



City of Olathe

Legislation Details (With Text)

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Type: New Business-Public Works **Status:** Agenda Ready
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On agenda: 6/4/2019 **Final action:** 6/4/2019
Title: Consideration of Ordinance No. 19-25, RZ17-0019: requesting a rezoning from RP-4 District to C-2 District and preliminary site development plan for Olathe Commons on 12.83± acres; located in the vicinity of 119th Street and Shannon Lane. Planning Commission recommends approval 7 to 0.
Sponsors: Aimee Nassif, Daniel Fernandez
Indexes:
Code sections:

Attachments: 1. A. Planning Commission Packet, 2. B. Planning Commission Minutes, 3. C. Ordinance No. 19-25

Date	Ver.	Action By	Action	Result
6/4/2019	1	City Council	approved	Pass

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Dan Fernandez, Planner II

SUBJECT: RZ17-0019: Rezoning from RP-4 to C-2 District Applicant: John Petersen, Polsinelli PC

ITEM DESCRIPTION:

Consideration of Ordinance No. 19-25, RZ17-0019: requesting a rezoning from RP-4 District to C-2 District and preliminary site development plan for **Olathe Commons** on 12.83± acres; located in the vicinity of 119th Street and Shannon Lane. Planning Commission recommends approval 7 to 0

SUMMARY:

The applicant is requesting a rezoning from RP-4 (Multifamily Residential District) to C-2 (Commercial District) and a preliminary site development plan for a proposed commercial site east of the Olathe Pointe Shopping Center at 119th Street and Shannon Lane. The site is currently undeveloped. The proposed project consists of four commercial buildings totaling 89,500 square feet.

This case was initially heard by the Planning Commission at their January 8, 2018 meeting but was continued until March 12, 2018 due to questions regarding the proposed commercial zoning and whether there was a need for restrictions on certain uses, such as drive-through restaurants. In addition, the applicant was requested to provide an updated traffic memo to address concerns regarding higher traffic volumes. Additional information regarding these items is included below in the public hearing discussion.

There have been other rezoning and preliminary site development plan applications approved for the subject property and adjacent site:

- The subject property was rezoned (RZ06-0022) to CP-2 in 2006. The approved preliminary site plan approved in 2006 included approximately 69,500 square feet of commercial space in 5 proposed buildings on about 13 acres. There was also an associated rezoning to RP-3 and

preliminary site development plan that included 150 townhomes on 16 acres.

- The entire 29 acres was then rezoned (RZ12-0015) in October 2013 to RP-4 and RP-3 and was part of a development that included 510 apartments in 20 buildings.
- The current proposal is for 89,500 square feet of commercial in 4 buildings on 12.83 acres. For information purposes, there was a revised preliminary site development plan (PR17-0061) for the adjacent 16 acres shows 200 apartment units in 20 buildings which already received City approvals.

The preliminary site plan for this rezoning would be similar to the plan approved in 2006, which included both commercial and multifamily residential. A copy of this plan is included in the Planning Commission packet.

The Developer is making several traffic improvements to accommodate additional traffic generated from the development. With the improvements, the traffic analysis shows that the intersection of 119th and Shannon will operate similarly in the future as it does today. The proposed improvements consist of an additional northbound left-turn lane on Shannan Street and median modifications on 119th Street. These improvements along with signal retiming will mitigate the new traffic volumes for the proposed commercial and adjacent multifamily residential development.

Information regarding the neighborhood meeting, waiver requests and zoning and design requirements are addressed in the staff report and Planning Commission packet. The applicant requested a waiver for the required landscape buffer between the proposed commercial property and the existing RP-3 zoning for the future apartments in Olathe Commons. Staff supported this waiver due to the higher quality design for the apartments that exceeded UDO.

Staff was also asked to review the use restrictions for Anderson Pointe development to determine if any similar use restrictions would be appropriate in this case. As you may recall, Anderson Pointe (Black Bob and Indian Creek Parkway) is located adjacent to existing homes, therefore drive through use restrictions were included for that district. The proposed commercial uses for this application are adjacent to a larger existing commercial development, Olathe Pointe, and wide perimeter buffers are planned adjacent to the RP-3 zoning. Therefore, staff determined that use restrictions were not necessary.

On March 12, 2018, the Planning Commission reviewed the plans and stipulations and recommended approval of RZ17-0019 with staff stipulations, by a 7-0 vote as shown on page 4 of the minutes. Four residents spoke in opposition with concerns about traffic and additional retail in the City. No protest petitions were submitted for the rezoning, however Staff has received 3 letters in opposition which are included in the packet.

Following the public hearing, the applicant requested that this rezoning be held as they worked on the financial aspects for the project. On April 29, 2019 the applicant reached out to staff and requested placement on the June 4, 2019 Council agenda. There have been no updates or changes to the zoning request since the Planning Commission meeting. At the request of staff, the applicant sent an updated notice to surrounding property owners informing them of the new City Council date.

FINANCIAL IMPACT:

None

ACTION NEEDED:

1. Approve Ordinance No. 19-25 for a rezoning from RP-4 to C-2 District as recommended by the Planning Commission.
2. Deny Ordinance No. 19-25 for a rezoning from RP-4 to C-2 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.

ATTACHMENT(S):

- A. Planning Commission Packet
- B. Planning Commission Minutes
- C. Ordinance No. 19-25