

WESTWOOD PLANNING COMMISSION

Staff Report

Meeting Date: October 9, 2023

Staff Contact: Leslie Herring, City Administrator

FDP-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 final 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.

The rezoning and preliminary development plan are subject to public hearing before the Planning Commission and were considered on both August 7 and September 11, 2023. On September 11th, the Planning Commission made a recommendation to the Governing Body of conditional approval of those applications. The Governing Body is set to consider the three application at its October 12, 2023 regular meeting.

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 platted¹, and the successful sale and purchase of the various property parcels within the subject site has closed².

¹ Subject to a separate but related process being run commensurate with these applications.

² Pursuant to Purchase Agreements executed jointly by and between USD 512, the City of Westwood, and Karbank Holdings, LLC dated June 8, 2023.

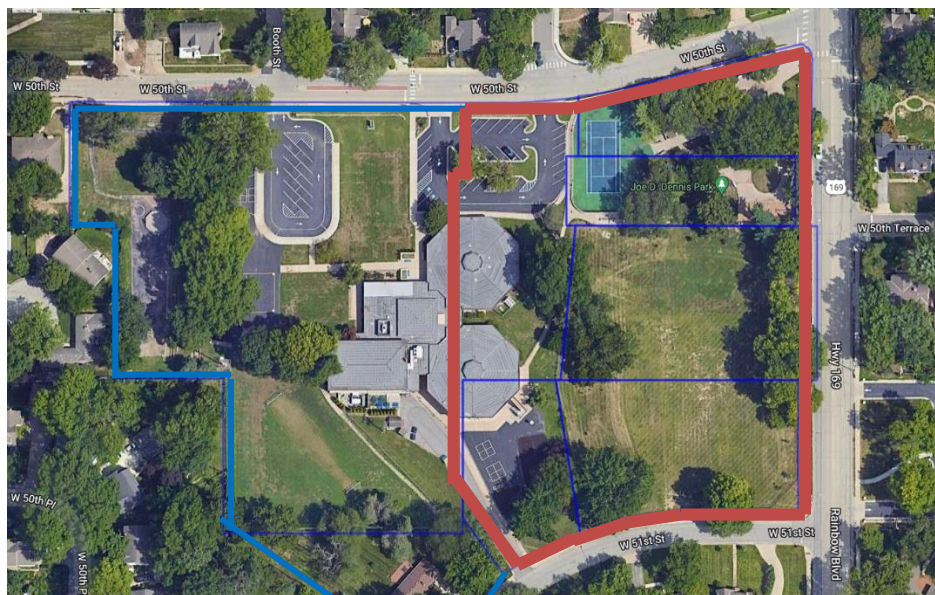
Application Subject to Final Development Plan Approval

This application is subject to both preliminary and a final development plan approval. The preliminary development plan was the subject of the previous three meetings and the final development plan submittal and review process is taking place at this meeting and, it is anticipated to be continued for final action to the November 6, 2023 regular Planning Commission meeting so that it is not approved prior to the Governing Body's action on the rezoning and preliminary development plan. 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 and site details 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, 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 final development plan to construct a mixed-use office and retail development.

GUIDANCE FOR REVIEW:

The following provisions of the Westwood Zoning Ordinance apply to this application.

1.6.26 Consideration of Final Development Plans.

A. No property which has a planned zoning district classification or which requires approval of a final development plan may be developed or significantly redeveloped without a final development plan having been submitted to and approved by the Planning Commission indicating that the site will conform to the current applicable requirements of City code. Final development plans for planned zoning districts which contain no modifications or additions from the approved preliminary development plan shall be approved by the Planning Commission if the Commission determines that the landscaping and screening plan is adequate and that all other submission requirements have been satisfied.

B. A final development plan which contains modifications from the approved preliminary development plan, but is in substantial compliance with the preliminary plan, may be approved by the Planning Commission without a public hearing; provided, that the Commission determines that the landscaping and screening plan is adequate and that all other submission requirements have been satisfied. For purposes of this section, lack of “substantial compliance” shall have the same meaning as “substantial or significant changes” as set forth in Section 1.6.25. Any determination made by the Planning Commission under this subsection shall be appealable to the Governing Body by the applicant within 10 days of the date of the Planning Commission determination.

C. In the event of a determination that the proposed final development plan is not in substantial compliance with the approved preliminary development plan, the application may not be considered except at a public hearing, following publication notice and notice to surrounding property owners as provided in Section 1.6.8 through 1.6.9.

D. Revisions to approved final development plans which are insignificant in nature may be approved administratively by the Building Official. In no event may revisions to approved final development plans be approved administratively if the proposed revised final plan contains “substantial or significant changes” as defined in Section 1.6.25.

E. The Building Official may accept final development plans submitted concurrently with the preliminary development plan. The Planning Commission may approve a final development plan prior to the approval of a preliminary development plan by the Governing Body with the conditions on the final development plan approval that it is consistent with the approved preliminary development plan and subject to the preliminary development plan being approved by the Governing Body.

STAFF ANALYSIS: Staff review and comments have been satisfied by revisions to the final development plan and, as such, staff recommends approval of the final development plan subject to the Governing

Body's review and action on the preliminary development plan and any changes thereto that would impact the final development plan's compliance with the preliminary development plan.

STAFF RECOMMENDATION: Staff recommends that the Planning Commission review the final development plan and ask any questions or share any concerns that may arise from such review so that action may be taken at the November 6th Planning Commission meeting subject to any revisions required.

Suggested Motion:

No action recommended at this time.