



STAFF REPORT

December 27, 2006

To: Aubry Township Zoning Board

Fr: Diane Wicklund, AICP, Principal Planner

Re: Application Nos. AU-PRN1-2750 AND AU-PDP-2751

APPLICATION INFORMATION

Applicant: Schlagel & Associates, P.A. for Metcalf 183 Inc., Developer

Owners: Metcalf 183 Inc., & Jeff and Vanessa Perry

Requested Actions:

- 1) Request to rezone about 78-acres from RUR Rural District to PRN1, Planned Residential Neighborhood 1 District.
- 2) Preliminary Development Plan (plat) to create fifty-one (51) residential lots (to be known as Iron Oak Ranch).

Site Address: SW corner of 183rd St. and Metcalf Avenue

Legal Description: The NE Quarter of Section 31, Township 14, Range 25

Existing Land Use and Zoning: Existing Home and accessory structures on proposed Lots 7, 8, 15, 20, 26, and 28 /RUR, Rural District zoning

Existing Improvements: None

Site Size: About 78 acres

PROJECT INFORMATION

The rezoning application proposes to rezone about 78 acres from RUR, Rural District, to PRN1, Planned Residential Neighborhood 1 District. The preliminary development plan (plat) application (to be known as Iron Oak Ranch) proposes fifty-one lots served by new internal streets) connecting to 183rd St. on the north and Metcalf Avenue to the east. The applicant is proposing two community holding tanks to serve the interim wastewater treatment requirements of the proposed subdivision until sewers are constructed.

The subdivision will be constructed in several phases. The timing and boundaries of those phases have not been determined yet. In general, the first phase will be from the 183rd subdivision entrance. The second and third phase will from the Metcalf subdivision entrance.

Zoning History: The RUR, Rural zoning was established as part of a countywide rezoning in 1994.



Aerial View of Subject Property (not to scale)

Minimum Infrastructure Requirements:

The Johnson County *Zoning and Subdivision Regulations*, Article 10, Section 4.G. recommends that all Minimum Infrastructure Requirements, as specified in Article 31 of the *Zoning and Subdivision Regulations*, be met prior to rezoning or platting of any site. The infrastructure categories for PRN1 zoning are reviewed below.

A. Fire Station and Public Safety Service Area:

Required: Tracts zoned PRN1 District must be located within five (5) miles of an existing fire station.

Fire protection is provided by the Johnson County Fire District #2 with the nearest fire station located at 19495 Metcalf Avenue, approximately 2 miles to the south. ***This proposal meets this requirement.***

Police protection is provided by the Johnson County Sheriff's Office.

B. Roads:

There are two proposed access points/entrances to the subdivision via 183rd St. and Metcalf Avenue. New local streets would serve all residential lots in the proposed development. 183rd St. is a Type I CARNP designated road and Metcalf Avenue is a Type II. The applicant is proposing monument

signs and landscaping monuments (in the middle of the road) at each subdivision entrance. *See the attached Public Works comments.*

Required: Category 3

- A minimum of one road, constructed with at least an asphaltic concrete surface, shall provide continuous access from the subdivision to the nearest highway, or to the nearest arterial road. Both 183rd and Metcalf Avenue, are paved arterial streets. ***This proposal meets this requirement.***
- All abutting roads shall have at least an asphaltic concrete surface. Both 183rd and Metcalf Avenue are paved roads. ***This proposal meets this requirement.***
- All abutting roads contiguous to the subdivision onto which local roads in the subdivision connect, shall be constructed to at least the Type B street standard (24 ft. wide pavement and 4 ft. rock shoulders on each side). Metcalf Avenue is constructed to the Type B Street Standard, 183rd St. is not. ***If improvements are made to 183rd St., then this proposal will meet this requirement.***
- Lots shall not have access directly onto a highway or CARNP designated Arterial or Parkway street. The new lots will face and have direct access to the proposed local streets. ***This proposal meets this requirement. Please note that there is an existing access easement that may affect proposed Lots 8 and 9. Proposed Lot 8 has an existing home on it that will remain. Proposed Lots 8 and 9 shall have their sole access and front onto the new local subdivision street, not from the existing access easement. There is also an off-site access easement that provides access from proposed Lots 8 and 9 to Metcalf Avenue and Black Bob Drive. Staff is reviewing the status of these easements.***

Required: Category 6

- All roads in any subdivision shall be designed and constructed in compliance with Street Construction and Storm Drainage Standards, which in this case require a minimum of Type A Local paved streets with curb and gutter. ***This proposal meets this requirement.***

C. Storm Drainage:

Required: Storm drainage systems and facilities shall be available or designed and constructed to comply with the then applicable County design criteria, construction standards, policies and regulations for storm drainage systems and facilities. The development shall also comply with the then applicable County floodplain regulations.

