



## **MINUTES – Opening Remarks**

**Planning Commission Meeting: December 9, 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, Keith Brown, Ken Chapman, Chip Corcoran, Jeffrey Creighton, Megan Lynn and Jim Terrones were present. Commissioner Tony Bergida was absent.

*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 eight items. Chair Janner asked if any items needed to be removed for separate discussion or additional information.

**Commissioner Creighton** requested to pull Items D (PR24-0019) and E (FP24-0030) from the consent agenda for further discussion.

Chair Janner entertained a motion on the remaining consent agenda items (without PR24-0019 and FP24-0030).

A motion to approve MN24-1118, Planning Commission meeting minutes of November 18, 2024, was made by **Commissioner Breen** and seconded by **Commissioner Chapman**. The motion passed 8 to 0.



## MINUTES

### Planning Commission Meeting: December 9, 2024

<b>Application:</b>	<b><u>PR24-0021:</u></b> Request for approval of a preliminary site development plan for Johnson County Health Services Building on approximately 38.74 acres, located at 11875 S. Sunset Drive.
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A motion to approve PR24-0021 was made by **Commissioner Breen** and seconded by **Commissioner Chapman**. The motion passed with a vote of 8 to 0 with the following stipulations:

1. A waiver is granted from the vertical articulation requirements of UDO 18.15.020.G.6.a as shown on elevations dated November 12, 2024.
2. A waiver is granted from UDO 18.15.020.E.8.b.2.a to permit metal canopy columns in lieu of masonry columns.
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.



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### Planning Commission Meeting: December 9, 2024

<b>Application:</b>	<b><u>FP24-0034:</u></b> Request for approval of a final plat for Johnson County Government Plaza, Third Plat, containing two (2) lots and two (2) tracts on approximately 38.74 acres, located at 11811 and 11875 S. Sunset Drive.
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A motion to approve FP24-0034 was made by **Commissioner Breen** and seconded by **Commissioner Chapman**. The motion passed with a vote of 8 to 0 with no stipulations.



## MINUTES

### Planning Commission Meeting: December 9, 2024

<b>Application:</b>	<b><u>PR24-0019:</u></b> Request for approval of a preliminary site development plan for Trans-System on approximately 21.20 acres, located north of W. Dennis Avenue and east of S. Pine Street.
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**Commissioner Creighton** requested to pull Items D (PR24-0019) and E (FP24-0030) from the consent agenda for further discussion.

**Commissioner Creighton** noted these two items are related to the Trans-System project at Dennis and S. Pine. Although they are not public hearing items, he wanted to acknowledge that the Commission reads the packet information for the consent items. He read the neighborhood comments and meeting notes and wanted to commend the neighbors for actively participating in the process. He also thanked the development team for making significant changes to their plan (setbacks, detention, etc.) in response to the neighbors' concerns. Commissioner Creighton commented that that site looks much improved over how it looked 40 years ago. He stated his support for the project.

A motion to approve PR24-0019 subject to all staff comments and stipulations was made by **Commissioner Creighton** and seconded by **Commissioner Corcoran**. The motion passed with a vote of 8 to 0 with the following stipulations:

1. Landscaping and screening provisions will be finalized with the final site development plan including additional evergreen plantings within the west portion of the property.
2. The trail will be shown extending south past the cul-de-sac on S. Pine St with the final site development plan.
3. The hammerhead turnaround must be installed prior to issuance of a Temporary Certificate of Occupancy.
4. The trail crosswalk across S. Pine Street must be installed prior to issuance of a Temporary Certificate of Occupancy.
5. The five (5) foot wide concrete trail must be installed prior to issuance of a Temporary Certificate of Occupancy.



## MINUTES

### Planning Commission Meeting: December 9, 2024

<b>Application:</b>	<b><u>FP24-0030:</u></b> Request for approval of a final plat for Olathe Commerce Park, Fourth Plat containing one (1) lot and three (3) tracts on approximately 21.20 acres, located north of W. Dennis Avenue and east of S. Pine Street.
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**Commissioner Creighton** requested to pull Items D (PR24-0019) and E (FP24-0030) from the consent agenda for further discussion.

