



## STAFF REPORT

Planning Commission Meeting: December 8, 2025

<b>Application:</b>	<b>RZ25-0014: Zoning Amendment to Ordinance 03-113 and a Preliminary Site Development Plan for 151<sup>st</sup> and Mur-Len Mixed Use</b>
<b>Location:</b>	Southeast of 151 <sup>st</sup> Street and Mur-Len Road
<b>Owner:</b>	Srinivas Jajou, Epic Estates 17 LLC
<b>Applicant:</b>	Judd Claussen, P.E., Phelps Engineering
<b>Engineer:</b>	Doug Ubben, Jr. P.E., Phelps Engineering
<b>Staff Contact:</b>	Jessica Schuller, AICP, Senior Planner

<b>Site Area:</b>	<u>9.01± acres</u>	<b>Proposed Uses:</b>	<u>Mixed Use, Vertical (Includes Residences over Storefronts)   Retail Sales, Generally   Restaurant, Carryout or Fast Food</u>
<b>Building Square Footage:</b>	<u>Mixed Use: 217,908 square feet</u>		
	<u>Outparcel: 8,400 square feet</u>	<b>Plat:</b>	<u>Unplatted</u>

	<b>Plan Olathe Land Use Category</b>	<b>Existing Use</b>	<b>Existing Zoning</b>
<b>Site</b>	<b>Conventional Neighborhood</b>	<b>Vacant</b>	<b>CP-2</b>
<b>North</b>	Conventional Neighborhood	Single-Family Residential	RP-1 / AG
<b>South</b>	Conventional Neighborhood	Single-Family Residential	R-1
<b>East</b>	Conventional Neighborhood	Single-Family Residential	R-1
<b>West</b>	Community Commercial Center	Retail / Building Materials Sales	C-2

## 1. Introduction

The applicant is requesting a zoning amendment to Ordinance 03-113 (see Exhibit A) for the CP-2 District and a preliminary site development plan for the 151<sup>st</sup> and Mur-Len Mixed Use project. The proposed land uses are permitted under this district and ordinance, and the request is only for a zoning amendment to remove outdated building design and traffic requirements that are no longer applicable to the site, along with the preliminary site development plan that meets all UDO requirements. When the ordinance was written in 2003, the proposed buildings were an extension of the existing in-line retail shopping center located in the Heritage Square commercial center to the west. However, no in-line buildings are proposed, and the design of the existing commercial center has changed over time with the approval of Sutherlands, façade updates to the in-line retail, and construction of the Arvest Bank pad site.

The proposed development consists of one 217,908 square foot 3-and 4-story mixed use building with ground floor retail and 207 upper story residential units (Lot 2), and one outparcel retail building with the potential for four (4) storefronts and a quick-serve drive-through restaurant (Lot 1).



Site Location Map

## 2. History

Portions of the property were zoned from Agricultural use to commercial use (CP-1 District) in 1978. The property was zoned entirely for commercial use in 1985 (C-2) District.

The property was later rezoned to the CP-2 District in 2003 under Ordinance 03-113 for the development of two retail buildings and a drive-through restaurant. The two retail buildings

were attached to the existing shopping center to the west (Heritage Square) and consisted of 9,000 square feet and 51,000 square feet, respectively. The buildings mirrored the style of the existing Heritage Square center, with covered colonnades, arched windows and red tile roofs. The larger retail building was setback 87 feet from the southern property line with loading docks located behind the building.

In 2018, Sutherlands purchased the western side of the shopping center (west of the subject property), updated the façade and installed a green standing seam metal roof. In 2019, the remainder of the shopping center installed matching green standing seam roofs.



*Heritage Square Commercial Center*

### **3. Existing Conditions**

The existing site is undeveloped and gently slopes to the northeast. Clusters of trees exist on the east side of the site, and a tree line has grown along the southern property line over the last 5-10 years, where previously no significant natural buffers existed.



*Site Photo Looking South from 151<sup>st</sup> Street*



#### 4. Zoning Standards

- a. **Land Use** – Vertical mixed-use (residences located above storefronts), retail sales, and restaurants with drive-throughs are permitted by right in the existing CP-2 District. All north-facing tenant spaces of the mixed-use building will be maintained as commercial space that is open to the public. This is critical to ensure a balance of commercial uses persist that are for the use and enjoyment of the surrounding community as required for residential uses to be permitted in the CP-2 District. A stipulation is included with staff's recommendation to ensure a mixture and balance of uses are maintained to fulfill the district requirements, and the applicant is amenable to this requirement.
- b. **Building Height** – Building heights within the CP-2 District are limited to 12-stories and 144 feet. The proposed mixed-use building is a maximum of 4-stories and 55-feet on the north, and part of the east and west sides, and steps down to 3-stories and 44 feet on the south, as measured from the average height level between the eaves and ridge line (UDO 18.30.110). This step-down provides a transition from the existing single-family residential neighborhoods.

