



## MINUTES

### Planning Commission Meeting: June 10, 2024

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| <b>Application:</b> | <b><u>RZ24-0008:</u></b> Request for approval of a rezoning from the CP-2 (Planned General Business) and CTY RUR (County Rural) Districts to the C-2 (Community Center) District and a preliminary site development plan for Living Hope Church of the Nazarene on approximately 24.72 acres; located northwest of W. 175th Street and S. Ridgeview Road. |
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**Ms. Taylor Vande Velde, Planner II**, presented RZ24-0008, a request to rezone over 24 acres to the C-2 District with a preliminary site development plan for Living Hope Church to construct a park for its congregation.

Ms. Vande Velde provided the zoning history and context of the site. The property is located northwest of Ridgeview Rd and 175th St and was annexed into the city in 2008. Living Hope has an existing church on the site, and the proposed park is located to the east of the building. The church was rezoned to the CP-2 District in 2010; however, the rest of the property retained its County Rural zoning. A city zoning district is required to construct the park. The rezoning would also consolidate the site under one current district. The C-2 District permits the proposed parks and open space as well as several commercial uses like daycares, convenience stores, banks, restaurants, and other retail opportunities.

Ms. Vande Velde stated the Future Land Use map of the Comprehensive Plan (PlanOlathe) designates this area primarily as a Neighborhood Center, with Conventional Neighborhood, and Secondary Greenway. The C-2 District permits the parks, open space, and church, while also aligning with future commercial uses at the corner of 175<sup>th</sup> Street and Ridgeview Road. Further, the development meets several policies of PlanOlathe including activity nodes, connections within commercial centers, and recreational opportunities for residents and visitors. Ms. Vande Velde continued this project helps meet several goals of the City's Parks and Recreation Master Plan to fill gaps and improve access to recreational opportunities. While the park is primarily intended for church members, the applicant has stated that the church will also be open to the public.

Ms. Vande Velde presented the applicant's conceptual plan showing eight commercial lots, the proposed park, and a future location for the church's playing fields in the northwest corner. The proposed park includes amenities including a playground, a splash

pad, four (4) pickleball courts, swings, canopies, gathering space, seating options, and a walking trail. The tallest structure is an approximately 30-foot canopy located towards the north. There are 92 existing parking spots, and 82 additional spots are proposed including improvements to the overflow parking to the north of the church. The applicant will also provide landscaping to screen parking.

Ms. Vande Velde continued that stormwater will be managed on-site with an existing detention basin adjacent to the church in Tract A. Existing traffic access to the church and proposed park is from 175th Street; two additional access points are shown on Ridgeview Rd. and 175th St. The plan includes internal roadways including a public collector extending to the western property line to connect to a future north-south collector street. Staff has stipulated access for the overall property based on future improvements to Ridgeview Road or 175th Street.

All notification requirements were met, and a neighborhood meeting was held at the church on May 15 with approximately five (5) attendees. There was a discussion regarding stormwater runoff, lighting, activity, and traffic to which the applicant responded during the meeting. Staff received a phone call from a nearby resident who saw the sign and wanted to know more about the project. Staff followed up by providing several project plans and discussed the project with the resident who did not voice any concerns.

Staff recommends approval of the C-2 District with stipulations. Staff also recommends approval of the preliminary plans with stipulations.

**Chair Janner** asked if the commissioners had any questions.

**Commissioner Terrones** thanked Ms. Vande Velde for her excellent presentation and documentation. Commissioner Terrones asked if there would be hours of operation and sufficient lighting for safety and security since the park would be open to the public.

**Ms. Vande Velde** answered the applicant intends for park hours to be based on the operation hours of the church itself. Ms. Vande Velde stated the applicant may be able to further specify. Ms. Vande Velde continued that lighting would be finalized during the final site development plan review, though all lighting would be downcast to minimize impact on surrounding residential areas.

**Commissioner Creighton** asked whether it would be advantageous now to add a stipulation regarding time limits to address lighting, noise, or the impact on neighbors. Commissioner Creighton asked, alternatively, whether that would be addressed at the final site development plan or building permit stage.

**Ms. Vande Velde** answered a stipulation could be added now, or staff could work with the applicant to provide reasonable operation hours at the time of final site development plans.

**Commissioner Creighton** expressed concern that “reasonable” could be defined differently by different parties (applicant, neighbor, staff, Commission, etc).

**Ms. Kim Hollingsworth, Planning and Development Manager**, stated she wanted to add to what Ms. Vande Velde said. She continued that it’s challenging to impose hours of operation on this type of business. She cannot recall an instance when the Commission has done so, unless perhaps for a very large venue – like a large outdoor stadium. However, for a park, Ms. Hollingsworth could not recall a time when the Commission imposed hours of operation.

