



CALL TO ORDER

PLEDGE OF ALLEGIANCE

QUORUM ACKNOWLEDGEMENT

CONSENT AGENDA

- A. **MN24-0408:** Approval of the minutes as written from the April 8, 2024 Planning Commission meetings.
- B. **MP24-0008:** Request for approval of a minor plat of Silvercreek Landing, First Plat, containing five (5) lots on approximately 0.31 acres, located northwest of S. Sunnybrook Boulevard and W. 116th Terrace.
Owner: Annie Kennedy, Boulder Creek Development, LLC
Applicant/Engineer: Jerald Pruitt, Pruitt and Dooley Surveying, LLC
Staff Contact: Lauren Winter and Kim Hollingsworth

REGULAR BUSINESS

REGULAR AGENDA-PUBLIC HEARING

- A. **SU23-0007:** Request for approval of a special use permit for the expansion of a compound area for Verizon on approximately 7.42 acres, located at 15201 S. Mur-Len Road.
Request continuance to a future Planning Commission meeting.
Owner: Global Signal Acquisitions IV, LLC
Applicant: Justin Davis, Cellco Partnership d/b/a Verizon Wireless by Crown Castle USA, Inc.
Engineer: John Joseph Zimmermann, Terra Consulting Group, Ltd.
Staff Contact: Andrea Fair and Kim Hollingsworth

- B. RZ24-0007:** Request for approval of a rezoning from the RP-1 (Planned Single-Family) District, CP-1 (Planned Retail Business) District, and the CP-O (Planned Office) District to the C-1 (Neighborhood Center) District and a preliminary site development plan for Primrose School of Olathe on approximately 3.74 acres; located southwest of W. 158th Street and S. Hunter Road.
Request continuance to a future Planning Commission meeting.
Owner: Timothy Anschutz, Spark Properties Group, LLC
Applicant/Engineer: Luke Moore, Olsson
Staff Contact: Andrea Fair and Kim Hollingsworth
- C. RZ23-0011:** Request for approval of a rezoning from the M-2 (General Industrial) District to the C-2 (Community Center) District and a preliminary site development plan for New Creation Community Center on approximately 0.26 acres; located at 504 E. Kansas City Road.
Owner/Applicant: Pamela Hanson, New Creation, Inc.
Architect: Martin DiNitto, MD Architecture
Staff Contact: Emily Carrillo and Kim Hollingsworth
- D. RZ23-0013:** Request for approval of a rezoning from the RP-1 (Planned Single-Family Residential) District to the C-1 (Neighborhood Center) District and a preliminary site development plan for Caribou Coffee on approximately 1.10 acres; located northeast of W. 159th Street and S. Brentwood Road.
Owner: Joe Campbell, Jacobson-Campbell Excavation, Inc.
Applicant: Rob Barse, Mint Development Company, LLC
Engineer: Corey Englund, Reprise Design
Staff Contact: Emily Carrillo and Kim Hollingsworth

ANNOUNCEMENTS

ADJOURNMENT

The City of Olathe offers public meeting accommodations. Olathe City Hall is wheelchair accessible. Assistive listening devices as well as iPads with closed captioning are available at each meeting. To request an ASL interpreter, or other accommodations, please contact the City Clerk's office at 913-971-8521. Two (2) business days notice is required to ensure availability.



MINUTES – Opening Remarks

Planning Commission Meeting: April 8, 2024

The Planning Commission convened at 7:00 p.m. to meet in regular session with **Chairman 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. Chair Janner directed commissioners to report if they have had ex parte communication when that item is reached in the agenda.

Chair Janner referenced the Planning Commission Consent Agenda, which included five items. Chair Janner clarified that Consent Item A (MN24-0325) contained all the March 25th minutes plus the Public Hearing (RZ24-0003) minutes from the March 11th meeting.

Chair Janner asked if any items need to be removed for separate discussion or additional information. Seeing none, Chair Janner asked for a motion on the consent agenda.

A motion to approve MN24-0325 was made by **Commissioner Breen** and seconded by **Commissioner Bergida**. The motion passed 9 to 0.



MINUTES

Planning Commission Meeting: April 8, 2024

Application:	<u>MP24-0010:</u> Request for approval of a minor plat of Everest, containing two (2) lots on approximately 9.67 acres, located at 16129 S. Lone Elm Road.
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A motion to approve MP24-0010 was made by **Commissioner Breen** and seconded by **Commissioner Bergida**. The motion passed with a vote of 9 to 0 with no stipulations.



MINUTES

Planning Commission Meeting: April 8, 2024

Application:	<u>FP24-0004:</u> Request for approval of a final plat for Heritage Ranch, First Plat, containing 99 lots and three (3) tracts on approximately 35 acres, located southwest of W. 159th Street and S. Black Bob Road.
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A motion to approve FP24-0004 was made by **Commissioner Breen** and seconded by **Commissioner Bergida**. The motion passed with a vote of 9 to 0 with the following stipulations:

1. Prior to issuance of a land disturbance permit or building permit, standard orange barricade fencing must be installed around all tree preservation areas in accordance with UDO 18.30.
2. Master landscaping required along the eastern property line may be deferred until the scheduled public improvement project along this portion of S. Black Bob Road has been completed. Landscaping will be installed according to the approved plans within 45 days of project completion, weather permitting.



MINUTES

Planning Commission Meeting: April 8, 2024

Application:	<u>FP24-0005:</u> Request for approval of a final plat for Heritage Ranch, Second Plat, containing 23 lots and three (3) tracts on approximately 9.43 acres, located southwest of W. 159th Street and S. Black Bob Road.
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A motion to approve FP24-0005 was made by **Commissioner Breen** and seconded by **Commissioner Bergida**. The motion passed with a vote of 9 to 0 with no stipulations.



MINUTES

Planning Commission Meeting: April 8, 2024

Application:	<u>FP24-0006:</u> Request for approval of a final plat for Boulder Creek, Fourth Plat, containing 25 lots and two (2) tracts on approximately 14.53 acres, located southeast of W. 169th Terrace and S. Lindenwood Drive.
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A motion to approve FP24-0006 was made by **Commissioner Breen** and seconded by **Commissioner Bergida**. The motion passed with a vote of 9 to 0 with no stipulations.



MINUTES

Planning Commission Meeting: April 8, 2024

Application:	<u>RZ24-0005:</u> Request for approval of a rezoning from the CTY PEC-3 (County Light Industrial) District to the R-1 (Single Family), R-2 (Two-Family), R-3 (Low-Density Multifamily) and M-2 (General Industrial) Districts and a preliminary site development plan for Park 169 on approximately 247.15 acres; located on the northeast corner of W. 167th Street and S. US-169 Highway.
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A motion to continue RZ24-0005 to a future Planning Commission meeting was made by **Commissioner Bergida** and seconded by **Commissioner Chapman**.

The motion passed with a vote of 9 to 0.



MINUTES – Closing Remarks

Planning Commission Meeting: April 8, 2024

Chet Belcher, Chief Community Development Officer, announced that the consultant for the Comprehensive Plan would be in town for the Tuesday, May 7th City Council meeting. If any Commissioners are interested in meeting the consultant in advance, please notify Mr. Belcher.

Chair Janner announced he would be departing Friday to attend the national APA [*American Planning Association*] conference. He will share with the Commission any helpful information he obtains there.

Meeting adjourned.



STAFF REPORT

Planning Commission Meeting: April 29, 2024

Application:	MP24-0008: Minor Plat for Silvercreek Landing First Plat
Location:	Northwest of S. Sunnybrook Boulevard and W. 116 th Terrace
Owner:	Annie Kennedy, Boulder Creek Development, LLC
Applicant/Surveyor:	Jerald Pruitt, Pruitt and Dooley Surveying, LLC
Staff Contact:	Lauren Winter, Planner I

Site Area:	<u>0.31 acres</u>	Proposed Use:	<u>Multi-Family Residential</u>
Lots:	<u>5</u>	Existing Zoning:	<u>RP-3 (Planned Low Density Multifamily)</u>
Tracts:	<u>0</u>	Plat:	<u>Platted</u>

1. Introduction

This is a request for approval of a minor plat for Silvercreek Landing First Plat, containing five (5) lots on approximately 0.31 acres, located at 22142 - 22158 W. 116th Terrace. The applicant is replatting the property currently known as Lot 8 of The Villages of Sunnybrook Estates, 6th Plat, to allow for each individual townhome unit to be separately owned. A map exhibit is provided on page 2 of this report.

This subject property was rezoned to the RP-3 (Planned Low-Density Multifamily) District in 1998 (RZ-04-98). The original preliminary development plan was approved (PR04-0023) and platted in 2004 (FP04-0029) for the Villages of Sunnybrook townhome development. Construction began on this project but stalled until 2022 when revised preliminary and final development plans (PR22-0025 & PAR22-0074) were approved for Silver Creek Landing Townhomes, which is now under construction.

No public easements of right-of-way will be dedicated with this replat and therefore the plat will not require City Council acceptance.

2. Plat Review

- a. **Lots/Tracts** – The replat includes five (5) lots for the one (1) 5-unit townhome building, which is consistent with the approved final site development plan.
- b. **Streets/Right-of-Way** – Units will each access W. 116th Terrace via a shared drive located in an existing 25-foot access easement. This shared drive will be maintained by the proposed Silvercreek Landing Homes Association, as stipulated in staff's recommendation. No additional right-of-way is dedicated with this replat.

- c. **Public Utilities** – The subject property is located with the City of Olathe sewer and WaterOne service areas. No new public easements will be dedicated with this plat.



Aerial View of the Subject Property (Yellow)

3. Staff Recommendation

- A. Staff recommends approval of MP24-0008 with the following stipulation:
1. Documents for the required Homeowners Association must be recorded with the minor plat. The documents must contemplate the shared maintenance of all common drives, open space, stormwater and utility services.

SILVERCREEK LANDING FIRST PLAT

A Replat of part of Lot 8, THE VILLAGES OF SUNNYBROOK ESTATES, 6TH PLAT,
a subdivision in the Southeast 1/4 of Section 15, Township 13 South, Range 23 East,
in the City of Olathe, Johnson County, Kansas

DESCRIPTION:
This is a resurvey and replat of part of Lot 8, THE VILLAGES OF SUNNYBROOK ESTATES, 6TH PLAT.
DESCRIPTION: (Based on the Kansas General Warranty Deed filed in Book 202212 at Page 001876.
All that part of Lot 8, THE VILLAGES OF SUNNYBROOK ESTATES, 6TH PLAT, a subdivision of land in the City
Olathe, Johnson County, Kansas, as described by Scott G Chrisman, PLS #1306, on November 4, 2022, and
being more particularly described as follows:
Commencing at the Northwest corner of 8, of said THE VILLAGES OF SUNNYBROOK ESTATES, 6TH PLAT, thence
S 64°00'00" E, along the Northerly line of said Lot 8, a distance of 20.19 feet; thence S 26°00'00" W, a
distance of 9.51 feet, to the Point of Beginning; thence S 64°36'25" E, a distance of 94.00 feet; thence S
25°23'35" W, a distance of 144.00 feet; thence N 64°36'25" W, a distance of 94.00 feet; thence N
25°23'35" E, a distance of 144.00 feet; to the Point of Beginning.
Containing 13,536 square feet, more or less.

DEDICATION:
The undersigned proprietor of the above described tract of land having caused the same
to be subdivided in the manner as shown on the accompanying plat, which subdivision and
plat shall hereinafter be known as "SILVERCREEK LANDING FIRST PLAT".

The undersigned proprietor of the above described land hereby makes
declaration that all lots within this plat shall be sold conveyed subject to the
acceptance by buyer and/or grantee of all common area open spaces
together with all easements thereon, amenities, and landscaping.

The undersigned proprietor of the above described land hereby makes declaration that all
lots within this plat shall be sold conveyed subject to the acceptance by buyer and/or
grantee of all common area open spaces together with all easements thereon, amenities,
and landscaping.

The lots in this subdivision shall not be subdivided except pursuant to Chapter 18.40.18,
Lot Splits, of Unified Development Ordinance or by replat.

The use of all lots in this subdivision shall hereafter be subject to the restrictions which
will be executed as a separate instrument of writing and will be recorded in the office
of the Register of Deeds of Johnson County, Kansas, said restrictions will thereby be
made a part of the dedication of this plat as though fully set forth herein.

Silvercreek Landing Homes Association will own and maintain Tract "C".

The undersigned proprietor of the above described tract of land hereby consents and
agrees that the Board of County Commissioners of Johnson County, Kansas, and the
City of Olathe, Johnson County, Kansas, shall have the power to release such land
proposed to be dedicated for public ways and thoroughfares or parts thereof, for public
use, from the lien and effect of any special assessments and that the amount of the
unpaid special assessments on such land dedicated shall become and remain a lien on
the remainder of this land fronting abutting on said dedicated public way or thoroughfare.

IN TESTIMONY WHEREOF, the undersigned owner of Lots 1 through 5, as shown herein, have hereunto set
her hand this 27th day of April, 2024.

Boulder Creek Developers, LLC

[Signature]
Annie Kennedy, managing member

STATE OF KANSAS }
COUNTY OF JOHNSON } ss:

This instrument was acknowledged before me on this 27th day of April, 2024
by Annie Kennedy, as managing member of Boulder Creek Developers, L.L.C..

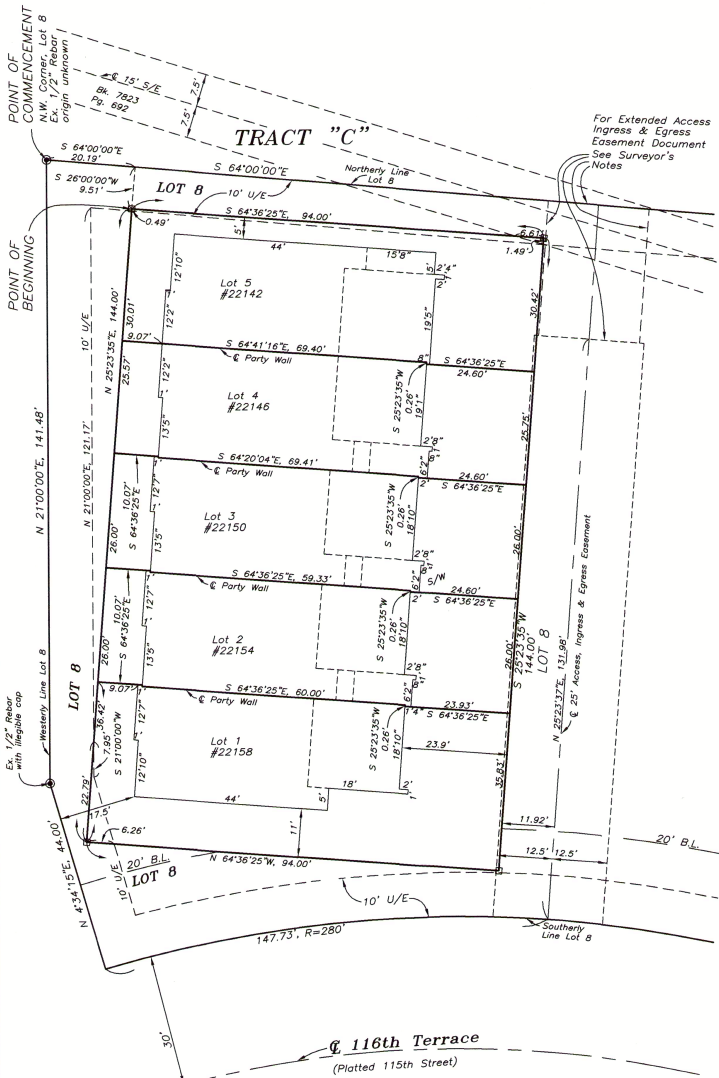
Notary Public: *[Signature]* My Appointment Expires: October 29, 2024
Jerald W. Pruitt



APPROVED BY THE Planning Commission of the City of Olathe, Johnson County, Kansas, this
this _____ day of _____, 2024.

