



City of Olathe  
City Planning Division

## MINUTES

### Planning Commission Meeting: May 13, 2019

<b>Application:</b>	<b><u>RZ19-0005:</u></b> Request approval for a rezoning from R-1 to R-3 and preliminary site development plan for <b>Legacy Senior Residences II</b> on 5.39± acres; located in the vicinity of the southwest corner of W. Harold Street and N. Parker Street.
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**Dan Fernandez, Planner II**, appeared before the Planning Commission, summarizing this request for a rezoning from R-1 to R-3 and preliminary site development plan for Legacy Senior Residences II. He noted the applicants operate a similar complex near 119th and Sunset Drive. The property is located at the southwest corner of Harold and Parker Streets. Mr. Fernandez presented a zoning map of the surrounding area, noting adjacent properties zoned commercial on the west and residential to the east, and vacant property to the south.

**Mr. Fernandez** stated the applicant has held two neighborhood meetings, one on February 27, 2019, before the application was submitted, and the official meeting on April 17, 2019. Staff has not received any correspondence for or against the rezoning.

**Mr. Fernandez** further stated that all building and parking/paving setbacks are being met, as well as building height for this zoning district. He noted that 63 percent of the site will remain as open space, with a large tree preservation area on the west side. Active open space includes walking paths, garden areas, and a dog park. He added that the development also meets the goals of the City's Communities for All Ages initiative. Parking for senior housing requires one space per unit, which in this case would total 48 spaces. However, the applicant is providing 89 spaces, or 1.88 spaces per unit. Staff believes parking will be sufficient for residents, visitors and employees. There are 20 garage parking spaces on the south property line. **Mr. Fernandez** noted landscaping throughout the site and along the detention basin as required by the UDO.

Access to the development comes from Parker Street, which is a sufficient distance from the Harold and Parker Street intersection. Also, there are two existing curb cuts that will be removed as part of this project. The building is to be constructed of stone, glass, and fiber cement siding. Architectural features include wall offsets, covered porch areas, changes in roof height and variation. **Mr. Fernandez** noted that throughout the review process, the applicant added additional variation to the roof line.

**Mr. Fernandez** addressed the waiver regarding the landscape buffer on the south property line. Type 3 buffer requires 20 feet, landscaped, with a six-foot fence on a berm. The plan shows an 18-foot landscape buffer with no fence or berm. Mr. Fernandez said staff is supportive of this request because it's only two feet narrower than what is required. Also, there will be a solid line of landscaping adjacent to church-owned property that is vacant. Also, they are in support of the waiver because of the low density of this development. Mr. Fernandez noted that the applicant

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has also improved the design of the garages by adding additional stone to the elevations, as well as roof pitches and breaks in the roof lines.

**Mr. Fernandez** reported that primary elevations are the east and north. The requirement is 25 percent glass; they are showing 15 percent glass. Staff supports this reduction because of the high quality of materials being used. The applicant is meeting the 70 percent requirement for Category 1 materials on primary and secondary elevations. Also, the amount of glass is similar to other multifamily developments that have requested waivers for glass.

**Mr. Fernandez** said that Site Design Category 3 requires the finished floor elevation to be 18 inches above the sidewalk. He noted that although senior housing is considered multifamily, it is not really appropriate for a project with interior entrances. Therefore, staff also supports that waiver request. Staff recommends approval of RZ19-0005 and FP19-0010.

**Comm. Nelson** noted that the neighboring church sent correspondence in support of this development. **Mr. Fernandez** agreed, but said there was no correspondence received from neighboring residents. Comm. Nelson asked if the flat-top units were going to be ground units for mechanical. Mr. Fernandez deferred that question to the applicant. Comm. Nelson then asked if staff was satisfied with the level of amenities, and if the detention area was considered part of the outdoor amenity/green space. Mr. Fernandez said it is not, but staff is satisfied with the amenities that will be provided.

**Chair Vakas** opened the public hearing and asked the applicant to come forward. **Judd Claussen, Phelps Engineering**, approached the podium, appearing on behalf of Cornerstone Associates, who is the purchaser of this property. He noted that members of the church are also present this evening. Mr. Claussen noted that the first project by Cornerstone was Legacy on Northgate, which was completed five or six years ago. He said that project has been very popular, and this project is intended to be a "sister" building to that project. This project is intended to be affordable senior living/independent living. Mr. Claussen noted that the previous project was in place prior to the current UDO, and with the new UDO, there are some upgrades to this facility, which Mr. Fernandez touched on. Mr. Claussen noted improvements to this project over the last one, including an increased amount of windows, the addition of a storm shelter, and a dog park.

**Mr. Claussen** pointed out gathering areas within the building, including a library and a community room. There is an area that opens out onto a patio on the southwest side of the building. He noted that the rendering does not show a walking path that has been added all the way around the building and connecting to the neighborhoods. He said there is a lot of excitement surrounding the project and they have received a lot of positive feedback.

There were no questions of Mr. Claussen. There being no one else wishing to speak, Chair Vakas called for a motion to close the public hearing.

*Motion by Comm. Nelson, seconded by Comm. Sutherland, to close the public hearing.*

*Motion passed 7-0.*

*Motion by Comm. Sutherland, seconded by Comm. Munoz, to recommend 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*).

*Comm. Sutherland's motion included recommending that the following stipulations 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.

*Comm. Sutherland's motion included recommending that the following stipulations be included in the 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.

*Aye: Sutherland, Freeman, Nelson, Fry, Munoz, Corcoran, Vakas (7)*

*No: (0)*

*Motion was approved 7-0.*