

City of Olathe

*100 E. Santa Fe
Olathe, KS*



Meeting Minutes

Tuesday, June 2, 2026

7:00 PM

100 E. Santa Fe | Council Chamber

City Council

1. CALL TO ORDER

Present: Bacon, Schoonover, Felter, Vakas, Essex, Creighton, and Deneault

Others in attendance were City Manager, Susan Sherman, City Attorney, Ron Shaver and members of City staff.

2. REGULAR MEETING BEGINS - 7:00 P.M.**3. PLEDGE OF ALLEGIANCE**

Mayor Bacon noted that New Business item C has been pulled at staff's request and will be considered at a later date.

4. SPECIAL BUSINESS

- A.** Consideration of Resolution No. 26-1044 appointing and reappointing members to the Olathe Public Art Committee

Mayor Bacon invited Committee Chair, Chelsy Walker, to introduce the new and reappointed members.

Mayor Bacon presented each member with a certificate of appointment.

Motion by Vakas, seconded by Felter, to approve Resolution No. 26-1044. The motion carried by the following vote:

Yes: Bacon, Schoonover, Felter, Vakas, Essex, Creighton, and Deneault

- B.** Recognition of the Honorable Katherine McElhinney

Mayor Bacon spoke about Judge McElhinney's contributions to the city and the municipal court. Mayor Bacon presented Judge McElhinney with a gift.

Judge McElhinney stated that it has been a privilege to serve as a judge for the city.

- C.** Presentation of the Service Award to Bob Courtney

Mayor Bacon invited Historic Preservation Board Chair, Tom Kearney, to share remarks about Bob Courtney's service on the board.

Mayor Bacon presented an award to Mr. Courtney for his service.

5. PUBLIC HEARINGS

- A.** Public Hearing and Consideration of Resolution No. 26-1045 on behalf of 167 Olathe 3, LLC and assigns for an issuance request for industrial revenue bonds and tax phase-in resolution for a single series project. The project will entail the construction of a 76,800 sq ft office building on a 18.98-acre parcel at the northwest corner of 167th Street & Lone Elm Road.

Mayor Bacon opened the public hearing.

No public comments were heard.

Motion by Vakas, seconded by Felter, to close the public hearing. The motion carried by the following vote:

Yes: Schoonover, Felter, Vakas, Essex, Creighton, Deneault, and Bacon

Motion by Vakas, seconded by Felter, to approve Resolution No. 26-1045. The motion carried by the following vote:

Yes: Bacon, Schoonover, Felter, Vakas, Essex, Creighton, and Deneault

- B.** Public Hearing and Consideration of Resolution No. 26-1046 on a request by OFI Manager, LLC and assigns for an issuance request for industrial revenue bonds and tax phase-in resolution for a single series issuance for two industrial warehouse/office facilities. The project will entail the construction of 260,870 and 80,000 sq ft of industrial space on a 60-acre site east of the intersection of Monticello Dr & Erickson Road.

Mayor Bacon opened the public hearing.

No public comments were heard.

Motion by Vakas, seconded by Felter, to close the public hearing. The motion carried by the following vote:

Yes: Vakas, Essex, Creighton, Deneault, Bacon, Schoonover, and Felter

Motion by Vakas, seconded by Felter, to approve Resolution No. 26-1046. The motion carried by the following vote:

Yes: Bacon, Felter, Vakas, Essex, Creighton, and Deneault

No: Schoonover

- C.** Public Hearing and Consideration of Resolution No. 26-1047 on behalf of Mitchell Properties II, LLC and assigns for a request for the issuance of industrial revenue bonds

and tax phase-in for a single series issuance for an industrial warehouse/office facility. The project will entail the construction of a 33,000 sq ft of industrial space on a 2.25-acre parcel at 15680 S Keeler Terrace.

Mayor Bacon opened the public hearing.

No public comments were heard.

Motion by Vakas, seconded by Felter, to close the public hearing The motion carried by the following vote:

Yes: Creighton, Deneault, Bacon, Schoonover, Felter, Vakas, and Essex

Motion by Vakas, seconded by Felter, to approve Resolution No. 26-1047. The motion carried by the following vote:

Yes: Bacon, Schoonover, Felter, Vakas, Essex, Creighton, and Deneault

- D.** Public Hearing and Consideration of Resolution No. 26-1048 on behalf of Scannell #798, LLC and assigns for an issuance request for industrial revenue bonds and tax phase-in for a single series application under a master resolution. The project will entail the construction of a 646,380 square feet industrial facility on a 32.47-acre lot located on the NWQ of 159th Street & Clare Road.

