



STAFF REPORT

Planning Commission Meeting: December 22, 2025

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| Application: | <u>RZ25-0017</u>: Rezoning from C-2 (Community Center), R-1 (Single Family), RP-1 (Planned Single Family), and CTY RUR (County Rural) Districts to the CC (Cedar Creek) District |
| Location: | Vicinity of College Boulevard and Cedar Creek Parkway |
| Applicant/Owner: | John Duggan; Cedar Creek Development Company, LLC, CCV |
| Engineer: | Daniel G. Foster, PLA; Schlagel & Associates, P.A. |
| Staff Contact: | Jessica Schuller, AICP, Senior Planner |

Site Area: 176.33± acres **Plat:** Unplatted
Existing Zoning: C-2, R-1, RP-1 & CTY RUR **Proposed Zoning:** CC (Cedar Creek)

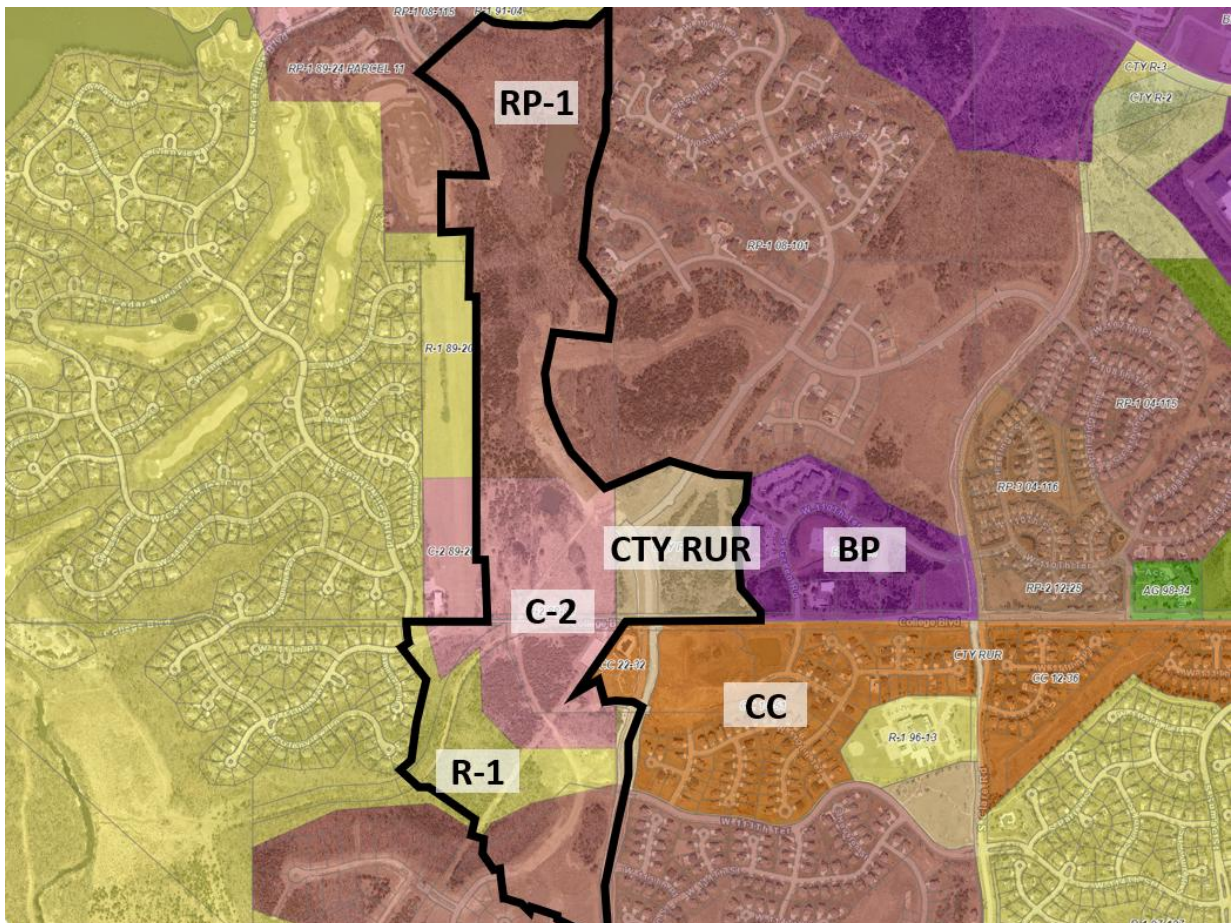
| | Plan Olathe Land Use Category | Existing Use | Current Zoning |
|--------------|--|---|--------------------------------|
| Site | Cedar Creek Mixed-Use / Conventional Neighborhood | Vacant | C-2, R-1, RP-1, CTY RUR |
| North | Secondary Greenway / Conventional Neighborhood | Single-Family Residential | R-1 & RP-1 |
| South | Conventional Neighborhood | Single-Family Residential | R-1 & RP-1 |
| East | Cedar Creek Mixed-Use / Conventional Neighborhood | Single-Family Residential / Business Park | RP-1, BP, CC, & C-2 |
| West | Secondary Greenway / Conventional Neighborhood | Golf Course / Airport / Single-Family Residential | RP-1, R-1, & C-2 |