Chairperson: Wayne Janner

I hereby certify that this survey was conducted
under my direct supervision and completed in
January, 2024.
Jerald W. Pruitt, PS 814
April 11, 2024

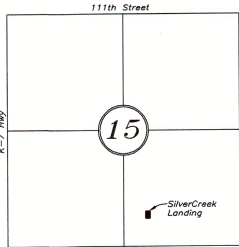


LEGEND

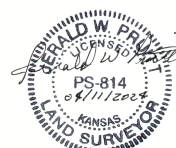
- R=Radius
- C=Centerline
- B.L.=Building Setback Line
- D/E=Drainage Easement
- U/E=Utility Easement
- S/E=Sanitary Sewer Easement
- ⊙=Floor Elevation
- ⊙=1/2" Rebar, as noted
- ⊠=1/2" REBAR WITH #2 ps 814 Cap set in concrete

LOT AREAS

LOT NUMBER	SQ. FT.	ACRES
LOT 1	3,389.06	0.078
LOT 2	2,443.8	0.056
LOT 3	2,444.0	0.056
LOT 4	2,431.13	0.056
LOT 5	2,827.5	0.065
PLAT	13,536.0	0.311

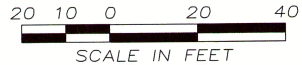


SITE LOCATION MAP
SECTION 1522-13-23
SCALE 1"= 2000'



CLIENT:
Boulder Creek Developers, LLC
11512 W. Iowa Street
Olathe, KS 66061

Scale 1"= 20'



SURVEYOR'S NOTES:

The description, including the bearings, are based on the Kansas
General Warranty Deed filed December 09, 2022 in Book 202212 at
Page 001876. The bearings are also based on THE VILLAGES OF
SUNNYBROOK ESTATES 6TH PLAT subdivision plat filed in Book 200406
at Page 009007.

This property is outside the 100 year flood plain, according to the
FEMA FIRM Map No. 200910063G. Effective August 3, 2009.

The extended Access, Ingress, & Egress Easement was filed in
Book _____ at Page _____.

SILVERCREEK LANDING FIRST PLAT	
S.E. 1/4 Section 15, township 13 South, Range 23 East OLATHE, JOHNSON COUNTY, KANSAS	
PRUITT and DOOLEY SURVEYING, LLC 7912 Elm Ave. Raytown, MO 64138 816-699-4239 913-652-9002	
Job No. 23-0404 SilverCreek Landing First Plat.dwg	January, 2024 1 SHEET OF 1



STAFF REPORT

Planning Commission Meeting: April 29, 2024

Application	<u>SU23-0007</u>: Special Use Permit for the expansion of a compound area for Verizon
Location	15201 S. Mur-Len Road
Owner	Global Signal Acquisitions IV, LLC
Applicant	Justin Davis, Cellco Partnership d/b/a Verizon Wireless by Crown Castle USA, Inc
Engineer	John Joseph Zimmerman, Terra
Staff Contact	Andrea Fair, AICP, Planner II

Comments

The applicant is requesting a continuance to a future Planning Commission meeting to continue working with staff to complete necessary items for their application. Notification will be sent to surrounding property owners and public notice signs will be posted on the property with the revised meeting date. Per UDO 18.40.070 an applicant has a right to one (1) continuance and this is their first request.

Staff Recommendation

Staff recommends continuing this application to a future Planning Commission meeting.



STAFF REPORT

Planning Commission Meeting: April 29, 2024

Application	<u>RZ24-0007</u>: Rezoning from RP-1 (Planned Single-Family), CP-1 (Planned Retail Business), and the CP-O (Planned Office) District to the C-1 (Neighborhood Center) District and a preliminary site development plan for Primrose School of Olathe
Location	Southwest of W. 158 th Street and S. Hunter Street
Owner	Timothy Anschutz, Spark Properties Group, LLC
Engineer/Applicant	Luke More, Olsson
Staff Contact	Andrea Fair, AICP, Planner II

Comments

A continuance is requested to a future Planning Commission meeting in order for the applicant to continue working with staff to complete necessary items for their application. Notification will be sent to surrounding property owners and public notice signs will be posted on the property with the revised meeting date. Per UDO 18.40.070 an applicant has a right to one (1) continuance and this is their first request.

Staff Recommendation

Staff recommends continuing this application to a future Planning Commission meeting.



STAFF REPORT

Planning Commission Meeting: April 29, 2024

Application:	<u>RZ23-0011</u>: Rezoning from the M-2 (General Industrial) District to the C-2 (Community Center) District and a Preliminary Site Development Plan for the New Creation Community Center
Location:	504 E. Kansas City Road
Owner/Applicant:	Pamela Hanson, New Creation Inc.
Architect:	Martin DiNitto, MD Architecture
Staff Contact:	Emily Carrillo, Senior Planner

Site Area:	<u>0.26± acres</u>	Plat: <u>Cornwall & Barton's Addition to Olathe</u>
Existing Building Area:	<u>3,214 square feet</u>	Proposed Use: <u>Social Services</u>
Existing Zoning:	<u>M-2 (General Industrial)</u>	Proposed Zoning: <u>C-2 (Community Center)</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning
Site	Urban Center/Downtown	Commercial/Retail (<i>former Gold River Auctions</i>)	M-2
North	Urban Center/Downtown	Single-family Residential	R-1
South	Urban Center/Downtown	Commercial/Retail	M-2
East	Urban Center/Downtown	Commercial and Multifamily Residential	M-2/CP-2/RP-3
West	Urban Center/Downtown	Commercial/Retail	M-2

1. Introduction

The applicant is requesting a rezoning from the M-2 (General Industrial) District to the C-2 (Community Center) District for New Creation, Inc. The property is located west of Kansas City Road and south of Spruce Street and is developed with an existing 3,214 square foot building and includes an asphalt and gravel parking lot.

New Creation Inc. is a nonprofit organization which purchased the property in 2023 for use as a meeting location and gathering space to support a variety of social service activities including food, counseling, and training for individuals recovering from substance abuse disorders.

The proposed use is categorized as 'Social Services' in UDO Chapter 18.20.500 and is not permitted by right in the existing M-2 District. Staff advised that a rezoning would be necessary to accommodate the proposed use. The applicant began utilizing the property to serve their patrons prior to filing an application for rezoning but have since been working closely with staff through the rezoning process to bring the site and use of the property into compliance.

2. History

The property was zoned to the M-2 (General Industrial) District in 1970 under Ordinance 346-C along with other commercial structures fronting Kansas City Road. The existing building was constructed in 1966 and was the previous location of Gold River Auction.

3. Existing Conditions

The property is developed with a building and parking lot. There are no significant trees located on the site. A new sidewalk was installed by the City in 2023 along Kansas City Road in conjunction with public roadway improvements.



Aerial photo of subject highlighted above.



Photo of subject property looking north and west from Kansas City Road.

4. Zoning Standards

- a. **Land Use** – The proposed land use of Social Services is a permitted use in the C-2 District. The C-2 District is also consistent with the zoning of existing properties east of Kansas City Road, which have progressively zoned from industrial to commercial land uses since the 1970's. Commercial uses are also consistent with the PlanOlathe Comprehensive Plan which designates the site and surrounding area as Urban Center/Downtown.

Uses allowed in the C-2 District includes pedestrian-scale development with a variety of commercial uses that draw from area neighborhoods. To ensure compatibility of land uses in the area and maintain compatibility with the nearby residences, staff is recommending a list of uses to be restricted on the property. Staff has worked with the applicant, and they are amenable to prohibiting the following uses:

1. *Animal Care – Indoor or Outdoor Kennel*
2. *Bars, Taverns, and Drinking Establishments*
3. *Convenience Stores, with Gas Sales*
4. *Entertainment Establishment*
5. *Gas Station*
6. *Leasing/Rental – Consumer or Recreational Goods*
7. *Liquor Store*
8. *Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43*

- b. **Setbacks** – The C-2 District is subject to a front yard setback of 15 feet, and side and rear yard setbacks of 7.5 feet. Parking/paving areas must be setback 15 feet from street right-of-way and 10 feet from property lines. The existing building is setback 14-feet from the north, 6-feet from the west, 84-feet from the east and ranging between 1 to 30-feet from south due to the angle of the lot. This is an existing nonconforming condition which is permitted to remain in accordance with UDO Section 18.60.
- c. **Building Height** – Buildings in the C-2 District are subject to a maximum building height of 2 stories and 35 feet. The existing structure is approximately 16-feet tall at its highest point, therefore meeting this requirement.
- d. **Open Space** – The C-2 District requires that 20% of the net site area be maintained as open space. The existing site will be increasing open space provided onsite with the removal of the existing gravel areas in the front and side yards that will return to grass.

5. Development Standards

- a. **Access/Streets** – The site has one (1) existing access point off of E. Kansas City Road and no changes to this access are proposed.
- b. **Parking** – The minimum required parking for the social services use is one (1) space per 800 square feet of building area. The development has 3,200 square feet of building area; therefore, the minimum required parking is four (4) spaces. The existing site has approximately 4 dedicated parking stalls and 1 ADA stall, meeting the minimum UDO requirements.
- c. **Landscaping** – Existing site limitations, due to setbacks, existing utility easements and pavement locations, significantly limit the placement of additional landscaping. The proposed landscape plan is enhancing existing conditions to bring the site into greater conformance with UDO requirements by providing green space areas in front of the building and include plantings to support community image and promote pedestrian activity.

Additional plantings that include shrubs and a mix of evergreen and deciduous trees will be provided along the north and east edges of the parking lot to screen the proposed trash enclosure and the parking areas from residential uses.

- d. **Public Utilities** – The property is located within the City of Olathe water and sewer service areas. Utilities are available to the site and no changes are proposed. An existing sanitary sewer easement runs along the northern portion of the lot that will limit any additional accessory structures or landscaping to be located in this area.
- e. **Stormwater/Detention** – There is no existing detention provided on the property. The proposed parking lot improvements will decrease impervious site area and there is no impact the property's stormwater runoff. Therefore, no stormwater improvements are required.

6. Building Design Standards

The existing single-story structure was built in 1966 and includes a covered front porch fronting E. Kansas City Road, and an overhead garage bay on the east façade facing the parking lot. The front façade is clad with brick and the remaining facades are clad with metal siding. This is an existing nonconforming structure which is permitted to remain per UDO 18.60.

The applicant has made tenant finish improvements since acquiring the structure, including painting and repair of the siding and entry canopy, removal of bars from

windows, new building signage, and new metal awnings will be provided above exterior doors on the east/primary façade.

7. Public Notification and Neighborhood Meeting

The applicant mailed the required certified public notification letters to surrounding properties within 200-feet and posted public notice signs on the property per UDO requirements.

A neighborhood meeting was held on April 4, 2024, in accordance with the UDO and the minutes of this meeting are included in the agenda packet. Only one (1) resident attended this meeting and asked questions pertaining to food and waste disposal. The applicant addressed all questions, and the resident expressed their support of the proposed project and the work that New Creation provides for the community. Staff has not received any correspondence regarding the rezoning application.

8. UDO Rezoning Criteria Analysis

The application was reviewed against the UDO criteria for considering all rezoning applications listed in UDO Section 18.40.090.G and the request meets several of the criteria as detailed below.

A. The conformance of the proposed use to the Comprehensive Plan and other adopted plans, studies, or policies.

- **LUC-1.1: Consistency with the Comprehensive Plan.** Land use proposals should be consistent with the vision of the Comprehensive Plan, as well as applicable local ordinances and resolutions.
- **OT-1.1 Downtown:** Encourage multiple uses Downtown. This includes offices, services and government uses as well as retail, restaurants, entertainment, and night life, mixed with a diversity of residential housing types.
- **OT-1.2: Original Town Neighborhoods:** Encourage a balanced mix of complementary and supportive land uses in each Original Town neighborhood, with a predominantly residential land use character.

The proposed use generally aligns with the PlanOlathe Comprehensive Plan Urban Center/Downtown future land use designation which supports a variety of commercial and residential uses.

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).

The surrounding area consists of residential land uses to the north and east, and other commercial and industrial properties to the south and west located adjacent to Kansas City Road. Residential properties are primarily a mix of one and two-story single-family homes, however, two-story attached townhomes are located directly to the east. Commercial properties are single-story buildings built primarily in the 1950's and 1960's. The proposed zoning and permitted uses complement the

surrounding uses by providing a mix of retail, small scale services, specialty shops, office uses and residential.

C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning districts and uses.

The subject property is currently zoned to the M-2 District, along with properties to the south and west which consist of auto supply and pool supply businesses. Land to the northeast is zoned to the CP-2 District for commercial uses which include bicycle parts/accessories, and automotive repair businesses. The proposed C-2 District is in harmony with these existing commercial and light industrial uses.

D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

The property currently permits a variety of general industrial uses under the M-2 District. Several permitted industrial uses require a greater land area to provide adequate parking and setbacks from adjacent single-family residential uses.

E. The length of time the property has been vacant as zoned.

The existing building was constructed in 1966 and the property was later zoned for industrial uses in 1970. The property has contained various commercial business over the past 60 years.

F. The extent to which approval of the application would detrimentally affect nearby properties.

The proposed rezoning will not have significant impacts to nearby properties which consist of other commercial and light industrial land uses, and residential land uses. The requested social services use will generate significantly less traffic than the previous auction business located here, and the use will serve residents living in nearby homes.

G. The extent to which development under the proposed district would substantially harm the value of nearby properties.

Staff has not received information indicating that the development as proposed would lead to a substantial impact on the value of surrounding 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.

The proposed use will not have an impact on the surrounding road network which has direct access to E. Kansas City Road, an arterial roadway. Existing roadway capacity is adequate to support to the minimal number of trips generated for the proposed use, and the proposed parking meets the minimum parking required by the UDO.

I. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.