**Commissioner Creighton** confirmed he too had wanted further clarification on the concerns Commissioner Terrones had raised. He thanked Ms. Hollingsworth.

**Commissioner Corcoran** asked whether the access points to the site would be gated or controlled.

**Ms. Vande Velde** showed where Access 1 is the only existing access point currently, and Access 2 and Access 3 are future access points depending on how Ridgeview Road and 175<sup>th</sup> Streets are built out.

**Ms. Hollingsworth** further added that Access 1 is the only ingress/egress into the site currently. If the church chooses or if there’s reason to at the final site development plan review, the church could provide gating to the actual park. Ms. Hollingsworth stated she wouldn’t suggest gating on Access 1 because it is the only access to the property currently.

**Commissioner Corcoran** stated sometimes pickleball enthusiasts stretch hours late and wondered if there was a way to manage that.

**Ms. Hollingsworth** answered staff could continue conversations with the applicant before the City Council meeting and at the final site development plan review.

**Commissioner Bergida** stated he plans to vote in favor, and the plan overall looks good. However, regarding the staff’s recommendation under Section 11(B)(1) to prohibit Distance Restricted Businesses, he asked for confirmation that only distance-restricted businesses – specifically bail bonds, pawn brokers, payday loans, small-box discount retailers, thrift stores, or title loan businesses – would be restricted. **Ms. Vande Velde** confirmed. **Commissioner Bergida** expressed concern that churches at times have a thrift store and asked whether this church has a desire to do so in the future. He asked whether it would be burdensome to remove “thrift store” from the restriction.

**Ms. Vande Velde** stated she knows of no plans the applicant has for a thrift store. The applicant has seen the listed distance-restricted business. However, it may be allowed to omit “thrift store” from the restricted list if it would limit the future development of the church.

**Ms. Hollingsworth** added that the restriction refers to when the primary use is a distance-restricted business. However, staff could talk to the applicant regarding their plans and then look into whether the church may be allowed a thrift store as an ancillary or accessory use before going to the City Council.

**Commissioner Bergida** asked to confirm whether there are mechanisms for the applicant to have a thrift store without needing to return to the Commission.

**Ms. Hollingsworth** answered there are mechanisms for a zoning amendment which does require public hearing and process. However, staff will investigate whether a thrift store could be an accessory use to the church.

**Commissioner Creighton** requested more information regarding stormwater detention. He referenced page 5, Item E, which states, "We will require at the final plat, a new drainage report." Commissioner Creighton added this area is almost 25 acres with significant potential for drainage. He asked whether a stipulation should be added to require a new drainage report to be provided with the final plat.

**Mr. Charlie Love, Chief Development Engineer**, answered there is already on site in Tract A, existing detention and BMP in place. If there are any slight modifications, there is adequate room and space to do so. If he recalls, the staff report says at the final plan, they can submit a report that staff will review. If there is a need to modify the plans, that will be wrapped in the building plans.

**Commissioner Lynn** asked if there are any additional requirements for public use of the private area that's a park. **Ms. Taylor Vande Velde** answered the applicant can use the park privately as they see fit.

**Commissioner Lynn** asked to confirm the applicant may also allow it for public use. **Ms. Vande Velde** confirmed.

With no further questions, **Chair Janner** opened the public hearing. One speaker was signed up to speak.

**Speaker #1, Mr. Mike Levin, 18805 W 175th Street**, thanked the Commission and stated he resides approximately three houses to the west, across the street from the church, and is happy to have the church as a neighbor. He said there were two things he wanted to speak about: security and traffic. Some questions were answered regarding security, although he has obvious concerns. Although he understands the Commission never wants to restrict a church's hours, he would question whether it can restrict the hours of operation for the park. He referenced that people sometimes play pickleball at midnight, which he sees as a magnet for individuals who want to come to hang out and do other things that could potentially cause issues for the surrounding area. To reiterate, he said he is a big proponent of the church and the whole idea, but he has concerns about that. The second item is the traffic. He estimated the plan would add a couple of 100 cars every day coming in and out of that parking area. He asked whether a traffic study or other measure was performed. He referenced that 175<sup>th</sup> Street is getting busier and busier,

which he anticipated when he moved there 10 years ago. However, he encouraged the Commission to continue to consider the right-hand turn-in and right-hand turn-out only there. He said it is scary to consider people making left-hand turns out of there due to the traffic. He again thanked the Commission, stating that he did it on the county level on the Planning Commission, and acknowledged the amount of work they put in.

With no further comments, Chair Janner entertained a motion to close the public hearing. A motion was made by **Commissioner Chapman** to close the public hearing, seconded by **Commissioner Lynn**—the motion passed by a vote of 8 to 0.

