

Dan Fernandez

From: Planning Contact
Sent: Wednesday, February 20, 2019 7:56 AM
To: Dan Fernandez
Subject: FW: Project SU18-0009 - Funeral Home Construction at Oak Lawn Memorial Gardens

From: Koval, Mark D [GA] <Mark.Koval@sprint.com>
Sent: Tuesday, February 19, 2019 04:58 PM
To: Planning Contact <PlanningContact@OLATHEKS.ORG>
Subject: Project SU18-0009 - Funeral Home Construction at Oak Lawn Memorial Gardens

My name is Mark Koval and I live at 13920 S. Kaw Street here in Olathe. I'm writing this email to voice my concerns over the city's plan to grant a special use permit that would allow the construction of a funeral home on the grounds of Oak Lawn Memorial Gardens.

My property is located on the west side of Blackbob Road directly across from Oak Lawn Memorial Gardens. Like all homeowners, the issuance of a special use permit in on a property that is not zoned for commercial businesses, and those concerns are magnified even more in this instance as the proposed business would be constructed on the grounds of an existing cemetery. Below is a list of my concern and comments on the matter:

- Constructing yet another business in close proximity or my neighborhood will impact the value of my property.
- The city has already more than maximized its property/business tax base in the corridor of land between 135th street and 138th street between the west side of Blackbob Road and Pflumm as every available parcel of land now has a business constructed upon the land. At this point adding another business in the area is just outright greed on the part of the city at the direct expense of the homeowners who live close by. This area is more than saturated with commercial establishments. Enough is enough!!!
- There is already an existing funeral home less than a half mile from the proposed construction site at the corner of 143rd Street and Balckbob Road. My wife and I walk past the existing funeral on a regular basis and it is evident to me that the utilization rate of the existing funeral is far from 100%. This begs the obvious question of why is there a need to construct another in such close proximity.
- The artificial light created in the area is already off the charts. Adding another business with exterior lighting would compound the problem even more.
- The entrance and exit to the cemetery is not designed for a high level of traffic in near an already busy and somewhat dangerous intersection. Thus, the potential for traffic an increase in the number of potential traffic accidents would no doubt increase.
- From a moral perspective, I believe building a business on such sacred ground is disrespectful and just flat out wrong!!!

Thank you for considering my concerns on this matter.

Dan Fernandez

From: Planning Contact
Sent: Wednesday, February 20, 2019 7:56 AM
To: Dan Fernandez
Subject: FW: Project SU 18-0009

-----Original Message-----

From: Theresa Lohmann <tlfromkc@hotmail.com>
Sent: Tuesday, February 19, 2019 11:44 PM
To: Planning Contact <PlanningContact@OLATHEKS.ORG>
Subject: Project SU 18-0009

From: Theresa Lohmann
14641 W. 139th St.
Olathe, KS. 66062

Feb. 19th, 2019

My property in Bradford Gardens backs up to the Oak Lawn Cemetery lot. I have lived here since 2003 and never expected the quiet cemetery grounds to be turned into a commercial business.

I have concerns regarding my property value, view from my home, and disruption to a quiet cemetery lot being turned into a commercial business.

Another concern is disruption of the pond and soil erosion as I've already put money into basement braces due to erosion.

I oppose this development.

Theresa Lohmann

Dan Fernandez

From: J & R Sum <sumfamilyx3@gmail.com>
Sent: Tuesday, February 19, 2019 4:04 PM
To: Dan Fernandez
Subject: Neighborhood petition to deny SU18-009

Dan-
I left the petition at the front desk.

Here's the summary:
106 of 154 parcels in the Meadowridge subdivision signed the petition. 99 of 147 homes in the Meadowridge subdivision signed (7 parcels are HOA)
8 homes said no to petition 40 homes were not home or not ready to sign

Thanks-
Jeff

On Tue, Feb 19, 2019 at 12:43 PM Sum Family <sumfamilyx3@gmail.com> wrote:
I am going to be dropping off a neighborhood petition with signatures

