



STAFF REPORT

Planning Commission Meeting: January 8, 2024

Application:	<u>RZ23-0012</u>: Rezoning from the CTY RUR (County Rural) District to the R-1 (Residential Single-Family) District, Preliminary Plat and Preliminary Site Development Plan for Heritage Ranch
Location:	Southwest of 159 th Street and Black Bob Road (Lackman Road)
Owner:	John H. and Susan Wilson
Applicant/Engineer:	Tim Tucker; Phelps Engineering Inc.
Staff Contact:	Taylor Vande Velde; Planner II

Site Area:	<u>128.98 acres</u>	Proposed Use: <u>Residence, Single-Family Detached</u>
Proposed Density:	<u>2.4 units/acre</u>	Plat: <u>Unplatted</u>
Existing Zoning:	<u>CTY-RUR (County Rural)</u>	Proposed Zoning: <u>R-1 (Single-Family Residential)</u>
Lots:	<u>305</u>	Tracts: <u>12</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Conventional Neighborhood	Single-Family Residence/AG	CTY-RUR (County Rural)
North	Conventional Neighborhood / Secondary Greenway	Single-Family Residential	R-1 (Single-Family Residential)
South	Conventional Neighborhood / Secondary Greenway	Single-Family Residential	R-1 (Single-Family Residential)
East	Primary Greenway	Heritage Park	CTY RUR / RN-1
West	Conventional Neighborhood / Secondary Greenway	Single-Family Residential	R-1 (Single-Family Residential)

1. Introduction

The applicant is requesting a rezoning from the CTY RUR (County Rural) District to the R-1 (Residential Single-Family) District for the Heritage Ranch subdivision. The property is located at the southwest corner of 159th Street and Black Bob Road. The proposed rezoning to the

R-1 District is required to allow the development of a single-family home subdivision. A preliminary plat and site development plan with 305 single-family lots and 12 common tracts accompany this rezoning request.

The 128.98-acre site will be constructed in four (4) phases with a clubhouse, play area, and pickleball courts located in the center of the subdivision with a fishing pond in Tract B. The first phase on the east will provide two primary access points for the neighborhood, one from 159th Street and the other from Black Bob Road. The development also includes an eight-foot-wide asphalt trail extending from Black Bob Road along the length of the southern property line.

2. History

The property was annexed into the City of Olathe in October 2023 (ANX23-0001) and has historically been used for a single-family home along with farming and agricultural operations in the unincorporated Johnson County.



Site Location Map

3. Existing Conditions

The existing site is primarily farmland and includes a single-family home that was constructed in 1983 in the center of the property with several small outbuildings and a large barn. Most of the existing tree canopy is located along the perimeter of the property where tree preservation is planned. The existing single-family home is proposed to remain and will be platted as an individual lot in the subdivision.



View of the subject property from W. 159th Street, Looking Southwest

4. Zoning Standards Land Use

- a. **Land Use** – The applicant is seeking a change of zoning to allow for the construction of single-family homes within the R-1 District. Permitted uses in the R-1 District include uses such as, but not limited to, single-family homes, assisted living facilities, schools, and religious facilities. The site is designated as Conventional Neighborhood, and Primary and Secondary Greenways on the PlanOlathe Future Land Use Map. The requested R-1 District directly aligns with this future land use designation.
- b. **Lot Standards** – The preliminary plat includes 305 single-family residential lots. Of those lots, 28 have a minimum lot width of 50 feet, while the other 277 lots exceed the minimum requirements as permitted by Unified Development Ordinance (UDO) 18.20.070. Table 1 below provides the dimensional standards for all lots. The lots range in size from 6,500 square feet to 33,890 square feet with an average size of 11,646 square feet. Waivers are requested to side yard setbacks, as noted below, and detailed in Section 10.

<i>Table 1: Minimum Dimensional Standards</i>	<i>Min. 50-Foot-Wide Lots</i>
<i>Lot Size</i>	5,000 square feet
<i>Lot Width</i>	50 feet
<i>Front Yard</i>	25 feet
<i>Side Yard</i>	7 feet*
<i>Rear Yard</i>	15 feet
<i>Corner Lot Side Yard</i>	20 feet**
<i>Common Open Space</i>	15% of site area, 50% of which must be active open space

* A waiver is requested to reduce the 7-foot side yard setback to 5 feet for all lots that are 50 feet in width.