There are two streams that bisect the property and one pond. There is also a 100 ft. wide stream buffer shown on the plat. The applicant shall submit a storm water management plan. The Plan shall be approved by the Public Works Department. Subject to approval of the stormwater management plan, ***this application meets this requirement.***

D. Wastewater (Category 2):

Required: Wastewater collection and treatment shall be available via sanitary sewers or provided in accordance with the then applicable County policies, regulations and standards for onsite wastewater disposal and the Environmental Sanitary Code of the County. Holding tanks complying with the Environmental Sanitary Code may be used to provide temporary, interim wastewater collection service to new development in an established sanitary sewer district while sanitary sewer facilities are being planned and constructed to serve the needs of the development. Provided, that temporary, interim

holding tanks shall not be used unless the developer has entered into a written agreement and posted performance and maintenance bonds or other surety acceptable to the Chief Counsel to guarantee that the holding tanks will be installed and maintained solely by private parties in accordance with applicable standards, policies and rules.

The subject property is located within an established sewer district. The applicant proposes 2 (two) community holding tanks (10,000 gallon in size) to service 20 (twenty) homes in the subdivision. The homes will be connected to on-site sewer lines constructed concurrently with the other subdivision improvements. The on-site sewer lines will be connected to the community holding tanks. The holding tanks will be removed and the on-site sewer lines will hook up to the main sanitary sewer lines as soon as they are constructed and available. The applicant has also stated that they may want a third holding tank if sewers are not constructed to the site by the time they reach 20 building permits on the subdivision.

Community Holding Tank systems are allowed per the Environmental Sanitary Code. The community holding tanks will be administered and monitored by both the Johnson County Wastewater and Environmental Departments. Permits must be obtained from the Wastewater Department prior to issuance of any building permits. A conditional agreement to install, operate, maintain, and remove the community holding tank, shall be executed between the developer and the County prior to recording the final development plan (plat). ***This proposal meets this requirement.***

E. Water Supply (Category 2):

Required: Potable water supply shall be available or provided with sufficient quantities for domestic needs and from a public water source. Sufficient water supply also shall be available or provided to meet the fire protection water flow rate and volume requirements of the then applicable County codes and standards. For purposes of this minimum infrastructure requirement, the water supply for fire protection shall be a continuous and dependable source of water supply/fireflow of at least one thousand (1,000) gallons per minute (GPM) to fire hydrants.

The property is located within Johnson County WaterOne District and water will be supplied from a main line extension. WaterOne has indicated that they can supply water to meet the 1,000 gallon per minute fire-flow requirements. ***This proposal meets this requirement. See the attached memo from WaterOne District.***

F. Schools

Required: Residential subdivisions with any lot smaller than 3 acres and 10 lots or more shall be within 5 miles of an existing elementary school.

Pleasant Ridge Elementary school is located 2.5 miles to the northwest. ***This proposal meets this requirement.***

Summary of Infrastructure Issues: Provided the developer makes the required arterial road improvements to 183rd St. and the stormwater management plan is approved by Public Works, this application meets all of the minimum infrastructure requirements.

STAFF ANALYSIS

Planning Department Staff:

The applicant is requesting rezoning from RUR, Rural District to PRN1, Planned Residential Neighborhood 1 District, to facilitate the processing of a preliminary development plan (plat) for 51 proposed lots with an average lot size of 1 acre.

Staff has reviewed the application with respect to the “Golden” land use criteria and concluded the following:

1. Whether the residential use would be consistent with the zoning and uses of nearby properties.

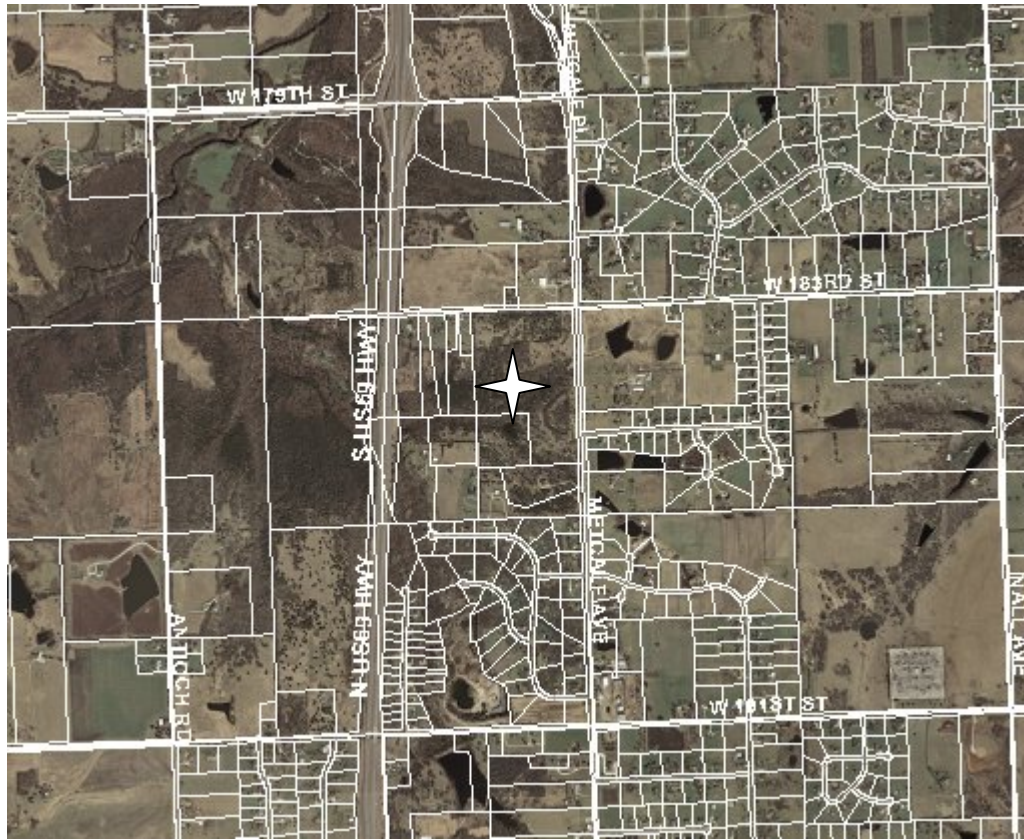
The surrounding lot sizes and zoning is mixed in this area. Directly to the north (across 183rd St.) is the city limits of Overland Park. Overland Park’s Master Plan calls for low density residential (1-5 units/acre) uses on the north side of 183rd St. To the west and east is RUR, Rural zoning. There is a pocket of RLD, Residential Low Density zoning on the east side of Metcalf. To the south is RN1, Residential Neighborhood 1 zoning. Also to the east is RN2, Residential Neighborhood 2 zoning and RN1, Residential Neighborhood 1.

There are existing subdivisions and tracts of land in the immediate area that range from 1 to 30 + acres in size. As can be seen in the aerial photo below, there are many residential lots in the area that are similarly-sized to the requested 1-acre sized lots. Therefore, the proposed residential zoning and use appear to be consistent with the surrounding zoning and land uses.

2. Whether the use is compatible with the character of the neighborhood.

The character of the immediate area is primarily residential in use with some vacant and agricultural uses. There are existing subdivisions and tracts of land in the immediate area that range from 1 to 30 + acres in size. As such, the proposed use is in-fill development and in keeping with residential development in the surrounding area.

Given the mixed zoning and varying lot/tract sizes in the surrounding area, compared to the proposed density and zoning, the proposed development appears to be consistent with the character of the neighborhood.



Aerial View of Surrounding Area

3. Suitability of the property for uses to which it has been restricted.

The subject property is presently zoned RUR, Rural District, which allows agricultural and residential uses on 10 acre tracts. Currently there is an existing home on the property and the property is heavily treed, which makes it less viable for agricultural purposes. Therefore, the property is suitable for residential development.

4. Extent of detrimental effects to nearby parcels should the rezoning be approved.

Nearby land uses include residences on older parcels, several residential developments (subdivisions), and agricultural and vacant land. The subject rezoning would allow similarly-sized lots to those that already exist in the area; therefore, the proposed rezoning should produce no detrimental effects to nearby parcels. In addition, the proposed development, provided the required road improvements are made and the stormwater management plan is approved, meets the minimum infrastructure requirements.

5. Length of time the property has remained vacant as zoned.

The property has one existing home which was built in 1996 and has been zoned RUR, Rural since 1994.

6. Relative gain to the public health, safety and welfare as opposed to the hardship imposed upon the landowner by denying the request.