I will leave it with the front desk
Thank you
-Jeff

Sent from my iPhone

> On Feb 19, 2019, at 12:22 PM, Dan Fernandez <DJFernandez@olatheks.org> wrote:
>
> Hi Jeff. Unfortunately I'm not available at that time. Is there something I can help you with later this afternoon or tomorrow?
>
> Thanks,
>
> -----Original Message-----
> From: Sum Family <sumfamilyx3@gmail.com>
> Sent: Tuesday, February 19, 2019 12:21 PM
> To: Dan Fernandez <DJFernandez@OLATHEKS.ORG>
> Subject: In the office today?
>
> Stopping by in about 30min
>
> Thanks Jeff
>
> Sent from my iPhone

Dan Fernandez

From: Planning Contact
Sent: Tuesday, February 19, 2019 2:52 PM
To: Dan Fernandez
Subject: FW: Project SU18-0009

From: Bru Brubaker <larry@brumail.net>
Sent: Monday, February 18, 2019 08:21 PM
To: Planning Contact <PlanningContact@OLATHEKS.ORG>
Subject: Project SU18-0009

Date: February 18, 2019

My name is Larry K Brubaker and I live at 18902 W 98th Terrace in Lenexa, KS 66220.

I am commenting on the Request for Approval for a special use permit to allow funeral home in the AG District, Oak Lawn Memorial Cemetary, located at 13901 S Black Bob Road.

I own 6 spaces in the mausoleum that was sold to us at a premium price since it is above ground and in a quiet spot. My father, mother and wife are interred there. I will be interred there, as will my sister and one other.
To say we have an interest in this is an understatement.

We looked around prior to buying and selected Oak Lawn Cemetary because it is very well maintained, in a nice setting and is quiet. I stress quiet because this is all about considering a commercial building in the midst of this pastoral setting. This is not what the families of those buried there signed up for. Within feet of our mausoleum you are asked to consider a commercial business with 84 planned parking places! What kind of a peaceful, serene place does that make Oak Lawn?

To make it clear, I implore you to reject this request.

Dan Fernandez

From: Planning Contact
Sent: Tuesday, February 19, 2019 2:49 PM
To: Dan Fernandez
Subject: FW: Oak Lawn Funeral Home Opposition

From: Vicki Whitaker <V.Whitaker@ssccpas.com>
Sent: Tuesday, February 19, 2019 01:56 PM
To: Planning Contact <PlanningContact@OLATHEKS.ORG>
Cc: 'whit.family@sbcglobal.net' <whit.family@sbcglobal.net>
Subject: Oak Lawn Funeral Home Opposition

Vicki Whitaker
14081 S Alcan St
Olathe, KS 66062

February 19, 2019

This is in regards to, "SU 18-0009 Request approval for special use permit to allow funeral home in the AG District; Oak Lawn Memorial Cemetery, located at 13901 S Black Bob Road"

To Whom it May Concern:

I am writing to express my concern and opposition to the planned funeral home in the Oak Lawn Memorial Cemetery. I am a resident of the Meadowridge subdivision which backs up to the cemetery and have lived here with my husband and children for 17 years. One of the reasons my husband and I chose this subdivision was the quiet, beautiful setting of the cemetery next door. I am deeply disappointed that anyone would consider building a commercial business in a cemetery. It will destroy the peaceful, park-like setting that a cemetery should convey. We can see the cemetery from our house and enjoy looking out over it. My husband and I have enjoyed taking walks around the cemetery and reflecting on the lives of those buried there. The increase in traffic and business at the funeral home will add noise and commotion to our neighborhood as well. In addition I feel bad for those who have family members buried there. Building a funeral home with a parking lot within the cemetery and having increased traffic will completely destroy the peaceful and respectful environment those visiting loved ones should have.

Please consider the feelings of those living next door, and those who have families buried there as their final resting place and do not approve the special use permit.

Thank you for your consideration,

Vicki Whitaker

Dan Fernandez

From: Larry Balk <lbks2480@gmail.com>
Sent: Tuesday, February 19, 2019 2:10 PM
To: Dan Fernandez
Cc: Planning Contact; Larry Balk; Sharon Balk; Lester Kline
Subject: Special Use Permit request SU18-009

Dear "Sirs",:

I am writing to you requesting that you deny the permit to build a funeral home in Oak Lawn Gardens.

Sharon and I moved to our residence in July 2003 and we had the opportunity to speak with and discuss property lines and green spaces with the developer - Pulte Corporation - resulting in misinformation.

