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**CALL TO ORDER**

**PLEDGE OF ALLEGIANCE**

**QUORUM ACKNOWLEDGEMENT**

**CONSENT AGENDA**

- A.** **MN24-0325:** Approval of the minutes as written from the March 11th and March 25th, 2024 Planning Commission meetings.
- B.** **MP24-0010:** Request for approval of a minor plat of Everest, containing two (2) lots on approximately 9.67 acres, located at 16129 S. Lone Elm Road.  
Owner: Harwinder Sandhu, Everest Holdings, LLC  
Engineer: Todd Allenbrand, Payne & Brockway, P.A.  
**Staff Contact:** Luke Bertram and Kim Hollingsworth
- C.** **FP24-0004:** Request for approval of a final plat for Heritage Ranch, First Plat, containing 99 lots and three (3) tracts on approximately 35 acres, located southwest of W. 159th Street and S. Black Bob Road.  
Owner: John and Susan Wilson, Sunflower Farm, LP  
Applicant: Jim Lambie, Lambie Custom Homes  
Engineer: Tim Tucker, Phelps Engineering, Inc.  
**Staff Contact:** Emily Carrillo and Kim Hollingsworth
- D.** **FP24-0005:** Request for approval of a final plat for Heritage Ranch, Second Plat, containing one 23 lots and three (3) tracts on approximately 9.43 acres, located southwest of W. 159th Street and S. Black Bob Road.  
Owner: John and Susan Wilson, Sunflower Farm, LP  
Applicant: Jim Lambie, Lambie Custom Homes  
Engineer: Tim Tucker, Phelps Engineering, Inc.  
**Staff Contact:** Emily Carrillo and Kim Hollingsworth
- E.** **FP24-0006:** Request for approval of a final plat for Boulder Creek, Fourth Plat, containing 25 lots and two (2) tracts on approximately 14.53 acres, located southeast of W. 169th Terrace and S. Lindenwood Drive.  
Owner: Travis Schram, Boulder Creek Development Company, LLC  
Applicant/Engineer: Mark Breuer, Schlagel and Associates.  
**Staff Contact:** Andrea Fair and Kim Hollingsworth

## REGULAR BUSINESS

### REGULAR AGENDA-PUBLIC HEARING

#### A. PUBLIC HEARING

**RZ24-0005:** Request for approval of a rezoning from the CTY PEC-3 (County Light Industrial) District to the R-1 (Single Family), R-2 (Two-Family), R-3 (Low-Density Multifamily) and M-2 (General Industrial) Districts and a preliminary site development plan for Park 169 on approximately 247.15 acres; located on the northeast corner of W. 167th Street and S. US-169 Highway.

***Request continuance to a future Planning Commission meeting.***

Owner: Grant Harrison, V.T. Inc.

Applicant: Luke White, Blue Springs Safety Storage South, LLC

Engineer: Judd Claussen P.E., Phelps Engineering, Inc.

**Staff Contact:** Jessica Schuller and Kim Hollingsworth

## ANNOUNCEMENTS

### ADJOURNMENT

The City of Olathe offers public meeting accommodations. Olathe City Hall is wheelchair accessible. Assistive listening devices as well as iPads with closed captioning are available at each meeting. To request an ASL interpreter, or other accommodations, please contact the City Clerk's office at 913-971-8521. Two (2) business days notice is required to ensure availability.



## MINUTES

### Planning Commission Meeting: March 11, 2024

<b>Application:</b>	<b><u>RZ24-0003:</u></b> Request for approval of a rezoning from the C-2 (Community Center) District to the CC (Cedar Creek) District and a preliminary site development plan for Cedar Ridge Mixed Use Community on approximately 14.37 acres; located southeast of S. Cedar Creek Parkway and W. Valley Parkway.
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**Chair Wayne Janner** introduced how the rezoning application and public hearing process would be conducted: First, City Staff would present the application and their recommendation. The Applicant would then make a presentation. After that, the public hearing would be opened. Each speaker would be called up and given five minutes to speak according to the Commission bylaws.

**Chair Janner** continued that this case has garnered resident interest, and the Commission appreciates resident participation as an important part of the process. Further, the Commission appreciates what the residents have to say and have read the packet with the resident comments, which totaled over 600 pages. At the public hearing, the Commissioners are particularly interested in any new information. Chair Janner gave further instructions about the format of the public hearing and his expectation for a respectful and civil exchange.

**Commissioner Jim Terrones** disclosed for the record that he is a resident and member of Cedar Creek Village II. He stated that at no time did he attend any public or neighborhood meetings. Whenever this project was on the Board agenda, he recused himself from that discussion.

**Chair Janner** stated that in hearing and discussing that situation with legal staff, the Commission agreed that **Commissioner Terrones** did not need to recuse himself for this Planning Commission conversation.

**Mr. Nathan Jurey, Senior Planner** presented RZ24-0003, a request to approve a rezoning of 14 acres of undeveloped property located on the southeast corner of Cedar Creek and Valley Parkway. The property was zoned as C-2 (Community Center Commercial District) in the 1980s and is directly abutting other commercial and business park zoning to the north, east, and south. The property is adjacent to the R-1 residential district across Cedar Creek Parkway. The developer is requesting to rezone to the CC (Cedar Creek) District which aligns with the Future Land Use designation of the city's

Comprehensive Plan and the vision of the Cedar Creek Area Plan approved by City Council in 2012.

Mr. Jurey explained that CC zoning would narrow the uses allowed. In contrast, C-2 District allows over 90 land uses including gas stations, fast food restaurants, big box retail stores, hotels and vertical mixed-use development (residential over storefront). The CC District would reduce the uses to 23 which were tailored to the character of Cedar Creek. Staff recommended prohibiting the drive-thru use as the CC District calls to limit this use already. The developer agreed to this restriction.

Mr. Jurey described the City's Comprehensive Plan, PlanOlathe, and how the proposed land use aligns with the Future Land Use designation for the Cedar Creek Mixed Use Center. He discussed several PlanOlathe goals that this development supports including Mixed Use Neighborhoods, Full Range of Housing Choices, Hierarchy of Activity Centers, Walkable Neighborhoods, and Land Conservation Techniques.

Mr. Jurey then discussed the history of Cedar Creek and its designated area plan including the distinction between the 1988 Cedar Creek developer's master plan and the 2012 Cedar Creek Area Plan, as both are commonly referenced as the Green Book. The 1988 master plan was the developer's private document never formally adopted by the City. The Cedar Creek Area Plan was jointly commissioned in 2008 by the City, Cedar Creek HOAs, and the Cedar Creek developers and formally adopted in 2012 by the City Council. The Cedar Creek Area Plan created a new vision for Cedar Creek and the Cedar Creek Overlay District, which provided new regulatory zoning standards to implement the vision.

The Cedar Creek Area Plan states that the preferred zoning district within the Cedar Creek Overlay is the Cedar Creek (CC) District to implement the vision of the area plan.

Mr. Jurey showed the land use map which designated mixed-use town centers at two intersections, one of which is on the subject property.

Mr. Jurey continued that the *Cedar Creek Area Plan* designated more urban Town Centers, in contrast to the existing suburban development. Town centers are pedestrian friendly developments with taller buildings located closer to the street to create enclosure and a sense of place for pedestrians.

Mr. Jurey presented the preliminary site development plan, which is a mixed-use development. The proposal includes a 2-level parking garage lined with apartments on the west and south sides. Above that garage, the multifamily building is shaped like an "E" with units clustered around 2 open space courtyards along the west and an outdoor pool on the east. There will be ground-floor commercial space for uses like a coffee shop and a salon. There are 2 townhome buildings that flank the main entrance drive. A one-story retail/restaurant building is proposed at the hard corner of Cedar Creek & Valley Parkway with a similar commercial building located next door. At the other corner, a two-story building is proposed with office over retail.



Mr. Jurey summarized that the total proposal includes 311 dwelling units, 44,000 square feet of commercial space, and 586 parking stalls. The developer intends to build the apartments first. Staff recommended a stipulation requiring at least one of the commercial buildings be built shortly thereafter. The remaining buildings will be built in Phase 2. The proposed plan has a density of 21.6 dwelling units per acre, complying with the maximum of 29 units per acre allowed in the Town Center. Staff recommended the density be capped at 22 units per acre, and the developer is agreeable.

Mr. Jurey discussed how the proposal aligns with the CC District's strict natural resource preservation standards. Eighty-seven percent (87%) of the existing steep slopes of this area will be preserved, exceeding the minimum of 70%. Thirty-eight percent (38%) of the existing wooded area will be preserved. In addition, the plan meets all perimeter buffering requirements along streets and internal landscaping standards.

Mr. Jurey presented the proposed architecture, which is consistent throughout and utilizes high quality building materials to create a sense of place. All buildings are primarily clad with Class 1 materials, using cultured stone, stucco, and glass, with minimal Class 3 materials used for accent. The buildings meet the design standards of the CC District.

Mr. Jurey presented the building height standards for Town Centers which requires both a minimum and a maximum building height, with a height modulation that allows up to 70 feet for buildings that use 'Green Principles.' All proposed buildings comply with this height requirement, and the 57.3-foot-tall multifamily building uses the 'modulation of height' allowance for 'Green' buildings. The Cedar Creek Area Plan provides a list of 'Green Principles' to consider which Mr. Jurey further explained. The developer has committed to implementing a list of green principles, which Mr. Jurey detailed.

Mr. Jurey stated that the developer met all public notice requirements. Over 240 residents attended the February neighborhood meeting. A Change.org and a signed petition were included in tonight's packet, as well as 206 comment letters, the vast majority in opposition. Since then, staff received more letters from residents and the results of a survey conducted by the Cedar Creek HOAs, all of which were provided to the Planning Commission.

Mr. Jurey stated the majority of the neighborhood feedback involved compatibility regarding height and scale, visual impact to the primary entrance to Cedar Creek, traffic impact, and environmental impacts.

Mr. Jurey addressed each of these topics. Regarding compatibility, the Cedar Creek Area Plan envisioned an urban Town Center at this intersection which would be intentionally distinct from the more suburban Cedar Creek. Regarding visual impact, the developer made revisions to address the feedback received at the neighborhood meeting. The building has been flipped, so its mass is now split into 3 smaller wings when viewed from Cedar Creek Parkway. Regarding traffic impact, Cedar Creek Parkway narrows from 4-lanes to 2-lanes underneath K-10 Highway. The City's engineers reviewed this area and found that this 2-lane section can handle the additional traffic generated by the proposal.

K-DOT is aware of this development, and they are currently studying K-10 Highway and future growth patterns to better anticipate when improvements may be needed and what those improvements will entail. Regarding environmental impacts, the proposal complies with the open space preservation requirements of the CC District and the stormwater requirements of Title 17. As with any other development, all required state and federal permits must be obtained prior to construction to ensure environmental and wildlife impacts are mitigated according to state and federal laws.

Mr. Jurey concluded this rezoning application meets the Golden Criteria as outlined in the staff report. Staff recommends approval of the rezoning with three stipulations regarding land use, density, and sign standards.

Staff also recommends approval of the preliminary site plan with five stipulations, regarding phasing, minimum commercial presence, maximum building height, and tree preservation and utility screening stipulations.

The developer has agreed with these recommended stipulations.

**Chair Janner** asked if the Commissioners had any questions for staff before the applicant's presentation.

**Commissioner Terrones** stated while he appreciates the traffic study, he travels this daily. He expressed that his experience is many cars exit and enter K-10 while bike riders pass under the bridge where Cedar Creek Parkway narrows to two-lane road. He asked whether and how staff will continue to monitor traffic to determine whether signals are necessary. If traffic signals are determined necessary, he asked who bears the costs. **Mr. Jurey** answered traffic is monitored as development occurs, and the City also evaluates traffic across the City on an annual basis. If a specific development requires a signal, that development bears the cost. However, this proposed development must pay excise taxes which contribute to signal costs throughout the City.

**Commissioner Terrones** asked for the status of the KDOT study. **Mr. Jurey** answered he understands there are still meetings available to attend. KDOT is still working through the study with their consultant.

**Chair Janner** asked if there were any other traffic questions.

**Commissioner Chapman** asked about how many homes are in Cedar Creek currently. **Mr. Jurey** answered it's 1700-1800 homes, though the area is still developing.

**Commissioner Chapman** stated he too is concerned with the number of Cedar Creek homes, each with multiple vehicles, plus the possible addition of another 300 occupants, with multiple vehicles and the continued growth of K-10. He's concerned about the exit and entrance from K-10 to Cedar Creek Parkway and asked staff to continue to evaluate if this project goes forward.

**Chair Janner** asked for details on how traffic studies are prepared and what information is evaluated.

**Mr. Charlie Love, Chief Development Engineer** answered in this particular case, the developer was required to analyze to the next arterial intersection. They used current traffic modeling methods and manuals to anticipate different traffic based on specific uses. The report demonstrated all levels of service at those existing intersections meet the requirements. The developer also did a 20-year forecast for future growth with adjacent improved intersections. However, they didn't extend to K-10 Highway, because that exceeds beyond the requirement. KDOT is currently studying K-10 which is anticipated to wrap up this summer.

**Commissioner Bergida** stated from resident letters, there was significant concern about additional traffic from other developments further east and north. Commissioner Bergida acknowledged the City's requirements and the KDOT's ongoing study, but he asked how the City usually handles this type of situation when additional information seems like it would be important.

**Mr. Love** confirmed that the applicant analyzed the required intersections immediately adjacent to their proposed development, which were acceptable, and KDOT is analyzing the K-10 Highway area. However, regardless of KDOT's study, staff understands the four-lane arterial section can carry approximately 35,000 vehicles per day. The current two-lane section can carry about 16,000 vehicles per day. Knowing that, staff is comfortable where things are currently. As growth continues, staff will continue to evaluate and address improvements as needed. Mr. Love confirmed he is somewhat familiar with the interim Lenexa improvements, but at this time, the current traffic controls are appropriate.

**Commissioner Bergida** stated from reading the 2005 KDOT traffic study, he understands the Cedar Creek intersection has a higher crash rate than the average Kansas City Metro rate. He asked if that was correct.

**Mr. Love** answered that in that particular study, they provide a ratio, which compares the whole state. That ratio isn't specifically dealing with just improvements on that 2-lane arterial or it being non-signalized, but also includes crashes within 0.3 miles along the corridor of K-10 which could be related to movements along the highway to get over, poor signing, etc. In summary, it isn't a direct correlation to going from 4-lane to 2-lane.

**Commissioner Bergida** stated he understands traffic along the Corridor has increased significantly over the last fifteen years and asked Mr. Love to confirm.

**Mr. Love** asked which corridor he was referring to, because there is the K-10 Corridor and Cedar Creek Parkway. He confirmed K-10 traffic has grown as expected.

**Commissioner Terrones** referenced the traffic study when 'traffic future conditions' says it "performs well." He asked what that's based on and what it means.

**Mr. Love** explained, traffic is letter-graded (A-E). In development, if the grade drops to an E level, then an improvement is warranted. In this study, even projected out 20 years, there were a couple of legs that went to Level C, but the need is still well-met.

**Commissioner Creighton** stated he understands from Mr. Jurey's presentation that the proposed new zoning with new uses are less-intense than the existing uses. Mr. Creighton stated he is not generally in favor of 'down-zoning' because the City forfeits the tax base and growth when they give up commercial property. Commissioner Creighton asked for staff's reasons for recommending going to a less-intense zoning.

**Mr. Jurey** answered that although the zoning would go from commercial to the CC District, the uses have been vetted through Cedar Creek Area Plan and were found to be appropriate.

**Commissioner Creighton** asked about the distance between the proposed and existing structures.

**Mr. Jurey** answered it's over 400 ft from structure to structure on the west. On the far southeastern corner, the closest structure is a little over 600 ft.

**Commissioner Creighton** stated under current zoning a 5-story hotel would be allowed. He asked, in height, how that type of hotel would compare to the proposed plan.

**Mr. Jurey** answered they would be similar in height. The C-2 District does permit a 60-foot building. The proposed building is 57.4 feet as measured by the Cedar Creek District.

With no further questions for staff, **Chair Janner** called the applicant forward for their presentation.

