



MINUTES – Opening Remarks

Planning Commission Meeting: June 10, 2024

The Planning Commission convened at 7:00 p.m. to meet in regular session with **Chair Wayne Janner** presiding. Commissioners Tony Bergida, Keith Brown, Ken Chapman, Chip Corcoran, Jeffrey Creighton, Megan Lynn and Jim Terrones were present. Commissioner Taylor Breen was absent.

Recited Pledge of Allegiance.

Chair Janner made introductory comments. Chair Breen directed commissioners to report if they have had ex parte communication when that item is reached in the agenda.

Chair Janner referenced the Planning Commission Consent Agenda, which included six items. Chair Janner asked if any items need to be removed for separate discussion or additional information.

Chair Janner requested Item B (MP24-0011) be pulled for a presentation and then asked for a motion on the remainder of the consent agenda, except for Item B.

A motion to approve MN24-0513 was made by **Commissioner Creighton** and seconded by **Commissioner Chapman**. The motion passed 8 to 0.



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| Application: | <u>MP24-0011:</u> Request for approval of a minor plat for Silvercreek Landing, Second Plat, containing four (4) lots on approximately 0.30 acres, located northwest of S. Sunnybrook Boulevard and W. 116th Terrace. |
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Chair Janner pulled MP24-0011 from the consent agenda for a separate presentation.

Lauren Young, Planning Intern, presented MP24-0011, a request for approval of a minor plat for Silvercreek Landing, Second Plat on approximately 0.30 acres, northwest of S. Sunnybrook Boulevard and W. 116th Terrace. This is a replat of Sunnybrook Estates, Sixth Plat, Lot 8 in order for individual townhomes to be separately owned by creating four separate lots. Ms. Young demonstrated where the lots will utilize a shared drive. The shared drive and Tract C will be maintained by the proposed homeowners' association.

Staff recommends approval with a stipulation.

Chair Janner called for any questions from the Commissioners.

Commissioner Corcoran asked to confirm whether the replat would be to four lots and a tract, which Ms. Young confirmed.

Chair Janner requested Ms. Young clarify the recommended stipulation.

Ms. Young stated that the homeowners' association has not yet been created. According to standard procedure, the homeowners' association documents must be recorded with the minor plat.

Chair Janner asked whether this is connected to a prior plat versus a new plat.

Ms. Young confirmed that this was a replat of Sunnybrook Estates. However, the HOA had not been created due to a delay in construction, and this stipulation from previous plat is still applicable.

With no further questions, **Chair Janner** called for a motion on MP24-0011.

A motion to approve MP24-0011 subject to staff stipulations was made by **Commissioner Corcoran** and seconded by **Commissioner Brown**. The motion passed with a vote of 8 to 0 with the following stipulation:

1. Documents for the required Homeowners Association must be recorded with the minor plat. The documents must contemplate the shared maintenance of all common drives, open space, stormwater and utility services.



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| Application: | <u>FP24-0014:</u> Request for approval of a final plat for Bach Homes, Second Plat, containing one (1) lot and five (5) tracts on approximately 12.63 acres, located southwest of W. 127th Street and N. Mur-Len Road. |
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A motion to approve FP24-0014 was made by **Commissioner Creighton** and seconded by **Commissioner Chapman**. The motion passed with a vote of 8 to 0 with no stipulations.



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| Application: | <u>FP24-0015:</u> Request for approval of a final plat for Executive Plaza, Third Plat, containing one (1) lot and one (1) tract on approximately 3.68 acres, located northeast of W. 151st Street and S. Pflumm Road. |
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A motion to approve FP24-0015 was made by **Commissioner Creighton** and seconded by **Commissioner Chapman**. The motion passed with a vote of 8 to 0 with no stipulations.



