

STAFF REPORT

October 28, 2020

To: Southeast Consolidated Zoning Board
Fr: Pamela Hayhow, AICP, Senior Planner
Re: Application No. SE 20-82-SP (AU)

APPLICATION INFORMATION

Applicant/Owner: Chad Luikart/Blue Valley School District #229
Requested Action: Special Permit for Public Facility
Purpose: To allow use of the property for indoor storage of equipment used to maintain school district properties.
Legal Description: Part of the Northeast ¼ of Section 33, Range 14, Township 25
Site Address: 18440 Mission Road
Existing Land Use/Zoning: Agricultural (sod farm)/Residential Neighborhood One District (RN-1)
Existing Improvements: 2,600 sq. ft. barn, barbed-wire fencing, and gated entrance
Site Size: 19± acres

BACKGROUND INFORMATION

Special Permits: On April 14, 2016, the Board of County Commissioners (BOCC) adopted an amendment to the Zoning Regulations creating a new zoning mechanism referred to as a “Special Permit”. A Special Permit follows the same process as a Conditional Use Permit (CUP) – both require a “Golden Criteria” review, a public hearing held by the zoning board, and a final decision by the BOCC. However, while a CUP is given a term and stipulations designed to limit negative impacts on the neighborhood, a Special Permit is reviewed against a set of adopted development and performance standards and, if approved by the BOCC, receives an indefinite term, subject to continued compliance with the adopted standards and approved development plan. Public Facilities are

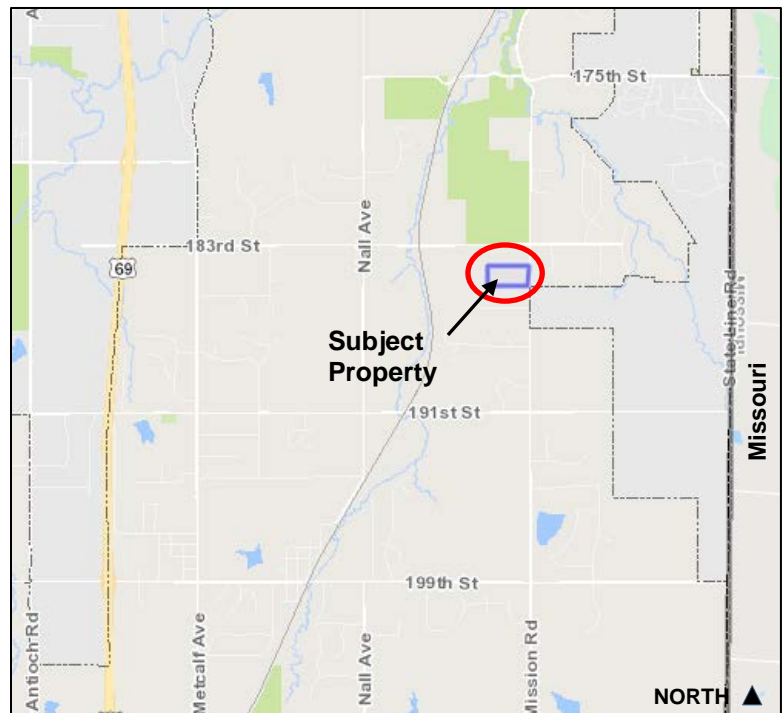


Figure 1: Vicinity Map, subject property outlined in blue and circled in red.

eligible for a Special Permit, and the purpose of the Special Permit's indefinite term is to recognize:

- 1) the public or quasi-public function of the uses in this category;
- 2) the nature of these uses, which have long term value and purpose to the community, by the provisions of essential functions for the public health, safety and welfare;
- 3) that once established at a particular location, the nature of the use justifies that it should be allowed to remain for the useful life of the facility; and
- 4) in many instances, such uses are taxpayer funded, and longer terms ensure the most advantageous use of public expenditures. (From Article 33, Section 1 of the Zoning Regulations.)

