

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

**Case # PR-10-020**

**SUMMARY INFORMATION**

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

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

Item 2., PR-10-020, was removed from the Consent Agenda at the request of Commissioner Ling.

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

---

**Case Planner:** Emily Kukal                      **Planning Commission Meeting Date:** Dec 13, 2010

**Request:**                      Approval of a revised site development plan for Johnson County, Olathe Adult Detention Center, on 2.94± acres.

**Location:**                      101 N Kansas Ave, Olathe, Kansas

**Owner/Applicant:**                      Johnson County, Facilities

**Engineer:**                      Jeff Lane, Treanor Architecture

<b>Acres:</b>	2.94±	<b>Proposed Use:</b>	<u>Public Detention Facility</u>
<b>Number of Lots:</b>	<u>1</u>	<b>Current Zoning:</b>	<u>C-2/CBD</u>
<b>Streets and Right of way:</b>	<u>Kansas Ave</u>	<u>Santa Fe</u>	
	<b>Existing</b>	<u>100' (Total)</u>	<u>80' (Total)</u>

**STAFF ANALYSIS**

1. **Comments:**

This is a request for approval of a revised site development plan for the Olathe Adult Detention Facility (ODAC) Expansion and Modification, located at the southwest corner of Kansas Avenue and Santa Fe Street.

The applicant proposes to construct a 24,431 square foot, first floor addition to the south of the existing building and façade renovation is planned for the entire structure.

This expansion and modification will address the County's growth combined with changes in the criminal justice system. The current facility has outgrown the County's capacity for booking, processing, and holding. Although additional capacity is handled through the Adult Detention Center located in New Century, the combined capacity of both buildings does not meet the current needs at peak periods, nor does it accommodate growth. In order to streamline the booking and processing of inmates, the modifications at the OADC will allow the County to address inefficiencies in their current process as well as install technology upgrades to address the needs of the Courts.

Once complete, the OADC will serve as the County's Central Booking and 72 Hour Holding Operation. It will expand the capacity of the existing booking lounge at least 6-fold to meet the projected need through the year 2025.

2. **Utilities:**

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

3. **Stormwater:**

Public Works has reviewed the site plan and related information, and determined that the following information shall be submitted at the time of the building permit:

- a) Site plan - Provide all site dimensions (i.e. building and pavement areas) on the Site Plan.
- b) Storm sewer profiles - Show and label existing and proposed ground lines; Show and label all utility crossings. Label all storm sewer as "Private."
- c) Drainage area map - Provide existing and proposed contours. Show and label entire storm sewer system. Clearly show drainage area lines. Provide stormwater velocities on chart.

4 **Parking:**

In the Central Business District (CBD), for the purposes of minimizing disruptive curb cuts and drives, and to encourage consolidation of parking space in appropriate location, accessory off-street parking is not required.

The site is approximately 2.94 acres, and currently includes 148 public, reserved and secured parking. The location of the proposed addition eliminates approximately 102 public and reserved parking spaces.

5. **Street Access and Right-of-Way:**

Existing driveways from Kansas Avenue and Santa Fe will continue to provide access to the area.

Traffic Engineering has reviewed the site plan and related information, and determined that a temporary traffic control plan shall be submitted and reviewed by the city staff before construction permit will be issued.

*Please see the attached exhibit for a draft overview of temporary traffic control.*

6. **Setbacks:**

The proposed building addition meets the required setbacks required for the C-2 District, as well as Height and Area Regulations required within the Central Business District (CBD).

7. **Landscaping and Screening:**

The site contains very little green space as it is located in the Downtown Central Business District.

The new site design will address the interface of a highly-secure detention facility with the adjacent public sidewalks and streets of an active downtown. It is important to have aesthetically pleasing landscaping, while simultaneously discouraging the public from approaching the building except at those locations identified as public areas.

To address these needs, a new public entry plaza was designed to provide better way-finding as well as providing improved site drainage and security. The site will include native grass bio-swales along the eastern side of the site that wrap both ends of the building in order to help reduce storm water runoff and improving water quality.

New site and landscape elements also include concrete seat walls along Kansas Avenue that double as a vehicle deterrent and a fully native plant palette to eliminate the need for permanent irrigation.

8. **Building Elevations:**

The existing building is constructed primarily of brick cladding, which currently has multiple problems which cannot be addressed with repairs and existing insulation varies from none to 1-1/2" thick.

Full removal of the existing brick cladding/insulation is proposed, to be replaced with a high-performance rain screen system. The rain screen system, combined

with thoughtful illumination for security purposes, will provide an attractive and unique night lighting solution.

The new tower insulation will be approximately 5-1/2" thick to meet stringent energy efficiency standards. This requires the installation of a rain screen system in place of the existing brick, due to the extended distance away from the building substrate. Aesthetically, there has been a functional problem throughout the years due to inmates viewing or interacting with people outside. Clearly, this is not desirable and requires a method of screening views to and from the cell windows, and will be addressed with the new rain screen system.

**9. Staff Recommendation:**

Staff recommends approval of PR-10-020 subject to the following stipulations:

- a. A stormwater permit must be obtained by the applicant prior to approval of any building permit.
- b. Site plan - Provide all site dimensions (i.e. building and pavement areas) on the Site Plan.
- c. Storm sewer profiles - Show and label existing and proposed ground lines; Show and label all utility crossings. Label all storm sewer as "Private."
- d. Drainage area map - Provide existing and proposed contours. Show and label entire storm sewer system. Clearly show drainage area lines. Provide stormwater velocities on chart.
- e. A temporary traffic control plan shall be submitted and reviewed by the City staff before construction permit will be issued.

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

*David Clements, Planning Manager, appeared before the Planning Commission and provided a brief overview of this staff report.*

Comm. Ling: I do have a few questions, Mr. Clements. Have you seen a sample of what this would look like, either on another building or a physical model sample?

Mr. Clements: Early on, they brought in a small sample of the material. But more importantly, they brought in a number of photographs of different buildings that had this treatment applied to them – some examples of buildings in Florida, some examples of museums. It's a material that can be shaped and utilized on a number of different treatments on a building, and they've seen it a lot on museums and public buildings. If it's backlit with some lighting and some special effects, it can really be very attractive at dawn, dusk, or in the evenings.

Comm. Ling: Thank you. Will the applicant have pictures?

Mr. Clements: Yes, sir.

Comm. Ling: Thank you. The parking is another issue. Correct me if I'm wrong, Mr. Clements, but the on-street parking, it looks like some of that was going to be going away also, immediately east of the facility?

Mr. Clements: I believe they will be doing a temporary sally port on the east side of the street, and then some of the spaces a little further south will be removed.

Comm. Ling: So that is just temporary while construction is occurring.

Mr. Clements: Yes.

Comm. Ling: Continuing the parking theme, we usually have the applicants do a parking review. Do you believe that the parking is acceptable for this facility? I guess what you're saying is that the courthouse staff is using this parking lot, and that this facility itself does not require that parking.

Mr. Clements: I think what I'm trying to convey is, we got some revised parking information from the County after the staff report was sent out last week, and those are some of the things I pointed out earlier in terms of reconfiguring the parallel parking on the east side of Santa Fe. And then, the County has looked hard at better use of the parking in the garage for some of their vehicles. So, based on that information, as staff, we are comfortable with the offsets they have provided for the loss of the parking on site.

Comm. Ling: Is that typical for other applications? Usually we look at each application based on its application, look for parking on site for that application. In this case, I'm kind of understanding that there are other County users using that parking lot, and I can see adjusting them over to the new parking garage, which makes sense. I just want to make sure that we're not creating a precedence here, that if this facility needs the parking, is their parking adequate for this facility. And since it is a detention center, maybe there's not that much parking needed. That's usually provided, I guess.

Mr. Clements: Good point. We also look at the fact that the development ordinance doesn't have a requirement for parking downtown. Now, obviously there is an obligation to provide parking for employees and for the judges and for key users of the facility, and I think they have done that in an adequate fashion.

Comm. Ling: That's a good point. One other question I had, and correct me if I'm wrong, but I appeared to see a wall structure around the outside of it. Is that just a temporary wall structure, or is there going to be - ? I can't remember which drawing I saw this on. Here, an orange line, a six-foot perimeter fence on top of jersey barriers. Again, is that just a temporary jersey barrier around the structure? I'm looking at the color aerial that was in the report.

Mr. Clements: Yes, that's temporary. I think the County has worked very hard with their construction management team to coordinate phasing and renovations and continued use of the building, and that is a part of that.

Comm. Ling: So these jersey walls are not a security requirement that's going to be there long term. It's just during construction.

Mr. Clements: That's my understanding. We might get confirmation from the County, too.

Chairman Campbell: Any other questions for staff at this time? I have one. The staff report indicated that there was going to be changes not only to the exterior of the building, but there was going to be "thoughtful illumination for security purposes." Have we had a photometric study? I didn't see one in our packet.

Mr. Clements: No, there has not been a photometric study.

Chairman Campbell: Have we seen a light layout?

Mr. Clements: Yes. I think that's primarily referenced to illumination of the new screen wall.

Chairman Campbell: Okay. Thank you. At this point, we have some questions for the applicant.

*Jeff Lane, Treanor Architects, Applicant, Topeka, Kansas, appeared before the Planning Commission and made the following comments:*

Mr. Lane: We'll walk through a little presentation here. Again, this is the Olathe Adult Detention Center renovation and expansion. We'll walk through a little bit of the pieces and parts here. This is the project description. Basically what we're doing here is we're streamlining the inmate movement. This will be a booking facility only, central booking for Johnson County. We streamlined the plan down to be a very efficient plan. We're restricting the inmate views and communication of the public from both the outside and the inside. We are also renovating the MEP system of this building so that it is more efficient from both a cost standpoint as well as a heating and cooling standpoint. MEP stands for Mechanical, Electrical and Plumbing systems. Here, you can see an aerial view of the existing jail facility and where it sits in context within the downtown area. Here's a site that we've taken a look at. Again, as David already commented and laid out, you can see the gray portion is the existing tower building. The blue portion to the west is the sally port, both the new sally port that we're adding on to there, and then to the south is the new addition that we're putting on that David had mentioned. You can see the green space that we're adding back into the site. We're using bio swales to integrate water quality and also help with the perimeter security. A lot of jail facilities in downtown areas sometimes provide barriers, from concrete barriers to other types of barriers, that may not be as pleasant. What we have done here in the downtown area, as well as other facilities, is provided bio swales, which have both grass, and also serve as dual functions for the water quality around the site. We're looking at maybe landscaping and planting that fits with what is already there and throughout the downtown area.

David had also mentioned, and I wanted to update you a little bit on our site traffic plan. You can kind of see what we're planning on doing, again, trying to minimize the effect of Kansas Avenue, so we provided a small area for a sally port, again, trying to keep it secure. The bottom line here on the jail facility is we don't want inmates to go outside our secured perimeter, whether it's within a fenced-in area, or whether it's within the building itself. So, we've created an area that the buses can come into and be

screened off from the public and come in in a secure fashion, and actually go into a secured tunnel that leads into the stair tower that takes them down into holding in the basement. So, what we've tried to do here is screen them totally off from the public.

Chairman Campbell: Is this fencing temporary?

Mr. Lane: It is temporary, only through construction. Once the building is built, this will all get removed and they will travel through the new sally port I was showing you there on the last slide. One of the things we're working with our construction manager on is the ability, after we get to a certain point within the construction phase, to actually begin to use the new sally port and actually try to remove this as early as possible. Again, as we work through that construction schedule, we will be able to share more about how we do that.

Chairman Campbell: How is that happening today?

Mr. Lane: Today, they go into the sally port, which is the existing sally port, travel through the building in a secured corridor, down a tunnel, and into the court holding area. Or, currently, since those are the only inmates that are actually within the facility, they are held either on the second or third floor, and then transferred down into the basement, and then gone through the tunnel into the ports. We're not going to remove the travel of the inmate. We're actually going to plug them in down in the basement, or place them in the basement and hold them there, and then take them through the tunnel, the existing tunnel.

Comm. Locke: Where is the existing sally port?

Mr. Lane: The existing sally port is right in this location. It actually cuts about half way down through here. That is existing on this side, and we're actually adding a larger sally port, both to hold the buses that come in, because currently staff bring the buses in and they unload them, and then they have to pull them back out. What we're doing here is actually allowing the buses to have a side of that sally port, so the inmates are in the sally port when they come out.

Comm. Locke: So the phasing of construction prohibits you using the back side or west side of the building.

Mr. Lane: Correct, and the reason is because as we start to remove the brick off the building, it becomes a safety hazard, so we don't want to remove that brick or install the new perforated architectural skin while we have inmates or other sheriff's staff coming in and out of that sally port. The other thing is we are actually taking that skin and the roof membrane off of the existing sally port, basically taking it down to the structural members, and then adding on some additional structure, which will enlarge that sally port, and then adding a new skin and a new roof.

Comm. Locke: So, if I understood you earlier, you said that you'll go through the timelines, so we'll have some idea how long - ?

Mr. Lane: Correct. One of the things I don't have today is our construction schedule, due to the fact that we have not bid the project and finalized their schedule. What I can tell you is we've worked diligently with JE Dunn to work through their schedule to try to

get the sally port built sooner so that we can actually try to use that later in the project and remove part of the fencing off of Kansas Avenue.

Any other questions regarding the parking and the things along Kansas Avenue? Okay. This is the fencing plan that we've presented to City Planning. It mimics very similarly to what was shown earlier, but again, just to kind of reiterate how that flow will work.

Here's some existing elevations of the building, the tower area. As you can tell, one of the things you'll notice here, as David mentioned, is that this is primarily brick. Over time, some of that brick has fallen off of that building, and the anchoring and things along that line are starting to fail. That being said, it's time to do something to come back and re-clad this building with a material that will last a long period of time, as well as be aesthetically pleasing for the downtown area.

Here is a wall section for the first floor. You can see that the beige area on the base is a pre-cast, a very similar look to limestone. What we're doing here is bringing some of those hardwood structure elements, as well as some of that material that we've seen in the downtown area, back to our building with the pre-cast, to kind of tie back in to the brick and the limestone that's already there. The middle section that you see there will be a glass element that kind of ties the building together.

This is what David was talking about earlier, which is the perforated architectural metal. This is a sample of that metal panel. It's an anodized aluminum panel that actually goes on a metal grid system that actual anchors back to the existing concrete frame. That metal grid system allows us to pull that panel away from the building to get the insulation value that we need, and to maximize our efficiency within the building. If you put a pre-cast or limestone brick façade back on this building, the efficiencies and how you actually bring that brick out becomes very cumbersome and can be very detrimental to what we would see in our architecture, trying to do both from a cost standpoint as well as from a logistics standpoint. So, the metal rain screen really allows the insulation to occur and the right anchoring to happen, which is what needs to occur when you start to put a new skin back on.

Here are some other additional samples you can take a look at. We have a frosted piece of glass that goes on the corner element of the building. With the pre-cast, we have two different colors that are occurring, and you'll see as we get to the elevations, the black is actually on the stair towers, and then the aluminum natural color is the body of the building.

Here's the first image, looking as if you were walking down Kansas Avenue towards the north. The black tower element is the existing tower for the stair. That's where the public entry to the building will occur. You can also see the body of the building with the perforated metal. Landscaping, and we've added some seat walls along that area as well, and then continued the trees.

Here's a close-up of the public entry area. You can see the glass, not making it totally inviting, but again, when you have some people that are coming down into the building, you do want them to know where that entry is.

Again, to take a look again, this is actually the northeast corner of the building. You can kind of see how that perforation starts to work, where it allows the natural light into the building, as well as allowing light during the evening times that can actually come through that perforation pattern and bleed down into the area. Very distorted light, which can be a very nice thing. You can see the precast there at the base.

Here is a view looking to the southwest corner of the building. This is a service area, and again, you can see down here that this is the sally port that we were just talking about. Again, the precast wrapped around the base of the building. Again, the view directly to the east elevation of the building. You can see again the perforated metal panel, the clean lines that it provides.

Chairman Campbell: What's the detail there in the middle?

Mr. Lane: That is a polished panel that actually pulls away from the building a little bit. It's actually where the office space will be on the second floor for staff, where it allows the natural light in. It is a panel that is polished. We've added light that goes around the whole perimeter of that area to illuminate that in the evening time.

Comm. Ling: Is it a steel panel, or glass panel?

Mr. Lane: It is an aluminum panel that is polished. It will be the same clear anodized aluminum as just a polished panel.

Again, as we look at the northeast corner, you can see the frosted glass on the corner there. That piece will actually be lit in the evening time with a ribbon light that goes up the tower portion of that area.

Comm. Locke: What's the typical maintenance on something like that?

Mr. Lane: We've actually detailed that out considerably. That was one of the concerns that the County had as well, and we've actually provided a box that actually has a hinge to it, and you can actually open and close it and go in and change your light bulbs and pull those out. So, if they need to go in and clean or anything along those lines, perhaps you get bugs that come in that area, the ability to come in and out of there, change your light bulb or clean it out, it's very friendly to the maintenance staff.

I think that does it. I'll leave it there unless you have any other questions on materials or the building.

Comm. Ling: I have a couple more questions. On what you described as a tower element, what is that material?

Mr. Lane: It's actually clear anodized, but it's black. It's the same material as the perforated pattern. It has very small openings in it, but it's a black color instead. One of the things we wanted to do here is, both on this stair tower on this end as well as on the northwest side, we wanted to accentuate the stair tower as an element, so we've done that by adding a different color.

Comm. Ling: I'm still having a hard time getting an idea of what it looks like. If I were standing on the sidewalk and I looked right at the building and I would see this perforated plate, what am I going to see behind the perforated plate? Am I going to see yellow insulation? What's going to be behind that?

Mr. Lane: We've picked an insulation product that actually has a gray face to it, so when you look through it, it almost hides itself back behind there. You will have the ability to see light. You won't see the inmates. The thought process that we went through is we worked through the pattern itself – One of the concerns that the Sheriff's office had is they didn't want inmates to be able to communicate with the outsiders and the outsiders communicate with the inmates, so we've created pattern here with the perforations that will eliminate that, or will try to minimize the ability for that to occur. So when you actually view in there, you'll see the light. Again, the insulation has a gray tone to it, so it kind of hides itself back behind there. We've done those things so that when you do look at this building, it looks very much like what we've shown you here, a very silver-toned, anodized building with a nice architectural perforated pattern.

Comm. Ling: Will the perforations be homogenous? Will that whole face be holes? I'm having a hard time viewing your renditions here to really get a feel for what this looks like. Are there differential patterns?

Mr. Lane: Let me take you back to this image, which is a similar image to what we're going to see throughout the building. What we've done on the corner is provide a large amount of perforations on this end because of the exercise areas. These are the areas where we want to get the most natural light in. But as you move down the building, you will have perforations. Those perforations will change and they may be from a quarter inch diameter all the way up to half inch or three quarter inch diameter type of holes. So you have this pattern that kind of works as you work down the building.

Comm. Ling: And this exercise area, for example, at night you won't be able to see the inmates exercising, I'm assuming.

