



CALL TO ORDER

PLEDGE OF ALLEGIANCE

QUORUM ACKNOWLEDGEMENT

CONSENT AGENDA

- A. MN23-1211:** Approval of the minutes as written from the December 11, 2023 Planning Commission meeting.
- B. MP23-0017:** Request for approval of a minor plat of Olathe Pointe, Third Plat, containing two (2) lots on approximately 12.77 acres, located at 14635 W. 119th Street.
Owner: Brad LaRue, UG3 Olathe, LP C/O United Growth
Engineer/Applicant: Michael Bogina, Olsson
Staff Contact: Luke Bertram and Kim Hollingsworth
- C. FP23-0032:** Request for approval of a replat of Millcreek Center II, Fourth Plat, containing one (1) lot and two (2) tracts on approximately 3.32 acres, located at 1875 N. Ridgeview Road.
Owner: L.E. Huckelberry, Mill Creek Partnership
Applicant: Rob Heise, Frontier Investments LLC
Engineer: Alex Gustafson, OWN Inc.
Staff Contact: Taylor Vande Velde and Kim Hollingsworth

REGULAR BUSINESS

REGULAR AGENDA-PUBLIC HEARING

- A. PUBLIC HEARING**
PR23-0022: Request for an exception to the NC (Neighborhood Center) District for the maximum tenant size for Arbor Creek Building H., located at 16517 W. 159th Terrace.
Owner/Applicant: Gavin Barmby, Murlen 159, LLC
Architect: Larry Lisbona, Lisbona Architects, Inc.
Staff Contact: Andrea Fair and Kim Hollingsworth

B. PUBLIC HEARING

RZ23-0012: Request for approval of a rezoning from the CTY RUR (County Rural) District to the R-1 (Residential Single-Family) District, preliminary plat, and preliminary site development plan for Heritage Ranch on approximately 128.98 acres; located southwest of 159th Street & Black Bob Road (Lackman Road).

Owner: John H. and Susan Wilson

Applicant/Engineer: Tim Tucker, Phelps Engineering, Inc.

Staff Contact: Taylor Vande Velde and Kim Hollingsworth

C. PUBLIC HEARING

RZ23-0014: Request for approval of a rezoning from the C-2 (Community Center) District to the D (Downtown, Mixed-Use) District and a preliminary site development plan for The Olathe Group addition, located at 222 S. Kansas Avenue.

Owner/Applicant: Jim Boldt, DOCE Properties, LLC

Engineer: Judd Claussen, Phelps Engineering, Inc.

Staff Contact: Emily Carrillo and Kim Hollingsworth

ANNOUNCEMENTS

ADJOURNMENT

The City of Olathe offers public meeting accommodations. Olathe City Hall is wheelchair accessible. Assistive listening devices as well as iPads with closed captioning are available at each meeting. To request an ASL interpreter, or other accommodations, please contact the City Clerk's office at 913-971-8521. Two (2) business days notice is required to ensure availability.



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.



MINUTES

Planning Commission Meeting: December 11, 2023

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.



MINUTES

Planning Commission Meeting: December 11, 2023

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.



MINUTES

Planning Commission Meeting: December 11, 2023

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.



MINUTES

Planning Commission Meeting: December 11, 2023

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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December 11, 2023
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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.



MINUTES

Planning Commission Meeting: December 11, 2023

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

Planning Commission Meeting: December 11, 2023

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

Meeting adjourned.



STAFF REPORT

Planning Commission Meeting: January 8, 2024

Application:	MP23-0017: Minor Plat of Olathe Pointe, Third Plat
Location:	14635 W. 119 th Street
Owners:	Brad LaRue, UG3 Olathe, LP C/O United Growth
Engineer/Applicant:	Michael Bogina, Olsson
Staff Contact:	Luke Bertram; Planner I

Site Area:	<u>12.77 acres</u>	Existing Use:	<u>General Commercial</u>
Lots:	<u>2</u>	Current Zoning:	<u>CP-2 District (Planned General Business)</u>
Tracts:	<u>0</u>	Plat:	<u>Olathe Pointe, Second Plat</u>

1. Introduction

This is a request for approval of a minor plat of Olathe Pointe, Third Plat, which reestablishes lot lines for two (2) lots on approximately 12.77 acres, located at 14635 W. 119th Street. The applicant is replatting the property currently known as Lot 11 of Olathe Pointe, Second Plat to allow the northern tenant space occupied by Whole Foods to be owned separate from the remainder of the building.

The subject property was rezoned to the CP-2 (Planned General Business) District as part of the Olathe Pointe development in 2003 (RZ-21-03) and was originally platted in 2005. The existing multi-tenant building was constructed in phases, with the southern portion approved in 2005 (PR-04-078) and the northern portion approved in 2012 (PR-12-026).

No public easements or right-of-way will be dedicated with this replat, and therefore the plat does not require City Council approval.

2. Plat Review

- a. **Lots** – The replat includes two (2) lots to allow for individual ownership of the existing tenant spaces within the retail building.
- b. **Public Utilities** – The subject property is located in the City of Olathe Water and Sewer service areas. No new easements are dedicated with this replat.

- c. **Streets/Right-of-Way** – Both proposed lots maintain access to Black Bob Road and 119th Street via the existing access easements located throughout Olathe Pointe.



Aerial view of the subject property outlined in yellow.

3. Staff Recommendation

- A. Staff recommends approval of **MP23-0017**, Minor Plat of Olathe Pointe, Third Plat, with no stipulations.



STAFF REPORT

Planning Commission Meeting: January 8, 2024

Application:	FP23-0032: Replat of Millcreek Center II, Fourth Plat		
Location:	1875 North Ridgeview Rd		
Owner:	L.E. Huckleberry, Mill Creek Partnership		
Applicant:	Rob Heuse, Frontier Investments, LLC		
Engineer:	Alex Gustafson, OWN, Inc.		
Staff Contact:	Taylor Vande Velde, Planner II		

Site Area:	<u>3.32± acres</u>	Existing & Proposed Uses:	<u>Car Wash</u>
Lots:	<u>1</u>	Existing Zoning:	<u>C-3 (Regional Center) District</u>
Tracts:	<u>2</u>	Existing Plat:	<u>Millcreek Center II</u>

1. Introduction

The following application is a replat of Millcreek Center II, Fourth Plat, containing one (1) commercial lot and two (2) tracts. The subject property was originally platted as Lot 1 of the Millcreek Center II Plat in 1996 but remained vacant. The property was recently rezoned (RZ22-0015) to the C-3 District and a final site development plan (PAR22-0082) was approved in for Tommy's Car Wash in February 2023. The carwash facility is currently under construction and the final plat is required to dedicate a stormwater detention tract consistent with the approved plans.

2. Plat Review

- a. **Lots/Tracts** – The plat includes one (1) commercial lot approximately 3.32 acres with one (1) common tract. Tract B is intended to accommodate the proposed stormwater detention facility.
- b. **Public Utilities** – The site is located within the City of Olathe Water and Johnson County Wastewater service areas. The plat is served by existing utilities and no new utility easements will be dedicated with this plat.
- c. **Streets/Right-Of-Way** – The site is accessed from two existing private entrances extending to Ridgeview Road to the east and 119th Street to the north. No additional right-of-way is being dedicated with this final plat.

- d. **Stormwater** – Tract B is intended to accommodate a stormwater detention basin for Tommy's Carwash which will be owned and maintained by the owners of lot 1; The plat also includes a 10-foot access easement for maintenance.



Aerial view of subject property outlined in yellow.

3. Staff Recommendation:

Staff recommends approval of FP23-0032, final plat of Millcreek Center II, Fourth Plat with the following stipulations:

1. A Stream Corridor and a Stormwater Treatment Facility Maintenance Agreement must be submitted and approved prior to recording a final plat for this development



STAFF REPORT

Planning Commission Meeting: January 8, 2024

Application	PR23-0022: Request for an exception to the NC (Neighborhood Center) District for the maximum tenant size of Arbor Creek Building H
Location	16509 -16529 W. 159 th Terrace
Owner/Applicant	Gavin Bamby, Murlen 159, LLC
Staff Contact	Andrea Fair, AICP, Planner II

Site Area:	<u>0.45 ± acres</u>	Original Tenant Sizes: <u>3,475 SF restaurant / 4,000 SF liquor store</u>
Zoning:	<u>NC (Neighborhood Center)</u>	Expanded Tenant Sizes: <u>6,019 SF restaurant / 6,364 SF liquor store</u>
Current Use:	<u>Liquor Store & Restaurant</u>	Plat: <u>Arbor Creek Village, First Plat</u>

1. Introduction

The applicant is requesting approval of a revised preliminary site development plan for an exception to the NC (Neighborhood Center) District for the maximum tenant size of Building H within the Arbor Creek Neighborhood Center development (Arbor Creek). Located southeast of 159th Street and Mur-Len Road, Arbor Creek has retained the NC District zoning designation since 1999. The NC District has a maximum tenant size of 5,000 square feet. Kinsale Wine & Spirits and Casa Amigos, existing businesses, have both expanded into adjacent tenant spaces and now exceed the maximum allowable tenant size.

The existing multi-tenant building, Building H, was constructed in 2003 and was originally planned for approximately six (6) tenant spaces. Over the past 20 years, the number of tenants has decreased, and the size occupied by each tenant has increased. The alterations have resulted in only two (2) tenants occupying the building today. The applicant's request is to permit a tenant space of 6,019 square feet for Casa Amigos located within the southwest portion of Building H. Additionally, a 6,364 square foot space is requested for Kinsale Wine & Spirits which includes approximately 5,364 square feet for liquor sales and, the applicant has stated, approximately 1,000 square feet for retail sales of barbeque equipment and products. The liquor and retail entities operate within the same tenant space under one business name and ownership (see Diagram 1).



Aerial view of the subject property outlined in yellow.



View of subject property looking southeast.

3. History

The subject property was annexed into the City on January 5, 1999 (ANX-09-98) and zoned from the County Rural (CTY RUR) District to the R-1 (Residential Single Family) District in 1999 (RZ-07-99) along with a preliminary plat (P-09-99). The subject property was then rezoned from the R-1 District to the NC (Neighborhood Center) District in 1999 (RZ-37-99) for the Arbor Creek Neighborhood Center. In 2001, a final site development plan (PR-12-01) was approved for the construction of the first two multi-tenant buildings within Arbor Creek, Buildings G and H (see Diagram 1 above).

In 2022, a building permit (BC22-0134) was approved for the expansion of Casa Amigos restaurant. The building permit was for the 1,675 square feet of additional dining area and 887 square feet for storage. In 2023, a building permit (BC23-0226) was approved for the expansion of Kinsale Wine & Spirits, consisting of 2,364 square feet of additional retail space. A full certificate of occupancy has not been issued as it is contingent on approval this application.

4. Neighborhood Center District Standards

The NC District was incorporated into the UDO in 1998 (UDO 18.31). The intent of the NC District is to provide for the development of small-scale neighborhood office, low intensity retail, and civic uses, as well as accessory residential uses. Neighborhood Centers are intended to be pedestrian oriented and designed to encourage pedestrian movement between residential and non-residential areas. Businesses are required to be small-scale in nature with low traffic volumes in order to support uses that serve as neighborhood conveniences and create a sense of community. The NC District establishes a maximum tenant size of 5,000 square feet of gross floor area per tenant, except for food stores and hardware stores, which have a maximum tenant size of 15,000 square feet.

During the 1999 public hearing for the establishment of the NC District at Arbor Creek, the applicant and Planning Commission reiterated the importance of establishing this maximum tenant size as a method of preserving the character of the development and regulating the types of businesses able to locate here. The intent of the development is characteristic of “first suburb” neighborhoods where specialty shops and restaurants are carefully sited in appealing neighborhoods with quality architecture and community spaces.

The standards of the NC District within the Arbor Creek subdivision have changed over time to accommodate the evolving needs of retailers and market conditions. Changes to the Arbor Creek development standards were approved in 2008 and 2013 respectively, including signage amendments allowing larger signage for retailers, and the allowance of outdoor sales for hardware stores.

The NC District was retired from the UDO in 2014; however, the property still retains the rights and regulations for this district. Currently, there are six (6) locations within the City that have retained this zoning designation; three (3) properties are undeveloped, one (1) is residential, and two (2) contain commercial uses. Arbor Creek Neighborhood Center most closely aligns with the intent of the NC District, even though it has evolved over time through various zoning amendments.

5. Zoning Standards

The restaurant and liquor store uses are permitted in the existing NC District. The proposed changes to the development are to an internal demising wall between tenant spaces, which will have no impact on the building height, setbacks, and open space requirements.

6. Development Standards

The proposed changes to the tenant spaces will have no impact on the existing site access, parking, landscaping/screening, public utilities, and stormwater/detention.

The first phase of the Arbor Creek Neighborhood Center approved 221 parking spaces for buildings G and H. A total of 99 parking spaces are required for Building H with the expansion of the restaurant and liquor store uses. A total of 68 parking spaces are required for building G, with the existing Minsky's restaurant and other retailers. Buildings G and H require 167 parking spaces, which is less than the 221 existing parking spaces.

7. Building Design Standards

There are no proposed changes to the exterior building façade, and staff has stipulated that all features of a multi-tenant retail building, including storefront glass, doorways and architectural elements, will remain. Requirements of the NC District include provisions that no building façade will have the appearance of a rear façade and that entrances, display windows and storefronts will face the street to create a desirable pedestrian environment. The expanded Kinsale Wine & Spirits has reoriented interior shelving in a manner that places the back of shelving against storefront windows and doors. To comply with UDO 18.31.040 requirements, staff will work with the applicant to ensure that shelving is moved away from the windows to provide views into the interior of the building as required.

8. Exception Request Analysis

Staff is supportive of the revised configuration for Building H, allowing the continuation of two expanded tenant spaces, as the maximum tenant size requirement was not previously captured at the time of building permit. However, staff recommends stipulations be included ensuring that, should either Casa Amigos or Kinsale Wine & Spirits, cease operations, each tenant space will be divided back into two tenant spaces each, for a minimum of four (4) tenant spaces within Building H. This is to ensure that the scale, form and integrity of Arbor Creek will revert back to the original approved design and continue to provide commercial space for small-scale business.

Staff will utilize new internal software capabilities to document the tenant space requirements for the Arbor Creek development, to ensure that future expansions do not occur beyond which is permitted under the NC District.

9. Criteria for Considering Applications

Substantial changes to an approved site development plan in the NC District (planned district) may be approved after rehearing and are subject to provisions of UDO Section 18.12.140, a previous version of the UDO (Ord. 11-53) as listed below:

A. *The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.*

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as “Community Commercial Center.” The property is zoned to the NC District which aligns with the Comprehensive Plan, and the existing uses are compatible with the Community Commercial Center designation.

