

**Fw: Case # RZ24-0015**

Bill and Carol Rauh &lt;warauh@swbell.net&gt;

Sun 8/25/2024 10:36 PM

To: Kim Hollingsworth &lt;KAHollingsworth@OLATHEKS.ORG&gt;

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To the Olathe Planning Commission:

We live at 16124 S Heatherwood Street in Olathe and this proposed apartment complex for this rezoning request RZ24-0015, will be less than 500 feet north from our residence. We attended the meeting that Magnus had with interested parties on July 29. The three Magnus employees were not able to answer many of the questions at the meeting that night. The presentation by Magnus was best described as a sales pitch of the merits of their development without addressing the questions and concerns of the audience.

The following are our areas of concern.

**DENSITY**

The rezoning letter we received stated that the largest portion (11.6 acres) of this complex was to be rezoned to R-3 and the remaining portion (2.6 acres) was to be rezoned to C-2. The total land area of this proposed complex is about 14 acres. My concern of this request is that R-3 allows a density of 12 dwelling units per acre. According to Magnus, the total number of living units proposed is 202 units which is greater than the allowed density (11.6 acres \* 12 units/acre = 139 units) of the R-3 area to be rezoned. The overall density of this proposal seems to be higher than allowed in the Comprehensive Plan for Olathe.

Even when the acreage of the C-2 area is added for a total of about 14 acres, the total number of living units of 202 is greater than the allowed density of the 14 acres which is about 168 units (14\*12). Increased densities are allowed by applying standards that achieve high quality site and building design. However, in my opinion, this proposal doesn't appear to be of a high quality site and building design based on the information provided so far.

**ZONING REQUIREMENTS**

The dimensional standards as set forth in Section 18.20.140, Section B, of the Unified Development Ordinance for C-2, Community Center, states that height maximum for this proposal are being exceeded. The maximum height is stated as 35 feet while the height of Building 1 is 41'-4" and the maximum number of stories is stated as 2 while the number of stories of Building 1 is 3.

Are the dimensional standards being met in this proposed development for R-3? The dimensional standards for R-3, Section 18.20.090, of the UDO states the height maximum as 2 1/2 stories/35' while Building 4 is 3 stories and 36' - 5".

**LAND USE**

The use of this land is not congruent with the use of other lands in the immediate area of this proposal. How close is the nearest R-3 zoned land use? It seems this proposal would better be suited to other properties that are R-3 zoned rather than properties that are zoned R-1.

**CHARACTER OF THE NEIGHBORHOOD**

This proposal does not fit with the nearby neighborhoods and is out of character with the nearby R-1 zoned neighborhoods. Does this proposal adhere to the Comprehensive Plan for Olathe? The nearest three-story residential property is about a mile west of this area. Why allow a R-3 zoned property in

the middle of residential area that is zoned R-1? Allowing a three-story residential structure in the midst of single-family neighborhood isn't in the best interest of the single-family residences.

Also, the nearby commercial property is one story. Does three story commercial property fit in the character of the neighborhood and is it allowed by the C-2 zoning?

#### PROPERTY VALUES

The approval of this rezoning will cause the adjacent property values of the single family residences to be hurt as these nearby single-family residences will be less desirable to own due to the close proximity of this R-3 zoned living space.

#### PARKING

Are 346 parking spaces for this project with 202 living units and some commercial sufficient for this development? To the best of my ability in searching the Comprehensive Plan for parking requirements, the minimum specified amount is 1.5 parking spaces per dwelling unit. That seems somewhat inadequate. I'm just concerned that the overflow parking will affect neighborhood parking and the existing parking in the commercial area adjacent to the north (Price Chopper).

Bill and Carol Rauh  
16124 S Heatherwood  
Olathe, KS 66062  
405-514-5115 or 405-659-0515

## RZ24-0015 Dissent Letter

Bradley Tessler <tessler.brad@gmail.com>

Sun 8/25/2024 4:14 PM

To: Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brad and Becca Tessler  
16960 W. 161st Street  
Olathe, KS 66062  
August 25th, 2024

Dear City of Olathe and Zoning Committee member,

This letter's intent is to convey our dissent for the proposed Magnus Capital Partners apartment and commercial development project slated for the area of Mur-Len and 160th Street in Olathe Kansas. We strongly object to this development based on the following:

- A. Impact to our personal property
- B. Repercussions of traffic/congestion
- C. Inconsistent aesthetic with our neighborhood and surrounding areas
- D. History of Magnus properties
- E. Impact to our neighborhood

### **A. Impact to Our Property**

Our property (16960 W. 161st Street) resides on the proposed southwestern border of the apartment complex. Per the disseminated proposal, our north facing fence is less than 50 feet from the apartment complex's dumpster collection area. We will be losing a major selling point of this house, dedicated green space, for the smell and sight of a dumpster and two story apartment building. While Magnus states that trees will be used to obstruct view, this does NOTHING during the winter time.

There will be considerable noise pollution due to construction and having residents dumping trash directly behind our property line. There will be "the smell" anytime there is a northern wind. There will be a significant impact to our house's property valuation given by factors outlined in sections D and E. There will be car doors slamming, HVAC system noise, and other noise pollutants for being within 50 feet of apartment buildings. There will be increased crime due to the clientele that this complex will attract (see section E). Also, we have existing stakes 15 - 20 feet behind our property line that the existing proposed layout impedes on. It is our belief that this southern complex border is incorrect and currently resides on Arbor Landing property.

### **B. Local Traffic and Congestion**

Our neighborhood (Arbor Landing) the surrounding roads (159th Street, Mur-Len) have severe congestion during peak rush hours, especially on school days. Both streets currently back up 1/4 mile west and south respectively due to Chisholm Middle School. The single proposed entrance to this complex would be exiting directly into this traffic with a stated 300+ additional cars. This will be compounded due to the fact that we were told a child care center will reside within the commercial section of Building 1. Additionally, 300+ homes are being constructed less than one mile east along

159th Street, which will compound the traffic issues. This additional traffic at the 162st Street intersection will inevitably create a cut-through (west to east) through the Arbor Creek neighborhood.

Within approximately 1.5 miles of the proposed apartment complex, there are 12 schools:

- Chisholm Middle School - 0.3 miles
- Sunnyside Elementary School - 0.3 miles
- Arbor Creek Elementary School - 0.6 miles
- Prairie Creek Elementary School - 0.6 miles
- Woodland Spring Middle School - 0.7 miles
- Canvas Montessori - 0.8 miles
- Brougham Elementary School - 0.9 miles
- Scarborough Elementary School - 1.1 miles
- Heritage Christian School - 1.1 miles
- Madison Place Elementary School - 1.3 miles
- Olathe South High School - 1.5 miles
- Indian Trail Middle School - 1.5 miles

Due to the 2-mile bussing rule in the Olathe School District, there is a LOT of foot traffic, specifically around the aforementioned intersection. This poses a direct safety issue for all of the kids who walk to school. We've been told that the proposed entrance to the complex is too close to the Price Chopper intersection and the 159th street intersection to have a traffic light placed.

### **C. Inconsistent Aesthetic with Surrounding Area**

During the informational session with Magnus in September 2024, it was made evidently clear that zero research had gone into surveying the surrounding area. The Magnus representatives had 10 seats available for the more than 100 people who came to dissent their new project. Their representatives were not aware of the neighboring area's property values: Arbor Landing (\$450k - \$550k), Arbor Creek (\$450k - \$600k), Arlington Park (\$350k - \$450k), Stonebridge Trails (\$650k - \$750k), etc... When asked about the estimated rent for these apartments we were told that these were "salary based/adjustable" properties. We were told that they will be low-income housing that will be subsidized by the City of Olathe. We were told that there are no tenant amenities (pool, park, gym...).

When the Arbor Creek shopping area was created, materials and aesthetics that blend with Arbor Creek, Arbor Landing, and Arlington Park were taken into account. The proposed 3-story structures within the complex will be visible to the entire surrounding area. Looking at other Magnus properties, there appears to be no regard for matching materials to the surrounding areas. Based on rendering, the materials chosen (brick veneer, stone veneer, metal panels) appear to be builder grade at best.

### **D. History of Magnus Properties**

Online research shows that the most recent property that Magnus created currently holds a 3.2 out of 5 rating. Comments from tenants and surrounding areas state poor upkeep, cockroaches, inconsistent cleaning, tattered exteriors, and vandalism. When asked about this at the informational session, we were explained that they are "working hard to fix this issue" and furthermore that another one of the properties has a 4.9 out of 5. Per another neighbor in said meeting, we were told that apparently Magnus was giving out gift cards in exchange for positive reviews. When asked about this, Magnus representatives did NOT deny this allegation.

**E. Neighborhood Impact**

Our neighborhood would see detrimental impacts due to the new complex. This would include:

1. Increased neighborhood traffic due to the egress exit into our neighborhood (we all know that temporary gate will not stay)
2. Lowered property values
3. Sound pollution
4. Eyesore from existing area - Per section C
5. Use of our amenities (our pool will get used since their facility has no amenities)
6. Increased crime
7. Increased foot traffic

The fact is that the clientele that this complex will attract will increase crime/vandalism/drugs. It will change the socioeconomic feel of our area and the schools that these apartments feed into. It will not mesh with the surrounding area that we chose as our home. I applaud Magnus's mission and see the value of such a construct, however this does not fit within our neighborhood and literally does not belong in our backyard.

All that we ask is that you consider your current residences' wishes and do not approve this proposal.

Sincerely,

**Brad and Becca Tessler**

## RZ24-0015 Proposed Apt Complex at 159th and Mur-Len

Kristine Schroeder <schroeder5fam@gmail.com>

Sun 8/25/2024 11:18 AM

To: Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please accept this email as notification of concerns with the project at the apartment complex being proposed at 159th and Mur-Len.

1. Comprehensive Plan
  
2. Character of the Neighborhood
  - a. Land Use
  - b. Zoning
    - i. The proposed rezoning (R-3) will increase the density to twelve (12) dwellings units per acre. This does not blend well with the dwellings to the west which are one (1) residence per three (3) acre lots. It also does not blend well with the dwellings to the south which are located on 10,000 to 18,000 sq foot lots.
  
    - The Eastern portion will be rezoned to C-2 which is going to increase the traffic flow in and out of the complex. This particular section of Murlen is not designed for the additional traffic flow with it being so close to the entrance/exit to a strip mall (grocery store) and a four-way traffic light.
  - c. Density
    - i. The overall number of apartments (202), with retail on 14 acres is too much. The Olathe Elementary Schools and the one Middle School near the proposed site are full and some have recently expanded to meet demand. The number of apartments that potentially could have school age children could easily strain the Olathe School District.
  - d. Floor Area
    - i. Based on the information given by Magnus Capital Partners the apartment sizes are small and more economical than all the surrounding neighborhoods. Magnus Capital Partners has expressed a desire to provide socially responsible housing and workforce housing which is a need but not by squeezing every inch of space possible out of 14 acres which shares a property line with half million-dollar homes.
  - e. Architectural Style
    - i. The style of the buildings does not match or compliment the surrounding residential or commercial buildings. The examples provided by Magnus Capital Partners did not appear to be the same quality or grade as the surrounding community.
  - f. Building Materials
    - i. The materials proposed: brick veneers, stone veneers, metal wall panels, and metal roofs are not of the same quality, grade, and architectural style as the buildings and homes in the community. Other residents research has found this developer utilizes below average craftsmanship and products which have resulted in excessive maintenance work and cost.
  - g. Height
    - i. There are no three -story buildings in the existing retail area or overall community. The additional height will block sight lines and raise concerns about privacy.
  - h. Structural Mass
  - i. Siting
  - j. Open Space

3. The zoning and uses of nearby properties.
  - a. The proposed zoning is a drastic change from the current community.
4. Suitability of the property
  - a. Based on the number of dwellings and renderings provided by Magnus Capital Partners the 14-acre property does not fit the concept. It does not match the density of other similar projects approved in South Olathe.
5. The length of time the property has remained vacant.
  - a. While the property has been vacant for a while it is not an eye sore, and it has some natural beauty. I could see a much smaller scale residential development on the property in the future.
6. Harm to surrounding properties.
  - a. The proposed project would negatively impact surrounding properties due to the substantial increase in traffic. Not only is there a potential of a street leading directly from the apartment complex directly into the neighborhood to the south, but the area of 161<sup>st</sup> and Murlen currently struggles to handle today's traffic. The Arbor Landing neighborhood continues to see a decrease in water pressure as single-family homes are built to the south so it makes sense an apartment complex with 202 dwelling along with commercial/retail to the north would substantially impact the water pressure.
7. Substantially harms the value of nearby properties.
  - a. While it is not ALWAYS accurate, the perception to a home buyer is that there is an increase in crime in areas that have apartments thus negatively impacting the resale value of a home. The increase in vehicle traffic will also be a deterrent to home buyers. The increase in traffic and difficulty pulling out of Arbor Landing onto Murlen will impact future home buyers.
  - b. Based on Magnus Capital Partners presentation and previous projects their model is to build several smaller apartments in a large complex or remodel old buildings (HoM Flats at Forest 325 Homewood Ave Dayton Ohio, HoM Flats at 24 East Holland Michigan, 1137 Flatbush Ave Brooklyn NY, 304 South Manhattan Place LA California). These apartments are then rented to lower income renters and based on the renter's income Magnus Capital Partners works with the State to receive full monthly rental rates. During the presentation Magnus Capital Partners were very selective in their wording not to say subsidized housing, but they clearly stated all States have money set aside for housing and their intent was to use State funds to cover the full monthly rental. Having a large, subsidized housing complex border neighborhoods with price points over a half million dollars will impact future buyers.
8. The extent to which the proposed district would adversely affect the capacity or safety of that portion of the road network influenced by the use.
  - a. The single entrance/exit to the property is in a very congested area on Murlen at 161<sup>st</sup>. The congestion is due to 161<sup>st</sup> which is directly across the street to the east is a street supplying access to the Arbor Creek Neighborhood and the Arbor Creek Commercial district. Directly north of the proposed entrance/exit is the entrance/exit to a strip mall with a remarkably busy grocery store. In this same area (159<sup>th</sup> and Murlen) is the Chisolm Trail Middle School which creates a traffic back up on 159<sup>th</sup> and on Murlen every school day during morning drop offs and afternoon pickups. Infrastructure, the Police Department, and the Olathe School District have worked on the traffic congestion for years and it still remains a problem.
  - b. The idea of a Child Care center within the proposed site will also increase difficult traffic flow during the morning rush hour drop off and evening rush hour pickup.
  - c. Magnus Capital Partners (specifically told to me) believe the traffic issues will be taken care of with a CIP for Murlen south of 159<sup>th</sup>. There is not a CIP for Murlen south of 159<sup>th</sup> on the Funded or Unfunded list of CIP plans.
9. Excessive air pollution, water pollution, noise pollution or other environmental harm.
  - a. Air, Water, Noise, and Other Environment harm is expected to naturally happen with the substantial number of dwellings and people placed in a small location.
10. Economic impact
  - a. It is hard to predict a positive economic impact when the current commercial area to the southeast of 159<sup>th</sup> and Murlen has always had (16 years) vacant store fronts.
11. Gain vs hardship to the property owner.
  - a. It is anticipated the land will be sold and developed at some point, but this proposed project is far too large for 14 acres.

