



City of Olathe

City Planning Division

MINUTES – Opening Remarks

Planning Commission Meeting: December 10, 2018

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

Recited Pledge of Allegiance.

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

A motion to approve MN18-1126, the meeting minutes from November 26, 2018, was made by Comm. Sutherland and seconded by Vice-Chair Rinke and passed with a vote of 7-0.



City of Olathe

City Planning Division

MINUTES

Planning Commission Meeting: December 10, 2018

Application:	FP18-0043, Final Plat for Meadows of Valley Ridge, Third Plat
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A motion to approve FP18-0043 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Rinke and passed with a vote of 7-0, with the following staff stipulations:

- a) The final plat is subject to a traffic signal excise tax of **\$2,004.58**. The required excise tax shall be submitted to the City Planning Division prior to recording the final plat.
- b) The design of the homes shall be in compliance with the Architecture and Site Design Standards of the Cedar Creek Area Plan, Section 18.51.130.
- c) The on-lot landscaping shall meet or exceed the standards set forth in Section 18.51.120.D of the Cedar Creek Area Plan.
- d) The remainder of the development must be completed, or secondary Fire Department access roads must be constructed if the remainder of the subdivision is not built. Alternatively, residential fire sprinklers could be provided where there are more than 30 residential units built on a single fire apparatus road. (IFC, Section D107.1)
- e) During the building permit process, alternate designs to the street size requirements allowed in Appendix D of the International Fire Code require submittal and approval of a Code Modification Request (CMR) at the time of building permit submittal. (IFC, Section 503.2.5, D103.4)
- f) A sidewalk and address plat shall be submitted prior to issuance of building permits.
- g) All on-site wiring and cables shall be placed underground.
- h) Utility cabinets shall not be placed in the front or side yards, unless first requested by the applicant and authorized by the Chief Planning and Development Officer and must include landscaping to screen the equipment from public view. Any such request shall include an exhibit demonstrating the typical screening to be provided prior to recording the plat.
- i) Prior to recording the final plat, a final landscape plan shall be submitted and approved. The landscape plan shall include details for screening of any above-ground utility equipment.



City of Olathe

City Planning Division

MINUTES

Planning Commission Meeting: December 10, 2018

Application:	FP18-0045 Final Plat for Stonebridge Trails, 5th Plat
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A motion to approve FP18-0045 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Rinke and passed with a vote of 7-0, with the following staff stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the City Planning Division.
- b. Prior to recording the final plat, the required traffic signal excise tax of \$1,558.54 shall be submitted to the City Planning Division.
- c. Prior to recording the final plat, a street tree and master landscape plan shall be submitted for this phase in accordance with *UDO* requirements.
- d. No landscaping shall be planted within the sight distance triangles.
- e. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials.
- f. Prior to issuance of a building permit, a performance and maintenance bond or letter of credit in an amount to be determined by the City Engineer, shall be submitted in accordance with *UDO 18.30.120C* and *UDO 18.30.210 E*. to ensure that all erosion control measures and water quality features are installed and maintained and that all of the development's streets and sidewalks remain free of debris during all phases of construction.



City of Olathe

City Planning Division

MINUTES

Planning Commission Meeting: December 10, 2018

Application:	PR18-0050: Revised Preliminary Site Development Plan for Boulder Creek Senior Living – Bella Casa
Location:	Just south of W. 167 th Street and ¼ mile west of S. Mur-Len Road
Owner/Applicant:	Jon Kopek; JJ Investments Group, LLC
Engineer:	Jeff Skidmore, PE; Schlagel & Associates, P.A.
Staff Contact:	Zachary Moore, Planner II

Zachary Moore, Planner II, appeared before the Planning Commission, summarizing the request, which is an application for a revised preliminary site development plan for a senior living facility. The subject property is 4.35 acres in size and is located south of West 167th Street, just west of its intersection with South Mur-Len Road.

Mr. Moore presented an aerial view of the subject property, noting that the property is vacant and was previously used for agricultural purposes. The zoning map reflected that the adjacent property to the east was very recently rezoned to C-2, a commercial zoning designation, rather than RP-3 that was still reflected on the map. Mr. Moore stated that senior living facilities such as this one are allowed in the RP-3 District by right.

Mr. Moore presented the site plan proposed by the applicant noting parking areas. The proposed building is 38,115 square feet in size and the site plan complies or exceeds all standards of the UDO in terms of setbacks, composite site design criteria and neighborhood amenities. Mr. Moore also presented the landscape plan, which complies with or exceeds all UDO standards, with the exception of one area. The applicant has requested a waiver for the buffer area along the eastern property line buffer area.

