



City of Olathe
City Planning Division

MINUTES – Consent Agenda

Planning Commission Meeting: March 14, 2016

The meeting was called to order by Chairman Dean Vakas, with the following members present: Ryan Nelson, Ryan Freeman, Ann Horner and John Almeida. Absent were Mike Rinke, Chip Corcoran, Erin Davis and Jeremy Fry.

Recited Pledge of Allegiance.

The Chairman read the standard *ex parte* statement. No Commissioner reported having any *ex parte* communications.

A motion to approve Consent Agenda items 1 and 2 was made by Commissioner Freeman and seconded by Commissioner Almeida. Motion passed unanimously.

MINUTES

Planning Commission Meeting: March 14, 2016

Application:	<u>PR-15-041</u> Preliminary Site Development Plan for Contractor Shop Buildings
Location:	At the southeast corner of Payne Street and Brockway Street
Applicant:	Chris Dvorsky Construction, Chris Dvorsky
Architect/Engineer:	Allen Belot Architect
Staff Contact:	Dan Fernandez

Site Area:	<u>3.748± acres</u>	Proposed Use:	<u>Industrial</u>
Building Area:	<u>34,875 square feet (4 buildings)</u>	Plat:	<u>Lot 187, Provence Village</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Industrial	Vacant lot	M-2	6	F
North	Industrial	Vacant lot	M-2	—	—

South	N/A	Railroad ROW	N/A	—	—
East	Industrial	Vacant lot	M-2	—	—
West	Industrial	Reclaimed material yard	MP-3	—	—

1. Comments:

This application is for approval of a preliminary development plan for four (4) contractor storage buildings at the southeast corner of Payne St. and Brockway St. The total area of the buildings is 34,875 square feet. The buildings are to be used for storage for contractors. The proposed use is permitted in the existing M-2 zoning district.

A rezoning from M-1 to M-2 for the subject property was approved in April 1987. The property has not been developed and remains vacant.

2. Zoning Requirements:

- a. **Setbacks** – The proposed buildings comply with minimum building and parking/paving setbacks for M-2 districts. The buildings are over 30 feet from street right-of-way which is the required building setback for this district. The proposed building locations also meet the side yard setbacks of 10 feet. The paved areas also meet setback requirements for this zoning district.
- b. **Open Space** – The minimum requirement for open space in M-2 districts is 15% of the net site area. The proposed development includes 52% open space area.

3. Site Design Standards:

Composite Site Design (Category 6)	Proposed Design
<i>Parking Pod Size (max. spaces)</i>	320 maximum pod size permitted
<i>Open storm drainage and detention areas visible to the public</i>	Not applicable (detention area behind proposed buildings)
<i>Landscape Buffers Adjacent to arterial streets</i>	Property not adjacent to arterial

- a. **Parking Requirements:** There are no parking spaces designated on the plan. The applicant submitted a parking analysis that indicated no on-site parking is necessary as activities at the site are contractor pick-up and drop-off. There are no office facilities or employees at the site that would require permanent off-street parking.
- b. **Open Storm Drainage and Detention Area:** Not applicable since the proposed drainage/detention basis is located behind the proposed buildings and out of public

view. A drainage study has been submitted and reviewed by the stormwater engineer.

- c. **Landscape Buffers:** The property is not located adjacent to an arterial street. However, the applicant has included landscaping on the north and west sides of the property due to the close proximity to residential buildings to the northwest. Existing trees will also be preserved on-site along the western boundary for additional screening.

4. Building Design Standards:

Composite Building Design (Category F)	Proposed Design
<i>Primary Façade Expression</i>	Increased material quality
<i>Building Materials - primary</i>	Architectural metal, brick veneer, steel panels
<i>Building Materials - secondary</i>	Steel panels
<i>Transition to R-1 and R-2 Districts</i>	Property located adjacent to duplexes located in an R-5 District
<i>Overhead doors</i>	Doors located on rear elevations

- a. **Primary Façade Expression** – The primary elevations are the north and west elevations of Building A and the north elevation of Building D as these may be visible from the street. The applicant has increased the percentage of Category 1 materials on the primary facades. The primary facades will include 88% architectural metal and brick veneer which is above the required 20%.
- b. **Building Materials/Design** – The proposed building consists of the following materials. For primary facades in Building Design F, a minimum of 20% Category 1 and 60% Category 2 materials must be used, with a maximum of 20% Category 3 materials.

