



City of Olathe

City Planning Division

## **MINUTES – Opening Remarks**

**Planning Commission Meeting: April 8, 2019**

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

*Recited Pledge of Allegiance.*

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

A motion to approve MN19-0325, the meeting minutes from March 25, 2019, was made by Comm. Sutherland and seconded by Comm. Freeman and passed with a vote of 7-0.



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<b>Application:</b>	<b><u>MP19-0004</u></b> Request approval for a minor plat for <b>The Landings at Stone Creek Fifth Plat</b> containing 3 lots on 0.28± acres; located north of the intersection of W. 123 <sup>rd</sup> Terrace and S. Prairie Creek Road.
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*A motion to approve MP19-0004 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Freeman and passed with a vote of 7-0, 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 Planning Division.
- B. The sidewalk serving the lots included within this minor plat shall be constructed prior to issuance of a certificate of occupancy.
- C. Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities' meter banks and coolers shall be screened from public view with three-sided landscaping or with an architectural treatment compatible with the building architecture per UDO, Section 18.30.130.1.6.



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<b>Application:</b>	<b><u>FP19-0003</u></b> Request approval for a final plat for <b>Hickman Farms Estate</b> containing 1 lot on 3.59± acres; located at the southwest corner of the intersection of Parker Street and W. 124 <sup>th</sup> Street.
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*A motion to approve FP19-0003 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Freeman and passed with a vote of 7-0, with the following staff stipulations:*

- A. City acceptance of the sewers on the subject property shall occur prior to issuance of a certificate of occupancy for the single-family home on the subject property.
- B. The driveway located at the corner of Parker Street and W. 124<sup>th</sup> Terrace shall be removed prior to issuance of a certificate of occupancy.
- C. The final plat shall be recorded prior to issuance of a certificate of occupancy.



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<b>Application:</b>	<b><u>FP19-0004</u></b> Request approval for a final plat for <b>Olathe Station Four</b> (a replat of all of Lot1A, Olathe Station Three) containing 3 lots and 1 common tract on 14.59 acres; located at the southeast corner of Strang Line Road and Strang Line Court.
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*A motion to approve FP19-0004 on the Consent Agenda was made by Comm. Sutherland and seconded by Comm. Freeman and passed with a vote of 7-0, 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 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.
- C. 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.



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<b>Application:</b>	<b><u>RZ19-0001</u></b> Request approval for a rezoning from R-3 District to R-4 District and preliminary plan for Saddlewood Apartments on 18.99 acres; located in the vicinity of W. 154 <sup>th</sup> Street and S. Brentwood Street.
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Dan Fernandez, Planner II, appeared before the Planning Commission, summarizing this request for rezoning from RP-3 to R-4, and approval of a preliminary site development plan for Saddlewood Apartments, consistent of four apartment buildings with 444 total units and a density of 23.4 units per acre.

**Mr. Fernandez** noted that a preliminary site development plan for 360 units was approved in 1998; 92 have been built to the north of the subject property, resulting in 536 units at total build-out.

**Mr. Fernandez** stated the applicant has mailed the required public notifications and held a neighborhood meeting that was attended by 21 residents. Issues discussed included building height, parking, construction timeline, history of the developer.

**Mr. Fernandez** presented a zoning map and noted the subject site in relationship to surrounding properties, including R-3 for senior housing and industrial and commercial to the west. Mr. Fernandez then presented a plan for the site and noted that the applicant meets all setback requirements. He said Buildings A and D reduce to three stories as they approach Brentwood. Open space requirements have also been met, and a 3 to 6-foot berm is included along Brentwood. A second pool area, a walking path and dog park are part of the plan, and staff stipulates that gardens and seating areas be included along the green space. There are walking paths within the site that will connect to interior sidewalks and existing sidewalks along the streets.

**Mr. Fernandez** said that there are 824 parking spaces provided, which is about 1.86 spaces per unit, which exceeds the UDO requirement of 1.5 spaces per unit.

