



MINUTES – Opening Remarks

Planning Commission Meeting: September 23, 2024

The Planning Commission convened at 7:00 p.m. to meet in regular session with **Chair Wayne Janner** presiding. Commissioners Taylor Breen, Tony Bergida, Keith Brown, Ken Chapman, Chip Corcoran, Jeffrey Creighton, Megan Lynn and Jim Terrones were present.

Recited Pledge of Allegiance.

Chair Janner made introductory comments. Regarding ex parte communication, the Chair requested that if a commissioner has something to report, they specify the nature of the ex parte communication when that item is reached in the agenda.

Chair Janner referenced the Planning Commission Consent Agenda, which includes five items. Chair Janner asked if items needed to be removed for separate discussion or additional information.

Commissioner Corcoran requested to remove Item D, PR24-0009, from the consent agenda for separate consideration. He stated he needed to recuse himself for Item D due to his company's involvement in the application's engineering services.

Chair Janner entertained a motion for the remaining consent agenda items, excluding Item D.

A motion to approve MN24-0909, Planning Commission meeting minutes of September 9, 2024, was made by **Commissioner Bergida** and seconded by **Commissioner Creighton**. The motion passed 9 to 0.



MINUTES

Planning Commission Meeting: September 23, 2024

Application:	<u>MP24-0017:</u> Request for approval of a minor plat for Ranch Villas at Prairie Haven, Lot 7, containing four (4) lots on approximately 0.28 acres, located northwest of S. Tallgrass Drive and W. 120th Street.
---------------------	--

A motion to approve MP24-0017 was made by **Commissioner Bergida** and seconded by **Commissioner Creighton**. The motion passed with a vote of 9 to 0 with the following stipulations:

1. All neighborhood amenities adjacent to lot 7 including but not limited to master landscaping, street trees and sidewalks must be installed prior to issuance of a final certificate of occupancy.
2. The existing trail must be relocated and replaced prior to Certificate of Occupancy.



MINUTES

Planning Commission Meeting: September 23, 2024

Application:	<u>MP24-0019:</u> Request for approval of a minor plat for Canyon Ranch Villas, Second Plat, containing two (2) lots on approximately 0.66 acres, located northwest of W. 116th Terrace and S. Olathe View Road.
---------------------	---

A motion to approve MP24-0019 was made by **Commissioner Bergida** and seconded by **Commissioner Creighton**. The motion passed with a vote of 9 to 0 with no stipulations.



MINUTES

Planning Commission Meeting: September 23, 2024

Application:	<u>PR24-0009:</u> Request for approval of a revised preliminary site development plan for 119th & Ridgeview Retail on approximately 3.75 acres; located southeast of W. 119th Street and N. Ridgeview Road.
---------------------	--

Commissioner Corcoran requested to remove Item D (PR24-0009) from the consent agenda for separate consideration. He stated he needed to recuse himself for Item D due to his company's involvement in the application's engineering services.

A motion to approve PR24-0009 subject to all staff recommendations and stipulations was made by **Commissioner Creighton** and seconded by **Commissioner Breen**. The motion passed with a vote of 8 to 0 with 1 recusal with the following stipulations:

1. A revised preliminary site development plan must be approved prior to submittal of a final site development plan for the future pad site building.
2. Exterior ground-mounted or building mounted equipment including but not limited to, mechanical equipment, utilities' meter banks and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.



MINUTES

Planning Commission Meeting: September 23, 2024

Application:	<u>FP24-0024:</u> Request for approval of a final plat for Stonebridge Park, Replat of Lot 60, containing one (1) lot and one (1) tract on approximately 0.34 acres, located at 15844 W. 163rd Terrace.
---------------------	--

A motion to approve FP24-0024 was made by **Commissioner Bergida** and seconded by **Commissioner Creighton**. The motion passed with a vote of 9 to 0 with the following stipulation:

