

MINUTES – Opening Remarks

Planning Commission Meeting: April 13, 2020

The Planning Commission convened at 5:30 p.m. to meet in regular session with Chairman Dean Vakas presiding. Commissioners Ryan Freeman, Jeremy Fry, Barry Sutherland, Taylor Breen, Ryan Nelson and Shirley Allenbrand were present. Commissioner Corcoran arrived after roll call. Commissioner Youker 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. He also described how to participate in the meeting using the Zoom app.

A motion to approve MN20-0323, the meeting minutes from March 23, 2020, was made by Comm. Sutherland and seconded by Comm. Nelson and passed with a vote of 7-0.



Planning Division

MINUTES

Planning Commission Meeting: April 13, 2020

Application:	<u>PR20-0004:</u> Request approval for a revised preliminary site development plan for Olathe Soccer Complex, Lot 4 on 1.15± acres; located at the northwest corner of Ridgeview Road and 106th Street.
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A motion to approve PR20-0004 as stipulated was made by Comm. Sutherland and seconded by Comm. Nelson, and passed with a vote of 7 to 0 with the following stipulations:

- 1. A waiver is granted from UDO Section 18.20.140.B to permit a maximum front yard setback of 190 feet as shown on the submitted site plan.*
- 2. A final site development plan must be approved prior to issuance of a building permit.*
- 3. As required by the UDO, 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.*
- 4. An adequate turning radius area must be provided adjacent to the northernmost parking lot island for Fire Department access.*



Planning Division

MINUTES

Planning Commission Meeting: April 13, 2020

Application:	<u>PR20-0009:</u> Request approval for a revised preliminary site development plan for I-35 Logistics Park on 134.96± acres; located at the southwest corner of W. Old 56 Highway and W. 155th Street.
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A motion to approve PR20-0009 as stipulated was made by Comm. Sutherland and seconded by Comm. Nelson, and passed with a vote of 7 to 0 with the following stipulations:

- 1. A final site development plan must be approved, and final plat approved and recorded, prior to issuance of a building permit.*
- 2. A public improvement permit is required prior to extension of water and sewer mains to serve proposed development.*
- 3. At the time of Final Plan, a phasing plan for the construction of Stormwater detention tracts must be provided.*
- 4. A Preliminary Stormwater Management Report must be provided with the submittal of the final development plan.*
- 5. Five-foot sidewalks must be provided on the south side of 155th Street and along Green Road, to correspond with the timing and location of the first building constructed south of 155th Street.*
- 6. At the time of final site development plan, staff will review the landscape plan in conjunction with the US Green Building Council's LEED Certification Silver Requirements regarding the use of seed.*



Planning Division

MINUTES

Planning Commission Meeting: April 13, 2020

Application:	FP19-0024: Request approval for a final plat for Stonebridge Pointe containing 36 lots and 4 common tracts on 13.15± acres; located east of the intersection of W. 165th Street and S. Lindenwood Drive.
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A motion to approve FP19-0024 as stipulated was made by Comm. Sutherland and seconded by Comm. Nelson, and passed with a vote of 7 to 0 with the following stipulations:

- 1. Prior to recording the plat, a digital file of the final plat (.pdf format) must be submitted to the Planning Division.*
- 2. If the regional detention facility is not constructed, for any reason, the on-site detention must be provided, compliant with Olathe Municipal Code, Title 17.*
- 3. The remainder of the development must be completed or secondary Fire Department access roads must be provided, if the remainder of the subdivision is not built.*
- 4. A sidewalk and address plat must be submitted prior to the issuance of building permits.*



Planning Division

MINUTES

Planning Commission Meeting: April 13, 2020

Application:	<u>MP20-0001</u> : Request approval for a minor plat for Willowbrooke Village containing sixteen (16) lots on 2.39± acres; located in the vicinity of W. 112 th Terrace and S. Rene Street
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A motion to approve MP20-0001 was made by Comm. Sutherland and seconded by Comm. Nelson, and passed with a vote of 7 to 0.



