



STAFF REPORT

Planning Commission Meeting: December 22, 2025

Application:	RZ25-0016: Request for approval of a rezoning from the C-2 (Commercial Center) District to the R-4 (Residential Medium-Density Multifamily) District and preliminary site development plan for Stellar Apartments.
Location:	Southeast of W. 133 rd Street and S. Blackfoot Drive
Owner:	Nettie Lochner and Shirley Young
Applicant:	David Stell, Stellar Development
Engineer:	Doug Ubben, Phelps Engineering Inc.
Staff Contact:	Emily Carrillo, Senior Planner

Site Area:	<u>14.64 ± acres</u>	Proposed Use:	<u>Residence, Multifamily, 5 or more units</u>
Building Area:	<u>361,052 sq.ft.</u>	Plat:	<u>Unplatted</u>
Existing Zoning:	<u>C-2 (Commercial Center)</u>	Proposed Zoning:	<u>R-4 (Residential Medium-Density Multifamily)</u>
Lots:	<u>1</u>	Tracts:	<u>0</u>

Plan Olathe Land Use Category		Existing Use	Existing Zoning
Site	Mixed Density Residential Neighborhood/Commercial Corridor	Vacant	C-2 (Commercial Center)
North	Mixed Density Residential Neighborhood	Religious Institution	R-4 (Residential Medium-Density Multifamily)
South	Commercial Corridor	Vacant	C-2 (Commercial Center)
East	Commercial Corridor	Indoor Athletic Facility	C-2 (Commercial Center)
West	Commercial Corridor	Commercial Retail	C-2 (Commercial Center)

1. Introduction

The applicant is requesting a rezoning from the C-2 (Commercial Center) District to the R-4 (Residential Medium-Density Multifamily) District with a preliminary site development plan for approximately 15 acres south of 133rd Street and west of Blackfoot Drive. The development consists of eight (8) apartment buildings and one (1) clubhouse building for a total of 280 residential units. An outdoor swimming pool, dog park, and walking trails with seating areas are provided as amenities for the residents.

2. History

The property was zoned to the C-2 District in 1988 under Ordinance 88-107. The preliminary site plan identified a strip retail center on this site. A preliminary plat was approved for this site in 2003. No final plats or final site development plans have been approved for the property.

3. Existing Conditions

The existing site is vacant and gently slopes to the west. Stands of mature trees are located throughout the site.



View of property looking south and east at intersection of 133rd Street and Blackfoot Drive.



Subject property highlighted in yellow.

4. Zoning Standards

- a. **Land Use** – The applicant is seeking a change of zoning to allow for the construction of apartments under the R-4 District. Uses in the R-4 District include multifamily residential, single family residential and senior housing. The applicant is proposing vertically attached multifamily units with a density of 17.20 dwelling units per acre, which is less than the maximum density allowed under the R-4 District of 22 dwelling units per acre.

The site is designated as Mixed Density Residential Neighborhood and Commercial Corridor on the Plan Olathe Future Land Use Map. The applicants request to rezone to the R-4 District generally aligns with the future land use designation.

- b. **Building Height** – Building heights within the R-4 District are limited to 4-stories and a height of 50 feet. The proposed buildings are a mix of 3-story, and 3/4-story split buildings where grade changes allow. The 3-story buildings are 37 feet in height, and the 3/4-story split buildings are 47 feet in height as measured from the average ground level to the highest point, meeting Unified Development Ordinance (UDO) requirements
- c. **Setbacks** – The R-4 District requires 5-foot front building setbacks, 20-foot corner side yard setbacks, and 10-foot rear yard setbacks. The preliminary plan meets all the dimensional requirements of the R-4 District.
- d. **Open Space** – The R-4 District requires 15% of the site (2.4 acres) to be utilized as common open space, with 50% (1.2 acres) of the open space being active space. The applicant is providing 8.14 acres as common open space, with 2.07 acres being active, (including the swimming pool, dog park, picnic, and common areas) therefore exceeding UDO requirements.