1. A Tree Preservation Easement must be shown on Tract A prior to recording the final plat.



MINUTES

Planning Commission Meeting: September 23, 2024

Application:	<u>RZ24-0015:</u> Request for approval of a rezoning from the CP-O (Planned Office Building), CTY RUR (County Rural), and CTY RLD (County Residential Low Density) Districts to the C-2 (Community Center) and R-3 (Low Density Multi-Family) Districts and a preliminary site development plan for HoM Flats, on approximately 14.28 acres; located west of 161st Street and S. Mur-Len Road.
---------------------	---

Chair Wayne Janner introduced how the rezoning application and public hearing process would be conducted: First, City Staff would present the application and staff's recommendation. The Applicant would then be able to present. After that, the public hearing would be opened. Each speaker who signed up would be called and given five minutes to speak according to the Commission bylaws.

Chair Janner acknowledged the Commission appreciates resident participation as an important part of the process. Further, the Commission received and read the packet with the residents' comments and correspondence. At the public hearing, the Commissioners are particularly interested in any new information. Chair Janner gave further instructions about the format of the public hearing and the scope and purview of the Planning Commission. He then yielded the floor to Ms. Emily Carrillo for a presentation of the application.

Ms. Emily Carrillo, Senior Planner, presented RZ24-0015, a request to the C-2 (Community Center) and R-3 (Low Density Multi-Family) Districts with a preliminary site development plan for HōM Flats, on approximately 15 acres containing (2) parcels, located west of 161st Street and Mur-Len Road.

Ms. Carrillo presented the current zoning which includes CP-O (Planned Office) on the northeast portion of the site and the remainder retains Johnson County Rural zoning. The surrounding properties are zoned C-2 (to the north), NC (to the east); R-1 single-family (to the south) and CTY RUR large-lot single family (to the west).

Ms. Carrillo continued the applicant requests to rezone the property to two different zoning districts:

1. The applicant requests to rezone to the C-2 District along the east portion of the site to allow for commercial and mixed use. Although the C2 District generally allows for service and vehicular related uses, staff recommends a few restrictions particularly on vehicularly-oriented uses which could include extended operating hours or increased noise and light adjacent to residential. In contrast, true “mixed use” areas focus on more pedestrian-oriented uses. The applicant has agreed to the recommended stipulations.
2. The applicant requests to rezone to the R-3 District on the remaining western half of the site which would allow for vertically attached multi-family buildings.

Ms. Carrillo demonstrated the Future Land Use Map designation for this area is both Community Commercial Center & Mixed Density Residential. She concluded C-2 and R-3 Districts directly align with these designations. She cited the definition of “Mixed Use Residential Neighborhoods” from the Comprehensive Plan which states “The mix of housing types is oriented more toward attached multifamily units than detached single-family units. True mixed-use development is encouraged, and other limited commercial and service uses may also be permitted in conjunction with residential development.”

Ms. Carrillo stated the proposal achieves several goals and policies from PlanOlathe:

1. Proposals should be consistent with PlanOlathe Comp Plan (LUCC-1.1)
2. Encourage higher density housing near services and commercial centers (LUCC-3.1)
3. Support Mixed-Use neighborhoods (LUCC-4.1)
4. Provide a balance of jobs and housing (ES-2.1)
5. Encourage a full range of housing choices (HN-2.1)

Ms. Carrillo presented the overall site development plan, to be constructed in a single phase except for a conceptual commercial building proposed at the southeast corner. Overall, the site contains 202 residential units; staff recommends limiting the density for both the C-2 and R-3 Districts at 15 density units/acre.

Ms. Carrillo presented the C-2 District portion of the plan adjacent to Mur-Len Road, which includes a 3-story mixed-use building with ground-floor commercial uses and a total of 53 upper-story residential units, located on approximately 4 acres. The mixed-use building totals approximately 25,000 square feet and includes an 8,000 square foot daycare tenant within the northern portion of the ground floor.

Ms. Carrillo continued to present the R-3 District which encompasses 10.63 acres and consists of twelve (12) 2- and 3-story multifamily apartment buildings totaling 149 units ranging in size from 8,000 to 36,000 square feet. The 3-story, 37-unit multifamily building is located central to the site in the R-3 District.

