



MINUTES

Planning Commission Meeting: September 11, 2023

Application:	<u>RZ23-0004:</u> Request for approval of a rezoning from the MP-2 (Planned General Industrial) District to the R-4 (Medium-Density Multifamily) District and a preliminary site development plan for the K-7 & College Multifamily Development on approximately 30.06 acres; located north of College Road and east of K-7 Highway.
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Ms. Kim Hollingsworth, Planning and Development Manager, presented RZ23-0004, a request to approve a rezoning of approximately 30.06 acres with a preliminary site development plan for the K-7 & College Multifamily Development, located north of College Boulevard and east of K-7 Highway. The site was zoned to MP-2 zoning in 2000 for office and warehouse uses. Surrounding properties are primarily County Rural zoning with some Business Park zoning. The applicant is proposing to rezone to R-4 District in order to construct ten four-story apartment buildings with a total of 552 units, which would align with the Future Land Use Map, Comprehensive Plan, and K-7 Corridor Design Guidelines.

Ms. Hollingsworth presented the preliminary site development plan for a multifamily complex with amenities, walking paths, and landscaping. Ms. Hollingsworth presented traffic access points and plans to shift Monticello Terrace further east, in order move its intersection with College Boulevard further away from K-7 Highway in order to comply with traffic standards.

All public notice requirements have been met. Staff met with a landowner to the south who would be affected by the realignment of Monticello Terrace and answered questions. Staff received no other correspondence.

Staff recommends approval of the rezoning with no stipulations.

Staff recommends approval of the preliminary site development plan with stipulations, several of which were amended after the packet went out. Ms. Hollingsworth presented the amendments and stipulations.

Commissioner Bergida asked for clarification about traffic. Ms. Hollingsworth introduced **Mr. Zach Baker, Public Works Traffic Engineer**, who presented findings from the traffic

study. Commissioner Bergida asked for further clarification regarding school and truck traffic, which Mr. Baker answered.

Commissioner Bergida asked for clarification about the Comprehensive Plan, Corridor Plan and surrounding zoning, which **Ms. Hollingsworth** answered.

Commissioner Lynn asked for clarification about the realignment of Woodsonia Drive just north of College Boulevard and the future land acquisition necessary which **Ms. Hollingsworth** answered.

Commissioner Creighton asked for clarification regarding the realignment of Monticello Terrace and how the surrounding land could be developed after the realignment, which **Ms. Hollingsworth** and **Mr. Charlie Love, Chief Development Engineer**, answered. Mr. Love noted the existing Monticello Terrace traffic conditions. Commissioner Creighton noted concerns about impacts to surrounding property owners, and **Mr. Chet Belcher, Chief Community Development Officer** responded.

Commissioner Creighton asked for clarification regarding the proposed zoning change and its effect on future adjacent development to the east, which **Ms. Hollingsworth** answered.

Commissioner Terrones asked for clarification regarding whether or not carports are in the proposed plan, and **Ms. Hollingsworth** confirmed that there are only detached garages proposed. Commissioner Terrones noted concerns about traffic and asked for further clarification, which Ms. Hollingsworth answered. Commissioner Terrones also asked for clarification regarding public notice, which Ms. Hollingsworth answered.

Commissioner Lynn asked for clarification regarding proposed trail connections to the schools located to the east, which Ms. Hollingsworth answered.

Commissioner Brown asked for clarification regarding traffic access to and from the proposed development from Woodsonia Drive, traffic patterns, and proposed traffic changes. **Ms. Hollingsworth, Mr. Belcher, and Mr. Baker** answered.

Commissioner Bergida asked for clarification regarding the land use map and the Comprehensive Plan, which Ms. Hollingsworth answered.

Mr. Aaron Mesmer, Block Real Estate, 4622 Pennsylvania Avenue, Suite 700, Kansas City, MO 64112, presented for the applicant. He presented the proposed apartment complex with amenities and traffic access. He commented on surrounding properties and site location.

Commissioner Bergida asked for clarification regarding applicant's choice to pursue the higher density residential zoning rather than commercial or other uses with this proposed plan and rezoning. Mr. Mesmer answered.

