MINUTES – Opening Remarks

Planning Commission Meeting: February 23, 2026

The Planning Commission convened at 7:00 p.m. to meet in regular session with **Vice Chair Taylor Breen** presiding as chair in the absence of Chair Wayne Janner. Commissioners Tony Bergida, Keith Brown, Ken Chapman, Megan Lynn, Scott Seeling, and Jim Terrones were present. Commissioners Wayne Janner and Chip Corcoran were absent.

Recited Pledge of Allegiance.

Chair Breen made introductory comments. Regarding ex parte communication, the Chair requested that if a commissioner has something to report, they specify the nature of the ex parte communication when that item is reached in the agenda.

Chair Breen referenced the Planning Commission Consent Agenda, which included three items. Chair Breen asked if any items needed to be removed for separate discussion or additional information. Seeing none, Chair Breen asked for a motion on the Consent Agenda.

A motion to approve MN26-0209, Planning Commission meeting minutes of February 9, 2026, was made by **Commissioner Bergida** and seconded by **Commissioner Chapman**. The motion passed 7 to 0.

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Application:	**FP25-0042:** A final plat for Hedge Industrial Park North First, containing one (1) lot and one (1) tract on approximately 16.32 acres, located southeast of W. 167th Street and S. Hedge Lane.

A motion to approve FP25-0042 was made by **Commissioner Bergida** and seconded by **Commissioner Chapman**. The motion passed with a vote of 7 to 0 with no stipulations.

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Planning Commission Meeting: February 23, 2026

Application:	**FP25-0044:** A final plat for Corporate Ridge Apartments, containing one (1) lot and two (2) tracts on approximately 56.52 acres, located east of S. Ridgeview Road and W. 106th Street.

A motion to approve FP25-0044 was made by **Commissioner Bergida** and seconded by **Commissioner Chapman**. The motion passed with a vote of 7 to 0 with no stipulations.

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Planning Commission Meeting: February 23, 2026

Application:	**RZ25-0020:** Request for approval of a rezoning from the BP (Business Park) District to C-2 (Community Center) District, with a preliminary site development plan for Dillons at Sunnybrook and a final plat (FP25-0043) of Sunnybrook Business Park 4th Plat, located southwest of College Boulevard and S. Valley Road.

Mr. Nathan Jurey, Senior Planner, presented RZ25-0020, the request to rezone the 14-acre property from the Business Park (BP) District to the Community Commercial (C-2) District to allow a grocery store with gas sales. He described the site's current status as farmland and noted it was surrounded primarily by BP zoning with residential uses to the north. Mr. Jurey stated that staff supported the rezoning because it aligned with the Comprehensive Plan, which calls for complementary retail and service uses in Employment Areas. However, staff recommended a list of prohibited land uses, for continuity with the overall Sunnybrook area.

Mr. Jurey outlined the development plan, which included a nearly 100,000-square-foot Dillons grocery store, a 14-pump gas station along College Boulevard, a drive-through pharmacy, and an online grocery pickup area. The project would extend Sunnybrook Boulevard and includes one access on College Boulevard and three access points on Sunnybrook, He described landscaping, architectural materials, and design features that met or exceeded many Unified Development Ordinance (UDO) requirements. Mr. Jurey added this request also includes the final plat for Sunnybrook Business Park, 4th Plat [FP25-0043].

Mr. Jurey then reviewed four waiver requests. Staff supported three waivers allowing a larger building footprint, reduced glass on certain facades, and loading docks facing Sunnybrook Boulevard due to site constraints and architectural design and landscaping that exceeds UDO requirements. However, staff did not support the waiver allowing the trash compactor to remain unscreened, as City standards require full enclosure.

Mr. Jurey reported that a neighborhood meeting was held in January with 17 attendees. Discussion focused on stormwater management, landscaping, lighting, and screening. He stated the development complied with stormwater requirements and incorporated additional landscaping to address concerns. Mr. Jurey stated public notice requirements

were met. Staff received correspondence from three individuals, primarily regarding stormwater and general interest in the project.

Mr. Jurey concluded by stating that staff recommended approval of the rezoning with one stipulation, approval of the preliminary development plan with five stipulations—including the trash enclosure requirement—and approval of the final plat with no stipulations.

Chair Breen asked if Commissioners had questions for staff.

Commissioner Terrones thanked Mr. Jurey for the presentation and expressed support for the project, noting the need for a grocery store in western Olathe. Commissioner Terrones asked whether the proposed store size was smaller than typical Dillons stores and whether it would still include full amenities such as a cafeteria, pharmacy, gas station, and bakery.

Mr. Jurey responded that the proposed size reflected site constraints and that the applicant could provide additional details.

Commissioner Seeling asked about landscape screening for the loading dock area.

