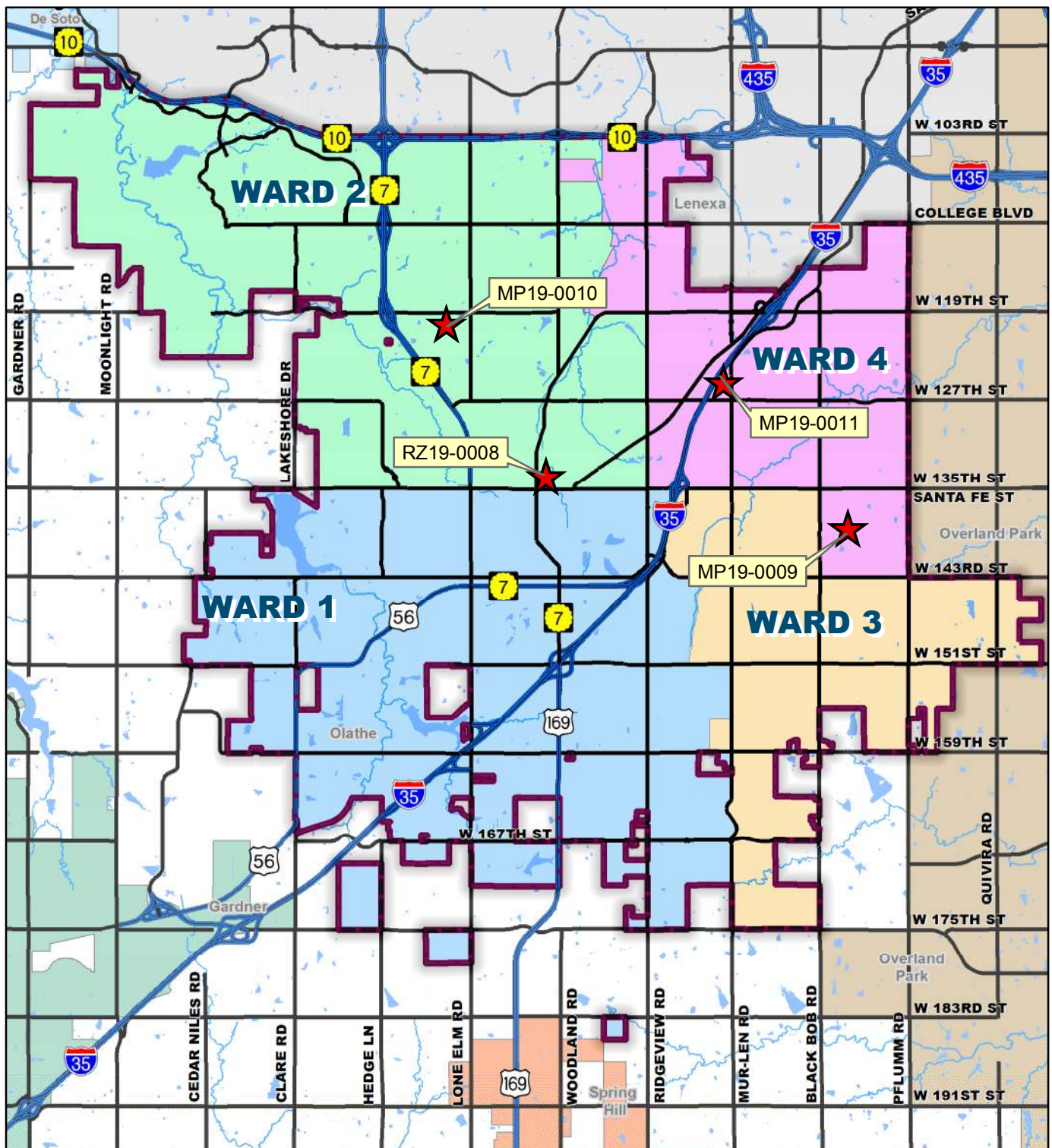


JULY 8, 2019

OLATHE PLANNING COMMISSION

CASE LOCATIONS



User: jaredmd
Date: 07/02/2019





CALL TO ORDER

PLEDGE OF ALLEGIANCE

QUORUM ACKNOWLEDGEMENT

CONSENT AGENDA

- A. MN19-0624:** Standing approval of the minutes as written from the June 24, 2019 Planning Commission meeting.
- B. MP19-0009:** Request approval for a minor plat for **Bradford Trails 4th Plat** containing 3 lots on 0.43± acres; located at the northeast corner of W. 138th Place and W. 139th Street.
Owner: Judith Wagner; J & R Property Holdings, LLC
Applicant: Michael Moody; Sapphire Creek Holding, LLC
Engineer: Jerald Pruitt; Pruitt and Dooley Surveying, LLC
- C. MP19-0010:** Request approval for a minor plat for **Ranch Villas at Prairie Haven Lot 22** containing 4 lots on 0.28± acres; located in the vicinity of W. 119th Terrace and S. Provence Street.
Owner / Applicant: Greg Prieb; Prieb Homes
Engineer: Tim Tucker; Phelps Engineering, Inc.
- D. MP19-0011:** Request approval for a minor plat for **Delmar Gardens of Olathe** containing 3 lots on 10.36± acres located north of W. 126th Street between S. Rodgers Road and N. Mur-Len Road.
Owner / Applicant: Tom Bickimer; Villa St. Francis Catholic Care Center, Inc.
Engineer: Judd Claussen; Phelps Engineering, Inc.

REGULAR AGENDA-NEW BUSINESS

- A. PUBLIC HEARING**
RZ19-0008: Request approval for a rezoning from R-2 District to Downtown (Mixed Use) District for **My Child Advocate** containing 1 lot on 0.26± acres; located at 313 N. Chestnut Street.
Owner / Applicant: Jason and Trina Nudson; Nudson Properties
Engineer: Micah Kimball; TreanorHL

ANNOUNCEMENTS

ADJOURNMENT



CALL TO ORDER

Present	Vice-Chairman Michael Rinke, Commissioner Ryan Freeman, Commissioner Jeremy Fry, Commissioner Ryan Nelson, Commissioner Jose Munoz, Commissioner Chip Corcoran, and Commissioner Barry Sutherland
Absent	Chairman Dean Vakas

PLEDGE OF ALLEGIANCE

QUORUM ACKNOWLEDGEMENT

The Acting Chair made introductory comments. Regarding *ex parte* communication, the Acting Chair requested that if a commissioner had something to report, they specify the nature of the *ex parte* communication when item is reached in the agenda.

CONSENT AGENDA

- A.** MN19-0513: Standing approval of the minutes as written from the May 13, 2019 Planning Commission meeting.

Motion by Commissioner Freeman, seconded by Commissioner Sutherland, that MN19-0513 be approved. The motion carried by the following vote:

Yes: Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

Absent: Vakas

- B.** MP19-0007: Request approval for a minor plat for Woods of Mahaffie Replat; Lots 13 and 14 containing 1 lot on 0.42± acres; located at 1570 N. Keeler Street.

A motion to approve MP19-0007 on the Consent Agenda with the following staff stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the Planning Division.
- b. The developer is responsible for planting street trees and interior lot trees prior to final Certificate of Occupancy, subject to UDO 18.30.130.
- c. All above ground electrical and/or telephone cabinets shall 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.

Motion by Commissioner Freeman, seconded by Commissioner Sutherland, that MP19-0007 be approved as stipulated. The motion carried by the following vote:

Yes: Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

Absent: Vakas

- C.** MP19-0008: Request approval for a minor plat for Willowbrooke Village 9th Plat (a replat of Tract A, Willowbrook Village, 8th Plat) containing 16 lots and 1 tract on 1.28± acres; located at the southwest corner of W. 112th Terrace and S. Rene Street.

A motion to approve MP19-0008 on the Consent Agenda with the following staff stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the City Planning Division.
- b. The trail located to the south of the subject units shall be constructed prior to issuance of certificates of occupancy.

Motion by Commissioner Freeman, seconded by Commissioner Sutherland, that MP19-0008 be approved as stipulated. The motion carried by the following vote:

Yes: Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

Absent: Vakas

- D.** FP19-0009: Request approval for a final plat for Willow Crossing East Replat containing 1 common tract and public street right-of-way on 0.40± acres; located along the south side of W. 143rd Street at the intersection with Parkhill Street.

A motion to approve FP19-0009 on the Consent Agenda with the following staff stipulations:

- a. Prior to recording the plat, a digital file of the final plat (.pdf format) shall be submitted to the Planning Division.
- b. A sign permit is required for any signage within Tract A and the sign shall comply with Unified Development Ordinance (UDO), Section 18.50.190.

Motion by Commissioner Freeman, seconded by Commissioner Sutherland, that FP19-0009 be approved as stipulated. The motion carried by the following vote:

Yes: Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

Absent: Vakas

REGULAR AGENDA-NEW BUSINESS

- A.** UDO19-0002: Discussion on Unified Development Ordinance amendments to Chapters 18.20, 18.30, 18.40, 18.50, and 18.60

Motion by Commissioner Fry, seconded by Commissioner Nelson, that UDO19-0002 be continued. The motion carried by the following vote:

Yes: Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

Absent: Vakas

B. PUBLIC HEARING

RZ19-0007: Request approval for a rezoning from R-1 District and CTY RUR District to M-2 District and a preliminary site development plan for Olathe Facilities Expansion 70.51± acres; located in the vicinity of Old US-56 Highway and S. Robinson Street.

Dan Fernandez, Planner II, approached the podium and presented the staff report. He noted that his presentation would cover both this application and application FP19-0011. He stated that this application is for an Olathe facilities expansion, southwest of Old US-56 Highway and Robinson. This is a request to rezone 70.51 acres to the M-2 District, and Mr. Fernandez noted that the associated preliminary site development plan includes renderings for a Parks maintenance building. The property is currently vacant.

Mr. Fernandez presented an aerial of the zoning and pointed out the surrounding zoning. Elevations for the Parks maintenance building have been submitted. Other buildings, that are not accessory, developed on the site in the future would require a revised preliminary site development plan. Mr. Fernandez noted one access drive onto 156th Street and interior drives will be private and connect to the existing Public Works facility to the east. Landscaping will be included around the site, including foundational landscaping along the primary elevation and along the interior drives of the site. Mr. Fernandez added that a majority of the 70 acres is conceptual and may develop as potential training areas for other county departments.

Mr. Fernandez stated that this building meets all requirements for Building Design Category F, including Category 1 material requirements and also includes features such as some roof variations. He added that staff recommends approval of the rezoning per stipulations.

Mr. Fernandez addressed the final plat, which will include a tree preservation area along US-56 to provide screening. He notes that a good portion of this site is within the flood zone. Staff also recommends approval of FP19-0011 as stipulated.

Comm. Nelson noted a section in the staff report talked about parking pods and asked if that meant there is not a need for islands or peninsulas. **Mr. Fernandez** said that is correct.