Mr. Lane: Correct, and part of it is, first and foremost, we've looked at how we do that with the perforation pattern, but also the way these exercise windows are set up and as high as they are, these exercise windows actually sit at about 12 feet off the floor. So, for you to actually see somebody exercising is probably not going to happen.

Comm. Ling: You mentioned the perimeter security and the bio swales that will be added. Will the chain link security fence be going, or will that still be required on this site?

Mr. Lane: The chain link security fencing that we have along the train tracks stays.

Comm. Ling: Along Santa Fe and along Kansas Avenue, is what I was specifying.

Mr. Lane: Those go away.

Comm. Ling: Okay. Are there any examples of this anywhere that we've seen in Olathe? Or the Kansas City metro area? Just to give me some reference of what this would look like on an actual structure.

Mr. Lane: There are some buildings in downtown Kansas Area, the Bartle Hall area, the garage area, down in the Bartle Hall area, they've done an addition on the north end there. [inaudible] did a building down in that same area that has that same kind of perforation pattern.

Comm. Ling: Do you have any pictures of these facilities that aren't renditions, but actual physical pictures?

Mr. Lane: I did not bring any of those with me. We had shared those with the City planning department as we went through the process but I didn't bring any of those today. We would be more than happy to share those with you.

Comm. Ling: My thought, Mr. Chairman, is that this is quite a big building in downtown. I think it is a unique design and could potentially be a great improvement. However, my unfamiliarity with it has made me hesitant. I would certainly like to see some more pictures myself before approving it. That's just my opinion. You will see this for a long time, and hopefully for a long time in the future we won't have to spend any more

taxpayer money on something like this. I know the goal is wise, but I just want to make sure it is the right façade for this facility. How will this match further additions to the courthouses, or any other buildings in this area? Are we really creating something that's so unique it will stand out from the rest of downtown for 50 years? In your opinion, does it fit?

Mr. Lane: In my opinion, I think it does. I believe that we've worked diligently to both make the building fit within the downtown area, both by providing some human scale within the base of this building, as well as looking at how we provide the detailing to get the patterning, the reveals, and things along those lines to fit within what's already there, what's going on across the street in those areas. Those pictures there, you can kind of see some areas. Mr. Ling, the one you're looking at is the one that is downtown Kansas City. The other one was the Tampa Museum in Florida.

The other thing that we looked at from our standpoint was the landscaping itself. I think it really breaks this building up from that standpoint. You can go out there now and look at what's there. Those are going to stay. We're adding more to that to kind of continue to work with both the City and their guidelines that they have for the landscaping area. I think somebody asked about lighting for the building. What we've looked at is providing minimal light for security purposes only that actually will shine up to the building itself. It only shines about the first one-third of the building. And you're not going to get a lot of reflectivity off that, so what you see now with the light that you have downtown is really what you're going to have when we're done. There might be a little added light to that, but the bulk of the lighting that's there is going to stay.

Chairman Campbell: While we're contemplating this, can we hear from Mr. Waters, maybe talk a little bit about the schedule, parking changes, etc.?

*Joe Waters, Director of Facilities for Johnson County, appeared before the Planning Commission and made the following comments:*

Mr. Waters: On the parking and the schedule, we are in the process of getting the first piece of the construction contract approved, which is the finish of the lower level for court holding, the construction of that temporary sally port out onto Kansas Avenue, and the removal of the skin on the building and some miscellaneous demolition inside. The construction documents are complete for the balance of the work and JE Dunn is breaking those packages up, getting ready to bid that right after Christmas. We anticipate the award of the second and last piece of the contract the first part of February, and then completion of the project ultimately in April/May 2012.

As Jeff said, JE Dunn is quite confident that at some point in there, we will have enough of the interior work done and the sally port done that we can begin using the new sally port and get those inmates to an elevator sometime before April 2012, so we can take down that temporary sally port. We are as anxious as you all are to reopen all of Kansas Avenue and get that parking back and get things back to normal downtown. But we're just not quite sure when that will happen. In order to put it to use, we have to shake down our security systems and know that every time you hit that door open or hit that intercom button or lock that gate, that it locks. We run it a lot of times to make sure that it will. We have a lot of testing to do once that temporary work is in place.

Relative to parking, as Dave said, there are a lot of different parts and pieces with this, but we believe going to angled parking on the east side of the courthouse is a very positive thing. We'll be able to gain a lot of spots there. The County does need about 18 or 20 of those spots, but there will probably be 20 or 25 more additional along Kansas Avenue. That will also allow us to address a bit of a security concern that we

have had for some time, that that public parking right up close to the building is not a very good thing. So, having some of those dedicated for County use along Kansas on the east side will be a good thing from a security perspective. But then we do gain some others back. I don't think that's been done yet on this layout, but there is an open space today that's right in front of the entry to the jail that has no parking in it, and we're going to give that over for parking. So we will gain some back there as well. The County has some dedicated spaces down near the administration – 14 of them along Kansas Avenue on the east side. We want to return those to public parking as well. Also, as Dave said, the County vehicles will go over into the parking garage, up into one of the upper levels there that's very lightly used, so it won't really impact the average person's comings and goings. So, we're trying to get as many spaces back on the street as we can.

Chairman Campbell: So, just to be clear in my own mind, you're hopefully going to bid after Christmas –

Mr. Waters: For Bid Package B. Bid Package A is already bid, and I think awarded. The Board awarded it on Thursday.

Chairman Campbell: And that's interior improvements.

Mr. Waters: It's interior, and it's the exterior skin coming off, and it's the temporary sally port.

Chairman Campbell: So you're hoping to start that work –

Mr. Waters: First of the year, that first Monday, I think. JE Dunn is over there doing some spot work right now and a mock-up of the exterior skin.

Chairman Campbell: Any other questions or comments?

Comm. Rinke: I have a question with regard to the picture of Bartle Hall. There are some flat panels and then some areas that I would call more decorative. Are those flat panels this same type of material?

Mr. Waters: Those are the panels, yes. The decorative is art, it was part of their public art program.

Comm. Ling: I'm glad you showed me that picture. I drove by that today, and almost every day I drive by that, and I don't notice it as standing out. I didn't realize it was a plate with a bunch of holes in it, but I guess it does its purpose. I continue to be concerned about this application, but I'll put my trust in the architect and the staff that this is right for Olathe.

Chairman Campbell: Any other questions or comments? Or is there a motion?

Motion by Commissioner Ling, seconded by Commissioner Locke, to approve PR-10-020, subject to the following stipulations:

- a. A stormwater permit must be obtained by the applicant prior to approval of any building permit.

- b. Site plan - Provide all site dimensions (i.e. building and pavement areas) on the Site Plan.
- c. Storm sewer profiles - Show and label existing and proposed ground lines; Show and label all utility crossings. Label all storm sewer as "Private."
- d. Drainage area map - Provide existing and proposed contours. Show and label entire storm sewer system. Clearly show drainage area lines. Provide stormwater velocities on chart.
- e. A temporary traffic control plan shall be submitted and reviewed by the City staff before construction permit will be issued.

Motion passes 6-0.



**MINUTES  
CITY OF OLATHE  
PUBLIC WORKS, PLANNING & ENVIRONMENTAL SERVICES  
STAFF REPORT**

**Charisse Deschenes, Senior Planner, made the following staff presentation:**

**CASE # PR-10-022**

**Case Planner:** Charisse Deschenes      **Planning Commission Meeting Date:** December 13, 2010

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

**Location:** 1800 West 56 Highway

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

**Applicant:** John Gaar/360 Architects

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

**Current Zoning:** R-1 & M-2

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

**Streets and Right of way:**      Old 56 Highway      Dennis Avenue

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

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

**I. COMMENTS**

The following is a request for a final site development plan for the a government facility for a 25,000 square foot office building and a 23,255 square foot fleet maintenance building with outdoor storage for the Johnson County Public Works facility on 44.18± acres. The site is located at 1800 West 56 Highway.

A related final plat (P-10-022) and special use permit (SU-10-008) are also on this agenda. Following review of the applications, staff has determined that a new special use permit will not be required for the proposed development and thus application (SU-10-008) has been withdrawn.

A special use permit (SU-14-89) was approved by City Council on May 19, 1989 and a final site development plan (PR-54-93) for an additional salt dome was approved on December 13, 1993.

The site redevelopment includes demolishing the existing Public Works Administration building, and constructing a new Administration/Operations building and Fleet Maintenance building. The plan also provides for an expansion of outdoor storage to the west.

This site redevelopment includes a number of "sustainable" features, with a goal of achieving LEED® Gold certification.

## **II. NEIGHBORHOOD MEETING**

A neighborhood meeting was held on September 29<sup>th</sup> to review the redevelopment of the Johnson County Public Works site with neighbors. The neighborhood meeting notes are attached. Neighbors were concerned with the expansion of the storage further into the western area of Lot 1, the view of the new Administration/Operations building and the hours of operation, visibility of the parking lot and lighting of the site.

The property owner at 1204 S. Cedar Hills Drive expressed concern over the visibility of the Administration/Operations building. The County agreed to prepare an image (attached) of the facility from the vantage point on the neighbor's patio. This photo was taken on October 8<sup>th</sup>.

Staff visited the site on December 3<sup>rd</sup> to review the site lines of the proposed storage area from surrounding subdivisions. The site is heavily wooded at the west end of the property abutting the Cedar Hills subdivision. The southern property line abutting Cedar Hills abruptly descends into the quarry area with eastern red cedar trees along the property line. The area is not as heavily forested as the western property line but there is not much room for additional plantings. In addition, the southern property line is within a KCP&L easement. Many of the deciduous trees along that property line are marked for trimming or removal. The northern property line abutting the cul-de-sacs from Dennis Avenue do not have sufficient screening. The applicant has shows a double row of screening with evergreen trees in that location.

Regular hours Memorial Day through Labor Day are Monday through Thursday, 6:30 a.m. to 5:00 p.m. Labor Day through Memorial Day the hours of operation are Monday through Friday, 7:30 a.m. to 4:00 p.m. The operation is 24/7 when snow is falling.

The elevations of the new parking lots will be the same or lower than the existing lots.

The applicant has agreed to put the lights on timers and have them turned off in the evenings. During snow events, the lights would be turned on. The applicant is coordinating with the concerned citizen.

### **III. PLAN REVIEW**

#### **A. Utilities/Municipal Services:**

The property is located in the City of Olathe water and sewer service areas.

This development will receive Sewer District Fee credit from the existing meter. A water main extension will be required for the proposed development. A 15 foot sanitary sewer easement and a 15 foot water line easement will be required. Water service connections and meter locations will be required to be in an accessible grassy area. A sanitary sewer pump station and forcemain will be required for the proposed development.

#### **B. Access/Streets:**

The property will gain access from Old 56 Highway. Two breaks in the limits of no access are shown along Old 56 Highway. The northern access point on Old 56 Highway will be utilized with the redevelopment of Johnson County Public Works. The southern access point on Old 56 Highway is shown on the plans as a future entry drive. A driveway permit is required prior to the development of the southern drive.

With the recording of the final plat, 20 feet of additional half street right-of-way will be dedicated along Dennis Avenue and 20 feet of additional half street right-of-way will be dedicated along Old 56 Highway near Lot 1.

#### **C. Setbacks:**

The proposed parking and building setbacks meet the requirements of the *Unified Development Ordinance (UDO)*.

#### **D. Parking/Storage:**

One-hundred thirty parking spaces are required. The applicant proposes 165 parking spaces onsite. Accessible parking spaces were not shown on the parking plan. The building permit plans must show at least six accessible parking spaces, one of those shall be served by an accessible aisle at least 96 inches wide and shall be designated as "van accessible".

The parking area surrounding the fleet maintenance building area, surrounding storage area and the material storage area to the western

part of the site will be covered with gravel. This will bring a gravel surface area closer to adjoining single family properties.

**E. Drainage/Detention:**

In order to determine that the proposed development complies with the City's stormwater management requirements the building permit plans must provide storm sewer computations, include drainage area map, provide profiles and label all storm sewers as "Private".

**F. Landscaping/Screening:**

The applicant is seeking LEED® Gold certification for the redevelopment of the site, including landscaping. The applicant sent a letter (attached) requesting exception to Unified Development Ordinance (UDO), Chapter 18.62, Landscaping and Screening regarding landscaping islands and foundation plantings.

Section 18.62.080. B, Interior Landscaping within Parking and Vehicular Use Areas, states:

*"The interior dimensions of any planting area or landscape islands shall be a minimum of one hundred sixty-five (165) square feet in area. Landscape islands shall be a minimum of nine (9) feet in width, as measured from back of curb to back of curb, and shall be constructed at a ratio of one (1) per each twenty (20) parking spaces. Each area shall be protected by vertical curbs or similar structures, and be designed and grouped into a parking and vehicular use area to create defined aisles and entrances for on-site traffic circulation."*

Per the UDO, this development requires five landscape islands to be reasonably dispersed throughout the parking lot. Instead of the parking islands, the applicant shows two rain gardens totaling 1,620 square feet within the Administration/Operations building parking lot designed to manage stormwater runoff.

Section 18.62.085.A, Building Façade/Foundation Landscaping, encourages shrubs, ornamental trees and/or shade trees. The landscape plan does not include shrubs. Instead of shrubs, the plan includes Native Seed Mixture for native grasses.

The landscaping and screening areas shown on the landscape plans near the property lines are sufficiently screened. The applicant provided photos showing the vegetation screening along the property lines (see sheet A101).

**F. Architecture/Design:**

The proposed Administration/Operations building is 25,000 square feet. It features a mixture of precast and metal panels. The slightly angled roof is a prefinished standing seam metal. The building has many windows on the north and south elevations.

The proposed Fleet Maintenance building is 23,255 square feet. The base of the building is precast. The upper 4/5 of the building elevations show standing seam metal panels. Six overhead doors are shown along the north and south building elevations. The elevations show a pitched standing seam metal roof.

### **III. STAFF RECOMMENDATION:**

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

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

- (1) Prior to the issuance of a building permit, the landscape plan shall meet the UDO requirements for landscape islands and foundation plantings.
- (2) Prior to the issuance of a building permit, the building permit plans shall show at least six accessible parking spaces. At least one of the accessible parking spaces shall be served by an accessible aisle at least 96 inches wide and shall be designated as "van accessible".
- (3) Prior to the issuance of a building permit, provide storm sewer computations and include drainage area map. Provide profiles and label all storm sewer as "Private".
- (4) All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if such cabinets are screened with landscape materials.
- (5) As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building.
- (6) All on-site wiring and cables shall be placed underground.

- (7) Signage is not approved with the final site development plan, all signs shall be reviewed and approved by submitting a sign permit application.

Ms. Deschenes: This is a request for approval of a final site development plan for Johnson County Public Works and a final plat for Johnson County Public Works and Oregon Trail Park. The subject property is located at 1800 West Old 56 Highway. A special use permit was also submitted with the final site development plan and the plat. Following a review of the application, staff determined that this new special use permit was not required for the proposed development, and thus, application SU-10-008 was withdrawn. The original special use permit approved in 1989 did not have a time limit and the legal description covered the same area currently owned by Johnson County. In addition, staff determined that the proposed expansion complies with stipulation a. of that permit, which stated that the special use permit is approved only for the uses currently occurring and associated with Johnson County Public Works on this site. The proposed buildings and expansion of a materials storage area do not constitute a change in the uses associated with Johnson County Public Works. Therefore, a new special use permit is not required for the proposed development and storage area. Public notices were sent out and the applicant did hold a neighborhood meeting prior to withdrawing the application. Staff would ask that the Commission allow the public to speak concerning the final site development plan and plat.

The Public Works site covers 44.18 acres. The applicant stated that Johnson County will seek LEED Gold certification for the redevelopment of the Public Works site. The plan is to build a new 25,000 square foot administration and operations building and a new 23,255 square foot fleet maintenance building. Then they will demolish the existing building located in this location here.

Chairman Campbell: What's the net gain? I mean, after they take everything down, how much more space are we adding?

Ms. Deschenes: The current site plan doesn't show the actual square footage of the existing building, but I will let the applicant answer that question. I'd say 25,000. The existing storage area is confined to the old quarry area in this location here. It's on the western section of the property, and the applicant proposes to expand the storage area to the west and the north of the existing site to include this area here. It will be closer to the residential neighborhood that's currently co-located to the north. There are two cul-de-sacs that run here, and then to the west and also to the south. These neighbors, there is a current landscaping area in this location that needs to be beefed up a little bit, and the applicant is currently proposing a double row of evergreens in that location.

As part of the storage area, the County will install gravel base as indicated in the plans, and to improve the site like I mentioned, there will be a double row of evergreen trees. The current plan shows a six foot high chain link fence along the property lines in these locations here on the current site plan. The applicant has indicated to us that they may want to revise that proposed fencing and they will bring that up at the meeting tonight.

The applicant submitted a letter requesting a waiver of the foundation landscaping and the landscape island requirements for their LEED submission. Instead of landscaping islands, the applicant provided rain gardens in the parking lots in this location. The landscape ordinance would require them to install five

landscape islands, and instead they show the rain gardens that actually equals more than the square footage of the landscape islands. And instead of shrubs, the applicant provides native grasses surrounding the building in these locations. If the Planning Commission wishes to recommend approval of the applicant's proposed changes, stipulation 1 of the staff report PR-10-022 should be removed from the final site development plan stipulations.

The LEED buildings are a mixture of metal panels and pre-cast standing seam metal roof materials and are proposed for both buildings in the Planning Commission packets. The applicant spoke to staff this morning and would like to propose a TPO flexible membrane roofing material for the administration office building only. The current roof element here on the lower roof does show that material currently, and they are proposing to add it to this location as well. If you go to the northwest corner of 119th and Ridgeview Road, there's the Johnson County Sunset Building, which currently has that material on its roof. Staff does support the changes to the roofing material, and if you do support the changes as well, staff would suggest adding the following stipulation:

*"Prior to submitting the building permit plans, submit two full-size copies and one reduction on CD showing the roofing material change on the administration office building, from standing seam metal to TPO flexible membrane."*

Ms. Deschenes: I would suggest that that be added as a last stipulation of the final site development plan.

Staff would also like to clarify that the applicant will be utilizing the power poles and adding new line to the existing power poles. We had a discussion earlier that any additional cable that would be added new on the site would have to follow that stipulation, that it be placed under ground. However, any existing poles standing with wire will be used for some new line.

Final plat covering 63.614 acres is also on the agenda for approval. The City of Olathe owns Oregon Trail Park located immediately east of the site. The property was currently unplatted and the County agreed to plat Oregon Trail Park at this time.

Staff recommends approval of PR-10-022 and P-10-032 as stipulated in the staff report, with the addition of the stipulation about the TOP membrane roofing. Joe Waters, director of county facilities, Kent Lage of county public works and John Gaar of 360 Architecture are here to present the project for Johnson County. I would be happy to answer any questions at this time.

Chairman Campbell: Any questions for staff? Mr. Ling.

Comm. Ling: The expansion of the storage area will have a gravel base on it. What's going to be stored there?

Ms. Deschenes: I believe some of the larger equipment and piping, but I think the applicant can go into more detail for you.