Proposal: The Blue Valley School District is requesting approval of a Special Permit to allow: 1) continued use of the existing 2,600 sq. ft. barn as ancillary storage of tools and equipment (i.e., tractors, mowers) used for landscaping and maintenance of district wide properties, and 2) construction of a new 7,000 sq. ft. building for indoor ancillary storage of seasonal equipment (i.e., snow plows, blowers) used for maintenance of district wide facilities. A school is not part of this Special Use request. Development of a school would require a new Special Permit and development plan approval.



Figure 2: Aerial view of subject property (property outlined in blue) showing existing improvements.

Zoning and Subdivision History: The school district acquired 40 acres located on the southwest corner of 183rd Street and Mission Road in 1978. In 1994, as part of a county-wide zoning action, this property was rezoned from RR, Rural Residential District, to RN-1, Residential Neighborhood One District. The subject 20-acre parcel is the result of an administrative tract split, SE-TS-3471 (AU), that was approved on May 21, 2019.

Summary Recommendation: Based on the findings and conclusions of this entire report, staff is recommending approval of the requested Special Permit for the ancillary storage for the school district

on the subject property because the use is consistent and compatible with rural and residential zoning, and single-family residential, agricultural, and public uses, of nearby properties and the subject property continues to be an appropriate site for the provision of this essential public service.

MINIMUM INFRASTRUCTURE REQUIREMENTS

The *Johnson County Zoning and Subdivision Regulations* (the *Regulations*) state that the minimum infrastructure requirements shall be guidelines for interpretation of the minimum infrastructure required for uses allowed by a Special Permit. For this review, the minimum infrastructure required for the underlying RN-1 zoning district were considered.

A. Fire Station Service Area:

The tract shall be within five (5) miles via existing streets along the route from the tract to either an existing fire station or a fire station constructed and which is scheduled to be operational by the time the tract would be occupied and used as zoned.

The nearest fire station is at 18475 Mission Road, directly across from the tract. *This requirement is met.*

B. Roads:

Category 3. External Roads Serving 2-acre and 1-acre lot Residential Subdivisions:

a. *A minimum of one road, constructed with at least an asphaltic concrete surface, shall provide continuous access from the subdivision or development tract:*

1. *to the nearest Highway, or*
2. *to the nearest CARNP designated Parkway or CARNP designated Arterial Street constructed with at least an asphaltic concrete surface.*

b. *All abutting roads shall have at least an asphaltic concrete surface.*

c. *Abutting roads contiguous to the subdivision or development tract onto which local roads in the subdivision or development connect, shall be constructed to at least the Type "B" Collector Street Standard but with at least 4-foot wide gravel shoulders.*

d. *Lots shall not have access directly onto a Highway, a CARNP designated Parkway, or a CARNP designated Arterial Street. Compliance with the frontage and other requirements of Article 30, Section 2(B)(2) of these regulations is also required.*

Category 6. All Interior, On-Site Roads:

All roads in any subdivision or development tract shall be designed and constructed to comply with the then applicable Street Construction and Storm Drainage Standards for New Subdivisions, as adopted by the County.

Mission Road, a CARNP designated Type 1, Minor Arterial, provides continuous access to the development tract. It is paved to a width of 22 ft. and is a county-maintained road. This proposal is not for a residential subdivision and there are no local roads (interior, on-site roads) connecting to Mission Road. Per the applicant, the ancillary school district storage building would generate very infrequent trips, 1 to 2 times per year. *This requirement is met.*

C. Storm Drainage:

Storm drainage systems and facilities shall be available or designed and constructed to comply with the then applicable County design criteria, construction standards, policies and regulations for storm

drainage systems and facilities. The development shall also comply with the then applicable County Flood Plain Regulations.

This infrastructure category has four components as follows:

1. *Storm drainage.* The proposed improvements associated with the Special Permit consist of the construction of a 7,000 sq. ft. building east of the existing building on the approximate 19-acre property. The proposed improvements will not result in an increased area of impervious surface on the site in excess of 10-percent of the existing impervious area and the existing impervious area of the site is less than 20-percent of the total property, therefore, the improvements will be exempted from the Stormwater Management requirements of APWA 5600
2. *Storm water quality management.* The applicant/landowner will be required to use erosion control methods during construction.
3. *Floodplain.* There are no 100 Year floodplain areas on the property.
4. *Storm water systems in conjunction with new streets.* There are no new streets proposed.

