



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 Apartments. 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.

<i>Composite Site Design (Category 3)</i>	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.

<i>Composite Building Design (Category B) Standards</i>	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:

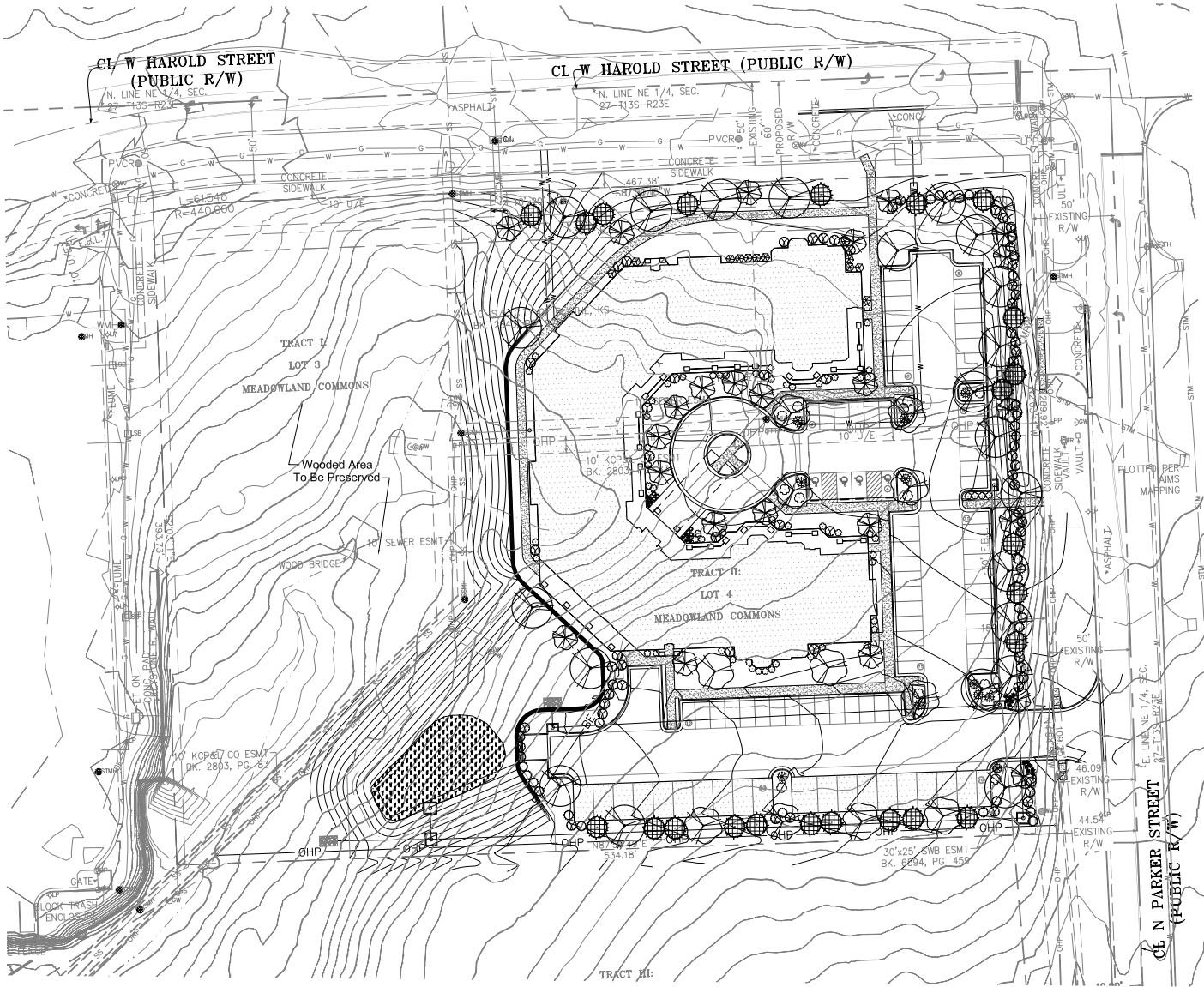
- A. Staff recommends approval of RZ19-0005 for the following reasons:
 - (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Housing and Neighborhoods (Principle HN-1.8 HN-2.1 and HN-2.5).
 - (2) The requested rezoning to R-3 district meets the *Unified 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.














LEGACY SENIOR RESIDENCES OLATHE II

Attachment A

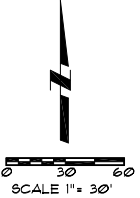




CONCEPT PLANT SCHEDULE

	LARGE SHADE TREES	22
	MEDIUM SHADE TREES	11
	EVERGREEN TREES	23
	ORNAMENTAL TREE	25
	SPREADER EVERGREEN SHRUB	33
	DECIDUOUS SHRUB I	13
	DECIDUOUS SHRUB II	63
	LOW SPREADING EVERGREEN	11
	ORNAMENTAL GRASS TALL	23
	ORNAMENTAL GRASS MEDIUM	6
	SMALL DECIDUOUS SHRUB	59
	LARGE ORNAMENTAL SHRUB	11
	BMP NATIVE PLANTS	3,030 sf

Screening Note:
All mechanical equipment will be screened per UDO requirements.