Comm. Ling: The chain link fence that surrounds it, does it contain the vinyl-colored slats as screening? What are your thoughts on that?

Ms. Deschenes: They will go into more detail in their request for changes in that location. Our thoughts were that – looking at the landscaping plan – this area here is currently all wooded. Staff went out there in late November/early

December to take a look at the site from the inside of the County site, and also went into those cul-de-sacs in the surrounding area to kind of see what you could see from that area. Our biggest concern was, there are two cul-de-sacs in this location, and there's not a lot of landscaping here, and you can see right on to the property. They had one intermittent row of evergreen trees there and we suggested that they add a double row of evergreens in that location. The fencing itself at that time were proposed around the outside, maybe for security reasons.

Comm. Ling: Is the fencing there now?

Ms. Deschenes: There is some barbed-wire fencing kind of in the southwest corner, but there is no chain link. The other areas of the site here are kind of a four and a half to five foot tall fence that is kind of a square wire, and then at the top it's kind of thin wire.

Comm. Ling: You mentioned that from the north viewing south, it looked like you needed some additional screening that you just spoke of. How about from the west looking east? Is that a neighborhood on the west side?

Ms. Deschenes: Yes. This is all neighborhood. There are larger lots over here.

Comm. Ling: What is the screening today looking like there?

Ms. Deschenes: It looks pretty decent. Actually, the road kind of comes by the edge and then pops out, then comes back down here, so you can look up the property lines in these back yards in these two locations. It looked pretty heavily wooded from there. This is the tree line, so not knowing exactly what it would look like going into the person's back yard and looking straight back.

Comm. Ling: And you said from the south looking north, then?

Ms. Deschenes: From the south looking north, the road comes down and around, and it kind of comes down to a cul-de-sac. The first property sits here and the house is in this location. So it's their side yard, and then the other houses are across the street for this area here. As you can see here, there's quite a bit of a drop off along this property line, and I know that this existing property owner has added some evergreen trees on their property to kind of block the view of that quarry area. There is a slight incline from the street that runs right along the property line up into the site there.

Chairman Campbell: Are there any other questions of staff? I have one. The original special use, reading those minutes, it indicated that there was to be a 50-foot buffer between uses. Is that any uses, all uses - ? How does that apply to this today?

Ms. Deschenes: I would need to go back and look at the staff report and get back to you on that one. And maybe do some more location in these two locations. This use has been going on for a while already, so I'm not as concerned with the buffering in this area. But I can look in here to see what that buffer requirement was for the special use permit.

Chairman Campbell: The special use permit, granted, I mean, it's April 24, 1989. Under Phase I it says, "Maintain a 50 foot buffer between any activities and residential property."

*[Unidentified individual speaking off microphone, inaudible.]*

Chairman Campbell: Correct. And are we there, is my question.

Ms. Deschenes: I will let the applicant address that.

Comm. Rinke: I have a question. On the new entry drive, it goes by the fueling center, and I believe that is where their fueling center is today – Is that correct?

Ms. Deschenes: I believe that's the current entrance into – Let me put up the other site plan –

Comm. Rinke: I guess my question is whether there would be any screening around that fueling center. Today, the existing building screens that area from the road.

Ms. Deschenes: I'm not sure. I'll let the applicant address that issue.

Chairman Campbell: Any other questions at this time? We'll hear from the applicant.

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

Mr. Gaar: I am pleased to be here to present this application for platting and the site plan for Johnson County Public Works. To start off, this image is an aerial view of the facility from the southeast looking to the northwest. The area in front of you with the outline depicted on the ground represents the outline of the existing building that is there today. That facility is roughly half the size of what we're planning. It's about 25,000 square feet and we now have two new buildings, one that is about 25,000 square feet and one that is about 23,000 square feet. You did mention, in this location, the fuel island. For purposes of maintaining all of the fuel lines and the systems that are currently in operation under ground, we're maintaining that location for all of the fueling. It's also convenient for those who are not located at this site but would be coming to this facility off hours to utilize that, such that they are not going into the site.

Currently there is a proposed fencing area for security, but there is no real barrier or 100 percent screening of that fuel island at this time. It is located on the back edge of the site, so depending upon your vantage point as you're traveling along 56 Highway, it may or may not be as prominent. Just as a reference over here, you have the city park with a detention system. That detention system was designed to handle stormwater and water quality and quantity for our site earlier in the development of that city park. Where we're moving the new buildings is in the location of an abandoned quarry, so it's some 18 to 20 feet below this roadway that's up here along the south side of the road, as well as along Dennis Avenue on the back side of the site. You can see that there has been reference to what we call the "west quarry," and that's this little area, kind of like a hammer head, that's also about 18 to 20 feet below much of the surrounding area. The buildings that you see, the progression is that the entry drive would come in, and

then into this zone is the main parking lot for the employees and for any public that's coming to the facility. That area is planned to be paved, asphalt paving with ribbon concrete curb. From that area beyond into what we're calling the service yard, beyond the building that houses engineering and office functions, multi-purpose room, we're proposing a gravel base and aggregate for that driving surface. This building in the back is for fleet maintenance, so it's basically a service bay building that provides for maintenance of all of their heavy equipment that's used in road construction, snow plows that are used for snow events, and other miscellaneous small equipment in the day-to-day activities of the county. This area right here and the area of the current parking and building is where they have their storage of materials. Those materials consist of corrugated pipe for whistles that would go underneath driveways, or creating a bridge. There's some bridge form work; there are some miscellaneous pieces of steel used in the construction of bridges. There are some minor pieces of equipment and some tanks also in that area. That's primarily the equipment that is intended to be moved up into this upper west parcel of the site. When we move that area down there, we lose that lay-down space for them.

This gives you a little different perspective of the admin building, still looking from the south more straight to the north. There is an existing communication tower that is there right now, and this is the façade of the new proposed administration building, and then beyond it you see the fleet maintenance building.

This view of the site is from the northeast looking to the southwest, so you're looking into what we call the west quarry. These two are salt domes. Those elements are existing, and it's where they store all their salt and sand materials for their snowfall operations. Those will be maintained and the operations will stay in the same place for that. This shows you the yard area that we talked about that's gravel, and even in this back area here, is mainly where the snowplows and trucks that are now parked up on the upper level off of 56 Highway will now be in that yard area. So, primarily we have vehicle storage in between those two buildings and to the north of the fleet.

You've seen this site plan earlier; this is the landscape plan. What I wanted to note is the limits of the site for the storage in the west, as you've seen there. This area where it's the skinniest, the existing foliage that's there is about 40 feet, and we're some 40 feet or more off of that with where we would consider the first part of the storage area. So, we have no problem accepting or meeting that 50-foot stipulation that was on the previous special use plan.

I also wanted to point out that in this area, we're also adding landscaping, because when we were out there and we observed not only the views on the north side, but also this residence here, looking into the site in that direction, the quarry is down below, so it may be visible. I have not been there, but it is at a vantage point that is significantly lower than their house. We were concerned about them looking beyond this quarry and into this zone up here if that had storage in it. So, we've also included more trees along that zone to protect their view to the north into that storage area.

As mentioned earlier, we are pursuing LEED Gold certification. We're utilizing a lot of environmental water quality procedures. As was mentioned, there are several areas in the islands of the parking, and even along these edges, we have what are called water quality structures, often referred to as BMPs or Best Management Practices. Those water quality structures take whatever stormwater has fallen on the site, they hold it, and the plan material has a way of cleaning any particulates out of it before it goes off into the storm system, and eventually into Lake Olathe. This area is being reclaimed into a natural environment. The

idea that this facility is now being removed from 56 Highway and placed down into this quarry we think is an improvement to the area. We see this approach along here as more of a park setting, more of a natural environment to those who are passing by. It puts the buildings and any activity at a lower level down within that quarry area.

I'm going to let Kent speak a little bit about the maintenance of the facility and the gravel, and how they intend to maintain that part of the property.

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

Mr. Lage: We've had some discussion about the gravel we're going to be placing in that west quarry. Johnson County operations staff maintains approximately 200 miles of gravel road throughout unincorporated Johnson County, so we are very familiar with the dust. We get calls on a regular basis concerning dust control throughout unincorporated Johnson County, so we have a material that we plan to put down on the gravel to minimize dust. We'll probably go with a calcium chloride. It doesn't last as long as the MC-30, but it is easier to maintain, and if we have to go in and blade the gravel, the calcium chloride stays with the gravel and keeps the dust down. So, we have the equipment on site, we have staff who know how to use the equipment and the materials, so we do plan to keep the dust controlled with the use of staff and the equipment we have.

Comm. Ling: It also sounds like there's going to be gravel where the trucks are parking – Is that correct? That's not going to be paved; that's also going to be gravel?

Mr. Lage: Initially, yes.

Comm. Ling: Initially? At some point it will be - ?

Mr. Lage: Our hope is, yes.

Comm. Ling: So initially it's gravel. Are you going to maintain that in the same manner so there is no dust?

Mr. Lage: Yes. Again, we'd most likely go with calcium chloride so that we can blade as necessary to keep a smooth surface and keep the material in the gravel.

Comm. Rinke: On the west side quarry, the lower part there, what is that currently used for?

Mr. Lage: That is part of our materials storage right now, and some equipment.

Comm. Rinke: And will it stay that after - ?

Mr. Lage: That will be primarily equipment storage down there after completion. Most of our lay-down material will go up above in that west area – guard rail, guard rail posts, concrete pipe, corrugated metal pipe – items like that will go up in that northern portion.

Comm. Rinke: Is somebody going to address the fencing?

Mr. Gaar: Yes. One other note, the existing conditions today are that that whole lower area is unpaved, and it is basically in a quarry condition. So, there's not a material difference from today and what they're proposing, other than the grades will change and they're going to lay down a cleaner material that is there, with the exception that we are expanding it into that west area. But the west quarry and all of that area to the north of the existing facility is an unimproved road, with the exception of the drive that goes up to a gate along Dennis. It's an improved road, but it's fairly rough right now.

As far as the fencing goes, the proposal that we originally stated was, from a security standpoint, they wanted to make sure that this had a six-foot chain-link fence. And then, we were using a combination of the existing vegetation and the new plantings that we've discussed as the screen and barrier for the storage of the materials. After hearing some issues and listening to some people and trying to determine the best way to approach this, we've gone out and looked – And this is a picture of what's there. This is actually in the very far northwest corner of the site, up along Dennis Avenue. The fence that is around it is woven wire mesh with a barbed-wire type of wire at the top. In having to go in and put a new fence in, we felt like it would be pretty destructive to a lot of the existing vegetation and counter to the screening of that storage area. So, the desire is to keep this existing fence in place, which would serve the County enough from a security standpoint. We do have areas that need repair, so they have to go in and repair some of them. This section actually is a dilapidated barbed wire that is not even of the level in that picture. We're wanting to replace that to match that other existing. I believe that this is also newer fencing that had been put in some time in the last five to ten years. If it's not in good shape, it would certainly be maintained. So, what we're requesting is to remove the new fence at that perimeter, but just to upgrade and maintain that same level of fence in that location, and then use the screening of the plants and trees for the materials storage.

This gives you a good aerial shot of the trees that are there. The property boundaries are roughly like that. So, we're adding material for screening here and all along here. This is the northern edge of the site. It shows you that there are quite a few evergreens. That foliage is not only very thick, but there are quite a few evergreens along the north. That's where we're going to supplement. And then, this is the west section, and this is the south side, so this would be the west end of the south side going back to the east. This would be about where the west quarry begins, where it drops off. This is a residence; you can see a roof right in that zone there.

Moving on, we have BMP structures that are located here, here, here and here. This is a landscape design that is very indigenous to this natural environment. We're using native grasses. These water quality structures do not work with trees planted in them. They need the root systems of the grasses to filter it. We've provided some shade trees around the perimeter of this structure, so we're asking you to consider a variance on the requirement for the islands, as well as plantings up against the base of the building here and here, where we have a native grass that is to grow to 20 to 30 inches and will be a beautiful, long elevation with this grass that grows in at the base of that building.

Chairman Campbell: You're asking to eliminate the five parking lot islands that would normally be required and replace them with the two rain gardens. What's the differential? I mean, these are larger than those islands.

Mr. Gaar: I think we have over 2,000....[calculating...] That's just in these two areas right here. I think the five areas that would be combined are like 800 square feet. And I guess we understood that to be in this parking area, because this area up here is really – I guess it's storage of vehicles, so it is part of the parking area, but it's a vehicle storage area as opposed to parking for employees or visitors.

Comm. Rinke: Back on the fencing, how are you restricting access to the storage area?

Mr. Gaar: This area along here has an existing six-foot fence with a gate into it, so it's the existing fence that I showed you the picture of. It goes around it, and then that is actually an interior fence that's separated on the inside. Does that answer your question?

Comm. Rinke: But there will be access to both of the new buildings?

Mr. Gaar: Yes.

Comm. Rinke: Okay. I mean, today, if you pull up into the parking lot, that's as far as you get. You can't go any further. So, today, if somebody wanted to drive in there, they could pull into the parking lot, and that's as far as they could get. They couldn't get to where the fueling center is or any further back.

Mr. Gaar: Actually, right now on the site plan, there's a fence that does that, and there's a gate here. So, you can't get into the facility beyond that spot. During business hours, it's intended to be open. After hours, that gate would close and it would restrict everybody.

Comm. Rinke: And what was that material?

Mr. Gaar: That's a chain link fence that is part of this sheet. It's this design there. That was part of the packet. It's a six-foot chain link fence.

In conclusion, we'd like to accept an agreement with stipulations 2, 3, 4, 5, 6 and 7. We would like you to consider the alternate design we've provided in lieu of the islands and the foundation plantings, and the consideration of the screening in the west quarry. And then, I didn't mention, but there is a roof material on the admin building that was called out as a standing seam roof. We are requesting that that be a white membrane roof. That is on this elevation. The rest of the area that is flat is that same membrane roof, and it's this piece of roof that is sloped and visible from the yard side of the building.

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

Mr. Waters: One thing I wanted to emphasize was about the fencing around the perimeter on the west portion of the site. As John said, we have a roughly four and a half foot high, probably four-inch square wire mesh fence that is the majority of the site, probably three-quarters of that perimeter, with the exception of that one section that is barbed wire. The fence is not as contiguous as it should be and it's not been maintained as well as it should be. The idea of putting up a six foot fence, which I think is per your requirements, is something that, at first, we liked the idea of it, but when we get out there and look at it, to get

that fence in there, we're going to have to take out so many trees and clear so much of this vegetation that we would rather go in, work around the vegetation that is there as much as we can with this lower-profile fencing – that fencing, even at four foot high with a couple wires above, it doesn't quite get to the six foot, but it's a little more visible for people. And as I would understand the intent of your regulations, between these two different types of properties, would be to provide a tall, obscured view, and a clear separation between these uses. We think the four-foot fence, completing that one section and maintaining it around the perimeter of the property, will give us the pedestrian separation, and the plantings and the trees that are very mature already are doing a good job of the screening, particularly with the addition of the other trees. So we think we're accomplishing what you're after by completing the fence type that we have today, rather than going back with a taller fence and having to clear trees to do that. Does that make sense?

Chairman Campbell: Thank you. This is not a public hearing, but if there is anyone who wishes to speak about this, please come to the podium.

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

Mr. Howell: The houses on the west and on the south – the southwest corner – were built on property that I developed. I've owned the property for 40 years. In fact, Jake Cover (?) – if any of you are old enough to remember him – and I both offered the County to buy that west section to keep it from being developed by the County. At that time, we were assured that there would be no structures and nothing put on that ground. To follow-up on that, they use it as a dump, and that has been elevated by four feet over and above the area that was originally there when they started grading the dirt off to use the stone in this quarry, with nothing but conduit and rubber off bridges, and [*inaudible*] trash. Four feet of it is trash.

Now, they want to put a storage area up there? That's fine. The problem with it is that the area right here where they talk about the vegetation, there's a power line that goes across there that feeds from the county buildings over to the corner. About every four years, they come in and top all those trees off because the power line is only about 18 feet tall. We have three houses in that area that look down on that section right there and see into it when they top those trees.

The other problem with it is that the buffers that they are putting up, putting up evergreens that are having the blight that we're seeing now in the Kansas City area. Most of those evergreens with become sickened and die because they are susceptible to it.

The area along the south side and west side is strictly wild growth. Some of it is red bud trees, which are gorgeous; some of it is just bushes and a few taller trees. But on the south side, those trees are all topped out. We would request that those power lines be put underground. The 14 acres that we developed, everything is underground there. At that point, the County would not allow that to be put under when we went to build the property. We would request that those lines be put underground, a fencing area put in there and planted properly. There happens to be a six foot easement between the road and the fence line, which falls on the property that we own. We put the road in, we put everything else in. Basically, the west side of that area right there is probably not suitable for anything but storage. However, where our concern is, when we met with you earlier when they had a little hearing, they said they would put nothing but culvert storage up there now, but they might put equipment up there later,

and they might build a building up there later. But when they made the addition on to the present building, they made a commitment to the neighborhood that no erection of any building would go on that property. All the neighbors in that perimeter came to that meeting, and they all made a verbal commitment that no structure would go on that property. I'd like that to be included in this. If they put a structure on that portion, that entire subdivision of 14 houses will be looking right down at it. So, we'd like that restriction put in there, too, that that west part is for storage only, but not equipment storage, and certainly not a building. Thank you.

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

Ms. Glennon: I'm at that southeast corner, just west of the quarry. That north fencing is only about three years old. The problem I have is on the east side that comes south, our property slopes down towards the quarry. We were told in the beginning that there would be no building down there, and then we were told that the people who told us that no longer worked there. The problem I have is that we have planted evergreen trees on the north side, which are doing fine, but we've started planting evergreens on the east side, but the way it slopes down – I mean, we can see the whole quarry in the wintertime anyway. So, the growth that we have with the evergreens that are there now, when you add a building on top of the place where they're building now, it's going to be 20 or 30 years before that will ever be covered. We're just going to get a grand view of everything there. We're going to lose our privacy. There are employees who go back there. I just need some help blocking what we will see, because now you're going to have all the employees, besides the traffic that you already have back there. I don't know if maybe on the west end of that building, that they could cover that building with tall evergreen trees, or something like that. Maybe they could do it from there. I just don't know how they would ever build a berm or anything to help us out.

Also, part of the property at that corner where it comes south, there is a power line there. I don't know if they can help us with getting that buried because that comes from 56 Highway, and then it feeds the quarry the way it is now. The way that power line is now, it will always be topped, and we will always see everything that's in the quarry. They haven't topped it for a while but they're planning on doing it very soon. That's all I have. We just need some help to stop from seeing everything that's there. Plus you're going to have parking lot lighting, and you're going to have a whole lot more lighting than there was before. When we bought the property, like I said, we were told there wouldn't be any building there. We've put everything we have into that house. We spent a year clearing the land to build the house and put everything that we owned as an investment. Now, I think our property value will go down if we ever decide to sell the house because they're going to be looking at a building. Everybody that is back in that cul-de-sac, we're all into nature, and that's why we bought the property, was because it was surrounded by trees. Now we're looking at a building.

