



MINUTES

Planning Commission Meeting: March 24, 2025

Application:	<u>RZ25-0001</u>: Request for approval of a rezoning from CTY RLD (County Residential Low-Density) District to R-1 (Residential Single-Family) District and a Final Plat (FP25-0006) for Jemi Homes on approximately 0.84 acres, located at 15690 S. Renner (Mur-Len) Road.
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Ms. Andrea Morgan, Planner II, presented RZ25-0001 (with FP25-0006), a request to approve a rezoning with a final plat for the subject property at 15690 S. Renner Road, located southwest of 157th Street and Mur-Len Road. She noted the property was not yet platted and contained an existing single-family residence which was constructed in 1972 and detached garage on 0.84 acres. The property was annexed into the City in 1995. She explained the property owner was now requesting to rezone from County Residential Low-Density zoning to the City's R-1 Single-Family Residential district. The rezoning would allow the existing structure to be used as a home-plus facility licensed by the State of Kansas. Ms. Morgan detailed the proposed zoning's alignment with the Future Land Use Map's designation as Conventional Neighborhood, and the UDO's requirements for lot size and preservation of existing trees. She also mentioned that the property could accommodate six (6) vehicles.

Ms. Morgan noted that the applicant had met all public notice requirements. Six residents attended the neighborhood meeting with questions about the general process and proposed use. Staff received and responded to correspondence from four individuals regarding inquiries about the proposed use and zoning action.

Staff recommended approval of the rezoning and final plat without stipulations.

Chair Janner opened the floor for questions from the commissioners.

Commissioner Creighton referenced a case from last year off 143rd Street and asked whether this case was similar in terms of land use, and **Ms. Morgan** confirmed it was.

Commissioner Creighton asked about food deliveries, specifically to confirm deliveries would not be made in in large tractor trailers.

Ms. Morgan confirmed that the food deliveries would be made by smaller vehicles like Walmart or Amazon vans.

Commissioner Creighton asked whether the parking spaces would be enough for staff and visitors based on information that the residents would not be driving

Ms. Morgan confirmed, stating that the six parking spots should be sufficient, with an additional garage that could be used with an added driveway if needed.

Commissioner Creighton asked about parking limitations on 157th Street that would affect traffic flow.

Ms. Morgan stated she was not aware of any.

Chair Janner asked Ms. Morgan about the differences between County Residential Low-Density zoning and the R-1 zoning.

Ms. Morgan explained that the County zoning required larger lots, while the City's R-1 zoning allowed for smaller lot sizes and similar uses.

Commissioner Chapman asked about any planned signage.

Ms. Morgan responded that no signage was currently proposed, but if there were any, they would need to comply with UDO requirements within the R-1 District.

Commissioner Chapman asked to confirm there were such restrictions, which **Ms. Morgan** confirmed.

Chair Janner asked if there were any further questions before moving to the public hearing. Seeing none, he opened the public hearing and invited the first speaker.

Speaker #1, Stephanie Witmer, 16737 West 157th Street, introduced herself and stated she and her husband Randy reside two houses down from the subject property. She expressed concerns about parking on 157th Street, stating that it was already difficult to get out of the area due to heavy parking. She mentioned her sister lived in a similar home, and she sometimes had to park blocks away due to limited parking. She also raised concerns about how the development might affect property values, as her family was considering moving. Lastly, she urged the Commissioners to observe the current parking situation on 157th and Mur-Len, particularly during peak times like school hours and rush hour, when traffic and parking congestion was especially problematic.

Speaker #2, Tracy Hein, 16685 W. 157th Terrace, waived her turn to speak.

Speaker #3, Harold Schreiber, 16744 W 157th Terrace, introduced himself, stating that he and his wife Diane lived near the subject property. He expressed concerns about parking issues, noting that there were frequently cars parked along the street, making it difficult to turn in or out of the area. He agreed with the previous speaker's concerns about congestion, especially with children walking to and from school. He suggested that if the proposed changes were approved, the Applicant should expand the parking area to avoid

creating further parking issues on the street. He added that he had no other major concerns, as he had been living in the area for about 24 years.

Chair Janner noted no additional speakers and called for a motion to close the public hearing.

Commissioner Breen motioned to close the public hearing, and **Commissioner Corcoran** seconded the motion. The motion passed 9 to 0, and the public hearing was closed.

Chair Janner opened the floor for further discussion.

