



Planning Division

MINUTES – Opening Remarks

Planning Commission Meeting: October 28, 2019

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

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 MN19-1014, the meeting minutes from October 14, 2019, was made by Comm. Allenbrand and seconded by Comm. Fry and passed with a vote of 9-0.



Planning Division

MINUTES

Planning Commission Meeting: October 28, 2019

Application:	<u>PR19-0017:</u> Request approval for a revised preliminary site development plan for Business Garage Authority on 3.32± acres; located at 15571 S. Mahaffie Street.
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A motion to approve PR19-0017 on the Consent Agenda was made by Comm. Allenbrand and seconded by Comm. Fry, and passed with a vote of 9 to 0 with the following staff stipulations:

- a. A final site development plan must be approved prior to issuance of a building permit.
- b. A sidewalk must be provided along S. Mahaffie prior to final site development plan approval.
- c. A photometric plan and detailed cut sheets of all pole and building lighting must be submitted with the final site development plan per UDO Section 18.30.135.
- d. A note must be included on the final site plan and elevations "All ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, must be screened from public view with three sided landscaping or an architectural treatment compatible with the building architecture."
- e. Automatic sprinklers are required for storage occupancies that exceed 12,000 square feet for fire areas. Fire walls are shown on the new plans to indicate the buildings will be subdivided. Where self-storage is proposed, building fire areas that exceed 2,500 square feet require automatic sprinklers. If building fire area limitations are used to address these requirements, high-piled combustible storage (12 feet for ordinary combustibles and 6 feet for plastics) would require automatic sprinklers.
- f. 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)
- g. 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).

- h. Sign permits are required for all wall and monument signs in accordance with UDO Section 18.50.190.



Planning Division

MINUTES

Planning Commission Meeting: October 28, 2019

Application:	PR19-0023: Request approval for a preliminary site development plan for Ko Martial Arts Shops of Sunnybrook 0.94± acres; located at the southeast corner of Noble Drive and College Boulevard.
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A motion to approve PR19-0023 on the Consent Agenda was made by Comm. Allenbrand and seconded by Comm. Fry, and passed with a vote of 9 to 0 with the following staff stipulations:

- a. A final site development plan application must be submitted and approved prior to submitting for building permit.
- b. A waiver from 18.15.040.D is granted to permit 13% glass on the north elevation as shown on the submitted elevations.
- c. Additional architectural features including changes in material or color must be added to the north elevation on the final site development plan.
- d. Parking/paving landscaping on the east of the parking lot, landscaping around the dumpster enclosure and ornamental trees along the north property line are required with the final site development plan.
- e. The final site development plan must include notes for all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, must be screened from public view with landscaping or an architectural treatment compatible with the building architecture in accordance with the UDO requirements.



Planning Division

MINUTES

Planning Commission Meeting: October 28, 2019

Application:	<u>MP19-0018:</u> Request approval for a minor plat for The Landings at Stone Creek Sixth Plat containing 4 lots on 0.44± located 21664 West 123rd Terrace
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A motion to approve MP19-0018 on the Consent Agenda was made by Comm. Allenbrand and seconded by Comm. Fry, and passed with a vote of 9 to 0 with the following staff stipulations:

- a. Sidewalks must be constructed on both sides of all public and private streets.
- b. The developer is responsible for planting street trees, subject to *UDO 18.30.130 G* at the completion of each phase of development.
- 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.



Planning Division

MINUTES

Planning Commission Meeting: October 28, 2019

Application:	<u>MP19-0019:</u> Request approval for a minor plat for Townhomes at Fairfield Village, Fiftieth Plat containing 3 lots on 0.26± located 167th Terrace and Kimble Street.
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A motion to approve MP19-0019 on the Consent Agenda was made by Comm. Allenbrand and seconded by Comm. Fry, and passed with a vote of 9 to 0 with the following staff stipulations:

- a. Sidewalks must be constructed on both sides of all public and private streets.
- b. The developer is responsible for planting street trees, subject to *UDO 18.30.130 G* at the completion of each phase of development.
- 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.



Planning Division

MINUTES

Planning Commission Meeting: October 28, 2019

Application:	<u>FP19-0023:</u> Final Plat for Mahaffie Warehouse, Second Plat
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A motion to approve FP19-0023 on the Consent Agenda was made by Comm. Allenbrand and seconded by Comm. Fry, and passed with a vote of 9 to 0 with the following staff stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) will be submitted to the Planning Division.
- b. 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. All utility boxes shall be screened per Section 18.30.130 of the UDO.