The retail building is a maximum of 27 feet in height, meeting Unified Development Ordinance (UDO) requirements. Staff is recommending a stipulation that buildings must not exceed these proposed heights.

- c. **Setbacks** – The CP-2 District requires 40-foot building setbacks from arterial streets and residential zoning districts, 10-foot setbacks from commercial, and 20-foot parking/paving setbacks from adjoining residential. The preliminary plan meets all the dimensional requirements of the CP-2 District. Specifically, the mixed use building is setback 201 feet from the east and 46 feet from the south property lines.
- d. **Open Space** – The CP-2 District requires 25% of the site to be utilized as landscaped open space, and 35% open space is provided, exceeding UDO requirements.

#### 5. Development Standards

- a. **Access/Streets** – The applicant submitted a Traffic Impact Study for evaluation. The surrounding street network including the major arterial roadways of 151<sup>st</sup> Street and Mur-Len Road have sufficient capacity to support the proposed development. The site will maintain existing access locations from 151<sup>st</sup> Street, where shared right-in/right-out access is located west of the proposed Building A, and an existing street stub is located east of Building A, which will become a full access driveway location with a new right turn lane installed. The development will generate substantially fewer trips than the previously approved plans, due to less retail square footage proposed. No other traffic improvements are required.
- b. **Parking** – The proposed development has a total of 331 parking stalls on Lots 1 and 2. The proposed mixed use development, with two separate structures under single-ownership and shared parking between the lots, is not specifically contemplated under the UDO. Therefore, the applicants provided a parking analysis based on the Urban Land Institute's parking model to calculate peak parking demand for the entire site, which occurs at different times of day for different uses. The peak demand was determined to be 331 spaces on weekends at 8 p.m. However, staff recommends a shared parking agreement be established with adjacent property owners, to anticipate the need for overflow parking,

and because the proposed parking lots are directly connected to the existing lots to the west and north.

The applicant contacted the property owner to the west, who stated they are willing to establish a shared parking agreement, should overflow parking be needed. These additional details will be required at the time of Final Site Development Plan, as stipulated.

- c. **Landscaping/Screening** – The applicants provided a preliminary landscape plan meeting the requirements of the UDO. Landscape buffers are required along the perimeter of the site. A 25-foot wide landscape area is required on the east and south property lines, with a minimum 9-foot tall berm and wall combination. Per the UDO, a double row of evergreens may be substituted for a wall, and was originally proposed by the applicants. Based on neighborhood feedback, the applicants revised the screening to include an approximately 5-foot tall berm with a 6-foot tall privacy fence and continuous row of evergreen trees, accented with deciduous trees and shrubs. On the south property line, the applicants are preserving the existing tree line, and proposing a 6-foot tall privacy fence directly north of the trees.

The remainder of the site includes foundation landscaping, parking lot trees within landscape islands and non-residential landscaping along W. 151<sup>st</sup> Street.

- d. **Tree Preservation** – A minimum of 20% of existing tree canopy area is required to be preserved, and the applicant is preserving 31%, which is located along the southern property line. The buffer area is approximately 30 feet in width, and tree protection fencing is required to be installed for the duration of construction.
- e. **Lighting** – The parking lot and building lighting will be reviewed in more detail with the final development plan and is required to meet all standards of UDO Section 18.30.135. The parking lot lighting will consist of LED fixtures that are pointed downwards to direct light away from adjacent properties.
- f. **Stormwater/Detention** – The property is subject to all Title 17 requirements of the Municipal Code. Stormwater treatment and detention is proposed at the northeast corner of the property and will be screened and softened with landscaping.
- g. **Public Utilities** – The property is in City of Olathe sewer and water service areas. A City public sewer main is located along the eastern side of the property and will service the site. A city water main is also located on the property.

## 6. Site Design Standards

The property is subject to the Site Design Standard 4 (UDO 18.15.120) based on the existing CP-2 District. The following is a summary of the applicable site design requirements:

- a. **Landscape Buffer Areas** – Buildings must be setback at least 40 feet from an adjoining R-1 District, and the proposed mixed-use build is setback 46 feet from the south and 201 feet from the east property lines. In addition, a landscaped area at least 40 feet deep with a minimum of 70% permeable surfaces and 50% planted material is required where the commercial site adjoins an R-1 District; the planted area on the east, and tree preservation and lawn areas to the south, exceed this requirement.
- b. **Outdoor Amenity** – Developments greater than 4-acres in size must provide an outdoor amenity space to enhance the public realm and promote pedestrian activity, covering 10% of the site area. The applicant is providing a mix of common areas, outdoor dining

opportunities seating spaces, natural areas, lawn areas and sidewalk connections throughout the site, for a total of 12.5% open space, meeting UDO requirements.

