



- 
1. **CALL TO ORDER**
  2. **BEGIN TELEVISED SESSION – 7:00 P. M.**
  3. **PLEDGE OF ALLEGIANCE**
  4. **SPECIAL BUSINESS**
    - A. Black History Month Proclamation  
**Staff Contact:** Cathy Marks
  5. **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.

- A. Consideration of approval of the City Council meeting minutes of January 23, 2024.  
**Staff Contact:** Eric Strimple
- B. Consideration of renewal license(s) as recommended by the City Clerk.  
**Staff Contact:** Eric Strimple
- C. Consideration of Travel Request Authorization for City Manager Michael Wilkes and Councilmembers LeEtta Felter, Matthew Schoonover and Dean Vakas to attend the National League of Cities conference in Washington, DC from March 10 to March 13.  
**Staff Contact:** Cathy Marks
- D. Consideration of business expense statement for the City Manager Michael Wilkes to attend a League of Kansas Municipalities conference in Washington, DC on Jan. 29 to January 31, 2024.  
**Staff Contact:** Cathy Marks
- E. Consideration of business expense statement for the City Manager Michael Wilkes to attend a Strategic Government Resources conference in Dallas on Jan. 24 and 25, 2024.  
**Staff Contact:** Cathy Marks

- F. Consideration of Consent Calendar.  
**Staff Contact:** Mary Jaeger and Nate Baldwin
- G. Consideration of an Agreement with the Kansas Department of Transportation, Johnson County, Douglas County, DeSoto, Edgerton, and Gardner for the Southwest Metro Area Transportation Connection Plan.  
**Staff Contact:** Mary Jaeger and Nate Baldwin
- H. Consideration of renewal of contract with Clarence M. Kelley & Associates of Kansas City, Inc. to provide screening personnel for the security checkpoint at the Municipal Court.  
**Staff Contact:** Ron Shaver and Kristi Orbin

## 6. NEW BUSINESS

- A. Consideration of Ordinance No. 24-03, RZ23-0012, requesting approval of a rezoning from the CTY RUR (County Rural) District to the R-1 (Residential Single-Family) District, a preliminary plat and preliminary site development plan for Heritage Ranch on approximately 128.98 acres; located southwest of 159th Street and Black Bob Road. Planning Commission recommends approval 9-0.  
**Staff Contact:** Chet Belcher and Taylor Vande Velde

Action needed: Consider a motion to approve (4 positive votes), deny (5 positive votes required), or return to the Planning Commission.

- B. Consideration of Ordinance No. 24-04, RZ23-0014, requesting approval of a rezoning from the C-2 (Community Center) District to the D (Downtown, Mixed Use) District and a preliminary site development plan for The Olathe Group addition on approximately 0.16 acres; located at 222 S. Kansas Avenue. Planning Commission recommended approval 9 to 0.  
**Staff Contact:** Chet Belcher and Emily Carrillo

Action needed: Consider a motion to approve (4 positive votes), deny (5 positive votes required), or return to the Planning Commission.

## 7. NEW CITY COUNCIL BUSINESS

## 8. END OF TELEVISED SESSION

## 9. GENERAL ISSUES AND CONCERNS OF CITIZENS

Persons wanting to speak regarding a general concern must sign up prior to the beginning of the City Council meeting. A person may sign up by notifying the City Clerk by calling 913-971-8521, or emailing CCO@Olatheks.gov by 5:00 PM or in person at City Hall until 30 minutes prior to the start of the meeting. The Council has allocated up to 3 minutes per speaker, and up to 30 minutes total for this portion of the meeting.

## 10. CONVENE FOR PLANNING SESSION

If report items are present, they have been prepared for informational purposes and will be accepted as presented. There will be no separate discussion unless a Councilmember requests that a report be removed and considered separately.

### A. REPORTS

1. Report on a request by Scannell Properties #717, LLC and assigns for an issuance request for industrial revenue bonds and tax phase-in for the construction of a 729,120 square foot warehouse facility for General Mills Blue Buffalo brand on 57-acres located west of the northwest of 159th Street and Clare Road (Old 56 Highway).

**Staff Contact:** Briana Burrichter and John Page

### B. DISCUSSION ITEMS

1. Discussion on the status of the K-10 Corridor Project.  
**Staff Contact:** Mary Jaeger and Beth Wright
2. Discussion of the 2024 Downtown Outdoor Sculpture Exhibit. (20 min)  
**Staff Contact:** Renee Rush
3. Update on the 119th Street, Woodland to Northgate, Improvements Project, PN 3-C-024-21.

**Staff Contact:** Mary Jaeger and Nate Baldwin

## 11. ADDITIONAL ITEMS

## 12. ADJOURNMENT

The City of Olathe offers public meeting accommodations. Olathe City Hall is wheelchair accessible. Assistive listening devices as well as iPads with closed captioning are available at each meeting. To request an ASL interpreter, or other accommodations, please contact the City Clerk's office at 913-971-8521. Two (2) business days notice is required to ensure availability.

# Proclamation

- WHEREAS,** each February, Black History Month allows us to reflect on the proud and important history of Black Americans in our city and our country; and
- WHEREAS,** this month also presents us with the opportunity to educate our young people and celebrate with our neighbors the invaluable accomplishments and contributions of Black Americans; and
- WHEREAS,** the City of Olathe and the State of Kansas are better because of the influence of Black Americans in education, science, art, culture, public service and economic development; and
- WHEREAS,** our community is dedicated to fostering an environment appreciative and inclusive of all our neighbors who have helped shape the history and direction of our nation.

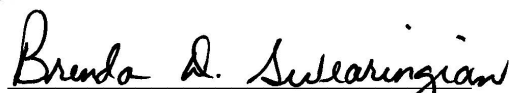
**NOW, THEREFORE,** I, John Bacon, Mayor of the City of Olathe, do hereby proclaim February 2024

## BLACK HISTORY MONTH

in Olathe, calling upon all residents to study and celebrate the history, heritage and impact of Black Americans in our community.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Olathe to be affixed this sixth day of February, 2024.

  
John W. Bacon, Mayor

  
Brenda D. Swearingian, City Clerk





# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 2/6/2024

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**FOCUS AREA:** Exceptional Services

**STAFF CONTACT:** Eric Strimple

**SUBJECT:** Consideration of approval of the City Council meeting minutes of January 23, 2024.

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**TITLE:**

Consideration of approval of the City Council meeting minutes of January 23, 2024.

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**SUMMARY:**

Attached are the City Council meeting minutes of January 23, 2024, for Council consideration of approval.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

Approval of the City Council meeting minutes of January 23, 2024.

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**ATTACHMENT(S):**

- A. 01-23-2024 Council Minutes



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**Emergency Operation Plan overview for Council - EOC, Garden Level, City Hall - 6:00 PM.**

Chief DeGraffenreid and Fire Department staff provided a presentation to councilmembers in the EOC.

**1. CALL TO ORDER**

**Present:** Bacon, Vogt, Gilmore, Felter, Essex, Vakas, and Schoonover

Others in attendance were City Manager, Michael Wilkes, Deputy City Manager, Susan Sherman, and City Attorney, Ron Shaver.

**2. EXECUTIVE SESSION**

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

- A.** Recess into an executive session to discuss matters relating to security measures pursuant to the exception provided in K.S.A.75-4319(b)(12) regarding the City Hall building.

Motion by Vogt, seconded by Gilmore, to recess into executive session to discuss matters relating to security measures regarding the City Hall building pursuant to the exception provided in K.S.A. 75-4319(b)(12) for 25 minutes, reconvening in the City Council chambers at 7:00 PM, the motion carried by the following vote:

**Yes:** Bacon, Vogt, Gilmore, Felter, Essex, Vakas, and Schoonover

**3. RECONVENE FROM EXECUTIVE SESSION**

No action taken.

**4. BEGIN TELEVISED SESSION – 7:00 P. M.**

**5. PLEDGE OF ALLEGIANCE**

**6. SPECIAL BUSINESS**

- A.** Consideration of Resolution No. 24-1004 appointing a member to the Mahaffie Stagecoach Stop and Farm Advisory Board.  
Action needed: Consider a motion to approve or deny.

Mayor Bacon invited Mahaffie Stagecoach Stop and Farm Advisory Board Chair, Don Seifert up to introduce Jayne Jones.

Mayor Bacon presented a certificate of appointment to Jayne Jones.

Motion by Vogt, seconded by Gilmore, to approve Resolution No. 24-1004 appointing a member to the Mahaffie Stagecoach Stop and Farm Advisory Board, Jayne Jones, the motion carried by the following vote:

**Yes:** Bacon, Vogt, Gilmore, Felter, Essex, Vakas, and Schoonover

- B.** Recognition of Olathe High School student champions and MNU soccer champions.

Mayor Bacon presented awards to the high school athletes who were State champions in their designated sport. He also presented an award to the MNU soccer team for their national championship.

## **7. 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**

Councilmember Vakas requested item I to be pulled and considered separately.

Councilmember Felter asked for items K, O, and P to be pulled and considered separately.

Motion by Vogt, seconded by Gilmore to approve the Consent Agenda with the exception of items I,K,O, and P. The motion carried by the following vote:

**Yes:** Bacon, Vogt, Gilmore, Felter, Essex, Vakas, and Schoonover

- A.** Consideration of approval of the City Council meeting minutes of January 9, 2024.  
approved.
- B.** Consideration of renewal license(s) as recommended by the City Clerk.  
approved.
- C.** Request for the acceptance of the dedication of land for a public easement for a final plat of Millcreek Center II, Fourth Plat (FP23-0032),

containing one (1) lot and two (2) tracts on approximately 3.32 acres, located at 1875 N. Ridgeview Road. Planning Commission approved the plat 9 to 0.

approved.

- D.** Consideration of Consent Calendar.  
approved.
- E.** Consideration of Resolution No. 24-1005 authorizing the 2025 Street Reconstruction Program, 3-R-000-25.  
approved.
- F.** Consideration of Resolution No. 24-1006 authorizing the 135th Street Retaining Wall Project, PN 3-G-010-24.  
approved.
- G.** Consideration of a Professional Services Agreement with George Butler Associates, Inc. for design of the 135th Retaining Wall Project, PN 3-G-010-24.  
approved.
- H.** Consideration of Resolution No. 24-1007 authorizing the 2024 Traffic Signals Project, PN 3-TS-000-24.  
approved.
- I.** Consideration of Resolution No. 24-1008 authorizing the BNSF West Track Separation Preliminary Engineering Project, PN 3-C-029-24. Councilmember Vakas asked for the item to be pulled and a presentation be provided to summarize the project. City Engineer, Nate Baldwin, provided a presentation to the council.

Councilmember Vakas stated trains are part of the fabric of Olathe but they cause traffic issues, especially on Santa Fe St. He added he feels we will not have the downtown we want until the at grade crossing is looked at.

Councilmember Schoonover asked if the project was a study and when the study would be complete. Mr. Baldwin stated it was a study and they anticipate completion by the end of the year.

Councilmember Vogt asked when citizens could expect to be able to provide public feedback. Mr. Baldwin stated he anticipates it to be summer or fall of this year.

Motion by Vogt, seconded by Gilmore, to approve Resolution No.

24-1008 authorizing the BNSF West Track Separation Preliminary Engineering Project, PN 3-C-029-24. The motion carried by the following vote:

**Yes:** Bacon, Vogt, Gilmore, Felter, Essex, Vakas, and Schoonover

**J.** Consideration of Resolution No. 24-1009 authorizing the Quivira Road, 143rd to 151st, Improvements Project, PN 3-C-011-24.  
approved.

**K.** Consideration of a Professional Services Agreement with HNTB Corporation for design of the Quivira Road, 143rd to 151st, Improvements Project, PN 3-C-011-24.  
Councilmember Felter stated she pulled the item to showcase the project.

Motion by Vogt, seconded by Gilmore to approve the Professional Services Agreement with HNTB Corporation for design of the Quivira Road, 143rd to 151st, Improvements Project as presented. The motion carried by the following vote:

**Yes:** Bacon, Vogt, Gilmore, Felter, Essex, Vakas, and Schoonover

**L.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Capital Electric Line Builders, LLC for construction of the Pedestrian Crossing Improvements for 147th Street and Pflumm Road, PN 3-C-114-20.  
approved.

**M.** Consideration of a Maintenance Schedule with SmartWorks division of N. Harris Computer Corporation for Software License, Support and Maintenance of the City's AMI system.  
approved.

**N.** Consideration of an Agreement with Titan Built LLC. for Construction Management services for the Facility Improvements and Renovations Project, PN. 6-C-038-24  
approved.

**O.** Acceptance of bid and consideration of award of contract to Conrad Fire Equipment Inc., for the fleet replacement purchase of one (1) Pierce Enforcer Heavy Duty Rescue (HDR) fire apparatus for the Fire Department.

Councilmember Felter asked for the item to be pulled to allow Chief DeGraffenreid to provide more information on why there is a 44 month wait on the new apparatus.

Chief DeGraffenreid stated the delay is not due to raw materials, but being caused by a backlog of orders.

Councilmember Schoonover asked if the Fire Department is seeing increased maintenance down time on the current vehicles with the delay on new apparatuses. Chief DeGraffenreid stated they take vehicles out to test and maintain the fleet so they continue to work. He added they also work to maintain the appropriate amount in the fleet in case one is down for repairs.

Motion by Vogt, seconded by Gilmore, to accept the bid and award a contract to Conrad Fire Equipment, for the fleet replacement purchase of one Pierce Enforcer Heavy Duty Rescue fire apparatus for the Fire Department. The motion carried by the following vote:

**Yes:** Bacon, Vogt, Gilmore, Felter, Essex, Vakas, and Schoonover

- P.** Acceptance of bid and consideration of purchase to Stryker Medical, for the purchase of one (1) Power-Pro 2 powered ambulance cot for the Fire Department.

Councilmember Felter asked for the item to be pulled to learn what the Mobile Integrated Health Unit does.

Chief DeGraffenreid stated the unit works with individuals that have a challenge with the health care system to make sure their needs are taken care of and have a medical resource in the community.

Motion by Vogt, seconded by Gilmore, to accept the bid to purchase from Styker Medical, for the purchase of one Power-Pro 2 powered ambulance cot for the Fire Department. The motion carried by the following vote:

**Yes:** Bacon, Vogt, Gilmore, Felter, Essex, Vakas, and Schoonover

- Q.** Consideration of renewal of contract to CDW Government for Adobe licenses for City Staff.  
approved.

## **8. NEW CITY COUNCIL BUSINESS**

Councilmember Schoonover thanked the water department for catching a burst pipe at a neighboring property caused by the cold temperatures. He also stated he is having discussions with staff on how to expand the food waste program. He also noted this week is National Gun Violence Survivors Week and noted the

Police Department has gun locks available.

Councilmember Essex thanked the city street department, sanitation department, and first responders for working hard during the cold weather.

Councilmember Vogt thanked Public Works for keeping the streets safe and noted that the Fire Department is out helping those in need including animals.

Councilmember Felter congratulated Chief Butaud for receiving the 2023 Diversity Advocate and Law Enforcement Award. She also congratulated Major Jon Rowland for receiving the Living Legacy Award. She reminded citizens that applications will be accepted through August 30, 2024, for the Property Tax Rebate program.

Mayor Bacon stated the Mayor's Children's Fund will pass the two million dollar amount donated back to the community and invited the public to a celebration on February 2, 2024 at the Downtown Library.

## **9. END OF TELEVISED SESSION**

## **10. GENERAL ISSUES AND CONCERNS OF CITIZENS**

Persons wanting to speak regarding a general concern must sign up prior to the beginning of the City Council meeting. A person may sign up by notifying the City Clerk by calling 913-971-8521, or emailing CCO@Olatheks.gov by 5:00 PM or in person at City Hall until 30 minutes prior to the start of the meeting. The Council has allocated up to 3 minutes per speaker, and up to 30 minutes total for this portion of the meeting.

Gregory Betzen, 19998 W 122nd Ter, Olathe, spoke against the closing of the railroad crossing on Woodland Road.

## **11. CONVENE FOR PLANNING SESSION**

If report items are present, they have been prepared for informational purposes and will be accepted as presented. There will be no separate discussion unless a Councilmember requests that a report be removed and considered separately.

### **A. REPORTS**

1. Ethics Hotline Activity Report  
Report Accepted.

### **B. DISCUSSION ITEMS**

1. City Auditor Update.

Internal Auditor, Mary Ann Vasser, provided a department update to the council.

Councilmembers Vogt and Gilmore, thanked her for the work she does.

Mayor Bacon asked when the council could expect the work plan survey. Ms. Vasser stated it would be in early February.

## 12. EXECUTIVE SESSION

- A.** Recess into an executive session for preliminary discussions related to the acquisition of real property pursuant to the exception provided in K.S.A.75-4319(b)(6) regarding the Black Bob Road, 159th to 167th, Improvements Project, PN 3-C-008-22.

Motion by Vogt, seconded by Gilmore, to recess into executive session for preliminary discussion regarding the acquisition of real property pertaining to the Black Bob Road, 159th to 167th Improvements Project, PN 3-C-008-22 pursuant to the exception provided in K.S.A. 75-4319(b) (6) for 10 minutes, resuming in the City Council chamber at 8:24 PM, the motion carried by the following vote:

**Yes:** Bacon, Vogt, Gilmore, Felter, Essex, Vakas, and Schoonover

### Reconvene from Executive Session

Motion by Vogt, seconded by Gilmore, to authorize staff to proceed with the acquisition of real property, public street right-of-way, temporary easements, and permanent easements pertaining to the Black Bob Road, 159th to 167th, Improvements Project, PN 3-C-008-22, the motion carried by the following vote:

**Yes:** Bacon, Vogt, Gilmore, Felter, Essex, Vakas, and Schoonover

- B.** Recess into an executive session to discuss matters relating to security measures pursuant to the exception provided in K.S.A.75-4319(b)(12) regarding the information system of the City of Olathe.

Motion by Vogt, seconded by Gilmore, to recess into executive session to discuss matters relating to security measures regarding the information system of the City of Olathe pursuant to the exception provided in K.S.A. 75-4319(b)(12), for 30 minutes, resuming in the City Council chamber at 8:54 PM, the motion carried by the following vote:

**Yes:** Bacon, Vogt, Gilmore, Felter, Essex, Vakas, and Schoonover

## 13. RECONVENE FROM EXECUTIVE SESSION



No action taken.

**14. ADDITIONAL ITEMS**

Mayor Bacon stated liaison assignments went well.

**15. ADJOURNMENT**

The meeting adjourned at 8:57 PM.

Eric Strimple  
Assistant City Clerk



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 2/6/2024

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**FOCUS AREA:** Exceptional Services

**STAFF CONTACT:** Eric Strimple

**SUBJECT:** Consideration of renewal license(s) as recommended by the City Clerk.

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**TITLE:**

Consideration of renewal license(s) as recommended by the City Clerk.

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**SUMMARY:**

The application(s) for the following business(es) meets the necessary requirements for the issuance of licenses.

The application(s) are available for review in the City Clerk's Office.

**Renewal Drinking Establishment License(s)**

Hy-Vee #1	24-0018	14955 W 151 <sup>st</sup> St
Olathe Lanes East	24-0032	303 N Lindenwood Dr

**Renewal Caterer License(s)**

Hy-Vee #1	24-0017	14955 W 151 <sup>st</sup> St
Hy-Vee #2	24-0019	18101 W 119 <sup>th</sup> St

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**FINANCIAL IMPACT:**

The applicant(s) have paid the license fees in accordance with the Olathe Municipal Code.

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**ACTION NEEDED:**

Approve the application(s) for issuance of a license as part of the consent agenda.

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**ATTACHMENT(S):**

None

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# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 2/6/2024

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**FOCUS AREA:** City Manager's Office

**STAFF CONTACT:** Cathy Marks

**SUBJECT:** Consideration of Travel Request Authorization for City Manager Michael Wilkes and Councilmembers LeEtta Felter, Matthew Schoonover and Dean Vakas to attend the National League of Cities conference.

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**TITLE:** Consideration of Travel Request Authorization for City Manager Michael Wilkes and Councilmembers LeEtta Felter, Matthew Schoonover and Dean Vakas to attend the National League of Cities conference in Washington, DC from March 10 to March 13.

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**SUMMARY:**

The city Council is asked to consider travel authorization for the City Manager and Councilmembers to travel to Washington, DC for the NLC conference from March 10 to the 13th. These Travel Requestion Authorization forms are presented for City Council to review and approve in accordance with Administrative Guideline F-01, which requires that all overnight travel and/or registration expenses for City employees and officials be approved in advance.

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**FINANCIAL IMPACT:**

Funding is included in the 2024 budget.

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**ACTION NEEDED:**

Approve the attached travel request and authorization as part of the Consent Agenda.

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**ATTACHMENT(S):**

Michael TRA NLC March

Councilmembers TRA NLC March

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Complete the yellow cells

## Travel Request and Authorization (TRA)

*This form is required for all overnight travel or if local registration is over \$1000 and must be approved in advance. Advances will not be issued for local expenses. ( Admin Guideline F-01).*

*TRA estimate expenses must be within 10% of Business Expense Stmt(BES).*

Name:	Michael Wilkes	Employee #	124702	Department	CMO	
Purpose of Travel:	NLC conference	Destination:	Washington, DC			
Departure Date:	3/10/24	Return Date:	3/13/24			
Comments:						
Sharing hotel room? Whom with:				E1 Budgeted Account #	1001020.62220	

	Amount to City PCard	Amount to Vendor	Amount to Employee																												
Registration:	680.00																														
Airfare:	800.00			Lodging Rate	# days	15%	Total																								
Lodging:	1,173.00			340.00 per day @	3	51.00	1,173.00																								
Car Rental:																															
KCI Airport parking:		36.00																													
	<b>Meals Overnight Travel</b> Search for City - GSA.gov website  <b>Enter Per Diem Rate (cell F21)</b>			<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Per Diem for Meals</th> <th>Rate</th> <th># of days</th> <th></th> </tr> </thead> <tbody> <tr> <td>Per Diem rate</td> <td>64.00</td> <td>4.0</td> <td>256.00</td> </tr> <tr> <td colspan="4" style="text-align: center;"><b>M&amp;IE Breakdown - Deduct meals provided</b></td> </tr> <tr> <td>Breakfast</td> <td>14.00</td> <td>1</td> <td>14.00</td> </tr> <tr> <td>Lunch</td> <td>16.00</td> <td></td> <td>-</td> </tr> <tr> <td>Dinner</td> <td>29.00</td> <td></td> <td>-</td> </tr> </tbody> </table>				Per Diem for Meals	Rate	# of days		Per Diem rate	64.00	4.0	256.00	<b>M&amp;IE Breakdown - Deduct meals provided</b>				Breakfast	14.00	1	14.00	Lunch	16.00		-	Dinner	29.00		-
Per Diem for Meals	Rate	# of days																													
Per Diem rate	64.00	4.0	256.00																												
<b>M&amp;IE Breakdown - Deduct meals provided</b>																															
Breakfast	14.00	1	14.00																												
Lunch	16.00		-																												
Dinner	29.00		-																												
	<i>M&amp;IE Meal breakdown will auto populate</i>																														
Per Diem for Meals:	<i>No receipts required</i>		242.00																												
Private Vehicle Mileage:			52.40	80	Miles @	0.655	per mile																								
Cab/Shuttle fares/ Tolls/Baggage fees:	150.00																														
Fuel - City Vehicle:																															
Other:				Describe: _____																											

Amount Charge on City P Card	2,803.00
Amount to Vendors	36.00
Travel Advance = Amount to Employee	<b>294.40</b>
<b>TOTAL ESTIMATED EXPENSES</b>	<b><u>3,133.40</u></b>

*ACH direct deposit rather than a check can be provided. Complete and submit - AP ACH Form*

	Approved	Disapproved	Date
_____ Employee Signature	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____ Division Manager Signature	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____ Department Director Signature	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____ City Manager Signature (if required)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<u>3/17/24</u>



Complete the yellow cells

## Travel Request and Authorization (TRA)

*This form is required for all overnight travel or if local registration is over \$1000 and must be approved in advance. Advances will not be issued for local expenses. ( Admin Guideline F-01).*

*TRA estimate expenses must be within 10% of Business Expense Stmt(BES).*

Name:	Councilmembers	Employee #	124702	Department	CMO
Purpose of Travel:	NLC conference		Destination: Washington, DC		
Departure Date:	3/10/24	Return Date:	3/13/24		
Comments:					
Sharing hotel room? Whom with:			E1 Budgeted Account #	1001020.62220	

	Amount to City PCard	Amount to Vendor	Amount to Employee				
Registration:	680.00						
Airfare:	800.00			Lodging Rate	# days	15%	Total
Lodging:	1,173.00			340.00 per day @	3	51.00	1,173.00
Car Rental:							
KCI Airport parking:		36.00					
Meals Overnight Travel <a href="#">Search for City - GSA.gov website</a>							
<b>Enter Per Diem Rate (cell F21)</b>							
<i>M&amp;IE Meal breakdown will auto populate</i>							
Per Diem for Meals:	<i>No receipts required</i>		242.00				
Private Vehicle Mileage:			52.40	80	Miles @	0.655	per mile
Cab/Shuttle fares/ Tolls/Baggage fees:	150.00						
Fuel - City Vehicle:							
Other:				Describe: _____			

Amount Charge on City P Card	2,803.00
Amount to Vendors	36.00
<b>Travel Advance = Amount to Employee</b>	<b>294.40</b>
<b>TOTAL ESTIMATED EXPENSES</b>	<b>3,133.40</b>

ACH direct deposit rather than a check can be provided. Complete and submit - [AP ACH Form](#)

	Approved	Disapproved	Date
Employee Signature	<input type="checkbox"/>	<input type="checkbox"/>	
Division Manager Signature	<input type="checkbox"/>	<input type="checkbox"/>	
Department Director Signature	<input type="checkbox"/>	<input type="checkbox"/>	
City Manager Signature (if required)	<input type="checkbox"/>	<input type="checkbox"/>	



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 2/6/2024

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**FOCUS AREA:** City Manager's Office

**STAFF CONTACT:** Cathy Marks

**SUBJECT:** Consideration of business expense statement for the City Manager Michael Wilkes to attend a League of Kansas Municipalities conference in Washington, DC on Jan. 29 to January 31, 2024.

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**TITLE:**

Consideration of business expense statement for the City Manager Michael Wilkes to attend a League of Kansas Municipalities conference in Washington, DC on Jan. 29 to January 31, 2024.

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**SUMMARY:**

Expense statements are presented for Council review and approval in accordance with Administrative Guidelines F-01, which requires that all travel expenses for the City Manager and Councilmembers be placed on the Councilmembers to be placed on the consent agenda for approval.

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**FINANCIAL IMPACT:**

Funding is included in the 2024 budget.

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**ACTION NEEDED:**

Consider approval of the attached business expense statement forms for the City Manager, Michael Wilkes.

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**ATTACHMENT(S):**

Michael BES League President conference

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Complete the yellow cells

# Business Expense Statement (BES)

Statement to be completed according to Admin. Reg. F-01

Form must be submitted by the 15th of the following month. Attach a memo to the Approving Authority with their approval if late or grand total exceeds 10% of Travel Authorized.

BES expenses must be within 10% of Travel Request Authorization(TRA).

Name:	Michael Wilkes	Employee #	124702	Department:	CMO
Business Expense Purpose:	League Presidents Conference			Destination:	Washington, DC
Departure Date:	1/29/24	Return Date:	1/31/24		
Comments:	0			E1 Budgeted Acct #	1001020.62220
Sharing hotel room? Whom with:		0			

Total Expenses from TRA		BES	Paid with City PCard	Paid to Vendor	Paid by Employee																										
Registration:	800.00	Registration:																													
Airfare:	450.00	Airfare:			219.96																										
Lodging:	575.00	Lodging:				<i>Include all cost &amp; fees - Itemized receipt for Lodging required</i>																									
Car Rental:	-	Car Rental:																													
KCI Airport parking:	36.00	KCI Airport parking:			59.00																										
		Meals Overnight Travel Search for City - GSA.gov website			<table border="1"> <thead> <tr> <th>Per Diem:</th> <th>Rate</th> <th># of days</th> <th></th> </tr> </thead> <tbody> <tr> <td></td> <td>79.00</td> <td>3.0</td> <td>237.00</td> </tr> <tr> <td colspan="4">Meals Provided will deduct from per diem:</td> </tr> <tr> <td>Breakfast</td> <td>19.00</td> <td>2</td> <td>38.00</td> </tr> <tr> <td>Lunch</td> <td>20.00</td> <td>1</td> <td>20.00</td> </tr> <tr> <td>Dinner</td> <td>35.00</td> <td></td> <td>-</td> </tr> </tbody> </table>			Per Diem:	Rate	# of days			79.00	3.0	237.00	Meals Provided will deduct from per diem:				Breakfast	19.00	2	38.00	Lunch	20.00	1	20.00	Dinner	35.00		-
Per Diem:	Rate	# of days																													
	79.00	3.0	237.00																												
Meals Provided will deduct from per diem:																															
Breakfast	19.00	2	38.00																												
Lunch	20.00	1	20.00																												
Dinner	35.00		-																												
Per Diem for Meals:	316.00	Per Diem for Meals:			179.00																										
		M&IE Meal breakdown will auto populate <i>No receipts required</i>																													
		<b>STOP</b>			Go to Page 2 Now and complete then RETURN here to allocate expense & complete the BES																										
		<b>Allocate Page 2 Totals to yellow cells</b>																													
					Totals from page 2																										
Private Vehicle Mileage:	52.40	Mileage:			52.40	Comments:																									
Cab/Shuttle fares/		Cab/Shuttle fares/																													
Tolls/Baggage fees:	150.00	Tolls/Baggage fees:																													
Fuel - City Vehicle:	-	Fuel - City Vehicle:																													
		Business Meeting:																													
Miscellaneous Expense:	-	Miscellaneous Expense:																													
<b>TOTAL TRA ESTIMATED EXPENSES</b>	<b>2,379.40</b>	<b>TOTAL EXPENSES</b>			<b>510.36</b>																										

Total Expensed paid by employee 510.36  
 Travel Advance issued to Employee -  
 Amount owed Employee/ (owed to City) 510.36

*ACH direct deposit rather than a check can be provided. Complete and submit AP ACH form*

I certify that I have incurred all of the expenses listed above on behalf of the City and that they are directly related to the active conduct of the City's business.

Employee Signature \_\_\_\_\_ Date \_\_\_\_\_ Division Manager Signature \_\_\_\_\_ Date \_\_\_\_\_ Department Manager \_\_\_\_\_ Date \_\_\_\_\_ City Manager Signature (if required) \_\_\_\_\_ Date 2/1/24

*(Handwritten signature and date)*

## Business Expense Statement continued

Name: Michael Wilkes  
 Business Expense Purpose: Washington, DC

Department: CMO

Mileage Calculation:	<i>Mileage log may be used for detail</i>	Rate	\$0.655
Date	Destination	Miles	Amount
	roundtrip to the airport	80	52.40
			-
			-
			-
<b>Total</b>			<b>52.40</b>

Cab/Shuttle fares/Tolls:	Date	Description	Amount
<b>Total</b>			<b>-</b>

Fuel - City Vehicle:	Date	Amount
<b>Total</b>		<b>-</b>

Meals Local:	Date	Breakfast	Lunch	Dinner	Maximum allowed:
					Breakfast 15.00
					Lunch 16.00
					Dinner 28.00
<b>Total</b>					<b>-</b>

*Receipts are required*

**Business Meeting & Guests:**

Date	Purpose	Firm & Persons Present	Amount

**Total** -

Miscellaneous Expense:	Date	Description	Amount
<b>Total</b>			<b>-</b>





Complete the yellow cells

## Travel Request and Authorization (TRA)

*This form is required for all overnight travel or if local registration is over \$1000 and must be approved in advance. Advances will not be issued for local expenses. (Admin Guideline F-01).* *TRA estimate expenses must be within 10% of Business Expense Stmt(BES).*

Name:	Michael Wilkes	Employee #	124702	Department	CMO
Purpose of Travel:	League Presidents Conference		Destination: Washington, DC		
Departure Date:	1/29/24	Return Date:	1/31/24		
Comments:	Sharing hotel room? Whom with: _____ E1 Budgeted Account # 1001020.62220				

	Amount to City PCard	Amount to Vendor	Amount to Employee																									
Registration:	800.00																											
Airfare:	450.00			Lodging Rate # days 15% Total																								
Lodging:	575.00			250.00 per day @ 2 37.50 575.00																								
Car Rental:																												
KCI Airport parking:	36.00																											
	<b>Meals Overnight Travel</b> Search for City - GSA.gov website  <b>Enter Per Diem Rate (cell F21)</b>  <i>M&amp;IE Meal breakdown will auto populate</i>			<table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th>Per Diem for Meals</th> <th>Rate</th> <th># of days</th> <th></th> </tr> </thead> <tbody> <tr> <td>Per Diem rate</td> <td style="text-align: center;">79.00</td> <td style="text-align: center;">4.0</td> <td style="text-align: center;">316.00</td> </tr> <tr> <td colspan="4" style="text-align: center;"><b>M&amp;IE Breakdown - Deduct meals provided</b></td> </tr> <tr> <td>Breakfast</td> <td style="text-align: center;">19.00</td> <td></td> <td style="text-align: center;">-</td> </tr> <tr> <td>Lunch</td> <td style="text-align: center;">20.00</td> <td></td> <td style="text-align: center;">-</td> </tr> <tr> <td>Dinner</td> <td style="text-align: center;">35.00</td> <td></td> <td style="text-align: center;">-</td> </tr> </tbody> </table>	Per Diem for Meals	Rate	# of days		Per Diem rate	79.00	4.0	316.00	<b>M&amp;IE Breakdown - Deduct meals provided</b>				Breakfast	19.00		-	Lunch	20.00		-	Dinner	35.00		-
Per Diem for Meals	Rate	# of days																										
Per Diem rate	79.00	4.0	316.00																									
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Breakfast	19.00		-																									
Lunch	20.00		-																									
Dinner	35.00		-																									
Per Diem for Meals:	<i>No receipts required</i>		316.00																									
Private Vehicle Mileage:			52.40	80 Miles @ 0.655 per mile																								
Cab/Shuttle fares/ Tolls/Baggage fees:	150.00																											
Fuel - City Vehicle:																												
Other:				Describe: _____																								

Amount Charge on City P Card	2,011.00
Amount to Vendors	-
<b>Travel Advance = Amount to Employee</b>	<b>368.40</b>
<b>TOTAL ESTIMATED EXPENSES</b>	<b>2,379.40</b>

*ACH direct deposit rather than a check can be provided. Complete and submit - AP ACH Form*

Employee Signature	Division Manager Signature	<input type="checkbox"/>	<input type="checkbox"/>	Date
	Department Director Signature	<input type="checkbox"/>	<input type="checkbox"/>	
	 <small>Michael Wilkes (Jan 4, 2024 14:39 CST)</small> City Manager Signature (if required)	<input type="checkbox"/>	<input type="checkbox"/>	

# Your itinerary

Flight 1: Monday, 01/29/2024 Est. Travel Time: 2h 15m Wanna Get Away®

<b>FLIGHT # 1908</b>	<b>DEPARTS</b> <b>MCI 04:45PM</b> Kansas City	<b>ARRIVES</b> <b>DCA 08:00PM</b> Wash. D.C. (Reagan)
----------------------	---	---

Flight 2: Wednesday, 01/31/2024 Est. Travel Time: 3h Wanna Get Away®

<b>FLIGHT # 2085</b>	<b>DEPARTS</b> <b>DCA 04:15PM</b> Wash. D.C. (Reagan)	<b>ARRIVES</b> <b>MCI 06:15PM</b> Kansas City
----------------------	---	---

## Payment information

### Total cost

#### Air - 3NSARA

Base Fare	\$	139.31
U.S. Transportation Tax	\$	10.45
U.S. 9/11 Security Fee	\$	11.20
U.S. Flight Segment Tax	\$	10.00
U.S. Passenger Facility Chg	\$	9.00
EarlyBird	\$	40.00
<b>Total</b>	<b>\$</b>	<b>219.96</b>

### Payment

**Visa ending in 8711**  
Date: January 8, 2024  
**Payment Amount: \$179.96**

**Visa ending in 8711**  
Date: January 8, 2024  
**Payment Amount: \$20.00**

**Visa ending in 8711**  
Date: January 8, 2024  
**Payment Amount: \$20.00**

**Fare rules:** If you decide to make a change to your current itinerary it may result in a fare increase.

Your ticket number: 5262241565956

## All your perks, all in one place. (Plus a few reminders.)



**Wanna Get Away® fare:** Your two bags fly free®, no change or cancel fees, and 6X Rapid Rewards® points. **NEW** – Free same-day standby (taxes and fees may apply). [Learn more.](#)



Make sure you know when to arrive at your airport. Times vary by city.



If your plans change, cancel your reservation at least 10 minutes before the original scheduled departure time of your flight to receive a flight credit. If you don't cancel your reservation in time, your funds will be forfeited.