Ms. Carrillo continued, the multifamily buildings located along the western portion of the property, have been reduced to 2-stories at a height of 30-feet tall and with individual

patios or balconies. Ms. Carrillo stated these buildings are designed to be closer to the average height of a 2-story single family home.

Ms. Carrillo stated the development is providing over 62% open space and 11% active open space, which exceeds UDO requirements. Planned outdoor amenities include a large wet detention area with fountain features, two play areas, a dog park, a sport court, and walking paths. The plan meets all parking requirements for both Mixed-Use and Multifamily. The plan includes a sidewalk network which meets UDO requirements for pedestrian connections, including a pedestrian connection to the south to the existing sidewalk network in Arbor Landing

Ms. Carrillo presented the landscape plan, which meets all UDO requirements. Of the existing 7.33 acres of existing tree canopy, the developer will preserve 20% of the existing tree canopy which meets the UDO minimum. A full tree survey will be required at time of final site development plan.

Ms. Carrillo continued to present the traffic plan. A Traffic Impact Study was provided and reviewed by staff. Per the recommendations of the study and the City's Access Management Plan, turns lanes will be provided on Mur-Len at the site entrance.

Ms. Carrillo shared the elevations and renderings. She noted the architecture has changed significantly since the original application submittal, stating that the design evolved into a blended architectural style that incorporates modern design with traditional architectural style including pitched rooflines, red and tan brick, stone and stucco. The plan meets the minimum design standards of the UDO.

Ms. Carrillo stated the applicant is seeking (2) waivers, pertaining to of the placement of the mixed use building closer to the street frontage along Mur_Len.

1. The first waiver request is from UDO 18.20.140 to reduce the minimum required front buildout from 80% to 63.9%. 'Frontage buildout' is defined as the length of a front building façade compared to the length of the front lot line, expressed as a percentage (including access points and setbacks).
2. The second waiver request is a waiver from UDO 18.15.115.C to increase the minimum required street frontage area from 15-feet to 20-feet. The applicant intends to place the mixed-use building at 20 feet, while a proposed commercial building to the south would sit at the 15-foot line. Ms. Carrillo noted the 60-foot right-of-way needed for future improvements on Mur-Len Road and a 10-foot utility easement that influenced building placement. She added the 20-foot setback also allowed for the required patio area at the 15-foot build line.

Ms. Carrillo indicated staff supported both waivers, citing existing utilities that limited building placement and the applicant's agreement to provide a decorative masonry wall around the patio areas adjacent to Mur-Len Road.

Ms. Carrillo confirmed the developer met all public notification requirements, including sending updated notice letters on September 12, 2024, to property owners within 500 feet and for the Johnson County unincorporated area (1,000 feet), as well as HOA contacts. A neighborhood meeting was held on July 29, 2024, with approximately 50 residents attending. She continued that approximately 30 letters regarding the project were received by staff, which focused primarily on height, density, compatibility, landscaping, and traffic.

Ms. Carrillo noted the developer did work with staff to comply with UDO and address resident concerns by reducing height, increasing buffer areas, and revising architectural plans to blend with the existing area. She reported a second traffic study was completed in September after school was in session, after an initial study in June.

Ms. Carrillo confirmed that the rezoning application met the guidelines for considering rezoning applications and that staff recommended approval of the rezoning with four stipulations, including use restrictions, height and density limits, and preservation of ground-floor commercial space in the C-2 district.

Ms. Carrillo added staff recommends approval of the preliminary site development plan, which included the two (2) waivers and additional items still needed for the final site development plan. She mentioned that the developer agreed with the proposed stipulations. The application was scheduled to be considered at the October 15th City Council meeting. She concluded her presentation by indicating availability for questions and that the applicant had slides prepared if needed.

Chair Janner opened the floor for Commissioners to ask questions of the staff.

