



City of Olathe
City Planning Division

STAFF REPORT

Planning Commission Meeting: May 13, 2019

Application:	<u>RZ19-0005</u> Rezoning from R-1 to R-3 district and preliminary site development plan for Legacy Senior Residences II
Location:	Southwest corner of Harold Street and Parker Street
Owner	David Owen, Lenexa Baptist Church
Applicant:	Bobbi Jo Lucas, Cornerstone Associates
Engineer:	Judd Claussen, Phelps Engineering
Staff Contact:	Dan Fernandez, Planner II

Site Area:	<u>5.39 ± acres</u>	Proposed Use:	<u>Senior Housing</u>
Current Zoning:	<u>R-1</u>	Proposed Zoning:	<u>R-3</u>
Units:	<u>48 (1 building)</u>	Plat:	<u>4.81 acres platted, 0.58 acres Unplatted (final plat on this agenda)</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Neighborhood Commercial Center/Conventional Neighborhood	Vacant	R-1	3	B
North	Neighborhood Commercial Center/ Conventional Neighborhood	Vacant	R-3	-	-
South	Neighborhood Commercial Center/Conventional Neighborhood	Vacant	R-1	-	-
East	Conventional Neighborhood	Single-family homes	RP-3	-	-
West	Neighborhood Commercial Center	Commercial	CP-1	-	-

1. Comments:

The applicant is requesting a rezoning from R-1 (Single-family residential) to R-3 (Residential Low-Density Multi-family District) and a preliminary site development plan for Legacy Senior Residences II. The subject property is located at the southwest corner of Harold Street and Parker Street. The preliminary site development plan includes a 2-story senior apartment building with 48 independent living units. The applicants have built and currently operate a similar senior living apartment complex near 119th Street and Sunset Drive.

The subject property was rezoned (RZ-11-83) to RP-5 and C-O in June 1983 with the associated preliminary site development plan showing apartments and a medical office building on the site. Neither project was ever constructed.

The property was then rezoned (RZ-30-00) to R-1 in January 2001 and the preliminary site development plan included Phase I of Trinity Fellowship Church which consisted of a 9,440 square foot building. The church was never constructed.

2. Existing Conditions/ Site Photos:



Site Aerial

The site is currently undeveloped with existing trees covering most of the site. There are also existing driveway approaches on Harold Street and Parker Street that served as access for a residence that was once there but has since been torn down.



View looking southwest from Harold Street and Parker Street

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.

The applicant did initial outreach prior to submitting the rezoning application and had a neighborhood meeting on February 20, 2019. Issues discussed included property maintenance, project cost, rent amounts, landscaping and building materials.

A second neighborhood meeting was held on April 17, 2019, after the application submittal and in accordance with the UDO requirements. There were approximately 5 attendees for the second meeting. Issues discussed included building height, construction timeline, traffic and garages. The minutes from both meetings and the sign-in sheet have been included in the Planning Commission packet.

Staff has not received any correspondence for or against the proposed rezoning and preliminary site development plan.

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 building:

Building Setbacks	UDO Requirement (min.)	Proposed Plan
<i>Front Yard</i>	15 feet from property line	104 feet
<i>Side Yard</i>	N/A	35 feet and 106 feet 18 feet for garages
<i>Rear Yard</i>	5 feet from the property line	221 feet

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 submitted plans are showing 30-foot parking/paving setbacks.

- 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 approximately 29 feet in height.
- c. **Common/Active Open Space** –The proposed development includes 63% open space which is well above the 5% requirement for this district. The project includes 0.36 acres of active open space when 0.12 is required and includes walking paths, sitting and garden areas and a dog park.
- d. **Communities for All Ages/Amenities** – The City is currently developing policies and practices aimed at aging in place through the Communities for All Ages initiative. 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. The goals of the program include engaging the aging perspective in the planning process and encouraging collaborative spaces for all generations to interact and benefit from the greater community.

On the interior of the proposed senior apartment building, amenities include a gathering area, a social area, and an exercise and recreation room. Outdoor amenities include those listed in the active open space section: walking paths, sitting/garden areas and a dog park. These areas were included to create a community lifestyle for the residences.

- e. **Use** – The proposed use for senior housing is permitted in R-3 Districts, so a rezoning application is required as the property has a R-1 zoning designation. R-3 Districts permit multi-family developments up to 17 units/acre. The proposed development has a density of 9.92 units/acre.

5. Development Requirements:

- a. **Access/Streets** – The subject site will have one access drive onto Parker Street to the east and there will be no access drive onto Harold Street. The drive on Parker Street is located a sufficient distance from the Harold Street and Parker Street intersection. Existing concrete curb cuts on Harold and Parker Streets will be removed as part of this project and are shown on the submitted plans.

- b. **Parking/Lighting** – For independent senior housing, the UDO requires 1 parking space per unit so the proposed facility would require 48 parking spaces. The plans show 89 parking spaces or a ratio of 1.88 spaces per unit which is sufficient for the apartment residents, guests and employees. The number of spaces includes 20 garage spaces with the remaining spaces being surface parking.

Since the proposed development is across the street from existing single-family homes, staff required that a photometric plan be submitted with the preliminary site development plan instead of the final site development plan. The applicant submitted a plan showing compliance with Section 18.30.135 of the UDO.

- c. **Landscaping/Buffers** – The submitted landscape plan includes landscaping throughout the site including in landscape islands and along the building foundation on the primary elevations (east and north). Foundation landscaping has also been included on the secondary elevations.

