



## **MINUTES – Opening Remarks**

**Planning Commission Meeting: October 14, 2024**

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The Planning Commission convened at 7:00 p.m. to meet in regular session with **Chair Wayne Janner** presiding. Commissioners Taylor Breen, Tony Bergida, Keith Brown, Ken Chapman, Chip Corcoran, Jeffrey Creighton, Megan Lynn and Jim Terrones were present.

*Recited Pledge of Allegiance.*

**Chair Janner** made introductory comments. Regarding ex parte communication, the Chair requested that if a commissioner has something to report, they specify the nature of the ex parte communication when that item is reached in the agenda.

**Chair Janner** referenced the Planning Commission Consent Agenda, which includes six items. Chair Janner asked if items needed to be removed for separate discussion or additional information.

Hearing none, Chair Janner entertained a motion for the consent agenda items.

A motion to approve MN24-0923, Planning Commission meeting minutes of September 23, 2024, was made by **Commissioner Breen** and seconded by **Commissioner Corcoran**. The motion passed 9 to 0.



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<b>Application:</b>	<b><u>MP24-0020:</u></b> Request for approval of a minor plat for Villages of Forest Hills, Building J, containing four (4) lots and one (1) tract on approximately 1.67 acres, located southwest of Legler Road and W. 173rd Terrace.
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A motion to approve MP24-0020 was made by **Commissioner Breen** and seconded by **Commissioner Corcoran**. The motion passed with a vote of 9 to 0 with no stipulations.



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<b>Application:</b>	<b><u>FP24-0022:</u></b> Request for approval of a final plat for Carson Street Storage, containing two (2) lots and three (3) tracts on approximately 9.37 acres, located at 20550 W. 159th Street.
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A motion to approve FP24-0022 was made by **Commissioner Breen** and seconded by **Commissioner Corcoran**. The motion passed with a vote of 9 to 0 with no stipulations.



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<b>Application:</b>	<b><u>FP24-0027:</u></b> Request for approval of a final plat for Atmos Service Center at Cedar Creek, containing two (2) lots on approximately 8.57 acres, located northeast of College Boulevard and S. Green Road.
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A motion to approve FP24-0027 was made by **Commissioner Breen** and seconded by **Commissioner Corcoran**. The motion passed with a vote of 9 to 0 with no stipulations.



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<b>Application:</b>	<b><u>PR24-0013:</u></b> Request for approval of a preliminary site development plan for Atmos Service Center at Cedar Creek on approximately 8.57 acres, located northeast of College Boulevard and S. Green Road.
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A motion to approve PR24-0013 was made by **Commissioner Breen** and seconded by **Commissioner Corcoran**. The motion passed with a vote of 9 to 0 with the following stipulations:

1. The applicant must stripe a crosswalk across S. Green Road and W. 110th Terrace with public improvements for the development within Lot 1.
2. A final site inspection by staff is required prior to Certificate of Occupancy to ensure the proposed overhead doors meet the stipulations of Ordinance No. 00-56, otherwise, additional screening measures will be required.
3. A Preliminary Site Development Plan is required for Lot 2 prior to development.



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<b>Application:</b>	<b><u>PR24-0014:</u></b> Request for approval of a revised preliminary site development plan for Bluebox Garage on approximately 7.25 acres, located at 16129 S. Lone Elm Road.
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A motion to approve PR24-0014 was made by **Commissioner Breen** and seconded by **Commissioner Corcoran**. The motion passed with a vote of 9 to 0 with the following stipulations:

1. Tree protection fencing per UDO Section 18.30.240.E will be installed around all areas of tree preservation on site and maintained throughout the duration of construction for this development.
2. 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.



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<b>Application:</b>	<b><u>FP24-0025:</u></b> Request for approval of a final plat with vacation of right of way for Heather Ridge South, 6th Plat containing 29 lots and two (2) tracts on approximately 9.56 acres, located northwest of W. 170th Terrace and S. Ridgeview Road.
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A motion to continue FP24-0025 to a future Planning Commission meeting was made by **Commissioner Bergida** and seconded by **Commissioner Chapman**. The motion passed with a vote of 9 to 0.



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<b>Application:</b>	<b><u>FP24-0026:</u></b> Request for approval of a final plat for Creme De La Crème Daycare containing one (1) lot and one (1) tract on approximately 6.13 acres, located southeast of Sunnybrook Boulevard and 113th Street.
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A motion to continue FP24-0026 to a future Planning Commission meeting was made by **Commissioner Breen** and seconded by **Commissioner Corcoran**. The motion passed with a vote of 9 to 0.