B. *The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).*

Arbor Creek was designed and constructed as a neighborhood center, with an emphasis on walkability, on-street parking, common architectural themes, and small shops and businesses. Residential development includes one and two-story row-houses, townhomes and single-family homes.

C. *The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses.*

The area surrounding the site is also zoned to the NC District and is part of the larger Arbor Creek development, consisting of small shops, restaurants and businesses and a mix of housing types. The existing restaurant and liquor store uses are in harmony with the surrounding area.

D. *The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.*

The NC District is focused on small-scale retail, restaurant and office uses which serve the surrounding neighborhood. The property is suitable for the use restrictions of the existing NC District.

E. *The length of time the property has remained vacant as zoned.*

The property was zoned to the NC District in 1999 and the existing building was constructed in 2003. The building is currently occupied by two tenants.

F. *The extent to which approval of the application would detrimentally affect nearby properties.*

The proposed changes will have no detrimental effect on surrounding properties.

G. *The extent to which the proposed use would substantially harm the values of nearby properties.*

Staff has not received any information indicating that the changes will have an adverse impact on property values in Arbor Creek. The requested changes effect two existing tenants in the development which have been operational for multiple years.

H. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.

The existing development provides adequate parking meeting UDO requirements. The proposed exception to the NC District will not adversely affect the capacity or safety of the road network or create any parking problems in the vicinity of the property.

I. The extent to which the proposed use would create excessive air pollution, water pollution, noise pollution or other environmental harm.

Staff is not aware of any potential for unlawful levels of air, water, or noise pollution with the proposed uses.

J. The economic impact of the proposed use on the community.

The changes proposed with this application will support private investment in the Arbor Creek development.

K. The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

There is no gain or detriment to the public health, safety, or welfare if the application were denied. The use does not negatively impact public health, safety, or welfare as presented.

10. Public Notification and Neighborhood Meeting

The applicant mailed the required public notification letters to the surrounding property owners within 200 feet and posted a sign in accordance with the UDO requirements. Neighborhood notice was provided to property owners within 500' of the subject property and a neighborhood meeting was held on December 14th, 2023 with six (6) property owners in attendance. The neighbors asked questions regarding the expansion details, building upgrades and repairs and operation of the business, and expressed support of the project. Staff has received phone calls from a neighboring resident with concerns about parking in the Arbor Creek development, to which staff has responded with parking counts and requirements.

11. Staff Recommendation

Staff recommends approval of the preliminary site development plan (PR23-0022) with the following stipulations:

1. An exception is granted from UDO 18.31.030 permitting the two existing tenants (Casa Amigos and Kinsale Wine & Spirits) within Building H to expand beyond the maximum tenant size of 5,000 square feet as shown on the floorplans provided as Attachment A.
2. Should either the existing tenants (Casa Amigos or Kinsale Wine & Spirits) cease to exist within Building H, each respective tenant space must be divided into a minimum of two separate tenant spaces of 5,000 square feet or less.

GENERAL PLAN NOTES:

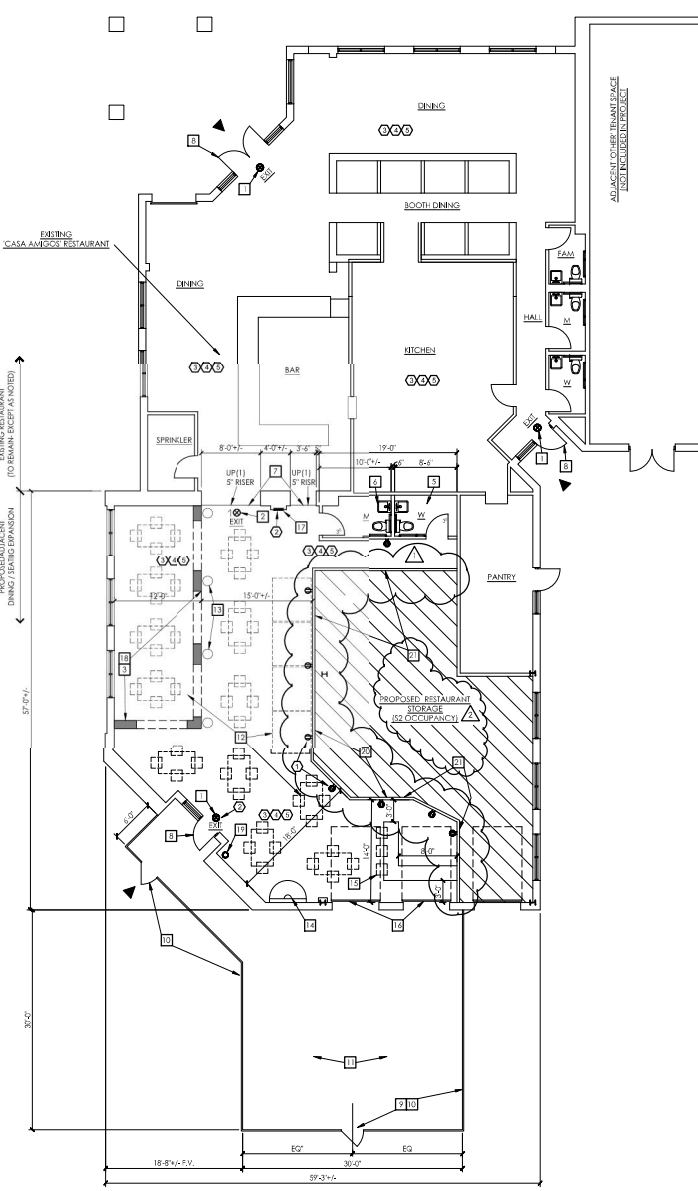
1. ALL BUILDING ELEMENTS INCLUDING WALLS, FINISHES, SEASINGS, ETC. NOT SPECIFICALLY NOTED TO BE PART OF THE NEW WORK ARE EXISTING, TO REMAIN AS-IS.

MECH./ELECT. NOTES:

- 1. ELECTRICAL OUTLETS SHOWN ARE EXISTING TO REMAIN.
- 2. ELECTRICIAN SHALL FIELD VERIFY EXISTING ELECTRICAL SERVICE CONDITIONS AND COORDINATE VOLTAGE AND OTHER JOB SPECIFIC REQUIREMENTS TO PROVIDE COMPLETE INSTALLATION, INCLUDING REQUIRED EXIT AND EMERGENCY LIGHTING.
- 3. ALL WORK SHALL BE COMPLETED IN FULL COMPLIANCE WITH REQUIREMENTS OF MODEL BUILDING CODES CURRENTLY IN EFFECT IN THE CITY OF OLATHE, KANSAS, INCLUDING ANY AMENDMENTS AND LOCAL ORDINANCES.
- 4. NO MODIFICATIONS ARE PROPOSED TO EXISTING LIGHTING AND MECHANICAL SUPPLY AND RETURN SYSTEM.
- 5. MECHANICAL, ELECTRICAL, AND SPRINKLER SUBCONTRACTORS SHALL CONDUCT FIELD INSPECTION OF PROPERTY TO IDENTIFY ANY MODIFICATIONS TO EXISTING OCCUPANCY TO BE CODE COMPLIANT.

CONSTRUCTION NOTES:

- 1. EXISTING EXIT SIGN IS EXTERIOR LIGHT-TO-REMAIN.
- 2. NEW EXIT LIGHT TO BE INSTALLED- WIRED TO EXISTING CIRCUIT.
- 3. NEW WALL CONSTRUCTION (PAINTED 5/8" DRYWALL ON 2x4 WOOD FRAMING) FROM FINISH FLOOR TO BOTTOM OF EXISTING ACCESSIONAL CEILING- APPROX. 10'-0" A.F.F. - SHOWS SHADED. ALL OTHER WALLS NOT SHADED ARE EXISTING TO REMAIN.
- 4. EXISTING ADA ACCESSIBLE RESTROOM- TO REMAIN. NOTE: BEFORE MOVING HEIGHTS, INCLUDING TOILET LAVATORY, MIRROR, GRAB BARS, AND ACCESSIBLE MEEI ADA REQUIREMENTS IN EFFECT AT TIME OF ORIGINAL CONSTRUCTION AND ARE COMPLIANT WITH CURRENT REQUIREMENTS WITH EXCEPTION OF 5'-0" CLEAR FLOOR SPACE REQUIRED BETWEEN SEAT WALL OF TOILET AND NEAREST EDGE OF WALL MOUNTED LAVATORY.
- 5. EXISTING ADA ACCESSIBLE RESTROOM- TO REMAIN. WITH FINURES BEING REINSTALLED. NOTE: THE FINURES HAD BEEN REMOVED BY LANDLORD WHEN THE RESTROOM SPACE WAS BEING USED BY THE LANDLORD AS A STORAGE AREA AND NOT AN ACTUAL TOILET SPACE.
- 6. THESE SECTIONS OF EXISTING STUD AND DRYWALL PARTITION TO BE REMOVED TO ALLOW ACCESS FROM EXISTING RESTAURANT INTO THE EXPANDED SEATING AREA. NOTE: THERE IS A SINGLE 5" HIGH STEP ACROSS THIS AREA. TENANT INTENDS TO PAINT THE STEP IN BEIGE WITH HIGH VISIBLE SAFETY YELLOW PAINT.
- 7. EXISTING ADA ACCESSIBLE ENTRY/VENT TO SPACE.
- 8. LANDLORD TO REMOVE EXISTING OUTDOOR FABRIC STRUCTURE PREVIOUSLY USED AS WEATHER COVER FOR PLANTS, ETC. RELATED TO PRIOR TENANT- APPROX. 20'x30'.
- 9. TENANT TO INSTALL 5'-0" HIGH BLACK METAL VERTICAL PICKET FENCE TO MATCH THAT ON ADJACENT TENANT SPACES TO BE SHOWN WITH 3'-0" WIDE SWINGING GATE W/ ADA ACCESSIBLE EXIT HARDWARE / LATCH- 2 LOCATIONS SHOWN.
- 10. OUTDOOR SEATING AREA FOR MOVABLE TABLES AND CHAIRS, BASED UPON 15 S.F. PER OCCUPANT. THE AREA OF 500+ SQUARE FEET SHALL HAVE POTENTIAL SEATING CAPACITY OF 33.
- 11. DASHED LINES INDICATE POTENTIAL LAYOUT OF NOMINAL 30x60 TABLES WITH 16 CHAIRS EACH, PLUS 141 BOOTHS TO SEAT 141 EACH. TOTAL SEATING COUNT SHOWN IS 44. NOTE: CALCULATION USED FOR DETERMINATION OF OCCUPANT LOAD FOR LOBBY, RESTROOMS, ETC. WAS 90 BASED UPON 15 SQUARE FEET PER OCCUPANT (NET SQUARE FOOTAGE).
- 12. 24" DIAMETER OAK BARREL FINURE INSTALLED AT EACH PAIR COLUMN WITH HANGING WALL LIGHT FINURE ABOVE.
- 13. EXISTING DECORATIVE (GRY) FOUNTAIN FINURE.
- 14. PORTABLE 42" HIGH BAR PROVIDED BY TENANT- NO WATER OR WASTE LINES REQUIRED OR PROPOSED. OWNER INTENDS TO PROVIDE FETD REFRIGERATOR IN COOLERS AT THE LOCATION.
- 15. EXISTING ALUMINUM AND GLASS OVERHEAD- OPENING DOORS TO REMAIN.
- 16. EXISTING ELECTRICAL PANEL TO REMAIN.
- 17. NEW WALL AROUND AREA FOR POTENTIAL 'PRIVATE PARTIES' TO HAVE 7'-0" WIDE x 8'-0" HIGH ARCHED OPENINGS AROUND (2) BAYS.
- 18. PROVIDE FREE DRINKING WATER ON WALL HOOK W/ TOP SET NO MORE THAN 48" A.F.F.
- 19. EXISTING FULL HEIGHT WALL- TO BE PAINTED BY TENANT.
- 20. INSTALL 1 LAYER 5/8" GYPSUM DRYWALL FULL HEIGHT OF THE EXISTING WALL. TAPE & MUD. FINISH ORIGINAL PAINT (TRANSITION). (SEE PLAN)



2 FLOOR PLAN - PROPOSED
1/8" = 1'-0"
NORTH

PROJECT DATA:

BUSINESS DESCRIPTION / USE:
EXISTING RESTAURANT- TENANT EXPANSION
BUILDING 17 OF THE EXISTING ARBOR CREEK VILLAGE

MODEL BUILDING CODES USED FOR ORIGINAL DESIGN:
NOTE: THE BUILDING WAS ORIGINALLY CONSTRUCTED 2002 (2001 IBC/IBC-C SERIES ULIFIED ASHRAH67)

MODEL BUILDING CODES USED FOR THIS PROPOSED PROJECT:
2018 INTERNATIONAL BUILDING CODE SERIES
2017 NATIONAL ELECTRICAL CODE
2018 INTERNATIONAL FIRE CODE
2018 NFPA LIFE SAFETY CODE
2009 ACCESSIBLE AND USABLE BUILDINGS AND FACILITIES PROGRAM (ADA) AND AMENDMENTS AND ORDINANCES OF THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

LOCAL BUILDING INSPECTION DEPARTMENT:
CITY OF OLATHE, KANSAS-CODES AND THE ADMINISTRATION
LOCAL FIRE DEPARTMENT:
CITY OF OLATHE, KANSAS
LOCAL WATER SUPPLY:
CITY OF OLATHE, KANSAS
LOCAL SEWERS:
CITY OF OLATHE, KANSAS
TYPE OF CONSTRUCTION:
54 (TYPE III PART II)

OCCUPANCY GROUP:
(A2) ASSEMBLY
(S2) STORAGE

BUILDING AREA IN THE BUILDING: 14,374 S.F. +/-
THE TENANT:
EXISTING RESTAURANT SPACE (A2) = 3,475 S.F. +/-
EXPANDED SPACE (A2) = 1,675 S.F. +/-
NEW STORAGE (S2) = 881 S.F. +/-
TOTAL: 6,031 S.F. +/-

OCCUPANT LOAD:
146 TOTAL- EXISTING RESTAURANT SPACE (AS CURRENTLY POSTED); 200 S.F. REQUIRED, 3 DBTS PER OCCUPANT
150 ADDITIONAL- PER BIC TABLE (1004.5 @ 15 S.F. PER OCCUPANT) - NET
NEW INDOOR DINING = 90
NEW OUTDOOR DINING = 90
3 ADDITIONAL- PER BIC TABLE (1004.5 @ 300 S.F. PER OCCUPANT) - GROSS - STORAGE/STOCK AREAS
279 TOTAL OCCUPANT LOAD

FIRE PROTECTION:
THE TENANT SPACE (AND EXTERIOR BUILDING) IS FULLY SPRINKLED PER NFPA 13, WITH ALARM SYSTEM, FULLY MONITORED, SMOKE DETECTION THROUGHOUT W/ BATTERY BACKUP, EM LIGHTS AND EMERGENCY BELLING BOTH WITH BATTERY BACKUP, FIRE EXTINGUISHERS ARE ALSO PRESENT.
NOTE: IT IS UNDERSTOOD THE EXISTING SPRINKLER SYSTEM AND SMOKE DETECTION SYSTEMS THROUGHOUT THE AREAS OF NEW WORK SHALL BE EVALUATED BY QUALIFIED CONSULTANTS TO DETERMINE IF MODIFICATIONS OR UPGRADES SHALL BE REQUIRED BASED UPON THE SCOPE OF THIS NEW WORK.
IT IS DETERMINED THAT MODIFICATIONS ARE REQUIRED OF THE EXISTING SPRINKLER OR ALARM SYSTEMS, NO WORK OF THESE KINDS SHALL BE PERFORMED UNTIL ANY REQUIRED DESIGN DRAWINGS ARE APPROVED IN WRITING BY THE FIRE DEPARTMENT.