**Commissioner Creighton** asked staff to respond to Mr. Levin's question regarding how the traffic impact was reviewed.

**Mr. Charlie Love, Chief Development Engineer**, answered no traffic study was warranted by the proposed updated use. He continued that a traffic study is required if the proposed use will generate over 100 cars per peak hour. Regarding access, Mr. Love stated Access 1 is currently in place and is full access. As this area continues to develop, the public collector street will eventually be built. The proposed stipulations are intended that when that public collector is built through the site, that is an opportunity for staff to reevaluate and very likely consider removing Access 1, because Accesses 2 and 3 will come in off the public access. He continued that 175th Street is considered an expressway. Typically, it's preferred to place access points every half mile versus what's currently shown on site. Potentially, access would come in those lots on the west side. However, the stipulation for Access 2 also states that in the future, whenever improvements or changes are made along 175th Street, Access 2 would have to become a right-in or right-out. He summarized that if Access 2 comes in, Access 1 would have to go away. Regarding Access 3, along Ridgeview, it will be full access. However, there is a stipulation that as development occurs and once staff knows the future uses on the other sites, staff could potentially re-evaluate whether it would remain full access or instead change to three-quarters or some other modification.

**Commissioner Corcoran** encouraged staff to discuss hours of operation or access to the park with the applicant. He stated he lives near a pickleball court, and it can be noisy at times.

**Ms. Hollingsworth** confirmed staff would work with the applicant in advance of the City Council meeting to set hours of operation that make sense.

**Commissioner Bergida** referenced Commissioner Corcoran's concern and asked whether the City Council would decide on hours of operation or whether the Commission would have the opportunity to review lighting later in the review process or not.

**Ms. Hollingsworth** answered that staff reviews lighting as detailed information comes later in the process. The City Council would be the ultimate decision-maker regarding hours of operation unless the Council refers it back to the Commission. She stated she

anticipated staff would be able to work with the applicant to put together a proposal for the Council to consider.

**Commissioner Bergida** asked to confirm that staff has not yet had discussions about lighting for the pickleball courts.

**Ms. Hollingsworth** answered that the staff has only preliminary information on lighting, which will be refined further in the process. She stated the code gets very specific about lighting near residential. There are two relevant lighting items: 1) Lighting for safety so people can get to and from the parking lot and around the park safely through pedestrian walkways. 2) All lights should be downcast away from residential to protect those surrounding properties as well.

**Commissioner Bergida** asked legal staff for clarification regarding the noise ordinance. He stated he understands there is a noise ordinance between 11:00 PM and 7:00 AM. However, if there was noise on private property (for example, someone playing pickleball at 6:00 AM), that would potentially break the noise ordinance.

**Mr. Chris Grunewald, Deputy City Attorney**, stated the general answer on applicability is that the noise ordinance is there to apply to private property. He continued that the Code specifies where to measure the noise and what levels are allowed at certain times. He continued, that experientially, he was not aware of this specific question coming up yet in Olathe. Staff would have to go through it and see if a pickleball noise broke the ordinance. Staff would investigate all complaints.

With no further comments or discussion. **Chair Janner** entertained a motion on RZ24-0008.

A motion to approve RZ24-0008 as stipulated by staff was made by **Commissioner Terrones** and seconded by **Commissioner Creighton**. The motion passed with a vote of 8 to 0 with the following stipulations:

- A. Staff recommends approval of RZ24-0008, Living Hope Church Phase I Improvements, for the following reasons:
  - 1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.
  - 2. The requested zoning meets the Unified Development Ordinance criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the C-2 District with the following stipulation:
  - 1. Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43 are prohibited.

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

1. The gravel parking lot and connecting drives on the east side of the property located within the ROW must be removed prior to the Certificate of Completion (CC) of the Phase I Park improvements.
2. The existing parking lot located to the north of the church must be brought into compliance with parking lot and lighting standards prior to the Certificate of Completion (CC) of the Phase I Park improvements.
3. A revised preliminary plan must be approved prior to submittal of final site development plans for Lots 3-10.
4. The property is subject to the following access and traffic improvements based on the preliminary plan (sheet L-101) and plan (sheet G-101) dated May 28, 2024.

i. Access 1 has temporary full access and may be modified based on any of the following:

1. Upon construction of the proposed east/west Collector Street this drive access may be restricted to right-in/right-out or be removed.
2. Upon construction of proposed Drive 2, this drive access may be restricted to right-in/right-out only or be removed.
3. Upon future improvements to 175th Street, this drive access may be restricted to right-in/right-out only or be removed.

ii. Access 2 will have temporary full access and may be modified based on the following.

1. Upon construction of the proposed east/west Collector Street this drive access may be restricted to right-in/right-out only or be removed.

iii. Access 3 has temporary full access and may be modified based on the following.

1. Upon future improvements to Ridgeview Road, this drive may have access modified.