## MINUTES

### Planning Commission Meeting: October 14, 2024

<b>Application:</b>	<b><u>PLN24-0002:</u></b> Approval of Planning Commission Resolution 24-0002 finding that the proposed Olathe Gateway STAR Bond project plan is in conformance with the Comprehensive Plan.
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**Chair Janner** introduced the three items of new business: PLN24-0002, PLN24-0003, and PLN24-0004. He noted the first two items are related, for Olathe Gateway.

**Mr. Ron Shaver, City Attorney,** presented PLN24-0002 and PLN24-0003 for the Olathe Gateway project.

First, Mr. Shaver presented the procedural findings necessary for compliance with the Kansas STAR Bond Act and the Kansas TIF Act, outlining the redevelopment plan for the area near 119th Street and Renner Boulevard. Both Acts require the Planning Commission to determine if the proposed development aligns with the City's Comprehensive Plan. Once the Commission makes this finding, the City Council can call for a public hearing to review the project plans, which is scheduled for discussion at the next City Council meeting. If approved, public hearings would be scheduled for November 19, 2024.

Mr. Shaver continued the Olathe City Council had previously established a STAR Bond project district and a TIF district through ordinances adopted on September 17, 2024. The proposed development is located in STAR Project Area 1, covering approximately 63 acres, includes commercial facilities, a multi-sport arena, an amusement park, retail space, and a hotel. Mr. Shaver noted the Comprehensive Plan identifies this area as the "Gateway District" which provides the critical main entry to Olathe; any plans should protect and enhance an inviting image of Olathe to visitors and residents. Mr. Shaver stated the proposed project plan aligns with the Comprehensive Plan by meeting the following goals and policies:

1. Land Use & Community Character Principle 5 (LUCC-5) to develop appropriate commercial centers to ensure economic sustainability and to shape community form.
2. Land Use & Community Character Principle 6 (LUCC-6) to discourage "leap-frogging" or sprawling, encourage serviceable area growth, and promote infill and reinvestment.

3. Economic Sustainability Principle 1 (ES-1) to utilize Olathe's strengths to attract quality jobs and position Olathe as a regional economic leader.
4. Parks, Trails & Recreation Principle 1 (PTR-1) to provide and maintain diverse, high-quality, safe and affordable recreational facilities for all ages and abilities.
5. Community Services & Facilities Principle 1 (CF-1) that development be located where adequate public services and facilities presently exist or are planned.

**Commissioner Bergida** asked about the duration of the TIF and Star Bond districts, to which **Mr. Shaver** clarified that they would each last 20 years. **Commissioner Bergida** referenced the statutory qualifications for TIFs and asked for further clarification about the economic development necessity of the project.

**Mr. Shaver** noted the Kansas TIF Act has three eligibility options to consider a TIF. A TIF District was originally created in 2003 and amended most recently in 2022, in which the City Council found this area qualifies to be a TIF District as an "Enterprise Zone." Mr. Shaver expanded on this project's potential to invigorate the local economy, attract tourism, and support youth sports, specifically through the ultra-accessible theme park and hockey ice sheets.

Based on his brief research, **Commissioner Bergida** mentioned amusement parks might increase local crime rates. Commissioner Bergida cited two goals of the Comprehensive Plan (public safety and cost of living) and asked about the balance between those goals and the goals with which the project aligns. Commissioner Bergida also asked for further clarification about the impact on the cost of living due to the TIF, as property taxes would be frozen.

**Mr. Shaver** responded that the proposed the ultra-accessible amusement park would be the second worldwide, designed for families with disabilities. As such, it would draw a different audience than most other amusement parks. Mr. Shaver explained that the project aims to provide affordable options for families, including competitive pricing in retail and hotel spaces, and to draw people of different socio-economic backgrounds.

**Commissioner Bergida** asked to clarification regarding whether or not multi-family was part of this plan or not.

**Mr. Shaver** answered that multi-family is considered for a later Project Area 2, but the current plan is for Project Area 1 which does not include multi-family.

**Commissioner Bergida** asked to confirm there is potential for multi-family down the road, but not presently, which **Mr. Shaver** confirmed.

**Commissioner Creighton** asked about timeframes for action on the land to maintain eligibility for TIF and Star Bond financing.

**Mr. Shaver** explained the urgency of the process, emphasizing the need to finalize agreements and financing before year-end to facilitate timely development and meet statutory requirements.

With no further discussion, **Chair Janner** entertained a motion on PLN24-0002.

**Commissioner Creighton** moved to approve PLN24-0002 that this project is in conformance with the Comprehensive Plan of the City of Olathe. **Commissioner Breen** seconded the motion. The motion passed by a vote of 9 to 0.



