



STAFF REPORT

Planning Commission Meeting: February 12, 2024

Application:	RZ23-0015 Request for a rezoning from the CTY RUR (County Rural) District to the R-1 (Residential Single-Family) District and a Preliminary Plat for Abbey Valley
Location:	Northeast of 167 th Street and Ridgeview Road
Owner:	Dan Himmelberg, Roman Catholic Archdioceses of Kansas City in Kansas
Applicant:	Jib Felter; AAG Investments, Inc.
Engineer:	Doug Ubben, Jr.; Phelps Engineering Inc.
Staff Contact:	Andrea Fair, AICP ; Planner II

Site Area:	<u>20 acres</u>	Proposed Use: <u>Single-family residential</u>
Proposed Density:	<u>2.6 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>51</u>	Tracts: <u>5</u>

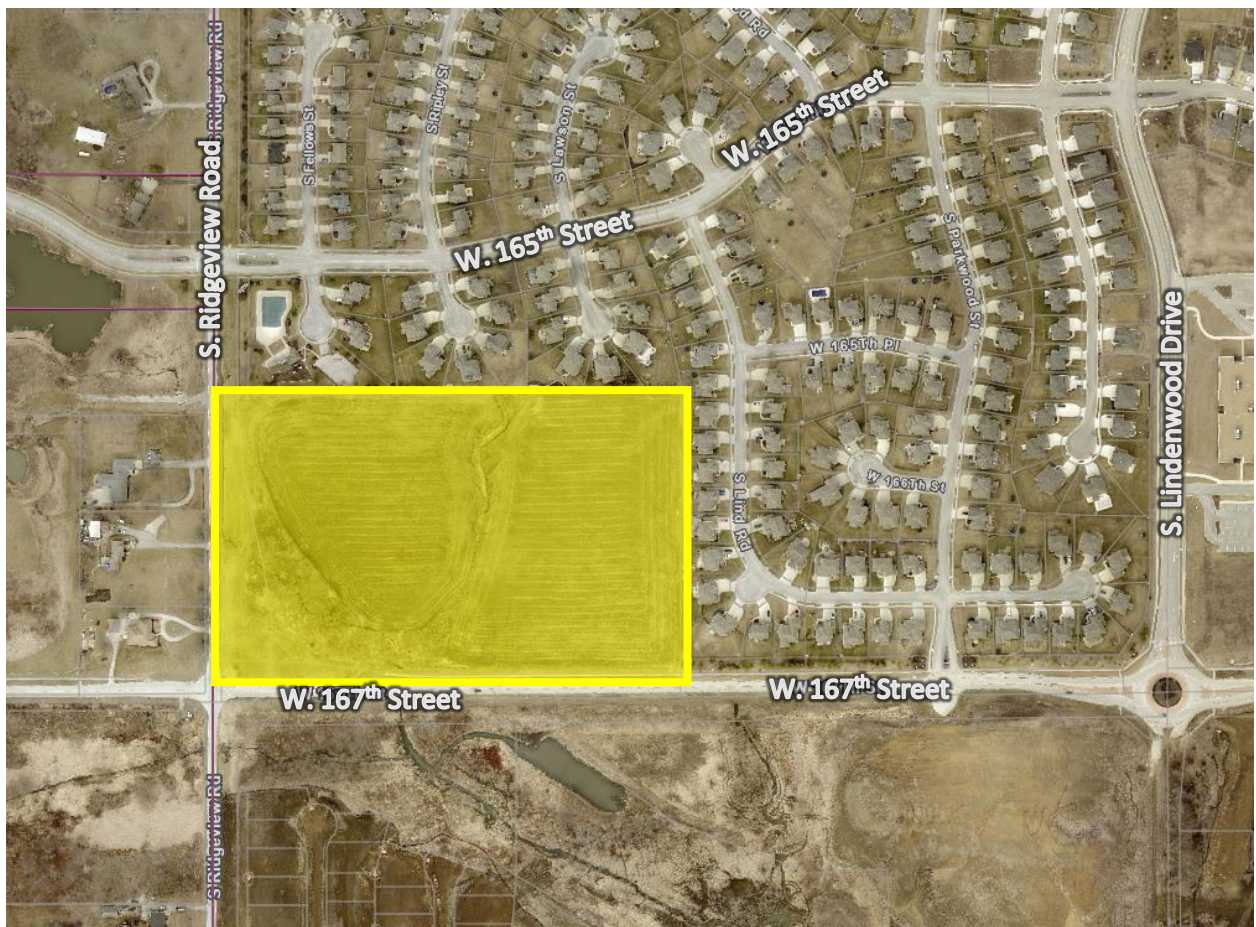
	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Conventional Neighborhood	Agriculture	CTY-RUR (County Rural)
North	Conventional Neighborhood	Single-Family Residential	R-1 (Single-Family Residential)
South	Secondary Greenway	Vacant and Single-Family Residential	R-1 (Single-Family Residential)
East	Secondary Greenway	Single-Family Residential	R-1 (Single-Family Residential)
West	Secondary Greenway	Single-Family Residential	CTY-RUR (County Rural)

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 Abbey Valley subdivision. The property is located at the northeast corner of 167th Street and Ridgeview Road. The proposed rezoning to the R-1 District is required to allow the development of a single-family home subdivision. A preliminary plat with 51 single-family lots and 5 tracts accompanies this rezoning request. The 20-acre site will be constructed in one phase with a pickleball court located in the center of the subdivision in Tract E.

