



MINUTES – Opening Remarks

Planning Commission Meeting: December 11, 2023

The Planning Commission convened at 7:00 p.m. to meet in regular session with **Chairman Wayne Janner** presiding. Commissioners Keith Brown, Ken Chapman, Jeffrey Creighton, and Megan Lynn were present. Commissioner Bergida was absent for the consent agenda and public hearing Item A (FP23-0030), but present for public hearing Item B (RZ23-0010). Commissioners Taylor Breen, Chip Corcoran, and Jim Terrones were absent.

Recited Pledge of Allegiance.

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

Chair Janner referenced the Planning Commission Consent Agenda, which includes four 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 MN23-1113, Planning Commission meeting minutes of November 13, 2023, was made by **Commissioner Creighton** and seconded by **Commissioner Chapman**. The motion passed 5 to 0.



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Application:	<u>PLN23-0003</u> : Approval of the 2024 Olathe Planning Commission Meeting Dates.
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A motion to approve PLN23-0003 *2024 Olathe Planning Commission Meeting Dates* on consent agenda was made by **Commissioner Creighton** and seconded by **Commissioner Chapman**. The motion passed with a vote of 5 to 0.



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Application:	<u>MP23-0016:</u> Request for approval of a minor plat of The Landings at Stone Creek, Seventeenth Plat, containing three (3) lots on approximately 0.21 acres, located at 12304 - 12316 S. Prairie Creek Road.
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A motion to approve MP23-0016 was made by **Commissioner Creighton** and seconded by **Commissioner Chapman**. The motion passed with a vote of 5 to 0 with no stipulations.



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Application:	<u>PR23-0021:</u> Request for approval of a revised preliminary site development plan for Sign Lady Graphix on approximately 0.46 acres, located at 609 S. Fir Street.
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A motion to approve PR23-0021 as stipulated was made by **Commissioner Creighton** and seconded by **Commissioner Chapman**. The motion passed with a vote of 5 to 0 with the following stipulations:

1. A waiver is granted from UDO 18.20.150.B to reduce the required side yard building setback from 10 feet to 2 feet to the south property line, as shown on the preliminary site development plan dated November 28, 2023.
2. Paving adjacent to the west property line must maintain a 12-foot setback to accommodate buffer landscaping requirements and the privacy fence must be located east of the landscape buffer.
3. Exterior ground-mounted or building-mounted equipment, including but not limited to mechanical equipment, utilities' meter banks, and coolers, must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.



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Application:	<u>FP23-0030:</u> Request for approval of a final plat with the vacation of a portion of the existing Limits of No Access (LNA) for Asbury Centre 2nd Plat, containing two (2) lots and two (2) tracts on approximately 2.84 acres, located at 15892 S. Ridgeview Road.
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Emily Carrillo, Senior Planner, presented FP23-0030, a request to approve a final plat with vacation of a portion of the existing Limits of No Access (LNA) for Asbury Centre 2nd Plat, located at the northwest corner of 159th Street and Ridgeview Road. The proposed replat will establish lot lines, dedicate easements including a new sewer easement, and vacate portions of the current access control. The vacation is consistent with the approved preliminary site development plan from earlier this year.

All public notice requirements have been met.

Staff recommends approval with no stipulations.

Commissioner Creighton asked for confirmation there were no changes from the approved preliminary plat, which Ms. Carrillo confirmed.

Commissioner Creighton recalled with the preliminary plat, a commissioner had expressed concerns about deliveries on the north and asked if that concern was taken into consideration. Ms. Carrillo stated it was taken into consideration in the preliminary plan which was previously approved with the rezoning application. Tonight's vacation request is to allow those approved access points, one of which is the Ridgeview access point.

Chair Janner opened the public hearing, but no one was signed up to speak. With no further comments, he entertained a motion to close the public hearing.

A motion was made by **Commissioner Brown** to close the public hearing, seconded by **Commissioner Chapman** [mistakenly identified by Chair as Commissioner Lynn]. The motion passed by a vote to 5 to 0.

With no further comments, Chair Janner entertained a motion on FP23-0030.

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A motion to approve FP23-0030 as stipulated by staff was made by **Commissioner Chapman** and seconded by **Commissioner Lynn**. The motion passed with a vote of 5 to 0 with no stipulations.



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Application:	<u>RZ23-0010:</u> Request for approval of a zoning amendment to Ordinance 20-44, for a Planned District (PD) and a revised preliminary site development plan for Bach Homes Montage Apartments on approximately 17.31 acres; located southwest of W. 127th Street and S. Mur-Len Road.
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Kim Hollingsworth, Planning and Development Manager, presented RZ23-0010, a request to approve an amendment to Ordinance 20-44 for a Planned District (PD), located southwest of 127th Street and Mur-Len Road. Ms. Hollingsworth stated since this is already an approved plan, the request is to amend specific items only. The property was zoned to the Planned District in 2018 and revised in 2020. Surrounding zoning includes commercial and high-density multi-family residential. PlanOlathe designates the site as a community commercial center.

