



## MINUTES

### Planning Commission Meeting: December 8, 2025

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<b>Application:</b>	<u>RZ25-0014:</u> Request for approval of a zoning amendment to Ordinance 03-113 and a preliminary site development plan for 151st and Mur-Len Mixed Use, located southeast of W. 151st Street and S. Mur-Len Road.
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**Jessica Schuller, Senior Planner**, presented a zoning amendment and preliminary site development plan for a mixed-use project located southeast of 151st Street and Mur-Len Road, east of Heritage Square. She explained the surrounding zoning and noted that adjacent properties included both commercial uses and single-family residential neighborhoods.

Ms. Schuller stated that the request was for a zoning amendment, not a rezoning, and would retain existing permitted uses while removing outdated architectural and traffic stipulations from a 2003 approval that no longer reflected current conditions. She outlined the proposed development, which included a multi-tenant retail building with a drive-through and a three- to four-story vertically mixed-use building containing ground-floor retail and 207 residential units. She noted that 331 parking stalls were proposed, with shared parking coordination planned with the adjacent property owner.

Ms. Schuller described the site layout, including internal residential amenities, outdoor dining areas, building height transitions, and setbacks that exceeded ordinance requirements. She explained that traffic volumes would be lower than those previously approved and highlighted buffering measures such as preservation of an existing tree line, addition of berms and fencing, and screening walls. She stated that the buildings met all Unified Development Ordinance requirements with no waivers requested. Ms. Schuller said a neighborhood meeting was held with a little over 20 attending. She summarized neighborhood input with topics primarily about screening, draining and grading, traffic and access, building height, lighting/noise, and the project timeline. Staff received two letters of correspondence. She noted that the proposal aligned with the Comprehensive Plan.

She concluded that staff recommended approval of the zoning amendment with stipulations, including one to maintain a minimum square footage of commercial space open to the public. She stated staff recommended approval of the preliminary development plan, subject to stipulations regarding shared parking access and building height limits.

**Chair Janner** thanked staff and asked if the Commissioners had questions. Hearing none, he invited the applicant to present.

**Judd Claussen, Phelps Engineering**, introduced the project team and stated that the applicant and owner Epic Estates, was proposing the development. He referenced the original 2003 development plan and explained that the current proposal reduced retail intensity, improved site circulation, and created a quieter transition to nearby residential areas.

Mr. Claussen emphasized that the building design stepped down to three stories along the south edge, preserved existing trees, and added fencing and landscaping in response to neighborhood concerns. Mr. Claussen confirmed a wall had been incorporated into the plan after the neighborhood meeting.

Mr. Claussen stated that the proposed parking met ordinance requirements and that a shared parking agreement with the adjacent western property would be finalized at the final development plan stage. He summarized the architectural design, open space amenities, and screening features, and noted that the project required no variances or deviations. He concluded that the development represented a compatible infill project consistent with City goals for vertically mixed-use development and confirmed the applicant's agreement with all staff stipulations.

**Chair Janner** thanked the applicant and asked if there were questions from the Commission.

**Commissioner Chapman** posed inquired about the purpose of garage doors shown on the mixed-use building elevations.

**Mr. Claussen** explained that the doors were service and loading access points located on the west side of the building and would be used for retail deliveries, residential move-ins and move-outs, and trash service. He stated that the design allowed deliveries to occur internally rather than from public-facing areas.

**Chair Janner** asked if there was any further discussion and, hearing none, he opened the public hearing.

**Speaker #1, Margaret Kennedy, 15909 W. 152nd Place**, spoke in opposition to the proposal. She stated that while commercial buildings were acceptable, the proposed multi-story apartment building was out of place among surrounding single-family homes and one-story commercial uses. She expressed concerns about traffic congestion at the intersection of 151st Street and Mur-Len Road, particularly during peak evening hours when she sits through two to three light cycles before being able to turn left. She stated that the development would worsen existing conditions. She also raised concerns about the visibility of the building, especially during winter months when trees are not leafed,

and stated that she had lived in the area for nearly 30 years and did not support the apartment component of the project.

**Speaker #2, Denise Wallman, 15241 S. Wyandotte Drive**, also spoke in opposition. She stated that she attended the neighborhood meeting and was surprised by the proposal for a multi-story apartment building. She expressed concern that no additional traffic lanes or intersection improvements were planned despite the anticipated increase in residents. Ms. Wallman stated that her property abutted the site and that residents of upper stories would be able to see into her backyard, impacting privacy. She noted that nearby residential development at 127th Street and Mur-Len Road was more appropriately located and argued that the proposed project would appear out of place at this intersection. She requested that the Commission deny the zoning amendment.

