



NOTICE - Per Executive Order No. 20-52 masks are required to enter City Hall. In an effort to follow social distancing guidelines during the COVID-19 pandemic, there is a limited amount of space and chairs available in the Council Chambers to accommodate the public. Members of the public are encouraged to watch the meeting live online at OlatheKS.org/OGN or at their convenience, once the meeting video is archived within hours of its conclusion.

1. CALL TO ORDER

2. EXECUTIVE SESSION

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

- A. To discuss personnel matters of non-elected personnel pursuant to the exception provided in K.S.A.75-4319(b)(1) regarding the evaluation of the City Manager. (City Council)
- B. For preliminary discussions related to acquisition of property pursuant to the exception provided in K.S.A.75-4319(b)(6) regarding the Ridgeview, 143rd to 151st, Improvements Project, PN 3-C-058-19.
Staff Contact: Ron Shaver

3. RECONVENE FROM EXECUTIVE SESSION

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

5. PLEDGE OF ALLEGIANCE

6. SPECIAL BUSINESS

- A. Proclamation designating July as National Parks and Recreation Month.
Staff Contact: Liz Ruback
- B. General Overview of the 2021 Proposed Budget.
Staff Contact: Michael Wilkes, Dianna Wright and Sarah Doherty

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 Councilmember requests that an item be removed from the consent agenda and considered separately.

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- A. Consideration of approval of the City Council meeting minutes of June 16, 2020.
Staff Contact: Brenda Long
- B. Consideration of a pawnbroker/precious metal dealer license application for The Keil Group, LLC, d/b/a Alpha Pawn, located at 115 S. Clairborne Rd. Suite F.
Staff Contact: Brenda Long
- C. Consideration and Approval of 2021 Community Development Block Grant (CDBG) funding recommendations.
Staff Contact: Dianna Wright and Emily Vincent
- D. Consideration of the 2020 Sub Recipient Agreements for Olathe's Community Development Block Grant (CDBG) projects.
Staff Contact: Michael Meadors and Jessica Hotaling
- E. Request for the acceptance of the dedication of land for public easements and public street right-of-way for a final plat of the Villas at Hidden Lake, First Plat (FP20-0008) containing forty-seven (47) lots and two (2) common tracts on 19.78± acres; located southeast of S. Bluestem Parkway and 107th Street. Planning Commission approved the plat 5 to 0.
Staff Contact: Aimee Nassif and Kim Hollingsworth
- F. Request for the acceptance of the dedication of land for public easements and right-of-way for a final plat of Cedar Ridge Reserve, Third Plat (FP20-0009) containing fourteen (14) lots and one (1) common tract on 6.14± acres; located northwest of College Boulevard and Woodland Road. Planning Commission approved the plat 5 to 0.
Staff Contact: Aimee Nassif and Kim Hollingsworth
- G. Consideration of Consent Calendar.
Staff Contact: Mary Jaeger and Beth Wright
- H. Consideration of Grant Agreement under the Fiscal Year 2019 BUILD Transportation Grants Program (BUILD) between the City of Olathe and the United States Department of Transportation (USDOT) for the construction and construction engineering of the I-35 and 119th Street Interchange Reconfiguration Project, PN 3-C-026-16.
Staff Contact: Mary Jaeger and Beth Wright
- I. Consideration of renewal of contract with Constellation NewEnergy - Gas Division, LLC for natural gas.
Staff Contact: Michael Meadors, Bob Reynolds and Amy Tharnish
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- J. Consideration of acceptance of contract with Central Salt, LLC for the purchase of rock salt for snow and ice removal for the Public Works Department.

Staff Contact: Mary Jaeger and Amy Tharnish

- K. Consideration of renewal of contract with Five-Star Trucking, LLC for the rental of tandem trucks with operators for the Field Operations Division of Public Works.

Staff Contact: Mary Jaeger and Amy Tharnish

- L. Acceptance of bids and consideration of award of contracts to Mayer Equipment & Supply, LLC. for the replacement of one (1) sewer truck for Public Works.

Staff Contact: Mary Jaeger and Amy Tharnish

8. NEW BUSINESS-PUBLIC WORKS

- A. Consideration of Ordinance No. 20-24, RZ20-0004, Requesting approval of a rezoning from CTY RUR (County Rural) to M-2 (General Industrial) District and preliminary site development plan for K-9 Acres on 9.7± acres; located at 16129 Lone Elm Road. Planning Commission recommends approval 9 to 0.

Staff Contact: Aimee Nassif and Jessica Schuller

9. NEW BUSINESS-ADMINISTRATION

- A. Consideration of Resolution No 20-1048 assigning the master resolution, lease agreement and related bond documents by BR Capital, LLC in connection with \$5,000,000 in industrial revenue bonds to Foley Industries, Inc.

Staff Contact: Dianna Wright and Emily Vincent

10. NEW CITY COUNCIL BUSINESS

11. END OF TELEVISED SESSION

12. GENERAL ISSUES AND CONCERNS OF CITIZENS

13. CONVENE FOR PLANNING SESSION

Reports are 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 general issues or concerns portion of City Council Policy CC-3 regarding Time Allocations and Rules of Conduct for Speakers at Public Meetings of the Olathe City Council.
Staff Contact: Ron Shaver and Chris Grunewald
2. Report on the authorization of the Police Building Expansion Phase II Project, PN 6-C-010-20.
Staff Contact: Mary Jaeger, Beth Wright and Mike Butaud

B. DISCUSSION ITEMS

1. General Overview of the proposed 2021 Recreation Fund, Park Sales Tax Fund and Street Maintenance Sales Tax Fund budgets, 2021-2025 CIP for the Park Sales Tax Fund and 2021 Recreation Fund fees.
Staff Contact: Dianna Wright and Sarah Doherty

14. ADDITIONAL ITEMS

15. 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

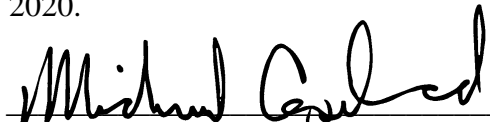
- WHEREAS,** parks and recreation are an integral part of our communities throughout this country, playing a significant role in our quality of life here in Olathe; and
- WHEREAS,** our parks and programs build healthy, active communities that aid in the prevention of chronic disease, provide therapeutic recreation services for those who are mentally or physically disabled, and also improve the mental and emotional health of all citizens; and
- WHEREAS,** they enhance a community's economic prosperity through increased property values, expansion of the local tax base, tourism, the attraction and retention of businesses, and crime reduction; and
- WHEREAS,** parks are fundamental to the environmental well-being of Olathe by improving water quality, air quality, and supporting wildlife.

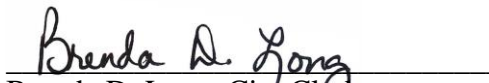
NOW, THEREFORE, I, Michael Copeland, Mayor of the City of Olathe, do hereby proclaim July 2020 as

PARKS AND RECREATION MONTH

in Olathe, urging all citizens to spend more time exploring City parks, enjoying our recreation programs, and leading a more active lifestyle.

In witness whereof, I have hereunto set my hand and caused the seal of the City of Olathe to be affixed this seventh day of July, 2020.


Michael Copeland, Mayor


Brenda D. Long, City Clerk



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: City Manager

STAFF CONTACT: Michael Wilkes/Dianna Wright/Sarah Doherty

SUBJECT: Presentation of the 2021 Proposed Budget.

ITEM DESCRIPTION:

General Overview of the 2021 Proposed Budget.

SUMMARY:

The City Manager will present the proposed 2021 Budget. Additional review and discussion with City Council will occur during the upcoming budget workshops.

Budget workshops are scheduled for July 7, July 14, and July 21 for the City Council to review the budget in more detail.

FINANCIAL IMPACT:

The 2021 budget is approximately \$ 424.5 million.

ACTION NEEDED:

Receive for review the 2021 Proposed Budget and comprehensive listing of fees.

ATTACHMENT(S):

None



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Legal

STAFF CONTACT: Brenda Long

SUBJECT: Consideration of approval of the City Council meeting minutes of June 16, 2020.

ITEM DESCRIPTION:

Consideration of approval of the City Council meeting minutes of June 16, 2020.

SUMMARY:

Attached are the City Council meeting minutes of June 16, 2020 for Council consideration of approval.

FINANCIAL IMPACT:

None

ACTION NEEDED:

Approval of the City Council meeting minutes of June 16, 2020.

ATTACHMENT(S):

A. 06-16-2020 Council Minutes



1. CALL TO ORDER

Councilmember Campbell participated virtually.

Present: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt,
and Copeland

2. BEGIN TELEVISED SESSION – 7:00 P. M.

3. PLEDGE OF ALLEGIANCE

4. SPECIAL BUSINESS

Mayor Copeland asked Police Chief, Michael Butaud, to provide a brief update from the police department.

2020 has been a challenging year for all of us. For law enforcement, the COVID Pandemic, the senseless death of Overland Park Officer Mike Mosher and the civil unrest resulting from the tragic death of George Floyd have been extremely difficult. I have stated more times than I can count, the death of George Floyd was disturbing and unnecessary.

I understand why people across the country are upset. I am equally incensed. But I am proud the Olathe community has questions. I would not want to be the Police Chief in a City that didn't care about human rights.

Because Olathe cares, it has given the police department the opportunity to talk about and show the great things we do. If you visit our website, you will see my message to the community. You will also see the answers to many recently asked questions about use of force and our policies. I am excited to talk about our police department. I have had many phone and email conversations with community members. Our community should know that we teach de-escalation, they should know all our officers are trained in Crisis Intervention, they should know all uniformed officers are equipped with body cameras, they should know we have a Citizen's Police Advisory Council, and they should know much more.

Not only are we a progressive police department, we are also innovative. One example is our mental health co-responder program. Not only were we the first agency in the Midwest to have a mental health co-responder at our department, we were also the first agency to have two. All police departments in Johnson County now have access to a mental health co-responder; even law enforcement agencies as far away as Portland, Oregon have modeled their program after the Olathe Police Department.

Regardless, we cannot be an effective police department without a strong partnership with our community. We have tremendous community support, but we will continue to listen and build on that relationship. I want to thank the many community members that have sent us well wishes.....letters, emails, and food.

In closing, I am proud of the compassion and great accomplishments of the Men and Women of the Olathe Police Department. But I am equally proud of the Olathe Community. Olathe is my home!

Thank you, Mayor and Council, for your leadership during these difficult times.

A. Coronavirus update by Fire Chief Jeff DeGraffenreid.

The WHO COVID-19 Situation Report for June 14 reported 7.69 million confirmed cases and 427,630 deaths worldwide. The WHO reported 142,672 new cases on June 13, the highest global daily incidence to date. Overall, the global daily incidence continues to increase, and the pandemic appears as though it may be accelerating in some parts of the world. The global cumulative incidence could reach 8 million cases by Wednesday.

Broken down by continent, Europe continues to represent a decreasing proportion of new COVID-19 incidence, down to approximately 12% of the global total. North America has accounted for approximately 20-25% of new daily cases since late May, and it is holding relatively steady. The relative contributions of Asia and South America continue to increase. Asia now represents approximately 30% of the global daily incidence, up from 15% in early May. South America accounts for 25-35% of the global incidence, which fluctuates considerably from day to day. Africa's contribution continues to increase steadily as well, although to a

lesser extent. Africa is now representing more than 7% of the global daily incidence, its highest to date. Looking at the relative change in growth rate over the past 2 weeks, the majority of countries with increases of 25% or greater are in Asia, Africa, and South America. Notably, there are at least 10 countries in Africa that have relative increases of 100% or greater over the past 2 weeks.

On Friday, the US CDC hosted its first COVID-19 briefing in several months. US CDC Director Dr. Robert Redfield and COVID-19 Incident Manager Dr. Jay Butler discussed the US COVID-19 response as well as a recent publication on the public's perception of social distancing orders. They cautioned that the US COVID-19 epidemic is not over and that continued vigilance and adherence to recommended preventive measures are necessary to mitigate the risk of increased transmission as social distancing measures are relaxed.

On Friday, the CDC also published updated guidance to help the general public mitigate transmission risk as they begin to resume social activities. One document aids in making informed decisions regarding going out or engaging in social activities, and the other assists with planning events and other gatherings.

On Friday, the US CDC updated its SARS-CoV-2 testing guidance, publishing a consolidated testing strategy that includes high-risk populations and critical infrastructure sectors. The new guidance brings together numerous existing and updated guidance documents related to SARS-CoV-2 testing and provides a common location from which to access testing recommendations. Special instructions are provided for high-risk settings, such as long-term care facilities and correctional facilities, and critical infrastructure workplace settings following the identification of a confirmed or suspected case.

China has reported increased SARS-CoV-2 transmission in Beijing over the past several days and re-instituted some social distancing measures in order to contain an emerging outbreak. Beijing health authorities first identified the outbreak on June 11, linked to the

Xinfadi market, the largest in Beijing. The market is temporarily closed as health officials conduct their epidemiological investigation, including extensive environmental testing. China deployed 100,000 responders in Beijing to support the response activities. Officials aim to test 90,000 people in the Beijing area, and by Sunday afternoon, health officials had already tested more than 29,000 individuals who recently visited the market and more than 76,000 total across the affected communities. Additionally, affected areas in Beijing were placed under restrictive social distancing measures, including prohibiting the entry of visitors and vehicular traffic, closing nonessential businesses and public spaces, and prohibiting mass gatherings.

As the world looks ahead in hopeful anticipation of a SARS-CoV-2 vaccine, one major outstanding challenge is how to best make that vaccine available around the world. While major hurdles still remain in terms of testing and producing even the most advanced vaccine candidates-as well as developing and testing others-efforts are beginning now to address challenges associated with allocating limited initial inventory, communicate about vaccine efficacy and safety, and coordinate international distribution logistics.

Kansas is reporting there were 11,419 cases from 91 counties with 245 deaths as of Monday June 15th. Kansas has experienced 165 clusters of COVID-19 of which 89 are active at this time accounting for a total of 5,740 cases and 173 deaths.

Johnson County has experienced 1,080 positives and 72 deaths. The current testing rate is 48.3 per 1,000 with a 3.7% positive rate and all gating criteria is currently met.

In closing - The messaging remains the same from local health leaders - as we follow the voluntary recommendations and guidance from the state's *Ad Astra Plan to Reopen Kansas* - we should continue to follow precautionary measures such as hand washing, avoid touching ones face, staying home if you are sick, physically distancing from others and considering the use of barrier masks when distancing is not possible.

- B.** Consideration of Resolution No. 20-1041 reappointing members to the Planning Commission.

Planning Commission Chairman, Dean Vakas, introduced each of the appointees and presented Jeremy Fry with a certificate of appointment. Mayor Copeland expressed his gratitude for their service to the community.

Motion by Bacon, seconded by Vogt, to approve Resolution No. 20-1041. The motion carried with the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Copeland

- C.** Consideration of Resolution No. 20-1042 reappointing a member to the Board of Zoning Appeals.

Barry Sutherland, chairman of the Board of Zoning Appeals, presented Dean Vakas with a certificate of appointment and Mayor Copeland thanked him for his continued service.

Motion by Bacon, seconded by Vogt, to approve Resolution No. 20-1042. The motion carried by the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Copeland

5. CONSENT AGENDA

Councilmember McCoy requested items D, K and M be removed for separate consideration and vote.

Motion by Bacon, seconded by Vogt, to approve the consent agenda with the exception of items D, K, and M. The motion carried with the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Copeland

- A.** Consideration of approval of the City Council meeting minutes of June 2, 2020.

Approved

- B.** Consideration of a drinking establishment renewal application for Old Chicago, 11969 S. Strang Line Rd.

Approved

- C.** Consideration of a precious metal dealer license application for Niche Jewelry, Inc. located at 2115 E. 151st Street.

Approved

- D.** Consideration of Resolution No. 20-1043 calling for a public hearing to levy assessments to collect unpaid city expenditures for mowing of

weeds and removal of debris.

Councilmember McCoy asked about the process of collecting the amount owed to the City. City Attorney, Ron Shaver provided a short overview of the process.

Councilmember Brownlee asked about the higher amount this year. Fire Chief DeGraffenreid and Community Enhancement Officer, Dennis Pine, indicated this amount from 2019 was higher than in the past due to an extended growth season which was impacted by weather.

Motion by Bacon, seconded by Vogt, to approve consent item D. The motion carried by the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Copeland

- E.** Consideration of Resolution No. 20-1044 authorizing indemnification and defense for the City Manager in the matter of Denise Hammond and Chris Hammond v. Michael Wilkes, et al.

Approved

- F.** Request for the acceptance of the dedication of land for public easements and public street right-of-way for a final plat for Courts at Stonebridge, First Plat (FP20-0006) containing one (1) common tract on 6.03± acres; located at the northeast corner of the intersection of W. 168th Terrace and W. 169th Place. Planning Commission approved this plat 9-0 at the June 8, 2020 meeting.

Approved

- G.** Request for the acceptance of the dedication of land for public easements and right-of-way for a final plat of Hidden Lake Estates, Fourth Plat (FP20-0005) containing thirty (30) lots and one (1) common tract on 28.45± acres; located northwest of W. 113th Terrace and S. Clare Road. Planning Commission approved the plat 9 to 0.

Approved

- H.** Request for the acceptance of the dedication of land for public easements and right-of-way for a final plat of Valley Ridge, Fifth Plat (FP20-0007) containing twenty-five (25) lots and one (1) common tract on 15.45± acres; located southeast of S. Cedar Creek Parkway and W. 115th Street. Planning Commission approved the plat 9 to 0.

Approved

- I.** Consideration of Consent Calendar.

Approved

- J.** Consideration of Change Order No. 1 to the contract with Linaweaver Construction, Inc. for construction of the 2020 Cedar Creek Streets Improvements Project, PN 3-P-003-20.

Approved

- K.** Consideration of Agreement No. 87-20 with the Kansas Department of Transportation (KDOT) for funding the construction and construction inspection of the I-35 and 119th Street Interchange Reconfiguration Project, PN 3-C-026-16.

Councilmember McCoy asked to pull this item to highlight this project and provide clarification regarding funding.

Deputy Public Works Director, Beth Wright answered his questions.

Motion by Bacon, seconded by Vogt, to approve consent item K. The motion carried by the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Copeland

- L.** Consideration of Amendment No. 1 to the agreement with Turner Construction for construction of the Fire Station #8 Improvements Project, PN 6-C-009-18.

Approved

- M.** Consideration of Architect's Estimate, acceptance of bids, and award of contract to Crossland Construction, Inc. for construction of the Fire Training Center Improvements Project, PN 6-C-004-13.

Councilmember McCoy asked that this item be considered separately to highlight what a great project this is.

Mayor Copeland asked about the company who received the bid and Deputy Public Works Director, Beth Wright, said they have been very pleased with their work on the water treatment plant and look forward to working with them on the Fire Training Center.

Motion by Bacon, seconded by Vogt, to approve consent item M. The motion carried by the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Copeland

- N.** Consideration of Engineer's Estimate, acceptance of bids and award of contract to Linaweaver Construction, Inc. for construction of the Little Cedar Creek (Park to Elm) Phase II Stormwater Improvements Project, PN 2-C-017-19.