5. Development Standards

- a. **Access/Streets** – The proposed multifamily development provides two (2) points of access: one onto 133rd Street, which connects to Black Bob Road, and a second onto Blackfoot Drive, which connects to 135th Street. A Traffic Impact Study (TIS) was provided and evaluated by staff, which identifies necessary improvements and accounts for the increase in vehicle traffic. The proposal meets the City's Access Management Plan.
- b. **Parking** – Per UDO 18.30.160, a minimum of one parking space is required per 1.5 multifamily dwelling units, and parking for the leasing office is required at a rate of 1 space per 300 square feet, for a total of 423 spaces required with this development. A total of 423 parking spaces are provided on site, with 294 of these spaces being surface parking stalls, and 129 spaces located within garages and carports.
- c. **Landscaping/Screening** – The landscape plans include a 15-foot nonresidential landscape buffer along 133rd Street and Blackfoot Drive, as required per UDO 18.30.130. Parking lot landscaping and screening, foundation landscaping, and street trees are provided in compliance with UDO 18.30.130. All building-mounted and ground-mounted utilities will be fully screened from view as required by the UDO.

The applicant is requesting a waiver from UDO 18.30.130 regarding the Type 5B Buffer requirement along portions of the south and east property lines. Additional analysis of this request can be found in Section 9 of this report.

- d. **Tree Preservation** – Tree stand delineation must preserve a minimum of 20% of contiguous tree canopy and understory. The proposed development preserves approximately 35% of existing tree area and therefore exceeds this requirement.
- e. **Stormwater/Detention** – The property is subject to all Title 17 requirements of the Municipal Code. Two connected detention basins will be located on site, which will allow them to function as one extended dry detention basin.
- f. **Public Utilities** – The property is within the City of Olathe water and sanitary sewer service areas. All buildings will connect to existing water and sanitary sewer mains located in the area.

6. Site Design Standards

The property is subject to **Site Design Category 3** based on the Mixed Density Residential/Commercial Corridor designation in the Plan Olathe Future Land Use Map. The following is a summary of the applicable site design requirements:

- a. **Landscape Options** – The proposal meets the requirements of the planted buffer option by providing at least a 25-foot side landscape area along W. 133rd Street.
- b. **Outdoor Amenity** – Developments greater than 4-acres in size must provide an outdoor amenity space to enhance the public realm and promote pedestrian activity. The applicant is providing a mix of common areas, seating spaces, and a dog park, meeting this requirement.
- c. **Parking Pod Size** – The maximum number of parking stalls allowed in one parking pod, is 40. The applicant is meeting this UDO requirement with the largest pod containing less than 21 spaces.
- d. **Pedestrian Connectivity** – The proposal meets the requirements of the cross-property connection option by providing dedicated pedestrian paths that connect to the exiting public sidewalk along 133rd Street and Blackfoot Drive.
- e. **Drainage Feature** – Two (2) curvilinear landscaped detention basins are provided along the western portion of the site to service this development.

7. Building Design Standards

The buildings are subject to building design standards for Vertically Attached Residential (UDO 18.15.020.G). Color elevations were provided with the preliminary site development plan showing the proposed building materials and architectural style. The following table lists the applicable design requirements and proposed design elements:

