



## MINUTES

### Planning Commission Meeting: May 13, 2024

<b>Application:</b>	<b><u>RZ24-0007:</u></b> 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. 158<sup>th</sup> 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 8<sup>th</sup> 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 159<sup>th</sup> 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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