Planning Division

MINUTES

Planning Commission Meeting: April 13, 2020

Application:	MP20-0002: Request approval for a minor plat for The Villas of Asbury, 53rd Plat containing four (4) lots on 0.26±; located at 15584 S. Church Street.
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A motion to approve MP20-0002 as stipulated was made by Comm. Sutherland and seconded by Comm. Nelson, and passed with a vote of 7 to 0 with the following stipulations:

- 1. Prior to recording the plat, a digital file of the final plat shall be submitted to the Planning Division.*
- 2. 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.*
- 3. 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.*



Planning Division

MINUTES

Planning Commission Meeting: April 13, 2020

Application:	<u>MP20-0003</u>: Request approval for a minor plat for The Villas of Asbury, 52nd Plat containing four (4) lots on 0.26±; located at 15608 S. Church Street.
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A motion to approve MP20-0003 as stipulated was made by Comm. Sutherland and seconded by Comm. Nelson, and passed with a vote of 7 to 0 with the following stipulations:

- 1. Prior to recording the plat, a digital file of the final plat shall be submitted to the Planning Division.*
- 2. 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.*
- 3. 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.*



Planning Division

MINUTES

Planning Commission Meeting: April 13, 2020

Application:	<u>VAC20-0001</u>: Request for a Vacation of Waterline Easement at Prairie Trails West II
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Jessica Schuller, Senior Planner, presented an application for vacation of a waterline easement at Prairie Trails West II, located south of 147th Terrace and west of Black Bob Road. The site is currently vacant and the future site of Howell Family Dentistry. A building permit for the dentistry is currently under staff review. A portion of the waterline easement is being vacated and an existing fire hydrant is being moved to the west to allow construction of the dentistry. Staff recommends approval of this vacation.

Chair Vakas opened the public hearing. There was no presentation by the applicant, there were no questions, and no one has signed up to speak on this item. Chair Vakas called for a motion to close the public hearing.

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

Aye: Allenbrand, Sutherland, Freeman, Nelson, Fry, Breen, Vakas (7)

No: (0)

Motion was approved 7-0.



Planning Division

MINUTES

Planning Commission Meeting: April 13, 2020

Application:	<u>RZ20-0003:</u>	Rezoning from M-2 (General Industrial) District and C-2 (Community Center) District to M-1 (Light Industrial) District and a Preliminary Site Development Plan for Southpark Phase II
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Staff requested that this item be continued until May 11, 2020.

Motion by Commissioner Sutherland, seconded by Commissioner Fry, that RZ20-0003 be continued until May 11, 2020.

Aye: Fry, Breen, Corcoran, Allenbrand, Nelson, Freeman, Sutherland, Vakas (8)

No: (0)

Motion was approved 8-0.



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: April 13, 2020

Application:	<u>VAC20-0002</u>	Vacation of public utility easements for Ernie Miller Park & Nature Center
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Emily Carrillo, Senior Planner, presented an application for vacation of a waterline easement for Ernie Miller Park and Nature Center, located on the west side of K-7 Highway near West Harold Street. The park is operated by Johnson County Parks & Recreation District. The vacation is necessary to accommodate the construction of an ADA accessible drive, which is now being reviewed by staff.

Ms. Carrillo presented an exhibit depicting the portion being vacated, noting that the vacation is located entirely within the park. All notification requirements have been completed and no correspondence has been received from the public. Staff recommends approval of the vacation as presented.

Chair Vakas opened the public hearing. There was no presentation by the applicant, there were no questions, and no one has signed up to speak on this item. Chair Vakas called for a motion to close the public hearing.

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

Aye: Fry, Breen, Corcoran, Allenbrand, Nelson, Freeman, Sutherland, Vakas (8)

No: (0)

Motion was approved 8-0.

Note: No motion to approve was made, seconded or voted on.



