



City of Olathe

City Planning Division

MINUTES

Planning Commission Meeting: December 10, 2018

Application:	<u>RZ18-0016:</u> Rezoning from R-1 to C-3 and R-4 District and preliminary development plan for Stag's Ridge
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Dan Fernandez, Planner II, appeared before the Planning Commission, summarizing the request, which is a rezoning from R-1 to R-4 and C-3. The project consists of one climate-controlled storage building, a senior housing apartment building, and three commercial sites. He reported that of the 23.77 acres to be rezoned, approximately 12 acres will be multifamily residential, with the remaining acreage rezoned to C-3. The majority of this development is conceptual, and elevations were only submitted for Lot 1. The proposal is for seven buildings and 244 units.

Mr. Fernandez said the applicant initially proposed apartments on the entire west portion of the property. After discussion and review by staff, there was concern expressed about traffic. The applicant has revised the plan, which is the reason for the prior continuance back in October. Revised plans are presented tonight.

Mr. Fernandez reported that the subject property was rezoned to R-1 in 1970 and has been vacant since that rezoning. All requirements for public notification have been met. Two neighborhood meetings have been held. Staff has not received any correspondence for or against this proposal. However, a letter was received from Ernie Miller, who expressed concerns about the project. That letter has been included in tonight's packet, and Ernie Miller representatives are present this evening. Items they would like to see addressed include setbacks, stormwater, erosion control and landscape species, among others.

Mr. Fernandez noted that they have received elevations only for Lot 1 and the applicant will be below the height requirement for this district, which is 35 feet. All setbacks will be met. A new public street will be built, and a portion of an interior drive will be made public. Sidewalks are included, and all landscape requirements will be met at the final development plan stage.

Mr. Fernandez said that Ernie Miller representatives expressed concern about invasive species being planted throughout the site, which is always considered by staff. Staff said they are willing to share the landscape plan with Ernie Miller representatives so they can see what is going to be planted. Required landscape buffers are being provided. To the west, all the stream corridor is being preserved; that width is over 100 feet, which more than meets the buffer width. 30 feet is shown on the north side, 20 of which is a tree preservation easement, which has been included on the associated final plat. Per the UDO, the buffer can be 20 feet if existing vegetation is being preserved, as is the case in this application. Mr. Fernandez added that the applicant will plant additional vegetation after construction is completed. He said because the plan is conceptual and no other elevations were submitted, a revised preliminary plan is required and will come back to the Planning Commission. At that time, staff will revisit this issue to see if the area could be wider with some of the buildings or parking being reoriented. As presented, they are over the required minimum buffer.

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Additionally, **Mr. Fernandez** said the applicant is providing required detention basins on the south side, subject to Title 17 stormwater requirements. This was another issue brought up by Ernie Miller. Title 17 includes erosion control, which the applicant will be required to meet. The building on Lot 1 meets most building design requirements per the UDO. However, three waivers are requested. One is for horizontal articulation. The requirement for primary elevations -- in this case, the southeast facing K-7, and the west, facing the interior lot -- is that wall offsets need to be at least 4 feet; the applicant is showing 1-foot wall offsets. On the west elevation, there are no façade expression tools such as canopies; the applicant is requesting a waiver on that, as well as the 20 percent glass requirement. The applicant stated that the reason for the waiver requests is that the site is small, so it will be difficult to fit bigger wall offsets. Also, the west elevation is a loading dock area and it will be difficult to meet the glass requirement and the façade expression tools.

Mr. Fernandez stated that staff is supportive of the wall offset waiver. The applicant is providing high design features on the south and east elevations, which are the entrance elevations. They are above the glass requirement on both those elevations. However, staff is requiring that Category 1 materials be at least 70 percent or greater when the final development plan comes through. Staff also supports the other two waiver requests, the one for the glass requirement, as well as for façade expression tools such as canopies. However, he said that staff has stipulated that additional material changes be added to break up the long brick wall. Also, they are required to do a screen wall at the loading dock area, which will also help to break up the elevation. The third waiver, which staff supports, includes the use of Spec-Brik as a Category 1 material, which is a concrete masonry product that has the look and durability of brick.