Mr. Moore presented elevations of the building and repeated that all elevations meet or exceed UDO standards in terms of Category 1 materials on primary facades, amounts of glass provided, and architectural expression. Primary materials are stone and stucco, with some glass incorporated throughout the building.

Mr. Moore then further addressed the waiver request, noting that for RP-3 zoned properties to C-2 zoned properties there is a requirement for a Type 5B buffer, which requires a 75 foot separation. However, the Type 5B buffer does not require any plantings. This buffer would not allow any paving areas, buildings, or anything else that would serve a function of the site. There applicant is providing a sidewalk and a paved driveway in that 75-foot buffer area. In lieu of the 75-foot separation, the applicant proposes a 30-foot-wide buffer with plantings. Mr. Moore stated that staff is supportive of this waiver request because they feel it would result in a higher design quality because plantings would provide screening in the buffer area. In addition, again, the building meets or exceeds all Building Design Category B standards. Additionally, Mr. Moore said these higher design quality elements do not create any negative impacts to surrounding properties.

Mr. Moore said the applicant held a neighborhood meeting on November 14, 2018, but no one attended. Staff has not received any correspondence from the general public regarding this application. Therefore, staff recommends approval of PR18-0050 as stipulated.

Comm. Fry asked Mr. Moore to address the Type 5B buffer in more detail. **Mr. Moore** responded that the RP-3 zoning district had a 75-foot setback for any area that abuts any non-residentially zoned property. In the new iterations of the UDO, that setback was decreased. He said the reason that there is not a waiver request for that setback is because in the old UDO, there is an option to administratively modify the waiver if one of five criteria were met. Those five criteria have carried over to the new UDO and are the same standards that, if needed, would apply for consideration of a waiver. In summary, Mr. Moore said it's more of a protection for a residential property.

Comm. Nelson asked if there will be anything on the residential side that could become a conflict for the rights of the commercial developer in the future. **Mr. Moore** said he does not anticipate any nuisances from the residential property that would have effect on the commercial property. In addition to the 30 feet of separation between the paving line and the plantings, the commercial property has its own setbacks that have to be met. He noted on the development plan for the area in question, stating that although not all buffer is being provided per code for the 75-foot separation, there is still a significant separation in that area. Comm. Nelson asked about the property south of the next plan to be reviewed, asking if much of that is affected by any of this. Mr. Moore said that is correct because a different type of buffer is required in that area.

Comm. Corcoran commented that he has a similar concern to Comm. Nelson's, noting that there appears to be trash enclosures adjacent to this property. He said the senior living facility is aware of that and is accepting of the circumstances that come with it.

Chair Vakas asked the applicant to come forward. **Jeff Skidmore**, Schlagel & Associates, 14920 West 107th Street, Lenexa, approached the podium. He did not have anything else to add beyond what Mr. Moore has presented. They are in agreement with all stipulations.

There were no questions of the applicant. Although this application did not require a public hearing, **Chair Vakas** asked if anyone in the audience wished to speak on this matter. Seeing no one, and there being no further discussion, he called for a motion.

Motion by Vice Chair Rinke, seconded by Comm. Fry, to recommend approval of PR18-0050, with the following stipulations:

1. A final site development plan and final plat shall be submitted and approved prior to issuance of building permits.
2. A waiver shall be granted to allow a 30-foot buffer with plantings to the east in lieu of a 75-foot buffer with no plantings.
3. When/if the deferred parking in the northwestern portion of the site is provided, landscaping to screen the parking area shall be replaced around the exterior of the paving area.
4. The neighborhood amenities shall be labeled on the final site development plan and shall be constructed prior to issuance of a certificate of occupancy.
5. All crosswalks provided on-site shall be of a decorative material, per *UDO, Section 18.30.160.D.4*.

6. As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
7. An additional fire hydrant is required on the east side of the building to provide coverage within 600 feet of all portions of the building.
8. Dead end water mains with fire hydrants are not permitted unless water supply calculations can be provided that demonstrate an adequate water supply provides the required fire flow or sprinkler demand, whichever is greater; otherwise, the water supply for hydrants is required to be looped to existing mains.
9. Prior to issuance of a building permit, all public streets adjacent to this project shall be approved and bonded for construction.
10. The landscape plan submitted with the final site development plan shall depict the sight distance triangles along Britton Street, and no landscaping shall be allowed within those sight distance triangles.
11. All on-site wiring and cables shall be placed underground.
12. All signage on site shall comply with the requirements of *UDO, Section 18.50.190*.
13. No trees shall be planted within 15 feet of streetlight poles or within 10 feet of fire hydrants.
14. A preliminary stormwater management report shall be submitted with the final site development plan.

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

No: (0)

Motion was approved 7-0.

