



City of Olathe

City Planning Division

MINUTES – Opening Remarks

Planning Commission Meeting: January 14, 2019

The Planning Commission convened at 7:00 p.m. to meet in regular session with Chairman Dean Vakas presiding. Commissioners Ryan Freeman, Jeremy Fry, Ryan Nelson and Chip Corcoran were present. Commissioners Michael Rinke, Barry Sutherland and Jose Munoz, Jr., were absent.

Recited Pledge of Allegiance.

The Chair made introductory comments. Regarding *ex parte* communication, the Chair asked that if a commissioner had something to report, that they specify the nature of the *ex parte* communication as that item is reached in the agenda.

A motion to approve MN18-1210, the meeting minutes from December 10, 2018, was made by Comm. Fry and seconded by Comm. Corcoran and passed with a vote of 5-0.

MINUTES

Planning Commission Meeting: January 14, 2019

Application:	FP18-0041, Final Plat, Beautiful Savior Lutheran Church, Second Plat
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A motion to approve FP18-0041 on the Consent Agenda was made by Comm. Fry and seconded by Comm. Corcoran and passed with a vote of 5-0, with the following staff stipulations:

- a) The final plat is subject to a street excise tax of **\$22,574.87**. The required excise fee shall be submitted to the Planning Division prior to the recording the final plat.
- b) The final plat is subject to a traffic signal excise tax of **\$388.50**. The required excise fee shall be submitted to the Planning Division prior to recording the final plat.
- c) Tree preservation fencing shall be installed around tree preservation easements according to UDO requirements.



City of Olathe

City Planning Division

MINUTES

Planning Commission Meeting: January 14, 2019

Application:	FP18-0046, Final Plat for Lone Elm Senior Apartments
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A motion to approve FP18-0046 on the Consent Agenda was made by Comm. Fry and seconded by Comm. Corcoran and passed with a vote of 5-0, with the following staff stipulations:

- a) A sidewalk and address plat shall be submitted prior to issuance of building permits.
- b) Prior to recording the final plat, dedication language for the Waterline Easement (W/E) and Access Easement (A/E) shall be included on the plat.
- c) Prior to recording the final plat, language for the stormwater detention/stormwater quality easements shall be revised. These easements shall be permanent stormwater quality/quantity drainage easements.
- d) The following language shall be added to the Plat prior to recording: A 30-foot Public Recreation Easement (PR/E) shall be provided within the gas pipeline easement for a future bike/hike trail. The trail may cross south of the property line, or may stay north of the southern property line entirely, the location of the trail within this easement shall be determined by the City Parks and Recreation Department at the time of installation.



City of Olathe

City Planning Division

MINUTES

Planning Commission Meeting: January 14, 2019

Application:	FP18-0048, Final Plat for Boulder Hills, Third Plat
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A motion to approve FP18-0048 on the Consent Agenda was made by Comm. Fry and seconded by Comm. Corcoran and passed with a vote of 5-0, with the following staff stipulations:

- a) The final plat is subject to a street excise tax of **\$182,610.31**. The required excise tax shall be submitted to the City Planning Division prior to recording the final plat.
- b) The final plat is subject to a traffic signal excise tax of **\$3,142.60**. The required excise tax shall be submitted to the City Planning Division prior to recording the final plat.
- c) A sidewalk and address plat shall be submitted prior to issuance of building permits.
- d) Prior to recording the plat, a street tree plan shall be submitted and approved, per *UDO, Section 18.30.130*.
- e) All on-site wiring and cables shall be placed underground.
- f) Utility cabinets shall not be placed in the front or side yards, unless first requested by the applicant and authorized by the Chief Planning and Development Officer and must include landscaping to screen the equipment from public view. Any such request shall include an exhibit demonstrating the typical screening to be provided prior to recording the plat.
- g) Fire hydrants are required within 400 feet of all residential units (travel distance). Dead-end water mains with fire hydrants are not permitted unless water supply calculations can be provided that demonstrates an adequate water supply is provided; otherwise the water supply for hydrants is required to be looped to existing mains.



City of Olathe

City Planning Division

MINUTES

Planning Commission Meeting: January 14, 2019

Application:	FP18-0049 Final Plat for St. Paul's Catholic Church
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A motion to approve FP18-0049 on the Consent Agenda was made by Comm. Fry and seconded by Comm. Corcoran and passed with a vote of 5-0, 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 City Planning Division.
- b. All required applications and permits shall be submitted and approved prior to any development taking place on Lot 2.
- c. 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.
- d. Prior to issuance of a building permit, a performance and maintenance bond or letter of credit in an amount to be determined by the City Engineer, shall be submitted in accordance with UDO 18.30.120C and UDO 18.30.210 E. to ensure that all erosion control measures and water quality features are installed and maintained and that all of the development's streets and sidewalks remain free of debris during all phases of construction.