When we purchased our property at 14074 S. Alcan St. we paid a premium price to Pulte, supposedly because of the openness of our backyard, the view, and also because it was not to be developed until the end of the construction process in the neighborhood. We have. enjoyed the peace, quiet, and view of the scenic cemetery setting for years now and hope to be able to enjoy it until we have to leave the neighborhood. The building of this funeral home is going to disturb and mess up our view of openness and sundown and the quiet neighbors. We quote Berny Hawley, a 35 year resident of Olathe and Plot Owner at Oak Lawn Cemetery " Not once did we think that the new owners of Oak Lawn would destroy the environment in order to build a commercial business." We absolutely agree with Berny Hawley.

I was and am surprised that Schlagel and Associates propose to put a funeral home within the property lines of the cemetery, especially at the eastern part of the plot rather than the western part so that the building would be farther from the Meadowridge neighborhood, thus somewhat less obvious/more unsightly, and even more surprised that the building is going to be placed in a place that is not easily seen from Black Bob. In some other words, somebody really messed up when space wasn't reserved(no graves) at the far west property line of Oak Lawn Memorial Gardens.

Another thing that I think should be rectified is that the new unsightly(I don't really care how pretty the building is) constructed building and parking lot has no attempt to disguise or hide this new ugliness with some appropriate trees, maybe like the tall thin Cypress trees.

We think the presence of a building will attract and "bring in" more traffic, noise, and pollution.

With this space used as a parking lot and building the expansion of the real use of the property(burial plots) will bring those plots to the eastern and southern areas of the cemetery quicker than we have anticipated, which is unacceptable to us.

We understood that we were purchasing a residence, that incidentally was next to a cemetery. Approving of this building and parking lot will devalue our property. Right in the middle of a cemetery a business for profit will be placed which is surrounded by neighborhoods, not businesses. We think that if you want to have a money making business building, build it where there is a business zone, not an agricultural zone.

We believe that the pond, that belongs to the neighborhood, is going to be affected in ways that will be beyond our control, but will be mostly affected by the SCI/McGiley business at their command and decisions. And, these changes might be without any City of Olathe approval or direction. This will result in a process that will take weeks or years to get resolved. If some changes need to be made to stop any drainage or runoff problems, it will be a "fight" that will include attorneys and large expenses, which our HOA doesn't need or use at this time. If this is approved there must be a monetary reserve given by the SCI Corporation and set up by and for the Meadowridge HOA. We think, this should begin with a few million dollars and will look for advice from an appropriate business attorney.

As we have read the "minutes"/notes of the Jan. 24th meeting we are alarmed that we, Meadowridge HOA, were told that there were things that were being considered, like donations to a pond fund,; "no decisions

have been made" regarding closing the old McGiley-Frye funeral home.; cremation is not intended, only funeral/chapel services; additional landscaping would also be considered;,,,,, and so forth. We realize that there are some things that cannot be committed to until some other things are approved or built, but, some can have a "hard" commitment such as a crematorium will not be installed, ever, because there is one in use elsewhere. We do not want a crematorium in this cemetery, ever.

There were statements at the Jan. 24th meeting about lawn care that got a response of " It was clarified that maintenance had not been reduced and mowing and regular maintenance occurs generally on a 2 week schedule at the facility." We live right next to the grass that became taller than the Olathe standards and I tried on multiple attempts to get the unsightly grass "field" mowed like the front part of the property where the graves are. This resulted in no responses or actions. So, we are caused to think that SCI/McGiley is a "bad neighbor" who has a lot of money, a lot of property, and a lot of disregard for their neighbors. Again, I was/am there/here knowing the circumstances and a representative telling me/us that the grass is scheduled, etc,,, says this is what we do now, no matter what you say or think. They do not say what was the truth but what they want us to believe is the way they say and we apparently do not know the truth. This company cannot be depended on to tell us "straight up" how they will deal with problems.