Preliminary Landscape Plan
Legacy Senior Living

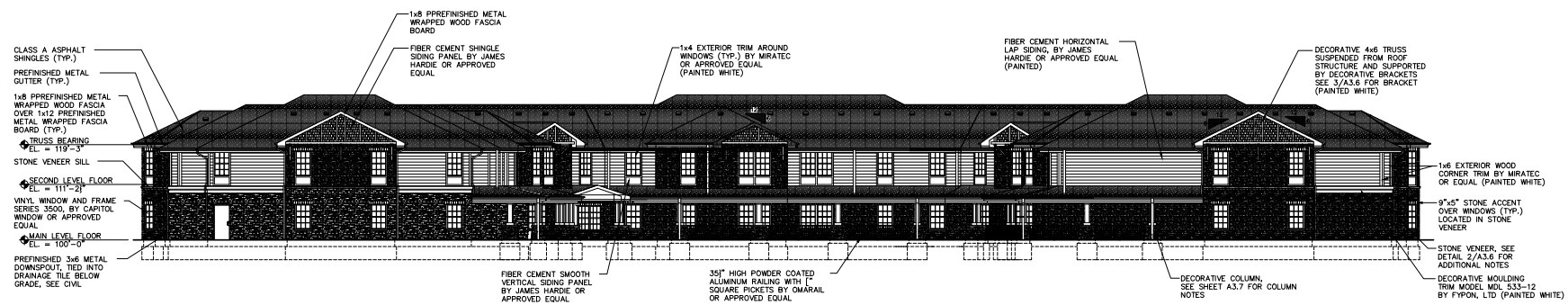
West Harold and North Parker
Olathe, Kansas

LS-1

Utility Note:
Utilities shown on plan are diagrammatic and some may be missing. Before starting any construction call appropriate locating service. In Kansas call 1-800-445-5445 (4-4-5) to have utilities located.



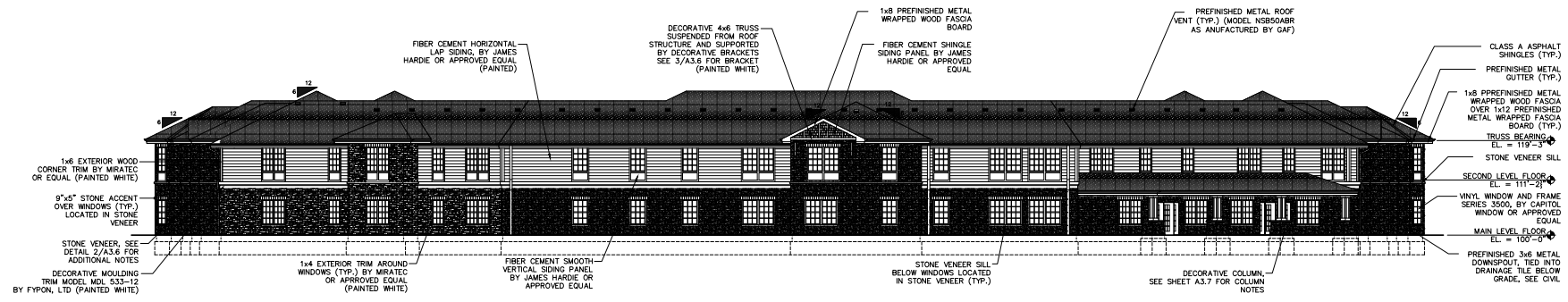
Oppermann LandDesign, LLC
Land Planning & Landscape Architecture
18090 West 117th Street
Olathe, Kansas 66061
oppermannlanddesign.com
paul@oppermann.com
913.894.9407



EAST BUILDING ELEVATION

SCALE: 3/32"= 1'-0"

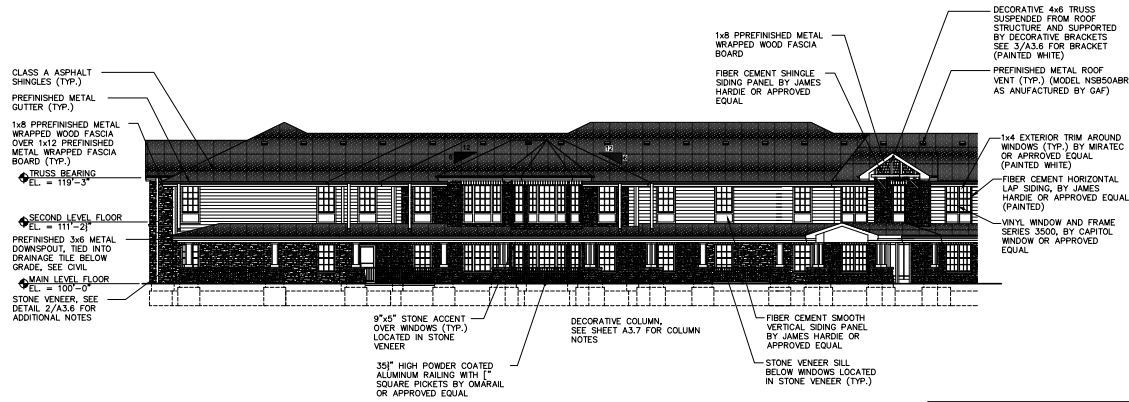
MATERIAL COVERAGE EAST ELEVATION	
MATERIAL	COVERAGE
SIDING	28%
STONE VENEER	57%
WINDOWS AND DOORS	15%
PERCENT OF GLAZING AT FIRST FLOOR LEVEL	17%



WEST BUILDING ELEVATION

SCALE: 3/32"= 1'-0"

MATERIAL COVERAGE WEST ELEVATION	
MATERIAL	COVERAGE
SIDING	21%
STONE VENEER	57%
WINDOWS AND DOORS	22%
PERCENT OF GLAZING AT FIRST FLOOR LEVEL	23%