Again, **Mr. Fernandez** stated that the remaining lots do not have elevations. Design guidelines were submitted and included in the packet. He presented examples of design features, materials and landscaping features that will be included with the rest of the development.

Mr. Fernandez said staff recommends approval of the rezoning request for the reasons listed in the staff report. He was available for questions.

Chair Vakas asked if there were questions for staff. **Comm. Fry** asked Mr. Fernandez to talk more about traffic. In his opinion, C-3 would generate more trips than residential. **Mr. Fernandez** responded that with 244 apartment units, the use is more intensive than what has been proposed. He noted that senior housing facilities have different peak hours, different times they are busy, which helps in terms of traffic. Also, climate storage is also a less-intensive use. Therefore, in comparison to the apartments that were proposed, there will be less traffic trips. **Comm. Fry** then asked if accepting the new brick material would meet the requirement of the UDO. **Mr. Fernandez** responded that it would have to be increased slightly, by a few percentage points.

Comm. Nelson had a question about process, asking if it was the applicant's intention to develop numerically lot by lot, starting with Lot 1. He is concerned if Lots 1 through 4 are developed and Lot 5 never gets developed, a residential asset has not been created; it's just a new commercial area. He asked if there is an expectation of the development process related to this proposal. **Mr. Fernandez** deferred that question to the applicant to address phasing. **Comm. Nelson** then said, as a City, there is no recommendation as to phasing. **Mr. Fernandez** said there is not, and again deferred to the applicant.

Comm. Rinke asked if all of the concerns expressed by Ernie Miller Park have been addressed. **Mr. Fernandez** responded that not all issues have been addressed. One of the larger issues was that Ernie Miller wanted to see a larger landscape buffer on the north side. Again, **Mr.**

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Fernandez noted that the applicant is meeting or exceeding the requirement. Also, the site falls down to the south so the buildings will sit lower than Ernie Miller and will not be as imposing. Mr. Fernandez said they also asked about fencing, which is something that can be addressed at the revised preliminary plan. He is open to suggestions from Ernie Miller.

Chair Vakas opened the public hearing for RZ18-0016 and asked the applicant to come forward. **Kevin Tubbesing, 7021 Johnson Drive, Mission**, approached the podium. Mr. Tubbesing stated that they have been meeting with staff for about a year and noted that this is an extremely difficult site. He said the entire southern half of the site is full of rough fill. The biggest issue is that every inch that they go to the south costs tens of thousands of dollars as they enter the fill area, which causes stability issues. He said the City's requirement of a 20-foot setback from the park has been increased and they have created a tree preservation area at 20 feet. He said that usually when there is a 20-foot easement, that doesn't mean that they leave it alone during construction. They are increasing that to 30 feet so that the 20 feet is actually left alone, and that there is 10 feet that, when putting in curbs, etc., it won't be affected by construction. He believes it will preserve any level of tree drip lines and what-not that are out there. Mr. Tubbesing added that they have meet with Park staff and agreed to not plant any undesirable species. He said they have requested a list of such plants, but they have not yet received that from the Park. They will comply with whatever the Park wants in that respect.

Mr. Tubbesing said that he is a bit opposed to putting in a fenced line, especially at the residential. He feels putting a park bench facing a fence doesn't make sense. Therefore, he has asked to work with Ernie Miller staff to create some sort of natural vegetation-based fence line.

Comm. Nelson asked Mr. Tubbesing to address phasing. Mr. Tubbesing responded that there is no phasing. He said they are going to be "horizontal" developers. They do not intend to do any of the vertical development. He said they are happy to finally be in Olathe. He said he is pushing something that may not organically fit within a commercial development because he feels it could be a good fit to have a senior complex next to the park. If that doesn't work, he said the possibility of going to commercial some day is possible. However, it is his intention to build a nice residential community that will fit in the community and add to the density to support the retail in the area. He feels it is a good blend.

