



City of Olathe

City Planning Division

MINUTES – Opening Remarks

Planning Commission Meeting: March 25, 2019

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

Recited Pledge of Allegiance.

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

A motion to approve MN19-0311, the meeting minutes from March 11, 2019, was made by Comm. Rinke and seconded by Comm. Freeman and passed with a vote of 7-0.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: March 25, 2019

Application:	<u>MP19-0001</u> Request approval for minor plat for Ranch Villas at Prairie Haven, Lot 24 containing 4 lots on 0.28± acres; located in the vicinity of 119 th Street and Lone Elm Road.
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A motion to approve MP19-0001 on the Consent Agenda was made by Comm. Rinke and seconded by Comm. Freeman 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 Planning Division.
- b. Sidewalks shall be constructed on both sides of all public and private streets and drives as required by the RP-3 zoning ordinance.
- c. The developer is responsible for planting street trees, subject to UDO 18.30.130 G. Such trees shall be planted at the completion of each phase of development.
- d. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials, subject to UDO 18.30.130 I.
- e. A note shall be included on the building permit stating that all above ground mechanical equipment shall be screened according to UDO 18.30.130 I.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: March 25, 2019

Application:	<u>MP19-0002</u> Request approval for minor plat for Ranch Villas at Prairie Haven, Lot 17 containing 4 lots on 0.28± acres; located in the vicinity of 119 th Street and Lone Elm Road.
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A motion to approve MP19-0002 on the Consent Agenda was made by Comm. Rinke and seconded by Comm. Freeman 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 Planning Division.
- b. Sidewalks shall be constructed on both sides of all public and private streets and drives as required by the RP-3 zoning ordinance.
- c. The developer is responsible for planting street trees, subject to UDO 18.30.130 G. Such trees shall be planted at the completion of each phase of development.
- d. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials, subject to UDO 18.30.130 I.
- e. A note shall be included on the building permit stating that all above ground mechanical equipment shall be screened according to UDO 18.30.130 I.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: March 25, 2019

Application:	<u>FP19-0002</u> Request approval for a final plat for Kiddi Kollege South containing 1 lot on 2.3± acres; located at the southeast corner of the intersection of W. 167 th Street and future Britton Street.
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A motion to approve FP19-0002 on the Consent Agenda was made by Comm. Rinke and seconded by Comm. Freeman 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 **\$4,191.81**. The required excise tax shall be submitted to the Planning Division prior to recording the final plat.
- B. This final plat shall be recorded, and all excise fees shall be paid prior to submitting for building permit.
- C. Prior to recording the final plat, a stormwater quality/quantity facility maintenance agreement shall be provided.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: March 25, 2019

Application:	<u>PR19-0004</u> Request approval for revised site development plan for Builders Stone on 1.99± acres; located at 707 N. Lindenwood Drive.
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A motion to approve PR19-0004 on the Consent Agenda was made by Comm. Rinke and seconded by Comm. Freeman and passed with a vote of 7-0, with the following staff stipulations:

- a. If the outdoor storage component is constructed screening from public view will be required with a gate or masonry wall between the parking area and storage lot.
- b. Deteriorated pavement, sidewalks, curbs and additional code/site violations shall be rectified prior to receiving Certificate of Occupancy.
- c. A final site development plan shall be approved prior to issuance of building permit.
- d. A photometric plan and detailed cut sheets of all pole and building lighting shall be submitted with the final site development plan per the *UDO*.
- e. All existing foundation landscaping shall be replaced as shown on the preliminary landscape plan per *UDO Section 18.30.130*
- f. 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. A note shall be added to the final site development plan.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: March 25, 2019

Application:	<u>PR19-0005</u> Request approval for revised preliminary site development plan for Olathe Animal Hospital Addition on 0.83 acres; located at 13800 W. 135 th Street.
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A motion to approve PR19-0005 on the Consent Agenda was made by Comm. Rinke and seconded by Comm. Freeman and passed with a vote of 7-0, with the following staff stipulations:

- a. A final site development plan application shall be submitted and approved prior to submitting for building permit.
- b. The final site development plan shall include notes for all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, to be screened from public view with landscaping or an architectural treatment compatible with the building architecture in accordance with UDO requirements.
- c. Details for type and size of shrubs along the south foundation shall be provided with the final site development plan.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: March 25, 2019

Application:	<u>RZ19-0001</u> Request approval for a rezoning from RP-3 District to R-4 District and Preliminary Plan for Saddlewood Apartments on 18.99± acres; located in the vicinity of 154 th Street and Brentwood Street.
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Motion by Comm. Freeman, seconded by Vice-Chairman Rinke, to continue RZ19-0001 to a future Planning Commission meeting.