## 12. Other factors

a. Magnus Capital Partners is an out-of-state company and has no other developments in the State of Kansas or Missouri. They were extremely unprepared for the neighborhood presentation which reflects on things to come. They claim they worked with a neighborhood in Dayton Ohio to make the architecture fit in with the surrounding neighborhood. Even if they did, the surrounding neighborhood (5 Oaks Neighborhood) were dwellings that averaged 1,319 sq ft on lot sizes around 6,000 sq ft. Their complex in Holland Michigan is built near highways, strip malls, and industrial parks which fits their model/philosophy of workforce housing. The fact they conducted the traffic study during the summer does not reflect the true traffic flow since there are two middle schools and four elementary schools within a 1.25-mile radius of the proposed site.

Feel free to contact me for any additional information.

Dave and Kristine Schroeder

17174 W. 161st Terr

Olathe KS 66062

(913) 915-6122

residents of Olathe since 1996



## RZ24-0015

Ellyn Jacobs-hood <ellynjacobshood@rocketmail.com>

Thu 8/8/2024 2:39 PM

To: Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

I am concerned with the upcoming development near 159th and Blackbob. This style of apartment community is not what this neighborhood is about. I fear it will decrease property value. The privacy to near by homes with a three-story building is concerning. I don't mind a style change but such a large complex directly next to residential homes does not belong. Additionally, the increased traffic flow is surely to be a problem.

Please take these concerns into consideration.

Thank you,  
Ellyn Jacobs

## Kim Hollingsworth

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**From:** Erin Atterberry <atagirl\_30@hotmail.com>  
**Sent:** Thursday, August 1, 2024 8:43 PM  
**To:** Kim Hollingsworth  
**Subject:** Case# RZ24-0015

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Kim,  
We live at 16920 W. 161st St. in Olathe, Kansas. Our names are Erin Atterberry and Chris Bopp. We have lived here for 14+ years. The one thing that has happened with our community is the traffic Mur-Len has become so busy if you try to get out of Price chopper during a certain time of the day you cannot if you try to cross Mur-Len f from the south, you cannot the middle school on 159th has closed the entrance on Mur-Len due to accidents the survey was completed in the middle of the summer. I don't know how that benefits or says it's OK for someone to add 202+ cars to an already busy intersection. Arbor Landing has complained that our water pressure has gone down once they started building south of us. This has also become an issue over the 14 years. We have the house on the corner of Heatherwood and 161st. We bought this property due to the fact that we came from a small farm town in Iowa, we love that we have no neighbors to the west and to the north we have deer fox coyotes hawks and many other animals behind us. This is like home. This company that wants to come in wants to add emergency entrance on Heatherwood right by my house when asked them at the meeting what would stop people from getting in? They said a bar across the street. Really?! One neighbor asked what would happen if it got broke, they claim they would fix it. Another neighbor read their reviews to them and told them they don't fix anything. They are adding a low income subsidize apartment complex right behind a neighborhood who most of us have come from nothing to where we are today. There-will be no fence to divide us from them. I have a pool in my backyard. I am not allowed to have more than a 5 foot fence due to the HOA. Whose to say that they will not just walk down Heatherwood jump my fence and get in my pool. I am not saying that low income subsidize people do not deserve a good place to live what I am saying is as we all know. Most of these parents are working one or two jobs. There will be a little to no supervision. Our crime in this neighborhood will go through the roof. The traffic will increase accidents will happen and then we have to worry about the kids walking home from school. This is becoming an unsafe environment for all. it would be taking away a little bit of greenery that we have here South of Olathe for a low income housing development. I love my house and I don't want to move. It was my forever home when we bought it 14 years ago, I love this neighborhood. I love the people. I am not super excited about this project and I don't think that Olathe should be OK with it too, these people are going to be working in areas that they will need transportation, we don't have buses and other parts of Olathe do. The other thing I have a concern with is our Ace Hardware wanted to build a building over here in Arbor Creek. Olathe denied that due to they wanted him to build something in their spec. This development has given us an idea of what it's going to look like this is low class building not high-end, Olathe denied a business opportunity because they kept putting more and more specs they wanted him to do but yet Olathe is going to let a low income subsidize apartment complex come in right across the street. I know it sounds like like I'm rambling and maybe I am, but please consider this Olathe will be taking away our trees, wildlife, adding traffic to an already busy street, and this company wants to use Arbor landing as an emergency access?!

Thank you for listening and thank you for your time.

Sincerely  
Erin Atterberry and Chris Bopp

Sent from my iPhone

## Emily Carrillo

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**From:** GINA MCCULLOUGH <ginagailmc@gmail.com>  
**Sent:** Wednesday, August 14, 2024 9:47 AM  
**To:** Emily Carrillo; Robyn Essex; John Bacon  
**Subject:** Proposed apartment project on Murlen & 161st

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I'm writing to you all begging you to consider NOT approving the proposed apartment complex and retail space at this site. The congestion and schools cannot handle this, especially with the huge housing project that is in the process of being development on 159th between Black Bob and Brougham. AND, it is quite obvious, from the information that Larry Jordan acquired speaking with you that the developer is substandard. PLEASE give much consideration to approval of this project. One of actually HUNDREDS of VERY concerned tax paying Olathe citizens. Thank you, Gina McCullough

From a concerned citizen. PLEASE, PLEASE, put this in the project file & forward to both the Planning commission & City Council. Thank you very much. Gina McCullough

—>FYI – LITEC, is actually LIHTC, and that is the accounting dept I worked in at Key Bank. It stands for Low Income Housing Tax Credit. The developers get a tax credit for 10 yrs (??? - a period of time) if they adhere to the requirements. The complex typically turns into really bad, unsafe, problematic complexes. My department also consisted of Asset Managers that were required to visit the property 1x a year, and boy they had stories about these places. So overall, it would be terrible if the developer was using the LIHTC program. Between that complex and the housing being built on 159th and Blackbob, our homes will lose a ton of value, but also, the area just wouldn't be a place I would want to raise my kids. The traffic situation and more than likely the influx of children in the schools would be a bad situation too.

Neighbors - this is from my daughter who lives in Arbor Creek. PLEASE contact the city planner & the other two people Larry listed in the original email he sent all of us.

## City of Olathe Planning Application Case Number RZ24-0015

Jeff O'Connor <oconnor.jeff@gmail.com>

Fri 8/9/2024 8:08 AM

To: Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning Ms. Hollingsworth,

I have no doubt you have received emails from other families within the Arbor Creek and Arbor Landing neighborhoods about the proposed rezoning associated with RZ24-0015. I currently own a home within Arbor Landing and the primary purpose of my email is to add to the quantity of individuals/homes opposed to the current proposed rezoning from Magnus to add an apartment complex. I hope you have received and continue to receive a lot of opposition communication.

My major concerns are the following:

### **1. My Elementary Children's Safety:**

The density of the proposed addition is too much for this area. I live on 161st Street where I'm continually nervous about traffic and my children's safety. In the mornings (school time) and afternoons, 159th and Mur-Len streets are busy. I have no doubt the Arbor Landing entrance into the backside of this proposed plan will significantly increase traffic. Additionally:

The extent to which the proposed district 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.

Community members have valid concerns with traffic caused by the single entrance/exit for this proposed development noting it would cause significant traffic congestion and safety issues. The increased volume of vehicles entering and exiting the complex at a single point could cause traffic bottlenecks, especially during peak hours. Additionally, the increased traffic could spill over into surrounding residential streets, further impacting the safety and tranquility of the neighborhood.

There are no businesses or schools for this community on south Mur-Len or 175th so a majority, if not all of this new traffic due to these apartments will be moving north on Mur-Len, east and west on 159th. Overall, this additional traffic will create a burden on this community.

This congestion will result in drivers cutting through neighborhoods to avoid 159th, especially at the 161st entrance at Mur-Len, creating safety issues in the Arbor Creek neighborhood.

This congestion will result in a cut through at 162nd moving both east and west, creating safety issues in Arbor Landing and Arbor Creek. If possible, start timing or videotaping congestion to be shared with city council members to show them how significant the current issue is.

The single emergency gated access road also creates concern should it become more than an emergency gated access road. Heatherwood St. is part of an active neighborhood where children play and this creates concern with vehicles cutting through or becoming a passthrough despite the intent to be gated.

The traffic study was conducted during the summer, not during the school year, and therefore did not account for peak traffic times in this community, given the two schools on 159th and the traffic issues at the intersection. We do not believe this study likely represents our experiences with traffic at 159th and Mur-Len during the school year.

The proposed development includes space for a childcare facility which only further complicates the traffic situation as families try to pick up and drop off children during school drop off and pick up times and at close of business.

## **2. Density**

The overall number of apartments, the height of the apartments, and retail, along with 346 parking spaces, on 14 acres is too much.

## **3. Community Character**

The introduction of a larger, mixed-use development will alter the neighborhood's character, shifting it from a quiet residential area to a more commercialized and densely populated environment. This is not something this community (myself) is interested in.

I'm all for Olathe's economic development, but let's strive for something better than RZ24-0015's proposed plan and let's do better than Magnus. They are an out of state developer trying to maximize their profits. I see little to no benefit for the State of Kansas or City of Olathe. If this passes, Magnus will win and Olathe will lose. I'll move and I'm sure others will as well. Olathe will lose out on stable income individuals who own property in this area who give back to the community and replace with short-term leases/renters. I hope that is not the long term growth plan for Olathe.

We as a community have concerns with using an out of state developer, construction company, property manager and daycare owner. The profits of this project will not stay within Olathe or the State of Kansas. Magnus will be the single entity for this entire project. While they have great recommendations when it comes to working counties/cities, we wanted to know what it's like when the project is done, and the living begins. We have researched the organization and have found the following:

They currently have a 3.2 review at one property: HoM Flats at 28 West in Wyoming, MI. Complaints include rodent infestation, poor communication, poor management, dirty and unkempt shared areas, vandalism, loud partying, drug use, theft. All of these seem to be unchecked by management according to the reviews. No one wants this in our community. Additionally, claims of poor construction are extremely concerning. At the end of the day, these will remain in our community and become our problem after they are sold in the future. Poor construction and maintenance means they will quickly become dilapidated and rundown. The influx of 5-star ratings is the result of gift cards given out by Magnus to residents for providing positive reviews. This was noted at the community meeting and acknowledged by their marketing person.

Planning and Zoning voting members - please vote no to RZ24-0015.

Thank you,

Jeff O'Connor

[ojconnor.jeff@gmail.com](mailto:ojconnor.jeff@gmail.com)

Address: 17324 W 161st Street, Olathe, KS 66062

## Anna Will

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**From:** Jenna Goldsby <jennaschippers@gmail.com>  
**Sent:** Wednesday, July 31, 2024 6:54 PM  
**To:** Planning Contact  
**Subject:** HoM Flats, Case No. RZ24-0015

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Can this email be entered into the record, please?

Hi Planning Commission,

I am writing to you to voice my concern for the proposed commercial and multi-family development located on Murlen Road near 161<sup>st</sup> street, HoM Flats, **Case No. RZ24-0015**. My husband and I attended the public information meeting on July 29, 2024, at the Olathe Community Center. We are residents of Arbor Landing, right next to the proposed development.

I am in favor of growth for our community; however, I do not believe this is the right fit for the space. The complex has **one** entrance/exit for the entire 202 apartments, daycare facility and retail stores. This **one** entrance/exit is on a two-lane road on Murlen. Not to mention, right next to a fire station's exit for an emergency. HoM Flats has a "gated" emergency access road planned into the neighboring neighborhood (Arbor Landing). If there is an emergency, traveling through a neighborhood would not be the most efficient route. This is not a safe alternative for the neighborhood residents or the residents of HoM flats. We asked HoM management at the meeting if they ever designed a complex that has a road through a neighborhood, and they said no. Also at the meeting, it did not sound promising that the gate would remain closed due to overflowing traffic in the complex. Therefore, Arbor Landing will be impacted by the 202 apartments, daycare and retail traffic, which is not what anyone in the neighborhood ever saw coming. Arbor Landing is comprised of families of all ages. There are constantly kids and adults outside, walking, playing and riding bikes, added traffic would be detrimental to everyone's safety. Children in the surrounding area walk to and from school. Children in the area walking to Chisholm Middle School will be directly impacted by the traffic on Murlen, especially at the intersection on 159<sup>th</sup> and Murlen, which is already a dangerous intersection for the Middle School students and families. Increased traffic will be impacting Sunnyside Elementary students crossing at 159<sup>th</sup> and Lindenwood and Arbor Creek Elementary students crossing at 159<sup>th</sup> and Brougham. At the public meeting, HoM Flats stated they conducted a traffic study of the area, however, it was during the summer, therefore they did not see the school traffic/pedestrian concerns.

This area is growing rapidly with the construction of 300 homes right down the street at 159<sup>th</sup> and Blackbob, and 14 homes with Habitat for Humanity being built catacorner to that. I have also heard rumors of an apartment complex behind Sutherlands, near 151<sup>st</sup> and Murlen. The area is becoming very dense at a rapid rate. The current two-lane streets will be completely overwhelmed if HoM Flats is added to the mix. I realize there is road construction planned on 159<sup>th</sup> St between Murlen and Blackbob but that does not begin until a projected 2027 date. HoM Flats would be bringing congestion to Murlen going North and South as well.

Aesthetically this complex does not match the surrounding area. The material appears cheap and resembles container homes. The City's fire station (station 7) next door is visually appealing and fits the surroundings aesthetics, along with the Price Chopper Development. Arbor Creek Village, the retail space across Murlen at 161<sup>st</sup> aesthetically matches the area, as well, and has several open spaces for retail/office space available for rent. If this complex moves in with a cheap, container home looking aesthetic, the whole area loses its quaint

appearance, which has been maintained for many years. Therefore, it will impact the surrounding area's home value and character to the area. Also, there are no three-story buildings in the area. This third floor will look directly into our backyard and back of our house. According to the online reviews of this company, residents stated the buildings were poorly built and not maintained. The reviews were rated at 3 out of 5 stars. This is not the reputation that Olathe desires.

At the public meeting, it came to our attention that these apartments would be income-based apartments, which again, lowers the surrounding home values. The surrounding area's home value averages approximately \$550,000, this is something my family has worked very hard to achieve and it has not come easy for us. Now, we are in a position that has threatened to lower our home's value due to no fault of our own. It is also observed that in a low-income area, more safety concerns arise. People will not desire to move to this area or the schools if safety becomes an issue. The schools, currently, in this area are very well-desired and have an excellent reputation, which is one of the main reasons we moved here, along with safety.

At the public meeting, we learned HoM Flats in other cities are near industrial areas, hotels, large retail chains and major intersections. The area HoM flats desire in Olathe does not fit this description.

The complex does not provide a pool for their residents. Which could impact the Arbor Landing's pool and the other surrounding neighborhood HOA pools.

I do believe this land has potential for positive growth, I just don't believe this is the best fit. Please, put yourself in our shoes. Please, let me know if there is anything else I can do.

Jenna Goldsby

Cell: 316-641-3117

Email: [jennaschippers@gmail.com](mailto:jennaschippers@gmail.com)

Arbor Landing Resident

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Jenna Goldsby



## Emily Carrillo

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**From:** Kim Hollingsworth  
**Sent:** Thursday, August 29, 2024 5:09 PM  
**To:** Emily Carrillo  
**Subject:** FW: RZ24-0015 - Apartments on Mur-Len near Price Chopper

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**From:** J & M Hollyfield <mjhol815@sbcglobal.net>  
**Sent:** Tuesday, August 27, 2024 2:09 PM  
**To:** Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>  
**Subject:** RZ24-0015 - Apartments on Mur-Len near Price Chopper

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Arbor Landing is a neighborhood of 1 and 2 story homes as well as Arbor Creek. The Arbor Creek shops are all one-story as well. I have been a resident of Arbor Landing since 2006. We have watched the traffic on Mur-Len increase greatly with all the new homes south of 162<sup>nd</sup> on Mur-Len. Adding apartments with 200 units in this amount of vacant land is not the correct use of this property, along with a day care and shops. When homes were built in Stonebridge on the east side of Arbor Landing, people began cutting through Arbor Landing from Britton and up Norton to 162<sup>nd</sup>, this increased our traffic making an increasing amount of congestion on our street. There is a crosswalk on 162<sup>nd</sup> for kids walking to and from Sunnyside which becomes a hazard each school day.