	Category 1	Category 2	Category 3	Requirement
Primary Facades	88%	0%	12%	20%/60%/20%
Secondary Facades	0%	0%	100%	20%(1 or 2)/ 80%

The building materials consist of architectural metal, steel ribbed panels and brick veneer. The applicant is requesting an exception to the material requirements on the secondary elevations. The plans show 100% Category 3 materials where a maximum 80% is permitted. Due to the remote location of the property, the property being surrounded by other industrial uses and the railroad tracks, and the public not being able to see the secondary elevations, staff can support this exception.

The buildings are 16' in height at the tallest point which is below the maximum height of 55' for this district. Any roof-top units or mechanical equipment shall be screened or located out of public view.

- c. **Transition to R-1 and R-2 Districts** – The project is not located adjacent to an R-1 or R-2 District. However, there are duplexes located in an R-5 District to the northwest of the subject site. The applicant provided additional architectural features on the building on the north and west elevations of Building A and on the north elevation of Building D which could be visible from the residential properties. Landscaping has also been included at the northwest corner of the lot.
- d. **Overhead Doors** – Overhead doors are located on elevations that are out of public view.

5. Streets/Utilities:

The development will have one access point at the intersection of Payne St. and Brockway St. Right-of-way will need to be dedicated at this access drive at the northwest corner of the property. This can be done by separate instrument.

A public water main extension and a fire hydrant will be required to provide fire protection. An access easement has been granted for the existing sewer lift station on this property.

6. Neighborhood Meeting:

Due to the close proximity to residential properties, a neighborhood meeting was required and held on February 16, 2016, with notice sent to residents in accordance with Section 18.40.030 of the *UDO*. Four residents attended the meeting and expressed support for the project. A list of property owners to receive invites and a copy of the minutes from the neighborhood meeting was provided by the applicant and is attached.

Staff has not received any correspondence for or against this proposal.

7. Staff Recommendation:

Staff recommends approval of PR-15-041 with the following stipulations:

- a. Final site development plans shall be approved by Planning Staff prior to submitting for building permits.
- b. Metal used on the primary elevations shall be architectural metal to meet Category 1 requirements. Material samples shall be submitted with the final development plan.
- c. The final site development plans shall comply with *UDO* composite standards for site design Category 6 and Building Design Category F.
- d. No outdoor storage is permitted. A revised development plan is required to include outdoor storage and any future outdoor storage areas shall comply with requirements for screening per *UDO Section 18.30.130.I*.
- e. Fencing shall be vinyl coated chain link.
- f. The type of gate to be used at the entrance shall be reviewed and approved by the fire department with the final development plan.

- g. If used, dumpsters shall be located within a dumpster enclosure built to *UDO* standards.
- h. Any roof-top units/mechanical equipment shall be screened from public view as required by the *UDO*.
- i. Additional right-of-way at the northwest corner of the property shall be dedicated by separate instrument and recorded with the County prior to the issuance of building permits.
- j. An exception to the Category 1 material requirement shall be made for the secondary facades on all four buildings.
- k. A separate landscape plan labeling the trees to be planted and the existing trees to be removed/saved shall be submitted with the final development plan. All new landscaping shall comply with Section 18.30.130 of the *UDO*.
- l. Sign permits shall be approved for all wall signs and/or monument sign in accordance with *UDO Section 18.62.090*.
- m. Per *UDO* requirements, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
- n. All on-site wiring and cables shall be placed underground.

Motion by Commissioner Freeman, seconded by Commissioner Almeida, to approve PR-15-041, with the following stipulations:

- a. Final site development plans shall be approved by Planning Staff prior to submitting for building permits.
- b. Metal used on the primary elevations shall be architectural metal to meet Category 1 requirements. Material samples shall be submitted with the final development plan.
- c. The final site development plans shall comply with *UDO* composite standards for site design Category 6 and Building Design Category F.
- d. No outdoor storage is permitted. A revised development plan is required to include outdoor storage and any future outdoor storage areas shall comply with requirements for screening per *UDO Section 18.30.130.I*.
- e. Fencing shall be vinyl coated chain link.
- f. The type of gate to be used at the entrance shall be reviewed and approved by the fire department with the final development plan.
- g. If used, dumpsters shall be located within a dumpster enclosure built to *UDO* standards.
- h. Any roof-top units/mechanical equipment shall be screened from public view as required by the *UDO*.

