



City of Olathe
Planning Division

STAFF REPORT

Planning Commission Meeting: September 9, 2019

Application:	RZ19-0012: Rezoning from R-1, RP-1, RP-4, and CTY A to R-1 District and preliminary plat for Prairie Canyon
Location:	Southwest of the intersection of College Boulevard and K-7
Owner:	Trust of Sandra G. Mitchell; West Olathe, LLC
Applicant:	Frank Dean, Prime Land Development Company
Engineer:	David Rinne, PS; Schlagel & Associates, P.A.
Staff Contact:	Sean Pendley, Senior Planner

Site Area:	<u>73.19± acres</u>	Proposed Use:	<u>Single-Family Residential</u>
Lots:	<u>142</u>	Plat:	<u>Unplatted</u>
Density:	<u>1.94 units per acre</u>	Proposed Zoning:	<u>R-1</u>
Tracts:	<u>9</u>	Current Zoning:	<u>R-1, RP-1, RP-4, CTY A</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
Site	Primary Greenway/Urban Mixed Use Center	Vacant	R-1, RP-1, RP-4, CTY A	1	N/A
North	Primary Greenway/ Urban Mixed Use Center	Vacant	RP-3	-	-
South	Primary Greenway/ Urban Mixed Use Center	Single Family (<i>Timberstone Ridge</i>)	R-1	-	-
East	Urban Mixed Use Center	Vacant	R-1, RP-3, R-3	-	-
West	Conventional Neighborhood	Single Family (<i>Southglen</i>)	RP-1	-	-

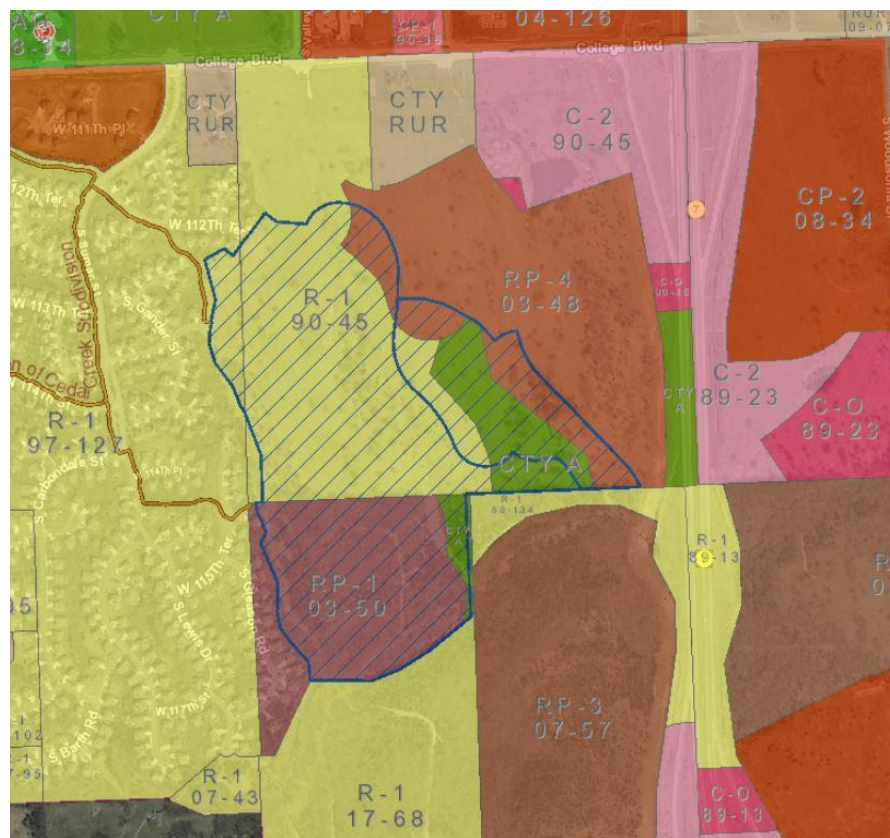
1. Proposal:

The applicant is requesting a rezoning from R-1, RP-1, RP-4, and CTY A to the R-1 (Residential Single Family) District and a preliminary plat for Prairie Canyon. The subject property is located south and west of the intersection College Boulevard and K-7 Highway. The proposed rezoning to R-1 district will combine various residential zoning districts that were never developed and include property currently zoned County A (Agricultural). According to the applicant, the estimated value for the new single-family homes is estimated to be in the range of \$500,000 to \$600,000.

The proposed development consists of a single-family residential subdivision on 142 lots with 9 common tracts. The developer has also submitted a companion development for twin villas immediately to the east identified as RZ19-0014 which is also on this agenda for consideration.

2. History:

Approximately 31 acres of the southern portion of the property was zoned RP-1 district in 2003. This rezoning (RZ-16-02) included a conceptual neighborhood design for Southglen of Cedar Creek, Phase 2, which was comprised of single family lots. The majority of the remaining property were zoned R-1 in 1990 (RZ-08-90) and a conceptual plan was submitted with this rezoning showing single-family lots in this area.