The traffic study done for this project done in June is not a true representation of the total amount of traffic in this area. On a typical school day there is the traffic caused by Chisholm Trail with many students walking south on Mur-Len along with parents dropping off students. In close proximity is Price Chopper with many people heading south due to the fact there is no retail south of this area for homeowners to go to. Adding to this is the fire station on the south side of this site. Traffic would be bound to cause traffic jams at peak times during the day, especially for Arbor Landing and Arbor Creek residents being so close. Already during peak traffic times it is becoming increasingly difficult to turn left out of Arbor Landing.

The apartments have been given a description of being 3 story, with brick and stone veneers with metal wall panels and metal roofs. This does not fit in with the construction in this area at all. The shops of Arbor Creek, the fire station and the Price Chopper center are all of brick and one story. Having 3 story apartments next to 1 and 2-story residential could be an invasion of privacy for the homes. Prior to this, 3-story apartments right next to residential has not approved. It has been reported that Magnus has not taken care of their property in Wyoming, MI, rodent infestation, poor communication and management. Vandalism, drug use and theft have also been issues. Our quiet neighborhoods we have here now would be forever changed with this type of project causing our property values to decrease and making our neighborhoods a less desirable and unsafe place to live.

With the new project of 300 homes being approved for 159<sup>th</sup> and Blackbob and also apartments at 169 and 159 Street, this should be considered when thinking about adding in more traffic and density of homes for this area.

This project by Magnus should **not** be approved. This property has been vacant for quite some time, and the appropriate use of this land can happen. This is not it.

Marsha and Jerry Hollyfield

17437 W. 161<sup>st</sup> Street

Olathe, KS

## RZ24-0015

Glasgow, James J. (Jim) <GlasgowJJ@bv.com>

Thu 8/8/2024 1:17 PM

To: Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>

Cc: Robyn Essex <RREssex@olatheks.org>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Members of the Olathe Zoning and Planning Commission,

I am writing to formally express my opposition to the proposed rezoning and mixed-use development project (HoM FLATS AT MUR-LEN), which includes a multi-dwelling residential complex and commercial space directly behind my property. I have several concerns that I believe should be considered before any decisions are made regarding this proposal.

### 1. **\*\*Conformance with Comprehensive Plan and Zoning Policies\*\***

The proposed rezoning does not align with the City's Comprehensive Plan or existing zoning policies. The proposed change to the R-3 (Residential Low-Density Multifamily) District in the Western portion and C-2 (Community Center) District in the Eastern portion are inconsistent with the current zoning, predominantly single-family residential and one-story retail. This deviation will disrupt the neighborhood's established land use and zoning character.

### 2. **\*\*Character of the Neighborhood\*\***

#### a. **\*\*Land Use and Zoning\*\***

The R-3 zoning suggests multifamily units with a density of twelve units per acre and includes a three-story apartment building. This density and height contrast sharply with the existing single-family residences and one-story retail structures. The transition to a mixed-use development with higher density and larger structures will significantly alter the character of our community.

#### b. **\*\*Density and Floor Area\*\***

The proposed development's density, with 346 parking spaces across 14 acres, seems excessive for our neighborhood infrastructure. The height and mass of the buildings, especially the three-story apartments, are inconsistent with the predominantly one- and two-story homes in Arbor Creek and Arbor Landing.

#### c. **\*\*Architectural Style and Building Materials\*\***

The proposed architectural style and materials—brick veneers, stone veneers, metal wall panels, and metal roofs—are incompatible with the existing architectural style of our community. The institutional appearance of the proposed buildings will clash with the aesthetic of the surrounding residential properties, which feature more traditional and harmonious design elements.

#### d. **\*\*Height and Structural Mass\*\***

The introduction of three-story buildings near single-family residences is a significant concern. The height and proximity of these structures could infringe upon the privacy of existing homeowners, negatively affecting property values and the overall appeal of our neighborhood.

### 3. **\*\*Traffic and Infrastructure Impact\*\***

#### a. **\*\*Traffic Congestion\*\***

The single entrance/exit for this development is expected to cause severe traffic congestion, especially during peak hours. The increased traffic will spill over into surrounding residential streets, creating safety concerns and

disrupting our neighborhood's tranquility.

b. **\*\*Impact on Local Roads\*\***

The anticipated increase in traffic, combined with the strain from nearby developments, will exacerbate existing issues, particularly at the intersections of Mur-Len and 159th. The traffic study, conducted during the summer, fails to account for peak times during the school year, a significant oversight.

c. **\*\*Emergency Access\*\***

Concerns about the potential misuse of the emergency gated access road are also noteworthy. If this road becomes more than a backup access point, it could create additional traffic and safety issues in our neighborhood.

**4. \*\*Environmental and Economic Concerns\*\***

a. **\*\*Noise Pollution\*\***

The development will contribute to increased noise pollution from traffic, construction, and resident activities, disrupting the peaceful environment currently enjoyed by our community.

b. **\*\*Economic Impact\*\***

The potential decrease in property values due to the introduction of a mixed-use complex could have a lasting negative impact on current homeowners. The impact on local retail businesses and concerns about the quality and management of the proposed development further highlight the potential economic drawbacks.

**5. \*\*Concerns Regarding the Developer\*\***

I have reservations about the out-of-state developer, Magnus Capital Partners. Feedback from their existing properties suggests a history of management issues, poor construction quality, and insufficient maintenance. These concerns, combined with their lack of local presence, make us apprehensive about the long-term implications of this development on our community.

In conclusion, the proposed development raises several concerns regarding conformity with existing plans, neighborhood character, traffic impacts, environmental noise, and the suitability of the developer. I strongly urge the Commission to reconsider the proposal in light of these issues and prioritize the preservation of our neighborhood's character and residents' quality of life.

Thank you for your attention to this matter.

Sincerely,

Jim J. Glasgow  
***Arbor Landing Resident***  
***Citizen of Olathe, KS***

## Case Number: RZ24-0015 - Please Reject Zoning Request

John Weaver <weaverjohnm@gmail.com>

Tue 8/6/2024 5:23 PM

To: Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hi Kim,

You may be receiving emails from my neighbors in regards to the possible zoning change to develop an apartment style community per case number: RZ24-0015. My neighbors will likely provide a lot of legal speak and details from other cases in hopes to persuade you and the commission to reject the new zoning plan.

I will exclude similar details and just note my personal feelings hoping that it will resonate.

I have lived in the area my entire life and proudly have my kids at Chisholm Trail and Olathe South. I moved our family from 120th Ridgeview due to some issues we were dealing with that were stemming from several residents/families from the trailer home community in that area.

I chose my current home in Arbor Landing specifically because there were zero trailer homes and apartments supporting lower income residents. No zoning in the immediate area would support an apartment community either. I'm working two jobs to pay for our home because I want to live in a wonderful neighborhood like this one. I strongly feel like this rezoning could change that.

Please reject their request to build this apartment community in the area of Arbor Landing / Arbor Creek. There are other areas of Olathe that already house this style of community and would be a more ideal place to expand/build more apartments.

Thank you very much for reading my email and considering my request to request the zoning change request.

Best,

John Weaver

913.461.7132

16330 S Lindenwood Dr

Olathe, KS 66062

**From:** [Kate Burrow](#)  
**To:** [Kim Hollingsworth](#)  
**Cc:** [LeEtta Felter](#); [Robyn Essex](#)  
**Subject:** Case #RZ24-0015  
**Date:** Sunday, August 18, 2024 6:48:14 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello,

We are reaching out in regards to case number RZ24-0015, the proposed Hom Flats development at 159th and Mur-len. We have lived in Olathe for the past twelve years; our home is in Arbor Landing directly behind the proposed development area. Our objection to the project is for three main reasons: safety, the character of the neighborhood, and the poor reputation of the developer.

Regarding safety, we are concerned how the addition of hundreds more cars at an already very busy intersection will negatively impact traffic and safety. My daughter walks to school at Chisholm Trail every day and crossing the intersection at 159th and Mur-len is already dangerous enough. The traffic survey that was conducted by the development company was conducted during the summer, so it does not give an accurate picture of traffic during the school year. Additionally, the proposed access road at Heatherwood street cuts directly through our Arbor Landing neighborhood. Children in the neighborhood frequently walk, ride bikes and play along these roads. Adding potentially hundreds of cars daily through that area is not a safe idea.

Our next objection is that the proposed development is not in keeping with the character of the existing neighborhoods. Our home backs directly up to the development- the idea of three story apartment buildings looking down over our backyard is certainly a privacy concern. Additionally, two and three-story apartment buildings are not consistent with the existing one and two-story homes and single-story retail buildings. The materials proposed are not of the same quality, grade or architectural style of the buildings and homes in our community. Building an apartment complex directly next to our neighborhood will negatively impact the desirability of our neighborhood, and thus, our property values.

Finally, the poor reputation of the out-of-state developer, Magnus, is a significant concern. Magnus would be an out of state developer, construction company, property manager and daycare owner. The profits of this project will not stay within Olathe or the state of Kansas. Magnus has a 3.2 review at their HoM Flats in Wyoming, MI. Complaints include rodent infestation, poor communication, poor management, dirty and unkempt shared areas, vandalism, loud partying, drug use and theft. These are not activities that we want in our community and any company with such poor management practices is not one that Olathe should do business with.

As Olathe residents, homeowners, and parents: we are supportive of strategic growth for our city. The proposed HoM Flats project however, is not positive growth for our community. We appreciate your time and consideration of our thoughts.

Sincerely,  
Kate & Mike Burrow  
16940 W. 161st St

## RZ2400015

Katie Willis <katiwillis53@yahoo.com>

Thu 8/8/2024 9:36 AM

To: Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Kim! I am writing as a resident of Arbor Landing 917344 W 161st ) AGAINST the proposed apartment complex going in.

My biggest concern is SAFETY of children walking to and from school with increased traffic.

as well as :

### Character of the Neighborhood

#### Land Use

Zoning - here's just a reminder of the proposed changes

The current proposal is to rezone the Western half to The R-3 (Residential Low-Density Multifamily) District which provides for well-designed multifamily developments that emphasize open space and access to light and air. Building types are low-rise developments with commonly maintained landscaped open space. The R-3 district allows a density of twelve (12) dwelling units per acre. Increased densities are allowed by applying standards that achieve high quality site and building design. (I would argue these aren't high quality given some of the comments from residents)

The Eastern portion will be rezoned to C-2 Purpose: The C-2 (Community Center) District provides for mixed-use centers where designated in the Comprehensive Plan. This district includes pedestrian-scale development with commercial uses that draw from multiple neighborhoods.

### Density

The overall number of apartments, the height of the apartments, and retail, along with 346 parking spaces, on 14 acres is too much.

### Floor Area

#### Architectural Style

The style of the buildings does not match or compliment the buildings and single-family residences in Arbor Creek and Arbor Landing. The materials proposed: brick veneers, stone veneers, metal wall panels, and metal roofs are not of the same quality and grade of the buildings and homes in our community. They are institutional looking at best. A three-story building does not fit within a community that predominantly consists of one- and two-story houses and single-story retail buildings. Such a structure would be inconsistent with the existing architectural style and scale of the neighborhood.

### Building Materials

The materials proposed: brick veneers, stone veneers, metal wall panels, and metal roofs are not of the same quality, grade and architectural style of the buildings and homes in our community.

### Height

There are no three-story buildings in the existing retail area, or overall community. Retail currently exists as a one-story retail space. Two and three story apartments impede upon homeowners' privacy and space and should not be allowed.



The construction of a three-story apartment building adjacent to single-family residences raises significant concerns about privacy. The height and proximity of such a building could lead to an invasion of privacy for existing homeowners, as apartment residents would have a direct line of sight into our properties. This intrusion on privacy is likely to make the neighborhood less desirable, potentially leading to a decrease in property values for current single-family residences

### Structural Mass

Community Character: The introduction of a larger, mixed-use development will alter the neighborhood's character, shifting it from a quiet residential area to a more commercialized and densely populated environment. This is not something this community is interested in.

### Siting

#### Open Space

The zoning and uses of nearby properties, and the extent to which the proposed zoning district is in harmony with those districts and uses.

The proposed zoning change is not in harmony with zoning and uses of nearby properties which are zoned as single-family residences. The retail space, as zoned, is all one story.

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

The length of time the property has remained vacant as zoned.

The extent to which approval of the application would detrimentally affect nearby properties. (see value, traffic, etc.)

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

The proposed 1,2-, and 3-bedroom apartment complex will be both a market and income-based complex.

Historically, the presence of such complexes can lead to changes in the perception of the neighborhood, potentially making it less attractive to prospective buyers seeking high-value homes, resulting in a decrease in demand and consequently lower property values for the current homeowners.

The construction of a two- and three-story apartment building adjacent to single-family residences raises significant concerns regarding privacy. The height and proximity of such a building could lead to an invasion of privacy for existing homeowners, as apartment residents would have a direct line of sight into our properties. This intrusion on privacy is likely to make the neighborhood less desirable, potentially leading to a decrease in property values for current single-family residences. For those homes directly adjacent to the proposed complex, it would make them less desirable.

The extent to which the proposed district 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.

Community members have valid concerns with traffic caused by the single entrance/exit for this proposed development noting it would cause significant traffic congestion and safety issues. The increased volume of vehicles entering and exiting the complex at a single point could cause traffic bottlenecks, especially during peak hours. Additionally, the increased traffic could spill over into surrounding residential streets, further impacting the safety and tranquility of the neighborhood.

There are no businesses or schools for this community on south Mur-Len or 175th so a majority, if not all of this new traffic due to these apartments will be moving north on Mur-Len, east and west on 159th. Overall, this additional traffic will create a burden on this community.

This congestion will result in drivers cutting through neighborhoods to avoid 159th, especially at the 161st entrance at Mur-Len, creating safety issues in the Arbor Creek neighborhood. This congestion will result in a cut through at 162nd moving both east and west, creating safety issues in Arbor Landing and Arbor Creek. If possible, start timing or videotaping congestion to be shared with city council members to show them how significant the current issue is.

The single emergency gated access road also creates concern should it become more than an emergency gated access road. Heatherwood St. is part of an active neighborhood where children play and this creates concern with vehicles cutting through or becoming a passthrough despite the intent to be gated.

The traffic study was conducted during the summer, not during the school year, and therefore did not account for peak traffic times in this community, given the two schools on 159th and the traffic issues at the intersection. We do not believe this study likely represents our experiences with traffic at 159th and Mur-Len during the school year. The proposed development includes space for a childcare facility which only further complicates the traffic situation as families try to pick up and drop off children during school drop off and pick up times and at close of business.

The addition of 300 houses at 159th and Blackbob adds to the traffic concern. Even with the expansion of Brougham to Blackbob to 4 lanes, this will not relieve congestion within the area we live in.