The proposed use will comply with the requirements of Title 17 of the Olathe Municipal Code, and will not create air pollution, water pollution, noise pollution, or other environmental harm.

J. *The economic impact of the proposed use on the community.*

The proposed use provides value to the community through providing critical community services, jobs, and resources.

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.*

The proposed rezoning does not negatively impact the public health, safety or welfare of the community as presented. If the application were denied, the applicant would be unable to use the building for the intended social services use.

9. Staff Recommendation

Staff recommends approval of the rezoning and preliminary site development plan (RZ23-0011) with the following stipulations:

- A. Staff recommends approval of RZ23-0011 for the following reasons:
 - 1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.
 - 2. The requested rezoning to the C-2 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the C-2 District with the following stipulations:
 - 1. The following uses are prohibited:
 - a. Animal Care – Indoor or Outdoor Kennel
 - b. Bars, Taverns, and Drinking Establishments
 - c. Convenience Stores, with Gas Sales
 - d. Entertainment Establishment
 - e. Gas Station
 - f. Leasing/Rental – Consumer or Recreational Goods
 - g. Liquor Store
 - h. Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43
- C. Staff recommends approval of the preliminary development plan with the following stipulations:

1. Proposed accessory structures must be removed and relocated outside of the existing sanitary sewer easement with submittal of the final site development plan.
2. Building elevations must be revised to include awnings or canopies over exterior doorways located on the east (primary) façade with submittal of the final site development plan.
3. Approved parking areas will be paved and striped per UDO 18.30.160.
4. All exterior signs require a permit in accordance with UDO 18.50.190.
5. All new on-site wiring and cables must be placed underground.
6. 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.

The Purpose for New Creation, Inc. rezoning to C2 Commercial is to provide Substance Abuse Recovery meetings, life skills classes, psychoeducation of the neuroscience of addiction, counseling, and case management to recovering addicts in the New Creation Substance Abuse Program and to the recovering community.

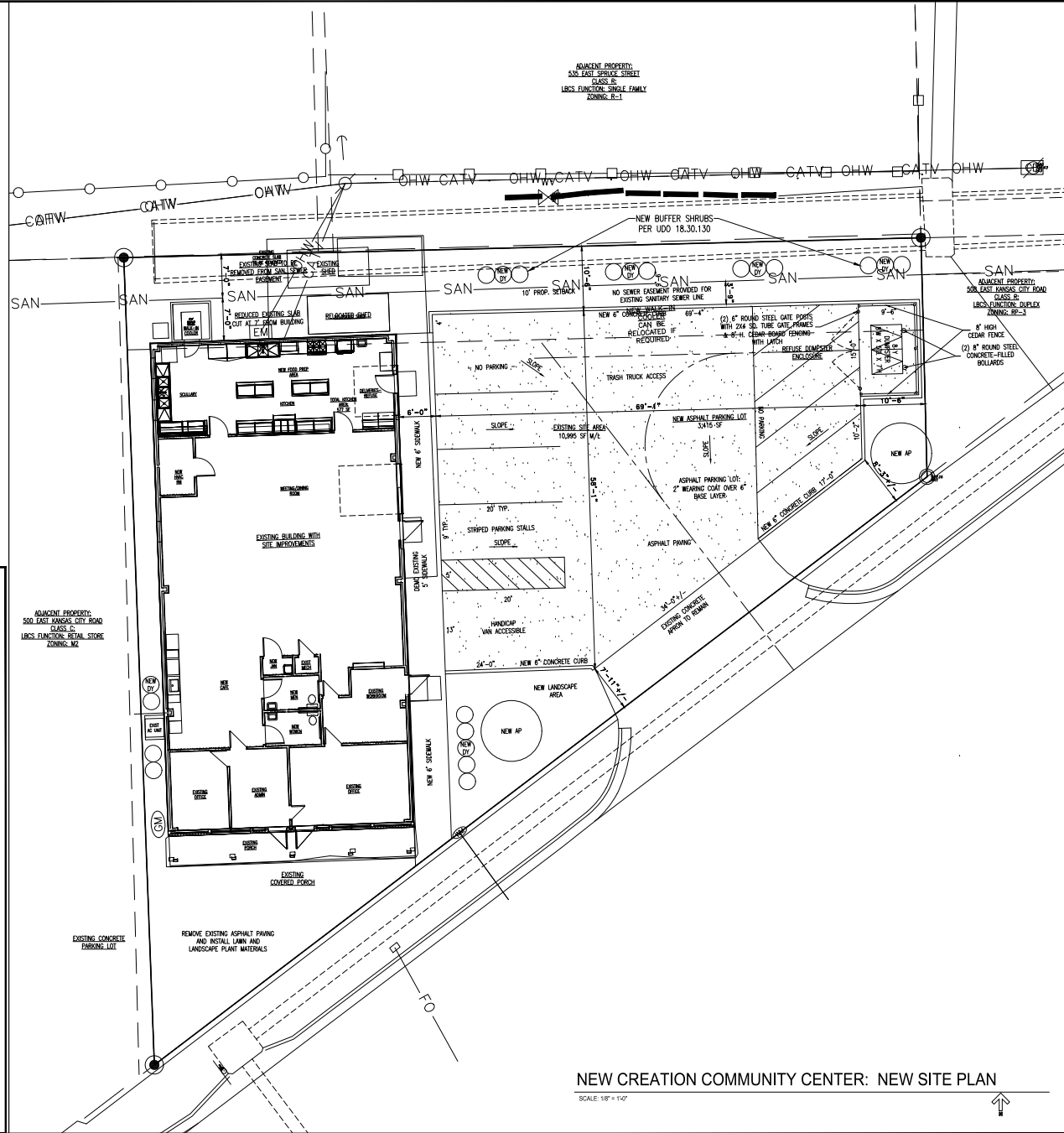
Potentially if funding becomes available, a kitchen would be added to cook the dinner meal for the residents of the New Creation Program.

- a. 54 residents would attend at least the Sunday night meeting
- b. 80 residents potentially in the future would attend a Sunday night meeting
- c. 80 total residents
- d. 8:00 am to 9:00 pm
- e. The only meal served is dinner at 5:30 pm Tuesday through Saturday, classes are held at different times depending on the day. Monday 6:30 pm to 7:30 pm
Tuesday 7:00 pm to 8:00 pm, Wed. 7:00 pm to 8:00 pm, Thursday no class, Friday there are 2 classes 6:30 pm to 7:30 pm and 8:00 pm to 9:00 pm
Saturday morning 8:00 am to 10:00 am and then Saturday evening 6:30 to 7:30 pm

FN:NAME

REV:DATE

USER



LANDSCAPING OVERVIEW

- There are no existing landscape plant materials on the site.
- New landscape plant materials are shown on the New Site Plan drawing to comply with local ordinances at specific locations and for specific purposes. New plant materials are identified in the Landscape Plant Material Legend.
- Screening plant materials are scheduled on the east, west sides of the site per UDO 18.30.130.
- Buffer plant materials are scheduled on the north side of the site, in front of the existing 6" Cedar Wood Fence and adjacent property.

NEW LANDSCAPING PLANT MATERIALS LEGEND

AP: AUSTRIAN PINE, 6"X 6"
 BY: DENDROBATES YEW, 5" GAL.

DESIGN TEAM

Architectural
 NED Architecture
 15614 Rieder Street
 Overland Park, Kansas 66221
 (913) 526-5373

PRELIMINARY NOT FOR CONSTRUCTION
 New Creation
 Community Center Improvements
 Site Address: 502 East Kansas City Road, Olathe, Kansas

ISSUE DATE: 2/27/24
 REV. DATE: 4-1-24

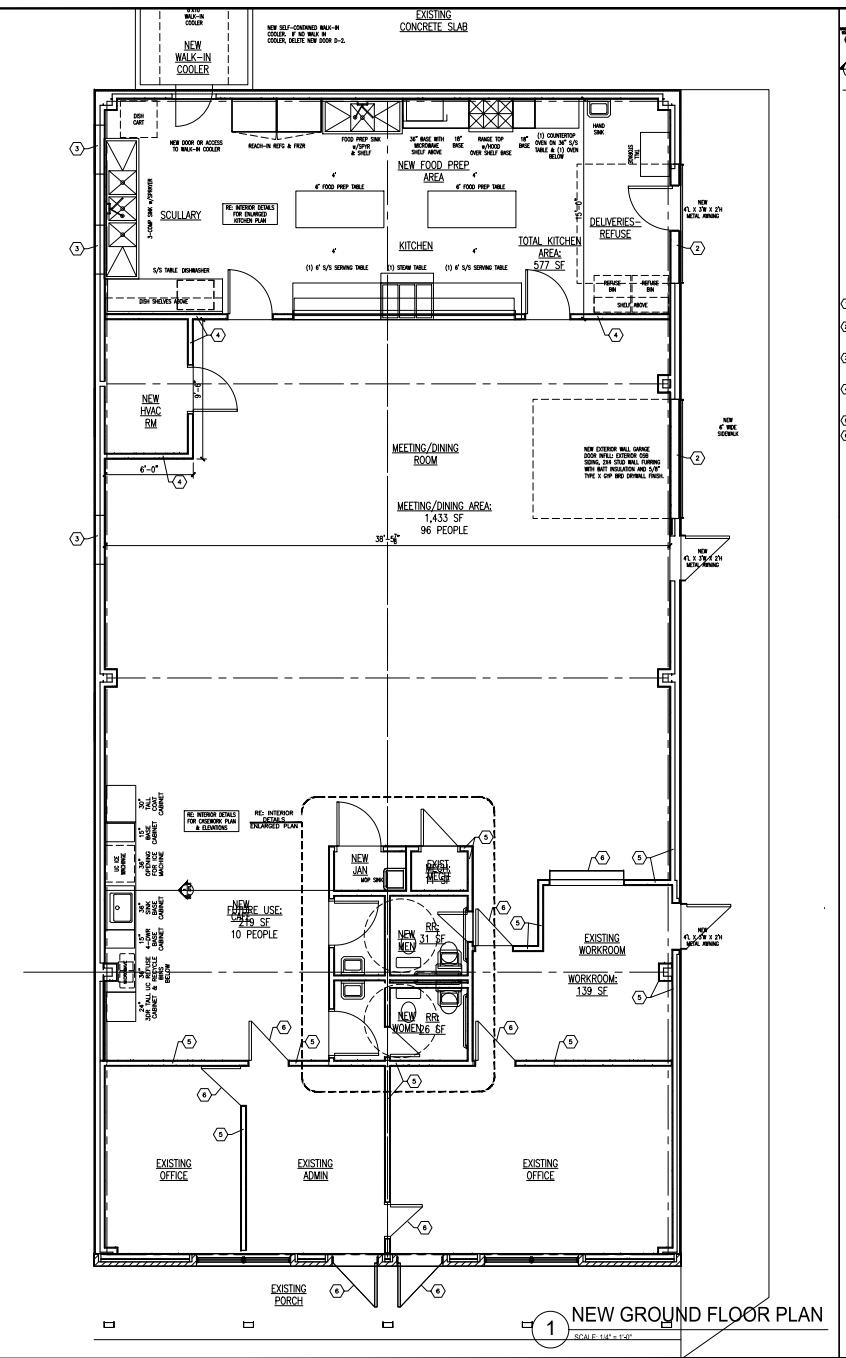
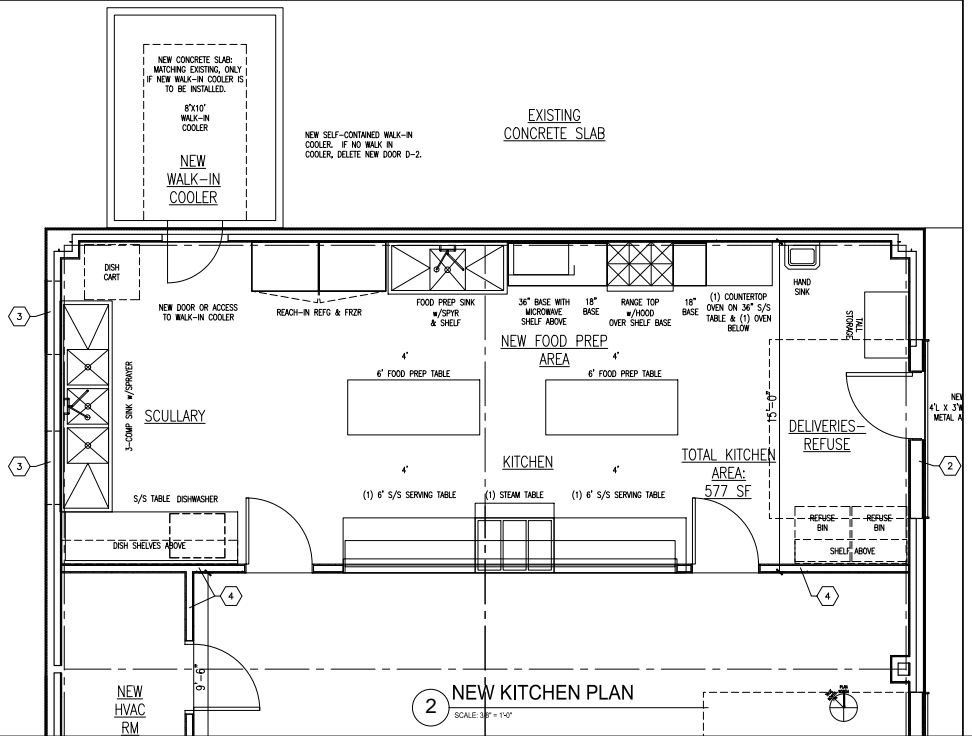
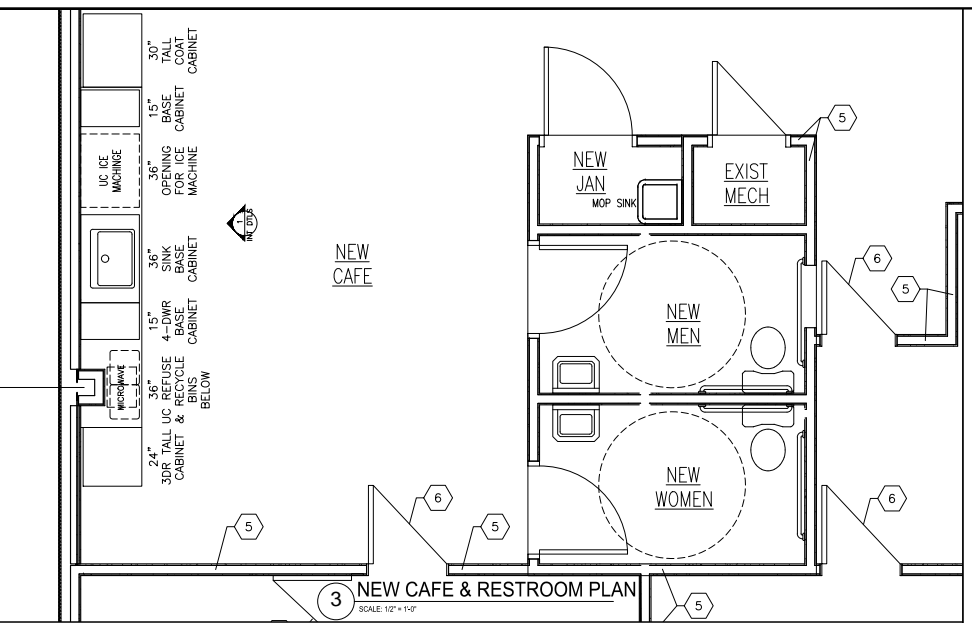
NEW CREATION COMMUNITY CENTER: NEW SITE PLAN

SCALE: 1/8" = 1'-0"



NEW SITE PLAN

USER
REVDATE
FNAME



PLAN SYMBOLS

ENLARGED PLAN

INTERIOR ELEVATION

DETAIL SECTION

PLAN NOTE

WALL PARTITION TYPE

NUMBER OF RESTROOMS REQUIRED FOR 2018 IBC SECTIONS 2802, TABLE 2802.1:

REFER TO SHEET A-500 FINISH SCHEDULE FOR FLOOR AND WALL FINISHES.

