



Planning Division

MINUTES**Planning Commission Meeting: October 28, 2019**

Application:	<u>RZ19-0022:</u> Rezoning from R-1 and RP-1 to the R-1 District and preliminary plat for Stonebridge Village
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Zachary Moore, Planner II, presented a request to rezone approximately 57 acres in south Olathe from R-1 and RP-1 District to R-1 District, to allow for a single-family home subdivision. He presented an aerial of the property, noting schools nearby. He further noted right-of-way for the future Lindenwood Drive, and existing subdivisions to the east, and future subdivisions to the west. There is also a city park to the north of the subject property. He then provided a view of the existing zoning of the site and a Future Land Use Map of the subject property. Surrounding areas are identified as Conventional Neighborhood and secondary greenway. The proposed rezoning conforms with the land use map designation as set forth in the Comprehensive Plan.

Mr. Moore reported that a neighborhood meeting was held on October 7th, attended by eight residents. Topics of discussion included street connections, home values, drainage, and tree preservation on site. Staff has received correspondence from the Spring Hill School District, who expressed concern about missing sidewalk links along 165th Street, and concerns with stormwater drainage in the area. Staff has included recommended stipulations that address both concerns.

Mr. Moore presented the preliminary plat proposing 168 lots to be built out in five phases, resulting in a density of approximately three units per acre. The applicant is providing connectivity to future and existing streets in six locations. The preliminary plat complies with the City's Transitional Lot Policy Standards, and sidewalks are provided on one side of all local streets with increased connectivity provided with a west-to-east connection between two lots, to make it easier for students walking to school. The applicant is also providing a 15-foot tree preservation easement at the north of the property. Staff is recommending that the applicant provide a 430-foot long, five-foot wide concrete sidewalk at the time of construction of the Phase 1 to complete a missing sidewalk link. Mr. Moore stated the sidewalk connection is being provided because it further aligns with goals and policies of PlanOlathe, and because it provides safety for students attending nearby schools.

Mr. Moore stated that rezoning to the R-1 follows Comprehensive Plan goals for housing and land use, and staff recommends approval of the rezoning and preliminary plat.

Chair Vakas opened the public hearing and asked the applicant to come forward. **John Duggan, 9101 West 110th Street, Suite 200, Overland Park**, approached the podium, representing Stonebridge Land and Cattle Company, LLC. He said they agree with staff completely, except for one issue with the sidewalk. He stated that the sidewalk was required to be completed upon annexation, as mandated by the City's annexation policy. He said the City annexed the public right-of-way and the school site and did not finish the sidewalk as required. Now, the developer is being asked to fix this problem. The developer said they would install the sidewalk, although they are not financially responsible to do so. He said he contacted the City's attorney prior to tonight's meeting to work the problem out, but was unsuccessful. The applicant

proposes installing a temporary asphalt sidewalk for the next few years, at their expense, until such time as they are ready to build Phase 3. At that time, they will put in the berm, tear out the temporary sidewalk, and install a five-foot wide concrete sidewalk, all at their expense. He said City staff said no. Mr. Duggan is asking that the Planning Commission approve this project with a change in stipulation to reflect that the applicant will immediately install a temporary asphalt sidewalk in the public right-of-way, until such time as they are ready to begin Phase 3 in the adjacent area.

Chair Vakas opened the public hearing. **Comm. Fry** asked staff to address the proposed asphalt sidewalk. **Mr. Moore** said staff does not intend for the applicant to construct a public sidewalk in a private landscape tract. He recommends changing the language to “adjacent to Tract F.” He deferred further comments to Public Works. **Aimee Nassif, Chief Planning and Development Officer** said staff was aware of the problem with the stipulation. Also, when sites don’t meet UDO or Comprehensive Plan requirements or expectations, they wait for opportunities such as this to address the problem. She said maintaining an asphalt trail is more difficult, as well as it’s not as safe for ADA compliance or for children walking to school.

