



City of Olathe Planning Commission Minutes

100 E. Santa Fe

Planning Division Conference Room

Monday | February 11, 2019 | 6:00PM

CALL TO ORDER

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

Absent: Sutherland and Corcoran

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

EXECUTIVE SESSION

- A.** Consideration of a motion to recess into an executive session for consultation with the City's attorney which would be deemed privileged in the attorney-client relationship pursuant to exception in K.S.A. 75-4319(b)(2) pertaining to a rezoning and special use permit application.

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

Yes: Rinke, Nelson, Munoz, Freeman

Absent: Sutherland and Corcoran

The open meeting will resume at 7:00 p.m. in Council Chambers

RECONVENED FROM EXECUTIVE SESSION

The meeting reconvened, Chair Vakas announced the executive session would continue at a later point in the meeting.



City of Olathe

City Planning Division

MINUTES – Opening Remarks

Planning Commission Meeting: February 11, 2019

The Planning Commission convened at 7:00 p.m. to meet in regular session with Chairman Dean Vakas presiding. Commissioners Michael Rinke, Jeremy Fry, Jose Munoz, Jr., Ryan Nelson and Ryan Freeman were present. Commissioner Chip Corcoran and Commissioner Barry Sutherland were 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 MN19-0128, the meeting minutes from January 28, 2019, was made by Comm. Fry and seconded by Comm. Freeman and passed with a vote of 6-0.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: February 11, 2019

Application:	<u>RZ18-0022</u> Rezoning from CTY RUR to R-3 district and preliminary site development plan for Brentwood Senior Apartments
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Dan Fernandez, Planner II, appeared before the Planning Commission, summarizing this request to rezone from County Rural to R-3, and presenting a preliminary site development plan for Brentwood Senior Apartments. He noted that the subject property is located in the vicinity of 155th Street and Brentwood Street. The preliminary site development plan includes a 2-story senior living apartment building with 48 units. The site is currently vacant.

Mr. Fernandez reported that a neighborhood meeting was held and attended by approximately 31 people. Staff also received letters from two residents concerned about this project, which are included in the packet. Issues brought up at the meeting and in the letters include landscape buffers, stormwater, lighting, and utility box screening.

Mr. Fernandez presented a picture of the vacant site and the site plan, indicating four-plexes, single-family homes, and an existing church adjacent to the property. The property is surrounded by R-1 single-family zoning on the north and east as well as RP-3 low density multifamily development. Mr. Fernandez also indicated M-2 industrial in the area, as well.

Mr. Fernandez presented the landscape plan and noted that per UDO requirements, a Type 3 buffer is required for properties zoned R-3 when adjacent to R-1 zoned property, which in this case is to the north and the east. Therefore, a Type 3 buffer will be installed on the north and east elevations, including a six-foot fence to the north and a six-foot berm on the east elevation. Mr. Fernandez noted there is no landscape buffer requirement for properties that are R-3 to R-3, which is to the south. However, the applicant added a 20-foot buffer with a line of deciduous and evergreen trees. He added that staff stipulated that additional evergreen trees be planted on the south side because they feel evergreens provide better screening.

Mr. Fernandez presented photometric elevations showing zero foot-candles at the property lines, which complies with UDO standards. Also, two stormwater detention basins will be included for stormwater detention. Also, per UDO requirement, all mechanical equipment will be screened.

Mr. Fernandez added that the City is currently developing policies and practices aimed at aging in place, called Communities for All Ages initiative. Therefore, when senior housing projects such as these come up, staff strives to ensure that the goals of that initiative are met.

Mr. Fernandez reported that the building meets Category B Design Guideline requirements for features such as horizontal and vertical articulation, focal point element, and exceeding the building material requirements. He added that two waivers are being requested. One is for the

amount of glass on the north and west elevations. As proposed, those elevations have 16 percent glass where 25 percent is required. The second waiver is for the residential finished floor elevation being a minimum of 18 inches above the sidewalk. Mr. Fernandez stated that staff is supportive of both waiver requests. In summary, **Mr. Fernandez** said staff recommends approval of this rezoning. He was available for questions.

Comm. Rinke asked if there will be carports. **Mr. Fernandez** responded that there will not be any carports. All parking will be surface parking.

Chair Vakas opened the public hearing and asked the applicant to come forward. **Kim Lingle, MBL Development**, 16405 Turnberry, approached the podium. Mr. Lingle commented he has been in the senior housing business for 25 years and says senior housing is an acute problem. He believes there is a tremendous need for housing such as this in Olathe. He says he has worked diligently with staff and feels they have met or exceeded all guidelines.

Chair Vakas asked if anyone present wished to speak on this item. **Gloria Rowlett**, 15557 Hillside Street, approached the podium. She said she built her villa three months ago and paid \$300,000 for her home. She said they are not "duplexes," this is her home. She said the south side of this property where her villa is located has not been addressed. She would like to see a privacy fence or berm on the south side. She wants the existing residents to the south to be taken into consideration and protected. In response, **Mr. Fernandez** said he has spoken to the applicant about the south side of the property, which slopes down. Staff suggested raising that area or adding a berm or fence to help with screening. He said the applicant is agreeable to look at these proposals.

There were no further comments. **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 passes 6-0.