The proposed rezoning would allow the development of a subdivision with residential lots that are similar in size to other nearby parcels and subdivisions. In addition, the proposed development (given the required road improvements are made and the stormwater management plan is approved) meets the minimum infrastructure requirements. Therefore, little gain would accrue to the public by denying this request. The hardship to the developer/landowner would be that they would not be able to develop the land as proposed.

7. Whether the use is in keeping with the Comprehensive Plan.

This property is located in the Growth Policy Area – Planned Residential of the Blue Valley Area Plan of the Comprehensive Plan (Plan), which states, in part, that two-acre, three-acre and larger lot sizes for “infill development of low-density residential uses that complement existing residential development and promote compatibility of existing and future uses.” The proposed preliminary development plan (plat) shows 1 acre lots and is infill development of the existing residential uses in the area. The proposed development will also meet minimum infrastructure requirements. The Plan has a policy restricting higher density development to the Urban Fringe Area of the Blue Valley Plan Area until such time as public services (streets and sewers) are available. At this time, streets and sewers are available to adequately serve the proposed development. Therefore, the proposed residential use of the subject property is in keeping with the Rural Comprehensive Plan.

PRELIMINARY DEVELOPMENT PLAN/PLAT REQUEST

The applicant proposes to plat 51 lots, (1+ acre each in size), with new streets to provide access to these lots.

The *Johnson County Zoning and Subdivision Regulations* provides review criteria for preliminary development plan (plats). This preliminary development plan (plat) has been considered with respect to those criteria, below.

- 1) **Protection from Undue Water Pollution:**

The primary water pollution concerns associated with this application involve soil erosion and wastewater disposal. These topics are addressed under the respective headings below.

- 2) **Availability of Water:**

Please see # E under Minimum Infrastructure Requirements.

- 3) **Soil Erosion:**

Erosion in the proposed development would be avoided by minimizing the destruction of vegetative land cover prior to and during all construction (grading, building, streets, etc). The use of structural erosion control devices such as silt fences and basins, etc, will be required. Replanting of erosion control vegetation must occur within 90 days of completion of construction. For purposes of this requirement, “completion of construction” would mean the issuance of a letter from the County Engineer accepting the subdivision improvements and construction (i.e. mass grading, street construction, etc.) and a final inspection or Certificate of Occupancy for buildings on each lot. A note to the this effect shall be added to the final plats.

4) Highway or Public Road Congestion:

Please see # B under Minimum Infrastructure Requirements. The internal streets shown would provide access to the 51 proposed lots, funneling all traffic into and out of the subdivision to both 183rd St. and Metcalf Avenue. According to Johnson County Public Works, the proposed subdivision would create an increase in traffic of about 500 vehicle trips per day to Metcalf Avenue which is designated as a CARNP Type 2 Arterial Street. 183rd St. shall be improved to the Type B street standard (24 ft. wide pavement and 4 ft. rock shoulders on each side). A traffic study/plan shall be conducted to determine warrants for left and right turn lanes on both Metcalf Avenue and 183rd St.

5) Wastewater Disposal:

Please see # D under Minimum Infrastructure Requirements.

6) Scenic, aesthetic, historic, rare or irreplaceable features:

A review of aerial photographs does not reveal any rare or irreplaceable features associated with the site. A review of the Historic Sites Map of the Johnson County Comprehensive Plan reveals that the site is neither an historic site, nor is not traversed by any portion of the Santa Fe or Oregon-California Trails.

7) Water Quality:

With the proper controls, the soil erosion potentials for this site appear to be minimal. A soil erosion control note for the plat will be stipulated.

8) Ground Water:

The primary ground water concern is wastewater disposal. See #5 above.

9) Stormwater Controls:

Please see # C under Minimum Infrastructure Requirements. A stormwater management plan is required by the Public Works Department. *Please see the attached Public Works Department memo for additional stormwater comments.*

10) Mineral Resources

The applicant has stated that mineral rights will be sold with the lots.

11) Preservation of Public Open Space:

Article 27, Section 6 of the *Johnson County Zoning and Subdivision Regulations* addresses public open space preservation. Based upon the intended use, the preliminary plat is deemed a "Development Project," and is therefore, subject to the Park Land Dedication requirements of Article 27 of the Regulations.

12) The Comprehensive Plan

Please see the comments on Page 6, Item #7.

