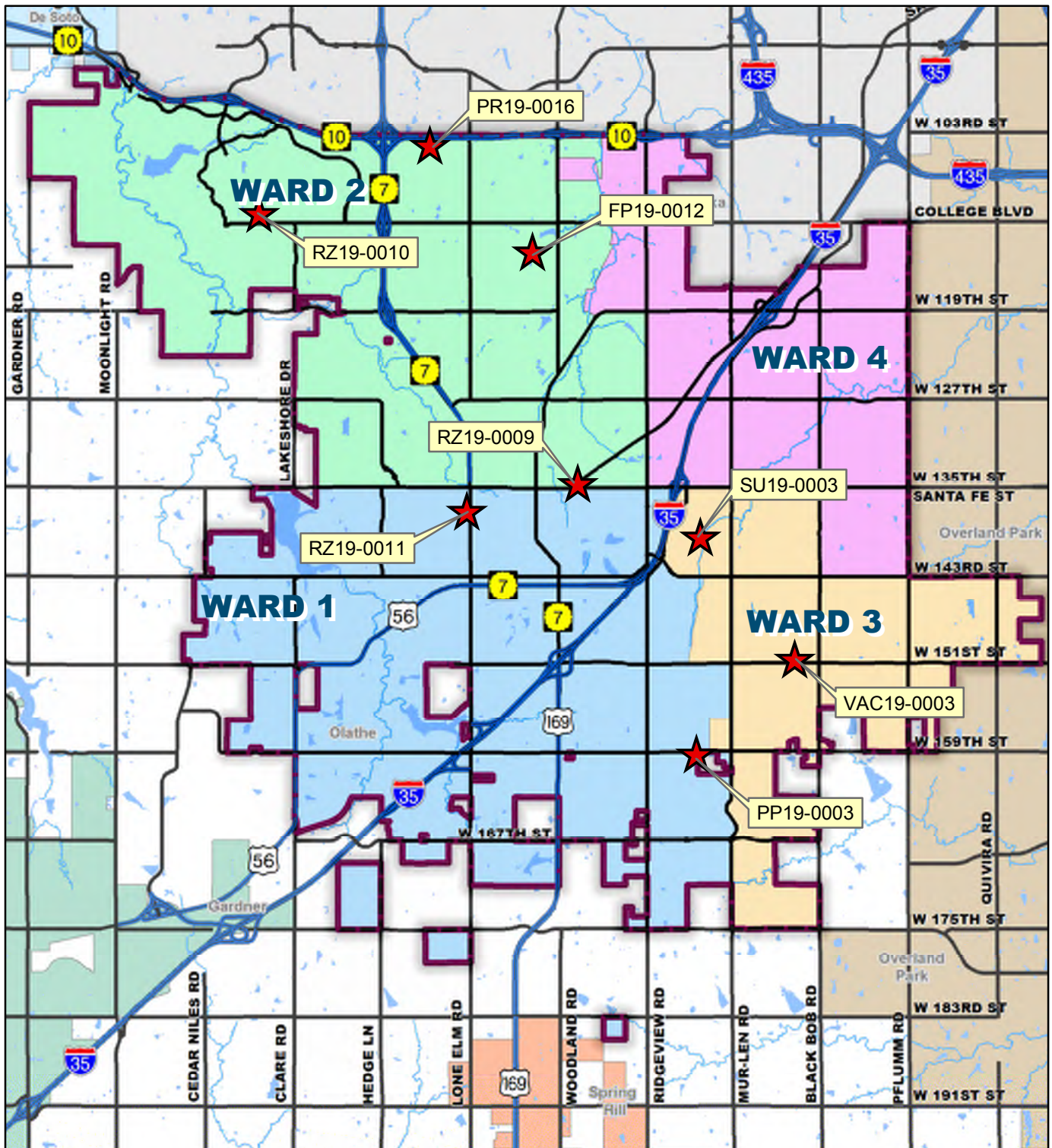


AUGUST 12, 2019

OLATHE PLANNING COMMISSION

CASE LOCATIONS



User: jaredmd
Date: 08/06/2019





CALL TO ORDER

PLEDGE OF ALLEGIANCE

QUORUM ACKNOWLEDGEMENT

CONSENT AGENDA

- A. MN19-0722:** Standing approval of the minutes as written from the July 22, 2019 Planning Commission meeting.
- B. FP19-0012:** Request approval for a final plat for **College Meadows Fifth Plat** containing 7 lots and 1 common tract on 7.19± acres; located in the vicinity of W. 113th Street and S. Crestone Street.
Owner / Applicant: Jim Wilkinson; Woodland Valley Investors, LLC
Engineer: Gary Spehar

REGULAR AGENDA-NEW BUSINESS

- A. PP19-0003:** Request approval for a preliminary plat for **Bear Creek** containing 3 lots on 0.78± acres; located on the southeast corner of 159th Street and Lindenwood Drive.
Owner: Darol E. Rodrock; Rodrock Land Company Inc.
Applicant: Steve Atteberry; Net Zero Homes of KC, LLC
Engineer: Todd Allenbrand; Payne & Brockway
- B. PUBLIC HEARING**
PR19-0016: Request acceptance for a Final Site Development Plan for **WaterOne Elevated Water Tank** on 4.92± acres; located at 22175 W. 103rd Terrace.
Owner/Applicant: Water District No. 1 of Johnson County
Engineer: Jeff Heidrick; Burns & McDonnell Engineering Co.
- C. PUBLIC HEARING**
SU19-0003: Request approval for a special use permit renewal for keeping chickens on a residential lot less than three (3) acres, 0.54± acres; located at 509 S. Willow Drive.
Owner: Roy Wesley McCoy and Nancy Lee McCoy
Applicant: Roy Wesley McCoy

D. PUBLIC HEARING

VAC19-0003: Request approval for vacation of a sanitary easement for **Benton House**; located at 15700 W. 151st Street.

Owner: Brenner Holland; Olathe SLP, LLC

Applicant / Engineer: Mark A Breuer, PE; Schlagel & Associates, PA

E. PUBLIC HEARING

RZ19-0009: Request approval for a rezoning from R-1 District to Downtown (Santa Fe) District and preliminary site development plan for **Olathe Glass Expansion** on 1.48± acres; located at the northeast corner of the intersection of Santa Fe Street and East Kansas City Road.

Owner / Applicant: Rebecca Shipley; C&J Properties

Engineer: Patrick Cassity; Renaissance Infrastructure Consulting

F. PUBLIC HEARING

RZ19-0010: Request approval for a rezoning from CTY-RUR District and C-2 District to R-2 (Residential Two Family) District and preliminary site development plan for **Cedar Creek Twin Villas** on 20.33± acres; located in the northeast corner of the intersection of College Boulevard and the future Cedar Creek Parkway.

Owner: John Duggan; Cedar Creek Development Co., Inc.

Engineer: Daniel Foster; Schlagel & Associates, P.A.

G. PUBLIC HEARING

RZ19-0011: Request approval for a zoning amendment to Ordinance 17-55, for a Planned District (PD) and revised preliminary site development plan for **Tommy's Car Wash** on 1.04± acres; located at 225 S. Parker Street.

Owner: Tim Allen; 3 Parker Investments

Applicant: Rob Heise; Heise-Meyer, LLC

Engineer: Judd Claussen; Phelps Engineering

ANNOUNCEMENTS**ADJOURNMENT**

The City of Olathe offers public meeting accommodations. Olathe City Hall is wheelchair accessible. Assistive listening devices 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.



**City of Olathe Planning Commission
Meeting Minutes
100 E. Santa Fe
Planning Division Conference Room
Monday | July 22, 2019 | 5:45 P.M.**

CALL TO ORDER

Present: Vakas, Rinke, Corcoran, Nelson, Munoz, Freeman, Fry, and Allenbrand

Absent: Sutherland

Others in attendance were Aimee Nassif, Chief Planning and Development Officer, and Rachelle Breckenridge, Assistant City Attorney.

EXECUTIVE SESSION – 6:00 P.M.

- A.** Consideration of a motion to recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to Unified Development Ordinance amendments (UDO 19-0001, 19-0002 and 19-0003A).

Motion by Chair Vakas, seconded by Freeman, to recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to Unified Development Ordinance amendments (UDO 19-0001, 19-0002 and 19-0003A). The motion carried by the following vote:

Yes: Vakas, Rinke, Corcoran, Nelson, Munoz, Freeman, Fry, and Allenbrand

Absent: Sutherland

- B.** Consideration of a motion to recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to a rezoning request (RZ19-0006).

Motion by Chair Vakas, seconded by Fry, to recess into an executive session for consultation with the City's attorneys which would be deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) pertaining to a rezoning request (RZ19-0006). The motion carried by the following vote:

Yes: Vakas, Rinke, Corcoran, Nelson, Munoz, Freeman, Fry,
and Allenbrand

Absent: Sutherland

RECONVENE FROM EXECUTIVE SESSION

The Planning Commission meeting reconvened at 7:00 p.m. in the Council Chambers.

There were no motions coming out of executive session and Chair Vakas noted that the Planning Commission had met in executive session.



City of Olathe
Planning Division

MINUTES – Opening Remarks

Planning Commission Meeting: July 22, 2019

The Planning Commission convened at 7:00 p.m. to meet in regular session with Chairman Dean Vakas presiding. Commissioners Jose Munoz, Ryan Freeman, Mike Rinke, Jeremy Fry, Chip Corcoran and Ryan Nelson were present. Commissioner Barry Sutherland.

Recited Pledge of Allegiance.

The Chair introduced Shirley Allenbrand, a newly appointed member to the Planning Commission. He noted that she is not voting this evening and will only be observing.

The Chair made introductory comments. Regarding *ex parte* communication, the 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.

A motion to approve MN19-0708, the meeting minutes from July 8, 2019, was made by Comm. Fry and seconded by Comm. Freeman and passed with a vote of 7-0.



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>SU19-0001:</u> Request approval for a special use permit renewal for Motor Vehicle Sales in CP-3 District on 0.39± acres; located at 904 E. Santa Fe Street.
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Motion by Comm. Rinke, seconded by Comm. Nelson, to continue SU19-0001 to a future Planning Commission meeting.

Motion passes 7-0.



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>RZ19 0009:</u> Request approval for a rezoning from R 1 District to Downtown (Mixed Use) District and preliminary site development plan for Olathe Glass Expansion on 1.48± acres; located at the northeast corner of the intersection of Santa Fe Street and East Kansas City Road.
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Motion by Comm. Rinke, seconded by Comm. Fry, to continue RZ19-0009 to a future Planning Commission meeting.

Motion passes 7-0.



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>RZ19 0010:</u> Request approval for a rezoning from CTY RUR District and C 2 District to Cedar Creek (CC) District and preliminary site development plan for Cedar Creek Twin Villas on 17.78± acres; located in the vicinity of Cedar Creek Parkway and College Boulevard.
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Motion by Comm. Nelson, seconded by Comm. Freeman, to continue RZ19-0010 to a future Planning Commission meeting.

Motion passes 7-0.



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>VAC19-0002</u>	Request for vacation of public utility easements for Garmin Properties
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Sean Pendley, Senior Planner, presented a request for vacation of four existing public utility easements for Garmin Properties located at 1200 East 151st Street. The easements are no longer needed because utilities have been relocated for the recently completed warehouse project. All easements are located at least 200 feet from all property lines, so no other properties need to be notified of this request.

Mr. Pendley noted that the applicant has submitted exhibits for each easement, which include a drainage easement, two sanitary sewer easements, and a water line easement. Public Works has reviewed the request and supports the vacation as proposed. Staff recommends approval of this application as presented.

There were no questions of staff. **Chair Vakas** opened the public hearing and asked the applicant to come forward. **Doug Ubben, Phelps Engineering**, approached the podium. He confirmed what Mr. Pendley reported and was available for questions. There being no one else wishing to speak on this matter, Chair Vakas called for a motion to close the public hearing.

Motion by Comm. Freeman, seconded by Comm. Nelson, to close the public hearing.

Motion passed 7-0.

Motion by Comm. Nelson, seconded by Comm. Munoz, to recommend approval of VAC19-0002 per staff recommendation, as follows:

Staff recommends approval of vacation for the waterline, sanitary sewer and drainage easements (VAC19-0002) as described in the attached exhibits.

Aye: Freeman, Nelson, Rinke, Fry, Munoz, Corcoran, Vakas (7)

No: (0)

Motion was approved 7-0.



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>RZ19-0006:</u> Request for rezoning from CTY PEC-3 and M-2 to C-3 (Regional Commercial) and M-2 (Heavy Industrial) districts, and preliminary development plan for Builders Stone.
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Prior to staff presentation, **Chair Vakas** reported an ex parte communication regarding this application, which was with the owner of the tract of land associated with the application. The meeting occurred about a month ago and involved a range of other topics, including this application. Chair Vakas said he heard nothing during that conversation that would influence his judgment and has no need to recuse himself. He stated he is able to make a decision based on the staff report and any other information that may be presented.

Sean Pendley, Senior Planner, presented the application, which is a request for rezoning from County PEC-3 and M-2 district to C-3 Regional Commercial and M-2 Heavy Industrial district. The subject property is located on the west side of Kansas City Road, north of the 119th Street ramp, which is an area considered a gateway into Olathe, with visibility from I-35. The surrounding area consists of existing industrial, undeveloped properties, commercial properties, and business park developments. Mr. Pendley said that in 2009, the subject property was annexed into Olathe, although PEC-3 zoning is still in place for the north half of the property. He noted that the far south corner is existing M-2 industrial zoning. There is Business Park zoning to the north, and the City of Lenexa recently approved a logistics park in that area, which is under construction. There is also Business Park zoning to the east of the property.

Mr. Pendley said the proposal is for two zoning districts. First, on the east half of the property there is 8.7 acres that is proposed for C-3 Regional Commercial and is planned for three commercial lots. The second part is to M-2 Industrial District on the west half consisting of 8.6 acres. The proposed zoning is industrial because one of the uses requested is not permitted in commercial districts. Staff does not support the proposed rezoning for this project due to conflicts with the goals and recommendations of the City's Comprehensive Plan, PlanOlathe and failure to meet zoning criteria analysis.

Mr. Pendley stated that the subject property is located in a highly visible area considered to be the Gateway District in PlanOlathe. The intended use would consist of high-quality retail, services, offices, and multifamily residential development. The intent is for a superior design per the Comprehensive Plan. . Mr. Pendley presented a map of the Gateway District, noting that the recommended land use is for urban mixed use, intending to support a mixture of employment uses, shopping center, and multifamily residential. The focus of the Gateway is mixed-use development, regional commercial and employment uses. The proposed M-2 zoning is not consistent with the Plan and will negatively impact the ability for the area to develop in this manner. Mr. Pendley noted that the property is undeveloped except for a telecommunications tower on the north half of the property, which was permitted under a CUP issued by the County.

Mr. Pendley provided an overview of the submitted preliminary development plan and stated that the intended use would be for the relocation of the existing Builders Stone development, but the use and zoning requested for M-2 is not supported by PlanOlathe.

Mr. Pendley presented a map of the subject property and surrounding area. He said that although there are existing industrial uses, the Gateway District is a larger area with existing development, including the 119th Street Tech Park. Olathe Gateway is a planned district for high-quality retail, services and restaurants. In addition, a planned mixed-use center for Olathe Gateway II was approved earlier this year which includes commercial uses, multifamily residential, high density multifamily residential, and mixed-use development. Mr. Pendley stated that these types of uses fit the recommended uses for the Urban Mixed-Use Center and is the intent of the area. Uses and amenities include street connections and amenities throughout the development.

Mr. Pendley presented a map of the area and explained the goals for connectivity through a well-connected street network in the area.

Mr. Pendley reported that the applicant held a neighborhood meeting on May 14th with one property owner attending. Staff also received a call from a representative of the adjacent property who indicated that he supported the proposed development. A letter from this representative was also received and forwarded to Commissioners, and it will be made part of the public record.

Mr. Pendley stated that staff met with the applicant on two occasions to discuss the application process and to review staff's reasons for why they did not support the rezoning. However, the applicant wished to continue moving forward and prepared a preliminary development plan. The preliminary development plan was not reviewed by staff because the zoning recommendation is for denial and reviews are dictated by development standards in the zoning district. Staff provided a summary of the process when a recommendation is for denial.

In summary, staff recommends denial of this application as described in the report because: The M-2 zoning is inconsistent with the goals and policies of PlanOlathe; warehouse and outdoor storage would have a negative impact on existing and proposed development in this area; it will detract from future development and use of the area as Olathe Gateway; the proposed zoning will have a detrimental impact on future development in this area; and, as proposed, the application fails to meet several aspects of the Golden criteria. The proposed zoning does not meet the following Golden criteria: Conformance with the Comprehensive Plan; the character of the neighborhood, including but not limited to land use and zoning; the suitability of the property for uses that are restricted; and, the extent to which the proposed use would adversely affect the capacity or safety of the road network.

There were no questions for staff. **Chair Vakas** opened the public hearing and asked the applicant to come forward. **Brandon Becker**, owner/applicant, approached the podium and introduced members of his team. He acknowledged that this is a complicated matter and prepared a presentation, which was previously shown to City Council. He said initially staff was in favor of the zoning, but a consultant was hired who came to a different conclusion.

Mr. Becker provided a history and background of Builders Stone stating they have been in Olathe since 2008 and employs approximately 450 people. They plan to use the proposed building as their company headquarters, including a showroom and office space for their corporate staff. Mr. Becker noted that another builder is building approximately 1.2 million square feet of heavy industrial flex use, which he does not consider to be a business park. He

believes redeveloping or master planning the entire area will be difficult, if not impossible. He said they will be an anchor tenant to spur activity in the front parcels, where he is asking for C-3 zoning. He said this project will maximize value to ground that is very difficult to develop in the rear of the parcel. He noted that there is a 60-70-foot elevation drop from 119th Street down to their site. He has engaged Schlagle Engineers to draw up a line of sight study and elevations. The line of sight study concluded that none of the loading area will be visible from -public streets in Olathe. Mr. Becker also noted about 300 feet of trees and drainage that will obscure the area to the east. He provided pictures of their current facilities, noting that all their products are neatly stacked on pallets and stored behind an eight-foot fence. He noted outdoor storage at other area home improvement stores that have no screening.

Mr. Becker noted again that their property is surrounded by industrial zoning, and he believes they will provide a nice transition from 1.2 million square feet of large industrial to a Class-A office/showroom environment with very little outdoor storage. He presented several proposed elevations of their building. He finds it interesting that Fry Wagner supports the plan when an urban mixed use would probably add more value than what Mr. Becker is proposing.

There were no questions of the applicant. **Clay Blair, 26795 West 103rd, Olathe**, approached the podium. He has owned this property since 1987. He said if you examine the pictures of the buildings that Mr. Becker put forth, they certainly meet and exceed the buildings on the south side of the street. He believes the proposed building is equal or superior to other buildings in the area, and notes that because Mr. Becker owns a stone company, the building will be finished very nicely. Mr. Blair notes a railroad track across the street that is active more than 25 times a day. He is also confronted with a four-story building that Block is building the length of the property on the border of the city of Olathe. Mr. Blair said they do not oppose the idea of a Gateway district and appreciate the quality that is being presented, but it will take engineering and financing, none of which have been submitted to the Planning Commission or City Council. Mr. Blair said the consultant's report does not mention how they're going to pay for it, how they will deal with the water tower, how they're going to deal with 17 diverse owners, and have no financing package. He believes what they have offered is a transitional zoning plan, and it is ideal for this location. Mr. Blair stated that Mr. Becker's company has had a very positive impact on Olathe, but Olathe risks Mr. Becker going somewhere else with his project.

There being no one else to be heard, **Chair Vakas** called for a motion to close the public hearing.

Motion by Comm. Rinke, seconded by Comm. Fry, to close the public hearing.

Motion passed 7-0.

Comm. Fry's concern is not with the renderings, but rather the zoning. He believes staff has done a good job of outlining how the Planning Commission needs to make their decision, which is the Golden criteria as it relates to what the City has decided is the plan for the gateway into Olathe. He does not believe the zoning requested works with the Comprehensive Plan.

Chair Vakas noted that the Comprehensive Plan has been well vetted over a number of years. While there are appealing aspects to this application, he agrees that it does not align to the Comprehensive Plan. He agrees with Comm. Fry's comments. **Comm. Nelson** agrees as well. ,

Chair Vakas added that the suggestion is that this is a transition from what is in Lenexa to what is anticipated for the Olathe Gateway project. However, the intent of Olathe Gateway is that it will be the entry into Olathe and adding something industrial on the north end will compromise

that. He congratulated Mr. Becker on a wonderful business and appreciates all that he has done in Olathe over the years. He called for a motion.

Motion by Comm. Fry, seconded by Comm. Nelson, to recommend denial of RZ19-0006, for the following reasons:

- A. As detailed in this report, the proposed rezoning to M-2 zoning district is not consistent with the policies and goals of the Comprehensive Plan for the Gateway District as identified in PlanOlathe which is intended to support a mixture of commercial, office, and residential uses.
- B. The proposed use for a warehouse building and outdoor storage will have a negative impact to the existing and planned office and retail development in the surrounding area and detract from 119th Street as a community gateway.
- C. The proposed zoning will have a detrimental impact to the future redevelopment of this area in accordance with PlanOlathe
- D. As proposed, this application fails several of the criteria for a rezoning under section 18.40.090 of the Unified Development Ordinance.
 - 1) *"The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies".*
 - 2) *"The character of the neighborhood including but not limited to: land use, zoning, density (residential), floor area (nonresidential and mixed use), architectural style, building materials, height, siting, and open space".*
 - 3) *"The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations".*
 - 4) *"The extent to which approval of the application would detrimentally affect nearby properties".*
 - 5) *"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".*

Aye: Freeman, Nelson, Rinke, Fry, Munoz, Corcoran, Vakas (7)

No: (0)

Motion was approved 7-0.

Before casting his vote, **Chair Vakas** added that the City hopes they find another site in the city that will work.



MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>UDO19-0001</u> : Unified Development Ordinance Amendments
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Zachary Moore, Planner II, presented a brief introduction, explanation, and overview stating that community engagement has occurred since February 2019. Mr. Moore then introduced our consultant.

Christopher Shires with **Confluence**, the City's consultant for this project, approached the podium to address the existing and proposed building design standards in the UDO.

Proposed updates to the code include the purpose and intent and addressing four-sided architecture. . This would apply to all buildings within the city. He notes that building additions need to meet the new standard, although there are exceptions.

Mr. Shires addressed Section D, Terms and General Provisions, and updating definitions for primary façade, street-facing, major façade material and façade area, and how these apply to accessory buildings on a commercial site. Section E addresses general requirements, including franchise architecture, use of trim, shutters in scale, soffits, overhangs and cornices, screening for equipment and trash enclosures, and building lighting, etc.

Section F addresses the materials table, discussing the various classes and added that this code is somewhat fluid and may be changed over time.

Section G lists the many different types of buildings, including agricultural, single-family homes, two-family residential, commercial/retail buildings, office/civic buildings, industrial, etc.

Mr. Moore added that there has been a lot of discussion about using EIFS as a building material. He has been meeting with industry representatives to discuss the pros and cons of using EIFS material. Changes to the code regarding EIFS include listing it as a Building Material Class 3 which increases the allowance from today's code to be consistent with our research and with past requests that have been approved.

Mr. Moore concluded by saying staff is continuing to reach out to stakeholders for feedback as we continue through this process.

Chair Vakas asked if a procedure exists for an applicant to propose an increase use of EIFS on a project and Mr. Moore confirmed there is

Mr. Moore briefly outlined some minor updates to the Site Design Standards section of 18.15, including streamlining language and clarifying the standards and how they are administered. The standards themselves are not changing, just making them simpler to read and interpret. He concluded his presentation and was available for questions.

Chair Vakas opened the public hearing. He noted that the Planning Commission has received letters from eight architects in the Kansas City area, who all spoke favorably about EIFS. **Travis Schram, 11282 South Belmont, Olathe**, approached the podium as president of Grata Development. He is requesting continuance of this hearing because he has not had ample time to review the documents as he did not receive them until Friday. He outlined his multiple interactions with staff, expressing concerns... He believes that building permits have decreased significantly year over year and the price of new construction continue to outpace the growth of wages. He believes the decision needs to be made with caution and with the property time for consideration, which has not been given.

Aimee Nassif, Chief Planning and Development Officer, stated that documents did not get distributed until late because packets did not go out until later than typical as well. , Staff is sending out another stakeholder update after this evening's meeting and opportunities to engage staff has not stopped.

Tracy Tanking, 15301 Cordell Road, Kearny, MO, approached the podium. He is the general manager for Architectural Building Systems, which is the local Dryvit distributor. He appreciates staff's efforts to educate everyone about EIFS and the communication staff has had with them. During the 18 months they have been working with the City, they have received variances to allow EIFS over what is currently allowed in the City. He believes he has addressed multiple concerns with staff, including concerns about EIFS, including appearance, flammability, and availability, which staff has assured them is no longer an issue. **Mr. Tanking** said his company believes EIFS meets the criteria to be a Category 1 Material.

Richard Nickloy, 10403 South Highland Circle, Olathe, approached the podium. He is also concerned with the classification of EIFS and believes that categorizing it as a Category 3 material limits their opportunities in the city of Olathe. He requests that EIFS be considered as a Category 1 material.

Kevin Nickloy, 17411 West 163rd Street, Olathe, approached the podium. He works for Architectural Building Systems. He works extensively with the Catholic community to help get St. Paul's church built. He helped redesign the building with EIFS. ,A second Catholic church is being built near his home and he hopes to save the church money by using EIFS. He believes using EIFS will make the building much more efficient.

Don Crabtree, 10340 South Highland Lane, Olathe, approached the podium. He is an Olathe general contractor; his projects include the I-35 Logistics Business Park. He has built numerous projects using EIFS and supports classifying it as a Class 1 material.

Bob Nickloy, 27590 West Highland Circle, Olathe, approached the podium. He said his company has been marketing EIFS since 1981, and it has become very popular over time. Today, EIFS represents an approximate 20 percent of the market share in the commercial exterior wall market. In summary, he also supports classifying EIFS as a Class 1 material.

Jeff Sykes, 1608 SW Smith, Blue Springs, MO, approached the podium. He has also been in this industry a long time in many capacities. He has a lot of experience with EIFS and many other products and pointed out that the product has changed for the better over the past 50 years. He also supports classifying EIFS as a Class 1 material.

There being no one else to be heard, **Chair Vakas** called for a motion to close the public hearing.

Motion by Comm. Fry, seconded by Comm. Rinke, to close the public hearing.

Motion passed 7-0.

Comm. Fry said he is comfortable with the UDO being a living document that is meant to be adjusted and changed on a continual basis. He believes this update improves the use of EIFS in

Olathe. ,. **Comm. Freeman** appreciates the input from staff and the public and encourages everyone to continue to provide feedback. **Chair Vakas** echoed comments about the UDO being a living document and believes the right steps are being taken regarding EIFS. He called for a motion.

Motion by Comm. Rinke, seconded by Comm. Fry, to recommend approval of UDO19-0001, for the following reasons:

Staff recommends approval of the proposed amendments to the Unified Development Ordinance (UDO), as detailed in the attached UDO Amendments Exhibit for Chapter 18.15.

Aye: *Freeman, Nelson, Rinke, Fry, Munoz, Corcoran, Vakas (7)*

No: *(0)*

Motion was approved 7-0.



MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>UDO19-0002: Unified Development Ordinance Amendments</u>
Applicant:	City of Olathe, Public Works – Planning Division
Staff Contact:	Zachary Moore, Planner II

Zachary Moore, Planner II, outlined the possible adoption of new Building Design Standards to include Chapters 18.20, 18.30, 18.40, 18.50, and 18.60. All amendments are minor in nature and correlate with amendments to the Building Design Standards. Staff recommends that references to Building Materials “Categories” be amended to Building Materials “Classes,” making it consistent with the amendments addressed in UDO19-0001. **Mr. Moore** provided a table for 18.20, which removes reference to building design categories and revises UDO citation for permitted encroachments to the accurate citation. Additionally, the word “composite” has been removed from sections of the UDO referring to Building and Site Design standards, and Chapter 18.30.070, Building Design Standards, has been removed. The definition of “Hotel Boutique” in the Use Matrix has been updated to remove language identifying Building Design Category C.

Chair Vakas opened the public hearing. There being no one wishing to speak, **Chair Vakas** called for a motion to close the public hearing.

Motion by Vice Chair Rinke, seconded by Comm. Nelson, to close the public hearing.

Motion passed 7-0.

Motion by Vice Chair Rinke, seconded by Comm. Nelson, to recommend approval of UDO19-0002, per the following staff recommendation:

Staff recommends approval of the proposed amendments as detailed in the attached UDO19-0002 Amendments Exhibit, for the following Chapters and associated subsections herein: 18.20, 18.30, 18.40, 18.50, and 18.60. These updates correlate directly to the new Composite Standards Chapter (UDO19-0001) and are necessary to ensure that processes, verbiage, and terminology is all consistent. This project will proceed to City Council in association with UDO

19-0001 and any changes to UDO 19-0001 which may impact these supporting chapters will be updated accordingly.

Aye: Freeman, Nelson, Rinke, Fry, Munoz, Corcoran, Vakas (7)

No: (0)

Motion was approved 7-0.

MINUTES

Planning Commission Meeting: July 22, 2019

Application:	<u>UDO19-0003A</u>: Unified Development Ordinance Amendments
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Aimee Nassif, Chief Planning and Development Officer, presented Application UDO19-0003A. Sections recommended for updates include a purpose statement for the M-2 District, correcting categories and definitions in the Use Matrix, establishing a new use, address drive thru requirements, increase height allowance for satellite dishes, and temporary sales and events permits. Other items are clean-up items, removing inconsistent verbiage and fixing typographical errors.

18.20.200: This section was updated by adding a purpose statement to the M-2 District, as well as cleaning up language.

18.20.500: Corrections were made to the Use Matrix to make it easier to navigate. No changes to how the uses operate..

18.50.033 and 18.50.020: This provides for a new use identified as Crisis Care Network, Religious or Faith Based. This is a new land use designed to accommodate groups who would like to fall under this category, giving them an opportunity to do so without needing to rezone or go through any other approval process. This is a voluntary land use category and does not remove or reduce any other use or activity in the Code. We are also recommending striking one area of this from the update as it can be confusing for the reader.

18.50.040: Supplemental uses for drive-throughs, both restaurants and financial institutions. The definition of stacking lane length was clarified. The existing graphic was also improved and updated.

18.50.180: Satellite Dish Antennas height was increased from 15 feet to 30 feet in commercial and industrial districts.

18.50.225: Temporary sales and events. This section was updated to list zoning districts that allow temporary sales, as well as clarified which section of codes applicants are to adhere to, and how to address activities not listed.

18.20, 18.20.500, 18.40.190, 18.40.220, 18.50.050, 18.90.020, 18.94 – Corrections, clean-up and updates to existing language.

In summary, staff recommends approval with the removal of Section 18.30.160 to continue reaching stakeholders and Section of 18.50.020, subsection G in response to stakeholders confusion to what services are allowed as accessory uses to religious institutions.

Chair Vakas opened the public hearing. **Curt Petersen, 6201 College Boulevard, Overland Park**, approached the podium and requested a 60-day continuance of this item to allow time for City staff engagement with churches and other stakeholders. Mr. Petersen said churches and other stakeholder organizations were not engaged on this topic, nor were they advised of the Planning Commission workshop that was held earlier. He said City staff told him that they reached out to one volunteer at Interfaith Hospital Network, but did not contact anyone else. The group of people he represents are concerned and believes they deserve thoughtful discussion with staff. He does not understand why there is a rush to get this done.

Mr. Petersen concluded by saying his clients do care about this code revision and again requested continuance of this particular matter to allow further discussion. However, if this matter is moved on to City Council tonight, he asked that it be set out at least 60 days. **Chair Vakas** asked Mr. Petersen to specify which churches have retained him to represent them. Mr. Petersen declined to do so.

Aimee Nassif, Chief Planning and Development Officer responded that the addition of the new use is for anyone who may voluntarily like to use it. She said tonight's meeting does not preclude any other meetings with staff, and staff encourages feedback and engagement with the public. Ms. Nassif stated she has offered to meet with interested parties and there is not a date set for this item to move forward to City Council.

Radji Prakash, 15711 Cedar Street, Overland Park, approached the podium. She is a high school teacher, employed by the Blue Valley School District, and represents a Hindu religious organization. Many families in that congregation live in Olathe, and in order for it to expand, they need a permanent location, rather than the school they are operating from now. In July 2018, vacant land in Olathe was found to meet their needs. However, current zoning on the property does not allow for religious institutions. They were told by the City that they were looking at an amendment to the UDO and Use Matrix that would allow religious uses to be built on areas zoned Business Park. Based on such understanding, her organization signed a contract with the seller of the property in November 2018. Her organization is asking the Planning Commission to include business parks district in the Use Matrix for religious institutions, either permitted by right or through a special use permit.

Tim Suttle, 11434 South Northwood Circle, Olathe, approached the podium. He is a pastor at Redemption church, located at 515 South Ridgeview. He believes there may be unintended harmful consequences if the proposed changes are implemented to allow the new use. He also believes this would limit their ability to shelter and otherwise care for people in their congregation and community. He is concerned that clergy has not been consulted on this matter.

Aimee Nassif, Chief Planning and Development Officer, clarified that this is not a "worship" regulation, nor a prohibition against men in need, or a regulation on individual churches. Individual churches worshipping or providing community services are not uses that are being changed nor are they now being regulated. Ms. Nassif again offered to meet with individuals to assist with this clarification. **Mr. Suttle** asked if they would be put under these new regulations; Ms. Nassif said they would not because it's a voluntary use option that people can choose to fall under; it does not apply to individual churches. **Lee Josa, 14704 South Navaho, Olathe**, approached the podium, directing his comments to 18.50.033, Crisis Network, Religious or Faith-based. He believes the proposed changes read in such a way that the City could restrict congregations in the way it serves women and families, and specifically adult males. He said he comes to this meeting with misunderstanding, as do others, which is an indicator that further dialog is needed. He requests further discussion on this category so that everyone can have better understanding.

Derek Varney, 2024 E. 151st Street, Olathe, approached the podium. He is Senior Pastor at First Baptist Church, wishing to comment on 18.50.033. He agrees that there has been a misunderstanding in verbiage. He read a statement and requested postponing a vote on this ordinance. **Comm. Fry** asked how the conclusion that they were being restricted came about. Mr. Varney said it came from the restriction of serving homeless males. **Ms. Nassif** again said this is adding a use to the code, not taking any away. It is not restricting any current use such as homeless shelter or group homes which do allow all clients. Mr. Varney would like to have continued dialog about this matter.

Marc McEver, 15617 Shannan Lane, Olathe, approached the podium. His wife started Project 1020 five years ago, which is the only low-barrier homeless shelter that allows everyone, including men. He is also opposed to any regulation that would bar men in shelters. **Chair Vakas** said comments tonight are to be specific to the UDO not on other uses or regulations that are not on the agenda.

Ameet Kapadia, 16679 West 155th Terrace, Olathe, approached the podium. He is opposed to the UDO because they would like to see the special use permit allow Business Park zoning for religious institutions.

Julie Brewer, 14552 Dearborn Street, Overland Park, approached the podium, speaking as the Executive Director of United Community Services. She notes that there is a fair amount of confusion around the language proposed in 18.50.033. She also requests that this matter be continued, and conversations continue around this topic. She recommends and supports the opportunity to bring the faith-based community and emergency services together with the City, to allow for clear understanding in creating language in the UDO moving forward.

Kathy Riggs, 12990 South Lakeshore Drive, Olathe, approached the podium. She is concerned about homelessness and requested the City have a plan.

Melissa Winn (sp?), 16211 West 141st Terrace, Olathe, approached the podium. As she reads the code, she feels it will restrict services to the homeless. **Chair Vakas** said again that homeless shelters are not a use being changed. **Ms. Nassif** agreed, and said the definition of homeless shelters are not being changed and are allowed through a special use permit. **Chair Vakas** believes individual churches could make decisions on housing an individual person on a case-by-case basis and this code does not hinder them from taking such action.

John Sweeney, Reece Commercial Real Estate, 8005 West 110th Street, Overland Park, approached the podium. He said they were hired by Chinmaya Mission to find a location south of 151st and Pflumm. They were informed by the City that ordinances were being updated regarding religious facilities. They believe their use is appropriate for this piece of property. If religious facilities are not approved in business park districts, they would have to decide whether to rezone, which would add delays and costs to the process.

There were no further comments; **Chair Vakas** called for a motion to close the public hearing.

Motion by Comm. Fry, seconded by Vice Chair Rinke, to close the public hearing.

Motion passed 7-0.

Comm. Fry is concerned because there seems to be inaccurate information circulated through social media. He notes that this UDO is actually granting uses that are currently not in place for religious groups, giving them an option that is not currently available.. He supports the UDO amendments.

Comm. Nelson believes these changes supports collaboration and opportunity for organizations to come together and work toward a common goal, allowing permissions and protections for those interests. He believes these changes will help such groups move forward.

Chair Vakas asked Ms. Nassif about next steps. **Ms. Nassif** said no specific date has been set for this to be heard by City Council. She encourages additional communication with anyone interested on the topic. .