This requirement is met.

D. Wastewater Disposal:

Category 2. *Unless other methods are specifically allowed by the Environmental Sanitary Code, wastewater collection and treatment shall be available via approved sanitary sewers with adequate capacity to serve the estimated wastewater collection and treatment needs of the proposed development in accordance with adopted policies and standards.*

There are no offices or bathrooms in the existing barn or proposed storage building, and no proposed use at this time that would generate the need for wastewater collection and treatment. *This requirement is met.*

E. Water Supply:

Category 2. *Potable water supply shall be available or provided with sufficient quantities for domestic needs and from a public water source. For purposes of fire protection, all development shall comply with applicable codes and standards including minimum fire-flow requirements of the then applicable fire code as adopted by the Board.*

The property is within the service area of WaterOne, a public water source. There is an 8 inch water main with a fire hydrant located along the west side of Mission Road adjacent to the property. This water main is capable of providing sufficient quantities for domestic needs and for fire-flow requirements. *This requirement is met.*

Summary: The existing infrastructure available meets the minimum infrastructure required to support the use of the subject property for ancillary storage for the school district.

DEVELOPMENT AND PERFORMANCE STANDARDS FOR SPECIAL PERMITS

Special Permits shall be developed and continuously operated in accordance with the development and performance standards of Article 33, Sections 5 and 6 of the Zoning Regulations. The proposed new 70 ft. by 100 ft. building will be located to the east, and in front of, the existing 2,600 sq. ft. barn located on the subject property. The new building and site improvements are designed to meet the development and performance standards for Special Permits, as follows:

Uses Allowed: The uses allowed by the Special Permit will be restricted to indoor ancillary storage of maintenance tools and equipment used for landscaping and seasonal maintenance of district wide school facilities in the buildings shown on the development plan (see attached). No outdoor storage is allowed. The existing watering arm will be auctioned and removed from the property and the existing equipment stored outside near the building (concrete barriers) the south property line will be moved to another property or stored inside one of the buildings.

Term: The term would be indefinite provided the approved uses are constructed, operated, and maintained in accordance with the Regulations, the adopted resolution including the development plan and the applicable development and performance standards.

Screening:

- Buildings and Other Structures: The proposed storage building would be consistent and compatible with the existing barn (see Figure 4). It is proposed as a 100% metal building. Buildings constructed for uses allowed by Special Permit are required to be constructed with decorative materials unless completely screened or buffered. Metal panels are not considered a decorative building material. The development plan incorporates several of the screening methods listed in Article 33, to screen and buffer the buildings. See discussion below.
- Exterior Storage and Loading Areas: There are no loading docks and per the applicant, there will be no exterior storage of equipment or materials on the property. There are overhead doors on both buildings which provide access to the equipment and materials stored inside.
- Rooftop Mounted Equipment: The buildings do not have conditioned air or electricity. There will be no rooftop mounted equipment.
- Large-Scale or Tall Structures: The buildings are not oversized or over height for the 20-acre property.
- Off-Street Parking Areas: There are no off-street parking areas as the storage buildings are used infrequently and seasonally.

The purpose of screening is to help avoid the potential detrimental impacts that may accompany some of the uses allowed with Special Permits (e.g., adverse views, noise, odors, outdoor activity/storage



Figure 3: View of existing storage building taken from Mission Road

areas, and industrial types of buildings and structures) that can affect existing and anticipated uses of surrounding areas, including public streets. Screening methods listed in Article 33 for uses allowed by Special Permit include: distance or large setbacks, earth berms, landscaping with evergreen and deciduous trees, fencing, and existing screening and buffering.