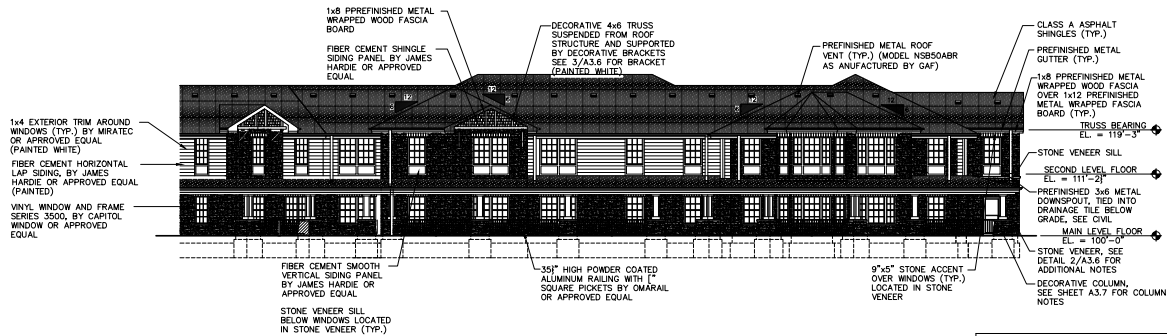


PARTIAL INTERIOR NORTH BUILDING ELEVATION

SCALE: 3/32"= 1'-0"

MATERIAL COVERAGE PARTIAL NORTH ELEVATION

MATERIAL	COVERAGE
SIDING	27%
STONE VENEER	51%
WINDOWS AND DOORS	22%
PERCENT OF GLAZING AT FIRST FLOOR LEVEL	23%



PARTIAL INTERIOR SOUTH BUILDING ELEVATION

SCALE: 3/32"= 1'-0"

MATERIAL COVERAGE PARTIAL SOUTH ELEVATION

MATERIAL	COVERAGE
SIDING	26%
STONE VENEER	51%
WINDOWS AND DOORS	23%
PERCENT OF GLAZING AT FIRST FLOOR LEVEL	24%

Attachment A

PROGRESS
PRINT
(NOT FOR CONSTRUCTION)

LEGACY SENIOR
RESIDENCES II

OLATHE, KANSAS

ROBERT W. ENGEL AND
ASSOCIATES, ARCHITECTS

2443 South 156th Circle

Omaha, NE 68130-2512

(402) 330-8287 Fax: (402) 330-8331

email: RWEarchitects@RWEarchitects.com



Issue Date: APRIL 26, 2019

Revisions to the drawing set

No.	Date	No.	Date

Project Number: 1901

Drawn by: CW

Checked by: RWE

Sheet Name:

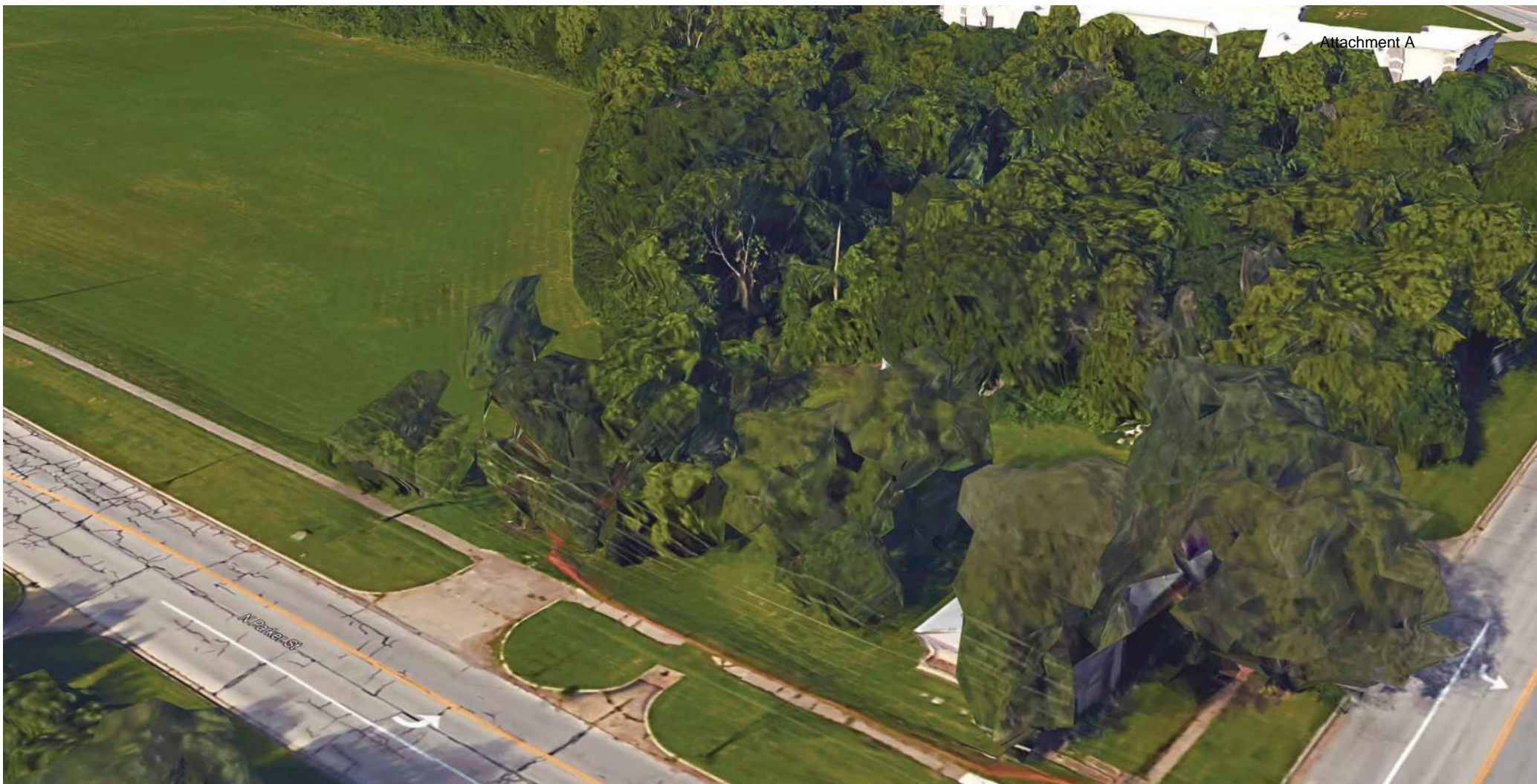
EXTERIOR BUILDING ELEVATIONS

A5.3












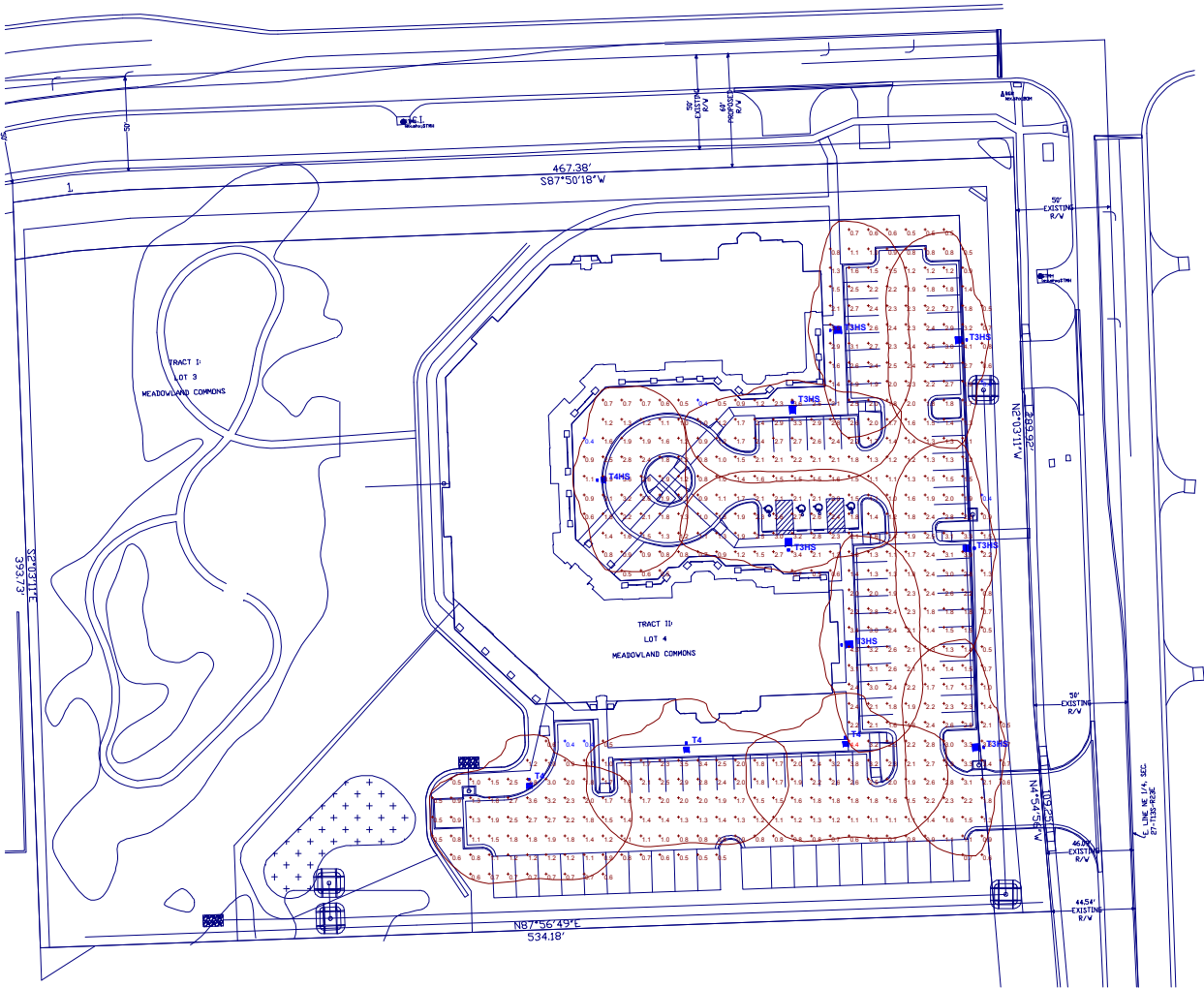


LUMINAIRE SCHEDULE										
Symbol	Label	Qty	Catalog Number	Description	Lamp	File	Lumens	LLF	Watts	
	T4HS	1	DSX1 LED P3 40K T4M T4M MVOLT HS	DSX1 LED P3 40K T4M T4M MVOLT with house-side shield	LED	DSX1_LED_P3_Absolute_40K_T4M_T4M_MVOLT_40K-140-140-140	4000	0.92	102	
	T4	3	DSX1 LED P3 40K T4M T4M MVOLT	DSX1 LED P3 40K T4M T4M MVOLT	LED	DSX1_LED_P3_Absolute_40K_T4M_T4M_MVOLT_40K-140-140-140	4000	0.92	102	
	T3HS	7	DSX1 LED P3 40K T3M T3M MVOLT HS	DSX1 LED P3 40K T3M T3M MVOLT with house-side shield	LED	DSX1_LED_P3_Absolute_40K_T3M_T3M_MVOLT_40K-140-140-140	4000	0.92	102	