Approved

- O.** Consideration of renewal of contract to K&W Underground, Inc. for fiber restoration, support, installation and maintenance for use by Public Works.
Approved
- P.** Consideration of renewal of contract with Cisco Systems, Inc. for the purchase of Cisco products and professional services for the IT Department.
Approved
- Q.** Consideration of award of contract to SNF Inc. dba. BFX Fire Apparatus for the replacement of one (1) Type 6 Squad Mini-Pumper Light Engine for the fire department.
Approved

6. NEW BUSINESS-ADMINISTRATION

- A.** Consideration of Resolution No. 20-1045 authorizing the issuance and delivery of the principal amount of General Obligation Temporary Notes, Series 2020-A.
Mayor Copeland asked about the true cost of the interest. Resource Management Director, Dianna Wright, said it was a good day to have a sale and provided specific information in response to the Mayor's question.
Motion by Bacon, seconded by Vogt, to approve Resolution No. 20-1043. Motion carried by the following vote:
Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Copeland
- B.** Consideration of Resolution No. 20-1046 and Ordinance No. 20-22 authorizing the issuance and delivery of the General Obligation Improvement and Refunding Bonds, Series 233.
Motion by Bacon, seconded by Vogt, to approve Resolution No. 20-1046 and Ordinance No. 20-22. The motion carried by the following vote:
Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt, and Copeland
- C.** Consideration of Ordinance No. 20-23 authorizing issuance of industrial revenue bonds for the KidsTLC, Inc. project.
Mayor Copeland invited KidsTLC CEO, Dr. Erin Dugan, to share a brief overview of the project. Dr. Dugan joined the council meeting virtually.
Motion by Bacon, seconded by Vogt, to approve Ordinance No. 20-23. The motion carried by the following vote:

Yes: Brownlee, Campbell, Mickelson, McCoy, Bacon, Vogt,
and Copeland

7. NEW CITY COUNCIL BUSINESS

Councilmember Brownlee mentioned that she would have liked to have had some discussion regarding the location of the art display that was relocated from City Hall.

Councilmember Vogt wished everyone a Happy Father's Day. She encouraged everyone to be safe as our community is beginning to reopen. She reminded everyone to continue following the guidelines that have been provided.

Councilmember McCoy thanked Chief Butaud for all he has been doing. He also asked if the City was still planning for fireworks and City Manager, Michael Wilkes said that was the current plan. Mr. McCoy acknowledged that local businesses are continuing to work together to keep the community safe. He wished everyone a Happy Father's Day and a Happy Fourth of July.

Councilmember Mickelson highlighted police activities and asked Chief Butaud to share about a few, especially Fishing with the Cops. He said they are concentrating on outside events. Mr. McCoy asked where this event was to be held and Chief Butaud said it would be at Heritage Lake this year.

Mayor Copeland shared a portion of a letter the City had received from the County Commission Chairman, Ed Eilert, regarding the CARES Act funding the County received.

8. END OF TELEVISED SESSION

9. CONVENE FOR PLANNING SESSION

Reports are 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 2021 Community Development Block Grant (CDBG) funding recommendations.
Report accepted.
2. Report on 2019 external audit and Comprehensive Annual Financial Report.

Report accepted.

3. Report on the Timeline of Cedar Creek Arterial Roadways.
Councilmember Mickelson asked for more information regarding this report. Deputy Public Works Director, Beth Wright, provided a short presentation and gave a summary of the report.

Councilmember Brownlee had questions regarding the payments made by developers. Public Works Director, Mary Jaeger, said they are not assessed until improvements are completed.

Councilmember McCoy asked if the typical time frame was 10 years and Ms. Wright said it was.

10. ADDITIONAL ITEMS

Councilmember Vogt asked about providing cooling centers during the summer. Fire Chief DeGraffenreid said there would be cooling centers available but they might look different this year. He said a heat warning is the criteria for opening a cooling center.

Councilmember Bacon mentioned that the City Manager's annual evaluation would be on July 7th and also wished everyone a happy July 4th.

Councilmember McCoy asked if the Libraries are open. Interim Library Director, Erin Vader, said the Indian Creek Library is open for quick browsing and the new temporary location would be open on June 22nd. She said they were on target to be fully open on July 6th.

Mayor Copeland said he wanted to discuss accommodating citizen comments while social distancing. He suggested possibly limiting it to a small number. He also asked about the council's thoughts on providing televised access to the entire council meeting. He invited the council members to share their thoughts and indicated they would have more discussions.

Mayor Copeland reminded the council members they had received a survey link from Administrative Services Officer, Emily Vincent, and asked them to be sure to complete it. Councilmembers Vogt and Brownlee asked for some additional

information and Ms. Vincent said she would provide it.

11. ADJOURNMENT

The meeting adjourned at 8:10 p.m.

Brenda D. Long

City Clerk



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Legal

STAFF CONTACT: Brenda Long

SUBJECT: Consideration of a pawnbroker/precious metal dealer license application for The Keil Group, LLC, d/b/a Alpha Pawn, located at 115 S. Clairborne Rd. Suite F.

ITEM DESCRIPTION:

Consideration of a pawnbroker/precious metal dealer license application for The Keil Group, LLC, d/b/a Alpha Pawn, located at 115 S. Clairborne Rd. Suite F.

SUMMARY:

The applicant noted below has applied for a pawnbroker/precious metal dealer license. In accordance with Section 5.42.040 of the Olathe Municipal Code, a recommendation has been submitted on behalf of the Chief of Police. The applicant has met the necessary requirements for issuance of a pawnbroker/precious metal dealer license and the application is recommended for approval by staff.

The application is available for review in the City Clerk's Office.

The Keil Group, LLC
d/b/a Alpha Pawn
115 S. Clairborne Rd. Suite F
Olathe, KS 66062

FINANCIAL IMPACT:

The applicant has paid the \$25.00 license fee in accordance with Chapter 5.42 of the Olathe Municipal Code.

ACTION NEEDED:

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

ATTACHMENT(S):

- A. The Keil Group, LLC - Staff Recommendations

Brenda Long

From: Brenda Long
Sent: Monday, June 15, 2020 10:47 AM
To: GIS Shared; Joel Yeldell; Rachelle Breckenridge; Shannon Brandau
Cc: Melissa Meiners
Subject: Alpha Pawn
Attachments: PPMD - Alpha Pawn 6-15-20.pdf

Tracking:	Recipient	Response
	GIS Shared	Approve: 6/18/2020 10:08 AM
	Joel Yeldell	Approve: 6/19/2020 12:53 PM
	Rachelle Breckenridge	Approve: 6/19/2020 3:15 PM
	Shannon Brandau	Approve: 6/16/2020 7:56 AM

Please use the voting tab to make comments and recommendations for the attached Distance Restricted Business License Application for Alpha Pawn, located at 115 S. Clariborne Rd. by June 19th.

Please let me know if you have questions.

[Brenda Long](#), City Clerk

(913) 971-8675 | OlatheKS.org

City Clerk's Office | City of Olathe, Kansas

Setting the Standard for Excellence in Public Service





City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Resource Management

STAFF CONTACT: Dianna Wright/Emily Vincent

SUBJECT: Consideration and Approval of 2021 Community Development Block Grant (CDBG) funding recommendations.

ITEM DESCRIPTION:

Consideration and Approval of 2021 Community Development Block Grant (CDBG) funding recommendations.

SUMMARY:

The City of Olathe has a long-standing cooperative agreement with Johnson County for receiving CDBG funds. As a result of the agreement, the City of Olathe receives 41% of the County's CDBG funds. The projected 2021 allocation amount is estimated to be \$328,000. The City of Olathe and Johnson County utilize the same CDBG application, guidelines and procedures. Olathe is responsible for advertising CDBG grant funding availability, conducting a public hearing, which took place April 21, 2020, overseeing the Olathe application and review process, and making funding recommendations. Olathe received seventeen grant applications, and on May 29, 2020 grant applicants were given an opportunity to present their proposals to a review committee comprised of city staff and community individuals. Recommendations from the committee are as follows;

Public Facilities and Housing -

- City of Olathe Full-Time Community Enhancement Office to conduct inspections on private property in identified low to moderate income areas. **\$81,000**
- City of Olathe Sidewalk Gap Program that constructs missing sidewalk links and replaces sidewalk ramps to meet ADA requirements in older parts of the City. This specific location would improve pedestrian mobility in the neighborhood that feeds into the neighboring Washington Elementary School and Santa Fe Trail Middle school. **\$94,800**
- City of Olathe Housing Rehab Program Administration to help maintain property values and neighborhood quality for low to moderate income eligible homeowners by addressing safety issues, age and disrepair. The administration costs cover employee salaries, benefits, office supplies, software, and marketing costs. **\$80,000**
- Friends of Johnson County Development Services (JCDS) to make accessibility modifications to a 5-bedroom home they own and operate in Olathe. Modifications include widening doorways and remodeling bathrooms. **\$23,000**

Public Services -

MEETING DATE: 7/7/2020

- City of Olathe Taxi Coupon Program to provide safe reliable, door to door transportation service for lower income, older adult, and disabled citizens to destinations within the City of Olathe. Through an RFP proposal a transportation company is selected to service this program and an electronic card system is used to document the usage. **\$28,200**
- Catholic Charities on Northeast Kansas Olathe Family Support Center to assist with supporting stable housing to prevent homelessness for low to moderate income households in the City of Olathe through rental and utility assistance. **\$11,300**
- Salvation Army Emergency and Homeless Prevention Program to provide assistance to qualifying Olathe residents. Assistance includes past due rent/utility payments to encourage stability and prevent homelessness. **\$9,700**

If additional funds are allocated by the federal government, the committee is recommending the public services funds be disbursed between all three public service programs and the public facility and housing funds be disbursed to the City of Olathe Sidewalk Gap program. If funds are reduced by federal government, the committee recommends the funds be reduced between the same programs just listed.

FINANCIAL IMPACT:

Approximately \$328,000 in federal funds are being made available to Olathe to address public improvements, housing services, community development, and public services that benefit low to moderate income persons.

ACTION NEEDED:

Approval of the 2021 CDBG funding recommendations.

ATTACHMENT(S):

None



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Parks and Recreation

STAFF CONTACT: Michael Meadors, Jessica Hotaling

SUBJECT: Consideration and Approval of the 2020 Subrecipient Agreements for Olathe's Community Development Block Grant (CDBG) projects.

ITEM DESCRIPTION:

Consideration and Approval of the 2020 Subrecipient Agreements for Olathe's Community Development Block Grant (CDBG) projects.

SUMMARY:

To complete the formal process necessary for the City to receive the allocated 2020 Community Development Block Grant (CDBG) funds from the United States Department of Housing and Urban Development (HUD) through Johnson County, Olathe must execute subrecipient agreements with all projects and activities that have been approved for 2020 funding. City of Olathe will be allocating \$358,297 in Fiscal Year 2020 to the following Council approved projects and services.

Public Facilities and Housing

City of Olathe Sidewalk Project-Keeler Street	\$100,000.00
Community Enhancement Officer (Full-Time)	\$ 27,000.00
Parkview Manor Bathroom Updates	\$ 40,552.00
Parkview Manor Parking Lot Resurfacing	\$ 30,000.00
City of Olathe Cory Circle Playground	\$ 30,000.00
Pine and Elm Driveway and ADA Entrances	\$ 57,000.00
Friends of JCDS	\$ 20,000.00

Public Services

Salvation Army-Emergency Assistance	\$ 7,000.00
Catholic Charities-Emergency Assistance	\$ 12,545.00
JoCo Park & Rec-Before & After School Scholarships	\$ 5,200.00
Olathe Taxi Program	\$ 29,000.00

TOTAL	\$358,297.00
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Johnson County requires subrecipient agreements for each of the projects being funded by Olathe. All 2020 CDBG activities can commence with the execution of these subrecipient agreements.

Each agreement has been approved by HUD as an Olathe project and meets all of the CDBG federal requirements. Staff has attached one agreement between the County and City (A) and one between the City

MEETING DATE: 7/7/2020

and the funded project (B). These are representative of the eleven (11) projects being approved.

Olathe City Council approved the recommended amounts listed above at their August 6, 2019 Council meeting.

FINANCIAL IMPACT:

\$358,297.00 in Federal CDBG funds is being invested in Olathe in 2020.

ACTION NEEDED:

Approval of Subrecipient Agreements

ATTACHMENT(S):

- A. County 2020 Subrecipient Agreement
- B. City 2020 Subrecipient Agreement

SUBRECIPIENT AGREEMENT

AN AGREEMENT BETWEEN THE CITY OF OLATHE, AND JOHNSON COUNTY, KANSAS, A CDBG URBAN COUNTY, FOR THE ESTABLISHMENT AND DEVELOPMENT OF COMMUNITY DEVELOPMENT BLOCK GRANTS/ENTITLEMENT GRANTS (CFDA No. 14.218), PROJECT NUMBER 2020-12.

THIS SUBRECIPIENT AGREEMENT is made and entered into by and between the Board of County Commissioners of Johnson County, Kansas, hereinafter referred to as "County" and the City of Olathe hereinafter referred to as "Subrecipient".

WITNESSETH:

WHEREAS, the County has entered into a Grant Agreement with the United States Department of Housing and Urban Development, hereinafter referred to as "HUD", for Federal assistance under Title I of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, pursuant to said Grant Agreement the County is obligated to require the compliance with certain terms and conditions therein by any third-party with whom the County contracts for the use of funds provided thereby; and

WHEREAS, pursuant to the provisions of Title I of the Housing and Community Development Act of 1974, as amended, the County has authorized the use of funds provided in conjunction with said Grant Agreement for a Community Development Block Grant (CDBG) project to be administered by the Subrecipient; and

WHEREAS, said CDBG project has been determined by the County to meet the national objective of benefiting low- and moderate-income persons; and

WHEREAS, said CDBG project has been determined by the County to be an eligible **Public Facilities and Improvements** project, under Title I of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the County requires, as a condition precedent to the County's requesting from HUD a release of funds for said CDBG project, the execution of this Subrecipient Agreement;

NOW, THEREFORE, in consideration of the above recitals, the mutual promises, covenants, conditions, and agreements hereinafter set forth, it is agreed by the parties hereto as follows:

Article I Statement of Work

- A.** The Subrecipient agrees to perform or carry out the Project described in Subrecipient's Application for funding, May 17, 2019 and incorporated herein by reference and on file in the County's Community Development office. The Subrecipient will use CDBG funds "to provide new playground surfacing that meets current playground safety guidelines and accessibility guidelines."
- B.** Subject to the provisions of Article III, General Terms and Conditions, of this Subrecipient Agreement, the County agrees to provide funding to the Subrecipient in an amount not to exceed **\$30,000.00**.
- C.** The County shall not authorize the Subrecipient to draw on funds unless said funds are to provide payment for work, as set forth in the Subrecipient's Application. The authorization provided by this section shall be limited by the amount established in Article I. B.

- D. The period of performance for activities assisted by this Subrecipient Agreement shall commence on January 1, 2020 and be completed by December 31, 2020, except for those activities required for project closeout.
- E. Reports
1. The Subrecipient agrees to submit quarterly progress reports on a form supplied by the County. These reports are due in the County's Community Development office on April 10th, July 10th, and October 10th.
 2. The Subrecipient further agrees to submit a completed Project Beneficiary Information form for the full program year, supplied by the County's Community Development office, for any activity remaining open at the end of the 2020 grant year. This report is due in the County's Community Development office on January 4, 2021.
- F. If it is known or anticipated that the activity funded by this grant will not be closed out by December 31, 2020, a request for an extension must be made in writing to the County's Community Development Coordinator. The request will explain the reason(s) why the activity will not be completed by December 31, 2020 and provide a firm timeline for completion. If a request for an extension is not submitted, no future reimbursements will be made until a request for an extension is submitted. The request must be received by December 4, 2020 and signed by the Mayor of the City.

Article II Definitions

Except to the extent modified or supplemented by the Grant Agreement, any term defined in Title I of the Housing and Community Development Act of 1974, as amended, or the HUD Community Development Block Grant Regulations at 24 CFR Part 570, shall have the same meaning when used herein. Further definitions are as follows:

- A. **"Application"** means all papers, documents, exhibits, maps, etc., submitted by the Subrecipient's Project as part of the County's CDBG Program, and any amendments, supplements, or revisions thereto submitted prior to the County seeking from HUD a release of funds for said projects.
- B. **"Assistance"** means the grants and any loans secured by loan guarantees provided under this Subrecipient Agreement.
- C. **"Assurances"** means the same certifications and assurances submitted by the County with its grant application pursuant to the requirements of 24 CFR Part 570.
- D. **"Program"** means the Community Development Block Grant programs, projects, or other activities, including the administration thereof, with respect to which Assistance is being provided under this Subrecipient Agreement.
- E. **"Program Income"** means gross income received by the Subrecipient directly generated from the use of CDBG funds.
- F. **"Project"** means the activities outlined by the Subrecipient's Application and published by the County in its 2020 Action Plan for uses of Community Development funds.
- G. **"Subrecipient"** means each entity that receives funding pursuant to this Subrecipient Agreement.

Article III General Terms and Conditions

Upon execution of this Subrecipient Agreement, the County agrees to provide to the Subrecipient

authorization to draw upon funds provided to the County pursuant to a Grant Agreement between the County and HUD, provided, no draft shall be honored by the County until HUD has released funds for Subrecipient's CDBG Project. Said authorization shall be subject to the terms and conditions of this Subrecipient Agreement, any applicable laws, regulations and requirements of HUD, which are now or hereafter in effect, and all rules, regulations and requirements issued by the County.

The Subrecipient agrees that notwithstanding any other provision of this Subrecipient Agreement, any requirements of amendments to Title I of the Housing and Community Development Act of 1974, as amended, which supersede or are not provided for in the HUD program regulations shall govern the use of the Assistance provided until revised regulations implementing such requirements are published for effect.

Article IV Federal Regulations and Requirements

The Subrecipient shall provide to the County all Assurances and Certifications required of the County by HUD. This shall include assurances that the Subrecipient certifies that this grant will be conducted and administered in conformity with the following laws and requirements.

A. Affirmatively Furthering Fair Housing (24 CFR Part 570, Subpart K, 570.601)

The Subrecipient shall comply with Public Law 88-352 and Public Law 90-284 and Executive Order 11063, as amended by Executive Order 12259.

B. Nondiscrimination (24 CFR Part 570, Subpart K, 570.602)

The Subrecipient shall comply with Section 109 of Title I of the Housing and Community Development Act of 1974, as amended, Title VI of the Civil Rights Act of 1964, the Age Discrimination Act of 1975, Section 504 of the Rehabilitation Act of 1973, and any other applicable federal, state or local law, rule or regulation governing nondiscrimination.

C. Labor Standards (24 CFR Part 570, Subpart K, 570.603)

The Subrecipient shall comply with Section 110(a) of Title I of the Housing and Community Development Act of 1974, as amended, which requires that all laborers and mechanics employed by contractors or subcontractors on construction work, that is valued in excess of \$2,000, assisted under this Subrecipient Agreement shall be paid wages at rates not less than those prevailing on similar construction in the locality as determined by the Secretary of Labor, in accordance with the Davis-Bacon Act, as amended (40 USC 276a to 276a-5) and shall receive overtime compensation in accordance with and subject to the provisions of the Contract Work Hours and Safety Standards Act (40 USC 327-332), and the contractors and subcontractors shall comply with all regulations issued pursuant to these Acts and with other applicable federal laws and regulations pertaining to labor standards. Residential rehabilitation in structures with less than eight (8) units is exempted from these labor standards.

D. National Flood Insurance Program (24 CFR Part 570, Subpart K, 570.605)

The Subrecipient shall comply with Section 202(a) of the Flood Disaster Protection Act of 1973 (42 U.S.C. 4106) and the regulations in 44 CFR parts 59 through 79. Any contract or agreement for the sale, lease, or other transfer of land acquired, cleared or improved with Assistance provided under this Subrecipient Agreement shall contain, if such land is located in an area identified by the Secretary as having special flood hazards and in which the sale of flood insurance has been made available under the National Flood Insurance Act of 1968, as amended, 42 USC 4001 et seq., provisions obligating the transferee and its successors or assigns to obtain and maintain, during the ownership of such land, such flood insurance as required with respect to financial assistance for acquisition or construction purposes under the Flood Disaster Protection Act of 1973. Such provisions shall be required notwithstanding the fact that the construction on

such land is not itself funded with Assistance provided under this Subrecipient Agreement.

