

bar and billiards tables. Salvation Army is located to the west of the subject property. The property under this ownership extends from Ridgeview Road to the break between the existing buildings. This site is approximately one-third of the overall development located at the southwest corner of Santa Fe and Ridgeview Road. The entire shopping area, Eastgate Shopping Center, consists of two separate ownerships and developments.

The subject property includes an attached laundry mat that will not be renovated as part of this project.

The applicant has worked extensively with staff on various designs for the proposed restaurant and market to meet screening requirements, building design guidelines and parking standards.

2. **Utilities:**

The site is located within the City of Olathe water and sewer service area. The proposed facility will require a grease interceptor on both sides of the development per Title 15 of the Municipal Code §15.17.125.

Line extensions, service connections and/or upgrades are subject to review and approval by the Engineering and Utilities Divisions of Municipal Services Department.

3. **Setbacks:**

A. Parking/Paving: The minimum parking/paving setback is fifteen (15) feet from street right-of-way and ten (10) feet from other property lines. The existing parking lot is nine (9) feet from Santa Fe Street right-of-way and seven (7) feet from Ridgeview right-of-way so it does not currently meet the setback requirement. A nonconforming situation permit was granted previously for the existing parking/paving setback.

B. Building: The minimum building setback from arterial street right-of-way is forty (40) feet and ten (10) feet from other property lines. The existing building meets the setback requirement from street right-of-way but the proposed side setback is six (6) feet from the west property. The existing building is currently attached to the building to the west by a thin masonry connection at the roofline. The applicant has proposed that this feature be removed to make the existing building fully freestanding. Staff supports a nonconforming situation permit for the side setback on the west property line since the proposed development does not expand the existing nonconforming situation.

4. **Access:**

Access to the site will be provided from an existing cross-access drive on the west property line as well as existing entrances on Ridgeview Road and Park Street.

5. **Parking:**

The existing parking on the subject property meets current Unified Development Ordinance (UDO) requirements for parking. The existing 120 parking spaces on the subject property will be restriped prior to certificate of occupancy. The proposed restaurant and retail market require 119 spaces. There is a shared parking agreement for the subject property within the shopping center. The five (5) required accessible spaces will be designated with vertical signage and painted symbols pursuant to UDO §18.60.050.

6. **Landscaping:**

The applicant has proposed a variety of shrubs on the north and east sides of the existing building to comply with foundation landscape requirements.

7. **Sidewalks:**

The applicant will repair the existing sidewalks along the north and east sides of the building.

8. **Building Design/ Materials:**

The existing building materials consist of brick, metal columns and a metal awning. As part of the proposed changes, the metal awning will be removed from the front of the building. It will be replaced by metal-framed facades with a brick and EIFS finish. The roofline will be changed to include EIFS parapets to screen existing and proposed mechanical equipment. The columns on the north side will be completely faced in brick and the columns on the east side will be faced with brick at the base and covered with an EIFS veneer between the base and the top of the column. The metal awning will remain on the east side to provide continuity between the proposed market and the laundry mat. The existing masonry connection between the Salvation Army building to the west and the subject building will be removed.

Line-of-sight drawings have been provided to show the views of the building from Santa Fe Street and Ridgeview Road. The proposed parapets will improve screening for existing and proposed rooftop mechanical equipment.

9. **Staff Recommendation:**

Staff recommends approval of PR-10-023 subject to the following stipulations:

- a. A grease interceptor is required for both sides of the proposed development per *Title 15 of the Municipal Code, §15.17.125*.
- b. A nonconforming situation permit shall be granted by the Planning Commission for the proposed side setback of six (6) feet from the west property line.
- c. All accessible parking spaces shall be designated with vertical signage and painted symbols pursuant to *UDO §18.60.050*.
- d. All parking shall be restriped prior to issuance of a certificate of occupancy.

- e. All sidewalks around the building shall be repaired prior to issuance of a certificate of occupancy.
- f. Sign permit applications shall be submitted and approved prior to installation of any wall signs and/or monument signs.
- g. The building permit plans shall comply with the *Guidelines for Screening of Rooftop Mechanical Equipment*.
- h. All on-site wiring and cables shall be placed underground.
- i. As required by the *UDO*, 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.
- j. 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.

Motion by Commissioner Rinke, seconded by Commissioner Ling, to approve PR-10-023, subject to the following stipulations:

- a. A grease interceptor is required for both sides of the proposed development per *Title 15* of the *Municipal Code*, §15.17.125.
- b. A nonconforming situation permit shall be granted by the Planning Commission for the proposed side setback of six (6) feet from the west property line.
- c. All accessible parking spaces shall be designated with vertical signage and painted symbols pursuant to *UDO* §18.60.050.
- d. All parking shall be restriped prior to issuance of a certificate of occupancy.
- e. All sidewalks around the building shall be repaired prior to issuance of a certificate of occupancy.
- f. Sign permit applications shall be submitted and approved prior to installation of any wall signs and/or monument signs.
- g. The building permit plans shall comply with the *Guidelines for Screening of Rooftop Mechanical Equipment*.
- h. All on-site wiring and cables shall be placed underground.
- i. As required by the *UDO*, 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.

- j. 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.

Motion passes 7-0.

B. Lots/Tracts:

The proposed development includes a total of 23 lots for single-family residences. The average lot area is 9,859 square feet

C. Setbacks:

The proposed development complies with the minimum building setbacks required for R-1 districts.

D. Streets/Right-of-way:

The required street right-of-way for Canyon Drive and Concord Drive are dedicated on the proposed plat.

E. Drainage:

The utility easement along the South property line should also be a drainage easement. This will be revised prior to recording.

F. Excise Taxes:

Part of the subject property is subject to the required Street Excise taxes of \$0.215 per square foot of land area.

In accordance with Ordinance No. 05-126, the final plat is subject to a traffic signal excise tax of \$.0037 per square foot for single family zoning. Therefore, the 6.40 acre plat requires a traffic signal excise fee of \$1,031.50. The excise fee shall be submitted to Planning Services prior to recording the final plat.

Residential development is subject to a park excise fee of \$520.00 per dwelling unit, which is paid with the building permit fees.

III. STAFF RECOMMENDATION

Staff recommends approval of P-10-034 with the following stipulations:

- (1) A Street Excise tax of \$0.215 per square foot of eligible land area shall be submitted to Planning Services prior to recording the final plat.
- (2) In accordance with Ordinance No. 05-126, the final plat is subject to a traffic signal excise tax of \$.0037 per square foot for single family zoning. Therefore, the 6.40 acre plat is subject to a traffic signal excise fee of \$1,031.50. The excise fee shall be submitted to Planning Services prior to recording the final plat
- (3) The final plat submitted for recording shall show the utility easement on the South property line as a utility and drainage easement and appropriate language shall be included in the dedication section.

- (4) The City Clerk's signature block on the final plat submitted for recording shall be revised to say Donald T. Howell.
- (5) The Mayor's signature block on the final plat submitted for recording shall be revised to say Michael E. Copeland.
- (6) Prior to recording the final plat, a street tree and landscape plan shall be submitted indicating the number and type of street trees.
- (7) The developer is responsible for planting street trees, in accordance with *UDO §18.62.040* and *§18.68.390*.
- (8) Sidewalks shall be constructed in conformance with the *Unified Development Ordinance (UDO)*.
- (9) 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 such cabinets are screened with landscape materials.
- (10) Streetlights are the responsibility of the developer. Streetlight plans must be included in the street improvement plans submitted to the Engineering Division for their review.
- (11) Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with *UDO § 18.68.390.B* and *UDO § 18.12.040 B* to ensure that public improvements, streetlights, sidewalks, street trees, and landscaping will be installed, approved, and maintained after completion of the development. The developer may submit separate bonds from contractors for applicable public improvements, including streets, storm sewers and drainage systems, sanitary sewers, water distribution systems and landscaping.
- (12) Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with *UDO § 18.68.390.D* 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.
- (13) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to Planning Services. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.

Motion by Commissioner Rinke, seconded by Commissioner Ling, to approve P-10-034, subject to the following stipulations:

- (1) A Street Excise tax of \$0.215 per square foot of eligible land area shall be submitted to Planning Services prior to recording the final plat.
- (2) In accordance with Ordinance No. 05-126, the final plat is subject to a traffic signal excise tax of \$.0037 per square foot for single family zoning. Therefore, the 6.40 acre plat is subject to a traffic signal excise fee of \$1,031.50. The excise fee shall be submitted to Planning Services prior to recording the final plat
- (3) The final plat submitted for recording shall show the utility easement on the South property line as a utility and drainage easement and appropriate language shall be included in the dedication section.
- (4) The City Clerk's signature block on the final plat submitted for recording shall be revised to say Donald T. Howell.
- (5) The Mayor's signature block on the final plat submitted for recording shall be revised to say Michael E. Copeland.
- (6) Prior to recording the final plat, a street tree and landscape plan shall be submitted indicating the number and type of street trees.
- (7) The developer is responsible for planting street trees, in accordance with *UDO §18.62.040* and *§18.68.390*.
- (8) Sidewalks shall be constructed in conformance with the *Unified Development Ordinance (UDO)*.
- (9) 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 such cabinets are screened with landscape materials.
- (10) Streetlights are the responsibility of the developer. Streetlight plans must be included in the street improvement plans submitted to the Engineering Division for their review.
- (11) Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City Engineer, shall be submitted in accordance with *UDO § 18.68.390.B* and *UDO § 18.12.040 B* to ensure that public improvements, streetlights, sidewalks, street trees, and landscaping will be installed, approved, and maintained after completion of the development. The developer may submit separate bonds from contractors for applicable public improvements, including streets, storm sewers and drainage systems, sanitary sewers, water distribution systems and landscaping.
- (12) Prior to issuance of a building permit, a performance and maintenance bond in an amount to be determined by the City

Engineer, shall be submitted in accordance with UDO § 18.68.390.D 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.

- (13) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to Planning Services. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.

Motion passes 7-0.

**MINUTES
CITY OF OLATHE
PLANNING SERVICES
STAFF REPORT**

Case # PR-11-001

Dave Clements, Planning Manager, made the following staff presentation:

SUMMARY INFORMATION

Case Planner: Dave Clements **Planning Commission Meeting Date:** Feb.14, 2011

Request: Approval of a revised site development plan for Havencroft Elementary School, on 10.43± acres.

Location: 1700 E. Sheridan Street

Owner/Applicant: Olathe School District 233, Greg Thomason/ Travis Palangi, HTK Architects.

Engineer: David Wood, Kaw Valley Engineering

Acres:	10.43±	Proposed Use:	<u>School Addition, parking and drive improvements</u>
Number of Lots:	<u>1</u>	Current Zoning:	<u>R-1 SFRD</u>
Parking Spaces	<u>82 spaces existing</u>		<u>78 spaces w/revision</u>

STAFF ANALYSIS

1. Comments:

This is a request for approval of a revised site development plan for the Olathe School District, Havencroft Elementary School, at 1700 E. Sheridan Street. The School District is proposing to construct a 3000 square foot addition to the existing building, and parking, driveway and circulation improvements to improve student drop-off, school bus movements, and staff parking.

The school district has experienced traffic congestion at Havencroft Elementary School. There are conflicts with student drop-off, school bus movements and in and out traffic movements at the school, due to the existing conditions shown on cover sheet HES-CO.O. One of the main contributors to the congestion problem is the dead-end driveway/turn-around on the west side of the school. This existing dead-end driveway and turnaround forces all traffic to circulate out to Sheridan Street, causing significant congestion at the driveway entrance and on Sheridan.

As an alternative, the school district is proposing to extend the existing driveway north to Willow Drive. This will allow an additional exit from the school that will reduce congestion on Sheridan Road. The new drive configuration, along with other on-site circulation improvements are designed to address the existing congestion problems at the school.

Please see sheet HES-C2.O for all details on the proposed improvements.

The school district convened a neighborhood meeting on January 24, 2011 to discuss the proposed improvements. Approximately 11 residents and school personnel attended to learn about the project. All questions were adequately answered by the project team.

2. **Utilities:**

This property is located within the City of Olathe water and sanitary sewer service areas, and utilities currently exist at the site.

3. **Stormwater:**

Public Works stormwater management staff has reviewed the site plan and related information, and determined that as part of the proposed addition the applicant will need to submit a stormwater permit at the time of building permit

4 **Parking:**

An important part of the proposed improvements is one-way circulation that will lead to better access to parking spaces. These areas will be served by signage and pavement markings to help turning movements.

The revised site plan provides for 78 parking spaces. The off-site parking requirement is 63 for the school, based on staff and faculty counts.

5. **Street Access:**

Two existing driveways on Sheridan will remain, but signage and pavement markings will better control traffic movements at the driveways. The new driveway entrance north on Willow Street is considered a major improvement to existing site conditions.

The Public Works Division traffic staff has reviewed and approved the site plan improvements.

6. **Setbacks:**

The proposed parking expansion and driveway meet the 10' interior sideyard requirements.

Due to the location of the building addition at the southwest corner of the school, front and side yard requirements are not applicable.

7. **Landscaping and Screening:**

The existing parking lot on the west side of the school has no landscaping to screen cars from the neighboring single family homes. With the driveway extension north to Willow Street, staff asked the school district to provide a complete landscaping treatment along the entire length of the parking lot/driveway.

Shade trees are provided for in the parking lot islands, and there are foundation plantings noted around the proposed addition.

Landscaping is shown on the last page of the plan set, HES-L1.0

8. **Building Elevations:**

The 3000 square addition is to be located at southwest corner of the existing school. It will be constructed of brick to match existing materials. The addition includes a glass clear story feature.

9. **Staff Recommendation:**

Staff recommends approval of PR-11-001 subject to the following stipulations:

- a. As required by the *UDO*, 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.
- b. A stormwater permit must be obtained by the applicant prior to approval of any building permit.
- c. The proposed addition shall match the building materials of existing Havencroft Elementary School.
- d. Project landscaping shall be installed per Landscape Plan HES-L1.0

This item was removed from the consent agenda at the instruction of Chairman Campbell.

Dave Clements, Planning Manager, reviewed the staff report. Following staff presentation, the Chairman opened the meeting up to questions from commissioners:

Comm. Ling: This is an approval of a revised site development plan for Havencroft Elementary School. What I am concerned about is what notice of the change in the

traffic exiting did the neighbors get at the neighborhood meeting. I know a neighborhood meeting was held. Who was notified and offered the opportunity to attend that neighborhood meeting?

Mr. Clements: The school district notified all property owners within 200 feet and they provided a buffer map that showed me that notification radius. They also provided a roster of the attendees and some of the questions that came up at that meeting. I believe it was January 24th.

Comm. Ling: Okay, so the neighborhood on Willow Street where the traffic will be exiting in the future potentially, if this is approved, were notified.

Mr. Clements: Yes, they were.

Comm. Ling: Okay. In the staff report it indicates a meeting occurred but it doesn't provide any of the comments or any meeting minutes or anything of the discussion at that meeting. Was there any discussion at the meeting? Were there any neighbors who attended? I think you said "some" neighbors attended.

Mr. Clements: I didn't attach the roster for you. There were 11 persons that attended. About half of those were residents and the other half are school personnel.

Comm. Ling: Do we know what the discussion was at that meeting?

Mr. Clements: Perhaps we should let the applicant add to that. They convened the meeting.

Comm. Ling: That would be fine. As to the traffic that will be exiting on to Willow Street, has the Traffic Department reviewed that and do they have any concerns about adding that traffic, and having it flow towards the north and the west out of there?

Mr. Clements: Our Traffic division of our Public Works division did review that and are recommending approval. If you would like specifics, engineering manager Mary Jaeger is with us tonight and can address that in more detail.

Comm. Ling: If it's okay with the Chairman, I would like to have her address that.

Mary Jaeger, City Engineer, appeared before the Planning Commission and made the following comments:

Ms. Jaeger: The traffic flowing to the north was looked at and recommended for approval by Public Works. It is an exit-only to the north and Willow does go in two different directions. So, the volume from that traffic, if you look at the school boundary, it's one-third to one-half that would be on that side of Sheridan. With the relatively small elementary school, that street will be able to handle that, yes. It's been looked at for site distance issues as well, just to make sure we're not creating any problems, and that's all been cleared.

Comm. Ling: Do you care to comment on the benefits of Sheridan, of having the traffic exit onto Willow?

Ms. Jaeger: Engineers don't use a lot of adjectives, but there is a great benefit to having all that traffic go north. The reason is, right now we have pedestrian/vehicle conflicts at Sheridan. We have vehicles that park along Sheridan. This plan will alleviate that concern. The school district has done a fantastic job in bringing a traffic plan that will alleviate those concerns and disperse traffic in a much better manner.

Comm. Ling: I, like many others, have had the opportunity to drive through there during the peak periods, and it's not a pleasant experience. We fixed this after the fact. Is there something to be learned from this when we're looking at future schools?

