



City of Olathe

City Planning Division

**MINUTES****Planning Commission Meeting: March 12, 2018**

<b>Application:</b>	<b><u>RZ17-0019:</u> Rezoning from RP-4 to C-2 District and preliminary development plan for Olathe Commons</b>
<b>Location:</b>	In the vicinity of 119 <sup>th</sup> Street and Shannon Lane
<b>Owner:</b>	Kelly Mulder, Maecommon, L.L.C.
<b>Applicant:</b>	John Petersen, Polsinelli PC
<b>Engineer/Architect:</b>	Brad Sonner, Olsson Associates/Scott Slaggie, Slaggie Architects
<b>Staff Contact:</b>	Dan Fernandez, Planner II

<b>Site Area:</b>	<u>12.83 ± acres</u>	<b>Proposed Use:</b>	<u>Commercial</u>
<b>Current Zoning:</b>	<u>RP-4</u>	<b>Proposed Zoning:</b>	<u>C-2</u>
<b>Building Area:</b>	<u>89,500 square feet</u>	<b>Plat:</b>	<u>Olathe Commons, First Plat</u>

	<b>Plan Olathe Land Use Category</b>	<b>Existing Use</b>	<b>Current Zoning</b>	<b>Site Design Category</b>	<b>Building Design Category</b>
<b>Site</b>	<b>Conventional Neighborhood</b>	<b>Vacant</b>	<b>RP-4</b>	<b>3</b>	<b>C</b>
<b>North</b>	Mixed Density Residential Neighborhood	Apartments	RP-3	-	-
<b>South</b>	Conventional Neighborhood	Vacant	RP-4	-	-
<b>East</b>	Conventional Neighborhood	Church	R-1	-	-
<b>West</b>	Regional Commercial Center	Commercial	CP-2	-	-

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**Dan Fernandez, Planner II**, made a presentation before the Planning Commission, summarizing the request. This case was reviewed at the January 8th Planning Commission meeting and involves the commercial portion of Olathe Commons. At the previous meeting, the Planning Commission and staff requested additional information from the applicant, including a traffic analysis, as well as the possibility of prohibiting certain uses within the development. The applicant has submitted a traffic analysis, which has been reviewed by the City's traffic engineers.

**Mr. Fernandez** noted that improvements being made to 119th and Shannan include an additional northbound lane on Shannan and modification of the westbound left turn lane on 119th Street. Any additional traffic created by Olathe Commons commercial should be mitigated. Traffic levels will not be decreased around this site.

**Mr. Fernandez** addressed uses on this site. He noted that previously there was a project called Anderson Pointe at 127th and Black Bob, which included some prohibited uses. Staff compared the Olathe Commons project to that project and concluded that there are different situations with the two. With Anderson Pointe, it was a rezoning to commercial adjacent to existing residential, and that location was within a smaller commercial development. The Olathe Commons commercial is part of a larger development that includes apartments, and staff believes there is to be connectivity between the two.

Another difference **Mr. Fernandez** noted is that the Olathe Commons site is adjacent to a large commercial center in Olathe Pointe. Because of that, staff feels there is no need to prohibit uses with this development.

The project consists of four commercial buildings, including three out lots along 119th Street. The traffic study examined traffic patterns to determine if developing those sites as fast food restaurants would have a negative impact on surrounding traffic. There is larger commercial at the rear of the property. Based on review of additional information provided to staff and the extra review that staff did comparing this project to other projects, **Mr. Fernandez** reported that there are no changes to stipulations or recommendations made at the January 8th Planning Commission meeting. There are also no changes to the plans that were submitted.

**Mr. Fernandez** noted that staff received three letters of opposition to this plan, which were included in the packet. Staff recommends approval of RZ17-0019 as stipulated.

There were no questions for staff. **Chair Vakas** opened the public hearing and asked the applicant to come forward. **John Petersen**, Applicant, 6201 College Boulevard, Overland Park, approached the podium, appearing on behalf of Maecommon, LLC, the owner of the property. Mr. Petersen asked for support based on the staff report. He noted that the current plan does not include any drive-through facilities. He agreed with staff, that if a drive-through facility was included, it would not impact traffic. He concluded by asking for the Commission's support.

There were no questions for Mr. Petersen. **Tom Kearney**, 11918 South Greenwood, approached the podium. He displayed a plan that was presented at a neighborhood meeting and provided a history of surrounding properties. He has concerns about adding more apartments and suggested that villas and townhomes might be a better fit. He also does not believe additional retail is needed because there seems to be an abundance of available commercial space in the area. **Comm. Rinke** asked if Mr. Kearney would prefer high-rise apartments or retail space. **Mr. Fernandez** noted that the plan under discussion is the most recently approved plan from 2013. Mr. Kearney said he is concerned about the type of retail, such as drive-through restaurants. Comm. Rinke recalled that at the previous meeting, there were residents who expressed a preference for retail versus high-rise apartments. Mr. Kearney said he would prefer retail or professional space over apartments.

