

9. REZONING NO. 2008-4 - 10175 West 159th Street

1. APPLICANT: Schlagel & Associates, P.A., is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting a rezoning from RUR-J, Rural District, Johnson County, to RP-OS, Planned Open Space Single-Family Residential District to allow an open space subdivision.
3. LOCATION: The 11.32-acre tract is located at 10175 West 159th Street.
4. CHARACTER OF THE NEIGHBORHOOD: The properties to the north across 159th Street and west along Switzer Road are characterized by large, single-family lots. The property to the south is the Stonegate Villas open space, single-family subdivision. The property to the east has a pending zoning application for an open space, single-family subdivision and is separated from the subject property by a Kansas City Power & Light high-voltage power line easement.
5. LAND USE AND ZONING PATTERNS: The property to the north across 159th Street is zoned A-J, Agricultural District, Johnson County, for single-family homes on acreage. The two properties to the west that front on Switzer Road are zoned RUR-J for two single-family homes. The property to the south is zoned RP-OS for the Stonegate Villas subdivision. The property owner to the east across the KCP&L power line easement is requesting rezoning from RUR-J, to RP-OS.
6. ANALYSIS OF APPLICATION:
 - a. DEVELOPMENT PLAN: The applicant is proposing 37 lots on the 11.32-acre tract of land, resulting in a gross density of 3.27 dwelling units per gross acre. The lots are arranged around a north/south cul-de-sac, with the eastern lots backing up to the existing KCP&L 100-foot high-voltage power line easement. The proposal shows 31 percent of the total gross site area remaining as dedicated open space. Access to the property is provided via the subdivisions to the south and east. The applicant is providing two stub streets to the adjacent properties to the west along Switzer Road.

The residential site data table on the plan indicates the minimum lot depth is 100 feet. In the RP-OS zoning district, the minimum required lot depth is actually 115 feet, or 85 feet when located adjacent to designated open space. All of the proposed lots meet ordinance requirements, though. The plan also indicates that

Tracts A, B, and C are to be owned and maintained by the homes' association for the purpose of landscape plantings. Staff would point out that any landscaping done in the KCP&L power line easement is regulated by the utility company. Staff has been informed that planting trees in the easement is not allowed.

- b. TRAFFIC IMPACTS: The transportation staff has reviewed this plan and finds it can support this request.
- c. ENVIRONMENTAL IMPACTS: A Preliminary Stormwater Management Study has been submitted, reviewed and accepted for this project. The 11.3-acre site drains primarily from the north to the southeast corner of the site where it discharges into a drainage channel that flows east into Tributary 30 of Coffee Creek. A small area (1.7 acres) of the site in the northwest corner drains to the west, where the run-off crosses Switzer Road and flows to the southwest. There are no FEMA floodplains located on the site or stream corridor issues. The three major concerns with this site are: (1) northwest drainage basin, (2) an existing farm pond (0.37 acre) and (3) coordination with the adjacent site to the east.

The northwest drainage area flows into a basin that has a potential downstream flooding issue and would normally trigger the need for detention if any increased flows were produced by the proposed development. However, the proposed plan reduces the drainage area by directing a portion of the run-off to the east. The applicant plans to do this with grading on Lots 15 through 22 that would direct run-off to the front of those lots and to the east. With this approach, the drainage area to the west is reduced to 0.74 acres and produces a discharge less than the current conditions. If the proposed development proceeds forward, the planned grading for these lots must be monitored and checked to insure consistency with this concept.

The farm pond has no direct channel connection to any Corps of Engineers (COE) jurisdictional waters and appears to be a non-jurisdictional, isolated wetland. The applicant has conducted preliminary discussions with COE and submitted to the COE a Jurisdictional Assessment for a review and ruling on the status of the pond. Once the COE has responded, the applicant should submit to the city any documents on this ruling and permitting action.

As proposed, the major discharge from this site follows the current run-off flow path to the southeast and across the southern end of the adjacent site. This adjacent site is also being developed into a single-family residential subdivision. Coordination of the stormwater system with this adjacent site will be needed to insure adequate handling of the run-off volumes and discharges into Tributary 30 of Coffee Creek.

7. CONFORMANCE WITH THE MASTER PLAN:
 - a. FUTURE DEVELOPMENT PLAN MAP: The Future Development Plan identifies this area as Low-Density Residential. The rezoning request for RP-OS conforms to this category.
 - b. GOALS AND POLICIES: This application complies with the goals and policies outlined by the Master Plan.

8. STAFF RECOMMENDATION: Staff recommends approval of Rezoning No. 2008-4, subject to the following stipulations:
 - a. The development shall be in accordance with Exhibit "A" (Site Plan), and Exhibit "B" (Building Elevations), which are filed in the office of the Planning Commission Secretary at City Hall and which are incorporated by reference as if set out in full herein. In addition, the development shall follow and comply with all regulations and standards of the City of Overland Park, unless specifically exempted by the Governing Body.
 - b. Development of the tract shall be limited to 37 lots.
 - c. Prior to the issuance of a Building Permit, the property shall be preliminary and final platted.
 - d. Concurrent with the recording of the final plat, a conservation easement, shall be recorded for all open space lands. The conservation easement document shall be subject to approval of the staff.
 - e. At the time of preliminary plat or final development plan, which ever request is made first, a maintenance agreement for the open space areas shall be submitted to staff. A landscape plan shall also be submitted at that time.

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- f. Prior to consideration of final plats by the Planning Commission, provide copies of written documents confirming that the COE has determined the existing pond to be non-jurisdictional and no permit is required or that they will issue a Nationwide Permit for the proposed development.
- g. Concurrent with the submittal of construction plans for a Public Improvement, Site Development or Building Permit, whichever comes first, the developer shall provide a Final Stormwater Management Study that addresses any outstanding items from the Preliminary Stormwater Management Study, and includes any design changes.
- h. Prior to issuance of a Public Improvement Permit, all necessary easements for access, construction and maintenance of public storm sewer facilities shall be dedicated and the recording fee paid by the owner/developer.
- i. During construction, at least one sediment basin is required to be installed and maintained in the largest drainage area (shown as Tributary 1 on site layout plans). Additional sediment basins shall be installed and maintained as may be required on the approved erosion and sediment control plan.