Comm. Nelson said there are challenges with allowing religious organizations in business parks and is not recommending any amendments. **Comm. Freeman** agreed and looks forward to this matter moving forward. He is supportive of staff's recommendations. **Chair Vakas** called for a motion.

Motion by Comm. Fry, seconded by Comm. Freeman, to recommend approval of UDO19-003A as recommended by staff outlined in the staff report, with amendments to the following sections stricken: 18.30.160 and 18.50.020.G.

Aye: *Freeman, Nelson, Rinke, Fry, Munoz, Corcoran, Vakas (7)*

No: *(0)*

Motion was approved 7-0.



City of Olathe
Planning Division

MINUTES – Other Matters

Planning Commission Meeting: July 22, 2019

Chair Vakas noted that the next Planning Commission is scheduled for Monday, August 12, 2019, at 7:00 p.m.

There were no other announcements.

Meeting adjourned.



City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: August 12, 2019

Application:	<u>FP19-0012</u> Final Plat for College Meadows, Fifth Plat		
Location:	Vicinity of 113 th Street and Crestone Street		
Owner/ Applicant:	Jim Wilkinson, College Meadows Estates, LLC		
Engineer:	Gary Spehar, P.E.		
Staff Contact:	Sean Pendley, Senior Planner		
Site Area:	<u>7.19± acres</u>	Proposed Use:	<u>Single Family Residential</u>
Lots:	<u>7</u>	Density:	<u>1.2 units/acre</u>
Tracts:	<u>1</u>	Current Zoning:	<u>RP-1</u>
Streets/Right-of-way	<u>Crestone Street</u>		
Existing	<u>N/A</u>		
Proposed	<u>50' (total)</u>		
Required	<u>50' (total)</u>		

1. Comments:

The following application is a final plat for College Meadows, Fifth Plat, containing 7 single family lots and 1 common tract. A rezoning to RP-1 district (RZ-06-025) and preliminary plat (P-06-123) for College Meadows Estates was approved in 2006. A zoning amendment (RZ-16-003) and revised preliminary plat was approved in 2016. This is the final phase of the College Meadows subdivision.

2. Plat Review:

- Lots/Tracts** – The Fifth Plat includes a total of 7 single-family lots and 1 common tract. The layout of the street, lots and common tract is consistent with the preliminary plat. The proposed lots exceed the minimum area requirements for R-1 Districts and the smallest lot is 24,500 square feet.

Tract O is intended to be used for a natural drainage area and open space. In addition, the tract includes a public recreation easement (PR/E) for a future public trail.

The tract will be owned and maintained by the College Meadows Homes Association and the future trail will be constructed and maintained by the City of Olathe.

According to the applicant, the estimated home values in this phase will be above \$500,000.



Aerial View of Site



Site Photo – looking East from Crestone Street

- b. **Public Utilities** – The property is located within Water District #1 and Johnson County Wastewater service areas. The applicant shall coordinate with the respective utility providers for required water and sewer connections.
- c. **Streets/ Right-of-Way** – This plat has only one street, which will be an extension of Crestone Street. The street is a cul-de-sac serving all seven lots in this phase.
- d. **Stormwater** – The final plat includes drainage easements within the stream corridor in Tract O. There are notices on the plat for the stream corridor and stormwater treatment facilities as required by Olathe Municipal Code, Title 17. The development will include stormwater detention and post construction water quality Best Management Practices (BMPs).

The following documents are required prior to recording the final plat:

- Executed stream corridor maintenance agreement shall be submitted to Public Works.
 - A copy of the recorded HOA agreement shall be submitted that describes maintenance of all stormwater quality BMP's, detention facilities and stream corridor.
- e. **Trails** – The preliminary plat identified a private trail along the stream corridor. The City of Olathe has plans for a future public trail in this area consisting of an 8-foot paved surface. The plat includes a Public Recreation Easement (PR/E) to allow construction of the future public trail by the City. The exact location of the trail and specific easements will be determined at the time of construction for the trail.
 - f. **Landscaping/Tree Preservation** – Tree preservation easements have been identified on the north, east and west sides of the plat boundary which is consistent with the preliminary plat. Standard orange barricade fencing shall be installed around all tree preservation areas. Any destruction of trees within preservation areas is subject to the penalties outlined by *UDO* Section 18.62.120 G.

A street tree plan has been submitted for the Fifth Plat. The required trees shall be planted prior to certificates of occupancy.

3. **Excise Taxes:**

Final plats are subject to the required street excise tax of \$0.215 per square foot of land. Based on the plat area, 7.19± acres, the required street excise fee is \$67,297.09.

Final plats are subject to a traffic signal excise tax of \$0.0037 per square foot of land area for single family zoning. Based on the plat area, the required traffic signal excise tax is \$1,158.14. The required excise fees shall be submitted to the City Planning Division prior to recording the final plat.

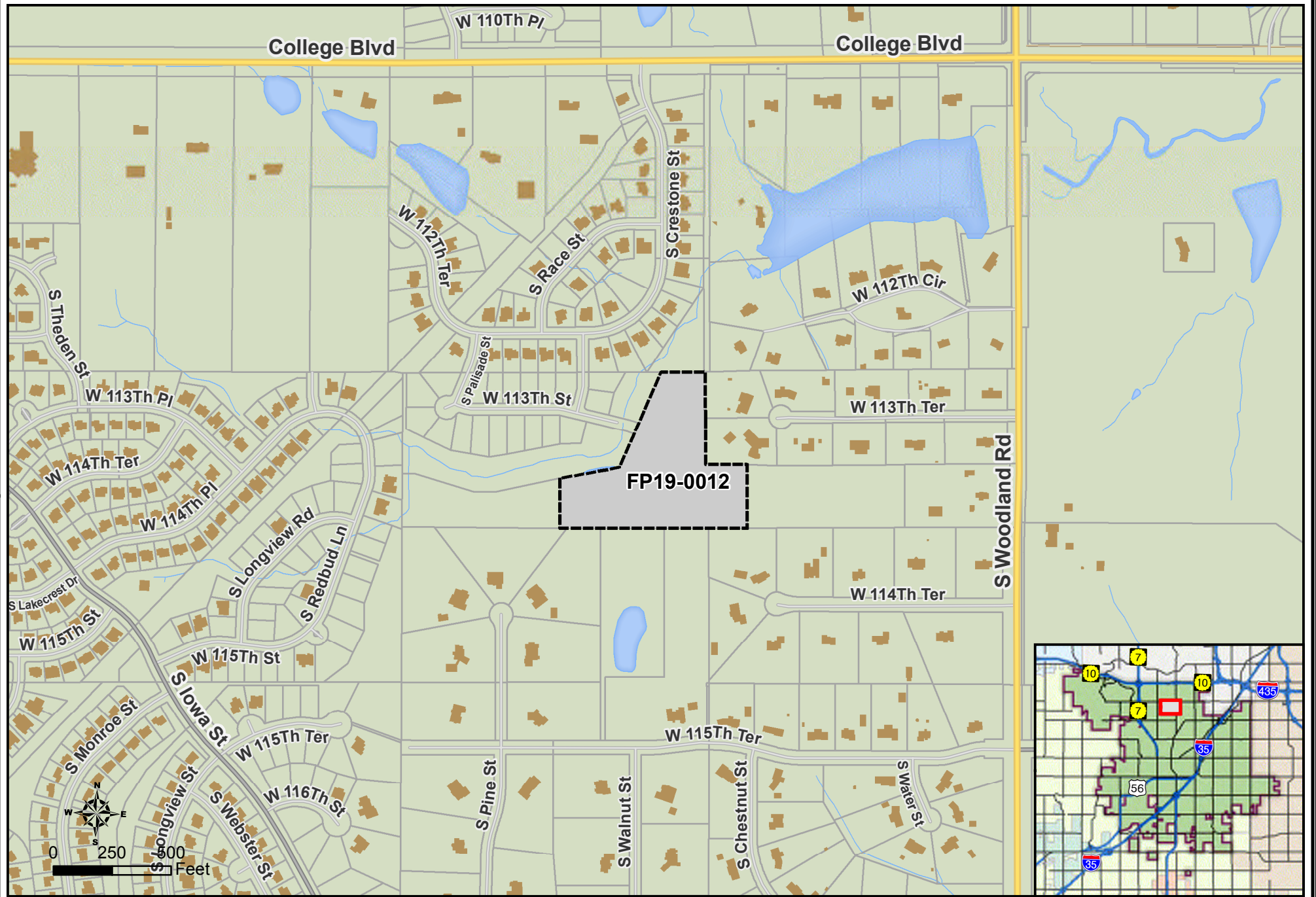
4. **Staff Recommendation:**

Staff recommends approval of FP19-0012 with the following stipulations:

- a. The final plat is subject to a street excise tax of \$0.215 per square foot of land. Based on the plat area, the required street excise fee is \$67,297.09. The required

excise fee shall be submitted to the City Planning Division prior to recording the final plat.

- b. The final plat is subject to a traffic signal excise tax of \$0.0037 per square foot of land area. Based on the plat area, the required signal excise fee is \$1,158.14. The required excise fee shall be submitted to the City Planning Division prior to recording the final plat.
- c. The final plat shall identify a Public Recreation Easement (PR/E) in Tract O.
- d. Prior to recording the final plat, an executed stream corridor maintenance agreement shall be submitted to Public Works.
- e. Prior to recording the final plat, a copy of the recorded HOA agreement shall be submitted that describes maintenance of all stormwater quality BMP's, detention facilities and stream corridor.
- f. Prior to recording the plat, standard orange barricade fencing shall be installed around all tree preservation areas. Any destruction of trees within preservation areas is subject to the penalties outlined in *UDO* Section 18.30.240.



COLLEGE MEADOWS, FIFTH PLAT
FP19-0012



User: jaredmd
Date: 08/06/2019



GROUP PRODUCTION DATE: _____

Income From Property	

1	Sh
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City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: August 12, 2019

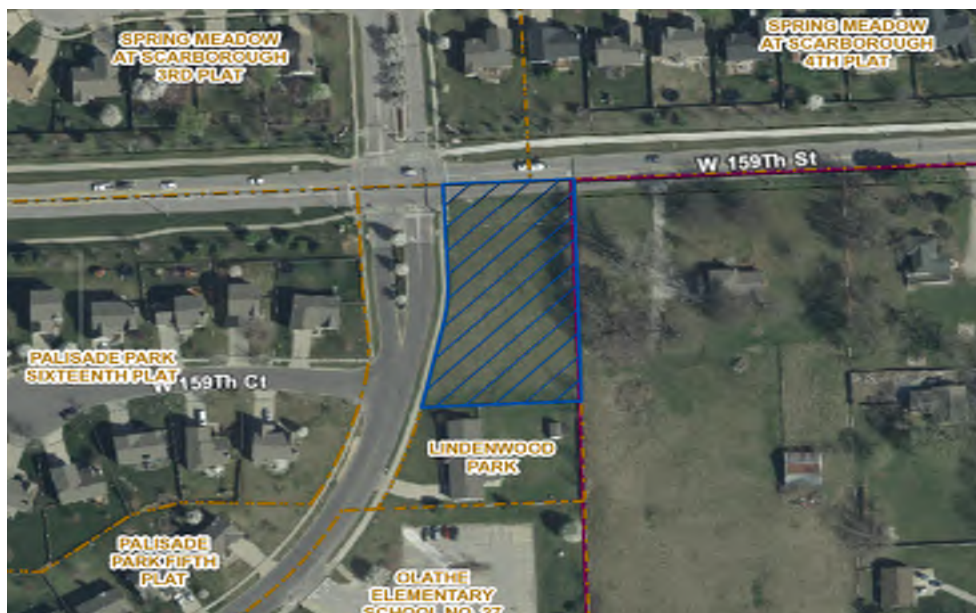
Application:	PP19-0003 Preliminary Plat for Bear Creek
Location:	Southeast corner of 159 th Street and Lindenwood Drive
Owner:	Darol Rodrock, Rodrock Land Company, Inc.
Applicant:	Steve Atteberry, Net Zero Homes of KC, L.L.C.
Engineer:	Todd Allenbrand, Payne & Brockway, P.A.
Staff Contact:	Dan Fernandez, Planner II

Acres:	<u>0.78± acres</u>	Proposed Use:	<u>Single-Family Homes</u>
Current Zoning:	<u>R-1</u>	Lots:	<u>3</u>
Proposed Zoning:	<u>R-1</u>	Tracts:	<u>0</u>

1. Comments:

This is a request for approval of a preliminary plat for Bear Creek on 0.78± acres, located at the southeast corner of 159th Street and Lindenwood Drive. The site was rezoned from AG, Agricultural to R-1 in January 1997. The applicant is requesting approval of a preliminary plat for the creation of 3 single family lots. Staff is recommending approval with stipulations as discussed below.

The applicant is requesting waivers from a Unified Development Ordinance (UDO) requirement as well as contesting staff several stipulations, so the application has been moved to the regular agenda for discussion.



Aerial of Site



View of site looking southeast from 159th St. and Lindenwood Dr. intersection

2. Final Plat Review

- a. **Lots/Tracts** – The submitted preliminary plat includes 3 lots which meet the area and setback requirements for R-1 Districts. However, staff has stipulations that would require the reconfiguration of the preliminary plat which would eliminate one of the proposed lots. The stipulations are summarized in Section 5 of this staff report. Staff has shared these stipulations with the applicants, and they are aware of the recommendation.

No tracts would be dedicated with this plat; however, a landscape easement is being dedicated along 159th St. in accordance with Section 18.30.130 of the UDO

which states that a 25-foot landscape tract is required for single-family developments adjacent to arterial streets. The applicant is seeking a waiver to allow for a reduction to 20 foot in lieu of the 25-foot landscape width requirement and a second waiver to allow the establishment of this landscape area to be within an easement and not a dedicated tract. Both the waiver request and staff's analysis are described in Section 3 of this staff report.

- b. **Utilities/Municipal Services** –The property is located in the City of Olathe sewer and WaterOne service areas. The applicant will need to coordinate with the respective utility providers for utility connections.
- c. **Access/Streets** – As submitted, the lots would share a single 18-foot-wide access drive that connects to Lindenwood Drive. Staff is stipulating that 25 feet of half-street right-of-way be dedicated for a future street, 159th Court, on the south plat boundary. This will provide an appropriate street connection for the proposed lots and allow for a future street connection when the property to the east is developed. In addition, staff has stipulated that the private access drive be a minimum of 22 feet wide to allow for adequate two-way travel and once 159th Court is constructed, that all access be off 159th Court which will replace the proposed driveway on Lindenwood.

The preliminary plat shows 60 feet of half street right-of-way along 159th Street which meets City requirements for right-of-way dedication.

3. Public Notification/Neighborhood Meeting:

The applicant notified property owners within 200 feet of the property by certified letters, return receipt as required by Section 18.40.050 of the UDO.

A neighborhood meeting was also held in accordance with Section 18.40.030 of the UDO on June 25, 2019 with approximately 10 attendees. Issues discussed included access, approval and construction time frame and site maintenance. A copy of the meeting minutes has been included in the Planning Commission packet. To date, staff has not received any correspondence regarding this proposal.

Waiver Request:

The applicant is requesting waivers from the 25-foot landscape width and tract requirements adjacent to arterial roads. For this development, a 25-foot landscape tract would be required along 159th Street.

Per Section 18.40.240 of the UDO, waivers can be granted if certain criteria are met as reviewed by Staff with a recommendation from Staff to the Planning Commission.

- a. The applicant is proposing a 20-foot landscape easement in lieu of a 25-foot landscape tract. Per the applicant's request, if approved the tract will have additional landscaping above the minimum UDO required plantings. Maintenance will be initially provided by the developer and then passed on to the owner of Lot 1 once established. The applicant states the no loss or inconvenience to the public would be created by approval of this waiver which can be found in their statement attached to this report.

Staff Waiver Analysis and Recommendation

Staff has reviewed the waiver request and is supportive of said request for the following reasons:

- i. If approved as recommended by Staff, this development is less than one acre in size.
- ii. The waiver would include a stipulation that additional plantings above and beyond the minimum required by the UDO be planted which will sufficiently screen the residences from 159th Street. Staff is also supportive of the use an easement instead of a tract as tracts are generally used for large developments with HOA agreements. This development will not have an HOA due to the low number of lots. If approved, a landscape plan and a maintenance agreement would be required with submission of the final plat.

4. Excise Taxes:

Plats are subject to the required street excise tax of \$0.215 per square foot of land and \$0.0037 per square foot of land for traffic signal excise tax. The amounts for each fee will be determined with the final plat and the fees shall be submitted to the City Planning Division prior to recording the final plat.

5. Staff Preliminary Plat Analysis:

Upon reviewing the proposed preliminary plat and the surrounding street network, staff has made several stipulations that will alter the current layout and result in a reduction in the number of lots.

Staff is requiring that 25-feet of right-of-way be dedicated along the southern limits of the property to accommodate future expansion of 159th Court to the east. The City's Access Management Plan promotes connectivity and the plat as submitted does not align with this plan. Not extending 159th Court would eliminate the ability for a connection point for future development to the east therefore dedication of this right-of-way is critical.

Staff is also requiring that direct access off Lindenwood Drive be relocated to 159th Court when the property south of the subject property develops and 159th Court is constructed. This has been stipulated so that the access drive will be located on a street that has a lower level of service which will result in fewer potential traffic conflicts. In addition, the shared drive will require 22-feet of pavement which is the minimum required width for drives to accommodate two-way travel.

It should be noted also that the applicant has been advised that future buildings must meet all minimum front yard setbacks from both Lindenwood Drive and the future 159th Court.

Should the preliminary plat be approved with these stipulations, a revised preliminary plat meeting addressing and adhering to the required stipulations will be required for review and approval by the Planning Commission prior to submitting the final plat application.

These requirements and stipulations have been shared with the applicant prior to the meeting this evening. These stipulations may result in a reduction in the number of lots that can be created which is a concern expressed by the applicant. The applicant and

their representative will be in attendance to discuss these concerns with the Planning Commission.

6. Staff Recommendation:

Staff recommends approval of PP19-0003 with the following stipulations:

- a. 25-feet of right-of-way shall be dedicated along the southern limits of the property to accommodate future expansion of 159th Court to the east.
- b. All drive access shall be relocated to 159th Court when 159th Court is constructed. The curb cut on to Lindenwood Drive shall be removed after access is provided on 159th Court.
- c. All buildings shall meet the front yard setbacks from both Lindenwood Drive and the future 159th Court.
- d. The interior access drive shall be 22-feet wide to accommodate two-way travel.
- e. A waiver shall be granted to allow for a 20-foot landscape easement along 159th Street. with landscaping which exceeds the minimum requirements of the UDO.
- f. A revised preliminary plat in accordance with the stipulations listed above will be submitted for review and approval before the Planning Commission prior to approval of the final plat.
- g. A landscape plan shall be submitted with the final plat.
- h. All excise fees shall be submitted to the City Planning Division prior to recording the final plat.



BEAR CREEK
PP19-0003



User: jaredmd
Date: 08/06/2019





Payne & Brockway, P.A.

CIVIL ENGINEERS & LAND SURVEYORS

Mark Huggins, P.E.
Gerald Conn, L.S.

Carman G. Payne, P.E. (1892-1963)
S.H. Brockway, P.E. (1907-1989)
Lee Meireis, R.L.S. (1933-2010)
Ed Young, P.E., R.L.S. (1936-2011)
Mike Howell, R.L.S. (retired)
Johnny Ray, R.L.S. (Retired)

July 23, 2019

BEAR CREEK Waiver

Dan Fernandez, City Planner II
City of Olathe
PO Box 768
Olathe, KS 66061

RE: PP19-0003

Mr. Fernandez:

Please accept this letter as our official request for waiver of landscape tract and minimum landscape area width of twenty-five (25) feet along an arterial roadway set forth in UDO 18.30.130.H.2. The waiver is in accordance with the guidelines set forth in UDO 18.40.240 Waivers.

We understand that the current requirement is a 25ft landscape tract. However, at the time this development was proposed, a 25ft landscape tract wasn't the standard. Developments at that time had landscape easements adjacent to arterials. These landscape easements varied in width from 15ft to 25ft. If this proposed development included a 25ft tract or any tract greater than 14ft, it would result in the elimination of a lot.

We are proposing a 20ft landscape easement, to get as near as possible to the 25ft width without jeopardizing a lot. This width is like the landscape area of the existing lots to the west, see attached exhibit. The landscape area widths to the west were determined from the distances between the rear fence lines and the rear property lines. The widths range from ± 17 ft to ± 22 ft.

Please consider our waiver from the 25ft landscape tract to a 20ft landscape easement for the reasons stated. The developer has indicated that he is willing to plant additional landscaping above the required plantings adjacent to the arterial. The landscape easement will initially be maintained by the developer, until the landscaping has been established. Once established, the owner of Lot 1 will be responsible for the maintenance.

The waiver will not impact the use or value of the surrounding properties. The waiver will not create any undo safety to vehicular or pedestrian traffic. The waiver will not change the concept, intended land use and will be compatible with the surrounding properties.

Thank You,

C. Todd Allenbrand

Cc: Property Owners
File





Payne & Brockway, P.A.

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Mark Huggins, P.E.
Gerald Conn, L.S.

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Ed Young, P.E., R.L.S. (1936-2011)
Mike Howell, R.L.S. (Retired)
Johnny Ray, R.L.S. (Retired)

June 26, 2019

Dan Fernandez
Planning Department
City of Olathe
P.O. Box 768
Olathe, KS 66051-0768

RE: Bear Creek
PP19-0003, Preliminary Plat

Dear Mr. Fernandez:

On Tuesday, June 25, 2019 at 6:00 pm a neighborhood meeting for Bear Creek Preliminary Plat was held at the Olathe Community Center, Room B. Notices were mailed on June 12, 2019.

Paul Atteberry and Todd Allenbrand represented the Developer.

The following property owners signed the attendance sheet:

Brad Elder 14019 Benson Street Overland Park, KS 66221 fiatinsurance@gmail.com	Dan Whitney 14904 S Rosehill Road Olathe, KS 66062 dan@kcevergreen.com 913-402-0280	John & Adele Kieffer 17190 W 160 th Street Olathe, KS 66062 jvmusik@gmail.com 913-927-4818
Ethan Atteberry 14959 W 157 th Terrace Olathe, KS 66062 eaatteberry@yahoo.com 913-579-2612	Austin Atteberry 14655 S Hallet Street Olathe, KS 66062 atoretailalliance@gmail.com 913-787-4253	Paul Atteberry 14959 W 157 th Terrace Olathe, KS 66062 paul@netzerhomesofkc.com 913-991-3000
Jerry & Vickie Vermillion 15909 S Lindenwood Olathe, KS 66062 Jlv1987@msn.com 913-777-9044	Brian & Lesley Ice 15930 S Lindenwood Dr Olathe, KS 66062 Ocebrian2004@yahoo.com 913-908-6316	Tanyon & Lesley Harris 15940 S Lindenwood Dr. Olathe, KS 66062 tanyonharris@hotmail.com 913-568-5257

Todd Allenbrand opened the meeting by introducing Paul Atteberry as the Developer. He also explained that the Preliminary Plat has been submitted to the City of Olathe. Said that it will be just 3 lots. Said that in 2003 these lots were zoned for a Daycare. The homes will all face Lindenwood but the city has agreed to 1 shared driveway for all 3 lots, because the City will not allow to vehicles to have driveways that connect to major roadways. At this time Todd open up to questions that anyone might have.

426 South Kansas Ave. Olathe, Kansas 66061 Ph: 913.782.4800 Fax: 913.782.0907 www.payne-brockway.com

*Kansas Society of Professional Engineers • Kansas Society of Land Surveyors • American Council of Engineering Companies
Missouri Society of Professional Engineers • Missouri Society of Professional Surveyors • National Society of Professional Engineers*
19-0014

Dan Fernandez
Planning Department
RE: Bear Creek
PP19-0003, Preliminary Plat
June 26, 2019
Page 2

Adele Kieffer: What are you going to build next to the scary house? That property needs to be cleaned up.

Vickie Vermillion: Is there a set back requirement? It looks like there is only 1 access point from Lindenwood. How about the sidewalk?

Todd: They will have a shared driveway and will have the ability to drive straight out. There is an existing sidewalk that will remain. Where the proposed driveway is, the sidewalk will be removed, and some may be damaged during construction. In these cases, the Developer will be responsible for repairing the sidewalk disturbed during construction,

Vicki: What will the house look like, what size will they be and what would be the price range?

Paul Atteberry: They will all be 1 story with full basements. City is requiring 60' of right-of-way, and they want us to have an additional 10'. With the additional 10' right-of-way, the homes will have 2 car garages and not 3. \$250,000 to \$300,000 and they will be high energy efficient so things should not get too loud?

Todd: There is 25' landscape tract that will be required by the City. However, we are discussing an alternative solution which would be a reduced landscape easement instead of a tract.

Adele: How long have you been a builder?

Paul: I retired from a Federal job and this is going to be my 2nd career. So, I am starting small.

John Kieffer: We purchased some of the acreage adjacent to the school. I think this is a good thing that you are doing.

Vickie: Will these homes be part of Palisade Park?

Paul: No

Adele: What does the city have planned for the area to the East?

Todd: A Developer for the proposed ground would have to introduce a use and discuss with the City. The City would have to approve it. The property to the East is in the County and would also have to be annexed into the City.

Vickie: What would be the time frame you are looking at?

Paul: Probably around 6 months.

Jerry Vermillion: The property really needs mowed.

426 South Kansas Ave. Olathe, Kansas 66061 Ph: 913.782.4800 Fax: 913.782.0907 www.payne-brockway.com

Dan Fernandez
Planning Department
RE: Bear Creek
PP19-0003, Preliminary Plat
June 26, 2019
Page 3

Paul: I will talk to Rodrock about the mowing.

Tanyon Harris: Location of Property – what exactly are you talking about – just one property so you are going to build 3 houses. What time frame?

Todd: The property will be split into 3 lots with a house on each lot. City approval usually takes 45-60 days for the Preliminary and 45-60 days for the final plat and then he can start building.

Brian Ice: Will construction be blocking the streets?

Todd: There will be nothing blocking the streets, because the house construction will be limited to the Lots.

Tanyon: Do you have any plans to expand?

Paul: No, just these 3.

Tanyon: When will you be doing the work?

Paul: Don't know for sure yet.

Tanyon: Will there be a lot of noise? Early in the morning and weekends?

Todd: City allows construction from 8:00 am to 4:00 pm. Sometimes, if the weather has been bad or other circumstances have made it difficult, the contractor can request permission from the City for later hours or weekend hours.

John: We only came because we have 5 acres and were curious as to what you would be doing.

Jerry: How long have you been considering these lots?

Paul: About 6 months.

Todd: This property has an advantage because all the utilities have been put in.

At this time the meeting was adjourned.

Submitted by:
Payne & Brockway, P.A.

Todd Allenbrand

BEAR CREEK
NEIGHBORHOOD MEETING
ATTENDANCE

TUESDAY, JUNE 25, 2019 AT 6:00 PM

	NAME	ADDRESS	EMAIL	PHONE
1	Brad Elder	14019 Benson Rd	Fiatiinsurance@gmail.com	
2	Dan Whitney	14904 S. Rosekill Rd	dan@kcevergreen.com	913-402-0280
3	John & Adele Kieffer	17190 W. 160 th St.	jrmusik@gmail.com	913-987-4818
4	Ethan Atteberry	14459 W 157 th Ter	eaatteberry@yahoo.com	913 549 2612
5	Austin Atteberry	14655 S. Hallet St.	autoretailalliance@gmail	913-787-4253
6	Paul Atteberry	14959 W 157 Ter	Paul@NetZeroHomesofKS.com	913-991-3000
7	Terry & Vickie Vermillion	15909 S. Lenderwood	JLV1987@msn.com	913-777-9044
8	Dawn & Lester Iue	15930 S Lindonwood Drive	iuebrun2004@yahoo.com	913-908-6316
9	Tamara & Jessica Hnaus	15940 S Lindonwood	TamaraHnaus@hotmail.com	715-568-5252
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STAFF REPORT

Planning Commission Meeting: August 12, 2019

Application	<u>PR19-0016</u> Final Site Development Plan for WaterOne Elevated Tank
Location	22175 W. 103 rd Terrace
Applicant	Michelle Wirth, Water District No. 1 of Johnson County
Owner	Water District No. 1 of Johnson County
Engineer	Jeff Heidrick, P.E., Burns & McDonnell Engineering Company
Staff Contact	Kim Hollingsworth, AICP, Senior Planner

Site Area: 4.92± acres

Proposed Use: Utility Facility

Zoning: CTY RUR (County Rural District)

Plat: Unplatted

Plan Olathe Land Use Category		Existing Use	Current Zoning
Site	Employment Area	Vacant	CTY RUR
North	N/A (City of Lenexa)	K-DOT Right-of-Way	N/A
South	Employment Area	Vacant	BP
East	Employment Area	Agriculture	CTY RUR
West	Employment Area	ALDI Distribution Center	BP

1. Introduction

The following item is a request for acceptance of a final development plan for the WaterOne Elevated Tank located southeast of K-7 and K-10 Highway. The Water District No. 1 of Johnson County Kansas (WaterOne) 2008 Master Plan indicated the need for additional storage and pumping facilities to convey water from the Crouthers System to the South Booster System. The Wyss Pump Station near 159th Street and Hedge Lane is already in service. A site selection study for the elevated storage was completed in 2011 and identified the southeast quadrant of the K-7 and K-10 Highway Interchange along a 48-inch transmission main as the most feasible and hydraulically appropriate location for the elevated storage tank.

An intergovernmental agreement (Exhibit A) between WaterOne and the City of Olathe was executed in September 2013 for the planned storage and pumping facilities. The comprehensive agreement outlines the agreed upon development requirements and review procedures for the facilities.

The property is zoned CTY RUR (County Rural District) and was annexed in 1996 (ANX96-0008) with additional properties owned by ALDI INC. in the surrounding vicinity. The property is designated as Employment Area on the PlanOlathe future land use map and is surrounded by properties within the Employment Area. The property is also located within the K-7 Corridor Design Guideline area that outlines expectations for high-quality design within the corridor. City staff has worked with the applicant to increase the amount of screening to limit visual impacts of the facility on surrounding properties and determine future participation by the applicant in roadway improvements.

The planned K7/K10 Elevated Tank primarily provides backup and emergency storage to supplement the existing elevated tank located at WaterOne Headquarters on Renner Boulevard. The planned two-million-gallon tank is 175 feet tall and is consistent with the design and scale of the Renner tank in Lenexa.



(Existing site, looking southwest)



(View towards the site, from K-10 Highway)



(Rendering of proposed Tank, looking northeast towards K-10 Highway)

2. Development Requirements

- a. **Site Access** – The site is accessible by traveling north on Lone Elm Road and west on a portion of 103rd Terrace that is not maintained by the City. The access road will be improved by the applicant as a gravel roadway for the purpose of construction and access by WaterOne personnel for ongoing maintenance of the water tank. The site will be accessed approximately once a month for general work and weekly for landscape maintenance.

The gravel access road transitions to an asphalt drive within the limits of the site. The Fire Department and Engineering Division reviewed the access road and internal paving areas for compatibility with code requirements. The City and WaterOne will maintain access to the site including access gates to the property. The City has requested WaterOne to participate in future improvements to the roadway. WaterOne provided a letter to the City (Exhibit B) outlining their participation in future improvements including working with ALDI Inc. on future development and negotiating site access.

- b. **Landscaping/Screening** – Landscaping will be provided along the perimeter of the site to provide screening of ground-level components within the development from surrounding properties. A six-foot tall chain-link security fence topped with three strand barbed wire is planned to enclose the property. Landscaping including a variety of evergreen and deciduous trees will be located outside the security fence. Various shrubs and grasses will add additional variety and texture within the development especially within the southern portion of the property. A four-foot tall galvanized rolled wire fence is planned adjacent to the east and south perimeter of the property.

City staff have requested that the applicant provide a black anodized coating on the chain-link security fence. According to the K-7 Corridor Design Guidelines, fences visible from highways or streets are expected to be decorative in nature and chain-link fences are not typically permitted. WaterOne must meet explicit security requirements for the protection of the facility but Planning Staff have emphasized that a coating on the proposed fencing will more closely align with the expectations within the K-7 Corridor while still providing flexibility for the applicant to meet security requirements.

- c. **Tree Preservation** – The site and surrounding vicinity contain several mature tree stands north and west of the proposed development. The landscape plan indicates areas for tree preservation. The property is heavily screened from K-10 Highway through a variety of existing vegetation located between the highway and access road. Tree preservation fencing to delineate areas for preservation will be required throughout the construction process.
- d. **Lighting** – The applicant will not install lighting projecting onto the elevated tank to illuminate the structure. The tank will include obstruction lighting similar to other structures of a comparable height to meet FAA regulations.
- e. **Signage** – The applicant provided elevations of the proposed elevated tank including the proposed signs within the upper bowl portion of the tank. The tank would be wrapped with three identical signs of the WaterOne logo. City staff asked the applicant to explore other variations of the proposed quantity and design of the proposed signage. The applicant is interested in maintaining the proposed design due to the attention to consistent branding with other standalone elevated tanks in the WaterOne system.
- f. **Stormwater/Detention** – The applicant submitted a Stormwater Management Plan detailing the methods to mitigate impacts of the development. An overflow channel to capture potential water overflow from the tank is proposed in the northeast portion of the site. If the tank were to overflow, a continuous monitoring system will send an alarm to WaterOne. The stormwater management practices also include a small detention basin with an outlet culvert that discharges to an existing stormwater collection system.
- g. **Public Utilities** – The site is located within the City of Olathe sewer and WaterOne service areas. An existing WaterOne water main is located within the eastern portion of the site within an existing easement.

3. **Neighborhood Meeting/ Public Correspondence**

The applicant sent notice and held a neighborhood meeting with properties within 200 feet of the proposed tower site. The meeting was held July 31, 2019 at the Kansas State University Boardroom in Olathe. The applicant, including representatives from WaterOne and Burns & McDonnell, were present to provide an overview of the project and answer questions. There were no other individuals in attendance at the meeting and Planning Staff have not received any public feedback regarding the proposed project.

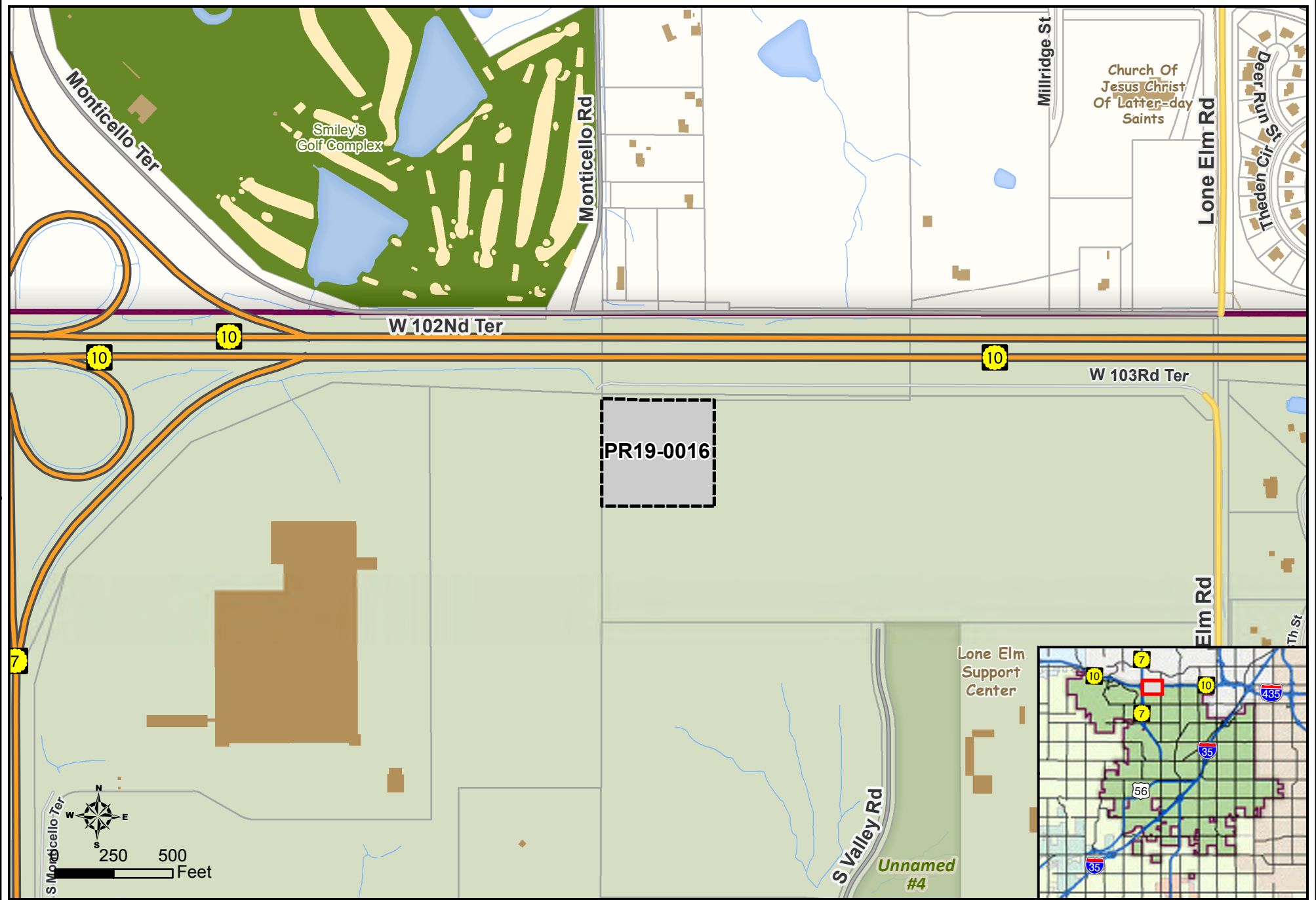
4. Process

After Planning Commission review, the City Council will adopt a resolution accepting the planned facility as proposed with stipulations or objecting to the plan with specified reasons and proposed changes. Following the City Council meeting, the WaterOne Board will review and consider the resolution. If an agreement is reached, both governing bodies will adopt a resolution authorizing an amendment of the Intergovernmental Agreement. The site must be maintained in compliance with the agreement and future improvements to the site would be subject to the requirements as listed in the agreement.

