

ORDINANCE NO. 05-25

AN ORDINANCE AMENDING SECTION TWO OF ORDINANCE NO. 98-30 PERTAINING TO REZONING APPLICATION NO. RZ-04-98; FURTHER ADDING ADDITIONAL CONDITIONS TO THE REZONING.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS:

SECTION ONE: Section Two of Ordinance No. 98-30 is hereby amended to read as follows:

- a. Prior to publishing the zoning ordinance and within thirty (30) days following approval by the Governing Body, a statement that a preliminary development plan has been approved for the subject property shall be filed in accordance with the requirements of Section 18.12.120 of the *Unified Development Ordinance (UDO)*.
- b. Prior to publishing the zoning ordinance, the owner shall dedicate a total of sixty (60) feet of half-street right-of-way along 119th Street, fifty (50) feet of half-street right-of-way along Lone Elm Road, and sixty (60) feet of half-street right-of-way along College Boulevard.
- c. The property shall be platted prior to development and shall comply with all requirements of Chapter 18.68, Subdivisions and Lot Splits.
- d. Final road improvement requirements in conformance with the Street Improvement Policy (Section 18.04.060) shall be determined at the time of platting. At a minimum, the following shall apply:
 - (1) Development phasing may be required until area roadways are improved to a level acceptable to the City Engineer and City Traffic Engineer to which area roadways are able to accommodate anticipated traffic volumes.
 - (2) Traffic studies shall be required for nonresidential development prior to approval of final development plans and final plats.
 - (3) At a minimum, an asphalt overlay shall be required on 119th Street from Lone Elm Road to K-7 Highway prior to any access to be permitted to 119th Street. However, road improvements to collector standards may be required instead of an overlay, depending upon the amount of traffic volumes anticipated in this area.
- e. Modifications to the Height and Area Regulations of the RP-1, RP-3, CP-2, and BP zoning districts may be granted as part of final development plans as permitted by the *Unified Development Ordinance (UDO)* if such reductions accomplish the design criteria requirements as stated within this ordinance.
- f. Unless nonresidential and residential uses are designed to be "integrated" together so that the uses do not "back up" to each other, the following setbacks shall apply:

- (1) Nonresidential uses shall maintain a minimum seventy-five foot wide landscape buffer (no parking and paving permitted) and a minimum one hundred (100) foot building setback from the property line abutting residential.
 - (2) Residential uses shall maintain a minimum seventy-five foot building setback from the property line abutting nonresidential development.
- g. The maximum square footage of floor area in Tract IA (zoned CP-2) be limited to 300,000 square feet, with no individual tenant to exceed 15,000 square feet in size except for a supermarket which may be up to 65,000 square feet in size.
 - h. A final landscaping plan shall be provided and approved by the Planning Department with each phase of development.
 - i. The property shall be replatted prior to the issuance of a building permit.
 - j. As the phases of development continue, the final landscaping plans shall show sufficient perimeter landscaping.
 - k. The Shops of Sunnybrook shall have pedestrian connections providing internal circulation options for pedestrians moving from the main retail buildings to the pad sites.
 - l. With the final site development plans for each stage of development, 25 percent of the building façade or foundation shall be landscaped. Per UDO requirements, façade and foundation landscaping shall be irrigated.
 - m. The following design criteria shall apply to all portions of the subject property included within RZ-04-98:

DESIGN CRITERIA FOR RZ-04-98

8.A. Land Uses:

- 8.A.1. Prohibited BP Business Park Uses (Tract IV):
 - a. Air transportation facilities (including helicopter pads)
 - b. Amusement and recreation services (outdoor)
 - c. Distribution centers or other warehousing operations requiring large numbers of trucks.
 - d. Dealers or businesses with outdoor display of automotive, recreational vehicle, motorcycle, boat, construction equipment, farm equipment, and other similar miscellaneous motor vehicles and equipment for sale, rent, or lease.
 - e. Lumber yards

- f. Mini-storage warehouses.
- g. Outdoor storage yards of any kind.
- h. Refrigeration trucks and storage.
- i. Satellite dish antennas – sales
- j. Truck stops

8.A.2. Prohibited CP-2 uses within 400 feet of residential zoning for (Tract 1A) northwest of 119th Street and Lone Elm Road:

- a. Automotive repair and maintenance shops.
- b. Businesses with drive-in or drive-through services.
- c. Car washes.
- d. Convenience stores and gasoline service stations.
- e. Liquor stores
- f. Outdoor garden centers.
- g. Outdoor merchandise display, except for daily sidewalk sales on a temporary basis only during business hours not to exceed 150 square feet in display area.
- h. Tire, battery and accessory stores.

