



STAFF REPORT

Planning Commission Meeting: August 26, 2024

Application:	RZ24-0011: Rezoning from the RP-3 (Planned Low-Density Multifamily), RP-4 (Planned Medium-Density Multifamily), and C-2 (Community Center) Districts to the R-3 (Low-Density Multifamily) District and a Revised Preliminary Site Development Plan for Olathe Commons
Location:	Southwest of W. 119 th Street and S. Greenwood Street
Applicant/Engineer:	Judd Claussen, Phelps Engineering Inc.
Developer:	Stephen Furr, PeakMade Real Estate
Owner:	Scott Desiderio, CF Olathe LLC
Staff Contact:	Nathan Jurey, AICP, Senior Planner

Site Area:	<u>23.15 acres</u>	Proposed Uses:	<u>Detached Single-Family & Townhouse Residential</u>
Dwelling Units:	<u>214 dwelling units</u>	Proposed Density:	<u>9.2 units per acre</u>
Existing Zoning:	<u>RP-3, RP-4 and C-2 Districts</u>	Proposed Zoning:	<u>R-3 (Low Density Multifamily) District</u>
Plat:	<u>Olathe Commons 1st & 2nd Plats</u>	Lots & Tracts:	<u>8 2</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Neighborhood Commercial Center & Mixed Density Residential Neighborhood	Undeveloped	C-2, RP-4 & RP-3
North	Neighborhood Commercial Center & Conventional Neighborhood	Undeveloped & Church	C-2 & R-1
South	Conventional Neighborhood	Single-Family	R-1/PUD
East	Conventional Neighborhood	Single-Family	R-1
West	Regional Commercial Center	Commercial Shopping Center	CP-2

1. Introduction

The applicant requests approval of a rezoning and revised preliminary site development plan for the Olathe Commons development located southwest of 119th Street and Greenwood Street. This request is to rezone 23.15 acres currently within the RP-3, RP-4, and C-2 Districts to the requested R-3 District for a low-density multifamily residential development. This application was continued from the July 8, 2024 Planning Commission.

The proposed development includes a total of 214 dwelling units in 27 two-story townhome buildings and 60 clustered one- and two-story single-family homes. This project fills a gap in the housing market often described as the 'missing middle,' which refers to a group of less common housing types whose density falls between single-family and mid-rise apartment developments. This provides a more affordable product than traditional single-family homes, yet still offers individual private yard space not possible in mid-rise apartments. In addition to private yard space, this development provides amenities including a clubhouse, swimming pool, yoga lawn, dog park, and walking trails for residents.

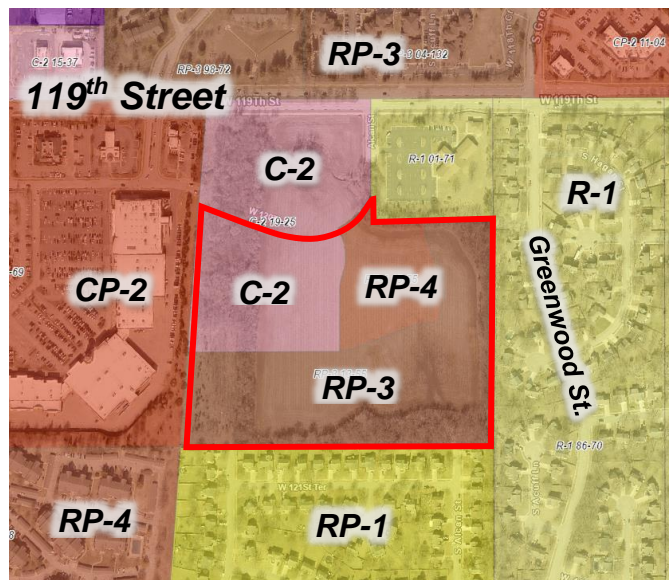
2. History

The subject property was annexed into the City of Olathe in 1968 (Ord. 120-C) and zoned to the R-1 and RP-3 Districts in 1979 (Ord. 854). No further action was taken on this property until 2006. The following provides a summary of the zoning actions taken from 2006 to 2019.

- **2006:** Rezoned to RP-3 & CP-2 Districts (Ord. 06-133 & 06-134). Preliminary plan (RZ06-0021 & RZ06-0022) included two (2) in-line commercial buildings south of 120th Street and 150 townhome units with a density of 10 units per acre across 15 acres of residential zoning.

