



## MINUTES

### Planning Commission Meeting: February 26, 2024

<b>Application:</b>	<b><u>RZ24-0002:</u></b> Request for approval of a rezoning from the BP (Business Park) District to the C-3 (Regional Center) District and a preliminary site development plan for Evergreen Senior Living on approximately 16.40 acres; located southeast of S. Ridgeview Road and W. 112th Street.
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**Ms. Taylor Vande Velde, Planner II**, presented RZ24-0002, a request to approve a rezoning of 16.4 acres, located southeast of Ridgeview Rd and College Boulevard, to the C-3 District and a preliminary site development plan for Evergreen Senior Living which is moving from their current location at 119th and Ridgeview Road to construct a 200,150 square foot senior living community. The subject property is near the proposed Midland PACE medical facility [RZ24-0001]. These two properties are intended to offer a full spectrum of services for seniors in the area.

The property was zoned to the BP, Business Park District in 1996 but has remained undeveloped. The BP district does not permit Continuing Care Retirement Facilities; therefore, the applicant is requesting to rezone to the C-3 district. The C-3 district provides a wider variety of business opportunities such as retail, restaurants, and services. Staff is recommending that four (4) uses be restricted on the property in addition to the uses currently restricted within the North Ridgeview Road Overlay District.

While the future land use map of the Comprehensive Plan (PlanOlathe) designates this area as an Employment Area, the C-3 District is less intense than the existing BP District and more compatible with the surrounding residential neighborhoods. One hundred eighty-five acres of BP zoning is located to the north and the C-3 District provides the opportunity for a variety of commercial uses located near neighborhoods, while still providing employment opportunities in alignment with the Employment Area designation.

This development is also located in the North Ridgeview Road Corridor Overlay District which requires a higher quality of design and standards than the UDO. To meet these requirements the applicant provided additional landscaping, a fountain, and ornamental fencing.

The proposal also aligns with several land use and housing policies from the PlanOlathe comprehensive plan including housing choices and senior housing for the aging

population. This also aligns with the Community for All Ages program to provide indoor and outdoor activities to seniors.

The development will be split into 3 phases. Phase 1 includes the primary structure with the village center entrance, skilled nursing west wing, assisted living east wing, and the attached independent living. Phase 2 adds the second detached independent living building, and the final phase constructs the independent living townhomes for 12 total units. All of which will allow for seniors to age in place with the services they need within this community.

The preliminary plan includes 5 buildings for a total of 183 residential units for seniors with different levels of need. The townhomes are closest to the residential to the east is setback approximately 52 feet and 46 feet from the residential zoning to the south. Stormwater will be managed on-site with an existing detention basin in the northwest corner and a new basin to the south provided for this development. One hundred sixty-two (162) parking spots are provided including 5 garages based on the number of beds, employees, and visitor parking. Access to the site is provided from two entrances off 112th Street which provides arterial access out to Ridgeview Rd. and College Blvd.

The applicant is preserving approximately 47% of the existing trees including tree preservation easements on the east and south, which far exceeds UDO requirements. The applicant's proposed plan meets landscaping standards as well as additional requirements from the Overlay District including parking lot plantings covering 6% of the parking lot, increased buffering, and a fountain in the northwest corner to serve as a focal point. The development provides several exterior courtyards for the different building wings including outdoor amenities and active space for an increased quality of life for older adults.

The development has a range of building heights, but the skilled nursing, assisted living, and townhomes are all one-story tall and located closest to the residential to the east. The tallest buildings are the attached independent living units at 3 stories and the detached independent living units at 3 ½ stories on the side facing the tree preservation area. Staff recommends stipulating the max height of the buildings as shown to ensure building heights are compatible with the adjacent uses. Several renderings show the individual buildings designed to provide a design that's compatible with the traditional neighborhoods to the east. The individual elevations represent the different building types within the development. Materials including stucco, stone, LP smart siding, and fiber cement board will be used on all buildings for a cohesive design.

The applicant has requested two waivers, the first one is a request to decrease the percentage of Class 1 & 2 materials on two primary facades and the townhomes as highlighted. The applicant provides a range of 34-64% on primary and secondary facades primarily on the townhomes. Additional architectural features such as shutters, wood accents throughout the building, and a large clerestory above the primary entrance to enhance the design of the development which exceeds UDO requirements. Since the

applicant met the approval criteria for this request, staff is supportive of this waiver request.

