

**MINUTES – Opening Remarks**

**Planning Commission Meeting: July 8, 2019**

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

*Recited Pledge of Allegiance.*

The Vice Chair made introductory comments. Regarding *ex parte* communication, the Vice 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 MN19-0624, the meeting minutes from June 24, 2019, was made by Comm. Fry and seconded by Comm. Munoz and passed with a vote of 5-0.



City of Olathe  
City Planning Division

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<b>Application:</b>	<b><u>MP19-0009:</u></b> Request approval for a minor plat for <b>Bradford Trails 4<sup>th</sup> Plat</b> containing 3 lots on 0.43± acres; located at the northeast corner of W. 138 <sup>th</sup> Place and W. 139 <sup>th</sup> Street.
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*A motion to approve MP19-0009 on the Consent Agenda was made by Comm. Fry and seconded by Comm. Munoz and passed with a vote of 5-0, 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. An affidavit affirming that a separation wall meeting the standards of at least a one-hour firewall exists between the units shall be signed and submitted to the Planning Division prior to recording the plat.



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<b>Application:</b>	<b><u>MP19-0010:</u></b> Request approval for a minor plat for <b>Ranch Villas at Prairie Haven Lot 22</b> containing 4 lots on 0.28± acres; located in the vicinity of W. 119th Terrace and S. Provence Street.
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*A motion to approve MP19-0010 on the Consent Agenda was made by Comm. Fry and seconded by Comm. Munoz and passed with a vote of 5-0, 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. 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.
- c. 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.



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<b>Application:</b>	<b><u>MP19-0011:</u></b> Request approval for a minor plat for <b>Delmar Gardens of Olathe</b> containing 3 lots on 10.36± acres located north of W. 126th Street between S. Rodgers Road and N. Mur-Len Road.
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*A motion to approve MP19-0011 on the Consent Agenda was made by Comm. Fry and seconded by Comm. Munoz and passed with a vote of 5-0, 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.



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Application:	<b><u>RZ19-0008: Rezoning from R-2 to D-Downtown (Mixed Use) and preliminary site development plan for My Child Advocate</u></b>
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**Zachary Moore, Planner II**, presented this request to rezone downtown property from the R-2 District to the Downtown Mixed-Use District. The subject property is just over one-quarter acre in size and located at 313 North Chestnut Street.

**Mr. Moore** presented the future land use map showing the Urban Center/Downtown designation for the subject property, and he presented a map that showed this property located in the downtown transition area. Mr. Moore stated that the subject property is surrounded by R-2 to the west and north, and office zoning designations across the alleyway to the south. There are also residential uses across Chestnut Street to the east, and existing Downtown zoning to the south and west. Mr. Moore added that the existing structure was constructed on the site in 1920, and that a law office has operated at this site since 2010 with a special use permit. The purpose of the rezoning is because the use of a law office in the R-2 District is no longer allowed per the UDO. The Olathe Historic Preservation Board has determined that there is no historical significance to the property, but requested that the property owners document any historical deeds they might find. The Olathe Historic Preservation Board formally recommended this application *“as a precedent of historically sensitive infill, where older residential homes are removed from the Downtown Core and Mixed-Use transition area to become commercial establishments in the D-Downtown district.”*

**Mr. Moore** added that with the rezoning application, there is also an associated preliminary site development plan for an approximately 4,900 square foot structure which will include a law office. Mr. Moore also noted that there is an existing alleyway that runs through the property to the west, and there is an existing accessory structure that will remain on site. Also, the applicant will be providing four new parking stalls, which will require a waiver from the UDO.

**Mr. Moore** presented architectural elevations provided by the applicant. He added that development in the Downtown District is subject to different standards than typical developments, and staff has determined that this application meets or exceeds all of those standards.

**Mr. Moore** noted that in Section 6 of the staff report, on page 7 a correction should be made to read that the northern façade incorporates a 14 percent projection for a total of 22.6 percent of the total façade. **Comm. Nelson** asked if this correction should be included in the motion, and **Aimee Nassif, Chief Planning and Development Officer** confirmed that it should be included in the motion.

