



STAFF REPORT

Planning Commission Meeting: March 11, 2024

Application	<u>RZ24-0003</u>: Request for a rezoning from the C-2 (Community Center) District to the CC (Cedar Creek) District with a preliminary site development plan for Cedar Ridge Mixed Use Community
Location	Southeast of S. Cedar Creek Parkway and W. Valley Parkway
Applicant	Henry Klover, Klover Architects Inc.
Owner/Developer	Rick Oddo, Oddo Development Company, Inc.
Engineer	David Rinne, Schlagel & Associates
Staff Contact	Nathan Jurey, AICP, Senior Planner

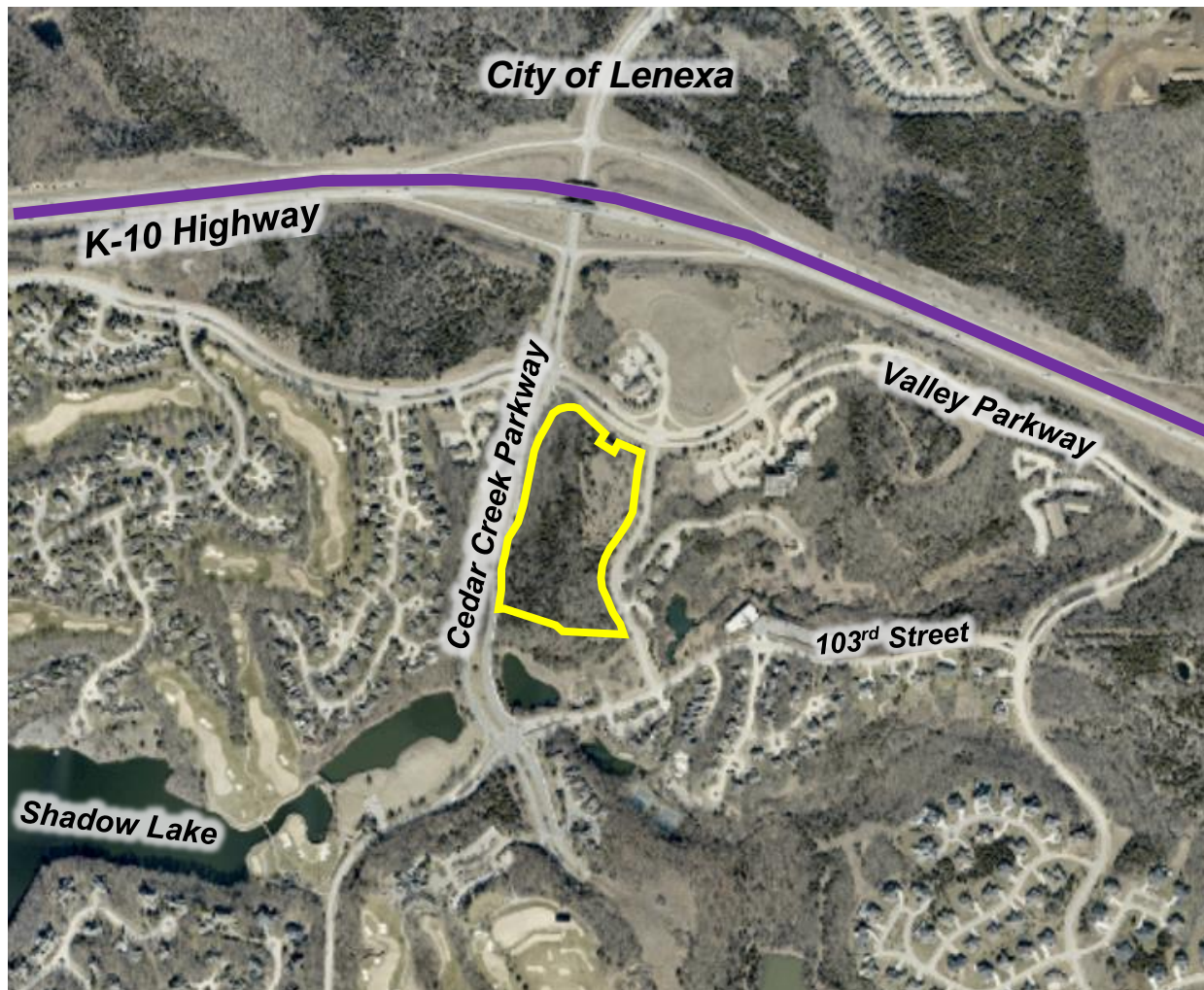
Site Area:	<u>14.37 acres</u>	Existing Zoning:	<u>C-2 (Community Center) District</u>
Commercial Space:	<u>44,000 sq. ft.</u>	Proposed Zoning:	<u>CC (Cedar Creek) District</u>
Dwelling Units:	<u>311 units</u>	Proposed Uses:	<u>Multifamily, Attached Residential and General Commercial</u>
Density:	<u>21.6 units/acre</u>	Plat:	<u>Unplatted</u>

