



Planning Division

## **MINUTES – Opening Remarks**

### **Planning Commission Meeting: October 16, 2019**

---

The Planning Commission convened at 7:00 p.m. to meet in regular session with Chairman Dean Vakas presiding. Commissioners Shirley Allenbrand, Barry Sutherland, Ryan Freeman, Ryan Nelson, Jose Munoz, Chip Corcoran and Marcia Youker were present. Commissioner Jeremy Fry 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 MN19-0923, the meeting minutes from September 23, 2019, was made by Comm. Allenbrand and seconded by Comm. Nelson and passed with a vote of 8-0.



Planning Division

## MINUTES

### Planning Commission Meeting: October 14, 2019

Application:	<b><u>FP19-0020</u>: Final plat for Stonebridge Trails 6th Plat</b>
--------------	---

*A motion to approve FP19-0020 on the Consent Agenda was made by Comm. Allenbrand and seconded by Comm. Nelson, and passed with a vote of 8 to 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. Prior to recording the final plat, the required traffic signal excise tax of \$4,120.71 shall be submitted to the Planning Division.
- c. Prior to recording the final plat, a street tree and master landscape plan shall be submitted for this phase in accordance with UDO requirements.
- d. No landscaping shall be planted within the sight distance triangles.
- e. 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. All utility boxes shall be screened per Section 18.30.130 of the UDO.



Planning Division

## MINUTES

### Planning Commission Meeting: October 14, 2019

Application:	<b><u>RZ19-0020:</u> Rezoning from C-2 (Community Center) to D (Downtown, Core) and a preliminary site development plan for Chestnut North Mixed-Use Building</b>
--------------	---

A motion to continue RZ19-0020 to a future Planning Commission meeting was made by Comm. Freeman and seconded by Comm. Sutherland and *passed with a vote of 8 to 0.*



Planning Division

## MINUTES

### Planning Commission Meeting: October 14, 2019

Application:	<u><b>RZ19-0021:</b></u> Rezoning from C-2 (Community Center) to D (Downtown, Core) and a preliminary site development plan for Chestnut South Mixed-Use Building.
--------------	--

A motion to continue RZ19-0021 to a future Planning Commission meeting was made by Comm. Freeman and seconded by Comm. Sutherland and *passed with a vote of 8 to 0.*

## MINUTES

### Planning Commission Meeting: October 14, 2019

Application:	<b><u>PR19-0020: Revised Preliminary Site Development Plan for Hy-Vee Aisles Online Kiosk</u></b>
--------------	---

**Zachary Moore, Planner II**, presented an application for a revised preliminary site development and waiver request for Hy-Vee Aisles Online Kiosks, located at the southeast corner of 119<sup>th</sup> Street and Ridgeview Road. A neighborhood meeting was held on September 23<sup>rd</sup> and was attended by one member of the public who questioned the construction timeline and function of the building. Staff has not received any correspondence regarding this application.

**Mr. Moore** noted that the property is zoned C-2 and there is a multi-family development to the south across 120<sup>th</sup> Street. He noted that the building is 900 square feet and is to be used as a grocery pick-up area. A canopy will extend to the west of the building and landscaping and buffering in excess of UDO requirements will be provided. Also, the applicant is providing a sidewalk that will tie into an existing sidewalk, improving pedestrian connection throughout the area.

**Mr. Moore** presented elevations, noting that the applicant is exceeding UDO requirements for Category 1 materials in all cases, but is requesting a waiver for the 20 percent glass required by the UDO. Building materials consist of brick, spandrel glass, and architectural-quality metal. Mr. Moore stated that the proposed canopy meets UDO requirements for masonry materials on columns, and the structure is compatible with the primary building on the site.