Building Design Standard	UDO Design Requirements
<i>Deck, Patio, or Rooftop Area</i>	<p>Proposed Design</p> <p><i>Each unit must have its own deck, balcony or patio that is a minimum of 24 sq. ft. in size, or access to a finished rooftop amenity area in the same building.</i></p> <p>All multifamily buildings provide a covered patio for each unit that meets or exceeds the minimum patio area requirement.</p>
<i>Building Entryway</i>	<p><i>All common building entries must provide a covered projection or a recessed area. Elevated open walkways and stairways along the exterior of the building are prohibited.</i></p> <p>The proposed multifamily buildings utilize internal, open-air stairways and walkways that are recessed within the building envelope and accessed through covered common entry points, meeting this requirement.</p>
<i>Freestanding Garages, Carports and Parking Structures</i>	<p><i>The design for any freestanding garages, carports, or parking structures must comply with the façade articulation and exterior building materials requirements for a primary structure and must be compatible with the design of the primary buildings on site.</i></p> <p>The proposed garages and carports utilize complementary materials, including brick and stucco, and incorporate façade articulation consistent with the primary buildings, thereby meeting this requirement.</p>
<i>Horizontal Articulation</i>	<p><i>A horizontal articulation tool must be used at least every 50 feet on primary facades.</i></p> <p>Each building utilizes either the prescribed wall offset, notch, or projection tool to differentiate between units on each primary façade.</p>
<i>Vertical Articulation</i>	<p><i>A vertical articulation tool must be used at least every 50 feet on primary facades.</i></p> <p>Each building provides the required variation in building or parapet height of at least four (4) feet.</p>
<i>Façade Expression</i>	<p><i>A façade expression technique must be used on all primary facades.</i></p> <p>Each building incorporates prescribed expression techniques to meet this requirement.</p>
<i>Roofing Materials</i>	<p><i>Must use Class 1 or 2 roofing materials.</i></p> <p>A Class 1 standing seam metal roofing system is utilized to meet this requirement.</p>

The buildings are finished with Class 1 brick veneer, traditional stucco, and glass, with Class 3 lap siding as an accent. Primary façades are required to include a combination of three Class 1 materials covering at least 70 % of the façade, with a minimum of 20% clear glass, while secondary façades must include either two Class 1 materials or a combination of Class 1 and Class 2 materials covering at least 50% of the façade, with a minimum of 10% clear glass. All building façades provide between 72% and 100% Class 1 materials, thereby exceeding these requirements.

8. Public Notification and Neighborhood Meeting

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted a sign on the subject property per UDO requirements. Neighborhood notice was also provided to property owners within 500 feet of the property, and a neighborhood meeting was held on November 19, 2025, with no attendees. Staff and the applicant have not received any inquiries about the project.

9. Waiver Request

Section 18.40.240 of the UDO provides a mechanism for waivers to be considered when unnecessary hardships can be demonstrated or where the exception would result in superior design. The applicant has submitted a justification statement for the requested waiver, which is attached to this report. The applicant is requesting waivers from the following section of the UDO:

UDO 18.30.130.J requires a Type 5B buffer for development in the R-4 district adjacent to C-2 districts. This requirement is applicable to portions of the south and east property lines of the proposed development. A Type 5B buffer requires a minimum 75-foot buffer and allows the applicant flexibility with landscape plantings located within the buffer. The applicant is proposing to reduce the buffer requirement to 28 feet along the southern property line, and to 35 feet along the east property line.

Staff is supportive of the requested buffer reduction, as enhanced landscaping is provided through a double row of evergreen trees along the entire length of the southern property line, and a large existing tree stand is being preserved along the eastern property line, providing additional screening to the adjacent property.

10. UDO Rezoning Criteria

The Future Land Use Map of the Plan Olathe Comprehensive Plan identifies the subject property as Commercial Corridor and Mixed Density Residential Neighborhood. The proposed multifamily residential development is consistent with and supported by both future land use designations

The Mixed Density Residential Neighborhood designation encourages a carefully integrated mix of housing types, styles, sizes, and densities, generally located within a five- to ten-minute walk of neighborhood-scale commercial, civic, or open space uses. Development within this category is oriented more toward attached multifamily units than detached single-family homes.

The Commercial Corridor designation applies to the commercial development pattern along East Santa Fe Street, which accommodates a full range of commercial uses while providing

opportunities for gradual transformation into a more walkable, mixed-use corridor. This designation supports the integration of complementary land uses adjacent to commercial areas.

