



This is a request for a final plat for one lot, 4.23± acres, Greenwood Business Center 2<sup>nd</sup> Plat. The site is located at the northeast corner of 134<sup>th</sup> Place and Greenwood Street.

The final plat consists of one lot for the development of a skilled nursing care facility. The related final site development plan (PR-11-032) is on this agenda.

2. **Utilities/Easements:**

The site is located in the City of Olathe water and Johnson County sewer service areas. A looped water main extension may be required to add fire hydrants.

3. **Access:**

Access to the proposed lot will be from driveways located on 134<sup>th</sup> Place and on Greenwood, as shown on the final development plan.

4. **Drainage/ Detention:**

a. Provide a temporary drainage easement for the temporary channel to the detention basin. b. Plat the tracts for the detention basins and describe the responsibility of the owner for maintenance of the drainage facilities.

5. **Street and Traffic Signal Excise Taxes:**

In accordance with Ordinance No. 01-105, the property is subject to a street excise tax \$0.215 per square foot of land area. Based on the plat area, the street excise fee is \$39,690.00.

In accordance with Ordinance No. 02-52, this development is subject to the traffic signal excise tax of \$0.0098 per square foot of land area. Based on the plat area, the signal excise fee is \$1809.14. The required excise fees shall be submitted to the City Planning Division prior to recording the final plat.

6. **Staff Recommendation:**

Staff recommends approval of P-11-031 with the following stipulations:

- a. In accordance with Ordinance No. 01-105, the property is subject to a street excise fee \$39,690.00. The excise fee shall be submitted to the Development Services Department prior to recording the final plat.
- b. In accordance with Ordinance No. 02-52, the property is subject to a traffic signal excise tax of \$1809.14. The excise fee shall be submitted to the Development Services Department prior to recording the final plat.
- c. A waterline easement for the unplatted property to the north of the subject property shall be recorded prior to construction of water main extension.
- d. Drainage easements and maintenance responsibility shall be recorded for the proposed detention basins prior to, or at the time of, recording the final plat.

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

Motion by Commissioner Harrelson, seconded by Commissioner Ling, to approve P-11-031, subject to the following stipulations:

- a. In accordance with Ordinance No. 01-105, the property is subject to a street excise fee \$39,690.00. The excise fee shall be submitted to the Development Services Department prior to recording the final plat.
- b. In accordance with Ordinance No. 02-52, the property is subject to a traffic signal excise tax of \$1809.14. The excise fee shall be submitted to the Development Services Department prior to recording the final plat.
- c. A waterline easement for the unplatted property to the north of the subject property shall be recorded prior to construction of water main extension.
- d. Drainage easements and maintenance responsibility shall be recorded for the proposed detention basins prior to, or at the time of, recording the final plat.
- e. Prior to and upon recording of the plat, a digital file of the final plat shall be submitted to the City Planning Division. The submission of the digital plat file shall conform to the formatting standards, layering system, and text styles of the City of Olathe Planning Division Digital File Submittal Standards.

*Motion passes 7-0.*

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

**CASE: PR-11-020**

**Planner:** Sean Pendley                      **Planning Commission Meeting Date:** October 10, 2011

**Request:** Final site development plan, 5.9± acres, for a skilled nursing facility.

**Location:** Northeast corner of 134<sup>th</sup> Street and Greenwood Street.

**Owner:** GBC, LLC, Paul Licausi

**Applicant:** KCOS Development, Inc., Butch Nuss

**Engineer:** Shafer, Kline & Warren, Inc., Joel Riggs

<b>Acres:</b>	<u>5.9±</u>	<b>Proposed Use:</b>	<u>Nursing Facility</u>
<b>Current Zoning:</b>	<u>BP</u>	<b>Building Area:</b>	<u>62,000 sq. ft. (total)</u>
<b>Parking Spaces:</b>	Required	Proposed	
	<u>70</u>	<u>92</u>	
<b>Streets and Right of way:</b>	<u>134<sup>th</sup> Place</u>	<u>Greenwood Street</u>	
	<b>Existing</b>	<u>30' (½ Street)</u>	<u>40' (½ Street)</u>
	<b>Required</b>	<u>30' (½ Street)</u>	<u>40' (½ Street)</u>
	<b>Proposed</b>	<u>30' (½ Street)</u>	<u>40' (½ Street)</u>

**Platted:** A portion of the property is platted as Greenwood Business Center. A final plat for Greenwood Business Center, 2<sup>nd</sup> Plat is on this agenda.

**1. Proposed Development:**

The following is a request for a final site development plan for a skilled nursing facility. A zoning amendment for BP district and revised preliminary development plan (RZ-11-010) for Greenwood Business Center was recommended for approval by the Planning Commission on September 12 and approved by City Council on October 4, 2011. An associated final plat for Greenwood Business Center, 2<sup>nd</sup> Plat (P-11-031) is on this agenda.

The proposed development includes a 62,000 square foot skilled nursing facility with a total of 80 beds. The primary emphasis for the facility will be rehabilitation with short-term and long-term care.

2. **Utilities/Municipal Services:**

The property is located in the City of Olathe water service area and Johnson County Wastewater area. Utilities are available to the site. A new fire hydrant is required at the entrance to 134<sup>th</sup> Place. Fire hydrants are required within 600 feet of any point of the exterior of the building along an approved fire access road.

3. **Access/Traffic:**

The proposed nursing facility will have one access drive on Greenwood Street and two access drives on 134<sup>th</sup> Place. The eastern drive will eventually become a shared drive for future office buildings to the east of the site.

The building permit plans shall show revised ingress-egress truck maneuvering templates for proposed trash containers. The proposed templates do not show appropriate maneuvering for trash trucks.

4. **Drainage:**

Two detention basins have already been constructed to accommodate stormwater for the entire business park. The applicant has performed an analysis to determine if any additional stormwater controls are required. The revised development plan shows a decrease in impervious area compared to the original plan. The analysis does not recommend any stormwater Best Management Practices (BMPs) to be constructed for the proposed development area.

A final drainage plan and stormwater calculations shall be submitted with the building permit. Prior to issuance of building permit, a temporary drainage easement shall be required for the channel to the existing basin.

5. **Parking:**

The site plan indicates 92 parking spaces for the nursing facility. The requirement for medical buildings is one (1) space for each four (4) beds and one (1) space for each staff member. Based on the total of 80 beds and maximum of 50 staff members on the largest shift, the minimum number of parking spaces for the nursing facility is 70.

A minimum of four (4) accessible parking spaces are required for the nursing facility. The building permit plans shall identify the minimum number of accessible spaces for disabled people per *Unified Development Ordinance (UDO)* requirements. In addition, photometric plans for parking lot lighting shall be submitted with the building permit.

6. **Pedestrian Access:**

The site plan identifies sidewalks on all surrounding streets and along the primary access drives for the business park.

7. **Landscaping:**

The landscape plan identifies the required number of deciduous shade trees, evergreen trees and ornamental trees throughout the site. Shrubs have been provided for screening across 100 percent of all parking and vehicular areas facing streets.

8. **Architecture/Design:**

The proposed nursing facility is a one-story building with a two-story element with storefront windows through the center of the facility. The exterior materials consist of stone veneer, brick and EIFS. The proposed roofing includes 3-tab composition shingles that provides additional depth to give the appearance of slate. The Grand Manor roofing has a 50-year warranty.

The applicant has submitted color renderings for the proposed building. Additional features, including dormers, have been provided on the south elevation to help break up the symmetrical appearance on either side of the building.

9. **Staff Recommendations:**

Staff recommends approval of PR-11-020 subject to the following stipulations:

- a. A new fire hydrant is required at the entrance to 134<sup>th</sup> Place per Fire Department requirements.
- b. Final drainage plans and stormwater calculations shall be submitted and approved by Public Works with the building permit.
- c. Prior to issuance of building permit, a temporary drainage easement shall be required for the channel to the existing detention basin.
- d. The building permit plans shall show required vehicle turning templates for all access drives and trash enclosures per Public Works requirements.
- e. The building permit plans shall identify the minimum number of accessible spaces for disabled people per *Unified Development Ordinance (UDO)* requirements.
- f. A parking lot lighting plan, in accordance with *UDO* requirements, shall be submitted and approved with the building permit.
- g. All landscaped areas shall be irrigated.

- h. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if such cabinets are screened with landscape materials.
- i. As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
- j. All on-site wiring and cables shall be placed underground.