Comm. Fry asked if the City would approve overhead doors placed as they are in this plan if this were a car wash or mechanic shop and not a County facility. **Mr. Fernandez** said they would because this area is zoned industrial, but doors would be required to have windows or canopies. Doors on this project have windows. Also, the setback is larger than normal, and there is a tree preservation along US-56.

Comm. Fry then asked about vertical articulation and questioned what the requirements are for industrial. **Mr. Fernandez** responded that there is vertical articulation in terms of roof height. In Category F they are only required to meet one of those requirements.

Comm. Freeman asked about the length of the longest roof. **Mr. Fernandez** responded that it is about 300 feet.

Comm. Corcoran has some familiarity with this area and recalls sewers being a problem. **Mr. Fernandez** deferred his question to the applicant, although notes that Utilities staff has reviewed this application.

Vice Chair Rinke opened the public hearing and asked the applicant to come forward. **Chad Foster** with Olathe Public Works Department approached the podium. Addressing Comm. Corcoran's question about sewer, he noted that the existing Robinson Public Works site is serviced by a lift station, and they will attach to that same system.

No one else present wished to speak on this matter. **Vice Chair Rinke** called for a motion to close the public hearing.

Motion by Comm. Nelson, second by Comm. Sutherland, to close the public hearing.

Motion passed 7-0.

Comm. Freeman also expressed some concern about the 300-foot roof having the same height all the way across. He finds it odd that there is no variation and asked if any consideration given to that. **Mr. Fernandez** said they always talk to applicants about, not just meeting design requirements, but exceeding them. This does exceed the class requirement and includes some variation in roof height. **Comm. Freeman** would like to explore that as an option. **Comm. Nelson** observed that the long length of the building without variation is 213 feet in length, not 300 feet. **Mr. Fernandez** noted again that this has a large setback from the street and only those working on or visiting the site would see the building. **Comm. Fry** appreciates the clarification of industrial use, setback and tree preservation. **Vice Chair Rinke** concurred.

Motion to recommend approval of RZ19-0007, for the following reasons:

- a. The proposed development complies with the policies and goals of the *Comprehensive Plan* (Principle LUCC-1.1, LUCC-8.2 and ESR-1.3).
- b. The requested rezoning to M-2 district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.

Motion includes recommending the following stipulations be included in the final site development plan:

- a. Any new buildings within this development, other than accessory buildings, shall require a revised preliminary site development plan.

Motion by Commissioner Fry, seconded by Commissioner Nelson, that this agenda item be approved as stipulated. The motion carried by the following vote:

Yes: Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

Absent: Vakas

- C. FP19-0011: Request approval for a final plat for Olathe Facilities Expansion containing 1 lot on 70.51± acres; located in the vicinity of Old US-56 Highway and S. Robinson Street.

Please refer to RZ19-0007 for further discussion of this item.

Motion to approve FP19-0011 with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the City Planning Division.
- b. Tree preservation fencing shall be placed on site in accordance with Section 18.30.240 of the UDO.

Motion by Commissioner Fry, seconded by Commissioner Sutherland, that this agenda item be approved as stipulated. The motion carried by the following vote:

Yes: Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

Absent: Vakas

D. PUBLIC HEARING

SU19-0002: Request approval for the renewal of a special use permit for Motor Vehicle Sales in C-3 District on 0.58± acres; located at 115 S. Fir Street.

Dan Fernandez, Planner II, approached the podium to present this application, which is for a renewal of a special use permit to allow motor vehicle sales at 115 S. Fir Street. He notes that this site has a long history of special use permits involving vehicles. He presented an aerial of the site and noted surrounding properties and their zoning. The property is surrounded by commercial, including other auto dealerships and a vehicle repair business. The previous special use permit was issued for this site in 2014. This special use permit is being requested by a new operator at this location, called CarStoreUSA. Motor vehicle sales will take place at this location and the site meets all requirements for parking. Upon inspection, staff noted several violations, including chipped paint on the building, no foundation landscaping, Christmas lights around the sign, poor fencing, and cracks in the pavement. **Mr. Fernandez** said the applicant has been very responsive to suggested improvements to the site and has been working to make repairs. All should be completed prior to the City Council meeting on July 16, 2019. The applicant is requesting a five-year special use permit, which staff supports. Staff recommends approval of this application.

Comm. Nelson asked if there is a limit to the number of vehicles that can be on site. **Mr. Fernandez** said there is no limit to number of vehicles parked during business hours, but stipulations prohibit parking in drive aisles and landscape areas. Comm. Nelson asked if it's because of the size of the lot that there is not a restriction as to number of cars. Mr. Fernandez said there is not a number restriction on other sites, but per the UDO, cars may not be parked on drive aisles or in the grass. **Aimee Nassif, Chief Planning and Development Officer** added that all cases are vetted and if there is a potential issue, the ability exists to restrict number of spaces during the permitting process. This particular application was vetted and there was no issue, so no restrictions were placed.

Vice Chair Rinke opened the public hearing and asked the applicant to come forward. Brenen Frye, 115 South Fir Street, approached the podium, representing the applicant. He said they have worked hard to meet all stipulations and be in compliance. There was no one else present who wished to speak on this item. **Vice Chair Rinke** called for a motion to close the public hearing.

Motion to recommend approval of SU19-0002, for the following reasons:

- a. The proposal conforms to the Goals, Objectives and Policies of the *Comprehensive Plan*.
- b. The proposal complies with the *Unified Development Ordinance (UDO)* criteria for considering special use permit requests.
- c. The applicant has addressed all site items identified in Section 3 of this report.

Comm. Freeman's motion included recommending that the following stipulations be included:

- a. The Special Use Permit is valid for a period of five (5) years following Governing Body approval, with an expiration date of July 16, 2024.
- b. Vehicles shall not be stored or displayed in customer parking stalls, drive aisles or in landscape areas.
- c. No vehicle maintenance or repair shall be done at the subject property.

Motion by Commissioner Freeman, seconded by Commissioner Fry, that

this agenda item be approved as stipulated. The motion carried by the following vote:

Yes: Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

Absent: Vakas

ANNOUNCEMENTS

Aimee Nassif noted that the Planning Commission workshops on UDO updates have been scheduled for July 8th and 22nd, starting at 5:30 p.m.

ADJOURNMENT



City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: July 8, 2019

Application:	MP19-0009, Minor Plat for Bradford Trails Fourth Plat		
Location:	Northeast corner of the intersection of W. 138 th Place and W. 139 th Street		
Owner/Applicant:	Judith E. Wagner, J & R Property Holdings, LLC		
Engineer:	Jerald Pruitt; Pruitt and Dooley Surveying, LLC		
Staff Contact:	Zachary Moore, Planner II		

Site Area:	<u>0.43± acres</u>	Use:	<u>Duplex</u>
Lots:	<u>3</u>		
Tracts:	<u>0</u>	Current Zoning:	<u>R-2</u>

1. Comments:

The following application is a minor plat for Bradford Trails Fourth Plat, containing three residential lots and no common tracts. This is a replat of the existing lots 110 and 111 of Bradford Trails Second Plat, which was recorded in December 1998. The existing lot 110 is the western half of an existing duplex building. There is an existing duplex building that has not yet been divided on the existing lot 111. The purpose of this replat is to shift the lot line between the existing lots 110 and 111 slightly to the east, to provide a more uniform lot layout and to have the existing sidewalk of the eastern half of the existing duplex on lot 111 be fully located within the same lot. Currently, the existing sidewalk that serves the eastern half of lot 111 is partially located on lot 110, with an easement for access recorded on it. This replat will also renumber the lots; the existing lot 111 will be divided into the new lots 118 and 119, and the existing lot 110 will be renumbered as lot 120.

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

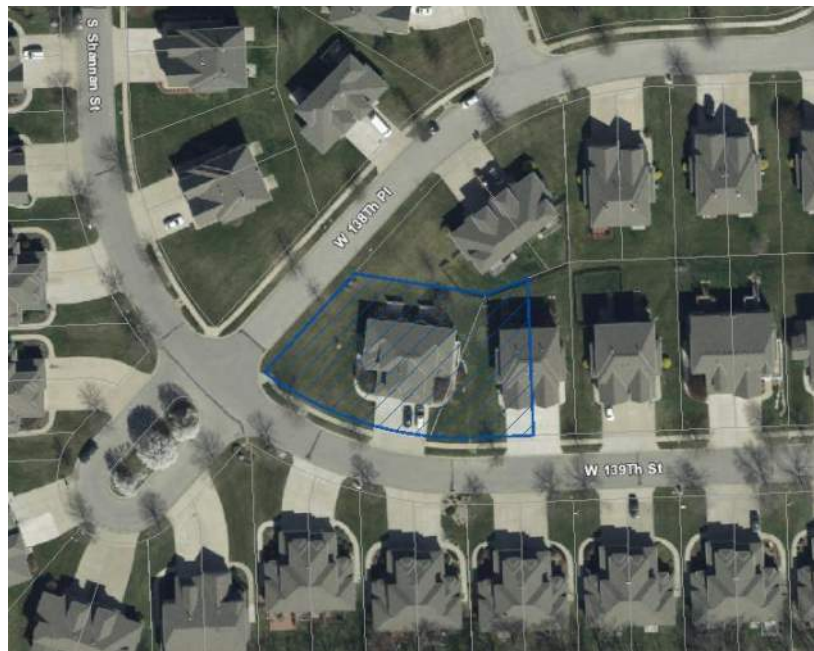
2. Plat Review:

- Lots/Tracts** – The plat includes a total of three residential lots and no common tracts. The three lots vary in size from 5,027 square feet to 8,298 square feet. All lots within the replat exceed with the minimum lot size requirement of the R-2 District of 4,750 square feet. This replat will also bring the existing duplex into compliance with regard to building setbacks in the R-2 District. The minimum side yard setback for properties in the R-2 District is 7 feet. The current eastern wall of the duplex on the existing lot 110 (future lot 119) is approximately 5 feet from the eastern property line. With this replat, the nearest corner of the existing building will be approximately 16.3 feet from the new property line.

- b. **Public Utilities** – The subject property is located within the City of Olathe water and Johnson County Wastewater service areas. There is an existing Utility Easement (U/E) and Sanitary Sewer Easement (S/E) on the subject property that were dedicated on the Bradford Trails Second Plat. No new easements or changes to existing public easements are proposed with this minor plat application. The existing duplex building to be divided is required to meet the fire Code requirements along the new property line of the building that is to be subdivided. An affidavit affirming that at least a one-hour fire wall exists to separate the two units is required to be submitted, as a stipulation of this application, prior to recording the plat.
- c. **Streets/Right-of-Way** – Each of the three lots has an existing driveway off of W. 139th Street to the south. No changes to access, streets, or public right-of-way are proposed with this replat.

3. Excise Taxes

Chapter 3.35.050(B) of the Olathe Municipal Code states that any replat of previously platted land that was approved by the City is exempt from paying street and traffic signal excise taxes. Since this application is for a replat of previously platted property, no street or traffic signal excise taxes are required.