- c. **Parking Pod Size** – The maximum number of parking stalls allowed in one parking pod, is 80. The applicant is meeting this UDO requirement with the largest pod containing less than 49 spaces.
- d. **Pedestrian Connectivity** – Enhanced pedestrian connections to encourage pedestrian use, integration with surrounding land uses or connections to regional paths and trails are required. The applicant is providing direct pedestrian connections from buildings to exterior sidewalks, connections through common space and amenity areas, and is differentiating pedestrian ways through decorative paving materials.
- e. **Drainage Feature** – Open drainage and detention areas visible to the public must be incorporated into the design of the site as an attractive amenity or focal point. The detention basin is landscaped on all sides, and includes a fence and row of evergreens to screen from residential properties to the east and additional plantings on the north to screen from 151st Street. A lawn area and seating area are incorporated on the south side.

## 7. Building Design Standards

The retail building is subject to design standards for Commercial or Retail Buildings (UDO 18.15.020.G.7), and the vertically mixed use building is subject to design standards for Mixed Use Buildings (UDO 18.15.020.G.7). Color elevations were provided with the preliminary site development plan showing the proposed building materials and architectural style.

The retail building consists of warm-tone brick, stucco and cast stone with glass storefronts and black metal canopy accents, to blend with the existing commercial center to the west and south. The mixed-use building is a Cape Cod-inspired architecture, utilizing warm-tone stone and shake siding on upper floors, and stone, glass, cast stone and metal awnings on the first-floor retail areas.

The following table lists the applicable design requirements of the UDO and proposed design elements:

### ***Retail Building***

<b>Building Design Standard</b>	<b>UDO Design Requirements</b>
	Proposed Design
<i>Building Entryway</i>	<p><b><i>Each building entry along all primary façades must be defined with a covered projection from the façade or by a recessed area.</i></b></p> <p>All building entries include a canopy projection, meeting UDO requirements.</p>
<i>Horizontal Articulation</i>	<p><b><i>A horizontal articulation tool must be used at least every 50 feet on primary facades.</i></b></p> <p>Wall offsets and projections are utilized on all four primary facades at least every 50 feet, meeting UDO requirements.</p>

<i>Vertical Articulation</i>	<p><b><i>A vertical articulation tool must be used at least every 50 feet on primary facades.</i></b></p> <p>Changes in building parapet height of at least two (2) feet occur at least every 50 feet on all four primary facades, meeting UDO requirements.</p>
<i>Façade Expression</i>	<p><b><i>Buildings less than three (3) stories in height must include one (1) tower element or similar special vertical articulation to anchor the main entry or building corner.</i></b></p> <p>The building includes a raised parapet with decorative cornice on the southwest corner of the building, serving to anchor the building corner and meet UDO requirements.</p>

Primary facades are required to utilize a minimum of three (3) Class 1 and 2 building materials on 80% of the façade, with a minimum of 25% glass. Secondary facades must utilize a minimum of three (3) Class 1, 2 or 3 materials on 50% of the façade. All four primary facades provide three (3) Class 1 materials exceeding UDO requirements. The south and east facades exceed the minimum percentage of glass required, and the north and west elevations meet UDO requirements.

### ***Mixed Use Building***

<b>Building Design Standard</b>	<p><b>UDO Design Requirements</b></p> <p>Proposed Design</p>
<i>Deck, Patio, or Rooftop Area</i>	<p><b><i>Each unit must have its own deck, balcony or patio that is a minimum of 24 sq. ft. in size, or access to a finished rooftop amenity area in the same building.</i></b></p> <p>Each unit will have its own balcony or patio a minimum of 24 square feet in size, meeting UDO requirements.</p>
<i>Building Entryway</i>	<p><b><i>The main common building entry must be defined by being covered by a projection from the façade or by being recessed, and first floor facades must be pedestrian oriented.</i></b></p> <p>All building entries include a canopy projection, or are recessed, and all walkways and stairways are enclosed within the buildings. The first floor includes a combination of clear glass storefront windows, awnings, or overhangs, meeting UDO requirements.</p>
<i>Windows</i>	<p><b><i>First floor primary façades must incorporate a minimum thirty-five (35) percent clear glass, Upper floor primary façades must incorporate a minimum twenty-five (25) percent clear glass and all secondary façades must incorporate a minimum fifteen (15) percent clear glass.</i></b></p> <p>The north and east primary facades provide 60% and 36% glass on the first floors, and 30% and 36% glass on upper floors respectively. Secondary facades provide approximately 30% glass, exceeding UDO requirements.</p>