5. Recommendation

Staff recommends acceptance of the final site development plan (PR19-0016) with the following stipulations:

- a. The development shall be maintained in accordance with the provisions and requirements of the Intergovernmental Agreement signed September 3, 2013 and attached as Exhibit A, and all subsequent amendments to the referenced agreement.
- b. WaterOne will participate in future roadway access improvements determined when future development plans are prepared as identified in the letter provided to the City of Olathe dated August 5, 2019 and attached as Exhibit B.
- c. The six-foot tall chain-link security fence shall be finished in a black anodized coating.
- d. Tree protection fencing shall be installed within all tree preservation areas as shown on the landscape plan dated July 31, 2019.
- e. Wireless communication facilities including towers or antennae located outside any building shall only be allowed by separate approval of the City of Olathe.
- f. Any buildings and accessory structures must be approved by the City of Olathe and in accordance with the requirements of the Intergovernmental Agreement.



WATERONE ELEVATED WATER TANK **PR19-0016**



User: jaredmd
 Date: 08/06/2019





INTERGOVERNMENTAL AGREEMENT

Between:

CITY OF OLATHE, KANSAS

And

WATER DISTRICT NO. 1 OF JOHNSON COUNTY

Dated:

September 3, 2013

Return to:

Water District No. 1 of Johnson County

10747 Renner Boulevard

Lenexa, KS 66219

Atten: Guy Lawler

INTERGOVERNMENTAL AGREEMENT

THIS INTERGOVERNMENTAL AGREEMENT is made and entered into this 3 day of September, 2013, by and between the City of Olathe, Kansas, a political subdivision of the State of Kansas, hereinafter referred to as "Olathe", and Water District No. 1 of Johnson County, Kansas, a quasi-municipal corporation of the State of Kansas, hereinafter called "WaterOne",

WITNESSETH,

Preamble

WHEREAS, WaterOne is a quasi-municipal body corporate, organized and existing pursuant to K.S.A. 19-3501, et seq.; and

WHEREAS, Olathe is a municipal body organized and existing under the laws of the State of Kansas with zoning authority over real property within its boundaries; and

WHEREAS, Olathe and WaterOne are both political subdivisions of the State of Kansas and are authorized to enter into agreements with one another pursuant to K.S.A. 12-2901 et seq. for the promotion of intergovernmental cooperation; and

WHEREAS, WaterOne has determined an immediate need for a pump station and reservoir and a future need for an elevated water storage tank to meet the water supply needs of its current and future customers; and

WHEREAS, after considerable study and site evaluation, WaterOne identified vacant property in the vicinity of 159th & Hedge Lane in Olathe, Kansas to locate a pump station and reservoir(s); and

WHEREAS, after considerable study and site evaluation, WaterOne identified vacant property in the vicinity of K-7 & K-10 in Olathe, Kansas to locate a future elevated water storage tank; and

WHEREAS, Olathe and WaterOne have engaged in discussions related to construction of the pump station and reservoir in the vicinity of 159th & Hedge Lane and the elevated water storage tank in the vicinity of K-7 & K-10, said lands, pump station, reservoir(s), water storage tank and related amenities hereinafter referred to as the "Planned Facilities" and have identified opportunities for municipal cooperation; and

WHEREAS, Olathe and WaterOne desire to enter into a comprehensive agreement to memorialize their municipal cooperation related to the Planned Facilities; and

WHEREAS, WaterOne desires to cooperate and consult with Olathe concerning the configuration, aesthetics and impacts of the Planned Facilities and to consider local objections, concerns and input in order to minimize, to the extent possible, any negative effects of the Planned Facilities on surrounding properties in recognition of Olathe's essential function and authority in land use planning; and

WHEREAS, Olathe desires to support improvement of WaterOne's supply and distribution system for the benefit of its citizens by cooperating with WaterOne in recognition of its essential function and authority; and

WHEREAS, Olathe and WaterOne have consulted on the construction of the Planned Facilities and have reached this agreement; and

WHEREAS, Olathe asserts that the Olathe Development Ordinance is applicable to this land, and WaterOne believes that under the law it is entitled to qualified immunity from such zoning procedures so long as the public health, safety and welfare are adequately and reasonably evaluated and protected by WaterOne; and

WHEREAS, by entering into this Agreement, the parties acknowledge that neither waives its rights to assert its position regarding zoning authority in Court; and

WHEREAS, both Olathe and WaterOne are performing essential functions of local government in exercising their respective duties and authorities; and

WHEREAS, the parties concur that the governmental agreement to be executed herein creates an agreed upon lawful method for resolving such questions without recourse to courts of the State of Kansas; and

WHEREAS, the parties each hereby reserve their respective rights under the laws of the State of Kansas and their respective jurisdictions and the same are not waived or extinguished by this agreement or upon expiration of this document; and

WHEREAS, by this Agreement, and pursuant to the statutes aforesaid, Olathe and WaterOne now undertake to record the agreed terms and conditions of WaterOne's use and operation of the Planned Facilities without having to determine any issues of law and without either party to this Agreement conceding, waiving or relinquishing any legal right, authority or immunity which either may have; and

NOW, THEREFORE, in consideration of the premises, provisions, conditions and covenants of this Intergovernmental Agreement, "Agreement", the parties hereto agree as follows:

Covenants and Provisions

Section 1: Purpose

The parties hereto enter into this Agreement for the purpose of establishing Olathe's and WaterOne's rights, powers, duties and responsibilities to each other hereto in connection with the location, configuration, construction, aesthetics and maintenance of the Planned Facilities.

Section 2: Mutual Responsibilities

Both Olathe and WaterOne have the authority and responsibility to ensure and protect the public health, safety and welfare and to ensure that the location and use of the Planned Facilities benefit the community and do not unreasonably adversely affect surrounding properties. In order to avoid potential conflicts in their respective considerations and determinations, which would be costly and disruptive in intergovernmental cooperation and harmony, the parties agree that it would be mutually advantageous to enter into this Agreement.

Section 3: Olathe Regulation and Review

A. WaterOne agrees to submit the following to Olathe for review:

1. Legal description of the property.
2. Names, addresses, telephone number and e-mail address of the applicant.
3. A statement of the reasons why the application is being requested.
4. The minutes of the meeting(s) between the applicant and the property owners and homes associations within the notification area, if determined to be required during the pre-application meeting.
5. A site development plan as set forth in Section 18.12.170, namely, to wit:

All site development plans are to be drawn to a standard engineer's scale. The actual scale used will depend on the development and shall be subject to the approval of the Development Services Director or designee. Nine (9) copies of the site development plan shall be submitted in support of the application. In addition, one (1) copy of the proposed site plan and one (1) copy of the proposed building elevations, reduced onto eight and one-half (8½) inch by eleven (11) inch paper and one (1) digital file shall be submitted with the application. The site development plan shall contain the following information:

(A) Existing uses, activities and influences on the site and adjacent properties, within two hundred (200) feet:

- (1) All public streets and easements which are of record. Sufficient dimensions and information to indicate existing and proposed rights-of way, pavement width and type, number of lanes, medians and median breaks, sidewalks, existing and proposed driveways (to the degree that they appear on plans on file with the City).
- (2) Any buildings which exist or are proposed to the degree that their location and size are shown on plans on file with the City. One (1) and two (2) family residential buildings may be shown in approximate location and general size and shape. Indicate the status of structures on the site (i.e., vacant, to be removed; good condition, interior remodel only; new, as is; etc.). Indicate the style, type and construction materials of buildings on adjoining properties (i.e., two-story, brown brick ranch residence; 20 foot tall tinted concrete panel industrial building; etc.)
- (3) Existing and proposed finished grades or contours at two (2) foot intervals. Identify any land areas within the one hundred (100) year floodplain. Existing streams, drainage channels and other bodies of water. All existing and proposed slopes in excess of ten (10) percent.

- (4) The location, size, cross-section and calculation of any drainage structures, such as culverts, paved or earthen ditches or storm water sewers and inlets.
- (5) Location, massing and pattern of existing vegetation. Indicate proposed on-site preservation.
- (6) Existing zoning and land use of site and surrounding properties.

(B) Proposed development of the site including:

- (1) Proposed location of buildings and other structures, parking areas, driveways, walks, noise generation sources (refrigeration units, mechanical equipment, loading docks, etc.) screening, drainage control, landscaping and proposed utility connection layouts for water and sewer. Sufficient dimensions to indicate setbacks, relationship between buildings, property lines, intersections, easements, parking areas and other elements of the plan. If applicable, indicate focal points, site amenities, views within and vistas from the site which are to be emphasized.
- (2) Building elevations depicting the architectural style, size, exterior construction materials, colors, of the buildings proposed. Where several building types are proposed, such as, one and two unit dwellings, apartments and commercial buildings, a separate sketch shall be prepared for each type. If an architectural theme is planned, elaborate on the intent and extent of the scheme and provide details, focal points, etc., (i.e., material rustification, period lighting, pavement patterns). Elevations shall be drawn to a standard architectural scale and dimensions provided to determine relationship between various elements, building height, proportion, adequate screening of mechanical equipment, etc.
- (3) A schedule shall be included indicating total floor area, dwelling units, land area, parking spaces, land use intensity and all other quantities relative to the submitted plan that are required to determine compliance with this ordinance.
- (4) Proposed neighborhood amenities, if required, and construction phasing.
- (5) General extent and character of all proposed landscaping noting common and botanical names and planting size. Site plans submitted for a plan review, special use permit, or final plat shall submit a complete landscaping plan pursuant to Section 18.62.030, namely, to wit:

All landscaping plans shall include the following information:

- (a) North arrow and scale.
- (b) Topographic information and final grading adequate to identify and properly specify planting for areas needing slope protection.

- (c) The location, size and type of all above-ground and underground utility easements and structures with proper easement notation, where appropriate, as to any safety hazards to avoid during installation of landscaping.
- (d) The location and size and surface of materials of all existing and proposed structures, parking lots and drives, sidewalks, refuse disposal areas, fences, recreational facilities, and other freestanding structural features as determined necessary by the City.
- (e) The location, size, spread (at the time of planting), type and quantity of all proposed landscaping materials, along with common and botanical names of all plant species. The size, grading and condition shall be specified according to *The American Standard for Nursery Stock*, as published by the American Association of Nurserymen.
- (f) Mature sizes of plant materials shall be drawn to scale and identified on the plan by its common and botanical name.
- (g) Location and identification of hose connections and other watering sources.
- (h) Location of the boundaries of any required tree preservation area, traffic sight distance triangle, buffer, and/or landscape easement and/or area.
- (i) The location of all existing trees, 8-inch caliper or larger, measured at 4-1/2 feet above ground level, that are proposed for removal and/or to be preserved.
- (j) All screening required by this chapter.
- (k) The plan shall identify how the City's Crime Prevention through Environmental Design (CPTED) techniques have been incorporated into the layout and design of the landscape plan. Such techniques are optional, but encouraged, and are site specific."

(6) Proposed utility connection layouts.

(C) Other relevant information including:

- (1) Name and address of the landowner.
- (2) The boundary lines of the area included in the site plan, including bearings, dimensions and reference to a section corner, quarter corner or point on a recorded plat.

- (3) North arrow and scale (standard engineer for site development plan and standard architectural for building elevations/details).
- (4) A small key map indicating the location of the property within the City.
- (5) Name and address of the architect, landscape architect, Planner, engineer, surveyor, or other person involved in the preparation of the plan.
- (6) Date of preparation of the plan.

6. All studies as may reasonably be required by the Development Services Director or designee pursuant to Section 18.12.040, namely, to wit:

(A) If required by the Development Services Director or his designee, Planning Commission or the Governing Body of the City the applicant shall submit such technical studies as may be necessary to enable the Planning Commission or Governing Body to evaluate the application. Examples of technical studies that may be required shall include, but not limited to, traffic studies, engineering studies, geologic or hydrologic studies, environmental impact assessments, noise studies, market studies, economic impact reports or architectural surveys. The persons or firms preparing the studies shall be subject to the approval of the Development Services Director or designee. The costs of all studies shall be borne by the applicant. Any decision of the Development Services Director or designee to require any such study or to disapprove the person or firm selected by the applicant to perform the study may be appealed to the Planning Commission. The decision of the Planning Commission on any such appeal can be appealed to the Governing Body. If the applicant appeals the Development Services Director's requirement for a study to the Planning Commission, the rezoning, special use permit, preliminary plat or preliminary site development plan shall also be scheduled for Planning Commission consideration.

(B) Upon the submission of any technical or related studies and/or upon any further determination by City staff, certain easements and related improvements such as streets, drainage, water courses, creek erosion control, utilities, tree preservation, open areas, or recreational amenities may be required as a condition for approval of the application. Performance and maintenance bonds or other approved surety for said improvements shall be approved by City staff prior to the issuance of a building permit.

(C) Notwithstanding the fact that the Development Services Director or designee did not require submission of any such technical study in support of the application, either the Planning Commission or the Governing Body may require the submission of such study prior to taking action on the application. In such case, the persons or firms selected to perform the studies shall be subject to the approval of the entity requesting that the study be performed. Any decision of the Planning Commission or the Governing Body to require that a study be performed or to disapprove the person or firm selected by the applicant to perform the study shall be final.

- B. WaterOne will, as soon as the plans and specifications for such Planned Facilities are prepared, submit them to Olathe for review. Olathe agrees to timely review the plans and specifications for Planned Facilities in accordance with Olathe's normal procedure. The information submitted by WaterOne shall consist of at least the same information ordinarily required by Olathe for a BP Business Park zoning and a Special Use Permit approval process as more specifically set forth herein. Any request by an interested Olathe official or staff for modification to the design of the Planned Facilities will be submitted in a timely manner to WaterOne in writing or as indicated by the Planning Commission or Governing Body.

Section 4: Public Participation

The parties agree that adequate and meaningful public participation is critical to both entities in the exercise of their respective essential local government functions. WaterOne agrees to hold a neighborhood informational meeting as contemplated by the Olathe Development Code. This meeting shall allow for open dialogue between WaterOne and affected neighborhoods regarding issues and the perceived impact of the Planned Facilities to the surrounding neighborhoods. These meetings will provide an opportunity for citizens to learn about the Planned Facilities as well as provide feedback to WaterOne. WaterOne shall maintain and submit to Olathe a written summary of the general content and comments generated at the informational meetings outlining concerns or issues raised by all parties, with an indication of any issues that remain unresolved.

In addition, after due notice, WaterOne agrees to make a presentation to the Olathe Planning Commission and Olathe Governing Body. WaterOne agrees to provide knowledgeable representatives to discuss the Planned Facilities, to observe and respond to public comments or concerns and well as respond to any questions or concerns raised by the Planning Commission, Governing Body or Olathe Staff.

Section 5: Procedure

The parties agree to the following procedure:

After staff review, WaterOne's plan for the Planned Facilities shall be scheduled for hearing by the Planning Commission. Notice of the hearing shall be mailed and published in accordance

with the Olathe Development Ordinance. At the Planning Commission meeting, WaterOne shall present its plan and the Planning Commission shall hear public comment and address the plan and any questions it has. At the close of the hearing, the Planning Commission may ask for additional information, if additional time is not necessary, then the Planning Commission shall, by affirmative vote of a majority of the members present and voting, make a recommendation to the Olathe Governing Body to include recommended stipulations, if any. The matter shall then be set for hearing in front of the Governing Body as soon as practicable, allowing 14 days to elapse between the Planning Commission decision and the Governing Body meeting.

All stipulations approved by the Governing Body of the City of Olathe will be in the form of an amendment to this Agreement and will become a part hereof.

At the next possible scheduled meeting but no later than the second regularly scheduled meeting of the Olathe Governing Body after the presentations indicated above, the Governing Body shall adopt a Resolution either accepting the Planned Facilities as proposed with stipulations, if any, or objecting to the Planned Facilities with specified reasons and proposed changes. Olathe shall submit a copy of the Resolution to WaterOne for review and consideration.

At the next possible scheduled meeting but no later than the second regularly scheduled meeting of the WaterOne Board after receiving the Resolution referenced above, WaterOne shall consider the findings and conclusions of Olathe regarding the Planned Facilities. WaterOne, by Resolution may 1) to the extent that WaterOne can accommodate without substantially affecting the project budget or operation and maintenance of the Planned Facilities, accept those modifications proposed in the Resolution or 2) if WaterOne finds that any concerns, suggestions or objections of Olathe are unreasonable, impractical, irrelevant or otherwise unacceptable, submit a written reply to Olathe identifying the reasons WaterOne cannot accommodate any or all of those concerns.

If an agreement is reached, both Governing Bodies shall adopt a Resolution authorizing the amendment of this Agreement accordingly.

In the event WaterOne does not accept the Amendment authorized by the City of Olathe, then this Agreement shall be deemed null and void.

After this Agreement and associated amendment have been executed, minor changes to the approved plan may be allowed by the Olathe City Administrator or the WaterOne General

Manager. Should the City Administrator or General Manager deny such change or amendment or if the change or amendment is not deemed to be minor in the sole discretion of the City Administrator or General Manager, then such change or amendment shall require approval of the respective governing bodies subject to the procedures stated above.

For purposes of considering the amendments to this Agreement, each governing body shall follow their respective voting procedures.

Section 6: Continuing Obligations

WaterOne agrees that, at the City's request, it will give a report regarding the ongoing operation of the Planned Facilities to the City's Governing Body, provided, however, that such request is not made more frequently than every 5 years.

Section 7: Violations, Enforcement, Notice

Should Olathe determine that a violation of this Agreement [including its attachments and amendments] has occurred or is occurring, then Olathe shall notify WaterOne in writing and WaterOne shall have ten business days to respond to the notification. If WaterOne elects not to conform to the request of Olathe to remedy a violation, that matter shall be referred to the Olathe City Manager and WaterOne General Manager for resolution. If the dispute cannot be timely resolved by the City Manager and General Manager, then the City may proceed with the violation under the procedures provided in the Olathe Development Ordinance, including issuing a citation for violation of stipulations for decision by the Municipal Court. Should WaterOne dispute the ruling of the Municipal Court, then WaterOne may proceed with an appeal as provided by law.

Section 8: Other Laws

WaterOne specifically agrees to the following:

- It is subject to and will comply with Olathe's Property Maintenance Code.
- It is subject to and will comply with Olathe's Building and Fire Codes.
- It is subject to and will comply with the Municipal Code of the City of Olathe, 2000, except as such incorporates the Olathe Development Ordinance.
- The provisions contained in Appendix A attached hereto and incorporated herein by reference. {this is where we can include specific requirements and any agreed exceptions to Olathe Codes. For example, we must comply with security guidelines related to fencing that may conflict with the zoning height requirement}

The remedies for violations of these provisions are as stated in the Municipal Code of the City of Olathe.

Section 9: Notification

All notifications from Olathe to WaterOne shall be directed specifically to:

General Counsel
10747 Renner Blvd.
Lenexa, KS 66219

All notifications from WaterOne to Olathe shall be directed specifically to:

City Attorney
100 East Santa Fe
Olathe, KS 66051

Section 10: Duration of Agreement

This Agreement shall remain in full force and effect for a period of time equivalent to the time WaterOne operates and maintains the Planned Facilities.

Section 11: Non-Waiver of Respective Rights and Authorities

The parties hereto agree that during continued compliance with the mutual covenants herein that none of the findings or agreement shall constitute a waiver or estoppels to exercise or compromise either party's legal authority or immunity with respect to the other, but is limited to the rights to performance and enforcement of this Agreement between them.

Section 12: Recording

This Agreement shall be filed with the offices of the Register of Deeds of Johnson County, Kansas.


IN WITNESS WHEREOF, Olathe and WaterOne hereto have caused this Intergovernmental agreement to be executed on behalf of their respective governing bodies the day and year first above written.

CITY OF OLATHE, KANSAS

WATER DISTRICT NO. 1 OF
JOHNSON COUNTY, KANSAS

By: 
Michael E. Copeland, Mayor

Attest: 
Donald T. Howell, City Clerk



The seal is circular with a double-lined border. The outer ring contains the text "CITY OF OLATHE" at the top and "STATE OF KANSAS" at the bottom. The inner circle contains the words "OFFICIAL" and "SEAL" separated by three small dots.

By: 
Brenda Cherpitel, Board Chair

Attest: 
Jill C. Bell, Secretary to Board

Approved as to form:


Thomas A. Glinstra, City Attorney

Approved as to form:


Eric R. Arner, General Counsel

ACKNOWLEDGMENTS

STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this 3rd day of September, 2013, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Michael E. Copeland, Mayor of the City of Olathe, Kansas, a political subdivision of the State of Kansas, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed as such officer, the within instrument on behalf of the City of Olathe, Kansas, and such person duly acknowledged the execution of the same to be the act and deed of said City of Olathe, Kansas.

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



12-11-18

My appointment expires:
December 11, 2014

Carolyn L. Hendry
Notary Public

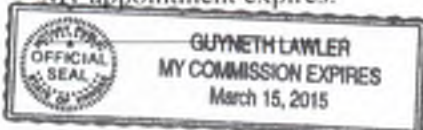
STATE OF KANSAS)
) ss:
COUNTY OF JOHNSON)

BE IT REMEMBERED that on this 12th day of Nov., 2013, before me, the undersigned, a Notary Public, in and for the County and State aforesaid, came Brenda Cherpitel, Chair of the Board of Water District No. 1 of Johnson County, Kansas, a quasi-municipal corporation of the State of Kansas, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed as such officer, the within instrument on behalf of said Water District No. 1 of Johnson County, Kansas and such person duly acknowledged the execution of the same to be the act and deed of said Water District No. 1 of Johnson County, Kansas.

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

Gwyneth Lawler
Notary Public

My appointment expires:



Appendix A

WaterOne shall comply with the following:

1. Any cabinet, pedestal, box, vault, building or other accessory facility used for public utility services, public service corporations, or tele-communications providers including any associated equipment such as condensing units and generators (hereinafter collectively referred to as "facilities" or "utility boxes") not expressly authorized by the stipulations attached hereto shall meet the following:

a) All facilities shall be placed underground unless otherwise authorized in this Agreement.

b) Aboveground pedestals, vaults, or other aboveground facilities may be installed only if approved by the City where alternative underground facilities are not reasonably feasible or where above-ground placement is otherwise authorized in this section.

c) The design, location, and nature of all facilities shall require approval of the City Engineer, which approval shall be considered in a nondiscriminatory manner and subject to reasonable conditions as may be necessary.

d) All aboveground facilities, not otherwise approved by the Governing Body, shall be screened. Unless otherwise approved, screening shall include use of evergreen trees, shrubs, or other landscaping, planted to form an effective and actual sight barrier within two years. A landscape plan signed by a Kansas registered landscape architect shall be submitted and approved by the city. Where shrubbery is the primary screening element, minimum shrub height shall be seven feet for the bulk of the screen, with lower shrubs in foreground to eliminate any gaps in screening. The utility shall be responsible for the installation, maintenance, repair, or replacement of the aforementioned screening materials when the real property on which the aboveground facility is located is owned by the utility. When said aboveground facility is located on non-utility owned real property, maintenance of all landscaping shall be the responsibility of the utility, unless the property owner provides written acceptance of such responsibility, running with the land. All facilities will be constructed in such a manner so as not to emit any unnecessary intrusive noise.

- e) Facilities shall be prohibited from being located within the right-of-way, unless otherwise approved by the City Engineer if necessary and appropriate.
 - f) Any material changes or extensions to such facilities or the construction of any additional structures shall be subject to the requirements and approval of the City Engineer in conformance with the requirements of this section.
 - g) As technology permits, permit holder shall reduce the size or remove the utility boxes at this site.
 - h) All facilities and utility boxes shall be deemed abandoned after six continuous months of non-use, and thereafter the approval for such facilities shall be deemed null and void and shall be removed within 30 days thereafter at the cost of the utility.
 - i) All new utility boxes with a height of less than 36 inches, a footprint of less than 5 square feet in area, or a pad footprint of less than 5 square feet, may be installed only with the prior approval of the Director of Community Development. All other utility boxes require approval of the Governing Body in accordance with the procedures set forth in this Agreement.
2. No buildings or other accessory structures may be constructed on site unless permitted by the Code of the City of Olathe or they have been approved by the Olathe Governing Body in accordance with the procedures set forth in this Agreement.
3. No uses other than those specified in this Agreement are allowed on the Planned Facilities property [the "Property"].
4. The Planned Facilities shall be constructed and maintained in accordance with the plan approved by the Olathe Governing Body.
5. WaterOne represents that this Property is not in the floodplain, however, should it be determined that the Property is now or in the future in the floodplain, then WaterOne shall conform with the Olathe floodplain ordinance unless it is determined in a court of competent jurisdiction that such ordinance does not apply to WaterOne.
6. The use of this Property for the Planned Facilities shall not create noise in excess of that of normal daily traffic measured at the lot lines of the premises. In

no event shall the noise level exceed 60 dB at repeated intervals or for a sustained length of time, measured at any point along the property line.

7. The use of this Property for the Planned Facilities shall not create dust, dirt, particulate matter, smoke, noxious odor, radiation, noxious gases, heat, unscreened glare, vibration or concussion which is perceptible without special instruments at the lot lines of the premises.
8. No portable storage container for temporary on-site storage shall be permitted unless such container is less than 8 feet in width and 16 feet in length and 8 feet in height and a permit is obtained for such container.
9. Temporary protective coverings [i.e. tarp, salvage covers, tarpaper) are not allowed on external portions of buildings, structures or appurtenances for more than 30 days.
10. No trailers, recreational vehicles, or box trucks shall be stored or parked outside of the Facility for more than 12 hours in any 24 hour period.
11. No vehicle, recreational vehicle, pickup camper, camping trailer or similar item shall be used as living or sleeping quarters on the Property.
12. Signs are limited only to those approved on the plan as stated in this Agreement. Each such sign shall be designed and maintained in good structural condition.
13. Landscaping shall conform to the plan approved by this Agreement. WaterOne agrees to install and maintain such landscaping in accordance with the provisions herein. Plant materials which exhibit evidence of insect pests, disease or damage shall be appropriately treated, and dead plants promptly removed and replaced within the next planting season after installation. All landscaping will be subject to periodic inspection by Olathe.
14. Wireless communication facilities, towers and antennae located outside any building shall only be allowed upon separate approval of the Olathe Governing Body.
15. Authorized Olathe staff have the right of entry onto the Property to determine if a violation of this Agreement has occurred or is occurring. This does not provide a right of entry inside any enclosed facility
16. No building or other structure shall be erected, moved, added to or structurally altered without a building permit issued in accordance with the Municipal Code of the City of Olathe, Kansas.



Setting the Standard for
Utility Excellence

Water District No. 1 of Johnson County

August 5, 2019

Kim Hollingsworth
Senior Planner
City of Olathe
100 E Santa Fe St
Olathe, KS 66061

Re: K7/K10 Elevated Tank Access Road – PR19-0016: Final Development Plan for WaterOne Elevated
Water Tank
WaterOne PN: MP-18002

Dear Ms. Hollingsworth:


This letter is in response to your email correspondence to Burns & McDonnell on August 1, 2019 requesting that WaterOne outline plans for future participation in providing access to the K7/K10 Elevated Tank site. The site plan submitted to the City's Development Review committee (DRC) on July 3, 2019 shows access to WaterOne's property by travelling north on S. Lone Elm Road continuing west on W. 103rd Terrace, portions of which are located on City right-of-way, KDOT right-of-way, and on property owned by ALDI Inc. WaterOne intends to improve this access road to a condition suitable for construction traffic, intermittent access by WaterOne, and for access by emergency responders; however, finds that paving this road is not a prudent use of public dollars given the uncertainty of the future widening of Highway K-10 (Gateway Project) and future development of surrounding property by ALDI Inc.

WaterOne intends on improving the existing access road with 8 inches of KDOT AB-3 aggregate to meet truck load requirements of 75,000 pounds for Fire Safety Vehicles with the layout and alignment as shown on the submitted site plan. A gate on S. Lone Elm Road currently limits access to the property to the City, KDOT, ALDI Inc., and emergency responders by means of daisy-chained locks and will remain along with addition of a Knox Box. . The general public does not have access to this road; therefore, WaterOne is uncertain as to why the City believes it should meet public road paving standards. Paving of this access road may encourage public access potentially leading to illegal dumping on the undeveloped property which already appears to be problematic.

At this time, given the speculative nature of the development surrounding the WaterOne property, WaterOne will work with ALDI Inc. as plans for future development are prepared, future site access will be negotiated, and improvements will be made in accordance with ALDI Inc.'s future development.

Please let me know if you require any additional information.

Sincerely,



Michelle Wirth, P.E.
Director of Production
WaterOne

cc: Eric Arner, General Counsel, WaterOne

Memorandum



Date: June 24, 2019

To: City of Olathe Planning Commission

From: Burns & McDonnell Engineering Company

Subject: Statement of Purpose – WaterOne K7/K10 Elevated Tank

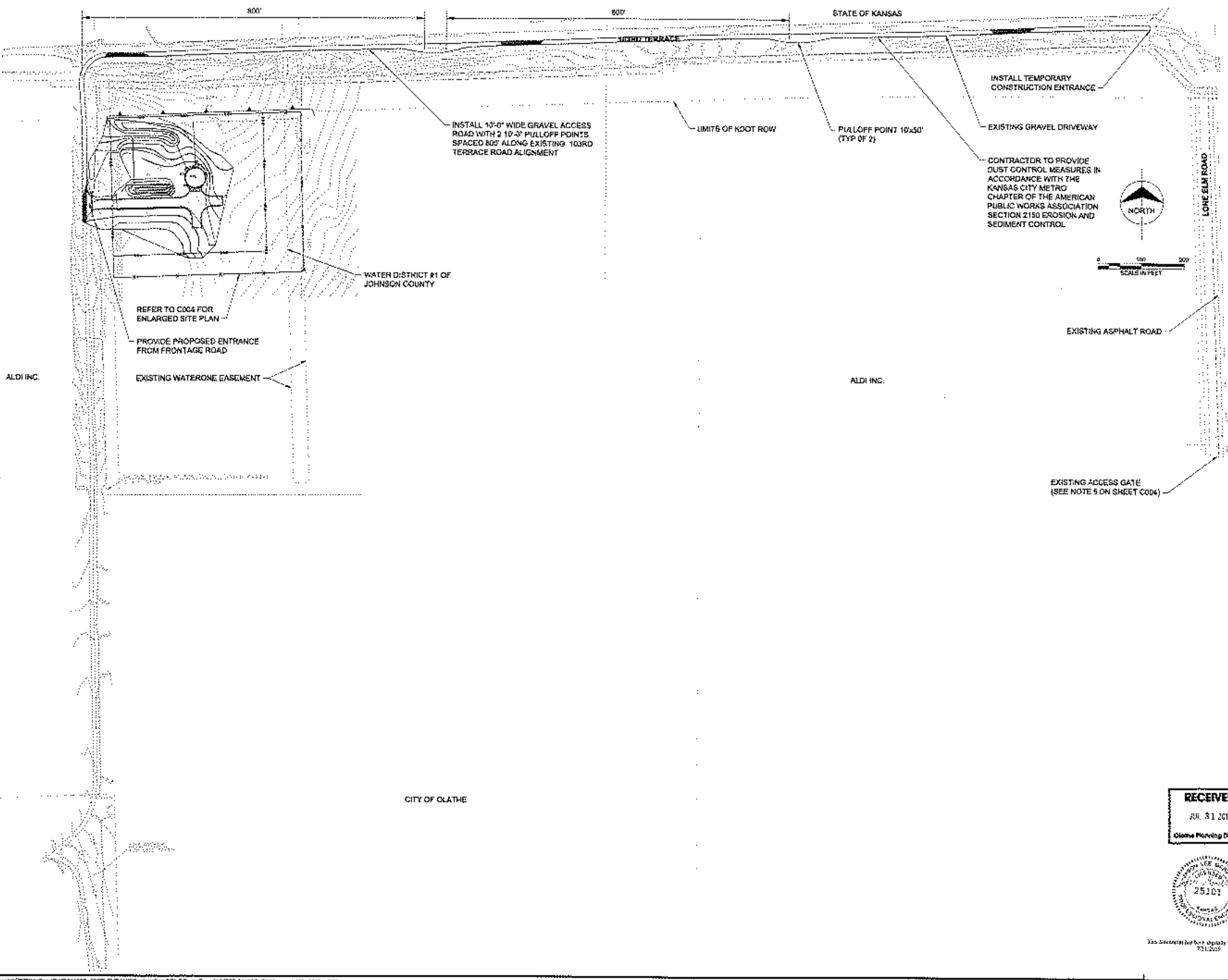
The Water District No. 1 of Johnson County Kansas (WaterOne) 2008 Master Plan indicates the need for additional storage and pumping facilities to convey water from the Crouthers System to the South Booster System. The pumping portion of the improvements, the Wyss Pump Station, has already been put in service. A site selection study for the additional elevated storage was completed (Black & Veatch, 2011) and identified the southeast quadrant of the Highway K-7 and Highway K-10 Interchange (K7/K10) along a 48-inch transmission main as the most feasible and hydraulically appropriate location for the 2.0 million gallon (MG) elevated storage tank.

The K7/K10 Elevated Tank is located in the south-western portion of the Crouthers System and will provide additional operational and emergency storage on the system supplementing the existing 2.0-MG Elevated Tank located on Renner Road near Eicher Dr. The K7/K10 Elevated Tank will provide backup for the Renner Elevated Tank to allow for scheduled painting and maintenance, and unscheduled shutdowns of one of the elevated tanks (Black & Veatch, 2011).

The tank will connect to the distribution system along the existing 48-inch Hedge Lane Pump Station Transmission Main and will fill and draft hydraulically. Site development includes yard piping and associated valve vaults, stormwater drainage improvements, landscaping, and security fencing. Required obstruction lighting will be provided to conform to FAA requirements.

Please contact Sarah Tuite, P.E. at Burns and McDonnell at 816-822-3225 or stuite@burnsmcd.com if any additional information is required.

1 2 3 4 5 6 7 8 9 10 11 12 13 14



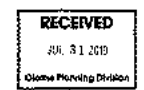
no.	date	by	chkd	des
A	2/20/19	MP	JLG	ISSUED FOR REVIEW
B	6/24/19	MP	JLG	ISSUED FOR OLATHE
C	7/31/19	MP	JLG	ISSUED FOR REVIEW
D	7/31/19	MP	JLG	ISSUED FOR OLATHE

**PRELIMINARY -
FOR CONSTRUCTION**



9400 WARD PARKWAY
KANSAS CITY, MO 64114
816-335-2400
BMC LICENSE NO. E-61

date	designed by	checked by
FEBRUARY 2019	M. PETERSON	C. J.

