



## STAFF REPORT

Planning Commission Meeting: January 12, 2026

<b>Application:</b>	<b>RZ25-0017: Rezoning from C-2 (Community Center), CTY RUR (County Rural), R-1 (Single Family), RP-1 (Planned Single Family) Districts to the CC (Cedar Creek) District</b>		
<b>Location:</b>	Southwest of College Boulevard and Cedar Creek Parkway		
<b>Applicant/Owner:</b>	John Duggan; Cedar Creek Development Company, LLC, CCV		
<b>Engineer:</b>	Daniel G. Foster, PLA; Schlagel & Associates, P.A.		
<b>Staff Contact:</b>	Jessica Schuller, AICP, Senior Planner		

**Site Area:** 62.52± acres      **Plat:** Unplatted

**Existing Zoning:** C-2, CTY RUR, R-1, & RP-1    **Proposed Zoning:** CC (Cedar Creek)

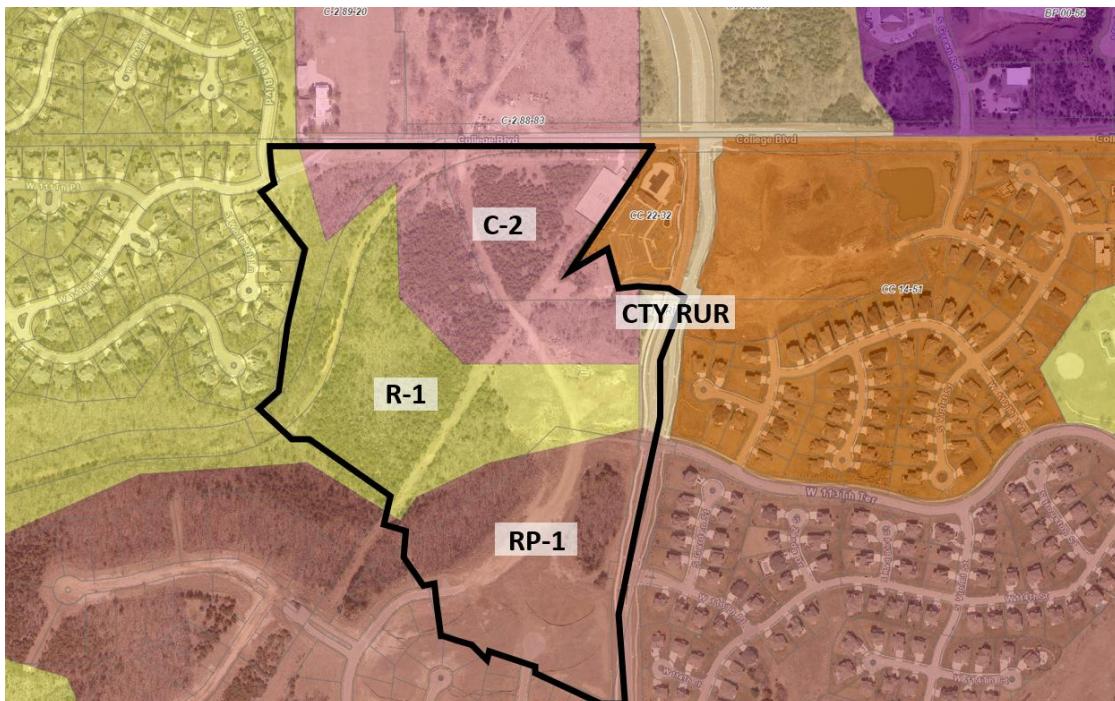
	<b>Plan Olathe Land Use Category</b>	<b>Existing Use</b>	<b>Current Zoning</b>
<b>Site</b>	<b>Cedar Creek Mixed-Use / Conventional Neighborhood</b>	<b>Undeveloped</b>	<b>C-2, R-1, RP-1, CTY RUR</b>
<b>North</b>	Cedar Creek Mixed-Use	Undeveloped	C-2
<b>South</b>	Conventional Neighborhood	Single-Family Residential	RP-1
<b>East</b>	Cedar Creek Mixed-Use / Conventional Neighborhood	Single-Family Residential	CC
<b>West</b>	Conventional Neighborhood	Single-Family Residential	R-1