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| Application: | <u>PR24-0006:</u> Request for approval of a preliminary site development plan for Collis CraneWorks, containing two (2) lots and one (1) tract on approximately 7.73 acres; located southwest of W. Pittman Street and S. Lone Elm Road. |
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A motion to approve PR24-0006 subject to all staff stipulations was made by **Commissioner Creighton** and seconded by **Commissioner Chapman**. The motion passed with a vote of 8 to 0 with the following stipulations:

1. All storage areas within industrial districts must be one hundred (100) percent screened from public view.
2. Exterior ground-mounted or building mounted equipment including but not limited to, mechanical equipment, utilities' meter banks and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.
3. The following will be provided with final site development plans as required by the City Engineer:
 - a. Stormwater report.
 - b. Shared detention agreement between properties for the existing detention basin.
 - c. Erosion control plan, including city standard notes and details.



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| Application: | <u>FP24-0017:</u> Request for approval of a final plat for Asbury Centre, Third Plat, containing two (2) lots and one (1) tract on approximately 3.75 acres, located southwest of W. 158th Street and S. Hunter Street. |
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A motion to approve FP24-0017 was made by **Commissioner Creighton** and seconded by **Commissioner Chapman**. The motion passed with a vote of 8 to 0 with no stipulations.



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| Application: | <u>FP24-0007:</u> Request for approval of a final plat for Sunnybrook 119, 1st Plat, and a vacation of a public utility easement containing two (2) lots and one (1) tract on approximately 15.22 acres, located northwest of W. 119th Street and S. Lone Elm Road. |
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Ms. Taylor Vande Velde, Planner II, presented FP24-0007, a request to approve a final plat for Sunnybrook 119, 1st Plat, located northwest of 119th Street and Lone Elm Road on 15.22 acres. Ms. Vande Velde continued the application includes a vacation and, therefore, the UDO requires that a public hearing be held.

Ms. Vande Velde presented the final plat which includes two lots for commercial development and one tract for a private road. The final plat is consistent with the approved preliminary plan. She demonstrated where the utility easement is located, and the vacation of the easement will allow for commercial development at the corner of 119th and Lone Elm.

Ms. Vande Velde provided that all public notice requirements have been met. Staff received no correspondence.

Staff recommends approval of the plat with a stipulation.

Chair Janner opened the public hearing, but no one was signed up to speak.

With no further comments, **Chair Janner** entertained a motion to close the public hearing.

A motion was made by **Commissioner Brown** to close the public hearing, seconded by **Commissioner Corcoran**. The motion passed by a vote of 8 to 0.

With no further discussion, **Chair Janner** entertained a motion on the item.

Commissioner Chapman moved to approve FP24-0007 as stipulated by staff, and **Commissioner Creighton** seconded.

The motion passed with a vote of 8 to 0 with the following stipulation:

1. The Business Association Agreement must be amended and recorded with this plat to include the Access Easement (A/E) in Tract A and the detention basin in Tract D.



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| Application: | <u>FP24-0016:</u> Request for approval of a final plat for Olathe Industrial Tracts, Third Plat, and a vacation of a public utility easement containing two (2) lots and one (1) tract on approximately 7.73 acres, located at 1225 W. Pittman Street. |
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Ms. Emily Carrillo, Senior Planner, presented FP24-0016, a request to approve a final plat for Olathe Industrial Tracts, Third Plat, located at 1225 W. Pittman Street, in the vicinity of Lone Elm and Old 56 Highway. This plat includes a vacation and therefore requires a public hearing per the UDO. Ms. Carrillo presented this replat will establish lots lines, dedicate public easements, and vacate a portion of the existing waterline.

Ms. Carrillo continued the final plat includes two lots and one tract on approximately 7.73 acres intended for the future development of two 33,000 square foot industrial buildings for Collis CraneWorks to expand their crane production and assembly operations located to the east of this site. The final plat is consistent with the revised preliminary site development plan which was approved on consent this evening (PR24-0006).

