

STAFF REPORT

Planning Commission Meeting: July 13, 2020

Application:	<u>RZ20-0005: Rezoning from C-2 (Community Center) to CC (Cedar Creek) District for the Valley Parkway Parcel</u>
Location:	Vicinity of Valley Parkway and 100 th Terrace
Applicant/Owner:	John Duggan; CCV (Tract 2A), LLC & CCV (Tract 2C), LLC
Engineer:	Daniel G. Foster, PLA; Schlagel & Associates, P.A.
Staff Contact:	Kim Hollingsworth, AICP, Senior Planner

Site Area: 16.31± acres **Plat:** Unplatted
Existing Zoning: C-2 (Community Center) **Proposed Zoning:** CC (Cedar Creek)

	Plan Olathe Land Use Category	Existing Use	Current Zoning
Site	Cedar Creek Mixed-Use	Vacant	C-2
North	N/A	K-10 Right-of-Way	C-2
South	Conventional Neighborhood & Secondary Greenway	Single-Family Residential	R-1 & RP-1
East	Cedar Creek Mixed-Use	Vacant	C-2
West	Primary Greenway	Vacant	C-2

1. Introduction

The applicant is requesting a rezoning from the C-2 (Community Center) Commercial District to the CC (Cedar Creek) District. The subject property is located along the north side of Valley Parkway, east of its intersection with 100th Terrace. Additionally, the property is contained within the Cedar Creek Overlay District which was established in August 2012 through the Cedar Creek Area Plan (Green Book). Properties within this overlay area may request a rezoning to the CC (Cedar Creek) District or one of the other zoning districts established in the Unified Development Ordinance. The applicant

has expressed through correspondence received with the application submittal that the CC District is being requested for its consistency with the PlanOlathe Comprehensive Plan and the flexibility provided through the process outlined in the Green Book.

2. History

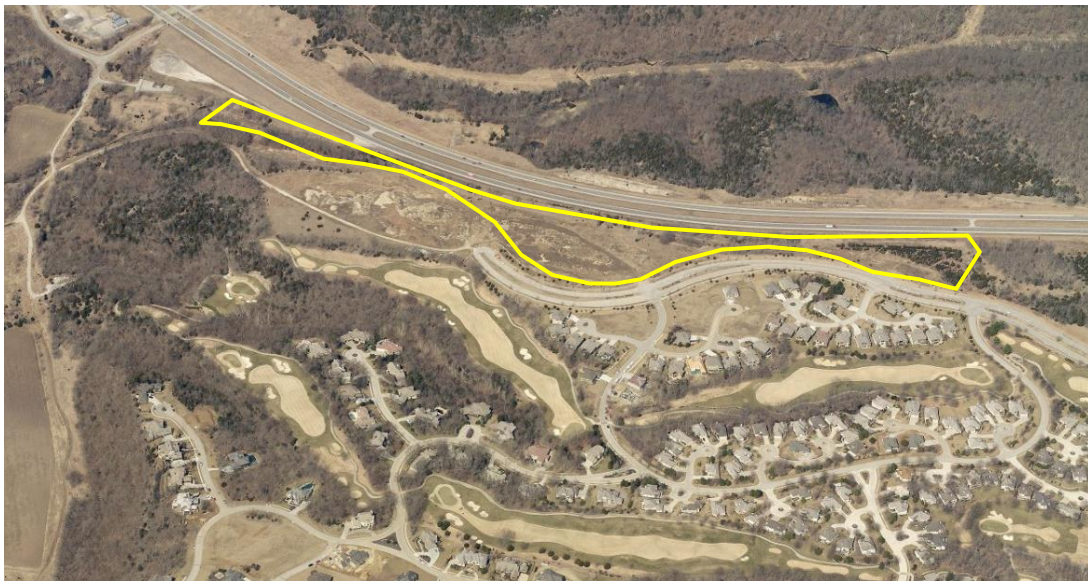
The majority of the subject property was annexed into the City in July 1987 and the easternmost portion was annexed in August 1983. The subject property and properties near the intersection of Valley Parkway and Cedar Creek Parkway were rezoned from a County zoning designation to the C-2 (Community Center) District in June 1988.

3. Existing Conditions

The property contains native grasses and dense trees within the eastern portion of the property. Deciduous and evergreen trees have been planted adjacent to Valley Parkway throughout the length of the property. Overhead utility lines are located just north of the property within the right-of-way for K-10 Highway. The property slopes downwards towards the highway with the greatest variation in topography occurring in the center of the subject property and the easternmost portion.