**Mr. Curt Holland, Polsinelli PC**, legal counsel for Oddo Development Company, 900 W. 48<sup>th</sup> Place, Kansas City, MO 64112. Mr. Holland introduced Henry Klover (Klover Architects), Jake Hattock (Schlagel and Associates), and Kristin Skinner (Priority Engineers). Mr. Holland thanked the Commissioners for their time and staff for their presentation and thorough analysis and staff report. Mr. Holland reiterated that staff recommended approval of this plan because it complies with the zoning regulations, Cedar Creek Area Plan, and the codified *Green Book*. Mr. Holland addressed the residents' comments and confirmed the applicant team has also read them. Mr. Holland stated the team (Oddo, Schlagel, Klover) are long-standing, well-thought of companies who are award-winning and who conduct nationwide work. Schlagel was with the original founders when Cedar Creek was empty. Mr. Holland concluded the applicant team is well-versed in the criteria and requirements of Olathe.

Mr. Holland stated the project area is currently zoned as C-2, but it was master-planned to be the CC District. The applicant's original proposed plan was compliant with C-2 zoning and would be allowed by right. This area was always planned for commercial/nonresidential uses under the Cedar Creek Area Plan. Mr. Holland stated there was always intended to be development that could include multi-levels that could

be visible. Mr. Holland showed a comparison between C-2 and CC Districts (regarding height, density, setbacks, open space and uses). Mr. Holland stated that when they first started this process, they brought in a plan with multi-family on it that would have been allowed by right. However, staff stated that according to the Comprehensive Plan, this area is preferred to be rezoned to the CC District. The applicant agreed and Mr. Holland stated there are some things in CC District that are better – save more trees, less impervious surface, greater setbacks and amenities. Thus, the applicant updated their plan. Tonight's proposal was reached in collaboration with the applicant team, taking into consideration staff's recommendations and resident comments. For example, they revised the building façade along Cedar Creek Parkway at request of the residents to create three segments of 75-80 ft wings (which is a 56% reduction in building mass along Cedar Creek Parkway). There is now separation between the buildings, so the "spine" of the E is interior to the project. Restaurant and retail space is along north end, which would not be allowed in C-2. Mr. Holland stated, the question is not whether apartments can be there, because they can. The question is whether to retain C-2 zoning or rezone to CC District.

**Mr. Henry Klover, Klover Architects**, 8813 Penrose Lane, #400, Lenexa, Kansas, 66219 presented the architectural design of the proposed plan. He stated this was a challenging site at the corner of Cedar Creek Parkway and W. Valley Parkway, with very large elevation drops. Because of the elevation changes and the rock, they put the parking underneath, in order to tuck the building into the hill and preserve the steep grade. The only access is off Shadow Ridge, so they wanted a promenade for the entrance. Their goal was to create space that people want to be. Mr. Klover shared renderings which he stated are accurate representations. The proposed site plan has amenities to be resort style living with a pool, two large courtyards, a fitness center, a pub, coffee shop, spa/salon, business center, dog wash, fire pits, bocce ball, and seating/lounge areas.

**Chair Janner** asked the Commissioner if they had any questions for the applicant.

**Commissioner Terrones** asked the applicant to explain what 'open space' means.

**Mr. Klover** answered that it's the internal development, like pathways, gardens, patios, firepits, courtyards. It is the public spaces where residents and visitors can engage and be part of the development.

**Commissioner Terrones** asked, during the final site development phase, a formal plaza is planned and asked applicant to expound on what that is.

**Mr. Klover** answered it's specifically the space between two restaurants. In general, it's a formal plaza where there would be plantings, maybe a fountain, possible shade structures, but the overall idea is to have places for people to sit and gather.

**Commissioner Bergida** asked about the architectural style and how it fits with nearby buildings.

**Mr. Klover** said the original owner had built a few buildings; Klover was asked to look at those buildings and other surrounding buildings as a template which he did. The style is generally a mountain lodge resort look that respects the surrounding rock and incorporates clean lines, large columns, and wood timbers.

**Commissioner Bergida**, regarding the height waiver request from 50 feet to 58 feet by considering environmental upgrades, asked why the plans couldn't conform to the 50 feet limit.

**Mr. Klover** answered it's about trying to make the units nice. Yes, they could have kept standard 8-foot ceilings, but current standards in a higher-end development, call for more spacious units, top floor penthouses, and fitness rooms which need higher ceilings.

**Commissioner Bergida** asked whether the buildings will be LEED certified.

**Mr. Klover** answered they would not. There are more appropriate programs, but for this development, they are following the Green Principles of the Area Plan.

**Commissioner Bergida** stated the building would be 57-58 feet on the top of the bluff, which he asked if it was 70-80 feet.

**Mr. Klover** said it was sitting at about an elevation of 970 feet [above sea level], where the podium level would set that that would be above.

**Commissioner Bergida** asked if we're looking at 127 feet, if someone was just on the road, that's how high this would go and asked if that was accurate.

**Mr. Klover** said yes, but the perspective also must be considered. He would challenge anyone that's driving northbound on Cedar Creek – he doesn't believe anyone would ever see it until they reach the corner and see the restaurant.

**Commissioner Bergida** asked if the parking garages are planned to go underneath the apartments or what the plan is.

**Mr. Klover** referenced a diagram and answered there's a lower level and upper level parking decks, with residential units and a "podium" level with amenities above.

**Commissioner Bergida** asked to confirm if some of the parking is underground.

**Mr. Klover** answered all the parking would be underground with the exception of the west side, which is shielded by residences.

**Commissioner Bergida** asked how much blasting would be required and the length of time it would take.

**Mr. Klover** answered that is part of the reason for the proposed plan and the stepping of the garage - to limit as much as possible. Because of the location of the rock ledge and

the elevation of the site and surrounding neighborhoods, they hope blasting would be minimized. He continued that any blasting would have to be approved.

**Commissioner Bergida** asked to confirm that ecological studies and an impact study regarding the nearby waterfall, that those will be conducted later in the process.

**Mr. Klover** stated the engineer could speak further but the stormwater study has been reviewed and approved. Mr. Klover added he knows there are additional things needed in the future.

**Mr. Jake Hattock, Schlagel and Associates**, 14920 W. 107<sup>th</sup> Street, Lenexa, Kansas, stated the stormwater study meets all Title 17 requirements.

**Commissioner Bergida** asked Mr. Holland to confirm that if this application is denied, there would be no economic harm to the developer since the developer intends to build regardless.

**Mr. Holland** answered that's hard to quantify. The greater harm would be to the community, in its loss of the benefits this project offers. He further stated the Golden Criteria doesn't account for that measure. Mr. Holland confirmed the site already permits multi-family uses.

**Commissioner Creighton** stated he appreciated the additional information. He echoed concerns regarding the topics Commissioner Bergida mentioned, including the height, and hopes that continues to be part of the conversation.

**Mr. Holland** stated he believed earlier renditions of the plan extended one floor higher, which they changed in order to respect the residents' concerns. Regarding stormwater, City staff has reviewed it against the City's ordinances. The City's code already covers those items and the applicant's study meets those code requirements.

With no additional questions for the applicant, **Chair Janner** opened the public hearing and provided additional instructions. He confirmed each speaker would be allotted a maximum of five minutes, in accordance with the Commission's bylaws. The entire five minutes or residual time may not be ceded to another speaker.

**Commissioner Breen** called the following speakers in their turn:

**Speaker #1, David French, 10521 S. Highland Lane**, referenced the Golden Rule Criteria, and stated the proposed plan negatively affects the surrounding properties. Mr. French expressed concerns about the style, density, location, and desirability of the proposed apartment complex; it does not fit the surrounding character of Cedar Creek. He argued it would negatively affect Cedar Creek's character, views, and property value. He also mentioned a factor that is not being considered is that other apartment complexes have been approved nearby. That said, those plans in Lenexa are more aligned with Cedar Creek than tonight's proposed plans; Lenexa's plans are lower density, lower height, and mansion-style apartments in contrast to Oddo's proposed higher density,

higher height and Colorado lodge style apartments. Mr. French argued these plans were made purely from a business standpoint, to increase the height to get enough units for viability.

**Speaker #2, Stephen Morrison, 10512 S. Highland Lane**, stated it was difficult to understand how the plan tops out at 157 feet, yet is said to only be 57 feet. He expressed how the height discrepancy doesn't sit well with residents. He stated this Town Center should be based on a main street, a grid of tree-lined streets, with lower-level shops facing the sidewalk. He said only three types of residential are allowed: small single-family, attached townhomes, and upper-level floors above street shops. He mentioned the street shops are not useful to Cedar Creek residents and should be banks, post offices, and useful amenities beyond those directed to the apartment occupants. In addition, he stated it was an unreasonable extrapolation for planning staff to allow 300 units when the *Green Book* allows 3 or more dwellings/units. He expressed concerns for traffic and the entrance to Cedar Creek. He noted many characteristics of the town centers are not present in the plan including the main street, plazas, public squares, differentiating banding for each level, and setbacks.

**Speaker #3, Ted Stodolka, 10512 S. Highland Lane**, stated that he is opposed because he wants to prevent character defect, as the character starts at the entrance of Cedar Creek. He emphasized that the Commission doesn't often have this kind of response. The Change.org petition received many signatures which is a large reaction in one month. Four hundred forty-five pages of the Planning Commission packet are emails/letters sent from Cedar Creek residents, and all but about six are opposed. Mr. Stodolka stated that the correspondence is heartfelt and deserves the Commission's attention. Three hundred fifty residents recently attended the only public meeting; still, fifteen sign-up sheets were full even with little to no notice, all of which were opposed to the proposed plan. Mr. Stodolka stated the HOA is developer-controlled. He continued the HOA's survey was not fair or representative of the residents. Mr. Stodolka continued the Commission must consider arguments about the relevant Kansas laws, including the Golden Criteria. He added the Commission cannot ethically or morally ignore the residents' real concerns and should instead stand in support of the residents by rejecting the Oddo proposal.

**Speaker #4, Debra Ryan, 10212 S. Oak Manor Drive**, stated that she built her home in Cedar Creek 11 years ago because she wanted to move away from a gas station and restaurants that were near their prior home in Overland Park. She loves the beauty and wildlife in Cedar Creek. She stated residents do not want a community center in their neighborhood. When comparing to 87<sup>th</sup> Street, the Cedar Creek residents don't want a busy, bustling Red Door restaurant at their entrance. She doesn't understand why anyone wants to build commercial there because there are existing commercial buildings that are empty; they don't need more empty buildings.

**Speaker #5, Nick Payne, 26418 W. 109<sup>th</sup> Terrace**, asked where the wildlife will go. This should be a concern for all parties involved. He is opposed because his wife fell in love with Cedar Creek: the rolling hills, lake, and openness. The Cedar Creek subdivision is



about the openness and nature, not the homes. He stated if the Planning Commission allows the development to go through, it will destroy Cedar Creek. He claimed Cedar Creek is one of the best things about Olathe and asked whether there is any better subdivision. He stated regarding traffic, he agrees with previous speakers and mentioned how traffic starts backing up at K-7. He said if more apartments are built (along Woodland, in Lenexa along K-10, and K-7 apartments), there will be a big problem. He stated there will be increased crime. He said he was worried there is no way to keep new residents from using Cedar Creek amenities and that the sound buffer (trees) would be removed. He said he had created the Change.org petition and has received 1100 signatures in opposition. In closing, he played a video and said a Woods at South glen neighbor must listen to construction from 6 am – 6 pm.

**Speaker #6, Jennifer Hughes, 10824 S. Whitetail Lane**, stated Cedar Creek is unique due to the connection to nature and greenspace, which the neighborhood pays hundreds of thousands of dollars annually to maintain. Her primary concern regarding the development is the wildlife, in reference to Golden Criteria #5 (the protection of public health, safety and welfare). She mentioned how the Preserve our Neighborhood Association wrote the Planning Commission twice, seeking removal of the application. The Association strongly objected the proposal and sought delay for six months for the neighborhood to conduct a review in light of its scale and impact. She expressed concern the developer had not sought an ecological review by the Kansas Department of Wildlife and the biological survey by the Kansas Department of Fish and Game. On March 4<sup>th</sup>, the homeowners received a written response from the Department of Wildlife, which stated it was expected for the developer to reach out to the Department. She stated homeowners are concerned about the lack of environmental review. She expressed strong concern regarding the environmental health and permanent damage of the surrounding area if development were to occur. She argued the developer should be required to conduct an ecological survey, and the plan should not be considered until completed. She ended by asking to delay the case for six months for the ecological survey to be completed.

**Speaker #7, Lisa Studtmann, 10143 S. Shadow Circle**, stated she is a longtime resident of Cedar Creek. She referred to the Golden Criteria that Staff are required to follow, specifically Criteria #2, regarding suitability of uses. Ms. Studtmann stated the staff report merely mentions the rule and asserts Cedar Creek zoning is presumed as better or preferred than the current zoning. She stated we should not assume that when a development will permanently alter and harm the quality and uniqueness of Cedar Creek's entrance, parkway, and greenspace She stated that as currently zoned, the parcel is highly valuable and that C-2 fits appropriately. She continued there are five low-profile office buildings nearby which were set back into the trees to reduce visibility. She mentioned a new low-profile prairie-style building which was built two years ago that fits in with neighborhood and is a good example to emulate. Any C-2 uses could be built in this manner, naturally screened, and thus suitable. She stated the proposed project is out of scale and character with the surroundings. She referenced the original mission of Cedar Creek (*Green Book*, page 10) which was to preserve quality and unique character of Cedar Creek. Ms. Studtmann stated the staff report missed the mark by misinterpreting

the uniqueness of Cedar Creek which is ensured by the stringent architectural guidelines and parklike nature that are maintained by strict covenants and appropriate dues. She stated it is impossible to consider a massive apartment complex at the Cedar Creek entrance as they are unwanted and unoriginal. She petitioned the Commission to save the jewel in Olathe's crown by voting no.

**Speaker #10, Gaby Greener, 10550 S. Highland Lane**, stated she moved to Cedar Creek three years ago after searching all of Kansas City for a beautiful neighborhood and feels blessed to find Cedar Creek Community. She asked how the 20 feet height addition was approved for a green building. She argued the stated water and energy conservation measures are standard and should not be considered "green" items. She gave specific examples like EnergyStar appliances and air filters. She expressed concern regarding how staff recommended approval, because the green principles don't meet code for what the U.S. standards of green are.

**Speaker #11, Martin Ryan, 10212 S. Oak Manor Drive**, stated that most technical things have been covered by previous speakers, but he wanted to make these points about the traffic study. He said he drives in and out every day, and the roads get congested at certain times. One thing he likes about area is there are a lot of bike riders. There is no sidewalk and cross-country kids jog down that street all the time which would be more dangerous with more traffic. He asked if the height of the building needed to be 57-feet because of 10-foot ceilings and whether the developer could remove a story. He also said he does not believe this proposal adds any amenities to the resort-style living that most Cedar Creek residents want, and it seems any amenities are intended for the apartment occupants.

**Speaker #11, Mike Lambert, Address Unknown**, stated that he did not have much to add. He said the traffic study requires more consideration and that he is particularly concerned about K-10 congestion. Since the battery factory will be built in De Soto, there will be an accelerated increase of people on the highway, and the traffic study needs to take that factor into account.

**Speaker #11, Sandra Askey, 26235 W. 110th Terrace**, stated that much of what she had planned has already been said. She said the proposal does not fit the unique character of Cedar Creek and directly opposes some of the *Green Book* items about commercial development. Ms. Askey continued the purpose of low-lying buildings is to build them so they fit right in; this proposal is too dense, too massive and too high. She said she moved to Cedar Creek for the quiet; when they had some issues regarding noise, Tall Trellis has been wonderful and turned off their music at 9 pm. Ms. Askey asked how the developer will stop parties and enforce requirements. There is no neighborhood association for this commercial property, like there are for all the surrounding neighborhoods. Ms. Askey mentioned the Panasonic plant's higher-paid (upper management) people will want to buy a home, and others won't be able to afford to live in Cedar Creek. She would like to ask Oddo, if the site is so difficult to develop, why didn't they buy to the east where no one would see it. She stated that the proposal will lower

property values and character, and Olathe will lose what it calls the jewel of its crown. She asked the Commission to reconsider the proposal.

**Speaker #14, Debra Denavs, 10330 S. Hollis Lane**, stated she was concerned about noise pollution caused by the development as well as ambient noise after construction is finished. She is concerned the Little Learners located near the construction site will be affected. She presented information on noise limits and decibel thresholds. She said she is worried how blasting would affect nearby residents. She tested ambient noise near Tall Trellis at 58.3 decibels today at about 7:00 am. In addition to blasting concerns, she added how increased traffic, activity, the loss of mature trees, land contouring, and the nearby lakes and ponds will exacerbate the noise pollution. She stated the proposal is out of character with Cedar Creek. She requested a noise pollution independent study be conducted before the project moves forward. She concluded by urging the Commission to vote no.