Ms. Carrillo explained the property is located within the City of Olathe water and sewer service areas and that a new 15-ft (waterline easement) is being relocated consistent with UDO 18.40.190. Thus, new utility, sanitary sewer, and drainage easements will be dedicated with this plat. A portion of this waterline was previously vacated in 2022 (VAC22-0005).

Ms. Carrillo provided that all public notice requirements have been met. Neither staff nor the applicant received any correspondence regarding this plat.

Staff recommends approval of the plat with vacation with a stipulation.

Chair Janner opened the public hearing, but no one was signed up to speak.

With no further comments, **Chair Janner** entertained a motion to close the public hearing.

A motion was made by **Commissioner Terrones** to close the public hearing, seconded by **Commissioner Lynn**. The motion passed by a vote of 8 to 0.

With no further discussion, **Chair Janner** entertained a motion on the item.

Commissioner Terrones moved to approve FP24-0016 as stipulated by staff, and **Commissioner Chapman** seconded.

The motion passed with a vote of 8 to 0 with the following stipulations:

1. Prior to issuance of a land disturbance permit or building permit, standard orange barricade fencing must be installed around all tree preservation areas in accordance with UDO 18.30.240.
2. An agreement between adjacent properties for use of the existing off-site BMP is required prior to recording.
3. Prior to recording, an agreement with the City should be in place for the relocation of the water line. The water line shall be relocated within one (1) year of the plat recording or the property owner will re-dedicate the easement over the existing waterline by separate instrument.



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| Application: | <u>SU23-0007:</u> Request for approval of a special use permit for a compound expansion of existing telecommunications facility on approximately 7.43 acres, located at 15201 S. Mur-Len Road. |
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Ms. Andrea Fair, Planner II, presented FP24-0007, a request to approve a final plat with vacation of a public utility easement, located northwest of 119th Street and Lone Elm Road.

Ms. Fair presented the request for a special use permit for the expansion of an existing compound area housing ground mounted utilities for a Verizon Wireless telecommunications facility, which is located at 15201 S. Mur-Len Road. She demonstrated where the property is located, south of W. 151st Street and east of S. Mur-Len Road.

Ms. Fair presented the history of the site. There is an existing building directly west of the telecommunications facility that was constructed in 1969 for commercial warehouse uses. In 2000, a 60-foot tall telecommunications tower was constructed and in 2019, a special use permit was approved to increase the total height of the tower to 100 feet along with an expansion of the compound area. The property was zoned to the CP-3 (Planned Community/Corridor Business) District in 1978. The adjacent properties are largely zoned R-1 and C-2, with a small section C-O surrounding the property.

Ms. Fair stated the applicant is proposing a 348 square foot compound expansion to accommodate a 264 square foot equipment shelter and accessory ground equipment. New antenna for Verizon will also be installed on the existing 100-foot tall tower. The increase in compound area is considered a major modification which requires approval of a special use permit. The equipment building is 10 feet tall and complies with the 12-foot maximum height requirement. New antenna will be mounted on the existing tower at a centerline of 75 feet.

Ms. Fair stated screening of the ground-level equipment will be provided through the planting of a row of staggered evergreen trees east and south of the compound area. These trees will infill existing gaps in the current landscaping. The chain-link fencing surrounding the existing compound area will be removed and replaced with black vinyl coated fabric fencing along the entire perimeter of the compound area. The plans currently show barbed wire along the top of the fence which is not permitted in commercial

districts and staff has stipulated that all barbed wire must be removed from plans prior to building permit submittal.

Ms. Fair provided that all public notice requirements have been met. The applicant held a neighborhood meeting on April 5th, 2024, and no members of the public attended. Staff has received correspondence from one individual about this application and responded to their inquiry.

Staff recommends approval of SU23-0007 with an approval period of 10 years which is the permitted time limit for Special Use Permits for telecommunication facilities.

Chair Janner asked if the Commissioners have any questions.

