



MINUTES – Opening Remarks

Planning Commission Meeting: May 13, 2024

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

Recited Pledge of Allegiance.

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

Chair Breen referenced the Planning Commission Consent Agenda, which included four items. Chair Breen asked if any items need to be removed for separate discussion or additional information. Seeing none, Chair Breen asked for a motion on the consent agenda.

A motion to approve MN24-0429 was made by **Commissioner Terrones** and seconded by **Commissioner Brown**. The motion passed 8 to 0.



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Planning Commission Meeting: May 13, 2024

Application:	<u>FP24-0008:</u> Request for approval of a final plat for Lakeview Ridge, 2nd Plat, containing 42 lots and two (2) tracts on approximately 17.67 acres, located northwest of W. 143rd Street and S. Houston Street.
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A motion to approve FP24-0008 was made by **Commissioner Terrones** and seconded by **Commissioner Brown**. The motion passed with a vote of 8 to 0 with the following stipulations:

1. The eastbound and westbound left turn lanes on W. 143rd Street at S. Houston Street are required to be constructed prior to the next phase of development according to the Traffic Impact Study dated December 28th, 2021.
2. The private 10' wide electric easement (Book 64, Page 626) must be vacated prior to recording the final plat.
3. Prior to issuance of a land disturbance permit or building permit, standard orange barricade fencing must be installed around all tree preservation areas in accordance with UDO 18.30.



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Planning Commission Meeting: May 13, 2024

Application:	<u>FP24-0009:</u> Request for approval of a final plat for Mur-Len Commercial Park, Fifth Plat, containing three (3) lots and one (1) tract on approximately 11.67 acres, located northeast of W. 135th Street and N. Mur-Len Road.
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A motion to approve FP24-0009 was made by **Commissioner Terrones** and seconded by **Commissioner Brown**. The motion passed with a vote of 8 to 0 with the following stipulation:

1. Lot 3 must be deeded to the City of Olathe with the recording of the final plat.



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Planning Commission Meeting: May 13, 2024

Application:	<u>FP24-0010:</u> Request for approval of a final plat for Abbey Valley, containing 51 lots and six (6) tracts on approximately 20 acres, located northeast of W. 167th Street and S. Ridgeview Road.
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A motion to approve FP24-0010 was made by **Commissioner Terrones** and seconded by **Commissioner Brown**. The motion passed with a vote of 8 to 0 with the following stipulation:

1. Prior to issuance of a land disturbance permit or building permit, standard orange barricade fencing must be installed around all tree preservation areas in accordance with UDO 18.30.



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Planning Commission Meeting: May 13, 2024

Application:	<u>RZ24-0007:</u> Request for approval of a rezoning from the RP-1 (Planned Single-Family) District, CP-1 (Planned Retail Business) District, and the CP-O (Planned Office) District to the C-1 (Neighborhood Center) District and a preliminary site development plan for Primrose School of Olathe on approximately 3.74 acres; located southwest of W. 158th Street and S. Hunter Road.
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Ms. Andrea Fair, Planner II, presented RZ24-0007, a request to rezone approximately 3.74 acres, located on the southwest of W. 158th Street and Hunter Street, to the C-1 (Neighborhood) District with an associated preliminary site development plan for Primrose School of Olathe.

Ms. Fair presented the site history and surrounding development. The site includes two commercial lots, which are part of the larger Asbury Centre commercial area. The overall Asbury Centre development has begun to develop with the County Kids Daycare located in the northeast portion of the development. A rezoning and site development plan were approved for Lot 4 in October of 2023 [RZ23-0006] and will allow for the construction of a bank and separate multi-tenant building on the southeast portion. On April 29, an application for rezoning and site development plan [RZ23-0013] was recommended for approval for Tract A by the Planning Commission and will go before the City Council on May 21, 2024.

