

## MINUTES

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**NOTE:** Due to the COVID-19 Restrictions some Planning Commission members attended this meeting through on-line communications.

1. The meeting was called to order with Roll Call by Chairman Bob Garrett.

2. Roll Call:	Manson	Present Remotely	McPherson	Present
	Garrett	Present	Shultz	Present
	Templin	Present Remotely	Fisher	Present Remotely
	Lane	Present Remotely		

3. General Business:

A. Approve Planning Commission Agenda.

Motion by Commissioner Shultz to approve the Agenda; second by McPherson.

Roll Call:	Manson	Yes	McPherson	Yes
	Garrett	Yes	Shultz	Yes
	Templin	Yes	Fisher	Yes
	Lane	Yes		

Motion carried.

B. Approve Minutes of the Planning Commission meeting held on February 25th, 2020.

Motion by Commissioner Lane to approve the Minutes; second by Shultz.

Roll Call:	Manson	Yes	McPherson	Yes
	Garrett	Yes	Shultz	Yes
	Templin	Yes	Fisher	Yes
	Lane	Yes		

Motion carried.

C. Disclosure of conflicts of interest. N/A

D. Disclosure of outside communications regarding Commission business. N/A

4. **Call to Public:**

NOTE: Due to the current COVID-19 restrictions, this meeting is closed to the walk-in public and is available on-line. Public comments were requested to be made known to the City Clerk. No public requests were received.

5. **Public Hearing:**

- A. Consider Re-zoning at 91<sup>st</sup> and Cedarwood: K-Ten Place II, LLC. Planning Director Brad Weisenburger reviewed the memo to Planning Commissioners dated March 24<sup>th</sup>, 2020, He provided a summary of the Zoning Regulations as applicable to this property. The application was submitted to rezone a tract of land from a current zoning of C-2 to R-3. The larger tract of 3.1 acres is the piece of property for the rezoning. Planning Director Weisenburger reviewed the Zoning Compatibility Factors and determined the findings to be “Positive, in favor of granting the rezoning request” or “Neutral, in favor of granting the rezoning request.” The request is consistent with the City’s Comprehensive Plan. Therefore, Staff recommends approval of the rezoning request.

Commissioner McPherson asked about the detention pond. Who will maintain the pond? Administrator Brungardt said the property owner will maintain the detention pond, and this lot is not involved in the rezoning request.

Commissioner Templin asked about the potential loss of commercial zoning being considered in the findings. He asked if the City is reserving enough commercial zoning properties. Administrator Brungardt said the City hasn’t done a commercial economic impact study. He spoke of the commercial property that was owned by Olathe Medical Center and wasn’t developed. Planning Director Weisenburger said Staff has talked about ground that has been vacant for years, and now there is development taking place and an economic presence being felt.

Chairman Garrett opened the Public Hearing for comment.

Administrator Brungardt said the public was invited to attend the ‘GoToMeetings’ and speak and no one is currently online other than the Commissioners.

Planning Director Weisenburger said he has not received any responses to the letters that were sent to the adjoining property owners concerning the rezoning request.

Chairman Garrett closed the Public Hearing.

Motion by Commissioner Manson to recommend approval of the rezoning at 34000 W. 91<sup>st</sup> Terrace from C-2 to R-3 to the City Council; second by Fisher.

Roll Call:	Manson	Yes	McPherson	Yes
	Garrett	Yes	Shultz	Yes
	Templin	Yes	Fisher	Yes
	Lane	Yes		

Motion carried.

**6. Old Business:** None.

**7. New Business:**

- A. Site plan for K-Ten Place II, LLC. Planning director Weisenburger said he has covered the items in the previous rezoning request for this subject property. The owner, K-Ten Place II, LLC has submitted a site plan to construct a 56-unit apartment complex on a 3.19-acre tract of land along 91<sup>st</sup> Terrace. Director Weisenburger reviewed the memo to Planning Commissioners dated March 24<sup>th</sup>, 2020 and provided a summary of the details

in the site plan submittal. The developer and City Council are currently in the process of finalizing a tax abatement for this project. The terms of the abatement will allow the City Council to review and approve the site plan after the Planning Commission has considered the matter. Director Weisenburger provided a technical review of the site plan submittal. Staff recommends approval of the Site Plan with the three items in the staff report to be a condition of the approval.

Commissioner McPherson asked about there only being four (4) handicapped parking spaces and is that enough? Planning Director Weisenburger said these are associated with the handicapped accessible apartments.

Commissioner Shultz asked about the sidewalk in the one area not being ADA compliant.

Justin Milburn commented on the sidewalk in the one area not being ADA compliant due to the fact of the land and the grade. Discussion ensued between Commissioner Shultz and Mr. Milburn if someone in a handicap scooter could go up the grade. Discussion ensued.

