

**MINUTES
CITY OF OLATHE
STAFF REPORT**

Case # PR-11-007

The meeting was called to order by Chairman Jon Campbell, with the following members present: Mike Kohler, Nedra Locke, Paul Ling, Mike Rinke, Greg Harrelson and Jeremy Fry. Absent was John Almeida.

Chairman Campbell read the standard *ex parte* statement; Commissioner Harrelson reported *ex parte* communication regarding PR-11-008. No other commissioner reported any *ex parte* communications.

Motion by Commissioner Locke, seconded by Commissioner Ling, to approve the Consent Agenda. Motion passed 7-0

Case Planner: Sean Pendley **Planning Commission:** March 14, 2011
Request: Approval of revised site development plan for Mi Ranchito Market.
Location: 964 S. Harrison Street
**Owner/
Applicant:** Rulber's Restaurant Management, LLC, Rulber De La Torre
Architect: Sullivan Palmer Architects, Jim Sullivan

Acres:	<u>0.49±</u>	Proposed Use:	<u>Grocery Store</u>
Floor Area:	<u>3,887 square feet</u>	Current Zoning:	<u>CP-3</u>
Parking Spaces:	Required	<u>16</u>	Shown on Plan <u>20</u>
Streets and Right of way:	<u>Harrison Street</u>	<u>Dennis Ave.</u>	
	Existing	<u>50' (total)</u>	<u>30'-50' (½ street)</u>
	Required	<u>50' (total)</u>	<u>30'-50' (½ street)</u>
	Proposed	<u>n/a</u>	<u>30'-50' (½ street)</u>

1. Comments

This is a request for a revised site development plan for Mi Ranchito Market on the former Sonic restaurant site. The property is located on the northeast corner of Harrison Street and Dennis Avenue. The owner is proposing to remove the existing canopies and renovate the building to accommodate a market with a small dining area. An associated final plat for Rulber's No. II (P-11-006) is also on this agenda.

The existing building has been vacant since the new Sonic restaurant was built on Parker Street last year. The proposed development includes removing all the existing canopies and expanding the building from 1,594 square feet to 3,887 square feet. The proposed market will include retail space for groceries and a small dining area with approximately 18 seats.

The proposed development will require a nonconforming situation permit for the existing parking/paving setbacks. The parking lot does not meet the *Unified Development Ordinance (UDO)* requirements for minimum setbacks from public street right-of-way and other property lines. Therefore, the proposed development will require a nonconforming situation permit for the existing parking setbacks.

2. **Utilities:**

The site is located within the City of Olathe water and sewer service area. Line extensions, service connections and/or upgrades are subject to review and approval by the Department of Public Works, Planning and Environmental Services.

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 approximately five (5) feet from Harrison Street and three (3) feet from Dennis Avenue right-of-way. However, the applicant is not expanding the parking lot and there are no conflicts with the existing setbacks. The applicant is also dedicating additional right-of-way along Dennis Avenue, which causes a portion of the parking lot to be non-conforming.

The existing parking lot is approximately one (1) foot away from the east property line and approximately five (5) feet from the north property line. The applicant is not expanding the parking lot and there are no conflicts with the existing setbacks.

B. Building: The minimum building setback from public street right-of-way is forty (40) feet and ten (10) feet from commercial property lines. In CP-3 districts, building setbacks may be reduced to 15 feet from street right-of-way per development and performance standards. The proposed building setback of 30 feet from street right-of-way meets the reduced setback requirements and development standards for CP-3 districts.

C. Nonconforming Situation: According to the *Unified Development Ordinance (UDO)*, the Planning Commission may approve a non-conforming situation permit for a site improvement if it finds that the following criteria is true:

(1) The nonconforming site improvement is the only nonconforming situation pertaining to the property.

- (2) Compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible.
- (3) The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.
- (4) The owner has committed to other site design measures to reduce the negative impacts associated with the nonconformity.

