

WESTWOOD PLANNING COMMISSION

Staff Report

Meeting Date: August 7, 2023

Staff Contact: Leslie Herring, City Administrator

RZ-2023-01 – Consider application of Karbank Holdings, LLC, on behalf of owner City of Westwood, KS to rezone property at 5000 and 5050 Rainbow Blvd., Westwood, KS 66205 from R-1 (Single-Family Residential) to PD (Planned Development)

RZ-2023-02 – Consider application of Karbank Holdings, LLC, on behalf of owner Shawnee Mission School District to rezone property at 2511 W. 50th St., et al., Westwood, KS 66205 from R-1 (Single-Family Residential) to PD (Planned Development)

PDP-2023-01 – Consider application of Karbank Holdings, LLC on behalf of owners Shawnee Mission School District and City of Westwood, KS, jointly, for approval of a preliminary development plan at 2511 W. 50th St., 5000 Rainbow Blvd., and 5050 Rainbow Blvd, Westwood, KS 66205

OWNER OF RECORD:

- 5000 Rainbow Blvd.: City of Westwood, Kansas
- 5050 Rainbow Blvd.: City of Westwood, Kansas
- 2511 W. 50th St.: Unified School District No. 512 (Shawnee Mission School District)

APPLICANT: Karbank Holdings, LLC, agent for property owners City of Westwood, Kansas and Unified School District No. 512, jointly.

LOCATION: The property is located on the southwest corner of W. 50th St. and Rainbow Blvd.

EXISTING ZONING: The property is currently zoned R-1 (D): single-family residential.

PROPOSED PROJECT: Build a mixed-use office and retail development (an adjoining future City Park to the west of the subject site but located on the western portion of 2511 W. 50th St. outside of the rezoning subject site).

BACKGROUND: The applicant is requesting approval to rezone a portion of the subject site and for approval of a preliminary development plan to build a mixed-use office and retail development on property currently under contract at 5000 Rainbow Blvd., 5050 Rainbow Blvd., and 2511 W. 50th St.

Pursuant to Page Nos. 4-15 – 4-18 of the 2017 Westwood Master Plan, the following have been identified as potential uses for the subject site:

- 5050 Rainbow Blvd. – a low-intensity development, including some retail services to nearby residents and businesses along with residential uses.
- 2511 W. 50th St. (former) Westwood View Elementary – park and open green spaces; civic uses

As such, the proposed use for the subject site has been contemplated by the Westwood Master Plan, which serves as the City's Comprehensive Plan for guiding land use within the City of Westwood.

Although a park is a permitted use by right within the R-1 zone, a mixed-use commercial use is not permitted within the R-1 zone and requires a rezoning to accommodate the proposed development. The applicant desires to rezone to PD – Planned Development, Westwood Zoning Ordinance 1.6.24 requires that the preliminary development plan shall be considered and approved as part of the rezoning application.

As such, this application is subject to the conditions and criteria for:

- Rezoning approval, provided for in Section 1.6.1-18 of the Westwood Zoning Ordinance; and
- Preliminary development (site) plan approval provided for in Section 1.6.20-24 of the Westwood Zoning Ordinance.

The rezoning and preliminary development plan are subject to public hearing before the Planning Commission, at the conclusion of which the Planning Commission is to make a recommendation to the Governing Body, which body then takes the ultimate action on the applications¹.

City Park Not Included in this Application

The proposed City Park is not included in this application, as its existence in the location proposed on the west side of the subject site is wholly dependent on the outcome of the applications filed by Karbank for its proposal on the east side of the subject site. The park planning process – including final grading and features/amenities – will take place only if and when approvals for the Karbank proposal have been obtained, lot lines determined and platted², and the successful sale and purchase of the various property parcels within the subject site has closed³.

Application Subject to Final Development Plan Approval

This application is subject to both preliminary and a final development plan approval. The preliminary development plan is the subject of the current meeting, with the final development plan submittal and review process to take place shortly hereafter. Unlike the preliminary development plan, which must in this case run concurrently with the rezoning application and which are subject to public hearing, the final development plan is not subject to public hearing so long as it is not substantially changed from the preliminary development plan and so long as the Planning Commission finds that it satisfies the requirements for site planning, landscaping, and other technical studies.

The purpose of the final development plan is to provide for more detailed technical plans that cannot be finalized until the site layout and general elements of the site are agreed upon by the parties (i.e. the City via Staff and the Planning Commission/Governing Body and the applicant).

