



Planning Division

**MINUTES****Planning Commission Meeting: September 9, 2019**

<b>Application:</b>	<b><u>RZ19-0012:</u> Rezoning from R-1, RP-1, RP-4, and CTY A to R-1 District and preliminary plat for Prairie Canyon</b>
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**Sean Pendley, Senior Planner** presented a request for rezoning to R-1 Single-Family Residential District and a preliminary plat for Prairie Canyon, located southwest of College Boulevard and K-7 Highway, approximately one-quarter mile south of College Boulevard and adjacent to the Southglen of Cedar Creek subdivision. Surrounding properties include single-family residential and undeveloped properties to the north and east.

**Mr. Pendley** presented a site location map, noting that the single-family zoning is adjacent to Southglen of Cedar Creek and The Woods of Southglen subdivisions. There will be connecting streets between developments. He noted that the site is undeveloped and existing street connections are stubbed. The subject property consists of four zoning districts: R-1, RP-1, CTY-A and RP-4. This proposed rezoning will consolidate the different zoning districts into one to R-1 district and preliminary plat, and is related to the proposed R-2 zoning on the adjacent property to the east.

**Mr. Pendley** stated that the future land use plan in this area includes a combination of mixed-use residential, urban mixed-use center, and primary greenway. There are plans for future parks and trails along the Cedar Creek stream corridor. He said areas adjacent to the existing single-family districts are more suited to the proposed R-1 zoning that is being requested.

**Mr. Pendley** presented an approved preliminary plat for Southglen, noting that preliminary plans were included with previous zonings. This proposed development is generally consistent with the previous plat in terms of use and street connectivity but there are some changes in the number of lots which reduces overall density. The proposed preliminary plat consists of 142 single-family lots on 73 acres, for a net density of 1.9 units per acre. All single-family lots in the R-1 exceed minimum standards of 7,200 square feet. He added that the subdivision has three street connections to existing subdivisions, and a new collector road is proposed from College Boulevard, which will align with the existing street on the north side of College Boulevard. This meets UDO standards for street connectivity and access.

**Mr. Pendley** stated that open space buffers are proposed throughout and there are tree preservation areas within open space areas and the stream corridor. Street trees will be provided along all proposed streets and landscape tracts will occur within the single-family and R-2 subdivision. The applicant has also agreed to a public recreation easement within the common tracts but the specific location that has not yet been identified. The applicant has identified tree preservation areas and private trail connections throughout the development. Once the public trail is built, staff will recommend a trail connection from the private trails leading to the public trail.

**Mr. Pendley** said the applicant held a neighborhood meeting on July 30<sup>th</sup>, attended by 27 residents. There were questions regarding green space, trails and street connections. Staff received one letter expressing concerns about tree preservation and street connectivity and expressing opposition to the proposed zoning. Mr. Pendley said the proposed development is

consistent with the Comprehensive Plan. Single-family residential uses are appropriate in this area because they serve as a buffer between existing R-1 to the west and future multi-family residential and commercial zoning to the east.

**Mr. Pendley** concluded by stating staff recommends approval of rezoning to R-1 with stipulations because it complies with the Comprehensive Plan goals for environmental sustainability and land use, and the requested R-1 District meets UDO requirements for single-family development. The applicant is requesting a waiver from minimum front yard setbacks, requesting 20 feet instead of 30 feet, in order to provide additional tree preservation areas in the rear yards. Mr. Pendley said this request is consistent with other single-family developments in the Cedar Creek area and they support the waiver request.

**Comm. Nelson** asked if the map is parcel specific; Mr. Pendley said it is. Comm. Nelson asked what RP-4 is equivalent to under current standards. Mr. Pendley said it is a Planned Medium Density Multifamily District. Comm. Nelson asked about potential development of the site to the east/northeast and if it would be limited by moving R-1 and R-2 into the site. **Mr. Pendley** doesn't believe buffers will be a problem because a majority of the east plat boundary consists of a new collector road, Valley Parkway, coming in from the north, and a future collector road planned to the east. These will serve as natural buffers between the different land uses. Comm. Nelson asked if the overall density of the region would be restricted.

**Aimee Nassif, Aimee Nassif, Chief Planning and Development Officer**, responded to the question about impact of zoning on the site. She said RP-4 is in the current code as an R-4. Zoning entitlements do not go away, but the density established is a maximum. Because there is no approved final plan for the R-4, they would have to meet today's requirements. Comm. Nelson notes that the R-1 is being replatted knowing that there is R-4 adjoining it. He believes that is an important distinction to make. **Mr. Pendley** said the future development on the adjacent property will have to include a buffer, as well.