Current Zoning Map

Approximately 2.31± acres of the subject property were rezoned to RP-4 in 2003 (RZ-14-03) and included a preliminary site development plan for College West Apartments. Just

under 4 acres of the subject property remained under County zoning since annexation in 1989.

3. Existing Conditions/ Site Photos:

The site is currently undeveloped and consists of rolling terrain with native trees throughout the property. Cedar Creek is located along the south plat boundary.



Aerial view of subject property

4. Neighborhood Meeting/Public Notice:

The applicant held a neighborhood meeting on July 30, 2019 (see attached minutes) and twenty-seven (27) residents attended. Main topics of discussion included proposed greenspaces and trails, street connectivity, project timeline, and future uses along College Boulevard. The neighborhood meeting minutes are included in the Planning Commission packet.

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. Since the application was continued from the August 26th Planning Commission meeting at the applicant's request, new signs have been posted on the site and letters notifying citizens within 200 feet of the new Planning Commission meeting date have been mailed, per UDO requirements.



View of site looking east from W. 113th Terrace

Staff has received one letter, which is included within this packet, from neighboring residents. These citizens have expressed concern with the proposed single-family neighborhood connecting to the Southglen neighborhood in three locations, despite the neighborhoods not being affiliated. The citizens expressed additional concerns regarding traffic and construction from the proposed neighborhood as well.

Staff has received one phone call from another citizen who wanted to gather more information on how the proposed subdivision would affect his property and the trail on the east side of Southglen and where the proposed lots would be in relation to their lot. Staff provided the citizen with the information requested and the citizen did not express support or opposition of the proposal.

5. Zoning Requirements:

- a. **Lot Dimensions** – The minimum lot width in the R-1 district is 60 feet, and the minimum lot size is 7,200 square feet. All lots in the proposed development meet or exceed the minimum 60-foot lot width requirement, and the smallest lot in the proposed development is 7,992 square feet. The average lot size in this proposed subdivision is 10,827 square feet. The proposed lots also comply with the transitional lot standards, by including open space buffers and parcel size matching, per UDO Requirements.
- b. **Building Height** – The maximum building height for residential buildings in R-1 districts are 2 ½ stories or 35 feet.
- c. **Setbacks** – Setbacks in the R-1 District are as follows: Front Yard – 30 feet, Side Yards – 7 feet, and Rear Yards – 25 feet. The proposed development is requesting a

waiver to allow a reduction in the front yard setback from 30 feet to 20 feet. Analysis of this waiver request can be found in Section 8 of this report.

6. Streets/ Right-of-way:

All lots within the proposed subdivision will have access from new local streets. The road network for the proposed subdivision will have four (4) connections from existing roads: College Boulevard to the north, and 112th Terrace, 113th Terrace and 115th Terrace to the west. The street connections to the existing neighborhood in Southglen of Cedar Creek provide a well connected street network and improve opportunities for access and traffic circulation per Unified Development Ordinance requirements. According to (UDO) 18.30.220, "Local street patterns may discourage through traffic but should also include interconnecting streets with alternative routes throughout the neighborhood to diffuse automobile traffic and shorten walking distances". The streets in the Southglen neighborhood were constructed with the intent that they would one day be extended, which is why they are currently street stubs rather than cul-de-sacs.

Each cul-de-sac in the proposed subdivision will have a landscape tract in it that will have a street easement. The proposed development meets UDO requirements for public right-of-way and cul-de-sac size.

7. Sidewalks/Trails:

The preliminary plat identifies private trails within Tract C. The City of Olathe also has plans for a future public trail in the stream corridor along the south plat boundary. The final plat will include a Public Recreation Easement (PR/E) to allow construction of the future public trail. The exact location of the trail and specific easements will be determined at the time of construction for the trail.

8. Landscaping/ Tree Preservation:

The applicant has provided a preliminary landscape plan depicting the location of street trees along the residential streets. Street trees are required with an average spacing of 40 linear feet, with at least one tree per lot in residential districts. Single family homes require a minimum of three (3) trees on each lot.

A landscape buffer is not required adjacent to the existing residential properties, however, staff recommends that the required interior lot trees for some of the proposed single family lots be located in the rear yard to provide landscaping in the rear yards where existing trees will be removed or there is no existing vegetation.

There are existing trees throughout the southern area of the site. The applicant is showing tree preservation in Tract C, adjacent to the Southglen subdivision, and within the stream corridor for Cedar Creek.

9. Waivers:

The applicant is requesting a waiver from Unified Development Ordinance (UDO) requirements to reduce the front yard setback in the R-1 District from 30 feet to 20 feet. The primary reason for the waiver request is to provide additional tree preservation areas in the rear yards and open space tracts with steep grades and along existing residential properties. The applicant's waiver request letter is included within this packet.

Staff Analysis:

Staff has reviewed the request and is supportive due to the proposal meeting criteria for waivers found in UDO Section 18.40.240.E for the following reasons:

The proposed 20-foot front yard setback is appropriate for the proposed single family subdivision since the development will provide a higher quality site design with additional tree preservation areas and natural buffers along adjacent residential properties. Similar reduced side yard setbacks have been approved for other single-family developments within Cedar Creek. The 20-foot front yard setback does not create any negative impacts for the lots or streets and is consistent with other single family plats in Cedar Creek.

