



Planning Division

MINUTES**Planning Commission Meeting: December 14, 2020**

Application:	<u>RZ20-0009</u>: Request approval for a rezoning from CP-2 (Planned General Business), A-G (Agricultural), CTY RUR (County Rural), and R-4 (Residential Medium-Density Multifamily) Districts to C-2 (Community Center) District and revised preliminary site development plan for Sunnybrook Commercial on approximately 16.4 acres; located at the northwest corner of S. Lone Elm Road and W. 119th Street.
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Chair Vakas noted that Commissioner Allenbrand recused herself from agenda item B. (RZ20-0009) and agenda item C. (RZ20-0010) and left the Council Chambers.

Kim Hollingsworth, Senior Planner presented a request for rezoning and revised preliminary site development plan for Sunnybrook Commercial located at the northwest corner of 119th Street and Lone Elm Road. The applicant is requesting a rezoning to consolidate the four existing districts into one commercial district for the entire property, which would add about three acres of new commercial zoning. The property is located within the K-7 Corridor Study Area and aligns with the commercial local designation of the study's future land use map. Stipulations are included with the preliminary site development plan to follow the K-7 Corridor Design Guidelines.

Ms. Hollingsworth explained that the request includes two multi-tenant commercial buildings totaling about 30,000 square feet and seven commercial outparcels with a total of 60,000 square feet of building area. Access to the site will be provided from 119th Street and from Lone Elm Road at its intersection with 117th Street. The plan follows UDO Site Design Category 4 and the building design will follow UDO requirements and the K-7 Corridor Design Guidelines for high quality materials and harmonious design elements. As specific tenants are identified, the applicant will submit revised preliminary site development plans for all outparcel lots with full architectural and site design details.

Ms. Hollingsworth noted one waiver is being requested from the 5A buffer requirement along the northern property boundary for a reduction in the number of plantings and a berm with fence or wall requirement. Staff supports the waiver request as the gas pipeline company prohibits walls and plantings over three feet in height in the 50-foot pipeline easement. There will be evergreen and shade trees provided adjacent to the gas pipeline easement. Also, the applicant will provide plantings at the maximum three-foot height permitted within the pipeline easement.

Ms. Hollingsworth stated the applicant held two neighborhood meetings, one on October 15 and the other November 18, 2020, with a combined total of ten residents in attendance. The main topic of discussion at the meeting included proposed use, access to the property and road and sidewalk improvements.

Ms. Hollingsworth noted that staff analyzed the land uses based on the existing ordinance in place for the property, the K-7 Corridor Study and feedback from residents. Staff recommends the uses listed are prohibited. One resident reached out regarding drive-thru uses. Staff is not aware of any incompatibility or nuisance related factors, and staff did not recommend any further use restrictions from the list provided.

Ms. Hollingsworth stated the C-2 Community Center District aligns with the Plan Olathe Comprehensive Plan future land use designation of Community Commercial Center and aligns with several policies of Plan Olathe, including commercial centers of an appropriate size and scale and promoting infill development. Staff recommends approval of the rezoning as it aligns with the policies and goals of the Comprehensive Plan, the K-7 Corridor Study and Design Guidelines and meets the UDO criteria for considering rezoning requests. Staff also recommends approval of the Preliminary Site Development Plan as stipulated.

Chair Vakas opened the public hearing.

Mr. Todd Allenbrand, 426 South Kansas Avenue, Payne and Brockway, appeared on behalf of the applicant, the property owners and developers, and stated they were in agreement with the staff report and offered to answer questions about the project.

There were no questions for the applicant and no members of the public came forward to speak.

A motion to close the public hearing was made by Commissioner Fry and seconded by Commissioner Corcoran. The motion passed by roll-call vote of 7 to 0.

Chair Vakas called for a motion on RZ20-0009.

A motion to approve RZ20-0009 rezoning and revised preliminary site development plan for Sunnybrook Commercial, was made by Commissioner Fry and seconded by Commissioner Sutherland.

The motion passed by a roll-call vote of 7 to 0, with the following stipulations:

Rezoning:

1. The following uses are prohibited:
 - a. Distance restricted businesses, as listed in Olathe Municipal Code Chapter 5.43;
 - b. Hotel, Boutique;
 - c. Hotel/Motel;

- d. Convenience stores with or without Gas Sales;
- e. Gas Station;
- f. Auto Supply Store;
- g. Pawnshops; and
- h. Vehicle Services.

Preliminary Site Development Plan:

1. Revised preliminary site development plan (s) for lots 3-9 must be submitted and approved prior to submittal of a final site development plan for those lots.
2. Final site development plans must be submitted and approved prior to issuance of building permits for any lot within this development.
3. A waiver is granted from the Type 5A buffer requirement (UDO, Section 18.30.130.J) along the northern property line, adjacent to the gas pipeline easement. Plantings, as approved by Southern Star, will be provide with final site development plan review.
4. Development plans will adhere to UDO requirements and K-7 Corridor Design Guidelines, which include the following:
 - a. The internal transportation network shall be designed to accommodate all modes of transportation and must consist of a network of interconnecting streets and blocks with respect to the natural landscape. The internal transportation network shall provide alternate routes to every designation, diffusing automobile traffic and shortening walking distances.
 - b. Numerous linkages (both vehicular and pedestrian) between properties shall be incorporated into the design of development plans. Development plans that provide for minimal or no access to adjoining properties shall not be approved.
 - c. Parking lots shall be located where they are not visible from public streets or they shall be heavily landscaped and screened from view. Generally, building should be located closer to the street (street oriented) with parking lots located on the sides or rear of the building, or within parking structures.
 - d. Parking lot lighting shall be low level in nature with pole heights not to exceed a maximum of 25 feet. Light fixtures shall have a cutoff less than 90-degree or beveled prism type that directs light toward the ground to reduce off-site impacts. The average maintained foot-candles within the parking lots shall not exceed three (3) foot-candles, unless otherwise approved by the Planning Commission.

- e. Fences visible from public streets shall be decorative in type or include exterior landscaping facing the roadway to minimize potential negative impact from extensive or monotonous rows of fences. Chain-link fencing shall not be approved.
 - f. All landscape areas shall be irrigated.
- 5. A final stormwater management report will be required prior to building permits
- 6. All stormwater quality BMPs and detention basins must be in a Permanent Water Quality/Quantity Drainage or Tract.
- 7. Street names will be finalized with approval of a final site development plan.