



City of Olathe  
City Planning Division

## STAFF REPORT

**Planning Commission Meeting: April 8, 2019**

<b>Application:</b>	<b><u>RZ19-0001</u> Rezoning from RP-3 to R-4 district and preliminary site development plan for Saddlewood Apartments</b>
<b>Location:</b>	In the vicinity of 154 <sup>th</sup> Street and Brentwood Street
<b>Owner</b>	Saddlewood Associates, L.L.C.
<b>Applicant:</b>	Aaron G. March, Rouse Frets White Goss Gentile Rhodes
<b>Engineer:</b>	Jeff Skidmore, Schlagel & Associates
<b>Staff Contact:</b>	Dan Fernandez, Planner II

<b>Site Area:</b>	<u>18.99 ± acres</u>	<b>Proposed Use:</b>	<u>Apartments</u>
<b>Current Zoning:</b>	<u>RP-3</u>	<b>Proposed Zoning:</b>	<u>R-4</u>
<b>Units:</b>	<u>444 (4 buildings)</u>	<b>Plat:</b>	<u>6.73 acres platted</u>
<b>Density:</b>	23.4 units/acre		<u>Remaining acreage unplatted</u>

	<b>Plan Olathe Land Use Category</b>	<b>Existing Use</b>	<b>Current Zoning</b>	<b>Site Design Category</b>	<b>Building Design Category</b>
<b>Site</b>	<b>Mixed Density Residential</b>	<b>Vacant</b>	<b>RP-3</b>	<b>3</b>	<b>B</b>
<b>North</b>	Mixed Density Residential	Apartments	RP-3	-	-
<b>South</b>	Mixed Density Residential	Industrial/townhomes	RP-3/M-2	-	-
<b>East</b>	Conventional Neighborhood	Single-family homes/future senior housing	R-1/R-3	-	-
<b>West</b>	Mixed Density Residential	Industrial/Warehouse	M-2/MP-2	-	-

**1. Comments:**

The applicant is requesting a rezoning from RP-3, (Planned Low-Density Residential) to R-4 (Residential Medium-Density Multi-family) and approval of a preliminary site development plan for Saddlewood Apartments. The subject property is located in the vicinity of 155<sup>th</sup> Street and Brentwood Street. The preliminary site development plan includes 4 apartment buildings ranging in height from 3 to 4 stories with 444 total units for a density of 23.4 units/acre.

The subject site was rezoned (RZ-47-98) from A (Agriculture) to RP-3 in November 1998. The associated preliminary site development plan included 360 units in 36 buildings for a density of 12.98 units/acre. The buildings ranged in height from 2 to 3 stories. Parking was included in detached, freestanding garages, carports and surface parking.

Of the 360 units that were approved with the 1998 preliminary site development plan, 92 units have been constructed. This leaves 268 units that were not built as part of the original plan. Should the current rezoning request and preliminary site development plan for Saddlewood be approved, there would be an increased total of 536 units for the development.

**2. Existing Conditions/ Site Photos:**

The subject site is currently undeveloped but was part of the original approved Saddlewood apartments as mentioned in the section above. The 92 units that were built are located to the north of the blue line that outlines the subject site.



*Site Aerial*



*View looking southeast from existing clubhouse*

### **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. Additional notification letters were sent after the continuance from the March 25 meeting and updated signs were placed on-site. The applicant also emailed residents who attended the meeting about the new Planning Commission date.

A neighborhood meeting was also held in accordance with the UDO on February 28, 2018 with approximately 21 attendees. Issues discussed included building height, the stepdown of the 4-story buildings, parking, wildlife, timeline of construction and other developments by the developer. The minutes from this meeting and the sign-in sheet has been included in the Planning Commission packet.

Staff has received 8 letters in opposition to the proposed development. All correspondence has been included in the packet for the Commission to review. Issues and concerns included the height of the apartment buildings, parking, increased traffic, noise, crime and decreased property values.

The applicant revised the plans to address comments and concerns from surrounding residents and also from staff. Details of the revisions are summarized in the Parking and Building Designs Standards section of this staff report.

### **4. Zoning Requirements:**

- a. **Setbacks** – The following table lists the minimum building setback requirements for developments using the Site 3 Category as well as the proposed setbacks for the apartment buildings:

	UDO Requirement	Proposed Plan
<i>Front Yard</i>	15 feet from property line	90-240 feet along Brentwood Street
<i>Side Yard</i>	N/A	115-160 feet from 153 <sup>rd</sup> Terrace and south property line
<i>Rear Yard</i>	5 feet from the property line	20-25 feet for Buildings C and D

Per Section 18.30.160 of the UDO, parking/paving setbacks for multi-family developments are required to have a 30-foot setback from the public street right-of-way. The plans show a small section of the setback along Brentwood at 20-feet and the applicant is requesting a waiver from this requirement for this section. Waiver requests are summarized in Section 9 of this staff report.

