



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 10/15/2019

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**DEPARTMENT:** Public Works, Planning Division

**STAFF CONTACT:** Aimee Nassif, Chief Planning and Development Officer

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

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### 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 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.

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### SUMMARY:

The Planning Commission held a public hearing on July 22, 2019 regarding the applicant's request to rezone the above referenced property. During the hearing the Planning Commission expressed concerns regarding the proposed M-2 zoning because it conflicted with PlanOlathe and the Unified Development Ordinance (UDO). The Planning Commission voted 7-0 to recommend denial of RZ19-0006 for the reasons outlined in the meeting minutes.

Discussions with the applicant have continued since July 22, 2019 and the applicant is amenable to a C-3 zoning for the entire site in lieu of the original request for a mix of M-2 and C-3 zoning.

Staff has prepared zoning stipulations for consideration by the Governing Body if the C-3 zoning category is approved. Since land uses, development standards, and requirements are based upon the recommended and approved zoning district, staff had not previously performed an analysis of the preliminary development plans due to the change in zoning across the entire site. Therefore, one of staff's recommended stipulations is that the final site plan be presented for review before the Planning Commission and approval by the Governing Body once staff's review is complete.

If the zoning is not approved to either the original request of a mix of M-2 and C-3 districts or to a C-3 district for the entire subject area, the associated preliminary plan will automatically fail without requiring an additional vote.

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### FINANCIAL IMPACT:

None

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### ACTION NEEDED:

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1. Approve the ordinance rezoning the subject property from CTY PEC-3 and M-2 Districts to C-3 District. (5 positive votes required to overcome a recommendation of denial by the Planning Commission); or
2. Concur with the Planning Commission and 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 (majority vote of the Councilmembers present required); or
3. Overturn the Planning Commission recommendation for denial and approve an ordinance rezoning the property to M-2 and C-3 (5 positive votes required to overcome a recommendation of denial by the Planning Commission); or
4. 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 (4 positive votes required).

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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
- E. Ordinance No. 19-50