



STAFF REPORT

Planning Commission Meeting: December 22, 2025

Application:	RZ25-0018: Request for a rezoning from the C-O (Office) District to the C-1 (Neighborhood Center) District and a preliminary site development plan for Solomon's Porch Assisted Living
Location:	16560 Indian Creek Parkway
Owner/Applicant:	Mark Boek; Prime Property Options LLC
Engineer:	Mark Huggins; Payne & Brockway
Staff Contact:	Taylor Vande Velde; Planner II

Site Area:	<u>2.74 acres</u>	Proposed Use:	<u>Assisted Living, Skilled Nursing, Continuing Care Retirement Facilities</u>
Building Area:	<u>19,772 sq.ft.</u>	Plat:	<u>Platted</u>
Existing Zoning:	<u>C-O (Office)</u>	Proposed Zoning:	<u>C-1 (Neighborhood Center)</u>
Lots:	<u>1</u>	Tracts:	<u>1</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Mixed-Density Residential Neighborhood	Vacant	C-O (Office)
North	Mixed-Density Residential Neighborhood	Apartments	R-3
South	Mixed-Density Residential Neighborhood	Office/Single-Family	C-O & R-1
East	Mixed-Density Residential Neighborhood	Single-Family	R-1
West	Mixed-Density Residential Neighborhood	Office/Medical Offices	C-O & C-2

1. Introduction

The applicant is requesting a rezoning from the C-O (Office) District to the C-1 (Neighborhood Center) District with a preliminary site development plan for an Assisted Living Facility. The approximately 2.74-acre property is located at 16560 Indian Creek Parkway, northeast of N. Mur-Len Road and W. Indian Creek Parkway. The applicant also has an associated replat application (FP25-0040), which will go before the Planning Commission following the rezoning request.

The applicant is proposing a small-scale assisted living facility that will provide 24/7 care in a home-like setting for individuals with Alzheimer's. Solomon's Porch Assisted Living is requesting a rezoning to construct two (2) buildings in two (2) phases. Each building will be one story and 9,886.4 square feet in size, with 16 bedrooms. Most of the property will remain open space, with the addition of stormwater management, landscaping, and resident amenities, such as a future koi pond and walking paths. The applicant's anticipated construction timeline for the first phase is Spring 2026.



Aerial map with subject property outlined in yellow

2. History

The property was zoned to the C-O (Office) District in 1987, and the original office development (PR-32-00) was approved for Indian Creek Office Park in 2000. The property was later platted in 2003, and the existing buildings were constructed between 1987 and 2003.

In 2008, a revised preliminary plan (PR-08-040) for this specific lot approved several additional office buildings for a total of 28,326 square feet and 91 parking spaces. These plans were never constructed, and the site remains vacant except for an accessory shed structure in the northwest corner of the lot.

3. Existing Conditions

The property is undeveloped with several trees that were installed between the office buildings to the west. An existing shed was constructed in 2002 and was used for various storage uses. The property naturally slopes towards the southeast property line, where the proposed stormwater is located.



View of the site looking north from the southeast corner.



View of the site looking southeast.

4. Zoning Standards

- a. **Land Use** – Uses allowed in the C-1 District include a variety of low-intensity commercial uses that are typically located adjacent to residential and serve the surrounding neighborhoods. To ensure compatibility of land uses adjacent to residential, Staff is recommending that the following land use be restricted on the property.

Staff collaborated with the applicant on this list, and the applicant is amenable to restricting the following uses on the subject property:

- a. Any Distance Restricted Business as listed in Olathe Municipal Code Chapter 5.43
- a. **Building Height** – Building height in the C-1 District is restricted to 30 feet and 2 stories tall. The applicant is proposing two (2), 21-foot-tall buildings that meet building height standards and provide a similar height to the surrounding single-family homes.
- b. **Setbacks** – Setback requirements in the C-1 District require buildings to be setback at least 20 feet from the front property line and 7 ½ feet from the side and rear property lines. The buildings are setback from the adjacent residential areas between 44 – 54 feet from the north property line and 110 – 126 feet from the east property line, greatly exceeding setback requirements. Parking must be set back 10 feet from property lines, which the property meets on the north side, and has joint parking and access with the adjoining property owners to the west and south.
- c. **Open Space** – The C-1 District also requires a minimum of 20% open space, which the property exceeds by providing 62% (1.70 acres) open space.

