

STAFF REPORT

Planning Commission Meeting: March 24, 2025

Application: RZ25-0001: Rezoning from the CTY RLD (County Residential Low-

Density) District to the R-1 (Residential Single-Family) District and approval of a Final Plat (FP25-0006) for

Jemi Homes.

Location: 15690 S. Renner (Mur-Len) Road

Owner: Beth & John Muiruri, Jemi Home Care, LLC

Applicant: Lisa Clough, CMP Construction

Staff Contact: Andrea Morgan, AICP, Planner II

Site Area: 0.84± acres Proposed Use: Assisted Living, Skilled

Nursing, Continuing Care

Retirement Facilities

Existing Zoning: CTY RLD (Residential Existing Building 2,628 square feet

<u>Low Density</u>) Area:

R-1 (Residential Plat: Unplatted

Zoning: Single-Family)

Proposed

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Conventional Neighborhood	Single-Family Residence	CTY RLD
North	Conventional Neighborhood	Single-Family Residence	R-1
South	Conventional Neighborhood	Single-Family Residence	CTY RUR
East	Conventional Neighborhood	Single-Family Residence	R-1
West	Conventional Neighborhood	Single-Family Residence	R-1

1. Introduction

The applicant is requesting a rezoning from the CTY RLD (County Residential Low-Density) District to the R-1 (Residential Single-Family) District for an existing single-family home located at 15690 S. Renner (Mur-Len) Road. The applicant is also requesting approval of the final plat (FP25-0006) which will establish lot lines and dedicate public easements for the existing 0.84± acre lot.

The applicant intends to utilize the existing single-family as a HomePlus facility which is licensed by the State of Kansas. The home will accommodate up to ten (10) seniors with 24/7 care and assistance with daily activities such as meals, laundry, and medication. This proposed use is classified as 'Assisted Living, Skilled Nursing, Continuing Care Retirement Facility', and rezoning to the R-1 District is required prior to occupancy of the site. This property must be rezoned from County zoning to a City zoning designation before this change in use may occur. No exterior changes to the existing single-family structure or site are being proposed.

2. History

The subject property was annexed (ANX-03-95) into the City in 1995 and has retained CTY RLD zoning. The property is not platted and there is one existing single-family residence and an accessory structure that were constructed in 1972.



Aerial view of the subject property highlighted in yellow.

3. Existing Conditions

The site is developed with a single-family residence and an accessory structure. The site gently slopes to the east and has mature trees.



View of subject property looking southwest from 157th Street.

4. Zoning Standards

- a. <u>Land Use</u> The applicant is seeking a change of zoning from the CTY RLD District to the R-1 District to allow for the operation of an Assisted Living, Skilled Nursing, Continuing Care Retirement Facility use. This use is permitted by-right in the R-1 District and is additionally regulated by the State of Kansas. The site is identified as Conventional Neighborhood on the PlanOlathe Future Land Use Map (PlanOlathe) and the proposed R-1 District directly aligns with this land use designation.
- b. <u>Lot Standards</u> The final plat includes a 36,359 square-foot single-family residential lot, which exceeds the minimum lot size requirement of 7,200 square feet, and the minimum lot width requirement of 60 feet, as required by Unified Development Ordinance (UDO) 18.20.070.
- c. <u>Building Height</u> Buildings within the R-1 District are limited in height to 2.5 stories or 35 feet. The existing one-story residence is 15 feet tall meeting this requirement.
- d. <u>Setbacks</u> The R-1 District requires a minimum 30-foot front yard setback and a 20-foot corner side yard setback. Additionally, 7-foot side and 25-foot rear yard setbacks

from all other property lines are required. The existing structures meet or exceeds all dimensional requirements of the R-1 District.

5. Development Standards

- a. <u>Access/Streets</u> The site has one (1) existing access drive from W. 157th Street and is adjacent to S. Mur-Len Road. No changes to the access drive are being proposed.
- b. <u>Parking</u> Parking for the Assisted Living, Skilled Nursing, Continuing Care Retirement Facilities use is calculated at 1 parking space per 400 square feet of gross floor area for a minimum of 6 off-street spaces for the proposed project. The site has space to park 6 vehicles in the existing drive with the space to add additional stalls on site in the detached garage, if needed in the future.
- c. <u>Landscaping/Screening</u> The site has five (5) mature street trees in the front yard along S. Mur-Len Road and 157th Street, meeting UDO requirements. The existing single-family residence is lined with a mixture of evergreen and deciduous shrubs along the east façade.
- d. **Stormwater/Detention.** Existing drainage patterns will be maintained as no exterior site changes are being made.
- e. <u>Public Utilities</u> The site is located within the City of Olathe sewer and water service areas. No new Utility Easements (U/E) are being dedicated with this plat.

