



STAFF REPORT

Planning Commission Meeting: July 13, 2026

Application	<u>RZ26-0005:</u> Rezoning from AG (Agricultural) District to PD (Planned) District and a Preliminary Site Development Plan for 133rd and Black Bob Mixed Use (The Row at Uptown)
Location	Southeast of 133 rd Street and Black Bob Road
Owner/Applicant	Jib Felter; AAG Farms, LLC
Engineer	Doug Ubben Jr.; Phelps Engineering, Inc.
Staff Contact	Nathan Jurey, Senior Planner

Site Area:	<u>4.99 acres</u>	Existing Zoning:	<u>AG (Agricultural)</u>
Plat:	<u>Unplatted</u>	Proposed Zoning:	<u>PD (Planned District)</u>
Lots:	<u>1</u>	Proposed Uses:	<u>Commercial and Townhouses</u>
Tracts:	<u>0</u>	Building Data:	<u>Commercial: 5,280 sq. ft.</u> <u>Residential: 44 units</u>

	Elevate Olathe Land Use Category	Existing Use	Existing Zoning
Site	Community Commercial	Single-Family Residence	AG (Agricultural)
North	Mixed Residential Neighborhood	Undeveloped	R-4 (Medium Density Multifamily)
South	Community Commercial	Mini-Warehouse/ Storage	CP-3 (Planned Regional Center)
East	Public and Semi- Public	Electrical Substation	AG (Agricultural)
West	Community Commercial	Dentist & Automotive Supply Store	C-2 & CP-2 (Community Center & Planned Community Center)

1. Introduction

The applicant is requesting to rezone from the AG (Agricultural) District to the PD (Planned District) with a preliminary site development plan for The Row at Uptown mixed-use development on an approximately five (5) acre property located northeast of 133rd Street and Black Bob Road. The proposed development includes over 5,000 sq. ft. of complementary commercial storefront and 44 townhouse units.

According to the Unified Development Ordinance (UDO), Planned Districts are required to establish their own unique set of zoning standards. The applicant prepared and submitted a Zoning and Design Standards (ZDS) document outlining the proposed standards for the mixed-use development. Staff recommends approval of the proposed Planned District zoning standards, as they support the development of a high-quality, walkable, mixed-use project that aligns with the several goals and policies of the Elevate Olathe Comprehensive Plan. The proposed standards also exceed the UDO's minimum requirements for site and building design, helping to ensure a cohesive and well-designed development.

2. History

The property was annexed in 1968 (Ord. 120-C) along with approximately 1,500 acres in the surrounding vicinity. In 1970, the property was zoned to the AG (Agricultural) District in June of 1970 as established under Ordinance 346-C. The property was largely used for agricultural purposes until a single-family house was built on site around 1980.

3. Existing Conditions

The site contains a single-family home with an accessory detached structure and driveway access from Black Bob Road. There are existing trees along the west and south boundaries and around the existing home in the northwest corner of the property, many of which grew over time due to lack of maintenance and inactivity on site.

This site is located along a ridge line with the western third draining west toward Black Bob Road and the remainder draining east toward an existing stream corridor. Both sanitary sewer and water main lines are located nearby to the southwest along Black Bob Road.



Subject property looking east from S. Black Bob Road.



Subject property outlined in yellow.

4. Planned Districts

As stated in Unified Development Ordinance (UDO) Section 18.20.220, Planned Districts are intended to *encourage innovative land planning and design in a way that is not possible under conventional zoning districts*. Planned Districts allow the applicant the ability to *promote quality and environmentally sensitive development by allowing development to take advantage of special site characteristics, locations, and land uses, and allowing deviations from certain zoning standards that would otherwise apply*. The proposed development is well suited as a Planned District as this allows for custom zoning standards unique to the project's vision and go beyond what would typically be achieved through conventional zoning and typical site and building design standards. At the same time, they provide the flexibility needed

to help bring the proposed development to fruition while ensuring a cohesive and high-quality design outcome.

As required for all Planned Districts, the applicant submitted a custom set of Zoning and Design Standards (ZDS) to administer on the subject property which are included in the agenda packet. All UDO standards remain applicable to this property where the proposed standards do not override or supplement the UDO standards. Additionally, the applicant submitted site development, landscape, and architectural plans to illustrate how the ZDS may be applied to future development, also included in the agenda packet. Further refinement of the architecture and site details will be reviewed through the final site development plan process in accordance with the ZDS. As summarized in the sections below, the proposed zoning standards ensure a high-quality and walkable mixed-use development is built that aligns with several goals and policies of the Elevate Olathe Comprehensive Plan

5. Zoning Standards

The following is a summary of the proposed zoning standards from the applicant's Zoning and Design Standards document. Overall, these standards allow for a more walkable, urban development pattern and ensure that a mix of commercial and residential uses is provided.