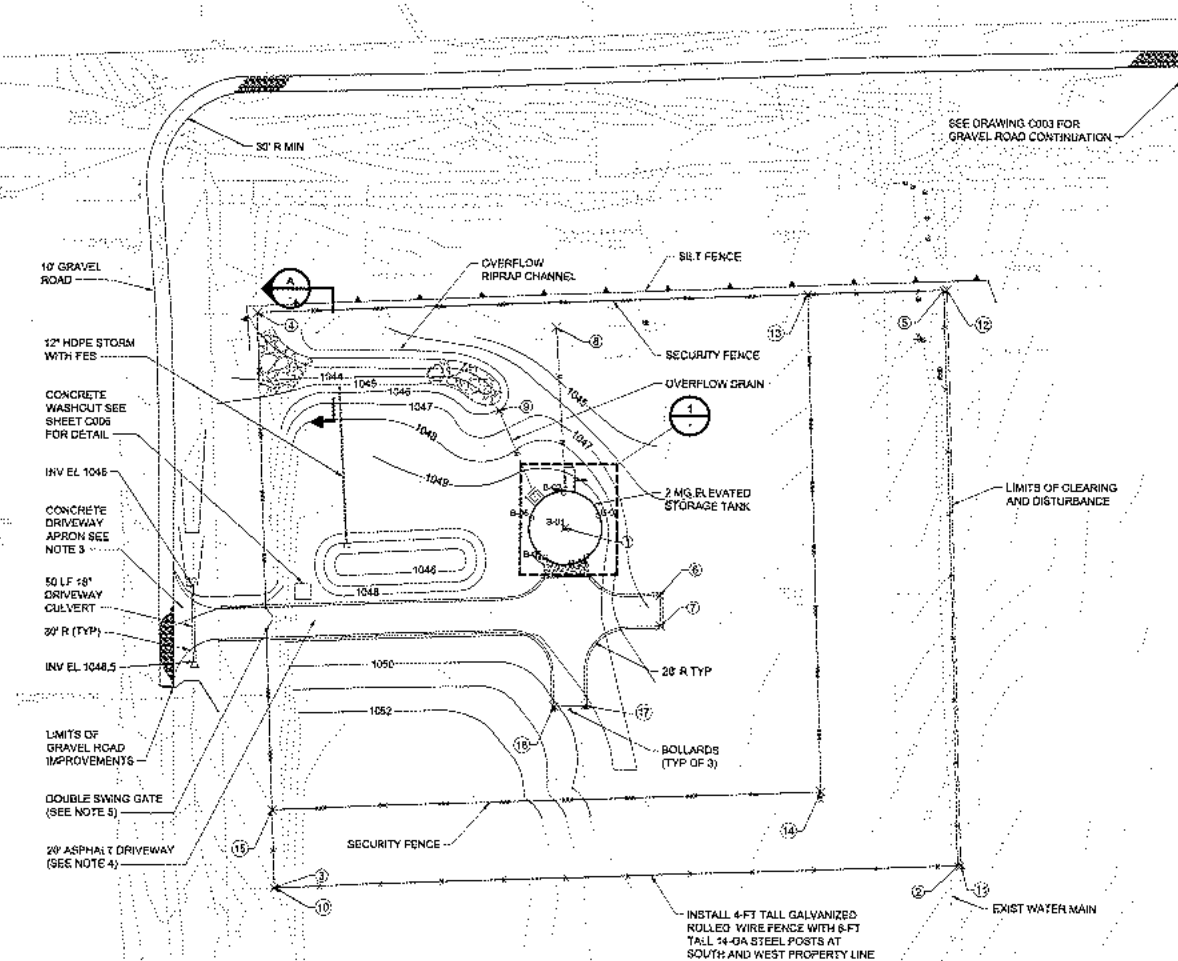


Wateron
Water District No. 1 of Johnson County, Kansas

JOHNSON COUNTY, KANSAS
ELEVATED TANKS PROJECT
2 MG ELEVATED STORAGE TANKS

OVERALL SITE PLAN
project 111857-11858 contract MP-18003

drawing **C003**
sheet 1 of 1
file 111857-11858_C003.dwg



POINT NO.	NORTHING	EASTING	ELEVATION	DESCRIPTION
1	36112.24	10132.01		CENTER OF TANK FEDESTAL
2	36399.41	10377.26		SE FENCE POST
3	36380.94	9634.87		SW FENCE POST
4	36750.71	9222.86		NW FENCE POST
5	36765.42	10365.53		NE FENCE POST
6	36968.78	10103.40		NORTH ASPHALT DRIVEWAY
7	36548.01	10754.02		SOUTH ASPHALT DRIVEWAY
8	36740.85	10119.72		CONNECT TO EXISTING PIPE (FIELD VERIFY)
9	36857.58	10679.17		DISCHARGE OF OVERFLOW PIPE
10	36350.16	8934.87		LIMITS OF CLEARING AND GRUBBING
11	36395.47	10378.26		LIMITS OF CLEARING AND GRUBBING
12	36766.49	10307.53		LIMITS OF CLEARING AND GRUBBING
13	36753.51	10277.87		FENCE CORNER
14	36442.87	10267.72		FENCE CORNER
15	36430.93	9933.07		FENCE CORNER
16	36498.21	10115.64		SOUTH ASPHALT DRIVEWAY
17	36487.82	10135.64		SOUTH ASPHALT DRIVEWAY

PLAN
SCALE IN FEET
0 20 40 80



SECTION
NOT TO SCALE



NOTES:

1. ALL PIPE JOINTS FOR THE TANK SUPPLY / DISCHARGE LINE AND TANK FILL LINE ARE TO BE RESTRAINED.
2. PRIOR TO CLEARING AND GRUBBING, REMOVE ALL TRASH AND DEBRIS ON SITE AND DISPOSE OF MATERIALS IN ACCORDANCE WITH SECTION 2301.
3. CONCRETE DRIVEWAY TO MEET THE REQUIREMENTS OF THE CITY OF OLAHE STANDARD DETAIL 21-14, LATEST REVISION.
4. INSTALL CITY OF OLAHE "1 TYPE N" RIBBON CURB (STANDARD DETAIL 21-15).
5. INSTALL EMERGENCY LOCK BOX, "KNOX BOX 3205 SERIES SURFACE MOUNT" OR APPROVED EQUAL 5' ABOVE GRADE ON FENCE POST.

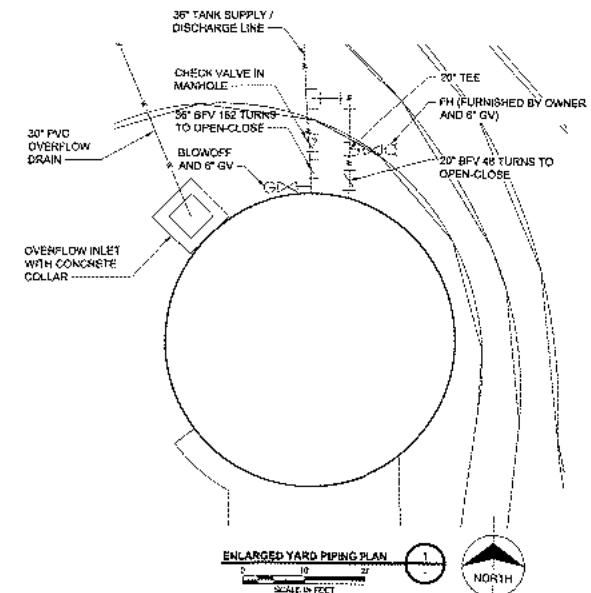
GENERAL SURVEY NOTES:

1. TOPOGRAPHIC SURVEY, GROUND CONTROL AND UTILITY INFORMATION WAS PROVIDED BY:
KAW VALLEY ENGINEERING
2319 N. JACKSON ST
JUNCTION CITY, KANSAS 66401
(785) 762-5040
FIELD WORK WAS COMPLETED FOR THE PROJECT IN DECEMBER 2018
2. HORIZONTAL CONTROL FOR THIS PROJECT IS TIED TO KANSAS STATE PLANE NORTH ZONE, NAD 1983.
3. VERTICAL CONTROL FOR THIS PROJECT IS TIED TO NORTH AMERICA VERTICAL DATUM OF 1988.

BENCHMARKS:

BM #60: CHISELED "SQUARE" ON HEADWALL APPROXIMATELY 40' NORTH, AND 170' EAST OF THE NORTHWEST CORNER OF SURVEYED PARCEL.
ELEVATION=1041.09

BM #61: CHISELED "SQUARE" ON THE NORTHWEST CORNER OF TRANSFORMER PAD, ON THE NORTHEAST CORNER OF SURVEYED PARCEL.
ELEVATION=1045.38



ENLARGED YARD PIPING PLAN
SCALE IN FEET
0 10 20 30



This document has been digitally signed and sealed
3/3/2019

no	date	by	chkd	desc
A	2/29/19	MP	JLG	ISSUED FOR REVIEW
B	8/24/19	MP	JLG	ISSUED FOR OLAHE REVIEW
C	7/2/19	MP	JLG	ISSUED FOR REVIEW
D	7/31/18	MP	JLG	ISSUED FOR OLAHE REVIEW

PRELIMINARY -
FOR CONSTRUCTION

BURNS
MCDONNELL

5400 WARD PARKWAY
KANSAS CITY, MO 64111
816-333-9400
BACD LICENSE NO. E-6

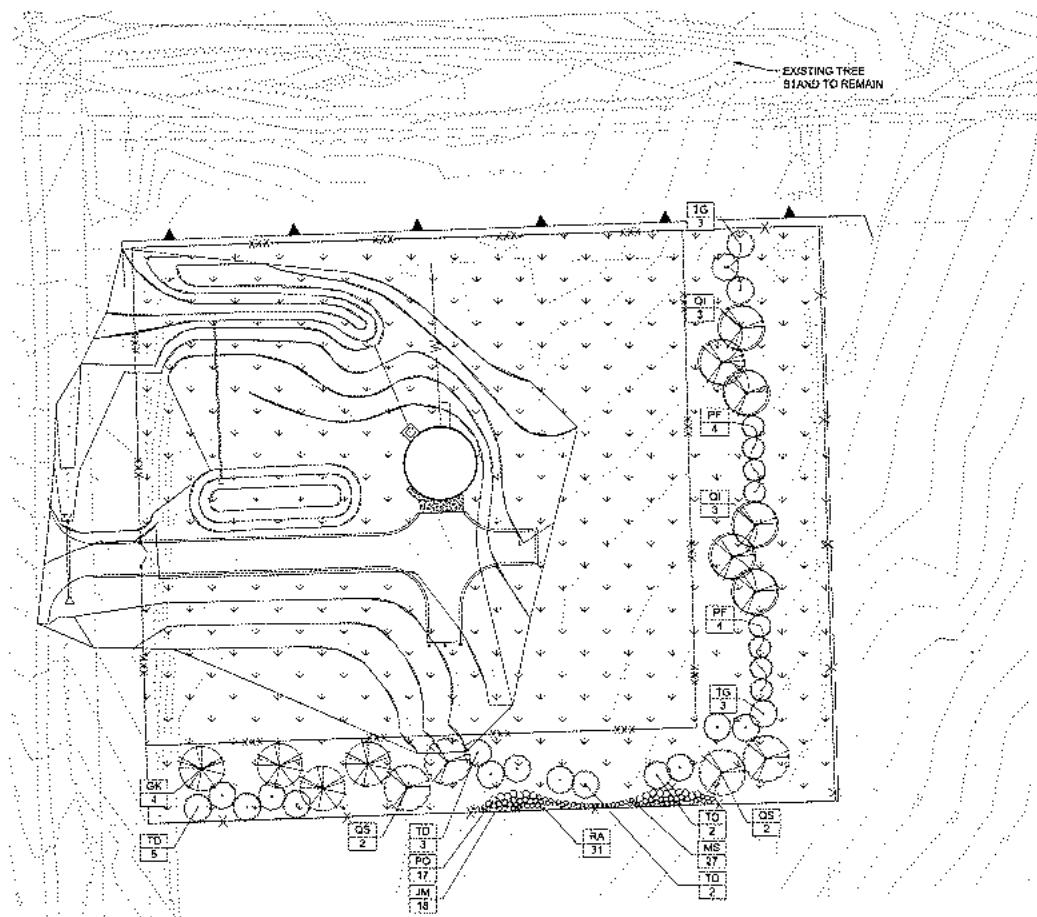
Date: FEBRUARY 2019
Designed: M. PETERSON
Checked: C. J.

Water District No. 1 of Johnson County, Kansas

ELEVATED TANKS PROJECT
2 MG ELEVATED STORAGE TANK

ENLARGED SITE PLAN
Project: 111857/111858
Sheet: MP-19003
Drawing: C004

Sheet: 111857/111858_C004.dwg



LEGEND:

DECIDUOUS TREE

EVERGREEN TREE

TURF GRASS

PLANT SCHEDULE					
TREES	BOTANICAL NAME	COMMON NAME	COND	QTY	SIZE
GK	Gymnocladus dioica	Kentucky Coffee Tree	B & B	4	2 1/2" CAL.
PF	Pinus flexilis 'Vanderwolf's Pyramid'	Vanderwolf's Pyramid Pine	B & B	8	7' HT.
QI	Quercus imbricaria	Shingle Oak	B & B	8	2 1/2" CAL.
OS	Quercus shumardii	Shumard Red Oak	B & B	4	2 1/2" CAL.
TG	Thuja occidentalis 'Green Giant'	Green Giant Arborvitae	B & B	10	7' HT.
TO	Taxodium distichum 'Nictolson'	Shawnee Brave Bald Cypress	B & B	7	2 1/2" CAL.
SHRUBS	BOTANICAL NAME	COMMON NAME	COND	QTY	SIZE
JM	Juniperus chinensis 'Montez'	Mixe Junep Juniper	CONT	18	3 GAL.
PO	Physocarpus opulifolius	Amber Jubilee Ninebark	CONT	17	3 GAL.
RA	Rhus aromatica	Gro-low sumac	CONT	31	3 GAL.
GRASSES	BOTANICAL NAME	COMMON NAME	COND	QTY	SIZE
MS	Miscanthus sinensis	Miscan grass	CONT	27	3 GAL.

no.	date	by	chkd	descr
A	2/20/19	RG	BMS	ISSUED FOR REVIEW
B	2/24/19	RG	BMS	ISSUED FOR CLARIFICATION
C	7/31/19	RG	BMS	ISSUED FOR CLARIFICATION

PRELIMINARY - FOR CONSTRUCTION

BURNS MEDONNEL

3405 WARD PARKWAY
KANSAS CITY, MO 64111
816-333-8400
BMCD LICENSE NO. C-41

date	designed	checked
FEBRUARY 2019	B SWARTZ	R. G.

Water
Water District No. 1 of Johnson County, Kansas

JOHNSON COUNTY, KANSAS
ELEVATED TANKS PROJECT
2 MG ELEVATED STORAGE

LANDSCAPE PLAN
project 111857/111858 contract MP-1803358
drawing

L003

sheet of
file 111857-111858_L003.dwg



7/1/2019 3:38:22 PM BIM 360://111857_199ELEV/TANK/111858_A_2 MILL TANK CENTRAL_rguin@burnsmcd.com.rvt



August 5, 2019

Kim Hollingsworth
Senior Planner
City of Olathe
100 E Santa Fe St
Olathe, KS 66061

Re: Summary of Neighborhood Meeting – PR19-0016: Final Development Plan for WaterOne
Elevated Water Tank
WaterOne PN: MP-18002
Burns & McDonnell PN: 111858

Dear Ms. Hollingsworth:

On behalf of Water District No. 1 of Johnson County (WaterOne), Burns & McDonnell Engineering Company (Burns & McDonnell) herein provides a summary of the City of Olathe Neighborhood Meeting dated July 31, 2019 (Attachment 1).

Letters of invitation to the meeting are included in Attachment 2 and record meeting attendance is included in Attachment 3. A copy of the slides available at the meeting are included in Attachment 4.

Please let me know if you require any additional information.

Sincerely,

A handwritten signature in blue ink, appearing to read "Sarah C. Tuite".

Sarah C. Tuite, P.E.
Project Engineer

SCT/SCT

Attachment

cc: Michelle Wirth, P.E., WaterOne
Hanley Barker, P.E., WaterOne
Robert Beason II, WaterOne
Jeff Heidrick, P.E., Burns & McDonnell

Attachment 1

**WATER DISTRICT NO. 1 OF JOHNSON COUNTY, KANSAS
ELEVATED TANKS PROJECT
MP-18002 K7/K10 2.0 MG ELEVATED TANK
BMcD 111858**

**NEIGHBORHOOD MEETING MINUTES
July 31, 2019 5:00 – 7:00 PM**

1. Meeting Location:

Kansas State University
Boardroom
22201 W Innovation Dr
Olathe, KS 66061

2. Letters of Notification – Per the WaterOne and City of Olathe Intergovernmental Agreement dated September 3, 2013, property owners within 200 ft of the project property were invited to a neighborhood information meeting held July 31, 2019. Letters of invitation were delivered via Federal Express and are included in Attachment 2.
3. Attendance – Please see the sign in sheet included in Attachment 3 for all in attendance at the neighborhood meeting.
4. Agenda – Representatives from WaterOne and Burns & McDonnell knowledgeable about the project were available the duration of the neighborhood meeting to discuss the project and answer any questions. Presentation materials including architectural renderings, project schedule, and contact information were available at the meeting. A copy of the slides are included in Attachment 4.
5. Questions and Answers – None.

Attachment 2



Setting the Standard for
Utility Excellence

Water District No. 1 of Johnson County

July 16, 2019

FEDERAL EXPRESS

Chris Herrick, Director of Planning & Development
Kansas Dept. of Transportation
700 SW Harrison, 2nd Floor West
Topeka, KS 66603-3745

Dear Property Owner:

As a property owner in close proximity to a new WaterOne construction project, I would like to invite you to an informal informational meeting on Wednesday, July 31, 2019 between 5:00 and 7:00 p.m. at the following address:

Kansas State University
Boardroom
22201 W Innovation Dr.
Olathe, KS 66061

The purpose of the meeting is to provide you an opportunity to learn about a WaterOne project in the neighborhood's vicinity and discuss any questions that you may have.

The WaterOne project includes construction of a 2 million-gallon elevated water storage tank on property located in the southeast quadrant of the Highway K-7 and Highway K-10 interchange.

WaterOne staff will be available, as well as representatives from WaterOne's consulting engineers, Burns & McDonnell, to show you project illustrations and additional information. Refreshments will be provided. This is a "come as you are" come-and-go event. We hope to see you there, if you are interested in the project.

If you cannot attend the meeting, we will have project information on our website at www.WaterOne.org/K7Tank starting August 1, 2019 with project contacts listed for future questions.

Sincerely,

Hanley Barker
Manager-Facilities Engineering

Water District No. 1 of Johnson County

July 16, 2019

FEDERAL EXPRESS

Bobby Kosmala, Deputy Director
Department of Administration, Leasing & Real Estate
700 SW Harrison, Suite 1200
Topeka, KS 66603

Dear Property Owner:

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Kansas State University
Boardroom
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If you cannot attend the meeting, we will have project information on our website at www.WaterOne.org/K7Tank starting August 1, 2019 with project contacts listed for future questions.

Sincerely,



Hanley Barker
Manager-Facilities Engineering

July 16, 2019

FEDERAL EXPRESS

Aldi Inc., Ryan Tax Compliance Services, LLC
PO Box 460049, Dept. 501
Houston, TX 77056

Dear Property Owner:

As a property owner in close proximity to a new WaterOne construction project, I would like to invite you to an informal informational meeting on Wednesday, July 31, 2019 between 5:00 and 7:00 p.m. at the following address:

Kansas State University
Boardroom
22201 W Innovation Dr.
Olathe, KS 66061

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Sincerely,



Hanley Barker
Manager-Facilities Engineering

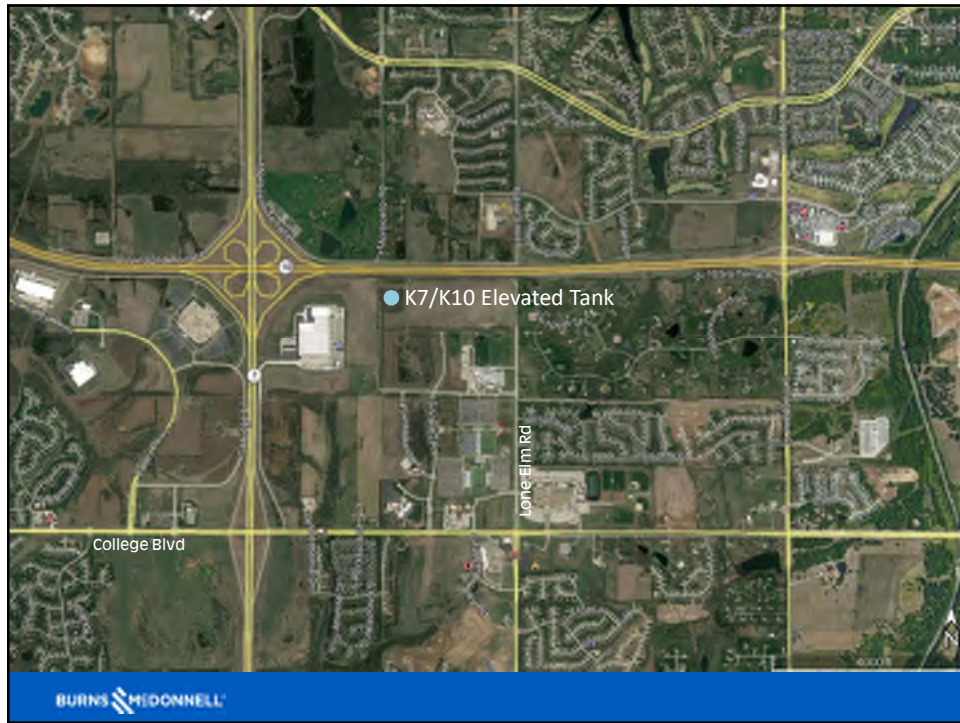
Attachment 3

Meeting Sign in

Meeting Subject: Neighborhood Meeting - Elevated Tanks Project – 2.0 MG Tank near K7/K10 Interchange
 Meeting Date: July 31, 2019
 Start Time: 5:00 PM
 End Time: 7:00 PM
 Location: Kansas State University Olathe
 Project Name: Project MP-18002 K7/K10 Elevated Tank
 Project No.: 111858

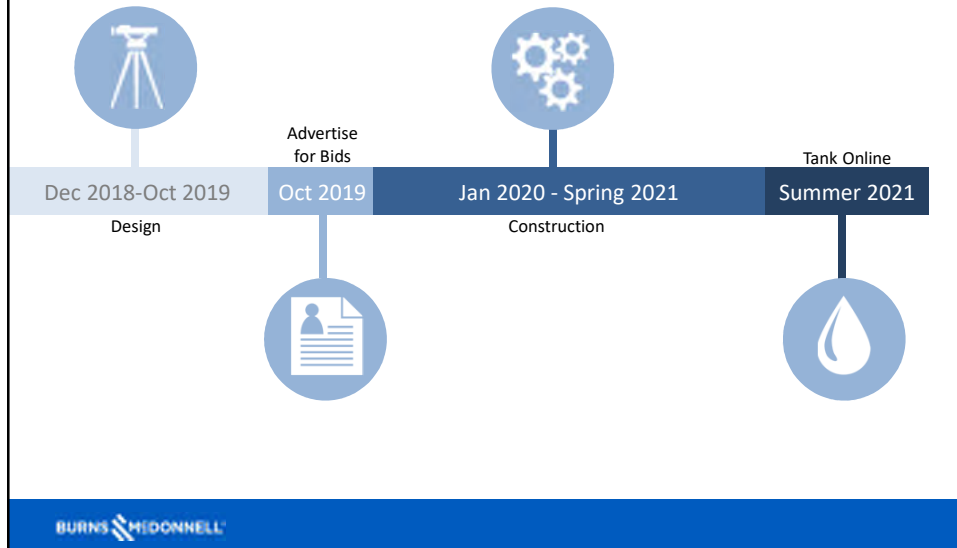
Name	Phone	Email Address
MIKE ARMSTRONG	913 579 5204	
Sarah Tuite	5053855743	stuite@burnsmcd.com
Mike O'Connell	816 822 3218	moconnell@burnsmcd.com
HANLEY BARKER	913 895 5826	hbarker@waterone.org
Michelle A. Wirth	913-895-5821	mwirth@waterone.org
Jeff Heidrick	816-349-6769	jheidrick@burnsmcd.com

Attachment 4





Project Schedule



Questions or Comments?

- ▶ Please visit waterone.org/k10tower for additional information
- ▶ Please feel free to leave questions and/or comments on the available comment cards
- ▶ WaterOne Contact Information
 - Michelle Wirth, P.E., Director of Production mwirth@waterone.org
 - Hanley Barker, P.E., Facilities Engineering Manager hbarker@waterone.org
 - Robert Beason II, Project Manager rbeason@waterone.org
- ▶ Burns & McDonnell Contact Information
 - Jeff Heidrick, P.E. jheidrick@burnsmcd.com
 - Sarah Tuite, P.E. sctuite@burnsmcd.com



City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: August 12, 2019

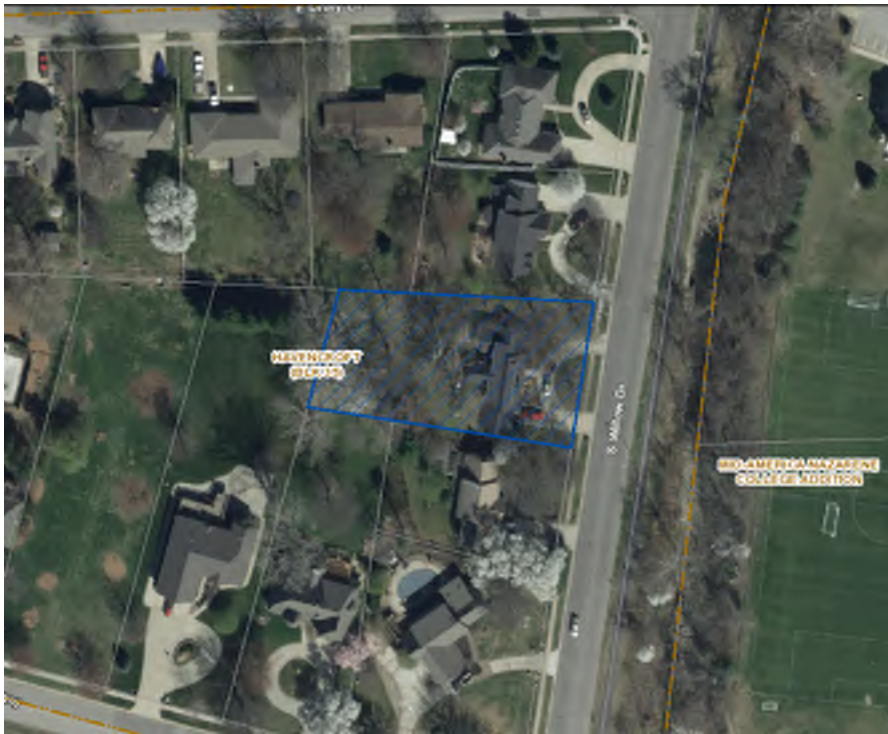
Application:	<u>SU19-0003</u>: Renewal of a special use permit for keeping chickens on a lot less than three (3) acres
Location:	509 S. Willow Drive
Owner/Applicant:	Roy Wesley McCoy
Staff Contact:	Andrea Fair, Planning Intern

Site Area:	<u>0.54± acres</u>	Proposed Use:	<u>Keeping chickens on a lot less than three (3) acres</u>
-------------------	--------------------	----------------------	--

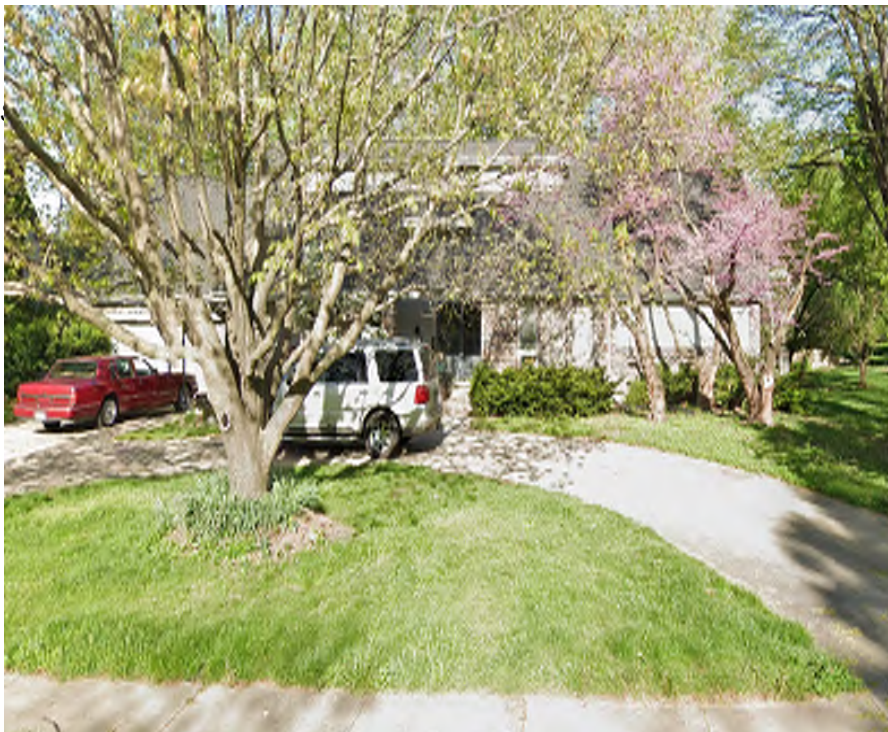
	Land Use	Zoning	Comprehensive Plan Designation
Site	<u>Single-family home</u>	<u>R-1</u>	<u>Conventional Neighborhood</u>
North	<u>Single-family home</u>	<u>R-1</u>	<u>Conventional Neighborhood</u>
East	<u>Mid-America Nazarene University</u>	<u>R-3</u>	<u>Primary Greenway</u>
South	<u>Single-family home</u>	<u>R-1</u>	<u>Conventional Neighborhood</u>
West	<u>Single-family home</u>	<u>R-1</u>	<u>Conventional Neighborhood</u>

1. Comments:

This is a request for a Special Use Permit renewal to allow the property at 509 S Willow Drive to keep 8 chickens on a lot less than 3 acres. The applicant received approval for a Special Use Permit with a five- year time limit in 2014 (SU14-0004) for 6 chickens. This application is the first renewal of this special use request. A Special Use Permit is required to keep chickens on a residential lot less than 3 acres.



Site Aerial



Street View

2. Details of Proposal:

The applicant is requesting to increase the number of chickens kept from 6 to 8. The applicant is requesting 2 more chickens since the current chickens are over 2 years in age and their egg production has slowed down.

Chickens are kept as a fresh food source for health and humanitarian reasons, for hobby, and as an educational tool for applicant's grandchildren. Only hens are kept on the property.

The property contains a single-family home with the chicken coop placed in the rear yard, directly behind the house. The coop is more than 6 feet from the rear and side property lines and more than 40 feet from the nearest neighboring dwelling unit which is compliant with setback requirements per UDO Section 18.30.270.D. The coop is enclosed with a roof, a 6-foot privacy fence and is insulated during the winter months. Flaky pine mulch is used to reduce odor and provide bedding for an elevated nesting area. The coop is cleaned, and waste composted for trees on the property and a community garden located at 151st St. and Pflumm Rd.

3. Public Notification

Per the requirements of the *Unified Development Ordinance (UDO)*, the applicant notified all property owners within two hundred (200) feet of this property via certified mail. The applicant has provided staff with certified mail receipts and staff has verified all property owners have been properly notified.

No neighborhood meeting was required as there is no development associated with this request. Additionally, staff has not received any complaints concerning the chickens and there have been no code violations.

4. Staff Analysis:

Staff supports the applicant's request for additional chickens since there have been no violations from animal control, Planning staff has not received any complaints and the chickens are kept in a large, well maintained coop. Per the applicant, the chickens have 3 different areas within the coop: an area to roam, an area to roost, and one to nest.

5. Time Limit:

Per *Section 18.40.100.F.4* of the *UDO*, the Planning Commission may recommend, and the Governing Body shall grant or extend a permit for any period as is warranted under the circumstances.

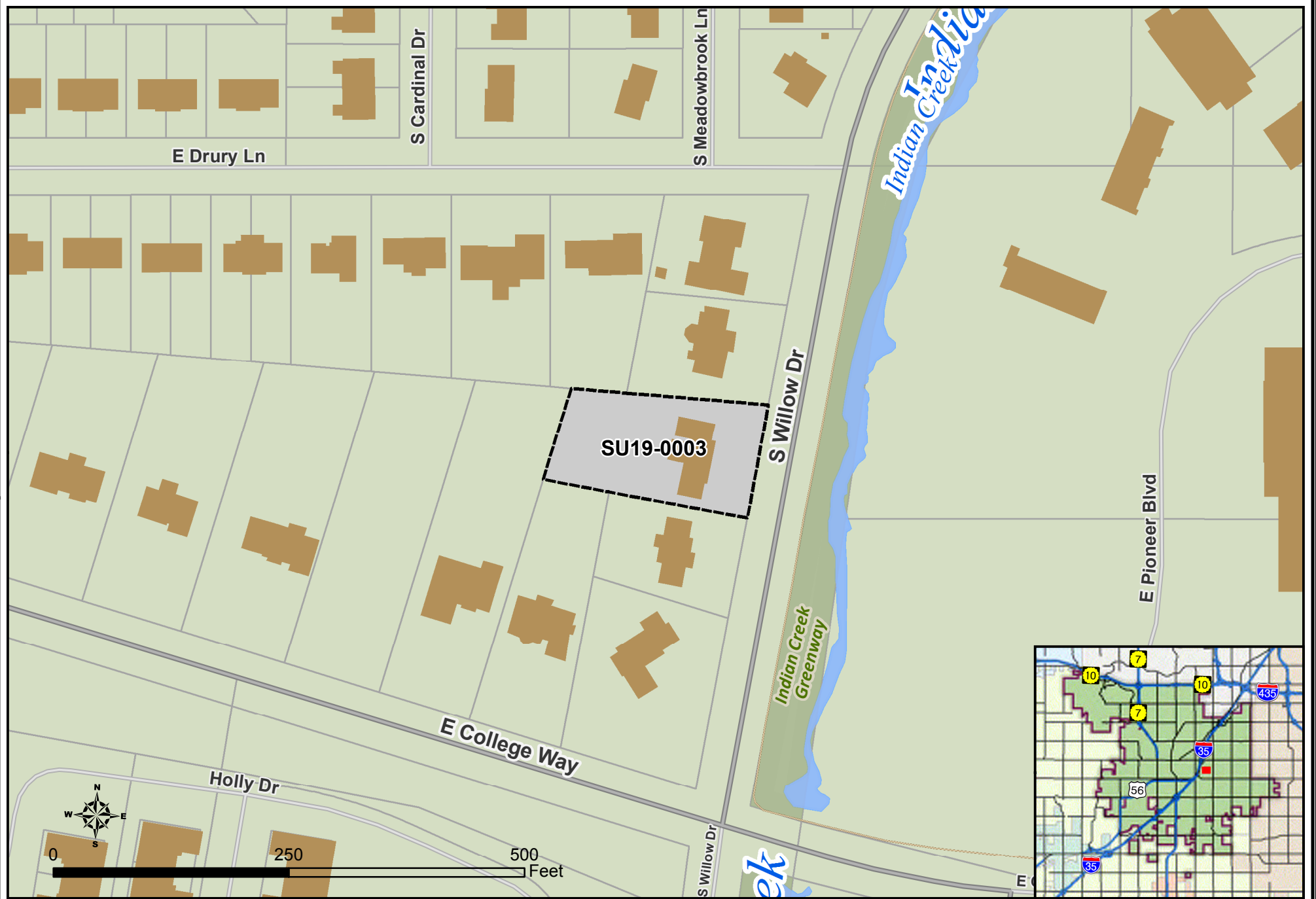
The applicant is requesting a 5-year time limit. Staff is supportive for reasons listed under staff analysis.

6. Staff Recommendation:

a. Staff recommends approval of SU19-0003, for the following reasons:

- (1) The proposal conforms to the Goals, Objectives and Policies of the *Comprehensive Plan*.

- (2) The proposal complies with the *Unified Development Ordinance (UDO)* criteria for considering special use permit requests.
 - (3) The applicant has not received any complaints since the approval of the first Special Use Permit, SU14-0004.
- b. Staff recommends approval of SU19-0003 subject to the following stipulations:
 - (1) The Special Use Permit is valid for a period of 5 years following Governing Body approval, with an expiration date of September 3, 2024.
 - (2) The property shall be limited to a maximum of 8 chickens at any one time.
 - (3) The raising of the chickens shall be limited to personal (hobby) purposes only. Chickens may not be bred, boarded or sold for commercial purposes.



User: jaredmd
Date: 08/06/2019

SPECIAL USE PERMIT RENEWAL SU19-0003



May 31, 2019 Special Use Permit Renewal

From: Wes McCoy (rwesmccoy@sbcglobal.net)

To: DJFernandez@OLATHEKS.ORG

Cc: nmccoy1952@sbcglobal.net

Bcc: rwesmccoy@sbcglobal.net

Date: Monday, June 3, 2019, 10:22 AM CDT

May 31, 2019

Dan Fernandez, Olathe City Planner
Patti Kangethe,
[Development Service Coordinator]

Re: Renewal:
Special Use Permit # SU-14-004
Resolution 14-1067 for special Use
for chickens on less than 3 acres
Located at: 509 South Willow Drive
Olathe, Kansas 66062

Dear Mr Dan Fernandez &
Ms Patti Kangethe:

The intent of this information is to provide you the information regarding the chickens (hens) that we maintain at the above location under Special Use Permit # SU-14-004; that was issued in 2014 for five years.

We began having chickens (hens) for three primary reasons primarily: (1) helping our Grand Children know how to raise hens that provide food and show them where eggs came from; teach our Grand Children how to care for these animals in an Environmentally safe manner; (2) Hobby ; (3) Humanitarian purpose of giving free organic eggs to those in need (health reasons & economically low income Senior Widows & Grand Children of East Asian Immigrant/US citizen).

I built a safe chicken coop that allows the hens enough room to move around in a 60 sq. Ft. Coop. The coop is covered under a shed so no weather will affect them. Plastic insulation is installed in Winter and is removed in the Spring.

Flaky pine mulch is used inside for reducing any smells and it provides bedding for the elevated nesting area. The coop is cleaned and composted around trees for fertilizer on a regular basis and in a Community Garden @ 151st & Pflumn in Olathe. [Also, caring for animals teaches responsibility].

We have lived at current address for over (15) years. We have had the chickens for the past five years under this Special Use Permit. Our neighbors have never complained. In fact, most do not know we have chickens. We have a six foot tall privacy fence that totally encloses the fenced chicken coop.