## Prepare for takeoff

KC International Airport  
Garage/Surface Parking  
KC Airport Parking  
400 Panama City Ave  
KCMO 64152  
DATE: 01/31/24  
TIME: 06:19 PM

Receipt No. 192/352/91/2  
\* Original \*

Ticket: **20480624**

Entry : 01/29/24 03:23 PM

LPR :

Amount **59.00**

Credit: 59.00

Trans ID : 760040364

Card No. : xxxxxxxxxxxx7062

Card Type: VISA

816.243.5870

Thank you for parking with us  
Have a great day



# City of Olathe

## COUNCIL AGENDA ITEM

---

**MEETING DATE:** 2/6/2024

---

**FOCUS AREA:** City Manager's Office

**STAFF CONTACT:** Cathy Marks

**SUBJECT:** Consideration of business expense statement for the City Manager Michael Wilkes to attend a Strategic Government Resources conference in Dallas.

---

**TITLE:**

Consideration of business expense statement for the City Manager Michael Wilkes to attend a Strategic Government Resources conference in Dallas on Jan. 24 and 25, 2024.

---

**SUMMARY:**

Expense statements are presented for Council review and approval in accordance with Administrative Guidelines F-01, which requires that all travel expenses for the City Manager and Councilmembers be placed on the Council

---

**FINANCIAL IMPACT:**

Funding is included in the 2024 budget.

---

**ACTION NEEDED:**

Consider approval of the attached Business Expense statement for the City Manager, Michael Wilkes.

---

**ATTACHMENT(S):**

Michael BES SGR conference

---



Complete the yellow cells

# Business Expense Statement (BES)

Statement to be completed according to Admin. Reg. F-01

Form must be submitted by the 15th of the following month. Attach a memo to the Approving Authority with their approval if late or grand total exceeds 10% of Travel Authorized.

BES expenses must be within 10% of Travel Request Authorization(TRA).

Name:	Michael Wilkes	Employee #	124720	Department:	CMO
Business Expense Purpose:	SGR conference			Destination:	Dallas, TX
Departure Date:	Jan. 24	Return Date:	Jan. 26		
Comments:	0			E1 Budgeted Acct #	1001020.62220
Sharing hotel room? Whom with:		0			

Total Expenses from TRA		BES	Paid with City PCard	Paid to Vendor	Paid by Employee			
Registration:	450.00	Registration:	450.00			<i>Include all cost &amp; fees - Itemized receipt for Lodging required</i>		
Airfare:	400.00	Airfare:			389.96			
Lodging:	580.00	Lodging:			516.92			
Car Rental:	-	Car Rental:						
KCI Airport parking:	-	KCI Airport parking:						
		Meals Overnight Travel			Per Diem: Rate # of days			
		Search for City - GSA.gov website			64.00	3.0	192.00	
					Meals Provided will deduct from per diem:			
					Breakfast	14.00	2	28.00
					Lunch	16.00	1	16.00
					Dinner	29.00		-
Per Diem for Meals:	192.00	M&IE Meal breakdown will auto populate						
		Per Diem for Meals: No receipts required			148.00			
		<b>STOP</b> Go to Page 2 Now and complete then RETURN here to allocate expense & complete the BES						
		<b>Allocate Page 2 Totals to yellow cells</b>	<b>Paid with City PCard</b>	<b>Paid to Vendor</b>	<b>Paid by Employee</b>	<b>Totals from page 2</b>		
Private Vehicle Mileage:	52.40	Mileage:			-		Comments:	
Cab/Shuttle fares/		Cab/Shuttle fares/						
Tolls/Baggage fees:	100.00	Tolls/Baggage fees:						
Fuel - City Vehicle:	-	Fuel - City Vehicle:						
		Business Meeting:						
Miscellaneous Expense:	-	Miscellaneous Expense:						
<b>TOTAL TRA ESTIMATED EXPENSES</b>	<b>1,774.40</b>	<b>TOTAL EXPENSES</b>		<b>1,504.88</b>				

Total Expensed paid by employee 1,054.88  
 Travel Advance issued to Employee -  
 Amount owed Employee/ (owed to City) 1,054.88

*ACH direct deposit rather than a check can be provided. Complete and submit AP ACH form*

I certify that I have incurred all of the expenses listed above on behalf of the City and that they are directly related to the active conduct of the City's business.

Employee Signature

Date

Division Manager Signature

Date

Department Manager

Date

City Manager Signature (if required)

Date

*[Signature]*  
2/1/24

## Business Expense Statement continued

Name: Michael Wilkes  
 Business Expense Purpose: Dallas, TX

Department: CMO

*Mileage log may be used for detail*

Rate \$0.655

Mileage Calculation:

Date	Destination	Miles	Amount
			-
			-
			-
			-
			-
<b>Total</b>			<u>-</u>

Cab/Shuttle fares/Tolls:

Date	Description	Amount
<b>Total</b>		<u>-</u>

Fuel - City Vehicle:

Date	Amount	
<b>Total</b>		<u>-</u>

Meals Local:

Date	Breakfast	Lunch	Dinner	
<b>Total</b>				<u>-</u>

<b>Maximum allowed:</b>	
Breakfast	15:00
Lunch	16:00
Dinner	28:00

*Receipts are required*

Business Meeting & Guests:

Date	Purpose	Firm & Persons Present	Amount

**Total** -

Miscellaneous Expense:

Date	Description	Amount
<b>Total</b>		<u>-</u>

**Total** -



Complete the yellow cells

## Travel Request and Authorization (TRA)

*This form is required for all overnight travel or if local registration is over \$1000 and must be approved in advance. Advances will not be issued for local expenses. ( Admin Guideline F-01).*

*TRA estimate expenses must be within 10% of Business Expense Stmt(BES).*

Name:	Michael Wilkes	Employee #	124720	Department	CMO
Purpose of Travel:	SGR conference		Destination: Dallas, TX		
Departure Date:	Jan. 24	Return Date:	Jan. 26		
Comments:					
Sharing hotel room? Whom with:			E1 Budgeted Account #	1001020.62220	

	Amount to City PCard	Amount to Vendor	Amount to Employee	
Registration:	450.00			
Airfare:	400.00			
Lodging:	580.00			
Car Rental:				
KCI Airport parking:				
				Lodging Rate      # days      15%      Total
				250.00 per day @      2      37.50      575.00
				Per Diem for Meals      Rate      # of days
				Per Diem rate      64.00      3.0      192.00
				<b>M&amp;IE Breakdown - Deduct meals provided</b>
				Breakfast      14.00      -
				Lunch      16.00      -
				Dinner      29.00      -
				<i>M&amp;IE Meal breakdown will auto populate</i>
Per Diem for Meals:	<i>No receipts required</i>		192.00	
Private Vehicle Mileage:			52.40	80 Miles @ 0.655 per mile
Cab/Shuttle fares/ Tolls/Baggage fees:	100.00			
Fuel - City Vehicle:				
Other:				Describe: _____

Amount Charge on City P Card	1,530.00
Amount to Vendors	-
Travel Advance = Amount to Employee	<b>244.40</b>
<b>TOTAL ESTIMATED EXPENSES</b>	<b>1,774.40</b>

ACH direct deposit rather than a check can be provided. Complete and submit - AP ACH Form

	Approved	Disapproved	Date
_____ Employee Signature	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____ Division Manager Signature	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____ Department Director Signature	<input type="checkbox"/>	<input type="checkbox"/>	_____
_____ City Manager Signature (if required)	<input type="checkbox"/>	<input type="checkbox"/>	12/1/23

**Cathy Marks**

---

**From:** SGR Conference Team <kristindearmond@governmentresource.com>  
**Sent:** Wednesday, September 20, 2023 11:58 AM  
**To:** Cathy Marks  
**Subject:** Registration Confirmed - 2024 Servant Leadership Conference

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.



Dear Cathy,

Please save this email for future reference.

Event: 2024 Servant Leadership Conference

Number in Party: 1

Date: January 26, 2023 - January 27, 2023 *24 - 26th*

Location: The Westin Galleria Dallas

Address: 13340 Dallas Parkway, Dallas, Texas, 75240, USA

**Group Confirmation Number: Z5NRH7FL354**

**Group Registrant 0 (Michael Wilkes)**

Confirmation Number: PKNY26PFWGJ —

Michael Wilkes								
Order Date	Invoice	Order Type	Item	Item Type	Amt Ordered	Amt Paid	Amt Due	



20-Sep-2023	SLC24-092023-	Offline	In-Person: Individual	Admission	\$450.00	\$0.00	\$450.00
11:57 AM CT	0144-0144	Charge	Registration	Item			
					<b>Amt</b>	<b>Amt</b>	<b>Amt</b>
					<b>Ordered</b>	<b>Paid</b>	<b>Due</b>
				<b>Total</b>	\$450.00	\$0.00	\$450.00

To view or modify the online registration for anyone in your group, [Click here](#). You will be asked to enter your name and the group confirmation number shown above.

Sincerely,

SGR Conference Team

[conference@governmentresource.com](mailto:conference@governmentresource.com)



Strategic Government Resources

P. O. Box 1642  
 Keller, TX 76244  
 817-337-8581

finance@governmentresource.com

# Invoice

Date	Invoice #
9/21/2023	2023-107044

Bill To					
Item		Description	Qty	Rate	Amount
City of Olathe 100 E Santa Fe St Olathe, KS 66051			P.O. No.	Terms	Due Date
				Net 30	10/21/2023
SLC 2024-Individual		SLC 2024-Individual In Person: Michael Wilkes 2024 SLC Conference 1/25/24 - 1/26/24	1	450.00	450.00
We appreciate your business!			Total	<b>\$450.00</b>	
ACH Payments			Payments/Credits	<b>\$0.00</b>	
Routing 111000614 Account 906941414			<b>Balance Due</b>	<b>\$450.00</b>	
Balances that are unpaid after the payment deadline are subject to a fee of 5% per month or the maximum lawful rate, whichever is less, on the owed amount every month, charged monthly until the balance is paid.					



**EMBASSY  
SUITES**  
by Hilton™

EMBASSY SUITES DALLAS NEAR THE GALLERIA  
EMBASSY SUITES DALLAS, 14021 NOEL ROAD  
DALLAS, TX 75240  
United States of America  
TELEPHONE 972-364-3640 • FAX 972-364-3641  
Reservations  
www.embassysuites.com or 1 800 EMBASSY

WILKES, MICHAEL  
  
14184 W. 156TH LANE  
  
OLATHE KS 66062  
UNITED STATES OF AMERICA

Room No: 405/KNGN  
Arrival Date: 1/24/2024 7:24:00 PM  
Departure Date: 1/26/2024 9:26:00 AM  
Adult/Child: 2/0  
Cashier ID: TBONDS7  
Room Rate: 248.00  
AL:  
HH # 937523655 SILVER  
VAT #  
Folio No/Che 690316 A

TAX #:  
Confirmation Number: 97831459

EMBASSY SUITES DALLAS NEAR THE GALLERIA 1/26/2024 9:25:00 AM

DATE	REF NO	DESCRIPTION	CHARGES
1/24/2024	2702990	GUEST ROOM	\$248.00
1/24/2024	2702990	STATE TAX	\$14.88
1/24/2024	2702990	CITY TAX	\$22.32
1/24/2024	2702990	STATE COST - RECOVERY FEE	\$1.86
1/24/2024	2702990	TOURISM PID REIMBURSEMENT FEE	\$4.96
1/25/2024	2703206	GUEST ROOM	\$191.00
1/25/2024	2703206	STATE TAX	\$11.46
1/25/2024	2703206	CITY TAX	\$17.19
1/25/2024	2703206	STATE COST - RECOVERY FEE	\$1.43
1/25/2024	2703206	TOURISM PID REIMBURSEMENT FEE	\$3.82
1/26/2024	2703283	VS *7062	(\$516.92)
**BALANCE**			\$0.00

EXPENSE REPORT SUMMARY

	1/24/2024	1/25/2024	STAY TOTAL
ROOM AND TAX	\$292.02	\$224.90	\$516.92
DAILY TOTAL	\$292.02	\$224.90	\$516.92

Hilton Honors(R) stays are posted within 72 hours of checkout. To check your earnings or book your next stay at more than 6,500+ hotels and resorts in 119 countries, please visit Honors.com

Thank you for staying with us. Visit [embassysuites.com](http://embassysuites.com) for more information on hotel packages, subscribe to our E-announcements newsletter, or plan your next stay at close to 200 destinations.

Room, tax & \$20 per night incidentals hold authorizes on debit/credit card at check-in time. Incidentals hold returns to account 7 - 10 (or more) business days after check-out. A \$250 fee is posted for smoking or damages to room.

CREDIT CARD DETAIL

APPR CODE	09729D	MERCHANT ID	67255380016
CARD NUMBER	VS *7062	EXP DATE	08/27
TRANSACTION ID	2703283	TRANS TYPE	Sale

The receipt from Southwest represents the timing and days that would have been traveled.

Michael Wilkes traveled by car; mileage for this trip would have been \$615, instead the equivalent of airfare was reimbursed to Michael \$389.96.

Cathy Marks



# Trip & Price Details

✈️  
Price

Payment

Confirmation

✈️ **Flight** [Modify](#)

	<b>Tue 2/20</b>	# 1793 <b>MCI</b> 4:20 PM	→ <b>DAL</b> 5:55 PM	1 hr 35 min	Nonstop	<u>Wanna Get Away Plus</u>	Price per Passenger	<b>\$297.45</b>
							Taxes and fees per Passenger	<b>\$52.51</b>
							Total per Passenger	<b>\$349.96</b>
	<b>Thu 2/22</b>	# 1598 <b>DAL</b> 4:45 PM	→ <b>MCI</b> 6:15 PM	1 hr 30 min	Nonstop	<u>Wanna Get Away Plus</u> Only 3 left!	Passenger(s)	<b>x1</b>
							EarlyBird Check-In® total	<b>\$40.00</b>
							<b>Flight total</b>	<b>\$389.96</b>

or from \$39/mo\*  
with **uplift** [Learn more](#)

**Helpful Information:**

- Starting July 1, 2023 (12:00 a.m. CT), for Wanna Get Away® or Wanna Get Away Plus™ reward travel reservations (booked with points): If you do not cancel your reservation at least 10 minutes before the flight's original scheduled departure time, any points used for booking will be forfeited, along with any taxes and fees associated with your reward travel reservation. For Anytime or Business Select® reward travel reservations: the points used for booking will be redeposited to the purchaser's Rapid Rewards® account, and any taxes and fees associated with the reward travel reservation will be converted into a Transferable Flight Credit™ for future use.

- Please read the [fare rules](#) associated with this purchase.
- When booking with Rapid Rewards points, your points balance may not immediately update in your account.
- **REAL ID Requirement:** Do you have a **REAL ID**? Beginning May 7, 2025, you will need a state-issued **REAL ID** compliant license or identification card, or another acceptable form of ID (such as a U.S. Passport), to fly within the United States. Visit [www.tsa.gov](http://www.tsa.gov) for a list of acceptable forms of ID and additional information regarding **REAL ID** requirement.

## Add EarlyBird Check-In®



Automatic check-in  
 Earlier boarding position  
 Earlier access to seats  
 Earlier access to overhead bin space

**\$20.00**

*Per Passenger. Per one-way.*

Add EarlyBird Check-In

**EarlyBird Check-In® was applied to the following passengers and flight segments.**

ITINERARY				PASSENGERS	PRICE	
# 1793  <b>MCI to DAL</b>	DEPART <b>2/20</b> Tuesday	MCI <b>4:20</b> PM	→	DAL <b>5:55</b> PM	<b>1 Passenger</b> Wanna Get Away Plus	<b>\$20.00</b>
# 1598  <b>DAL to MCI</b>	RETURN <b>2/22</b> Thursday	DAL <b>4:45</b> PM	→	MCI <b>6:15</b> PM	<b>1 Passenger</b> Wanna Get Away Plus	<b>\$20.00</b>

Certain exclusions may apply. EarlyBird Check-In® is non-refundable. 

EARLYBIRD CHECK-IN® ESTIMATED TOTAL **\$40.00**

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**From \$64.59\*/day in  
Dallas (Love Field)**

\*Taxes and fees excl. Terms apply.



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PICK-UP LOCATION

**Dallas (Love I**

Dallas (Love Field), TX - DAL

PICK-UP DATE

**2/20**



Tue, Feb 20, 2024

PICK-UP TIME

**7:00 PM**



RETURN LOCATION

**Dallas (Love I**

Dallas (Love Field), TX - DAL

RETURN DATE

**2/22**



Thu, Feb 22, 2024

RETURN TIME

**3:00 PM**



RENTAL COMPANY (Optional)

**No preference**



VEHICLE SIZE (Optional)

**No preference**



**Search**

## Flexibility comes with every fare.



Two bags fly free<sup>®1</sup>.



No change<sup>2</sup> or cancel<sup>3</sup> fees. Change your flight later without a fee. Fare difference may apply.

<sup>1</sup>1st and 2nd checked bags. Weight and size limits apply. <sup>2</sup>Fare difference may apply. <sup>3</sup>Failure to cancel a reservation at least 10 minutes prior to scheduled departure may result in forfeited flight credits.

BAG FEE *	\$0.00
SUBTOTAL	\$337.45
TAXES & FEES	\$52.51
<b>TRIP TOTAL</b>	<b>\$389.96</b>

Show price breakdown

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\*1st and 2nd checked bags fly free<sup>®</sup>. [Weight and size limits apply.](#)

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### Two bags fly free<sup>®1</sup>

First and second checked bags. Weight and size limits apply. A golf bag or skis in a container acceptable to Southwest<sup>®</sup> can be substituted for one checked bag.

### No change<sup>2</sup> or cancel fees<sup>3</sup>

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### Flight credit<sup>4</sup>

Flight credits will be issued as long as the flight is canceled at least 10 minutes prior to the scheduled departure. Flight credits don't expire and are non-transferable. For travel booked with Rapid Rewards points: starting July 1, 2023 (12:00 a.m. CT), for Wanna Get Away<sup>®</sup> or Wanna Get Away Plus<sup>™</sup> reward travel reservations (booked with points): If you do not cancel your reservation at least 10 minutes before the flight's original scheduled departure time, any points used for booking will be forfeited, along with any taxes and fees associated with your reward travel reservation.





# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 2/6/2024

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**FOCUS AREA:** Infrastructure (Engineering)  
**STAFF CONTACT:** Mary Jaeger / Nate Baldwin  
**SUBJECT:** Consideration of Consent Calendar

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**TITLE:**  
Consideration of Consent Calendar.

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**SUMMARY:**  
Consent Calendar consists of Project Completion Certificates, Change Orders, and Final Pay Estimates for Infrastructure (Engineering) projects.

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**FINANCIAL IMPACT:**  
N/A

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**ACTION NEEDED:**  
Approve Consent Calendar for February 6, 2024.

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**ATTACHMENT(S):**  
A. Consent Calendar  
B. Change Orders

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**ISSUE:** Consent Calendar for: February 6, 2024

**FOCUS AREA:** Infrastructure (Engineering)

**SUMMARY:**

**1) PROJECT COMPLETION CERTIFICATES**

- a) Subaru of Olathe – 3-D-065-22 – Storm Sewers
- b) Subaru of Olathe – 3-D-065-22 – Street
- c) South Enterprise Street Improvements – 3-R-001-23 – Sanitary Sewer, Storm Sewers, Street, Street Lights, Waterlines
- d) Ranch Villas at Prairie Farms – 5-D-041-20 – Waterlines
- e) Olathe Health Quivara Campus – 5-D-042-21 - Waterlines

**2) CHANGE ORDERS**

- a) South Enterprise Street Improvements – 3-R-001-23

**3) FINAL PAYMENT TO CONTRACTORS**

- a) South Enterprise Street Improvements – 3-R-001-23

Final Payment	\$ 62,505.31
Paid to Date	\$ 2,945,160.69
Original Contract Amount	\$ 2,865,143.50
Total Change Orders	\$ 142,522.50

- Change Order 1: \$ 0.00 (4/12/2023)
- Change Order 2: \$ 0.00 (4/20/2023)
- Change Order 3: \$ 0.00 (5/15/2023)
- Change Order 4: \$ 107,100.00 (6/6/2023)
- Change Order 5: \$ 20,540.00 (12/8/2023)
- Change Order 6: \$ 2,299.00 (7/26/2023)
- Change Order 7: -\$ 1,260.00 (9/12/2023)
- Change Order 8: \$0.00 (11/7/2023)
- Change Order 9 FINAL: \$13,843.50 (2/6/2024)

Final Contract Amount	\$ 3,077,666.00
Contractor – Linaweaver Construction, Inc.	

Submitted by: Mary Jaeger, Director / Nate Baldwin, City Engineer



CHANGE ORDER NO: 9 - FINAL  
 CITY PROJECT NO. 3-R-001-23  
 CONTRACT DATE: February 21, 2023  
 CONTRACTOR: Linaweaver Construction, Inc.  
 ENGINEER: Walter P. Moore and Associates

PROJECT NAME: South Enterprise Street Improvements  
 ENCUMBRANCE NO. 701489/SCON-100198

ITEM#	DESCRIPTION	Original QTY	REVISED QTY	UNIT	ORIGINAL UNIT PRICE	REVISED UNIT PRICE	TOTAL
3*****	Remove Existing Driveway	2500	2743.4	Sq. Yds.	\$10.00	N/A	\$2,434.00
8*****	Concrete Curb & Gutter (Type B)	5596	5729	Lin. Ft.	\$23.00	N/A	\$3,059.00
9*****	Concrete Curb & Gutter (Type C)	1292	1294.5	Lin. Ft.	\$27.00	N/A	\$67.50
12*****	Asphaltic Concrete Surface (2") (Superpave)	10955	11689	Sq. Yds.	\$10.00	N/A	\$7,340.00
13*****	Asphaltic Concrete Base (4") (Superpave)	2013	2818	Sq. Yds.	\$25.00	N/A	\$20,125.00
14*****	Asphaltic Concrete Base (8") Superpave)	10510	10580	Sq. Yds.	\$50.00	N/A	\$3,500.00
15*****	Temporary Surfacing Material (2") (AB-3 O.P. Modified)	2373	2873	Sq. Yds.	\$5.00	N/A	\$2,500.00
16*****	Aggregate Base Course (6") (AB-3 O.P. Modified)	681	471	Sq. Yds.	\$8.00	N/A	(\$1,680.00)
18*****	Concrete Driveway (7") (Commercial)	2373	2616.4	Sq. Yds.	\$70.00	N/A	\$17,038.00
20*****	Sidewalk Curb (5")	45	0	Lin. Ft.	\$17.00	N/A	(\$765.00)
21*****	Stamped Concrete Median (4") (Colored)	188	136	Sq. Yds.	\$82.00	N/A	(\$4,264.00)
24*****	Storm Sewer (12") (HDPE)	8	0	Lin. Ft.	\$85.00	N/A	(\$680.00)
27*****	Storm Sewer (24") (RCP)	164	160	Lin. Ft.	\$145.00	N/A	(\$580.00)
33*****	HDPE 30° Bend (12")	1	0	Each	\$450.00	N/A	(\$450.00)
43*****	Concrete Flume	17	23	Lin. Ft.	\$115.00	N/A	\$690.00
50*****	Fence (Temporary) (Construction) (EST)	2000	0	Lin. Ft.	\$7.00	N/A	(\$14,000.00)
52*****	Temporary Slope Barrier (Silt Fence) (EST)	2537	0	Lin. Ft.	\$3.00	N/A	(\$7,611.00)
53*****	Temporary Slope Barrier (Straw Wattle) (EST)	2200	230	Lin. Ft.	\$3.50	N/A	(\$6,895.00)
55*****	Shrub Replacement (EST)	10	0	Each	\$150.00	N/A	(\$1,500.00)
57*****	Sodding (EST)	5250	5550	Sq. Yds.	\$8.00	N/A	\$2,400.00
58*****	Temporary Seeding (EST)	1	0	Acres	\$2,000.00	N/A	(\$2,000.00)
62*****	Water Line Pipe (8" DIP W/ Polywrap)	41	30	Lin. Ft.	\$125.00	N/A	(\$1,375.00)
63*****	Water Line Pipe (6" DIP W/ Polywrap)	143	197	Lin. Ft.	\$125.00	N/A	\$6,750.00
64*****	Water Line Fitting (12" Solid Sleeve)	4	6	Each	\$1,000.00	N/A	\$2,000.00
65*****	Water Line Fitting (12" 22.5° Bend)	2	0	Each	\$1,000.00	N/A	(\$2,000.00)
67*****	Water Line Fitting (12" 45° Bend)	8	14	Each	\$1,200.00	N/A	\$7,200.00
78*****	Water Line Fitting (8" Solid Sleeve)	2	3	Each	\$1,200.00	N/A	\$1,200.00
80*****	Water Line Valve (6" Gate Valve)	3	5	Each	\$1,750.00	N/A	\$3,500.00
81*****	Water Line Fitting (6" Solid Sleeve)	1	3	Each	\$500.00	N/A	\$1,000.00
82*****	Water Line Fitting (6" 11.25° Bend) (Vertical)	1	0	Each	\$500.00	N/A	(\$500.00)
84*****	Water Line Fitting (6" 90° Bend)	8	7	Each	\$750.00	N/A	(\$750.00)
91*****	Water Service Line Pipe (3/4" Type K Copper)	7	0	Lin. Ft.	\$65.00	N/A	(\$455.00)
92*****	Water Service Line Pipe (1" Type K Copper)	65	25	Lin. Ft.	\$65.00	N/A	(\$2,600.00)
94*****	Water Service Line Pipe (3" Type DIP)	20	10	Lin. Ft.	\$65.00	N/A	(\$650.00)
95*****	Water Service Line Pipe (2" Type K Copper)	9	20	Lin. Ft.	\$65.00	N/A	\$715.00
98*****	Fire Hydrant Assembly Adjustment	2	3	Each	\$1,200.00	N/A	\$1,200.00
107*****	Sanitary Sewer Pipe (15") (PVC) (SDR-26)	22	15	Lin. Ft.	\$800.00	N/A	(\$5,600.00)
111*****	Remove 1' of Soft Subgrade	20	2	Load	\$435.00	N/A	(\$7,830.00)
112*****	Install 1' of 6" Base or Shot Rock"	433	30	Ton	\$35.00	N/A	(\$14,105.00)
113*****	Cement Treat Subgrade @ 5% 9" Deep	216	259	Ton	\$225.00	N/A	\$9,675.00

DOCUMENTS SUPPORTING THIS CHANGE ORDER ARE TO BE ATTACHED

The Original Contract Sum	\$2,865,143.50
Net change by Previous Change Orders	\$128,679.00
The Contract Sum Prior to This Change Order Was	\$2,993,822.50
Total Change Order Amount	\$16,103.50
Remaining Owner's Allowance	(\$2,260.00)
The Contract Sum Shall be <del>(Unchanged)</del> <b>Increased</b> <del>(Decreased)</del> by This Change Order.....	\$13,843.50
The New Contract Sum With All Approved Change Orders Will Be.....	\$3,007,666.00
Original Contract Time.....	N/A days
The Contract time Will Be <b>(Unchanged)</b> By.....	N/A days
The Contract Time With All Approved Change Orders is	N/A days
The Day of Substantial Completion as of the Date of This Change Order Therefore is.....	N/A

RECOMMENDED  
 City of Olathe Public Works  
 Project Manager - Aaron Wasko

APPROVED  
 Linaweaver Construction, Inc.  
 Contractor

By:  Digitally signed by Aaron Wasko  
 Date: 2024.01.29.07:15:0600

By: MARCUS LINAWEAVER  
 Date: \_\_\_\_\_

Digitally signed by MARCUS LINAWEAVER  
 DN: cn=US, e=MARCUS@LINAWEAVER.COM,  
 o=LINAWEAVER CONSTRUCTION, cn=MARCUS  
 LINAWEAVER  
 Reason: I agree to the terms defined by the placement of my  
 signature on this document  
 Date: 2024.01.26.14:52:00Z

APPROVED  
 CITY OF OLATHE, CITY ENGINEER  
 By:   
 Date: 1/29/2024  
 Nate Baldwin

By: \_\_\_\_\_  
 City Clerk

AGREEMENT TO THIS \_\_\_\_\_ day of \_\_\_\_\_ 2024



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 2/6/2024

---

**FOCUS AREA:** Infrastructure (Engineering)

**STAFF CONTACT:** Mary Jaeger / Nate Baldwin

**SUBJECT:** An Agreement with the Kansas Department of Transportation, Johnson County, Douglas County, DeSoto, Edgerton, and Gardner for the Southwest Metro Area Transportation Connection Plan.

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**TITLE:**

Consideration of an Agreement with the Kansas Department of Transportation, Johnson County, Douglas County, DeSoto, Edgerton, and Gardner for the Southwest Metro Area Transportation Connection Plan.

---

**SUMMARY:**

The Sunflower Army Ammunition Plant (SAAP) was opened in the northwest area of Johnson County in 1941 on 10,747 acres. The SAAP is being reclaimed and repurposed as an industrial and commercial development area named the Astra Enterprise Park (AEP) and has been annexed by the city of DeSoto. The northwest area of Johnson County, and the surrounding area in general, will experience major developments as the new AEP develops. Significant road infrastructure improvements will be needed.

The Kansas Department of Transportation, Johnson County, Douglas County, and the cities of DeSoto, Olathe, Edgerton, and Gardner are collaborating to identify potential transportation system enhancements in and around each community to accommodate the development growth in the area. This agreement defines the responsibilities of the parties involved with the proposed study. The City of Olathe will be responsible for 6.25% (\$15,625) of the cost of the study.

It is anticipated that the study will begin in Spring 2024 and a final report will be delivered by the first quarter of 2025.

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**FINANCIAL IMPACT:**

Olathe's fiscal contribution to the study is \$15,625 and will be paid out of Engineering's Professional Services budget.

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**ACTION NEEDED:**

Approval of an Agreement with the Kansas Department of Transportation, Johnson County, Douglas County, DeSoto, Edgerton, and Gardner for the Southwest Metro Area Transportation Connection Plan.

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**ATTACHMENT(S):**

A. Agreement

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PROJECT NO. KA-7291-01

**AGREEMENT**

This Agreement is between the **Secretary of Transportation** (the “Secretary”), Kansas Department of Transportation (KDOT), **Johnson County, Kansas, Douglas County, Kansas,** and the cities of **De Soto, Olathe, Edgerton, and Gardner, Kansas,** collectively, the “Parties.”

**RECITALS:**

- A. The Parties desire to cooperatively participate and facilitate the preparation of an area plan (“Study”), which will in part serve as a framework for potential transportation system enhancements and identify the infrastructure necessary to accommodate such enhancements for each Party.
- B. The parties are empowered by K.S.A. 12-2901 *et seq.* to enter into agreements for such a Study. The Parties have determined the Study will benefit the public.

**ARTICLE I: DEFINITIONS**

The following terms when used in this Agreement shall mean as follows:

1. **“Agreement”** means this written document, including all attachments and exhibits, evidencing the legally binding terms and conditions of the agreement between the Parties.
2. **“Consultant”** means any engineering firm or other entity retained to perform consulting or design services for the Study.
3. **“De Soto”** means the City of De Soto, Kansas, with its principal place of business located at P.O. Box C, 32905 W 84<sup>th</sup> Street, De Soto, KS 66081.
4. **“Douglas County”** means Douglas County, Kansas, with its principal place of business located at 1100 Massachusetts Street, Lawrence, KS 66044.
5. **“Edgerton”** means the City of Edgerton, Kansas, with its principal place of business located at 404 E Nelson St., Edgerton, KS 66021.
6. **“Effective Date”** means the date this Agreement is signed by the Secretary or the Secretary’s designee.
7. **“Gardner”** means the City of Gardner, Kansas, with its principal place of business located at 120 E Main, Gardner, KS 66030.
8. **“Johnson County”** means Johnson County, Kansas, with its principal place of business located at 111 S Cherry Street, Olathe, KS 66061.

9. **“KDOT”** means the Kansas Department of Transportation, an agency of the State of Kansas, with its principal place of business located at 700 SW Harrison Street, Topeka, KS, 66603-3745.
10. **“Olathe”** means the City of Olathe, Kansas, with its principal place of business located at 111 E Santa Fe Street, Olathe, KS 66061.
11. **“Secretary”** means the Secretary of Transportation of the State of Kansas, and the Secretary’s successors and assigns, and the Secretary’s duly authorized representative.
12. **“Study”** means all phases and aspects of the assessment of the current and future land use and transportation demands within the Study Area, and includes, but is not limited to, the following objectives:
- a. Review/recommend local road connections between Astra Enterprise Park and Study Area;
  - b. Review/recommend local road connections in the Study Area to connect with the Parties;
  - c. Recommend any additional transportation system improvements that may be needed in the Study Area, along with a project phasing plan, for each Party;
  - d. Designate a Major north/south corridor: K10 to 159<sup>th</sup> and Edgerton; and
  - e. Produce a final report, which will include a section for each member of this Agreement that enumerates the recommendations for modifications to the transportation plans of the participating entities in this study that supports the current and potential future land uses and traffic.

Additional details about the Study can be found in the Study Scope (Attachment A), which is attached to and incorporated into this Agreement by this reference.

13. **“Study Area”** means the approximately one hundred eighty-five (185) square mile area generally bounded by I-435, Lone Elm Road, I-35, 215<sup>th</sup> Street, and 2200 Road, hereinafter the “Study Area.” I-35 and US 56 Highway are within the Study Area. A Study Area map is included in the Study Scope (Attachment A), which is attached to and incorporated into this by this reference.

## ARTICLE II: FUNDING

1. **Funding.** The table below reflects the funding commitments of each Party. The Parties agree estimated costs and contributions are to be used for encumbrance purposes and may be subject to change.

<b>Party</b>	<b>Responsibility</b>
Secretary	\$62,500.00 (25% of Consultant Contract)
Johnson County	\$62,500.00 (25% of Consultant Contract)
Douglas County	\$15,625.00 (6.25% of Consultant Contract)
De Soto	\$62,500.00 (25% of Consultant Contract)

Edgerton	\$15,625.00 (6.25% of Consultant Contract)
Gardner	\$15,625.00 (6.25% of Consultant Contract)
Olathe	\$15,625.00 (6.25% of Consultant Contract)

2. **Reimbursement Payments.** Notwithstanding specific payment provisions, the Parties agree to make partial payments to Johnson County for amounts not less than \$1,000.00 and no more frequently than monthly. Such payments will be made within thirty (30) days after receipt of proper billing from Johnson County.

3. **Responsibility for Costs Incurred Prior to Execution of Consultant Contract.** Each Party will be individually responsible for one hundred percent (100%) of any costs related to the Study incurred by the Party prior to the execution of the Consultant Contract by Johnson County.

### ARTICLE III: CORE TEAM'S RESPONSIBILITIES

1. **Composition.** KDOT, Johnson County, and De Soto shall each designate and authorize a minimum of one representative to be responsible for collectively and cooperatively managing the Study. Said representatives shall be collectively known as the "Core Team."

2. **Consultant Selection.** The Core Team shall be responsible for selecting a qualified and responsible Consultant to perform the Study.

3. **Consultation with Technical Committee.** The Core Team shall consult with Technical Committee on a regular basis as described in the Study Scope and incorporate input as determined appropriate by the Core Team. The Core Team will consult with and receive input from Olathe, Edgerton, Gardner, and Douglas County, hereinafter referred to as the Technical Review Committee, to provide guidance and direction for the Study. The Core Team will incorporate the Technical Review Committee's input as determined appropriate by the Core Team.

4. **Final Study Documentation.** The Core Team shall furnish each Party one (1) paper copy and one (1) electronic copy of the final Study.

5. **Undertaking of Study.** The Study shall be undertaken for and on behalf of the Parties by the Core Team acting as their representative.

### ARTICLE II: JOHNSON COUNTY'S RESPONSIBILITIES

1. **Consultant Contracting.** Johnson County shall contract, on behalf of the Parties, to make or secure the making of the Study, and administer the payments due the Consultant pursuant to the Consultant Contract, including any portion of cost borne by the remaining Parties pursuant to this Agreement.

2. **Administration of Consultant Contract.** Johnson County shall administer the Consultant Contract in cooperation with KDOT and De Soto as part of the Core Team.

3. **Billing.** After receipt of the final voucher claim, Johnson County, in a timely manner, shall prepare a complete and final billing of all costs incurred pursuant to the Consultant Contract, for which the remaining Parties are responsible, and shall then transmit the complete and final billing to the remaining Parties.

4. **Payment for Consultant Work.** Johnson County reserves the right not to make payment for work performed pursuant to the Consultant Contract that is not in substantial compliance with the agreed upon scope and it not performed in accordance with generally recognized professional standards and based on sound engineering and planning judgment.

### ARTICLE III: TECHNICAL COMMITTEE'S RESPONSIBILITIES

1. **Composition.** Olathe, Edgerton, Gardner, and Douglas County shall each designate and authorize a minimum of one representative to be responsible for collectively and cooperatively consulting with the Core Team. Said representatives shall be collectively known as the "Technical Committee."