E. Displacement, Relocation, Acquisition, and Replacement of Housing (24 CFR Part 570, Subpart K, 570.606)

The Subrecipient shall comply with the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1990, as amended:

The Subrecipient agrees for the duration of this Subrecipient Agreement to:

1. Ensure that owners of real property acquired for federal and federally assisted projects are treated fairly and consistently; encourage and expedite acquisition by agreements with such owners; minimize litigation and relieve congestion in the courts; and promote public confidence in federal and federally-assisted land acquisition programs; and
2. Comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policy Act of 1990 ("the Act"), as required under Section 570.606(a) (Title I of the Housing and Community Development Act of 1974, as amended) and federal implementing regulations; the requirements of Section 570.606(b) governing the residential antidisplacement and relocation assistance plan under Section 104(d) of the Act (including a certification that such a plan is being followed; the relocation requirements of Section 570.606(c) governing displacement subject to Section 104(K) of the Act; and the relocation requirements of Section 570.606(d) governing optional relocation assistance under Section 105(a)(11) of the Act.

F. Equal Employment (24 CFR Part 570, Subpart K, 570.607)

The Subrecipient shall comply with Executive Order 11246, as amended by Executive Orders 11375, 11478, 12086 and 12107, Equal Employment Opportunity. During the performance of this Subrecipient Agreement, the Subrecipient agrees as follows:

1. The Subrecipient shall not discriminate against any employee because of race, color, religion, sex, age, or national origin. The Subrecipient shall take affirmative action to ensure that applicants for employment are employed, and that employees are treated during employment, without regard to their race, color, religion, sex, age, or national origin, handicap or familial status. Such action shall include, but not be limited to, the following: employment, upgrading, demotion or transfer, recruitment or recruitment advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
2. The Subrecipient shall post in conspicuous places, available to employees and applicants for employment, notices setting forth the provisions of this nondiscrimination clause. The Subrecipient shall state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, age, national origin, handicap or familial status.
3. The Subrecipient shall incorporate foregoing requirements in all contracts that are deemed necessary to carry out Project activities.
4. The Subrecipient agrees that it will assist and cooperate actively with the Secretary of Labor and the County in obtaining the compliance of contractors and subcontractors with the above equal opportunity clause and the rules, regulations, and relevant orders of the Secretary of Labor, that it will furnish the Secretary of Labor such information as they may require for the supervision of such compliance, and that it will otherwise assist the Secretary in the discharge of its primary responsibility for securing compliance.

G. Contracting Opportunities (24 CFR Part 570, Subpart K, 570.607)

The Subrecipient shall comply with requirements of Section 3, of the Housing and Urban Development Act of 1968 (12 USC 1701U), as amended, the HUD regulations issued pursuant thereto at 24 CFR Part 135, and any applicable rules and orders of HUD issued thereunder. Section 3 requires that to the greatest extent feasible opportunities for training and employment be given to lower income residents of the project area and contracts for work in connection with the Project be awarded to business concerns which are located in, or owned in substantial part, by persons residing in the area of the Project.

The Subrecipient shall cause or require to be inserted in full in all contracts and subcontracts for work financed in whole or in part with Assistance provided under this Subrecipient Agreement, the Section 3 clause set forth in 24 CFR 135.

H. Lead-Based Paint (24 CFR Part 570, Subpart K, 570.608)

In the construction or rehabilitation of residential structures with Assistance provided under this Subrecipient Agreement the Subrecipient will comply with the Lead-Based Paint Regulations issued pursuant to the Lead-Based Paint Poisoning Prevention Act (42 USC 4832, et seq.) and the Lead Safe Housing Rule (24 CFR 35).

I. Use of Debarred, Suspended or Ineligible Contractors or Subrecipients (24 CFR Part 570, Subpart K, 570.609)

The Subrecipient agrees that it will refrain from entering into any contract or contract modification subject to Executive Order 11246 of September 24, 1965, with a contractor debarred from, or who has not demonstrated eligibility for, Government contract and federally assisted construction contracts pursuant to the Executive Order and will carry out such sanctions and penalties for violation of equal opportunity clause as may be imposed upon contractors and subcontractors by the Secretary of Labor pursuant to Part II, Subpart D of the Executive Order.

J. Uniform Administrative Requirements and Cost Principles (24 CFR Part 570, Subpart K, 570.610)

The Subrecipient shall comply with the policies, guidelines, and requirements of 2 CFR Part 200.

K. Conflict of Interest (24 CFR Part 570, Subpart K, 570.611)

1. Interest of Certain Federal Officials. No member of or Delegate to the Congress of the United States, and no Resident Commissioner, shall be admitted to any share or part of this Subrecipient Agreement or to any benefit to arise from the same.
2. Interest of Officers, Employees or Agents of Subrecipient, Members of Local Governing Body, or other Public Officials. No officer, employee or agent of the Subrecipient, or its designee, no officer, employee or agent of the County who exercises any functions or responsibilities with respect to the Program during his or her tenure or for one year thereafter, shall have any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with the Project assisted under this Subrecipient Agreement. The Subrecipient shall incorporate, or cause to be incorporated, in all such contracts or subcontracts a provision prohibiting such interest pursuant to the purposes of this section.
3. Prohibition Against Payments of Bonus or Commission. The Assistance provided under this Subrecipient Agreement shall not be used in the payment of any bonus or commission for the purpose of obtaining HUD approval of the application for such Assistance, or HUD approval of applications for additional Assistance, or any approval or

concurrence of HUD required under this Subrecipient Agreement, Title I of the Housing and Community Development Act of 1974, as amended, or HUD regulations with respect thereto; provided, however, that reasonable fees or bonafide technical, consultant, managerial or other services, other than actual solicitation, are not hereby prohibited if otherwise eligible as program costs.

L. Executive Order 12372 (24 CFR Part 570, Subpart K, 570.612)

Executive Order 12372, Intergovernmental Review of Federal Programs, applies to a CDBG funded activity only where the Subrecipient proposes to use funds for the planning or construction (reconstruction or installation) of water or sewer facilities. Such facilities include storm sewers as well as all sanitary sewers, but do not include water and sewer lines connecting a structure to the lines in the public right-of-way or easement.

M. Eligibility Restrictions for Certain Resident Aliens (24 CFR Part 570, Subpart K, 570.613)

Certain newly legalized aliens, as described in 24 CFR Part 49, are not eligible to apply for benefits under covered activities. Covered activities mean either:

- 1.** Activities that have income eligibility requirements limiting the benefits exclusively to low- and moderate-income persons; or
- 2.** Activities that are targeted geographically or otherwise to primarily benefit low- and moderate-income persons (excluding activities serving the public at-large, such as sewers, roads, sidewalks, and parks), and that provide benefits to persons on the basis of an application.

N. Architectural Barriers Act and the Americans With Disabilities Act (24 CFR Part 570, Subpart K, 570.614)

The Subrecipient shall comply with the Architectural Barriers Act of 1968 and shall comply with the Uniform Federal Accessibility Standards (Appendix A to 24 CFR Part 40) for residential structures, and Appendix A to 41 CFR Part 101-19, subpart 101-19.6.

The Subrecipient shall comply with the Americans With Disabilities Act which provides comprehensive civil rights to individuals with disabilities in the areas of employment, public accommodations, State and local government services, and telecommunications.

**Article V
County Rules, Regulations and Requirements**

A. Records

The Subrecipient shall maintain records with respect to all matters covered by this Subrecipient Agreement. At a minimum the following records will be maintained in a file for the CDBG funded Project:

- Citizen Participation
- Subrecipient Application
- Written agreement(s)
- Records demonstrating that the activity meets a National Objective
- Income eligibility records
- Project Beneficiary Forms
- Financial statement and records
- Purchasing records
- Audits
- Fair housing and equal opportunity records
- Construction Contracts and related documents

Draw down requests (with source documentation, including invoices, purchase orders, etc).

Monitoring reports and correspondence

Such records shall be maintained for a period of five (5) years after receipt of the final payment under this Subrecipient Agreement.

B. Program Income

The Subrecipient agrees to return Program Income to the County except where the Subrecipient can demonstrate its ability to use the income in accordance with requirements of Title I of the Housing, and Community Development Act of 1974, as amended. For purposes of this Subrecipient Agreement, Program Income includes, but is not limited to: proceeds from the disposition by sale or long term lease of real property purchased with CDBG funds; income from the temporary use or leasing of properties acquired with CDBG funds pending the disposition or use for which the property was acquired; payments of principal and interest on loans made using CDBG funds; and, interest earned on Program Income pending disposition of such income.

Program Income shall be recorded as part of the financial transaction of the grant program. Program Income received before expiration of this Subrecipient Agreement may be retained by the Subrecipient if the Program Income is treated as additional CDBG funds subject to all applicable requirements governing the use of CDBG funds and that such Program Income shall affect withdrawals of grant funds as follows:

1. Program Income in the form of repayments to or interest earned on a revolving fund shall be disbursed before additional cash withdrawals are made.
2. All other Program Income shall be disbursed for eligible activities before additional cash withdrawals are made.
3. Program Income on hand at the expiration of this Subrecipient Agreement, or received after expiration of this Subrecipient Agreement, shall be returned to the County.

C. Payment

1. The County agrees to provide funding for expenditures of the Subrecipient under this Subrecipient Agreement in the manner set forth in the County Financial Management Requirements for the Community Development Block Grant Program.
2. The County shall not authorize the Subrecipient to draw on funds unless said funds are to provide for payment for work, as set forth in the Subrecipient's Application.
3. It is understood and agreed by the parties hereto that the County will not process a request for final payment of expenditures until the Subrecipient has supplied a fully completed Project Beneficiary Information form supplied by the County's Community Development office.
4. At any time during the period of performance the County may review program costs incurred by the Subrecipient. Upon such review the County shall disallow any items of expense which are not determined to be allowable or are determined to be in excess of approved expenditures. If the County disallows a cost, the County may deduct the amount of disallowed cost from any future payments under this Subrecipient Agreement or require that the Subrecipient refund the amount of the disallowed cost(s) for as long as the records are maintained.
5. Notwithstanding any other provision of this Subrecipient Agreement to the contrary, it is understood and agreed by the parties hereto that the County's obligation to provide

funding to the Subrecipient under this Subrecipient Agreement is expressly contingent upon the level of funding made available to the County from HUD. Should such funding level be reduced by HUD or no longer be made available to the County from HUD sufficient to support the amount of funding to be provided by the County under this Subrecipient Agreement then this Subrecipient Agreement may be amended to reflect such reduction in funding or, at the option of the County, may be terminated upon written notice to the Subrecipient stating the effective date of termination. Should either event occur, it is understood and agreed by the parties that the County shall not be obligated to provide funding beyond the amended amount or beyond any amount provided to the Subrecipient by the County prior to said date of termination.

D. Financial Management, Audit and Review

1. The Subrecipient agrees that the County, the Department of Housing and Urban Development, the Comptroller General of the United States, or any of their duly authorized representatives, shall have access to any books, documents, papers and records of the Subrecipient which are directly pertinent to this Subrecipient Agreement for the purpose of making audit, examination, excerpts, and transcripts for as long as the records are maintained.
2. It is further agreed that the Subrecipient shall make quarterly progress/performance reports to the County detailing the progress of the project. Further, the Subrecipient agrees to allow the County or its designee to make periodic project site visits to assess the progress of the project and to report such progress.
3. The Subrecipient agrees to reimburse or return to the County those funds which have been disbursed under this Subrecipient Agreement for the performance of the Project listed herein should the Subrecipient default on any of the provisions listed herein or should the County decide to terminate this Subrecipient Agreement for cause.
4. The Subrecipient agrees to maintain financial records in accordance with generally accepted accounting principles and to make all such records available to HUD and/or the County for inspection upon request. The Subrecipient further agrees to maintain applicable financial management standards prescribed in 2 CFR Part 200 as further defined at 24 CFR 570.502(a):
 - a. Records that identify adequately the source and application of funds for grant-supported activities. These records shall contain information pertaining to Federal awards and authorizations, obligations, unobligated balances, assets, liabilities, outlays, and income.
 - b. Effective control over and accountability for all funds, property, and other assets. Subrecipients shall adequately safeguard all such assets and shall assure that they are used solely for authorized purposes.
 - c. Procedures for determining reasonableness, allowability and allocation of costs in accordance with 2 CFR Part 200.
 - d. Accounting records that are supported by source documentation.
 - e. A systematic method to assure timely and appropriate documentation.

E. Annual Audit

The County requires that the Subrecipient submit a copy of the Subrecipient's Annual Audit

Report for the fiscal year(s) covered by this Subrecipient Agreement and any extensions, when the Subrecipient expends \$750,000 or more in a year in federal awards. Such audit report must be prepared in accordance with 2 CFR Part 200.

F. Reversion of Assets

Upon expiration of this Subrecipient Agreement, the Subrecipient shall transfer to the County any CDBG funds on hand at the time of expiration of this Subrecipient Agreement and any accounts receivable attributable to the use of CDBG funds. Additionally, any real property under control of the Subrecipient that was acquired or improved in whole or in part with CDBG funds in excess of Twenty-Five Thousand Dollars (\$25,000.00) shall either be:

1. Used to meet one of the national objectives until five (5) years after expiration of this Subrecipient Agreement, or for such longer period of time as determined to be appropriate by the Subrecipient; or
2. Disposed of in a manner that results in the County being reimbursed in the amount of the current fair market value of the property less any portion of the value attributable to the expenditures of non-CDBG funds for acquisition of, or improvement to, the property.

G. Obligations of the Subrecipient with Respect to Certain Third Party Relationships.

The Subrecipient shall remain fully obligated under the provisions of this Subrecipient Agreement notwithstanding its designation of any third party or parties for the undertaking of all or any part of the Project with respect to which Assistance is being provided under this Subrecipient Agreement to the Subrecipient.

H. Environmental Standards (24 CFR Part 570, Subpart K, 570.604)

The Subrecipient does not assume either the County's environmental responsibilities or the County's responsibility for initiating the review process under the provisions of 24 CFR Part 52. See 24 CFR Part 570, Subpart J, 503(b)(5)(i)(ii)

**Article VI
Indemnity and Liability**

- A.** The Subrecipient shall defend, indemnify and hold the County, its officers, employees and agents free and harmless from and against all claims, losses and liabilities arising out of personal injury, including death, and damage to property arising out of or in any way connected with this Subrecipient Agreement, whether such operations be by the Subrecipient or by any subcontractor or anyone directly or indirectly employed by the Subrecipient. The Subrecipient shall also defend, indemnify, and hold harmless the County, its officers, employees, and agents free and harmless from and against any claims arising out of the award of this Subrecipient Agreement to the Subrecipient.
- B.** Any subcontractor shall protect itself, the Subrecipient, and the County for the claims and damages due to personal injury including death as well as claims of property damage that may arise in the work. For construction or facility improvement, the Subrecipient shall require contractors to comply with the requirements of 24 CFR 85.36 (h) (1 through 3) or 2 CFR Part 200 as applicable.

**Article VII
Termination of Convenience**

- A.** The County or the Subrecipient may terminate this Subrecipient Agreement in whole, or in part, when both parties agree that the continuation of the Program would not produce beneficial results commensurate with the further expenditures of funds.

- B. The two parties shall agree upon the termination conditions, including the effective date and, in the case of partial terminations, the portion to be terminated.
- C. The Subrecipient shall not incur new obligations for the terminated portion after the effective date and shall cancel as many outstanding obligations as possible. The Subrecipient shall be allowed full credit for noncancelable obligations, properly incurred prior to termination.

**Article VIII
Termination for Cause
Suspension of Payments or Agreement**

If the County determines that the Subrecipient has violated or failed to comply with any of the covenants, conditions, agreements or stipulations of this Subrecipient Agreement, the County shall promptly notify the Subrecipient in writing of the determination and may, at its option, take the following action:

- A. Terminate this Subrecipient Agreement by including in the above notice the reasons for the termination, together with the effective date;
- B. Suspend payments under this Subrecipient Agreement by including in the above notice the effective date and specifying what actions must be taken as a condition precedent to the resumption of payments. In such event, just and equitable compensation shall be given at the end of the suspension period for any work satisfactorily completed by the Subrecipient during the suspension period;
- C. Suspend this Subrecipient Agreement by including in the above notice the effective date and specifying the actions that must take place as a condition precedent to the resumption of performance under this Subrecipient Agreement. In such event, the County shall incur no financial liability under this Subrecipient Agreement or otherwise at law for any services rendered during the suspension period.
- D. The County will provide the Subrecipient an opportunity to request a hearing, appeal, or other administrative proceeding to which the Subrecipient is entitled.

The action of the County in suspending payments or this Subrecipient Agreement or in terminating this Subrecipient Agreement shall not constitute a waiver of any claim or remedy which the County may otherwise have arising out of this Subrecipient Agreement.

**Article IX
Assignment**

The Subrecipient's rights, obligations, and duties under this Subrecipient Agreement shall not be assigned or transferred in whole or in part without prior written agreement by the County.

**Article X
Entire Agreement
Amendment**

This Subrecipient Agreement represents the entire and integrated agreement between the County and the Subrecipient and supersedes all prior negotiations, representations, or agreements, either written or oral. This Subrecipient Agreement may be amended only by written instrument, signed by both the County and the Subrecipient.

**Article XI
Venue**

This Subrecipient Agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Kansas. Should any part of this Subrecipient Agreement be adjudicated, venue shall be proper only in the District Court of Johnson County, Kansas.

IN WITNESS WHEREOF, the parties hereto have set their hands to this Subrecipient Agreement.


COUNTY:

SUBRECIPIENT:



Penny Postoak Ferguson
County Manager
Johnson County, Kansas

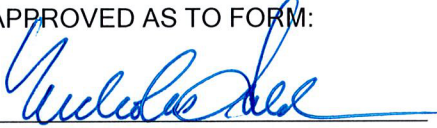
Mayor
City of Olathe



Date

Date

APPROVED AS TO FORM:



Nicholas Saldan
Assistant County Counselor

COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM SUBRECIPIENT AGREEMENT

THIS AGREEMENT is made and entered into on this 9th day of March, 2020, by and between the **CITY OF OLATHE, KANSAS**, a Kansas municipal corporation ("City") and the **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT**, hereinafter referred to as "Subrecipient"

WITNESSETH:

WHEREAS, Johnson County, Kansas has entered into a Grant Agreement with the United States Department of Housing and Urban Development, hereinafter referred to as "HUD", for Federal assistance under Title 1 of the Housing and Community Development Act of 1974, as amended; and

WHEREAS, the City has entered into a Subrecipient Agreement with Johnson County whereby City must agree to certain terms and conditions associated with the use of the CDBG funds; and

WHEREAS, many of the requirements of the Subrecipient Agreement are to be carried out by **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT** within the City of Olathe.

WHEREAS, the Parties agree that **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT** should be bound by the terms of the Subrecipient Agreement and have agreed to execute this Agreement to evidence of that understanding.

WHEREAS, the **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT** has been determined by the County to meet the national objective of benefiting low- and moderate-income persons and has been determined to be an eligible Public Service project, under Title 1 of the Housing and Community Development Act of 1974; and

WHEREAS, Johnson County, Kansas and the City require, as a condition precedent to the County's requesting from HUD a release of funds for **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT**, the execution of this Subrecipient Agreement.