**Mr. Corcoran** asked if there is a concern with locating utilities in a reduced setback. **Mr. Pendley** does not believe there will be an impact because the preliminary plat provides area for the required utility easements and setbacks. Mr. Corcoran noted that sanitary sewer needs to be separated from water by 10 feet and some lots may not provide separation. **Chet Belcher, Transportation Manager**, responded that sometimes 20 feet simply cannot be accommodated and the existing easements simply have to be pushed back further. There is a dedicated public easement adjacent to the right-of-way for water and sewer.

**Comm. Fry** asked Mr. Belcher how the City could address the concerns of neighbors regarding connectivity with adjacent neighborhoods. **Mr. Belcher** responded that the stubbed roads have always intended to connect at some point. It's important to provide internal connectivity so people do not have to go out on arterial roadways to make local trips. Also, given the distance from College Boulevard, fire and life safety issues could not be met without the new connections.

**Chair Vakas** asked Mr. Pendley to talk about how a transitional lot policy comes about. **Mr. Pendley** said the preliminary plat and all lots adjacent to the existing R-1 zoning do meet the transitional lot standards in the UDO by either providing open space tracts or yard matching sizes. Lots in the northeast area of the development that are adjacent to existing R-1 lots all meet the transitional lot policy. The rest of the development adjacent to R-1 has open space buffers that exceed the transitional lot policy. Chair Vakas asked if there is space provided at the three entry points for signage. Mr. Pendley said there are open space areas on 113<sup>th</sup> Terrace and 115<sup>th</sup> Terrace. There is no area between the 112th Street connection. A monument sign would be the responsibility of the developer and/or HOA. Chair Vakas questioned if Cedar Creek management might want to place a monument sign or pillar of some kind at those entry points, indicating when a person is transitioning into Cedar Creek, which is a separate

subdivision. Mr. Pendley agreed that there was room for future signs, although 112<sup>th</sup> Terrace may require some type of easement.

**Chair Vakas** opened the public hearing and asked the applicant to come forward. **Frank Dean with Clay Blair Services Corporation, 13626 West 87<sup>th</sup> Street Parkway, Lenexa**, approached the podium, representing the developer. Mr. Dean noted heavily treed areas and additional stream corridors between the subject property and Cedar Creek and east of the R-2 section. He further noted two defined ridges with steep topography, which created a challenge when putting together a plan for the site. Other challenges relate to the high-end single-family neighborhood with relatively large R-1 lots on the west and high-density apartments on the east. They are contemplating this as a maintenance-provided neighborhood, as well as the area of R-2 to the east. He said the inconsistency between the boundaries and current zoning resulted from a land exchange between the applicant and Rick Oddo. The exchange was intended to help the two projects come together for both sides. Mr. Dean was available for questions.

**Chair Vakas** asked Mr. Dean to talk about the trail system. **Mr. Dean** said they plan to install asphalt trails, five to six feet wide. **Chair Vakas** asked Mr. Pendley if the trail has to be paved in order to connect to the City's trail system. **Mr. Pendley** said an asphalt trail would meet the UDO requirements for private trails.

There were no other questions of the applicant and no one else wished to speak. **Chair Vakas** called for a motion to close the public hearing.

*Motion by Comm. Sutherland, seconded by Comm. Nelson, to close the public hearing.*

*Motion passed 6-0.*

There was no further discussion. **Chair Vakas** called for a motion.

*Motion to approve RZ19-0012 as stipulated was made by Comm. Nelson and seconded by Comm. Fry, for the following reasons:*

1. The proposed development complies with the policies and goals of the *Comprehensive Plan* for Environmental Sustainability and Land Use (Principles ESR-1 and LUCC-6).
2. The requested rezoning to R-1 district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.

*Comm. Nelson's motion included recommending that the following stipulations be included in the ordinance:*

1. A waiver is granted to permit minimum twenty (20) foot front yard setbacks.

*Comm. Nelson's motion included recommending that the following stipulations apply to the preliminary plat for the R-1 District:*

1. A final plat must be approved and recorded prior to issuance of building permits.
2. The final plat with Tract C will include the following language: "A Public Recreation Easement (PR/E) will be dedicated in Tract C to allow a future public trail. The exact location of the public trail and PR/E will be determined at the time of the trail construction by the City of Olathe".

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3. A minimum of two (2) interior lot trees will be provided in the rear yards of Lots 1-5, 79 and 80.
4. Final plats shall include Tree Preservation Easements (TP/E) in Tract C as identified on the preliminary plat.
5. As required by the *UDO*, all exterior mechanical equipment or utility cabinets located within front yards or corner lots shall be screened from public view with landscaping.

*Aye: Sutherland, Nelson, Fry, Munoz, Corcoran, Vakas (6)*

*No: (0)*

*Motion was approved 6-0.*