2. **Consultation with Core Team.** The Technical Committee shall consult with and provide guidance, direction, and input to the Core Team on a regular basis as described in the Study Scope.

### ARTICLE IV: GENERAL PROVISIONS

1. **Adequacy of Study.** The Parties and the Consultant shall be jointly and severally responsible for the adequacy and accuracy of the Study.

2. **Amendment.** Any amendment to this Agreement shall be in writing and signed by the Parties.

3. **Binding Agreement.** This Agreement and all contracts entered into under the provisions of this Agreement shall be binding upon the Parties and their successors in office.

4. **Civil Rights Act.** The "Special Attachment No. 1, Rev. 09.20.17" pertaining to the implementation of the Civil Rights Act of 1964, is attached and made a part of this Agreement.

5. **Compliance with Federal and State Laws.** The Parties shall comply with all applicable state and federal laws and regulations. Johnson County represents and warrants that any Contractor and/or Consultant performing any services for the Study shall also comply with all applicable state and federal laws and regulations.

6. **Contractual Provisions.** The provisions found in the current version of the "Contractual Provisions Attachment (Form DA-146a)," which is attached, are hereby incorporated into, and made a part of this Agreement.

7. **Counterparts.** This Agreement may be executed in counterparts, each of which shall be an original and all of which shall constitute the same agreement.



8. **Debarment of State Contractors.** Any Contractor who defaults on delivery or does not perform in a satisfactory manner as defined in this Agreement may be barred for up to a period of three (3) years, pursuant to K.S.A. § 75-37,103, or have its work evaluated for pre-qualification purposes. Contractors retained by Johnson County for the Study shall disclose any conviction or judgment for a criminal or civil offense of any employee, individual or entity which controls a company or organization or will perform work under this Agreement that indicates a lack of business integrity or business honesty. This includes (1) conviction of a criminal offense for obtaining or attempting to obtain a public or private contract or subcontract or in the performance of such contract or subcontract; (2) conviction under state or federal statutes of embezzlement, theft, forgery, bribery, falsification or destruction of records, or receiving stolen property; (3) conviction under state or federal antitrust statutes; and (4) any other offense to be so serious and compelling as to affect responsibility as a state contractor. An individual or entity shall be presumed to have control of a company or organization if the individual or entity directly or indirectly, or acting in concert with one or more individuals or entities, owns or controls 25 % or more of its equity, or otherwise controls its management or policies. Failure to disclose an offense may result in a breach of this Agreement for cause.
9. **Entire Agreement.** This Agreement, with all attached exhibits, expresses the entire agreement between the Parties with respect to the Project. No representations, promises, or warranties have been made by the Parties that are not fully expressed or incorporated by reference in this Agreement.
10. **Headings.** All headings in this Agreement have been included for convenience of reference only and are not to be deemed to control or affect the meaning or construction or the provisions herein.
11. **Independent Contractor Relationship.** The relationship of the Parties shall be that of an independent contractor, and nothing in this Agreement shall be construed to create a partnership, joint venture, or employee-employer relationship among the Parties. This provision shall survive the expiration or termination of this Agreement.
12. **Industry Standards.** Where not otherwise provided in this Agreement, materials or work called for in this Agreement shall be furnished and performed in accordance with best established practice and standards recognized by the contracted industry and comply with all applicable federal, state, and local laws and rules and regulations promulgated thereunder.
13. **No Third-Party Beneficiaries.** No third-party beneficiaries are intended to be created by this Agreement and nothing in this Agreement authorizes third parties to maintain a suit for damages pursuant to the terms or provisions of this Agreement.
14. **Nondiscrimination and Workplace Safety.** The Parties shall comply with all federal, state, and local laws, and rules and regulations prohibiting discrimination in employment and controlling workplace safety. Any violations of applicable laws, rules, or regulations may result in termination of this Agreement.

15. **Restriction on State Lobbying.** Funds provided by the Secretary under this Agreement shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this Agreement shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.
16. **Severability.** If any provision of this Agreement is determined by a court of competent jurisdiction to be invalid or unenforceable to any extent, the remainder of this Agreement shall not be affected, and each provision of this Agreement shall be enforced to the fullest extent permitted by law.
17. **Technical Advice and Assistance; Limitations.** Technical advice, assistance, or both, provided by the Secretary under this Agreement shall not be construed as an undertaking by the Secretary of the duties of any other Party or any other individual or entity, or the duties of any Consultant, Contractor, licensed professional engineer, or inspector hired by Johnson County.
18. **Termination.** If, in the judgment of the Secretary, sufficient funds are not appropriated to continue the function performed in this Agreement and for the payment of the charges hereunder, the Secretary may terminate this Agreement at the end of its current fiscal year. The Secretary will participate in all costs approved by the Secretary incurred prior to the termination of the Agreement.
19. **Waiver.** A Party's failure to exercise or delay in exercising any right, power, or privilege under this Agreement shall not operate as a waiver. Further, no single or partial exercise of any right, power, or privilege shall preclude any other or further exercise thereof.
20. **Meeting Attendance.** The Parties shall attend meetings organized by the Core Team to discuss the progress of the Study and the quality of the materials being prepared.
21. **Signatory Authority.** Each of the persons executing this Agreement on behalf of the respective Parties represents and warrants they have the authority to bind the party on behalf of whom they sign this Agreement for, and all acts requisite to the authorization to enter into this Agreement have been taken and completed.
22. **Responsibility for Acts and Omissions.** Each Party shall be responsible for its own acts and omissions that may give rise to a claim for damages, however, no Party shall be required to defend, indemnify, hold harmless, and save any other Party for the other Party's negligent acts or omissions.

*The signature pages immediately follow this paragraph.*

**IN WITNESS WHEREOF** the Parties hereto have caused this Agreement to be signed by their duly authorized officers on the day and year first above written.

**KANSAS DEPARTMENT OF TRANSPORTATION  
SECRETARY OF TRANSPORTATION  
ATTEST:**

\_\_\_\_\_  
Greg M. Schieber, P.E. (Date)  
Deputy Secretary and  
State Transportation Engineer

**THE CITY OF DE SOTO, KANSAS**  
ATTEST:

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Rick Walker, MAYOR

(SEAL)

**JOHNSON COUNTY, KANSAS**

ATTEST:

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Mike Kelly, COMMISSION CHAIR

(SEAL)

**THE CITY OF OLATHE, KANSAS**  
ATTEST:

---

John Bacon, MAYOR

(SEAL)

**THE CITY OF EDGERTON, KANSAS**  
ATTEST:

---

Donald Roberts, MAYOR

(SEAL)

**THE CITY OF GARDNER, KANSAS**

ATTEST:

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Jim Pruetting, CITY ADMINISTRATOR

(SEAL)



**DOUGLAS COUNTY, KANSAS**

ATTEST:

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Patrick Kelly, COMMISSION CHAIR

(SEAL)

# SCOPE OF SERVICES

## Johnson County Transportation Connection Plan – Southwest Metro Area

January 11, 2024

### A. PROJECT DESCRIPTION

The Sunflower Army Ammunition Plant (SAAP) was opened in the northwest area of Johnson County in 1941 on 10,747 acres. The SAAP is being reclaimed and repurposed as an industrial and commercial development area named the Astra Enterprise Park (AEP) and has been annexed by the city of De Soto. The northwest area of Johnson County, and the surrounding area in general, will experience major developments as the new AEP develops. Significant road infrastructure improvements will be needed.

When the SAAP was opened in 1941, the arterial roads in this area of the County were generally truncated at the plant boundary. Additionally, significant topographical and floodplain issues exist in the study area (Figure 1) that have contributed to the disjointed pattern of arterial roads in the area. As such, the major focus of the study will be an assessment of the transportation needs for the study area, recommending the reconnection of the necessary arterial links and the assessment for and planning of new State routes providing connectivity amongst the various State systems in the area.

The AEP will soon be home to the 5 million square foot Panasonic battery production facility with an estimated employment of 4000. The plant is scheduled to be opened in July 2025 and there is potential for a second facility. Also, millions of square feet of additional development in and adjacent to the AEP including distribution centers, warehouses, and other industrial/commercial oriented development is likely. In the surrounding area there is potential for annexation and urban residential/commercial development that will serve this emerging employment center.

Key components of the study are:

- 1) A comprehensive review of the transportation and future land use plans for the Astra Enterprise Park and the City of De Soto
- 2) A review of the transportation and land use plans of the adjacent cities and counties including projections of potential annexations and land uses. This would include the cities of De Soto, Edgerton, Gardner, Olathe, Eudora and the counties of Johnson and Douglas.
- 3) Based on items 1) and 2), review Kansas City Outer Loop Toll Feasibility study's land use projections and update as appropriate.
- 4) Based on the information obtained from 1), 2), and 3) identify and analyze the road infrastructure needed to support the current and future industrial, commercial, and residential land uses/developments in the Primary and Secondary Study Areas. It is noted that significant areas of existing and future Johnson County parks will be developed in the study area. As such, coordination with the Johnson County Parks and Recreation District will be required.

Local System Evaluation:

- a. Review Johnson County's Comprehensive Arterial Roadway Network Plan (CARNP) and Douglas County's transportation plans and make recommendations for modifications to the local road system for connectivity to the area and AEP (Primary Study Area). Review the CARNP type designations and recommend any modifications for the local road system.
- b. State System Evaluation: KDOT is currently reviewing the area as part of the Discovery Phase for the K-10 expansion project. This study effort will coordinate, review, and incorporate the K-10 Discovery Phase

- and the 2021 Outer Loop Toll Feasibility Study with its analyses and recommendations as appropriate (along with other relevant KDOT corridor studies and/or investigations).
- c. Make recommendations for other entities' transportation plans as appropriate to connect the surrounding jurisdictions (Secondary Study Area) to the Primary Study Area.
  - d. Review opportunities for multimodal uses and make recommendations for infrastructure improvements to allow for future multimodal opportunities.
- 5) Complete the needed desktop determination of environmental constraints to the point to ensure viability of any new routes and recommend further environmental studies needed for the adoption of any new routes. Any additional environmental work required will be undertaken and completed by the responsible entity when appropriate.

More detailed description of each of these key study components is provided in Section C.

**B. CORE TEAM and TECHNICAL COMMITTEE:**

- A **Core Team** comprised of members from the City of De Soto, Johnson County and the Kansas Department of Transportation (KDOT) will provide the guidance and direction throughout the study. They will also be responsible for providing input to the Consultant Team and conducting reviews of the study deliverables.
- A **Technical Committee** comprised of members from the cities of De Soto, Edgerton, Gardner, Olathe, Eudora, Douglas County, MARC, Douglas County MPO, AEP and Johnson County Parks and Recreation District will be given updates by the Consultant Team at key milestone updates. The Core Team will take the input from the Technical Committee to help guide the study process as appropriate.

**The Core team and/or the Technical Committee shall provide:**

- 1) Provide as built or design plans of the existing and adjacent roadways (if available).
- 2) Any drainage studies completed in the area.
- 3) Electronic files of current aerial photographs (if available).
- 4) Existing cadastral maps, plat maps, electronic right-of-way files of the project area (if available).
- 5) Provide location for and advertise for public meetings.
- 6) Names of known utilities, addresses and permits listing use and occupancy permit data along the project.
- 7) Traffic count information.
- 8) Previous studies conducted in the study area and surrounding region. The following studies shall be provided along with any other studies determined to have relevance to this project:
  - a) 5-County Regional Transportation Study (KDOT)
  - b) I-35 Moving Forward Study (KDOT)
  - c) Johnson County Gateway: I-435/I-35/K-10 Interchange Study (KDOT)
  - d) I-35 Southwestern Johnson County Interchange Project (KDOT)
  - e) US 56 Corridor Management Plan (KDOT)
  - f) City of De Soto Comprehensive and Transportation Plans
  - g) City of Eudora Comprehensive Plan
  - h) Lawrence – Douglas County Transportation 2050
  - i) Transportation Master Plan – City of Gardner
  - j) City of Edgerton Comprehensive Plan
  - k) Olathe Transportation Master Plan
  - l) Johnson County Comprehensive Arterial Road Network Plan (Johnson County)
  - m) Johnson County Comprehensive Plan (Johnson County)
  - n) Johnson County Northwest Corridors Plan (Johnson County)
  - o) Quiet Zone Study and Design (Edgerton)
  - p) Gardner Parks and Recreation Park System Master Plan (Gardner)
  - q) JCPRD Planned Land receipt map (from Sunflower Redevelopment Group)

- r) Johnson County Parks and Recreation - Trails Plan
- s) Natural Resource Assessment for Johnson County Park and Recreation District - JCPRD
- t) Gardner Comprehensive Plan
- u) Gardner Municipal Airport Plan
- v) Gardner Water Master Plan
- w) Gardner Wastewater Master Plan
- x) Gardner Design Standards
- y) Connect KC 2050 (MARC)
- z) Regional Bikeway Plan (MARC)
- aa) Functional Classification System (MARC)
- bb) MetroGreen (MARC)
- cc) Northwest Corridor Study

### Study Areas shown in Figure 1

- **Primary Study Area** – focused on truncated lines at Astra Enterprise Park
- **Secondary Study Area** – focused on updates to CARNP

This scope of services will provide recommendations only and each core team member will update their own individual plans (i.e. CARNP) separately.

This scope of services will produce a technical report working with a Core Team and Technical Advisory Committee and will not have any public outreach.

### C. SCOPE OF SERVICES:

1. Land Use. MARC's 2050 Land Use was used for the Kansas City Outer Loop Toll Feasibility Study (2020). A Community Based Land Use scenario was developed for the K-10 Improvements Study (2023) and the Study Team will, review, update, and develop a **Most Probable Land Use** scenario for the study area. The Most Probable Land Use Scenario is the only land use scenario that will be developed and tested. The land use scenario will be forecast to 2060 similar to the K-10 Capacity Improvement Project.
  - 1.1. Existing Infrastructure and Land Use Inventory. Using KDOT's K-10 Discovery Phase as a starting point, complete an inventory of existing infrastructure (utilities, sanitary sewer, roads, etc....) and of existing land uses within the study area, utilizing aerial photography, GIS information, other available information such as assessor's files, information compiled by or available to MARC and municipalities, discussions with utilities, and field work to fill gaps. Tabulate and map land use inventory. Assess the area for potential and ability to develop.
  - 1.2. Most Probable Land Use Scenario Determination. Develop a most probable land use scenario for the study area based on the following information.
    - 1.2.1. Review the AEP and develop a most probable 2060 land use scenario. Complete discussions with current and potential developers and owners of industrial, warehousing/distribution, residential, industrial, and commercial properties within the AEP.
    - 1.2.2. Review and discuss with the cities and counties of the study area their future annexation, land use, and development plans.
    - 1.2.3. Recommend based on the land use plans of the area a most probable land use scenario that can be used for traffic projections and traffic modeling. For areas of annexation overlap/underlap use best

practices, such as water shed boundaries or sanitary sewer districts, to determine likely annexation boundaries and an urban build out scenario.

1.2.4. Review the most probable land use scenario with the Core Team and incorporate comments.

1.3. Traffic Forecasting. The updated KDOT 5-County Study regional travel model developed for the K-10 Capacity Improvement Project will be used as a basis for traffic forecasting for the study. The model will be refined to provide better focus on the study area. The refined model will be used to forecast travel demands associated with the most probable land use scenario and to determine transportation system needs to accommodate projected demand. Coordination with MARC will occur to convey the conclusions that result from this study and desire that proposed improvements be considered as potential amendments to the 2050 Long-Range Transportation Plan.

1.3.1. The traffic model will be reviewed to determine what refinements are needed to provide the necessary focus on the study area. Potential refinements are expected to include disaggregation of traffic analysis zones, additional roadway network detail, and modifications to zone connectors. 5-County model base year validation will focus on the area. Transit will not be included in the travel demand model analysis. Transit is only considered in the Typical Section work in Section 2.3.

1.3.2. Use Replica software to identify high level traffic volumes on study area links. Use existing available counts to compare actual counts to Replica counts to develop a model adjustment factor. This adjustment factor would be applied to Replica counts to develop a 2060 forecast.

1.3.3. Once a most probable land use scenario is identified, the model will be used to evaluate transportation system improvement needs and to test different roadway improvement alternatives. All analysis will be conducted with the 2060 analysis year using the most probably land use scenario. Daily traffic assignments and volume to capacity ratios will be extracted in PDF format from the 5-County model for subsequent analysis. A new outer loop that follows the proposed K-10 Capacity Improvement outer loop between I-70 and I-35 will be included in the analysis.

2. Local Major Road Planning. This task will identify and recommend the additional transportation system improvements that are needed in the study area including the reestablishment of arterials and new arterial corridors. Also, KDOT has studied an "outer loop" that, in part, connects I-70 to I-35 and is generally located in western Johnson County and runs adjacent to or through the AEP. This study will assess and provide recommendations that consider this outer loop corridor.

2.1. Update CARNP. Develop recommendations for the Johnson County Arterial Roadway Network Plan (CARNP) within the limits of the study area. The Astra Enterprise Park will need to have access served by the CARNP planned corridors. Review the cities within the study area and their connections to CARNP to provide access to the study area and the AEP. The roadway network modifications recommended within the study area by this study will be recommended for integration with the CARNP (and other plans as appropriate).

The CARNP identified a future/to be determined north/south major corridor with strict access management, including future grade separations, in the northwest area of the county. This future corridor showed termini with K-10 at the north end and 159<sup>th</sup> Street and Edgerton Road as the southern terminus; with the CARNP showing a further extension of the corridor along Edgerton Road to 215<sup>th</sup> Street.

- Recommend a north/south parkway per CARNP and any additional access management strategies.

- Recommend arterial road modifications to the CARNP that provide adequate connections to AEP and surrounding areas.
  - Recommend designations, per CARNP, that provide the needed connectivity.
  - Review of the County's Kill Creek route (connecting K-10 to 151st Street) and its feasibility considering the De Soto annexations and the route's connection to K-10.
  - Review the County's 111th Street Parkway designation through the AEP and its feasibility/compatibility with the AEP and the surrounding area. The review of the 111th Street route will be done in conjunction with item 2.2.
  - Review multimodal options and recommend infrastructure improvements that would be incorporated in the road recommendations and their typical sections as they related to the typical sections in Section 2.3.
- 2.2. Review Local Transportation Plans. Transportation plans for the adjacent cities will be reviewed to identify modifications necessary to correspond with the recommendations from this land use and transportation plan. Specifically, recommend the reestablishment of existing connections or the designation of new connections with the cities and counties or any other jurisdictions' transportation plans that the recommendations may affect.
- 2.3. Typical Sections. Typical roadway sections, similar to the CARNP designations will be developed for the future roadway network within the study area. Typical sections will include such items as lane widths, median widths, sidewalk and trail widths, right-of-way requirements and standard utility locations within typical section. Make recommendations for the CARNP type road designations to the local system with the study area.
3. Natural Resources and Environmental Assessment. Assess and complete desktop determination of environmental constraints and recommend future needed environmental studies necessary to ensure the viability of any NEW recommended routes. Considering that new routes may require additional or more detailed environmental review, propose further environmental reviews that would be undertaken in a separate Phase II, if necessary and appropriate. Any additional environmental work required for existing routes will be undertaken and completed by the responsible entity when appropriate and will not be a part of this contract.
6. Project Meetings. A variety of meetings as described below will be held throughout the course of the study to discuss the progress and communicate study findings:
- **Kick-off Meeting/Workshop.** A project kick-off meeting and workshop will be conducted within four weeks of receipt of the Notice to Proceed. The meeting and workshop will consist of a session with the Core Team and Technical Committee to provide a platform for discussion on the goals and objectives of the study, obtain background information and reports. Prior to the Kick-off Meeting/Workshop, the Consultant Team will meet with the Core Team to discuss the format and agenda of the workshop.
  - **Progress Meetings.** The Consultant Team will meet with the Core Team on a monthly basis (March through November for a total of 9 meetings) and Technical Committee (a total of 3 and prepare agendas and minutes of the meetings. The purpose of the meetings will be for the consultant to update the Core Team on progress, to discuss the study, and for the Core Team to provide additional information and/or direction as needed.

- A **Core Team** comprised of members from the City of De Soto, Johnson County and the Kansas Department of Transportation (KDOT) will provide the guidance and direction throughout the study. They will also be responsible for providing input to the Consultant Team and conducting reviews of the study deliverables. Nine meetings are assumed.
- A **Technical Committee** comprised of members from the cities of De Soto, Edgerton, Gardner, Olathe, Eudora, Douglas County, MARC, Douglas County MPO, AEP and Johnson County Parks and Recreation District will be given updates by the Consultant Team at key milestone updates. The Core Team will take the input from the Technical Committee to help guide the study process as appropriate. Three meetings are assumed based on the following three milestones.
  1. Introduction, methodology and Most Probable Land Use Review
  2. Network Preliminary Results
  3. Final Plan Recommendations
- **Council/Commission Meeting Preparation.** A PowerPoint Summary will be developed that each community can use to present to their respective council and commissions. One workshop/meeting will be held to review the PowerPoint and answer questions.

#### 7. Project Management and QC.

- 7.1. Project Management. This task includes activities to initiate and monitor project schedules, workload assignments and internal cost controls throughout the project. Also included are efforts to prepare and process invoices and monthly progress reports; prepare project correspondence with KDOT; prepare agendas and meeting minutes and maintain project records.
- 7.2. Quality Assurance/Quality Control. The Consultant Team will perform QA/QC checks at various stages of the study including prior to any official submittal.
- 7.3. Deliverables. The Consultant Team will prepare deliverables and submit to the Core Team the electronic files and hard copies of all materials.

#### E. **DELIVERABLES:**

1. Monthly Invoices and Progress Reports
2. Meeting Minutes
3. Technical Documents
  - a. Most Probable Land Use
  - b. Study Area Map that shows:
    - i. CARNP Plan Map updates
    - ii. Local Street Map updates
  - c. Modified CARNP Plan Typical Sections
  - d. Environmental Review
  - e. Recommendations to Secondary Study Area transportation plans
4. Study Correspondence
5. Draft Transportation Plan (including text and map recommendations/modifications to the cities' transportation plans, in addition to CARNP)
6. Final Report/Transportation Plan
7. Ten (10) Hard copies of all materials and final electronic pdf and Word files.

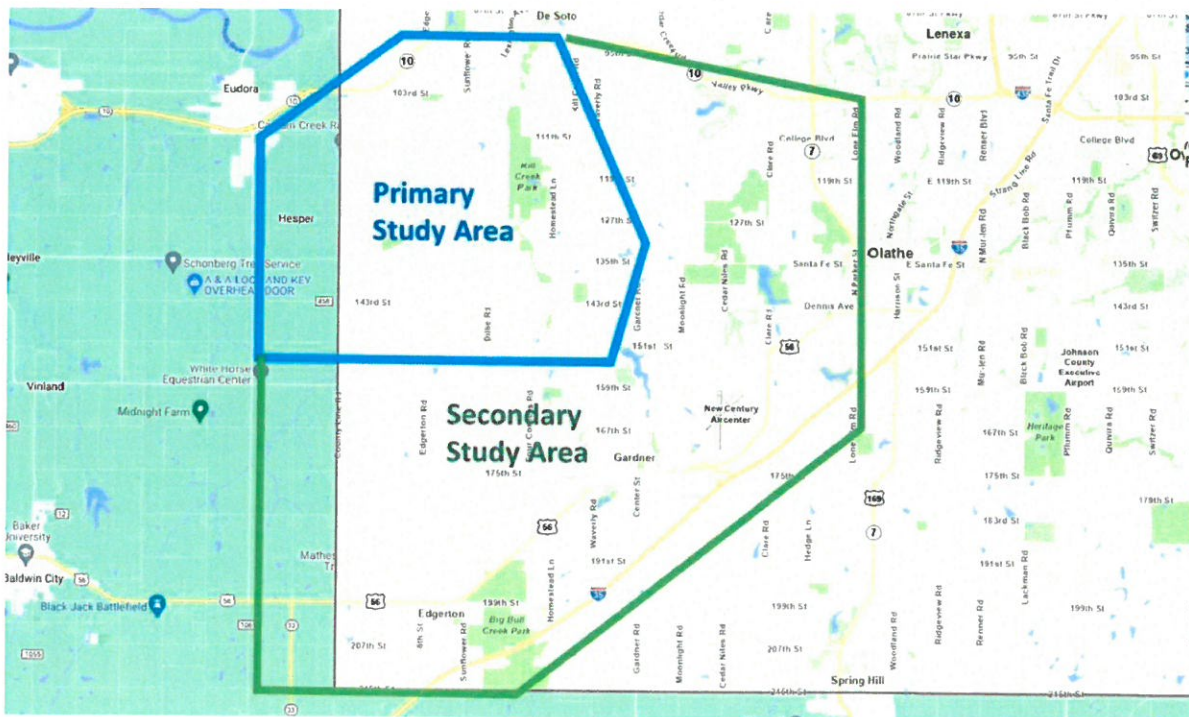


**G. SCHEDULE**

The project schedule and major tasks are shown on the following page. The key project milestones are as follows:

1. Notice to Proceed: (anticipated February 2024)
2. Kick-off Meeting/Workshop: 1 month after NTP
3. Draft Report Submittal: 8 months after NTP
4. Final Report Submittal: 10 months after NTP

**Figure 1 – Project Study Area**





**KANSAS DEPARTMENT OF TRANSPORTATION  
CIVIL RIGHTS ACT ATTACHMENT**

**PREAMBLE**

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d to 2000d-4) and other nondiscrimination requirements and the Regulations, hereby notifies all contracting parties that it will affirmatively ensure that this contract will be implemented without discrimination on the grounds of race, color, national origin, sex, age, disability, income-level or Limited English Proficiency (“LEP”).

**CLARIFICATION**

Where the term “contractor” appears in the following “Nondiscrimination Clauses”, the term “contractor” is understood to include all parties to contracts or agreements with the Secretary of Transportation, Kansas Department of Transportation. This Attachment shall govern should this Attachment conflict with provisions of the Document to which it is attached.

**ASSURANCE APPENDIX A**

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”), agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in its Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration (FHWA), the Federal Transit Administration (“FTA”) or the Federal Aviation Administration (“FAA”) as they may be amended from time to time which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontractors, Including Procurements of Material and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA, Federal Transit Administration (“FTA”), or Federal Aviation Administration (“FAA”) to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or, the FHWA, FTA, or FAA as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA, FTA, or FAA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of the paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any

subcontract or procurement as the Recipient or the FHWA, FTA, or FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

#### **ASSURANCE APPENDIX E**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- The Federal Aid Highway Act of 1973 (23 U.S.C. § 324 et. seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et. seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et. seq.), prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL No. 100-259), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with LEP, and resulting agency guidance, national origin discrimination includes discrimination because of LEP. To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681)

### CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 07-19), which is attached hereto, are hereby incorporated in this contract and made a part thereof.

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.
2. **Kansas Law and Venue:** This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least thirty (30) days prior to the end of its current fiscal year and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to ninety (90) days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Disclaimer Of Liability:** No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*).
5. **Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.*) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111, *et seq.*) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101, *et seq.*) (ADA), and Kansas Executive Order No. 19-02, and to not discriminate against any person because of race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person's ability to reasonably perform the duties of a particular job or position; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to

comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) Contractor agrees to comply with all applicable state and federal anti-discrimination laws and regulations; (g) Contractor agrees all hiring must be on the basis of individual merit and qualifications, and discrimination or harassment of persons for the reasons stated above is prohibited; and (h) if it is determined that the contractor has violated the provisions of any portion of this paragraph, such violation shall constitute a breach of contract and the contract may be canceled, terminated, or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

6. **Acceptance of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.
8. **Representative's Authority to Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility for Taxes:** The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*), the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.
11. **Information:** No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101, *et seq.*
12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."
13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 2/6/2024

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**FOCUS AREA:** Legal

**STAFF CONTACT:** Ron Shaver, Kristi Orbin

**SUBJECT:** Consideration of renewal of contract with Clarence M. Kelley & Associates of Kansas City, Inc. to provide screening personnel for the security checkpoint at the Municipal Court.

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**TITLE:**

Consideration of renewal of contract with Clarence M. Kelley & Associates of Kansas City, Inc. to provide screening personnel for the security checkpoint at the Municipal Court.

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**SUMMARY:**

The security screening checkpoint at the Municipal Court allows all people and baggage entering the building to be screened for weapons. In January 2021, the City Council approved a three-year contract with Clarence M. Kelley & Associates of Kansas City, Inc. for qualified personnel to conduct the screening at the security checkpoint. These personnel are armed professionals who guide people through the security checkpoint as they enter the Municipal Court facility. The security personnel are trained and responsible for operation of the walkthrough magnetometer and baggage x-ray screening equipment.

Based upon the vendor's performance of the initial contract, staff recommends awarding a two-year renewal of the contract with Clarence M. Kelley & Associates of Kansas City, Inc.

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**FINANCIAL IMPACT:**

Estimated annual expenses will be: Year 1 - \$143,000.00  
Year 2 - \$143,000.00

Funds for these annual expenses will come from the Court Security Fee and the Municipal Court operating budget.

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**ACTION NEEDED:**

Approval of Supplemental Agreement No. 1 providing for a two-year renewal of the contract for security screening personnel with Clarence M. Kelley & Associates of Kansas City, Inc.

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**ATTACHMENT(S):**

A. Supplemental Agreement No. 1

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**SUPPLEMENTAL AGREEMENT NO. 1  
FOR PROFESSIONAL SERVICES  
City of Olathe, Kansas**

This Supplemental Agreement made this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Olathe (“City”) and Clarence M Kelley and Associates of Kansas City, Inc. (“Service Provider”) (collectively, the “Parties”).

WHEREAS, the City and Service Provider have previously entered into an Agreement, dated January 5, 2021 (“the Agreement”), for security services for the Municipal Court; (“Project”); and

WHEREAS, Section II.B.1 of the Agreement provides that Service Provider will provide, with City’s concurrence, services in addition to those listed in the Agreement when such services are authorized by a supplemental agreement executed in writing by the Parties; and

WHEREAS, this Supplemental Agreement between the Parties is to provide security services for an additional two years, from January 31, 2024, through January 30, 2026, for the Project at the rates outlined below; and

WHEREAS, the City is desirous of entering into this Supplemental Agreement to pay the Service Provider for additional services rendered to the City related to the Project; and

WHEREAS, the City is authorized and empowered to contract with the Service Provider for the necessary additional services in this Supplemental Agreement.

NOW THEREFORE, the Parties hereby agree as follows:

- A. The Agreement is hereby amended as follows:
  - i. The Agreement is extended for an additional two years from January 30, 2024. All services under the Agreement as modified by this Supplemental Agreement No. 1 must be completed on or before January 30, 2026; and
  - ii. The rates in **Exhibit B** to the Agreement are amended as follows, effective January 31, 2024:

	Jan 31, 2024 – Jan 30, 2026	
Labor/Service Category	Rate	
Regular Time Bill Rate: Armed Protection Officer	\$34.14	Per hour
Holiday Bill Rate: Armed Protection Officer	\$46.67	Per hour
Overtime Bill Rate: Armed Protection Officer	\$46.67	Per hour

IN ALL OTHER RESPECTS, the terms and conditions of the Agreement will remain in full force and effect, except as specifically modified by any prior written Supplemental Agreement approved by the Parties and by this Supplemental Agreement, including all policies of insurance which will cover the work authorized by this Supplemental Agreement.

IN WITNESS WHEREOF, the Parties have caused this Supplemental Agreement to be executed as of the day and year first above written.

**CITY OF OLATHE, KANSAS**

By: \_\_\_\_\_  
Mayor

ATTEST:

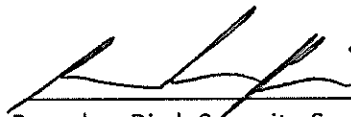
\_\_\_\_\_  
City Clerk

(SEAL)

APPROVED AS TO FORM:

Robert S. Gallimore  
City Attorney or Deputy/Assistant City Attorney

Clarence M Kelley and Associates of Kansas City, Inc.

By:   
Brandon Bird, Security Services Manager  
300 N Osage, Independence, MO 64050



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 2/6/2024

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**FOCUS AREA:** Economy, Planning Division

**STAFF CONTACT:** Taylor Vande Velde, Planner II

**SUBJECT:** RZ23-0012: Rezoning, Preliminary Plat and Preliminary Site Development Plan for Heritage Ranch; Applicant: Tim Tucker, Phelps Engineering Inc.

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**TITLE:**

Consideration of Ordinance No. 24-03, RZ23-0012, requesting approval of a rezoning from the CTY RUR (County Rural) District to the R-1 (Residential Single-Family) District, a preliminary plat and preliminary site development plan for Heritage Ranch on approximately 128.98 acres; located southwest of 159th Street and Black Bob Road. Planning Commission recommends approval 9-0.

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**SUMMARY:**

The applicant is requesting approval of a rezoning to the R-1 (Residential Single-Family) District, preliminary plat, and preliminary site development plan for Heritage Ranch. The preliminary plat includes 305 single-family lots and twelve (12) common tracts. The lots range in size from 6,500 square feet to 33,890 square feet with an average size of 11,646 square feet. Amenities include 24-acres of open space, a clubhouse, pickleball court, outdoor play area, trails, and a fishing pond.

The R-1 District directly aligns with the future land use map of the PlanOlathe Comprehensive Plan which designates the property as a Conventional Neighborhood. The proposal also aligns with several policies of the PlanOlathe Comprehensive Plan and meets the Golden Criteria as outlined in the Planning Commission Packet.

The applicant is requesting one (1) waiver which applies only to 28 lots regarding setbacks which staff is supportive of as detailed in the Planning Commission Packet. Additionally, lots less than 7,200 square feet in size are subject to additional building design standards of UDO 18.15.

The public hearing was held on January 8, 2024 and one (1) member of the public spoke regarding traffic within the vicinity of the proposal. The Planning Commission voted 9-0 to recommend approval of RZ23-0012 as presented in the meeting minutes.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

1. Approve Ordinance No. 24-03 for a rezoning to the R-1 District as recommended by the Planning Commission (4 positive votes required).
  2. Deny Ordinance No. 24-03 for a rezoning to the R-1 District (5 positive votes required).
  3. Return the application to the Planning Commission for further consideration with a statement specifying the basis for the Governing Body's failure to approve or disapprove (4 positive votes required).
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**MEETING DATE: 2/6/2024**

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**ATTACHMENT(S):**

- A. Planning Commission Packet
- B. Planning Commission Minutes
- C. Ordinance No. 24-03



**STAFF REPORT**

**Planning Commission Meeting: January 8, 2024**

<b>Application:</b>	<b><u>RZ23-0012: Rezoning from the CTY RUR (County Rural) District to the R-1 (Residential Single-Family) District, Preliminary Plat and Preliminary Site Development Plan for Heritage Ranch</u></b>
<b>Location:</b>	Southwest of 159 <sup>th</sup> Street and Black Bob Road (Lackman Road)
<b>Owner:</b>	John H. and Susan Wilson
<b>Applicant/Engineer:</b>	Tim Tucker; Phelps Engineering Inc.
<b>Staff Contact:</b>	Taylor Vande Velde; Planner II

<b>Site Area:</b>	<u>128.98 acres</u>	<b>Proposed Use:</b> <u>Residence, Single-Family Detached</u>
<b>Proposed Density:</b>	<u>2.4 units/acre</u>	<b>Plat:</b> <u>Unplatted</u>
<b>Existing Zoning:</b>	<u>CTY-RUR (County Rural)</u>	<b>Proposed Zoning:</b> <u>R-1 (Single-Family Residential)</u>
<b>Lots:</b>	<u>305</u>	<b>Tracts:</b> <u>12</u>

	<b>Plan Olathe Land Use Category</b>	<b>Existing Use</b>	<b>Existing Zoning</b>
<b>Site</b>	<b>Conventional Neighborhood</b>	<b>Single-Family Residence/AG</b>	<b>CTY-RUR (County Rural)</b>
<b>North</b>	Conventional Neighborhood / Secondary Greenway	Single-Family Residential	R-1 (Single-Family Residential)
<b>South</b>	Conventional Neighborhood / Secondary Greenway	Single-Family Residential	R-1 (Single-Family Residential)
<b>East</b>	Primary Greenway	Heritage Park	CTY RUR / RN-1
<b>West</b>	Conventional Neighborhood / Secondary Greenway	Single-Family Residential	R-1 (Single-Family Residential)

**1. Introduction**

The applicant is requesting a rezoning from the CTY RUR (County Rural) District to the R-1 (Residential Single-Family) District for the Heritage Ranch subdivision. The property is located at the southwest corner of 159th Street and Black Bob Road. The proposed rezoning to the

R-1 District is required to allow the development of a single-family home subdivision. A preliminary plat and site development plan with 305 single-family lots and 12 common tracts accompany this rezoning request.