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### Planning Commission Meeting: October 14, 2024

<b>Application:</b>	<b><u>PLN24-0003:</u></b> Approval of Planning Commission Resolution 24-0003 finding that the proposed Olathe Gateway TIF project plan is in conformance with the Comprehensive Plan.
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**Chair Janner** introduced the three items of new business: PLN24-0002, PLN24-0003, and PLN24-0004. He noted the first two items are related, for Olathe Gateway.

**Mr. Ron Shaver, City Attorney,** presented PLN24-0002 and PLN24-0003 for the Olathe Gateway project.

First, Mr. Shaver presented the procedural findings necessary for compliance with the Kansas STAR Bond Act and the Kansas TIF Act, outlining the redevelopment plan for the area near 119th Street and Renner Boulevard. Both Acts require the Planning Commission to determine if the proposed development aligns with the City's Comprehensive Plan. Once the Commission makes this finding, the City Council can call for a public hearing to review the project plans, which is scheduled for discussion at the next City Council meeting. If approved, public hearings would be scheduled for November 19, 2024.

Mr. Shaver continued the Olathe City Council had previously established a STAR Bond project district and a TIF district through ordinances adopted on September 17, 2024. The proposed development is located in STAR Project Area 1, covering approximately 63 acres, includes commercial facilities, a multi-sport arena, an amusement park, retail space, and a hotel. Mr. Shaver noted the Comprehensive Plan identifies this area as the "Gateway District" which provides the critical main entry to Olathe; any plans should protect and enhance an inviting image of Olathe to visitors and residents. Mr. Shaver stated the proposed project plan aligns with the Comprehensive Plan by meeting the following goals and policies:

1. Land Use & Community Character Principle 5 (LUCC-5) to develop appropriate commercial centers to ensure economic sustainability and to shape community form.
2. Land Use & Community Character Principle 6 (LUCC-6) to discourage "leap-frogging" or sprawling, encourage serviceable area growth, and promote infill and reinvestment.

3. Economic Sustainability Principle 1 (ES-1) to utilize Olathe's strengths to attract quality jobs and position Olathe as a regional economic leader.
4. Parks, Trails & Recreation Principle 1 (PTR-1) to provide and maintain diverse, high-quality, safe and affordable recreational facilities for all ages and abilities.
5. Community Services & Facilities Principle 1 (CF-1) that development be located where adequate public services and facilities presently exist or are planned.

**Commissioner Bergida** asked about the duration of the TIF and Star Bond districts, to which **Mr. Shaver** clarified that they would each last 20 years. **Commissioner Bergida** referenced the statutory qualifications for TIFs and asked for further clarification about the economic development necessity of the project.

**Mr. Shaver** noted the Kansas TIF Act has three eligibility options to consider a TIF. A TIF District was originally created in 2003 and amended most recently in 2022, in which the City Council found this area qualifies to be a TIF district an "Enterprise Zone." Mr. Shaver expanded on this project's potential to invigorate the local economy, attract tourism, and support youth sports, specifically through the ultra-accessible theme park and hockey ice sheets.

Based on his brief research, **Commissioner Bergida** mentioned amusement parks might increase local crime rates. Commissioner Bergida cited two goals of the Comprehensive Plan (public safety and cost of living) and asked about the balance between those goals and the goals with which the project aligns. Commissioner Bergida also asked for further clarification about the impact on the cost of living due to the TIF, as property taxes would be frozen.

**Mr. Shaver** responded that the proposed the ultra-accessible amusement park would be the second worldwide, designed for families with disabilities. As such, it would draw a different audience than most other amusement parks. Mr. Shaver explained that the project aims to provide affordable options for families, including competitive pricing in retail and hotel spaces, and to draw people of different socio-economic backgrounds.

**Commissioner Bergida** asked to clarification regarding whether or not multi-family was part of this plan or not.

**Mr. Shaver** answered that multi-family is considered for a later Project Area 2, but the current plan is for Project Area 1 which does not include multi-family.

**Commissioner Bergida** asked to confirm there is potential for multi-family down the road, but not presently, which **Mr. Shaver** confirmed.

**Commissioner Creighton** asked about timeframes for action on the land to maintain eligibility for TIF and Star Bond financing.

**Mr. Shaver** explained the urgency of the process, emphasizing the need to finalize agreements and financing before year-end to facilitate timely development and meet statutory requirements.

With no further discussion, **Chair Janner** entertained a motion on PLN24-0003.