- a. **Land Use** – The request is to allow all land uses permitted in the R-3 and C-1 Districts, except for drive-through uses and animal care facility with outdoor kennels uses as these are not compatible with the proposed mixed-use, walkable development. This allows for a mix of neighborhood commercial and residential uses that are complementary to each other, compatible with the surrounding area, and provide a transition between the residential and commercial areas to the north and south.
- b. **Commercial Building Area** – The proposed standards require a minimum of 5,000 square feet of commercial area, ensuring that a minimum amount of commercial area is developed, aligning with the site's future land use designation as a Community Commercial area in accordance with the Elevate Olathe Comprehensive Plan.
- c. **Density** – As proposed, the maximum density is 12 units per acre, which is compatible with the future multifamily residential development to the north, which is in the R-4 District.
- d. **Building Height** – To create a consistent built environment as desired by the applicant, all residential buildings must be three or four stories and cannot exceed 55 feet in height and commercial buildings must be between 25 and 55 feet in height. This is compatible with the maximum building heights allowed in the R-4 and C-2 Districts to the north and south respectively.
- e. **Setbacks** – Similar to the zoning districts on nearby properties, the proposed standards include maximum building setbacks to ensure that buildings are within 50-feet of Black Bob Road and within 60-feet of 133rd Street, creating a more defined street edge. The proposed minimum building and paving setbacks are also similar to those on nearby properties, including minimum setbacks of 25 feet from Black Bob Road, 15 feet from 133rd Street, and 10 feet from all other property lines.
- f. **Open Space** – At least 5% of the site must be common open space and a minimum of 2.5% of the site must be active open space. This proposed requirement is similar to the minimum open space requirements for zoning districts intended for walkable, urban-type

developments. The proposed site development plan provides 23% common open space and 2.6% active open space. Active open spaces include a well-furnished and activated plaza space, and two (2) separate seating areas.

6. Site Design Standards

The following is a summary of the proposed site design standards from the applicant's Zoning and Design Standards document. Overall, the proposed standards ensure a sense of place is created with well-designed open spaces, pedestrian infrastructure, and street frontage treatments.

- a. **Open Space Design** – Open space areas must be designed at the same level of quality as illustrated in the Zoning and Design Standards document, which depicts outdoor plaza areas with decorative paving materials, landscaping, and outdoor furniture and lighting. The final details of the proposed open space areas will be reviewed at time of final site development plan.
- b. **Street Frontage Treatment** – The proposed standards include a requirement to provide a 15-foot-wide landscaped area with a low masonry wall that is 2-3 feet tall where parking lots front a public street. This feature helps create a more urban street edge where buildings are not pulled up to the street.
- c. **Pedestrian Connectivity** – Every commercial building and residential dwelling unit is connected with at least a five (5) foot sidewalk throughout the development. In addition, the development provides two (2) pedestrian gateway entrances as required in the proposed standards.

7. Development Standards

The following is a summary of the proposed development standards from the applicant's Zoning and Design Standards document. Unless specifically noted below, this development will follow the development standards established in the UDO Section 18.30.

- a. **Phasing** – The developer intends for this project and all associated public improvements to be developed in a single phase and a stipulation is included in staff's recommendation.
- b. **Access/Streets** – The development will take access from 133rd Street at two (2) location: one (1) full access and one (1) limited access. The developer will construct 133rd Street with the required turn lanes and medians from Black Bob Road to the east property line of the subject property, where a temporary cul-de-sac will be constructed and available for future road extension. A northbound turn-lane will be installed on Black Bob Road as required for vehicles turning onto 133rd Street.
- c. **Parking** – The development will comply with the minimum parking requirements of the UDO. At least 1.5 stalls must be provided per dwelling unit and every dwelling unit has adequate space to park four (4) vehicles, with a two-car garage and a 20-foot-deep driveway. For the commercial buildings, at least 1 stall per 300 square feet of general commercial area is required and the proposal provides 1 stall per 170 square feet, exceeding this requirement.
- d. **Landscaping/Screening** – The development will comply with the standard requirements for commercial and residential type developments, except for building foundation landscaping. To create a more urban environment, building foundation landscaping will be

provided using a combination of landscape beds, planters, and hanging plants in lieu of using landscape beds only. In addition, this development will provide one (1) additional tree for every significant tree that would otherwise be required for preservation.