Motion passes 7-0.

MINUTES

Planning Commission Meeting: March 25, 2019

Application:	<u>VAC19-0001</u> Request approval for vacation of a drainage easement for The Shops at Prairie Farms, Lot 4; located at 2180 W. Dartmouth Street.
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Ginna Verhoff, Planning Intern, appeared before the Planning Commission, summarizing this request for a vacation of a drainage easement. The property is situated south of Santa Fe and west of South Hedge Lane. Ms. Verhoff presented an aerial view of the property and noted that a final site development plan was approved for Pacific Dental Services. The dental office wants to re-situate their drainage easement and build according to the plans recently approved. Stormwater will be accommodated for the development as required by approved plans. Ms. Verhoff provided photos depicting various views of the property. She presented the site plan, which shows a 15 foot wide and 55 foot long drainage easement located in Lot 4 of the Pacific Dental Services. She added that this site is located with Olathe water and service area. Ms. Verhoff stated that Public Works as reviewed the drainage easement and recommends approval without any stipulations. The applicant has provided appropriate notice to surrounding property owners and staff has not received any comments or concerns about this vacation. Staff recommends approval of the vacation of the drainage easement with no stipulations.

There were no questions of staff, and the applicant was not present. **Chair Vakas** opened the public hearing and asked if anyone present wished to speak about this case. Seeing no one, he called for a motion to close the public hearing.

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

Motion by Comm. Freeman, seconded by Comm. Nelson, to recommend approval of VAC19-0001, as proposed by staff.

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

No: (0)

Motion was approved 7-0.



City of Olathe

City Planning Division

MINUTES

Planning Commission Meeting: March 25, 2019

Application:	<u>RZ19-0002:</u> Request approval for a zoning amendment for RP-3 District, The Villas of Asbury, on 0.52± acres; located at 15584 and 15608 S. Church Street.
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Dan Fernandez, Planner II, appeared before the Planning Commission, summarizing this request for a zoning amendment for The Villas of Asbury. The proposed zoning amendment is to reduce a portion of the required building setback along the west property line from 75 feet to 65 feet. There are no proposed changes to density, access or architecture with this amendment. Mr. Fernandez stated that the 75-foot setback was included as a stipulation with the approved zoning of the property, which took place in 2001.

Mr. Fernandez further stated that a zoning amendment is the only avenue available in order to revise or remove a stipulation. Reduction of the setback would only affect the 75-foot setback to the immediate west. Mr. Fernandez noted that this site is surrounded by R-1 and M-2 zoned properties. Mr. Fernandez presented an image of the recorded plat, indicating the setback line. Mr. Fernandez said staff met with the applicant to determine if there was any other solution to this issue, including reorienting the lots so they are inside the setback line. However, the applicant did not feel that would be a possible solution. Staff also suggested building smaller townhomes. The applicant stated that they desire to build townhomes that are similar to the ones already existing and reducing the building footprint would make that impossible.

Mr. Fernandez stated there is also a waiver request for reduction in the landscape buffer requirement. A setback of 75 feet from R-3 to industrial zoned property is required on the west side. The waiver request would be to reduce that to a range of 65 feet to 71 feet immediately to the west of the two lots. Mr. Fernandez presented exhibits from the applicant. The applicant does not believe the public will be inconvenienced by the waiver, and the existing hedge row between the R-3 property and the industrial property will not be affected by the rezoning amendment or waiver request. Mr. Fernandez said that staff is supportive of the waiver and recommends approval of the zoning amendment request.