Ms. Jaeger: Yes, our Public Works Department and the school district, we worked on many sites, and many schools, and they continue to work on different schools with congestion issues that affect the public infrastructure. I think if anything, the lesson learned is that we work together as well as we did on this project. Things change. Bus totals change. Parent total changes. The demographics change. And I think the lesson learned is we have to be flexible enough to work with the school district, that it will fix all of our problems, not just some of them.

Chairman Campbell: Thank you. Any other questions for staff? We'll hear from the applicant now.

Greg Thomason, Construction Manager, Olathe School District, appeared before the Planning Commission and made the following comments:

Mr. Thomason: I want to give you a brief overview of this project. The project at Havencroft is all about safety and security for students and staff. What you don't see is that the majority of the renovation at this school will be inside the building. This is a building that was built in 1972. At that time, this concept of open plans was sort of popular within construction. Over the years, there have been demising partitions put up in the building, but they aren't real walls. There aren't doors on the classrooms. The mechanical systems weren't designed for it. So, this is a renovation to bring real walls, real doors, what we call classrooms without doors – It's a safety and security issue for students. Just as with other elementary schools, the older schools, while we're doing these kind of renovations, we try to bring the administrative suite to the front of the building. You see this in many of our new designs, where you create a pinch point at the front door. People who arrive at the building are forced into the reception area so that the staff can deal with them properly before they go on into the building. That's the 3,000 square foot addition you see at this location, is the administrative suite, which is mainly moving to the front door. I know that's in conflict with the trees, but if we're going to provide security at the front door, then the addition needs to be at the front door.

The third component of this for safety and security was the concern with traffic along Sheridan. Traffic for our students that walk, traffic for our patrons, and students who ride in automobiles, and for just the general community that comes through that area. Basically, what staff will do is reorient parent drop-off and pick-up to the west side of the building instead of the front of the building, and we'll use that parking lot and that drive to stack for parent drop-off and pick-up, encouraging most of the parents to continue north onto Willow instead of turning back and coming to Sheridan.

The construction schedule – We would like to begin as soon as we receive permission. Bids have already been received by the school board and contracts are being written. Our intention is to have this completed before the beginning of the next school year in August.

I have with me tonight Don Pruitt, HTK Architects, who are the architects for the project, and David Wood from Kaw Valley Engineering, who is our civil and traffic engineer. With that, we'll stand for any questions you might have.

Comm. Rinke: I think you've answered my questions with regard to the stacking of the traffic, etc. But with regard to the administrative offices, did you look at any other alternatives where you could have maybe taken existing space to turn that into administrative offices, and then put the addition in another location on the building, in order to preserve the trees?

Mr. Thomason: We looked at several options. I think contributing to our decision on the trees is we already have a significant structural crack in the gymnasium immediately adjacent to this location, and other minor cracks. Our structural engineers related that to foundation concerns with the trees already. We've noticed this at other schools of similar types, where we've had to remove trees in the past due to structural damage. So, we did look at other options. We really don't have classrooms to give up at that location. All the classrooms are being utilized, so the simplest, most efficient and economical way was to add this in the front. It also helps us deal with a drainage issue that that school has had for the last ten years, where water ponds in front of the building around these trees because it's lower than the rest of the site. So, we did look at alternatives. This appeared the most efficient and economical solution.

Chairman Campbell: Thank you. Any other questions?

Comm. Ling: I asked staff about the neighborhood meeting. Are you able to share with me some of the discussion that occurred at the neighborhood meeting?

Mr. Thomason: The neighborhood meeting occurred simultaneously with a site council meeting. That was at the request of the principal. She wanted her site council to also hear the same information, so we sort of combined the two meetings into one. If you're familiar with Havencroft, there is a street that dead ends into our site - Haven Lane. There were residents from that street that were concerned that we might be trying to open it up. When we were able to show them that we were talking about going straight to the north and not through their street that dead ends, they seemed satisfied. The other was a gentleman who lives in that area and was concerned about what we were doing about sidewalks along this new driveway, so that pedestrian traffic could connect onto Willow. There are sidewalks provided. That is the bulk of the questions that I remember.

Comm. Ling: Were there any concerns about traffic exiting to the north onto Willow?

Mr. Thomason: I did not hear any.

Comm. Ling: Very good. Thank you.

Chairman Campbell: Other questions or comments? Is there anyone here in the audience that wishes to speak about this item? It's not a public hearing. I don't see anyone. Are there other questions or comments, or do we have a motion?

Motion by Commissioner Ling, seconded by Commissioner Kohler, to approve PR-11-001, subject to the following stipulations:

- a. As required by the *UDO*, 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.
- b. A stormwater permit must be obtained by the applicant prior to approval of any building permit.
- c. The proposed addition shall match the building materials of existing Havencroft Elementary School.
- d. Project landscaping shall be installed per Landscape Plan HES-L1.O

Motion passes 7-0.

**MINUTES
CITY OF OLATHE
DEVELOPMENT SERVICES
STAFF REPORT**

Case # PR-11-002

SUMMARY INFORMATION

Case Planner:	David Abrey	Planning Commission Meeting Date:	<u>February 14, 2011</u>
Request:	Approval of a final site development plan for a building addition to Community Bible Church, on 3.34± acres		
Location:	1304 N. Parker Street		
Owner/Applicant:	Community Bible Church		
Engineer:	Mike Myers; Hernly Associates, Inc.		
Acres:	3.34±	Proposed Use:	<u>Sanctuary & Narthex Addition to Church</u>
Number of Lots:	1	Parking:	Required 85 spaces Proposed 86 spaces
Current Zoning:	<u>R-1</u>		
Streets and Right of way:	<u>Parker Street</u>		
	Existing	<u>50' (1/2 street)</u>	
	Required	<u>50' (1/2 street)</u>	
	Proposed	<u>50' (1/2 street)</u>	

I. STAFF ANALYSIS

1. Comments:

This is a request for approval of final site development plan for Community Bible Church building addition, on 3.34± acres, located east of North Parker Street

The original preliminary plat for the Community Bible Church building addition (PR-09-02) was approved by the Planning Commission on April 22, 2002.

This proposed addition includes provision for a church sanctuary, narthex, and a new main entrance. The addition totals 9,349 sq.ft. and will have provision for 340 seats. The existing church building will remain and will continue to serve as the church office, multi-purpose room, meeting rooms and Sunday school rooms.

2. **Utilities:**

Utilities are currently available to the site. A fire hydrant will be added near the access drive under a water connection permit during construction of addition. The existing church and proposed building addition shall be separated by rated construction per fire and building codes. The existing buildings fire alarm shall be upgraded to meet the current fire alarm code.

3. **Setbacks:**

The proposed building addition complies with the required building and parking/paving setbacks per the *Unified Development Ordinance (UDO)*.

4. **Streets and Access:**

There is an existing access drive from Parker Street. The proposed addition will not require any changes for the access drive.

5. **Parking:**

The final site plan designates 86 existing parking spaces. The required parking for the proposed church is 85 spaces. The minimum parking requirement is at a rate of 1 space per 4 persons total occupance. No changes are proposed to parking provision. The ancillary portions of the building will not be used concurrently with Sunday church services. The original building will not serve any community use at times when the church is in service. Therefore, no provisions have been made to increase parking beyond what is required by ordinance for the sanctuary seating.

6. **Building Design & Materials:**

The proposed building addition features a mixture of stack bonded brick, stone veneer and stucco textured wall. The materials include elements that are consistent with the existing church building in color and material. The brick detailing will have vertical mortar joints that are stacked rather than offset in a "running-bond" pattern consistent with the existing building. There are additional masonry veneer elements that were not included in the existing building. The applicant proposes applying stucco to the existing brick on the west elevation in order to remain consistent with the addition as viewed from Parker Street.

The proposed roof is a sierra tan colored standing seam metal construction. The existing church has beige asphalt shingles. The applicant proposes replacing the existing asphalt shingle roof on the original church building within a few years to more closely match the color of the metal roof.

7. **Landscaping:**

The proposed landscape plan is designed to meet current the requirements of the UDO. Six new trees will be planted in three parking lot islands as replacement shade trees. These will be the same size and variety as the existing trees.

8 Drainage/Detention:

There is an existing detention basin located in the northwest corner of the property. A final stormwater management report and water quality report shall be submitted prior to issuance of a building permit in accordance with *Title 17* of the *Olathe Municipal Code*. The stormwater report must include all hydrographs, soils maps and details. The water quality report shall include all level of service computation work sheets, plant specifications and color photos. Drainage easements shall be provided for all post construction Best Management Practices (BMPs).

9. Staff Recommendation:

Staff recommends approval of PR-11-002 subject to the following stipulations:

- (1) Prior to issuance of building permit the final storm water management report and water quality report shall be submitted for review and approval. The report shall include all hydrographs, soils maps and details. The water quality report shall include all level of service computation worksheets, plant specifications and color photos. Drainage easements shall be provided for all Best Management Practices (BMPs).
- (2) The existing church and proposed building addition shall be separated by rated construction per fire and building codes.
- (3) The existing buildings fire alarm shall be upgraded to meet the current fire alarm code.
- (4) The doors/gates of the existing trash enclosure shall be repaired prior to certificate of occupancy on the proposed building addition.
- (5) 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 such cabinets are screened with landscape materials.
- (6) As required by the *UDO*, 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.
- (7) All on-site wiring and cables shall be placed underground.

This item was removed from the consent agenda at the instruction of Chairman Campbell.

Dave Abrey, Planner II, reviewed the staff report. Following staff presentation, the Chairman opened the meeting up to questions from commissioners:

Comm. Rinke: With regard to the roofing material, if this was a new construction of the entire facility, would we require consistent roofing materials on the entire building?

Mr. Abrey: Generally, we would.

Sean Pendley appeared before the Planning Commission and made the following comments:

Mr. Pendley: Yes, that probably would be a recommendation. It's a little bit of an unusual situation. Most new developments would probably have that uniform material but I think we would recommend that. If something were to be proposed with the school portion and offices, and then a sanctuary, we probably would recommend one consistent material.

Comm. Rinke: And this may be a question for the applicant, but in the report, it indicated that they would propose replacing it at some future point with something that would closely match the metal roof. Are they suggesting they would replace it with metal, or replace it with asphalt?

Mr. Abrey: That would be a question for the applicant.

Chairman Campbell: Any other questions for staff?

Comm. Harrelson: Also about the roofing materials. Was there discussion about this continuity of materials? Can you at least tell us your thoughts on accepting the standing seam metal and also having composite shingles on the same building?

Mr. Abrey: We had discussions with the applicant regarding the color to match the existing building as closely as possible. That's something we worked quite closely with the architect and the applicant on. That was our primary concern. Again, they have matched it as close as they possibly can.

Mr. Pendley: Commissioner Harrelson, I can elaborate on that. Since David was involved in the pre-application, I was involved with the applicant on that initial meeting with the applicant, and staff did indicate that difference in the material. You've got the existing church with the asphalt shingles. That's not usually the highest quality or best material for a roof for a non-residential structure. It's not typical, but again, a church in a residential district, it's not unusual either. It kind of fits in with that style. Staff had indicated with the new addition, since this is such a considerable addition – we're basically doubling the size of the church – and it is visible from the arterial street, we had indicated that the applicant may want to consider an alternative material that blends in with that existing roof. There are different types of products out there, metal roofing that resembles asphalt or composition shingles. I think the applicant has looked at that and because of the concerns they have with the existing roof on the church, and considering that they would be needing to replace it, they had indicated that they were not going to pursue that. They were going to go with the standing seam metal roof, and then, if they were to replace or repair the existing roofing, they would go with that similar metal type of roofing.

Comm. Harrelson: Can you tell us, if this were a freestanding church, would the standing seam metal be acceptable, under this use?

Mr. Pendley: Yes.

Mr. Abrey: I don't believe there are any specific requirements for roofing material in the ordinance for churches.

Chairman Campbell: Any other questions?

Eric Hughes, Strickland Construction, Applicant, 710 Persimmon View, Olathe, appeared before the Planning Commission and made the following comments:

Mr. Hughes: I would be glad to answer any questions. The architect could not come tonight but he did write a letter and showed some pictures. One of the reasons why we went with a standing seam roof was because the existing building is a wood structure with asphalt shingles, more like a home construction, built in the 1960's. This building here will be a steel building, and standing seam lends itself real well with the steel structure. Their plan is to come back and either put shingles back on to match the standing seam color – and I've got some colors for you in this letter that shows you. I also have some pictures of a building that we recently completed in Lee's Summit for Woods Chapel Church. A very similar situation, where they had asphalt shingles on their existing building and we also did a combination of asphalt and steel structure, and it turned out very nice. I have some pictures and would be more than happy to share those with you. Their plan is to come back and either do shingles on the existing, or go to the standing seam on the existing building when they are ready to replace it.

Chairman Campbell: I would like to see the letter and pictures.

Comm. Rinke: I have a question for staff. If we were inclined to prefer the standing seam metal when they eventually have to replace the roof on the existing facility, would that be appropriate to make that a stipulation?

Mr. Pendley: Yes, this would be the time because you probably won't see another application for just replacement of an existing roof. That wouldn't necessarily be reason enough to bring it back for a final site development plan, so if that was the preference of the Commission, that would be an appropriate stipulation.

Mr. Hughes: You might want to take a look at these pictures and the back page of this letter, which shows the standing seam roof color, and then the asphalt shingles that could be matched to it. Frankly, it looks very nice, too. I don't think you could go wrong either way, whether you did the standing seam or went with a shingle. A lot of this building is going to be covered up, depending on which way you're coming. This building sits back off the road quite a ways, and when you drive by, unless you're really looking, you miss it. But you will now see the building because this one is going to be a lot closer to the road than what the existing one is.

[*Reviewing letter and pictures.*]

Chairman Campbell: Mr. Rinke, I was thinking along similar lines. At this point, I'm not sure how we would want to draft it, in such a way that they would have the option.

Comm. Ling: Sean, the pictures, in my mind, I tend to agree with the gentleman from Strickland. It kind of accents the structure a little bit. In this arrangement, I'm not sure it would accent it as much, but would it have the potential to accent it? Otherwise, we're going to have a lot of standing seam on there, and maybe it's better to have a nicer-looking asphalt in connection with the standing seam.

Mr. Pendley: Yes, I think you could make an argument that if you went with all standing seam metal, because of the orientation of this building, and because it has so many different projections, and you've got really one distinct side, the existing church, and then this new sanctuary is completely separate – It almost made sense. That's why staff really didn't press for a stipulation that required one consistent material because you really could argue for the variety. And, as Mr. Hughes indicated, this sanctuary would be mostly visible from the street side. Certainly from the north and the south, but it will be mostly prominent out along the street, whereas the existing church is going to fit in more with that residential, which, again, most residential houses have the asphalt shingles. That's why it made sense with the existing church, whereas this new sanctuary, it really does function as a different building, although it is attached. So, staff felt it was appropriate to have different materials as long as it was a consistent color. That was the one thing that we did want to stipulate.

Comm. Ling: I think I agree with staff's position on this one. I would be acceptable leaving the application as is.

Chairman Campbell: Thank you. Any other comments or questions?

Comm. Harrelson: For me, this isn't really a deal breaker that we've got the two different materials, but I still think it's a little bit of a slippery slope here. We have other applicants that are going to come in and argue that they have different materials, and there's precedent. Of course, we're always concerned about precedent because that's what we basically rule from case to case, in many cases. I'm concerned about it. Again, it's not a deal breaker for me, but I want to go on the record that I don't want to see us continue to walk down that path of accepting a difference in material where we think it's a big problem, and maybe here it isn't.

Comm. Rinke: I would echo Mr. Harrelson. I do appreciate the pictures. I thought they helped clarify what it would look like.

Chairman Campbell: Since I brought it up as well, I am feeling the same way. I think going back and trying to do a standing seam on that other roof may be a little difficult. It's not designed for that. Are there any other comments or questions? Or do we have a motion?

Motion by Commissioner Rinke, seconded by Commissioner Locked, to approve PR-11-002, subject to the following stipulations:

- (1) Prior to issuance of building permit the final storm water management report and water quality report shall be submitted for review and approval. The report shall include all hydrographs, soils maps and details. The water quality report shall include all level of service computation worksheets, plant specifications and color photos. Drainage easements shall be provided for all Best Management Practices (BMPs).

- (2) The existing church and proposed building addition shall be separated by rated construction per fire and building codes.
- (3) The existing buildings fire alarm shall be upgraded to meet the current fire alarm code.
- (4) The doors/gates of the existing trash enclosure shall be repaired prior to certificate of occupancy on the proposed building addition.
- (5) 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 such cabinets are screened with landscape materials.
- (6) As required by the *UDO*, 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.
- (7) All on-site wiring and cables shall be placed underground.