Commissioner McPherson asked about the sidewalk that connects to Phase 1 being ADA compliant. Staff said that those sections of the sidewalk should be rechecked to ensure the sidewalk is ADA compliant.

Commissioner Templin asked where if children who live in the existing apartments catch a school bus. If they ride a bus, where do the children get picked up by the bus?

Mr. Travis Hicks said the complex is too close to the school for school bus pickup. He said he hasn't ever seen a school bus come onto the property. He said there aren't very many children in the complex, and most are being driven to school by parents. The sidewalk along Commerce Drive will be completed when the road work is finished.

Commissioner Fisher said the complex is too close for bus service. Commissioner Templin asked about sidewalks going to the south on Commerce Drive. Administrator Brungardt said there will be a sidewalk gap between Harps, Great Southern Bank, and Minit Mart.

Chairman Garrett asked if the streets have been dedicated to the City. Administrator Brungardt said the streets will be dedicated to the City as soon as they are finished. Mr. Hicks and Harps have a written agreement on a shared access. Chairman Garrett asked what is to keep the apartment dwellers from using the Harps parking lot as an overflow apartment parking lot. The City doesn't have the ability to address this through a site plan process.

Mr. Hicks said the parking ratios are the same as on the Phase 1 project and there should not be any overflow into the parking lot. There should be sufficient apartment parking.

Motion by Commissioner McPherson to approve the Site Plan with the conditions as stated in the Staff Report in paragraph IV; second by Fisher.

Roll Call:	Manson	Yes	McPherson	Yes
	Garrett	Yes	Shultz	Yes
	Templin	No	Fisher	Yes

Lane Yes

Motion carried.

- B. Discuss text amendment to allow auto sales in the C-1 zoning district. Planning Director Weisenburger said the Planning Commission discussed this at the last meeting. A request has been submitted to allow a classic car sales business to be allowed on property in the Downtown Business Central District – C-1. After the discussion, Staff believes there is a way to accommodate the request, provided adequate limitations are placed on the use. Staff suggests implementing a Special Use Permitting process. Director Weisenburger commented on the restrictions that were provided to the Commissioners in the Staff Report dated March 24, 2020. Staff would ask City Attorney Patrick Reavey to review the proposed restrictions for legal compliance. A public hearing would need to be held on this proposed Special Use Permit.

Commissioner Shultz asked about #6 concerning fumes from paint, solvents or exhaust. He further commented on #8 also requiring a structural engineer to review the property.

Commissioner Lane asked about the vehicle sales will be limited to 12 per year. Discussion ensued between Director Weisenburger that the proposed owner didn't feel they would sell 12 per year. She said she doesn't feel there needs to be a limit on sales. Commissioner Lane asked about the 1985 date. The owner wants to limit this to antique vehicles.

Commissioner McPherson asked if the new owner will be doing restoration there and then selling the vehicles. Commissioner McPherson asked if the showroom was going to be open with standard business hours. Planning Director Weisenburger said the owner would have to determine the nature of the standard hours. Discussion ensued on the hours as a business. Is this going to be a hobby shop or a storage facility? Commissioners Lane and Fisher said you shouldn't restrict someone on their business hours.

Commissioner Manson said we all want to keep the old cars and it is a good opportunity to keep the history alive. Commissioner Templin said the current owner hasn't run this as a business for 28+ years, so why make it a standard business hours requirement now. Planning Director Weisenburger said what spurred the business hours thought was to keep some activity downtown and have some consistency for business activity in the downtown area. It will be up to the owner to establish their business hours for the special use permit application. Chairman Garrett said he agrees this is likely a hobby and not a true business. Commissioner Lane said if the hours language could be reworked so as not to be a total restriction. Commissioner Fisher said he believes the owner would come to a meeting and tell the Commissioners what his intentions are for the building.

Commissioner Templin asked if the Commissioners wanted to soften the restrictions on the business hours; the Commissioners are to set the requirements for the special use permit. Discussion by Commissioners McPherson and Lane. No further comments from Commissioners. Commissioner Templin said he would like to see proposed language.

Planning Director Weisenburger said he will set this for public hearing at the April meeting and request City Attorney Reavey to draw up the language.

Commissioner Lane said she had trouble hearing comments tonight as it was difficult to hear. Administrator Brungardt commented on the only mic in the room and he will be purchasing a larger mic for the conference room.

No further business was brought before the Commissioners.

Motion by Commissioner Shultz to adjourn at 7:11 p.m.; second by McPherson

All Commissioners approved by "ayes."

Motion carried.

Respectfully submitted:

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Lana R. McPherson, MMC, City Clerk