Motion by Commissioner Harrelson, seconded by Commissioner Ling, to approve PR-11-020, subject to the following stipulations:

- a. A new fire hydrant is required at the entrance to 134<sup>th</sup> Place per Fire Department requirements.
- b. Final drainage plans and stormwater calculations shall be submitted and approved by Public Works with the building permit.
- c. Prior to issuance of building permit, a temporary drainage easement shall be required for the channel to the existing detention basin.
- d. The building permit plans shall show required vehicle turning templates for all access drives and trash enclosures per Public Works requirements.
- e. The building permit plans shall identify the minimum number of accessible spaces for disabled people per *Unified Development Ordinance (UDO)* requirements.
- f. A parking lot lighting plan, in accordance with *UDO* requirements, shall be submitted and approved with the building permit.
- g. All landscaped areas shall be irrigated.
- h. All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if such cabinets are screened with landscape materials.
- i. As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.

- j. All on-site wiring and cables shall be placed underground.

*Motion passes 7-0.*

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

**CASE: P-11-032**

**Planner:** Sean Pendley                      **Planning Commission Meeting Date:** October 10, 2011

**Request:** Final plat, 1.73± acres, for 119 Blackbob Corner, Third Plat, Lot 6.

**Location:** Northwest corner of 117<sup>th</sup> Street and 119<sup>th</sup> Street.

**Owners:** Jerel and Patricia Stevens/ David Block, Block and Company

**Applicant:** Darden Restaurants, Jim Powell

**Engineer:** Olsson Associates, Brett Lauritsen

<b>Acres:</b>	<u>1.73±</u>	<b>Proposed Use:</b>	<u>Restaurant</u>
<b>Lots:</b>	<u>1</u>	<b>Current Zoning:</b>	<u>CP-2</u>
<b>Streets and Right of way:</b>	<u>117<sup>th</sup> Street</u>	<u>119<sup>th</sup> Street</u>	
	<u>Existing</u>	<u>60' (total)</u>	<u>60' (½ Street)</u>
	<u>Required</u>	<u>60' (total)</u>	<u>60' (½ Street)</u>
	<u>Proposed</u>	<u>n/a</u>	<u>n/a</u>

**1. Comments:**

The following is a request for a final plat for 119 Blackbob Corner, Third Plat, Lot 6. An associated final site development plan (PR-11-022) for Red Lobster restaurant is on this agenda. A rezoning from MP-1 to CP-2 (RZ-11-009) was recommended for approval by the Planning Commission on September 12 and approved by City Council on October 4, 2011.

**2. Utilities:**

The property is located in the City of Olathe water and sewer service areas. Utilities are available to the site. Due to location of parking, the remote Fire Department Control (FDC) shall be installed at the vault on 117<sup>th</sup> Street. The fire hydrant shall be installed so that it is no more than 100 feet from FDC and no more than 600 feet from farthest point of building using an approved route.

3. **Access:**

The proposed restaurant site will have one shared access drive on 117<sup>th</sup> Street and a cross-access drive with the commercial property to the west. The existing drives on 117<sup>th</sup> Street and 119<sup>th</sup> Street will be removed due to conflicts with the *Access Management Plan*.

The final plat shall show Access Easements for the proposed driveway connections and the appropriate language shall be included on the plat.

4. **Drainage:**

A revised stormwater report was submitted with the final site development plan. On-site detention is required for the proposed development. The applicant has proposed an underground detention facility and a mixture of Best Management Practices (BMPs), including native grasses, to reduce pollutants and to reduce stormwater volume.

The final plat shall describe the Drainage Easements (D/E) and identify the owner being responsible for all maintenance of the detention and water quality BMP facilities.

5. **Excise Taxes:**

The property has been platted and, therefore, is not subject to street and traffic signal excise taxes.

6. **Staff Recommendation:**

Staff recommends approval of P-11-032 subject to the following stipulations:

- a. The final plat shall show Access Easements (A/E) for the proposed driveway connections and the appropriate language shall be included in the dedication section.
- b. The final plat shall describe the Drainage Easements (D/E) and identify the owner being responsible for all maintenance of detention and water quality BMP facilities.
- c. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to Planning Services.

*This item was pulled from the consent agenda at the request of Commissioner Harrelson.*

Comm. Harrelson: I just have one question. You have an item number 5 in PR-11-022, which addresses parking spaces. You have proposed 131 parking spaces. Our requirement is only 73. I wondered if you could address your decision behind providing nearly double the amount of parking spaces beyond what we require.

*Jim Powell, Darden Restaurants, 1548 Spring Lake Drive, Keller, TX, appeared before the Planning Commission and made the following comments:*

Mr. Powell: First of all, we are self-parked on our lots, so we have to accommodate our employees, and on the largest shift on Thursday-Friday-Saturday nights, we can have 30 employees there. All of them don't drive; some of them carpool or get there in other ways. But then, just the sheer number of seats in the restaurant is over 200. On Thursday-Friday-Saturday nights at dinner, we need to accommodate the crowds so they are not parking on the streets, which was a concern we discussed. So, it's really just to handle the peak dining periods.

Comm. Harrelson: I'm interested in your response because it's been my supposition for a long time that we are severely under-analyzing our parking requirement, especially relative to restaurants, and I'm thankful that we have some folks who look at it as a business decision rather than what the minimum is. I know that especially in developments where we have, let's say neighboring parking that one could use that might not be specifically designated for that restaurant, then we have overflow problems. So, I just wanted to have that be a comment that we might hear from you relative to your decision on that issue.

Mr. Powell: That's the main thing, is just so they can accommodate the peak dining periods.

Chairman Campbell: Any other questions? Is there a motion on item 4?

Motion by Commissioner Harrelson, seconded by Commissioner Ling, to approve P-11-032, subject to the following stipulations:

- a. The final plat shall show Access Easements (A/E) for the proposed driveway connections and the appropriate language shall be included in the dedication section.
- b. The final plat shall describe the Drainage Easements (D/E) and identify the owner being responsible for all maintenance of detention and water quality BMP facilities.
- c. Prior to recording the plat, a digital file of the final plat (pdf format) shall be submitted to Planning Services.

*Motion carries 7-0.*

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

**CASE: PR-11-022**

**Planner:** Sean Pendley                      **Planning Commission Meeting Date:** October 10, 2011

**Request:** Final site development plan, 1.73± acres, for Red Lobster Restaurant.

**Location:** Northwest corner of 117<sup>th</sup> Street and 119<sup>th</sup> Street.

**Owners:** Jerel and Patricia Stevens/ David Block, Block and Company

**Applicant:** Darden Restaurants, Jim Powell

**Engineer:** Olsson Associates, Brett Lauritsen

<b>Acres:</b>	<u>1.73±</u>	<b>Proposed Use:</b>	<u>Restaurant</u>
<b>Current Zoning:</b>	<u>CP-2</u>	<b>Building Area:</b>	<u>5,898 sq. ft.</u>
<b>Parking Spaces:</b>	Required	Proposed	
	<u>73</u>	<u>131</u>	
<b>Streets and Right of way:</b>	<u>117<sup>th</sup> Street</u>	<u>119<sup>th</sup> Street</u>	
	<u>Existing</u>	<u>60' (total)</u>	<u>60' (½ Street)</u>
	<u>Required</u>	<u>60' (total)</u>	<u>60' (½ Street)</u>
	<u>Proposed</u>	<u>n/a</u>	<u>n/a</u>

**Platted:** North Olathe Industrial Park, Lot 10 and part of Lot 11. A replat for 119 Blackbob is on this agenda.

**1. Comments:**

The following is a request for a final site development plan for Red Lobster restaurant. A rezoning from MP-1 to CP-2 (RZ-11-009) was recommended for approval by the Planning Commission on September 12 and approved by City Council on October 4, 2011.

The proposed development consists of a 5,898 square foot restaurant with 220 seats. The site is currently developed with a small office-warehouse building.

**2. Utilities:**

The property is located in the City of Olathe water and sewer service areas. Utilities are available to the site. Due to location of parking, the remote Fire Department Control (FDC) shall be installed at the vault on 117<sup>th</sup> Street. The fire hydrant shall be installed so that it is no more than 100 feet from FDC and no more than 600 feet from farthest point of building using an approved route.

3. **Access/Traffic:**

The proposed restaurant site will have one shared access drive on 117<sup>th</sup> Street and a cross-access drive with the commercial property to the west. The existing drives on 117<sup>th</sup> Street and 119<sup>th</sup> Street will be removed due to conflicts with the *Access Management Plan*. Cross-access easements will be required for both of the proposed driveway connections.