Chairman Campbell: Anyone else wishing to comment? Are there questions of anyone at this point from commissioners?

Comm. Rinke: I would like some follow-up on the power lines, exactly where they are today and what the residents are asking to be buried. There was a sheet in our packet from KCP&L, if you could just clarify that for me.

Mr. Waters: On this plan, the power lines in question are in red. The lines that our two neighbors were discussing, as you can see, it's kind of clouded there, following up on the south property line. This power line feeds the County's property from here to here. From here, we will be connecting and running there. Our work will be underground. This line that is overhead today is feeding the development, I presume all of the development. It's Kansas City Power & Light's line. It's not serving our building; it's serving the neighborhood. We have asked them if they could bury the lines, if it is possible to get KCP&L to either bury the line or not trim those trees. We've tried to do that, it is their line, and we're not really able to do anything about that.

*[Inaudible question from unidentified person.]*

Mr. Gaar: The question is, there's an existing line coming off of here that goes into the quarry. There is some existing power coming off of those lines for the existing facility. We did ask them if they could either cease trimming the lines, or actually abandon them altogether. We're actually not using that two-phase power. We have three-phase power that we're using, and they said that they would not abandon their utility easements or those power lines and they had no interest in doing so. So, we are actually removing those overhead lines that extend from that power line into the current facility, and then everything that we're coming from is off of a pole, underground, and it goes to our transformers, one for each building.

Comm. Rinke: Would KCP&L bury those lines if someone was willing to pay the cost?

Mr. Gaar: Like we said, they are serving a line that goes through to other parts of their network to the west and off of this line here. We actually are coming off of 56 and then going underground, as the red shows.

Comm. Fry: So you're saying that the two-phase branches that come off of there that are currently being used at the site are no longer going to be used?

Mr. Gaar: They are no longer being used for our facility, and we thought that if they were an in line, that we ask them to abandon the lines. But they are not an in line. It is a line that is connected from Highway 56 through to this other area. So, they weren't willing to do anything.

Comm. Ling: I have some questions for staff as a follow-up to some of the residents' questions. Continue on with the distribution line there. Did staff consider that KCP&L is going to have to maintain that line? And those residents are correct – Those trees will get trimmed on a periodic basis. Did staff consider that when they were looking at the landscaping plan?

Ms. Deschenes: We did look at the landscaping in that perimeter. Where we did notice along the south property line and the street – let me put up an aerial. This shows it nicely, as the road comes in here along the property line. We were able to see a bunch of trees marked in this location. We weren't able to get down into the property owner's lot and look, and if you were viewing it from this side, you'd be in the pit looking up, so you couldn't really tell from there what you were looking at. We did discuss a little bit with the applicant about the screening in that location, and after we reviewed it from the site, we didn't really see a big change

in that location because we were looking in this area. My suggestion is maybe we could talk with the applicant about maybe evergreen shrubs - ? I don't know if that would help in the location. Obviously they wouldn't grow as high in to the maintenance area and have to be trimmed as often by KCP&L. However, if they need to get through there, how thick can those shrubs be for the lines, etc.

Comm. Ling: One of the residents brought up a potential for a future building in the proposed west area. Going back to the original special use permit, I believe the wording talked about storage in that area. Would a building be allowed under the original special use permit? Or would they have to come back, if they wanted to construct a building in the west storage area, would they have to get the special use permit amended to do that?

Ms. Deschenes: They would have to come through for a final site development plan. If it fit within the uses allowed by the special use permit on the site, overall 44 acres or so, it would still be part of that 1989 special use permit.

Comm. Ling: It's as if you believe this 1989 special use permit allowed anything but storage in that west area.

Ms. Deschenes: There isn't a stipulation.

Comm. Ling: I was just trying to respond to the resident's question about the structure potentially being proposed in that area. I didn't review it in detail, but I thought that was defined as a storage area in the original special use permit.

Mr. Clements: I would agree. If it is defined in the earlier special use approval as a prohibition, then it would not be allowed.

Comm. Ling: Unless they came back for another special use permit and do another public hearing.

Ms. Deschenes: Right, but I'm not seeing anything in the stipulations stating such. There might have been discussion to that point.

Chairman Campbell: There was, and stipulation b actually says, "Prior to the use of the west 500 feet of the site for storage and materials or equipment, a site plan shall be submitted for review and approval by the Planning Commission." I would also make the assumption that in practice, if any other changes to the site were to be made, they would have to come back to us as well.

Ms. Deschenes: Right, through a final site development plan, but not a special use permit.

Chairman Campbell: Correct.

Comm. Ling: Another question was regarding the fencing. What is staff' opinion on changing from the six foot chain link fence to the applicant's request to use the existing fence with some modifications for improvement?

Ms. Deschenes: We were supporting the six foot chain link fence in the location. It would be something that we could discuss with staff. We weren't sure exactly what we were having as a proposal until late today, so we will need to look into it.

Comm. Ling: Okay. The other one that was brought up was parking lot lighting. I thought I saw that it showed a lighting - ? It looked like it was all zeros at the property line, which means that no lighting was going off the property line.

Ms. Deschenes: Right, and they will have to show a full photometric plan with the building permit plans. They weren't showing any lighting at all on the west storage area.

Comm. Ling: And any lighting from the new parking area would not get to the residents.

Ms. Deschenes: It should not. I mean, as far as bleeding over onto their property.

Comm. Ling: Okay. It looks like you need more time to think about the six foot chain link fence. Another thing is the resident who spoke about the view shed. It would be nice to have some sight line pictures of what that resident would be looking at from that residence.

Ms. Deschenes: Maybe a little bit of clarification from the applicant on what we're looking at. That was from the second speaker's property line looking from west to east.

Comm. Ling: And where are the power lines?

Ms. Deschenes: You're looking along this property line –

Comm. Ling: Right. And are these trees going to get topped? I'd like a sight line with the trees as the maintenance will occur on them.

Mr. Gaar: This image was put into our 3D model in a vantage point we believe to be sort of the back yard of the existing house, and then the dark line is the tree line from the photograph that was taken. There are power lines all along this side, and then they actually extend a little bit beyond the property line. So there are power lines down in there that could potentially trim some of those trees.

Comm. Ling: I think that was a response to some of the questions that I heard.

Chairman Campbell: I have several things to follow up with. We'll probably have to get Legal involved a little bit. What we're talking about tonight is a final site development plan. The special use permit is already in place. However, the special use in 1989 included in the stipulations a landscape and security plan, specifically. That item A.2. says "maintain a 50 foot buffer between any activities and residential property." I am uncomfortable. I see a 20-foot landscape buffer, but I don't see a 50-foot buffer, especially down where the quarry is, and specifically in his back yard. I'm a little concerned about what to do there and how to accomplish that. That's something that we don't have the authority to change. We have to have a 50-foot buffer in here. And I don't see that in the plan anywhere. How are we doing that?

Ms. Deschenes: I believe you are referring to page 2 of the special use permit application, where Johnson County Public Works had submitted their landscaping and security plan. In Phase I they indicated that they would maintain

a 50-foot buffer between any activities and residential property. That included cleaning up trash and debris in the west area. The stipulations for approval didn't directly stipulate that, but it was part of the staff recommendation.

Chairman Campbell: The ordinance says that the landscape and security plan submitted on April 19th will be followed, and that plan says there will be a 50-foot buffer. My issue with it tonight is that that's what's said; we can't change it since we didn't address the special use. So, how is this plan addressing that? That's the question.

Ms. Deschenes: We can add another stipulation to the staff report to include a 50-foot buffer between uses, if that would work for the applicant.

Chairman Campbell: And if that's the case, we really need to see that. It says, "Maintain a 50 foot buffer between any activities and residential property." Reading the minutes, I have to take that the intent there was to screen properties and sight lines., That's the intent I'm gleaning. And the 20 foot doesn't do it; the sight lines I'm seeing don't do it. I'm concerned with what we have.

Mr. Gaar: I think we'd be willing to accept that requirement. We're not asking for a variance to that. We believe that we have 50 feet easy setback to any of that –

Chairman Campbell: It's not calling for a setback; it's calling for a buffer.

Mr. Gaar: And what we're proposing is a screen using plant materials, but in that 50 foot zone. Are you saying that you want 50 feet thick, full of plant material?

Chairman Campbell: We have landscape guidelines that we use that talk about specific buffering between zoning classifications. I don't see that in this packet. That's my concern for tonight. I would like to see you come back and address that specifically because that is a matter of law at this point, from my perspective.

Mr. Howell: When we met the first time with the architect and everyone else, they weren't even aware that the residents were on the south side. Monica's property has about 10 feet between her property line and the quarry wall. They say the west side, which has been used for storage, is now going to be used for vehicles. That wall going down that quarry approximately 20 feet and her property line might be 12, 15 feet at the most. They're going to have to do something about filling in that quarry to give us a 50-foot buffer because that has no way of happening if they want to use it for storage. There is no way to do it unless they put land where there's no land, because it does fall off about 20 feet. The reason for that fence is that when I developed the property, I went to the County and told them I had problems with children possibly playing in the yard area there and falling into that quarry. So they put up a six foot fence at that time to keep children from being able to fall into the quarry. I don't know how you're going to address that, but that is one of the problems.

Chairman Campbell: Thank you. Mr. Waters, my concern at this point is that we have on the books an ordinance that we have to follow. I'm not seeing a 50-foot plan. That's my concern.

Mr. Waters: And I think the neighbor is absolutely right – 50 feet and you're 25 or 30 feet into the quarry. I'm not sure where you were going with that originally –

Chairman Campbell: It wasn't, but if that is the case, then the special use has to be amended.

Mr. Clements: But the quarry was there in 1989. There wasn't a 50-foot setback then.

Chairman Campbell: We're in a sticky spot. We can't move forward and approve something that we're not able to approve at this point.

Mr. Clements: I think we need to define what that setback and buffer is, and have it dimensioned on the final plan so that everybody then knows what the actual setback is. I don't believe the intent is really to have 50 feet of dense plantings. It's a setback measurement.

Chairman Campbell: It does say "between activities," so is there a way to move that around? I don't know. At this point, I think we need to continue this. We can't solve that tonight without having it addressed, and since it's part of the special use stipulations, we need to have it addressed for any site development plan.

Mr. Waters: I think that makes good sense. We're happy to do that.

Comm. Ling: On the two variance items, Mr. Clements, the parking lot island and the roof stipulation, are you asking for comments from the Planning Commission on those, or is staff supportive of those variances?

Mr. Clements: I think those were reasonable.

Chairman Campbell: I think it's reasonable.

Comm. Ling: I would tend to agree. So you got the feedback you need on those. This six foot chain link fence, I expect staff would come back and support the six foot chain link fence.

Mr. Clements: With the benefit of a continuance so we can look at that further.

Comm. Ling: The other one I would request is a sight line from the neighbor that spoke to us this evening, to address the trimming of the trees and what requirements this applicant has to do when building a new structure on their property, what landscaping requirements are due to that, I guess, between the two uses. Because this is an additional structure, and the view shed, and what responsibilities that owner has for landscaping.

Comm. Rinke: I would like some additional consideration given to the power lines, whether those need to be buried. I do have concerns that as long as they are there and they continue to trim those existing trees, it's not going to provide the screening that I think would be adequate.

Comm. Locke: Is this now a public hearing?

Chairman Campbell: It is not a public hearing. We just allowed the public to comment because the special use was published.

**\*\*\*Continued to the January 10, 2011, Planning Commission Meeting\*\*\***

Chairman Campbell: Point of clarification – do we need to continue the plat as well? I didn't think so.

Another comment before we move on.

*Bob Schuppan, 1004 South Cedar Hills Drive, Olathe, appeared before the Planning Commission and made the following comments:*

Mr. Schuppan: I just wanted to throw in a comment about the fencing. There are at least two homes where that fence would be about 100 feet in front of our house. At the northwest corner, the houses are set back pretty far. That protrudes way in front of our house, and we'd really prefer to keep the existing fence, which is a lot more obscure. I just wanted that to be noted.

**MINUTES  
CITY OF OLATHE  
PUBLIC WORKS, PLANNING & ENVIRONMENTAL SERVICES  
STAFF REPORT**

**CASE # P-10-032**

**Case Planner:** Charisse Deschenes      **Planning Commission Meeting Date:** December 13, 2010

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

**Location:** 1800 West 56 Highway

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

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

<b>Acres:</b>	<u>63.614±</u>	<b>Proposed Use:</b>	<u>Industrial &amp; Park</u>
<b>Lot 1 Current Zoning:</b>	<u>R-1 (36.25± Acres)</u> <u>M-2 (6.56± Acres)</u>	<b>Tract A Area:</b>	<u>3,600 square feet</u>
<b>Lot 2 Current Zoning</b>	<u>R-1 (17.31± Acres)</u>	<b>Lot 1 Area:</b>	<u>43.363± Acres</u>
		<b>Lot 2 Area:</b>	<u>17.310± Acres</u>
<b>Streets and Right of way:</b>	<u>Old 56 Highway</u>	<u>Dennis Avenue</u>	
<b>Existing</b>	<u>40' (½ street)</u>	<u>40' (½ street)</u>	
<b>Required</b>	<u>60' (½ street)</u>	<u>60' (½ street)</u>	
<b>Proposed</b>	<u>20' (½ street)</u>	<u>20' (½ street)</u>	

**I. COMMENTS**

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

Lot 1 and Tract A are owned by the Board of County Commissioners and serve as the Johnson County Public Works site. Tract A is 3,600 square feet and is currently platted. Lot 1 is unplatted and is approximately 43.363 ± acres. Lot 2, Oregon Trail Park, is 17.310± acres of unplatted park owned by the City of Olathe.

A final site development plan (PR-10-022) and a special use permit (SU-10-008) are accompanying this request. Following review of the applications, staff has determined that a new special use permit will not be required for the proposed development and thus application (SU-10-008) has been withdrawn.

Ordinance 346-C approved in June of 1970 zoned R-1 and M-2. A special use permit (SU-14-89) was approved by City Council on May 19, 1989 and a final site development plan (PR-54-93) for an additional salt dome was approved on December 13, 1993.

## **II. FINAL PLAT REVIEW**

### **A. Utilities/Municipal Services:**

The property is located in the City of Olathe water and sewer service area. Utilities are existing to site.

This development will receive Sewer District Fee credit from the existing meter. A water main extension will be required for the proposed development. A 15 foot sanitary sewer easement and a 15 foot water line easement will be required. Water service connections and meter locations will be required to be in an accessible grassy area. A sanitary sewer pump station and forcemain will be required for the proposed development.

### **B. Access/Streets:**

Lot 1 will gain access from Old 56 Highway. Two breaks in the limits of no access are shown along Old 56 Highway. The northern access point will be utilized with the redevelopment of Johnson County Public Works. The southern access point is shown on the plans as a future entry drive. A driveway permit is required prior to the development of the southern drive.

Twenty feet of additional half street right-of-way was requested along Dennis Avenue. Twenty feet of additional half street right-of-way was also dedicated along Old 56 Highway near Lot 1.

### **C. Tract A:**

Tract A is shown on the plat but is not dedicated in the plat dedication language. Prior to the recording of the final plat, Tract A must be dedicated.

## **III. STAFF RECOMMENDATION**

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

- (1) Prior to and upon recording of the plat, Tract A dedication and purpose language shall be added to the plat dedication text.

- (2) All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if such cabinets are screened with landscape materials.
- (3) 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.
- (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.

**\*\*\*Continued to the January 10, 2011, Planning Commission Meeting\*\*\***

**MINUTES  
CITY OF OLATHE  
STAFF REPORT**

**CASE # RZ-10-015**

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

**Case Planner:** Sean Pendley                      **Planning Commission:** December 13, 2010

**Request:** Approval of a zoning amendment for CP-2 district and revised preliminary development plan for 119 Plaza.

**Location:** Vicinity of 119<sup>th</sup> Street and Strang Line Road

**Owner/  
Applicant:** Heart of America Group, Kirk Whalen

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

<b>Acres:</b>	<u>5.01±</u>	<b>Proposed Use:</b>	<u>Hotel/ Restaurant</u>
<b>Current Zoning:</b>	<u>CP-2</u>	<b>Building Area:</b>	
		Existing:	<u>23,563 sq. ft. (Comfort Suites)</u>
		Removed:	<u>14,000 sq. ft. (Machine Shed)</u>
		Proposed:	<u>101,021 sq. ft. (Hilton Inn)</u>
<b>Parking Spaces:</b>	<b>Required</b>	<b>Existing/Proposed</b>	
Comfort Suites	<u>92</u>	<u>107</u>	
Hilton/ Restaurant	<u>144</u>	<u>144</u>	
<b>Streets and Right of way:</b>	<u>119<sup>th</sup> Street</u>	<u>Strang Line Road</u>	
	<b>Existing</b>	<u>130' (½ Street)</u>	<u>62' (½ Street)</u>
	<b>Required</b>	<u>130' (½ Street)</u>	<u>62' (½ Street)</u>
	<b>Proposed</b>	<u>n/a</u>	<u>n/a</u>

	<b>Land Use</b>	<b>Zoning</b>	<b>Comprehensive Plan Designation</b>
<b>Site</b>	<u>Hotel/ Vacant</u>	<u>CP-2</u>	<u>Regional Commercial Center</u>
<b>North</b>	<u>Street Right-of-way</u>	<u>n/a</u>	<u>Regional Commercial Center</u>
<b>East</b>	<u>Shopping Center</u>	<u>CP-3</u>	<u>Regional Commercial Center</u>
<b>South</b>	<u>Street Right-of-way</u>	<u>n/a</u>	<u>Regional Commercial Center</u>
<b>West</b>	<u>Commercial</u>	<u>C-2</u>	<u>Regional Commercial Center</u>

**Platted:** Lot 1, 119 Plaza. A replat for 119 Plaza, Fourth Plat is on this agenda.

**I. COMMENTS**

The following is a request for a zoning amendment for CP-2 (Planned General Business District) and a revised preliminary development plan for 119 Plaza. The applicant is proposing a new Hilton Garden Inn hotel and attached Johnny's Italian Steakhouse restaurant in an area previously occupied by the Machine Shed restaurant. The proposed development is a substantial change from the original preliminary development plan, which requires an amendment to the CP-2 zoning district.

The property was rezoned from C-2 and CP-3 to CP-2 (RZ-17-93) in 1993. The approved preliminary development plan included a three-story hotel with 80 rooms and free-standing restaurant with 450 seats. The Machine Shed restaurant has been recently demolished and the existing Comfort Suites hotel will remain.

The proposed development consists of a six-story hotel with 107 rooms and attached restaurant with 82 seats. The total floor area of the building is 77,458 square feet. The proposed building will be designed to achieve LEED certification.

On October 5, 2010, the City Council established a tax increment financing (TIF) redevelopment district for the purposes of redeveloping the former Machine Shed restaurant site. In accordance with Kansas TIF Act requirements, the Planning Commission approved a resolution (10-03) on October 25, 2010 finding that the proposed Heart of America TIF redevelopment project plan is consistent with the intent of the Comprehensive Plan.

