

**MINUTES
CITY OF OLATHE**

Case # PR-11-011

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

Chairman Campbell read the standard *ex parte* statement; no commissioners reported any *ex parte* communications.

Motion by Commissioner Locke, seconded by Commissioner Kohler, to approve the Consent Agenda as presented. Motion passed 6-0.

Case Planner: Sean Pendley **Planning Commission:** May 9, 2011
Request: Revised site development plan for Robert Brogden Auto Plaza.
Location: 1500 E. Santa Fe St.
Owner: Argonaut Holdings – Olathe, Robert Brogden
Applicant: Strickland Construction Co., Randy Haug
Architect: Kaster Architects, Inc., David Kaster

Acres:	<u>4.8±</u>	Proposed Use:	<u>Auto Sales</u>
Floor Area:	<u>21,629 square feet</u>	Current Zoning:	<u>C-3</u>
Parking Spaces:	Required	<u>44</u>	Shown on Plan <u>367</u>
Streets and Right of way:	<u>Santa Fe</u>	<u>Rawhide Dr.</u>	<u>Burch St.</u>
	Existing	<u>60' (½ street)</u>	<u>30' (½ street)</u>
	Required	<u>60' (½ street)</u>	<u>30' (½ street)</u>
	Proposed	<u>n/a</u>	<u>n/a</u>
			<u>60' (total)</u>
			<u>60' (total)</u>
			<u>n/a</u>

1. Comments

This is a request for a revised site development plan for Robert Brogden Auto Plaza. The property is located at 1500 E. Santa Fe Street. The owner is proposing to renovate the façade of the building, provide a new entry to the showroom and improve the roofing for the sales and service building.

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 has a zero (0) setback from Santa Fe Street and Burch Street right-of-way. However, the applicant is not expanding the parking lot and there are no conflicts with the existing setbacks.

B. Building: The minimum building setback for C-3 districts is forty (40) feet from public street right-of-way and ten (10) feet from commercial property lines. The existing building sits over 40 feet from existing street right-of-way and the proposed entry addition also complies with the minimum building setbacks.

According to the *Unified Development Ordinance (UDO)*, repairs, alterations and maintenance of structures and property where nonconforming situations exist may be made provided said repairs, alterations and maintenance conform to the regulations of the district in which said building or structure is located. The proposed alterations to the façade, including the new entry and roofing, comply with the required building setbacks for C-3 districts.

4. **Access:**

There are no changes proposed to the existing access drives on Rawhide Drive and Burch Street.

5. **Parking:**

The existing auto plaza includes a total of 367 parking spaces. The parking requirement for automotive sales is two (2) spaces per 1,000 square feet of indoor sales area and one (1) space per 4,500 square feet of outdoor sales area. Based on the existing indoor and outdoor sales area, the minimum requirement for parking on this site is 44 spaces. There are also a total of three (3) accessible parking spaces which complies with *UDO* requirements for parking for persons with disabilities.

6. **Landscaping:**

The existing site does not contain landscaping along the east property line facing Santa Fe and Rawhide Drive. New landscaping cannot be provided in these areas because the parking lot is immediately adjacent to street right-of-way and

there is no room for the required trees and shrubs. This is considered a nonconforming situation. Due to the fact that the proposed development does not require expansion of the parking lot or paved areas, and new landscaping would not be allowed within public street right-of-way, staff does not recommend any new landscaping in these areas.

7. Building Design/ Materials:

The proposed building renovation includes removing the existing saw-toothed roof and replacing it with a sloped roof behind new parapets with pre-finished aluminum panels. The existing roof has problems with leaking so the owner is currently making necessary repairs. In addition, the owner is proposing a new entry feature for the showroom on the south elevation. The applicant has submitted a color rendering showing the proposed changes to the building. The proposed building renovations will improve existing building conditions and the building complies with the commercial building design guidelines.

8. Staff Recommendation:

Staff recommends approval of PR-11-011 subject to the following stipulations:

- a. A nonconforming situation permit shall be granted for the existing parking/paving setbacks from public street right-of-way.
- b. A nonconforming situation permit shall be granted for no perimeter landscaping on the south property line and part of the west property line due to location within existing street right-of-way.
- c. The building shall comply with the *Guidelines for Screening of Rooftop Mechanical Equipment*.
- d. Sign permit applications shall be submitted and approved prior to installation of any wall and/or monument signs.
- e. 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.
- 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 cabinets are screened with landscape materials.

Motion by Commissioner Locke, seconded by Commissioner Kohler, to approve PR-11-011, subject to the following stipulations:

- a. A nonconforming situation permit shall be granted for the existing parking/paving setbacks from public street right-of-way.

- b. A nonconforming situation permit shall be granted for no perimeter landscaping on the south property line and part of the west property line due to location within existing street right-of-way.
- c. The building shall comply with the *Guidelines for Screening of Rooftop Mechanical Equipment*.
- d. Sign permit applications shall be submitted and approved prior to installation of any wall and/or monument signs.
- e. 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.
- 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 cabinets are screened with landscape materials.

Motion passes 6-0.

**MINUTES
CITY OF OLATHE
DEVELOPMENT SERVICES**

CASE # P-11-019

Case Planner: Dave Clements **Planning Commission:** May 9, 2011

Request: Approval of a final plat for 13 lots, 3.74± acres, for Forest Hills Estates, Fifth Plat.

Location: Vicinity of 172nd Street and Legler Road

**Owner/
Applicant:** Rogler Investment, Inc., Ken Rogler

Engineer: Phelps Engineering, Inc., Judd Claussen

Acres:	<u>3.74±</u>	Proposed Use:	<u>Single Family Residential</u>
Current Zoning:	<u>R-1</u>		
Lots:	<u>13</u>	Tracts:	<u>1</u>
Streets and Right of way:	<u>172nd Street</u>	<u>Licthenauer Dr.</u>	
	Existing	<u>n/a</u>	<u>n/a</u>
	Required	<u>50' (total)</u>	<u>50' (total)</u>
	Proposed	<u>50' (total)</u>	<u>50' (total)</u>

I. COMMENTS

This is a request for approval of a final plat of 13 lots for Forest Hills Estates, Fifth Plat, located in the vicinity of 172nd Street and Legler Road. A rezoning to R-1 (RZ-05-017) and preliminary plat (P-05-078) for Forest Hills Estates was approved in 2005. A revised preliminary plat (P-06-038) was approved in 2006 to accommodate a future city library on Mur-Len Road.

The proposed fifth plat is in compliance with the preliminary plan.

II. FINAL PLAT REVIEW

A. Lots/Tracts:

The final plat includes a total of 13 single family residential lots on 3.74 acres for a density of 3.47 units per acre. The lots meet all area and setback requirements for R-1 districts.

B. Utilities/Municipal Services:

The property is located in the Water District Number One and Johnson County Wastewater District. The applicant will need to coordinate with the respective utility providers for required water and sewer connections.

C. Streets/Right-of-Way:

There are two proposed residential street connections within this phase, 172nd Street and Lichtenauer Drive. The streets meet *Unified Development Ordinance (UDO)* requirements for public right-of-way.

D. Drainage:

This plat is within the benefit district for the proposed Coffee Creek Regional Detention Basin.

E. Landscaping/Screening:

A street tree plan shall be submitted for this phase of development prior to recording the final plat.

F. Street and Signal Excise Taxes:

The final plat property is within the benefit district for Mur-Len Road. Therefore, the plat is not subject to the required street excise tax.

In accordance with Ordinance No. 02-52, the final plat is subject to a traffic signal excise tax of \$.0037 per square foot for single family zoning. Based on the plat area, 3.741± acres, the signal excise fee is \$603.44. The signal excise fee shall be submitted to Development Services prior to recording the final plat.

III. STAFF RECOMMENDATIONS

Staff recommends approval of P-11-019 with the following stipulations:

- a. 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.
- b. In accordance with Ordinance No. 02-52, the final plat is subject to a traffic signal excise fee of \$603.44. The signal excise fee shall be submitted to Development Services prior to recording the final plat.
- c. Prior to recording the final plat, a street tree plan shall be submitted in accordance with the *Unified Development Ordinance (UDO)*.
- d. The developer is responsible for planting street trees, subject to *UDO* §18.62.045. Such trees shall be planted at the completion of each phase of development.

- e. Prior to issuance of a building permit, performance and maintenance bonds or a letter of credit in an amount to be determined by the City, shall be submitted in accordance with UDO § 18.68.390.B and 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.
- f. Prior to issuance of a building permit, a performance and maintenance bond or letter of credit in an amount to be determined by the City Engineer, shall be submitted in accordance with *UDO § 18.68.390 D.* to ensure that all erosion control measures are installed and maintained and that all of the development's streets and sidewalks remain free of debris during all phases of construction.
- g. 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 Kohler, to approve PR-11-011, subject to the following stipulations:

- a. 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.
- b. In accordance with Ordinance No. 02-52, the final plat is subject to a traffic signal excise fee of \$603.44. The signal excise fee shall be submitted to Development Services prior to recording the final plat.
- c. Prior to recording the final plat, a street tree plan shall be submitted in accordance with the *Unified Development Ordinance (UDO)*.
- d. The developer is responsible for planting street trees, subject to *UDO §18.62.045.* Such trees shall be planted at the completion of each phase of development.
- e. Prior to issuance of a building permit, performance and maintenance bonds or a letter of credit in an amount to be determined by the City, shall be submitted in accordance with UDO § 18.68.390.B and 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.
- f. Prior to issuance of a building permit, a performance and maintenance bond or letter of credit in an amount to be determined by the City Engineer, shall be submitted in accordance with *UDO §*

18.68.390 D. to ensure that all erosion control measures are installed and maintained and that all of the development's streets and sidewalks remain free of debris during all phases of construction.