- b. **Building Height** – The maximum building height for projects subject to Site 3 and Building B Design Categories in the R-4 District is 4 stories or 50 feet from finished grade. The proposed development has three 4-story buildings that are 50 feet in height.

The applicant has submitted perspective and line of sight drawings to show the location of the proposed apartment buildings in relation to the existing single-family homes to the east.

- c. **Common/Active Open Space** –The proposed development includes 38% open space which is well above the 5% requirement for this district. For active open space, the project is showing a walking trail, a new pool area, and a dog park. Staff is stipulating that sitting/picnic areas be added and shown in the middle greenspace area with the final site development plan submittal.
- d. **Land Use** – Apartments in RP-3 zoned districts are permitted up to 17 units per acre. The applicant is requesting a change of zoning to R-4 to provide for increased density development. Their proposal is for 23.4 units per acre which would be possible in the R-4 district which permits up to 29 units per acre.

## 5. Development Requirements:

- a. **Access/Streets** – The subject site will have 7 access drives onto adjacent public streets. There are 4 drives onto Brentwood Drive to the east, 1 drive onto 153<sup>rd</sup> Terrace to the north and 2 drives onto Mahaffie Street to the west.

The existing street network surrounding the proposed development will provide adequate capacity to accommodate the proposed additional units. There are collector streets adjacent to the east and west side of this development. These existing collector streets already have the capacity to adequately convey the added trips this development would generate.

- b. **Parking** – For multi-family residential developments, the *UDO* requires 1.5 parking space per unit. Based on the proposed 444 units, the project is required to have 666 parking spaces. The submitted plans include a total of 824 parking spaces of which 142 are attached garage spaces and the remaining 682 spaces are surface parking. The spaces provided average out to 1.86 spaces per dwelling unit.

When the application was first submitted, the plans showed 706 parking spaces for a ratio of 1.6 spaces per dwelling unit. Although that number met the *UDO* requirement, the applicant revised the plans to add additional parking due to concerns from neighboring residents and staff about parking for the apartment complex. The plan was revised by removing an interior drive that provided room for not only additional parking spaces but for additional greenspace.

- c. **Landscaping/Buffers** – The submitted landscape plan includes landscaping throughout the site including in along the property lines, landscape islands, open space areas and the building foundation on the primary elevations.

Per *UDO* requirements, a Type 3 Buffer is required between R-4 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 shows the Type 3 Buffer with the required plantings on the east side of the property which is adjacent to R-1 zoning. However, the buffer ranges in height from 3 to 6 feet in height. A waiver request has been submitted for the berm to be less than 6 feet in some areas.

A Type 5B Buffer is required between R-4 and M-2 Districts. A Type 5B Buffer is 75 feet in width with no landscaping. The submitted plans show a 20 and 25-foot buffer along the property lines adjacent to M-2 zoned properties. All property lines adjacent to M-2 properties contain a mixture of landscaping. The applicant is requesting a waiver to the Type 5B Buffer requirement. Waiver requests are summarized in Section 9 of this staff report.

All berms and landscaping shall be located outside the sight-distance-triangle.

- d. **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.
- e. **Stormwater** - The development is providing stormwater detention along with stormwater quality and the applicant has submitted a conceptual stormwater plan with the application. Should the rezoning be approved, 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 replat of the property.

As designed, the dog park cannot be located within the extended dry detention basin. Staff and the applicant have had discussions about relocating the dog park or redesigning the basin so that the dog park can be located within it. Staff is recommending that this be included as a plan stipulation as provided for on page 11 of this report.

- f. **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.
- g. **Lighting** – Since the development is next to existing residential, staff required a photometric plan with this application submittal, instead of with the final site development plan application. The applicant submitted a plan showing compliance with Section 18.30.135 of the *UDO*. Per this section, the maximum maintained vertical foot-candle at an adjacent residential property line is 0.5, which the submitted plan shows over most of the adjacent property line to the east. There are areas along Brentwood Street where the foot-candles are over 0.5, however, this is due to existing street lighting.

## 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.

<b><i>Composite Site Design (Category 3)</i></b>	<b>Proposed Design Includes</b>
<i>Outdoor Amenity Space</i>	Walking trails, 2 pool areas, dog park
<i>Parking Pod Size</i>	The parking pod sizes are below the maximum 40 parking spaces per pod
<i>Pedestrian Connectivity</i>	Interior sidewalks and an interior trail will connect to existing sidewalks along Brentwood Street, 153 <sup>rd</sup> Terrace and Mahaffie Street
<i>Detention and Drainage Features as Amenities</i>	Landscaping for screening has been provided around the proposed detention basin at the southwest corner of the site.