**II. PRELIMINARY DEVELOPMENT PLAN**

**A. Utilities/Municipal Services:**

The property is located in the City of Olathe water and sewer service areas. Utilities are currently available to the site. A water main relocation will be required for the proposed development. Water service connections and meter locations will be required to be in an accessible grassy area. The proposed development will utilize the existing sanitary sewer connection (Former Machine Shed) at the manhole north east of proposed building.

**B. Access/Streets:**

The proposed hotel and restaurant will have two access drives from the existing Hospitality Drive leading to Comfort Suites. In addition, there are two proposed cross-access drives with the 119 Plaza shopping center to the east. The proposed access is consistent with existing access drives and internal circulation with 119 Plaza.

A cross-access easement agreement was recorded separately at the time of the original development (see attached). Although the agreement allows revisions to the curb cuts and easements, staff recommends that the applicant obtain approval from the owner of the shopping center to ensure that the revised cross-access and parking on the east property line is acceptable. The applicant has been coordinating with the representative of the shopping center and they have indicated that they are receptive to the proposed changes. At this time they are seeking final approval from the owner of the shopping center.

The applicant has submitted trip generation estimates for the proposed redevelopment (see attached). The results of the study indicate that the proposed hotel and restaurant development will have a reduction in weekday trip generation compared to the former restaurant.

The Traffic Division has reviewed the development plan and recommends approval of the proposed access and internal circulation. Off-site improvements are not required for the proposed redevelopment.

#### **C. Drainage:**

A preliminary stormwater report was submitted with the proposed development plan. The site includes an existing detention basin along Strang Line Road that was constructed with the original development, including the Comfort Suites hotel. The existing basin will be used for detention for the proposed development with minor modifications to the outlet structure. A new outfall structure will be added to obtain LEED credit points for stormwater quantity reductions.

Public Works has indicated that the preliminary development plan complies with the City's stormwater ordinance. A final drainage plan and stormwater calculations shall be submitted with the building permit in accordance with *Title 17 of the Olathe Municipal Code*.

#### **D. Parking:**

The proposed development includes a total of 144 parking spaces for the new hotel and restaurant. The *Unified Development Ordinance (UDO)* requires one parking space for every hotel room and one space for every two employees on the largest shift. The proposed hotel includes 107 rooms and 20 employees on the largest shift. Based on this data, the required parking for the hotel is 117 spaces.

The proposed restaurant has 82 seats. The minimum parking requirement for restaurants is one space for every three seats, which would require 27 spaces. The proposed total of 144 spaces meets the required parking for a hotel and restaurant. The development also includes five accessible parking spaces, which complies with parking requirements for disabled persons.

#### **E. Pedestrian Access:**

The site plan identifies a five foot sidewalk connection from Strang Line Road to the parking lot with a cross-walk leading to the building. The proposed cross-walks consist of decorative concrete pavers.

#### **F. Landscaping:**

There are existing deciduous shade trees around the perimeter of the site. The proposed landscape plan identifies additional trees to comply with current landscaping requirements for non-residential developments. The required ornamental trees have been located around the building. In lieu of shade trees, sculptures and landscape boulders are proposed for some of the landscape islands. Additional details for the sculptures shall be submitted with the final site development plan.

A variety of shrubs and ornamental grasses are proposed around the perimeter of the site to provide screening for parking and paved areas. In addition, there are shrubs and ornamental grasses around all sides of the building per foundation landscape requirements.

#### **G. Open Space/Amenities:**

The proposed development includes a total of 25.7 percent of open green space, which complies with CP-2 development standards. Sculptures are proposed in the landscape islands at the entry to the site. The existing metal rail fence around the detention basin will be removed and replaced with a black aluminum fence with stone columns to match the building.

#### **H. Architecture/Design:**

The proposed building is a six-story hotel with an attached one-story restaurant. The height of the hotel is approximately 79 feet and the maximum building height for CP-2 districts is twelve stories or 144 feet from finished grade. The exterior building materials consist of stone veneer and EIFS. The applicant has submitted color renderings showing the south and east building elevations.

The restaurant includes a patio for outdoor dining on the first floor and a terrace on the second floor. The applicant is proposing a sunshade structure above the terrace and details have been submitted for the proposed structure (see attached). The proposed building complies with the City's Commercial Building Design Guidelines.

### **III. ANALYSIS**

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

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

The future land use map of the *Comprehensive Plan* identifies this area as a "Regional Commercial Center". Regional Commercial Centers "provide for commercial development offering a diversity of retail, service, entertainment, office, finance and related business uses to serve the needs of community residents and the larger region... These Centers are intended to be the City's most intensive commercial areas with establishments that have a large customer draw."

The proposed development of the Hilton Garden Inn and restaurant is consistent with the *Comprehensive Plan*. The land uses and site layout are generally consistent with the original development plan.

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

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

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

The land use proposed for this site will re-use a site where infrastructure and other public services already exist. Construction of a hotel at this site promotes infill of a vacant parcel and reinvestment in a buildable area of Olathe while providing new opportunities for economic development near a major interchange within Olathe.

- **Principle ES-3:** *"Strengthen and revitalize existing commercial centers."*

The associated **Policy ES-3.2: Reinvestment in Existing Commercial and Industrial Areas** states: *"Cooperate with the private sector to foster the revitalization of existing commercial and industrial areas in order to create greater vitality."*

The revitalization of the former Machine Shed Restaurant into a hotel and restaurant will benefit adjacent businesses and assist the long-term vitality of the commercial establishments located in the Olathe Gateway District and other establishments located along Strang Line Road.

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

The surrounding area consists entirely of commercial land uses. The proposed hotel and restaurant is compatible with existing development. The proposed six-story building is taller than other buildings in the surrounding area but the location within the 119<sup>th</sup> Street Gateway District is appropriate for the most intensive commercial uses and larger scale buildings.

***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 shopping center to the east of the subject property is zoned CP-3 and the vacant commercial property to the west is zoned C-2. Arterial street right-of-way is located to the north and south of the property and additional commercial uses are located further across the street.

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

The subject property is a suitable location for a hotel and restaurant and the land uses are permitted in CP-2 districts.

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

The subject property was previously developed as a restaurant and the building was demolished and the site cleared in the last month. The existing Comfort Suites hotel will remain as built.

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

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

- Maintains general access to the site and cross-access with adjacent shopping center.
- Consists of similar uses as surrounding buildings.
- Quality development that meets or exceeds the surrounding architectural style and building materials.

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

The proposed use should not have a negative effect on surrounding property values because the development is permitted in CP-2 districts and complies with current zoning requirements.

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

The proposed development of a hotel and restaurant is expected to generate less traffic activity compared to original development of a

450 seat restaurant. The proposed development includes the required number of parking spaces for a hotel and restaurant.

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

Staff is not aware of any potential for unlawful levels of air, water or noise pollution with the proposed development. The site includes proper stormwater drainage and detention to comply with stormwater requirements.

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

The proposed development follows revitalization goals of the *Comprehensive Plan*. Construction of a hotel and restaurant at this site promotes infill of a vacant parcel and reinvestment in a buildable area of Olathe while providing new opportunities for economic development.

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

The revised development plan does not pose a threat to the public health, safety and welfare.

**IV. STAFF RECOMMENDATIONS**

A. Staff recommends approval of RZ-10-015 for the following reasons:

- (1) The proposed development complies with the Principles and Policies of the *Comprehensive Plan*, including ***Principle ES-3: "Strengthen and revitalize existing commercial centers."***
- (2) The zoning amendment for CP-2 district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.
- (3) The proposed development meets the height and area requirements and development standards for CP-2 zoning districts.

B. Staff recommends approval of RZ-10-015 with the following stipulations to be included in the ordinance:

- (1) Prior to publishing the zoning ordinance and within thirty (30) days following approval by the Governing Body, a statement that a preliminary development plan has been approved for the subject property shall be filed in accordance with the requirements of Section 18.12.230 of the *Unified Development Ordinance (UDO)*.

- (2) The final site development plan shall conform to the general layout and design of the preliminary development plan dated November 23, 2010.

C. Staff recommends approval of the revised preliminary development plan with the following stipulations to be completed with the final site development plan:

- (1) The applicant shall obtain a letter or approval or agreement from the owner of the 119 Plaza shopping center for the revised cross-access and parking on the east property line.
- (2) A water main relocation is required for the proposed development. Water service connections and meter locations shall be located in an accessible grassy area.
- (3) A final drainage plan and stormwater calculations shall be submitted and approved in accordance with *Title 17* of the *Municipal Code*.
- (4) A building material sample board shall be submitted with the final site development plan.
- (5) The detention basin shall include black metal fencing with stone columns to match the building.
- (6) Concepts and details for the proposed sculptures shall be submitted and approved with the final site development plan.
- (7) A parking lot lighting plan, in accordance with *UDO* requirements, shall be submitted and approved with the final site development plan.
- (8) 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.
- (9) 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.
- (10) 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: Basically, the new agreement modifies the drive aisles going to the shopping center a little bit and creates the additional parking island.  
?

Mr. Pendley: I'll try to compare the two. You can see here, basically as proposed, this modification would just create islands on either end with additional parking in between, keeping the same two cross-access drives as the existing. They would just have to possibly keep those islands in their approximate location. Part of the reason why staff is recommending an agreement here is, although the cross-access is generally staying the same, there is a change to the parking and the medians will have to be modified slightly. That parking and those islands are partially on the adjacent property. That is why staff had recommended an agreement. There is a recorded cross-access easement agreement that was approved with the original development and it did allow for modifications for cross-access drives. That is something that has been recorded and agreed to, but again, just to be clear, make sure that both property owners knew of the change, that staff recommended that stipulation.

Chairman Campbell: So the additional parking that's shown on the proposed site plan, that additional island on the shopping center lot is not in the parking count for the hotel.

Mr. Pendley: Correct. Those parking spaces are not required to meet their minimum parking. It would be an additional, I believe there's five or six spaces.

Chairman Campbell: If that stays the same, what does it do to the throat distances?

Mr. Pendley: All the proposed internal drive aisles do meet the requirements. There is one parking row that the applicant has requested a deviation to the requirements, and that is this parking row here. Those parking stalls, I believe, are proposed at a minimum depth of 19 feet, which is allowed with a 25 foot drive aisle. However, they're showing 24, I believe, here. However, they have the 25 feet on the other side. Staff is okay with that change because the other side of the parking stalls, on the other side of that field, have a minimum of 20 foot in depth, so they meet the UDO requirements. The only exception is on the east side, but again, that's normally allowed with a 25-foot drive aisle. Here, they have 24, but we're only talking about 11 parking spaces, I believe. So, they really meet the requirement of the UDO but there is a slight deviation of one foot, and that's due to the fact that this is a rather narrow site. Again, they meet the intent of the ordinance and staff was agreeable to that change.

Chairman Campbell: Thank you. Any other questions for Sean?

Comm. Locke: I have one. I'm sure when this presentation was made regarding this project it was stated – help me remember – this is strictly a hotel and a restaurant. There are no meeting rooms in this hotel - ?

Mr. Pendley: I believe there are meeting room spaces. I do not know the size or the capacity of those meeting rooms. That is something that the applicant could clarify.

Comm. Locke: All right. I would like to have an answer to that question because I think that also affects parking and traffic.

Comm. Rinke: That was my question as well. I noted on the second floor, it looked to me like there was a fairly sizeable conference room. My question is, would we typically require parking spaces for that area?

Mr. Pendley: As listed in the Unified Development Ordinance, that would be one of those items that would be approved by the Planning Commission. There is no minimum requirement for a conference center, but what we do ask is that the applicant considers that in their parking analysis. I don't know if they consider that in this analysis. That is a good question for the applicant and something we should have considered in the parking analysis.

Chairman Campbell: Any other questions for Sean? Would Mr. Linan like to jump in?

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

Mr. Linan: To answer the question regarding the parking and the conference rooms, what is being proposed is a lower generator of traffic than what was there before. When we look at those numbers, a hotel has assumptions that are worked into those numbers, such as the assumptions of a small café, some meeting rooms – not a convention center, but meeting rooms as typical in most hotels. So, when those numbers are generated and we have the conclusion that this site generates less traffic than the previous occupants, that is part of the consideration.

Chairman Campbell: The traffic study and trip generation that we received talked about the restaurant, and the trip generation was 500 seats. The reality was that there was very few times that there were 500 seats occupied, or even close to that, that more often than not, that parking lot was pretty empty. So, based on the real data that we have – and it's anecdotal from my standpoint – are you comfortable with the trip generation? Because from where we were to where we're going today will be an actual increase in the traffic flow from what was happening there. I mean, the Machine Shed has been closed for a year, give or take.

Mr. Linan: The reason for a traffic study is not just to compare trip generation between what's being proposed versus what was there before, but when we originally approved the Machine Shed and the traffic improvements that were necessary to support that, we assumed that all 500 were going to be occupied at some point, whether it's for Sunday Brunch, or Easter, or whatever the case is. The point is that we used the most conservative number, and then we backed into the required traffic improvements to support that. It's the same paradigm that we use for the applicant today, assuming that their hotel and restaurant are going to be completely filled, and using the two comparisons, then we can make a determination whether or not additional traffic improvements are required off site. What we have surmised from this study is that the improvements that were required for the original Machine Shed are sufficient for what would be required for this, if it were to come in new.

Chairman Campbell: Thank you. That helps very much. The other question I have is in regards to the cross-access. The site will typically have access, because of the cross-access easement, to two sets of traffic lights coming on to Strang Line. Are you anticipating that the cross-access easement will allow for better use of both signals? Is it a necessary function for it to be there? Can the shopping center exist well without that access?

Mr. Linan: It was our determination that the answer to that is no. That is why staff, in discussions with the applicant, maintained that while cross-access would still be maintained, it could not be removed because we did not want a signal just for the hotel and a signal for everyone else. We had to maintain cross-access so that all users of that site could have both signals to ingress and egress the area. We feel that this applicant maintains that goal.

Chairman Campbell: The other question I have is about the construction timing, from the closing of the access easement. The language says it's temporary. What does "temporary" mean in your world?

Mr. Linan: There may be a better response from the applicant because it's their money they've borrowed to build this.

Chairman Campbell: Okay. Any other questions for staff at this point? Thank you. This is a public hearing, and we will hear from the applicant.

*Kirk Whalen, Iowa Machine Shed Company, 12080 South Strang Line Road, appeared before the Planning Commission and made the following comments:*

Mr. Whalen: To answer your question about "temporary," assuming that we come before you for final on January 10th and City Council on January 11th, we would expect to begin our actual construction work in March to April. We would hope to be open in May of 2012. It's about a 13 month process for construction of a hotel. We used to think 12 months, but since we built the six story, they just take a little longer than the three-story footprints, for the fact that it just takes more time to go up. By May of 2012 we would hope to be completely open. The cross-access is closed right now because, if you've been up there, the Machine Shed has been demolished. The old basement is still there. So, with the heavy equipment and no parking lot lights, it's just not safe to utilize. We are hoping to get going and re-open that.

Let me address the parking lot. What we're proposing to do next door on the 119 Plaza site – not on our site – is actually to make an improvement on their site that just benefits them. Those additional parking stalls would be theirs. There's not a cross-parking easement; it's cross-access. So, what we proposed to them, which they were excited about, but any time you offer someone a gift, there's always that kind of questioning of why you're offering the gift. But, quite frankly, it came out of meetings with Planning, and specifically with Alonzo, and sometimes you sit down with staff, and you'll hear applicants that are wary about sitting down with staff and working through it. We actually sat down with blank pieces of paper and started drawing. Alonzo suggested building four more stalls for them, which they need, and also make everything straight for the drive aisles between our property line and theirs. It was an "Ah-Hah" moment that we had. We expect that to go forward. We've talked to the representatives of 119 Plaza and they are very excited. In fact, the only additional work for staff and this Commission is that by us calling them and explaining about this Hilton product

coming in next door, and her comment was, "Well, 119 Plaza is hideous." Their words, not mine. "So we'd really like to look at trying to improve the whole 119 Plaza, maybe repaint it, re-coat it and improve it up, since you guys are improving right next door." So I think you actually may see some things coming before you from them. And the only reason I don't have anything more specific about an agreement with them is that by virtue of this discussion being generated, the owner wants to come out and visit, I believe from California. That's a wonderful thing for all of us because I think looking at it in its current condition, it's very obvious that it needs some exterior clean-up.

Addressing the meeting room space. There is some meeting room space on the second floor. It may be about twice what we have at the Comfort Suites, I believe. What we find is that the uses that use that meeting room are almost always during the day. It's a great symbiotic use because the hotel, for the most part, is empty of guests. What our focus is, we have to know when a guest comes to stay in the hotel, that we haven't done something that eliminates their ability to park or they won't come back to your hotel. If there is a problem and we've booked the meeting rooms on a Friday night when the restaurant is full, that would not be in our best interest because we would be harming our own guests. So, the 4,500 square feet of meeting room, it's a small meeting room that's typically utilized during the day. There will be that second floor patio so that they can break out and actually go out on that patio, which will be kind of fun. And we have a dozen other hotels and we just find that the parking lot uses of those small meeting rooms tend to coincide with the slow times for the hotel.

Chairman Campbell: Any questions of the applicant?

Comm. Fry: I'm interested in the sustainability of two large hotels – I would consider them large for Olathe – in one area. Obviously it's your business and you guys have done the research, but what have you found? What is the sustainability? Who is your clientele? Who is coming and utilizing these two big hotels?

Mr. Whalen: That's a great question. The Hampton, the 151st Street – Let's wrap up the whole Olathe hotel situation. Right now, our Comfort Suites is right at about \$100. A couple years ago I think it was \$97 or \$98 daily rate. That's at the very high end of the Olathe market. We're almost there. The Hilton product is probably \$125 - \$135 a night. The first thing is, those are two different customers, both in price point and in traveling. The Hilton Honors program I believe is second only to Intercontinental Hotels, which is Holiday Inn. Hilton Honors has 27 million members. Hilton is not just Hilton, Hilton Garden Inn, Conrad Hilton, but it's also Hampton Inn, Homewood Suites, Doubletree. It's that group, and they have a very loyal customer base. Well over 50 percent of our guests will be Hilton Honors members, which is different than our Comfort Suites, which are Choice Hotel members. Any of you that do traveling, I can just tell you, I know you're a member of a loyalty program and you probably book somewhat because of that, because of those points and the free nights. I will tell you that the typical business traveler absolutely follows that. So, there is a difference in price point even between our two hotels. Specifically for this product, this is accretive to the Olathe market. There is not a business class four-star hotel right here. So those folks that are coming here for Garmin, or Farmers, or Deere, Olathe Medical Center – Those folks are staying outside of Olathe if they're staying at a business class, full-service, four-star hotel. So, this doesn't compete with really any other hotel in Olathe. We're actually going to be bringing folks that haven't been

staying in the city finally into the city. What that actually does is, you can imagine, as folks stay in Olathe, then they shop, they eat in the restaurants here, and quite frankly, it does help out the whole city. So specifically this product will be new to this market, a business class four-star hotel. And really, from a price point and a traveling loyalty program standpoint, won't really compete with the other products.