The applicant submitted a traffic analysis for the proposed restaurant development. Based on the analysis, the proposed restaurant is not anticipated to create significant queuing on 117<sup>th</sup> and 119<sup>th</sup> Streets. The study does note that internally, motorists may experience delays during peak hours of weekend evenings. The final site plan also includes truck templates showing adequate circulation for the cross-access drive to the west and shared drive to the north of the site.

Traffic engineering staff has reviewed the traffic analysis and indicated that the proposed development, with revised access drives, meets the City's *Access Management Plan* requirements.

4. **Drainage:**

A revised stormwater report was submitted with the final site development plan. On-site detention is required for the proposed development. The applicant has proposed an underground detention facility and a mixture of Best Management Practices (BMPs), including native grasses, to reduce pollutants and to reduce stormwater volume.

Public Works has indicated that the proposed development complies with the City's stormwater ordinance. A final drainage plan and stormwater calculations shall be submitted with the building permit.

5. **Parking:**

The site plan indicates a total of 131 parking spaces for the restaurant. The minimum requirement for restaurants is one (1) space for every three (3) seats. Based on the total of 220 seats, a minimum of 73 parking spaces are required. The proposed development incorporates one row of parking from the existing lot to the north. This is excess parking for the adjacent office-warehouse building so it will not take away from their required parking. Cross-access easements will be required along the north and west property lines.

The site plan shows five accessible spaces, which meets the minimum parking requirement for disabled people per *Unified Development Ordinance (UDO)* requirements.

6. **Pedestrian Access:**

The site plan identifies a sidewalk on 119th Street and a new sidewalk connection along the cross-access drive to the existing shopping center to the west.

7. **Landscaping:**

The site plan identifies a variety of deciduous, evergreen and ornamental trees around the perimeter of the site per landscaping requirements for nonresidential developments. Shade trees are provided in the landscape islands and shrubs are identified along all parking areas facing the streets per *UDO* requirements.

8. **Architecture/Design:**

The restaurant is a one-story building with pitched roof elements and slate tile on three sides of the building. The exterior materials consist of stone veneer, brick and hardie-shingle lap siding. Awnings with slate tile are also included over most of the doors and windows. The applicant has submitted color renderings and perspectives for all sides of the building.

The restaurant incorporates similar building materials and design with existing commercial buildings along 119<sup>th</sup> Street and the building complies with the City's *Commercial Building Appearance Guidelines*.

9. **Signage:**

The applicant is requesting three wall signs and one monument sign for Red Lobster. According to *UDO* requirements, each free-standing commercial building is allowed not more than three (3) wall signs. In lieu of a permitted wall sign, one (1) monument sign is allowed. At the public hearing, the applicant requested an exception to the sign ordinance to allow the additional signage for Red Lobster (see Planning Commission minutes).

At the City Council meeting on October 4, 2011, the applicant presented the request for an exception to the sign requirements. According to *UDO 18.64.210*, deviations to the sign regulations may be approved by the Planning Commission and Governing Body at the time of the rezoning. Following discussion with the applicant and staff, the Council approved the request for an additional wall sign due to the fact that the total sign area of the three proposed wall signs was much less than the maximum 10 percent façade area allowed by the sign ordinance.

10. **Staff Recommendation:**

Staff recommends approval of PR-11-022, subject to the following stipulations:

- a. The remote Fire Department Control (FDC) shall be installed at the vault on 117<sup>th</sup> Street. The fire hydrant shall be installed so that it is no more than 100 feet from FDC and no more than 600 feet from farthest point of building using an approved route.
- b. A maximum of three (3) wall signs and one (1) monument sign are permitted for the proposed development as identified on the building elevations and site plan dated September 28, 2011.
- c. Sign permit applications shall be submitted and approved prior to installation of any wall signs and monument signs.
- d. The building shall comply with the *Guidelines for Screening of Rooftop Mechanical Equipment*.
- 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 on-site wiring and cables shall be placed underground.

*This item was pulled from the consent agenda at the request of Commissioner Harrelson. Refer to P-11-032 for discussion regarding this item.*

Motion by Commissioner Harrelson, seconded by Commissioner Ling, to approve PR-11-022, subject to the following stipulations:

- a. The remote Fire Department Control (FDC) shall be installed at the vault on 117<sup>th</sup> Street. The fire hydrant shall be installed so that it is no more than 100 feet from FDC and no more than 600 feet from farthest point of building using an approved route.
- b. A maximum of three (3) wall signs and one (1) monument sign are permitted for the proposed development as identified on the building elevations and site plan dated September 28, 2011.
- c. Sign permit applications shall be submitted and approved prior to installation of any wall signs and monument signs.
- d. The building shall comply with the *Guidelines for Screening of Rooftop Mechanical Equipment*.
- 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 on-site wiring and cables shall be placed underground.

*Motion carries 7-0.*

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

**CASE: VAC-11-003**

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<b>Planner:</b>	Dave Clements	<b>Planning Commission Meeting Date:</b>	October 10, 2011
<b>Request:</b>	Vacation of portions of utility easements for Lot 81 in Prairie Farms II and Lots 82, and 86 in Prairie Farms III.		
<b>Location:</b>	227, 263, and 271 Canyon Drive		
<b>Owner:</b>	Prairie Center Development LLC		
<b>Applicant/ Engineer:</b>	Allenbrand-Drews and Associates		

**Streets and Right of way:** Canyon Drive

**Existing**                      50'

**I. COMMENTS**

The following is a request to vacate portions of existing utility easements on three lots in Prairie Farms II and III. Lots 81, 82 and 86 are all platted lots with a 72' frontage. All the lots have a 10' utility easement along one side lot line. The applicant is proposing to vacate 5' of the existing 10' easements. The purpose of the vacation is to increase the buildable area of these lots to permit wider houses to be constructed. The buildable width on the lots will be increased from 55' to 60' on these lots as a result of the vacation.

**II. ANALYSIS**

**A. Utilities and Easements:**

Prairie Farms is served by City of Olathe sewer and water utilities. The lots are improved and city services are provided. There are no Olathe utilities in the 5' dimension of the vacation. The applicant has also obtained signatures from all the private utility providers indicating there are no conflicts with the proposed easement vacations.

**B. Public Notification:**

The applicant has notified all property owners within 200 feet of the subject easements per *Unified Development Ordinance (UDO)* requirements. Staff has not received any concerns or questions regarding the proposed vacations.

**III. STAFF RECOMMENDATIONS**

Staff recommends approval of VAC-11-003 for vacation of a portion of utility easements for Lot 81 in Prairie Farms II and Lots 82 and 86 in Prairie Farms III.

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

Chairman Campbell: Any questions for staff at this time? This is a public hearing. Is there anyone wishing to speak in favor? Is the applicant here? Thank you. Is there anyone wishing to speak in opposition? Are there any questions?

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

*Motion carries 7-0.*

Motion by Commissioner Ling, seconded by Commissioner Fry, to approve VAC-11-003, per staff recommendations.

*Motion carries 7-0.*

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

**CASE # VAC-11-004**

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<b>Planner:</b>	Dave Clements	<b>Planning Commission Meeting Date:</b>	October 10, 2011
<b>Request:</b>	Vacation of public alley, south of the Johnson County Administration Building.		
<b>Location:</b>	113 South Cherry Street		
<b>Owner:</b>	City of Olathe		
<b>Applicant/ Engineer:</b>	Johnson County Board of County Commissioners		

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<b>Alley Right of way:</b>	<u>10 1/2'x131'</u>
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**I. COMMENTS**

The following is a request to vacate an existing alley on the west side of Cherry, north of Loula Street. Johnson County recently demolished two buildings at the northwest corner of Cherry and Loula Streets. These properties have been graded and seeded. The existing alley right-of-way is paved as part of the concrete driveway south of the administration building, and the county would like to better utilize the location for future parking. Vacating the alley would allow additional land area for parking.

The existing alley right-of-way is 10 ½' x 131' for a total area of 1375 square feet. The right-of-way does not extend west to Kansas Avenue.

**II. ANALYSIS**

**A. Utilities and Easements:**

The City of Olathe has no utilities in the alley right-of-way. The applicant has also obtained signatures from all the private utility providers indicating there are no conflicts with the proposed alley vacation.

**B. Public Notification:**

The applicant has notified all property owners within 200 feet of the subject easements per *Unified Development Ordinance (UDO)* requirements. Staff has not received any concerns or questions regarding the proposed vacations.

**III. STAFF RECOMMENDATIONS**

Staff recommends approval of VAC-11-004 for vacation of a portion of a public alley south of the County Administration Building.

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

Chairman Campbell: Questions for staff? Thank you. This is a public hearing. Is there anyone wishing to speak in favor? The applicant is here. Anyone wishing to speak in opposition? Seeing or hearing none, is there a motion?

