



Planning Division

MINUTES**Planning Commission Meeting: April 12, 2021**

Application:	<u>RZ21-0003</u>: Request approval for rezoning from R-1 (Residential Single Family) District and C-2 (Community Center) District to R-3 (Residential Low-Density Multifamily) District and preliminary site development plan for College Ridge Apartments on approximately 41.09 acres; located southwest of College Boulevard and Ridgeview Road.
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Jessica Schuller, Senior Planner presented RZ21-0003, a request for rezoning from R-1 (Residential Single Family) District and C-2 (Residential Low-Density Multifamily) District and a preliminary site development plan for College Ridge Apartments on approximately 41.09 acres, located southwest of College Boulevard and Ridgeview road. The site is located south of College Boulevard and west of Ridgeview Road and is an undeveloped piece of property. The surrounding properties are mostly undeveloped as well, with the exception of land to the south where there is a barn, which serves as event space and the single-family subdivision of Northwood Trails as well.

The property is zoned R-1 Single-Family Residential with four and-a-half acres to the southeast of the site zoned C-2, Community Center. The request is to rezone the entire property to the R-3 Low-Density Residential District. Six apartment buildings are proposed to the northeast of the site for a total of 285 units. Two different building types are proposed, which are three- and four-story split-level buildings and four-story buildings. Site amenities include an outdoor pool and a clubhouse area, located behind Building 1 in the center of the site. A picnic and barbeque area are also included, as well as a seating area, and trail connection across the western half of the site to the existing Gary L. Haller Trail.

Ms. Schuller referred to the traffic improvements included in the project, which include turn lanes on College Boulevard and Ridgeview Road. The landscape plan provides master landscaping along arterial roads and trees and foundation landscaping throughout. About 56 percent of the existing tree canopy will be preserved on the site and is located to the south and west near the Mill Creek tributary. The natural buffer provides a physical separation from the barn and Northwood Trails and a large amount of screening. It also serves as an amenity to future residents who will benefit from the natural setting.

Ms. Schuller referred to building elevations, stating there are flat roof lines with angled peaks of varying heights. The materials are a mix of brick, stone veneer, stucco and fiber cement siding and shades of gray, sage and natural wood tones.

Ms. Schuller explained that the applicant was requesting four waivers which all pertain to architecture. The waivers include height, horizontal articulation, percentage of glass and private decks and patios for each unit. Staff supports the waiver regarding building height. The request is to increase the height of the buildings from a maximum of three stories and 40 feet to a maximum of four stories and 51 feet. Staff supports the request due to the distance of the buildings from the uses located to the south, as well as the topography of the site, which allows the buildings to sit at a lower elevation, as well as nature buffers that are being maintained and help to provide screening. The site is located at the intersection of two arterial roads and adjacent to future employment areas as well. An increase in height at the proposed location is not anticipated to have a negative impact on surrounding properties.

Another waiver is being requested to reduce the amount of horizontal articulation required, which is wall offset or notch of four feet in depth located every 50 feet across the façade. The intent of this requirement is to prevent facades from looking flat. Four-foot undulations create depth and shadowing that one- and two-foot articulations cannot provide. Staff does not support this waiver request. The applicant is exceeding the UDO requirements at the edges of the building, and is close to meeting those requirements in the center of the building. However, if the applicant extended out some of the wall areas two and three feet in select locations, the requirement would be met.

Ms. Schuller noted the applicant was also requesting a waiver to reduce the required percentage of glass on primary facades from 20 percent to 18 percent depending on the façade. Staff does not support this request. Since the Architecture Code was updated in 2019, and the glass requirement was reduced on multifamily buildings, staff has not received a request of this nature. Staff feels meeting the 20 percent requirement is achievable and can be met by increasing the size of some of the windows in select locations across the façade.

Ms. Schuller explained the applicant is also requesting a waiver to eliminate the required private decks, patios or balconies for 14 different units across the property as they are trying to accommodate an internal trash collection system. Juliette balconies are proposed, which is a faux treatment that does not provide usable outdoor space. These outdoor spaces are essential apartment living and provide desirable access to fresh air and light. Staff has not received a request of this nature since these were required back in 2019.

Staff finds approval of the proposed waivers, with the exception to height, would decrease the quality of development that Olathe seeks to achieve and they do not find the justifications for the waivers provided by the applicant demonstrate a hardship or superior alternative. Staff recommended the applicant submit elevations to meet UDO requirements, with the exception of the waiver to height, at the final plan stage.

