



MINUTES

Planning Commission Meeting: December 9, 2024

Application:	<u>RZ24-0016:</u> Request for approval of a zoning amendment to Ordinance 19-24 and a preliminary site development plan for The District on approximately 50.48 acres, located at the southwest corner of W. 119th Street and Renner Boulevard.
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Mr. Nathan Jurey, Senior Planner, presented RZ24-0016, a request for approval of a zoning amendment and a preliminary development plan for the 50-acre property at the southwest corner of 119th and Renner. Mr. Jurey explained the background of the Gateway District, which was designed to be an entrance to Olathe and required high-quality development. He discussed the proposed development's alignment with the Gateway District vision, the Comprehensive Plan, and the 2040 Strategic Plan Goals.

Mr. Jurey demonstrated the development's mix of uses, including an arena, amusement park, hotel, and commercial pad sites. Staff recommends prohibiting some land uses due to incompatibility with the pedestrian-oriented design and the area's character. In particular, staff recommended prohibiting "Convenience Stores with Gas Sales." The applicant disagreed with that particular stipulated prohibited land use; although they have no immediate plans for a convenience store, the applicant wanted the option to add one in the future.

He highlighted the development's pedestrian-oriented design, the construction of access roads, and planned traffic studies. Mr. Jurey provided details about the proposed developments: a 5,500-capacity arena, an ultra-accessible theme park, a six-story ultra-accessible hotel with 160 rooms, and commercial sites for retail, restaurants, and offices.

Mr. Jurey continued that the applicant met all public notice requirements. No neighbors and one business owner attended the neighborhood meeting. Staff has correspondence with several residents. Generally, the residents were in favor, with questions about traffic.

Mr. Jurey stated staff recommended approval of the zoning amendment with stipulations regarding traffic management and studies, prohibited uses, and signage standards.

Commissioner Creighton acknowledged many of his questions were answered by Mr. Jurey's presentation. However, he has two main concerns regarding the following items: the stipulation against convenience stores and gas stations and water detention.

Commissioner Creighton asked if the applicant could request a zoning amendment in the future if they wanted to include a convenience store.

Mr. Jurey explained that if the convenience store was included in the prohibited use list now, and if the applicant later wanted to include it, they would need to request a zoning amendment. However, if the City Council or Planning Commission removed the stipulation from the prohibited list (and allowed the convenience store) now, the applicant would then only need to do a revised preliminary site development plan. Mr. Jurey assured Commissioner Creighton that if the prohibited list was approved as recommended, the applicant could come back and request a zoning amendment for a specific site to allow a convenience store.

Commissioner Creighton expressed concern about the number of convenience stores already in the area and the visibility of this location, emphasizing that if a convenience store were allowed in the future, it would need to be of very high quality. Commissioner Creighton also expressed concerns about standing water at the intersection of 119th and Renner due to the sloping property and large parking areas

Mr. Jurey addressed the water detention concern, explaining the plan included a mix of underground and above-ground detention, such as a visible lake and bioswales. He mentioned that the lake would have a waterfall feature to help manage the water flow and prevent standing water. Mr. Jurey confirmed that the engineering plan would meet the city's Title 17 requirements for water detention.

With no other questions for staff at this point, **Chair Janner** invited the applicant to give their presentation.

Mr. Justin Duff, on behalf of **Van Trust, 4900 Main in Kansas City, Missouri**, introduced himself. He stated his partner, James Arkell from Loretto, and others were present and would speak also. Mr. Duff explained that Van Trust was a 50-50 partner with Loretto on the property, with Loretto focusing on the theme park and arena, while they would jointly handle other areas of the property. He expressed excitement about their involvement in Olathe and the potential of the project for the region, state, and surrounding areas.

Mr. James Arkell, Loretto Commercial Development, thanked everyone for the time and support the project had received thus far. Mr. Arkell shared his personal story about his son, Michael, who had a rare genetic condition, leading him and his family to learn about special needs. This personal experience led them to discover an accessible park in San Antonio which inspired them to pursue a similar project in Olathe. Mr. Arkell described the project as a gateway for all people, emphasizing its uniqueness and the collaborative efforts involved. He expressed gratitude for the support received. He reiterated the project's potential to bring people from across the country and how thankful they were for the City's support. He concluded by highlighting the project's positive impact on families and the community.