**Speaker #16, Mitch Cornell, 26500 W. 106th Terrace**, stated that staff's comment about C-2 zoning was misleading. He believes in the current zoning of C-2, six residents per acre are allowed, and the pictures represented a five-story building. As it stands, six residents per acre would not constitute a five-story building. In the Cedar Creek (CC) zoning, it can be a higher structure. Also, regarding height restrictions, it has been mentioned it would be 127 to 150 feet from ground level; when Embassy Suites is visible from K-10 Highway, that's less than 150 feet. He said the question at hand isn't if developer can develop on the parcel but whether the zoning should be changed to allow him to build apartments. Mr. Cornell stated the developer said he would be fine to develop as the zoning stands. Mr. Cornell presented that the seller and the developer are on one side wanting to change the zoning; on the other side, there are 1,700 Cedar Creek homeowners with about 5,000 residents/taxpayers/voters who are opposed. Mr. Cornell asked the Commission to maintain the status quo and allow the development be built with garden-style apartments, townhouses or structures that are 6 people per acre,. Mr. Cornell presented the developer's proposal is designed so he can make a profit off apartments. The Commission needs to maintain Cedar Creek for Olathe, not for the sake of the developer. Mr. Cornell presented that the choice is either for profit or for constituents. He closed by urging the Commission not to approve the rezoning request.

**Speaker #18, Phyllis French, 10521 S. Highland Lane**, stated she has lived in Cedar Creek for a long time and lived across from the original Cedar Creek developer. She stated if he were not already passed, this high-rise apartment proposal at the entrance would have killed him. She wanted to bring up that Cedar Creek Parkway ties into Canyon Creek, which is a two-lane road. She expressed concern about nearby recently approved developments. These two developments in addition to tonight's proposed plan will increase traffic and back-ups, specifically on K-10. She explained how when she called the Johnson County Commissioner to relay this information, he was shocked that they had never looked at it like that. Ms. French said it will be a traffic nightmare and unsafe for all involved. She stated they also talked to KDOT, who doesn't plan to expand K-10 until 2040. She referenced the beautiful native Kansas environment Cedar Creek offers and would like to see it remain preserved and unchanged.

**Speaker #19, Naomi Barber, 24760 W. 103rd Terrace**, expressed concern that there is no protective wall or proverbial “moat” to keep others from using the Cedar Creek amenities. She stated Cedar Creek residents pay considerable dues to have the common places maintained. She expresses concern new residents will use Cedar Creek’s private trails and other amenities without paying dues, regardless of what measures Oddo puts in place to avoid that. Renters have no stake in maintaining the amenities. She ended by stating hotel guests would be better than renters for that area.

**Speaker #20, Kimberly Stumpf, 10107 S. Shadow Circle**, stated her primary concerns are traffic issues. She referenced her handout and explained there are two entrances to Cedar Creek: the south side of K-10 and the west side of K-7. There is a 600-unit Oddo apartment project, with restaurants, retail outlets, an elder facility and a gas station in Lenexa located on the north side of K-10,. Tonight’s proposal would be on the south side of that same K-10 interchange. She stated no one is considering the impact of multiple large projects around multiple sides of one interchange. She referenced other developments including apartments near K-7 and College Boulevard and the Honeywell expansion. She expressed how Amazon and other retail and food deliveries, trash services, and patrons will affect traffic. A daycare center at Valley Parkway and Cedar Creek Parkway also has parent drop-off/pick-up at peak traffic times. She is concerned the entrances of Cedar Creek will be affected by construction at the same time and this was not accounted for by Oddo’s traffic study. With additional retail, workers, etc, there will be bottlenecks and traffic jams and damaged quality of life for the Cedar Creek residents. She requested a comprehensive traffic project be conducted.

**Speaker #23, Michael Peck, 26261 W. 108th Street**, stated that he has nothing new to add. If the Planning Commission cannot recognize the brilliance of this group then he cannot add to it. He stated that residents were described as “animated” at the neighborhood meeting, but he said it is instead passion and caring. On behalf of his family, the neighbors, and the wildlife, he opposes this project.

**Speaker #25, John Duggan, 9101 W. 110<sup>th</sup> Street, Overland Park**, stated that he is a current developer of Cedar Creek. He stated he and Ron Mather have run the daily operations for the last 18 years, so he has an intimate knowledge of the project, the *Green Book*, and what’s been codified into the overlay district. He stated that regardless of the zoning, the development must comply with mandates of the *Green Book*. His primary objection is the site plan does not comply with the *Green Book*, regardless of what staff says. He stated his main concern is the proposed apartment complex would be highly visible at the subdivision entrance. He stated the decks will be visible from the parkway and a high-end complex on College Boulevard with drapes, plants, flags, and Christmas lights visible on the decks. He quoted the *Green Book* and said Cedar Creek’s amenities begin at the entrance. He continued that every city in the metro would love that entrance in their city and love to have an opportunity to preserve that entrance. He provided a handout and referenced page 3 where he critiqued the site plan. Mr. Duggan stated the site plan is misleading as it suggests you won’t see the buildings because the buildings are screened by a new restaurant. If the restaurant isn’t built, the garage will be what drivers see from the intersection. Through informal meetings, Mr. Duggan asked the

developer to move the building over; put the spine away from Cedar Creek Parkway. Mr. Duggan stated the developer told him this is a tricky site as it would require a lot of dirt and rock excavation. Mr. Duggan stated that's what working in Cedar Creek requires – chipping rock, moving streets, reducing densities to comply with the overlay district and preserve trees. Mr. Duggan stated he wants a better site plan for this site and asked the Commission to require the developer to comply with *Green Book*.

**Speaker #26, Larry Louk, 26625 W. 103<sup>rd</sup> Street**, stated he is president of the Cedar Creek Services Corporation which oversees the maintenance of the amenities (trails, pool, lake, ponds, etc.) in Cedar Creek. He expressed concern over the new apartment residents using the Cedar Creek amenities. The Corporation has had some discussions with Mr. Oddo, who said they could include a lease provision. However, Mr. Louk said that will not prevent people from walking out their apartment door and putting a fishing line in their lake. He mentioned concerns about the Zebra mussels. Although some residents have said the Board is developer-controlled, he stated most of the board members are residents. There are two other HOA's: Cedar Creek Village I and Cedar Creek Village II. The members on both those HOA's are elected by neighborhood representatives who are in turn elected by the residents in their neighborhood. He wanted to state not all the boards are developer-controlled. He wanted staff to comment on how the CC zoning is better for Cedar Creek and the site than C-2 zoning. Mr. Louk said we feel C-2 zoning is inferior. It doesn't provide us with as many safeguards with respect to the development itself. It's the Board's understanding that the developer can have as many apartments under C-2, as they could have under CC zoning. With all that said, he stated if apartments must be on this tract which they'd prefer the tract not be developed, but if they must be, the Board doesn't want to see them from the entrance or otherwise. The Board prefers CC zoning and a site plan where the apartments are not visible.

**Speaker #27, Ann Horner, 26991 W 108<sup>th</sup> Street**, stated Staff has done their work and the plan meets the "green eye-shade" test and meets the requirements. She stated she sat on the Planning Commission a number of years ago but doesn't recall ever seeing a full room like this. She wanted to add her voice to chorus of Cedar Creek residents stating how much they love their community and Olathe. She asked the City of Olathe to do right by them and not approve the plan. Ms. Horner stated this parcel has always been planned for development. The site has sat vacant and pristine for 40 years, so the thought of something else here is incomprehensible. Still, she stated she believes development could be done much better than the proposed plan, with much less impact. However, the one good thing from this proposal is it has brought what was a disagreeable community of people, together as a unified group.

**Speaker #28, Scott Beeler, 5250 W. 116<sup>th</sup> Place, Suite 400, Leawood**, stated he is representing a legally organized group called "Preserve Our Neighborhood" [PON]. He expressed how the development is too much, too big, and too fast. He wanted it noted for the record that he asked for additional time to represent a very large group of people, but his request was denied. He referenced a previous conversation with former Mayor Mike Copeland, who talked to Mr. Beeler about the importance of the view and gateways to Olathe and the reputation of this community. This development would jeopardize that with

this development. He argued the height of the building is over 50 yards straight up from the parkway, which doesn't align with the *Green Book*. The term "uniqueness" is used innumerable to describe Cedar Creek. The entrance is a valuable part of Cedar Creek. This proposed plan doesn't line up with the integrity of the *Green Book*, nor the ideals of the City of Olathe. In closing, he stated there is no encompassing traffic study involving K-10 and the surrounding new developments, no environmental/wildlife impact study, and no noise study. He noted there are currently no multi-family developments in the 17 existing subdistricts of Cedar Creek. With reference to Mr. Holland's statement that they can build multi-family right now, Mr. Beeler said they cannot – unless they build it on top of retail. This is an attempt to shoehorn a six-story, 300-unit apartment complex into a zoning category that would not allow it today.

**Speaker #29, Amanda Anderson, 10185 S. Northlake Avenue**, stated that her home lines up with the north edge of the apartment complex and is within the 400 feet of the development. She is a Professional Engineer, licensed in Kansas, and a Professional Traffic Operations Engineer. Purely from a land use and traffic perspective, she asked for the Planning Commission to approve the CC overlay. She stated that residential does not generate nearly as much traffic as commercial development. She said under the current zoning that creates more traffic than what is being proposed. She reviewed the traffic impact study; Ms. Anderson said it's very reasonable and what you would expect for this type of development. She continued the study followed the correct standards and process. She stated in looking at the traffic numbers, it cited ~300 vehicles per hour during the "p.m." peak hours which is a conservative estimate. The next table in the report demonstrated "inner use": The people who live there may use the restaurant so that reduces the number of trips through the intersection. That table showed around 200 trips generated in the "p.m." peak hour. That equates to just over 3 trips per minute through the intersection. Ms. Anderson would support the CC overlay. She also wanted to commend staff for recommending against a high turnover fast-food drive-through and stated a Chick-Fil-A can create as much traffic as the entire proposed development in a peak hour. She thought staff's prohibition against fast-food drive throughs was a fantastic addition. She continued that she does not want a truck stop or gas station in her back yard. She asked Planning Commission to seriously consider the CC Overlay.

**Speaker #30, Matt Volz, 10185 S. Northlake Avenue**, stated that he is also a Licensed Professional Engineer in Kansas. He lives in the Northlake Ridge neighborhood and within 500 feet of the proposed development. The view out his back yard is across Cedar Creek Parkway, and they will see what goes on at the site and hear the construction. He stated no one wants apartments, but the land has been zoned for commercial development for a long time. He would like residential but knows that is not going to happen because it is zoned for commercial mixed-use development right now. He would like to see development happen in a collaborative, cooperative manner with the residents. He would like the aesthetics to match with Cedar Creek. The Cedar Creek Overlay, the preferred overlay of the Cedar Creek Neighborhood, would best afford them that best opportunity. He said they want to work with developers. He stated he knows development is going to happen, so he would prefer the Planning Commission supports the Cedar Creek (CC) overlay.

**Commissioner Breen** called for any final speakers who had not yet spoken.

With no further speakers, **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 Brown**. The motion passed by a vote of 7 to 0.

**Chair Janner** opened the discussion among the Commissioners.

**Commissioner Creighton** asked staff to comment on the unique nature and ecology, and whether the developer is required to work with KDHE (Kansas Dept. of Health and Environment) to assess environmental impacts.

**Mr. Love** stated at this time, the applicant is requesting to rezone property and from his understanding, there has not been an application made to the State. Mr. Love continued that is a process the applicant will do, but it comes at a later phase. Mr. Love offered to provide more details if the Commission would like that. Mr. Love stated the applicant would need an approved study to go forward with building permits and construction.

**Chair Janner** asked where in the process does that occur, and asked if it occurs during final platting.

**Mr. Love** said the applicant could potentially start at that time. They have to give notice of intent to the State, which then triggers multiple agencies' approvals. In summary, it has to happen before the applicant can start moving dirt on site.

**Commissioner Bergida** asked for a five-minute recess which was granted by **Chair Janner**.

**Chair Janner** resumed the meeting after the recess.

**Commissioner Bergida** thanked his fellow commissioners for the time spent reviewing this application in addition to thanking staff and the residents for their contributions. He continued that he spent about 20 hours reviewing materials over the weekend. Commissioner Bergida stated that one of the goals of the Comprehensive Plan is more resident input, which he acknowledged tonight. Commissioner Bergida stated he noticed the goals and intent of the *Green Book*. He asked staff how this rezoning would preserve the quality and unique character of Cedar Creek.

**Mr. Jurey** answered the *Green Book* lays out the vision of Cedar Creek: what it does and should look like and the general character of Cedar Creek. A lot of Cedar Creek exists as a suburban, open-space-centric development. Those are clear in the *Green Book*. The *Green Book* is also clear that it does want to see a more urban Town Center at a couple of key location.

**Commissioner Bergida** asked if this was a correct restatement: The argument is that this is what Cedar Creek has been in the past, but because this is in the Plan and this application fits with the Plan, that's why there's the recommendation for approval.

**Mr. Jurey** answered the quality of this development and how it fits into the uniqueness of providing a Town Center for Cedar Creek are some of the reasons that staff recommends approval.

**Commissioner Bergida** stated a number of the residents have brought up a concern regarding Town Centers. Commissioner Bergida asked staff to walk him through how this particular proposed development is a Town Center.

**Mr. Jurey** showed a Town Center illustration and definition from the *Green Book* and explained that buildings are pulled up to the street for the pedestrian orientation of the development, with parking to the rear of the site behind the buildings and away from the public street view with some ground or structured parking as well. He continued that the applicant is providing some open space between the commercial buildings, which will be fine-tuned as they find end-users for those commercial spaces.

**Commissioner Bergida** asked Mr. Jurey for further clarification.

**Mr. Jurey** answered the 'Main Street' area is largely the townhomes flanking the main entrance, as well as some commercial area leading up into the ground floor commercial and the apartments that lead up into the main commercial area. Also, the commercial buildings on the north side flank Valley Parkway and are pulled up to provide a pedestrian-oriented sidewalk along Valley Parkway as well.

**Commissioner Bergida** asked Mr. Jurey to show with his screen annotator, to demonstrate exactly where he was referencing for clarity.

**Mr. Jurey** demonstrated the previously mentioned items on the screen.

**Commissioner Bergida** asked whether there were two main streets: The street on Valley Parkway, and the L-shaped entrance on the western side.

**Mr. Jurey** answered yes, the applicant is providing elements of the 'main street' at both those locations.

**Commissioner Bergida** clarified they're providing elements of the 'main street' though not what people would traditionally think of as a Main Street.

**Mr. Jurey** answered, in terms of the size of this property, providing a whole full blown Main Street that you'd find in any small-town America would be pretty difficult.

**Commissioner Bergida** referenced it would be something like Lenexa City Center, where there is a main "drag."



**Ms. Kim Hollingsworth, Planning Development Manager,** added the 'Main Street' would be the main entrance into the site. It is key that the buildings are pushed up. Then, the development aligns with all the standards outlined in the overlay district for Town Center setbacks and street frontage. For items where it aligns near the street frontage, Nathan's detailing other areas where buildings are pulled up to the street. But the key is that there is the main entrance into the development which has almost an L shape, because then you move along the main apartment building and have further commercial and buildings pulled up to the street.

**Commissioner Bergida** stated a desire of the *Green Book*, was to have a variety of housing. He quoted from a goal of the *Green Book*: "Will accommodate different housing types and sizes without altering neighborhood character." It seemed at one point staff was saying this plan does not fit along with the current character. How does this project not alter the character of Cedar Creek?

**Mr. Jurey** answered that in his staff report, he outlined this is clearly a different character. The Cedar Creek Area Plan contemplated that issue over the course of four years. When Council adopted the plan in 2012, the Town Center development was envisioned as a distinctly and intentionally different character that can coexist with the suburban character of Cedar Creek as well.

**Commissioner Bergida** asked about the height exception request to the 50 foot limit in a Town Center. He stated while he appreciated the efforts to be more green, page 26 of the *Green Book* stated the goal is to encourage LEED certification. Since the applicant has stated that is not their intent, Commissioner Bergida asked why the Commission would still grant that exception if that is not the applicant's intent.

**Mr. Jurey** acknowledged the *Green Book* mentions LEED certification as one of the things it would encourage in the plan. However, the written standards that were codified state they need to consider the 'green principles' as outlined in the plan.