Planning Division

MINUTES

Planning Commission Meeting: October 28, 2019

Application:	<u>RZ19-0020</u> Rezoning from C-2 to Downtown, Core District and preliminary site development plan for Chestnut North Mixed-Use Building
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Aimee Nassif, Chief Planning and Development Officer started by stating that the Downtown Library was not on the agenda tonight. Both the City's Library Master Plan and Envision Plan have identified that a future vision for a new and improved downtown library dating back to 2003. The City continues working in that effort and hope to have plans to share in the near future. Ms. Nassif stated that there is and will continue to be a library downtown.

Comm. Nelson stated that he currently serves as chairman of the Downtown Olathe Business Association, and in that role, received public notices for the neighborhood meeting and the public hearing tonight. He attended the neighborhood meeting, and also reported communications with community members who expressed their thoughts and views regarding parking issues, building appearances, and access issues regarding this project. He further stated that no information that has been shared with him is beyond what has been shared at the neighborhood meeting or staff report, and his decision this evening will be based on the UDO and information presented and discussions held tonight.

Emily Carillo, Senior Planner, presented a proposal by Milhaus of two separate sites with separate rezoning applications, preliminary site plans, and associated plats. She will make one presentation but will address each rezoning separately.

RZ19-0020 – Ms. Carillo presented this request for a rezoning approximately 1.4 acres from C-2 to D Downtown Core, and a preliminary site development plan for Chestnut North mixed-use building, located at the southwest corner of Santa Fe Street and Chestnut Street. The property was zoned to C-2 in 1970 and is surrounded by D-Downtown to the north and C-2 to the south, west and east. The use requested is for a mixed-use multi-family building with retail commercial tenants included. She added that the City's Comprehensive Plan identifies the property as an urban center downtown. **Ms. Carillo** then presented a history of the area.

Ms. Carillo described the proposal for a four-story mixed-use use building at the corner of Santa Fe and Chestnut, comprised of 1,700-plus square feet of ground floor retail space and 70 multi-family units. 41 on-site parking stalls and eight on-street parking stalls are proposed along with onsite amenities.

Ms. Carillo presented the elevations and described the building material used which incorporates a high amount of glass, brick, and wood-look metal paneling on the ground level. She added that all facades provide consistent architectural design that meet or exceed standards and aligns with the City's vision for the area. She notes entrances facing Chestnut, which are consistent with traditional design principles and character. The west elevation is adjacent to commercial to the west that faces Cherry Street. She added that this elevation contains the gated courtyard space on site and a door to access the trash compacting system. Additionally, pronounced pedestrian

scale is established on the ground floor, and there are patios and balconies, landscaping, and a mixed-use retail component.

FP19-0018: Ms. Carillo presented the associated final plat, noting that a cross-access easement will be included for emergency vehicle access and adjacent property owners, as well as the dedicated trash enclosure. She added that the plat complies with all applicable UDO requirements.

RZ19-0021: Ms. Carillo presented a request for a rezoning from C-2 to the D-Downtown Core District and a preliminary site development plan for Chestnut South multi-family building. The subject property is located adjacent to East Park Street between Chestnut and Water streets, and is approximately 1.98 acres in size. The site is currently the downtown library branch and includes 121 parking stalls. It is surrounded by C-2 to the north, south and west, and R-5 multi-family residential to the east. The applicant proposes rezoning to the D-Downtown Core District for this development. The Comprehensive Plan identifies this property as Urban Downtown. The building is four stories with a total of 170 residential units and office and amenities on the ground level. There 67 parking stalls on site and 46 angled stalls on the street. There is a gated landscaped courtyard area an on-site amenities, including a pool.

Ms. Carillo presented a landscape plan for the site showing street trees and planter beds are on exterior elevations. Connectivity through improved and landscaped sidewalks and proposed pedestrian connection are noted, which align with the City's Downtown Transportation and Connectivity Plan and future alley improvement plans.

Ms. Carillo presented elevations, noting that the north elevation is a primary façade and provides a uniform level of quality. Architecture design and materials meet and exceed code requirements and comprise traditional design principles in the Downtown District and align with revitalization efforts. Courtyard elevations reflect on-site parking and includes a pool.

Ms. Carillo next discussed parking. Most land uses in the area are public, civic and office uses dominate downtown Olathe, and contribute to the 9-to-5 culture. The proposed plan proposes shared parking complementary to the existing land use mix and support shared parking during off-peak hours. Staff anticipates that 30-35 percent of cars remain on site during work hours. She mentioned that this is the first major development project in downtown Olathe and staff will continue to evaluate needs and appropriate land uses as a comprehensive approach as redevelopment projects come through.