The Future Land Use Map of the Comprehensive Plan identifies the property as a Mixed Density Residential neighborhood. A mixture of residential uses are permitted and are intended to be located in walkable locations to commercial and open space uses. The proposed development aligns with the land use category as it is in proximity to a trail to the west and Business Park zoning to the east which permits many commercial uses.

Ms. Schuller stated the project meets the standards of the Golden Criteria for considering rezoning applications. The application also aligns with policies of the Comprehensive Plan including the need for residential densities that support and are in proximity to commercial centers and supporting developments that provide a range of housing choice and types and styles to accommodate a variety of lifestyles. Staff has heard from neighboring property owners about the project. Concerns range from traffic and stormwater to preserving the quality of life and character of the area, and preserving the natural environment and wildlife corridor through the location.

Ms. Schuller Staff is recommending approval of the rezoning to the R-3 District and the preliminary site development plan as stipulated. This request will be considered at the May 4th City Council meeting.

Commissioner Nelson made statements regarding the height and waiver for the height which staff is supportive of.

Ms. Schuller stated the developer was able to maintain an R-3 density and be below the maximum for that district by increasing the height to what would be an R-4 District height. Considering the topography of the site and the way it slopes downward, staff felt the request made sense in this instance.

Commissioner Nelson noted that along Ridgeview, there are other apartments that have the left turn out of the apartment that is not far from a stop light. The stop light there helps the traffic flow in that area. He noted there was another apartment complex south on 119th and Ridgeview and asked if this was similar.

Ms. Schuller agreed.

Commissioner Nelson understood there was a lot of undeveloped green space and asked if that space could be developed later and if there was anything in place that says there is a maximum development size that can go to the south of the apartment complex or if a potential exists later to add more properties in that area.

Ms. Schuller stated the area to the south is primarily in the floodway, and property in that zone cannot be developed since it would have a high risk of flooding. Part of the site to the west is in the flood plain and developing that area would require special permitting and approvals. There would be great challenges in trying to develop that portion of the site. She noted that the current applicant is staying out of the floodway and flood plain, which staff feels is good for the site. She noted that significant changes would require coming back through the review process.

Chair Vakas declared the public hearing open.

John Peterson, Polsinelli PC, attorney appearing on behalf of the applicant, Davis Development. He introduced the development team. He explained that the development allowed them to develop only 16 acres of 41 acres. He noted they were requesting three deviations. He explained that their position on the development was to develop a quality development. The original design for the site include a pitched roof with quality materials. A challenge they had with staff was to fulfill their desire to have an apartment project that was different in appearance, as many apartment complexes in Olathe appear very similar. He noted that they are some deviations to consider. First is the articulation, then the issue with glass and the third is the Juliette balconies. The challenge with the 14 units is that they sit in an internal trash collection system. So this project will not include dumpsters in the parking lot or allow people to take the trash out. The trash service will be provided internally. He pointed out that it was more difficult and costly to design decks that interphase with this mechanism. A compromise was to provide a sliding door on the apartment unit, but there will not be a deck. The same issue came up with the use of glass in the way they articulated the building, as building in the garages made it more difficult to achieve the appropriate percentages. However, they found a way to add the decks to the units because it was a better look, but will cost a little more. They will also figure out a way to obtain the 20 percent glass requirement, as they are currently at 18 percent.

Mr. Peterson referred to the code requirements of 4 feet out at not less than every 50 feet. He noted that if that was a strong design constraint for buildings, the buildings will tend to appear the same. The architects for the proposed project used different designs with 4 feet out on the corners, but not exactly 4 feet going down the plane to the other fourth corner, and instead of every 50 feet, it would be every 25 feet. The rhythm of the architecture is present and he felt the end product is interesting, diverse and obtains the goals of the ordinance, which creates an interesting façade that speaks to quality.

Mr. Peterson outlined comments from the design architect who stated that having more plane changes across the façade allows for multiple smaller shadows that show depth, which allows for more profile changes in the building. He felt the combination of the elements allow more articulation of the building facade to be shown giving it a higher level of design.

Fred Hazel, Davis Development, the applicant, explained that they were excited and proud of the proposed project and appreciated City staff's involvement and feedback on the project. He felt they were making every attempt to meet staff halfway on the deviations. He offered to answer questions about the project.