Comm. Rinke asked if the 75-foot setback was required when it was rezoned in 2001. **Mr. Fernandez** said it was not a requirement, but a recommendation made by staff at the time. Comm. Rinke asked if it was an oversight that lots that were used were going to encroach on the 75-foot setback. Mr. Fernandez said staff has researched why this occurred but has not found any explanation at this time. They will continue to search and try to find a reason. Comm. Rinke noted that the buildings will be situated exactly as they were as a result of the previous approval. Mr. Fernandez agreed. He said the outlay of the lots are not changing with this application and will remain as approved at the rezoning.

There were no other questions from staff. **Chair Vakas** opened the public hearing and asked the applicant to come forward.

Sue Engbroten, 11205 Cedar Street, Leawood, and Randy Wilbanks, Pinnacle Construction, 11205 Cedar Street, Leawood, approached the podium. Ms. Engbroten stated that during the Recession, they purchased the last 10 lots of The Villas of Asbury, which was

started by another developer. Eight lots have been built out, leaving these two lots. Rectifying the problem with the setback will allow them to complete their project and will complete the homes association. Ms. Engbrotten provided minutes from a neighborhood meeting and feels concerns of the neighborhood have been adequately addressed. There were no questions for the applicants.

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

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

Motion passed 7-0.

There was no further discussion by commissioners. **Chair Vakas** called for a motion.

Motion by Vice-Chairman Rinke, seconded by Comm. Sutherland, to recommend approval of RZ19-002, for the following reasons:

- (1) The proposed development complies with the Goals, Objectives and Policies of the Comprehensive Plan.
- (2) The zoning amendment meets the *Unified Development Ordinance* criteria for considering zoning applications.

Vice Chairman Rinke's motion included recommending that the following stipulations be included in the ordinance: These stipulations include those previously approved and required with the original change of zoning (RZ02-XXX) along with newly amended stipulations below:

- (1) An amendment shall be granted for the RP-3 zoning ordinance to allow a reduced building setback of 65 feet from the west property line as shown on the submitted site plan.
- (2) A waiver shall be granted to permit the landscape buffer along the west property line to range from 65 feet to 71 feet as shown on the submitted site plan.
- (3) Prior to obtaining building permits, the property shall be replatted to show the adjusted building setback line.
- (4) A landscape plan showing the size and type of trees to be planted along the west property line shall be submitted and approved with the building permits.
- (5) The combined overall maximum density for the R-1 and RP-3 development area shall be limited to 4.6 dwelling units per acre.
- (6) All RP-3 zoned areas shall be subject to the following design requirements:
 - a) Apartment buildings shall be prohibited.
 - b) All buildings shall be designed with an appearance of individuality between dwelling units. Such design shall include varied rooflines, varied facade depths to create variety and individuality, and front

porches. Mirror image" structures in which the same design is repeated for all units in a structure with no variety shall be prohibited.

- c) A variety of building exterior designs shall be used, with no building design plan to account for more than one-third of the development area.
- d) Building facades facing the public or private streets shall be designed with street orientation to include entrances, porches, windows and other design elements to create the appearance of a front facade. A predominant front entry shall be provided on all facades facing the street.
- e) Each dwelling unit shall be provided with an attached garage. No freestanding garages, carports or surface parking lots shall be permitted. However, small areas for guest parking may be permitted if entirely screened from view from the streets/drives.
- f) Buildings shall be oriented and designed so no garages or parking lots are visible from any public or private streets, or access drives, unless otherwise approved by the Planning Commission with final site development plans.
- g) If the Planning Commission permits a structure(s) with garages oriented toward a public or private street, a minimum thirty-(30) foot setback shall be maintained for the garage portion of the structure.
- h) Exterior building facades shall be finished with high quality building materials and architectural detailing. Exterior walls shall be finished with a minimum of seventy-five (75) percent decorative masonry materials such as stone, brick/masonry or a comparable masonry material, EIFS, stucco and siding (fiber cement board) may be permitted as a minor accent material. Vinyl siding, wood siding, or other synthetic or imitation materials with a false or "tacked on" appearance shall be prohibited.
- i) Roofing materials shall be the heaviest grade of 'Timberline' or comparable shingles, concrete or clay tile, or slate.
- j) An open space area of a minimum 3.3 contiguous acres shall be maintained in a central location for use by all persons who reside within the townhouse area. Such open space area shall include neighborhood amenities such as i.e., swimming pool/clubhouse, playground, tennis court, exercise path, cabana, etc. Detention areas may be included as part of the open space calculation if designed and maintained as a wet-bottom facility with spray fountain(s).
- k) All fences shall be wrought iron, picket fencing (not exceeding 4 feet in height) or a similar decorative fencing material. Solid wood

fencing and chain-link fencing shall not be permitted. Except, chain-link fencing may be permitted around sports courts.