- i. Additional right-of-way at the northwest corner of the property shall be dedicated by separate instrument and recorded with the County prior to the issuance of building permits.
- j. An exception to the Category 1 material requirement shall be made for the secondary facades on all four buildings.
- k. A separate landscape plan labeling the trees to be planted and the existing trees to be removed/saved shall be submitted with the final development plan. All new landscaping shall comply with Section 18.30.130 of the *UDO*.
- l. Sign permits shall be approved for all wall signs and/or monument sign in accordance with *UDO Section 18.62.090*.
- m. Per *UDO* requirements, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
- n. All on-site wiring and cables shall be placed underground.

Motion passes unanimously.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: March 14, 2016

Application:	<u>RZ-16-002:</u> Rezoning from IP-2 to M-2 and a preliminary development plan for a proposed warehouse (Postal Uniform Direct)		
Location:	15560 S. Keeler Street		
Owner/Applicant:	Steve Nicsinger/BBHN		
Engineer:	David Wood/Kaw Valley Engineering		
Staff Contact:	Sean Pendley, Senior Planner		

Site Area:	<u>2.04± acres</u>	Proposed Use:	<u>Warehouse</u>
Zoning:	<u>IP-2</u>	Proposed Zoning:	<u>M-2</u>

1. Comments:

The applicant has requested to withdraw this application. Any future proposals for development shall require a new application and comply with *Unified Development Ordinance (UDO)* requirements.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: March 14, 2016

Application:	<u>P-15-058</u> Final Plat for Brighton's Landing Fifth Plat (Replat)		
Location:	Intersection of Redbud Lane and Longview Road		
Owner/Applicant:	Brighton's Landing LLC / Mickey Vena		
Surveyor:	Pruitt and Dooley Surveying, LLC / Jerald W. Pruitt		
Staff Contact:	Amy Kynard, Senior Planner		

Site Area:	<u>3.765± acres</u>	Proposed Use:	<u>Single-Family Residences</u>
Current Zoning:	<u>RP-1</u>	Lots:	<u>5</u>
		Tracts:	<u>1</u>

This item was continued from the February 8, 2016 Planning Commission meeting.

3/14/16 UPDATE: At the February 8th meeting, several residents of the adjacent Mill Creek Grande subdivision expressed concerns about the reduced size of the open space tract (Tract T), and the fact that the new lot configuration abutted lots in Mill Creek Grande. These residents were also concerned with a proposed tree preservation easement.

The applicant has met with the residents and now proposes to maintain the original size of the open space tract to meet their concerns. This will also eliminate the need for the tree preservation area, and the new lots will not abut Mill Creek Grande. The residents have expressed to staff that they are agreeable with this proposal and that their priority is maintaining the area of the open space tract. Please note that this design would reduce the lots sizes to approximately 11,000 square feet, which is less than the 15,000 square feet of the original design. However, the *Woodland Corridor Plan* permits an open space buffer to serve as a transitional area as an alternative to the 15,000 square foot lot size.

While this plat design will add one additional lot to the east side of Redbud Lane, staff has confirmed that this number of lots is consistent with the preliminary plat for Brighton's Landing.

It should also be noted that the *Woodland Corridor Plan* encourages developers and adjoining property owners to work together to determine the appropriate transition, and the consensus reached with this application is an example of meeting the collaborative goals of the plan.

- 1. Comments:** The applicant requests approval of a final plat for Brighton's Landing Fifth Plat, a replat of a portion of Brighton's Landing Fourth Plat (P-14-017). The plat area

includes four existing platted lots and one tract from Brighton's Landing Fourth Plat, and replats them as five lots and one tract. The applicant describes the purpose of the replat as follows:

"We found a capped and abandoned gas well in the center of the existing Lot 239, preventing a house from being built on a sold lot. In order to maintain sizeable lots and satisfy contracts on another lot, we had to revise all four of the lots. In order to meet the square footage requirements for these lots, we had to go into [existing] Tract O. We relocated the access to Tract O so it would be placed over the abandoned gas well, thus preventing anything else from being built over it in the future."

2. Final Plat Review:

- a. **Lots/Tracts:** The plat includes 5 lots and 1 tract. Tract T shall be owned and maintained by the Brighton's Landing Home Owners Association, and is intended to be used as private open space and common area.

The lots meet all area and setback requirements for the RP-1 zoning district. The new layout is a minor change from Brighton's Landing Fourth Plat, and remains consistent with the preliminary development plan (RZ-22-02), which was approved in 2002.