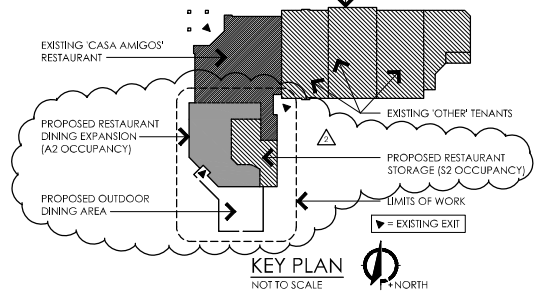
PLUMBING FINURES: (EXISTING)
BASED UPON MAIN FLOOR (SEE PART LOAD OF 144 IN EXISTING SPACE + 150 NEW SEATS (INDOOR + OUTDOOR)- ASSUME 20% WOMEN, 80% MEN
- PER BIC TABLE (2001) (WATER CLOS. IN OCCUPANCY REQUIRES 1 LAVATORY FOR EACH 200 MEN AND WOMEN, AND 1 WATER CLOSER FOR EACH 75 MEN AND WOMEN)

NEW TOTAL OCCUPANCY / FINURES REQUIRED:

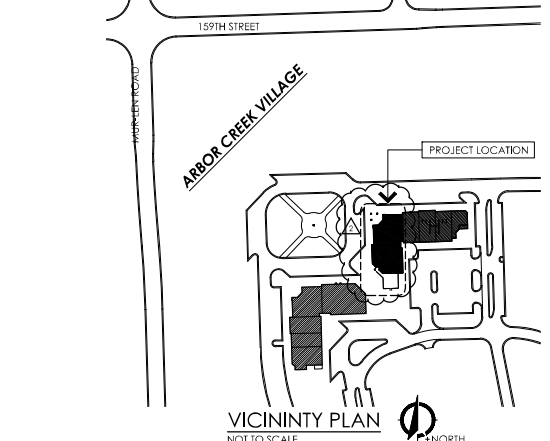
	WOMEN (148)	MEN (148)
W.C. REQUIRED:	2	2
W.C. PROVIDED:	2	2
LAV. REQUIRED:	1	1
LAV. PROVIDED:	1	1

NOTE: IN ADDITION TO THE EXISTING SEPARATE MEN'S AND WOMEN'S RESTROOMS PROVIDED (EACH COMPLYING WITH 1 WATER CLOSURE 1 LAVATORY), THERE IS ALSO AN EXISTING UNisex/FAMILY RESTROOM WITH 1 WATER CLOSURE AND 1 LAVATORY.

1 SERVICE SINK IS REQUIRED / PROVIDED.
1 DRINKING FOUNTAIN IS REQUIRED PER BIC. IN LIEU OF THE REQUIRED DRINKING FOUNTAIN, FIRE WATER SERVICE IS AVAILABLE TO ALL PATRONS. NO DRINKING FOUNTAINS ARE PROVIDED OR PROPOSED.



KEY PLAN
NOT TO SCALE
NORTH



VICINITY PLAN
NOT TO SCALE
NORTH



STATEMENT OF RESPONSIBILITY

I HEREBY SPECIFY THAT THE DOCUMENTS INTENDED TO BE AUTHENTICATED BY MY SEAL ARE LIMITED TO SHEET A1, CONTAINING MY SEAL WITH SIGNATURE AND DATE, AND I HEREBY DISCLAIM ANY RESPONSIBILITY FOR ALL OTHER DRAWING SPECIFICATIONS, ESTIMATES, REPORTS, OR OTHER DOCUMENTS OR INSTRUMENTS RELATING TO OR INTENDED TO BE USED FOR ANY PART OR PARTS OF THE ARCHITECTURAL OR ENGINEERING PORTIONS OF THIS PROJECT OR SURVEY.

KANSAS CERTIFICATE OF AUTHORITY: A-158
6-30-2022
SIGNATURE DATE

SCOPE OF WORK:

THE SCOPE OF WORK OF THIS PROJECT IS TO ADD ADDITIONAL INDOOR DINING / SEATING AREA AND EXTERIOR SEATING AREA TO THE EXISTING RESTAURANT.

GENERAL NOTES:

- 1. GENERAL CONTRACTOR SHALL FIELD VERIFY ALL EXISTING DIMENSIONS, CONDITIONS, AND NOTIFY ARCHITECT OF ANY DISCREPANCIES BEFORE PROCEEDING WITH WORK.
- 2. DIMENSIONS ARE GIVEN TO FACE OF EXISTING CONSTRUCTION, UNLESS NOTED OTHERWISE.
- 3. FIELD VERIFY LOCATION AND CONDITION OF ALL UTILITIES AND PROTECT SAME DURING CONSTRUCTION.
- 4. GENERAL CONTRACTOR SHALL TAKE CARE TO PROTECT ALL EXISTING CONSTRUCTION AND BE RESPONSIBLE TO REPAIR OR REPLACE ANY DAMAGED OR BROKEN MATERIALS OR FINISHES AS THE RESULT OF NEW CONSTRUCTION OPERATIONS.
- 5. GENERAL CONTRACTOR SHALL BE SOLELY RESPONSIBLE FOR THE MEANS AND METHODS OF CONSTRUCTION, TECHNIQUES, PRACTICES, AND SAFETY ON THE JOB SITE.
- 6. ALL WORK SHALL BE PERFORMED IN A PROFESSIONAL WORKMANLIKE MANNER IN COMPLIANCE WITH CURRENTLY ADOPTED EDITIONS OF MODEL BUILDING CODES LISTED, AND IN STRICT COMPLIANCE WITH OSHA REGULATIONS.
- 7. BY SUBMITTING A BID, CONTRACTORS ACKNOWLEDGE THEY HAVE FULLY EXAMINED THE SITE AND EXISTING FIELD CONDITIONS, HAVE STUDIED THE SCOPE OF WORK OUTLINED IN THESE CONSTRUCTION DOCUMENTS, AND ARE ATTESTING TO THE OWNER THAT ALL RECES OF WORK REQUIRED TO COMPLETE THE PROJECT IN TOTAL AND IN COMPLIANCE WITH APPLICABLE MODEL BUILDING CODES ARE INCLUDED IN THEIR BID.

PHASE II EXPANSION:
CASA AMIGOS
BUILDING 17, ARBOR CREEK VILLAGE
16521 W. 159TH TERRACE
OLATHE, KS 66062

ISSUED:
04-14-2022 FOR PERMIT
06-28-2022 REVISED FOR PERMIT
06-30-2022 REVISED FOR PERMIT

GENERAL INFORMATION
KEY PLAN
FLOOR PLAN-PROPOSED
1/8" = 1'-0"
A1

Memorandum

TO: Andrea Fair, AICP, Planner II, City of Olathe, Kansas
FROM: Ms. Rachelle M. Biondo
DATE: December 15, 2023
RE: Kinsale Wine & Spirits; Case No. PR23-0022
Summary of Neighborhood Meeting

In connection with the above-referenced case, the Applicant held a neighborhood meeting on December 14, 2023 at 6:00 p.m. at Executive Suites at Arbor Creek, 15970 S. Bradley Drive, Olathe, Kansas. Ryan Cook of Rouse Frets White Goss Gentile Rhodes, P.C., Gavin Barmby and Marvin Clark, representing the property owner, attended the meeting on behalf of the Applicant.

The attendees at the meeting are shown on the attached sign-in sheet.

The neighbors asked questions generally relating to the expansion details, building upgrades and repairs and operation of the business.

The neighbors were supportive of the project. The Homeowners Association President expressed that he liked the expansion and has received positive comments.

Murien 159
 NEIGHBORHOOD MEETING
 December 14, 2023

SIGN-IN SHEET	
NAME	CONTACT INFORMATION
Alex Koromyelov Tatyana Permyakova	(913) 782-5727
Monte GARR	913-312-2874
Matt Holstin - ACHOA President	913-244-8667
Anya & Steven Johnson	270-535-5642
Polly + Mark Holmes	913-636-0705
LAWRENCE JORDAN	913.638.6475

Summary of Request for an exception to the NC (Neighborhood Center) District for the maximum tenant size of Arbor Creek Building H located at 16509 – 16529 S. Bradley Drive, Olathe, Kansas (the “Property”) owned by Murlen 159, LLC, a Kansas limited liability company.

The purpose of this letter is to request an exception to the Neighborhood Commercial Zoning District (“NC District”) which limits tenant size to 5,000 square feet or less, with certain exceptions. Pursuant to Section 18.14.100(F)(3) of the City Code of the City of Olathe, Kansas (“City”), an exception may be granted upon an express finding that unique characteristics of the property impose an unnecessary hardship upon the property owner if the regulations are strictly applied, and that granting an exception will not adversely affect the rights of adjacent property owners or residents. We are requesting an exception to the 5,000 square foot maximum tenant size for the entirety of Building H. This will permit the expansion of an existing approximately 4,000 square foot liquor store into adjoining space to create a new store containing approximately 6,364 square feet. The limitation of 5,000 square feet for tenants at the Property imposes an unnecessary hardship on the owner of the Property and permitting a commercial establishment of 6,364 square feet will not adversely affect the rights of the adjacent property owners or residents.

We have owned the Property for 11 years. A portion of this space was originally occupied by a hardware store. Upon the opening of the Sutherlands on 151st and Murlen, the hardware store could no longer compete due to its lack of size compared to the new Sutherlands. A portion of the space was then occupied by a barbeque store selling grills, rubs, spices, and meats. However, the barbeque store was unable to generate sufficient revenue to continue operations in the space. Due to current economic conditions and competition with the surrounding retail centers that do not suffer from the NC District size limitations, the existing liquor store needs to expand into larger space to provide an improved product selection, depth and pricing that the customer base in Arbor Creek Village and surrounding areas require. In addition, owner plans to continue to carry a selection of barbeque products in the expanded space to better serve customer needs and anticipates that retail use to utilized approximately 1,000 square feet, or well over half of the requested exception space. The lack of flexibility in the maximum tenant size within Building H presents an undue hardship on the property owner.

Increasing the size of a retail liquor store from the current 4,000 square feet to 6,364 square feet will not adversely affect the rights of adjacent property or residents. The use will not increase traffic volume or result in parking overflows because the center was designed to include the retail square footage and due to the short nature of customer visits in the store. Increasing the size of the proposed retail liquor store will not result in an increase in noise or pedestrian volume over what would be permitted under the NC District because the entirety of Building H is designed to be filled with retail tenants regardless of whether it is two, three or four tenants within Building H.

In granting the exception request, the City would be alleviating an undue hardship that will not have any adverse effects on the rights of adjacent property owners or residents. If you have any questions or desire additional information, please let me know.

In addition, it was brought to our attention that another tenant in Building H, Casa Amigos Mexican Restaurant, requested and was granted a permit in November, 2022 to expand their restaurant from 3,298 square feet to approximately 5,500 square feet. This request was made in order to meet the

overwhelming demand from the neighborhood and surrounding Olathe community for Casa Amigo's product and service. Casa Amigo was experiencing excessive wait times and, in order to better serve their customers, the expansion was necessary. Similar to the expansion requested here, the Casa Amigo increase over the 5,000 square foot maximum tenant size has not and will not adversely affect the rights of the adjacent property owners or residents. We request an exception to the 5,000 square foot limit on this tenant space as well.



STAFF REPORT

Planning Commission Meeting: January 8, 2024

Application:	<u>RZ23-0012: Rezoning from the CTY RUR (County Rural) District to the R-1 (Residential Single-Family) District, Preliminary Plat and Preliminary Site Development Plan for Heritage Ranch</u>
Location:	Southwest of 159 th Street and Black Bob Road (Lackman Road)
Owner:	John H. and Susan Wilson
Applicant/Engineer:	Tim Tucker; Phelps Engineering Inc.
Staff Contact:	Taylor Vande Velde; Planner II

Site Area:	<u>128.98 acres</u>	Proposed Use: <u>Residence, Single-Family Detached</u>
Proposed Density:	<u>2.4 units/acre</u>	Plat: <u>Unplatted</u>
Existing Zoning:	<u>CTY-RUR (County Rural)</u>	Proposed Zoning: <u>R-1 (Single-Family Residential)</u>
Lots:	<u>305</u>	Tracts: <u>12</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Conventional Neighborhood	Single-Family Residence/AG	CTY-RUR (County Rural)
North	Conventional Neighborhood / Secondary Greenway	Single-Family Residential	R-1 (Single-Family Residential)
South	Conventional Neighborhood / Secondary Greenway	Single-Family Residential	R-1 (Single-Family Residential)
East	Primary Greenway	Heritage Park	CTY RUR / RN-1
West	Conventional Neighborhood / Secondary Greenway	Single-Family Residential	R-1 (Single-Family Residential)

1. Introduction

The applicant is requesting a rezoning from the CTY RUR (County Rural) District to the R-1 (Residential Single-Family) District for the Heritage Ranch subdivision. The property is located at the southwest corner of 159th Street and Black Bob Road. The proposed rezoning to the

R-1 District is required to allow the development of a single-family home subdivision. A preliminary plat and site development plan with 305 single-family lots and 12 common tracts accompany this rezoning request.

The 128.98-acre site will be constructed in four (4) phases with a clubhouse, play area, and pickleball courts located in the center of the subdivision with a fishing pond in Tract B. The first phase on the east will provide two primary access points for the neighborhood, one from 159th Street and the other from Black Bob Road. The development also includes an eight-foot-wide asphalt trail extending from Black Bob Road along the length of the southern property line.

