



City of Olathe  
Planning Division

## STAFF REPORT

Planning Commission Meeting: October 28, 2019

<b>Application:</b>	<b><u>RZ19-0022:</u> Rezoning from R-1 and RP-1 to the R-1 District and preliminary plat for Stonebridge Village</b>
<b>Location:</b>	In the vicinity of 165 <sup>th</sup> Street and Lindenwood Road
<b>Owner:</b>	Brian Rodrock; Stonebridge Land & Cattle
<b>Applicant/Engineer:</b>	Harold A. Phelps, P.E.; Phelps Engineering, Inc.
<b>Staff Contact:</b>	Zachary Moore, Planner II

<b>Site Area:</b>	<u>57.54± acres</u>	<b>Proposed Use:</b>	<u>Single-Family Residential</u>
<b>Lots:</b>	<u>168</u>	<b>Plat:</b>	<u>Unplatted</u>
<b>Density:</b>	<u>2.92 units per acre</u>	<b>Proposed Zoning:</b>	<u>R-1</u>
<b>Tracts:</b>	<u>10</u>	<b>Current Zoning:</b>	<u>R-1, RP-1</u>

	Plan Olathe Land Use Category	Existing Use	Current Zoning	Site Design Category	Building Design Category
<b>Site</b>	<b>Conventional Neighborhood/ Secondary Greenway</b>	<b>Vacant</b>	<b>R-1, RP-1</b>	<b>1</b>	<b>N/A</b>
<b>North</b>	Secondary Greenway	City Park (Arbor Landing)	R-1	-	-
<b>South</b>	Conventional Neighborhood	Middle School (Woodland Spring)	R-1	-	-
<b>East</b>	Conventional Neighborhood/ Secondary Greenway	Single-Family Residential	R-1	-	-
<b>West</b>	Conventional Neighborhood/ Secondary Greenway	Single Family Residential	R-1	-	-

**1. Proposal:**

The applicant is requesting a rezoning from R-1 and RP-1 to the R-1 (Residential Single Family) District and a preliminary plat for Stonebridge Village. The subject property is located east of the future Lindenwood Road, between 163<sup>rd</sup> Street and 167<sup>th</sup> Street. The proposed rezoning to the R-1 district will combine two residential zoning districts that were never developed into one district with a new preliminary plat. The proposed development consists of a single-family residential subdivision on 168 lots with 10 common tracts.

This change of zoning is being requested to allow for the entire development to fall under a single, R-1 district zoning ordinance. Previous stipulations have been reviewed and are not necessary for carry-over as they were written from now outdated plans or have already been accomplished by the developer.

**2. History:**

The subject property and surrounding area were annexed and rezoned to the RP-1 and R-1 Districts in 2005 (ANX-05-008, RZ-05-046, and RZ-05-047). A preliminary plat was approved with the associated rezoning cases that included a mix of housing types and lot sizes, including single-family, two-family, and townhome units. The single-family lots included on the previously approved preliminary plat include lots ranging from 5,000 square feet to approximately 10,000 square feet. Development and platting to the east of the subject site has occurred since 2005 (see image on the next page). Additionally, the Spring Hill School District has a middle school immediately south of the subject property, and an elementary school to the southeast of the subject property, across W. 165<sup>th</sup> Street. The elementary school to the southeast was included with the original preliminary plat, and the middle school site was previously proposed to be developed as a small-lot single-family residential subdivision.

### 3. Existing Conditions/ Site Photos:

The site is currently undeveloped and has been since its annexation into the City in 2005.