6. Site Design Standards

The site is designated as Conventional Neighborhood on the PlanOlathe Future Land Use Map and is subject to Site Design Category 1 (UDO 18.15.100). The following is a summary of the applicable standards of Site Design Category 6.

a. Pedestrian Connectivity - An existing sidewalk is provided along S. Mur-Len Road.

7. Public Notification

The applicant mailed the required certified public notification to property owners within 200 feet of the site in accordance with UDO 18.40.050.B.

Neighborhood notice was also mailed to properties within 500 feet of the site, as required by the UDO. A neighborhood meeting was held on February 19th, 2025 with six (6) individuals in attendance. The meeting minutes provided by the applicant are included in the Planning Commission packet. According to the minutes, attendees had general process questions about the proposed use. Staff has received correspondence from four (4) individuals with general inquiries about the proposed use and zoning action and responded accordingly.

8. UDO Rezoning Criteria

The Future Land Use Map of the PlanOlathe Comprehensive Plan identifies the subject property as an "Conventional Neighborhood". Reuse of this existing site with an assisted living uses aligns with the Conventional Neighborhood designation and is suitable for this type of development.

The following are criteria for considering rezoning applications as listed in UDO Section 18.40.090.G.

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

The Future Land Use Map of the PlanOlathe Comprehensive Plan designates the subject property as Conventional Neighborhood, and the R-1 District directly aligns with this designation.

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

- **LUCC-1.1: Consistency with the Comprehensive Plan.** Land use proposals should be consistent with the vision of the Comprehensive Plan, as well as applicable local ordinances and resolutions.
- **LUCC-3.3: Residential Zoning Standards.** Ensure that zoning allows for a variety of home types and lot sizes.
- **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."
- 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 proposed R-1 District will allow for a use that is compatible with the character of the neighborhood. The surrounding area consists of single-family residences on a variety of parcels sizes that are in keeping with that found on the subject property.

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 proposal is in harmony with the surrounding zoning and uses of nearby properties. The adjacent properties are in the R-1 and CTY RUR Districts. The surrounding properties are developed with single-family residential uses in accordance with the future land use map. The proposed Home Plus use will complement the adjacent properties. No exterior changes to the existing single-family structure or site are being proposed so the site will maintain it's conformity with the surrounding properties.

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

The subject property is currently zoned to the CTY RLD (County Residential Low Density) District, and rezoning to a City zoning district is required before this change in use may occur. Rezoning the entire property to the R-1 District allows the proposed

use to operate by right and provides a continuation of the R-1 zoning district established to the north, east and west of the site.

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

The property was zoned to the CTY RLD (County Residential Low Density) District prior to annexation into the City of Olathe in 1995. A single-family residence and accessory structures were constructed on the property in 1972.

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

Approval of this application is not anticipated to detrimentally affect nearby properties, which consists of single-family residential properties to the north, east, south and west.

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

The R-1 district as proposed will provide uses and design standards that are not anticipated to cause any substantial harm to the value of nearby properties. The proposed rezoning is consistent with the R-1 zoning districts currently established in the surrounding area, north, east and west of the property.

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 effects on traffic and safety of the road network. The property is adjacent to an arterial roadway with adequate capacity. The proposed use will not generate significant amounts of traffic. The site has sufficient parking for the proposed use.

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 codes pertaining to stormwater, air quality, noise, and other related items. No exterior changes to the existing single-family structure or site are being proposed so the site will retain its existing landscaping and mature tree canopy.

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

The continued use of this existing development will provide necessary services to residents and continue to generate property taxes to be collected by 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 and welfare due to the denial of the application. If the application were denied, the landowner would not be able to

operate an assisted living use until it is rezoned to a City Zoning District. Additionally, this same rezoning application cannot be resubmitted for a period of one (1) year after denial, per UDO 18.40.090.

