

STAFF REPORT

Planning Commission Meeting: March 25, 2019

Application:	<u>RZ19-0003 & PP19-0002:</u> Rezoning from CTY RN-1 to R-1 District and Preliminary Plat for Cottages of Mahaffie
Location:	Vicinity of W. 122 nd Street and Timberlane Boulevard
Owner:	Barbara & Freddie Vaughan
Applicant:	Todd Allenbrand, Payne and Brockway, P.A.
Engineer:	Mark S. Huggins, Payne and Brockway, P.A.
Staff Contact:	Kim Hollingsworth, AICP, Senior Planner

Site Area:	<u>1.39± acres</u>	Proposed Use:	<u>Residential (Single-Family)</u>
Existing Zoning:	<u>CYT RN-1</u>	Proposed Zoning:	<u>R-1 (Residential Single-Family)</u>
Lots:	<u>5</u>	Plat:	<u>Timberlane Acres</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Conventional Neighborhood	Vacant	CTY RN-1	1	N/A
North	Conventional Neighborhood	Residential, Single-Family	CTY RN-1	-	-
South	Conventional Neighborhood	Residential, Single-Family	R-1	-	-
East	Conventional Neighborhood	Residential, Single-Family	RP-1	-	-
West	Conventional Neighborhood	Residential, Single-Family	CTY RN-1	-	-

1. Introduction

The following is a request for a rezoning from CTY RN-1 (County Residential Neighborhood One District) to R-1 (Residential, Single-Family District) for approximately 1.39± acres. The subject property is located west of Nelson Road and north of 122nd Street. The rezoning of the subject property is being requested in conjunction with the

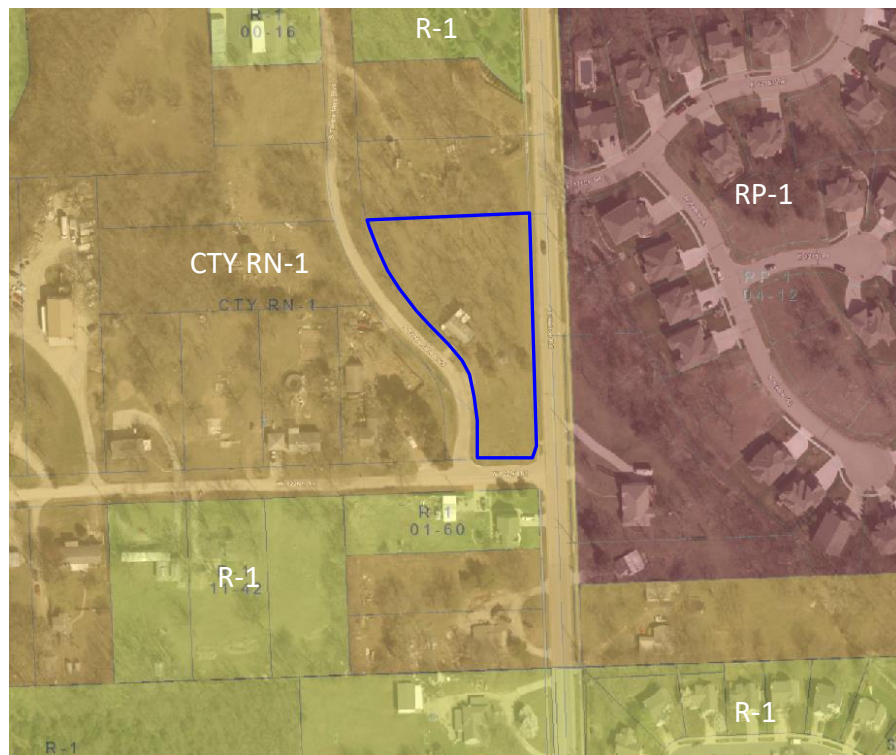
associated preliminary plat (PP19-0002). The proposed residential development consists of 5 lots for single-family homes within 1.39 acres. The estimated price of the homes ranges from \$259,000 to \$289,000. The property retains a County zoning district that must be rezoned to establish City development standards.

2. History

The 1.39-acre subject property under review was platted in 1954 within the Timberlane Acres subdivision. The property was annexed as part of 54 acres within Woodland Acres and Timberlane Acres in 1995 (Ord. No. 95-09). Approximately six residential parcels within the Timberlane Acres subdivision have been rezoned to the R-1 Residential Single-Family District since 2000.