Commissioner Creighton asked staff to respond to the concerns raised by the speakers about parking and traffic, as well as to clarify whether the issue would be addressed in the final development plan. He also asked whether the Commission would see the final site development plan before approval.

Ms. Morgan explained that final site development plans are only reviewed by staff administratively and further, no final development plan would be required since the changes were only interior modifications. However, staff would consider the residents' concerns and would speak with the traffic department regarding the parking situation.

Commissioner Corcoran inquired about off-street parking requirements for this use.

Ms. Morgan clarified that there were no off-street parking requirements for this land use; there were on-site parking requirements. The required number of parking spaces was six.

Commissioner Bergida asked for clarification on the number of parking spaces, noting he read that the garage could hold up to eight vehicles for staff and that additional spaces could be added in the yard with gravel. He inquired if there would be a total of 17 spaces or just six.

Ms. Morgan explained the attached garage could hold two vehicles, with space for four more in the driveway, and clarified that the plan was for six spaces in total. However, the applicant could discuss the possibility of adding more spaces.

Commissioner Bergida added he was referencing the neighborhood meeting minutes.

Chair Janner invited the Applicant to respond to the question about parking spaces.

Chris Van Horn, CMP Construction, 1800 E. Kansas City Road, Olathe, Kansas acknowledged that parking issues were present before they purchased the property. He explained that there was a large building in the back of the property that could hold up to eight vehicles. To address potential parking issues, he proposed removing the fence in the pictures to expand the driveway, which could accommodate six vehicles. He mentioned that if needed, the outbuilding could also be used to provide an additional eight

parking spaces, for a total of up to fourteen spaces. He noted the gravel they mentioned wouldn't be very sightly, so they thought about flatwork instead.

Commissioner Bergida asked if the changes would accommodate four or five additional cars and asked for clarification on where vehicles would potentially be parked.

Mr. Van Horn clarified that the driveway could hold six vehicles, the outbuilding could hold eight more, and if necessary, flat work could be added between the driveway and outbuilding to accommodate more cars. He confirmed that these changes would ensure there were enough off-street parking spaces and prevent any further issues on 157th Street.

Chair Janner asked about the location of the fence being referred to.

Chris Van Horn answered that the fence was located on the west side of the property, directly across from where a car was parked in the referenced image. He explained removing the fence would allow vehicles to access the garage, which would hold eight additional parking spaces, and the flat work could be used for additional parking if needed.

Chair Janner inquired whether the flat work was part of the definite plan.

Mr. Van Horn responded that it would be implemented if parking overflow occurred. He emphasized that they would monitor the number of vehicles based on the residents' needs and only add flatwork if necessary. He reassured that they did not want to create any issues for the neighborhood and aimed to be good neighbors.

Commissioner Bergida asked to confirm that the staff would park in the back building, leaving six parking spaces available for visitors initially.

Mr. Van Horn confirmed that, at the start, two staff would park in the existing driveway, and flatwork could be added within three days if parking overflow became an issue.

Commissioner Bergida read from the neighborhood meeting minutes and asked if the plan was to use the outbuilding to park staff vehicles.

Mr. Van Horn clarified that the goal was to avoid using curb parking altogether, and staff would park in the driveway and garage if needed, not on the street.

Commissioner Corcoran asked about the City's ability to require the construction of additional parking if it becomes a problem in the neighborhood. He raised the issue of how the City could require parking if it was needed.

Ms. Morgan responded that the City would rely on feedback from residents who could contact the City directly or use Olathe Connect to report issues. The City could also reach out to the property owner.

Commissioner Corcoran clarified that this wasn't a special use permit, and the city didn't have the immediate authority to mandate additional parking. The situation would be evaluated, but there isn't a specific requirement to construct parking through the current process.

Nathan Jurey, Senior Planner explained traffic is monitored on streets. If safety or traffic issues arise, the City can put up 'no parking' signs, which would push the property owner to install parking on-site if they are currently using curb parking. He noted that 'no parking' signs could trigger the need for additional on-site parking.

Commissioner Corcoran asked if approval of tonight's item also meant approving the construction of additional parking.

Mr. Jurey responded that the Applicant would need a permit to construct additional parking. The City can continue to monitor the situation and work with the applicant.

Commissioner Corcoran asked for clarification that residents' recourse would be to approach the City if there were concerns about parking, and the city would handle it from there.