*Aerial view of subject property*

### 4. Neighborhood Meeting/Public Notice:

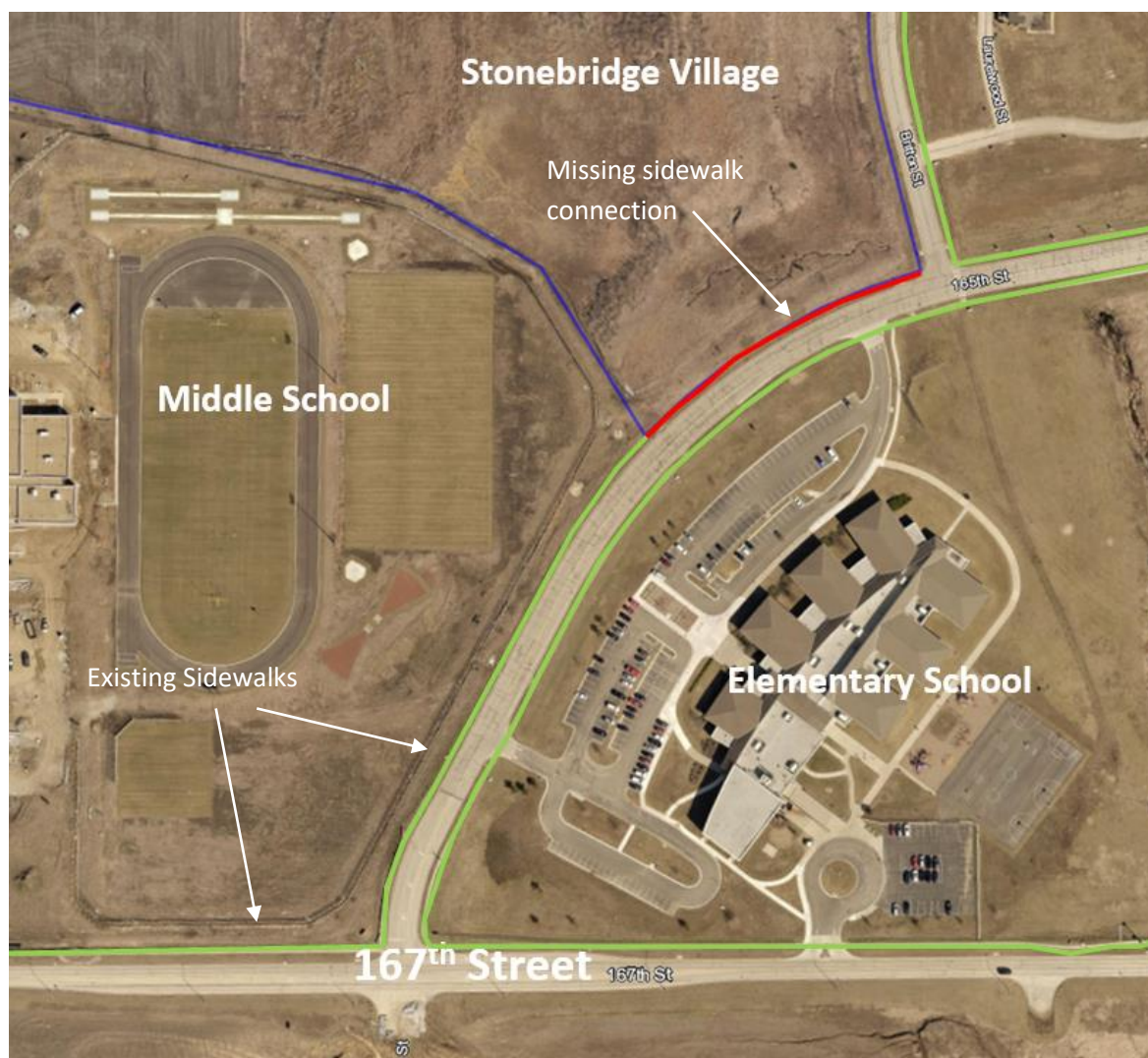
The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property per Unified Development Ordinance (UDO) requirements.

In addition, the applicant held a neighborhood meeting on October 7, 2019 in which eight (8) residents attended. Main topics of discussion included street connections, estimated home values, drainage, and tree preservation. The neighborhood meeting minutes are included in the Planning Commission packet.