There were no other questions of the applicant. **Chair Vakas** asked if anyone present wished to speak on this item. Seeing none, he called for a motion to close the public hearing.

Motion by Comm. Sutherland, seconded by Vice-Chairman Rinke, to close the public hearing.

Motion passed 7-0.

Comm. Rinke noted that R-1 is never going to work on this property. He would prefer to see senior housing here, but if it became commercial at some point, that would not bother him. He feels this is a natural commercial area. **Comm. Fry** added that it is important to acknowledge publicly how much of a gem and a jewel Ernie Miller is to the city and community, as well as to the state. He believes everything possible should be done to take care of the park.

Comm. Nelson is concerned that if Lot 5 doesn't develop as residential, what kind of traffic would end up occurring adjacent to the park. He is concerned that it might lead to large trucks driving in and out of the area. **Comm. Rinke** asked if the area with senior housing would be rezoned to R-4. **Mr. Fernandez** said that is correct. If the applicant wished to change it to commercial, the applicant would have to come in for another rezoning, including notifying neighbors and Ernie Miller. **Comm. Sutherland** added that they would also have to go through

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a preliminary development plan, which is another step in the process that would provide protection.

There were no other comments by commissioners. **Chair Vakas** called for a motion.

Motion by Comm. Fry, seconded by Comm. Sutherland, to recommend approval of RZ18-0016, for the following reasons:

- (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Land Use (Principle LUCC – 6.1).
- (2) The requested rezoning to C-3 and R-4 districts meet the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.

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

- (1) Final plats shall be approved and recorded, and all excise fees paid prior to issuance of building permits.
- (2) Prior to submitting for final site development plans, revised preliminary site development plans including architectural elevations are required for the 2 commercial buildings labeled Lots 2 and 3 on the site plan and for the climate-controlled indoor storage and senior housing facility.
- (3) Final site development plans shall be approved prior to submitting for building permits.
- (4) A pavement, curb and street light assessment of the existing roadway between the proposed road and Spruce Street will be performed by City Staff prior to placement of asphalt on the proposed roadway. All deficiencies, including mill and overlay, curb replacement and street light installation, will be required to be repaired at the cost of the developer prior to accepting all other public improvements.
- (5) Stag's Ridge development property owners will provide snow removal and winter weather treatment to the public street pavement and sidewalks on Spruce Street, west of K-7; and the public street, north of Spruce. This will be in coordination and to a similar level to that provided within the commercial parking area and drives of the adjoining properties. This responsibility will begin immediately following the City payment of funds into the Court to complete the condemnation acquisition and shall terminate immediately after the first TCO is issued for a building within the proposed development.

Comm. Fry's motion included recommending that the following stipulations be included in the final site development plan:

- (1) A waiver shall be granted for the Building on Lot 1 to permit 1-foot wall offsets on the primary elevations if the minimum requirement of Category 1 materials is met on these primary elevations.

- (2) A waiver shall be granted for the building on Lot 1 to permit the west elevation not to have additional façade expression tools and a focal point element if additional changes of materials are added to this elevation.
- (3) A waiver shall be granted for the building on Lot 1 to permit Spec-Brik to be used as a Category 1 material as it has the look and durability of regular brick.
- (4) The Category 1 materials shall be 70% or more on the primary elevations (south, east and west) with the final site development plan submittal.
- (5) Additional change of materials shall be added to the west elevation of the building on Lot 1 to eliminate large sections of blank walls due to waivers being granted in stipulations C-1, C-2 and C-3.
- (6) The overhead door on the south elevation of the Lot 1 building shall include a canopy over the door or windows in the door as required by Building Design Category 4.
- (7) A decorative screen wall shall be located along the dock area for the building on Lot 1 for screening.

Aye: Sutherland, Nelson, Rinke, Fry, Munoz, Corcoran, Vakas (7)
No: (0)

Motion was approved 7-0.