1. Introduction

The applicant is requesting a rezoning from the C-2 (Community Center), R-1 (Single Family), RP-1 (Planned Single Family), and CTY RUR (County Rural) Districts to the CC (Cedar Creek) District. The 176-acre subject property is located both north and south of College Boulevard and both east and west of Cedar Creek Parkway. The property is contained within the Cedar Creek Overlay District, which was established in August 2012 through the Cedar Creek Area Plan (CCAP). Properties within this overlay area may request a rezoning to the CC (Cedar Creek) District or one of the other zoning districts established in the Unified Development Ordinance. As provided by the applicant, the CC District is being requested for its consistency with the PlanOlathe Comprehensive Plan and the flexibility provided through the process outlined in the CCAP.

2. History

The land area north of College Boulevard was annexed into the City in July 1987 and the area south of College Boulevard was annexed in 1983. Land area surrounding the intersection of College Boulevard and Cedar Creek Parkway were zoned to the C-2 (Community Commercial Center) in the late 1980's, and land area to the north was zoned to the RP-1 District in 2008, and later preliminary platted as part of the Hidden Lake of Cedar Creek subdivision (PP20-0001).



Current Zoning Map

3. Existing Conditions

The 176-acre property is undeveloped and contains areas of dense trees both north and south of College Boulevard, and areas of significant terrain. The first, approximately 700 feet, of Cedar Creek Parkway is constructed north of College Boulevard, to its intersection with Bluestem Parkway. A KCP Pipeline intersects the property, primarily at the southwest corner of the intersection of College Boulevard and Cedar Creek Parkway.



View of Property Looking Northeast from College Boulevard



Looking Northeast at Intersection of College Boulevard and Cedar Creek Parkway

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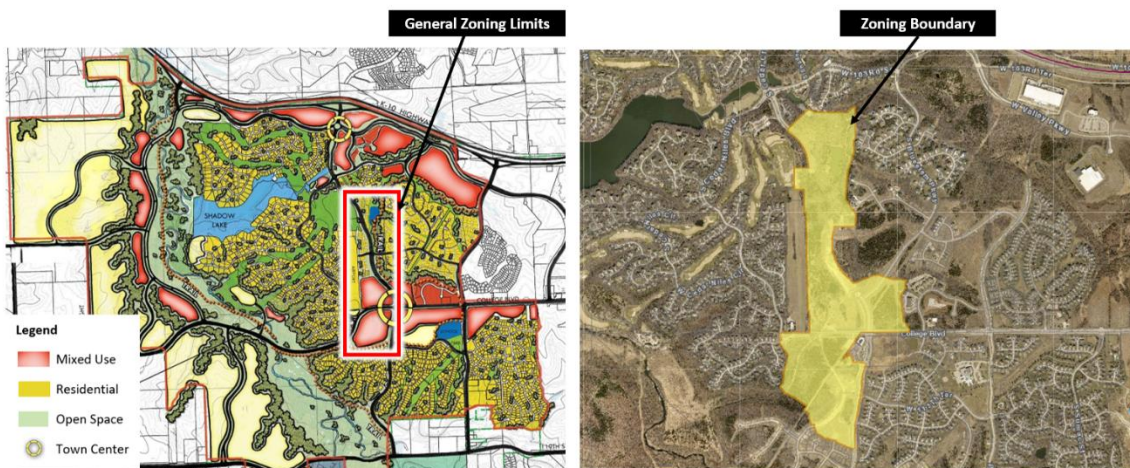
Aerial View of Subject Property

