



Planning Division

MINUTES – Opening Remarks

Planning Commission Meeting: July 13, 2020

The Planning Commission convened at 7:00 p.m. to meet in regular session with Chairman Dean Vakas presiding. Commissioners Ryan Nelson, Chip Corcoran, Barry Sutherland, Marcia Youker and Taylor Breen were present. Commissioners Ryan Freeman, Jeremy Fry and Shirley Allenbrand were absent.

Recited Pledge of Allegiance.

The Chair made introductory comments. Regarding *ex parte* communication, the Chair requested that if a commissioner had something to report, they specify the nature of the *ex parte* communication when item is reached in the agenda.

A motion to approve MN20-0629, the meeting minutes from June 29, 2020, was made by Comm. Sutherland and seconded by Comm. Breen and passed with a vote of 6-0.



Planning Division

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Planning Commission Meeting: July 13, 2020

Application:	<u>MP20-0007</u> : Request approval of a minor plat for The Landings at Stone Creek, Tenth Plat containing three (3) lots on 0.25± acres; located at the northeast corner of W. 124 th Street and S. Parker Street.
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A motion to approve MP20-0007 was made by Comm. Sutherland and seconded by Comm. Breen. The motion passed with a vote of 6 to 0 subject to the following stipulations:

1. Prior to recording the plat, a digital file of the final plat must be submitted to the Planning Division.
2. All above ground electrical and/or telephone cabinets must 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, subject to UDO 18.30.130.
3. All exterior ground mounted or building mounted electrical, mechanical, or utility equipment must be screened by landscaping or with an architectural treatment compatible to the main building.



Planning Division

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Planning Commission Meeting: July 13, 2020

Application:	<u>MP20-0008:</u> Request approval of a minor plat for Stone Creek Village, Eleventh Plat containing four (4) lots on 0.26± acres; located at 12382 S. Sagebrush Drive.
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A motion to approve MP20-0008 was made by Comm. Sutherland and seconded by Comm. Breen. The motion passed with a vote of 6 to 0 subject to the following stipulations:

1. Prior to recording the plat, a digital file of the final plat must be submitted to the Planning Division.
2. All above ground electrical and/or telephone cabinets must 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, subject to UDO 18.30.130.
3. All exterior ground mounted or building mounted electrical, mechanical, or utility equipment must be screened by landscaping or with an architectural treatment compatible to the main building.



Planning Division

MINUTES

Planning Commission Meeting: July 13, 2020

Application:	<u>MP20-0009:</u> Request approval of a minor plat for Brittany Forest, 9th Plat containing two (2) lots on 1.45± acres; located at 12547 and 12553 S. Hagan Lane.
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A motion to approve MP20-0009 was made by Comm. Sutherland and seconded by Comm. Breen. The motion passed with a vote of 6 to 0 subject to the following stipulation:

1. Prior to recording the plat, a digital file of the final plat must be submitted to the Planning Division.



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Planning Commission Meeting: July 13, 2020

Application:	<u>MP20-0011:</u> Request approval of a minor plat for Willow Crossing East, Replat Lot 122 containing one (1) lot and one (1) tract on 0.61± acres; located at 14862 S. Parkhill Street.
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A motion to approve MP20-0011 was made by Comm. Sutherland and seconded by Comm. Breen. The motion passed with a vote of 6 to 0 subject to the following stipulations:

1. Prior to recording the plat, a digital file of the final plat must be submitted to the Planning Division.
2. All exterior ground mounted or building mounted electrical, mechanical, or utility equipment must be screened by landscaping or with an architectural treatment compatible to the main building.



Planning Division

MINUTES

Planning Commission Meeting: July 13, 2020

Application:	<u>MP20-0012:</u> Request approval of a minor plat for Ranch Villas at Prairie Haven, Lot 29 containing four (4) lots on 0.28± acres; located at 21794 W. 120 th Court.
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A motion to approve MP20-0012 was made by Comm. Sutherland and seconded by Comm. Breen. The motion passed with a vote of 6 to 0 subject to the following stipulations:

1. All above ground electrical and/or telephone cabinets must 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, subject to UDO 18.30.130.
2. All exterior ground mounted or building mounted electrical, mechanical, or utility equipment must be screened by landscaping or with an architectural treatment compatible to the main building.
3. All neighborhood amenities including landscaping, walkways, etc. must be installed prior to issuance of a final certificate of occupancy.