## 1. Introduction

The applicant is requesting a rezoning from the C-2 (Community Center), CTY RUR (County Rural), R-1 (Single Family), and RP-1 (Planned Single Family) Districts to the CC (Cedar Creek) District. The 62.5-acre subject property is located south of College Boulevard and west of Cedar Creek Parkway. The property is contained within the Cedar Creek Overlay District, which was established in August 2012 through the Cedar Creek Area Plan (CCAP). Properties within this overlay area may request a rezoning to the CC (Cedar Creek) District or one of the other zoning districts established in the Unified Development Ordinance. As provided by the applicant, the CC District is being requested for its consistency with the PlanOlathe Comprehensive Plan and the flexibility provided through the process outlined in the CCAP.

## 2. History

The land area south of College Boulevard was annexed in 1983. Land area surrounding the intersection of College Boulevard and Cedar Creek Parkway was zoned to the C-2 (Community Center) District in the late 1980's. Land areas zoned for residential uses were planned as part of larger subdivisions, but remain unplatted today.



## 3. Existing Conditions

The 62.5-acre property is undeveloped and contains areas of dense trees west of Cedar Creek Parkway. A KCP Pipeline intersects the property and areas of significant terrain are located to the southwest. An amenity area for Cedar Creek residents, consisting of a swimming pool and sport courts, is constructed just east of the rezoning area, at the intersection of College Boulevard and Cedar Creek Parkway.



*Looking west from 113<sup>th</sup> Terrace*

#### 4. Zoning

Property near the intersection of College Boulevard and Cedar Creek Parkway is located within the Mixed-Use Subdistrict, as depicted in red on the Map below. The Mixed-Use Subdistrict allows for a thoughtfully designed mix of both commercial and residential uses, as listed within Section 18.51.060 of the CCAP. At the intersection of College Boulevard and Cedar Creek Parkway, a Town Center area is designated on the map with a yellow circle. No specific land uses are identified by the developer at this time.

**Cedar Creek Area Plan Map**



## **5. Development Process**

Per the CCAP, a development plan is not required to accompany the rezoning because the CC District was established as a streamlined process in which development standards are predetermined. After zoning is established, then the applicant will proceed to development plan and plat review. All processes will be reviewed in accordance with the procedures and standards established for the Cedar Creek area in the CCAP. Furthermore, the CCAP also provides the architectural, site design, street access, landscaping and lot dimensional standards for all properties zoned to the CC District.

## **6. Public Notification**

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted public notice signs on the subject property per Unified Development Ordinance (UDO) requirements. A neighborhood meeting was recommended by staff but not held by the applicant, and is not required by the Cedar Creek Area Plan.

Staff received email and phone correspondence from six (6) residents regarding the rezoning request and the proposed uses on the property. Staff provided that no uses are proposed at this time, but all future development must follow the standards the Cedar Creek Area Plan.

At the applicant's request, the application was continued from the December 22<sup>nd</sup> Planning Commission meeting date, to allow the applicants to modify their legal description to include only land areas south of College Boulevard, and to exclude approximately 113-acres of land north of College Boulevard. New notices were mailed to residents within 200-feet of the site, and new notice signs were placed on the property, per UDO 18.40.070.

## **7. Comprehensive Plan Analysis**

The future land use map of the PlanOlathe Comprehensive Plan identifies areas at the intersection of College Boulevard and Cedar Creek Parkway as Cedar Creek Mixed Use Center (CCMU), and land to the north and south as Conventional Neighborhood. The character of a CCMU Center will range from suburban to more urban development patterns with an emphasis on quality architectural design, pedestrian-oriented sites and a broad mixture of uses throughout the center. The wide range of land uses provides a variety of opportunities to create a vibrant center to serve Cedar Creek and surrounding area residents.

The application was reviewed against the rezoning process outlined in the CCAP and the UDO criteria for considering all rezoning applications listed in Unified Development Ordinance (UDO) Section 18.40.090.G as detailed below.

### ***A. The conformance of the proposed use to the Comprehensive Plan and other adopted plans, studies or policies.***

The proposed district directly aligns with the PlanOlathe Comprehensive Plan Cedar Creek Mixed Use Center future land use designation. As outlined in the CCAP, the CC (Cedar Creek) District is the most compatible zoning district with the Cedar Creek Mixed Use Center land use designation.

