



City of Olathe
City Planning Division

STAFF REPORT

Planning Commission Meeting: February 11, 2019

Application:	<u>RZ18-0022</u> Rezoning from CTY RUR to R-3 district and preliminary site development plan for Brentwood Senior Apartments
Location:	In the vicinity of 155 th Street and Brentwood Street
Owner	Ken Conklin, Grata, L.L.C.
Applicant:	D. Kim Lingle, MBL Development Co.
Engineer:	Mike Osbourne, Kaw Valley Engineering
Staff Contact:	Dan Fernandez, Planner II

Site Area:	<u>4.23 ± acres</u>	Proposed Use:	<u>Senior Housing</u>
Current Zoning:	<u>CTY RUR</u>	Proposed Zoning:	<u>R-3</u>
Units:	<u>48 (1 building)</u>	Plat:	<u>Unplatted</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Conventional Neighborhood	Vacant	CTY RUR	3	B
North	Conventional Neighborhood	Single-family homes	R-1	-	-
South	Mixed Density Residential	4-plexes	RP-3	-	-
East	Conventional Neighborhood	Church	R-1	-	-
West	Mixed Density Residential	Vacant	RP-3	-	-

1. Comments:

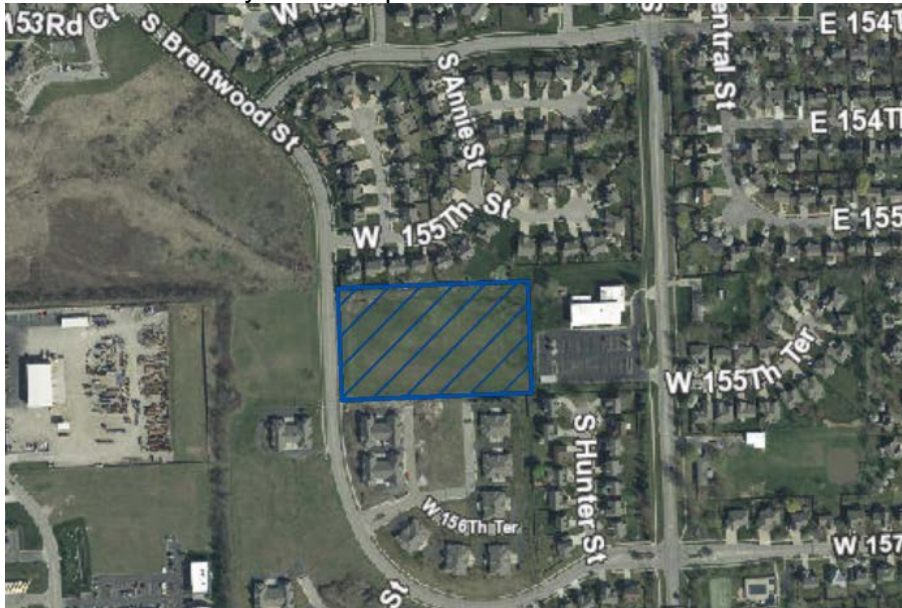
The applicant is requesting a rezoning from County Rural to R-3 (Residential Low-Density Multi-family) District and a preliminary site development plan for Brentwood Senior

Apartments. The subject property is located in the vicinity of 155th Street and Brentwood Street. The preliminary site development plan includes a 2-story senior living apartment building comprising of 48 units.

The subject property currently has a County zoning designation and a rezoning to a City zoning designation is required prior to development of this request and land use taking place on the site.

2. Existing Conditions/ Site Photos:

The site is currently undeveloped.



Site Aerial



View looking east from Brentwood St.

3. Public Notice/ Neighborhood Information:

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property per *Unified Development Ordinance (UDO)* requirements.

A neighborhood meeting was also held in accordance with the *UDO* on December 30, 2018 with approximately 31 attendees. Issues discussed included building height, landscape buffers, stormwater, wildlife, lighting and other developments by the applicant. The minutes from this meeting and the sign-in sheet has been included in the Planning Commission packet. Staff also received two letters from residents listing concerns about the development including landscaping, stormwater and utility box screening. These letters have also been included in your packet.