Mayor Bacon opened the public hearing.

No public comments were heard.

Motion by Vakas, seconded by Felter, to close the public hearing. The motion carried by the following vote:

Yes: Deneault, Bacon, Schoonover, Felter, Vakas, Essex, and Creighton

Motion by Vakas, seconded by Felter, to approve Resolution No. 26-1048. The motion carried by the following vote:

Yes: Bacon, Felter, Vakas, Essex, Creighton, and Deneault

No: Schoonover

- E.** Consideration of Resolution No. 26-1049 on behalf of Scannell Properties #476, LLC, and assigns for an issuance request for a master resolution for industrial revenue bonds and tax phase-in for the construction of a business park. The project will entail approximately two buildings totaling 683,800 sq ft on a total of 43.54 acres located on the northwest quadrant of Clare Road and W 159th Street.

Motion by Vakas, seconded by Felter, to approve Resolution No. 26-1049. The motion carried by the following vote:

Yes: Felter, Vakas, Essex, Creighton, Deneault, and Bacon

No: Schoonover

6. CONSENT AGENDA

The items listed below are considered to be routine by the City Council and may be approved in one motion. These may include items that have been reviewed by the City Council in a prior planning session. There will be no separate discussion unless a council member requests that an item be removed from the consent agenda and considered separately.

Approval of the Consent Agenda

Motion by Vakas, seconded by Felter, to approve the Consent Agenda. The motion carried by the following vote:

Yes: Bacon, Schoonover, Felter, Vakas, Essex, Creighton, and Deneault

- A. Consideration of approval of the City Council minutes of the May 19, 2026 meeting. approved.
- B. Consideration of Resolution No. 26-1050 (SU26-0001), requesting approval of a special use permit for a medical waste treatment facility for Daniel's Health, located at 15670 S. Keeler Street. Planning Commission recommends approval 6 to 0. approved.
- C. Consideration of Consent Calendar. approved.
- D. Consideration of Supplemental Agreement No. 4 with HNTB Corporation for design of the Santa Fe, Ridgeview to Mur-Len, Improvements Project, PN 3-C-025-18. approved.
- E. Consideration of award of contract to Mid American Signal, Inc. for the purchase of traffic signal supplies. approved.
- F. Consideration of renewal of contract to Custom Lighting Services, LLC, dba Black and McDonald for electrical lighting maintenance. approved.

7. NEW BUSINESS

- A. Consideration of Ordinance No. 26-27 (UDO26-0001), amending Title 18 Unified Development Ordinance Chapter 18.20.260, pertaining to the North Ridgeview Road Overlay District.
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RECOMMENDED MOTION(S):

1. I move to approve Ordinance No. 26-27, UDO26-0001 [4 positive votes required].
 2. I move to return the application to the Planning Commission for further consideration [4 positive votes required].
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Summary:

The Elevate Olathe Comprehensive Plan was adopted on April 21, 2026 including land use and design guidelines for areas of the city experiencing new growth and development. As guided by the plan, staff reviewed the existing North Ridgeview Road Overlay District (UDO 18.20.260) and associated Design Guidelines for alignment with the Elevate Olathe Comprehensive Plan. On March 2, 2026, a joint discussion was held with the Planning Commission and City Council and direction was given for staff to pursue an amendment to the UDO for the Ridgeview Road Overlay District. This amendment removes overlapping and conflicting requirements between the new Comprehensive Plan and the Overlay District in order to promote new development opportunities north of College Boulevard.

The recommended amendments to UDO 18.20.260 include:

- Amending the boundaries of the North Ridgeview Road Overlay District to exclude the land area north of College Boulevard, allowing the area to be guided by the Comprehensive Plan.
- Retaining the North Ridgeview Road Overlay District and associated Design Guidelines in all areas south of College Boulevard, to support harmonious infill and redevelopment opportunities within and near existing commercial centers.

On May 11, 2026, the Planning Commission held a public hearing for the proposed request, and no members of the public spoke at the hearing. After discussion, the Planning Commission voted 6-0 to recommend approval of UDO26-0001.

Financial Information:

None

Attachment(s):

- A. Planning Commission Packet
 - B. Planning Commission Minutes
 - C. Ordinance No. 26-27
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Jessica Shuller, Senior Planner, provided a brief presentation to the council.

