



Planning Division

## MINUTES

### Planning Commission Meeting: March 8, 2021

<b>Application:</b>	<b><u>RZ20-0015:</u></b> Request for approval of a rezoning from the RP-1 (Planned Residential Single-Family) District to the O (Office) District and a preliminary site development plan for Olathe Health Quivira Campus on approximately 8.57 acres; located at the northwest corner of 151st Street and Quivira Road.
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**Commissioner Youker** recused herself from consideration and voting on this item.

**Kim Hollingsworth, Senior Planner** presented RZ20-0015, a request for a rezoning from RP-1 (Planned Residential Single-Family) District to the O (Office) District and a preliminary site development plan for the Olathe Health Quivira Campus. The property is located at the northwest corner of 151st Street and Quivira Road. The property was rezoned to the RP-1 District in 2008 and is surrounded by additional residential and agricultural zoning. The property to the southeast is zoned for future office and commercial development within Overland Park city limits.

**Ms. Hollingsworth** noted a list of prohibited uses was included that would not be compatible with the proposed property and the applicant is amendable to all of the uses listed. The applicant is requesting a 67,000 square-foot building for primary care, outpatient surgery and other similar functions. The building is located close to the 151st Street and Quivira intersection and over 200 feet from the nearest residential property. Two full access points will be provided but are located away from the 151st Street and Quivira Road intersection. Additionally, a right and left-turn lane would be constructed on 151st Street. Staff analyzed the 298 requested parking spaces against the Unified Development Ordinance (UDO), and the application also provided a parking analysis detailing the number of patients and staff that are expected. The proposed number of parking spaces is consistent with other medical office uses in buildings with similar activities that have been recently approved. The parking lighting will be LED and will be shielded downwards to direct light away from adjacent properties.

**Ms. Hollingsworth** explained that two detention areas will be provided in accordance with all Title 17 requirements, a dry basin in the northwest corner of the property and wet-bottom basin near the 151st Street and Quivira Road intersection. Staff reviewed the stormwater management report and it complies with all Title 17 requirements. The peak site runoff will be maintained at or below pre-development runoff rates. The landscape plan illustrates the abundance of perimeter parking lot and building foundation landscaping, which significantly exceeds UDO Section 18.30.130 requirements. A significant 30-foot landscape buffer is proposed along the west property boundary exceeding the 20-foot requirement of the UDO and includes year-round evergreen plantings and a 6-foot privacy fence.

**Ms. Hollingsworth** stated the proposed building elevations significantly exceed the UDO building design requirements for an office building. The building will consist of high-quality architectural metal, glass and an abundance of stone elements with 100 percent of the materials from Classes 1 and 2.

**Ms. Hollingsworth** noted that a neighborhood meeting was held January 28, 2021, with seven individuals in attendance. Staff also received five letters in opposition to the proposed project prior to the meeting packet being published. Primary topics discussed include the stormwater, surrounding roadway improvements and traffic, proposed lighting, landscaping and screening.

**Ms. Hollingsworth** explained that the PlanOlathe Future Land Use Plan designates the proposed area as a conventional neighborhood that typically consists of single-family homes; however, goods and services are anticipated to be located in proximity to neighborhoods, especially at the intersection of arterial roadways. Additionally, the City of Overland Park has designated commercial and office uses close to the intersection. The application aligns with the goals and policies of PlanOlathe and the Olathe 2040 Strategic Plan. Staff recommends approval of the requested rezoning and preliminary site development plan as stipulated.

**Commissioner Fry** Understands concerns and asked what was in the plan for Quivira Road and what sorts of stormwater features City staff is planning for that site.

**Zack Baker, Traffic Engineer** stated the stretch of road between 143rd Street and 151st Street is not included in the current five-year Capital Improvements Plan (CIP). However, as development occurs and traffic patterns change, staff takes those kinds of things into consideration to provide recommendations to the City Council. With any development that occurs at the site or in southern Overland Park, staff will monitor traffic patterns and volumes, which will dictate staff's future recommendations.

**Commissioner Fry** asked if the proposed development moves forward if it could likely stimulate the improvement of Quivira Road.