	Plan Olathe Land Use Category	Existing Use	Existing Zoning
Site	Cedar Creek Mixed Use (CCMU) Center	Undeveloped	C-2 (Community Center)
North	CCMU Center	Drinking Establishment	C-2 (Community Center)
South	CCMU Center & Secondary Greenway	Undeveloped & Stormwater Facilities	C-2 (Community Center)
East	CCMU Center & Secondary Greenway	Offices & Stormwater Facilities	BP (Business Park)
West	Conventional Neighborhood	Daycare, Office & Single-Family	C-2 (Community Center) & R-1 (Single-Family)

1. Introduction

The applicant is requesting to rezone from the C-2 (Community Center) District to the CC (Cedar Creek) District with a preliminary site development plan for a mixed use development on 14.37 acres located at the southeast corner of Cedar Creek and Valley Parkways. The proposal includes a 5½-story, 300-unit multifamily building with two (2) levels of structured parking and 5,000 square feet of ground-floor commercial space for a coffee shop, salon/spa, or similar uses. In addition, the development includes a 5-unit and a 6-unit townhome building and three (3) commercial buildings along Valley Parkway with a total of 39,000 square feet of floor area.

The subject property is designated as Cedar Creek Mixed Use Center by the future land use map of the PlanOlathe Comprehensive Plan. The property is also within the Cedar Creek Overlay District established in August 2012 through the Cedar Creek Area Plan (CCAP) and adopted as Section 18.20.270 of the Unified Development Ordinance (UDO). The applicant is requesting the CC District as it is consistent with the PlanOlathe Comprehensive Plan and is the preferred zoning district in the Cedar Creek Overlay District according to the CCAP. Rezoning applications require Planning Commission and City Council consideration in accordance with UDO Section 18.40.090.



Aerial map with subject site outlined in yellow.

2. History

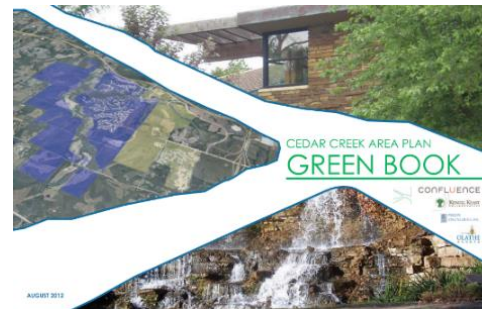
The subject property was annexed into the City in 1983 (Ord. 83-70) and subsequently zoned to the CP-3 District (RZ-20-1983) as part of the 2,980-acre Cedar Hills Village (Jack Nicklaus) development. At that time, this property was surrounded by unincorporated land and the only existing roads were K-10 Highway, 103rd Street, and what is now known as Cedar Creek Parkway.

Not long after, ownership changed, the scope of the project was enlarged to 3,324 acres, and the development was renamed as Cedar Creek. The Cedar Creek area was rezoned in 1988 (RZ-13-1988) with 2,971 acres of single-family zoning and 353 acres of commercial and office zoning, including the rezoning of the subject property to the C-2 District. At this time, the developer created a private master plan for Cedar Creek, commonly known as the Green Book, that was used as a marketing document and was never formally adopted by the City. The developer's original master plan did envision a hotel and conference center on the subject property.

In the 1990s, Cedar Creek developed a golf course, most of the single-family homes that exist today, and a few commercial buildings along Valley Parkway. The streets surrounding the subject property were installed at this time to accommodate the new and future growth, with Cedar Creek Parkway and 103rd Street expanding to four-lanes and Valley Parkway and Shadow Ridge Drive being constructed as entirely new roads. Much of the existing commercially zoned property in Cedar Creek, including the subject site, remains undeveloped to this day.

3. Cedar Creek Area Plan (Green Book – 2012)

In 2008, the City of Olathe, Cedar Creek Development, and the Cedar Creek Homes Associations jointly commissioned a study led by the Cedar Creek Advisory Committee to “ensure that Cedar Creek continues to develop in a manner that serves the needs of both existing residents and new Cedar Creek owners.” After careful analysis, the scope was refined to create an overlay district and a new zoning designation for use in guiding future growth and development within Cedar Creek. Over the next four years, numerous meetings were held with Cedar Creek residents and representatives of the homes associations to provide information and gather input. Additional surveys, interviews with key stakeholders, and interactive planning exercises were conducted for further input.