8.A.3. Prohibited CP-2 Uses (Tract 1B) at the southwest corner of College Blvd./111th Street and Lone Elm Road:

- a. Automotive repair and maintenance shops.
- b. Car washes.
- c. Outdoor garden centers.
- d. Outdoor merchandise display, except for daily sidewalk sales on a temporary basis only during business hours not to exceed 150 square feet in display area.
- e. Tire, battery and accessory stores.

8.A.4. Telecommunication towers and equipment shall be located on or within a structure; shall be an architectural component of the building; or shall be designed as a sculptural element. Freestanding towers shall not be permitted.

8.B. Site Design:

All Tracts

- 8.B.1. The internal transportation network shall be designed to accommodate all modes of transportation and must consist of a network of interconnecting streets and blocks with respect to the natural landscape. The internal transportation network shall provide alternate routes to every designation, diffusing automobile traffic and shortening walking distances.
- 8.B.2. Numerous linkages (both vehicular and pedestrian) between properties shall be incorporated into the design of development plans. Development plans that provide for minimal or no access to adjoining properties shall not be approved.
- 8.B.3. Parking lots shall be located where they are not visible from public streets or they shall be heavily landscaped and screened from view. Generally, buildings should be located closer to the street (street oriented) with parking lots located on the sides or rear of the building, or within parking structures.
- 8.B.4. Parking lot lighting shall be low level in nature with pole heights not to exceed a maximum of 25 feet. Light fixtures shall have with a cut-off less than 90-degree or beveled prism type that directs light toward the ground to reduce off-site impacts. The average maintained foot-candles within the parking lots shall not exceed three (3) foot-candles, unless otherwise approved by the planning commission.
- 8.B.5. Fences visible from public streets shall be decorative in type or include exterior landscaping facing the roadway to minimize potential negative impact from extensive or monotonous rows of fences. Chain-link fencing shall not be approved.
- 8.B.6. All landscape areas shall be irrigated.

Nonresidential (Tract 1A, Tract 1B, Tract VI)

- 8.B.7. Nonresidential developments shall be designed so that buildings face internal access roads and create a strong street edge. Such developments shall be integrated with residential areas, rather than designed to back into surrounding residential areas thus requiring large setbacks and buffers.
- 8.B.8. The design of fast food restaurants, convenience stores and other auto-oriented businesses shall include safe and equal access for pedestrians and other modes of traffic. Businesses shall be oriented and designed in conjunction with the larger development area for purposes of providing services to nearby residents and businesses.

Residential (Tract IIA, Tract IIB)

- 8.B.9. In areas developed with single-family and two-family dwelling areas, such dwellings shall include a variety of garage placements and orientations to avoid monotonous rows of garage doors visible from the street. Such variety should include a mixture of rear and side loaded garages, attached and detached garages, carports and porte cocheres.
- 8.B.10. Site designs for multiple family developments shall create a sense of "neighborhood" which includes:
- a. An internal vehicular circulation system reflective of a single-family residential street system, as opposed to looped systems which may appear disjointed and confusing.
 - b. Buildings sited with front entrances and porches oriented toward streets, drives and plazas, rather than clustered around parking lots.
 - c. Parking lots located behind buildings or screened from view from internal streets.
 - d. Walkways that connect all buildings with parking and play areas, club houses, and sidewalks along adjoining streets, as well as neighboring stores, offices, and transit stops.
 - e. Centrally located plazas, clubhouses, pools, and recreational facilities.