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**Angela Broockerd**, 14455 West 121st Terrace, approached the podium. She expressed concerns about additional traffic in an already-congested area and how the addition of apartments will affect the dynamics of their schools. She is not in favor of drive-through restaurants. **Mr. Fernandez** noted that there are no drive-throughs indicated on the out-lots, but staff wanted to be able to review those if they were included. Any major changes to the out lots would need to be reviewed by the Planning Commission.

**Christopher Washington**, 12162 S. Shannan Lane, approached the podium. He opposes the installation of a sidewalk connecting to Shannan. He wants Shannan and Alcan streets to remained closed. He is also concerned about light and noise from the commercial.

**Scotty Calkins**, 14470 W. 121st Terrace, approached the podium. He does not believe the neighborhood needs more apartments and noted the availability of open retail space in the area. He is also concerned about the path between Shannan and Alcan.

**Chair Vakas** called for a motion to close the public hearing.

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

*Motion passed 7-0.*

**Comm. Nelson** asked Mr. Fernandez to talk about connectivity and the importance of the walkways. **Mr. Fernandez** stated that there are currently two sidewalk connections, one on the east side of the development and one on Shannan Lane. There are no street connections. Staff recommended those connections per the UDO. Comm. Nelson asked if that was at the request of the City and the Applicant also felt it was appropriate; Mr. Fernandez said that was correct. Comm. Nelson asked if it was part of the bigger picture of connectivity to neighbors and having access as appropriate; Mr. Fernandez said yes.

**Chair Vakas** asked the Traffic Department to address the traffic study. **Linda Voss**, Senior Traffic Engineer, City of Olathe, approached the podium. She said in preparing a traffic study, the development is examined to determine square footage, number of apartments, and trip generations, which are based on good data. Once traffic generation is determined, they examine peak hours. In this instance, they estimated how much traffic comes from each direction. They consider what is happening now at the intersection of 119th and Shannan and what will happen in the future with additional traffic and understand that it will increase. Traffic then looks at how traffic could be mitigated and makes recommendations for things such as additional lanes and turn lanes are considered. Ms. Voss said that although the situation is not great today, it's basically going to look the same in the future because traffic has been mitigated.

**Chair Vakas** asked if the traffic flow would actually improve; **Ms. Voss** said that is correct. She added that northbound traffic will be improved with the addition of a third lane. **Comm. Rinke** asked if the existing plan was based on national data and not specific to the Starbuck's that currently exists. **Ms. Voss** responded that Starbuck's is existing traffic, but in the future, additional traffic is lumped into shopping center, or restaurant, or fast food. It is not determined based on a specific retail name.

**Comm. Nelson** asked if the additional traffic counts were done since the January 8th meeting. **Ms. Voss** said it was prior to that meeting.

**Scotty Calkins** re-approached the podium. He asked if traffic analyses were based on a business that would generate a high amount of traffic, or an average amount of traffic. **Ms. Voss** responded that all scenarios regarding amount of traffic generated were considered.

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**Comm. Freeman** appreciates the investment the applicant has made to address questions. Based on the data of the study and the opinion of staff, he believes traffic will be equal, or better. Further, he believes the project has been well vetted and is in support of the application.

**Comm. Sutherland** noted that this application is for the rezoning of only the commercial portion of the site, and wished to make that clear.

**Comm. Nelson** questioned whether possibly developing this as R-1 in the future would be too close in proximity to the commercial spaces. **Mr. Fernandez** said that was considered and the buffers would have to be met along any properties zoned residential, whether houses or a church. Comm. Nelson asked if the buffer is from the structure or from the boundary of the R-1. Mr. Fernandez responded that buffers have been met all around.

**Comm. Rinke** commented that this was previous R-1 and R-2 and expressed sympathy for the residents, given the long process and many changes. He gives strong consideration to what he heard residents say, both in written comments and testimony, and feels like most residents are in favor of retail over high-rise residential. From that standpoint, Comm. Rinke supports the application. However, he would not be in favor of any kind of fast food restaurant or convenience store. **Comm. Vakas** called for a motion.

*Motion by Commissioner Freeman, seconded by Commissioner Sutherland, to recommend approval of RZ17-0019, 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 and LUCC – 7.1).
- (2) The requested rezoning to C-2 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 4** (*UDO 18.15.120*) and **Building Design Category D** (*UDO 18.15.035*).

*Commissioner Freeman's motion included recommending approval with the following stipulations to be included in the ordinance:*

- (1) Final site development plans shall be approved prior to submittal of building permits.
- (2) A waiver shall be granted to permit the landscape buffer on the south and east property lines to use a berm and landscaping for screening. No fence shall be required.
- (3) The two northbound lanes on Shannon Lane shall be reduced to 11-feet wide and the existing median shall be widened to accommodate landscaping. This shall be shown with the final site development plan.

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

*No: (0)*

*Motion was approved 7-0.*