3. Existing Conditions

A single-family home near the center portion of the property was demolished in late 2017 and the site has remained vacant since the demolition. The property contains several mature trees, primarily within the northern portion of the property. Surrounding properties are developed with residential single-family homes.



Aerial and Existing Zoning Districts



View of site looking northeast from W. 122nd Street

4. Zoning Requirements

- a. **Uses** – The proposed use for single-family residential homes is consistent with the uses permitted in the R-1 District. Uses typically found within the R-1 District are appropriate for the subject property given the existing conditions and relationship to surrounding properties.
- b. **Setbacks** – The proposed buildings meet the required setbacks for the R-1 District. Required setbacks are as follows: Front yard – 30-foot minimum, Side yard – 7-foot minimum, Corner Side yard – 20-foot minimum and Rear yard – 25-foot minimum.
- c. **Building Height** – The maximum building height permitted for residential structures within the R-1 District is 2 ½ stories not to exceed 35 feet. The structures will be constructed as reverse 1 ½ story homes.

5. Development & Site Design Standards

- a. **Access/Streets** – All driveways will have access from Timberlane Boulevard with no direct access to Nelson Road. Timberlane Boulevard and W. 122nd Street are part of the 2019 Olathe Street Reconstruction Program. The streets are planned to be entirely replaced within the existing right-of-way instead of an overlay or repaving project.
- b. **Pedestrian Connectivity** – There is an existing sidewalk to the rear of the property along South Nelson Road. There are no sidewalks along W. 122nd Street or Timberlane Boulevard as the streets are not currently constructed to the standards necessary to accommodate sidewalks.
- c. **Landscaping** – There are existing trees throughout the property and the applicant intends to save trees to the greatest extent possible outside of areas designated for building footprints and utility easements. A fifteen-foot landscape tract within the rear of the properties along Nelson Road will fulfill the master landscaping and screening plan requirement along collector roads per UDO 18.30.130.H.

Maintenance of the landscape tract will be the responsibility of the individual property owners, as the applicant does not intent to establish a Home Owner's Association due to the small number of proposed lots.

6. Preliminary Plat Review

- a. **Lots/Tracts** – The proposed subdivision contains five lots and one tract within 1.39 acres. The proposed lot sizes exceed the minimum lot area for the R-1 District and range from 8,800 to 14,700 square feet. The lots also exceed the 60-foot minimum lot width required within the R-1 District. The tract will accommodate required landscape screening along Nelson Road.
- b. **Stormwater/Detention** – A preliminary stormwater management report has been submitted for the development outlining compliance with City standards. There will not be a significant enough increase in impervious area; therefore, the project is exempt from stormwater detention and water quality requirements.
- c. **Public Utilities** – The subject property is located within the City of Olathe water and Johnson County Wastewater service areas. The water line serving properties along Timberlane Boulevard was replaced recently. A sanitary sewer extension and relocation of the existing storm sewer are proposed to accommodate the planned development. The sanitary sewer would connect across Nelson Road from the east and terminate within the west portion of the subject property. Additional properties within the Timberlane Acres subdivision could be served by the sewer extension in the future.
- d. **Excise Taxes** – The final plat will be exempt from street and signal excise taxes due to the limited scope of the project.

7. Communities for All Ages

The City is actively developing a Communities for All Ages plan to encourage age-friendly development and design. The program will evaluate the City's current resources and opportunities for policies and guidelines to promote a safe, healthy and accessible environment for older adults. Goals of the program include evaluating new development for its responsiveness to the needs of older adults and encouraging spaces for all generations to interact and benefit from the greater community.

The proposed development will embrace Communities for All Ages principles by providing a universal, age in place design. This concept is intended to create an attractive space that can be accessed by everyone regardless of age, size or ability. The design is intended to allow someone with a future need of mobility assistance (including a wheelchair, walker or scooter) to stay in the primary living space with minimal modifications. Design elements for the proposed homes may include zero-step entrances, single-floor primary living spaces, 36-inch doors for primary living spaces, zero-entry showers, multi-level kitchen counters and levered handles for doors and faucets.