**Commissioner Creighton** noted these two items are related to the Trans-System project at Dennis and S. Pine. Although they are not public hearing items, he wanted to acknowledge that the Commission reads the packet information for the consent items. He read the neighborhood comments and meeting notes and wanted to commend the neighbors for actively participating in the process. He also thanked the development team for making significant changes to their plan (setbacks, detention, etc.) in response to the neighbors' concerns. Commissioner Creighton commented that that site looks much improved over how it looked 40 years ago. He stated his support for the project.

A motion to approve FP24-0030 subject to all staff comments and stipulations was made by **Commissioner Creighton** and seconded by **Commissioner Corcoran**. The motion passed with a vote of 8 to 0 with the following stipulations:

1. Prior to plat recording, ownership and maintenance responsibilities for Tract 'C' must be included in the dedications.
2. The five (5) foot wide concrete trail must be installed prior to issuance of a temporary certificate of occupancy.
3. Prior to plat recording, Tree Preservation (TP/E) language must be added to the dedication section for Tracts A and B.
4. The trail easement must match the future trail alignment approved with the final site development plan prior to recording the final plat.



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### Planning Commission Meeting: December 9, 2024

<b>Application:</b>	<b><u>FP24-0036:</u></b> Request for approval of a final plat for Enclave at Regency Place, containing thirteen (13) lots and two (2) tracts on approximately 4.24 acres, located northwest of W. 131st Street & S. Greenwood Street.
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A motion to approve FP24-0036 was made by **Commissioner Breen** and seconded by **Commissioner Chapman**. The motion passed with a vote of 8 to 0 with no stipulations.



## MINUTES

### Planning Commission Meeting: December 9, 2024

<b>Application:</b>	<b><u>FP24-0037</u></b> : Request for approval of a final plat for The Shops at Prairie Farms, Second Plat, containing two (2) lots on approximately 2.54 acres, located southwest of W. Santa Fe Street and N. Persimmon Drive.
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A motion to approve FP24-0037 was made by **Commissioner Breen** and seconded by **Commissioner Chapman**. The motion passed with a vote of 8 to 0 with no stipulations.



## MINUTES

### Planning Commission Meeting: December 9, 2024

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<b>Application:</b>	<b><u>PR24-0015:</u></b> Request for approval of a preliminary site development plan for The District Parking Lot on approximately 12.85 acres, located southwest of W. 119th Street and Renner Boulevard.
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A motion to approve PR24-0015 was made by **Commissioner Breen** and seconded by **Commissioner Chapman**. The motion passed with a vote of 8 to 0 with the following stipulation:

1. At time of final site development plan application, an outdoor lighting plan and associated photometric study must be submitted in compliance with UDO 18.30.135.





## MINUTES

### Planning Commission Meeting: December 9, 2024

<b>Application:</b>	<b><u>SU24-0003:</u></b> Request for approval of a special use permit for Motor Vehicle Sales (Golf and Utility Carts) for Icon Midwest on approximately 1.08 acres; located at 1301 E. Santa Fe Street.
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**Ms. Jessica Schuller, Senior Planner**, presented SU24-0003, a request for a special use permit for motor vehicle sales of golf and utility carts for Icon Midwest.

Ms. Schuller explained the site's location and history. The building at the southeast corner of Santa Fe and Ridgeview Road was repurposed in 2019 for Tint World after the previous Quik Trip was relocated. This request is for a new tenant to take over the Tint World building. The site is zoned as C-3 Regional Center, where vehicle sales of any type require a special use permit. The Future Land Map identifies this area as a commercial corridor, where new businesses aim to strengthen and revitalize existing commercial centers. No changes are proposed to the parking area, lighting, or building.

Ms. Schuller explained the applicant seeks to sell golf and utility carts and create a display area for 15 of these vehicles in the striped spaces along Santa Fe. The applicant and staff agree that the carts will be moved indoors after business hours. However, staff is only supportive of a limited outdoor display area, to be located adjacent to the building (rather than along Santa Fe), with a maximum of five (5) carts displayed outdoors at one time.