Ms. Hollingsworth stated the land uses approved in 2020 are not changing. Ms. Hollingsworth presented the revised preliminary site development plan for Bach Homes Montage Apartments. The proposed changes include modifying the layout from three residential buildings to five residential buildings, increasing the density from 383 units (26.5) to 404 units (28), and adding above-ground detention in addition to underground detention. A revised traffic study was conducted and the 2020 approved traffic improvements will be sufficient without modification.

Staff recommends approval of the zoning amendment with stipulations. In order to accommodate a PD District, stipulations are required for uses, density, setbacks/height, site design, building design, landscaping, street improvements, and phasing.

Staff recommends approval of the revised preliminary site development plan with stipulations for stormwater, screening, traffic improvements, final site development plan and platting. The proposed stipulations are designed to provide appropriate parameters while still allowing flexibility for minor revisions to the plan.

All public notice requirements have been met. Eight residents attended the neighborhood meeting, discussing stormwater and traffic and the general development. Staff has not received any additional correspondence after the neighborhood meeting.

Chair Janner asked for any questions from the commissioners.

Commissioner Creighton asked if the proposed garages are all internal-facing, which Ms. Hollingsworth confirmed.

Commissioner Creighton asked for more information about the traffic signals on 129th and at Moore and 127th since current traffic has difficulty crossing Mur-Len or 127th. Ms. Hollingsworth reviewed the traffic signals at 129th and Mur-Len and at 127th and Moore.

Commissioner Creighton asked if the intersections would be expanded.

Chet Belcher, Chief Community Development Officer, stated there will be dedicated left turn lanes at those intersections.

Chair Janner asked for further clarification about the current turn lane on 127th Street versus what is proposed, and Ms. Hollingsworth confirmed additional turn lane space will be added.

Commissioner Bergida asked for clarification about the change in units with the proposed amendment. **Ms. Hollingsworth** confirmed the apartments would increase by fourteen (14) units and townhomes would increase by seven (7) units. **Commissioner Bergida** also asked what prompted the changes since the 2020 approval. **Ms. Hollingsworth** stated the stormwater change from underwater to above-ground prompted the layout change, in addition to the applicant's interest to modify based on their experience building similar layouts in other locations. Ms. Hollingsworth deferred to the applicant for further information.

Commissioner Bergida asked for confirmation that the additional units wouldn't create a significant extra traffic burden. **Ms. Hollingsworth** confirmed that the traffic study was completed in 2020 and again with the current proposed plan; the approved traffic improvements will be sufficient for the current proposed plan modifications.

Applicant Brandon Ames, Bach Homes, 270 N. 2250 E, Layton, Utah, provided company history for Bach Homes. Bach Homes has projects in Utah, Idaho, Montana, Colorado, and Kansas City. Mr. Ames asserted that Bach Homes builds higher quality products because they generally maintain ownership of their projects permanently and utilize an in-house property management company. Bach Homes' has had another project in Kansas City for seven years. From that experience and feedback from contractors and engineers regarding soil content, rainfall, grade changes on the site and material costs, Bach Homes decided to modify the Montage design to better accommodate stormwater storage.

Chair Janner opened the public hearing, and one speaker was signed up to speak.

William "Bill" Gulick, 16330 W. 124th Street, Olathe, Kansas 66062, stated he has lived at this address about 45 years. They've waited a long time to see what will be built on this

property and feel this proposed project looks fairly nice. He can live with the height of the proposed buildings. Mr. Gulick stated his main concern is the stop lights. He stated there will be three stoplights too close together and on hills where light-timing can get off. All these factors will cause rear-end collisions. Mr. Gulick asked if commercial tenants were identified yet.

Chair Janner stated this format was not question and answer, but just statements.

Mr. Gulick stated he had nothing further.

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

A motion was made by **Commissioner Brown** to close the public hearing, seconded by **Commissioner Bergida**. The motion passed by a vote to 6 to 0.

Chair Janner opened the floor to the commissioners for discussion or further questions.

Commissioner Creighton stated he had a question for Chet Belcher, and then asked that the applicant address the questions Mr. Gulick had. From an engineering perspective, Commissioner Creighton asked Mr. Belcher to address the concerns that the traffic will back up.

Chet Belcher, Chief Community Development Officer, stated the time delays at Moore and 127th Street warranted the additional lights. Also, Olathe signals are networked by fiberoptics which will be well-coordinated.

Commissioner Creighton and **Chair Janner** asked the applicant to come up and address Mr. Gulick's question.

Mr. Ames stated they do not yet have tenants. However, they are working with different companies to attract tenants.

Commissioner Lynn asked staff whether there will be a warning eastbound to notify drivers of the new light.

Mr. Belcher stated no warning is currently planned, though traffic staff monitors counts annually and warnings can be installed if it becomes an issue.

Commissioner Lynn asked if the traffic study included Kansas City Road and Ridgeview Road, where the road narrows.

Mr. Belcher stated traffic studies generally extend only to the next arterial road. However, Mr. Belcher believes a CIP study is planned for Ridgeview and Kansas City Road.

Commissioner Lynn added the trafficway would likely be impacted by drivers to K-10 Highway.

Mr. Belcher stated he didn't see that currently, but he believed the 2026 CIP was planned for a traffic study of that area.