Aerial view of site



View of existing duplex at 14594 W. 139th Street

4. Staff Recommendation

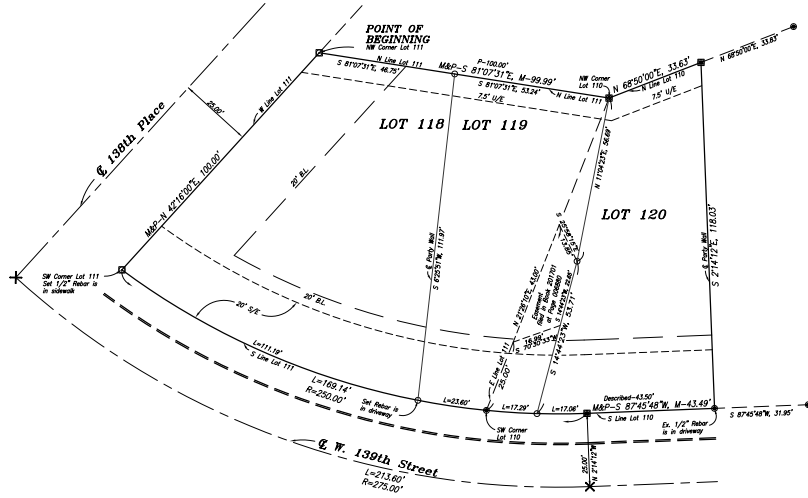
Staff recommends approval of MP19-0009, minor plat for Bradford Trails Fourth Plat, with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (.pdf format) shall be submitted to the Planning Division.
- b. An affidavit affirming that a separation wall meeting the standards of at least a one-hour firewall exists between the units shall be signed and submitted to the Planning Division prior to recording the plat.



BRADFORD TRAILS 4TH PLAT
MP19-0009

BRADFORD TRAILS FOURTH PLAT
A Replat of Lot 111 AND PART OF LOT 110, BRADFORD TRAILS SEOND PLAT, A SUBDIVISION
in the Northwest 1/4 of Section 33. Township 13 South, Range 24 East,
in the City of Olathe, Johnson County, Kansas



LEGEND

- ✕ Indicates Existing Mon. Nail
- Indicates set 1/2" x 24" Rebar with KS PS 814 Cap.
- Indicates 1/2" x 24" Rebar with KS PS 814 Cap set in concrete.
- Indicates Existing 1/2" Rebar with CS 57 Cap, unless otherwise noted.
- B.L. = Building Line
- U/E = Utility Easement
- S/E = Sanitary Sewer Easement
- R = Radius
- L = Length
- = Existing Sidewalk

PROJECT BENCH MARK

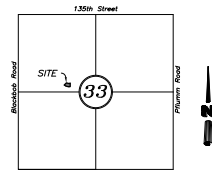
Aluminum Monument set on the Northwest corner of the curb inlet at the Southeast corner of 7 Highway and Harold.
UTM 18N 280, Elevation = 1019.25

SURVEYOR'S NOTES

Bearings are based on the BRADFORD TRAILS SECOND PLAT subdivision plat, filed in Book 102 at Page 2.

The Sanitary Sewer Easement, or 'S/E' and the Utility Easement, or 'U/E' shown on this plat were dedicated by the BRADFORD TRAILS SECOND PLAT subdivision plat, filed in Book 102 at Page 2.

The subject property is outside the established flood plain according to the Federal Emergency Management Agency's Flood Map No. 20091C0080G. Revised map date: August 3, 2009.



SITE LOCATION MAP
SECTION 33-13-24
SCALE 1" = 3600'

LOT NUMBER	SQ. FT.	ACRES
LOT 118	8,298.01	0.190
LOT 119	5,337.12	0.123
LOT 120	5,027.69	0.115
PLAT	18,662.82	0.428

DESCRIPTION :

Part of Lot 110 and all of Lot 111, BRADFORD TRAILS SECOND PLAT, a subdivision in the City of Olathe, Johnson County, Kansas, described as follows: Beginning at the Northwest corner of said Lot 111; thence South 81 degrees, 07 minutes, 31 seconds East along the North line of said Lot 111, 99.99 feet to the Northwest corner of said Lot 110; thence North 88 degrees, 50 minutes, 00 seconds East along the North line of said Lot 110, 33.63 feet; thence South 2 degrees, 14 minutes, 12 seconds East, 118.03 feet to a point on the South line of said Lot 110; thence South 87 degrees, 45 minutes, 48 seconds West along said South line, 43.49 feet; thence Westerly along the South line of said Lots 110 and 111, on a curve to the right with a radius of 250.00 feet and tangent to the last described course, 169.14 feet to the Southwest corner of said Lot 111; thence North 42 degrees, 16 minutes, 00 seconds East along the West line of said Lot 111, 100.00 feet to the Point of Beginning. Containing 18,663 square feet, or 0.43 acres, more or less.

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat which hereinafter shall be known as "BRADFORD TRAILS FOURTH PLAT".

DEDICATION

The undersigned proprietors of the property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, avenues, and alleys, not heretofore dedicated.

The undersigned proprietors of said property shown on this plat do hereby certify that all prior existing easement rights on land to be dedicated for public use and public ways and thoroughfares running to any person, utility, or corporation have been absolved except that same person, utility or corporation shall retain whatever rights they would have as if located in a public street.

The undersigned proprietors of the above described tract of land hereby agree and consent that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall remain a lien on the remainder of this land fronting and abutting on said dedicated public way or thoroughfare.

EXECUTION

IN TESTIMONY WHEREOF, J & R Property Holdings, LLC, as owners of Lots 118 and 119, and Sapphire Creek Holdings, LLC, as owners of Lot 120, have caused this instrument to be executed by it's managing member this ____ day of _____, 2019.

J & R Holdings, LLC

Sapphire Creek Holdings, LLC

Judith E. Wagner, Managing Member

Michael Moody, Member

ACKNOWLEDGMENT

STATE OF KANSAS

COUNTY OF JOHNSON

BE IT REMEMBERED that on this ____ day of _____, 2019, before me, the undersigned, a Notary Public in and for said County and State, came Judith E. Wagner, managing member of J & R Property Holdings, LLC, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Corporation, and said person duly acknowledged the execution of same to be the act and deed of same Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

NOTARY PUBLIC: _____
Jerald W. Pruitt

My Appointment Expires: October 29, 2020

STATE OF KANSAS

COUNTY OF JOHNSON

BE IT REMEMBERED that on this ____ day of _____, 2019, before me, the undersigned, a Notary Public in and for said County and State, came Michael Moody, member of Sapphire Creek Holdings, LLC, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Corporation, and said person duly acknowledged the execution of same to be the act and deed of same Corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

NOTARY PUBLIC: _____
Jerald W. Pruitt

My Appointment Expires: October 29, 2020

APPROVALS

APPROVED by the Planning Commission of the City of Olathe, Johnson County, Kansas, this ____ day of _____, 2019.

Chairman: C.S. Vokas

This survey was completed in the field in June, 2019; said survey was conducted under my direct supervision and to the best of my knowledge and belief, this plat correctly portrays the results of that survey.
Jerald W. Pruitt, PS 814

DEVELOPER:
J & R Property Holdings, LLC
12636 S. Hollet Street
Olathe KS 66062
Scale 1" = 20'
20 10 0 20 40
SCALE IN FEET

BRADFORD TRAILS FOURTH PLAT

N.W. 1/4, Section 33, Township 13 South, Range 24 East
Olathe, Johnson County, Kansas

PRUITT and DOOLEY SURVEYING, LLC
7912 Elm Ave. 10777 Barkley, Suite 220-I
Raytown, MO 64138
816-689-4239 913-652-9002
Overland Park, KS 66211



City of Olathe

City Planning Division

STAFF REPORT

Planning Commission Meeting: July 8, 2019

Application:	<u>MP19-0010: Ranch Villas at Prairie Haven, Lot 22</u>		
Location:	In the vicinity of 119 th Street and Lone Elm Road		
Owner/Applicant:	Gregory Prieb II, Prieb Homes		
Engineer:	Tim Tucker, P.E., Phelps Engineering, Inc.		
Staff Contact:	Andrea Fair, Planning Intern		
<hr/>			
Total Area:	<u>0.28 Acres</u>	Proposed Use:	<u>Residential</u>
Current Zoning:	<u>RP-3</u>	Units/Lots:	<u>4</u>
		Tracts:	<u>0</u>
<hr/>			

1. Comments:

This is a request for approval of a minor plat for Ranch Villas at Prairie Haven, Lot 22 on 0.28 acres, located in the vicinity of 119th Street and Lone Elm Road.

The final plat (P-62-01) and the rezoning and preliminary site development plan (RZ-18-01) for Ranch Villas at Prairie Haven were approved by the Planning Commission in 2001.

As the townhomes are complete, the existing lots are replatted for the sale of the individual units.

No public easement or right-of-way will be dedicated with this replat and therefore the plat will not require City Council acceptance.



Aerial of Site (site outlined in blue)



Photo of Site from Provence St

2. Final Plat Review

- a. **Lots/Tracts** – The replat includes four (4) lots for a total of four (4) individual but attached villa units.

The layout of the units is consistent with the approved final plat.

The proposed lots exceed the minimum lot area of 3,000 square feet as required for RP-3 Districts and vary in size from approximately 3,080 square feet to approximately 3,100 square feet. The average lot size is 3,094 square feet.

- b. **Utilities/Municipal Services** – The property is located in the City of Olathe Sewer and the WaterOne service areas.