9. Staff Recommendation

Staff recommends approval of the rezoning (RZ25-0001) and final plat (FP25-0006) with the following stipulations:

- A. Staff recommends approval of RZ25-0001 for the following reasons:
 - 1. The proposed development complies with the policies and goals of the Comprehensive Plan.
 - 2. The requested rezoning to the R-1 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the R-1 District with no stipulations.
- C. Staff recommends approval of the final plat (FP25-0006) with no stipulations.

Statement of Purpose Case # PRE24-0107

We are requesting to remove the single-family home located at 15690 S Renner Road in Olathe from the zoning of JO CO CTY RLD to Olathe R1. The new owners would like to convert the home into a Homes Plus Senior Living Home.

Kansas Statutes and Regulations for the Licensure and Operation Of Boarding Care Homes

"Home plus" means any residence or facility caring for not more than 12 individuals not related within the third degree of relationship to the operator or owner by blood or marriage unless the resident in need of care is approved for placement by the secretary for children and families, and who, due to functional impairment, needs personal care and may need supervised nursing care to compensate for activities of daily living limitations."

Narrative for Jemi Home Care LLC Operations



Introduction: Jemi Home Care Licensed Operator and Owner did recognize her calling in caring for the dementia and the elderly population after being the primary care giver for her late mother who had dementia for many years therefore the name Jemi Home in honor of her. The owner is an Olathe resident for the last 19 years therefore, the need to start a home in the city designed for senior citizens, currently co-own a successful similar home in Overland KS for the last several years.

The founder and owner, is an experienced, passionate, registered Nurse with a Master's degree in Health Care Administration and Masters in Business administration and has over 22 years of healthcare experience under different settings and markets. It is expected that her extensive and long experience will be instrumental in the growth of Jemi Home Care.

Facility Overview:

Jemi Home Care senior Living is a residential care home located in Olathe Kansas designed to provide a comfortable and supportive environment for 10 residents.

Our Mission is to provide compassionate care to all, respecting the dignity and value of each individual living in the home.

Jemi Home Care LLC will be primarily residential and personal care business providing health services for elderly individuals who are unable to fully take care of themselves due a variety of reasons including and not limited to poor health or/and other conditions. The home will provide 24/7 safe care under the supervision of the Operator to the seniors in an environment that closely resembles their own homes where there is an opportunity to live in a home like environment full of care and love. Similar home Plus are licensed by Kansas Department for Aging and Disability Services (KDADS) and surveyed yearly by the KS State to assess whether the quality of care, as intended by law and regulations is being provided.

Building Operations:

Staffing:

To ensure the highest level of care for our residents, Jemi Home Care Plus will maintain a consistent clinical and licensed staff at all times.

- 1. **Two Caregivers:** There will always be two caregivers on duty 24/7. These caregivers will be responsible for providing direct care to residents, including and not limited to assistance with daily living activities, bathing, dressing, grooming, feeding, toileting, housekeeping, laundry, cooking and feeding, medication administration, and monitoring residents' health and wellbeing. Caregivers will work in shifts to ensure 24/7 coverage and support.
- 2. **Operator:** The facility operator will be present and available around the clock to oversee the daily operations of the home. The operator/manager will manage staff schedules, coordinate

Narrative for Jemi Home Care LLC Operations



resident care plans, handle administrative tasks, and ensure compliance with State regulations and facility policies.