Commissioner Bergida asked staff why the stipulations followed the Site 3 standards (29 unit max), rather than Site 1 standards (18 unit max per acre) for the R-4 District.

Kim Hollingsworth, Planning & Development Manager answered that they use the standards as a reference point, but the Planned District creates its own standards. Staff doesn't go to the standards to see what's allowed; instead the applicant proposes a density, which staff then analyzes and reacts to. However, this proposed density aligns with other R-4 projects that have been approved (for example, Villas at Ridgeview Falls which is 27.6, or Ridgeview Corporate Center which is about 27.) This is in line with other standalone residential projects, but this is a mixed use, higher density with a combination of commercial on the ground floor.

Commissioner Bergida asked if there is no limit to the number of units for a Planned District.

Ms. Hollingsworth confirmed, saying instead Planned Districts are vetted through the zoning process. When the project was last vetted, the maximum was put in place of 26.7 units per dwelling acre. The applicant is now requesting a slightly higher density. However, for comparison that proposed density is still below the maximum allowed in an R-4 District.

Commissioner Bergida stated it's below the maximum for Site 3, but he asked why staff went with Site 3 rather than the other site categories.

Ms. Hollingsworth answered staff starts with the applicant's request (which is 28) and then looks at the impact (i.e. layout, street-less parking) of that density request; staff believes this is in line with what's expected at this major intersection in alignment with PlanOlathe, for a higher density Commercial Center.

With no further comments, Chair Janner entertained a motion on RZ23-0010.

Commissioner Creighton noted he appreciated the changes from the last approved project, in particular the larger buildings to smaller buildings.

A motion to approve RZ23-0010 as stipulated by staff was made by **Commissioner Creighton** and seconded by **Commissioner Chapman**. The motion passed with a vote of 5 to 1 with the following stipulations:

- A. Staff recommends approval of the zoning amendment and revised preliminary site development plan (RZ23-0010) for the following reasons:

1. The proposed development complies with the policies and goals of the Comprehensive Plan.
 2. The requested zoning amendment meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the zoning amendment with the following stipulations:
1. The prohibited uses are established within the attached Use List (Exhibit A). Any modifications to the uses must be requested through the zoning amendment process.
 2. The development must provide the general allocation of land uses established on the preliminary site development plan (Exhibit B) dated November 27, 2023 and comply with the following standards:
 - a. The residential density must maintain a minimum of 20 dwelling units per acre and a maximum of 29 dwelling units per acre.
 - b. A minimum commercial floor area of 27,000 square feet must be provided.
 - c. A minimum of 20% open space must be maintained and high-quality outdoor residential amenities provided.
 - d. All setbacks are as established on the preliminary site development plan dated November 27, 2023.
 - e. A minimum street frontage buildout of 30% is required along S. Mur-Len Road for Lots 1, 4 and 5 and a minimum 50% buildout along all other streets for Lot 2.
 - f. The development is subject to the development standards of UDO 18.30 and the supplemental standards of UDO 18.50.
 3. The maximum building height is established as follows: 65' multi-family residential, 35' townhouses and 55' commercial/mixed use.
 4. The multi-family residential, townhouses and mixed-use buildings are subject to Site Design Category 3, and the commercial buildings are subject to Site Design Category 4 per UDO 18.15.
 5. The building design is subject to UDO 18.15.020 for the commercial and mixed-use buildings. All other buildings must be comprised of primarily masonry materials with fiber cement siding as an accent only. The architectural design will be cohesive and harmonious throughout the development.

6. Sign standards will be determined with final site development plans or through a comprehensive sign package.
 7. All street improvements shall be in accordance with the traffic impact study and as required by the City Engineer. A revised traffic study or report shall be submitted if there is a change in land use, as required by the City Engineer.
 8. All access drives and internal streets will be constructed with the first phase of development.
- C. Staff recommends approval of the revised preliminary site development plan with the following stipulations:
1. Final site development plans must be approved prior to issuance of building permits for respective buildings.
 2. A replat must be approved and recorded prior to the submittal of building permits.
 3. Prior to certificate of occupancy for the apartments and townhomes, traffic signals must be constructed at the intersections of 129th Street and Mur-Len, and at 127th Street and Moore Avenue.
 4. This site is subject to all City of Olathe Title 17 requirements for stormwater detention and stormwater quality. Stormwater management facilities must be adequate for each phase.
 5. The following site details will be reviewed during the final site development plan review and adhere to the following sections of the UDO:
 - a. Parking lot screening details per UDO 18.30.130.
 - b. Details for trash enclosures or compactors will comply with UDO 18.30.130.
 - c. Photometric plans for parking lot lighting will comply with UDO 18.30.135.
 - d. All rooftop mechanical equipment shall be screened from public view. All exterior ground or building mounted equipment, including but not limited to mechanical equipment and utility meter banks shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture in compliance with UDO 18.30.130.



MINUTES – Closing Remarks

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Kim Hollingsworth, Planning and Development Manager, reminded attendees the next Planning Commission meeting will be January 8, 2024, due to the holiday.

Meeting adjourned.