Scott Slaggie, Slaggie Architects, Inc. introduced his firm as the managing architects and planners for the project and introduced key team members: civil and traffic engineers David Eichmann and Kurt Rotering, and Robert Luna who is the architect for the arena and theme park. He highlighted this project was an improvement over a similar proposal on the site from five to six years ago, aiming to create a sustainable regional destination with a central core. He presented the site plan, noting overflow parking and the centrality of the theme park, arena, and hotel as the project's hub. Mr. Slaggie detailed the theme park, featuring entertainment and educational elements, and the 5,500-seat arena with a second sheet of ice for flexibility in hosting events. He described the use of high-quality materials, lighting, and the lake as both a detention feature and a recreational area. He emphasized sustainability with native plantings, a sensory garden, and a shared Commons area for seasonal events. He outlined plans for complementary retail and entertainment venues, pedestrian connectivity, and bioswales for water management. He concluded by showing aerial views of the planned development and discussing the integration of restaurants with lake views and the attention to accessibility and overall experience.

Chair Janner opened the floor for anyone else to speak on behalf of the applicant and then invited questions from the commissioners.

Commissioner Corcoran inquired about the integration of medical uses and research within the development, specifically how it would fit into the project.

Mr. Slaggie responded that the sports venue might include rehabilitative facilities or sports recovery centers, possibly collaborating with a local hospital, though specifics were still uncertain.

Chair Janner followed up by asking if special needs facilities would also be considered, given the audience attracted to the theme park.

Mr. Slaggie confirmed that it was indeed part of the discussion and deferred to Mr. Arkell.

Mr. Arkell offered a brief overview. He explained that the team was inspired by a similar facility in San Antonio designed by Robert Luna, which included a Multi-Assistance Center offering various services for people with disabilities, veterans, and others with special needs. He mentioned that they were adapting a similar concept for the Olathe project, potentially in the northwest corner building, and were working with medical partners to create a one-stop service hub.

Chair Janner thanked Mr. Arkell and opened the floor to the Commissioners.

Commissioner Terrones expressed excitement about the project, noting a personal connection to San Antonio, and commented that he hoped the climate differences would not affect the project's creativity.

Commissioner Brown asked if the amusement park would be similar to the one in San Antonio.

Mr. Robert Luna confirmed that the new park would be patterned after the one in San Antonio, which had a significant global impact. He shared that the San Antonio park was the first to cater specifically to the special needs community, a need that had not been widely recognized before. Mr. Luna explained that the park had drawn visitors from over 120 countries and had inspired other organizations, including Disney, to consider similar projects. He emphasized that the park in Olathe would be unique, focusing on serving individuals with financial burdens and creating a welcoming environment for families.

Commissioner Brown asked if the San Antonio park had a website to view more information.

Mr. Luna responded that more information could be found on the website *Morgans.org* [first mistakenly provided as *Morgans.com*], which showcased the Morgan's Wonderland park, its water park, the Multi Assistance Center (MAC), and other facilities like a pediatric daycare for extreme disabilities. He mentioned that a new hotel was being built with accessible guest rooms.

Commissioner Brown asked for a comparison for the intended Olathe park.

Mr. Luna explained that the park would not be like Disney or a carnival. He clarified that the park would be calm and soothing, avoiding loud noises, strobe lights, and flashing effects, which could be disruptive. Instead, the park would feature gentle lighting and sound to create a more mellow environment, specifically designed for the needs of its visitors.

Commissioner Lynn asked about the pricing structure for the theme park, inquiring whether it would be general admission or based on individual rides, especially considering that many families have limited resources.

Mr. Luna confirmed that the San Antonio park was done through sponsorship and low-cost admission, though anyone with a disability would receive free entry.