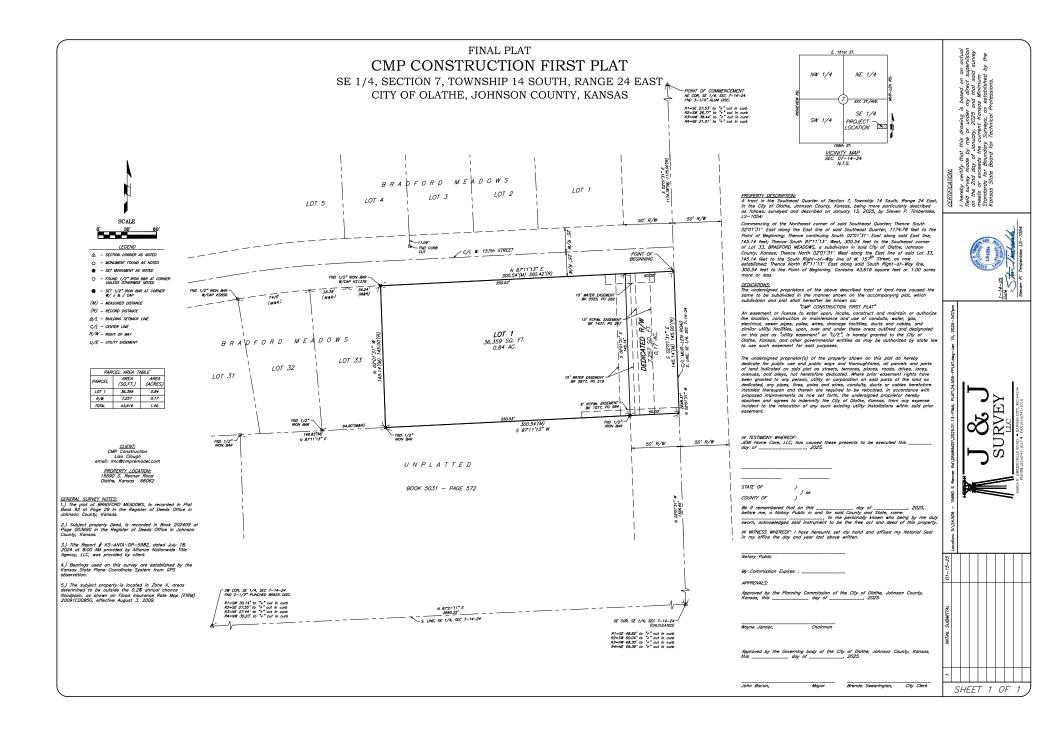
Daily Operations and Services offered/provided at Jemi Home Care.

- 1. Staffing-trained clinical staff to provide care:
- 2. 24/7 licensed, Person-Centered:
- 3. Home prepared Meals and refreshment:
- 4. Medication administration and treatment:
- 5. Housekeeping, Laundry, and Maintenance:
- **6.** Coordination of pharmacy Services:
- 7. Social activities:
- 8. Activities and Social Engagement:
- 9. House Doctor visits:
- 10. Safety and Security, 24/7 security monitoring:

Conclusion:

There are roughly 154 assisted living facilities in Johnson County and not enough of the unique home plus homes concluding that there is a huge need of the home due to the growing demand of the retiring baby boomers who are broadly reaching 65 years of age. Jemi Home care LLC is a place that will offer a unique, home -like quality care for Olathe and adjacent Cities elderly individuals. We intend to positively impact our part in fulfilling this need by establishing a modern, resident focused home healthcare facility with well-trained, competent, and responsive staff, a well-organized and forward-looking management.

Jemi Home Care Operator appreciates everyone who has participated in any way or form to making this home a success.



Date: 02/20/2025

Meeting Date: 02/19/2025, 5.30 PM – 7.30 PM

Location of Meeting: Olathe Indian Creek Library

16100 W 135th St Olathe, KS 66062

Project: Jemi Home Care LLC

Project/File No. R Z25-0001

Neighborhood Attendees: See attached Sign in Sheet

Development Team: Beth & John Muiruri — Owner

Chris Van Horn CMP Construction

Copy: Olathe Planning Department:

- 1. Chris welcomed the group and explained that everyone at the meeting should have received an invite to the meeting in the mail. Thereafter, Chris explained that the meeting was an opportunity for the neighbors to voice their concerns and notes from this meeting summary would be submitted to the City Planning Commission.
- 2. Chris explained the basic site layout and renovations that will take place.

Beth explained the daily operations of the facility and who will be admitted, residents above 65 years of age, will be open to both male and female.

At this point the formal presentation ended and questions from the audience voiced their concerns and each was addressed.

1. Are you building additional houses, changing the outside of the house or remodeling the outside/detached garage to house additional people?

a. Response was no outside construction or expansion will be done at this time other than two ramps in the front and back entrances incase of wheel chair users and all renovations will be done inside the house and garages will be converted into 4 rooms and a walk-in shower. Detached outside garage/barn will remain as it is, and will be used for staff parking which can hold up to 8 cars.