Mr. Jurey explained that landscaping berms, trees, and a masonry wall would help screen the area while maintaining necessary sight lines for traffic.

Commissioner Seeling also asked whether Sunnybrook Boulevard would be two or four lanes and whether trucks would block traffic when accessing the docks.

Mr. Jurey stated the road would be two lanes and confirmed that truck movements would occur entirely on site.

Commissioner Chapman asked if Dillons reduced their building size from 123,000 feet with this submittal and to clarify the trash compactor location.

Mr. Jurey clarified that staff had only reviewed the 100,000-square-foot proposal and displayed the site plan showing the trash compactor next to the loading dock, which would be partially visible from Sunnybrook Boulevard. Per UDO requirements, staff has asked it to be fully screened.

Chair Breen then invited the Applicant to present.

Marvin Brown of Pickering Firm, 6363 Poplar Avenue, Suite 300, Memphis, Tennessee 38119 introduced himself as the civil engineer representing Dillons and thanked staff for the presentation. Brown stated that Dillons was excited to bring the store to Olathe and focused his remarks on the requested waiver for the trash compactor enclosure. He explained that the site layout and landscaping were designed to limit views into the loading dock area and that the compactor was placed deep within the screened

dock area. Mr. Brown stated that installing a gate could interfere with truck movements and create safety and maintenance concerns. He also noted that the proposed 99,000-square-foot “Marketplace” format would still function as a full-service store similar to other large Dillons locations.

Commissioner Lynn asked whether customers using the grocery pickup area might exit near the loading dock area.

Mr. Brown replied that the intended traffic flow directed vehicles back through the parking lot toward College Boulevard.

Commissioner Lynn then asked staff whether landscaping near the entrance could block driver visibility.

Mr. Jurey responded that sight-triangle requirements would be verified during final development review to ensure visibility.

Commissioner Bergida asked Mr. Brown to clarify the primary reasoning behind the trash compactor waiver.

Mr. Brown explained that the concern involved both safety and potential property damage due to restricted truck movements if a gate were installed.

Chair Breen opened the public hearing, but no members of the public signed up to speak.

Commissioner Terrones moved to close the public hearing, and **Commissioner Brown** seconded the motion. The motion passed by voice vote of 7 to 0.

Following the close of the hearing, **Chair Breen** called for any final questions, but there were none.

Commissioner Terrones moved to approve the rezoning request, RZ25-0020, with the stipulations as recommended by staff. **Commissioner Chapman** seconded the motion. The motion regarding RZ25-0020 passed 7-0 as follows:

A. Staff recommends approval of RZ25-0020 for the following reasons:

    1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.

    2. The requested zoning amendment meets the Unified Development Ordinance criteria for considering zoning applications.

B. Staff recommends approval of the rezoning request with the following stipulations:

1. The following uses are prohibited:
   a. Animal Care Facility with Outdoor Kennel;

   b. Auto-Supply (Parts) Stores;
   c. Laundry, Coin Operated;
   d. Vehicle Services;
   e. Check cashing, except in connection with a bank or savings and loan institution, tax service, or investment/brokerage service or as ancillary to a convenience store or grocery store;
   f. Class A, Class B, or other private club as defined in the Kansas Liquor Control Act;
   g. Distance Restricted Businesses as set forth in Chapter 5.43 of the Olathe Municipal Code and any amendments thereto;
   h. Outdoor storage of any kind, whether a primary or accessory use;
   i. Vapor Retailer and Tobacco Shop as defined in Chapter 6.20 of the Olathe Municipal Code.

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

   1. A waiver is granted from UDO 18.20.140.B to increase the maximum building footprint from 85,000 to 100,000 square feet as shown on the site development plan dated February 11, 2026.

   2. A waiver is granted from UDO 18.15.020.G.7.b to reduce the minimum glass from 25% to 5% on the west façade and no minimum glass requirement on the south façade as shown on the elevations dated February 10, 2026.

   3. A waiver is granted from UDO 18.15.020.G.7.a to allow overhead doors to face a public street as shown on the site development plan dated February 11, 2026.

   4. Screening of the trash compactor will be provided at the time of final site development plan in accordance with the requirements of UDO 18.30.130.I.

   5. Exterior ground-mounted and building-mounted equipment including but not limited to, mechanical equipment, utility meter banks, and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.

Following approval of the rezoning request, **Chair Breen** noted that a second action was required for the case regarding the final plat, FP25-0043. He called for a motion on this item.

Commissioner Chapman moved to approve FP25-0043 as stipulated by staff. **Commissioner Brown** seconded the motion. The motion regarding FP25-0043 passed unanimously with a vote of 7–0 with no stipulations.

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Planning Commission Meeting: February 23, 2026

Application:	**SU25-0007:** A special use permit for a Telecommunications Monopole, located south of W. 151st Street and west of Red Bird Street.

