



Planning Division

MINUTES – Opening Remarks

Planning Commission Meeting: September 9, 2019

The Planning Commission convened at 7:00 p.m. to meet in regular session with Chairman Dean Vakas presiding. Commissioners Jeremy Fry, Ryan Nelson, Jose Munoz, Chip Corcoran and Barry Sutherland were present. Commissioners Ryan Freeman and Shirley Allenbrand were absent.

Recited Pledge of Allegiance.

The Chair made introductory comments. Regarding *ex parte* communication, the Chair requested that if a commissioner had something to report, they specify the nature of the *ex parte* communication when item is reached in the agenda.

A motion to approve MN19-0826, the meeting minutes from August 26, 2019, was made by Comm. Sutherland and seconded by Comm. Corcoran and passed with a vote of 6-0.



Planning Division

MINUTES

Planning Commission Meeting: September 9, 2019

Application:	<u>RZ19-0012:</u> Rezoning from R-1, RP-1, RP-4, and CTY A to R-1 District and preliminary plat for Prairie Canyon
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Sean Pendley, Senior Planner presented a request for rezoning to R-1 Single-Family Residential District and a preliminary plat for Prairie Canyon, located southwest of College Boulevard and K-7 Highway, approximately one-quarter mile south of College Boulevard and adjacent to the Southglen of Cedar Creek subdivision. Surrounding properties include single-family residential and undeveloped properties to the north and east.

Mr. Pendley presented a site location map, noting that the single-family zoning is adjacent to Southglen of Cedar Creek and The Woods of Southglen subdivisions. There will be connecting streets between developments. He noted that the site is undeveloped and existing street connections are stubbed. The subject property consists of four zoning districts: R-1, RP-1, CTY-A and RP-4. This proposed rezoning will consolidate the different zoning districts into one to R-1 district and preliminary plat, and is related to the proposed R-2 zoning on the adjacent property to the east.

Mr. Pendley stated that the future land use plan in this area includes a combination of mixed-use residential, urban mixed-use center, and primary greenway. There are plans for future parks and trails along the Cedar Creek stream corridor. He said areas adjacent to the existing single-family districts are more suited to the proposed R-1 zoning that is being requested.

Mr. Pendley presented an approved preliminary plat for Southglen, noting that preliminary plans were included with previous zonings. This proposed development is generally consistent with the previous plat in terms of use and street connectivity but there are some changes in the number of lots which reduces overall density. The proposed preliminary plat consists of 142 single-family lots on 73 acres, for a net density of 1.9 units per acre. All single-family lots in the R-1 exceed minimum standards of 7,200 square feet. He added that the subdivision has three street connections to existing subdivisions, and a new collector road is proposed from College Boulevard, which will align with the existing street on the north side of College Boulevard. This meets UDO standards for street connectivity and access.

Mr. Pendley stated that open space buffers are proposed throughout and there are tree preservation areas within open space areas and the stream corridor. Street trees will be provided along all proposed streets and landscape tracts will occur within the single-family and R-2 subdivision. The applicant has also agreed to a public recreation easement within the common tracts but the specific location that has not yet been identified. The applicant has identified tree preservation areas and private trail connections throughout the development. Once the public trail is built, staff will recommend a trail connection from the private trails leading to the public trail.

Mr. Pendley said the applicant held a neighborhood meeting on July 30th, attended by 27 residents. There were questions regarding green space, trails and street connections. Staff received one letter expressing concerns about tree preservation and street connectivity and expressing opposition to the proposed zoning. Mr. Pendley said the proposed development is

consistent with the Comprehensive Plan. Single-family residential uses are appropriate in this area because they serve as a buffer between existing R-1 to the west and future multi-family residential and commercial zoning to the east.

Mr. Pendley concluded by stating staff recommends approval of rezoning to R-1 with stipulations because it complies with the Comprehensive Plan goals for environmental sustainability and land use, and the requested R-1 District meets UDO requirements for single-family development. The applicant is requesting a waiver from minimum front yard setbacks, requesting 20 feet instead of 30 feet, in order to provide additional tree preservation areas in the rear yards. Mr. Pendley said this request is consistent with other single-family developments in the Cedar Creek area and they support the waiver request.

Comm. Nelson asked if the map is parcel specific; Mr. Pendley said it is. Comm. Nelson asked what RP-4 is equivalent to under current standards. Mr. Pendley said it is a Planned Medium Density Multifamily District. Comm. Nelson asked about potential development of the site to the east/northeast and if it would be limited by moving R-1 and R-2 into the site. **Mr. Pendley** doesn't believe buffers will be a problem because a majority of the east plat boundary consists of a new collector road, Valley Parkway, coming in from the north, and a future collector road planned to the east. These will serve as natural buffers between the different land uses. Comm. Nelson asked if the overall density of the region would be restricted.