2. How many employees will be there?

a. Schedule will have 2 employees during a day shift, 2 during the night shift while residents are sleeping, staff will be available 24/7, the nurse/Licensed operator will oversee daily operations, lives 7 minutes from the home which makes it easier.

3. Is this a commercial use?

a. The property is zoned R-1 Single Family Residential and assisted living facilities are an allowed use in R-1 Zoning.

4. How are you going to deal with parking for the staff, guests and residents, some neighbors park on the streets and we have children?

a. Facility residents will/do not have cars neither do they drive; The detached garage will/can accommodate 6-8 cars, all employees will utilize it for parking, and area at the back yard will be converted into additional gravel parking for guests and other people coming to the home, which will accommodate additional 4-5 cars. Some residents however, do not have any visitors and/or rarely visited, some have guardians who assist in making decisions and barely come.

5. What kind of residents will be admitted; how do you get them?

a. Residents admitted will be seniors above 65 years old.

There are licensed placement agencies that assist in placing them, rehabilitation hospitals and other long-term facilities.

6. Concerns on noise from ambulance coming to the house, any parties?

a. Most of the residents' health are usually stable and take medications under the house doctor orders, Operator/owner is an experienced nurse has over 20 years of experience and can assess residents and contact house doctor as needed, if they decline and they wish to go to the hospital, ambulance will be called. No loud parties will be held.

7. How many bathrooms are going to be there for the 10 residents? You will have male and female same house? Are you not required to have ensuite?

a. There will be 2.5 bathrooms for the 10 residents, this is per requirement by Kansas department of aging and disability, (KDADS), there are rules and regulations that have to be met, State Surveys and State Marshalls do surveys once a year. There will be private rooms, no ensuite which are very expensive to construct and rent out, these kinds are allowed by the KDADS.

8. How much do you charge for the rooms?

a. The prices range, the cost of residents needing more care is higher than ones needing less care, i.e. ones needing total care/help as compared to one needing less help.

9. Why would they need to be admitted if they need less care?

a. They could have dementia.

10. With Dementia, so the place will be locked?

a. Yes, for the safety of our residents we will be a locked unit.

11. How do you determine who to admit?

a. Prior to admission, the nurse will complete an assessment to determine if resident meet the requirements to be admitted as a care plan is written.

12. If the residents decline, will they move away? will you have hospice residents?

a. Unless the resident and family decide to move to get more care than we can provide, usually the residents will stay in the home till death and yes, we will have hospice residents if they choose to be under hospice services.

13. How will you deal will trash? Will you bring big trash bins?

a. We will eliminate the green trash bin since we will have a company manage the lawn, we will request for additional 2 trash bins, 1 for recycle and other for regular trash, these will be enough, no we will not bring the big one.

14. How do you deal with staffing and call out?

a. owner is an RN and can also work.

15. How will you deal with neighbors packing on the streets?

a. Beth said, have a chat with them, Chris said they have a right to park on the streets.

Additional comments made by the attendees:

- I don't mean to be the bad one we are just concerned on the changes but this makes a lot of sense now, so thank you.
- I was a little skeptical when I heard about this but now I understand and I'm glad, this is a perfect location for this type of home, it's in a corner, no HOA! I'm ready to have people live in the house.
- Do you have activities for the older people? I can volunteer there, I'm leaving my phone number, she left her phone #.
- I'm so glad there are people like you making good changes in our community.
- Most of the attendees were glad they attended the meeting and felt their concerns were well addressed.

15690 S RENNER RD NEIGHBORHOOD MEETING CHECK IN HELD ON 02/19/2025 1730=1930 @ INDIAN CREEK LIBRARY OLATHE KS:

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(A)	Leeling what	91-520-1708	1677/eW. St.	Mul Soull
	Melisa Fab Jeff Gourley	Blle-853-761	PREPRIMI Dr	Mally
	Jeff Gourley	816-519-5420	16776 W.137-37	Topped Indiana
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15690 S RENNER RD NEIGHBORHOOD MEETING CHECK IN HELD ON 02/19/2025 1730=1930 @ INDIAN CREEK LIBRARY OLATHE KS:

Full Names	Phone #	Address	Signature
Danvelle Tomling	93229 1446	Umw.	Janely
Lisa Moore	G13-481-7155	12340 S Kenton St Olothe,	3
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