4. Zoning

Much of the subject property is designated for Residential uses on the Cedar Creek Area Plan Map, as depicted in yellow on the Cedar Creek Area Plan map below. The Residential Subdistrict includes a variety of residential types, from single-family estate lots, to attached residential and multi-family units.

However, Property near the intersection of College Boulevard and Cedar Creek Parkway is located within the Mixed-Use Subdistrict, as depicted in red on the Map below. The Mixed-Use Subdistrict allows for a thoughtfully designed mix of both commercial and residential uses throughout the entire subdistrict area as listed within Section 18.51.060 of the CCAP. At the center of this Mixed-Use area, a Town Center area is designated on the map with a yellow circle.

Cedar Creek Area Plan Map



Approximately 21 acres of land at the northwest corner of College Boulevard and Cedar Creek Parkway are currently zoned C-2 (Community Center), which was established in 1988. To ensure that light industrial uses and strictly residential uses do not encroach in this commercially zoned area or the northeast corner of the intersection, staff recommends that *no residential or light industrial uses be permitted within 1,000 feet north of College Boulevard*. This stipulation will prevent Residential Subdistricts from expanding into designated Mixed-Use Subdistricts without approval of the City Council. This stipulation is critical in preventing a downzoning from the C-2 District, and in maintaining the last two corners of this intersection for a true mixed-use development site, as permitted under the requested CC District. This aligns with the intent of the CCAP by introducing a mix of uses into an area where only residential and business park uses exist today.

The CCAP allows for the expansion of a residential subdistrict by administrative means, and as such, several land areas within Cedar Creek that are identified as Mixed Use Subdistricts have been developed for only residential uses. This has eliminated opportunities for mixed-use development as envisioned by the CCAP. These areas include: the Highlands at Cedar Creek, Meadows of Valley Ridge, and the Crossings at Southglen.

5. Development Process

Per the CCAP, a development plan is not required to accompany the rezoning because the CC District was established as a streamlined process in which development standards are predetermined. After zoning is established, then the applicant will proceed to development plan and plat review. All processes will be reviewed in accordance with the procedures and standards established for the Cedar Creek area in the CCAP. Furthermore, the CCAP also provides the architectural, site design, street access, landscaping and lot dimensional standards for all properties zoned to the CC District.

6. Public Notification

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted public notice signs on the subject property per Unified Development Ordinance (UDO) requirements. A neighborhood meeting was recommended by staff but not held by the applicant, and is not required by the Cedar Creek Area Plan.

Staff received email and phone correspondence from five (5) residents regarding the rezoning request and the proposed uses on the property. Staff provided that no uses are proposed at this time, but all future development must follow the standards the Cedar Creek Area Plan.

7. Comprehensive Plan Analysis

The future land use map of the PlanOlathe Comprehensive Plan identifies areas at the intersection of College Boulevard and Cedar Creek Parkway as Cedar Creek Mixed Use Center (CCMU), and land to the north and south as Conventional Neighborhood. The character of a CCMU Center will range from suburban to more urban development patterns with an emphasis on quality architectural design, pedestrian-oriented sites and a broad mixture of uses throughout the center. The wide range of land uses provides a variety of opportunities to create a vibrant center to serve Cedar Creek and surrounding area residents.

