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City of Olathe

City Planning Division

## **MINUTES – Opening Remarks**

**Planning Commission Meeting: February 24, 2020**

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

*Recited Pledge of Allegiance.*

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

A motion to approve MN20-0127, the meeting minutes from January 27, 2020, was made by Comm. Sutherland and seconded by Comm. Freeman and passed with a vote of 8-0.



Planning Division

## MINUTES

### Planning Commission Meeting: February 24, 2020

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<b>Application:</b>	<b><u>MP19-0026:</u></b> Request approval for a minor plat for College Meadows 6th Plat containing one (1) common tract on 0.23 acres ±; located at 11229 S. Race Street.
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*A motion to approve MP19-0026 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Freeman, and passed with a vote of 8 to 0 with the following stipulations:*

1. *Label the book and page number of all easements previously dedicated on the subject property prior to recording of the minor plat.*
2. *A five-foot wide concrete sidewalk will be constructed prior to recording of the minor plat.*
3. *The required street trees per UDO Section 18.30.130.G must be planted prior to recording of the minor plat.*



Planning Division

## MINUTES

**Planning Commission Meeting: February 24, 2020**

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<b>Application:</b>	<p><b><u>PP19-0006:</u></b> Request approval for a revised preliminary plat for Stonebridge Meadows containing one hundred seventeen (117) lots and seven (7) common tracts on 41.66± acres; located south of W. 167th Street, east of Ridgeview Road, and west of Lindenwood Drive.</p>
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*A motion to continue PP19-0006 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Freeman, and passed with a vote of 8 to 0*



Planning Division

## MINUTES

### Planning Commission Meeting: February 24, 2020

<b>Application:</b>	<b>PP19-0007:</b> Request approval for a revised preliminary plat for Stonebridge Villas containing one hundred fifteen (115) lots and seven (7) common tracts on 44.24± acres; located south of W. 169th Place, east of Mur-Len Road.
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*A motion to approve PP19-0007 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Freeman, and passed with a vote of 8 to 0 with the following stipulations:*

- 1. The property is subject to condemnation Ordinance number 19-83, which may impact the boundaries of proposed development. An updated preliminary plat that reflects the legal description of the property identified in the condemnation case will need to be submitted and approved by the Planning Commission prior to submitting an application for a final plat.*
- 2. If the regional detention facility is not constructed, for any reason, then on-site detention must be provided, compliant with Olathe Municipal Code, Title 17.*
- 3. A final plat must be approved and recorded prior to issuance of building permits.*
- 4. All sidewalks within the development must terminate at a driveway.*
- 5. A floodplain development permit must be approved prior to approval of a final plat.*
- 6. Tree surveys must be provided with submittal of final plats for all phases of development.*



Planning Division

## MINUTES

### Planning Commission Meeting: February 24, 2020

<b>Application:</b>	<u>FP19-0037:</u> Request approval for a final plat for Cedar Creek Business Park, Campus F containing one (1) lot on 1.78± acres; located north of the intersection of Hollis Lane and W. 103rd Street.
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*A motion to approve FP19-0037 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Freeman, and passed with a vote of 8 to 0 with the following stipulation:*

- 1. Prior to recording the plat, a digital file of the final plat (.pdf format) must be submitted to the Planning Division.*



Planning Division

## MINUTES

### Planning Commission Meeting: February 24, 2020

<b>Application:</b>	<b><u>PR19-0032:</u></b> Request approval for a revised preliminary site development plan for <b>Lone Elm Commerce Center</b> on 122.5± acres; located in the vicinity of W. 167 <sup>th</sup> Street and Lone Elm Road.
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*A motion to approve PR19-0032 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Freeman, and passed with a vote of 8 to 0 with the following stipulations:*

