



City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: August 26, 2019

Application:	<u>RZ19-0013</u> Rezoning from CP-2 to R-1 district and preliminary plat for Enclave at Boulder Hills
Location:	In the vicinity of the 172 nd Terrace and Black Bob Road
Owner/Applicant:	Travis Schram, KS, L.L.C.
Engineer:	Daniel Foster, Schlagel & Associates
Staff Contact:	Dan Fernandez, Planner II

Site Area:	<u>26.9 ± acres</u>	Proposed Use:	<u>Single-family homes</u>
Current Zoning:	<u>CP-2</u>	Proposed Zoning:	<u>R-1</u>
Lots:	<u>91</u>	Plat:	<u>Unplatted</u>
Density:	<u>3.4 units/acre</u>		

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Neighborhood Commercial/Mixed Density Residential/Secondary Greenway	Vacant	CP-2	1	A
North	Conventional Neighborhood/Secondary Greenway	Single-family homes	R-1	-	-
South	Neighborhood Commercial Center/Mixed Density Residential	Vacant	CP-2	-	-
East	Primary Greenway	Heritage Park	County	-	-
West	Mixed Density Residential/Secondary Greenway	Vacant	R-1/RP-3	-	-

1. Comments:

The applicant is requesting a rezoning from CP-2, (Planned General Business District) to R-1 (Residential Single-Family District) and a preliminary plat for the Enclave of Boulder Hills. The subject property is located in the vicinity of 175th Street and Black Bob Road. The preliminary plat includes 91 single-family lots ranging in size from 6,000 square feet to 13,953 square feet in area. For developments that have lots smaller than 7,200 square feet, the homes are subject to the Site Design Category 1 and Building Design Category A requirements which are described in this staff report. Estimated home values for the development will start in the low \$400,000's.

The subject site was rezoned (RZ07-0012) from County RUR to CP-2 in May 2007. The associated preliminary site development plan included 411,671 square feet of commercial uses in the overall development area.

The rezoning in 2007 included 54.47 acres of commercial and the applicant is proposing to rezone 21.40 acres to R-1 with this submittal. The remaining area to the south along 175th Street would retain existing CP-2 zoning and a separate revised preliminary site development plan for the commercial will be required at a later date. Staff has met with the applicant who is proposing a neighborhood commercial development that is more pedestrian friendly than the big box retail that was approved with the 2007 preliminary site development plan.

2. Existing Conditions/ Site Photos:

The subject site is currently undeveloped and has never had any development since its rezoning to CP-2 in 2007.



Site Aerial



View looking southwest from 172nd Terrace and Black Bob Road

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.

A neighborhood meeting was also held in accordance with the UDO on July 23, 2019 with 7 attendees. Issues discussed included utility connections, the type of product being proposed for the development, parking, and the zoning of surrounding properties. The minutes from this meeting and the sign-in sheet has been included in the Planning Commission packet.

4. Zoning Requirements:

- a. **Setbacks** – The following table lists the minimum building setback requirements for developments using the Site Design 1 and Building Design Category A requirements as well as the proposed setbacks for the single-family homes:

	<i>UDO Requirement</i>	<i>Proposed Plan</i>
<i>Front Yard</i>	20 feet from property line	25-foot front yard setback
<i>Side Yard</i>	7 feet from property line 20 feet from property line for corner lots	5-foot side yard setback 20-foot for corner side yard setback
<i>Rear Yard</i>	15 feet from the property line	15-foot rear yard setback

The applicant is requesting a waiver for the reduction in the side yard setback from 7 to 5 feet and is described in Section 9 of this staff report.

- b. **Building Height** – The maximum building height for single-family residences subject to Site 1 and Building A Design Categories in the R-1 District is 2 1/2 stories or 35 feet from finished grade. The proposed homes will be below both requirements.
- c. **Common/Active Open Space** – Developments following the Site Design 1 and Building Design Category A requirements are required to provide 15% common open space with 50% of the common open space used active open space.

The preliminary plat shows 15% common open space (3.62 acres) with half of that area being used for active open space. Active open space includes a clubhouse area which will include indoor entertainment areas and outdoor gathering spaces. Also, the development will have pedestrian trails throughout the site that will connect to public sidewalks.

The Enclave of Boulder Hills will also be incorporated into the existing Boulder Hills HOA that will include a pool, outdoor kitchen and gathering areas, sport courts and a putting green located in future phases north of 172nd Terrace.

- d. **Land Use** – Single-family homes are not permitted in CP-2 Districts; however, single-family homes would be appropriate at this location for reasons that are described in this staff report.

5. Development Requirements:

- a. **Access/Streets** – The development will have an interior public street network that will connect to 172nd Terrace which has been partially constructed. 172nd Terrace currently connects to Black Bob Road and will be extended to 175th Street when Boulder Hills, 3rd Plat begins construction. Street right-of-way in compliance with City requirements for the interior and surrounding street network is being shown on the preliminary plat and will be dedicated with the final plat.
- b. **Landscaping/Buffers** – The submitted landscape plan includes landscaping throughout the site including along the property lines and within landscape buffers as well as required street trees.

