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## CALL TO ORDER

<b>Present</b>	Vice-Chairman Michael Rinke, Commissioner Ryan Freeman, Commissioner Jeremy Fry, Commissioner Ryan Nelson, Commissioner Jose Munoz, Commissioner Chip Corcoran, and Commissioner Barry Sutherland
<b>Absent</b>	Chairman Dean Vakas

## PLEDGE OF ALLEGIANCE

## QUORUM ACKNOWLEDGEMENT

The Acting Chair made introductory comments. Regarding *ex parte* communication, the Acting 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.

## CONSENT AGENDA

- A.** MN19-0513: Standing approval of the minutes as written from the May 13, 2019 Planning Commission meeting.

Motion by Commissioner Freeman, seconded by Commissioner Sutherland, that MN19-0513 be approved. The motion carried by the following vote:

**Yes:** Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

**Absent:** Vakas

- B.** MP19-0007: Request approval for a minor plat for Woods of Mahaffie Replat; Lots 13 and 14 containing 1 lot on 0.42± acres; located at 1570 N. Keeler Street.

*A motion to approve MP19-0007 on the Consent Agenda 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. The developer is responsible for planting street trees and interior lot trees prior to final Certificate of Occupancy, subject to UDO 18.30.130.
- c. 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.

Motion by Commissioner Freeman, seconded by Commissioner Sutherland, that MP19-0007 be approved as stipulated. The motion carried by the following vote:

**Yes:** Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

**Absent:** Vakas

- C.** MP19-0008: Request approval for a minor plat for Willowbrooke Village 9th Plat (a replat of Tract A, Willowbrook Village, 8th Plat) containing 16 lots and 1 tract on 1.28± acres; located at the southwest corner of W. 112th Terrace and S. Rene Street.

*A motion to approve MP19-0008 on the Consent Agenda with the following staff stipulations:*

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the City Planning Division.
- b. The trail located to the south of the subject units shall be constructed prior to issuance of certificates of occupancy.

Motion by Commissioner Freeman, seconded by Commissioner Sutherland, that MP19-0008 be approved as stipulated. The motion carried by the following vote:

**Yes:** Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

**Absent:** Vakas

- D.** FP19-0009: Request approval for a final plat for Willow Crossing East Replat containing 1 common tract and public street right-of-way on 0.40± acres; located along the south side of W. 143rd Street at the intersection with Parkhill Street.

*A motion to approve FP19-0009 on the Consent Agenda 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. A sign permit is required for any signage within Tract A and the sign shall comply with Unified Development Ordinance (UDO), Section 18.50.190.

Motion by Commissioner Freeman, seconded by Commissioner Sutherland, that FP19-0009 be approved as stipulated. The motion carried by the following vote:

**Yes:** Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

**Absent:** Vakas

#### **REGULAR AGENDA-NEW BUSINESS**

- A.** UDO19-0002: Discussion on Unified Development Ordinance amendments to Chapters 18.20, 18.30, 18.40, 18.50, and 18.60

Motion by Commissioner Fry, seconded by Commissioner Nelson, that UDO19-0002 be continued. The motion carried by the following vote:

**Yes:** Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

**Absent:** Vakas

**B. PUBLIC HEARING**

RZ19-0007: Request approval for a rezoning from R-1 District and CTY RUR District to M-2 District and a preliminary site development plan for Olathe Facilities Expansion 70.51± acres; located in the vicinity of Old US-56 Highway and S. Robinson Street.

**Dan Fernandez, Planner II**, approached the podium and presented the staff report. He noted that his presentation would cover both this application and application FP19-0011. He stated that this application is for an Olathe facilities expansion, southwest of Old US-56 Highway and Robinson. This is a request to rezone 70.51 acres to the M-2 District, and Mr. Fernandez noted that the associated preliminary site development plan includes renderings for a Parks maintenance building. The property is currently vacant.

**Mr. Fernandez** presented an aerial of the zoning and pointed out the surrounding zoning. Elevations for the Parks maintenance building have been submitted. Other buildings, that are not accessory, developed on the site in the future would require a revised preliminary site development plan. Mr. Fernandez noted one access drive onto 156th Street and interior drives will be private and connect to the existing Public Works facility to the east. Landscaping will be included around the site, including foundational landscaping along the primary elevation and along the interior drives of the site. Mr. Fernandez added that a majority of the 70 acres is conceptual and may develop as potential training areas for other county departments.

**Mr. Fernandez** stated that this building meets all requirements for Building Design Category F, including Category 1 material requirements and also includes features such as some roof variations. He added that staff recommends approval of the rezoning per stipulations.

**Mr. Fernandez** addressed the final plat, which will include a tree preservation area along US-56 to provide screening. He notes that a good portion of this site is within the flood zone. Staff also recommends approval of FP19-0011 as stipulated.

**Comm. Nelson** noted a section in the staff report talked about parking pods and asked if that meant there is not a need for islands or peninsulas. **Mr. Fernandez** said that is correct.

**Comm. Fry** asked if the City would approve overhead doors placed as they are in this plan if this were a car wash or mechanic shop and not a County facility. **Mr. Fernandez** said they would because this area is zoned industrial, but doors would be required to have windows or canopies. Doors on this project have windows. Also, the setback is larger than normal, and there is a tree preservation along US-56.

**Comm. Fry** then asked about vertical articulation and questioned what the requirements are for industrial. **Mr. Fernandez** responded that there is vertical articulation in terms of roof height. In Category F they are only required to meet one of those requirements.

**Comm. Freeman** asked about the length of the longest roof. **Mr. Fernandez** responded that it is about 300 feet.

**Comm. Corcoran** has some familiarity with this area and recalls sewers being a problem. **Mr. Fernandez** deferred his question to the applicant, although notes that Utilities staff has reviewed this application.