1. *A final site development plan must be approved, and a final plat recorded prior to issuance of a building permit.*
2. *A waiver is granted from UDO Section 18.15.045.E and F to permit the quantity of Category 1 and 2 materials as shown on the submitted elevations.*
3. *A waiver is granted from UDO Section 18.15.045.D to permit the quantity of transparent glass on primary facades as shown on the submitted elevations.*
4. *A waiver is granted from UDO Section 18.15.020.E.9 to permit exposed downspouts on primary facades that will be painted to match the adjacent building façade.*
5. *A waiver is granted from UDO Section 18.15.045.H to permit overhead doors on the primary south façade as shown on the submitted elevations.*
6. *The development is subject to the City's public art ordinance (No. 19-80).*
7. *Erickson Street will be extended to the east plat line and will have plans approved and bonded prior to release of a building permit.*
8. *Erickson Street will be constructed prior to certificate of occupancy for the building.*
9. *The private drive between Lot 1 and 3 from 167<sup>th</sup> Street to Erickson Street must be constructed prior to certificate of occupancy for the building.*
10. *Security gates across a fire apparatus access road must be approved by the Fire Department.*



Planning Division

## MINUTES

Planning Commission Meeting: February 24, 2020

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Application:	<b><u>FP19-0038:</u></b> Request approval for a final plat for <b>Lone Elm Commerce Center, Third Plat</b> containing one (1) lot and one (1) common tract on 60.44± acres; located in the vicinity of W. 167 <sup>th</sup> Street and Lone Elm Road.
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*A motion to approve FP19-0038 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Freeman, and passed with a vote of 8 to 0 with the following stipulation:*

- 1. A digital file of the final plat must be submitted to the Planning Division prior to recording of the plat.*



Planning Division

## MINUTES

Planning Commission Meeting: February 24, 2020

<b>Application:</b>	<b>FP20-0001:</b> Request approval for a final plat for <b>Builder's Stone Final Plat</b> containing four (4) lots and one (1) common tract on 17.35 acres ±; located 11730 S. Kansas City Road.
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*A motion to approve FP20-0001 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Freeman, and passed with a vote of 8 to 0 with the following stipulations:*

1. *Prior to recording the plat, a digital file of the final plat (.pdf format) must be submitted to the Planning Division.*
2. *Dedication language for the Access Easement (A/E), Gas Easement (G/E), and Temporary Access Easement must be provided on the final plat prior to recording.*



Planning Division

## MINUTES

**Planning Commission Meeting: February 24, 2020**

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<b>Application:</b>	<u>RZ19-0023:</u> Request to rezone approximately 16.13± acres from the BP (Business Park) District to the C-2 (Community Center) Commercial District and a revised preliminary site development plan for Chinmaya Mission, located along the west side of Pflumm Road at 155th Street.
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*A motion to continue RZ19-0023 to a future Planning Commission meeting was made by Comm. Nelson and seconded by Comm. Vakas and passed with a vote of 8 to 0.*



## Planning Division

### MINUTES

#### Planning Commission Meeting: February 24, 2020

Application:	<b>RZ19-0024: Rezoning from R-1 (Residential Single Family) District to R-3 (Residential Low-Density Multifamily) District and a preliminary site development plan for Stonebridge Courts</b>
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**Zachary Moore, Planner II**, presented a request for rezoning from R-1 to R-3, and approve a preliminary site development plan to allow a townhome development. He presented an aerial of the subject property, and the City's Future Land Use Map, noting that a majority of this property is designated as mixed-density residential neighborhood with a small amount of secondary greenway to the east. Further to the east and to the north are Conventional Neighborhood designation, and there is a Community Commercial designation to the west. To the west of the subject property is RP-3 zoned property that was rezoned in 2007 and is being developed with townhomes. Existing single-family is to the north and south.

The R-3 zoning district aligns with the mixed-density residential neighborhood Future Land Use map designation in this area.

**Mr. Moore** advised that a neighborhood meeting was held on January 29, 2020, and was attended by 27 residents. Topics discussed included traffic, greenspace and amenities, road network extensions, phasing, pricing, and stormwater detention. Staff has not received any communications from residents regarding this development.

**Mr. Moore** presented the preliminary site development plan, which includes 126 townhome units. Most are triplexes; four units are two-family units. He notes a collector road, known as West 169<sup>th</sup> Place, and a future collector on the east side, to be known as Brougham Drive. He added that the applicant exceeds the minimum open space required for this development, for a total of 12.4 acres. Active space amenities include a pickleball court, walking trails, and a gazebo and benches. Existing vegetation is being protected throughout the site.

