



City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: August 12, 2019

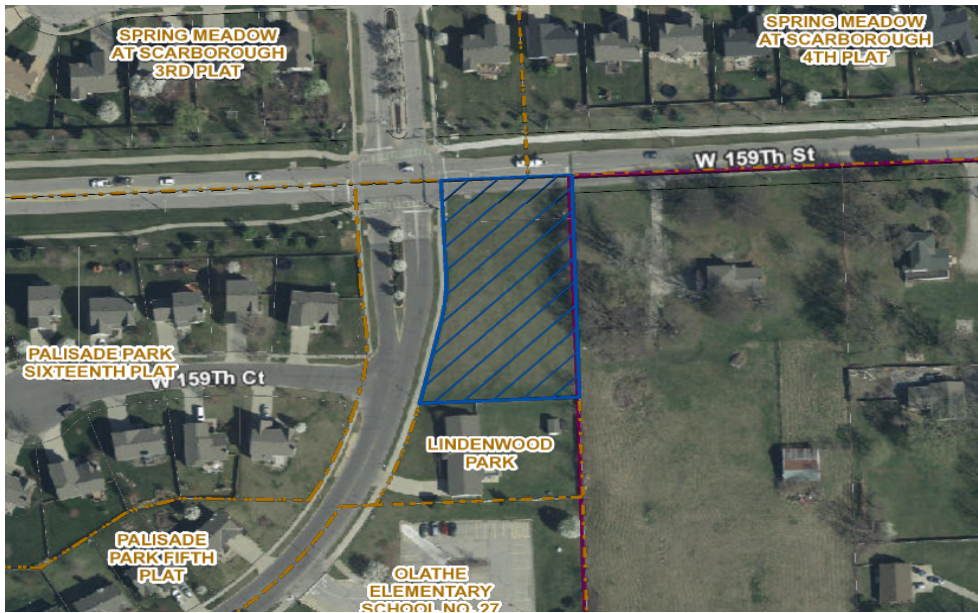
| | |
|-----------------------|---|
| Application: | PP19-0003 Preliminary Plat for Bear Creek |
| Location: | Southeast corner of 159 th Street and Lindenwood Drive |
| Owner: | Darol Rodrock, Rodrock Land Company, Inc. |
| Applicant: | Steve Atteberry, Net Zero Homes of KC, L.L.C. |
| Engineer: | Todd Allenbrand, Payne & Brockway, P.A. |
| Staff Contact: | Dan Fernandez, Planner II |

| | | | |
|-------------------------|--------------------|----------------------|----------------------------|
| Acres: | <u>0.78± acres</u> | Proposed Use: | <u>Single-Family Homes</u> |
| Current Zoning: | <u>R-1</u> | Lots: | <u>3</u> |
| Proposed Zoning: | <u>R-1</u> | Tracts: | <u>0</u> |

1. Comments:

This is a request for approval of a preliminary plat for Bear Creek on 0.78± acres, located at the southeast corner of 159th Street and Lindenwood Drive. The site was rezoned from AG, Agricultural to R-1 in January 1997. The applicant is requesting approval of a preliminary plat for the creation of 3 single family lots. Staff is recommending approval with stipulations as discussed below.

The applicant is requesting waivers from a Unified Development Ordinance (UDO) requirement as well as contesting staff several stipulations, so the application has been moved to the regular agenda for discussion.



Aerial of Site



View of site looking southeast from 159th St. and Lindenwood Dr. intersection

2. Final Plat Review

- a. **Lots/Tracts** – The submitted preliminary plat includes 3 lots which meet the area and setback requirements for R-1 Districts. However, staff has stipulations that would require the reconfiguration of the preliminary plat which would eliminate one of the proposed lots. The stipulations are summarized in Section 5 of this staff report. Staff has shared these stipulations with the applicants, and they are aware of the recommendation.

No tracts would be dedicated with this plat; however, a landscape easement is being dedicated along 159th St. in accordance with Section 18.30.130 of the UDO

which states that a 25-foot landscape tract is required for single-family developments adjacent to arterial streets. The applicant is seeking a waiver to allow for a reduction to 20 foot in lieu of the 25-foot landscape width requirement and a second waiver to allow the establishment of this landscape area to be within an easement and not a dedicated tract. Both the waiver request and staff's analysis are described in Section 3 of this staff report.

- b. **Utilities/Municipal Services** –The property is located in the City of Olathe sewer and WaterOne service areas. The applicant will need to coordinate with the respective utility providers for utility connections.
- c. **Access/Streets** – As submitted, the lots would share a single 18-foot-wide access drive that connects to Lindenwood Drive. Staff is stipulating that 25 feet of half-street right-of-way be dedicated for a future street, 159th Court, on the south plat boundary. This will provide an appropriate street connection for the proposed lots and allow for a future street connection when the property to the east is developed. In addition, staff has stipulated that the private access drive be a minimum of 22 feet wide to allow for adequate two-way travel and once 159th Court is constructed, that all access be off 159th Court which will replace the proposed driveway on Lindenwood.