View of Property Looking North from Valley Parkway

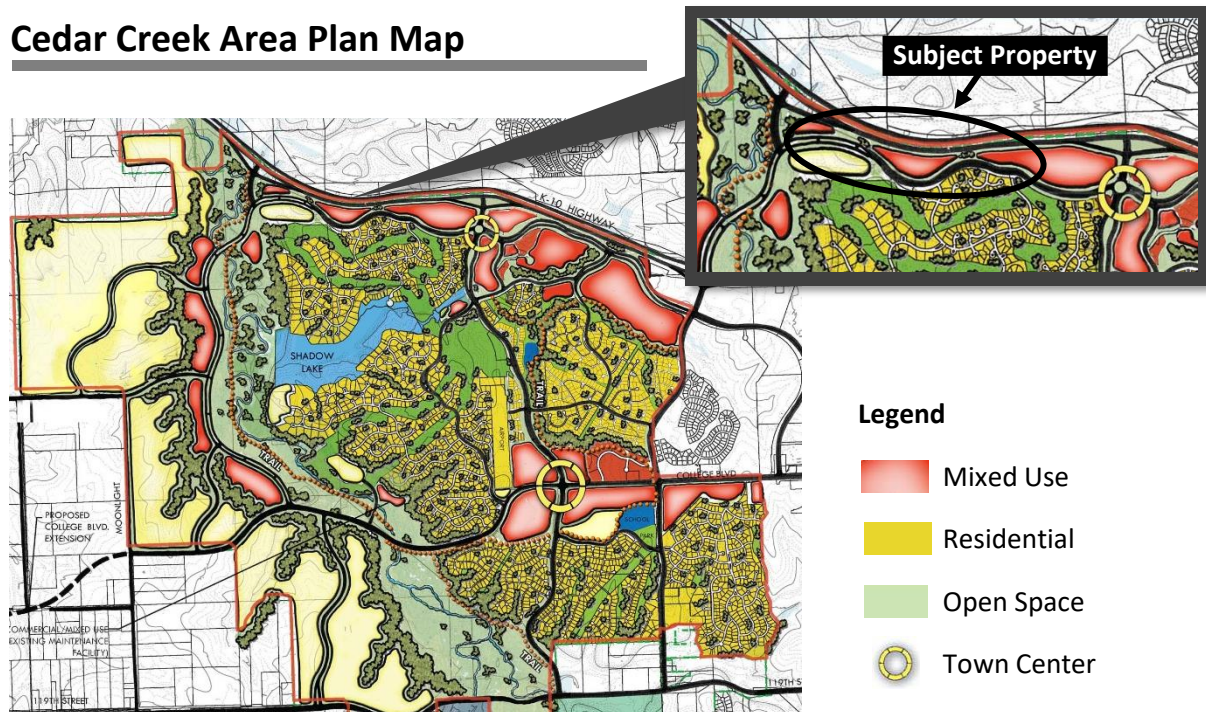


Aerial View of Subject Property

4. Zoning

The property is located within the Mixed-Use Subdistrict as depicted in red on the Cedar Creek Area Plan Map below. The Mixed-Use Subdistricts originate from major intersections starting with the Town Center areas circled in yellow and radiating outward from these primary nodes of activity. The Mixed-Use Subdistrict encourages a variety of uses throughout the entire subdistrict area as listed within Section 18.51.060 of the Green Book.

Cedar Creek Area Plan Map



The applicant is requesting to narrow the list of uses for the subject property to single-family residential and attached residential uses as stipulated at the end of this report. This request responds to resident feedback received by the applicant and is consistent with the resident feedback received by staff as well. Staff is supportive of the requested residential uses due to the close proximity of the property to single-family residential homes and the development constraints presented by the unique dimensions and topography of the site. The stipulation, found on page 7 of this report, was the result of direct collaboration with the applicant.

Lot dimensional standards, including building setbacks for the CC District, are established in the Green Book. However, there is a lack of clarity in the plan for attached villas in this existing subdistrict. To address this, the applicant has requested a setback be established as 10 feet for the side yard and 20 feet between buildings for villas. While there is no development plan at this time, staff is supportive of this as it provides clear direction for the applicant if villas were constructed in the future. This is also similar to setbacks in other districts such as the R-2 (Residential Two Family) District.

5. Development Process

Per the Green Book, a development plan is not required to accompany the rezoning because the CC District was established as a streamlined process in which development standards are predetermined. After zoning is established, then the applicant will proceed to development plan and plat review. All processes will be reviewed in accordance with the procedures and standards established for the Cedar Creek area in the Green Book. Furthermore, the Green Book also provides the architectural, site design, street access, landscaping and lot dimensional standards for all properties zoned to the CC District.

6. Public Notification

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted public notice signs on the subject property per Unified Development Ordinance (UDO) requirements. The applicant also held a meeting with the surrounding neighborhood on June 22, 2020 with more than 30 residents in attendance. The residents expressed interest in the residential uses permitted in the CC District and concerns regarding commercial uses or higher density residential uses. The attendees also inquired about the rezoning and plan review process and the street access to the parcels.

Staff received email correspondence and phone calls from six residents regarding the rezoning request. These individuals were also interested in learning more about the proposed use of the property and the uses permitted in the CC District.

After receiving the correspondence from the residents, staff reached out to the applicant to discuss the land uses in more detail. The applicant and staff agreed that the rezoning request could be narrowed to single-family or attached residential type uses with a maximum of 2 units per building. The applicant also followed up with the residents afterwards regarding this collaboration and staff's recommendation for residential.

