



STAFF REPORT

Planning Commission Meeting: February 26, 2024

Application:	RZ23-0003: Rezoning from the R-1 (Single-Family), R-2 (Two-Family), CTY RUR (County Rural), C-2 (Community Center), C-O (Office) and RP-4 (Planned Medium Density Multifamily) Districts to the R-3 (Residential Low-Density Multifamily) District and a Preliminary Site Development Plan for Oddo Olathe Apartments
Location:	Southwest of College Boulevard and K-7 Highway
Owner:	Rick Oddo, RMO Olathe LLC
Applicant:	Henry Klover, Klover Architects, Inc.
Engineer/Architect:	Jake Hattock, Schlagel & Associates
Staff Contact:	Jessica Schuller, AICP, Senior Planner

Site Area:	<u>27.15 acres</u>	Proposed Use:	<u>Residence, Multifamily, 5 or more units</u>
Building Footprint Area:	<u>484,344 square feet</u>	Plat:	<u>Unplatted</u>
Existing Zoning:	<u>CTY RUR, R-1, R-2, C-2, C-O, RP-4</u>	Proposed Zoning:	<u>R-3 (Low-Density Multifamily)</u>
Lots:	<u>1</u>	Tracts:	<u>2</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Urban Mixed-Use Center/Primary Greenway	Vacant	CTY RUR / R-1 / R-2 / RP-4 / C-O / C-2
North	Urban Mixed-Use Center/Primary Greenway	Single-Family Residential	CTY Rural / R-1
South	Urban Mixed-Use Center/Primary Greenway	Vacant	R-2 / RP-4
East	Urban Mixed-Use Center	Vacant	RP-4
West	Primary Greenway/Conventional Neighborhood	Vacant/Single-Family Residential	R-1

1. Introduction

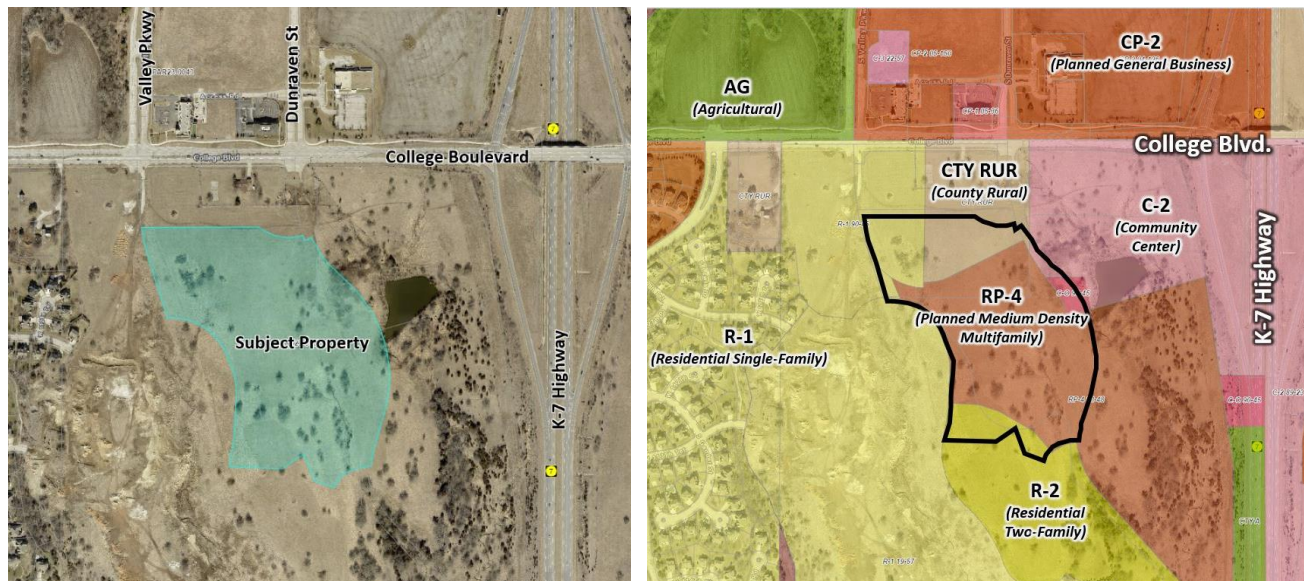
The applicant requests a rezoning and preliminary site development plan for approximately 27 acres south of College Boulevard and west of K-7 Highway. The development consists of 24 apartment buildings and one clubhouse building for a total of 314 units. An outdoor swimming pool, dog park, and walking trails with seating areas are provided as amenities for residents. The clubhouse is located interior to the site and the project is proposed to be constructed in a single phase.