The preliminary plat shows 60 feet of half street right-of-way along 159th Street which meets City requirements for right-of-way dedication.

3. Public Notification/Neighborhood Meeting:

The applicant notified property owners within 200 feet of the property by certified letters, return receipt as required by Section 18.40.050 of the UDO.

A neighborhood meeting was also held in accordance with Section 18.40.030 of the UDO on June 25, 2019 with approximately 10 attendees. Issues discussed included access, approval and construction time frame and site maintenance. A copy of the meeting minutes has been included in the Planning Commission packet. To date, staff has not received any correspondence regarding this proposal.

Waiver Request:

The applicant is requesting waivers from the 25-foot landscape width and tract requirements adjacent to arterial roads. For this development, a 25-foot landscape tract would be required along 159th Street.

Per Section 18.40.240 of the UDO, waivers can be granted if certain criteria are met as reviewed by Staff with a recommendation from Staff to the Planning Commission.

- a. The applicant is proposing a 20-foot landscape easement in lieu of a 25-foot landscape tract. Per the applicant's request, if approved the tract will have additional landscaping above the minimum UDO required plantings. Maintenance will be initially provided by the developer and then passed on to the owner of Lot 1 once established. The applicant states the no loss or inconvenience to the public would be created by approval of this waiver which can be found in their statement attached to this report.

Staff Waiver Analysis and Recommendation

Staff has reviewed the waiver request and is supportive of said request for the following reasons:

- i. If approved as recommended by Staff, this development is less than one acre in size.
- ii. The waiver would include a stipulation that additional plantings above and beyond the minimum required by the UDO be planted which will sufficiently screen the residences from 159th Street. Staff is also supportive of the use an easement instead of a tract as tracts are generally used for large developments with HOA agreements. This development will not have an HOA due to the low number of lots. If approved, a landscape plan and a maintenance agreement would be required with submission of the final plat.

4. Excise Taxes:

Plats are subject to the required street excise tax of \$0.215 per square foot of land and \$0.0037 per square foot of land for traffic signal excise tax. The amounts for each fee will be determined with the final plat and the fees shall be submitted to the City Planning Division prior to recording the final plat.

5. Staff Preliminary Plat Analysis:

Upon reviewing the proposed preliminary plat and the surrounding street network, staff has made several stipulations that will alter the current layout and result in a reduction in the number of lots.

Staff is requiring that 25-feet of right-of-way be dedicated along the southern limits of the property to accommodate future expansion of 159th Court to the east. The City's Access Management Plan promotes connectivity and the plat as submitted does not align with this plan. Not extending 159th Court would eliminate the ability for a connection point for future development to the east therefore dedication of this right-of-way is critical.

Staff is also requiring that direct access off Lindenwood Drive be relocated to 159th Court when the property south of the subject property develops and 159th Court is constructed. This has been stipulated so that the access drive will be located on a street that has a lower level of service which will result in fewer potential traffic conflicts. In addition, the shared drive will require 22-feet of pavement which is the minimum required width for drives to accommodate two-way travel.

It should be noted also that the applicant has been advised that future buildings must meet all minimum front yard setbacks from both Lindenwood Drive and the future 159th Court.

Should the preliminary plat be approved with these stipulations, a revised preliminary plat meeting addressing and adhering to the required stipulations will be required for review and approval by the Planning Commission prior to submitting the final plat application.

These requirements and stipulations have been shared with the applicant prior to the meeting this evening. These stipulations may result in a reduction in the number of lots that can be created which is a concern expressed by the applicant. The applicant and

their representative will be in attendance to discuss these concerns with the Planning Commission.

6. Staff Recommendation:

Staff recommends approval of PP19-0003 with the following stipulations:

- a. 25-feet of right-of-way shall be dedicated along the southern limits of the property to accommodate future expansion of 159th Court to the east.
- b. All drive access shall be relocated to 159th Court when 159th Court is constructed. The curb cut on to Lindenwood Drive shall be removed after access is provided on 159th Court.
- c. All buildings shall meet the front yard setbacks from both Lindenwood Drive and the future 159th Court.
- d. The interior access drive shall be 22-feet wide to accommodate two-way travel.
- e. A waiver shall be granted to allow for a 20-foot landscape easement along 159th Street. with landscaping which exceeds the minimum requirements of the UDO.
- f. A revised preliminary plat in accordance with the stipulations listed above will be submitted for review and approval before the Planning Commission prior to approval of the final plat.
- g. A landscape plan shall be submitted with the final plat.
- h. All excise fees shall be submitted to the City Planning Division prior to recording the final plat.