Motion passes 7-0.

**MINUTES
CITY OF OLATHE
STAFF REPORT**

Case # PR-11-005

Case Planner: Sean Pendley **Planning Commission Meeting Date:** January 14, 2011

Request: Approval of revised site development plan for a medical office building in the Blackbob 151 shopping center.

Location: Vicinity of southeast corner of 151st Street and Black Bob Road.

Owner: GFP151 Blackbob, LLC, Lynn Intrater

Applicant: AMAI Architecture, Mike MacAdam

Engineer: Uhl Engineering, Rick Lincoln

Acres:	<u>1.37±</u>	Proposed Use:	<u>Office Building</u>
Floor Area:	<u>10,146 square feet</u>	Current Zoning:	<u>C-2</u>
Parking Spaces:	Required	<u>39</u>	Shown on Plan <u>64</u>

1. Comments

The following is a request for a revised site development plan for a medical office building in the Blackbob 151 shopping center. A final site development plan (PR-10-019) was approved by the Planning Commission in 2010. During the building permit process, the owner has proposed several revisions to the building design that are considered a substantial change from the previously approved plans. There are no other changes proposed to the site or access to the development.

A preliminary site development plan (PR-07-057) for the Blackbob 151 Shops retail center was approved in 2007. The shopping center is planned to include a Hy-Vee grocery store, attached retail buildings and 12 pad sites with restaurants, retail and office buildings. The proposed office building is on Lot 6, a pad site along Black Bob Road. The proposed development will be the first building in the shopping center.

2. Building Design/ Materials:

The approved plans for the office building identified a pitched roof with concrete roof tiles and the exterior building materials consisted of modular brick, stucco, and stone accent bands (see attached rendering for PR-10-019).

The primary change to the building is a new vertical element with metal coping and glazed lantern (colored glass) at the northeast corner of the building. The

lantern will not include any internal light fixtures that cause light to shine outside the building. According to the applicant, the lantern is just to allow light into the interior space. There will be a glow at night from the ambient internal illumination but it is not intended to create a lighthouse effect. The applicant has submitted a colored rendering for the proposed building. The proposed lantern feature is located on the east side of the building facing away from Black Bob Road. Staff does not consider this an "attention attracting device" similar to the Family Video glass tower since this feature is incorporated as part of the office building and it is not intended to call attention to an establishment, location or product as outlined under prohibited items in the sign ordinance.

Other proposed changes to the building include alternating bands of brick, cast stone, decorative glass features, and flat metal canopies. The building maintains the same roof design with concrete tiles as previously approved. Since this is the first office building in this shopping center, there is no specific design standard.

All sides of the building have been designed with high quality architectural features per the city's *Commercial Building Appearance Guidelines*. Therefore, staff recommends approval of the proposed changes for the office building.

3. Staff Recommendation:

Staff recommends approval of PR-11-005 subject to the following stipulations:

- a. Material samples of the proposed glazed lantern shall be submitted to staff for review and approval prior to issuance of the building permit.
- b. All other stipulations from the previous final site development plan (PR-10-019) shall apply.

This item was removed from the consent agenda at the instruction of Chairman Campbell.

Sean Pendley, Senior Planner, reviewed the staff report. Following staff presentation, the Chairman opened the meeting up to questions from commissioners:

Chairman Campbell: Sean, we talked about access at the last meeting, and all the access as well as stormwater, and all the plans indicate that it is to be done by others. We're about to hopefully approve this for the applicant, but there's no access until that road is built. So, how do we control that? What do we do with that?

Mr. Pendley: I believe the applicant is available and can maybe elaborate. Today, the developer of the shopping center and I were trading voice messages. The development for the Hy-Vee and the adjacent commercial is still proceeding. They have an approved final development plan for the Hy-Vee grocery store. There have been no definitive plans for commercial in the future, but the Hy-Vee is moving forward. They have not yet submitted building permit plans, but they are in the process of working on their public improvement plans for street improvements to Black Bob, 151st Street, and also the interior infrastructure.

Chairman Campbell: Did we not have stipulations on the previous application that indicated that this would not be built until such time as that access was available?

Mr. Pendley: The stipulation was – and all the stipulations will still apply – is they had to have all public improvement plans approved and accepted by Public Works prior to occupancy, I believe. I think there was an agreement that was worked out between the owners and the applicants. They are working with the shopping center and they are all aware that there is a contractual obligation that they have those improvements approved prior to completion of their project, but this building will be allowed to commence development and actually open without all the other infrastructure improvements off site. They will have to have all their improvements done for what's here, and all that entails is they are using their existing access drive that is to the north there, adjacent to McDonald's. But they will have to have this drive constructed here, at least at that point, to give them access to their lot only. But they understand that if the signalized intersection to the south is not completed, if the remainder of the private drive off site is not completed, their only access will be the existing access drive, and that is acceptable for this office building because it is just a medical office building with two tenants. That was not going to exceed what was warranted for those improvements, so they were allowed to proceed with this development. However, all the public improvement plans had to be approved. That is correct.

Chairman Campbell: I remember there was great discussion about that. What happens from a stormwater perspective? The stormwater plans indicate that those are done by others as well, so if they can put them in for this lot but they don't connect to anything, how do we - ?

Mr. Pendley: Unfortunately, I don't know the details of that, and I don't know if Mary would know. Again, the stormwater design plans had to be approved and accepted. What that means in terms of actual infrastructure completion and actual detention – because there is a regional detention basin that is to be constructed. To what extent that has to be done for this development, I don't know. But I do know that those design plans for the stormwater and detention have to be approved prior to this.

Chairman Campbell: Part of the stipulation here says that “all other stipulations from the previous apply,” and that indicates that infrastructure has to be applied and approved.

Mr. Pendley: Correct.

Chairman Campbell: To get a certificate of occupancy, though, an applicant would have to have the other infrastructure in place and operational. Is that correct?

Mr. Pendley: I don't know that for a fact. As far as access, those improvements to Black Bob and 151st Street do not have to be completed. As for storm sewer drainage, I don't know to what extent that has to be constructed.

Chairman Campbell: Again, the access point to where they get into their driveway has to be completed. That's the only way into the site.

Mr. Pendley: Correct. Right. But as far as future improvements to the south –

Chairman Campbell: Correct, correct. I remember that discussion.

Mr. Pendley: And as far as the storm sewer goes, if I recall, they had to have all the best management practices approved for drainage and detention. They may have been able to work out an interim solution for this development to allow a temporary basin. I just

don't know. Unfortunately, I don't know if the applicant would know more details with that, with the agreement that they are working on. But there is a plan they are working on and they understand that a lot of other things still have to happen before they can complete this.

Chairman Campbell: Right, and it may happen concurrently while they –

Mr. Pendley: Before they're opening, correct.

Chairman Campbell: Other questions? Mr. Harrelson.

Comm. Harrelson: I'm still a little confused about this overlay and how it works. In my mind, there ought to be some expectation of what we would accept relative to this new building and the drives. I don't see any record of that in this case. So, as a planning commissioner, I try to evaluate the impact of traffic and the things that might happen if this development doesn't move forward, if it's slow in moving forward, for example. What are our expectations as a City? So, I even look at the drives, thinking, well, it would be very possible for them to construct a drive no more than 50 feet. That would give them access onto their property but really wouldn't contribute anything to the relief of traffic. That spot by the McDonald's is actually the only access from that corner for traffic to go three ways – west, north and south. So, we have that entire corner coming to that pinch point there to go three different directions. We have a pretty significant traffic problem there now, and to add this building there without any impetus for what we do with those drives, to me, is not responsible relative to approval of this project.

Mr. Pendley: I should point out that the developers both for this medical office building and Hy-Vee are working together, and actually, they have an approved agreement, if I recall. Legal might even know this. They are working on an agreement and I believe it was approved, for all of these infrastructure improvements, at least as far as access, and off-site improvements to Black Bob and 151st Street. And I believe that that has been approved. So, all these applicants and owners have been working together with Public Works to address these concerns – the timing, all the infrastructure improvements – and they do have an agreement for that. I wish I knew the details of that agreement.

Mr. Clements: It's on the City Council agenda for tomorrow night.

Mr. Pendley: Okay, so they're close to finalizing that agreement. That is a concern and something that we did talk about in the initial development for this and Hy-Vee. The timing and all those things do have to be completed, that's true, because it could become a concern, certainly past this development. Where's the break point? Is it the next pad site? That just exceeds that access. There are just too many vehicle trips at that one location, it's true.

Comm. Harrelson: Let me add a little more meat to what I'm trying to address. To me, really, the roads that are shown here that are dashed, both the one running north/south and the one that kind of connects to Black Bob to the south, to me, in order to approve the project, I wouldn't feel comfortable unless all those roads were constructed. And the reason is because we're adding more traffic back on to that drive to the north and it's already very, very crowded. Cars back up there sometimes 12 deep, trying to just get out on Black Bob. And then you have the ones coming in. So, now we're going to add more traffic at this point. Timing, to me, is something that is important for the

development because, frankly, we don't really know. We have developments now that we're going back and approving some two years after they were originally approved, so we really don't know when the rest of this development will kick off and will benefit from the overall infrastructure of the project. So, I think it's important to try to identify what we think is important relative to this project, if it is fully developed. That's just my comment. And I don't know what the timing is because it's not really mentioned in the report.

Mr. Pendley: Right. It's certainly a good point. The applicant may be able to elaborate on that because I believe they have been in discussion and they know what the responsibilities are for the developer, so I might see if Mike could address that.

Chairman Campbell: Any other questions or comments for staff?

Comm. Almeida: Mr. Chairman, point of order. The case in point right now is the architectural upgrades [*audio fades out...*] the previous site development plan. I know we're concerned about the streets and so forth, but maybe we need to take this off line and take a look at that separate from what they are proposing in their question today.

Chairman Campbell: Except that it's not. When they come back, it's all germane. It's a final development plan, and it all is under scrutiny. I understand what you're saying, and I appreciate that. And I think the point being made is that we first looked at this and approved this in 2007, and it's 2011 now. So, what is the timing? Any other comments or questions?

Comm. Ling: I have to ask about the lantern. Could you walk through the lantern for me?

Mr. Pendley: As Commissioner Almeida pointed out, the point of the discussion was the architecture, and certainly Mr. McAdam, the architect, can elaborate. He would be able to describe this much better. Unfortunately I don't have the original building renderings right here, but you have them in your packet. The approval is really the same in terms of the layout, the size, the design of the roof. The only difference here is you have some different materials, you have bands of alternating colors of brick; you have some new arched cast stone with glass features on the north and south elevations. Very nice improvements that were made that were actually an improvement to the original design, which was just brick with cast stone bands and a concrete tile roof. Still have the concrete tile roofing as originally approved. The big difference now is the proposed vertical elements here, the metal coating and the lantern, the glazed lantern, which is basically just colored glass. You have samples that the architect has provided that I will hand around, that are different colors, green and blue glass, that's actually hardly noticeable. You just think it's just regular tempered glass. With the ambient lighting from the interior office space shining upward, you would have what would be called a lantern effect. However, staff had indicated some concern about this with the glowing effect. As a lantern, how much glow are we talking? This is a minor ambient lighting illumination. So, in other words, the lighting from the interior space shining outward is not going to have internal lamps or bulbs inside this, as we have seen with another project that was a concern of staff initially, like the Family Video tower that had an illuminated glass tower, free-standing. This is incorporated into the east side of the building, so away from Black Bob. Again, it's an architectural feature. It's not going to have internal illumination, so staff did not consider this any form of signage that would be prohibited by the ordinance. It's something that is just different, and because it is such a substantial change from the original elevations that were approved by the Planning Commission,

staff thought it was important and appropriate to bring it back to Commission for review and approval.

Comm. Ling: I appreciate that. Is part of the benefit to let light in versus letting light out?

Mr. Pendley: Mr. McAdam can point that out as well. I think that is part of it, yes, is to allow the light into the office space. That may be more of the actual function or purpose.

Chairman Campbell: Thank you. Can we hear from the applicant?

Mike McAdam, Applicant, 1510 Walnut, Kansas City, Missouri, appeared before the Planning Commission and made the following comments:

Mr. McAdam: Where would you like to start with the concerns?

Chairman Campbell: Let's talk about the infrastructure updates and access.

Mr. McAdam: As part of the contractual language on the purchase of the ground, the existing owner is required to install the three key components that we need for our building to function. One is the sanitary sewer main extension that extends to the southwest corner of our site. One is the storm sewer that is shown, not our building storm sewer for the downspouts and such, but the actual storm sewer that connects the existing access road at the north back to the rest of the development to the south and east. The third is the access drive that we use to actually access our building. Contractually, and actually as a requirement of the fire department, that access road is required to go from the existing north access drive, down the east side of our building, and back to our new curb cut on Black Bob. So, it won't extend down far enough to get to our building. It's being required that it come all the way down and back to Black Bob there, south of our property.

In addition to those contractual requirements, as part of the land sale, we actually have set up into escrow funds that account for all of that construction, and if for some reason the existing owner of the property does not begin construction of those improvements by some point – and I'm not sure what that date is, I believe it may be around May 1st – then we have the power and the money at our disposal to go do those improvements in time for our building to be open sometime around the first of September.

Chairman Campbell: Thank you. That helps. Other questions?

Comm. Harrelson: Do you believe your applicant would have a problem with us attaching a stipulation that all previous agreements on the site approval apply to this project as well? I'm concerned about tying this project to the infrastructure work that you're doing on the overall project. Will you have a problem with us having a stipulation that made those same requirements of the overall project apply to this project as well? Can you think of any reason that would not be - ?

Mr. McAdam: I wouldn't be comfortable doing that right here at this meeting, only because I have no idea what's in the stipulations for the remainder of the development.

Comm. Ling: Just to follow up on my question on the lantern. Is it to let light in?

Mr. McAdam: It's primary function is to let light in to that space. We've got a large sculpture that's designed to hang in that space in the corner. That entrance is the main entrance for not only that 6,000 square foot tenant, he's also an 80 percent owner of the building itself. That's his waiting room. He was looking for a way to accent his entrance in such a way as to create some sort of hierarchy between that entrance and the other entrance to the building, and this solves a number of issues for us.

Comm. Ling: You don't expect light to come out of it.

Mr. McAdam: It will glow a little bit in the winter when they are open just from the ambient light inside the space, but there are no light fixtures designed to shine out of that structure.

Chairman Campbell: Any other questions or comments? After hearing all this and remembering what we did in 2007, I do remember us discussing, and then having a big discussion with the fire department, about certificates of occupancy could not be issued unless proper access was given, which was a major point. And to hear that you have it actually, contractually in escrow, I'm comfortable moving forward because we've discussed this at length. Other comments? I'm going to make a motion:

Motion by Chairman Campbell, seconded by Commissioner Almeida, to approve PR-11-005, subject to the following stipulations:

- a. Material samples of the proposed glazed lantern shall be submitted to staff for review and approval prior to issuance of the building permit.
- b. All other stipulations from the previous final site development plan (PR-10-019) shall apply.

Motion passes 6-1, with Commissioner Harrelson voting in opposition to the motion.

B. Excise Fees: Required street and signal excise taxes have been paid with original final plat.

C. Lots/Units: This replat combines two units into one and reconfigures the common area.

IV. STAFF RECOMMENDATION

A. Staff recommends approval of P-11-005 subject to the following stipulations:

- (1) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- (2) Prior to certificates of occupancy, temporary or permanent street signs shall be installed per Fire Department requirements.

Motion by Commissioner Rinke, seconded by Commissioner Ling, to approve P-11-005, subject to the following stipulations:

- (1) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.
- (2) Prior to certificates of occupancy, temporary or permanent street signs shall be installed per Fire Department requirements.

Motion passes 7-0.

**MINUTES
CITY OF OLATHE STAFF REPORT
CASE # PR-10-022**

Charisse Deschenes, Planner, made the following staff presentation:

Case Planner: Charisse Deschenes **Planning Commission Meeting Date:** February 14, 2011

Request: Final site development plan for a government facility for a 25,000 square foot office building and a 23,255 square foot fleet maintenance building with outdoor storage for the Johnson County Public Works facility on 44.18± acres.

Location: 1800 West 56 Highway

Owner: Board of County Commissioners, Georgia Gavito, Project Manager

Applicant: John Gaar/360 Architects

Acres: 44.18± **Proposed Use:** Industrial

Current Zoning: R-1 & M-2

Floor Area:		Parking:	
Office Building	<u>25,000 square feet</u>	Required	<u>130 spaces</u>
Fleet Maintenance Building	<u>23,255 square feet</u>	Proposed	<u>165 spaces</u>

Streets and Right of way: Old 56 Highway Dennis Avenue

Existing	<u>40' (½ street)</u>	<u>40' (½ street)</u>
Required	<u>60' (½ street)</u>	<u>60' (½ street)</u>
Proposed	<u>20' (½ street)</u>	<u>20' (½ street)</u>

Platted: A final plat for Johnson County Public Works and Oregon Trail Park is on this agenda.