Commissioner Creighton thanked Ms. Carrillo for her detailed presentation. He expressed concerns about the site plan, specifically addressing density and setbacks. He noted that the typical density for single-family areas was 6 to 7 units per acre, while the proposal was for 14 units per acre, which was significantly higher. He inquired about the adequacy of setbacks and asked whether the setbacks were comparable to previous apartment developments. He raised concerns about the height of the three-story building, particularly its visibility from Mur-Len Road and its compatibility with neighboring properties.

Ms. Carrillo responded to the density question by clarifying that the R-3 district allowed for a density starting at 12 units per acre, with the potential for increased densities if high-quality site and building design standards were met. She confirmed that staff felt the proposed density was allowable due to adherence to buffer areas, tree preservation, and other requirements. She addressed the concerns about the three-story building's height by explaining that the tallest point, including pitched roof elements, would reach 45.5 feet, while comparable nearby buildings like Price Chopper had a maximum height of 50 feet.

She stated the average height of Price Chopper was about 30 feet, with other commercial buildings in the area around 37 feet, and that the fire station stood at approximately 30 or 32 feet. The pitched roof elements of the proposed building were architectural features that contributed to its overall height and offered to provide a better visual context for the height comparison in the area. She added that her response aimed to clarify the building's height in relation to neighboring structures.

Commissioner Chapman began with a question about Item A on page 12 of the staff report regarding the alignment of the proposed use with the comprehensive plan. He noted that the report indicated the majority of the development aligned with the plan but asked if there was a portion that did not.

Ms. Carrillo referenced a corresponding slide and responded that the development generally aligned with the future land use plan, highlighting that the northern half was designated for commercial use and the southern half for mixed-density residential. She demonstrated the proposed plan divided the zoning east/west instead of north/south.

Commissioner Chapman asked if the rezoning would allow a convenience store without gas sales, referring to a recommendation to restrict such stores.

Ms. Carrillo clarified that the rezoning would permit a convenience store without gas sales due to the proposed use restrictions.

Commissioner Brown requested Ms. Carrillo return to a slide regarding the frontage build-out and waivers. He asked how far the building would be from the curb once Mur-Len Road was widened.

Chet Belcher, Chief Development Officer, explained that when roads are widened, the back of the curb is typically 11 feet from the right of way, resulting in a distance of 31 feet from the curb to the building.

Commissioner Brown shared he had personally visited and observed traffic conditions at 161st Street, turning south. He stated he waited four minutes, even though it was outside school hours. He suggested a traffic signal to improve the situation.

Charlie Love, Chief Development Engineer confirmed that a traffic analysis had been conducted and indicated that a traffic signal was not warranted at that intersection based on current and future traffic volumes. He mentioned that any significant changes in use would prompt a re-evaluation of traffic needs.

Commissioner Brown expressed concern about future traffic conditions when Mur-Len was expanded to four lanes.

Mr. Love agreed that the traffic analysis included future projections but still found no need for a signal at this time.

Commissioner Brown asked about an offset on the site plan related to Heatherwood Street.

Ms. Carrillo explained the proposed development included a connection to Heatherwood that would dead-end at the site. She noted that a second access point had been removed from the original submittal but emphasized the importance of maintaining a pedestrian connection to the south.

Commissioner Brown inquired what the pedestrian connection would link to.

Ms. Carrillo clarified that the connection would lead to the Arbor Landing subdivision to the south, along the western side of Heatherwood, running to the next intersection.

Chair Janner prepared to open the public hearing for public comments.

Ms. Hollingsworth suggested verifying whether the applicant wanted to speak, noting the usual order of speaking.

Chair Janner agreed.

Mr. Vishal Arora, Grand Rapids, Michigan, introduced himself as representing Magnus Capital Partners and expressed readiness to answer questions without adding to the detailed presentation.

Commissioner Bergida raised several questions based on community feedback, starting with concerns about the location of a dumpster in the project plans. He appreciated adjustments made to the building design but sought clarification about the changes.

Mr. Arora confirmed that the current plans reflected a culmination of discussions and that adjustments had been made regarding the dumpster's location.