- g. 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 6-0.

**MINUTES
CITY OF OLATHE
PLANNING SERVICES
SU-11-003**

Emily Kukal, Senior Planner, made the following staff presentation:

Case Planner Emily Kukal **Date:** May 9, 2011

Request: Renewal of a special use permit for law offices in an R-5 district within the Central Business District fringe area.

Location: 214 South Chestnut Street, north of Cedar Street and south of Loula Street.

**Owner/
Applicant:** Law Office, Lewanna Bell-Lloyd/ Brian Paden

Acres: 1.019 **Proposed Use:** Law Office

Number of Lots: 0.285± **Current Zoning:** R-5 (CBD Fringe Area)

	Land Use	Zoning	Comprehensive Plan Designation
Site			
North	<u>Office/Commercial</u>	<u>R-5</u>	<u>Urban Center/Downtown</u>
	<u>Office/Commercial</u>	<u>C-2</u>	<u>Urban Center/Downtown</u>
East	<u>Open Space/Vacant (former garden site)</u>	<u>R-5</u>	<u>Urban Center/Downtown</u>
South	<u>Residential</u>	<u>R-5</u>	<u>Mixed Use Residential Neighborhood</u>
West	<u>Residential</u>	<u>R-5</u>	<u>Urban Center/Downtown</u>

1. Comments:

This is a request for renewal of a special use permit for law offices in an R-5 (high density multi-family) district within the Central Business District fringe area. The subject property is located at 214 South Chestnut Street, south of Loula Street and on the east side of Chestnut Street.

The proposed site contains an existing two-story Victorian house currently used as a law office housing three attorneys. A special use permit (SU-05-005) was approved on April 5, 2005, and renewal (SU-06-008) was approved on March 31, 2006. Law offices are permitted in the CBD Fringe Area with a special use permit.

The applicant submitted a letter (attached) requesting that the special use permit be extended to at least five years. At this time, staff supports a five-year special use permit and recommends that the special use expire on approximately July 2017.

2. Neighborhood Concerns:

The applicant was not required to hold a neighborhood meeting for renewal at this time. However, the applicant held a neighborhood meeting for the original special use permit on February 17, 2005. Several residents attended the meeting. The primary concerns were related to any exterior changes made to the subject property.

Since the last public meeting held March 31, 2006, neither the applicant nor the City has been contacted about the property.

To date, the applicant has invested nearly \$90,000 in property improvements during their ownership. Improvements include (but are not limited) to significant exterior and interior painting and carriage house improvements, new wood floors, new roof, siding, new concrete walkways, tree removal, new back deck with handicap ramp, parking lot improvements, landscaping, air conditioner(s), crafted archway doors for conference room, refurbished front door and lock, etc. per communication with staff, the current owner is invested in their downtown Olathe "roots."

3. Access & Parking:

The site has a two-story Victorian house and a detached garage with access from an alley located on the north side of the property that runs between Chestnut Street and Water Street.

There are no minimum parking requirements in the CBD or CBD Fringe Area. There is on-street parking available and the site plan shows three (3) paved parking stalls located on the north side of the subject property adjacent to the alley.

4. Conformance with existing plans and policies:

The proposal is in compliance with the existing special use permit and the *Unified Development Ordinance (UDO)* criteria for considering special use permit requests.

5. Staff recommendation:

a. Staff recommends approval of SU-11-003, for the following reasons:

- (1) The proposal conforms to the Goals, Objectives and Policies of the *Comprehensive Plan*.

- (2) The proposal complies with the *Unified Development Ordinance (UDO)* criteria for considering special use permit requests.
- b. Staff recommends approval of SU-11-003 subject to the following stipulations:
- (1) The special use permit shall expire approximately five (5) years from the date of City Council approval, approximately July, 2016.
 - (2) The parking area located on the north side of the property shall remain paved with concrete or asphalt and striped. The site must remain compliant with ADA standards.
 - (3) The City of Olathe shall be notified immediately of any changes related to this special use permit, including any exterior modifications (i.e. awnings, hand rails, accessible ramp, lighting etc.).

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

Chairman Campbell: Questions of staff at this point? The question I had, you answered, concerning any notices or communication from surrounding neighbors.

Comm. Fry: I have a question regarding the length of time. We have this question all the time with these special use permits. Is there a need to have a limitation on the number? What are staff's thoughts on length of time?

Ms. Kukul: We just went with five years because that's what we've consistently done in this area, in the fringe area surrounding downtown. That's really the basis of why we came back with the five-year renewal. It's consistent with other special uses in that area.

Chairman Campbell: Any other questions? If not, we'll hear from the applicant.

Lewanna Bell-Lloyd, 19225 Hedge Lane, Spring Hill, Kansas, appeared before the Planning Commission and made the following comments:

Ms. Bell-Lloyd: I am one of the attorneys and co-owners of the property at 214 South Chestnut. As noted, Mr. Brian Paden and I originally purchased this property through Jayhawk Investments back in 2005. As noted, we have made significant improvements to the property, both interior and exterior. I believe an accurate description was made of that. If you ever drive by the property, I think it looks great. For location, we sit just to the east of the parking lot of the funeral home and right across the alley from the two-story brick law office building that sits right at the corner of Chestnut and Loula. We did have a neighborhood meeting through our first go-around. Everyone was very pleased, and since then, we have received the neighborhood award for improving and upgrading the property. I did receive one call from a neighboring landowner, wondering what was going on. I told them that we were up for renewal on our special use permit, and they were pleased with that, and again, reiterated that they were glad to have us in the neighborhood due to the upkeep of the property.

Currently, we have four attorneys that office in four separate offices in the property, and two staff. We do have a full-time individual who does all of our interior work and maintains our outside grounds so that that looks acceptable. So, we are

asking for the renewal for at least a five-year period, and perhaps for an indefinite period beyond that, such that we do not need to go through the renewal process for five years. Again, we've had no complaints from any surrounding landowners due to our occupancy or business occupancy. And although there are four attorneys on the property, we are sole practitioners. We don't get a lot of traffic in and out of the area. We do have a blacktop parking lot that we installed at the City's request. It sits between our house and a carriage house off the alley, so we are able to accommodate all the parking most all the time. Really, we have one staff member that will sometimes park out in front, but other than that, we don't have a lot of street congestion for parking at the premise.

Chairman Campbell: Thank you. Any questions? We also have Robert Courtney, who has signed up.

Robert Courtney, 233 South Chestnut, Olathe, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Courtney: I'm in the fringe neighborhood. I was the one who called Ms. Bell and asked her about the special use permit. We also attended five years ago when they had the neighborhood meeting and were able to visit and tour the property. We're glad they are in the neighborhood. They are an upgrade to the neighborhood. Originally, the house was a residence for Dr. Jones. Later on it became a photography studio, an antique store. It has come through many changes and we're glad with the situation that's in there now.

I am currently president of the Olathe Historical Society, and as far as we know, that house is one of two houses that we are aware of that was designed by George Washburn, the architect out of Ottawa. So, there is some historical significance to the building itself and we are very pleased with the upkeep and the maintenance and what they have done to upgrade the property. We're glad to have them in the neighborhood. Thank you.

Chairman Campbell: Any questions? Thank you. This is a public hearing. Is there anyone wishing to speak in favor of this item? Is there anyone wishing to speak in opposition? Seeing or hearing none, we'll bring it back to the Commission. Any comments, questions, or a motion to close the public hearing?

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

Motion passes 6-0.

Motion by Commissioner Ling, seconded by Commissioner Kohler, to recommend approval of SU-11-003, for the following reasons:

- (1) The proposal conforms to the Goals, Objectives and Policies of the *Comprehensive Plan*.
- (2) The proposal complies with the *Unified Development Ordinance (UDO)* criteria for considering special use permit requests.

Mr. Ling's motion also recommended approval of SU-11-003, subject to the following stipulations:

- (1) The special use permit shall expire approximately five (5) years from the date of City Council approval, approximately July, 2016.
- (2) The parking area located on the north side of the property shall remain paved with concrete or asphalt and striped. The site must remain compliant with ADA standards.
- (3) The City of Olathe shall be notified immediately of any changes related to this special use permit, including any exterior modifications (i.e. awnings, hand rails, accessible ramp, lighting etc.).

Motion passes 6-0.

**MINUTES
CITY OF OLATHE
PLANNING SERVICES
STAFF REPORT
CASE # SU-11-004**

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

Case Planner: Dave Clements

Date: May 9, 2011

Request: Application for a Special Use Permit for an amusement and recreation establishment specifically being a baseball training facility, Natural Baseball Academy.

Location: 1485 S. Mahaffie Circle

Owner: Tutera Group

Applicant: Scott S. Jones/Natural Baseball Academy

Engineer: Matthew Graham, Davidson Architecture and Engineering.

Acres:	<u>4.34±</u>	Proposed Use:	<u>Indoor training facility</u>
Building Lease Area:	<u>18,000 square foot</u>		
Number of Lots:	1	Zoning:	M-1

	Land Use	Zoning	Comprehensive Plan Designation
Site	<u>Warehouse/Office</u>	<u>M-1</u>	<u>Employment</u>
North	<u>Vacant</u>	<u>M-1</u>	<u>Employment</u>
East	<u>Warehouse</u>	<u>M-1</u>	<u>Employment</u>
South	<u>Warehouse</u>	<u>M-1</u>	<u>Employment</u>
West	<u>Dillard's Distribution</u>	<u>M-2</u>	<u>Employment</u>

Platted: Lot 4 Gateway Business Park

I. HISTORY AND COMMENTS

This is a request for approval of a Special Use Permit to allow an amusement and recreation establishment, specifically a baseball training facility. Natural

Baseball Academy has occupied 18,000 square feet in the existing building at 1485 S. Mahaffie Court. Natural Baseball moved from another location to this property approximately February 1, 2011, and occupied the space formerly used by "Pump It Up".