EXISTING CONDITIONS: This application is to rezone 4.124 acres of the total 7.624 acres of the combined project area. The red outline in the illustration below indicates the area subject to the rezoning request. The area to the west (outlined in blue) indicates the area of the proposed City Park,

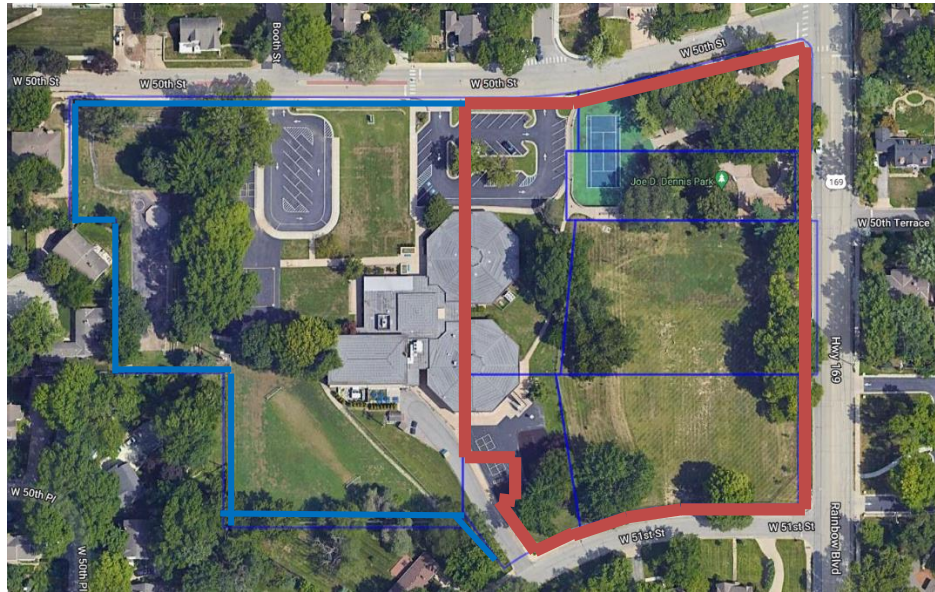
¹ Pursuant to Westwood Zoning Ordinance 1.6.13.

² Subject to separate but related process being run commensurate with the rezoning and preliminary development plan applications.

³ Pursuant to Purchase Agreements executed jointly by and between USD 512, the City of Westwood, and Karbank Holdings, LLC dated June 8, 2023.

which is to remain zoned R-1 and which would be subject to a later planning process in the event this rezoning application and preliminary development plan is approved and the sale and purchase of the various properties closes.

The area subject to this rezoning request (outlined in red) currently contains: a portion of an elementary school building and parking lot(s) (to be decommissioned and sold by USD 512 in 2024, regardless of the outcome of these joint applications), a City tennis court, a City playground, and a vacant parcel.



REQUESTED ACTION:

The applicant is requesting approval of a rezoning and a preliminary development plan to construct a mixed-use office and retail development.

REVIEW CRITERIA:

City staff – with the assistance of outside professionals retained by staff – reviewed the submitted applications pursuant to the following articles of the Westwood Zoning Ordinance, which solely govern this submittal:

- Article 1: Purpose, Responsibilities, and Procedures
- Article 2: Definitions
- Article 5: Commercial Zoning Districts
- Article 6: Planned Zoning Districts
- Article 9: Signs

The submittal is also reviewed to ensure compliance with the 2018 ICC code edition and APWA 5600, as amended.

APPROVAL CRITERIA:

Rezoning

Pursuant to Section 1.6.17 of the Westwood Zoning Ordinance:

In considering any application for rezoning request, the Planning Commission and the Governing Body may give consideration to the criteria stated below, to the extent they are pertinent to the particular application. In addition, the Planning Commission and Governing Body may consider other factors which may be relevant to a particular application⁴.

- A. The conformance of the proposed use to the City's Comprehensive Plan and other adopted planning policies.*
- 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).*
- C. The zonings and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zonings and uses.*
- D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.*
- E. The length of time the property has remained vacant as zoned.*
- F. The extent to which approval of the application would detrimentally affect nearby properties.*
- G. The extent to which the proposed use would substantially harm the value of nearby 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.*
- I. The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution, or other environmental harm.*
- J. The economic impact of the proposed use on the community.*
- 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.*
- L. The recommendation of professional staff.*

Preliminary Development Plan

Per Section 1.6.20 of the Westwood Zoning Ordinance:

The purpose and intent of requiring site plan approval is to encourage the compatible arrangement of buildings, off-street parking, lighting, landscaping, pedestrian walkways and sidewalks, ingress and egress, and drainage on the site and from the site, any or all of these, in a manner that will promote safety and convenience for the public and will preserve property values of surrounding properties.

Section 1.6.21 of the Westwood Zoning Ordinance provides the conditions and criteria for site plan approval.