Ms. Carrillo clarified the discussions around the dumpster's placement and the landscaping involved, emphasizing that the dumpster enclosure was now in a permissible rear yard location.

Commissioner Bergida inquired about a previously non-existent berm, asking if it had been added in the revised plans.

Ms. Carrillo confirmed that the original plan did not include a berm, and the new plans included a six-foot berm as required per code.

Commissioner Bergida asked Mr. Arora about the concept of socially responsible housing mentioned on Magnus's website.

Mr. Arora explained that socially responsible housing to Magnus means earning trust and meeting community needs, focusing on workforce or young professional housing.

Commissioner Bergida asked whether workforce housing would involve government incentives.

Mr. Arora answered it might.

Chair Janner mentioned that discussions about funding are outside the purview of the Commissioner and would be more appropriate for the City Council.

Mr. Arora clarified that workforce housing does not always imply subsidies or entitlements and discussed the target demographic of “workforce housing” which broadly means individuals earning between 50% and 120% of the area median income.

Commissioner Bergida stated his question was directed to how the plan would fit in with surrounding neighborhoods. He questioned whether the property would be gated.

Mr. Arora answered the property’s entrance at 161st Street would not be gated.

Commissioner Bergida discussed the site standards chosen for the project and asked why staff chose the Site Standards 2, contrasting them with Site Standard 1 that might be less dense.

Ms. Carrillo explained the dimensional standards within the Unified Development Ordinance which has multiple “columns.” The UDO provides the columns as a mechanism to be able to increase density by achieving higher site and building design standards. Ms. Carrillo confirmed the applicant’s plan met these higher requirements through additional open space, landscaping and buffering, and meeting design standards.

Commissioner Bergida expressed concerns about the transition from single-family homes to higher-density apartments and asked about the overall density and compatibility with the surrounding neighborhoods. Commissioner Bergida asked what the density was for the larger-lots in the unincorporated County area and confirmed with input from Mr. Belcher that the surrounding area’s density is a range of 3-6 units/acre.

Commissioner Bergida asked whether the applicant considered utilizing lower density options (like townhomes) on the outer parts of the site and keeping higher density in the center of the site, to better transition with the surrounding neighborhoods.

Mr. Arora confirmed that the design had been revised multiple times to address community concerns, to consider plausibility, and to establish trust, emphasizing features like setbacks and berms.

Commissioner Lynn inquired about site or design standards for the maintenance building.

Ms. Carrillo responded that the maintenance building meets code requirements.

Chair Janner concluded the questioning and opened the public hearing, outlining the speaking procedure for public participants.

Speaker #1, Reagan Cussimano, 17181 W 159th Street, expressed concerns about the proposed 202-unit apartment complex, highlighting its inconsistency with the existing single-family homes and potential negative impacts on property values, privacy, and neighborhood character. She referenced issues with Magnus Capital Partners based on previous complaints in other locations and urged the Commission to deny the zoning change to preserve the community's integrity.

Speaker #2, Carrie English, 16154 S. Bradley Drive, introduced herself as a resident of Arbor Creek Estates and expressed her satisfaction with her community. She highlighted the potential negative impact of a rezoning decision on her property and the overall quality of life in Olathe. She referenced recent developments that were approved, emphasizing the need for adequate infrastructure to support new housing and traffic increases. She urged the Commissioners to consider the implications of the proposed development on local traffic and community integrity.

Speaker #3, Brad Kessler, 16960 W. 161st Street, identified himself as a resident of Arbor Landing and expressed concerns about the proximity of the proposed complex's dumpster to his property, which he felt would significantly affect his family's quality of life. He questioned how existing trees would be preserved during construction and voiced concerns about property values. He noted the socioeconomic diversity of Olathe and the lack of similar examples of low-income housing next to high-value homes. Mr. Kessler shared personal experiences from his past that raised concerns about safety and community dynamics.