Ms. Carillo discussed parking downtown and results of the parking study which indicates that Block 8 is the busiest parking area in all of downtown with levels of occupancy over 85 percent. Utilizing adjacent parking and parking in an adjacent garage, the applicant is proposing a total of 413 spaces associated with this proposal. The applicant is proposing 54 public parking spaces between Block 6 and 10, an increase of 33 on-street parking spaces. Staff has reviewed parking supply and demands and does not find there is lack of parking downtown.

PF19-0019, South Ms. Carillo noted that on this plat, additional right-of-way is dedicated along Chestnut, Park and Water Streets to accommodate additional on-street parking and adjacent sidewalks. The plats apply with applicable UDO requirements.

Ms. Carillo noted that a neighborhood meeting was held on September 16th for both sites and approximately 20 property/business owners attended. Issues discussed included parking, number and types of units, and projected timeline. She stated that the applicant revised plans as a result of that meeting and significantly reduced the number of units and increasing the amount of parking. Staff has received ongoing correspondence from adjacent property owners expressing the same concerns. Ms. Carillo stated that the applicant met with several owners to explain changes and discuss any further concerns. She said the plans submitted meet or exceed all UDO requirements.

Ms. Carillo said staff recommends approval of RZ19-0020 and RZ19-0021 for the reasons listed in the staff report including alignment with the Comprehensive Plan and Envision Olathe Downtown Plan, and recommends approval as stipulated.

Chair Vakas opened the public hearing and asked the applicant to come forward. **John McGurk, Vice President of Development for Milhaus Development, 210 West 19th Terrace, Kansas City, Missouri**, approached the podium. He provided background information about Milhaus, noting that they focus on second-tier cities in the Midwest and are working on other similar projects in the Kansas City area. He said staff presented the project thoroughly and was available for questions.

Comm. Fry questioned the timing and coordination of the project. **Aimee Nassif, Chief Planning and Development Officer**, responded that plans for a permanent downtown library location have been underway prior to Milhaus Development's plan submitted. She emphasized that the library will remain open and functioning in the downtown area.. Also, staff is in communication with Johnson County regarding timing and coordination of parking when the new courthouse opens and adjustments will be made as needed. **Mr. McGurk** said Milhaus is on track to start construction in Spring 2020. He anticipates that the project would take between 14 to 24 months to complete. **Chair Vakas** asked if construction would begin at both sites at the same time. Mr. McGurk said they would likely start on the library site first and sequence construction to the north.

Comm. Nelson asked the applicant to explain shared parking experiences on Milhaus's other projects. **Mr. McGurk** responded that many buildings in the Plaza/downtown area that have shared parking arrangements, so the concept is not new. He notes that about 30 percent of cars may be on site during the day. He believes the garage has plenty of capacity and does not believe downtown Olathe has a parking problem, but rather a convenience problem.

Comm. Nelson asked how many cars are typically owned per unit or household. **Mr. McGurk** said they generally build for one parking space per unit. It is rare to see more than two cars per apartment. Comm. Nelson is also concerned about the short distance between the trash access and Santa Fe and how that will look. Mr. McGurk responded that the roll-up doors are on the alley, and believes the materials used on the non-primary facades far exceed what is typical. There will also be landscaping to buffer the view.

Chair Vakas asked if the units between north and south are comparable. **Mr. McGurk** said they are. Chair Vakas asked what retail could be expected. Mr. McGurk said they do not know at this time. There were no other questions of the applicant. Chair Vakas opened the meeting to the public.

Joe Vader, 901 South Diane Drive, noted that his law office is located at 104 East Popular. He expressed his love for Johnson County and Olathe. He thanked Milhaus for recognizing the potential and viability of Olathe, which he believes will make the project successful, providing they build a high-quality development. He is in support of the project as long as more commercial spaces, better parking, and better design and aesthetics are provided.

John Hood, 1501 East Sunvale Drive, said his accounting office is located at 100 East Park Street. He is concerned about how this project will affect the library and the Old Settlers event, but especially parking. He believes this project will impact parking for his employees, his clients, and handicap parking, and he will consider leaving Olathe if the parking does not improve. Also, he has not received any communication about this project other than the posted sign for the rezoning and through conversations with other business owners.

Elizabeth Leek, 14325 West 143rd Street, is the manager and representative of the Park Cherry building at 100 East Park. She is primarily concerned about how this project will further impact parking needs, and also that her tenants will not renew their lease in the Park Cherry building if

this project moves forward. Also, she notes that business owners were not formally notified about this project, only property owners.