Mr. Arkell spoke about the pricing and design of the park, emphasizing that it would not be like Disney or a carnival. He shared that the park would feature rides that were designed to be fun and accessible for everyone, including those with disabilities. The park's approach was about inclusivity, not just catering to people with disabilities. He also mentioned that while the weather in Kansas was different from San Antonio, the park would have an indoor building to offer rides and activities in case of extreme weather. He continued by addressing the pricing, stating that the admission would be between \$25 and \$30, which was affordable compared to other attractions. He emphasized that the park was designed for families, with all necessary amenities like restaurants, quick service, sit-down options, and a hotel. The goal was to create a

space where families could feel comfortable and have all their needs met, especially those with members who have special needs. He clarified that the pricing would not be a barrier to entry, as the focus was on helping people, not making money.

Commissioner Brown congratulated the presenters and asked if the images shown in the presentation were real photos from San Antonio or computer-generated visuals.

Mr. Arkell provided a response, mentioning that while the project in Olathe would benefit from the experience gained in San Antonio, it would start fresh. He shared that he had recently met with the Nelson Atkins Museum of Art, which expressed interest in bringing programming to the Olathe facility, including art exhibitions and learning programs. He described plans to incorporate public art and create a welcoming space for a variety of activities, offering something for everyone, such as food, drinks, park attractions, and even a hockey game. He confirmed that the facility would look similar to the images shown.

Chair Janner asked if there were any further questions from the commissioners for staff or the applicant, then thanked Mr. Luna for making the trip from San Antonio.

Chair Janner formally opened the public hearing, though no one had signed up to speak, so he entertained a motion to close the public hearing. **Commissioner Chapman** moved to close the public hearing, and **Commissioner Breen** seconded the motion. The motion passed by a vote of 8 to 0.

Chair Janner called for any additional discussion.

Commissioner Creighton wished to add that though he had previously expressed concern about the convenience store, he wanted to emphasize his strong support for the overall project, noting the importance of the initiative for families with special needs, particularly those dealing with mobility issues and sensory challenges. He expressed admiration for the project and viewed it more as a mission than a business.

Chair Janner acknowledged Commissioner Creighton's comments and shared his own personal support for the project, having spent time working in special education with the Olathe School District. He expressed excitement about the project and called for a motion.

Mr. Duff asked to discuss the stipulation before a motion was made, emphasizing the importance of considering a convenience store for the project. He noted that while the site plan did not yet include a dedicated area for the convenience store, the convenience of having it was crucial for both the development's success and its ability to generate sales to support the STAR bond repayment. He requested feedback from the Planning Commission on this matter before it went to Council.

Chair Janner asked staff to show the proposed stipulations on the screen, which Mr. Jurey did.

Mr. Duff responded, stating that the process had been smooth and collegial, with staff doing an excellent job. He praised the team for successfully working with the staff to keep the stipulations to a minimum, especially considering the complexity of the project. He expressed gratitude for the progress made.

Mr. Arkell acknowledged the concerns about general convenience stores. He explained that while convenience stores may have a reputation for being similar to old quick shops, the current model was different. He mentioned that companies like QuikTrip were interested in the development, as it would provide a convenient location for families. He further clarified that the store was not a revenue-driven decision, but a necessary service for families, particularly those from out of town, who might need quick access to essentials. He assured the commission that this model would blend into the overall environment, with plans to avoid making the store an eyesore.

Chair Janner thanked **Commissioner Creighton** for his comments and gave him the opportunity to follow up.

Commissioner Creighton voiced concern about the convenience store's location, specifically on a prominent corner like 119th and Renner. He explained that he wanted to maintain the area's quality, especially since he had lived there for many years and had seen significant changes. He emphasized the importance of preserving the area's integrity while still supporting the development.

Mr. Arkell agreed with Commissioner Creighton, acknowledging his concerns and assuring him that the convenience store would not be a focal point. He clarified that they planned to position the store more discreetly, away from the main area, to avoid it becoming an eyesore. He emphasized that the development would be a significant investment in the area and that they were committed to ensuring it would work well for the community. He also mentioned that the development would include special features, such as a water feature, to enhance the overall environment and align with the city's vision.