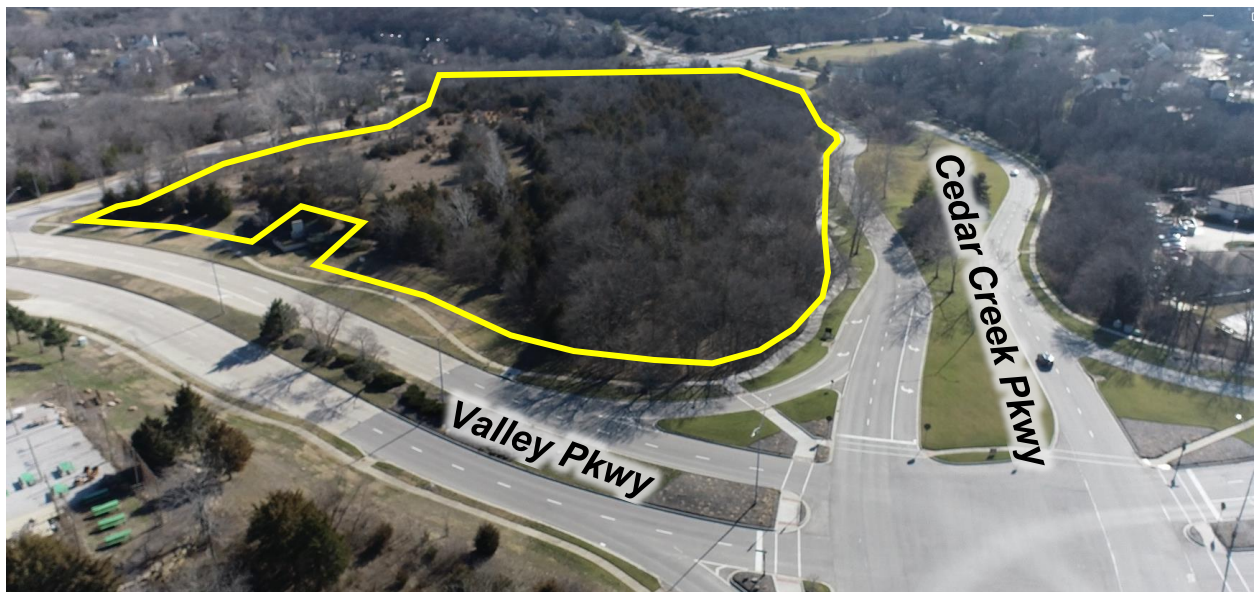


In 2012, the City Council formally adopted the Cedar Creek Area Plan (CCAP), also known as the Green Book, and the associated Cedar Creek Overlay District (Ord. 11-53). This plan envisioned new development patterns in Cedar Creek with more allowance for non-residential and mixed-use development, while preserving the quality and unique character of Cedar Creek. To accomplish this vision, the CCAP established the CC (Cedar Creek) District as “the preferred zoning district within the Cedar Creek Overlay District” and states that “rezonings to CC within the Cedar Creek Overlay District are presumptively consistent with the Comprehensive Plan” (CCAP Section 18.51.010). As the preferred zoning, the CC District is a definitive set of development standards that are “anticipated to promote and encourage development character that complements the residential and commercial construction envisioned in the original ‘Green Book’ master plan. This new district is anticipated to provide an increased certainty of outcomes, implementation flexibility, and a development review and approval process that is somewhat streamlined” (CCAP, Pg. 1.1).

The Cedar Creek Area Plan promotes flexibility and the timely processing of development applications. The regulations are “*explicit as to the permitted and limited uses, density (units per acre) and intensity (height and scale)*” among other standards (CCAP, Pg. 3.3). This provides for a streamlined process in which development standards are predetermined through the adopted Overlay District.

4. Existing Conditions

The subject property is currently undeveloped and is largely wooded. The northeastern portion of the property was formerly used for agricultural purposes but has since become overgrown with trees. Areas along to the south and west have remained largely untouched due to their steep slope. The topography drops approximately 80 feet from the northeast corner down to the southwest corner. The property abuts two (2) fully improved four-lane arterial roads to the west and north (Cedar Creek Parkway and Valley Parkway) and a two-lane collector road to the east (Shadow Ridge Drive). A public sanitary sewer main is located southeast of the site and public water lines exist along all three adjacent streets.



View of subject site looking southeast with site outlined in yellow.