I. COMMENTS

At the December 13, 2010 meeting, Planning Commission heard a request for approval of a final site development plan for the Johnson County Public Works facility located at 1800 West Old 56 Highway. The plan calls for the construction of a 25,000 square foot office building and a 23,255 square foot fleet maintenance building with outdoor storage on 44.18± acres. The plan also calls for the removal of the existing 25,000 square foot Public Works Administration building.

A related final plat (P-10-032) was also continued to this agenda. A special use permit (SU-10-008) was withdrawn by the applicant prior to the December 13, 2010 meeting because Staff determined that a new special use permit is not required as a special use permit (SU-14-89) was approved by City Council on May 19, 1989.

A presentation was given for the final site development plan and for the final plat. There were some outstanding concerns of the Planning Commission. Commissioners requested that Staff and the applicant provide more information concerning line of sight drawings, KCP&L easements and power lines, the 1989 Landscape and Security Plan, a 50 foot buffer along the west storage area, fencing, neighbor concerns and dust.

Staff met with the applicant on December 21, 2010 to clarify the issues brought up by the Planning Commission. The applicant worked to address all of the Planning Commission concerns and provided the following information:

A. Neighborhood Meeting:

The applicant met with two residents, owners at 1204 South Cedar Hills Drive and 1019 South Cedar Hills Drive, on January 24, 2011. (see attached minutes and images) The applicant and neighbors discussed sight lines, outdoor storage areas and storm water.

a. Line of Sight:

Line of sight drawings were provided from the property located at 1204 South Cedar Hills. The resident spoke at the December 13, 2010 Planning Commission meeting expressing concerns with the view from the property. Sheet A902 provides two cross section drawings, one looking west and one looking north, from the rear of the house. The applicant provided extra evergreen trees for screening to the north and west of the lower quarry area, specifically north of the 1204 Cedar Hills property, to provide additional screening for the neighbors. At the January 24th meeting the residents were supplied three more images. One of the residents requested that the west façade of the Administration Building change to a darker color and that more trees be added to the west façade. The applicant did not change the color of the building façade because of maintenance and heating because of solar exposure. The applicant did agree to add more trees near the western façade for additional screening.

b. Storage Areas:

Based on the review of the original special use permit, Staff believes the intent of the 50 foot activity buffer was to cover the areas outside of the existing lower quarry area. The activity buffer was identified by description within the Landscape & Security Plan from 1989. Staff did not consider the existing lower quarry area as part of the west storage area 50 foot activity buffer

because the 1989 minutes intend for the activity buffer to cover that undeveloped area of the west storage area.

For this application, Staff included a new stipulation that motorized vehicles shall not be stored within 50 feet of the south property line to minimize the impact on properties to the south of the lower quarry area, including noise. The photometric plans do not include lighting in the lower quarry area but staff also included a stipulation prohibiting lighting in the existing lower quarry area.

At the January 24th meeting, the applicant and resident at 1204 South Cedar Hills Drive discussed the stipulation for the lower quarry area. The applicant is in agreement with Staff over the stipulation for the motorized vehicles. The resident would prefer that any infrequently accessed motorized equipment be stored in the Western portion of the lower quarry (even within 50 feet of the property line) and not in the western portion of the site.

c. Storm Water:

The resident located at 1019 South Cedar Hills Drive asked about storm water runoff into Lake Olathe. The applicant stated that the development will meet the City's storm water best management practice requirements.

B. KCP&L:

The applicant searched for easements recorded along the south property line of the west storage area. A plat was recorded in 1956 showing that area along the property as right-of-way. In 1970, KCP&L located power lines within that right-of-way. In 1981, the city vacated the right of way where the power lines were located. The overhead power lines remained and KCP&L maintains the lines to date.

According to the applicant, the power lines along the south property line of the west storage area serve the Cedar Hills subdivision. The Johnson County Public Works site is served by lines entering the property from the south. It is not the intent of the applicant to bury the lines serving other properties. Johnson County will bury the new secondary power lines that aren't able to locate on existing poles needed for the proposed development. Staff modified stipulation (11) to clarify.

Staff spoke with representatives of KCP&L. The lines are located south of the Public Works property line. Typically, when power lines exist but no easement is recorded, prescriptive rights to maintain the lines are given to the power company. Today, an easement would be left or could be recorded by separate instrument at a future date to formalize the existing easement in the Johnson County land records.

C. 1989 Landscape & Security Plan:

The applicant provided a letter (see attached) from Johnson County's Director of Public Works & Infrastructure, Mac Andrew, stating that, to

the best of its knowledge, the County meets the requirements of the 1989 Landscape & Security Plan. The applicant also provided an updated site plan, Sheet C100, showing the 50 foot activity buffer along the property line of the area identified as the west storage area.

D. Fencing:

The applicant and Staff discussed the surrounding fence in detail. Greater excavation and removal of trees would be required if the existing fence was replaced with six foot chain link fence. The applicant proposed to repair the existing fence to the current wire fence standards and to fill in any gaps with new wire fencing. The wire fence will be located on the property lines and will provide some security between uses. Staff supports the use of the wire fence product combined with the buffer and additional landscaping.

E. Dust Control:

Gravel will be the base material in the storage areas and near the Public Works Maintenance building. The Planning Commission inquired about dust control at the December 13, 2010 meeting. A representative from Johnson County Public Works mentioned the use of calcium carbonate to reduce dust. Staff included a stipulation to treat the graveled areas with calcium carbonate.

II. PLAN REVIEW

A. Landscaping/Screening:

The applicant requested an exception to the façade/foundation landscaping and the parking island requirements at the December 13, 2010 meeting. The Planning Commission supported the requested changes. Stipulations (1) and (2) reflect the approved changes.

Other changes since the December 13th meeting include additional evergreen trees for screening along the north and west ridges of the lower quarry area and additional trees along the west façade of the Public Works Administration building.

B. Architecture/Design:

At the applicant's meeting held on December 21, 2010, the applicant discussed an orange/yellow accent panel to be placed on the south elevation of the Johnson County Administration Building. It was not called out in the original plans. Color renderings were provided by the applicant. Staff supports the use of the colored accent panel.

III. STAFF RECOMMENDATION:

The Planning staff would note that the proposed site development plan substantially complies with the 1989 Special Use provisions. However, the expansion of storage to the west is a new element of the plan that required additional attention to screening and landscaping. Staff believes that the County has provided a natural landscape buffer and supplemental plantings to adequately screen the storage area from adjoining properties.

Staff recommends approval of PR-10-022 with the following stipulations:

- (1) The two rain gardens totaling 1,620 square feet within the Administration/Operations building parking lot designed to manage stormwater runoff are approved in place of the landscape islands.
- (2) Replacing shrubs with native grass is approved for the façade/foundation landscaping for the Administration/Operations building.
- (3) Calcium carbonate shall be placed on the graveled areas as needed for dust control.
- (4) No motorized equipment shall be stored within 50 feet of the south property line of lower quarry area.
- (5) Lighting within the lower quarry area shall be prohibited.
- (6) Outdoor storage of materials and equipment shall be prohibited within the 50 foot wide activity buffer along the property lines of the west storage area (area north and west of the lower quarry area) as shown on sheet C100.
- (7) The building permit plans shall show at least six accessible parking spaces. At least one of the accessible parking spaces shall be served by an accessible aisle at least 96 inches wide and shall be designated as "van accessible".
- (8) Prior to the issuance of a building permit, provide storm sewer computations and include drainage area map. Provide profiles and label all storm sewer as "Private".
- (9) 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 such cabinets are screened with landscape materials.
- (10) As required by the *UDO*, 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.
- (11) All on-site wiring and cables not utilizing existing electrical poles shall be placed underground.

- (12) Signage is not approved with the final site development plan; all signs shall be reviewed and approved by submitting a sign permit application.
- (13) The existing wire fencing shall be repaired where necessary and new wire fencing shall be provided where required around the perimeter of the outdoor storage area.

NOTE: Commissioner Almeida recused himself from the meeting during discussion of this item.

Following staff presentation, the Chairman opened the meeting up to questions from commissioners:

Chairman Campbell: Are there any questions of staff? Thank you. Let's here from the applicant.

John Gaar, Applicant, 360 Architecture, 300 West 22nd Kansas City, Missouri, appeared before the Planning Commission and made the following comments:

Mr. Gaar: I also have with me Kent Lage of the Johnson County Public Works Department and Joe Waters with the Johnson County Facilities Department. Since we met and discussed and presented this project with you, most of the discussion and development has been relative to the western parcel of the property and the improvements to be made to that and the surrounding residential neighborhood. On C-100, the main thing that we wanted to identify here is the fencing, which, as Charisse mentioned, was originally proposed to be a chain link fence, where we would have to go in and remove trees to put in new posts and surround this whole area on the west with a new fence. Since taking a little bit more inventory of the property and that fence, the fence is in pretty good shape with the exception of a few locations where it's actually been peeled back and there are some 10 or 15 foot sections that are open. The intent along these two first properties on the north side of this area, there are a couple holes, so we're going to go in and patch and repair that fence in kind with the fence that's there. It's essentially a 6 x 6 woven wire mesh, four feet high, with two smooth wires above that. The other section along the south side, from the southwest corner about half way through that area to the east, there is some barbed wire that will be removed and it will be replaced in kind with the rest of the fencing, the woven wire mesh and the smooth wire, so as to disturb as little of the vegetation as possible.

The other improvement that we made that Charisse talked about was in reference to landscaping. With this whole line of new trees along the very west edge, we hadn't noticed that there was a little bit of thinning in that area, so we've added a whole tree line for about three-quarters of the length of that western edge. As mentioned, we did have trees before in the area above the west quarry to screen any of the storage area that might occur in this zone, but we did not have these trees along this sort of western edge of the west quarry. So, we have included those to create a fuller screen into the site of this western storage area.

At the administration building itself, we've added trees along this edge, and also this edge. There were trees in this location. Those trees were put in place to shade as much of the west end of that administration building as possible. We did do some additional site sections that Charisse showed you. The

County had been in contact with a couple of the neighbors on the northwest corner of that property, and when we met with the two residents on the south side of the property, we had taken photographs from the back of their home from their deck, and this represents a view of the existing. This represents a view of our model from that same vantage point without any of the screening in place, and that represents sort of a marriage of those two, where we put the buildings together. You can see that this building in the center, it shows where a small portion of the administration building will be viewed in the winter time. There are peeks of the existing salt domes, and then slightly in between that over in this area, you might catch a glimpse of the fleet building that is considerably further away.

I think that constitutes all the changes and the improvements we've made to the project since then. We are in agreement with the stipulations that staff has proposed, and we're here to answer any questions.

Chairman Campbell: Thank you. Any questions of the applicant? Lot of changes since the last time. No further questions? Thank you. This is not a public hearing, but we had public input before. Is there anyone wishing to make a comment about the plan? Please come forward and identify yourself?

Monica Glennon, 1204 South Cedar Hills Drive, Olathe, appeared before the Planning Commission and made the following comments:

Ms. Glennon: I just want to say that we did meet and we discussed the western portion, the stipulation about not putting motorized vehicles into the lower quarry. We were originally told that the western portion would be for culverts, mulch, rock, that kind of thing. But in our discussion, they said with the stipulation in the lower quarry, they wouldn't be able to access it very well, so they would end up having to put motorized equipment up into the western portion. I would like to see a stipulation, if I agreed to let them put their motorized equipment in the lower quarry, to never put it up into the western portion, because it does sit higher and you'll be able to see everything. Plus, you have oil drainage, and anything like that would go directly into the ground.

I did discuss with them that I would like to see the color changed on the west end of that building because we were told when we bought the property and built that there wouldn't be any building happening at all, and now I'm going to be looking at a building. I requested a darker color – green, brown, something that would blend in better with the trees and everything. They told me that that would retain too much heat and they want to retain the lighter color, which is going to be a gray. I would like to see if there is the possibility of making it even a tan color, which would blend better than gray. I would also like to see no white trim.

That's the main concern that I had, but I would like to see permanently that they would never put any motorized equipment up into the western portion, higher up in the grass area.

Chairman Campbell: Thank you. Is there anyone else?

Curby Hughes, 1212 Cedar Hills Drive, Olathe, appeared before the Planning Commission and made the following comments:

Mr. Hughes: I live due south of Ms. Glennon. I'm more concerned about the fact that, with this being a commercially zoned M-3 type property, and we're in an R-

1, if we were on the current zoning, what are the setbacks between M-3 and R-1 when you have that adjacent? You have a 50-foot setback, you have landscaping required, the lighting is diminished, and things like that. I currently have a huge area where we can see the buildings that are there now, that they are going to be removing. So, for me, that's a better situation. However, as you go forward, that whole piece of property up on 56 Highway, after they remove these buildings and three or five years from now, are they going to come back and ask to put up another building up on top there, which is going to be in my back yard again.

Also – and this is a whole different subject – we have the bus depot right across the highway from there, and that is extremely well lighted at night. We're all concerned about all the lighting and things that are going to happen with these buildings. It's just like being in daylight hours over there at night. They work on the buses all night long, so you hear them working on the tires, the buses themselves –

Chairman Campbell: That's not germane to this.

Mr. Hughes: I understand, but that's what we're concerned about with this as well, that they will be working on the equipment at night. If they're not, that's great. They don't now, but we don't want them working on the equipment all night long next to the residential area.

Chairman Campbell: Thank you. Any other questions or comments? Anyone else?

Tom Howell, 1019 Cedar Hills Drive, Olathe, appeared before the Planning Commission and made the following comments:

Mr. Howell: The upper quarry, we've had conflicting comments made to us, and in writing, that it originally was going to have no storage up there except for structural. Then it was discussed that they might have to put some vehicles up there. Then it was said that no, they wouldn't. The last correspondence, which I got today, was that they will be able to put equipment up there. Now, what they classify as "equipment" I'm not really sure, but we don't want to have large yellow trucks or anything else stored in that area because the height and color of them will be shown to about 12 neighbors. And no matter the screening of the trees or anything else, during the winter time it will be exposed. So, we would like clarification of the fact that the west quarry is going to be used for structural materials, and I don't know what "equipment" means.

Chairman Campbell: Thank you. Are there any other questions? What are the setback requirements between residential and M-3? If we could have somebody look at that for us. Also, the question regarding lighting. There was a stipulation regarding lighting and what has to happened. We follow standard photometric plans, I assume.

Eric Hyer, 1913 West Dennis Avenue, appeared before the Planning Commission and made the following comments:

Mr. Hyer: I'm on the north side of the property. There are two other property owners who live there, too. The site plan that I saw didn't show any contours on it, and I was just kind of curious. It shows finished floor elevations of the buildings but it doesn't show the contours. There are no contour lines on that upper

property, and just for my own information, you know, that should be available off of an AIMS map or something. I was just curious what that was.

Also, our biggest concern is, and it's kind of been clarified a little bit tonight on the woven wire fence along that north side. I lived there when this property was rezoned for this special application. At that time, they were going to come in, tear the trees out, put the berms in, etc. Well, I like the thicket. I didn't want all that stuff torn out and re-man made. And they stopped. I've never been quite sure whether my neighbors liked that or not. That was done before they moved in there. Anyway, in my opinion, that's been our biggest concern. And taking out the six foot chain link fence, to me, is a plus. I don't know about Mick and Roger, but that's a plus, because there was no way you were going to put that fence in there. You would have to rip out every tree to get a fence in there. So, I think that's a plus, but could we get just a little bit more clarification on what you think is going to happen on the north side? You've addressed Tom's and Kirby's area over there, but a little more on the north side, on what we expect to see over there?

Chairman Campbell: According to the stipulations that we have, the existing wire fencing will be repaired and the gaps will be filled in where it's not there. So, we have a specific stipulation that says that that's what they will do around the property.

Mr. Hyer: Right now, you've got the existing old hedge row/fence line, then you've got a little bit of dip to a berm that I think was built back when you did the application originally, and then there are some pine trees growing on that berm. So, is there going to be anything else behind that berm? I mean, you can't maintain it. Are you going to do anything else in addition to what is already there?

Mr. Clements: I can address that.

Mr. Hyer: Okay, then the other question I had, explain to me again what the surface is for the future storage area, how that's working.

Chairman Campbell: Okay, thank you very much. Charisse?

Ms. Deschenes: For M-2, it's 50 feet. Same thing for M-3.

Chairman Campbell: So there is a 50 foot required setback between, and the special use permit that was approved called for the 50-foot buffer, which is what we have at this point.

Ms. Deschenes Right.

Chairman Campbell: Thank you. Let's address a couple of the other questions that came through. Can you talk to us again about the lighting plan, concerns about the lighting? This would fully be expected to comply with the current photometric plans and ordinances that are in place, which says that all foot candles have to be zero foot candles at the property line.