Barry Martin, 14335 South Kaw Drive, is an attorney in the Park Cherry Building. His firm has been in the Olathe area since the early 1950s. He is certain that parking is an inherent problem in downtown Olathe and believes that what is proposed is grossly insufficient and is surprised staff came to the conclusion that parking is adequate. He further noted that liability the City will take on when tenants of the new buildings park in the city-owned parking garage.

Willie Vader, 122 North Cherry, owns a bar/deli in downtown Olathe. He would like to see a development such as this downtown, but not at the proposed location, and not at this time. The project will affect his business and feels the City is being very short-sighted. His primary concern is for the long term success and viability of downtown revitalization. Parking has always been an issue, and further eliminating parking spaces is very detrimental and will discourage more businesses coming to downtown Olathe. He fears he will need to move his business out of downtown Olathe.

Zach Thomas works at a law firm at **142 North Cherry**, said that while Milhaus has a good project, there is a problem with parking. He speaks on behalf of the seven lawyers in law firm, who all believe that lack of parking will impact their clients. He does not believe shared parking will work.

Cindy Jones, 15844 West 137th Street, is concerned about parking, but also questions potential issues with increased sewage and stormwater run-off. Also, she believes a rezoning would significantly increase traffic to the area, which is already difficult to navigate. She does not believe there is a need for apartments in the subject area, noting that other newly-built complexes in the metro area are not at capacity. She noted construction of a new apartment complex at 199th and Ridgeview has ceased. She also questioned the impact of additional parking on issues such as snow removal.

Brett Hall, 1513 South Pawnee Circle, is the current president of Johnson County Old Settlers. He provided background and history for Old Settlers, noting that parking is always an issue. This organization does not believe an apartment complex is viable, but believes retail is needed downtown. Old Settlers brings people and tax revenue to the city of Olathe.

John Jensen, 430 South Indian Wells Drive, commented that the Downtown designation is wrong for Chestnut South and believes it should be multi-family, which would raise the standards for the quality of the buildings and increases parking and setback requirements. He questioned if there has been a survey showing government workers willing to move to downtown apartments.

Ed Rice, 1101 East Ridgeway Drive, stated that he is opposed to this project, primarily because of parking. Also, he believes developers have been given a lot of advantages and incentives. He is also concerned about consequences to the library.

Beth Nelson, 411 West Park, is sad to see the library building go and questions whether there will be regrets in the future by demolishing that structure. She notes that other historic structures have been destroyed to make room for apartments. She believes retail would be helpful, but is concerned about adding apartments. She teaches at Oregon Trail and stated that her students use the library frequently and rely on the ability to walk. She asks that if the library must be demolished, that a temporary location is in place prior to the library closing. She is also concerned about parking, as well as traffic on Santa Fe.

There were no further comments from the public, and no questions by commissioners. **Chair Vakas** called for a motion to close the public hearing.

Motion to close the public hearing was made by Comm. Corcoran and seconded by Comm. Fry.

Motion passed 9-0.

Comm. Fry asked staff to re-address parking. **Ms. Carillo** responded that they recognize and are familiar with the concerns expressed tonight because parking has been discussed previously. She added that there is not a Downtown parking requirement for this district, for the intent of increasing density and walkability and downtown utilizes shared parking.

Comm. Fry asked staff to specifically address library parking. **Ms. Nassif** again stated that no plans have been finalized that can be shared at this time. However, items such as parking, pedestrian connectivity, bicycle parking, and public transportation are being fully vetted for all of downtown. Additionally, the new Johnson County courthouse will be adding over 220 surface parking stalls that do not currently exist. Staff will continue to take a comprehensive look at parking. .

Chair Vakas He said there is no question that City leadership is committed to a quality downtown library. **Ms. Nassif** notes that all cities have a unique character and design and they have worked with the developer to ensure that the Envision Olathe plan and the Comprehensive Plan are in line with that. There are specific guidelines for downtown development and the developer meets all of those..

Comm. Nelson noted that a majority of offices downtown are not required to provide parking. **Ms. Nassif** said that is correct, and that parking for downtown is not handled like suburban areas. Downtown is currently utilizing shared parking for land uses and visitors..

Comm. Nelson commented that the statistics talked about tonight regarding parking requirements applies for a different zoning, not Downtown. Also, any decisions to grant incentives are not made by the Planning Commission, whose responsibility is to apply the UDO. **Comm. Vakas** agreed, adding that City Council makes the decision to award incentives, and anyone with those concerns should raise them at the time this issue comes before City Council.