NOW THEREFORE, in consideration of the above recitals, the mutual promises, covenants, conditions, and agreements hereinafter set forth, it is agreed by the parties hereto as follows:

1. The **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT** agree to perform and carry out the project described in the Subrecipient's 2020 application for funding and in the executed Subrecipient Agreement between the City of Olathe and Johnson County for **Project Number 2020-12**.
2. The **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT** will **"provide new playground surfacing that meets current playground safety guidelines and accessibility guidelines for Cory Circle Park"**.
3. Subject to the provisions of Article III, General Terms and Conditions, of this Subrecipient Agreement, the County agrees to provide funding to the City of Olathe in an amount not to exceed **\$ 358,297.00**. The City of Olathe agrees to provide funding to in the amount of **\$30,000.00** for **Project 2020-12**.
4. The City of Olathe shall not authorize the Subrecipient to draw on funds unless said funds are to provide for the payment of work, as set forth in Subrecipient's Application and all required documentation has been submitted to City and approved. The Subrecipient must show proof of match funds, if required, prior to city releasing funds according to agreement.
5. The period of performance for activities assisted by the Subrecipient Agreement shall commence on **January 1, 2020** and be completed by **December 31, 2020**, except for those activities required for project closeout.
6. If it is known or anticipated that the activity funded by this grant will not be closed out by **December 31, 2020**, a request for an extension must be made in writing to the City of Olathe Resource Management Administrative Services Officer before **November 20, 2020**.

YOUR GRANT ACTIVITY IS CLASSIFIED AS A PUBLIC FACILITIES PROJECT.

7. The **CORY CIRCLE PARK PLAYGROUND RESURFACING PROJECT** agree to indemnify and hold the City and County, its officers, employees and agents free and harmless from and against all claims, losses and liabilities arising out of or in any way related to this Agreement.
8. The Subrecipient's rights, obligations, and duties under the Subrecipient Agreement shall not be assigned or transferred in whole or part with prior written agreement by the City of Olathe and Johnson County.

9. This Subrecipient Agreement and every question arising hereunder shall be construed or determined according to the laws of the State of Kansas. Should any part of the Subrecipient Agreement be adjudicated, venue shall be proper only in the District Court of Johnson County, Kansas.

IN WITNESS WHEREOF, the parties hereto have set their hands to this Agreement on the date first above written.

CITY:

SUBRECIPIENT:

City of Olathe, Mayor
PROJECT

CORY CIRCLE PARK PLAYGROUND RESURFACING

Date

Date



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Kim Hollingsworth, Senior Planner

SUBJECT: FP20-0008: Villas at Hidden Lake, First Plat, Applicant: John Duggan, 30th Plat of Cedar Creek

ITEM DESCRIPTION:

Request for the acceptance of the dedication of land for public easements and public street right-of-way for a final plat of the **Villas at Hidden Lake, First Plat** (FP20-0008) containing forty-seven (47) lots and two (2) common tracts on 19.78± acres; located southeast of S. Bluestem Parkway and 107th Street. Planning Commission approved the plat 5 to 0.

SUMMARY:

This a request for the acceptance of land for public easements and dedication of right-of-way for a final plat of the Villas at Hidden Lake, First Plat. The approximately 19.78-acre subject property is zoned RP-1 (Planned Single-Family Residential) District. The final plat establishes lot lines for 47 single-family homes and two common tracts.

Several easements including utility easements, drainage easements and sewer easements will be dedicated with this final plat. Additional street right-of-way for S. Bluestem Parkway will be dedicated with the final plat.

FINANCIAL IMPACT:

None

ACTION NEEDED:

1. Accept the dedication of land for public easements and right-of-way for the Villas at Hidden Lake, First Plat (FP20-0008).
 2. Reject the dedication of land for public easements and right-of-way and return the plat to the Planning Commission for further consideration with a statement specifying the basis for the Governing Body's failure to accept the dedication.
-

ATTACHMENT(S):

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

STAFF REPORT

Planning Commission Meeting: June 29, 2020

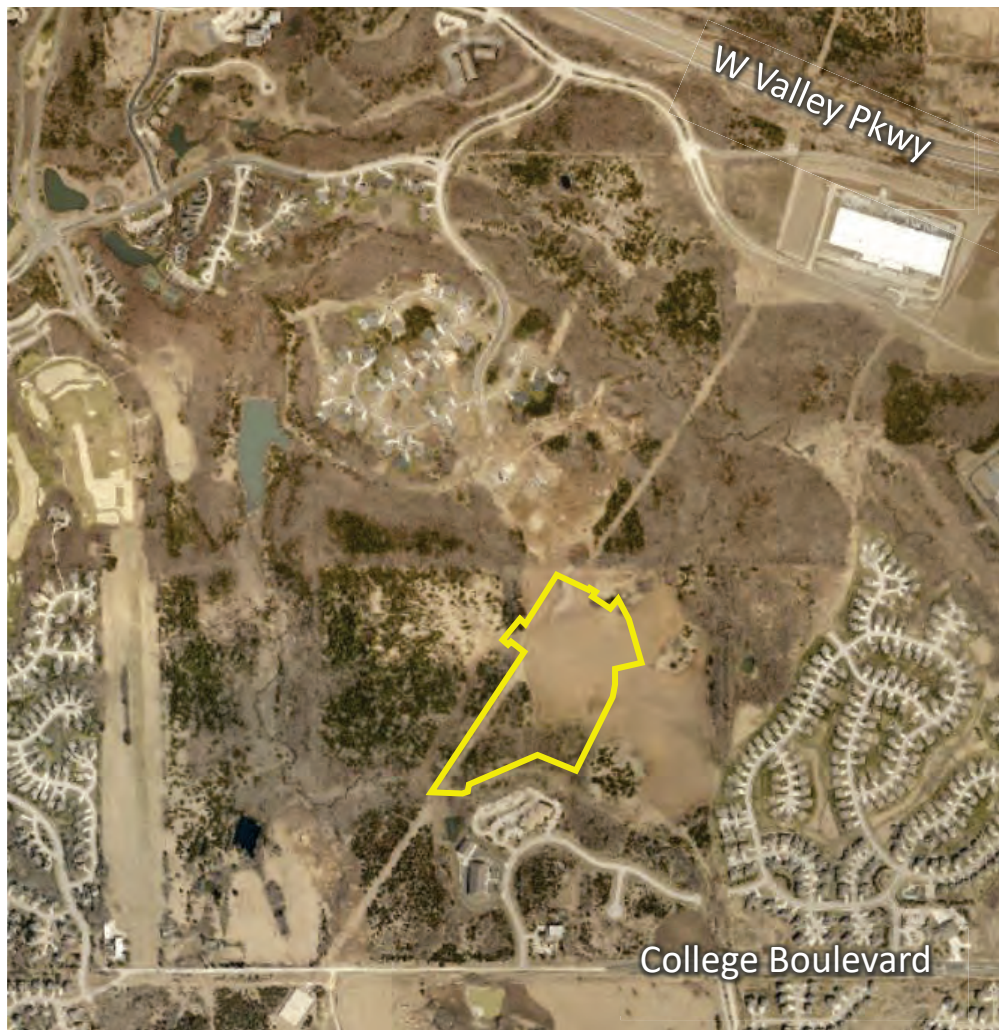
Application:	FP20-0008, Final Plat, Villas at Hidden Lake, First Plat		
Location:	Southeast of S Bluestem Parkway and 107 th Street		
Applicant/Owner:	John Duggan, 30 th Plat of Cedar Creek, LLC		
Engineer:	David Rinne, Schlagel & Associates, P.A.		
Staff Contact:	Kim Hollingsworth, AICP, Senior Planner		
Site Area:	<u>19.78± acres</u>	Proposed Use:	<u>Residential, Single-Family</u>
Lots:	<u>47</u>	Current Zoning:	<u>RP-1 (Planned Single-Family Residential) District</u>
Tracts:	<u>2</u>		

1. Introduction:

The following item is a request for a final plat for the Villas at Hidden Lake, First Plat. This plat will establish lot lines, dedicate public easements, right-of-way and common tracts within the subdivision. The approximately 19.8-acre property was rezoned to the RP-1 (Planned Single-Family Residential) District in October 2008 (Ordinance No. 08-101). The proposed final plat is consistent with the revised preliminary plat (PP20-0001) that was recently approved April 27, 2020.

2. Plat Review:

- a. **Lots/Tracts** – The plat includes 47 lots and two common tracts. The single-family lots range in size from 8,400 to 15,296 square feet and all lots exceed minimum UDO requirements for lot sizes. The common tracts are intended to contain landscaping, drainage areas, and open space that will be owned and maintained by the Homes Association.
- b. **Public Utilities** – The subject property is located within the City of Olathe water and sewer service areas. Several easements including Utility Easements (U/E), Drainage Easements (D/E), and a Landscape Easement (L/E) will be dedicated with this final plat. An 85-foot utility easement for the gas pipeline is located just west of the platted area. Water and sewer main extensions will be required to serve the development.



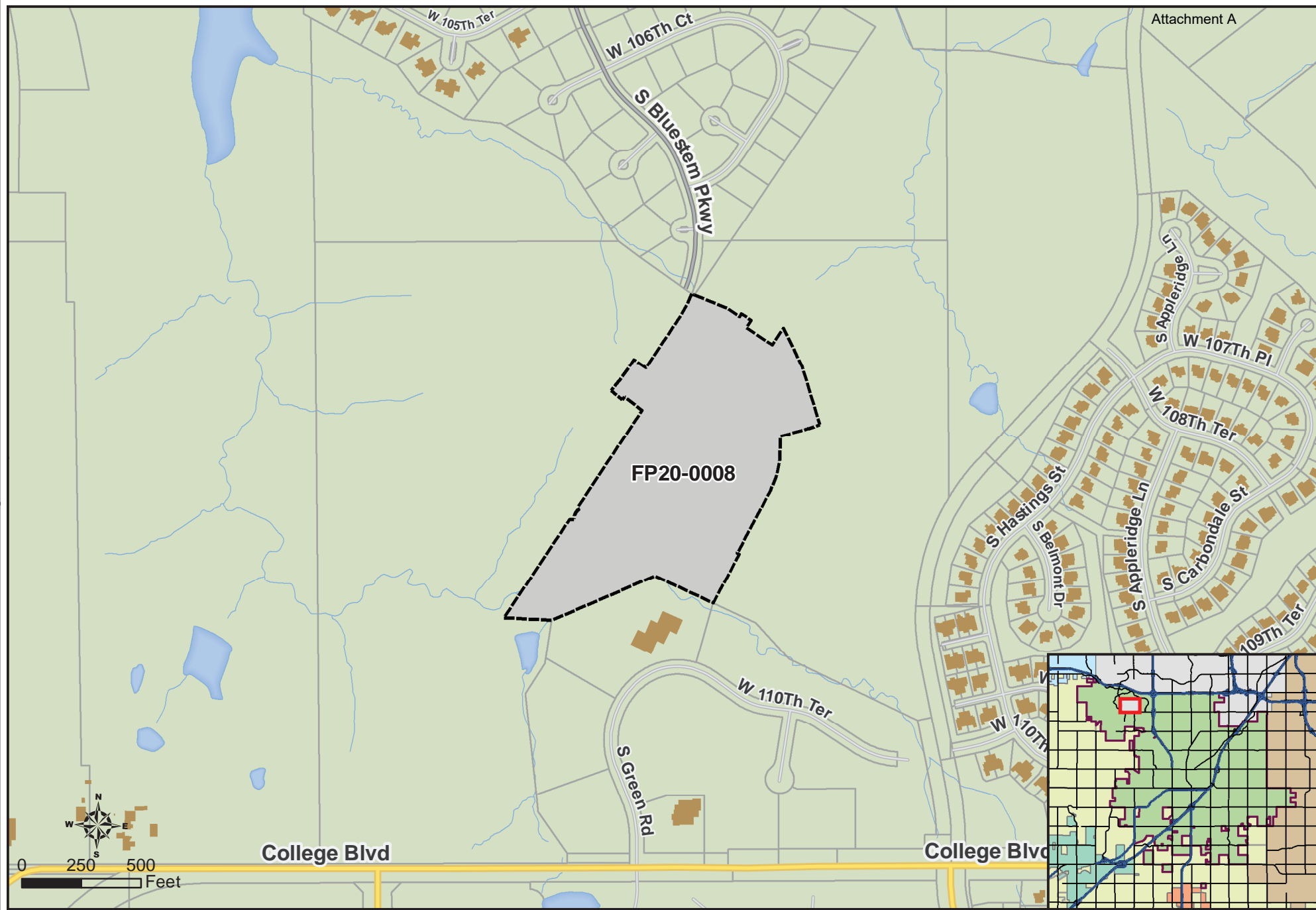
Aerial View of the Subject Property

- c. **Streets/Right-of-Way** – Access to the Villas at Hidden Lake, First Plat will be provided primarily from S. Bluestem Parkway which will extend south of the fourth plat. Sidewalks will be provided on one side of all local streets and on both sides of collector or arterial roadways within the platted area.
- d. **Stormwater/Detention** – The final plat will be required to meet Title 17 requirements and a final stormwater management report must be reviewed and approved by staff prior to recording of the plat. The platted area is located outside of the 100-year floodplain.
- e. **Landscaping** – The landscaping will comply with Section 18.51.120 D of the Cedar Creek Overlay District including the on-lot landscaping requirements for each single-family lot. Master landscape screening through a mixture of evergreen and deciduous trees will be provided along Bluestem Parkway and will meet the requirements of UDO 18.30.130.H. Significant areas are devoted to tree preservation including the entirety of Tracts A and B within the southern and western portions of the platted area. A conservation easement was recorded in December 2016 to protect the natural areas, streamway and dense vegetation within Tract B. The protected area also provides buffering between the single-family homes and Cedar Creek Corporate Park to the south.

3. Staff Recommendation:

Staff recommends approval of FP20-0008 with the following stipulations:

1. Prior to recording, a digital file of the final plat (PDF) must be submitted to the Planning Division.
2. A final stormwater management report meeting the requirements of Title 17 is required prior to recording of the final plat.
3. All new on-site wiring and cables must be placed underground.
4. Above ground electrical equipment and telephone cabinets must be placed in the rear yard.



VILLAS AT HIDDEN LAKE, 1ST PLAT

FP20-0008



User: JaredMD
Date: 6/24/2020



VILLAS AT HIDDEN LAKE

FIRST PLAT

PART OF THE SE 1/4, SEC. 8-13-23 IN THE, IN CITY OF OLATHE, JOHNSON COUNTY, KANSAS

DESCRIPTION:

Part of the Southeast One-Quarter of Section 8, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas, being more particularly described as follows:

Commencing at the Northeast corner of the said Southeast One-Quarter, thence South 87 degrees 47 minutes 46 seconds West, along the North line of the said Northwest One-Quarter a distance of 907.17 feet to the Northeast corner of Tract "N", HIDDEN LAKE ESTATES, THIRD PLAT, a subdivision in the said City of Olathe, thence South 42 degrees 05 minutes 34 seconds West, along the East line of said Tract "N" for a distance of 275.72 feet to the POINT OF BEGINNING, said point being the Southeast corner of said Tract "N", thence South 73 degrees 20 minutes 34 seconds East, a distance of 123.13 feet to a point of curvature; thence along a curve to the right, tangent to the previous course and having a radius of 225.00 feet, a central angle of 12 degrees 13 minutes 06 seconds and an arc length of 47.88 feet; thence South 16 degrees 13 minutes 24 seconds East, a distance of 39.59 feet; thence South 46 minutes 13 seconds East, a distance of 14.00 feet; thence South 58 degrees 13 minutes 24 seconds East, a distance of 50.00 feet; thence South 31 degrees 43 minutes 32 seconds West, a distance of 36.68 feet; thence South 58 degrees 13 minutes 24 seconds East, a distance of 130.00 feet; thence North 31 degrees 43 minutes 32 seconds East, a distance of 85.16 feet; thence South 27 degrees 46 minutes 13 seconds West, a distance of 119.83 feet; thence South 19 degrees 01 minutes 53 seconds East, a distance of 254.79 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of North 66 degrees 04 minutes 10 seconds West, a radius of 530.00 feet, a central angle of 06 degrees 03 minutes 24 seconds and an arc length of 56.03 feet; thence South 72 degrees 07 minutes 34 seconds West, a distance of 116.02 feet; thence South 05 degrees 07 minutes 30 seconds West, a distance of 103.02 feet; thence South 09 degrees 58 minutes 54 seconds West, a distance of 66.88 feet; thence South 26 degrees 26 minutes 04 seconds West, a distance of 64.37 feet; thence South 26 degrees 05 minutes 22 seconds West, a distance of 293.00 feet; thence South 63 degrees 54 minutes 38 seconds East, a distance of 9.56 feet; thence South 26 degrees 05 minutes 22 seconds East, a distance of 190.42 feet; thence South 24 degrees 42 minutes 37 seconds West, a distance of 42.40 feet to the Northeast corner of Lot 2, CEDAR CREEK CORPORATE, L.L.C., SECOND PLAT, a subdivision in the said City of Olathe; thence along the North line of the following two courses, North 06 degrees 56 minutes 39 seconds West, a distance of 269.23 feet; thence South 64 degrees 44 minutes 31 seconds West, a distance of 493.71 feet; thence North 09 degrees 08 minutes 02 seconds West, a distance of 20.35 feet; thence North 31 degrees 41 minutes 42 seconds East, a distance of 498.32 feet; thence North 03 degrees 37 minutes 20 seconds East, a distance of 20.00 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of North 04 degrees 22 minutes 31 seconds West, a radius of 50.00 feet, a central angle of 30 minutes 25 seconds and an arc length of 48.44 feet; thence North 38 degrees 52 minutes 06 seconds West, a distance of 10.00 feet; thence North 31 degrees 41 minutes 42 seconds East, a distance of 48.85 feet; thence North 04 degrees 22 minutes 31 seconds West, a distance of 52.85 feet to a point of curvature; thence along a curve to the right having an initial tangent bearing of South 38 degrees 05 minutes 25 seconds West, a radius of 1030.00 feet, a central angle of 00 degrees 07 minutes 22 seconds and an arc length of 17.19 feet; thence North 03 degrees 07 minutes 13 seconds East, a distance of 60.00 feet to a point of curvature; thence along a curve to the left having an initial tangent bearing of North 39 degrees 02 minutes 47 seconds East, a radius of 970.00 feet, a central angle of 07 degrees 16 minutes 15 seconds and an arc length of 123.09 feet; thence North 31 degrees 41 minutes 32 seconds East, a distance of 37.62 feet to the Southeast corner of Lot 116, HIDDEN LAKE ESTATES, FOURTH PLAT, a subdivision in the said City of Olathe; thence along the Southern and Eastern lines of said HIDDEN LAKE ESTATES, FOURTH PLAT for the following three courses, South 58 degrees 13 minutes 24 seconds East, a distance of 60.00 feet; thence North 31 degrees 28 minutes 32 seconds East, a distance of 239.00 feet to a point of curvature; thence along a curve to the left, tangent to the previous course and having a radius of 630.66 feet, a central angle of 11 degrees 30 minutes 05 seconds and an arc length of 126.00 feet to the Southwest corner of said Tract "N", HIDDEN LAKE ESTATES, FIRST PLAT; thence South 56 degrees 27 minutes 40 seconds East, along the Southern line of said Tract "N" a distance of 11.23 feet to the Point of Beginning, and containing 19.7849 acres, more or less.

DEDICATIONS:

The undersigned proprietor of the described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision shall hereinafter be known as VILLAS AT HIDDEN LAKE, FIRST PLAT.

The undersigned proprietor of said plat property shown on this plat hereby dedicates those portions of the streets and roadways shown as 106th Terrace 107th Terrace, 107th Street, 108th Terrace, Shady Bend Road, Shady Bend Road, Castlebrook Street and BLUESTEM PARKWAY, together with all other parcels and parts of land indicated on this plat, and not heretofore dedicated, as streets, roads, drives, lanes, avenues, courts, paths, etc., for public use as public ways or thoroughfares; subject to the right hereby reserved to the present owner and its successors and assigns for the location, construction and maintenance of conduits, water, gas and sewer pipes, poles and wires under, over and along said roadways.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer, pipes, poles, wires, surface drainage facilities, ducts and cables, sidewalks, etc., upon, over and under the areas outlined and designated on this plat as "Utility Easement" or "UE".