While a neighborhood meeting was not required for this minor replat, City Planning staff and the applicant did meet with adjacent neighbors to inform them of the situation. Since the February 8, 2016 Planning Commission meeting, additional meetings have taken place that resulted in a lot configuration that is agreeable to both the applicant and the adjoining residents.

- b. **Landscaping/Street Trees:** A street tree plan shall be submitted prior to recording the final plat. The plan shall include details for typical street tree size, type and locations per UDO requirements.

Because the plat has been revised to maintain the tree preservation easement area within a separate tract dedicated for open space, dedication of a separate tree preservation easement is no longer necessary. Prior to recording the plat, standard orange barricade fencing shall be installed to protect existing trees within Tract T in accordance with tree preservation regulations described in UDO Section 18.30.240.

- c. **Access/Streets:** The adjacent right-of-way for Redbud Lane was dedicated with Brighton's Landing Fourth Plat. No additional right-of-way is needed.
- d. **Utilities:** The site is within the Johnson County Wastewater and Johnson County WaterOne service areas.
- e. **Excise Taxes:** The property has already been platted and is therefore exempt from street and traffic signal excise taxes.

3. Staff Recommendation:

Staff recommends approval of P-15-058 with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the City Planning Division.

- b. All on-site wiring shall be placed underground.
- c. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials.
- d. A Homes Association Agreement shall be filed for recording with the final plat.
- e. A street tree plan shall be submitted prior to recording the final plat. The plan shall include details for typical street tree size, type and locations per *Unified Development Ordinance* (UDO) requirements.
- f. Prior to recording the plat, standard orange barricade fencing shall be installed to protect existing trees within Tract T in accordance with tree preservation regulations described in UDO Section 18.30.240.
- g. Prior to issuance of a building permit, performance and maintenance bonds or letters of credit shall be submitted in accordance with *Unified Development Ordinance* requirements.

Note: Although this item does not require a public hearing, Chairman Vakas opened a public hearing and invited Mr. Benjamin to the podium to speak.

George Benjamin, 11480 South Pine Street, appeared before the Planning Commission and made the following comments:

Mr. Benjamin: Thank you for the opportunity to address this. At the help from Dave Clements after the last meeting, myself and several representatives from the adjoining neighbors met with the developer, Mickey Vena, and we jointly came up with a revised plan. I think maybe Wally is on board with that. The plan is satisfactory to us as submitted to us at the meeting we had. Following that, we had a meeting with Dave Clements and his staff and confirmed that this plan, as submitted and revised, is acceptable to us. Thank you for your time.

Chairman Vakas: Staff, any other updates for us?

Amy Kynard, Senior Planner, presented the staff report.

Chairman Vakas: Thank you. Commissioners, you'll recall that we first had this conversation at the February 8th Planning Commission meeting, so it has taken over a month to move us to this point. But, I think the time was well spent.

Comm. Nelson: Just to be clear, what is in our packet is what the person who spoke previous to you had mentioned. So, there's not another plan that's been submitted; this is all consistent with what was spoken of just a few moments ago.

Ms. Kynard: That's correct. The plat that Mr. Benjamin referred to is the one that they worked on together, and also is the one that is in your packet tonight.

Comm. Nelson: I just wanted to make sure that we were all talking about the same thing here. Thank you.

Chairman Vakas: May I have a motion to close the public hearing?

Motion by Commissioner Nelson, seconded by Commissioner Almeida, to close the public hearing.

Chris Grunewald, Deputy City Attorney, appeared before the Planning Commission and made the following comments:

Mr. Grunewald: I just wanted to make sure the record was clear that this item, as you mentioned, didn't require a public hearing. I appreciate, as I think the Commission definitely wants input, and provides that opportunity. I think public hearing in the sense of the UDO is pretty specific and [inaudible] requirements and such. This is being offered as an opportunity to speak, and we wouldn't want folks to be confused downstream, to think that [inaudible] into something requiring [inaudible].

Chairman Vakas: We must have order. And that's exactly what this is. Thanks very much, Mr. Grunewald. You bring up a good point. Obviously, you know, the opportunity to have inclusion with all participants is something that we want to make, to make an effort to do that. So, I think the actions tonight are appropriate. Mr. Benjamin, I'm glad you were here to offer your comments. Point of order. Thank very much, Mr. Grunewald.