Speaker #4, Nicholas Stanley, 16023 S. Locust Street, introduced himself as a resident of Arbor Creek, speaking on behalf of his young daughter. He emphasized the need for the Commission to consider the character of the neighborhood when discussing rezoning. He criticized the height and density of the proposed apartment complex, claiming it would alter the neighborhood's landscape. He mentioned existing commercial amenities and questioned the necessity of additional commercial properties. He raised concerns about traffic and safety, particularly regarding students walking through the proposed complex.

Speaker #5, Sarah Tounzen, 16018 S. Locust Street, introduced herself as a resident of Arbor Creek who opposed the rezoning. She argued that the location was unsuitable for apartments due to its residential nature. She mentioned existing traffic issues and noted her concerns about the adequacy of the developer's responses to previous neighborhood feedback. She emphasized that the proposed complex would not meet the

community's needs and would disrupt the character of the existing neighborhood. She expressed frustration with the perception that multi-family housing would not affect property values and urged the Commission to prioritize the concerns of local residents.

Speaker #6, Gene Slater, 17186 W. 161st Place, introduced himself as a resident of Arbor Landing and a licensed architect with extensive experience in various types of construction. He opposed the proposed HoM Flats project, citing concerns about its density, architectural scale, and the insufficient time provided for community evaluation of the revised plans. He emphasized that the project would set a negative precedent for future developments in Olathe and highlighted the mismatch between the proposed high-density apartments and the existing low-density neighborhood. He requested that the developer reconsider the design to include only two-story apartments and exclude commercial aspects.

Speaker #7, Stacy Ackerson, 16140 S. Norton Street, identified herself as a resident of Arbor Landing who felt the project would affect her property value despite being just outside the 1,000-foot radius for notifications. She argued that the local retail space was often vacant and that more shopping was unnecessary. She criticized the traffic study conducted during a time that did not reflect normal conditions and expressed concerns about the elevation of the land, which would make the proposed buildings appear even taller. She pointed out a lack of nearby jobs and inadequate public transportation, voicing distrust towards the developer and the Commission's intentions.

Speaker #8, Larry Jordan, 16525 S. Wyandotte Drive introduced himself as a resident of Arbor Creek and requested a delay in action on the proposal. He expressed frustration about being underinformed throughout the process and noted that initial meeting notifications were sent to a limited number of residents. He mentioned that many questions raised at earlier meetings remained unanswered until the current session. He criticized the developer for not adhering to the city's requirements and requested additional time for the community to review the revised proposal and discuss it further.

Speaker #9, Stacey Burton, 15916 W. 161st Terrace expressed her primary concern regarding traffic related to the proposed development. She highlighted the ongoing construction of Heritage Ranch and the potential danger for children walking on Mur-Len Road to Chisholm Trail due to increased traffic. She pointed out that the proposed buildings would be too close to the road, complicating pedestrian access and safety. She emphasized that the traffic conditions on Mur-Len would worsen due to multiple new developments in the area and requested that the Commission oppose the addition of 202 units.

Speaker #10, Ken Losey, 16117 S. Brookfield Street, shared that he lived close to the proposed development and expressed his support for the concerns previously voiced. He noted that the development did not fit the character of the neighborhood and reflected on the positive experiences of new neighbors moving into the area since he built his home in 2004. He kept his comments brief, deferring to earlier speakers for more detailed points.

Speaker #11, Sean Edwards, 16115 S. Bradley Drive, a resident across the street from the proposed development, shared his concerns about traffic congestion, particularly as he relied on 161st Street for access. He reflected on his financial decisions regarding his home based on the area's zoning and expressed worries about how the proposed development would affect property values and safety. Drawing from his background in civil engineering, he criticized the traffic study and pointed out the lack of traffic sensors on 161st and Mur-Len. Mr. Edwards expressed skepticism about the motivations behind the development, mentioning concerns over low-income housing and potential commercial expansion in the area, emphasizing his desire for transparency in the project's intentions.