- **2013:** Rezoned to RP-3 & RP-4 Districts (Ord. 13-55). Preliminary plan (RZ12-0015) included 399 dwelling units in 19 two- and three-story multifamily buildings with a density of 17 units per acre across 23 acres.

- **2019:** Area along 120th Street rezoned to C-2 District (Ord. 19-25). Preliminary plan (RZ17-0019 & PR17-0061) included one (1) in-line commercial building on 7 acres south of 120th Street and 200 dwelling units in 20 two-story multifamily buildings with a density of 12 units per acre across 16 acres of residential zoning.



Existing Zoning Map with subject property outlined in red

3. Existing Conditions

The subject property straddles a ridgeline that runs east/west in the center of the site that slopes down to the low points in the northwest and southeast corners of the site. The majority of the property is still farmed with wooded areas located along the exterior boundaries of the site. Large overhead electrical transmission lines are located above the wooded area along the west property line.



Aerial map with subject property outlined in red



Site Photo Looking South from 119th Street

4. Zoning Standards

- a. **Land Use** – The applicant is seeking a change of zoning to the R-3 District, which allows a variety of residential uses, including single-family, multifamily, and senior housing. The applicant is proposing 60 detached single-family residences and 154 attached townhouse units, which are both permitted in the R-3 District.

The majority of site is designated as a Mixed Density Residential Neighborhood with a portion designated as a Neighborhood Commercial Center on the PlanOlathe Future Land Use Map. The R-3 District aligns with the Mixed Density Residential Neighborhood, which calls for a carefully integrated mixture of housing of various styles, sizes and densities generally located within a five- to ten-minute walk of neighborhood scale commercial.

While the R-3 District does not directly align with the Neighborhood Commercial Center, which is intended to *provide needed services, recreation opportunities, and community gathering spaces*, the proposal does provide recreation opportunities and community gathering spaces for its residents. Additionally, the commercial area is a second-tier commercial property and approximately 5 acres of first-tier commercially zoned property is maintained adjacent to 119th Street.

- b. **Density** – The proposed residential density of 9.2 dwelling units per acre complies with the maximum of 12 units per acre permitted in the R-3 District. Furthermore, the proposal is less dense than the 12 units per acre approved in 2019 and less than the maximum of 22 units per acre allowed in the RP-4 District. The applicant is agreeable with the stipulation included in staff's recommendation to restrict density to a maximum of 12 dwelling units per acre.
- c. **Building Height** – Buildings within the R-3 District are limited to maximum height of 2½ stories and 35 feet. The proposal includes a mix of one- and two-story buildings with the tallest building being 32-feet tall at its peak, complying with the R-3 District requirements. A stipulation is included in staff's recommendation to limit buildings to 2½ stories and 35 feet tall to match the height allowance in the adjacent R-1 District and the applicant is amenable with this requirement.
- d. **Setbacks** – The R-3 District requires a 30-foot front, 15-foot side, and 25-foot rear setbacks. All buildings exceed the required setbacks along each of the exterior boundaries of the site, except for two (2) townhome buildings that have a 28- and 22-foot front setback from 120th Street. The applicant is requesting a waiver from this setback requirement (see Section 9, Waiver Request).
- e. **Open Space** – The R-3 District requires 10% of the site to be designated as common open space and 5% of the site as active open space. The proposal designates 25% of the site (5.9 acres) as common open space and 10% of the site (2.4 acres) as active open space, exceeding UDO requirements. The proposed active open space includes the clubhouse, swimming pool, yoga lawn, dog park, and pedestrian trails. An additional active amenity will be provided southeast of the clubhouse at time of final site development plan as stipulated.

5. Development Standards

- a. **Phasing** – The developer intends to complete this project in a single phase and replat the entire property. All unnecessary public easements or encumbrances, such as the abandoned water and sewer easements recorded on the previous plat, will be vacated through this process.

- b. **Access/Streets** – This development will construct 120th Street, connecting 119th Street to the Olathe Pointe development and take access from 120th Street at two (2) locations. Private streets complying with City standards are proposed throughout the site to provide access to each building. As previously approved by City Council with past rezoning cases, the development will not connect to the existing stub streets to the east and south.