**Commissioner Bergida** asked to confirm that what Mr. Jurey said was even if the applicant isn't intending to do the LEED certification as the *Green Book* outlines as the goal, that still is, could be, or may be a reason to give them the exception.

**Mr. Jurey** confirmed, it may be a reason.

**Commissioner Bergida** referenced conversations over the last year regarding the goals of the Comprehensive Plan when it comes to a particular project. He stated he reviewed goals of the Comprehensive Plan and some, this definitely fits into, but there were some as well that he requested staff's feedback. He continued that LUCC 7.5 Community Image says respect unique community, neighborhood identities, settings and histories. Commissioner Bergida asked whether this development complies with that goal from the Comprehensive Plan.

**Mr. Jurey** answered the Cedar Creek area plan considered that and the potential for the Town Center at this location. The Cedar Creek area plan took that into consideration, yes.

**Ms. Hollingsworth, Planning Development Manager**, added that the Cedar Creek Plan sets the vision and image for Cedar Creek and then codifies development standards that staff uses to evaluate proposals. In staff's evaluation, staff uses the development standards like staff does for any development, and evaluates the project against those codified standards. The Cedar Creek plan has a lot of visioning language in the beginning section of it, which sets the image, and then the codified language is what staff uses to evaluate the project.

**Commissioner Bergida** said that makes sense. He further said what he was getting at is staff listed a number of different ways that this applied to the Comprehensive Plan within the rationale. But he continued he had identified about nine (9) different items where he wasn't sure the proposal does align with the Comprehensive Plan. Commissioner Bergida asked for the rationale for why staff chose the goals they did and whether it was based on the Cedar Creek Plan, which supports the rezoning of this application as opposed to using five of the other ones.

**Ms. Hollingsworth** asked Commissioner Bergida to confirm whether he was asking, why did staff pick the five that were placed into the staff report as justifying the first golden criteria. Commissioner Bergida confirmed that was his question.

**Ms. Hollingsworth** answered that though staff has whole list of all those policies, which staff reviews with every application, and staff provides the strongest, most closely related policies. The most critical policy is that the proposal aligns directly with the Comprehensive Plan itself which calls for Cedar Creek Mixed-Use. Then we add in other policies that support that it aligns with Cedar Creek, specifically Mixed-Use on this property.

**Commissioner Bergida** continued by quoting "LUCC 8.1 Mixture of complementary land uses. Encourage, enable a mixture of complementary land uses and major new developments in existing neighborhoods. A mixture of land use types, housing sizes and lot sizes may be possible if properly planned and respectful of neighborhood character" and it continues about compatibility. Commissioner Bergida asked staff to confirm whether they are saying, 'Because we're talking about the neighborhood character here, that yes we want to offer this diversity of options as long as it fits within the character of the community.'

**Ms. Hollingsworth** further explained the Comprehensive Plan does have that policy that he described. Then next, in the Cedar Creek Plan, it does reference that there is an existing character to Cedar Creek. However, there is a "but" statement which says, 'but it's introducing a *new* character by adoption of this [Cedar Creek Area] plan, that is also incorporated into *PlanOlathe*. She quoted from *PlanOlathe*: "The plan adopts and codifies new development patterns for Cedar Creek with more allowances for non-residential and mixed-use." Ms. Hollingsworth continued that it is in contrast to some of the surrounding character, however, directly in line with what the [Cedar Creek Area] Plan adopted in 2012 and then further was adopted and incorporated into the *PlanOlathe* Comprehensive Plan.

**Commissioner Bergida** summarized, staff is saying it does change the character of the community, but this is a planned change. This is why staff provided supporting documentation for “change” as opposed to the policies of the comprehensive plan that support continuity of the character of the neighborhood. He asked staff to confirm.

**Ms. Hollingsworth** clarified the Plan provided that this is a new element and new district being introduced - the Mixed-Use Town Center - into the [Cedar Creek Area] Plan’s adoption in 2012. Thus, staff used that component as the key analysis for this rezoning proposal.

**Commissioner Bergida** stated someone mentioned the property was vacant for 35 years. He asked the reason for the long term of vacancy and how the developer came to acquire the property.

**Mr. Curt Holland** answered he could not answer definitely for the 35 years the property was undeveloped. He could guess it was the market. There is much undeveloped C-2 ground still available to be developed. Along the highway and at the gateway entrance to Cedar Creek, there is C-2 on both sides, so there’s a lot of undeveloped C-2 land in that area. To the east side of Cedar Creek Parkway, that land was designated for non-commercial uses for about 40 years. With the exception of a few buildings that have been developed, that land is largely undeveloped. In summary, he could not provide exactly why the market has not required commercial uses for the period it’s been zoned as C-2.

Mr. Holland continued, regarding the owner’s acquisition of the property, they reviewed sites across this region to determine where they could build a project like this. This property was chosen as a prime location because C-2 already allows for multi-family. The request to rezone to Cedar Creek (CC) zoning was a recommendation by the staff, though applicant agreed CC would provide a better plan, but the site itself was zoned for this particular use.

**Commissioner Bergida** asked if the property was recently put on the market and whether it was acquired by private or public transaction and whether the conditions of the sale were known to Mr. Holland.

**Mr. Holland** answered he doesn’t know that that makes any difference to this. However, he confirmed it was recently acquired. Mr. Oddo now owns the property, and it was an arms-length transaction with the seller (previous owner) of the property like any other land transaction.

**Commissioner Bergida** stated he was trying to get to whether this land was held as an investment and it was only recently put on the market for development, or whether this property has been trying to be developed for 35 years and nothing has occurred.

**Chair Janner** interjected that the discussion was getting beyond the purview of the Commission’s specific issue.

**Commissioner Bergida** said he had one more question. Regarding the HOA's concerns that apartment residents could utilize the trails, etc, Commissioner Bergida inquired whether there was a plan for the apartment complex to pay fees or otherwise contribute to the maintenance of the area. He continued the existing community has made a large investment to keep the area in its current condition.

**Mr. Holland** answered there has been some discussion, but not in great detail. He further admitted they cannot prevent people from walking on a sidewalk. However, the proposed plan offers amenities on the property. He cannot state whether apartment residents will walk on Cedar Creek's trails or fish in the lake, but they will do everything they can to prevent that. Mr. Holland said they will provide plenty of notice, write it into leases, and do what they can to protect against that. Mr. Holland continued there would be many amenities on site already. He continued the retail area would be open to the public and not solely for the residents.

**Commissioner Brown** asked staff, regarding the slide with the definition of a Town Center, where that definition originated.

**Mr. Jurey** answered the definition comes from the 2012 adopted Cedar Creek Area Plan.

**Commissioner Brown** asked whether it was a generic definition, specific to this plan, specific to Olathe, to the American Planning Association, etc. He asked where the definition came from.

**Mr. Jurey** answered the definition was specific to the Area Plan.

**Commissioner Brown** referenced another slide Mr. Jurey had used of a side-by-side of the C-2 versus the CC zoning and asked that slide to be shown again. [Mr. Jurey did so.] Commissioner Brown asked, under the C-2 category that said "big box retail store" whether that could be for example, a Home Depot.

**Mr. Jurey** answered yes. He explained the CC District limits retail sales and retail businesses up to a maximum of 50,000 square feet. A typical big box store is approximately 100,000 square foot. For comparison, a grocery store would generally be 40-50,000 square foot. In conclusion, a Home Depot would not be able to go in there, in the CC District zoning.

**Commissioner Brown** clarified that he wanted to know whether a Home Depot would be allowed in the C-2 zoning.

**Mr. Jurey** confirmed it would be allowed in the C-2 zoning.

**Commissioner Brown** then referenced a map with the rest of the C-2 District and whether it was reasonable to assume one day those properties could also be rezoned to CC zoning. He acknowledged Mr. Jurey would have to project the future to answer. He clarified his question is whether other developers could decide to also rezone to CC zoning.

**Mr. Jurey** asked whether Commissioner Brown was asking about the areas to the north along K-10, and Commissioner Brown confirmed.

**Mr. Jurey** answered any developer has the right to develop under their existing zoning district - same as this property in question. However, staff would recommend rezoning to the CC District because that is the recommendation of the CC [Cedar Creek Area] Plan.

**Commissioner Brown** asked regarding tonight's property, whether a five-story hotel would be allowed.

**Mr. Jurey** confirmed that would be an allowed use under the C-2 zoning.

**Commissioner Terrones** stated first he had a point of clarification: The Commissioners received the number of handouts during tonight's meeting. He asked whether the handouts were new data.

**Ms. Hollingsworth** answered the handouts were additional correspondence received from residents or speakers that had planned a presentation. The handouts are being added in for the record. Each Commissioner was provided a copy, and staff additionally has a copy which will put into the record and go to the City Council.

**Commissioner Terrones** stated he understood it was not new information.

**Ms. Hollingsworth** provided that some information received tonight was new information. She continued, staff had passed along all correspondence that they received up until tonight's meeting. Then anything additionally the Commissioners received during this meeting, staff placed in front of the Commissioners and retained a copy. She stated there could be new information in front of the Commissioners, which was received from residents this evening.

**Commissioner Terrones** stated, regardless of the Commission's vote tonight, before the application proceeds to the City Council, whether there would be any consideration of having a wildlife study or noise study conducted.

**Ms. Hollingsworth** answered that is not the typical process. Staff follows a typical development process for every project. Those considerations come much later because plans get more refined as they move through the process which provides more opportunity to give that more refined information to those agencies which review it. Ms. Hollingsworth stated staff recommends following the normal process.

**Commissioner Terrones** referenced many of the residents' comments with concern for their property values. Commissioner Terrones acknowledged the staff report stated they are not in receipt of any information that would impact property values. Regardless of the Commission's vote, before this application proceeds to the City Council, he asked whether it would be possible to provide some sort of study to either support or not support that for the Councilmembers to consider regarding the impact on property values.

**Ms. Hollingsworth** answered that a study is not something that staff would conduct. The applicant could choose to provide that information. Staff does not have any information that would show any negative impacts on property values.

**Commissioner Brown** referenced a slide on the screen. He stated Mr. Jurey was showing on the northwest corner, that is already zoned CC. He asked staff whether it was safe to assume that property used to be zoned C-2.

**Mr. Jurey** answered he didn't recall the exact previous zoning, but the property was zoned to CC in the last four years or so.

**Commissioner Brown** asked the reason why it was rezoned.

**Mr. Jurey** answered it was rezoned, he believed, to allow residential development.

**Ms. Hollingsworth** added according to her memory, the property was zoned C-2, which was rezoned for villa-type attached units.

**Chair Janner** requested clarification for the record. He stated there were vastly different statements of the height and how it's measured.

**Mr. Jurey** answered that the CC District calculates building height from the front door. He referenced a slide diagram: the plan shows the "front door" as the entrance at the northeast corner of the ground floor commercial area and to the highest point of the roof is 57.3 feet. Mr. Jurey added that the distance from the ground to the roof on the west side facing Cedar Creek is 82 feet. He stated people have referenced a 150-foot tall building, which he believed might be calculated from the road, Cedar Creek Parkway, itself rather than from the grade at the building foundation.

**Mr. Klover** added that "50 yards" was another term that was used, which is 150 feet. He continued that the confusion stemmed in that when architects create drawings, architects set the bases at "100," so there's a baseline of 100 to accommodate for basements, downhill grades, etc. The building goes up 57 feet. Mr. Klover said a gentleman sent a drawing, saying it's 100 foot plus 57 feet, so therefore it's 157 feet tall. However, that's not accurate.

Mr. Klover continued, the ordinances, as Mr. Jurey said, directs to calculate at the front door. This is on a hill going down. He added the garages are going to be approximately 20 feet tall with the 2 levels, which are also down the hill as well. In summary, Mr. Klover stated he believed the confusion was the 100-foot base. There was a markup from one of the residents who believed the building was 157 feet tall, but that's not the case.

**Commissioner Breen** requested staff provide clarification regarding density per acre pertaining to C-2 versus CC zoning.

**Mr. Jurey** referenced another slide. He stated that vertical mixed-use would be allowed in the C-2 District. The C-2 District does not have a maximum density allowance. Instead,

density is restricted by building height and required parking. For example, in a hotel, there are not any restrictions on the number of hotel rooms, but there would be a restriction based on height of the hotel and parking that is needed to accommodate that hotel.

**Commissioner Bergida** stated there seemed to be confusion regarding the mixed-use development and whether the entire first floor had to be commercial. He asked staff to first confirm the definition of mixed-use development. Further, Commissioner Bergida noticed it appears the first floor is not all commercial and asked staff to comment.

**Mr. Jurey** answered that C-2 zoning allows ‘vertical mixed-use,’ which is defined as residential over storefronts. The proposed apartment (multi-family) building does not meet that currently. Mr. Jurey confirmed that if the C-2 zoning remained, the applicant would have to return to the drawing board.

With no additional questions, **Chair Janner** stated the challenging and frustrating part is we will walk away tonight with a lot of unanswered questions. He continued that the City Council would need to look very closely at this – whether that means further studies, the use of the land, etc. Chair Janner followed with concluding remarks.

Chair Janner continued this is not the last step. The Commission will vote. Chair Janner said he wanted to restate the Commission’s vote tonight is to change C-2 to CC, and that is the one item that we’re voting on tonight for that motion. He stated he would entertain a motion for that vote.

**Commissioner Creighton** requested to make a comment. He stated that at the very beginning, he had stated he does not like what he calls “downzoning” from a more intense use. He continued that he understands the residents’ concern, and he is backing down on wanting to keep this property as C-2 because of the potential uses. This could be, if properly done, a more restrictive use. As the Planning Commission, the body has to look at the legal and the unified development ordinances. That said, Commissioner Creighton stated he sees this as two-steps: 1) The rezoning and 2) the preliminary plan.

Commissioner Creighton continued that he believed this plan meets the CC District requirements. However, he believed the parties could do better regarding the building height.

**Commissioner Bergida** interjected that if Commissioner Creighton were to move to amend that stipulation regarding the height, Commissioner Bergida would second that motion. Commissioner Bergida continued, referencing Commissioner Terrones’ and Chair Janner’s comments, he noted there were still many questions. Though it is not the traditional path, Commissioner Bergida stated he would entertain tabling this application until a K-10 traffic study, noise study, and ecological study were completed. If others want to add a property valuation also, he would consider it though it might pose an additional burden. If other Commissioners were amenable to tabling until those three studies come in, Commissioner Bergida stated he would make a motion to that end.

**Commissioner Creighton** answered he would not be willing to accept that. Commissioner Creighton stated everyone has had a chance to say something and now he believed the Commission needed to get this to the City Council. He continued, from what he understood from engineering staff earlier, that at some point down the road, if this is approved at the City Council level, those things will be required. He asked Ms. Hollingsworth whether that is correct.

**Ms. Hollingsworth** confirmed and stated the development cannot proceed unless the environmental studies and any further studies that are part of the typical development process have been performed before there's a shovel in the ground.

**Commissioner Breen** agreed and stated he didn't believe a motion to table the item was necessary. Those processes are put in place and are well-monitored. He stated that road would be crossed when it was time.

**Chair Janner** asked if Commissioner Breen was willing to make a motion.

**Commissioner Breen** confirmed he was. He stated he recommended a motion to approve RZ24-0003 as stipulated by staff. That motion was seconded by **Commissioner Creighton**.

**Chair Janner** called for a roll call vote.

Ms. Gourley called for votes.

Before his deciding vote, **Chair Janner** stated he has struggled with this, but he believed CC was still a better option than C-2, so he voted yes.

The motion passed 4 to 3 as follows:

- A. Staff recommends approval of the rezoning with the following stipulations.
  1. The *Drive-In / Drive-Through Facility* use as defined by the Cedar Creek Area Plan is prohibited.
  2. Residential density is limited to a maximum of 22 dwelling units per acre.
  3. Sign standards will be determined with final site development plans or through a comprehensive sign package.
  
- B. Staff recommends approval of the preliminary site development plan with the following stipulations:
  1. Prior to final certificate of occupancy for the multifamily building, a building permit must be issued for at least one (1) standalone commercial building.
  2. The multifamily building is limited to a maximum of 58-feet in height as measured according to the Cedar Creek Area Plan standards and must be



constructed using the green principles outlined in the Building Height Modulation Request Letter submitted by Klover Architects dated March 7, 2024.