8.C. Architectural Design:

Residential (Tract IIA, Tract IIB)

- 8 C.1. A front porch or stoop shall be required on single-family and two-family dwellings.
- 8 C.2. Building designs for buildings with multiple family dwellings shall create variety and shall not look monotonous if replicated throughout the development. Such designs shall include the following:
- a. Exterior facades shall be finished with high quality building materials and architectural detailing. A minimum of 75% of exterior walls shall be finished with decorative masonry, stone, or stucco. Synthetic or imitation materials with a false or "tacked on" appearance shall not be permitted.
 - b. Porches, varied rooflines, and varied façade depths to create variety and individuality of dwelling units within the building.
 - c. Protective entry courts, common vestibules, covered breezeways or enclosed stair halls to reduce the number of visible doors, unless designed in a row house or townhouse manner oriented toward the street.

- d. Side and rear elevations, garages, carports, and all accessory structures with the same level of design, aesthetic quality and architectural detailing.
- e. Freestanding garages and carport structures designed to be integral with the building design or sited so as to avoid long monotonous rows of garage doors and building walls. Carports shall not be located where they back into internal circulation drives.

Nonresidential (General-All tracts)

- 8.C.3. Generally, architectural styles and themes shall remain similar and harmonious throughout the development area. This does not mean that all buildings or complexes must look identical, rather each should have similar qualities and architectural elements.
- 8.C.4. Individual "corporate image" architectural design elements and colors shall be incorporated only as secondary elements to the development and not as the dominant element. Such elements should be consistent and blend with the larger development area.
- 8.C.5. Building materials should be similar to the materials of structures in the area. However, dissimilar materials may be permitted when incorporating other characteristics such as scale, form, architectural detailing and color to make the building compatible with the area.
- 8.C.6. Mirrored or reflective glass on buildings must be designed to minimize glare on adjacent properties. Masonry (brick, stone, stucco) for detailing is expected on such buildings.
- 8.C.7. Loading docks and other service areas facing the street or other public spaces shall be prohibited.

Nonresidential (Additional requirements -- Tract 1A, Tract 1B)

- 8.C.8. Commercial/retail buildings larger than 25,000 square feet in size shall be designed to create the appearance of multiple tenants, storefronts, and entrances.
- 8.C.9. Human scale shall be created by building massing and form, as well as the use of architectural elements such as colonnades, canopies, walkways, street-level display windows, lighting, and a variety of building materials. Site design features around the building exterior should further reinforce human scale.
- 8.C.10. All buildings shall be designed to create street level interest and pedestrian comfort. Long expanses of building wall shall not be permitted. The following shall be required:
 - a. A minimum of 50 percent of the building facades at ground level shall incorporate large pane display windows, doors or other openings to provide views into the interior of building.

- b. A minimum of 50 percent of the building shall incorporate covered walkways (i.e. colonnades, awnings, etc.)
- 8.C.11. Face brick shall be the predominant exterior building material. All masonry materials shall be integrally tinted when manufactured. Painted or stained masonry shall not be permitted.
- 8.C.12. All visible roofing materials on all buildings shall be a decorative in appearance (i.e., tile or slate).

Nonresidential (Additional requirements -- Tract VI)

- 8.C.13. All proposed buildings shall be constructed of decorative building materials consisting of masonry, stucco, stone, glass curtain wall or another comparable material.

8.D. Signs:


- 8.D.1. All signage along street right-of-way shall be incorporated into major complex signs. No freestanding monument signs for individual businesses shall be permitted.

SECTION TWO: Existing Section Two of Ordinance No. 98-30 is hereby repealed.

SECTION THREE: This Ordinance shall take effect from and after its passage and publication as provided by law.

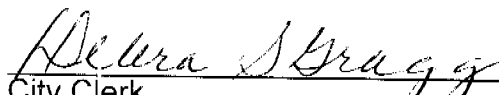
PASSED by the Council this 5th day of April 2005.

SIGNED by the Mayor this 5th day of April 2005.



Mayor

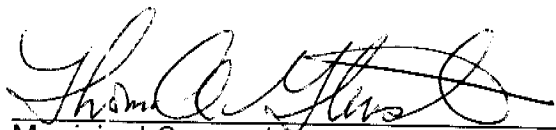
ATTEST:



City Clerk

(Seal)

APPROVED AS TO FORM:



Municipal Counsel