



STAFF REPORT

Planning Commission Meeting: December 8, 2025

Application:	<u>RZ25-0009</u>: Rezoning from NC (Neighborhood Center) District to R-3 (Residential Low-Density Multifamily) District for Lone Elm Townhomes
Location:	Northeast of W. 119 th Street and S. Lone Elm Road
Owner:	Jon Lambert, New Bedford Land Development Company LLC
Applicant:	Curtis Holland, Polsinelli PC
Engineer/Architect:	Tim Homburg, NSPJ Architects
Staff Contact:	Nathan Jurey, AICP, Senior Planner

Site Area:	<u>7.77 acres</u>	Proposed Use:	<u>Townhouses</u>
Existing Zoning:	<u>NC District</u>	Dwelling Units:	<u>71 units</u>
Proposed Zoning:	<u>R-3 District</u>	Density:	<u>9.1 units/acre</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Mixed Density Residential Neighborhood	Undeveloped	NC District
North	Mixed Density Residential Neighborhood	Two-Family Residence - Duplex & Multifamily Residence - Triplex	RP-3 District
South	Conventional Neighborhood	Detached Single-Family Residence	R-1 District
East	Mixed Density Residential Neighborhood	Multifamily Residence - Triplex	RP-3 District
West	Community Commercial Center	Undeveloped	C-2 District

1. Introduction

The applicant is requesting to rezone property from the NC (Neighborhood Center) District to the R-3 (Residential Low-Density Multifamily) District for the Lone Elm Townhomes development. The subject 7.77-acre property is located at the northeast corner of 119th Street and Lone Elm Road. This item was continued from the October 13 Planning Commission.

Staff reviewed the rezoning request and is recommending denial as the request is inconsistent with several goals and policies of the PlanOlathe Comprehensive Plan and fails to meet several of the rezoning criteria identified in UDO 18.40.090.

Beginning in April 2025, staff held meetings and discussions with the applicant, advising that the proposed rezoning request would not be supported. As a result, the applicant opted to submit a conceptual site plan rather than a full preliminary site development plan application. Consequently, staff were unable to conduct a full review of a preliminary development plan. Instead, a summary of the conceptual site plan is provided below, and this report primarily focuses on the requested zoning and associated land use analysis.

2. Plan Summary

The conceptual plan includes ten (10) two-story multifamily residential buildings with 71 townhome units at a density of 9.1 units per acre. Access to each townhome unit is provided via shared private drives that connect to Deer Run Street and 118th Street Terrace, both of which will be extended and connected with this development. A landscape plan was not provided and the building elevations included in this agenda packet were mailed with the required neighborhood notice but were not submitted to staff for review.

3. History

The subject property was annexed into the City of Olathe in 1998 (Ord. 98-121). At the time, the property was used for agricultural purposes and retained its County RUR zoning. In 2005, City Council approved a request to rezone (RZ-05-010) the site from Country RUR to the NC District for the Foxfield Village Neighborhood Center development. This mixed-use development included a preliminary site development plan for seven (7) buildings with a total of 59,700 sq. ft. of commercial space and 19 dwelling units on the 2nd floor of the largest commercial building.



Approved building for Foxfield Village N.C.

The NC District was incorporated into the UDO in 1998 (UDO 18.31). The intent of the NC District is to provide for the development of small-scale neighborhood offices, low-intensity retail, and civic uses, as well as accessory residential uses. Neighborhood Centers are intended to be pedestrian-oriented to encourage pedestrian movement between residential and non-residential areas. Businesses are required to be small-scale in nature with low traffic volumes to support uses that serve as neighborhood conveniences and create a sense of community. The NC District was retired from the UDO in 2014; however, the property still retains the rights and regulations for this district.