**Mr. Moore** stated that there is a request to allow a reduction in the amount of glass provided on the north, west and east facades, which are primary facades. The applicant is requesting a reduction to 10 percent glass on the west façade, 12 percent on the east façade, and no glass on the north façade. Staff supports the waiver request because it meets the criteria for waivers as listed in the UDO. The applicant is also providing evergreen trees on the north and south sides of the building, which will screen those facades. Mr. Moore said staff recommends approval of the revised preliminary site development plan with waivers as stipulated.

**Comm. Nelson** asked if any connectivity between this site and the primary store is planned. **Mr. Moore** explained that the groceries will not come from the primary grocery store adjacent to this property, but will be delivered to this proposed site from another location. Comm. Nelson questioned the possibility of light overflowing from this site to adjacent R-4 development. Mr. Moore responded that photometric plans are submitted and reviewed with the final site development plan. Comm. Nelson asked which façade is the front façade and questioned signage. Mr. Moore responded that signs with this

application have not been finalized and will be approved by the building codes department. He said the applicant is aware that the sign code needs to be met.

**Chair Vakas** asked the applicant to come forward. **Van Miller, Real Estate Director for Hy-Vee, 5820 West Town Parkway, West Des Moines**, approached the podium. Mr. Miller stated that the Aisles Online programs are an important and growing segment of their business. He explained that orders will be filled at their fulfillment center at 87<sup>th</sup> and I-435 and transported to this site.

There being no further discussion, Chair Vakas called for a motion.

*Motion to approve PR19-0020 as stipulated was made by Comm. Freeman and seconded by Comm. Sutherland, with the following stipulations:*

1. A final site development plan must be approved prior to issuance of a building permit.
2. A waiver is granted to allow the reduction of glass provided on the west, east, and north façades to 10%, 12%, and 0% respectively.
3. The four existing parking lot landscape islands closest to the grocery store entrance must have appropriate groundcover planted prior to issuance of a certificate of occupancy for the proposed building.
4. All landscaping on site must be irrigated.

*Aye: Youker, Sutherland, Freeman, Nelson, Allenbrand, Munoz, Corcoran, Vakas (8)*

*No: (0)*

*Motion was approved 8-0.*

## MINUTES

### Planning Commission Meeting: October 14, 2019

Application:	<u>PR19-0021</u>	Revised preliminary site development plan for Raising Cane's
--------------	------------------	--

**Dan Fernandez, Planner II**, presented this application for a revised preliminary site development plan for Raising Cane's, a 3,316 square foot fast-food restaurant with a drive-through. Site and building design requirements including open space, pedestrian connection and architectural features are being met. Mr. Fernandez noted that landscaping is provided around the perimeter of the site and landscape islands, as well as along the foundations of the primary elevations. He presented primary elevations, noting that the east elevation will face Black Bob and serve as the main entrance to the building.

**Mr. Fernandez** noted that the applicant is requesting a waiver to allow a reduction in glass on the south façade from 20 percent to 13 percent, and to allow a reduction in parking/paving setback along the south property line from 10 feet to five feet. Staff supports the reduction in glass since the south façade does not face a public street. Staff also supports the reduction in parking/paving setback because they did not wish to disturb the landscaping and sidewalk in that area, and also because the applicant exceeds what is required for landscaping along the south property line. Staff recommends approval of this application.

**Chair Vakas** asked the applicant to come forward. **Everett Fields, Applicant's architect, 1101 South Central Expressway, Dallas, TX**, approached the podium. He believes Mr. Fernandez presented everything they are requesting, and he did not have anything to add.

There were no further questions. **Chair Vakas** called for a motion.

*Motion to approve PR19-0021 as stipulated was made by Comm. Sutherland and seconded by Comm. Freeman, with the following stipulations:*

- A final site development plan application must be submitted and approved prior to submitting for building permit.
- A waiver is granted to permit 13% glass on the south elevation as shown on the submitted elevations.
- A waiver is granted to permit the parking paving setback along the south property line to be 5 feet in width as shown on the submitted site plans.
- The final site development plan must include notes for all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, must be screened from public view with landscaping or an architectural treatment compatible with the building architecture in accordance with the UDO requirements.

