



MINUTES

Planning Commission Meeting: February 26, 2024

Application:	<u>RZ23-0003:</u> Request for approval of a 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 (Low-Density Multifamily) District and a preliminary site development plan for Oddo Olathe Apartments on approximately 27.15 acres, located southwest of College Boulevard and K-7 Highway.
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Ms. Jessica Schuller, Senior Planner, presented RZ23-0003, a request to approve a rezoning on undeveloped property, south of College Boulevard and west of Highway K-7. In 2003, this property was approved for multifamily residential at a density of 14.4 dwelling units per acre. Currently, the property has a mix of zoning districts, with a majority zoned as the RP-4 (Planned Medium Density Multifamily) District. The applicant requests to rezone the entire property to the R-3 (Low-Density Multifamily District).

Ms. Schuller stated the PlanOlathe future land use map identifies the property as an Urban Mixed Use Center, which allows a mixture of residential uses, multistory offices, and vertically mixed uses. This development will support existing and future commercial land uses on the north and south sides of College Boulevard and the larger K-7 interchange area. Ms. Schuller stated the proposed plan also aligns with the K-7 Corridor design guidelines (focused on quality development, connectivity, and amenities) and the comprehensive plan.

Ms. Schuller presented the preliminary site development plan, which proposes 24 apartment buildings with 2 building styles – two-story flat and two-and-three-stepped buildings which are prompted by grade changes. The project consists of 314 units with a density of 11.56 dwelling units per acre which is less than permitted in the R-3 District. Two access points into the site will be provided: on Dunraven Street to the east and the other from the proposed east/west access road to the north. A right turn lane must be constructed on College Boulevard. These roadway alignments were planned in coordination with the adjacent property owner to the north, who intends to develop commercial uses along College Boulevard in the future. Amenities will include an outdoor pool and clubhouse area, common areas with seating and decorative hardscape and landscape, a dog park, sidewalk connections, and a fountain feature. There will be landscaping along all the roadways, parking lots, and building foundations. In addition, an

8-foot side path will be provided on one side of Dunraven Street, as required by the Trails and Greenways Guiding Plan.

Ms. Schuller presented renderings of the apartment styles: The two-story buildings (Style A) will have 14 units. The two-and-three story building (Style B) will have 12 units. All units in both buildings have patios or decks exceeding UDO size requirements, and tuck-under garages. All buildings meet or exceed UDO requirements for horizontal and vertical articulation.

Ms. Schuller stated the applicant is requesting one waiver for the percentage of glass proposed on the front elevation of Building Style B. The UDO requires 20% glass on primary facades, and the applicant is providing 15% glass due to the presence of garage doors. The front facades of Building B face interiorly, rather than towards public roadways. Staff supports the waiver because the applicant exceeds the glass requirement on all other facades, and exceeds the amount of Class 1 and 2 building materials required.

The applicant provided public notification and held a neighborhood meeting. The meeting was attended by 5 individuals who asked about the project phasing, roadway construction and building architecture. Staff received a phone call with general questions about the project, and another phone call with feedback about the land use, density, and character of the neighborhood.

Staff recommends approval of the rezoning to the R-3 District and of the preliminary site development plan, as stipulated.

Commissioner Bergida asked where on the development the two-story buildings were versus the three-story buildings and whether they are interior or exterior facing. **Ms. Schuller** showed a color-coded map which shows the three-story buildings are both interior and exterior-facing, according to the grade. In particular, all the buildings on the south are the three-story style to accommodate a sharper grade drop-off.

Commissioner Bergida asked whether any of the buildings are in the primary greenway. **Ms. Schuller** answered along the northwest corner, there is a small section that cuts across the primary greenway.

Commissioner Bergida asked how much commercial property is requested to be rezoned. **Ms. Schuller** demonstrated on the map and answered it is less than an acre, which is a result of aligning Dunraven Road's roundabout for connectivity with future commercial property to the north.

Commissioner Bergida asked to confirm that the proposed zoning and corresponding density would be lower than the existing zoning's density and asked staff to estimate the difference. **Ms. Schuller** confirmed that under the current approved plan, the density would be approximately 14.4 units per acre whereas the proposed new plan would be approximately 11.5 – 11.6 units per acre.

Commissioner Bergida noted there are not many single-family homes within 500 feet and asked how many residents received notification of this proposal. **Ms. Schuller** stated the 500 foot notice captured approximately 31 parcels, and demonstrated on the map where the buffer cut through a cul-de-sac. Ms. Schuller also provided that notices to adjacent HOA's within the buffer area are required as is standard for rezoning applications.

Commissioner Bergida requested staff to highlight the traffic study results.

Mr. Chet Belcher, Chief Community Development Officer, answered that the study recommended a right turn lane at College Boulevard. He continued that when the commercial property develops in the future, a signal would be required at that time.

Commissioner Bergida asked for confirmation whether sales tax and property tax would be positively impacted by the project, and Ms. Schuller confirmed.

Commissioner Creighton echoed concern regarding density. Commissioner Creighton stated he likes this is an upscale proposal. He asked for confirmation on the orientation of the garages. **Ms. Schuller** answered in most cases, the garages are interior-facing; however, there are a few that face the street which are required to have an additional architectural features. She demonstrated the location of those garages.