Ms. Fair continued that the subject property is currently zoned RP-1 (Planned Single-Family Residential), CP-1 (Planned Retail Business), and CP-O (Planned Office). The applicant is requesting to rezone to the C-1 (Neighborhood Center District), which provides for a greater variety of neighborhood focused commercial uses and services. Ms. Fair confirmed the C-1 District is also consistent with the applications adjacent to the subject property [RZ23-0006 & RZ23-0013].

Ms. Fair presented the Future Land Use Map of PlanOlathe which identifies the subject property as Conventional Neighborhood. Conventional Neighborhoods typically consist of single-family housing. However, Ms. Fair presented that PlanOlathe designates that Neighborhood Centers be distributed throughout Olathe neighborhoods to provide local access to convenience good and services, reduce the need for lengthy drives, and promote walkability. Over time, Asbury Centre has been established as an existing

Neighborhood Center at this intersection, consistent with other major intersections in this area. Ms. Fair confirmed the proposed C-1 District aligns with other policies of PlanOlathe regarding complete neighborhoods, high-quality design and providing a mix of complimentary land uses.

Ms. Fair further stated that the C-1 District permits over 70+ land uses. This rezoning is compatible with the adjacent commercial and office districts already found in Asbury Centre. However, some use restrictions are recommended, consistent within the overall restricted uses within the Asbury Centre development; since this site is internal to the development, these restrictions will also minimize the impact on adjacent residences.

Ms. Fair presented the preliminary site development plan for Lot 1. A 13,545 sq. ft. day-care center would accommodate 200 students and 28 staff members with an outdoor play area. The daycare building is one-story in height, and no taller than 29 feet at the tower peak. Ms. Fair presented the proposed building elevations. Forty-three (43) parking spaces are proposed.

Ms. Fair continued that a future phase for Lot 2 included a 10,800 sq. ft. general commercial building which was largely conceptual in nature. A revised preliminary site development plan for Lot 2 with further detail would be required prior to submittal of final site development plan.

Ms. Fair stated access to the site would be provided from S. Hunter Street and will align with the access drive directly to the east. The applicant has exceeded all landscaping standards and added a signature landscape area at the corner of the property.

The applicant has requested three waivers, all of which staff supports:

1. The first waiver is a request from Site Design Category 3, which requires street frontage area be a max. of 158' and a façade width of 30%. The applicant requests a setback of 60' due to the required outdoor play area and irregular shape of the site. The applicant has provided additional landscaping and an outdoor amenity area.
2. The second waiver is a request to decrease the percentage of clear glass on all primary façades. The applicant will substitute opaque glass where clear glass cannot be used, providing 20% to 25% total glazing on all façades. Also, additional architectural details and high-quality building materials were utilized on all building façades.
3. The third waiver is for the maximum parking requirement. The applicant requests to increase the number of parking stalls from 17 to 43. The Primrose School has a staff of 28, which exceeds both the number of required stalls and the allowed increase of 125%.

Ms. Fair stated the applicant met all public notice requirements. There were seven (7) residents who attended the neighborhood meeting on April 8th with questions regarding traffic and building and site design. Staff has not received any correspondence about the project.

Staff recommends approval of RZ24-0007 with stipulations and the preliminary plan with stipulations. The applicant has agreed to all stipulations.

Chair Breen asked if the commissioners had any questions.

Commissioner Terrones stated he simply wanted to state he appreciated the documentation Ms. Fair provided, especially regarding the waivers. He stated it was well-written, and he appreciated the effort.

Commissioner Creighton stated there was another recent rezoning request at Brentwood and 159th for a coffee shop with particular discussion regarding hours of operation. Commissioner Creighton asked whether staff had had discussions about similar limitations around use or hours of operation for this site.

Ms. Fair answered staff has not discussed stipulating the hours of operation with the applicant, but the applicant could further answer. Ms. Fair continued she believed the cut-off time for school pick-up was either 6:00 pm or 7:00 pm.