**Mr. Moore** then addressed the landscape and screening plans. Required landscape buffers are provided to the north along 167<sup>th</sup> Street, as well as buffers along the collector roadways. He added that street trees will be provided in accordance with the UDO.

**Mr. Moore** presented proposed elevations, noting that they meet or exceed all minimum UDO requirements. The applicant is providing the minimum Class 1 materials on facades, as well as the minimum of two windows and vertical/horizontal articulation per dwelling unit.

**Mr. Moore** said staff recommends approval with stipulations, which include a minimum driveway length to promote safety for pedestrians. Staff recommends that common drives be constructed with concrete pavement and a minimum length of 150 feet and minimum width of 22 feet. In conclusion, staff finds this rezoning follows Comprehensive Plan goals for housing and land use and recommends approval of the rezoning as presented. Staff also recommends approval of the preliminary site development plan as stipulated.

**Neil Meredith, Development Review Manager, City of Olathe**, approached the podium. He added that there have been concerns from residents regarding vehicle and pedestrian congestion on common drives and to promote safety, staff has stipulated the additional 5 feet length for driveways. He said additional parking has been added to single-unit drives, hoping to alleviate some of those concerns.

**Comm. Fry** asked how the unidentified property to the southeast is zoned. **Mr. Moore** responded that a stream corridor runs through that area, which makes it undevelopable. There is also open space to the south. This property is owned by the City.

**Comm. Nelson** asked Mr. Moore to talk about walkability of this site. **Mr. Moore** responded that the applicant has shown additional walking trails as part of their amenities. Sidewalks are required on both sides of all public streets in the R-3 District.

**Chair Vakas** opened the public hearing and asked the applicant to come forward. **Harold Phelps, Phelps Engineering, 1270 Winchester, Olathe**, approached the podium. Mr. Phelps provided a history and overview of this property and the area. He notes how the plan was originally submitted and approved and noting what has changed. The subject property was approved in October, but has changed from a villa product because of its proximity to schools. He believes this is a better use for traditional single-family. **Mr. Phelps** pointed out that most units are three-plexes, and six units are twin units. He stated that they worked hard to meet all the requirements of the UDO. He then addressed the stipulation requiring a 25-foot driveway, he claimed the UDO requirement is 9 x 20 and that 1.5 parking spaces are required per unit. Mr. Phelps said he reviewed maps in Google and AIMS and noted very few cars parked in driveways. He notes that this is an "empty nest" product, with very few children/teenagers living in this development. If they took an additional 10 feet between each buildings, they start losing units. He said if staff wants a 25-foot driveway, the UDO should be modified.

**Comm. Fry** asked Mr. Phelps if he has considered what the consequences would be for the 25 feet versus 20 feet. **Mr. Phelps** said no, not specifically. However, he noted, as an example, three private drives equals taking out 30 feet, which they cannot accommodate in this area. Two buildings would have to be eliminated at a minimum, which is at least six units. Also, the plan would have to be redesigned.

**Aimee Nassif, Chief Planning and Development Officer**, clarified that Chapter 18 of the Code dealing with sizes of driveways states that those are minimum standards. Also, they have looked at the density of this development, and noted that as families age into these developments, there is more parking on common drives. Staff wants to promote safety for pedestrians and vehicles, which is why they are asking for the extra five feet. Ms. Nassif added 5 feet was chosen as the appropriate length because there are no sidewalks here and the minimum required width for sidewalk is 5 feet.

**Chair Vakas** suggested that the UDO be updated with a minimum of 25 feet when considering the size of vehicles. **Comm. Nelson** believes the life cycle of these units should be considered because the use could change in the long term. Chair Vakas agreed that this development could appeal to young couples, as well. **Ms. Nassif** added that there are not very many developments of this design type, where it's a driveway-to-driveway scenario, which is why this specific design style is not identified. Secondly, that is why the UDO standards are minimums and staff recommends the five feet, because typical developments require a sidewalk, which is a minimum of five feet.