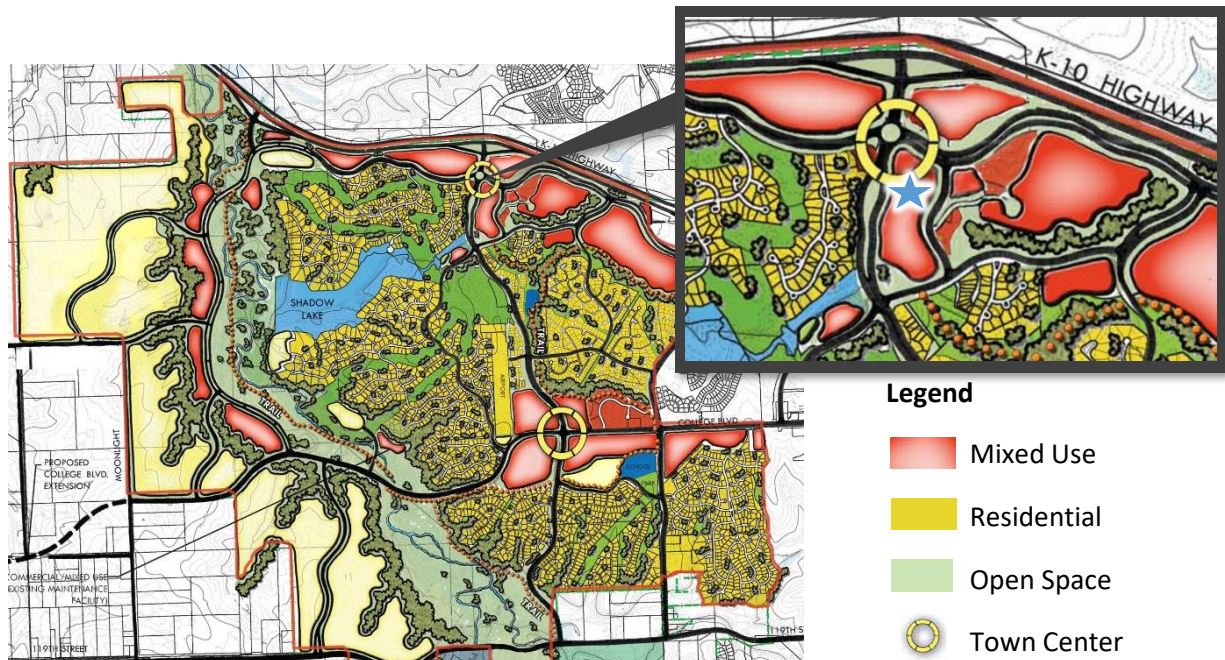


View of subject site looking southeast from the intersection of Cedar Creek Parkway & Valley Parkway.

5. Zoning Standards

The requested CC (Cedar Creek) District was established as the preferred zoning district in 2012 with the adoption of the Cedar Creek Area Plan (CCAP) and the associated Cedar Creek Overlay District. The CC District provides standards and regulations that establish the expected land use pattern within Cedar Creek and provide definitive standards for development.

First, the Cedar Creek Area Plan map (see image below) establishes the expected land use pattern in Cedar Creek by designating areas for Residential development in yellow and Mixed Use development in red. Furthermore, there are two (2) Town Centers identified on the map, which are “*mixed-use developments that are intended to provide community-serving uses, residences, and offices*” (CCAP, Pg. 3.1). As highlighted with the blue star in the map below, the subject property is designated as part of the northern Mixed Use Town Center.



Second, the Cedar Creek Area Plan (Pg. 3.1) created definitive development standards with the intent to “*preserve, protect, and enhance the character of development...conserve natural resources; and promote high-quality, sustainable development that is compatible with its surroundings.*” To do this, the CC District establishes regulations that are “*explicit as to the permitted and limited uses, density (units per acre) and intensity (height and scale)*” among other standards for both the residential and mixed-use areas outlined on the map above (CCAP, Pg. 3.3).

This proposal is subject to the CC District standards for the Mixed Use Town Center development type. These standards were created with the intention to “*form a ‘main street’ environment that emphasizes a more pedestrian orientation*” (CCAP, Pg. 2.3). The following sections summarize how the proposal complies with these standards.

Land Use – The proposal includes the multifamily (apartment), attached residential (townhomes), office, restaurant, and retail sales and service uses, which are all allowed in the requested zoning district. Additionally, all commercial buildings have a floor area of 25,000 square feet or less, complying with the use restriction that limits retail sales and services uses to a maximum individual floor area of 50,000 square feet on this property.

The CC District allows a more narrowed list of land uses than the existing C-2 District. Staff recommends, and the applicant is agreeable with restricting the *Drive-In / Drive-Through Facilities* land use, as the CCAP limits this use in Town Centers. As defined by the CCAP, the *Drive-In / Drive-Through Facilities* use includes businesses with drive-in or drive-through facilities such as drive-in restaurants, drive-through pharmacies, and similar, but excludes curbside pick-up services.

- a. **Residential Density** – Generally, Mixed Use developments in the CC District have a maximum density of 29 dwelling units per acre and the proposal contains 22 dwelling units per acre, complying with this requirement. Staff recommends a stipulation limiting density to a maximum of 22 units per acre, to which the applicant is amenable.
- b. **Building Height** – The CC District requires building height in Mixed Use Town Center developments to be a minimum of 28 feet and a maximum of 50 feet, with an allowance to increase the height to a maximum of 70 feet if the building is designed using green principles outlined in the Overlay. The Overlay defines building height as the distance between the finished floor at the front entry of the building and the highest point on the building's roof structure. The heights of the townhomes and the three (3) commercial buildings comply with the minimum and maximum height requirements as they range from 28 feet to 46 feet tall.

The multifamily building is 4-stories and 57.3 feet tall at the front entry and the remainder of the building is 5-stories with a walkout half-story along the south and west façades due to the steep slope on this site.

The applicant is requesting a modulation to the maximum allowed height for the multifamily building from 50 to 57.3 feet as permitted by the Overlay. To justify this 7.3-foot increase in accordance with the Overlay procedures, the applicant provided a statement outlining the green principles the developer has committed to implementing, which is included in the agenda packet.

The proposed green principles include constructing a solar-ready building, providing twice the required roof insulation, installing EV charging stations, using Energy Star and WaterSense appliances and plumbing fixtures, and native landscaping, among other green principles. Additionally, the use of structured parking preserves a greater amount of open space on the property allowing for greater preservation of trees and natural areas. A stipulation is included in staff's recommendation to ensure the incorporation of these green principles.