Commissioner Brown asked if anyone had a timeline for the project, acknowledging that they could not commit to specific dates.

Mr. Duff stated that the goal was to begin work on the back portion of the arena and the Wonderland area in the spring, preparing for the final development plan (FDP). They had a team ready to start as soon as it was appropriate, he but emphasized that they needed to get past certain requirements before proceeding.

Chair Janner acknowledged the update and moved on to the next speaker.

Commissioner Corcoran asked staff to clarify the process and timeline for presenting an application for an alternate use, such as a convenience store, if the stipulations were approved as laid out.

Mr. Jurey responded that if the proposal were approved with a prohibited use, and they wanted to change it, the process would take about four months for zoning amendments. This would involve submitting the zoning amendment, preliminary plan, and going through the necessary reviews before the Planning Commission and City Council. After that, final plans and permits would be moved forward.

Commissioner Corcoran asked for confirmation that the process would also apply to the site plan, ensuring that the final details, including the exact location and design of the store, would be reviewed.

Mr. Jurey confirmed that the zoning amendment and the preliminary plan process would involve reviewing the location and design. Afterward, the final plans and permits would follow.

Mr. Duff pointed out that the issue of the convenience store would still be addressed at the final development plan (FDP) stage. He emphasized that if there wasn't a market for the store, it wouldn't be included. He clarified that they were aiming for a higher-quality store, like a QuikTrip or Casey's, and if such a store wasn't viable, they would move on to another retail use. He also expressed a desire to avoid having to return for further approvals later in the process.

Chair Janner asked if there were any additional comments before moving forward with the motion.

Commissioner Chapman moved to approve the zoning request (RZ 24-0016) as stipulated by staff. **Commissioner Corcoran** seconded the motion. **Commissioner Creighton** expressed concerns about the convenience store, but stated he would support the project. The motion passed 8 to 0.

The item, RZ24-0016, passed with a vote of 8 to 0 with the following stipulations:

- A. Staff recommends approval of RZ24-0016, The District, 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 a zoning amendment for Ordinance 19-24 to repeal all stipulations listed in Section Two and replace with the following stipulations:
1. Development of this property must comply with the regulations set forth in the attached 'Zoning and Design Standards' document dated December 5, 2024.
 2. Traffic improvements will be made in accordance with the Traffic Impact Study dated August 20, 2024 and approval of the City Engineer. The Traffic Impact Study must be updated with the development of each lot as recommended by the City Engineer.
 3. A traffic management plan must be submitted and updated for review upon the request of the City Engineer to ensure the safe and efficient flow of event traffic.
 4. The following uses are prohibited in this development:
 - a. All uses prohibited in Planned Districts per UDO 18.20.220.
 - b. Automotive services and Automotive repair & maintenance shops
 - c. Auto Supply (Parts) Stores
 - d. Class A, Class B, or other private club as defined in the Kansas Liquor control act
 - e. Check cashing, except in connection with a bank or savings and loan institution, tax service, or investment/brokerage service or as ancillary to a convenience store or grocery store.
 - f. Car Washes, whether a primary or accessory use
 - g. Convenience Stores with Gas Sales and Gas Stations
 - h. Funeral Home or Mortuary and Crematories
 - i. Coin-Operated Laundry
 - j. Distance Restricted Businesses as set forth in Chapter 5.43 of the Olathe Municipal Code and any amendments thereto
 - k. Outdoor storage of any kind, whether a primary or accessory use

- I. Vapor Retailer and Tobacco Shop as defined in Chapter 6.20 of the Olathe Municipal Code
 5. A comprehensive sign package must be approved by City Council prior to approval of any final site development plan. The comprehensive sign package must establish the signage standards for this development.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
1. Plans submitted with final site development plan applications will comply with attached 'Zoning and Design Standards' document dated December 5, 2024.
 2. An updated parking analysis must be submitted with the final site development plan application for each lot to ensure sufficient parking is provided for The District.