The location of the new storage building is proposed 100 ft. to the east of the existing barn. The new storage building would be about 340 ft. from Mission Road and will partially screen views of the existing barn from the public road. Both buildings are about 500 ft. from the south property line (developed with single-family residences in the Maple Valley Farms subdivision). The existing barn is about 680 ft. from the west property line and will partially screen views of new storage building from adjoining property to the west. Both buildings will be about 70 feet from the north property line. The 20-acre undeveloped parcel to the north was recently sold by the school district and is zoned RN-1. It is anticipated that this property will develop with single-family residences in the future.

Per the development plan (see Figure 5), a row of 15 red cedar trees, 4 – 6 ft. tall, will be planted 20 ft. on center along 300 feet of the north property line to screen both storage buildings from the anticipated residential development to the north. Street trees consisting of 2 in. caliper Sugar Maples and Elms, planted 50 ft. on center, are shown along Mission Road frontage. Note: The existing growth of volunteer vegetation in the r-o-w will continue to provide screening and buffering of views into the property until such time as Mission Road is improved. Views from the south are buffered by distance, as well as, a large berm and existing mature vegetation on adjoining properties. A row of 15 red cedar trees, 4 – 6 ft. tall, will be planted 20 ft. on center along the south property line to provide additional screening of upper level views from the single-family residence located closest to the storage buildings.