"Pump It Up" was a similar amusement and recreation establishment authorized by a Special Use Permit in 2006. "Pump It Up" was an establishment with indoor inflatable devices for children's activities. This business has closed, and Natural Baseball moved into this space and assumed the Special Use Permit authorized by "Pump It Up". Please note that Section 18.54.100 of the Unified Development Ordinance allows a Special Use Permit to be transferred.

The initial Special Use Permit for "Pump It Up" expired on April 15, 2011, so at this time Natural Baseball Academy is proceeding with a new special use request for their operation.

II. DETAILS OF OPERATION

Natural Baseball Academy is a baseball/softball instructional organization that provides a complete skills development program for athletes from grade school through high school. Please see the attached mission statement and project narrative provided by the applicant.

The academy has 3 full time employees and 5 part time instructors. Hours of operation are noon to 10:00pm Monday through Friday, and 9:00am to 9:00pm on weekends.

III. PARKING

The Unified Development Ordinance (UDO) does not provide a specific parking requirement for an amusement and recreation establishment. The applicant states that parking demand would be a maximum of 35 persons plus staff at peak periods. Many users would be dropped off at the facility.

The existing 30,000 square foot industrial building **requires 45 spaces**. There are **79 spaces available**. The Academy occupies 18,000 square feet of the building. The remaining 12,000 square feet of the building would require 20 spaces. There is sufficient parking on-site for the proposed use.

IV. NEIGHBORHOOD MEETING

The subject property is in an existing industrial park. There are no residential properties within 500 feet of the proposed use. A neighborhood meeting was not required, as provided for in the procedures for neighborhood meetings.

V. LANDSCAPING

The existing building is complete and landscaping is in place. Existing landscaping complies with current requirements.

VI. TIME LIMIT

Staff would suggest the Planning Commission consider the special use permit for a five-year period expiring approximately June 15, 2016.

VII. ANALYSIS

Staff's analysis of this application is based in part on the criteria established in *Golden v. City of Overland Park*, which determined factors a Planning Commission and City Council should consider in making decisions on special use applications. 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 for the *Comprehensive Plan* identifies the subject property as an employment area. The existing industrial building adheres to the future land use map, and the special use permit for the amusement establishment would not deter from the objectives of the plan.

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 proposed use is in an existing building, and is in harmony with the surrounding area. Surrounding the site are industrial buildings to the north, east, and south. West of the property is a railroad right-of-way and the Dillard's distribution facility.

This Special Use in an existing building will have no detrimental impact on the character of the neighborhood.

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 proposed use and zoning is in harmony with the surrounding area. Surrounding the site is industrial development and vacant land.

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

The existing building is suitable for occupancy with a permitted use in the existing M-1 zoning classification. However, the property has been vacant for an extended period of time, and this Special Use application is deemed appropriate considering current market conditions.

The existing building can be occupied by any other M-1 use in the future should the baseball training facility cease operation.

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

The tenant space is currently vacant as noted above. Inasmuch as the building has been vacant for a period of time, the proposed special use presents a reasonable occupancy for the building.

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

The proposed special use would not be a detriment to surrounding properties. The location is somewhat removed from surrounding development, and offers a good location for the proposed use.

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

The proposed use will not provide substantial revenue opportunities for the City. However, users of the facility come from a broad geographic area, and may utilize nearby retailers and services.

H. 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.

Staff does not believe that there is any threat to the public health, safety and welfare with the Special Use.

VIII. STAFF RECOMMENDATION

- a. Staff recommends approval of SU-11-004, for the following reasons:
 - (1) The proposal conforms to the Goals, Objectives and Policies of the *Comprehensive Plan*.
 - (2) The proposal complies with the *Unified Development Ordinance (UDO)* criteria for considering special use permit requests.
- b. Staff recommends approval of SU-11-004 subject to the following stipulations:
 - (1) The Special Use Permit is valid for a period of five years following Governing Body approval, with a tentative expiration date of June 15, 2016.

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

Chairman Campbell: Any questions of staff at this time? If not, we'll open the public hearing and ask the applicant to come forward.

Scott Jones, 14896 South Summit, Olathe, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Jones: Our address for the baseball academy is 1485 South Mahaffie Circle, Olathe. The National Baseball Academy started about five years ago. We've grown into what we feel is a premier baseball/softball training facility in Olathe along this side of Kansas. We've grown to 11 teams this year, serving well over 200 players with hitting instruction, pitching instruction, fielding instruction. This building allowed us to really expand to help that many more players to be able to do infield/outfield type work, to be able to have multiple hitting cages to not only run more lessons, but to then serve the members. Players can come in and hit during the hours of operation. There are pitching tunnels in there for them to come in and throw to as well, so our athletes are more prepared when they go into high school.

One of the things that we really strive is their academics. We work hard to make sure that they understand that anything they do as far as life is concerned, in general, their academics have to come first, prior to playing baseball or softball. We work hard with the parents to make sure that that is understood. Their character comes next. The different college coaches that I've talked to, the first two questions have been: What is the academics of the player? What's the character of the player, what type of person is he? And then, they talk to me about baseball and how we think they can better help that collegiate team. So, we tell all our players that, we work at it very hard to make sure they understand that going forward, and I think that makes us different from some of the other places in town.

Chairman Campbell: Any questions at this point? I have a couple. You focus on baseball but you do softball as well?

Mr. Jones: Yes, we do.

Chairman Campbell: Fast-pitch, slow-pitch, boys, girls?

Mr. Jones: We're looking to break into the fast-pitch girls market. My brother and my dad and I run the show here in town. We're all baseball guys, so it's kind of hard for me to go out and pitch girls' softball right now. We do have ten to 15 girls who come in for hitting lessons that have been very successful in the Olathe East area. So, we're looking to market that more to grow the business.

Chairman Campbell: What's the age of the client? Who do you see coming in? High school kids? Are they younger than that?

Mr. Jones: Both. There are a lot more elementary, I would say between the 9-13 age group. The high school players, normally if they play on a club team, they kind of stay loyal to their club team as to where they may go work out at, but there is quite a good mix.

Chairman Campbell: So a lot of your clientele are drop-off, parents will drop them off, so parking is not – There seems to be ample parking out there, 79 or 80 spaces dedicated. Any other questions or comments? This is a public hearing. Is there anyone else wish wishing to speak in favor of this item? Please, come forward.

Mike Betten, 14192 West 138th Terrace, Olathe, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Betten: I'd like to speak in favor of the National Baseball Academy. My boy goes there, and it's more than just an academy. He really helped my son grow personally. I

can't say enough about Scott. This is my second planning commission today. I was talking about crime rates at another one. I was last on the agenda, so I'll yield the remainder of my time because I know what everybody else is going through here.

Chairman Campbell: Thank you. Anyone else wishing to speak in favor? Anyone wishing to speak in opposition? Seeing or hearing none, we'll bring it back to the Commission. Are there questions, comments, or a motion to close the public hearing?

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

Motion passes 6-0.

Motion by Commissioner Fry, seconded by Commissioner Locke, to recommend approval of SU-11-004, for the following reasons:

- (1) The proposal conforms to the Goals, Objectives and Policies of the *Comprehensive Plan*.
- (2) The proposal complies with the *Unified Development Ordinance (UDO)* criteria for considering special use permit requests.

Commissioner Fry's motion included recommending approval with the following stipulations to be included:

- (1) The Special Use Permit is valid for a period of five years following Governing Body approval, with a tentative expiration date of June 15, 2016.

Motion passes 6-0.

**MINUTES
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STAFF REPORT**

CASE # PR-11-012

Sean Pendley, Senior Planner, made the following staff presentation:

Case Planner: Sean Pendley **Planning Commission:** May 9, 2011

Request: Final site development plan for two office/warehouse buildings for FSDA Associates.

Location: Vicinity of northeast corner of College Boulevard and K-7 Highway/
Monticello Terrace

Owner: FSDA, LLC, Kenneth Block

Applicant: Polsinelli Shugart, PC, Curtis Holland

Engineer: Shafer Kline & Warren, Joel Riggs

Acres:	<u>30.0+</u>	Proposed Use:	<u>Office/Warehouse/Distribution</u>	
Current Zoning:	<u>MP-2</u>	Building Area:	Lot 1:	212,798 sq. ft.
			Lot 2:	<u>259,973 sq. ft.</u>
			Total:	472,771 sq. ft.
Parking Spaces:	Proposed	Required	<i>* warehouse distribution centers allow parking to be determined by Planning Commission</i>	
Lot 1:	<u>211</u>	<u>283</u> *		
Lot 2:	<u>284</u>	<u>348</u> *		
Streets and Right of way:	<u>K-7 Highway/ Monticello Terrace</u>			
	Existing	<u>312' (total)</u>		
	Required	<u>312' (total)</u>		
	Proposed	<u>n/a</u>		

Platted: Lot 3, Distribution Associates. A replat for FSDA Associates is on this agenda.

I. COMMENTS

A. Proposed Development:

The following is a request for a final site development plan for two office/warehouse buildings for FSDA Associates. The two buildings have a

total floor area of 472,771 square feet. At this time, no tenants have been identified for the buildings.

B. History:

On January 4, 2000, a rezoning to MP-2 and preliminary development plan (RZ-39-99) was approved for the subject property. The preliminary site plan included a 225,150 square foot building with future expansion of up to 273,600 square feet for a total area of 498,750 square feet.