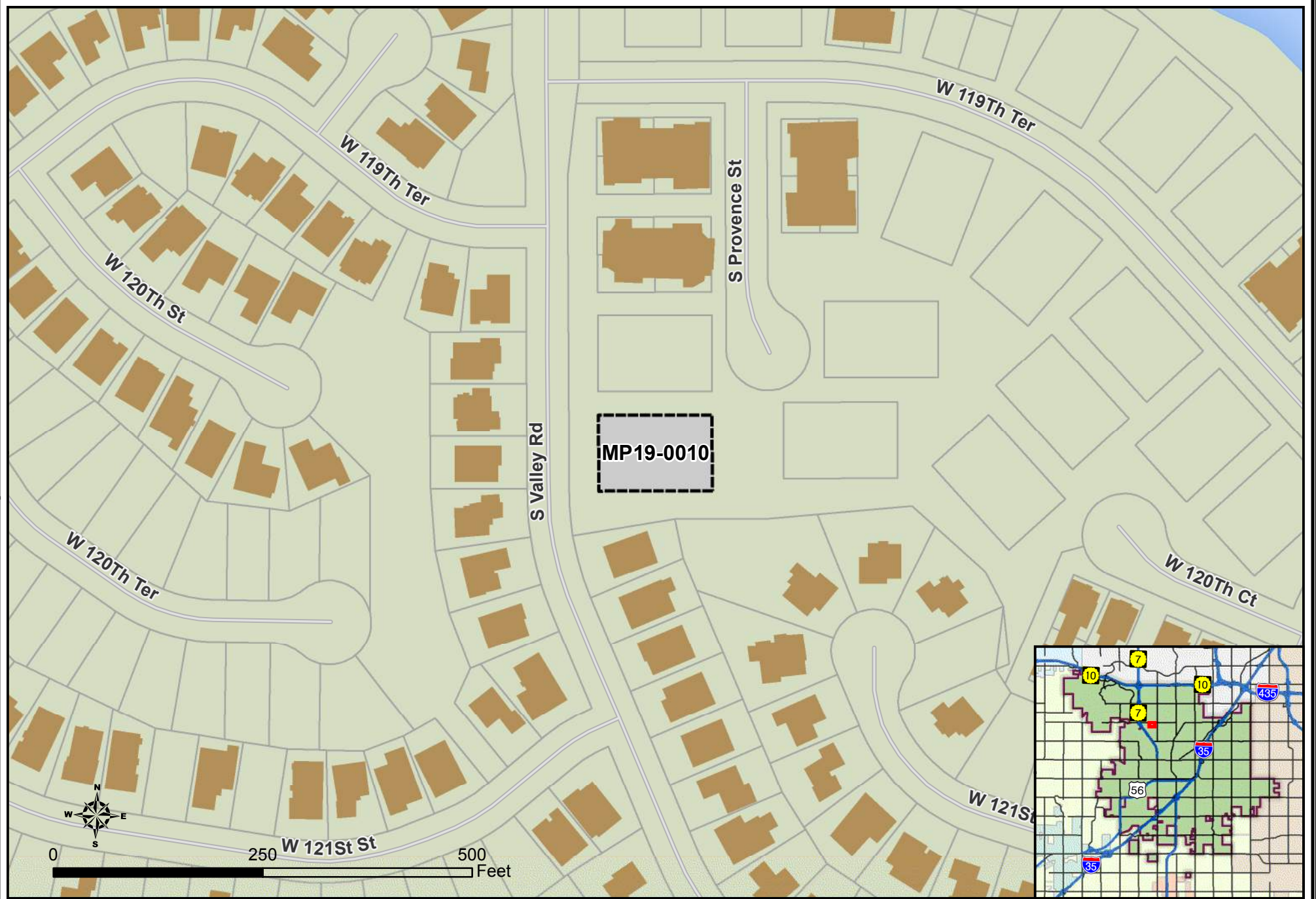
There is an existing 10-foot Utility Easement (U/E) along the east edge of the plat, south of Provence Street.

- c. **Streets** – All units will have access to Provence Street, which is a part of the public street network, via the common drives in Tract A.
- d. **Street and Signal Excise Taxes** – No excise fees are due with this application since the property has already been platted.
- e. **Landscaping/Tree Preservation** – Per stipulation d of P-62-01, “The developer is responsible for planting street trees. Such trees shall be planted at the completion of each phase of development.”
- f. **Amenities** - Per stipulation f of P-62-01, “Sidewalks shall be constructed in conformance with the Unified Development Ordinance (UDO) and the approved final site development plan.”

3. Staff Recommendation:

Staff recommends approval of MP19-0010 with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the Planning Division.
- b. All above ground electrical and/or telephone cabinets shall 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 I.
- c. A note shall be included on the building permit stating that all above ground mechanical equipment shall be screened according to UDO 18.30.130 I.



RANCH VILLAS AT PRAIRIE HAVEN LOT 22
MP19-0010

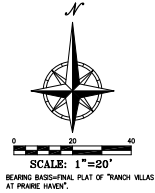


User: jaredmd
Date: 07/02/2019

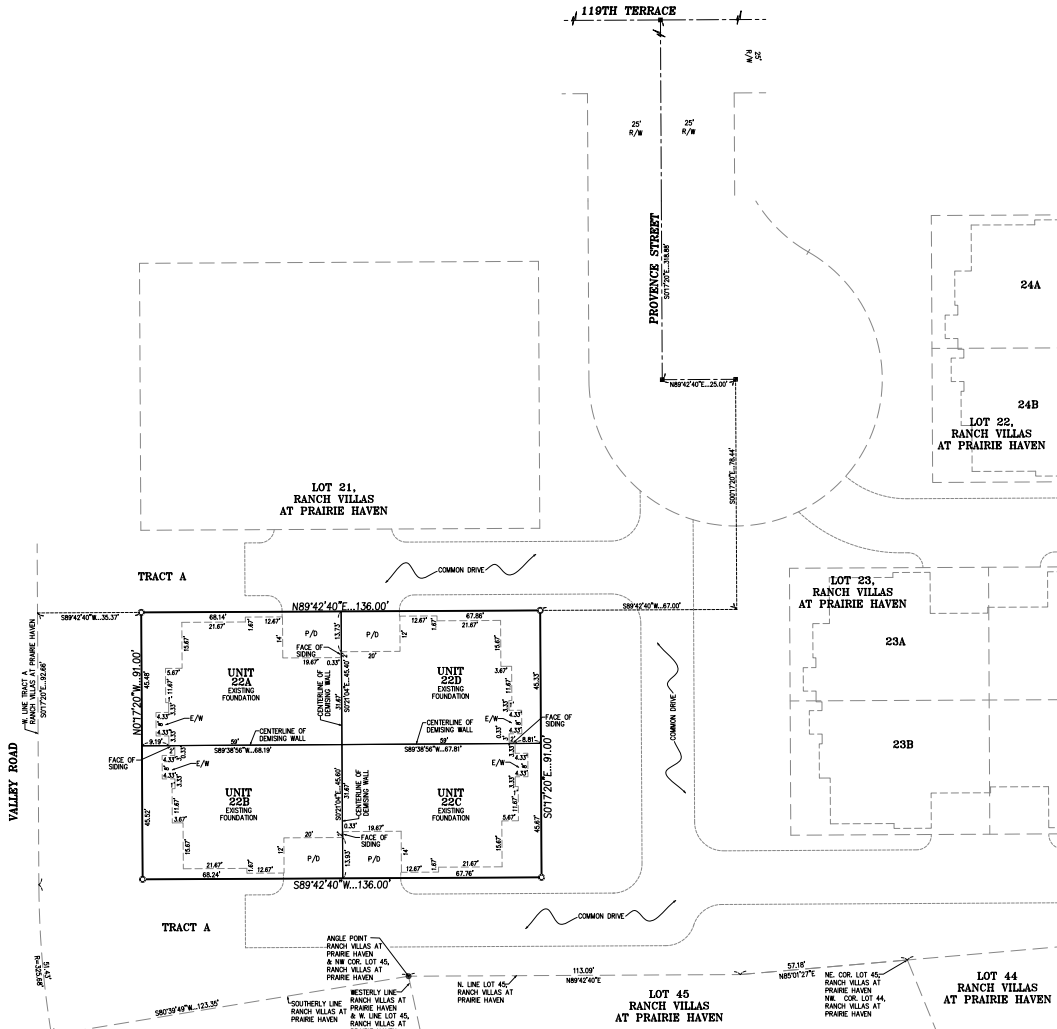
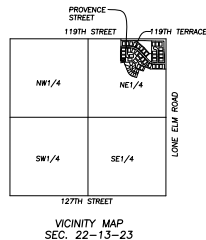


FINAL PLAT OF
**RANCH VILLAS AT PRAIRIE HAVEN,
LOT 22**

A RESURVEY AND REPLAT OF LOT 22, RANCH VILLAS AT PRAIRIE HAVEN,
A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS



LOT AREAS		
PARCEL	AREA (SF)	AREA (AC)
22A	3097.32	0.0711
22B	3107.96	0.0713
22C	3093.43	0.0710
22D	3077.31	0.0706
PLAT BOUNDARY	12376.00	0.2841



- LEGEND**
- DENOTES SET 1/2" x 24" REBAR W/PHILIPS CORP. CLS-82 PLASTIC CAP IN CONCRETE
 - DENOTES FOUND 1/2" REBAR FOUND IN CONCRETE (UNLESS NOTED OTHERWISE)
 - DENOTES FOUND MAG. NAIL FROM ORIGINAL CENTERLINE CONTROL POINTS SET BY GREEN ENGINEERING SERVICES ON MARCH 14, 2002
 - E/W DENOTES EXISTING WELL
 - P/D DENOTES PROPOSED DRIVE PER APPROVED SITE PLAN

LEGAL DESCRIPTION

A resurvey and replat of Lot 22, RANCH VILLAS AT PRAIRIE HAVEN, a subdivision of land in the Northeast Quarter of Section 22, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, containing 0.2841 acres, more or less of replatted land.

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "RANCH VILLAS AT PRAIRIE HAVEN, LOT 22".

DEDICATION

The undersigned proprietors of the property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, avenues, and alleys, not heretofore dedicated.

The undersigned proprietors of said property shown on this plat do hereby certify that all prior existing easement rights on land to be dedicated for public use and public ways and thoroughfares running to any person, utility, or corporation have been absolved except that same person, utility or corporation shall retain whatever rights they would have as if located in a public street.

CONSENT TO LEVY

The undersigned proprietors of the above described tract of land hereby agree and consent that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall remain a lien on the remainder of this land bearing and abutting on said dedicated public way or thoroughfare.

RESTRICTIONS

All lots, parcels, tracts and properties in this subdivision shall hereafter be subject to the Declaration of Restrictions for "Ranch Villas at Prairie Haven", which instrument is recorded in the Office of the Register of Deeds of Johnson County, Kansas, and which shall hereby become a part of the dedication of this plat as though fully set forth herein.

EXECUTION

IN TESTIMONY WHEREOF, PRIEB HOMES, INC., has caused this instrument to be executed by its Member this _____ day of _____, 20____.

Gregory D. Prieb II, President

ACKNOWLEDGEMENT

STATE OF KANSAS

385

COUNTY OF JOHNSON

BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said County and State, came Gregory D. Prieb II, President of Prieb Homes, Inc., who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Company, and said person duly acknowledged the execution of same to be the act and deed of said company. IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

NOTARY PUBLIC: _____ My Appointment Expires: _____

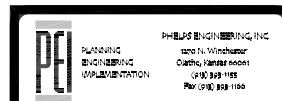
Print Name: _____

APPROVALS

APPROVED by the Planning Commission of the City of Olathe, Johnson County, Kansas, this _____ day of _____, 20____.

Chairman: C.S. Vukob

I, Thomas Dwayne Phelps, hereby certify that in June 2012, I or someone under my direct supervision have made a survey of the above described tract of land and the results of said survey are correctly represented on this plat.





City of Olathe
City Planning Division

STAFF REPORT

Planning Commission Meeting: July 8, 2019

Application:	<u>MP19-0011</u>: Delmar Gardens of Olathe (a resurvey and replat of Lot 2 and Part of Lot 1, Delmar Gardens)		
Location:	Northwest corner of W. 126 th Street and Mur-Len Road		
Owner/Applicant:	Tom Bickimer, Villa St. Francis Catholic Care Center Inc.		
Engineer:	Judd Claussen, Phelps Engineering		
Staff Contact:	Dan Fernandez, Planner II		
Acres:	<u>10.24± acres</u>	Proposed Use:	<u>Assisted Living</u>
Current Zoning:	<u>RP-3/RP-6</u>	Lots:	<u>2</u>
		Tracts:	<u>1</u>

1. Comments:

This is a request for approval of a replat for Delmar Gardens of Olathe, (a resurvey and replat of Lot 2 and Part of Lot 1) on 10.24 acres located at the northwest corner of W. 126th St. and Mur-Len Road.