Larry and Sharon Balk

Dan Fernandez

From: Planning Contact
Sent: Tuesday, February 19, 2019 8:36 AM
To: Dan Fernandez
Subject: FW: Oak Lawn Funeral Home Opposition

From: Greg Whitaker <greg.whitaker10@gmail.com>
Sent: Tuesday, February 19, 2019 08:35 AM
To: Planning Contact <PlanningContact@OLATHEKS.ORG>
Cc: Greg Whitaker <greg.whitaker10@gmail.com>; Vicki Whitaker <V.Whitaker@ssccpas.com>
Subject: Oak Lawn Funeral Home Opposition

Greg Whitaker
14081 S Alcan St, Olathe, KS 66062

February 19, 2019

This is in regards to, "SU 18-0009 Request approval for special use permit to allow funeral home in the AG District; Oak Lawn Memorial Cemetery, located at 13901 S Black Bob Road"

To Whom it May Concern:

I am a resident of the Meadow Ridge subdivision. My wife and I purchased our home new and we have lived here since October of 2002 when the subdivision was still being built. We are raising our family here.

One of the reasons why we chose to live here was because of the cemetery adjacent our home. It is a quiet place and there is something about a cemetery that brings a spirit of peace to me and my family - and I believe to the community as well. As such, we oppose the construction of a commercial enterprise built at the footsteps of our home.

Why build a funeral home here? There is an established funeral home less than a mile south of us on Black Bob Road.

A funeral home at this location will disrupt the lives of most residents in this community as well as anyone who travels regularly on Black Bob Road. Traffic is bad enough now and a funeral home will only add to that congestion.

Along with the congestion, the funeral home will assail the peace and tranquility of the community surrounding Oak Lawn Cemetery.. We love to walk the paths and frequently do - even in the winter. We can feel the peace of those who are buried there. While walking the quiet paths of the cemetery, we often witness family and friends visiting their deceased loved ones, and in some small way, can imagine the heartache associated with their separation. A funeral home would disrupt the peace and answers to sacred questions people seek while visiting a cemetery.

This proposal reminds me of a song called, "Big Yellow Taxi" sung by Joni Mitchell and more recently The Counting Crows, There is a line in the lyrics that says, "They paved paradise to put up a parking lot." That is what will happen if a funeral home is erected at the Oak Lawn Cemetery.

Please do not pass this proposal. The peace and tranquility of the cemetery and surrounding neighborhoods outweigh the commercial venture of a funeral home.

Regards,

Greg Whitaker

Dan Fernandez

From: Planning Contact
Sent: Tuesday, February 19, 2019 8:32 AM
To: Dan Fernandez
Subject: FW: Concerns Regarding Proposed Construction Adjacent to Meadowridge Subdivision

From: Laural Chan <lauralchan@hotmail.com>
Sent: Monday, February 18, 2019 05:35 PM
To: Planning Contact <PlanningContact@OLATHEKS.ORG>
Cc: Nancy Powell <nlpowell@hotmail.com>
Subject: Concerns Regarding Proposed Construction Adjacent to Meadowridge Subdivision

Dear Olathe Kansas Planning Committee Members,

It has come to our attention that a funeral home and parking lot are being proposed for the plot of land adjacent to our property in the Meadowridge subdivision on Black Bob. We are adamantly against this proposed future development as it will ruin our tranquil, park-like view. The noise and light pollution would be ongoing and annoying, ruining the peace we currently enjoy. This project will negatively impact our property value considerably as our home borders the cemetery.

This proposed commercial undertaking will also impact our flourishing neighborhood pond, its wildlife, and lead to soil erosion. We are extremely concerned about any children from this proposed construction not being properly supervised by their parents/guardians and destroying Canada Geese eggs and nesting sites and potentially drowning in the pond. We are also apprehensive about the increased security issues and vandalism around our property which we would face.

Finally, this proposed construction will add to an already difficult traffic situation. There is only one entrance/exit point in Meadowridge and no traffic lights. It is extremely challenging, already, for my elderly parents to navigate this area. Increased traffic would create a nightmare situation as quite a few of the residents in Meadowridge are elderly.

Thank you for considering our concerns.

Laural Chan
Meadowridge Homeowner

Dan Fernandez

From: Planning Contact
Sent: Tuesday, February 19, 2019 8:31 AM
To: Dan Fernandez
Subject: FW: Project Name: SU 18-0009 Request Approval for Special Use Permit

From: Terry Smith <tasmith1120@gmail.com>
Sent: Monday, February 18, 2019 01:55 PM
To: Planning Contact <PlanningContact@OLATHEKS.ORG>
Subject: Re: Project Name: SU 18-0009 Request Approval for Special Use Permit

Correction: we have over **120** (rather than 42) square feet of window space in the back of our house that faces directly toward the area where the proposed funeral home would be built.