Aimee Nassif, Aimee Nassif, Chief Planning and Development Officer, responded to the question about impact of zoning on the site. She said RP-4 is in the current code as an R-4. Zoning entitlements do not go away, but the density established is a maximum. Because there is no approved final plan for the R-4, they would have to meet today's requirements. Comm. Nelson notes that the R-1 is being replatted knowing that there is R-4 adjoining it. He believes that is an important distinction to make. **Mr. Pendley** said the future development on the adjacent property will have to include a buffer, as well.

Mr. Corcoran asked if there is a concern with locating utilities in a reduced setback. **Mr. Pendley** does not believe there will be an impact because the preliminary plat provides area for the required utility easements and setbacks. Mr. Corcoran noted that sanitary sewer needs to be separated from water by 10 feet and some lots may not provide separation. **Chet Belcher, Transportation Manager**, responded that sometimes 20 feet simply cannot be accommodated and the existing easements simply have to be pushed back further. There is a dedicated public easement adjacent to the right-of-way for water and sewer.

Comm. Fry asked Mr. Belcher how the City could address the concerns of neighbors regarding connectivity with adjacent neighborhoods. **Mr. Belcher** responded that the stubbed roads have always intended to connect at some point. It's important to provide internal connectivity so people do not have to go out on arterial roadways to make local trips. Also, given the distance from College Boulevard, fire and life safety issues could not be met without the new connections.

Chair Vakas asked Mr. Pendley to talk about how a transitional lot policy comes about. **Mr. Pendley** said the preliminary plat and all lots adjacent to the existing R-1 zoning do meet the transitional lot standards in the UDO by either providing open space tracts or yard matching sizes. Lots in the northeast area of the development that are adjacent to existing R-1 lots all meet the transitional lot policy. The rest of the development adjacent to R-1 has open space buffers that exceed the transitional lot policy. Chair Vakas asked if there is space provided at the three entry points for signage. Mr. Pendley said there are open space areas on 113th Terrace and 115th Terrace. There is no area between the 112th Street connection. A monument sign would be the responsibility of the developer and/or HOA. Chair Vakas questioned if Cedar Creek management might want to place a monument sign or pillar of some kind at those entry points, indicating when a person is transitioning into Cedar Creek, which is a separate

subdivision. Mr. Pendley agreed that there was room for future signs, although 112th Terrace may require some type of easement.

Chair Vakas opened the public hearing and asked the applicant to come forward. **Frank Dean with Clay Blair Services Corporation, 13626 West 87th Street Parkway, Lenexa**, approached the podium, representing the developer. Mr. Dean noted heavily treed areas and additional stream corridors between the subject property and Cedar Creek and east of the R-2 section. He further noted two defined ridges with steep topography, which created a challenge when putting together a plan for the site. Other challenges relate to the high-end single-family neighborhood with relatively large R-1 lots on the west and high-density apartments on the east. They are contemplating this as a maintenance-provided neighborhood, as well as the area of R-2 to the east. He said the inconsistency between the boundaries and current zoning resulted from a land exchange between the applicant and Rick Oddo. The exchange was intended to help the two projects come together for both sides. Mr. Dean was available for questions.

Chair Vakas asked Mr. Dean to talk about the trail system. **Mr. Dean** said they plan to install asphalt trails, five to six feet wide. **Chair Vakas** asked Mr. Pendley if the trail has to be paved in order to connect to the City's trail system. **Mr. Pendley** said an asphalt trail would meet the UDO requirements for private trails.

There were no other questions of the applicant and no one else wished to speak. **Chair Vakas** called for a motion to close the public hearing.

Motion by Comm. Sutherland, seconded by Comm. Nelson, to close the public hearing.

Motion passed 6-0.

There was no further discussion. **Chair Vakas** called for a motion.

Motion to approve RZ19-0012 as stipulated was made by Comm. Nelson and seconded by Comm. Fry, 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.

Comm. Nelson's motion included recommending that the following stipulations be included in the ordinance:

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

Comm. Nelson's motion included recommending that 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.

Aye: Sutherland, Nelson, Fry, Munoz, Corcoran, Vakas (6)

No: (0)

Motion was approved 6-0.



Planning Division

MINUTES

Planning Commission Meeting: September 9, 2019

Application:	<u>RZ19-0014:</u> Rezoning from R-1, RP-4, and CTY A to R-2 District and preliminary site development plan for Prairie Canyon
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Sean Pendley, Senior Planner, presented a request for a rezoning to R-2, Residential Two-Family District, and a preliminary development plan for Prairie Canyon. The rezoning covers 18.2 acres and will consist of a total of 56 attached two-family homes and detached single-family homes, for a net density of 3.1 units per acre. This site is east of the related R-1 zoning and extends east to K-7. This parcel will include a future collector roadway on the east end of the proposed development, connecting from College Boulevard south to 119th Street. The villas area consists of local streets with landscaping throughout. Single-family homes will be situated on lots between 6,700 to 8,500 square feet, and some of these lots are smaller than the minimum R-1 sizes which is why R-2 zoning is requested. All units will be subject to Building Design Standard A and Site Design Category 2 per UDO requirements. The proposed R-2 District meets all minimum lot area and setback requirements and no waivers are requested for the R-2 zoning.