An easement or license to enter upon, located, construct and maintain or authorize the location, construction of maintenance and use of conduits, water, gas, sewer, pipes, poles, wires, surface drainage facilities, ducts and cables, sidewalks, etc., upon, over and under the areas outlined and designated on this plat as "Public Utility Easement", is hereby granted to the City of Olathe, Johnson County, Kansas. Public utility easements shall be provided when necessary and be adjacent to the proposed right-of-way. The minimum width shall be at least ten (10) feet and dedicated to the City of Olathe for the purpose of placing water and sanitary lines.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of sanitary sewer pipes and structures upon, over and under the areas outlined and designated on this plat as "Sanitary Easement" or "SE".

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to enter upon, construct and maintain pipes, inlets, manholes, surface drainage facilities relative to storm water drainage and sidewalks upon, over, or under the areas outlined and designated on this plat as "Drainage Easement" or "DE".

A perpetual easement over, under, across and upon those portions of the property herein delineated and designated as "Landscape and Access Easement" or "LAE" and "Utility Easement" or "UE", is hereby reserved in favor of the "Declarant" (as that term is defined in the "Declarations" herein described), Cedar Creek Community Services Corporation, and Cedar Creek Village I Association, Inc. ("the Association"), their respective successors and assigns, pursuant to that certain Declaration of Covenants for the Cedar Creek Community and that certain Declaration of Covenants, Conditions and Restrictions for Cedar Creek Village I, as they or either of them may be supplemented or amended from time to time by Supplemental Declarations ("the Supplemental Declarations") which instruments are or will be recorded in the Office of Registrar of Deeds of Johnson County, Kansas for those purposes set forth in the Declarations, and not limited to, ingress, egress, installation, replacing, repairing and maintaining cable television systems, master television antenna systems, security and similar systems, roads, walkways, bicycle pathways, lakes, ponds, wetlands, drainage systems, street lights, sign, signs and all utilities, including, but not limited to, water, sewers, meter boxes, mail boxes, telephones, gas and electricity and such other purposes as the Declarant, Cedar Creek Community Services Corporation, or the Association, their successors and assigns, may deem appropriate and consistent with the provisions of said Declarations as they now exist, or as they may from time to time be amended.

Tracts "A" and "B" shall be designated in their entirety as tree preservation easements and the tree preservations shall conform to the Cedar Creek Design Standards. Generally, the entire tract will be a tree preservation easement except in areas where selective clearing may occur for the construction of utilities or as allowed by the Cedar Creek Review Committee. Tracts "A" and "B" shall be owned and maintained by the Homes Association or their authorized representatives thereof and used for landscaping purposes.

The undersigned proprietor of said plat property shown on this plat hereby certifies that all prior existing easement rights on land to be dedicated for public use and public ways and thoroughfares running to any person, utility or corporation have been abolished except that same person, utility or corporation shall retain whatever easement rights they would have as if located in a public street.

The undersigned proprietor of the above described tract of land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on said dedicated public way or thoroughfare.

RESTRICTIONS:

The use of all lots, units and properties in this subdivision shall hereafter be subject to the Declarations, which instruments are to be recorded in the Office of the Registrar of Deeds of Johnson County, Kansas, as provided above, and which shall hereby become a part of the dedication of this plat as though set forth herein.

All on-site wiring and cables must be placed underground.
Sidewalks in cut-de-sacs will terminate at a driveway.

UTILITY NOTE:

All underground equipment shall be screened in accordance with the UDO.

FLOOD NOTE:

Property lies within ZONE X (Areas determined to be outside the 500 year annual chance floodplain) as shown on FIRM MAP # 2009IC0061G, revised August 3, 2009.

AIRPORT NOTE:

The Hidden Lake Estates subdivision is located in close proximity to the Cedar Air Park Airport and aircraft, including business jets, operating from the airport should be expected to overfly, be visible from and be heard from the property on a regular basis.

EXECUTION:

IN TESTIMONY WHEREOF, 30TH PLAT OF CEDAR CREEK, L.L.C., a Kansas limited liability company, by the authority of its Managing Member, has caused this instrument to be executed, this day of _____, 20____.

30TH PLAT OF CEDAR CREEK, L.L.C.

By: JOHN DUGGAN, Member

ACKNOWLEDGMENT:

STATE OF KANSAS
COUNTY OF JOHNSON

BE IT REMEMBERED that on this day of _____, 20____, before me, the undersigned, a Notary Public in and for said County of Kansas, came JOHN DUGGAN, Member of 30TH PLAT OF CEDAR CREEK, L.L.C., a Kansas limited liability company, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said company, and such duly acknowledged the execution of the same to be the act and deed of same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my notarial seal on the day and year last above written.

Notary Public

My Commission Expires: _____

Print Name

I HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED ON A FIELD SURVEY PERFORMED ON 1-2-2020. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.



Aaron T. Neuser - Land Surveyor
KSL LS-1429

APPROVALS:

APPROVED BY the Planning Commission of the City of Olathe, Johnson County, Kansas, this day of _____, 20____.

Chairman, C.S. VAKAS

APPROVED BY the Governing Body of the City of Olathe, Johnson County, Kansas, this day of _____, 20____.

Mayor, MICHAEL COPELAND

City Clerk, BRENDA D. LONG



ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
1400 West 107th Street • Lenexa, Kansas 66151
PH: (913) 492-5155 • Fax: (913) 492-8400 • WWW.SCHLAGELASSOCIATES.COM
Kansas State Certificate of Authority
#2-208 #A-239 #LS-534

DATE 4-30-2020
DRAWN BY ATX
CHECKED BY JMT
PROJ. NO. 20-034

FINAL PLAT OF
VILLAS AT HIDDEN LAKE
FIRST PLAT
SHEET NO. 1

LOT #	AREA (SF)	LOT #	AREA (SF)
1	8,815.71	31	9,446.36
2	8,400.00	32	10,948.11
3	8,400.00	33	9,438.12
4	8,477.24	34	9,468.52
5	8,775.31	35	9,708.94
6	12,992.68	36	9,893.73
7	12,605.91	37	10,790.00
8	9,078.54	38	9,100.00
9	9,100.58	39	9,100.00
10	10,875.12	40	9,100.00
11	11,728.89	41	10,313.70
12	11,056.72	42	13,904.33
13	12,744.71	43	12,017.79
14	14,128.88	44	9,404.42
15	11,678.01	45	10,057.82
16	16,296.53	46	13,134.26
17	13,892.91	47	10,824.44
18	10,662.14	TRACT "A"	36,216.48
19	13,815.51	TRACT "B"	108,896.93
20	12,975.87	TOTAL OF	
21	13,834.14	LOTS &	662,040.2
22	11,359.60	TRACTS	
23	8,505.19	R/W	199,789.22
24	8,851.27		
25	9,753.82		
26	11,601.44		
27	14,879.47		
28	10,036.33		
29	10,434.91		
30	9,270.81		

LOCATION MAP
SCALE 1" = 2000'

SECTION 8-13-23

CLARE RD

COLLEGE BLVD.

103RD ST.

BLUESTEM PKWY.

SW1/4 SE1/4

NE1/4

CEAR CREEK PKWY.

103RD ST.

104TH ST.

105TH ST.

106TH ST.

107TH ST.

108TH ST.

109TH ST.

110TH ST.

111TH ST.

112TH ST.

113TH ST.

114TH ST.

115TH ST.

116TH ST.

117TH ST.

118TH ST.

119TH ST.

120TH ST.

121ST ST.

122ND ST.

123RD ST.

124TH ST.

125TH ST.

126TH ST.

127TH ST.

128TH ST.

129TH ST.

130TH ST.

131ST ST.

132ND ST.

133RD ST.

134TH ST.

135TH ST.

136TH ST.

137TH ST.

138TH ST.

139TH ST.

140TH ST.

141ST ST.

142ND ST.

143RD ST.

144TH ST.

145TH ST.

146TH ST.

147TH ST.

148TH ST.

149TH ST.

150TH ST.



Planning Division

MINUTES**Planning Commission Meeting: June 29, 2020**

Application:	<u>FP20-0008</u>: Request approval for a final plat for Villas of Hidden Lake, First Plat containing forty-seven (47 lots and two (2) common tracts on 19.78± acres; located southeast of S. Bluestem Parkway and 107th Street.
---------------------	---

A motion to approve FP20-0008 was made by Comm. Nelson and seconded by Comm. Allenbrand, and passed with a vote of 5 to 0 with the following stipulations:

1. Prior to recording, a digital file of the final plat (PDF) must be submitted to the Planning Division.
2. A final stormwater management report meeting the requirements of Title 17 is required prior to recording of the final plat.
3. All new on-site wiring and cables must be placed underground.
4. Above ground electrical equipment and telephone cabinets must be placed in the rear yard.



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Kim Hollingsworth, Senior Planner

SUBJECT: FP20-0009: Cedar Ridge Reserve, Third Plat, Applicant: Tom Bickimer, Bickimer Construction, Inc.

ITEM DESCRIPTION:

Request for the acceptance of the dedication of land for public easements and right-of-way for a final plat of **Cedar Ridge Reserve, Third Plat** (FP20-0009) containing fourteen (14) lots and one (1) common tract on 6.14± acres; located northwest of College Boulevard and Woodland Road. Planning Commission approved the plat 5 to 0.

SUMMARY:

This a request for the acceptance of land for public easements and dedication of right-of-way for a final plat of Cedar Ridge Reserve, Third Plat. The approximately 6.14-acre subject property was rezoned to the R-1 (Residential Single-Family) District in August 2017. The final plat establishes lot lines for 14 single-family homes and one common tract.

Several easements including utility easements, sewer easements and tree preservation easements will be dedicated with this final plat. A line of mature trees along the west boundary that separates the subdivision from the school district property will be preserved. Additional street right-of-way for Race Street and Palisade Street will be dedicated with the final plat.

FINANCIAL IMPACT:

None

ACTION NEEDED:

1. Accept the dedication of land for public easements and right-of-way for the Cedar Ridge Reserve, Third Plat (FP20-0009).
 2. Reject the dedication of land for public easements and right-of-way and return the plat to the Planning Commission for further consideration with a statement specifying the basis for the Governing Body's failure to accept the dedication.
-

ATTACHMENT(S):

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



STAFF REPORT

Planning Commission Meeting: June 29, 2020

Application:	FP20-0009, Final Plat, Cedar Ridge Reserve, Third Plat		
Location:	Northwest of College Boulevard and Woodland Road		
Applicant/Owner:	Tom Bickimer, Bickimer Construction, Inc.		
Engineer:	Tim Tucker, Phelps Engineering, Inc.		
Staff Contact:	Kim Hollingsworth, AICP, Senior Planner		

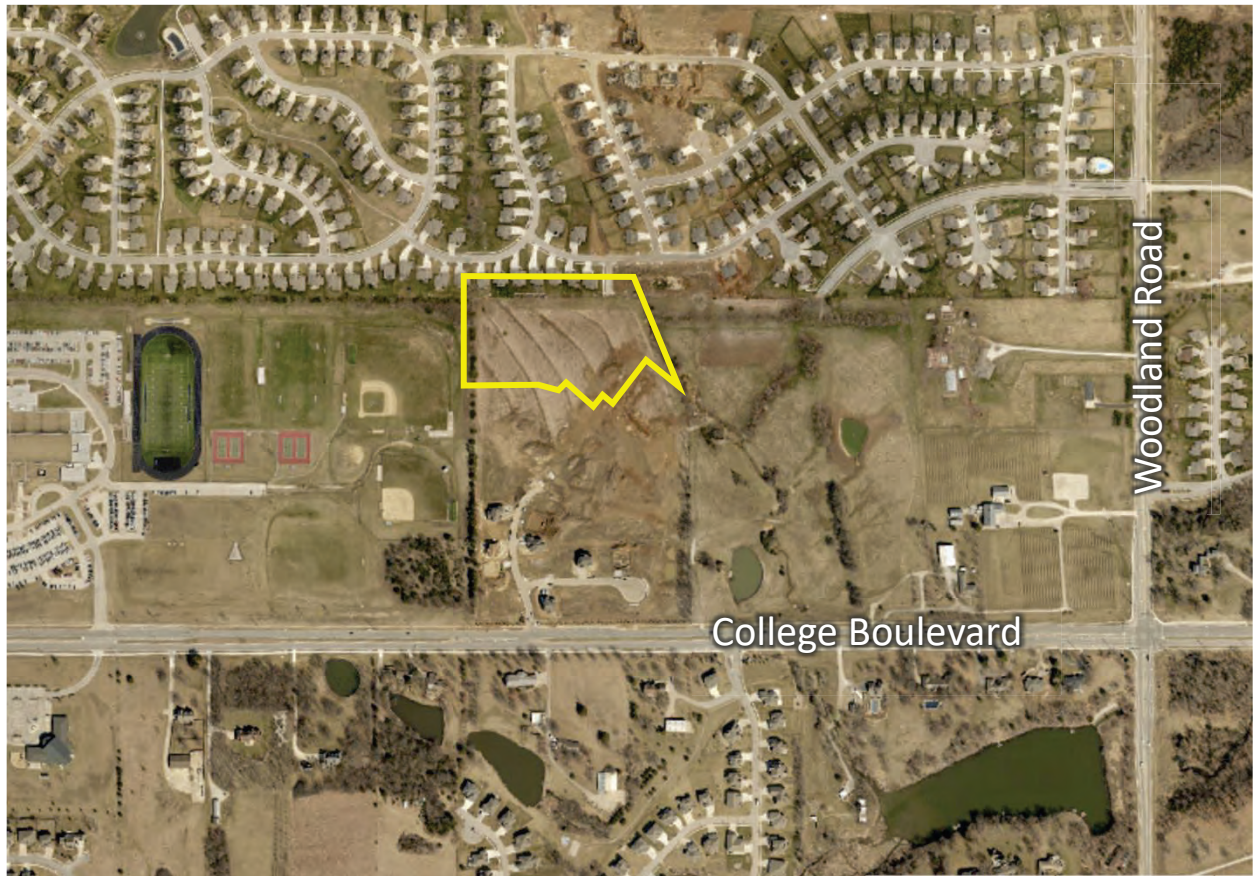
Site Area:	<u>6.14± acres</u>	Proposed Use:	<u>Residential, Single-Family</u>
Lots:	<u>14</u>	Current Zoning:	<u>R-1 (Residential Single-Family) District</u>
Tracts:	<u>1</u>		

1. Introduction:

The following item is a request for a final plat for the Cedar Ridge Reserve, Third Plat. This plat will establish lot lines, dedicate public easements, right-of-way and common tracts within the subdivision. The approximately 6.1-acre property was rezoned to the R-1 (Residential Single-Family) District and a preliminary plat was approved in August 2017 (RZ-17-008).

2. Plat Review:

- a. **Lots/Tracts** – The plat includes 14 lots and one common tract and is consistent with the layout of the preliminary plat. The single-family lots range in size from 10,080 to 18,708 square feet with an average lot size of 13,500 square feet and all lots exceed minimum UDO requirements for lot sizes. The common tract is intended to contain drainage areas, and open space that will be owned and maintained by the Homes Association.
- b. **Public Utilities** – The subject property is located within the WaterOne water and Johnson County Wastewater sewer service area. Several easements including Utility Easements (U/E), Sanitary Sewer Easements (S/E), and a Tree Preservation Easement (TP/E) will be dedicated with this final plat. A 100-foot wide powerline easement for Every extends along the eastern plat boundary.



Aerial View of the Subject Property

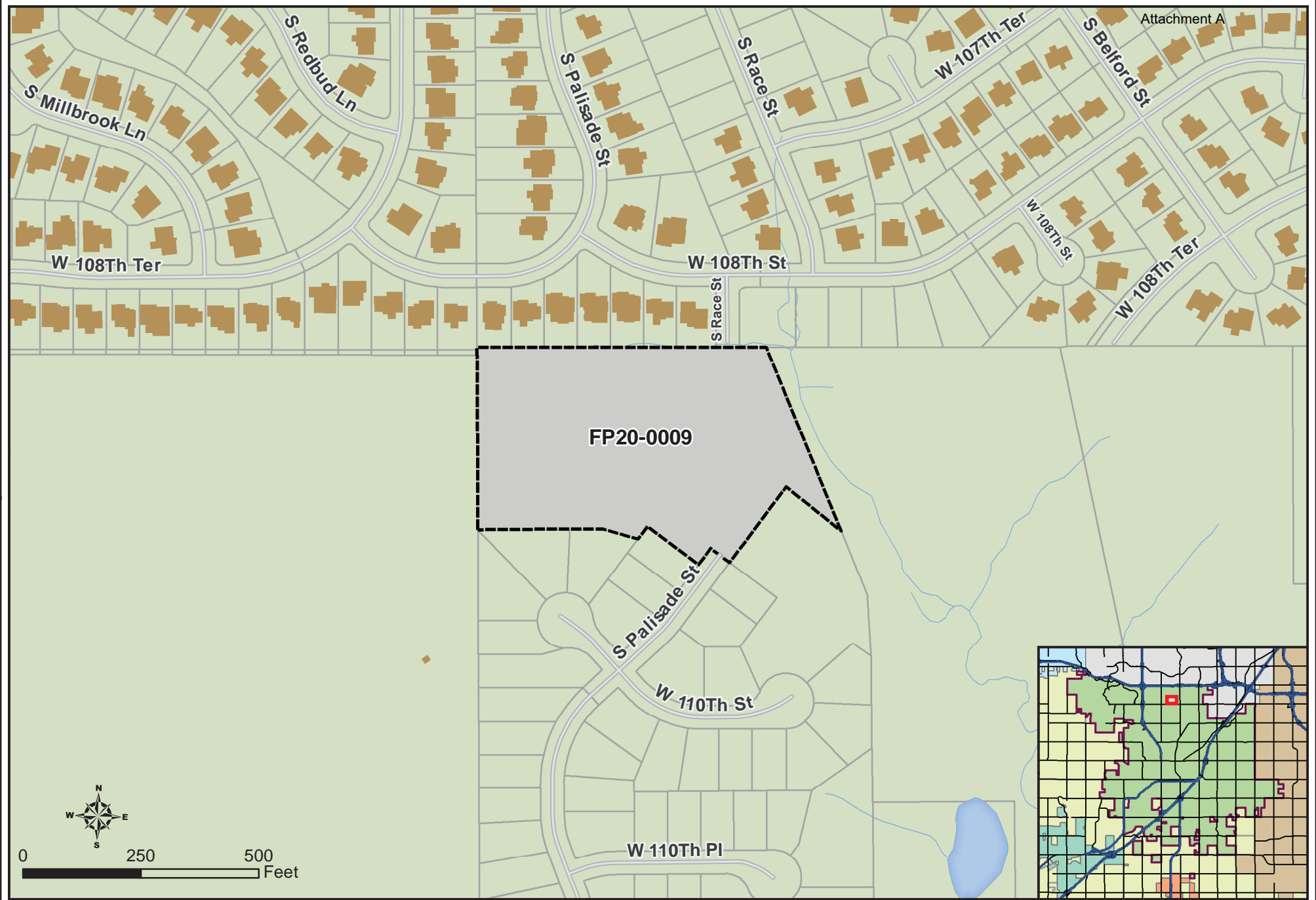
- c. **Streets/Right-of-Way** – Access to the third phase of Cedar Ridge Reserve will be provided primarily from Palisade Street. Additional right-of-way will be dedicated for Race Street which provides a connection to the Prairie Point and Woodland Manor subdivisions to the north. Sidewalks will be provided on one side of all local streets and on both sides of collector roadways within the platted area.
- d. **Stormwater/Detention** – The final plat will be required to meet Title 17 requirements and the HOA agreement regarding the maintenance of the stormwater quality BMP's must be provided to staff prior to recording of the plat.
- e. **Landscaping** – Street trees will be provided along all local and collector streets within the platted area. A tree preservation easement is dedicated along the west boundary of the plat to preserve a line of mature trees that separates the subdivision from the school district property to the west.