City of Olathe

City Planning Division

MINUTES

Planning Commission Meeting: January 14, 2019

Application:	PR18-0055: Revised Preliminary Site Development Plan for Mahaffie Warehouse, Phase 2
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A motion to approve PR18-0055 on the Consent Agenda was made by Comm. Fry and seconded by Comm. Corcoran and passed with a vote of 5-0, with the following staff stipulations:

1. A final site development plan and final plat shall be submitted and approved prior to issuance of building permits.
2. All crosswalks provided on-site shall be of a decorative material, per *UDO, Section 18.30.160.D.4*.
3. As required by *UDO, Section 18.30.130.I.6*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
4. All outdoor storage areas shall comply with requirements for screening per *UDO, Section 18.30.130.I*. Details for screening materials shall be provided at the time of final site development plan submittal, and shall be approved as part of the final site development plan.
5. All roof-top units shall be screened from public view, pursuant to *UDO, Section, 18.15.020.F*.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: January 14, 2019

Application:	<u>PR18-0056</u>	Revised preliminary site development plan for Travanse Senior Living
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Dan Fernandez, Planner II, appeared before the Planning Commission, summarizing a request for a revised preliminary site development plan for Travanse Senior Living located at 101 W. 151st Street, which is the southwest corner of 151st Street and I-35. The proposal is for a 4-story, 60-unit independent senior living facility. No rezoning is required.

Mr. Fernandez presented maps of the site and the overall site plan. He noted that the landscape plan proposes new plantings around the building to enhance existing. Additionally, per the UDO, parking is provided at one space per unit, for a total of 60 units. A parking analysis has been submitted by the applicant. There are 136 existing spaces on the site that both facilities will use. Per the UDO, 60 spaces will go to independent senior living, which leaves 76 spaces for employees and visitors for both facilities. There are also 95 deferred parking spaces, which is a way to save open space. If the plan is approved tonight, the applicant can request a parking lot permit. Staff is supportive of this parking plan.

Two waivers are requested. The first is a waiver from the 25% glass requirement on primary elevations. All elevations are considered primary. The percentage of glass ranges from 10 to 20 percent, which is consistent with other multifamily developments approved in Olathe.

The second waiver concerns finished floor elevation. The requirement is for 18 inches above the sidewalk, which Mr. Fernandez said really applies to multifamily developments such as townhomes where stairs are required.

Comm. Fry said it seems more and more developments are requesting waivers from the glass requirement. He questioned if that issue should be reviewed in the UDO. **Mr. Fernandez** responded that design guidelines are currently being updated and the issue of glass is being reviewed. Comm. Fry asked if the trend in buildings such as these is to have less glass. Mr. Fernandez said that is correct.

Chair Vakas asked the applicant to come forward. **John Petersen**, Polsinelli PC, 6201 College Boulevard, Overland Park, approached the podium. He represents the applicant. He said they are in agreement with the staff report and asked for the Planning Commission's support of the project, including the two waivers. There were no questions of the applicant. Chair Vakas asked if anyone present wished to speak on this matter. Seeing no one, he asked for discussion. There being none, he called for a motion.

Comm. Nelson said he recently visited the existing facility and said it is a great property and a wonderful resource for the Olathe community. He believes this project will only further enhance the community.

Motion by Comm. Nelson, seconded by Comm. Freeman, to recommend approval of PR18-0056, with the following stipulations:

- a. A final site development plan application shall be submitted and approved prior to submitting for building permit.
- b. Additional active open space such as a dog park, picnic/grilling areas and play/sports areas shall be added with the final site development plan.
- c. Additional Landscaping shall be included with the final site development plan along the west and south sides of the basin which are visible to the public.
- d. A waiver shall be granted to permit 16% to 19% glass on the primary elevations.
- e. A waiver shall be granted to permit the residential finished floor elevation to be less than 18 inches as required by Site Design Category 3.
- f. The final site development plan shall include an expanded note stating that all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture in accordance with the *UDO* requirements.

Aye: Freeman, Nelson, Fry, Corcoran, Vakas (5)

No: (0)

Motion was approved 5-0.