Motion by Vakas, seconded by Felter, to approve Ordinance No. 26-27. The motion carried by the following vote:

Yes: Essex, Creighton, Deneault, Bacon, Schoonover, Felter, and Vakas

- B.** Consideration of RZ25-0009, requesting approval of a rezoning from the NC (Neighborhood Center) District to the R-3 (Residential Low-Density Multifamily) District for Lone Elm Townhomes, located northeast of W. 119th Street and S. Lone Elm Road. Planning Commission recommends denial 5 to 0.

Kim Hollingsworth, Planning and Development Manager, presented the item to the Council.

Councilmember Creighton asked about the traffic studies conducted in the area and expressed concern about the potential loss of commercial property with the opening of the 119th Street and Northgate project. Charlie Love, Chief Development Engineer, stated that the most recent traffic studies were completed in 2021, projected conditions through 2045, and took into consideration the opening of 119th Street and Northgate Project traffic.

Councilmember Denault asked for clarification regarding vacant land near the site that could be developed for commercial use if the subject property were no longer used for such development. Ms. Hollingsworth provided information about the neighboring commercial properties. Mr. Denault also asked for clarification regarding access to the site and whether any additional discussions had taken place concerning commercial development.

Councilmember Essex asked whether all neighborhoods had been invited to the neighborhood meeting. Ms. Hollingsworth stated that representatives from The Retreat at Foxfield Village and the master homeowners association were present. She further noted that the Letter of Understanding had been signed by The Retreat, Foxfield Village, the landowner, and the developer. Ms. Essex stated that the item had previously been sent back to allow the developer and neighboring property owners to work toward preserving some commercial use on the site, but noted that it did not appear any

commercial use had been added. Ms. Hollingsworth stated that the City had not received any plans for commercial use on the site.

Councilmember Schoonover asked why there was no option to rezone the property to R-3 with the proposed restrictions while also allowing some commercial use. Ms. Hollingsworth and City Attorney Ron Shaver both stated that commercial uses are not permitted in R-3 zoning. Mr. Shaver added that staff would incorporate any proposed stipulations from the Council into an ordinance if the item were approved. Mr. Schoonover asked additional clarifying questions regarding the process if an ordinance were provided for review. Mr. Shaver and Ms. Hollingsworth provided further details on the process.

Curtis Holland of Polsinelli Law spoke on behalf of the applicant.

Councilmember Felter asked what trip count would be required for commercial development. Mr. Holland stated that approximately 20,000 trips per day would be needed. Dr. Felter stated that she supported the request because she believes in landowner rights.

Mayor Bacon asked clarifying questions about whether the Retreat and Foxfield Village HOA board had taken action to authorize its president to sign the Letter of Understanding. Mr. Holland stated that, to his understanding, the HOA had selected a small group of individuals to work through the process with the developer.

Councilmember Denault asked whether the property had been marketed for commercial use since the announcement of the 119th Street bridge. Mr. Holland stated that the property had been marketed as commercial since 2005. Robert Brooks, broker for the developer with Copaken Brooks, stated that the site had been actively marketed for commercial use. Mr. Denault noted that he would have liked to see more analysis of what commercial development on the site could have looked like, but added that he was pleased the project would provide more affordable housing.

Councilmember Vakas asked clarifying questions regarding the

proposed motions. Ms. Hollingsworth provided clarification to the Council. Mr. Vakas stated that he appreciated staff's desire to preserve commercial property and referenced the commercial development at Lone Elm Road and College Boulevard, which could make commercial development at this site more difficult. He stated that he would support the rezoning.

Councilmember Essex stated that most of the commercial development in the area consists of strip malls, but that she does not support the loss of commercial property and therefore could not support the rezoning.

Motion by Vakas, seconded by Felter, to overturn the Planning Commission's recommendation for denial and request staff to provide an Ordinance for City Council to review at a future City Council meeting. The motion carried by the following vote:

Yes: Deneault, Bacon, Schoonover, Felter, and Vakas

No: Essex, and Creighton

- C.** Consideration of Ordinance No. 26-28 removing Project Area 1 from the Olathe Gateway Redevelopment District and terminating tax increment financing for Project Area 1.

This item was removed by staff and will be considered at a later date.

8. GENERAL ISSUES AND CONCERNS OF CITIZENS

Sharon Rodriguez, Olathe resident, spoke about home remodel loans.

9. CONVENE FOR PLANNING SESSION

A. REPORTS

- 1.** Report regarding proposed amendments to Chapter 15.04 of the Olathe Municipal Code pertaining to the Residential Building Code of the City of Olathe, Kansas.