MINUTES

Planning Commission Meeting: December 10, 2018

Application:	<u>FP18-0042</u>: Boulder Creek Villas, 2nd Plat
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Ginna Verhoff, Planning Intern, appeared before the Planning Commission, summarizing the request. She reported that Boulder Creek Villas, 2nd Plat, is located within the vicinity of 167th Street and Mur-Len Road, bordering Boulder Creek commercial to the north, Boulder Creek Senior Living, and Boulder Creek Villas, First Plat to the south. The property is approximately 1.04 acres in size. The property was zoned RP-3 in 2005. Surrounding area to the south was rezoned R-2 in 2017. Development proposed will continue the Boulder Creek Villas, First Plat in the R-2 District.

Ms. Verhoff noted that PlanOlathe identifies the subject area to be a community commercial center and a mixed-density neighborhood. The Boulder Creek commercial piece has been approved. The subject development is an example of mixed-density neighborhood. The lot is currently vacant. Ms. Verhoff stated that the plat contains this 1.04 acres and three two-family residential lots. Density for this development will be 5.8 units per acre, and it contains a dedicated utility easement. She further stated that the owner intends to build the same villas as approved in Boulder Creek Villas' first plat. However, due to the difference in zoning requirements, this development requests a waiver from the side setback requirements, specifically an 8-foot reduction, in order to construct the exact same villas on this property, keeping this second plat consistent with the Boulder Creek Villas' first plat. Furthermore, the applicant provided necessary justification for the waiver, explaining that design standards would not be lowered, and there would be no negative impact to adjoining residential properties. Significant buffers will be provided. If this waiver is denied, the building would have to be redesigned, losing the uniform design that they have been encouraged to maintain.

Ms. Verhoff then provided images of the building footprint utilizing the setback reduction. She said staff is comfortable with the setback and recommends approval of this development, including the waiver.

Chair Vakas asked how this application compared to the approved preliminary plat. **Ms. Verhoff** responded that they are identical. Chair Vakas asked the applicant to come forward. **Jeff Skidmore, Schlagel & Associates**, 14920 West 107th Street, Lenexa, approached the podium. He had nothing to add but was happy to answer any questions. There were no questions for the applicant.

Chair Vakas noted that this was not a public hearing but asked if anyone in the audience wished to speak on this matter. There being no one, he called for discussion. There being no discussion, Chair Vakas asked for a motion.

Motion by Vice Chair. Rinke, seconded by Comm. Sutherland, to recommend approval of FP18-0042, with the following stipulations:

- a. A waiver shall be granted to permit a seven (7) foot side yard setback as shown on the final plat.
- b. The final plat is subject to a traffic signal tax of \$547.85.
- c. Prior to recording the final plat, a street tree plan shall be submitted in accordance with *UDO 18.30.130* requirements.
- d. All neighborhood amenities (i.e. trails and sidewalks) shall be completed with the respective phase of development. Bonds or letters of credit shall be submitted for any uncompleted amenities prior to approval of the next phase.
- e. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the City Planning Division.
- f. All exterior ground or building mounted equipment, including but not limited to mechanical equipment and utility meter banks shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.

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

No: (0)

Motion was approved 7-0.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: December 10, 2018

Application:	<u>HL-17-004</u> Request for a nomination of a historical landmark designation to the Olathe Register of Historic Places for the City of Olathe Cemetery.
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Emily Carrillo, Neighborhood Planning Coordinator, appeared before the Planning Commission, summarizing a request for nomination to the Olathe Register of Historic Places for the Olathe Memorial Cemetery, located north of downtown Olathe, bounded by East Harold, a tree line and residential neighborhood to the south, Woodland Road to the East, and Northgate Street to the west. The cemetery was established in 1965 and includes over 10,000 graves, as well as several monuments, memorials and mausoleums. A cremation garden was added in 2013. The cemetery was recently listed to the National Register of Historic Places in 2016, and the Register of Historic Kansas Places.

Ms. Carrillo provided a background of the cemetery and various memorials located therein. She provided a visual of the design and layout of the cemetery. The area began as a 10-acre burial ground in 1865 and increased through three additions to its current form in 1955. A map provided a progression of development for this location. Ms. Carrillo noted that the historic chapel and shelter house is currently used as the cemetery office and is located on the southern portion of the grounds. The City of Olathe has owned and maintained the cemetery since 1879. She added that over 4,000 plots remain available and the cemetery continues to provide burials. Grant funding is provided by the Kansas State Historic Society, which assisted in doing a historical survey of the site, which led to the preparation of the national registry nomination, approved in January 2017.