10. Zoning/ Land Use Analysis:

The future land use map of the *Comprehensive Plan* identifies the subject property as "Primary Greenway" and "Urban Mixed Use Center". The intent for the Urban Mixed Use Center is to allow a variety of residential and non-residential development in areas close to regional traffic networks. Primary Greenways are designated in areas with streams, floodways and open space that are appropriate for expansion of regional trail systems.

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 proposed R-1 zoning and single family residential development is appropriate for the subject property since it will allow a good transitional land use from the existing single family neighborhoods to the west, multi-family zoning districts to the east, and commercial zoning to the north along College Boulevard. In addition, a public recreation easement is provided within the open space tracts to allow a future public trail within the Primary Greenway. The residential development complies with other goals and principles of the *Comprehensive Plan*.

- **Principle ESR-1:** *"Protect and preserve significant natural ecological systems".*
- **Principle LUCC-6: Discourage Sprawl.** *"Discourage "leap-frog" or sprawling land use patterns by encouraging growth in serviceable areas. Promote the infill of vacant parcels and reinvestment in buildable areas."*

The proposed development plan includes tree preservation, stormwater quality and landscape buffers to preserve natural features and minimize negative impacts with new development.

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 properties adjacent to the west is developed with an existing single-family residential neighborhood (Southglen of Cedar Creek). The adjacent property to the south was rezoned and platted in 2017 to allow single-family residential development. Staff finds the proposal to be compatible with the character of the existing neighborhood. The proposed use for single family residential with a density below 2

units per acre is consistent with the adjacent neighborhoods and follows the transitional lot standards per UDO requirements.

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.

The zoning of surrounding properties includes a mix of several residential districts including R-1, RP-1, and RP-4. The proposed R-1 zoning and single-family residential development is compatible with surrounding development of a single-family neighborhoods to the south and west. Single family lots are the most appropriate land use in this location and the proposed lot sizes meet the required transitional lot standards.

D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.

The portion of the site that retains R-1 and RP-1 zoning would currently allow for the development of single-family homes and the RP-4 zoning would allow for multifamily or single family homes at a higher density than what is proposed with this rezoning. The applicant is proposing a development with 142 lots, thus lessening the impact on the local road network and the existing surrounding neighborhood.

Development of single family homes on the subject property is the most appropriate use for the subject property due to its location adjacent to existing single-family residential development. The general pattern of development in this area is conventional neighborhoods with single family homes. The location of the proposed single family homes will provide a transition from the existing single family homes to the west and current RP-4 zoning to the east of the subject property.

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

The subject property has never been developed, despite part of the property being rezoned to the R-1 District in 1990 and parts being rezoned to RP-1 and RP-4 in 2003.

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

The proposed development of a single-family residential neighborhood includes natural buffers to minimize impacts on surrounding properties and there will have no detrimental effects on surrounding properties.

G. 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 subdivision includes a new public street connection to College Boulevard and additional trips generated by the proposed single family residential development will not adversely affect capacity or safety of the applicable road network.

H. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.

The proposed development includes one tract to be used for stormwater management, which will include a stormwater management feature. The proposed development will comply with the requirements of Title 17 of the Olathe Municipal Code.

I. The economic impact of the proposed use on the community.

The proposed development would provide an increase in property tax revenues for the City as a result of new homes with high property values.

J. The gain, if any, to the public health, safety and welfare due to the denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

The proposed rezoning to R-1 does not pose a threat to the public health, safety and welfare. There have been previous proposals for single-family and multifamily residential development on the subject property but the property has never been developed. Denial of this application could be considered a hardship to the property owner.

11. Staff Recommendation:

A. Staff recommends approval of RZ19-0012 for the following reasons:

1. The proposed development complies with the policies and goals of the *Comprehensive Plan* for Environmental Sustainability and Land Use (Principles ESR-1 and LUCC-6).
2. The requested rezoning to R-1 district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.

B. Staff recommends approval of the rezoning to the R-1 district with the following stipulation to be included in the zoning ordinance:

1. A waiver is granted to permit minimum twenty (20) foot front yard setbacks.

C. The following stipulations apply to the preliminary plat for the R-1 district:

1. A final plat must be approved and recorded prior to issuance of building permits.
2. The final plat with Tract C will include the following language: "A Public Recreation Easement (PR/E) will be dedicated in Tract C to allow a future public trail. The exact location of the public trail and PR/E will be determined at the time of the trail construction by the City of Olathe".
3. A minimum of two (2) interior lot trees will be provided in the rear yards of Lots 1-5, 79 and 80.
4. Final plats shall include Tree Preservation Easements (TP/E) in Tract C as identified on the preliminary plat.

5. As required by the *UDO*, all exterior mechanical equipment or utility cabinets located within front yards or corner lots shall be screened from public view with landscaping.