## 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 required composite design standards and the proposed development.

<b><i>Composite Building Design (Category B) Standards</i></b>	<b>Proposed Design Includes</b>
<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** – For all buildings, wall offsets are located every 13 to 26 feet along the primary facades and are 4 feet deep which meets the UDO requirement for horizontal articulation.
- b. **Vertical Articulation** – The buildings include a variation in roof form and heights on all elevations. The initial submittal had all flat rooflines with parapets and at the request of staff, the applicant included pitched roofs which compliment the nearby single-family homes and existing apartments.
- c. **Transparent Glass** – Category B design standards require a minimum of 25% transparent glass on primary facades which are all elevations. Although not all primary elevations, all sides of the buildings exceed the 25% requirement for glass.
- d. **Ground floor pedestrian interest/entry elements** – The building includes transparent glass as well as canopies over some of the ground floor entrances. All ground floor entrances shall have an architectural feature such as a canopy with the final site development plan.
- e. **Garages on Primary Facades** – The apartment buildings have in-building garages, but they will not be visible from the street due to distance, berms and landscaping.
- f. **Building Materials** – The building consists of stone veneer, glass and Hardie board siding. Elevations that face public streets, private drives or parking areas are considered primary. For this project, most of the facades are primary with the exception of the sides of the building that face the interior greenspace.

The proposed buildings are unique in shape and have more than just east, west, north and south elevations. Due to this, please refer to the material percentage sheet submitted by the applicant for the material percentages for all elevations. It should be noted that even though not all elevations are primary, each side of each building meets the primary façade requirement of 70% Category 1 materials.

- g. **Transition Standards for Projects Adjacent to Single-Family Neighborhoods** – The proposed buildings along Brentwood Street, adjacent to a single-family neighborhood, are all over the 100-foot distance requirement. The distances from the building to the single-family properties range from 144 feet to 300 feet.

During the review process, staff recommended 3-story buildings on the east side of the development, nearest to the single-family homes. Building height and setbacks were also issues brought up by neighboring residents. The applicant did not eliminate the 4-story buildings on this side of the property but did revise the plans to address these concerns. Revisions included increasing the distance of the apartment buildings from the single-family properties from approximately 110 feet to the current 140 feet to 300 feet. The two 4-story buildings located closest to Brentwood Street were designed so that they step down to 3-stories as the buildings approach the single-family district and the largest building is located on the west side of the property, adjacent to the industrial zoned properties. And although not adjacent to single-family homes, the setback for Building D from the south property line was increased from 21 feet to 115 feet.

## **8. Phasing:**

The applicant has submitted a phasing plan showing the proposed development being built in 5 phases. The first phase does not include a new apartment building, but instead addresses an issue that the applicant heard from residents in the area which is parking along 153<sup>rd</sup> Terrace. The first phase includes additional parking near the existing clubhouse and swimming pool for residents and visitors to use. Traffic staff has also agreed to look at limiting the amount of parking on 153<sup>rd</sup> Terrace as it is a public street.

The remaining 4 phases, that include the new apartment buildings, will be built from the northwest to the southeast as follows:

Phase 2 includes the 4-story Building A with 121 units.

Phase 3 includes the 3-story Building B with 66 units.

Phase 4 includes the 4-story Building C with 152 units.

Phase 5 includes the 4-story Building D with 105 units.

## **9. Waiver Requests:**

The applicant is requesting 3 waiver requests which are:

- a. for the minimum parking/ setback from the street right-of-way,
- b. the landscape buffer between R-4 and M-2 Districts and
- c. height of the berm in the Type 3 landscape buffer.

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 parking/paving setback is to allow the setback to be 20 feet for a small section along Brentwood Street instead of the required 30 feet for multi-family developments per Section 18.30.160 of the UDO.

The second waiver request is for the Type 5B Buffer requirement between R-4 and M-2 Districts. Section 18.30.130.J requires a 75-foot buffer without landscaping between the two districts and the submitted plans show a mostly 25-foot landscape buffer west of



Buildings C and D. The buffer does narrow to 20 feet at the southern edge of Building C along Mahaffie Street. The buffer along the south property line is approximately 34 feet in width with landscaping.

The third waiver request is for the Type 3 Buffer requirement of a 6-foot berm within the landscape buffer. A Type 3 Buffer is required between R-4 and R-1 zoned properties. The berm on the east side of the development adjacent to single-family ranges in height from 3 to 6 feet.