**Mr. Baker** stated that was a potential possibility, but as traffic volumes incrementally increase from year to year, development is the driver of improvements.

**Commissioner Fry** asked whether staff could provide further clarification of the traffic studies and what the proposed development may look like with it built as planned.

**Mr. Baker** stated they used 2019 traffic counts and Quivira is in the 7,000-plus vehicle range for average cars per day. Considering the traffic with proposed development in a peak hour period, about 200 trips were calculated to occur in that timeframe. This is not 200 vehicles on Quivira Road, but traffic into the site, which could come from multiple directions; therefore, it could not be assumed all that traffic would use Quivira Road. He did not see the increased trips generated by the development as a major factor in whether Quivira could handle that additional traffic. That stretch of roadway is two lanes and depending on the turn lanes on and off that road, it can carry up to 16,000 cars without problems.

**Commissioner Nelson** talked about the existing and future road improvements in relation to the developer's proposal.

**Chair Vakas** declared the public hearing to be open.

**Mr. Eric Ford, Chief Ambulatory Officer at Olathe Health**, 13045 South Mur-Len Road, Olathe, Kansas 66062. Introduced the project and stated the development will provide numerous services, including family medicine, specialty care, urgent care, physical therapy, outpatient surgical services and an imaging center. The proposal will not be a hospital; therefore, it will not include inpatient or emergency services. The proposed project is not a 24-hour facility, nor do they anticipate overnight patients, nor does it have an emergency room. The hours of operation are Monday through Friday, 7 a.m. to 7 p.m. They will offer weekend hours at 9:00 a.m. to 5:00 p.m., which is where they will operate their urgent care center.

**Mr. Ford** stated the first Olathe Community Hospital opened in Downtown Olathe in 1953 and has always been their goal to expand health care services to meet the needs of the communities they serve. As a community based, not-for-profit health system, it is their duty to bring beneficial services to the area, and they are glad to be part of the neighborhood and expand services to meet the needs of their growing community.

**Mr. Rob Heise, 800 East 101st Terrace, Kansas City, Missouri**, appeared as the applicant for the request and stated he was an Olathe resident. He stated they agreed with staff's recommendation of approval and the corresponding stipulations. Applicant had discussed concerns with residents prior to the meeting. The staff report addresses those concerns in detail and the Olathe Health team had done their best to address and communicate those concerns by either meeting directly with the neighbors or responding by email. The four primary categories that were listed on the staff report were land use, traffic and parking, lighting and landscaping and stormwater. Under land use, the applicant conducted extensive due diligence and site evaluation in selecting the proposed site, which was selected due to its key location and strategic response to the shift in patient population seeking easier access to healthcare services. The nearest health system primary care is located approximately 3.5 miles away, making the proposal a great location for primary or urgent care and other innovated uses that will be offered. He also talked about the size of the development.

**Mr. Heise** referred to traffic and parking, noting they will meet the Access Management Plan for the City of Olathe. There will be a right turn on 151st Street added and a left turn on 151st Street that should continue to handle the current traffic counts based on the studies they have done on the engineering side, as well as accommodate safety concerns. The parking lot lights and landscaping will include an additional 10-foot setback on the west and north sides that will increase with landscaping. Mature landscaping will include evergreen trees that will provide screening all year long, as well as a 6-foot privacy fence, which was added as a result of talking to the neighbors who wanted to add the fence along the west property line.

**Mr. Heise** They are aware of the effects of stormwater and noted Olathe Health Development will not be directing any net new additional stormwater that sheds northwest towards the Harmony View West Subdivision. The project stormwater design meets Olathe's requirements for comprehensive control. The stormwater facilities constructed for this project will reduce the peak runoff from the proposed site by 10 percent or more for the 1-year, 10-year and 100-year events in each direction.

**Basil Sherman, Pulse Design Group, 4622 Pennsylvania, Kansas City, Missouri**, provided an overview of the project. There was also discussion and concerns about lighting levels. As part of the final submittal, they plan to show light pollution calculations for the site. Olathe Health is committed to building a high quality and high-durable 50-year building, and that is what they have been directed to design.