*Aye: Allenbrand, Sutherland, Freeman, Nelson, Munoz, Corcoran, Youker, Vakas (8)*

*No: (0)*

*Motion was approved 8-0.*



Planning Division

## MINUTES

### Planning Commission Meeting: October 14, 2019

Application:	<b><u>PR19-0022:</u> Revised Preliminary Site Development Plan for Cedar Creek Office Campus F</b>
--------------	--

**Zachary Moore, Planner II**, presented a revised preliminary site development plan for Cedar Creek Office Campus F, located north of the intersection of Hollis Lane and West 103<sup>rd</sup> Street. Mr. Moore notes that this property has been zoned BP since 1997. Existing C-2 is to the west, and there is single-family residential zoning along the south side of West 103<sup>rd</sup> Street. Mr. Moore noted a FEMA floodway that runs to the north of the site, which renders the northernmost parking area of a previous plan non-viable. A neighborhood meeting was held on September 18, 2019, and was attended by eight residents. Topics of discussion included location of trash enclosures, screening of the parking lot, architecture and design, and tree preservation. Staff has received correspondence from three residents; those have been shared with commissioners.

**Mr. Moore** presented the site plan, noting that the building is 18,270 square feet in site and sits to the west side of the site with parking along West 103<sup>rd</sup> Street. Pedestrian connectivity is provided to sidewalks along 103<sup>rd</sup> Street. The applicant has requested a waiver from parking/paving setback, but does meet or exceed all other UDO criteria. Mr. Moore noted the location of the trash enclosure on the applicant's landscape plan, which was a concern raised at the neighborhood meeting. He further noted that additional landscaping of the trash enclosure has been provided. He further noted that a significant number of trees on the north side of the parking lot will be preserved with this application. A gradual slope in grade will help to screen cars facing south.

**Mr. Moore** then presented elevations, noting that all UDO requirements have been exceeded regarding building design and materials. He noted that the building is two stories. The front elevation faces southeast.

**Mr. Moore** further addressed the waiver to reduce minimum parking setback from 30 feet to 10 feet. Again, staff is in support of the waiver, preserving the trees on the north side and adding landscaping to screen headlights, and also to keep the parking out of the stream corridor and floodway. **Chair Vakas** asked where the 30 foot setback is. Mr. Moore responded that the 30 foot setback would be from the property line. He said it is important to note that the start of the parking lot is about 40 feet away from the actual roadway and is predominantly below grade. Staff recommends approval of the revised preliminary site development plan as stipulated.

**Comm. Nelson** asked if the existing sidewalk will be affected by this development. **Mr. Moore** responded that the sidewalk will be disrupted with the two access drives, but the applicant is responsible for replacing it. The sidewalk will have the same path and its route will not be modified.

**Chair Vakas** asked if there is a height restriction in the BP District. **Mr. Moore** said that restriction is 144 feet; this application is 33 feet.



**Chair Vakas** asked the applicant to come forward. **Craig Eymann, Eymann Development, Owner/Applicant**, approached the podium. He presented a copy of the Cedar Creek Master Plan, noting the location of the business park on the map. He said the tenant of this space will be Smith & Boucher, who have been tenants in Building 6 for 15 years. They have outgrown their current space and plan to move into the subject building. Mr. Eymann said the challenge is to design a building that fits the site. He said they strived to preserve existing vegetation and the streamway, which was an incentive to move the building away from that area. When this area was zoned, a flood plain study was done and the streamways and retention dams and areas were built up front.

**Mr. Eymann** added that they always strive to build a “green” building, using natural materials and designing a building that is not typical. They believe this building fits in that category, and feels much like buildings they have built in the past.

**Chair Vakas** asked how long it has been since there has been new construction in this office park. **Mr. Eymann** responded that it has been 15 years. Chair Vakas is happy to see new construction in this office park. **Comm. Freeman** asked if there is room to expand this building if the tenant continues to grow. Mr. Eymann responded that Smith & Boucher is building 18,000 square feet, with the idea of growing into this space over the next 10 years by adding another 10 employees. Comm. Freeman asked if this will be a single-tenant building; Mr. Eymann said it would.

