist of manufacturing, warehousing, a communication tower and government uses. One nearby structure is 150 ft. tall (tower) and the other is 75 ft. tall (manufacturing operation). The building addition is setback approximately 400 ft. from Moonlight Road and 1,000 ft. from 159<sup>th</sup> Street. These are 8 times and 20 times (respectively) the required setback in the PEC3 District.

Given the large setback and other nearby tall structures, the use is compatible with the character of the area.

3. Suitability of the property for uses to which it has been restricted. The property is zoned PEC3, Planned Light Industrial Park District and is suitable for its current uses which was authorized in 1996.
4. Extent of detrimental effects to nearby parcels should the use be approved. Staff is unaware on any detrimental effects that the use would create.

5. Length of time the property has remained vacant as zoned. The property has been occupied by the adult detention center and sheriff's building since 1996. Prior to that the property was vacant.
6. Relative gain to the public health, safety and welfare as opposed to the hardship imposed upon the landowner by denying the request. Expanding the adult detention center is of benefit to the public's safety and welfare. Cost efficiency by building vertically versus horizontally maximizes the use of public tax dollars and is also of public benefit.
7. Whether the use is in keeping with the Comprehensive Plan. The *Rural Comprehensive Plan: A Plan for the Unincorporated Area of Johnson County* (Plan) indicates this site is within the New Century AirCenter area plan. The proposed expansion to the existing adult detention center use is consistent with the uses in the AirCenter area plan.
8. Other Considerations [Article 23 Sec. 6 (C) Standards for Issuance of CUP].

*Prior to granting of the requested CUP, the Zoning Board should determine whether the request:*

- a. *Is in harmony with the general purpose and intent of the regulations.* Article 17 and Article 23 of the *regulations* provide that a CUP may be issued for structures that exceed the height limitations. Given the location and conditions of the subject property, the proposal is in harmony with the purpose and intent of the regulations.
- b. *Will not impair the adequate supply of light and air to adjacent property.* Given the location and conditions of the subject property, allowing a taller structure will not affect the supply of air or light to adjacent property.
- c. *Will not increase hazards from fire or other dangers.* Allowing a taller structure will not increase the hazards for fire or other dangers.
- d. *Will not increase traffic on streets beyond their capacity.* Given the nature of this facility, traffic is not expected to increase beyond the capacity of adjacent streets.
- e. *Will not increase potential for flood damages to adjacent property or lead to additional public expense for flood protection, rescue, or relief.* The taller structure will decrease the footprint which will reduce the impervious surfaces which will reduce the amount of runoff and potential for flooding. Project architects are proposing that stormwater runoff from the building be collected and recycled in the building mechanical systems.
- f. *Will not otherwise unduly impair the public health, safety, comfort, morals, or general welfare of the inhabitants of the County, or otherwise create a nuisance or nuisance-like situation.* The increase in building height will not unduly impair public health, safety or welfare.
- g. *Will not pollute the air, land, or water.* Project architects are proposing that stormwater runoff from the building be collected and recycled in the building mechanical systems.

## Final Development Plan

1. Building Setbacks. The building addition complies with the 50 ft. front yard, 30 ft. side and rear yard setback and 50 ft. peripheral setback requirement.
2. Building Area Ratio. The total FAR for this property, including the Phase 2 addition, is .14. The allowed maximum is .50. The building size does not exceed the allowed size on this property.
3. Building Design. The exterior design of the building will consist of concrete, brick, metal panels, and glass. When complete, the exterior will exceed the 25% masonry requirement. The building complies with the building design requirements.
4. Off-Street Parking. The plan shows 117 new off-street parking spaces. There are presently 84 spaces. Based on the employment projections, the parking is compliant.
5. Stormwater. The stormwater detention system shall be approved by Johnson County Public Works prior to issuance of a grading permit.
6. Exterior Lighting. Any new parking lot and building lighting shall be designed to enhance the coordinated appearance of the AirCenter. The design shall meet the lighting standards set forth in the approved preliminary development plan for the AirCenter. There shall be no glare or light spillage off-site. Any building lighting shall be hooded to shine down onto the property.

**Public Works Department Staff:** See attached letter.

## **RECOMMENDATIONS**

### Conditional Use Permit

Planning staff recommends **approval** of a Conditional Use Permit to allow phase 2 and 3, as approved under the original CUP (041-96), to exceed the height limitations with the following stipulations:

1. The term of this permit shall be until April 25, 2021 which is concurrent with the 25 year term issued in Resolution No. 041-96 (on April 25, 1996) and shall commence on the date of Board of County Commissioners approval of this resolution.
2. This Resolution shall be in addition to BOCC Resolution No. 041-96, except that Stipulation No. 9 of 041-96 is hereby replaced by these stipulations.
3. This Conditional Use Permit shall allow phases 2 and 3, as approved under the original CUP (041-96), to exceed the height limitations.
4. Total building height shall not exceed 95 ft.
5. A final development plan shall be submitted to and approved by the County prior to commencement of any phase of construction.

## Final Development Plan

Planning staff recommends **approval** of the Phase 2 Adult Detention Center Final Development Plan with the following stipulations:

1. Site Development. The addition shall occur in accordance with the final development plan attached hereto as Exhibit A.
2. Erosion Control Plan. Prior to issuance of a grading permit, a plan shall be provided to the County showing the measures for erosion control during construction of the project. The plan provided to the County may be identical to the NPDES permit submitted to the State. The plan shall be provided prior to commencement of any grading.
3. Exterior Lighting. Any new parking lot and building lighting shall be designed to enhance the coordinated appearance of the New Century AirCenter. The design shall meet the New Century AirCenter Preliminary Development Plan standards. There shall be no glare or light spillage off-site. Wall packs shall be hooded to shine down onto the property. Exterior lighting shall be shown and installed in accordance with the Lighting Plan.

### **REASONS FOR RECOMMENDATIONS:**

1. The building height is consistent with the surrounding PEC3 zoning and uses.
2. The building height is compatible with the character of the area.
3. There will no detrimental effects to nearby property.
4. The overall public safety and welfare will benefit from this addition.
5. The standards for issuance of CUPs have been met (Article 23 Sec. 6 (C) of the *Zoning Regulations*).

Enclosures: Vicinity Map  
Written Narrative  
Site Plan