Comm. Fry asked staff to address topics of stormwater and zoning this area as something other than Downtown. non-downtown zoning and zoning it as mixed-use. **Neil Meredith, Development Review Manager, Engineering**, stated that Milhaus submitted a stormwater analysis. For the Chestnut North site, the impervious area will be decreased, creating a better stormwater situation for that site. For Chestnut South, Milhaus is not decreasing it more than 5,000 square feet, so no further requirements are triggered. All stormwater is draining to existing systems.

Comm. Nelson asked about alley access and whether the north site goes all the way to the businesses to the west. He asked if there is two-way traffic between the site and existing buildings. **Ms. Carillo** said there is. The dedicated alley that Comm. Nelson is referring to is the access point on the western portion of the north property, where there are private parking spaces adjacent to the properties owned by AJ Lang and Mark 4 Investments. She added that there is still room to maintain currently-existing parking.

Comm. Vakas asked if maintenance of the garage will be paid for by the developer. **Ms. Nassif** said if the zoning is approved, further details such as long-term maintenance will be determined.

Comm. Vakas asked about lack of overnight parking in the existing parking garage. **Ms. Nassif** responded that currently, 90 percent of occupants downtown are daytime users. When they leave at the end of the day is typically when you see the return of residents. She noted that surface parking and private parking is also being provided by Milhaus.

Comm. Fry asked staff to address potential impacts on traffic. **Zach Baker, Public Works, Traffic Engineer**, responded that Milhaus submitted a Traffic Impact Study. They believe the level of traffic to the area will remain the same general range.

Comm. Vakas feels that there is a resurgence of interest about downtown Olathe, which started with the new courthouse. He sees room for different building styles as the City continues to develop that area. He stated there are more buildings planned for downtown Olathe in the future, and he believes the parking will be sorted out over time. He acknowledges that Old Settlers is very important to Olathe, and no one wants to jeopardize that celebration. However, there will be disturbances and disruptions will occur. He understands everyone's comments on parking. He asked if it would be possible to add additional handicap parking spaces on the street. **Ms. Carillo** said that will be vetted out in a final plan.

Comm. Freeman asked about retail space and if there is a percentage requirement on a mixed-use designation. **Ms. Carillo** responded that there is not a designated percentage, but rather just incorporated that concept, as well as to increase pedestrian walkability through downtown.

Comm. Nelson is excited to think about development coming to downtown Olathe, other than government. He believes it is important to see private dollars being leveraged downtown. He notes that there is a disparity between experiences people have with parking and the calculations that are done to say the numbers should work. He acknowledges this is a huge shift in how downtown Olathe operates and will require some adjustment. However, he believes there needs to be a new vision for the future of downtown Olathe. He is excited about new development such as this, and it is the responsibility of the Planning Commission to follow the UDO.

Comm. Vakas asked if the business tenants could receive notice of matters such as this. **Ms. Carillo** said the developer is responsible for notifying property owners, and in turn, it is the property owners' responsibility to notify their tenants. She said these two applications are scheduled for City Council on November 19th.

Comm. Vakas notes that downtown Olathe is changing and evolving and will be significantly different a decade from now. He anticipates increase in retail and specialty shopping in the future, as well. He called for a motion.

Motion to recommend RZ19-0020 for approval as stipulated was made by Comm. Nelson and seconded by Comm. Sutherland, 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 Downtown Core District meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.
- (3) The proposed development as stipulated meets site and building design standards for the D-Downtown Core District (*UDO 18.20.210*).
- (4) The proposed development aligns with the overall vision and recommendations of the *Envision Olathe Downtown Plan* for Housing Options in Downtown and redevelopment opportunities within the District.

Comm. Nelson's motion included recommending approval of RZ19-0020 with no stipulations.

Comm. Nelson's motion included recommending approval of the associated preliminary site development plan for Chestnut North, subject to the following stipulations:

- (1) A final site development plan shall be approved, and final plat approved and recorded, with all fees paid prior to issuance of a building permit.
- (2) Genuine stucco, or similar Class 1 material will be used in the areas identified as stucco or fiber cement panels on the architectural elevations.

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

Aye: Youker, Sutherland, Freeman, Nelson, Allenbrand, Fry, Munoz, Corcoran, Vakas (9)

No: (0)

Motion was approved 9-0.



Planning Division

MINUTES

Planning Commission Meeting: October 28, 2019

Application:	FP19-0018 Final Plat for Chestnut North
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Please refer to RZ19-0020 for further discussion of this item.

Motion to approve FP19-0018 as stipulated was made by Comm. Nelson and seconded by Comm. Munoz, with the following stipulations:

- a. Prior to recording the Final Plat, a digital file of the plat (pdf format) must be submitted to the Planning Division.
- b. Prior to recording, the Final Plat will be updated to expand on Access Easement definition to include language consistent with City's standard Access Easement.