In the submitted waiver request, the applicant states that a higher quality design is achieved by granting of the waivers. For example, by reducing the Type 5B Buffer requirement, the buildings can be pushed back further from the existing single-family homes. They are also providing a higher quality design by exceeding the Category 1 material requirements on all elevations. Also, the applicant states that the granting of the waivers is not contrary to the public interest and will not burden the City.

#### **Staff Analysis:**

Staff is supportive of the waiver requests due to the proposal meeting criteria for waivers found in Section 18.40.240.E of the UDO and for the following reasons.

For the parking/paving setback, the applicant is providing a 30-foot setback along the majority of parking/paving areas along Brentwood Street. And even though the setback narrows to 20 feet on the north side of the development, a berm with landscaping is still being provided within the setback.

The Type 5B Buffer adjacent to the industrial zoned properties was reduced in order to accommodate a larger distance between the proposed apartment buildings and the single-family homes to the east. The buffer will be mostly 25-feet in width and will also have a solid line of landscaping. The Type 5B buffer does not require any landscaping.

The proposed berm is proposed to range in height from 3 feet to 6 feet. Along all portions of the berm, the applicant has located multiple rows of shrubs on the berm as well as trees for screening of the parking lot.

#### **10. Comprehensive Plan Analysis:**

The future land use map of the Comprehensive Plan identifies the subject property as Mixed Density Residential.

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 Mixed Density Residential Neighborhood. This land use designation typically consists of multi-family developments such as the proposed development for the subject site.

The Comprehensive Plan includes goals encouraging infill development (HN-1.8), providing a full range of housing choices (HN-2.1) and providing high-quality design (LUCC-7.1) which includes urban design.

***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, multi-family residential and industrial. The existing uses are single-family homes, apartments and industrial uses. Although taller than the existing surrounding buildings, the applicant has addressed this issue through the review process by increasing the distance between the apartment buildings and the single-family homes, having the 4-story buildings step down to 3-stories as they approach the single-family homes and by providing landscape berms along Brentwood Street for additional screening.

***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 multi-family residential, single-family residential and industrial. The development has been designed so that large buffers and screening are included adjacent to single-family residential and the largest building is adjacent to the industrial zoned properties. 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 RP-3 which would permit low-density multi-family development and the site is also part of an approved preliminary site development plan that included low-density multi-family apartments. The RP-3 existing zoning does not allow for the density the applicant is seeking.

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

Although part of the rezoning and preliminary site development plan from 1998, the subject site 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 as stipulated 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 in some areas, 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.***

The surrounding road network has been built to collector standards which can accommodate the additional traffic generated from the proposed development. Also, the project will be providing more than the required amount of parking per UDO standards.

***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.***

The proposed development would provide additional population for the City and generate new real estate taxes on land that is currently vacant.

**11. Staff Recommendation:**

A. Staff recommends approval of RZ19-0001 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 LUCC-7.1).
- (2) The requested rezoning to R-4 district meets the Unified Development Ordinance (UDO) criteria for considering zoning applications, with exceptions to certain requirements as noted.
- (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 RZ19-0001 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 permits.

C. Staff recommends approval of the preliminary site development plan with the following stipulations to be addressed with final site development plans:

- (1) A waiver shall be granted to permit a 20-foot parking/paving setback for a portion of the section along Brentwood Street as shown on the preliminary site development plan.

- (2) A waiver shall be granted to permit the berm within the Type 3 Landscape Buffer to range from 3 to 6 feet as shown on the preliminary site development plan.
- (3) A waiver shall be granted to permit the berm within the Type 5B Landscape Buffer to be 20 to 34 feet in width as shown on the preliminary site development plans.
- (4) The dog park shall be relocated, or the stormwater basin redesigned with the final site development plan application.
- (5) Aerial apparatus access for Building A, Building B, Building C, and Building D that shows the revisions, with dimensions, as required by the Fire Department shall be approved with the final site development plan.
- (6) The final site development plans shall provide a road at least 26 feet wide on one side of the building, located at least 15 feet and no more than 30 feet from the building. Where no landscaping is provided (asphalt/concrete only), this requires a 41-foot minimum wide road that fronts each building to allow for aerial apparatus operations.
- (7) All portions of the building will be required to be within 600 feet of a hydrant (travel distance) for sprinklered buildings (IFC Section 507.5.1, Ex 2).
- (8) A fire department connection (FDC) is required within 100 feet of a hydrant for sprinklered buildings. The FDC is required to be accessible from a fire apparatus access road. The City of Olathe Fire Code Amendment 16.05.340 requires a 4-inch Storz quick coupling connection (IFC Section 507.5.1.1).
- (9) Details of the parking lot lighting poles and fixtures per Section 18.30.135 of the UDO shall be submitted with the final site development plan.
- (10) Sitting/picnic areas shall be added and shown in the middle greenspace with the final site development plan submittal.