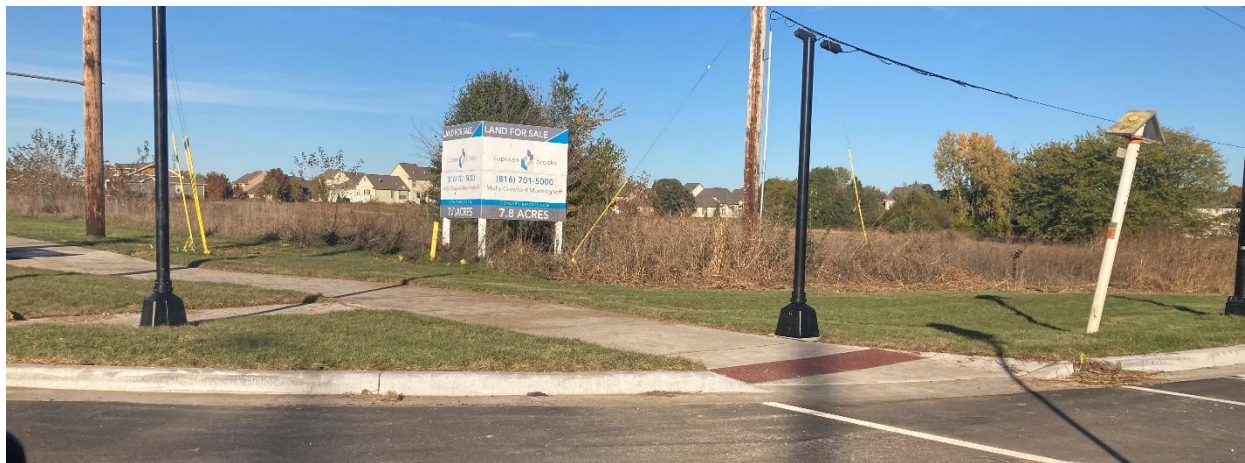
4. Existing & Future Conditions

The subject 7.77-acre property is located northeast of 119th Street and Lone Elm Road. The site continues to be largely used for agricultural purposes with a few trees located in the southeast portion of the site. Water and overhead power lines run along 119th Street and Lone Elm Road. The site gently slopes down to an existing stormwater inlet located along 119th Street. Both an existing gas pipeline and sanitary sewer line run along Lone Elm Road.

The [119th Street Extension project](#) is currently underway, with completion of the four-lane bridge over the BNSF railroad expected in 2027. Once complete, 119th Street will connect K-7 Highway to Interstate 35 and traffic is expected to increase significantly along this new major east/west corridor through Olathe. Corresponding improvements are being made along 119th Street, including turn lanes and traffic signals at 119th Street and Lone Elm Road. Traffic projections for 119th Street indicate an increase in volume of 142% west of Woodland Road by the year 2045, which would be equivalent to the amount of traffic currently handled by 151st Street at Black Bob Road today.



Aerial map with subject property outlined in yellow.



View of subject property looking northeast from 119th Street and Lone Elm Road.

5. Comprehensive Plan (PlanOlathe) Analysis

PlanOlathe was adopted in 2010 (Ord. 10-60) and since updated, most recently in 2021, to establish the community's vision for future growth and development. The PlanOlathe Future Land Use Map designates the subject property as a Mixed Density Residential Neighborhood, which features a *'mixture of housing of various styles'* and encourages *'true mixed-use development and other limited commercial and service uses.'* Staff recommends denial of the requested downzoning as the NC District allows for the *'true mixed-use development'* encouraged by PlanOlathe.

Secondly, the Future Land Use Map designates this intersection as one of very few commercial nodes serving all of northwest Olathe. PlanOlathe designated commercial nodes along 119th Street in anticipation of 119th Street becoming a major east/west corridor that connects K-7 Highway to Interstate 35. Downzoning this site before the 119th Street bridge is complete will reduce the amount of commercial land planned to serve an area of Olathe that already lacks retail options and nearby job opportunities.

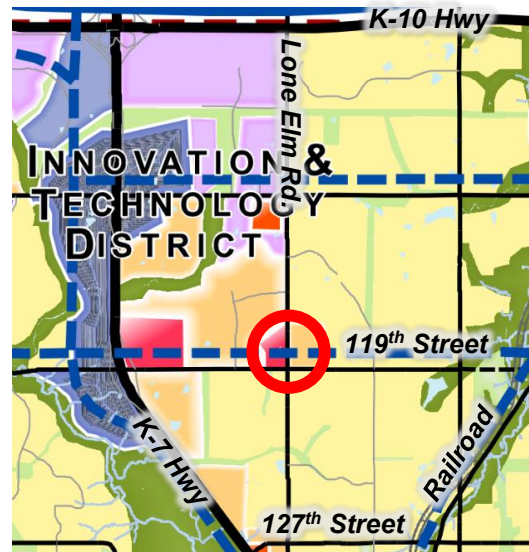
Lastly, PlanOlathe encourages mixed-use and complete neighborhoods, and the subject property is also one of very few commercial developments in all of Olathe that are approved for a pedestrian-oriented, mixed-use development. The site is well-suited for this type of development as it is connected to and walkable from the surrounding neighborhood.