The application was reviewed against the rezoning process outlined in the CCAP and the UDO criteria for considering all rezoning applications listed in Unified Development Ordinance (UDO) Section 18.40.090.G as detailed below.

A. The conformance of the proposed use to the Comprehensive Plan and other adopted plans, studies or policies.

The proposed district directly aligns with the PlanOlathe Comprehensive Plan Cedar Creek Mixed Use Center future land use designation, as stipulated to preserve the commercial (mixed use) areas. As outlined in the CCAP, the CC (Cedar Creek) District is the most compatible zoning district with the Cedar Creek Mixed Use Center land use designation.

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 CC District and regulations of the CCAP are designed to preserve the quality and unique character of Cedar Creek. The regulations provide some flexibility while still upholding the high-quality architectural and site design standards of the Cedar Creek area. The residential homes in the area are designed with attention to distinct architectural features, primarily masonry and similar durable building materials. Commercial areas are intended to be more residential in appearance and cohesively blend with the natural environment. The standards of the CC District lead to preservation of open space and natural features that have been carefully managed over many decades in the Cedar Creek Community.

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 majority of surrounding properties are zoned R-1 (Residential Single-Family) and RP-1 (Planned Single-Family Residential) District. The rezoning as proposed is harmonious with these surrounding districts as the CC District permits a variety of residential land uses. A mix of commercial uses within the CC District should be located near the intersection of College Boulevard and Cedar Creek Parkway, which is compatible in nature with the BP District located at Green Road/110th Terrace. Future development in this area would be evaluated for buffer and setback requirements.

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

The existing C-2 District permits a variety of commercial, retail and service-type uses which are suitable for the intersection of two arterial roadways. The existing R-1 and RP-1 Districts primarily permit single-family residential development. However, the topography of the area lends itself to a variety of residential types in order to cluster housing units in developable locations, making the proposed CC District suitable through its flexibility of land uses.

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

Land area surrounding the intersection of College Boulevard and Cedar Creek Parkway was zoned to the C-2 (Community Center) District in the late 1980's, and land area to the north of College Boulevard was zoned to the RP-1 District in 2008. Land northeast of College Boulevard and Cedar Creek Parkway retain County Rural zoning since the time of annexation, and land southwest of 113th Terrace and Cedar Creek Parkway have been zoned R-1 and RP-1 since 1988 and 2008, respectively.

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

The proposed rezoning to the CC District will not detrimentally affect nearby properties as the standards of the district account for the unique high-quality character expected within the Cedar Creek Community.

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

The district as proposed provides uses and design standards that are not anticipated to have any detrimental impact on 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.

Cedar Creek Parkway is partially constructed with four lanes divided by a landscaped median. College Boulevard is an arterial roadway that will be widened from two lanes to four lanes in the future. The CCAP has roadway design standards specific to the CC District to account for unique topography needs that are characteristic of the Cedar Creek area. Future site plans will be evaluated for safety, capacity and access considerations in relation to surrounding properties.

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

Future development is not anticipated to create air pollution, water pollution, noise pollution, or other environmental harm. The CC District promotes the protection of natural resources through an emphasis on tree preservation and the protection of waterways.

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

Future development will provide increased 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.

The proposed rezoning to the CC District does not negatively impact the public health, safety or welfare of the community as presented. If the application were denied, there would be several uses permitted in the existing commercial and residential zoning districts. Portions of the application retain a County zoning designation, which is required to zone to a City or Cedar Creek District prior to development.

8. Staff Recommendation

A. Staff recommends approval of RZ25-0017, Cedar Creek Rezoning to CC, for the following reasons:

1. The proposed rezoning complies with the policies and goals of the PlanOlathe Comprehensive Plan for Land Use (LUCC-6).
2. The requested rezoning to the CC District meets the Cedar Creek Area Plan criteria for considering zoning applications.

- B. Staff recommends approval of the rezoning to the CC (Cedar Creek) District, with the following stipulation:
 - 1. No uses within the Residential Uses or Light Industrial Uses categories (Cedar Creek Area Plan, Table 18.51.060.A) are permitted within 1,000 feet north of College Boulevard.