**Mr. Fernandez** said that nearby residents are concerned about traffic. He noted that surrounding streets are built to collector street standards, which are designed to take in the added trips that will come with this development. The applicant plans to develop the site from the northwest to the southeast. The first phase will consist of removing a basketball court and construct parking for residents. Phase 2 will be construction of Building A, Phase 3, Building B, Phase 4, Building C, and Phase 5, Building D.

**Mr. Fernandez** noted that the landscape plan shows landscaping on the berm along Brentwood. He added that the building meets all design requirements for amount of glass on primary elevations, as well as height requirement when located next to single-family residential has been met. Buildings are located between 144 and 300 feet from single-family property. All sides of the building facades meet the Category 1 material requirement of 70 percent on each elevation although not all elevations are primary. **Mr. Fernandez** presented line-of-sight drawings for all buildings.

**Mr. Fernandez** stated that three waivers are being requested. One is for a 20- to 25-foot landscape buffer on property lines adjacent to industrial zoning. The requirement is for a 75-foot buffer with no landscaping. The second waiver is for parking/paving setback for multifamily districts, which requires 30 feet; the applicant is proposing 20 feet for a small section. The third waiver is for a required six-foot berm along property lines adjacent to single-family homes. The applicant is providing a 3- to 6-foot berm. Staff is supportive of all waivers as submitted.

**Mr. Fernandez** noted that neighbors also had concerns about height of the buildings, setbacks and parking. Taking note of the concerns of the neighbors and hearing staff's comments, the applicant revised the plan to show 4-story buildings stepping down to 3-story buildings as they approach Brentwood. Setbacks were also increased to 116 feet, and a landscape berm was added along Brentwood for additional screening. Also, after hearing comments from neighbors, the applicant has removed an interior street, which increased green space and parking. The parking ratio for this development is greater than many other developments that have previously been approved. **Mr. Fernandez** said staff recommends approval of this application.

**Comm. Sutherland** asked where the 3-foot berms versus 6-foot berms will be. **Mr. Fernandez** indicated the berms on the site plan and deferred further verification of placement to the applicant. **Comm. Fry** questioned, if zoning was not changed for this property, what type of development would be allowed. **Mr. Fernandez** replied that 17 units per acre would be allowed as it is now zoned. **Comm. Rinke** asked if 17 units per acre would be allowed in a planned district. **Mr. Fernandez** responded that a request would have to be made and the plan would have to be revised.

**Chair Vakas** opened the public hearing and asked the applicant to come forward. **Aaron March, Rouse Frets White Goss**, 4510 Bellview, Kansas City, approached the podium, appearing behalf of the applicant and the owners of the property. **Mr. March** started by introducing members of the team involved in this project. After working with staff and listening to comments from neighbors, he believes they have come up with the best project possible for this site.

**Mr. March** presented photos of the site, pointing out buildings and adjacent properties. They plan to build taller, higher-quality buildings in order to get above the sight lines on the west. Repainting of existing buildings will start soon, and landscaping has already been installed. Rents at this property would be approximately \$1,500 per month for a one-bedroom apartment. They strive to set a new standard of quality for this area. Building taller buildings allows them to provide better housing for people in terms of the views from their apartments. Area to the south will mostly remain open in response to comments received from neighbors. **Mr. March** said that these four buildings will create a sense of community in this area.

**Mr. March** presented several additional photo perspectives of the four buildings and described each in detail. Line of sight studies have been done and submitted. **Mr. March** agrees with staff's recommendation for approval because they comply with the Comprehensive Plan, and because they exceed design standards. He said this project will have the highest per-unit parking of any recently-approved projects because of concerns expressed by neighbors.

Finally, **Mr. March** said that staff asked if the applicant would consider moving trash receptacles away from Brentwood. He said they will examine that possibility and have an answer before meeting with City Council. Also, there was a request to relocate a drive further to the north. He said they will study that possibility and move it if possible.

**Comm. Freeman** asked about timing on the phasing. **Mr. March** responded that they hope to start Phase 2 as soon as possible after approval, including additional parking.

**Bill Seiler, 1554 South Hillside, Unit 3903**, approached the podium and spoke in opposition to the project. He lives in the Villas of Asbury and is president of their home association. He is

concerned about Phase 5, specifically the four-story buildings. He requests that the rezoning on Phase 5 be deferred, and/or site development on Phase 5 not be approved as it relates to four stories.

