



MINUTES

Planning Commission Meeting: January 8, 2024

Application:	<u>RZ23-0012:</u> Request for approval of a 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 on approximately 128.98 acres; located southwest of 159th Street & Black Bob Road (Lackman Road).
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Taylor Vande Velde, Planner II, presented RZ23-0012, a request to approve a rezoning to from the County Rural District to the Residential Single-Family District, located southwest of 159th Street and Black Bob Road. This property was annexed in October 2023, and is surrounded on the north, south, and west sides by R-1 zoning. PlanOlathe designates this area as Conventional Neighborhood and Secondary Greenway, and rezoning aligns with the goals and policies of PlanOlathe.

Ms. Vande Velde also presented the preliminary plat and preliminary site development plan for a single-family subdivision, Heritage Ranch. One existing home will remain, and an existing barn will be repurposed as the subdivision clubhouse. Ms. Vande Velde also presented the four-phase plan and street access connections. On the west and south sides of Heritage Ranch, there will be five street connections to adjacent subdivisions. The subdivision will also have arterial access on the north to 159th Street and on the east to Black Bob Road (Lackman Road). Ms. Vande Velde provided that overall improvements to Black Bob Road and 159th Street are planned in 2024 and 2027 as part of CIP projects to expand the roads to 4-lane divided trafficways. Ms. Vande Velde also presented the planned amenities and tree preservation plan.

Ms. Vande Velde noted the applicant is requesting a waiver to side yard setbacks, which staff supports because open space is provided in excess of UDO requirements. Staff review will be required for architectural plans on lots smaller than 7,200 square feet.

Ms. Vande Velde provided that all public notice requirements have been met. A neighborhood meeting was held with approximately 35 attendees. Main topics of discussion included amenities, traffic, existing ponds and detention, housing construction plans, and the impact on existing development. No additional correspondence was received.

Staff recommends approval of the rezoning with no stipulations.

Staff recommends approval of the preliminary plat with stipulations. However, the Applicant has requested to remove Stipulation #4:

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.

Staff is supportive of removing Stipulation #4 to allow greater flexibility with phasing during housing market fluctuations.

Commissioner Terrones stated in the neighborhood meeting minutes, there was a comment about a traffic light signal at 159th and Brougham Drive, and he asked if that was still the case for 2027. **Ms. Vande Velde** confirmed those improvements will be part of the 159th Street Improvements and added Mr. Belcher may have more information if needed.

Commissioner Terrones asked about notification procedures and permitting should blasting become necessary.

Mr. Chet Belcher, Chief Community Development Officer, answered a permit from the Fire Department would be required, with notification (estimated within 1,500 feet) and a pre-blasting survey. Seismograph readings are then monitored daily.

Commissioner Creighton expressed concern that if projected timelines for 159th Street CIP improvements change, there could be significant traffic buildup and sight-line difficulty. He inquired if a stipulation could be added to require a left turn lane from westbound 159th Street.

Mr. Belcher confirmed left turn lanes are required with this project. If the CIP projects are delayed, temporary lights could be utilized.

Commissioner Breen asked for clarification on proposed Stipulation #4. **Ms. Vande Velde** reviewed the phasing plan. If Stipulation #4 remained, the applicant would be required to build the north and east arterial access points at the same time. However, the Applicant requests that requirement be removed, so they can construct the arterial access points separately if needed. Access will still follow life and safety requirements of the Olathe Fire Department.

Ms. Hollingsworth, Planning & Development Manager, added that the proposed Phase 1 has a higher number of lots than is typical, so removing stipulation #4 provides the applicant with more flexibility to piece this Phase together at different times.

Commissioner Creighton asked for clarification regarding a neighbor who lives in County zoning and does not wish to annex into the City. Commissioner Creighton asked for confirmation that neighbor will be able to continue any activities on their property that the County allows, including brush burning and hunting. Ms. Vande Velde confirmed.

Chair Janner opened the public hearing and called the only speaker who had signed up.

Speaker #1, Stan Adell, 15712 W 158th Terrace, Olathe, Kansas lives in a small cul-de-sac to the north of this development. He provided that the traffic on 159th Street is dangerous, and improvements are needed. Currently, there are accidents, people drive down into the ditch, and it takes extended time to get out of the cul-de-sac in the morning. The surrounding development growth plus construction traffic in the meantime will add additional burden to 159th Street. Mr. Adell asked whether the berm (to the north of 159th Street) will be cut into to add the additional lanes and whether a benefit district or special assessment will be utilized. Mr. Adell also expressed concerns about blasting and the water load on the nearby creek.

Chair Janner thanked the speaker and entertained a motion to close the public hearing.

A motion to close the public hearing was made by **Commissioner Bergida** and seconded by **Commissioner Chapman**. The motion passed by a vote of 9 to 0.

Chair Janner opened discussion among the commissioners.

Commissioner Chapman asked, if Stipulation #4 is removed, will the single arterial access point come off 159th or Black Bob. **Mr. Belcher** deferred to the applicant, because they could begin construction from the north or the east.

Chair Janner entertained a motion on RZ23-0012.

Commissioner Bergida moved to approve RZ23-0012 with all stipulations and recommendations as presented by staff, and **Commissioner Brown** seconded.

The motion passed with a vote of 9 to 0 as follows:

- A. Staff recommends approval of **Error! Reference source not found.**, 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.