**Chair Vakas** inquired about whether anyone from the public signed up to speak to the project.

**Aimee Nassif, Chief Planning and Development Officer**, stated several individuals have attended in person and three individuals are signed up on Zoom to speak on this project.

**Chair Vakas** opened the public hearing and asked the first speaker to come forward.

**Mr. Jason Neat**, 12000 West 150th Circle, stated his home backs to the property in question on the western-northern border of the property. He is opposed to the rezoning request and cited concerns regarding water runoff, property values, light and noise pollution, traffic on Quivira Road and safety related to Morse Elementary School. He also questioned the sufficiency and permanency of a proposed fence, but he expects a significant 10-foot-plus permanent barrier wall to separate the sides for further privacy.

**Mr. Noel Strong**, 15009 S. Rosehill Road, president of the Harmony View West Homeowner's Association, stated he was extremely concerned about many different aspects of the project including safety issues, water runoff, and the neighborhood does not want commercial zoning. If the proposal were approved, he would want a wall installed such as the one at Menards that would provide complete separation and blocking. He felt the request resembled spot zoning. He asked that the request not be approved.

**Mr. Brian Gregory**, 12201 West 149th Street, stated he was a resident of Harmony View West Subdivision and agreed with the first two speakers. He welcomed development on the proposed corner as long as it is compatible with the neighborhood. He did not feel the proposed facility provided that compatibility due to concerns with stormwater, traffic volume, the size of the facility and the number of other healthcare facilities in the area.

**Ms. Jennifer Finley**, 12008 West 150th Circle, stated she lived next door to Mr. Neat. She discussed her concerns related to stormwater runoff and flooding, safety on Quivira Road and felt the proposed development is entirely out of character with the neighborhood.

**Ms. Helen Scott**, 11802 West 148th Street, stated she lived in the Olathe Trails Subdivision. She expressed concerns regarding the safety and capacity of Quivira Road, the lack of sidewalks on Quivira and felt there was an overabundance of office space and urgent care facilities already.

**Mr. Shurburne Dunn**, 12301 West 150th Terrace, stated his home is located on the corner of Caenen and 151st Street. He was not against changing the zoning to commercial; however, he felt whatever project goes into the site needs to fit from a traffic standpoint. He also cited concerns with water runoff and safety on Quivira Road.

**Mr. Gregg Hosack**, 12001 West 150th Circle, stated he did not favor the proposed project and cited concerns related to the compatibility of zoning districts, roadway safety, the scale of the building and flooding in the surrounding area.

**Ms. Nassif** explained that if anyone who was signed up to speak on the project but is having technology issues can contact the Planning Division or email, and staff will insert their comments into the meeting packet materials.

**Mr. Joseph McMillian**, 14926 South Caenen Lane, agreed with all of the comments from the previous speakers from Harmony View West residents. He discussed his concerns regarding

increased water runoff and flooding; increased traffic in a potentially dangerous location; increased light pollution; increased noise pollution; and health concerns related to surgical and disease management facility with nearby homes, churches and schools.

**Chair Vakas** noted eight of the ten speakers who signed up to speak on this case appeared.

**Commissioner Fry** made a statement regarding stormwater.

**Mr. Chet Belcher, Transportation Manager**, stated the stormwater will meet the Title 17 requirements, and it currently exceeds those requirements. He explained that the City has conducted a flood control project at the site that was jointly funded with Johnson County with a primary focus on the floodplain, which was more towards the center of the property. The current flow will come through to the pond they were previously speaking about, and it does not quite get to the large floodplain within the subdivision but will be further downstream.

**Commissioner Fry** stated he did not feel this was an issue for Olathe Medical Center to have solve but asked what the City could do to assist citizens.

**Mr. Belcher** stated as far as a study from a massive flooding issue, that would be determined by the Federal Emergency Management Agency (FEMA), but he felt that issue had been addressed. Based on conducting a more localized study, he would be happy meet with the stormwater manager as they try to maintain ditches as much as possible around town, but they also conduct a lot of pipework. He offered to meet the stormwater manger to provide a response back to the Planning Commission.