The 128.98-acre site will be constructed in four (4) phases with a clubhouse, play area, and pickleball courts located in the center of the subdivision with a fishing pond in Tract B. The first phase on the east will provide two primary access points for the neighborhood, one from 159<sup>th</sup> Street and the other from Black Bob Road. The development also includes an eight-foot-wide asphalt trail extending from Black Bob Road along the length of the southern property line.

## 2. History

The property was annexed into the City of Olathe in October 2023 (ANX23-0001) and has historically been used for a single-family home along with farming and agricultural operations in the unincorporated Johnson County.



Site Location Map

### 3. Existing Conditions

The existing site is primarily farmland and includes a single-family home that was constructed in 1983 in the center of the property with several small outbuildings and a large barn. Most of the existing tree canopy is located along the perimeter of the property where tree preservation is planned. The existing single-family home is proposed to remain and will be platted as an individual lot in the subdivision.



*View of the subject property from W. 159<sup>th</sup> Street, Looking Southwest*

### 4. Zoning Standards Land Use

- a. **Land Use** – The applicant is seeking a change of zoning to allow for the construction of single-family homes within the R-1 District. Permitted uses in the R-1 District include uses such as, but not limited to, single-family homes, assisted living facilities, schools, and religious facilities. The site is designated as Conventional Neighborhood, and Primary and Secondary Greenways on the PlanOlathe Future Land Use Map. The requested R-1 District directly aligns with this future land use designation.
- b. **Lot Standards** – The preliminary plat includes 305 single-family residential lots. Of those lots, 28 have a minimum lot width of 50 feet, while the other 277 lots exceed the minimum requirements as permitted by Unified Development Ordinance (UDO) 18.20.070. Table 1 below provides the dimensional standards for all lots. The lots range in size from 6,500 square feet to 33,890 square feet with an average size of 11,646 square feet. Waivers are requested to side yard setbacks, as noted below, and detailed in Section 10.

<i>Table 1: Minimum Dimensional Standards</i>	<i>Min. 50-Foot-Wide Lots</i>
<i>Lot Size</i>	5,000 square feet
<i>Lot Width</i>	50 feet
<i>Front Yard</i>	25 feet
<i>Side Yard</i>	7 feet*
<i>Rear Yard</i>	15 feet
<i>Corner Lot Side Yard</i>	20 feet**
<i>Common Open Space</i>	15% of site area, 50% of which must be active open space

\* A waiver is requested to reduce the 7-foot side yard setback to 5 feet for all lots that are 50 feet in width.

\*\* A waiver is requested to reduce the corner side yard setback for select lots from 20 feet to 15 feet.

- c. **Building Height** – Building heights within the R-1 District are limited to 2 ½ stories and 35 feet for residential homes and 75 feet for nonresidential buildings. The proposed single-family homes will comply with this requirement.
- d. **Setbacks** – The UDO allows flexibility for a variety of setbacks and lot standards in exchange for the provision of common open space (see Table 1 above). A waiver is being requested to the minimum side yard setback of 7 feet and corner side yard setback of 20 feet for those 28 lots which are 50 feet wide, as detailed in Section 10 of this report.
- e. **Open Space** –The open space requirement for the development is 19.35 acres and the applicant is providing 24.48 acres, which is 19% of the overall site, exceeding the 15% required by UDO 18.20.070.B. Of this required open space, 50% is required to be active; the clubhouse, play area, trail, and fishing pond are 18.74 acres, exceeding the 50% active open space requirement of 9.68 acres.

## 5. Coffee Creek Master Plan

Adopted in 2005, The Coffee Creek Master Plan provides a guide for future development generally located between 159<sup>th</sup> Street in the north and 175<sup>th</sup> Street in the south, and between Ridgeview Road in the west and Pflumm Road in the east. The Coffee Creek Master Plan designates this property for Neighborhood Residential land uses with a density between 2-4 dwelling units per acre. New development within this study area should be high-quality and offer a range of housing options with amenities, which this proposal provides. The proposed subdivision provides 2.4 dwelling units per acre and addresses several goals from the plan including promoting quality of life through walkable and pedestrian-friendly development with sidewalks and trails. As such, the proposed plan meets the requirements for the Coffee Creek Master Plan.

## 6. Development Standards

- a. **Access/Streets** – The proposed layout of streets and access points into the subdivision were reviewed against, and are compliant with, the City’s Access Management Plan and requirements of the UDO. Two (2) new street connections will be provided to arterial streets; one (1) to 159<sup>th</sup> Street to the north and one (1) to Black Bob Road to the east. The subdivision’s Black Bob Road entrance will also align with the future Johnson County Heritage Park entrance across the street, which will move approximately 500 feet south of its current location in 2024. While the arterial streets will provide new connections to the public street network, no residential lot will have direct access to an arterial street.

The proposed street layout will connect to five (5) existing stub streets abutting the Heritage Ranch property to the west and south. Additionally, a permanent turn around will be constructed at the 163<sup>rd</sup> Terrace stub street located in the Stonebridge Park 1<sup>st</sup> Plat to the south. The subdivision will connect to an existing collector street to the west, 161<sup>st</sup> Terrace, which will extend to Black Bob Road.

The existing single-family residence will be occupied and have temporary roadway access throughout the construction of Phase 1. The unplatted parcel directly south of Legacy Christian Church (Parcel ID 6F241417-3005) does not currently have access to a public street. To ensure future roadway access, Tract L and adjacent right-of-way to the south will be platted to provide access if the property is not sold to an adjacent property owner with roadway access in the future. Additionally, the number of access points provided for the subdivision provides adequate access for life and safety requirements of the Olathe Fire Department.



- b. **Landscaping/Screening** – Master Landscaping is provided along both 159<sup>th</sup> Street and Black Bob Road within areas at least 25 feet in width as required by UDO Section 18.30.130.H. Street trees will also be provided along all streets within the development.
- c. **Amenities** – The applicant is proposing a clubhouse, pickleball courts, and outdoor play area amenity centrally located within the subdivision in Tract D near the existing home. The existing barn will be converted and used as the clubhouse. In accordance with the phasing plan, the amenities will be completed with the second phase of development and additional details will be provided with the final development plan.

The development will provide an 8-foot wide recreational trail through Tract J, Tract H and G along the southern portion of the property along with a Tree Preservation Easement. This trail will connect to future trails planned for the Arbor Creek neighborhood to the west, further connecting to existing parks including Arbor Creek Park and Heritage Park. Several accessways to this public trail are provided from four (4) locations within the development, meeting trail access requirements for single-family neighborhoods. Additionally, the trail leads to a fishing area in the existing pond located in Tract B.

- d. **Tree Preservation** – The property includes approximately 19.52 acres of woodland area. The UDO requires that at least 20% of the woodland area be preserved, or approximately 3.9 acres for this property. The applicant has provided a tree preservation plan, included in this packet, depicting 3.95 (20.2%) acres of woodland area to be preserved on site. These areas are located along the southern and western property lines. Areas of existing trees internal to the site will be removed for stormwater detention.
- e. **Stormwater/Detention** – The property is located within the Coffee Creek Watershed and requires on-site stormwater detention and treatment. The applicant will provide three (3) stormwater BMPs on site, and the site will comply with all stormwater requirements of Title 17.
- f. **Public Utilities** – The property is located in the WaterOne and Johnson County Wastewater (JCW) service areas. Utilities will be extended to serve each portion of the development. There are several existing utilities on the site including easements for, Evergy, Water District No. 1, Rural Water District No. 5, Union Gas System, Inc., and Consolidated Main Sewer District of Johnson County.

## 7. Site Design Standards

The property is subject to Site Design Category 1 (UDO 18.15.105) based on the Conventional Neighborhood designation of the PlanOlathe Future Land Use Map. The following is a summary of the applicable site design requirements:

### a. **Street & Pedestrian Connectivity**

Sidewalks will be provided on one side of all internal local streets as required by the UDO with connections to pedestrian ways along arterial street rights-of-way provided. 161<sup>st</sup> Terrace is classified as a collector street and includes sidewalks on both sides as required by the UDO. Public sidewalks will also be constructed by the developer along the perimeter of 159<sup>th</sup> Street adjacent to this development. The City will be constructing sidewalks along Black Bob Road as part of a 2024 Capital Improvement Project.

The proposed street and pedestrian layout provide a total of 35 links and 27 nodes for an internal connectivity ratio of 1.3, exceeding the minimum required ratio of 1.2 for R-1 Districts.

## **8. Building Design Standards**

Single-family homes constructed on lots less than 7,200 square feet in size are subject to the building design standards for single-family homes (UDO, 18.15.020.G.2). Requirements include the provision of high-quality materials, front facing entry elements, and garages that are subordinate to the primary façade. The applicant has provided example photos of what a home subject to these design requirements will look like and these have been included in the meeting packet. Technical elevations for individual homes in accordance with the UDO will be reviewed at the time of building permit to allow for increased flexibility of design features on each individual home.

## **9. Public Notification and Neighborhood Meeting**

The applicant mailed the required certified public notification letters to surrounding properties within 200 feet and posted public notice signs on the property per UDO requirements.

A Neighborhood Meeting was also held in accordance with the UDO on December 14th, 2023 with approximately 35 attendees. All property owners and HOAs within 500 feet of the subject property were invited, as required by UDO, Section 18.40.030. Primary topics discussed at the Neighborhood Meeting included improvement of nearby roadways, regional detention in the area, and tree preservation easements along the southern property line. The applicant responded to each of the questions asked during the meeting and a copy of the meeting minutes is included within this packet. Staff has not received any additional correspondence regarding this application.

## **10. Waiver Request**

Section 18.40.240 of the UDO provides a mechanism for waivers to be considered when unnecessary hardships can be demonstrated or where the exception would result in superior design. The applicant submitted a justification statement for one (1) waiver request identified below. This justification statement is included within this packet.

1. A waiver is requested from UDO 18.20.070.b allowing the side yard setback to be reduced from 7 feet to 5 feet for interior Lots 15-31 and 34-44 and a reduction from 20 feet to 15 feet for side yards on corner Lots 15, 25, 26, 34, and 44. This request impacts 28 lots in the development.

Staff is supportive of the one (1) waiver request as the applicant has provided an alternative high-quality design throughout the development. The UDO provides flexibility for setbacks to ensure that a variety of housing styles are available throughout the City. As noted by the applicant, four different lot sizes are provided to appeal to different home buyers and accommodate different home sizes. The applicant is only requesting waivers for those lots which have narrower, 50 foot, widths. The lots that are less than 7,200 square feet in these areas will also be subject to the architectural building design standards outlined in the UDO, which require higher-quality building materials and architectural features. Additionally, common open space with amenities is provided to enhance the overall design and quality of the neighborhood.

## 11. UDO Rezoning Criteria

The proposed zoning request meets the following policy elements of the PlanOlathe Comprehensive Plan:

**LUCC-1.1: Consistency with the Comprehensive Plan.** Land use proposals should be consistent with the vision of the Comprehensive Plan, as well as applicable local ordinances and resolutions.

**LUCC-3.3: Residential Zoning Standards.** Ensure that zoning allows for a variety of home types and lot sizes.

**PTR-2.4: Incorporate Trails in Development.** Utilize the design review process for private development and public improvements to improve bicycle and pedestrian linkages to new development during the planning and design of all projects.

The application was reviewed against the UDO criteria for considering rezoning applications listed in UDO Section 18.40.090.G as detailed below.

***A. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.***

The proposed single-family use directly aligns with the PlanOlathe Comprehensive Plan Conventional Neighborhood and Primary Greenway future land use designations. The request also meets several policies of the Comprehensive Plan pertaining to Land Use and Community Character, Housing and Neighborhoods, and Parks, Trails, and Recreation. The proposed subdivision also aligns with the Coffee Creek Master Plan as previously identified.

***B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).***

The character of the surrounding area is almost entirely residential and recreational in nature, with single-family detached homes to the north, south, and west, a religious institution to the northeast, a regional park located east of Black Bob Road. Residential densities and architectural style of the surrounding single-family developments are generally consistent with this development proposal.

***C. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning districts and uses.***

Surrounding properties are zoned to the R-1 (Residential Single-Family) and CTY RUR (County Rural) Districts. The rezoning as proposed is in harmony with these surrounding residential districts and existing land uses.

***D. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.***

The property was recently annexed into the City and requires zoning to a City zoning designation to accommodate any future development. The property currently retains CTY RUR zoning, primarily for agricultural uses.



***E. The length of time the property has remained vacant as zoned.***

The property was annexed into the City in October 2023 and has retained the same agricultural uses and activities since.

***F. The extent to which approval of the application would detrimentally affect nearby properties.***

The proposed rezoning will not have a detrimental effect on surrounding properties. The R-1 District promotes uses and activities that are already occurring on surrounding properties within the neighborhood. Additionally, tree preservation is proposed along the western and southern property boundaries, providing buffers from existing development.

***G. The extent to which development under the proposed district would substantially harm the value of nearby properties.***

The proposed rezoning will not substantially harm the value of nearby properties, which are zoned for similar uses.

***H. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.***

This zoning proposal will not cause any adverse effect on traffic and safety of the road network which complies with the City's Access Management Plan. The subject property is situated at the corner of two arterial streets (159th Street and Black Bob Road) and connects to an existing collector road (161<sup>st</sup> Terrace). The City is also widening Black Bob Road to a divided 4-lane road in 2024 which will accommodate additional vehicular capacity within the area.

***I. The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.***

Future development is not anticipated to create air pollution, water pollution, noise pollution, or other environmental harm. The proposed development will preserve trees per UDO requirements and will follow best management practices for stormwater and detention.

***J. The economic impact of the proposed use on the community.***

Future development would provide increased property tax revenue to benefit the Olathe community.

***K. The gain, if any, to the public health, safety and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.***

The proposed rezoning does not negatively impact the public health, safety or welfare of the community as presented. If the application were denied, development of the property would be limited to low density rural residential and agricultural uses.

## 12. Staff Recommendation

- A. Staff recommends approval of RZ23-0012, Heritage Ranch, for the following reasons:
1. The proposed development complies with the policies and goals of the Comprehensive Plan.
  2. The requested rezoning to the R-1 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the R-1 District with no stipulations.
- C. Staff recommends approval of the preliminary plat and preliminary site development plan with the following stipulations:
1. A waiver is granted from UDO 18.20.070.b allowing the side yard setback to be reduced from 7 feet to 5 feet and corner side yard from 20 feet to 15 feet for Lots 15-31 and 34-44, as shown on the preliminary plat dated January 2nd, 2024.
  2. Homes constructed on lots less than 7,200 square feet in size are subject to the building design standards for single-family homes as outlined in UDO, Section 18.15.020.G.2.
  3. Tract L and adjacent right-of-way to the south may be developed as a single-family lot at the time the unplatted ground to the east is sold to an adjacent property owner, or has access to Lackman Road.
  4. Prior to building permit issuance for Phase 1, two points of access from arterial roadways must be constructed as shown on the phasing plan dated December 22nd, 2023.
  5. The following criteria apply to the Amenity Tract (Tract D):
    - i. Locations of all structures must be shown with the final site development plan.
    - ii. Adequate parking must be provided for amenities.
    - iii. A final site development plan must be approved prior to issuance of building permits for amenities and structures located within the subdivision.
  6. All new on-site wiring and cables must be placed underground.
  7. All above ground electrical and/or telephone cabinets must be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials, subject to UDO 18.30.130.
  8. Tree protection fencing per UDO 18.30.240.E must be installed around all areas of tree preservation and is required to be maintained throughout construction activities. Grading is not permitted within areas designated for tree protection.

## **MEMORANDUM**

Date: November 9, 2023

To: Nathan Jurey  
Olathe Planning Dept.

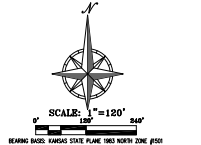
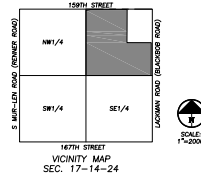
From: Tim Tucker, P.E.  
Phelps Engineering, Inc.

**Re: Purpose For Rezoning Request**  
**Heritage Ranch (Rezoning and preliminary plat)**  
PEI #230732

The purpose for this rezoning request is to allow for single family residential lots to be constructed on this property. Currently the property is zoned RUR Rural District, which allows 1 dwelling unit per ten acres and does not allow for a R-1 Single Family density. The proposed zoning being requested is R-1, which would allow for single family residential lots. There is existing R-1 property zoning directly to the south, west, north, and northeast; and RN-1 Residential Neighborhood zoning on Heritage Park to the east.







**LEGEND:**  
 - DENOTES EXISTING SIDEWALK  
 - DENOTES PROPOSED SIDEWALK/PAV./PATH  
 - DENOTES PROPOSED PHASING LINES

PREPARED BY: BERRAN BIBLE CHURCH  
 15455 W 159TH STREET  
 BERRAN BIBLE CHURCH  
 BERRAN BIBLE CHURCH  
 BERRAN BIBLE CHURCH



**PRELIMINARY PLAT—PHASING/SIDEWALK PLAN**  
**HERITAGE PARK AT HERITAGE RANCH**  
 PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 24 EAST  
 JOHNSON COUNTY, KANSAS  
 JOHNSON COUNTY, JOHNSON COUNTY, KS 66062  
 15455 W 159TH STREET, JOHNSON COUNTY, KS 66062

NO.	DATE	BY	REVISION
1	12/27/23	AS	ISSUED FOR CITY COMMENTS
2	12/27/23	AS	ISSUED FOR CITY COMMENTS

OWNER: JOHN H. AND SUE WILSON  
 15455 W 159TH STREET  
 BERRAN, KS 66062  
 (785) 353-1100  
 (785) 353-1100 FAX

CONTRACT OWNER/DEVELOPER: BERRAN BIBLE CHURCH  
 15455 W 159TH STREET  
 BERRAN, KS 66062  
 (785) 353-1100  
 (785) 353-1100 FAX

ENGINEER/APPLICANT: BERRAN BIBLE CHURCH  
 15455 W 159TH STREET  
 BERRAN, KS 66062  
 (785) 353-1100  
 (785) 353-1100 FAX





## House Renderings







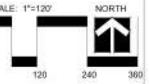
**Landscape Schedule**

Symbol No.	Botanical Name	Container Name	Site Plant	Medium	Caliper	Remarks
148	Green Sycamore	Birdy Tree		27"	4 1/2"	If site plant, ground to canopy
223	Serviceberry	Redburn Flat Top		24"	4 1/2"	If site plant, ground to canopy
142	Quince (varietal 'Honey')	Shakespeare Roundtop		24"	4 1/2"	If site plant, ground to canopy
26	Flowering Quince	Lynette Flat Top		24"	4 1/2"	If site plant, ground to canopy
208	Red A. Hortensia - Weibull	Kelly's Double Holly		24"	4 1/2"	If site plant, ground to canopy
<b>UNPLANTED TREES</b>						
23	Spotted Olive (Male)	Kalamee Juniper		8"	16"	UNPLANTED - ground level
108	Amur Plum	Eastern Red Cedar		8"	16"	UNPLANTED - ground level
82	Red Maple	Redwood		8"	16"	UNPLANTED - ground level
<b>UNPLANTED SHRUBS</b>						
13	Green Oleander	Colora Natural		16"		
74	China Pink 'Gold Leaf'	China P. Dogwood		8"		
CONTRACTOR TO VERIFY ALL TREE PLACEMENTS 						



**CLIENT**  
Lambie Homes  
8712 W 151st St.  
Overland Park, KS 66221

**PROJECT**  
Heritage Ranch  
159th and Lockman  
Road  
Olathe KS



Date: 1.3.2024  
Project # 1056  
Landscape Plan





**CLIENT**  
 Lambie Homes  
 8712 W 151st St.  
 Overland Park, KS 66221

**PROJECT**  
 Heritage Ranch  
 159th and Lackman  
 Road  
 Olathe KS



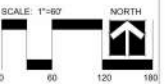
1 LANDSCAPE PLAN (159TH STREET BUFFER ENLARGEMENT VIEW)  
 SCALE: 1"=40'-0"



1 LANDSCAPE PLAN (LACKMAN ROAD BUFFER ENLARGEMENT VIEW)  
 SCALE: 1"=60'-0"

**Landscape Schedule**

Plant	Qty	Species Name	Common Name	Height	Width	Notes
	128	Red Spire	Red Spire	12'	6"	1/2" W min. stem, ground to canopy
	122	Green Spire	Green Spire	12'	6"	1/2" W min. stem, ground to canopy
	14	Purple Spire	Purple Spire	12'	6"	1/2" W min. stem, ground to canopy
	128	Red Spire	Red Spire	12'	6"	1/2" W min. stem, ground to canopy
	122	Green Spire	Green Spire	12'	6"	1/2" W min. stem, ground to canopy
	14	Purple Spire	Purple Spire	12'	6"	1/2" W min. stem, ground to canopy
	128	Red Spire	Red Spire	12'	6"	1/2" W min. stem, ground to canopy
	122	Green Spire	Green Spire	12'	6"	1/2" W min. stem, ground to canopy
	14	Purple Spire	Purple Spire	12'	6"	1/2" W min. stem, ground to canopy
	128	Red Spire	Red Spire	12'	6"	1/2" W min. stem, ground to canopy
	122	Green Spire	Green Spire	12'	6"	1/2" W min. stem, ground to canopy
	14	Purple Spire	Purple Spire	12'	6"	1/2" W min. stem, ground to canopy



Date: 1.3.2024  
 Project # 1056  
 Landscape Plan

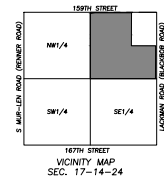


EXISTING TREE CANOPY AREA

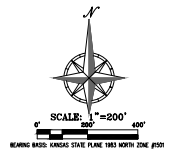


PROPOSED TREE CANOPY AREAS TO BE PRESERVED

EXISTING TREE CANOPY AREA = 19.52 ACRES  
 REQUIRED TREE CANOPY TO BE PRESERVED 20% = 3.90 ACRES  
 PRESERVED TREE CANOPY AREA = 3.95 ACRES



- LEGEND
- BL DOTTED BUILDING LINE
  - U/E DOTTED UTILITY EASEMENT
  - L/E DOTTED LANDSCAPE EASEMENT
  - DOTTED PROPOSED SIDEWALK



OWNER/DEVELOPER:  
 JOHN W. AND SUE M. BROWN  
 15445 W. 159TH STREET  
 OMAHA, NE 68162

ENGINEER/APPLICANT:  
 PHELPS ENGINEERING, INC. 1270 N.  
 BRIDGES BLVD., SUITE 201  
 OMAHA, NE 68164  
 (402) 343-1100  
 (402) 343-1166 FAX

PROJECT NO. 230723  
 SHEET NO. 1 OF 1  
 DATE  
 BY  
 CHECKED  
 APPROVED  
 PHELPS ENGINEERING, INC.  
 1270 N. BRIDGES BLVD., SUITE 201  
 OMAHA, NE 68164  
 (402) 343-1100  
 (402) 343-1166 FAX

**TREE PRESERVATION PLAN**  
 HERITAGE RANCH  
 PART OF THE NORTHEAST QUARTER, SECTION 14 SOUTH, RANGE 24 EAST  
 JOHNSON COUNTY, KANSAS  
 15455 W. 159TH STREET, JOHNSON COUNTY, KS 66062

V:\PROJECTS\230723\230723\_PHELPS\Drawings\TREE\_PRESERVATION\_Plan.dwg 10/12/2024 11:50am Mac NICH

Meeting Date: December 14, 2023

Re: Neighborhood Meeting Questions & Responses  
Heritage Ranch

A neighborhood meeting was held on December 14, 2023, at Heritage Christian Academy/Legacy Christian Church, located at 16000 South Black Bob, Olathe, Kansas. The proposed preliminary plat for Heritage Ranch was presented to the attending neighbors and the following question in black print were asked by those attending with answers provided below.

1. How wide is the Tree Preservation Easement?

*A 30' TPE is provided along the south property line, and currently the entire tracts along west are defined as a TPE.*

2. Where is trail going to go?

*An 8' trail is proposed on the south property line from our southwest property corner to Black Bob Road along our south property line within the tract ground. The first 30' north of our south property line will be in a TPE and then a 20' wide section of tract will be provided for trail just north of the TPE. The intent is to preserve the south tree line.*

3. How wide is 161<sup>st</sup> Terrace?

*161st is a collector street and the R/W will be 60' wide with a 36' wide street measure from back of curb to back of curb.*

4. Will 159<sup>th</sup> Street be improved?

*No, the only improvements proposed on 159th Street is we will be providing right and left turn lanes at our entrance on 159th Street. The city will provide improvements on 159th Street at later date and improve the 2 lane sections to a 4 lane section with median. Arterial improvements are the responsibility of the city and excise tax is paid the city for these improvements. We are not aware if 159th Street is on the City's CIP and are unsure of the timing of future improvements.*

5. Discussion regarding back up on 159<sup>th</sup> Street?

*Explained that right and left lanes at our entrance should prevent any backups due to our development. The turn lanes should also improve current conditions for turning movement at the entrance median break for left turn movements going north at the median break. Council woman Felter added that a signal at 159th & Brougham was proposed to be installed by the city in 2027.*

6. Construction traffic?

*Public improvement construction access would be limited to 159th Street and Black Bob Road. Once the streets are accepted by the city and house construction begins the streets will be opened up and are public streets, construction at that time will be difficult to control. The development will request builders to utilize 159th & Black Bob but it will be difficult to control all the different vendors and sub-contracts involved in the house building.*

7. Blasting Rock?

*At this time we have no rock information or utility design on the project to determine the need for blasting. If blasting is required the contractor will be required to get a blasting permit from the city and meet city requirements.*



8. What is going to happen with the existing house?

*The existing house will be saved and remodeled. A lot has been laid out around the existing house.*

9. Why are the stub streets being connected too?

*The city has predetermined the street connectivity to Heritage Ranch with the approval of the surrounding subdivision approvals. The city has an access management plan they utilize to ensure that all properties have good cross traffic connectivity. The city wants multiple access points to aid in emergency service access, and improve the overall traffic flow by providing multiple alternate routes.*

10. What is the depth of lots?

*The typical lot depth is 135-feet, but some of the lots along the south property line will be shorter to allow for a 30' TPE and path along the south property line.*

11. How is detention going to work?

*Explained that the site runoff will not exceed the pre-existing runoff flow rate. Runoff will be routed into the ponds and the outflow will be choked down to meet pre-existing flow rates, and storage has been provided above the normal pool to store the detained water.*

12. Will the north pond get larger?

*The north pond will be slightly increased in size and the dam height will be raised.*

13. Can the proposed east pond be moved further northeast along the property line?

*No, the pond needs to be located at the natural low point to capture the maximum drainage area for detention. The location suggested northeast of the proposed location would not work because the drainage area to the basin would be too small and the only drainage to the pond would be a small area of offsite area, none of our development would drain the pond therefore not serve any detention purpose.*

14. How wide is the Tree Preservation Easement?

*The TPE is 30' wide along the south property except adjacent to the south pond where trees will need to be removed from the dam and the pond will need to be improved. The tracts along the west property line are currently proposed as TPE which the tracts are roughly 50' feet wide. I noted that the existing tree line is not 50' wide.*

15. Water pressure concerns?

*Question was asked by resident north of 159th Street and I explained 12" water main is provided on 159th Street that will be adequate to serve development on both sides of 159th Street and service to the south of 159th on Heritage Ranch should not affect pressure north of 159th.*

*After the meeting I looked into this question a little further and found the north side of 159th Street is served by a 12" City of Olathe water main that necks down to a 4" main in front of his residence. A 16" WaterOne water main is located on the south side of 159th Street which Heritage Ranch will be served from so the development of Heritage Ranch will have no impacts on the water pressure north of 159th Street. A 6" WaterOne main is on Black Bob which will be improved to a larger main in accordance with WaterOne requirements. Water pressure on the west and south property lines should be improved by being connected into the Heritage Ranch proposed water mains by providing additional water main loops. Adjacent property will no longer be on dead end lines.*

16. What will the shape of the small pond be?

*Pond will be improved and still be a wet pond with very similar shape as the existing pond.*

17. How will sanitary sewers work?

*Explained Johnson County Sanitary sewers have been extended to the property at the north, southwest, and southeast. The entire Heritage Ranch property will gravity sewer to the exist JCW mains.*

18. Are there house plans?

*Not at this point, but the 50' wide lots will require final development plans with house plans requiring additional architectural requirements like stone and stucco.*

19. House cost?

*\$550,000 to over a million*

20. Who will sell lot developer or developer?

*Developer will realtor team selling lots*

21. How many builders?

*4 to 5 builders per lot size, so potentially 10 to 15 total builders*

22. Who is the HOA?

*The HOA management team has not been determined at this point*

23. Separation between back of lots?

*I explained that we have a tract a minimum of 40' feet wide on the south and west property line R-1 lots are required to a minimum of 25' rear yard setbacks so their will be a separation of at least 90'*

**Comments 24 to 37 were provided in writing from Michael Perdaris, located at 16090 Lackman Road but not discussed in the meeting discussion.**

24. Why were we last to find out about this development?

*Everyone within 500' feet of the property was notified at the same time with the neighborhood meeting notice sent out prior to December 8th per city requirements.*

25. Why were we not approached about potentially selling our property to this development, especially given the required dead road for future neighborhood expansion on to or property?

*Not discussed. Stub street is required by city to meet the City's Access Management Plan for connectivity.*

26. How close are structures going to be to our property lines?

*25-foot setback*

27. Are the houses next to our lots going to be single story, or will they be taller?

*Maximum height of 35 feet, could be 2-story*

28. We do not want to see a neighborhood outside our front windows.

*Not discussed in meeting*

29. What is the plan to ensure proper screening immediately out our front windows?

*Not discussed in Meeting. No screen required between single family developments, no screening proposed.*

30. What is going to keep neighborhood residents out/off of our property? The main concern is children who may get injured while trespassing?  
*Not discussed in Meeting. Would be handled the same as every other a joining neighboring single family property in the city.*
31. What survey information exists showing current property lines and fences?  
*Not discussed in Meeting. An ALTA survey has been prepared by Phelps Engineering, Inc. and fence on the south side of the Perdaris property is approximately 2 feet on the Heritage Ranch property and the fence on the west side of the Perdaris property is on the Perdaris property.*
32. Our property is unincorporated county, and we are not intending to request annexation. We intend to continue using our property in the same ways we are currently, which includes farming, hunting, burning brush, etc.  
*Not discussed in Meeting.*
33. What amenities does this development bring to us? Will there be high speed internet? Fiber? Will there be sewer to hook on?  
*Not discussed in Meeting. High speed internet will be provided to development, if available. JCW Waste Water will required this development to extend sanitary sewer main to the Perdaris property, but the development will not hook him up.*
34. How will this development impact our property value?  
*Not discussed in Meeting.*
35. How will this development impact or property tax?  
*Not discussed in Meeting.*
36. What is the plan to ensure the continued natural drainage of water? With the addition of so many structures and so much pavement, natural water flow and drainage will be impacted.  
*The Heritage Ranch property is located downhill of the Perdaris property and storm sewer will be provided to receive their runoff and maintain the current drainage path. Stormwater detention is being provided to reduce the peak runoff from the development to pre-existing runoff levels.*
37. What are the next steps/project timeline for the project?  
*The forgoing process was explained at the end of the meeting.*
- A public notice will be sent out to properties within 200-feet of the property prior to December 18th. Public Notification mailing has already been sent out and property owners should receive in the next couple of days.*
- A public hearing, Planning Commision, will be held on January 8th at the city hall for the Zoning and preliminary plat.*
- The zoning will proceed City Council for approval on February 6th at the city hall.*

## Heritage Ranch Waiver Request

The applicant, Heritage Ranch Developers, LLC is requesting a waiver from the City of Olathe's Unified Development Ordinance (UDO).

**We are requesting a waiver from the side yard setback per UDO 18.20.070 B. requiring a seven (7) foot side yard setback on interior lot lines and (20) foot side yard on corner lots for lots less than 60 feet wide. The request is for a five (5) foot interior side yard on Lots 15-44 and a fifteen (15) foot side yard on corner lots 15, 25, 26, 34, and 44.**

The Heritage Ranch preliminary plat indicates that Lots 15-31 and 34-41 will be a minimum of fifty (50) feet wide as allowed in Section 12.20.070 of the UDO. The reduced lot width is allowed by right subject to 1) the building design standards found in Section 18.15.020.G. are met and 2) a minimum common open space of 15% is provided within the subdivision of which 50% shall be active open space. The remaining Lots 1-14, 32,33, and 45-305 will exceed the minimum lot width of sixty (60) feet for R-1.

The intent of the additional building design and open space requirements for smaller lots are to ensure that the plan and layout will result in a "superior design". Following this criterion, the UDO allows for various waivers where the results meet the intent of the regulations and create a streamlined process where the applicant can seek exceptions and where the exceptions create a "superior design". The above requested **waivers would only apply to the fifty (50) foot lots.**

In an effort to provide a mix of product over this one-hundred and twenty-nine (129) acre tract of property the applicant is proposing a mix of lot sizes and four market points to provide for housing for young families and established families alike. The market value of the fifty (50) foot lot is expected to be in the five hundred-thousand-dollar range and the sixty to eighty-five (60-85) foot lots up to a million plus range. Developing a plan that combines superior architecture and open space throughout the entire development will enhance the overall design of the neighborhood.

The approval criteria for these waivers are met by:

- 1) Providing a higher quality development design with increased architectural standards and open space.
- 2) The proposed waivers are limited to the fifty (50) foot lots and these lots are designed to create their own unique neighborhoods, with in this overall planned development.
- 3) These waivers are in line with the reduction in lots sizes, that are allowed, and will not injure, endanger or create any inconvenience on the private rights of others.



## MINUTES

**Planning Commission Meeting: January 8, 2024**

<b>Application:</b>	<b><u>RZ23-0012:</u></b> Request for approval of a rezoning from the CTY RUR (County Rural) District to the R-1 (Residential Single-Family) District, preliminary plat, and preliminary site development plan for Heritage Ranch on approximately 128.98 acres; located southwest of 159th Street & Black Bob Road (Lackman Road).
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**Taylor Vande Velde, Planner II**, presented RZ23-0012, a request to approve a rezoning to from the County Rural District to the Residential Single-Family District, located southwest of 159<sup>th</sup> Street and Black Bob Road. This property was annexed in October 2023, and is surrounded on the north, south, and west sides by R-1 zoning. PlanOlathe designates this area as Conventional Neighborhood and Secondary Greenway, and rezoning aligns with the goals and policies of PlanOlathe.

Ms. Vande Velde also presented the preliminary plat and preliminary site development plan for a single-family subdivision, Heritage Ranch. One existing home will remain, and an existing barn will be repurposed as the subdivision clubhouse. Ms. Vande Velde also presented the four-phase plan and street access connections. On the west and south sides of Heritage Ranch, there will be five street connections to adjacent subdivisions. The subdivision will also have arterial access on the north to 159<sup>th</sup> Street and on the east to Black Bob Road (Lackman Road). Ms. Vande Velde provided that overall improvements to Black Bob Road and 159<sup>th</sup> Street are planned in 2024 and 2027 as part of CIP projects to expand the roads to 4-lane divided trafficways. Ms. Vande Velde also presented the planned amenities and tree preservation plan.

Ms. Vande Velde noted the applicant is requesting a waiver to side yard setbacks, which staff supports because open space is provided in excess of UDO requirements. Staff review will be required for architectural plans on lots smaller than 7,200 square feet.

Ms. Vande Velde provided that all public notice requirements have been met. A neighborhood meeting was held with approximately 35 attendees. Main topics of discussion included amenities, traffic, existing ponds and detention, housing construction plans, and the impact on existing development. No additional correspondence was received.

Staff recommends approval of the rezoning with no stipulations.



Staff recommends approval of the preliminary plat with stipulations. However, the Applicant has requested to remove Stipulation #4:

4. Prior to building permit issuance for Phase 1, two points of access from arterial roadways must be constructed as shown on the phasing plan dated December 22nd, 2023.

Staff is supportive of removing Stipulation #4 to allow greater flexibility with phasing during housing market fluctuations.

**Commissioner Terrones** stated in the neighborhood meeting minutes, there was a comment about a traffic light signal at 159<sup>th</sup> and Brougham Drive, and he asked if that was still the case for 2027. **Ms. Vande Velde** confirmed those improvements will be part of the 159<sup>th</sup> Street Improvements and added Mr. Belcher may have more information if needed.

**Commissioner Terrones** asked about notification procedures and permitting should blasting become necessary.

**Mr. Chet Belcher, Chief Community Development Officer**, answered a permit from the Fire Department would be required, with notification (estimated within 1,500 feet) and a pre-blasting survey. Seismograph readings are then monitored daily.

**Commissioner Creighton** expressed concern that if projected timelines for 159<sup>th</sup> Street CIP improvements change, there could be significant traffic buildup and sight-line difficulty. He inquired if a stipulation could be added to require a left turn lane from westbound 159<sup>th</sup> Street.

**Mr. Belcher** confirmed left turn lanes are required with this project. If the CIP projects are delayed, temporary lights could be utilized.