Speaker #12, Bill Rauh, 16124 S Heatherwood Street, expressed concerns about the gated access from the proposed project onto Heatherwood, originally intended for emergency use. He referenced a nearby commercial development across Mur-Lenas a positive example of transitioning from commercial to single-family housing and suggested that the proposed project should follow that model.

Speaker #13, Joannah Cox, 161st Street (lot), spoke on behalf of her husband Robert, emphasizing their recent property purchase in the area. She highlighted existing traffic problems and predicted that further development would exacerbate them. She was particularly concerned about the view from her property, questioning whether the developer would maintain greenery and trees. She expressed opposition to the proposed building height and density, suggesting that the area would be better served by residential development instead of apartments. She raised concerns about the increase in crime associated with multi-unit properties and questioned the motivations behind the push for more apartments, including potential financial kickbacks. She expressed her dissatisfaction with certain Commissioners and called for greater respect for the community's opinions.

Chair Janner concluded the list of signed-up speakers was finished. He entertained a motion to close the public hearing. **Commissioner Brown** moved and **Commissioner Chapman** seconded closing the public hearing. The motion passed 9-0.

Chair Janner opened the floor for discussion among the Commissioners.

Commissioner Creighton expressed that while the requested zoning changes (C-2 and R-3) could potentially work if executed properly, the current plan fell short. He was concerned about the character of the area, noting that the multifamily component did not align with previous recommendations for higher-end apartments that included features like garages. He also highlighted the insufficient setbacks to local homes, emphasizing the need for greater distance to maintain compatibility with the neighborhood. Overall, he could not support the plan due to its failure to meet the necessary standards and characteristics of the surrounding area.

Commissioner Bergida had several questions for staff regarding whether the City had considered purchasing the property and the timeline for widening 159th Street.

Ms. Carrillo stated to her knowledge the City had had no negotiations for this property.

Mr. Love confirmed the project on the City's current Capital Improvement Plan (CIP), would start design in 2025 and construction in 2027. Mr. Love stated that particular project included widening the road 1,000 feet west of Mur-Len and continue east to where the other Black Bob and 159th improvements are. The project would result in four lanes with median through that corridor.

Commissioner Bergida inquired about the applicant's long-term plans for the property.

Mr. Arora replied that there was no exit strategy; their intention was to build and manage the property long-term.

Commissioner Bergida shared concerns similar to Commissioner Creighton's, particularly regarding the density increase from three to fourteen units and its implications for community character and public safety. He also mentioned traffic issues related to the single entrance and the broader implications of density on crime rates. Noting residents' sentiments regarding property value and community integrity, he moved to table the project to allow for adjustments that might better align it with the area.

Commissioner Brown acknowledged the quality of the letters received regarding the project. He expressed concerns about the project's height, stating it was too tall compared to surrounding buildings and residential zoning. He highlighted traffic issues due to only one entrance and exit for a large development with 202 residential units and commercial space. Mr. Brown criticized the requested waivers for building frontage, noting a significant decrease and increase that exceeded typical minor waivers. He further warned that the proximity of the proposed building to the road would create an unwelcoming tunnel effect, further stating he would not support the project.

Commissioner Terrones initially had questions about the traffic study and school safety, but those were addressed. He mentioned a need for further review of the sidewalk issues and appreciated the thoroughness of the staff's work. Commissioner Terrones acknowledged the high turnout and community involvement. Commissioner Terrones asked to confirm the Commission had received the additional comments and information referenced by the public speakers.

Ms. Hollingsworth confirmed the Commissioners had received the additional comments.

Commissioner Terrones acknowledged there was a need and suggested a desire for common ground despite differing opinions.

Commissioner Lynn indicated that many concerns had been shared by fellow Commissioners, particularly regarding the character of the neighborhood. She expressed worries about the project's impact on road safety and capacity amid ongoing growth in the area. She suggested that the project might be too ambitious at this time, proposed delaying the vote and confirmed she would not vote for it as is.