8. Neighborhood Meeting/Public Notice

The applicant sent meeting notices to surrounding properties and held a neighborhood meeting for the proposed development on February 19, 2019 at the Olathe Community Center (see attached minutes). There were approximately eight property owners in attendance. The applicant provided an overview of the project and answered questions

regarding the proposed residential development. Staff did not receive any additional correspondence regarding the application. Primary discussion topics during the neighborhood meeting included the location of the sanitary sewer line, preservation of trees, type of homes and paving of Timberlane Boulevard.

Additionally, the applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property per UDO requirements.

9. Comprehensive Plan Analysis

The future land use map of the *Comprehensive Plan* identifies the subject property as "Conventional Neighborhood". The proposed R-1 zoning and single-family residential development is appropriate for this area.

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 proposed R-1 District aligns with the *PlanOlathe* future land use designation for a Conventional Neighborhood. Conventional neighborhoods providing a variety of housing types, prices, and styles to enable a range of economic levels, age groups, and lifestyles are encouraged. Additionally, the proposed improvements to the 1.39-acre parcel comply with other goals of the *Comprehensive Plan* and principles of other planning policies.

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 neighborhood area consists of single-family homes and undeveloped properties. Additionally, a religious facility is located approximately 300 feet northwest of the subject property in the Timberlane Acres subdivision. The majority of lots directly surrounding the property range from 0.7 to 0.8 acres in size. A significant number of lots within the neighborhood have detached garages and other accessory structures.

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.*

The surrounding properties contain CTY RN-1, R-1 and RP-1 zoning districts which are all low-intensity, single-family districts. The proposed R-1 District and single-family residential use are in conformity and harmonious with existing adjacent developments. Single-family homes are the most appropriate use for the subject property due to the long-standing presence of low-density residential neighborhoods within the surrounding vicinity.

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

The current CTY RN-1 District does not allow for the construction of new single-family development or for the platting process to occur. The initiation of new development

triggers a rezoning to a City zoning designation as the property has been located within City limits since 1995.

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

The subject property has been vacant for slightly more than a year. Previously, the property contained a single-family residential structure prior to annexation into the City.

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

The proposed rezoning should have no detrimental effect on nearby residential properties. The R-1 District promotes uses and activities that are already occurring on surrounding properties within the neighborhood.

G. 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.

The proposed single-family residential use is not anticipated to increase the capacity on the existing road network in a manner that would adversely affect surrounding properties. The homes are anticipated to contain garages for parking that did not exist on the site for the previously built single-family home.

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

The rezoning of the subject property for the proposed use is not anticipated to generate any environmental harm or concerns. The development will follow all regulations and codes pertaining to stormwater, air quality, noise and other impacts on the environment.

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

The residential use will generate property taxes and provide opportunities for construction-related jobs while the homes are built.

J. The gain, if any, to the public health, safety and welfare due to the 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 does not negatively impact public health, safety, or welfare as presented. If the rezoning were denied, the applicant would not be able to develop the property or proceed with the platting process as City standards would not be in place.

10. Staff Recommendation

A. Staff recommends approval of RZ19-0003 for the following reasons:

- (1) The proposed development complies with the policies and goals of the *Comprehensive Plan*.

Principle LUCC-6: Discourage Sprawl. “Discourage “leap-frog” or sprawling land use patterns by encouraging growth in serviceable areas. Promote the infill of vacant parcels and reinvestment in buildable areas.”

Principle LUCC-8.1: Mixture of Complementary Land Uses. Encourage and enable a mixture of complementary land uses in major new developments. In existing neighborhoods, a mixture of land use types, housing sizes and lot sizes may be possible if properly planned and respectful of neighborhood character. Whenever land uses are mixed, careful design will be required in order to ensure compatibility, accessibility and appropriate transitions between land uses that vary in intensity and scale.

- (2) The requested rezoning to the R-1 District meets the *Unified Development Ordinance* criteria for considering zoning applications.
- B. Staff recommends approval of the preliminary plat (PP19-0002) with the following stipulations:
- a) A final plat shall be approved and recorded prior to issuance of building permits.
 - b) The master landscape screening plan shall be submitted with the final plat in accordance with UDO requirements.
 - c) The final plat shall include language for the dedication and maintenance of the landscape tract.