The proposed downzoning is inconsistent with several policies of the Comprehensive Plan, including the following:

LUCC-4.1: Mixed-Use Neighborhoods. Support viable mixed-use and mixed-density neighborhoods.

ES-2.1: Balance of Jobs and Housing. Use the Future Land Use Map, zoning and other tools to ensure that there is an adequate supply of residential, employment and commercial lands, in order to provide a sustainable balance of jobs and housing in the community.

HN-2.2 Complete Neighborhoods. Encourage a "complete" neighborhood concept for new development which includes a variety of residential densities on appropriately sized parcels, opportunities for shopping, nearby support services, and conveniently sited public facilities, including roads, transit, and pedestrian connections, parks, libraries, and schools.

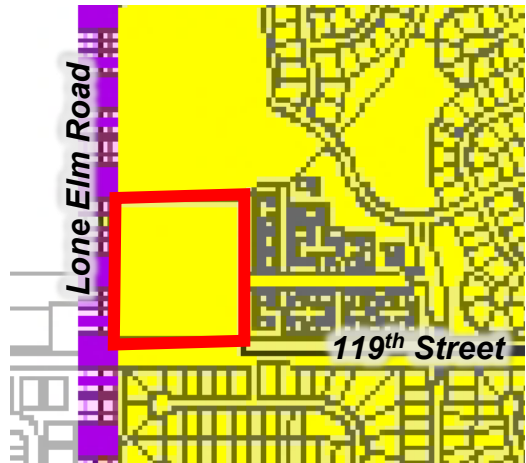


Future Land Use Map with the 119th & Lone Elm intersection circled in red.

6. Woodland Road Corridor Plan Analysis

The Woodland Road Corridor Plan (the 'Woodland Plan') was adopted in 1998 (Ord. 98-54) to establish development expectations in the Woodland Corridor as landowners considered annexation into Olathe. After the entire Woodland Corridor was annexed and development ensued, the Woodland Plan was updated in 2004 (CPA-04-05). The Woodland Plan encompasses over 2,200 acres generally between Lone Elm Road (west), the BNSF Railroad (east), K-10 Highway (north), and Harold Street (south).

The 2004 Woodland Plan designates the subject site for single-family residential development with a density of three (3) units per acre. After the plan update, the City Council approved the existing NC District in 2005 with a maximum residential density of three (3) units per acre.



*Woodland Plan Future Land Use Map
with subject property outlined in red.*

7. Zoning & Development Standards

Staff were unable to conduct a full review as the applicant opted to submit a conceptual site plan due to the staff recommendation rather than a full preliminary site development plan. Staff reviewed the proposal for general conformance with the requested R-3 District and found that it complies with the base standards for density (12 units/acre maximum) and building height (2-stories maximum). If the rezoning is approved, a full preliminary review would be required to ensure full compliance with all other zoning and development standards.

8. Public Notification and Neighborhood Meeting

This item was continued from the October 13, 2025 Planning Commission meeting to allow the applicant to notify all property owners as required by UDO. The applicant reposted signs on the subject property and re-sent public notification letters to all surrounding properties within 200 feet as required by the UDO.

Neighborhood notice was also sent to property owners within 500 feet of the property, and a neighborhood meeting was held on September 18, 2025 with 40 attendees. The applicant presented the application and answered questions about the proposal. Generally, attendees asked questions about density, building size and height, traffic and safety, parking, amenities, and if the proposal is for a rental community. The applicant responded to these questions at the meeting, as summarized in the meeting minutes.

As of December 3, staff received 41 letters and emails regarding this application, which are included in the agenda packet. Generally, these letters include comments on the same items voiced at the neighborhood meeting, with added concerns about a lack of commercial options in the area and impacts on property values. Any additional correspondence received after December 3 will be sent to the Planning Commission prior to the meeting.