The subject property is located within the K-7 Corridor and is subject to site and architectural design guidelines. The preliminary development plans identified several design elements and the zoning ordinance established site and architectural design criteria to ensure future development would comply with the *K-7 Corridor Design Guidelines* (see attached minutes).

A final site development plan (PR-13-00) and final plat (P-03-00) for Distribution Associates were approved in 2000. The final site development plan expired after two years of inactivity and the final plat was recorded but no grading or other site work occurred.

II. PLAN REVIEW

A. Utilities:

The property is located in the City of Olathe sewer service area and Water District No. 1. A sanitary sewer main extension will be required to serve this development. The proposed sewer main extension is located to the east of the subject property and the owner shall obtain a sanitary sewer easement prior to issuance of building permit. Line extensions, service connections and/or upgrades are subject to review and approval by the Department of Public Works, Planning and Environmental Services.

B. Access/Streets:

The proposed development includes two access drives on Monticello Terrace. The only other development currently served by Monticello is the Aldi foods distribution warehouse.

The applicant has submitted a traffic impact study for the proposed development. The study includes existing traffic volumes for Monticello Terrace and College Boulevard and provides trip generation estimates for the proposed development. The results of the study indicate that the full development of 472,771 square feet of distribution warehouse uses will generate and estimated 265 vehicle trips during the AM peak hour and 207 vehicle trips during the PM peak hour.

A level of service analysis was performed for the intersection of College Boulevard and Monticello Terrace. The analysis showed that, under full site development conditions being added to existing traffic volumes, all

intersection approaches operate at a level of service of C or better with the current lane configurations.

Traffic Engineering staff has reviewed the traffic impact study and supports the results of the study based on the following information:

- The intersection at College Boulevard and Monticello Terrace will remain at an acceptable level of service with full development of the FSDA site. The conclusions and recommendations of the traffic study are acceptable. No additional warranted traffic improvements are recommended at College Boulevard and Monticello Terrace.
- Current traffic configurations at College Boulevard and Monticello Terrace provide maximum capacity for the proposed use and location
- The FSDA development meets other City traffic design guidelines. Monticello Terrace will be widened to 38 feet and the improvements will be provided with Phase I. No additional traffic improvements are required for the proposed development.

C. Drainage:

The proposed development includes a large detention basin on the south end of the property in Tract A and a smaller basin in northeast corner of the site. A stormwater report was submitted for the project and both drainage basins have been designed to detain the 100-year storage volume per City stormwater requirements.

Additional details for existing conditions and off-site drainage will need to be submitted with the building permit. The applicant shall provide an existing conditions drainage map and include mapping of the off-site drainage area.

D. Parking:

The site plan identifies 211 standard parking spaces for Lot 1 and 284 spaces for Lot 2. The plan also includes trailer spaces for both lots but these spaces do not count towards the minimum parking requirements.

For industrial buildings, the *Unified Development Ordinance (UDO)* requires 2.5 parking spaces per 1,000 square feet of office area and 1 parking space per 1,000 square foot for other areas. Based on these standard requirements, Lot 1 would require a minimum of 283 spaces and 348 spaces would be necessary for Lot 2. However, the *UDO* was recently amended to allow minimum parking for distribution warehouses to be determined by the Planning Commission. This amendment was approved for larger industrial buildings that have more warehouse space and relatively lower parking demands for employees. The applicant has indicated that the proposed parking is consistent with similar large warehouses and that the parking would be adequate for the proposed buildings.

The building permit plans shall identify the required number of accessible parking spaces for disabled persons per *UDO 18.60.050*. In addition, a photometric plan for parking lot lighting shall be submitted in accordance with *UDO 18.60.100*.

E. Landscaping/Screening:

There are existing mature trees along the east property line and on the south end of the property. Most of the trees on site will need to be removed for the proposed development. Staff recommends preserving the existing trees on the southwest corner of the site, in Tract A, adjacent to the detention basin to provide screening for the trailer parking area on Lot 2. The landscape plan shows a variety of new deciduous and evergreen trees around the perimeter of the site to comply with landscape requirements for non-residential developments.

According to the rezoning, the loading docks and other service areas facing the street or other public spaces shall be entirely screened from view. The applicant has submitted two cross section drawings showing the line of sight from Monticello Terrace. The finished grade for the warehouse site is approximately 15 feet below the existing grade for Monticello Terrace and the top of the dock doors are 15 feet above finished grade. The drawings indicate the proposed trees will provide screening for the loading docks on the west side of the buildings. However, the landscape plan shows several gaps between trees along the west property line. Staff recommends additional evergreen trees and/or landscape berms in these areas to provide the required screening for the loading docks.

F. Architecture/Design:

The proposed warehouse buildings are approximately 40 feet in height and the buildings will be constructed with tilt-up concrete and textured paint. The office areas are located on the ends of the buildings and these areas include storefront windows and spandrel glass. The buildings are oriented with the loading docks facing east and west. The size and layout of the buildings are similar to the preliminary development plans. However, the architectural design and building materials are not consistent with the rezoning and preliminary development plans and do not comply with the *K-7 Corridor Design Guidelines*.

The building design approved with the rezoning identified clerestory windows on all elevations, vertical ribbing in the precast concrete and architectural light sconces (see attached elevations). These features were provided to comply with the *K-7 Corridor Design Guidelines*. In addition, the preliminary building elevations identified a metal entry canopy on the south elevations. The downspouts were recessed 2" in the precast wall to minimize their appearance and the buildings did not show any rooftop equipment. There were stipulations approved for screening any rooftop mechanical equipment and all masonry materials were required to be integrally tinted when manufactured. Painted or stained masonry was not permitted.

Due to the location of this site in the K-7 Corridor and the fact that it will be highly visible staff recommends the highest quality design and building materials, including clerestory windows and vertical ribbing or scoring in the tilt-up concrete. These features add architectural interest and break up the massive appearance of the warehouse buildings. Staff also recommends recessing the exposed downspouts or providing additional features such as architectural light sconces as previously approved.

Staff supports the proposed tilt-up concrete with textured paint in lieu of integrally tinted precast concrete. The quality of textured paint and application processes have improved since the time of the rezoning and staff believes the proposed tilt-up concrete is appropriate. The proposed rooftop units include standing seam metal screen walls to match the proposed roofing. The proposed screening complies with the rezoning stipulations.

The applicant has submitted a colored rendering showing the proposed west building elevation and north/south elevations. The building design and materials for the east elevations will match the west elevations.

III. STAFF RECOMMENDATION

Staff recommends approval of the final site development plan with the following stipulations:

- (1) A sanitary sewer easement shall be obtained for the required sewer main extension prior to issuance of a building permit.
- (2) Prior to issuance of a building permit, an existing conditions drainage map and mapping of the off-site drainage area shall be submitted for review and approval by Public Works, Planning and Environmental Services.
- (3) The building permit plans shall identify the required number of accessible parking spaces for disabled persons per *Unified Development Ordinance (UDO) 18.60.050*
- (4) A parking lot lighting plan, in accordance with *UDO* requirements, shall be submitted and approved with the building permit plans.
- (5) The building permit plans shall identify preservation of the existing trees on the west side of Tract A to provide screening for the trailer parking area on Lot 2.
- (6) The loading docks and service areas on the west side of the buildings shall be entirely screened from public view. Additional evergreen trees and/or landscape berms shall be added on the west property line to provide 100 percent screening from the street.
- (7) The proposed warehouse buildings shall incorporate clerestory windows on all elevations and vertical ribbing or similar scoring

shall be provided around the loading docks to provide architectural interest and to be consistent with approved preliminary building elevations.

- (8) The exposed downspouts shall be recessed into the tilt-up panels or architectural sconces shall be provided to match the preliminary building elevations.
- (9) Sign permit applications shall be submitted and approved prior to installation of any wall signs and/or monument signs.
- (10) 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.
- (11) 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.
- (12) 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: Just briefly, Sean, the preliminary plan was approved in 1999. None of us were around then, so what are the differences between the preliminary plan that was approved and what we have tonight?

Mr. Pendley: The building footprint is a little smaller. Just the general density of the development is a little bit less than what was approved. The layout of the building is really the same, with all the dock doors facing east and west. The same general layout. Really, the only substantial change, in staff's opinion, is the architecture and design. There are no other big changes to this site. It generally follows the preliminary development plan with the exception of the design and materials.

Chairman Campbell: What about the landscaping as approved and submitted?

Mr. Pendley: I don't recall specifically what they showed. I remember that that rezoning and preliminary development plan from 1999 did include a similar stipulation that said the loading docks shall be entirely screened from the street. That's all it said. So, I think they showed a similar type of landscaping as this. There were probably some gaps in the original plan. That's why that stipulation was included. Obviously this site does sit a little bit lower from the street, which is good, but again, to really provide adequate screening from Monticello, we felt it was still necessary to keep that stipulation. I don't know if the applicant is necessarily opposed to that requirement. We just felt that some additional landscaping needed to be provided. And, some of that actually was not stipulated, but it was shown on the final plat originally approved in 2000, the tree

preservation easement on the south property line. That is why staff is recommending that both for the final site plan and the final plat, for this tree preservation area to be shown on the southwest corner of the site, in Tract A, to provide some natural screening for trailer area. Again, I don't know if the applicant is opposed to that, but that is one thing that was on the plan in 1999/2000 that is not today. That is why staff is recommending that to be consistent.

Chairman Campbell: The other question I have is procedural. Once we approve a plat, it has to be recorded in a certain length of time. How long do preliminary plats stay out there? Is it an indefinite thing?

Mr. Pendley: Well, because this was a planned district as MP-2 zoning, the planned general industrial district, once the zoning is approved and it is filed, it is good with the property. So, the final site development plan does expire. They did submit a final site development plan for that development in 1999 into 2000. That did expire. And obviously, it was never built. It had a two-year expiration.