The City's Access Management Plan requires the 119th and Alcan Street intersection to be limited to ¾ access (i.e. left-in and right-in/out). This development is responsible for installing an eastbound right-turn lane and a westbound left-turn lane on 119th Street and restricting left turns from Alcan Street onto westbound 119th Street with a modified median.

To travel westbound on 119th Street, traffic from this development will use the existing signalized intersection at Shannan Street. The developer submitted a Traffic Impact Study, which found an additional northbound left turn lane on Shannan Street is needed to accommodate the traffic generated by this development. These traffic improvements were required with the 2013 development approval for this property through Ordinance 13-55 (RZ12-0015) and staff recommends that these stipulations be carried forward.

- c. **Parking** – The development is required to provide a minimum of 1.5 stalls per multifamily unit and two (2) and four (4) spaces are provided per townhome unit with a one- or two-car garage and the associated driveway space. The development also provides the required two (2) stalls per single-family unit for 10 single-family homes with a one-car garage and driveway space and provides 112 head-in parking stalls along the 50 walk-up single-family homes to comply. Additionally, 18 head-in parking stalls are provided around the clubhouse to accommodate the leasing office and parking for clubhouse users. Lastly, staff worked with the applicant to provide an additional 50 on-street parallel parking stalls throughout the development to accommodate guests and deliveries.
- d. **Landscaping/Screening** – The applicant provided a landscape plan meeting all UDO requirements. Master landscaping is provided along 120th Street and street trees are shown along all private streets throughout the site. Parking lot trees are provided within landscape islands and residential landscaping is provided at a rate of one (1) tree per multifamily unit and two (2) per single-family unit.

A 75-foot-wide Buffer Type 5A is required along the commercial property to the west and a 100-foot-wide buffer is provided with a portion of this buffer already provided by the adjacent development as permitted by the UDO. Along the north, the required 20-foot Buffer Type 3 and associated improvements are provided between this development and the adjacent private property.

In lieu of a minimum 20-foot-wide Buffer Type 3 to the south and east, a significantly wider 62-foot and a 40-foot-wide natural Buffer Type 'N' are provided as permitted by the UDO. A stipulation is included in staff's recommendation requiring a tree survey to be provided with the final development plan to confirm an equivalent level of landscaping is preserved in these natural buffers. Infill evergreen trees are also proposed along the east property line.

- e. **Tree Preservation** – The developer will preserve 20% of the existing woodland area found on this site to comply with tree preservation requirements. Currently, there are 7.2 acres of wooded area, of which 1.4 acres will be preserved along the south and east boundaries of the site.
- f. **Stormwater/Detention** – Two extended dry detention basins will be installed on site to comply with Title 17 stormwater requirements of the Municipal Code. Generally, stormwater collected in the northwest and southeast halves of the site will drain to their respective detention basins.

- g. **Public Utilities** – This site is located entirely within the City of Olathe water service area. Private water mains will connect to the existing public main along 120th Street and extend throughout the site as needed. Regarding sanitary sewer service, the site is situated on a ridgeline so the City of Olathe serves the northwestern half of this site and Johnson County Wastewater serves the southeastern half. Sanitary sewer mains will extend as required in the Johnson County Wastewater service area and private sanitary mains will connect to Olathe’s existing public main along 120th Street and extend throughout Olathe’s service area as required, which may include the installation of sanitary flow meters.

6. Site Design Standards

The property is subject to Site Design Category 3 (UDO 18.15.115) based on the Mixed Density Residential Neighborhood designation on the PlanOlathe Future Land Use Map. The following is a summary of the applicable site design requirements:

- a. **Landscape Options** – Landscaping along sidewalks where building façades are not located is required to enhance community image and support pedestrian activity. The applicant is providing a minimum of 20-foot landscaped areas at the sidewalk edge along 120th Street with a minimum of 50% planted material to meet this requirement.
- b. **Outdoor Amenity** – Developments greater than 4-acres in size must designate a minimum of 10% of the site toward outdoor amenity spaces that enhance the public realm and promote pedestrian activity. The applicant is providing an outdoor pool area, yoga lawn, dog park, trails, and an additional amenity to be determined at time of final development plan, all of which covers 10% of the site to meet this requirement.
- c. **Parking Pod Size** – The maximum number of parking stalls allowed in one parking pod, is 40. The applicant is meeting this UDO requirement with the largest pod containing less than 20 spaces.
- d. **Pedestrian Connectivity** – Enhanced pedestrian connections are required to encourage pedestrian use and integrate with surrounding land uses. The proposal encourages pedestrian use by connecting residences to amenities across the property using a combination of sidewalks along the private streets, dedicated pathways between buildings, and decorative stamped concrete crosswalks. Additionally, pedestrian connections are proposed that integrate this development with the surrounding residential developments to the south and east and the commercial center to the west.
- e. **Drainage Feature** – Open drainage and detention areas visible to the public must be incorporated into the design of the site as an attractive amenity or focal point. The two detention basins are extensively landscaped with trees and native grasses or surrounded by tree preservation areas to meet this requirement.