Chair Vakas noted that this application is fairly straightforward. He asked Mr. Fernandez to again state the solution to Mr. Rowlett's concern and ask if staff's recommendations need to be modified. **Mr. Fernandez** said no because at this time it's unknown what type of screening will be provided. He said noting on the record the Planning Commission's request for that to be addressed at the final site development plan will suffice. He will contact Ms. Rowlett with whatever solution is determined to be best.

Motion by Comm. Munoz, seconded by Comm. Freeman, to recommend approval of RZ18-0022, for the following reasons:

- (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Housing and Neighborhoods (Principle HN-1.8 HN-2.1 and HN-2.5).
- (2) The requested rezoning to R-3 district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.
- (3) The proposed development as stipulated meets composite design standards for **Site Design Category 3** (*UDO 18.15.115*) and **Building Design Category B** (*UDO 18.15.030*).

Comm. Munoz's motion included recommending that the following stipulations, as stated in the Staff's report, be included in the ordinance:

- (1) A final plat shall be approved and recorded, and all excise fees paid prior to issuance of a building permit.
- (2) A final site development plan shall be approved prior to submitting for building permit.

Comm. Munoz's motion included recommending approval of the preliminary site development plan with the following stipulations to be addressed with revised preliminary site development plans or final site development plans, as stated in Staff's report:

- (1) A waiver shall be granted to permit a minimum of 16% glass on the primary elevations (west and north).
- (2) A waiver shall be granted to permit the residential finished floor elevation to be less than 18 inches as required by Site Design Category 3.
- (3) The dormers shall be in proportion and match the roof pitch of the building with a full appearance of being functional and operational.
- (4) Additional evergreen trees shall be included along the south property line for additional screening with the final site development plan.
- (5) Shrubs shall be added to the west side of the large detention basin with the final site development plan as required by the *UDO*.
- (6) All mechanical equipment (building, ground or roof mounted) shall be screened per *UDO* requirements.

Aye: Freeman, Nelson, Rinke, Fry, Munoz, Vakas (6)

No: (0)

Motion was approved 6-0.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: February 11, 2019

Application:	<u>SU18-0009</u> Special use permit for a funeral home (Oak Lawn Cemetery)
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The applicant did not schedule the neighborhood meeting at least 20 days prior to the original Planning Commission date for this application so the case needs to be continued for this UDO requirement to be met.

Motion by Commissioner Nelson, seconded by Commissioner Munoz, to continue SU18-0009 to a future Planning Commission meeting.

Motion passes 6-0.



City of Olathe
Planning Division

DISCUSSION MINUTES

Planning Commission Meeting: February 11, 2019

Subject:	Discussion of Unified Development Ordinance Amendments
Applicant:	City of Olathe
Staff Contact:	Zachary Moore, Planner II

Zachary Moore, Planner II, gave an update on proposed changes to the Unified Development Ordinance's architectural regulations, Chapter 18.15, currently known as Composite Building Design standards. Key objectives for updating this chapter include increasing clarity, update examples, ensure the building materials code is up to date with industry standards, and to continue to achieve the quality of development that is desired.

Mr. Moore provided a proposed outline of the revised Chapter and provided brief overviews of each subsection.

Mr. Moore provided a timeline of next steps, noting that a workshop will be held on Wednesday morning, February 13th, with the local development community. On February 25th, there will be a workshop with Planning Commissioners, seeking input and feedback. A public hearing is scheduled for March 2019, moving on to City Council in April 2019.

Mr. Moore noted that no action is needed this evening by the Planning Commission. He was available for questions.

Comm. Fry recalled when the UDO was created, one of the ideas was creating the composite standards model to make it easier for developers to know what the City expected. Comm. Fry is nervous about moving away from the idea of composite standards as a purpose for design. He wants to make sure that is the most appropriate philosophic change to make. **Mr. Moore** said staff is taking elements of the composite standards into consideration, and are looking to take the best parts of the composite standards and enhance them.

There were no other questions or comments. **Chair Vakas** noted that after the regular meeting adjourns, they would reconvene in executive session.

Aimee Nassif, Chief Planning and Development Officer, thanked everyone and looks forward to the upcoming workshop.



City of Olathe
City Planning Division

MINUTES – Other Matters

Planning Commission Meeting: February 11, 2019

Chair Vakas noted that the next Planning Commission meeting is scheduled for Monday, February 25, 2019, at 7:00 p.m.

Meeting adjourned.



EXECUTIVE SESSION

- B.** Consideration of a motion to return to Executive Session to continue discussing earlier executive session item and entertained a motion.

Motion by Chair Vakas, seconded by Fry, to return into executive session for 30 minutes to continue discussion of the earlier executive session item. Motion carried by the following votes:

Yes: Rinke, Nelson, Munoz, Freeman

Absent: Sutherland and Corcoran

Meeting recessed into executive session at 7:30 p.m.

- C.** Consideration of a motion to extend executive session for 15 minutes.

Motion by Chair Vakas, seconded by Munoz, to extend executive session for 15 minutes. Motion carried by the following votes:

Yes: Rinke, Nelson, Fry, Freeman

Absent: Sutherland and Corcoran

RECONVENE FROM EXECUTIVE SESSION

The meeting reconvened at 8:15 p.m.

There were no motions coming out of executive session and Chair Vakas noted that the Planning Commission met in executive session and received information from staff, but the Planning Commission is not taking any action regarding that information.