**Chair Vakas** asked about the County's Stormwater Management Fund.

**Mr. Belcher** provided additional information.

**Commissioner Fry** referred to Mr. Neat's discussion about the detention pond that was proposed by Olathe Medical Center that was essentially draining into his property and asked for further clarification of how detention ponds work.

**Mr. Belcher** explained the drainage patterns are not changing other than the water is going to a certain point.

**Mr. Corcoran** asked about the Capital Improvement Plan process and how projects are prioritized. He also asked about how projects are considered.

**Mr. Belcher** stated staff is in the process of putting together the Capital Improvement Plan projects currently. The currently proposed project will be considered at the City Council's budget workshops that is upcoming in April. Regarding project priorities, Chet provided information.

**Chair Vakas** commented on the City's budget prioritization process for Capital Improvement Projects.

**Commissioner Fry** asked if there were considerations for road improvements as it relates to ambulance use or more emergency vehicles that could be generated from this type of facility.

**Mr. Belcher** stated he had never heard that case made but it was a possibility.

**Commissioner Fry** asked about land uses and what happens if this user is no longer operating on site.

**Ms. Kim Hollingsworth, Senior Planner** stated the Office District primarily permits office uses, but there are a very limited number of commercial uses permitted on the property including uses such as a sit-down restaurant and very limited retail.

**Commissioner Nelson** asked about the process staff utilizes when considering restricting land uses.

**Ms. Nassif** stated when staff reviewed the site, they found some uses in the Office District that would be incompatible with the nearby residential. We consider traffic, intensity and typical hours of operation as factors. The benefit to a restriction of uses is that a future user would need to return to the Planning Commission and a public hearing held if a use not on the permitted list is requested.

**Commissioner Nelson** asked for further clarification of the logic that went into that thought process and where they use the idea of infill development and comprehensive planning for the Olathe 2040 Plan.

**Ms. Hollingsworth** stated it was typical to have commercial or office uses at major arterial intersections that support the adjacent residential. That concept is seen up and down several streets, including 151st Street. An example of that concept is shown at 151st Street and Blockbob Road where those uses are operating in harmony with each other. She referred to the mention of spot zoning by some the public speakers, and explained how this was not the case here as other commercial and nonresidential uses and zoning is in the immediate area now and also planned for.

**Chair Vakas** appreciated Commissioner Nelson's comments. He was inclined to view the building as a buffer for the commercial that will eventually come in across the street. He asked staff if they agreed.

**Ms. Hollingsworth** agreed with Chair Vakas and stated the proposed building was located adjacent to the intersection, which is more than 200 feet away from the residential. There is also a landscape buffer adjacent to the residential property to provide the buffer

**Ms. Nassif** noted that this land use is a transitional use for the area. Traveling further west down 151st Street, there is other commercial sites as well. Office zoning provides a good transition because they have more restricted hours of operation and generates less traffic than typical retail zoning.

**Chair Vakas** asked about sidewalks.

**Ms. Hollingsworth** noted there are sidewalks on 151st Street and on Quivira.

**Mr. Belcher** stated the sidewalks on Quivira would be constructed when Quivira is widened, and there will be a 10-foot side path on one side of a 5-foot sidewalk.

**Chair Vakas** asked if it was fair to characterize the development as part of the Olathe Health System projection of services into the community and the idea they are providing care close to home.

**Mr. Eric Ford, Olathe Health Physicians**, agreed with Chair Vakas' comments.

**Chair Vakas** referred to a question brought up regarding health and disease management and the disposal of biomaterials and asked about that process

**Mr. Ford** stated that they have a specific process in place they follow to handle waste, germs and diseases at the facility.

**Chair Vakas** asked about the height of the proposed building.

**Mr. Basil Sherman, Pulse Design Group**, stated the building was 38 feet to the standard parapet around the building to the screening. The feature or blade wall at the primary intersection extends to 42 feet but also provides equipment screening to that view.