The property is currently platted with 2 lots and the lots have separate zoning, RP-3 and RP-6. The existing assisted living facility is located on the lot that was rezoned from R-1 to RP-3, Planned Low-Density Multi-Family District in 1976. The remaining area which contains open space, parking and a detention basin was rezoned from R-1 to RP-6, also in 1976. The facility was constructed in 1984. Assisted living facilities are permitted uses in both the RP-3 and RP-6 zoning districts.

The reason for the minor plat is to adjust an existing lot line to accommodate a proposed renovation of the northeast portion of the existing facility. An administrative review application for this renovation is currently being reviewed by staff and includes removing an existing garage and adding additional landscaping to the site.

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



Aerial Map of Site



View looking east from Rogers Road

2. Final Plat Review

- a. **Lots/Tracts** – The replat includes 2 lots for the existing assisted living facility and a second lot for possible future expansion to the east. The replat has 1 tract, Tract A, which is for access, parking and open space.

- b. **Utilities/Municipal Services** – The property is located in the City of Olathe sewer and water service areas. Utilities already exist to the site.

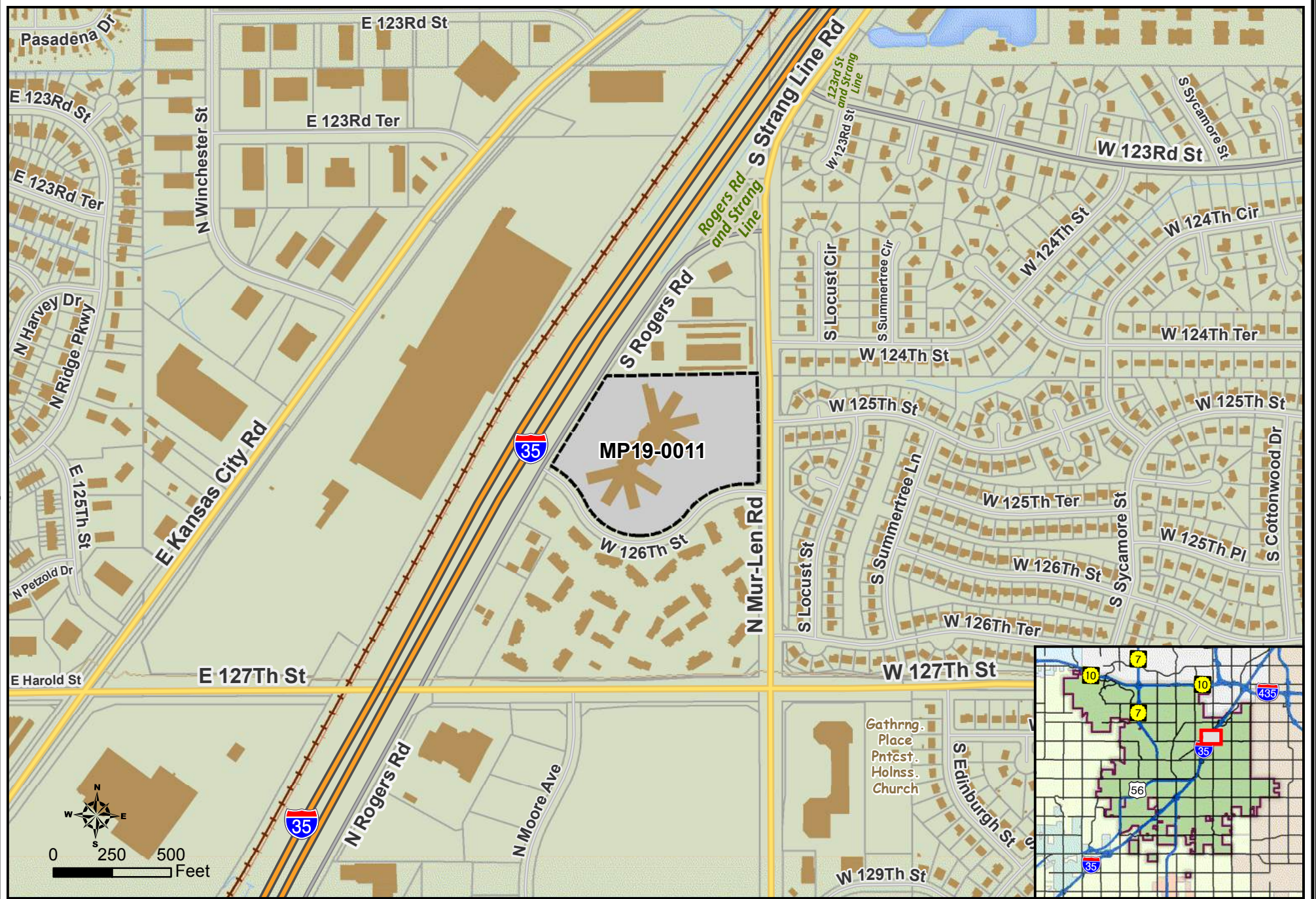
Dedication language has been included on the plat for the maintenance of the existing detention pond.

- c. **Streets** – The development has 2 access drives onto W. 126th St. to the south. There are no proposed changes to the access drives or the public streets with this application.
- d. **Street and Signal Excise Taxes** – No excise fees are due with this application since the property has already been platted.

3. Staff Recommendation:

Staff recommends approval of MP19-0011, Delmar Gardens of Olathe, with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the City Planning Division.



DELMAR GARDENS OF OLATHE **MP19-0011**



User: jaredmd
 Date: 07/02/2019



MINOR SUBDIVISION PLAT OF
DELMAR GARDENS OF OLATHE
A RESURVEY AND REPLAT OF LOT 2 AND PART OF LOT 1, DELMAR GARDENS,
A SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS

LEGAL DESCRIPTION

All of Lot 2 and part of Lot 1, DELMAR GARDENS, a platted subdivision of land in the Southeast Quarter of Section 19, Township 13 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:
Beginning at Southwest corner of said Lot 1, said point also being on the Easterly right-of-way line of Interstate 35 and the frontage road Rogers Road, as now established; thence Northeasterly, along the Easterly right-of-way line of said Interstate 35 and Rogers Road, on a curve to the right, said curve having an initial tangent bearing of N 30°47'47" E and a radius of 11309.16 feet, on an arc distance of 445.19 feet to the Southwest plot corner of AMERCO REAL ESTATE COMPANY, a platted subdivision of land in the City of Olathe, Johnson County, Kansas; thence N 88°43'37" E, along the South plot line of said AMERCO REAL ESTATE COMPANY, a distance of 640.57 feet to the Southwest plot corner of said AMERCO REAL ESTATE COMPANY, said point also being on the Westerly right-of-way line of Mur-Len Road, as now established; thence S 1°16'23" E, along the Westerly right-of-way line of said Mur-Len Road, a distance of 152.01 feet; thence Southerly along the Westerly right-of-way line of said Mur-Len Road, on a curve to the right, said curve being tangent to the last described course and having a radius of 5679.58 feet, on an arc distance of 126.19 feet; thence S 0°00'00" E, along the Easterly right-of-way line of said Mur-Len Road, a distance of 180.07 feet; thence S 53°37'41" W, along the Westerly right-of-way line of said Mur-Len Road, a distance of 19.56 feet to a point on the South line of said Lot 1, said point also being on the Northerly right-of-way line of 126th Terrace, as now established; thence along the Southerly line of said Lot 1 and 2 and the Northerly right-of-way line of said 126th Terrace, for the following five (5) courses; thence N 90°00'00" W, a distance of 44.25 feet; thence Southwesterly on a curve to the left, said curve being tangent to the last described course and having a radius of 310.00 feet, on an arc distance of 282.07 feet; thence Southwesterly, Westerly and Northwesterly on a curve to the right, said curve being tangent to the last described course and having a radius of 255.00 feet, on an arc distance of 521.91 feet; thence Northwesterly on a curve to the left, said curve being tangent to the last described course and having a radius of 310.00 feet, on an arc distance of 186.62 feet; thence N 59°21'22" W, a distance of 23.17 feet to the point of beginning, containing 10.2418 acres, more or less, replatted land.

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "DELMAR GARDENS OF OLATHE".

DEDICATION

The undersigned proprietors of the property shown on this plat do hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on said plat as streets, terraces, places, roads, drives, lanes, avenues, and alleys, not heretofore dedicated.

The undersigned proprietors of said property shown on this plat do hereby certify that all prior existing easement rights on land to be dedicated for public use and public ways and thoroughfares running to any person, utility, or corporation have been observed except that same person, utility or corporation shall retain whatever rights they would have as if located in a public street.

The undersigned proprietors of the property shown on this plat, their successors and assigns, do hereby grant perpetual, non-exclusive, mutual cross access easement rights for pedestrian and vehicular ingress and egress access and parking over, across and through the lots and tracts shown hereon.

The undersigned proprietors of the property shown on this plat, their successors and assigns, do hereby agree to maintain the retention pond and easement area in compliance with Title 17 Stormwater Management of the City of Olathe Municipality Code.

Tract "A" as shown hereon, shall be owned and maintained by the undersigned proprietors, their successors and assigns, and shall be utilized as green space, owner amenities and future use as potential parking lot expansion.

CONSENT TO LEVY

The undersigned proprietors of the above described tract of land hereby agree and consent that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to release said land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall remain a lien on the remainder of this land fronting and abutting on said dedicated public way or thoroughfare.

EXECUTION

IN TESTIMONY WHEREOF, undersigned proprietors has caused this instrument to be executed on this _____ day of _____, 20____.

OWNER - LOTS 3 AND TRACT "A"

ST. Joseph Care Center, INC.

By: _____

OWNER - LOT 4

Columbia Health Facilities Olathe, L.L.C., a Missouri limited liability company

By: _____

Joseph C. Tutera, Manager

ACKNOWLEDGMENT

STATE OF)
) SS
COUNTY OF)

BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a

Notary Public in and for said County and State, came _____ of ST. Joseph Care Center, Inc., who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said corporation, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: _____ My Appointment Expires: _____

Print Name: _____

STATE OF)
) SS
COUNTY OF)

BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said County and State, came Joseph C. Tutera, Manager of Columbia Health Facilities Olathe, L.L.C., a Missouri limited liability company, who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said company, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: _____ My Appointment Expires: _____

Print Name: _____

APPROVALS

APPROVED by the Planning Commission of the City of Olathe, Johnson County, Kansas, this _____ day of _____, 20____.

Chairman: C.S. Vakos



Thomas Dwayne Phelps, Kansas R.L.S. # 1075



DELMAR GARDENS OF OLATHE

AREA TABLE			
LOT 3	107,146± SQ.FT.	2.460± AC.	
LOT 4	301,521± SQ.FT.	6.922± AC.	
TRACT A	37,464± SQ.FT.	0.860± AC.	