**Tyler Nunemaker, 18302 West 155th Street**, approached the podium. He is the treasurer for Saddlewood Downs home association. They are concerned about parking, noting that apartment residents have parked within their neighborhood on multiple occasions. He said they are working with the developer to establish "No Parking" zones on 153rd, 154th, and 155th Streets, and 153rd Court. Also, he is working with the developer to replace trees that are either not mature or some that have died.

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

*Motion passed 7-0.*

**Comm. Fry** appreciates the developer and their willingness to work with the neighbors to better this project. **Comm. Sutherland** agreed with Comm. Fry's comments. He is a resident of Saddlewood Downs and believes this will be a good addition to the community. **Chair Vakas** asked if there were any concerns about having four stories. **Comm. Freeman** responded that the elevations look good and appreciates feedback from neighbors. He is fine with the recommendations and stipulations as written in the staff report. **Comm. Nelson** said this request is reasonable and sees this as a solid plan. He said moving the drive is not simple because there could be other implications, but the layout looks good and well thought through.

*Motion by Comm. Freeman, seconded by Comm. Sutherland, to recommend approval of RZ19-0001, for the following reasons:*

- (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Housing and Neighborhoods (Principle HN-1.8 HN-2.1 and LUCC-7.1).
- (2) The requested rezoning to R-4 district meets the Unified Development Ordinance (UDO) criteria for considering zoning applications, with exceptions to certain requirements as noted.
- (3) The proposed development as stipulated meets composite design standards for **Site Design Category 3** (UDO 18.15.115) and **Building Design Category B** (UDO 18.15.030).

*Comm. Freeman's motion included recommending that the following stipulations be included in the ordinance:*

- (1) A final plat shall be approved and recorded, and all excise fees paid prior to issuance of a building permit.
- (2) A final site development plan shall be approved prior to submitting for building permits.

*Comm. Freeman's motion included recommending that the following stipulations be included in the final site development plan:*

- (1) A waiver shall be granted to permit a 20-foot parking/paving setback for a portion of the section along Brentwood Street as shown on the preliminary site development plan.

- (2) A waiver shall be granted to permit the berm within the Type 3 Landscape Buffer to range from 3 to 6 feet as shown on the preliminary site development plan.
- (3) A waiver shall be granted to permit the berm within the Type 5B Landscape Buffer to be 20 to 34 feet in width as shown on the preliminary site development plans.
- (4) The dog park shall be relocated, or the stormwater basin redesigned with the final site development plan application.
- (5) Aerial apparatus access for Building A, Building B, Building C, and Building D that shows the revisions, with dimensions, as required by the Fire Department shall be approved with the final site development plan.
- (6) The final site development plans shall provide a road at least 26 feet wide on one side of the building, located at least 15 feet and no more than 30 feet from the building. Where no landscaping is provided (asphalt/concrete only), this requires a 41-foot minimum wide road that fronts each building to allow for aerial apparatus operations.
- (7) All portions of the building will be required to be within 600 feet of a hydrant (travel distance) for sprinklered buildings (IFC Section 507.5.1, Ex 2).
- (8) A fire department connection (FDC) is required within 100 feet of a hydrant for sprinklered buildings. The FDC is required to be accessible from a fire apparatus access road. The City of Olathe Fire Code Amendment 16.05.340 requires a 4-inch Storz quick coupling connection (IFC Section 507.5.1.1).
- (9) Details of the parking lot lighting poles and fixtures per Section 18.30.135 of the UDO shall be submitted with the final site development plan.
- (10) Sitting/picnic areas shall be added and shown in the middle greenspace with the final site development plan submittal.

*Aye: Sutherland, Freeman, Nelson, Rinke, Fry, Corcoran, Vakas (7)*

*No: (0)*

*Motion was approved 7-0.*



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**MINUTES – Other Matters**

**Planning Commission Meeting: April 8, 2019**

**Chairman Vakas** noted that the next Planning Commission meeting is scheduled for Monday, April 22, 2019, at 7:00 p.m.

*Meeting adjourned.*