Apologies for the error in our previous email.

Terry A. & Kathryn A. Smith
14070 S. Darnell Ct.
Olathe, KS 66062

On Mon, Feb 18, 2019 at 12:00 PM Terry Smith <tasmith1120@gmail.com> wrote:

February 18, 2019

We respectfully ask the Planning Division to deny the request for approval for a special use permit (SU 18-0009) that would allow the construction and operation of a funeral home in Oak Lawn Memorial Cemetery at 13901 S. Black Bob Road in Olathe.

We are one of the original homeowners in the Meadowridge development with the construction of our home completed in 2002. Our home backs up to the Oak Lawn Cemetery -- in fact, our property is closest to the location where the proposed funeral home would be constructed.

When we built and purchased our home nearly 17 years ago, a major consideration in our decision to locate here was the fact that it backed up to the cemetery providing a very tranquil, serene and sacred setting immediately out our back door. Never in our wildest imagination did we envision a request being submitted to ***change the use of cemetery property*** to allow construction of a commercial operation approximately 100 yards from our back door. Had the subject area in Oak Lawn Cemetery permitted the construction of a commercial enterprise back when we first purchased our home, we absolutely would not have done so. Thus, we are extremely dismayed at the prospect of a commercial enterprise now requesting a "***changing of the rules in their favor***" at the expense of long-time property owners such as ourselves.

If the special use permit is approved and the construction of the proposed funeral home is allowed to proceed, we (along with numerous other homeowners in the area) will suffer significant and irreparable harm both financially and aesthetically. Speaking for ourselves, we have over 42 square feet of window space in the back of our house that faces directly toward the area where the proposed funeral home would be built. Likewise, less than 18 months ago we completed a 480 square foot patio in our back yard that faces the area where the proposed funeral home would be built. With a commercial enterprise (and its attendant traffic and nighttime

lighting) in such close line of sight proximity, there should be no doubt it would adversely affect the personal enjoyment and financial value of our home to a significant degree *with no chance of recovery*. All this due to a commercial enterprise wanting to "***change the rules in their favor***" with no regard for the detriment it creates for long-time property owners such as ourselves.

We feel there are a host of other valid reasons to deny the request for the special use permit (not the least of which include the sacred rights of those already buried in the cemetery who have no voice to be heard), however we felt it was necessary to express our opposition on the matter from a very personal standpoint. We also can't help but feel each and every decision-maker in the Planning Division and on the City Council would share our concerns and be in opposition to the special use permit if they were in our shoes.

We feel an "after-the-fact" special use permit request such as this is simply not fair to property owners such as ourselves and as such, not in the best interest of all Olathe residents. **Please recommend the denial of the request for approval for special use permit SU 18-0009 when it comes up to a vote.**

Respectfully submitted,

Terry A. and Kathryn A. Smith
14070 S. Darnell Ct.
Olathe, KS 66062

Dan Fernandez

From: Planning Contact
Sent: Tuesday, February 19, 2019 8:18 AM
To: Dan Fernandez
Subject: FW: Project Name: SU 18-0009

From: sstars5000@comcast.net <sstars5000@comcast.net>
Sent: Sunday, February 17, 2019 08:26 AM
To: Planning Contact <PlanningContact@OLATHEKS.ORG>
Subject: Project Name: SU 18-0009

February 17, 2019

Re: SU 18-0009 Request approval for special use permit to allow funeral home in the AG District, Oak Lawn Memorial Cemetery - located at 13901 S Black Bob Road

Attention Planning Contact

This is from Elisa & Robert Mora, at 14097 S Alden Ct of Meadowridge Subdivision, for 13 years.

We would like to go on the record for being strongly opposed to the development of a funeral home in the oak lawn cemetery for the following reasons.

1. It is already very difficult to get out of our subdivision onto Black Bob road. There is only one way out of our subdivision, and it doesn't matter what time of day it is, Black Bob road is always very busy.
2. We have been informed that adding a funeral home in Oak Lawn, will reduce our property value. We understand that the city will benefit from the added revenue of another building, but it would be at the expense of 147 homeowners losing a significant value of their home.

