1. Introduction

The applicant is requesting a special use permit for KidsTLC due to a recent acquisition of the property at 400 S Rogers Road. The request includes the 5.16-acre new property and the entire 6.25-acre existing campus which has an active special use permit set to expire July 30, 2021. The applicant is requesting a Community Living Facility (Mental Health/Substance Abuse, with On-Site Staff) for the overall 11.4-acre KidsTLC campus; therefore, the entire campus would exist under one special use permit for consistency. This use designation encompasses the current activities of KidsTLC and the planned use of the newly acquired building.

The applicant is proposing an adaptive reuse of the approximately 33,663 square foot building at 400 S Rogers Road that was formerly known as the Pinnacle Ridge Nursing Facility. The renovated facility would serve as a psychiatric residential treatment program with housing for approximately 60 adolescent residents, recreational activity spaces, classrooms, and staff offices. The applicant plans to make interior renovations to the building to accommodate the programmatic and safety needs such as fire life safety upgrades for the requested use.

The existing 6.25-acre KidsTLC campus has psychiatric residential treatment programs, autism services, outpatient therapy programs, and support and education programs. Approximately 60 residents currently reside on the campus and the overall campus would serve approximately 120 residents total with the addition of the new property. KidsTLC is licensed by the Kansas Department for Aging and Disability Services (KDADS) and the Kansas Department for Children and Families (DCF). These licenses both hold the facility accountable for strict Kansas Department of Health and Environment (KDHE) standards of
operation for residential programs which the City has relied upon for the consideration and approval of past special use permit requests. The KDHE residential center license allows for the operation of several types of youth programs already occurring on the campus that would be permitted as part of this special use permit. Additionally, the facility will continue to meet all Johnson County Health Department requirements for operation.

In coordination with the special use permit request, a related application is on this agenda for a rezoning (RZ20-0006). Rezoning to the R-3 District is required for consideration of this special use permit on the property at 400 S Rogers Road because the existing M-1 District does not include the land use needed by the applicant for a Community Living Facility.

2. History

The initial special use permit for KidsTLC was approved in 1990 for a 4.04-acre area when KidsTLC relocated from 119th and Lone Elm Road to their current property along Rogers Road which was formerly owned by Olathe Medical Center (SU-05-90). In 2006, KidsTLC requested approval of a new dormitory and the special use permit was renewed with the approval of the new building. In 2011, KidsTLC acquired additional property for a new wellness center at the northeast corner of Rogers Road and College Way. The building includes a gymnasium and other support functions used by campus residents. An expanded parking area within the northeast portion of the campus was also added as part of the 2011 special use permit. The special use permit (SU-11-005) was renewed for a ten-year period expiring July 30, 2021.

Aerial View of Proposed Request (outlined in yellow) and Existing Permit (shaded in blue)
3. **Property Owner Notification**

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property over 20 days prior to the public hearing. The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted public notice signs on the subject property per Unified Development Ordinance (UDO) requirements. The applicant also held a neighborhood meeting on August 3, 2020. One individual attended the neighborhood meeting to learn more about the proposed special use and did not pose any questions for the applicant. Staff has not received any correspondence from the public regarding the proposed special use.

4. **Zoning Requirements**

a. **Land Use** – The proposed land use of a Community Living Facility (Mental Health/Substance Abuse, with On-Site Staff) requires approval of a special use permit. The proposed land use is compatible with the surrounding land uses, as the existing KidsTLC campus has been functioning as a Community Living Facility for the past 30 years. The R-3 District permits a variety of residential uses including apartments, group living facilities and service-related uses that have been cohesively functioning together in this area for many years.

b. **Dimensional Standards** – The existing building is located near the center of the property and significantly exceeds the minimum setbacks of the R-3 District.
Additionally, the building does not exceed the maximum height of 35 feet permitted in the R-3 District.