2. History

The majority of the site was zoned to the RP-4 District in 2003 under Ordinance 03-48 for the College West Apartments project (RZ03-0014). The project included 625 dwelling units in 33 buildings at a density of 14.41 units per acre. A preliminary plat was also approved in 2003 (P-51-02). The portion of the property zoned to the C-O District was established in 1990 (Ordinance 90-45) and was originally part of a larger 10-acre office district planned for a variety of office buildings and uses.

The northern portion of the site retains CTY RUR zoning, and a single-family home is located to the north of the property. The northwestern corner of the subject property was zoned to the R-1 District in 1990 and was intended to be developed with single-family residences at a density of 3.2 to 3.5 units per acre (RZ-08-90).

The proposed development consolidates portions of many existing zoning districts, as depicted on the existing zoning map below, which is primarily due to necessary roadway alignments.



Site Location and Zoning Map

3. Existing Conditions

The existing site is vacant pasture/grassland with rolling topography sloping to the southeast. Invasive and scrub trees are scattered throughout the property with no significant trees identified.



Site Photo Looking South from College Boulevard

4. Zoning Standards

- a. **Land Use** – The applicant is seeking a change of zoning to allow for the construction of apartments under the R-3 District. Uses in the R-3 District include multifamily residential, single family residential and senior housing. The applicant is proposing vertically attached multifamily units with a density of 11.56 dwelling units per acre, which is less than the maximum density allowed under the R-3 District of 15 dwelling units per acre and less than currently allowed under the RP-4 District, which a majority of the site is already zoned.

The site is designated as an Urban Mixed Use Center on the PlanOlathe Future Land Use Map. The applicant's request to rezone the entire site to the R-3 District aligns with this future land use designation, which emphasizes land use densities that are sufficient to support transit, and encourages multistory office, residential buildings, and vertically mixed uses. The proposal rezones a minimal portion of existing commercial and office (C-O and C-2 Districts) due to the necessary alignment of future Dunraven Street.

- b. **Building Height** – Building heights within the R-3 District are limited to 3-stories and a height of 40 feet. The proposed buildings are a mix of 2-story, and 2/3-story split buildings where grade changes allow. The 2-story buildings are 31 feet in height, and the 2/3-story split buildings are 35 feet in height as measured from the average ground level to the highest point, meeting Unified Development Ordinance (UDO) requirements.
- c. **Setbacks** – The R-3 District requires 5-foot front building setbacks, 20-foot corner side yard setbacks, and 15-foot rear yard setbacks. The preliminary plan meets all the dimensional requirements of the R-3 District.
- d. **Open Space** – The R-3 District requires 15% of the site to be utilized as common open space, with 50% of the open space being active space. The applicant is providing 17% of the site as common open space, with 60% of the open space being active, (including the swimming pool, dog park, picnic, and common areas) exceeding UDO requirements.

5. K-7 Corridor Plan

The site is located within the K-7 Corridor Area which contains design guidelines serving to define the expectation of high-quality projects within the corridor. The K-7 Corridor Design Guidelines promote pedestrian amenities which provide areas of interest and interaction along with publicly accessible pedestrian linkages between public and private spaces. The guidelines also promote consistent architectural styles and themes throughout the development area. The proposed development aligns with all K-7 Corridor Design Guidelines.

6. Development Standards

- a. **Access/Streets** – A new public collector street, Dunraven Street, will be constructed along the eastern property line from College Boulevard to the south end of the site. An access road will also be constructed along the north property line providing a connection between Valley Parkway (which is currently under construction) and Dunraven Street. Access to the site is provided from a driveway entrance along Dunraven Street and from the new access driveway to the north. Roadway configuration was coordinated with the adjacent property owner to the north in consideration of future commercial development, and a letter of support from this property owner is provided as Attachment A.
- b. **Parking** – Per UDO 18.30.160, a minimum of one parking space is required per 1.5 multifamily dwelling units, and parking for the leasing office is required at a rate of 1 space per 300 square feet, for a total of 476 spaces required with this development. A total of 506 parking spaces are provided on site, with 192 of these spaces being surface parking stalls, and 314 spaces being attached in enclosed garages. No carports are proposed with this development.
- c. **Landscaping/Screening** – The applicant provided a preliminary landscape plan meeting the requirements of the UDO. Landscape buffers are required along the perimeter of the site. A 20-foot wide master landscape area is provided along Valley Parkway and Dunraven Street. A Type 3 Buffer is required along the south property line where a 20-foot landscape buffer with a 6-foot tall berm is provided. A landscape buffer along the northern property line is provided, which includes a 6-foot tall retaining wall. Parking lot trees are provided within landscape islands and interior lot trees are provided at a rate of one (1) per dwelling unit.
- d. **Tree Preservation** – A tree inventory was performed and identified invasive Osage Orange and other scrub trees and plants, which are not required to be preserved.
- e. **Stormwater/Detention** – The property is subject to all Title 17 requirements of the Municipal Code. Two detention basins will be located on site, consisting of one extended wet detention basin and one extended dry detention basin.
- f. **Public Utilities** – The property is in City of Olathe sewer and WaterOne service areas. Sanitary sewer will be extended via a gravity sewer main from the south. Water service will be extended from the Prairie Canyon subdivision to the west, and a water main extension will be located along Dunraven Street.