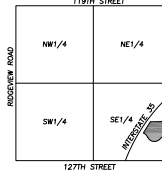
FLOOD NOTE:
THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF OLATHE, COMMUNITY NO. 200172, JOHNSON COUNTY, KANSAS, MAP NO. 200010070 AND 200010080, AND DATED AUGUST 3, 2009.



SCALE: 1"=50'
0' 50' 100'
BEARING BASED: RECORDED PLAT OF "DELMAR GARDENS"

LOT 3
DELMAR GARDENS

- LEGEND**
- DENOTES SET 1/2" X 24" REBAR W/PH/PLS CORP OLS-82 PLASTIC CAP
 - DENOTES FOUND SURVEY MONUMENT AS DESCRIBED
 - ▲ DENOTES FOUND "X" CUT
 - (PLATTED) DENOTES DEDICATED BY PLAT OF DELMAR GARDENS NO. 54, PG. 30
 - (P) DENOTES PLATTED MEASUREMENT
 - (D) DENOTES DEEDED MEASUREMENT



SCALE: 1"=2000'
VICINITY MAP
SEC. 19-13-24

I, Thomas Dwayne Phelps, hereby certify that in May 2019, I or someone under my direct supervision have made a survey of the above described tract of land and the results of said survey are correctly represented on this plat.



City of Olathe
City Planning Division

STAFF REPORT

Planning Commission Meeting: July 8, 2019

Application:	<u>RZ19-0008: Rezoning from R-2 to D-Downtown (Mixed Use) and preliminary site development plan for My Child Advocate</u>
Location:	313 N. Chestnut Avenue
Owner(s):	Jason & Trina Nudson
Applicant(s):	Jason & Trina Nudson
Engineer:	Micah Kimball/Treanor HL
Staff Contact:	Emily Carrillo, Senior Planner

Site Area:	<u>0.26± acres</u>	Proposed Use:	<u>Commercial, Law Office</u>
Units:	<u>1</u>	Plat:	<u>Platted, Original Town</u>
Current Zoning:	<u>R-2</u>	Proposed Zoning:	<u>D-Downtown (Mixed Use)</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Urban Center/Downtown	Commercial, Office	R-2	3	C
North	Urban Center/Downtown	Residential, Single-Family	R-2	-	-
South	Urban Center/Downtown	Commercial, Office Vacant	C-O, CP-O	-	-
East	Urban Center/Downtown	Multi-Family	R-5	-	-
West	Urban Center/Downtown	Residential, Single-Family	R-2	-	-

1. **Proposal:**

The applicant is requesting a rezoning from R-2 to D (Downtown, Mixed Use) District, with an associated preliminary site development plan for My Child Advocate, a child advocacy law office. The subject property is located along the west side of N. Chestnut Street, just north of its intersection with Poplar Street. 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 two-story structure that is being used as a law office. The existing law office is allowed with approval of a Special Use Permit (SUP), which was obtained by the applicant originally in 2010 and renewed in 2015. The SUP renewal was approved for a period of 5 years and does not expire until May 30, 2020.

Since the renewal of the SUP in 2015, the Unified Development Ordinance (UDO) has been amended, and no longer allows professional offices in the R-2 District with a SUP. Therefore, while the SUP is still valid for the use of a law office on the subject property, the applicant would not be able to renew the SUP prior to its expiration. Rezoning the subject property to the Downtown (Mixed-Use) District would allow the law office by-right as a permitted use.

The existing structure that is on the subject property is proposed to be demolished, and the associated revised preliminary site development plan that has been submitted is for the construction of a new two-story structure totaling 4,291 square feet. This new building is proposed to be built in the same location as the existing structure. There is also a detached garage in the southwestern corner of the subject property that is to remain on site.

2. **History:**

The subject property has been zoned R-2 since 1970, when conventional zoning was originally established throughout the City. The existing structure was constructed in 1920 and was originally used as a residential structure prior to its use as a law office. The subject property is a part of the original Town of Olathe plat, which was recorded in 1868. While the existing structure on the subject property was constructed in 1920, the Olathe Historic Preservation Board (OHPB) found that there was no historical significance to the existing structure and did not object to it being replaced.

At their May 16, 2019 board meeting, the OHPB formally requested that the applicant allow for documentation in the form of photos, as well as any historic deed or property owner information for the existing structure located at 313 N. Chestnut be collected prior to any demolition permits. The board will work to collect and upload all historic documentation into the Kansas Historic Records Inventory (KHRI) an online database of historic archived information, photographs and documents.

Additionally, the OHPB would like to formally recommend this application and architectural design to City staff, Planning Commission and City Council *“as a precedent of historically sensitive infill, where older residential homes are removed from the Downtown Core and Mixed-Use transition area to become commercial establishments in the D-Downtown district.”*

3. Existing Conditions/ Site Photos:

The existing structure was constructed in 1920 and originally used as a residential structure prior to its use as a law office. The structure has the appearance of a single-family residential building, but currently functions as an office.

The subject property is located within a transitional area surrounding the downtown core, identified as the Downtown Mixed-Use district and is therefore eligible and recommended for the proposed D-Downtown (Mixed-Use) zoning district. This mixed-use district includes less intense commercial and residential uses, some in new structures and some in older historic single-family housing units. This transition area is generally defined as extending from Pine Street on the west to Kansas City Road and the Kansas School for the Deaf on the east, and Spruce Street to the north to Cedar Street on the south.



Aerial View of site – outlined in navy



Site View – looking NW from N. Chestnut Street

4. Neighborhood Meeting/Public Notice:

The applicant held a neighborhood meeting for the rezoning to D-Downtown (Mixed-Use) and preliminary site development plan on the evening of June 17, 2019 at 313 N. Chestnut Street (see attached minutes). Three (3) citizens attended the meeting. Main topics of discussion focused on a description of the current office use and functions, proposed plans and elevations, and adjacent alley conditions. All participants were vocally supportive of the proposed plan. A copy of the meeting minutes is provided in this packet.

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property per *Unified Development Ordinance (UDO)* requirements.

5. Zoning/Development Requirements:

- a. **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 structure.

	UDO Requirement	Proposed Plan
<i>Front Yard</i>	15 feet	15 feet*
<i>Side Yard</i>	8.1 feet (10% of lot width)	12 feet (north) 14 feet (south)
<i>Rear Yard</i>	10 feet from the property line	12 feet (to existing garage)

* UDO, Section 18.30.270 allows a 6-foot encroachment in the front yard for porches

- b. **Building Height** – The maximum building height for residential buildings in the D-Downtown (Mixed-Use) District is 7 stories or 90' feet. The height of the proposed building is approximately 30' feet, therefore, the proposed building is compliant with the height standards of the D District.
- c. **Frontage Buildout** – Frontage buildout is defined as “The length of a front building façade compared to the length of the front lot line, expressed as a percentage.” The minimum frontage buildout for nonresidential uses in the Downtown (Mixed Use) District is 80%. The width of the lot is 81' feet and 9" inches, therefore the width of the front façade is required to be approximately 65' feet and 5" inches. The proposed width of the front façade is approximately 43' feet and 2" inches or 53%. The applicant has requested a Waiver from this section of the UDO, and analysis of the Waiver request can be found in Section 7 of this report.
- d. **Landscaping** - Properties that are located within the Downtown District are exempt from the landscaping requirements of the UDO. However, the applicant has agreed to plant a new row of 3-foot tall boxwood hedges along the eastern portion of the proposed parking area, to help provide a visual buffer from N. Chestnut Street. There are also existing trees on the site, which will remain through redevelopment of the site.

6. Building Design:

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 residential neighborhoods. The proposed development meets or exceeds the applicable architectural requirements of the Downtown District that are listed below.

- a. Primary entrances to buildings at ground level shall face street rights-of-way rather than parking lots.
- *The primary entrance to the building is facing Chestnut Street.*

- b. The building façade shall have three vertical divisions: 'bases,' 'middles,' and 'tops.'
 - *The building has clear vertical division of a base, middle, and top.*
- c. Buildings shall employ a uniform level of quality on street-facing sides of the building that is visible from a neighboring area in the Downtown Mixed Use Zone.
 - *The proposed design of the building provides a uniform level of quality on the street facing façade.*
- d. Highly reflective glass is not permitted at the ground level of building elevations that abut a street right-of-way.
 - *The glass proposed to be used at the ground level of the elevation that abuts the street right-of-way is intended to be clear glass.*
- e. Each multi-story building shall have one clearly identifiable entrance abutting the street.
 - *The proposed building has a clearly identifiable entrance facing Chestnut Street.*
- f. At least 80% of the façade facing a street or public open space, shall be composed of building materials required for Category C Building Types.
 - *The façade facing Chestnut Street incorporates a high amount of glass and brick which meets the Category C design standards.*
- g. Consistent architectural design and durable building materials shall be continued on all façades adjacent to public streets and residential districts.
 - *All façades adjacent to public streets and residential districts provide a consistent architectural design that is compatible with the surrounding area.*
- h. The majority of the building(s) of a development shall possess an architectural character that respects traditional design principals, such as the ones provided in the list below:
 - Variation in the building form such as recessed or projecting bays;
 - Expression of architectural or structural modules and detail;
 - Diversity of window size, shape, or patterns that relate to interior functions;
 - Emphasis of building entries through projecting or recessed forms, detail, color, or materials;
 - Variations of material, material modules, expressed joints and details, surface relief, color, and texture to scale;
 - Tight, frequent rhythm of column/bay spacing, subdividing the building façade into small, human scaled elements.
 - *The design of the building is consistent with these traditional design principles listed above.*

i. Building walls facing a street, pedestrian walkway, or adjacent residential development shall:

- Incorporate architectural features such as columns, ribs, pilaster or piers, changes in plane, changes in texture or masonry pattern, or an equivalent element that subdivides the wall into human scale proportions.
 - *The east façade (street facing) provides a design that incorporates columns and several changes in plane. The northern façade (facing adjacent residential development) incorporates several changes in plane, and an overhang that subdivides the wall into human scale proportions.*
- Incorporate a building bay or structural building system for walls exceeding 30 feet in width. Bays should be visually established by architectural features such as columns, ribs or pilasters, piers, changes in wall planes, changes in texture or materials and fenestration pattern no less than 12 inches in width.
 - *The maximum width of a bay on the street facing or adjacent residential facing façades is approximately 26 feet. Each of these bays is visually established by a change in wall plane.*
- Incorporate at least one change in wall plane, such as projections or recesses, having a depth of at least three percent (3%) of the entire length of the façade and extending at least twenty percent (20%) of the entire length of the façade.
 - *The eastern façade incorporates a 10.5% recess in the wall plane for a total of 29% of the total façade, and the northern façade incorporates a 22.6% projection for a total of 14% of the total façade.*
- Incorporate features into ground level walls such as windows, entrances, arcades, arbors, awnings, trellises, or alternative architectural detail along at least sixty percent (60%) of the façade.
 - *The eastern façade includes a front porch, which incorporates an awning over a minimum 90% of the façade, and the northern façade provides a mid-wall overhang, similar to an eave along 77% of the façade.*
- Windows shall be recessed and include visually prominent sills or other forms of framing.
 - *The windows on all facades appear to be slightly recessed and have an appropriately scaled trim provided around all sides.*

7. Site Design Standards:

The subject property is located in the Urban Center/Downtown future land use map designation according to the *Comprehensive Plan* and the development is subject to **Site Design Category 3** (UDO 18.15.115). The following is a summary of the composite site requirements.