Chairman Campbell: Thank you for that clarification. It helps to go in the record. Any other questions?

Comm. Ling: A couple questions on the docking/loading doors. Aldi has no loading doors on the side facing K-7 and no loading doors on the side facing K-10.

Mr. Pendley: I'm not sure about K-10. I know they do not have any facing K-7.

Comm. Ling: I drive by it every day and there are none on the north side. There is no access to even have a truck back there. Why, in 1999, did the Commission allow the loading doors to face K-7? Any insight into that?

Mr. Pendley: That's a good question. I can't answer that, but I did ask the architect about the possibility of reorienting these buildings so the docks would face north/south, and I think it has something to do with this site design, the shape of the parcel. The building situated better from a circulation standpoint by having them go east to west. However, there is also that concern that even facing north/south, you're still going to have some visibility as you head north- or southbound along K-7. That was part of it, but I don't know the reason why the Planning Commission approved it as it was approved in 1999 with the dock doors facing west.

Comm. Ling: I would tend to agree with your latter statement. I mean, it's still visible, but you look at Aldi, and then you have the west side without having the loading doors there, at least a nice face on the building. Yes, you can still see the storage for the trailers on the south side.

Chairman Campbell: Alonzo may help us remember, too, but I believe in 2003 or 2004, we looked at some design guideline changes that changed that, if I remember correctly. Do you remember that? We had some real heartburn in today's era about having dock doors facing a major road.

Alonzo Linan, Assistant Public Works, Planning and Environmental Services Director, appeared before the Planning Commission and made the following comments:

Mr. Linan: Going back to the first question of why dock doors were allowed to go on the east or west side, it was a function of the shape of the property back in 1999. The shape of the property did not allow as many doors on it as a single building on just the north and south side as loading on either the north, east or west sides did. So, that was the discussion in 1999/2000, was why it was configured the way it was. The proposal before us today has two buildings and it's a little different than that.

As to the design guidelines, I can't speak to specifically how that may have changed, but I can answer why those discussions took place the way they did in 1999.

Comm. Ling: A traffic question. Obviously, Aldi generates an amount of traffic. I get to experience it. And putting another development in there with a lot of additional truck traffic, that Monticello Lane, staff isn't suggesting any offsite improvements to Monticello Lane and College Boulevard?

Mr. Linan: That is correct. The proposal that is before us tonight is a distribution center that is smaller than what was originally approved in 1999. Since that time, the entire K-7 area has been reviewed in terms of land use. The original plan of that area – and I don't want to necessarily go into a full history of it, but everything was zoned BP, business park. There was a big concern about whether or not we could support that much business park with the amount of access it would have. It was then in 2001 that we undertook a corridor study to determine, if this was a business park, what is going to be required to support it in terms of roadways and traffic? The answer was about a ten-lane road, ten-lane College. And that became one of the catalyst discussions for a land use review for the entire northwest area. The land uses have since changed so that we can actually support it with the road structures that we have available to us. In 2001, that study concluded, and as you can see on the screen, that's what we ended up with. A couple pages in, you can see how all of it was shown as business park, business park, business park. As a result of all of that, this study was commissioned, looked at ten different configurations for College and what would happen, in this case, Monticello Terrace, where should we have intersections? If we have median breaks, should they be signalized? Four-way stops, two-way stops, left turn in only? Again, ten different alternatives. What we ended up with is – if I can use this same drawing – a signal there, there, signal and signal. So, we ended up with four signals in that stretch.

However, what it also assumed was that Monticello Terrace would have to be relocated to the east. That, I think, is more to your question – Does it work well with what we are planning for today? The traffic study they submitted was a very good study and was correct in the conclusions that when this site is at full build-out with existing traffic, life is still good. The questions that still remain are, if we don't relocate Monticello in the future, it is the ability for all in this site to access College Boulevard safely and effectively, that would be in question. Fortunately, the problems of any development – and these sites in particular – also are the problems of the City in the future, and if there is anything that I can do tonight, and this is to make sure that we put on record that there are still plans to connect or realign Monticello to the east. What we have done in discussions with the applicant is made that known. The applicant is concerned that showing

exactly where that crossover is from where it is now to the east may preclude or restrict the discussions that have yet to come regarding its relocation. Where it gets relocated, exactly how it gets relocated, is it all on this property, all on the south property? Is the relocated Monticello 50/50 on these two properties? Is it part of the benefit district? All those discussions have yet to occur, so the applicant – And forgive me if I'm speaking out of turn, but if that is incorrect, I'll be corrected, I hope – that showing it at this time would start to paint those discussions that have yet to start. I'd be happy to take any questions.

Comm. Ling: One follow-up question. That was a good, long explanation, but traffic is okay leaving Monticello where it is at right now for the development of these warehouses? Is that what I heard?

Mr. Linan: That is correct. That is what the study says. As long as, with existing traffic and proposed full build-out of their 470,000 distribution center, it would work. It is when that exists with everything else that is planned to be developed to the east that it becomes the question.

Comm. Ling: Alonzo, show on the drawing how close it is to that ramp right now. Okay. Just checking that you knew.

Mr. Linan: It's right about 250 to 300 feet east of the ramp junction.

Comm. Ling: Okay. That was the only traffic question I had. I do have a question for Mr. Pendley. Can you show us what the new comp plan shows? I know this isn't a rezoning, Mr. Chairman, but I would like to see what the comp plan shows. I'll give you some time to think about that.

The other question is on the line-of-site drawings. Can you pull that up and again explain to me that line-of-site drawing? What I would like to see is from K-7. I'm not as concerned about Monticello because the only people that drive Monticello are the trucks. How does it look from K-7? What I saw in here, I'm looking at the drawings and all I see is Monticello.

Mr. Pendley: Let me try to answer the first question first. I don't have a copy of the comprehensive or the future land use map in front of me. However, I believe the plan that was just recently adopted now shows employment or office-type, business-part type uses in this area. The distribution center, warehouses doesn't really fit in with that category. However, staff felt it was still appropriate at this time. There is still the rezoning to an MP-2 district with an approved preliminary development plan. That's why we're staying with the same recommendations. In terms of the land use, staff feels the land use is still appropriate. By the same token, the architecture and design, those standards are still appropriate. But I believe the new comprehensive plan now is recommending more employment-type uses, more office-type uses as opposed to warehouses.

Comm. Ling: And is that true immediately east of this area? The same employment - ?

Mr. Pendley: Yes. Same uses, and that ties in also with the K-State Innovation Campus.

Comm. Ling: Yes, eventually we're going to hit that nice development we just put in there.

Mr. Pendley: Alonzo, thank you for bringing us a copy of the updated land use plan. It actually does show office uses throughout that entire area. [*Putting up on screen.*] It's this more of a pink shade, this whole area in here. It includes all of that. That is office. Actually, as you get further east to the K-State Innovation Campus, it looks like that's the research and development flex uses. So, it's all office-type uses, what the current comprehensive plan is now showing. All those uses are consistent according to the future land use plan. Again, staff felt that the subject property along Monticello is still appropriate for the proposed use of distribution use, simply because we do have an approved zoning and development plan. And this final development plan is consistent with that.

Comm. Ling: On the line-of-site drawing?

Mr. Pendley: Yes. The applicant actually just today submitted this revised line-of-site drawing which goes out to K-7. This is consistent also with the plan from 2000. So, the K-7 elevation sits even lower than Monticello Terrace and the site. The existing grade of K-7 is lower than both Monticello Terrace and the site. Therefore, the line of site from K-7 would run right about into the edge of the perimeter landscaping. And it showed two different cross-sections, one for Lot 1 and one for Lot 2, and similar results – Monticello sits higher, and the finish grade is pretty close to what the K-7 grade is. In other words, by the time you look across to the east, you're going to be looking at the top of the dock doors, if that. Maybe just above. They're right at about the same level elevation on K-7, all the way through across to the top of the dock doors. And with the landscaping in between, theoretically that should screen it. But, what I can't really answer is, as you go further north or south along K-7, you may get a higher elevation as you go north, I believe K-7 may be, as you go north, it gets a little higher and you're probably going to see the dock doors, but if it's screened more appropriately, most of those dock doors should be hidden from most of the frontage on K-7.

Comm. Ling: And the reason why the architecture is important to staff is that that would not be screened, that would still be very visible?

Mr. Pendley: That's correct. That's exactly why it's even more appropriate and more important, because really, the line of site now, you will see the top half of these warehouse buildings from both K-7 and Monticello. So, everything above that area is even more critical in terms of design. You absolutely will see the top, and that's why more architectural detailing would be appropriate. And we think that's why it was approved that way in 2000.

Comm. Ling: That's all I had.

Chairman Campbell: Any other questions of staff? All right. We will hear from the applicant. Mr. Holland?

Curtis Holland, Applicant's representative, Polsinelli Shugart, 6201 College Boulevard, Suite 500, Overland Park, Kansas, appeared before the Planning Commission and made the following comments:

Mr. Holland: It's a pleasure being here tonight, appearing before you on behalf of the owner of the property, FSDA, LLC. In reality, FSDA, LLC is really Ken Block of Block Real Estate Services. We also have with us Brad Simma (sp?), who is a

construction manager for Block. I would also like to introduce Alan Johnson, who is our architectural designer, and finally, Joel Riggs with Shafer, Kline and Warren, who is our civil engineer on the project. So, again, we're happy to be here tonight.