EXISTING WALL AND DOOR TO REMAIN

REMOVE EXISTING OVERHEAD DOOR AND INFILL WITH WALL TYPE 7

REMOVE EXISTING WALL LOUVER AND INFILL WITH WALL TYPE 7

EXTEND NEW WALL PARTITION TO UNDERSIDE OF ROOF ABOVE.

EXISTING WALL TO REMAIN.

EXISTING DOOR TO REMAIN.

WALL PARTITION TYPES

2X4 WOOD STUD, 16" O.C.; BATT INSULATION, 1-LAYER TYPE 'X' CYP. BRD. EA. SIDE.

2X4 WOOD STUD, 16" O.C.; BATT INSULATION, 1-LAYER MOISTURE-RESISTANT TYPE 'X' CYP. BRD. EA. SIDE.

NEW DOOR TYPES

NEW EXTERIOR DOOR: 3'-0" X 7'-0"; INSULATED METAL DOOR AND HOLLOW METAL FRAME.

NEW EXTERIOR DOOR: 3'-0" X 7'-0"; INSULATED METAL DOOR AND HOLLOW METAL FRAME. NOTE: ELIMINATE DOOR IF WALK-IN REF/FRZ'R IN PLACE.

NEW INTERIOR DOOR: 3'-0" X 7'-0"; WOOD DOOR AND HOLLOW METAL FRAME.

NEW INTERIOR DOOR: 3'-0" X 7'-0"; WOOD DOOR AND HOLLOW METAL FRAME.

NEW INTERIOR DOOR: 3'-0" X 7'-0"; WOOD DOOR AND HOLLOW METAL FRAME.

NEW INTERIOR DOOR: 3'-0" X 7'-0"; WOOD DOOR AND HOLLOW METAL FRAME.

NEW INTERIOR DOOR: 3'-0" X 7'-0"; WOOD DOOR AND HOLLOW METAL FRAME.

NEW INTERIOR DOOR: 3'-0" X 7'-0"; DOUBLE-SWING WOOD DOOR AND HOLLOW METAL FRAME.

NEW INTERIOR DOOR: 3'-0" X 7'-0"; DOUBLE-SWING WOOD DOOR AND HOLLOW METAL FRAME.

NEW INTERIOR DOOR: 3'-0" X 7'-0"; DOUBLE-SWING WOOD DOOR AND HOLLOW METAL FRAME.

NEW INTERIOR DOOR: 3'-0" X 7'-0"; DOUBLE-SWING WOOD DOOR AND HOLLOW METAL FRAME.

DESIGN TEAM

Architectural

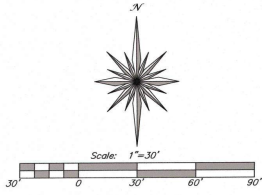
15614 Reeder Street
Overland Park, Kansas 66221
(913) 526-5574

PRELIMINARY NOT FOR CONSTRUCTION

ISSUE DATE: 2/17/24

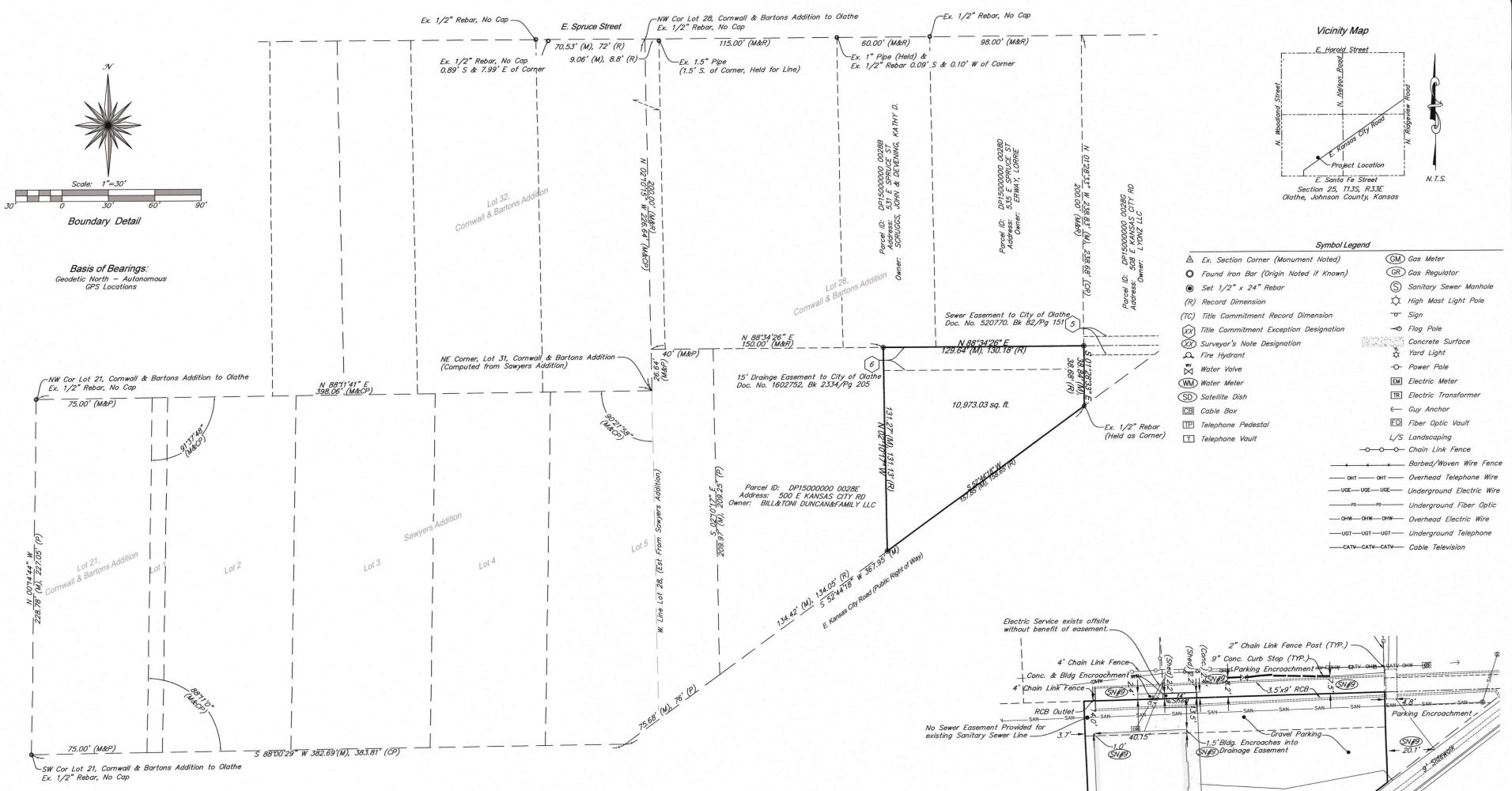
REV. DATE:

FLOOR PLAN

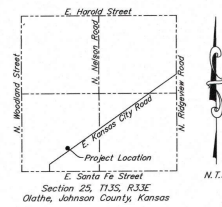


Boundary Detail

Basis of Bearings:
Geodetic North - Autonomous
GPS Locations



Vicinity Map



Symbol Legend

△	Ex. Section Corner (Monument Noted)	⊕	Gas Meter
●	Found Iron Bar (Origin Noted if Known)	⊙	Gas Regulator
⊙	Set 1/2" x 24" Rebar	⊙	Sanitary Sewer Manhole
(R)	Record Dimension	⊙	Sign
(TC)	Title Commitment Record Dimension	⊙	High Mast Light Pole
⊙	Title Commitment Exception Designation	⊙	Flag Pole
⊙	Surveyor's Note Designation	⊙	Concrete Surface
⊙	Fire Hydrant	⊙	Yard Light
⊙	Water Valve	⊙	Power Pole
⊙	Water Meter	⊙	Electric Meter
⊙	Satellite Dish	⊙	Electric Transformer
⊙	Cable Box	⊙	Fiber Optic Vault
⊙	Telephone Pedestal	⊙	Landscaping
⊙	Telephone Vault	⊙	Chain Link Fence
⊙	Barbed/Woven Wire Fence		
—OHT—OHT—	Overhead Telephone Wire		
—UOE—UOE—	Underground Electric Wire		
—UOF—UOF—	Underground Fiber Optic		
—OHW—OHW—	Overhead Electric Wire		
—UET—UET—	Underground Telephone		
—CATV—CATV—	Cable Television		

Property Description (Per Provided Title Commitment):
 BEGINNING 150 feet East and 200 feet South of the Northwest Corner of Lot 28, Cornwall & Bartons Addition to Olathe, Johnson County, Kansas, thence East 130.18 feet, thence South 38.68 feet to the Northern right of way line of Kansas City Road, thence Southwesterly along said right of way 158.65 feet, thence North 131.13 feet to the POINT OF BEGINNING, subject to part in street, roads or rights of way.

Surveyor's Notes:

- Title information contained herein is limited to that information contained in the provided ALTA Owners Policy, Policy No. 0-9301-5330263, dated February 3, 2023 at 9:16 AM and issued by Stewart Title Guaranty Company.
- By GRAPHIC PLOTTING ONLY, the herein described tract lies entirely within Zone X, Area of Minimal Flood Hazard based upon Flood Insurance Rate Map 2009IC00796, effective on 8/3/2009.
- At the time of the fieldwork for this survey, there was no observed construction or ongoing earth moving work.
- At the time of this survey, there was no observed evidence of site use as a solid waste dump, sump or sanitary landfill.
- The origin of found monuments is unknown unless otherwise stated.
- The Tract 1 contains no marked parking stalls. Tract 2 contains 13 standard parking stalls and one ADA designated parking stall and an area of unmarked parking 45' in length (equivalent of 5 standard, but unmarked stalls).
- The herein described Tract 1 has no access to public right of way. Tract 2 has access to the public right of way of Haskell Lane and Horton Avenue via the platted access easement as shown hereon.
- As of the date of this survey, this surveyor was provided no wetland determination.
- Encroachments exist from the surveyed tract onto the adjoining tract(s) as shown hereon.

Utility Note:
 Utilities shown hereon are those utilities that had been located as of the date of the survey, based upon Kansas One-Call Ticket Number 24014389.

This Surveyor relies upon marking and professional opinions of those that place marking for utility facilities and does not warrant the accuracy or completeness of said markings. If this survey is to be used for construction operations, Kansas One-Call will need to be contacted to again mark the site utilities and the Contractor shall have the responsibility to verify that no utility conflicts exist.

Schedule B-II Title Exceptions (And Notes Regarding Same):

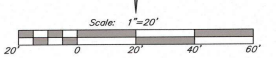
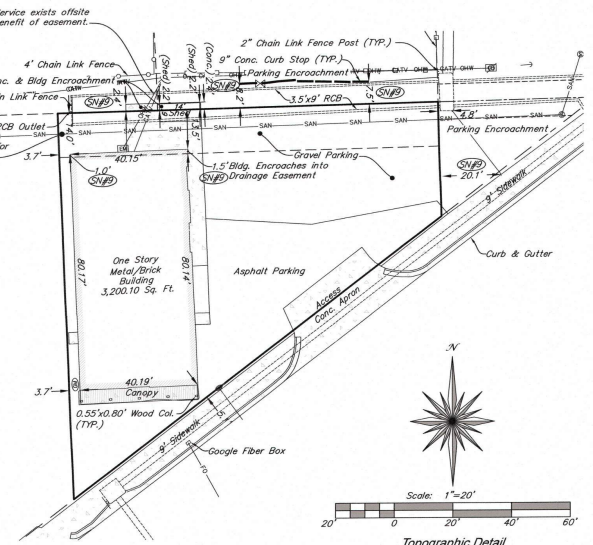
- 1-3 Non-survey items.
4. Building lines, easements, restrictions and other matters shown on the recorded plat/map of Cornwall & Bartons Addition to Olathe, in Plat Book 1 of Page 46.
5. Sewer Easement granted to the City of Olathe, Johnson County, Kansas as more fully set forth in the instrument recorded 08/08/1956 as Document No. 520770 in Book 82 of Page 151. Said easement lies outside of the Tract surveyed hereon.
6. Drainage Easement granted to the City of Olathe, Johnson County, Kansas as more fully set forth in the instrument recorded 05/08/1986 as Document No. 1602752 in Book 2334 of Page 205. Said easement lies outside of the Tract surveyed hereon.
- 7&8. Non-survey items.

Zoning:
 No zoning information was provided by either the insured or the insurer, therefore no zoning information is shown hereon.

Surveyor's Certification:
 To: (i) New Creation, Inc., a Kansas not for profit corporation.

This is to certify that this map or plat and the survey on which it is based were made in accordance with the 2021 Minimum Standard Detail Requirements for ALTA/NSPS Land Title Surveys, jointly established and adopted by ALTA and NSPS, and includes Items 1, 2, 3, 4, 7a, 7b, 7c, 8, 9, 13 & 16 of Table A thereof. The field work was completed on January 26, 2024. Date of Plat or Map: January 31, 2024.

Joseph B. Strick, KS PS 1373 Date
 (Signature and Stamp in blue ink indicates an original signed copy by this Surveyor, any other color is not an original copy and is not valid without resurvey and/or certification.)



Topographic Detail

ALTA/NSPS Land Title Survey
502 E Kansas City Road
City of Olathe, Johnson County, Kansas

NO. 1	DATE	REVISION
1	01/31/24	Initial Plot Review
2		
3		
4		

STRICK & COMPANY, INC.
PROFESSIONAL LAND SURVEYORS
808 S. Creekside Drive, Gardner, KS 66630 913.856.0164 (fax) 913.856.0165
Missouri Certificate of Authority: 200702795CF Kansas Certificate of Authority: 18189





New Creation Neighborhood Meeting

April 4, 2024

The neighborhood meeting for rezoning of the New Creation Community Center from an M2 Industrial to a C2 Commercial/Social Services designation was held from 5:30 to 7:30 PM.