The existing setbacks for the parking lot are the only nonconforming situations on the proposed site. Compliance with the setback requirement is not reasonably possible due to the layout of the existing building and the need for circulation around the building and on-site parking. The proposed development does not cause any adverse impacts on surrounding properties. The applicant is also proposing additional landscaping on the south and west property lines to comply with current *UDO* requirements. Finally, additional street right-of-way is being dedicated along Dennis Avenue, which creates a nonconforming situation for parking setbacks.

Given the existing situation and proposed improvements, staff believes that the proposed development meets the criteria for granting a nonconforming situation permit for parking/paving setbacks.

4. **Access:**

Access to the site will be provided from existing driveways on Harrison Street and Dennis Avenue. The parking lot will have one-way drive aisles as previously established with the Sonic restaurant. Directional signage will be provided with the proposed development.

5. **Parking:**

The proposed development includes a total of 20 parking spaces, including one accessible space per *UDO* requirements. The parking requirement for convenience grocery stores is four (4) spaces per 1,000 square feet of floor area. The minimum requirement for the proposed 3,887 square foot building is 16 spaces. Although the proposed market includes a dining area, additional parking for eating places is not required because the dining use is considered ancillary to the primary use of the grocery store. The proposed parking should be adequate since there will be four spaces above the minimum parking requirement for commercial buildings.

6. **Landscaping:**

The applicant is proposing additional deciduous shade and ornamental trees and shrubs on the south and west property lines. One additional ornamental tree is required on the north side of the access drive on Harrison Street to comply with *UDO* requirements. The landscape plan also identifies shrubs along the south side of the building to provide foundation landscaping.

7. Stormwater/ Drainage:

There is an existing storm sewer inlet at the northeast corner of the parking lot and the storm drain is on the adjacent property to the east. The existing site is mostly paved as a parking lot and the impervious area is 19,806 square feet or 92.6 percent of the total site area. The proposed development will reduce the impervious area by removing the canopies and the proposed impervious area is 19,524 square feet or 91.3 percent of the site area.

8. Building Design/ Materials:

The proposed building incorporates a new architectural design and building materials to reflect the Latin Market. The existing vinyl siding will be replaced with stone veneer and stucco. All sides of the building will include clay tile mansard roofing above the doors and windows. The proposed building will improve the existing building conditions and follows the commercial building design guidelines.

9. Staff Recommendation:

Staff recommends approval of PR-11-007 subject to the following stipulations:

- a. A nonconforming situation permit shall be granted by the Planning Commission for the proposed parking/paving setbacks from public street right-of-way and interior property lines.
- b. The final plat for Rulber's No. II shall be recorded prior to the issuance of a building permit.
- c. The building permit plans shall identify one (1) additional ornamental tree on the east property line, north of the access drive, to comply with *Unified Development Ordinance (UDO)* requirements.
- d. Sign permit applications shall be submitted and approved prior to installation of any wall signs and/or monument signs.
- e. The building shall comply with the *Guidelines for Screening of Rooftop Mechanical Equipment*.
- f. All on-site wiring and cables shall be placed underground.
- g. 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.
- h. 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 Locke, seconded by Commissioner Ling, to approve PR-11-007, subject to the following stipulations:

- a. A nonconforming situation permit shall be granted by the Planning Commission for the proposed parking/paving setbacks from public street right-of-way and interior property lines.
- b. The final plat for Rulber's No. II shall be recorded prior to the issuance of a building permit.
- c. The building permit plans shall identify one (1) additional ornamental tree on the east property line, north of the access drive, to comply with *Unified Development Ordinance (UDO)* requirements.
- d. Sign permit applications shall be submitted and approved prior to installation of any wall signs and/or monument signs.
- e. The building shall comply with the *Guidelines for Screening of Rooftop Mechanical Equipment*.
- f. All on-site wiring and cables shall be placed underground.
- g. 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.
- h. 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.