7. Building Design Standards

The developer is pursuing a cottage/farmhouse design with a preliminary selection of building materials and colors. All residential buildings are clad in either a Class 1 limestone veneer or light-brown brick and use a Class 3 fiber cement (board & batten and lap) siding painted in colors that evoke the design theme. The developer provided an initial color palette of white, gray, olive green, and slate blue, but intends to further refine these colors and select a few additional at time of final development plan to provide a greater sense of variety throughout the development. A stipulation is included in staff’s recommendation regarding this selection of additional colors. Color elevations and renderings for each typical building are included in this meeting packet and the following three (3) subsections provide an overview of each proposed building type.

- a. **Single-Family Residential Buildings** – The 60 single-family homes are subject to building design standards for small lot Single-Family Residential Buildings (UDO

18.15.020.G.2). Three (3) single-family home prototypes are proposed: a two-story home with a one-car garage and two (2) one-story walk-up single-family homes. The front and corner side (private street facing) elevations are primary façades, and all other interior elevations are secondary façades. The following table lists the applicable design requirements of the UDO and proposed design elements:

Building Design Standard	UDO Design Requirements Proposed Design
<i>Front-Facing Entries</i>	<i>All buildings must incorporate a front-facing entry element to signal the connection between the sidewalk and the house, using the front porch, side entry, or recessed entry options.</i> All buildings have a front porch that is at least 5 feet by 12 feet in size, exceeding the minimum requirement for a 4-foot by 8-foot front porch.
<i>Garage Doors</i>	<i>Garages must be subordinate to the primary façade for buildings that are less than two (2) stories in height.</i> The one-story single-family homes are walk-ups with no proposed garage. Additionally, the garage on the two-story homes is setback 10 feet from the primary façade and does not occupy more than half the façade width.

The single-family homes will be clad with brick and glass, Class A materials, and fiber cement siding, a Class B material. The applicant is requesting a waiver to reduce the requirement to use Class A materials from a minimum of 70% to between 30% and 54% on primary façades (see Section 9, Waiver Request). The single-family homes use a minimum of 22% Class A materials on secondary side elevations where no Class A materials are required.

- b. **Horizontally Attached Residential Buildings** – The 27 townhome buildings are subject to building design standards for Horizontally Attached Residential buildings (UDO 18.15.020.G.4). Four (4) unique townhome building prototypes are proposed, including one (1) four-plex and three (3) six-plex buildings. Each townhome unit is two-stories in height and includes either a one- or two-car garage. The front and corner side (public and private street facing) elevations are primary façades, and all other interior elevations are secondary façades. The following table lists the applicable design requirements of the UDO and proposed design elements:

Building Design Standard	UDO Design Requirements Proposed Design
<i>Building Entryway</i>	<i>Each unit must have its own front porch or recessed entryway on one (1) primary facade.</i> Each unit has its own front porch or recessed entry that is at least 7-feet by 7-feet in size, exceeding the minimum requirement for a 4-foot by 6-foot porch or recessed entry.
<i>Garages</i>	<i>Street-facing garages must be recessed a minimum of two (2) feet from the building primary façade (front) line.</i>

	All garages are recessed at least two (2) feet from the primary façade (front) line, meeting this requirement.
<i>Windows</i>	<i>At least two (2) separate windows that are no smaller than six (6) sq. ft. in size must be provided on primary façades.</i> At least two (2) separate windows that are a minimum of six (6) sq. ft. in size are provided on all primary façades, meeting this requirement.
<i>Horizontal Articulation</i>	<i>A horizontal articulation tool must be used to differentiate each individual dwelling unit on primary façades.</i> Horizontal articulation is provided on each dwelling unit using either a wall notch or wall projection to meet this requirement.
<i>Vertical Articulation</i>	<i>A vertical articulation tool must be used to differentiate each individual dwelling unit on primary façades.</i> Vertical articulation is provided on each dwelling unit using a combination of roof gables, dormers, and changes in roof height to meet this requirement.
<i>Roofing Materials</i>	<i>Must use Class 1 or 2 roofing materials.</i> Class 2 architectural shingles and Class 1 standing seam metal roofing is proposed to meet this requirement.