There were 4 people in attendance, Please see attached sign in sheet. Martin DiNitto, architect, Pam Hanson, Executive Director for New Creation, Chad Pooler, Operations, New Creation and neighbor Lorrie Erway.

Lorrie was the only neighbor who attended the meeting. Subsequent to learning that we were planning to install a commercial kitchen, her concern was that there would be trash and was concerned that there may be an odor. Architect, Martin DiNitto showed the blueprint to Lorrie and explained in detail where the property line is and where the trash site would be located.

Executive Director, Pam Hanson reassured Lorrie that New Creation would dispose of food trash in bags that were thick enough to retain the odor.

Lorrie stated that she was in support of the work that New Creation provides for the community.

Community Meeting for rezoning

4-4-24

Please Print:

- | | <u>Name</u> | <u>Address</u> |
|-----|----------------|----------------------------------|
| 1. | Rome Erway | 535 E Spruce St Olathe Ks. |
| 2. | Martin DiBitto | 15614 Reeder St., O.P., KS 66221 |
| 3. | Chad Foster | 510 E Kansas City Ro Olathe Ks |
| 4. | Pam Hanson | 517 N Woodland Olathe Ks 66061 |
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STAFF REPORT

Planning Commission Meeting: April 29, 2024

Application:	RZ23-0013: Rezoning from the RP-1 (Planned Single-Family Residential) District to the C-1 (Neighborhood Center) District and a Preliminary Site Development Plan for Caribou Coffee
Location:	Northeast of W. 159 th Street and S. Brentwood Street
Owner:	Joe Campbell; Jacobson-Campbell Excavation, Inc.
Applicant:	Rob Barse; Mint Development Company, LLC
Engineer/Architect:	Corey Englund; Reprise Design
Staff Contact:	Emily Carrillo; Senior Planner

Site Area:	<u>1.10± acres</u>	Proposed Use:	<u>Restaurant, Carryout, or Fast Food and General Commercial</u>
Building Area:	<u>605 and 4,500 square feet</u>	Plat:	<u>Asbury Centre</u>
Existing Zoning:	<u>RP-1 (Planned Single-Family Residential)</u>	Proposed Zoning:	<u>C-1 (Neighborhood Center)</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning
Site	Conventional Neighborhood	Vacant	RP-1 (Planned Single-Family Residential)
North	Conventional Neighborhood	Vacant	CP-1 (Planned Neighborhood Center)
South	Conventional Neighborhood	Religious Institution	R-1 (Single-Family Residential)
East	Conventional Neighborhood	Vacant	C-1 (Neighborhood Center)
West	Conventional Neighborhood	Multifamily Residential	RP-3 (Planned Low Density Multifamily)

1. Introduction

The applicant is requesting to rezone from the RP-1 (Planned Single-Family Residential) District to the C-1 (Neighborhood Center) District with a preliminary site development plan which includes two (2) commercial lots, located on 1.10± acres northeast of W. 159th Street and S. Brentwood Street. Lot 1 consists of a 605 sq. ft. fast food building for Caribou Coffee. A future phase for Lot 2 includes a 4,500 sq. ft. general commercial building. The details provided for this lot are still conceptual in nature and do not include the level of detail typically provided with a preliminary site development plan. A revised preliminary site development plan will be required prior to submittal of a final site development plan for Lot 2.

The proposed coffee shop with drive-thru is categorized as '*Restaurant, Carryout, or Fast Food*' in UDO Chapter 18.20.500 and is not permitted within the existing RP-1 District. The applicant is requesting to rezone to the C-1 (Neighborhood Center) District to allow for the proposed use.

Staff reviewed the rezoning application and is recommending approval of the C-1 District which is consistent with the zoning for the remainder of Asbury Centre to the north and east. However, staff is not supportive of the proposed fast-food use, which is a prohibited use within the surrounding Asbury Centre development as further detailed in the Land Use section of this report (see Section 4). With a recommendation to prohibit the requested land use, the plan automatically fails as it is contingent upon approval of the fast-food use.

Staff had multiple meetings with the applicant advising of the incompatibility of the requested land use with the overall Asbury Centre and surrounding neighborhood. Staff requested changes to the proposed land use, layout of the property and design elements. The applicant did provide significant changes to the placement of the building along with the site and architectural design and desires to proceed with the land use request.

2. History

The subject property was annexed (ANX-01-93) into the City of Olathe in 1993 and rezoned (RZ-19-02) to the RP-1 District in 2002 as part of the Asbury Centre commercial development. At that time, this small tract of land was designated to remain as open space with amenities such as a gazebo and seating area for the adjacent Villas of Asbury on W. 158th Place. Those amenities were never installed by the property owner, and the land has remained vacant since that time. The proposed outdoor seating and pedestrian connections create a public facing outdoors amenity space within this development.

A final plat (FP-24-03) for Asbury Centre was recorded in 2003, platting the land outlined in black in the aerial photo provided below. Public improvements, such as Hunter Street, were constructed shortly after platting, but Asbury Centre's commercial area remained undeveloped until 2018, when Country Kids Day Care built just north of the subject property.

3. Existing Conditions

The subject property is undeveloped, and the land gently slopes down to the north towards the private internal street. 159th Street and Ridgeview Road are existing major arterial roads with sidewalk along both streets. Hunter Street is a private street with public water and sanitary

sewer connections located to the east and north. A few existing, mature evergreen trees are located along W. 159th that are proposed to remain on site.



Aerial photo with subject site outlined in yellow; Asbury Centre commercial development in black.



View of subject property looking NE from the intersection of W. 159th and Brentwood.

A rezoning application with preliminary plans (RZ23-0006) was recently approved for Lot 4 of the Asbury Centre to allow for the development of a 3,325 sq. ft. building for Central Bank and an 8,000 sq. ft. multi-tenant general commercial building. Additionally, a rezoning application with associated preliminary site development plans for Lots 1 & 2 of Asbury, located directly to the north, has been received and is currently under review with staff. The C-1 District aligns with both applications adjacent to the subject property.

4. Zoning Standards

- a. **Land Use** – The applicant is requesting to rezone from the RP-1 District to the C-1 (Neighborhood Center) District. The PlanOlathe Future Land Use Map designates this site as a Conventional Neighborhood, which typically consists of single-family housing. However, as provided in PlanOlathe, *neighborhood centers are distributed throughout Olathe neighborhoods to provide local access to convenience goods and services, reduce the need for lengthy drives, and promote walkability.* The Asbury Centre is an existing neighborhood center commercial node located at a major intersection, which is consistent with other major intersections in southern Olathe.

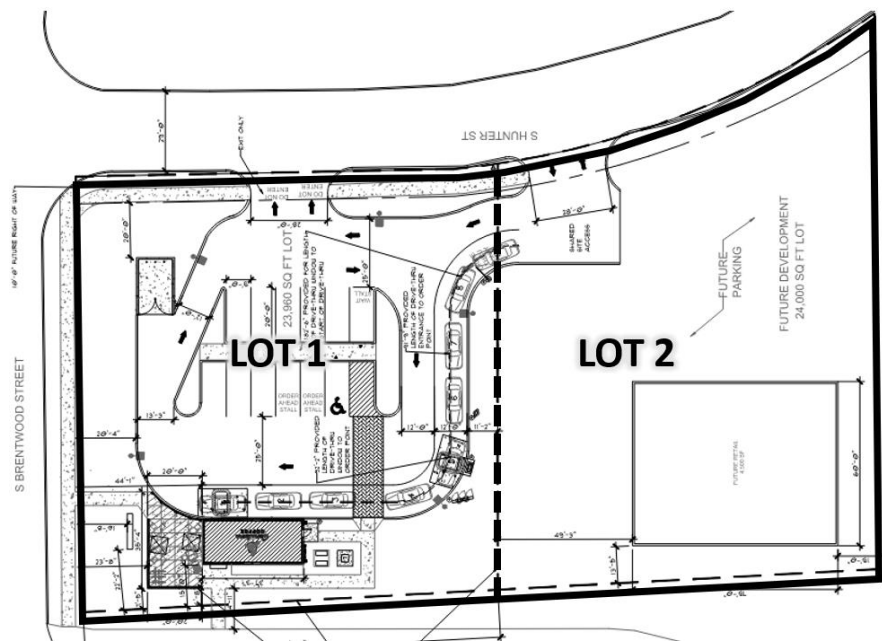
The C-1 District permits over 70+ land uses that provide the convenience goods and services called for by PlanOlathe. This rezoning is compatible with the adjacent commercial/office districts already found in the Asbury Centre. However, some use restrictions are recommended which is consistent within the larger Asbury Centre development, and to maintain compatibility with the nearby residences.

1. Fast-Food or Carryout Restaurants
2. Animal Care Facilities with Outdoor Kennels.
3. Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43.

The fast-food restaurant use typically attracts a higher volume of traffic, increased exterior lighting, can contribute to additional noise associated with these types of business and increased hours of operation.

For these reasons, staff is recommending restricting this use at this location directly across from residential neighborhoods to the west and southwest. The applicant is amenable to the proposed land use restrictions with the exception of the fast-food use.

The following analysis on dimensional, development and design standards are provided for the fast-food use proposed for Lot 1. Also, Lot 2 of this application is conceptual as the use has not been identified at this time. A revised preliminary site development plan will be required with full details including site and architectural drawings.



- b. **Building Height** –The coffee shop building is one-story and 17.8 feet at its peak, complying with the maximum building height of two-stories and 30 feet tall.
- c. **Setbacks** – The C-1 District requires this development to maintain a front yard building setback between 20 and 150 feet from 159th Street. The applicant is requesting a waiver, which is detailed in Section 10 of this report, to allow the building to be setback 15 feet from W. 159th Street right-of-way in lieu of the 20-foot minimum requirement. This setback distance allows the building to comply with the requirement of Site Design Category 3 to build within the 15-foot street frontage area.

The fast-food building complies with the minimum street corner side yard setback of 20 feet along the other street frontages and the minimum side and rear yard setback of 7.5 feet to the west and north respectively. All paved areas comply with the minimum paving setback of 15 feet from street right-of-way and 10 feet from property lines.
- d. **Frontage Buildout** – The C-1 District also requires a minimum frontage buildout of 50% within the required front setback area described above. Frontage buildout is calculated as the front building façade width as a percentage of the overall lot width. The developer is requesting a waiver to this requirement to allow a frontage buildout of 30% along 159th Street. See Section 10 below for an analysis of this waiver request.
- e. **Open Space** – The development includes 32% open space, exceeding the minimum requirement of 20% open space required within the C-1 District.

5. Development Standards

- a. **Access/Streets** – The proposal takes full access from Hunter Street, and a new sidewalk will be installed along Hunter Street connecting to Brentwood to the west and extending to the approved development to the east. Access for the conceptual commercial lot will be reviewed with a revised preliminary site development plan when a future use and tenant has been identified. Revised access and traffic circulation for Lot 1 will be forthcoming with the final site development plan if recommended for approval as stipulated.
- b. **Drive-Through** – A single lane drive-through for the coffee shop is proposed to the north and east of the coffee shop. The drive-through provides over 188 feet of stacking length from the drive-through entrance to the menu board, exceeding the minimum requirement of 80-feet. In addition, a future escape lane is shown and may be installed if desired by a future tenant.
- c. **Parking** – A parking analysis is required for the proposed drive-thru use as no indoor seating is provided for customers. The development includes 12 on-site parking spaces to provide parking for up to five (5) employees during peak shifts. A wait stall for drive thru orders has been included and six (6) stalls for general customer use to accommodate the outdoor seating area and walk-up order window that is a separate pedestrian-oriented feature from the drive-thru. Caribou’s prototype for the smaller cabin coffee shop concept, typically requires 15 total stalls, so the proposed parking represents a reduction in parking relative to current prototypical corporate standards. Further, the proposal does not exceed 125% of the minimum parking as required by the C-1 District.
- d. **Landscaping/Screening** – The proposed development exceeds all landscape requirements. Along the perimeter of the site, the required plantings are proposed along all street frontages and buffer requirements are met along the abutting properties.

Internally, the proposed parking lot and building foundation landscaping exceeds UDO requirements.

All building mounted utilities, and all ground- and wall-mounted utilities will be adequately screened by the proposed landscaping. A brick trash enclosure is proposed along the west side of the development that will be adequately screened.

- e. **Stormwater/Detention** – Stormwater detention and quality standards per Title 17 are required and will be reviewed with final site development plans.
- f. **Public Utilities** – The property is in City of Olathe sewer and WaterOne service areas. Existing sanitary sewer and water mains are in the northeast corner of the site and this development will connect to and extend these main lines along Hunter Drive. If approved, additional review is required with final site development plans.
- g. **Signs** – There is an existing monument sign located at the southwest corner of the property that will need to be relocated due to the development as proposed and should be included on final site development plans. All signage is reviewed administratively by separate application and is subject to the requirements of 18.50.190.

6. Site Design Standards

The property is designated as a Conventional Neighborhood in the PlanOlathe Comprehensive Plan Future Land Use Map; however, with the proposed C-1 District zoning designation, the site is subject to Site Design Category 3 (UDO 18.15.115). The following is a summary of the applicable site design requirements.

- a. **Landscape Options** – One of the prescribed landscape options must be provided where building façades are not located in the minimum frontage. The development provides the planted buffer with a two- to three-foot-tall limestone wall along 159th Street.
- b. **Street Frontage Area** – The proposed buildings are setback 15-feet from W. 159th Street and occupies over 30% of the street frontage length, which complies with the street frontage area requirement along W. 159th Street.
- c. **Parking Pod Size** – The proposal includes 12 stalls in the largest parking pod, which complies with the maximum of 40 stalls per parking pod.
- d. **Pedestrian Connectivity** – At least two prescribed pedestrian connections options must be provided on site. The site provides decorative crosswalks within the development, a new sidewalk will be constructed along Hunter and Brentwood streets, and connections are provided to Brentwood and to the existing sidewalk along W. 159th. The pedestrian gateway option is also met by the well-landscaped outdoor patio with a limestone wall feature at the pedestrian entrances off Brentwood and W. 159th streets.

7. Building Design Standards

The proposed coffee shop with drive-thru and conceptual commercial building are subject to the Commercial and Retail Building Design Standards per UDO 18.15.020.7. The west, north and south elevations of the coffee shop are considered primary façades. Due to the minimal size and function of the proposed coffee shop, design standards such as entry features, vertical and horizontal articulation and façade expression are not applicable.

8. Building Material Standards

The coffee shop is clad with Class 1 white brick, cream colored stone veneer, clear glass and a Class 3 fiber cement trim accent material in bronze tones. Decorative trusses with siding transitions support a traditional sloped metal roof. Dark bronze window trim and craftsman-style wall sconces accent the rustic cabin-style architecture.