**Speaker #3, Jennifer Slaton, 15240 S. Sturgeon Drive**, stated that her property was directly behind the proposed development. She expressed concern about the limited distance between her fence line and the property line, stating that proposed walls and landscaping would not sufficiently buffer noise or views. She noted the lack of a berm along the south side and raised concerns about traffic congestion during peak school and work commute hours, especially due to proximity to Garmin and Olathe South High School. Ms. Slaton stated that she would prefer a one- to one-and-a-half-story commercial building rather than a multi-story residential building with balconies overlooking her backyard.

**Speaker #4, Darrell Oglesby, 15104 S. Locust Street**, stated that he had lived at the address for nearly 40 years and expressed concerns about drainage and property values. He described past flooding events along Mur-Len Road and water flow through his backyard during heavy rainstorms, noting that his basement had remained dry. He questioned whether the proposed development would alter drainage patterns and asked who would be responsible if future flooding occurred as a result of the project. Mr. Oglesby also expressed concern that a four-story apartment building would significantly reduce buyer interest in nearby homes and negatively impact property values.

With no other speakers, **Chair Janner** entertained a motion to close the public hearing.

**Commissioner Breen** moved to close the hearing, and **Commissioner Brown** seconded. The motion passed unanimously 5 to 0, and the public hearing was closed.

**Chair Janner** asked staff to clarify whether traffic and apartment use were within the scope of the zoning amendment being considered.

**Ms. Schuller** explained that the mixed-use and retail uses were permitted by right under the existing CP-2 zoning and that the request focused on modifying outdated stipulations and approving the preliminary site plan rather than reconsidering allowable uses.

**Commissioner Breen** asked about permitted building heights within the zoning district.

**Ms. Schuller** answered that CP-2 zoning allowed heights up to 12 stories, but City staff had worked closely with the applicant to reduce the proposed building to three stories along the south edge and four stories elsewhere. Staff stated that these heights were intentionally limited to provide a transition to adjacent neighborhoods and were included as stipulations in staff's recommendation.

**Commissioner Chapman** asked to confirm this was a request for approval of the zoning amendment and the preliminary site development plan.

**Ms. Schuller** confirmed that was correct.

**Commissioner Chapman** acknowledged that the proposal aligned with the existing Heritage Square development but expressed concern that the three- and four-story apartment building on Lot 2 which appeared out of place and would be visually prominent. He also reiterated concerns about traffic congestion at 151st Street and Mur-Len Road and asked whether roadway improvements were planned.

**Chet Belcher, Chief Community Development Officer**, responded that no improvements were currently programmed in the five-year Capital Improvement Plan, noting that right-of-way constraints limited options for additional corridor turn lanes. However, he said geometric improvements including turn lanes had been completed around the time Sutherlands redeveloped.

**Commissioner Chapman** thanked staff and again noted it was challenging to turn at 151<sup>st</sup> and Mur-Len Road, requiring two to three light cycles.

**Chair Janner** asked for further discussion and, hearing none, called for a motion on Item RZ25-0014.

**Commissioner Breen** moved to approve RZ25-0014 as stipulated by staff, and **Commissioner Chapman** seconded.

**Chair Janner** noted there had not been a satisfactory answer regarding traffic, hoping City Council would review ongoing traffic concerns, but stated they were not sufficient to deny the project.

The motion passed unanimously by a vote of 5 to 0 as follows:

- A. Staff recommends approval of RZ25-0014, 151<sup>st</sup> Mixed-Use, for the following reasons:
  1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.

2. The requested amendment to Ordinance 03-113 meets the *Unified Development Ordinance (UDO)* criteria for considering zoning amendment applications.

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

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

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

1. At the time of Final Site Development Plan, a shared parking agreement must be established with the owner of Lot 4, Heritage Square, must be established to allow for overflow parking as necessary.
2. Maximum building heights of each individual façade of the Mixed Use building (Lot 2) are limited to that shown on the architectural elevations, dated November 25, 2025.
3. At the time of Final Site Development Plan review, the landscaping and fencing along the eastern property line shall be adjusted as necessary to avoid existing easements.
4. At the time of Final Site Development Plan review, the stormwater management plan must revise the alignments of certain public and

private stormwater lines and continue to meet all water-quality and detention requirements in accordance with Title 17.

5. Exterior ground-mounted or building mounted equipment including but not limited to, mechanical equipment, utilities' meter banks and coolers must be screened from public view with three (3) sided landscaping or an architectural treatment compatible with the building architecture.