Commissioner Creighton also wanted to further note for the record that, based on the slope of this site, staff pay special attention to the detention issues during the final site plan review. He has friends who live in the neighborhood to the west, and he has been there periodically. There are often concerns about water detention.

Chair Breen stated the waiver for parking makes sense. He asked if the applicant, based on their seasoned experience, believes the requested parking would be comfortably sufficient to meet their needs.

Ms. Fair deferred to the applicant to answer, but referenced a letter the applicant had provided with the calculations for their proposed parking need.

Commissioner Bergida stated he read the meeting minutes which asked about two entrance points as opposed to one. Commissioner Bergida asked whether the applicant or staff had further discussed or explored that option.

Ms. Fair stated the proposed Lot 2 shows a conceptual second point of entry, but currently the daycare on Lot 1 only has one entry point. The applicant sees no need for a second entry point at this time.

With no further questions, **Chair Breen** 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 Chapman** to close the public hearing, seconded by **Commissioner Creighton**. The motion passed by a vote of 8 to 0.

With no further comments or discussion. **Chair Breen** entertained a motion on RZ24-0007.

A motion to approve RZ24-0007 as stipulated by staff was made by **Commissioner Terrones** and seconded by **Commissioner Creighton**. The motion passed with a vote of 8 to 0 with the following stipulations:

- A. Staff recommends approval of RZ24-0007 for the following reasons:
 1. The proposed development complies with the policies and goals of the Comprehensive Plan.
 2. The requested rezoning to the C-1 District meets the Unified Development (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the C-1 District with the following stipulations:
 1. The following uses are prohibited:
 - a. Fast-Food or Carryout Restaurants
 - b. Animal Care Facilities with Outdoor Kennels
 - c. Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43.
- C. Staff recommends approval of the preliminary development plan with the following stipulations:
 1. A revised preliminary site development plan is required for Lot 2 prior to submittal of a final site development plan.
 2. A waiver is granted from UDO 18.15.115.C to reduce the street frontage setback and buildout requirement from 15 feet and 30% to a setback of 60 feet with the elimination of the façade width requirement, as shown on the preliminary site development dated April 22, 2024.
 3. A waiver is granted from UDO 18.15.020.G.8.b to decrease the minimum glass requirement from 25% on all primary façades to 7% on the north façade, 10% on the south façade, 11% on the east façade and 12% west façade as shown on the elevations dated April 22, 2023.
 4. A waiver is granted from UDO 18.020.130.C.1 to exceed the 125% maximum parking requirement and permit a maximum of 43 parking stalls, as shown on the preliminary site development plan dated April 1, 2024.
 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.



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Planning Commission Meeting: May 13, 2024

Application:	<u>RZ24-0009</u>: Request for approval of a rezoning from the R-1 (Single-Family) and the CP-3 (Planned Community/Corridor Business) Districts to the C-1 (Neighborhood Center) District and a preliminary site development plan for Olathe Family Dental on approximately 0.74 acres; located at 355 S. Parker Street.
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Ms. Andrea Fair, Planner II, presented RZ24-0009, a request to rezone approximately 0.74 acres, located at 355 S. Parker Street, to the C-1 (Neighborhood Center) District with an associated preliminary site development plan for Olathe Family Dental. Ms. Fair stated Olathe Family Dental is currently located at 450 S. Parker, and the applicant is proposing to relocate to the subject property at 355 S. Parker Street, west of Parker Street and north of Elm Street.

Ms. Fair presented the site, which is currently developed with an almost 4,000 square foot car wash and currently zoned R-1 (Single-Family Residential) and CP-3 (Community/Corridor Business). Ms. Fair continued, stating the applicant requests to rezone to the C-1 (Neighborhood Center) District, which provides for a greater variety of neighborhood focused commercial uses and services. The Future Land Use Map of PlanOlathe identifies the subject property as a Neighborhood Commercial Center. These centers are distributed throughout Olathe neighborhoods to provide local access to convenience good and services, reduce the need for lengthy drives, and promote walkability.