Chairman Campbell: I have a question for Mr. Claussen, the engineer. I have a question about drive aisle width on the south, the cross-access easement. What's that width there? By the trash - ?

*Judd Claussen, Phelps Engineering, appeared before the Planning Commission and made the following comments:*

Mr. Claussen: That's a 25 foot wide drive aisle. And we've got that trash kind of angled in there so we can get the trash trucks in and make that move.

Chairman Campbell: So you are anticipating that the traffic flow coming from Panda Express or Oklahoma Joes would come through that south access point, turn to the south, and then follow up around the perimeter, and then exit out the west side, if they utilize that?

Mr. Claussen: That's certainly one way they could go. We're anticipating that they would actually come up around the north side here and back out this way. That will give them an opportunity to come through here and have a longer approach right in here for the signal, to get in the lane that they want. I think you're going to see a lot more traffic between the two hotels rather than around the south side.

Chairman Campbell: How can we encourage that?

Mr. Claussen: That was really part of taking a look at the site design. We looked at a number of different options there but we've settled on this one. To really encourage that –

Chairman Campbell: Something just as simple as putting an exit sign - ?

Mr. Claussen: Absolutely some way finder signage through the site to point people in the right direction. We were a little concerned about pedestrians in the parking lot and people zipping through there to get in and out. We did look at introducing some table tops and some things for some traffic calming through there because we do know we're going to have a lot of cross traffic through there. That's a fact of life on this site. We want to make sure that things are safe for pedestrians through there. So, to encourage it, maybe some way finding signs, and just trying to take a look at making things nice and easy for them to get out to the north between the two hotels.

Chairman Campbell: That's also your transformer pad sitting right there, correct?

Mr. Claussen: Yes, exactly. Basically, that southeast corner of the building is the utilities, the back-of-house side of the building, where the utilities come into the building.

Chairman Campbell: So we really do want to funnel people up to the north. From a safety standpoint, I assume there will be bollards around that - ?

Mr. Claussen: Absolutely. It's not any different than where you might have a transformer behind a retail building, where you would have protection around it.

Chairman Campbell: Any other questions?

Mr. Whalen: I just want to clarify. Were you thinking that you would prefer to have people go to the north? Because I think that's what that will do.

Chairman Campbell: I think people will turn south. At least Olathe natives. They're going to turn left there.

Mr. Whalen: Well, right now, they're going around the Comfort Suites. So, it's like water – They will find the easiest, and with this area being a reception area, I think they will funnel in, because they can go right out, and then shoot right out. I think they will go to the north because the site lines going north, they'll be able to see any traffic. Coming out here, there won't be any traffic other than the road out here, so they will be able to shoot right out. The best site lines are north, and that's what they will do.

Chairman Campbell: Right now it's tight going north that way around the Comfort Suites, and people are going that way because it is blocked off. I was just a little concerned about pedestrian safety, etc. As traffic develops it will be interesting to see what happens there. We'll see if old habits can be broken, as well.

Mr. Claussen: One thing to consider, too, is we do have an entrance to the restaurant on that south side there, too, so people who have been through there know that, you know, do I have the choice of going around the south side, and people are by the restaurant, getting dropped off, a little busier on that side, or maybe take just a little longer way around the north side between the hotels and not have to fight people trying to park. It might be a little more encouraging for them to do that.

Mr. Whalen: Plus, they get to be at the end of the stacking. They get to get right on the road here, as opposed to trying to get out if there is some back-up.

Chairman Campbell: Are there any other questions for the applicant? This is a public hearing. Is there anyone wishing to speak in favor? Anyone wishing to speak in opposition? Seeing or hearing none, we'll turn it back to the Commission. Are there any other questions or comments from staff? Final comments before we close the public hearing?

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

Motion passes 6-0.

Motion by Commissioner Ling, seconded by Commissioner Fry, to recommend approval of RZ-10-015, for the following reasons:

- (1) The proposed development complies with the Principles and Policies of the *Comprehensive Plan*, including **Principle ES-3**: “Strengthen and revitalize existing commercial centers.”
- (2) The zoning amendment for CP-2 district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.
- (3) The proposed development meets the height and area requirements and development standards for CP-2 zoning districts.

Commissioner Ling’s motion included recommending approval with the following stipulations to be included in the ordinance:

- (1) Prior to publishing the zoning ordinance and within thirty (30) days following approval by the Governing Body, a statement that a preliminary development plan has been approved for the subject property shall be filed in accordance with the requirements of Section 18.12.230 of the *Unified Development Ordinance (UDO)*.
- (2) The final site development plan shall conform to the general layout and design of the preliminary development plan dated November 23, 2010.

Commissioner Ling’s motion included recommending approval of the preliminary development plan, with the following stipulations to be completed with the final site development plan, with edited stipulation:

- ~~(1) The applicant shall obtain a letter of approval or agreement from the owner of the 119 Plaza shopping center for the revised cross-access and parking on the east property line.~~
- (1) The applicant shall obtain agreement from the owner of the 119 Plaza shopping center for the revised cross-access and parking on the east property line. If an agreement cannot be reached prior to approval of the final site development plan, the existing curbs and landscape islands shall remain as built.
- (2) A water main relocation is required for the proposed development. Water service connections and meter locations shall be located in an accessible grassy area.
- (3) A final drainage plan and stormwater calculations shall be submitted and approved in accordance with *Title 17* of the *Municipal Code*.
- (4) A building material sample board shall be submitted with the final site development plan.

- (5) The detention basin shall include black metal fencing with stone columns to match the building.
- (6) Concepts and details for the proposed sculptures shall be submitted and approved with the final site development plan.
- (7) A parking lot lighting plan, in accordance with *UDO* requirements, shall be submitted and approved with the final site development plan.
- (8) 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.
- (9) 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.
- (10) All on-site wiring and cables shall be placed underground.

Motion passes 6-0.

**MINUTES  
CITY OF OLATHE  
STAFF REPORT**

**CASE # P-10-031**

**Case Planner:** Sean Pendley                      **Planning Commission:** December 13, 2010

**Request:** Approval of final plat for 119 Plaza, Fourth Plat, a replat of Lot 1, 119 Plaza, Second Plat.

**Location:** Vicinity of 119<sup>th</sup> Street and Strang Line Road

**Owner/  
Applicant:** Heart of America Group, Dan Oliver

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

<b>Acres:</b>	<u>5.0098±</u>	<b>Proposed Use:</b>	<u>Hotel/restaurant</u>
<b>Lots:</b>	<u>2</u>	<b>Current Zoning:</b>	<u>CP-2</u>
<b>Streets and Right of way:</b>	<u>119<sup>th</sup> Street</u>	<u>Strang Line Road</u>	
	<b>Existing</b>	<u>130' (½ street)</u>	<u>62' (½ street)</u>
	<b>Required</b>	<u>130' (½ street)</u>	<u>62' (½ street)</u>
	<b>Proposed</b>	<u>n/a</u>	<u>n/a</u>

**I. COMMENTS**

The following is a request for a final plat for final plat for 119 Plaza, Fourth Plat, a replat of Lot 1, 119 Plaza, Second Plat, on 5.01± acres. The site is located in the vicinity of 119<sup>th</sup> Street and Strang Line Road.

A final plat (P-13-93) for one lot of 119 Plaza, Second Plat was approved in 1993. The subject property was developed with a hotel and restaurant on one lot. The proposed replat is associated with the revised preliminary development plan (RZ-10-015) for a new Hilton Garden Inn and Johnny's Italian Steakhouse restaurant.

**II. FINAL PLAT REVIEW**

**A. Utilities/Municipal Services:**

This property is located within the City of Olathe water and sewer service areas. Utilities are available to the site. The existing water main will need to be relocated for the proposed development. A separate application for vacation of public utility easement shall be approved prior

to certificate of occupancy. A new 15 ft. water line easement shall be recorded by replat or separate instrument. If recorded with the plat, an alignment for the waterline will need to be approved by Public Works, Planning and Environmental Services. Water service connections and meter locations will be required to be in an accessible grassy area.

The proposed development will utilize the existing sanitary sewer connection (Former Machine Shed) at the manhole north east of proposed building. A 1000 gal minimum grease interceptor will be required for the proposed restaurant.

**B. Streets/Right-of-way:**

The required street right-of-way for 119<sup>th</sup> Street and Strang Line Road has been previously dedicated. The proposed hotel and restaurant will have two access drives from the existing Hospitality Drive leading to Comfort Suites. In addition, there are two proposed cross-access drives with the 119 Plaza shopping center to the east. The proposed access is consistent with existing access drives and internal circulation with 119 Plaza.

A cross-access easement agreement was recorded separately at the time of the original development. Although the agreement allows revisions to the curb cuts and easements, staff recommends that the applicant obtain approval from the owner of the shopping center to ensure that the revised cross-access and parking on the east property line is acceptable. The applicant has been coordinating with the representative of the shopping center and they have indicated that they are receptive to the proposed changes. At this time they are seeking final approval from the owner of the shopping center.

**C. Drainage:**

A preliminary stormwater report was submitted with the proposed development plan. The site includes an existing detention basin along Strang Line Road that was constructed with the original development, including the existing hotel. The existing basin will be used for detention for the proposed development with minor modifications to the outlet structure. The final plat identifies the required drainage easements but the dedication does not indicate the entity responsible for ownership and maintenance of the detention area.

**D. Excise Taxes:**

The subject property is exempt from street and traffic signal excise taxes because the property has been previously platted and the required fees have been paid.

**III. STAFF RECOMMENDATION**

Staff recommends approval of P-10-031 with the following stipulations:

- (1) A new 15 foot water line easement shall be recorded by replat or separate instrument. If recorded with the plat, an alignment for the waterline shall be approved by Public Works, Planning and Environmental Services.
- (2) A separate application for vacation of public utility easement for the waterline shall be approved prior to certificate of occupancy.
- (3) The final plat submitted for recording shall indentify the entity responsible for ownership and maintenance of the drainage easement and stormwater detention area.
- (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.

*Refer to RZ-10-015 for discussion regarding this item.*

Motion by Commissioner Ling, seconded by Commissioner Rinke, to recommend approval of P-10-031, subject to the following stipulations:

- (1) A new 15 foot water line easement shall be recorded by replat or separate instrument. If recorded with the plat, an alignment for the waterline shall be approved by Public Works, Planning and Environmental Services.
- (2) A separate application for vacation of public utility easement for the waterline shall be approved prior to certificate of occupancy.
- (3) The final plat submitted for recording shall indentify the entity responsible for ownership and maintenance of the drainage easement and stormwater detention area.
- (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.

Motion passes 6-0.

**MINUTES  
CITY OF OLATHE  
PUBLIC WORKS, PLANNING & ENVIRONMENTAL SERVICES  
STAFF REPORT**

Charisse Deschenes, Senior Planner, made the following staff presentation:

**CASE # PR-10-022**

**Case Planner:** Charisse Deschenes      **Planning Commission Meeting Date:** December 13, 2010

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

**Location:** 1800 West 56 Highway

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

**Applicant:** John Gaar/360 Architects

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

**Current Zoning:** R-1 & M-2

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

**Streets and Right of way:**      Old 56 Highway      Dennis Avenue

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

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

**I. COMMENTS**

The following is a request for a final site development plan for the a government facility for a 25,000 square foot office building and a 23,255 square foot fleet maintenance building with outdoor storage for the Johnson County Public Works facility on 44.18± acres. The site is located at 1800 West 56 Highway.

A related final plat (P-10-022) and special use permit (SU-10-008) are also on this agenda. Following review of the applications, staff has determined that a new special use permit will not be required for the proposed development and thus application (SU-10-008) has been withdrawn.

A special use permit (SU-14-89) was approved by City Council on May 19, 1989 and a final site development plan (PR-54-93) for an additional salt dome was approved on December 13, 1993.

The site redevelopment includes demolishing the existing Public Works Administration building, and constructing a new Administration/Operations building and Fleet Maintenance building. The plan also provides for an expansion of outdoor storage to the west.

This site redevelopment includes a number of "sustainable" features, with a goal of achieving LEED® Gold certification.

## **II. NEIGHBORHOOD MEETING**

A neighborhood meeting was held on September 29<sup>th</sup> to review the redevelopment of the Johnson County Public Works site with neighbors. The neighborhood meeting notes are attached. Neighbors were concerned with the expansion of the storage further into the western area of Lot 1, the view of the new Administration/Operations building and the hours of operation, visibility of the parking lot and lighting of the site.

The property owner at 1204 S. Cedar Hills Drive expressed concern over the visibility of the Administration/Operations building. The County agreed to prepare an image (attached) of the facility from the vantage point on the neighbor's patio. This photo was taken on October 8<sup>th</sup>.

Staff visited the site on December 3<sup>rd</sup> to review the site lines of the proposed storage area from surrounding subdivisions. The site is heavily wooded at the west end of the property abutting the Cedar Hills subdivision. The southern property line abutting Cedar Hills abruptly descends into the quarry area with eastern red cedar trees along the property line. The area is not as heavily forested as the western property line but there is not much room for additional plantings. In addition, the southern property line is within a KCP&L easement. Many of the deciduous trees along that property line are marked for trimming or removal. The northern property line abutting the cul-de-sacs from Dennis Avenue do not have sufficient screening. The applicant has shows a double row of screening with evergreen trees in that location.

Regular hours Memorial Day through Labor Day are Monday through Thursday, 6:30 a.m. to 5:00 p.m. Labor Day through Memorial Day the hours of operation are Monday through Friday, 7:30 a.m. to 4:00 p.m. The operation is 24/7 when snow is falling.

The elevations of the new parking lots will be the same or lower than the existing lots.

The applicant has agreed to put the lights on timers and have them turned off in the evenings. During snow events, the lights would be turned on. The applicant is coordinating with the concerned citizen.

### **III. PLAN REVIEW**

#### **A. Utilities/Municipal Services:**

The property is located in the City of Olathe water and sewer service areas.

This development will receive Sewer District Fee credit from the existing meter. A water main extension will be required for the proposed development. A 15 foot sanitary sewer easement and a 15 foot water line easement will be required. Water service connections and meter locations will be required to be in an accessible grassy area. A sanitary sewer pump station and forcemain will be required for the proposed development.

#### **B. Access/Streets:**

The property will gain access from Old 56 Highway. Two breaks in the limits of no access are shown along Old 56 Highway. The northern access point on Old 56 Highway will be utilized with the redevelopment of Johnson County Public Works. The southern access point on Old 56 Highway is shown on the plans as a future entry drive. A driveway permit is required prior to the development of the southern drive.

With the recording of the final plat, 20 feet of additional half street right-of-way will be dedicated along Dennis Avenue and 20 feet of additional half street right-of-way will be dedicated along Old 56 Highway near Lot 1.

#### **C. Setbacks:**

The proposed parking and building setbacks meet the requirements of the *Unified Development Ordinance (UDO)*.

#### **D. Parking/Storage:**

One-hundred thirty parking spaces are required. The applicant proposes 165 parking spaces onsite. Accessible parking spaces were not shown on the parking plan. The building permit plans must show at least six accessible parking spaces, one of those shall be served by an accessible aisle at least 96 inches wide and shall be designated as "van accessible".

The parking area surrounding the fleet maintenance building area, surrounding storage area and the material storage area to the western

part of the site will be covered with gravel. This will bring a gravel surface area closer to adjoining single family properties.

**E. Drainage/Detention:**

In order to determine that the proposed development complies with the City's stormwater management requirements the building permit plans must provide storm sewer computations, include drainage area map, provide profiles and label all storm sewers as "Private".

**F. Landscaping/Screening:**

The applicant is seeking LEED® Gold certification for the redevelopment of the site, including landscaping. The applicant sent a letter (attached) requesting exception to Unified Development Ordinance (UDO), Chapter 18.62, Landscaping and Screening regarding landscaping islands and foundation plantings.

Section 18.62.080. B, Interior Landscaping within Parking and Vehicular Use Areas, states:

*"The interior dimensions of any planting area or landscape islands shall be a minimum of one hundred sixty-five (165) square feet in area. Landscape islands shall be a minimum of nine (9) feet in width, as measured from back of curb to back of curb, and shall be constructed at a ratio of one (1) per each twenty (20) parking spaces. Each area shall be protected by vertical curbs or similar structures, and be designed and grouped into a parking and vehicular use area to create defined aisles and entrances for on-site traffic circulation."*

Per the UDO, this development requires five landscape islands to be reasonably dispersed throughout the parking lot. Instead of the parking islands, the applicant shows two rain gardens totaling 1,620 square feet within the Administration/Operations building parking lot designed to manage stormwater runoff.

Section 18.62.085.A, Building Façade/Foundation Landscaping, encourages shrubs, ornamental trees and/or shade trees. The landscape plan does not include shrubs. Instead of shrubs, the plan includes Native Seed Mixture for native grasses.

The landscaping and screening areas shown on the landscape plans near the property lines are sufficiently screened. The applicant provided photos showing the vegetation screening along the property lines (see sheet A101).

**F. Architecture/Design:**

The proposed Administration/Operations building is 25,000 square feet. It features a mixture of precast and metal panels. The slightly angled roof is a prefinished standing seam metal. The building has many windows on the north and south elevations.

The proposed Fleet Maintenance building is 23,255 square feet. The base of the building is precast. The upper 4/5 of the building elevations show standing seam metal panels. Six overhead doors are shown along the north and south building elevations. The elevations show a pitched standing seam metal roof.

### **III. STAFF RECOMMENDATION:**

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

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

- (1) Prior to the issuance of a building permit, the landscape plan shall meet the UDO requirements for landscape islands and foundation plantings.
- (2) Prior to the issuance of a building permit, the building permit plans shall show at least six accessible parking spaces. At least one of the accessible parking spaces shall be served by an accessible aisle at least 96 inches wide and shall be designated as "van accessible".
- (3) Prior to the issuance of a building permit, provide storm sewer computations and include drainage area map. Provide profiles and label all storm sewer as "Private".
- (4) All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if such cabinets are screened with landscape materials.
- (5) As required by the *UDO*, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building.
- (6) All on-site wiring and cables shall be placed underground.

- (7) Signage is not approved with the final site development plan, all signs shall be reviewed and approved by submitting a sign permit application.

Ms. Deschenes: This is a request for approval of a final site development plan for Johnson County Public Works and a final plat for Johnson County Public Works and Oregon Trail Park. The subject property is located at 1800 West Old 56 Highway. A special use permit was also submitted with the final site development plan and the plat. Following a review of the application, staff determined that this new special use permit was not required for the proposed development, and thus, application SU-10-008 was withdrawn. The original special use permit approved in 1989 did not have a time limit and the legal description covered the same area currently owned by Johnson County. In addition, staff determined that the proposed expansion complies with stipulation a. of that permit, which stated that the special use permit is approved only for the uses currently occurring and associated with Johnson County Public Works on this site. The proposed buildings and expansion of a materials storage area do not constitute a change in the uses associated with Johnson County Public Works. Therefore, a new special use permit is not required for the proposed development and storage area. Public notices were sent out and the applicant did hold a neighborhood meeting prior to withdrawing the application. Staff would ask that the Commission allow the public to speak concerning the final site development plan and plat.