Aye: Youker, Sutherland, Freeman, Nelson, Allenbrand, Fry, Munoz, Corcoran, Vakas (9)

No: (0)

Motion was approved 9-0.



Planning Division

MINUTES

Planning Commission Meeting: October 28, 2019

Application:	<u>RZ19-0021</u> Rezoning from C-2 to Downtown (Core) District and preliminary site development plan for Chestnut South Residential Multi-Family Buildings
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Please refer to RZ19-0020 for further discussion of this item.

Motion to recommend RZ19-0021 be approved as stipulated was made by Comm. Sutherland and seconded by Comm. Nelson, 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 Downtown Core District meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.
- (3) The proposed development as stipulated meets site and building design standards for the D-Downtown Core District (*UDO 18.20.210*).
- (4) The proposed development aligns with the overall vision and recommendations of the *Envision Olathe Downtown Plan* for Housing Options in Downtown and redevelopment opportunities within the District.

Comm. Sutherland's motion included recommending approval of RZ19-0021 with no stipulations.

Comm. Sutherland's motion included recommending approval of the associated preliminary site development plan for Chestnut South, subject to the following stipulations:

- (1) A final site development plan shall be approved, and final plat approved and recorded, with all fees paid prior to issuance of a building permit.
- (2) Genuine stucco, or similar Class 1 material will be used in the areas identified as stucco or fiber cement panels on the architectural elevations.
- (3) Exterior ground-mounted or building-mounted equipment including, but not limited to, mechanical equipment, utilities' meter banks and cooler shall be screened from public view with three-sided landscaping or an architectural treatment compatible with the building architecture.

Aye: Youker, Sutherland, Freeman, Nelson, Allenbrand, Fry, Munoz, Corcoran, Vakas
(9)

No: (0)

Motion was approved 9-0.



Planning Division

MINUTES

Planning Commission Meeting: October 28, 2019

Application:	FP19-0019 Final Plat for Chestnut South
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Please refer to RZ19-0020 for further discussion of this item.

Motion to approve FP19-0019 as stipulated was made by Comm. Sutherland and, seconded by Comm. Munoz, with the following stipulations:

- a. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to the City Planning Division.

Aye: Youker, Sutherland, Freeman, Nelson, Allenbrand, Fry, Munoz, Corcoran, Vakas (9)

No: (0)

Motion was approved 9-0.

Before casting his vote, **Chair Vakas** encouraged the need for continuing dialog regarding the library. He also asks that concerns about parking be carried forward in the minutes so that City Council fully understands the number of constituents who are concerned.



Planning Division

MINUTES

Planning Commission Meeting: October 28, 2019

Application:	<u>RZ19-0022:</u> Rezoning from R-1 and RP-1 to the R-1 District and preliminary plat for Stonebridge Village
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Zachary Moore, Planner II, presented a request to rezone approximately 57 acres in south Olathe from R-1 and RP-1 District to R-1 District, to allow for a single-family home subdivision. He presented an aerial of the property, noting schools nearby. He further noted right-of-way for the future Lindenwood Drive, and existing subdivisions to the east, and future subdivisions to the west. There is also a city park to the north of the subject property. He then provided a view of the existing zoning of the site and a Future Land Use Map of the subject property. Surrounding areas are identified as Conventional Neighborhood and secondary greenway. The proposed rezoning conforms with the land use map designation as set forth in the Comprehensive Plan.

Mr. Moore reported that a neighborhood meeting was held on October 7th, attended by eight residents. Topics of discussion included street connections, home values, drainage, and tree preservation on site. Staff has received correspondence from the Spring Hill School District, who expressed concern about missing sidewalk links along 165th Street, and concerns with stormwater drainage in the area. Staff has included recommended stipulations that address both concerns.

Mr. Moore presented the preliminary plat proposing 168 lots to be built out in five phases, resulting in a density of approximately three units per acre. The applicant is providing connectivity to future and existing streets in six locations. The preliminary plat complies with the City's Transitional Lot Policy Standards, and sidewalks are provided on one side of all local streets with increased connectivity provided with a west-to-east connection between two lots, to make it easier for students walking to school. The applicant is also providing a 15-foot tree preservation easement at the north of the property. Staff is recommending that the applicant provide a 430-foot long, five-foot wide concrete sidewalk at the time of construction of the Phase 1 to complete a missing sidewalk link. Mr. Moore stated the sidewalk connection is being provided because it further aligns with goals and policies of PlanOlathe, and because it provides safety for students attending nearby schools.