Staff has since received several phone calls and a letter, which is included in this packet, from the Spring Hill School District regarding concerns with stormwater management on site and a missing sidewalk link along the north side of W. 165<sup>th</sup> Street. From the onset of this application review, staff requested the sidewalk connection be provided with construction of the first phase of development. The image on the next page shows where there are existing sidewalks in the right-of-way (green) compared to the missing sidewalk

link (red). The missing link in the sidewalk is approximately 430 feet in length and would connect the existing sidewalk that terminates at the school's property line along 165<sup>th</sup> Street to the west side of Britton Street. On the east side of Britton Street, there is a sidewalk that extends north to 164<sup>th</sup> Street, and east to Mur-Len Road. The school district was advised that the City would be recommending this sidewalk connection through Tract F of the preliminary plat to provide improved pedestrian access.

This connection is important to provide a safe route for residents and children to feel comfortable walking to and from the schools without crossing the street mid-block. Providing this connection also aligns with Policy M-3.8 of PlanOlathe, the City's Comprehensive Plan, which states, "Pedestrian and bikeway paths should provide connections between residential and employment areas, commercial centers, recreational and open space areas, parks and educational facilities." Staff has had several discussions with the applicant regarding this sidewalk connection and has made them aware of this stipulation, however the applicant is not amenable constructing this connection at this time. Additional information on this is provided later in this report.



*View of subject property, existing sidewalks (green) and the missing sidewalk link (red)*



The School District has also expressed concern with the potential of stormwater impacts of the proposed development on the Spring Hill Middle School site. At the time that the middle school was constructed, there was not an agreement in place between the School District and the applicant for stormwater improvements to be shared, therefore all stormwater improvements for the school were constructed on the school property, rather than along the property line. Staff has discussed these concerns with the applicant, who has agreed to a stipulation that addresses the School District's concerns regarding stormwater. Additional information on this item is provided later in this report.



*View of terminus of existing sidewalk along W. 165<sup>th</sup> Street*

## 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 8,227 square feet. The average lot size in this proposed subdivision is 11,692 square feet. The proposed lots also comply with the transitional lot standards, by including 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.

**6. Common Tracts:**

All common tracts included on the preliminary plat are to be owned and maintained by the Homes Association.

**7. Transitional Lot Standards:**

Transitional Lot Standards apply to subdivisions in the R-1 districts that adjoin existing residential lots. This is applicable in this case as the proposed subdivision is adjacent to an existing R-1 subdivision at the northeast of the subject property (Coffee Creek Meadows, 1<sup>st</sup> Plat). The lots in the proposed subdivision comply with the City's Transitional Lot Standards by providing parcel size matching in this area, which means that lots along the perimeter of this request match the size or are greater in size, than those existing, adjacent residential lots.

**8. Streets/Right-of-way:**

All lots within the proposed subdivision will have access from new local streets. The road network for the will have six (6) connections from existing roads: 162<sup>nd</sup> Street and 165<sup>th</sup> Street to the future Lindenwood Drive to the west, and 162<sup>nd</sup> Street, 163<sup>rd</sup> Terrace, 164<sup>th</sup> Terrace, and 164<sup>th</sup> Street to existing local streets to the east. The proposed streets meet UDO requirements for public right-of-way and cul-de-sac size.

**9. Sidewalks/Trails:**

The preliminary plat identifies sidewalks on one side of all local streets, and along the east side of S. Lindenwood Drive. A note has been added to the preliminary plat stating that sidewalks in cul-de-sacs will terminate at a driveway. The applicant has also provided a sidewalk connection to an existing City park to the north of the proposed development. As stated previously, staff is recommending that the applicant construct a 5-foot wide concrete sidewalk connection within Tract F of the preliminary plat with the first phase of development. This sidewalk connection would complete a missing link between the middle school property and S. Britton Street which ensures safe pedestrian connectivity, follows policies of PlanOlathe, promotes policies of Safe Routes to Schools, and aligns with healthy communities and activity for residents.

**10. Landscaping/Tree Preservation:**

Street trees are required with an average spacing of 40 linear feet, with at least one tree per lot in residential districts and the applicant has provided a preliminary landscape plan depicting the location of street trees along the residential streets. This preliminary landscape plan does not include street trees on lots 57 or 58, as the right-of-way in front of these lots was included with a previously recorded plat (P-06-034). Therefore, to ensure a tree is planted on all new lots, a stipulation has been added to this effect.