We have a motion to close the public hearing, and a second. The public hearing is closed. Do I have a motion to dispose of this item?

Note: No vote actually taken to close the public hearing

Comm. Horner: Mr. Chairman, this is good news that we've come to this conclusion.

Motion by Commissioner Horner, seconded by Commissioner Freeman, to approve P-15-058, with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the City Planning Division.
- b. All on-site wiring shall be placed underground.
- c. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials.
- d. A Homes Association Agreement shall be filed for recording with the final plat.
- e. A street tree plan shall be submitted prior to recording the final plat. The plan shall include details for typical street tree size, type and locations per *Unified Development Ordinance* (UDO) requirements.
- f. Prior to recording the plat, standard orange barricade fencing shall be installed to protect existing trees within Tract T in accordance with tree preservation regulations described in UDO Section 18.30.240.
- g. Prior to issuance of a building permit, performance and maintenance bonds or letters of credit shall be submitted in accordance with *Unified Development Ordinance* requirements.

The roll being called, the result was as follows:

Aye: Freeman, Nelson, Horner, Almeida, Vakas (5)

No: (0)

Motion carried 5-0.



City of Olathe
City Planning Division

MINUTES

Sean Pendley, Senior Planner, made the following staff presentation

Planning Commission Meeting: March 14, 2016

Application:	<u>RZ-16-003</u> Zoning Amendment for RP-1 District, revised preliminary plat for College Meadows
Location:	Vicinity of College Boulevard and Woodland Road
Owner/ Applicant:	College Meadows Estates, LLC, Jim Wilkinson
Engineer:	Gary Spehar, P.E.
Staff Contact:	Sean Pendley, Senior Planner

Site Area:	<u>20.7 ± acres</u>	Proposed Use:	<u>Single Family Residential</u>
Lots:	<u>26</u>	Tracts:	<u>3</u>
Density	<u>1.25 units/acre</u>	Plat:	<u>Unplatted</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Conventional Neighborhood	undeveloped	RP-1	1	N/A
North	Conventional Neighborhood	Single Family (College Meadows)	RP-1	-	-
South	Conventional Neighborhood	Single Family (Mill Creek Grande)	County PRN	-	-
East	Conventional Neighborhood	Single Family	RP-1/ County RUR	-	-
West	Conventional Neighborhood	Single Family (Brighton's Landing)	RP-1	-	-

1. Comments:

The applicant is requesting a zoning amendment for the RP-1 (Planned Single Family Residential) District and a revised preliminary plat for College Meadows. The subject property is located in the vicinity of College Boulevard and Woodland Road.

2. History:

The rezoning to RP-1 district (RZ-06-025) and preliminary plat (P-06-123) for College Meadows Estates was approved in 2006. The subject property is located in the Woodland Road Corridor. The original preliminary plat had a total of 23 lots on 27.3 acres for a density of 0.83 units per acre (see attached plat). A final plat was never filed for the subject property and the original preliminary plat expired but the RP-1 zoning is still valid.

3. Proposed Development:

The applicant is proposing a revised preliminary plat to comply with current stormwater requirements and a zoning amendment is required due to an increase in the number of lots for a planned residential district.

Following approval of the revised preliminary plat and a final plat, the applicant has indicated that development could start later this year with grading and infrastructure for the smaller lots (Phase I) and construction for the first homes to start at the earliest in late spring 2017 with occupancy in the summer of 2017. According to the applicant, the estimated home values will be in the \$400,000 range for smaller lots and \$500,000+ for larger lots. Attached are sample photos of existing homes in College Meadows.

4. Lots/ Transitional Standards:

The revised preliminary plat has a total of 26 lots on 20.7 acres with a gross density of 1.25 units per acre. The proposed subdivision has three additional lots and increased density compared to the original plat and there is less area since the new plat does not include the property along Woodland Road.

The proposed lots exceed the minimum area and setback requirements for R-1 districts. The average lot area on the interior of the subdivision is 10,890± square feet and the lots on the south boundary are at least 1 acre and there is a 2.4 acre common tract adjacent to Mill Creek Grande. In addition, the proposed lots meet the *Unified Development Ordinance (UDO)* requirements for transitional lot standards. The lots adjacent to existing large lot residential properties to the south and east comply with the parcel size matching option.