- l) Sidewalks shall be provided on both sides of all public and private streets and drives.
- m) A staggered double row of evergreen trees shall be installed and maintained along the west and south property lines. However, credit shall be given for existing trees located along the west property line. The number of evergreen trees to be installed by the developer along the west property line may be reduced by the Planning Commission with approval of the final site development plan upon submission of a tree survey.

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

No: (0)

Motion was approved 7-0.

MINUTES

Planning Commission Meeting: March 25, 2019

Application:	<u>RZ19-0003 & PP19-0002:</u> Request approval for a rezoning from CTY RN-1 District to R-1 District and preliminary plat for the Cottages of Mahaffie containing 5 lots on 1.39± acres; located in the vicinity of 122 nd Street and Timberlane Boulevard.
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Kim Hollingsworth, Senior Planner, appeared before the Planning Commission, summarizing this request for a rezoning and preliminary plat for Cottages of Mahaffie, located in the vicinity of West 122nd Street and Timberlane Boulevard. The area is approximately 1.39 acres in size and was platted in 1994 and annexed into the city in 1995. The property is zoned County RN-1 and must be rezoned to a City district to accommodate this project. Ms. Hollingsworth noted that a home on the property was demolished in 2017. Surrounding properties are developed with single-family homes.

Ms. Hollingsworth presented pictures of the site, noted that the property contains several mature trees, and a small accessory structure. The property is zoned County RN-1 and is surrounded by County RN-1 to the north and west. Several properties to the south are zoned R-1, and properties to the west are zoned RP-1. Ms. Hollingsworth reported that the PlanOlathe future land use map designates this property as a Conventional Neighborhood with greenway land uses further to the east. The proposed use for single-family residential homes is consistent with the Comprehensive Plan and the proposed R-1 District.

Ms. Hollingsworth stated that the preliminary plat introduces the proposed concept and layout of the property for five single-family lots, ranging in size from 8,800 square feet to over 14,000 square feet. All driveways would have access from Timberlane Boulevard. Additionally, existing water lines run in front of the property, and the property is situated within Johnson County Wastewater's service area. The sanitary sewer would need to extend across Nelson Road and terminate at Timberlane Boulevard. Additionally, a 15-foot-wide landscape tract is required as the subdivision does abut a collector roadway and will provide additional screening.

Ms. Hollingsworth stated that the applicant has met public notice requirements and held a neighborhood meeting in February. Neighbors in attendance had questions about the sanitary sewer, preservation of trees, and the paving of Timberlane Boulevard. She said the applicant intends to preserve as many trees as possible, and a street reconstruction project is planned for 2019 for 122nd Street and Timberlane Boulevard.

Ms. Hollingsworth then highlighted that the City is actively working on a Communities for All Ages plan, meant to encourage age-friendly development and programs in Olathe. She said the applicant intends to construct reverse 1 1/2 story homes with elements to help individuals age in place. She concluded by stating that staff recommends approval of RZ19-0003, and also recommends approval of the preliminary plat, PP19-0002, with staff stipulations.

Comm. Nelson asked if the road would have to be paved before lots can be sold and occupied.

Ms. Hollingsworth stated that the paving applies to 122nd and Timberlane, which is a complete reconstruction project that was scheduled prior to this project coming to the City.

Comm. Corcoran asked about the dashed diagonal line across Lot 1 on the plan. Ms. Hollingsworth said that is an existing storm sewer, and the applicant is aware that it will need to be relocated.