**B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).**

The CC District and regulations of the CCAP are designed to preserve the quality and unique character of Cedar Creek. The regulations provide some flexibility while still upholding the high-quality architectural and site design standards of the Cedar Creek area. The residential homes in the area are designed with attention to distinct architectural features, primarily masonry and similar durable building materials. Commercial areas are intended to be more residential in appearance and cohesively blend with the natural environment. The standards of the CC District lead to preservation of open space and natural features that have been carefully managed over many decades in the Cedar Creek Community.

**C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning districts and uses.**

The majority of surrounding properties are zoned R-1 (Residential Single-Family) and RP-1 (Planned Single-Family Residential) District. A community pool and amenities are located at the intersection and College Boulevard and Cedar Creek Parkway and is zoned CC. The rezoning as proposed is harmonious with these surrounding districts as the CC District permits a variety of residential land uses and a mix of commercial and community serving uses. Future development in this area would be evaluated for buffer and setback requirements.

**D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.**

The existing C-2 District permits a variety of commercial, retail and service-type uses. However, grade changes on the property, and the location of the existing community pool and amenity area at the hard corner, may make this property less suitable for commercial development. Zoning to the CC District provides an opportunity for more cohesive development under a single district rather than the four (4) separate districts that currently exist on the property.

**E. The length of time the property has been vacant as zoned.**

Land area surrounding the intersection of College Boulevard and Cedar Creek Parkway was zoned to the C-2 (Community Center) District in the late 1980's. Land southwest of 113<sup>th</sup> Terrace and Cedar Creek Parkway have been zoned R-1 and RP-1 since 1988 and 2008, respectively.

**F. The extent to which approval of the application would detrimentally affect nearby properties.**

The proposed rezoning to the CC District will not detrimentally affect nearby properties as the standards of the district account for the unique high-quality character expected within the Cedar Creek Community.

**G. The extent to which development under the proposed district would substantially harm the value of nearby properties.**

The district as proposed provides uses and design standards that are not anticipated to have any detrimental impact on surrounding properties.

**H. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.**

Cedar Creek Parkway is partially constructed with four lanes divided by a landscaped median. College Boulevard is an arterial roadway that will be widened from two lanes to four lanes in the future. The CCAP has roadway design standards specific to the CC District to account for unique topography needs that are characteristic of the Cedar Creek area. Future site plans will be evaluated for safety, capacity and access considerations in relation to surrounding properties.

**I. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.**

Future development is not anticipated to create air pollution, water pollution, noise pollution, or other environmental harm. The CC District promotes the protection of natural resources through an emphasis on tree preservation and the protection of waterways.

**J. The economic impact of the proposed use on the community.**

Future development will provide increased property tax revenue to benefit the Olathe community.

**K. 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.**

The proposed rezoning to the CC District does not negatively impact the public health, safety or welfare of the community as presented. If the application were denied, there would be several uses permitted in the existing commercial and residential zoning districts. Portions of the application retain a County zoning designation, which is required to zone to a City District prior to development.