Commissioner Chapman echoed concerns from fellow Commissioners about the character of the neighborhood. He asked staff if future developments at 159th and Black Bob, as well as south of Mur-Len on 175th, were considered in the traffic study. He inquired about potential impacts on Mur-Len when the I-35 and Santa Fe project commenced, specifically regarding increased traffic flow. He concluded that he could not support the current request due to concerns about building height, neighborhood character, and the traffic study.

Mr. Love, Chief Development Engineer confirmed that the traffic study included developments like Heritage Ranch but did not account for all future developments. He mentioned that the revised study projected peak traffic volumes and confirmed with examples that Mur-Len would not exceed acceptable service levels with the proposed development.

Commissioner Chapman asked about the impact on Mur-Len by the I-35 and Santa Fe project.

Mr. Love answered the traffic study did not analyze the future impact of the I-35 and Santa Fe project and stated that he anticipated traffic would reroute to different exits.

Commissioner Chapman stated he had similar concerns to other Commissioners regarding building height, neighborhood character, and traffic and would not support the current proposal.

Commissioner Breen agreed with previous comments about character, traffic, and density concerns. Commissioner Breen also suggested that delaying the decision felt like delaying the inevitable and recommended denial instead.

Commissioner Corcoran agreed with earlier sentiments and expressed doubt about the viability of adding more retail in the area, referencing his experience with Arbor Creek development. He acknowledged the community's need for more workforce housing but emphasized the challenge in finding appropriate locations.

Chair Janner stated that the decision would move forward to the City Council and noted concerns about delaying the process since the public hearing was held and closed. He clarified with Mr. Love that the traffic study was updated based on counts from Tuesday September 10th, addressing concerns about potential weekend traffic. Chair Janner explained that issues regarding the type of housing and funding were outside the Commission's purview. He requested clarification on the buffer on the west side of the development.

Ms. Carrillo stated that the code required a 20-foot landscaped buffer with a 6-foot wall or berm, which was being provided at the site, which wraps around the site to the north and south. She mentioned that the berming and new vegetation would account for a sanitary sewer easement in the southwest portion of the site. She added that the applicant has included an additional continuous row of evergreens outside the berm to provide additional screening for residents.

Chair Janner thanked Ms. Carrillo for her explanation. He inquired whether the current zoning allowed for any multifamily developments, noting conflicting comments on the issue.

Ms. Carrillo answered current zoning is County Rural and County Low-Density housing with a small portion of Office zoning.

Commissioner Brown pointed out that Commissioner Bergida had a motion on the floor.

Chair Janner clarified that there were no current candidates on the Commission and defended the integrity of the Commissioners, stating that allegations of kickbacks were offensive and unfounded.

Commissioner Bergida stated he would withdraw his motion.

Commissioner Creighton requested clarification from staff on their recommendation for approval and expressed a desire to ensure all details were correctly covered. He asked Ms. Hollingsworth if a two-week delay was needed to finalize details or if a decision could be made tonight.

Ms. Kim Hollingsworth, Planning & Development Manager, explained the procedures followed in the development process, confirming that the applicant had met all timing requirements. She mentioned that a letter was sent to nearby residents about the project, adhering to notification regulations. She stated that if a continuance was requested, staff would need clearer direction on specific items for the development team to address. She continued that regardless of the path taken, all comments received would be compiled and presented to the City Council, as the public hearing had closed.

Chair Janner called for any final input or questions from the Commissioners. Hearing none, he entertained a motion.

Commissioner Bergida moved for the denial of RZ24-0015, and **Commissioner Chapman** seconded the motion.

Before casting his vote, **Chair Janner** stated the Commission uses the Golden Criteria as the guiding method to evaluate rezoning applications. Though no application meets all criteria, he stated this application does not come close enough.

The motion to recommend denial passed with a vote of 9 to 0.



MINUTES – Closing Remarks

Planning Commission Meeting: September 23, 2024

Kim Hollingsworth, Planning and Development Manager invited residents and attendees to weigh in on the future of growth and development of Olathe by participating in the Comprehensive Plan update. Information is available at olatheks.org/elevateolathe.

Meeting adjourned.