City of Olathe

City Planning Division

MINUTES

Planning Commission Meeting: January 14, 2019

Application:	<u>SU18-0005</u> Request for a Special Use Permit to allow more than 4 animals (dogs) at one household
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Zachary Moore, Planner II, appeared before the Planning Commission, summarizing this request for a special use permit to keep more than four animals at one household at 1512 East Frontier Lane. Mr. Moore noted that the property consists of two residential lots and one household. This item was continued from the July 23, 2018, Planning Commission hearing because the neighborhood notices were not sent out appropriately. A neighborhood meeting was held on July 23, 2018 and attended by 13 citizens. Topics of discussion included waste produced by the animals, relationship between the owners and dogs, the ongoing court case, and barking dogs. There are no new buildings proposed for this site.

Mr. Moore stated that this special use permit is for the keeping of 10 dogs on the site. During staff's research, it was discovered that the breeding and selling of dogs is occurring on site, which is in violation of the City's UDO. Since 2007, the City of Olathe Animal Control has logged seven different reports and issued 11 citations regarding the dogs kept on this property. Citations include four "Over the Limit" citations, which began in 2014. At that time, the applicant was made aware of the special use permit process. In August 2017, the property owner was found guilty on five of the charges. The City judge is waiting for a decision on this special use permit before assessing fines for those charges. Also, based on reports from Animal Control and correspondence from neighbors, staff finds that issues of public health and safety related to this application do exist, and therefore do not believe this request is appropriate for this location. Staff recommends denial of this special use permit request. Mr. Moore was available for questions.

Comm. Fry asked what happens to the dogs that are currently on the property if this is denied.

Mr. Moore responded that there would be additional inspections conducted by Animal Control, and should more citations be issued, the City judge may ask that the property owners remove the dogs.

Chair Vakas opened the public hearing and asked the applicant to come forward. **Tracie Alexander and Roy Ingelse**, 1512 East Frontier Lane, approached the podium. **Ms. Alexander** said they just learned tonight that what they were doing was illegal. Also, she said that they have gone to court and proven a majority of the citations could not be substantiated. She stated that she and Mr. Ingelse have dozens of videos on their phones proving that the dogs barking in their neighborhood are not their dogs. She said Animal Control has written tickets to them when their dogs were not even outside. She is asking to keep the same number of dogs that she has always had. She understands that people don't want to hear dogs bark and brings them inside immediately when they start barking. She said an Animal Control officer told her he will make sure she does not get a special use permit. She offered to show the videos to commission members. She said she owns her dogs and her dogs are not foster dogs.

Comm. Nelson asked how many dogs are in the house now. **Ms. Alexander** said they have seven dogs. She noted that they have two lots and it was her understanding that four dogs on each lot were allowed.

Betty Burch, 1612 East Sleepy Hollow Drive, approached the podium. She is concerned that the applicants are running a business out of their home. **Chair Vakas** said he has seen the website and understands her comments.

Richard Leonard, 1504 Frontier Lane, approached the podium. His property is directly adjacent to the subject property. He believes Ms. Alexander is misrepresenting information when she said a board fell out of the fence. He said her dog ripped the board off the fence and came after him in the back yard. Mr. Leonard called Ms. Alexander's husband to come home and retrieve the animals. He does not believe Ms. Alexander takes responsibility for all of her animals. She said when he first met Ms. Alexander two years ago, she said she had a special use permit for her dogs, which was untrue.

Chair Vakas asked someone from Animal Control to come forward. **James Brackett**, Animal Control Officer, City of Olathe, approached the podium. Mr. Brackett said he has personally issued two citations for "Over the Limit," one in 2015 and one in 2017. He said that in 2014, Ms. Alexander was told what she needed to do to get a special use permit. She has been issued various tickets and ordinances and limits have been explained to her. He said Ms. Alexander has been ticketed for various infractions, including dogs not on a leash or not under voice control. He further summarized his office's interactions with Ms. Alexander and the dogs on her property. Chair Vakas noted that there is a history of legitimate problems. Mr. Brackett agreed. Chair Vakas asked if anyone has been bitten by any of these dogs. Mr. Brackett said that back in 2011, there was a situation with a mother with puppies, and a little girl bent over to pet them. He said that is not something they would issue a citation for and they do not consider that to be a problem. He said that although a bite did occur, the circumstances did not warrant a citation.