5. Development Standards

- a. **Access/Streets** – The property is part of the Indian Creek Office Park, which has shared access within the parking lot that feeds out to W. Indian Creek Parkway and N. Mur-Len Road. A signalized intersection southwest of the site has an existing southbound turn lane on N. Mur-Len Rd and east and westbound turn lanes on N. Indian Creek Parkway, and no additional roadway improvements are required with this development.
- b. **Parking** – The Assisted Living use requires a minimum parking ratio of 1 stall per dwelling unit for elderly housing, which requires 32 parking spaces. The project offers 40 parking spaces, including four (4) ADA spaces primarily for staff and visitors.
- c. **Landscaping/Screening** – Perimeter landscaping is required on the north, east, and south, providing a mix of shrubs, deciduous, ornamental, and evergreen trees. The applicant is preserving most of the existing evergreen trees on site, and adjacent properties have existing trees that count towards the minimum landscaping requirements for buffering. This site has several utility and drainage constraints that make it challenging to provide a solid wall or berm along the east property line; however, the applicant is proposing a fence with robust landscaping that provides sufficient landscaping for the proposed use. Parking lot and building foundation landscaping will be provided in accordance with UDO requirements.
- d. **Tree Preservation** – The existing site is preserving eight (8) of the nine (9) existing mature trees along the west property line. A cedar tree will be removed to avoid potential disruption of utilities and replaced with two (2) additional shade trees within the parking lot islands.
- e. **Stormwater/Detention** – Currently, stormwater generally flows east into an existing storm sewer system, and this drainage pattern will remain the same after construction. The project will construct a new wet detention basin in the southeast corner of the site to help manage stormwater for both the proposed development and the existing runoff.

With the new basin in place, stormwater will be collected and slowly released into the existing storm sewer near the east property line.

- f. **Public Utilities** – The site is located within the City of Olathe water and sewer service areas. There are existing sanitary sewer mains that run along the east and north property lines, and an existing water main along the west side of the property, which will be realigned to serve a newly relocated fire hydrant. This waterline easement is being vacated and re-dedicated with the associated final plat (FP25-0040) following the rezoning application.
- g. **Phasing** – The project will be constructed in two (2) phases, beginning with the southernmost building (9,886.4 square feet), consisting of 16 assisted living units, office space, and communal living areas. The first phase will also construct landscaping, the sidewalk connection, fencing, and stormwater management. The second phase will consist of an identical building footprint and layout to the first building, with additional parking. The timing of the second phase is unknown at this time.

6. Site Design Standards

The property is subject to the Site Design Category 3 based on the *Mixed Use Residential Neighborhood* designation in the PlanOlathe Future Land Use Map and proposed C-1 District zoning. The following is a summary of the applicable site design requirements:

- a. **Landscape Options** – Site Design Category 3 offers two (2) options for landscape buffers adjacent to arterial roads or any noncommercial or nonindustrial zoning district: a 40-foot planted buffer with no fence or wall or a 15-foot buffer with a fence or wall. The applicant is utilizing the 40-foot planted buffer on the east property line, with landscaping to meet these requirements.
- b. **Parking Pod Size** – The maximum number of parking stalls allowed in one parking pod is 160. The proposed development provides includes 40 parking stalls with multiple landscape islands to break up the parking and blend with the existing parking lot, meeting this UDO requirement.
- c. **Pedestrian Connectivity** – Enhanced pedestrian connections are required to encourage pedestrian use and integrate with surrounding land uses. The development provides a cross-property connection to the south, connecting to the existing sidewalk network leading to Indian Creek Parkway.
- d. **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. While the proposed dry detention basin is located out of view from the street in the rear of the development, the applicant incorporated this area into the site landscaping to soften the appearance.