Following neighborhood feedback regarding the multifamily building's massing along Cedar Creek Parkway, as summarized in Section 9, the longest and largest façade of the building was reoriented to face east, allowing the three wings of the building to face west and appear as separate structures when viewed from Cedar Creek Parkway. This building orientation was proposed by the developer in response to feedback received by the residents and significantly reduced the mass of the building closest to Cedar Creek Parkway.

- c. **Setbacks** – The Mixed Use Town Center development requires buildings to be constructed at a build-to-line of 8 to 10 feet. All commercial buildings are built within 10 feet of the public sidewalk along Valley Parkway and all residential buildings are built within 10 feet of the main entrance drive. Additionally, at least 80% of each building façade is constructed at the build-to line as required. The development complies with minimum side and rear yard setbacks and all buildings maintain a minimum spacing of 30 feet, exceeding minimum building spacing requirements.

- d. **Open Space** – The proposed development provides 55% open space, significantly exceeding the requirement to provide a minimum of 15% open space. Most of this open space is held in a tract dedicated for tree preservation and active open space is provided throughout the development. The multifamily building provides several outdoor amenities, including a pool, two bocce courts, a yoga deck, a large fireplace feature, as well as ample seating and shade structures. In addition, gathering places or ‘outdoor rooms’ are proposed between the commercial buildings, of which the final design will be further developed at time of final site development plan.
- e. **Natural Resource Conservation** – This development protects 4.12 acres or 87% of all hillsides with greater than 20% slope, exceeding the CC District requirement to protect 70% of these existing steep slope areas. Also, the proposal protects 4.12 acres or 38% of the existing wooded area, whereas the UDO typically requires mixed-use developments to preserve a minimum of 30% of the existing wooded area. All state and federal permitting regarding natural resources, preservation, and habitat protection will be obtained prior to development.

6. Development Standards

- a. **Phasing** – The development will be constructed in two (2) phases. Phase 1 includes the multifamily building and Phase 2 is the commercial buildings and townhomes. Staff is recommending a stipulation regarding this phasing plan and the applicant is amenable, to ensure a minimum commercial presence is established early with this development.
- b. **Lots/Tracts** – Mixed Use Town Center developments have no minimum lot area or width requirements. The proposal includes two (2) lots and two (2) tracts. Lots 1 and 2 are intended for the development of the proposed buildings and parking lots. In addition, two (2) tracts are proposed: Tract A protects the existing steep slopes and wooded areas and Tract B contains the main access drive for the development.
- c. **Access/Streets** – The proposal will take access from Shadow Ridge Drive, complying with the City’s Access Management Plan and the CC District requirement for this mixed-use development to take access from an arterial or collector street. Two (2) driveways on Shadow Ridge Drive are for general use and a third driveway will be designated and marked for fire access only. Public sidewalks exist along Cedar Creek and Valley Parkways and the developer is responsible for installing sidewalk along Shadow Ridge Drive.
- d. **Traffic** – A Traffic Impact Study (TIS) was prepared by Priority Engineers and the analysis was included in the meeting packet. As recommended by the TIS, no road improvements are warranted by this development since Valley and Cedar Creek Parkways are fully improved four-lane arterial roads built to accommodate the traffic generated by this development and future growth of the surrounding area. However, staff will continue to monitor the need for traffic signals as the surrounding area develops.

Cedar Creek Parkway narrows from four-lanes to two-lanes underneath the K-10 Highway overpass to the north. Any future expansion of Cedar Creek Parkway under this bridge will require widening of the bridge and the Kansas Department of Transportation (KDOT) has commissioned a study to evaluate K-10 Highway between Douglas County and Interstate 435, including the contemplation of widening or replacing existing bridges.

- e. **Parking** – A total of 562 parking spaces are required and 586 parking spaces are provided, including 176 surface parking spaces, 388 parking garage spaces, and a two-car garage for each of the 11 townhome units. This mixed-use development provides for shared parking between uses, including the opportunity to offset parking demands between the residential and commercial uses. A portion of the parking garage will be

reserved for the multifamily residents with the remainder of the garage and all surface parking to be shared with the commercial uses. An agreement must be recorded to ensure the shared parking arrangement is maintained in perpetuity.

- f. **Landscaping & Screening** – Landscaping is subject to the requirements of the Overlay. Along the perimeter of the site, landscaping will be installed along Valley Parkway and Shadow Ridge Drive to meet the required 10-foot-wide Type 1 buffer yard along arterial and collector roads. A buffer of existing trees ranging from 30 to over 170 feet in width will be preserved along Cedar Creek Parkway, significantly exceeding the minimum buffer requirements.

Internal to the site, the required parking lot landscaping is shown on the plans and building foundation landscaping will be finalized at time of final site development plan. Additionally, the CC District requires on-lot landscaping at a rate of one large tree and one ornamental tree per dwelling unit and the developer will install the required large trees and will preserve a significant stand of existing trees in lieu of installing new ornamental trees.

An enclosed trash service area is proposed on the north side of the multifamily building. Roof-mounted equipment will be screened by parapet walls and tower elements will act as mechanical penthouses where needed for larger equipment. Building- and ground-mounted equipment will be fully screened as required.