4. Zoning Requirements:

- a. **Setbacks** – The development plans exceed the minimum building setbacks for projects in the R-3 District subject to Site 3 and Building B Design Categories. These include a 15-foot front yard setback, 15-foot side yard setbacks and a 5-foot rear yard setback. The proposed setbacks are 20 feet from adjacent residential property lines.
- b. **Building Height** – The maximum building height for projects subject to Site 3 and Building B Design Categories in the R-3 District is 3 stories or 40 feet from finished grade. The proposed building is 2 stories and 32 feet in height.
- c. **Common/Active Open Space** – The proposed development includes 33% open space which is well above the 5% requirement for this district. For active open space, the project is showing a walking trail, sitting and picnic areas and areas to the east of the building for a dog park, bocce ball and croquet. The active open space to the east of the building shall be shown in detail with the final site development plan.
- d. **Use** – The proposed use is permitted in R-3 Districts, so a rezoning application is required as the property has a County zoning designation. R-3 Districts permit multi-family developments up to 17 units/acre. The proposed development has a density of 11.34 units/acre.

5. Development Requirements:

- a. **Access/Streets** – The subject site will have one access drive onto Brentwood Street. There are no proposed changes to the right-of-way with this development.

Parking – For independent senior housing, the *UDO* requires 1 parking space per unit so the proposed facility would require 48 parking spaces. The plans submitted by the applicant show 54 parking spaces. Although the number of provided spaces exceeds the ordinance requirement, staff is stipulating that deferred parking be provided with the final site development plan to ensure that future parking is available should it be needed. The deferred parking can be installed if the provided parking spaces aren't enough to serve the residents, employees and visitors. The applicant believes that the 54 spaces provided is sufficient as many residents do not drive, however with visitors, holidays, and on-site staff, the City believes deferred parking is appropriate here.

- b. **Landscaping/Buffers** – The submitted landscape plan includes landscaping throughout the site including in landscape islands and along the building foundation on the primary elevations (west and north).

Per *UDO* requirements, a Type 3 Buffer is required between R-3 and R-1 zoned districts. A Type 3 Buffer is 20 feet in width with a mixture of deciduous, ornamental and evergreen trees as well as shrubs. This buffer also requires a 6-foot high wall or berm. The landscape plan also shows the Type 3 Buffer on the north and east sides of the property which are adjacent to R-1 zoning. The north buffer includes a new 6-foot high fence and the east property line includes a 6-foot high landscape buffer.

The southern portion of this property is zoned R-3, which is the same zoning of the adjacent land. While landscape buffers are not required between properties with the same zoning per the *UDO*, the applicant has provided a 20-foot buffer along the south property line with deciduous and evergreen trees. Since a landscape buffer is being provided, staff is stipulating that additional trees be added within it.

- c. **Public Utilities** – The subject property is located within the WaterOne and City of Olathe sewer service areas. The applicant will need to coordinate with the respective utility providers for service.
- d. **Stormwater** - The development is providing stormwater detention along with stormwater quality and the applicant has submitted a conceptual stormwater plan with the application. A preliminary stormwater plan is required with the final site development plan submittal and a final stormwater plan is required with building permit submittal. Drainage easements and maintenance language will be included with the final plat.
- e. **Mechanical Equipment/Dumpster Enclosure** – The applicant has provided a note on the site plan stating that all mechanical equipment will be screened per *UDO* requirements. Also, the proposed location of the dumpster enclosure is to the north of the building, adjacent to single-family homes. Staff has suggested that the applicant find an alternate location for the enclosure away from any existing residential buildings. The applicant has agreed to relocate the enclosure with the final site development plan.

6. Site Design Standards:

The proposed development is subject to composite design standards are **Site Design Category 3** (*UDO 18.15.115*). The following is staff's analysis of the composite site design requirements.

