



City of Olathe

Legislation Details (With Text)

File #: G21-2170
Type: New Business **Status:** Passed
File created: 1/19/2021 **In control:** City Council
On agenda: 3/16/2021 **Final action:** 3/16/2021
Title: Consideration of Ordinance No. 21-10, RZ20-0016, requesting approval of a rezoning from the R-3 (Residential Low-Density Multifamily) District to the R-1 (Residential Single Family) District and a preliminary plat for Battle Creek Estates on approximately 23.12 acres; located in the vicinity of E. 119th Street and S. Nelson Road. Planning Commission recommends approval 7-0.
Sponsors: Aimee Nassif, Jessica Schuller

Indexes:

Code sections:

Attachments: 1. A. Planning Commission Packet, 2. B. Planning Commission Minutes, 3. C. Ordinance No. 21-10, 4. D. Additional Public Correspondence

Date	Ver.	Action By	Action	Result
3/16/2021	1	City Council	approved	Pass

DEPARTMENT: Economy, Planning Division

STAFF CONTACT: Jessica Schuller, Senior Planner

SUBJECT: RZ20-0016: Rezoning and Preliminary Plat for Battle Creek Estates, Applicant: Jib Felter, Lansera Battle Creek, LLC

ITEM DESCRIPTION:

Consideration of Ordinance No. 21-10, RZ20-0016, requesting approval of a rezoning from the R-3 (Residential Low-Density Multifamily) District to the R-1 (Residential Single Family) District and a preliminary plat for Battle Creek Estates on approximately 23.12 acres; located in the vicinity of E. 119th Street and S. Nelson Road. Planning Commission recommends approval 7-0.

SUMMARY:

The applicant is requesting a rezoning from the R-3 (Residential Low-Density Multifamily) District to the R-1 (Residential Single Family) District and a preliminary plat for Battle Creek Estates on approximately 23.12 acres located south of 119th Street and east of Nelson Road.

The applicant requests a rezoning and preliminary plat for 31 single family lots ranging in size from approximately 10,000 square feet to 123,000 square feet. Streets within the subdivision will be dedicated as public streets and will provide access to both 119th Street and Nelson Road.

The future land use map of the PlanOlathe Comprehensive Plan identifies the property as Conventional Neighborhood and Primary Greenway. The proposed development aligns with the Comprehensive Plan and the standards of the Golden Criteria, by which rezoning applications are considered. The proposed development is also consistent with policy elements of the Comprehensive Plan including the preservation of significant ecological systems and by creating a mixture of complementary land uses to nearby neighborhoods.

On February 22, 2021, the Planning Commission held a public hearing for the proposed request. Three neighboring property owners spoke at the public hearing with concerns about the proposed metal, picket style, fence along the southern property line and the movement of wildlife along the stream corridor. After discussion, the Planning Commission voted 7-0 to recommend approval of RZ20-0016 with the stipulations outlined in the Planning Commission minutes. One additional letter has been received and included in your packet with the same concern regarding a fence and wildlife.

A protest petition was filed against this application but was deemed invalid as it only comprised 0.28% percent of the 20% of land area required to be valid.

FINANCIAL IMPACT:

None

ACTION NEEDED:

1. Approve Ordinance No. 21-10 for a rezoning from the R-3 (Residential Low-Density Multifamily) District to the R-1 (Residential Single Family) District as recommended by the Planning Commission.
2. Deny Ordinance No. 21-10 from the R-3 (Residential Low-Density Multifamily) District to the R-1 (Residential Single Family) 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. 21-10
- D. Additional Public Correspondence