**Chair Vakas** asked Mr. Eymann to talk about the signature sycamore tree that was mentioned in a letter the board received from the public. **Mr. Eymann** responded that any tree that can be saved will be left in place.

**Chair Vakas** commented that the land was zoned BP many years ago and has remained undeveloped. He mentioned that this project falls within the domain of the Cedar Creek Area Plan, and the revised preliminary site development plan for this project meets the intent of the area plan and is consistent with the established design ethic of the business park. **Comm. Freeman** is glad to see more commercial development coming to Olathe. Chair Vakas does not see any evidence to suggest that an office park such as this would be adverse to residential properties. He notes that much of the parking lot will actually be below street grade. The southern edge of the sidewalk to the curb averages another 15 feet, creating a substantial setback, which along with the grade issue, helps to screen the parking lot. **Mr. Moore** agreed. **Chair Vakas** walked the site over the weekend and feels tonight’s presentation of the property is accurate. Chair Vakas believes Olathe is underserved by high-end office space and this development will be appreciated by the City and well received by the commercial community. He noted that granting this waiver is tied to the specifics of this site and does not set a precedent for future applications in a business park.

There being no other questions or comments, **Chair Vakas** called for a motion.

*Motion to recommend PR19-0022 as stipulated was made by Commissioner Freeman and seconded by Commissioner Allenbrand, with the following stipulations:*

1. A final site development plan must be approved prior to issuance of a building permit.
2. A final plat must be approved and recorded prior to issuance of a building permit.
3. A waiver is granted from UDO 18.20.180.B to permit the reduction in the parking and paving setback from the street right-of-way from 30 feet to 10 feet.

4. A floodplain permit is required at the time of final site development plan submittal.
5. A Fire Department Connection (FDC) is required within 100 feet of a hydrant for sprinklered buildings. The FDC is required to be accessible from a fire apparatus road. The City of Olathe Fire Code Amendment 16.05.340 requires a 4-inch Storz quick coupling connection (IFC Section 507.5.1.1).
6. All rooftop equipment must be screened from view. A detail sheet for the proposed rooftop screening equipment must be provided with the final site development plan.

*Aye: Youker, Sutherland, Freeman, Nelson, Allenbrand, Munoz, Corcoran, Vakas (8)*

*No: (0)*

*Motion was approved 8-0.*

Prior to casting his vote, **Chair Vakas** added that this case has been reviewed in great detail and he appreciates the time residents have taken to specifically correspondence with staff and the Planning Commission. He noted that two Cedar Creek residents sat on the Planning Commission, so the application was heavily scrutinized. He said the Planning Commission concludes that this is a good application that will be good for Cedar Creek, and for property values.

## MINUTES

### Planning Commission Meeting: October 14, 2019

Application:	<b><u>SU19-0004</u>: Renewal of a special use permit for keeping chickens on a lot less than three (3) acres</b>
--------------	--

**Dan Fernandez, Planner II**, presented a request for a special use permit renewal to allow the property at 589 West Layton Street to keep six chickens on a residential lot less than three acres. The original special use permit was approved in 2013 for one year and renewed in 2014 for five years. The site is a single-family home. Mr. Fernandez provided photos of the home and the coop. There are no changes to the request, and there have been no violations of the special use permit. Staff supports applicant's request for a 10-year special use permit because there have been no complaints reported to the Planning Department or Animal Control.

**Chair Vakas** opened the public hearing and asked the applicant to come forward. **Jennifer Sanjeen, 589 West Layton Street**, Applicant, approached the podium. She confirmed she is requesting a renewal of the special use permit and asking for a 10-year permit. She believes the chickens are good for their health and environment. **Comm. Freeman** asked if there are any other restrictions for chickens in this neighborhood. **Ms. Sanjeen** responded that there are not.