2. History

The property was annexed into the City of Olathe in October 2023 (ANX23-0001) and has historically been used for a single-family home along with farming and agricultural operations in the unincorporated Johnson County.



Site Location Map

3. Existing Conditions

The existing site is primarily farmland and includes a single-family home that was constructed in 1983 in the center of the property with several small outbuildings and a large barn. Most of the existing tree canopy is located along the perimeter of the property where tree preservation is planned. The existing single-family home is proposed to remain and will be platted as an individual lot in the subdivision.



View of the subject property from W. 159th Street, Looking Southwest

4. Zoning Standards Land Use

- a. **Land Use** – The applicant is seeking a change of zoning to allow for the construction of single-family homes within the R-1 District. Permitted uses in the R-1 District include uses such as, but not limited to, single-family homes, assisted living facilities, schools, and religious facilities. The site is designated as Conventional Neighborhood, and Primary and Secondary Greenways on the PlanOlathe Future Land Use Map. The requested R-1 District directly aligns with this future land use designation.
- b. **Lot Standards** – The preliminary plat includes 305 single-family residential lots. Of those lots, 28 have a minimum lot width of 50 feet, while the other 277 lots exceed the minimum requirements as permitted by Unified Development Ordinance (UDO) 18.20.070. Table 1 below provides the dimensional standards for all lots. The lots range in size from 6,500 square feet to 33,890 square feet with an average size of 11,646 square feet. Waivers are requested to side yard setbacks, as noted below, and detailed in Section 10.

<i>Table 1: Minimum Dimensional Standards</i>	<i>Min. 50-Foot-Wide Lots</i>
<i>Lot Size</i>	5,000 square feet
<i>Lot Width</i>	50 feet
<i>Front Yard</i>	25 feet
<i>Side Yard</i>	7 feet*
<i>Rear Yard</i>	15 feet
<i>Corner Lot Side Yard</i>	20 feet**
<i>Common Open Space</i>	15% of site area, 50% of which must be active open space

* A waiver is requested to reduce the 7-foot side yard setback to 5 feet for all lots that are 50 feet in width.

** A waiver is requested to reduce the corner side yard setback for select lots from 20 feet to 15 feet.

- c. **Building Height** – Building heights within the R-1 District are limited to 2 ½ stories and 35 feet for residential homes and 75 feet for nonresidential buildings. The proposed single-family homes will comply with this requirement.
- d. **Setbacks** – The UDO allows flexibility for a variety of setbacks and lot standards in exchange for the provision of common open space (see Table 1 above). A waiver is being requested to the minimum side yard setback of 7 feet and corner side yard setback of 20 feet for those 28 lots which are 50 feet wide, as detailed in Section 10 of this report.
- e. **Open Space** –The open space requirement for the development is 19.35 acres and the applicant is providing 24.48 acres, which is 19% of the overall site, exceeding the 15% required by UDO 18.20.070.B. Of this required open space, 50% is required to be active; the clubhouse, play area, trail, and fishing pond are 18.74 acres, exceeding the 50% active open space requirement of 9.68 acres.

5. Coffee Creek Master Plan

Adopted in 2005, The Coffee Creek Master Plan provides a guide for future development generally located between 159th Street in the north and 175th Street in the south, and between Ridgeview Road in the west and Pflumm Road in the east. The Coffee Creek Master Plan designates this property for Neighborhood Residential land uses with a density between 2-4 dwelling units per acre. New development within this study area should be high-quality and offer a range of housing options with amenities, which this proposal provides. The proposed subdivision provides 2.4 dwelling units per acre and addresses several goals from the plan including promoting quality of life through walkable and pedestrian-friendly development with sidewalks and trails. As such, the proposed plan meets the requirements for the Coffee Creek Master Plan.

6. Development Standards

- a. **Access/Streets** – The proposed layout of streets and access points into the subdivision were reviewed against, and are compliant with, the City’s Access Management Plan and requirements of the UDO. Two (2) new street connections will be provided to arterial streets; one (1) to 159th Street to the north and one (1) to Black Bob Road to the east. The subdivision’s Black Bob Road entrance will also align with the future Johnson County Heritage Park entrance across the street, which will move approximately 500 feet south of its current location in 2024. While the arterial streets will provide new connections to the public street network, no residential lot will have direct access to an arterial street.

The proposed street layout will connect to five (5) existing stub streets abutting the Heritage Ranch property to the west and south. Additionally, a permanent turn around will be constructed at the 163rd Terrace stub street located in the Stonebridge Park 1st Plat to the south. The subdivision will connect to an existing collector street to the west, 161st Terrace, which will extend to Black Bob Road.

The existing single-family residence will be occupied and have temporary roadway access throughout the construction of Phase 1. The unplatted parcel directly south of Legacy Christian Church (Parcel ID 6F241417-3005) does not currently have access to a public street. To ensure future roadway access, Tract L and adjacent right-of-way to the south will be platted to provide access if the property is not sold to an adjacent property owner with roadway access in the future. Additionally, the number of access points provided for the subdivision provides adequate access for life and safety requirements of the Olathe Fire Department.

- b. **Landscaping/Screening** – Master Landscaping is provided along both 159th Street and Black Bob Road within areas at least 25 feet in width as required by UDO Section 18.30.130.H. Street trees will also be provided along all streets within the development.
- c. **Amenities** – The applicant is proposing a clubhouse, pickleball courts, and outdoor play area amenity centrally located within the subdivision in Tract D near the existing home. The existing barn will be converted and used as the clubhouse. In accordance with the phasing plan, the amenities will be completed with the second phase of development and additional details will be provided with the final development plan.

The development will provide an 8-foot wide recreational trail through Tract J, Tract H and G along the southern portion of the property along with a Tree Preservation Easement. This trail will connect to future trails planned for the Arbor Creek neighborhood to the west, further connecting to existing parks including Arbor Creek Park and Heritage Park. Several accessways to this public trail are provided from four (4) locations within the development, meeting trail access requirements for single-family neighborhoods. Additionally, the trail leads to a fishing area in the existing pond located in Tract B.

- d. **Tree Preservation** – The property includes approximately 19.52 acres of woodland area. The UDO requires that at least 20% of the woodland area be preserved, or approximately 3.9 acres for this property. The applicant has provided a tree preservation plan, included in this packet, depicting 3.95 (20.2%) acres of woodland area to be preserved on site. These areas are located along the southern and western property lines. Areas of existing trees internal to the site will be removed for stormwater detention.
- e. **Stormwater/Detention** – The property is located within the Coffee Creek Watershed and requires on-site stormwater detention and treatment. The applicant will provide three (3) stormwater BMPs on site, and the site will comply with all stormwater requirements of Title 17.
- f. **Public Utilities** – The property is located in the WaterOne and Johnson County Wastewater (JCW) service areas. Utilities will be extended to serve each portion of the development. There are several existing utilities on the site including easements for, Evergy, Water District No. 1, Rural Water District No. 5, Union Gas System, Inc., and Consolidated Main Sewer District of Johnson County.

7. Site Design Standards

The property is subject to Site Design Category 1 (UDO 18.15.105) based on the Conventional Neighborhood designation of the PlanOlathe Future Land Use Map. The following is a summary of the applicable site design requirements:

a. **Street & Pedestrian Connectivity**

Sidewalks will be provided on one side of all internal local streets as required by the UDO with connections to pedestrian ways along arterial street rights-of-way provided. 161st Terrace is classified as a collector street and includes sidewalks on both sides as required by the UDO. Public sidewalks will also be constructed by the developer along the perimeter of 159th Street adjacent to this development. The City will be constructing sidewalks along Black Bob Road as part of a 2024 Capital Improvement Project.

The proposed street and pedestrian layout provide a total of 35 links and 27 nodes for an internal connectivity ratio of 1.3, exceeding the minimum required ratio of 1.2 for R-1 Districts.

8. Building Design Standards

Single-family homes constructed on lots less than 7,200 square feet in size are subject to the building design standards for single-family homes (UDO, 18.15.020.G.2). Requirements include the provision of high-quality materials, front facing entry elements, and garages that are subordinate to the primary façade. The applicant has provided example photos of what a home subject to these design requirements will look like and these have been included in the meeting packet. Technical elevations for individual homes in accordance with the UDO will be reviewed at the time of building permit to allow for increased flexibility of design features on each individual home.

9. Public Notification and Neighborhood Meeting

The applicant mailed the required certified public notification letters to surrounding properties within 200 feet and posted public notice signs on the property per UDO requirements.

A Neighborhood Meeting was also held in accordance with the UDO on December 14th, 2023 with approximately 35 attendees. All property owners and HOAs within 500 feet of the subject property were invited, as required by UDO, Section 18.40.030. Primary topics discussed at the Neighborhood Meeting included improvement of nearby roadways, regional detention in the area, and tree preservation easements along the southern property line. The applicant responded to each of the questions asked during the meeting and a copy of the meeting minutes is included within this packet. Staff has not received any additional correspondence regarding this application.

10. Waiver Request

Section 18.40.240 of the UDO provides a mechanism for waivers to be considered when unnecessary hardships can be demonstrated or where the exception would result in superior design. The applicant submitted a justification statement for one (1) waiver request identified below. This justification statement is included within this packet.

1. A waiver is requested from UDO 18.20.070.b allowing the side yard setback to be reduced from 7 feet to 5 feet for interior Lots 15-31 and 34-44 and a reduction from 20 feet to 15 feet for side yards on corner Lots 15, 25, 26, 34, and 44. This request impacts 28 lots in the development.

Staff is supportive of the one (1) waiver request as the applicant has provided an alternative high-quality design throughout the development. The UDO provides flexibility for setbacks to ensure that a variety of housing styles are available throughout the City. As noted by the applicant, four different lot sizes are provided to appeal to different home buyers and accommodate different home sizes. The applicant is only requesting waivers for those lots which have narrower, 50 foot, widths. The lots that are less than 7,200 square feet in these areas will also be subject to the architectural building design standards outlined in the UDO, which require higher-quality building materials and architectural features. Additionally, common open space with amenities is provided to enhance the overall design and quality of the neighborhood.

11. UDO Rezoning Criteria

The proposed zoning request meets the following policy elements of the PlanOlathe Comprehensive Plan:

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-3.3: Residential Zoning Standards. Ensure that zoning allows for a variety of home types and lot sizes.

PTR-2.4: Incorporate Trails in Development. Utilize the design review process for private development and public improvements to improve bicycle and pedestrian linkages to new development during the planning and design of all projects.

The application was reviewed against the UDO criteria for considering rezoning applications listed in UDO Section 18.40.090.G as detailed below.

A. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.

The proposed single-family use directly aligns with the PlanOlathe Comprehensive Plan Conventional Neighborhood and Primary Greenway future land use designations. The request also meets several policies of the Comprehensive Plan pertaining to Land Use and Community Character, Housing and Neighborhoods, and Parks, Trails, and Recreation. The proposed subdivision also aligns with the Coffee Creek Master Plan as previously identified.

B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).

The character of the surrounding area is almost entirely residential and recreational in nature, with single-family detached homes to the north, south, and west, a religious institution to the northeast, a regional park located east of Black Bob Road. Residential densities and architectural style of the surrounding single-family developments are generally consistent with this development proposal.

C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning districts and uses.

Surrounding properties are zoned to the R-1 (Residential Single-Family) and CTY RUR (County Rural) Districts. The rezoning as proposed is in harmony with these surrounding residential districts and existing land uses.

D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

The property was recently annexed into the City and requires zoning to a City zoning designation to accommodate any future development. The property currently retains CTY RUR zoning, primarily for agricultural uses.

E. The length of time the property has remained vacant as zoned.

The property was annexed into the City in October 2023 and has retained the same agricultural uses and activities since.

F. The extent to which approval of the application would detrimentally affect nearby properties.

The proposed rezoning will not have a detrimental effect on surrounding properties. The R-1 District promotes uses and activities that are already occurring on surrounding properties within the neighborhood. Additionally, tree preservation is proposed along the western and southern property boundaries, providing buffers from existing development.

G. The extent to which development under the proposed district would substantially harm the value of nearby properties.

The proposed rezoning will not substantially harm the value of nearby properties, which are zoned for similar uses.

H. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.

This zoning proposal will not cause any adverse effect on traffic and safety of the road network which complies with the City's Access Management Plan. The subject property is situated at the corner of two arterial streets (159th Street and Black Bob Road) and connects to an existing collector road (161st Terrace). The City is also widening Black Bob Road to a divided 4-lane road in 2024 which will accommodate additional vehicular capacity within the area.

I. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.

Future development is not anticipated to create air pollution, water pollution, noise pollution, or other environmental harm. The proposed development will preserve trees per UDO requirements and will follow best management practices for stormwater and detention.

J. The economic impact of the proposed use on the community.

Future development would provide increased property tax revenue to benefit the Olathe community.

K. The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

The proposed rezoning does not negatively impact the public health, safety or welfare of the community as presented. If the application were denied, development of the property would be limited to low density rural residential and agricultural uses.

12. Staff Recommendation

- A. Staff recommends approval of RZ23-0012, Heritage Ranch, for the following reasons:
1. The proposed development complies with the policies and goals of the Comprehensive Plan.
 2. The requested rezoning to the R-1 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the R-1 District with no stipulations.
- C. Staff recommends approval of the preliminary plat and preliminary site development plan with the following stipulations:
1. A waiver is granted from UDO 18.20.070.b allowing the side yard setback to be reduced from 7 feet to 5 feet and corner side yard from 20 feet to 15 feet for Lots 15-31 and 34-44, as shown on the preliminary plat dated January 2nd, 2024.
 2. Homes constructed on lots less than 7,200 square feet in size are subject to the building design standards for single-family homes as outlined in UDO, Section 18.15.020.G.2.
 3. Tract L and adjacent right-of-way to the south may be developed as a single-family lot at the time the unplatted ground to the east is sold to an adjacent property owner, or has access to Lackman Road.
 4. Prior to building permit issuance for Phase 1, two points of access from arterial roadways must be constructed as shown on the phasing plan dated December 22nd, 2023.
 5. The following criteria apply to the Amenity Tract (Tract D):
 - i. Locations of all structures must be shown with the final site development plan.
 - ii. Adequate parking must be provided for amenities.
 - iii. A final site development plan must be approved prior to issuance of building permits for amenities and structures located within the subdivision.
 6. All new on-site wiring and cables must be placed underground.
 7. All above ground electrical and/or telephone cabinets must be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials, subject to UDO 18.30.130.
 8. Tree protection fencing per UDO 18.30.240.E must be installed around all areas of tree preservation and is required to be maintained throughout construction activities. Grading is not permitted within areas designated for tree protection.