Commissioner Corcoran asked whether existing landscaping has been maintained.

Ms. Fair answered for the most part, the landscaping has been maintained though additional landscaping is required due to its proximity to residential property.

Commissioner Corcoran asked whether irrigation is required, and **Ms. Fair** answered it is not. **Commissioner Corcoran** asked whether the applicant has a responsibility over a period of time to maintain thriving landscaping.

Ms. Fair confirmed the applicant does have the responsibility and further stated that working on landscaping for special use permits is on the forefront of staff's mind.

Chair Janner opened the public hearing, but no one was signed up to speak.

With no further comments, **Chair Janner** entertained a motion to close the public hearing.

A motion was made by **Commissioner Bergida** to close the public hearing, seconded by **Commissioner Chapman**. The motion passed by a vote of 8 to 0.

With no further discussion, **Chair Janner** entertained a motion on the item.

A motion to approve SU23-0007 subject to staff's stipulations was made by **Commissioner Corcoran** and seconded by **Commissioner Creighton**. The motion passed with a vote of 8 to 0 with the following stipulations:

1. The special use permit for the Telecommunication Facility and expanded compound area is approved for a ten (10) year period effective from the date of the Resolution.
2. All landscaping must be installed per plans dated May 28, 2024 prior to certificate of completion.
3. Barbed wire is prohibited in commercial districts and must be removed from all plans with building permit submittals.



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| Application: | <p>RZ24-0010: Request for approval of a rezoning from R-1 (Single-Family Residential) and M-2 (General Industrial) Districts to the M-2 (General Industrial) District and a preliminary site development plan for Carson Street Storage on approximately 9.37 acres; located at 20550 W. 159th Street.</p> |
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Ms. Andrea Fair, Planner II, presented RZ24-0010, a request to the M-2 District with a preliminary site development plan for Carson Street Storage, located at 20550 W 159th Street. The development includes two lots on 9.37 acres and has one existing residential structure adjacent to 159th Street that was constructed in 1977, prior to the property being annexed into the City in 1984 and zoned to a City Zoning District.

Ms. Fair explained the site's zoning history. The property is currently zoned R-1 (Single-Family Residential) and M-2 (General Industrial) District, and the applicant is requesting to rezone to the M-2 (General Industrial) District to allow for construction of a Truck Maintenance and Storage Facility. The M-2 District includes a number of industrial and service-type uses. Staff recommends some uses be restricted on the property due to the visibility from W. 159th Street, adjacent land uses, and alignment with existing restrictions on neighboring properties. The applicant is amenable to these restrictions.

Ms. Fair stated that the Future Land Use Map of PlanOlathe identifies the subject property as Industrial Area, with a Primary Greenway bisecting the site. The proposed M-2 District and stream corridor protection areas align with these PlanOlathe future land use designations. The proposal also aligns with policies from PlanOlathe.

Ms. Fair presented the preliminary site plan which includes a 16,400 square foot industrial building on Lot 1 to the north, to be used for truck maintenance/storage and office space. Lot 1 will be constructed with Phases 1 & 2. Lot 2, to the south, includes a 27,000 square foot industrial building for truck maintenance and storage. Lot 2 will be constructed with Phases 3 & 4. Lot 1 is proposing 50 parking spaces and Lot 2 is proposing 54 parking spaces. Both lots accommodate truck parking, and all outdoor truck parking areas will be screened from public roadways. Ms. Fair continued that traffic access will be provided from W. 159th Street and be partially constructed on the property to the east, who will share access once that property is redeveloped.

Ms. Fair demonstrated on the map where the applicant proposes to preserve 43% of the existing tree canopy on site, which exceeds UDO requirements. The applicant will also meet all landscaping standards, installing buffers with plantings adjacent to roadways, and sodding disturbed land areas. Staff has stipulated that additional landscaping may be required along the east property line to satisfy Type 1 Buffer requirements, if the remaining existing vegetation is not sufficient following roadway construction.