** A waiver is requested to reduce the corner side yard setback for select lots from 20 feet to 15 feet.

- c. **Building Height** – Building heights within the R-1 District are limited to 2 ½ stories and 35 feet for residential homes and 75 feet for nonresidential buildings. The proposed single-family homes will comply with this requirement.
- d. **Setbacks** – The UDO allows flexibility for a variety of setbacks and lot standards in exchange for the provision of common open space (see Table 1 above). A waiver is being requested to the minimum side yard setback of 7 feet and corner side yard setback of 20 feet for those 28 lots which are 50 feet wide, as detailed in Section 10 of this report.
- e. **Open Space** –The open space requirement for the development is 19.35 acres and the applicant is providing 24.48 acres, which is 19% of the overall site, exceeding the 15% required by UDO 18.20.070.B. Of this required open space, 50% is required to be active; the clubhouse, play area, trail, and fishing pond are 18.74 acres, exceeding the 50% active open space requirement of 9.68 acres.

5. Coffee Creek Master Plan

Adopted in 2005, The Coffee Creek Master Plan provides a guide for future development generally located between 159th Street in the north and 175th Street in the south, and between Ridgeview Road in the west and Pflumm Road in the east. The Coffee Creek Master Plan designates this property for Neighborhood Residential land uses with a density between 2-4 dwelling units per acre. New development within this study area should be high-quality and offer a range of housing options with amenities, which this proposal provides. The proposed subdivision provides 2.4 dwelling units per acre and addresses several goals from the plan including promoting quality of life through walkable and pedestrian-friendly development with sidewalks and trails. As such, the proposed plan meets the requirements for the Coffee Creek Master Plan.

6. Development Standards

- a. **Access/Streets** – The proposed layout of streets and access points into the subdivision were reviewed against, and are compliant with, the City’s Access Management Plan and requirements of the UDO. Two (2) new street connections will be provided to arterial streets; one (1) to 159th Street to the north and one (1) to Black Bob Road to the east. The subdivision’s Black Bob Road entrance will also align with the future Johnson County Heritage Park entrance across the street, which will move approximately 500 feet south of its current location in 2024. While the arterial streets will provide new connections to the public street network, no residential lot will have direct access to an arterial street.

The proposed street layout will connect to five (5) existing stub streets abutting the Heritage Ranch property to the west and south. Additionally, a permanent turn around will be constructed at the 163rd Terrace stub street located in the Stonebridge Park 1st Plat to the south. The subdivision will connect to an existing collector street to the west, 161st Terrace, which will extend to Black Bob Road.

The existing single-family residence will be occupied and have temporary roadway access throughout the construction of Phase 1. The unplatted parcel directly south of Legacy Christian Church (Parcel ID 6F241417-3005) does not currently have access to a public street. To ensure future roadway access, Tract L and adjacent right-of-way to the south will be platted to provide access if the property is not sold to an adjacent property owner with roadway access in the future. Additionally, the number of access points provided for the subdivision provides adequate access for life and safety requirements of the Olathe Fire Department.

- b. **Landscaping/Screening** – Master Landscaping is provided along both 159th Street and Black Bob Road within areas at least 25 feet in width as required by UDO Section 18.30.130.H. Street trees will also be provided along all streets within the development.
- c. **Amenities** – The applicant is proposing a clubhouse, pickleball courts, and outdoor play area amenity centrally located within the subdivision in Tract D near the existing home. The existing barn will be converted and used as the clubhouse. In accordance with the phasing plan, the amenities will be completed with the second phase of development and additional details will be provided with the final development plan.

The development will provide an 8-foot wide recreational trail through Tract J, Tract H and G along the southern portion of the property along with a Tree Preservation Easement. This trail will connect to future trails planned for the Arbor Creek neighborhood to the west, further connecting to existing parks including Arbor Creek Park and Heritage Park. Several accessways to this public trail are provided from four (4) locations within the development, meeting trail access requirements for single-family neighborhoods. Additionally, the trail leads to a fishing area in the existing pond located in Tract B.