The Planning Commission shall review the site plan to determine if it demonstrates a satisfactory quality of design in the individual buildings and in its site, the appropriateness of the building or buildings to the intended use, and the aesthetic integration of the development into its surroundings. Satisfactory design quality and harmony will involve among other things:

- A. The site is capable of accommodating the building(s), parking areas and drives with appropriate open space.*
- B. The plan is consistent with good land planning, good site engineering design principles, and good landscape architectural principles.*
- C. An appropriate use of quality materials and harmony and proportion of the overall design.*
- D. The architectural style should be appropriate for the project in question and compatible with the overall character of the neighborhood.*
- E. The siting of the structure on the property, as compared to the siting of other structures in the immediate neighborhood.*
- F. The bulk, height and color of the proposed structure as compared to the bulk, height and color of other structures in the immediate neighborhood.*
- G. Landscaping to City standards shall be required on the site and shall be in keeping with the character or design of the site.*
- H. Ingress, egress, internal traffic circulation, off-street parking facilities and pedestrian ways shall be so designed as to promote safety and convenience, and shall conform to City standards.*
- I. The plan represents an overall development pattern that is consistent with the City's Comprehensive Plan, the official street map, and other adopted planning policies.*

STAFF ANALYSIS: Staff review resulted in identification of the following more noteworthy elements of the preliminary development plan that remain unresolved through the administrative review process:

Setbacks

Sections 5.3.1 and 5.3.7 of the Westwood Zoning Ordinance provide for, among other criteria, the following:

- Consistent with the City's Comprehensive Plan, the C-1 Commercial Mixed-Use District is intended to provide redevelopment or investment opportunities for existing or planned commercial centers within the pg. 67 City. Developments in Commercial Mixed-Use districts are to follow the characteristics of traditional "Main Street" commercial neighborhood developments, and to encourage pedestrian use through connections to adjacent neighborhoods and the construction of mixed-use buildings. The purpose of this District is to allow for the development of fully integrated, mixed-used, pedestrian-oriented neighborhoods. (5.3.1.A)
- The streets and sidewalks [to be] the main pedestrian activity centers in Commercial Mixed-Use Districts. Minimal setbacks bring buildings close to the street and the pedestrians. (5.3.1.C)

- Unless otherwise indicated in a specific Overlay District, the facade of buildings in the C-1 District shall be constructed directly on the build-to line along at least seventy percent of the length of the building. (5.3.7.A)
- Parking areas and parking garages shall be recessed or placed to the rear of buildings. (5.3.7.C)
- Larger setbacks may be permitted for street-side outdoor cafes and patios. (5.3.7.D)
- Buildings on such C-1 District lots shall have no setback from at least one side lot line. (5.3.7.E)
- The required setbacks shall be... as follows:
 - 1. front and side setbacks: Ø feet
 - 2. rear setback: 20 feet minimum (5.3.7.H)

As the requested rezoning is to PD – Planned Development, deviation and flexibility from the strict criteria of the underlying zoning district (in this case C-1) is anticipated and permitted. A deviation from the setbacks required by the C-1 zoning district is requested by the applicant. The compatibility/applicability of these criteria and the setbacks proposed by the applicant should be weighed by the Planning Commission in consideration of the uses of neighboring properties and the larger criteria for reviewing rezoning requests and preliminary development (site) plans, as set forth in the Approval Criteria set forth above.

Trees

It is the stated intent of the applicant that “the majority of existing trees will be preserved at the perimeter of the site to create a large multistory landscape buffer from surrounding neighbors and preserve the existing quality of the streetscape.” However, administrative review concludes that the proposed underground stormwater management system is too close to the trees lining Rainbow and will not allow for installation of the underground detention or, if detention is installed as proposed, mature trees will likely be lost due to severe cutting of the root system and will have a profound affect for them to remain upright.

As such, City staff recommends that the applicant consider one or more of the following ways to achieve the desired buffer:

- A. relocation/reconfiguration of the underground detention facility;
- B. removal and replacement of street trees or some substitute landscape buffer; and/or
- C. provide an inventory of all existing trees, identifying by location each tree’s:
 - a. specie type;
 - b. age;
 - c. remaining life expectancy;
 - d. ability to be relocated; and
 - e. if proposed to be kept, method to ensure longevity of the tree beyond construction of the development.

Easement on West Side of Subject Site; Width, Location, and Use

The preliminary development plan shows an easement (or multiple easements) to the west of the subject site, fully on the site of the proposed City Park. Within this area, both a sanitary sewer and stormwater easement are shown and it is City staff's understanding that there is also a landscape and maintenance easement being sought by the applicant for maintenance of the proposed parking structure westernmost wall, which is proposed to be set directly on the proposed property line between the subject mixed-use development and the proposed City park.