- a. **Façade Width in Frontage Area** – Development that is subject to Site Design Category 3 is required to have a minimum of 30% of the façade located within the frontage area, which is up to 15 feet from the front property line. The proposed development shows the front façade comprising 55% of the frontage area. The

Downtown District has an additional standard for frontage buildout, which the applicant is requesting a waiver from. Analysis of this waiver request can be found in Section 8, below.

- b. **Pedestrian Connection Options** – Development that is subject to Site Design Category 3 is required to provide enhanced pedestrian connections to encourage pedestrian use. The applicant has provided a pedestrian gateway into the site using landscaping and hardscape materials including a staircase with wrought iron railings on the walkway from the street to the front façade.

8. Waivers:

The applicant is requesting the following waivers from the City's Downtown dimensional and parking standards. The justification provided to support the waiver requests by the applicant can be found in the waiver request letter included in this packet.

1. Waiver from UDO, Section 18.20.210.B.1 – *Request for a waiver to allow a reduction in the Frontage Buildout for non-residential buildings in the Downtown District from 80% to 55%.*
2. Waiver from UDO, Section 18.20.210.D.3 – *Request for a waiver to allow more than one (1) commercial off-street parking area on one block in the Downtown District.*

UDO, Section 18.40.240.D.2 states, "The Approving Authority may approve the waiver if the applicant demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the plat or site development plan."

- a) An alternative higher quality development design with no negative impacts to either the residential or nonresidential properties.
- b) Development restrictions imposed on the property to ensure low impact land uses, low scale buildings, and a site design arrangement in which adjoining residential properties will not be negatively impacts by any change in the applicable regulations.
- c) Existing topography, hedgerows, or natural features provide significant screening and an appropriate buffer for adjoining properties.
- d) Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by any change in the applicable regulations.
- e) The regulations impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative site design, building design, and building arrangements that are not possible. In such instances, findings shall be prepared that:
 - a. No private rights will be injured or endangered by the Waiver.
 - b. The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.

Staff Analysis of Waiver Requests:

Staff is supportive of the waiver requests due to the proposal meeting the criteria of providing a site design in which adjoining residential properties will not be negatively

impacted by the change in regulations and an alternative higher quality design being provided. The requested reduction in building frontage buildout to 55% of the lot width allows a design that is more compatible with adjacent and other nearby residential development in terms of scale and spacing. The remaining 45% of the frontage area of the lot is all to be used as open green space, to provide an additional buffer from the office use to the existing residential structure to the north.

The Downtown District does not allow more than one commercial-off street parking area on any one block, and the block that the subject property is on already has an existing off-street parking area, with 17 parking stalls, which is located on private property, which is not owned by the applicant. While the proposed office building does not have a high parking demand, the applicant requested that an off-street parking area be allowed to serve the office, just to the south of the building, with vehicular access from the alley. Not only will the four off-street parking stalls alleviate potential congestion on Chestnut Street, which is a local street that allows on-street parking in both directions, but it also allows a direct, accessible route to a building entry. Therefore, staff supports this waiver request for off-street parking.

9. Comprehensive Plan Analysis:

The future land use map of the *Comprehensive Plan* identifies the subject property as “Urban Center/Downtown.” The proposed Downtown zoning and office development is appropriate for this area.

The following are criteria for considering rezoning applications as listed in *Unified Development Ordinance (UDO) Section 18.40.090 G*.

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

The property falls within the current *Plan Olathe* designation for Urban Center/Downtown. The entire property is currently zoned R-2 (Residential Two-Family) and is proposed to be rezoned to D-Downtown (Mixed-Use). The Urban Center/Downtown area is intended to serve as a primary business, government, and commercial hub as well as a place for art, community spaces, and cultural exhibits, with a revitalized historic downtown at the core of the urban center. The Urban Center/Downtown Area will include new entertainment options, restaurants, offices, retail, civic, and cultural amenities as well. The proposed rezoning and construction of a new office building complies with other goals and principles of the *Comprehensive Plan*.

- **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.”
- **Principle HN-1.3:** “Design infill and redevelopment to avoid negative impacts and ensure compatibility and appropriate transitions between land uses.”
- **Principle HN-1.8:** “Encourage infill housing in older residential neighborhoods that is architecturally compatible with surrounding properties.”
- **Principle CRL-3:** “Where possible, new construction should complement nearby historic buildings.”

- **Principle OT-1.1:** *“Encourage multiple uses Downtown. This includes office, services, and government as well as retail, restaurants, entertainment, and night life, mixed with a diversity of residential housing types and other compatible uses in a manner that is harmonious with the historic character of Downtown.”*

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 proposed use of a law office has existed at the subject property for the past 9 years and is compatible with the uses in the general area, which include other law offices, cultural arts centers, civic uses, and low-density residential development. The proposed building was designed in a way to be compatible with the surrounding properties in regards to architectural style, building materials, mass, and open space. The block that the existing property is located on primarily consists of buildings that have the appearance of a residential structure, while some of them, especially on the southern portion of the block, function as an office.

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 properties immediately north and east of the subject property have residential zoning designations, while the properties immediately to the south are zoned CP-O (Planned Office Building District) and C-O (Office Building District). Properties further south and west of the immediately adjacent lots are zoned D-Core (Downtown). All of the uses immediately adjacent and in the general vicinity of the subject property have uses which are compatible to the use that is proposed with this application. The existing use has been located at the subject property for the past 9 years and can function in a building that has a residential appearance.

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

Residential uses are allowed on the subject property with the existing R-2 zoning, but the existing and proposed use for a law office in the proposed Downtown district are appropriate for this site due to the surrounding mix of uses.

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

The subject property has been zoned R-2 since 1970, when the conventional zoning was originally established in the City. The existing structure was constructed in 1920, and the property has remained occupied for the past 9 years as an office.

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

The proposed redevelopment of a new office building on the subject property should have no detrimental affect on nearby properties. The proposed building is designed in a similar scale and mass as the existing building that has been in the same location for the past 99 years.

G. 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 use of a child advocacy law office has had no apparent adverse effect to the road network or creating any parking problems in the vicinity. On-street parking is allowed on both sides of Chestnut Street, which the subject property has frontage on. The proposed redevelopment of the site is increasing the off-street parking for the same use by two parking stalls, as the applicant is proposing four off-street parking stalls, that will take access from the existing alley to the south of the subject property.

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

The proposed redevelopment of an office should not create any air pollution, water pollution, or other environmental harm.

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

Construction of the proposed development should increase the value of the subject property and contribute to improved quality and character of the surrounding neighborhood, potentially influencing improved property values.

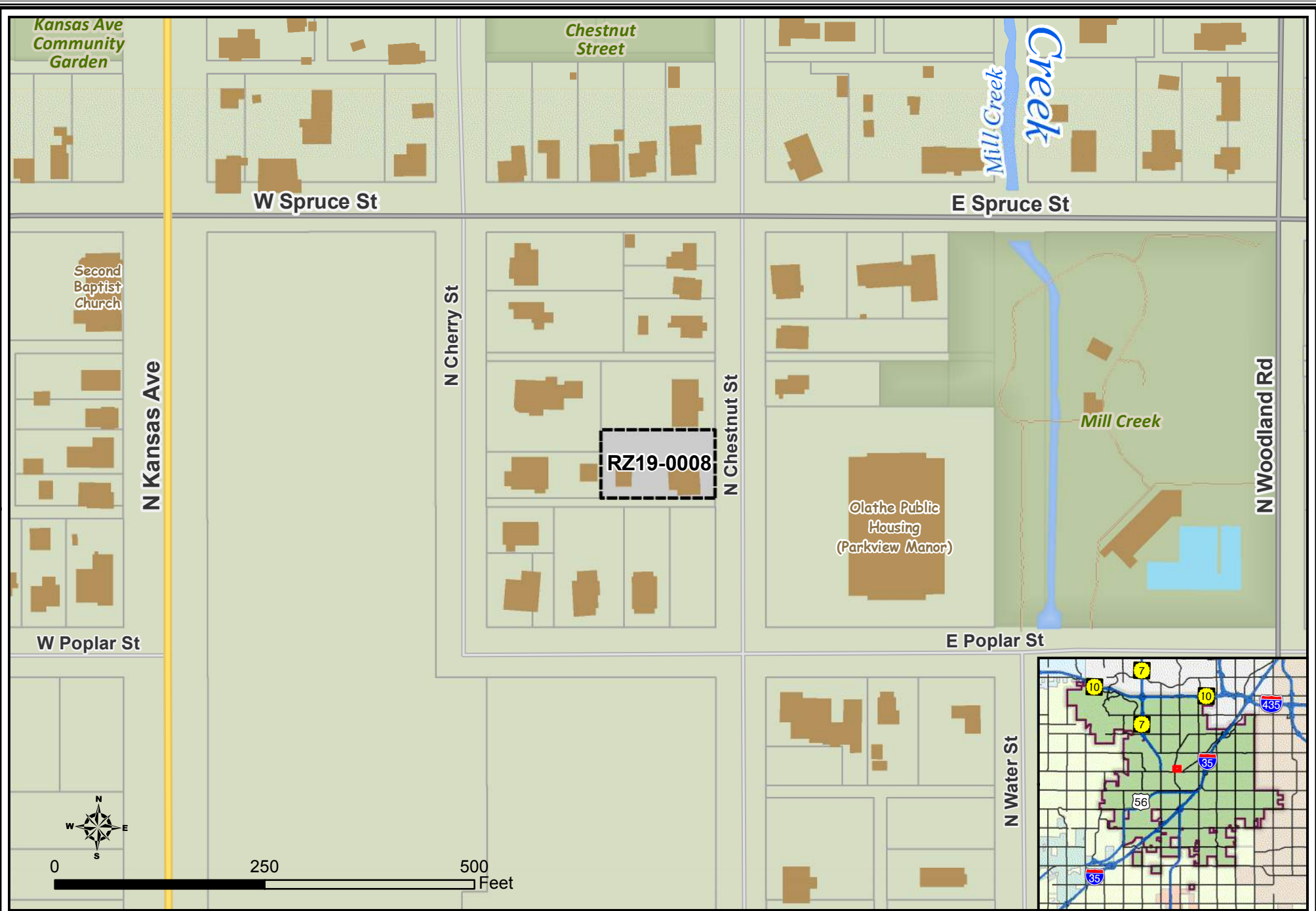
J. The gain, if any, to the public health, safety and welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

The proposed rezoning to D-Downtown (Mixed-Use) does not pose a threat to the public health, safety and welfare. Denial of this application could be considered a hardship to the property owner.