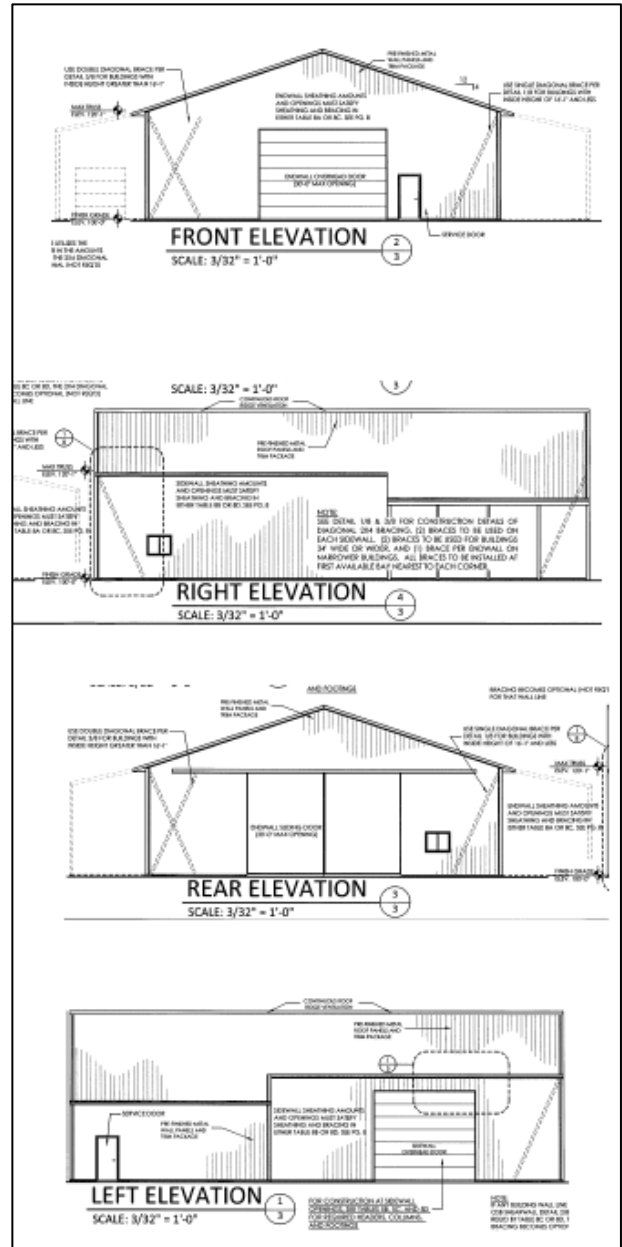


Figure 4: Elevations of new storage building

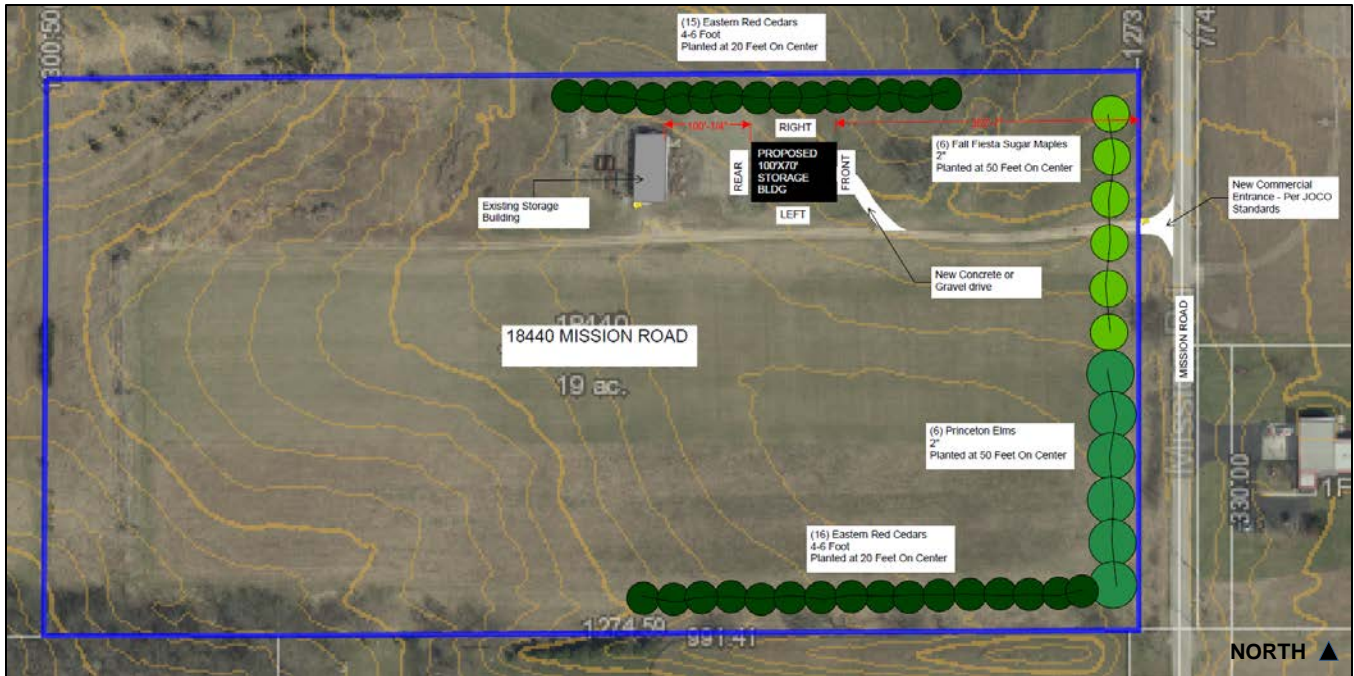


Figure 5: Development Plan showing proposed screening.

The combination of distance or large setbacks, existing topography and vegetation, and proposed new landscaping will satisfy the screening requirements for the proposed ancillary storage for the school district in accordance with Zoning regulations.

Special Development and Performance Standards for Selected Special Permits:

Schools, Libraries, Fire Stations, and Police Stations:

Though it is often desirable for public facilities such as schools and fire stations to be located close to the neighborhoods they serve, care should be taken so that the facilities: 1) do not impede traffic or cause a hazard to the traveling public, 2) provide adequate and safe vehicular and pedestrian access to the site to include the provision of sidewalks, crosswalks, and traffic signals, where necessary, 3) do not cause undue impacts (i.e., noise, lighting, or the heightened activity associated with such facilities) on surrounding residential uses and zoning, 4) are located on parcels of sufficient size to adequately contain the uses’s activities and structures along with adequate buffering and screening from nearby residential uses and zoning, 5) are located on sites that are safe and free from existing or potential environmentally harmful impacts, 6) other than elementary and secondary schools and libraries, are located in nonresidential areas, if feasible, and 7) are located in areas where the potential adverse impact on the surrounding area and anticipated future uses is minimal.