<i>Horizontal Articulation</i>	<p><b><i>A horizontal articulation tool must be used at least every 50 feet on primary facades.</i></b></p> <p>Wall offsets and projections are used at least once every fifty feet on all primary and secondary facades, exceeding this requirement.</p>
<i>Vertical Articulation</i>	<p><b><i>A vertical articulation tool must be used at least every 50 feet on primary facades.</i></b></p> <p>Changes in roof form, with pitched roofs of varying height and sloped roofs, are utilized across all facades, meeting this requirement. Standing seam metal awnings are used over storefronts on primary facades.</p>
<i>Façade Expression</i>	<p><b><i>A façade expression technique must be used on all primary facades.</i></b></p> <p>The mixed use building uses a variety of expression techniques, with changes in material between lower and upper floors, decorative ornamental cornices at building corners, and balconies which provide horizontal projection from the façade, exceeding UDO requirements.</p>
<i>Roofing Materials</i>	<p><b><i>Must use Class 1 or 2 roofing materials.</i></b></p> <p>Class 2 Asphalt Shake Shingles and Class 1 Standing Seam Metal are proposed, meeting this requirement.</p>

Primary facades are required to utilize a minimum of three (3) Class 1 building materials on 80% of the façade, with a minimum of 35% glass on the first floor and 20% glass on upper floors. Secondary facades must utilize a minimum of three (3) Class 1 or 2 on 60% of the façade with a minimum of 15% clear glass. All facades provide three (3) Class 1 materials (synthetic stone, case stone and glass) exceeding UDO requirements, and all facades exceed the minimum percentage of glass required.

Although the proposed zoning amendment removes several building design requirements previously codified in Section 2 of Ordinance 03-113, the updated design refreshes the site's appearance while preserving a traditional character. The selected mix of materials and colors is intended to connect the existing shopping center with a more contemporary retail and residential design.

## 8. Public Notification and Neighborhood Meeting

The applicant mailed the required public notification letters to 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, and a neighborhood meeting was held on November 12, 2025 with 21 attendees. Questions were asked regarding landscaping and screening, building height, parking, noise and light pollution, and project timeline, to which the applicant responded and summarized in the meeting minutes. Staff received several email inquiries and phone calls about the project and responded with the requested project details. Two letters of correspondence are included in the meeting packet.



## 9. UDO Rezoning Criteria

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as Conventional Neighborhood. However, the property is a part of the Heritage Square commercial center to the west, which is designated as a Community Commercial Center. The property has been zoned for commercial uses since 1978, and a mixture of residential, employment, shopping and restaurant uses are already permitted in this planned general business district.

The development is highly visible and accessible from 151<sup>st</sup> Street and in proximity to existing commercial uses and commercially zoned properties to the west. The proposed zoning amendment continues to align this property with the following policy elements of the Comprehensive Plan:

**LUCC-3.1: Encourage Housing Near Services.** Encourage higher density housing development near transit services, commercial centers, and planned transit nodes and corridors to create activity areas that add to the community's quality of life.

**HN-2.3: Higher Residential Densities.** Target future medium and high-density residential development to locations that are accessible to and integrated with potential employment and transit centers.

**HN-3.1: High Quality Architecture and Design.** Encourage economically reasonable efforts towards high quality architecture and urban design in residential development.

**N-5.2: Density Near Activity Centers and Transit.** Provide for higher density residential housing along major existing and planned public transit corridors and retail and commercial centers, with lower density residential development located further away from these centers.

The application was reviewed against the UDO criteria for considering rezoning applications listed in UDO Section 18.40.090.G as detailed below.

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

The property is designated as Conventional Neighborhood on the PlanOlathe Future Land Use Map, but has been zoned as part of the existing Community Commercial Center to the west since 1978. These areas draw from multiple neighborhoods, and may also include larger-scale tenants, such as building hardware or sporting goods stores. These centers tend to be more pedestrian-scale than regional centers, and are typically located along intersections of prominent streets.

The proposed development meets several policies of PlanOlathe including Land Use and Housing goals of providing residential densities that support commercial development and providing a range of housing opportunities. The Olathe 2040 Strategic Plan identifies strategies that align with the proposal to promote and encourage a mix of housing types and opportunities throughout the community and encourage new residential to attract people to work and live in Olathe.