10. Staff Recommendation:

- A. Staff recommends approval of RZ19-0008 for the following reasons:
 - (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Land Use, Housing, Original Town and Cultural Landmarks & Resources.
 - (2) The requested rezoning to 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.
- C. Staff recommends approval of the associated preliminary site development plan for My Child Advocate, subject to the following stipulations.
 - (1) A final site development plan shall be approved prior to issuance of a building permit.

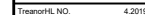
- (2) The existing structure shall be documented and archived with the Olathe Historic Preservation Board prior to any demolition permit approval.
- (3) Fiber cement panels shall be used in the areas that say lap siding on the elevations.
- (4) Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities' meter banks and cooler shall be screened from public view with three-sided landscaping or an architectural treatment compatible with the building architecture.

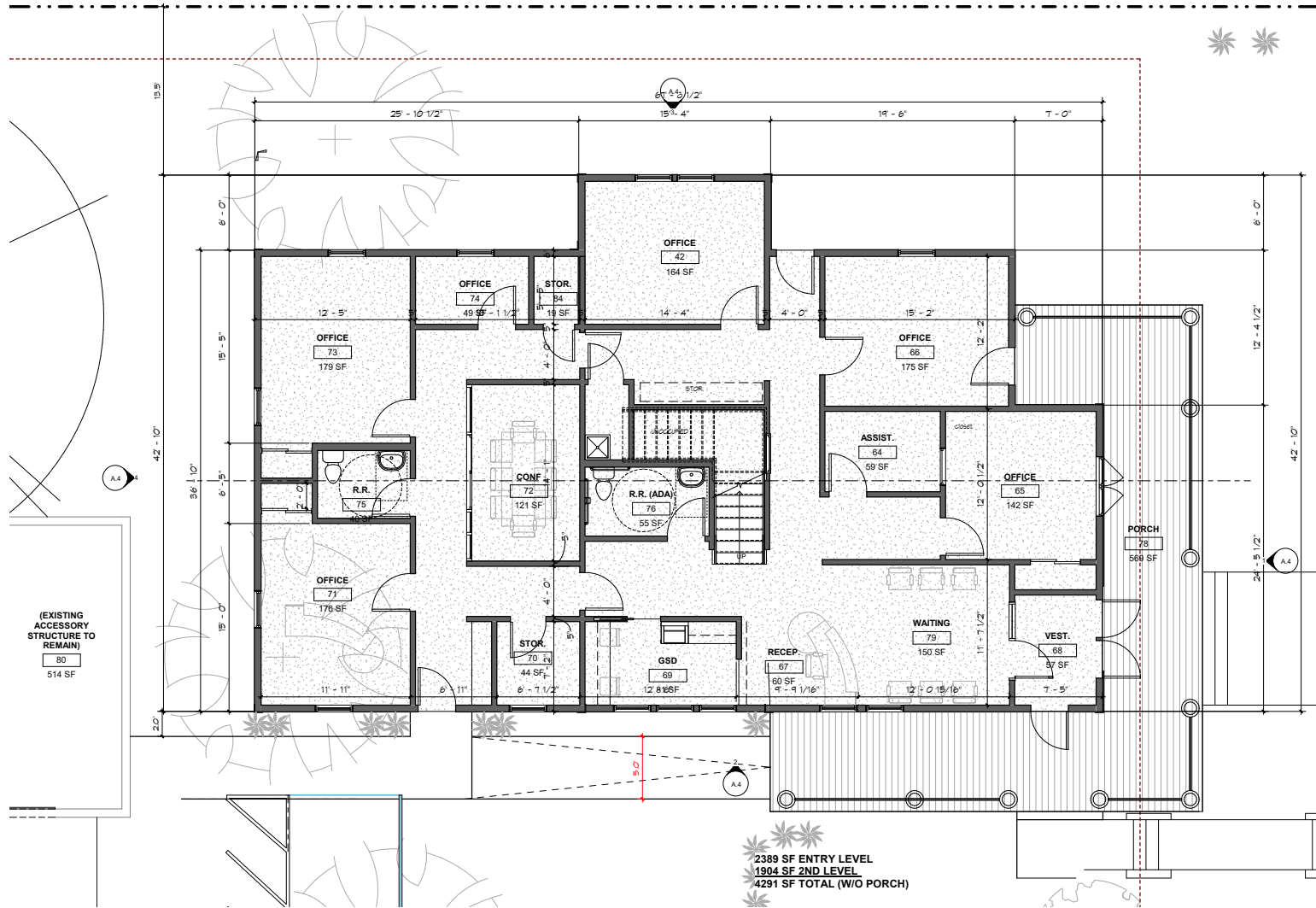


User: jaredmd
Date: 07/02/2019

MY CHILD ADVOCATE
RZ19-0008







1 Entry Level Floor Plan
SCALE: 1/4" = 1'-0"



TREANORHL

1040 Vermont
Des Moines, IA 50319
Office 786.542.8554
Fax 786.627.7306
www.treanorhl.com

NUDSON
MY CHILD ADVOCATE
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Issued For: REZONING
Date: 6.17.2019

REVISIONS		
NO.	DESCRIPTION	DATE

A.2

1ST FLOOR







NOTE:
ELEVATIONS AND PLANS ARE PRELIMINARY AND SUBJECT
TO CHANGE

5
PERSPECTIVE 2
SCALE

UDO 18.20.210 - DNDKPP

Purpose: The "D" (Downtown) District constitutes the "downtown" core and its fringe areas. It recognizes the unique characteristics of the traditional central area, which accommodates a mix of uses such as retail, service, special shops, offices and residential.

The "D" District is consistent with the urban Center/Downtown future land use category, and implements the following Comprehensive Plan policies:

*The original Town policies (Principles OT-1 to OT-5 and supporting policies) to provide a wide range of commercial, cultural, educational and entertainment experiences and to establish Downtown as the focal point of the community.

*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.

*M-2.5: Higher Residential Density: "Target future medium and high-density residential development to locations that are accessible to and integrated with potential employment and transit centers."

*LUCC-6: Targeted Development.

*LUCC-7: Alternative Zoning Techniques.

*LUCC-8:1: Mix of Complementary Land Uses.

*M-12: Mixed Uses and Mixed Income.

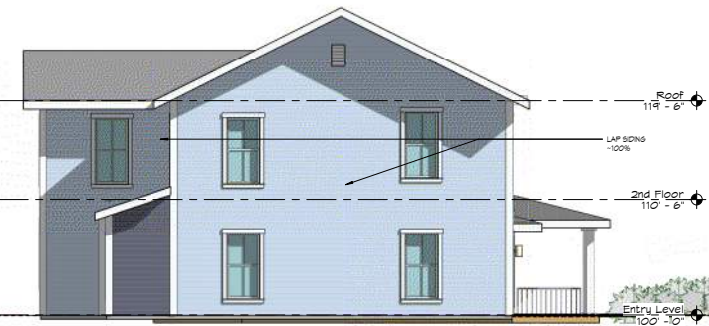
*M-18: Encourage architecturally compatible infill housing in older neighborhoods.

DESIGN NARRATIVE

New structure is designed as transitional and targeted to adhere to the purpose of the downtown zoning objectives as set forth in the UDO excerpt noted above. Although the use is intended to be light commercial in nature, the form and residential detailing honor the adjacent single family homes. The design intent is due to being located on the border line of the downtown district to the south and prewar residential to the north. The design utilizes a midsize scale to provide a step down or transition between the adjacent commercial zoning with larger building forms and the smaller scales of the adjacent residential. The form and scale are coupled with materials and roof forms that complement the adjacent single family homes, along with the durability of the commercial structures of downtown. The transitional design is consistent of both development purposes, downtown and residential, per the UDO objectives and complements the adjacent building forms in scale (as a step down to single family), form, and materials.



3
NORTH ELEVATION
SCALE: 3/16" = 1'-0"



4
WEST ELEVATION
SCALE: 3/16" = 1'-0"



2
SOUTH ELEVATION
SCALE: 3/16" = 1'-0"



1
EAST ELEVATION
SCALE: 3/16" = 1'-0"

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1040 Vermont
Des Moines, IA 50319
Office: 786.642.6054
Fax: 786.642.7306
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Issue For: REZONING
Date: 5.17.19

REVISIONS		
NO	DESCRIPTION	DATE

A.4

PROPOSED ELEVATIONS

TreanorHL NO. 4.2019

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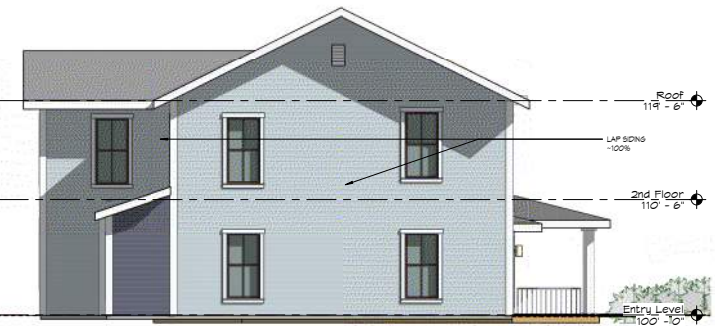
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Office: 515.281.4504
Fax: 515.281.7300
www.treanorhl.com

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Issue For: REZONING

Date: 5.17.19

REVISIONS

NO	DESCRIPTION	DATE

A.4

PROPOSED ELEVATIONS

TreanorHL NO. 4.2019

Statement of Purpose

Respectfully requesting 313 N. Chestnut, Olathe KS, 66061 to be rezoned from R-2 to D-Downtown Mixed Use per (UDO) Ch 18.20.210. This property has an existing S.U.P. for professional offices and this request will be consistent with the City's efforts to rezone downtown in 2019.

Neighborhood Meeting Minutes

Date: June 17, 2019

Location: 313 N. Chestnut St.

Meeting Commencement: 5:35 p.m.

Meeting Adjournment: 6:23 p.m.

Neighborhood Meeting Attendance:

1. Jason Nudson (OWNER)
2. Trina Nudson (OWNER)
3. Jean Stump (414 N. Chestnut St.)
4. Kathy Hyland (110 E. Spruce St.)
5. Joe Vader (104 E. Poplar St.)

Questions/Comments and Answers:

1. What do you do?
 - a. *Described MCA services – GAL work and TLP services – supervised contact, counseling services, help families transition through custody disputes.*
2. What do the plans look like?
 - a. *Reviewed the plans with participants.*
3. Have you approached the state of the alley?
 - a. *No discussion with the City yet in regards to the alley.*
4. All 3 participants made supportive comments and said they liked the plan.

Remaining Unresolved Issues:

1. Discussion with the City in regards to alley improvements.

Neighborhood Meeting Sign-In Sheet

Jean Stump 414 N. Chestnut St.

Kathy Hyland 110 E Spruce St.

JOE VADER 104 E POPLAR ST.