3. The multifamily building must maintain a minimum of 3,500 sq. ft. of commercial space that is open to the public, not to include the leasing office and not for the exclusive use of residents or tenants of the development.
4. Installation of standard orange construction fencing must be installed around all tree preservation areas and maintained throughout the course of development.
5. 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.



## **MINUTES – Opening Remarks**

### **Planning Commission Meeting: March 25, 2024**

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

*Recited Pledge of Allegiance.*

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

**Chair Janner** then referenced the Planning Commission Consent Agenda, which includes two items. Chair Janner asked if any items need to be removed for separate discussion or additional information. Seeing none, Chair Janner asked for a motion on the consent agenda.

A motion to approve MN24-0311, Planning Commission meeting minutes of March 11, 2024, was made by **Commissioner Breen** and seconded by **Commissioner Chapman**.

Before the vote, **Commissioner Bergida** interjected he had a point of inquiry. Chair Janner had stated there were two items on the consent agenda. Commissioner Bergida asked if those were Items B and C, as the Commission has not received Item A.

**Chair Janner** thanked Commissioner Bergida. He stated there is an abbreviated form of the March 11<sup>th</sup> minutes that are available, but the final version is still in process as it was a long meeting.

**Ms. Kim Hollingsworth, Planning and Development Manager**, corrected that there were other minutes from the March 11, 2024 agenda [*Opening Remarks, PR24-0002, and Closing Remarks*], which were included in tonight's packet. Only the minutes for the public hearing item [*RZ24-0003*] were excluded. Staff would prefer the March 11, 2024 minutes that were provided in the packet be approved tonight.

**Chair Janner** acknowledged. He asked if any other discussion was required. With none, he took a voice vote. The motion passed 9 to 0.



## MINUTES

### Planning Commission Meeting: March 25, 2024

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<b>Application:</b>	<b><u>MP24-0007:</u></b> Request for approval of a minor plat of Ranch Villas at Prairie Haven, Lot 34, containing four (4) lots on approximately 0.28 acres, located at 21722 W. 120th Court.
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A motion to approve MP24-0007 was made by **Commissioner Breen** and seconded by **Commissioner Chapman**. The motion passed with a vote of 9 to 0 with no stipulations.



## MINUTES

### Planning Commission Meeting: March 25, 2024

<b>Application:</b>	<b><u>FP24-0003:</u></b> Request for approval of a final plat for Enclave at Boulder Creek, containing 40 lots on approximately 8.42 acres, located southwest of W. 167th Street and S. Mur-Len Road.
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A motion to approve FP24-0003 as stipulated was made by **Commissioner Breen** and seconded by **Commissioner Chapman**. The motion passed with a vote of 9 to 0 with the following stipulations:

1. A waiver is granted from UDO 18.20.080.b to reduce the side yard setback from 7 feet to 5 feet and reduce the minimum lot width from 60 feet to 50 feet for lots 1 to 34, as shown on the final plat dated February 2, 2024.
2. A modification is granted to reduce, the rear yard setback 75 feet to 20 feet, for lots 35 to 40, as shown on the final plat dated February 2, 2024.
3. Homes constructed on lots less than 7,200 square feet in size are subject to the building design standards for single-family homes per UDO 18.15.020.G.2.



## MINUTES

### Planning Commission Meeting: March 25, 2024

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<b>Application:</b>	<b><u>RZ24-0004:</u></b> Request for approval of a rezoning from the CTY R-1A (County Residential), CTY CP-3 (County Commercial), and CTY A (County Agricultural) Districts to the BP (Business Park) District and a preliminary site development plan for Atmos Energy Service and Training Center on approximately 20.17 acres; located southeast of S. Valley Parkway and W. 105th Street.
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A motion to continue RZ24-0004 to a future Planning Commission meeting was made by **Commissioner Bergida** and seconded by **Commissioner Breen**.

The motion passed with a vote of 9 to 0.



## MINUTES

### Planning Commission Meeting: March 25, 2024

<b>Application:</b>	<b><u>RZ23-0009</u>:</b> Request for approval of a rezoning from the CTY RUR (County Rural) District to the M-2 (General Industrial) District and a preliminary site development plan for Intermodal Industrial Park on approximately 186.22 acres; located north of W. 175th Street and east of Clare Road.
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**Ms. Jessica Schuller, Senior Planner**, presented RZ23-0009, a request to approve a rezoning to the M-2 (General Industrial) District and a preliminary site development plan for eight speculative buildings on 186 acres. The property is located east of Clare Road and north of 175<sup>th</sup> Street. It was annexed to the City of Olathe in August 2022. The Coca-Cola bottling facility, currently under construction, is located east of the site. To the northeast is the Lone Elm Commerce Center. Land to the west and south are part of the City of Gardner. The site is surrounded on the north and east by M-2 (General Industrial) and BP (Business Park) zoning. Surrounding uses include approved warehousing, a bottling works facility, and other industrial uses. The applicant has proposed to rezone to M-2 to match surrounding uses. Staff analyzed the approximately 80 uses allowed by right in M-2, against the appropriateness of this location. Staff recommends that five uses be prohibited, because of high visibility from the high-traffic roadways and incompatibility with future anticipated commercial development. The applicant is amenable to the list of prohibited uses.

PlanOlathe's Future Land Use map designates this area as an industrial area. The rezoning request also aligns with several goals and policies of PlanOlathe, by diversifying the employment base, creating distinct employment districts and concentrating truck traffic in accessible locations to the interstate highway.

Ms. Schuller presented the preliminary site development plan for Intermodal Industrial Park. There are eight proposed industrial buildings. New public roadways will be constructed with this project. Ms. Schuller demonstrated where the public roadway would be constructed, as well as two future stoplights on Gleason and Clare Roads, will be constructed when traffic volume warrants. The central access point at 175<sup>th</sup> Street will be right in/right out only; additional turn lanes will be required on Clare Road. Ms. Schuller added the site will be phased: The first phase will include Buildings 1, 4, and 5 (nearest Clare Road). Building 8 (to the north) is scheduled to be constructed last. Ms. Schuller presented the landscape plan, which meets City requirements with buffers, foundation

landscaping, parking lot trees, and evergreen plantings to screen from the interstate and 175<sup>th</sup> Street.

Ms. Schuller presented the speculative building elevations and renderings, stating they will have a consistent theme and style. The buildings meet UDO requirements for articulation and materials except for the primary facades that contain truck courts. The applicant has requested waivers to the glass percentage and horizontal articulation.

Ms. Schuller detailed the two architectural waiver requests for facades containing truck courts: The first waiver request is to reduce the minimum glass on the first floor primary facades from 15% to 8% glass. The second waiver request is to waive the horizontal articulation, which is required every 100 feet of façade width.. The applicant has offered enhanced building design and landscape screening in exchange for the waiver. Staff supports both waivers.

Ms. Schuller detailed a landscape waiver request: The applicant requests a 20-foot landscaped area with a minimum 3-foot-tall landscape berm in lieu of the required fence or wall. Staff supports this alternative design, especially considering the right of way along Interstate 35 is fairly wide and provides greater visual distance between the edge of pavement and the site.

Staff recommends approval of the rezoning with stipulations. Staff recommended approval of the preliminary site development plan with stipulations.

**Commissioner Corcoran** asked if Ms. Schuller could comment regarding the consistency of this request compared to others for industrial buildings. **Ms. Schuller** answered the horizontal and glass waiver requests are fairly common in industrial buildings, which is typically when docks face a public street. If it's not on a primary facade, it's not typically an issue. On this site, there are irregularly shaped lots, which causes the building orientation to be different, creating these rather typical requests.

**Commissioner Creighton** asked for clarification about the access from 175<sup>th</sup> Street. He stated he had spoken with staff earlier and recognizes the Commission's role isn't to plan roadway improvements. However, regarding this particular site, where KDOT, Johnson County, Gardner, and Olathe all converge here, that will take time for roadway improvements to be pulled together. Commissioner Creighton asked staff whether they believe the length of right in/right out lanes will be sufficient for smooth traffic, even if the overall road improvements take a while or stoplights are installed. He added, if staff finds there are additional lengths needed, whether there is adequate space to widen those lanes.

**Mr. Chet Belcher, Chief Community Development Officer**, answered the lengths are about twice what normally would be proposed, because of the higher speeds on 175<sup>th</sup> Street (55 mph) and the consideration that about 17% of the volume is truck traffic. In addition, with every building that comes in, staff requires new traffic counts and mitigates with the traffic based on the new traffic generation. Depending on tenant finishes, that can affect whether the traffic count is lower or higher.

**Commissioner Creighton** thanked Mr. Belcher, stating that addressed his two concerns about the length of the lanes and how often staff would be able to evaluate the traffic study.

**Commissioner Brown** stated he personally prefers berm to trees or fence. He asked how high the berm may be.

**Ms. Schuller** answered it would be a minimum of 3 feet. In places where the berm can be wider or taller, staff will evaluate that at final plan application.

**Commissioner Brown** asked how much screening that would provide from I-35.

**Ms. Schuller** answered the primary benefit would be the double row of evergreens, which is a code requirement. However, it takes time for trees to become established.

**Commissioner Bergida** asked Mr. Belcher, referencing the diagram, to confirmed truck traffic would come out on 175<sup>th</sup> Street.

**Mr. Belcher** confirmed.

**Commissioner Bergida** asked Mr. Belcher to repeat what percentage of existing traffic on 175<sup>th</sup> Street is truck traffic.

**Mr. Belcher** stated staff doesn't have the current percentage of truck traffic, but the goal is 17% when everything is developed.

**Commissioner Bergida** stated although this isn't an "Olathe" issue, he understood there was discussion about truck traffic along 175<sup>th</sup> Street. He asked whether the City of Gardner has any prohibitions that would make it difficult for trucks exiting on 175<sup>th</sup> Street to comply with those regulations. He acknowledged he should have looked it up beforehand and can't recall exactly, but there was some discussion regarding prohibiting truck traffic along this road.

**Mr. Belcher** answered staff talked to Gardner staff about that. Yes, there is a prohibition on traffic, more easily defined on "truck routes" they plan to do. KDOT is also looking at 175<sup>th</sup> and I-35 Interchange. It has not yet made it into the development portal, but it's being considered by KDOT.

**Commissioner Bergida** asked whether truck traffic exiting this facility, traveling west, whether they would in any way violate Gardner's prohibition on truck traffic.

**Mr. Belcher** answered no, not if the trucks stay on 175<sup>th</sup> Street and 56 Highway. He added that anything within a mile of interstate or a state highway, truck traffic cannot be prohibited.

With no additional questions, **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 Corcoran** to close the public hearing, seconded by **Commissioner Brown**. The motion passed by a vote of 9 to 0.

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

**Commissioner Creighton** moved to approve RZ23-0009 subject to all staff's comments, recommendations, and waivers including the preliminary development plan, and **Commissioner Chapman** seconded.

The motion passed with a vote of 9 to 0 as follows:

A. Staff recommends approval of RZ23-0009 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 stipulations:

1. The following uses are prohibited:

- a) Automobile Storage or Towing
- b) Paper Manufacturing
- c) Rendering and Meat Byproduct Processing
- d) Storage Area or Lot, except when as an accessory use to a building, and not visible from 175th Street, Clare Road, and I-35.
- e) Bus/Truck Maintenance, Including Repair and Storage

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

1. A waiver is granted from UDO 18.15.020.G.10 to permit a reduction of glass on select primary façades containing truck courts, from 15% to 8%, as shown on the attached architectural elevations dated March 15, 2024.
2. A waiver is granted from UDO 18.15.020.G.10. to remove horizontal articulation requirements from primary facades which contain truck courts, as shown on the attached architectural elevations dated March 15, 2024.

3. A waiver is granted from UDO 18.15.130.C, permitting a 20-foot setback area with a 3-foot landscaped berm adjacent to I-35, in lieu of a fence or wall.
4. All development on the subject property must meet the access management requirements of the Kansas Department of Transportation (KDOT) and the City of Olathe.
5. The applicant must submit a revised traffic study with the final development plan for each building, to verify that appropriate public improvements are in place to accommodate development traffic.
6. All street improvements must be provided in accordance with the traffic impact study and as required by the City Engineer.
7. A letter from Evergy is required at the time of final site development plan for each lot to approve any work within Evergy easements, including but not limited to, grading, signage, streetlights, driveways and landscaping.
8. Outdoor storage areas must be identified at the time of final site development plan and must meet the screening requirements of UDO 18.30.130.I.
9. All new on-site wiring and cables must be placed underground.
10. Mitigation for removal of existing trees must be provided in accordance with UDO 18.30.240.G.3.
11. 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.
12. All trash enclosures and compactors must be screened per the requirements of UDO 18.30.130 and architectural details must be provided at the time of final site development plan.



**MINUTES – Closing Remarks**

**Planning Commission Meeting: March 11, 2024**

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There were no announcements.

*Meeting adjourned.*



## STAFF REPORT

Planning Commission Meeting: April 8, 2024

<b>Application:</b>	<b>MP24-0010: Minor Plat of Everest</b>		
<b>Location:</b>	16129 S. Lone Elm Road		
<b>Applicant/Engineer:</b>	Todd Allenbrand, Payne & Brockway, P.A.		
<b>Owner:</b>	Harwinder Sandhu, Everest Holdings, LLC		
<b>Staff Contact:</b>	Luke Bertram, Planner I		
<b>Site Area:</b>	<u>9.67 ± acres</u>	<b>Proposed Use:</b>	<u>Animal Care – Indoor or Outdoor Kennel</u>
<b>Lots:</b>	<u>2</u>	<b>Current Zoning:</b>	<u>M-2 (General Industrial)</u>
<b>Tracts:</b>	<u>0</u>	<b>Plat:</b>	<u>M.G.A. Estates</u>

### 1. Introduction

This is a request for approval of a minor plat for Everest, containing two (2) lots on approximately 9.67 acres, located at 16129 S. Lone Elm Road. The applicant is replatting M.G.A. Estates to allow for future development of a new lot on the east side. A map exhibit is provided for reference on page 2 of this report.

The subject property was platted in 1996 as M.G.A. Estates, Lot 2 under the jurisdiction of Olathe Township. It was annexed to the city in 2020 (ANX20-0001) and rezoned the same year (RZ20-0004) from CTY-RUR (County Rural) to M-2 (General Industrial) zoning with no stipulations. There is also an existing Special Use Permit that was issued in 2020 (SU20-0001) for the Animal Care – Indoor or Outdoor Kennel use.

No public easements or right-of-way will be dedicated with this replat; therefore, the plat will not require City Council acceptance.

### 2. Plat Review

- a. **Lots** – This replat will result in two (2) reconfigured lots for individual ownership.
- b. **Public Utilities** – The subject property is located within the WaterOne sewer and water service areas. No new public easements will be dedicated with this minor plat.
- c. **Streets/Access** – Each lot will have access to a shared concrete driveway, which provides access to S. Lone Elm Road. No new street right-of-way will be dedicated with this replat.



*Aerial View of the Subject Property (Yellow).*

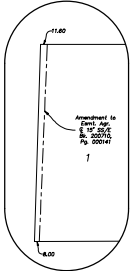
**3. Staff Recommendation**

Staff recommends approval of MP24-0010 with no stipulations.