7. Comprehensive Plan Analysis

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as Cedar Creek Mixed Use Center (CCMU). The character of a CCMU Center will range from suburban to more urban development patterns with an emphasis on quality architectural design, pedestrian-oriented sites and a broad mixture of uses throughout the center.

The overall CCMU Center area which spans several properties radiating outward from the Valley Parkway and Cedar Creek Parkway intersection will consist of a variety of uses including residential, commercial, institutional, light industrial and mixed-use buildings with residential located above retail. The wide range of land uses provides a variety of opportunities to create a vibrant center to serve the Cedar Creek and surrounding area residents. Certain land uses are more suitable for certain properties located in the CCMU Center. For instance, the subject property is more suitable for the residential uses envisioned in the CCMU Center based on the close proximity of other residential subdistricts directly south of Valley Parkway and the unique shape of the property that limits the development of several other types of uses including many commercial uses that are available in the existing C-2 District.

The application was reviewed against the rezoning process outlined in the Green Book and the UDO criteria for considering all rezoning applications listed in Unified Development Ordinance (UDO) Section 18.40.090.G as detailed below.

A. The conformance of the proposed use to the Comprehensive Plan and other adopted plans, studies or policies.

The proposed district directly aligns with the PlanOlathe Comprehensive Plan Cedar Creek Mixed Use Center future land use designation. As outlined in the Green Book, the CC (Cedar Creek) District is the most compatible district with the comprehensive plan within the overlay area.

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 CC District and regulations of the Green Book are designed to preserve the quality and unique character of Cedar Creek. The regulations provide some flexibility while still upholding the high-quality architectural and site design standards of the Cedar Creek area. The residential homes in the area are designed with attention to distinct architectural features, primarily masonry and similar durable building materials. The standards of the CC District lead to preservation of open space and natural features that has been carefully managed over many decades in the Cedar Creek Community.

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 surrounding properties are zoned R-1 (Residential Single-Family) and RP-1 (Planned Single-Family Residential) District. The rezoning as proposed is harmonious with these surrounding districts and existing land uses. The C-2 District to the east is separated by a portion of land with more significant topography and dense vegetation. Future development in this area would be evaluated for buffer and setback requirements.

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

The current zoning district permits several commercial uses that may present conflicts due to the proximity of existing single-family residential homes. There are also significant areas of the property that are not well suited for commercial development due to the topography and narrow site dimensions that are not compatible with many uses permitted in the C-2 District. There is a significant number of acres near the intersection of Valley Parkway and Cedar Creek Parkway that would still retain the commercial uses permissible in the C-2 District.

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

The subject property was rezoned to the C-2 District in 1988 and has been vacant since that time. The property has remained vacant for 30 years primarily due to the unique property dimensions and topography as there were concerns about the compatibility of several commercial uses when the property was rezoned in 1988.

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

The proposed rezoning to the CC District will not detrimentally affect nearby properties as the standards of the district account for the unique high-quality character expected within the Cedar Creek Community. The focus on residential uses, design standards of the district and preservation of natural areas are compatible with the residential areas directly south and west of Valley Parkway.

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

The district as proposed provides uses and design standards that are not anticipated to have any detrimental impact on surrounding properties.

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.

Valley Parkway is constructed with four lanes divided by a landscaped median. The roadway network is anticipated to accommodate a development subject to the provisions of the proposed district. The Green Book has roadway design standards specific to the CC District to account for unique topography needs that are characteristic of the Cedar Creek area. Future site plans will be evaluated for safety, capacity and access considerations in relation to surrounding properties.

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 CC District promotes the protection of natural resources through an emphasis on tree preservation and the protection of waterways.

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

Future development will 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 to the CC District does not negatively impact the public health, safety or welfare of the community as presented. If the application were denied, there would be several uses permitted in the existing C-2 District that are not as compatible with the nearby residential neighborhoods and significant portions of the property would create significant challenges for commercial development due to the unique dimensions and topography of the site. City staff and the applicant agree that the proposed rezoning aligns with the goals of the Green Book, Comprehensive Plan and the desire for residential development expressed by the surrounding neighborhood.

8. Staff Recommendation

- A. Staff recommends approval of RZ20-0005, Valley Parkway Parcel for the following reasons:
1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan for Land Use (LUCC-6).
 2. The requested rezoning to the CC District meets the Green Book criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the CC (Cedar Creek) District, with the following stipulation:
1. The Rezoning Area (defined above) are limited to only the following permitted uses found in Cedar Creek Area Plan Green Book ("Green Book") Section 18.51.060 for the Mixed-Use Subdistrict (1) Zero Lot Lines; (2) Village Single-Family; and (3) Attached Residential (6 Units Per Acre or Less). If the property is to be developed as Attached Residential, all parties agree that there will be no more than two (2) units per building, which is commonly known as an "Attached Villa" and the allowable side yard setback for an Attached Villa shall be 10 feet per side yard (20 feet between buildings).