The most recent approval of 169 and 159th will also contribute to issues on 159th and should also be considered as this project is before the planning and zoning commission.

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

Noise pollution:

**Increased Traffic:** With many new residents, there will be a significant increase in vehicle traffic. This includes cars, motorcycles, garbage trucks and delivery trucks for 202 apartments, all of which generate noise. As well as the increased volume of waste from a large apartment complex requires frequent garbage collection, which involves noisy trucks and machinery. Add to this the collection for a retail space which may, or may not, be on the same schedule as the complex.

**Construction Noise:** The construction phase of the apartment complex can produce loud noises from heavy machinery, construction equipment, and the general activities of building. None of us signed up for this.

**Resident Activities:** The day-to-day activities of a large number of residents can create noise.

**Building Systems:** Apartment complexes often have centralized heating, ventilation, and air conditioning systems (HVAC), elevators, and other mechanical systems that can generate noise.

**Parking Areas:** Parking lots or garages associated with the apartment complex can be sources of noise, including car doors slamming, engines starting, and car alarms going off.

The economic impact of the proposed use on the community.

At this time, we do not have details as to how many retail businesses or the types of retail businesses which would be placed in the development. What we do know is our current retail properties have regular storefront vacancies ranging from 1-2 a year. We currently have one storefront on the southside of 159th (Prieb) which has been open for at least a year.

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 the denial of the application.

The land is not sold and is pending so there is no hardship upon the landowner.  
The recommendation of professional staff  
Any other factors which may be relevant to a particular application

At the July 29th meeting we as a community didn't feel as though our questions were answered. The potential developer sent representation from marketing and construction. No one from their development team was in attendance so questions specific to development were not answered. None of the questions specific to our community were answered because no one from Magnus at the meeting had been to our community or the property which is proposed to be rezoned. We as a community have concerns with using an out of state developer, construction company, property manager and daycare owner. The profits of this project will not stay within Olathe or the State of Kansas. Magnus will be the single entity for this entire project. While they have great recommendations when it comes to working counties/cities, we wanted to know what it's like when the project is done, and the living begins. We have researched the organization and have found the following:

They currently have a 3.2 review at one property: HoM Flats at 28 West in Wyoming, MI. Complaints include rodent infestation, poor communication, poor management, dirty and unkempt shared areas, vandalism, loud partying, drug use, theft. All of these seem to be unchecked by management according to the reviews. No one wants this in our community. Additionally, claims of poor construction are extremely concerning. At the end of the day, these will remain in our community and become our problem after they are sold in the future. Poor construction and maintenance means they will quickly become dilapidated and rundown. The influx of 5-star ratings is the result of gift cards given out by Magnus to residents for providing positive reviews. This was noted at the community meeting and acknowledged by their marketing person.

## **Katie Willis**

RE/MAX LEGACY

**Cell 913.486.0336**

***KatieWillis.KCLEGACY.COM***

licensed in KS & MO

***Kansas City 5 Star Real Estate Professional***

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**From:** Kelley Kelly <[kelleymichelekelly@gmail.com](mailto:kelleymichelekelly@gmail.com)>  
**Sent:** Thursday, August 1, 2024 11:58 AM  
**To:** Planning Contact <[PlanningContact@OLATHEKS.ORG](mailto:PlanningContact@OLATHEKS.ORG)>  
**Subject:** Case No. RZ24-0015

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Sirs,

I am a homeowner in Arbor Landing subdivision and attended the neighborhood meeting with Magnus Capital Partners on Monday July 29, 2024. Their proposed project to rezone the vacant land at 161st and Mur-Len to build a multi-family development is strongly opposed by our entire neighborhood as well as residents of Arbor Creek. None of the four Magnus representatives had even driven by our neighborhoods! Their meeting did not go as they had hoped for and no one from City of Olathe planning or zoning was in attendance either. I would like to know if minutes from that meeting were submitted and made part of the record?

The public hearing before the Planning Commission is scheduled for September 9 and I suspect there will be hundreds that show up to oppose. Please confirm that this is still scheduled.

Thank you-

Kelley Kelly  
816-550-5213  
16815 W 161 Terrace  
Olathe, KS 66062

## Emily Carrillo

---

**From:** Kirk Ackerson <kirkackerson@gmail.com>  
**Sent:** Tuesday, August 13, 2024 2:20 PM  
**To:** Emily Carrillo  
**Subject:** Case #RZ24-0015

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Carrillo,

I am writing to raise urgent concerns about the potential impact of the proposed HOM Flats at Mur-Len Road development on our neighborhood.

The anticipated increase in traffic from the development, with its single entrance and exit, poses significant risks to our community. Many residents, particularly children, already face hazardous conditions as traffic spills over into our residential streets. Increased vehicle volume will likely further compromise safety, especially during peak hours when families are walking to and from both Chisholm Trail Middle School and Sunnyside Elementary School.

Moreover, the current situation is made worse by speeding vehicles on these roads, making it increasingly dangerous for residents and children. Backing out of driveways has become a serious concern, and this new development is set to worsen an already tense situation.

With 202 apartments planned, we fear a substantial rise in vehicle traffic, which will also lead to cut-through traffic on 162nd Street. This would create additional safety issues for neighborhoods like Arbor Landing and Arbor Creek.

I would also like to point out that the traffic study conducted was during the summer, overlooking peak school-year conditions. Given the nearby schools on 159th Street, the study does not accurately represent the traffic realities we encounter during the school year, particularly at the intersection of 159th and Mur-Len.

I urge you to seriously consider these concerns and their implications for our community's safety and quality of life.

Lastly, please enter my concerns in to the official record.

Thank you for your attention to this matter.

Sincerely,

Kirk Ackerson  
16140 S Norton Street, Olathe KS 66062

**From:** [Kristine Schroeder](#)  
**To:** [Kim Hollingsworth](#)  
**Subject:** RZ24-0015 Proposed Apt Complex at 159th and Mur-Len  
**Date:** Sunday, August 25, 2024 11:18:16 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please accept this email as notification of concerns with the project at the apartment complex being proposed at 159th and Mur-Len.

1. Comprehensive Plan
  
2. Character of the Neighborhood
  - a. Land Use
  - b. Zoning
    - i. The proposed rezoning (R-3) will increase the density to twelve (12) dwellings units per acre. This does not blend well with the dwellings to the west which are one (1) residence per three (3) acre lots. It also does not blend well with the dwellings to the south which are located on 10,000 to 18,000 sq foot lots.  
  
The Eastern portion will be rezoned to C-2 which is going to increase the traffic flow in and out of the complex. This particular section of Murlen is not designed for the additional traffic flow with it being so close to the entrance/exit to a strip mall (grocery store) and a four-way traffic light.
  - c. Density
    - i. The overall number of apartments (202), with retail on 14 acres is too much. The Olathe Elementary Schools and the one Middle School near the proposed site are full and some have recently expanded to meet demand. The number of apartments that potentially could have school age children could easily strain the Olathe School District.
  - d. Floor Area
    - i. Based on the information given by Magnus Capital Partners the apartment sizes are small and more economical than all the surrounding neighborhoods. Magnus Capital Partners has expressed a desire to provide socially responsible housing and workforce housing which is a need but not by squeezing every inch of space possible out of 14 acres which shares a property line with half million-dollar homes.
  - e. Architectural Style
    - i. The style of the buildings does not match or compliment the surrounding residential or commercial buildings. The examples provided by Magnus Capital Partners did not appear to be the same quality or grade as the surrounding community.
  - f. Building Materials
    - i. The materials proposed: brick veneers, stone veneers, metal wall panels, and metal roofs are not of the same quality, grade, and architectural style as the buildings and homes in the community. Other residents research has found this developer utilizes below average craftsmanship and products which have resulted in excessive maintenance work and cost.
  - g. Height
    - i. There are no three -story buildings in the existing retail area or overall community. The additional height will block sight lines and raise

- concerns about privacy.
  - h. Structural Mass
  - i. Siting
  - j. Open Space
3. The zoning and uses of nearby properties.
    - a. The proposed zoning is a drastic change from the current community.
  4. Suitability of the property
    - a. Based on the number of dwellings and renderings provided by Magnus Capital Partners the 14-acre property does not fit the concept. It does not match the density of other similar projects approved in South Olathe.
  5. The length of time the property has remained vacant.
    - a. While the property has been vacant for a while it is not an eye sore, and it has some natural beauty. I could see a much smaller scale residential development on the property in the future.
  6. Harm to surrounding properties.
    - a. The proposed project would negatively impact surrounding properties due to the substantial increase in traffic. Not only is there a potential of a street leading directly from the apartment complex directly into the neighborhood to the south, but the area of 161<sup>st</sup> and Murlen currently struggles to handle today's traffic. The Arbor Landing neighborhood continues to see a decrease in water pressure as single-family homes are built to the south so it makes sense an apartment complex with 202 dwelling along with commercial/retail to the north would substantially impact the water pressure.
  7. Substantially harms the value of nearby properties.
    - a. While it is not ALWAYS accurate, the perception to a home buyer is that there is an increase in crime in areas that have apartments thus negatively impacting the resale value of a home. The increase in vehicle traffic will also be a deterrent to home buyers. The increase in traffic and difficulty pulling out of Arbor Landing onto Murlen will impact future home buyers.
    - b. Based on Magnus Capital Partners presentation and previous projects their model is to build several smaller apartments in a large complex or remodel old buildings (HoM Flats at Forest 325 Homewood Ave Dayton Ohio, HoM Flats at 24 East Holland Michigan, 1137 Flatbush Ave Brooklyn NY, 304 South Manhattan Place LA California). These apartments are then rented to lower income renters and based on the renter's income Magnus Capital Partners works with the State to receive full monthly rental rates. During the presentation Magnus Capital Partners were very selective in their wording not to say subsidized housing, but they clearly stated all States have money set aside for housing and their intent was to use State funds to cover the full monthly rental. Having a large, subsidized housing complex border neighborhoods with price points over a half million dollars will impact future buyers.
  8. The extent to which the proposed district would adversely affect the capacity or safety of that portion of the road network influenced by the use.
    - a. The single entrance/exit to the property is in a very congested area on Murlen at 161<sup>st</sup>. The congestion is due to 161<sup>st</sup> which is directly across the street to the east is a street supplying access to the Arbor Creek Neighborhood and the Arbor Creek Commercial district. Directly north of the proposed entrance/exit is the entrance/exit to a strip mall with a remarkably busy grocery store. In this same area (159<sup>th</sup> and Murlen) is the Chisolm Trail Middle School which creates a traffic back up on 159<sup>th</sup> and on Murlen every school day during morning drop offs and afternoon pickups. Infrastructure, the Police Department, and the Olathe School District have worked on the traffic congestion for years and it still remains a problem.
    - b. The idea of a Child Care center within the proposed site will also increase difficult traffic flow during the morning rush hour drop off and evening rush hour

- pickup.
- c. Magnus Capital Partners (specifically told to me) believe the traffic issues will be taken care of with a CIP for Murlen south of 159<sup>th</sup>. There is not a CIP for Murlen south of 159<sup>th</sup> on the Funded or Unfunded list of CIP plans.
9. Excessive air pollution, water pollution, noise pollution or other environmental harm.
    - a. Air, Water, Noise, and Other Environment harm is expected to naturally happen with the substantial number of dwellings and people placed in a small location.
  10. Economic impact
    - a. It is hard to predict a positive economic impact when the current commercial area to the southeast of 159<sup>th</sup> and Murlen has always had (16 years) vacant store fronts.
  11. Gain vs hardship to the property owner.
    - a. It is anticipated the land will be sold and developed at some point, but this proposed project is far too large for 14 acres.
  12. Other factors
    - a. Magnus Capital Partners is an out-of-state company and has no other developments in the State of Kansas or Missouri. They were extremely unprepared for the neighborhood presentation which reflects on things to come. They claim they worked with a neighborhood in Dayton Ohio to make the architecture fit in with the surrounding neighborhood. Even if they did, the surrounding neighborhood (5 Oaks Neighborhood) were dwellings that averaged 1,319 sq ft on lot sizes around 6,000 sq ft. Their complex in Holland Michigan is built near highways, strip malls, and industrial parks which fits their model/philosophy of workforce housing. The fact they conducted the traffic study during the summer does not reflect the true traffic flow since there are two middle schools and four elementary schools within a 1.25-mile radius of the proposed site.

Feel free to contact me for any additional information.

Dave and Kristine Schroeder

17174 W. 161st Terr

Olathe KS 66062

(913) 915-6122

residents of Olathe since 1996



## Case RZ24-0015 – Planning & Zoning Commission

Kyle Webster <kylewebster1@gmail.com>

Sat 8/10/2024 4:40 PM

To:Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>

Cc:Crystal Webster <crystal@sharingsolace.com>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Hollingsworth,

I'd like to reach out with some concerns regarding the pending rezoning request RZ24-0015.

I'm highly concerned about the impact this will have on our neighborhood, specifically:

1. **Noise Pollution** – With 202 units going in within a few hundred feet of my house I expect what is currently a tranquil, semi-country setting to be filled with noise from cars, late night parties, stereos, commercial HVAC equipment, etc. not to mention the immediate term construction noise.
2. **Privacy** – I'm concerned that having 3-story buildings next to our single-story house will mean people can look directly into our bedroom. I don't want to feel like a prisoner in my own home having to make sure all the blinds are drawn all the time.
3. **Traffic** – Coming out of our subdivision from 162<sup>nd</sup> St onto Mur-Len is already much busier than it was when we moved in 2010. I expect adding 202+ cars to that area will substantially increase traffic.
4. **Child Safety** – I'm concerned drivers will cut through our neighborhood to try to avoid the additional congestion on 159<sup>th</sup> street leading to safety concerns for our children.
5. **Property Value** – If a potential buyer is looking at our neighborhood it's because of the ability to find a serene place to relax away from the hustle of the busier parts of town. Having this densely populated eyesore will turn people away from the area and lower our property values.
6. **Community Character** - The introduction of a larger, mixed-use development will alter the neighborhood's character, shifting it from a quiet residential area to a more commercialized and densely populated environment.
7. **Empty retail space** – There are currently several empty retail units in both the area around Price Chopper and the Arbor Creek retail area. I expect whatever retail is offered in this new unit will also remain vacant so any proposed positive impacts suggested by the developer are likely optimistic at best.
8. **Lack of proper answers to questions** - At the July 29th meeting we did not get our questions answers to our satisfaction. They only sent people from marketing and construction so they couldn't answer anything about development. None of the questions specific to our community were answered because no one from Magnus at the meeting had been to our community or the property which is proposed to be rezoned.
9. **Out of state companies** - We as a community have concerns with using an out of state developer, construction company, property manager and daycare owner. The profits of this project will not stay within Olathe or the State of Kansas. Magnus will be the single entity for this entire project. While they have great recommendations when it comes to working with counties/cities, we wanted to know what it's like when the project is done, and the living begins. We have researched the organization and have found the following:
  - a. They currently have a 3.2 review at one property: HoM Flats at 28 West in Wyoming, MI.
  - b. Complaints include rodent infestation, poor communication, poor management, dirty and unkempt shared areas, vandalism, loud partying, drug use, theft. All of these seem to be unchecked by management according to the reviews. No one wants this in our community.
  - c. Additionally, claims of poor construction are extremely concerning. At the end of the day, these will remain in our community and become our problem after they are sold in the future. Poor construction and maintenance means they will quickly become dilapidated and rundown.

- d. The influx of 5-star ratings is the result of gift cards given out by Magnus to residents for providing positive reviews. This was noted at the community meeting and acknowledged by their marketing person.