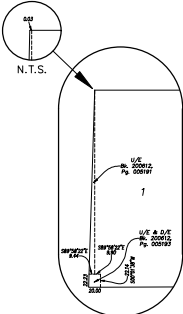
REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	3/29/24	plot & legal checked	GLC
2	3/29/24	completed	CLA
3	3/29/24	city comments	CLA

# MINOR PLAT OF EVEREST

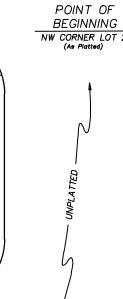
## Replat of Part of Lot 2, M.G.A. ESTATES



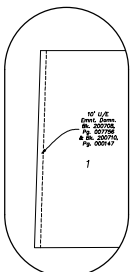
EASEMENT DETAIL



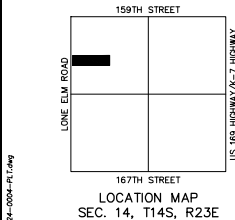
EASEMENT DETAIL



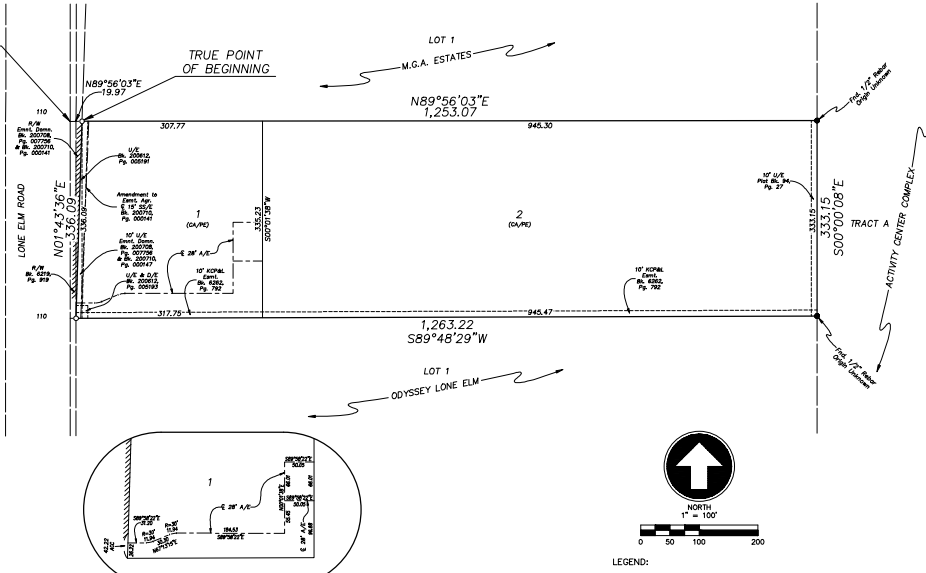
POINT OF BEGINNING  
NW CORNER LOT 2  
(As Plated)



EASEMENT DETAIL



LOCATION MAP  
SEC. 14, T14S, R23E



EASEMENT DETAIL

**NOTES:**

The basis for bearings on this plat is the North line of Lot 2 as established by the previous plat M.G.A. ESTATES, Plat Book 94, Page 27.

Lot 1 shall have No Direct Vehicular Access to Lone Elm Road, except as shown on M.G.A. ESTATES, Plat Book 94, Page 27. Except a new 50' Front Building line is established with this plat.

According to F.I.R.M. Map No. 20091C0108C Johnson County, Kansas, dated August 3, 2009 this entire site is determined to be outside the 100-year floodplain.

3,185.53' (plot boundary distance) / 0.0061' (closing distance) = unadjusted error of closure 1 in 522,218.03

ALL AREAS DESIGNATED ON THE PLAT AS DRAINAGE EASEMENT SHALL REMAIN FREE OF FENCES, SHRUBS, AND OTHER OBSTACLES THAT WOULD RESTRICT THE FLOW OF DRAINAGE.

**LOT AREAS**

LOT 1	104,953.1 Sq.Ft.
LOT 2	315,936.1 Sq.Ft.
<b>TOTAL</b>	<b>420,889.2 Sq.Ft.</b>

This is a resurvey and replat of part of Lot 2, M.G.A. Estates, a subdivision in the City of Olathe, Johnson County, Kansas, prepared by Gerald L. Conn, P.S. No. 1128, February 28, 2024, more particularly described as follows:

Beginning at the Northwest corner of Lot 2, M.G.A. Estates, a subdivision in the City of Olathe, Johnson County, Kansas; thence N 89°56'03" E along the North line of said Lot 2 and along the South line of Lot 1, M.G.A. Estates, a distance of 19.97 feet to a point on the West right-of-way line of Lone Elm Road as now established, said point also being the TRUE POINT OF BEGINNING; thence continuing N 89°56'03" E along the North line of said Lot 2 and along the South line of said Lot 1, M.G.A. Estates, a distance of 1,253.07 feet to the Northeast corner of said Lot 2, said corner also being the Southeast corner of said Lot 1, M.G.A. Estates, said corner also being on the West line of Tract A, Activity Center Complex, a subdivision in the City of Olathe, Johnson County, Kansas; thence S 00°00'00" E along the East line of said Lot 2 and along the West line of said Tract A, a distance of 333.15 feet to the Southwest corner of said Lot 2, said corner also being the Northeast corner of Lot 1, Odyssey Lone Elm, a subdivision in the City of Olathe, Johnson County, Kansas; thence S 89°48'29" W along the South line of said Lot 2 and along the North line of said Lot 1, Odyssey Lone Elm, a distance of 1,263.22 feet to a point on the West right-of-way line of said Lone Elm Road; thence N 01°43'36" E along the West right-of-way line of said Lone Elm Road, a distance of 336.09 feet to the TRUE POINT OF BEGINNING, containing 9.65229 acres more or less.

The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which hereafter shall be known as "EVEREST".

A perpetual easement of access over, under, across, and upon the areas designated as "Mutual Access Easement" or "A/E" is hereby reserved to the undersigned proprietor, its heirs, assigns, etc., for ingress and egress of all owners and occupants of lots and parcels depicted on this plat, their guests and invitees. Owners and occupants of adjoining land to the West of the plat, as well as other properties within the development shall have the same right of ingress and egress as all owners and occupants of lots and parcels depicted on this plat. No obstacles or obstructions that would prohibit the free flow of traffic shall be allowed to be constructed or maintained within said "Mutual Access Easement".

A perpetual easement of access over, under, across, and upon the parking lot areas designated as "Cross Access/Parking Easement" or "CA/PE" and Lots 1 and 2 is hereby reserved to the undersigned proprietor, its heirs, assigns, etc., for ingress and egress of all owners and occupants of lots and parcels depicted on this plat, their guests and invitees. Owners and occupants of adjoining land to the West of the plat, as well as other properties within the development shall have the same right of ingress and egress as all owners and occupants of lots and parcels depicted on this plat. No obstacles or obstructions that would prohibit the free flow of traffic shall be allowed to be constructed or maintained within said "Cross Access/Parking Easement".

The lots in this subdivision shall not be subdivided except pursuant to Chapter 18.40.180, Lot Splits, of Unified Development Ordinance or by replat.

IN TESTIMONY WHEREOF, the undersigned proprietors have caused this instrument to be executed this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

EVEREST HOLDINGS, LLC

\_\_\_\_\_  
HARWINDER S. SANDHU, Member

STATE OF KANSAS SS  
COUNTY OF JOHNSON

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before me a Notary Public in and for said County and State, came HARWINDER S. SANDHU, Member of EVEREST HOLDINGS, LLC, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Corporation, and he duly acknowledged the execution of the same to be the act and deed of said Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and seal on the day and year last written above.

\_\_\_\_\_  
Notary Public

My Appointment Expires: \_\_\_\_\_

APPROVED by the Planning Commission of the City of Olathe, Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

By: \_\_\_\_\_  
WAYNE JANNER, Chairman

I hereby certify that on December 6, 2023, I or someone under my direct supervision completed a field survey of the above described tract of land and this is an accurate and true plat of said survey, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024.

Gerald L. Conn  
Kansas P.S. No. 1128

Prepared By: Payne & Brockway Engineers, P.A.  
P.O. Box 128  
Olathe, Kansas 66051  
913-782-4800

Developed By: Everest Holdings, LLC  
c/o Harwinder S. Sandhu, Member  
15308 Bond Street  
Overland Park, Kansas  
(913) 744-9504

Date Prepared: March 8, 2024

**EVEREST**  
SEC. 14, T14S, R23E  
JOHNSON COUNTY, KANSAS

**Payne & Brockway P.A.**  
CIVIL ENGINEERS & LAND SURVEYORS  
435 SOUTH KANSAS AVE. OLATHE, KANSAS 66061  
PH: 913.782.4800 FAX: 913.782.0907  
WWW.PAYNE-BROCKWAY.COM



## STAFF REPORT

Planning Commission Meeting: April 8, 2024

<b>Application:</b>	<b>FP24-0004: Final Plat for Heritage Ranch, First Plat</b>
<b>Location:</b>	Southwest of W. 159 <sup>th</sup> Street and S. Black Bob Road
<b>Owner:</b>	John and Susan Wilson; Sunflower Farm, LP
<b>Applicant:</b>	Jim Lambie; Lambie Custom Homes
<b>Engineer/Architect:</b>	Tim Tucker; Phelps Engineering, Inc.
<b>Staff Contact:</b>	Emily Carrillo; Senior Planner

<b>Site Area:</b>	<u>35.00 ± acres</u>	<b>Proposed Use:</b>	<u>Detached Single-Family Residence</u>
<b>Lots:</b>	<u>99</u>	<b>Existing Zoning:</b>	<u>R-1 (Single-Family Residential)</u>
<b>Tracts:</b>	<u>3</u>	<b>Density:</b>	<u>2.4 units/acre</u>

### 1. Introduction

The following application is a final plat for Heritage Ranch, First Plat, which will establish lot lines, dedicate public easements and right-of-way for 99 lots and three (3) tracts within the Heritage Ranch residential subdivision development.

The subject property was annexed into the City of Olathe in October 2023 (ANX23-0001) and has historically been used for a single-family home along with farming and agricultural operations. In January of 2024, the property was rezoned from CTY-RUR (County Rural) to the R-1 (Single-Family Residential) District with an approved preliminary plat (RZ23-0012) for Heritage Ranch. The overall development includes a 128.98-acre site that will be constructed in four (4) phases. This final plat is included in Phase I of the Heritage Ranch single-family subdivision.

### 2. Plat Review

- a. **Lots/Tracts** – The final plat includes 99 single-family residential lots and three (3) common tracts. Common tracts are intended to be used for open space, homeowner amenities, landscaping, tree preservation, monuments, and trails. All tracts are intended to be owned and maintained by the Heritage Ranch Homes Association. Consistent with the preliminary plat approval, a few lots within this plat are smaller than 7,200 square feet and will be subject to additional architecture standards.
- b. **Streets/Right-of-Way** – Roadways within the subdivision are being dedicated with this plat. Access to the site will be provided from S. Black Bob Road to the east, and a future connection to W. 159<sup>th</sup> is planned for a separate, future phase. Turn lanes on Black Bob



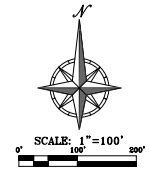
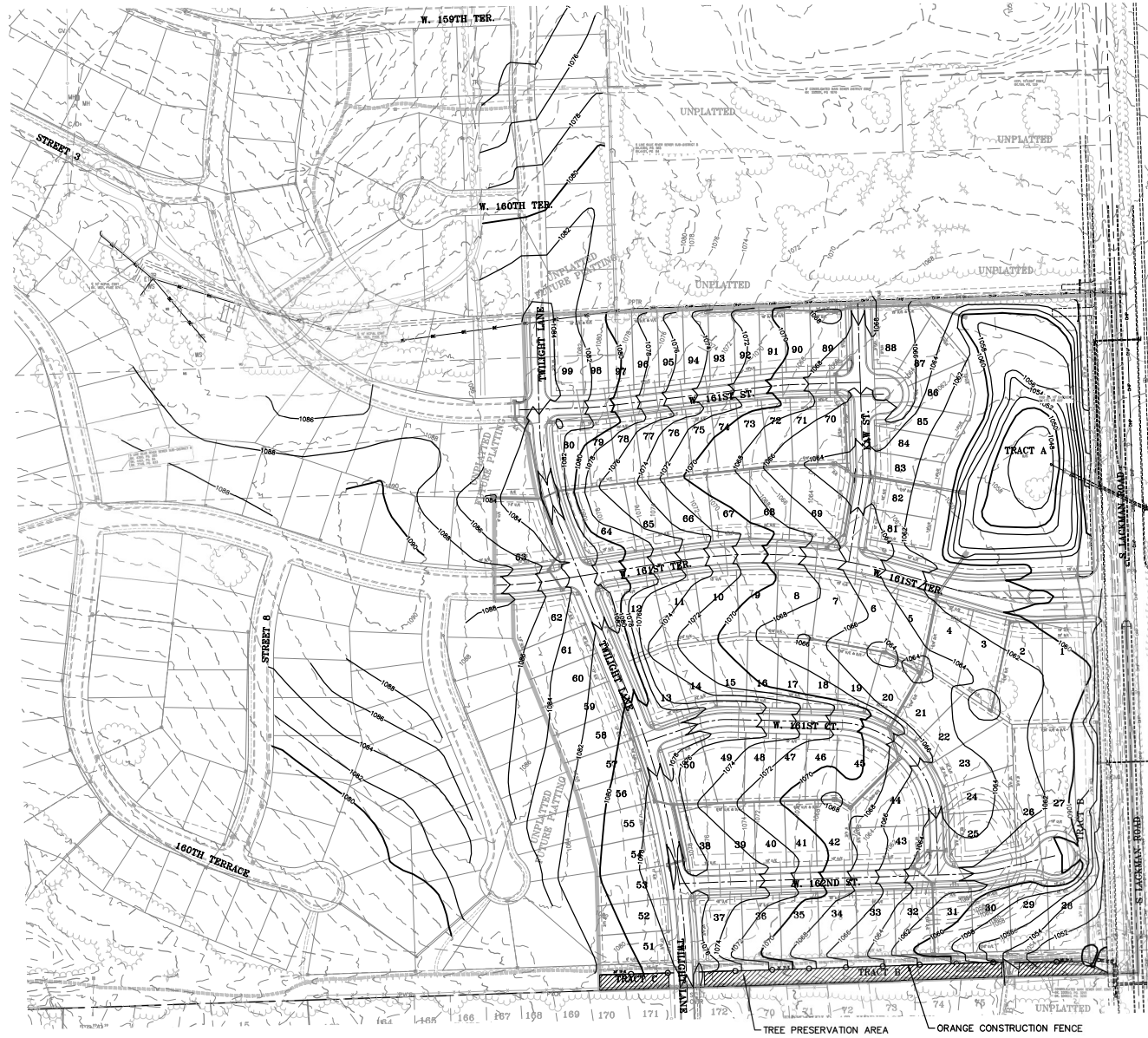












PHILIPS ENGINEERING, INC.  
 1000 N. W. 10th St.  
 Olathe, Kansas 66041  
 (913) 249-1939  
 fax (913) 249-1946  
 www.philipsengineering.com



**TREE PRESERVATION PLAN**  
 HERITAGE RANCH, FIRST PLAT  
 OLATHE, KANSAS

PROJECT NO.	DATE	BY	CHKD	REVISED
240033	03/05/04			
DATE: 3/2/04	ISSUED: 3/2/04			
DATE: 3/2/04	ISSUED: 3/2/04			
DATE: 3/2/04	ISSUED: 3/2/04			
DATE: 3/2/04	ISSUED: 3/2/04			



## STAFF REPORT

Planning Commission Meeting: April 8, 2024

<b>Application:</b>	<b>FP24-0005: Final Plat for Heritage Ranch, Second Plat</b>
<b>Location:</b>	Southwest of W. 159 <sup>th</sup> Street and S. Black Bob Road
<b>Owner:</b>	John and Susan Wilson; Sunflower Farm, LP
<b>Applicant:</b>	Jim Lambie; Lambie Custom Homes
<b>Engineer/Architect:</b>	Tim Tucker; Phelps Engineering, Inc.
<b>Staff Contact:</b>	Emily Carrillo; Senior Planner

<b>Site Area:</b>	<u>9.43 ± acres</u>	<b>Proposed Use:</b>	<u>Detached Single-Family Residence</u>
<b>Lots:</b>	<u>23</u>	<b>Existing Zoning:</b>	<u>R-1 (Single-Family Residential)</u>
<b>Tracts:</b>	<u>3</u>	<b>Density:</b>	<u>2.4 units/acre</u>

### 1. Introduction

The following application is a final plat for Heritage Ranch, Second Plat, which will establish lot lines, dedicate public easements and right-of-way for 23 lots and three (3) tracts within the Heritage Ranch residential subdivision development.

The subject property was annexed into the City of Olathe in October 2023 (ANX23-0001) and has historically been used for a single-family home along with farming and agricultural operations. In January of 2024, the property was rezoned from CTY-RUR (County Rural) to the R-1 (Single-Family Residential) District with an approved preliminary plat (RZ23-0012) for Heritage Ranch. The overall development includes a 128.98-acre site that will be constructed in four (4) phases. This final plat is included in Phase I of the Heritage Ranch single-family subdivision.

### 2. Plat Review

- a. **Lots/Tracts** – The final plat includes 23 single-family residential lots and three (3) common tracts. Common tracts are intended to be used for open space, homeowner amenities, landscaping, monuments, and trails. All tracts are intended to be owned and maintained by the Heritage Ranch Homes Association.
- b. **Streets/Right-of-Way** – Roadways within the subdivision are being dedicated with this plat. Access to the site will be provided from W. 159<sup>th</sup> Street to the north, and a future connection to S. Black Bob Road to the east is planned for a separate, future phase. An

additional 60-feet of public right-of-way along W. 159<sup>th</sup> Street is being dedicated with this plat.