Ms. Fair presented the proposed elevations, which show one-story buildings at 35 feet in height. Both buildings within the proposed development will have a consistent architectural theme and will be constructed primarily of stucco, thin brick veneer, metal, and glass. All UDO requirements are being met.

Ms. Fair stated the applicant has requested a waiver from Site Design Category 6, which requires a minimum setback area of 200 feet when an industrial site directly abuts a R-1 Zoning District. The applicant is requesting a 60-foot setback. Staff is supportive of the request, as the R-1 District to the west is not currently occupied with a single-family home and Future Land Use map of PlanOlathe designates the property to the west as Industrial Area.

Ms. Fair continued that the applicant met all public notice requirements. The applicant held a neighborhood meeting on May 13th, 2024 with two residents in attendance. No specific questions about the project were asked. Staff has not received any correspondence about the project.

Staff recommends approval of RZ24-0010 with stipulations and the preliminary plan with stipulations. The applicant has agreed to all stipulations.

Chair Janner asked if the commissioners had any questions.

Commissioner Bergida asked Ms. Fair to explain the difference between the intended business use versus the restricted or prohibited use of “1(a) Automobile Storage or Towing.” He asked to confirm that the intended business was for trucks.

Ms. Fair confirmed the intended business is for a trucking facility. The first prohibited use is for automotive storage and towing of wrecked and inoperable automobiles.

Commissioner Bergida asked if the distinction was for wrecked vehicles versus repairing trucks, which Ms. Fair confirmed.

With no further questions, **Chair Janner** opened the public hearing, but no one was signed up to speak. With no further comments, he entertained a motion to close the public hearing. A motion was made by **Commissioner Creighton** to close the public hearing, seconded by **Commissioner Bergida**. The motion passed by a vote of 8 to 0.

With no further comments or discussion. **Chair Janner** entertained a motion on RZ24-0010.

A motion to approve RZ24-0010 as stipulated by staff was made by **Commissioner Corcoran** and seconded by **Commissioner Chapman**. The motion passed with a vote of 8 to 0 with the following stipulations:

- A. Staff recommends approval of RZ24-0010 for the following reasons:
 1. The proposed development complies with the policies and goals of the Comprehensive Plan.
 2. The requested rezoning to the M-2 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the M-2 District with the following stipulation:
 1. The following uses are prohibited:
 - a. Automobile Storage or Towing,
 - b. Paper Manufacturing,
 - c. Power generation plant,
 - d. Recycling Centers, Drop-Off,
 - e. Parking Lots, Surface, as Principal Use,
 - f. Rendering and Meat Byproduct Processing.
- C. Staff recommends approval of the preliminary development plan with the following stipulations:
 1. A waiver is granted from UDO 18.15.130.C, permitting a minimum 60-foot setback adjacent to a R-1 District.
 2. An access easement for the access drive must be provided to the subject property at the time of final plat.
 3. A Type 1 Buffer will be required along the east property line if, at the time of roadway construction, the existing vegetation is not preserved in a manner that satisfies landscaping requirements.
 4. Any outdoor storage of materials, products, or equipment must be entirely screened from view per UDO 18.30.130.I.9.
 5. Existing trees and vegetation must be preserved along 159th Street to provide screening of truck parking prior to the issuance of a building permit for Phase 4.
 6. Exterior ground-mounted or building mounted equipment including but not limited to, mechanical equipment, utilities' meter banks and coolers must be

screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.



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| Application: | RZ24-0008: 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 175th 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 175th 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 175th 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.



MINUTES – Closing Remarks

Planning Commission Meeting: June 10, 2024

Kim Hollingsworth, Planning & Development Manager, reminded attendees of the joint City Council and Planning Commission meeting regarding the Comprehensive Plan on Tuesday, June 11th at 6:30 p.m. at Eagle's Landing.

Meeting adjourned.