MEMORANDUM

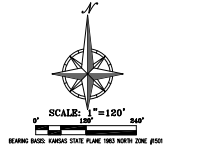
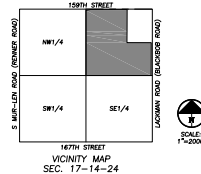
Date: November 9, 2023

To: Nathan Jurey
Olathe Planning Dept.

From: Tim Tucker, P.E.
Phelps Engineering, Inc.

Re: Purpose For Rezoning Request
Heritage Ranch (Rezoning and preliminary plat)
PEI #230732

The purpose for this rezoning request is to allow for single family residential lots to be constructed on this property. Currently the property is zoned RUR Rural District, which allows 1 dwelling unit per ten acres and does not allow for a R-1 Single Family density. The proposed zoning being requested is R-1, which would allow for single family residential lots. There is existing R-1 property zoning directly to the south, west, north, and northeast; and RN-1 Residential Neighborhood zoning on Heritage Park to the east.



LEGEND:
 - DENOTES EXISTING SIDEWALK
 - DENOTES PROPOSED SIDEWALK/PAV./PATH
 - DENOTES PROPOSED PHASING LINES

PREPARED BY: BERRAN BIBLE CHURCH
 159th Street
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 163rd Street
 164th Street



PRELIMINARY PLAT—PHASING/SIDEWALK PLAN
 HERITAGE RANCH
 PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 24 EAST
 JOHNSON COUNTY, KANSAS
 15455 W 159TH STREET, JOHNSON COUNTY, KS 66062

NO.	DATE	BY	REVISION
1	12/27/23	AS/MS	ISSUED FOR CITY COMMENTS
2	1/27/24	AS/MS	ISSUED FOR CITY COMMENTS
3	1/27/24	AS/MS	ISSUED FOR CITY COMMENTS
4	1/27/24	AS/MS	ISSUED FOR CITY COMMENTS
5	1/27/24	AS/MS	ISSUED FOR CITY COMMENTS
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7	1/27/24	AS/MS	ISSUED FOR CITY COMMENTS
8	1/27/24	AS/MS	ISSUED FOR CITY COMMENTS
9	1/27/24	AS/MS	ISSUED FOR CITY COMMENTS
10	1/27/24	AS/MS	ISSUED FOR CITY COMMENTS

OWNER: JOHN H. AND SIOBHAN WILSON
 1630 W 159TH STREET
 LAWRENCE, KS 66044
 785-842-1100

CONTRACT OWNER/DEVELOPER: BERRAN BIBLE CHURCH
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ENGINEER/APPLICANT: BERRAN BIBLE CHURCH
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House Renderings



Meeting Date: December 14, 2023

Re: Neighborhood Meeting Questions & Responses
Heritage Ranch

A neighborhood meeting was held on December 14, 2023, at Heritage Christian Academy/Legacy Christian Church, located at 16000 South Black Bob, Olathe, Kansas. The proposed preliminary plat for Heritage Ranch was presented to the attending neighbors and the following question in black print were asked by those attending with answers provided below.

1. How wide is the Tree Preservation Easement?

A 30' TPE is provided along the south property line, and currently the entire tracts along west are defined as a TPE.

2. Where is trail going to go?

An 8' trail is proposed on the south property line from our southwest property corner to Black Bob Road along our south property line within the tract ground. The first 30' north of our south property line will be in a TPE and then a 20' wide section of tract will be provided for trail just north of the TPE. The intent is to preserve the south tree line.

3. How wide is 161st Terrace?

161st is a collector street and the R/W will be 60' wide with a 36' wide street measure from back of curb to back of curb.

4. Will 159th Street be improved?

No, the only improvements proposed on 159th Street is we will be providing right and left turn lanes at our entrance on 159th Street. The city will provide improvements on 159th Street at later date and improve the 2 lane sections to a 4 lane section with median. Arterial improvements are the responsibility of the city and excise tax is paid the city for these improvements. We are not aware if 159th Street is on the City's CIP and are unsure of the timing of future improvements.

5. Discussion regarding back up on 159th Street?

Explained that right and left lanes at our entrance should prevent any backups due to our development. The turn lanes should also improve current conditions for turning movement at the entrance median break for left turn movements going north at the median break. Council woman Felter added that a signal at 159th & Brougham was proposed to be installed by the city in 2027.

6. Construction traffic?

Public improvement construction access would be limited to 159th Street and Black Bob Road. Once the streets are accepted by the city and house construction begins the streets will be opened up and are public streets, construction at that time will be difficult to control. The development will request builders to utilize 159th & Black Bob but it will be difficult to control all the different vendors and sub-contracts involved in the house building.

7. Blasting Rock?

At this time we have no rock information or utility design on the project to determine the need for blasting. If blasting is required the contractor will be required to get a blasting permit from the city and meet city requirements.

8. What is going to happen with the existing house?

The existing house will be saved and remodeled. A lot has been laid out around the existing house.

9. Why are the stub streets being connected too?

The city has predetermined the street connectivity to Heritage Ranch with the approval of the surrounding subdivision approvals. The city has an access management plan they utilize to ensure that all properties have good cross traffic connectivity. The city wants multiple access points to aid in emergency service access, and improve the overall traffic flow by providing multiple alternate routes.

10. What is the depth of lots?

The typical lot depth is 135-feet, but some of the lots along the south property line will be shorter to allow for a 30' TPE and path along the south property line.

11. How is detention going to work?

Explained that the site runoff will not exceed the pre-existing runoff flow rate. Runoff will be routed into the ponds and the outflow will be choked down to meet pre-existing flow rates, and storage has been provided above the normal pool to store the detained water.

12. Will the north pond get larger?

The north pond will be slightly increased in size and the dam height will be raised.

13. Can the proposed east pond be moved further northeast along the property line?

No, the pond needs to be located at the natural low point to capture the maximum drainage area for detention. The location suggested northeast of the proposed location would not work because the drainage area to the basin would be too small and the only drainage to the pond would be a small area of offsite area, none of our development would drain the pond therefore not serve any detention purpose.

14. How wide is the Tree Preservation Easement?

The TPE is 30' wide along the south property except adjacent to the south pond where trees will need to be removed from the dam and the pond will need to be improved. The tracts along the west property line are currently proposed as TPE which the tracts are roughly 50' feet wide. I noted that the existing tree line is not 50' wide.

15. Water pressure concerns?

Question was asked by resident north of 159th Street and I explained 12" water main is provided on 159th Street that will be adequate to serve development on both sides of 159th Street and service to the south of 159th on Heritage Ranch should not affect pressure north of 159th.

After the meeting I looked into this question a little further and found the north side of 159th Street is served by a 12" City of Olathe water main that necks down to a 4" main in front of his residence. A 16" WaterOne water main is located on the south side of 159th Street which Heritage Ranch will be served from so the development of Heritage Ranch will have no impacts on the water pressure north of 159th Street. A 6" WaterOne main is on Black Bob which will be improved to a larger main in accordance with WaterOne requirements. Water pressure on the west and south property lines should be improved by being connected into the Heritage Ranch proposed water mains by providing additional water main loops. Adjacent property will no longer be on dead end lines.

16. What will the shape of the small pond be?

Pond will be improved and still be a wet pond with very similar shape as the existing pond.

17. How will sanitary sewers work?

Explained Johnson County Sanitary sewers have been extended to the property at the north, southwest, and southeast. The entire Heritage Ranch property will gravity sewer to the exist JCW mains.

18. Are there house plans?

Not at this point, but the 50' wide lots will require final development plans with house plans requiring additional architectural requirements like stone and stucco.

19. House cost?

\$550,000 to over a million

20. Who will sell lot developer or developer?

Developer will realtor team selling lots

21. How many builders?

4 to 5 builders per lot size, so potentially 10 to 15 total builders

22. Who is the HOA?

The HOA management team has not been determined at this point

23. Separation between back of lots?

I explained that we have a tract a minimum of 40' feet wide on the south and west property line R-1 lots are required to a minimum of 25' rear yard setbacks so their will be a separation of at least 90'

Comments 24 to 37 were provided in writing from Michael Perdaris, located at 16090 Lackman Road but not discussed in the meeting discussion.

24. Why were we last to find out about this development?

Everyone within 500' feet of the property was notified at the same time with the neighborhood meeting notice sent out prior to December 8th per city requirements.

25. Why were we not approached about potentially selling our property to this development, especially given the required dead road for future neighborhood expansion on to or property?

Not discussed. Stub street is required by city to meet the City's Access Management Plan for connectivity.

26. How close are structures going to be to our property lines?

25-foot setback

27. Are the houses next to our lots going to be single story, or will they be taller?

Maximum height of 35 feet, could be 2-story

28. We do not want to see a neighborhood outside our front windows.

Not discussed in meeting

29. What is the plan to ensure proper screening immediately out our front windows?

Not discussed in Meeting. No screen required between single family developments, no screening proposed.

30. What is going to keep neighborhood residents out/off of our property? The main concern is children who may get injured while trespassing?
Not discussed in Meeting. Would be handled the same as every other a joining neighboring single family property in the city.
31. What survey information exists showing current property lines and fences?
Not discussed in Meeting. An ALTA survey has been prepared by Phelps Engineering, Inc. and fence on the south side of the Perdaris property is approximately 2 feet on the Heritage Ranch property and the fence on the west side of the Perdaris property is on the Perdaris property.
32. Our property is unincorporated county, and we are not intending to request annexation. We intend to continue using our property in the same ways we are currently, which includes farming, hunting, burning brush, etc.
Not discussed in Meeting.
33. What amenities does this development bring to us? Will there be high speed internet? Fiber? Will there be sewer to hook on?
Not discussed in Meeting. High speed internet will be provided to development, if available. JCW Waste Water will required this development to extend sanitary sewer main to the Perdaris property, but the development will not hook him up.
34. How will this development impact our property value?
Not discussed in Meeting.
35. How will this development impact or property tax?
Not discussed in Meeting.
36. What is the plan to ensure the continued natural drainage of water? With the addition of so many structures and so much pavement, natural water flow and drainage will be impacted.
The Heritage Ranch property is located downhill of the Perdaris property and storm sewer will be provided to receive their runoff and maintain the current drainage path. Stormwater detention is being provided to reduce the peak runoff from the development to pre-existing runoff levels.
37. What are the next steps/project timeline for the project?
The forgoing process was explained at the end of the meeting.
- A public notice will be sent out to properties within 200-feet of the property prior to December 18th. Public Notification mailing has already been sent out and property owners should receive in the next couple of days.*
- A public hearing, Planning Commision, will be held on January 8th at the city hall for the Zoning and preliminary plat.*
- The zoning will proceed City Council for approval on February 6th at the city hall.*

Heritage Ranch Waiver Request

The applicant, Heritage Ranch Developers, LLC is requesting a waiver from the City of Olathe's Unified Development Ordinance (UDO).

We are requesting a waiver from the side yard setback per UDO 18.20.070 B. requiring a seven (7) foot side yard setback on interior lot lines and (20) foot side yard on corner lots for lots less than 60 feet wide. The request is for a five (5) foot interior side yard on Lots 15-44 and a fifteen (15) foot side yard on corner lots 15, 25, 26, 34, and 44.

The Heritage Ranch preliminary plat indicates that Lots 15-31 and 34-41 will be a minimum of fifty (50) feet wide as allowed in Section 12.20.070 of the UDO. The reduced lot width is allowed by right subject to 1) the building design standards found in Section 18.15.020.G. are met and 2) a minimum common open space of 15% is provided within the subdivision of which 50% shall be active open space. The remaining Lots 1-14, 32,33, and 45-305 will exceed the minimum lot width of sixty (60) feet for R-1.

The intent of the additional building design and open space requirements for smaller lots are to ensure that the plan and layout will result in a "superior design". Following this criterion, the UDO allows for various waivers where the results meet the intent of the regulations and create a streamlined process where the applicant can seek exceptions and where the exceptions create a "superior design". The above requested **waivers would only apply to the fifty (50) foot lots.**

In an effort to provide a mix of product over this one-hundred and twenty-nine (129) acre tract of property the applicant is proposing a mix of lot sizes and four market points to provide for housing for young families and established families alike. The market value of the fifty (50) foot lot is expected to be in the five hundred-thousand-dollar range and the sixty to eighty-five (60-85) foot lots up to a million plus range. Developing a plan that combines superior architecture and open space throughout the entire development will enhance the overall design of the neighborhood.

The approval criteria for these waivers are met by:

- 1) Providing a higher quality development design with increased architectural standards and open space.
- 2) The proposed waivers are limited to the fifty (50) foot lots and these lots are designed to create their own unique neighborhoods, with in this overall planned development.
- 3) These waivers are in line with the reduction in lots sizes, that are allowed, and will not injure, endanger or create any inconvenience on the private rights of others.



STAFF REPORT

Planning Commission Meeting: January 8, 2024

Application:	<u>RZ23-0014</u> Rezoning from the C-2 (Community Center) District to the D (Downtown, Mixed-Use) District and a Preliminary Site Development Plan for the Olathe Group
Location:	222 S. Kansas Avenue
Owner/Applicant:	Jim Boldt, DOCE Properties, LLC
Engineer/Architect:	Judd Claussen, Phelps Engineering
Staff Contact:	Emily Carrillo, Senior Planner

Site Area: 0.16± acres **Proposed Use:** Community Services, Counseling & Intervention

Building Area: 1,909 sq.ft. **Plat:** Town of Olathe

Existing Zoning: C-2 (Community Center) **Proposed Zoning:** D (Downtown, Mixed-Use)

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Urban Center/Downtown	Community Services, Counseling, and Intervention	C-2 (Community Center)
North	Urban Center/Downtown	Retail	C-2 (Community Center)
South	Urban Center/Downtown	Office Building	C-2 (Community Center)
East	Urban Center/Downtown	Single-Family Residential Home	C-1 (Neighborhood Center)
West	Urban Center/Downtown	Commercial	MP-2 (Planned General Industrial)

1. Introduction

The applicant is requesting to rezone from the C-2 (Community Center) District to the D (Downtown, Mixed-Use) District, with an associated preliminary site development plan for the Olathe Group of Alcoholics Anonymous and Al-Anon (AA). The subject property is located at 222 S. Kansas Avenue in downtown Olathe. The rezoning is necessary to allow for an expansion of the existing, legal non-conforming use. Staff is supportive of the request to rezone the subject property to the D (Downtown, Mixed-Use) District as outlined in this report.

The property is currently developed with an existing single-story structure that is being used as a meeting space for the local AA group. The Olathe Group moved into 222 S. Kansas Ave on September 1, 2003, which at that time, was a use that was permitted by right within the C-2 District. As a result of the 2014 comprehensive UDO update, the use was no longer permitted by right in the C-2 District, therefore creating a legal non-conformity at the current location.

