

COMMUNITY PROJECT/REZONING

Ordinance Number

Ordinance Fact Sheet

Case No. CD-CPC-2021-00114

Rezoning

A request to approve a rezoning from R-80 (Residential 80) to District M1-1 (Manufacturing 1 dash 1) to allow the use of warehousing, wholesaling, and storage on about 9 acres, generally located at the southeast corner of Highway 150 and Prospect Avenue. (CD-CPC-2021-00114)

Details

Location: generally located at the southeast corner of Highway 150 and Prospect Avenue.

Reason for Legislation: Rezoning requires City Council approval.

The Commission recommended that this application be approved without conditions.

Rezoning Analysis

In reviewing and making decisions on proposed zoning map amendments, the city planning and development director, city plan commission, and city council must consider at least the following factors:

88-515-08-A. Conformance with adopted plans and planning policies;

The Martin City/Richards-Gebaur Area Plan recommends Office land use. The request doesn't comply to this recommendation; therefore, an area plan amendment is request along with the rezoning application.

88-515-08-B. Zoning and use of nearby property;

Properties to the north include undeveloped agricultural land and Midwest Shredding Service, and zoned M1-5 and R-80. To the east, property is zoned M1-5, and largely undeveloped. To the south and west, land is zoned R-80 and contains some small lakes.

88-515-08-C. Physical character of the area in which the subject property is located;

The property is heavily wooded and undeveloped with one existing structure. There is an existing paved access drive to the site from Prospect Avenue.

88-515-08-D. Whether public facilities (infrastructure) and services will be adequate to serve development allowed by the requested zoning map amendment;

The site is served by water but documentation is required to verify compliance of a septic system for the proposed building. If the proposed septic system cannot meet code requirements, the developer is

Positions/Recommendations

Sponsors	Jeffrey Williams, AICP, Director Department of City Planning & Development
Programs, Departments or Groups Affected	6 th District (Bough, McManus)
Applicants / Proponents	Applicant Judd Claussen Phelps Engineering 1270 N Winchester St, Olathe, KS 66061 City Department City Planning & Development Other
Opponents	Groups or Individuals Basis of Opposition
Staff Recommendation	<input checked="" type="checkbox"/> For <input type="checkbox"/> Against Reason Against
Board or Commission Recommendation	City Plan Commission (7-0) 10-19-2021 By Allender, Beasley, Crowl, Enders, Hill, Rojas, Sadowski <input checked="" type="checkbox"/> For <input type="checkbox"/> Against <input type="checkbox"/> No Action Taken <input type="checkbox"/> For, with revisions or conditions (see details column for conditions)
Council Committee Actions	<input type="checkbox"/> Do Pass <input type="checkbox"/> Do Pass (as amended) <input type="checkbox"/> Committee Sub. <input type="checkbox"/> Without Recommendation <input type="checkbox"/> Hold <input type="checkbox"/> Do not pass

responsible for extending a public sanitary sewer main, as conditioned by Land Development staff.

88-515-08-E. Suitability of the subject property for the uses to which it has been restricted under the existing zoning regulations;

The existing zoning is R-80 and the Outdoor Warehousing, Wholesaling, Storage, and Freight Movement use is not permitted under the existing zoning. Under R-80 zoning, housing, mainly single family, is the most typical and suitable use. Satellite images show potential dumping and deteriorating structures, so the site does not appear to be used appropriately in its current state. Without rezoning, the desired use for this property is not possible.

88-515-08-F. Length of time the subject property has remained vacant as zoned;

The property has never been developed; therefore this criteria is not applicable.

88-515-08-G. The extent to which approving the rezoning will detrimentally affect nearby properties;

In staff's opinion, the proposed rezoning would not detrimentally affect nearby properties because of the natural barrier and required screening around the perimeter of the site; however, the proposed change in zoning district would allow a more intense use with an expectation of an increase in traffic.

88-515-08-H. The gain, if any, to the public health, safety, and welfare due to denial of the application, as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.

Denial of the rezoning and area plan might inhibit the use of the existing property as it is currently disheveled and not used as the R-80 zoning or Area Plan intends it to be used; however, a future residential development could occur under the existing zoning.

See Staff Report for more information.

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Policy or Program Change	<input type="checkbox"/> Yes <input type="checkbox"/> No
Operational Impact	

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Assessment	
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Finances

Cost & Revenue Projections – Including Indirect Costs	
Financial Impact	
Funding Source(s) and Appropriation Account Codes	

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Fact Sheet Prepared By: **Date:** 10/25/2021

Xue Wood
Staff Planner

Reviewed By: **Date:** 10/25/2021

Joe Rexwinkle, AICP
Division Manager
Development Management

Initial Application Filed: 6/21/2021

City Plan Commission: 10/19/2021

Revised Plans Filed: 10/20/2021

Reference Numbers:

Case No. CD-CPC-2021-00112; CD-CPC-2021-00113; CD-CPC-2021-00114; CD-SUP-2021-00066; CLD-FnPlat-2021-00026