**MINUTES
CITY OF OLATHE
STAFF REPORT**

Case # P-11-006

Case Planner: Sean Pendley **Planning Commission:** March 14, 2011
Request: Approval of a final plat for Rulber's No. II.
Location: Northeast corner of Harrison Street and Dennis Avenue
**Owner/
Applicant:** Rulber's Restaurant Management, LLC, Rulber De La Torre
Architect: Sullivan Palmer Architects, Jim Sullivan

Acres:	<u>0.49±</u>	Proposed Use:	<u>Grocery Store</u>
Lots:	<u>1</u>	Current Zoning:	<u>CP-3</u>

Streets and Right of way:	<u>Harrison Street</u>	<u>Dennis Ave.</u>
Existing	<u>50' (total)</u>	<u>30'-50' (½ street)</u>
Required	<u>50' (total)</u>	<u>30'-50' (½ street)</u>
Proposed	<u>n/a</u>	<u>30'-50' (½ street)</u>

1. Comments

This is a request for a final plat for Rulber's No. II, a property previously occupied by Sonic restaurant. The site is located on the northeast corner of Harrison Street and Dennis Avenue. The owner is proposing to renovate the former restaurant to accommodate a market with a small dining area. An associated revised site development plan for Mi Ranchito Market (PR-11-007) is also on this agenda.

The proposed development will require a nonconforming situation permit for the existing parking/paving setbacks. The parking lot does not meet the *Unified Development Ordinance (UDO)* requirements for minimum setbacks from public street right-of-way and other property lines. Therefore, the proposed development will require a nonconforming situation permit for the existing parking setbacks.

2. Utilities:

The site is located within the City of Olathe water and sewer service area.

Line extensions, service connections and/or upgrades are subject to review and approval by the Department of Public Works, Planning and Environmental Services.

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 approximately five (5) feet from Harrison Street and three (3) feet from Dennis Avenue right-of-way. However, the applicant is not expanding the parking lot and there are no conflicts with the existing setbacks. The applicant is also dedicating additional right-of-way along Dennis Avenue, which causes a portion of the parking lot to be non-conforming.

The existing parking lot is approximately one (1) foot away from the east property line and approximately five (5) feet from the north property line. The applicant is not expanding the parking lot and there are no conflicts with the existing setbacks.

- B. Building: The minimum building setback from public street right-of-way is forty (40) feet and ten (10) feet from commercial property lines. In CP-3 districts, building setbacks may be reduced to 15 feet from street right-of-way per development and performance standards. The proposed building setback of 30 feet from street right-of-way meets the reduced setback requirements and development standards for CP-3 districts.

- C. Nonconforming Situation: According to the *Unified Development Ordinance (UDO)*, the Planning Commission may approve a non-conforming situation permit for site improvements if it finds that the following criteria is true:

- (1) The nonconforming site improvement is the only nonconforming situation pertaining to the property.
- (2) Compliance with the site improvement requirements applicable to the zoning district in which the property is located is not reasonably possible.
- (3) The property can be developed as proposed without any significant adverse impact on surrounding properties or the public health or safety.
- (4) The owner has committed to other site design measures to reduce the negative impacts associated with the nonconformity.

The existing setbacks for the parking lot are the only nonconforming situations on the proposed site. Compliance with the setback requirement is not reasonably possible due to the layout of the existing building and the need for circulation around the building and on-site parking. The proposed development does not cause any adverse impacts on surrounding properties. The applicant is also proposing additional landscaping on the south and west property lines to comply with current *UDO* requirements. Finally, additional street right-of-way is being dedicated along Dennis Avenue, which creates a nonconforming situation for parking setbacks.

Given the existing situation and proposed improvements, staff believes that the proposed development meets the criteria for granting a nonconforming situation permit for parking/paving setbacks.

4. **Access:**

Access to the site will be provided from existing driveways on Harrison Street and Dennis Avenue. The parking lot will have one-way drive aisles as previously established with the Sonic restaurant. Directional signage will be provided with the proposed development.