Thank you for your time and consideration.

Kyle & Crystal Webster

16049 S. Elmridge St,  
Olathe, KS 66062

## Anna Will

---

**From:** Planning Contact  
**Subject:** FW: RZ24-0015 Concerns

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**From:** Leslie McKinley <[lesliemckinley75@gmail.com](mailto:lesliemckinley75@gmail.com)>  
**Sent:** Sunday, August 11, 2024 5:33 PM  
**To:** John Bacon <[JBacon@OLATHEKS.ORG](mailto:JBacon@OLATHEKS.ORG)>; Marge Vogt <[MVogt@OLATHEKS.ORG](mailto:MVogt@OLATHEKS.ORG)>; Robyn Essex <[RREssex@olatheks.org](mailto:RREssex@olatheks.org)>; Dean Vakas <[DVakas@OLATHEKS.ORG](mailto:DVakas@OLATHEKS.ORG)>; Ifelter@olatheschools.org; Kevin Gilmore <[KPGilmore@OLATHEKS.ORG](mailto:KPGilmore@OLATHEKS.ORG)>; Matthew Schoonover <[MSchoonover@OLATHEKS.ORG](mailto:MSchoonover@OLATHEKS.ORG)>  
**Subject:** Fwd: RZ24-0015 Concerns

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Please send these comments and concerns I have with case RZ24-0015 to that Planning Committee.

### Zoning

The current proposal is to rezone the Western half to the R-3 (Residential Low-Density Multifamily) District which provides for well-designed multifamily developments that emphasize open space and access to light and air. Building types are low-rise developments with commonly maintained landscaped open space. The R-3 district allows a density of twelve (12) dwelling units per acre. Increased densities are allowed by applying standards that achieve high quality site and building design. (I would argue these aren't high quality given some of the comments from residents)

The Eastern portion will be rezoned to C-2 Purpose: The C-2 (Community Center) District provides for mixed-use centers where designated in the Comprehensive Plan. This district includes pedestrian-scale development with commercial uses that draw from multiple neighborhoods.

### Density

The overall number of apartments, the height of the apartments, and retail, along with 346 parking spaces, on 14 acres is too much.

### Architectural Style

The style of the buildings does not match or compliment the buildings and single-family residences in Arbor Creek and Arbor Landing. The materials proposed: brick veneers, stone veneers, metal wall panels, and metal roofs are not of the same quality and grade of the buildings and homes in our community. They are institutional looking at best. A three-story building does not fit within a community that predominantly consists of one- and two-story houses and single-story retail buildings. Such a structure would be inconsistent with the existing architectural style and scale of the neighborhood.

### Height

There are no three-story buildings in the existing retail area, or overall community. Retail currently exists as a one-story retail space. Two- and three-story apartments impede upon homeowners' privacy and space and should not be allowed.

The construction of a three-story apartment building adjacent to single-family residences raises significant concerns about privacy. The height and proximity of such a building could lead to an invasion of privacy for existing homeowners, as apartment residents would have a direct line of sight into our properties. This intrusion on privacy is likely to make the neighborhood less desirable, potentially leading to a decrease in property values for current single-family residences

#### Structural Mass

Community Character: The introduction of a larger, mixed-use development will alter the neighborhood's character, shifting it from a quiet residential area to a more commercialized and densely populated environment. This is not something this community is interested in.

#### Siting

Historically, the presence of such complexes can lead to changes in the perception of the neighborhood, potentially making it less attractive to prospective buyers seeking high-value homes, resulting in a decrease in demand and consequently lower property values for the current homeowners.

The construction of a two- and three-story apartment building adjacent to single-family residences raises significant concerns regarding privacy. The height and proximity of such a building could lead to an invasion of privacy for existing homeowners, as apartment residents would have a direct line of sight into our properties. This intrusion on privacy is likely to make the neighborhood less desirable, potentially leading to a decrease in property values for current single-family residences. For those homes directly adjacent to the proposed complex, it would make them less desirable.

The extent to which the proposed district 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.

Community members have valid concerns with traffic caused by the single entrance/exit for this proposed development noting it would cause significant traffic congestion and safety issues. The increased volume of vehicles entering and exiting the complex at a single point could cause traffic bottlenecks, especially during peak hours. Additionally, the increased traffic could spill over into surrounding residential streets, further impacting the safety and tranquility of the neighborhood.

There are no businesses or schools for this community on south Mur-Len or 175th so a majority, if not all of this new traffic due to these apartments will be moving north on Mur-Len, east and west on 159th. Overall, this additional traffic will create a burden on this community.

This congestion will result in drivers cutting through neighborhoods to avoid 159th, especially at the 161st entrance at Mur-Len, creating safety issues in the Arbor Creek neighborhood.

This congestion will result in a cut through at 162nd moving both east and west, creating safety issues in Arbor Landing and Arbor Creek. If possible, start timing or videotaping congestion to be shared with city council members to show them how significant the current issue is.

The single emergency gated access road also creates concern should it become more than an emergency gated access road. Heatherwood St. is part of an active neighborhood where children play and this creates concern with vehicles cutting through or becoming a passthrough despite the intent to be gated.

The traffic study was conducted during the summer, not during the school year, and therefore did not account for peak traffic times in this community, given the two schools on 159th and the traffic issues at the intersection. We do not believe this study likely represents our experiences with traffic at 159th and Mur-Len during the school year.

The proposed development includes space for a childcare facility which only further complicates the traffic situation as families try to pick up and drop off children during school drop off and pick up times and at close of business.

The addition of 300 houses at 159th and Blackbob adds to the traffic concern. Even with the expansion of Brougham to Blackbob to 4 lanes, this will not relieve congestion within the area we live in.

The most recent approval of 169 and 159th will also contribute to issues on 159th and should also be considered as this project is before the planning and zoning commission.

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

Noise pollution:

Increased Traffic: With many new residents, there will be a significant increase in vehicle traffic. This includes cars, motorcycles, garbage trucks and delivery trucks for 202 apartments, all of which generate noise. As well as the increased volume of waste from a large apartment complex requires frequent garbage collection, which involves noisy trucks and machinery. Add to this the collection for a retail space which may, or may not, be on the same schedule as the complex.

Construction Noise: The construction phase of the apartment complex can produce loud noises from heavy machinery, construction equipment, and the general activities of building. None of us signed up for this.

Resident Activities: The day-to-day activities of a large number of residents can create noise.

Building Systems: Apartment complexes often have centralized heating, ventilation, and air conditioning systems (HVAC), elevators, and other mechanical systems that can generate noise.

Parking Areas: Parking lots or garages associated with the apartment complex can be sources of noise, including car doors slamming, engines starting, and car alarms going off.

The economic impact of the proposed use on the community.

At this time, we do not have details as to how many retail businesses or the types of retail businesses which would be placed in the development. What we do know is our current retail properties have regular storefront vacancies ranging from 1-2 a year. We currently have one storefront on the southside of 159th (Prieb) which has been open for at least a year.

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 the denial of the application.

The land is not sold and is pending so there is no hardship upon the landowner.

At the July 29th meeting we as a community didn't feel as though our questions were answered. The potential developer sent representation from marketing and construction. No one from their development team was in attendance so questions specific to development were not answered. None of the questions specific to our community were answered because no one from Magnus at the meeting had been to our community or the property which is proposed to be rezoned.

We as a community have concerns with using an out of state developer, construction company, property manager and daycare owner. The profits of this project will not stay within Olathe or the State of Kansas. Magnus will be the single entity for this entire project. While they have great recommendations when it comes to working counties/cities, we wanted to know what it's like when the project is done, and the living begins. We have researched the organization and have found the following:

They currently have a 3.2 review at one property: HoM Flats at 28 West in Wyoming, MI.

Complaints include rodent infestation, poor communication, poor management, dirty and unkempt shared areas, vandalism, loud partying, drug use, theft. All of these seem to be unchecked by management according to the reviews. No one wants this in our community.

Additionally, claims of poor construction are extremely concerning. At the end of the day, these will remain in our community and become our problem after they are sold in the future. Poor construction and maintenance mean they will quickly become dilapidated and rundown.

The influx of 5-star ratings is the result of gift cards given out by Magnus to residents for providing positive reviews. This was noted at the community meeting and acknowledged by their marketing person.

Thank you,

Leslie McKinley

17144 W. 161st Terrace

Olathe, KS 66062

**From:** [Marissa Brown](#)  
**To:** [Kim Hollingsworth](#)  
**Subject:** RZ24-0015  
**Date:** Monday, August 19, 2024 10:59:34 AM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Ms. Hollingsworth

As residents of Arbor Landing subdivision since 2006, we have several concerns with the proposed rezoning and project.

The overall number of apartments, the height of the apartments, and retail, along with 346 parking spaces, on 14 acres is too much.

The style of the buildings does not match or complement the buildings and single-family residences in Arbor Creek and Arbor Landing. The materials proposed: brick veneers, stone veneers, metal wall panels, and metal roofs are not of the same quality and grade of the buildings and homes in our community. They are institutional-looking at best. A three-story building does not fit within a community that predominantly consists of one- and two-story houses and single-story retail buildings. Such a structure would be inconsistent with the existing architectural style and scale of the neighborhood.

There are no three-story buildings in the existing retail area, or overall community. Retail currently exists as a one-story retail space. Two and three story apartments impede upon homeowners' privacy and space and should not be allowed. The construction of a three-story apartment building adjacent to single-family residences raises significant privacy concerns. The height and proximity of such a building could lead to an invasion of privacy for existing homeowners, as apartment residents would have a direct line of sight into our properties. This intrusion on privacy is likely to make the neighborhood less desirable, potentially leading to a decrease in property values for current single-family residences.

The introduction of a larger, mixed-use development will alter the neighborhood's character, shifting it from a quiet residential area to a more commercialized and densely populated environment. This is not something this community is interested in.

The proposed zoning change is not in harmony with zoning and uses of nearby properties which are zoned as single-family residences. The retail space, as zoned, is all one story.

Community members have valid concerns with traffic caused by the single entrance/exit for this proposed development noting it would cause significant traffic congestion and safety issues. The increased volume of vehicles entering and exiting the complex at a single point could cause traffic bottlenecks, especially during peak hours. Additionally, the increased traffic could spill over into surrounding residential streets, further impacting the safety and tranquility of the neighborhood.

There are no businesses or schools for this community on south Mur-Len or 175th so a majority, if not all of this new traffic due to these apartments will be moving north on Mur-Len, east and west on 159th. Overall, this additional traffic will create a burden on this community.

Please consider the input of current residents of the community and the already heavy traffic flow in the area before approving this rezoning and project request.

Marissa Moment Brown  
[marissa.m.brown@gmail.com](mailto:marissa.m.brown@gmail.com)  
913.636.7076



**Anna Will**

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**Subject:** FW: Strong Opposition to Magnus Capital Partners' Proposed Development

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**From:** Mark Hufford <[mjhufford@gmail.com](mailto:mjhufford@gmail.com)>

**Sent:** Sunday, August 11, 2024 4:11:45 PM

**To:** Dean Vakas <[DVakas@OLATHEKS.ORG](mailto:DVakas@OLATHEKS.ORG)>

**Subject:** Strong Opposition to Magnus Capital Partners' Proposed Development

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Dean Vakas,

I am writing as a deeply concerned resident of Olathe, residing in the Arbor Landing neighborhood. I wish to express my strong opposition to the proposed commercial and multi-family development by Magnus Capital Partners on the west side of Mur-Len Road near 161st Street.

This development presents a significant threat to the value of our homes and the overall well-being of our community. Magnus Capital Partners, an out-of-state entity with no vested interest in the long-term success of Olathe, is focused solely on quick profits. Their track record and the behavior of their CEO, Vishal Arora, raise serious concerns about their commitment to our city.

Mr. Arora, based in Michigan, has no ties to Olathe. His company has seen a significant decline in performance over the past few years, with a 33% reduction in staff within the last year alone. Employee reviews on platforms like Glassdoor paint a troubling picture of the company's internal culture and leadership. Magnus Capital Partners has faced public opposition across the country, with concerned citizens in multiple states, including Kansas, Kentucky, Alabama, and Wyoming, urging their local officials to deny similar proposals.

My wife and I have lived in Arbor Landing for 14 years, raising our six children in a community we have worked hard to build and maintain. We take great pride in the ongoing development of Olathe, and this proposal by Magnus Capital Partners threatens everything we have strived to achieve.

I strongly urge you to consider the long-term impact of this development on our community and to reject this proposal. It is not in the best interest of Olathe or its residents. Please do not approve this project.

Thank you for your time and consideration.

Sincerely,

Mark Hufford  
16820 West 161st Ter  
Olathe, KS 66062

## Fw: New Development Info

Marsha Milstead <marsha@adbanker.com>

Tue 8/6/2024 4:08 PM

To: Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good afternoon Ms. Hollingsworth:

I am writing in regards to the proposed Land Use Zoning changes for the area near 159<sup>th</sup> and Mur Len behind the Price Chopper Center. I am currently a resident of Arbor Landing and live on the corner of Heatherwood and 162<sup>nd</sup> St which means that the proposed residential building district will directly impact me, my family and my neighborhood.

Of course, there are many concerns for our neighborhood but my number one concern is safety for my family and kids but also for the safety of our friends and families that live in the areas surrounding. My youngest daughter will be a 6<sup>th</sup> grader at Chisholm in the fall and will walk across 159<sup>th</sup> St and down MurLen to our home after school every day. My 16 year old daughter will drive from Olathe East every day after school and will go through that same intersection. Both of my girls walk to our neighborhood pool frequently through the summer, they ride their bikes all to the neighborhood park, they walk and ride their bikes to their friends' house in our neighborhood and in the surrounding neighborhoods and to the Price Chopper. Adding over 365 cars from just this development alone to an already congested intersection is quite frightening. This will be in addition to the 300 houses that are being built at 159<sup>th</sup> St and Blackbob and the most recent approval off of 169 Hwy and 159<sup>th</sup> St.

I know there was a traffic survey done at the corner of 159<sup>th</sup> St and MurLen in the SUMMER, during the quietest time of the year, try again, go run that traffic survey in the heart of the winter when everyone is driving their children to school. Go sit on that corner and see how dangerous it already is for the children crossing the street there. As you watch, imagine that with even more people, imagine where those additional cars will go to avoid that intersection. They will go down our neighborhood streets, my neighborhood street where we have multiple children who play in their driveways playing catch and shooting baskets. Our neighborhoods will become race car tracks for people to speed through on their rush to get to work and school each morning.

I understand that we are trying to provide affordable living in Johnson County and I get that! I have a 22 year old son who has a 5 month old son that was currently in search of a home for his small family and affordable housing for small young families is a problem. However, this type of affordable housing is not what we need in this part of town. You are looking to place a community for people to live and walk to work, where are they going to work? There are not enough job opportunities in this area to sustain a working community, there are so many alternative locations that would fit this type of living community significantly better! If we want some affordable housing choices, maybe consider some single family houses that are comparable to houses the size of South Hampton or Madison Place instead of continuing to build \$500,000 and up houses. Some beautiful mid-ranged houses that would fit into the communities in the area.