3. Construction noise and length of time for this construction.

4. We already have a drainage problem from our pond, and we understand that the funeral home will be adding to this problem. We have taken several steps preventing water in our basement. And we are very concerned that the funeral home will cause us to again have water in our basement.

5. We have been told by several people that have loved ones buried at Oak Lawn or have plots at Oak Lawn, that they are opposed to the idea of drastically changing the landscape of the cemetery. They chose Oak Lawn on the beauty that is currently has, not with the activity that a funeral home would have.

6. McGilley has not been a very good neighbor already. They have an unsightly dumpster that they have received several request to clean up, dirt piles that go unattended. So why would we think they would be any better with a larger project as building a funeral home.

For the above reasons we hope the council will deny this development, and leave the cemetery alone. Meadowridge Subdivision does not want to be bookends to funeral homes.

Elisa & Robert Mora
14097 S Alden Ct.

Dan Fernandez

From: J & R Sum <sumfamilyx3@gmail.com>
Sent: Friday, February 15, 2019 10:12 AM
To: Planning Contact; Dan Fernandez
Subject: Public Comment for the record of SU18-0009
Attachments: LetterToSchlagel.pdf

My name is Jeffrey A Sum

I am a resident of the City of Olathe

I am a homeowner in the Meadowridge subdivision.

My address is 14635 W 140th Terrace Olathe, KS 66062

The date of this comment is January 23, 2019.

The name of the Planning Application/Project:

"SU18-0009: Request approval for a special use permit to allow Funeral Home in the AG District; Oak Lawn Memorial Cemetery, located at 13901 S. Black Bob Road. "

Owner/Applicant: Patrick McGilley, D.W. Newcomer's & Sons

Engineer: Jeff Skidmore, Schlagel & Associates

I wish to record my objection to the above mentioned application SU18-0009 under consideration by the City of Olathe Planning Commission. I would like to request this email and its attached letter which was signed by myself and subsequently hand delivered to the office of engineer of record for the application- Schlagel & Associates- on January 23, 2019 at 4:30PM.

I would request an email response indicating that this email has been received and comment recorded to the above application.

Thank you-

Jeff Sum

816 289 3698 cell

Dan Fernandez

From: Jim Shryock <spikekc1@yahoo.com>
Sent: Monday, February 04, 2019 9:50 AM
To: Dan Fernandez
Subject: Rezoning of Oak Lawn Cemetery

Rezoning of Oak Lawn Cemetery

Dear: Planning Commission:

I wanted to say a few words on my concerns with the rezoning to allow this to happen.

I would like to know what all the families that had purchased a plot for their loved ones under the impression this would be a park like setting and not a commercial setting. People for many years have placed their trust that this land would look like a park and be calming. Now they want to add a 10,000 square foot building. The cemetery stated at the meeting that they did not inform them of there plans. One lady that was at the meeting has family there and she did not seem pleased especially since this was the first, she heard about it and only because she worked for the church were the meeting was held.

We were told when purchasing our house that this land could only be used for plots. Property values of all the HOA's close to this will take a downward hit – ours will take a large hit due to the extra maintenance the pond will now require of our small HOA causing our HOA dues to increase.

Our subdivision has had to complain every since our homes were built to get the cemetery to do simple tasks such as mowing the areas that do not have plots, allowing dirt piles to grow past code till they look like large weed hills, standing water, and the maintenance area that is trashy looking. I just drove through the property and they have dirt piles every where and even a large green trash dumpster. Our HOA has asked the cemetery over the years for help with the pond costs that is partial in the cemeteries property only to get no place and no help as we continue to pend 10s of Thousands over the year to keep it looking good and continually get dirt from the cemetery that is filling it in so that now it needs to be dredged.

At the meeting were the cemetery explained there plans they had very few answers to our questions, one answer that struck me was that they let it slip they will close their current location and move it all to this building. That means the traffic will increase approximately 200-300% more than it is now as they want to add more business, they stated that it would be hard to keep both facilities open. They also mentioned that they want to work with us and be good neighbors but not once have they stepped up and done anything without complaints. Funny that they removed all the negative complaints from there website when they started this endeavor (this does not show being truthful).