3. Staff Recommendation:

Staff recommends approval of FP20-0009 with the following stipulations:

1. Prior to recording, a digital file of the final plat (PDF) must be submitted to the Planning Division.

2. A copy of the HOA agreement that describes maintenance obligations of the post construction stormwater quality BMP's must be provided prior to recording of the final plat.
3. A street tree plan must be approved prior to recording the of the final plat in accordance with the requirements of UDO 18.30.130.
4. Tree preservation fencing must be installed around all Tree Preservation Easements in accordance with UDO 18.30.240.E.
5. All new on-site wiring and cables must be placed underground.
6. Above ground electrical equipment and telephone cabinets must be placed in the rear yard.



CEDAR RIDGE RESERVE, 3RD PLAT
FP20-0009

LEGAL DESCRIPTION
All that part of the Southeast Quarter of Section 11, Township 13 South, Range 23 East, in the City of Olathe, Johnson County, Kansas,
being more particularly described as follows:

Commencing at the Southwest corner of the Southeast Quarter of said Section 11; thence N 27°17'47" W, along the West line of the Southeast Quarter of said Section 11 and along the West plot line of CEDAR RIDGE RESERVE and CEDAR RIDGE RESERVE, SECOND PLAT, a distance of 685.82 feet to a point of beginning; thence continuing N 27°17'47" W, along the West line of the Southeast Quarter of said Section 11 and along the West plot line of CEDAR RIDGE RESERVE, SECOND PLAT, a distance of 359.90 feet to the Southwest corner of PRAIRIE POINT, FIFTH PLAT, a distance of 359.90 feet to the Northwest corner of PRAIRIE POINT, FIFTH PLAT, a distance of 359.90 feet to the North corner of said CEDAR RIDGE RESERVE, SECOND PLAT; thence along the Northernly plot line of said CEDAR RIDGE RESERVE, SECOND PLAT, a distance of 359.90 feet to the Northeast corner of said CEDAR RIDGE RESERVE, SECOND PLAT; thence S 50°04'58" W, a distance of 50.00 feet; thence S 34°50'52" W, a distance of 43.36 feet; thence N 50°04'58" W, a distance of 135.00 feet; thence S 34°50'52" W, a distance of 33.10 feet; thence N 78°54'31" W, a distance of 76.53 feet; thence S 87°42'41" W, a distance of 135.00 feet to the starting point.

The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "CEDAR RIDGE RESERVE, THIRD PLAT".

DEDICATION

The undersigned proprietors of said property shown on this plat to hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on this plat as streets, terraces, places, roads, drives, lanes, parkways, avenues and alleys not heretofore dedicated. Where prior easement rights have been granted to any person, utility or corporation on said parts of the land so dedicated, and any poles, lines, poles and wires, conduits, or telephones installed thereupon and thereon are required to be relocated, in accordance with proposed improvements as now set forth, the undersigned proprietors hereby observe and agree to relocate the same to the satisfaction of the Board of Commissioners of the County of Johnson County, Kansas, from any expense incident to the relocation of any such existing utility installations with said prior easements.

An easement or license is hereby dedicated to the City of Olathe to enter upon, over and across those areas outlined and designated on this plat as "Tree Preservation Easement" or "TPE". Trees shall not be removed from a tree preservation easement without the City of Olathe's permission, unless such trees are dead, diseased or pose a threat to the public or adjacent property. The developer and/or the homes association shall be responsible for the maintenance of the tree preservation easement, including but not limited to the removal of dead or diseased trees or trees posing a threat to the public or adjacent property.

An easement or license to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sewage waters, together with the right of ingress and egress over and through those areas designated as "Sanitary Sewer Easement" or "S/E" on this plat, together with the right of ingress and egress over and through adjoining land as may be reasonably necessary to access said easement and is hereby dedicated to the Consolidated Main Sewer District of Johnson County, Kansas or their assigns. Alteration of land contours will be permitted only with the express written approval of JCW. Any placing of impeding objects or trees on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation thereof.

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of surface drainage facilities, including manholes, inlets, pipes, drains, etc., upon, over, and under those areas outlined hereon and designated on this plat as "D/E" or "Drainage Easement".

An easement or license is hereby granted to the City of Olathe, Johnson County, Kansas, to locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, pipes, poles, wires, surface drainage facilities, ducts cables, etc., upon, over and under those areas outlined hereon and designated on this plot as "U/E" or "Utility Easement".

Tract "E" shall be owned and maintained by the CEDAR RIDGE RESERVE Homes Association. Said tract is intended to be used for storm water detention and storm water quality BMP's.

CONSENT TO LEVY

The undersigned proprietors of the above described land hereby agree and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Olathe, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public way or thoroughfare.

EXECUTION

IN TESTIMONY WHEREOF, undersigned proprietors has caused this instrument to be executed on this _____ day of _____, 20____.

By: _____
Tom Bickimer, President

ACKNOWLEDGEMENT

STATE OF KANSAS)
) ss.

COUNTY OF JOHNSON)
) ss

BE IT REMEMBERED that on the _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said County and State, came Tom Bickimer of Bickimer Construction, Inc., a Kansas Corporation, who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said corporation, and such person duly

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: _____ My Appointment Expires: _____

Print Name: _____

APPROVALS

Approved by the Planning Commission of the City of Olathe, Johnson County, Kansas, this _____ day of _____, 20_____.

Chairman: C.S. Vakas

Approved by the Governing Body of the City of Olathe, Kansas, this _____ day of _____, 20_____.

Mayor: Michael E. Copeland

I, THOMAS D. PHELPS, HEREBY CERTIFY THAT IN JANUARY 2019, I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE

ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY
ARE CORRECTLY REPRESENTED ON THIS PLAT.



THOMAS GEORGE PHELPS
LICENSED
10456
STATE OF NEW YORK
MECHANICAL ENGINEERING

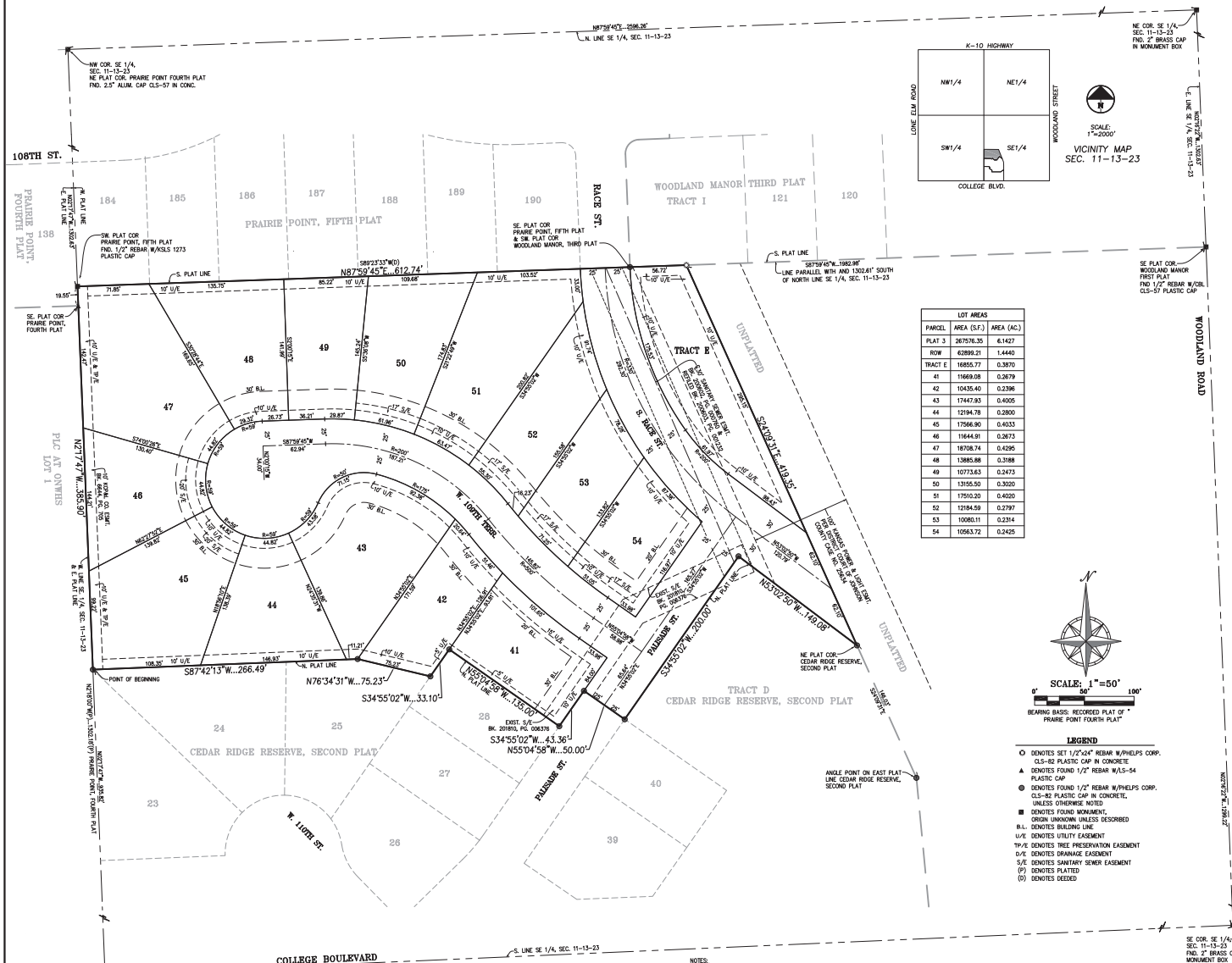
CERTIFICATE OF AUTHORIZATION

PLANNING

PHELPS ENGINEERING, INC.
1210 N. Winchester

BY: LS-1076
THOMAS D. PHILIPS, JR. LS-1076
ENGINEERING - E-301


 CERTIFICATE OF AUTHORIZATION
 MISSOURI
 LAND SURVEYING-2007001128
 ENGINEERING-2007000608

[illegible]



Planning Division

MINUTES**Planning Commission Meeting: June 29, 2020**

Application:	<u>FP20-0009</u> : Request approval for a final plat for Cedar Ridge Reserve, Third Plat containing fourteen (14) lots and one (1) common tract on 6.14± acres; located in the vicinity of College Boulevard and Woodland Road.
---------------------	---

A motion to approve FP20-0008 was made by Comm. Nelson and seconded by Comm. Allenbrand, and passed with a vote of 5 to 0 with the following stipulations:

1. Prior to recording, a digital file of the final plat (PDF) must be submitted to the Planning Division.
2. A copy of the HOA agreement that describes maintenance obligations of the post construction stormwater quality BMP's must be provided prior to recording of the final plat.
3. A street tree plan must be approved prior to recording the of the final plat according to the requirements of UDO 18.30.130.
4. Tree preservation fencing must be installed around all Tree Preservation Easements in accordance with UDO 18.30.240.E.
5. All new on-site wiring and cables must be placed underground.
6. Above ground electrical equipment and telephone cabinets must be placed in the rear yard.



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Public Works

STAFF CONTACT: Mary Jaeger / Beth Wright

SUBJECT: Consideration of Consent Calendar

ITEM DESCRIPTION:

Consideration of Consent Calendar.

SUMMARY:

Consent Calendar consists of Project Completion Certificates, Change Orders and Final Pay Estimates for Public Works projects.

FINANCIAL IMPACT:

N/A

ACTION NEEDED:

Approve Consent Calendar for July 7, 2020.

ATTACHMENT(S):

- A. Consent Calendar

City Council Information Sheet

Date: July 7, 2020

ISSUE: Consent Calendar for: July 7, 2020

DEPARTMENT: Public Works

SUMMARY:

1) PROJECT COMPLETION CERTIFICATES

- a) Stonecreek Village Second Plat – 1-D-004-10 – Sanitary Sewer
- b) Olathe Commerce Park – 3-D-027-18 – Storm Sewers
- c) Olathe Commerce Park – 3-D-027-18 – Street

2) CHANGE ORDERS

- a) None

3) FINAL PAYMENT TO CONTRACTORS

- a) None

Submitted by: Mary Jaeger, Director / Beth Wright, Deputy Director



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Public Works

STAFF CONTACT: Mary Jaeger / Beth Wright

SUBJECT: Grant agreement with USDOT to fund the construction and inspection of the I-35 & 119th Street Interchange Reconfiguration Project, PN 3-C-026-16.

ITEM DESCRIPTION:

Consideration of Grant Agreement under the Fiscal Year 2019 BUILD Transportation Grants Program (BUILD) between the City of Olathe and the United States Department of Transportation (USDOT) for the construction and construction engineering of the I-35 and 119th Street Interchange Reconfiguration Project, PN 3-C-026-16.

SUMMARY:

The I-35 & 119th Street interchange carries over 50,000 vehicles per day and is heavily congested in the AM and PM peak hour. This project will include the reconfiguration of the existing 119th Street bridge over I-35 from its current layout to a diverging diamond interchange (DDI). Also included in the project will be the construction of three through lanes from Renner Boulevard to Strang Line Road, the widening of the bridges over BNSF to accommodate the additional lanes, geometric improvements at Renner Boulevard and upgrades to the pedestrian facilities in the area.

This agreement is a three-party agreement that defines the responsibilities of the City of Olathe, the Kansas Department of Transportation (KDOT) and the USDOT as it relates to the BUILD Grant and the construction of the I-35 and 119th Street Interchange Reconfiguration Project. The agreement provides BUILD Grant funding for 51% of the eligible costs of construction and construction engineering up to a maximum of \$10,000,000.

This project has also been awarded \$5,000,000 in Cost Share funds from KDOT.

This project is currently in the final design, land acquisition and utility relocation phases. Construction is tentatively scheduled to begin by the end of 2020 with completion in early 2022.

FINANCIAL IMPACT:

Funding for the I-35 & 119th Street Interchange Reconfiguration Project includes:

General Obligation Bonds	\$13,000,000
Kansas Department of Transportation	\$ 5,000,000
<u>BUILD Transportation Discretionary Grant</u>	<u>\$10,000,000</u>
Total	\$28,000,000

ACTION NEEDED:

Approval of Grant Agreement under the Fiscal Year 2019 BUILD Transportation Grants Program

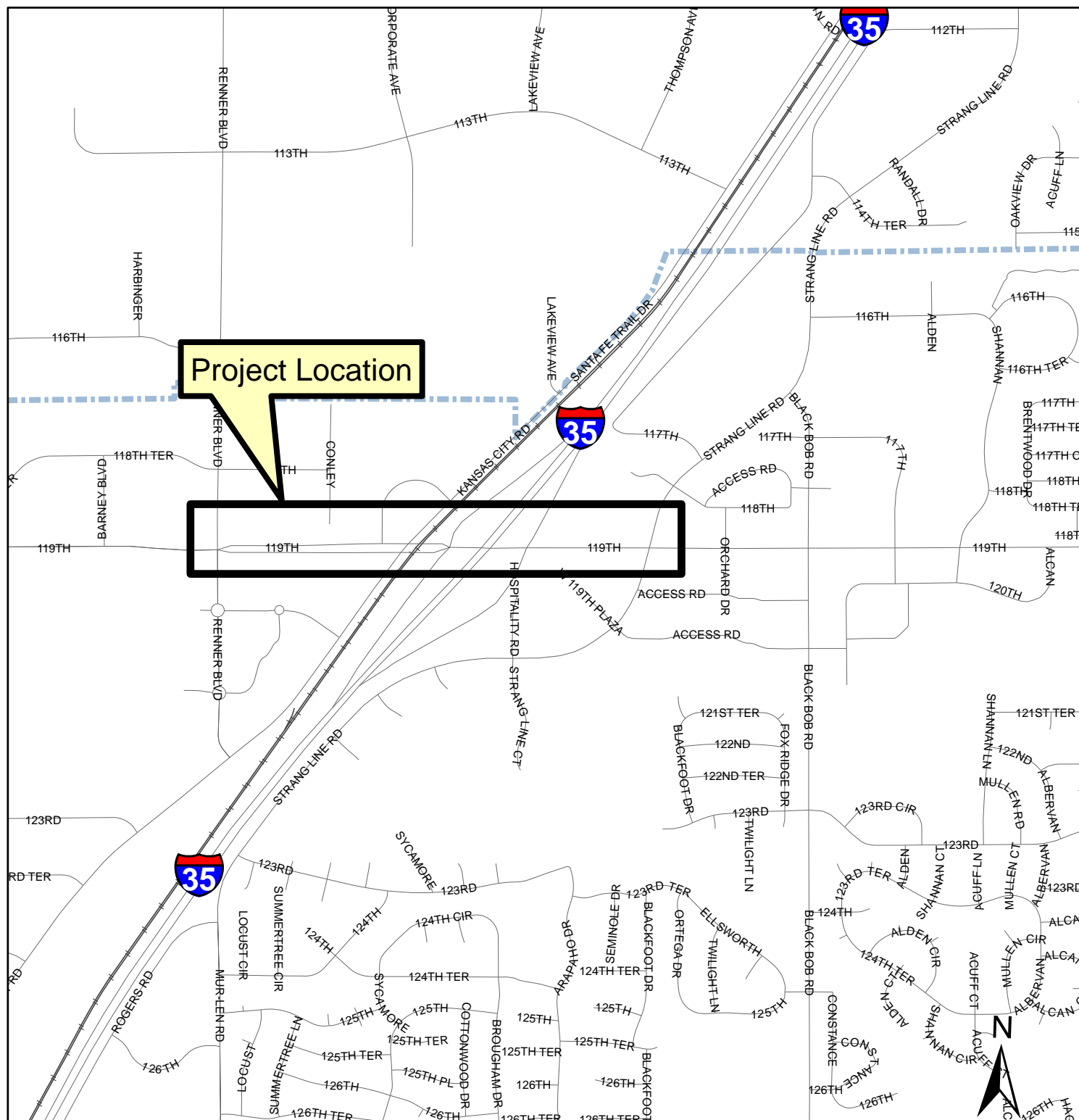
MEETING DATE: 7/7/2020

(BUILD) between the City of Olathe and the United States Department of Transportation (USDOT) for the construction and construction engineering of the I-35 and 119th Street Interchange Reconfiguration Project, PN 3-C-026-16.

ATTACHMENT(S):

- A. Project Location Map
- B. Project Fact Sheet
- C. Grant Agreement

Interstate 35 and 119th Street Interchange Reconfiguration Project PN 3-C-026-16 Project Location Map





Project Fact Sheet
Interstate 35 and 119th Street Interchange
Reconfiguration Project
3-C-026-16
July 7, 2020

Project Manager: Beth Wright / Therese Vink

Description: This project will include the re-configuration of the I-35 and 119th Street interchange to a diverging diamond interchange and the widening of, and associated improvements to, 119th Street between Renner Road and Strang Line Road. These improvements will include multi-modal improvements to accommodate pedestrian traffic and widening of the existing bridge over the BNSF railroad.

Justification: This project is needed to address the additional capacity needs in the area.

Comments: This project has been awarded \$10,000,000 in BUILD Grant funding along with \$5,000,000 in KDOT funding for construction in 2021/2022.

