STAFF REPORT
Planning Commission Meeting: August 24, 2020

<table>
<thead>
<tr>
<th>Application:</th>
<th>RZ20-0006: Rezoning from M-1 (Light Industrial) to R-3 (Residential Low Density Multi-Family) District for KidsTLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Location:</td>
<td>400 S Rogers Road</td>
</tr>
<tr>
<td>Applicant/Architect:</td>
<td>Chelsea Grey; Hollis and Miller Architects</td>
</tr>
<tr>
<td>Owner:</td>
<td>Erin Dugan; KidsTLC, Inc.</td>
</tr>
<tr>
<td>Staff Contact:</td>
<td>Kim Hollingsworth, AICP, Senior Planner</td>
</tr>
<tr>
<td>Site Area:</td>
<td>5.16± acres</td>
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<tr>
<td>Plat:</td>
<td>Havencroft Industrial Park</td>
</tr>
<tr>
<td>Existing Zoning:</td>
<td>M-1 (Light Industrial)</td>
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<tr>
<td>Proposed Zoning:</td>
<td>R-3 (Residential Low Density Multi-Family)</td>
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</tbody>
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<table>
<thead>
<tr>
<th>Site</th>
<th>Plan Olathe Land Use Category</th>
<th>Existing Use</th>
<th>Current Zoning</th>
</tr>
</thead>
<tbody>
<tr>
<td>North</td>
<td>Mixed Density Residential Neighborhood</td>
<td>Former Assisted Living/Nursing Facility</td>
<td>M-1</td>
</tr>
<tr>
<td>South</td>
<td>Mixed Density Residential Neighborhood</td>
<td>Day-Care Center</td>
<td>R-5</td>
</tr>
<tr>
<td>East</td>
<td>Mixed Density Residential Neighborhood</td>
<td>KidsTLC Campus</td>
<td>RP-3</td>
</tr>
<tr>
<td>West</td>
<td>Mixed Density Residential Neighborhood</td>
<td>Office/Medical Office</td>
<td>CP-O</td>
</tr>
<tr>
<td></td>
<td>I-35 Right-of-Way</td>
<td>C-3</td>
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1. **Introduction**
   The applicant is requesting a rezoning from the M-1 (Light Industrial) District to the R-3 (Residential Low-Density Multi-Family) District. The subject property is located along the east side of S Rogers Road, north of E College Way. The rezoning request is to accommodate a use that is not permitted within the existing M-1 District. A related application requesting a special use permit (SU20-0005) for a Community Living Facility in the proposed R-3 District is also on this agenda for consideration.
2. **History**

The subject property was zoned to the M-1 District in 1970 and the building was constructed in 1968. Until recently, the building was occupied by Pinnacle Ridge Nursing Facility.

The existing Kids TLC campus was approved in 1990 through a special use permit (SU-5-90) at 490 S Rogers Road. The campus was expanded and rezoned from M-1 to the RP-3 and CP-O Districts in 2011 (RZ-11-004 and RZ-11-0005) to accommodate additional buildings and parking areas as well as rezoning the property to districts that align with the KidsTLC campus uses.

3. **Existing Conditions**

The existing approximately 32,000 square foot building is located near the center of the property and there are several mature trees dispersed throughout the property. There is a total of 56 parking spaces including 38 parking spaces in front of the building and 18 in the rear.

*View of Property Looking East from S Rogers Road*

*Aerial View of Subject Property (in yellow) and Existing KidsTLC campus (in green)
4. Zoning

a. **Land Use** – The applicant proposes to rezone this property from the M-1 (Light Industrial) to the R-3 (Residential Low-Density Multi-Family) District. The proposed zoning is consistent with the surrounding zoning, as the adjacent property owned by KidsTLC to the south is currently zoned RP-3. The R-3 District permits a variety of residential uses including apartments, group living facilities and service-related uses.

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 district.

5. Public Notification

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 rezoning and did not pose any questions for the applicant. Staff has not received any correspondence from the public regarding the rezoning request.

6. Comprehensive Plan 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 application was reviewed against the UDO criteria for considering all rezoning applications listed in Unified Development Ordinance (UDO) Section 18.40.090.G as detailed below.

**A. The conformance of the proposed use to the Comprehensive Plan and other adopted plans, studies or policies.**

The R-3 District 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 district is the most appropriate zoning designation given the proposed use, character of the building, and use of adjacent properties for similar residential densities. 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 districts and uses.

The existing KidsTLC property directly south is zoned RP-3 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 rezoning 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 current zoning district permits a variety of light industrial, manufacturing and service uses. These uses are not consistent with the adjoining multi-family residential and office uses within this portion of the Rogers Road corridor. Many industrial uses require greater land area and a different site configuration than the existing property. While the property was developed for a residential group living use, that use is not currently permitted in the M-1 District.

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

The existing building was constructed in 1968 and has retained the M-1 District zoning designation since 1970.

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

The proposed rezoning to the R-3 District will not detrimentally affect nearby properties as it would provide a continuation of the R-3 District which already exists on the KidsTLC campus directly south. The proposed district provides more strict development standards than the existing zoning district and significant portions of adjacent property are owned by KidsTLC.

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

The district as proposed 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. Additionally, the use has unique parking
needs as most residents are not of driving age and additional parking exists in other adjacent areas of the 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 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 rezoning to the R-3 District 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 for their intended purpose in the existing M-1 District. Furthermore, there would be several uses permitted in the existing district that are not as compatible with the nearby residential and office uses.

7. Staff Recommendation

A. Staff recommends approval of RZ20-0006 for the following reasons:

1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan for Land Use (LUCC-6).

B. Staff recommends approval of the rezoning to the R-3 (Residential Low Density Multi-Family) District as presented with no stipulations.