**Vice Chair Rinke** opened the public hearing and asked the applicant to come forward.

**Chad Foster** with Olathe Public Works Department approached the podium. Addressing Comm. Corcoran's question about sewer, he noted that the existing Robinson Public Works site is serviced by a lift station, and they will attach to that same system.

No one else present wished to speak on this matter. **Vice Chair Rinke** called for a motion to close the public hearing.

*Motion by Comm. Nelson, second by Comm. Sutherland, to close the public hearing.*

*Motion passed 7-0.*

**Comm. Freeman** also expressed some concern about the 300-foot roof having the same height all the way across. He finds it odd that there is no variation and asked if any consideration given to that. **Mr. Fernandez** said they always talk to applicants about, not just meeting design requirements, but exceeding them. This does exceed the class requirement and includes some variation in roof height. **Comm. Freeman** would like to explore that as an option. **Comm. Nelson** observed that the long length of the building without variation is 213 feet in length, not 300 feet. **Mr. Fernandez** noted again that this has a large setback from the street and only those working on or visiting the site would see the building. **Comm. Fry** appreciates the clarification of industrial use, setback and tree preservation. **Vice Chair Rinke** concurred.

*Motion to recommend approval of RZ19-0007, for the following reasons:*

- a. The proposed development complies with the policies and goals of the *Comprehensive Plan* (Principle LUCC-1.1, LUCC-8.2 and ESR-1.3).
- b. The requested rezoning to M-2 district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.

*Motion includes recommending the following stipulations be included in the final site development plan:*

- a. Any new buildings within this development, other than accessory buildings, shall require a revised preliminary site development plan.

Motion by Commissioner Fry, seconded by Commissioner Nelson, that this agenda item be approved as stipulated. The motion carried by the following vote:

**Yes:** Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

**Absent:** Vakas

- C.** FP19-0011: Request approval for a final plat for Olathe Facilities Expansion containing 1 lot on 70.51± acres; located in the vicinity of Old US-56 Highway and S. Robinson Street.

*Please refer to RZ19-0007 for further discussion of this item.*

*Motion to approve FP19-0011 with the following stipulations:*

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the City Planning Division.
- b. Tree preservation fencing shall be placed on site in accordance with Section 18.30.240 of the UDO.

Motion by Commissioner Fry, seconded by Commissioner Sutherland, that this agenda item be approved as stipulated. The motion carried by the following vote:

**Yes:** Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

**Absent:** Vakas

**D. PUBLIC HEARING**

SU19-0002: Request approval for the renewal of a special use permit for Motor Vehicle Sales in C-3 District on 0.58± acres; located at 115 S. Fir Street.

**Dan Fernandez, Planner II**, approached the podium to present this application, which is for a renewal of a special use permit to allow motor vehicle sales at 115 S. Fir Street. He notes that this site has a long history of special use permits involving vehicles. He presented an aerial of the site and noted surrounding properties and their zoning. The property is surrounded by commercial, including other auto dealerships and a vehicle repair business. The previous special use permit was issued for this site in 2014. This special use permit is being requested by a new operator at this location, called CarStoreUSA. Motor vehicle sales will take place at this location and the site meets all requirements for parking. Upon inspection, staff noted several violations, including chipped paint on the building, no foundation landscaping, Christmas lights around the sign, poor fencing, and cracks in the pavement. **Mr. Fernandez** said the applicant has been very responsive to suggested improvements to the site and has been working to make repairs. All should be completed prior to the City Council meeting on July 16, 2019. The applicant is requesting a five-year special use permit, which staff supports. Staff recommends approval of this application.

**Comm. Nelson** asked if there is a limit to the number of vehicles that can be on site. **Mr. Fernandez** said there is no limit to number of vehicles parked during business hours, but stipulations prohibit parking in drive aisles and landscape areas. Comm. Nelson asked if it's because of the size of the lot that there is not a restriction as to number of cars. Mr. Fernandez said there is not a number restriction on other sites, but per the UDO, cars may not be parked on drive aisles or in the grass. **Aimee Nassif, Chief Planning and Development Officer** added that all cases are vetted and if there is a potential issue, the ability exists to restrict number of spaces during the permitting process. This particular application was vetted and there was no issue, so no restrictions were placed.

**Vice Chair Rinke** opened the public hearing and asked the applicant to come forward. Brenen Frye, 115 South Fir Street, approached the podium, representing the applicant. He said they have worked hard to meet all stipulations and be in compliance. There was no one else present who wished to speak on this item. **Vice Chair Rinke** called for a motion to close the public hearing.

*Motion to recommend approval of SU19-0002, for the following reasons:*

- a. The proposal conforms to the Goals, Objectives and Policies of the *Comprehensive Plan*.
- b. The proposal complies with the *Unified Development Ordinance (UDO)* criteria for considering special use permit requests.
- c. The applicant has addressed all site items identified in Section 3 of this report.

*Comm. Freeman's motion included recommending that the following stipulations be included:*

- a. The Special Use Permit is valid for a period of five (5) years following Governing Body approval, with an expiration date of July 16, 2024.
- b. Vehicles shall not be stored or displayed in customer parking stalls, drive aisles or in landscape areas.
- c. No vehicle maintenance or repair shall be done at the subject property.

Motion by Commissioner Freeman, seconded by Commissioner Fry, that

this agenda item be approved as stipulated. The motion carried by the following vote:

**Yes:** Rinke, Freeman, Fry, Nelson, Munoz, Corcoran, and Sutherland

**Absent:** Vakas

## **ANNOUNCEMENTS**

**Aimee Nassif** noted that the Planning Commission workshops on UDO updates have been scheduled for July 8th and 22nd, starting at 5:30 p.m.

## **ADJOURNMENT**