- g. **Stormwater/Detention** – This development is subject to comply with the stormwater quantity and quality requirements of Title 17. A key provision in Olathe's Title 17 is reducing and minimizing flooding. Additionally, the 2012 Green Book states in Section 18.51.150.I Stormwater Quality, "The preferred approach to stormwater quantity and quality control is through the construction of regional facilities instead of smaller facilities located on individual parcels or lots."

Onsite detention is not proposed as it would contribute to a rise, increased flooding, in the Cedar Creek Tributary H Floodplain. This rise is due to the site being within close proximity of the floodplain and the peak flow of the site's detained release rate matching the timing of the peak flow of Lower Cedar Creek. This design meets Title 17 requirements of reducing and minimizing flooding downstream.

Stormwater runoff from the western half of this development will be captured and diverted into the City's existing storm sewer system along Cedar Creek Parkway. Stormwater runoff from the eastern half of this development will be captured and diverted into the City's existing storm sewer system along Shadow Ridge Drive. Captured stormwater runoff will be treated onsite by Hydrodynamic Separators (H.S.) units before entering the City's storm sewer system. These H.S. units are water quality devices which separate solids and oils from stormwater runoff. These units along with preserving native vegetation meet the requirements of Title 17.

The developer will be required to make all stormwater infrastructure improvements warranted by this project and implement best practices for erosion control during construction.

- h. **Public Utilities** – This property is in the City of Olathe water and sanitary sewer service areas. An existing sanitary sewer main is located in the southeast corner of the site and existing water mains are located along all three abutting streets. The developer will install all water and sewer extensions needed to serve the development.

7. Site Design Standards

The CC District establishes Site Design Standards applicable to the proposed Mixed Use Town Center development. The following is a summary of the applicable site design requirements and the proposed methods to meet these requirements.

- a. **Pedestrian Connectivity** – This project must be developed as a *pedestrian-friendly center*. This is achieved by creating a separated pedestrian network with connections from the public sidewalk to all building entrances and throughout the parking lots. Additionally, pedestrian gateways are provided using landscaping and stone columns at the development entrances and internal crosswalks utilize a decorative stamped concrete.
- b. **Street Frontage** – Mixed Use Town Center developments are required to be designed with buildings fronting the street network, much like a traditional town center. The proposal achieves this by fronting the commercial buildings along Valley Parkway and the residential townhome buildings along the internal entrance street serving this development.
- c. **Parking Area** – In Mixed Use Town Center developments, surface parking lots must either be sited behind a building, or a Type 3 buffer yard must be provided at the front build line. The proposed parking lots are sited behind the buildings along Valley Parkway and a 25-foot-wide landscaped buffer is provided along Shadow Ridge Drive and Cedar Creek Parkway.
- d. **Civic Spaces** – Formal plazas or squares must be provided and developed with amenities such as seating, fountains, public art, landscaping, and shade. Seating plazas are provided between the commercial buildings and the final design of these formal plazas will be further developed at time of final site development plan.

8. Building Design Standards

Building architecture is subject to the design requirements of the Overlay. All six (6) proposed buildings are high-quality in design, create a pedestrian-friendly environment, and comply with the building design standards of the Overlay. A selection of Class 1 materials, (a light-colored cultured stone veneer, gray and white stucco, and glass) are the predominant materials used throughout the proposal. Class 3 materials (dark bronze metal and wood-colored fiber cement) are used as minor accents and trim to provide varied textures and tones throughout. Cohesive color tones, rooflines, awnings, and other architectural features are also carried across the development. Below is a summary of each proposed building and their compliance with the standards of the Overlay.

- a. **Multifamily Building** – The 5½-story multifamily building is shaped like the letter 'E' with two open space courtyards facing west toward Cedar Creek Parkway and the outdoor pool amenity sited along the southeast façade. Additionally, varied rooflines and building footprints are used on all facades to create articulation. The upper floor is articulated throughout the building and it is stepped back at least 8-feet from the floors below when fronting Cedar Creek Parkway. All primary and secondary façades use a minimum of 82% Class 1 materials, exceeding the minimum of 65% required by the Overlay. To provide pedestrian elements, awnings and storefront glass are included along the commercial spaces located in the northeast corner of the building.
- b. **Townhomes** – Both proposed townhome buildings are two-stories tall and front the main entrance drive. As required by the Overlay, the townhomes include a front stoop for each unit to comply with *Private Frontage Type* requirements. All primary façades use a minimum of 89% Class 1 materials and the rear façade uses 71% Class 1 materials and architecturally treated garage doors. Each townhome unit is articulated both horizontally

and vertically and incorporates changes in color and building materials to differentiate units. In addition, a significant amount of glass is provided along street frontages to create an open and pedestrian-friendly entrance to the development.

- c. **Commercial Buildings** – Three commercial buildings are proposed, two (2) single-story structures and one (1) two-story structure. The two-story commercial building provides a second-floor outdoor patio space and the one-story restaurant/retail buildings both provide an outdoor patio space along Valley Parkway to activate the street. All primary and secondary façades use a minimum of 83% Class 1 materials. All three buildings use varied rooflines and building footprints to provide articulation, and tower elements are used to provide visual interest and accentuate the primary entrance or building corners. Ground floor pedestrian interest features are utilized, including awnings at primary entrances and the required street-facing storefront glazing.