- d. **Tree Preservation** – The property includes approximately 19.52 acres of woodland area. The UDO requires that at least 20% of the woodland area be preserved, or approximately 3.9 acres for this property. The applicant has provided a tree preservation plan, included in this packet, depicting 3.95 (20.2%) acres of woodland area to be preserved on site. These areas are located along the southern and western property lines. Areas of existing trees internal to the site will be removed for stormwater detention.
- e. **Stormwater/Detention** – The property is located within the Coffee Creek Watershed and requires on-site stormwater detention and treatment. The applicant will provide three (3) stormwater BMPs on site, and the site will comply with all stormwater requirements of Title 17.
- f. **Public Utilities** – The property is located in the WaterOne and Johnson County Wastewater (JCW) service areas. Utilities will be extended to serve each portion of the development. There are several existing utilities on the site including easements for, Evergy, Water District No. 1, Rural Water District No. 5, Union Gas System, Inc., and Consolidated Main Sewer District of Johnson County.

7. Site Design Standards

The property is subject to Site Design Category 1 (UDO 18.15.105) based on the Conventional Neighborhood designation of the PlanOlathe Future Land Use Map. The following is a summary of the applicable site design requirements:

a. **Street & Pedestrian Connectivity**

Sidewalks will be provided on one side of all internal local streets as required by the UDO with connections to pedestrian ways along arterial street rights-of-way provided. 161st Terrace is classified as a collector street and includes sidewalks on both sides as required by the UDO. Public sidewalks will also be constructed by the developer along the perimeter of 159th Street adjacent to this development. The City will be constructing sidewalks along Black Bob Road as part of a 2024 Capital Improvement Project.

The proposed street and pedestrian layout provide a total of 35 links and 27 nodes for an internal connectivity ratio of 1.3, exceeding the minimum required ratio of 1.2 for R-1 Districts.

8. Building Design Standards

Single-family homes constructed on lots less than 7,200 square feet in size are subject to the building design standards for single-family homes (UDO, 18.15.020.G.2). Requirements include the provision of high-quality materials, front facing entry elements, and garages that are subordinate to the primary façade. The applicant has provided example photos of what a home subject to these design requirements will look like and these have been included in the meeting packet. Technical elevations for individual homes in accordance with the UDO will be reviewed at the time of building permit to allow for increased flexibility of design features on each individual home.

9. Public Notification and Neighborhood Meeting

The applicant mailed the required certified public notification letters to surrounding properties within 200 feet and posted public notice signs on the property per UDO requirements.

A Neighborhood Meeting was also held in accordance with the UDO on December 14th, 2023 with approximately 35 attendees. All property owners and HOAs within 500 feet of the subject property were invited, as required by UDO, Section 18.40.030. Primary topics discussed at the Neighborhood Meeting included improvement of nearby roadways, regional detention in the area, and tree preservation easements along the southern property line. The applicant responded to each of the questions asked during the meeting and a copy of the meeting minutes is included within this packet. Staff has not received any additional correspondence regarding this application.

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 one (1) waiver request identified below. This justification statement is included within this packet.

1. A waiver is requested from UDO 18.20.070.b allowing the side yard setback to be reduced from 7 feet to 5 feet for interior Lots 15-31 and 34-44 and a reduction from 20 feet to 15 feet for side yards on corner Lots 15, 25, 26, 34, and 44. This request impacts 28 lots in the development.

Staff is supportive of the one (1) waiver request as the applicant has provided an alternative high-quality design throughout the development. The UDO provides flexibility for setbacks to ensure that a variety of housing styles are available throughout the City. As noted by the applicant, four different lot sizes are provided to appeal to different home buyers and accommodate different home sizes. The applicant is only requesting waivers for those lots which have narrower, 50 foot, widths. The lots that are less than 7,200 square feet in these areas will also be subject to the architectural building design standards outlined in the UDO, which require higher-quality building materials and architectural features. Additionally, common open space with amenities is provided to enhance the overall design and quality of the neighborhood.

11. UDO Rezoning Criteria

The proposed zoning request meets the following policy elements of the PlanOlathe 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-3.3: Residential Zoning Standards. Ensure that zoning allows for a variety of home types and lot sizes.