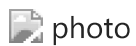
Those of us in Arbor Landing, Arbor Creek and the surrounding areas take deep pride in our homes and our neighborhoods. We have spent many years taking care of our homes, our yards, our neighborhoods to maintain beautiful, quiet and safe neighborhoods for our families. The proposed

buildings do not fit into the surrounding environment. The materials and design are not up to the standards of those surrounding it. The proposed buildings are currently 3 stories high, while there is nothing over 2 stories in the area which will disrupt the harmony of the area. Historically the presence of such complexes has lead to changes in the perception of the neighborhood and potentially will make the area less attractive potentially affecting the value and demand of the homes in the area. We have put a significant amount of money into our home, including a \$50,000 kitchen remodel to keep it up-to-date and modern, making it attractive to buyers whenever we decide to sell. The addition of a complex like this could completely destroy the value of our home no matter what upgrades we put into them.

I could continue with so many reasons as to why this complex should not be allowed to be build in this area but I think the safety of the kids in the area should alone be a reason not to build it. But to wrap up I'll include a short list of some additional problems.

- Traffic Congestion
- Noise Pollution
- Crime Rate Increase
- Property Value Decrease
- Aesthetic Changes
- Privacy Concerns for Surrounding Neighbors
- Character of the Neighborhoods will change
- Desirability of the Neighborhoods will Decrease
- Population in schools will affect education
- Number of people and cars per acreage is too much
- Materials used are not of high quality
- And so many more reasons!

Thank you so much for your time, consideration, and listening to the concerns of those who live in the area and the community. Money isn't everything but people are!



**Marsha Milstead**

Senior Sales and Marketing Specialist, A.D. Banker

[1.800.866.2468](tel:18008662468) [913.526.5112](tel:9135265112) [ADBanker.com](http://ADBanker.com)

[marsha@adbanker.com](mailto:marsha@adbanker.com)

[7311 W 132nd St #180, Overland Park KS 66213](#)



## Case #RZ24-0015

Carl & Randi Jo Anderson <pakman17@hotmail.com>

Tue 8/13/2024 10:47 AM

To: Robyn Essex <RREssex@olatheks.org>; Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>; John Bacon <JBacon@OLATHEKS.ORG>; Marge Vogt <MVogt@OLATHEKS.ORG>; Dean Vakas <DVakas@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>

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We believe that the proposed HOM Flats department is not beneficial for the area they are looking to add it to.

The developers didn't do their research of the area. They had no idea the homes in Arbor Landing average \$500,000 and the homes across the street in Arbor Creek Estates are over that. If they didn't research the area they want to build in, what else didn't they research? At the July 29th meeting, we as a community didn't feel as though our questions were answered. The potential developer sent representation from marketing and construction. No one from their development team was in attendance so questions specific to development were not answered. None of the questions specific to our community were answered because no one from Magnus at the meeting had been to our community or the property which is proposed to be rezoned.

We as a community have concerns with using an out of state developer, construction company, property manager and daycare owner. The profits of this project will not stay within Olathe or the State of Kansas. Magnus will be the single entity for this entire project. While they have great recommendations when it comes to working counties/cities, we wanted to know what it's like when the project is done, and the living begins. We have researched the organization and have found the following:

They currently have a 3.2 review at one property: HoM Flats at 28 West in Wyoming, MI.

Complaints include rodent infestation, poor communication, poor management, dirty and unkempt shared areas, vandalism, loud partying, drug use, theft. All of these seem to be unchecked by management according to the reviews. No one wants this in our community.

Additionally, claims of poor construction are extremely concerning. At the end of the day, these will remain in our community and become our problem after they are sold in the future. Poor construction and maintenance means they will quickly become dilapidated and rundown.

The influx of 5-star ratings is the result of gift cards given out by Magnus to residents for providing positive reviews. This was noted at the community meeting and acknowledged by their marketing person.

Adding this number of apartments with the height of the buildings, retail, and 346 parking spaces on this small 14 acre piece of land is too much.

The traffic study was conducted during the summer, not during the school year, and, therefore, did not account for peak traffic times in this community, given the two schools on 159th and the traffic issues at the intersection. We do not believe this study likely represents our experiences with traffic at 159th and Mur-Len during the school year.

The proposed development includes space for a childcare facility, which only further complicates the traffic situation as families try to pick up and drop off children during school drop off and pick up times and at close of business.

The addition of 300 houses at 159th and Blackbob adds to the traffic concern. Even with the expansion of Brougham to Blackbob to 4 lanes, this will not relieve congestion within the area we live in.

The most recent approval of 169 and 159th will also contribute to issues on 159th and should also be considered as this project is before the planning and zoning commission.

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

Historically, the presence of such complexes can lead to changes in the perception of the neighborhood, potentially making it less attractive to prospective buyers seeking high-value homes, resulting in a decrease in demand and consequently lower property values for the current homeowners.

The construction of a two- and three-story apartment building adjacent to single-family residences raises significant concerns regarding privacy. The height and proximity of such a building could lead to an invasion of privacy for existing homeowners, as apartment residents would have a direct line of sight into our properties. This intrusion on privacy is likely to make the neighborhood less desirable, potentially leading to a decrease in property values for current single-family residences. For those homes directly adjacent to the proposed complex, it would make them less desirable.

The extent to which the proposed district 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.

Community members have valid concerns with traffic caused by the single entrance/exit for this proposed development noting it would cause significant traffic congestion and safety issues. The increased volume of vehicles entering and exiting the complex at a single point could cause traffic bottlenecks, especially during peak hours. Additionally, the increased traffic could spill over into surrounding residential streets, further impacting the safety and tranquility of the neighborhood.

There are no businesses or schools for this community on south Mur-Len or 175th so a majority, if not all of this new traffic due to these apartments will be moving north on Mur-Len, east and west on 159th. Overall, this additional traffic will create a burden on this community.

This congestion will result in drivers cutting through neighborhoods to avoid 159th, especially at the 161st entrance at Mur-Len, creating safety issues in the Arbor Creek neighborhood.

This congestion will result in a cut through at 162nd moving both east and west, creating safety issues in Arbor Landing and Arbor Creek. If possible, start timing or videotaping congestion to be shared with city council members to show them how significant the current issue is.

The single emergency gated access road also creates concern should it become more than an emergency gated access road. Heatherwood Street is part of an active neighborhood where children play and this creates concern with vehicles cutting through or becoming a passthrough despite the intent to be gated.

The current proposal is to rezone the Western half to the R-3 (Residential Low-Density Multifamily) District which provides for well-designed multifamily developments that emphasize open space and access to light and

air. Building types are low-rise developments with commonly maintained landscaped open space. The R-3 district allows a density of twelve (12) dwelling units per acre. Increased densities are allowed by applying standards that achieve high quality site and building design (it could be argued that these aren't high quality given some of the comments from residents).

The Eastern portion will be rezoned to C-2 Purpose: The C-2 (Community Center) District provides for mixed-use centers where designated in the Comprehensive Plan. This district includes pedestrian-scale development with commercial uses that draw from multiple neighborhoods.

The style of the buildings does not match or compliment the buildings and single-family residences in Arbor Creek and Arbor Landing. The materials proposed: brick veneers, stone veneers, metal wall panels, and metal roofs are not of the same quality and grade of the buildings and homes in our community. They are institutional looking at best. A three-story building does not fit within a community that predominantly consists of one- and two-story houses and single-story retail buildings. Such a structure would be inconsistent with the existing architectural style and scale of the neighborhood.

The materials proposed: brick veneers, stone veneers, metal wall panels, and metal roofs are not of the same quality, grade and architectural style of the buildings and homes in our community.

There are no three-story buildings in the existing retail area, or overall community. Retail currently exists as a one-story retail space. Two and three story apartments impede upon homeowners' privacy and space and should not be allowed.

The construction of a three-story apartment building adjacent to single-family residences raises significant concerns about privacy. The height and proximity of such a building could lead to an invasion of privacy for existing homeowners, as apartment residents would have a direct line of sight into our properties. This intrusion on privacy is likely to make the neighborhood less desirable, potentially leading to a decrease in property values for current single-family residences.

Randi Jo Anderson

17050 W. 161<sup>st</sup> Street

Olathe, KS 66062

Arbor Landing Resident

## Anna Will

---

**To:** Sae Tounzen  
**Subject:** RE: RZ24-0015 project concerns

---

**From:** Sae Tounzen <stounzen@gmail.com>  
**Sent:** Thursday, September 12, 2024 6:03 PM  
**To:** Planning Contact <PlanningContact@OLATHEKS.ORG>  
**Subject:** RZ24-0015 project concerns

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, I would like to submit some concerns I have about this project. The architecture of these buildings will be taller than Price Chopper, while all the other housing in the area is single family homes. I'm also concerned about the dumpster area that comes with a large apartment complex. In other LIHTC housing in Olathe, the dumpsters are not concealed or cared for well. Trash regularly piles up around them. Since this development company is from out of state, I have concerns that they will not properly care for these either.

I do not understand how 3 story apartment buildings adding 202 families to our neighborhood counts as "low density" housing. I'm concerned about the added people, traffic, and potential crime that comes with an increase in population.

I am also concerned about the fact that the developer has only notified residents in Arbor Creek and Arbor Landing. There are houses in Arlington Park, Spring Meadow at Scarborough, and the county land behind Price Chopper that are within 1,000 feet of the proposed development and they were not notified.

Thank you,  
Sarah Tounzen

## Höm Flats at 161st and Mur-Len

Sae Tounzen <stounzen@gmail.com>

Wed 8/28/2024 7:36 AM

To: Emily Carrillo <ECarrillo@olatheks.org>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello, I'm writing to voice some concerns about the new project to build apartments at 161st and Mur-Len (case RZ 24-0015). I called twice last week and have not heard back yet.

I live in the Arbor Creek subdivision and will be directly impacted by this project and yet I was not notified by the developer or city, only heard about it from a neighbor who was. It sounds like they only notified a handful of people, which does not seem right to me.

I'm concerned about the sheer amount of people that this will add to our community. With 202 apartments, I fail to see how this is "low density" housing. This will be a strain on the already full schools in the area. It will also heavily impact the traffic on Mur-Len, which is already heavy. I understand that there was a traffic study done, but in June, so it doesn't take into account the increase in traffic during the school year. Will they be doing another one now that school has started?

Another concern I have about the number of apartments is that there will only be one entrance/exit (onto Mur-Len, the second exit being gated and only for emergency personnel). In an emergency, that is not enough to handle 202 apartments worth of people trying to leave. It is my understanding that the fire code for a business requires two exits from the parking lot for more than 50 people working there, why is it different for an apartment complex?

And finally, we were told when the city bought the land that it was intended to be a park. How is it that it is now going to be re-zoned into housing 202 apartments without informing those it will directly impact?

Please reach out to me with answers to these concerns.

Thank you,  
Sarah Tounzen  
(816) 294-2251



## Case No. RZ24-0015 HoM Flats (For the Record)

Goldsby, Scott <scott.goldsby@spx.com>

Wed 8/28/2024 12:51 PM

To: Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>; Planning Contact <PlanningContact@OLATHEKS.ORG>; Emily Carrillo <ECarrillo@olatheks.org>

Cc: John Bacon <JBacon@OLATHEKS.ORG>; Marge Vogt <MVogt@OLATHEKS.ORG>; Robyn Essex <RREssex@olatheks.org>; Dean Vakas <DVakas@OLATHEKS.ORG>; LeEtta Felter <LFelter@OLATHEKS.ORG>; Kevin Gilmore <KPGilmore@OLATHEKS.ORG>; Matthew Schoonover <MSchoonover@OLATHEKS.ORG>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Email Subject: **Case No. RZ24-0015**

Dear Planning Commission,

This email is for the city council records and City of Olathe planning commission. I am writing this letter in regard to the HoM Flats housing complex proposal to be built on vacant land located on the west side of Murlen Road near 161st Street (just north of the fire station) in Olathe. The application submitted to the City of Olathe is **Case No. RZ24-0015**.

I am writing this email to express my concern to you and the City Council in regards to how this proposal significantly impacts myself and families safety, privacy, personal finances, and introduces a significant nuisance. I am located at 16105 S Heatherwood St. which would be next to the proposed complex and proposed emergency access gate location.

### Concerns for the HoM Proposal (Case No. RZ24-0015)

#### 1). Safety Factors and Risk

- Proposed Emergency Exit called "Emergency Access Gate", is currently designed to run through Arbor Landing housing neighborhood and directly through our neighborhood adding significant safety risk
  - o When HoM representatives got asked if they found this acceptable in design and have ever built an apartment gate through a housing neighborhood, they noted no they have never done so and they are only doing it as they are required by city of Olathe
- The main entry/exit point for apartment complex is off Murlen, which is right next to the Fire Station's exit point. This is not ideal for an emergency and puts everyone at a safety risk, should this area become congested due to traffic.
- By adding an apartment complex with the main entry point off Mur-Len, every kid walking to school would be at a significant safety risk. The daycare facility alone with drop off and pick up will increase traffic tremendously, not to mention the 202 apartments and retail stores. The congestion will result in cars cutting through neighborhoods and causing unsafe neighborhoods.
- Adding a 202-apartment complex, daycare facility and retail stores adds a significant amount of headcount into one area that is already dense, this adds driving safety risks and in addition a crime risk. They are projecting 346 parking spaces, for all the apartments, retail and daycare. This means cars could be spilling out and parking in the Price Chopper parking lot and/or Arbor Landing Streets.

#### 2). Privacy Breach

- The construction of a three-story apartment building adjacent to our home significantly impacting our privacy, as the apartment resident will have a direct line of sight into our property
- There are no three-story buildings currently in the area and overall community. Two- and three-story apartments impede upon homeowners' privacy and space, this should not be allowed.
  - o They are proposing to keep the tree line but the trees are not tall enough for 3 stories and they do not keep their leaves all year round.

#### 3). Financial Impact of Resident in Area and Olathe City

- The proposed apartment complex will be both a market/income-based complex
  - o Historically, the presence of such complexes will lead to changes in the perception of the neighborhood, making it less attractive to prospective buyers seeking high-value homes and significantly decreasing home values
- The revenue of this development will mostly go back to Michigan and not stay within Olathe community, as discussed with HoM during their meeting at the Community Center.

#### 4). Nuisance for Area, Families, and Neighborhood

- Traffic in the area that this is proposed to be built is extremely congested at this time, especially during the school year
  - o HoM mentioned they did a traffic study during the summer, which would be the most unreal time to carry out a traffic study that is surrounded by grade schools and middle schools
  - o The Commercial developer group "HoM" is from Michigan and only built complexes in Michigan and one in Florida, of which all locations built prior are in commercial and industrial areas. The proposed zoning change is not in harmony with current zoning and uses of nearby properties which are zoned as single- family residences.
  - o The retail space that is in the area is zoned as only 1 story building
- The architecture of the buildings does not match or compliment the buildings and single-family residences in Arbor Creek and Arbor Landing. The materials proposed: brick veneers, stone veneers, metal wall panels, and metal roofs are not of the same quality and grade of the buildings and homes in our community. They resemble container homes. A three-story building does not fit within a community that predominantly consists of one- and two-story houses and single-story retail buildings. Such a structure would be inconsistent with the existing architectural style and scale of the neighborhood.
- HoM has terrible reviews in every housing complex they have built, with many of the reviews discussing their lack of keeping up on maintenance and everything being poorly built. Complaints include rodent infestation, poor communication, poor management, dirty and unkempt shared areas, vandalism, loud partying, drug use, theft. All of these seem to be unchecked by management according to the reviews. No one wants this in our community. Additionally, claims of poor construction are extremely concerning. At the end of the day, these will remain in our community and become our problem after they are sold in the future. Poor construction and maintenance mean they will quickly become dilapidated and rundown. The influx of 5-star ratings is the result of gift cards given out by Magnus to residents for providing positive reviews. This was noted at the community meeting and acknowledged by their marketing person.
- Noise pollution is another concern. With many new residents, there will be a significant increase in vehicle traffic. This includes cars, motorcycles, garbage trucks and delivery trucks for 202 apartments, all of which generate noise. As well as the increased volume of waste from a large apartment complex requires frequent garbage collection, which involves noisy trucks and machinery. The construction phase of the apartment complex can produce loud noises from heavy machinery, construction equipment, and the general activities of building. Parking lots or garages associated with the apartment complex can be sources of noise, including car doors slamming, engines starting, and car alarms going off. None of us signed up for this.