Article 11 – Planned Zoning Requirement and Article 12 – Planned Residential Districts

According to Article 11, Section 2 and Article 12, Section 3, C, development plans (plats) in the Planned RN2 zoning district may be altered from the standard requirements of Articles 25 – 30 of the zoning and subdivision regulations. The proposed preliminary development plan (plat) may not meet some of the subdivision design requirements as set forth below:

1. *Lot Depth to Width Ratio:* The regulations require a lot depth to width ratio of between 1:1 to 3:1. There are some proposed lots in this development that may not meet this requirement by a small degree. ***Whether the standard is or is not met, staff believes unique conditions exist that justify variation in depth to width. The unique conditions are existing ponds, streams, and several trees on site. These conditions affect the shape and dimensions of the lots in general. This variation is in keeping with the spirit and intent of the regulations and would not adversely affect nearby land owners.***

Environmental Department: No records of investigations or comments.

Public Works Department: See attached memo.

WaterOne: See attached memo.

Johnson County Wastewater: See discussion under #D, Page 3.

City of Overland Park: No comments/concerns per phone conversation with John Rod (Overland Park Planning Staff) on 12-20-06.

PLANNING STAFF RECOMMENDATIONS

Planning staff recommends **approval** of the PRN1, Planned Residential Neighborhood 1 zoning and the preliminary development plan (plat) for 51 lots (to be known as Iron Oak Ranch), subject to the following stipulations:

1. The owner shall address the comments from Public Works staff as follows:
 - a. Any non-FEMA floodplain areas that flood shall be delineated and shown as Natural Drainage Areas (i.e. stream buffer) on a revised preliminary development plan (plat). Natural Drainage Areas shall be dimensioned from the lot lines so a future home owner can easily determine the limits of the flood areas.
 - b. This is an area that may be affected by the Blue River Watershed Study. The Blue River Watershed Study provides the 1 percent chance fully developed floodplain boundary limit ("Floodplain Buffer Zone"). If the limits of this study encroach in the proposed development then the applicant shall call out and show the Study's fully developed 1 percent chance Water Surface Elevation and boundary (Floodplain Buffer Zone) on the final plat.
 - c. The riparian (stream) buffer shall be dimensioned from the lot lines so a future home owner can easily determine the limits of the flood areas and it shall be shown and noted on the final development plan (plat).
 - d. The sight distance for the location of the street entrances at Metcalf Avenue and 183rd St. shall be checked by the applicant's engineer prior to making application for a final development plan (plat) and the applicant shall provide said site distance report to both the Planning and Public Works Departments before or simultaneously with said application. If the site distance is deemed inadequate at the proposed street locations, relocation of the proposed street may require revision of the preliminary development plan (plat).
 - e. Any existing utility easements shall be shown on a revised preliminary development plan (plat) and the final development plan (plat).
 - f. A 10 ft. utility easement shall be shown along both sides of the subdivision streets and along the arterial streets (Metcalf Avenue and 183rd St.).
 - g. Access control shall be shown at all intersections of local subdivision streets, through frontage of any natural drainage areas, and along the entire frontage (of the subject property) of 183rd St. and Metcalf Avenue, as required by Johnson County Street Standards.

- h. A traffic study/plan shall be submitted to Public Works to determine warrants for left and right turn lanes on Metcalf Avenue and 183rd St. Any improvements required as a result of the traffic study/plan shall be shown on the street construction plans. Said improvements shall be constructed by the developer and the developer shall a) construct pursuant to approved plans, or b) sign an agreement and provide surety to construct pursuant to approved plans. Such improvements shall be constructed before any building permits are issued for the subject property.
 - i. Right-of-Way dedication for 183rd St. and Metcalf Avenue shall be dedicated with the final development plan (plat) as shown on the preliminary development plan (plat).
 - j. This subdivision has new streets to be constructed by the developer. Prior to recording the final development plan (plat), street plans, bonds guaranteeing the work and an improvement agreement shall be furnished to the Public Works Department by the developer.
2. Any restrictive covenants that are to be recorded with the final development plan (plat) shall be provided to County staff for review with the submittal of the final development plan (plat).
3. Berming, subdivision entrance monuments, landscaping and any necessary easements shall be shown on a revised preliminary development plan (plat), including supportive drawings indicating the design, location, size, and height of these and any other proposed landscape features.
4. A stormwater management plan shall be submitted to Johnson County Public Works and approved prior to the Aubry Township Zoning Board meeting (January 3, 2007).
5. A temporary cul-de-sac shall be shown on a revised preliminary development plan (plat) where the two stub streets dead-end at the property lines in accordance with Article 30, Section 2C of the Zoning and Subdivision Regulations and such temporary cul-de-sac shall be constructed by the developer to the specifications provided within the Street Construction and Storm Drainage Standards for New Subdivisions in force at the time of subdivision street construction.
6. The developer shall provide a preliminary water line plan including fire hydrant placement prior to Board of County Commissioner consideration of this application.
7. The following Notes shall be shown on a revised preliminary development plan (plat) and on the final development plan (plat):
 - a. This proposed fifty-one-lot subdivision is considered to be a Development Project, and therefore is subject to a fee in lieu of park dedication in accordance with the requirements of Johnson County Resolution No. 046-94. This fee shall be calculated and paid for at the time of recording the Final Development Plan (Plat).
 - b. The Blue River Watershed is currently under study and the study's 1 percent chance water surface fully developed floodplain elevation and limits are shown. These limits shall be treated as Natural Drainage Areas.
 - c. No driveways are allowed in areas marked Access Control.
 - d. The Natural Drainage Area is for surface water drainage, and no buildings are allowed in this area.
 - e. Basement drains and daylight basements shall not be drained by grading into the Natural Drainage Areas, flood plain, or street ditches.
 - f. The use of structural erosion control devices such as silt fences and basins, etc, shall be required. Replanting of erosion control vegetation shall occur within 90 days of completion of construction. For