PTR-2.4: Incorporate Trails in Development. Utilize the design review process for private development and public improvements to improve bicycle and pedestrian linkages to new development during the planning and design of all projects.

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 proposed single-family use directly aligns with the PlanOlathe Comprehensive Plan Conventional Neighborhood and Primary Greenway future land use designations. The request also meets several policies of the Comprehensive Plan pertaining to Land Use and Community Character, Housing and Neighborhoods, and Parks, Trails, and Recreation. The proposed subdivision also aligns with the Coffee Creek Master Plan as previously identified.

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 character of the surrounding area is almost entirely residential and recreational in nature, with single-family detached homes to the north, south, and west, a religious institution to the northeast, a regional park located east of Black Bob Road. Residential densities and architectural style of the surrounding single-family developments are generally consistent with this development proposal.

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.

Surrounding properties are zoned to the R-1 (Residential Single-Family) and CTY RUR (County Rural) Districts. The rezoning as proposed is in harmony with these surrounding residential districts and existing land uses.

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

The property was recently annexed into the City and requires zoning to a City zoning designation to accommodate any future development. The property currently retains CTY RUR zoning, primarily for agricultural uses.

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

The property was annexed into the City in October 2023 and has retained the same agricultural uses and activities since.

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

The proposed rezoning will not have a detrimental effect on surrounding properties. The R-1 District promotes uses and activities that are already occurring on surrounding properties within the neighborhood. Additionally, tree preservation is proposed along the western and southern property boundaries, providing buffers from existing development.

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

The proposed rezoning will not substantially harm the value of nearby properties, which are zoned for similar uses.

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.

This zoning proposal will not cause any adverse effect on traffic and safety of the road network which complies with the City's Access Management Plan. The subject property is situated at the corner of two arterial streets (159th Street and Black Bob Road) and connects to an existing collector road (161st Terrace). The City is also widening Black Bob Road to a divided 4-lane road in 2024 which will accommodate additional vehicular capacity within the area.

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

Future development is not anticipated to create air pollution, water pollution, noise pollution, or other environmental harm. The proposed development will preserve trees per UDO requirements and will follow best management practices for stormwater and detention.

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

Future development would provide increased 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.

The proposed rezoning does not negatively impact the public health, safety or welfare of the community as presented. If the application were denied, development of the property would be limited to low density rural residential and agricultural uses.

12. Staff Recommendation

- A. Staff recommends approval of RZ23-0012, Heritage Ranch, for the following reasons:
1. The proposed development complies with the policies and goals of the Comprehensive Plan.
 2. The requested rezoning to the R-1 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the R-1 District with no stipulations.
- C. Staff recommends approval of the preliminary plat and preliminary site development plan with the following stipulations:
1. A waiver is granted from UDO 18.20.070.b allowing the side yard setback to be reduced from 7 feet to 5 feet and corner side yard from 20 feet to 15 feet for Lots 15-31 and 34-44, as shown on the preliminary plat dated January 2nd, 2024.
 2. Homes constructed on lots less than 7,200 square feet in size are subject to the building design standards for single-family homes as outlined in UDO, Section 18.15.020.G.2.
 3. Tract L and adjacent right-of-way to the south may be developed as a single-family lot at the time the unplatted ground to the east is sold to an adjacent property owner, or has access to Lackman Road.
 4. Prior to building permit issuance for Phase 1, two points of access from arterial roadways must be constructed as shown on the phasing plan dated December 22nd, 2023.
 5. The following criteria apply to the Amenity Tract (Tract D):
 - i. Locations of all structures must be shown with the final site development plan.
 - ii. Adequate parking must be provided for amenities.
 - iii. A final site development plan must be approved prior to issuance of building permits for amenities and structures located within the subdivision.
 6. All new on-site wiring and cables must be placed underground.
 7. All above ground electrical and/or telephone cabinets must be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials, subject to UDO 18.30.130.
 8. Tree protection fencing per UDO 18.30.240.E must be installed around all areas of tree preservation and is required to be maintained throughout construction activities. Grading is not permitted within areas designated for tree protection.