As noted above my family, friends, and neighbors have significant concerns with the apartment complex proposed by HoM. The proposed land is not sold and is pending so there would be no hardship upon the landowner.

"City of Olathe Planning works toward realizing the community's vision and goals for high quality growth and development while preserving the character of existing neighborhoods and services to residents."

-quoted from the City of Olathe's Planning Website

We ask that you assist us in keeping the Olathe community safe and a place we are all proud to live in and remain in line with your mission statement, quoted above.

Scott Goldsby

913-449-2859

## Emily Carrillo

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**From:** Kim Hollingsworth  
**Sent:** Thursday, August 29, 2024 5:06 PM  
**To:** Emily Carrillo  
**Subject:** FW: RZ24-0015 project rezoning.

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**From:** Sean Holloran <hollorans1@gmail.com>  
**Sent:** Monday, August 26, 2024 4:35 PM  
**To:** Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>  
**Subject:** RZ24-0015 project rezoning.

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Kim,

I am a resident of the Arbor Landing neighborhood and I am writing you with concerns about the proposed rezoning of an area for a low-income apartment complex. One of the many reasons my family decided to move into Arbor Landing is due to the area being a very safe and quaint neighborhood. We spent lots of time driving around during various parts of the day and seeing kids out on bikes and families talking in their driveways drove us to fall in love with this area and neighborhood. We moved in only a few short months ago but everyone has been extremely welcoming and we can't wait to stay here long term.

We were very sad to hear that there is a proposed low-income apartment complex that may be put in directly north of our neighborhood, and have direct access to our neighborhood one street over. This will not only make the traffic in the area unbearable but also drastically change the area for the worse. The quiet and quain neighborhood we love will be lost. Adding upwards of 200-400 people would decrease property value and the safety of the area. With an unknown volume of cars having direct access to our streets, kids will no longer be safe to enjoy the outdoors and we will be burdened with the influx of people and cars.

These buildings and areas will not only be an eye sore, but as someone who has lived in several large apartment complexes, they are never upkept to the level needed. In my last apartment, an individual was drunk driving and drifting his car through the parking lot at 6am on a Sunday morning. I woke up to the sound of him totaling three cars and trying to drive away. The reason I wanted to move into a nice neighborhood was to move away from issues like this. A low-income apartment complex with direct access to our streets and neighborhood only invites these dangerous actions and again will lower our property values.

These along with several other reasons are why I hope that this land is not rezoned for an apartment complex.

Thank you,  
Sean Holloran

**I have also included more information below from the "Golden Rules" of Golden v. Overland Park and concerns:**

- 1.
- 2.
3. Whether the proposal conforms to the Comprehensive Plan and any other

- 4. recognized plans, studies or policies normally utilized by the City in making land use decisions
- 5.
- 6.
- 7.
- 8. Character of the Neighborhood
- 9.

- 1.
- 2.
- 3. Land Use
- 4.
- 5.
- 6.
- 7. Zoning - here's just a reminder of the proposed changes
- 8.

- 1.
- 2.
- 3. The current proposal is to rezone the Western half to The R-3 (Residential
- 4. Low-Density Multifamily) District which provides for well-designed multifamily developments that emphasize open space and access to light and air. Building types are low-rise developments with commonly maintained landscaped open space. The R-3 district allows
- 5. a density of twelve (12) dwelling units per acre. Increased densities are allowed by applying standards that achieve high quality site and building design.(I would argue these aren't high quality given some of the comments from residents)
- 6.
- 7.
- 8.
- 9. The Eastern portion will be rezoned to C-2 Purpose: The C-2 (Community
- 10. Center) District provides for mixed-use centers where designated in the Comprehensive Plan. This district includes pedestrian-scale development with commercial uses that draw from multiple neighborhoods.

- 11.
- 9.
- 10.
- 11. Density
- 12.

- 1.
- 2.
- 3. The overall number of apartments, the height of the apartments, and
- 4. retail, along with 346 parking spaces, on 14 acres is too much.
- 5.

- 13.
- 14.
- 15. Floor Area
- 16.
- 17.
- 18.
- 19. Architectural Style
- 20.

- 1.
- 2.
- 3. The style of the buildings does not match or compliment the buildings

4. and single-family residences in Arbor Creek and Arbor Landing. The materials proposed: brick veneers, stone veneers, metal wall panels, and metal roofs are not of the same quality and grade of the buildings and homes in our community. They are institutional looking at best. A three-story building does not fit within a community that predominantly consists of one- and two-story houses and single-story retail buildings. Such a structure would be inconsistent with the existing architectural style and scale of the neighborhood.
- 5.
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- 7.

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### 23. Building Materials

24.

- 1.
- 2.
3. The materials proposed: brick veneers, stone veneers, metal wall panels,
4. and metal roofs are not of the same quality, grade and architectural style of the buildings and homes in our community.
- 5.

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### 27. Height

28.

- 1.
- 2.
3. There are no three-story buildings in the existing retail area, or overall
4. community. Retail currently exists as a one-story retail space. Two and three story apartments impede upon homeowners' privacy and space and should not be allowed.
- 5.
- 6.
- 7.
8. The construction of a three-story apartment building adjacent to single-family
9. residences raises significant concerns about privacy. The height and proximity of such a building could lead to an invasion of privacy for existing homeowners, as apartment residents would have a direct line of sight into our properties. This intrusion on
10. privacy is likely to make the neighborhood less desirable, potentially leading to a decrease in property values for current single-family residences

11.

29.

30.

### 31. Structural Mass

32.

- 1.
- 2.
3. Community Character: The introduction of a larger, mixed-use development
4. will alter the neighborhood's character, shifting it from a quiet residential area to a more commercialized and densely populated environment. This is not something this community is interested in.
- 5.

33.

34.

### 35. Siting

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39. Open Space

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12. The zoning and uses of nearby properties, and the extent to which the

13. proposed zoning district is in harmony with those districts and uses.

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1.

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3. The proposed zoning change is not in harmony with zoning and uses of

4. nearby properties which are zoned as single- family residences. The retail space, as zoned, is all one story.

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17. The suitability of the property for the uses to which it has been restricted

18. under the applicable zoning district regulations.

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22. The length of time the property has remained vacant as zoned.

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26. The extent to which approval of the application would detrimentally

27. affect nearby properties. (see value, traffic, etc.)

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31. The extent to which development under the proposed district would substantially

32. harm the value of nearby properties.

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3. The proposed 1,2-, and 3-bedroom apartment complex will be both a market

4. and income-based complex.

5.

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7.

8. Historically, the presence of such complexes can lead to changes in

9. the perception of the neighborhood, potentially making it less attractive to prospective buyers seeking high-value homes, resulting in a decrease in demand and consequently lower property values for the current homeowners.

10.

11.

12.

13. The construction of a two- and three-story apartment building adjacent

14. to single-family residences raises significant concerns regarding privacy. The height and proximity of such a building could lead to an invasion of privacy for existing homeowners, as apartment residents would have a direct line of sight into our properties.

15. This intrusion on privacy is likely to make the neighborhood less desirable, potentially leading to a decrease in property values for current single-family residences. For those homes directly adjacent to the proposed complex, it would make them less desirable.

16.

- 34.
- 35.
36. The extent to which the proposed district would adversely affect the
37. capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.
38.
  - 1.
  - 2.
  3. Community members have valid concerns with traffic caused by the single
  4. entrance/exit for this proposed development noting it would cause significant traffic congestion and safety issues. The increased volume of vehicles entering and exiting the complex at a single point could cause traffic bottlenecks, especially during peak
  5. hours. Additionally, the increased traffic could spill over into surrounding residential streets, further impacting the safety and tranquility of the neighborhood.
  6.
    - 1.
    - 2.
    3. There are no businesses or schools for this community on south Mur-Len
    4. or 175th so a majority, if not all of this new traffic due to these apartments will be moving north on Mur-Len, east and west on 159th. Overall, this additional traffic will create a burden on this community.
    - 5.
    - 6.
    - 7.
    8. This congestion will result in drivers cutting through neighborhoods
    9. to avoid 159th, especially at the 161st entrance at Mur-Len, creating safety issues in the Arbor Creek neighborhood.
    - 10.
    - 11.
    - 12.
    13. This congestion will result in a cut through at 162nd moving both east
    14. and west, creating safety issues in Arbor Landing and Arbor Creek. If possible, start timing or videotaping congestion to be shared with city council members to show them how significant the current issue is.
    - 15.
  - 7.
  - 8.
  9. The single emergency gated access road also creates concern should it
  10. become more than an emergency gated access road. Heatherwood St. is part of an active neighborhood where children play and this creates concern with vehicles cutting through or becoming a passthrough despite the intent to be gated.
  - 11.
  - 12.
  - 13.
  14. The traffic study was conducted during the summer, not during the school
  15. year, and therefore did not account for peak traffic times in this community, given the two schools on 159th and the traffic issues at the intersection. We do not believe this study likely represents our experiences with traffic at 159th and Mur-Len during
  16. the school year.
  - 17.
  - 18.
  - 19.
  20. The proposed development includes space for a childcare facility which



21. only further complicates the traffic situation as families try to pick up and drop off children during school drop off and pick up times and at close of business.
- 22.
- 23.
- 24.
25. addition of 300 houses at 159th and Blackbob adds to the traffic concern.
26. Even with the expansion of Brougham to Blackbob to 4 lanes, this will not relieve congestion within the area we live in.
- 27.
- 28.
- 29.
30. The most recent approval of 169 and 159th will also contribute to issues
31. on 159th and should also be considered as this project is before the planning and zoning commission.
- 32.

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41. The extent to which the proposed use would create excessive air pollution,

42. water pollution, noise pollution or other environmental harm

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2.

3. Noise pollution:

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2.

3. Increased Traffic: With many new residents, there will be a significant

4. increase in vehicle traffic. This includes cars, motorcycles, garbage trucks and delivery trucks for 202 apartments, all of which generate noise. As well as the increased volume of waste from a large apartment complex requires frequent Thegarbage collection,

5. which involves noisy trucks and machinery. Add to this the collection for a retail space which may, or may not, be on the same schedule as the complex.

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9. Construction Noise: The construction phase of the apartment complex

10. can produce loud noises from heavy machinery, construction equipment, and the general activities of building. None of us signed up for this.

11.

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14. Resident Activities: The day-to-day activities of a large number of

15. residents can create noise.

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19. Building Systems: Apartment complexes often have centralized heating,

20. ventilation, and air conditioning systems (HVAC), elevators, and other mechanical systems that can generate noise.

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24. Parking Areas: Parking lots or garages associated with the apartment

25. complex can be sources of noise, including car doors slamming, engines starting, and car alarms going off.

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46. The economic impact of the proposed use on the community.

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3. At this time, we do not have details as to how many retail businesses

4. or the types of retail businesses which would be placed in the development. What we do know is our current retail properties have regular storefront vacancies ranging from 1-2 a year. We currently have one storefront on the southside of 159th (Prieb) which

5. has been open for at least a year.

6.

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50. The gain, if any, to the public health, safety, and welfare due to denial

51. of the application as compared to the hardship imposed upon the landowner, if any, as a result of the denial of the application.

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3. The land is not sold and is pending so there is no hardship upon the

4. landowner.

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55. The recommendation of professional staff

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59. Any other factors which may be relevant to a particular application

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3. At the July 29th meeting we as a community didn't feel as though our

4. questions were answered. The potential developer sent representation from marketing and construction. No one from their development team was in attendance so questions specific to development were not answered. None of the questions specific to our community

5. were answered because no one from Magnus at the meeting had been to our community or the property which is proposed to be rezoned.

6.

7.

8.

9. We as a community have concerns with using an out of state developer,

10. construction company, property manager and daycare owner. The profits of this project will not stay within Olathe or the State of Kansas. Magnus will be the single entity for this entire project. While they have great recommendations when it comes to working

11. counties/cities, we wanted to know what it's like when the project is done, and the living begins. We have researched the organization and have found the following:

12.

1.

2.

3. They currently have a 3.2 review at one property: HoM Flats at 28 West
4. in Wyoming, MI.
- 5.
- 6.
- 7.
8. Complaints include rodent infestation, poor communication, poor management,
9. dirty and unkempt shared areas, vandalism, loud partying, drug use, theft. All of these seem to be unchecked by management according to the reviews. No one wants this in our community.
- 10.
- 11.
- 12.
13. Additionally, claims of poor construction are extremely concerning.
14. At the end of the day, these will remain in our community and become our problem after they are sold in the future. Poor construction and maintenance means they will quickly become dilapidated and rundown.
- 15.
- 16.
- 17.
  
18. The influx of 5-star ratings is the result of gift cards given out by
  
19. Magnus to residents for providing positive reviews. This was noted at the community meeting and acknowledged by their marketing person.
  
- 20.

## RZ24-0015

Olathe Home <olathehome1@att.net>

Tue 8/6/2024 10:17 AM

To: Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Shelly Glasgow  
17020 W 161<sup>st</sup> St  
Olathe, KS 66062  
Olathehome1@att.net  
August 6, 2024

City of Olathe Zoning and Planning Commission  
Olathe, KS 66062

Dear Members of the Zoning and Planning Commission,

I am writing to formally express my opposition to the proposed rezoning and mixed-use development project (HoM FLATS AT MUR-LEN). This project includes a multi-dwelling residential complex and commercial space and is set to be located directly behind my property. I have several concerns that I believe should be considered before any decisions are made regarding this proposal.

### 1. Conformance with Comprehensive Plan and Zoning Policies

The proposed rezoning does not align with the City's Comprehensive Plan or existing zoning policies. The Western portion's proposed change to the R-3 (Residential Low-Density Multifamily) District and the Eastern portion's proposed change to the C-2 (Community Center) District are inconsistent with the current zoning, which is predominantly single-family residential and one-story retail. This deviation from established plans will create a misalignment with the neighborhood's current land use and zoning character.

### 2. Character of the Neighborhood

#### a. Land Use and Zoning

The proposed R-3 zoning suggests multifamily units with a density of twelve units per acre and includes a three-story apartment building. Such density and height are starkly different from the existing single-family residences and one-story retail structures in the neighborhood. The transition from a low-density residential and retail area to a mixed-use development with higher density and larger structures will significantly alter the character of our community.

#### b. Density and Floor Area

The proposed development's density, with 346 parking spaces across 14 acres, appears excessive for our current neighborhood infrastructure. The height and mass of the buildings, especially the three-story apartments, are inconsistent with the predominantly one- and two-story homes in Arbor Creek and Arbor Landing.

#### c. Architectural Style and Building Materials

The proposed architectural style and materials—brick veneers, stone veneers, metal wall panels, and metal roofs—are not compatible with the existing architectural style of our community. The proposed buildings' institutional appearance will clash with the aesthetic of the surrounding residential properties, which feature more traditional and harmonious design elements.