Mr. Nelson expressed concerns with the color design and if the property changes hands.

Mr. Hazel felt it would be difficult for the character of the building to be lost, especially considering the high-quality design elements.

Mr. Peterson pointed out that revising the color of the building would require a revised plan for the project. Although it may be an administrative change, that design element would have to be brought before the City staff for consideration.

Ms. Schuller stated staff appreciates the applicant's ability to work on the issues with glass usage and patio situation. Regarding the articulation, she explained that at the center of the building where it is 1 and 2 feet, that is approximately 165 feet in length. Staff does not feel that design will provide sufficient shadowing and depth to create the look that Olathe seeks to achieve. The renderings appear to show a lot of offset, but those are not the documents which are approved. Since the renderings do not show the dimensions on them, they cannot base their approval from those renderings and they must consider the elevations and what the City codes directs them to look into.

Chair Vakas entertained a motion to close the public hearing.

A motion was made by Commissioner Essex to close the public hearing. Commissioner Breen seconded the motion, which carried by a roll-call vote of 7 to 0.

Chair Vakas asked the applicant to provide more details about the special trash system to provide better understanding.

Mr. Peterson stated the trash system would be internalized where a resident will be able to dispose of their trash through an internal hallway, place it in a shoot and it is collected in a central location for the building and is picked up from that building. He indicated on the plan design where a trash shoot would be located and accessed.

Mr. Peterson referenced Building No. 4, but noted the building shown by staff, for some reason, did not include a primary façade.

Mr. Hazel added that he has seen the product type grow over the old types of buildings and old garden cross breezeway type buildings. He felt the building had good articulation based on their experience of this product type. He felt the singular 4 feet every 50 feet creates a monotone application. They are trying to bring curb appeal between the architecture and landscaping.

Aimee Nassif, Chief Planning Development Officer stated staff appreciates the development team working with staff and the additional information they brought forth tonight. She noted that the development offsets just need to be increased by one to two feet, and they are not seeking additional areas of wall reveals, only where they currently exist to avoid the flat plane.

MOTION

A motion was made to approve RZ21-0003, subject to staff's stipulations and comments by Commissioner Fry and seconded by Commissioner Janner. The motion passed with a roll-call vote of 7 to 0 with the following stipulations:

Chair Vakas appreciated the idea of increasing an additional story and will add to the quality of the apartment complex. He was glad the developer was able to accommodate four stipulations and supported the project as presented.

A. Staff recommends approval of RZ21-0003, College Ridge Apartments for the following reasons:

1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan for:

LUCC-3.1: Encourage Housing Near Services. Encourage higher density housing development near transit services, commercial centers, and planned transit nodes and corridors to create activity areas that add to the community's quality of life.

HN-2: Full Range of Housing Choices. Encourage residential development that supports the full range of housing needs in the community by ensuring that a variety of housing types, prices and styles are created and maintained in the community.

2. The requested zoning meets the Unified Development Ordinance criteria for considering zoning amendment applications.

B. Staff recommends approval of the rezoning to the R-3 District as presented with no stipulations.

C. Staff recommends approval of the preliminary site development plan with the following stipulations:

1. A final site development plan must be approved and final plat recorded prior to issuance of building permits.

2. A waiver is granted from UDO 18.20.090, applicable to all buildings on site, to allow a maximum building height of 4-stories and 51'.

3. Additional waivers for this proposal are not approved. At the time of final site development plan review, building elevations must be revised to meet all UDO requirements with the exception to the height identified in C.2. The revised building elevations must include detailed color drawings and renderings of all primary and secondary facades.

4. Tree protection fencing per UDO 18.30.240.E must be installed around all areas of tree preservation on site and is required to be maintained throughout construction activities. Grading is not permitted within areas designated for tree protection.

5. Per UDO 18.30.130.H, landscape areas adjacent to arterial and collector roadways must be sodded.
6. Prior to recording of the final plat, a stream corridor maintenance agreement and stormwater treatment facility maintenance agreement will be required.
7. All public improvements required for this site must have approved plans, bonds and fees paid prior to release of the building permits for this project.
8. All rooftop mechanical equipment shall be screened from public view. All exterior ground or building mounted equipment, including but not limited to mechanical equipment and utility meter banks shall be screened from public view with landscaping or an architectural treatment compatible with the building architecture in compliance with UDO 18.30.130.