We currently have six hens by Permit. The egg production is about 1-2 eggs per day. Production is down since hens are over two years old. We would ask if we can increase our number to "eight" hens to increase production. Due to health reasons, I need to have as much organic food as possible Also, I donate our extra organic eggs to a friend who has a heart condition.

Thank you for your consideration. Let me know if you need any additional information.

Respectfully submitted,



Roy Wesley "Wes" McCoy
Nancy L. McCoy, Wife
509 South Willow Drive
Olathe, KS 66062
(913) 269-1035 (c)
(913) 764-3268 (h)
email: rwesmccoy@sbcglobal.net

PS: We have three Grand Children ages 11, 10 & 6. The eleven year Old Grand Son has stayed with us most of his life.

Sent from my iPhone





City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: August 12, 2019

Application:	<u>VAC19-0003</u> Vacation of sanitary easement (Benton House of Olathe)
Location:	157700 W. 151 st Street
Owner:	Brenner Holland, Olathe SLP
Applicant/Engineer:	Mark Breuer, Schlagel & Associates
Staff Contact:	Dan Fernandez, Planner II

1. **Comments:**

This is a request to vacate a 15.5' wide by approximately 480' long section of sanitary easement located at the Benton House of Olathe at the northwest corner of 151st Street and Blackfoot Drive.

The reason for the vacation is due to the existing sanitary easement being currently located under the building. A new sanitary easement was dedicated with the final plat (FP17-0008) and the new line is located within the new easement. The easement to be vacated is no longer necessary.

The Department of Public Works has reviewed the vacation request and is recommending approval as shown on the exhibit.

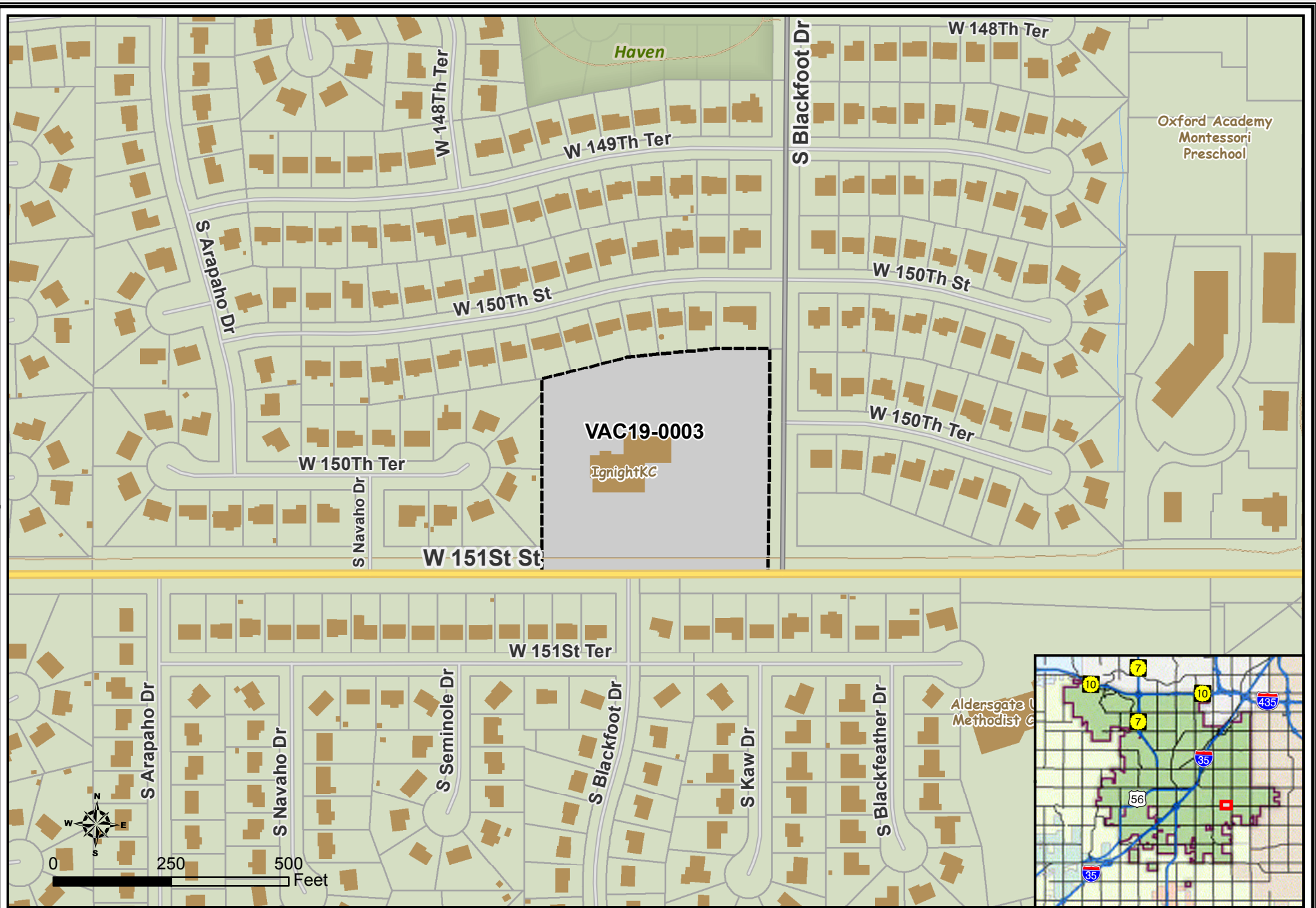
2. **Public Notice:**

The applicant mailed the required public notification letters to surrounding properties within 200 feet per *Unified Development Ordinance (UDO)* requirements. Staff has not received any inquiries regarding the proposed vacation for the waterline easement.

3. **Utilities:**

The site is located within the City of Olathe water and sewer service area. A new sanitary easement was dedicated with the final plat (FP17-0008).

Staff recommends approval of the sanitary easement vacation as proposed.

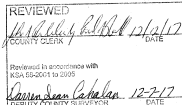


BENTON HOUSE
VAC19-0003



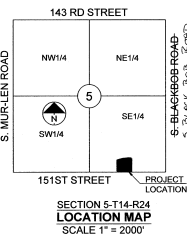
User: jaredmd
Date: 08/06/2019





FINAL PLAT OF BENTON HOUSE OF OLATHE

A REPLAT OF 'OLATHE COVENANT CHURCH' AND PART OF THE S/E 1/4 OF SEC. 5-14-24 IN THE
CITY OF OLATHE, JOHNSON COUNTY, KANSAS



EXECUTION:

IN TESTIMONY WHEREOF, Rammy Swanson Drahem
Subscribed and sworn to at the 12th day of August, 2017, before me, the undersigned, a
Notary Public in and for said County and State, came
Rammy Swanson Drahem Supervisor of the
MIDWEST CONFERENCE OF THE EVANGELICAL
COVENANT CHURCH

MIDWEST CONFERENCE OF THE EVANGELICAL
COVENANT CHURCH

Rammy Swanson Drahem
By Rammy Swanson Drahem

ACKNOWLEDGMENT:

STATE OF Nebraska
COUNTY OF Douglas

BE IT REMEMBERED that on this 12 day of
August, 2017, before me, the undersigned, a
Notary Public in and for said County and State, came
Rammy Swanson Drahem Supervisor of the
MIDWEST CONFERENCE OF THE EVANGELICAL
COVENANT CHURCH, a Nebraska non-profit corporation, 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 duly acknowledged the execution of the same to be the act
and deed of same.

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

Lori A. Anderson
Notary Public

My Commission Expires August 25, 2018

Print Name Lori A. Anderson



EASEMENT VACATION NOTES:

- The Vacation of Existing Easements shown hereon dedicated to the City of Olathe are to be vacated by the recording of this plat. They are 7.5' U/E along the East line lot 1, OLATHE COVENANT CHURCH (Platted); 8' U/E recorded in BK-1466-PG-364 and 110' Storm Water Easement recorded in BK-3411-PG-861
- The 10' Kansas City Power and Light easement recorded in BK-1959, PG-964 is to be vacated by separate document. This 7.5' U/E along the East line lot 1, OLATHE COVENANT CHURCH AND THE 80' U/E BOOK 1466-PAGE 364 ARE TO BE VACATED BY SEPARATE DOCUMENT.

LEGEND:

- FOUND MONUMENT AS NOTED
- FOUND 1/2" REBAR UNLESS OTHERWISE NOTED
- EXISTING LOT AND PROPERTY LINES
- EXISTING PLAT AND R/W LINES
- ACC - ACCESS
- LIMITS OF NO ACCESS
- R/W - RIGHT-OF-WAY
- W/E - WATERLINE EASEMENT
- PLATTED

BASIS OF BEARINGS:

PLAT OF
OLATHE COVENANT CHURCH
S 1/4, SE 1/4, SEC 5-14-24
S89°53'03"W



SCALE: 1" = 30'

LOT/TRACT AREAS		AREA (SF)
PLATTED AREA		143010.2372
UNPLATTED AREA		48234.1334
R/W	AREA (SF)	ACRES
151ST ST R/W	28,795.13	0.66
TOTAL R/W	30,894.68	0.71

I HEREBY CERTIFY THIS PLAT WAS
PREPARED UNDER MY DIRECT
SUPERVISION BASED ON A FIELD
SURVEY PERFORMED ON 01-10-2017.
THE DETAILS SHOWN ARE TRUE
AND CORRECT TO THE BEST OF MY
KNOWLEDGE AND BELIEF.



Aaron T. Reuter - Land Surveyor
KS#18-1429

DESCRIPTION:

A replat of "OLATHE COVENANT CHURCH" a subdivision of land in the City of Olathe, Johnson County, Kansas and part of the Southeast One-Quarter of Section 5, Township 14 South, Range 24 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Southwest corner of the said Southeast One-Quarter, thence North 89 degrees 53 minutes 03 seconds East, along the South line of the said Southeast One-Quarter a distance of 953.34 feet to the point of Beginning, said point being Southeast corner of Block 75, "HAVENCROFT, BLOCKS 69, 74 - 77", a subdivision of land in the City of Olathe, Johnson County, Kansas, said point also being on the Southerly extension of the West line of said "OLATHE COVENANT CHURCH"; thence North 00 degrees 06 minutes 57 seconds West, along the East line of said Block 75, "HAVENCROFT, BLOCKS 69, 74 - 77" and the West line of said "OLATHE COVENANT CHURCH" and its Southerly extension, a distance of 415.00 feet to the Northwest corner of said "OLATHE COVENANT CHURCH", said point also being a corner point on the South line of Block 75, "HAVENCROFT, BLOCKS 69, 74 - 77", a subdivision of land in the City of Olathe, Johnson County, Kansas, thence North 75 degrees 07 minutes 17 seconds East, along the North line of said "OLATHE COVENANT CHURCH" and the South line of said Block 75, "HAVENCROFT, BLOCKS 69, 74 - 77" for this and the following one (1) course, a distance of 185.46 feet to a point; thence North 84 degrees 24 minutes 00 seconds East a distance of 185.46 feet to the Northwest corner of said "OLATHE COVENANT CHURCH"; thence continuing along the South line of said Block 75, "HAVENCROFT, BLOCKS 69, 74 - 77", South 89 degrees 36 minutes 09 seconds East a distance of 120.00 feet to a corner point on the West line of "OLATHE COVENANT CHURCH", a subdivision of land in the City of Olathe, Johnson County, Kansas, said point also being on the West right of way of Blackfoot Drive as now established, thence South 00 degrees 23 minutes 51 seconds West, along the West line of said "OLATHE COVENANT CHURCH" and Blackfoot Drive a distance of 478.93 feet to a point on the South line of the said Southeast One-Quarter, thence North 89 degrees 53 minutes 03 seconds West, along the South line of the said Southeast One-Quarter a distance of 479.65 feet to the point of Beginning and containing 5.0996 acres, more or less.

DEDICATIONS:

The undersigned proprietor of the described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereinafter be known as "BENTON HOUSE OF OLATHE".

The undersigned proprietor of said property shown on this plat does hereby dedicate those portions of the streets and roadways shown as "Blackfoot Drive & 151st Street", together with all other parcels and parts of land indicated on this plat, and not heretofore dedicated, as streets, terraces, roads, drives, lanes, avenues, courts, places, etc., for public use as public ways or thoroughfares, subject to the right hereby reserved to the present owner and its successors and assigns for the location, construction and maintenance of conduits, water, gas and sewer pipes, poles and wires under, over and along said roadways.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance of use of conduits, water, gas, electrical, sewer pipes, poles, wires, drainage facilities, ducts and cables, and similar utility facilities, upon, over and under these areas outlined and designated on this plat as "Sanitary Easement" or "U/E", is hereby granted to the City of Olathe, Kansas, and other governmental entities as may be authorized by state law to use such easement for said purposes.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize this location, construction or maintenance and use of sanitary sewer pipes and structures upon, over and under the areas outlined and designated on this plat as "Sanitary Easement" or "U/E".

Tract "A" is hereby dedicated to the City of Olathe, Johnson County, Kansas, as "Stormwater Quality/Quantity" or "BMP".

The undersigned proprietor of said property shown on this plat hereby certifies 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 absorbed except that same person, utility or corporation shall retain whatever easement rights they would have as if located in a public street.

RESTRICTIONS:

All landscaping and related materials that are planted or constructed within the adjacent Street right-of-way shall be maintained by the Property Owner, or their authorized representatives thereof.

The maintenance of the stormwater detention facilities located within Tract "A" and all water quality BMPs within Tract "A" are to be maintained by the property owner of Lot 1, their authorized representatives and their successors and assigns.

The undersigned proprietor of the described tract of land hereby consents and agrees 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 the unpaid special assessment on such land dedicated shall become and remain a lien on the remainder of this land fronting or abutting on said dedicated public way or thoroughfare.

NOTICE: This site includes Stormwater Treatment Facilities, as defined and regulated in the Olathe Municipal Code. Restrictions on the use or alteration of the said facilities may apply. This property is also subject to the obligations and requirements of the Stormwater Treatment Facility Maintenance Agreement approved by the City.

CONSENT TO LEVY:

The undersigned proprietor of the above described tract of land hereby agrees and consents 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 the unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on said dedicated public way or thoroughfare.

APPROVALS:

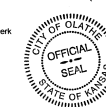
APPROVED by the Planning Commission of the City of Olathe, Johnson County, Kansas, this 27th day of March, 2017.

Chairman, C.S. VAKAS

APPROVED by the Governing Body of the City of Olathe, Johnson County, Kansas, this 18th day of April, 2017.

Mayor, MICHAEL COLEMAN

David F. Bryant III, MMC, Deputy City Clerk



SCHLAGEL & ASSOCIATES, P.A.
Engineers • Planners • Surveyors • Landscape Architects

14520 West 107th Street • Lenexa, Kansas 66215
(913) 492-5158 • Fax: (913) 492-8400

DATE: 02-09-2017
DRAWN BY: JMT
CHECKED BY: AR
PROJ. NO.: 16-249

FINAL PLAT OF
BENTON HOUSE OF OLATHE
SHEET NO. 1 OF 1



City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: August 12, 2019

Application:	<u>RZ19-0009: Rezoning from R-1 to D-Downtown (Santa Fe) and preliminary site development plan for Olathe Glass Expansion</u>
Location:	Northeast of the intersection of E. Santa Fe Street and E. Kansas City Road
Owner/Applicant:	Rebecca Shipley; C&J Properties, LLC
Engineer:	Patrick Cassity; Renaissance Infrastructure Consulting
Staff Contact:	Zachary Moore, Planner II

Site Area:	<u>1.48± acres</u>	Proposed Use:	<u>Commercial/Retail, Showroom</u>
Lots:	<u>1 (commercial) Minor Plat pending</u>	Plat:	<u>Cornwall & Barton's Addition to Olathe</u>
Current Zoning:	<u>R-1 (Residential Single-Family)</u>	Proposed Zoning:	<u>D – Downtown (Santa Fe)</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Urban Center/Downtown	Single-family homes used for fire training	R-1	3	C
North	Urban Center/Downtown	Street right-of-way/vacant	C-1	-	-
South	Urban Center/Downtown	Commercial/Office	C-1, CP-3	-	-
East	Urban Center/Downtown	Single-family residential	R-1	-	-
West	Urban Center/Downtown	Street right-of-way/vacant	C-1, CP-1	-	-

1. Proposal:

The applicant is requesting a rezoning from R-1 to D (Downtown, Santa Fe) District, with an associated preliminary site development plan for Olathe Glass Expansion. The associated preliminary site development plan is to allow for construction of a 10,403 square foot commercial structure, which is intended to be used as a showroom for Olathe Glass. The subject property is located along the south side of E. Kansas City Road, between its intersections with Santa Fe Street to the south and Poplar Street to the north. Staff is supportive of the request to rezone the subject property to the D (Downtown, Santa Fe) District, as outlined in this report.

The property currently consists of four residential lots, with three existing single-family homes located on them. The vacant lot previously had a home constructed on it, but that home was demolished in 2014. The three remaining homes do not have tenants, and the City of Olathe Fire Department is currently using those structures for training purposes. The existing homes will be demolished pending approval of the rezoning and subsequent site development plan application. A Final Plat application has been submitted to replat the subject property into one lot.

This application was originally scheduled for the July 22, 2019 agenda. The applicant requested the continuance to allow more time to work with staff on revisions to the architectural elevations.

2. History:

The subject property has been zoned R-1 since 1970, when conventional zoning was originally established throughout the City. The three existing structures were constructed in 1910, 1950, and 1952. Any properties within the Original Town Area, or properties 50 years old or older that are proposed to be demolished are brought before the Olathe Historic Preservation Board (OHPB) for their review and recommendation. The rezoning and preliminary site development plan application were discussed at the June 20, 2019 Olathe Historic Preservation Board meeting, and the OHPB had no objection to the demolition of the three existing homes, and construction of a new commercial building in this location.

3. Existing Conditions/Site Photos:

As stated previously, the subject property currently has three single-family homes which are currently being used for City of Olathe Fire Department training.



Aerial View of site – outlined in navy



Site View – looking SW along E. Kansas City Road

4. Neighborhood Meeting/Public Notice:

The applicant held a neighborhood meeting for the rezoning to D-Downtown (Santa Fe) and preliminary site development plan on the evening of June 17, 2019 at 313 N. Chestnut Street (see attached minutes). The development team presented the proposed development to the three (3) citizens who attended. One citizen had concerns about their property taxes but was supportive of the proposal. 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 table on the next page lists the minimum building setback requirements for supportive uses in the Downtown Santa Fe District as well as the setbacks for the proposed structure.

UDO Requirement		Proposed Plan
Front Yard	n/a	15 feet
Side Yard	n/a	75 feet
Rear Yard	5 feet	10 feet

- b. **Building Height** – The maximum building height for supportive use buildings in the D-Downtown (Santa Fe) District is 35 feet. The height of the proposed building is approximately 32 feet, therefore, the proposed building is compliant with the height standards of the D District.
- c. **Landscaping** - Properties that are located within the Downtown District are exempt from the landscaping requirements of the UDO. However, the applicant has provided a landscape plan to buffer the proposed development from nearby single-family residential properties and other nearby commercial properties. At the northeastern portion of the site, the applicant has provided a row of evergreen trees to buffer the proposed parking lot from the adjacent single-family home. The applicant is also planting new trees along the southern property line adjacent to existing commercial uses. The majority of the trees on the perimeter of the site will be preserved as well.

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 most of the applicable architectural requirements of the Downtown District that are listed below. The applicant is requesting two waivers from the Downtown Building Design standards. Analysis of the waiver requests can be found in section 8 of this report.

- 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 the parking lot to the northeast. The applicant is requesting a waiver from this standard. Analysis of the waiver request can be found in Section 8 of this report.*
- 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. Glass without coating or tints shall be used for all retail glazing. Highly reflective glass is not permitted at the ground level of building elevations that abut a street right-of-way.
 - *The applicant is requesting a waiver to allow tinted glass on the ground level of the proposed building. Analysis of the waiver request can be found in Section 8 of this report.*
- d. 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.
 - *All façades on the proposed building incorporate high amounts of high quality materials, such as stone veneer, stucco, and glass, to exceed this requirement.*
- e. 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. The applicant has provided a pitched roof for this commercial building to increase compatibility with the surrounding residential area.*
- f. 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.*

- g. 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 northern, eastern, and western façades are all divided into human scale proportions. This is achieved by a stone wainscot being provided at the base of the building, and awnings being provided over the windows on the northern façade. The east and west façades both achieve human scale development by having the stone wainscot and a covered entry feature above the entrances to the building.*
 - 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.
 - *Building bays are provided for all walls exceeding 30 feet in width. The north façade is the widest façade at approximately 151 feet wide, and it is broken into several façade bays, defined by wall changes, columns, and pilasters, all greater than 12 inches in width.*
 - 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 northern façade incorporates a 7% projection in the wall plane for a total of 37% of the total façade, and the east and west façades incorporate an 8% projection for a total of 32% 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.
 - *A horizontal stone sill is being provided above the stone wainscot. Entry features are provided at the building's entrances on the north and south of the building and awnings are being provided above the windows on the north and east façades for at least 60% 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, have a prominent sill, 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 36% of the frontage area.
- 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 two landscaped pedestrian connections to the public sidewalk along E. Kansas City Road.

8. Waivers:

The applicant is requesting the following waivers from the Building Location and Design standards for the Downtown District. 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.C.1 – *Request for a waiver to allow the primary building entrance to face a parking lot rather than street right-of-way.*
2. Waiver from UDO, Section 18.20.210.C.9 – *Request for a waiver to allow tinted glass to be used as retail glazing 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:
 - i. No private rights will be injured or endangered by the Waiver.
 - ii. 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 an alternative quality development design being provided on the site and the building. These waiver requests will not have any negative impacts to the nearby residential or nonresidential properties.

One of the requested waivers was to allow the main building entry to face a parking lot rather than facing street right-of-way. Staff discussed the design of the building with the applicant several times to try to find ways for this application to comply with this standard. However, each scenario that was discussed would have compromised other design elements of the proposed building, such as the pitched roof element. In lieu of providing an entrance facing the street right-of-way, the applicant has designed the building so the façade that faces the street right-of-way is designed in a very high quality, using only Category 1 materials (stucco, stone, and glass), with the appearance of a front façade (see Image 1 below). Additionally, the two entrances to the building will be visible from Kansas City Road.



Image 1: View of proposed façade facing E. Kansas City Road

The Downtown District does not allow tinted, coated, or reflective glass to be used for retail structures. However, the applicant is proposing use of opaque glass for windows on the façade along E. Kansas City Road, as those windows are located in front of the restrooms for the building. The applicant is also proposing to use low-e coated tinted glass insulated units on the west side of the building to help block the sun, to aid with efficiency for the HVAC system. The other façades will use a light low-e coated glass insulated unit for energy efficiency. Staff is supportive of this waiver request, as staff finds the design of the building to be of a high quality, and it will not have any negative impacts to nearby residential or non-residential properties. The applicant is using all Category 1 Building materials on the proposed building and incorporates a high amount of quality design features.

9. Comprehensive Plan Analysis:

The future land use map of the *Comprehensive Plan* identifies the subject property as “Urban Center/Downtown.” The Urban Center/Downtown land use designation is intended to provide entertainment options, restaurants, offices, retail, and civic and cultural amenities. The proposed Downtown (Santa Fe) zoning and the commercial/retail development of a home décor showroom is appropriate for this area, based on consistency with the Comprehensive Plan future land use map designation.

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 PlanOlathe designation for Urban Center/Downtown. The entire property is currently zoned R-1 (Residential Single-Family) and is proposed to be rezoned to D-Downtown (Santa Fe). 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 is intended to provide new entertainment options, retail, restaurants, offices, retail, civic, and cultural amenities as well. The proposed rezoning and construction of a new office building complies with the following 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 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 area of the proposed redevelopment is primarily commercial in nature to the south, west, and east. The proposed land use is compatible with existing uses on nearby properties. The proposed zoning allows uses that are compatible with uses on nearby properties. The scale of the proposed building is compatible with the scale and appearance of other buildings in the surrounding area.

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 zoning and uses of the surrounding area include a mix of commercial uses with some single-family residential as well. The proposed commercial/retail use of a home décor showroom with retail sales is compatible with the commercial uses of nearby properties.

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

The property is currently zoned R-1. Redevelopment of the subject property with uses that would be allowed in the R-1 District would not be compatible with the existing commercial development in the area.

The Downtown District is appropriate for this area, and redevelopment of the subject property as a commercial use is also appropriate. The subject property is located on E. Kansas City Road, which is an arterial street and a connecting corridor into Olathe's Downtown.

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

The subject property has three existing single-family homes located on the property, which were constructed in 1910, 1950, and 1952. There is one lot on the southwest portion of the property which previously had a single-family home on it which was demolished in 2014. That property has remained vacant since demolition of the historic single-family home. While the land is not vacant, the structures have been vacant, and have been used for City of Olathe Fire Department training.

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

The proposed redevelopment of a new commercial/retail building for a retail showroom 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 buildings in the surrounding area and will have a use that is compatible with the surrounding area.

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 proposed use of a showroom will not have an adverse effect to the road network or create any parking problems in the vicinity. The subject property is located along an arterial roadway (E. Kansas City Road) and close to the intersection of another arterial roadway (Santa Fe Street). The applicant is expanding their off-street parking area to accommodate the showroom and is providing a connection from the existing Olathe Glass property to the proposed expansion. This proposed improvement will change the movement of trucks from entering the Olathe Glass property on Santa Fe Street to E. Kansas City Road. This will eliminate the need for trucks to enter the site off of Santa Fe Street, therefore improving traffic flow.

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

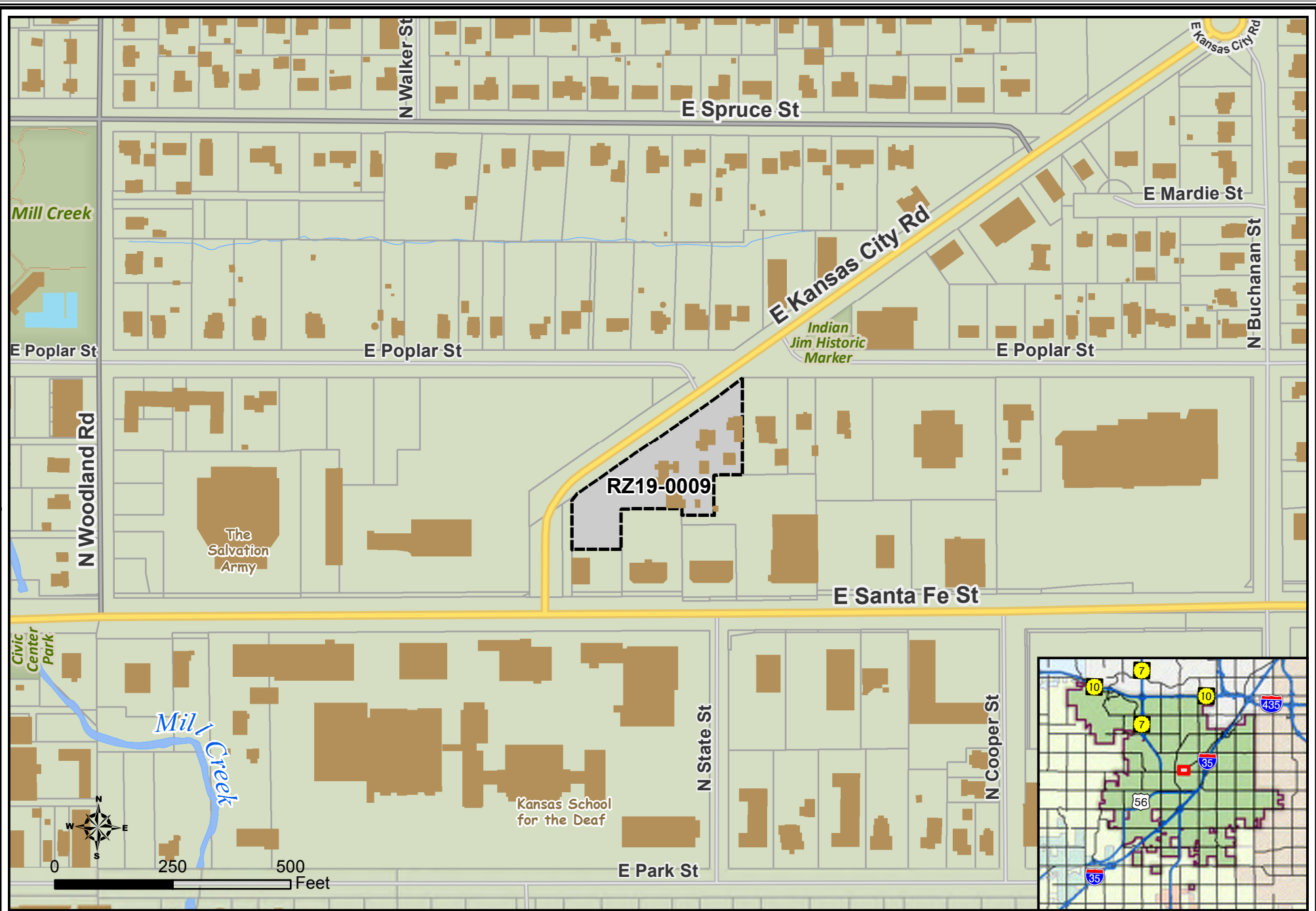
The proposed redevelopment of a home décor showroom should not create any air pollution, water pollution, or other environmental harm.

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

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

10. Staff Recommendation:

- A. Staff recommends approval of RZ19-0009 for the following reasons:
 - (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Land Use, Original Town, and Cultural Landmarks & Resources.
 - (2) The requested rezoning to D-Downtown (Santa Fe) district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the D-Downtown (Santa Fe) district.
- C. Staff recommends approval of the associated preliminary site development plan for Olathe Glass Expansion, subject to the following stipulations:
 - (1) A final site development plan shall be approved prior to issuance of a building permit.
 - (2) The final plat for the subject property shall be approved prior to issuance of a building permit and shall be recorded prior to issuance of a certificate of occupancy.
 - (3) The following waivers shall be granted:
 - i. A Waiver from UDO, Section 18.20.210.C.1 to allow the primary building entrance to face a parking lot rather than street right-of-way.
 - ii. A Waiver from UDO, Section 18.20.210.C.9 to allow tinted glass or glass with coatings on the building.
 - (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.
 - (5) Proposed roof top equipment shall be screened pursuant to UDO, Section 18.15.020.F.



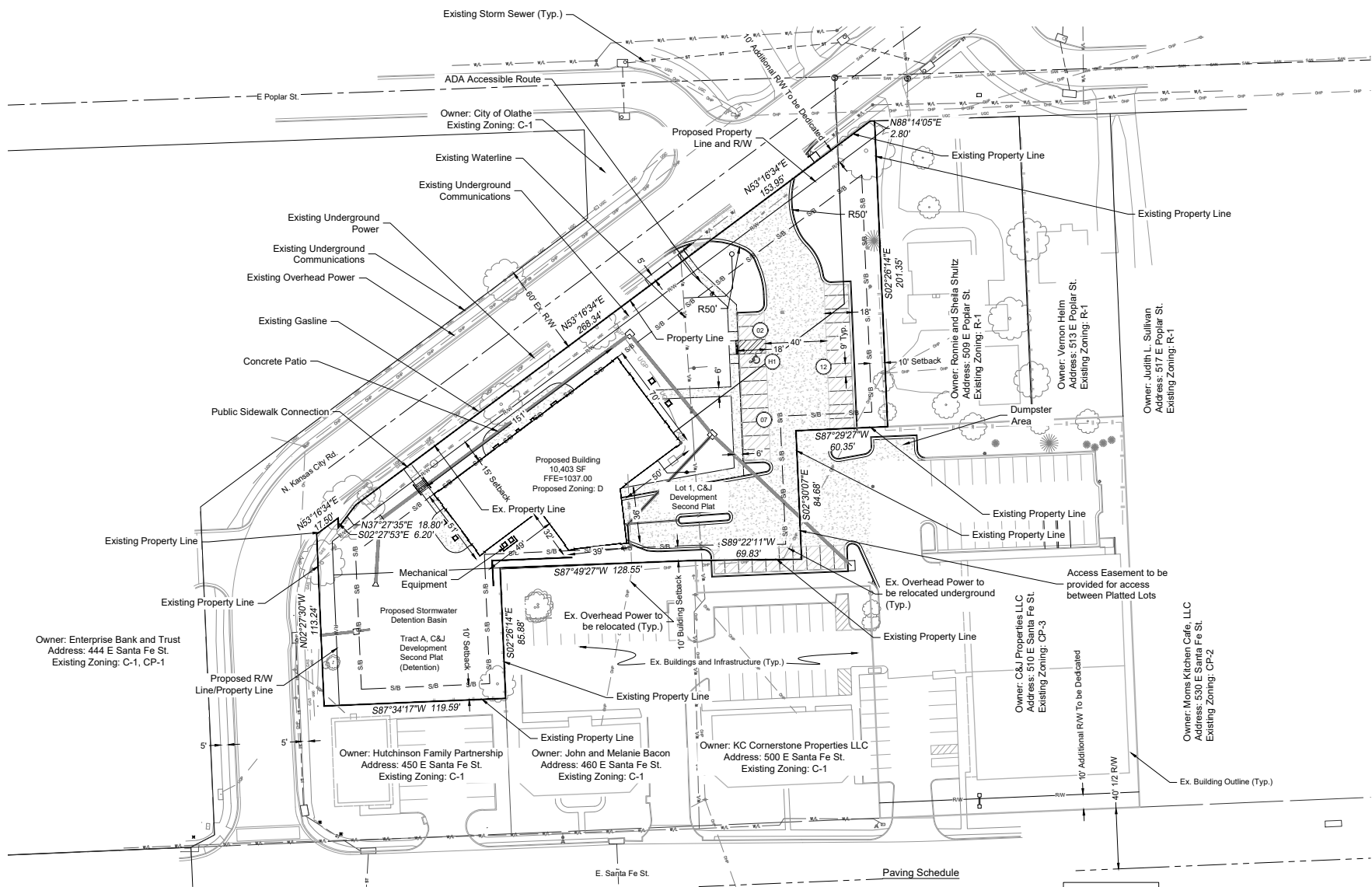
OLATHE GLASS EXPANSION
RZ19-0009



User: jaredmd
Date: 08/06/2019



NO.	DATE	BY	CHKD	DESCRIPTION
1	01/11/2019	W. J. ...	...	...
2	01/11/2019	W. J. ...	...	...
3	01/11/2019	W. J. ...	...	...
4	01/11/2019	W. J. ...	...	...
5	01/11/2019	W. J. ...	...	...
6	01/11/2019	W. J. ...	...	...
7	01/11/2019	W. J. ...	...	...
8	01/11/2019	W. J. ...	...	...
9	01/11/2019	W. J. ...	...	...
10	01/11/2019	W. J. ...	...	...



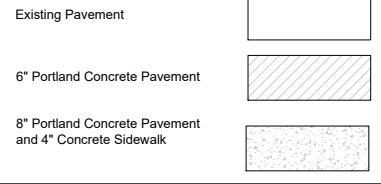
Note: All new on-site wiring and cables shall be placed underground.

Note: Exterior ground mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities meter banks, and coolers shall be screened from public view with landscaping or with an architectural treatment compatible with the building architecture.

Note: Building Height Approximately 28'+/-

Note: All new on-site wiring and cables shall be placed underground. Exterior ground mounted or building mounted equipment including, but not limited to, mechanical equipment, utilities meter banks, and coolers shall be screened from public view with landscaping or with an architectural treatment compatible with the building architecture.