Per UDO requirements, a Type 4B Buffer is required between R-1 and C-2 zoned districts. A Type 4B Buffer is 60 feet in width with no landscaping, berm or fencing. The landscape plan shows the Type 4A Buffer which is 25 feet in width with landscaping and a minimum 9-foot combination berm/fence. The applicant is requesting a waiver from the Type 4B requirement and the waiver request is detailed in Section 9 of this report.

A 25-foot landscape tract is also required for single-family subdivisions along arterial streets. The preliminary plat shows the required tract along Black Bob Road and the master landscape plan shall show the required landscaping within this tract per Section 18.30.130.H of the UDO with the final plat submittal.

- c. **Public Utilities** – The subject property is located within the WaterOne and Johnson County Wastewater service areas. The applicant will need to coordinate with the respective utility providers for service.
- d. **Stormwater** - The development will be served by regional detention and stormwater quality is being provided through tracts to be dedicated with the final plat. A preliminary stormwater report will be required with the final plat and a final report is due with the Public Improvement Plans submittal.
- e. **Mechanical Equipment**– The applicant has provided a note on the plat stating that all mechanical equipment will be screened per *UDO* requirements. A note will need to be included on the master landscape plan and final plat.

6. Site Design Standards:

The proposed development is subject to composite design standards are **Site Design Category 1** (UDO 18.15.105). The following is staff's analysis of the composite site design requirements.

<i>Composite Site Design (Category 1)</i>	Proposed Design Includes	Meets Site Design Requirement
<i>Pedestrian Connections</i>	Walkway or driveway from a residence that connects directly to a public sidewalk	Yes
<i>Street Connections</i>	Minimum connectivity ratio of 1.2 per Section 18.30.220.B of the UDO	Yes
<i>Landscape Buffer Area adjacent to arterial or non-residential uses</i>	A landscaped area that is at least 10 feet deep with a minimum of 70% porous/permeable surfaces and 50% planted material.	Yes

7. Building Design Standards:

All lots in the proposed development are subject to **Building Design Category A** (UDO 18.15.025). The following is an analysis of the required composite design standards and the proposed development.

<i>Composite Building Design Standards (Category A)</i>	Design Requirements	Meets Building Design Requirements
<i>Front Facing Entry Element on Primary Facade</i>	Front facing elements to include a front porch, side entry or recessed entry	Yes
<i>Garage subordinate to Primary Façade on One-Story Buildings</i>	Front facing garage doors a maximum of 50% of the primary façade width, garage door setback at least 5 feet from the primary façade or side or rear facing garage doors	Yes
<i>Building Materials on Primary Facade</i>	Primary facades require a minimum 70% Category 1 materials and a maximum of 30% Category 2 materials	Yes

The applicant has submitted elevations and pictures showing proposed single-family homes that include required architectural features and material requirements including recessed entries, garage subordinate to the primary façade and a minimum 70% Category 1 materials on primary facades. All elevations facing the street are considered primary.

Front facing garage doors can only extend to 50% of the primary façade or up to 28 feet, whichever is greater. For the 50% width requirement, the measurement must include the entire garage width, not just the garage doors.

8. Phasing:

A note has been provided on the preliminary plat and a phasing plan submitted by the applicant showing that the development will be built in 5 phases:

- Phase I: Lots 1-26
- Phase II: Lots 27-43
- Phase III: Lots 44-60
- Phase IV: Lots 61-78
- Phase V: Lots 79-94

9. Waiver Requests:

The applicant is requesting 2 waivers for UDO requirements; a reduction in the side yard setback and for the landscape buffer requirement for R-1 zoned properties adjacent to

commercial zoned properties. 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.

- 5-foot side yard setback instead of 7 feet as required by the R-1 District.
- Type 4A Buffer instead of Type 4B Buffer as required for R-1 zoned properties adjacent to commercially zoned properties.

In the submitted waiver request, the applicant states that the 5-foot setback is appropriate for small lots and would still meet the building code requirement for distance between residential buildings. For the landscape buffer, the required Type 4B Buffer is 60-feet wide with no landscaping, berm or fencing required. The proposed Type 4A Buffer is 25 feet wide with plantings and a 9-foot high wall and berm combination. Also, when the property to the south develops, that property will also require a buffer for commercial developments adjacent to single-family homes.

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 side yard setback, a 5-foot buffer is appropriate for developments with smaller lot sizes and narrower widths. Similar reduced side yard setbacks have been approved for other single-family developments such as Brighton's Landing which required higher building design standards similar to the requirements this proposal has to meet.

