



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 4/16/2019

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**DEPARTMENT:** Public Works, Planning Division

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

**SUBJECT:** RZ19-0002: Zoning amendment for RP-3 District Applicant: Pinnacle Construction

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### ITEM DESCRIPTION:

Consideration of Ordinance No. 19-12, RZ19-0002, requesting approval for a zoning amendment for the RP-3 District, The Villas of Asbury on 10.52± acres; located at 15584 and 15608 S. Church Street. Planning Commission recommends approval 7-0.

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### SUMMARY:

The applicant is requesting a zoning amendment to allow the building setback along the west property line to be reduced from 75 feet to a range of 65 feet to 71 feet. The subject site was rezoned to RP-3 district (RZ-31-00), and a preliminary site development plan approved in February 2001. The approved plan included a total of 180 townhome units consisting of 4-plex buildings. As part of the approval, a stipulation was included that there be a 75-foot setback from the west property line, however, the lots shown on the recorded plat encroached into the required setback. This zoning amendment will correct and address this issue and a zoning amendment is the only avenue available to revise or remove an approved stipulation.

The subject properties consist of two lots for two future 4-plex buildings that are located within the Villas of Asbury development. There are no proposed changes to density, access, parking, or the building and site design with this request. The layout and location of the two subject buildings are the same as the approved preliminary site development plan.

The 4-plexes within the development are individually platted and when Lots 15 and 16 were platted in 2001, they were located over the setback line. Staff met with the applicant to discuss alternative solutions such as reorienting the lots or building smaller 4-plexes so that the buildings don't encroach into the setback. The applicant stated that due to driveways and access drives that reorienting the lots was not an option. Also, their preference was to build 4-plexes that are similar or the same as the 4-plexes throughout the development and that would not be possible by shrinking the building footprint.

A waiver is included as part of the application to reduce the required Type 5B landscape buffer to 65 to 71 feet, or to match the reduced building setback. The Type 5B buffer is 75 feet in width with no landscaping per UDO requirements. As part of the waiver request, the applicant has agreed to plant additional trees along the west property line to fill in the gaps of the existing tree line for additional screening.

On March 25, 2019, the Planning Commission held a public hearing for the proposed zoning amendment. No one spoke for or against the proposal, but staff received an email in opposition and a letter in support of the amendment. The Planning Commission voted 7-0 to recommend approval

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of RZ19-0002 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. 19-12 for a zoning amendment to the RP-3 District as recommended by the Planning Commission and as stipulated in the ordinance.
2. Deny Ordinance No. 19-12 for a zoning amendment to the RP-3 District.
3. Return the zoning amendment 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. 19-12