Councilmember Creighton asked what impact the proposed change would have on Olathe. Ryan Arter, Chief Building Official, gave a brief presentation to the Council outlining the proposed changes.

Councilmember Schoonover asked about the requirement for valid, state-issued photo identification and whether other

documentation could be accepted if an individual did not have an ID. Mr. Arter stated that staff would review property ownership records, utility bills, or other forms of documentation to verify residency.

Mayor Bacon asked about investment properties and whether a licensed contractor would be required to perform the work. Mr. Arter stated that if a permit is required, the work must be completed by a licensed contractor.

Report accepted.

2. Report on a request by 175 Commerce Center Land, LLC and assigns for an issuance request for industrial revenue bonds and tax phase-in for a single series application under a master resolution. The project will entail the construction of 1,102,793 square foot industrial facility on an approximately 61.113 acre lot located at the northeast corner of 175th Street and Hedge Lane.

Report accepted.

3. Report on a request of 175 Commerce Center Land, LLC, and Assigns to Amend and Assign Resolution 21-1054 & Resolution 21-1056 (Master Resolution).

Report accepted.

10. EXECUTIVE SESSION

Consideration of a motion to recess into an executive session to discuss the following items:

Mayor Bacon noted that executive session B would be held first.

A.

The council recessed into executive session on item A at 8:59 PM.

Motion by Vakas, seconded by Felter, to recess into executive session for consultation with the City Attorney to discuss matters deemed privileged in the attorney-client relationship pursuant to the exception provided in K.S.A. 75-4319(b)(2) regarding various pending legal matters for a time not to exceed 60 minutes. The motion carried by the following vote:

Yes: Felter, Vakas, Essex, Creighton, Deneault, Bacon, and Schoonover

B.

Motion by Vakas, seconded by Felter, to recess into executive session to discuss personnel matters of non-elected personnel concerning municipal court judge candidates and the current municipal court judge

pursuant to the non-elected personnel exception provided in K.S.A. 75-4319(b)(1) for 15 minutes. The open meeting will resume in Council chambers at 8:45 PM. The motion carried by the following vote:

Yes: Bacon, Schoonover, Felter, Vakas, Essex, Creighton, and Deneault

Mayor Bacon reconvened the meeting and stated that more time was needed. Motion by Vakas, seconded by Felter, to recess back into executive session for 10 minutes. The open meeting will resume at 8:56 PM. Motion carried 5-0.

11. RECONVENE FROM EXECUTIVE SESSION

The council returned from executive session on item B at 8:56 PM.

Motion by Vakas, seconded by Felter, on item B, to authorize the Mayor to execute a contract with Matt Franzenburg for Municipal Court Judge and the Human Resources Director in consultation with the City Attorney to proceed with the other strategies discussed with and directed by the governing body. The motion carried by the following vote:

Yes: Bacon, Schoonover, Felter, Vakas, Essex, Creighton, and Deneault

The council returned from executive session on item A at 9:48 PM.

Motion by Vakas, seconded by Felter on item A, to authorize staff to proceed with the strategies discussed with and directed by the governing body. The motion carried by the following vote:

Yes: Bacon, Schoonover, Felter, Vakas, Essex, Creighton, and Deneault

12. ADDITIONAL ITEMS

Councilmember Deneault noted that June is Pride Month. He also expressed interest in reviewing any follow-up needed regarding the resident who spoke.

Councilmember Essex congratulated the Wastewater Division on receiving the Stormwater Award. She also noted that Olathe was ranked the second-best place to live in Kansas by U.S. News & World Report. In addition, she referenced the \$279,000 in property tax rebates, wished Judge Katie well, and said she was pleased that Bob Courtney was recognized.

Councilmembers Vakas and Felter welcomed Chief Degraffenreid back.

Councilmember Schoonover also recognized June as Pride Month. He stated that the compost facility is a great resource and asked whether a large blue dumpster for plastic bags could be added at the site.

Councilmember Creighton spoke about the housing study work session held earlier that evening and said the Council is continuing to examine housing needs.

City Manager Susan Sherman noted that the wickets tournament will take place on Friday and that spots are still available.

Mayor Bacon stated that a special Goal-Athe edition of Fourth Fridays will be held on June 26 from 11:00 a.m. to 10:00 p.m. at the County Square, featuring family-friendly activities throughout the day.

13. ADJOURNMENT

The meeting adjourned at 9:56 PM.

Eric Strimple
Deputy City Clerk