Chet Belcher, Transportation Manager, said that it is common practice to build a sidewalk to property, which is where the mistake was made. He noted that 167th and 165th Streets have 12 children crossing the street during peak hours. There need to be 25 children crossing in order to qualify for a school crossing guard.

Comm. Fry asked about using asphalt versus concrete. **Mr. Belcher** said once the sidewalk goes in, there’s no reason it should be torn out. He does not understand the advantage of using asphalt, which they do not maintain. **Ms. Nassif** added that there is no timeline of when this phase would be developed. If asphalt is allowed, it could be many years before it is removed and replaced. She believes it makes more sense for realizing quality of life initiatives and strategies, and now is the best opportunity for the sidewalk. **Mr. Duggan** feels no one is addressing the fact that this is not the developer’s problem, but rather something that the school district – as the prior property owner – didn’t finish before it was annexed. He again said finishing the sidewalk is not their responsibility. Also, there are no streetlights on this street, which are required on collector roads. He also said there are utilities along that street. **Comm. Fry** asked if asphalt is put in now, is there some way to make sure that it is concreted by the time Phase 3 is developed. **Ms. Nassif** stated that the UDO requires a sidewalk in R-1 District zoning. **Mr. Belcher** agreed with **Ms. Nassif**. **Chair Vakas** asked if it makes sense to allow an asphalt sidewalk with a time limit. **Mr. Belcher** does not think so. Once it is installed, it becomes the City’s property. In his opinion, the cost of installing and removing asphalt is a complete throw-away.

Chair Vakas asked for the status of street lights. **Mr. Belcher** said he could explore that possibility and come back to the Planning Commission in four weeks to talk about that. **Chair Vakas** asked if this matter needs to be continued. **Ms. Nassif** said staff is not stipulating anything about lighting at this time, but they can vet that internally and communicate with the applicant directly.

Comm. Freeman asked if sidewalks have to be concrete per the UDO. **Ms. Nassif** said five-foot wide concrete sidewalks are required.

Comm. Nelson asked **Mr. Moore** to clarify the design of the cul-de-sac on 163rd Terrace and whether there was thought given to putting a home in rather than green space. **Mr. Moore** said the City would prefer to have green space along Lindenwood. Landscaping is required in the tracts along collector roadways. **Comm. Nelson** asked if there is an intent to connect the road to Lindenwood. He is thinking from a safety or future planning perspective what could be located there. **Mr. Moore** does not believe many drivers would want to make that connection, although fencing could be included there, as well, to deter a driver.

Comm. Corcoran asked if all the school district's concerns have been addressed, including the sidewalk connection. **Mr. Moore** said they have, and said the school district is happy with the stipulations staff has recommended. **Chair Vakas** called for a motion to close the public hearing.

Motion to close the public hearing was made by Comm. Nelson and seconded by Comm. Allenbrand.

Motion passed 9-0.

Chair Vakas does not want to put the developer in the position of building a concrete sidewalk that has to be repaired. **Mr. Belcher** agreed. Staff believes this is the best way to move forward.

Mr. Duggan re-approached the podium. He said his client believes that if the City is so confident there will never be any repairs to it, they are happy to put concrete in one time only, and if something happens, the City can repair it.

Mr. Munoz asked if the developer is required to fix the sidewalk if it is damaged. **Mr. Belcher** said that whoever breaks it is responsible to fix it.

Motion to recommend RZ19-0022 for approval as stipulated was made by Comm. Corcoran and seconded by Comm. Allenbrand, 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.

Comm. Corcoran's motion included recommending approval of the rezoning to the R-1 district as presented, with no stipulations.

Comm. Corcoran's motion included recommending that the following stipulations be addressed with the final plat:

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 **adjacent to** Tract F, along the north side of W. 165th 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.

Aye: Youker, Sutherland, Freeman, Nelson, Allenbrand, Fry, Munoz, Corcoran, Vakas (9)

No: (0)

Motion was approved 9-0.