*Motion to close the public hearing was made by Comm. Nelson and seconded by Comm. Freeman.*

*Motion passed 8-0.*

**Comm. Nelson** stated that he supports a 10-year special use permit.

*Motion to recommend SU19-0004 for approval was made by Comm. Nelson and seconded by Comm. Munoz, for the following reasons:*

- (1) The proposal conforms to the Goals, Objectives and Policies of the *Comprehensive Plan*.
- (2) The proposal complies with the Unified Development Ordinance (UDO) criteria for considering special use permit requests.
- (3) The applicant has not received any complaints since the approval of the first Special Use Permit, SU14-0006.

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

- (1) The Special Use Permit is valid for a period of 10 years following Governing Body approval, with an expiration date of November 5, 2029.
- (2) The property will be limited to a maximum of 6 chickens at any one time.

- (3) The raising of the chickens shall be limited to personal (hobby) purposes only. Chickens may not be bred, boarded or sold for commercial purposes.
- (4) No roosters will be kept on the property at any time.

*Aye: Youker, Sutherland, Freeman, Nelson, Allenbrand, Munoz, Corcoran, Vakas (8)*

*No: (0)*

*Motion was approved 8-0.*

## MINUTES

### Planning Commission Meeting: October 14, 2019

Application:	<b><u>UDO19-0005</u>: Unified Development Ordinance Amendments</b>
--------------	--

**Zachary Moore, Planner II**, presented updates to the UDO regarding Chapters 18.50, 18.30 and 18.90, as follows:

**18.30.130.I.** Updates to rooftop and mechanical equipment screening clarifies expectation to see mechanical equipment on site development plans, and screening requirements for such are being relocated from Chapter 18.15 of the Building Design Standards. Also, clarifying expectations for trash enclosure design, materials and location, and to incorporate the enclosures with the principle building where possible.

**18.30.130.J.** Landscaping, buffers and screening. Update states that plant materials will be required in buffer areas.

**18.30.135.** Lighting. Language identifying LED lights as the allowed type for fixtures that cast onto a building or sign has been added.

**18.30.160.** Parking and Loading. Include a requirement for gated facilities to provide on-site parking areas.

**18.30.240.** Tree Preservation. Adding a requirement for review when removing 20 percent or more of woodland area for residential properties in excess of 10 acres, or all other properties 5 acres or more in size.

**Mr. Moore** also outlined clean-up items to Chapters 18.30, 18.50 and 18.90, which will correct errors and ensure consistency in standards.

**Chair Vakas** opened the public hearing. There being no one to be heard from the public, he called for a motion to close the public hearing.

*Motion to close the public hearing was made by Comm. Sutherland and seconded by Comm. Allenbrand.*

*Motion passed 8-0.*

*Motion to recommend UDO19-0005 for approval as presented by staff was made by Comm. Sutherland and seconded by Comm. Freeman.:*

These updates consist of amendments which will help to increase readability, provide clear direction for expectations for development, and assist in development reviews. Staff recommends approval of the proposed amendments to the Unified Development

Ordinance (UDO), as detailed in the attached UDO Amendments Exhibit for the following Chapters 18.30., 18.50., and 18.90., as presented.

*Aye: Youker, Sutherland, Freeman, Nelson, Allenbrand, Munoz, Corcoran, Vakas (8)*

*No: (0)*

*Motion was approved 8-0.*



Planning Division

## **MINUTES – Other Matters**

### **Planning Commission Meeting: October 14, 2019**

**Chair Vakas** noted the next Planning Commission is set for Monday, October 28, 2019. He also mentioned that the new Indian Creek Library will open this Saturday.

**Chair Vakas** also announced that Dan Fernandez is leaving the Planning Division. He thanked Mr. Fernandez for his hard work and excellent service on behalf of all planning commissioners and wished him well.

There were no other announcements.

*Meeting adjourned.*