The applicant is providing a 15-foot Tree Preservation Easement (TP/E) along the northern property line to preserve the existing tree line adjacent to Arbor Landing Park.

## **11. Zoning/ Land Use Analysis:**

The future land use map of the Comprehensive Plan identifies the subject property as “Conventional Neighborhood” and “Secondary Greenway”. The proposed R-1 zoning and single-family residential development is appropriate for this area, as single-family residential neighborhoods align with the framework of Conventional Neighborhoods in the Comprehensive Plan.

The following section includes 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 designation of “Conventional Neighborhood” typically consists of single-family housing on individual building lots. PlanOlathe includes policies to maintain and promote the distinct character and identity of Olathe’s neighborhoods, and encourages neighborhoods that provide a variety of housing types and styles. Existing smaller lot single-family residential and two-family attached residential exists to the east of the proposed subdivision, therefore the large lot single-family subdivision will provide a variety of housing types in this area. Therefore, the proposed R-1 zoning and single-family home subdivision is appropriate for this area.

- **Principle HN-2.2:** *“Support housing development and redevelopment that includes a variety of housing types.”*
- **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.”*

### ***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 zoning of the surrounding properties is mostly single-family (R-1 and RP-1), with some smaller pockets of two-family zoning (RP-2) located east of the subject property. The character of the proposed development will be compatible with the existing development nearby as the proposed land use is consistent.

### ***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 lower-density residential districts (R-1, RP-1, and RP-2). The proposed R-1 zoning district would be in harmony with the surrounding zoning districts and lower density residential uses found on nearby properties.

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

Both the RP-1 and R-1 Districts allow for single-family residential development, and the subject property is suitable for development in that manner, as it would be compatible with existing nearby land uses. Single-family residential development in this area is consistent with the framework of the future land use designation of Conventional Neighborhood.

***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 and RP-1 Districts in 2005.

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

The subject property maintains R-1 and RP-1 zoning currently, which would allow for development of a single-family residential neighborhood. The proposed R-1 zoning district will not detrimentally affect nearby properties.

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

Development of the subject property under the R-1 District is will not substantially harm the value of 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 subdivision includes six (6) new public street connections to existing local or future collector roadways to the east, west, and north of the subject property. All single-family homes are required to have a minimum of two (2) parking spaces provided on-site. The development of a single-family residential neighborhood in this area will not have any adverse impacts on nearby portions of the road network, nor will present any parking problems in the vicinity of the property.

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

A stipulation has been added to the preliminary plat stating that the stormwater runoff rate directed to the adjacent school property must match the existing, undeveloped peak runoff rate after development. The proposed development should not create any air pollution, water pollution, noise pollution, or other environmental harm.

***J. 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 being constructed.



***K. 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 of the City. There was a previous proposal for single-family 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.

**12. Staff Recommendation:**

- A. Staff recommends approval of RZ19-0022, Stonebridge Village, for the following reasons:
  - 1. The proposed development complies with the policies and goals of the Comprehensive Plan for Housing and Land Use (Principles HN-2.2 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 as presented, with no stipulations.
- 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 stormwater runoff rate directed to the USD 230 property must match the existing, undeveloped peak runoff rate after the Stonebridge Property is developed. Detailed calculations will be required with the street and storm sewer public improvements.
  - 3. A 5-foot wide concrete sidewalk must be constructed with the first phase in Tract F, along the north side of W. 165<sup>th</sup> Street, tying into the sidewalk at the adjacent property line of Woodland Spring Middle School and extending northeasterly to S. Britton Street.
  - 4. Landscaping provided in each common tract will be identified on a landscape plan submitted with the final plat for each respective phase of development.
  - 5. Final plats must include a Tree Preservation Easement (TP/E) along the northern property line, as identified on the preliminary plat.
  - 6. As required by the *UDO*, all exterior mechanical equipment or utility cabinets located within front yards or corner lots must be screened from public view with landscaping.
  - 7. Prior to approval of a final plat for Phase 2, a revised street tree plan must be provided showing street trees in front of Lots 57 and 58.
  - 8. Street names must be finalized and provided prior to recording the final plat.