The townhome buildings will be clad with Class 1 limestone veneer and glass and Class 3 fiber cement siding, meeting the requirement to use at least two (2) different Class 1 materials on all façades. The applicant is requesting a waiver to reduce the requirement to use Class 1 materials from a minimum of 70% to between 50% and 70% on primary façades (see Section 9, Waiver Request). All secondary façades use a minimum of 56% Class 1 materials, exceeding the minimum of 50% Class 1 materials on these elevations.

- c. **Nonresidential Buildings in Residential Zoning** – The one-story clubhouse is subject to building design standards for Nonresidential Buildings in Residential Zoning (UDO 18.15.020.G.6). The east (front) and north (street-facing) elevations are considered primary façades, and all other elevations are secondary façades. The following table lists the applicable design requirements of the UDO and proposed design elements:

Building Design Standard	UDO Design Requirements
	Proposed Design
<i>Building Entryway</i>	<i>The main building entry must be defined with a covered projection or a recessed area.</i> A 7-foot by 10-foot covered projection is proposed to comply with this requirement.
<i>Horizontal Articulation</i>	<i>A horizontal articulation tool must be used at least every 50 feet of façade width on primary façades.</i>

	The required horizontal articulation is provided using the wall offset option at least once every 50 feet on all primary façades. All wall offsets are at least 4-feet deep, except one which the applicant has agreed to update and comply with UDO as stipulated.
<i>Vertical Articulation</i>	<i>A vertical articulation tool must be used at least every 50 feet of façade width on primary façades.</i> Vertical articulation is provided at least once every 50 feet of façade width on primary façades using a combination of roof gables, dormers, and changes in roof height to meet this requirement.
<i>Roofing Materials</i>	<i>Must use Class 1 or 2 roofing materials.</i> Class 2 architectural shingles and Class 1 standing seam metal roofing is proposed to meet this requirement.

The clubhouse will be clad with Class 1 limestone veneer, architectural metal panels, and glass and Class 3 fiber cement siding, meeting the requirement to use at least two (2) and three (3) different Class 1 & 2 materials on secondary and primary façades respectively. The clubhouse uses at least 76% Class 1 materials on primary façades and 69% on secondary façades to comply with the minimum of 75% and 50% Class 1 & 2 materials on primary and secondary façades respectively. A minor update to the clubhouse elevations is required to comply with the 20% minimum glass requirement and the applicant has agreed to update this as stipulated.

8. Public Notification and Neighborhood Meeting

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted a sign on the subject property per UDO requirements. Neighborhood notice was also provided to property owners within 500 feet of the property, and a neighborhood meeting was held on June 17, 2024 with 19 attendees. Primary questions posed by attendees include, stormwater detention, tree preservation, perimeter buffers and setbacks, and general business practices.

Staff corresponded with four (4) residents and responded with the requested project details. Staff also discussed the project with several residents on July 8, 2024 who were concerned about the density and quality of the project. Since the initial application, the developer has removed 12 units along the south property line, increased setbacks and tree preservation areas, and revised the building design with additional architectural detail.

The application was continued from the July 8, 2024 Planning Commission meeting. New meeting notifications were sent to property owners at least 10 days prior to the rescheduled hearing, and a new sign was posted on the subject property as required.

9. Waiver Request

Section 18.40.240 of the UDO provides a mechanism for waivers to be considered when unnecessary hardships can be demonstrated or where the exception would result in superior design. The applicant submitted a justification statement for two (2) waiver requests which is included in the meeting packet.

1. A waiver is requested from UDO 18.15.020.G to reduce the requirement to use a minimum of 70% Class A or Class 1 materials on primary facades for single-family and horizontally attached residential buildings. The single-family homes provide 30-54% Class A and the

townhomes provide 50-70% Class 1 materials on primary façades as depicted in the elevations included in this agenda packet. The applicant's justification statement indicates that reducing the Class A and Class 1 material requirements allows the project to pursue a cottage/farmhouse design, which relies heavily on the use of Class 3 fiber cement siding to accomplish. In lieu of this requirement, the applicant has included high quality architectural features on all buildings and noted that this waiver will not impact the public.