Schedule:	Item	Date
Design:	RFQ	05/13/2016
	Consultant Selection	09/06/2016
	BUILD Grant Application	07/2019
Land Acquisition		Summer 2020 - Tentative
Utility Relocation		Fall/Winter 2020 – Tentative
Construction	Bid Award	Winter 2020 - Tentative
	Completion	Spring 2022 - Tentative
Council Actions:	Date	Amount
Approved in CIP	2016-2020	\$1,500,000
Report on the Prelim Eng.	03/15/2016	N/A
Project Authorization	04/05/2016	\$1,500,000
PSA with HNTB	09/06/2016	\$561,100
Supp. No 1 with HNTB	01/09/2018	\$903,475
Project Authorization	11/06/2018	\$3,250,000
Supp. No 2 with HNTB	11/06/2018	\$997,200
Project Authorization	06/18/2019	\$28,000,000
Aesthetics Presentation	02/18/2020	N/A
Land Acquisition	03/17/2020	\$278,094
Supp. No. 4 with HNTB	03/17/2020	\$656,553
Construction Phasing Presentation	04/07/2020	N/A
Land Acquisition	04/07/2020	\$4,061,394
Land Acquisition	05/19/2020	\$188,750
KDOT City-State Agreement	06/16/2020	\$5,000,000
BUILD Grant Agreement	07/07/2020	\$10,000,000
Utility Relocation and Reimbursement Agreements		
Supp with HNTB for CE		
Accept Bid/Award Contract		
Funding Sources:	Amount	CIP Year

GO Bonds	\$13,000,000	2022
KDOT	\$ 5,000,000	2021
BUILD Grant	\$10,000,000	2021/2022
Expenditures:	Budget	Amount to Date
Staff	\$ 335,000	\$ 42,353
Design	\$ 3,100,000	\$2,899,926
Utilities	\$ 600,000	\$ 0
Land Acquisition	\$ 4,400,000	\$ 213,145
Construction	\$17,265,000	\$ 0
Construction Inspection	\$ 800,000	\$ 0
Other Project Costs	\$ 200,000	\$ 10,260
<u>Contingency</u>	<u>\$ 1,300,000</u>	<u>\$ 0</u>
Total	\$28,000,000	\$3,165,684

U.S. DEPARTMENT OF TRANSPORTATION
GRANT AGREEMENT UNDER THE
FISCAL YEAR 2019 BUILD TRANSPORTATION GRANTS PROGRAM

This agreement is between the United States Department of Transportation (the “**USDOT**”), the Kansas Department of Transportation (the “**Recipient**”), and the City of Olathe, KS (the “**First-Tier Subrecipient**”).

This agreement reflects the selection of the First-Tier Subrecipient to receive a BUILD Grant for the Interstate 35 & 119th Street Interchange Reconfiguration Project.

The parties want the First-Tier Subrecipient to carry out the project with the Recipient’s assistance and oversight.

The parties therefore agree to the following:

Article 1
GENERAL TERMS AND CONDITIONS

1.1 General Terms and Conditions.

- (a) In this agreement, “**General Terms and Conditions**” means the content of the document titled “General Terms and Conditions Under The Fiscal Year 2019 BUILD Transportation Grants Program: FHWA Projects,” dated December 17, 2019, which is available at <http://go.usa.gov/xpuYy>. Articles 8 – 24 are in the General Terms and Conditions. The General Terms and Conditions are part of this agreement.
- (b) The Recipient states that it has knowledge of the General Terms and Conditions.
- (c) The Recipient acknowledges that the General Terms and Conditions impose obligations on the Recipient and that the Recipient’s non-compliance with the General Terms and Conditions may result in remedial action, terminating of the BUILD Grant, disallowing costs incurred for the Project, requiring the Recipient to refund to the USDOT the BUILD Grant, and reporting the non-compliance in the Federal-government-wide integrity and performance system.

Article 2

APPLICATION, PROJECT, AND AWARD

2.1 Application. The application for funding was dated July 12, 2019, and titled “Interstate 35 & 119th Street Interchange Reconfiguration Project.” It contained Standard Form 424 and all information and attachments submitted with that form through Grants.gov.

2.2 Project. In this agreement, the “**Project**” means the project proposed in the application identified in section 2.1 as modified by the negotiated provisions of this agreement, including article 3 and attachments A-E.

2.3 Federal Award and Federal Obligation.

The USDOT hereby awards a BUILD Grant to the Recipient in the amount of \$10,000,000 and obligates that amount for the budget period.

2.4 Award Dates.

Budget Period End Date:	December 31, 2022
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Period of Performance End Date:	December 31, 2022
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Estimated Closeout Date:	December 31, 2023
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2.5 Urban or Rural Designation. The USDOT hereby designates this to be an award to a project in an urban area.

2.6 Federal Award Identification Number. The Federal Award Identification Number will be generated when the FHWA Division authorizes the project in FMIS. The Recipient acknowledges that it has access to FMIS and can retrieve the FAIN from FMIS

Article 3

SUMMARY PROJECT INFORMATION

3.1 Summary of Project’s Statement of Work. (See Attachment A for additional details).

The Project will construct a diverging-diamond interchange, make intersection improvements adjacent to the interchange, add travel lanes on 119th Street, and add additional turn lanes on I-35 exit ramps.

3.2 Project's Estimated Schedule.

Milestone	Schedule Date
Actual NEPA Completion Date	May 7, 2019
Planned Plan, Specification, & Estimate (PS&E) Approval Date:	July 1, 2020
Planned Construction Start Date:	November 1, 2020
Planned Construction Substantial Completion and Open to Traffic Date:	May 17, 2022

3.3 Project's Estimated Budget. (See Attachment B for additional details).

Eligible Project Costs	
BUILD Grant Amount:	\$10,000,000
State Funds ¹ :	\$5,000,000
Local Funds ² :	\$4,650,000
Total Eligible Project Cost:	\$19,650,000
¹ State Transportation Improvement Plan (STIP)	
² General Obligation Bonds	

Article 4 CRITICAL MILESTONE DEADLINES

4.1 Critical Milestone Deadlines.

Milestone	Deadline Date
Railroad coordination agreement with Burlington Northern Santa Fe Railroad (BNSF)	July 15, 2020
Begin Construction	January 1, 2021
USDOT receives first reimbursement request	February 11, 2021

Milestone	Deadline Date
Construction substantially completed and project opens to traffic	May 17, 2022

Article 5 PARTY INFORMATION

5.1 Recipient's Unique Entity Identifier.

Recipient's Unique Entity Identifier:
DUNS No. of Kansas Department of Transportation: 126298996

5.2 Recipient Contact(s).

Hugh Bogle, PE
Local Road Engineer
Kansas Department of Transportation
507 North Maple Street
Garnett, KS 66032
785.207.8052
Hugh.Bogle@ks.gov

Therese Vink, PE
Sr. Project Manager
City of Olathe, KS
1385 S Robinson Drive
Olathe, KS 66061
913-971-9032
tmersmann@olatheks.org

5.3 Recipient Key Personnel.

Hugh Bogle, PE
Local Road Engineer
Kansas Department of Transportation
507 North Maple Street
Garnett, KS 66032
785.207.8052
Hugh.Bogle@ks.gov

Therese Vink, PE
Sr. Project Manager
City of Olathe, KS
1385 S Robinson Drive

Olathe, KS 66061
913-971-9032
tmersmann@olatheks.org

5.4 USDOT Project Contact(s).

Ed Thornton, P.E.
Programs and Processes Coordinator
FHWA Kansas Division Office
6111 SW 29th Street, Suite 100
Topeka, KS 66614
785.273.2646
Edward.thornton@dot.gov

**Article 6
USDOT ADMINISTRATIVE INFORMATION**

6.1 Payment System.

USDOT Payment System: FMIS

6.2 Office for Subaward and Contract Authorization.

USDOT Office for Subaward and Contract Authorization: FHWA Kansas Division

**Article 7
SPECIAL GRANT TERMS**

7.1 Subaward to First-Tier Subrecipient.

- (a) The Recipient hereby awards a subaward to the First-Tier Subrecipient for the purpose described in section 8.1.
- (b) The Recipient and the First-Tier Subrecipient may enter into a separate agreement, to which the USDOT is not a party, assigning responsibilities, including administrative and oversight responsibilities, among the Recipient and the First-Tier Subrecipient.
- (c) For the purpose of 2 C.F.R. parts 200 and 1201, the Recipient is a pass-through entity.

7.2 First-Tier Subrecipient Statements and Responsibilities.

- (a) The First-Tier Subrecipient affirms all statements and acknowledgments that are attributed to the Recipient under sections 10.1 and 10.2.

- (b) The First-Tier Subrecipient assumes the Recipient's reporting obligations under articles 14 and 15.

7.3 State Oversight Responsibilities. For the purpose of 23 U.S.C. 106(g), the Recipient shall act as if funds under this award are Federal funds under title 23, United States Code.

7.4 Railroad Agreement. As a condition of this Project, the Recipient will have a written standard railroad coordination agreement with Burlington Northern Santa Fe Railroad (BNSF) for work and operation within the BNSF right-of-way no later than July 15, 2020.

.

ATTACHMENT A STATEMENT OF WORK

The Project will construct a diverging-diamond interchange, make intersection improvements adjacent to the interchange, add travel lanes on 119th Street, and additional turn lanes on I-35 exit ramps.

Major Project Activities

- Construct a Diverging Diamond Interchange
- Provide three through lanes in each direction along 119th Street from Renner Road to Strang Line Road
- Modify the 119th Street bridges over I-35 and widen the bridges over the BNSF Railway;
- Add lanes and lengthen the left and right turn lanes of the I-35 exit ramps per traffic analysis;
- Construct a westbound right turn lane and southbound right turn lane at the 119th Street and Renner Road intersection; and
- Implement minor reconfigurations on 119th Street from Renner Road to Strang Line Road.
- Construction Engineering and Inspection

ATTACHMENT B ESTIMATED PROJECT BUDGET

1. Supplementary Fund Source Table(s)

The following tables supplement the budget information in section 3.3.

Non-BUILD Previously Incurred Costs	
Local Funds:	\$5,750,000
Total:	\$5,750,000

Eligible Costs	
BUILD Funds:	\$10,000,000
State Funds:	\$5,000,000
Local Funds:	\$4,650,000
Total:	\$19,650,000

2. Cost Classification Table

Cost Classification	Total Costs	Non-BUILD Previously Incurred Costs	Eligible Costs
Administrative and legal expenses	\$150,000	\$150,000	
Land, structures, rights-of-way, appraisals, etc.	\$4,600,000	\$4,600,000	
Relocation expenses and payments	\$400,000	\$400,000	
Architectural and engineering fees	\$600,000	\$600,000	
Construction Engineering/Project inspection fees/Administration during Construction	\$900,000		\$900,000
Construction	\$18,275,000		\$18,275,000
Contingency	\$475,000		\$475,000
Project Total	\$25,400,000	\$5,750,000	\$19,650,000

ATTACHMENT C PERFORMANCE MEASUREMENT TABLE

Study Area: 119th Street between Renner Boulevard and Strang Line Road.

Pre-project Measurement Date: Oct. 1, 2020

Pre-project Report Date: Jan. 2, 2021

Project Outcomes Report Date: May 17, 2026

Table 1: Performance Measurement Table

Measure	Description and Category of Measure	Measurement Period	Reporting Period
Auto Crash Rates by Type/Severity	<p style="text-align: center;">Safety</p> <p>Crash rates will be measured and reported as crashes per 100 million VMT and identified by the following severity categories: fatal, injury, and property-damage-only (PDO) crashes</p>	<p>Baseline Measurement:</p> <p>Annual average, accurate as of the Pre-project Measurement Date</p> <p>Post-construction Performance Measures:</p> <p>Accurate as of May 17, 2022</p> <p>May 17, 2023</p> <p>May 17, 2024</p>	<p>Baseline Measurement:</p> <p>Pre-project Report Date</p> <p>Post-construction Performance Measures:</p> <p>For a period of 3 years, beginning Report Due:</p> <p>July 1, 2023</p> <p>July 1, 2024</p> <p>July 1, 2025</p>
Travel Time Savings	<p>Economic Competitiveness</p> <p>Travel time savings for traffic measured during peak and off-peak periods as defined by the project study area.</p>	<p>Baseline Measurement:</p> <p>Annual average, accurate as of the Pre-project Measurement Date</p>	<p>Baseline Measurement:</p> <p>Pre-project Report Date</p> <p>Post-construction Performance Measures:</p> <p>For a period of 3 years, beginning</p>

Measure	Description and Category of Measure	Measurement Period	Reporting Period
		Post-construction Performance Measures: Accurate as of May 17, 2022 May 17, 2023 May 17, 2024	Report Due: July 1, 2023 July 1, 2024 July 1, 2025

ATTACHMENT D MATERIAL CHANGES FROM APPLICATION

Scope: No changes

Schedule: No changes

Budget: The budget presented in the grant application included costs that have been incurred since the time of application, which are non-participating costs for the BUILD grant project. These costs have reduced the total eligible project cost from \$25,400,000 to \$19,650,000.

ELIGIBLE COSTS:

- The amount of Construction Engineering and Inspection has decreased from \$1,115,000 in the application to \$900,000 in the agreement.
- The construction costs listed in the application are \$18,750,000. This has been broken down in the Costs Classification table in Attachment B to \$18,275,000 in construction costs and \$475,000 in contingency.

The table below provides a summary comparison of the Project budget.

Fund Source	Application		Current Budget ¹	
	\$	%	\$	%
Total Project Cost	25,400,000	100	25,400,000	
Non-BUILD Previously Incurred Cost	5,750,000	23	5,750,000	N/A
Federal Funds	\$0		0	
Non-Federal Funds	5,750,000	23	5,750,000	N/A
Total Eligible Project Cost	19,650,000	77	19,650,000	100
BUILD Funds	10,000,000	39	10,000,000	51
Other Federal Funds				
Non-Federal Funds	9,650,000	38	9,650,000	49

¹Represented in 3.3 and Appendix B.

ATTACHMENT E
APPROVED PRE-AWARD COSTS

None. The USDOT has not approved under this award any costs incurred under an advanced construction authorization (23 U.S.C. 115), any costs incurred prior to authorization (23 C.F.R. 1.9(b)), or any pre-award costs under 2 C.F.R. 200.458. Because unapproved costs incurred before the date of this agreement are not allowable costs under this award, the USDOT will neither reimburse those costs under this award nor consider them as a non-Federal cost sharing contribution to this award. Costs incurred before the date of this agreement are allowable costs under this award only if approved in writing by USDOT before being included the project costs and documented in this Attachment E. See section 19.2(b).

RECIPIENT SIGNATURE PAGE

The Recipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

Kansas Department of Transportation

Date

By:

Signature of Recipient's Authorized Representative

Julie L. Lorenz

Name

Secretary of Transportation

Title

FIRST-TIER SUBRECIPIENT SIGNATURE PAGE

The First-Tier Subrecipient, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

City of Olathe, Kansas

Date

By:

Signature of First-Tier Subrecipient's Authorized Representative

Michael Copeland

Name

Mayor

Title

USDOT SIGNATURE PAGE

The USDOT, intending to be legally bound, is signing this agreement on the date stated opposite that party's signature.

UNITED STATES DEPARTMENT OF TRANSPORTATION

_____	By: _____
Date	Signature of Recipient's Authorized Representative
	Richard Backlund

	Name
	Division Administrator

	Title



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Resource Management

STAFF CONTACT: Michael Meadors/Bob Reynolds/Amy Tharnish

SUBJECT: Consideration of renewal of contract with Constellation NewEnergy - Gas Division, LLC for natural gas.

ITEM DESCRIPTION:

Consideration of renewal of contract with Constellation NewEnergy - Gas Division, LLC for natural gas.

SUMMARY:

The City of Olathe joined the Greenbush Consortium in 2011 to reduce the cost of natural gas by leveraging multiple entities for volume discounts. Greenbush Energy Group solicits and negotiates the annual contract on behalf of the participating schools and local governments. Participation with Greenbush Energy Group provides cooperative buying power, market analysis, and regulatory advocacy to the City of Olathe. Natural gas is used primarily as fuel to support City facility needs (ex. furnaces and boilers).

The fee for natural gas with Greenbush Energy Group is based on the Southern Star Central Gas Pipeline Inc., Texas, Oklahoma, Kansas index plus 0.35 for all required volumes, plus applicable fuel and taxes.

The Greenbush Energy Group has renewed the agreement with Constellation NewEnergy - Gas Division, LLC for a one (1) year period. Staff recommends the renewal of the contract with Constellation NewEnergy - Gas Division, LLC for natural gas transportation for one (1) year through June 30, 2021.

No Olathe vendors can provide this service.

FINANCIAL IMPACT:

Estimated expenditures is \$155,000 and funded from respective Department budgets.

ACTION NEEDED:

Renewal of contract with Constellation NewEnergy - Gas Division, LLC for natural gas.

ATTACHMENT(S):

None



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Resource Management

STAFF CONTACT: Mary Jaeger/Amy Tharnish

SUBJECT: Consideration of acceptance of contract with Central Salt, LLC for the purchase of rock salt for snow and ice removal for the Public Works Department.

ITEM DESCRIPTION:

Consideration of acceptance of contract with Central Salt, LLC for the purchase of rock salt for snow and ice removal for the Public Works Department.

SUMMARY:

In the Spring of 2020, the City of Overland Park, Kansas acted as lead agency on a cooperative bid. Participating entities in this cooperative effort include the City of Overland Park, City of Lenexa, City of Leawood, City of Mission, City of Shawnee, City of Roeland Park, Johnson County, Blue Valley School District and the City of Olathe.

Overland Park awarded the bid to Central Salt, LLC. for a contract term of one (1) year, with up to two (2) additional one (1) year terms.

Rock salt products are used by the Street Maintenance Section of Public Works for winter snow and ice control on City streets.

Staff recommends award of contract with Central Salt.

No Olathe vendors supply rock salt.

FINANCIAL IMPACT:

\$250,000.00 to be paid from the Field Operations operating budget.

ACTION NEEDED:

Acceptance of contract with Central Salt, LLC.

ATTACHMENT(S):

Bid Tabulation

Bid Tabulation

ROCK SALT

2020 Maintenance Budget

Bidder	Bid Submittals	Variances	Uncoated Material & Delivery Cost per Ton	Uncoated Material Only Cost per Ton	Coated Material & Delivery Cost per Ton	Coated Material Only Cost per Ton
Central Salt LLC 1420 State Hwy 14 Lyons, KS 67554	Yes	No	\$48.14	\$45.00	\$85.13	\$65.00
Independent Salt Company PO Box 36 Kanopolis, KS 67454	Yes	No	\$56.83	No Bid	No Bid	No Bid
Compass Minerals 9000 W. 109 th St., Suite100 Overland Park, KS 66210	N/A	N/A	No Bid	No Bid	No Bid	No Bid

Comments: Public Works Committee May 27, 2020
Council June 1, 2020

Bid Opening – Tuesday, May 12, 2020



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Resource Management

STAFF CONTACT: Mary Jaeger/Amy Tharnish

SUBJECT: Consideration of renewal of contract with Five-Star Trucking, LLC for the rental of tandem trucks with operators for the Field Operations Division of Public Works.

ITEM DESCRIPTION:

Consideration of renewal of contract with Five-Star Trucking, LLC for the rental of tandem trucks with operators for the Field Operations Division of Public Works.

SUMMARY: On May 24, 2018, one (1) bid was received for the rental of tandem axle dump trucks, with operators, to haul asphalt, asphalt millings and concrete breakout for the Street Maintenance Section of Public Works.

Trucking services are utilized for full depth asphalt base repair that is completed by the Street Maintenance Section of Public Works. Each year the full depth asphalt base repair is completed by city crews prior to the contracted Local & Collector Mill and Overlay Project.

To keep the flow of millings and asphalt from the plant to the job site, additional trucks are necessary to minimize down time crews would spend waiting on asphalt material and returning trucks. This allows for increased productivity to efficiently complete the number of lane miles required by this type of construction each year.

Five Star Trucking, LLC successfully performed this contract during the 2019 construction season and has agreed to a contract renewal with no price increase for 2020.

Staff recommends renewal of contract to Five Star Trucking for a one (1) year term, with the option of two (2) additional one (1) year terms.