Ms. Fair continued, stating the proposed C-1 District directly aligns with the future land use designation and supports several policies of the Comprehensive Plan. She noted the C-1 District permits over 70 land uses that provide the convenient goods and services called for by PlanOlathe. She stated this rezoning is compatible with the adjacent commercial districts already found along the Parker Corridor. However, some use restrictions are recommended to maintain compatibility with the nearby residences, alignment with the Neighborhood Center designation, and provide consistently with the form and character of the existing neighborhood.

Ms. Fair presented the preliminary site development plan to make an adaptive reuse of the existing building with various site improvements. One such improvement is to reduce the existing impervious surface by adding landscape islands along the south property line

and internally on the south side of the building. Additional landscaping is proposed along the north, south and east property lines to meet UDO requirements. Specifically, along the east property line the applicant is removing the vacuums and canopy structure to allow for more plantings and provide additional buffering along Parker Street. There is an existing fence and landscaping along the west property line that will remain. The applicant will utilize the existing paved area to add 25 parking spaces.

Ms. Fair presented the building elevations. She noted the existing building will be updated to both reuse some existing building materials and also modernize each façade using stone veneer, infilling the existing bays with storefront glass, and patching and painting existing EIFS. A main recessed entry way will be provided at the southeast corner of the building. Ms. Fair summarized these improvements increase Class 1 materials to more closely align with current UDO requirements.

Ms. Fair noted the applicant met all public notice requirements and held a neighborhood meeting on April 22, 2024 with no attendees. Staff has not received any correspondence about the project.

Ms. Fair concluded staff recommends approval of RZ24-0009 with stipulations and recommends the preliminary plan with stipulations. The applicant has agreed to all stipulations.

Chair Breen asked if the commissioners had any questions.

With no further questions, **Chair Breen** 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 Bergida** to close the public hearing, seconded by **Commissioner Chapman**. The motion passed by a vote of 8 to 0.

Chair Breen opened the floor for discussion among the commissioners.

Commissioner Creighton asked the applicant to come to the podium for questions.

Judd Claussen, Phelps Engineering, 1270 N Winchester, Olathe, Kansas introduced himself and noted Guy Gronberg, Guy Gronberg Architects, was also present at the meeting.

Commissioner Creighton stated he has personally been a patient of Olathe Family Dentistry for many years. He noted a change in ownership approximately two years ago after which the business has grown considerably. Commissioner Creighton stated that last week, it was difficult to find parking at the current location. He asked how much additional parking will be at the new site compared to the old site.

Mr. Claussen noted he does not have exact numbers. He continued stating they are using the existing pavement field and adding islands. They are trying to max out the parking while staying within the City's code.

Commissioner Creighton asked whether Mr. Claussen can confirm the parking is greater than the existing parking, which **Mr. Claussen** confirmed.

With no further comments or discussion. **Chair Breen** entertained a motion on RZ24-0009.

A motion to approve RZ24-0009 as stipulated by staff was made by **Commissioner Terrones** and seconded by **Commissioner Creighton**. The motion passed with a vote of 8 to 0 with the following stipulations:

- A. Staff recommends approval of RZ24-0009 for the following reasons:
 1. The proposed development complies with the policies and goals of the Comprehensive Plan.
 2. The requested rezoning to the C-1 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the C-1 District with the following stipulations:
 1. The following uses are prohibited:
 - a. Fast-Food or Carryout Restaurants
 - b. Animal Care Facilities with Outdoor Kennels
 - c. Any Distance Restricted Businesses as listed in Olathe Municipal Code Chapter 5.43.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
 1. 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 – Closing Remarks

Planning Commission Meeting: May 13, 2024

Kim Hollingsworth, Planning & Development Manager, reminded Commissioners there is not a meeting in two weeks due to the Memorial Day holiday. The next meeting is in June.

Meeting adjourned.