- c. **Public Utilities** – The property is located in the WaterOne and Johnson County Wastewater (JCW) service areas. New utility (U/E), sanitary sewer (S/E), street (ST/E) and drainage (D/E) easements are being dedicated by this plat.



*Aerial view of subject property outlined in yellow.*

### 3. Staff Recommendation

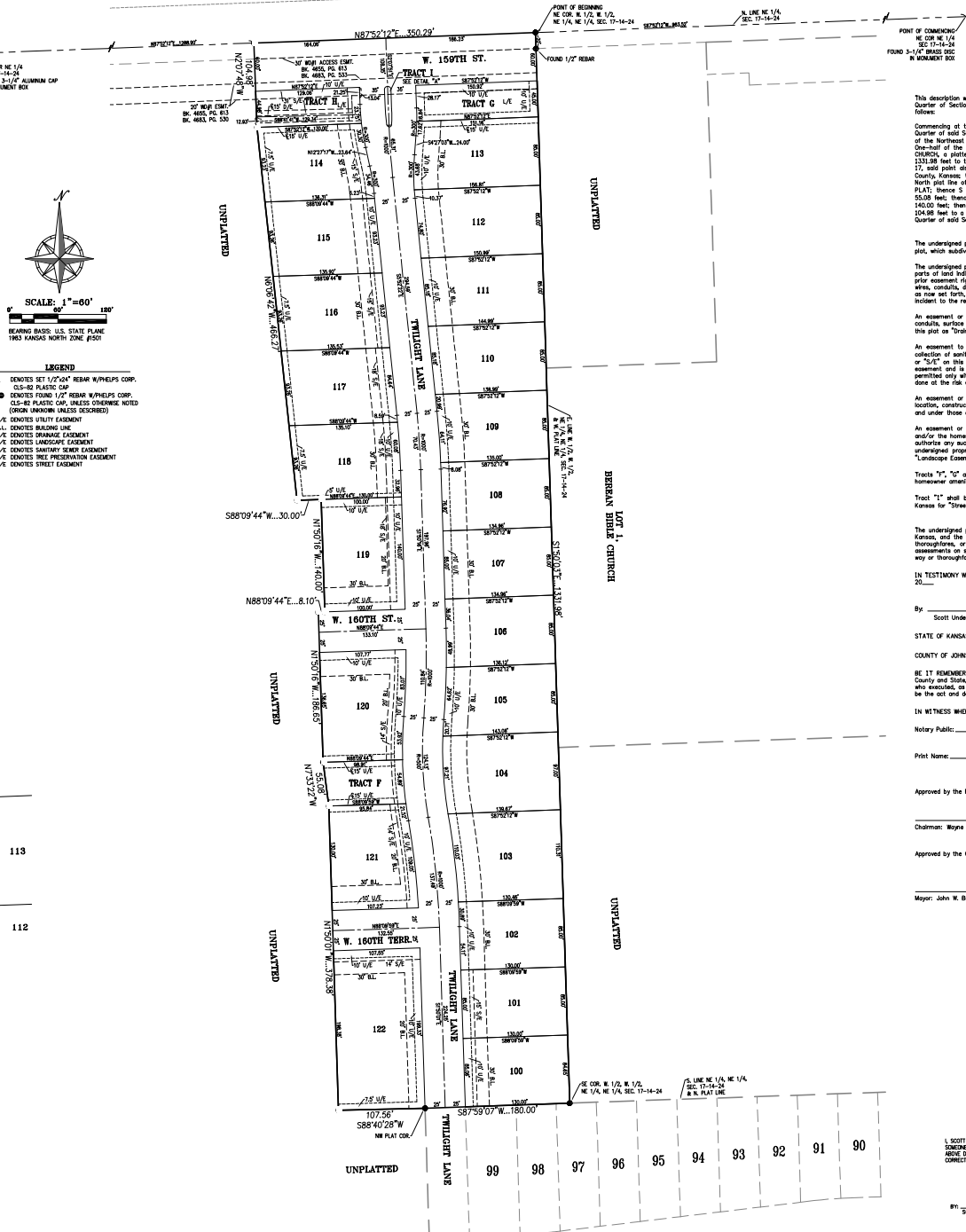
- A. Staff recommends approval of FP24-0005, the final plat of Heritage Ranch Second Plat with no stipulations.



# FINAL PLAT OF HERITAGE RANCH, SECOND PLAT

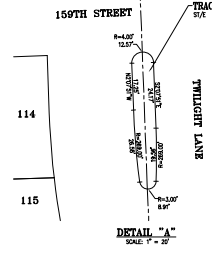
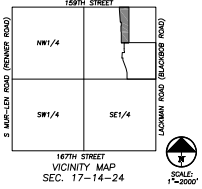
A SUBDIVISION OF LAND IN THE NORTHEAST QUARTER  
SECTION 17, TOWNSHIP 14 SOUTH, RANGE 24 EAST,  
IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

PARCEL	AREA (S.F.)	AREA (AC)
100	17025.45	0.3922
101	11048.89	0.2527
102	11044.61	0.2528
103	14744.21	0.3385
104	13873.80	0.3185
105	18324.35	0.4219
106	17420.43	0.3959
107	14747.78	0.3384
108	11472.32	0.2634
109	11625.35	0.2664
110	12068.39	0.2771
111	12574.34	0.2880
112	13268.65	0.3025
113	13156.06	0.3021
114	12465.09	0.2880
115	12658.46	0.2906
116	12622.20	0.2899
117	12585.83	0.2889
118	12378.17	0.2841
119	14000.00	0.3214
120	14235.99	0.3243
121	13355.46	0.3065
122	23387.59	0.5362
PLAT 2	411074.74	9.4389
ROW	75668.50	1.7375
ROW 159TH	21068.19	0.4823
TRACT F	45316.98	1.0329
TRACT G	8796.90	0.1998
TRACT H	5892.21	0.1324
TRACT I	371.50	0.0085



SCALE: 1" = 60'  
BEARING BASIS: U.S. STATE PLANE  
1983 KANSAS NORTH ZONE (FS01)

- LEGEND**
- GENESIS SET 1/2" x 24" REBAR W/HELPS CORP. C/S-42 PLASTIC CAP
  - GENESIS FOUND 1/2" REBAR W/HELPS CORP. C/S-42 PLASTIC CAP UNLESS OTHERWISE NOTED (ORIGIN UNKNOWN UNLESS DESCRIBED)
  - GENESIS UTILITY EASEMENT
  - GENESIS BIDDING LINE
  - GENESIS DRAINAGE EASEMENT
  - GENESIS LANDSCAPE EASEMENT
  - GENESIS SANITARY SEWER EASEMENT
  - GENESIS TREE PRESERVATION EASEMENT
  - GENESIS STREET EASEMENT



**FLOOD NOTE:**  
THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE FLOODED BY THE 100-YEAR FLOOD. FLOODING MAY BE SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR COMMUNITY NO. 200156, JOHNSON COUNTY, KANSAS, MAP NO. 22002C01010, AND DATED AUGUST 3, 2009.

**NOTE:**

1. ALL NEW ON-SITE WIRING AND CABLES MUST BE PLACED UNDERGROUND.
2. ALL ABOVE-GROUND ELECTRICAL AND/OR TELEPHONE CABLES MUST BE 2' FROM THE INTERIOR FACE OF REAR BUILDING SETBACK WALLS. CABLES SHALL BEYOND CABLES MAY BE PERMITTED WITHIN THE 5' CORNER SETBACK ADJACENT TO STREET FRONT-TO-BAY IF CABLES ARE SCREENED WITH UNDECORATED MATERIALS SUBJECT TO 100' SETBACKS.

**LEGAL DESCRIPTION**  
This description was prepared by Phelps Engineering, Inc., KS CLS-82 on January 25, 2024, for Project No. 240034. All that part of the Northeast Quarter of Section 17, Township 14 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of the Northeast Quarter of said Section 17, thence S 87°52'12" W, along the North line of the Northeast Quarter of said Section 17, a distance of 756.68 feet to the Northeast corner of the West One-half of the Northeast Quarter of the Northeast Quarter of said Section 17, and the West line of BESSON STILE CORP., a platted subdivision of land in the City of Olathe, Johnson County, Kansas, and its Northerly and Southerly extension, a distance of 1331.08 feet to the Southeast corner of the West One-half of the Northeast Quarter of the Northeast Quarter of said Section 17, said point also being on the North plot line of HERITAGE RANCH, FIRST PLAT, a platted subdivision of land in the City of Olathe, Johnson County, Kansas, thence S 87°50'12" W, along the South line of the Northeast Quarter of said Section 17, and along the North plot line of the said HERITAGE RANCH, FIRST PLAT, a distance of 1832.00 feet to the Northeast plot corner of said HERITAGE RANCH, FIRST PLAT, thence S 87°40'12" W, a distance of 107.56 feet; thence N 1°50'18" W, a distance of 378.39 feet; thence N 7°52'12" W, a distance of 54.00 feet; thence N 1°50'18" W, a distance of 186.85 feet; thence N 80°09'44" E, a distance of 8.10 feet; thence N 1°50'18" W, a distance of 144.00 feet; thence S 88°09'44" E, a distance of 33.00 feet; thence N 87°58'12" E, a distance of 488.22 feet; thence N 2°07'48" W, a distance of 104.98 feet to a point on the North line of the Northeast Quarter of said Section 17, thence N 87°52'12" E, along the North line of the Northeast Quarter of said Section 17, a distance of 350.29 feet to the Point of Beginning, containing 9.4389 acres, more or less, unplatted land.

**DEDICATION**  
The undersigned proprietors of the above described tract of land have caused the same to be dedicated in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "HERITAGE RANCH, SECOND PLAT".

The undersigned proprietors of said property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on this plat as streets, lanes, sidewalks, paths, drives, lanes, parkways, easements and other not heretofore dedicated. Where public rights have been granted to any person, utility or corporation on said parcels of the land so dedicated, and any pipes, lines, poles and wires, conduits, ducts or cables heretofore installed thereupon and thereon are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietors hereby covenant and agree to indemnify the City of Olathe, Johnson County, Kansas, from any expense incident to the relocation of any such existing utility installations within said prior easements.

An easement or license to enter upon, locate, construct, use and maintain, and authorize the location, construction or maintenance and use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over, and under these areas outlined and designated on this plat as "Drainage Easement" or "D/E" is hereby granted to the City of Olathe, Kansas.

An easement to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through these areas designated as "Sanitary Sewer Easement" or "SSE" on this plat, together with the right of ingress and egress over and through adjoining land or may be reasonably necessary to access said easement and is hereby dedicated to Johnson County, Kansas and the City of Olathe, Kansas, for their common use and benefit. Attention of land owners will be directed to the fact that the easement herein granted is for the use of the sewer system as shown on the plat. Any placing of improvements or planting of trees on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, pipe, poles, wires, surface drainage facilities, ducts, cables, etc., upon, over and under these areas outlined hereon and designated on this plat as "Utility Easement" or "U/E".

An easement or license is hereby granted and reserved by the undersigned proprietor of the above described land unto itself and the developer and/or the homes association to enter upon, plant, remove, repair, mow, clip, trim, apply, chemically treat, repair, and otherwise maintain, and to authorize any such maintenance of any and all grasses, trees, shrubs, plants and other landscaping and all fences and monuments installed by the undersigned proprietor and the developer and/or homes association upon, over and under these areas outlined and designated on this plat as "Landscape Easement" or "L/E".

Tracts "G", "H" and "I" shall be owned and maintained by Heritage Ranch Home Association. Said tract is intended to be used for open space, homeowner amenities, landscaping, monuments, trails and private open space.  
Tract "J" shall be owned and maintained by Heritage Ranch Home Association and is hereby reserved to the City of Olathe, Johnson County, Kansas for "Street Easement" or "ST/E".

**CONSENT TO LEVY**  
The undersigned proprietors of the above described land hereby agree and consent that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment; and that the amount of special assessment on such land so dedicated, shall become and remain a lien on the remainder of the land fronting or abutting on such dedicated public way or thoroughfare.

**EXECUTION**  
IN TESTIMONY WHEREOF, Heritage Ranch Development, LLC, has caused this instrument to be executed on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

By: Scott Underwood, Managing Member  
ACKNOWLEDGMENT  
STATE OF KANSAS )  
) SS  
COUNTY OF JOHNSON )

BE IT REMEMBERED that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, came Scott Underwood, Managing Member of Heritage Ranch Development, LLC, who is personally known to me to be said person who executed, on each affiant, the within instrument on behalf of said partnership, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

Print Name: \_\_\_\_\_  
APPROVALS  
Approved by the Planning Commission of the City of Olathe, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Chairman: Wayne Jasser  
Approved by the Governing Body of the City of Olathe, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Attest: \_\_\_\_\_  
Mayor: John W. Bacon City Clerk: Brenda Swearingin

Notary Public: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

Approved by the Planning Commission of the City of Olathe, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Chairman: Wayne Jasser  
Approved by the Governing Body of the City of Olathe, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

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Chairman: Wayne Jasser  
Approved by the Governing Body of the City of Olathe, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

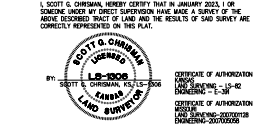
Attest: \_\_\_\_\_  
Mayor: John W. Bacon City Clerk: Brenda Swearingin

Notary Public: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

Approved by the Planning Commission of the City of Olathe, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Chairman: Wayne Jasser  
Approved by the Governing Body of the City of Olathe, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Attest: \_\_\_\_\_  
Mayor: John W. Bacon City Clerk: Brenda Swearingin



**PHILIPS ENGINEERING, INC.**  
PHILIPS ENGINEERING, INC.  
1500 N. WYANDOTT  
OLATHE, KANSAS 66061  
(913) 997-1100  
Fax: (913) 997-1168



## STAFF REPORT

Planning Commission Meeting: April 8, 2024

<b>Application:</b>	<b>FP24-0006: Final Plat of Boulder Creek, Fourth Plat</b>
<b>Location:</b>	Southeast of W. 169 <sup>th</sup> Terrace and S. Lindenwood Drive
<b>Owner:</b>	Travis Shram, Boulder Creek Development Company, LLC
<b>Engineer/Applicant:</b>	Mark Breuer; Schlagel & Associates
<b>Staff Contact:</b>	Andrea Fair, AICP; Planner II

**Site Area:** 14.53 ± acres      **Proposed Use:** Detached Single-Family Residence

**Lots:** 25      **Existing Zoning:** R-1 (Single-Family Residential)

**Tracts:** 2      **Plat:** Boulder Creek, Third Plat

### 1. Introduction

The following application is a request for a final plat of Boulder Creek, Fourth Plat which will establish lot lines and dedicate public easements for 25 detached single-family lots and two (2) tracts in the Boulder Creek Subdivision. This application will replat part of Boulder Creek, Third Plat (FP17-0050). The replat is necessary to enlarge Tract P and reconfigure lots 123 through 126 to allow for a drainage feature.

The subject property was annexed (ANX05-0012) and rezoned from County Rural Residential (CTY-RUR) to the R-1 (Single-Family Residential) District in 2005 (RZ05-0027). A preliminary plat was approved on February 22, 2016 (PP16-0002), which included 249 lots. Since then, three (3) final plats for the Boulder Creek Subdivision have been approved.

### 2. Plat Review

- a. **Lots/Tracts** – The final plat will reestablish lot lines for 25 single-family residential lots and two (2) tracts. The lots range in size from 8,741 square feet to 14,145 square feet. Each lot exceeds the 7,200 square foot minimum lot area and the 60-foot minimum lot width requirements of the R-1 District. Tract N will be used for trails, landscaping and open space and will be owned and maintained by the City. Tract P landscaping, open space, and drainage and will be owned and maintained by the Homeowners Association.
- b. **Streets/Right-of-Way** – Primary access to this phase of the development will be provided from W. 169<sup>th</sup> Terrace and Lindenwood Drive. All roadways within the development have already been dedicated for public use. No new right-of-way is being dedicated with this plat.