City of Olathe
Planning Division

MINUTES

Planning Commission Meeting: April 13, 2020

Application:	SU19-0005: Renewal of a special use permit for motor vehicle sales (Olathe KIA)
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Emily Carrillo, Senior Planner, presented a request for a special use permit renewal to continue allowing motor vehicle sales at 132 N. Fir Street. She noted that the original special use permit expired in February 2019, and the applicant is seeking a 10-year renewal. She added that the subject property is located at the southwest corner of Santa Fe and I-35, adjacent to the southbound exit ramp. The property is zoned C-3 and has been operating as a motor vehicle sales lot for Olathe Kia since 2014 under the previously-approved permit. No changes are proposed with this application.

Ms. Carrillo stated that the primary facility for the dealership is located adjacent to the subject property at 130 South Fir, adding that Kia expanded its operations in 2014 to include the property to the north. The property is identified as a commercial center on a future land use map, and staff finds this use to be compatible with the area. There are 27 parking spaces for vehicle display and customer parking, and includes an elevated display pad along the northern boundary. Staff requested site improvements, a majority of which have been addressed. Improvements such as landscaping and striping still need to be completed prior to City Council.

Ms. Carrillo reported that the applicant completed all notification requirements and neither staff nor the applicant has received any correspondence from the public regarding this application. Staff recommends approval of this application for 10 years.

Chair Vakas opened the public hearings. There were no questions from commissioners. No one from the public wished to speak on this item. Chair Vakas called for a motion to close the public hearing.

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

Aye: Fry, Breen, Corcoran, Allenbrand, Nelson, Freeman, Sutherland, Vakas (8)

No: (0)

Motion was approved 8-0.

Chair Vakas called for a motion on this item.

Motion by Comm. Nelson, seconded by Comm. Allenbrand, that SU19-0005 be approved 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 addressed or is working to address all site items identified in Section 3 of this report.

Comm. Nelson's motion included approving SU19-0005 subject to the following stipulations:

- (1) The Special Use Permit to allow motor vehicle sales is valid for a period of ten (10) years following Governing Body approval, with an expiration date of May 5, 2030.
- (2) An exception to the light standards in the UDO will be continued for the existing light poles which are twenty-five feet (25') in height and put out an average maintained foot-candle of 11 foot-candles.
- (3) Vehicles will be stored or displayed on approved paved parking surfaces only.
- (4) No vehicle maintenance or repair shall be done at the subject property.

Aye: Fry, Breen, Corcoran, Allenbrand, Nelson, Freeman, Sutherland, Vakas (8)

No: (0)

Motion was approved 8-0.

MINUTES

Planning Commission Meeting: April 13, 2020

Application:	<u>SU19-0007:</u> Special Use Permit for an increase in the height of the monopole tower and expansion of the compound area for an AT&T telecommunications facility
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Kim Hollingsworth, Senior Planner, presented a request for a special use permit for an AT&T telecommunications facility. The 0.43 acre property is located southeast of 151st Street and Mur-Len Road and is zoned CP-3 Planned Community Corridor Business District. It is surrounded by C-O, C-2 and R-1 zoning districts. She noted that the tower was built in 2000 at 60 feet in height, the maximum permitted at that time without a special use permit, which is required for modifications greater than 10 percent of the height, or for expansion of the compound area. New trees will be planted south and east of the facility.

Ms. Hollingsworth noted the location of the tower and compound area on the site plan. She also noted the existing chain-link fence will be removed and new ground-level equipment will be enclosed by a black vinyl-coated fence. She presented elevations of the tower as it exists and how it is proposed. The applicant provided simulations of the tower with added height. The facility will meet FAA, FCC and State regulations.

Ms. Hollingsworth reported that a neighborhood meeting held in January was attended by five individuals. Public notice was appropriately provided and staff received one email from a member of the public prior to tonight's meeting. Staff recommends approval of this special use permit for a period of 10 years.