The Olathe Group has outgrown their current meeting space and is looking to expand. Meetings are held twice daily, seven days a week at this location. The proposed expansion includes an 800 square foot building addition that will be ADA accessible and provide adequate meeting space for larger groups, up to 40 people.

The Unified Development Ordinance (UDO) Ch. 18.60 does not allow for the expansion or enlargement of a nonconforming use, and doing such would require the nonconformity to be brought into compliance. Rezoning the subject property to the Downtown (Mixed-Use) District would allow the Olathe Group to expand and continue as a permitted use at their current location in downtown.

2. History

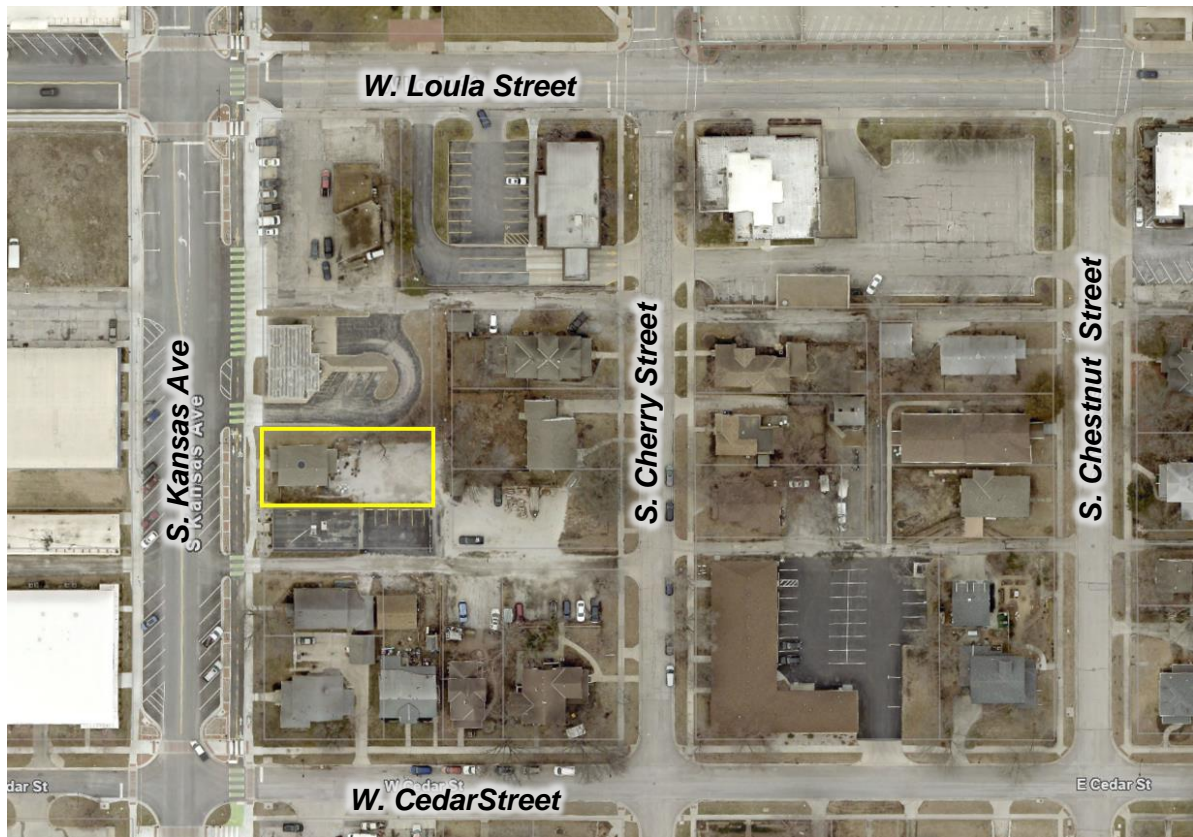
The subject property is a part of the Original Town of Olathe plat, which was recorded in 1868. The existing residential structure was originally constructed in 1940 for use as a residential dwelling. The subject property was later converted to an office use in the mid-1950's and was zoned to the C-2 (Community Center) District in June 1970 per Ord. 346-C when conventional zoning was established throughout the city.

3. Existing Conditions

The subject property currently includes a single-story, 1,109 square foot structure and large gravel parking area located to the rear of the property which is accessible from the existing alley. As previously stated, the existing residential structure has been utilized as an office or meeting space dating back to the mid-1950s.



View of subject property looking east from Kansas Avenue.



Subject property outlined in yellow.

4. Zoning Standards

- a. **Land Use** – The Downtown District recognizes the unique characteristics of the traditional core and transition areas, accommodating a mix of uses such as retail, specialty shops, service, civic and office uses, as well as residential. The Olathe Group is categorized as ‘Community Services, Counseling & Intervention’ per UDO Ch. 18.20.500 and is a permitted use in the requested Downtown (Mixed-Use) District.
- b. **Building Height** – The maximum building height for structures in the D-Downtown (Mixed-Use) District is 7 stories or 90’ feet. The height of the proposed building addition is approximately 17 feet, and therefore, is compliant with the height standards of the D District. Additionally, the proposed height does not exceed that of the existing structure.
- c. **Setbacks** – The following table lists the minimum building setback requirements for developments in the Downtown (Mixed-Use) District as well as the setbacks for the proposed building addition.

	UDO Requirement	Proposed Addition
Front Yard	15 ft.	13 ft.*
Side Yard	5.6 ft. (10% of lot width; may be 0 on one side)	10.4 ft. (north) 24.5 ft. (south)
Rear Yard	10 ft. from the property line	11.1 ft. (east)

* Front yard setback already established with existing structure to remain.

5. Development Standards

- a. **Access/Streets** – The site fronts, and has pedestrian access from, Kansas Avenue; however, no existing driveway or vehicular access is available from Kansas Avenue. Vehicular access is provided to the rear parking lot from the rear alley connecting Kansas Avenue and S. Cherry Street.
- b. **Parking** – Off-street parking is not required in the Downtown District per UDO 18.20.210.D. Where off-street parking is provided, it must be located behind or to the side of buildings and must be screened by low hedges or walls between 3-4 feet in height.

Adequate parking is being provided to accommodate the use and proposed expansion. Four (4) new paved parking stalls, including one (1) ADA stall will be provided off of the rear alley. Additional on-street public parking is available along Kansas Avenue, as well as two (2) public parking lots and the downtown parking garage located within one (1) block of the subject property. The existing gravel lot located to the rear of the property will be removed and replaced with lawn area.

- c. **Landscaping/Screening** – Properties that are located within the Downtown District are exempt from Ch. 18.30.130 of the UDO for landscaping. However, the applicant has agreed to plant juniper shrubs and grasses to provide additional screening for rear parking,

and new landscaping will be added along Kansas Avenue to further enhance this street-facing façade.

- d. **Public Utilities** – The subject property is located within the City of Olathe water and sewer service areas.

6. Building Design Standards

Development that occurs within the Downtown District is subject to architectural design guidelines that will contribute to a high-quality architectural design of Downtown Olathe while complementing the existing development in nearby residential neighborhoods. The proposed building addition meets the applicable architectural requirements of the Downtown District and the Original Town Overlay District.

The proposed building addition will be constructed in a manner that matches the existing building and is complimentary to the mix of commercial and residential structures in the adjacent area. Design elements include a pitched roofline with asphalt shingles, white lap siding with trim and gutters, and windows to match the existing structure.

7. Original Town Overlay District

The subject property is located within the Original Town Overlay District which is intended to provide a measure of flexibility for new development or the redevelopment of existing structures in this older “Original Town” area of the City. UDO 18.20.030 works to ensure appropriateness of design elements for both architecture and site development plans that are consistent with the character of the area and adjacent properties, and in conformity with existing conditions. The proposed building additional is in compliance with the guidelines of the Original Town Overlay District.

8. Envision Olathe Downtown Plan / Olathe 2040

As outlined in the City’s Envision Olathe Downtown Plan and the Olathe 2040 Strategic Plan, application of the Downtown zoning district to the Downtown Core and parts of the Downtown Transition Area will help build the density of residents and businesses downtown needed to create a critical mass of activity. The requested Downtown District directly aligns with the policies and vision of these plans.

9. Public Notification and Neighborhood Meeting

The applicant held a neighborhood meeting on December 13, 2023, with nine (9) residents in attendance. Primary topics of discussion included operations and meeting schedules, how the addition will match the existing building, parking and access, and timing of the proposed project. The applicant provided response to these inquiries and feedback was generally supportive of the development proposal. Planning staff has not received any feedback or correspondence from the public regarding this project. Additionally, the applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property per UDO requirements pertaining to the public hearing.

10. UDO Rezoning Criteria Analysis

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as Urban Center / Downtown. The Downtown Mixed-Use District directly aligns with this future

land use designation and supports the goals and recommendations established in the City's Envision Olathe Downtown Plan.

The application was reviewed against the UDO criteria for considering rezoning applications listed in UDO Section 18.40.090.G as detailed below.

A. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.

- **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.
- **Principle LUCC-4:** Encourage mixed-use development, especially in the downtown area, to support commercial uses, promote walkability, and provide for a variety of housing options.
- **OT-1.1 Downtown:** Encourage multiple uses Downtown. This includes offices, services and government uses as well as retail, restaurants, entertainment, and night life, mixed with a diversity of residential housing types.
- **OT-1.2: Original Town Neighborhoods:** Encourage a balanced mix of complementary and supportive land uses in each Original Town neighborhood, with a predominantly residential land use character.
- **OT-3.1 Implement Existing Plans:** Continue implementation of the Envision Olathe Downtown Plan, Streetscape Master Plan and Original Town Enhancement Plan. Consider Neighborhood Action Plans when making decisions or prioritizing projects that affect the neighborhoods.
- **Principle CRL-3:** Where possible, new construction should complement nearby historic buildings.

The proposed Downtown Mixed-Use District is identified within the *Comprehensive Plan* as the preferred district for the Downtown Transition Area, which is defined by a lower intensity mix of uses surrounding the Downtown Core that blends into residential neighborhoods.

B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).

The surrounding neighborhood is adjacent to the Downtown Core and consists of a variety of uses that range from small commercial and offices uses, and both multifamily and single-family residential homes. The proposed zoning and permitted uses complement the surrounding uses by providing a mix of retail, small scale services, specialty shops, office uses and residential.

C. *The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning districts and uses.*

The surrounding zoning primarily consists of the C-1 and C-2 Districts, with Downtown District zoning located one (1) block to the north. The uses of the surrounding properties include a mix of commercial, multifamily, and single-family residential. The proposed Downtown (Mixed-Use) District is in harmony with these existing uses.

D. *The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.*

Currently the site is only zoned for commercial uses. Rezoning to the Downtown Mixed-Use District will allow for a greater range of commercial, office, and service uses to expand options provided in the Downtown area.

E. *The length of time the property has remained vacant as zoned.*

The subject property has been zoned to the C-2 District since 1970, when the conventional zoning was originally established in the City. The existing structure was constructed in 1940 and has been used since that time for residential and office uses.

F. *The extent to which approval of the application would detrimentally affect nearby properties.*

The proposed rezoning will not have any detrimental effect on nearby properties and promotes uses and activities that are compatible with the surrounding area. Additionally, the proposed zoning and permitted uses provide a transition from the Downtown Core into the mixed density residential neighborhood to the south and east.

G. *The extent to which development under the proposed district would substantially harm the value of nearby properties.*

Staff has not received information indicating that rezoning would lead to a substantial impact on the value of surrounding properties.

H. *The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.*

The uses allowed in this district will not adversely affect the capacity or safety of the road network in the general vicinity. Adequate off-street parking is provided to the rear of the lot in accordance with UDO requirements.

I. *The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.*

The uses allowed in the Downtown (Mixed Use) District will comply with the requirements of Title 17 of the Olathe Municipal Code, and will not create air pollution, water pollution, noise pollution, or other environmental harm.

J. *The economic impact of the proposed use on the community.*

The proposed rezoning will allow for a mix of uses that better align with the Envision Olathe Downtown Plan and the Olathe 2040 Strategic Plan. The proposed use adds value to the community through social capital, community service and employment opportunities.

K. *The gain, if any, to the public health, safety, and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.*

The proposal does not negatively impact the public health, safety or welfare of the community as presented. If the rezoning were denied, the applicant would be unable to expand the existing use under the current zoning designation.

11. Staff Recommendation

- A. Staff recommends approval of RZ23-0014, 222 S. Kansas Avenue, for the following reasons:
 - 1. The proposed development complies with the policies and goals of the Comprehensive Plan for Land Use (LUCC) and Original Town (OT).
 - 2. The requested rezoning to the D (Downtown Mixed Use) District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the D (Downtown Mixed-Use) District as presented with no stipulations.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
 - 1. On-site parking must occur in striped and designated parking stalls only and must not block alleyways or access drives.



PLANNING
ENGINEERING
IMPLEMENTATION

MEMORANDUM

Date: November 16, 2023

To: Emily Carrillo
Olathe Planning Dept.

From: Judd D. Claussen, P.E.
Phelps Engineering, Inc.