**Commissioner Breen** asked for clarification on proposed Stipulation #4. **Ms. Vande Velde** reviewed the phasing plan. If Stipulation #4 remained, the applicant would be required to build the north and east arterial access points at the same time. However, the Applicant requests that requirement be removed, so they can construct the arterial access points separately if needed. Access will still follow life and safety requirements of the Olathe Fire Department.

**Ms. Hollingsworth, Planning & Development Manager**, added that the proposed Phase 1 has a higher number of lots than is typical, so removing stipulation #4 provides the applicant with more flexibility to piece this Phase together at different times.

**Commissioner Creighton** asked for clarification regarding a neighbor who lives in County zoning and does not wish to annex into the City. Commissioner Creighton asked for confirmation that neighbor will be able to continue any activities on their property that the County allows, including brush burning and hunting. Ms. Vande Velde confirmed.

**Chair Janner** opened the public hearing and called the only speaker who had signed up.

**Speaker #1, Stan Adell**, 15712 W 158<sup>th</sup> Terrace, Olathe, Kansas lives in a small cul-de-sac to the north of this development. He provided that the traffic on 159<sup>th</sup> Street is dangerous, and improvements are needed. Currently, there are accidents, people drive down into the ditch, and it takes extended time to get out of the cul-de-sac in the morning. The surrounding development growth plus construction traffic in the meantime will add additional burden to 159<sup>th</sup> Street. Mr. Adell asked whether the berm (to the north of 159<sup>th</sup> Street) will be cut into to add the additional lanes and whether a benefit district or special assessment will be utilized. Mr. Adell also expressed concerns about blasting and the water load on the nearby creek.

**Chair Janner** thanked the speaker and entertained a motion to close the public hearing.

A motion to close the public hearing was made by **Commissioner Bergida** and seconded by **Commissioner Chapman**. The motion passed by a vote of 9 to 0.

**Chair Janner** opened discussion among the commissioners.

**Commissioner Chapman** asked, if Stipulation #4 is removed, will the single arterial access point come off 159<sup>th</sup> or Black Bob. **Mr. Belcher** deferred to the applicant, because they could begin construction from the north or the east.

**Chair Janner** entertained a motion on RZ23-0012.

**Commissioner Bergida** moved to approve RZ23-0012 with all stipulations and recommendations as presented by staff, and **Commissioner Brown** seconded.

The motion passed with a vote of 9 to 0 as follows:

- A. Staff recommends approval of **Error! Reference source not found.**, Heritage Ranch, for the following reasons:
  1. The proposed development complies with the policies and goals of the Comprehensive Plan.
  2. The requested rezoning to the R-1 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the R-1 District with no stipulations.
- C. Staff recommends approval of the preliminary plat and preliminary site development plan with the following stipulations:
  1. A waiver is granted from UDO 18.20.070.b allowing the side yard setback to be reduced from 7 feet to 5 feet and corner side yard from 20 feet to 15 feet for

- Lots 15-31 and 34-44, as shown on the preliminary plat dated January 2nd, 2024.
2. Homes constructed on lots less than 7,200 square feet in size are subject to the building design standards for single-family homes as outlined in UDO, Section 18.15.020.G.2.
  3. Tract L and adjacent right-of-way to the south may be developed as a single-family lot at the time the unplatted ground to the east is sold to an adjacent property owner, or has access to Lackman Road.
  4. Prior to building permit issuance for Phase 1, two points of access from arterial roadways must be constructed as shown on the phasing plan dated December 22nd, 2023.
  5. The following criteria apply to the Amenity Tract (Tract D):
    - i. Locations of all structures must be shown with the final site development plan.
    - ii. Adequate parking must be provided for amenities.
    - iii. A final site development plan must be approved prior to issuance of building permits for amenities and structures located within the subdivision.
  6. All new on-site wiring and cables must be placed underground.
  7. All above ground electrical and/or telephone cabinets must be placed within the interior side or rear building setback yards. However, such utility cabinets may be permitted within front or corner side yards adjacent to street right-of-way if cabinets are screened with landscape materials, subject to UDO 18.30.130.
  8. Tree protection fencing per UDO 18.30.240.E must be installed around all areas of tree preservation and is required to be maintained throughout construction activities. Grading is not permitted within areas designated for tree protection.

**ORDINANCE NO. 24-03**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OLATHE, KANSAS, AS ADOPTED BY REFERENCE IN SECTION 18.20.030 OF THE OLATHE UNIFIED DEVELOPMENT ORDINANCE; FURTHER AMENDING SAID SECTION 18.20.030 BY REINCORPORATING SUCH MAP AS AMENDED.**

**WHEREAS**, Rezoning Application No. RZ23-0012 requesting rezoning from the CTY RUR (County Rural) District to the R-1 (Residential Single-Family) District was filed with the City of Olathe, Kansas, on the 15<sup>th</sup> day of November 2023; and

**WHEREAS**, proper notice of such rezoning application was given pursuant to K.S.A. 12-757 and Chapter 18.40 of the Olathe Unified Development Ordinance; and

**WHEREAS**, a public hearing on such application was held before the Planning Commission of the City of Olathe, Kansas, on the 8<sup>th</sup> day of January 2024; and

**WHEREAS**, said Planning Commission has recommended that such rezoning application be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLATHE, KANSAS:**

**SECTION ONE:** That the Zoning Map of the City of Olathe, Kansas, is hereby ordered to be amended insofar as the same relates to certain parcels of land legally described as:

ALL THAT PART OF THE NORTHEAST QUARTER OF SECTION 17, TOWNSHIP 14 SOUTH, RANGE 24 EAST, IN JOHNSON COUNTY, KANSAS, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 17, SAID POINT ALSO BEING THE NORTHEAST PLAT CORNER OF ARBOR CREEK, 1ST PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE S 1°44'18" E, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 AND THE EAST PLAT LINE OF SAID ARBOR CREEK, 1ST PLAT, A DISTANCE OF 50.00 FEET, TO A POINT ON THE SOUTHERLY RIGHT-OF-WAY LINE OF 159TH STREET, AS NOW ESTABLISHED, SAID POINT ALSO BEING THE POINT OF BEGINNING; THENCE ALONG THE SOUTHERLY RIGHT-OF-WAY LINE OF SAID 159TH STREET, FOR THE FOLLOWING TWO (2) COURSES; THENCE N 78°42'07" E, A DISTANCE OF 188.28 FEET; THENCE N 87°52'12" E, A DISTANCE OF 1453.56 FEET TO A POINT ON THE EAST LINE OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF SAID SECTION 17; THENCE S 1°50'03" E, ALONG THE EAST LINE OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF SAID SECTION 17 AND ALONG THE WEST PLAT LINE OF BEREAN BIBLE CHURCH, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS AND IT'S NORTHERLY EXTENSION, A DISTANCE OF 1311.97 FEET, TO THE SOUTHEAST CORNER OF THE WEST ONE-HALF OF THE WEST ONE-HALF OF THE NORTHEAST QUARTER OF SAID SECTION 17; THENCE N 87°59'07" E, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 17, A DISTANCE OF 964.84 FEET, TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF S. LACKMAN ROAD, AS NOW ESTABLISHED; THENCE S 1°53'28" E, ALONG THE WESTERLY RIGHT-OF-WAY LINE OF SAID S. LACKMAN ROAD, A DISTANCE OF 1333.91 FEET, TO A POINT ON THE SOUTH LINE OF THE NORTHEAST QUARTER

OF SAID SECTION 17; THENCE S 88°06'00" W, ALONG THE SOUTH LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 AND THE NORTH PLAT LINES OF FAIRFIELD AT HERITAGE PARK, 1ST PLAT, FAIRFIELD AT HERITAGE PARK, 5TH PLAT, STONEBRIDGE PARK, 1ST PLAT AND STONEBRIDGE PARK, 2ND PLAT, ALL BEING PLATTED SUBDIVISIONS OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, A DISTANCE OF 2609.77 FEET, TO THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SAID SECTION 17, SAID POINT ALSO BEING THE SOUTHEAST PLAT CORNER OF ARBOR CREEK, 3RD PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS; THENCE N 1°44'18" W, ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF SAID SECTION 17 AND ALONG THE EAST PLAT LINES OF SAID ARBOR CREEK, 3RD PLAT, ARBOR CREEK, 1ST PLAT AND ARBOR CREEK, 2ND PLAT, A PLATTED SUBDIVISION OF LAND IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, A DISTANCE OF 2607.38 FEET, TO THE POINT OF BEGINNING, CONTAINING 128.9844 ACRES, MORE OR LESS.

Said legally described property is hereby rezoned from the CTY RUR (County Rural) District to the R-1 (Residential Single-Family) District.

**SECTION TWO:** That this rezoning is approved with no stipulations.

**SECTION THREE:** That Section 18.20.030 of the Unified Development Ordinance, which incorporates by reference the Olathe Zoning Map, is hereby amended by reincorporating by reference the said Zoning Map as it has been amended in Section One of the Ordinance.

**SECTION FOUR:** That this Ordinance shall take effect from and after its passage and publication as provided by law.

**PASSED** by the City Council this 6<sup>th</sup> day of February 2024.

**SIGNED** by the Mayor this 6<sup>th</sup> day of February 2024.

\_\_\_\_\_  
Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

(Seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 2/6/2024

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**FOCUS AREA:** Economy, Planning Division

**STAFF CONTACT:** Emily Carrillo, Senior Planner

**SUBJECT:** RZ23-0014: Rezoning and Preliminary Site Development Plan for The Olathe Group addition;  
Applicant: James Boldt, DocE Properties, LLC

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**TITLE:**

Consideration of Ordinance No. 24-04, RZ23-0014, requesting approval of a rezoning from the C-2 (Community Center) District to the D (Downtown, Mixed Use) District and a preliminary site development plan for The Olathe Group addition on approximately 0.16 acres; located at 222 S. Kansas Avenue. Planning Commission recommended approval 9 to 0.

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**SUMMARY:**

The applicant is requesting approval of a rezoning from the C-2 (Community Center) District to the D (Downtown, Mixed-Use) District, with an associated preliminary site development plan for the Olathe Group. The subject property is located at 222 S. Kansas Avenue in downtown Olathe.

The Olathe Group has outgrown their current meeting space and is looking to expand. Meetings are held twice daily, seven days a week at this location. The associated preliminary site development plan includes an 800 square foot building addition that will be ADA accessible and provide adequate meeting space for larger groups, up to 40 people. The rezoning is necessary to allow for an expansion of the existing use. Staff is supportive of the request to rezone the subject property to the D (Downtown, Mixed-Use) District in alignment with the PlanOlathe Comprehensive Plan and the Envision Olathe Downtown Plan.

The Planning Commission held a public hearing on January 08, 2024, and no individuals spoke during the hearing. Staff recommended approval and the Planning Commission voted 9-0 to recommend approval of RZ23-0014 as presented.

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**FINANCIAL IMPACT:**

None

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**ACTION NEEDED:**

1. Approve Ordinance No. 24-04 for a rezoning to the D District as recommended by the Planning Commission (4 positive votes required).
  2. Deny Ordinance No. 24-04 for a rezoning to the D District (5 positive votes required).
  3. Return the application to the Planning Commission for further consideration with a statement specifying the basis for the Governing Body's failure to approve or disapprove (4 positive votes required).
- 

**ATTACHMENT(S):**

- A. Planning Commission Packet
  - B. Planning Commission Minutes
-

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**MEETING DATE: 2/6/2024**

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C. Ordinance No. 24-04



## STAFF REPORT

Planning Commission Meeting: January 8, 2024

<b>Application:</b>	<b><u>RZ23-0014</u> Rezoning from the C-2 (Community Center) District to the D (Downtown, Mixed-Use) District and a Preliminary Site Development Plan for the Olathe Group</b>
<b>Location:</b>	222 S. Kansas Avenue
<b>Owner/Applicant:</b>	Jim Boldt, DOCE Properties, LLC
<b>Engineer/Architect:</b>	Judd Claussen, Phelps Engineering
<b>Staff Contact:</b>	Emily Carrillo, Senior Planner

<b>Site Area:</b>	<u>0.16± acres</u>	<b>Proposed Use:</b> <u>Community Services, Counseling &amp; Intervention</u>
<b>Building Area:</b>	<u>1,909 sq.ft.</u>	<b>Plat:</b> <u>Town of Olathe</u>
<b>Existing Zoning:</b>	<u>C-2 (Community Center)</u>	<b>Proposed Zoning:</b> <u>D (Downtown, Mixed-Use)</u>

	<b>Plan Olathe Land Use Category</b>	<b>Existing Use</b>	<b>Existing Zoning</b>
<b>Site</b>	<b>Urban Center/Downtown</b>	<b>Community Services, Counseling, and Intervention</b>	<b>C-2 (Community Center)</b>
<b>North</b>	Urban Center/Downtown	Retail	C-2 (Community Center)
<b>South</b>	Urban Center/Downtown	Office Building	C-2 (Community Center)
<b>East</b>	Urban Center/Downtown	Single-Family Residential Home	C-1 (Neighborhood Center)
<b>West</b>	Urban Center/Downtown	Commercial	MP-2 (Planned General Industrial)



## **1. Introduction**

The applicant is requesting to rezone from the C-2 (Community Center) District to the D (Downtown, Mixed-Use) District, with an associated preliminary site development plan for the Olathe Group of Alcoholics Anonymous and Al-Anon (AA). The subject property is located at 222 S. Kansas Avenue in downtown Olathe. The rezoning is necessary to allow for an expansion of the existing, legal non-conforming use. Staff is supportive of the request to rezone the subject property to the D (Downtown, Mixed-Use) District as outlined in this report.

The property is currently developed with an existing single-story structure that is being used as a meeting space for the local AA group. The Olathe Group moved into 222 S. Kansas Ave on September 1, 2003, which at that time, was a use that was permitted by right within the C-2 District. As a result of the 2014 comprehensive UDO update, the use was no longer permitted by right in the C-2 District, therefore creating a legal non-conformity at the current location.

The Olathe Group has outgrown their current meeting space and is looking to expand. Meetings are held twice daily, seven days a week at this location. The proposed expansion includes an 800 square foot building addition that will be ADA accessible and provide adequate meeting space for larger groups, up to 40 people.

The Unified Development Ordinance (UDO) Ch. 18.60 does not allow for the expansion or enlargement of a nonconforming use, and doing such would require the nonconformity to be brought into compliance. Rezoning the subject property to the Downtown (Mixed-Use) District would allow the Olathe Group to expand and continue as a permitted use at their current location in downtown.

## **2. History**

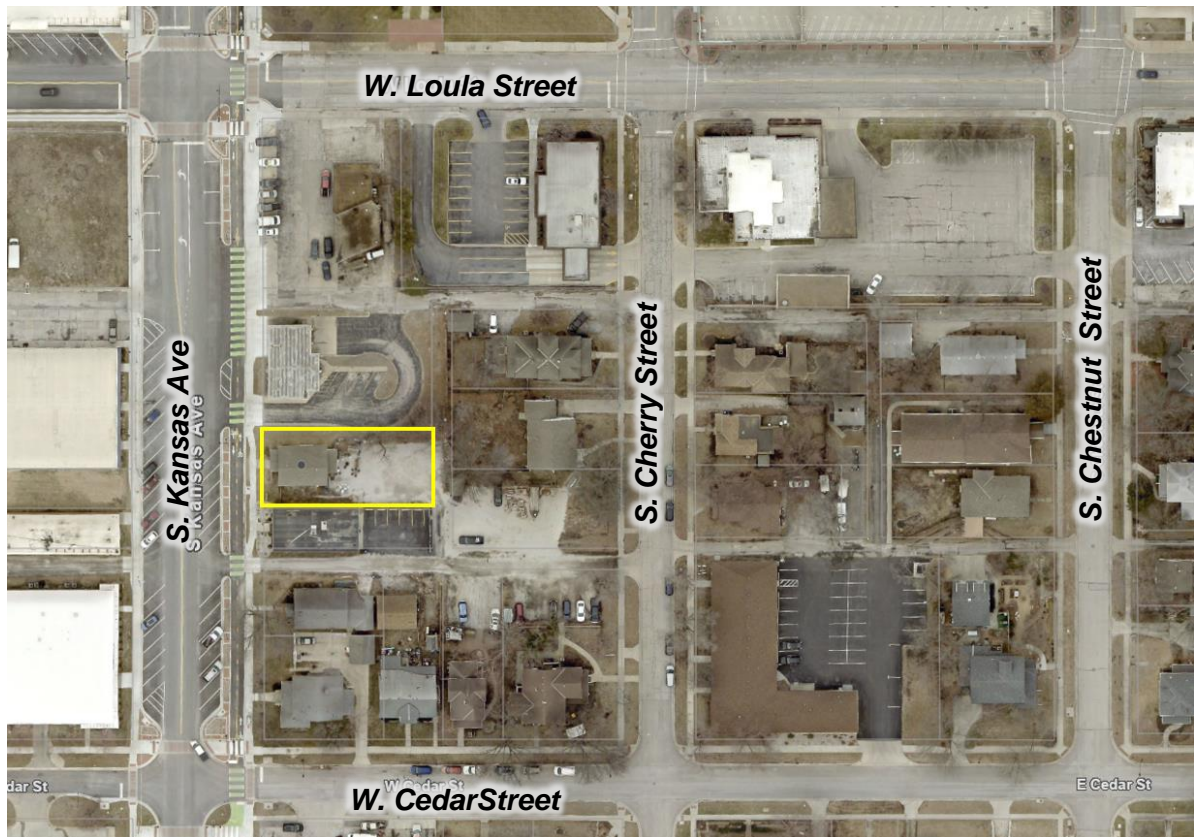
The subject property is a part of the Original Town of Olathe plat, which was recorded in 1868. The existing residential structure was originally constructed in 1940 for use as a residential dwelling. The subject property was later converted to an office use in the mid-1950's and was zoned to the C-2 (Community Center) District in June 1970 per Ord. 346-C when conventional zoning was established throughout the city.

## **3. Existing Conditions**

The subject property currently includes a single-story, 1,109 square foot structure and large gravel parking area located to the rear of the property which is accessible from the existing alley. As previously stated, the existing residential structure has been utilized as an office or meeting space dating back to the mid-1950s.



*View of subject property looking east from Kansas Avenue.*



*Subject property outlined in yellow.*

#### 4. Zoning Standards

- a. **Land Use** – The Downtown District recognizes the unique characteristics of the traditional core and transition areas, accommodating a mix of uses such as retail, specialty shops, service, civic and office uses, as well as residential. The Olathe Group is categorized as ‘Community Services, Counseling & Intervention’ per UDO Ch. 18.20.500 and is a permitted use in the requested Downtown (Mixed-Use) District.
- b. **Building Height** – The maximum building height for structures in the D-Downtown (Mixed-Use) District is 7 stories or 90’ feet. The height of the proposed building addition is approximately 17 feet, and therefore, is compliant with the height standards of the D District. Additionally, the proposed height does not exceed that of the existing structure.
- c. **Setbacks** – The following table lists the minimum building setback requirements for developments in the Downtown (Mixed-Use) District as well as the setbacks for the proposed building addition.

	UDO Requirement	Proposed Addition
<b>Front Yard</b>	15 ft.	13 ft.*
<b>Side Yard</b>	5.6 ft. (10% of lot width; may be 0 on one side)	10.4 ft. (north) 24.5 ft. (south)
<b>Rear Yard</b>	10 ft. from the property line	11.1 ft. (east)

\* Front yard setback already established with existing structure to remain.

#### 5. Development Standards

- a. **Access/Streets** – The site fronts, and has pedestrian access from, Kansas Avenue; however, no existing driveway or vehicular access is available from Kansas Avenue. Vehicular access is provided to the rear parking lot from the rear alley connecting Kansas Avenue and S. Cherry Street.
- b. **Parking** – Off-street parking is not required in the Downtown District per UDO 18.20.210.D. Where off-street parking is provided, it must be located behind or to the side of buildings and must be screened by low hedges or walls between 3-4 feet in height.

Adequate parking is being provided to accommodate the use and proposed expansion. Four (4) new paved parking stalls, including one (1) ADA stall will be provided off of the rear alley. Additional on-street public parking is available along Kansas Avenue, as well as two (2) public parking lots and the downtown parking garage located within one (1) block of the subject property. The existing gravel lot located to the rear of the property will be removed and replaced with lawn area.

- c. **Landscaping/Screening** – Properties that are located within the Downtown District are exempt from Ch. 18.30.130 of the UDO for landscaping. However, the applicant has agreed to plant juniper shrubs and grasses to provide additional screening for rear parking,

and new landscaping will be added along Kansas Avenue to further enhance this street-facing façade.

- d. **Public Utilities** – The subject property is located within the City of Olathe water and sewer service areas.

## **6. Building Design Standards**

Development that occurs within the Downtown District is subject to architectural design guidelines that will contribute to a high-quality architectural design of Downtown Olathe while complementing the existing development in nearby residential neighborhoods. The proposed building addition meets the applicable architectural requirements of the Downtown District and the Original Town Overlay District.

The proposed building addition will be constructed in a manner that matches the existing building and is complimentary to the mix of commercial and residential structures in the adjacent area. Design elements include a pitched roofline with asphalt shingles, white lap siding with trim and gutters, and windows to match the existing structure.

## **7. Original Town Overlay District**

The subject property is located within the Original Town Overlay District which is intended to provide a measure of flexibility for new development or the redevelopment of existing structures in this older “Original Town” area of the City. UDO 18.20.030 works to ensure appropriateness of design elements for both architecture and site development plans that are consistent with the character of the area and adjacent properties, and in conformity with existing conditions. The proposed building additional is in compliance with the guidelines of the Original Town Overlay District.

## **8. Envision Olathe Downtown Plan / Olathe 2040**

As outlined in the City’s Envision Olathe Downtown Plan and the Olathe 2040 Strategic Plan, application of the Downtown zoning district to the Downtown Core and parts of the Downtown Transition Area will help build the density of residents and businesses downtown needed to create a critical mass of activity. The requested Downtown District directly aligns with the policies and vision of these plans.

## **9. Public Notification and Neighborhood Meeting**

The applicant held a neighborhood meeting on December 13, 2023, with nine (9) residents in attendance. Primary topics of discussion included operations and meeting schedules, how the addition will match the existing building, parking and access, and timing of the proposed project. The applicant provided response to these inquiries and feedback was generally supportive of the development proposal. Planning staff has not received any feedback or correspondence from the public regarding this project. Additionally, the applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property per UDO requirements pertaining to the public hearing.

## **10. UDO Rezoning Criteria Analysis**

The future land use map of the PlanOlathe Comprehensive Plan identifies the subject property as Urban Center / Downtown. The Downtown Mixed-Use District directly aligns with this future

land use designation and supports the goals and recommendations established in the City's Envision Olathe Downtown Plan.

The application was reviewed against the UDO criteria for considering rezoning applications listed in UDO Section 18.40.090.G as detailed below.

***A. The conformance of the proposed use to the Comprehensive Plan and other adopted planning policies.***

- **LUCC-1.1: Consistency with the Comprehensive Plan.** Land use proposals should be consistent with the vision of the Comprehensive Plan, as well as applicable local ordinances and resolutions.
- **Principle LUCC-4:** Encourage mixed-use development, especially in the downtown area, to support commercial uses, promote walkability, and provide for a variety of housing options.
- **OT-1.1 Downtown:** Encourage multiple uses Downtown. This includes offices, services and government uses as well as retail, restaurants, entertainment, and night life, mixed with a diversity of residential housing types.
- **OT-1.2: Original Town Neighborhoods:** Encourage a balanced mix of complementary and supportive land uses in each Original Town neighborhood, with a predominantly residential land use character.
- **OT-3.1 Implement Existing Plans:** Continue implementation of the Envision Olathe Downtown Plan, Streetscape Master Plan and Original Town Enhancement Plan. Consider Neighborhood Action Plans when making decisions or prioritizing projects that affect the neighborhoods.
- **Principle CRL-3:** Where possible, new construction should complement nearby historic buildings.

The proposed Downtown Mixed-Use District is identified within the *Comprehensive Plan* as the preferred district for the Downtown Transition Area, which is defined by a lower intensity mix of uses surrounding the Downtown Core that blends into residential neighborhoods.

***B. The character of the neighborhood including but not limited to: land use, zoning, density (residential), architectural style, building materials, height, structural mass, siting, open space and floor-to-area ratio (commercial and industrial).***

The surrounding neighborhood is adjacent to the Downtown Core and consists of a variety of uses that range from small commercial and offices uses, and both multifamily and single-family residential homes. The proposed zoning and permitted uses complement the surrounding uses by providing a mix of retail, small scale services, specialty shops, office uses and residential.

**C. *The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning districts and uses.***

The surrounding zoning primarily consists of the C-1 and C-2 Districts, with Downtown District zoning located one (1) block to the north. The uses of the surrounding properties include a mix of commercial, multifamily, and single-family residential. The proposed Downtown (Mixed-Use) District is in harmony with these existing uses.

**D. *The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.***

Currently the site is only zoned for commercial uses. Rezoning to the Downtown Mixed-Use District will allow for a greater range of commercial, office, and service uses to expand options provided in the Downtown area.

**E. *The length of time the property has remained vacant as zoned.***

The subject property has been zoned to the C-2 District since 1970, when the conventional zoning was originally established in the City. The existing structure was constructed in 1940 and has been used since that time for residential and office uses.

**F. *The extent to which approval of the application would detrimentally affect nearby properties.***

The proposed rezoning will not have any detrimental effect on nearby properties and promotes uses and activities that are compatible with the surrounding area. Additionally, the proposed zoning and permitted uses provide a transition from the Downtown Core into the mixed density residential neighborhood to the south and east.

**G. *The extent to which development under the proposed district would substantially harm the value of nearby properties.***

Staff has not received information indicating that rezoning would lead to a substantial impact on the value of surrounding properties.

**H. *The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property.***

The uses allowed in this district will not adversely affect the capacity or safety of the road network in the general vicinity. Adequate off-street parking is provided to the rear of the lot in accordance with UDO requirements.

**I. *The extent to which the proposed use would create air pollution, water pollution, noise pollution or other environmental harm.***

The uses allowed in the Downtown (Mixed Use) District will comply with the requirements of Title 17 of the Olathe Municipal Code, and will not create air pollution, water pollution, noise pollution, or other environmental harm.

**J. *The economic impact of the proposed use on the community.***

The proposed rezoning will allow for a mix of uses that better align with the Envision Olathe Downtown Plan and the Olathe 2040 Strategic Plan. The proposed use adds value to the community through social capital, community service and employment opportunities.

**K. *The gain, if any, to the public health, safety, and welfare due to denial of the application as compared to the hardship imposed upon the landowner, if any, as a result of denial of the application.***

The proposal does not negatively impact the public health, safety or welfare of the community as presented. If the rezoning were denied, the applicant would be unable to expand the existing use under the current zoning designation.

**11. Staff Recommendation**

- A. Staff recommends approval of RZ23-0014, 222 S. Kansas Avenue, for the following reasons:
  - 1. The proposed development complies with the policies and goals of the Comprehensive Plan for Land Use (LUCC) and Original Town (OT).
  - 2. The requested rezoning to the D (Downtown Mixed Use) District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the D (Downtown Mixed-Use) District as presented with no stipulations.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
  - 1. On-site parking must occur in striped and designated parking stalls only and must not block alleyways or access drives.



PLANNING  
ENGINEERING  
IMPLEMENTATION

## MEMORANDUM

Date: November 16, 2023

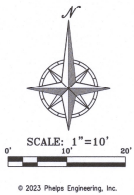
To: Emily Carrillo  
Olathe Planning Dept.

From: Judd D. Claussen, P.E.  
Phelps Engineering, Inc.

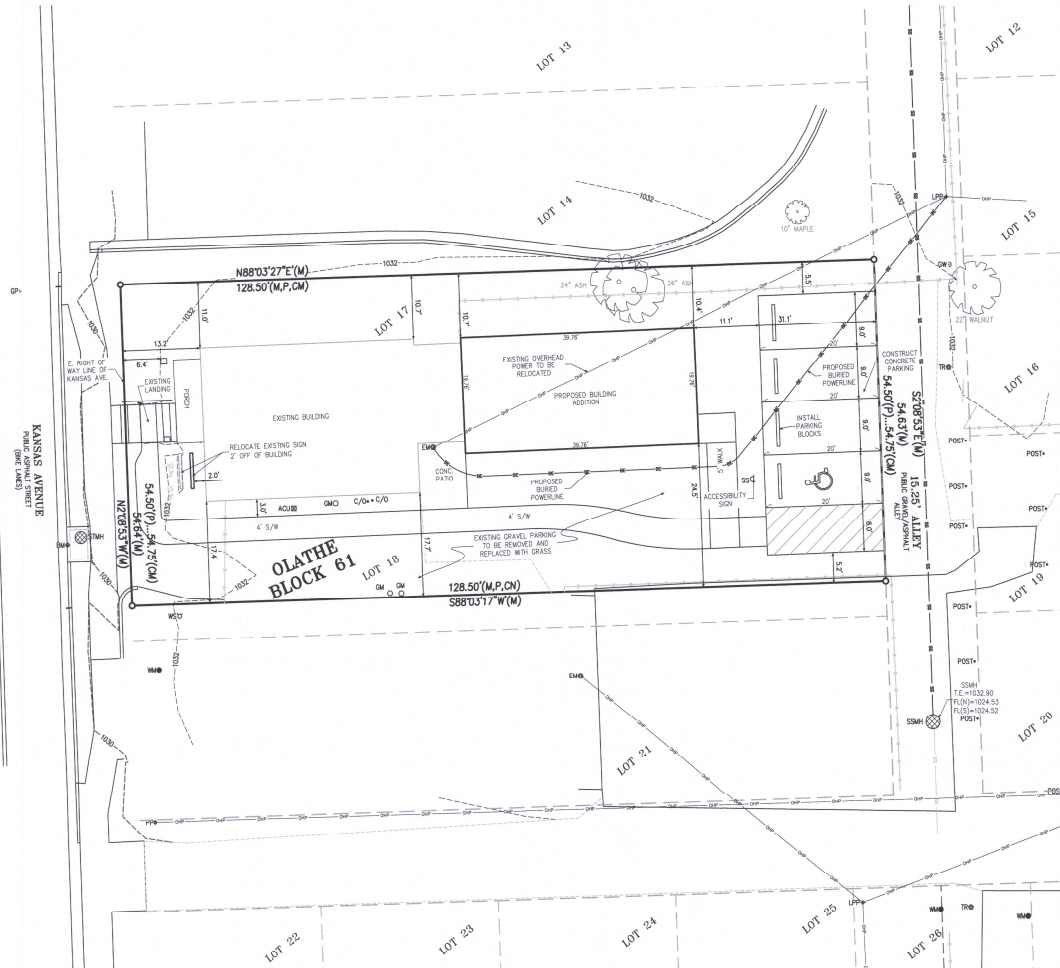
**Re: Purpose For Rezoning Request**  
**222 S. Kansas Avenue**  
PEI #230225

The purpose for this rezoning request is to allow for the existing building to be able to be expanded. Currently the property is zoned C2 (Commercial) and the existing structure is used for Alcoholics Anonymous meeting space, which is a legal non-conforming use under C-2 because the use has existed prior to changes in the zoning code. However, City requirements dictate that any changes to the structure would require the property to be brought into compliance with the current zoning code. Therefore a rezoning from C2 to Downtown District is requested so that the use that has existed on this site for 20+ years may remain and the building may be expanded.





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**DESCRIPTION:**  
CORPORATION WARRANTY DEED BOOK 2020M PAGE 012302  
ALL OF LOT 17 AND LOT 18, EXCEPT THE SOUTH 6 FEET OF SAID LOT 18, IN BLOCK 61 IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.  
**AREA = #0.1612 ACRES / #7,022 SQ.FT.**

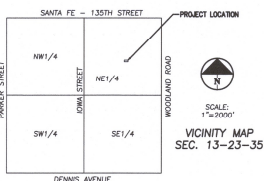
**TITLE NOTE:**  
NO TITLE INFORMATION PROVIDED AND OR PERFORMED BY PHELPS ENGINEERING, INC.

**FLOOD NOTE:**  
THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF OLATHE, COMMUNITY NO. 20011, JOHNSON COUNTY, KANSAS, MAP NO. 2009100780, AND DATED AUGUST 3, 2008.

**UTILITY NOTE:**  
UTILITIES SHOWN HEREON ARE SHOWN FROM FIELD LOCATIONS BY THE UTILITY COMPANIES OR THEIR RESPECTIVE REPRESENTATIVES AND MAPPING PROVIDED BY THE UTILITY COMPANIES AND ARE NOT THE RESULT OF AN ACTUAL DIG. PEI DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN HEREON.  
BEFORE DIGGING, CONTACT THE KANSAS ONE CALL SYSTEM AT 1 800 DIG-SAFE OR 811 FOR UTILITY LOCATES.

**SURVEY NOTES:**  
1. THIS ABUTS PUBLIC STREET ON THE WEST PROPERTY LINE WITH KANSAS AVENUE AND PUBLIC ALLEY ON THE EAST PROPERTY LINE.

**BENCHMARK:** VERTICAL DATUM = NAVD83 BASED ON GPS OBSERVATION USING (SMARTNET GPS NETWORK)  
1. LOCATED FRONT FACE OF CURB INLET AT MID WEST PROPERTY OF SUBJECT PROPERTY  
ELEVATION = 1029.57



- LEGEND**
- I = SET CURB OUT
  - = FOUND SURVEY MONUMENT (ORIGIN UNKNOWN UNLESS DESCRIBED)
  - = SET 1/2" x 24" REBAR WITH "PHELPS 03-82" PLASTIC CAP
  - A/C = AIR CONDITIONING UNIT
  - BM# = BENCHMARK
  - = CLEAN OUT
  - EM = ELECTRIC METER
  - FH = FIRE HYDRANT
  - GM = GAS METER
  - GP = GUARD POST
  - TR = TELEPHONE ROSE
  - WM = WATER METER
  - WS = WATER SMOOT
  - WV = WATER VALVE
  - BUSH
  - CE = CEDAR OR EVERGREEN TREE
  - OS = OILSANDS TRAIL
  - F.F.E. = FINISH FLOOR ELEVATION
  - R/W = RIGHT-OF-WAY
  - (M) = CALCULATED MEASUREMENT
  - FEBRUARY 1, 1982
  - (M) = MEASURED
  - = BURIED TELEPHONE LINE
  - = CABLE TELEVISION LINE
  - = FIBER OPTIC LINE
  - = WATER LINE
  - = GAS LINE
  - = BURIED ELECTRIC LINE
  - = OVERHEAD POWER LINE
  - = SANITARY SEWER LINE

1. This plot plan is COPYRIGHTED and is the sole property of Phelps Engineering, Inc. This plot plan is to be used for the sole purpose of obtaining an original building permit for the house or structure as indicated herein. Any modifications to this plan without the written consent of Phelps Engineering, Inc., will be considered an infringement of this copyright and subject the violator to all enforcement rights of Phelps Engineering, Inc., including claims for damages resulting therefrom.  
2. It is the responsibility of the builder and its subcontractors to locate all utilities prior to construction and verify no utility conflicts exist with the proposed locations of improvements. Utilities to be relocated or that are damaged by the builder (or its subcontractors) shall be repaired, relocated, or replaced at their expense.

Notes: Builder must obtain a building permit prior to construction. If the contractor is to remove any existing structures, they must first obtain a demolition permit from the City of Olathe. The plot plan site prepared for construction controlling work. All work shall be done in accordance with the City of Olathe Building Code and applicable codes. The contractor shall be responsible for all utility locates and for any damage to existing utilities. The contractor shall be responsible for any damage to existing structures.