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

*Motion carries 7-0.*

Motion by Commissioner Ling, seconded by Commissioner Fry, to approve VAC-11-004, subject to staff recommendations.

*Motion carries 7-0.*



**I. COMMENTS**

This is a request for approval of a Special Use Permit to allow a religious organization specifically being a facility for Nexus Church. This is a new start-up church being established in Olathe. The subject site is at 235 S. Kansas. The building was formerly occupied by Castle Creations, a manufacturer of radio controlled helicopters and cars. This company relocated to a larger facility in Olathe earlier this year to accommodate the growth of their business. Nexus Church hopes to move into the existing building.

**II. DETAILS OF OPERATION**

Nexus Church is not proposing any interior or exterior alterations to the building at this time. Services are proposed to be held in what was the main warehouse of the building. This area will be refurbished as a multi-purpose room to accommodate approximately 150 persons for Sunday services. The church will also have Wednesday evening services for approximately 75 persons.

The church will also construct an outdoor seating/patio area in front of the building along Kansas Avenue. This will be an outdoor gathering place for members. The area includes landscape planters, and will enhance the front of the building.

**III. PARKING**

The Unified Development Ordinance (UDO) does not require off street parking in the Central Business District. However, the church anticipates that members will use the public parking area northwest of the church. This parking is noted on the site plan. This public parking area should be available for church use on Sunday, and should have sufficient spaces available on Wednesday evenings. The church is constructing a short section of sidewalk for better access to this parking area.

It should also be noted that there are a number of on-street parking spaces in this vicinity, and that church members might use on street parking for more direct access to the front door of the church.

**IV. NEIGHBORHOOD MEETING**

There are no residential properties that would be impacted by the proposed use. A neighborhood meeting was not required, as provided for in the procedures for neighborhood meetings.

**V. LANDSCAPING**

In conjunction with the patio noted above, the church will plant a row of shrubs along the front of the building to provide foundation landscaping.

**VI. TIME LIMIT**

Staff would suggest the Planning Commission consider the special use permit for a five-year period expiring approximately November 1, 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 urban center. This land use designation includes business, government and commercial uses, along with community activities. A church would be compatible with land uses in this area.

**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 will be a new occupancy in an existing building, and is in harmony with the surrounding area. The new use will not impact the character of the neighborhood. Commercial buildings surround the site on all sides.

**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 special use will have no adverse impact on surrounding properties. Hours of operation will be different from surrounding properties so the church use would not impact nearby uses.

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

The building is suitable for occupancy with a permitted use in the existing MP-2 zoning classification.

The building can be occupied by any other M-P2 use in the future should the church cease operation.

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

Castle Creations moved from the building earlier this year. The property has not been vacant for an extended period of time. While the building could be occupied by a permitted MP-2 use, the property owner believes that occupancy now by the church will prevent the possibility of a long-term vacancy.

***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. Hours of operation are different than adjoining uses so the church should have no impact on Monday thru Friday hours of adjoining properties.

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

The proposed use will not provide substantial revenue opportunities for the City. However, members of the church might 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-11-008, 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-11-008 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 November 1, 2016.

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

Comm. Harrelson: Mr. Clements, you made the comment that there were going to be no interior improvements. So, I'm curious, with the use as it is currently, how we can increase the occupancy of this building without making changes to the sprinkler system?

Mr. Clements: It's sprinkled.

Comm. Harrelson: Okay, it is sprinkled, but those requirements in this building are not the same, I don't think, as occupancy with however many people – 200 people? I would ask that we check that.

Mr. Clements: Our building department has done a preliminary review on the occupancy and there will be an occupancy inspection required, but basically, all the church is doing is some painting and fix-up in the building. The facility is suited for the occupancy based on the information that we have.

Comm. Harrelson: Very good, thank you. Also, I'm glad there is going to be some use of this building. That is good, in my opinion. There are several overhead doors there, and it seems to me, if we have another business come in here and change the use a little bit, we would take a look at those as things we would like to have upgraded, perhaps, especially given the use. I know we've asked people at times when we've had those overhead doors to maybe put a storefront or something in there. Was that something that was ever considered as we looked at this project, or not?

Mr. Clements: I think one of the overhead doors is to be modified. Let me look.

Comm. Harrelson: Okay. I didn't see that. I saw no exterior or interior improvements.

Mr. Clements: Yes, the plan does show modification to one of the doors, but perhaps the applicant could speak to that change.

Comm. Harrelson: Very well. I have just one other comment and it has to do with the alley. There's an alley there to the north of the building. I kind of went down that alley when I went to look at the project. I was turning left on Kansas and I couldn't see. I was basically pulling out and hoping nobody was coming north. There was a car parked in that space, and in this picture, you can't really see it, but with a car parked right there, you can't see a thing as you're pulling out of there. So, as we think about the increased number of people that are going to use the building – a good thing – but it might be pretty dangerous. I think it's just a matter of time before somebody is going to pull out there and an unsuspecting person is going to fly by there and hit them. So, I'm a little concerned about that. I don't know what we can do to mitigate it, if anything. I just wanted to mention it.

Mr. Clements: That's a good point. The building does present a little bit of a site distance problem. It would be my hope that the church members do park in the public parking lot northwest of the church there. That would have better access and better parking, so you wouldn't have everybody going through the alley.

Chairman Campbell: Any other questions for staff at this time? All right, we will hear from the applicant. Welcome.

*John Purky, Pastor, Nexus Church, 235 Kansas Avenue, Olathe, appeared before the Planning Commission and made the following comments:*

Pastor Purky: Your concern about the parking is something that we have thought about, especially because there's kind of a blind side when you're coming out of the lot. It's our goal to get everyone to park in the public parking area because across the street from this is a recovery home, and I think they have some meetings there on Sunday mornings, sometimes.

To answer your question about the garage doors, we have to add another door in the back. [*Referring to plans.*] On the back side, the metal doors, we have to add double doors there for exits so we will have to take one of those out. However, we have not thought about moving the other ones or doing anything to them. But, yes, we're just trying to get a special use permit for the building itself. Already 5,000 square feet is already offices, basically, so it's not all warehouse. Five thousand square feet of the building is warehouse. So, it will meet our needs well and we will not have to build out a whole lot. In the future, if we have to build out, hopefully we can do a building permit.

Comm. Harrelson: Are you currently meeting somewhere else?

Pastor Purky: We are meeting at the Tomahawk Ridge Community Center in Overland Park.

Comm. Harrelson: And you have how many members?

Pastor Purky: Right now, we have two services on Sunday mornings and average around 230 people.

Comm. Harrelson: Thank you. Good luck.

Chairman Campbell: This is a public hearing. Is there anyone else wishing to speak in favor of this item? Is there anyone wishing to speak in opposition? Any final questions or comments from the Commission? Is there a motion to close the public hearing?

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

*Motion carries 7-0.*

Motion by Commissioner Fry, seconded by Commissioner Ling, to recommend approval of SU-11-008, 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 stipulation to be included in the ordinance:

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

*Motion carries 7-0.*

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

**CASE: P-11-029**

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

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<b>Planner:</b>	Sean Pendley	<b>Planning Commission Meeting Date:</b>	October 10, 2011
<b>Request:</b>	Preliminary plat, 27.9 ± acres, for Battle Creek, Multi-Family Concept Plan.		
<b>Location:</b>	Southeast corner of 119 <sup>th</sup> Street/Northgate and Nelson Road.		
<b>Owner:</b>	Battle Creek, LLC, L.E. Huckleberry		
<b>Applicant/Engineer:</b>	Phelps Engineering, Inc., Judd Claussen		

<b>Acres:</b>	27.87±	<b>Proposed Use:</b>	<u>Multi-family Residential</u>
<b>Number of Units:</b>	<u>190</u>	<b>Density:</b>	<u>8.2 units/acre</u>
<b>Current Zoning:</b>	<u>R-3</u>		
<b>Parking Spaces:</b>	<b>Required:</b> <u>333</u>	<b>Proposed:</b>	<u>383</u>
<b>Streets and Right of way:</b>	<u>119<sup>th</sup> Street/Northgate</u>	<u>Nelson Road</u>	
	<b>Existing</b>	<u>60' (½ street)</u>	<u>30' (½ street)</u>
	<b>Required</b>	<u>60' (½ street)</u>	<u>30' (½ street)</u>
	<b>Proposed</b>	<u>60' (½ street)</u>	<u>30' (½ street)</u>

**Platted:** Battle Creek, Lot 1.

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**1. Comments:**

The following is a request for a preliminary plat for Battle Creek, Multi-Family Concept Plan. The subject property is located on the southeast corner of 119<sup>th</sup> Street/Northgate and Nelson Road.