Ms. Carrillo stated that the cemetery reflects important aspects of Olathe's history and contains graves of several persons or groups of persons of outstanding importance in the Olathe community. She reported that the Olathe Historic Preservation Board found that the property meets four out of five criteria for inclusion to the Olathe Register of Historic Places, as follows: It is associated with effects that have made a significant contribution to the broad history pattern of the city, county, state or nation; it is associated with a significant person or groups of persons in the history of the city, county, state or nation; it embodies distinctive characteristics of a type, period or method of construction, represents the work of a master builder or architect, possesses high artistic values, or represents a distinguishable entity whose components may lack individual distinction; and, possesses integrity of location, design, setting, materials and workmanship.

Ms. Carrillo reported that the Olathe Historic Preservation Board recommended approval of this application at their January 18, 2018, meeting. Based on these findings, staff recommends nomination of the subject property as a historical landmark designation on the Olathe Register of Historic Places.

Comm. Fry asked what criteria was not met. **Ms. Carrillo** responded that it was, "Yields or is likely to yield information important to pre-history or history." Comm. Fry asked that Ms. Carrillo

address the dissenting vote on the preservation board. Ms. Carrillo responded that the nomination on the floor at the time of that meeting was the eligibility based on the four criteria. One of the members felt strongly that it did not include all four and was only in favor of three of the criteria. Therefore, he was not in favor of the motion that was on the floor at the time of the vote.

Comm. Nelson commented that the Historic Preservation Board is not well known in the Olathe community, but appreciates that this a board that strives to honor Olathe's past. He thanks the board for their service and work in that respect. Comm. Nelson recalls that a nearby neighbor questioned whether this designation could have an adverse impact on surrounding residential. He asked Ms. Carrillo to respond. **Ms. Carrillo** said that at the public hearing of the preservation board, a member of the public spoke of a concern about the map that was sent out during the notification process, specifically if access to a property on north Chestnut would be an issue. They communicated it was not, but they also recognized that the map should be fixed to reflect that, and the property has been re-surveyed. Also, Ms. Carrillo noted that adjacent neighbors are not affected, but notification will be sent anytime anything is done. In summary, anything that happens on the Olathe cemetery property would not affect anything a neighbor might want to do with their property.

Comm. Rinke asked about benefits to being on the registry. **Ms. Carrillo** responded that at the local level, it's primarily recognition, as well as a streamlining of communication with neighbors. Also, at the state and national level, there are incentives, although there is not any right now at the local level.

Chair Vakas opened the public hearing. He noted that the applicant could not be present this evening but opened the floor to anyone wishing to speak. **Steve Christopher**, 15462 South Dice Lane, Olathe, approached the podium. He owns the property next door at 730 North Chestnut. He appreciates Comm. Nelson's acknowledgement of his previous comments. He notes that based on the re-survey, his concerns have been cleared up.

There was no one else wishing to speak on this matter. **Chair Vakas** called for a motion to close the public hearing.

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

Motion passed 7-0.

There being no further discussion, **Chair Vakas** called for a motion on this item.

Motion by Comm. Fry, seconded by Comm. Nelson, to recommend approval of HL17-004, per the following staff recommendations:

Staff recommends approval of the proposed nomination for the Olathe Memorial Cemetery located at 738 S. Chestnut (HL-17-004) to the Olathe Register of Historic Places.

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

No: (0)

Motion was approved 7-0.



City of Olathe

City Planning Division

MINUTES

Planning Commission Meeting: December 10, 2018

Application:	<u>RZ18-0016:</u> Rezoning from R-1 to C-3 and R-4 District and preliminary development plan for Stag's Ridge
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Dan Fernandez, Planner II, appeared before the Planning Commission, summarizing the request, which is a rezoning from R-1 to R-4 and C-3. The project consists of one climate-controlled storage building, a senior housing apartment building, and three commercial sites. He reported that of the 23.77 acres to be rezoned, approximately 12 acres will be multifamily residential, with the remaining acreage rezoned to C-3. The majority of this development is conceptual, and elevations were only submitted for Lot 1. The proposal is for seven buildings and 244 units.

Mr. Fernandez said the applicant initially proposed apartments on the entire west portion of the property. After discussion and review by staff, there was concern expressed about traffic. The applicant has revised the plan, which is the reason for the prior continuance back in October. Revised plans are presented tonight.

Mr. Fernandez reported that the subject property was rezoned to R-1 in 1970 and has been vacant since that rezoning. All requirements for public notification have been met. Two neighborhood meetings have been held. Staff has not received any correspondence for or against this proposal. However, a letter was received from Ernie Miller, who expressed concerns about the project. That letter has been included in tonight's packet, and Ernie Miller representatives are present this evening. Items they would like to see addressed include setbacks, stormwater, erosion control and landscape species, among others.