Mr. Moore stated that rezoning to the R-1 follows Comprehensive Plan goals for housing and land use, and staff recommends approval of the rezoning and preliminary plat.

Chair Vakas opened the public hearing and asked the applicant to come forward. **John Duggan, 9101 West 110th Street, Suite 200, Overland Park**, approached the podium, representing Stonebridge Land and Cattle Company, LLC. He said they agree with staff completely, except for one issue with the sidewalk. He stated that the sidewalk was required to be completed upon annexation, as mandated by the City's annexation policy. He said the City annexed the public right-of-way and the school site and did not finish the sidewalk as required. Now, the developer is being asked to fix this problem. The developer said they would install the sidewalk, although they are not financially responsible to do so. He said he contacted the City's attorney prior to tonight's meeting to work the problem out, but was unsuccessful. The applicant

proposes installing a temporary asphalt sidewalk for the next few years, at their expense, until such time as they are ready to build Phase 3. At that time, they will put in the berm, tear out the temporary sidewalk, and install a five-foot wide concrete sidewalk, all at their expense. He said City staff said no. Mr. Duggan is asking that the Planning Commission approve this project with a change in stipulation to reflect that the applicant will immediately install a temporary asphalt sidewalk in the public right-of-way, until such time as they are ready to begin Phase 3 in the adjacent area.

Chair Vakas opened the public hearing. **Comm. Fry** asked staff to address the proposed asphalt sidewalk. **Mr. Moore** said staff does not intend for the applicant to construct a public sidewalk in a private landscape tract. He recommends changing the language to “adjacent to Tract F.” He deferred further comments to Public Works. **Aimee Nassif, Chief Planning and Development Officer** said staff was aware of the problem with the stipulation. Also, when sites don’t meet UDO or Comprehensive Plan requirements or expectations, they wait for opportunities such as this to address the problem. She said maintaining an asphalt trail is more difficult, as well as it’s not as safe for ADA compliance or for children walking to school.

Chet Belcher, Transportation Manager, said that it is common practice to build a sidewalk to property, which is where the mistake was made. He noted that 167th and 165th Streets have 12 children crossing the street during peak hours. There need to be 25 children crossing in order to qualify for a school crossing guard.

Comm. Fry asked about using asphalt versus concrete. **Mr. Belcher** said once the sidewalk goes in, there’s no reason it should be torn out. He does not understand the advantage of using asphalt, which they do not maintain. **Ms. Nassif** added that there is no timeline of when this phase would be developed. If asphalt is allowed, it could be many years before it is removed and replaced. She believes it makes more sense for realizing quality of life initiatives and strategies, and now is the best opportunity for the sidewalk. **Mr. Duggan** feels no one is addressing the fact that this is not the developer’s problem, but rather something that the school district – as the prior property owner – didn’t finish before it was annexed. He again said finishing the sidewalk is not their responsibility. Also, there are no streetlights on this street, which are required on collector roads. He also said there are utilities along that street. **Comm. Fry** asked if asphalt is put in now, is there some way to make sure that it is concreted by the time Phase 3 is developed. **Ms. Nassif** stated that the UDO requires a sidewalk in R-1 District zoning. **Mr. Belcher** agreed with **Ms. Nassif**. **Chair Vakas** asked if it makes sense to allow an asphalt sidewalk with a time limit. **Mr. Belcher** does not think so. Once it is installed, it becomes the City’s property. In his opinion, the cost of installing and removing asphalt is a complete throw-away.

Chair Vakas asked for the status of street lights. **Mr. Belcher** said he could explore that possibility and come back to the Planning Commission in four weeks to talk about that. **Chair Vakas** asked if this matter needs to be continued. **Ms. Nassif** said staff is not stipulating anything about lighting at this time, but they can vet that internally and communicate with the applicant directly.

Comm. Freeman asked if sidewalks have to be concrete per the UDO. **Ms. Nassif** said five-foot wide concrete sidewalks are required.

Comm. Nelson asked **Mr. Moore** to clarify the design of the cul-de-sac on 163rd Terrace and whether there was thought given to putting a home in rather than green space. **Mr. Moore** said the City would prefer to have green space along Lindenwood. Landscaping is required in the tracts along collector roadways. **Comm. Nelson** asked if there is an intent to connect the road to Lindenwood. He is thinking from a safety or future planning perspective what could be located there. **Mr. Moore** does not believe many drivers would want to make that connection, although fencing could be included there, as well, to deter a driver.

Comm. Corcoran asked if all the school district's concerns have been addressed, including the sidewalk connection. **Mr. Moore** said they have, and said the school district is happy with the stipulations staff has recommended. **Chair Vakas** called for a motion to close the public hearing.