Chair Vakas asked if there continue to be a number of open violations pending adjudication in municipal court. **Mr. Brackett** said that that is true. **Comm. Corcoran** asked about the limit of four dogs per lot. Mr. Brackett noted that one lot is empty and the other has a residence, and that the ordinance reads "per residential household," meaning there can only be four animals. **Comm. Freeman** asked if that limit applies to any lot size; Mr. Brackett said that it does.

There were no further questions; **Chair Vakas** called for a motion to close the public hearing.

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

Motion passed 5-0.

Comm. Freeman asked if no commercial in a residential area is a change in City ordinance. **Aimee Nassif, Chief Planning and Development Officer**, responded that there has not been a change in that ordinance and commercial uses are not allowed in residential areas. She said the applicant has been informed that commercial activity is not permitted, even with a special use permit. **Chair Vakas** asked if this means that the applicant is operating in contravention to the UDO; Ms. Nassif said that is correct.

Comm. Freeman noted that the special use permit would not allow a commercial use. Therefore, based on staff's recommendations, he see does not see any way this could be approved. **Chair Vakas** said the court matters need to be settled and asked if the applicant could come back after that and seek approval. **Mr. Moore** responded that if the Planning Commission recommended denial tonight, the matter would go to City Council for final consideration on February 5th. Should City Council recommend denial, the applicant could file another special use permit request after the court matters get sorted out. **Ms. Nassif** advised there is a 12-month waiting period after City Council makes a decision before a new application can be made.

Motion by Comm. Freeman, seconded by Comm. Corcoran, to recommend denial of SU18-0005, for the following reasons:

- i. The activity occurring on site is a commercial use, not permitted in this residential district.
- ii. The amount of and nature of the outstanding public health and safety violations on the site and citations issued by the City of Olathe.
- iii. The recommendation of Olathe Animal Control.

Aye: Freeman, Nelson, Fry, Corcoran, Vakas (5)

No: (0)

Motion to deny was approved 5-0.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: January 14, 2019

Application:	<u>SU18-0008</u> Special use permit for more than 4 animals (dogs)
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Motion by Comm. Nelson, seconded by Comm. Freeman, to continue SU18-0008 to a date uncertain.

Aye: Freeman, Nelson, Fry, Corcoran, Vakas (5)

No: (0)

Motion was approved 5-0.



City of Olathe
City Planning Division

MINUTES

Planning Commission Meeting: January 14, 2019

Application:	<u>VAC18-0005</u> Vacation of public utility easements for QuikTrip site
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Sean Pendley, Senior Planner, appeared before the Planning Commission, summarizing the request, which is to vacate public utility easements for the new QuikTrip site at 1234 E. Santa Fe. The site was developed with a new QuikTrip store in 2018 and some of the easements for the previous development were not vacated following construction of the new building and utilities. Mr. Pendley noted that here will be three easements to be vacated: a general utility easement through the center of the site, and two stormwater and drainage easements. With the building of the new QuikTrip, the new owner dedicated the required utility easements and infrastructure was installed as required. Therefore, there is no need for these utility easements. The applicant has made the proper notifications within the required area and has notified all private utility providers and found no conflicts with these utility easements. Public Works has reviewed the application and recommends approval of the vacation as presented.

There were no questions of staff. **Chair Vakas** opened the public hearing and asked the applicant to come forward. **Jessica Glavas, QuikTrip Corporation**, 5725 Foxridge Drive, Mission, approached the podium. She said she agrees with all staff comments and asks for approval. There were no questions of the applicant.

Chair Vakas asked if anyone present wished to speak on this item. Seeing none, he called for a motion to close the public hearing.

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

Motion passed 5-0.

Motion by Comm. Fry, seconded by Comm. Freeman, to recommend approval of VAC18-0005, with the following recommendation:

Staff recommends approval of vacation for the utility and stormwater easements (VAC18-0005) as described in the attached exhibits.

Aye: *Freeman, Nelson, Fry, Corcoran, Vakas (5)*

No: *(0)*

Motion was approved 5-0.

MINUTES

Planning Commission Meeting: January 14, 2019

Application	<u>RZ18-0021</u>: Rezoning from CP-3 to PD (Planned District), and preliminary development plan for Mentum, mixed-use development
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Sean Pendley, Senior Planner, appeared before the Planning Commission, summarizing the request. The applicant is requesting a rezoning from CP-3 to PD (Planned District) and preliminary site development plan for Mentum, a mixed-use development containing a total area of 105.5 acres. The subject property is generally bounded by 151st Street to the south, Harrison Street to the east and South Park Boulevard to the north and west. The site was formerly developed as The Great Mall of the Great Plains and closed in 2016. An associated project plan discussed and voted on by this commission last November was approved by City Council and is moving forward to the state for approval.