Ms. Deschenes Right.

Chairman Campbell: So, you expect compliance with our current UDO, which says zero foot candles at the property line.

Ms. Deschenes Right.

Mr. Gaar: Yes, and that is our intent. The photometric plan that's been presented with this meets that stipulation. Nothing in the western area, either the quarry or that storage area, has any lighting in it, so there is no lighting in the western half of the site. The lighting that will exist will be for the parking lot, for the administration, minimal lighting for the salt domes, and then lighting for the parking around fleet maintenance. They will be full cut-off fixtures that meet the city ordinance.

Chairman Campbell: Can you also talk about the lighter color on the building, rather than the darker?

Mr. Gaar: The color palate right now is a precast grey concrete to simulate limestone. It has limestone aggregate in it and it has been sandblasted at various textures. And where the metal panel exists, which is that end of the property, is in a silver material that is an earth tone that goes with that precast color. There is also a white trim. This image up here on the top right is the west elevation. There is a silver metallic color that goes with this precast along this surface and that surface, and then there is a white metal trim. Those are compatible with the precast that exists. These same materials were actually used by Kansas City, Missouri, bus transit facilities in a darker color. Number one, it showed a lot of dirt, dust and debris, and that actually clients complained about having to clean and wash the building. So, it wasn't something that we wanted to recommend architecturally, as well as the fact that these materials are lighter in nature. We have a reflective roof because the intent here is to reduce the energy consumption, so we want to eliminate the heat gain as much as possible. The darker colors will fade and absorb more heat on that elevation. So, we recommended maintaining those colors architecturally for that building and using landscaping in the areas as much as we could to reduce the visual impact from that resident's property.

Chairman Campbell: Can you address what's happening on the north side, beyond the fence repair? We've had a lot of discussion about the south and west side. I do see on one of the plans that there are additional trees being put in on the north side, if you could identify that for us.

Mr. Gaar: The first property along that northern edge actually has a different woven wire. It's smaller, more rectangular, about a 2 x 6. The contract is to replace that material with the 6 x 6 materials with two wires at the top. That's in this zone right here. At the end of that, there is about a 12 foot opening where, I don't know who has done it, I don't think it was the County, but it's been peeled back and rolled into a roll so you can actually get through the fence right in this zone here. So, that's simply going to be closed up and wired shut. There is about a ten foot section where it says the word "property line" in the same fashion. I observed a tree that had fallen on the fence, you know, the smooth wire was sagging, so we're asking for that to be replaced. There's also a tree on the fence over here –

Chairman Campbell: What are the additional plantings along the north line?

Mr. Gaar: These are all new plantings. Those are all new trees. In the previous plan, in the special use permit, there were plantings all along this zone, and they are existing today. But they have been pruned up from the ground so they are not actually providing the barrier that they should be. So, we're not taking them away, we're adding to them this double row of trees along that northern area. So there effectively will be three rows of trees in there. The intent is not to get in there and remove any of the thicket or any of that. They don't need to clear. They don't want to use that property in there at all. They just want to repair the fence in kind. I will say that the fence on this northwest corner cuts diagonally across that zone. They would like to replace that diagonal to their property line in that same fence, in that northwest corner. Then, as far as the trees go, these are all new trees that are being proposed to be planted, and those are the ones that I mentioned were added since the last Planning Commission meeting, as are these trees along this edge new to the plan.

The fence that I mentioned that is barbed wire today is from this southwest corner half way along to the quarry. So, to the end of the word "line." That is currently a barbed wire fence that will be removed and replaced with the woven wire mesh with the two top rails.

Chairman Campbell: Can we hear from Mr. Waters about operations? Or whomever.

Joe Waters, Johnson County Facilities Department, appeared before the Planning Commission and made the following comments:

Mr. Waters: Kent Lage can speak a little better to exactly how we would plan to use the storage area. I would say that part of the reason why there have been some changes in the descriptions of how to use that western storage area is with the restrictions in the lower quarry. [*inaudible*] equipment now and projected into the future, so if it isn't there, we need to have a little flexibility to put it elsewhere.

Kent Lage, Johnson County Public Works, appeared before the Planning Commission and made the following comments:

Mr. Lage: I want to talk a little bit about the type of material and equipment we currently store and would plan to store. The type of material and supplies that we currently store, we store rock and gravel, typically just for emergency use. We don't store much on site. We usually go right to the quarry to get the gravel but we do store some gravel on site for emergency use during a storm, during a wash-out, something like that, that we would need immediate access to. We store some asphalt millings, primarily for the same reason, if we have an area where we need to do some repair of an asphalt road. Mulch, topsoil, barricades, reinforced concrete pipe, corrugated metal pipe, forms, steel and rebar are typical materials that we store at the Public Works site and would store in the west there.

Our equipment that we're planning to store to the west is infrequent use, seasonal equipment. Our dump trucks, our motor graders, those are all stored down there between our fleet building and our admin/ops, in that area down there, so we do not plan to store any frequently-accessed and used equipment.

Getting back to the point, originally we were looking only at that lower quarry area for the equipment storage, but when the point was brought up at the last meeting about that 50 foot buffer, we had to start looking at options for where

we were going to put equipment, should we not be able to store equipment in that 50 foot buffer on the lower quarry. That's when we began looking at storing some of the equipment up in that west quarry, along with the material that I just mentioned. Just so you have a flavor for the equipment, it's similar equipment to what the City of Olathe has for equipment. This is more the seasonal equipment that is infrequently used. We have a grinder, we have a chipper, a recycler, a roller that we use out on the roads with asphalt. Our tractor mowers and plow blades are stored there after the winter season is over. V-boxes (?) that we use for dispensing salt and sand onto the roads; a water tank, a tractor trailer – that's the type of equipment that we have, infrequently used, infrequently accessed. Some of those, when they are used during the season, they are pulled out and used for that season, and then stored for the rest of the season.

I also wanted to mention real quick about the lighting. Currently, we have minimal lighting. We will have more lighting with this new building. We're in discussions right now whether we can actually turn that lighting off after a certain timeframe, understanding the neighbors' concern about that lighting. We are meeting all of the City's standards and we are looking at that as an option. We can't guarantee that the lights will always be turned off because we have safety issues and vandalism issues we want to make sure don't happen. But we do want to work with the property owners, and if there are some lighting issues, just like we've done with the screening with the additional trees that we have, we definitely want to look at that and what we can do for the lighting to minimize impacts to the property owners.

Chairman Campbell: Thank you. Stipulation 3 says that calcium chlorides can be placed on all the graveled areas to control dust. Can you tell us where that's going to be?

Mr. Lage: That west area, currently there is some broken-up asphalt on that that we use as a pseudo drive, if you will. What we plan to do is place gravel where we're driving. So, we aren't graveling that whole area. We're going to gravel where we're going to be driving so we aren't tracking mud in and out during the wet season. So, there would be gravel there, and we would most likely put some gravel down where we're storing some of our materials, such as the corrugated metal pipes and the reinforced concrete pipes. So, the plan is not to gravel that entire area. That plan is to gravel as we need it for the areas where we're storing the material. And we don't have an extensive amount of material. I realize that's a relative term, what is considered an extensive amount of material, but we do not keep a lot on hand and we've been using up what we have on hand right now to minimize the amount of material we do have.

Comm. Rinke: If you did not have the 50 foot buffer down in the lower quarry area, would you be comfortable then with not having to store any equipment on the west?

Mr. Lage: We were at first, and when the question was raised at the last Planning Commission meeting, is where we had to start scrambling and looking at, you know, we're far enough into this, and we know where our buildings are going and have been placed, we really had to start looking at what our other options were for equipment storage. We prefer the stipulations that we have now. They give us more flexibility. I understand the concerns of the property owners, which is why we put as much screening as we have in with the trees. We definitely want to work with the property owners. I'm a property owner and I don't want to be

looking at any buildings, so I understand where they are coming from. We just feel it provides us the flexibility based on re-evaluating the site and what we can do with it. What we don't want to do is tell them we're not going to do something, and then do it later, realizing it's all on the record here, but we want to be up front and honest with what we're going to do and how we're going to do it, which is where we were when we had our public meeting, as well as when we were here the first time. Since then, we have looked at the need for that, if that 50-foot buffer were in place, and we prefer those stipulations as they exist.

Chairman Campbell: Thank you. Other questions or comments? Thank you. Any discussion? Is there a motion?

Comm. Ling: I appreciate the applicant's efforts on this. We've talked about this several times, it's been several long meetings, and I think we've come a long ways and addressed many of the comments that we heard from the neighbors, and I appreciate that effort.

Motion by Commissioner Ling, seconded by Commissioner Harrelson, to recommend approval of PR-10-022, with the following stipulations, as amended:

- (1) The two rain gardens totaling 1,620 square feet within the Administration/Operations building parking lot designed to manage stormwater runoff are approved in place of the landscape islands.
- (2) Replacing shrubs with native grass is approved for the façade/foundation landscaping for the Administration/Operations building.
- (3) Calcium carbonate **chloride** shall be placed on the graveled areas as needed for dust control.
- (4) No motorized equipment shall be stored within 50 feet of the south property line of lower quarry area.
- (5) Lighting within the lower quarry area shall be prohibited.
- (6) Outdoor storage of materials and equipment shall be prohibited within the 50 foot wide activity buffer along the property lines of the west storage area (area north and west of the lower quarry area) as shown on sheet C100.
- (7) The building permit plans shall show at least six accessible parking spaces. At least one of the accessible parking spaces shall be served by an accessible aisle at least 96 inches wide and shall be designated as "van accessible".
- (8) Prior to the issuance of a building permit, provide storm sewer computations and include drainage area map. Provide profiles and label all storm sewer as "Private".
- (9) 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 such cabinets are screened with landscape materials.

- (10) As required by the *UDO*, 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.
- (11) All on-site wiring and cables not utilizing existing electrical poles shall be placed underground.
- (12) Signage is not approved with the final site development plan; all signs shall be reviewed and approved by submitting a sign permit application.
- (13) The existing wire fencing shall be repaired where necessary and new wire fencing shall be provided where required around the perimeter of the outdoor storage area.

Motion passes 6-0. (Commissioner Almeida recused himself and abstained from the vote.)

**MINUTES
CITY OF OLATHE STAFF REPORT
CASE # P-10-032**

Case Planner: Charisse Deschenes **Planning Commission Meeting Date:** February 14, 2011

Request: Final plat, 63.614± acres, for Johnson County Public Works and Oregon Trail Park.

Location: 1800 West 56 Highway

Owner: Board of County Commissioners/City of Olathe, Georgia Gavito, Project Manager

Engineer: Shafer, Kline & Warren, Inc., Scott Confer

Acres:	<u>63.614±</u>	Proposed Use:	<u>Industrial & Park</u>
Lot 1 Current Zoning:	<u>R-1 (36.25± Acres)</u> <u>M-2 (6.56± Acres)</u>	Tract A Area:	<u>3,600 square feet</u>
Lot 2 Current Zoning	<u>R-1 (17.31± Acres)</u>	Lot 1 Area:	<u>43.363± Acres</u>
		Lot 2 Area:	<u>17.310± Acres</u>
Streets and Right of way:	<u>Old 56 Highway</u>	<u>Dennis Avenue</u>	
Existing	<u>40' (½ street)</u>	<u>40' (½ street)</u>	
Required	<u>60' (½ street)</u>	<u>60' (½ street)</u>	
Proposed	<u>60' (½ street)</u>	<u>60' (½ street)</u>	

I. COMMENTS

The following is a request for approval of a final plat, 63.614± acres, for Johnson County Public Works and Oregon Trail Park. The site is located at the 1800 West Old 56 Highway.

The final plat was continued from the December 13, 2010 Planning Commission meeting after a long discussion concerning the accompanying Final Site Development Plan, PR-10-022. Staff and the applicant were asked to provide more information concerning line of sight drawings, KCP&L easements and lines, the 1989 Landscape and Security Plan, a 50 foot buffer along the west storage area, fencing and neighbor concerns.

II. KCP&L

The applicant searched for easements recorded along the south property line of the west storage area. A plat was recorded in 1956 showing that area along the property as right-of-way. In 1970, KCP&L located overhead power lines within that right-of-way. In 1981, the city vacated the right of way where the lines were located. The overhead power lines remained and KCP&L maintains the lines to date.

According to the applicant, the lines along the south property line of the west storage area serve the Cedar Hills subdivision. The Johnson County Public Works site is served by lines entering the property from the south. It is not the intent of the applicant to bury the lines serving other properties. Johnson County will bury the new secondary power lines that aren't able to locate on existing poles needed for the proposed development.

Staff spoke with representatives of KCP&L. The lines are located south of the Public Works property line. Typically, when power lines exist but no easement is recorded, prescriptive rights to maintain the lines are given to the power company. Today, an easement would be left or could be recorded by separate instrument at a future date to formalize the existing easement in the Johnson County land records.

To track the KCP&L lines, the applicant has agreed to add a note to the final plat explaining where the KCP&L lines originated and why an easement is not provided. It is not a requirement of the final plat, just a courtesy.

The other Planning Commission concerns will be addressed within the staff report of PR-10-022.

III. STAFF RECOMMENDATION

Staff recommends approval of P-10-032 with the following stipulations:

- (1) Prior to and upon recording of the plat, Tract A dedication and appropriate language shall be added to the plat dedication text.
- (2) 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 such cabinets are screened with landscape materials.
- (3) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.

Refer to PR-10-022 for discussion regarding this item.

Motion by Commissioner Ling, seconded by Commissioner Harrelson, to approve P-10-032, subject to the following stipulations:

- (1) Prior to and upon recording of the plat, Tract A dedication and appropriate language shall be added to the plat dedication text.
- (2) 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 such cabinets are screened with landscape materials.
- (3) Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the Development Services Department. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.

Motion passes 6-0. (Commissioner Almeida recused himself and abstained from the vote.)

**MINUTES
CITY OF OLATHE
PLANNING SERVICES
STAFF REPORT**

CASE # RZ-10-016

Dave Clements, Planning Manager, made the following staff presentation:

Case Planner: Dave Clements **Planning Commission Meeting Date:** February 14, 2011

Request: Amendment to an existing CP-2 zoning classification to eliminate a stipulation prohibiting liquor stores at the Shops of Avignon.

Location: Northeast corner of 119st Street and Greenwood Street

Owner: Avignon Retail, LLC

Applicant/Engineer: Scott Buescher, Price Brothers Management

Acres:	<u>7.18</u>	Proposed Use:	<u>Retail w/liquor store</u>
Current Zoning:	<u>CP-2 w/stipulations</u>	Proposed Zoning:	<u>CP-2/amended</u>

	Land Use	Zoning	Comprehensive Plan Designation
Site	<u>Retail/Commercial</u>	<u>CP-2</u>	<u>Mixed use</u>
North	<u>Single Family</u>	<u>R-1</u>	<u>Conventional res</u>
East	<u>Single Family</u>	<u>R-1</u>	<u>Conventional res</u>
South	<u>Single Family</u>	<u>R-1</u>	<u>Conventional res</u>
West	<u>Multi-Family</u>	<u>RP-3</u>	<u>Mixed Use</u>

I. COMMENTS

The following is a request for an amendment to an existing CP-2 zoning classification that authorized development of the Shops of Avignon. The authorizing ordinance for Avignon included a stipulation prohibiting liquor stores.

Price Brothers Management has requested the amendment in order to open a liquor store at the property. Please see the attached letter from Price

Brothers discussing the purpose of the application and details on the proposed Avignon Wine and Spirits.

II. Background

The Planning Commission reviewed a rezoning from AG to RP-1 for residential development and a rezoning from AG to CP-2 for the retail/commercial development for Avignon. The public hearing was held on August 9, 2004, and continued to September 27, 2004. There was considerable public comment at these meetings, most of the discussion pertained to traffic and access issues. The minutes for the two meetings are 30 pages in length.

There is no reference to any discussion about prohibiting uses in the retail center of Avignon, and no objection to a liquor store from any residents or Planning Commission members in the minutes.

The City Council approved the rezoning by Ordinance 04-131 on October 19, 2004. This ordinance included the following stipulation:

j. The permitted use shall be restricted to the following:

(1) Land uses allowed in the NC District, with the exception of a gasoline service station with greater than two (2) fueling stations and the retail building with a maximum square footage of greater than 15,000 square feet.

(2) Liquor stores shall be prohibited.

III. DEVELOPMENT PLAN

A. Proposed Occupancy-

Avignon Wine and Spirits is to be located in the tenant space at 14178 W. 119th Street. This space is 2800 square feet, and is located on the southeast side of the Avignon retail center.

The applicant convened a neighborhood meeting on December 15, 2010. Three residents attended. There were no objections to the proposed amendment to allow a liquor store.