- 1) The subject property is located one-quarter mile from the arterial intersection of 183rd Street and Mission Road. The submitted development plan shows that the existing gravel driveway, located 860 ft. from the intersection (in a location which meets sight distance requirements) will be improved to a commercial entrance. With this location and improvement of the entrance, the facility will not impede traffic or cause a hazard to the traveling public on Mission Road.
- 2) Only school district personnel require access for the ancillary storage for the school district. The entrance is gated and pedestrian access denied.

- 3) There are no undue impacts anticipated with the ancillary storage for the school district on surrounding residential uses and zoning as there will be no lighting and the activity is very infrequent and seasonal
- 4) The 20-acre size of the property is large enough to contain the proposed ancillary storage for the school district.
- 5) There is no floodplain, or other known existing or potentially environmentally harmful impacts on the subject property.
- 6) It is anticipated that the surrounding area will be developed with more single-family residences and this area will become more residential in the future.
- 7) There is minimal adverse impact with the ancillary storage for the school district. Adverse impact on the surrounding area and anticipated future uses would include noise and dust during construction and when materials and equipment are loaded and unloaded, which per the applicant is very infrequent and seasonal.

STAFF ANALYSIS OF SPECIAL PERMIT

Public facilities may be allowed in the RN-1 District provided a Special Permit is approved by the County. The regulations, the *Rural Comprehensive Plan* and laws in Kansas indicate that consideration should be given to whether the proposed use is in the interest of the public health, safety, morals, and the general welfare of the community. The Special Permit application has been considered with regard to:

1. Whether the use is consistent with the zoning and uses of nearby properties.

The area surrounding the property is a mix of rural and residential zoning, both in the unincorporated area and within the city of Overland Park. Abutting property to the north is zoned RN-1 and is undeveloped and used for the cultivation of row crops. Further to the north, on the north side of 191st Street but west of Mission Road, properties are zoned RUR. Camp Branch Park is developing on the northwest corner of the arterial intersection. Properties adjacent to the park are developed with single-family residences with residential and agricultural use, and agricultural barns in agritourism use. Properties on the east side of Mission Road, in the unincorporated area are zoned RUR, Residential Low Density District (RLD), Planned Residential Low Density District (PRLD), Residential Neighborhood Two District (RN-2), and RN-1. These properties are developed with single-family residences with residential and agricultural uses at varying densities. A fire station for Johnson County Fire District 2 is developed on property zoned RLD located immediately east of subject property. Property in the city of Overland Park is zoned R-1A, Single-family Residential and is undeveloped. There are scattered single-family residences constructed on RUR and RLD zoned parcels located in the unincorporated area further to the south and east. Abutting property to the south is zoned RUR and is developed with single-family residences on 10-acre and larger size lots platted in the Maple Farms subdivision. Further to the south, property is zoned RN-1 and is developed with single family residences in the Mission Trails platted subdivision and an older residential subdivision (not platted) located on the northwest corner of 207th Street and Mission Road. Abutting property to the west is zoned RUR and is developed with a single-family residence along 191st Street, in residential and agricultural use.