Mr. Jurey confirmed this.

Commissioner Terrones added a comment. He noted that the area near the intersection of Mur-Len Road can get congested due to the busy road and stop sign at the corner. He acknowledged the potential for traffic concerns but indicated he was not familiar with the area.

Chair Janner asked if there were any long-term plans to change the traffic pattern near or widen Mur-Len Road.

Mr. Jurey responded that he wasn't sure if there were any current plans to widen Mur-Len Road, though right-of-way had been acquired for such a possibility. In answer to Chair Janner's question, he answered there was already a middle turn lane.

Commissioner Creighton asked whether Commissioner Corcoran was proposing an additional stipulation related to parking.

Commissioner Corcoran expressed support for adding a stipulation but chose not to propose anything specific at that time, instead relying on staff to monitor the situation. He added he would be open if Commissioner Creighton had a proposal.

Commissioner Creighton asked if staff had considered any related parking stipulations, which Ms. Morgan answered staff could consider it.

Chair Janner called for any final discussion or a motion on the item.

Commissioner Bergida asked for Commissioner Creighton's intended stipulation, stating that the six vehicles in the driveway would block other cars. If there was a way to make it 17 or 19 spaces, Commissioner Bergida believed that would alleviate the traffic concerns.

Commissioner Creighton suggested the possibility of a stipulation that would require a review of parking and traffic issues six months after the project opened. If issues were found, the stipulation would require or allow for an expansion of the parking capacity. Commissioner Creighton asked for input from Legal staff.

Chris Grunewald, Deputy City Attorney, cautioned against creating a stipulation that might duplicate existing processes. He pointed out the City already monitors traffic and parking situations, and additional measures might be taken if needed. He recommended that staff provide input on the standard process.

Ms. Morgan indicated the Applicant had already mentioned they would install additional parking if needed. However, she also agreed that a stipulation could be crafted with the help of the Planning staff, and deferred to Nathan Jurey for additional suggestions.

Commissioner Corcoran suggested a more specific stipulation: The Applicant could submit a deferred parking plan with their plan approval. This deferred plan would only be implemented if the City determines there are parking issues later. The idea is that the parking plan would already be approved as part of the rezoning process, avoiding the need for a new approval process if additional parking is needed.

Mr. Jurey agreed that having a deferred parking plan as part of the approval would be an acceptable solution. He also explained that the city's Unified Development Ordinance (UDO) allows staff to require additional parking if the use of the site changes. If the property's use shifts in a way that requires more parking, the City could mandate that additional spaces be added.

Commissioners Creighton and **Corcoran** expressed support for this solution.

Commissioner Corcoran moved to approve RZ 25-0001 (rezoning) with the addition of a stipulation requiring a deferred parking plan. This plan would be implemented if the City determines that the parking capacity on-site is insufficient to support the use of the property, without relying on street parking.

Anna Will, Planning Administrative Assistant, asked to clarify the motion to ensure it was captured correctly for the record.

Commissioner Corcoran confirmed the motion was specifically for the rezoning and included the stipulation for the deferred parking plan.

Commissioner Bergida seconded the motion.

Mr. Grunewald highlighted the unusual situation of attaching the stipulation to the rezoning ordinance, rather than to a site plan. He acknowledged that the parking concerns seemed to be tied to the particular land use. Mr. Grunewald expressed concern in attaching a use-specific parking stipulation to the zoning ordinance, which would create a substantial burden on the ordinance and invited further discussion of the best process to address the parking concern.

The **Commission** and **Mr. Grunewald** further discussed what the **Commission** intended and different ways to proceed with motions on the rezoning and the plat. **Commissioners Janner, Bergida** and **Corcoran** provided comments. **Commissioner Creighton** suggested attaching the stipulation to the plat instead of the rezoning ordinance.

Commissioner Corcoran then moved to approve RZ25-0001 (rezoning only) with no stipulations. **Commissioner Bergida** seconded the motion, and the motion passed with a vote of 9 to 0.

Commissioner Corcoran made a separate motion to approve final plat FP25-0006 with a stipulation requiring that prior to recording of the final plat, the applicant must submit to staff a deferred parking plan to address parking needs and the property owner must implement said plan if the City notifies the applicant that the traffic and access conditions adjacent to the site warrant the implementation of the deferred parking plan.

Commissioner Bergida seconded the motion, and the motion passed 9 to 0.