Chair Janner opened the public hearing. Two speakers were signed up to speak:

Speaker #1, Attorney Kris Kuckelman, 11000 King Overland Park, KS 66210 for landowners John and Teresa Lynn to the south and east of proposed site. Mr. Kuckelman expressed concern for moving Woodsonia Drive through his client's property and the result on his clients.

Speaker #2 Mark Hannah for Cedar View Land Co., 17925 Lackman Road, Olathe, KS 66062. Mr. Hannah stated Cedar View Land Co. owns the property directly south of the Block property. Mr. Hannah stated they do not oppose rezoning, but there is still a lot to work out with Block.

With no further speakers, **Chair Janner** entertained a motion to close the public hearing. A motion was made by **Commissioner Terrones** to close the public hearing, with a second by **Commissioner Breen**. The motion passed by a vote of 8 to 0.

Chair Janner asked if there is any further open discussion among the Commissioners.

Commissioner Creighton asked for clarification regarding procedure if the rezoning is approved but a subsequent land acquisition agreement is not reached. **Mr. Ron Shaver, City Attorney** answered, indicating the role of the Planning Commission versus the City Council.

Commissioner Brown asked staff to point out where the speakers' land is on the map, which Ms. Hollingsworth did.

Commissioner Bergida stated with concerns about impact to surrounding property owners, land acquisition, changes in land use, and traffic, he believes it's too early for this plan and will vote against it.

With no further comments, **Chair Janner** entertained a motion on RZ23-0004.

Commissioner Breen moved and **Commissioner Chapman** seconded to approve RZ23-0004 as stipulated:

A. Staff recommends approval of RZ23-0004, for the following reasons:

1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan for:

LUCC-1.1: Consistency with the Comprehensive Plan. Land use proposals should be consistent with the vision of the Comprehensive Plan, as well as applicable local ordinances and resolutions.

LUCC-3.1: Encourage Housing Near Services. Encourage higher density housing development near transit services, commercial centers, and planned transit nodes and corridors to create activity areas that add to the community's quality of life.

HN-2.1: Full Range of Housing Choices. Encourage residential development that supports the full range of housing needs in the community by ensuring that a variety of housing types, prices and styles are created and maintained in the community.

HN-2.3: Higher Residential Densities. Target future medium and high-density residential development to locations that are accessible to and integrated with potential employment and transit centers.

2. The requested zoning meets the Unified Development Ordinance criteria for considering zoning amendment applications.
- B. Staff recommends approval of the rezoning to the R-4 District as presented with no stipulations.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
1. Off-site rights-of-way and easements for off-site infrastructure extensions must be dedicated prior to recording of the Final Plat.
 2. All improvements to the proposed intersection of Woodsonia and College Boulevard, as recommended in the traffic impact study, must be constructed and accepted prior to issuance of building permits.
 3. The off-site extension of Woodsonia shall be constructed and accepted prior to issuance of building permits.
 4. The off-site extension of the public sanitary sewer main shall be constructed and accepted prior to issuance of building permits.
 5. Per UDO 18.30.180.c and the 2040 Trails and Greenways Guiding Plan, a 10- foot concrete side path must be constructed on one side of Woodsonia Drive, extending south to the intersection of College Boulevard. Revised development plans showing this improvement are required prior to City Council consideration of this application.
 6. A 5-foot sidewalk must be constructed on one side of Woodsonia Drive, extending south to the intersection of College Boulevard. Revised

development plans showing this improvement are required prior to City Council consideration of this application.

7. The cul-de-sac must be sized in accordance with City of Olathe Design Criteria, with a radius of 39 feet. Revised development plans showing this improvement are required prior to City Council consideration of this application.
8. Buffer landscaping and parking lot islands must be provided along the northern parking row, in accordance with UDO 18.30.130. Revised development plans showing this improvement are required prior to City Council consideration of this application.
9. A letter from Evergy is required at the time of final development plan to approve any work within Evergy easements, including but not limited to, grading, signage, streetlights, driveways and landscaping.
10. Tree protection fencing must be installed around all tree preservation areas and maintained for the duration of construction for this development per UDO 18.30.240.E.
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.

The motion failed by a roll-call vote of 4 to 4.