PREPARED FOR:  
JIM BOLD

PHELPS ENGINEERING, INC.  
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ENGINEERING  
AND SURVEYING  
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OLATHE, KANSAS 66061  
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Fax: (913) 393-1656  
www.phelpsengineering.com



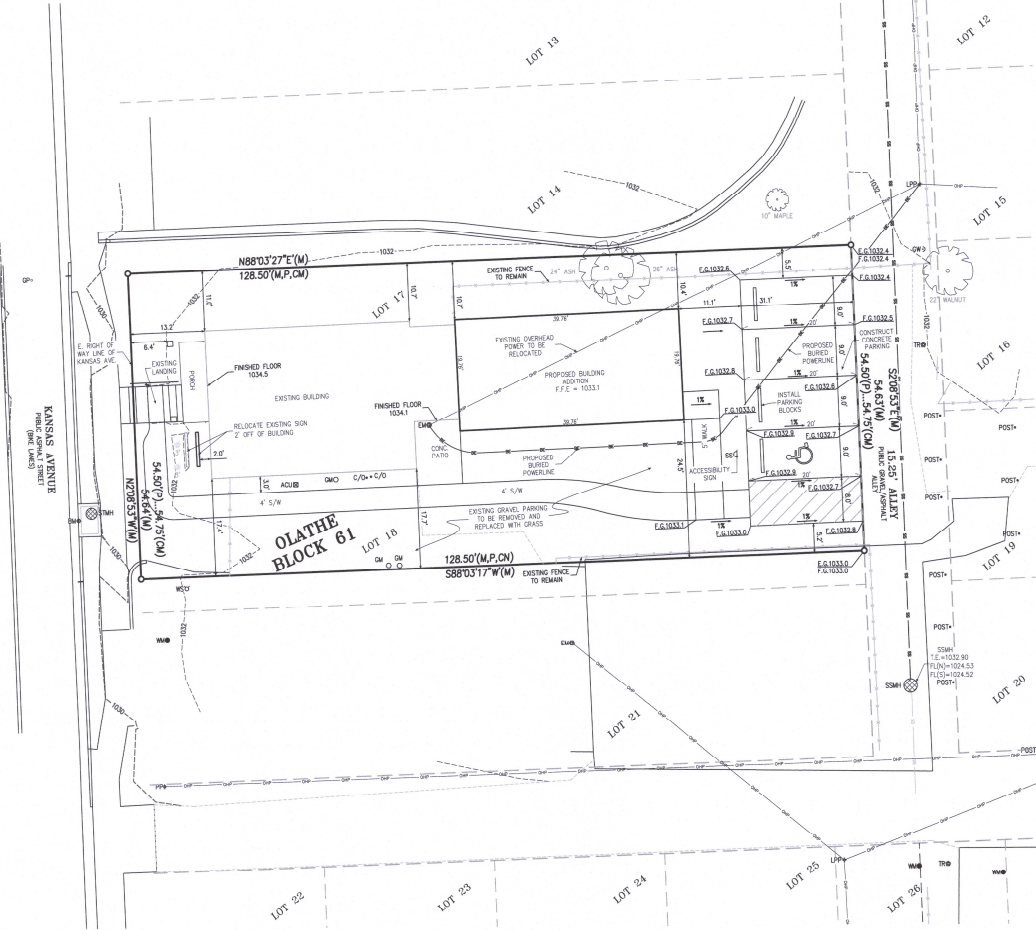
**PLOT PLAN FOR BUILDING ADDITION**  
LOT 17 AND PART OF LOT 18, BLOCK 61, OLATHE  
222 S. KANSAS AVENUE, OLATHE, KANSAS

PROJECT NO.	DATE	BY	CHKD.
230025	10/25/23	JR	JR
DATE:	10/25/23	1.	2-12-23
DATE:	10/25/23	2.	2-12-23
DATE:	10/25/23	3.	2-12-23
DATE:	10/25/23	4.	2-12-23
DATE:	10/25/23	5.	2-12-23
DATE:	10/25/23	6.	2-12-23
DATE:	10/25/23	7.	2-12-23
DATE:	10/25/23	8.	2-12-23
DATE:	10/25/23	9.	2-12-23
DATE:	10/25/23	10.	2-12-23



SCALE: 1"=10'

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**ACCOMMODATION:**  
 CONSTRUCTION NEARBY (SEE DRAW 2023018 PLAT 2023) ALL OF LOT 17 AND LOT 18, EXCEPT THE SOUTH 8 FEET OF SAID LOT 18, IN BLOCK 61 IN THE CITY OF OLAHE, JOHNSON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF.  
**AREA = ±0.1612 ACRES / ±17,022 SQ.FT.**

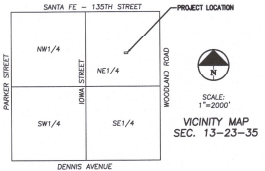
**TITLE NOTE:**  
 NO TITLE INFORMATION PROVIDED AND OR PERFORMED BY PHELPS ENGINEERING, INC.

**FLOOD NOTE:**  
 THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 1% ANNUAL CHANCE FLOODPLAIN AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF OLAHE, COMMUNITY NO. 200773, JOHNSON COUNTY, KANSAS, MAP NO. 20091000786, AND DATED AUGUST 3, 2009.

**UTILITY NOTE:**  
 UTILITIES SHOWN HEREON ARE SHOWN FROM FIELD LOCATED BY THE UTILITY COMPANIES OR THEIR RESPECTIVE REPRESENTATIVES AND WARNING PROVIDED BY THE UTILITY COMPANIES AND ARE NOT THE RESULT OF AN ACTUAL DIG. PEI DOES NOT GUARANTEE THAT ALL UTILITIES ARE SHOWN HEREON.  
 BEFORE DIGGING, CONTACT THE KANSAS ONE CALL SYSTEM AT 1 800 DIG-SAFE OR 811 FOR UTILITY LOCATES.

**SURVEY NOTES:**  
 1. THIS ADJUT PUBLIC STREET ON THE WEST PROPERTY LINE WITH KANSAS AVENUE AND PUBLIC ALLEY ON THE EAST PROPERTY LINE.

**BENCHMARK:** VERTICAL DATUM = HANGERS BASED ON GPS OBSERVATION USING (SMARTNET GPS NETWORK)  
 1. CENTER FRONT FACE OF CURB INLET AT MID WEST PROPERTY OF SUBJECT PROPERTY ELEVATION = 1029.57



1. This plan is COPYRIGHTED and is the sole property of Phelps Engineering, Inc. This plan is to be used for the sole purpose of obtaining an original building permit for the house or structure as indicated herein. Any modifications to this plan without the written consent of Phelps Engineering, Inc. will be considered an infringement of the copyright and subject the violator to all enforcement actions of Phelps Engineering, Inc. including claims for damages resulting therefrom.  
 2. It is the responsibility of the builder and its subcontractors to locate all utilities prior to construction and verify all utility conflicts exist with the proposed location of improvements. Utilities to be relocated or that are damaged by the builder (or its subcontractors) shall be repaired, relocated, or replaced at their expense.

- |   |  |  |   |
|---|--|--|---|
| <ul style="list-style-type: none"> <li>● = SET CURB OUT</li> <li>● = FURNISH REPAIR WORKMANSHIP (SHOW UNKNOWN UNLESS OCCURRED)</li> <li>○ = SET 12"x24" BERM WITH "THELPS CLS-82" PLASTIC CAP</li> <li>AOJ = AIR CONDITIONING UNIT</li> <li>BM = BENCHMARK</li> <li>● = CLEAN OUT</li> <li>EM = ELECTRIC METER</li> </ul> | <ul style="list-style-type: none"> <li>FH = FIRE HYDRANT</li> <li>GM = GAS METER</li> <li>GP = GAS POST</li> <li>OT = GREASE TRAP</li> <li>GW = GUY WIRE</li> <li>LPP = LIGHT POWER POLE</li> <li>POST = POST</li> <li>PP = POWER POLE</li> <li>PPTR = POWER POLE WITH TRANSFORMER(S)</li> </ul> | <ul style="list-style-type: none"> <li>SMH = SANITARY SEWER MANHOLE</li> <li>SMH = STORM SEWER MANHOLE</li> <li>TR = TELEPHONE RISER</li> <li>WM = WATER METER</li> <li>WS = WATER SPOUT</li> <li>WV = WATER VALVE</li> <li>BS = BUSH</li> <li>ET = CEDAR OR EVERGREEN TREE</li> <li>CO = DECIDUOUS TREE</li> <li>F.F.E. = FINISH FLOOR ELEVATION</li> </ul> | <ul style="list-style-type: none"> <li>R/W = RIGHT-OF-WAY</li> <li>(P) = PLATTED</li> <li>(CM) = CALCULATED MEASUREMENT FROM PANE &amp; BROCKWAY NOTES FEBRUARY 1, 1962</li> <li>(M) = MEASURED</li> <li>— = BURIED TELEPHONE LINE</li> <li>— = CABLE TELEVISION LINE</li> <li>— = FIBER OPTIC LINE</li> <li>— = WATER LINE</li> <li>— = GAS LINE</li> <li>— = BUNKER BELLING LINE</li> <li>— = OVERHEAD POWER LINE</li> <li>— = SANITARY SEWER LINE</li> </ul> |
|---|--|--|---|

The plan holder and owner a hereby warrant that the information shown on this plan was obtained from reliable sources and that the information is true and correct to the best of their knowledge and belief. The plan holder and owner shall be responsible for obtaining all necessary permits and for compliance with all applicable laws, codes, and regulations. The plan holder and owner shall be responsible for the accuracy of the information shown on this plan and for any errors or omissions. The plan holder and owner shall be responsible for the accuracy of the information shown on this plan and for any errors or omissions.



PREPARED FOR:  
 AN EXIST

**GRADING PLAN FOR BUILDING ADDITION**  
 LOT 17 AND PART OF LOT 18, BLOCK 61, OLAHE  
 222 S. KANSAS AVENUE, OLAHE, KANSAS

PHELPS ENGINEERING, INC.  
 2010 N. WILSON AVENUE  
 OLAHE, KANSAS 66450  
 (781) 388-1925  
 Fax: (781) 388-1926  
 www.phelpsengineering.com

NO.	DATE	BY	DATE	REVISIONS
1	12-12-22			MOVED LOCATION OF EXISTING SIGN
2	12-14-23			REVISED SCHEDULE AND SIGN

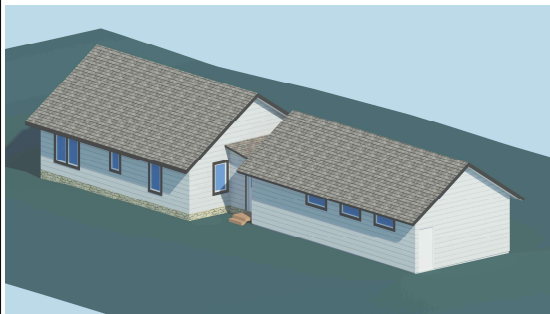




1 SOUTH ELEVATION  
1/4" = 1'-0"

**SCOPE OF WORK & ELEVATION NOTES**

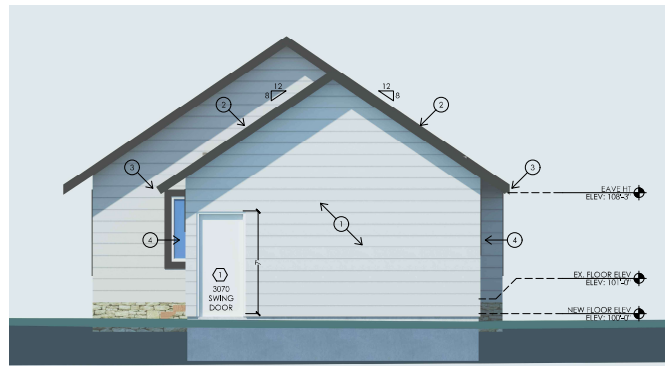
1. NEW HARDIE BOARD LAP SIDING FINISH TO MATCH EXISTING
2. NEW ASPHALT SHINGLES ON ICE/WATER SHIELD ON 3/4" SHEATHING ON PRE-ENGINEERED ROOF TRUSSES (SCISSOR TRUSSES)
3. NEW GUTTER
4. NEW GUTTER DOWN SPOUT
5. NEW OPERABLE WINDOW: AWNING STYLE - 54"x24"



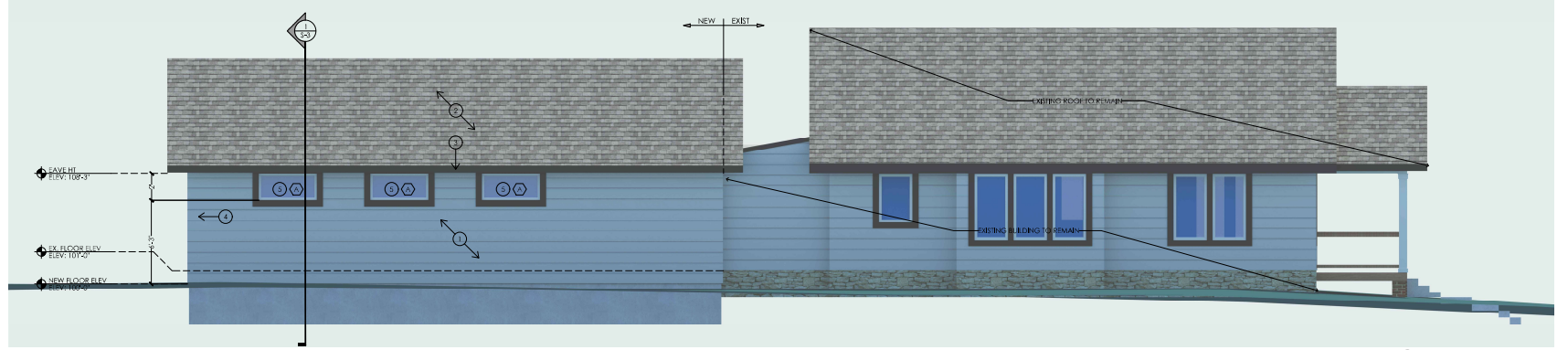
5 SE Perspective  
1/4" = 1'-0"



4 NE Perspective  
1/4" = 1'-0"



2 EAST ELEVATION  
1/4" = 1'-0"



3 NORTH ELEVATION  
1/4" = 1'-0"



AA - OLATHE  
NEW BUILDING ADDITION  
222 SOUTH KANSAS AVE, OLATHE, KS - 66061

PROJECTS CONSULTANT  
STRUCTURAL CONSULTANTS:  
SDC - ENGINEERING  
STRUCTURAL CONSULTANTS:  
Rob D Campbell

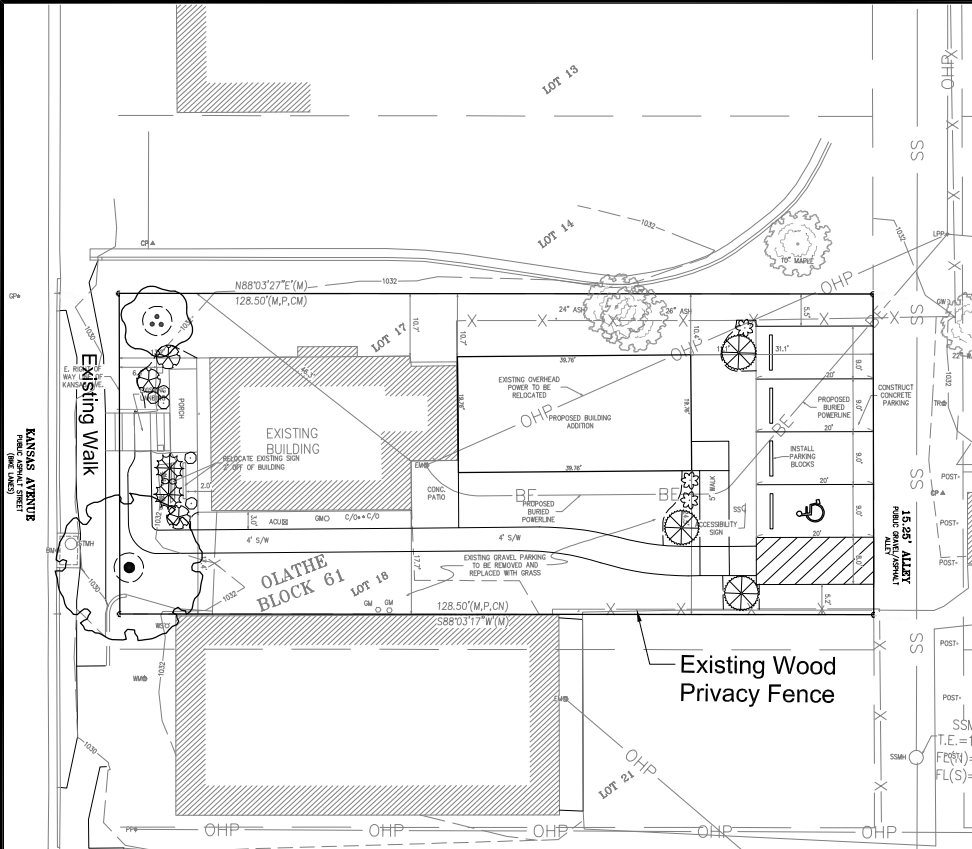


SULLIVAN  
PALMER  
ARCHITECTS  
1800 Grandview Blvd  
Olathe, KS 66061  
Phone: 781-222-2222  
www.sullivanpalmer.com

Date: 18 Dec 2023

Revision:

Drawn by:  
MWM  
Sheet:  
R-1  
renderings

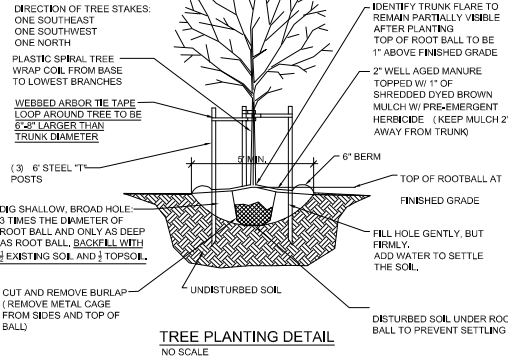
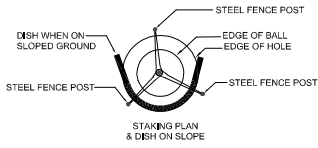


**PLANT SCHEDULE**

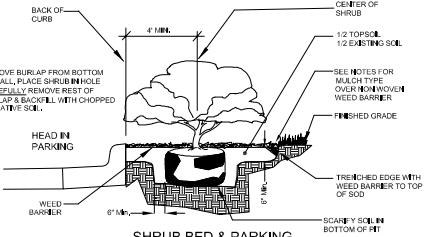
SYMBOL	QTY	BOTANICAL / COMMON NAME	CONT.	CAL.	SIZE
<b>TREES</b>					
	1	Acer rubrum 'Red Pointe' / Red Pointe Red Maple	B & B		2" Cal
	1	Amelanchier canadensis 'Autumn Brilliance' / Autumn Brilliance Serviceberry Multi Stem	B & B		7-8' hgt.
<b>SHRUBS</b>					
	3	Juniperus chinensis 'Sea Green' / Sea Green Juniper 24"-30" hgt. & sp.	5 gal		
	2	Juniperus horizontalis 'Bar Harbor' / Bar Harbor Creeping Juniper 24"-30" sp.	3 gal		
	3	Spiraea x bumalda 'Anthony Waterer' / Anthony Waterer Spiraea 18"-24" hgt.	3 gal		
<b>GRASSES</b>					
	5	Calamagrostis acutiflora 'Karl Foerster' / Feather Reed Grass 24" hgt.	3 gal		
	3	Miscanthus sinensis 'Morning Light' / Eureka Grass	3 gal		

**GENERAL LANDSCAPE NOTES:**

- CONTRACTOR SHALL VERIFY THE EXISTENCE AND LOCATION OF ALL UTILITIES BEFORE STARTING ANY WORK.
- CONTRACTOR SHALL VERIFY ALL LANDSCAPE MATERIAL QUANTITIES AND SHALL REPORT ANY DISCREPANCIES TO THE LANDSCAPE ARCHITECT PRIOR TO INSTALLATION.
- CONTRACTOR SHALL MAKE NO SUBSTITUTIONS WITHOUT THE APPROVAL OF THE LANDSCAPE ARCHITECT.
- CONTRACTOR SHALL STAKE LAYOUT PLANTS IN THE FIELD AND SHALL HAVE THE LAYOUT APPROVED BY THE LANDSCAPE ARCHITECT BEFORE PROCEEDING WITH THE INSTALLATION.
- ALL LANDSCAPE BEDS SHALL BE TREATED WITH THE PRE-EMERGENT HERBICIDE PRE 118000 (GRANULAR) OR AN APPROVED EQUAL IN ACCORDANCE WITH THE MANUFACTURER'S INSTRUCTIONS.
- ALL LANDSCAPE BEDS SHALL RECEIVE A TRENCHED EDGE. SEE SHRUB PLANTING DETAIL.
- FERTILIZER FOR FESCUE SOODED AND SEEDED LAWN TREES AND CONTAINER STOCK AREAS SHALL BE A BALANCED FERTILIZER BASED ON RECOMMENDATIONS FROM A SOIL TEST SUPPLIED BY THE LANDSCAPE CONTRACTOR FROM AN APPROVED TESTING LAB.
- CONTRACTOR SHALL BE RESPONSIBLE FOR MAINTENANCE OF THE PLANTS UNTIL COMPLETION OF THE JOB AND ACCEPTANCE BY THE OWNER.
- CONTRACTOR SHALL WARRANTY ALL LANDSCAPE WORK AND PLANT MATERIAL FOR A PERIOD OF ONE YEAR FROM DATE OF ACCEPTANCE OF THE WORK BY THE OWNER.
- CONTRACTOR SHALL PROVIDE MAINTENANCE OF ALL TREES AND SHRUBS FOR A PERIOD OF ONE YEAR AFTER THE DATE OF SUBSTANTIAL COMPLETION CONTRACTED BY THE OWNER.
- ANY PLANT MATERIAL WHICH DIES DURING THE ONE YEAR WARRANTY PERIOD SHALL BE REPLACED BY THE CONTRACTOR DURING NORMAL PLANTING SEASONS.
- ALL PLANT NAMES ON THE PLANT LIST CONFORM TO THE STANDARDIZED PLANT NAMES PREPARED BY THE AMERICAN JOINT COMMITTEE ON HORTICULTURAL NOMENCLATURE OR TO NAMES GENERALLY ACCEPTED IN THE NURSERY TRADE.
- ALL PLANT MATERIAL SHALL BE SPECIMEN QUALITY STOCK AS DETERMINED IN THE AMERICAN STANDARDS FOR NURSERY STOCK PUBLISHED BY THE AMERICAN ASSOCIATION OF NURSERYMEN, FREE OF PLANT DISEASES AND PESTS, OF TYPICAL GROWTH OF THE SPECIES AND HAVING A HEALTHY, NORMAL ROOT SYSTEM.
- SIZES INDICATED ON THE PLANT LIST ARE THE MINIMUM ACCEPTABLE SIZE. IN NO CASE WILL SIZES LESS THAN THE SPECIFIED SIZES BE ACCEPTED.
- PLANTS SHALL NOT BE PRUNED PRIOR TO DELIVERY TO THE SITE OR AFTER INSTALLATION EXCEPT FOR THOSE BRANCHES THAT HAVE BEEN DAMAGED IN SOME WAY.
- PLANTS SHALL NOT HAVE NAME TAGS REMOVED PRIOR TO FINAL INSPECTION.
- ALL PLANTINGS SHALL RECEIVE A COMMERCIAL TRANSPARENT ADDITIVE PER MANUFACTURER'S RECOMMENDED RATES AND INSTRUCTIONS FOR APPLICATION.
- ROCK MULCH SHALL BE 3" DEPTH OF KANSAS LARGE 2" DEEP OVER A FELT TYPE SOIL SEPARATOR.
- WOOD MULCH SHALL BE A DYED BROWN SHREDDED HARDWOOD 3" DEEP OVER A FELT TYPE SOIL SEPARATOR.
- SOO SHALL BE A TURF-TYPE TALL FESCUE GRASS BLEND. CONTRACTOR SHALL BE RESPONSIBLE FOR AN ACCEPTABLE STAND OF TURF TO BE APPROVED BY THE OWNER AND/OR LANDSCAPE ARCHITECT.
- SEED SHALL BE A TURF-TYPE TALL FESCUE BLEND WITH 10% PERENNIAL RYE DRILL MIXED AT A RATE OF 9000/1000. IT SHALL BE COVERED WITH A 1/2" DEEP SEED NETTING WHICH PREVENTS EROSION. CONTRACTOR SHALL BE RESPONSIBLE FOR AN ACCEPTABLE STAND OF TURF GRASS OF AT LEAST 90% COVERAGE OF SOIL SURFACE PER SQUARE FOOT.
- SUCCESSFUL LANDSCAPE BEDDER SHALL BE RESPONSIBLE FOR THE DESIGN AND INSTALLATION OF AN IRRIGATION SYSTEM TO BE APPROVED BY THE OWNER PRIOR TO CONSTRUCTION IF THE OWNER DESIRES AN IRRIGATION SYSTEM.



**TREE PLANTING DETAIL**  
NO SCALE



**SHRUB BED & PARKING SETBACK DETAIL**  
NO SCALE

**Transplant Additives:**

- Apply a commercial transparent additive (approved by the Landscape Architect) to all trees, shrubs and groundcover at rates recommended by the manufacturer during the planting. This item shall be substitutable to other planting items.
- Transplant additive shall be Horticultural Alliance "CLEARHARD Transplant" (or approved equal) mycorrhizal fungal transplant inoculant or equivalent equal containing the appropriate species of mycorrhizal fungi and bacteria, fungi stimulant, water retaining agents, mineral & organic nutrients and inert ingredients.
- Demonstrate installation of all transplant additives for this project to the Landscape Architect. Provide actual additive product as evidence of sufficient quantity of product. (Empty product bags to be stockpiled for inspection by the Landscape Architect prior to disposal).
- Number of transplant additive packets per tree, shrub or groundcover shall be applied according to the manufacturer's recommended rates and instructions. For all plants the packet mix shall be evenly distributed into the upper approximately 6" of backfill soil next to the roots. Do not place mix in the bottom of the planting pit.
- Furnishing and application of transplant additive shall be substitutable to the planting operations.

**Utility Note:**  
Utilities shown on plan are diagrammatic and information may be missing. Before starting any construction call appropriate locating service. In Kansas call 1-800-010-SAFE (344-7233) to have utilities located.

**Landscape Plan**  
**222 South Kansas**

222 South Kansas  
Olathe, Kansas LS-1



**Oppermann LandDesign, LLC**  
Land Planning & Landscape Architecture  
99 Delta Lane  
New Windsor, New York 12553  
peter@oppermann56@gmail.com  
913.592.5598

12/15/2023

**Date:** 12/13/2023

**Meeting Date:** Dec. 13, 2023, 5:30 PM

**Location of Meeting:** Olathe Downtown Library, 3<sup>rd</sup> floor room  
Olathe, KS

**Project:** 222 S. Kansas Rezoning/PDP for Olathe Group.

**Project/File No.:** 230225

**Neighborhood Attendees:** See attached Sign in Sheet

**Development Team:** Jim Boldt – Property owner and landlord  
Judd D. Claussen, P.E., civil engineer

**Copy:** Olathe planning staff

- 
1. Jim Boldt welcomed the attendees, introductions. Attendees signed the sign-in sheet.
  2. This project is zoned commercial but we need to rezone to the downtown zoning district. This is so that the addition to the building can be done. We are a grandfathered use on this property today, but cannot do any modifications to the building. The Olathe Group has occupied this building here for 20 years or better. There have been police there only 2x in that 20 years that I can recall, and they were for non-violent issues. The Olathe group is for Alcoholics Anonymous (AA) and Al-Anon. They meet 2x a day every day. The addition is needed for more room for the group. The addition is to provide a meeting space for larger groups in the back of the building. This new addition will be handicap accessible, with HC parking and mobility impaired parking in the back of the addition off the alley. Landscaping and an attractive addition matching the style of the original building is proposed. So if we can get the zoning we can add on to the building to improve the Olathe group's facilities and provide a more functional environment for them.
  3. Judd showed the site plan, building floor plan and building architectural elevations, and walked the group through the various components of each plan.
  4. General discussion and questions occurred at this point.
  5. Question about the finish floor of the existing building and new building and street. The existing building floor is 1034.5. New building is 1033.1. So about 1.5 feet lower than existing. Grade is lower in alley. Sidewalk is about a 1030.
  6. Existing building has a crawl space. New building is slab on grade.
  7. An existing alley in rear of the property remains. It is graveled from north property line to the south to access the E/W alley between Cherry and Kansas. The alley is not improved north of the property and will remain that way.

8. Parking is not in the alley, but off the alleyway.
9. Parking is adequate. New HC accessible and mobility impaired spaces being added. Parking on Kansas available as well as the parking garage.
10. Schedule is to complete the zoning process by February and submit for building permits as soon as possible thereafter. Spring 2024 construction.
11. City will not allow a metal roof as this is in downtown Olathe and the materials are to match as closely as possible to the original structure.
12. About 40 people can be in the new addition meeting room. Use of this building is the same, we just need more room to be more efficient and comfortable and to provide a place for larger groups to meet.
13. Jim mentioned that although he owns building and is landlord his is also a neighbor. His business is right next door and the Olathe group has been a great neighbor from that perspective.
14. What is status of group to the east (behind this property). Olathe group was working to rezone that property, but has abandoned that effort to focus on this addition.
15. Good looking project with landscape that will be something the City can be proud of.
16. Glad this new addition will be ADA accessible and that is something that is needed. Since its not possible to make the existing structure ADA accessible, this addition is something that is sorely needed to serve handicap clientele.
17. Churches hold a lot of AA and Al-Anon meetings but when churches shut down due to Covid, it strained the clientele to find other places that were open such as Olathe group. This facility allows AA to be open under their own control, and not have to share a facility and be subject to trying to work around other tenants in the same building. This is nothing but good for the community.
18. This is a community service and because its privately owned, provides an affordable place for 12 step recovery.
19. The Olathe group can barely function in the space they have now. This allows us to function better, in a safer more controlled facility, and more comfortable for everyone.
20. There will not be partitions in the new space at this time. Maybe in future there could be moveable partitions but not at first. Need the open space for the larger meetings.
21. This will be heard at the Olathe Planning Commission meeting at 7 pm on Monday January 8.
22. There were no further questions and the meeting ended.

Public Information Sign In Sheet - In Person Meeting

R223-0014 Rezoning and Preliminary development plan for Olathe Group @222 S Kansas Ave.

Location: Olathe Downtown Library

Wednesday, December 13, 2023

No.	First and Last Name	Address	Phone #	Email
1	William D. Logan	21707 W. 61 <sup>st</sup> St., SHAWNEE, KS 66218	913-568-9654	TASSYWEST@AOL.COM
2	John M Mueller	302 W Cedar St, Olathe	816-365-3089	jmueller245@yahoo.com
3	Krissie Bash	2310 W. Forrest <sup>Olathe</sup> Dr.	913-706-1935	KrissieBash@gmail.com
4	Josh Anderson	609 E Brian Dr.	913-636-6724	drjoshanderson@gmail.com
5	Stuart Bickham	13551 S. Lakeview Dr	913-669-1605	stuartbickham829@gmail.com
6	Andrew Carroll	1290 Westgate St	913-302-4557	andrew@markirinvestments.com
7	Randy Calhoun	213 S. Kansas Ave	636-288-2837	pastorrandy@faithjourneychurch.com
8	Sue Stiner	1008 Sumac	913-850-3230	
9	Judd Claussen	Phelps Engineering 1270 N. Winchester, Olathe	913-393-1155	jclaussen@phelpsengineering.com
10	Zak Hugo	11720 Craig St <del>and 1000 S. Alhambra</del>	816-364-9978	Zhugomd@yahoo.com
11	Jim Boldt	226 S Kansas Ave	913-957-5470	Jim@GBF19.com
12				
13				
14				
15				





## MINUTES

### Planning Commission Meeting: January 8, 2024

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<b>Application:</b>	<b><u>RZ23-0014:</u></b> Request for approval of a rezoning from the C-2 (Community Center) District to the D (Downtown, Mixed-Use) District and a preliminary site development plan for The Olathe Group addition, located at 222 S. Kansas Avenue.
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**Ms. Kim Hollingsworth, Planning & Development Manager**, on behalf of Senior Planner Emily Carrillo, presented RZ23-0014, a request to approve a rezoning from C-2 (Community Center) to the D (Downtown Mixed-Use) District, located at 222 S. Kansas Avenue. The existing building been used as a meeting space for the Olathe Group of Alcoholics Anonymous since 2003, and they have outgrown their building. Since the 2014 UDO update, this use is no longer allowed by right in the C-2 District, and as such, the applicant is requesting to rezone the property to the Downtown Mixed-Use District. Ms. Hollingsworth demonstrated all the neighboring and regional properties that have recently also rezoned to Downtown District. PlanOlathe designates this area as Urban Center/Downtown. The rezoning request also aligns with goals and policies of PlanOlathe and meets all Golden Criteria.

Ms. Hollingsworth presented the preliminary site development plan. The 800 square foot building addition would extend behind the existing building to the east and be designed to blend with the existing and surrounding properties. Parking would be added to the east, and landscaping would enhance the property.

Ms. Hollingsworth provided that all public notice requirements have been met. A neighborhood meeting was held, and the applicant responded to questions.

Staff recommends approval of the rezoning with no stipulations. Staff recommended approval of the preliminary site development plan with one parking stipulation.

**Chair Janner** opened the public hearing, but no one was signed up to speak.

With no further comments, **Chair Janner** moved to close the public hearing and took a voice vote, which passed 9 to 0.

**With no further discussion, Chair Janner** entertained a motion on the item.



**Commissioner Breen** moved to approve RZ23-0014 as stipulated by staff, and **Commissioner Chapman** seconded.

The motion passed with a vote of 9 to 0 as follows:

- A. Staff recommends approval of RZ23-0014, 222 S. Kansas Avenue, for the following reasons:
  - 1. The proposed development complies with the policies and goals of the Comprehensive Plan for Land Use (LUCC) and Original Town (OT).
  - 2. The requested rezoning to the D (Downtown Mixed Use) District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.
- B. Staff recommends approval of the rezoning to the D (Downtown Mixed-Use) District as presented with no stipulations.
- C. Staff recommends approval of the preliminary site development plan with the following stipulations:
  - 1. On-site parking must occur in striped and designated parking stalls only and must not block alleyways or access drives.

**ORDINANCE NO. 24-04**

**AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF OLATHE, KANSAS, AS ADOPTED BY REFERENCE IN SECTION 18.20.030 OF THE OLATHE UNIFIED DEVELOPMENT ORDINANCE; FURTHER AMENDING SAID SECTION 18.20.030 BY REINCORPORATING SUCH MAP AS AMENDED.**

**WHEREAS**, Rezoning Application No. RZ23-0014 requesting rezoning from the C-2 (Community Center) District to the D (Downtown, Mixed Use) District was filed with the City of Olathe, Kansas, on the 17<sup>th</sup> day of November 2023; and

**WHEREAS**, proper notice of such rezoning application was given pursuant to K.S.A. 12-757 and Chapter 18.40 of the Olathe Unified Development Ordinance; and

**WHEREAS**, a public hearing on such application was held before the Planning Commission of the City of Olathe, Kansas, on the 8<sup>th</sup> day of January 2024; and

**WHEREAS**, said Planning Commission has recommended that such rezoning application be approved.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF OLATHE, KANSAS:**

**SECTION ONE:** That the Zoning Map of the City of Olathe, Kansas, is hereby ordered to be amended insofar as the same relates to certain parcels of land legally described as:

ALL OF LOT 17 AND LOT 18, EXCEPT THE SOUTH 6 FEET OF SAID LOT 18, IN BLOCK 61 IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS, ACCORDING TO THE RECORDED PLAT THEREOF

Said legally described property is hereby rezoned from the C-2 (Community Center) District to the D (Downtown, Mixed Use) District.

**SECTION TWO:** That this rezoning is approved with no stipulations.

**SECTION THREE:** That Section 18.20.030 of the Unified Development Ordinance, which incorporates by reference the Olathe Zoning Map, is hereby amended by reincorporating by reference the said Zoning Map as it has been amended in Section One of the Ordinance.

**SECTION FOUR:** That this Ordinance shall take effect from and after its passage and publication as provided by law.

**PASSED** by the City Council this 6<sup>th</sup> day of February 2024.

**SIGNED** by the Mayor this 6<sup>th</sup> day of February 2024.

---

Mayor

ATTEST:

---

City Clerk

Ordinance No. 24-04  
RZ23-0014  
Page 2

(Seal)

APPROVED AS TO FORM:

\_\_\_\_\_  
City Attorney



# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 2/6/2024

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**FOCUS AREA:** Economy

**STAFF CONTACT:** Briana Burrichter/John Page

**SUBJECT:** Report on a request by Scannell Properties #717, LLC and assigns for an issuance request for industrial revenue bonds and tax phase-in for the construction of a 729,120 square foot warehouse facility for General Mills Blue Buffalo brand on 57-acres located west of the northwest of 159<sup>th</sup> Street and Clare Road (Old 56 Highway).

---

**TITLE:**

Report on a request by Scannell Properties #717, LLC and assigns for an issuance request for industrial revenue bonds and tax phase-in for the construction of a 729,120 square foot warehouse facility for General Mills Blue Buffalo brand on 57-acres located west of the northwest of 159<sup>th</sup> Street and Clare Road (Old 56 Highway).

---

**SUMMARY:**

The City has received an application for \$71,594,289 in industrial revenue bonds for the construction of a 729,120 square foot industrial warehouse facility. The project is located on 57-acres near the northwest corner 159th Street and Clare Road (Old 56 Highway). This is a single series of bonds to be issued to cover land, the building and furniture, fixtures and equipment costs.

The Applicant requests a 10-year / 50% property tax phase-in in conjunction with the issuance of the City's industrial revenue bonds. This project is applying under the City's tax abatement policy (Policy F-5, Resolution 23-1080).