The Public Works site covers 44.18 acres. The applicant stated that Johnson County will seek LEED Gold certification for the redevelopment of the Public Works site. The plan is to build a new 25,000 square foot administration and operations building and a new 23,255 square foot fleet maintenance building. Then they will demolish the existing building located in this location here.

Chairman Campbell: What's the net gain? I mean, after they take everything down, how much more space are we adding?

Ms. Deschenes: The current site plan doesn't show the actual square footage of the existing building, but I will let the applicant answer that question. I'd say 25,000. The existing storage area is confined to the old quarry area in this location here. It's on the western section of the property, and the applicant proposes to expand the storage area to the west and the north of the existing site to include this area here. It will be closer to the residential neighborhood that's currently co-located to the north. There are two cul-de-sacs that run here, and then to the west and also to the south. These neighbors, there is a current landscaping area in this location that needs to be beefed up a little bit, and the applicant is currently proposing a double row of evergreens in that location.

As part of the storage area, the County will install gravel base as indicated in the plans, and to improve the site like I mentioned, there will be a double row of evergreen trees. The current plan shows a six foot high chain link fence along the property lines in these locations here on the current site plan. The applicant has indicated to us that they may want to revise that proposed fencing and they will bring that up at the meeting tonight.

The applicant submitted a letter requesting a waiver of the foundation landscaping and the landscape island requirements for their LEED submission. Instead of landscaping islands, the applicant provided rain gardens in the parking lots in this location. The landscape ordinance would require them to install five

landscape islands, and instead they show the rain gardens that actually equals more than the square footage of the landscape islands. And instead of shrubs, the applicant provides native grasses surrounding the building in these locations. If the Planning Commission wishes to recommend approval of the applicant's proposed changes, stipulation 1 of the staff report PR-10-022 should be removed from the final site development plan stipulations.

The LEED buildings are a mixture of metal panels and pre-cast standing seam metal roof materials and are proposed for both buildings in the Planning Commission packets. The applicant spoke to staff this morning and would like to propose a TPO flexible membrane roofing material for the administration office building only. The current roof element here on the lower roof does show that material currently, and they are proposing to add it to this location as well. If you go to the northwest corner of 119th and Ridgeview Road, there's the Johnson County Sunset Building, which currently has that material on its roof. Staff does support the changes to the roofing material, and if you do support the changes as well, staff would suggest adding the following stipulation:

*"Prior to submitting the building permit plans, submit two full-size copies and one reduction on CD showing the roofing material change on the administration office building, from standing seam metal to TPO flexible membrane."*

Ms. Deschenes: I would suggest that that be added as a last stipulation of the final site development plan.

Staff would also like to clarify that the applicant will be utilizing the power poles and adding new line to the existing power poles. We had a discussion earlier that any additional cable that would be added new on the site would have to follow that stipulation, that it be placed under ground. However, any existing poles standing with wire will be used for some new line.

Final plat covering 63.614 acres is also on the agenda for approval. The City of Olathe owns Oregon Trail Park located immediately east of the site. The property was currently unplatted and the County agreed to plat Oregon Trail Park at this time.

Staff recommends approval of PR-10-022 and P-10-032 as stipulated in the staff report, with the addition of the stipulation about the TOP membrane roofing. Joe Waters, director of county facilities, Kent Lage of county public works and John Gaar of 360 Architecture are here to present the project for Johnson County. I would be happy to answer any questions at this time.

Chairman Campbell: Any questions for staff? Mr. Ling.

Comm. Ling: The expansion of the storage area will have a gravel base on it. What's going to be stored there?

Ms. Deschenes: I believe some of the larger equipment and piping, but I think the applicant can go into more detail for you.

Comm. Ling: The chain link fence that surrounds it, does it contain the vinyl-colored slats as screening? What are your thoughts on that?

Ms. Deschenes: They will go into more detail in their request for changes in that location. Our thoughts were that – looking at the landscaping plan – this area here is currently all wooded. Staff went out there in late November/early

December to take a look at the site from the inside of the County site, and also went into those cul-de-sacs in the surrounding area to kind of see what you could see from that area. Our biggest concern was, there are two cul-de-sacs in this location, and there's not a lot of landscaping here, and you can see right on to the property. They had one intermittent row of evergreen trees there and we suggested that they add a double row of evergreens in that location. The fencing itself at that time were proposed around the outside, maybe for security reasons.

Comm. Ling: Is the fencing there now?

Ms. Deschenes: There is some barbed-wire fencing kind of in the southwest corner, but there is no chain link. The other areas of the site here are kind of a four and a half to five foot tall fence that is kind of a square wire, and then at the top it's kind of thin wire.

Comm. Ling: You mentioned that from the north viewing south, it looked like you needed some additional screening that you just spoke of. How about from the west looking east? Is that a neighborhood on the west side?

Ms. Deschenes: Yes. This is all residential. There are larger lots over here.

Comm. Ling: What is the screening today looking like there?

Ms. Deschenes: It looks pretty decent. Actually, the road kind of comes by the edge and then pops out, then comes back down here, so you can look up the property lines in these back yards in these two locations. It looked pretty heavily wooded from there. This is the tree line, so not knowing exactly what it would look like going into the person's back yard and looking straight back.

Comm. Ling: And you said from the south looking north, then?

Ms. Deschenes: From the south looking north, the road comes down and around, and it kind of comes down to a cul-de-sac. The first property sits here and the house is in this location. So it's their side yard, and then the other houses are across the street for this area here. As you can see here, there's quite a bit of a drop off along this property line, and I know that this existing property owner has added some evergreen trees on their property to kind of block the view of that quarry area. There is a slight incline from the street that runs right along the property line up into the site there.

Chairman Campbell: Are there any other questions of staff? I have one. The original special use, reading those minutes, it indicated that there was to be a 50-foot buffer between uses. Is that any uses, all uses - ? How does that apply to this today?

Ms. Deschenes: I would need to go back and look at the staff report and get back to you on that one. And maybe do some more location in these two locations. This use has been going on for a while already, so I'm not as concerned with the buffering in this area. But I can look in here to see what that buffer requirement was for the special use permit.

Chairman Campbell: The special use permit, granted, I mean, it's April 24, 1989. Under Phase I it says, "Maintain a 50 foot buffer between any activities and residential property."

*[Unidentified individual speaking off microphone, inaudible.]*

Chairman Campbell: Correct. And are we there, is my question.

Ms. Deschenes: I will let the applicant address that.

Comm. Rinke: I have a question. On the new entry drive, it goes by the fueling center, and I believe that is where their fueling center is today – Is that correct?

Ms. Deschenes: I believe that's the current entrance into – Let me put up the other site plan –

Comm. Rinke: I guess my question is whether there would be any screening around that fueling center. Today, the existing building screens that area from the road.

Ms. Deschenes: I'm not sure. I'll let the applicant address that issue.

Chairman Campbell: Any other questions at this time? We'll hear from the applicant.

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

Mr. Gaar: I am pleased to be here to present this application for platting and the site plan for Johnson County Public Works. To start off, this image is an aerial view of the facility from the southeast looking to the northwest. The area in front of you with the outline depicted on the ground represents the outline of the existing building that is there today. That facility is roughly half the size of what we're planning. It's about 25,000 square feet and we now have two new buildings, one that is about 25,000 square feet and one that is about 23,000 square feet. You did mention, in this location, the fuel island. For purposes of maintaining all of the fuel lines and the systems that are currently in operation under ground, we're maintaining that location for all of the fueling. It's also convenient for those who are not located at this site but would be coming to this facility off hours to utilize that, such that they are not going into the site.

Currently there is a proposed fencing area for security, but there is no real barrier or 100 percent screening of that fuel island at this time. It is located on the back edge of the site, so depending upon your vantage point as you're traveling along 56 Highway, it may or may not be as prominent. Just as a reference over here, you have the city park with a detention system. That detention system was designed to handle stormwater and water quality and quantity for our site earlier in the development of that city park. Where we're moving the new buildings is in the location of an abandoned quarry, so it's some 18 to 20 feet below this roadway that's up here along the south side of the road, as well as along Dennis Avenue on the back side of the site. You can see that there has been reference to what we call the "west quarry," and that's this little area, kind of like a hammer head, that's also about 18 to 20 feet below much of the surrounding area. The buildings that you see, the progression is that the entry drive would come in, and

then into this zone is the main parking lot for the employees and for any public that's coming to the facility. That area is planned to be paved, asphalt paving with ribbon concrete curb. From that area beyond into what we're calling the service yard, beyond the building that houses engineering and office functions, multi-purpose room, we're proposing a gravel base and aggregate for that driving surface. This building in the back is for fleet maintenance, so it's basically a service bay building that provides for maintenance of all of their heavy equipment that's used in road construction, snow plows that are used for snow events, and other miscellaneous small equipment in the day-to-day activities of the county. This area right here and the area of the current parking and building is where they have their storage of materials. Those materials consist of corrugated pipe for whistles that would go underneath driveways, or creating a bridge. There's some bridge form work; there are some miscellaneous pieces of steel used in the construction of bridges. There are some minor pieces of equipment and some tanks also in that area. That's primarily the equipment that is intended to be moved up into this upper west parcel of the site. When we move that area down there, we lose that lay-down space for them.

This gives you a little different perspective of the admin building, still looking from the south more straight to the north. There is an existing communication tower that is there right now, and this is the façade of the new proposed administration building, and then beyond it you see the fleet maintenance building.

This view of the site is from the northeast looking to the southwest, so you're looking into what we call the west quarry. These two are salt domes. Those elements are existing, and it's where they store all their salt and sand materials for their snowfall operations. Those will be maintained and the operations will stay in the same place for that. This shows you the yard area that we talked about that's gravel, and even in this back area here, is mainly where the snowplows and trucks that are now parked up on the upper level off of 56 Highway will now be in that yard area. So, primarily we have vehicle storage in between those two buildings and to the north of the fleet.

You've seen this site plan earlier; this is the landscape plan. What I wanted to note is the limits of the site for the storage in the west, as you've seen there. This area where it's the skinniest, the existing foliage that's there is about 40 feet, and we're some 40 feet or more off of that with where we would consider the first part of the storage area. So, we have no problem accepting or meeting that 50-foot stipulation that was on the previous special use plan.

I also wanted to point out that in this area, we're also adding landscaping, because when we were out there and we observed not only the views on the north side, but also this residence here, looking into the site in that direction, the quarry is down below, so it may be visible. I have not been there, but it is at a vantage point that is significantly lower than their house. We were concerned about them looking beyond this quarry and into this zone up here if that had storage in it. So, we've also included more trees along that zone to protect their view to the north into that storage area.

As mentioned earlier, we are pursuing LEED Gold certification. We're utilizing a lot of environmental water quality procedures. As was mentioned, there are several areas in the islands of the parking, and even along these edges, we have what are called water quality structures, often referred to as BMPs or Best Management Practices. Those water quality structures take whatever stormwater has fallen on the site, they hold it, and the plan material has a way of cleaning any particulates out of it before it goes off into the storm system, and eventually into Lake Olathe. This area is being reclaimed into a natural environment. The

idea that this facility is now being removed from 56 Highway and placed down into this quarry we think is an improvement to the area. We see this approach along here as more of a park setting, more of a natural environment to those who are passing by. It puts the buildings and any activity at a lower level down within that quarry area.

I'm going to let Kent speak a little bit about the maintenance of the facility and the gravel, and how they intend to maintain that part of the property.

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

Mr. Lage: We've had some discussion about the gravel we're going to be placing in that west quarry. Johnson County operations staff maintains approximately 200 miles of gravel road throughout unincorporated Johnson County, so we are very familiar with the dust. We get calls on a regular basis concerning dust control throughout unincorporated Johnson County, so we have a material that we plan to put down on the gravel to minimize dust. We'll probably go with a calcium chloride. It doesn't last as long as the MC-30, but it is easier to maintain, and if we have to go in and blade the gravel, the calcium chloride stays with the gravel and keeps the dust down. So, we have the equipment on site, we have staff who know how to use the equipment and the materials, so we do plan to keep the dust controlled with the use of staff and the equipment we have.

Comm. Ling: It also sounds like there's going to be gravel where the trucks are parking – Is that correct? That's not going to be paved; that's also going to be gravel?

Mr. Lage: Initially, yes.

Comm. Ling: Initially? At some point it will be - ?

Mr. Lage: Our hope is, yes.

Comm. Ling: So initially it's gravel. Are you going to maintain that in the same manner so there is no dust?

Mr. Lage: Yes. Again, we'd most likely go with calcium chloride so that we can blade as necessary to keep a smooth surface and keep the material in the gravel.

Comm. Rinke: On the west side quarry, the lower part there, what is that currently used for?

Mr. Lage: That is part of our materials storage right now, and some equipment.

Comm. Rinke: And will it stay that after - ?

Mr. Lage: That will be primarily equipment storage down there after completion. Most of our lay-down material will go up above in that west area – guard rail, guard rail posts, concrete pipe, corrugated metal pipe – items like that will go up in that northern portion.

Comm. Rinke: Is somebody going to address the fencing?

Mr. Gaar: Yes. One other note, the existing conditions today are that that whole lower area is unpaved, and it is basically in a quarry condition. So, there's not a material difference from today and what they're proposing, other than the grades will change and they're going to lay down a cleaner material that is there, with the exception that we are expanding it into that west area. But the west quarry and all of that area to the north of the existing facility is an unimproved road, with the exception of the drive that goes up to a gate along Dennis. It's an improved road, but it's fairly rough right now.

As far as the fencing goes, the proposal that we originally stated was, from a security standpoint, they wanted to make sure that this had a six-foot chain-link fence. And then, we were using a combination of the existing vegetation and the new plantings that we've discussed as the screen and barrier for the storage of the materials. After hearing some issues and listening to some people and trying to determine the best way to approach this, we've gone out and looked – And this is a picture of what's there. This is actually in the very far northwest corner of the site, up along Dennis Avenue. The fence that is around it is woven wire mesh with a barbed-wire type of wire at the top. In having to go in and put a new fence in, we felt like it would be pretty destructive to a lot of the existing vegetation and counter to the screening of that storage area. So, the desire is to keep this existing fence in place, which would serve the County enough from a security standpoint. We do have areas that need repair, so they have to go in and repair some of them. This section actually is a dilapidated barbed wire that is not even of the level in that picture. We're wanting to replace that to match that other existing. I believe that this is also newer fencing that had been put in some time in the last five to ten years. If it's not in good shape, it would certainly be maintained. So, what we're requesting is to remove the new fence at that perimeter, but just to upgrade and maintain that same level of fence in that location, and then use the screening of the plants and trees for the materials storage.

This gives you a good aerial shot of the trees that are there. The property boundaries are roughly like that. So, we're adding material for screening here and all along here. This is the northern edge of the site. It shows you that there are quite a few evergreens. That foliage is not only very thick, but there are quite a few evergreens along the north. That's where we're going to supplement. And then, this is the west section, and this is the south side, so this would be the west end of the south side going back to the east. This would be about where the west quarry begins, where it drops off. This is a residence; you can see a roof right in that zone there.

Moving on, we have BMP structures that are located here, here, here and here. This is a landscape design that is very indigenous to this natural environment. We're using native grasses. These water quality structures do not work with trees planted in them. They need the root systems of the grasses to filter it. We've provided some shade trees around the perimeter of this structure, so we're asking you to consider a variance on the requirement for the islands, as well as plantings up against the base of the building here and here, where we have a native grass that is to grow to 20 to 30 inches and will be a beautiful, long elevation with this grass that grows in at the base of that building.

Chairman Campbell: You're asking to eliminate the five parking lot islands that would normally be required and replace them with the two rain gardens. What's the differential? I mean, these are larger than those islands.

Mr. Gaar: I think we have over 2,000....[calculating...] That's just in these two areas right here. I think the five areas that would be combined are like 800 square feet. And I guess we understood that to be in this parking area, because this area up here is really – I guess it's storage of vehicles, so it is part of the parking area, but it's a vehicle storage area as opposed to parking for employees or visitors.

Comm. Rinke: Back on the fencing, how are you restricting access to the storage area?

Mr. Gaar: This area along here has an existing six-foot fence with a gate into it, so it's the existing fence that I showed you the picture of. It goes around it, and then that is actually an interior fence that's separated on the inside. Does that answer your question?

Comm. Rinke: But there will be access to both of the new buildings?

Mr. Gaar: Yes.

Comm. Rinke: Okay. I mean, today, if you pull up into the parking lot, that's as far as you get. You can't go any further. So, today, if somebody wanted to drive in there, they could pull into the parking lot, and that's as far as they could get. They couldn't get to where the fueling center is or any further back.

Mr. Gaar: Actually, right now on the site plan, there's a fence that does that, and there's a gate here. So, you can't get into the facility beyond that spot. During business hours, it's intended to be open. After hours, that gate would close and it would restrict everybody.

Comm. Rinke: And what was that material?

Mr. Gaar: That's a chain link fence that is part of this sheet. It's this design there. That was part of the packet. It's a six-foot chain link fence.

In conclusion, we'd like to accept an agreement with stipulations 2, 3, 4, 5, 6 and 7. We would like you to consider the alternate design we've provided in lieu of the islands and the foundation plantings, and the consideration of the screening in the west quarry. And then, I didn't mention, but there is a roof material on the admin building that was called out as a standing seam roof. We are requesting that that be a white membrane roof. That is on this elevation. The rest of the area that is flat is that same membrane roof, and it's this piece of roof that is sloped and visible from the yard side of the building.

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

Mr. Waters: One thing I wanted to emphasize was about the fencing around the perimeter on the west portion of the site. As John said, we have a roughly four and a half foot high, probably four-inch square wire mesh fence that is the majority of the site, probably three-quarters of that perimeter, with the exception of that one section that is barbed wire. The fence is not as contiguous as it should be and it's not been maintained as well as it should be. The idea of putting up a six foot fence, which I think is per your requirements, is something that, at first, we liked the idea of it, but when we get out there and look at it, to get

that fence in there, we're going to have to take out so many trees and clear so much of this vegetation that we would rather go in, work around the vegetation that is there as much as we can with this lower-profile fencing – that fencing, even at four foot high with a couple wires above, it doesn't quite get to the six foot, but it's a little more visible for people. And as I would understand the intent of your regulations, between these two different types of properties, would be to provide a tall, obscured view, and a clear separation between these uses. We think the four-foot fence, completing that one section and maintaining it around the perimeter of the property, will give us the pedestrian separation, and the plantings and the trees that are very mature already are doing a good job of the screening, particularly with the addition of the other trees. So we think we're accomplishing what you're after by completing the fence type that we have today, rather than going back with a taller fence and having to clear trees to do that. Does that make sense?

Chairman Campbell: Thank you. This is not a public hearing, but if there is anyone who wishes to speak about this, please come to the podium.

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

Mr. Howell: The houses on the west and on the south – the southwest corner – were built on property that I developed. I've owned the property for 40 years. In fact, Jake Cover (?) – if any of you are old enough to remember him – and I both offered the County to buy that west section to keep it from being developed by the County. At that time, we were assured that there would be no structures and nothing put on that ground. To follow-up on that, they use it as a dump, and that has been elevated by four feet over and above the area that was originally there when they started grading the dirt off to use the stone in this quarry, with nothing but conduit and rubber off bridges, and [*inaudible*] trash. Four feet of it is trash.