Mr. Pendley noted that the site has been cleared following demolition of the mall. The Burlington Coat Factory store is the only remaining building on the site. The plans are for a multipurpose arena, fitness center, and several entertainment and commercial/office uses and multifamily residential uses. The overall site is identified in the City's Comprehensive Plan as an Urban Mixed Use Center, which is intended to support a combination of commercial, office and multifamily uses, and tends to have higher-density development similar to a downtown area. Mr. Pendley said the application is appropriate for these types of uses. Zoning is in place for multifamily residential to the north and west of South Park Boulevard and office and industrial uses surround that.

Mr. Pendley added that the preliminary development plan for the Mentum project consists of several different uses and the layout of the development will include existing access points from 151st Street to the south and from South Park Boulevard. With this new planned district, two private road extensions serving the interior of the development will provide primary access and serve as the main street access to the development - Mentum Drive coming in from 151st Street, and Meadow Lane, which bisects the site through the center. He noted that the multifamily development is identified at the west of the development

Mr. Pendley stated that Phase 1 will include the arena and surrounding parking. He said a majority of access to this development will be provided with Phase 1 from Mentum Drive and from Meadow Lane. Phase 1 also includes central common space, fitness center, and the golf facility.

Mr. Pendley reported that the applicant has submitted a parking plan, which will be a significant component to this development. He said the applicant is requesting a reduction of parking from the minimum UDO requirement because there will be shared parking for different uses in the area. Specifically, the applicant is requesting just under 4,500 parking spaces. Staff has reviewed the parking distribution plan and associated land uses and does support the allocation of parking

Mr. Pendley presented the overall development plan, noting a colored site plan that reflects where the overall development sits on the site. The development plan also illustrates the preliminary landscape plan throughout the site. Mr. Pendley added that more detailed plans are in the packet. Mr. Pendley said planned district zoning is important and appropriate for this site because the purpose is to encourage innovative land design, which this does. He notes that there

will be reduced setbacks due to smaller streets, on-street parking and diagonal parking. Therefore, Planned District zoning makes sense. Additionally, the applicant has provided information regarding exceptions to certain requirements such as setbacks, which have been illustrated in their site design standards. The Planned District zoning establishes permitted uses and development standards, which are identified in the report and the applicant's design guidelines.

Mr. Pendley said the applicant proposes traffic improvements and has submitted a traffic impact study for the overall development. Such study recommends several improvements to the traffic network, including a new traffic signal at 151st Street and South Park Boulevard, turn lanes at 151st Street and Fountain Drive, and construction of a second southbound turn lane at Harrison and southbound I-35 off ramp. Staff supports these improvements.

Mr. Pendley stated that staff has worked closely with the applicant and design team on the design of the arena and support the current plan for the arena. The arena building materials include precast concrete, synthetic wood, architectural metal and glazing. Entrance to the arena will be on the south end and a loading dock/service area will face north and renderings and elevations are included from the applicant. Mr. Pendley said that building design is following Composite Design Category C design standards, which are essentially the highest design standards. The applicant has also submitted elevations for big-box retail.

Mr. Pendley said the applicant is proposing medical office uses and included conceptual building renderings that include one-, two- and three-story design options. The applicant also provided conceptual renderings for seven four-story apartment buildings.

Mr. Pendley stated that the rezoning request is supported by the Comprehensive Plan, which identifies the use as an Urban Mixed Use Center, which is intended to support a combination of commercial, office and multifamily uses. Rezoning is consistent with the Comprehensive Plan goals and meets the objectives for revitalizing existing commercial centers. Also, permitted uses and development standards including setbacks and parking and building design are established with Planned District zoning. The applicant also submitted a sign package which will return at a later date.

Mr. Pendley presented the use list for Planned Districts and outlined permitted uses, restricted uses and prohibited uses. Staff recommends limiting the number of fast-food restaurants for this area to two. Prohibited uses would include title loan businesses or businesses that allow rental, sales or repair of motor vehicles.

Comm. Nelson asked if the green space requirement is different than what would be expected in another development. He also questioned the difference between "green space" and "open space." **Mr. Pendley** stated that we review both and the applicant has submitted an open space plan that breaks down open space, green space, and more active space such as the courtyard and plaza. The applicant has identified approximately 24 acres of open space on the 105-acre site. Of that 24 acres, approximately seven acres would be active open space. Public art locations have been identified, as well. Comm. Nelson noted long stretches of parking without parking islands and asked if this needs further examination. Mr. Pendley said that staff had the same concerns and further adjustments and discussions are ongoing. **Aimee Nassif, Chief Planning and Development Officer**, noted that this is a preliminary plan so is conceptual in nature and detailed issues such as this are reviewed with the final development plan if zoning is approved.