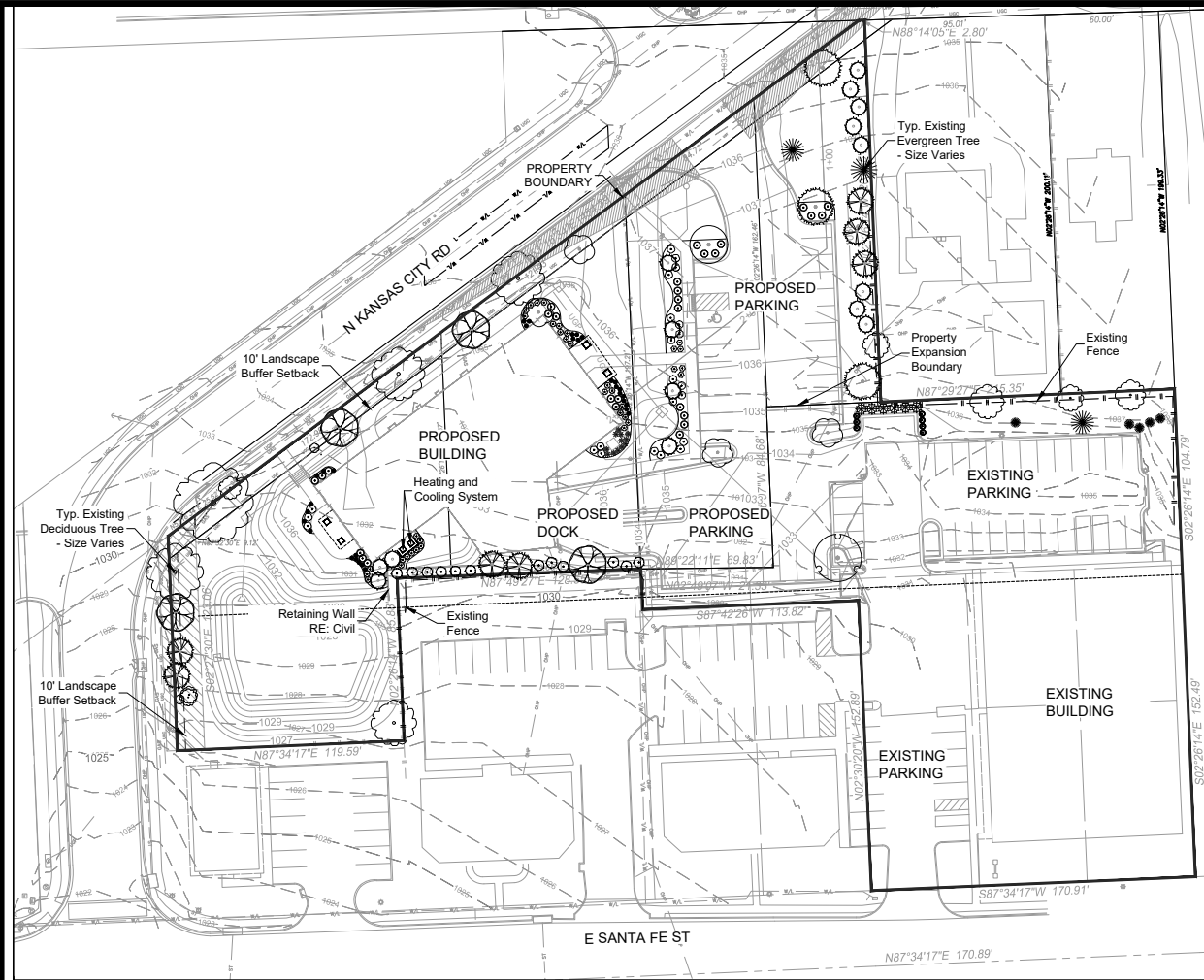
Paving Schedule



Legend

- Employee Parking (circle with 00)
- ADA Parking (circle with 100)





LANDSCAPE DATA

NonResidential across from NonResidential - 570' West & Northwest Boundary

10' Width	REQUIRED	Existing	Provided
Shade and Evergreen Trees 1/50'	12	9	3
Ornamental Trees 1/150'	4	0	4
Parking Screening - 170'			

10' Width	REQUIRED	Existing	Provided
Trees 1/30'	6	0	6
Shrubs - continuous along streets	Full Screen	0	4
Parking Interior - 27 Additional spaces (and 5 relocated spaces)			
	REQUIRED	Existing	Provided
Island 1/20 spaces	3	0	3
Shade Trees 1/Island	3	0	3

Foundation - 198' Frontage	REQUIRED	Existing	Provided
Shrubs 25% of Frontage	50 If	0	55 If

NonResidential adj. to NonResidential - 144' South Boundary Adj. to Building/Dock

	REQUIRED	Existing	Provided
Evergreen Trees	0	0	5
Ornamental Trees	0	0	1
Tall Evergreen Shrubs	0	0	10

NonResidential adj. to Residential - 200' East Boundary of Expansion	REQUIRED	Existing	Provided
Evergreen Trees	0	1	13
Shade Trees	0	1	1

PER TABLE 18.30.130-1 BUFFER REQUIREMENTS ARE NOT APPLICABLE WHERE ZONED ADJACENT R-1, C-1 or C-2

† of Plantings must be Evergreen

† 20 = 8 TREES Provided: 25 Evergreen Trees

† 55 = 31 SHRUBS Provided: 57 Shrubs

LANDSCAPE NOTES

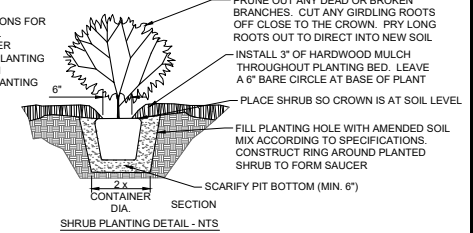
1. Locate utilities prior to commencing landscape operations. All trees shall be field positioned as to avoid conflicts with existing and proposed utilities. Notify landscape architect of any conflicts or obstructions.
2. Contractor shall stake all planting areas in the field prior to planting for approval of the owner or their representative.
3. Contractor shall verify all plant quantities prior to planting. Any discrepancies with the plan shall be brought to the attention of the landscape architect. The plan quantities shall supersede scheduled quantities.
4. All plant material shall be specimen quality and shall comply with recommendations and requirements of ANSI Z60.1 The American Standard for Nursery Stock.
5. All planting beds & native grass strips shall be edged as shown in plan.
6. Prepare planting beds and incorporate amendments according to plans.
7. Shredded hardwood mulch, per specifications shall be used as a three inch (3") top dressing in all planting beds and around all trees. Single trees and shrubs shall be mulched to the outside edge of the saucer or landscape island.
8. All trees shall be staked per detail.
9. All plant material shall be installed to allow a one foot (1') clearance between plant and adjacent pavement.
10. A minimum of 4" of trees shall be evergreen.
11. The landscape contractor shall not commence work until the site is free of debris caused by on-going construction operations. Removal of debris shall be the responsibility of the general contractor. Landscape work shall not begin until the landscape architect and owner have given written approval for such. There shall be no delays due to lack of coordination for this activity.
12. The landscape architect and owner shall approve grades and condition of site prior to sodding/landscaping operations.
13. All areas disturbed during construction and not designated for other plantings or beds shall be sodded with top type fescue.
14. All landscape areas shall be irrigated. Irrigation shall be installed by spray or rotor. Plant beds shall be irrigated by drip irrigation. Irrigation system shall include automatic rain-sensor device. Irrigation shop drawings shall be provided by the contractor for approval prior to construction.
15. All exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from the public view with landscaping or an architectural treatment compatible with the building architecture.
16. Trees shall not be planted within 15 feet of a light pole. All tree locations near utility poles shall be field located to meet this requirement. Trees found not to meet this requirement shall be moved at the cost of the Contractor.
17. Trees, Shrubs, and/or Woody plants shall not be planted within 12" of an existing or proposed Fire Hydrant. Planting near Hydrants shall be field located to meet this requirement. Plants found not to meet this requirement shall be moved at the cost of the Contractor.

PLANT SCHEDULE

TREES	CODE	BOTANICAL / COMMON NAME	CONT.	GAL.	SIZE	QTY.
AR	AR	Acer rubrum 'Autumn Blaze' / Autumn Blaze Red Maple	8.68	2.5"	1	
CC	CC	Cercis canadensis 'Forest Parry' TM / Forest Parry Redbud	8.68	1.5"	4	
JH	JH	Juniperus virginiana 'Hillspire' / Hillspire Juniper	8.68		6' - 8' Ht.	15
MX	MX	Malus x 'Spring Snow' / Spring Snow Crab Apple	8.68	1.5" Cal.	4	
PD	PD	Pinus glauca 'Densa' / Black Hills Spruce	8.68		6' - 8' Ht.	7
PS	PS	Pinus strobus 'White Pine' / White Pine	8.68		6' - 8' Ht.	3
ZC	ZC	Zelkova serrata 'City Sprites' TM / City Sprites Zelkova	8.68	2" Cal.	1	
SHRUBS	CODE	BOTANICAL / COMMON NAME	CONT.	GAL.	SIZE	QTY.
AM	AM	Aronia melanocarpa 'Morton' TM / Hugin's Beauty Black Chokeberry	5 Gal.			8
CAK	CAK	Catananthes acaulis 'Karl Foerster' / Feather Reed Grass	5 Gal.			31
CS	CS	Cornus alternifolia 'Arctic Fire' / Arctic Fire Dogwood	5 Gal.			25
HFS	HFS	Hypericum frondosum 'Sunburst' / Sunburst Hypericum	5 Gal.			11
IV	IV	Ilex virginica 'Henry's Garnet' / Henry's Garnet Sweetgum	5 Gal.			14
JC	JC	Juniperus chinensis 'Gold Lace' / Gold Lace Juniper	5 Gal.			28
JF	JF	Juniperus chinensis 'Sea Green' / Sea Green Juniper	5 Gal.			6
JS	JS	Juniperus scopulorum 'Skyrocket' / Skyrocket Juniper	5 Gal.			7
PV	PV	Platanus virginiana 'Hannas Herms' / Hannas Herms Sycamore	5 Gal.			12
TP	TP	Thuja occidentalis 'Pyramidalis' / Pyramidalis Cedar	6' Ht.			12

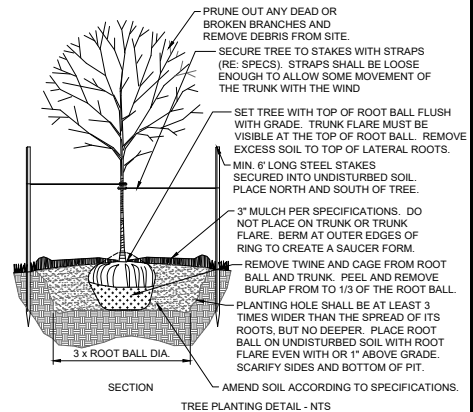
NOTES:

1. REFER TO SPECIFICATIONS FOR TOPSOIL BACKFILL MIX.
2. CONTRACTOR TO WATER THOROUGHLY AFTER PLANTING.
3. INSTALLATION TO BE IN ACCORDANCE WITH PLANTING SPECIFICATIONS.








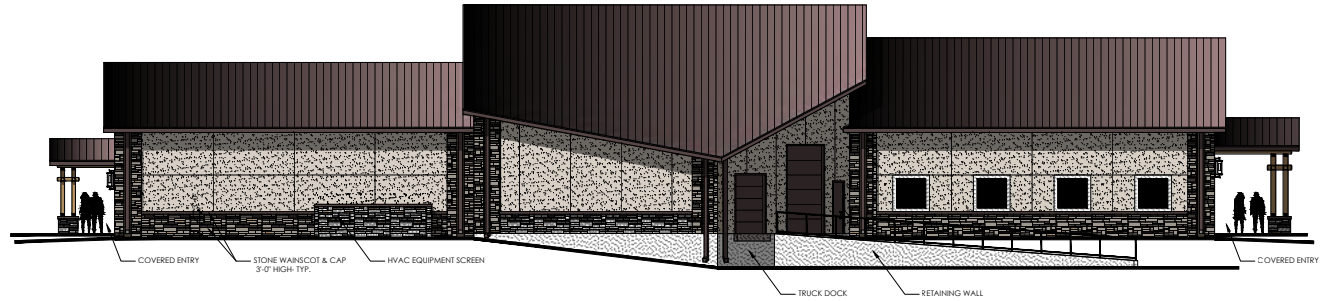
NOTES:

1. TREES THAT DO NOT MEET THE SIZE REQUIREMENT WILL BE REJECTED.
2. TREES SHALL BE INSPECTED BY OWNERS REPRESENTATIVE PRIOR TO INSTALLATION.

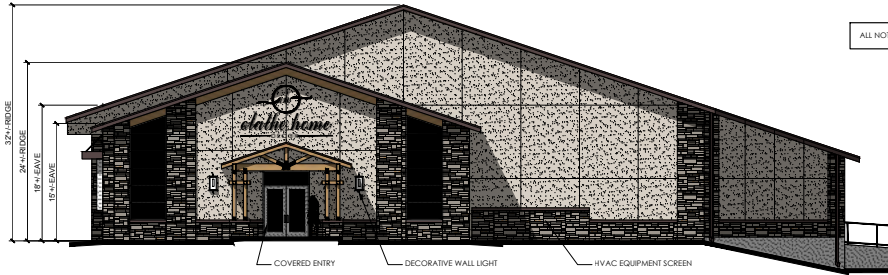


MATERIALS KEY:

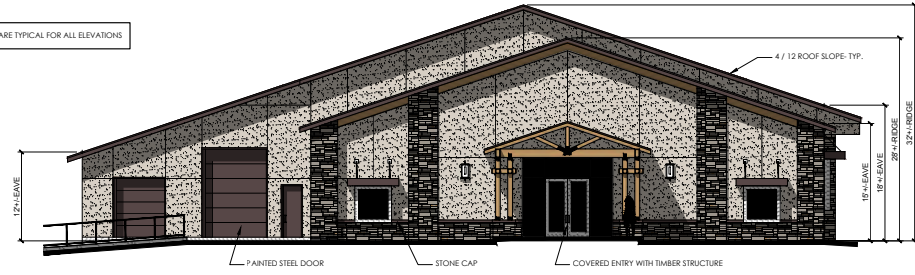
-  STONE VENEER ('CANYON STONE' TAUPE / TAN BLEND)
-  STUCCO (TAUPE)
-  METAL ROOF PANELS OR TRIM (BRONZE)
-  ROUGH-SAWN TIMBER (STAINED)
-  ALUMINUM WINDOW / DOOR FRAMES (SILVER) WITH TINTED GLASS (BRONZE)



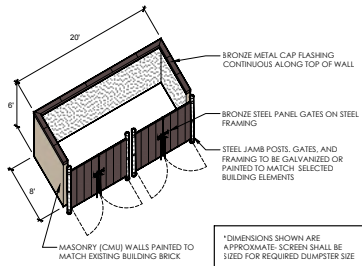
1 SOUTH ELEVATION
1/8"=1'-0"



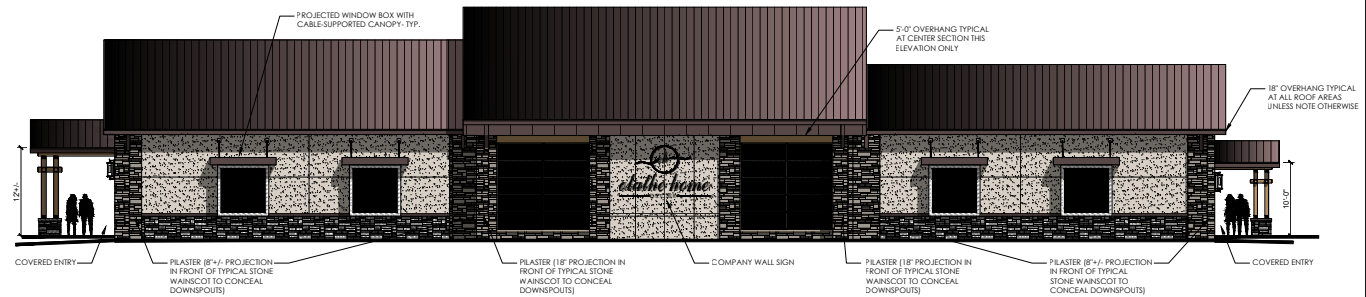
2 WEST ELEVATION
1/8"=1'-0"



3 EAST ELEVATION
1/8"=1'-0"



5 DUMPSTER SCREEN
NOT TO SCALE-SEE CIVIL FOR LOCATION



4 NORTH ELEVATION
1/8"=1'-0"



LISBONA ARCHITECTS Incorporated
P.O. Box 889905 Shawnee Kansas 66228
tel 913 390 1112 www.lisbonaarch.com

SUMMARY OF BUILDING DESIGN CRITERIA:

CURRENT ZONING: R-1
PROPOSED ZONING: D (DOWNTOWN - URBAN CENTER)
SITE DESIGN CATEGORY: 3 (SEE CIVIL PLANS)
BUILDING DESIGN CATEGORY: C
PRIMARY FACADES: NORTH, EAST, AND WEST ELEVATIONS (REQUIRES 80% CAT 1 MATERIALS; 20% MAX CAT 2 MATERIALS; 30% GLAZING)
ACTUAL - NORTH - 100% CAT 1; 52% GLASS, STONE VENEER 48% STUCCO
EAST - 100% CAT 1; 48% GLASS, STONE VENEER 56% STUCCO
WEST - 100% CAT 1; 48% GLASS, STONE VENEER 49% STUCCO
SECONDARY FACADE: SOUTH ELEVATION (REQUIRES 80% CAT 1 MATERIALS; 40% MAX CAT 2 MATERIALS)
ACTUAL - SOUTH - 100% CAT 1; 30% GLASS, STONE VENEER 71% STUCCO

HORIZONTAL ARTICULATION: PROVIDING PROJECTED FULL HEIGHT STONE VENEER PLATTERS AT ALL MAIN BUILDING CORNERS, AND AT EACH 90° WIDE SECTION OF BUILDING ON NORTH.
VERTICAL ARTICULATION: 3 VERTICAL STEP UP IN ROOF HEIGHT AT CENTER 90° SECTION OF 165' LONG BUILDING.
ADDITIONAL FACADE EXPRESSION PROVIDED:
- HORIZONTAL STONE SILL - MINIMUM 60% OF EACH ELEVATION
- CHANGE IN MATERIAL AND COLOR - EACH ELEVATION
- STAINED TIMBER ENTRY CANOPY COLUMNS AND FRAMING ELEMENTS AT EAST AND WEST ELEVATIONS
- 8' EXTENDED ROOF OVERHANG AT CENTER SECTION OF BUILDING ON THE NORTH ELEVATION - EXPRESSING HEAVY CANOPY SHADOW LINE
- PROJECTED ALUMINUM AND GLASS WINDOW BOXES WITH BRONZE ALUMINUM SUNSCREEN FININGS OVER - INDICATED ON NORTH AND EAST ELEVATIONS
- DECORATIVE WALL LANTERNS ON EAST AND WEST ELEVATIONS. ALL OTHER LIGHTING ON PRIMARY ELEVATIONS ARE DOWN LIGHTS IN SOFFITS.

** SEE WAIVER REQUEST LETTER SUBMITTED WITH PROJECT APPLICATION FOR VARIANCE ON AMOUNT OF GLAZING ON PRIMARY ELEVATIONS.

NEW BUILDING:

C and J PROPERTIES
E. KANSAS CITY ROAD
OLATHE, KS 66062

ISSUED:

07-01-2019
08-01-2019 REVISED FOR PLANNING

ELEVATIONS

2024.04
1906
A3

Waiver Request

To: Zach Moore

City of Olathe Planning Commission

We are formally asking for a waiver to the UDO code 18.20.210.C.10 for the request to have an entrance on the north side of the building. We feel that we have designed the building with an esthetically pleasing curb appeal that surpasses the UDO requirement, to allow for a waiver under UDO 18.40.240 (2a). With a higher quality finish that fits better with the surrounding residential construction. Since we are in a transitional area (not really in the core downtown commercial area) we want the building to fit in this transitional setting. We have tried multiple design to fit this unusual lot shape and setting, as well as make it suitable for our application. We settled on this design for the following reasons...

- 1) We feel that the proposed design does meet UDO 18.20.210.C.10 with the entrance on the west side of the building facing the main street of Kansas City road.
- 2) We believe that all foot traffic coming down the sidewalk from either direction can get to the existing doors on either end of the building faster and easier than walking further to the middle of the building to enter.
- 3) Most of our traffic is pulled in from further away than walking distance and the entrance closest to the parking lot will be the primary entrance. We really don't want to make our customers walk extra distance around the building to get in.
- 4) The biggest issue with trying to put an entrance on the north side of the building is space, due to the unusual lot shape. We are already maxed out on the property lines. Adding another entrance to the north side would take several thousand square feet off the building that we really can't spare. We cannot protrude any further on that side, so the only way to do that would be to start cutting back that side of the building.
- 5) Also, where the door would need to be is going to be the location of our decorative signage on the outside and the location of the bathrooms on the inside.

We are also asking for a waiver on the UDO code 18.20.210.C.9 requiring clear glass in the building. We have a couple needs for different types of glass. One requires that we have opaque glass due to the windows being in the bathrooms. The other is due to energy efficiencies. We have designed the building to have a transitional (almost artistic) quality with the glass selection that we feel exceeds UDO standards to allow for a waiver under 18.40.240 (2a). Since we are a glass company, we want the glass to blend with the design. The first type is a custom satin glass insulated unit for the window stacks in the bathrooms. The second is low-e coated tinted glass insulated units on the west side of the building to help block the extremely harsh west setting sun to help with energy efficiency of the HVAC system. The third is a light low-e coated glass insulated unit in the rest of the building for energy efficiency. All coated/tinted glass

will have a bronze hew, to match with the bronze accents on the building. We feel that this design exceeds the UDO requirement in quality even though it varies from the code itself.

We Hope this explains our reasoning for why the building is designed the way it is and that the city will allow for it to be this way. We ask that you please make these exceptions.

Thanks

Bob Shipley

Olathe Glass

July 31st, 2019

Zach Moore
City of Olathe
100 E. Santa Fe St.
Olathe, KS 66061

Re: **C&J Development Second Plat Public Meeting Minutes**

The public meeting for the Rezoning and Preliminary Plat/Plan for C&J Development Second Plat was held at Olathe Glass, located at 510 E. Santa Fe St., Olathe, KS 6601 from 6:30-7:30 PM on July 1st, 2019. An overview of the project was given to attendees.

Project representatives that were in attendance includes the following:

Bob Shipley, C&J Development
Rebecca Shipley, C&J Development
Andy Gabbert, RIC
Patrick Cassity, RIC
Lucas Fix, Complete Property Solutions
Larry Lisbona, Lisbona Architects

At around 6:30, Sarah Czemieski from 500 E. Santa Fe arrived and the project was discussed. Patrick Cassity discussed the site. Larry Lisbona discussed the building. No concerns were brought up by Sarah.

At around 7:00, Justin R. Cox and Kayla Cox from 500 East Poplar arrived and the project was discussed. Andy Gabbert discussed the project and Larry Lisbona discussed the building. Justin stated he had concerns with his property taxes. Justin and Kayla were in support of the project and enjoyed the look of the building.

At 7:30, the meeting was complete.

Patrick Cassity, P.E.
Vice President, Project Manager
Renaissance Infrastructure Consulting



City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: August 12, 2019

Application:	<u>RZ19-0010:</u> Rezoning from CTY RUR and C-2 to R-2 (Residential Two Family), and preliminary site development plan for Cedar Creek Twin Villas
Location:	Northeast corner of the intersection of College Boulevard and the future Cedar Creek Parkway
Owner:	John Duggan; CCV Tract 13D
Applicant:	Daniel G. Foster, PLA; Schlagel & Associates, PA
Staff Contact:	Zachary Moore, Planner II

Site Area: 20.33± acres **Proposed Use:** Twin Villas

Lots: 24 lots (48 dwelling units) **Plat:** Unplatted

	Plan Olathe Land Use Category	Existing Use	Current Zoning
Site	Cedar Creek Mixed Use Center	Undeveloped	CTY RUR & C-2
North	Primary Greenway/ Conventional Neighborhood	Undeveloped	RP-1
South	Cedar Creek Mixed Use Center	Undeveloped	CC
East	Cedar Creek Mixed Use Center	Office	BP
West	Cedar Creek Mixed Use Center	Undeveloped	CTY RUR & C-2

1. Proposal:

The applicant is requesting a rezoning from CTY RUR (County Rural) and C-2 (Community Center) Commercial District to R-2 (Residential Two-Family) District. Accompanying this request is a preliminary site development plan for a 24-lot, 48-unit twin villa development on approximately 20.33± acres. The subject property is located at the northeast corner of the intersection of College Boulevard and the future Cedar Creek Parkway.

This application was originally submitted as a request to rezone the subject property from CTY RUR and C-2 to the CC (Cedar Creek) District for construction of a twin villas subdivision. During the review process, the applicant revised the application to request R-2 zoning instead. The application was originally noticed for the July 22, 2019 Planning Commission agenda, but the change of zoning request required that a new public notice be published. Therefore, this application had be continued to this agenda.

Staff was supportive of the original zoning request, as the request was to rezone the property to the Cedar Creek District. Staff was not supportive of the site development plan that accompanied the zoning request, due to the proposed use, site design, site layout, and building design. While the zoning district request has now changed, the use for the property has remained, and based on the analysis provided in this report, staff recommends denial of the request to rezone the subject property to the R-2 District. Staff informed the applicant of the denial recommendation, however they have still chosen to proceed.

The Cedar Creek Area Plan designates the subject property as part of a Town Center. The R-2 District does not allow for a mix of uses or building size and scale that the Town Center area of the Cedar Creek Area Plan is intended to provide. The requirements and standards for development plan review are based on the zoning district. Staff cannot vet nor make a recommendation regarding the site development plan since there is not a recommendation to approve the zoning district. Despite staff's inability to review the plan, the applicant requested the plan be in the meeting packet as part of their application.

2. Existing Conditions/Site Photos:

The subject property is currently vacant and has been since it was annexed into the City of Olathe. There is existing natural vegetation throughout the site, and a gas easement that runs southwest to northeast through the center of the property.



View of subject property from College Boulevard, looking northwest

3. Neighborhood Meeting/Public Notice:

The applicant mailed the required notice for neighborhood meetings to all property owners and homeowners' associations within 500 feet of the subject property. The applicant held a meeting on July 22, 2019, however no residents attended. It should be noted that there are no residences nor homeowner's associations fall within this radius and staff did not require additional notices be sent due to the recommendation on this petition.

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

4. History:

Approximately 0.50± acres of the subject property were annexed into the City in 1987 (Ordinance 87-90), and subsequently rezoned to C-2 (Community Center) Commercial District in 1988. The remaining 19.83± acres were annexed into the City in 1993 (Ordinance 93-66) and has retained its County zoning designation.

In April 2018, a rezoning application for the Cedar Creek Twin Villas (RZ18-0008) was submitted for the subject property. The application was a request to rezone the subject property to the CC (Cedar Creek) District, with a preliminary site development plan including twin villas, which was very similar to the current request for R-2 zoning. On May 14, 2018, staff provided the applicant with a letter advising that the site layout, site design, and building design did not comply with the standards and criteria required under the Cedar Creek Area Plan, and therefore, could not be supportive as presented. Staff and the applicant met to discuss this analysis and recommendation on multiple occasions with no

resolution. After several months of inactivity, the application was administratively withdrawn without prejudice.

The rezoning application that is currently under consideration was submitted in June 2019. After staff's initial review of the plans, a letter was provided to the applicant on June 19, 2019 stating that staff was supportive of the request to rezone to the Cedar Creek District, but did not support the preliminary site development plan as it did not adhere to the standards and recommended uses of the Town Center in the Cedar Creek Area Plan.

On June 20, 2019, the applicant asked if staff would be supportive if the zoning request was for the R-2 (Residential Two Family) District instead. Staff informed the applicant that the request to rezone to the CC District was the appropriate zoning for the property, however development for anything other than a town center was not. Staff also reiterated that a twin villa development does not meet the standards of the Town Center Area of the Cedar Creek Area Plan. Subsequently, the applicant chose to submit a revised application, to change the zoning request from the CC District to the R-2 District on July 3, 2019.

5. Comprehensive Plan and Cedar Creek Area Plan Analysis:

PlanOlathe

The Comprehensive Plan (PlanOlathe) designates the subject property and nearby area as Cedar Creek Mixed Use Center (see Image 1 below). The Cedar Creek Mixed Use Center consists of a mixture of uses including attached residential, institutional, commercial, and mixed-use (residential over retail). Development options within the Cedar Creek Mixed Use Centers include town centers, suburban centers, office campuses or flex-space mixed use.



Image 1: Location of subject property (outlined in navy) on the Comprehensive Plan Map

Cedar Creek Area Plan

The subject property is also located within the Cedar Creek Area Plan, as can be seen in Image 2, below. The Cedar Creek Area Plan encompasses approximately 4,200 acres of land in the northwestern portion of the City, south of K-10, west of K-7 and generally north of 119th Street.



Image 2: Location of Cedar Creek Area Plan

The Cedar Creek Area Plan Map (Image 2, provided below) designates properties as either Mixed Use, Residential, Open Space + Recreational, Trails, and/or Town Center.

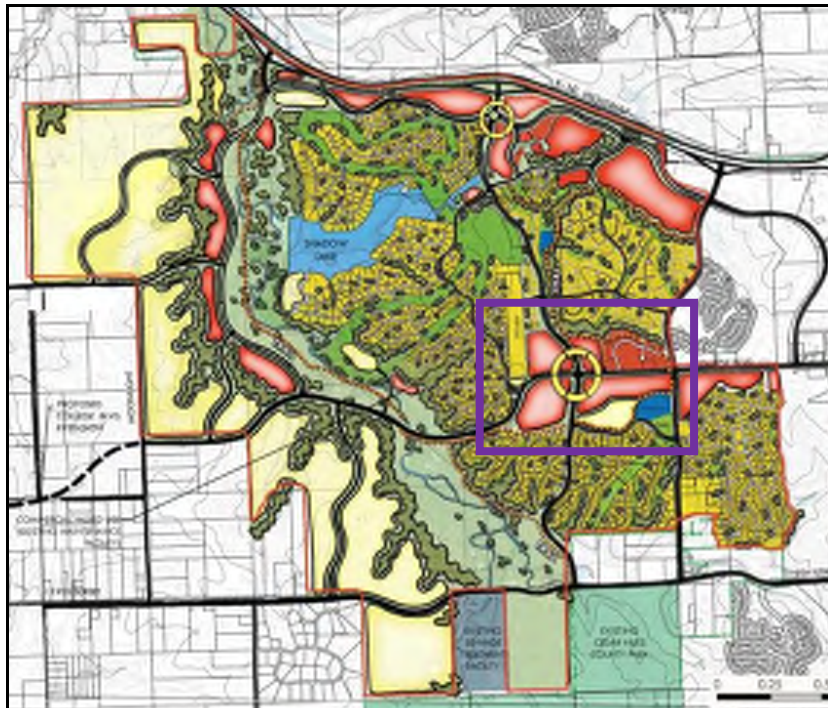


Image 3: Cedar Creek Area Plan Map – Inset Map provided on page 6 (Image 4) for area outlined in purple

The Cedar Creek District is made of two primary subdistricts to encourage development; Residential Subdistricts and Mixed-Use Subdistricts. The subject property is located within the Mixed-Use Subdistrict of the Cedar Creek Area Plan, as can be seen in the areas in red in Image 2, on page 5 of this report. Mixed-Use Subdistricts allow four types of development; Suburban Centers, Town Centers, Office Campuses, and Flex-Space Parks.

The Cedar Creek Area Plan Map further identifies two locations as Town Centers; the northern Town Center is at the intersection of Valley Parkway and Cedar Creek Parkway, and the southern Town Center is at the intersection of College Boulevard and the future Cedar Creek Parkway (the subject property, see Images 4 and 5 below).



Image 4 (above, left): Cedar Creek Area Plan Map at intersection of College Boulevard and Cedar Creek Parkway with the general location of the subject property identified in purple

Image 5 (above, right): Legend from Cedar Creek Area Plan Map

Town Center developments are intended to provide neighborhood services and retail opportunities at a small, pedestrian friendly scale to create a sense of place and amenities and options for local residents. Spaces are to be enclosed by taller (minimum 2-story) buildings that are located close to the street. A mixture of complementary uses is intended to broaden the market and range of hours and activity. The CCAP provides examples of design characteristics common of town center character including:

- a. Vertical development with a minimum height of two stories and extending higher depending on the context of its surroundings;
- b. Zero or minimal front setbacks with building entries and storefronts at the sidewalk;
- c. Streets and other public places, such as plazas and community greens, framed by buildings;
- d. Parking situated on-street and to the rear of the site (sometimes including above or below ground structured parking);
- e. A street environment conducive for pedestrian activity and interaction; and
- f. Housing types ranging from small single family to attached (e.g. brownstones, town homes) or upper floor units.

Areas designated on the Cedar Creek Area Plan Map as Town Center are intended to provide additional flexibility for a more urban mixed use development that is designed to be pedestrian friendly and walkable, offering a variety of community-serving uses, residences, commercial space and offices with public spaces designed for community scale events. When the Cedar Creek Area was being realized and created, two areas designated as Town Center were envisioned as a critical component of it; the northern Town Center at the intersection of Valley Parkway and Cedar Creek Parkway, and the southern Town Center at the intersection of College Boulevard and future Cedar Creek Parkway (the subject property). The northern Town Center area designated by the Cedar Creek Area Plan is zoned C-2 and is partially developed. The existing development in the northern Town Center does not meet the Town Center standards as set forth in the Cedar Creek Area Plan. Therefore, it is imperative that the southern Town Center is developed in a way that will achieve the goals of Town Centers in the Cedar Creek Area Plan.

The Cedar Creek Area Plan established a Cedar Creek Overlay District, which covers the entire Plan area. **Section 18.51.010.D of the Cedar Creek Area Plan states** that “The preferred zoning district within the Cedar Creek Overlay District is Cedar Creek (“CC”) and that “The City Council finds that the preferred zoning district implements the Cedar Creek Area Plan, which is a component of the City’s Comprehensive Plan. As such, rezonings to CC within the Cedar Creek Overlay District are presumptively consistent with the Comprehensive Plan.”

The requested R-2 (Residential Two-Family) District, is a conventional zoning district that does not include required standards that would facilitate development consistent with Town Centers in the Cedar Creek Area Plan. Additionally, the R-2 District would prevent the subject property from being developed with uses such as retail, services, or offices, which are recommended by the Cedar Creek Area Plan for the Mixed-Use Subdistricts and specifically Town Centers. If the subject property were to be rezoned and developed in a way that does not follow the Town Center standards, the Cedar Creek Area Plan will fail one of its plan goals of having a sustainable community. Solely residential development in an area intended to provide community spaces and community serving non-residential uses will require residents of the Cedar Creek Area to travel outside of Cedar Creek for work, shopping, and additional activities. A Town Center development in this area, consistent with the Cedar Creek Area Plan, would provide an opportunity for Cedar Creek residents to work and shop in their community.

Staff recommends denial of the rezoning application as it fails to meet the goals of PlanOlathe, the Cedar Creek Area Plan, and criteria for rezoning as listed in UDO, Section 18.40.090.

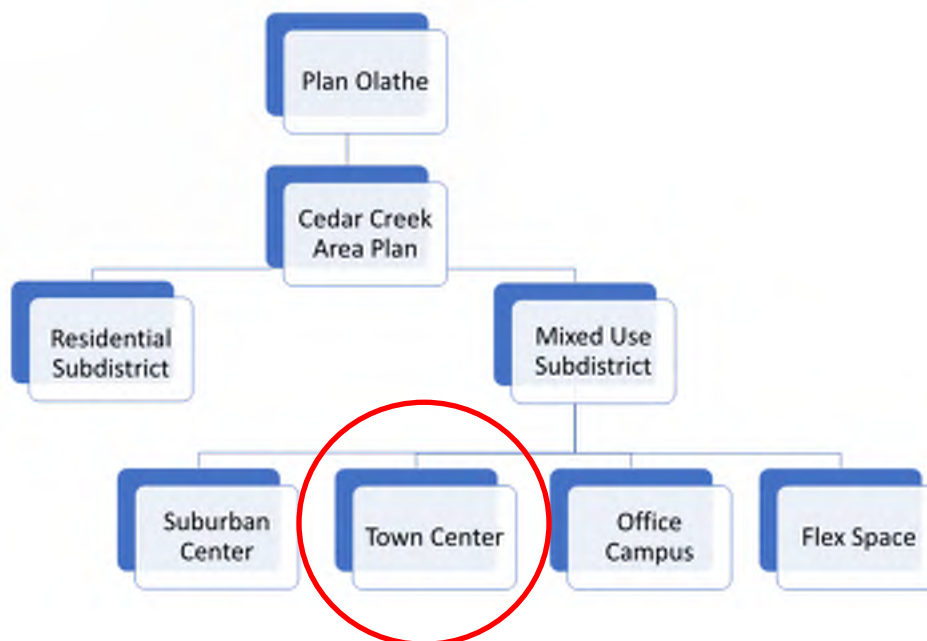
6. Zoning/Land Use Analysis:

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 subject property is located in an area that is designated on the future land use map as Cedar Creek Mixed Use Center. The Cedar Creek Area Plan also identifies the subject property and surrounding area as a Mixed-Use Subdistrict. The subject

property and immediate surrounding area are further identified as a Town Center. The diagram provided below helps explain the progression of land use designations, vision, and allowed development types within the Cedar Creek Area. The uses that are allowed in the R-2 District would prevent future development of the property from developing in a way that would achieve the Town Center vision as identified in the Cedar Creek Area Plan.



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

Future development of nearby properties will follow the Town Center standards of the Cedar Creek Area Plan, by providing a mix of uses (both high-density residential and non-residential), community spaces, and a pedestrian-oriented environment. The proposed rezoning and development of twin villas will not be compatible with the character of future development in the Town Center Area, as it will provide a low-density residential use only.

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.

