



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 5/7/2024

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**FOCUS AREA:** Economy, Community Development

**STAFF CONTACT:** Kim Hollingsworth, Planning & Development Manager

**SUBJECT:** RZ24-0003: Rezoning and Preliminary Site Development Plan for the Cedar Ridge Mixed Use Community; Applicant: Henry Klover, Klover Architects Inc.

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**TITLE:**

Consideration of Ordinance No. 24-13 (RZ24-0003), requesting approval of a rezoning from the C-2 (Community Center) District to the CC (Cedar Creek) District and a preliminary site development plan for the Cedar Ridge Mixed Use Community on approximately 14.37 acres; located southeast of W. Valley Parkway and S. Cedar Creek Parkway. Planning Commission recommends approval 4 to 3.

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**SUMMARY:**

The applicant is requesting a rezoning from the C-2 (Community Center) District to the CC (Cedar Creek) District with a preliminary site development plan for the Cedar Ridge Mixed Use Community. The approximately 14.37-acre property is located southeast of W. Valley Parkway and S. Cedar Creek Parkway. The proposal includes three commercial buildings, a 300-unit multifamily building with ground-floor commercial space and structured parking, and two townhome buildings.

The property is within the Cedar Creek Overlay District and the requested CC (Cedar Creek) District directly aligns with the Cedar Creek Area Plan and the PlanOlathe Comprehensive Plan future land use map designation of Cedar Creek Mixed Use Center. This request meets the rezoning criteria identified in UDO 18.40.090 as detailed in the attached Planning Commission Packet (Attachments A.1 and A.2).

The Planning Commission held a public hearing on March 11, 2024 and 23 individuals spoke, largely in opposition to the development. Stated reasons for opposition included the visual impact to the primary entrance of Cedar Creek, traffic impacts, and environmental impacts. Discussion during the meeting included the height of the multifamily building and its impact on the visual appearance of Cedar Creek, as well as traffic, noise, and environmental impact. Additionally, a comparison of the land uses were discussed between the existing C-2 and the proposed CC District. The Planning Commission voted 4-3 to recommend approval of RZ24-0003 as presented in the meeting minutes (Attachment B).

After the Planning Commission meeting, the applicant met with representatives within Cedar Creek and submitted revised plans to City staff as a response to feedback received during the meeting. Staff reviewed these revisions and the plans continue to comply with all standards and requirements of the requested CC District. Both the original plans from the Planning Commission packet and the revised plans (Attachments C & D) are attached and the key revisions made by the applicant are outlined below.

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First, the applicant made two changes to reduce the visual impact of the multifamily building from Cedar Creek Parkway. The north wing is setback an additional 45 feet from Cedar Creek Parkway, increasing from 90 to 135 feet. One townhome unit and four parking spaces were removed to accommodate this shift. The basement foundation of the south wing remains in place; however, the top floor of the south wing is stepped back an additional 23 feet from Cedar Creek Parkway.

Second, the revised plans preserve more natural areas including slope and tree preservation area by shifting the north wing of the multifamily building, increasing the preservation area by over 6,000 square feet.

Third, the updated plans enlarge the public amenity space and include conceptual images to illustrate the quality of these spaces. By reducing and shifting the footprint of the northeastern commercial building, an additional 4,960 square feet of public amenity space is created for a total of 8,710 square feet. Public spaces will be furnished with high-quality placemaking features, such as firepits, outdoor seating, landscaping, water features and architectural lighting.

Additional public comments received after publication of the March 11<sup>th</sup> Planning Commission meeting and before the May 2<sup>nd</sup> publication date of this report are included as Attachment E.

After the Planning Commission meeting, four property owner entities filed protest petitions against this application and the protest was deemed valid as 36.5% of the land area within 200 feet of the subject property is under protest, exceeding the 20% minimum threshold (Attachment F). Therefore, an affirmative vote of at least six (6) City Councilmembers is required to approve the rezoning request.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

1. Approve Ordinance No. 24-13 for a rezoning to the CC (Cedar Creek) District, adopting the recommendation of the Planning Commission (6 positive votes required).
2. Deny Ordinance No. 24-13 for a rezoning to the CC (Cedar Creek) District, overriding the recommendation of the Planning Commission (5 positive votes required).
3. Return the rezoning application to the Planning Commission for further consideration with a statement specifying the basis for the Governing Body's failure to approve or disapprove (4 positive votes required).

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**ATTACHMENT(S):**

- A.1. Planning Commission Packet (Part 1 of 2)
- A.2. Planning Commission Packet (Part 2 of 2)
- B. Planning Commission Minutes
- C. Revised Site Development Plan
- D. Revised Architectural Plan
- E. Additional Public Comments
- F. Protest Petition Summary
- G. Ordinance No. 24-13