Mr. Patrick Reuter, Klover Architects, 8813 Penrose Lane, Suite 400, Lenexa, KS on behalf of the Oddo Development. Mr. Reuter stated that Curtis Holland (Polsinelli), Jake Haddock (Schlagel Engineers), and Kristin Schooner (Traffic Engineer) are also present. Mr. Reuter presented their application request. The site is located west of K-7 and acts as a buffer between R-1 single family homes to the west and the highway. The current requested R-3 zoning is down-zoning for a less dense multi-family product type, which they believe is appropriate next to single family homes. Mr. Reuter continued that the RP-4 zoning allows up to 29 units/acre and R-3 allows up to 15 units/acre. The applicant is requesting 11.56 units/acre. The proposed building style is Big Home/Mansion Style which are designed to look like larger 2-story single-family homes with walk-out options. Commercial is expected to the north. Dunraven Road will be built with their project and that connection affected the east property line.

Mr. Reuter continued there will be two traffic access points, one on the north and one on the southeast corner. He stated they utilized walk-out buildings to accommodate the 35 foot grade change. There are 24 buildings for 314 total units. The development is intended to be walkable and bikeable and will include a clubhouse, pool, picnic area, two detention areas (one with a fountain), and significant berms and landscaping. He showed renderings of the units with grade perspectives; the units are intended to blend with nearby single-family homes.

Commissioner Terrones asked if these are considered luxury apartments and **Mr. Reuter** confirmed they are.

Commissioner Terrones asked what defines luxury apartments.

Mr. Rick Oddo, President of Oddo Development, 15200 W 105th Terrace, Lenexa answered. Mr. Oddo stated typically luxury apartments have attached garages where each unit is like its little home. The units have kitchen and bath granite, stainless steel appliances, and generally higher finishes. The pool is also sizeable with walking spaces. He worked a deal with Clay Blaire owners on the south line to provide additional setbacks, so they have his approval.

Commissioner Terrones asked if the units contain 1, 2 or 3-bedrooms and the projected rent costs.

Mr. Oddo and Mr. Reuter answered they are one-and two-bedrooms units, split approximately 65-35. Mr. Oddo answered one-bedrooms will start at \$2,000 and two-bedrooms would start around \$2,500 per month.

Commissioner Bergida stated the project makes sense and is pretty. He asked if the applicant would be amenable to preserving the greenspace.

Commissioner Oddo stated that due to purchasing an additional southern property to meet their needed 300 unit minimum and the space needed for the northern roundabout, they don't see how else they can "tighten it up" and still be financially viable.

Mr. Reuter added with additional west setbacks and additional greenspace that exceeds the UDO requirement, he believes they have almost if not completely made up for the forfeited greenspace.

Commissioner Bergida restated that to preserve the greenspace, they would lose Buildings 3 and 4 (and possibly a third building). To be financially viable, they have to keep 300 units, so losing the two buildings would drop the unit number below the minimum.

Mr. Oddo confirmed and stated they also added Tract B on the southeast corner which acts as detention, buffer to southern neighbors, and additional greenspace. Further, the future major street [Valley Parkway] has to go where the greenspace currently is.

Chair Breen opened the public hearing. One speaker was signed up to speak. Chair Breen called up the speaker.

Speaker #1, Joshua Derwin, 10831 S. Appleridge Lane, resident of Prairie Brook, shared two concerns: First, another nearby development is planned and postponed from tonight's agenda. The school is already close to capacity. With recently increasing development, he is concerned about where the kids will go. Second, he is concerned about his quality of life. Currently, children from Cedar Creek use Prairie Brook's pool as

overflow. Mr. Derwin stated it will be difficult to enjoy the amenities they pay for with additional overflow from this and Cedar Creek's pools.

Mr. Oddo answered that he understands the neighbors' concerns, but this development will have its own nice large pool with gas grills to entice residents to stay within the community. Additionally, Mr. Oddo answered this development does not have three-bedroom units. The only occupants with kids tend to be divorcees who have the children part-time on the weekends. Further, in similar developments (considered high-end A+ developments), they contribute only 1 child per 100 units to attend the school, while the development produces property tax dollars (approximately \$500,000 to the school) with only two to three additional children. Mr. Oddo stated schools love his developments for these reasons.

With no further comments, **Chair Breen** entertained a motion to close the public hearing.

A motion was made by **Commissioner Corcoran** to close the public hearing, seconded by **Commissioner Bergida**. The motion passed by a vote of 6 to 0.

Commissioner Brown asked if Dunraven will eventually be parallel to K-7 and connect to 119th Street through another recently approved project.

Ms. Schuller confirmed yes, it will go through High Meadows and connect to 119th Street.

Commissioner Creighton asked for the City's position on the impact on schools.

Ms. Schuller confirmed City Staff maintains correspondence to the school district and has communicated this project to them. The district has no concerns about capacity issues.

Commissioner Bergida stated he has two concerns for the record: His first item is the City's concern to preserve commercially zoned property. The second concern is changing from R-1 to R-3 in the greenspace. Although it seems like the project fits in with the community and blends with neighboring single-family, Commissioner Bergida hopes the City doesn't change a lot of R-1 property to R-3.

With no further discussion, **Chair Breen** entertained a motion on the item.

Commissioner Terrones moved to approve RZ23-0003 as stipulated by staff, and **Commissioner Brown** seconded.

The motion passed with a vote of 6 to 0 as follows:

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.