9. Public Notification and Neighborhood Meeting

The applicant mailed the required public notification letters to surrounding property owners within 200-feet and posted a sign on the subject property per UDO requirements.

The applicant held a neighborhood meeting on April 8, 2024, in accordance with the UDO and the minutes of this meeting are included in the agenda packet. Eight (8) residents attended this meeting and asked several questions regarding the access, anticipated traffic, compatibility with adjacent uses, and clarification regarding staff recommendation. During the meeting, no one spoke in opposition of the proposal. The applicant addressed all questions and overall, residents expressed their support of the proposed coffee shop. Staff has not received any correspondence regarding the project.

10. Waiver Request

Section 18.40.240 of the UDO provides a mechanism for waivers to be considered when unnecessary hardships can be demonstrated or where the exception would result in superior design. The applicant has submitted a justification statement for the requested waivers, which is attached to this report. The applicant is requesting waivers from:

1. UDO 18.20.130.B, which requires buildings to be constructed a minimum of 20 feet from street right-of-way and the buildings to occupy a minimum of 50% of the lot width within this street frontage setback area. The applicant is requesting a waiver to reduce the minimum front yard setback from 20 to 15 feet along 159th Street and to reduce the street frontage buildout from 50% to 30% along 159th Street.
2. UDO 18.15.020.G.8.b, which requires that clear glass comprises a minimum of 25% of any primary façade. The applicant is requesting a waiver to reduce the glass percentage from 25% to 20% on all (3) primary facades of the coffee shop.

The applicant's justification statements provide that given the building's compact footprint, three (3) foot tall decorative landscape walls have been proposed along the Brentwood Street and 159th Street rights-of-way to assist in setting the frontage edge. As proposed, the building setback and frontage buildout does meet the requirements established in Site Design Category 3. Additionally, the small building footprint creates a hardship for meeting higher glazing percentages. This prototypical building floor plan has a significant amount of kitchen equipment and interior wall furring, so additional windows to meet the minimum standard would need to be non-functional spandrel glass. In addition to being non-functional, additional window area to meet the minimum percentages would be disruptive to the proportions of the façade.

11. UDO Rezoning Criteria Analysis

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as a Conventional Neighborhood. Conventional Neighborhoods typically consist of single-family housing, but *neighborhood centers are distributed throughout Olathe neighborhoods to provide local access to convenience goods and services, reduce the need for lengthy drives, and promote walkability.*

The application was reviewed against the UDO criteria for considering rezoning applications listed in UDO Section 18.40.090.G as detailed below.

A. *The conformance of the proposed use to the Comprehensive Plan and other adopted plans, studies, or policies.*

The requested C-1 District does not directly align with the Conventional Neighborhood designation of the Comprehensive Plan. However, the Comprehensive Plan calls for neighborhood centers to be *distributed throughout Olathe neighborhoods to provide local access to convenience goods and services, reduce the need for lengthy drives, and promote walkability*. This is an existing neighborhood center located at a major intersection, which is consistent with other major intersections in southern Olathe. In addition, the proposed rezoning meets the following policies of the Comprehensive Plan:

LUCC-7.1: High Quality Design. Encourage economically reasonable efforts toward high quality architecture, urban design, and site design. Use design guidelines as a tool for new development and redevelopment. Consider the desired context and character of existing neighborhoods and commercial centers.

LUCC-8.1: Mixture of Complementary Land Uses. Encourage and enable a mixture of complementary land uses in major new developments. In existing neighborhoods, a mixture of land use types, housing sizes and lot sizes may be possible if properly planned and respectful of neighborhood character. Whenever land uses are mixed, careful design will be required in order to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.

HN-2.2: Complete Neighborhoods. Encourage a “complete” neighborhood concept for new development, which includes a variety of residential densities on appropriately sized parcels, opportunities for shopping, nearby support services and conveniently sited public facilities, including roads, transit, and pedestrian connections, parks, libraries, and schools

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).*

Asbury Center is a developing commercial node with C-1 (Neighborhood Center) and CP-O (Office) zoning surrounded by existing low-density residential neighborhoods. The adjacent nonresidential uses are low intensity uses which serve surrounding neighborhoods, including Country Kids Day Care, Ascend Church, and the New Life Community Church. Nearby buildings are primarily one- or two-stories tall and more residential in design with sloped roofs, except for the Ascend Church and the recently approved Central Bank, which is more modern in design using primarily brick, stone, and glass materials.

C. *The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning districts and uses.*

The proposed C-1 District is in harmony with the surrounding zoning and uses of nearby properties. The adjacent CP-O and CP-1 Districts to the north and west are commercial districts, similar to the proposed C-1 District. The existing churches, undeveloped land,

and residential development to the south and east are in the R-1 District and separated from this property by arterial street right-of-way. However, the proposed fast-food restaurant use proposed with this application is of higher intensity than adjacent uses, generating more traffic, and typically having longer hours of operation. As such, the *Restaurant, Carryout or Fast Food* use is recommended to be restricted within the proposed C-1 District.

D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

The existing property is zoned to the RP-1 District and contains a land use restriction requiring the provision of private open space with amenities, such as a gazebo and seating area, for the adjacent Villas of Asbury. This site is less suitable for this existing land use restriction than for the neighborhood commercial center uses allowed within the C-1 District, which benefit the greater public. Private amenities should be integrated interior to residential neighborhoods, be easily accessible, and should not be located at the intersection of major roadways for safety and privacy reasons.

E. The length of time the property has remained vacant as zoned.

The property was zoned to the RP-1 District in 2002 and has remained undeveloped and vacant since that time.

F. The extent to which approval of the application would detrimentally affect nearby properties.

The proposed commercial zoning is not anticipated to detrimentally affect nearby properties. The property is bordered by major arterial streets including 159th Street and Ridgeview Road to the south and east and the properties to the north and east are within the same commercial development (Asbury Centre). Staff is recommending a list of restricted uses that are less compatible with adjacent residential properties.

G. The extent to which development under the proposed district would substantially harm the value of nearby properties.

Staff has not received any information indicating that the development as proposed would lead to a substantial impact on the value of surrounding 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.

This proposed use will not cause any adverse effect on traffic and safety of the road network. The subject property is accessed from Brentwood Street, which is a 2-lane collector road designed to support future development of this area and will not reduce the existing level of service at the intersection of Brentwood Street and Hunter Street. The development will not present a parking problem as the proposal exceeds the minimum parking and drive-through stacking requirements of the UDO.

I. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.

The development is not anticipated to create pollution or other environmental harm. The development will follow all regulations and requirements pertaining to stormwater, air quality, noise, and other related items.

J. *The economic impact of the proposed use on the community.*

Development of the property with neighborhood commercial uses will generate property and sales taxes to be collected by the City as well as create new jobs.

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.*

There is no gain or detriment to the public health, safety, or welfare if the application were denied. The proposed rezoning does not negatively impact public health, safety, or welfare as presented. If the application were denied, development of the property would be limited to remain as open space.

12. Staff Recommendation

- A. Staff recommends approval of a rezoning to the C-1 District (RZ23-0013), with the following stipulation:
 - 1. The following uses are prohibited:
 - a. *Fast-Food or Carryout Restaurants*
 - b. *Animal Care Facilities with Outdoor Kennels*
 - c. *Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43.*
- B. Staff recommends denial of the preliminary site development plan due to the recommendation on the proposed fast-food land use associated with the development plan.

13. If the fast-food land use and preliminary site development plan are recommended for approval, staff recommends the following stipulations:

- A. Zoning District:
 - 1. The following uses are prohibited:
 - a. *Fast-Food or Carryout Restaurants (Prohibited on Lot 2 only)*
 - b. *Animal Care Facilities with Outdoor Kennels*
 - c. *Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43.*
 - 2. Hours of operation for the 'Restaurant, Carryout, or Fast Food' use on Lot 1 are limited to 5:00 am to 8:00 pm. daily.

B. Preliminary Site Development Plan:

1. A waiver is granted from UDO 18.20.130.B to decrease the minimum front yard setback from 20-feet to 15-feet and to reduce the minimum frontage buildout from 50% to 30% along 159th Street as shown on the preliminary site development plan dated April 1, 2024.
2. A waiver is granted from UDO 18.15.020.G.8.b to decrease the minimum glass requirement from 25% to 20% on the primary facades for Lot 1 as shown on the elevations dated April 1, 2024.
3. A revised preliminary site development plan is required for Lot 2 prior to submittal of a final site development plan.
4. Revised access and traffic circulation for Lot 1 will be provided with final site development plans as required by the City Engineer.
5. 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.

Rob Barse
Managing Partner



Mint Development Co LLC
723 S Oaks Dr
Hastings, MN 55033

rob@mintdevco.com
612.499.6095

February 27, 2024

City of Olathe
Attn: Planning Division
100 E Santa Fe St
Olathe, Kansas 66051

RE: RZ23-0013 | Caribou Coffee at Asbury | Statement of Purpose

To Whom It May Concern,

On behalf of Mint Development Company LLC and applicant, please accept this Statement of Purpose to supplement our rezoning application. We are requesting rezoning to allow for development of a new Caribou Coffee "Cabin".

Caribou Coffee Cabins are a 605 square foot café featuring drive-thru and walk-up windows. Based in Minnesota, the cabins will embody the company's "Northwoods" feel. Although there is no indoor seating, the Cabins provide for seasonal, outdoor seating for 16 customers. The Cabins will also feature new menu items including "flavor-infused" drink items, like sparkling waters, juices and sodas, made from coffee beans.

In considering our application for rezoning, please accept the following criteria stated below as further justification to support our request for rezoning:

1. Although our proposal does not conform to the Comprehensive Plan, we believe that the use is consistent with similar Olathe community nodes located in close proximity to 159th & Ridgeview. Additionally, the existing and future uses immediately surrounding the property also deviate from the Comprehensive Plan. The existing daycare, future bank and planned multi-tenant strip center are all consistent and complementary to our proposed use creating for a strong neighborhood center for adjacent churches and residents. Lastly, we believe a coffee shop is more closely aligned to a fast casual offering than fast food. Although seasonal, our outdoor seating provides the adjacent neighborhood with a walkable amenity and community gathering place.
2. We have modified the Caribou Coffee "Cabin" prototypical design to more consistently align with the character of the neighborhood including, but not limited to, the surrounding land uses, zoning, floor area, architectural style, building materials, height, structural massing, siting and open space.

MINT DEVELOPMENT CO

City of Olathe – Statement of Purpose
February 27, 2024

Rob Barse
Managing Partner



Mint Development Co LLC
723 S Oaks Dr
Hastings, MN 55033

rob@mintdevco.com
612.499.6095

3. We believe that the proposed use of a neighborhood coffee shop is complementary and in harmony with the zoning and uses of nearby properties. In fact, the land seller has obtained letters of support from the adjacent residential neighborhood.
4. The property is very suitable for a coffee shop use including the drive-thru which has adequate space for an 8-car drive-thru queue.
5. Under the current zoning, the property has remained vacant and undeveloped for 20 years.
6. The approval of the application would positively affect nearby properties providing an amenity that is in walking distance to the adjacent residential neighborhood, businesses and churches.
7. The approval of the development under the proposed district would substantially improve the value of nearby properties that have long been vacant as it is a strong national brand that would be attractive to prospective co-tenants.
8. The proposed district would not adversely affect the capacity or safety of that portion of the road network. All access is from an existing private road and no changes would be required of the existing public streets serving the overall area development. Our use will not present any parking problems and we have adequate parking provided on the site.
9. The proposed use will not create excessive air pollution, water pollution, noise pollution or other environmental harm.
10. There is positive economic impact of the proposed use on the community as it will generate increase taxes paid on the site as well as create both short-term and long-term jobs.
11. We do not believe there is any gain to the public health, safety and welfare due to denial of the application. In contrast, the denial of the application will continue to impose a hardship on the landowner as they have not been able to garner interest in the site with a buyer that aligns with the use dictated by the comprehensive plan and current zoning.

If the foregoing statement is not sufficient for our rezoning application, please let us know.

Sincerely,

A handwritten signature in black ink that reads "Rob Barse". The signature is written in a cursive, flowing style.

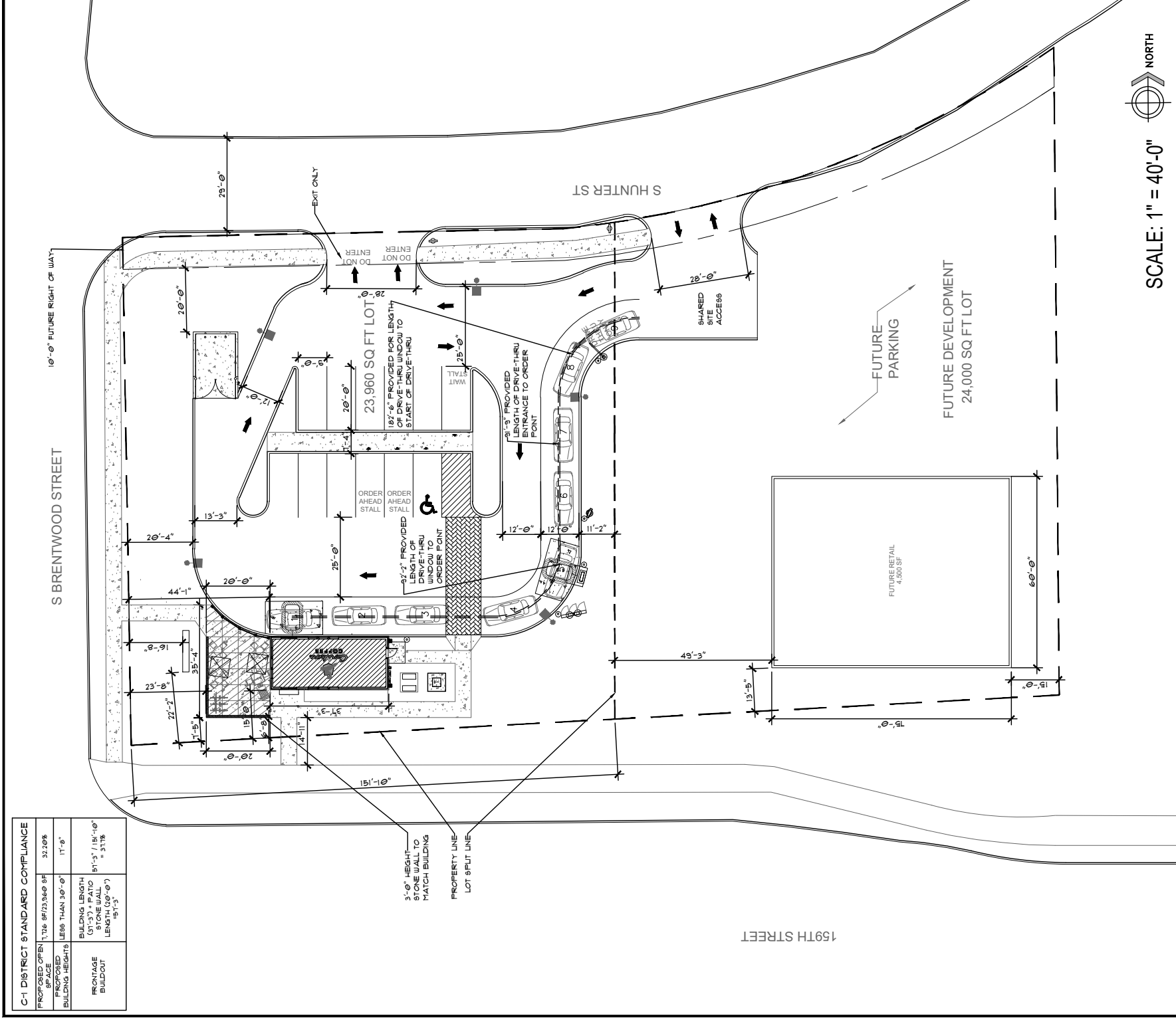
MINT DEVELOPMENT CO

City of Olathe – Statement of Purpose
February 27, 2024

C-1 DISTRICT STANDARD COMPLIANCE	
PROPOSED OPEN SPACE	1,726 SF/23,960 SF = 32.0%
BUILDING HEIGHTS	LESS THAN 30'-0" / 11'-8"
FRONTAGE BUILDOUT LENGTH	51'-3" / 18'-10" = 31.1%
FRONTAGE BUILDOUT LENGTH	15'-3"

