



# City of Olathe

## Legislation Details (With Text)

**File #:** G19-1060

**Type:** New Business-Public Works      **Status:** Agenda Ready

**File created:** 8/27/2019      **In control:** City Council

**On agenda:** 9/17/2019      **Final action:** 9/17/2019

**Title:** Consideration of Ordinance No. 19-55, RZ19-0013, requesting approval for a rezoning from CP-2 District to R-1 District and preliminary plat for the Enclave of Boulder Hills on 26.9± acres; located in the vicinity of 172nd Terrace and Black Bob Road. Planning Commission recommends approval 3 to 2.

**Sponsors:** Aimee Nassif, Daniel Fernandez

**Indexes:**

**Code sections:**

**Attachments:** 1. A. Planning Commission Packet, 2. B. Planning Commission Minutes, 3. C. Ordinance No. 19-55

Date	Ver.	Action By	Action	Result
9/17/2019	1	City Council	approved	Pass

**DEPARTMENT:** Public Works, Planning Division

**STAFF CONTACT:** Dan Fernandez, Planner II

**SUBJECT:** RZ19-0013: Rezoning from CP-2 to R-1    Applicant: KS, L.L.C.

**ITEM DESCRIPTION:**

Consideration of Ordinance No. 19-55, RZ19-0013, requesting approval for a rezoning from CP-2 District to R-1 District and preliminary plat for the Enclave of Boulder Hills on 26.9± acres; located in the vicinity of 172<sup>nd</sup> Terrace and Black Bob Road. Planning Commission recommends approval 3 to 2.

**SUMMARY:**

The applicant is requesting a rezoning from CP-2, (Planned General Business District) to R-1 (Residential Single-Family District) and a preliminary plat for the Enclave of Boulder Hills. The subject property is located on the west side of Black Bob Road and north of 175<sup>th</sup> Street. The preliminary plat includes 91 single-family lots ranging from 6,000 square feet to 13,953 square feet in area. For single-family subdivisions that have lots smaller than 7,200 square feet, the development is subject to the Site Design Category 1 standards and all homes, not just the houses on lots less than 7,200 square feet, will meet Building Design Category A requirements according to the Unified Development Ordinance (UDO).

The subject site was rezoned (RZ07-0012) from County RUR to CP-2 in May 2007. The associated preliminary site development plan included 411,671 square feet of commercial uses in the overall development area. The rezoning in 2007 included 54.47 acres of commercial and the applicant is proposing to rezone 26.9 acres to R-1 with this submittal. The remaining area to the south along 175th Street would retain existing CP-2 zoning and a separate revised preliminary site development plan will be required for the commercial area prior to development. Staff has met with the applicant about the remaining commercial property and the City's desire for this remaining area to retain its

commercial zoning. The applicant has advised that they plan to develop a neighborhood commercial development that is more pedestrian friendly than the big box retail use that was approved with the original 2007 preliminary site development plan. According to the applicant, the addition of residential rooftops in this area will support a successful commercial development in the future. Pedestrian connectivity and site orientation with this proposed rezoning supports the future commercial design which, in addition to other items outlined in the staff report, is why staff is supportive of the proposed R-1 zoning.

The future land use map of the Comprehensive Plan identifies the subject property as Neighborhood Commercial, Mixed Density Residential and Secondary Greenway. Mixed Density Residential integrates a mixture of housing styles and sizes including detached single-family homes. Also, residences in this designation are recommended to be located close to neighborhood scale commercial. The proposed single-family development would be appropriate in this future land use area. Also, the remaining commercial area will develop as a neighborhood commercial development which is more appropriate for the Neighborhood Commercial Future Land Use Designation and the developments will feature greenspace and pedestrian connectivity for the Secondary Greenway areas.

All homes will be subject to the Building Design Category A requirements which includes recessed entries, garages subordinate to the primary façade and a minimum 70% Category 1 materials on primary facades.

The preliminary plat shows the required 15% common open space (3.62 acres) with half of that area being used for active open space. Active open space includes a clubhouse area with indoor entertainment areas and outdoor gathering spaces. Also, the development will have pedestrian trails throughout the site that will connect to public sidewalks. A pedestrian plan showing sidewalks and trails throughout the development was also submitted by the applicant.

Two waivers were requested with the rezoning request. One was to reduce the minimum side yard setback from 7 feet to 5 feet. And the other is to use a 25-foot landscape buffer with berm instead of a 60-foot buffer with no landscaping. Staff is supportive of both waivers as the requests meet the criteria for waivers found in Section 18.40.240 of the UDO and all the homes within the development will meet higher design standards for architecture and materials. Also, reduced setbacks are appropriate for a subdivision with smaller, narrower lots and a landscape buffer with landscaping and a berm is preferable to a buffer with no landscaping.

The applicant notified adjacent property owners and held a neighborhood meeting per UDO requirements. Staff has received no correspondence for or against the rezoning.

On August 26, 2019, the Planning Commission held a public hearing for the proposed rezoning. No one spoke for or against the proposal. At the meeting, the Commission was concerned with commercial zoning along 175<sup>th</sup> Street and the commercial development being able to meet the required landscape buffer adjacent to residential. The Planning Commission voted 3-2 to recommend approval of RZ19-0005 with stipulations as shown in the meeting minutes.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

1. Approve Ordinance No. 19-55 for a rezoning from CP-2 to R-1 District as recommended by the Planning Commission.
2. Deny Ordinance No. 19-55 for a rezoning from CP-2 to R-1 District.
3. Return the rezoning application to the Planning Commission for further consideration with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

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**ATTACHMENT(S):**

- A. Planning Commission Packet
- B. Planning Commission Minutes
- C. Ordinance No. 19-55