5. Time Limit

Per Section 18.40.100.F.4 of the UDO, the Planning Commission may recommend, and the governing body grant a special use permit for any period of time as is warranted under the circumstances. The previous special use permit was approved for a period of 10 years and staff is recommending and the applicant is amenable to another approval period of 10 years for the requested use. The existing activities are well established at this location. Furthermore, there have been no adverse impacts cited on surrounding properties or concerns raised by surrounding property owners through the consideration of this special use permit request.

6. Land Use Analysis

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as Mixed Density Residential Neighborhood. This land use designation provides a mixture of housing, limited commercial and service uses. The following are criteria for considering special use applications as listed in Unified Development Ordinance (UDO) Section 18.40.100.F.

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

The requested use directly aligns with the PlanOlathe Comprehensive Plan Mixed Density Residential Neighborhood future land use designation. The proposed use is compatible with the future land use category as a variety of residential uses are encouraged including a group living facility. Additionally, the proposed use meets the goals of the Olathe 2040 Strategic Plan by means of creating a community where people of all ages and abilities thrive and optimizing access to physical and mental healthcare.

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 surrounding properties primarily contain multi-family residential, group living facilities and office related uses. The proposed use is cohesive with the surrounding land uses and the residential densities already existing on surrounding properties. The front entrance of the building is setback approximately 230 feet from Rogers Road and there is a significant amount of open space existing on the property.

C. The zoning and uses of nearby properties and the extent to which the proposed use would be in harmony with such zoning and uses.

The existing KidsTLC property is zoned RP-3/CP-O District and the property adjacent to the north is zoned R-5 District. Additionally, there is a CP-O District to the east with office and medical office uses. The request as proposed is harmonious with these surrounding districts and existing land uses. The KidsTLC campus has existed alongside this general mix of land uses and surrounding zoning districts since 1990. One of the primary reasons why KidsTLC moved to this area originally was due to the existing residential uses and adequate land area for future campus expansions.
D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

The proposed Community Living Facility is not permitted within the existing M-1 District; however, a related rezoning request to the M-3 District is being considered on this agenda. The existing RP-3 District on the remainder of the campus is the most suitable district for this request. The special use permit ensures that adequate precautions are taken to assure compatibility with surrounding uses.

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

The building at 400 S Rogers Road was constructed in 1968 and has retained the M-1 District zoning designation since 1970. The remainder of the campus was initiated in 1990 with M-1 District zoning which was eventually rezoned to RP-3/CP-O as the campus expanded in 2011.

F. The extent to which approval of the application would detrimentally affect nearby properties.

Approval of the special use permit is not expected to have any detrimental impact on surrounding properties as the KidsTLC campus has been operating in this area along Rogers Road for the past 30 years. No adverse impacts to surrounding properties have been cited since the use was established in 1990.

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

The R-3 District provides uses and design standards that are not anticipated to have any detrimental impact on surrounding properties.

H. 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 use will not adversely affect the safety or capacity of the surrounding road network. An increase in traffic is not expected in comparison to the trips generated from the former nursing facility. Two points of access will be provided for the facility from adjacent public streets. Additionally, the proposed use has unique parking needs as most residents are not of driving age and additional parking exists on adjacent properties for use across the entire campus.

I. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.

The proposed development will comply with the requirements of Title 17 of the Olathe Municipal Code, and will not create air pollution, water pollution, noise pollution, or other environmental harm.

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

Future development as proposed adds value to the community through an increase in critical services for the youth population, additional jobs and community resources.
K. 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.

The proposed special use does not negatively impact the public health, safety or welfare of the community as presented. If the application were denied, the applicant would not be able to use the property as it’s currently operating and would not be able to use the newly acquired property for their intended purpose. City staff and the applicant agree the special use permit offers an improved use of the property and service to the community, while providing consistency with surrounding properties.

7. Staff Recommendation

Staff recommends approval of the special use permit (SU20-0005) with the following stipulations:

1. The special use permit for a Community Living Facility is approved for a ten (10) year period effective from the date of the Resolution.

2. Programming authorized by or licensed by the Kansas Department of Health and Environment for this residential center license is permitted with this special use permit.