This recommendation is due to the changing nature of the Santa Fe Corridor, which has historically been auto-oriented but is transitioning toward a more walkable environment. The existing comprehensive plan notes opportunities to reduce auto-oriented uses along Santa Fe and encourage more mixed-use and multimodal development. The current UDO also requires new development to push building up to the street with parking areas behind them, promoting a more pedestrian-friendly environment. The future recommendations of the ongoing comprehensive plan update may also reduce vehicle-related uses in the area. Ms. Schuller opined that displaying carts along Santa Fe would significantly alter the character of the area and impact the visual environment.

Staff recommended approval of the special use permit with stipulations, including the following requirements:

1. Two-year time limit for the permit (as requested by the applicant),
2. Display limited to golf and utility carts only,

3. Display area located adjacent to the building, not along Santa Fe,
4. Number of outdoor carts limited to five,
5. Outdoor carts must be located within designated and striped parking stalls and moved indoors after business hours,
6. Standard stipulations regarding signage and outdoor storage restrictions.

In addition to the stipulations regarding outdoor displays, staff also recommended two stipulations regarding landscaping and screening, to bring the current property up to code compliance.

Ms. Schuller said the applicant met the public notice requirements. The applicant received one phone call with some general inquiries, but staff and the applicant have not received any additional correspondence.

Ms. Schuller stated the applicant wished to make a presentation also.

**Chair Janner** asked if the commissioners had any questions for staff before the applicant presented.

**Commissioner Brown** asked if the property would be affected by the future modifications to the Santa Fe and I-35 Interchange.

**Ms. Schuller** demonstrated that the I-35 Interchange improvements would not directly impact this site, since the improvements will taper off after Chester Street.

**Commissioner Creighton** asked whether the applicant was aware of the possibility that two years down the road, the special use permit could go away in light of the potential for comprehensive plan and corridor changes.

**Ms. Schuller** said in two years, the applicant would have the right to request that the permit be renewed. At that time, the request would be reviewed against the effective corridor and comprehensive plan at that point, and Planning Commission and Council would decide at that time.

**Chair Janner** called the applicant to the podium for their presentation.

**Amy Grant, Polsinelli**, 900 W. 48<sup>th</sup> Place, Kansas City, Missouri, 64112, introduced herself on behalf of Bob Peel, the owner of AEG LLC. She apologized for Mr. Peel's absence due to a prior commitment. Ms. Grant explained that the site is challenging due to its limited space and parking constraints. The building was previously occupied by Quik Trip and later Tint World, both of which were good tenants.

Ms. Grant continued that the primary request was for permission to display 15 utility carts along Santa Fe for the first two years to establish the new business, which is the first of its kind in the metropolitan area. She emphasized visibility as crucial for the business's success, since the carts' unique nature would draw attention, without using typical car

dealership signage such as price stickers, flag banners, or sale signs. Ms. Grant compared the cart display to the parking of customer or employee vehicles by other businesses and expressed enthusiasm about future improvements in the area, including the highway interchange and the comprehensive plan updates. She acknowledged the area will likely evolve over the next few years and stated they are open to working with the City on future developments on the site. She clarified that the business does not involve a significant capital investment. The goal is simply to repurpose the site for a new use in the interim. Ms. Grant concluded that a two-year permit would be a good starting point; after that time, they are open to extending the permit but are also prepared to relocate once the business is established.

**Commissioner Corcoran** asked to clarify that the applicant's two requests were to move the vehicles closer to the street and to be allowed to display 15 carts.

**Ms. Grant** confirmed that the applicant has always wanted 15 vehicles along Santa Fe, whereas staff wants to limit it to five (5) vehicles right up against the building.

**Commissioner Brown** stated there is another area business that reconditions and sells golf carts. He asked whether there was any intention for that by the applicant.

**Ms. Grant** answered that they would only be selling new carts.

**Chair Janner** acknowledged the value of marketing for a new business but asked why the applicant wanted 15 vehicles, especially since traffic moves rather quickly.

**Ms. Grant** answered she believed there are currently 15 marked parking stalls along Santa Fe, and they liked the uniformity. They anticipate they will have 15-plus vehicles in the interior display area. She stated that if the City decided they were allowed to park along Santa Fe but only approved five (5) vehicles there, she anticipated the applicant would be amenable to that. The applicant feels it would be detrimental to the new business to have the inventory be both limited and located away from the street, up against the building.