7. Building Design Standards

The buildings are subject to the Vertically Attached Building category of UDO Section 18.15.020.G.5. The western façade of each building is considered a Primary Façade, while the north, east, and west are considered Secondary Facades. The following table lists the applicable design requirements and proposed design elements:

Building Design Standard	Design Requirements Proposed Design
<i>Building Entryway</i>	<p>All common building entries must be defined by being covered by a projection from the façade or by being recessed.</p> <p>The entrances for the assisted living buildings are defined by pitched overhead canopies.</p>
<i>Facade Articulation</i>	<p>Horizontal articulation is required every 50 feet across the length of primary façades. Vertical articulation of at least two feet in height is also required every 50 feet across the length of primary façades.</p> <p>Horizontal articulation is provided through façade offsets and projections across all primary and secondary facades, exceeding UDO requirements.</p> <p>Vertical articulation is provided through variation of roof form, with gable and shed roofs of varying height alternated throughout.</p>
<i>Glass</i>	<p>A minimum of 20% glass is required on primary facades, and a minimum of 10% glass is required on secondary facades.</p> <p>All buildings meet minimum glass requirements.</p>

Both buildings will be primarily finished with Class 1 stone, stucco, and glass with Class 3 Hardie Siding accents to match the existing office buildings, while providing a residential design. At this time, the proposed colors of the buildings will be a mixture of beige, brown, and green. The buildings also feature various decorative wood gable trusses at the entrances and pitched roofs.

Vertically attached buildings require a minimum of 70% Class 1 and Class 2 materials on primary facades, and a minimum of 50% Class 1 and Class 2 materials on secondary facades. The western primary façade provides 72% Class 1 stone and stucco materials and 7% Class 3 Hardie Siding meeting UDO requirements. The Secondary Facades (north, east, and south) provide a range of 59 – 76% Class 1 and 2 materials, exceeding UDO requirements.

8. Public Notification and Neighborhood Meeting

The applicant mailed the required certified public notification letters to surrounding properties within 200 feet and posted public notice signs on the property per UDO requirements.

A Neighborhood Meeting was also held in accordance with the UDO held on November 20, 2025 with 3 residents in attendance. Questions posed by the residents include, but are not limited to, drainage and stormwater concerns, project timeline, and operations for the facility. The applicant's responses to these questions are included in the meeting packet.

Staff have not received additional correspondence regarding the project.

9. UDO Rezoning Criteria

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as a Mixed-Density Residential Neighborhood, intended to support moderately dense housing options such as duplexes, townhomes, and apartments. Although the C-1 district does not directly align with this designation, staff supports the requested rezoning to C-1 as it allows neighborhood-scale commercial uses adjacent to residential areas while maintaining a low-intensity residential character.

The proposed zoning request meets the following policy elements of the Comprehensive Plan:

HN-1.3: Reduce Impacts from Redevelopment. Design infill and redevelopment to avoid negative impacts and ensure compatibility and appropriate transitions between land uses.

HN-1.4: Minimize Spill-over Impacts to Residents. Protect the character and livability of established residential neighborhoods by minimizing spill-over impacts from adjacent commercial areas and incremental expansion of business activities into residential.

HN-2.1: Full Range of Housing Choices. Encourage residential development that supports the full range of housing needs in the community by ensuring that a variety of housing types, prices and styles are created and maintained in the community.

HN-2.5: Senior Housing. Address the housing needs of an aging population. Provide neighborhoods with a variety of housing styles and prices that meet the particular needs of seniors and enable residents to “age in place.”