More thorough review is required of the size, location, and use of this easement area. City staff understands that the applicant is currently working with Johnson County Wastewater to determine whether their easement is necessary and whether there are wastewater facilities/infrastructure on the site and whether they need to be relocated. The applicant has indicated that Johnson County Wastewater will allow a drainage swale over the sewer with proper care and that the swale is approximately 11' off the main line. Location of the stormwater easement will become clearer once a full stormwater study is conducted as part of the final development plan. Finally, the size and location of the landscaping and maintenance easement along the mixed-use development's parking garage remains to be resolved. As the type and location of landscaping capable of serving as a buffer and permitted within a stormwater easement is highly restrictive, if permissible at all, the applicant's maintenance needs and the City's ability to appropriately manage stormwater on the site may be in conflict with a shared easement for both purposes.

It is noteworthy that any easements located on the future City Park property will limit the City's ability to program and place features in those portions of the park that are within an easement.

Site Grade Change at Western Lot Line

Related to the unresolved questions pertaining to easements in the section above, it is not immediately evident from the preliminary development plan submittal what the grade differential is intended to be at the southwestern edge and corner of the mixed-use development, where the southern end of the western-most parking structure adjoins the future City Park. City staff has requested an illustrated perspective elevation from a standard height person's viewpoint looking north from this area.

Traffic Impact

Although a preliminary Traffic Memo has been provided as part of the submittal, a full Traffic Impact Study (TIS) is anticipated in the coming weeks. There are several outstanding items to be resolved to ensure that the applicant is appropriately forecasting and evaluating the traffic impacts of the proposed mixed-use development in relation to existing conditions. Further, City staff has requested and is awaiting from the applicant documentation of approval from the Kansas Department of Transportation (KDOT) as to the applicant's proposed new access point onto Highway 169/Rainbow Blvd., aligned with 50th Terrace. Further still, City staff has directed the applicant to conduct traffic counts around the site once all surrounding schools have commenced their Fall 2023 sessions (on or after August 24, 2023).

Given the status of evaluation of the traffic impact related to the proposed development, there are still several items outstanding, which will need to be provided and resolved prior to preliminary development plan and/or final development plan approval.

It is worth noting that although there is a current regional study of Rainbow Blvd./Highway 169/7th St. taking place, that process is unrelated to this application; however, the two processes will be connected where possible. The Mid-America Regional Counsel (MARC) Planning Sustainable Places (PSP) Rainbow Blvd./7th Street/Hwy. 169 Complete Streets Traffic Management Plan study project was contemplated by the City of Westwood following the Urban Land Institute's (ULI) 2021 Technical Assistance Panel (TAP) and was initiated prior to the Karbank proposal being received by the City.

Notably, one of the main stated objectives of the MARC PSP work is to:

Integrate into the design recommendations [for Rainbow Blvd.] strategies and solutions that reduce – or at a minimum don't contribute to or cause higher levels of – non-resident vehicular traffic on adjacent residential streets.

Although this MARC PSP hopes to produce a recommendation that would result in a more pedestrian and transit-oriented Rainbow Blvd. from Shawnee Mission Pkwy. to I-35, the timelines for the projects will not result in integration of the MARC PSP findings into this particular application process. Nonetheless, the conversations and results from this application process will be integrated into the MARC PSP process.

Stormwater Management

The stormwater management plans are, in theory and method, acceptable. Additional detail and information (including the MARC level of service calculation worksheets showing LOS required and proposed) will be reviewed in depth once it is provided prior to approval of a Final Development Plan.

Signage Guidelines

City staff sees no issues or areas of noncompliance within the submitted Comprehensive Signage Guidelines. As no tenants have yet been identified, exact signs cannot be contemplated nor reviewed by City staff. As tenants are named and signage is designed for their use, it must conform with the Comprehensive Signage Guidelines as approved during this process. Any deviations would come before the Planning Commission for review and approval.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission:

- review the rezoning request narrative;
- review the submitted preliminary development plan;
- review the Review Criteria and Approval Criteria provided earlier in this report;
- hear and consider comments from the public during the public hearing⁵;
- consider the outstanding items not resolved during administrative review;
- provide direction to City staff and to the applicant as to modifications expected to the proposed preliminary development plan if it is to achieve a recommendation of approval or conditional approval from the Planning Commission to the Governing Body; and

⁵ Per K.S.A. 12-757, this public hearing was published at least 20 days prior both in the City's official newspaper and by way of signs posted and maintained at the site and notice of the hearing was mailed to all property owners within 200' of the subject property within the city limits of Westwood and to all property owners within 1,000' of the subject property outside the city limits.

- continue the public hearing until the next regular Planning Commission meeting, set for September 11, 2023, to resolve outstanding issues.