5. **Excise Taxes:**

In accordance Ordinance 01-105, this development is subject to a street excise tax of \$0.215 per square foot of land area. Based on the net plat area, 0.49091± acres, the required street excise fee is \$4,597.57.

In accordance with Ordinance No. 02-52, this development is subject to the traffic signal excise tax of \$0.0576 per square foot of land area. Based on the net plat area, the required traffic signal excise fee is \$1,231.72. The required excise fees shall be submitted to Planning Services prior to recording the final plat.

6. **Staff Recommendation:**

Staff recommends approval of P-11-006 subject to the following stipulations:

- a. A nonconforming situation permit shall be granted by the Planning Commission for the proposed parking/paving setbacks from public street right-of-way and interior property lines.
- b. Prior to recording the final plat, a street excise fee of \$4,597.57 shall be submitted to Planning Services.
- c. Prior to recording the final plat, a traffic signal excise fee of \$1,231.72 shall be submitted to Planning Services.
- d. 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.
- e. 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 Locke, seconded by Commissioner Ling, to approve P-11-006, subject to the following stipulations:

- a. A nonconforming situation permit shall be granted by the Planning Commission for the proposed parking/paving setbacks from public street right-of-way and interior property lines.
- b. Prior to recording the final plat, a street excise fee of \$4,597.57 shall be submitted to Planning Services.
- c. Prior to recording the final plat, a traffic signal excise fee of \$1,231.72 shall be submitted to Planning Services.
- d. 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.
- e. 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.

**MINUTES
CITY OF OLATHE
STAFF REPORT
CASE # PR-11-008**

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

Request: Approval of a final site development plan for OMB Guns, an indoor shooting range, archery range and classroom on 4.99± acres

Location: 15765 South Keeler Street

Owner: BMJ 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>
Proposed Zoning:	<u>MP-2</u>	Shooting Range:	<u>24,128 sq. ft. (proposed)</u>
Parking Spaces:	Required: <u>60</u>	Proposed:	<u>63</u>

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

I. COMMENTS

The following is a request for approval of a final site development plan for OMB Guns, an indoor shooting range, archery range and classroom on 4.99± acres. The applicant is proposing a new 24,128 square foot building. This proposed building will be located on the south portion of the site.

The OMB Guns site also includes an existing 28,155 square foot warehouse and office building with an 8,200 square foot covered storage area. The Planning Commission recommended approval of a rezoning/preliminary site development (RZ-11-001) at the February 28, 2011 meeting. The rezoning/preliminary site development plan is scheduled for the March 22, 2011 City Council meeting. Approval of the final site development plan is contingent upon the approval of RZ-11-001.

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.

II. PROJECT SUMMARY

The OMB Guns project is an indoor shooting range serving the public and governmental agencies. Two ranges, holding ten shooters each, 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.

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. The shooting range must meet the noise requirements of the City's Municipal Code.

III. SITE 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 drainage plan includes the addition of a dry bottom detention basin, a bioretention area and the use of other best management practices. Final calculations are due at the building permit stage.

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 (UDO) landscaping requirements. (see attached letter)

The landscape plan does not meet the perimeter landscaping, façade and foundation landscaping, and landscaping islands requirements.

The landscape area width along the west property line is eight feet wide. The applicant requested a reduction along the west property line. A stipulation was added to RZ-11-001 allowing for the reduction in a landscape area to seven and one-half feet in width along the west property line as reductions are allowed in planned district.

Perimeter Landscaping:

Per UDO Section 18.62.060.E, where abutting property is zoned or designated on the *Comprehensive Plan Map* for nonresidential use, a continuous ten (10) foot landscape area (seven and one-half [7½] feet for planned districts) shall be provided with landscaping at a rate of one (1) deciduous shade or evergreen tree for every fifty (50) feet of linear property, and screening (berms/shrubs) across twenty-five (25) percent of parking and vehicular use areas to a minimum height of three (3) feet as measured from the grade of the parking and vehicular use areas. In addition, one (1) ornamental tree shall be planted for every three (3) required deciduous shade or evergreen tree.