The property was rezoned (RZ-19-91) from R-1 to R-3 (Low Density Multi-Family District) in 1992 and a final plat (P-96-98) for Battle Creek was recorded in 1999. The preliminary plat for Battle Creek had a total of 264 units on 28 acres with a density of 9.4 units per acre. The subject property has never been developed.

The proposed multi-family plan has 19 townhouse or apartment buildings with a total of 190 dwelling units and a density of 8.2 dwelling units per acre. The plan is conceptual in nature and the applicant has no plans for development at this time. The request for the preliminary plat is a result of the proposed senior housing development on part of the original Battle Creek property. Associated applications for a final site development plan (PR-11-022) and final plat (P-11-030) for Legacy Senior Residences is also on this agenda.

2. **Neighborhood Meeting:**

The applicant held a neighborhood meeting for the proposed development on September 6, 2011 (see attached minutes). Only one neighbor attended the meeting. There was a discussion regarding building design for the senior housing, future plans for the apartments and traffic requirements. The neighbor indicated support for the proposed development.

3. **Utilities:**

The property is located in the City of Olathe water service area and Johnson County Wastewater area. Utilities are available to the site. A two-feed looped water main extension will be required for the proposed development.

4. **Access/Streets:**

The proposed residential development will have a new access drive that aligns with Sunset Drive on the north side of 119<sup>th</sup> Street. In addition, a second drive is proposed on Nelson Road.

The applicant submitted a traffic impact study for the development. The study includes trip estimates for both the Legacy Senior Residences and future apartments. The results of the study indicate that the proposed senior housing and future apartments will have 50 fewer trips during the PM peak hour compared to the original preliminary plat in 1991.

Traffic Engineering staff has recommended an east-bound right-turn lane on 119<sup>th</sup> Street at Sunset Drive per Access Management Plan requirements. The applicant has identified the required right-turn lane on 119<sup>th</sup> Street. There is an existing west-bound left turn lane on 119<sup>th</sup> Street at Sunset Drive. The traffic study indicates that a traffic signal is not warranted for the proposed development, however it may be considered in the future with increased traffic on 119<sup>th</sup> Street.

5. **Drainage/Stormwater:**

The existing site drains generally to the south toward the Mill Creek tributary. The preliminary plat identifies the required 100-foot stream corridor setback along the creek and a 25-foot floodplain setback. The plat also shows three potential BMP areas in the stream corridor.

A stormwater management study will be required with the final site development plan. The development is subject to stormwater quantity and water quality requirements in accordance with *Title 17* of the *Municipal Code*.

**6. Tree Preservation:**

The majority of the site is covered with mature trees. The original preliminary plat from 1991 identified tree preservation areas along 119<sup>th</sup> Street and within the stream corridor and open space area south of the creek.

The proposed preliminary plat is generally consistent with the original plat in terms of tree preservation areas. The plat does include a note indicating that "where possible, existing trees and natural vegetation shall be preserved in the streamway corridor setback line and in the areas adjacent to 119<sup>th</sup> Street and Nelson Road labeled as "Tree Preservation Area". Staff recommends additional tree preservation areas to the greatest extent possible within the stream corridor setback.

The area south of the creek is to be maintained as an undisturbed open space buffer area as indicated on the final plat for Battle Creek.

Staff recommends that the identified Tree Preservation Areas and stream corridor areas comply with *Unified Development Ordinance (UDO)* requirements for protection of existing trees. Any trees removed within an approved tree preservation area shall be replaced with similar species or other hardwood species.

**7. Pedestrian Access:**

The preliminary plat identifies sidewalks along the private drives for the apartments and there are pedestrian connections to the existing sidewalks on 119<sup>th</sup> Street and Nelson Road.

The preliminary plat also shows a future public trail connection along the stream corridor. The City's Parks Master Plan identifies a public trail in this area. A 25-foot Public Recreation Easement (PR/E) is required to allow construction of the future trail. The PR/E and future trail shall connect to the PR/E on the Legacy Senior Residences property.

**8. Open Space/Amenities:**

The preliminary site plan shows approximately 6.45 acres of open/green space south of the creek, which exceeds the minimum requirement for 10 percent of the net site area to be open space. The proposed apartment development also includes a clubhouse, pool and play area.

**9. Landscaping:**

The preliminary plat identifies tree preservation areas around the perimeter of the site but additional landscaping will be required for the interior of the development. A landscape plan will be required with the

final site development plan. Deciduous and evergreen trees will be required per landscaping requirements for multi-family developments.

10. **Parking:**

The *UDO* requires 1.75 parking spaces per unit for apartments with one or two bedrooms. The multi-family development identifies a total of 383 parking spaces, which meets *UDO* requirements for multi-family parking. The parking count includes garages for some units and surface parking. A parking lot lighting plan will need to be submitted with the final site development plan in accordance with *UDO* requirements.

11. **Architecture/Design:**

Because this is a conceptual plan, the applicant has not submitted building elevations for the apartments or townhomes. The maximum height of residential buildings in R-3 districts is two and one-half (2 ½) stories not exceeding 35 feet from finished grade.

The proposed development will be subject to the *Guidelines for Multi-Family Development Design* which requires a minimum of 75 percent of the exterior walls to be finished with decorative masonry, including brick, stone and/or stucco.

12. **Staff Recommendation:**

Staff recommends approval of the preliminary plat with the following stipulations to be completed with the final site development plan and final plat:

- a. A stormwater management study and drainage calculations shall be submitted with the final site development plan in accordance with *Title 17* of the *Municipal Code*.
- b. The identified Tree Preservation Areas and open space area south of the creek shall comply with *Unified Development Ordinance (UDO)* requirements for protection of existing trees. Trees within the stream corridor shall be preserved to the greatest extent possible.
- c. A tree preservation plan shall be submitted with the final site development plan in accordance with *UDO 18.62.120*.
- d. A landscaping plan shall be submitted with the final site development plan per *UDO* requirements for multi-family developments.
- e. The future public trail and 25-foot Public Recreation Easement (PR/E) shall connect with the PR/E on the Legacy Senior Residences property.

- f. A parking lot lighting plan shall be submitted and approved with the final site development plan.
- g. The proposed development shall comply with the *Guidelines for Multi-Family Development Design*.
- h. 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.
- i. All on-site wiring and cables shall be placed underground.

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

Comm. Ling: Mr. Pendley, I know you went over it at the very beginning, but what are the structures to the southeast of this site?

Mr. Pendley: To the south of the overall site?

Comm. Ling: Yes. I know the ones up on 119th are commercial

Mr. Pendley: Mill Creek Woods apartments.

Comm. Ling: Okay. Do we have a site line from those apartments to the Legacy?

Mr. Pendley: No, we didn't require that. Staff's thought was that since the applicant is providing tree preservation at the whole southern edge of the site, it should be pretty well screened. Those trees will all be preserved along, I think it's a 25-foot area south of the Legacy site. And the entire area south of the existing creek, all those trees will be preserved as a buffer zone. So, we didn't require a line of site from there since we felt that the trees will hopefully screen this entire development.

Comm. Ling: And what is the grade differential? It's pretty good when you get between the houses and this site, but when you get over to those apartment buildings, what is the grade differential?. It looks like the valley is a little less there at the creek, so it's not as great a grade differential.

Mr. Pendley: I don't know the actual change of the grade. I actually walked along the site and there is a trail along the apartments. It drops off pretty substantially down to the creek about ten feet, I would guess, and then it comes back up as you go north towards 119th Street. So, the finish grade for the Legacy site will probably be comparable to the Mill Creek Woods site.

Comm. Harrelson: I have a question. This is right along Mill Creek. Do we have any 25-year, 100-year flood plain issues that we have concern with on the property?

Mr. Pendley: Yes, and I should have mentioned that. We had a previous meeting that we had to continue because staff needed additional information on the floodplain and the stream corridor setbacks. There is a stream corridor through this entire area along the tributary. There is a 100-foot street corridor, there is a setback requirement, and there's a 25-foot floodplain setback. Both the preliminary plat development for the conceptual residential as well as the Legacy site meet the stream corridor setbacks and floodplain setbacks. But, yes, there is a new requirement that wasn't really in place in 1991. I think there were changes since that time based on our current stormwater requirements and stream corridor setback. I believe they had to move these buildings even further out of that stream corridor. Staff did recommend including a stipulation in the preliminary plat for some additional tree preservation in this area as well. For the most part, the entire area south of the creek will be preserved, but we recommend an additional tree preservation within that stream corridor. I think that's the intent. They're not showing any grading there but that's something we are going to recommend whenever there is a final development plan for the preliminary plat. But they do show the required stream corridor setbacks for both developments.