Please consider the school buildings across the street that have pick and drop offs throughout the day and the extra traffic will affect them. One is a special needs facility, plus all the administration buildings and a Middle and High school only a block away.

We only have one entrance/exit to our subdivisions and no stop light so extra traffic will be a major safety concern as its already hard to see and pull out.

So many issues with this plan that they could not answer at the meeting. They did not give any of us a positive feeling about how they will make this happen to keep neighbors satisfied. No real talk about landscaping to keep this from becoming an eye sore – they currently do nothing with landscaping to improve the grounds so I do not see any change from current situation as no track record that they really care about the neighbors.

We have a serious water drainage issue from that land and once they get the approval to build, I feel that things will get worse and we will have to continue to cover the cost of the pond maintenance that is required for water management and that they will not continue to not keep the property maintained and will have to be called out before they fix anything as there history proves. We continually have to ask people using our pond that its private property as they park on the cemetery side and walk over. Safety concerns as we already hard time keep people that do not live here off the ice as more people will see that we have a pond and want to fish in it.

CLOSING - If they wanted to make a good impression to show that they want to be good neighbors, they would have spent time cleaning up the property and doing improvements before they pitched this proposal. Instead they did not follow protocol by not contacting the surrounding Home Associations, the Home owners of rental properties and the clients who have purchased plots or have loved ones there. This does not show that they really care to be good neighbors. They did not even invite any council members to the meeting. Drive around this area and you will see that they have made no effort to make a good impression and that they want to be good neighbors.

I employ you to vote not to rezoning this land.

Jim Shryock

14455 West 140th terrace

Olathe KS 66062-5187

Dan Fernandez

From: Sum Family <sumfamilyx3@gmail.com>
Sent: Thursday, January 24, 2019 5:25 PM
To: Dan Fernandez
Cc: lester.kline@aol.com; dan.ramey@sbcglobal.net; Marge Vogt; Karin Brownlee; Aimee Nassif
Subject: Re: Oak Lawn Memorial Gardens issue

Mr. Fernandez:

Thank you for the follow up email. I appreciate you taking the time to respond to my communication. I will review your response and see what information is provided this evening at the neighborhood meeting.

I am sure I will have further feedback to provide afterward.

Thank you,
Jeff

Sent from my iPhone

On Jan 24, 2019, at 4:15 PM, Dan Fernandez <DJFernandez@olatheks.org> wrote:

Good afternoon, Mr. Sum. Thank you for the email concerning the proposed funeral home at Oak Lawn cemetery. This will be included in the Planning Commission packet and staff will also look at your concerns. The City appreciates residents sharing their concerns about any project and reviews all correspondence to help address any issues.

For a project review, staff does look at requirements such landscaping to help shield the development from neighboring property owners. A photometric plan showing zero spillage onto neighboring properties is also a requirement of the review process. A conceptual stormwater study has been submitted with the application and a preliminary and final report will be required prior to obtaining any permits. As for traffic, funeral homes are low traffic uses but we will have the traffic department review your concerns about Black Bob and additional traffic. Staff is always available to discuss these and any other requirements of the application. And your other comments such as losing burial space and funeral home operations are good questions to ask the applicant at the meeting tonight.

As for the notification, when we spoke I pointed out that the applicants were only 2 days past their required notification deadline but that it was still enough to continue the application to the next meeting which is 2/25/19. This will be addressed at the neighborhood meeting tonight. And we apologize for any confusion on deadline requirements as I believe you were looking at a tentative agenda online.

For future reference, the notification requirements are as follows: certified letters, return receipt sent to property owners within 200 feet at least 20 days prior to the Planning Commission date, the neighborhood meeting held at least 20 days prior to the Planning Commission meeting date with invitations sent out at least 10 days prior to the neighborhood meeting date, and a sign placed on the property at least 20 days prior to the Planning Commission meeting.

And as we discussed yesterday, please feel free to reach out to me tomorrow to discuss what was talked about at the neighborhood meeting.