I know staff went through the report pretty thoroughly, so given that we only have about seven minutes here, I'm going to try to focus my discussion on a couple issues that have been raised. As staff mentioned, this project was rezoned in approximately 1999/2000 and we are consistent with the approved zoning and the approved preliminary plan. I do want to make one correction with respect to the future land use map. Sean mentioned it, that this area is an employment center, the same designation as the Aldi facility. "Employment" as used in the K-7 Corridor Future Land Use Map and their guidelines says that the employment district is intended to provide for the development of distribution centers and warehouses, in addition to a variety of light industrial uses, manufacturing, assembly, as well as office development. So, while there is some office development that could go there, it's also appropriately used for warehouse and distribution centers, just like we are proposing it be used with our present application.

Really, we've narrowed down all of the issues with staff. We've met with them many times now and we're down to the architectural, and that's the hardest part for you all to decide about. It's sort of anybody's opinion about what is good architecture or not. So, I would like to start by saying that what we do have here is a very, very experienced developer in Ken Block. If you've been around Mr. Block's projects, he doesn't do anything second class. Everything is first class. That includes the architecture and building designs, even for these bulk distribution centers, as well as all the other amenities and elements that go into these buildings, including landscaping. I think if you'll go see a Ken Block designed business park, you'll notice a huge difference in the landscaping. So, those kinds of things, the experience that Mr. Block brings in nearly 40 years of experience in the Kansas City metro area, and really across the United States, I think it goes to his credibility as to the type of development that we're proposing here and the kinds of buildings that we're proposing with this particular project. We've been in front of this board and the city on a number of Ken Block projects, most recently at 175th and Hedge Lane out south, and then an office project that Ken is proposing at College and Ridgeview. Both of those projects, if you look at the architecture, the design, the landscaping, all the amenities of the park are all first class, consistent with what Ken has done in terms of Pine Ridge Business Park up in Lenexa, College Crossing in Lenexa right on I-35. If you know those developments and have been around Ken Block's projects, you know that he does absolutely the best. So, we would like you to take into consideration the person behind this development and the kind of quality and product that he has associated himself with in the past.

I don't need to tell you where the site is. Staff has done that. However, I will quickly go into the issues. There are a couple of issues, and that is the architecture and so forth. And I'm going to talk about this a little bit. We've gotten into a little bit already with staff and some of the questions from Mr. Ling, and that's respect to visibility, visibility from Monticello. I think I agree with you – The only person who cares about who will be on Monticello are the trucks. So, what we see from Monticello I think is probably less important than maybe what you might care to see from K-7. I do think that the stipulation that talks about the screening needed to be softened a little bit, or at least acknowledged, you know, to say that we're going to entirely screen the loading docks from public views – including Monticello – was going to be difficult to do. We will have a significant

amount of landscape screening along that area, but again, I think it's hard – Or maybe it's the word "entirely." It connotes a description I'm not sure anybody can fulfill one hundred percent. So, I would ask for some consideration with respect to softening that language.

I present to you the elevations that staff has mentioned to you and shown to you earlier. Alan Johnson, who has done many of Ken Blocks' projects, designed this building. It is a tilt-up, textured paint. We're talking about the, sort of the clerestory, which is one of the bigger issues that staff is concerned about. Clerestory was in the original plan ten or 12 years ago, so now we should keep it. I mean, that's part of the basis because that's what was approved way back when, but also because it's on K-7 and it's highly visible. I'm going to show you some pictures because it's not really highly visible from K-7. Aldi's is a little different; it's a little north of us. The grades are flatter there. Where we are, on K-7 south of where the Aldi building is, as staff indicated, you've got Monticello Road immediately to the east, so if you're traveling northbound on I-70 [sic] and if you're paying attention to the buildings instead of the road, well, that's a problem. But in any event, if you do look to the east, what you're going to see is Monticello Road, and Monticello Road is anywhere from five to seven feet higher than K-7. So, it's very difficult to see what happens beyond Monticello Road. As staff indicated, when you get to the finished grade of our project, it's going to be some 15, I think it's closer to 18 feet below grade there. So, when you're talking about on K-7, looking to the east, you've got a road that's five to seven feet tall, and to the other side of that road, you've got a finished grade being some 18 feet lower. You can start to see why it's really going to be very difficult to see the dock doors. So, at the very least, you're probably not going to see the dock doors from K-7. So, if that would help mitigate some of your concern, Mr. Ling, we did visit with staff about additional landscaping and screening that we would do. We are more than happy to sit down with staff and fill in those gaps in screening where we need to. Again, along Monticello, it's going to be hard, and no one will really care because – there's not just truckers, but that's what you're going to have. You're going to have trucks going up and down that road, just to be factually honest with you.

In any event, we're talking about elevations here, and there are two comments that we want to address here. One is the clerestory windows, which we're talking about on the upper levels. The other was stipulation number 8, which talks about recessed downspouts. What I understand is that they would like us to, in our tilt-up construction – and some of you may be construction folks here – we're talking about providing a two-inch recessed area in that wall for a gutter. I'm not sure what that is going to achieve, given that anybody who is going to look at it, especially from K-7, is going to be over 300 feet away from the building. You're not even going to be able to tell whether that guttering is recessed or not.

First, I want to talk about the clerestory issue. You can achieve break-up of large law expanses in many different ways. Ten or eleven years ago, the guys decided to put some windows up there. Aldi has some clerestory windows on it. By and large, all industrial warehouse buildings don't have clerestory windows on them. We have isolated incidents where that's the case, but clerestory is really disfavored by the folks who build these buildings and have to be responsible for owning and maintaining them long-term. They don't like clerestory, one, because of the maintenance issues. You have windows, caulking, it requires additional maintenance. Two, it's very, very expensive. We do think that you can achieve the same kind of break-up, if you will, in the wall by doing texture painting, painting bands on the buildings to achieve the similar kinds of break-ups that the

staff is talking about with clerestory. Because that's really all that clerestory does. It doesn't really function other than to sort of break up the wall itself.

With that, I'm going to go into a couple of pictures. This is the Aldi building that staff has mentioned. It does have some clerestory windows. This is from the other side of K-7, looking back on it. There are two parts to the Aldi building. The southern portion of it does have some clerestory on it, but the northern portion of the building, I'm not sure it really does. If you look at the picture, you can hardly see, and again, it's probably because it's so far away. You really can't tell if that's glass or if that's a painted band, or some other different material that breaks up that face. But the point is that it's really far away from K-7, and clerestory, while used on the south side of the building, isn't as predominantly featured on the north side of the building, which is actually the most visible portion of that building.

This is an example of what we like. This is a building that Ken Block build in Pine Ridge West Business Park. If you look at the second story, those black bands look like windows. They're not windows; it's just different colors that we used to help break up the side of the building. That's what we're talking about with this building in terms of proposing some sort of design or element to break up the expanse of the building itself. It's not to do the clerestory, which has maintenance and is expensive, but rather to do something like this, this banding method, to help achieve the same kind of architectural design or element features that staff is talking about. If you look at the building, it's a beautiful building, it's a Ken Block building. All of his buildings are beautiful, so that's what you're going to get.

This is a building that is in Shawnee at 83rd and K-7. This is a neat picture because if you look at it, you can see kind of the black square, and then you can see offset from it sort of a yellow square. Unless you're right up on it, you can't tell that black square is glass. It's clerestory glass. So, again, there are isolated incidences where you use clerestory glass. This is one of them. But from the distance where you are – and this is along K-7 – you can't even tell that that's clerestory glass. You can't tell that it's glass. So, I think that's what interesting to point out about this, that just using clerestory glass isn't going to achieve kind of the glass look that you're trying for because at a certain distance, which was too far away, you're not going to be able to tell that that's what it is.

This picture helps me to explain kind of this recessed downspout. We're not going to do recessed downspouts. I'm sorry; we're just not going to do those here. We'll have to do something else, because, one, it's extremely costly to put in a two-inch recessed space in a tilt-up concrete wall; two, it's extremely maintenance heavy; three, it's going to cause shadowing on the butters themselves that call attention to the gutters, more so than we would like to do, which is to paint the gutters to match the building, which is done on 99 percent of industrial buildings. Here is an example of one where that is done. Along this face is exterior guttering, downspouts just like we would attach them to our homes, and we're going to put them on this building. And here we've painted them so that you really can't see them. So, I think that is the better way to go, and we'd like not to recess the gutters.

This is a picture of the Honeywell building across the street from Aldi, and again, this is from K-7. They've done a good job with their building. It does have some clerestory on it, but there are parts that don't, too. One of the things that I like about this is we're talking about dock doors. Here are the dock doors facing K-7, and in this particular case, you can see one of the dock doors along the Honeywell side, not to cast stones on Honeywell because you can see their dock doors, I mean, we're going to be further south, and because of the elevation on

Monticello Road, you're not going to be able to see our dock doors. But the point is to try to go back to the point about entirely screening the dock doors. It's really hard, even though you can see that they've done a good job with the landscaping.

This is Monticello Road at K-7. This picture helps represent that you see the road elevation. Monticello Road is a good five or seven feet or more higher than K-7 along our property line. It does flatten out as you go north, so you do get to see a lot more of the Aldi building that you will see of our building. But this picture helps show you that view and shows you that we do have sort of this natural screening element that is already in place because of Monticello Road being there. If there is a road relocation, which Mr. Linan talked about earlier, this part of the road would stay where it is. We're not talking about removing this road. So, that will be there as a permanent feature.

Where we are is just really talking about these couple of architectural issues. It's the clerestory windows and the recessed downspouts, and that's it. We've worked hard on our plans so far. We'd like to see what you all think about them and take your comments. We would not like to do the clerestory. Mr. Block is adamant against doing that clerestory window if there are other design elements that could be considered to break up that wall. We're happy to consider those kinds of things. That's kind of where we are. Again, staff has been really good to work with on this. We're building a project that's nearly half a million square feet in a location that is a prominent location, even though the visibility of the site may be less. And to have this come down to just a couple little issues, I think it speaks well to our team and to the City for working with us on where we are to date.