9. Neighborhood Feedback

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. Additionally, the required re-notice was also mailed due to the continuance of this case from the February 26th Planning Commission meeting.

The neighborhood meeting invitation was mailed to properties within 500 feet of the subject property and to the adjacent Homeowners Associations. The neighborhood meeting held on February 1st was attended by more than 240 residents, both virtually and in-person, and the meeting minutes are included in this agenda packet.

Staff received a significant amount of feedback from residents opposed to this application. As of the date of this report, the Planning Division received 206 letters and emails from residents with the vast majority opposed and a few in support. Additionally, residents provided copies of online and written petitions with 1,066 signatures from individuals opposed to this application. All correspondence received by the Planning Division by March 5th is included in this March 11, 2024 Planning Commission meeting packet. Any additional correspondence received after March 5th will be provided to the Planning Commission prior to the meeting. The primary topics from this feedback include:

- a. The height, massing and scale of the multifamily building and compatibility with character of the neighborhood.
- b. Preserving the aesthetics and viewshed of the primary neighborhood entrance.
- c. Traffic congestion and impacts to the K-10 and Cedar Creek Parkway interchange.
- d. Environmental impacts, tree removal, stormwater runoff and impacts to Shadow Lake.
- e. The timeline of the development review process.

Staff also received a number of phone correspondences to which staff responded. Staff provided clarification regarding the development review process and timeline, the development standards of the CC District, and the history of the Cedar Creek Area Plan, as further described in Section 3 of this report.

10. UDO Rezoning Criteria

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as Cedar Creek Mixed Use (CCMU) Center, along with the majority of surrounding properties. The character of the CCMU Center ranges from suburban to urban development patterns with an emphasis on quality architectural design, pedestrian-oriented sites, and a broad mixture of uses throughout the center.

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 requested CC District directly aligns with the PlanOlathe Comprehensive Plan's future land use designation of this property as part of the Cedar Creek Mixed Use (CCMU) Center. The CCMU Center calls for *"a mixture of uses including attached residential, institutional, light industrial, commercial and mixed-use (residential over retail)."* In 2012, the Cedar Creek Area Plan was incorporated into the PlanOlathe Comprehensive Plan with the inclusion of the CCMU Center future land use designation. At that time, it was stated that *"This plan will allow new development patterns in Cedar Creek with more allowance for non-residential and mixed-use development (PlanOlathe)"* and this development aligns with this designation. As stated in Section 18.51.010 of the Cedar Creek Area Plan, *"rezonings to CC (District) within the Cedar Creek Overlay District are presumptively consistent with the Comprehensive Plan"* and this is the preferred zoning district. Additionally, the CC District aligns with the following PlanOlathe policies:

- **LUCC 4.1: Mixed-Use Neighborhoods.** Support viable mixed-use and mixed-density neighborhoods.
- **LUCC 5.1: Hierarchy of Activity Centers.** Focus new commercial centers in concentrated activity areas at a variety of scales distributed throughout the community.
- **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 3.3: Walkable Neighborhoods.** Increase walkability by creating compact new neighborhoods, attractive destinations, and convenient direct routes.
- **ESR 1.4: Land Conservation Techniques.** To the extent reasonably feasible, new development in proximity to significant natural landscapes or within conservation/cluster neighborhood areas as identified on the Future Land Use Map should employ open land conservation techniques, including, but not limited to, the use of cluster development.

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).

Cedar Creek is predominantly suburban in nature characterized by one-story to two-story buildings with a relatively high percentage of open space that preserves wooded areas and views of the ridgeline. Areas to the north and east of the site are commercially zoned and include both developed and undeveloped commercial properties. To the west, the existing single-family neighborhood is located on top of a bluff that looks down over Cedar Creek Parkway, similar to the subject property. The area to the south is a mixture of single-family homes, community facilities for the Cedar Creek neighborhood, and open land and bodies of water.

While the proposal does not directly align with the existing character of Cedar Creek, the CCAP intentionally identified two (2) select locations appropriate for a Mixed Use Town Center to allow new development patterns in Cedar Creek. The two (2) Mixed Use Town

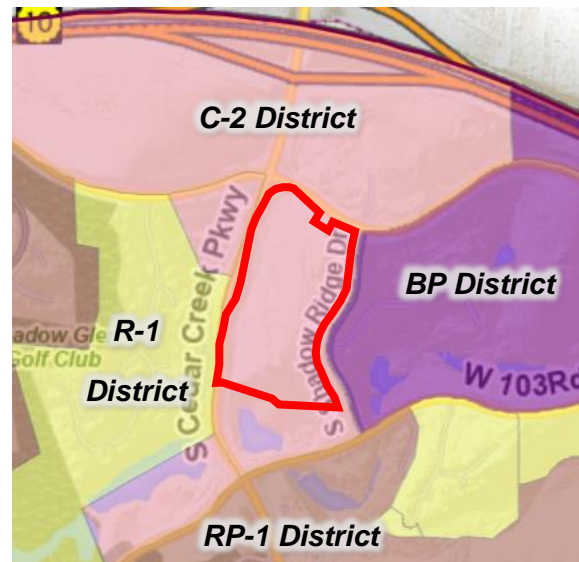
Centers were specifically chosen to be unique places that are urban in character, in contrast to the suburban character found throughout Cedar Creek. Town Centers allow a mix of uses and taller buildings to encourage a more dense, walkable, and urban environment.