Chair Vakas opened the public hearing and asked the applicant to come forward. **Mark Huggins, Payne and Brockway**, approached the podium, representing the developer, Timothy Gerard, who also came to the podium. Mr. Huggins said they are basically in agreement with staff. The only area they take issue with is the landscape tract along Nelson Road. Mr. Huggins believes it would be better as an easement, and noted that each lot would be responsible for maintenance of their own lot. He commented that most landscape tracts are paid for by all the residents of the development, even those who are not adjacent to it. Mr. Huggins said that land transfers in the future would be simpler.

There were no questions of Mr. Huggins or Mr. Gerard. **Chair Vakas** asked if anyone present wished to comment on this application. 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.

There was no further discussion on the project. **Comm. Fry** asked if there needed to be two separate motions, one for each application. Staff replied yes, there needed to be two separate motions.

Motion by Comm. Fry, seconded by Comm. Nelson, to recommend approval of RZ19-003, 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 the R-1 District meets the *Unified Development Ordinance* criteria for considering zoning applications.

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

No: *(0)*

Motion by Comm. Fry, seconded by Comm. Nelson, to recommend approval of PP19-002, with the following stipulations:

- a) A final plat shall be approved and recorded prior to issuance of building permits.

- b) The master landscape screening plan shall be submitted with the final plat in accordance with UDO requirements.
- c) The final plat shall include language for the dedication and maintenance of the landscape tract.

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

No: (0)

Motion was approved 7-0.



City of Olathe

City Planning Division

MINUTES

Planning Commission Meeting: March 25, 2019

Application:	<u>PR19-0006</u>	Request approval for revised preliminary site development plan for Garmin Sign Package on 96.14± acres; located at 1200 E. 151 st Street.
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Sean Pendley, Senior Planner, appeared before the Planning Commission, summarizing this request for a revised preliminary site development plan for a wayfinding sign package for the Garmin campus. Mr. Pendley noted that the Garmin campus is large and continues to grow, adding buildings and additional employees frequently. There have been requests for better directional wayfinding signage for the campus and individual buildings as they have grown. Mr. Pendley said the applicant has been working on this for quite some time and is ready to move forward.

Mr. Pendley said the types of signs proposed would require a revised development plan due to certain exceptions to the Unified Development Ordinance. A new warehouse has generated some urgency for new wayfinding signage, as well as public improvements that the applicant has made at 151st Street, Mahaffie Circle, Garmin Way, and Ridgeview Road. Mr. Pendley presented photos showing location of proposed new wayfinding signs.

Mr. Pendley then talked about the City's requirements for signage and the exceptions the applicant is asking for. He noted that most of the directional signs proposed meet UDO requirements. The applicant has also provided photo simulations for the signs to show the size and scale of the signs in relation to the existing buildings and streets. Staff is supportive of the sign exceptions requested by the applicant.

There were no questions for staff. **Chair Vakas** asked the applicant to come forward. **Dan Zeller**, 4200 Pennsylvania, Kansas City, MO, and **Theresa Reichert, Garmin**, 1200 East 151st Street, approached the podium. Mr. Zeller said they do not have anything to add to the staff report. They are simply asking for better clarity and improved circulation around the Garmin campus. **Ms. Reichert** added that Garmin has been working with the City on better routing around the campus.

There was no further discussion. **Chair Vakas** called for a motion.

Motion by Vice-Chairman Rinke, seconded by Comm. Fry, to recommend approval of PR19-006, with the following stipulations:

- a. Exceptions shall be granted for the maximum height of information signs up to nine (9) feet as identified in the Campus Wayfinding Sign Package dated March 4, 2019.
- b. Exceptions shall be granted for the maximum area of information signs up to 36.3 square feet as identified in the Campus Wayfinding Sign Package dated March 4, 2019.

- c. Sign permits shall be approved for information signs as proposed and with exceptions granted by the Governing Body. All other signs shall comply with UDO requirements.

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

No: (0)

Motion was approved 7-0.



City of Olathe

City Planning Division

MINUTES – Other Matters

Planning Commission Meeting: March 25, 2019

Sean Pendley, Senior Planner, announced that immediately prior to the next Planning Commission meeting on April 8th, there will be a workshop at 5:00 p.m. for the proposed architectural amendments to the Unified Development Ordinance.

Meeting adjourned.