Kim Hollingsworth, Planning and Development Manager, presented the request for approval of a Special Use Permit for a telecommunications monopole located south of 151st Street and west of Red Bird Street. She explained that the request involved a telecommunications facility designed to support multiple wireless carriers. She noted that the City's review of such facilities is regulated by Federal law, State statutes, and the City's Unified Development Ordinance (UDO).

She demonstrated the site's location, west of Old 56 Highway within the Mather West Business Park, an area designated as an employment area on the City's Future Land Use map. The property is zoned M-2, General Industrial, with R-1 residential zoning to the north in the Oak Run neighborhood. Ms. Hollingsworth stated that the proposal includes a 143-foot monopole tower within the developing business park, surrounded by a fenced equipment area. Future development in the area will include buildings, parking, and landscaping. The tower would initially support one antenna array with space for two additional future antenna arrays. She explained that the application included a deviation request to reduce the required setback from 71.5 feet to 40 feet along the eastern property line, which staff supported because it remains internal to the development and preserves nearby detention and tree preservation areas.

Ms. Hollingsworth noted that the City received two letters of public correspondence raising concerns about health, environmental issues, and property values. Staff recommended approval of the application with stipulations.

Chair Breen asked if Commissioners had questions for staff.

Commissioner Chapman asked whether the City has other monopoles of similar height.

Ms. Hollingsworth responded that while she was unsure about the exact height of 143 feet, the City allows towers up to 150 feet, and several towers approach that height.

Chair Breen then invited the Applicant to speak.

Paul Greeley, **7171 W. 95th Street, Suite 600, Overland Park, Kansas** representing the development team, introduced himself and his colleagues and stated that they supported the staff recommendation. He acknowledged the letters received earlier that day and noted that many of the concerns raised—particularly regarding health and environmental effects—are addressed by Kansas statute KSA 66-2019, which limits what local governments may consider when reviewing cell tower applications. He stated that the Applicant agreed with the staff report and requested approval.

Chair Breen opened the public hearing and called the speakers who had signed up.

Speaker #1, Ashley Taylor, 25129 W 151st Street, asked whether questions could be asked during the hearing.

Chair Breen clarified that the hearing was intended for public comments rather than a question-and-answer format.
Ms. Taylor declined further comment.

Speaker #2, Amir Nayeri, 25119 W. 150th Terrace, then spoke in opposition to the tower. He stated that he lives nearby and expressed concerns about potential health impacts, property values, and neighborhood character. He emphasized that while he supports reliable cell service, he believes the tower's proximity to homes could affect residents, particularly children, due to potential long-term exposure to radio frequency radiation. He also noted that visible towers can influence homebuyer perceptions and property values. He encouraged the Commission to consider alternative locations farther from residential areas.

After public comments concluded, **Commissioner Terrones** moved to close the public hearing, and **Commissioner Lynn** seconded the motion. The motion passed by a vote of 7 to 0, and the hearing was closed.

Commissioner Seeling asked staff to clarify legal limitations under KSA 66-2019.

Ms. Hollingsworth explained that federal and state law prevent local governments from denying applications based on health or environmental concerns related to radio frequency emissions, provided the facility complies with Federal Communications Commission (FCC) regulations.

Commissioner Terrones commented that the Planning Commission's vote is a recommendation, and the City Council will make the final decision.

Commissioner Bergita asked staff to show the site map and inquired about the distance from the proposed tower to the nearest home.

Ms. Hollingsworth stated that the closest residential structure is approximately 675 feet away and noted that towers elsewhere in the City can be located closer to homes.

Commissioner Bergida also asked about the tower's height and whether it could be effectively reduced.

Mr. Greeley explained that the height was reduced from the original proposal of 150 feet to 143 feet after coordination with the Federal Aviation Administration (FAA) due to a nearby airport.

Larry Louk, Selective Site Consultants, 7171 W. 95th Street, Suite 600, Overland Park, Kansas telecommunications consultant with the Applicant team, added that lowering the tower height further would reduce coverage and make it more difficult for wireless carriers to co-locate on the tower.

With no further discussion, **Commissioner Terrones** moved to approve Special Use Permit SU25-0007 as recommended by staff, and **Commissioner Brown** seconded the motion. The motion passed 7 to 0 as follows:

A. Staff recommends approval of SU25-0007 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.

B. Staff recommends approval of the special use permit (SU25-0007) with the following stipulations:

1. The special use permit for the Telecommunication Facility is approved for a ten (10) year period effective from the date of the Resolution.

2. A deviation to the required setbacks of the monopole support structure is approved, as shown on the site plan dated January 19, 2026.

3. Equipment buildings, shelters or cabinets must meet all requirements of UDO 18.50.220 including but not limited to size, height, materials and setback requirements.