With that, I'm done. Thank you for letting me go a little long. We do have a plat, but there are no issues with the plat.

Chairman Campbell: I have a couple questions. One of the stipulations that we have on the final, talking about the downspouts, it currently reads:

- (8) The exposed downspouts shall be recessed into the tilt-up panels or architectural sconces shall be provided to match the preliminary building elevations.

Chairman Campbell: So, the way that reads to me, you can do the architectural sconces, which would be a part of the break-up the building, and not have to mess with the recessed downspouts.

Mr. Holland: I'm going to let Alan speak to that particular stipulation.

Chairman Campbell: He can look that up and we'll keep moving on. In the original preliminary plan, they were very adamant about accents not including painted bands or stripes. You've talked about doing that. Are you talking about painting, or are you talking about a colored concrete mix? The other issue with that talks about – it's in staff recommendation 7 – it says that not only the clerestory, but the original also had the vertical ribbing and the scoring around the loading docks. From what I see, those are the main issues that we're talking about.

Mr. Holland: I'll let Alan, the architect, answer those questions.

Alan Johnson, 700 West 47th Street, Kansas City, Missouri, appeared before the Planning Commission and made the following comments:

Mr. Johnson: To talk about the stipulations that were in the previously-approved staff report, Curtis has mentioned that Monticello Terrace is some 15 to 18 feet higher than the dock apron. So, I think we're adequately screening the dock doors so that you won't see them from a vast majority of K-7. One of the intents of some of those stipulations was to create a human scale as called out in the K-7 Corridor Plan, and in our discussions, with the building being 165 to 230 feet from the building, we don't feel that adding expense to the building to create a human scale is going to be visible or noticeable. So, we haven't proposed to put vertical ribbed panels on the dock doors because they will be below eye level and you won't be able to see them. One of the things to discuss the clerestory windows, instead of scattering clerestory windows across the building as was indicated on the previously-approved plans, we've greatly increased the amount of glass that are on the corners of the building, adding a spandrel panel with the potential for a second floor office and having the entire bay, both directions of every corner of both buildings, have glass. So, we've actually taken that square footage, if you will, and concentrated it where it could actually be useful.

On the downspouts, it's a challenge to recess a panel two inches when you're casting it on the floor. What we have chosen to do, as indicated in the elevations, is to create a paint scheme that helps those downspouts to blend into the aesthetic of the building. The paint essentially creates the same effect as a two-inch recess would by providing a shadow line that's this wide, which really isn't visible from 180 feet away. So, that is our intent in doing that.

Chairman Campbell: The current stipulation says recessed downspouts or architectural sconces.

Mr. Johnson: On the previously-approved plans, they had these architectural sconces that were drawn on there, and the downspouts run behind them. So, it would have to be something that would be completely custom fabricated, and they appear to be eight feet tall. I'm not sure where you would get something like that. I think it's just an element that was drawn on the plan and didn't have constructability to it. Our intent is, at 200 feet away, that you can accomplish the same thing by varying the pattern on the building, as opposed to something that is six inches deep.

Chairman Campbell: I'm not sure the suggestion is to do exactly the same thing. There are architectural sconces available that could go on there. They don't have to go on the downspouts, but a different issue –

Mr. Johnson: Right. And, once again, on a building that is 36 feet tall, where you're only going to be able to see half of it and it's 200 feet away, the scale of an architectural sconce, be it three feet tall or four feet tall, our thought is that it's not effective.

Chairman Campbell: I'm going to bring it back to the other members here. In my mind, we have two issues that we are facing. Number one, we have K-7 Corridor design guidelines that we didn't pass, but we have to follow and have to live it. It talks about human scale, etc. We've got to figure out how that fits here.

The other thing is that we have a previously-approved preliminary plan that allows for the dock doors to face the street. We wouldn't even be talking

about that tonight, but you had the advantage of that that you brought forward. So, some of those elements then have to also be brought into the design tonight so that those are the – I mean, that's a comment, not a question. Those are the issues that I'm seeing. Are there other questions or comments? I agree completely, too, by the way, to put a recessed downspout in a tilt-up is – I don't know how you do that. Any other comments or questions?

Comm. Almeida: We looked at some of those other buildings and they had clerestory windows for some, as you pointed out, but not the entire façade. So, would you propose to match them to the other similar buildings and have clerestory windows for part of the façade, but not all?

Mr. Johnson: I think, essentially, in the examples that Curtis gave, from that distance, you can't tell if they are actually glass or paint. And we've broken up the building with horizontal and vertical bands that are different colors and accomplishes the same thing.

Comm. Almeida: That was the Craft Tools building, I believe, right?

Mr. Johnson: The one on 83rd? Yes.

Comm. Almeida: You can tell. The sheen is different. I mean, I get the point of mimicking the architecture, but you can still tell. So, I guess what we're saying is, we want to pick and choose different things that we like from all around, but we need to stay consistent, to a certain extent. So, I guess my question is, would you be amendable to clerestory windows on part of the façade?

Mr. Johnson: One thing we may be amenable to is to agree to have the louvers visible for the Cambridge air units to provide heat to the building, which would create the same effect by having a visible element that would be on the façade of the building. And really, these are speculative buildings, and it depends on whether it becomes a one or two tenant building or a four or five tenant building as to the type of system that goes in it. But if it's a one or two tenant building, it would end up with louvers that would essentially do the same thing as clerestory windows, to provide four foot square openings in every bay to provide ventilation. So that may be one of the things that is acceptable based on several different things that are in the corridor plan that would do the same thing.

Comm. Almeida: At what stage would that be decided?

Mr. Johnson: Hopefully pre-construction. Ideally, it would be nice to have a tenant in line.

Comm. Almeida: You're talking about the air intake louvers?

Mr. Johnson: Right.

Comm. Almeida: You think that looks the same as glass, as good as glass?

Mr. Johnson: Well, I think the intent is to provide a break-up of the façade of an industrial building, based on the K-7 corridor.

Comm. Almeida: I think we need to decide as a Commission if it's the glass and the look we want, because I think they are absolutely trying to, with the blocks and the shapes and the break-up, you know, if that's what we're worried about, then paint is just fine. But if we're worried about the look and holding the same standards of glass, and I would say, a classier industrial building, then that's a whole other story.

Chairman Campbell: Any comments about the ribbing from the preliminary plan - ?

Mr. Johnson: A lot of the ribbing was actually around the dock doors, and our feelings were that the dock doors won't be visible, so it doesn't really accomplish anything. Only the trucks would be able to see it, and it's an added expense to create tilt-up panels that have ribbing in them. And, based on the scale from 200 feet away, whether it's a half- to three-quarter-inch deep rib or a darker paint, then it accomplishes the same thing in breaking up the building.

Comm. Kohler: And how many potential tenants could there be in it?

Mr. Johnson: The smaller building one be one to four, and the larger building would be one to six.

Comm. Kohler: I see the tenant signage, if they all required signs, there would be a variety of looks, or would they all be the same?

Mr. Johnson: The standards would be consistent where they have a logo and the name of the company. The ones that are shown in the center of the building would be the tenants that are on the opposite side.

Chairman Campbell: Any other questions or comments?

Comm. Fry: I have a procedural question, and it kind of goes back to the signs. Once pre-construction and everything is decided as far as the number of tenants, and we have our own guidelines about the size of the signs, it seems to me that, I mean, there's the potential that a lot of the façade is going to be signage where we would have clerestory windows. At what point does the City make that call?

Mr. Clements: Well, sign permits are handled independent of a plan review such of this, so it's just a function where a sign contractor comes in and submits a sign permit for a given tenant. Depending on how many tenants you might have across a given store front. It's just a matter of meeting the area requirements on a particular wall. It's ten percent of a wall surface.

Chairman Campbell: Correct me if I misstate here, but to further explain, we would make our recommendation, we would approve whatever we decide we're going to approve tonight, and that would be a matter of record. Then, as they pull the building permits, staff would come in and review that building permit set based on the stipulations that we approve tonight. There's always a little bit of tweaking back and forth, and then we move forward. Mr. Holland?

Mr. Holland: Well, I don't know which way you're heading with this, but if there is something different than what we're showing here, then we'll have to come back here and show it. So, it's a matter of how much and what you end up doing, is

the question. We're here discussing something that may not be built just yet. I like what you mentioned about signage because it's a very good point. Signage is going to break up the wall, too, depending on how many tenants you have. So, depending on what you all decide as to how much or if any, I just want to make the point that we'll have to tweak those plans anyway.

Mr. Pendley: I think the key question is to get direction on the stipulations as far as the architectural design features. There is always the possibility that the window may change here or there in the exact location, but I think the general design, the materials, the features, do need to be determined now because this will not be back before the Planning Commission, most likely. With the tenant finish permits, as they come in for each one, generally they keep it pretty close to the original plan. If there was a substantial change, if we talked about a major change, changing a whole center section of a building, or something like that, maybe it would be a substantial change. But generally, they keep within the context of a minor change, which just go through the building permit review process. The sign permits will be determined. And they can work around features that may be designed and required on the building, and there may be a change here or there, like in the height of the windows or whatever the feature may be, but we can always work around that. But I think the key issues to determine are going to be the features and whether or not we want to require some of those features that were on the preliminary plans, or if we're going to allow them as proposed.

Comm. Almeida: On the vertical ribbing, what was it that you were looking for? Was it just at the sconce locations, or just the consistent joints?