**Chair Janner** again acknowledged the need for visibility for a new business but added that 15 vehicles seemed like a lot.

**Commissioner Brown** asked whether the total inventory would be 15 vehicles.

**Ms. Grant** answered no. They will also have an indoor display area, in addition to the storage area for the outdoor vehicles.

**Commissioner Chapman** asked in addition to sales, whether the business would do service also.

**Ms. Grant** stated that these vehicles are electric vehicles and would be ordered as the customer wanted.

**Commissioner Chapman** asked to confirm whether any maintenance or upkeep would be needed.

**Ms. Grant** responded there may be a rare occasion when a person breaks a taillight and needs it replaced, but there is not much maintenance required for the electric vehicles.

**Commissioner Lynn** asked for staff to answer why their recommendation was 5 vehicles as opposed to 15.

**Ms. Schuller** stated the limited number was to help the visual aesthetics of the site. There are currently five parking stalls adjacent to the building, which staff believes will still be very visible from Santa Fe.

**Commissioner Breen** asked for clarification on the total number of parking stalls currently available and whether the total number included handicapped spots.

**Ms. Schuller** confirmed that there were around twelve stalls total, some of which were handicapped spots.

**Chair Janner** asked about customer parking.

**Ms. Schuller** answered the parking area was designed to accommodate both employee and customer parking, and some stalls on Santa Fe could be used for customer parking.

**Commissioner Chapman** asked whether there had been any discussion of five carts along Santa Fe.

**Ms. Schuller** reaffirmed the goal was to maintain a clean appearance along Santa Fe, and that parking vehicles along that road was not part of their recommendation.

**Commissioner Lynn** asked if there were other plans to change how the nearby Ford dealership parked its vehicles.

**Ms. Schuller** acknowledged that there were other auto-related businesses in the area, some of which were grandfathered in. Ms. Schuller stated this particular site has not historically been used for auto land uses. She explained that the goal was to maintain the improvements gained by the "Tint World" development and to prepare for the future development of the area.

**Commissioner Lynn** asked about a nearby used car dealership and whether it still existed.

**Ms. Schuller** confirmed there was a used car dealership (Car City) two doors down from the site.

**Chair Janner** sought clarification regarding whether the issue of vehicle display would be reviewed again after two years, if a compromise was made.

**Ms. Schuller** deferred to Ms. Hollingsworth.

**Kim Hollingsworth, Planning and Development Manager** explained that the special use permit would be revisited when it expired in two years, and all stipulations would be reviewed at that time, with a full analysis conducted

**Commissioner Creighton** agreed he had had a similar question.

**Commissioner Brown** asked whether the special use permit would be tied to the business or the property. He expressed concern about what would happen if the business went out of operation and a car dealership took over, wanting to display fifteen cars along the site.

**Ms. Schuller** explained that special use permits could be transferred from tenant to tenant. However, the new tenant would be subject to all existing stipulations. If the new business were an auto sales operation other than golf and utility carts, a new special use permit would need to be applied for. The stipulations would be reevaluated unless the new business was another golf cart operation wanting to continue under the same stipulations.

**Commissioner Breen** agreed with Chair Janner and suggested finding a compromise. He acknowledged the request to display cars along Santa Fe but emphasized the importance of maintaining the aesthetic appeal the City was striving for. He supported the staff's recommendation to keep the vehicles in the proposed area next to the building but suggested increasing the number of carts to about ten (since carts are smaller than cars) and maintaining the handicapped stalls on the west side. He also suggested revisiting the situation in two years to evaluate whether the stipulations worked.

**Chair Janner** acknowledged Commissioner Breen's comments and invited further input from the other commissioners.

**Commissioner Corcoran** supported a compromise and emphasized the importance of the two-year evaluation. He acknowledged the potential cost to the business and suggested allowing up to ten carts along Santa Fe, noting that it would improve the visual appeal (he preferred to see carts rather than customers' cars along Santa Fe) and potentially attract more customers. He proposed that the issue could be revisited after two years.

**Commissioner Creighton** concurred with the comments made by Commissioner Corcoran and expressed support for a two-year agreement allowing the use of the parking spaces near Santa Fe. He also suggested that a number between eight and ten carts would be a reasonable compromise.