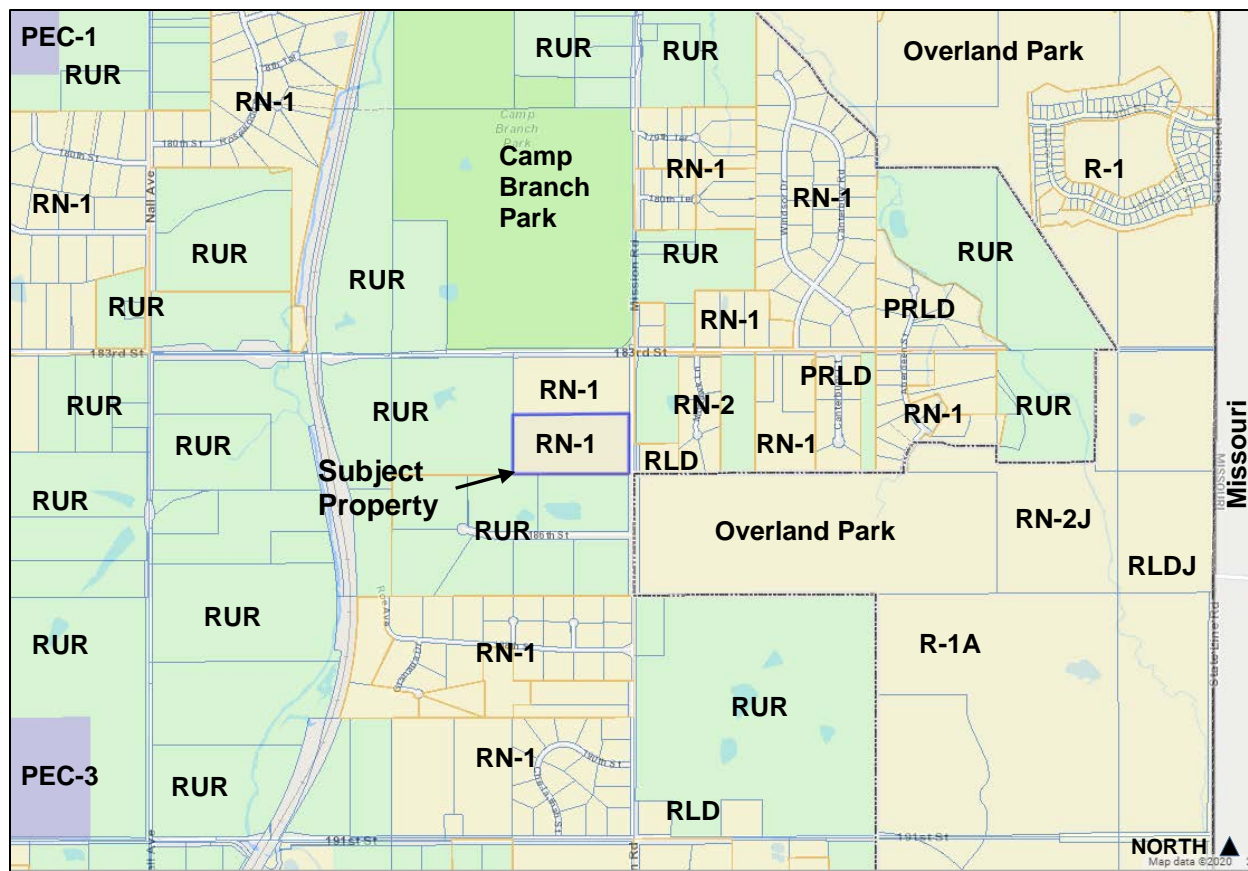


Figure 6: Zoning Map for the Subject Property and Nearby Properties

Ancillary storage for the school district is an institutional type facility serving an essential public service. These uses are typical and appropriate to be located close to the rural and residential areas that they serve. The ancillary storage for the school district is a use consistent with the zoning and uses of nearby properties.

2. Whether the use is compatible with the character of the neighborhood.

The character of the area surrounding the property is best described as rural residential, consisting of a mix of single-family residences and agricultural structures on parcels which are more than 10 acres in size, and single-family residences on parcels which are less than 10 acres in size. In addition, there are existing and developing public services/amenities in the neighborhood, including a fire station and regional park. The ancillary storage for the school district is compatible with character of the neighborhood.

3. Suitability of the property for uses to which it has been restricted.

The subject 20 acre property is zoned RN-1 which is restricted to single-family residential and accessory to residential uses on minimum 1 acre size lots. The property is not suited for residential development at this density without the availability of sanitary sewers.