Now, they want to put a storage area up there? That's fine. The problem with it is that the area right here where they talk about the vegetation, there's a power line that goes across there that feeds from the county buildings over to the corner. About every four years, they come in and top all those trees off because the power line is only about 18 feet tall. We have three houses in that area that look down on that section right there and see into it when they top those trees.

The other problem with it is that the buffers that they are putting up, putting up evergreens that are having the blight that we're seeing now in the Kansas City area. Most of those evergreens with become sickened and die because they are susceptible to it.

The area along the south side and west side is strictly wild growth. Some of it is red bud trees, which are gorgeous; some of it is just bushes and a few taller trees. But on the south side, those trees are all topped out. We would request that those power lines be put underground. The 14 acres that we developed, everything is underground there. At that point, the County would not allow that to be put under when we went to build the property. We would request that those lines be put underground, a fencing area put in there and planted properly. There happens to be a six foot easement between the road and the fence line, which falls on the property that we own. We put the road in, we put everything else in. Basically, the west side of that area right there is probably not suitable for anything but storage. However, where our concern is, when we met with you earlier when they had a little hearing, they said they would put nothing but culvert storage up there now, but they might put equipment up there later,

and they might build a building up there later. But when they made the addition on to the present building, they made a commitment to the neighborhood that no erection of any building would go on that property. All the neighbors in that perimeter came to that meeting, and they all made a verbal commitment that no structure would go on that property. I'd like that to be included in this. If they put a structure on that portion, that entire subdivision of 14 houses will be looking right down at it. So, we'd like that restriction put in there, too, that that west part is for storage only, but not equipment storage, and certainly not a building. Thank you.

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

Ms. Glennon: I'm at that southeast corner, just west of the quarry. That north fencing is only about three years old. The problem I have is on the east side that comes south, our property slopes down towards the quarry. We were told in the beginning that there would be no building down there, and then we were told that the people who told us that no longer worked there. The problem I have is that we have planted evergreen trees on the north side, which are doing fine, but we've started planting evergreens on the east side, but the way it slopes down – I mean, we can see the whole quarry in the wintertime anyway. So, the growth that we have with the evergreens that are there now, when you add a building on top of the place where they're building now, it's going to be 20 or 30 years before that will ever be covered. We're just going to get a grand view of everything there. We're going to lose our privacy. There are employees who go back there. I just need some help blocking what we will see, because now you're going to have all the employees, besides the traffic that you already have back there. I don't know if maybe on the west end of that building, that they could cover that building with tall evergreen trees, or something like that. Maybe they could do it from there. I just don't know how they would ever build a berm or anything to help us out.

Also, part of the property at that corner where it comes south, there is a power line there. I don't know if they can help us with getting that buried because that comes from 56 Highway, and then it feeds the quarry the way it is now. The way that power line is now, it will always be topped, and we will always see everything that's in the quarry. They haven't topped it for a while but they're planning on doing it very soon. That's all I have. We just need some help to stop from seeing everything that's there. Plus you're going to have parking lot lighting, and you're going to have a whole lot more lighting than there was before. When we bought the property, like I said, we were told there wouldn't be any building there. We've put everything we have into that house. We spent a year clearing the land to build the house and put everything that we owned as an investment. Now, I think our property value will go down if we ever decide to sell the house because they're going to be looking at a building. Everybody that is back in that cul-de-sac, we're all into nature, and that's why we bought the property, was because it was surrounded by trees. Now we're looking at a building.

Chairman Campbell: Anyone else wishing to comment? Are there questions of anyone at this point from commissioners?

Comm. Rinke: I would like some follow-up on the power lines, exactly where they are today and what the residents are asking to be buried. There was a sheet in our packet from KCP&L, if you could just clarify that for me.

Mr. Waters: On this plan, the power lines in question are in red. The lines that our two neighbors were discussing, as you can see, it's kind of clouded there, following up on the south property line. This power line feeds the County's property from here to here. From here, we will be connecting and running there. Our work will be underground. This line that is overhead today is feeding the development, I presume all of the development. It's Kansas City Power & Light's line. It's not serving our building; it's serving the neighborhood. We have asked them if they could bury the lines, if it is possible to get KCP&L to either bury the line or not trim those trees. We've tried to do that, it is their line, and we're not really able to do anything about that.

*[Inaudible question from unidentified person.]*

Mr. Gaar: The question is, there's an existing line coming off of here that goes into the quarry. There is some existing power coming off of those lines for the existing facility. We did ask them if they could either cease trimming the lines, or actually abandon them altogether. We're actually not using that two-phase power. We have three-phase power that we're using, and they said that they would not abandon their utility easements or those power lines and they had no interest in doing so. So, we are actually removing those overhead lines that extend from that power line into the current facility, and then everything that we're coming from is off of a pole, underground, and it goes to our transformers, one for each building.

Comm. Rinke: Would KCP&L bury those lines if someone was willing to pay the cost?

Mr. Gaar: Like we said, they are serving a line that goes through to other parts of their network to the west and off of this line her. We actually are coming off of 56 and then going underground, as the red shows.

Comm. Fry: So you're saying that the two-phase branches that come off of there that are currently being used at the site are no longer going to be used?

Mr. Gaar: They are no longer being used for our facility, and we thought that if they were an in line, that we ask them to abandon the lines. But they are not an in line. It is a line that is connected from Highway 56 through to this other area. So, they weren't willing to do anything.

Comm. Ling: I have some questions for staff as a follow-up to some of the residents' questions. Continue on with the distribution line there. Did staff consider that KCP&L is going to have to maintain that line? And those residents are correct – Those trees will get trimmed on a periodic basis. Did staff consider that when they were looking at the landscaping plan?

Ms. Deschenes: We did look at the landscaping in that perimeter. Where we did notice along the south property line and the street – let me put up an aerial. This shows it nicely, as the road comes in here along the property line. We were able to see a bunch of trees marked in this location. We weren't able to get down into the property owner's lot and look, and if you were viewing it from this side, you'd be in the pit looking up, so you couldn't really tell from there what you were looking at. We did discuss a little bit with the applicant about the screening in that location, and after we reviewed it from the site, we didn't really see a big change

in that location because we were looking in this area. My suggestion is maybe we could talk with the applicant about maybe evergreen shrubs - ? I don't know if that would help in the location. Obviously they wouldn't grow as high in to the maintenance area and have to be trimmed as often by KCP&L. However, if they need to get through there, how thick can those shrubs be for the lines, etc.

Comm. Ling: One of the residents brought up a potential for a future building in the proposed west area. Going back to the original special use permit, I believe the wording talked about storage in that area. Would a building be allowed under the original special use permit? Or would they have to come back, if they wanted to construct a building in the west storage area, would they have to get the special use permit amended to do that?

Ms. Deschenes: They would have to come through for a final site development plan. If it fit within the uses allowed by the special use permit on the site, overall 44 acres or so, it would still be part of that 1989 special use permit.

Comm. Ling: It's as if you believe this 1989 special use permit allowed anything but storage in that west area.

Ms. Deschenes: There isn't a stipulation.

Comm. Ling: I was just trying to respond to the resident's question about the structure potentially being proposed in that area. I didn't review it in detail, but I thought that was defined as a storage area in the original special use permit.

Mr. Clements: I would agree. If it is defined in the earlier special use approval as a prohibition, then it would not be allowed.

Comm. Ling: Unless they came back for another special use permit and do another public hearing.

Ms. Deschenes: Right, but I'm not seeing anything in the stipulations stating such. There might have been discussion to that point.

Chairman Campbell: There was, and stipulation b actually says, "Prior to the use of the west 500 feet of the site for storage and materials or equipment, a site plan shall be submitted for review and approval by the Planning Commission." I would also make the assumption that in practice, if any other changes to the site were to be made, they would have to come back to us as well.

Ms. Deschenes: Right, through a final site development plan, but not a special use permit.

Chairman Campbell: Correct.

Comm. Ling: Another question was regarding the fencing. What is staff' opinion on changing from the six foot chain link fence to the applicant's request to use the existing fence with some modifications for improvement?

Ms. Deschenes: We were supporting the six foot chain link fence in the location. It would be something that we could discuss with staff. We weren't sure exactly what we were having as a proposal until late today, so we will need to look into it.

Comm. Ling: Okay. The other one that was brought up was parking lot lighting. I thought I saw that it showed a lighting - ? It looked like it was all zeros at the property line, which means that no lighting was going off the property line.

Ms. Deschenes: Right, and they will have to show a full photometric plan with the building permit plans. They weren't showing any lighting at all on the west storage area.

Comm. Ling: And any lighting from the new parking area would not get to the residents.

Ms. Deschenes: It should not. I mean, as far as bleeding over onto their property.

Comm. Ling: Okay. It looks like you need more time to think about the six foot chain link fence. Another thing is the resident who spoke about the view shed. It would be nice to have some sight line pictures of what that resident would be looking at from that residence.

Ms. Deschenes: Maybe a little bit of clarification from the applicant on what we're looking at. That was from the second speaker's property line looking from west to east.

Comm. Ling: And where are the power lines?

Ms. Deschenes: You're looking along this property line –

Comm. Ling: Right. And are these trees going to get topped? I'd like a sight line with the trees as the maintenance will occur on them.

Mr. Gaar: This image was put into our 3D model in a vantage point we believe to be sort of the back yard of the existing house, and then the dark line is the tree line from the photograph that was taken. There are power lines all along this side, and then they actually extend a little bit beyond the property line. So there are power lines down in there that could potentially trim some of those trees.

Comm. Ling: I think that was a response to some of the questions that I heard.

Chairman Campbell: I have several things to follow up with. We'll probably have to get Legal involved a little bit. What we're talking about tonight is a final site development plan. The special use permit is already in place. However, the special use in 1989 included in the stipulations a landscape and security plan, specifically. That item A.2. says "maintain a 50 foot buffer between any activities and residential property." I am uncomfortable. I see a 20-foot landscape buffer, but I don't see a 50-foot buffer, especially down where the quarry is, and specifically in his back yard. I'm a little concerned about what to do there and how to accomplish that. That's something that we don't have the authority to change. We have to have a 50-foot buffer in here. And I don't see that in the plan anywhere. How are we doing that?

Ms. Deschenes: I believe you are referring to page 2 of the special use permit application, where Johnson County Public Works had submitted their landscaping and security plan. In Phase I they indicated that they would maintain

a 50-foot buffer between any activities and residential property. That included cleaning up trash and debris in the west area. The stipulations for approval didn't directly stipulate that, but it was part of the staff recommendation.

Chairman Campbell: The ordinance says that the landscape and security plan submitted on April 19th will be followed, and that plan says there will be a 50-foot buffer. My issue with it tonight is that that's what's said; we can't change it since we didn't address the special use. So, how is this plan addressing that? That's the question.

Ms. Deschenes: We can add another stipulation to the staff report to include a 50-foot buffer between uses, if that would work for the applicant.

Chairman Campbell: And if that's the case, we really need to see that. It says, "Maintain a 50 foot buffer between any activities and residential property." Reading the minutes, I have to take that the intent there was to screen properties and sight lines., That's the intent I'm gleaning. And the 20 foot doesn't do it; the sight lines I'm seeing don't do it. I'm concerned with what we have.

Mr. Gaar: I think we'd be willing to accept that requirement. We're not asking for a variance to that. We believe that we have 50 feet easy setback to any of that –

Chairman Campbell: It's not calling for a setback; it's calling for a buffer.

Mr. Gaar: And what we're proposing is a screen using plant materials, but in that 50 foot zone. Are you saying that you want 50 feet thick, full of plant material?

Chairman Campbell: We have landscape guidelines that we use that talk about specific buffering between zoning classifications. I don't see that in this packet. That's my concern for tonight. I would like to see you come back and address that specifically because that is a matter of law at this point, from my perspective.

Mr. Howell: When we met the first time with the architect and everyone else, they weren't even aware that the residents were on the south side. Monica's property has about 10 feet between her property line and the quarry wall. They say the west side, which has been used for storage, is now going to be used for vehicles. That wall going down that quarry approximately 20 feet and her property line might be 12, 15 feet at the most. They're going to have to do something about filling in that quarry to give us a 50-foot buffer because that has no way of happening if they want to use it for storage. There is no way to do it unless they put land where there's no land, because it does fall off about 20 feet. The reason for that fence is that when I developed the property, I went to the County and told them I had problems with children possibly playing in the yard area there and falling into that quarry. So they put up a six foot fence at that time to keep children from being able to fall into the quarry. I don't know how you're going to address that, but that is one of the problems.

Chairman Campbell: Thank you. Mr. Waters, my concern at this point is that we have on the books an ordinance that we have to follow. I'm not seeing a 50-foot plan. That's my concern.

Mr. Waters: And I think the neighbor is absolutely right – 50 feet and you're 25 or 30 feet into the quarry. I'm not sure where you were going with that originally –

Chairman Campbell: It wasn't, but if that is the case, then the special use has to be amended.

Mr. Clements: But the quarry was there in 1989. There wasn't a 50-foot setback then.

Chairman Campbell: We're in a sticky spot. We can't move forward and approve something that we're not able to approve at this point.

Mr. Clements: I think we need to define what that setback and buffer is, and have it dimensioned on the final plan so that everybody then knows what the actual setback is. I don't believe the intent is really to have 50 feet of dense plantings. It's a setback measurement.

Chairman Campbell: It does say "between activities," so is there a way to move that around? I don't know. At this point, I think we need to continue this. We can't solve that tonight without having it addressed, and since it's part of the special use stipulations, we need to have it addressed for any site development plan.

Mr. Waters: I think that makes good sense. We're happy to do that.

Comm. Ling: On the two variance items, Mr. Clements, the parking lot island and the roof stipulation, are you asking for comments from the Planning Commission on those, or is staff supportive of those variances?

Mr. Clements: I think those were reasonable.

Chairman Campbell: I think it's reasonable.

Comm. Ling: I would tend to agree. So you got the feedback you need on those. This six foot chain link fence, I expect staff would come back and support the six foot chain link fence.

Mr. Clements: With the benefit of a continuance so we can look at that further.

Comm. Ling: The other one I would request is a sight line from the neighbor that spoke to us this evening, to address the trimming of the trees and what requirements this applicant has to do when building a new structure on their property, what landscaping requirements are due to that, I guess, between the two uses. Because this is an additional structure, and the view shed, and what responsibilities that owner has for landscaping.

Comm. Rinke: I would like some additional consideration given to the power lines, whether those need to be buried. I do have concerns that as long as they are there and they continue to trim those existing trees, it's not going to provide the screening that I think would be adequate.

Comm. Locke: Is this now a public hearing?

Chairman Campbell: It is not a public hearing. We just allowed the public to comment because the special use was published.

**\*\*\*Continued to the January 10, 2011, Planning Commission Meeting\*\*\***

Chairman Campbell: Point of clarification – do we need to continue the plat as well? I didn't think so.

Another comment before we move on.

*Bob Schuppan, 1004 South Cedar Hills Drive, Olathe, appeared before the Planning Commission and made the following comments:*

Mr. Schuppan: I just wanted to throw in a comment about the fencing. There are at least two homes where that fence would be about 100 feet in front of our house. At the northwest corner, the houses are set back pretty far. That protrudes way in front of our house, and we'd really prefer to keep the existing fence, which is a lot more obscure. I just wanted that to be noted.

**MINUTES  
CITY OF OLATHE  
PUBLIC WORKS, PLANNING & ENVIRONMENTAL SERVICES  
STAFF REPORT**

**CASE # P-10-032**

**Case Planner:** Charisse Deschenes      **Planning Commission Meeting Date:** December 13, 2010

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

**Location:** 1800 West 56 Highway

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

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

<b>Acres:</b>	<u>63.614±</u>	<b>Proposed Use:</b>	<u>Industrial &amp; Park</u>
<b>Lot 1 Current Zoning:</b>	<u>R-1 (36.25± Acres)</u> <u>M-2 (6.56± Acres)</u>	<b>Tract A Area:</b>	<u>3,600 square feet</u>
<b>Lot 2 Current Zoning</b>	<u>R-1 (17.31± Acres)</u>	<b>Lot 1 Area:</b>	<u>43.363± Acres</u>
		<b>Lot 2 Area:</b>	<u>17.310± Acres</u>
<b>Streets and Right of way:</b>	<u>Old 56 Highway</u>	<u>Dennis Avenue</u>	
<b>Existing</b>	<u>40' (½ street)</u>	<u>40' (½ street)</u>	
<b>Required</b>	<u>60' (½ street)</u>	<u>60' (½ street)</u>	
<b>Proposed</b>	<u>20' (½ street)</u>	<u>20' (½ street)</u>	

**I. COMMENTS**

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

Lot 1 and Tract A are owned by the Board of County Commissioners and serve as the Johnson County Public Works site. Tract A is 3,600 square feet and is currently platted. Lot 1 is unplatted and is approximately 43.363 ± acres. Lot 2, Oregon Trail Park, is 17.310± acres of unplatted park owned by the City of Olathe.

A final site development plan (PR-10-022) and a special use permit (SU-10-008) are accompanying this request. Following review of the applications, staff has determined that a new special use permit will not be required for the proposed development and thus application (SU-10-008) has been withdrawn.

Ordinance 346-C approved in June of 1970 zoned R-1 and M-2. A special use permit (SU-14-89) was approved by City Council on May 19, 1989 and a final site development plan (PR-54-93) for an additional salt dome was approved on December 13, 1993.

## **II. FINAL PLAT REVIEW**

### **A. Utilities/Municipal Services:**

The property is located in the City of Olathe water and sewer service area. Utilities are existing to site.

This development will receive Sewer District Fee credit from the existing meter. A water main extension will be required for the proposed development. A 15 foot sanitary sewer easement and a 15 foot water line easement will be required. Water service connections and meter locations will be required to be in an accessible grassy area. A sanitary sewer pump station and forcemain will be required for the proposed development.

### **B. Access/Streets:**

Lot 1 will gain access from Old 56 Highway. Two breaks in the limits of no access are shown along Old 56 Highway. The northern access point will be utilized with the redevelopment of Johnson County Public Works. The southern access point is shown on the plans as a future entry drive. A driveway permit is required prior to the development of the southern drive.

Twenty feet of additional half street right-of-way was requested along Dennis Avenue. Twenty feet of additional half street right-of-way was also dedicated along Old 56 Highway near Lot 1.

### **C. Tract A:**

Tract A is shown on the plat but is not dedicated in the plat dedication language. Prior to the recording of the final plat, Tract A must be dedicated.

## **III. STAFF RECOMMENDATION**

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

- (1) Prior to and upon recording of the plat, Tract A dedication and purpose language shall be added to the plat dedication text.

- (2) All above ground electrical and/or telephone cabinets shall be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if such cabinets are screened with landscape materials.
- (3) 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.
- (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.

**\*\*\*Continued to the January 10, 2011, Planning Commission Meeting\*\*\***