Comm. Nelson asked if the arena will be used for more than hockey. **Mr. Pendley** said the arena is planned and designed as a multipurpose arena and will host other events. He deferred further explanation to the applicant.

Chair Vakas opened the public hearing and asked the applicant to come forward.

Josh Woodbury, Woodbury Corporation, Applicant, approached the podium. He concurred with staff's recommendations but wished to add two more items to the recommendations. First, he noted that staff recommends a separate PDP for the interactive golf. Mr. Woodbury would like to include in that PDP the adjacent approximately two acres. Also, regarding landscaping, he wished to clarify that screening of parking is only required on South Park Boulevard and not on the internal streets and ring road. He believes this is an appropriate request because the screening along South Park Boulevard separates residential uses to the north. He feels the language as it reads now is somewhat vague and would like to have that item clarified.

Mr. Woodbury said they will continue to work with staff on traffic recommendations, particularly as it relates to timing of proposed improvements. He made note of recommendation 3, along the Harrison/I-35 off-ramp intersection. They will continue to examine the traffic impact study for this intersection, as well as for the work that is happening one intersection to the north, where work on Mahaffie Circle is happening. He believes those improvements will have an impact on existing conditions. Therefore, they wish to continue working with staff on the equitable participation of existing improvements that have to happen at Harrison and the I-35 off ramp.

Chair Vakas asked when the applicant expects to break ground on Phase 1. **Mr. Woodbury** said they hope to do so in May of 2019.

Mr. Woodbury addressed programming of the arena and confirmed that the primary use will be for ice hockey. The arena can be reconfigured for other sporting events, music concerts, and other types of programming. The adjacent community ice rink is in high demand will be used year round for various community uses. **Comm. Freeman** asked how this arena compares with Silverstein arena in Independence, Missouri, and questioned whether it will compete with the City's pursuit of a hockey league. Mr. Woodbury responded that this arena is smaller than the Silverstein arena, which also has a second sheet of ice next to it. He said their architects have been working with the owners of the Kansas City Mavericks and the owner of the developmental league that will use this arena, which will be an improvement over Silverstein.

There were no further questions at this time. **Chair Vakas** opened up the meeting to comments from the public. **John Duggan, 9101 West 110th Street, Overland Park**, approached the podium, appearing on behalf of Legato, LLC. His client owns 88.4 acres to the north of South Park Boulevard and owns the property with six lakes. They are concerned about stormwater detention. He questioned the 24 percent of open space/green space. He noted that in a 1993 agreement between his client and the City, the City agreed to maintain the six lakes, which are now predominantly filled with silt and need to be dredged. He said the expense of draining/dredging to accommodate stormwater drainage has not been studied. Additionally, he notes that this site was designed 30 years ago and the stormwater discharge requirements from then are vastly different from what they are today. However, the staff report limits comments to noting "...existing regional basins north of South Park Boulevard that serve the proposed development area." He agrees that that was true 30 years ago when they were built, but not today. He believes a study needs to be done to determine adequate stormwater detention. In summary, Mr. Duggan said his client insists that the lakes on their property be used for their own stormwater discharge and asks that this project be put on hold until proper analyses can be completed.

Mr. Duggan further stated that his client is concerned about the number of apartments to be built with this project, which will compete with the R-3 zoning that his client has on their property. **Comm. Vakas** asked for a map showing the lakes. Mr. Duggan noted again that the lakes have substantially filled in because of silt and are smaller than when they were originally designed.

Adam Mickelson, 12381 South Race Street, approached the podium. He said he went before City Council when the STAR bond was considered. He is concerned about the excessive public funding that the applicant is asking for, including TIFs, STAR bonds, CIDs, IRVs, as well as tax breaks from the City owning the arena. He strongly opposes the amount of public funding the applicant is asking for.

Overall, **Mr. Mickelson** agrees this is an appropriate type of development for this area. He is not sure this is the right time, or whether the applicant should make some modifications. He does not like the arena, and notes another arena is being proposed in Overland Park. He does not feel this is a very well planned development and questions what restaurants and businesses will draw people to the area. Mr. Mickelson does not like the apartment proposal and believes there are sufficient apartment complexes in the city, either existing or to be built. He proposes condominiums instead, which would be attractive to Millennials working at area businesses such as Garmin and provide more value overall.