The single series of bonds for the project requests an amount not to exceed \$71,594,289 in industrial revenue bonds for the construction of 729,120 square feet of commercial space on 57-acres of land. The single series of industrial revenue bonds consist of:

- \$6,000,000 to acquire land
- \$65,336,390 to construct the building and cover other development costs
- \$257,899 allocated for furniture, fixtures & equipment
- The single-phase project creates 103 new jobs over the next 10 years
  - Average salaries of the new jobs:
    - \$51,159 in year one, growing to \$64,227 in year ten
  - A total of approximately \$51,649,000 in new wages over the 10 year period
- Property taxes over the 10-year period with estimated 50% property tax phase-in on this project:
  - All jurisdictions = \$635,500 annually / \$6,355,000 10-year total
  - Olathe = \$127,000 annually / \$1,270,000 10-year total
  - Olathe's current annual property tax revenue from the property is \$11,181
  - Upon retirement of the tax phase-in, the City will receive approximately a total of

\$254,000 in annual property tax revenue once the property tax phase-in expires.

The cost benefit ratios of this project:

- City of Olathe
  - 1.54
  - Payback expected to take 5 years
- Johnson County
  - 1.61
  - Payback expected to take 6 years
- State of Kansas
  - 118.89
  - Payback expected during construction period
- Gardner-Edgerton School District
  - 1.00
  - Payback expected to take 10 years
- Johnson County Community College
  - 1.11
  - Payback expected to take 9 years

---

**FINANCIAL IMPACT:**

See attached materials for more detailed fiscal impact information.

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**ACTION NEEDED:**

Accept report, A public hearing and resolution regarding the project will go before the City Council at its February 20<sup>th</sup> meeting.

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**ATTACHMENT(S):**

- A. Executive Summary
- B. Application
- C. Firm Data Sheet
- D. Project Cost Benefit Analysis
- E. Site Aerial

February 6, 2024

**Single Series Bonds Request**  
Scannell Properties #717, LLC  
Industrial Revenue Bond & Tax Phase-In Project  
Executive Summary



Located on 78% of the following Parcel:  
DF231408-2008

---

## **Introduction**

The City has received a \$71,594,289 industrial revenue bond application from Scannell Properties #717, LLC and assigns ("Applicant") for construction of industrial space on 57-acres near the northwest corner of 159<sup>th</sup> Street and Clare Road (Old 56 Highway). The Applicant anticipates construction of approximately 729,120 square feet of space to accommodate a warehouse project for General Mills Blue Buffalo division. The Applicant seeks to have the project receive a 10-year, 50% property tax phase-in in conjunction with the issuance of the City's industrial revenue bonds. This project is applying for and falls under the City's tax abatement policy for a new business abatement, Resolution 23-1080 and Policy F-5 with an investment over \$10 million.

Bonds for this single-phase project are expected to be issued in one series. This series of bonds to be issued would allow the Applicant to construct a 729,120 square foot industrial facility on a 57-acre parcel. The Applicant requests issuance of an amount not to exceed \$71,594,289 of industrial revenue bonds for construction of this building. The proceeds from the bonds would be divided as follows: \$6,000,000 of the bonds would cover costs to acquire the land for the project, \$65,336,390 of the bonds would cover costs to construct the building and other development costs, and \$257,899 in funds would be allocated to cover costs to purchase furniture, fixtures and equipment.

The following information about this request relates to the projected impacts of the building planned for construction and was derived from the attached application materials.

## **Employment**

The project is expected to create 103 new jobs over the next 10 years. The average salaries are expected to be \$51,159 in the first year, growing to \$64,227 in year 10. These jobs would create approximately \$51,649,000 in total new wages to the Olathe economy over the next 10 years.

## **Machinery & Equipment**

The application includes \$257,899 in funds for furniture, fixtures and equipment which would be exempt from sales taxes for purposes of this project.

## **IRB Request**

This series request is to issue industrial revenue bonds in a single series not to exceed \$71,594,289 for the construction of 729,120 square feet of industrial warehouse space. It is anticipated that the bonds will be taxable industrial revenue bonds backed by the revenue generated from the facility. The applicant plans to purchase the bonds.

## **Tax Abatement Request**

The Applicant is requesting an approximate 10-year, 50% property tax-phase in for its project, under the City's Tax Abatement Resolution 23-1080 and Policy F-5. The abatement would be for the new investment in improvements associated with the request to issue bonds for the project. The level of capital investment meets the criteria for a 10-year property tax abatement for a new business under the City's tax abatement policy as the industrial facility will result in a total investment of over \$10 million.

## **Taxes**

Current estimated property taxes generated at this site (all jurisdictions): \$71,750 (city portion of taxes - \$11,181) based on a 2023 appraised value of \$5,114,690 and an assessed value of \$613,763). The future additional property taxes generated by this project have been computed using a targeted level of real property estimated appraised value at build out that is \$43,500,000 (75% of investment in the building only (real property)). This investment will result in approximately \$1.271 million in annual property taxes at full value for all taxing jurisdictions, and \$254,000 in property taxes to the City. With a 50% property tax abatement, the tax revenue will be approximately \$6,355,000 for all jurisdictions over the 10-year abatement period, and \$1,270,000 to the City over the 10-year abatement period.

## **Sales**

The project will increase new annual sales throughout the duration of the project for the tenant and are projected to be \$10 million in year one and ranging from \$30 to \$50 million throughout the 10-year timeframe. A total of \$370 million in additional sales is attributed to this project.

## **Special Assessments**

There are currently no special assessments associated with this property.

## **Franchise Fees**

It is expected that the project will generate \$22,500 in new franchise fees each year of the 10-year period.

## **Water, Wastewater & Garbage**

The applicant anticipates generating an additional \$77,140 in revenue from increased water and sewer service during the 10-year abatement period.

### **Local Competition**

The applicant will not be in competition with other local area companies.

### **Annual Purchases**

The applicant has projected that the project would generate approximately \$5,000,000 in new operating expenditures over the life of the tax phase-in.

### **Cost-Benefit Analysis**

As required by Kansas law, staff completed a cost-benefit analysis of the project on the City of Olathe. The Kansas, Inc. model reflects the impact upon the city, county, school district, and state. A variety of information concerning the firm, the construction, and the community was input into the model.

The cost-benefit model shows that the facility will have a benefit to cost ratio of 1.54 to 1 for the City of Olathe, which translates into an annual rate of return on the City's investment of taxes abated of 153.53%. The payback period for incentives and taxes abated will be approximately 5 years.

### **County & School District Impact**

It is expected that the project will bring approximately 772 total new jobs (direct and in-direct) to the City, with 30 new residents moving into Johnson County over the next 10 years. This project will be located in the Gardner Edgerton School District. Of the new residents, 50% are expected to move into the Gardner Edgerton School District. The impact on the school district would be about 8 new students over the next 10 years. Per Kansas law, the City will provide written information to the County and the School District pertaining to this request.

### **Performance Agreement**

The applicant has been informed that a performance agreement will be required as part of a tax abatement for the project which is locating on parcel DF231408-2008. The minimum targeted expenditures would be approximately 80% of the projected bond issuance for this project, or \$57,275,000.





**CITY OF OLATHE, KANSAS**  
 APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS  
 (IRB)  
 Master Park Resolution - New Business to Olathe

This application is being submitted under a Master Resolution of Intent approved for Issuance of Industrial Revenue Bonds by the City Council on ~~6,000,000~~ August 5, 2008, amended October 21, 2014

*This application is submitted in conformance with the city's tax abatement policy. It is understood that the city may require in lieu payments for property which becomes tax exempt. The attached sheet(s), if any, are submitted as Exhibit A of this application. This application must be submitted within sufficient time to meet procedural requirements of the abatement policy, (refer to the tax abatement calendar).*

**A non-refundable \$2,000 application / filing fee must accompany this application.** If bonds are issued, the City will require an issuance fee of .0025 of the first \$40 million of bonds issued plus .0020 of the amount of bonds issued in excess of \$40 million (issuance fee shall not be less than \$2,500 or more than \$250,000). For warehouse distribution or logistics-type projects the City will require an issuance fee of .0030 of the par amount of bonds being issued (which amount shall not be less than \$2,500 or more than \$250,000). Additionally, the applicant shall be responsible for bond counsel fees, trustee fees and other fees associated with the issuance of the bonds. See Section 6 of Resolution No.21-1074 and contact Bond Counsel for a more detailed explanation of the fees.

Scannell Properties #717, LLC

**Applicant's Name**

cam.duff@scannellproperties.com

816-217-8181

**Applicant's Email Address**

**Telephone Number**

8801 River Crossing Blvd #300, Indianapolis, IN 46240

**Applicant's Address**

Cam Duff, Director of Development

816-217-8181

**Name and Title of Responsible Officer/Contact**

**Telephone Number**

**Address (if other than corporate address)**

Courtney Kanzinger

**Attorney for Applicant**

courtneyk@scannellproperties.com

317.979.5841

**Attorney's Email Address**

**Telephone Number**

8801 River Crossing Blvd #300, Indianapolis, IN 46240

**Attorney's Address**

TBD

**Bond Purchaser/Underwriter for Applicant**

TBD

**Bond Purchaser/Underwriter's Address**

**Telephone Number**

TBD

**Bond Counsel for Applicant**

TBD

**Bond Counsel's Address**

**Telephone Number**

## I. BUSINESS INFORMATION

A. In what line or lines of business is the applicant engaged?

Real Estate Development & Investment

B. Is the applicant (or its parent) a proprietorship, partnership, or corporation (LLC)?

Corporation (LLC)

C. Year and State of incorporation 2023, Delaware

If proprietorship, partnership, or close corporation, list the names of owners and the approximate amounts owned by each of its principal stockholders.

D. List the names and titles of the officers of the applicant firm:

Marc Pflieger, Manager  
David Duncan, Manager  
Ralph Shiley, Manager  
Douglas Snyder, Manager  
Robert Scannell, Manager

E. Are you pursuing an other incentives offered by another government entity? No  
If yes, please indicate below what the other incentives are.

## II. THE PROJECT

Briefly describe the nature of the proposed project, including information as to the structure itself (size of building, amount of land to be purchased, etc.), whether it is an expansion of an existing facility or the construction of a new facility, and what products or services are to be manufactured or provided there.

A build-to-suit for approx. 729,120 sf warehouse on approx. 57 acres for General Mills. The facility will be used to store and distribute pet food products for General Mill's Blue Buffalo brand.

### A. Approximate amount requested for:

Land (Attach a legal description of property as <u>Exhibit A</u> )	\$ 6,000,000
Building	\$ 58,000,000
Machinery and Equipment	\$ 257889
Pollution Control Facilities	\$
Other Costs*	\$ 7,336,390
Total	\$ 71,594,289

### \* State other costs:

\*Soft costs (design, permitting, legal, financing/carry costs, etc.)  
Land is \$6,000,000. There is an error in the form.

### B. Does the applicant, or its parent, presently have offices or industrial facilities located in Olathe, Kansas?

Yes If yes, please describe below.

We developed Building 3 within I-35 Logistics Park which was leased to Clorox. We recently finished construction on Building 4 within I-35 Logistics Park and have approx. 30% leased to GXO Logistics with the balance being marketed to other tenants. We plan to construct 3 more buildings within the park over the next few years.

### C. Will you be relocating from your existing Olathe facilities to new facilities constructed by this project?

No If yes, what will you be doing with your existing facilities after relocating?

This is a new facility. The tenant is not relocating from an existing facility in Olathe.

D. Where is the location of the project?

Within the I-35 Logistics Park (NW corner of Old 56 Hwy & W 159th St)

E. Is the prospective location properly zoned? Yes

If a zoning change is pending, cite application number and present status. If application has not been made, briefly describe what change will be needed and plans for submitting application:

F. Describe the type of buildings to be constructed and type of machinery and equipment to be financed:

A 40' clear height, cross-dock concrete warehouse/distribution facility. The aesthetics of the facility will match Building 1 & 2 in I-35 Logistics Park.

G. Will the applicant be in direct competition with other local firms?

No

If yes, name the firms and describe the nature of the competition:

H. Are adequate public streets and utilities available to the proposed site?

Yes

I. Specify if unusual demands for water and sewer will be made:

Water/Sewer usage is anticipated to be standard for this type of building.

J. Per the City IRB policy, an applicant is required to use City of Olathe solid waste service upon the start of the abatement period. Please indicate that you understand this requirement by answering yes: Yes

If you have a current existing contract with another contractor, please indicate below when that will expire. If you have any extenuating circumstances that would result in the City not being able to adequately serve your needs, please indicate those below:

K. What percentage of usable floor space will be occupied by applicant? 0%

What percentage will be occupied by other occupants? 100% If known, indicate each occupant below:

729,120 sf - General Mills

L. Name and address of construction contractor and/or architect:

Alston Construction Company, Inc., 1901 Butterfield Road, Suite 1020, Downers Grove, IL 60515  
Gray Design Group, 9 Sunnen Dr #110, St. Louis, MO 63143

M. How many persons will be employed at the project? 81

Will this project represent an increase in employment opportunities in Olathe, Kansas? Yes

*\* Please complete Appendix I on page 10.*

N. Briefly describe the approximate number of persons to be employed by the project at all levels.

(e.g. - management, office, skilled and unskilled):

See Appendix I.

O. What dollar amount and percentage of the applicant's total projected annual sales for the next ten (10) years, is expected to be generate by the project?

\$10M to \$50M of sales per year i expected to be generated out to this facility. Total sales in 2023 was \$700M.

P. What percentage of sales will be sold locally? 0% Is this percentage increasing, decreasing, or remaining stable from the current trend? Remaining stable

Q. What is the estimated annual amount of merchandise and services purchased locally by the applicant?

R. Is there likelihood for expansion of the proposed facility within three (3) years? Yes

If such expansion is contemplated, please describe below:

The building is designed to accommodate a 300k sf expansion. Timing of the expansion is TBD.

### III. FINANCING

A. Have arrangements been for the marketing of the bonds? No

**If yes, please proceed to answer 1 - 7.**

**If no, please proceed to answer 8 - 12.**

1. Describe interest rate structure and term of bonds below:

2. Will the applicant pledge any assets other than the project itself to secure the bonds?
3. Will a bond and interest reserve be provided for? No If yes, state amount and source of funding.
4. Does the applicant have any major contractual arrangements that would tend to assure, or be a detriment to, the successful financing and marketing of the proposed bonds? No If yes, describe below:
5. Has a bond underwriter determined whether or not the bonds are marketable? No  
If yes, describe its determination below:
6. Indicate whether bonds will be publicly or privately placed. Publicly
7. Does the applicant, or its parent, intend to purchase all or any part of the proposed bond issue?
8. What portion of the project will be financed from funds other than bond proceeds, and what is the source of such funds?  
None, N/A.
9. What will be the applicant's equity investment? Please describe:  
TBD, but atleast 15%.
10. Has the applicant considered conventional financing? Yes

11. Indicate name of primary officer, institution name, and address of trustee and/or fiscal agent.

Developer is currently considering multiple institutions for financing this project.

12. Proposed date of issuing bonds: \_\_\_\_\_

B. List below previous participation in IRB financing:

Building #3 & #4 in I-35 Logistics Park.

**Prior to the contractor starting construction on the project, the applicant shall notify the City Clerk whether or not to proceed with an application for a sales tax exemption from the state of Kansas. Prior to, or at completion, of the project, the applicant shall inform the City Clerk to proceed with the issuance of the industrial revenue bonds and filing with the state board of tax appeals for a tax abatement on the project.**

## V. TAXES

A. What is the requested tax abatement term in years? 10 Percentage requested 50 %

B. If a Fixed PILOT payment is proposed for the project, please outline proposed structure:

TBD

- C. Under normal circumstances, the City will require payment in lieu of payments for property which becomes tax exempt. If tax abatement is requested, please describe special features or benefits of the project, which would justify tax abatements at the requested percentage and term. Include information about other local revenues associated with the project, such as sales taxes and franchise fees.

The proposed project is expected to stimulate growth and development within Olathe by providing a new source of employment and additional tax and utility revenue for the community. Additionally, Developer is planning to perform public infrastructure improvements including road, sewer and utility extensions along 159th Street that will further benefit the community.





**APPENDIX I\***  
**EMPLOYMENT INFORMATION**  
**APPLICATION FOR ISSUANCE OF INDUSTRIAL REVENUE BONDS**

State law requires a fiscal impact analysis be performed prior to the issuance of a tax abatement. Information provided in sections below of Appendix I is essential in order for the city to meet this requirement.

Current number of employees at firm's present site. \_\_\_\_\_

<b>Occupational Classification</b>	<b>Total</b>	<b>Average Starting Wage</b>	<b>Average Maximum Wage</b>	<b>Number By County of Residence *</b>
Management	6	\$102,491/yr		Johnson 4
				Other 3
Office/Clerical	14	\$22.30/hr		Johnson 11
				Other 3
Professional	3	\$30.11/hr		Johnson 2
				Other 1
Skilled	58	\$22.67/hr		Johnson 31
				Other 27
				Johnson
				Other
				Johnson
				Other

## **EXHIBIT A**

Insert or attach here:

**Firm Data Sheet**

Information for firm that will occupy the facility and its employees

PLEASE NOTE APPENDIX TWO (BOTTOM TABS)

Use information on firm that will occupy the facility

Name of Firm General Mills

Description of the firm's location or expansion in the community:

A build-to-suit for approx. 729,120 sf warehouse on approx. 57 acres for General Mills. The facility will be used to store and distribute pet food products for General Mill's Blue Buffalo brand.

Requested tax abatement term in years 10 Abatement percentage requested 50%

Square footage of the facility 729,120

Acerage of land the project will occupy 57

NAICS or SIC Code 311111

Market Value of the firm's initial new or additional investment in:

<i>Land</i>	<u>\$6,000,000</u>
<i>Building and Improvements</i>	<u>\$58,000,000</u>
<i>Furniture, Fixtures and Equipment</i>	<u>\$257,899</u>
<i>Other Costs</i>	<u>\$7,336,390</u>
<i>Total</i>	<u>\$71,594,289</u>

Project expansion (if acceptable):

Year of expansion n/a

Additional investment in:

<i>Land</i>	<u>n/a</u>
<i>Building and Improvements</i>	<u>n/a</u>
<i>Furniture, Fixtures and Equipment</i>	<u>n/a</u>

Total Sales (from the most current completed fiscal year):

Year 2023 Sales \$700M

New or additional sales of the firm - as a result of the project:

<i>Year</i>			
<i>1</i>	<u>\$10M</u>	<i>6</i>	<u>\$50M</u>
<i>2</i>	<u>\$40M</u>	<i>7</i>	<u>\$40M</u>
<i>3</i>	<u>\$30M</u>	<i>8</i>	<u>\$50M</u>
<i>4</i>	<u>\$40M</u>	<i>9</i>	<u>\$30M</u>
<i>5</i>	<u>\$40M</u>	<i>10</i>	<u>\$40M</u>

Percent of those sales subject to sales tax in the:

<i>City (Olathe)</i>	<u>0%</u>
<i>County (Johnson)</i>	<u>0%</u>
<i>State (Kansas)</i>	<u>0%</u>

Annual net taxable income, as a percent of sales, on which state corporate income taxes will be computed:

0%

New or Additional annual purchases of the firm as a result of the project:  
(items used in operations of business, not inventory that will be sold)

<i>Year</i>	
<i>1</i>	<u>                    </u>
<i>2</i>	<u>                    </u>
<i>3</i>	<u>                    </u>
<i>4</i>	<u>\$2mm</u>
<i>5</i>	<u>                    </u>
<i>6</i>	<u>                    </u>
<i>7</i>	<u>                    </u>
<i>8</i>	<u>\$3mm</u>
<i>9</i>	<u>                    </u>
<i>10</i>	<u>                    </u>

Percent of those purchases subject to sales taxes in the:

<i>City (Olathe)</i>	<u>0%</u>
<i>County (Johnson)</i>	<u>0%</u>



<p><b>A Tax Abatement Cost-Benefit Analysis of Scannell Properties #717, LLC</b></p>
--

**City or County where the firm is or will be located:**      **City of Olathe**  
 Date of Analysis:      Tuesday, January 30, 2024

Description of the firm's location or expansion in the community:  
 General Mills distribution facility

**This report includes an analysis of costs and benefits from the firm for the following taxing entities, where the firm is or will be located. These taxing entities, with the exception of a neighboring school district, if shown, are considering tax abatements or incentives for the firm:**

<b>City:</b>	<b>Olathe</b>
<b>County:</b>	<b>Johnson</b>
<b>School District:</b>	<b>Gardner Edgerton Schools</b>
<b>A neighboring School District:</b>	<b>Olathe Schools</b>
<b>Special Taxing District:</b>	<b>Johnson County Community Colleg</b>
<b>Special Taxing District:</b>	<b>School Mills 8</b>
<b>State of Kansas</b>	

Contents of this report:

About this Cost-Benefit Analysis Report	Page 2
Summary of Costs and Benefits for all Taxing Entities	Page 4
The Economic Impact that the Firm will have on the Community	Page 6
Costs and Benefits for:	
City:	Olathe      Page 7
County:	Johnson      Page 9
School District:	Gardner Edgerton Schools      Page 11
A neighboring School District:	Olathe Schools      Page 13
Special Taxing District:	Johnson County Community College      Page 15
Special Taxing District:	School Mills 8      Page 17
State of Kansas	Page 19

Data Used in this Analysis, if included , follows the Costs and Benefits for the State of Kansas

## About this Cost-Benefit Analysis Report

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This cost-benefit analysis report was prepared using the Kansas Tax Abatement Cost-Benefit Model - a computer program that analyzes economic and fiscal impact. The pages that follow, in this report, show the impact that the firm included in this analysis, the firm's employees and workers in spin-off jobs will have on the community and the state.

The economic impact over the next ten years is calculated along with the accompanying public costs and benefits for the State of Kansas and the taxing entities included in this analysis.

This analysis also shows the effect of tax abatements and incentives that may be considered for the firm

Here is how the analysis was performed:

1. Data was entered for the state and community's tax and other rates; the firm and its employees; tax abatements and other incentives being considered for the firm; construction activity; and expected visitors.

2. Using the data entered, as well as some rates built into the computer program, calculations were made of the economic impact of the firm along with the related costs and benefits.

The calculations of impact include direct, indirect and induced impact. Regional economic multipliers, specific to the firm's industry group, were used by the program to calculate the direct and induced or spin-

These are the report sections:

**Summary of Costs and Benefits for all Taxing Entities** This report page summarizes the costs and benefits for all taxing entities resulting from the firm and from new direct, indirect and induced jobs.

**The Economic Impact that the Firm will have on the Community** This report page shows the number of direct, indirect and induced jobs that will be created in the community, the number of new residents and additional school children, and increases in local personal income, retail sales, economic activity and the property tax base in the first year and over the next ten years.

**Costs and Benefits for Each Taxing Entity** These report pages summarize the costs and benefits for the State of Kansas and for each taxing entity as a result of the firm locating or expanding in the Kansas community.

The public benefits include additional revenues from the firm and employees for your taxing entities - - - sales taxes, property taxes, utilities, utility franchise fees, other payments by new residents, payments by the firm and additional school funding. Public costs include the additional costs of public services for new residents and the firm, costs of educating new students that move to the school district, along with tax abatements and incentives provided to the firm.

In addition to a presentation of public costs and benefits, this report also computes the present value of net benefits to be received by each taxing entity; the payback period for incentives and taxes to be abated; the rate of return on investment for each entity and cost-benefit ratios.

### Present Value

The present value of the expected cash flow over the next ten years - the excess of benefits over cost - for each entity was computed. Present value is a way of expressing in today's dollars, dollars to be paid or received in the future. Today's dollar and a dollar to be received or paid at differing times in the future are not comparable because of the time value of money. The time value of money is the interest rate or each taxing entity's discount rate. The analysis uses a discount rate that is entered to make the dollars comparable--by expressing them in today's dollars or in present value.

Generally, a positive present value indicates an acceptable investment.

### Payback Period

The investment payback period for each taxing entity was computed. This analysis views the financial incentives, including tax abatement, that the taxing entities are considering for the firm as an investment that the public will be making in the company. The payback period, therefore, is the number of years that it will take each taxing entity to recover the cost of incentives from the net annual benefits that they will receive. This payback period also shows the point in time where the cost and benefits are equal for the level and length of tax abatements and incentives being granted.

The payback period is a basis for judging the appropriateness of providing incentives to a firm. Generally, the shorter the payback period the better the investment.

### Rate of Return on Investment

The rate of return on investment for each taxing entity was also computed. As with the computation of payback, the rate of return analysis views the incentives that each taxing entity is considering as an investment that the public will be making in the company. The rate of return, therefore, is annual rate of return, over the next ten years, on each taxing entity's investment in the firm.

Generally, a rate of return in excess of the taxing entity's cost of capital is considered desirable.

### Cost-Benefit Ratio

The cost-benefit ratio for each taxing entity was also computed. This ratio compares public benefits over a ten year period from the new or expanding firm to public costs during the same period. For example, a cost-benefit ratio of 1.55 (or 1.55 to 1) shows that ten year benefits are 155 percent of public costs. Conversely, a cost-benefit ratio of .75 shows that public benefits are only 75 percent of public costs -- costs exceed benefits.

Generally, a cost-benefit ratio of 1.30 to 1 is considered acceptable for a taxing entity to grant tax abatements and other financial incentives to a firm.

**Data Used in this Analysis** These report pages, if included, show the data used in this cost-benefit analysis.



**Summary of Costs and Benefits for all Taxing Units**

**Benefits:**

	Sales Taxes	Property Taxes	Utilities and Utility Franchise Fees	Corporate and Personal Income Taxes	Additional School Funding	Other Revenues	Total Benefits
City: Olathe	\$619,971	\$4,777,860	\$302,140			\$502,691	\$6,202,662
County: Johnson	\$1,038,485	\$4,122,257				\$393,209	\$5,553,951
S. D: Gardner Edgerton		\$10,986,271			\$1,005,886		\$11,992,156
S. D: Olathe Schools		\$0			\$0		\$0
Johnson County Commu		\$1,664,419				\$174,924	\$1,839,343
School Mills 8		\$1,636,454				\$0	\$1,636,454
State of Kansas	\$6,423,156	\$306,762		\$11,973,259		\$258,522	\$18,961,699

**Costs, Incentives and Taxes Abated:**

	Costs of Services for the Firm and New Residents	Costs of Educating New Students	Taxes Abated	Incentives	Total Costs, Incentives and Taxes Abated
City: Olathe	\$401,437		\$2,387,543	\$0	\$2,788,980
County: Johnson	\$182,457		\$2,058,586	\$0	\$2,241,043
S. D: Gardner Edgerton		\$1,005,886	\$5,491,676		\$6,497,562
S. D: Olathe Schools		\$0			\$0
Johnson County Commu	\$79,790		\$831,183		\$910,973
School Mills 8	\$0		\$0		\$0
State of Kansas	\$222,507	\$348,676	\$153,336	\$0	\$724,520

Net Benefits:

	Total Benefits	Total Costs Incentives and Taxes Abated	Net Benefits
City: Olathe	\$6,202,662	\$2,788,980	\$3,413,682
County: Johnson	\$5,553,951	\$2,241,043	\$3,312,908
S. D: Gardner Edgerton	\$11,992,156	\$6,497,562	\$5,494,594
S. D: Olathe Schools	\$0	\$0	\$0
Johnson County Commu	\$1,839,343	\$910,973	\$928,370
School Mills 8	\$1,636,454	\$0	\$1,636,453
State of Kansas	\$18,961,699	\$724,520	\$18,237,179

Other:

	Present Value of Net Benefits to be Received Over the next 10 Years	Present Value of Incentives and Taxes Abated Over the next 10 Years	Payback Period for Incentives and Taxes Abated	Rate of Return over the next 10 years on Investment of Incentives and Taxes Abated	Cost-Benefit Ratio
City: Olathe	\$2,201,020	\$1,433,648	5 Years	153.53%	1.54
County: Johnson	\$1,994,351	\$1,236,119	6 Years	161.34%	1.61
S. D: Gardner Edgerton	\$3,299,203	\$3,297,600	10 Years	100.05%	1.00
S. D: Olathe Schools	\$0				
Johnson County Commu	\$556,086	\$499,103	9 Years	111.42%	1.11
School Mills 8	\$982,600	\$0	N/A	0.00%	0.00
State of Kansas	\$10,946,024	\$92,068	During construction period.	11889.06%	118.89

## The Economic Impact of the Firm

	<u>In the first year</u>	<u>Over the next ten years</u>
Number of jobs to be created	608	772
Number of new residents in the community	30	30
Number of additional students in the local school district	8	8
Increase in local personal income	\$19,890,619	\$247,913,035
Increase in local retail sales	\$8,950,779	\$111,560,866
Increase in the community's property tax base	\$71,616,253	\$93,221,099

**Costs and Benefits for the City of: Olathe**

Benefits to the city from the firm, its employees and spin-off benefits:

Year	Sales Taxes	Property Taxes	Utilities and Utility Franchise Fees	Other Municipal Revenues	Total
Construction Period	\$10,886	\$0	\$0	\$380,391	\$391,277
1	\$49,074	\$416,592	\$30,214	\$10,270	\$506,150
2	\$51,338	\$429,151	\$30,214	\$10,357	\$521,060
3	\$52,403	\$442,088	\$30,214	\$10,497	\$535,202
4	\$54,251	\$455,415	\$30,214	\$10,973	\$550,853
5	\$57,368	\$469,144	\$30,214	\$11,438	\$568,164
6	\$60,871	\$483,218	\$30,214	\$12,295	\$586,598
7	\$64,308	\$497,715	\$30,214	\$12,808	\$605,044
8	\$68,350	\$512,646	\$30,214	\$13,655	\$624,865
9	\$73,213	\$528,025	\$30,214	\$14,541	\$645,993
10	\$77,909	\$543,866	\$30,214	\$15,467	\$667,456
Total	\$619,971	\$4,777,860	\$302,140	\$502,691	\$6,202,662

The City's costs, property taxes abated and incentives provided to the firm:

Year	City Costs for the firm and Municipal Services for New Residents	Property Taxes Abated	Incentives	Total
Construction Period	\$0	\$0	\$0	\$0
1	\$37,212	\$208,267	\$0	\$245,478
2	\$37,578	\$214,515	\$0	\$252,093
3	\$37,955	\$220,950	\$0	\$258,905
4	\$38,476	\$227,579	\$0	\$266,055
5	\$39,290	\$234,406	\$0	\$273,696
6	\$40,141	\$241,438	\$0	\$281,579
7	\$41,029	\$248,681	\$0	\$289,711
8	\$42,107	\$256,142	\$0	\$298,248
9	\$43,234	\$263,826	\$0	\$307,060
10	\$44,414	\$271,741	\$0	\$316,155
Total	\$401,437	\$2,387,543	\$0	\$2,788,980

## Net Costs and Benefits for the City of: Olathe

Year	Public Benefits	Public Costs, Property Taxes Abated and Incentives	Net Benefits or (Costs)	Present Value of Net Benefits	Present Value of taxes abated and incentives
Construction Period	\$391,277	\$0	\$391,276	\$391,276	\$0
1	\$506,150	\$245,478	\$260,672	\$236,974	\$189,333
2	\$521,060	\$252,093	\$268,967	\$222,286	\$177,284
3	\$535,202	\$258,905	\$276,296	\$207,585	\$166,003
4	\$550,853	\$266,055	\$284,797	\$194,520	\$155,439
5	\$568,164	\$273,696	\$294,467	\$182,840	\$145,547
6	\$586,598	\$281,579	\$305,019	\$172,175	\$136,285
7	\$605,044	\$289,711	\$315,333	\$161,815	\$127,612
8	\$624,865	\$298,248	\$326,616	\$152,368	\$119,491
9	\$645,993	\$307,060	\$338,932	\$143,740	\$111,887
10	\$667,456	\$316,155	\$351,301	\$135,441	\$104,767
Total	\$6,202,662	\$2,788,980	\$3,413,682	\$2,201,020	\$1,433,648

Discounted payback period for taxes abated and incentives ..... 5 Years

Average annual rate of return over the next ten years on the city's investment of taxes abated and incentives for the firm ..... 153.53%

Cost-Benefit Ratio ..... 1.54

**Costs and Benefits for Johnson County**

Benefits to the county from the firm, its employees and spin-off benefits:

Year	Sales Taxes	Property Taxes	Other County Revenues	Total
Construction Period	\$42,818	\$0	\$0	\$42,818
1	\$80,009	\$359,251	\$32,505	\$471,766
2	\$83,822	\$370,140	\$33,480	\$487,443
3	\$85,647	\$381,359	\$34,485	\$501,491
4	\$88,638	\$392,918	\$35,757	\$517,313
5	\$93,832	\$404,827	\$37,566	\$536,225
6	\$99,471	\$416,972	\$39,451	\$555,895
7	\$105,194	\$429,481	\$41,416	\$576,091
8	\$111,813	\$442,366	\$43,731	\$597,910
9	\$119,776	\$455,637	\$46,147	\$621,560
10	\$127,466	\$469,306	\$48,670	\$645,441
Total	\$1,038,485	\$4,122,257	\$393,209	\$5,553,951

The County's costs, property taxes abated and incentives provided to the firm:

Year	County Costs for the firm and County Services for New Residents	Property Taxes Abated	Incentives	Total
Construction Period	\$0	\$0	\$0	\$0
1	\$14,920	\$179,572	\$0	\$194,491
2	\$15,367	\$184,959	\$0	\$200,326
3	\$15,828	\$190,507	\$0	\$206,336
4	\$16,435	\$196,223	\$0	\$212,658
5	\$17,337	\$202,109	\$0	\$219,446
6	\$18,278	\$208,173	\$0	\$226,451
7	\$19,260	\$214,418	\$0	\$233,677
8	\$20,433	\$220,850	\$0	\$241,283
9	\$21,659	\$227,476	\$0	\$249,135
10	\$22,940	\$234,300	\$0	\$257,240
Total	\$182,457	\$2,058,586	\$0	\$2,241,043

**Net Costs and Benefits for Johnson County**

Year	Public Benefits	Public Costs, Property Taxes Abated and Incentives	Net Benefits or (Costs)	Present Value of Net Benefits	Present Value of taxes abated and incentives
Construction Period	\$42,818	\$0	\$42,817	\$42,817	\$0
1	\$471,766	\$194,491	\$277,274	\$252,067	\$163,246
2	\$487,443	\$200,326	\$287,116	\$237,285	\$152,858
3	\$501,491	\$206,336	\$295,154	\$221,753	\$143,131
4	\$517,313	\$212,658	\$304,654	\$208,082	\$134,022
5	\$536,225	\$219,446	\$316,778	\$196,694	\$125,493
6	\$555,895	\$226,451	\$329,444	\$185,962	\$117,508
7	\$576,091	\$233,677	\$342,413	\$175,712	\$110,030
8	\$597,910	\$241,283	\$356,626	\$166,368	\$103,028
9	\$621,560	\$249,135	\$372,425	\$157,944	\$96,471
10	\$645,441	\$257,240	\$388,200	\$149,667	\$90,332
Total	\$5,553,951	\$2,241,043	\$3,312,908	\$1,994,351	\$1,236,119

Discounted payback period for taxes abated and incentives ..... 6 Years

Average annual rate of return over the next ten years on the county's investment of taxes abated and incentives for the firm ..... 161.34%

Cost-Benefit Ratio ..... 1.61

**Costs and Benefits for the School District where the firm is or will be located: Gardner Edgerto**

Benefits to the school district from the firm, its employees and spin-off benefits:

Year	Property Taxes	Additional State, Federal and Other School Funding	Total
1	\$958,145	\$87,744	\$1,045,889
2	\$986,954	\$90,376	\$1,077,330
3	\$1,016,628	\$93,088	\$1,109,716
4	\$1,047,195	\$95,880	\$1,143,075
5	\$1,078,681	\$98,757	\$1,177,437
6	\$1,111,041	\$101,719	\$1,212,760
7	\$1,144,372	\$104,771	\$1,249,143
8	\$1,178,703	\$107,914	\$1,286,617
9	\$1,214,065	\$111,151	\$1,325,216
10	\$1,250,487	\$114,486	\$1,364,972
Total	\$10,986,271	\$1,005,886	\$11,992,156

Total costs for the School District:

Year	Additional Costs	Property Taxes Abated	Total
1	\$87,744	\$479,042	\$566,786
2	\$90,376	\$493,413	\$583,789
3	\$93,088	\$508,215	\$601,303
4	\$95,880	\$523,462	\$619,342
5	\$98,757	\$539,166	\$637,922
6	\$101,719	\$555,341	\$657,060
7	\$104,771	\$572,001	\$676,772
8	\$107,914	\$589,161	\$697,075
9	\$111,151	\$606,836	\$717,987
10	\$114,486	\$625,041	\$739,527
Total	\$1,005,886	\$5,491,676	\$6,497,562