Mr. Fernandez noted that they have received elevations only for Lot 1 and the applicant will be below the height requirement for this district, which is 35 feet. All setbacks will be met. A new public street will be built, and a portion of an interior drive will be made public. Sidewalks are included, and all landscape requirements will be met at the final development plan stage.

Mr. Fernandez said that Ernie Miller representatives expressed concern about invasive species being planted throughout the site, which is always considered by staff. Staff said they are willing to share the landscape plan with Ernie Miller representatives so they can see what is going to be planted. Required landscape buffers are being provided. To the west, all the stream corridor is being preserved; that width is over 100 feet, which more than meets the buffer width. 30 feet is shown on the north side, 20 of which is a tree preservation easement, which has been included on the associated final plat. Per the UDO, the buffer can be 20 feet if existing vegetation is being preserved, as is the case in this application. Mr. Fernandez added that the applicant will plant additional vegetation after construction is completed. He said because the plan is conceptual and no other elevations were submitted, a revised preliminary plan is required and will come back to the Planning Commission. At that time, staff will revisit this issue to see if the area could be wider with some of the buildings or parking being reoriented. As presented, they are over the required minimum buffer.

Additionally, **Mr. Fernandez** said the applicant is providing required detention basins on the south side, subject to Title 17 stormwater requirements. This was another issue brought up by Ernie Miller. Title 17 includes erosion control, which the applicant will be required to meet. The building on Lot 1 meets most building design requirements per the UDO. However, three waivers are requested. One is for horizontal articulation. The requirement for primary elevations -- in this case, the southeast facing K-7, and the west, facing the interior lot -- is that wall offsets need to be at least 4 feet; the applicant is showing 1-foot wall offsets. On the west elevation, there are no façade expression tools such as canopies; the applicant is requesting a waiver on that, as well as the 20 percent glass requirement. The applicant stated that the reason for the waiver requests is that the site is small, so it will be difficult to fit bigger wall offsets. Also, the west elevation is a loading dock area and it will be difficult to meet the glass requirement and the façade expression tools.

Mr. Fernandez stated that staff is supportive of the wall offset waiver. The applicant is providing high design features on the south and east elevations, which are the entrance elevations. They are above the glass requirement on both those elevations. However, staff is requiring that Category 1 materials be at least 70 percent or greater when the final development plan comes through. Staff also supports the other two waiver requests, the one for the glass requirement, as well as for façade expression tools such as canopies. However, he said that staff has stipulated that additional material changes be added to break up the long brick wall. Also, they are required to do a screen wall at the loading dock area, which will also help to break up the elevation. The third waiver, which staff supports, includes the use of Spec-Brik as a Category 1 material, which is a concrete masonry product that has the look and durability of brick.

Again, **Mr. Fernandez** stated that the remaining lots do not have elevations. Design guidelines were submitted and included in the packet. He presented examples of design features, materials and landscaping features that will be included with the rest of the development.

Mr. Fernandez said staff recommends approval of the rezoning request for the reasons listed in the staff report. He was available for questions.

Chair Vakas asked if there were questions for staff. **Comm. Fry** asked Mr. Fernandez to talk more about traffic. In his opinion, C-3 would generate more trips than residential. **Mr. Fernandez** responded that with 244 apartment units, the use is more intensive than what has been proposed. He noted that senior housing facilities have different peak hours, different times they are busy, which helps in terms of traffic. Also, climate storage is also a less-intensive use. Therefore, in comparison to the apartments that were proposed, there will be less traffic trips. **Comm. Fry** then asked if accepting the new brick material would meet the requirement of the UDO. **Mr. Fernandez** responded that it would have to be increased slightly, by a few percentage points.

Comm. Nelson had a question about process, asking if it was the applicant's intention to develop numerically lot by lot, starting with Lot 1. He is concerned if Lots 1 through 4 are developed and Lot 5 never gets developed, a residential asset has not been created; it's just a new commercial area. He asked if there is an expectation of the development process related to this proposal. **Mr. Fernandez** deferred that question to the applicant to address phasing. **Comm. Nelson** then said, as a City, there is no recommendation as to phasing. **Mr. Fernandez** said there is not, and again deferred to the applicant.

Comm. Rinke asked if all of the concerns expressed by Ernie Miller Park have been addressed. **Mr. Fernandez** responded that not all issues have been addressed. One of the larger issues was that Ernie Miller wanted to see a larger landscape buffer on the north side. Again, **Mr.**

Fernandez noted that the applicant is meeting or exceeding the requirement. Also, the site falls down to the south so the buildings will sit lower than Ernie Miller and will not be as imposing. Mr. Fernandez said they also asked about fencing, which is something that can be addressed at the revised preliminary plan. He is open to suggestions from Ernie Miller.