Comm. Harrelson: So you are confident that the structures that are shown here, specifically on this piece of property, that those are in a buildable area.

Mr. Pendley: Yes. It's right on the edge. They are showing a deck for the future club house, but this club house was relocated. I believe it was originally here, and it did fall within that floodplain setback. That cannot be modified. So, I think what they were trying to do is show some modifications to the existing grades there to meet the setbacks, but that wouldn't be allowed under the new ordinance, so they had to relocate the clubhouse to this area. And now, that area is a deck, which is allowed.

Chairman Campbell: Any other questions for staff? Welcome.

*Bobbi Lucas, Cornerstone Associates, 209 South 119th Street, Omaha, NE, appeared before the Planning Commission and made the following comments:*

Ms. Lucas: We are proposing a 48-unit senior independent living, Legacy senior development. We are looking at approximately 4.7 acres of the 27 acre parcel. The largest majority of ours fronts against 119th Street on the southeast corner. Again, this property is currently zoned multifamily. The existing zoning guidelines designate that for an R-3, it can be 2.5 stories up to 35 feet. The proposed building is 29 feet, 6 inches. We are proposing 10.1 units per acre, 12 is permitted. We are meeting the 75 percent stone stucco. Parking minimum of 1.75 spaces for the multifamily zoning – we are proposing 88, which does include 30 covered garages – for a total of 1.84 spaces per unit.

Just a reiteration of what the landscape design is. As Sean mentioned, we have worked with staff with regard to tree preservation. The area shown along the north, along the sides and down the front, those are the largest majority of the trees that we are able to preserve. As many as we can along the front here we will try and save. Whatever we need to fill in with future landscaping, we are going to do whatever we can to make certain that this site looks just as nice after the development is placed with all the trees in there.

Building description – Again, 48 units. We are proposing 21 one-bedroom homes and 27 two-bedroom homes. This is a two-story building with an elevator,

30 fully enclosed garages, and ample off-street parking. Sean also provided a copy of the designs and all of the exterior elements we would be using, which is the stone all across the bottom here and along the turrets up at the top along the edges.

The building materials. Sean had also mentioned the stone veneers. We are looking at natural or earth tone colors. We are using the James Hardie siding in a beige. The paint itself, we are looking at off-white. We are trying to hit natural colors here. Any retaining walls that are required, we will use the matching shades and tones so that we can match the building.

Guidelines. We held a neighborhood meeting on September 6th and had one person who attended. His questions were more of an interest of who would be developing it, what does the building look like, would the City be requiring a stoplight at 119th Street. Overall, he liked the building and felt it would look nice within the neighborhood.

Just to reiterate the Legacy. We have worked with staff and have met all of the R-3 zoning requirements. We are meeting all the site design requirements. As far as traffic engineering, we agree with Sean with regard to the recommendations on the right turn lanes.

*Judd Claussen, Phelps Engineering, 1270 N. Winchester, Olathe, appeared before the Planning Commission and made the following comments:*

Mr. Claussen: We have been working with staff for about the last three months, kind of refining the plan, making things better, getting more tree preservation areas in. You may recall, one of the locations on this plan here up at the northeast corner, we have modified the rain garden area location and have it figured out where we could fit it in off of the east side of the building here, so we were able to save these trees. So, we're really trying to make a lot of nice refinements to the plan, you know, get the things in it that are important to the City, important to this developer, to make this a quality development.

Another nice thing I didn't really hear touched on tonight is that there is a plan for a future trail up through this whole area. If you go back to the original overall plan, there are plans for a future trail that go all the way up through here. Our project would also be able to connect to it, kind of along that old road bed, I've heard it described as Nelson Road at one time, before Northgate was built. And if you walk that property, you can still see where that old road bed here because it's clear there and all the trees are still growing off to the sides. And there are a few locations where they had some cross-road culverts and things like that, which are still in place. But there are some real opportunities here as this is built out to have some pedestrian links in here, and I think that is important for the people who are living in the apartments, as well as the seniors in the Legacy projects, and opportunities to have connections into this existing trail system that is over there with the apartments to the east of us. So, I wanted to make that point, as well.

Back to this last slide with the bullet points, a couple things I wanted to add. The additional stipulation about the turn lane – The applicant, we agree with having that turn lane. I don't want to dispute that at all. That is something that the traffic study showed as something that is needed, and we met with Alonzo about that. We are asking to be able to work out the details of that as we go into construction plans, and exactly what Sean has said. Just to give you some background information, some numbers – I'm an engineer, I like numbers – the original 1991 plan had 264 units. On the traffic study, that compared to a little over 200 trips during the peak hour. The new plan has 238 units, including the

Legacy. That rounds out to about 150 trips, so it's about a 25 percent reduction in the amount of trips. And we're also adding that turn lane. So, to give you an idea what the Legacy project is, out of that 156 trips in this plan, it's about eight trips in the peak hour. A pretty low amount. However, we're not disputing that a turn lane is still required, and it may not be built to the full, complete, ultimate build-out of the 156 trips until it's needed, when the apartments come in. So, we may do the turn lane in two phases – a little bit now, and the rest of it when the apartments come in. That's something that myself, as the applicant's engineer, and City staff – Alonzo and Public Works staff – will continue to work through at the time of construction plan development. So, I wanted to give you some background about that.

The other item that is always a hot topic is stormwater. It was touched on with a couple of questions by the commissioners. This entirely meets Title 17 of the stormwater ordinance, which means full BMPs. We have native tree preservation, which is an allowed stormwater BMP, as well as creating three pockets for rain gardens and bio retention cells. So, we have met that. From an engineering and land use standpoint, we have designed this thing where we're not asking for any variances or exceptions. We have met all of the requirements as far as we can tell. So, I wanted to add those things to the presentation.

Ms. Lucas: We are available to answer any questions.

Chairman Campbell: Are there any questions for the applicant? I have a question for Judd. The BMP, is that connecting to existing storm drains at 119th or is it emptying into Mill Creek?

Mr. Claussen: It's probably best to show it on the color site plan. There is about 20 feet or so of fall from up here on 119th Street down to the southern tip in that tributary of Mill Creek. That whole site really slopes off. It's kind of hard to tell because it's so wooded. You don't really get a grasp for how much topography there is until you go back in there and walk it. But everything drains from north to south. There is a large storm sewer culvert that goes under 119th in about this area that dumps into a ditch and drains down through here like this. That ditch is getting filled in and a new public storm sewer built to bring it around the site. But the rest of these bio retention areas – the one here, here and here, and over on the east side of the building – all of that is being picked up with storm sewer and either tied into this main trunk line here or tied into a tributary that comes down through here. There is a box culvert that comes through the northeast and dumps in right there, and then comes down this area and goes into that tributary of Mill Creek. So, it all really goes to the south.

Comm. Harrelson: The garage parking. Do your residents have an opportunity for storage within their units, outside of these parking garage spaces?

Ms. Lucas: No, there are not separate storage units on the inside of the building.

Comm. Harrelson: Also, my concern is that a resident would buy a parking garage, put their stuff in it, and decide that they are going to park in the surface parking rather than use the garage for parking.

Ms. Lucas: And that does happen on occasion, more often in the family developments rather than in the senior developments. Usually when seniors move in, they are downsizing.

Comm. Harrelson: Well, I just thought I would ask. I think the parking garages are a good idea. I just wonder how many of those are really going to be used for storage rather than a true parking space. And you have 48 units and you have 58 surface, so even with one car per unit, you still have, worse case, ten left over. That would get pretty close to having no parking for guests, I would think.

Ms. Lucas: We're finding, more often than not, roughly 45 percent of our tenants do not own cars. A large percentage of our population of tenants are 65, 68 and older and don't own cars.

Chairman Campbell: Anything else? All right, thank you. Let's tackle the preliminary plat first – P-11-029.