5. Neighborhood Meeting/ Public Notice:

The applicant held a neighborhood meeting on February 16, 2016. Approximately 16 residents attended the meeting. Minutes from this meeting and sign-in sheet are attached. The applicant sent notices to all property owners within 500 feet and residents on the Woodland Road Corridor list.

A resident in College Meadows submitted an e-mail with a concern regarding the potential impacts on traffic in the existing development (see attached). The applicant also forwarded a message from the HOA President for Mill Creek Grande indicating support for the preliminary plat (attached).

The applicant mailed public notification letters to surrounding properties within 200 feet and signs were posted on the property per *Unified Development Ordinance (UDO)* requirements.

6. Development Requirements:

- a. **Access/Streets** – The plat has access from two existing residential streets, Palisade Street and Crestone Street. The original plat for College Meadows Estates included three larger lots with access from a separate private drive to Woodland Road. This area has been removed from the preliminary plat due to concerns from adjacent owners for a street connection to Woodland Road. There is another potential future street connection to the west in College Meadows 3rd Plat, located to the north of the subject property.

- b. **College Boulevard Improvements** – A public improvement project is scheduled for the construction of the south half of College Blvd between Lone Elm Rd and Woodland Road. This will include new pavement, medians, turn lanes at the Olathe Northwest High School, curb and gutter, storm sewers, streetlights, and landscaping.

This project is needed to accommodate the traffic associated with Olathe Northwest High School and to address the congestion in the area. It is also the final piece of the 2-lane roadway that has not been widened to 4 lanes, between K-7 and Lenexa.

At the intersection of Crestone Street and College Boulevard, the plans call for an eastbound right turn lane and a westbound left turn lane. Residents living in College Meadows will have full access (i.e., they can turn left or right onto College Blvd.).

The construction schedule is tentatively scheduled to begin in May 2016 after the last day of school and finish by the end of 2016. During construction, access to adjacent property owners will be maintained.

At this time, the City is in the process of acquiring the additional street right-of-way. Some utility companies may be in the area relocating their infrastructure.

- c. **Public Utilities** – The property is located within Water District #1 and Johnson County Wastewater service areas. The applicant shall coordinate with the respective utility providers for required water and sewer connections.
- d. **Stormwater/Detention** – A preliminary stormwater management study was submitted for the proposed development. The study indicates that detention will be provided to manage increases in peak flow rates. The preliminary plat identifies the 100-year flood limits and the study establishes water surface elevations for the 100-year storm design.

In addition, the development will provide stormwater quality Best Management Practices (BMPs). The required level of service will be provided through a combination of preserved vegetation, open space area and extended wet detention basins.

The development complies with Title 17 requirements for stormwater detention and post construction water quality BMPs. The preliminary plat identifies the protected stream corridor.

- e. **Landscaping/ Tree Preservation** – The subject property has existing vegetation throughout the interior and along the plat boundaries. Landscape buffers are not required for single family developments adjacent to existing residential properties. However, staff recommends tree preservation areas up to 25 feet in width along the south and west plat boundaries to maintain existing trees adjacent to residential properties. The final plat shall identify appropriate tree preservation easements. Street trees will also be required along the local streets per *UDO* requirements.
- f. **Private Trail** – The preliminary plat includes a 6-foot private trail along the stream corridor and connecting to a future trail in the gas pipeline easement to the north. Tract J in College Meadows 3rd Plat includes a Public Recreation Easement (PR/E) to allow a future public trail by the City of Olathe.

The preliminary plat indicates the proposed private trail consists of a 6-foot wide wood chip surface. The *UDO* requires for private trails to have a minimum of 5 feet in width and 4 inch deep asphalt or concrete surface. The common tracts shall be owned and maintained by the respective property owners or Homes Association.

7. Excise Taxes:

The property is subject to the required street excise tax of \$0.215 per square foot and traffic signal excise tax of \$0.0037 per square foot of land area for single family zoning. The excise fees shall be submitted to the City Planning Division prior to recording the final plat.