Thanks,

Dan Fernandez, *City Planner II*

(913) 971-8664 | OlatheKS.org

Public Works | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service

<image001.png> <image002.png> <image003.png>

Begin forwarded message:

From: J & R Sum <sumfamilyx3@gmail.com>

Subject: Oak Lawn Memorial Gardens issue

Date: January 23, 2019 at 1:55:28 PM CST

To: <kbrownlee@olatheks.org>, <mvogt@olatheks.org>

Cc: Lester Kline <lester.kline@aol.com>, <dan.ramey@sbcglobal.net>

Dear Council Members-

My name is Jeff Sum. I am a resident of Olathe and your neighbor in the Meadowridge subdivision at 140th Terrace & Blackbob. I am emailing you to make you aware of the issue occurring with Oak Lawn Memorial Gardens at 13901 S Blackbob Rd in Ward 4.

The owner of this property is attempting to build a commercial business (nearly 10,000 sq ft funeral home) in an agricultural zone area using a special use permit. As you aware the area around Oak Lawn Memorial Gardens is substantially residential and we enjoy our 'quiet neighbors' in Oak Lawn. This request represents a significant change and impact to the residential neighborhood area in this part of Olathe.

I and my follow neighbors have serious concerns about the impact to our neighborhood and surrounding communities:

- This will potentially negatively impact the property values of the homes. The Meadowridge subdivision has 36 of its 147 homes that directly face to the Oak Lawn Cemetery. One of our neighborhood most prized community assets is a pond that overlooks the Oak Lawn Cemetery.
- It will increase the traffic and congestion on Blackbob. The Meadowridge has only one entrance/exit for the entire subdivision on Blackbob Road and it it does not have a traffic signal. Additional traffic on Blackbob only makes the access to our subdivision more difficult and potentially more dangerous.
- It will increase traffic, light, and noise pollution to our our subdivision. Imagine sitting in your family room watching TV and have a stream of headlights stream trough your living as cars exits a visitation at 9PM in the evening- any night of the week or weekend.
- The plans makes no accommodation to manage storm water. There are no storm water sewers in this agricultural zone and the plans make no adjustments for the reduction in grassland for a 86 space parking lot & 10,000 sq ft building. Currently, excess stormwater from the cemetery and its roads flow into a pond that is in Meadowridge subdivision. The Meadowridge Homeowners association maintains this pond. The HOA spends ~\$7,000 annually maintaining the pond. In 2008, the HOA spent \$45,000 to build a retaining wall around half the pond perimeter to address soil erosion issues.

- This will result in a loss of ~100,000 sq ft of possible burial space just as aged population boom is coming for our country (not pleasant to think about it but still a fact).
- This company already operates a funeral home/cremation service within 4 miles of the Oak Lawn cemetery in downtown Olathe (McGilley & Frye 105 E. Loula Street). Making this proposed location un-necessary or the location downtown redundant (causing a loss of business to downtown Olathe's business district).
- There is already another funeral home down 0.4 mile down Blackbob Road (Penwell-Gabel 14275 Black Bob Rd)

Further, I have serious concerns that owner and its architect/engineer has chosen to bend City process to its advantage to impact residents ability to be informed and meaningfully contribute to the process/discussion. The City of Olathe Planning Commission has well published timeline for such requests to come before the Planning Commission. (<https://www.olatheks.org/home/showdocument?id=13606> Schedule T)

I have attached the letter I received from the Cemetery's architect/engineer-

- it dated January 11 and was received January 14; after the Planning Commission published timeline of January 8
- This neighborhood meeting is scheduled on January 24; after the January 18 date on the published timeline
- It was only after my in-person verbal complaint to the Planning Division staff on January 22 that a public sign was posted on the property of a pending use request/meeting. (well after the January 18 date on the published timeline.)
- I was also told the architect/engineer has submitted revised plans that morning (January 22), again after the January 18 date on the published timeline.
- This special use permit request is scheduled on the February 11 Planning Commission and March 5 City Council meeting agendas.
- During my in person complaint, I was told these deviations from published timeline were not significant enough to delay the review by the Commission or the Council.

I invite you to come to the neighborhood meeting at Church of Harvest South Auditorium 14841 S Blackbob Road Olathe, KS 66062 at 6:30PM on January 24, 2019.

I appreciate your time and input in this matter. Thank you.

Sincerely,
Jeffrey Sum

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