Chair Vakas opened the public hearing and asked the applicant to come forward. **Travis Schenk, Crown Castle, 2000 Corporate Drive, Canonsburg, PA**, spoke remotely via the Zoom application. He explained that this special use permit is necessary because AT&T is seeing a significant gap in service coverage in this area, and adding to this tower is the least-intrusive way to meet the demand. The applicant does not believe this site is a detriment to the public health, safety or welfare and will not create a nuisance.

Mr. Schenk commented that expanding the height of the tower will improve emergency response times in the area it covers. He said this site is important because the network capacity is growing very quickly, noting that more people are moving away from land lines to cell phones. Coverage objectives include neighborhoods in the four quadrants surrounding the tower, serving over 1,500 homes and businesses and the school to the west. There are also capacity offload objectives as data users move through the area.

Mr. Schenk presented a map showing current coverage and capacity, noting that the subject area is not optimal. This tower will meet demand and provide much improved throughput once AT&T's equipment is installed. The applicant strives to provide a seamless network and believes this tower will accomplish that. Mr. Schenk believes AT&T has demonstrated why it is best to locate their equipment on this tower. The current site meets the criteria of being leasable, buildable and zone-able, and there is already a tower in place.

There were no questions for Mr. Schenk from commissioners. **Adam McGuinness, 15296 South Wyandotte Drive, Olathe**, spoke remotely via the Zoom application. Mr. McGuinness requested

that this matter be postponed because he believes it was difficult to find the Zoom meeting link. He was concerned others may have had similar issues. He also believes that there will be multiple owners who would like to submit a petition against this, and because the petition has to be notarized, the stay-at-home order will make it difficult to find a notary.

Comm. Nelson asked Mr. McGuiness what he and others are specifically opposed to. **Mr. McGuiness** responded that owners of homes near the tower feel that having such a tall tower directly in view of their homes will be detrimental and compromise the value of their real estate. **Chair Vakas** added that the Commission has read Mr. McGuiness's correspondence and taking his comments into consideration.

There was no one else wishing to speak. **Ms. Nassif** explained that the Zoom meeting link was posted on four different City web pages, and also sent the link out through social media. Also, staff is in contact with Mr. McGuiness regarding filing a protest petition, has developed a method for any individual wishing to comment or protest and was following up with him again after the meeting. **Chair Vakas** called for a motion to close the public hearing.

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

Aye: Fry, Breen, Corcoran, Allenbrand, Nelson, Freeman, Sutherland, Vakas (8)

No: (0)

Motion was approved 8-0.

Motion by Comm. Fry, seconded by Comm. Sutherland, that SU19-0007 be approved, for the following reasons:

- (1) The proposed development complies with the policies and goals of the *Comprehensive Plan*.
- (2) The complies with the *Unified Development Ordinance* criteria for considering special use permit applications.

Comm. Fry's motion included recommending approval of SU19-0007 with the following stipulations:

1. The special use permit is valid for a period of ten (10) years following Governing Body approval, with an expiration date of May 5, 2030.
2. A double row of six-foot tall evergreen trees must be planted north, east and south of the compound area prior to certificate of occupancy.
3. Any disturbed ground cover areas must be replanted with sod.

Aye: Fry, Breen, Corcoran, Allenbrand, Nelson, Freeman, Sutherland, Vakas (8)

No: (0)

Motion was approved 8-0.



City of Olathe

City Planning Division

MINUTES – Other Matters

Planning Commission Meeting: April 13, 2020

Aimee Nassif, Chief Planning and Development Officer, announced that Tricia Ramdass has joined their office as an administrative assistant.

Chair Vakas wished to acknowledge City staff in all departments who are pulling together to keep the city of Olathe functioning. He appreciates their professionalism, commitment and courage.

Chair Vakas noted that the next Planning Commission meeting is scheduled for Monday, May 11, 2020, at 5:30 p.m.

There were no other announcements.

Meeting adjourned.