There was no one else who wished to speak. **Chair Vakas** asked staff to address stormwater detention. **Chet Belcher, Public Works Department**, approached the podium. He said the ponds were examined as part of a larger study of all of Johnson County. He said all of the proposed development has been accounted for. He said as far as maintenance, he would talk to Stormwater staff and have the matter assessed. Chair Vakas asked what the total acreage of the six lakes is. Mr. Belcher was not certain. Chair Vakas asked if the City does have a legal obligation to maintain those lakes. Mr. Belcher said that yes, there is an agreement.

Comm. Nelson asked if the area being discussed is the primary source of water detention from the proposed development. **Mr. Belcher** said yes, just like it was for the Great Mall. He said regional standards are followed. Comm. Nelson asked if all practices will continue to be followed when the final plan is submitted, ensuring adequate detention and ways to absorb the water. Mr. Belcher said it was studied regionally, and they will meet that. It will not detract from the amount of space **Mr. Duggan's** client has to develop on their property. He added that the applicant is providing all treatment of stormwater on site. Comm. Nelson asked if a study has been done and whether there is data that is relevant to today's conditions. Mr. Belcher said the study was done in 1998 when the flood plain maps were created by Johnson County. Conditions were reverified when the railroad took a spur out in 2012 or 2013.

Chair Vakas noted that there is a great deal of existing pavement on the land now and asked how much more pavement is being added in terms of percentage. **Mr. Pendley** believes the applicant provided that figure in their civil plans and deferred to the applicant. Chair Vakas asked if there is a case to be made for pervious pavement. **Mr. Belcher** said it may be possible to implement that in this project, but they want something that will collect trash but can be easily cleaned out with equipment on site, rather than depending on something underground to absorb the water.

Chair Vakas asked Mr. Pendley to address the new additional items from the developer. **Mr. Pendley** said the additional items mentioned by Mr. Woodbury have been considered and agree that the lot adjacent to the golf facility should be included in stipulation B.(9). Staff also agrees that the standard of 100 percent screening should be concentrated on lots facing the public streets as identified in stipulation C.(3), but add external public street and outer access roads.

Comm. Nelson stated the issue before the Planning Commission is unrelated to any bond issues, and if this project does not move forward, the zoning still seems to clearly fit into what the Comprehensive Plan intends for this property. **Mr. Pendley** stated the project is relevant to the planned district zoning and consistent with goals for an urban mixed use center.

Comm. Freeman asked if apartments and condominiums fall under the same zoning. **Mr. Pendley** said yes, and even if it was a conventional R-4 multifamily, the same could apply. **Comm. Nelson** asked if the number of apartments could change substantially and require a public hearing. **Mr. Pendley** said no, not unless there is a significant increase, which they do not anticipate. **Ms. Nassif** clarified that there is a reasonable expectation by the developer that the number of apartments will not change significantly.

Comm. Nelson asked if the location of the residential could be burdensome to the outer commercial lots in close proximity. **Mr. Pendley** does not believe there will be any impacts.

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

Motion passed 5-0.

Comm. Fry thought discussion tonight was very good. He appreciates the comments about STAR bonds, but that is not something that is being discussed tonight. He is concerned about the landowner who is contracted to have their land well taken care of, which he believes is very important. Having a dedicated section of land for stormwater is very generous for the project, and he hopes that the City can take care of that in accordance with the contract. He sees this as an exciting project.

Chair Vakas appreciates Mr. Mickelson's and Mr. Duggan's concerns about too many apartments but notes that the city is growing at a rate of about 2,000 residents a year. He believes the city will continue to grow at that rate in coming years and there will continue to be a demand for multifamily, as well as other types of housing. **Ms. Nassif** agreed, and notes that there is a master housing study going on, studying all aspects of housing opportunities and choices.

Chair Vakas He agrees that the idea of condominiums would be appealing to young workers. The idea that there are opportunities for Mr. Duggan's client to develop their land in attractive ways.

Comm. Corcoran believes this is a fantastic development plan and use for a piece of property that has been a struggle for the City for many years. As plans become more detailed, he encouraged further focus on pedestrian circulation and public transportation.

Chair Vakas wished to further address Mr. Duggan's concerns related to stormwater management. He appreciates Mr. Belcher's comment about the stormwater management plan that was done 20 years ago, and that it was reexamined when the railroad spur was vacated. However, he wished it to be put on record that concern was expressed about City maintenance of the lakes, and that the City has an obligation to maintain the lakes.