The following requirements are necessary for property lines to meet UDO Section 18.62.060.E:

East: Thirteen deciduous shade or evergreen trees and five ornamental trees are required. Twenty-five percent of the parking or vehicular use area shall be screened with berms or shrubs. The landscape plan indicates a dense tree area along the east property line but individual trees were not identified. Plants counted towards the perimeter landscaping should be identified on the plans.

West: Eight deciduous shade or evergreen trees and three ornamental trees are required. Twenty-five percent of the parking or vehicular use area shall be screened with berms or shrubs.

Southwest: Six deciduous shade or evergreen trees and two ornamental trees are required. Twenty-five percent of the parking or vehicular use area shall be screened with berms or shrubs.

South: Six deciduous shade or evergreen trees and two ornamental trees are required. Twenty-five percent of the parking or vehicular use area shall be screened with berms or shrubs. The landscape plan indicates a dense tree area along the east property line but individual trees were not identified. Plants counted towards the perimeter landscaping should be identified on the plans.

Per UDO Section 18.62.060.B, where a street right-of-way separates a nonresidential use from property zoned or designated on the *Comprehensive Plan Map* for nonresidential use, a continuous fifteen (15) foot landscape area shall be provided with landscaping at a rate of one (1) deciduous shade or evergreen tree for every fifty (50) feet of linear street frontage, and screening (berms/shrubs) across one hundred (100) percent of all parking and vehicular areas to a minimum height of three (3) feet as measured from the grade of the parking and vehicular

use areas. In addition, one (1) ornamental tree shall be planted for every three (3) required deciduous shade or evergreen tree.

The following requirements are necessary for property lines to meet UDO Section 18.62.060.B:

North: Four deciduous shade or evergreen trees and two ornamental trees are required. One-hundred percent of the parking or vehicular use area shall be screened with berms or shrubs.

Building Façade/Foundation Landscaping:

Per UDO Section 18.62.085, building façade/foundation landscaping is required. 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 and planting areas shall be placed to provide a buffer between the parking lot or drives and building walls or pedestrian circulation.

The public access is located along the north building façade of the new building. An asphalt surface area is shown as a path to the building entrance. To meet UDO requirements, Staff would recommend landscaping between the pedestrian area and the parking lot to delineate the pedestrian access to the building.

Parking Lot Islands:

Per UDO Section 18.62.080, landscape islands are required. The interior dimensions of any planting area or landscape islands shall be a minimum of one hundred sixty-five (165) square feet in area. 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. Landscape islands shall be a minimum of nine (9) feet in width, as measured from back of curb to back of curb. Islands shall be constructed at a ratio of one (1) per each twenty (20) parking spaces and shall be designed in locations based on the following priorities: defining major drives and vehicle lanes, delineating the end of parking rows, at aisle intersections and internal to the parking rows. One (1) shade tree shall be provided for every parking and vehicular use landscape island.

The site plan should include at least three landscape islands but as the parking is shown, additional islands are recommended to determine the end of parking rows.

F. Architecture/Design:

The proposed building is a metal and precast tilt-up concrete. The north elevation is a tilt-up concrete wall panel. 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.

G. Lighting:

The provided photometric plan did not provide the average maintained foot-candles or details about the light poles and lamps.

IV. STAFF RECOMMENDATIONS

Staff recommends approval of PR-11-008 with the following stipulations:

- a. The shooting range shall comply with all federal, state and local safety and health regulations.
- b. Landscaping islands are not required. All other landscaping shall comply with the *Unified Development Ordinance (UDO)* requirements for landscaping and screening.
- c. Prior to issuance of building permit, the following shall be submitted:
 - final stormwater management/quality report. The final report shall include all calculations, work sheets and details.
 - post construction BMP maintenance plan and color photos of proposed plantings.
 - drainage easement for the detention and post construction BMP areas shall be provided.
- d. A public fire hydrant shall be installed within 100 feet of the Fire Department Connection (FDC) for the sprinkler system. The building permit plans shall show the public fire hydrant within 100 feet of the FDC for the sprinkler system.