Staff is supportive of this waiver request as the applicant provided architectural features exceeding UDO requirements to create the signature cottage/farmhouse look and achieve an alternative higher quality development design. On the single-family homes, the applicant chose to continue brick along the side elevations for a more classic look, even though brick is not required on those elevations. Additionally, high quality architectural features are included on the single-family and townhome buildings, such as dormers, gables, cantilevers, multiple siding patterns, metal roofs, added windows, attic vents, decorative brackets and columns, and architectural trim details. Additionally, the homes have a greater amount of masonry materials and architectural features than surrounding single-family homes.

2. UDO 18.20.090.B, which requires a minimum front building setback of 30 feet. The applicant proposes a front setback of 28 and 22 feet along 120th Street for the two (2) northwestern townhome buildings. The applicant's justification statement provides that reducing the front setback along the north property line allows the project to provide additional setback and buffer area adjacent to existing single-family homes to the south and will not impact the commercial property to the north.

Staff is supportive of this waiver request as reducing the setback to the north allows for greater tree preservation to the south which creates a significant buffer from adjoining residential properties. Additionally, the required 20-foot landscape buffer is being maintained along 120th Street and there are no negative impacts to the commercial property to the north, which has a lesser front setback than the request.

10. UDO Rezoning Criteria

The application was reviewed against the UDO criteria for considering rezoning applications listed in UDO Section 18.40.090.G as detailed below.

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

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property predominantly as a Mixed Density Residential Neighborhood with the northwest portion of the site within a Neighborhood Commercial Center. The requested R-3 District directly aligns with the Mixed Density Residential Neighborhood, which calls for a *carefully integrated mixture of housing of various styles, sizes and densities generally located within a five- to ten-minute walk of neighborhood scale commercial*. This development also fulfills a gap in the housing market by providing a 'missing middle' housing product whose density falls between the more commonly found single-family and mid-rise apartment developments in Olathe.

Neighborhood Commercial Centers are intended to *help provide needed services, recreation opportunities, and community gathering spaces*. While the requested R-3 District does not directly align with this commercial designation, the proposal does provide recreation opportunities and community gathering spaces for its residents.

Furthermore, the Olathe 2040 Strategic Plan identifies strategies that align with the proposal to promote and encourage a mix of housing types and opportunities throughout the community and encourage new residential to attract people to work and live in Olathe. The proposed zoning request meets several policies of the PlanOlathe Comprehensive Plan including the following:

LUCC-3.1: Encourage Housing Near Services. Encourage higher density housing development near transit services, commercial centers, and planned transit nodes and corridors to create activity areas that add to the community's quality of life.

LUCC-8.2: Compatibility of Adjacent Land Uses. Use zoning as a tool to avoid or minimize conflicts between land uses that vary widely in use, intensity, or other characteristics. This may include buffering, landscaping, transitional uses and densities, and other measures.

HN-2.1: Full Range of Housing Choices. Encourage residential development that supports the full range of housing needs in the community by ensuring that a variety of housing types, prices and styles are created and maintained in the community.

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).

Generally, the surrounding neighborhood transitions from a regional commercial center to the west, multifamily developments to the north, and single-family homes to the east and south. The commercial center to the west is characterized by large parking areas and large inline retail and pad-site buildings with high-quality architecture. The multifamily developments are in the RP-3 District and include two-story garden apartments with pitched roofs at a density of 11 to 12 units per acre. The single-family homes to the east and south are of traditional design with pitched roofs and standard sized lots.

C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning districts and uses.

The property to the west is commercially zoned and fully developed as a shopping center. The property to the northwest is undeveloped commercial land and to the northeast is an existing religious facility. Properties to the east and south are residentially zoned and developed with single-family homes. The proposed multifamily use is in harmony with this existing mix of uses as it creates a transition from the low-density residential uses to the higher intensity commercial areas.

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

The site is predominantly within the RP-3 and RP-4 zoning districts, which permit multifamily housing uses, and the northwest portion of the site is in the C-2 District, which permits light commercial and vertically mixed-use (residences over storefront) developments. The existing commercial area is a second-tier property with limited commercial visibility behind the first-tier properties located along 119th Street. The property is still suitable for multifamily housing uses, as this aligns with its designation as a Mixed-Density Residential Neighborhood in the future land use map of PlanOlathe.