The second waiver requests that the applicant be allowed to increase the percentage of Class 4 materials on all 44 facades. The applicant exceeds the 5% maximum and provides a range of 20-48%. The UDO states that Class 4 materials should be used in "limited use" for minor trim elements. The applicant has requested to allow for the use of composite wood for as much as 48% of facades. Ms. Vande Velde explained composite wood is constructed of wood fibers blended with plastic materials and wax. The proposed siding is listed as a Class 4 building material because it is less resistant to pests, prone to wood rot and warping, and most importantly combustible and less resistant to fire. Though they are visually similar, fiber cement board is more durable and reinforced with cellulose fibers, more resistant to pests, and most importantly noncombustible with a Class A fire rating for improved safety. Since the applicant's second waiver request does not meet the approval criteria, staff is not supportive of increasing the maximum allowable Class 4 building material requirements on all facades within the development. The amount of Class 4 material does not achieve the high-quality design of the City and Overlay district as well as significantly exceeds all recently approved senior housing within the past 5 years.

All notification requirements were met, and a neighborhood meeting was held on January 25th with 13 attendees with discussions on lighting, building heights, staffing, emergency services, and construction. Staff has not received any additional correspondence.

The proposed rezoning meets the Golden Criteria, and staff recommends approval of the C-3 District with use and height restrictions. Staff recommends approval of the preliminary plans as stipulated.

**Commissioner Brown** asked if he read correctly that the project will not begin for five years.

**Mr. Chet Belcher**, Chief Community Development Officer, answered that Evergreen has to have a building permit by mid-year, so they indicated they don't have five years to relocate.

**Commissioner Bergida** asked how many parking spaces are slotted for the project. **Ms. Vande Velde** answered 162. **Commissioner Bergida** asked if it would be sufficient, for 90 staff and 40 units without counting the townhomes. **Ms. Vande Velde** confirmed, stating the applicant provided a parking analysis which incorporated all those factors and additional visitor parking.

**Commissioner Bergida** asked about the waivers and clarification about whether staff was not supportive of both or just one waiver. **Ms. Vande Velde** answered that staff supports the first waiver to allow decreased Class I and II materials. However, staff is not supportive of the second waiver, and thus has recommended Stipulation #2 which

requires applicant to revise their plans to Class 4 materials for the final site development plan review.

**Commissioner Bergida** acknowledged the applicant has still decided to bring their request forward. He asked what collaboration took place with staff to try to resolve the difference. **Ms. Vande Velde** acknowledged the applicant originally had several architectural waiver requests. Applicant and staff were able to reach an agreement for glass and Class I and Class II materials. Discussions included substituting proposed Class 4 materials for similar Class 3 materials. Applicant chose to keep and pursue approval for Class 4 materials.

**Chris Osborn**, CEO of Evergreen Community, presented their company's history. Evergreen began in 1864 as the Johnson County Poor Farm, which became the Johnson County Nursing Center. In 2003, the County turned over the operation to Evergreen. Evergreen Community is an award-winning nursing home, including receiving the Olathe Accessible Award. They provide long term care and hospice care. This is a replacement project.

**Jordan Anderson, Scenic Development**, 25893 W. 143<sup>rd</sup> Terrace, Olathe, Kansas, stated his company was retained by Evergreen Community to assist through this process. The question is whether LP Smart Siding or Hardie siding should be used. Mr. Anderson presented their rationale for why they prefer LP Smart Siding to Hardie. Mr. Anderson stated LP has a 50-year warranty versus Hardie's 30-year limited warranty. He continued that LP Smart is constructed of engineered wood particulate, slightly thicker, less susceptible to freeze/thaw cycles and sagging, more aesthetically pleasing with better-hidden joints, and slightly less expensive. Mr. Anderson presented that Hardie is comprised of primarily cement board reinforced with wood fiber and resin, more susceptible to sagging and damage due to freeze/thaw cycle, and less aesthetically pleasing over time with more prominent butt joints. They have had other projects over the last 20 years in Iowa and Missouri which fared much better with LP Smart Siding. He demonstrated comparative photos between LP Smart Siding versus Hardie. With this experience, the applicant requests the second waiver be approved.