**Mr. Moore** discussed the Downtown Design Standards and pointed out features of the building which meet or exceed those standards.

**Mr. Moore** then presented two waivers that were requested. The first is to allow a reduction in the frontage build-out for non-residential buildings in the Downtown District, from 80 percent to 55 percent. The second waiver is to allow more than one commercial off-street parking area on one block in the Downtown District. Staff is supportive of both waivers, and **Mr. Moore** explained staff's analysis of those waiver requests.

**Mr. Moore** reported that the applicant held a neighborhood meeting on June 17, 2019, attended by three citizens. Topics of discussion included services to be provided on site, general review of the plans, and the state of the alley to the south of the subject property. All attendees of the meeting were generally supportive of the plans. Staff has not received any correspondence from the general public regarding this application.

**Mr. Moore** stated that staff finds that a rezoning from R-2 District to D-Downtown District follows Comprehensive Plan goals for land use and community character, housing and neighborhoods, and cultural landmarks and resources. Staff recommends approval of the rezoning, as well as a preliminary site development plan with the addition of a stipulation granting the two waivers.

**Comm. Nelson** asked if the existing garage is considered an accessory building.. **Mr. Moore** said that is correct, and the garage is proposed to remain as is. Comm. Nelson asked if the area immediately in front of the garage could be used for parking purposes. Mr. Moore said that area is paved and proposed to remain, so it could potentially be used as two additional parking spaces.

**Comm. Fry** asked why 80 percent is the standard for frontage buildout in the UDO. **Mr. Moore** responded that traditionally in a downtown type of development, a frontage build-out would achieve more storefronts located closer to the street, creating an appropriate pedestrian scale and drawing more attention to storefronts. On the north side of Santa Fe Street past the downtown core, the neighborhood starts to space out a little bit, so staff felt the reduction would be appropriate.

**Vice Chair Rinke** opened the public hearing and asked the applicant to come forward. **Jason Nudson, Applicant, 8377 Primrose, De Soto**, approached the podium. He and his wife are co-applicants. He said Mr. Moore covered the project very well and did not have anything to add. There being no one else to be heard, **Vice Chair Rinke** called for a motion to close the public hearing.

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

*Motion passed 5-0.*

*Motion by Comm. Munoz, seconded by Comm. Fry, to recommend approval of RZ19-0008 per staff recommendation, for the following reasons:*

- (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Land Use, Housing, Original Town and Cultural Landmarks & Resources.
- (2) The requested rezoning to D-Downtown (Mixed-Use) district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.

*Comm. Munoz's motion was amended by Comm. Freeman to include the following change:*

- (1) On page 7, Section 6, Building Design bullet point (i.) should read:

*The eastern façade incorporates a 10.5% recess in the wall plane for a total of 29% of the total façade, and the northern façade incorporates a 14% projection for a total of 22.6% of the total façade.*

*Comm. Munoz's motion was amended by Comm. Freeman to include recommending that the following stipulations be included in the associated preliminary site development plan, as amended:*

- (1) A final site development plan shall be approved prior to issuance of a building permit.
- (2) The existing structure shall be documented and archived with the Olathe Historic Preservation Board prior to any demolition permit approval.
- (3) Fiber cement panels shall be used in the areas that say lap siding on the elevations.
- (4) Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities' meter banks and cooler shall be screened from public view with three-sided landscaping or an architectural treatment compatible with the building architecture.
- (5) The following waivers shall be granted:
  - a. Waiver to allow a reduction in the Frontage Buildout from 80% to 55%.
  - b. Waiver to allow more than one off-street parking area on a Downtown block.

Aye: Freeman, Nelson, Fry, Munoz, Rinke (5)

No: (0)

*Motion was approved 5-0.*



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## **MINUTES – Other Matters**

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**Aimee Nassif** noted that the next Planning Commission workshop on UDO updates is scheduled for July 22<sup>nd</sup>.

There were no other announcements.

*Meeting adjourned.*