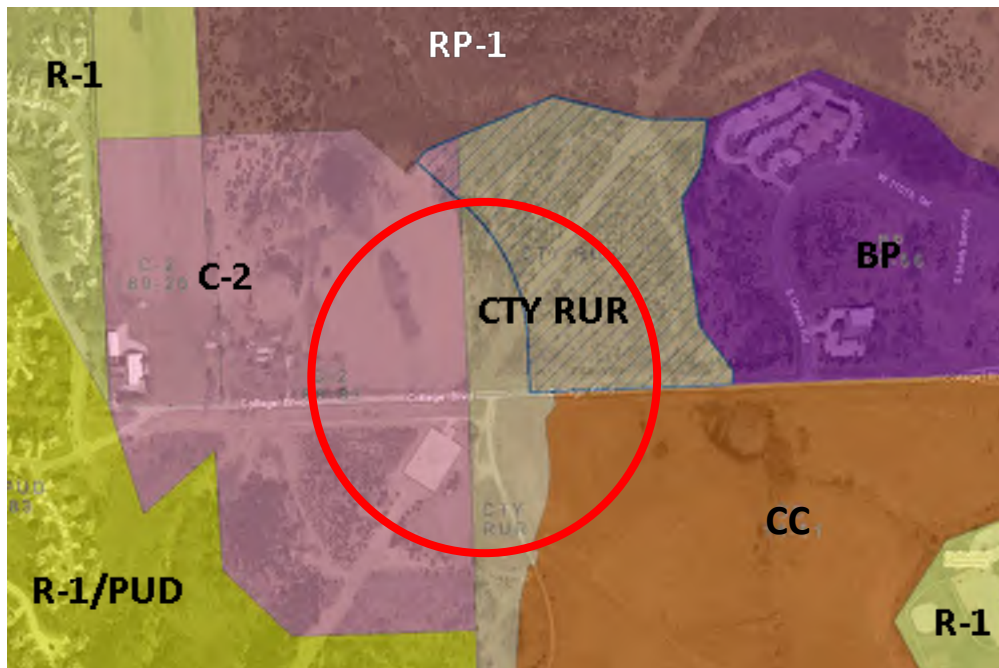


Image 6: Zoning Map of Surrounding Area (subject property is outlined in navy, Town Center generally identified in red)

The surrounding properties have a variation of zoning districts, as can be seen in Image 6 above. The areas that are included within the Town Center designation (identified in red in Image 5 above) on the Cedar Creek Area Plan Map are zoned CC (Cedar Creek), C-2 (Community Center) Commercial District, and CTY RUR (County Rural). Additionally, there is existing BP (Business Park) zoning to the east of the subject property. The proposed R-2 zoning and twin villa development would not be in harmony with the surrounding zoning districts and allowed uses. A more harmonious development of this property would be a mix of high-density residential uses and non-residential uses that would be found in a Town Center development. This will provide a transition to the single-family uses that exist further north, south, and west from the Town Center Area located at the node of College Boulevard and the future Cedar Creek Parkway.

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

The current zoning of the property is CTY RUR (County Rural) and C-2 (Community Center) Commercial. Approximately one-half acre of the subject property is zoned C-2, and that portion of the property does not currently have any street access and is likely too small to develop as currently zoned. The remaining approximately 19.83± acres of the site are currently zoned County Rural and would require a rezoning to a City zoning district to be approved prior to development. If the property were to be rezoned to the R-2 District, there would be a greater limitation on the types of uses that would be allowed than if the property were to be rezoned to the Cedar Creek District.

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

Zoning of the subject property has not changed since 1988, when the northwesternmost corner of the property (approximately 0.50± acres) was zoned C-2. The remaining 19.83± acres of the property are currently zoned CTY RUR, and this property was not rezoned when it was annexed into the City in 1993. The property has never been developed.

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

The proposed rezoning to the R-2 District will detrimentally affect future development of nearby properties. The extension of low-density residential development onto property that is intended to be developed as a Town Center will hinder future commercial development of other properties within the Town Center area.

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.

Providing neighborhood commercial uses in the Town Center area designated on the Cedar Creek Area Plan will help reduce the number of trips that residents of west Olathe make to significant retail developments in east Olathe. Constructing conventional residential housing at this location in Cedar Creek, rather than remaining consistent with the Cedar Creek Mixed Use recommended in our Comprehensive Plan, will eliminate retail and entertainment opportunities for our residents in this area. Because of this, additional crosstown trips will be added, therefore increasing the impact on the City's road network.

H. The extent to which the proposed use would create 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 development. Any proposed development will be required to meet the City's stormwater requirements and best management practices for water quality.

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

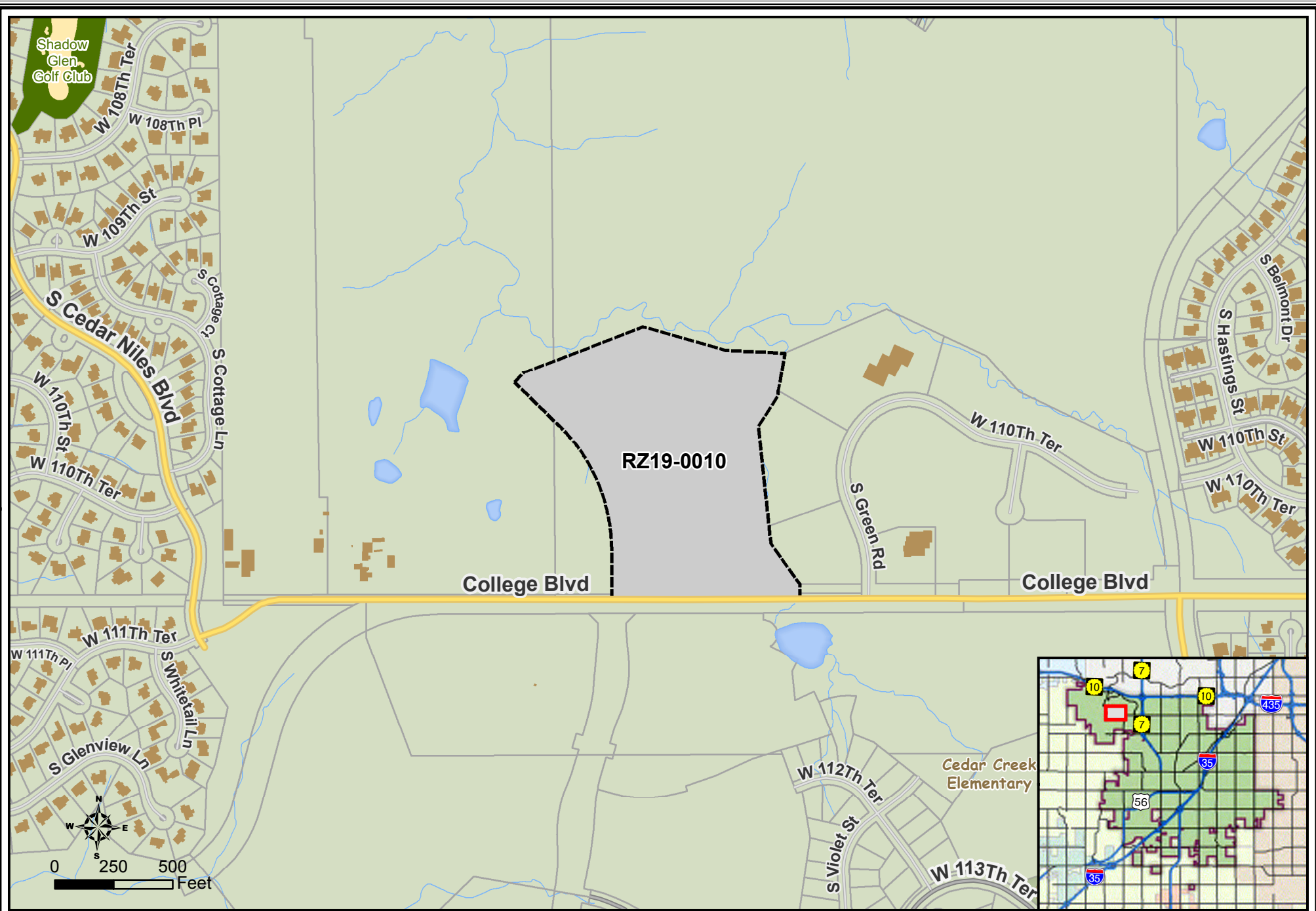
If approved, the proposed development would generate a residential tax base for the subject property. If the property were to be rezoned to the R-2 District, the residential uses would generate less tax revenue than if the property were rezoned to the CC (Cedar Creek) District and developed retail and services uses consistent with the Cedar Creek Area Plan.

7. Staff Recommendation:

Staff recommends denial of RZ19-0010 for the following reasons:

- A. As detailed in this report, the proposed rezoning to the R-2 District is not consistent with the vision of the Cedar Creek Area Plan, as an extension of the Comprehensive Plan, for the Cedar Creek Mixed Use District, specifically the Town Center designation.
- B. The proposed rezoning to the R-2 (Residential Two-Family) District will have a detrimental impact to the future development of this area in accordance with PlanOlathe and the Cedar Creek Area Plan.
- C. The CC (Cedar Creek) zoning district is identified in the Cedar Creek Area Plan as the preferred zoning district for properties within the Cedar Creek Overlay District.
- D. As proposed, this application fails several of the criteria for a rezoning under section 18.40.090 of the Unified Development Ordinance.
 - 1) *"The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies."*
 - 2) *"The character of the neighborhood including but not limited to: land use, zoning, density (residential), floor area (nonresidential and mixed use), architectural style, building materials, height, siting, and open space."*
 - 3) *"The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses."*
 - 4) *"The extent to which approval of the application would detrimentally affect nearby properties."*
 - 5) *"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".*

If the Planning Commission recommends denial of the rezoning request, the application will still proceed to the City Council. If the rezoning is denied, the associated preliminary development plan automatically fails as the requirements and standards for the plan review are based upon the requested zoning district. Should the rezoning be approved, a preliminary development plan would return at a later date to the Planning Commission and City Council following staff review.



User: jaredmd
Date: 08/06/2019

CEDAR CREEK TWIN VILLAS

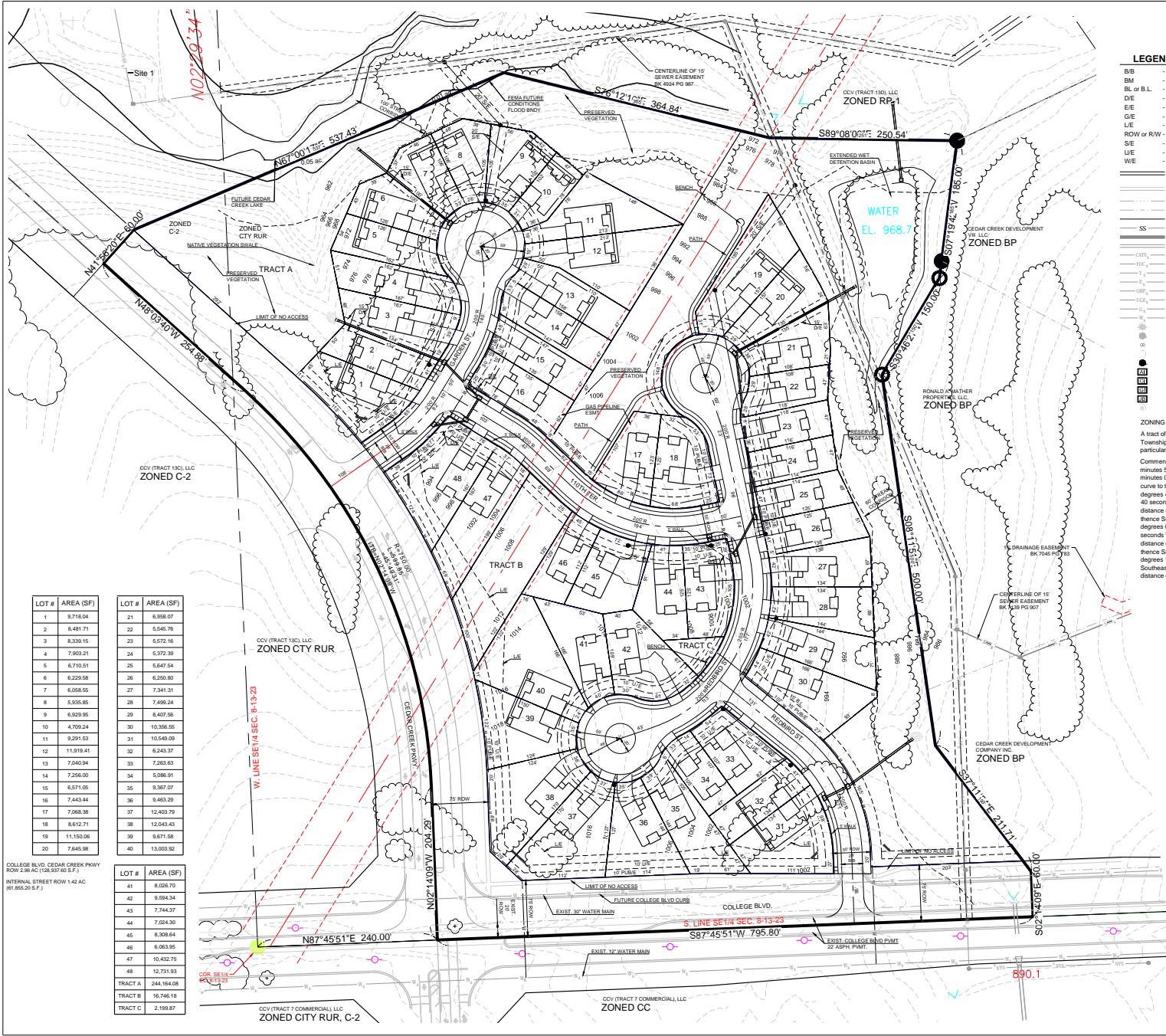
RZ19-0010



Cedar Creek Twin Villas Statement of Purpose

The property is currently zoned City Agriculture. The Developer is requesting the property be rezoned to CC Cedar Creek District to allow for the construction of maintenance provided attached villas. The property to the North, zoned RP-1, is owned and being developed by the Cedar Creek developers. The property to the West is zoned C-2, RP-1. The property to the south of College Boulevard is zoned CC. The property to the East is zoned BP. The proposed zoning is compatible with the adjacent zonings and the Cedar Creek Area Plan. Each villa building will contain 2 units. The estimated sales price for each unit is between \$300,000 and \$350,000.

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LEGEND:

- B/B BACK TO BACK
- BM BENCHMARK
- BL w/ B.L. BUILDING LINE
- D/E DRAINAGE EASEMENT
- E/E ELECTRICAL EASEMENT
- G/E GAS LINE EASEMENT
- L/E LANDSCAPE EASEMENT
- ROW or R/W RIGHT-OF-WAY
- S/E SANITARY SEWER EASEMENT
- U/E UTILITY EASEMENT
- W/E WATERLINE EASEMENT
- CURB & GUTTER
- CURB & GUTTER - EXISTING
- - - EXISTING LOT AND R/W LINES
- - - EXISTING PLAT LINES
- SS SANITARY SEWER MAIN
- SS SANITARY SEWER MAIN - EXIST.
- SS STORM SEWER
- SS STORM SEWER - EXISTING
- CATV CABLE TV - EXISTING
- F/C FIBER OPTIC CABLE - EXISTING
- T/E TELEPHONE LINE - EXIST.
- E/E ELECTRIC LINE - EXISTING
- U/E OVERHEAD POWER LINE - EXIST.
- U/E UNDERGROUND ELECTRIC - EX.
- W/E WATERLINE - EXISTING
- L/E LIGHT - EXISTING
- MANHOLE EXISTING MANHOLE
- C/C CLEANTUIT
- MANHOLE EXISTING SANITARY MANHOLE
- INLET EXISTING AREA INLET
- INLET EXISTING CURB INLET
- INLET EXISTING GRATE INLET
- INLET EXISTING JUNCTION BOX
- INLET EXISTING STORM MANHOLE

ZONING DESCRIPTION:

A tract of land lying in the Southeast One-Quarter and the Southwest One-Quarter of Section 8, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:
Commencing at the South One-Quarter Section corner of said Section 8; thence North 87 degrees 45 minutes 51 seconds East a distance of 240.00 feet to the Point of Beginning; thence North 02 degrees 14 minutes 09 seconds West a distance of 204.29 feet to a point of curvature; thence Northwest on a curve to the left tangent to the previous course, having a radius of 750.00 feet, a central angle of 45 degrees 49 minutes 31 seconds and an arc length of 537.43 feet; thence North 48 degrees 03 minutes 40 seconds West a distance of 254.85 feet; thence North 41 degrees 56 minutes 20 seconds East a distance of 60.00 feet; thence North 67 degrees 00 minutes 17 seconds East a distance of 537.43 feet; thence South 70 degrees 12 minutes 10 seconds East a distance of 364.84 feet; thence South 89 degrees 08 minutes 06 seconds East a distance of 250.54 feet; thence South 07 degrees 15 minutes 42 seconds West a distance of 185.00 feet; thence South 30 degrees 46 minutes 27 seconds West a distance of 150.00 feet; thence South 08 degrees 11 minutes 51 seconds East a distance of 500.00 feet; thence South 37 degrees 11 minutes 54 seconds East a distance of 211.71 feet; thence South 02 degrees 14 minutes 09 seconds East a distance of 60.00 feet to a point on the South line of said Southeast One-Quarter; thence South 87 degrees 45 minutes 51 seconds West along said South line a distance of 765.80 feet to the Point of Beginning and containing 20.330 acres more or less.

- SITE DATA:**
EXISTING ZONING: ZONED RP-1
PROPOSED ZONING: ZONED BP
EXISTING USE: RESIDENTIAL
PROPOSED USE: RESIDENTIAL
GROSS SITE AREA: 20.33 ACRES
NET SITE AREA: 19.88 ACRES (CEDAR CREEK PKWY & COLLEGE BLVD.)
- OPEN SPACE DATA:**
OPEN SPACE REQUIRED PER CC AREA PLAN (15%): 3.05 ACRES
OPEN SPACE PROVIDED: 2.81 ACRES (4.83 ACRES @ 20%)
- LOT AND SETBACK DATA:**
NUMBER OF LOTS: 48 LOTS
LOT SIZE PROPOSED FOR BUILDING: 85'x117'
FRONT SETBACK ALLOWED PER BY CC AREA PLAN: 25 FT
INTERIOR SIDE SETBACK ALLOWED PER CC AREA PLAN: 10 FT
CORNER LOT STREET SIDE SETBACK ALLOWED PER AREA PLAN: 15 FT
CORNER LOT STREET SIDE SETBACK ALLOWED PER AREA PLAN: 15 FT
REAR SETBACK PER CC AREA PLAN: 25 FT
REAR SETBACK PROPOSED: 25 FT
MAXIMUM HEIGHT: 15 FT EXCEPT LOT 22 IS 15 FT, 21 STOREYS IS 36 FT.

NOTES:

- BOUNDARY INFORMATION IS FROM A BOUNDARY SURVEY PREPARED BY SCHLAGEL AND ASSOCIATES.
- TOPOGRAPHIC INFORMATION IS JOCO AIMS.
- THERE IS NO FEMA FLOODPLAIN PER FLOOD INSURANCE RATE MAPS 2009/100016 DATED AUGUST 3, 2009.
- THE CITY OF OLATHE TECHNICAL SPECIFICATIONS, LATEST EDITION, SHALL GOVERN CONSTRUCTION OF THIS PROJECT.
- ALL EXISTING UTILITIES INDICATED ON THE DRAWINGS ARE ACCORDING TO THE BEST INFORMATION AVAILABLE TO THE ENGINEER. HOWEVER, ALL UTILITIES ACTUALLY EXISTING MAY NOT BE SHOWN. UTILITIES DAMAGED THROUGH THE NEGLIGENCE OF THE CONTRACTOR TO OBTAIN THE LOCATION OF SAME SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT HIS EXPENSE.
- SIDEWALKS SHALL BE 6 FT. IN WIDTH. SIDEWALKS ACROSS TRACTS SHALL BE CONSTRUCTED BY THE DEVELOPER. SIDEWALKS ON LOTS SHALL BE CONSTRUCTED BY THE HOME BUILDER.
- THE PROJECT WILL BE CONSTRUCTED IN ONE PHASE.
- TRACTS A, B, AND C WILL BE OWNED AND MAINTAINED BY THE CEDAR CREEK HOA. TRACTS A AND B WILL BE USED FOR OPEN SPACE AND STORMWATER BMPs. TRACT C WILL BE UTILIZED FOR RESIDENTIAL DEVELOPMENT.
- ALL PUBLIC IMPROVEMENTS SHALL BE COMPLETED AND ACCEPTED BY THE CITY PRIOR TO REVIEW OF SUBMITTALS FOR HOME PLANS.
- PER TITLE 17, SECTION 17-16-08-0 C DRAINAGE EASEMENTS SHALL BE A MINIMUM OF 15 FEET IN WIDTH.
- FIRE HYDRANTS REQUIRED WITHIN 400 FEET OF ALL RESIDENTIAL UNITS (TRAVEL DISTANCE, DEAD END WATER MAINS) WITHIN 100 FEET OF ALL RECREATION AREAS ARE NOT NECESSARY. CALCULATIONS CAN BE PROVIDED THAT DEMONSTRATE AN ADEQUATE WATER SUPPLY IS AVAILABLE TO THE ENGINEER. HOWEVER, ALL UTILITIES ACTUALLY EXISTING MAY NOT BE SHOWN. UTILITIES DAMAGED THROUGH THE NEGLIGENCE OF THE CONTRACTOR TO OBTAIN THE LOCATION OF SAME SHALL BE REPAIRED OR REPLACED BY THE CONTRACTOR AT HIS EXPENSE.

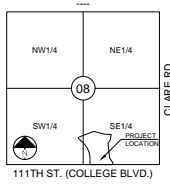
OWNER'S REQUIREMENTS:

CCV (TRACT 130), LLC
JOHN DUGGAN
9101 W 110TH ST STE 200
OVERLAND PARK, KANSAS 66210

SCALE: 1" = 60'

111TH ST. (COLLEGE BLVD.)

PRELIMINARY PLAT OF
CEDAR CREEK TWIN VILLAS
PART OF THE NW 1/4 OF SEC. 08-13-23
IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS



SECTION 08-13-23
LOCATION MAP
SCALE 1" = 2000'

- UTILITY PROVIDERS:**
AT&T
Amos Energy
City of Olathe Storm Sewers
City of Olathe Sanitary Sewers
City of Olathe Water
Comcast Cable Communications, Inc.
Kansas City Power & Light Company

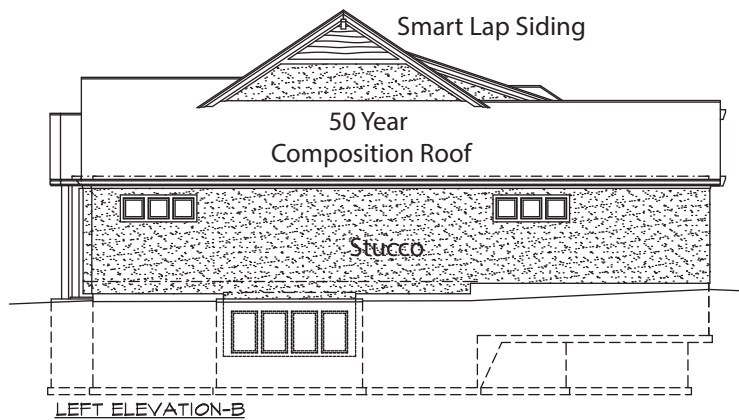
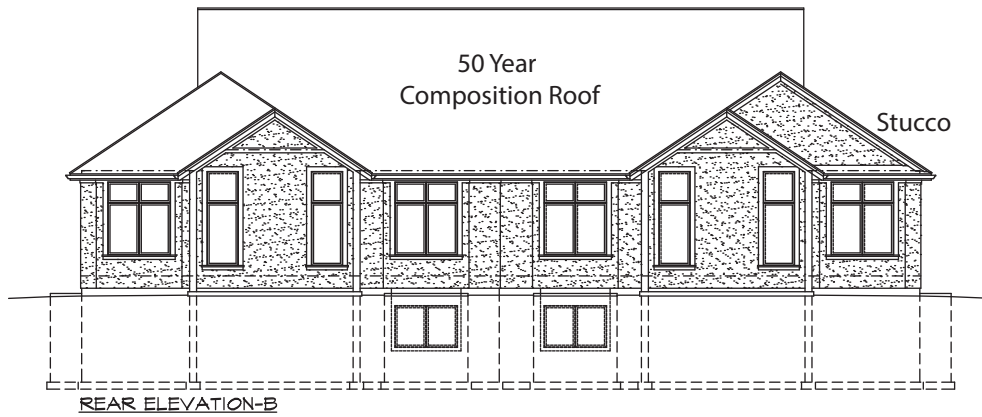
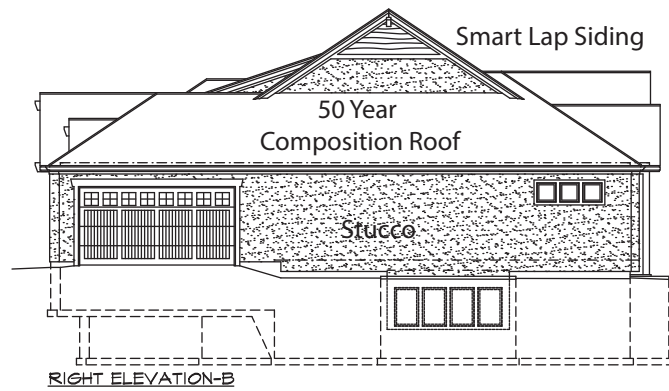
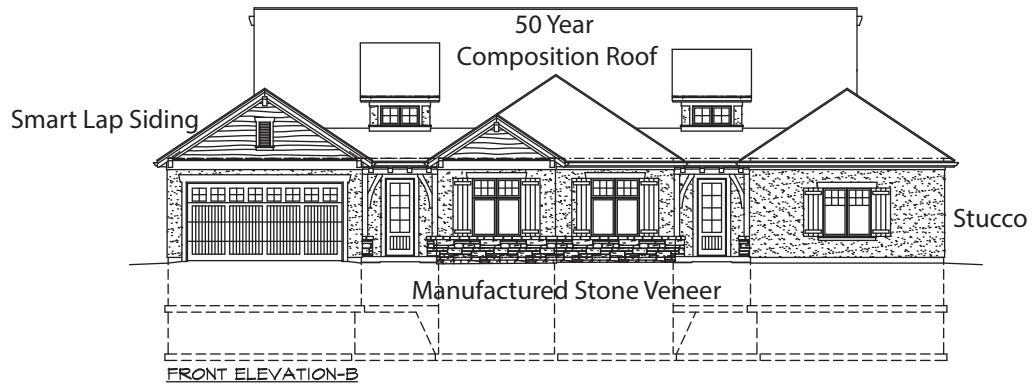
SCHLAGEL & ASSOCIATES, P.A.
Engineers/Planners/Surveyors/Landscape Architects
1400 West 107th Street, Suite 200
Overland Park, Kansas 66211
(913) 462-0100 • Fax: (913) 462-0400
WWW.SCHLAGELANDASSOCIATES.COM

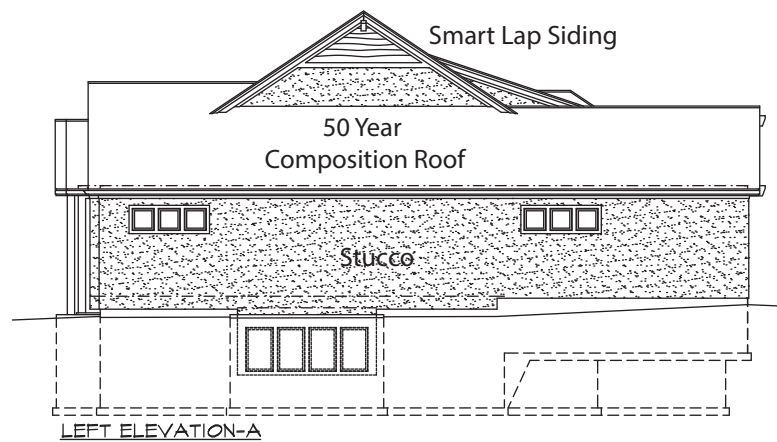
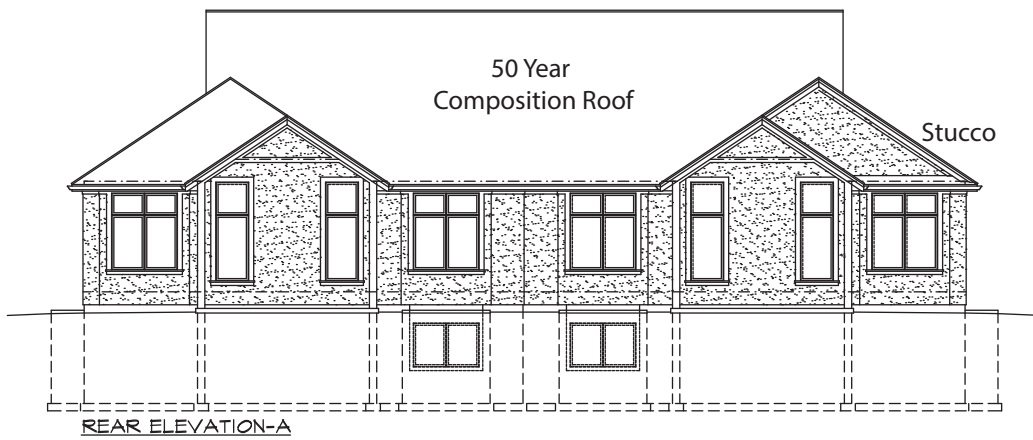
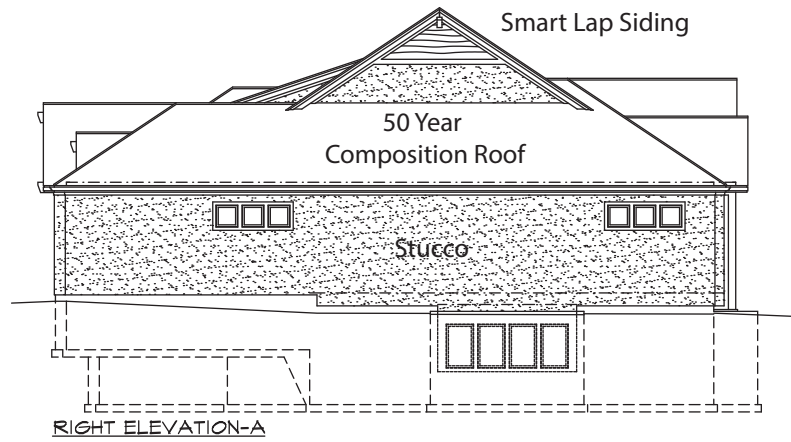
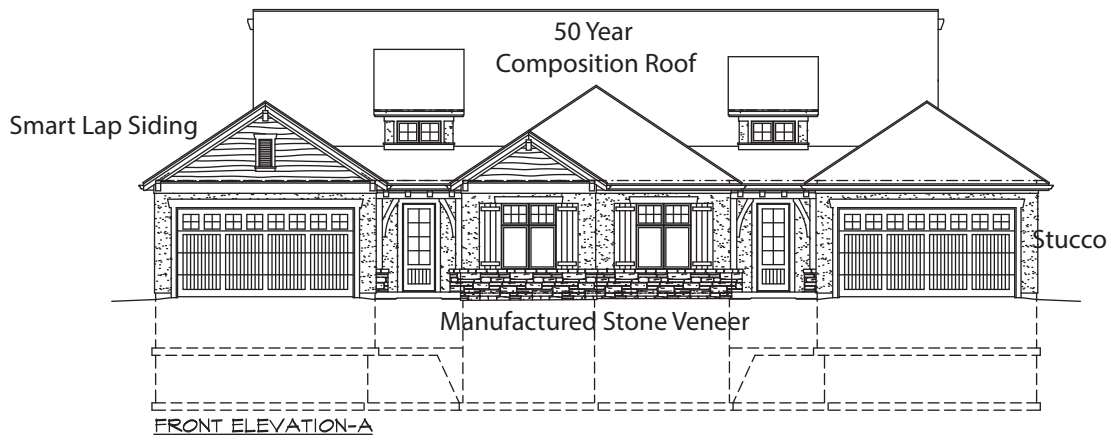
CEDAR CREEK TWIN VILLAS
PRELIMINARY DEVELOPMENT PLAN
COLLEGE BLVD. & CEDAR CREEK PKWY.
OLATHE, KANSAS

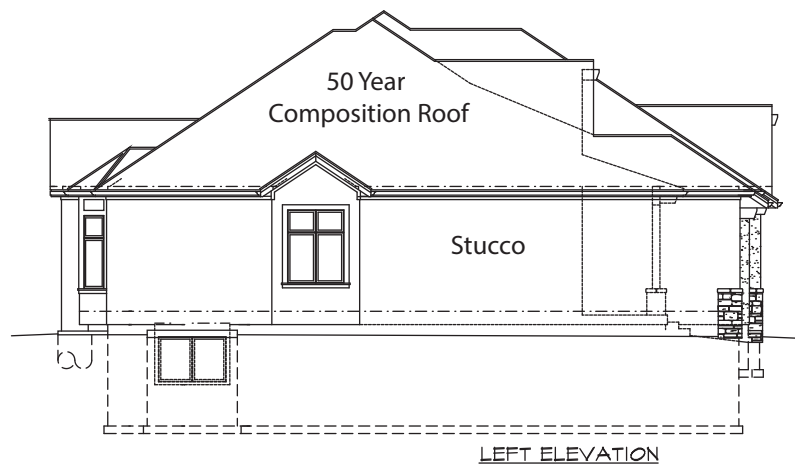
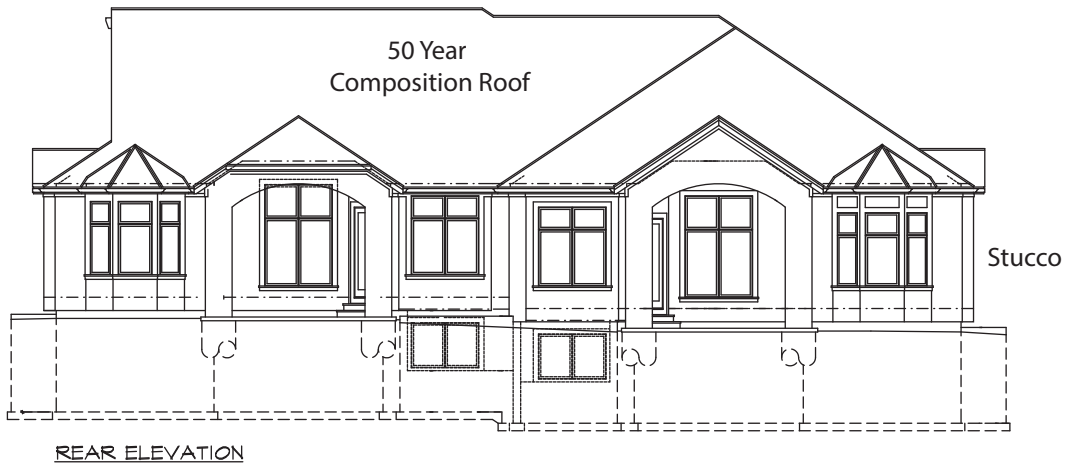
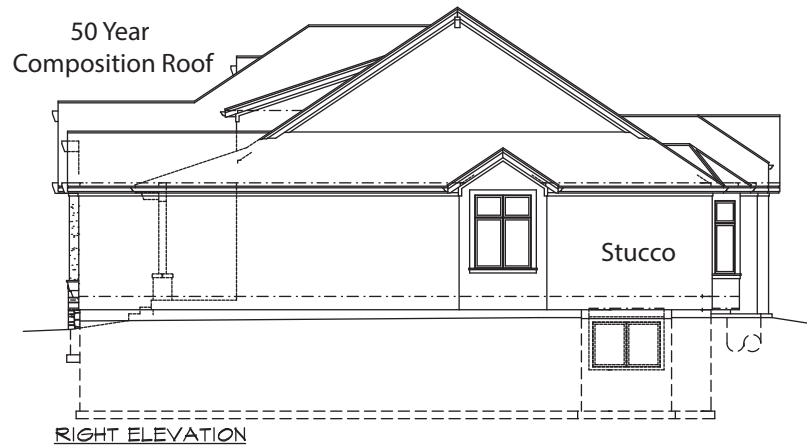
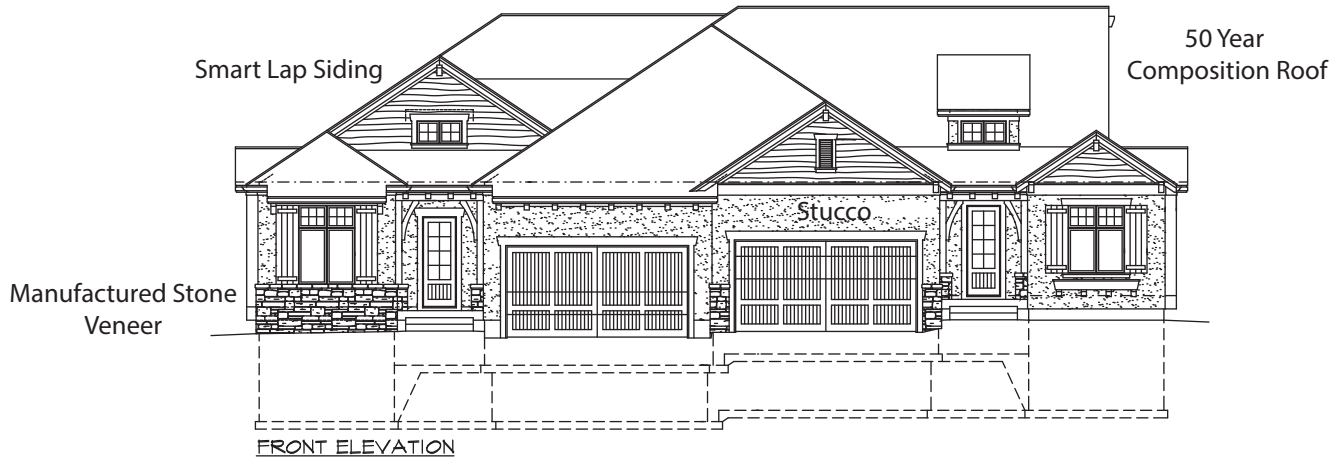
REVISION	DATE	DESCRIPTION
1	10/26/2019	1. INITIAL DESIGN
2	10/26/2019	2. PRELIMINARY DESIGN
3	10/26/2019	3. PRELIMINARY DESIGN
4	10/26/2019	4. PRELIMINARY DESIGN
5	10/26/2019	5. PRELIMINARY DESIGN
6	10/26/2019	6. PRELIMINARY DESIGN
7	10/26/2019	7. PRELIMINARY DESIGN
8	10/26/2019	8. PRELIMINARY DESIGN
9	10/26/2019	9. PRELIMINARY DESIGN
10	10/26/2019	10. PRELIMINARY DESIGN
11	10/26/2019	11. PRELIMINARY DESIGN
12	10/26/2019	12. PRELIMINARY DESIGN
13	10/26/2019	13. PRELIMINARY DESIGN
14	10/26/2019	14. PRELIMINARY DESIGN
15	10/26/2019	15. PRELIMINARY DESIGN
16	10/26/2019	16. PRELIMINARY DESIGN
17	10/26/2019	17. PRELIMINARY DESIGN
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22	10/26/2019	22. PRELIMINARY DESIGN
23	10/26/2019	23. PRELIMINARY DESIGN
24	10/26/2019	24. PRELIMINARY DESIGN
25	10/26/2019	25. PRELIMINARY DESIGN
26	10/26/2019	26. PRELIMINARY DESIGN
27	10/26/2019	27. PRELIMINARY DESIGN
28	10/26/2019	28. PRELIMINARY DESIGN
29	10/26/2019	29. PRELIMINARY DESIGN
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41	10/26/2019	41. PRELIMINARY DESIGN
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PRELIMINARY DEVELOPMENT PLAN

SHEET
C1.0
OF









City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: August 12, 2019

Application:	<u>RZ19-0011:</u> Request for a zoning amendment to Ordinance 17-55, for a Planned District (PD) and revised preliminary site development plan for Tommy's Express Car Wash
Location:	225 S. Parker Street
Owner:	Tim Allen; 3 Parker Investments, LLC
Applicant:	Rob Heise; Heise-Meyer, LLC
Engineer:	Judd Claussen; Phelps Engineering, Inc.
Staff Contact:	Zachary Moore, Planner II

Site Area:	<u>1.04± acres</u>	Proposed Use:	<u>Car Wash</u>
Lots:	<u>1 (Commercial)</u>	Plat:	<u>Archer Subdivision, Lot 2</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning
Site	Regional Commercial Center/ Neighborhood Commercial Center	Undeveloped	Planned District
North	Regional Commercial Center	Auto Parts Store	CP-1
South	Neighborhood Commercial Center	Undeveloped	Planned District
East	Regional Commercial Center/ Neighborhood Commercial Center	Street right-of-way	Parker Street right-of-way
West	Mixed Density Residential Neighborhood	Undeveloped	Planned District

1. Proposal:

The applicant is requesting a zoning amendment to Ordinance 17-55 for the Archer Subdivision Planned District to allow for a car wash facility on a Lot 2 of the development. The Archer Subdivision zoning request to a Planned District was approved in 2017 with a stipulation that car wash and other intense commercial and automobile-oriented uses would be prohibited. As a Planned District, uses as well as other development conditions are negotiated with the applicant as part of the zoning request process. Based on the analysis that is provided in this report, staff is not supportive of the zoning amendment request and therefore, staff recommends denial of this application.