<i>Composite Site Design (Category 3)</i>	Proposed Design Includes
<i>Outdoor Amenity Space</i>	Walking trail, sitting/picnic areas, dog park and game court areas
<i>Parking Pod Size</i>	The parking pod sizes are below the maximum 40 parking spaces per pod
<i>Pedestrian Connectivity</i>	Interior sidewalks will connect to an existing sidewalk

	along Brentwood Street and to the walking path
<i>Detention and Drainage Features as Amenities</i>	Landscaping for screening has been provided around the proposed detention basin although staff is stipulating that additional shrubs be added to the west of the large detention basin for screening

7. Building Design Standards:

The proposed development is subject to **Building Design Category B** (*UDO 18.15.030*). The following is an analysis of the proposed twin villas and required composite design standards.

<i>Composite Building Design (Category B) Standards</i>	Proposed Design Includes
<i>Horizontal Articulation</i>	Horizontal articulation tools used a minimum of every 50 feet; wall offsets shall be at least 4 feet deep
<i>Vertical Articulation</i>	Vertical articulation tools used a minimum of every 50 feet
<i>Transparent Glass on Primary Façade</i>	Minimum 25% on primary facades
<i>Ground floor pedestrian interest/entry elements</i>	Architectural features such as roofed front porches, awnings and canopies shall be used on primary elevations
<i>Garages on Primary Facades</i>	Garages shall be designed to limit the impact of vehicular use areas
<i>Building Materials</i>	Primary facades (min. 70% Category 1; remainder from Category 2) Secondary facades (min. 50% Category 1)
<i>Transition standards for projects adjacent to single-family neighborhoods</i>	A building or portion of a building located within 100 feet of an R-1 or R-2 District shall be no more than 35 feet or 2 stories in height

- a. **Horizontal Articulation** – Wall offsets are located every 50 feet as required by this building design category. However, the offsets are shown at approximately 3 feet deep on the submitted plans. The offsets shall be at least 4 feet on the primary elevations with the final site development plan application.
- b. **Vertical Articulation** – The building includes a variation in roof form and heights on all elevations. At the request of staff, the applicant added larger roof pitches and dormers on the primary elevations for additional vertical articulation. The dormers shall be in proportion and match the roof pitch of the building with a full appearance of being functional and operational. A perspective drawing of the building has been included in the packet for your review.

- c. **Transparent Glass** – Category B design standards require a minimum of 25% transparent glass on primary facades which for this project are the west and north elevations. These elevations both have 16% glass, so the applicant is requesting a waiver to this requirement.
- d. **Ground floor pedestrian interest/entry elements** – The building includes transparent glass as well as a covered front porch entry.
- e. **Garages on Primary Facades** – The development does not include any garages.
- f. **Building Materials** – The building consists of brick, glass and cement fiber siding. The west and north elevations are considered primary.

Façade (Elevation)	UDO Requirement (Category1/2)	Proposed Category 1	Proposed Category 2
West (Primary)	80%/20% (minimum/maximum)	Brick/Glass (73%)	Cement Fiber Siding (27%)
North (Primary)	80%/20% (minimum/maximum)	74%	26%
South (Secondary)	60%/40% (minimum/maximum)	75%	25%
East (Secondary)	60%/40% (minimum/maximum)	75%	25%

- g. **Transition Standards for Projects Adjacent to Single-Family Neighborhoods** – The proposed building is within 100 feet of the R-1 District to the north; however, the building height is 2-stories and is less than 35 feet.

8. Waiver Requests:

The applicant is requesting two waiver requests which are for the reduction of the glass requirement on primary facades and another for the residential finished floor being 18 inches above the sidewalk. *Per Section 18.40.240* of the *UDO*, waivers can be granted if certain criteria are met. The applicant has submitted a waiver request which has been included in the Planning Commission packet.

The waiver for the glass requirement is to allow the percentage of glass to be 16% on the west and north elevations which are the 2 primary facades. Category B Design Guidelines require a minimum 25% glass on primary elevations.

The second waiver request is for the Site Design Category 3 requirement of the residential finished floor elevation having to be a minimum of 18 inches above the sidewalk.

In justification of their waiver request, the applicant states that they are providing a higher quality design by exceeding the Category 1 material requirements on all 4 elevations. Also, there will be no negative impacts and the public will suffer no loss or inconvenience should the waivers be granted.