Comm. Freeman added that he hopes that this development would be attractive to people bicycling in and out of the area, from the apartments to work locations such as Garmin. **Comm. Vakas** agreed that dedicated bike lanes are needed between this area and surrounding developments.

Motion by Comm. Freeman, seconded by Comm. Fry, to recommend approval of RZ18-0021, with the following reasons:

- (1) The proposed development complies with the ***Comprehensive Plan*** for Land Use which calls for an Urban Mixed Use Center with a high-quality concentrated mix of uses. In addition, the proposal adheres to the policies and goals of the *Comprehensive Plan* for Land Use and Economic Sustainability (Principles LUCC-6, ES-2 and ES-3).
- (2) The requested rezoning to PD district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.

Comm. Freeman's motion included recommending that the following stipulations be included in the ordinance, as amended.

- (1) The Planned District includes permitted, restricted and prohibited uses as established in Exhibit A. Any modifications to permitted uses must be requested and approved through the zoning amendment process.
- (2) All street improvements shall be provided in accordance with the traffic impact study and as required by the City Engineer.
- (3) All public improvements for each phase of development shall be completed prior to issuance of first Certificate of Occupancy for the respective phase.
- (4) A revised traffic study shall be submitted for any proposed changes in land use, as required by the City Engineer.
- (5) A ten (10) foot wide sidewalk shall be constructed along South Park Boulevard between Harrison Street/K-7 and 151st Street with respective phase of development.
- (6) Parking is established as shown on the preliminary development plan and reductions for shared parking are granted for certain uses as proposed on the parking distribution plan. Any changes to parking shall require separate review and approval per *Unified Development Ordinance (UDO)* requirements.
- (7) Public art shall be provided pursuant to City of Olathe Municipal Code, and the artwork shall be installed in visible locations throughout the development. The location for proposed artwork will be identified on appropriate final site development plans.
- (8) Open space, building setbacks, parking and paving setbacks, and phasing of development are established as shown on the preliminary development plan and as described in the Supplemental Design Package for Mentum Development.
- (9) The proposed golf facility and adjacent lot to the east, shall require approval of a separate preliminary site development plan.
- (10) A comprehensive sign package, including any exceptions to *UDO* requirements, shall be approved with the rezoning for Planned District.
- (11) The arena building design and materials shall follow the building elevations dated January 2, 2019.

- (12) The proposed commercial, office and multi-family residential buildings shall follow the *Mentum Design Standards and Guidelines* and include desired materials and design features to maintain a harmonious theme throughout the development.

Comm. Freeman's motion included recommending approval of the preliminary development plan with the following stipulations, as amended:

- (1) Final site development plans shall be approved prior to issuance of building permits for respective buildings.
- (2) The building design and height for all structures will be reviewed and approved during final development plan review.
- (3) Landscaping, screening and buffering shall be provided as shown on the preliminary development plan package. Screening details shall be included within final site development plans and maintained to provide 100% screening through the use of shrubs, berms, or walls for parking/paving areas facing external public streets and private outer access road per *UDO 18.30.130*.
- (4) Site lighting shall comply with the *Mentum Design Standards and Guidelines* and *UDO 18.30.135*. Details for Photometric plans lighting, poles and fixtures shall be submitted with final site development plans.
- (5) Pedestrian areas shall be provided according to the *Mentum Design Standards and Guidelines* and pedestrian crossings shall consist of stamped, colored concrete or similar decorative materials
- (6) Details for trash enclosures or compactors and screening for loading areas shall be submitted and approved with final site development plans per *UDO 18.30.130*.
- (7) 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*.
- (8) The parking lots shall accommodate electrical charging stations where feasible and bicycle racks shall be provided in the multi-family areas and near the commercial courtyard or plaza.
- (9) The developer shall coordinate with Johnson County Transit to determine appropriate locations for bus stops and shelters within the development area.

Aye: *Freeman, Nelson, Fry, Corcoran, Vakas (5)*

No: *(0)*

Motion was approved 5-0.



City of Olathe

City Planning Division

MINUTES – Other Matters

Planning Commission Meeting: January 14, 2019

Chair Vakas noted that the next Planning Commission meeting is scheduled for Monday, January 28, 2019, at 7:00 p.m. He also reminded that the City's annual Martin Luther King celebration will be held on Sunday, January 20, 2019, at Mid America Nazarene University, from 3:00 to 5:00 p.m.

There were no other announcements.

Meeting adjourned.