LUMINAIRE LOCATIONS										
No.	Label	X	Location Y	Z	MH	Orientation	Tilt	X	Aim Y	Z
1	T3HS	489.0	322.0	20.0	20.0	268.2	0.0	487.6	322.0	0.0
2	T3HS	493.0	212.0	20.0	20.0	268.0	0.0	491.6	212.0	0.0
3	T3HS	498.0	107.0	20.0	20.0	267.3	0.0	496.6	106.9	0.0
4	T3HS	417.0	327.0	20.0	20.0	87.4	0.0	418.4	327.1	0.0
5	T3HS	423.0	161.0	20.0	20.0	87.9	0.0	424.4	161.1	0.0
6	T3HS	395.0	211.0	20.0	20.0	-1.6	0.0	395.0	212.4	0.0
7	T4HS	294.0	248.0	20.0	20.0	88.9	0.0	295.1	248.0	0.0
8	T3HS	397.0	289.0	20.0	20.0	178.1	0.0	397.0	287.6	0.0
9	T4	258.0	90.0	20.0	20.0	177.3	0.0	258.1	88.9	0.0
10	T4	341.0	109.0	20.0	20.0	178.3	0.0	341.0	107.9	0.0
11	T4	425.0	112.0	20.0	20.0	177.9	0.0	425.0	110.9	0.0

STATISTICS						
Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Calc Zone #1	+	1.7 fc	4.4 fc	0.4 fc	11.0:1	4.3:1



Plan View
Scale 1"=30'

Meeting Date: February 27, 2018, 6:30 PM (Meeting #1)

Location of Meeting: Fellowship Olathe church
901 N Parker St
Olathe, KS

Project: Legacy Senior Residences Olathe II

Project/File No.: 190025

Neighborhood Attendees: See attached Sign in Sheet and meeting handouts

Development Team: Bobbi Jo Lucas – Cornerstone Associates
Judd Claussen – Phelps Engineering
David Owen -

Copy: Dan Fernandez, City of Olathe

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1. Bobbi Jo welcomed the group and introduced David and Jud.
 2. Showed photo of the Northgate and Ridgeview (Phase 1 project) building. We did this project which opened March 2013. This one is two story and has 48 independent senior living apartment homes in one building. Our proposed new project will be just like this building (as much as possible).
 3. We were 95% leased by the time the building opened in 2013. There is a great demand for affordable senior housing in the area.
 4. We did try to get more land from the original owner to do the phase 2 project next to the phase 1 project. Unfortunately, they have apartments now designed and did not have any more land for sale.
 5. We researched other properties in same area. We wanted to be close to the Phase 1 project. We contacted the church and they welcomed discussing this with us and agreed to sell us the northern portion of their property.
 6. The new project will be a sister building to the first project. It will have some modifications to meet current city requirements for architecture and site design.
 7. This a Section 42 project. It is NOT a HUD project. This is IRS program income limited to live here. The handouts have more information on the income limits. We have a 30% (veterans) and 70% income level. We must comply with Section 42 IRS requirements.

10/22/18

8. This project has 1 and 2 bedrooms. 25 -1 bedrooms, 23 – 2 bedrooms. Total 48 units. Rents shown on the handouts include utilities (electric, water sewer, trash). It does not include phone, TV or internet.
9. At the 30% level there are 3 units available (1-1bedroom, 2-2bedrooms) and you must be a veteran to qualify for them.
10. The rest are at the 70% level.
11. Total project investment is \$9.8 million.
12. Question: What is the % on the first project (Northgate & Ridgeview)? A: They have 40% and 50% levels. This project is intended to complement that project and together they will provide a range of options for residents.
13. Comment: It (first project) looks like it is kept up very well. Response: We do have our own management company. We found with hiring this out, we didn't get good service. So in 2006, we fired our 3rd party management and we have it all in house now. The maintenance manager actually shares an office with me so we can be in close coordination and resolve issues quickly.
14. Question: Are all your properties low income senior living? A: We have some market rate rental apartments but this is our focus and mission.
15. Question: Will there be a manager on duty? A: Yes.
16. Question: How many of these are there or have you done? A: In Kansas we have done the Olathe project, and also have facilities in Hayes, Emporia, Chanute and Basehor. We have 19 senior living projects and 6 family living projects.
17. Question: Will this change in future? A: We sign a land use restriction agreement that this project will remain affordable senior living for 35 years (Kansas requirement).
18. Question: What is the age requirement? A: This new project will be 62 and older. Not 55.
19. Question: Can residents have younger family members move in? A: No. All residents need to be 62+, including spouse for married couples.
20. Question: Will this pay property tax? A: Yes. We pay full property tax.
21. Question: What taxes do you pay? A: We pay same mill levee as everyone else.
22. Question: May I have guests stay? A: As long as they are a visitor and do not move in.
23. Comment: We looked at Legacy for my dad be he was over income. Response: That is why on this project we did move up the income limit to 70% to provide another option for low income seniors that may make too much to qualify for the other facility. (Discussion of specifics of financial qualifications of program)
24. We do get audited every year, by our own accountant, IRS and our investors.
25. Question: Has anyone ever been caught cheating? A: No not in our group or by our residents. There are a lot of eyes on it.
26. Comment: This sounds like a great middle of the road option for senior housing. A: That's why we use Section 42. This is for retired nurses, police, librarians, teachers and others that don't have a lot of money and are on fixed incomes. My own grandmother lived in one of our facilities.