2. History

The property was annexed into the City of Olathe in March 2002 (ANX-01-02) with the Coffee Creek Annexation and has historically been used for agricultural purposes. There are no existing structures on the property.



Site location map – outlined in yellow.

3. Existing Conditions

The existing site is undeveloped farmland. The property gently slopes to the south and is bisected by a stream central to the property, and at the southwest perimeter of the property. Both streamways drain into a box culvert near the south property line. Most of the existing

tree canopy is located at the southwest perimeter of the property and will be preserved with this application.



View of the subject property looking north.

4. Zoning Standards

- a. **Land Use** – The applicant is seeking a change of zoning to allow for the construction of detached 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 on the PlanOlathe Future Land Use Map and the requested R-1 District directly aligns with this future land use designation.
- b. **Lot Standards** – The preliminary plat includes 51 single-family residential lots. All lots exceed the minimum lot size requirement of 7,200 square feet, and comply with the minimum lot width requirement of 60 feet, as required by Unified Development Ordinance (UDO) 18.20.070. Lots range in size between 7,800 square feet and 17,800 square feet, with an average lot size of 15,000 square feet.
- c. **Building Height** – Building heights within the R-1 District are limited to 2 ½ stories and 35 feet for residential homes. The proposed single-family homes will comply with this requirement.

- d. **Setbacks** – The R-1 District requires a front yard setback of 30 feet, a side yard setback of seven (7) feet, and a rear yard setback of 25 feet. The proposed preliminary plat complies with the minimum setbacks.
- e. **Open Space** – The applicant is providing 2.48 acres of open space, which is approximately 13% of the overall site.

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 2.6 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 dedicated open space. 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. One (1) new street connection will be provided to 167th Street to the south, which will have separated entrance and exit lanes with a landscaped median. No residential lot will have direct access to an arterial street.
- b. **Landscaping/Screening** – Master Landscaping is provided along both 167th Street and Ridgeview 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. **Tree Preservation** – The property includes approximately 0.94 acres of woodland area in the southwest corner of the property. The UDO requires that at least 20% of the woodland area be preserved, or approximately 0.19 acres for this property. The applicant provided a tree preservation plan, included in this packet, depicting approximately 0.53 (56%) acres of woodland area to be preserved on site.
- d. **Stormwater/Detention** – The site is served by the Coffee Creek Regional Detention basin. The applicant submitted a stormwater study demonstrating that additional onsite detention is not necessary. The applicant will provide stormwater BMP's on site, located in Tract C, and comply with all Title 17 requirements. A small portion of the southwest corner of the site located in Tract C is designated as FEMA Floodplain and will remain preserved.
- e. **Public Utilities** – The property is located in the WaterOne and Johnson County Wastewater (JCW) service areas. There is an existing water main and sanitary sewer along the west and south property lines. Utilities will be extended to serve the development.

7. Site Design Standards

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

- a. **Pedestrian & Street 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. There is an existing sidewalk along 167th street. The City will be constructing sidewalks along 167th Street and Ridgeview Road as part of a 2024 Capital Improvements Project.

The proposed street and pedestrian layout provide for an internal connectivity ratio of 1.25, exceeding the minimum required ratio of 1.2 for R-1 Districts.

8. Public Notification and Neighborhood Meeting

The applicant mailed the required certified public notification letters to surrounding properties within 200 feet, and 1,000 feet within unincorporated land areas, and posted public notice signs on the property per UDO requirements.

A Neighborhood Meeting was also held in accordance with the UDO on January 16th, 2024 with approximately 12 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 regional detention, tree preservation along the southwestern property line, and amenities. 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 received correspondence from two individuals regarding overall site layout and public improvements, which were responded to.

9. UDO Rezoning Criteria

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-3.3: Residential Zoning Standards. Ensure that zoning allows for a variety of home types and lot sizes.

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 Future Land Use Map designation for Conventional Neighborhood. The request also meets several policies of the Comprehensive Plan pertaining to land use and community character, housing and neighborhoods. Additionally, 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 in nature, with two-story single-family detached homes to the north, south, east, and west. Residential densities and architectural style of the surrounding single-family developments are generally consistent with this development proposal. Homes consist of pitched roofs, attached garages and traditional architectural style.

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 annexed into the City in March 2002 and requires zoning to a City zoning designation to accommodate development of a subdivision. 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 March 2002 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.

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 and densities.

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 (167th Street and Ridgeview Road) and will access onto 167th Street. Garages and driveways will be provided with each single-family home.

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.

10. Staff Recommendation

Staff recommends approval of RZ23-0015, Abbey Valley, 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.
- A. Staff recommends approval of the rezoning to the R-1 District as presented with no stipulations.
- B. Staff recommends approval of the preliminary plat with the following stipulations:
1. A final site development plan must be approved prior to issuance of building permits for amenities and structures located within the subdivision.
 2. 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.
 3. 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.