Mr. Pendley: I think we initially looked at that, and we didn't make this comment initially through the plan review stage because there were a number of things that we were looking for in terms of changes. Primarily the windows. The vertical ribbing was something we added as a stipulation at the time of the staff report because the more we looked at this and compared it to the original plan, the vertical ribbing just seemed to break up those dock doors. That was the key concern. I think the applicant makes a good point. When you look at the elevations and the visibility from K-7, there will be minimal visibility, if any, of the dock doors. So, I don't think the area around the dock doors is critical. But I do think that some type of vertical element, some type of feature, should be provided. If we're not going to do the recessed downspouts, maybe we could do a different type of texture in that area, those areas around the downspouts, maybe to break that up. Something, somewhere, to break up, as opposed to just a flat, same look, with a tilt-up concrete with a different paint color. It seems that there could be something else done. I think staff's feeling is, if the Commission supports any of these stipulations for changes to this plan, we would recommend a continuance in order to have a chance to look at any other alternatives that could be proposed. Otherwise, we're kind of designing on the fly and we don't know what we're going to get. Staff would support a continuance, if the Commission feels it is appropriate to include any of these features.

Chairman Campbell: Comments? Questions?

Comm. Ling: I think the applicant and staff have done a good job explaining the loading doors on K-7. I tend to agree with that. It's definitely not my preference to put loading doors along K-7, even though Honeywell has one. Obviously,

Honeywell has been there a long time and the landscaping still hasn't covered that door. The landscaping here is going to take some time. As to that landscaping stipulation – stipulation 6 – it says “entirely screen.” I think it's okay as is. If you read the second phrase of that, it says, “additional trees are required by staff.” They are being very reasonable on that. I think staff and the applicant could get to a common point on that.

I'm supportive of staff and enhancing architecture here. I think what Mr. Pendley said in his last statement, that this could look like a flat building with paint on it, I think that's probably the point we're trying to avoid. Some things can be done. I agree that tonight is not the time and we're not architects, but some feedback. The ribbing element, I think that makes sense around the doors, but if there is something else that can be done with a vertical element, it would be a benefit. I personally think the windows add to this. I appreciate the applicant putting additional windows on the ends and corners. Again, this is a high visibility area. I think several windows would enhance it, and along with the signage, break this up a little bit. I think that makes sense.

Staff needs to watch that intersection at Monticello and College. For someone who drives it every day and sees the trucks at night and in the morning, we're going to need to do something there. I'll leave it at that.

As to the recessed downspouts in stipulation 8, I don't have a concern about that going away. Those are my thoughts on the issues we discussed.

Chairman Campbell: Any other comments?

Comm. Almeida: I just think the recessed downspouts need to go. You're not going to see it. Is really 165 feet from the road to there? That's 60-some yards. Beauty is always in the eye of the beholder, so the architecture is going to change from 1999, what they were doing then to what is now. I think there is a certain look we're trying to have on that corridor, and if we deviate from that once, then it opens it up from here on out. But at the same time, while it has windows, it's a massive brick monster, and there's not really much articulation. I guess they've got a little bit with the cornices or whatever they are, but at the same time, it still is. It's tough to do a whole lot with these, especially considering the use. So, I think we need to determine what the use is going forward so we can give them some direction. I think the paint is going to break it up. You have 66 yards, and I don't know what ribbing you're going to do. There are different finishes, you can do a tilt wall where you try to rake it and stuff like that, and while it kind of breaks up, it's still at 66 yards. I don't know that it's really going to do much for you.

Chairman Campbell: This is the K-7 corridor and there are specific design guidelines. There is also the preliminary plan that talked about very specifically – and I keep coming back to it – that it should not include painted bands. I have a little bit of concern about relying on those completely. I'm hearing that that's what we're going to rely on, and I'm concerned about that. I agree completely with the downspouts, and the way this is written with the “or,” it just makes sense for that to come out. What I would like to ask is, based on some of those comments, you want to come back? Or would you rather us move forward tonight?

Mr. Holland: We have time and would rather work on some of these. Some of the comments are good. I mean, we're hearing what you're saying on some of them, but some specific direction so that when we do come back, we have a good understanding of what is expected.

Chairman Campbell: I think from our perspective – again, a couple of us in the industry – recessed downspouts can go. But, in place of that, I mean, the architectural sconces or some other element to further break up that massing would be appropriate. I think from my perspective, some sort of other element to break up the massing as well. There has been precedent for clerestory in that specific area. There could be a different type of panel that could go on there. Some of the accent metal pieces that we've seen come through, like for the jail, might be a good opportunity here. Just something to break it up. I'm concerned about the paint over the long haul.

Comm. Almeida: Staff noted that the paint has changed. They have elastomeric paint now, and it's pretty good stuff. Pretty durable and actually helps seal up the concrete in case it cracks. So, as long as they maintain it, and Ken maintains his stuff.

Chairman Campbell: And I'm amenable to listen to that. Does that help? Anything else that we're missing? How much time?

Mr. Pendley: I would say at least one month to really have a chance to look at a revision and comment on it. I don't see this being ready in two weeks.

Comm. Almeida: Are we talking the entire building, or just K-7? Mr. Holland point out, you know, not all the buildings have the clerestory windows all the way. So, are we talking that we think that that needs to be dressed up on that side only?

Comm. Fry: My preference is, on the elevations that we have seen with the tenant signage, that's going to play a role in how this is broken up. I think if we could come up with some formula as to a section where the sign maybe doesn't need that accent, and a section that doesn't have a sign needs something, I mean, I think that's fairly appropriate. Again, I'm not an architect, so I don't know how that might look. That way it's not as much maintenance.

Chairman Campbell: I would say it needs to be both sides, just because there will be further development on the east, the dock doors on the east. So, in the long run, the east side may be more important than the west, from my point of view. To your comment, the signage, that's a specific – I mean, there could be one tenant in the building. There could be six. I don't know how you address that. Thirty days? Does that work?

Mr. Clements: June 13th.

Chairman Campbell: June 13th. Is that amenable to the Commission? I'm not hearing any objections.

Motion by Chairman Campbell, seconded by Commissioner Ling, to continue PR-11-012, to the June 13, 2011, Planning Commission meeting.

Motion passes 6-0.

**MINUTES
CITY OF OLATHE
STAFF REPORT**

CASE # P-11-018

Case Planner: Sean Pendley **Planning Commission:** May 9, 2011
Request: Final plat, two lots and one tract, 30.636± acres, for FSDA Associates.
Location: Vicinity of the northeast corner of College Boulevard and K-7 Highway/
Monticello Terrace
Owner: FSDA, LLC, Kenneth Block
Applicant: Polsinelli Shugart, PC, Curtis Holland
Engineer: Shafer Kline & Warren, Joel Riggs

Acres:	<u>30.636±</u>	Proposed Use:	<u>Office/Warehouse</u>
Current Zoning:	<u>MP-2</u>	Lots:	<u>2</u>
		Tracts:	<u>1</u>
Streets and Right of way:	<u>K-7 Highway/ Monticello Terr.</u>		
	Existing	<u>312' (total)</u>	
	Required	<u>312' (total)</u>	
	Proposed	<u>n/a</u>	

I. COMMENTS

The following is a request for a final plat for two lots and one tract for FSDA Associates. A related final site development plan (PR-11-012) for two warehouse buildings is also on this agenda. A final plat (P-03-00) for Distribution Associates was approved in 2000. The proposed replat would subdivide the property into two lots and include a common tract for stormwater detention.

II. FINAL PLAT REVIEW

A. Utilities:

The property is located in the City of Olathe sewer service area and Water District No. 1. A sanitary sewer main extension will be required to serve this development. The proposed sewer main extension is located to the east of the subject property and the owner shall obtain a sanitary sewer easement prior to issuance of a building permit. Line extensions,

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

B. Access/Streets:

The proposed development includes two access drives on Monticello Terrace. The only other development currently served by Monticello is the Aldi foods distribution warehouse. Monticello Terrace will be widened to 38 feet and the improvements will be provided with Phase I. No additional public street right-of-way is required for the proposed development.

C. Drainage:

The proposed development includes a large detention basin on the south end of the property in Tract A and a smaller basin in northeast corner of the site. The final plat includes drainage easements for the detention basins.

D. Landscaping/Screening:

There are existing mature trees along the east property line and on the south end of the site. Most of the trees on site will need to be removed for the proposed development. Staff recommends preserving the existing trees on the southwest corner of the site in Tract A to provide screening for the trailer parking area on Lot 2. A stipulation has been included for the final plat to identify a Tree Preservation Easement in the subject area.

E. Excise Taxes:

The property has been platted and, therefore, is not subject to street and traffic signal excise taxes. The property was also included in a benefit district for College Boulevard.

III. STAFF RECOMMENDATION

Staff recommends approval of the final plat with the following stipulations:

- (1) The final plat shall identify a Tree Preservation Easement (TP/E) on the west side of Tract A to maintain some of the existing trees and to provide screening for the trailer parking area on Lot 2.
- (2) A sanitary sewer easement (SS/E) shall be obtained for the required sewer main extension prior to issuance of a building permit.
- (3) Prior to recording the plat, standard orange barricade fencing shall be installed around all tree preservation areas. Any destruction of trees within preservation areas is subject to the penalties outlined by *UDO* Section 18.62.120.G.

- (4) 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.
- (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 architecture.
- (7) All on-site wiring and cables shall be placed underground.

Refer to PR-11-012 for discussion regarding this item.

Motion by Chairman Campbell, seconded by Commissioner Ling, to continue item P-11-018 to the June 13, 2011, meeting.

Motion passes 6-0

May 9, 2011

OTHER MATTERS:

Mr. Clements: Our next meeting will be May 23rd. We have four or five consent items and the continued item for the contractor's garage.

Chairman Campbell: Anything from the Commission? All right, we are adjourned.

Meeting Adjourned.