3'-0" HEIGHT STONE WALL TO MATCH BUILDING

PROPERTY LINE LOT & PLUT LINE



S BRENTWOOD STREET

159TH STREET

S HUNTER ST

23,960 SQ FT LOT

FUTURE DEVELOPMENT
24,000 SQ FT LOT

FUTURE
PARKING

FUTURE RETAIL
4,500 SF

ORDER
AHEAD
STALL

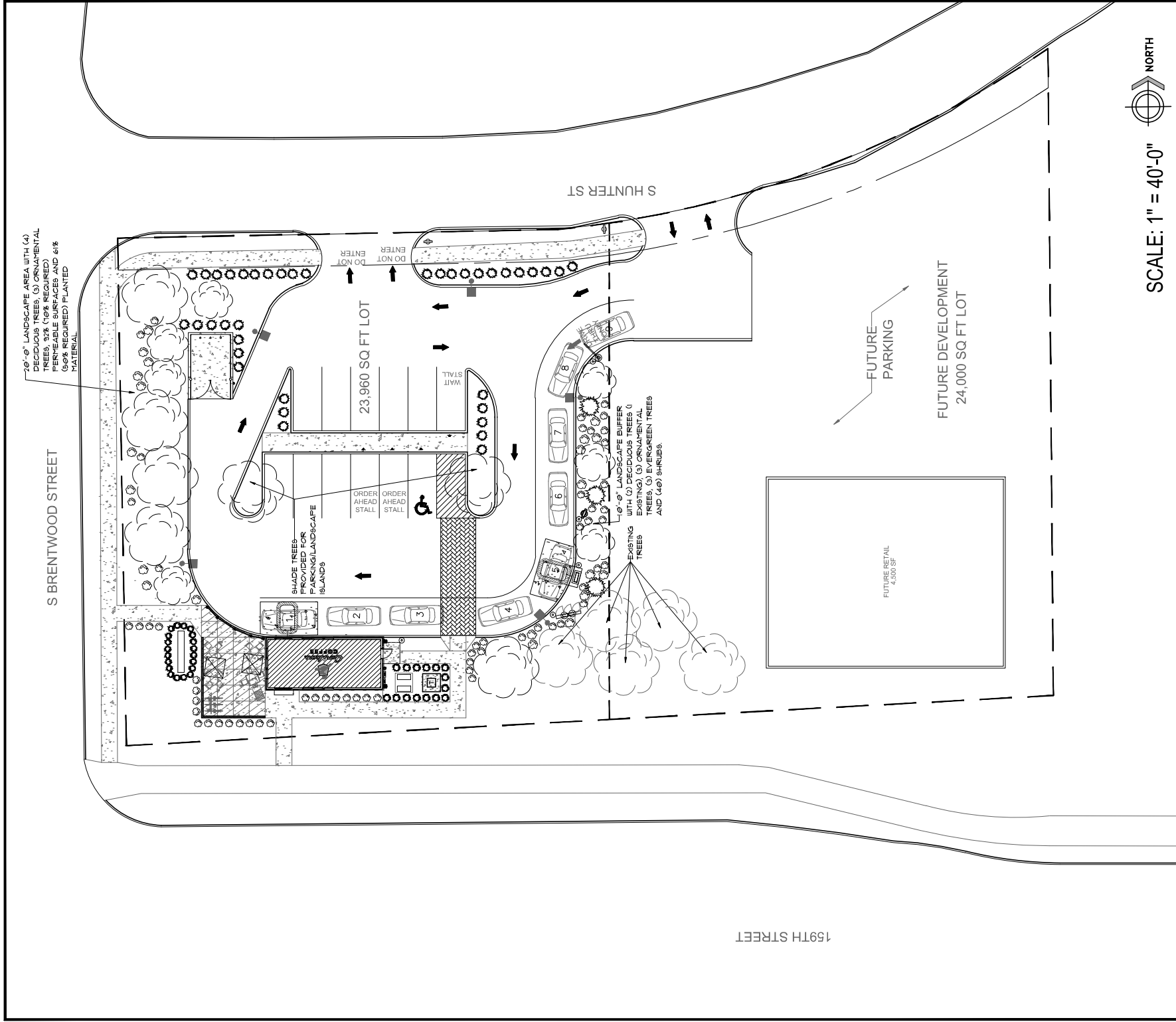
ORDER
AHEAD
STALL

WAIT
STALL



SCALE: 1" = 40'-0"





SCALE: 1" = 40'-0"



1600
288
BK 131 Pg 48



ASBURY CENTRE

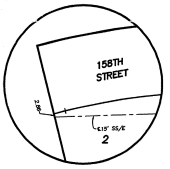
APPROVED by the Planning Commission of the City of Olathe, Kansas, on this 3rd day of February, 2003.

APPROVED by the Governing Body of the City of Olathe, Kansas, on this 18th day of February, 2003.

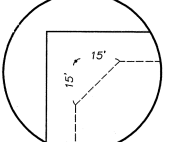
By: *Michael Corbett*
MICHAEL CORBETT, Mayor
ATTEST: *Debra S. Grago*
DEBRA S. GRAGO, City Clerk

LOT AREAS

LOT 1	108,616 Sq.Ft.
LOT 2	54,541 Sq.Ft.
LOT 3	120,091 Sq.Ft.
LOT 4	123,788 Sq.Ft.
TRACT "A"	47,997 Sq.Ft.
TRACT "B"	221,770 Sq.Ft.
TOTAL	482,171 Sq.Ft.



SANITARY SEWER EASEMENT DETAIL



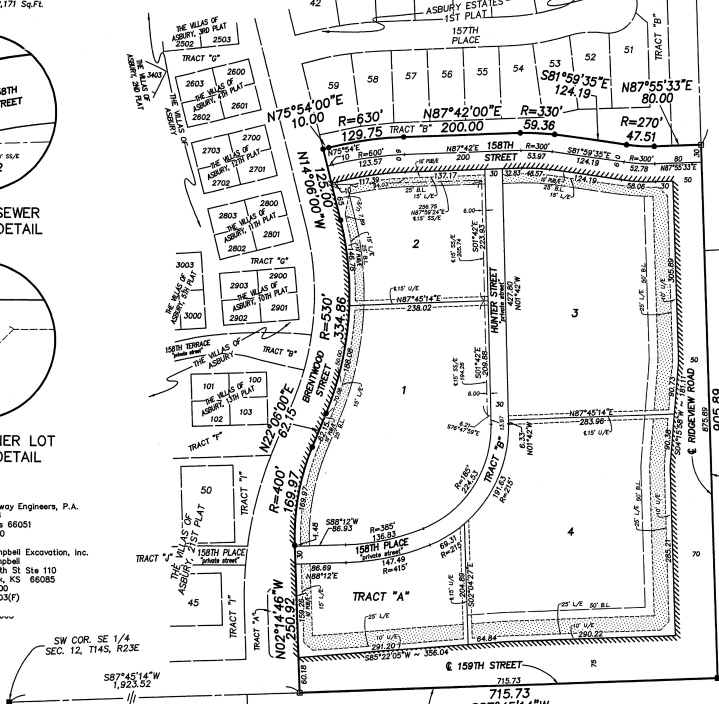
TYPICAL CORNER LOT EASEMENT DETAIL

Prepared by: Payne & Brockway Engineers, P.A.
P. O. Box 128
Olathe, Kansas 66051
913-762-4800

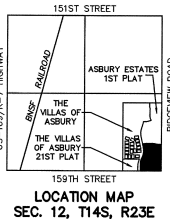
Developed by: Jacobson-Campbell Excavation, Inc.
520 Joe Campbell
7540 W. 150th St. Ste 110
Overland Park, KS 66085
913-402-1300
913-402-1503(F)

Date Prepared: January 4, 2003
Date Revised: July 7, 2003

SW COR. SE 1/4
SEC. 12, T14S, R23E



POINT OF BEGINNING
SE COR. SE 1/4
SEC. 12, T14S, R23E



LOCATION MAP
SEC. 12, T14S, R23E

NOTE:

The basis for bearings on this plot is the South line of the SE 1/4 of as established by a previous plat THE VILLAGES OF ASBURY, Plat Book 122, Page 15.

Lots 1 and 2 shall have No Direct Vehicular Access to Brentwood Street, except as shown on this plot.

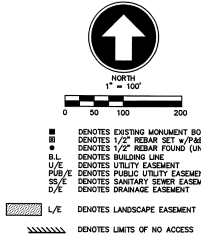
Lots 2 and 3 shall have No Direct Vehicular Access to 158th Street.

Lots 2 and 3 shall have No Direct Vehicular Access to Ridgeway Road.

Lot 4 and Tract "A" shall have No Direct Vehicular Access to 159th Street.

Tract "A" shall have No Direct Vehicular Access to Brentwood Street.

ALL AREAS DESIGNATED ON THE PLAN AS DRAINAGE EASEMENT SHALL REMAIN FREE OF FENCES, SHRUBS, AND OTHER OBSTACLES THAT WOULD RESTRICT THE FLOW OF DRAINAGE.



I hereby certify that this is an accurate and true plot of survey on this 21st day of July, 2003.

John B. Roy
Kansas L.S. No. 816



REVIEWED
Debra S. Grago
City Clerk
3/15/2003

This is a survey and plot of part of the SE 1/4 of Section 12, T14S, R23E of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas more particularly described as follows:

Beginning at the Southeast corner of the SE 1/4 of Section 12, T14S, R23E of the Sixth Principal Meridian, in the City of Olathe, Johnson County, Kansas; thence S 87°45'14" W, along the South line of said SE 1/4, a distance of 715.73 feet; thence N 02°14'46" W, along the East right-of-way line of Brentwood Street, as plotted, a distance of 250.92 feet; thence Northwesterly, continuing along said East right-of-way line, on a curve to the right having a radius of 400 feet, for a distance of 169.97 feet; thence N 22°06'00" E, continuing along said East right-of-way line, a distance of 62.15 feet; thence Northwesterly, continuing along said East right-of-way line, on a curve to the left having a radius of 530 feet, for a distance of 134.98 feet; thence N 14°00'00" W, continuing along said East right-of-way line, a distance of 125.00 feet to the Southwest corner of TRACT "B", ASBURY ESTATES, 1ST PLAT, a subdivision in the City of Olathe, Johnson County, Kansas; thence N 79°54'00" E, continuing along said TRACT "B", a distance of 10.00 feet; thence Easterly, continuing along said South line, on a curve to the right having a radius of 630 feet, for a distance of 129.75 feet; thence N 87°42'00" E, continuing along said South line, a distance of 59.36 feet; thence N 87°42'00" E, continuing along said South line, on a curve to the right having a radius of 330 feet, for a distance of 59.36 feet; thence N 87°42'00" E, continuing along said South line, a distance of 124.19 feet; thence Easterly, continuing along said South line, on a curve to the left having a radius of 270 feet, for a distance of 47.51 feet; thence N 87°45'33" E, continuing along said South line and its extension thereat, a distance of 80.00 feet to a point on the East line of said SE 1/4, thence S 02°04'27" E, along said East line, a distance of 905.69 feet to the Point of Beginning, containing 14.18689 acres, more or less.

The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plot, which subdivision and plot shall hereafter be known as "ASBURY CENTRE".

The streets and roads shown on this plot and not heretofore dedicated to public use, are hereby so dedicated.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction, or maintenance and use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility facilities, upon, over and under these areas outlined and designated as authorized by state law to use such easement for said purposes.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction of maintenance and use of conduits, water lines, storm pipes, sewer pipes and related facilities and structures, and street trees upon, over and under these areas outlined and designated on this plot as "PUBLIC or Public Utility Easement", is hereby granted to the City of Olathe, Kansas and other governmental entities as may be authorized by state law to use such easement for said purposes.

An easement or license is hereby dedicated to the City of Olathe to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, sewer pipes, surface drainage facilities, etc., upon, over, and across those areas outlined and designated on this plot as "Drainage Easement" or "D/E".

An easement or license is hereby dedicated to the City of Olathe to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, sewer pipes, manholes, etc., upon, over, and across those areas outlined and designated on this plot as "Sanitary Sewer Easement" or "SSE" and Tract "B".

An easement is hereby granted and reserved by the undersigned proprietor of the above described land unto itself and all owners of lots and parcels depicted on this plot to enter upon, plant, replace, repair, mow, clip, trim, spray, chemically treat, repair, and otherwise maintain, and to authorize any such maintenance, of any and all grass, trees, shrubs, plants and other landscaping and all fences and monuments installed by the undersigned proprietor and by all owners of lots and parcels depicted on this plot, upon, over, and under these areas outlined and designated on this plot as "Landscape Easement" or "L/E".

A perpetual easement of access over, across, and upon the areas designated as Tract "B", "Access Easement" and "Ingress & Egress Easement" are hereby reserved to the undersigned proprietors, their heirs, assigns, etc., for ingress and egress of all owners and occupants of lots and parcels depicted on this plot, center shall have the same right of ingress and egress as all owners and occupants of lots and parcels depicted on this plot. No obstacles or obstructions that would prohibit the free flow of traffic shall be allowed to be constructed or maintained within said "Access Easement", "Ingress & Egress Easement" and Tract "B".

Tract "A" is intended to be used for private open space.

Tract "B" shall also be designated as "Utility Easement". All utility locations within Tract "B" shall be approved by the owners of said Tract "B" prior to installation.