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

The site has been residentially zoned since 1979, except for a portion of the site that was commercially zoned in 2006, reverted back to residential zoning in 2013, and again

rezoned to commercial in 2019, which remains today. Through all of this, the site has remained undeveloped since its annexation in 1968.

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

Staff has not received information indicating the proposed project will detrimentally affect nearby properties. Much of the property is already zoned for multifamily residential land uses and rezoning from the RP-4, RP-3 and C-2 Districts to the R-3 District is not a significant change and will reduce the maximum residential density on this site.

G. The extent to which development under the proposed district would substantially harm the value of nearby properties.

The development as proposed is not anticipated to have any detrimental impact on the value of surrounding properties. The development provides a seamless transition from the adjoining single-family homes and R-1 District properties to the east, south, and north by siting single-family homes and a landscape buffer along those boundaries.

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 development has been evaluated through a traffic impact study, and acceptable traffic operations for the roadway networks surrounding the project site can be expected. The right- and left-turn lanes on 119th Street and the left-turn lane on Shannan Street were required with the Olathe Commons development previously and will be constructed with this proposal. Within the development, surface parking lots and garage spaces are provided in adequate quantities to support the proposed residences.

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

The development will follow all regulations and codes pertaining to stormwater, air quality, noise, and other impacts on the environment. The development will preserve the existing wooded area to the extent required and new trees and plantings will be installed throughout the property.

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

The proposed development is expected to have a positive impact on Olathe's economy by adding 214 residential units. The added residents will generate business for existing commercial developments and additional sales tax revenue for the City. In addition, the new buildings will increase property tax revenue to benefit the Olathe community.

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.

There is no gain or detriment to the public health, safety, or welfare if the application were denied. If the application were denied, the existing zoning districts would remain, and the landowner would be permitted to develop the property as allowed in the RP-3, RP-4, and C-2 Districts.

11. Staff Recommendation

- A. Staff recommends approval of RZ24-0011, Olathe Commons, for the following reasons:
 - 1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.
 - 2. The requested zoning meets the Unified Development Ordinance criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the R-3 District with the following stipulations:
 - 1. The density is limited to a maximum of 12 dwelling units per acre and building heights are limited to a maximum of 2 ½ stories and 35 feet.
 - 2. The following traffic improvements are required as identified on the preliminary site plan and as required by the Traffic Engineer:
 - i. An eastbound right-turn lane with storage length of 150 feet plus appropriate taper on 119th Street and revised median at Alcan Street.
 - ii. Modification of the median on 119th Street to restrict northbound left-turns from Alcan Street and convert the intersection to three-quarters access (i.e. left-in, right-in, right-out).
 - iii. Extension of the existing westbound left-turn lane on 119th Street at Alcan Street as close as feasible to the 200-foot length.
 - iv. An additional northbound left-turn lane with 200 feet of storage must be provided on Shannan Street. Additional details for the turn lane and landscape median shall be submitted and approved with the final site development plan.
 - v. Extension of the existing westbound left-turn lane to provide 200' of storage plus appropriate taper on 119th Street at Shannan Lane.
 - vi. Striping of two-way left-turn lanes on 120th Street.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
 - 1. A waiver is granted from UDO 18.15.020.G to reduce the required Class A and Class 1 materials on primary façades from a minimum of 70% to a range of 30% to 54% for the single-family homes and 50% to 70% for the townhomes as depicted in the building elevations included in this agenda packet.
 - 2. A waiver is granted from UDO 18.20.090.B to reduce the minimum front setback along 120th Street from 30 feet to 28 and 22 feet for the two (2) northwestern townhomes as depicted in the site plans included in this agenda packet.
 - 3. The following items must be provided at time of final site development plan:
 - i. The active open space amenity must meet the definition of "Open Space, Active" as provided by UDO 18.90.020.
 - ii. Residential building color palettes, variation, and architectural trim will be further refined.
 - iii. The clubhouse elevations must be revised to comply with the building design standards of UDO 18.15.020.
 - iv. A tree survey must be submitted to ensure the tree preservation areas provide perimeter buffer landscaping as required by UDO 18.30.130.J.
 - 4. Exterior ground-mounted or building mounted equipment including but not limited to, mechanical equipment, utilities' meter banks and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.