

1. REVISED PRELIMINARY PLAN APPROVAL - SUMMERWOOD ESTATES - Vicinity of the southwest corner of 159th Street and Quivira Road

1. APPLICANT: Polsinelli Shughart PC is the applicant for this request.
2. REQUESTED ACTION: The applicant is requesting revised preliminary plan approval to allow a revision to an approved open space single-family development.
3. LOCATION: The subject property is located in the vicinity of the southwest corner of 159th Street and Quivira Road.
4. EXISTING ZONING: This property is currently zoned RP-OS, Planned Open-Space Estate Residential District.
5. ANALYSIS: The applicant is requesting revised preliminary plan approval for a revision to the Summerwood Estates open space residential development. Summerwood Estates was approved in 2007 for 151 lots on 152 acres for a density of one unit per gross acre. The applicant is now proposing to increase the number of lots to 201 units for a density of 1.32 units per gross acre.

Summerwood Estates has started development in the northwest corner of the site. The roads have been constructed in this area with several homes already completed, which is outlined in a darker line on the plans submitted by the applicant. Also in this area the lots are getting bigger to include what was open space in the previous plan. This is located around Lots 5 through 15. These areas will be dedicated to the adjacent lot owners once the property is final platted. No other improvements have occurred on-site.

Access to the site is provided from two drives off 159th Street and two from Quivira Road. Future access is being provided to a ten acre tract located at the corner of 159th Street and Quivira Road, which is not part of this request. Additional access is being provided to the Polo Fields subdivision, which is located to the south of this development. The applicant is proposing to construct a cul-de-sac at the southwest corner of the site. With the original rezoning in 2007, there were several lots located along this western side of the creek. The applicant is now proposing this area to be open space and to construct a cul-de-sac in lieu of the street. All cul-de-sacs are shown with islands.

There are several large open spaces located around the subdivision. A total of 40 percent of the gross land area is proposed to remain open,

REVISED PRELIMINARY PLAN APPROVAL - SUMMERWOOD ESTATES -
Vicinity of the southwest corner of 159th Street and Quivira Road - continued

which is the amount required by the RP-OS zoning district. These open spaces are proposed to be a combination of native grasses, cut and baled areas of grasses, and detention. Additional maintenance information for all of these open areas will be provided at the time of platting.

6. ENVIRONMENTAL IMPACTS: A Preliminary Stormwater Management Study has been submitted, reviewed and approved for the proposed subdivision revisions.

Two unnamed tributaries of Coffee Creek flow through the site from north to south, one on the east side of the property, and one on the west. The streams are located within tracts that will be dedicated as open tracts. The tracts will be natural preservation areas that will provide stream corridors as well as a buffer from the proposed lots.

Stormwater run-off from the site will either be routed in an enclosed storm sewer system adjacent to the streets or in vegetated swales located within the open space tracts. The enclosed storm sewer system and vegetated swales will then be routed to designated stream corridors or the proposed extended dry detention basin on-site.

There are two known downstream drainage issues located at the point where the drainage crosses Quivira Road. Since Quivira Road is an unimproved thoroughfare in this location, the applicant is not required to make improvements to address the drainage issues. The existing drainage crossings under Quivira Road will be upgraded when the street is improved.

There are two designated stream corridors and one voluntary stream corridor that will be dedicated with this development. The first dedicated stream corridor is located on the west side of the property. The applicant has provided a one hundred (100) foot corridor on both sides of this stream measured from the ordinary high water mark in accordance with Chapter 18.365 of the OPMC. The second dedicated stream corridor is located at the southwest corner of the property. The applicant has provided a sixty (60) foot corridor for this stream. The applicant has also provided a voluntary stream corridor for the stream located at the southeast corner of the site for a portion of the stream that has a drainage area of less than forty (40) acres. The voluntary corridor extends thirty (30) feet past the ordinary high water mark on both sides of the stream.

REVISED PRELIMINARY PLAN APPROVAL - SUMMERWOOD ESTATES -
Vicinity of the southwest corner of 159th Street and Quivira Road - continued

Because the proposed changes to the plan constitute a “significant or substantial change” as defined by the UDO, this project is subject to the city’s Stormwater Treatment Ordinance. The proposed water quality mitigation plan includes restored or preserved native vegetation areas and an extended dry detention basin. Additional details will need to be provided at the time of final development plan approval, but staff is comfortable with the proposed concept plan.

