



City of Olathe
City Planning Division

STAFF REPORT

Planning Commission Meeting: March 25, 2019

Application:	<u>RZ19-0002:</u> Zoning amendment for RP-3 District (The Villas of Asbury)
Location:	15584 and 15608 S. Church Street
Owner/Applicant:	Sue Engbrotten, Pinnacle Construction
Engineer:	Matt Cox, Allenbrand-Drews & Associates
Staff Contact:	Dan Fernandez, Planner II

Site Area:	<u>10.51 ± acres</u>	Existing Use:	<u>Multi-family</u>
Current Zoning:	<u>RP-3</u>	Proposed Zoning:	<u>RP-3</u>
Building Area:	<u>8 Multi-family units</u>	Plat:	<u>The Villas of Asbury LT 15 and LT 16</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Mixed Density Residential	Industrial/Warehouse	RP-3	N/A	N/A
North	Mixed Density Residential	Warehouse/Office	RP-3	-	-
South	Conventional Neighborhood	Warehouse/Office	R-1	-	-
East	Conventional Neighborhood	Industrial/Warehouse	R-1	-	-
West	Mixed Density Residential	Warehouse/Office	M-2	-	-

1. Comments:

The applicant is requesting a zoning amendment to allow the building setback along the west property line to be reduced from 75 feet to a range of 65 feet to 71 feet. The subject

site was rezoned (RZ-31-00), and a preliminary site development plan approved in February 2001. The approved plan included 180 townhome units in 4-plex buildings. As part of the approval, a stipulation was included that there be a 75-foot setback from the west property line, however, the recorded plat for the townhome buildings encroached into the required setback. This zoning amendment will correct and address this issue and a zoning amendment is the only avenue available to revise or remove an approved stipulation. Additional history of the development and reason for the zoning amendment is included in Section 5 of this staff report.

2. Existing Conditions/Site Photos:

The subject properties consist of two lots for two future 4-plex buildings that are located within the Villas of Asbury development.



Site Aerial



View looking west from interior driveway

3. Public Notice:

A neighborhood meeting was held in accordance with the UDO on March 4, 2019 with approximately 47 attendees. Issues discussed included construction timeline and process, stormwater, the location of buildings and vehicle parking. The minutes from this meeting and the sign-in sheet has been included in the Planning Commission packet.

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property per *UDO* requirements. Staff received an email in opposition from a resident with concerns about how the applicant has worked with the HOA and residents of Asbury during past construction projects. The email has been included in the packet. A letter of support from the HOA has also been included in the packet for your review.

4. Site and Building Design/Development Requirements:

There are no proposed changes to density, access, parking, or the building and site design with this application. The layout and location of the two subject buildings are the same as the approved preliminary site development plan.

The approved preliminary site development plan included 1 story townhomes to be constructed of brick, stucco and fiber cement siding and include architectural features such as porches and stoops. The building permit plans will show the required material and architectural features which staff will review.

An existing row of trees is located along the west property line for screening from the adjacent industrial development. However, there are gaps in the tree line and the applicant is showing additional trees to be planted in those gaps. The number and types of trees shall be shown on a landscape plan with the submittal of building permits for the 4-plexes.

5. Building Setback Line/Zoning Amendment

The rezoning and preliminary site development plan approval included a stipulation that a 75-foot setback be established along the west property line which is adjacent to industrial zoning. This setback was shown on the approved plans and included on the Villas of Asbury plat. At the time of approval, per the UDO, the rear yard setback for a RP-3 zoned property was 15 feet if existing hedgerows or natural features provided screening.

The 4-plexes within the development are individually platted and when Lots 15 and 16 were platted in 2001, they were located over the setback line. Staff met with the applicant to discuss alternative solutions such as reorienting the lots or building smaller 4-plexes so that the buildings don't encroach into the setback.

The applicant stated that due to driveways and access drives that reorienting the lots was not an option. Also, their preference was to build 4-plexes that are similar or the same as the 4-plexes throughout the development and that would not be possible by shrinking the building footprint.

Since those options were not possible, the applicant is proposing to reduce the 75-foot setback immediately west of Lots 15 and 16. The new setback line would range from 65 to 71 feet. The rest of the setback line would remain at 75 feet. An exhibit of the

proposed new setback line has been included the Commission packet. A replat of the property is required to include the new setback lines as part of the plat.

6. Zoning Amendment Analysis

A list of the Golden Rules criteria for a change of zoning is included with the staff report and analysis. Staff has reviewed the surrounding zoning, land uses, existing structures and character of the area and does not find that approval of the zoning amendment would adversely affect the safety and character of the surrounding neighborhood. Since the applicant is only requesting an amendment to a stipulation on a setback line with no change in land use or zoning classification, additional level of analysis typically included is not required for this case.

7. Waiver Request

The applicant is requesting a waiver requests which is for the reduction in the landscape buffer requirement. 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.