***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 contains a mix of commercial and residential development with primarily single-family residential, personal service, office and restaurant uses. The proposed density and height of the mixed-use building is greater than the surrounding development, which is primarily one and two-story. However, the proposed outparcel retail building is a single-story.

This zoning amendment continues to ensure the development blends with the existing commercial center by retaining existing stipulations which require buildings have similar qualities and architectural elements that contribute to the overall theme. Building materials primarily consist of traditional brick, stucco, Hardie siding, and stone accent materials in warmer color tones that blend with existing 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 uses of the surrounding properties include a mix of commercial and residential uses. The existing CP-2 District will continue to be harmonious with the CP-2 District to the north and the C-2 District to the west, which permit the same land uses. The CP-2 District is also harmonious with residential uses to the east and south, provided that appropriate land use transitions are utilized, including landscaping and tree preservation along property lines.

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

The property is still suitable for the uses it is restricted to under the CP-2 District zoning designation. The combination of vertical mixed-use and retail/restaurant uses are appropriate for the property due to the proximity of similar uses in the surrounding vicinity and the efforts to provide a mixture of complimentary uses.

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

Portions of the property were zoned from Agricultural uses to commercial uses (CP-1 District) in 1978. The property was zoned entirely for commercial uses in 1985 (C-2 District). The property was later zoned to the CP-2 District in 2003 and the entire property remains undeveloped.

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

The proposed zoning amendment will not have any detrimental effect on nearby properties. The proposed uses are permitted by right within the existing CP-2 District, and residential neighborhoods are buffered from the proposed development by existing and proposed landscape buffers and berms, and tree preservation areas. The project is following all UDO requirements for building and site design.

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

Staff has not received information indicating that the development as proposed would lead to a negative impact on the value of surrounding properties.

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

The development has been evaluated through a traffic impact study, and acceptable traffic operations for the roadway networks surrounding the project site can be expected. A turn lane into the development on 151<sup>st</sup> Street is required by the study and will be constructed with this project. Within the development, surface parking lots are provided in adequate quantities to support the housing units, and cross-access parking will be established with adjacent development to anticipate the need for overflow parking.

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

The development will follow all regulations and codes pertaining to stormwater, air quality, noise, and other impacts on the environment. A significant number of trees will be preserved, and plantings and screening material will be added to the property.

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

The proposed development is expected to have a significant impact on Olathe's economy by adding 207 residential units and 32,400 square feet of retail area. The added residents will generate business for existing commercial developments and additional property and sales tax revenue for the City.

**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 zoning amendment application were denied, the property would be subject to the architectural and infrastructure requirements of the existing zoning ordinance which may not be applicable to the future development.

**10. Staff Recommendation**

A. Staff recommends approval of RZ25-0014, 151<sup>st</sup> Mixed-Use, for the following reasons:

1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.
2. The requested amendment to Ordinance 03-113 meets the *Unified Development Ordinance (UDO)* criteria for considering zoning amendment applications.

B. Staff recommends approval of the zoning amendment, repealing and replacing Section 2 of Ordinance 03-113 to read as follows:

1. The following site and building design requirements shall be required:
  - a. Buildings shall be designed to create a human scale with elements such as canopies, raised landscape planters, pedestrian level lighting and special building material treatments at the base of the building.
  - b. Each building shall have similar qualities and architectural elements that contribute to the overall theme.
  - c. All landscaped areas shall be irrigated.
  - d. A photometric plan, indicating the type of lighting for buildings and parking areas, shall be submitted prior to approval of the final site development plan.
2. Within the Mixed Use building, a minimum of 24,000 square feet of commercial space that is open to the general public (not for the exclusive use of residents or tenants) will be maintained, as shown on the preliminary plan dated November 25, 2025.

C. Staff recommends approval of the preliminary site development plan with the following stipulations:

1. At the time of Final Site Development Plan, a Shared parking agreement must be established with the owner of Lot 4, Heritage Square, must be established to allow for overflow parking as necessary.
2. Maximum building heights of each individual façade of the Mixed Use building (Lot 2) are limited to that shown on the architectural elevations, dated November 25, 2025.
3. At the time of Final Site Development Plan review, the landscaping and fencing along the eastern property line shall be adjusted as necessary to avoid existing easements.
4. At the time of Final Site Development Plan review, the stormwater management plan must revise the alignments of certain public and private stormwater lines and continue to meet all water-quality and detention requirements in accordance with Title 17.
5. Exterior ground-mounted or building mounted equipment including but not limited to, mechanical equipment, utilities' meter banks and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.