Chair Vakas opened the public hearing for RZ18-0016 and asked the applicant to come forward. **Kevin Tubbesing, 7021 Johnson Drive, Mission**, approached the podium. Mr. Tubbesing stated that they have been meeting with staff for about a year and noted that this is an extremely difficult site. He said the entire southern half of the site is full of rough fill. The biggest issue is that every inch that they go to the south costs tens of thousands of dollars as they enter the fill area, which causes stability issues. He said the City's requirement of a 20-foot setback from the park has been increased and they have created a tree preservation area at 20 feet. He said that usually when there is a 20-foot easement, that doesn't mean that they leave it alone during construction. They are increasing that to 30 feet so that the 20 feet is actually left alone, and that there is 10 feet that, when putting in curbs, etc., it won't be affected by construction. He believes it will preserve any level of tree drip lines and what-not that are out there. Mr. Tubbesing added that they have meet with Park staff and agreed to not plant any undesirable species. He said they have requested a list of such plants, but they have not yet received that from the Park. They will comply with whatever the Park wants in that respect.

Mr. Tubbesing said that he is a bit opposed to putting in a fenced line, especially at the residential. He feels putting a park bench facing a fence doesn't make sense. Therefore, he has asked to work with Ernie Miller staff to create some sort of natural vegetation-based fence line.

Comm. Nelson asked Mr. Tubbesing to address phasing. Mr. Tubbesing responded that there is no phasing. He said they are going to be "horizontal" developers. They do not intend to do any of the vertical development. He said they are happy to finally be in Olathe. He said he is pushing something that may not organically fit within a commercial development because he feels it could be a good fit to have a senior complex next to the park. If that doesn't work, he said the possibility of going to commercial some day is possible. However, it is his intention to build a nice residential community that will fit in the community and add to the density to support the retail in the area. He feels it is a good blend.

There were no other questions of the applicant. **Chair Vakas** asked if anyone present wished to speak on this item. Seeing none, he called for a motion to close the public hearing.

Motion by Comm. Sutherland, seconded by Vice-Chairman Rinke, to close the public hearing.

Motion passed 7-0.

Comm. Rinke noted that R-1 is never going to work on this property. He would prefer to see senior housing here, but if it became commercial at some point, that would not bother him. He feels this is a natural commercial area. **Comm. Fry** added that it is important to acknowledge publicly how much of a gem and a jewel Ernie Miller is to the city and community, as well as to the state. He believes everything possible should be done to take care of the park.

Comm. Nelson is concerned that if Lot 5 doesn't develop as residential, what kind of traffic would end up occurring adjacent to the park. He is concerned that it might lead to large trucks driving in and out of the area. **Comm. Rinke** asked if the area with senior housing would be rezoned to R-4. **Mr. Fernandez** said that is correct. If the applicant wished to change it to commercial, the applicant would have to come in for another rezoning, including notifying neighbors and Ernie Miller. **Comm. Sutherland** added that they would also have to go through

a preliminary development plan, which is another step in the process that would provide protection.

There were no other comments by commissioners. **Chair Vakas** called for a motion.

Motion by Comm. Fry, seconded by Comm. Sutherland, to recommend approval of RZ18-0016, for the following reasons:

- (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Land Use (Principle LUCC – 6.1).
- (2) The requested rezoning to C-3 and R-4 districts meet the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.

Comm. Fry's motion included recommending that the following stipulations be included in the ordinance:

- (1) Final plats shall be approved and recorded, and all excise fees paid prior to issuance of building permits.
- (2) Prior to submitting for final site development plans, revised preliminary site development plans including architectural elevations are required for the 2 commercial buildings labeled Lots 2 and 3 on the site plan and for the climate-controlled indoor storage and senior housing facility.
- (3) Final site development plans shall be approved prior to submitting for building permits.
- (4) A pavement, curb and street light assessment of the existing roadway between the proposed road and Spruce Street will be performed by City Staff prior to placement of asphalt on the proposed roadway. All deficiencies, including mill and overlay, curb replacement and street light installation, will be required to be repaired at the cost of the developer prior to accepting all other public improvements.
- (5) Stag's Ridge development property owners will provide snow removal and winter weather treatment to the public street pavement and sidewalks on Spruce Street, west of K-7; and the public street, north of Spruce. This will be in coordination and to a similar level to that provided within the commercial parking area and drives of the adjoining properties. This responsibility will begin immediately following the City payment of funds into the Court to complete the condemnation acquisition and shall terminate immediately after the first TCO is issued for a building within the proposed development.

Comm. Fry's motion included recommending that the following stipulations be included in the final site development plan:

- (1) A waiver shall be granted for the Building on Lot 1 to permit 1-foot wall offsets on the primary elevations if the minimum requirement of Category 1 materials is met on these primary elevations.