Properties zoned R-3 require a Type 5B buffer when adjacent to industrial zoned properties per Section 18.30.130 of the UDO. A Type 5B buffer is 75 feet in width with no landscaping.

The applicant is requesting a waiver to this requirement since the setback is proposed to range from 65 feet to 71 feet immediately west of the Lots 15 and 16.

The applicant states that existing hedgerows will continue to provide a buffer between this development and the industrial properties to the west. The hedgerow will not be affected by this proposal and additional trees will be planted for additional screening. The proposed site plan shows evergreen trees on the west property line to provide an additional landscape buffer. Also, the public will suffer no loss or inconvenience by the granting of the waiver.

8. Staff Waiver Analysis

Staff is supportive of the waiver request due to the proposal meeting criteria for waivers found in Section 18.40.240.E of the UDO and for the following reasons. The density, layout, landscaping, access and building and site design are not affected by the waiver request. And as mentioned previously, the applicant will be providing additional screening between this multi-family residential development and the industrial development to the west.

9. Staff Recommendation:

A. Staff recommends approval of RZ19-0002 for the following reasons:

- (1) The proposed development complies with the Goals, Objectives and Policies of the Comprehensive Plan.
- (2) The zoning amendment meets the *Unified Development Ordinance* criteria for considering zoning applications.

- B. Staff recommends approval of RZ19-0002 with the following stipulations to be included in the ordinance. These stipulations include those previously approved and required with the original change of zoning (RZ02-XXX) along with newly amended stipulations below:
- (1) An amendment shall be granted for the RP-3 zoning ordinance to allow a reduced building setback of 65 feet from the west property line as shown on the submitted site plan.
 - (2) A waiver shall be granted to permit the landscape buffer along the west property line to range from 65 feet to 71 feet as shown on the submitted site plan.
 - (3) Prior to obtaining building permits, the property shall be replatted to show the adjusted building setback line.
 - (4) A landscape plan showing the size and type of trees to be planted along the west property line shall be submitted and approved with the building permits.
 - (5) The combined overall maximum density for the R-1 and RP-3 development area shall be limited to 4.6 dwelling units per acre.
 - (6) All RP-3 zoned areas shall be subject to the following design requirements:
 - a) Apartment buildings shall be prohibited.
 - b) All buildings shall be designed with an appearance of individuality between dwelling units. Such design shall include varied rooflines, varied facade depths to create variety and individuality, and front porches. Mirror image" structures in which the same design is repeated for all units in a structure with no variety shall be prohibited.
 - c) A variety of building exterior designs shall be used, with no building design plan to account for more than one-third of the development area.
 - d) Building facades facing the public or private streets shall be designed with street orientation to include entrances, porches, windows and other design elements to create the appearance of a front facade. A predominant front entry shall be provided on all facades facing the street.
 - e) Each dwelling unit shall be provided with an attached garage. No freestanding garages, carports or surface parking lots shall be permitted. However, small areas for guest parking may be permitted if entirely screened from view from the streets/drives.
 - f) Buildings shall be oriented and designed so no garages or parking lots are visible from any public or private streets, or access drives,

unless otherwise approved by the Planning Commission with final site development plans.

- g) If the Planning Commission permits a structure(s) with garages oriented toward a public or private street, a minimum thirty-(30) foot setback shall be maintained for the garage portion of the structure.
- h) Exterior building facades shall be finished with high quality building materials and architectural detailing. Exterior walls shall be finished with a minimum of seventy-five (75) percent decorative masonry materials such as stone, brick/masonry or a comparable masonry material, EIFS, stucco and siding (fiber cement board) may be permitted as a minor accent material. Vinyl siding, wood siding, or other synthetic or imitation materials with a false or "tacked on" appearance shall be prohibited.
- i) Roofing materials shall be the heaviest grade of 'Timberline' or comparable shingles, concrete or clay tile, or slate.
- j) An open space area of a minimum 3.3 contiguous acres shall be maintained in a central location for use by all persons who reside within the townhouse area. Such open space area shall include neighborhood amenities such as i.e., swimming pool/clubhouse, playground, tennis court, exercise path, cabana, etc. Detention areas may be included as part of the open space calculation if designed and maintained as a wet-bottom facility with spray fountain(s).
- k) All fences shall be wrought iron, picket fencing (not exceeding 4 feet in height) or a similar decorative fencing material. Solid wood fencing and chain-link fencing shall not be permitted. Except, chain-link fencing may be permitted around sports courts.
- l) Sidewalks shall be provided on both sides of all public and private streets and drives.
- m) A staggered double row of evergreen trees shall be installed and maintained along the west and south property lines. However, credit shall be given for existing trees located along the west property line. The number of evergreen trees to be installed by the developer along the west property line may be reduced by the Planning Commission with approval of the final site development plan upon submission of a tree survey.