**Commissioner Lynn** agreed with the other commissioners and thought that allowing the business to establish itself was important. She believed that if the business didn't succeed there, it would likely move outside of Olathe.

**Commissioner Terrones** expressed his agreement with the previous comments and added that allowing the display of different models would give the business an opportunity to showcase a variety of products as they became available.

**Chair Janner** acknowledged the importance of attracting interest from passing drivers but noted that fifteen carts might be too many. He expressed understanding of the compromise being discussed.

**Chair Janner** opened the public hearing, though no one had signed up to speak. He called for a motion to close the public hearing. A motion was made by **Commissioner Chapman** to close the public hearing, seconded by **Commissioner Terrones**. The motion passed with a vote of 8 to 0.

**Chair Janner** called for any final discussion or a motion on the item.

**Commissioner Brown** acknowledged the arguments of the applicant and staff. He noted that other businesses in the area displayed cars along the street, which made him understand both sides of the issue. He suggested a compromise that would allow a smaller number of golf carts to be displayed along Santa Fe, with the understanding that the carts would be brought in each night.

**Chair Janner** asked for any additional discussion or a motion on the item.

**Commissioner Corcoran** moved to approve the special use permit, subject to the staff's stipulations, but with the modification allowing up to ten carts to be displayed along Santa Fe, rather than allowing five next to the building. This change would allow carts to be displayed in a way that was more visible to the public.

**Commissioner Creighton** clarified that the motion would replace Stipulation #2, changing the maximum number of carts to ten and allowing them to be displayed along Santa Fe.

**Commissioner Corcoran** confirmed that the motion was correct.

**Chair Janner** clarified the staff-recommended display area would revert to customer parking, which **Commissioner Corcoran** confirmed.

**Chair Janner** asked if there were any questions or further discussion. With none, **Commissioner Lynn** seconded the motion.

The motion passed with a vote of 8 to 0 with the following stipulations:

- A. Staff recommends approval of SU24-0003 with conditions, for the following reasons:
  1. The proposal conforms to the Goals, Objectives and Policies of the Comprehensive Plan.

2. The proposal complies with the Unified Development Ordinance (UDO) criteria for considering special use permit requests.

B. Item SU24-0003 was approved subject to the following stipulations, as amended:

1. The special use permit to allow motor vehicle sales for golf and utility carts only, equal or similar to those depicted in Attachment A, is valid for a period of two (2) years following the date of Governing Body approval. The sale of any other motor vehicle types is prohibited.
2. The maximum number of golf and utility carts permitted to be parked outdoors is ten (10).
3. Golf and utility carts are only permitted to be displayed outdoors between the hours of 9:00 AM and 5:30 PM; they must be stored inside the building at all other times.
4. Golf and utility carts for inventory, sales, or display must be located in designated, striped parking stalls and must not be located in driveways or on lawn areas.
5. No cart or vehicle display risers are permitted outdoors.
6. Site landscaping must be replaced and maintained in accordance with the landscape plan, dated November 12, 2024.
7. Roof top utility equipment must be fully screened, per UDO 18.30.130, including modification of the existing screen wall to meet or exceed the height of the existing equipment.
8. Wind signs, including pennants, streamers, balloons, whirligigs, feather flag banners or similar devices, are not permitted within the front yard or corner side yard.
9. No outdoor storage of equipment or materials is permitted unless completely screened per UDO 18.30.130.



## MINUTES

### Planning Commission Meeting: December 9, 2024

<b>Application:</b>	<b><u>RZ24-0016:</u></b> 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, 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
  - l. 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.





## **MINUTES – Closing Remarks**

**Planning Commission Meeting: December 9, 2024**

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**Chair Wayne Janner** reminded attendees the *Dream Big!* Visioning Open House would take place the following day, Tuesday, December 10<sup>th</sup>, between 5:00 pm and 8:00 pm at the Olathe Embassy Suites off Ridgeview and K-10 Highway. Attendees would be able to interact and share feedback to guide key ideas and the overall vision of the new Elevate Olathe Comprehensive Plan. Chair Janner encouraged attendance and referenced the webpage for more information at [olatheks.org/elevateolathe](http://olatheks.org/elevateolathe).

*Meeting adjourned.*