



# City of Olathe

## Legislation Details (With Text)

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|-----------------------|--|----------------------|--------------|
| <b>File #:</b>        | G19-1030   |                      |              |
| <b>Type:</b>          | New Business-Public Works  | <b>Status:</b>       | Agenda Ready |
| <b>File created:</b>  | 8/9/2019   | <b>In control:</b>   | City Council |
| <b>On agenda:</b>     | 8/20/2019  | <b>Final action:</b> | 8/20/2019    |
| <b>Title:</b>         | Consideration of Ordinance No. 19-50, RZ19-0006, requesting approval for a rezoning from CTY PEC -3 and M-2 to C-3 and M-2 Districts and preliminary development plan for Builders Stone on 17.34± acres; located west of Kansas City Road and north of 119th Street. Planning Commission recommends denial 7-0. |                      |              |
| <b>Sponsors:</b>      | Aimee Nassif, Sean Pendley   |                      |              |
| <b>Indexes:</b>       |  |                      |              |
| <b>Code sections:</b> |  |                      |              |
| <b>Attachments:</b>   | 1. A. Planning Commission Packet, 2. B. Planning Commission Minutes, 3. C. Letter from Larry Fry, 7-19-19, 4. D. Applicant presentation, 7-22-19   |                      |              |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

**DEPARTMENT:** Public Works, Planning Division

**STAFF CONTACT:** Sean Pendley, Senior Planner

**SUBJECT:** RZ19-0006: Rezoning from CTY PEC-3 and M-2 to C-3 and M-2 Districts **Applicant:** Brandon Becker, Builders Stone

### ITEM DESCRIPTION:

Consideration of Ordinance No. 19-50, RZ19-0006, requesting approval for a rezoning from CTY PEC-3 and M-2 to C-3 and M-2 Districts and preliminary development plan for Builders Stone on 17.34± acres; located west of Kansas City Road and north of 119<sup>th</sup> Street. Planning Commission recommends denial 7-0.

### SUMMARY:

The applicant is requesting a rezoning from County PEC-3 and M-2 district to C-3 (Regional Commercial) district on 8.73 acres and M-2 (Heavy Industrial) district on 8.62 acres. The subject property is located in the vicinity of 119<sup>th</sup> Street and Kansas City Road on the north side of the 119<sup>th</sup> Street ramp.

As illustrated in the Comprehensive Plan (PlanOlathe), the subject property is located within the Gateway District which is considered a main entry into Olathe and is critical to the overall image of the community. The Gateway District is intended to support high quality retail, services and office uses as outlined in PlanOlathe.

The applicant is requesting a combination of C-3 zoning and M-2 zoning to accommodate three commercial lots and one industrial lot with an outdoor storage yard, but these types of uses are not supported in the Gateway District. PlanOlathe also identifies the subject site as being within the "Urban Mixed Use Center" and these areas are intended to support a mixture of commercial, office and residential uses are served by a highly connected street network, transit connections and

greenways. The proposed M-2 zoning and associated land use for outdoor storage is inconsistent with the intended land use for this area and will negatively impact the ability to realize the vision and goals of PlanOlathe.

The properties south of 119<sup>th</sup> Street are zoned CP-2 (Commercial) and include several high-quality retail, restaurant and service uses in the Olathe Gateway development. In addition, there is an existing business park located west of Renner Boulevard (119<sup>th</sup> Street Tech Park). These commercial and office uses include walkable environments, quality amenities and street connectivity that follows the vision and intent of the Gateway District and Urban Mixed Use Center as identified in PlanOlathe.

Staff recommends denial of the rezoning application as it fails to meet the goals of PlanOlathe and several Golden criteria as required in the Unified Development Ordinance (UDO). Staff's concerns and the recommendation for denial were shared with the applicant prior to the July 22, 2019 public hearing, however the applicant chose to proceed. On July 22, 2019, the Planning Commission held a public hearing for the proposed rezoning. The applicant, Brandon Becker, gave a presentation and provided additional plans and photos to the Planning Commission which are in the Council packet. The property owner, Clair Blair, spoke in favor of the rezoning and a nearby property owner, Larry Fry, submitted a letter of support which is included in the Council packet. Since development standards and requirements are based upon the zoning district, staff has not performed an analysis of the site and building design that applicant submitted due to staff's recommendation for denial of the zoning. If the zoning fails, the preliminary development plan cannot be approved.

The Planning Commission expressed concerns regarding the proposed M-2 zoning and noted it conflicts with PlanOlathe and the Unified Development Ordinance (UDO). The Commissioners agreed with staff's recommendation and stated the proposed zoning did not align with the Comprehensive Plan and vision for the Gateway District. The Planning Commission voted 7-0 to recommend denial of RZ19-0006 for the reasons outlined in the meeting minutes.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

1. Deny the request for rezoning from CTY PEC-3 and M-2 to C-3 and M-2 Districts as recommended by the Planning Commission (4 positive votes required).
  2. Overturn the Planning Commission recommendation for denial and approve the rezoning to C-3 and M-2 Districts (5 positive votes required).
  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.
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**ATTACHMENT(S):**

- A. Planning Commission Packet
- B. Planning Commission Minutes
- C. Letter from Larry Fry, 7-19-19
- D. Applicant presentation, 7-22-19