**Chair Vakas** asked Mr. Phelps if, rather than losing lots, if it was possible to redesign the front façade of the building to push the garage back, where five foot could be gained. **Mr. Phelps** said he could not answer the question because he didn't design the units. However, he speculates that by pushing the garage back, the unit itself would become smaller, or some of the back yard would be lost.

**Comm. Corcoran** asked if everything is measured exactly 20 feet from the curb line. **Mr. Phelps** responded all the interior private drives are, and this requirement is met on all public streets with sidewalks. The internal drives are all 20 feet.

**Chair Vakas** noted there was no one else wishing to speak on this item. He called for a motion to close the public hearing.

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

*Motion passed 8-0.*

**Chair Vakas** commented that he appreciates the developer's concern but does not feel this is something to be considered in the future, but now. He believes it is an issue of safety. **Comm. Sutherland** noted that the average car length is 14.5 feet, and allowing five more feet doesn't necessarily allow for another car to be parked. Many vehicles are longer than 20 feet, as noted by **Comm. Corcoran**, meaning the back of the vehicle would possibly hang over into the street. Chair Vakas feels the space will be tight, and safety is an issue. **Comm. Fry** still feels the 5-foot number is arbitrary and does not provide clear direction to developers. He suggests addressing this by possibly modifying the UDO.

**Chair Vakas** asked staff if one alternative might be to widen the street. **Mr. Meredith** said that could be considered. **Ms. Nassif** said that staff has only reviewed the plans as submitted and alternative designs have not been reviewed thus far. **Comm. Corcoran** believes pedestrian and vehicular movement should be further reviewed, and shorter driveways will encourage street parking, creating a hinderance to pedestrian travel and other hazards.

**Ms. Nassif** stated that, following this discussion, the applicant has requested that this item move forward with a vote instead of returning at a future meeting. She outlined the appropriate motions that could be made this evening on this item.

**Mr. Phelps** wanted to make sure commissioners understood that there are no sidewalks. People would walk down their private drives to get down to the sidewalk, and sidewalks will be on both sides of the public street. That said, he does not believe an argument for safety has been made tonight. He said there are about 126 units in this development; roughly half are affected by this issue.

**Comm. Nelson** He believes UDO standards have been met and they have designed an intentional project that is consistent with the neighborhood. He is in favor of striking the stipulation.

**Chair Vakas** asked when the developer was made aware of the 25-foot requirement. **Ms. Nassif** said it was last November, during one of the first preapplication meetings.

**Comm. Fry** had questions regarding possible motions. **Ms. Nassif** explained options for motions and stated two motions can. **Chair Vakas** called for a motion.

*Motion by Comm. Fry to recommend approval of the rezoning to the R-3 district, seconded by Comm. Sutherland, that RZ19-0024 be recommended for approval, as stipulated in the report:*

Aye: *Sutherland, Freeman, Nelson, Fry, Corcoran, Youker, Breen, Vakas. (8)*

No: *(0)*

*Motion was approved 8-0.*

*Motion by Comm. Fry, seconded by Comm. Nelson, that preliminary plan for RZ19-0024 be approved as amended:*

*That stipulation #2 be removed – The minimum driveway length to any single unit is 25 feet.*

Aye: *Sutherland, Freeman, Nelson, Fry, Youker, Breen. (6)*

No: *Corcoran, Vakas (2)*

*Motion to strike stipulation #2 was approved 6-2.*



City of Olathe  
City Planning Division

## MINUTES – Other Matters

### Planning Commission Meeting: February 24, 2020

**Chair Vakas** noted that the next Planning Commission meeting is scheduled for Monday, March 9, 2020, at 7:00 p.m. Also, he advised that Johnson County is soliciting information in reference to the new County square. He directed anyone interested to take an online survey.

**Aimee Nassif, Chief Planning and Development Officer**, added that there will possibly be a Board of Zoning Appeals hearing on March 9<sup>th</sup> at 6:00 p.m. as well.

There were no other announcements.

*Meeting adjourned.*