Motion by Commissioner Ling, seconded by Commissioner Rinke, to approve P-11-029, subject to the following stipulations:

- a. A stormwater management study and drainage calculations shall be submitted with the final site development plan in accordance with *Title 17* of the *Municipal Code*.
- b. The identified Tree Preservation Areas and open space area south of the creek shall comply with *Unified Development Ordinance (UDO)* requirements for protection of existing trees. Trees within the stream corridor shall be preserved to the greatest extent possible.
- c. A tree preservation plan shall be submitted with the final site development plan in accordance with *UDO 18.62.120*.
- d. A landscaping plan shall be submitted with the final site development plan per *UDO* requirements for multi-family developments.
- e. The future public trail and 25-foot Public Recreation Easement (PR/E) shall connect with the PR/E on the Legacy Senior Residences property.
- f. A parking lot lighting plan shall be submitted and approved with the final site development plan.
- g. The proposed development shall comply with the *Guidelines for Multi-Family Development Design*.
- h. 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.
- i. All on-site wiring and cables shall be placed underground.

*Motion passes 7-0.*

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

**CASE: VAC-11-001**

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<b>Planner:</b>	Sean Pendley	<b>Planning Commission Meeting Date:</b>	October 10, 2011
<b>Request:</b>	Vacation of two waterline easements for Legacy Senior Residences.		
<b>Location:</b>	South side of 119 <sup>th</sup> Street, east of Sunset Drive.		
<b>Owner:</b>	Battle Creek, LLC, L.E. Huckleberry		
<b>Applicant:</b>	Legacy-Olathe Partners, Lawrence Mazzotta		
<b>Engineer:</b>	Phelps Engineering, Inc., Judd Claussen		

<b>Streets and Right of way:</b>	<u>119<sup>th</sup> Street/ Northgate</u>
<b>Existing</b>	<u>60' (1/2 street)</u>
<b>Required</b>	<u>60' (1/2 street)</u>
<b>Proposed</b>	<u>60' (1/2 street)</u>

1. **Comments:**

The following is a request to vacate two waterline easements for Legacy Senior Residences. The easements were originally dedicated by separate instrument for water transmission lines for Rural Water District No. 4. The easements are no longer needed since the old waterlines have been abandoned and new water transmission lines have been installed along 119<sup>th</sup> Street.

2. **Utilities and Easements:**

The 10-foot public waterline easements extend across the southeast property line. The property is located in the City of Olathe water service area. The City has no record of waterlines in the subject easements. The Public Works Department has indicated there are no conflicts with vacation of the waterline easements.

3. **Public Notification:**

The applicant has notified all property owners within 200 feet of the subject easements per *Unified Development Ordinance (UDO)* requirements. Staff has not received any concerns or questions regarding the proposed vacations. The applicant has also obtained signatures from all the private utility providers indicating there are no conflicts with the proposed easement vacations.

4. **Staff Recommendation:**

Staff recommends approval of VAC-11-001 for vacation of the subject waterline easements on the Legacy Senior Residences property.

*Please refer to P-11-029 for discussion regarding this item.*

Chairman Campbell: We've heard from staff and the applicant. Is there anyone else wishing to speak in favor of this item? Is there anyone wishing to speak in opposition? Seeing or hearing none, is there a motion to close the public hearing?

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

*Motion carries 7-0.*

Motion by Commissioner Ling, seconded by Commissioner Locke, to approve VAC-11-001, subject to staff recommendations.

*Motion carries 7-0.*



property has never been developed. The proposed senior housing is located on the east 4.7 acres of the original Battle Creek property.

The proposed development consists of a two-story senior apartment building with 48 dwelling units and density of 10.1 units per acre. The maximum density allowed for R-3 districts is 12 units per acre.

In 2010, a rezoning to RP-4 and preliminary development plan for Legacy Senior Residences was submitted for a different site on 115<sup>th</sup> Street and Ridgeview Road. The plan for the former site included a three-story building with 58 units. A valid protest petition was filed by surrounding property owners and the application was not approved because it did not receive the required  $\frac{3}{4}$  affirmative vote of the Governing Body.

2. **Neighborhood Meeting:**

The applicant held a neighborhood meeting for the proposed development on September 6, 2011 (see attached minutes). Only one neighbor attended the meeting. There was a discussion regarding building design for the senior housing, future plans for the apartments and traffic requirements. The neighbor indicated support for the proposed development.

3. **Utilities/Municipal Services:**

The property is located in the City of Olathe water service area and Johnson County Wastewater area. Utilities are available to the site. A two-feed looped water main extension will be required for the proposed development. The Fire Department Control shall be installed in a vault on 119<sup>th</sup>/Northgate so that it can be supplied by public fire hydrant.

4. **Access/Streets:**

Access to the proposed senior housing development will be provided by a new drive that aligns with Sunset Drive. The private access drive will eventually be shared with the future Battle Creek multi-family development. Access easements are identified on the site plan and final plat.

The applicant submitted a traffic impact study for the development. The study includes trip estimates for both the Legacy Senior Residences and future apartments. The results of the study indicate that the proposed senior housing and future apartments will have 50 fewer trips during the PM peak hour compared to the original preliminary plat in 1991.

Traffic Engineering staff has recommended an east-bound right-turn lane on 119<sup>th</sup> Street at Sunset Drive per Access Management Plan requirements. The applicant has identified the required right-turn lane on 119<sup>th</sup> Street. There is an existing west-bound left turn lane on 119<sup>th</sup> Street at Sunset Drive. The traffic study indicates that a traffic signal is not warranted for the proposed development, however it may be considered in the future with increased traffic on 119<sup>th</sup> Street.

5. **Drainage/Stormwater:**

The subject property is located within the Mill Creek Watershed. The site plan identifies the required 100-foot stream corridor setback along the creek. The development is subject to stormwater quantity and water quality requirements in accordance with *Title 17* of the *Municipal Code*.

A preliminary stormwater management study was submitted for the proposed development. The proposed stormwater treatment plan includes one bio-retention cell and two rain gardens that will treat the majority of the proposed site impervious area.

The retention basin and rain gardens will serve as permanent stormwater management areas to control run-off from the site. These basins will provide best management practices (BMP's) featuring plantings and native grasses designed to hold and filter stormwater. Public Works has reviewed the preliminary stormwater study and determined it complies with the City's stormwater requirements.

6. **Parking:**

The *Unified Development Ordinance (UDO)* requires 1.75 parking spaces per unit for apartments with one or two bedrooms. The proposed 48-unit development includes 88 parking spaces, which meets *UDO* requirements for multi-family parking. The development also includes 4 accessible parking spaces, which complies with parking requirements for disabled persons. The total parking count includes 30 garage units. The remaining 58 spaces are surface parking.

The photometric plan complies with the *UDO* requirements for parking lot lighting. The plan includes a note for the maximum height of light poles to be 20 feet since the property is adjacent to residential development. However, the lighting specifications indicate the light fixtures are on 25-foot poles. The building permit plans shall note the maximum height for light poles is 20 feet per *UDO* requirements.

7. **Pedestrian Access:**

The preliminary plat identifies sidewalks along the private drives for the apartments and there are pedestrian connections to the existing sidewalks on 119<sup>th</sup> Street and Nelson Road.

The plan also shows a future public trail connection on the south property line. The City's Parks Master Plan identifies a public trail in this area. The final plat shall include a 25-foot Public Recreation Easement (PR/E) to allow construction of the future trail. Although the public trail has not been constructed, staff recommends that the applicant consider a possible connection from the Legacy development to the future trail.

8. **Tree Preservation:**

The majority of the site is covered with mature trees. The original preliminary plat identified tree preservation areas along 119<sup>th</sup> Street and within the stream corridor.

The final site plan for includes a tree preservation plan that is generally consistent with the original plat in terms of tree preservation areas. The plan shows tree preservation areas on the northwest and northeast corners of the site and along the south property line. The preservation plan includes notes indicating that barricade fencing will be installed around all tree preservation areas prior to grading and the fencing shall remain in place during construction activity. The proposed plan meets the intent of the *UDO* requirements for tree preservation.

9. **Landscaping:**

In addition to the tree preservation areas, the landscape plan identifies a variety of deciduous and evergreen trees around the perimeter of the site per landscaping requirements for multi-family developments. The plan shows some new trees in the tree preservation areas. As noted on the plan, some of these trees may not be necessary depending on the quality and quantity of trees within the preservation areas. A final determination will be made at the time of building permit for any new trees required in tree preservation areas.

10. **Open Space/Amenities:**

The proposed development includes covered patios on the north and south sides of the residential building. The preliminary site plan shows approximately 2.5 acres of open/green space which meets the requirements for R-3 developments.

11. **Architecture/Design:**

The proposed two-story apartment building includes a pitched roof with asphalt shingles. The top of the roof is 29' 6" above finished grade and the maximum height for R-3 districts is two and one-half (2 ½) stories not exceeding 35 feet from finished grade. Covered patios are located around the building entrance and on the south side of the building. The applicant has submitted colored renderings for the proposed building.