Mr. Pendley stated that the landscape plan consists of open space areas provided along the common tract and landscape screening will be provided along the collector road to the east. Also, a future trail connection may be built in the R-2 area.

Mr. Pendley reported that the applicant provided renderings and building elevations for the development. All proposed designs and materials meet or exceed Building A design standards, including 95 percent of Category 1 materials and 5 percent of Category 2 materials. He notes that a variety of designs include front- and side-loaded garages, which also meet the standard of minimizing garage exposure facing public streets. All primary facades exceed UDO requirements for stone, stucco and glass.

Mr. Pendley said staff recommends approval of this application, noting that the R-2 use is a good transitional use from R-1 to future RP-4 and commercial zoning to the north. The proposed development also complies with Comprehensive Plan goals for land use and housing, and the requested zoning meets UDO requirements for zoning. Also, the proposed development meets all Building Design Category A requirements.

Mr. Pendley noted two stipulations to be included in the ordinance. The applicant has agreed to a street construction agreement for the future collector road to the east which will need to be signed prior to issuance of building permits in the phase adjacent to the future road. Also, all single-family homes on lots less than 7,200 square feet and all two-family homes are subject to building design standards per the UDO. A final site development plan will be required for this development. No comments or concerns have been submitted to staff regarding the proposed development.

Comm. Nelson asked if the road needs to be built upon completion of the development. He is concerned about emergency access. **Mr. Pendley** responded that the development will be constructed in phases and access on the far east end must be built before the final phase. **Aimee Nassif, Aimee Nassif, Chief Planning and Development Officer**, added that reviews

of numbers of homes and access are done in collaboration with the Fire Department and Public Works. **Chad Belcher, Transportation Manager**, further noted that there is a four-party agreement between the City, Mr. Oddo, the Bleakelys to the south, and the applicant, which has not been finalized. However, there will be thresholds included in that agreement as to when the road must be built for emergency purposes.

Chair Vakas opened the public hearing and asked the applicant to come forward. **Frank Dean** approached the podium. He said it has been their understanding that they would be limited to developing 30 houses until the new street connection is completed. Chair Vakas asked when construction is expected to begin; Mr. Dean replied they hope to get started in Spring 2020. Chair Vakas asked how the project will be phased. Mr. Dean stated that the plan is to open a phase on each side, on the north end.

There were no further questions of the applicant. **Chair Vakas** called for a motion to close the public hearing.

Motion by Comm. Nelson, seconded by Comm. Sutherland, to close the public hearing.

Motion passed 6-0.

Motion to approve RZ19-0014 as stipulated was made by Comm. Fry and seconded by Comm. Munoz, for the following reasons:

1. The proposed development complies with the policies and goals of the *Comprehensive Plan* for Land Use and Housing (Principle LUCC-3 and HN-2.1).
2. The requested rezoning to the R-2 district meets the *Unified Development Ordinance (UDO)* criteria for considering zoning applications.
3. The proposed development, as stipulated, meets composite design standards for **Building Design Category A (UDO 18.15.025)**.

Comm. Fry's motion included recommending that the following stipulations be included in the ordinance:

1. A street construction agreement for the future collector roadway to the east of the subdivision shall be signed and executed prior to issuance of building permits for phases adjacent to the collector roadway.
2. The single-family homes on lots less than 7,200 square feet and two-family homes are subject to building design standards per UDO requirements.

Comm. Fry's motion included recommending that the following stipulations be included in the preliminary site development plan:

1. A final site development plan and final plats will be approved prior to issuance of building permits.
2. The final plat(s) will include a note stating that single family homes on lots less than 7,200 square feet and two-family homes are subject to building design standards per UDO requirements.

3. The final plat must include a Limits of No Access on the rear yards of lots 163-177 and lots 179-190.
4. Sidewalks are required on both sides of streets with front yards, including 113th Street, 114th Street and 114th Place, per *Unified Development Ordinance (UDO 18.30.180)*.
5. The final plat with Tract M will include the following language: "A Public Recreation Easement (PR/E) will be dedicated in Tract M 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".
6. 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.

Aye: Sutherland, Nelson, Fry, Munoz, Corcoran, Vakas (6)

No: (0)

Motion was approved 6-0.



Planning Division

MINUTES – Other Matters

Planning Commission Meeting: September 9, 2019

Aimee Nassif, Aimee Nassif, Chief Planning and Development Officer, announced that Sean Pendley has accepted a position as Deputy Director of Planning for Johnson County. She and the Planning Commission thanked him for his contributions and wished him well.

Chair Vakas noted the next Planning Commission is set for Monday, September 23, 2019.

There were no other announcements.

Meeting adjourned.