Motion to close the public hearing was made by Comm. Nelson and seconded by Comm. Allenbrand.

Motion passed 9-0.

Chair Vakas does not want to put the developer in the position of building a concrete sidewalk that has to be repaired. **Mr. Belcher** agreed. Staff believes this is the best way to move forward.

Mr. Duggan re-approached the podium. He said his client believes that if the City is so confident there will never be any repairs to it, they are happy to put concrete in one time only, and if something happens, the City can repair it.

Mr. Munoz asked if the developer is required to fix the sidewalk if it is damaged. **Mr. Belcher** said that whoever breaks it is responsible to fix it.

Motion to recommend RZ19-0022 for approval as stipulated was made by Comm. Corcoran and seconded by Comm. Allenbrand, for the following reasons:

1. The proposed development complies with the policies and goals of the Comprehensive Plan for Housing and Land Use (Principles HN-2.2 and LUCC-6).
2. The requested rezoning to R-1 district meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.

Comm. Corcoran's motion included recommending approval of the rezoning to the R-1 district as presented, with no stipulations.

Comm. Corcoran's motion included recommending that the following stipulations be addressed with the final plat:

1. A final plat must be approved and recorded prior to issuance of building permits.
2. The stormwater runoff rate directed to the USD 230 property must match the existing, undeveloped peak runoff rate after the Stonebridge Property is developed. Detailed calculations will be required with the street and storm sewer public improvements.
3. A 5-foot wide concrete sidewalk must be constructed with the first phase in **adjacent to** Tract F, along the north side of W. 165th Street, tying into the sidewalk at the adjacent property line of Woodland Spring Middle School and extending northeasterly to S. Britton Street.
4. Landscaping provided in each common tract will be identified on a landscape plan submitted with the final plat for each respective phase of development.
5. Final plats must include a Tree Preservation Easement (TP/E) along the northern property line, as identified on the preliminary plat.
6. As required by the *UDO*, all exterior mechanical equipment or utility cabinets located within front yards or corner lots must be screened from public view with landscaping.
7. Prior to approval of a final plat for Phase 2, a revised street tree plan must be provided showing street trees in front of Lots 57 and 58.

8. Street names must be finalized and provided prior to recording the final plat.

Aye: Youker, Sutherland, Freeman, Nelson, Allenbrand, Fry, Munoz, Corcoran, Vakas (9)

No: (0)

Motion was approved 9-0.

MINUTES

Planning Commission Meeting: October 28, 2019

Application:	<u>SU19-0006:</u> Special Use Permit renewal for keeping chickens on a lot less than 3 acres.
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A motion to continue SU19-0006 to a future Planning Commission meeting was made by Comm. Freeman and seconded by Comm. Sutherland and passed with a vote of 9 to 0.



Planning Division

MINUTES

Planning Commission Meeting: October 28, 2019

Application:	<u>VAC19-0004</u> Vacate an Existing Utility Easement at Central Elementary School
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Andrea Fair, Planning Intern, presented a request to vacate an existing 12-foot utility easement at 305 East Cedar. The subject property borders Central Elementary School on the east side and is currently owned by the Olathe School District. The school district is working to relocate surface utilities in order to provide additional play space. The easement was recorded on the Millbrooke Plat in 1959. Public Works has reviewed this proposed vacation and recommends approval as proposed. She noted that there is access to East Cedar, and there are no proposed changes to access to drives and public utilities.

Ms. Fair stated that the applicant mailed notification letters as required by the UDO. Staff has not received any concerns or feedback at this time. Therefore, staff recommends approval of the vacation of the existing utility easements.

Chair Vakas opened the public hearing and asked if the applicant had anything to add; they did not. **Chair Vakas** called for a motion to close the public hearing.

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

Motion passed 9-0.

Motion to recommend VAC19-0004 for approval as proposed was made by Comm. Freeman and seconded by Comm. Sutherland.

Aye: Youker, Sutherland, Freeman, Nelson, Allenbrand, Fry, Munoz, Corcoran, Vakas
(9)

No: (0)

Motion was approved 9-0.



Planning Division

MINUTES – Other Matters

Planning Commission Meeting: October 28, 2019

Chair Vakas announced that that tonight is Commissioner Munoz's last meeting. He is moving out of the Olathe area to explore a new opportunity. He thanked Mr. Munoz for his significant contributions to the Planning Commission, and wished him continued success. Mr. Munoz feels fortunate to have had this opportunity to serve.

Chair Vakas stated that the next Planning Commission is scheduled for Monday, November 25, 2019.

There were no other announcements.

Meeting adjourned.