IV. ANALYSIS

The Planning Commission made specific findings on the criteria for considering rezoning applications as listed in *UDO Section 18.12.140* with the original zoning request in 2004. The analysis below pertains to the applicable criteria for this amendment for a specific use:

D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

Avignon is well suited for neighborhood center retail uses, and a liquor store is permitted uses in a NC district. Removing the prohibition on liquor stores would allow an additional permitted use in the retail center.

E. The length of time the property has remained vacant as zoned.

The tenant space proposed for Avignon Wine and Spirits have been vacant for 5 months.

It should be noted that the Avignon retail center is a successful and well managed property. The liquor store would offer an additional leasing opportunity for the applicant to help the overall occupancy rate of the property.

F. The extent to which approval of the application would detrimentally affect nearby properties.

Avignon has been constructed and leased for several years. The retail center has had no noticeable detrimental impact on nearby properties. Inasmuch as a liquor store is a permitted use in a NC district, it is not envisioned that the proposed use would negatively impact surrounding properties.

G. The extent to which the proposed use would substantially harm the values of nearby properties.

The addition of a liquor store to the tenant mix at Avignon would have no more impact on property values than the existing retail users.

J. The economic impact of the proposed use on the community.

The proposed liquor store would add an additional revenue generating use for the property owner and the City of Olathe.

K. The gain, if any, to the public health, safety, and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

The proposed amendment does not pose a threat to the public health, safety and welfare.

IV. STAFF RECOMMENDATIONS

- A. Staff recommends approval of RZ-10-016 for the following reasons:
- (1) The proposed amendment complies with the Goals, Objectives and Policies of the *Comprehensive Plan*.
 - (2) Removal of the stipulation prohibiting liquor stores would have no detrimental impact on surrounding properties. The

Shops of Avignon are regulated by uses in the NC district, and a liquor store is a permitted use in the NC district.

- B. Staff recommends approval of RZ-10-016 with the following stipulations to be included in the ordinance:
- (1) All other provisions of Ordinance 04-131 shall remain in full force and effect and this proposed amendment only eliminates Section j. (2), removing ***liquor stores shall be prohibited.***

Note: Commissioner Almeida re-joined the meeting.

Following staff presentation, the Chairman opened the meeting up to questions from commissioners:

Chairman Campbell: Mr. Clements, just for clarification, we are asking only that the prohibition be removed, not the restriction that the NC district be removed.

Mr. Clements: Correct. Stipulation J-2.

Chairman Campbell: Are there any other questions? This is a public hearing.

[The Chairman outlined the rules for the public hearing.]

Comm. Rinke: I believe the code prohibits the sale of alcohol within 200 feet of a church or school, and it's based on the property line, not the actual building. There is a church that is southwest of the Avignon property, across 119th Street. Also, there is a school, Walnut Grove. I think they are well beyond the 200 feet, but just to make sure we're not violating that provision.

Mr. Clements: Yes, Mr. Rinke, staff did a radius check on those schools and churches and they are beyond the dimension requirements for a liquor license.

Comm. Ling: Is there a restaurant in that shopping center that has a liquor license already?

Mr. Clements: I believe there are three.

Comm. Ling: Are there any issues with any of those restaurants with their liquor license?

Mr. Clements: No.

Chairman Campbell: Thank you. This is a public hearing. We'll hear from the applicant.

Scott Buescher, Price Brothers Management, Applicant, 14585 Shannan, appeared before the Planning Commission and made the following comments:

Mr. Buescher: We just never debated this issue with staff. When we did the property several years ago, we had a different gentleman representing us. We had no early interest by anybody for a liquor store at the center. I helped design

and build it. I manage it, I operate it day to day, and we're trying to backfill a hole with one of our own businesses for this space. So, Price is intending to own and operate this facility, much like a Riemann Liquor. Marge Vogt asked that it would be like a Riemann Liquor, if that's what it was going to be. But we've put in three restaurants and we haven't had any issues with liquor sales with any of those. We asked staff why we couldn't before, and there's never really been an objection as to why not. So, here we are before you now, asking to see if we can go ahead and have that approved, see if we can put in a nice store that would be well run.

Chairman Campbell: Thank you. Any questions of the applicant at this point? This is a public hearing. Is there anyone wishing to speak in favor of this item? Is there anyone wishing to speak in opposition? Please come forward.

Gail Franklin, 11844 Hallet, appeared before the Planning Commission and made the following comments:

Ms. Franklin: I live just right down the street from the Village of Avignon. I'm just a little concerned about, while I believe that Price Brothers would put in a quality store and the upkeep would be fine, I don't know that they would always be the owner of that liquor store. I've looked at some other liquor stores in Olathe – for example, the one across the parking lot from M&I Bank – and it doesn't look very good. I don't believe any of you would want a liquor store right down the street from you. I don't have a problem with Price Brothers. I think they will do a good job.

Another concern I have is, already we have a problem with trash coming down into the yards between 118th Street and Hallet, from the restaurants. We have a problem with the trash bins. I don't know if there aren't enough, and the lids stay open, and the trash comes down into our yards, and we're left to clean it up. What they had there before was a cabinet showroom. Not a whole lot of trash accumulated with that business. If we can't keep up with the trash now with three restaurants, you're going to have a lot of trash coming from a liquor stores. Boxes, even when they are packed down – I don't want more trash blowing around in my neighborhood.

So, those are my concerns. Once we change the zoning, it's changed, and Price Brothers may not always be there to run it. I'm concerned who the next person will be there, running the liquor store. Is it going to look like some of the others here in Olathe? It's really going to drive my property value down.

Another thing is we have a Tae Kwan Do school right across the parking lot. It's a small parking lot. It's full of young children. I mean little children. The oldest maybe 15. I just don't think that that shop is conducive to a liquor store. It's a neighborhood. It should be something like what they've done in downtown Overland Park, or downtown Lee's Summit. You don't see liquor stores. That's it.

Chairman Campbell: Thank you. Any other comments, or anybody else wishing to speak in opposition to this? Seeing none, if we could hear back from the applicant.

Mr. Buescher: I just want to let you know, our company owns the shopping center at 151st and Mur-Len. Tom Smith built it, and we purchased it several years ago. It has a karate school and a liquor store within two doors of each other and we don't have any issues out there. And while that may be a concern, it's been owned and operated for ten or 15 years in the same location. As far as trash, if

she wants to call me, I have a groundskeeper who will pick that up at any time. I understand those concerns. I really do.

Chairman Campbell: Have you been seeing trash issues?

Mr. Buescher: We have a groundskeeper. Our own company built the homes behind the shopping center. It's a great concern to us. But you know as I do, with Deffenbaugh and the top loaders, when they're taking those loads off, obviously some things come out. It's very tough because the residential homes and the shopping center are side by side. That particular part I wasn't in favor of when we developed it, but it is what it is, and they are very close.

Chairman Campbell: Any other comments or questions?

Comm. Ling: The resident who spoke, who would you instruct her to contact at the City if she sees continued trash issues on her property from the development?

Mr. Clements: Our community property maintenance department, community enhancement.

Comm. Ling: So she can call the City and ask for that department and they'll get her to the right place?

Mr. Clements: Yes, sir.

Chairman Campbell: Any other comments or questions? Any discussion?

Motion by Commissioner Ling, seconded by Commissioner Locke, to close the public hearing.

Motion passes 7-0.

Motion by Commissioner Ling, seconded by Commissioner Ling, to recommend approval of RZ-10-016, for the following reasons:

- (1) The proposed amendment complies with the Goals, Objectives and Policies of the *Comprehensive Plan*.
- (2) Removal of the stipulation prohibiting liquor stores would have no detrimental impact on surrounding properties. The Shops of Avignon are regulated by uses in the NC district, and a liquor store is a permitted use in the NC district.

Commissioner Ling's motion included recommending approval with the following stipulation to be included in the ordinance:

- (1) All other provisions of Ordinance 04-131 shall remain in full force and effect and this proposed amendment only eliminates Section j. (2), removing ***liquor stores shall be prohibited.***

Motion passes 7-0.

**MINUTES
CITY OF OLATHE
STAFF REPORT
CASE # RZ-11-001**

Case Planner: Charisse Deschenes **Planning Commission:** February 14, 2011

Request: Approval of a zoning change from County IP-2 to MP-2 and revised preliminary development plan.

Location: 15765 South Keeler Street

Owner: RDIT Building Management, LLC, John Ralph

Applicant: Strickland Construction, Eric Hughes

Architect: Davidson Architecture & Engineering, Chris Hafner, AIA

Acres:	<u>4.99±</u>	Proposed Use:	<u>Warehouse/Sales/Shooting Range</u>
Current Zoning:	<u>County IP-2</u>	Building Area:	
		Warehouse:	<u>28,155 sq. ft. (existing)</u>
		Shooting Range:	<u>24,128 sq. ft. (proposed)</u>
Parking Spaces:	Required: <u>60</u>	Proposed:	<u>63</u>

	Land Use	Zoning	Comprehensive Plan Designation
Site	<u>Warehouse/Office</u>	<u>IP-2</u>	<u>Industrial Area</u>
North	<u>Warehouse/Office</u>	<u>M-2</u>	<u>Industrial Area</u>
East	<u>Warehouse/Office</u>	<u>M-2</u>	<u>Industrial Area</u>
South	<u>Single Family Residential</u>	<u>M-2</u>	<u>Industrial Area</u>
West	<u>Warehouse/Office</u>	<u>IP-2</u>	<u>Industrial Area</u>

Platted: Lot 24, Southview Properties, 4th Plat.

I. COMMENTS

The following is a request for approval of a rezoning from County IP-2 to MP-2 (Planned General Industrial District) and a preliminary site development plan. The applicant is proposing a new 24,128 square foot building to use as an indoor shooting range. This proposed building will be located on the south portion of the site.

The site also includes an existing 28,155 square foot warehouse and office building with an 8,200 square foot covered storage area. A final site development plan was submitted and is on the schedule for the March 14, 2011 Planning Commission meeting.

Per the requirements of the Unified Development Ordinance (UDO), the applicant notified all property owners within two hundred (200) feet of this property via certified mail. The applicant has provided staff with certified mail receipts and staff has verified all property owners have been properly notified.

II. HISTORY

The Governing Body approved a final plat for Southview Properties, 4th Plat (P-36-88) on May 3, 1989. A final site development plan (PR-53-89) for the 33,840 square foot office/warehouse building was approved by the Planning Commission on September 25, 1989.

III. PROJECT SUMMARY

The OMB Guns project is an indoor shooting range serving the public and governmental agencies. Two ranges will be dedicated to guns while a third range is proposed as an archery range. In addition to gun and archery, the building will have a classroom to cover topics from youth gun safety to general education classes. (see attached project summary)

Hours of operation are likely to change but preliminarily the hours of operation will be seven days a week from 9:00 a.m. – 10:00 p.m.

Fire ranges such as these must dispose of lead rounds and must comply with the Environmental Protection Agency and Occupational Safety and Health Association standards. The National Institute of Occupational Safety and Health standards will be used in the design of the range ventilation system.

To review the ballistics control, visit www.actiontarget.com. The ballistics grade bullet catch reduces the velocity of every bullet, allowing them to drop to the holding area below.

IV. NOISE

OMB Guns hired Action Target to design the ballistics control ranges. Sound baffling materials will be used inside the two gun ranges for sound abatement of gunshots. Action Targets provided copies of two shooting range sound tests (see attached sound range sound tests). The shooting range must meet the noise requirements of the City's Municipal Code. According the Municipal Code, Section 6.18.060, "No person shall operate or cause to be operated on private property any source of sound in such a manner as to create a sound level which exceeds the limits set forth for the receiving land use category shown following when measured at or within the property boundary of the receiving land use."

Sound Levels by Receiving Land Use

Receiving Land-Use Category	Time	Sound Level Limit, dba
R-A, R-A-1, R-1, R-2, R-3, R-4, R-5, PUD, A (Residential, public space, open space or agricultural or institutional)	7:00 a.m. – 11:00 p.m. 11:00 p.m. – 7:00 a.m.	55 50
C-O, C-1, C-2, C-3 (Commercial or business)	At all times	65
M-1, M-2, M-3 (Industrial)	At all times	70

V. NEIGHBORHOOD MEETING

The applicant held a neighborhood meeting (see attached minutes) on January 11, 2011. Approximately seven neighbors attended the meeting. Some topics of concern by the neighbors were safety, noise, ventilation, courses and hours of operation. Responses to the questions are found within the meeting minutes. According to the applicant, “attendees were excited for the project and held no objections to the development.”

VI. PRELIMINARY DEVELOPMENT PLAN

A. Public Utilities:

The property is located in Johnson County Water District No. 1 and City of Olathe sewer service area. Utilities are currently available to the site.

B. Access/Streets:

The property is accessed from South Keeler Street.

C. Drainage:

The applicant submitted a final drainage plan with the final site development plan scheduled for the March 14, 2011 Planning Commission meeting. At this time, the stormwater staff of the Public Works Division is reviewing the plan in accordance with *Title 17* of the *Olathe Municipal Code*.

The preliminary site development plan includes the addition of a dry bottom detention basin, a bioretention area and the use of other best management practices.

D. Parking:

The existing warehouse/office and the proposed shooting range requires 60 parking spaces. The preliminary site development plan includes 63 parking spaces.

E. Landscaping:

The applicant submitted a letter to the Planning Commission requesting a waiver of some of the Unified Development Ordinance landscaping requirements. (see attached letter)

A final review of the landscape plan will occur at the final site development plan stage. The preliminary landscape plan does not meet the perimeter landscaping, façade and foundation landscaping, and landscaping islands requirements. The preliminary landscape plan is also missing some approved landscaping from the 1989 landscaping plan including two Norway Spruce, one White Pine and one Sunset Maple.

The landscape area width along the west property line is only eight feet wide. The UDO requires a minimum of ten feet. In planned districts, the width can be reduced to seven and one-half feet in width. The applicant is requesting a reduction along the west property line.

The applicant will need to add street trees along the north property line and must meet the perimeter screening rate of one deciduous shade or evergreen tree for every 50 feet of linear property, and screening across 25 percent of all parking and vehicular use areas to a minimum height of three feet as measured from the grade of parking and vehicular use areas.

Building façade landscaping is not provided on the preliminary landscape plan. Along any building facade or foundation that fronts upon a public right-of-way or a parking lot provided for the building, landscape areas shall be provided equivalent to a minimum of twenty-five (25) percent of each building facade or foundation. The landscape area may be a continuous area or comprised of several areas. Building facades along service areas are excluded, unless the service area fronts upon a public right-of-way or common access drive.

Landscaping islands were not proposed with this addition to the site. The interior dimensions of any planting area or landscape islands shall be a minimum of one hundred sixty-five (165) square feet in area. Landscape islands shall be a minimum of nine (9) feet in width, as measured from back of curb to back of curb, and shall be constructed at a ratio of one (1) per each twenty (20) parking spaces. Each area shall be protected by vertical curbs or similar structures, and be designed and grouped into a parking and vehicular use area to create defined aisles and entrances for on-site traffic circulation.

F. Architecture/Design:

The proposed building is a straightforward design. The north elevation is made of tilt-up concrete wall panels. The public will access the building

through a door along this elevation. The applicant added a decorative awning over the door to lead patrons to the entrance. The south, west and east elevations are prefinished metal ribbed wall panels. The building has a pre-engineered metal building roof to slope to the south elevation.

The interior range design is state-of-the-art for ballistic control. The construction of the range is of ideal materials for containing sound transmission through the building of solid pre-cast concrete walls. A ballistics grade bullet catch reduces bullet velocity so that they drop into a holding area. The roof has a series of baffles installed at specific angles that don't allow stray bullets to penetrate the roof system.

The ventilation system will exhaust 100 percent of the air. All air is filtered through HEPA filters. The air exhausted will be free from all lead and other heavy metals that are created in the range.

Staff supports the proposed building design. Surrounding buildings in the area are metal and tilt-up concrete structures. The OMB Guns building matches the character of the neighborhood.

VII. ANALYSIS

The following are the criteria for considering applications as listed in *Unified Development Ordinance (UDO) Section 18.12.140* and staff findings for each item:

A. *The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.*

The future land use map of the *Comprehensive Plan* identifies this area as within the "Industrial & Employment District" Industrial areas are designated for more intensive industrial uses, including manufacturing, assembly and distribution. Research, warehousing and other light industrial uses are also appropriate in industrial areas.

The proposed development for the shooting range and classroom is consistent with the future land use map of the *Comprehensive Plan*.

The proposed development complies with the following principles of the *Comprehensive Plan*:

- **Principle CF-3:** *"Promote the health and safety of the community."*

The associated **Policy CF-3.1: Adequate Police Force** states: *"Remain committed to maintaining the police force level of service to ensure the safety of the community."*

OMB Guns will provide a location for police officers to practice fire-arm safety. And, as mentioned in the neighborhood meeting, there is an added benefit of police in the area.