purposes of this stipulation, “completion of construction” shall mean the issuance of a letter from the County Engineer accepting the subdivision improvements and construction (i.e. mass grading, street construction, etc.) and for each lot, a final inspection or Certificate of Occupancy for buildings on that lot.

8. The owner shall provide a copy of the NPDES permit filed with the State. The owner shall execute and follow the provisions of the NPDES permit prior to commencement of grading or construction on the site and throughout the duration of the construction process.
9. Proposed Lots 8 and 9 shall have their sole access and front onto the new local subdivision street, not from the existing access easement.
10. Prior to issuance of a building permit, all appropriate wastewater permits shall be obtained before building construction may begin for all homes requiring wastewater disposal systems.
11. Street name signs and signalization, if necessary, shall be shown on the submitted street plans. Said improvements shall be installed by the developer in accordance with the County’s Street Construction and Storm Drainage Standards.
12. The developer shall extend the water main to serve the proposed development with potable water and 1,000 gpm fireflow, to satisfy the building codes fire flow requirement, prior to the issuance of any building permits within the proposed development.
13. At a minimum, prior to recording a Final Development Plan (Plat) for the subject property, the developer shall a) construct pursuant to approved plans, or b) sign an agreement and provide surety to construct pursuant to approved plans, improvements that cause the entirety of the subject property’s 183rd Street frontage to fully meet the Type B Street standard (24 ft. wide pavement and 4 ft. rock shoulders on each side). Such improvements shall be constructed before any building permits are issued for the property.
14. Community Holding tanks are allowed in accordance with the Environmental Sanitary Code and the Board of County Commissioner policies and shall comply with the Johnson County Wastewater District requirements. Prior to recording the Final Development Plan (Plat), the developer shall execute a conditional agreement with the County, to install, operate, maintain, and remove the community holding tank.
15. The existing pond and Tracts A, B, C and D shall be maintained by the homeowner’s association. The applicant shall provide documentation, prior to recording the Final Development Plan (Plat), that the homeowner’s association shall maintain the existing pond and tracts and that the homeowner’s association has the financial ability to maintain said amenities.
16. In accordance with the stated intentions of the applicant, the existing home and accessory buildings on Lots 7 and 8 shall remain. The accessory buildings on Lots 15, 26, 20, and 28 will not remain and shall be removed prior to recording the Final Development Plan (Plat).
17. A revised preliminary development plan (plat), reflecting the above stipulations, shall be provided to the County prior to or concurrent with making application for a final development plan (plat).

Reasons for Recommendation for Approval of the Rezoning

1. The proposed PRN1 zoning is consistent with the surrounding density of nearby existing subdivisions.
2. The proposed PRN1 zoning is compatible with the lower density existing development in the area.
3. There would be no detrimental effects to nearby property owners.
4. The proposed PRN1 zoning is in keeping with the Rural Comprehensive Plan.
5. The proposed PRN1 zoning does meet the minimum infrastructure requirements.

Reasons for Approval of the Preliminary Development Plan (Plat)

The preliminary development plan (plat) complies with the infrastructure and subdivision requirements, given the required arterial road improvements are made and the stormwater management plan is approved.

Enclosures: Vicinity Map, Preliminary Development Plan (Plat), Applicant's Preliminary Analysis Report, Public Works Department Memo, WaterOne District Memo. Wastewater District Memo