

MINUTES

Planning Commission Meeting: February 23, 2026

Application:	<u>RZ25-0020</u> : Request for approval of a rezoning from the BP (Business Park) District to C-2 (Community Center) District, with a preliminary site development plan for Dillons at Sunnybrook and a final plat (FP25-0043) of Sunnybrook Business Park 4 th Plat, located southwest of College Boulevard and S. Valley Road.
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Mr. Nathan Jurey, Senior Planner, presented RZ25-0020, the request to rezone the 14-acre property from the Business Park (BP) District to the Community Commercial (C-2) District to allow a grocery store with gas sales. He described the site's current status as farmland and noted it was surrounded primarily by BP zoning with residential uses to the north. Mr. Jurey stated that staff supported the rezoning because it aligned with the Comprehensive Plan, which calls for complementary retail and service uses in Employment Areas.

Mr. Jurey outlined the development plan, which included a nearly 100,000-square-foot Dillons grocery store, a 14-pump gas station along College Boulevard, a drive-through pharmacy, and an online grocery pickup area. The project would extend Sunnybrook Boulevard and includes one access on College Boulevard and three access points on Sunnybrook. He described landscaping, architectural materials, and design features that met or exceeded many Unified Development Ordinance (UDO) requirements.

Mr. Jurey then reviewed four waiver requests. Staff supported waivers allowing a larger building footprint, reduced glass on certain facades, and loading docks facing Sunnybrook Boulevard due to site constraints and architectural design and landscaping that exceeds UDO requirements. However, staff did not support the waiver allowing the trash compactor to remain unscreened, as City standards require full enclosure.

Mr. Jurey reported that a neighborhood meeting was held in January with 17 attendees. Discussion focused on stormwater management, landscaping, lighting, and screening. He stated the development complied with stormwater requirements and incorporated additional landscaping to address concerns. Staff also received correspondence from three individuals, primarily regarding stormwater and general interest in the project.

Mr. Jurey concluded by stating that staff recommended approval of the rezoning with one stipulation, approval of the preliminary development plan with five stipulations—including the trash enclosure requirement—and approval of the final plat with no stipulations.

Chair Breen asked if Commissioners had questions for staff.

Commissioner Terrones thanked Mr. Jurey for the presentation and expressed support for the project, noting the need for a grocery store in western Olathe. Commissioner Terrones asked whether the proposed store size was smaller than typical Dillons stores and whether it would still include full amenities such as a bakery.

Mr. Jurey responded that the proposed size reflected site constraints and that the applicant could provide additional details.

Commissioner Seeling asked about screening for the loading dock area.

Mr. Jurey explained that landscaping berms, trees, and a masonry wall would help screen the area while maintaining necessary sight lines for traffic.

Commissioner Seeling also asked whether Sunnybrook Boulevard would be two or four lanes and whether trucks would block traffic when accessing the docks.

Mr. Jurey stated the road would be two lanes and confirmed that truck movements would occur entirely on site.

Commissioner Chapman asked if Dillons reduced their building size with this submittal and to clarify the trash compactor location.

Mr. Jurey clarified that staff had only reviewed the 100,000-square-foot proposal and displayed the site plan showing the trash compactor next to the loading dock, which would be partially visible from Sunnybrook Boulevard.

Chair Breen then invited the Applicant to present.

Marvin Brown of Pickering Firm, 6363 Poplar Avenue, Suite 300, Memphis, Tennessee 38119 introduced himself as the civil engineer representing Dillons and thanked staff for the presentation. Brown stated that Dillons was excited to bring the store to Olathe and focused his remarks on the requested waiver for the trash compactor enclosure. He explained that the site layout and landscaping were designed to limit views into the loading dock area and that the compactor was placed deep within the screened dock area. Mr. Brown stated that installing a gate could interfere with truck movements and create safety and maintenance concerns. He also noted that the proposed 99,000-square-foot “Marketplace” format would still function as a full-service store similar to other large Dillons locations.

Commissioner Lynn asked whether customers using the grocery pickup area might exit near the loading dock area.

Mr. Brown replied that the intended traffic flow directed vehicles back through the parking lot toward College Boulevard.

Commissioner Lynn then asked staff whether landscaping near the entrance could block driver visibility.

Mr. Jurey responded that sight-triangle requirements would be verified during final development review to ensure visibility.

Commissioner Bergida asked Mr. Brown to clarify the reasoning behind the trash compactor waiver.

Mr. Brown explained that the concern involved both safety and potential property damage due to restricted truck movements if a gate were installed.

Chair Breen opened the public hearing, but no members of the public signed up to speak.

Commissioner Terrones moved to close the public hearing, and **Commissioner Brown** seconded the motion. The motion passed by voice vote of 7 to 0.

Following the close of the hearing, **Chair Breen** called for any final questions, but there were none.

Commissioner Terrones moved to approve the rezoning request, RZ25-0020, with the stipulations as recommended by staff. **Commissioner Chapman** seconded the motion. The motion regarding RZ25-0020 passed 7-0 as follows:

A. Staff recommends approval of RZ25-0020 for the following reasons:

1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.
2. The requested zoning amendment meets the Unified Development Ordinance criteria for considering zoning applications.

B. Staff recommends approval of the rezoning request with the following stipulations:

1. The following uses are prohibited:
 - a. Animal Care Facility with Outdoor Kennel;
 - b. Auto-Supply (Parts) Stores;
 - c. Laundry, Coin Operated;

- d. Vehicle Services;
- e. Check cashing, except in connection with a bank or savings and loan institution, tax service, or investment/brokerage service or as ancillary to a convenience store or grocery store;
- f. Class A, Class B, or other private club as defined in the Kansas Liquor Control Act;
- g. Distance Restricted Businesses as set forth in Chapter 5.43 of the Olathe Municipal Code and any amendments thereto;
- h. Outdoor storage of any kind, whether a primary or accessory use;
- i. Vapor Retailer and Tobacco Shop as defined in Chapter 6.20 of the Olathe Municipal Code.

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

1. A waiver is granted from UDO 18.20.140.B to increase the maximum building footprint from 85,000 to 100,000 square feet as shown on the site development plan dated February 11, 2026.
2. A waiver is granted from UDO 18.15.020.G.7.b to reduce the minimum glass from 25% to 5% on the west façade and no minimum glass requirement on the south façade as shown on the elevations dated February 10, 2026.
3. A waiver is granted from UDO 18.15.020.G.7.a to allow overhead doors to face a public street as shown on the site development plan dated February 11, 2026.
4. Screening of the trash compactor will be provided at the time of final site development plan in accordance with the requirements of UDO 18.30.130.I.
5. Exterior ground-mounted and building-mounted equipment including but not limited to, mechanical equipment, utility meter banks, and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.

Following approval of the rezoning request, **Chair Breen** noted that a second action was required for the case regarding the final plat, FP25-0043. He called for a motion on this item.

Commissioner Chapman moved to approve FP25-0043 as stipulated by staff. **Commissioner Brown** seconded the motion. The motion regarding FP25-0043 passed unanimously with a vote of 7–0 with no stipulations.