Tracts "A" and "B" shall be owned by all the owners of lots and parcels depicted on this plot, which shall be responsible for all maintenance of said Tracts. The lots in this subdivision shall not be subdivided except pursuant to Chapter 15.68, Lot Splits, of Unified Development Ordinance or by replat.

The use of all lots in this subdivision shall hereafter be subject to the restrictions which will be executed as a separate instrument of writing and will be recorded in the Office of the Register of Deeds of Johnson County, Kansas, said restrictions will thereby be made a part of the dedication of this plot as though fully set forth herein.

The undersigned proprietors of the above described tract of land hereby consent and agree that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to rezone such land proposed to be dedicated for public use and thoroughfares or parts thereof, for public use, from the lien and effect of any special assessments and that the amount of the unpaid special assessments on such land dedicated shall become and remain a lien on the remainder of this land fronting or abutting on said dedicated public way or thoroughfare.

IN TESTIMONY WHEREOF, the undersigned proprietors have caused this instrument to be executed this 21st day of July, 2003.

JACOBSON-CAMPBELL EXCAVATION, INC.

(Owner of all except Lot 4 and part of TRACT "B", Beginning at the Northwest corner of Lot 4, ASBURY CENTRE, a subdivision in the City of Olathe, Johnson County, Kansas; thence S 01°42'00" E, along the Northwesterly line of said Lot 4, a distance of 6.33 feet; thence Southwesterly, continuing along said Northwesterly line on a curve to the right having a radius of 215 feet, for a distance of 191.63 feet to the Western corner of said Lot 4, thence N 02°04'27" W, a distance of 12.81 feet; thence Northwesterly, on a curve to the left having an initial tangent bearing of N 37°55'10" E and a radius of 300 feet, for a distance of 176.74 feet; thence N 87°45'14" E, a distance of 12.64 feet to the Point of Beginning.)

STATE OF KANSAS
COUNTY OF JOHNSON

JOSEPH W. CAMPBELL, President

BE IT REMEMBERED, that on this 21st day of July, 2003, before me a Notary Public in and for said County and State, came JOSEPH W. CAMPBELL, President of JACOBSON-CAMPBELL EXCAVATION, INC., 2003, before me a Notary Public in and for said County and State, the foregoing instrument of writing on behalf of said Corporation, and he duly acknowledged the execution of the same to be the act and deed of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

John B. Roy
Notary Public

My Commission Expires March 19, 2007



MSB BUILDING CORPORATION

(Owner of Lot 4 and part of TRACT "B", Beginning at the Northwest corner of Lot 4, ASBURY CENTRE, a subdivision in the City of Olathe, Johnson County, Kansas; thence S 01°42'00" E, along the Northwesterly line of said Lot 4, a distance of 6.33 feet; thence Southwesterly, continuing along said Northwesterly line on a curve to the right having a radius of 215 feet, for a distance of 191.63 feet to the Western corner of said Lot 4, thence N 02°04'27" W, a distance of 12.81 feet; thence Northwesterly, on a curve to the left having an initial bearing of N 37°55'10" E and a radius of 300 feet, for a distance of 176.74 feet; thence N 87°45'14" E, a distance of 12.64 feet to the Point of Beginning.)

STATE OF KANSAS
COUNTY OF JOHNSON

JOHN L. STEWART, Vice-President

BE IT REMEMBERED, that on this 21st day of July, 2003, before me a Notary Public in and for said County and State, came JOHN L. STEWART, Vice-President of MSB BUILDING CORPORATION, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Corporation, and he duly acknowledged the execution of the same to be the act and deed of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

John B. Roy
Notary Public

My Commission Expires March 19, 2007



ASBURY CENTRE
SEC. 12, T14S, R23E
JOHNSON COUNTY, KANSAS
PAYNE & BROCKWAY P.A.
OLATHE, KANSAS



1 SIDE ELEVATION (SOUTH) - PRIMARY FACADE
1/4" = 1'-0"

MATERIAL	SF	PERCENTAGE
BRICK	162 SF	46 %
STONE	98 SF	28 %
FIBER CEMENT TRIM	22 SF	6 %
GLAZING	70 SF	20 %
TOTAL	352 SF	100 %



2 FRONT ELEVATION (WEST) - PRIMARY FACADE
1/4" = 1'-0"

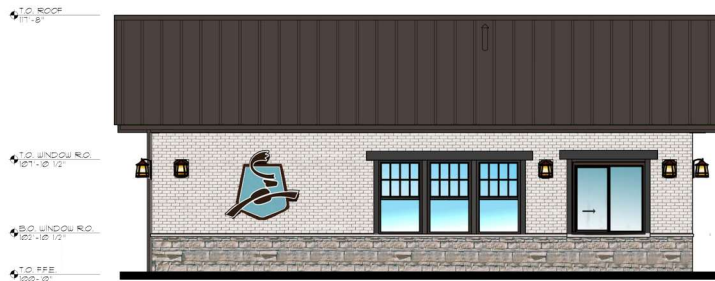
MATERIAL	SF	PERCENTAGE
BRICK	104 SF	41 %
STONE	44 SF	20 %
FIBER CEMENT TRIM	28 SF	13 %
GLAZING	48 SF	20 %
TOTAL	224 SF	100 %

BUILDING MATERIALS LEGEND	
	BRICK - CORONADO STONE PRODUCTS STYLE; WIRECUT THIN BRICK, COLOR: PAINT TO MATCH BENJAMIN MOORE 'WHITE DOVE CC-11'
	HARDIE TRIM BOARD AT DECORATIVE TRUSS AND SIDING TRANSITIONS - PAINTED 224-10 'DRUGHT' IRON
	NON-REFLECTIVE STANDING SEAM METAL ROOFING - COLOR: CHARCOAL GRAY
	DARK BRONZE WINDOWS AND 4M SERVICE DOORS
	LIGHT FIXTURES - PROGRESS FS164-86 BURNISHED CHESTNUT WALL LAMP
	STONE - CULTURED/MANUFACTURED STONE; CORONADO STONE PRODUCTS STYLE; COUNTRY SUBBLE, COLOR: ANTIQUE CREAM; BILL CAR; CORONADO STONE PRODUCTS; CHISELED STONE BILL, COLOR: CREAM



3 REAR ELEVATION (EAST)
1/4" = 1'-0"

MATERIAL	SF	PERCENTAGE
BRICK	135 SF	61 %
STONE	35 SF	16 %
FIBER CEMENT TRIM	30 SF	14 %
DOOR	21 SF	9 %
TOTAL	221 SF	100 %



4 SIDE ELEVATION (NORTH) - PRIMARY FACADE
1/4" = 1'-0"

MATERIAL	SF	PERCENTAGE
BRICK	162 SF	46 %
STONE	97 SF	28 %
FIBER CEMENT TRIM	23 SF	6 %
GLAZING	70 SF	20 %
TOTAL	352 SF	100 %

















NEIGHBORHOOD MEETING SIGN IN SHEET

Case #RZ23-0013 | Caribou Coffee at Asbury

April 8, 2024

On April 8, 2024, we held a neighborhood meeting to discuss the proposed Caribou Coffee at Asbury project. The applicant, Mint Development Company, presented a PowerPoint of describing the proposed project, requested rezoning, staff comments and our supporting qualifiers of why we think the City should allow the neighborhood coffee shop. There were 8 residents from the surrounding neighborhood that attended. The meeting lasted for approximately 1.5 hours & we discussed the following questions:

1. Access – describe & confirm the access for the proposed development. Will the cars have ingress or egress from 159th or Brentwood?
Response: We confirmed that all ingress & egress for the proposed development is from a single point of access on Hunter St. No cars will enter or exit directly onto Brentwood or 159th. This was reassuring to the residents and those that live closest to the proposed project across Brentwood St.
2. Hours – what are the hours for Caribou?
Response: Typically, 6 am to 6 pm daily.
3. Traffic – how much traffic with Caribou generate?
Response: Existing Caribou “Cabins” typically receive 150-200 customers per day or 12-17 per hour on average. On average, an estimated 50% of those visits are before 10 am. We confirmed that the City did not require a traffic study as we are not generating more traffic than what was anticipated for the commercial district. Additionally, we are not modifying or adding to the existing curb cuts on 159th or Brentwood.
4. Drive-thru stacking – are you concerned about the drive-thru lane overflowing onto Hunter Street?
Response: We confirmed that we are exceeding the dedicated queue size required by the City. We are also exceeding Caribou’s corporate stacking requirement. Additionally, we discussed Caribou’s typical turn time for a car to travel from the menu board to receiving its freshly made coffee or breakfast item. Lastly, we showed that there is a wait stall if there is any issue with an order that the car can pull into to wait for its order freeing the other vehicles to advance.
5. Proposed Daycare – are you concerned about the new daycare proposed across the street from Caribou?
Response: We confirmed our excitement about the proposed daycare development. As a neighborhood coffee shop, the property offers strong co-tenancy with the churches, daycares and bank that are planned around the site.



6. Menu items – Are there offerings outside of coffee? And how can we order if walking to from the neighborhood.
Response: We shared Caribou’s typical menu items of coffee, teas and baked goods. We also discussed the pick-up/walk-up window that is connected to the pedestrian pathways and that Caribou has an App for ordering ahead.
7. Why does staff not support a coffee shop?
Response: We shared staff’s comments from the application documents and why they do not support coffee as the proposed use. We shared our proposed qualifiers for rezoning. The attendees generally agreed that fast food restaurants that have drive-thru traffic late into the evening may not be desirable, however, drive-thru coffee shop was a reasonable offering.

At the close of our meeting, the attendees expressed appreciation for the information we shared with them. We heard comments such as “It’s a matter of time before something is built here, what safer and better uses those being proposed (daycare & coffee projects)”. Nearly each attendee verbally expressed their support for the project as we shook hands after the meeting. Not a single attendee expressed opposition to the project. We asked all attendees to consider attendance at the upcoming public hearing and informed them that notices were mailed out on Monday, April 8 confirming the meeting date, time & location.

End of Meeting Summary

Rob Barse
Managing Partner



Mint Development Co LLC
7235 Oaks Dr
Hastings, MN 55023

rob@mintdevco.com
612.499.6095

NEIGHBORHOOD MEETING SIGN IN SHEET
Case #RZ23-0013 | Caribou Coffee at Asbury
April 8, 2024

Property Owner	Phone Number	Email
José Campbell	913-208-7622	jcampbellatx+an Arch.com
GARY & PAULETTE HAYES	913-980-5271	GWHAYESK5@GMAIL.COM
Bambi Mitchell	913-259-9459	bmtchl@aol.com
Susan Gable	913-548-8553	sgable@aol.com
Robert & Sharon Keith	620-326-1033	rsketh@sutv.com
G. DRAKE	913-908-6701	GLODRAX-66@outlook.com
Bill Seiler	913-732-2502	whsjr99@gmail.com

Rob Barse
Managing Partner



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February 27, 2024

City of Olathe
Attn: Planning Division
100 E Santa Fe St
Olathe, Kansas 66051

RE: RZ23-0013 | Caribou Coffee at Asbury | Stormwater Memo

To Whom It May Concern,

On behalf of Mint Development Company LLC and applicant, please accept this initial stormwater memo to supplement our rezoning application.

We understand that the site is subject to Title 17 stormwater requirements for both stormwater quality and quantity. Additionally, we will provide a full report with the Final Development Plan.

If the foregoing statement is not sufficient for our rezoning application, please let us know.

Sincerely,

A handwritten signature in black ink that reads "Robert Barse". The signature is written in a cursive style with a long, sweeping underline.

MINT DEVELOPMENT COMPANY LLC
Robert Barse, Managing Partner

MINT DEVELOPMENT CO

City of Olathe – Stormwater Memo
February 27, 2024

Rob Barse
Managing Partner



Mint Development Co LLC
723 S Oaks Dr
Hastings, MN 55033

rob@mintdevco.com
612.499.6095

April 1, 2024
Revised April 22, 2024

City of Olathe
Attn: Planning Division
100 E Santa Fe St
Olathe, Kansas 66051

RE: RZ23-0013 | Caribou Coffee at Asbury | Waiver Request #1 – Frontage Buildout

To Whom It May Concern,

On behalf of Mint Development Company LLC and applicant, please accept the following for Waiver Request #1 – Frontage Buildout for the Council Agenda Packet.

Waiver #1 – We request that the 20 foot minimum front yard setback be reduced to a 15 foot front yard setback and that the requirement for 50% minimum building frontage be reduced to 30% along 159th Street.

Per UDO 18.20.130, the minimum front yard setback in a C-1 district is 20 feet. The maximum setback required by Site Design Category 3 is 15 feet. We request this waiver in order to comply with Site Design Category 3 design requirements over the contradictory C-1 zoning requirement. This portion of the waiver allows for a higher quality design by following Site Design Category 3 requirements and presents no identifiable negative impacts to surrounding properties.

Per UDO 18.90.020, the C-1 district requires a minimum building frontage of 50%. We request a waiver to reduce this percentage to 30% along 159th Street. In attempting to follow Site Design Category 3, buildings are required to be placed closer to the right-of way. Building frontage in those locations been maximized. Given the building's compact footprint, a +/- 3 foot tall decorative landscape wall has been proposed along the Brentwood Street and 159th Street rights-of-way to assist in setting the frontage edge. This portion of the waiver presents no identifiable negative impacts to surrounding properties.

We hope the provided responses are sufficient for our rezoning application, please let us know if anything else is needed.

Sincerely,

A handwritten signature in black ink that reads "Rob Barse". The signature is written in a cursive style with a long horizontal line extending to the right.

MINT DEVELOPMENT CO

Rob Barse
Managing Partner



Mint Development Co LLC
723 S Oaks Dr
Hastings, MN 55033

rob@mintdevco.com
612.499.6095

April 1, 2024

City of Olathe
Attn: Planning Division
100 E Santa Fe St
Olathe, Kansas 66051

RE: RZ23-0013 | Caribou Coffee at Asbury | Waiver Request #2 – 25% Glazing

To Whom It May Concern,

On behalf of Mint Development Company LLC and applicant, please accept the following for Waiver Request #2 –25% Glazing for the Council Agenda Packet.

Waiver Request to UDO Section 18.15.020 G.7.b(1)(a). The UDO requires 25% glazing on first floor primary façade windows, and a waiver is requested to allow the proposed 20% glazing on the submitted elevations. The small building footprint creates a hardship for meeting higher glazing percentages. This prototypical building floor plan has a significant amount of kitchen equipment and interior wall furring, so additional windows to meet the minimum standard would need to be non-functional spandrel glass. In addition to being non-functional, additional window area to meet the minimum percentages would be disruptive to the proportions of the façade. No private rights will be injured or endangered by this waiver, and the public will suffer no loss or inconvenience.

We hope the provided responses are sufficient for our rezoning application, please let us know if anything else is needed.

Sincerely,

A handwritten signature in black ink that reads "Rob Barse". The signature is written in a cursive, flowing style.

MINT DEVELOPMENT CO