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. A Type 3 Buffer is required along the south property line as the property to the south is zoned R-1. The submitted landscape plan shows an 18-foot buffer with landscaping but no fence or berm. The applicant is requesting a waiver to the width and fence/berm requirement and the waiver request is summarized in Section 8 of this staff report.

Parking/paving screening has been provided along all parking/paving areas and a 3-foot landscaped berm is included along Parker Street to block headlights shining into the adjacent single-family subdivision. The applicant provided an exhibit showing how the parking area sits down below the berm and is included in your packet.

The west side of the property is heavily treed, and the plans show a tree preservation easement for this area. The tree preservation easement has been included on the associated final plat.

- d. **Public Utilities** – The subject property is located within the City of Olathe water and sewer service areas. The applicant will need to coordinate with the City for utility connections.
- e. **Stormwater** - The development is providing stormwater detention along with stormwater quality and the applicant has submitted a conceptual stormwater plan with the application. Drainage easements and maintenance language are included with the final plat.
- f. **Mechanical Equipment/Dumpster Enclosure** – The applicant has provided a note on the site and landscape plans stating that all mechanical equipment will be screened per UDO requirements.

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 design requirements.

Composite Site Design (Category 3)	Proposed Design Includes
<i>Outdoor Amenity Space</i>	Walking paths, sitting/garden 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 will connect to an existing sidewalk along Harold and Parker Streets.
<i>Detention and Drainage Features as Amenities</i>	Landscaping for screening has been provided on the side of the proposed detention basin that would be visible to the public.

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 apartments and required design standards.

Composite Building Design (Category B) Standards	Design Requirements
<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 glass, 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 by being recessed from the main building or by not facing the street
<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 of at least 4 feet are located every 50 feet as required by this building design category.
- 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 additional vertical articulation. A perspective drawing of the building has been included in the packet showing both horizontal and vertical articulation.
- c. **Transparent Glass** – Category B design standards require a minimum of 25% transparent glass on primary facades which for this project are the east and north elevations. These elevations both have 15% glass, so the applicant is requesting a waiver to this requirement and is described in Section 8 of this staff report.
- d. **Ground floor pedestrian interest/entry elements** – The building includes transparent glass as well as a covered front porch entry canopy.
- e. **Garages on Primary Facades** – There are no garages in the main building, however, the project does include 2 detached garage buildings totaling 20 garage stalls. Through the review process the applicant has revised the elevations of the garages to increase the amount of Category 1 materials (stone) and added a variation of roof height and form with pitched roof elements.
- f. **Building Materials** – The building consists of stone, glass and fiber cement siding. The east and north elevations are considered primary.

Façade (Elevation)	UDO Requirement (Category1/2)	Proposed Category 1	Proposed Category 2
East (Primary)	70%/30% (minimum/maximum)	Stone/Glass (72%)	Fiber Cement Siding (28%)
North (Primary)	70%/30% (minimum/maximum)	72%	28%
South (Secondary)	50%/50% (minimum/maximum)	74%	26%
West (Secondary)	50%/50% (minimum/maximum)	79%	21%

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

8. Waiver Requests:

The applicant is requesting 3 waiver requests which are:

- a. for the reduction of the glass requirement on the primary facades
- b. the Site Design Category 3 requirement of the residential finished floor elevation being a minimum of 18 inches above the sidewalk

c. the width and fence requirement for 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 glass requirement is to allow the percentage of glass to be 15% on the east 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.

And the third waiver request is for the Type 3 Buffer requirement of being 20 feet wide and having a 6-foot fence or berm. The proposed landscape buffer is 18-foot wide with no fence or berm.

The applicant states that they are providing a higher quality design by exceeding the Category 1 material requirements on all 4 elevations. Also, the applicant states that 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 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 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. Although senior housing is classified as a multi-family use, this requirement is not appropriate for a development with interior entrances.

For the third request, the proposed landscape buffer along the south property line is only 2-feet narrower than the required 20-foot width and will have a solid line of landscaping along the rear elevations of the detached garages. The landscaping along the south property line shall meet the required planting requirements of the Type 3 Buffer and will be adjacent to vacant property owned by a church.

9. Comprehensive Plan Analysis:

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 Neighborhood Commercial Center and Conventional Neighborhood. These land use designations consist of small commercial developments and single-family homes respectively. 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, commercial and multi-family residential. The existing uses are single-family homes, a multi-tenant commercial building and vacant property zoned low-density multi-family and single-family residential. 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 zoned property to the north. The proposed use would be in harmony with the surrounding properties and make a good transitional use from the commercial development to the west and the single-family homes to the east.

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 R-1 which would permit single-family residences, and other uses such as churches and schools. The senior housing development would provide an appropriate transition from the commercial development on the west to the single-family homes to the east.

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

The property previously had a single-family house located here and has been vacant since its demolition in 2015.

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 the requested waivers.

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 several 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.

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. The development includes adequate parking exceeding the UDO requirements.

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 senior housing options for the City and generate new real estate taxes on land that is currently vacant.

10. Staff Recommendation:

- A. Staff recommends approval of RZ19-0005 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 RZ19-0005 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 final site development plan:
- (1) A waiver shall be granted to permit 15% glass on the primary elevations (east and north) as shown on the elevations.
 - (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) A waiver shall be granted to permit the Type 3 Buffer along the south property line to be 18 feet wide with the required Type 3 Buffer plantings.
 - (4) The landscaping along the south property line shall meet the required planting requirements of the Type 3 Buffer.