27. Question: Will there be trees? A: Yes we have provided many new trees and have preserved a significant stand of existing trees on the west side of the building.
28. Discussion about the site plan and the residents were shown the site plan. Entrance is south of the corner (intersection) there are 20 garages and there are surface parking spaces. We are removing a few trees, but saving the vast majority to the west of the building. These will be enjoyed by residents off the back patio and provide great afternoon shade and screening from the commercial to the west. We are providing stormwater detention and BMP's to meet the City's stormwater ordinances. This is also a very low traffic generator.
29. Question: Are you building where the old house was? A: Yes it is in that general area, but the new site will be south and west of the old house too. The new building sits about 100' feet or more back from the road. We are also adding sidewalks for pedestrian circulation and to give residents a chance to get some exercise.
30. Question: Washer and dryer in each unit? A: Yes.
31. Question: Are meals provided? A: No this is independent living.
32. Building was discussed. It will be very similar to the existing building (picture shown). It will have cultured stone and hardie board siding. Pitched roof. Windows. And front porte cochere for drop off and pick up under roof.
33. Question: What are the size of the units? A: These will be one and two bedroom units.
34. Question: Will outsiders have access? A: No only residents, and management. There is a keypad access door.
35. Question: Are pets allowed? A: Yes.
36. Question: Is there a van or other transportation service? A: No.
37. Question: How do people sign up? A: Information is on the attached handout. More information will be available online as the project details continue to develop.
38. Question: Have you bought the property? A: We have it under contract, and will close upon City and State approvals being granted.
39. Question: Will residents on the 1st project wait list get first priority? A: No.
40. Comment: This is a very nice project and great use of this property. Other comments included that they really liked the 30% income level units going to veterans. Liked the 62+ age requirement and 60/70 % income level on this project. It was a nice middle of the road option for those seniors on a fixed income that can't afford other high cost senior living options. Very positive reaction by the neighbors. Gave applause and thanked Bobbi Jo for what she is doing.
41. This concluded the meeting.

Legacy Senior Residences Olathe II
Olathe, KS
Second Neighborhood Meeting
April 17, 2019 6:30pm
SIGN-IN SHEET

Name

Address

Phone Number

Email

Dave Owen 27085 w. 102nd, Olney, KS 913-449-8500 Downen@equi.vest.net

Candyn Gallaway

18725 W.119.

Dorothy (N.H.) 18725 W. 11th
204 Olaf Ave.
18725 W. 11th St.

18225 W 1195f

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Ann Dennis 103 Olath, Ks 913-839-1691 dennisann13@Comcast.net



Legacy Senior Residences

48 Unit Senior, Independent Living

SW Corner of W. Harold and N. Parker St.

Cornerstone Associates, LLC is seeking to develop The Legacy Senior Residences II (Legacy). Legacy II will be a forty-eight (48) unit attainable, senior independent living development. It will offer one and two bedroom apartments for active seniors age 62 or better.



The Area Median Income (AMI) for Olathe is \$80,000 per year. However, not all families currently living in Olathe make the median income. At these income limits, seniors are having difficulty finding affordable housing and being forced to pay the current market rents, which could be upwards of 50 % to 60% of their income for housing.

The generally accepted definition of housing affordability for a household is that no more than 30% of household income should be spent on housing. Although many residents in Olathe can comfortably afford housing, a large percentage of seniors are struggling to find affordable housing.

Legacy's goal is to provide quality housing to residents at or below the area median income. Legacy will provide housing at income and rent limits at or below the 30%, 50% and 70% income limits.

Legacy Senior Residences I, located at 119th St. and Ridgeview opened its doors in March of 2013. As of today, we currently have a wait list of over 100 households waiting to move in.

Cornerstone Associates is interested in developing a second phase on approximately 4+ acres located at the SW Corner of W. Harold St. and N. Parker St., Olathe. The desire to be located in this area is driven by the convenience of many services available to the residents, such as grocery, retail, pharmaceutical, gas, banking, etc., in addition to the proximity to Legacy (Phase 1) at 119th and Ridgeview.

General Development Schedule

- February 1, 2019: Cornerstone Associates submitted a Low Income Housing Tax Credit (LIHTC) Application to the Kanas Housing Resources Corporation (KHRC) for an allocation of LIHTC Tax Credits.
- March 2019: An application will be submitted to the City for a lot consolidation, replat and rezoning to Multifamily to allow the use of senior housing.
- May 2019: KHRC will announce the award recipients at the May board meeting.
- Upon award of LIHTC - Construction plans and specs will be submitted to City for review and approval.
- Nov 2019: Anticipated Construction Commencement
- Oct 2020: Construction Completion

2019 Rent Limits – Includes Utilities

30% Units	50% Units	70% Units
1 Bed - \$450	1 Bed - \$677	1 Bed - \$950
2 Bed - \$540	2 Bed - \$825	2 Bed - \$1,080

Legacy Senior Residences caters to active, independent seniors, age 62 or better. The development hosts an array of amenities for the enjoyment of the residents, some of which are listed below:



Building Amenities

- Controlled Access Entry for Security
- On Site Management and Maintenance
- Large Library/Social room
- Large dining area with serving kitchen
- Fitness Room
- Storm Shelter
- Interior Lobby Mailboxes
- Free computer with internet access in Common Area
- Organized social events
- Exterior covered porch and outdoor seating areas
- Landscaping to compliment neighborhood
- Garages and ample off-street parking

Apartment Amenities

- Wall to wall carpet and vinyl throughout apartment
- Window coverings throughout apartment
- Each room will have ceiling fans with light fixtures
- Internet and cable hookups in each room
- Every bathroom has a roll-in in shower
- Emergency Call system in each room
- Every unit will have Energy Star Rated appliances
 - Refrigerator/freezer
 - Stove/oven
 - Built in microwave
 - Dishwasher
 - Garbage disposal
 - Washer and dryer



Cornerstone Associates, LLC has a strong, positive track record in the development and management of affordable housing. We are dedicated to creating and sustaining communities through innovative partnerships and entrepreneurial housing programs.

Cornerstone Associates, LLC works cooperatively with the Kansas Housing Resources Corp (KHRC) to help further the mission of providing quality affordable housing.

For additional information please contact:

Bobbi Jo Lucas
President and COO
blucas@cstonellc.net

209 S. 19th St, Suite 100 Omaha, NE 68102 • (402)341-0888
www.cornerstonehousingdevelopment.com



CORNERSTONE
Associates, LLC

Meeting Date: April 17, 2018, 6:30 PM (Meeting #2)

Location of Meeting: Legacy Senior Residences I
Northgate & Ridgeview
Olathe KS

Project: Legacy Senior Residences Olathe II

Project/File No.: 190025

Neighborhood Attendees: See attached Sign in Sheet and meeting handouts

Development Team: Bobbi Jo Lucas – Cornerstone Associates
Judd Claussen – Phelps Engineering
David Owen -

Copy: Dan Fernandez, City of Olathe

-
1. Bobbi Jo welcomed the group and introduced Judd and David.
 2. Residents at this meeting are all residents of the first phase project. Those within 500' of the new project were invited, but there were none of those neighbors that came. Meeting was held at this location so all could see what the facility looks like.
 3. This is a age restricted (62 and over) senior independent living project. It will have 48 apartment homes in one 2 story building.
 4. This project has a modified area income levels. We are targeting veterans at 30% income and other seniors at 70% income level so it compliments our Phase 1 facility.
 5. We submitted application to State of Kansas in February and should know in May if the project is selected.
 6. The new building will be very similar to this (phase 1) building. The new building will have a storm shelter. (well received by audience).
 7. Question: Will this be like the Basehor project? A: No that one is 3 stories. This will be a 2 story project. Basically it will be a sister building to this project.
 8. Question: I have a one bedroom, can you look at making the floor plan so you can go right from bedroom to bathroom? On ours you have to go thru dining and living area to get to bathroom. A: Every unit is a little different with several different designs for units but we will look at that as that is a great suggestion. We did re-design the kitchen. Most are galley style and we have now opened them all up with dining table and more counter space for cooking or dining.

9. Question: How soon will it be before this is on internet (for rent)? A: We have to finish plans and get approvals from City and State. We would potentially break ground October 2019, and would open up in Fall 2020. So it would be next year sometime.
10. Comment: This sounds good and we may look to go to the new building. A: This is possible, but it is first come, first serve and you must complete lease here before new building lease starts. However if you know you want to go to new one, then you could go month to month after your initial lease term is completed.
11. You are also welcome to look and tour new building when it gets far enough along. Comment: I like it here.
12. Comment: Traffic is tough to get out of here onto Northgate. Traffic goes fast (much faster than speed limit). A: Peak morning or afternoon times it may be hard to take a left out and go west on Northgate, but you could take a right out and circle back around. The new site is on a local street (Parker) and fees to Harold (arterial).
13. Question: Will there be garages? A: Yes. (Showed on site plan). Explained site plan (entry point, building orientation, parking, tree preservation.)
14. Comments from the 5 residents were generally that the project sounded great! And they were glad it was happening.
15. Meeting adjourned at 7 pm.

LEGACY SENIOR RESIDENCES INDEPENDENT SENIOR LIVING WAIVER REQUEST

REQUEST #1: Section 18.30.130: Type 3 Buffer for this proposed zoning R3 adjacent to Single Family R1 to south.

18.40.240 D 2. The Approving Authority may approve the waiver if the applicant demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the plat or site development plan:

a. An alternative higher quality development design with no negative impacts to either the residential or nonresidential properties.

See Letter provided from the adjacent land owner (church) indicating they plan to rezone their property to R3 in the future and requests the City approve this waiver without the landscaping or berm or fence normally required. Additional higher quality design of the rear of garages has been provided including stone wainscot and stone columns with varying rooflines. Also additional evergreen trees on south side of garages has been provided.

b. Development restrictions imposed on the property to ensure low impact land uses, low scale buildings and a site design arrangement in which adjoining residential properties will not be negatively impacted by any change in the applicable regulations.

The property is being developed as 2 story residential structure which would match height of what could be built in single family to the south.

c. Existing topography, hedgerows or natural features provide significant screening and an appropriate buffer for adjoining properties.

See Letter provided from the adjacent land owner (church) indicating they plan to rezone their property to R3 in the future and requests the City approve this waiver without the landscaping or berm or fence normally required.

d. Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by any change in the applicable regulations.