- (2) A waiver shall be granted for the building on Lot 1 to permit the west elevation not to have additional façade expression tools and a focal point element if additional changes of materials are added to this elevation.
- (3) A waiver shall be granted for the building on Lot 1 to permit Spec-Brik to be used as a Category 1 material as it has the look and durability of regular brick.
- (4) The Category 1 materials shall be 70% or more on the primary elevations (south, east and west) with the final site development plan submittal.
- (5) Additional change of materials shall be added to the west elevation of the building on Lot 1 to eliminate large sections of blank walls due to waivers being granted in stipulations C-1, C-2 and C-3.
- (6) The overhead door on the south elevation of the Lot 1 building shall include a canopy over the door or windows in the door as required by Building Design Category 4.
- (7) A decorative screen wall shall be located along the dock area for the building on Lot 1 for screening.

Aye: Sutherland, Nelson, Rinke, Fry, Munoz, Corcoran, Vakas (7)
No: (0)

Motion was approved 7-0.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: December 10, 2018

Application:	<u>FP18-0044</u> Final Plat for Stag's Ridge
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Please refer to RZ18-0016 for discussion of this application.

Motion by Comm. Munoz, seconded by Comm. Fry, to recommend approval of FP18-0044, with the following stipulations:

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

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

No: (0)

Motion was approved 7-0.

MINUTES

Planning Commission Meeting: December 10, 2018

Application:	<u>RZ18-0019:</u> Rezoning from R-1 and AG to R-1 District for Beautiful Savior Lutheran Church
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Kim Hollingsworth, Senior Planner, appeared before the Planning Commission, summarizing the request for a rezoning and preliminary development plan for Beautiful Savior Lutheran Church to accommodate a 59,520 square foot addition to the existing building. The subject property is a total of 7.4 acres and is currently zoned AG and R-1. The 2.75 acre portion on the northern part of the site was zoned AG in 1970. The 1.62 acre portion in the southern part of the site was zoned R-1 in 1990 to accommodate a single-family home, which is now owned by the church. She added that the subject property is located within the Conventional Neighborhood future land use designation of PlanOlathe and is surrounded by similar land uses. Land uses permitted within the R-1 District are consistent with the Comprehensive Plan, and she said staff is comfortable with those permitted uses to further the existing church facility.

Ms. Hollingsworth presented a view of the site looking east from south Black Bob Road, noting the existing church facility, a preschool and a play area. She added that there is currently a significant setback from Black Bob Road. She then presented a view towards the second phase of Crestwood Village, which is currently under construction and adjacent to the church facility. A view of the north side of the building shows where the addition would start to the right of the existing building.

Ms. Hollingsworth then showed an aerial view of the existing church facility. She pointed out the single-family home on the site and said the applicant is proposing that that home be demolished to accommodate the revised plans. She presented a site plan, indicating proposed additions that would be completed in phases, beginning with the fellowship hall and including a maintenance building in the far northern corner. Additional parking of 105 spaces is noted on the site, totaling 282 spaces. Existing access on the southern portion of the property would be maintained. However, the existing drive for the single-family home would be shifted further north to accommodate the new access point. Ms. Hollingsworth said Traffic is supportive of the revised access point. Additionally, detention facilities would be located in the northern portion of the site.

Ms. Hollingsworth presented the landscape plan, noting that there will be complete screening down Black Bob road, screening the parking area. The applicant held a neighborhood meeting, no one attended. However, Ms. Hollingsworth said staff received a comment from a property owner to the north, who was curious about the buffer requirements in this area. She said there is no buffer requirement from R-1 to R-1. However, the applicant is providing a 20-foot landscape easement and significant landscaping. When that information was shared with the property owner, they were very comfortable with that amount of landscaping.

Ms. Hollingsworth presented proposed building elevations that were included by the applicant. She said the applicant is proposing stone, brick, glass, Dryvit EFIS, and architectural metal throughout the building. She added that the project meets site design standards and is subject to Building Category Design C. She said the applicant meets or exceeds all articulation and façade expression tool requirements. However, they are requesting two waivers. The first is to permit a 17 percent reduction in the quantity of transparent glass on the primary façade, which

is the west façade facing Black Bob Road. The second would be to reclassify the Dryvit material as a Category 1 material in lieu of genuine stucco. She said staff supports the glass reduction on the west façade as the proposed uses in those areas are not always conducive to a great amount of glass. Additionally, the façade is set back a significant distance from Black Bob Road and there will be several layers of landscaping in this area, including plant materials that are available year-round. Staff supports the Category 1 waiver material request and finds it to be a durable material, compatible with the architectural style of the building. Also, the applicant has exceeded other building articulation requirements.