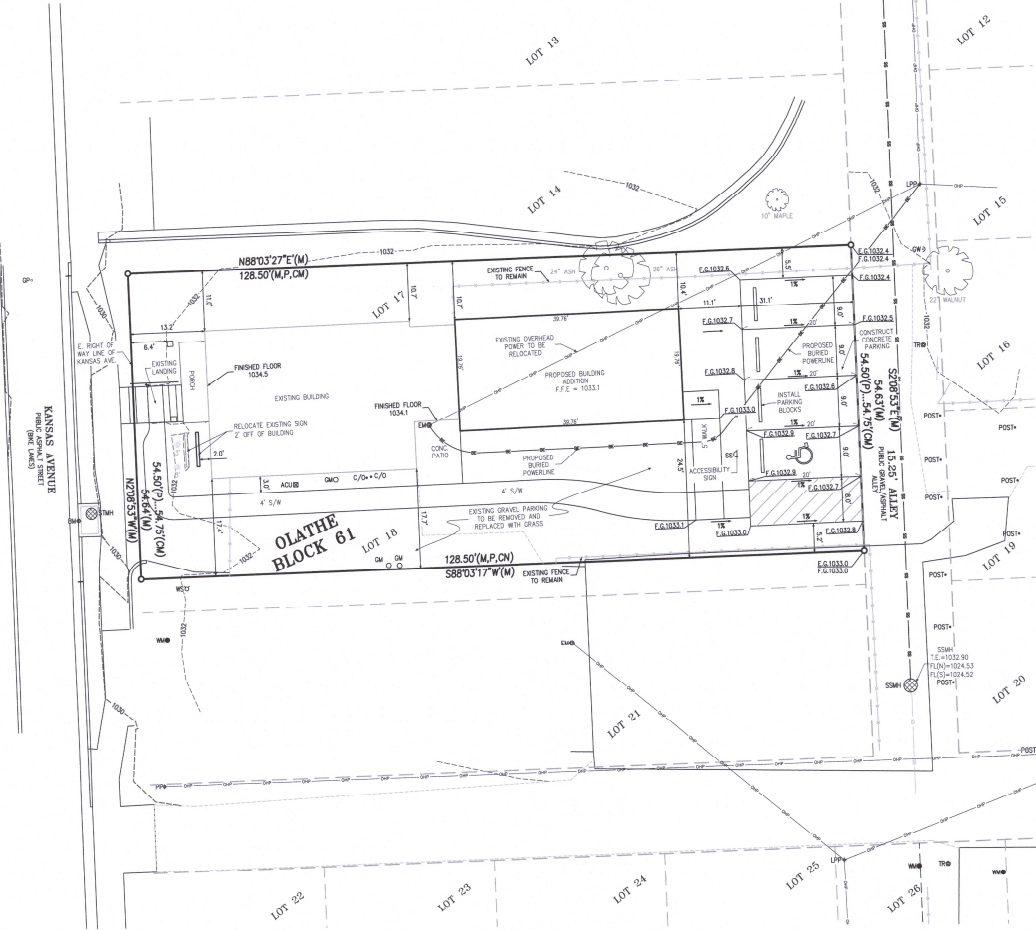
Re: Purpose For Rezoning Request
222 S. Kansas Avenue
PEI #230225

The purpose for this rezoning request is to allow for the existing building to be able to be expanded. Currently the property is zoned C2 (Commercial) and the existing structure is used for Alcoholics Anonymous meeting space, which is a legal non-conforming use under C-2 because the use has existed prior to changes in the zoning code. However, City requirements dictate that any changes to the structure would require the property to be brought into compliance with the current zoning code. Therefore a rezoning from C2 to Downtown District is requested so that the use that has existed on this site for 20+ years may remain and the building may be expanded.



SCALE: 1"=10'

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ACCOMMODATION:
 CONSTRUCTION NEARBY USED BEAR 202106 PLAT BEHIND
 ALL OF LOT 17 AND LOT 18, EXCEPT THE SOUTH 6 FEET OF SAID LOT 18, IN BLOCK 61 IN
 THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREBY.

AREA = ±0.1612 ACRES / ±17,022 SQ.FT.

TITLE NOTE:
 NO TITLE INFORMATION PROVIDED AND OR PERFORMED BY PHELPS ENGINEERING, INC.

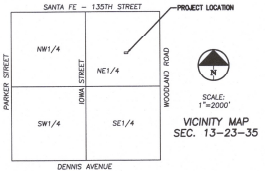
FLOOD NOTE:
 THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE
 THE 1% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE
 MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF
 OLATHE, COMMUNITY NO. 200773, JOHNSON COUNTY, KANSAS, MAP NO.
 20091000786, AND DATED AUGUST 3, 2009.

UTILITY NOTE:
 UTILITIES SHOWN HEREON ARE SHOWN FROM FIELD LOCATED BY THE UTILITY
 COMPANIES OR THEIR RESPECTIVE REPRESENTATIVES AND WARNING PROVIDED BY THE
 UTILITY COMPANIES AND ARE NOT THE RESULT OF AN ACTUAL DIG. PEI DOES NOT
 GUARANTEE THAT ALL UTILITIES ARE SHOWN HEREON.

BEFORE DIGGING, CONTACT THE KANSAS ONE CALL SYSTEM AT 1 800 DIG-SAFE OR
 811 FOR UTILITY LOCATES.

SURVEY NOTES:
 1. THIS ADJUT PUBLIC STREET ON THE WEST PROPERTY LINE WITH KANSAS AVENUE
 AND PUBLIC ALLEY ON THE EAST PROPERTY LINE.

BENCHMARK: VERTICAL DATUM = HANGERS BASED ON GPS OBSERVATION USING
 (SMARTNET GPS NETWORK)
 1. CENTER FRONT FACE OF CURB INLET AT MID WEST PROPERTY OF SUBJECT
 PROPERTY
 ELEVATION = 1029.57



1. This plan is COPYRIGHTED and is the sole property of Phelps Engineering, Inc. This plan is to be used for the sole purpose of obtaining an original building permit for the house or structure as indicated herein. Any modifications to this plan without the written consent of Phelps Engineering, Inc. will be considered an infringement of the copyright and subject the violator to all enforcement actions of Phelps Engineering, Inc. including claims for damages resulting therefrom.

2. It is the responsibility of the builder and its subcontractors to locate all utilities prior to construction and verify any utility conflicts exist with the proposed location of improvements. Utilities to be relocated or that are damaged by the builder (or its subcontractors) shall be repaired, relocated, or replaced at their expense.

- | | | | |
|---|--|--|---|
| <ul style="list-style-type: none"> ● = SET CURB OUT ● = FURNISH REPAIR WORKMANSHIP (SHOW UNKNOWN UNLESS OCCURRED) ○ = SET 12"x24" BERM WITH "THELPS CLS-82" PLASTIC CAP ▲ = AIR CONDITIONING UNIT ● = BENCHMARK ● = CLEAN OUT ● = ELECTRIC METER | <ul style="list-style-type: none"> TH = FIRE HYDRANT GM = GAS METER GP = GAS POST OT = GREASE TRAP GW = GUY WIRE LPP = LIGHT POWER POLE POST = POST PP = POWER POLE PPTR = POWER POLE WITH TRANSFORMER(S) | <ul style="list-style-type: none"> SMH = SANITARY SEWER MANHOLE SMH = STORM SEWER MANHOLE TR = TELEPHONE RISER WM = WATER METER WS = WATER SPOUT WV = WATER VALVE BS = BUSH ET = CEDAR OR EVERGREEN TREE CO = DECIDUOUS TREE F.F.E. = FINISH FLOOR ELEVATION | <ul style="list-style-type: none"> R/W = RIGHT-OF-WAY (P) = PLATTED (CM) = CALCULATED MEASUREMENT FROM PANE & BROCKWAY NOTES FEBRUARY 1, 1962 (M) = MEASURED — = BURIED TELEPHONE LINE — = CABLE TELEVISION LINE — = FIBER OPTIC LINE — = WATER LINE — = GAS LINE — = BUNKER BELLING LINE — = OVERHEAD POWER LINE — = SANITARY SEWER LINE |
|---|--|--|---|

The plan holder and owner a hereby warrant that the information shown on this plan was prepared by a duly licensed professional engineer or surveyor and that the same is true and correct to the best of their knowledge and belief.

This plan was prepared for the purpose of obtaining a building permit and is not to be used for any other purpose without the written consent of Phelps Engineering, Inc.



PREPARED FOR:
 AN EXIST

PHelps ENGINEERING, INC.
 2010 N. WILSON AVENUE
 OLATHE, KANSAS 66061
 (781) 388-1925
 Fax: (781) 388-1926
 www.phelpsengineering.com

PHelps ENGINEERING, INC.
 PLANNING
 ENGINEERING
 SURVEYING

PHelps ENGINEERING, INC.

GRADING PLAN FOR BUILDING ADDITION
 LOT 17 AND PART OF LOT 18, BLOCK 61, OLATHE
 222 S. KANSAS AVENUE, OLATHE, KANSAS

NO.	DATE	BY	DATE	REVISIONS
1	12-12-22			MOVED LOCATION OF EXISTING SIGN
2	12-14-23			REVISED SCHEDULE AND SIGN

PROJECT LOCATION

SCALE: 1"=500'

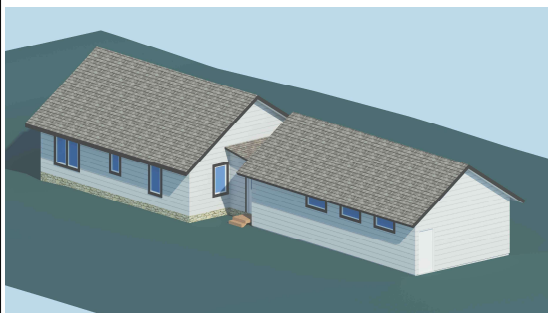
VICINITY MAP
 SEC. 13-23-35

SHEET
 2
 OF 2

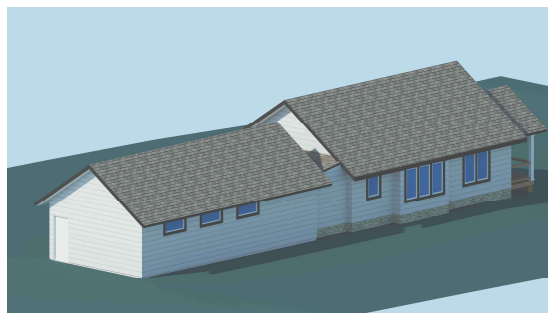


1 SOUTH ELEVATION
1/4" = 1'-0"

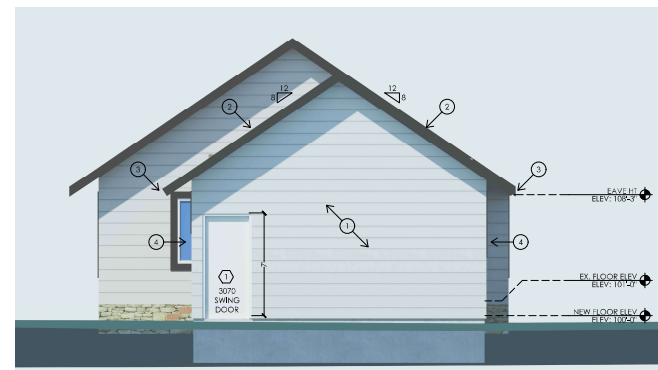
- SCOPE OF WORK & ELEVATION NOTES
1. NEW HARDIE BOARD LAP SIDING FINISH TO MATCH EXISTING
 2. NEW ASPHALT SHINGLES ON ICE/WATER SHIELD ON 3/4" SHEATHING ON PRE-ENGINEERED ROOF TRUSSES (SCISSOR TRUSSES)
 3. NEW GUTTER
 4. NEW GUTTER DOWN SPOUT
 5. NEW OPERABLE WINDOW: AWNING STYLE - 54"x24"



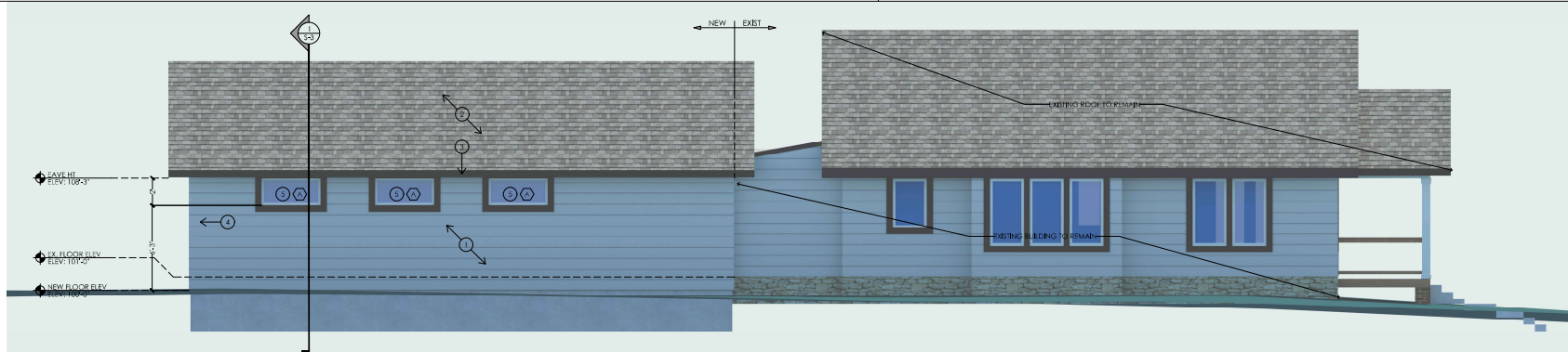
5 SE Perspective
1/4" = 1'-0"



4 NE Perspective
1/4" = 1'-0"



2 EAST ELEVATION
1/4" = 1'-0"



3 NORTH ELEVATION
1/4" = 1'-0"



AA - OLATHE
NEW BUILDING ADDITION
222 SOUTH KANSAS AVE, OLATHE, KS - 66061

PROJECTS CONSULTANT
STRUCTURAL CONSULTANTS:
SDC - ENGINEERING
STRUCTURAL CONSULTANTS:
ROB D. Campbell

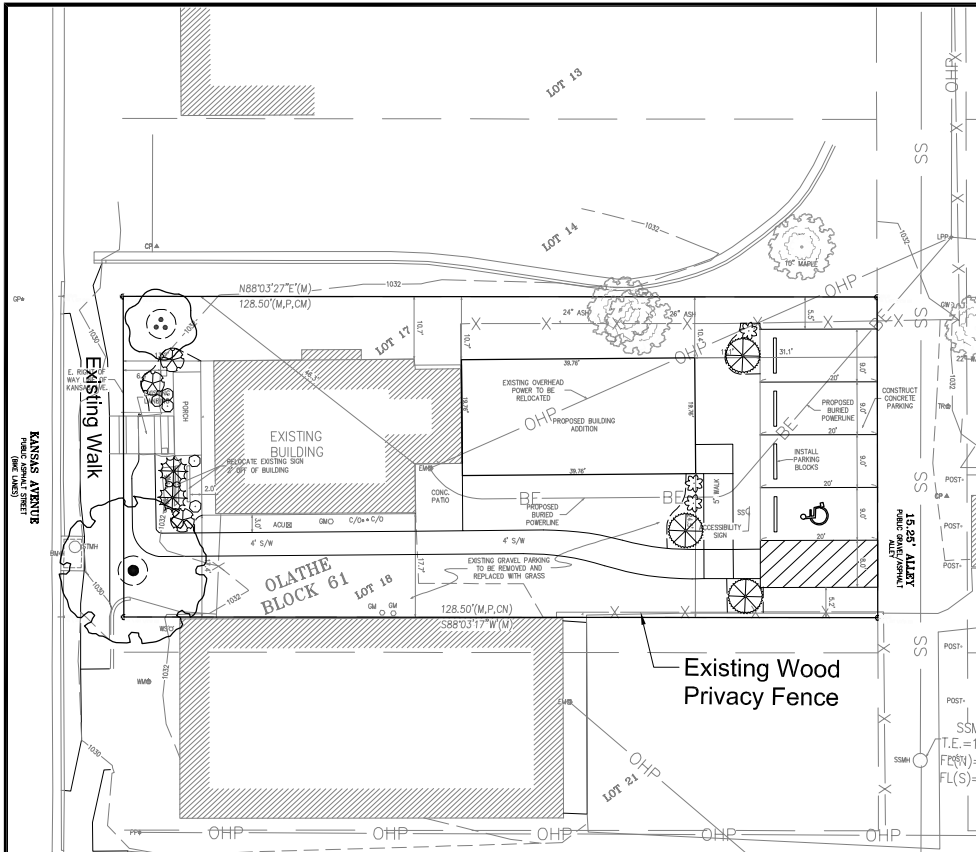


SULLIVAN
PALMER
ARCHITECTS
1800 S. W. 100th St., Suite 100
Olathe, KS 66042
Phone: 781-233-1100
www.sullivanpalmer.com

