



MINUTES

Planning Commission Meeting: December 8, 2025

Application:	<u>RZ25-0009:</u> Request for approval of a rezoning from the NC (Neighborhood Center) District to the R-3 (Residential Low-Density Multifamily) District for Lone Elm Townhomes, located northeast of W. 119 th Street and S. Lone Elm Road.
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Nathan Jurey, Senior Planner, presented the request to rezone the 7.7-acre site from NC (Neighborhood Commercial) to R-3 (Low-Density Multifamily) with an associated preliminary plan for Lone Elm Townhomes. He explained that the property is located northeast of 119th Street and Lone Elm Road. He noted that the proposal included 71 townhomes at a density of approximately nine units per acre and extended public streets, connecting W. 118th Terrace and S. Deer Run Street, through the site.

Mr. Jurey presented that the site had been zoned for mixed-use development since 2005 and that staff recommends denial of the requested “downzoning” as it does not meet multiple rezoning Golden Criteria, including conformance with the Comprehensive Plan and suitability of uses.

Mr. Jurey stated that the Comprehensive Plan encouraged mixed-use and complete neighborhoods. He emphasized the importance of maintaining the limited amount of commercially zoned land in northwest Olathe to support a balance of jobs and housing. He further added that this site was deemed suitable for commercial development in 2005 and the suitability is increasing due to the current 119th Street Extension, which is expected to change travel patterns from K-7 and K-10 Highways; he opined that rezoning prior to realizing those impacts was premature.

Mr. Jurey summarized public input, noting neighborhood meeting attendance of 40 residents and written correspondence from 41 residents, most of whom expressed opposition due to concerns regarding density, building massing, traffic and safety, parking, amenities, property value impact, and desire to retain commercial zoning. He concluded that staff recommended denial due to inconsistency with the Comprehensive Plan and failure to meet multiple Golden Criteria.

Chair Janner invited questions from the Commission.

Commissioner Brown asked for clarification regarding the 119th Street extension and its proximity to the site.

Mr. Jurey explained the alignment of the road extension and stated that the subject property was located approximately one and one-half miles west of the planned roundabout connection.

Chair Janner then invited the applicant to present.

Mr. Curtis Holland, attorney for the property owner, addressed the Commission on behalf of the development team, and introduced the applicant team which he noted contained highly experienced development and real estate professionals. He stated that the Applicant disagreed with staff's recommendation and asserted that the site had not been viable for retail development during the 20 years it had been commercially zoned. He explained that multiple attempts to attract retail or other commercial uses had been unsuccessful and that even with the 119th Street Extension project, the market conditions were unlikely to change. He added that the property owner had been patient, holding the property for 20 years without any development materializing and he did not believe the market would change significantly for this site. Mr. Holland described the surrounding development as predominantly residential, including adjacent townhomes, and argued that the proposed townhomes were compatible with the area. He summarized the conceptual plan for 71 townhomes, cited The Clearing as comparable and noted that the proposed density was lower than nearby developments. In response to neighborhood meeting comments, he added that W. 118th Terrace and S. Deer Run Street are both public streets, not private. He also referenced a prior rezoning in the area (Crestone Senior Living) where commercial land had been downzoned in response to market realities and just east of Olathe West High School where townhomes were built in NC District zoning. He emphasized that increased traffic alone did not ensure retail success and gave several examples. Mr. Holland concluded by requesting approval of the rezoning and offered to answer questions. He requested time later to be able to answer additional questions.

Chair Janner asked whether Commissioners had any questions for the applicant. He then opened the public hearing.

Speaker #1, Thomas Bart, 11764 S. Marion Street, a resident of Foxfield Village whose property abutted the site, spoke in opposition to the rezoning. He stated that the homeowners' association supported staff's recommendation to deny the request. He expressed concerns about rental townhomes changing the character of the neighborhood, increasing use of Foxfield amenities without contribution, and reducing green space. He stated that residents preferred retaining commercial zoning or a small-scale commercial or church use rather than a 70-unit townhome development. He noted that the HOA members were unanimously opposed to the rezoning.

Speaker #2, Gary Williams, 21100 W. 118th Terrace, a nearby resident, also opposed the rezoning. He cited traffic congestion concerns, particularly at Monroe Street, 118th Terrace, and Deer Run Road, and stated that the addition of 71 units could significantly

increase traffic on local streets lacking traffic controls. He noted that many residents had already submitted written comments including concerns about density and reiterated broad HOA opposition.