**Commissioner Corcoran** moved to approve Resolution 24-0003 (PLN24-0003) finding that the proposed project plan for the Olathe Gateway plan is consistent with the Comprehensive Plan. **Commissioner Terrones** seconded the motion. The motion passed by a vote of 8 to 1.



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<b>Application:</b>	<b><u>PLN24-0004:</u></b> Approval of Planning Commission Resolution 24-0004 finding that the proposed Indian Creek Crossings TIF project plan is in conformance with the Comprehensive Plan.
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**Chair Janner** introduced PLN24-0004.

**Mr. Ron Shaver, City Attorney**, presented PLN24-0004 for Indian Creek Crossings. He began by outlining the project, emphasizing that it was part of a Tax Increment Financing (TIF) plan that had been submitted. He explained that the Planning Commission's role was to determine if the project was consistent with the Olathe Comprehensive Plan. Once this finding was made, the City Council would be able to adopt a resolution calling for a public hearing on the TIF project plan and to create a redevelopment district, which was scheduled for the following night.

Mr. Shaver described the project area, which consisted of approximately 13.78 acres. The plan included the renovation and construction of 115,000 square feet of retail and commercial facilities with infrastructure and site improvements, a sports and entertainment venue, and various retailers. He noted the importance of the site's location along a commercial corridor identified by the Comprehensive Plan's Future Land Use Map. Mr. Shaver described how the project aligns with the following principles of the Comprehensive Plan by enhancing economic sustainability and community character:

1. Land Use & Community Character Principle 5 (LUCC-5) to develop appropriate commercial centers within the right locations, to ensure economic sustainability and shape community form.
2. Land Use & Community Character Principle 7 (LUCC-7) to encourage design standards that successfully enhance quality of life in a manner that is economically viable and sustainable for the City and the private sector.
3. Economic Sustainability Principle 3 (ES-3) to strengthen and revitalize existing commercial centers.
4. Community Services & Facilities Principle 1 (CF-1) to protect and use past investments in capital improvements by locating new development and

redevelopment, where adequate public services and facilities presently exist or are planned to be provided.

He addressed concerns regarding the existing aging structures in the area and indicated that revitalization efforts were necessary due to the risk of blight. Mr. Shaver concluded by affirming the adequacy of public utilities for the project and expressed his willingness to answer further questions.

**Commissioner Bergida** acknowledged Mr. Shaver adequately addressed his public safety concerns raised in a previous item. He inquired about the City's policy on using TIFs for land acquisition, noting the reimbursement for land costs in the project's budget. Mr. Shaver confirmed that land acquisition was indeed an appropriate use of TIFs and explained how the financing worked, stating that about 27.5% of the total project cost would be reimbursed to the developer through an additional 1% CID sales tax and TIF incremental property tax revenues, excluding City sales taxes.

**Commissioner Creighton** offered a supportive comment, affirming that the project aligns with the Comprehensive Plan. He commended the developer for their efforts to rejuvenate a blighted area and expressed hope that the City Council would support the project upon review.

**Mr. Shaver** acknowledged the comments.

**Commissioner Brown** raised concerns about a rumored relocation of a Quik Trip store and the implications for tax revenues. He asked whether that was under the purview of the Planning Commission or the City Council.

**Mr. Shaver** answered it falls under the purview of the City Council, not the Planning Commission. That said, he acknowledged the rumors were valid and explained that while Quik Trip is proposing to move to a new location within this proposed redevelopment project, the existing property taxes would remain unaffected for the next 20 years under the TIF structure. He clarified that the City would retain base property taxes while any new sales tax revenue generated by the Quik Trip would not be captured by the TIF because sales taxes are not captured under the TIF Project Plan.

With no further discussion, **Chair Janner** entertained a motion on PLN24-0004.

**Commissioner Creighton** moved to approve PLN24-0004 finding that the proposed project plan is in compliance with the Comprehensive Plan. **Commissioner Breen** seconded the motion. The motion passed by a vote of 9 to 0.





## **MINUTES – Closing Remarks**

**Planning Commission Meeting: October 14, 2024**

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**Kim Hollingsworth, Planning and Development Manager** stated she had two announcements:

1. She announced that October is National Community Planning Month. She thanked the Commissioners and staff for their work and dedication.
2. Ms. Hollingsworth acknowledged the Planning Division is still accepting feedback for the update to the City's Comprehensive Plan. Additional information and opportunities to participate are available at [olatheks.org/elevateolathe](http://olatheks.org/elevateolathe).

**Commissioner Creighton** thanked staff for allowing him to recently attend the Quad State American Planning Association's conference. He appreciated the opportunity to learn about affordable housing and comprehensive plan updates.

*Meeting adjourned.*