8. Staff Recommendation:

- A. Staff recommends approval of RZ-16-003 with the following stipulations to be included in the zoning ordinance:
 - (1) Prior to certificate of occupancy for any new homes on the subject property, the public improvements for College Boulevard, between Lone Elm Rd and Woodland Road, shall be completed.
 - (2) The final plat(s) is subject to the required street excise tax of \$0.215 per square foot of land. The excise fee shall be submitted to the City Planning Division prior to recording the final plat.
 - (3) The final plat(s) is subject to a traffic signal excise tax of \$0.0037 per square foot of land for single family residential zoning. The excise fee shall be submitted to the City Planning Division prior to recording the final plat.
 - (4) The private trail shall consist of asphalt or concrete surface per *Unified Development Ordinance (UDO)* requirements.
- B. Staff recommends approval of the preliminary plat with the following stipulations to be completed with the final plat.
 - (1) The final plat(s) shall identify appropriate tree preservation easements up to 25 feet in width along the south and west plat boundaries to maintain existing trees adjacent to residential properties.

- (2) Street tree and landscape plans shall be submitted with the final plat(s) in accordance with *UDO* requirements.
- (3) Prior to recording the final plat(s), an affidavit shall be provided identifying the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of private greenways or common tracts as indicated on the final plat, as well as for the payment of all expenses, including taxes and special assessments.
- (4) All on-site wiring and cables shall be placed underground.
- (5) As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.

Following staff presentation, Chairman Vakas opened up the meeting to questions from commissioners:

Chairman Vakas: It's very good to see that the work to widen College is on track to start in the middle of May and be done well before home construction is complete. That is good. So, we'll have College widened to four lane all the way from west of Cedar Creek, all the way east into Overland Park. That's good news all around. Any questions from planning commissioners? Is the applicant here tonight? Do you care to say anything at this stage? I think Mr. Pendley has covered it well but I want to give you a chance to speak if you so desire.

Jim Wilkinson, 11380 Woodland Road, appeared before the Planning Commission and made the following comments:

Mr. Wilkinson: Thank you. Yes, I think Mr. Pendley has covered everything very well. I did want to mention the tree preservation easement that we've put on the plans on the east and north sides as well. I don't know if that got covered, but we do have a couple of neighbors here from that side, and that is one thing we promised, that we would have that for their area. Other than that, unless you all have questions of me - ?

Comm. Nelson: I think one thing, in some of the correspondence we received, was about construction traffic. How will you access the area, particularly before development begins of the homes and stuff? Is it going to be off of College, or will you come off of Woodland through the areas that, I believe it's Lots 23 and 24? I'm just curious about the access to do some of the infrastructure.

Mr. Wilkinson: We could potentially have access. We would have to get easement from property owners in that section of property, to get in there. Our determination at this point, unless we're told otherwise, is to come off of College Boulevard.

Comm. Nelson: Okay, thank you.

Chairman Vakas: If there are no further questions, do I have a motion to close the public hearing? There's no one else wishing to speak this evening, is there? [*None.*] No one is signed up.

Motion by Commissioner Nelson, seconded by Commissioner ? to close the public hearing.

Note: No vote actually taken to close the public hearing

Chairman Vakas: Any further discussion? Do we have a motion to dispose of this item?

Motion by Commissioner Freeman, seconded by Commissioner Horner, to recommend approval of RZ-16-003, with the following stipulations:

- (1) Prior to certificate of occupancy for any new homes on the subject property, the public improvements for College Boulevard, between Lone Elm Rd and Woodland Road, shall be completed.
- (2) The final plat(s) is subject to the required street excise tax of \$0.215 per square foot of land. The excise fee shall be submitted to the City Planning Division prior to recording the final plat.
- (3) The final plat(s) is subject to a traffic signal excise tax of \$0.0037 per square foot of land for single family residential zoning. The excise fee shall be submitted to the City Planning Division prior to recording the final plat.
- (4) The private trail shall consist of asphalt or concrete surface per *Unified Development Ordinance (UDO)* requirements.

Commissioner Freeman's motion included recommending approval with the following stipulations to be completed with the final plat:

- (1) The final plat(s) shall identify appropriate tree preservation easements up to 25 feet in width along the south and west plat boundaries to maintain existing trees adjacent to residential properties.
- (2) Street tree and landscape plans shall be submitted with the final plat(s) in accordance with *UDO* requirements.
- (3) Prior to recording the final plat(s), an affidavit shall be provided identifying the organization that will be the legal entity having permanent responsibility and authority for the installation, maintenance and repair of private greenways or common tracts as indicated on the final plat, as well as for the payment of all expenses, including taxes and special assessments.
- (4) All on-site wiring and cables shall be placed underground.
- (5) As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.

The roll being called, the result was as follows:

Aye: Freeman, Nelson, Horner, Almeida, Vakas (5)

No: (0)

Motion carried 5-0.