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Application:	**RZ25-0008:** Request for approval of a rezoning from the C-3 (Regional Center) and MP-2 (Planned General Industrial) Districts to C-3 (Regional Center) District with a preliminary site development plan for Olathe Animal Care Campus on approximately 7.44 acres, located northwest of E. Santa Fe Street and N. Ridgeview Road.

Mr. Nathan Jurey, Senior Planner, presented RZ25-0008, the rezoning request and preliminary site development plan for the Olathe Animal Care Campus, located northwest of Santa Fe Street and Ridgeview Road. He explained that the item had been continued from the previous August meeting and that the scope of the project had since been refined.

Mr. Jurey described the site as a seven-acre property located west of Quik Trip, on the former Sutherlands and Jiffy Lube properties. He noted that the City's current animal care facility had been outgrown and that the new facility would replace it as part of the City's Capital Improvement Plan (CIP).

Mr. Jurey outlined that the property was previously zoned MP-2 and C-3, surrounded by commercial zoning to the south and east, and buffered from residential areas by the BNSF raised railroad to the north. He explained that the City requested rezoning to the C-3 Regional Center District to allow the animal care facility and the redevelopment of two future commercial pad sites. Mr. Jurey confirmed that this request aligned with Plan Olathe's Future Land Use designation as a commercial corridor, allowing a range of commercial uses and the potential for transformation into a more walkable area.

Mr. Jurey detailed that the proposed site plan would use the existing drive off Santa Fe, shared with Quik Trip. The 26,000-square-foot building would have two public entrances, employee parking to the side, and outdoor kennels to the rear. Landscaping would meet City standards, and concept buildings for Lots 2 and 3 along Santa Fe would return for review once end users were identified. The building's design would feature predominantly Class 1 materials, with articulation along the roofline and foundation, and a welcoming pedestrian entrance with limestone boulders.

Mr. Jurey noted that a neighborhood meeting had been held in July with only two attendees asking general questions, that public notice requirements had been met, and

that staff received correspondence from one interested individual. He concluded by recommending approval of the rezoning and preliminary development plan, with the stipulation that Lots 2 and 3 return for review.

Commissioner Lynn asked about potential noise from the dogs for nearby apartments.

Mr. Jurey explained that the BNSF railroad wall, existing trees, and sun shades would provide buffering.

With no further questions, **Chair Breen** opened the public hearing, but no one had signed up to speak.

Commissioner Chapman moved to close the public hearing, and **Commissioner Seeling** seconded the motion. The motion passed 7 to 0.

With no further questions, **Commissioner Seeling** moved to approve the rezoning as recommended by staff, which was seconded by **Commissioner Chapman**. The motion passed 7 to 0 with the following stipulations:

A. Staff recommends approval of RZ25-0008, Olathe Animal Care Campus, for the following reasons:

1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.

2. The requested zoning meets the Unified Development Ordinance criteria for considering zoning applications.

B. Staff recommends approval of the rezoning request with the following stipulations:

1. The following uses are prohibited:
   a. Auto Supply (Parts) Stores;
   b. Building Material Sales and Storage;
   c. Car Wash, Automobile Laundries or Car Care Centers, whether primary or accessory use;
   d. Coin-Operated Laundry;
   e. Convenience Stores with Gas Sales and Gas Stations;
   f. Liquor Store;
   g. Mini-Warehouse;
   h. Services to Buildings and Dwellings;
   i. Tattoo Parlor/Tattoo Studio and/or Body Piercing;
   j. Vehicle Services, Repair & Restoration (Generally), Painting & Body Shops;

k. Check cashing, except in connection with a bank or savings and loan institution, tax service, or investment/brokerage service or as ancillary to a convenience store or grocery store;
l. Class A, Class B, or other private club as defined in the Kansas Liquor control act (Entertainment Establishment);
m. Dealers or businesses with indoor or outdoor display of automotive, recreational vehicle, motorcycle, boat, construction equipment, farm equipment and other similar miscellaneous motor vehicles and equipment for sale, rent or lease;
n. Distance Restricted Businesses as set forth in Chapter 5.43 of the Olathe Municipal Code and any amendments thereto;
o. Vapor Retailer and Tobacco Shop as defined in Chapter 6.20 of the Olathe Municipal Code.

C. Staff recommends approval of the preliminary site development plan with the following stipulation:

1. Approval of a revised preliminary site development plan is required prior to the development of Lots 2 & 3.

MINUTES – Closing Remarks

Planning Commission Meeting: February 23, 2026

Kim Hollingsworth, Planning and Development Manager, reminded the Commission of the joint workshop with the City Council on Monday, March 2nd.

She also notified the Commission the March 9th meeting may be canceled, as there were no agenda items tracking to that date; definitive confirmation would follow.

Meeting adjourned.