- e. **Stormwater/Detention** – The developer intends to install the required stormwater detention for this development on the property to the north. Prior to construction, the developer will enter into an agreement with the landowner to the north for their shared detention facilities. In addition, the required water quality treatment facilities will be installed on site, using an infiltration basin and a hydrodynamic separator.
- f. **Public Utilities** – The site is served by an existing City of Olathe water main along Black Bob Road and the water main must be extended along 133rd Street. The development will connect to Johnson County Wastewater existing public sewer main, which is located offsite, down in the stream corridor east of this property.
- g. **Sustainability** – Planned Districts are expected to apply sustainable practices and the development will implement at least three (3) different options from a list provided by the applicant. This list includes solar panels, EV charging stations, bike racks, native plants, hydrodynamic separators and bioswales.
- h. **Signage** – Signage will comply with the requirements for signage in the C-1 District and is required to complement the architectural style of the entire development.

8. Building Design Standards

The following is a summary of the proposed building design standards from the applicant's Zoning and Design Standards document. As submitted, the standards require high-quality architectural design ensuring a consistent architectural theme throughout the development.

Building Design Standard	Proposed Requirements
<i>Architectural Style</i>	<i>All buildings must apply the French Renaissance architectural style.</i> The developer incorporated illustrative examples of the proposed architectural design style into the Zoning and Design Standards document, ensuring that a consistent architectural theme is used throughout the project.
<i>Building Materials</i>	<i>All buildings must use 100% Class 1 materials on all four (4) façades, with stucco as the primary material. Roofing must use either Class 1 or 2 materials.</i> The building elevations will include 100% Class 1 stucco and glass on all façades and Class 2 architectural shingles on all roofs to help achieve the French Renaissance architectural style. This exceeds the minimum Class 1 building material standards for similar commercial and residential buildings.
<i>Façade Treatment</i>	<i>Commercial buildings must use glass or similar quality façade treatment on at least 30% of front, 20% of side and 15% of rear elevations.</i> The proposed standards exceed typical glass requirements for commercial buildings. The proposed elevations include 29%, 25%, and 6% glass on the

	front, sides, and rear elevations and decorative doors and faux shutters are used to meet the minimum façade treatment on the front and rear elevations. Residential buildings must use glass or similar quality façade treatment on at least 20% of front, 5% of side, and 10% of rear elevations. The proposed standards also exceed typical glass requirements for horizontally attached buildings. The proposed elevations include at least 18%, 6%, and 9% glass on the front, sides, and rear elevations and decorative front and back doors will be used to meet the minimum façade treatment on the front and rear elevations.
<i>Facade Articulation</i>	Commercial buildings must provide a dormer or similar feature on the front of each tenant space or every 50 feet, whichever is stricter. The commercial buildings provide a dormer with every tenant space and each tenant space is no wider than 30 feet. Residential buildings must provide a dormer or similar feature on the front and rear of every dwelling unit. This feature may be shared between two (2) dwelling units. Every residential dwelling unit has its own dormer or shares a dormer with the adjacent unit on both the front and the rear of the building.
<i>Building Entryway</i>	Every main commercial entryway must have a canopy, dormer or similar feature and every residential dwelling unit must have a front porch. Every main commercial entry and front residential door includes the required entry feature as proposed.
<i>Garages</i>	Residential garage doors must be recessed at least one (1) foot behind the leading edge of the building façade and commercial garages are prohibited. The garages doors for the townhome buildings are recessed one (1) foot behind the front building façade as required and are three (3) feet behind the front edge of the balconies. No commercial garage doors are proposed.
<i>Balconies</i>	Every residential building must provide at least two (2) balconies per dwelling unit. As provided in the elevations, every dwelling unit includes both a Juliette balcony and a full-depth balcony. This exceeds UDO requirements for similar residential buildings and helps achieve the French Renaissance architectural style.

9. Public Notification and Neighborhood Meeting

The applicant mailed the required public notification letters to the surrounding properties within 200 feet and posted a sign on the subject property per UDO requirements. Neighborhood notice was also provided to property owners within 500 feet of the property. The City has not received any additional correspondence regarding this rezoning request.