Staff informed the applicant of this denial recommendation however they chose to proceed. The requirements and standards for development plan review are based on the zoning district. Staff cannot vet nor make a recommendation regarding the site development plan since there is not a recommendation to approve the zoning amendment. Despite staff's inability to review the plan, the applicant requested the plan be included in the meeting packet as part of their application.

2. History:

In 2017, the Archer Subdivision rezoning (RZ-17-009) was approved, rezoning the subject property and properties to the south and west from residential to a new Planned District (PD). The property owner of the subject property has not changed since that time. This Planned District was established as a comprehensive development with an integrated mix of land uses providing opportunities for living, with commercial establishments such as retail and restaurants. Through negotiations for this district zoning, a list of prohibited uses was established. More information is provided on this in the following section.

Since zoning, a final site development plan was approved on June 8, 2018 for the apartments and building permits are under review.

3. Neighborhood Meeting/Public Notice:

The applicant held a neighborhood meeting on July 22, 2019 (see attached minutes) and two residents attended. The attendees indicated that they were supportive of the car wash project and asked questions regarding the apartments in the Planned District. The neighborhood meeting minutes are included in the Planning Commission packet.

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

4. Existing Conditions/Site Photos:

Infrastructure, such as streets, for the Archer Subdivision has been constructed throughout the entire Planned District, but no vertical improvements have occurred on site at this time.



Image 1: Aerial View of Subject Property (outlined in blue) and Surrounding Area



Image 2: View of subject property from Parker Street

5. Planned District Zoning:

The purpose of the Planned District is to provide a zoning option that is intended to encourage innovative land planning and design in a way that is not possible under conventional zoning districts. Uses and development standards such as density, intensity, setbacks, open space, etc., for Planned Districts are negotiated between the City and the applicant throughout the review process and are established at the time of zoning. Therefore, it allows the applicant the ability to promote high quality development by having more flexible development standards and a wider variety of uses than would be allowed in conventional zoning districts.

Unified Development Ordinance (UDO), Section 18.20.220.B.3 pertains to regulations for a Planned District and states, "The submittal by the developer and the approval by the City of development plans is a firm commitment by the developer that development will comply with the approved plans."

During the negotiation for this Planned District, it was determined that the only allowed uses for the commercial lots would be restricted to those allowed by-right in the C-1 through C-4 districts, with the exception of hotels; nursery, lawn and garden stores; building materials sales and storage; car washes; convenience stores with gas; and gas stations. The intent for these restrictions on these smaller commercial lots is to provide uses that will support the neighborhood on a community level and not those uses found in more intense commercial districts or those which have a more regional draw. The prohibited uses were also deemed incompatible because they included more intense commercial uses which are automobile oriented. The uses that are allowed in the Archer Subdivision as a condition of the zoning approved in 2017 are intended to provide a more pedestrian-oriented development with a human scale.

6. Comprehensive Plan Analysis:

According to PlanOlathe, the subject property is located primarily within a Neighborhood Commercial Center, and partially within a Regional Commercial Center and Mixed Density Residential Neighborhood. The Regional Commercial Center in the area is primarily situated around the intersection of Parker Street and Santa Fe Street, while the Neighborhood Commercial Center designation of the area primarily follows the Parker Street corridor, moving south from the Parker Street and Santa Fe Street intersection. As you can see from the map below, the subject property is located within both areas.

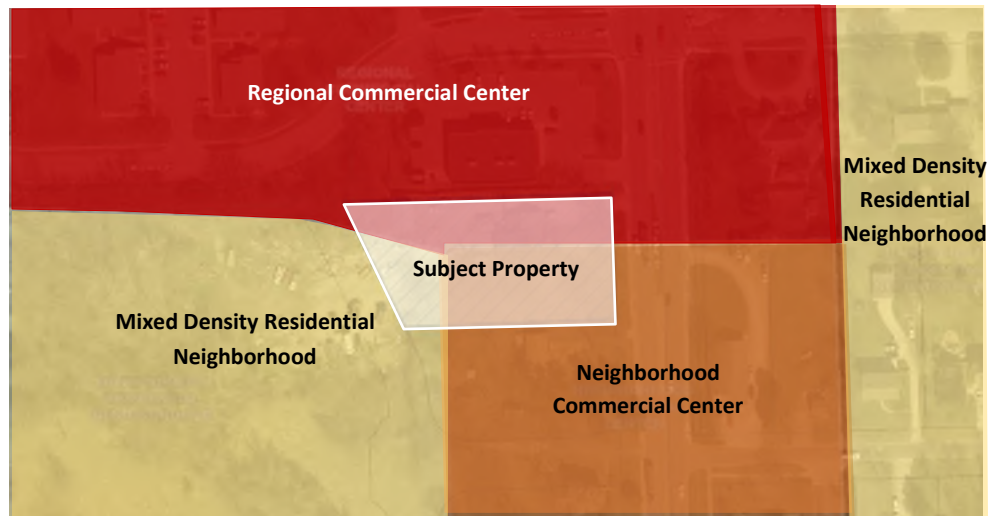


Image 2: Location of subject property on the Comprehensive Plan Map

Neighborhood Commercial Centers are an intrinsic part of neighborhoods that encourage needed services, recreation opportunities, and community gathering spaces. Per PlanOlathe, these Centers are sometimes anchored by a small grocery store, specialty market or pharmacy. Other supporting uses fit the size, scale, and intensity of the neighborhood setting, and may include small offices, restaurants, salons, or other convenience-oriented retail and services. Neighborhood Commercial Centers are intended to help define neighborhoods as specific places and are particularly suited to a pedestrian friendly design and character. Therefore, uses such as gas stations and car washes are not appropriate to be located in Neighborhood Commercial Centers, as they are automobile-oriented uses.

7. Zoning/Land Use Analysis:

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 subject property is located in an area that is primarily designated on the future land use map as Neighborhood Commercial Center and partially as Regional Commercial Center. While the future land use map shows this property divided into these two future land use map designations, the Regional Commercial Center designation is centered more at the intersection of Santa Fe Street and Parker Street/K-7 Highway to the north. Staff's recommendation in 2017 to approve the Planned District Zoning for this development was based on the vision and goals that align with the Neighborhood Commercial Center. This is also similar to other properties along the Parker Street corridor as you move further south from the intersection of Santa Fe and Parker Street.

The proposed use of a car wash does not conform to the Neighborhood Commercial Center future land use map designation. Neighborhood Commercial Centers are an intrinsic part of neighborhoods that help provide needed services, recreation

opportunities, and community gathering spaces. These Neighborhood Commercial Centers are intended to be anchored by a small grocery store or specialty market, with supporting uses that would fit the size, scale and intensity of the neighborhood setting, such as small offices, restaurants, dry cleaning, or other convenience-oriented retail and services. Because Neighborhood Commercial Centers are smaller in scale and typically located near residential neighborhoods, they are particularly suited to a pedestrian friendly design and character. The proposed use of a car wash is not suited to pedestrian friendly design and character, as it is an automobile-oriented use.

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

The nearby area includes the Archer Subdivision Planned District, which includes 208 apartment units and 3 total commercial lots. The apartment buildings vary between two and three stories in height, and amenities are provided in the center of development, such as a clubhouse and a pool. The nonresidential buildings included in the Planned District are intended to provide uses that will support the residents of the apartments within the Planned District, such as restaurants, small offices, and general retail sales. These nonresidential uses are intended to be built to a size and scale that will promote pedestrian activity throughout the development. The proposed development of a car wash will not promote pedestrian activity throughout the development.

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 zoning of surrounding properties primarily consists of PD (Archer Subdivision Planned District), which was approved in 2017. The Archer Subdivision included a stipulation with its approval which allowed uses from C-1 through C-4, but prohibited hotels; nurseries, lawn and garden stores; building materials sales and storage; car washes; convenience stores with gas sales; and gas stations. A car wash within this Planned District would not fit within the vision for the PD (Planned District) zoning of the surrounding area.

The property immediately north of the subject property is currently zoned CP-1 (Planned Neighborhood Business) District and is currently developed with a retail use. The CP-1 District is intended to provide for development of small scale retail business uses. This District was intended specifically for development of limited commercial centers in areas which are sensitive because of nearby residential land uses.

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

The current zoning of the property is PD (Archer Subdivision Planned District) District which has uses and development standards which were negotiated throughout the rezoning process and allows uses from all 4 commercial districts in the Unified Development Ordinance. As a result, the subject property has greater flexibility of allowed uses than a typical conventional district has with just a few use restrictions. The subject property is suitable for development under all the uses allowed by right on the subject property.

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

The property has been vacant for less than 3 years since it was rezoned to the Archer Subdivision Planned District in 2017. This is the only application for development that has been received since the rezoning to the Archer Subdivision Planned District was approved.

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

The character of the overall development will be impacted by allowing a use that would not promote pedestrian activity to support residents within the development. This planned district development was granted zoning entitlements based upon the plan originally submitted to the City. Planned districts created as a single, comprehensive development with uses and layouts integrated and purposefully designed to create a cohesive development. Allowing a prohibited use within the planned district can negatively impact the original concept and vision for the area.

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.

Staff does not support the proposed zoning amendment and therefore, is unable to provide an analysis of the preliminary development plan and surrounding street network.

H. The extent to which the proposed use would create 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 development. Any proposed development will be required to meet the City's stormwater requirements and best management practices for water quality.

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

The generation of taxes for the subject property would occur with the requested use or other uses that are allowed in the existing Planned District, as well.

8. Staff Recommendation:

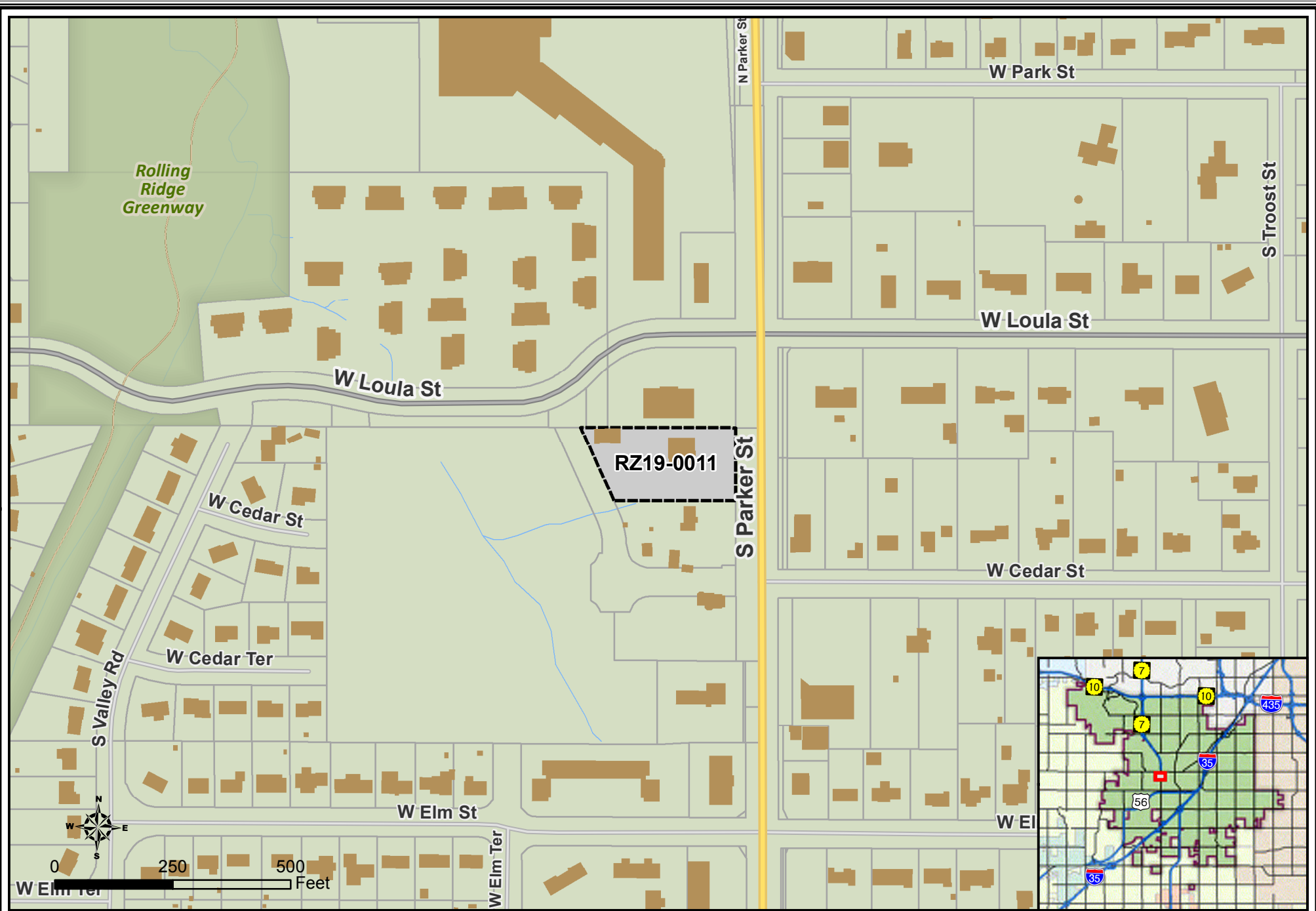
Staff recommends denial of RZ19-0011, for the following reasons:

- A. As detailed in this report, the proposed zoning amendment to allow a car wash in the Archer Subdivision Planned District is not consistent with the policies and goals of the Comprehensive Plan for a Neighborhood Commercial Center as identified in PlanOlathe. Neighborhood Commercial Centers are intended to define neighborhoods as specific places and be suited to a pedestrian friendly design and character.
- B. The proposed car wash use is specifically prohibited in the stipulations that were agreed upon in the creation of this Planned District.

C. As proposed, this application fails several of the criteria for a rezoning under section 18.40.090 of the Unified Development Ordinance.

- 1) *"The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies."*
- 2) *"The character of the neighborhood including but not limited to: land use, zoning, density (residential), floor area (nonresidential and mixed use), architectural style, building materials, height, siting, and open space."*
- 3) *"The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses."*
- 4) *"The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations."*
- 5) *"The length of time the property has been vacant as zoned."*
- 6) *"The extent to which approval of the application would detrimentally affect nearby properties."*

If the Planning Commission recommends denial of the zoning amendment to the Archer Subdivision Planned District, as recommended by staff for failure to meet the UDO criteria for rezonings, approved stipulations of the Archer Subdivision Planned District, and PlanOlathe goals, the application will still proceed to the City Council. If the zoning amendment is denied, the associated preliminary development plan would automatically fail as the requirements and standards for the plan review are based upon the requested zoning amendment. Should the zoning amendment be approved, a preliminary development plan would return at a later date to the Planning Commission and City Council following staff review of the development plan.



TOMMY'S CAR WASH
RZ19-0011

STATEMENT OF PURPOSE

Market demand:

We are desirous to amend Lot 2 of the Planned District to allow a state of the art tunnel car wash. The Tommy Car Wash is an innovatively-designed wash that flips the traditional image of a dark and dingy car wash into an efficient, safe, fast and exciting entertainment experience that will cycle vehicles through the wash in under two minutes. Other progressive cities such as Austin, Denver, San Diego, Tulsa, Grand Rapids and Chicago are realizing great benefits of having this style of wash in their communities. Our car wash meets the community/markets demand for a quality, quick and green wash option for our single family/apartment neighbors. The closest car wash is approximately 4 miles away. This Olathe location will be the first of multiple locations in the marketplace that will provide a consistent product and exceptional experience for our customers. The master developer is supportive of the use and site plan and has commented that this area will not only benefit from the sales taxes generated, but it will also provide a much needed service.

Consistent with Neighboring Uses:

This cutting edge, tunnel wash integrates with the neighboring uses that are automotive related as well as serves a major arterial street that is heavily traveled 7 days per week:

- Advanced Auto
- Starbucks
- Price Chopper
- McDonalds
- Wal-Mart
- Convenience Store
- CVS

Progressive Building and Site Design

We have the strategic input from the nation's top car wash operators along with forty years of operations experience in Kansas City. This experience also consists of the review of approximately 250 projects and two years of supplier selection meetings generated the architectural and site design. Tommy Equipment's corporate office worked with three architectural firms and various public surveys to develop the design of our building including its four-sided architecture. The East tower of the building is tall because it houses the management office, computer equipment and equipment/supply storage. This design feature is very important to the long term success of the business. The building is also very energy efficient utilizing an energy saving acrylic roof system and a water bio-reclamation system that is able to clean and reuse water. Any water that is discharged into the sanitary sewer system will also be thoroughly cleaned before it is discharged.

Our site design uniquely fits the shape of the lot and meets the need for full-access wash models that are demanded by consumers. The internal circulation is logical and safe for customers. After evaluating the stacking we will have two pay lanes that are automated, with camera recognition that will allow our customer members to proceed through the gates without rolling down their window. This system will quickly handle the payment process, and coupled with patented belt conveyor system ("self loading") and no manual prepping of the vehicles; our customers will quickly transition from payment through the wash and back out on the street. Our current vehicle stacking number is 18 cars before the gate, 6 after the gate, and 5 to 6 in the wash at a time. This a total of 30 vehicles at any one time before a car is on the private street shared with our neighbors.

The vacuum area is a critical customer driven feature that is designed as an open space with natural light, and the feeling of security that an uncovered area provides. Our key demographic are parents with their kids that want to be out in the open with hoses on both sides of the vehicle.

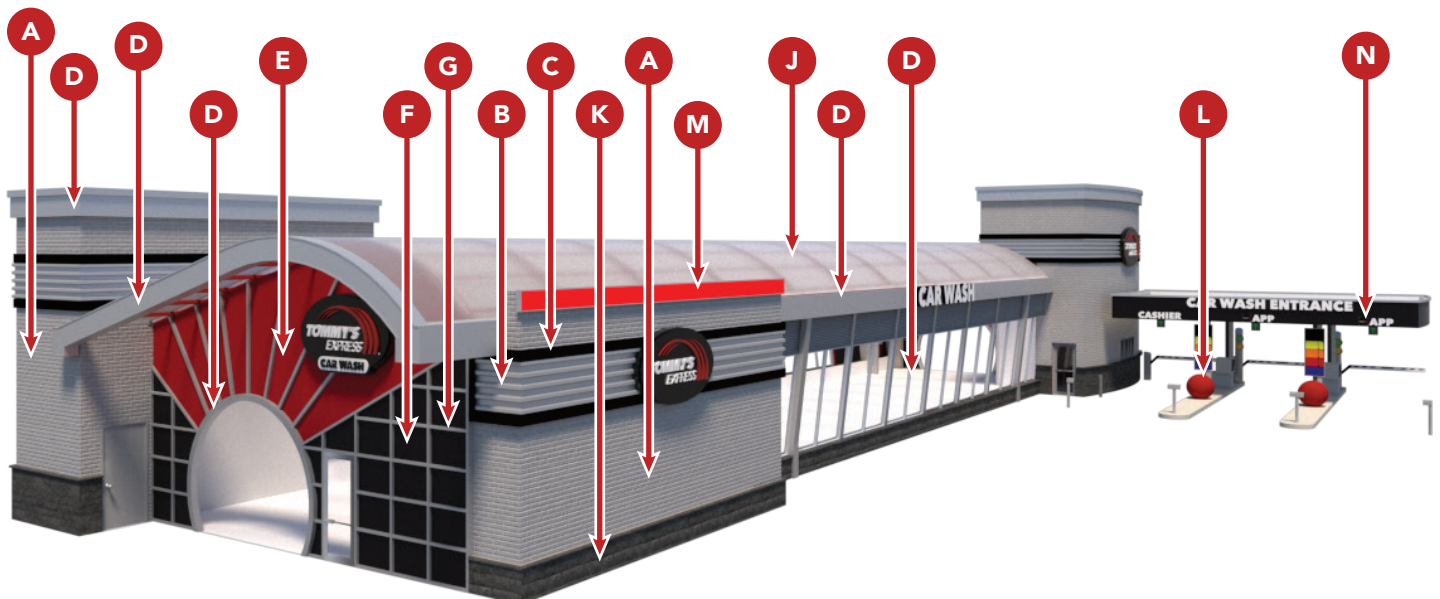
Exterior Material Selections

Tommy's Express Model

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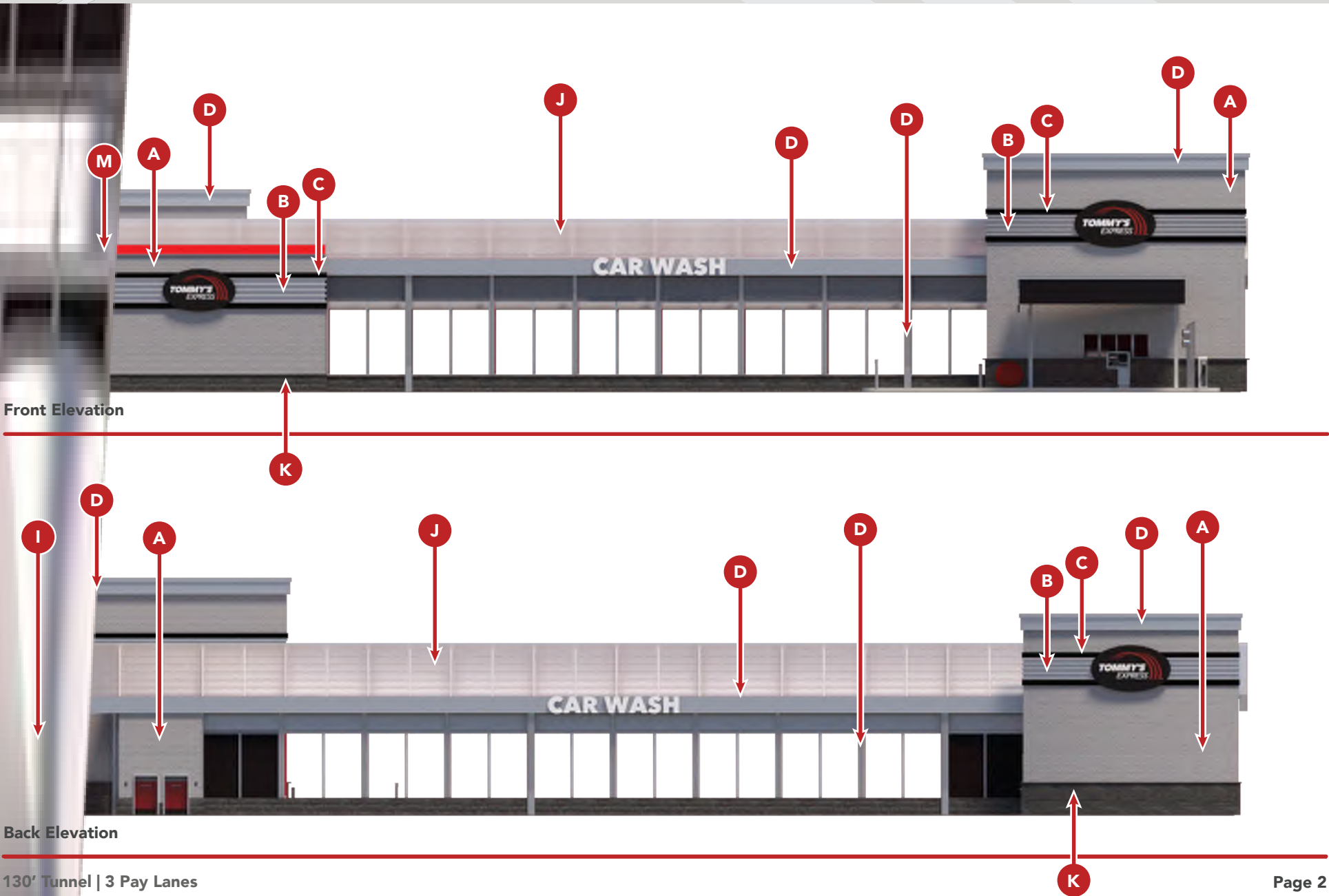
- A** Towers: Glen-Gary - Klaycoat Brick - Stone Gray - RAL 7044
https://www.glengery.com/images/brick/literature/Hanley-Glazed_Klaycoat.pdf
- B** Ribbed Panel: ATAS 7.2 - Silversmith
<http://www.atas.com/products/walls/exposed-fastener/atas-belvedere-rib-panel#ProductInfo>
- C** Ribbed Panel Trim: ATAS Flat Sheet - Black
<http://www.atas.com/products/colors>
- D** Parapet Cap: Reynolux - Bright Silver Metallic
https://www.alcoa.com/aap/north_america/en/product.asp?cat_id=917&prod_id=1537
- D** Fascia: Silver ACM
N/A
- D** Downspout Covers: Silver ACM
N/A
- E** Car Wash Ends (Upper): Laminators Omega Series - Sunset Red
http://www.laminatorsinc.com/sites/www.laminatorsinc.com/files/pdf/laminators_architectural_colors_sept8_2016.pdf
- F** Car Wash Ends (Lower): Citadel Glaze Guard - Ebony (Series F)
<https://www.citadelap.com/finishes/series-f>
- G** Car Wash Ends (Aluminum Caps): Tubelite 200 Series Curtain Wall - Clear Anodized
<https://www.tubeliteinc.com/200-series-curtainwall/>
- A** Dry Backroom: Glen-Gary - Klaycoat Brick - Stone Gray - RAL 7044
https://www.glengery.com/images/brick/literature/Hanley-Glazed_Klaycoat.pdf
- I** Steel: RAL3001
<http://www.ralcolor.com/>
- J** Roof: Acrylic - 8mm ACRYLITE Heatstop - Cool Blue
<http://www.acrylite.net/sites/lists/PM/DocumentsAP/8mm-acrylite-heatstop-hi-ds-tech-jan2013.pdf>
- K** Masonry - Consumer's 4" Split Faced Block - Ash
http://www.consumersconcrete.com/split_face.html
- L** Vacuums & Balls: Red
<http://shop.tommycarwash.com/Tommy-Store/Vacuum-and-Vending>
- M** Dry Backroom Parapet: Lektron LED Linear Light - Leon - Red
<http://www.lektroninc.com/leon/>
- N** Pay Canopy: Black ACM
N/A



Exterior Material Selections

Tommy's Express Model

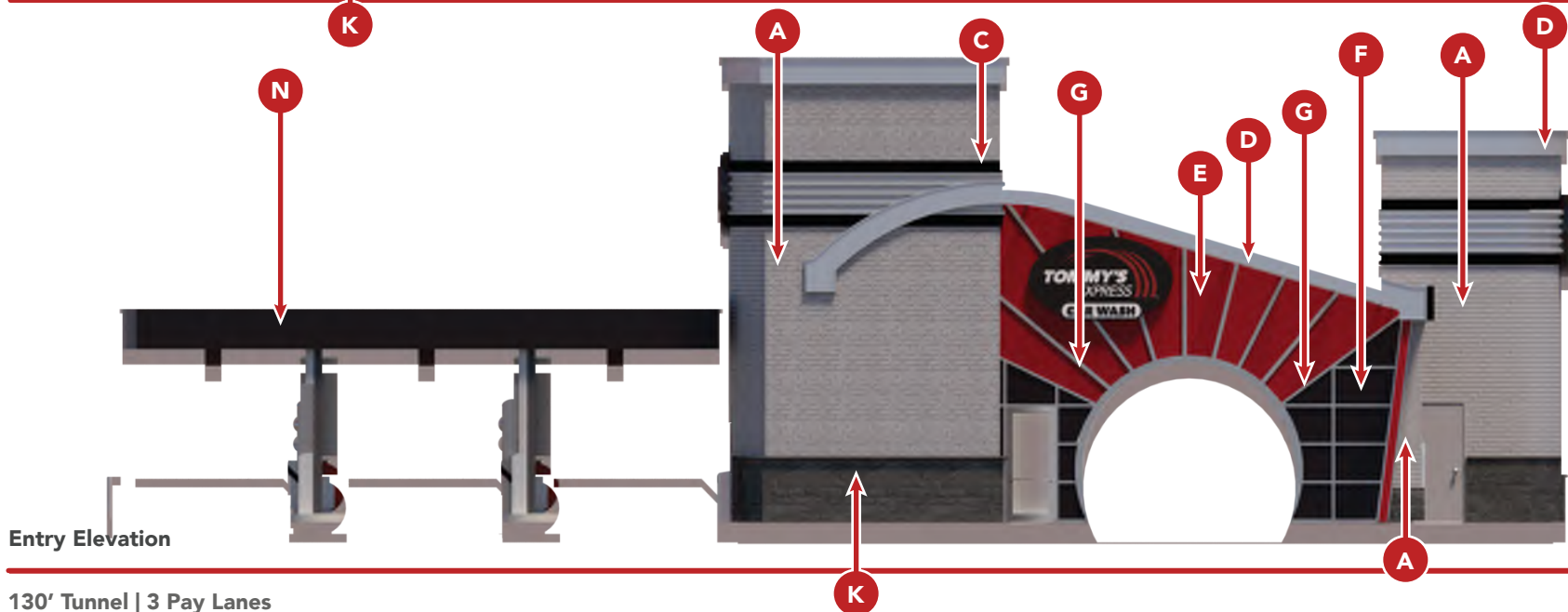
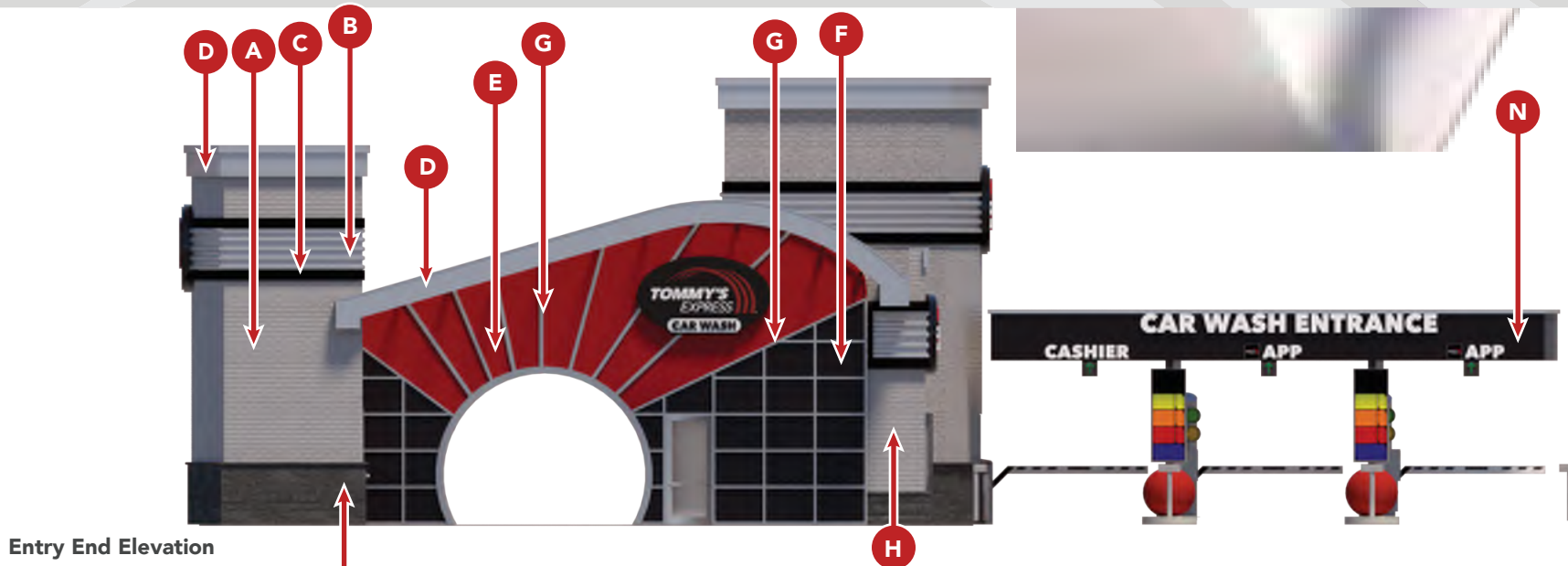
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Exterior Material Selections

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130' Tunnel | 3 Pay Lanes



PLANNING
ENGINEERING
IMPLEMENTATION

Meeting Date: July 22, 6:00 PM

Location of Meeting: Olathe Community Center

Project: Tommy's Express Tunnel Wash

Project/File No.: 180087

Neighborhood Attendees: See attached Sign in Sheet

Development Team: Rob Heise – Heise / Meyer Real Estate LLC
Judd Claussen – Phelps Engineering

Copy: Olathe Planning Department

-
1. One couple who live west of the apartments came to the meeting.
 2. Informal discussion about the tunnel car wash occurred. We explained that the proposed car wash site is one lot in the Archer subdivision project and is located along Parker at the NE corner of the development. There are no other changes to any of the other lots, including no changes to the apartments.
 3. Discussion points included:
 - a. General circulation of how customers enter the wash and exit.
 - b. Is it brushless – No it has rotating shammy type brushes as car moves through
 - c. There is a belt system that moves a car through.
 - d. There are vacuum bays for those that wish to do interior clean or detail their car after car wash.
 - e. Access to the car wash is off of the new private street with the roundabout. It connects to Parker and to Loula.
 - f. The building will have lots of glass to let in light.
 - g. There is no manual pre-wash. All washing is automated.
 - h. There are attendants at the entry which will assist customers. Also there are attendants that patrol the property to assist customers and pick up trash.
 4. There was discussion about the status of the apartment project. The couple indicated that not much had been done recently and appears that no work is going on. They understood that the car wash is a separate project and not tied to the apartments.
 5. The couple indicated they were supportive of the car wash project.
 6. The City Planning Commission public hearing will be on Monday, August 12, 2019, at City Hall, at 7:00 PM.
 7. This concluded the meeting.

PHELPS ENGINEERING, INC.

1270 N. Winchester – Olathe, Kansas 66061 – (913) 393-1155 – Fax (913) 393-1166 – www.phelpsengineering.com