Staff Analysis:

Staff is supportive of the waiver requests because the applicant has met the criteria for waivers found in *Section 18.40.240.E* of the *UDO* in addition to the following reasons:

For the glass requirement, the applicant is providing a high-quality design by exceeding the minimum requirement of Category 1 materials on all elevations and has provided additional architectural features to help break up the elevations. And the percentage of glass requested is similar to other multi-family developments that have been approved for glass reduction waivers.

The requirement of the finished floor elevation being at least 18 inches above the sidewalk is for multi-family developments with exterior entrances such as townhomes. This requirement encourages steps to front porches and stoops at the entrances which is not customarily found or accessible for residents senior living facilities.

9. Comprehensive Plan Analysis:

The future land use map of the *Comprehensive Plan* identifies the subject property as Conventional Neighborhood. Conventional Neighborhoods typically consists of single-family housing on individual lots.

The following are criteria for considering rezoning applications as listed in *Unified Development Ordinance (UDO) Section 18.40.090 G*.

A. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.

The *Comprehensive Plan* identifies the subject property as Conventional Neighborhood. This land use designation typically consists of single-family homes. However, a low-density senior housing development is compatible, and the project does meet other goals of the *Comprehensive Plan*.

These goals include encouraging infill development (HN-1.8), providing a full range of housing choices (HN-2.1) and providing housing for the aging population (HN-2.5).

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 surrounding area consists of properties zoned single-family residential and multi-family residential. The existing uses are single-family homes, a church and low-density multi-family. The proposed building height is compatible with the surrounding properties and the development is providing adequate buffers between adjacent properties.

C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses.

There are a variety of uses in the area, including low density multi-family residential. With the high quality the design and the provided buffers, the proposed use would be in harmony with the surrounding properties.

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

The current zoning of the property is County Rural which would permit single-family residences and agricultural uses only. However, a City zoning designation is required prior to any development taking place as the subject site is within Olathe City limits so the site is restricted under its current County zoning designation.

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

The property has never been developed.

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

The proposed development is not expected to detrimentally affect nearby properties as the development is a high-quality design by meeting the design requirements with the exception of 1 waiver for glass, and by providing adequate buffers to the adjacent properties.

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

Since the project is a high-quality development by exceeding design requirements, staff does not anticipate that the project would harm the value of any nearby 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.

Due to the low number of units, low use intensity and the existing public infrastructure, the proposed use would not adversely affect the road network.

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

Staff is not aware of any potential for unlawful levels of air, water or noise pollution with the proposed development. The development is required to comply with the City's stormwater requirements and provide best management practices for water quality.

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

With 48 new living units proposed, the development would provide additional population for the City and generate new real estate taxes on land that is currently vacant.

10. Staff Recommendation:

- A. Staff recommends approval of RZ18-0022 for the following reasons:
 - (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Housing and Neighborhoods (Principle HN-1.8 HN-2.1 and HN-2.5).
 - (2) The requested rezoning to R-3 district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.
 - (3) The proposed development as stipulated meets composite design standards for **Site Design Category 3** (*UDO 18.15.115*) and **Building Design Category B** (*UDO 18.15.030*).
- B. Staff recommends approval of RZ18-0022 with the following stipulations to be included in the ordinance.
 - (1) A final plat shall be approved and recorded, and all excise fees paid prior to issuance of a building permit.
 - (2) A final site development plan shall be approved prior to submitting for building permit.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations to be addressed with revised preliminary site development plans or final site development plans:
 - (1) A waiver shall be granted to permit a minimum of 16% glass on the primary elevations (west and north).
 - (2) A waiver shall be granted to permit the residential finished floor elevation to be less than 18 inches as required by Site Design Category 3.
 - (3) The dormers shall be in proportion and match the roof pitch of the building with a full appearance of being functional and operational.
 - (4) Additional evergreen trees shall be included along the south property line for additional screening with the final site development plan.
 - (5) Shrubs shall be added to the west side of the large detention basin with the final site development plan as required by the *UDO*.
 - (6) All mechanical equipment (building, ground or roof mounted) shall be screened per *UDO* requirements.