**Net Costs and Benefits for the School District: Gardner Edgerton Schools**

Year	Public Benefits	Total Costs and Property Taxes Abated	Net Benefits or (Costs)	Present Value of Net Benefits	Present Value of Taxes Abated
1	\$1,045,889	\$566,786	\$479,103	\$435,548	\$435,492
2	\$1,077,330	\$583,789	\$493,540	\$407,884	\$407,779
3	\$1,109,716	\$601,303	\$508,412	\$381,977	\$381,830
4	\$1,143,075	\$619,342	\$523,733	\$357,717	\$357,531
5	\$1,177,437	\$637,922	\$539,514	\$334,996	\$334,779
6	\$1,212,760	\$657,060	\$555,700	\$313,678	\$313,475
7	\$1,249,143	\$676,772	\$572,371	\$293,717	\$293,527
8	\$1,286,617	\$697,075	\$589,542	\$275,026	\$274,848
9	\$1,325,216	\$717,987	\$607,228	\$257,524	\$257,358
10	\$1,364,972	\$739,527	\$625,445	\$241,136	\$240,980
Total	\$11,992,156	\$6,497,562	\$5,494,594	\$3,299,203	\$3,297,600

Discounted payback period for taxes abated and incentives ..... 10 Years

Average annual rate of return over the next ten years on the school district's investment of taxes abated and incentives for the firm ..... 100.05%

Cost-Benefit Ratio ..... 1.00

**Costs and Benefits for a neighboring School District: Olathe Schools**

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Benefits to the school district from the firm, its employees and spin-off benefits:

Year	Property Taxes	Additional State, Federal and Other School Funding	Total
1	\$0	\$0	\$0
2	\$0	\$0	\$0
3	\$0	\$0	\$0
4	\$0	\$0	\$0
5	\$0	\$0	\$0
6	\$0	\$0	\$0
7	\$0	\$0	\$0
8	\$0	\$0	\$0
9	\$0	\$0	\$0
10	\$0	\$0	\$0
Total	\$0	\$0	\$0

Total costs for the School District:

Year	Additional Costs
1	\$0
2	\$0
3	\$0
4	\$0
5	\$0
6	\$0
7	\$0
8	\$0
9	\$0
10	\$0
Total	\$0

**Net Costs and Benefits for the School District: Olathe Schools**

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Year	Public Benefits	Total Costs	Net Benefits or (Costs)	Present Value of Net Benefits
1	\$0	\$0	\$0	\$0
2	\$0	\$0	\$0	\$0
3	\$0	\$0	\$0	\$0
4	\$0	\$0	\$0	\$0
5	\$0	\$0	\$0	\$0
6	\$0	\$0	\$0	\$0
7	\$0	\$0	\$0	\$0
8	\$0	\$0	\$0	\$0
9	\$0	\$0	\$0	\$0
10	\$0	\$0	\$0	\$0
Total	\$0	\$0	\$0	\$0

Discounted payback period for taxes abated and incentives ..... N/A

Average annual rate of return over the next ten years on the school district's investment of taxes abated and incentives for the firm ..... N/A

Cost-Benefit Ratio ..... N/A

**Costs and Benefits for Special Taxing District: Johnson County Community College**

Benefits to the special taxing district from the firm, its employees and spin-off benefits:

Year	Property Taxes	Additional Revenues	Total
1	\$145,053	\$13,851	\$158,904
2	\$149,449	\$14,267	\$163,716
3	\$153,979	\$14,695	\$168,674
4	\$158,646	\$15,322	\$173,968
5	\$163,455	\$16,359	\$179,814
6	\$168,358	\$17,445	\$185,803
7	\$173,409	\$18,581	\$191,990
8	\$178,611	\$19,979	\$198,591
9	\$183,970	\$21,445	\$205,415
10	\$189,489	\$22,981	\$212,470
Total	\$1,664,419	\$174,924	\$1,839,343

Total costs for the Special Taxing District:

Year	Additional Costs	Property Taxes Abated	Total
1	\$6,318	\$72,505	\$78,823
2	\$6,508	\$74,680	\$81,187
3	\$6,703	\$76,920	\$83,623
4	\$6,989	\$79,228	\$86,217
5	\$7,462	\$81,604	\$89,067
6	\$7,957	\$84,053	\$92,010
7	\$8,475	\$86,574	\$95,050
8	\$9,113	\$89,171	\$98,285
9	\$9,782	\$91,847	\$101,629
10	\$10,483	\$94,602	\$105,085
Total	\$79,790	\$831,183	\$910,973

**Net Costs and Benefits for Special Taxing District: Johnson County Community College**

Year	Public Benefits	Total Costs and Property Taxes Abated	Net Benefits or (Costs)	Present Value of Net Benefits	Present Value of Taxes Abated
1	\$158,904	\$78,823	\$80,081	\$72,801	\$65,913
2	\$163,716	\$81,187	\$82,528	\$68,205	\$61,719
3	\$168,674	\$83,623	\$85,050	\$63,899	\$57,791
4	\$173,968	\$86,217	\$87,751	\$59,935	\$54,114
5	\$179,814	\$89,067	\$90,747	\$56,347	\$50,670
6	\$185,803	\$92,010	\$93,793	\$52,944	\$47,446
7	\$191,990	\$95,050	\$96,940	\$49,746	\$44,426
8	\$198,591	\$98,285	\$100,305	\$46,793	\$41,599
9	\$205,415	\$101,629	\$103,786	\$44,015	\$38,952
10	\$212,470	\$105,085	\$107,385	\$41,402	\$36,473
Total	\$1,839,343	\$910,973	\$928,370	\$556,086	\$499,103

Discounted payback period for taxes abated and incentives ..... 9 Years

Average annual rate of return over the next ten years on the taxing district's investment of taxes abated and incentives for the firm ..... 111.42%

Cost-Benefit Ratio ..... 1.11

**Costs and Benefits for Special Taxing District: School Mills 8**

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Benefits to the special taxing district from the firm, its employees and spin-off benefits:

Year	Property Taxes	Additional Revenues	Total
1	\$142,691	\$0	\$142,691
2	\$146,991	\$0	\$146,991
3	\$151,420	\$0	\$151,420
4	\$155,983	\$0	\$155,983
5	\$160,684	\$0	\$160,684
6	\$165,504	\$0	\$165,504
7	\$170,469	\$0	\$170,469
8	\$175,583	\$0	\$175,583
9	\$180,851	\$0	\$180,851
10	\$186,276	\$0	\$186,276
Total	\$1,636,454	\$0	\$1,636,454

Total costs for the Special Taxing District:

Year	Additional Costs	Property Taxes Abated	Total
1	\$0	\$0	\$0
2	\$0	\$0	\$0
3	\$0	\$0	\$0
4	\$0	\$0	\$0
5	\$0	\$0	\$0
6	\$0	\$0	\$0
7	\$0	\$0	\$0
8	\$0	\$0	\$0
9	\$0	\$0	\$0
10	\$0	\$0	\$0
Total	\$0	\$0	\$0

**Net Costs and Benefits for Special Taxing District: School Mills 8**

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Year	Public Benefits	Total Costs and Property Taxes Abated	Net Benefits or (Costs)	Present Value of Net Benefits	Present Value of Taxes Abated
1	\$142,691	\$0	\$142,691	\$129,719	\$0
2	\$146,991	\$0	\$146,991	\$121,480	\$0
3	\$151,420	\$0	\$151,420	\$113,764	\$0
4	\$155,983	\$0	\$155,983	\$106,538	\$0
5	\$160,684	\$0	\$160,683	\$99,772	\$0
6	\$165,504	\$0	\$165,504	\$93,423	\$0
7	\$170,469	\$0	\$170,469	\$87,478	\$0
8	\$175,583	\$0	\$175,583	\$81,911	\$0
9	\$180,851	\$0	\$180,850	\$76,698	\$0
10	\$186,276	\$0	\$186,276	\$71,817	\$0
Total	\$1,636,454	\$0	\$1,636,453	\$982,600	\$0

Discounted payback period for taxes abated and incentives ..... N/A

Average annual rate of return over the next ten years on the taxing district's investment of taxes abated and incentives for the firm ..... 0.00%

Cost-Benefit Ratio ..... 0.00

## Costs and Benefits for the State of Kansas

Benefits to the State from the firm, its employees and spin-off benefits:

Year	Sales Taxes	Property Taxes	Corporate and Personal Income Taxes	Other State Revenues	Total
Construction Period	\$283,032	\$0	\$292,406	\$0	\$575,439
1	\$493,185	\$26,753	\$891,905	\$20,806	\$1,432,649
2	\$516,815	\$27,558	\$953,172	\$21,430	\$1,518,974
3	\$528,153	\$28,386	\$982,769	\$22,073	\$1,561,382
4	\$546,566	\$29,240	\$1,025,165	\$22,967	\$1,623,937
5	\$578,700	\$30,119	\$1,094,429	\$24,371	\$1,727,620
6	\$613,386	\$31,023	\$1,168,989	\$25,840	\$1,839,238
7	\$648,788	\$31,954	\$1,246,664	\$27,375	\$1,954,780
8	\$689,618	\$32,912	\$1,333,052	\$29,239	\$2,084,821
9	\$738,741	\$33,900	\$1,440,699	\$31,190	\$2,244,529
10	\$786,172	\$34,917	\$1,544,009	\$33,232	\$2,398,331
Total	\$6,423,156	\$306,762	\$11,973,259	\$258,522	\$18,961,699

The State's costs, property taxes abated and incentives provided to the firm:

Year	State Costs for the firm and Services for New Residents	Cost of Educating New Students	Property Taxes Abated	Incentives	Total
Construction Period	\$0	\$0	\$0	\$0	\$0
1	\$17,928	\$30,415	\$13,376	\$0	\$61,718
2	\$18,465	\$31,328	\$13,777	\$0	\$63,570
3	\$19,019	\$32,267	\$14,190	\$0	\$65,477
4	\$19,787	\$33,236	\$14,616	\$0	\$67,638
5	\$20,988	\$34,233	\$15,054	\$0	\$70,275
6	\$22,244	\$35,260	\$15,506	\$0	\$73,009
7	\$23,556	\$36,317	\$15,971	\$0	\$75,844
8	\$25,148	\$37,407	\$16,450	\$0	\$79,005
9	\$26,814	\$38,529	\$16,944	\$0	\$82,287
10	\$28,558	\$39,685	\$17,452	\$0	\$85,695
Total	\$222,507	\$348,676	\$153,336	\$0	\$724,520



**Net costs and benefits for the State of Kansas:**

Year	Public Benefits	Public Costs, Property Taxes Abated and Incentives	Net Benefits or (Costs)	Present Value of Net Benefits	Present Value of taxes abated and incentives
Construction Period	\$575,439	\$0	\$575,438	\$575,438	\$0
1	\$1,432,649	\$61,718	\$1,370,930	\$1,246,300	\$12,159
2	\$1,518,974	\$63,570	\$1,455,404	\$1,202,813	\$11,385
3	\$1,561,382	\$65,477	\$1,495,904	\$1,123,894	\$10,661
4	\$1,623,937	\$67,638	\$1,556,298	\$1,062,972	\$9,982
5	\$1,727,620	\$70,275	\$1,657,344	\$1,029,080	\$9,347
6	\$1,839,238	\$73,009	\$1,766,228	\$996,989	\$8,752
7	\$1,954,780	\$75,844	\$1,878,935	\$964,190	\$8,195
8	\$2,084,821	\$79,005	\$2,005,815	\$935,727	\$7,674
9	\$2,244,529	\$82,287	\$2,162,241	\$917,001	\$7,185
10	\$2,398,331	\$85,695	\$2,312,635	\$891,620	\$6,728
Total	\$18,961,699	\$724,520	\$18,237,179	\$10,946,024	\$92,068

Discounted payback period for taxes abated and incentives ..... During construction period.

Average annual rate of return over the next ten years on the state's investment of taxes abated and incentives for the firm ..... 11889.06%

Cost-Benefit Ratio ..... 118.89

## Local rates and constants used in the Analysis of Scannell Properties #717, LLC

### City:

Olathe	City name
23.356	City mill levy
\$380,000	Average market value of new residential property in the city
1.500%	City sales tax rate
6.000%	City transient guest tax rate
\$103	Annual net revenues per household for city owned utilities
\$303	Average annual utility franchise fees collected per household
\$103	Annual revenues per resident, in addition to property, transient guest and sales taxes, utilities and utility franchise fees
\$133	The city's annual marginal cost of providing municipal services, excluding utilities, to each new resident
\$94	Annual per worker revenues for the city from businesses -- in addition to property, transient guest and sales taxes and utilities
\$121	Annual marginal cost, per worker, of providing city services, excluding utilities, to businesses

### County:

Johnson	Name of county
20.1380	County mill levy
\$484,895	Average market value of new residential property in the county
1.475%	County sales tax rate
0.000%	County transient guest tax rate
\$496	The county's annual revenues per resident, excluding property; transient guest and sales taxes
\$171	The county's annual marginal cost of providing municipal services to each new resident
1.00	Regional economic multiplier adjustment for the County
\$218	Annual per worker revenues for the county from businesses -- in addition to property, transient guest and sales taxes and utilities
\$121	The county's annual marginal cost, per worker, of providing services to businesses

### School District 1 -- Where the firm is or will be located

Gardner Edgerton Schools	Name of school district
53.722	School district 1's local option mill levy
\$208,904	Average market value of new residential property in school district 1
\$12,155	School district 1's estimated marginal cost per child
\$8,816	State funding per child in school district 1
\$3,339.00	Federal and other annual funding per child in school district 1

### School District 2 -- A neighboring school district where some of the firms's new employees will live

Olathe Schools	Name of school district
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55.482	School district 2's local option mill levy
\$395,300	Average market value of new residential property in school district 2
\$11,928	School district 2's estimated marginal cost per child
\$11,287	State funding per child in school district 2
\$640.00	Federal and other annual funding per child in school district 2

## Special Taxing District 1 -- Where the firm is or will be located:

Johnson County Community College	Special tax district 1
8.131	Special tax district 1's mill levy
\$484,895	Average market value of new residential property in special tax district 1
\$0.00	Special tax district 1's cost per resident
\$0.00	Special tax district 1's annual addl. revenues (excl prop taxes) from each new resident
\$78	The district's annual marginal cost, per worker, of providing services to businesses
\$171	Annual per worker revenues for the district from businesses -- in addition to property sales taxes and utilities

## Special Taxing District 2 -- Where the firm is or will be located:

School Mills 8	Special tax district 2
8	Special tax district 2's mill levy
\$208,904	Average market value of new residential property in special tax district 2
\$0.00	Special tax district 2's cost per resident
\$0.00	Special tax district 2's annual addl. revenues (excl prop taxes) from each new resident
\$0	The district's annual marginal cost, per worker, of providing services to businesses
\$0	Annual per worker revenues for the district from businesses -- in addition to property sales taxes and utilities

## State of Kansas:

1.5	State mill levy
0.065	State sales tax rate
\$508.00	State's annual marginal revenues per new resident (excl property, income and sales taxes)
\$468.00	State's annual marginal cost of providing services to each new resident
0.115	State tax classification for residential real property
0.25	State tax classification for commercial and industrial real property
0	State tax classification for commercial and industrial machinery and equipment (7 years or more life)
0.3	State tax classification for all other tangible personal property:
7	Economic life, in years for straight line depreciation of commercial and industrial machinery & equipment
0	Minimum taxable value as a percent of retail cost of commercial and industrial machinery & equipment
\$180	The state's annual marginal cost, per worker, of providing services to businesses
\$212	Annual per worker revenues for the state from businesses, excluding property, income and sales taxes
45.00%	Percent of gross salary that a typical Kansas worker spends on taxable goods and services

### Personal Income Taxes:

Income >	Over	But Not Over	=	Tax	+	Tax Rate
	\$0	\$30,000		\$0		3.50%
	\$30,000	\$60,000		\$0		5.25%
	\$60,000			\$0		5.70%

<b>Standard Deduction &gt;</b>	\$8,000
<b>Allowance per: Exemption &gt;</b>	\$2,250

### Corporate Income Taxes:

<b>Corporate Income Tax Rate &gt;</b>	4.00%
<b>Surtax Rate &gt;</b>	3.00%
<b>Amount Over Which Surtax Applies &gt;</b>	\$50,000.00

## Other Rates:

3.00%	Inflation
10.00%	Discount rate for calculating the present value of costs and benefits

## Comments:

UPDATED 10/23 Updated 8/17 to account for the now excluded prorated 8 mills from the general school fund at

**Market or retail value of the firm's initial new or additional investment in: 1**

\$6,000,000	Land	<b>Sum of the firm's initial new or additional investment</b>
\$65,336,390	Building and improvements	
\$257,899	Furniture, Fixtures and Equipment	
		\$71,594,289
<b>Projected Expansions</b>		
0	<b>Year of 2nd Expansion</b>	
\$0	Land	<b>Sum of the firm's second expansion investment</b>
\$0	Building and improvements	
\$0	Furniture, Fixtures and Equipment	
		\$0
0	<b>Year of 3rd Expansion</b>	
\$0	Land	<b>Sum of the firm's third expansion investment</b>
\$0	Building and improvements	
\$0	Furniture, Fixtures and Equipment	
		\$0
0	<b>Year of 4th Expansion</b>	
\$0	Land	<b>Sum of the firm's fourth expansion investment</b>
\$0	Building and improvements	
\$0	Furniture, Fixtures and Equipment	
		\$0

**Sales and Purchases**

**2**

<b>New or additional sales of the firm:</b>	<b>Annual operating expenditures by the firm subject to sales taxes:</b>
Year 1: \$10,000,000	Year 1: \$0
Year 2: \$40,000,000	Year 2: \$0
Year 3: \$30,000,000	Year 3: \$0
Year 4: \$40,000,000	Year 4: \$2,000,000
Year 5: \$40,000,000	Year 5: \$0
Year 6: \$50,000,000	Year 6: \$0
Year 7: \$40,000,000	Year 7: \$0
Year 8: \$50,000,000	Year 8: \$3,000,000
Year 9: \$30,000,000	Year 9: \$0
Year 10: \$40,000,000	Year 10: \$0
<b>Total: \$370,000,000</b>	<b>Total: \$5,000,000</b>

<b>Percent of sales subject to sales taxes in the:</b>	<b>Percent of annual taxable operating expenditures in the:</b>	<b>% of sales on which state corporate income taxes will be computed (ie: Annual net taxable income)</b>
City: 0.00%	City: 0.00%	0.00%
County: 0.00%	County: 0.00%	
State: 0.00%	State: 0.00%	

**Property taxes**

3

Will the Firm be located within City property tax jurisdiction ? ( Y or N ):

**Revenues from utilities and franchise fees**

Net revenues from city-owned utilities provided to the firm

City utility franchise fees to be collected on the firm's utility usage

Construction period	\$0
Year 1:	\$7,714
Year 2:	\$7,714
Year 3:	\$7,714
Year 4:	\$7,714
Year 5:	\$7,714
Year 6:	\$7,714
Year 7:	\$7,714
Year 8:	\$7,714
Year 9:	\$7,714
Year 10:	\$7,714
Total:	\$77,140

Construction period	\$0
Year 1:	\$22,500
Year 2:	\$22,500
Year 3:	\$22,500
Year 4:	\$22,500
Year 5:	\$22,500
Year 6:	\$22,500
Year 7:	\$22,500
Year 8:	\$22,500
Year 9:	\$22,500
Year 10:	\$22,500
Total:	\$225,000

**Payments by the firm and the cost of providing other services to the firm 4**

Extra payments that the firm will make to the city, county and state -- those payments over and above property, sales and income taxes and utilities and other on-going payments made by all firms

	City	County	State
Construction period:	\$380,391	\$0	\$0
Year 1:	\$0	\$0	\$0
Year 2:	\$0	\$0	\$0
Year 3:	\$0	\$0	\$0
Year 4:	\$0	\$0	\$0
Year 5:	\$0	\$0	\$0
Year 6:	\$0	\$0	\$0
Year 7:	\$0	\$0	\$0
Year 8:	\$0	\$0	\$0
Year 9:	\$0	\$0	\$0
Year 10:	\$0	\$0	\$0
Total:	\$0	\$0	\$0

Extra cost of providing public services to the firm -- those services that are over and above incentives, utilities and typical services provided to all firms in the city, county and

	City	County	State
Construction period:	\$0	\$0	\$0
Year 1:	\$25,000	\$0	\$0
Year 2:	\$25,000	\$0	\$0
Year 3:	\$25,000	\$0	\$0
Year 4:	\$25,000	\$0	\$0
Year 5:	\$25,000	\$0	\$0
Year 6:	\$25,000	\$0	\$0
Year 7:	\$25,000	\$0	\$0
Year 8:	\$25,000	\$0	\$0
Year 9:	\$25,000	\$0	\$0
Year 10:	\$25,000	\$0	\$0
Total:	\$250,000	\$0	\$0

## Employee information

5

Number of new employees to be hired each year

Year 1:	81
Year 2:	0
Year 3:	0
Year 4:	1
Year 5:	3
Year 6:	3
Year 7:	3
Year 8:	4
Year 9:	4
Year 10:	4
Total:	103

Number of new employees moving to the county each year from out of state

Year 1:	2
Year 2:	0
Year 3:	0
Year 4:	0
Year 5:	0
Year 6:	0
Year 7:	0
Year 8:	0
Year 9:	0
Year 10:	0
Total:	2

Total number of new employees moving to the county each year

Year 1:	7
Year 2:	0
Year 3:	0
Year 4:	0
Year 5:	0
Year 6:	0
Year 7:	0
Year 8:	0
Year 9:	0
Year 10:	0
Total:	7

New indirect employees who will be moving to the county, as a per cent of new direct employees:

From out-of-State:

Total moving to the county:

## Employee salary and household information

6

Average annual salaries of employees

Year 1:	\$51,159
Year 2:	\$53,643
Year 3:	\$54,843
Year 4:	\$56,055
Year 5:	\$57,282
Year 6:	\$58,623
Year 7:	\$59,988
Year 8:	\$61,080
Year 9:	\$62,789
Year 10:	\$64,227
Total:	\$579,689

Where new employees moving to the county will live

<input type="text" value="60.00%"/>
<input type="text" value="50.00%"/>
<input type="text" value="0.00%"/>
<input type="text" value="100.00%"/>
<input type="text" value="100.00%"/>

In the City.  
 In the school district where the firm is located.  
 In school district 2  
 In special taxing district 1.  
 In special taxing district 2.

Where employees will shop, as a percent of their total shopping:

<input type="text" value="70.00%"/>
<input type="text" value="50.00%"/>
<input type="text" value="30.00%"/>

In Kansas.  
 Within the County.  
 In the City.

Household size of a typical new worker at the firm.

Number of school age children in the household of a typical new worker at the firm.

Percent of new workers who move to the community that will  
 (1) buy new homes or mobile homes within the first five years or  
 (2) require the building of new residential units.

**Value of incentives being offered to the firm:**

	By the City	By the County	By the State
Construction period:	\$0	\$0	\$0
Year 1:	\$0	\$0	\$0
Year 2:	\$0	\$0	\$0
Year 3:	\$0	\$0	\$0
Year 4:	\$0	\$0	\$0
Year 5:	\$0	\$0	\$0
Year 6:	\$0	\$0	\$0
Year 7:	\$0	\$0	\$0
Year 8:	\$0	\$0	\$0
Year 9:	\$0	\$0	\$0
Year 10:	\$0	\$0	\$0
Total:	\$0	\$0	\$0

**Percent of property taxes to be abated on:**

	Land	Buildings and Improvements	Furniture, Fixtures & Equipment
Year1	50.00%	50.00%	100.00%
Year2	50.00%	50.00%	100.00%
Year3	50.00%	50.00%	100.00%
Year4	50.00%	50.00%	100.00%
Year5	50.00%	50.00%	100.00%
Year6	50.00%	50.00%	100.00%
Year7	50.00%	50.00%	100.00%
Year8	50.00%	50.00%	100.00%
Year9	50.00%	50.00%	100.00%
Year10	50.00%	50.00%	100.00%

**Property taxes to be abated by the following taxing entities:**

- = Yes - Taxes to be abated
- City  Special Taxing District 1
- County  Special Taxing District 2
- School District  The State



**Construction**

	Initial construction or expansion	2nd Expansion	3rd Expansion	4th Expansion
Construction Cost	\$58,000,000	\$0	\$0	\$0
Construction Profit Percentage	4.00%	0.00%	0.00%	0.00%
<b>Taxable materials purchased in:</b>				
Kansas	\$0	\$0	\$0	\$0
The County	\$0	\$0	\$0	\$0
The City	\$0	\$0	\$0	\$0
<b>Taxable FFE purchased in:</b>				
Kansas	\$0	\$0	\$0	\$0
The County	\$0	\$0	\$0	\$0
The City	\$0	\$0	\$0	\$0
<b>Total Construction Salaries:</b>	\$7,257,240	\$0	\$0	\$0
<b>Construction Salaries spent in:</b>				
Kansas	\$4,354,344	\$0	\$0	\$0
The County	\$2,902,896	\$0	\$0	\$0
The City	\$725,724	\$0	\$0	\$0
<b>Amt. paid to avg. cons. worker</b>	\$25,919	\$0	\$0	\$0
<b>HH size - avg. cons. worker:</b>	2	0	0	0
<b>Nr. cons. workers:</b>	280	0	0	0

**Visitors**

**Number of out-of-town visitors expected at the firm each year**

Year 1:	30
Year 2:	22
Year 3:	16
Year 4:	18
Year 5:	12
Year 6:	18
Year 7:	12
Year 8:	12
Year 9:	12
Year 10:	12
<b>Total:</b>	164

**Average number of days that each visitor will stay in the city**

**Daily retail spending by a visitor, excluding lodging:**

**In the City**

**Anywhere in the County**

**The number of nights that a typical visitor will stay in a local hotel or motel:**

**In the City**

**Anywhere in the County**

**Average daily hotel / motel room rates:**

**In the City**

**Anywhere in the County**



A product of Johnson County AIMS, 111 S Cherry, Ste 3100, Olathe KS 66061 - 913-715-1600 - <https://aims.jocogov.org> - mapper@jocogov.org

## Johnson Co AIMS Map

### LEGEND



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# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 2/6/2024

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**FOCUS AREA:** Infrastructure (Engineering)

**STAFF CONTACT:** Mary Jaeger / Beth Wright

**SUBJECT:** Presentation on the status of the Kansas Department of Transportation's (KDOT) K-10 Corridor Project.

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**TITLE:**

Discussion on the status of the K-10 Corridor Project.

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**SUMMARY:**

The K-10 corridor from the Douglas County Line to I-435 at Pflumm Road has experienced years of growing traffic volumes, congestion, and safety issues. The Kansas Department of Transportation (KDOT) hired HNTB Corporation (HNTB) to study the corridor to identify alternatives for expanding and modernizing K-10. This study is expected to conclude later this year.

This presentation will cover the following topics:

- Toll Study Results
- Summary of Public Input
- Analysis of Potential Interchanges at Clare Rd and Lone Elm Rd
- Draft Implementation Plan
- Schedule/Future Opportunities for Engagement

Staff from KDOT and HNTB will make the presentation and be available for questions.

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**FINANCIAL IMPACT:**

No financial impact.

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**ACTION NEEDED:**

For information only. There is no action requested from the Council at this time.

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**ATTACHMENT(S):**

None

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# City of Olathe

## COUNCIL AGENDA ITEM

**MEETING DATE:** 2/6/2024

**FOCUS AREA:** Quality of Life.

**STAFF CONTACT:** Renee Rush.

**SUBJECT:** Discussion of the 2024 Downtown Outdoor Sculpture Exhibit.

**TITLE:**

Discussion of the 2024 Downtown Outdoor Sculpture Exhibit.

**SUMMARY:**

Each year, the Downtown Outdoor Sculpture Exhibit (DOSE) brings a rotating display of sculpture from regional and national artists as one of several public art initiatives that celebrates the community’s love for the arts. In its 20<sup>th</sup> year, 56 artists submitted a total of 102 sculptures for consideration. The entries were reviewed, and eight sculptures were selected by the Olathe Public Art Committee.

The eight sculptures recommended for the exhibit are:

<u>Artist</u>	<u>Sculpture Title</u>
Nick Willett	Sprianthes
Jacquelynn Gould	Entropy
Harold Linke	Spiral Dance
Isaac Kidder	A Circle of Fifths
James Haire	A Book for Everyone
Justin Deister	Say Cheese
Andrew Arvanetes	Two Wings & a Prayer
James Mages	Wonderful Winter Wheat

Alternates:

Tim Adams	Purple Coneflower
Ben Pierce	Crystalline
Steve Feren	Timekeeper

The sculptures will be located throughout downtown Olathe for a period of one year. City staff will determine site selection considering size, traffic, and public safety. It is necessary for site location to be flexible, as sculptures sites may need to shift after arrival to ensure the best fit for each sculpture.

**FINANCIAL IMPACT:** The cost of the 2024 sculpture leases will be \$20,000

**ACTION NEEDED:**

Authorization for approval of the 2024 Downtown Outdoor Sculpture Exhibit selections will appear on

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**MEETING DATE:** 2/6/2024

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the February 20, 2024 consent agenda.

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**ATTACHMENT(S):**

- A. 2024 Downtown Outdoor Sculpture Exhibit.



# 2024 Downtown Outdoor Sculpture Exhibit

**Chelsy Walker, Chair**

Olathe Public Art Committee



# Spiranthes



**Artist:** Nick Willett- Springfield, MO

**Material:** Steel

**Size:** 10'x5'x5' 400 lbs





# Entropy



**Artist:** Jacquelynn Sullivan Gould- Lansing MI

**Material:** Rubber, Aluminum, Steel

**Size:** 7'x5'x5' 170 lbs





# Spiral Dance

**Artist:** Harold Linke- Lake Oswego, OR

**Material:** Carbon Fiber, Polychrome Finish

**Size:** 12'x3'x4' 70 lbs





# A Circle of Fifths

**Artist:** Isaac Kidder- Saint Paul, MN

**Material:** Stainless Steel, White Oak, Aluminum

**Size:** 4'x6'x6' 250 lbs





# A Book for Everyone



**Artist:** James Haire- Fort Collins, CO

**Material:** Bronze

**Size:** 4'x3'x2' 150 lbs





# Say Cheese



**Artist:** Justin Deister- Louisville, CO

**Material:** Metal, Fiberglass

**Size:** 6'x1'x1' 190 lbs





# Two Wings & a Prayer

**Artist:** Andrew Arvanetes- Kankakee, IL

**Material:** Painted Aluminum

**Size:** 6'x5'x6' 200 lbs





# Wonderful Winter Wheat



**Artist:** James Mages- Hays, KS

**Material:** Steel, Brass, Silver

**Size:** 14'x6'x2' 300 lbs



# Alternates



# Purple Coneflower



**Artist:** Tim Adams- Webster City, IA

**Material:** Painted & Weathered Steel

**Size:** 12'x7'x7' 300 lbs





# Crystalline



**Artist:** Ben Pierce- Cape Girardeau, MO

**Material:** Stainless Steel

**Size:** 12'x8'x7' 850 lbs





# Timekeeper

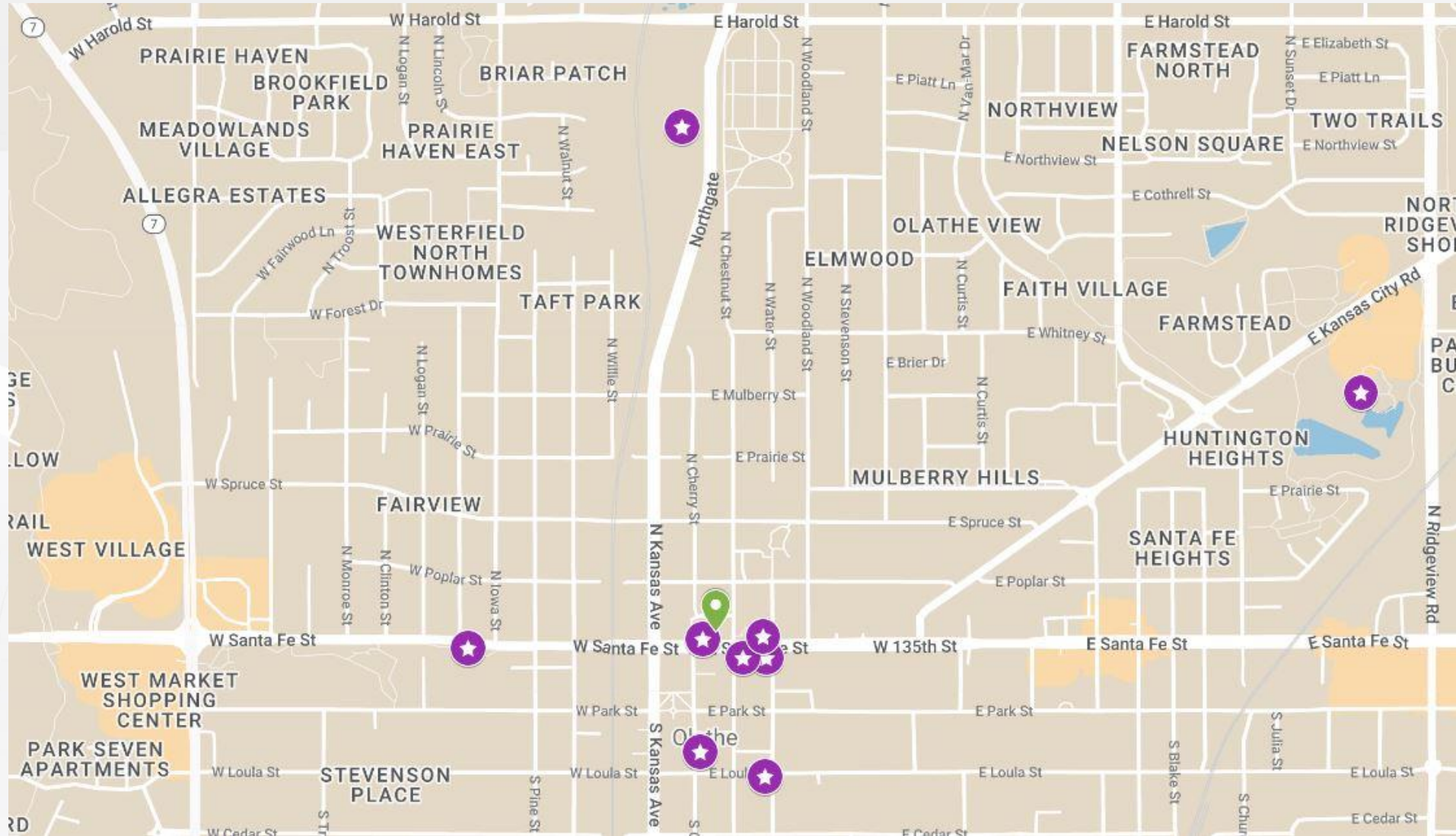
**Artist:** Steve Feren- Fitchburg, WI

**Material:** Concrete, Aluminum, Reflective Glass

**Size:** 7'x2'x2' 275 lbs



# Map- Downtown Outdoor Exhibit



City Hall



Sculpture Sites





# City of Olathe

## COUNCIL AGENDA ITEM

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**MEETING DATE:** 2/6/2024

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**FOCUS AREA:** Infrastructure (Engineering)

**STAFF CONTACT:** Mary Jaeger / Nate Baldwin

**SUBJECT:** Presentation to provide information on the FRA grant for the 119<sup>th</sup> Street, Woodland to Northgate, Improvements Project, PN 3-C-024-21.

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**TITLE:**

Update on the 119th Street, Woodland to Northgate, Improvements Project, PN 3-C-024-21.

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**SUMMARY:**

This project is needed to provide a missing link of 119<sup>th</sup> Street between Woodland Road and Northgate, giving total transportation connectivity of 119<sup>th</sup> Street from K-7 Highway to I-35, reducing congestion on adjacent arterials, and promoting commercial growth and development along the 119<sup>th</sup> Street corridor. The Project will include a new 4-lane divided arterial section of 119<sup>th</sup> Street between Woodland and Northgate, as well as intersection improvements at Lone Elm Road and 119<sup>th</sup> Street, Iowa and 119<sup>th</sup> Street, Woodland Road and 119<sup>th</sup> Street, with a new roundabout at 119<sup>th</sup> Street and Northgate Street. The Project will also include a bridge that spans the BNSF Railroad and Mill Creek. The Project will provide pedestrian accommodations and a connection from 119<sup>th</sup> Street to the Gary Haller Trail.

In June 2023, the City of Olathe was informed that we will be receiving a grant in the amount of \$17,987,495 from the Federal Railroad Administration (FRA) Railroad Crossing Elimination Program for the 119<sup>th</sup> Street, Woodland to Northgate, Improvements project. Since that time, city staff has met with the FRA to discuss the requirements associated with the grant. This presentation will provide information on the requirements of the grant and the impacts to the project cost, scope and schedule.

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**FINANCIAL IMPACT:**

The Federal Railroad Administration Railroad Crossing Elimination Program grant is in the amount of \$17,987,495.

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**ACTION NEEDED:**

For information only. There is no action requested from the Council at this time.

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**ATTACHMENT(S):**

None

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