Date: 18 Dec 2023

Revision:

Drawn by:
MWM
Sheet:
R-1
renderings

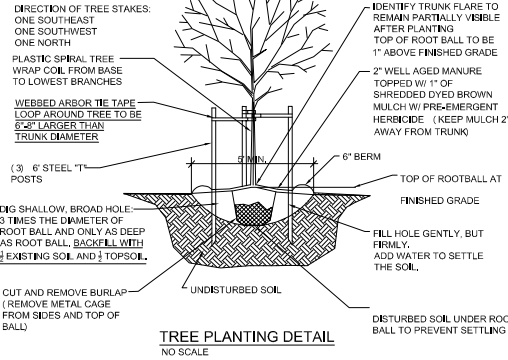
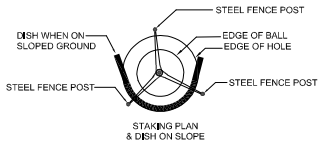


PLANT SCHEDULE

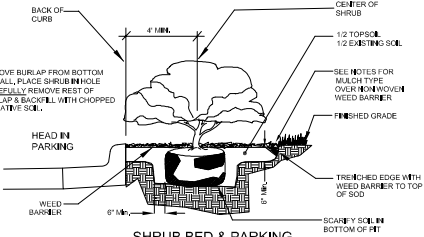
SYMBOL	QTY	BOTANICAL / COMMON NAME	CONT.	CAL.	SIZE
TREES					
	1	Acer rubrum 'Red Pointe' / Red Pointe Red Maple	B & B		2" Cal
	1	Amelanchier canadensis 'Autumn Brilliance' / Autumn Brilliance Serviceberry Multi Stem	B & B		7-8' hgt.
SHRUBS					
	3	Juniperus chinensis 'Sea Green' / Sea Green Juniper 24"-30" hgt. & sp.	5 gal		
	2	Juniperus horizontalis 'Bar Harbor' / Bar Harbor Creeping Juniper 24"-30" sp.	3 gal		
	3	Spiraea x bumalda 'Anthony Waterer' / Anthony Waterer Spiraea 18"-24" hgt.	3 gal		
GRASSES					
	5	Calamagrostis acutiflora 'Karl Foerster' / Feather Reed Grass 24" hgt.	3 gal		
	3	Miscanthus sinensis 'Morning Light' / Eureka Grass	3 gal		

GENERAL LANDSCAPE NOTES:

- CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES BEFORE STARTING ANY WORK.
- CONTRACTOR SHALL VERIFY ALL LANDSCAPE MATERIAL QUANTITIES AND SHALL REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- CONTRACTOR SHALL MAKE NO SUBSTITUTIONS WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT.
- CONTRACTOR SHALL STAKE LAYOUT PLANTS IN THE FIELD AND SHALL HAVE THE LAYOUT APPROVED BY THE LANDSCAPE ARCHITECT BEFORE PROCEEDING WITH THE INSTALLATION.
- ALL LANDSCAPE BEDS SHALL BE TREATED WITH THE PRE-EMERGENT HERBICIDE PRE 118000 (GRANULAR) OR AN APPROVED EQUAL IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
- ALL LANDSCAPE BEDS SHALL RECEIVE A TRENCHED EDGE. SEE SHRUB PLANTING DETAIL.
- FERTILIZER FOR FESCUE SOODED AND SEEDED LAWN TREES AND CONTAINER STOCK AREAS SHALL BE A BALANCED FERTILIZER BASED ON RECOMMENDATIONS FROM A SOIL TEST SUPPLIED BY THE LANDSCAPE CONTRACTOR FROM AN APPROVED TESTING LAB.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE PLANTS UNTIL COMPLETION OF THE JOB AND ACCEPTANCE BY THE OWNER.
- CONTRACTOR SHALL WARRANTY ALL LANDSCAPE WORK AND PLANT MATERIAL FOR A PERIOD OF ONE YEAR FROM DATE OF ACCEPTANCE OF THE WORK BY THE OWNER.
- CONTRACTOR SHALL PROVIDE MAINTENANCE OF ALL TREES AND SHRUBS FOR A PERIOD OF ONE YEAR AFTER THE DATE OF SUBSTANTIAL COMPLETION CONTRACTED BY THE OWNER.
- ANY PLANT MATERIAL WHICH DIES DURING THE ONE YEAR WARRANTY PERIOD SHALL BE REPLACED BY THE CONTRACTOR DURING NORMAL PLANTING SEASONS.
- ALL PLANT NAMES ON THE PLANT LIST CONFORM TO THE STANDARDIZED PLANT NAMES PREPARED BY THE AMERICAN JOINT COMMITTEE ON HORTICULTURAL NOMENCLATURE OR TO NAMES GENERALLY ACCEPTED IN THE NURSERY TRADE.
- ALL PLANT MATERIAL SHALL BE SPECIMEN QUALITY STOCK AS DETERMINED BY THE AMERICAN STANDARDS FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, FREE OF PLANT DISEASES AND PESTS, OF TYPICAL GROWTH OF THE SPECIES AND HAVING A HEALTHY, NORMAL ROOT SYSTEM.
- SIZES INDICATED ON THE PLANT LIST ARE THE MINIMUM, ACCEPTABLE SIZE. IN NO CASE WILL SIZES LESS THAN THE SPECIFIED SIZES BE ACCEPTED.
- PLANTS SHALL NOT BE PRUNED PRIOR TO DELIVERY TO THE SITE OR AFTER INSTALLATION EXCEPT FOR THOSE BRANCHES THAT HAVE BEEN DAMAGED IN SOME WAY.
- PLANTS SHALL NOT HAVE NAME TAGS REMOVED PRIOR TO FINAL INSPECTION.
- ALL PLANTINGS SHALL RECEIVE A COMMERCIAL TRANSPARENT ADDITIVE PER MANUFACTURER'S RECOMMENDED RATES AND INSTRUCTIONS FOR APPLICATION.
- ROCK MULCH SHALL BE 3" DEPTH OF KANSAS LARGE 2" DEEP OVER A FELT TYPE SOIL SEPARATOR.
- WOOD MULCH SHALL BE A DYED BROWN SHREDDED HARDWOOD 3" DEEP OVER A FELT TYPE SOIL SEPARATOR.
- SEE PLANTING DETAILS FOR SOIL MIX IN PLANTING HOLES.
- SOO SHALL BE A TURF-TYPE TALL FESCUE GRASS BLEND. CONTRACTOR SHALL BE RESPONSIBLE FOR AN ACCEPTABLE STAND OF TURF TO BE APPROVED BY THE OWNER AND/OR LANDSCAPE ARCHITECT.
- SEED SHALL BE A TURF-TYPE TALL FESCUE BLEND WITH 10% PERENNIAL RYE GRASS AND 10% BROMEUS. IT SHALL BE COVERED WITH A 1/2" DEEP WITH NEW SEED NETTING WHICH PREVENTS EROSION. CONTRACTOR SHALL BE RESPONSIBLE FOR AN ACCEPTABLE STAND OF TURF GRASS OF AT LEAST 90% COVERAGE OF SOIL SURFACE PER SQUARE FOOT.
- SUCCESSFUL LANDSCAPE BEDDER SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF AN IRRIGATION SYSTEM TO BE APPROVED BY THE OWNER PRIOR TO CONSTRUCTION IF THE OWNER DESIRES AN IRRIGATION SYSTEM.



TREE PLANTING DETAIL
NO SCALE



SHRUB BED & PARKING SETBACK DETAIL
NO SCALE

Transplant Additives:

- Apply a commercial transplant additive (approved by the Landscape Architect) to all trees, shrubs and groundcover at rates recommended by the manufacturer during the planting. This item shall be substitutable to other planting items.
- Transplant additive shall be Horticultural Absorbent "CIEHARD" Transplant (or approved equal) mycorrhizal fungal transplant inoculant or equivalent equal containing the appropriate species of mycorrhizal fungi and bacteria, fungi stimulant, water retaining agents, mineral & organic nutrients and inert ingredients.
- Demonstrate installation of all transplant additives for this project to the Landscape Architect. Provide actual additive product as evidence of sufficient quantity of product. (Empty product bags to be stockpiled for inspection by the Landscape Architect prior to disposal).
- Number of transplant additive packets per tree, shrub or groundcover shall be applied according to the manufacturer's recommended rates and instructions. For all plants the packet mix shall be evenly distributed into the upper approximately 6" of backfill soil next to the roots. Do not place mix in the bottom of the planting pit.
- Furnishing and application of transplant additive shall be substitutable to the planting operations.

Utility Note:
Utilities shown on plan are diagrammatic and information may be missing. Before starting any construction call appropriate locating service. In Kansas call 1-800-010-SAFE (344-7233) to have utilities located.

Landscape Plan
222 South Kansas

222 South Kansas
Olathe, Kansas LS-1



Oppermann LandDesign, LLC
Land Planning & Landscape Architecture
99 Delta Lane
New Windsor, New York 10553
peter@oppermann56@gmail.com
913.592.5598

12/15/2023

Date: 12/13/2023

Meeting Date: Dec. 13, 2023, 5:30 PM

Location of Meeting: Olathe Downtown Library, 3rd floor room
Olathe, KS

Project: 222 S. Kansas Rezoning/PDP for Olathe Group.

Project/File No.: 230225

Neighborhood Attendees: See attached Sign in Sheet

Development Team: Jim Boldt – Property owner and landlord
Judd D. Claussen, P.E., civil engineer

Copy: Olathe planning staff

-
1. Jim Boldt welcomed the attendees, introductions. Attendees signed the sign-in sheet.
 2. This project is zoned commercial but we need to rezone to the downtown zoning district. This is so that the addition to the building can be done. We are a grandfathered use on this property today, but cannot do any modifications to the building. The Olathe Group has occupied this building here for 20 years or better. There have been police there only 2x in that 20 years that I can recall, and they were for non-violent issues. The Olathe group is for Alcoholics Anonymous (AA) and Al-Anon. They meet 2x a day every day. The addition is needed for more room for the group. The addition is to provide a meeting space for larger groups in the back of the building. This new addition will be handicap accessible, with HC parking and mobility impaired parking in the back of the addition off the alley. Landscaping and an attractive addition matching the style of the original building is proposed. So if we can get the zoning we can add on to the building to improve the Olathe group's facilities and provide a more functional environment for them.
 3. Judd showed the site plan, building floor plan and building architectural elevations, and walked the group through the various components of each plan.
 4. General discussion and questions occurred at this point.
 5. Question about the finish floor of the existing building and new building and street. The existing building floor is 1034.5. New building is 1033.1. So about 1.5 feet lower than existing. Grade is lower in alley. Sidewalk is about a 1030.
 6. Existing building has a crawl space. New building is slab on grade.
 7. An existing alley in rear of the property remains. It is graveled from north property line to the south to access the E/W alley between Cherry and Kansas. The alley is not improved north of the property and will remain that way.

8. Parking is not in the alley, but off the alleyway.
9. Parking is adequate. New HC accessible and mobility impaired spaces being added. Parking on Kansas available as well as the parking garage.
10. Schedule is to complete the zoning process by February and submit for building permits as soon as possible thereafter. Spring 2024 construction.
11. City will not allow a metal roof as this is in downtown Olathe and the materials are to match as closely as possible to the original structure.
12. About 40 people can be in the new addition meeting room. Use of this building is the same, we just need more room to be more efficient and comfortable and to provide a place for larger groups to meet.
13. Jim mentioned that although he owns building and is landlord his is also a neighbor. His business is right next door and the Olathe group has been a great neighbor from that perspective.
14. What is status of group to the east (behind this property). Olathe group was working to rezone that property, but has abandoned that effort to focus on this addition.
15. Good looking project with landscape that will be something the City can be proud of.
16. Glad this new addition will be ADA accessible and that is something that is needed. Since its not possible to make the existing structure ADA accessible, this addition is something that is sorely needed to serve handicap clientele.
17. Churches hold a lot of AA and Al-Anon meetings but when churches shut down due to Covid, it strained the clientele to find other places that were open such as Olathe group. This facility allows AA to be open under their own control, and not have to share a facility and be subject to trying to work around other tenants in the same building. This is nothing but good for the community.
18. This is a community service and because its privately owned, provides an affordable place for 12 step recovery.
19. The Olathe group can barely function in the space they have now. This allows us to function better, in a safer more controlled facility, and more comfortable for everyone.
20. There will not be partitions in the new space at this time. Maybe in future there could be moveable partitions but not at first. Need the open space for the larger meetings.
21. This will be heard at the Olathe Planning Commission meeting at 7 pm on Monday January 8.
22. There were no further questions and the meeting ended.

Public Information Sign In Sheet - In Person Meeting

R223-0014 Rezoning and Preliminary development plan for Olathe Group @222 S Kansas Ave.

Location: Olathe Downtown Library

Wednesday, December 13, 2023

No.	First and Last Name	Address	Phone #	Email
1	William D. Logan	21707 W. 61st St., SHAWNEE, KS 66218	913-568-9654	TASSYWEST@AOL.COM
2	John M Mueller	302 W Cedar St, Olathe	816-365-3089	jmueller245@yahoo.com
3	Krissie Bash	2310 W. Forrest Dr. <small>Olathe</small>	913-706-1935	KrissieBash@gmail.com
4	Josh Anderson	609 E Brian Dr.	913-636-6724	drjoshanderson@gmail.com
5	Stuart Bickham	13551 S. Lakeview Dr	913-669-1605	stuartbickham829@gmail.com
6	Andrew Carroll	1290 Westgate St	913-302-4557	andrew@markirinvestments.com
7	Randy Calhoun	213 S. Kansas Ave	636-288-2837	pastorrandy@faithjourneychurch.com
8	Sue Striner	1008 Sumac	913-850-3230	
9	Judd Claussen	Phelps Engineering 1270 N. Winchester, Olathe	913-393-1155	jclaussen@phelpsengineering.com
10	Zak Hugo	11720 Craig St and 1000 S. Alhambra	816-364-9978	Zhugomd@yahoo.com
11	Jim Boldt	226 S Kansas Ave	913-957-5470	Jim@GBF19.com
12				
13				
14				
15				