See Letter provided from the adjacent land owner (church) indicating they plan to rezone their property to R3 in the future and requests the City approve this waiver without the landscaping or berm or fence normally required.

e. The regulations impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative site design, building design and building arrangements are not possible. In such instances, findings shall be prepared that:

(1) No private rights will be injured or endangered by the waiver.

(2) The public will suffer no loss or inconvenience thereby and that in justice to the applicant or applicants the application should be granted.

Not applicable.

REQUEST #2: Section 18.15.030 B: Transparent Glass on primary facades 25%. On this building the primary facade is east, south and north

18.40.240 D 2. The Approving Authority may approve the waiver if the applicant demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the plat or site development plan:

a. An alternative higher quality development design with no negative impacts to either the residential or nonresidential properties.

Waiver for the 25% is requested on the north (20%) and east (17%) primary facades. The south façade meets this requirement at 25%. Additional windows were provided on the building to get as high glass percentage as reasonable on these 2 facades. Also additional detailing on the building of stone, architectural features and varying roof lines provide items that exceed standards, which provides for a well-designed and attractive building. We have also provided faux windows on the exterior of the storm shelter.

b. Development restrictions imposed on the property to ensure low impact land uses, low scale buildings and a site design arrangement in which adjoining residential properties will not be negatively impacted by any change in the applicable regulations.

The adjoining residential properties will not be negatively affected by the waiver request for reduction in glass percentage. Additional architectural features and high quality materials have been provided on the building.

c. Existing topography, hedgerows or natural features provide significant screening and an appropriate buffer for adjoining properties.

We have exceeded landscape requirements on the project, and have preserved a significant stand of existing mature trees to the west of the project.

d. Significant buffers are provided on adjoining residential properties and those properties will not be negatively impacted by any change in the applicable regulations.

Same as mentioned above.

e. The regulations impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative [site](#) design, [building](#) design and building arrangements are not possible. In such instances, findings shall be prepared that:

(1) No private rights will be injured or endangered by the [waiver](#).

(2) The public will suffer no loss or inconvenience thereby and that in justice to the [applicant](#) or applicants the [application](#) should be granted.

Denial of this variance would cause building to have additional windows that may not work well with interior layouts (such as windows in bathrooms, closets, utility rooms, etc.

REQUEST #3: Section 18.15.030: Residential Finish Floor Above Sidewalk: 18 inches Minimum

18.40.240 D 2. The [Approving Authority](#) may approve the [waiver](#) if the [applicant](#) demonstrates one (1) or more of the following, and if the area proposed for modification is illustrated on the [plat](#) or [site development plan](#):

a. An alternative higher quality [development](#) design with no negative impacts to either the residential or nonresidential properties.

The intent of this requirement is for multifamily with exterior door unit entrances facing the street to relate to the street section, by slightly elevating the unit above the street to provide an attractive structure which is immediately adjacent to the street. In this case, the building has internal hallway entrances into each unit and therefore the street relationship to the unit is not applicable.

b. [Development](#) restrictions imposed on the property to ensure low impact land [uses](#), low scale [buildings](#) and a [site](#) design arrangement in which [adjoining](#) residential properties will not be negatively impacted by any change in the applicable regulations.

The project actually provides a positive benefit to adjacent properties by having a large setback from the street with lots of landscaping, and the building is sitting slightly below street grade due to fall across the site, which lessens the impact of the 2 story height.

c. Existing topography, hedgerows or [natural features](#) provide significant [screening](#) and an appropriate [buffer](#) for [adjoining](#) properties.

We have provided more landscaping than a typical multi-family building that faces the street for which this requirement is applicable.

d. Significant [buffers](#) are provided on [adjoining](#) residential properties and those properties will not be negatively impacted by any change in the applicable regulations.

The adjoining properties are not negatively affected by this waiver request.

e. The regulations impose an unnecessary hardship upon the property owner arising from conditions unique to the property and alternative [site](#) design, [building](#) design and building arrangements are not possible. In such instances, findings shall be prepared that:

(1) No private rights will be injured or endangered by the [waiver](#).

(2) The public will suffer no loss or inconvenience thereby and that in justice to the [applicant](#) or applicants the [application](#) should be granted.

Requiring that the building be placed 18" above the sidewalk elevation would cause the building finish floor and site grades to be much higher than they would normally be, and would cause the site to be elevated above the natural terrain excessively. This could negatively impact the trees we are proposing to save at the west side of the building. Also it would be a financial hardship for the developer as additional soil would need to be imported into the property.



LENEXA
BAPTIST

LENEXA BAPTIST CHURCH
15320 W 87th St Pkwy
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To Whom It May Concern:

April 11, 2019

The purpose of this letter is to assist with RZ19-0005, Rezoning and Preliminary Plan for Legacy Apartments and the required Type 3 landscape buffer, as found in Section 18.30.130 of the UDO.

Fellowship Olathe (Lenexa Baptist Church) supports a decision which does not require this 20' wide buffer or a 6' berm or fence. The development (without the required buffer) and its' current landscape design will be a welcome addition to the north side of the FO/LBC property.

As has previously been stated, a long-term plan for the church is to have the balance of the property, which is an open field, to be rezoned as R3 which will also fit with the church's long-range plans for the property.

We respectfully request that the Planning Commission grant a waiver to Legacy Apartments for this requirement. Thank you for your consideration.

Sincerely,

Jim Fruth
Executive Pastor

REACH. TEACH. UNLEASH.