The exterior materials consist of stone veneer, fiber cement siding and shake shingle siding. The City's *Guidelines for Multi-Family Development Design* requires a minimum of 75 percent of the exterior walls to be finished with decorative masonry, stone or stucco. The proposed fiber cement siding has the appearance of wood lap siding but it is a durable cementitious product. The building plans include calculations for the percentage of stone and other siding. The total percentage of stone veneer accounts for 73.5 percent of the exterior siding and the higher profile elevations facing 119<sup>th</sup> Street show greater than 75 percent stone.

The detached garages include stone veneer, fiber cement siding and asphalt shingles to match the residential building.

12. **Line-of-Sight/Cross Sections:**

The applicant has provided a cross section drawing to illustrate the line-of-sight from 119<sup>th</sup> Street. As indicated on the profile view, the finished grade of the Legacy site is approximately 10 lower than the existing grade of 119<sup>th</sup> Street. The garage on the north side of the site will be screened by a landscape berm on the north property line.

Retaining walls will be constructed around the perimeter of the site due to the change in grades. The retaining wall on the north side facing 119<sup>th</sup> Street varies from 4 feet to 10 feet in height. The applicant is proposing a gravity based block that minimizes the disturbance area and allows greater tree preservation (see wall specs). Staff recommends a finish that is compatible with the stone veneer on the senior residences. All walls greater than 30 inches in height will require fencing and staff recommends decorative metal fencing.

13. **Staff Recommendation:**

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

- a. A two-feed looped water main extension is required for the development. The Fire Department Control shall be installed in a vault on 119<sup>th</sup> Street/Northgate so that it can be supplied by public fire hydrant.
- b. A final stormwater plan and drainage calculations shall be submitted and approved with the building permit in accordance with *Title 17 of the Municipal Code*.
- c. The maximum height for parking lot light poles on the subject property is 20 feet per *Unified Development Ordinance (UDO)* requirements.
- d. The identified Tree Preservation Easements shall comply with *UDO* requirements for protection of existing trees. Tree preservation fencing shall be installed around all Tree Preservation Easements prior to development.
- e. The retaining walls shall consist of a product and finish that is compatible with the stone veneer on the senior residences.
- f. All retaining walls greater than 30 inches in height require fencing. The required fencing shall consist of decorative metal.
- g. A building material sample board shall be submitted with the building permit.
- h. Sign permit applications shall be submitted and approved prior to installation of any wall signs and/or monument signs.

- i. As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
- j. All on-site wiring and cables shall be placed underground.

*Refer to P-11-029 for discussion regarding this item.*

Motion by Commissioner Ling, seconded by Commissioner Kohler, to approve PR-11-019, subject to the following stipulations, as amended:

- a. A two-feed looped water main extension is required for the development. The Fire Department Control shall be installed in a vault on 119<sup>th</sup> Street/Northgate so that it can be supplied by public fire hydrant.
- b. A final stormwater plan and drainage calculations shall be submitted and approved with the building permit in accordance with *Title 17 of the Municipal Code*.
- c. The maximum height for parking lot light poles on the subject property is 20 feet per *Unified Development Ordinance (UDO)* requirements.
- d. The identified Tree Preservation Easements shall comply with *UDO* requirements for protection of existing trees. Tree preservation fencing shall be installed around all Tree Preservation Easements prior to development.
- e. The retaining walls shall consist of a product and finish that is compatible with the stone veneer on the senior residences.
- f. All retaining walls greater than 30 inches in height require fencing. The required fencing shall consist of decorative metal.
- g. A building material sample board shall be submitted with the building permit.
- h. Sign permit applications shall be submitted and approved prior to installation of any wall signs and/or monument signs.
- i. As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture.
- j. All on-site wiring and cables shall be placed underground.

- k. Prior to the certificate of occupancy for Legacy Senior Residences, an eastbound right-turn lane shall be constructed on 119<sup>th</sup> Street at Sunset Drive. Details for the length and dimensions of the turn lane shall be determined by staff at the time of building permit.

*Motion carries 7-0.*

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

**CASE: P-11-030**

**Planner:** Sean Pendley                      **Planning Commission Meeting Date:** October 10, 2011

**Request:** Final plat, 4.74 ± acres, for Legacy Senior Residences.

**Location:** South side of 119<sup>th</sup> Street, east of Sunset Drive.

**Owner:** Battle Creek, LLC, L.E. Huckleberry

**Applicant:** Legacy-Olathe Partners, Lawrence Mazzotta

**Engineer:** Phelps Engineering, Inc., Judd Claussen

<b>Acres:</b>	<u>4.74±</u>	<b>Proposed Use:</b>	<u>Senior Apartments</u>
<b>Number of Units:</b>	<u>48</u>	<b>Density:</b>	<u>10.1 units/acre</u>
<b>Current Zoning:</b>	<u>R-3</u>		
<b>Streets and Right of way:</b>	<u>119<sup>th</sup> Street/ Northgate</u>		
	<b>Existing</b>	<u>60' (½ street)</u>	
	<b>Required</b>	<u>60' (½ street)</u>	
	<b>Proposed</b>	<u>60' (½ street)</u>	

**1. Comments:**

The following is a request for a final plat for Legacy Senior Residences. The subject property is located on the south side of 119<sup>th</sup> Street and east of Sunset Drive. An associated preliminary plat for Battle Creek, Multi-family concept plan (P-11-029) and final site development plan (PR-11-019) for Legacy Senior Residences is also on this agenda.

**2. Lots/Tracts:**

The final plat consists of one lot on 4.74 acres. The proposed development consists of a two-story senior apartment building with 48 dwelling units and density of 10.1 units per acre.

**3. Utilities/Municipal Services:**

The property is located in the City of Olathe water service area and Johnson County Wastewater area. Utilities are available to the site. A two-feed looped water main extension will be required for the proposed development. The Fire Department Control shall be installed in a vault on 119<sup>th</sup>/Northgate so that it can be supplied by public fire hydrant.

There are two existing 10-foot waterline easements near the south property line that need to be vacated. A separate application for this vacation (VAC-11-001) is on this agenda.

4. **Access/Streets:**

Access to the proposed senior housing development will be provided by a new drive that aligns with Sunset Drive. The private access drive will eventually be shared with the future Battle Creek multi-family development. Access easements are identified on the final plat but there is no language in the dedication section describing rights for ingress/egress. The final plat submitted for recording shall include the appropriate language for access easements.

5. **Drainage/Stormwater:**

The development includes one bio-retention cell and two rain gardens that will treat the majority of the proposed site impervious area. Drainage Easements (D/E) have been designated for these stormwater features.

6. **Public Recreation Easement:**

The site plan shows a future public trail connection on the south property line to follow the City's Parks Master Plan. The final plat shall include a 25-foot Public Recreation Easement (PR/E) to allow construction of the future trail.

7. **Tree Preservation:**

The final plat identifies Tree Preservation Easements (TP/E) on the northwest and northeast corners of the site and along the south property line. Orange barricade fencing shall be installed around all tree preservation areas prior to grading and the fencing shall remain in place during construction activity.

8. **Street and Signal Excise Taxes:**

The property is currently platted so the replat is exempt from excise taxes.

9. **Staff Recommendation:**

Staff recommends approval of P-11-030 with the following stipulations:

- a. The final plat shall include a 25-foot Public Recreation Easement (PR/E) to allow construction of a future trail.

- b. The final plat shall include the appropriate language for Access Easements (A/E) in the dedication section.
- c. Prior to recording the final plat or issuance of a grading permit, 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.
- d. The language for declaration of restrictions shall be revised to show the correct Homes Association.
- e. 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.
- f. 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.
- g. All on-site wiring and cables shall be placed underground.

*Refer to P-11-029 for discussion regarding this item.*

Motion by Commissioner Ling, seconded by Commissioner Harrelson, to approve P-11-030, subject to the following stipulations:

- a. The final plat shall include a 25-foot Public Recreation Easement (PR/E) to allow construction of a future trail.
- b. The final plat shall include the appropriate language for Access Easements (A/E) in the dedication section.
- c. Prior to recording the final plat or issuance of a grading permit, 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.
- d. The language for declaration of restrictions shall be revised to show the correct Homes Association.
- e. 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.

- f. 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.
- g. All on-site wiring and cables shall be placed underground.

*Motion carries 7-0.*

Other Matters for October 10, 2011

Chairman Campbell: Mr. Clements, is there anything else?

Mr. Clements: Nothing further.

Chairman Campbell: Anything from any other commissioner? We are adjourned.

*Meeting adjourned.*