**Chair Vakas** asked if the building was two stories inside.

**Mr. Sherman** agreed the building was two stories.

**Mr. Nelson** asked for more information on the fence.

**Mr. Sherman** responded and said Olathe Health would consider a higher fence level than the proposed 6 feet.

**Chair Vakas** referred to the loss of property value and asked if any evidence exists to suggest there is an adverse impact on property values.

**Ms. Nassif** stated staff has no information or data to support that a loss of property value occurs in a situation such as the current proposal.

**Mr. Hollingsworth** referred to the light requirements to protect adjacent properties and stated the lighting will be reviewed in further detail at the final site development plan stage. There is a maximum pole height of 20 feet next to residential, which is less than any commercial elsewhere. The foot-candles must be at zero at the property lines.

**Chair Vakas** referred to noise issues and asked if there would be any effects of noise with the proposed installation.

**Ms. Hollingsworth** stated staff was not aware of any issues in that regard, and they also reviewed past cases of medical office proposals and did not find a number of complaints related to that issue.

**Chair Vakas** entertained a motion to close the public hearing.

A motion was made by Commissioner Fry to close the public hearing. Commissioner Corcoran seconded the motion, which carried by a roll-call vote of 8 to 0.

**Ms. Nassif** explained to the public and all attending over the Zoom call the public hearing process and how to provide comments. If additional comments would like to be made, you can contact the Planning Division and those comments will be made part of the file and provided to City Council.

**Commissioner Fry** provided statements on his position on the project and believes the project should be moved forward.

**Commissioner Nelson** provided statements on his position and felt the project should move forward.

**Commissioner Sutherland** felt it was important to call out other developments in town that involve concerns of the residents where the applicant was not willing to compromise on anything. Based on staff's report and the process, he felt the current applicant has worked to try to accommodate as many of the requests as they can.

**Chair Vakas** made summary comments and felt the project was a good project and appreciated all the concerns provided. The Planning Commission has reviewed all the comments that were provided in the staff packet of information as well.

### **MOTION**

A motion was made to approve RZ20-0015 as recommended with Staff's stipulations by **Commissioner Fry** and seconded by **Commissioner Sutherland**. The motion passed with a roll-call vote of 8 to 0 with the following stipulations:

#### **Staff recommends approval of the rezoning with the following uses prohibited:**

1. Any Distance Restricted Business as listed in Olathe Municipal Code Chapter 5.43
2. Business Service Centers/Business Support
3. Catering/Food Service
4. Conference and Retreat Center
5. Courier and Messenger Services
6. Data Processing, Hosting and Related Services
7. Environmental Monitoring Stations
8. Hotel, Boutique (50 Rooms Maximum)
9. Hotel/Motel
10. Laboratories – Research and Testing
11. Laundry, Pick-up Only and Garment Services
12. Nonstore Retail/Internet Retail
13. Parking Lots, Underground Structure, as Principal Use
14. Post Office and Postal Substations
15. Postal Service Receptacle Pods Designated on a Plat/Plan



16. Public Transportation Facility
17. Radio and Television Broadcasting or Recording Studio
18. Research and Development
19. Restaurant, Carryout or Fast Food
20. Rooming House (Includes Fraternity/Sorority Houses and Dorms)
21. Schools, Colleges and Universities
22. Woodworking Shops

**Staff recommends approval of the preliminary site development plan with the following stipulations:**

1. Final site development plans must be approved and final plat recorded prior to issuance of building permits.
2. This site is subject to all City of Olathe Title 17 requirements for stormwater detention and stormwater quality. Detention requirements will be to control the 1 year, 10 year and 100 year to the existing conditions or less.
3. The following site details will be reviewed during the final site development plan review and adhere to the following sections of the UDO:
  - a. Photometric plans for parking lot lighting will comply with UDO 18.30.135.
  - b. Details for trash enclosures or compactors will comply with UDO 18.30.130.
  - c. All rooftop mechanical equipment shall be screened from public view. All exterior ground or building mounted equipment, including but not limited to mechanical equipment and utility meter banks shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture in compliance with UDO 18.30.130.