**Commission Corcoran** asked about the fire rating for LP Smart Siding.

**Mr. Anderson** confirmed Ms. Vande Velde was correct that LP Smart Siding is combustible. He countered that other Class III siding would also include what he assumes would be similarly combustible materials. That said, the applicant will comply with all required building code fire ratings, and in independent living where not required, they will have a fully sprinkled facility.

**Chair Breen** opened the public hearing, but no one was signed up to speak.

With no further comments, **Chair Breen** entertained a motion to close the public hearing.

A motion was made by **Commissioner Terrones** to close the public hearing, seconded by **Commissioner Bergida**. The motion passed by a vote of 6 to 0.

**Commissioner Creighton** asked staff to highlight their reason for preferring Hardie over Smart Siding.

**Ms. Kim Hollingsworth, Planning and Development Manager** answered that when the UDO was updated in 2018, class materials were vetted thoroughly. During the 2018 update process, the architecture code was updated with extensive community involvement and with eleven Planning Commission, City Council, and Workshop meetings. Workshops were held with the entire development community including architects, builders, developers, and the HBA (Home Builders Association), so there were many parties involved in determining which materials below in which Class. That process has already been done. Staff is utilizing the UDO, with those classifications as the standard; Applicant is allowed to use no more than 5% of Class 4 materials.

**Commissioner Corcoran** stated he believes this project is a beautiful, well-designed, well-seated project that the community needs. Having gone through this with his family, there are not enough facilities that allow transitioning (aging-in-place). That said, he's not prepared to go against staff recommendations for the materials. He will support the application with staff's stipulations.

**Chair Breen** agreed, saying he appreciates tonight's applications which serve a community need. He is glad Evergreen can relocate near their current location, in Olathe.

**Commissioner Bergida** said he would defer to Commissioner Corcoran's expertise, but with his own experience in research and development, products can change quickly. He stated the two products seem to be comparable, and the spirit of the UDO is that high-quality materials are used. The applicant believes their LP Smart Siding is a higher-quality material. Commissioner Bergida asked Commissioner Corcoran if there's anything in Commissioner Corcoran's experience to caution against Mr. Anderson's viewpoint.

**Commissioner Corcoran** answered he doesn't consider himself an expert in these types of materials, so he cannot answer. Commissioner Corcoran added he believes staff has thoroughly vetted materials and their reason is sound, and he would not be willing to go against their recommendation.

With no further discussion, **Chair Breen** entertained a motion on the item.

**Commissioner Creighton** moved to approve RZ24-0002 as stipulated and recommended by staff including Item C regarding approval of the preliminary site development plan, and **Commissioner Terrones** seconded.

The motion passed with a vote of 6 to 0 as follows:

- A. Staff recommends approval of RZ24-0002, Evergreen Senior Living, for the following reasons:
  1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.

2. The requested zoning meets the Unified Development Ordinance criteria for considering zoning applications.

B. Staff recommends approval of the rezoning to the C-3 District with the following stipulations:

1. The following uses are prohibited:
  - a. Uses identified as prohibited for commercial districts in UDO Section 18.20.260.B of the North Ridgeview Road Corridor Overlay District are prohibited in this C-3 District.
  - b. Convenience Store (includes fuel sales)
  - c. Gas Station
  - d. Recycling Centers
  - e. Parking Lots, Surface, as Principal Use
2. The building height for the attached independent living wing is limited to 3 stories and 50 feet and the building height for the detached independent living building is limited to 4 stories and 50 feet.

C. Staff recommends approval of the preliminary site development plan with the following stipulations:

1. A waiver is granted from UDO 18.15.020.G.5 allowing primary and secondary façade building materials to decrease the minimum Class 1 and Class 2 materials, as shown on the Building Elevations dated February 16, 2024.
2. Prior to the submittal of final site development plans, building elevations must be revised to meet UDO requirements for Class 4 materials. This request impacts all facades in the development.
3. 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.
4. All new on-site wiring and cables must be placed underground.