4. Extent of detrimental effects to nearby parcels should the Special Permit be approved.

The ancillary storage for the school district will have minimal detrimental effects to nearby parcels. Potential detrimental effects could be the visual appearance of two storage buildings constructed

without decorative materials (metal panels). Note: The existing detrimental effects from outdoor storage of equipment will be removed when the equipment is sold and removed, or moved and stored indoors and out of sight (see attached written narrative from the applicant).

Increased setbacks and evergreen trees are proposed per the development plan to screen and buffer the proposed ancillary storage for the school district use.

5. Length of time the property has remained vacant as zoned.

The property has been zoned RN-1 since the last county-wide rezoning in 1994 and has been developed with a barn since 1998 (visible on aerial record).

6. Relative gain to the public health, safety, and welfare as opposed to the hardship imposed upon the landowner by denying the request.

If the Special Permit is approved, the public health, safety, and welfare will continue to benefit from the services provided by ancillary storage for the school district. There would be no gain to the public by denying the request. The hardship to the school district would be that they could no longer utilize the property for ancillary storage for the school district and would have to look for an alternate location.

7. Whether the use is in keeping with the Comprehensive Plan.

This property is within the Stilwell Community Plan, formerly the Blue Valley Plan, adopted by the BOCC on December 12, 2013. The property is in a Growth Policy Area - Agricultural/Residential. This policy area may be appropriate for orderly, reasonable expansions of existing residential development areas if there is adequate infrastructure to support it. The proposed ancillary storage for the equipment and materials used to maintain school district facilities and properties provides an essential public service for the existing residential development and will serve the anticipated future residential development in the Growth Policy Area. The Special Permit is in keeping with the Comprehensive Plan.

RECOMMENDATION

Planning staff recommends **approval** of a Special Permit for ancillary storage for the school district on the property, subject to the following stipulations:

1. The approved uses of the property shall include two storage buildings used for interior storage of equipment and materials used for maintenance of district wide, facilities and properties owned by the Blue Valley School District. No exterior storage is permitted.
2. The uses shall be granted for an indefinite term, provided the approved uses are constructed, operated and maintained in accordance with, and are continuously in compliance with a) this Resolution, including the approved development plan (which includes the site plan and elevations), attached hereto as "Exhibit A", except as modified by this Resolution and/or any minor amendments that may be administratively approved pursuant to Article 33, Section 8 of the County Zoning Regulations and b) the County Zoning Regulations, including the applicable development and performance standards of Article 33, Sections 5 and 6, attached hereto as "Exhibit B", which require, among other things, that the storage buildings and landscaping be maintained pursuant to Article 33, Section 5(O).
3. A sight distance analysis shall be submitted and approved prior to construction of the entrance to commercial standards.

4. If grading or other land disturbance of one acre or more is going to be performed a Stormwater Quality Management Plan and calculations will need to be submitted and a Stormwater Treatment Facility Permit (SQMP) issued prior to the issuance of a building permit. The SQMP and calculations must conform to the Manual of Best Management Practices for Stormwater Quality, published by the Mid America Regional Council and the Kansas City Metro Chapter of the APWA, 1980 edition.
5. *If the construction of the proposed Accessory Building will disturb more than one acre a Land Disturbance Permit will be required prior to any land disturbing activities. A LD Permit is required for any LD activities that are part of a larger, phased, staged, common plan of development shall be considered a single site for the purposes of calculating the disturbed area.*
6. If the uses are not so constructed, operated, and maintained, then the Special Permit is subject to revocation and termination as set forth in Article 33 of the County Zoning Regulations.

Reasons for Recommendation of Approval:

1. The ancillary storage for the school district use is consistent with the surrounding zoning and residential, agricultural, and public uses.
2. The ancillary storage for the school district use is compatible with the character of the rural residential neighborhood that surrounds it.
3. There would be no gain to the public by denying the request.
4. The ancillary storage for the school district use has existed on the subject property for 22 years without conflict or negative impact on surrounding residential and agricultural uses or nearby property.
5. The Special Permit is in keeping with the Growth Policy Area – Agricultural/Residential, of the Comprehensive Plan.

Attachments: Site Plan; Elevations; Written Narrative; Public Works comments