- e. Prior to the issuance of the building permit, photometric plans, light poles and lamp detail sheets shall adhere to the requirements of the *UDO*.
- f. 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.
- g. 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.
- h. All on-site wiring and cables shall be placed underground.
- i. No signage is approved with this final site development plan. Separate permits shall be obtained for each sign allowed under the provision of the *UDO*.

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

Comm. Harrelson: Charisse, I see in each one of your comments, it's fairly common – at least in two of the four – on the east/west, south/west and south situations where you described what is required, I see the statement, "*Landscape plan indicates a dense tree area on the east property line but individual trees were not identified.*" Is it true that, had some of those been identified, you would have counted those? Is that what you're saying?

Ms. Deschenes: Correct.

Comm. Harrelson: So it sounds as if perhaps some of those requirements could be relaxed, had they been located.

Ms. Deschenes: Yes, and then they would have the opportunity of building permit to provide those on the plans and satisfy staff's comments at that point, too.

Chairman Campbell: Any other questions?

Comm. Ling: Just to clarify what was said. So, when you are requiring through your stipulation that there be so many trees at such a spacing, some of the existing trees could account for that if they do so in the final building permit.

Ms. Deschenes: Correct.

Comm. Ling: Okay. The other question I had was on the island trees. Are we only talking about new parking, or the existing parking lot?

Ms. Deschenes: Currently, the whole area is paved but it is un-striped, for the most part. So, the parking spaces shown for this building, it's not striped at this

point. So they are showing new parking in this location, so it would be kind of a free-flowing parking area that, you wouldn't be able to delineate where the parking ends and where the drive aisle begins without some type of landscape area. The applicant has actually proposed striping in those areas.

Comm. Ling: Okay, so it's an existing parking lot, but they're going to add striping in the parking lot, and staff is suggesting putting islands in the parking lot with trees in them.

Ms. Deschenes: Correct. Staff is suggestion that they meet the current landscape ordinance.

Comm. Ling: But the applicant is saying that to stripe the parking spaces and stripe the islands - ?

Ms. Deschenes: It looks like, yes, it's proposed as striping at the end of those. Yes.

Chairman Campbell: What is submitted is striped islands, not true islands.

Comm. Ling: I'm talking about how we've handled other situations like this. I know this isn't necessarily infill because it is a new structure, but how we handle the parking – Have we required others to go back in and put landscaping islands in existing parking lots? Is that typical?

Ms. Deschenes: I'd have to refer to Dave. I haven't worked on any lately.

Mr. Clements: In this particular case, it's a rezoning of the MP-2 district, so I think all of the ordinance requirements can come into play. I think we would just have to look at these on a case-by-case basis, Mr. Ling. I can't tell you right now if there has been a specific infill or particular industrial redevelopment that's required that parking lot islands be installed. I think that remains up to the Commission's discretion as to how that is handled. I don't think there is a lot of precedent for it.

Comm. Ling: Okay. I just know we have done some things similar, not maybe in the industrial, but maybe commercially we've done some things where we've added new businesses in the middle of parking lots before. I just can't think of how we handled that. I don't recall adding islands in there. Just probably used existing parking as it was, is probably what happened.

Mr. Clements: In commercial, there are probably existing parking lot islands with landscaping.

Comm. Ling: Okay. That's all I had.

Chairman Campbell: Any other questions for staff at this time? Thank you. Can we 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: As Charisse pointed out, we agree with all other stipulations and look forward to moving forward with this project after the March 22nd City Council meeting on the rezoning. The issue tonight is quite simply the amount of landscaping that is required to bring this large site, which already had the existing building on it, existing use of what OMB Guns is now within the north building, and bringing 100 percent of the site up to current ordinance. Quite honestly, it's something we've looked at very carefully with both the owner and Eric Hughes with Strickland Construction.