7. CONFORMANCE WITH THE MASTER PLAN:

a. FUTURE DEVELOPMENT PLAN MAP: The Future Development Plan depicts this tract as Very-Low-Density Residential. The Comprehensive Plan defines Very-Low-Density Residential as less than or equal to one dwelling unit per acre of site area. At a density of 1.32 the proposal would not meet the Comprehensive Plan. In staff’s opinion, this is a minimal increase in density and does not impact adjacent properties. Significant open space is maintained on-site which is similar to very-low density development.

b. GOALS AND POLICIES: There are no goals and policies in the Master Plan for areas Master Planned as Very-Low Density.

8. JOHNSON COUNTY AIRPORT REVIEW: This property is located in the area controlled by the Johnson County Executive Airport Comprehensive Compatibility Plan. This requires the Johnson County Board of County Commissioners to approve any rezoning. Lee Metcalfe of the Airport Board has submitted a letter stating the following:

“After reviewing the plat, I have found the open spaces designated on the plat as satisfactory with regard to meeting the Airport-Related Open Space requirements of the Plan. I have further found that the proposed residential density of the plat (which appears to be approximately 1.32 units per gross acre) does not satisfy the provisions of the Plan, which recommends one residential unit per one acre gross, if ten percent Airport-Related Open Space is provided and approved by the Airport Commission. The plat, therefore, does not appear to be in compliance with all of the recommendations of the County’s Plan. Furthermore, although the above are my comments, the County Planning Department may have others, as well as the Board of County Commissioners, who has final decision making authority over this matter pursuant to K.S.A. 3-307e.”

REVISED PRELIMINARY PLAN APPROVAL - SUMMERWOOD ESTATES -
Vicinity of the southwest corner of 159th Street and Quivira Road - continued

Therefore, the county staff is not supportive of the revised preliminary plan. The revised preliminary plan will not be approved until the Johnson County Commission approves the request.

9. STAFF RECOMMENDATION: In staff's opinion, the proposal to increase the density from one unit per acre to 1.32 units per acre does not seem to be a substantial increase above the Comprehensive Plan. The revised preliminary plan also provides substantial open space comparable to other large lot subdivisions. However, the County Commission will have the final determination on the approval of this request. Staff recommended approval of the Revised Preliminary Plan, Summerwood Estates, subject to the stipulations approved by the Planning Commission.
10. PLANNING COMMISSION RECOMMENDATION: The Planning Commission considered this item at a public hearing on February 8, 2010. Two persons spoke about this request. One individual who owns a lot in the subdivision asked about property values and the impact these changes would have on his. The applicant did not feel these changes would negatively impact the property values.

The second individual who owns the 10 acres at the northeast corner of the plan, but is not included in this request, asked about sewers and a berm. The applicant agreed to work with this property owner to provide sewers at an appropriate location. The Planning Commission did not request additional berming on the east or south sides of the 10 acres based upon the uses in Summerwood Estates are similar to the Comprehensive Plan proposed uses on these 10 acres. A berm is still provided along a portion of the west line of the owner of the ten acres. After some discussion, the Planning Commission voted 11 to 0 to recommend approval of the Revised Preliminary Plan, Summerwood Estates, subject to the following stipulations:

- a. The development shall be in accordance with Exhibit "A" (Site Plan), which is 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 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 201 lots.
- c. Prior to the issuance of a Building Permit, the property shall be preliminary and final platted.

REVISED PRELIMINARY PLAN APPROVAL - SUMMERWOOD ESTATES -
Vicinity of the southwest corner of 159th Street and Quivira Road - continued

- d. Prior to the issuance of any Building or Site Development Permits, approval of the rezoning application shall be obtained from the County Commission.
- e. 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 by the staff.
- f. Prior to the issuance of any Building Permit for any lots within the subdivision, the applicant shall provide verification of the filing of the "Affidavit of Interest," as recommended by the Johnson County Airport Commission.