- **Principle LUCC-6:** *“Discourage “leap-frog” or sprawling land use patterns by encouraging growth in serviceable areas. Promote the infill of vacant parcels and reinvestment in buildable areas.”*

The associated **Policy LUCC – 6.1: Targeted Development** states: *“With the guidance of the Comprehensive Plan’s Future Land Use Map, encourage targeted development, redevelopment and infill so as to channel growth where it will contribute to the long-term community vision and improve access to jobs, housing and services.”*

The proposed shooting range and classroom promotes infill development and reinvestment in Olathe.

B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).

The surrounding area consists of industrial land uses. The proposed shooting range and classroom is compatible with existing industrial development and the uses are appropriate for the Employment & Industrial District and the industrial area within that district.

C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses.

The surrounding properties are zoned County IP-2 and M-2 and most are used as warehouse and office space. Two single family homes south of the subject property are used for commercial uses. The proposed rezoning is compatible with surrounding properties.

D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

The subject property is a suitable location for a shooting range and classroom and the land uses are permitted in an MP-2 district.

E. The length of time the property has remained vacant as zoned.

A portion of the subject property is currently developed and the remaining portion of the lot was not planned for development until this application.

F. The extent to which approval of the application would detrimentally affect nearby properties.

The proposed development should not be a detriment to surrounding properties for the following reasons:

- Maintains general access to the site.
- Consists of similar uses as existing and surrounding buildings.

- Quality development that meets the surrounding architectural style and building materials.

G. *The extent to which the proposed use would substantially harm the values of nearby properties.*

The proposed development should have no negative impacts on surrounding property values because the uses are permitted in MP-2 districts and comply with current zoning requirements.

H. *The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.*

The proposed development of a shooting range and classroom is not expected to adversely affect the surrounding streets. The proposed development includes the required number of parking spaces for the use.

I. *The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.*

Staff is not aware of any potential air or water pollution. Any noise must comply with the requirements of the City's Municipal Code. The site includes proper stormwater drainage and will comply with City stormwater requirements.

J. *The economic impact of the proposed use on the community.*

The proposed development follows revitalization goals of the *Comprehensive Plan*. Construction of a shooting range and classroom at this site promotes infill and reinvestment in a buildable area of Olathe.

K. *The gain, if any, to the public health, safety, and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.*

The revised development plan does not pose a threat to the public health, safety and welfare. The use promotes police presence in the industrial area.

IV. STAFF RECOMMENDATIONS

A. Staff recommends approval of RZ-11-001 for the following reasons:

- (1) The proposed development complies with the Principles and Policies of the *Comprehensive Plan*, including *Principle LUCC-6: "Discourage "leap-frog" or sprawling land use patterns by encouraging growth in serviceable areas. Promote the infill of vacant parcels and reinvestment in buildable areas."*

- (2) The rezoning to a MP-2 district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.
 - (3) The proposed development as stipulated, meets the height and area requirements and development standards for MP-2 zoning districts.
- B. Staff recommends approval of RZ-11-001 with the following stipulations to be included in the ordinance:
- (1) Prior to publishing the zoning ordinance and within thirty (30) days following approval by the Governing Body, a statement that a preliminary development plan has been approved for the subject property shall be filed in accordance with the requirements of Section 18.12.230 of the *Unified Development Ordinance (UDO)*.
 - (2) The final site development plan shall conform to the general layout and design of the revised preliminary development plan dated January 28, 2011.
 - (3) The project must be in compliance with the requirements of the Municipal Code, Chapter 6.18, Noise.
 - (4) A reduction from ten feet of landscape area width to seven and on-half feet landscape width is approved along the west property line of the site.
 - (5) The shooting range shall comply with all federal, state and local safety and health regulations.
- C. Staff recommends approval of the preliminary development plan with the following stipulations to be completed with the final site development plan:
- (1) The final site development plan shall comply with *Unified Development Ordinance (UDO)* requirements for landscaping and screening.
 - (2) The final site development plan shall include the trees shown on the approved plans from 1989 including two Norway Spruce, one Sunset Maple and one White Pine.
 - (3) A parking lot lighting plan, in accordance with *UDO* requirements, shall be submitted and approved with the final site development plan.
 - (4) 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 such cabinets are screened with landscape materials.

- (5) As required by the *UDO*, 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.
- (6) All on-site wiring and cables shall be placed underground.

Following staff presentation, the Chairman opened the meeting up to questions from commissioners:

Chairman Campbell: Are there questions of staff at this time? Mr. Ling.

Comm. Ling: Charisse, on the architecture, the concrete is on the front, which I guess is the north elevation?

Ms. Deschenes: Yes.

Comm. Ling: And then there's the metal panels on all the other elevations.

Ms. Deschenes: Right.

Comm. Ling: Is the metal panel consistent with the other buildings in this area?

Ms. Deschenes: Yes, I drove out to the neighborhood and looked at the other buildings, and there are a lot of other metal buildings in that location.

Comm. Ling: Why the concrete on the front?

Ms. Deschenes: To give a little bit of a decorative appeal.

Comm. Ling: Okay. The other question was on the landscaping plan reduction. It's not a setback; it's the landscaping?

Ms. Deschenes: The landscape setback would be from 10 feet to 7.5 feet.

Comm. Ling: Okay, so it's a landscaping setback that's being reduced, and that's only on the east side. So that's between this property and the adjacent property. It's not street side or anything like that.

Ms. Deschenes: Correct.

Comm. Ling: Okay. Those were the only questions that I had.

Chairman Campbell: I have a question regarding the sound limits. You're requesting that we, since there are residents to the south, even though they are

zoned an industrial district, that we meet the residential guidelines. Is the sound ordinance set up so that the sound that is to be maintained, we're not talking about ambient noise or anything out of their control? This is sound levels that are coming from their facility.

Ms. Deschenes: Right. Measured at the property line.

Chairman Campbell: Measured at their property line. Okay. The reason I ask, I mean, I have cicadas in my yard that are louder than 70, so –

Ms. Deschenes: I tried to find a good representation. So, zero would be the weakest sound heard, and the loudest sound possible would be like 194. A power mower at three feet would be about 107. City traffic inside a car would be 85. Normal conversation from three to five feet would be 60 to 70.

Chairman Campbell: But again, the sound limits are from the noise producing the function. They can't do anything about ambient noise. If it's summertime and there are cicadas going, they can't do anything about that.

Ms. Deschenes: Right.

Chairman Campbell: And wouldn't be expected to. Just trying to get that on the record. This is a public hearing. We would like to hear from the applicant.

Chris Hafner, Davidson Architecture & Engineering, 11301 Strang Line Road, Lenexa, appeared before the Planning Commission and made the following comments:

Mr. Hafner: I'm here for OMB Guns. I'm excited about the project and obviously here to answer any questions you have. Obviously, our biggest concern right now is the noise levels that have come up. They came up in the neighborhood meeting. To answer the question about why the north façade has concrete, there's actually a tilt-up concrete wall on the north face and a concrete wall partitioning the two shooting ranges, and then one on the end, partitioning it from the archery range. So, if you look from north to south within that building, we have two shooting ranges for fire arms, and then the archery range, each about 39 feet wide.

Comm. Ling: Since you brought it up, I actually was going to ask you that question, because somewhere it said that the concrete was to dampen the sound. Will you be able to do that without the concrete on the other three sides? With other means?

Mr. Hafner: The two shooting ranges that will hold the actual firearms that people shoot will be completely encased in concrete, both the wall from the classroom/education side, as well as in between each other. The other caveat to

that is on the east elevation, it is metal panel, but that is where Action Target, who is doing the installation of the actual firing range, has all their equipment, and the end of that range that heads east. That's where all that equipment will be. Our number one concern, aside from sound, is safety, obviously, and that's where everything gets captured at the end, with that material.

Related to the sound, what I'm trying to get across is, we've moved the shooting ranges as far away from these residences – honestly unbeknownst to us when we designed it, but they were the furthest point away within the building from the residents. We also have a 40 foot buffer between the building and the property line, and we're maintaining that because we tried to maintain as much of the existing tree line that's there currently. So, we're zoning from County to MP-2 to get to current standards, which we are in complete compliance with and understand. What we're asking for, I think, is that we meet MP-2 decibel levels. You'll find in those reports that we are very close to these numbers, and I think there probably wouldn't be an issue at the property line, but from what I'm reading, within 100 feet we would be at 60 decibels, maybe, instead of 55, during operating hours. I don't think we have any issue with the 50 decibels because we wouldn't be operating past 10 o'clock in the evening or open before 7:00 a.m. I think the commentary there is just, what do we consider a "loud" noise? Like Charisse, I typed in "How loud is 50 decibels" in Google and pulled up that 50 decibels is a refrigerator running as you stand next to it; 75 to 85 decibel is a toilet flushing. So, I understand the concern, and I'm certainly willing to hear if there is a neighborhood concern about that, but I feel like we're meeting the intent of both the concrete walls inside, additional dampening that happens, both at the roof and within the walls of the space for these shooting ranges, the distance we have it set within the building from the exterior wall, and then from the property line as well as the existing tree line that we plan to maintain along there.

I'd be happy to answer any more questions about that. Regardless, I think we are in compliance and agreement with all the other stipulations. We are in for final site plan, and we'd be happy to answer any specific questions about the project.

Regarding landscaping, we're really just dealing with an existing lot that OMB Guns purchased. They are operating out of the existing building now. What we're asking for is basically a consideration of letting us maintain the lot as it is, stripe in the appropriate number of parking spaces that are required for this use, and not have to tear up asphalt to meet the 10-foot setbacks or put in landscape islands that would obviously greatly affect the scope and budget of the project. I will say, we did talk with Mike Sylvester and worked through both BMP and detention design for the impervious area increase that we did provide on this site. That's what you will see just west of the building.

In addition to that, Eric Hughes with Strickland and myself went through administrative approval fairly up the street at Serve Pro. Not a similar use, but definitely a similar project – existing use on a site. Ask for a 6,000 square foot warehouse back behind on that same property. Metal building. We did provide for BMP for that and added, I think, 12 or 15 shrubs along the existing fence line, to

kind of spruce up the front as you went down Keeler. It's a very industrial area and it's a great area for this type of use. And I will point out that when we did have the neighborhood meeting, the surrounding neighbors were excited about the increased police presence, the activity level down there, and it just gave a sense of security to everybody to have this use happening in this facility.

Chairman Campbell: Questions of the applicant?

Comm. Harrelson: Are you asking that we accept a different decibel level for hours of operation than what are proposed in this particular case? Is that what - ?

Mr. Hafner: I'm asking that for an M-2 industrial zoning, to meet the 70 decibel level. We have no issue hitting that. I just don't want to get into a situation where we're at 58 decibels if it's measured at the property line, versus the 55 that's required. I don't think we have an issue with the 50 after hours because I don't foresee that being an issue. It's just during the operation hours, from the information that we provided from Action Target, the numbers were getting very close to 55. I didn't want to have an issue.

Comm. Harrelson: Well, to me, that's fairly important. There's significant increase, although 50 decibels doesn't sound like much. Percentage-wise, that's a significant increase. And we're really not looking at what you're doing in this building to achieve that, and we're not going to evaluate that. All we're going to do is set the performance criteria because I suspect that someday, someone will complain about guns being fired during the night while they're trying to eat dinner, or whatever they are doing. So, if they can hear them, we're going to have a complaint. So, eventually I can see us out there checking it out with a decibel meter to see if you meet the criteria. Not us, obviously, but someone will. So, this is purely performance criteria for you, so, to me, this is a big deal.

Mr. Hafner: I agree, and that's what I'm saying. I would like to meet what we're zoned under from a decibel level standpoint. I don't think we're going to have an issue getting there. It's meeting the residential level even though we're not a residence, and that property is zoned for industrial use as well. It just happens to be used for residential. I'm not trying to work outside of the approved ordinance. I'm just trying to use the decibel level that this site would be zoned to.

Chairman Campbell: Thank you. This is a public hearing. Is there anyone else here wishing to speak in favor? In opposition? Or undecided?

Rolland Hendricks, 19004 West 159th Street, Olathe, appeared before the Planning Commission and made the following comments:

Mr. Hendricks: I also own the property at 19150, which are the two houses to the south that are adjacent to the gun range. I've lived there since 1972, so I was there before any of the warehouses were built out there. I apologize to the people

involved because I missed their meeting on January 11th. I didn't receive my certified letter until the 14th, as was indicated. However, I did come over and visit with the management at the OMB gun store, and they did show me around and explained, to the best of their ability, what the gun range was going to consist of. I had some questions and concerns – and still have them, - primarily with the roof. It's evidently going to be a metal roof, which I think, unless it's sound proof, will have some problems. I also disagree with him about the decibels. I think it should be at the residential level. I also had a question about when they take this reading, as Charisse indicated, they will have a man go out there, but I assume after the building is done and the firing range is in place. Well, is the decibel level taken at the time of one gunshot, or several gunshots? There could be multiple shots at one time, and therefore, do you average it? How does that work? I'm just raising the question.

I did talk to Mr. Eric, and he indicated that if there was a problem, they might correct it down the road. Well, my experience is that sometimes, that's very difficult to do. Once it's in operation, and say you wanted to soundproof the roof, I guess it would be very expensive, but I suppose it could be done.

At any rate, I also have a tenant next door. He would be the most important guy. My wife could leave me and I could get along without that, but without my tenant, I would have a lot of difficulties. So, I'm very concerned about the noise level. And I have two dogs, too, and they are more important than anybody. So, you can see where my concerns lie.

They indicated there are ventilation fans, too. Well, that's an access for sound going out of the building. I don't know, unless they are into a bin or something where it doesn't have access out. The moveable alleys bother me. You get several people in there and they're all firing at the same time, that could really sound like a war out there. I just don't know where the decibel level would be taken, and that really bothers me.

At any rate, I know I'm zoned, too, but I'm still residential, and probably will be there until I die. I'm 72 years old and I kind of want to live out the last few years in quiet. I don't know if it's going to happen. I don't want to stop progress, and I do shooting myself, but I still have to live there. The people that are doing the shooting put ear muffs on, you know, but I can't do that.

One other point. I think 11 p.m. is a little late. I go to bed at 10:30. Seems to me you shouldn't be shooting after 10:30. And even if it's not real loud, my dogs are going to go crazy if I shut off the television and they can hear it. So, maybe I'm being unreasonable, but they assured me. I told them I had concerns, and I just wanted to be on record with them.

Chairman Campbell: Thank you. Any questions?

Comm. Harrelson: Mr. Hendricks, I wonder if Charisse could maybe help you show us your properties on our map?

Mr. Hendricks: Yes, and she was very helpful when I went in to visit with her, too. In her initial report, they had these residences as businesses, and I wanted to assure her that there has never been a business there.

Ms. Deschenes: His properties are located just south of this site. Two properties.

Comm. Harrelson: It looks like there are two homes shown down there at the south edge. That's where those are at?

Ms. Deschenes: Yes.

Comm. Harrelson: Okay.

Mr. Hendricks: I'm on 159th Street, those are on Keeler, but there's no road there, of course.

Comm. Harrelson: Thank you.

Chairman Campbell: Any other questions? Let's hear from the applicant about some of these issues, including the roof.

Eric Hughes, 710 Persimmon View, appeared before the Planning Commission and made the following comments:

Mr. Hughes: I did talk to Rolland, and I think what I told him was, two things. One is that the firing range that's going in does have a roof in it, and it is insulated. Also, you have a metal building roof on top of that, so you have two areas of insulation. What I told him is that if there is an issue, I know the owners well enough that they don't want to have an issue with sound either, and if they needed to come back and do something in the future, we could do that very easily by insulating the wall to the outside. That's probably where you're going to get your sound because you're going to have a big sound barrier between where the range roof is, and then your existing roof. You're going to have quite a sound cavity between the two. There's probably going to be a good seven to eight feet between those two areas.

Chairman Campbell: Mr. Hughes, I assume that this is specialized construction and the actual ranges are done by a specialist.

Mr. Hughes: Action Targets, yes.

Chairman Campbell: So, this isn't their first one?

Mr. Hughes: They are the largest manufacturer, it's my understanding, and state-of-the-art in the world. They do lots of these all over.

Chairman Campbell: And each of the shooting ranges are literally encapsulated inside themselves, and then the building is actually around - ?

Mr. Hughes: Correct.

Chairman Campbell: So that's how the roof issue is taken care of. The ventilation fans would have the same sound dampening to the exterior - ?

Mr. Hughes: Yes. That's actually part of the system from Action Target, is doing the ventilation of this entire thing.