Planning Division

MINUTES

Planning Commission Meeting: July 13, 2020

Application:	<u>VAC20-0003:</u> Vacation of a public utility easement at 120 S. Chestnut Street
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Zachary Moore, Planner II, presented an application to vacate an existing utility easement at 120 S. Chestnut Street. The easement is located in Block 50 of the original downtown plat and remained after the northern and north-south alley were vacated in 1974. There are no utilities located within this easement. The applicant submitted exhibits depicting the location of the easement, which must be vacated to accommodate a future apartment building that was approved in April 2020. The City of Olathe's Public Works Department has reviewed this request and has no objection.

Mr. Moore noted that all property owners within 200 feet have received notice in accordance with the UDO. Staff recommends approval as presented.

There were no questions of staff. **Chair Vakas** opened the public hearing and asked the applicant to come forward. **Rachel Rowland, Milhaus Development**, 210 West 19th Terrace, Suite 150, Kansas City, MO, approached the podium. She provided an update of the timeline for the apartment building project.

There were no questions for the applicant. **Chair Vakas** called for a motion to close the public hearing.

Motion by Comm. Nelson, seconded by Comm. Sutherland, to close the public hearing.

Motion passed unanimously.

There being no further discussion, **Chair Vakas** called for a motion.

Motion by Comm. Sutherland, seconded by Comm. Nelson, that VAC20-0003 be approved as stipulated and per staff recommendation:

Staff recommends approval of vacation for the utility easement (VAC20-0003) as proposed.

Aye: Corcoran, Youker, Breen, Sutherland, Nelson, Vakas (6)

No: (0)

Motion was approved 6-0.

MINUTES

Planning Commission Meeting: July 13, 2020

Application:	<u>SU20-0004</u>: Special use permit for keeping chickens on a lot less than three (3) acres
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Brenna Kiu, Planning Assistant, presented a request for a special use permit to keep chickens on a lot less than 3 acres, located at 1010 South Lenox Drive. The lot is approximately 2,400 square feet in size, and this is the first request for a special use permit. The applicant requests four hens to be kept on the property within a coop and outdoor enclosure located centrally in the rear yard, a significant distance from the side and rear property lines. The rear yard is surrounded by a six-foot-tall wooden privacy fence. She noted that the chickens occasionally be allowed to free roam under the supervision of the applicant. A neighborhood meeting was held, attended by 17 people. The applicant addressed all questions. Staff has received one letter of support. Staff recommends a five-year special use permit. Staff recommends approval of this application.

Chair Vakas opened the public hearing. No one signed up to speak on this item. Chair Vakas called for a motion to close the public hearing.

Motion by Comm. Breen, seconded by Comm. Nelson, to close the public hearing.

Aye: Corcoran, Breen, Youker, Nelson, Sutherland, Vakas (6)

No: (0)

Motion was approved 6-0.

Motion by Comm. Nelson, seconded by Comm. Sutherland, that SU20-0004 be approved for the following reasons:

- 1) The proposal conforms to the Goals, Objectives and Policies of the Comprehensive Plan.*
- 2) The proposal complies with the Unified Development Ordinance (UDO) criteria for considering special use permit requests.*

Comm. Nelson's motion included approving SU20-0004 subject to the following stipulations:

- 1) The special use permit is valid for a period of five (5) years following Governing Body approval, effective the date of adoption of the Resolution.*
- 2) The property will be limited to a maximum of four (4) hens only at any one time.*
- 3) Chickens may not be bred, boarded or sold for commercial purposes.*

Aye: Corcoran, Breen, Youker, Nelson, Sutherland, Vakas (6)

No: (0)

Motion was approved 6-0.