7. Site Design Standards

The property is subject to the Site Design Category 3 (UDO 18.15.115) based on the Urban Mixed Use Center 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 within the minimum frontage area 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 with a minimum of 50% planted material, meeting this requirement.
- b. **Outdoor Amenity** – Developments greater than 4-acres in size must provide an outdoor amenity space to enhance the public realm and promote pedestrian activity. The applicant is providing a mix of common areas, seating spaces, dog park, and water feature within the south detention basin, meeting 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 30 spaces.
- d. **Pedestrian Connectivity** – Enhanced pedestrian connections to encourage pedestrian use, integration with surrounding land uses or connections to regional paths and trails are required. The applicant is providing direct pedestrian connections from buildings to exterior sidewalks, connections through common space and amenity areas, and is differentiating pedestrian ways through decorative paving materials. Per the Trails and Greenways Guiding Plan, a north/south trail connection is required to connect from College Boulevard to 119th Street, and staff has included a stipulation that an 8-foot side path be constructed on the east side of Dunraven Street.
- 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 and designed with a non-geometric shape, meeting this requirement. Additionally, the southern detention basin is designed with a water feature.

8. Building Design Standards

The buildings are subject to building design standards for Vertically Attached Residential (UDO 18.15.020.G). Color elevations were provided with the preliminary site development plan showing the proposed building materials and architectural style. The proposed materials consist of stucco, stone veneer, and cementitious lap siding and the buildings have a mix of peaked rooflines of varying heights. The proposed color palette consists of shades of gray, brown, white and bronze. The following table lists the applicable design requirements of the UDO and proposed design elements:

Building Design Standard	UDO Design Requirements
<i>Deck, Patio, or Rooftop Area</i>	<p>Proposed Design</p> <p><i>Each unit must have its own deck, balcony or patio that is a minimum of 24 sq. ft. in size, or access to a finished rooftop amenity area in the same building.</i></p> <p>Each unit will have its own balcony or patio with an average size of 125 square feet, exceeding this requirement.</p>
<i>Building Entryway</i>	<p><i>All common building entries must provide a covered projection or a recessed area. Elevated open walkways and stairways along the exterior of the building are prohibited.</i></p> <p>All common building entries include a canopy projection, and all walkways and stairways are enclosed within the buildings.</p>
<i>Garage Doors (Attached Garages)</i>	<p><i>Any street-facing garage doors must be recessed a minimum of two (2) feet from the building primary façade line and must be architecturally treated and include an archway, column, awning or overhang.</i></p> <p>Street facing garage doors on Building Style A are recessed from the front façade line by the extension of the masonry columns surrounding the doorways, and are covered by the roofline overhang, meeting UDO requirements.</p> <p>Street facing garage doors on Building Style B are setback from the primary building wall plane and are covered by the roof overhang, meeting UDO requirements.</p>
<i>Horizontal Articulation</i>	<p><i>A horizontal articulation tool must be used at least every 50 feet on primary facades.</i></p> <p>A 4-foot wall offset is used at least once every fifty feet on all primary and secondary facades, exceeding this requirement.</p>
<i>Vertical Articulation</i>	<p><i>A vertical articulation tool must be used at least every 50 feet on primary facades.</i></p> <p>Changes in roof form, with pitched roofs of varying height, and sloped roofs accented with standing seam metal, are utilized across all facades, meeting this requirement.</p>
<i>Façade Expression</i>	<p><i>A façade expression technique must be used on all primary facades.</i></p> <p>All buildings exceed this requirement by using either a change in materials, a series of balconies, or roof overhangs to differentiate between floors on primary facades.</p>
<i>Roofing Materials</i>	<p><i>Must use Class 1 or 2 roofing materials.</i></p> <p>Class 2 Asphalt Shake Shingles and Class 1 Standing Seam Metal are proposed, meeting this requirement.</p>

Primary facades are required to utilize a minimum of three (3) Class 1 building materials on 70% of the façade, with a minimum of 20% glass. Secondary facades must utilize a minimum of two (2) Class 1 materials on 50% of the façade with a minimum of 10% glass. All facades provide three (3) Class 1 materials exceeding UDO requirements, and all facades exceed the minimum percentage of glass required, except for the front elevation of Building Style B where a waiver to glass requirements is requested. The front elevation of Building B provides 15% glass where 20% glass is required (see Section 10, Waiver Request).