Ms. Hollingsworth concluded by saying that staff recommends approval of RZ18-0019, with the stipulations listed in the staff report.

Comm. Corcoran asked if reclassifying EFIS as a Category 1 material has been done before. **Ms. Hollingsworth** replied that on different sites, alternating that material has been allowed. She said the UDO was recently modified to address the process for reclassifying materials. **Sean Pendley, Senior Planner**, added that this is identical to the exception that was recently approved for St. Paul's Catholic Church.

Comm. Nelson asked if the lack of a requirement for a right turn lane into the site from Black Bob is because the predominant use will be during non-peak hours. **Ms. Hollingsworth** replied that she believes it is intended that a typical user will enter at the primary entrance to the south. She is not aware of any concerns by the Traffic Department. **Cheryl Lambrecht, City Traffic Engineer**, approached the podium. She agreed that church activities are usually during off-peak hours, which is why Traffic did not ask for right turn lanes on Black Bob.

There were no further questions of staff. **Chair Vakas** opened the public hearing and asked the applicant to come forward. **Judd Claussen, Phelps Engineering, 1270 North Winchester**, approached the podium. He introduced the architect, Jeff Schroeder, in the event there are any building questions. Mr. Claussen presented an exhibit, noting that they have elected to rezone the entire parcel using the deed legal description, making it clear for anyone who may question it in the future. Mr. Claussen said this church has been in existence since the mid 1990's and has grown steadily over the years. The church has undergone a couple expansions over the last few years. Understanding that future development on adjacent properties is coming, they decided to master plan the rest of the property, planning for how the church might grow and what that looks like. The fellowship hall will be built in the first phase of the expansion. Again, the existing one-story building will be demolished. Mr. Claussen further outlined where the expansions will be happening on the site. The church is in agreement with the stipulations and was available for questions.

Comm. Fry also questioned the right-hand turning lane and asked why the church would want or not want that lane. **Mr. Claussen** responded that there is no school associated with this church, so AM and PM peak hours where one would normally worry about turn lanes do not exist on this site. The predominance of traffic will occur around Sunday morning services and Wednesday evening activities. Again, Mr. Claussen stated that the church elders' desire was not to construct a turn lane with the improvements.

Chair Vakas asked if anyone else present wished to speak for or against this item. Seeing none, he called for a motion to close the public hearing.

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

Motion passed 7-0.

Motion by Vice Chair Rinke, seconded by Comm. Sutherland, to recommend approval of RZ18-0019, for the following reasons:

- (1) The proposed development complies with the policies and goals of the *Comprehensive Plan*.

Principle LUCC-6: Discourage Sprawl. “Discourage “leap-frog” or sprawling land use patterns by encouraging growth in serviceable areas. Promote the infill of vacant parcels and reinvestment in buildable areas.”

Principle LUCC-8.1: Mixture of Complementary Land Uses. Encourage and enable a mixture of complementary land uses in major new developments. In existing neighborhoods, a mixture of land use types, housing sizes and lot sizes may be possible if properly planned and respectful of neighborhood character. Whenever land uses are mixed, careful design will be required in order to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.

- (2) The requested rezoning to R-1 District meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications

Vice Chair Rinke's motion included recommending including the following stipulations:

- a) A preliminary and final site development plan shall be approved prior to issuance of a building permit.

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

No: (0)

Motion was approved 7-0.

MINUTES

Planning Commission Meeting: December 10, 2018

Application	<u>PR18-0045</u>	Revised Preliminary Site Development Plan for Beautiful Savior Lutheran Church
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Please refer to RZ18-0019 for discussion of this application.

Motion by Vice Chair Rinke, seconded by Comm. Corcoran, to recommend approval of PR18-0045, for the following reasons:

- a. A waiver shall be granted from *18.15.035 Building Design Category C* to permit a 17% reduction in the quantity of transparent glass within the primary façade as shown on the attached architectural elevations.
- b. A waiver shall be granted from *18.15.035 Building Design Category C* to reclassify EIFS as a Category 1 material to meet the minimum building material requirements. Building materials will follow that shown in the attached architectural elevations
- c. As required by the *UDO* and stated on the preliminary development plan, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks, coolers and loading docks shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
- d. A final site development plan shall be approved prior to building permit submittal.

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

No: (0)

Motion was approved 7-0.



City of Olathe

City Planning Division

MINUTES – Other Matters

Planning Commission Meeting: December 10, 2018

Chair Vakas noted that the next Planning Commission meeting is scheduled for Monday, January 14, 2019, at 7:00 p.m. **Sean Pendley, Senior Planner**, noted that there will be a Board of Zoning Appeals workshop on Monday, January 7, 2018.

Chair Vakas wished everyone Happy Holidays. There were no other announcements.

Meeting adjourned.