9. UDO Rezoning Criteria

Rezoning applications are reviewed against the Golden Criteria listed in UDO Section 18.40.090.G. The request fails to meet several of the criteria as detailed in staff's findings below.

A. ***The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.***

The PlanOlathe Future Land Use Map calls for a Mixed Density Residential Neighborhood on the subject site, which encourages '*true mixed-use developments*' where appropriate and City Council approved the existing NC District on this property in 2005, which allows for a *true mixed-use development*. This site is adjacent to a Community Commercial Center to the east, which calls for surrounding areas to include '*denser residential and mixed-use buildings that serve as a transition to adjoining residential neighborhoods.*' Downzoning to the R-3 District will eliminate the potential for a true mixed-use development to serve as a transition to the adjoining neighborhoods.

Second, the Future Land Use Map designates commercial nodes at major intersections to serve nearby neighborhoods, and this property along with the Community Commercial Center to the east of this site, is one of very few commercial nodes expected to serve all of northwest Olathe. Downzoning this site to the R-3 District will reduce the amount of commercial land available to serve an area of Olathe that already lacks commercial options. In addition, the proposed downzoning is inconsistent with several policies of PlanOlathe as stated in Section 5 (Comprehensive Plan Analysis) of this report.

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

The requested R-3 District allows denser development than what is permitted on the adjoining property to the north and east (The Retreat at Foxfield Village). The R-3 District allows a density of up to 17 units per acre, whereas the adjacent property is limited to 4.75 units per acre. Additionally, the proposed development includes in-line garages whereas the adjacent property requires the use of internal courts to limit visibility of the garage doors.

Across 119th Street to the south, the Cedar Brooke subdivision is zoned to the R-1 District and was developed with single-family homes at a density of approximately three (3) units per acre. The property to the west is commercially zoned and is approved for a commercial development with nearly 90,000 square feet of commercial floor area.

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

The requested R-3 District is in general harmony with the adjacent RP-3 District as they are both multifamily residential zoning districts and both allow duplex and townhouse uses. However, garden apartment buildings are prohibited in this RP-3 District but permitted in the requested R-3 District.

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

This property remains suitable for a walkable development with neighborhood-serving commercial uses and upper floor residences as permitted in this NC District and the commercial viability of this site will only increase after the 119th Street Extension project is completed soon. The size, location, and arterial street access of this property is similar to

other successful neighborhood commercial areas, like the corner of 127th Street and Pflumm Road and the corner of 151st Street and Black Bob Road.

The applicant submitted letters from both Catalyst Property Group and Copaken Brooks Commercial Real Estate that are included in the agenda packet. Both letters contend that this site is not suitable for commercial development.

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

While the subject property has remained undeveloped for 20 years since it was rezoned, 119th Street has never connected K-7 Highway to Interstate 35 during that time. The 119th Street Extension project was anticipated when the PlanOlathe Future Land Use Map was adopted and commercial nodes were planned along 119th Street accordingly. Additionally, residential developments in the surrounding area continue to add rooftops that help support commercial development.

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

Staff has not received information indicating the requested R-3 District will detrimentally affect nearby properties. Downzoning from commercial to residential zoning would reduce the intensity of the land uses permitted on this property.

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

Staff have not received any information indicating that rezoning to the R-3 District will substantially harm the value of nearby properties.

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

Multifamily development will not adversely affect the capacity or safety of the road network. Improvements to the 119th Street corridor are being made with the 119th Street Extension project, including lane widening and traffic signals at the intersection of 119th Street and Lone Elm Road. These improvements are designed to handle commercial or multifamily development at this location. In addition, any future multifamily development will comply with all parking standards.

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

Any future development of this site will follow all regulations and codes pertaining to stormwater, air quality, noise, and other impacts on the environment.

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

Downzoning from a commercial to a residential district has an economic impact on the community by decreasing the potential sales tax revenue generated and jobs created by businesses on this property. Both commercial and residential development will increase property tax revenue for the benefit of the community.

K. ***The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.***

The proposal does not negatively impact public health, safety, or welfare as presented. If denied, the proposed residential development could not be constructed, but the landowner

could still pursue a neighborhood commercial development as permitted in the existing NC District.

10. Staff Recommendation

- 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.