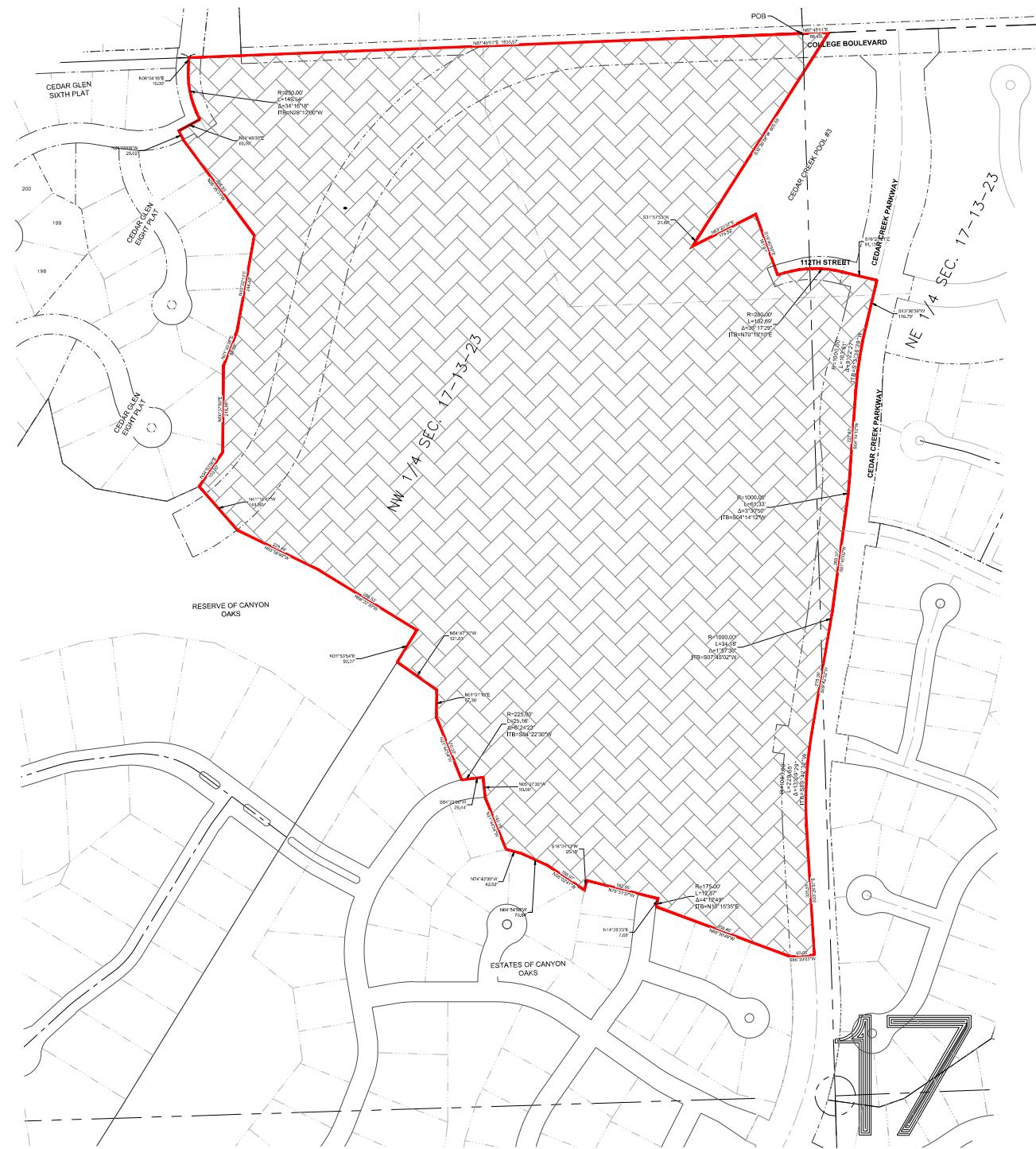
**8. Staff Recommendation**

- A. Staff recommends approval of RZ25-0017, Cedar Creek Rezoning to CC, for the following reasons:
  1. The proposed rezoning complies with the policies and goals of the PlanOlathe Comprehensive Plan for Land Use (LUCC-6).
  2. The requested rezoning to the CC District meets the Cedar Creek Area Plan criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the CC (Cedar Creek) District, with no stipulations.

## CEDAR CREEK CC REZONING

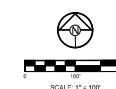
### STATEMENT OF PURPOSE

As allowed in the Cedar Creek Area Plan Procedural Streamlining, Sec. 18.51.010.D and 18.51.020.A.1, the owner is requesting that the property contained within the area provided with this application be rezoned to CC-Cedar Creek. A plan is not required to be submitted with a CC rezoning application.



SITE DATA:

SITE AREA	62.519 AC +/-
EXISTING ZONING	CTY RUR, R-1, RP-1, C-2
PROPOSED ZONING	CC-CEDAR CREEK



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**CEDAR CREEK  
RECREATION HABITAT**  
**COLLEGE BLVD. & CEDAR CREEK PKWY**

DATE: 11/24/2003  
DRAWN BY: J.W.T.  
CHECKED BY: J.W.T.  
PUBLISHED: 25-125  
SHEET NO. 1 OF 1