Chairman Campbell: The other question that was asked had to do with the sound measurement and how it was accomplished. I do know that sounds such as this are not cumulative. Two guns fired at the same time, assuming just for argument sake that they both fire at a 50 decibel rate, that does not equal 100 decibels. So, it's to a cumulative thing, and there are specific sciences that are exact in their measurement. We do have residences that were here while they are zoned, and there is such a disparate difference between 50 and 70. Seventy is significantly louder than 50, but 70 is also not very loud. So, we have issues to deal with. Mr. Kohler?

Comm. Kohler: The fire ranges themselves – and thank you for the acoustical engineer reminder, that it is not a louder sound, but the fact that there are going to be a number of people firing, and for a long time, the duration would be a concern. But even if a toilet flushing makes a little bit of noise, I'm not flushing it constantly. So, if you were maxed out, how many people would be firing guns?

Mr. Hafner: Each of these ranges has ten firing lines within them. Correct.

Comm. Kohler: I don't own firearms, but I would like to go try this. I think I'd be good at it. I just happen not to have fired any. When people go there, how much time do they spend? I think that's what the issue is. The public's hours, by the way, to address the resident's concern, is that they stop at 10:00 p.m. You probably wouldn't be required to, or is there a stipulation - ?

Mr. Hafner: It was just OMB Guns, how they wanted to move forward with this.

Comm. Kohler: So when people go there, how busy would it typically be, and how long do they stay there, firing?

Mr. Hafner: If you don't mind, I'd like Mr. Rob Walker to come up. He is vice president of law enforcement sales for OMB Guns. He can probably speak to that a lot more clearly than I can.

Rob Walker, 407 N. Harrison, Spring Hill, appeared before the Planning Commission and made the following comments:

Mr. Walker: Regarding the issue of how long people stay at the range and shoot, to be honest with you, this is the first range that our company has proposed to build. However, we have done some research and we know that there is a great need, especially in Johnson County, because there is no police department in Johnson County that actually owns their own range. So, that's one of the reasons why we dedicated half of the 20 lanes to law enforcement. Law enforcement will be given priority over ten of these lanes, and the other ten lanes will be dedicated to our civilian shooters. Whenever law enforcement is not utilizing the law enforcement range, then we will open that up to civilian shooters. Like Eric said, on the civilian side and the law enforcement side, you're going to have ten individual lanes that one shooter will be shooting from at a time. From the market research that we've done, most shooters who go to a range to shoot, they'll spend about 45 minutes in a lane, shooting, and they will shoot about 100 rounds, on average, while they are at the range.

Chairman Campbell: What are your proposed hours of operation?

Mr. Walker: For the civilian side, we're looking at 9:00 a.m. to 10:00 p.m. On the law enforcement range, we'll probably open that at 8:00 a.m. because most agencies work an eight-hour day. So we'll probably let them in at 8:00, but that's not set in stone. We do know that we do not plan on shooting past 10 o'clock.

Comm. Almeida: How far are the residences from the property line? How far from the property line south is it to the actual homes? Also, is there any attempt, I guess, to maybe simulate – we're worried about the discrepancy between 60 decibels and 55, or 70, to maybe do a sound test at the property line and see what the affect is on the home.

Ms. Deschenes: In talking with the residential property owner, he mentioned that the houses were probably a football field's length to the property line.

Comm. Almeida: The thought being, I'm looking at some of these sound tests and the sound seems to dissipate pretty quickly. Maybe a quick field test would verify that maybe there's no concern.

Mr. Hafner: Roughly, looking at the length of OMB's site right now, it's about 650 feet. If I'm just using my architect brain here, it looks to be about 500 feet away from the nearest residence. So, again, it's the property line that really comes into play with the 50 decibels. Quite honestly, from the gun tests that you guys have in the packets, we're at 60, probably at that same level. I don't think we have an issue. I just didn't want it to be an invisible property line issue of 50 decibels when – We're not trying to go over and above the M-2 zoning. We just want to meet the 70 at the property line. I'm pretty sure with the distances we see, there wouldn't be an issue that far away, within another 500 feet to dissipate that sound.

Chairman Campbell: Charisse, our sound ordinance says it's measured at the property line. That's the issue. So, whatever we do has to be done at the property line, if we count on dissipation because of where the houses are. But we would have to enact something for the property, based on the current UDO.

Ms. Deschenes: Right.

Chairman Campbell: Thank you. Other questions or comments at this point? Is there anyone else wishing to speak, either in opposition or in favor of this item? Any questions, comments?

Comm. Ling: I have a question for Strickland, I guess. If we were to put the residential standards in there, is there a way to design this to comply with it? The 55 or the 50 at the property line.

Mr. Hughes: I would think there would be. We'd just have to put more insulation in. And we don't know what it's going to be until we get it up and do a test anyway. I don't want him to have a problem, and neither does OMB, but also, let's don't go out and do something drastic when we don't know whether or not we really need it.

Comm. Ling: Mr. Chairman, my comment is that there are residents there; yes, they are zoned industrial – and it's county industrial, correct? It's still county zoning?

Ms. Deschenes: Their zoning is M-2. It's the city zone.

Comm. Ling: So they are in the city zoning?

Ms. Deschenes: Yes.

Chairman Campbell: I have questions about the landscaping. We are missing some landscaping from the existing. Can you address that and give us some other ideas about why we're asking for less.

Mr. Hafner: I'm not sure when those existing trees would have been removed. I can't imagine that's a deal breaker, to maybe not go in the exact same spot, but certainly bring those three or four back on to the site somewhere.

Chairman Campbell: In the packet, there was a letter that referred to some reasons as to why, but I think we might be missing a page or two. Can you elaborate again for me why you're requesting a reduction in the landscaping? Is it future development?

Mr. Hafner: It's a number of reasons. So, the comments from Charisse's findings were that the entire site be upgraded to meet the current UDO landscaping requirements. We felt this was a little excessive based on a few things, one being that we had recently just come in with Serve Pro, you know, a new building on an existing site, and had to add a few shrubs and still meet the BMP requirements, but not necessarily bring the entire site up to current UDO standards. The non-residential perimeter landscaping requirements – Again, just adding new landscaping when we have a very, very significant tree line basically surrounding this property. Where we were putting the new building, we felt that adding more trees to an existing tree line didn't make a lot of sense. Also, the existing parking lot with the interior islands – We were just asking to be able to re-stripe the parking lot to meet the parking requirements, make sure that we meet ADA accessibility requirements with where we put those spaces to get into the building, but not have to tear up all of the asphalt to be able to put in a landscape island, put in trees, irrigation lines, and things like that from this building to meet that need.

The other part of it is, OMB Guns might not be here for 30 years and the original use of the site was a van line that had trucks parked everywhere. We're just trying to maintain the future usability of the building to not put in islands where truck maneuverability could be affected in the future, if it went back to that type of a use.

Chairman Campbell: Does OMB own this or are you leasing?

Mr. Hafner: Own.

Comm. Harrelson: I'm going to make a comment. I've listened very carefully to some of the comments, and there are two things. I'll try to bring this to a close, at least on my input. Relative to the landscaping, I'm not really that exacting on what we do there. There are so many pieces of property out there that don't really need it, and as it pertains to this building, I think we ought to do some things, but I don't know that we need to meet the letter of the code relative to that because we've got a lot of issues in that area that don't really fit anyway. I think it's appropriate to have a little bit of room relative to that code.

I think the big issue to me is the sound. We have a resident who has lived in the area for a long time. We have a very specific and unusual use that maybe has its place. We have Mr. Hendricks, who I think was very kind and not wanting to stand in the way of progress. So, my thinking is that our limiting sound really ought to be the residential use. That's just the way I feel about it. I don't want to have him be left without any recourse if it doesn't fit, it doesn't work. To me, I think we ought to error on his consideration rather than the higher decibel level. That's just my comment. I just feel that way. I don't know whether that's right or not. That's just the way I feel about it.

Comm. Ling: That's kind of the path I was headed. The zoning confuses the matter, certainly. I considered having the 55-50 apply at his residence, but that

really potentially impedes the potential use of the northern part of his property, so I don't think that's an appropriate solution either. I guess I'm in line with the previous comments, that the residential standards should apply in this case?

Chairman Campbell: Any other comments, questions, or further discussion?

Comm. Kohler: I have a question related to the concerns that they just expressed. I thought I heard Mr. Hughes indicate that if designed appropriately, you can design it to meet those standards, but does it kill off the business plan of OMB? We want to be fair to them, but if you can prevent a lot of trouble just by designing it to reduce the noise, then if it's not a deal-killer, then you guys go with it.

Mr. Hafner: Unfortunately, I'm not sure what the dynamics and economics of the additional insulation within this baffled area would be within each of these ranges. I'm not sure. I can't answer that. It's certainly something we will look at with Action Target. I'm just asking for the same consideration that all the other M-2 zoned properties have around us.

Chairman Campbell: This is a preliminary plan and we do have a final plan coming in. I have some suggestions about that because we will see a final development plan. It does affect the zoning tonight, though. I think with the final plan, we could get some true calculations. There is a formula that is used for dissipation over a specific – and I've been trying to remember what it is, but I can't remember what the decibel level dissipation is over 100 feet, but it is significant. I'm actually erring in favor of the 70 decibel just because of that and what I know from my acoustical training, way in the past. One of the things that I am concerned about is the landscaping issue. We have a stipulation that says it's going to conform to the whole site, we have a request that says to lessen that, and only impact – We haven't had much discussion about that, so I'm not sure if that is an issue or not. In the past, we have been kind of hit and miss out there, and I'm not sure why that is the case. If we have an ordinance, I think we ought to follow it. I do understand the reasons for not doing it in this case in the upper portion, except bringing the site plan into conformance with the missing trees. But with a new building, I have a hard time reducing the landscape requirements. I'm not sure we're asking for that, but I would like to see it documented specifically in our final plan and be very clear about what it is that we're doing.

Comm. Kohler: This is a locally, independently-owned business – OMB Guns?

Unidentified: Yes.

Comm. Kohler: I just wanted to be clear on that.

Chairman Campbell: The other thing we haven't talked about, and it would probably be appropriate in this instance, since it is a unique use, is to actually

have a stipulation of when the closing time would be. We have done that in the past with other uses. I can think of some drug stores that we said there would be a closing time, or there won't be deliveries during a certain time. So, it may make sense to say ten o'clock.

Mr. Hafner: I think we are in agreement.

Chairman Campbell: That's probably an easy compromise. It's very enforceable. Those are some of my comments.

Mr. Hafner: On the landscaping side of it, I want to point out that we are bringing in a lot of plantings for the BMP requirements. We're handling that with a bio retention cell. So, there will be plantings there. We did add plantings. I didn't want to intimate that we don't want to do anything to the site. We did add landscaping to the site. We didn't do a specific tree count survey along this tree line, but I'm about 99 percent sure, if we looked at the amount of trees along the east property line, along the south property line, and along the angled west property line, you would not be displeased with the number of trees there. It's not a matter of quantity; it's just a matter of trying to bring the front of the building and everything else up to current standards, as well as doing interior parking lot landscaping, which obviously is detrimental to the economics of the project.

Comm. Almeida: My thoughts are I would like to see at least some sort of calculations on what it is going to be if we're going to do a variance up to the 70 decibels at the property line, or some sort of field test with the property owner. Since he's been there for so long, I just have a hard time arguing that it should be at an increased level, unless he's at least given the chance to see what it would be like, and to hear it. Most of the time the wind is going north to south, so it will be blowing in his direction. I also agree with your comments on the landscaping.

Motion by Commissioner Kohler, seconded by Commissioner Locke, to close the public hearing.

Motion passes 7-0.

Chairman Campbell: Are there further discussions? Stipulation modifications? Motions?

Comm. Almeida: My thought is, I think this is a good project. I think all the parties are wanting to come to a solution, and I think that whatever we try to decide right now would potentially cause this business owner increased cost. It sounds like maybe with a little bit more time, they could verify some of our assumptions that we're making tonight and possibly arrive at the same solution, and just have the buy-in from the residential property owner and have us know that we're not putting any undue expectations on him to live with increased noise. So, I would

definitely like to see some sort of motion to table this and give them the time to prove that out real quick. Then we can move this forward.

Chairman Campbell: Is your suggestion to table the rezoning and have it come back with the final site plan all at the same time?

Comm. Almeida: If they want to do that.

Ms. Deschenes: The applicant wishes to keep a motion on the rezoning and provide it with the final site development plan, if that's possible.

Chairman Campbell: I'm not sure if that - ? The question at hand is, should the stipulations that we're discussing for the change in the decibel level be at the rezoning, or can it be included at a final site development plan?

Unidentified: [*Off microphone*] Is it the suggestion of Mr. Almeida that the rezoning item be continued until such time that the site plan is - ?

Comm. Almeida: Or such time as, I think there is a meeting in between now and then that they can check out what the actual noise disturbance to the residents would be, or do their calculations. That would provide our second meeting of the month, as well as the March 14th meeting, which I think is when they were planning to submit the final.

Unidentified: Charisse has pointed out that the staff recommendations are that the project be in compliance with the requirements of the municipal code and the noise requirements, which as you see in the staff report, shows that it's zoned M-2, and it would be at 70 decibels. If there is a desire for staff to do these findings as it relates to the residential property owner, I think if you want to make those modifications, you should hold off in making your determination on the rezoning. It's kind of up to you, really. The main thing is, when we're looking at staff's recommendations for what we have here, we have certain stipulations that haven't been satisfied. This is one of the stipulations. It's a contentious issue. If you need more information before you can make that decision, it seems like you should wait and make that determination until such time as you have the information and you feel comfortable moving forward. You can certainly take action on the rezoning during the same meeting as you take the final site recommendations.

Comm. Kohler: Mr. Chairman, did I hear John's motion to be that we continue this to be concurrent until March 14th for the rezoning to be concurrent with the plan development?

Comm. Almeida: Continue it however long it takes them. Let's hear.

Mr. Hafner: My understanding with the process was, we held off the final site plan because it couldn't be heard until after the rezoning went through March 1st, so we staggered everything to meet those accommodations of getting a project rezoned to M-2 before the 14th.

Chairman Campbell: That's normally the case, but in this situation, since we're asking for more information, we're going to make an exception, is where I was going with that. If you could provide to us information in the next two weeks, the calculations, the scientific back-up on the decibel levels and what that really is, then we could probably move forward in two weeks with the rezoning and still move forward with the final site development on the 14th.

Mr. Hafner: Obviously we want a solution. I don't think Action Target is going to take that long to prove out what the decibel levels will be based on this – to the house, whatever you want to see.

Mr. Clements: The other option is to approve it tonight with the residential levels as part of the ordinance.

Chairman Campbell: I would be hesitant to do that without the scientific back-up. I would agree, and will second the motion to continue the rezoning hearing until the next meeting.

Mr. Clements: That would be February 28th, and so the applicant would know, we would need findings and determinations by perhaps Monday the 20th.

Chairman Campbell: What we are asking for are specific calculations regarding the decibel levels.

Comm. Ling: At what point, Mr. Chairman? At the property line? Or the residence?

Chairman Campbell: And the dissipation to the residence. I would like to know that. I mean, it's a simple formula. You just plug the numbers in and go.

Comm. Ling: I'm not sure it will change much for me because I believe we should apply the residential standard at the property line. I'm not sure the calculations will change my opinion of what the stipulation would be.

Comm. Almeida: Whatever else we have holding this up to them, if it is just the noise issue – I mean, I guess we have landscaping issues that are affecting the rezoning, and we need to let them know now. So, whatever objections we have, I guess I would ask my fellow members to make sure that we make them clear so that they have a clear understanding of where they need to go forward.

I might make one other mention, another alternative for the applicant. If the Planning Commission decides that it wants to apply the residential standard

to the [*inaudible*] and go forward with that, the recourse that the applicant would have would be to request the modification and the stipulation to the governing body.

Chairman Campbell: Are we clear? We're voting on a continuation, and you can vote yay or nay.

Motion by Commissioner Almeida, seconded by Commissioner Campbell, to continue item RZ-11-002 to the February 28, 2011, meeting.

Motion passes 6-1, with Commissioner Harrelson voting in opposition to the motion to continue.

Comm. Ling: Mr. Chairman, are we clear on what we want the applicant to come back with?

Ms. Deschenes: Calculations at the property line and dissipation to the residence.

Chairman Campbell: Correct. I want to know the calculations for the sound, the decibel levels at the property line, the decibel levels at the residence. I mean, it was brought up, what is the decibel level with concurrent firings – What is that? Just some of those basic scientific questions to be answered. Then, at the final site development plan, we were going to have the updated landscaping plan, to include everything that was shown and that we don't have now. All the trees identified that are missing on the plans, etc. And the stipulation on the operation times, what we would assume would happen at the rezoning.

Comm. Ling: I think if we address the 50-55 residential, I think that, for me, addresses that there would be no need for an hours of operation limit, but that's just my comment.