The proposed multifamily residential use is located in close proximity to significant areas of existing commercial uses to the east, west, and south, with additional Commercial Corridor land preserved immediately south of the proposed development closer to 135th Street. Multifamily zoning and established multifamily land uses are also located to the north along W. 133rd Street. The proposed development is consistent with these land use designations and the overall intent 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-3.1: Encourage Housing Near Services. *Encourage higher density housing development near transit services, commercial centers, and planned transit nodes and corridors to create activity areas that add to the community's quality of life.*

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-2.3: Higher Residential Densities. *Target future medium and high-density residential development to locations that are accessible to and integrated with potential employment and transit centers.*

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 proposed multifamily development meets several policies of PlanOlathe by encouraging a mix of complimentary land uses, including a variety of housing options near services, and integrating an appropriate transition to nearby residential. The Olathe 2040 Future Ready Strategic Plan identifies strategies that align with the proposal to promote and encourage a mix of housing types and opportunities throughout the community and encourage new residential to attract people to work and live in Olathe. The development aligns with the PlanOlathe Future Land Use Map, which designates the property as both Commercial Corridor and Mixed Density Residential.

B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).

The surrounding neighborhood to the north includes multifamily zoning with compatible uses including existing multifamily apartments, approved plans for multifamily apartments and townhomes, and a church that transitions northward to traditional single-

family homes. The adjacent commercial uses to the east, west and south are characterized by large parking areas and offices, small inline retail and pad-site buildings with high-quality architecture.

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 proposed zoning and land use is consistent with the development pattern of surrounding properties, which include established commercial and multifamily residential uses. The proposed multifamily serves as an appropriate use complimentary to the existing residential districts to the north and serves as an appropriate transition to the commercial corridor located along Santa Fe and Black Bob.

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

The property has been zoned for commercial use since 1988, with a preliminary site plan at that time identifying a strip retail center. However, no final site development plans or final plats have been approved, and the property has remained undeveloped. While commercial zoning allows a range of permitted uses, the site's location is three tiers removed from 135th Street, surrounding land use context, and evolving development patterns along the corridor suggest that traditional strip commercial development may no longer represent the most suitable or effective use of the property under current conditions.

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

The property has remained undeveloped for approximately 35 years since being zoned for commercial use.

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

The zoning district proposed provides use and design standards that are not anticipated to have any detrimental effect on nearby properties. The proposed R-4 district provides for the same uses permitted on existing multifamily properties to the north, and existing commercial properties are buffered from the proposed development by existing and proposed landscape buffers and berms. The project is following all UDO requirements for building and site design.

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 proposal would lead to a detrimental impact on the value of surrounding properties, and it does not impact the appraised value of existing 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.

This zoning request will not cause any adverse effect on traffic and safety of the road network with the required roadway improvements. A Traffic Impact Study (TIS) was provided and evaluated by staff, which identifies necessary improvements and accounts for the increase in vehicle traffic. The proposal meets the City's Access Management Plan.

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 requirements pertaining to stormwater, air quality, noise, and other related items. The development is maintaining existing tree stands and planting new vegetation in accordance with the UDO.

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

Development of the subject property as multifamily will generate property taxes and sales taxes by residents frequenting nearby commercial developments to be collected by the City as well as create new jobs.

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. The proposed rezoning does not negatively impact public health, safety, or welfare as presented. If the application were denied, development of the property would be limited to small scale, low intensity commercial and office uses.

11. Staff Recommendation

- A. Staff recommends approval of RZ25-0016, Stellar Apartments, for the following reasons:
 - 1. The proposed development complies with the policies and goals of the PlanOlathe Comprehensive Plan.
 - 2. The requested zoning meets the Unified Development Ordinance criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the R-4 District with no stipulations.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
 - 1. A waiver is granted from UDO 18.30.130. to reduce the required Type 5B landscape buffer from 75 feet to 28 feet along the southern property line, and to

35 feet along the east property line with plantings and tree preservation as shown on approved plans.

2. The existing shared access easement located at the southern portion of the property shall be vacated prior to recording of the final plat.
3. 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.