For the landscape buffer, a 25-foot buffer with landscaping and a berm/fence combination is preferable to a 60-foot buffer with no landscaping as required by the Type 4B Buffer. The plantings and berm will provide better screening than open space. The applicant has agreed to include a minimum 6-foot berm to go towards the 9-foot berm/fence requirement.

Also, when the commercial property develops to the south, that development will also require a landscape buffer that will be 30 or 40 feet in width with heavy landscaping and a berm. And lastly, the remaining commercial acreage will now have a smaller, neighborhood commercial development instead of a large, big box retail center as approved with the current preliminary site development plan. The smaller commercial center is more pedestrian friendly and encourages connection between different uses, including residential.

10. Zoning/ Land Use 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 future land use map of the Comprehensive Plan identifies the subject property as Neighborhood Commercial, Mixed Density Residential and Secondary Greenway.

Neighborhood Commercial Centers are intended to offer an array of goods and services to the immediate surrounding residents, are smaller in scale, and designed to

be pedestrian friendly. The remaining commercial zoned property to the south of the subject site will be developed as a smaller, pedestrian friendly shopping center.

Mixed Density Residential integrates a mixture of housing styles and sizes including detached single-family homes. Also, residences in this designation are recommended to be located close to neighborhood scale commercial. The proposed single-family development would be appropriate in this future land use area.

Secondary Greenways link neighborhood and commercial centers. The submitted plat shows greenways, trails and sidewalks that connect to adjacent uses.

The Comprehensive Plan also includes goals encouraging high quality architecture and design (HN-3.1), providing high-quality design (LUCC-7.1) and mixture of complimentary land uses (LUCC-8.1). By rezoning this site to R-1, the remaining commercial area will develop as a smaller, neighborhood center development which is more appropriate being adjacent to single-family homes.

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 commercial. The existing uses immediately adjacent to the subject site consist of single-family homes with the remaining areas being vacant and a park to the east of Black Bob Road. The proposed single-family homes would be appropriate at this location being adjacent to other single-family homes and having a landscape buffer next to the remaining commercial zoning.

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 zoning districts and land uses in the area, including single-family residential, commercial and multi-family residential. The development has been designed so that landscape buffers and tracts with landscaping are along all property lines. The homes will also have to meet Building Design Category A requirements. 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 CP-2 which would permit commercial development and the site is also part of an approved preliminary site development plan that included big box retail development. However, the property has not been developed since the rezoning to commercial in 2007. The proposed smaller lot single-family subdivision would be appropriate for this area as it is adjacent to a standard single-family development to the north and will serve as a transition to the revised, smaller commercial development to the south.

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

The site has not had any development since its rezoning to CP-2 in 2007.

F. The extent to which approval of the application would detrimentally affect nearby properties.

The proposed development will not have any detrimental impacts for nearby properties since it will be subject to site and building design requirements and provide adequate landscape buffers to the adjacent properties.

G. The extent to which development under the proposed district would substantially harm the values of nearby properties.

By meeting the City's requirements for building design, neighborhood amenities and landscaping, the development will be high-quality by meeting Building Design Category A requirements. Homes in typical R-1 developments are not subject to building design standards. 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 proposed development should not adversely affect the road network as the use is low intensity as compared to the commercial development included with the approved preliminary site development plan. Also, the site is located near the intersection of 2 arterial streets and right-of-way per City standards has been dedicated for any future improvements to the road network when needed.

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

11. Staff Recommendation:

A. Staff recommends approval of RZ19-0013 for the following reasons:

- (1) The proposed development complies with the policies and goals of the *Comprehensive Plan* for Housing and Neighborhoods (Principles HN-3.1, LUCC-7.1 and LUCC-8.1).

- (2) The requested rezoning to the R-1 district meets the Unified Development Ordinance (UDO) criteria for considering zoning applications, with exceptions to certain UDO requirements as noted in the waiver requests.
 - (3) The proposed development as stipulated meets composite design standards for **Site Design Category 1** (UDO 18.15.105) and **Building Design Category A** (UDO 18.15.025).
- B. Staff recommends approval of RZ19-0013 with the following stipulations to be included in the ordinance.
 - (1) A waiver shall be granted to permit minimum five (5) foot side yard setbacks.
 - (2) A waiver shall be granted to permit a landscape buffer Type 4A adjacent to the commercial zoned property to the south with a minimum 6-foot berm used towards the 9-foot berm/fencing requirement.
 - (3) All lots shall be subject to Building Design Category A standards per UDO Section 18.15.025.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations to be addressed with the final plat:
 - (1) A note shall be included on the final plat stating that all mechanical equipment shall be screened per UDO requirements.
 - (2) A note shall be added to the final plat stating that all homes built within this development are subject to Building Design Category A requirements.
 - (3) A master landscape and street tree plan in accordance with Section 18.30.130 of the UDO shall be submitted with the final plat.
 - (4) A final plat shall be approved and recorded, and all excise fees paid prior to issuance of a building permit.