#### d. Height and Structural Mass

The introduction of three-story buildings near single-family residences is a significant concern. The height and proximity of these structures could infringe upon the privacy of existing homeowners, negatively affecting property values and the overall appeal of our neighborhood.

### 3. Traffic and Infrastructure Impact

#### a. Traffic Congestion

The single entrance/exit for this development is expected to cause severe traffic congestion, especially during peak hours. The increased traffic will spill over into surrounding residential streets, creating safety concerns and disrupting the tranquility of our neighborhood.

#### b. Impact on Local Roads

The anticipated increase in traffic, coupled with the added strain from nearby developments and retail spaces, will exacerbate existing traffic issues, particularly at the intersections of Mur-Len and 159th. The traffic study, conducted during the summer, fails to account for peak traffic times during the school year, which is a significant oversight.

#### c. Emergency Access

Concerns about the potential misuse of the emergency gated access road are also noteworthy. If this road becomes more than a backup access point, it could create additional traffic and safety issues in our neighborhood.

### 4. Environmental and Economic Concerns

#### a. Noise Pollution

The development will contribute to increased noise pollution from traffic, construction activities, and ongoing resident activities. This additional noise will disrupt the peaceful environment currently enjoyed by our community.

#### b. Economic Impact

The potential decrease in property values due to the introduction of a mixed-use complex and the associated changes in neighborhood perception could have a lasting negative impact on current homeowners. The impact on local retail businesses, coupled with concerns about the quality and management of the proposed development, further underscores the potential economic drawbacks.

### 5. Concerns Regarding the Developer

I have reservations about the proposed out-of-state developer, Magnus Capital Partners. The feedback from their existing properties suggests a history of management issues, poor construction quality, and insufficient maintenance. These concerns, combined with the lack of a local presence, make us apprehensive about the long-term implications of this development on our community.

In conclusion, the proposed development raises several concerns related to conformity with existing plans, neighborhood character, traffic impacts, environmental noise, and the suitability of the developer. I urge the Commission to reconsider the proposal in light of these issues and prioritize the preservation of the current neighborhood character and residents' quality of life.

Thank you for your attention to this matter.

Sincerely,

Shelly J. Glasgow

**From:** [Susan Slater](#)  
**To:** [Emily Carrillo](#)  
**Cc:** [Kim Hollingsworth](#); [larbear71@outlook.com](mailto:larbear71@outlook.com)  
**Subject:** August 12th meeting- HoM Flats on Mur-Len  
**Date:** Monday, August 12, 2024 7:54:50 PM

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**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thanks for your time today meeting Larry Jordan and me. I feel that we were successful in sharing the concerns of the homeowners in Arbor Creek and Arbor Landing and now have an understanding of the planning department's view of the project.

As we requested, please forward any public documents that the developer has submitted to date including but not limited to renderings, traffic reports, and drawings. Also, please forward any current reports that the planning staff have shared back to the developer. We also request that future public documents and reports from staff and developers are forwarded to us as this proposed project proceeds through the approval process.

Thanks again for your help!

Gene Slater  
Associate  
BRR Architecture  
Sent from my iPhone

On Aug 6, 2024, at 8:23 PM, Susan Slater <[jhawk82@sbcglobal.net](mailto:jhawk82@sbcglobal.net)> wrote:

Thank you Kim!

Gene Slater  
Associate  
BRR Architecture  
Sent from my iPhone

On Aug 6, 2024, at 7:57 PM, Kim Hollingsworth <[KAHollingsworth@olatheks.org](mailto:KAHollingsworth@olatheks.org)> wrote:

Gene,

Thank you for reaching out regarding the HoM Flats development proposal. I apologize for the delay as the case planner Emily Carrillo has been out of the office. I have attached the latest version of the proposed development plan. As it is still early in the review process for this development, this is the same plan that was shared during the neighborhood meeting. We expect there will be some changes to this

proposal as it progresses through review ahead of the Planning Commission meeting which is currently scheduled for September 9<sup>th</sup>.

The development plans will be posted along with City staff's review analysis report towards the end of the week ahead of the Planning Commission meeting on our website:

<https://olatheks.legistar.com/Calendar.aspx>. We are also collecting feedback to [planningcontact@olatheks.gov](mailto:planningcontact@olatheks.gov) or (913) 971-8750 ahead of the Planning Commission meeting to be provided to the Planning Commission.

Please feel free to reach out to Emily if you have any further questions as she will return to the office tomorrow. You can also contact [planningcontact@olatheks.gov](mailto:planningcontact@olatheks.gov) at any time for a quick response.

Thank you,

Kim

[Kim Hollingsworth](#), AICP *Planning and Development Manager*

(913) 971-9060 | [Olatheks.gov](http://Olatheks.gov) | [olatheks.gov/elevateolathe](http://olatheks.gov/elevateolathe)

Planning Division | City of Olathe, Kansas

**Setting the Standard for Excellence in Public Service**

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-  
[<image002.png>](#)

-  
[<image003.png>](#)

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**From:** Susan Slater <jhawk82@sbcglobal.net>

**Sent:** Tuesday, August 6, 2024 3:18 PM

**To:** Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>

**Cc:** Emily Carrillo <ECarrillo@olatheks.org>

**Subject:** Re: HoM Flats on Mur-Len

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

I've not received a reply to my original email but I've heard subsequent to it that you are handling inquiries for the proposed development. Please see below regarding my inquiry.

Thanks in advance for your reply.

Gene Slater  
Associate  
BRR Architecture  
Sent from my iPhone

On Jul 30, 2024, at 10:19 PM, Robert Slater

<[jhawk82@sbcglobal.net](mailto:jhawk82@sbcglobal.net)> wrote:

How can I find out more about the proposed project? I attended the neighborhood meeting yesterday and I'd like to review a copy of the application and review the Planning and Zoning staff comments when they become available.

Thanks for your help.

Gene Slater  
17186 W 161st Place  
Arbor Landing Resident

<RZ24-0015 Site Development Plan.pdf>



## Emily Carrillo

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**From:** Kim Hollingsworth  
**Sent:** Tuesday, September 17, 2024 1:03 PM  
**To:** Emily Carrillo  
**Subject:** FW: RZ24-0015 Proposed rezoning for apartments at 161st and Mur-Len

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

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**From:** TIMOTHY ANDERSON <[timothy5982@sbcglobal.net](mailto:timothy5982@sbcglobal.net)>  
**Sent:** Saturday, September 14, 2024 10:04:44 AM  
**To:** LeEtta Felter <[LFelter@OLATHEKS.ORG](mailto:LFelter@OLATHEKS.ORG)>  
**Subject:** RZ24-0015 Proposed rezoning for apartments at 161st and Mur-Len

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Councilwoman Felter,

We are writing to you about **RZ24-0015**, the rezoning proposal at 161<sup>st</sup> and Mur-Len in south Olathe. As property owners in Arbor Landing, we are encouraging you to vote against this proposed zoning change for a multi-family dwelling project. This project is not a good fit for this location for many reasons. Here is a list of why it should be voted down:

1. The proposed project is too big for the piece of land they are trying to purchase and build on. This proposed project is simply and obviously not the right fit.
2. Being landlocked, there are not adequate exits and entrances to this proposed project, causing additional congestion and safety issues with traffic at the main and only entrance and exit on Mur-Len. This additional traffic congestion on Mur-Len will then cause more traffic and safety issues in the surrounding neighborhoods.
3. This project will sit between two Olathe District Schools, Sunnyside and Chisholm Trail Middle School. There are dozens of children walking and riding bicycles to these schools who would be put at greater safety risk with the increase in traffic by this proposal including the current congestion at drop-off and pick up time at these schools.
4. Currently, there are beautiful large trees on the property, and according to the proposed plans they would all be destroyed, changing the area from lush vegetation to sterile brick and mortar. Alternatively, this area would make a beautiful park that Olathe could certainly use.
5. The proposed buildings on this site do not fit with the architecture of the surrounding single-family homes that currently range in price from \$400,000 to \$1 million dollars.
6. There will not be any buffer area between the proposed project and the homes in Arbor Landing.

Again, I encourage you to vote against this zoning change **RZ24-0015** as it is not a good fit for this location and will negatively impact the schools and families in this area!

Sincerely,

Timothy J. Anderson & Dawn V. Anderson

16860 W. 161<sup>st</sup> Terrace

Olathe, KS 66062

## RZ24-0015 Comments and Concerns

willie.mckinley@yahoo.com <willie.mckinley@yahoo.com>

Sun 8/11/2024 5:02 PM

To: Kim Hollingsworth <KAHollingsworth@OLATHEKS.ORG>

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Please send these comments and concerns I have with case RZ24-0015 to that Planning Committee.

### Zoning

The current proposal is to rezone the Western half to the R-3 (Residential Low-Density Multifamily) District which provides for well-designed multifamily developments that emphasize open space and access to light and air. Building types are low-rise developments with commonly maintained landscaped open space. The R-3 district allows a density of twelve (12) dwelling units per acre. Increased densities are allowed by applying standards that achieve high quality site and building design. (I would argue these aren't high quality given some of the comments from residents)

The Eastern portion will be rezoned to C-2 Purpose: The C-2 (Community Center) District provides for mixed-use centers where designated in the Comprehensive Plan. This district includes pedestrian-scale development with commercial uses that draw from multiple neighborhoods.

### Density

The overall number of apartments, the height of the apartments, and retail, along with 346 parking spaces, on 14 acres is too much.

### Architectural Style

The style of the buildings does not match or compliment the buildings and single-family residences in Arbor Creek and Arbor Landing. The materials proposed: brick veneers, stone veneers, metal wall panels, and metal roofs are not of the same quality and grade of the buildings and homes in our community. They are institutional looking at best. A three-story building does not fit within a community that predominantly consists of one- and two-story houses and single-story retail buildings. Such a structure would be inconsistent with the existing architectural style and scale of the neighborhood.

### Height

There are no three-story buildings in the existing retail area, or overall community. Retail currently exists as a one-story retail space. Two- and three-story apartments impede upon homeowners' privacy and space and should not be allowed.

The construction of a three-story apartment building adjacent to single-family residences raises significant concerns about privacy. The height and proximity of such a building could lead to an invasion of privacy for existing homeowners, as apartment residents would have a direct line of sight into our properties. This intrusion on privacy is likely to make the neighborhood less desirable, potentially leading to a decrease in property values for current single-family residences

### Structural Mass

Community Character: The introduction of a larger, mixed-use development will alter the neighborhood's character, shifting it from a quiet residential area to a more commercialized and densely populated environment. This is not

something this community is interested in.

### Siting

Historically, the presence of such complexes can lead to changes in the perception of the neighborhood, potentially making it less attractive to prospective buyers seeking high-value homes, resulting in a decrease in demand and consequently lower property values for the current homeowners.

The construction of a two- and three-story apartment building adjacent to single-family residences raises significant concerns regarding privacy. The height and proximity of such a building could lead to an invasion of privacy for existing homeowners, as apartment residents would have a direct line of sight into our properties. This intrusion on privacy is likely to make the neighborhood less desirable, potentially leading to a decrease in property values for current single-family residences. For those homes directly adjacent to the proposed complex, it would make them less desirable.

The extent to which the proposed district 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.

Community members have valid concerns with traffic caused by the single entrance/exit for this proposed development noting it would cause significant traffic congestion and safety issues. The increased volume of vehicles entering and exiting the complex at a single point could cause traffic bottlenecks, especially during peak hours. Additionally, the increased traffic could spill over into surrounding residential streets, further impacting the safety and tranquility of the neighborhood.

There are no businesses or schools for this community on south Mur-Len or 175th so a majority, if not all of this new traffic due to these apartments will be moving north on Mur-Len, east and west on 159th. Overall, this additional traffic will create a burden on this community.

This congestion will result in drivers cutting through neighborhoods to avoid 159th, especially at the 161st entrance at Mur-Len, creating safety issues in the Arbor Creek neighborhood.

This congestion will result in a cut through at 162nd moving both east and west, creating safety issues in Arbor Landing and Arbor Creek. If possible, start timing or videotaping congestion to be shared with city council members to show them how significant the current issue is.

The single emergency gated access road also creates concern should it become more than an emergency gated access road. Heatherwood St. is part of an active neighborhood where children play and this creates concern with vehicles cutting through or becoming a passthrough despite the intent to be gated.

The traffic study was conducted during the summer, not during the school year, and therefore did not account for peak traffic times in this community, given the two schools on 159th and the traffic issues at the intersection. We do not believe this study likely represents our experiences with traffic at 159th and Mur-Len during the school year.

The proposed development includes space for a childcare facility which only further complicates the traffic situation as families try to pick up and drop off children during school drop off and pick up times and at close of business.

The addition of 300 houses at 159th and Blackbob adds to the traffic concern. Even with the expansion of Brougham to Blackbob to 4 lanes, this will not relieve congestion within the area we live in.

The most recent approval of 169 and 159th will also contribute to issues on 159th and should also be considered as this project is before the planning and zoning commission.

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

### Noise pollution:

**Increased Traffic:** With many new residents, there will be a significant increase in vehicle traffic. This includes cars, motorcycles, garbage trucks and delivery trucks for 202 apartments, all of which generate noise. As well as the increased volume of waste from a large apartment complex requires frequent garbage collection, which involves noisy trucks and machinery. Add to this the collection for a retail space which may, or may not, be on the same schedule as the complex.

**Construction Noise:** The construction phase of the apartment complex can produce loud noises from heavy machinery, construction equipment, and the general activities of building. None of us signed up for this.

**Resident Activities:** The day-to-day activities of a large number of residents can create noise.

**Building Systems:** Apartment complexes often have centralized heating, ventilation, and air conditioning systems (HVAC), elevators, and other mechanical systems that can generate noise.

**Parking Areas:** Parking lots or garages associated with the apartment complex can be sources of noise, including car doors slamming, engines starting, and car alarms going off.

The economic impact of the proposed use on the community.

At this time, we do not have details as to how many retail businesses or the types of retail businesses which would be placed in the development. What we do know is our current retail properties have regular storefront vacancies ranging from 1-2 a year. We currently have one storefront on the southside of 159th (Prieb) which has been open for at least a year.

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 the denial of the application.

The land is not sold and is pending so there is no hardship upon the landowner.

At the July 29th meeting we as a community didn't feel as though our questions were answered. The potential developer sent representation from marketing and construction. No one from their development team was in attendance so questions specific to development were not answered. None of the questions specific to our community were answered because no one from Magnus at the meeting had been to our community or the property which is proposed to be rezoned.

We as a community have concerns with using an out of state developer, construction company, property manager and daycare owner. The profits of this project will not stay within Olathe or the State of Kansas. Magnus will be the single entity for this entire project. While they have great recommendations when it comes to working counties/cities, we wanted to know what it's like when the project is done, and the living begins. We have researched the organization and have found the following:

They currently have a 3.2 review at one property: HoM Flats at 28 West in Wyoming, MI.

Complaints include rodent infestation, poor communication, poor management, dirty and unkempt shared areas, vandalism, loud partying, drug use, theft. All of these seem to be unchecked by management according to the reviews. No one wants this in our community.

Additionally, claims of poor construction are extremely concerning. At the end of the day, these will remain in our community and become our problem after they are sold in the future. Poor construction and maintenance mean they will quickly become dilapidated and rundown.

The influx of 5-star ratings is the result of gift cards given out by Magnus to residents for providing positive reviews. This was noted at the community meeting and acknowledged by their marketing person.

Thank you,

*Willie McKinley*  
17144 W 161st Ter  
Olathe, KS 66062  
Willie.McKinley@yahoo.com