A few points I would like to bring up. We're certainly not trying to provide zero landscaping on this site. It's actually a site that has a lot more landscaping in this industrial park than a lot of other sites because of the existing tree line along the east, the south, and the southwest corner, and along the north as well. Charisse pointed out the parking lot along the north to be screened by shrubbery. I actually brought some pictures in. There's already a shrub line there that blocks all that parking from the street frontage. We're providing additional landscaping. Charisse pointed out from the 1989 approved plan when this was part of the county zoning, there were a few trees missing. Instead of putting them back in the original locations, we've added five trees along the street frontage. So, again, I think if we looked at this project as to how many trees this project had on it – and we would be happy to do that with staff as we move forward here – but the surveyor went out and did a tree count on the property, and what he looked at were trees of three inch caliper or greater. So, along our east property line, we have 25 trees that are at least three inch caliper or greater, and if you look at some of those photos there, it's basically a continuous tree line between us and the landscaping company, which is interesting in itself. So, we want to be screened from their trees. We have a lot of landscaping there.

Obviously, we talked at the other two planning commission meetings about the rezoning and the sound. The purpose of putting this building where we put it was to maintain those tree lines, both on the east and on the south. We set the building in a way that basically maintained the asphalt that we had existing on site; to maintain the usability of that property north of this new building, as well as the tree line to the south where we set the building 40 feet off that property line instead of the 20 feet that we could have, to maintain as much tree line as we could in the back there.

Another thing to point out is we are meeting the BMP and the detention requirements. The BMP is done above ground. We're doing native plantings. All that happens in what would be the northwest corner of the building, where the majority of your people that are going to be using the facility will either be coming in along the west frontage of the building where we have a sidewalk going to the education room of the building, or along the striped ADA path that we have to the other entrance of the building, which leads you more to our famous shooting and archery ranges. We're not looking to completely skirt the UDO. I think we're probably meeting the standards of the UDO. The area where we are a little bit deficient in landscaping is along our shared west property line with a soil erosion control company that owns that building. They were at the neighborhood meeting, they were excited about the project, they're happy to have OMB Guns as a neighbor, and quite honestly, I'm not sure adding the 13 trees – or whatever is needed – along the west property line is a great benefit to OMB Guns, or to the silt fence company.

To bring up the points about the perimeter landscaping, again, the west is the line that we would probably not come into compliance with if we were approved this evening, if we could find some slack in the variation there. But, with the amount of trees we have along our east property line, our south, and our

southwest, I have a feeling we would get very close to what the UDO requirements would be, regardless. It just maybe wouldn't be the mix of evergreen and ornamental, but just a sheer number of trees that creates this kind of buffer between us and our adjacent properties.

Charisse also mentioned the landscape islands. It's very important to us to maintain flexibility on this site. This used to be a moving company building; it's now OMB Gun's facility. I'm sure at some point it will be somebody else's facility. We're trying not to tear up a parking lot, add irrigation lines into the middle, curb it, add landscaping in the middle that hinders the future use of the outdoor dock that we have on the south end of the existing building. Whether or not we stripe the ends of the parking stalls, I'm open for, but it's really imperative to us, from both a future usability standpoint as well as an economic standpoint, to not have to tear all of this up to get this couple islands put in the parking to meet that need.

Again, the foundation landscaping where 25 percent of your foundation is required to have green space, I'd like to point out that the west line, the east line and the south line are almost 100 percent foundation landscaped. It's just this north line where we're butted up against the existing asphalt, where we have access to a door, both from a vehicular standpoint and a pedestrian standpoint, that we're just not wanting to tear up more asphalt, and again, add more landscaping and irrigation in front of the building, when we're just trying to do our best to create a minimum footprint of this building being put in place.