10. UDO Rezoning Criteria

The application was reviewed against the UDO criteria for considering rezoning applications listed in UDO Section 18.40.090.G as detailed below. Generally, this request aligns with the policies and goals of the Elevate Olathe Comprehensive Plan.

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

The future land use map of the Elevate Olathe Comprehensive Plan identifies the subject property as a Community Commercial area, which is a commercial development area located along highways and major roadways that largely consists of commercial and office uses, but may include residential uses as a complementary use when developed in a vertical mixed-use format. Developments within Community Commercial areas are encouraged to provide a transition when adjacent to residential areas.

The proposed PD zoning district requires a mix of commercial and residential uses. While the proposed multifamily use in a townhouse format is not listed as a complementary use in the Community Commercial area, the proposed commercial uses align with the future land use designation and a mixed-use development provides a transition between the commercial uses to the south and the multifamily zoning to the north. Additionally, the proposal supports the many goals and strategies of the Comprehensive Plan that focus on mixed-use development and missing middle housing, including:

LU 2.1. Integrate small-scale commercial uses in and around residential areas to support more connected and accessible neighborhoods.

LU 2.5. Encourage density and mixed-use development within commercial centers and corridors.

LU 2.7. Prioritize placemaking efforts to cultivate a distinct identity.

HN 4.2. Promote the development of missing middle housing and mixed-use projects in transitional areas between or near single-family residential neighborhoods and commercial areas.

ED 5.1. Encourage property owners and developers to construct mixed-use developments allowing for a variety of uses within an area.

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 surrounding area is zoned for a variety of commercial and residential land uses. Properties to the south and west are commercially zoned (C-2 & C-3 Districts) and are allowed up to a 5-story building. The property to the north is in the R-4 (Medium-Density Multifamily) District, which allows 4-story buildings and a maximum density of 29 units per acre. Additionally, the property to the east is heavily wooded, but is part of the Evergy electrical substation property with AG (Agriculture) zoning.

Nearby commercial buildings are one-story, ranging from approximately 4,500 to 17,000 square feet in size and are primarily constructed of red brick, stucco, and stone materials. The commercial buildings are generally setback 60-100 feet from Black Bob Road with a

10-25 foot landscape buffer and paving setback from the street right-of-way. The property to the north is undeveloped but has obtained preliminary approval for a 3-4 story multifamily development.

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 proposed mix of commercial and residential uses is in harmony with nearby properties. The property is bordered by commercial zoning and uses to the south and west, an undeveloped property zoned for multifamily development to the north, and an electrical substation to the east that is screened from the subject property by a heavily wooded area.

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

The site is zoned AG (Agricultural), which is intended for the preservation of agricultural land uses. Growth and development of Olathe has surrounded the property with commercial and multifamily uses and the AG District is no longer suitable.

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

The property was zoned to the AG District in 1970 and a single-family home was constructed on this site around 1980 and is currently occupied.

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

The proposed development is not anticipated to detrimentally affect nearby properties. The requested PD zoning district allows for a mix of commercial and residential uses similar to those allowed on the surrounding commercial and residential properties.

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

Staff has not received any information indicating that the requested PD zoning 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.

The proposed use will not cause any adverse effect on traffic and safety of the road network. The subject property will be accessed directly from 133rd Street and 133rd Street will connect to Black Bob Road, an arterial roadway that is designed with sufficient capacity to support future development within the area. Minimum parking will be provided on site as required by UDO.

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

The development is not anticipated to create pollution or other environmental harm. The development will follow all regulations and requirements pertaining to stormwater, air quality, noise, and other environmental items.

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

Development of the proposed mix of residential and commercial uses will generate property taxes and retail sales taxes to be collected by the City as well as create new jobs and housing options.

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.

There is no gain or detriment to the public health, safety, or welfare if the application were denied. If the application were denied, development of the property would be limited to agricultural uses and the landowner would not be able to develop the property as proposed.

11. Staff Recommendation

- A. Staff recommends approval of RZ26-0005, 133rd and Black Bob Mixed Use (The Row at Uptown) for the following reasons:
 - 1. The proposed development complies with the policies and goals of the Elevate Olathe Comprehensive Plan which this development was reviewed against.
 - 2. The requested zoning meets the Unified Development Ordinance criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the PD District with the following stipulations:
 - 1. This property is subject to the regulations set forth in the attached 'Zoning and Design Standards' document.
- C. Staff recommends approval of the preliminary site development plan request with the following stipulations:
 - 1. This property will be developed as a single phase of construction.