Speaker #3, Lucienne Caron, 11788 S. Marion Street, a resident and HOA board member, opposed the rezoning and raised concerns about traffic impacts on private streets, particularly Marion Street. She stated that while some access roads were public, drivers would likely use private HOA-maintained streets to cut through the neighborhood, increasing maintenance costs for residents.

Speaker #4, Arthur Rinehart, 11777 S. Marion Street, a nearby resident, opposed the proposal due to concerns about rental properties, traffic congestion especially during school hours, maintenance standards, and use of neighborhood amenities by non-residents. He stated that homeowners were more invested in property upkeep and that the proposal would negatively affect neighborhood financial stability.

Chair Janner confirmed all registered speakers who wished to had been heard and called for a motion to close the public hearing.

Commissioner Breen moved to close the public hearing, and **Commissioner Terrones** seconded the motion. The motion to close the public hearing passed by a vote of 5 to 0.

Chair Janner then allowed the applicant an opportunity to respond.

Mr. Curtis Holland, attorney for the applicant, addressed concerns raised during the hearing. He stated that approximately 50 percent of the site would remain as open space and that the development complied with City regulations. He explained that traffic increases were already anticipated due to planned roadway improvements, including right-of-way acquisition and a future traffic signal. He clarified that access to the site would be limited to public streets and that access limitations along 119th Street and Lone Elm Road restricted direct driveways. He stated that the early discussions with the neighborhood included an offer to join the HOA with reimbursement options, but the neighborhood declined the offer. He added the development would not have access to Foxfield amenities as amenities are usually secured and controlled by key-fob or other security access. He noted that townhome developments commonly did not include on-site amenities.

Mr. Aaron Messmer, representing the proposed developer, addressed concerns regarding rental housing. He stated that the company specialized in Class A developments and had a record of reinvesting in and maintaining properties at a high standard. He provided an example of Pinecrest Townhomes rentals where they invested greatly in the property. He noted that rental housing provided opportunities for families who wished to live in the area but were not yet able to purchase homes.

Chair Janner closed applicant comments and invited Commissioner discussion.

Commissioner Chapman stated that the Comprehensive Plan designated the area for mixed-use and emphasized the lack of commercial services in northwest Olathe. He expressed concern that rezoning would conflict with long-term planning goals, particularly in light of expected traffic increases along 119th Street and the Hunt project across from Bass Pro Shop. He stated that he would likely not support the rezoning.

Commissioner Terrones echoed those concerns, stating that the request did not conform to the Unified Development Ordinance or Comprehensive Plan policies. He expressed concern about the use of a concept plan rather than a full preliminary plan and stated that he struggled to support the rezoning.

Commissioner Brown asked staff how retail development could function without direct ingress/egress access from 119th Street or Lone Elm Road.

Mr. Nathan Jurey, Senior Planner, responded that the previously approved 2005 mixed-use plan included right-in/right-out access from both roads. He explained that access was not evaluated with the current proposal because the applicant did not propose accessing those roads.

Commissioner Breen stated that he shared concerns about inconsistency with Plan Olathe.

Commissioner Breen moved to support staff's recommendation of denial of RZ25-0009, as recommended by staff.

Commissioner Chapman seconded the motion.

Chair Janner clarified that a vote in favor of the motion constituted a recommendation for denial. He added that Council consideration should carefully evaluate impacts to the private streets and evaluation of traffic access to the site. He also reiterated the importance of respecting the Comprehensive Plan, particularly given the anticipated influence of the 119th Street expansion. He noted that he and Commissioner Breen are currently participating in the Comprehensive Plan update (Elevate Olathe), and noted the time and consideration that goes into Comprehensive Plans (PlanOlathe). The prior committee set out PlanOlathe, believing Commercial zoning would work on this site. He felt it was important to respect that Plan.

The motion to recommend denial passed by a vote of 5 to 0 consistent with staff's recommendations as follows:

- A. Staff recommends denial of RZ25-0009, Lone Elm Townhomes, for the following reasons:

1. The proposal is inconsistent with several Goals, Objectives and Policies of the Comprehensive Plan, including the following:
 - a. *ES-2.1: Balance of Jobs and Housing.*
 - b. *LUCC-4.1: Mixed-Use Neighborhoods.*
 - c. *HN-2.2 Complete Neighborhoods.*
2. The proposal fails to meet four (4) of the Unified Development Ordinance (UDO) criteria for considering rezoning requests.
 - a. *“The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.”*
 - b. *“The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.”*
 - c. *“The length of time the property has remained vacant as zoned.”*
 - d. *“The economic impact of the proposed use on the community.”*

B. Staff recommends denial of the rezoning request and the preliminary site development plan application.