MINUTES

Planning Commission Meeting: July 13, 2020

Application:	<u>RZ20-0005</u>: Rezoning from C-2 (Community Center) to CC (Cedar Creek) District for the Valley Parkway Parcel
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Kim Hollingsworth, Senior Planner, presented an application for rezoning from C-2 to CC District, for property located northwest of Valley Parkway and Cedar Creek Parkway, south of Highway K10. She noted that the property has unique site dimensions and several areas with sloping topography. This property was rezoned to C-2 in 1988, along with other properties near the intersection of Cedar Creek Parkway and Valley Parkway. Properties to the south are zoned R-1 and RP-1. Also, the property is located within the Cedar Creek overlay district, which was established in 2012 through the Cedar Creek area plan, also known as the Green Book. Properties in this overlay may request a rezoning to the Cedar Creek District or one of the other districts established in the Unified Development Ordinance. The Green Book states that the CC District is the preferred district because the standards are consistent with the unique character and vision of the City Creek community. Additionally, the property is located in the Mixed-Use Subdistrict.

The applicant held a neighborhood meeting attended by over 30 residents on June 22, 2020. Attendees expressed interest in seeing residential uses instead of apartment or commercial uses. They also had questions regarding the review process and site access. Staff was contacted by six residents who were interested in learning more about the proposed use of the property and uses permitted in the CC District.

This request is for the CC District with a narrowed list of permitted uses, including single-family residential, zero lot line homes, and attached residential. Staff supports this request based on the proximity of the property to single-family homes, the development constraints on the property, and feedback heard from residents in the area. Staff also supports the requested district due to its compatibility with PlanOlathe. A development plan is not required. Architectural, site design and landscaping requirements are outlined in the Green Book and will be reviewed during development plan and plat review.

In summary, staff recommends approval of this application and supports the request for the reasons identified in the staff report.

Chair Vakas opened the public hearing. **Frank Clark, Sarah Hill and Jeff Hill** all passed on their opportunity to speak. **Jim Brown, 26835 W. Shadow Circle, Olathe**, approached the podium. He attended the meeting with developers, which he felt was very productive. He noted that in addition to those attending in person tonight, there are a number of residents listening in from remote locations. He said they want a development that is complementary to The Villas of Shadow Glen, which they feel is a unique community within Cedar Creek with stucco and stone fronts, valued at a particular price point. They would like this new development to look as much a part of the neighborhood as possible, be a maintenance-provided community, that they have tile or slate roofs, and that there be screening. He also encouraged preservation of trees. He asked if this is a single-builder development.

John Duggan, Applicant, 9101 W. 110th Street, Overland Park, approached the podium. He said they have not decided yet if this will be a single-builder development. He referred to

the high architectural standards set out in the Green Book, and this development has to meet those demands.

Chair Vakas thanked everyone who has an interest in this matter. He called for a motion to close the public hearing.

Motion by Comm. Sutherland, seconded by Comm. Nelson, to close the public hearing.

Motion was approved 6-0.

Motion by Comm. Sutherland, seconded by Comm. Breen, that RZ20-0005 be approved for the following reasons:

1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan for Land Use (LUCC-6).
2. The requested rezoning to the CC District meets the Green Book criteria for considering zoning applications.

Comm. Sutherland's motion included approving RZ20-0005 subject to the following stipulation:

- 1) The Rezoning Area (defined above) are limited to only the following permitted uses found in Cedar Creek Area Plan Green Book ("Green Book") Section 18.51.060 for the Mixed-Use Subdistrict (1) Zero Lot Lines; (2) Village Single-Family; and (3) Attached Residential (6 Units Per Acre or Less). If the property is to be developed as Attached Residential, all parties agree that there will be no more than two (2) units per building, which is commonly known as an "Attached Villa" and the allowable side yard setback for an Attached Villa shall be 10 feet per side yard (20 feet between buildings).

Aye: Corcoran, Youker, Breen, Nelson, Sutherland, Vakas (6)

No: (0)

Motion was approved 6-0.



Planning Division

MINUTES – Other Matters

Planning Commission Meeting: July 13, 2020

Aimee Nassif, Chief Planning and Development Officer, announced the Planning Commission CIP Workshop is scheduled for July 15, 2020 at 3:00 p.m. and would be held via Zoom.

Chair Vakas noted that the next Planning Commission meeting is scheduled for Monday, July 27, 2020, at 7:00 p.m.

There were no other announcements.

Meeting adjourned.