9. 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 15, 2023 with five (5) attendees. Questions were asked regarding project phasing, roadway access and architecture, to which the applicant responded and summarized in the meeting minutes. Staff received one email inquiry about the project and responded with the requested project details.

The application was continued from the July 10, 2023 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.

10. 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 the one (1) waiver requested which is included in the meeting packet.

The applicant is requesting a waiver from:

1. UDO 18.15.020,G.5, which requires a minimum of 20% glass on primary facades. The applicant proposes 15% glass on the front façade of Building Style B.

The applicant notes that the front façade of Building Style B consists primarily of garages with the second story being apartment units. The pitched roof design limits the vertical wall area in which to place additional windows. Staff is supportive of the waiver request as all of the front facades of Building B face internal to the development, and because the percentage of glass on the remaining primary and secondary facades exceeds UDO requirements, thereby providing an alternative high-quality design.

11. UDO Rezoning Criteria

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as an Urban Mixed Use Center. A mixture of residential, employment, shopping and civic uses are permitted in the Urban Mixed Use Center land use category, which promotes densities that support transit and a walkable environment.

The development is highly visible and accessible from K-7 Highway and in proximity to existing commercial uses and commercially zoned properties to the north, major employment centers to the north and west and residential uses to the south and west. The proposed zoning request meets the following policy elements of the Comprehensive Plan:

LUCC-1.1: Consistency with the Comprehensive Plan. Land use proposals should be consistent with the vision of the Comprehensive Plan, as well as applicable local ordinances and resolutions.

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.

HN-2: 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.

HN-2.3: Higher Residential Densities. Target future medium and high-density residential development to locations that are accessible to and integrated with potential employment and transit centers.

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 development meets several policies of PlanOlathe including Land Use and Housing goals of providing residential densities that support commercial development and providing a range of housing opportunities. 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 site is also located within the K-7 Corridor which has guidelines ensuring quality development, outdoor amenities, and pedestrian linkages and connections, which this proposal aligns with.

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 neighborhood consists of undeveloped land in all directions and is designated as an Urban Mixed Use Center on the PlanOlathe future land use map. Property to the west is zoned to the R-1 District and is platted for single-family residential as part of the Prairie Canyon development. Land to the northeast of the property is zoned to the C-2 District for commercial uses, but is undeveloped at this time. Property to the east is currently zoned to the RP-4 District and it is anticipated that this future development will consist of multi-story apartment buildings of similar scale and density to the subject project.

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 majority of the subject property is already zoned for the proposed multi-family use. Surrounding properties are undeveloped at this time, but are zoned for single-family residential uses to the southwest, two-family residential the south, and multifamily residential to the east. Properties to the north, fronting College Boulevard, are partially

zoned for commercial land uses. A single-family residential home retaining County Rural zoning is also located to the north of the subject property. The proposed multifamily use is in harmony with this existing mix of planned residential densities and future commercial uses.

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

The majority of the site is zoned to the RP-4 District which permits the development of multifamily housing. The northern portion of the site is zoned CTY RUR which permits agricultural uses and large lot single-family residential. The property is proposed to be zoned to the R-3 District, which permits uses such as multifamily residential, single family residential and senior housing. The property is suitable for multifamily housing uses, in alignment with the PlanOlathe future land use map designation as an Urban Mixed Use Center.

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

The majority of property was zoned to the RP-4 District in 2003. A portion of the property was zoned to the R-1 District in 1990 and another portion of the property has retained CTY RUR zoning since the time of annexation into City limits. The entire property remains undeveloped.

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. The majority of the property is already zoned for multifamily residential land uses, and the proposed rezoning from the RP-4 District to the R-3 District will reduce the intensity of residential land use on 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 is separated from future development by future collector roadways and landscape buffers on the east and west, and from future commercial development by a local roadway to north. The proposed development will provide residential density to support future commercial development along College Boulevard.

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. A turn lane into the development on College Boulevard was recommended by the study and will be constructed with this project. Within the development, surface parking lots and garage spaces are provided in adequate quantities to support the housing units.

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. A significant number of trees and plant material will be added to the property.

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

The proposed development is expected to have a significant impact on Olathe's economy by adding 314 residential units. The added residents will generate business for existing commercial developments and additional sales tax revenue for the City.

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 proposed rezoning does not negatively impact public health, safety, or welfare as presented. If the rezoning were denied, portions of the property could still be developed for multifamily residential uses.

12. Staff Recommendation

- A. Staff recommends approval of RZ23-0003, Oddo Olathe Apartments, 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 no stipulations.
- 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.5, applicable to the front facades of Building Style B, to permit a minimum of 15% glass.
 - 2. An 8-foot side path must be constructed on one side of Dunraven Street at the time of roadway construction.
 - 3. 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.