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 subject property is designated as Mixed-Density Residential Neighborhoods on the PlanOlathe Future Land Use Map, but has been zoned Office since 1987. The proposed development is consistent with several PlanOlathe policies, including land use and housing goals that support compatible infill development while responding to the needs of an aging population.

In addition, the Olathe 2040 Strategic Plan and the Community for All Ages program identify strategies that align with the proposal, including promoting a mix of housing types for seniors and fostering a sense of belonging. The proposed assisted living facility is appropriately scaled and compatible with the surrounding uses, making it a suitable infill development for this site.

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 includes a wide variety of uses and densities, from single-family, small apartments, and several offices and commercial uses. These buildings range in style, materials, and height; however, they are all below three stories tall and feature a traditional residential design, including siding, brick, and stone with a mixture of roof designs.

The buildings within the Indian Creek Office Park are one-story buildings with white and beige siding, stone, and dark trim, which the proposed development incorporates.

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 general area around the intersections of N. Mur-Len Rd and Indian Creek Parkway has an array of zoning districts offering different residential densities from R-1 to RP-4 and commercial and retail uses from C-O to C-2. The proposed development will retain the commercial zoning along N. Murl-Len while allowing for a low-intensity residential use to transition to the adjacent residential uses.

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

The existing site is zoned to the C-O (Office) District, which does not permit senior housing. The proposed rezoning to the C-1 District permits uses such as assisted living facilities, the same office uses, limited retail, and other small-scale commercial activity. The proposed uses would be similar to what's already permitted and were approved in the 2008 preliminary plans. Staff recommends a few use restrictions to ensure compatibility with adjacent residential uses.

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

The property was zoned to the C-O Office District in 1987 and has remained vacant since the preliminary plans were approved in 2003. This site does not have direct access or visibility from public streets, which makes it less suitable for new offices and commercial businesses. The lot also requires several other development steps, such as replatting, utility easement vacation, and stormwater management, which may limit development potential for small-scale commercial users.

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

As noted in the neighborhood meeting, there have been stormwater issues in the area. This development would help manage stormwater runoff flowing to and from the site to improve conditions in the immediately surrounding area. The proposed use and zoning district would allow for less intense uses and greatly reduce the maximum height from the current C-O zoning district, which allows for a maximum of 3-stories or 40 feet tall. The development will also retain more open space than previously approved and currently permitted on the site, providing a suitable transition to the adjacent single-family homes.

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

The proposed development is not anticipated to have any detrimental impact on the value of surrounding properties. The proposal reduces the intensity of potential uses and height of buildings in the existing zoning district.

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.

This proposed use will not cause any adverse effect on traffic and safety of the road network as the previously approved preliminary plan for this lot anticipated more vehicle traffic than the proposed development would. Additionally, the adjacent roads and intersections have existing turn lanes and a traffic light. The development also meets minimum parking requirements, and parking problems for this lot or within the Indian Creek Office Park are not anticipated.

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. The applicant is maintaining over 60% of the existing open space with a significant reduction in impervious surfaces from the previously approved plan.

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

The senior living facility will increase the property taxes generated on the property in addition to providing employment opportunities and memory care for families within the immediate neighborhoods.

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, the property would allow office and retail-related uses.

10. Staff Recommendation

- A. Staff recommends approval of RZ25-0018, Solomon's Porch Assisted Living, for the following reasons:
 - 1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.
 - 2. The requested zoning meets the Unified Development Ordinance criteria for considering zoning applications.

- B. Staff recommends approval of the rezoning to the C-1 District with the following stipulations:
 - 1. The following uses are prohibited:
 - a) Any Distance Restricted Business as listed in Olathe Municipal Code Chapter 5.43
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
 - 1. The details of the proposed fence location and materials will be provided with the Final Site Development Plan.
 - 2. The required pedestrian connection to Lot 3A to the south must be constructed with Phase I of the project.