In terms of density, the Mixed Use Town Center designated on this property is expected to be developed at higher densities than the surrounding single-family areas. While the CC District generally allows up to 29 units per acre in the Town Center development, the applicant is requesting a density of 22 units per acre.

The architectural standards of the CC District complement the architectural character of the surrounding area, which includes a mixture of the more traditional sloped-roof residential and nonresidential buildings as well as some modern, flat-roof commercial buildings. Buildings are commonly clad with stone and stucco and utilize muted color tones to blend in with the limestone bluffs and natural landscape.

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 land uses allowed in the proposed district are in harmony with nearby properties, as the proposed CC and the nearby C-2 Districts allow a similar set of commercial and residential uses that will serve the residents and employees of the nearby properties. Both the CC and C-2 Districts allow vertical mixed-use (residence over storefront), hotels, conference centers, offices, and general retail and services. Commercial and mixed-use developments are typically located at the intersection of major arterial roadways and nearby transportation corridors, such as K-10 Highway.



Zoning Map with site outlined in red.

The closest residential zoning district is located on the opposite side of a four-lane divided arterial road, with the nearest residential structure located over 200 feet away from this property including approximately a 100-foot buffer of tree preservation area. Additionally, the development preserves the existing bluff and trees east of Cedar Creek Parkway with an open space tract, providing an additional buffer that varies from 30 to 160 feet in width.

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

The property is suitable for the uses it was restricted to under the existing C-2 District, however, permitted uses in the CC District are more narrowly tailored to align with the vision of the Cedar Creek area as established by the CCAP. While the C-2 District prohibits the proposed townhouse use, it does allow other uses that are similar in type or scale to the proposed development, such as a hotel, vertical mixed-use (i.e. residences over storefronts), and general commercial and office uses.

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

The property was zoned to the C-2 District in 1988 and has remained vacant for over 35 years.

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

The district as proposed provides use and design standards that are not anticipated to have any detrimental effect on nearby properties as a similar set of land uses is already allowed by the C-2 District on this property and buildings could be constructed at a similar height, scale, and location.

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 development as proposed would lead to a substantial 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 proposed uses were evaluated through a Traffic Impact Study that found the existing arterial roads and associated turn lanes to have sufficient capacity to handle the increase in traffic generated by this development and maintain an acceptable level of service. Staff will continue to monitor traffic in this area as the surrounding area develops in the future. In addition, the development will provide the amount of parking required for the proposed uses.

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

The proposed residential and commercial uses are not anticipated to create pollution or other environmental harm. The development is required to follow all regulations and requirements pertaining to stormwater, air quality, noise, and other related items during and after the construction process. The development preserves a considerable amount of existing vegetation and topography, and new landscaping will be added to the site.

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

The proposed residential and commercial uses are expected to have a positive impact on Olathe's economy. New residents from this development will frequent existing commercial developments and new businesses will generate additional sales tax revenue for the City. In addition, the new buildings will increase property tax revenue to benefit the Olathe community.

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

There is no gain or detriment to the public health, safety, or welfare if the application were denied. If the application were denied, the existing zoning district would remain, and the landowner would be permitted to develop the property as allowed in the C-2 District.

11. Staff Recommendation

- A. Staff recommends approval of the Cedar Ridge Mixed Use Community rezoning and preliminary site development plan (RZ24-0003) for the following reasons:
 - 1. The proposed development complies with the policies and goals of the Comprehensive Plan.
 - 2. The requested zoning meets the Unified Development Ordinance (UDO) criteria for considering zoning applications as outlined in this report.
- B. Staff recommends approval of the rezoning with the following stipulations.
 - 1. The *Drive-In / Drive-Through Facility* use as defined by the Cedar Creek Area Plan is prohibited.
 - 2. Residential density is limited to a maximum of 22 dwelling units per acre.
 - 3. Sign standards will be determined with final site development plans or through a comprehensive sign package.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
 - 1. Prior to final certificate of occupancy for the multifamily building, a building permit must be issued for at least one (1) standalone commercial building.
 - 2. The multifamily building is limited to a maximum of 58-feet in height as measured according to the Cedar Creek Area Plan standards and must be constructed using the green principles outlined in the Building Height Modulation Request Letter submitted by Klover Architects dated March 7, 2024.
 - 3. The multifamily building must maintain a minimum of 3,500 sq. ft. of commercial space that is open to the public, not to include the leasing office and not for the exclusive use of residents or tenants of the development.
 - 4. Installation of standard orange construction fencing must be installed around all tree preservation areas and maintained throughout the course of development.
 - 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.