Again, we talked a little bit in my letter about the precedent with ServPro up the street. And I understand ServPro was a storage building and it's not a publicly-accessed building, but we were happy to be able to work with staff. And that's what I wanted to point out, was that we were able to work with staff, look at it with a little bit of common sense, and understand the area that we're in, the type of project that it is, the benefit that it's bringing to this area, and move forward with a project that worked well and still looks great for the industrial development that is this area. We just feel that Olathe has a great product here for companies that are forming or have done very well along South Keeler Road, and we just appreciate the flexibility of the building material types that we've been able to use on a couple projects down here recently, and look forward to having a conversation about the landscaping as we move forward with this project. Thank you.

Chairman Campbell: Any questions at this point?

Comm. Harrelson: It appears, as I look at the pictures you have here and the comments you just made, that the sides of the property that already have trees existing, your point is that they may not need those additional ones. But then the west side, where we really don't have anything, you make a comment that that's an area that you also don't believe needs additional landscaping. To me, that's the one that looks like it's the most open to the other property owners. Is that right?

Mr. Hafner: Correct. The east and south sides, from a UDO standpoint, I'm sure we have more than enough trees to cover the UDO requirements. My point on the west side of the property was adjacent to a silt fence company, this use has been existing, OMB Guns has been existing. That was the reasoning and logic behind not needing to add extra trees along that west property lines. By no means do I believe we have enough trees to cover UDO requirements along the west. That would be where I would hope we could have consideration and allow it to move forward without stringing trees through there.

Comm. Harrelson: Okay, so where you show tree areas along these property lines, are those on your property?

Mr. Hafner: They are.

Comm. Harrelson: Okay. Thank you.

Chairman Campbell: Any other questions or comments? This is not a public hearing, but we want to hear from anybody else. All right, thank you. I'll bring it back to us. Are there other comments, or a motion?

Comm. Fry: I just want to make sure I understand completely what we are voting for. So, as it exists, staff's recommendations include that the landscaping has to be done up to UDO and not what the applicant is asking for – Is that correct?

Chairman Campbell: The way the current stipulations are written, that is correct.

Comm. Ling: My only comment is on the parking lot islands. I tend to see the applicant's perspective on the islands, not to put in landscaped islands in this case because it's an existing parking lot. If we were building a new parking lot, I think that would make sense. I could see omitting the parking lot island landscaping requirements from staff's stipulation, but as to the foundation landscaping, I think that should be included because this is a new structure. As to the required landscaping by the staff, the different size of the property, it seems that the east and the south will be accommodated by the existing trees. It's really just an issue of the west property. Again, this is a new structure, and I would tend to think that the west property trees are justified in this case. So, my only thought would be to omit the parking lot island landscaping.

Chairman Campbell: Is that a motion?

Comm. Ling: I can make a motion, Mr. Chairman.

Motion by Commissioner Ling, seconded by Commissioner Rinke, to recommend approval of PR-11-008, subject to the following stipulations, **as amended**:

- a. The shooting range shall comply with all federal, state and local safety and health regulations.
- b. The final site development plan shall comply with *Unified Development Ordinance (UDO)* requirements for landscaping and screening, **with the exception that parking lot island landscaping will not be required.**
- c. Prior to issuance of building permit, the following shall be submitted:
 - final stormwater management/quality report. The final report shall include all calculations, work sheets and details.

- post construction BMP maintenance plan and color photos of proposed plantings.
 - drainage easement for the detention and post construction BMP areas shall be provided.
- d. A public fire hydrant shall be installed within 100 feet of the Fire Department Connection (FDC) for the sprinkler system. The building permit plans shall show the public fire hydrant within 100 feet of the FDC for the sprinkler system.
- e. Prior to the issuance of the building permit, photometric plans, light poles and lamp detail sheets shall adhere to the requirements of the *UDO*.
- f. 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.
- g. 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.
- h. All on-site wiring and cables shall be placed underground.
- i. No signage is approved with this final site development plan. Separate permits shall be obtained for each sign allowed under the provision of the *UDO*.

Motion passes 7-0.

Other Matters

March 14, 2011

Mr. Clements: We will have a meeting on March 28th. We have some minor plats and some subdivision plat renewals, but no public hearings.

Chairman Campbell: Thank you very much. We are adjourned.