- c. **Public Utilities** – The subject property is located in the WaterOne service area and Johnson County Wastewater service area. Utility and sanitary sewer easements (U/E & S/E) are being dedicated with this plat.
- d. **Landscaping** – Tract P is being dedicated as Access and Landscape easements (A/E & L/E). This landscaping fulfills the 15-foot master landscaping requirement of UDO 18.30.130.H. Street trees will be provided along all local streets per UDO requirements.
- e. **Stormwater** – Tract P is being dedicated as a Drainage Easement (D/E). Tract P is being enlarged with this plat to capture a portion of the rear yards of Lots 123 to 126. All Title 17 requirements are being met and no changes to the existing stormwater detention and treatment are being proposed.



*Aerial view of subject property outlined in yellow.*

### 3. Staff Recommendation

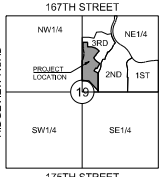
Staff recommends approval of the final plat (FP24-0006) with no stipulations.



# FINAL PLAT OF BOULDER CREEK, FOURTH PLAT

**A REPLAT OF LOTS 107 THRU 113, 117 THRU 132, 146 THRU 147, TRACTS "N" AND "P" AND PARTS OF S. ILLUSION STREET AND W. 169TH PLACE, AS PLATTED IN BOULDER CREEK, THIRD PLAT, A SUBDIVISION IN THE NORTHEAST ONE-QUARTER OF SECTION 19, TOWNSHIP 14 SOUTH, RANGE 24 EAST IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS**

LOT #	AREA (SF)	LOT #	AREA (SF)
107	9,570.41	124	9,395.07
108	14,145.25	125	9,195.64
109	12,351.18	126	9,043.75
110	11,897.72	127	8,862.95
111	11,833.00	128	8,772.14
112	10,850.09	129	13,631.37
113	10,593.36	130	9,991.92
117	8,822.73	131	9,283.97
118	8,923.46	132	8,815.44
119	9,119.55	146	8,741.44
120	9,237.79	147	10,622.35
121	10,169.82	RW	55,504.42
122	11,306.88	TRACT "N"	303,138.78
123	11,271.72	TRACT "P"	18,083.85
TOTAL REPLAT			633,076.08



**LOCATION MAP**  
SCALE 1" = 2000'

- LEGEND:**
- FOUND MONUMENT AS NOTED
  - FOUND 1/2" REBAR W/LS4 CAP UNLESS OTHERWISE NOTED
  - SET 1/2" REBAR W/LS4 CAP UNLESS OTHERWISE NOTED
  - EXISTING PLAT AND ROW LINES
  - EXISTING LOT AND PROPERTY LINES
  - ACC — ACCESS
  - BL — BUILDING LINE
  - LNA — LIMITS OF NO ACCESS
  - DIE — DRAINAGE EASEMENT
  - SE — SANITARY SEWER EASEMENT

**DESCRIPTION:**  
A Replat of Lots 107 thru 113, 117 thru 132, 146 thru 147, Tracts "N" and "P" and parts of South Illusion Street and West 169th Place, as platted in Boulder Creek, Third Plat, a subdivision in the Northeast One-Quarter of Section 19, Township 14 South, Range 24 East in the City of Olathe, Johnson County, Kansas, as follows:

Commencing at the Southwest corner of said Northeast One-Quarter; thence along the West line of said Northeast One-Quarter, North 02 degrees 24 minutes 44 seconds West, a distance of 378.89 feet to the Point of Beginning, said point being the Southwest corner of said Tract "N"; thence along the West line of said Tracts "N" and "P" for the following five courses, North 02 degrees 24 minutes 44 seconds West, a distance of 683.76 feet to a point of curvature; thence along a curve to the left, having an initial tangent bearing of North 31 degrees 08 minutes 42 seconds East, a radius of 360.00 feet, a central angle of 41 degrees 31 minutes 54 seconds and an arc length of 203.95 feet; thence North 02 degrees 24 minutes 44 seconds West, a distance of 170.29 feet to a point of curvature; thence along a curve to the right, being tangent to the previous course and having a radius of 300.00 feet, a central angle of 07 degrees 38 minutes 28 seconds and an arc length of 41.75 feet; thence North 02 degrees 24 minutes 44 seconds West, a distance of 162.78 feet to the Northwest corner of said Tract "P"; thence along the North line of said Tract "P" and said Lot 147 for the following two courses, North 87 degrees 34 minutes 52 seconds East, a distance of 147.11 feet to a point of curvature; thence along a curve to the right, being tangent to the previous course and having a radius of 675.00 feet, a central angle of 00 degrees 37 minutes 38 seconds and an arc length of 7.39 feet to the Northeast corner of said Lot 147; thence along the East line of said Lots 146 and 147, North 02 degrees 24 minutes 44 seconds East, a distance of 144.53 feet; thence along the North line of said Lot 129 and its Westerly extension, North 87 degrees 05 minutes 47 seconds East, a distance of 133.39 feet; thence continuing along the North line of said Lot 129 and the North lines of Lots 130, 131 and 132 for the following three courses, South 72 degrees 27 minutes 59 seconds East, a distance of 137.44 feet; thence South 58 degrees 21 minutes 47 seconds East, a distance of 90.00 feet; thence South 02 degrees 24 minutes 44 seconds East, a distance of 75.20 feet to the East corner of said Lot 132; thence along the East line of said Lot 132, South 39 degrees 25 minutes 19 seconds West, a distance of 123.62 feet to the Southwest corner thereof; thence South 27 degrees 13 minutes 30 seconds West, a distance of 51.15 feet to the East corner of said Lot 107; thence along the East line of said Lots 107, 109, 110, 111, 112 and 113 for the following four courses, South 39 degrees 25 minutes 59 seconds West, a distance of 122.20 feet; thence South 35 degrees 30 minutes 10 seconds East, a distance of 82.40 feet; thence South 42 degrees 02 minutes 10 seconds East, a distance of 70.78 feet; thence South 59 degrees 54 minutes 12 seconds East, a distance of 134.15 feet to the East corner of said Lot 113; thence along the Southeast line of said Lot 113 and its Southeast extension, South 24 degrees 53 minutes 02 seconds West, a distance of 193.78 feet to a point on the Southeast right of line of said South Illusion Street; thence along said Southeast right of way for the following two courses, North 65 degrees 03 minutes 58 seconds West, a distance of 44.60 feet to a point of curvature; thence along a curve to the right, being tangent to the previous course and having a radius of 825.00 feet, a central angle of 00 degrees 25 minutes 00 seconds and an arc length of 8.00 feet to the Northeast corner of said Lot 111; thence along the East line of said Lot 111, South 25 degrees 18 minutes 02 seconds West, a distance of 25.00 feet to the Southwest corner of said Lot 111; said point also being a corner point on the North line of said Tract "N"; thence along said North line of said Tract "N", South 65 degrees 06 minutes 58 seconds East, a distance of 156.00 feet to the Northeast corner of said Tract "N"; thence along the East line of said Tract "N", South 02 degrees 20 minutes 21 seconds East, a distance of 892.30 feet to the East corner of said Tract "N"; thence along the South line of said Tract "N" for the remaining two courses, North 46 degrees 13 minutes 20 seconds West, a distance of 457.29 feet; thence South 87 degrees 36 minutes 33 seconds West, a distance of 225.55 feet to the Point of Beginning, and containing 14,534 acres, more or less.

**DEDICATIONS:**  
The undersigned proprietor of the described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereafter be known as "BOULDER CREEK, FOURTH PLAT".

The undersigned proprietor of said property shown on this plat does hereby dedicate those portions of the streets and roadways shown hereon, together with all other parcels and parts of land indicated on this plat, and not heretofore dedicated, as streets, avenues, courts, places, etc., for public use as public ways or thoroughfares, subject to the right hereby reserved to the present owner and its successors and assigns for the location, construction and maintenance of conduits, water, gas and sewer pipes, poles and wires under, over and along said roadways.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility facilities, over, under these areas outlined and designated on this plat as "Utility Easement" or "U/E", is hereby granted to the City of Olathe, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility facilities, over, under these areas outlined and designated on this plat as "Right-of-Way of Streets".

An easement or license to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "SSE" on this plat, together with the right of ingress and egress over and through adjoining lands as may be reasonably necessary to access said easement and is hereby dedicated to the Johnson County Wastewater of Johnson County, Kansas or their assigns. Alteration of land contours will be permitted only with the express written approval of JCOW. Any planting of structures, landscaping and related materials or planting of trees on lands within the street right-of-way will be done at the risk of subsequent damage thereto without compensation herefrom.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to enter upon, construct and maintain pipes, inlets, manholes, surface drainage facilities relative to storm water drainage and sidewalks upon, over, or under the areas outlined and designated on this plat as "Drainage Easement" or "D/E". Tract "P" is dedicated as "Drainage Easement" or "D/E" & "L/E".

A perpetual easement over, under, across and upon those portions of the property herein delineated and designated as "Landscape and Access Easement" or "L/AE" and "L/E" is hereby dedicated but not limited to, ingress, egress, installation, replacing, repairing and maintaining walkways, bicycle pathways, lakes, ponds, wetlands, drainage systems. Tract "P" is dedicated as "Landscape and Access Easement" or "L/AE" & "L/E".

The undersigned proprietor of said property shown on this plat hereby certifies that all prior existing easement rights on land to be dedicated for public use and public ways and thoroughfares resulting to any person, entity or corporation have been abated except that same person, entity or corporation shall retain whatever easement rights they would have as if located in a public street.

**RESTRICTIONS:**  
All landscaping and related materials that are planted or constructed within the adjacent Street right-of-way shall be maintained by the Property Owners, or their authorized representatives thereof.

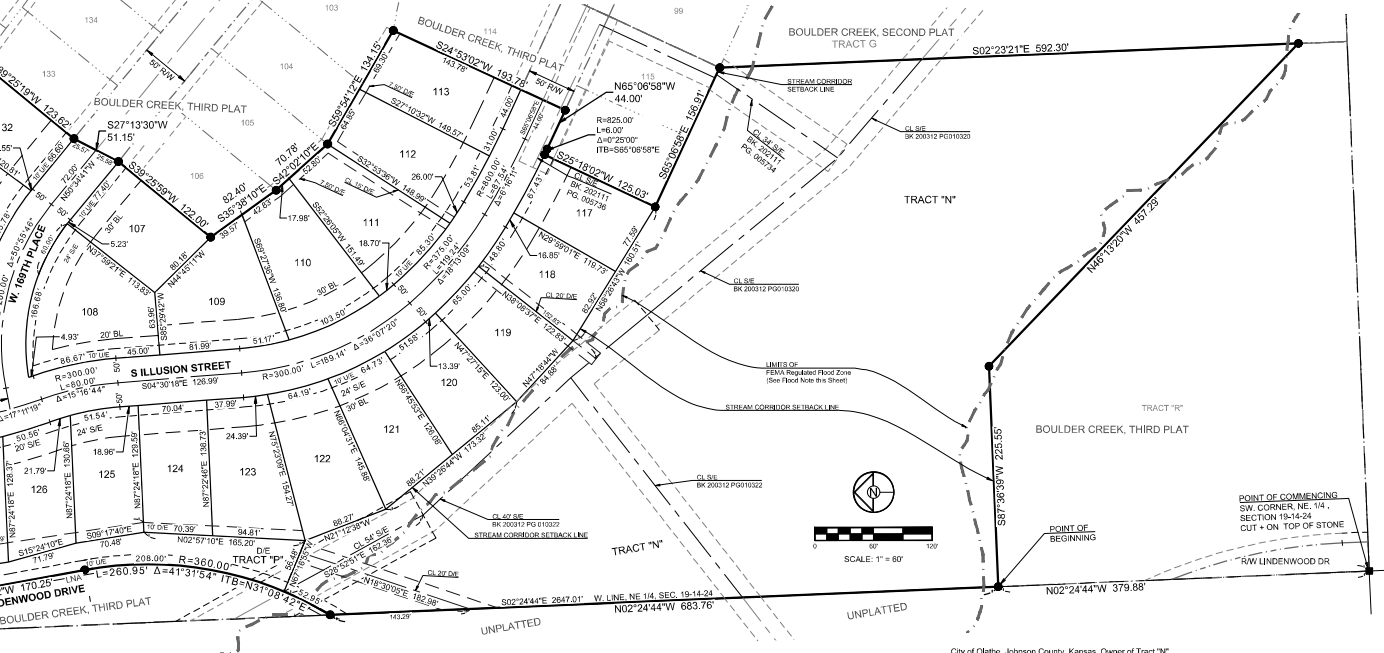
Tract "N" shall be owned and maintained by City of Olathe, Kansas. Tract "P" will be used for trails, landscaping and open space.

Tract "P" shall be owned and maintained by the Homeowners Association or their authorized representatives thereof and will be used for landscaping and open space.

The use of all lots, units and properties in this subdivision shall hereafter be subject to the Declarations, which instruments are to be recorded in the Office of the Register of Deeds of Johnson County, Kansas, as provided above, and which shall hereby become a part of the dedication of this plat as though set forth herein.

**Notes:** This site includes Stormwater Treatment Facilities, as defined and regulated in the Olathe Municipal Code. Restrictions on the use or alteration of the said Facilities may apply. This property is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement approved by the City.

**Notice:** This site lies within a protected Stream Corridor, as defined and regulated in City of Olathe, Kansas, Municipal Code. Restrictions on the use or alteration of the Stream Corridor may apply. This site is also subject to the obligations and requirements of the Stream Corridor Maintenance Agreement approved by the City.



**BUILDING SETBACKS:**  
FRONT YARD: 30'  
REAR YARD: 25'  
SIDE YARD: 7'  
CORNER SIDE YARD: 20'

**FLOOD NOTE:**  
A portion of this property lies within flood zone (ZONE AE - Base Flood Elevations Determined as on the Flood Insurance Rate Map 2009IC0109G Dated August 3, 2009).

**CONSENT TO LEVY:**  
The undersigned proprietor of the above described tract of land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of this land for the purpose of paying said assessments.

**EXECUTION:**  
IN TESTIMONY WHEREOF, TRAVIS SCHRAM, Manager of GRATA, L.L.C., which is the Manager of BOULDER CREEK DEVELOPMENT COMPANY L.L.C., a Missouri Limited liability company, has caused this instrument to be executed, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

BOULDER CREEK DEVELOPMENT COMPANY L.L.C.

By: TRAVIS SCHRAM, Manager  
**ACKNOWLEDGMENT:**  
STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Notary Public \_\_\_\_\_ My Commission Expires: \_\_\_\_\_  
Print Name \_\_\_\_\_

City of Olathe, Johnson County, Kansas, Owner of Tract "N"

**APPROVALS:**  
APPROVED by the Planning Commission of the City of Olathe, Johnson County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Chairman, WAYNE JANNER

APPROVED by the Governing Body of the City of Olathe, Johnson County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

Mayor, JOHN W. BACON City Clerk, BRENDA D. SWEARINGIN

I HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED ON A FIELD SURVEY PERFORMED IN SEPTEMBER 2017 AND REVISED DECEMBER 2021. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Aaron T. Reaser, Land Surveyor  
KSI LS-1429



BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for said County and State, came TRAVIS SCHRAM, Manager of GRATA, L.L.C., which is the Manager of BOULDER CREEK DEVELOPMENT COMPANY L.L.C., a Missouri Limited liability company, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said company, and such duly acknowledged the execution of the same to be the act and deed of same.



DATE: 3/6/2024  
DRAWN BY: JMT  
CHECKED BY: SCH  
PROJ. NO. 203-037 SHEET NO. 1

REV. 1 - 03.21.2024



## STAFF REPORT

Planning Commission Meeting: April 8, 2024

<b>Application</b>	<b><u>RZ24-0005</u>: Rezoning from CTY PEC-3 (County Light Industrial) District to the R-1 (Single-Family), R-2 (Two-Family), R-3 (Low-Density Multifamily) and M-2 (General Industrial) District and a preliminary site development plan and preliminary plat for Park 169</b>
<b>Location</b>	Northeast corner of 167 <sup>th</sup> Street and US-169 Highway
<b>Owner</b>	Grant Harrison, V.T. Inc.
<b>Applicant</b>	Luke White, Blue Springs Safety Storage South, LLC
<b>Engineer</b>	Judd Claussen, P.E.; Phelps Engineering, Inc.
<b>Staff Contact</b>	Jessica Schuller, AICP, Senior Planner

### Comments

The applicant is requesting a continuance to a future Planning Commission meeting to continue working with staff to complete necessary items for their application. Notification will be sent to surrounding property owners and public notice signs will be posted on the property with the revised meeting date. Per UDO 18.40.070 an applicant has a right to one (1) continuance and this is their first request.

### Staff Recommendation

Staff recommends continuing this application to a future Planning Commission meeting.