FINANCIAL IMPACT:

\$100,000 in 2020 to be paid from the Local and Collector Mill and Overlay Project funded by the Street Preservation Program.

ACTION NEEDED:

Consideration of renewal of contract with Five Star Trucking, LLC.

ATTACHMENT(S):

A. None



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Resource Management

STAFF CONTACT: Mary Jaeger/Amy Tharnish

SUBJECT: Acceptance of bids and consideration of award of contracts to Mayer Equipment & Supply, LLC. for the replacement of one (1) sewer truck Public Works.

ITEM DESCRIPTION:

Acceptance of bids and consideration of award of contracts to Mayer Equipment & Supply, LLC. for the replacement of one (1) sewer truck for Public Works.

SUMMARY:

The replacement sewer truck will be purchased from Mayer Equipment & Supply, LLC through the Sourcewell Cooperative (contract# 122017-SCA). The replacement truck is for a 900 ECO 12-yard Truck Mounted Combination Sewer Cleaner.

The truck will be used by Public Works Utility Maintenance in the on-going maintenance, cleaning and repair of City of Olathe wastewater collection infrastructure.

Staff recommends award to Mayer Equipment & Supply, LLC for the replacement of one (1) sewer truck for Public Works Utility Maintenance.

The replacement vehicle is being replaced as a part of the regular vehicle replacement process and is fully amortized. The vehicle has paid \$250,000 through lease fees into the VERF. VERF fund balance will cover the additional \$179,266.82.

FINANCIAL IMPACT:

\$429,266.82 for the replacement of one (1) sewer truck. Funding will come from the Vehicle Equipment Replacement Fund (VERF).

ACTION NEEDED:

Award of contact to Mayer Equipment & Supply, LLC.

ATTACHMENT(S):

A. Quotation

Quoted by Mayer Equipment & Supply, LLC
831 Industrial Rd / PO Box 469
Phone: (316) 794-1165
Fax: (316-) 794-2717
www.mayerllc.com
Sales: Kevin Crippen (316) 617-0996



Date: 03/12/20
Company: City of Olathe, KS
Address: 1415 S. Robinson dr.
City-State-Zip: Olathe, KS 66051
Contact: Ira Speer
Phone: 913-971-9054
Email: ispeer@olatheks.org

900 ECO 12 Yard Truck Mounted Combination Sewer Cleaner

Vacuum System:

4400 CFM Blower
8" Vacuum Hose System
Dual Cyclone Separator
18"Hg Vacuum rating

Hose Reel:

Front Mounted Telescoping & Rotating
800' x 1" Sewer Hose Capacity
Single side controls
Hose Reel Variable Speed Control

Features:

10' Leader Hose
Hydraulic Powered Boom
Aluminum Toolboxes
80 GPM Single Piston Water Pump
1300 Gallon Water Tank



UPGRADED OPTIONS

Digital Smart Counter
Auto Level Wind
Footage meter mounted on hose reel
700' of 1" SEWER HOSE RATED at 2500 PSI
Additional 200 gallon water tank
Wireless Pendant Control
Hydro Excavation package
Pinch Roller
Cold Weather Recirculation
Painted Sewer Blue



Awarded Contract
Contract #122017-SCA

900 ECO Sewer Cleaner

EQUIPPED AS ABOVE

MODULE PRICE:	\$321,706.00
LESS 3% NJPA DISCOUNT:	\$ (9,651.18)
	\$312,054.82
Kenworth T-470 Chassis	\$ 116,212.00
DELIVERY:	\$ 1,000.00
TOTAL COST:	\$429,266.82

TERMS & CONDITIONS:

- * Quote is valid for 30-60 days
- * City must provide proof of State and Federal Tax Exemption
- * Terms: NET 30 DAYS from date of receipt
- * Delivery: To be advised

		<u>Required Section:</u>
Full name of Municipality		NJPA Member Number
Delivery Address:	City / State / Zip	Purchase Order Number
Contact Name	Title	Date

Please sign and return with PO by email to

kevin@mayerllc.com
or fax to (316) 794-2717



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Jessica Schuller, Senior Planner

SUBJECT: RZ20-0004: Rezoning and Preliminary Site Development Plan for K-9 Acres; Applicant: Brandon Sutherland, Emerald Properties, LLC

ITEM DESCRIPTION:

Consideration of Ordinance No. 20-24, RZ20-0004, Requesting approval of a rezoning from CTY RUR (County Rural) to M-2 (General Industrial) District and preliminary site development plan for **K-9 Acres** on 9.7± acres; located at 16129 Lone Elm Road. Planning Commission recommends approval 9 to 0.

SUMMARY:

The applicant is requesting a rezoning from CTY RUR (County Rural) to M-2 (General Industrial) and a preliminary site development plan for K-9 Acres, located south of 159th Street and east of Lone Elm Road.

The site was the previous location of Southwest Community Church. The existing 4,000 square foot building is proposed to remain on the property, in addition to a newly proposed 14,000 square foot building located on the eastern end of the existing parking lot. A related application requesting a special use permit for *Animal Care - Indoor or Outdoor Kennel* in the M-2 District is also on this agenda (SU20-0001).

The proposed development must follow Site Design Category 6 requirements (UDO 18.15.130). Future development will also meet all architecture standards. The building design requirements consists of an emphasis on high-quality building materials, building articulation, and façade expression tools that elevate the character of the structure.

The PlanOlathe Comprehensive Plan identifies the subject property as “Employment Center.” Staff is supportive of the proposed rezoning, as General Industrial is a use that relies on an increased amount of indoor and outdoor space, which this 9.7 acre lot provides; the M-2 District is also compatible with the zoning of the land to the south of the site. Staff finds the proposed rezoning to be compatible with the Golden Criteria established in the UDO.

On June 8, 2020, the Planning Commission held a public hearing for the proposed request. No neighboring property owners spoke at the public hearing or corresponded with staff. The Planning Commission voted 9-0 to recommend approval of RZ20-0004 with the stipulations outlined in the Planning Commission minutes.

FINANCIAL IMPACT:

MEETING DATE: 7/7/2020

None

ACTION NEEDED:

1. Approve Ordinance No. 20-24 for a rezoning from the CTY RUR (County Rural) District to the M-2 (General Industrial) District as recommended by the Planning Commission.
 2. Deny Ordinance No. 20-24 for a rezoning from the CTY RUR (County Rural) District to the M-2 (General Industrial) District.
 3. Return the rezoning application to the Planning Commission for further consideration with a statement specifying the basis for the Governing Body's failure to approve or disapprove.
-

ATTACHMENT(S):

- A. Planning Commission Packet
- B. Planning Commission Minutes
- C. Ordinance No. 20-24



Planning Division

STAFF REPORT

Planning Commission Meeting: June 8, 2020

Application:	<u>RZ20-0004:</u> Preliminary Development Plan and Rezoning for 16129 S. Lone Elm Road		
Location:	16129 Lone Elm Road		
Owner:	Jerry Bain, Lone Elm Ventures, LLC		
Applicant:	Brandon Sutherland, Emerald Properties, LLC		
Engineer:	Judd Claussen, P.E., Phelps Engineering		
Staff Contact:	Jessica Schuller, AICP, Senior Planner		

Site Area:	<u>9.7± acres</u>	Existing Building Area:	<u>4,000 sq.ft.</u>
Current Zoning:	<u>CTY RUR (County Rural)</u>	Proposed Total Building Area:	<u>18,000 sq.ft.</u>
Proposed Zoning:	<u>M-2 (General Industrial)</u>	Plat:	<u>M.G.A. Estates</u>

1. Comments:

The applicant is requesting approval of a rezoning and preliminary site development plan for the property located at 16129 Lone Elm Road, which is south of 159th Street and east of Lone Elm Road. The property is currently zoned CTY RUR (County Rural) and was the previous location of Southwest Community Church. The applicant proposes to rezone the property from CTY RUR to the M-2 (General Industrial) District.

2. History:

The subject property is the location of the former Southwest Community Church, which was constructed in 1999. The 4,000 square foot building is proposed to remain on the property, in addition to a newly proposed 14,000 square foot building located on the eastern end of the existing parking lot. A related application requesting a special use permit for *Animal Care – Indoor or Outdoor Kennel* in the M-2 District is also on this agenda (SU20-0001).

The subject property was platted in 1996 as part of the M.G.A. Estates and was annexed in May 2020 (ANX20-0001).



Site Aerial – Outlined in Blue



Site Photo – Looking east from Lone Elm Road

3. Property Owner Notice:

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property over 20 days prior to the public hearing.

The applicant held a neighborhood meeting on May 18, 2020, which no neighbors attended. Notice of the neighborhood meeting was mailed to all property owners within 500 feet of the subject property in accordance with UDO requirements and staff has not received any correspondence regarding this proposed rezoning.

4. Zoning Requirements:

- a. **Land Use** – The applicant proposes to rezone this property from CTY RUR (County Rural) to the M-2 (General Industrial) District. The proposed zoning is consistent with the surrounding zoning, as the adjacent lot to the south is currently zoned M-2, in addition to the TVH Industrial Park also located south of the subject property. The property to the north of the subject site is zoned C-O (Office) and consists of Mission Life Church and associated buildings used for gathering and event space.
- b. **Building Height** – Building heights within the M-2 District are limited to 55' in height. The proposed building is 21' tall at its highest point and the existing building is approximately 18' tall, meeting the requirements of the UDO.
- c. **Setbacks/Open Space** – Table 1, below, lists the required dimensional standards for the M-2 District and those proposed for the development.

Table 1: Setbacks	UDO Requirement (minimum)	Proposed Plan
<i>Front Yard</i>	30' from property line	129.8' from property line
<i>Side Yard</i>	10' from property line	60.8' from property line
<i>Rear Yard</i>	10' from the property line	789' from property line
<i>Parking/Paving</i>	30' from right-of-way/10' from property line	200' from right-of-way
<i>Open Space</i>	15% of site area	84% of site area

5. Development Requirements:

- a. **Access/Streets** – One existing driveway provides access to the southern portion of the site from Lone Elm Road which is not proposed to change. A 5' sidewalk is being constructed from Lone Elm Road to the existing building.
- b. **Landscaping** – The property is currently landscaped and the applicant has provided additional landscaping exceeding the current requirements of the UDO by providing

additional evergreen trees along the northern property line to further screen from the adjacent use to the north. A Type 1 Buffer is provided on the eastern property line, and additional plantings are provided on the southern property line to supplement the existing landscaping to meet the Type 1 Buffer requirements. Foundation plantings are provided along facades facing the parking lot, and an existing row of trees provides screening of the parking lot from the right-of-way. The applicant is also proposing plantings along long expanses of fence, per UDO requirements.

- c. **Public Utilities** – The property is within the Olathe sewer and WaterOne service areas.
- d. **Stormwater/Detention** – Existing Stormwater detention is located on the northwest corner of the property. The basin will be modified to meet current requirements for extended dry detention basins and is subject to Title 17 requirements.

6. Site Design and Building Design Standards:

The proposed development must follow Site Design Category 6 requirements (UDO 18.15.130), which address drainage features, landscape buffers, and parking pod sizes to ensure that the site is compatible with the General Industrial District requirements and surrounding uses. Future development will also be subject to the Building Design Category for Industrial Buildings. The building design requirements consists of an emphasis on high-quality building materials, building articulation, and façade expression tools that elevate the character of the structure.

7. Land Use Analysis:

The future land use map of the Comprehensive Plan identifies the subject property as “Employment Center.” Staff is supportive of the proposed rezoning, as General Industrial is a higher intensity use that relies on an increased amount of indoor and outdoor space, which this 9.7 acre lot provides. The following are criteria for considering special use applications as listed in Unified Development Ordinance (UDO) Section 18.40.100.F:

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

The Comprehensive Plan designates the subject property as part of an Employment Center which allows for a variety of uses, including light industrial uses, and complementary retail and service uses, which should be carefully integrated with the surrounding employment area. The proposed parcel has been platted since 1996 as part of M.G.A. Estates, and a religious institution was previously located on this site. The proposed M-2 District zoning aligns with the Employment Center designation and promotes the goals of PlanOlathe by promoting the infill of vacant parcels and discouraging sprawl. The proposed zoning district also serves to “develop distinct employment districts to ensure Olathe’s strong and diversified economy.”

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 area consists of commercial and industrial uses on large parcels. A large industrial building, the Frito Lay Warehouse, is located on the parcel immediately

south of the subject property and is a three-story tall concrete structure. Life Mission Church is located on the parcel north of the subject property and consists of multiple structures/assembly spaces and large parking areas. To the east of the subject property is the Olathe District Activity Center, a sports and recreation facility consisting of football, soccer, baseball and softball fields.

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

The proposed development is consistent with the zoning of nearby properties and surrounding uses. The surrounding land uses range from outdoor athletic uses to the east (zoned AG – Agricultural), civic assembly uses to the north (zoned C-O – Office), and trucking/warehousing uses to the south (zoned M-2 – General Industrial). There are existing residences to the southwest, across Lone Elm Road. These single-family residences are situated on multi-acre lots with farmland (zoned RUR – County Rural) and are setback significantly from the roadway.

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

The M-2 (General Industrial) District permits more intensive uses than the existing CTY RUR zoning district, permitting uses such as warehousing, office, automobile, product assembly, and construction type uses. A number of additional uses require approval of a special use permit before being permitted in this district. The City requires that parcels zoned under county zoning obtain city zoning to an appropriate district prior to redevelopment of a site. The zoning of this property to the M-2 District provides a continuation of the zoning established immediately to the south and to the east of the Olathe Activity Center.

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

The subject property is currently zoned CTY RUR (County Rural) and the Southwest Community Church was constructed on the property in 1999 but is not currently in use on this site.

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

The proposed development is not anticipated to detrimentally affect nearby properties as it is a continuation of the M-2 zoning district established immediately to the south. The existing church located on the parcel to the north is located a reasonable distance from the subject property and will be screened at the property line with landscaping beyond the requirements of the UDO.

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 consist of higher intensity industrial uses to the south, farmland to the west, religious assembly to the north and outdoor athletics the east. Landscaping buffers will be provided along property lines to screen from the adjacent uses and mitigate noise.

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 proposed use will not adversely affect the capacity or safety of the roadway network. Lone Elm Road is a high capacity arterial roadway. The proposed use will likely result in fewer trips taking place at a specific time than the previous use on the site, that of a religious institution. The proposed application is reducing the total number of parking spaces that currently exist on site.

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

Staff is not aware of any potential for unlawful levels of air, water or noise pollution with the proposed development. The proposed development is be subject to all local, state, and federal environmental regulations.

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

Zoning of this property will allow for development of a new commercial business here which will generate additional sales tax revenue.

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 public health, safety, or welfare as presented. If the related special use permit (SU20-0001) were denied, the parcel would remain abandoned, causing a hardship for the property owner. City staff and the applicant agree the rezoning offers an improved use of the property and service to the community, while providing consistency with surrounding properties.

8. Staff Recommendation:

Staff recommends approval of the rezoning and preliminary site development plan (RZ20-0004) with the following stipulations:

A. Staff recommends approval of RZ20-0004 for the following reasons:

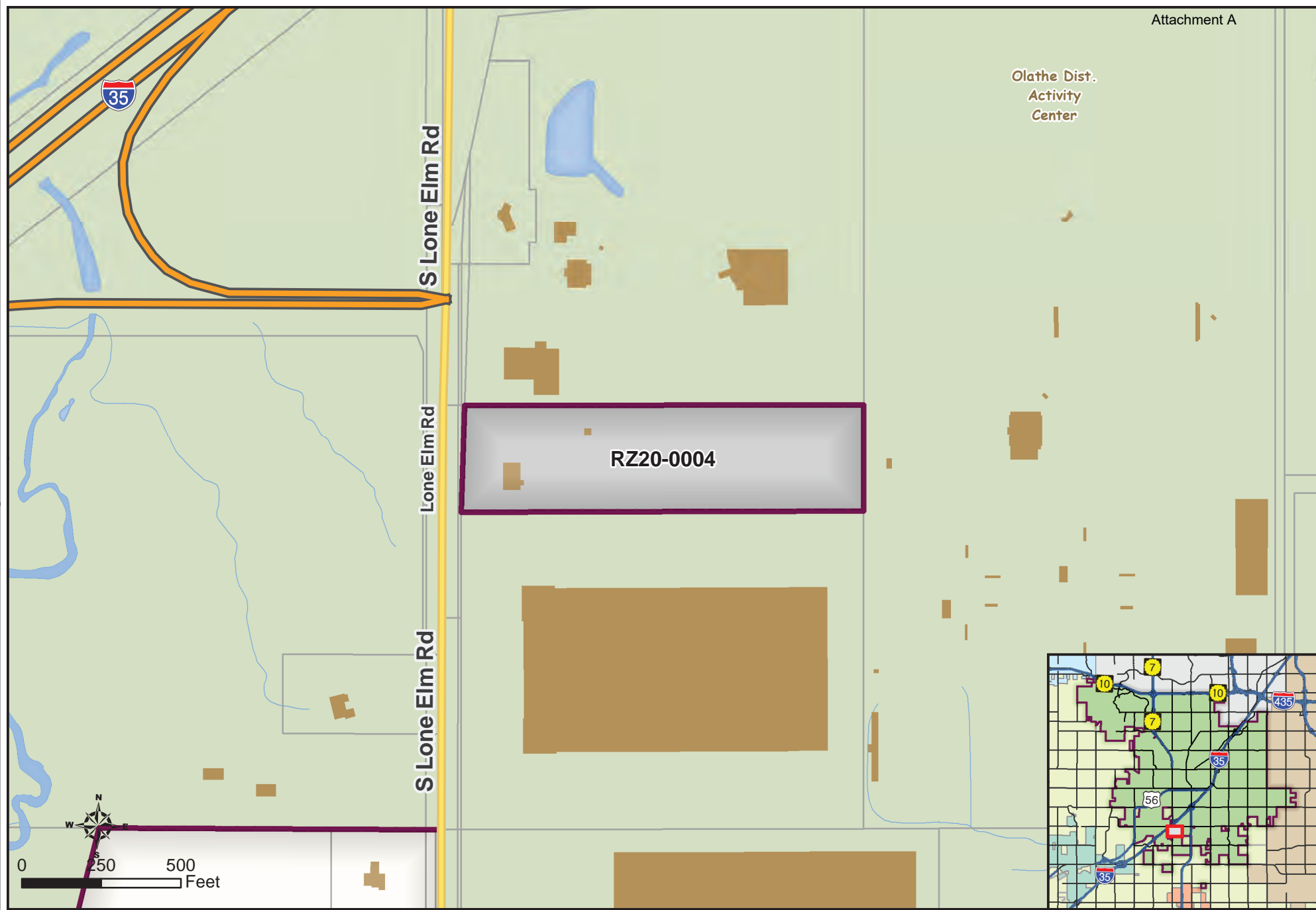
1. The proposed development complies with the policies and goals of the *Comprehensive Plan*.

Principle LUCC-6: Discourage Sprawl. “Discourage “leap-frog” or sprawling land use patterns by encouraging growth in serviceable areas. Promote the infill of vacant parcels and reinvestment in buildable areas.”

ES-4: Employment Areas as Districts. “Develop distinct employment districts to ensure Olathe’s strong and diversified economy.”

2. The requested rezoning to the M-2 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.

- B. Staff recommends approval of the rezoning to the M-2 District as presented with no stipulations.
- C. The following stipulations apply to the preliminary site development plan:
 - 1. A final site development plan must be approved prior to building permit submittal.
 - 2. Building standards for new structures on site must comply with the Industrial Building requirements of UDO Section 18.15.020.
 - 3. As required by the UDO, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building.
 - 4. All new on-site wiring and cables shall be placed underground.
 - 5. At the time of Final Development Plan, the proposed building must either provide an automatic fire sprinkler system or alterations to the access roads in order to resolve the fire access deficiency.

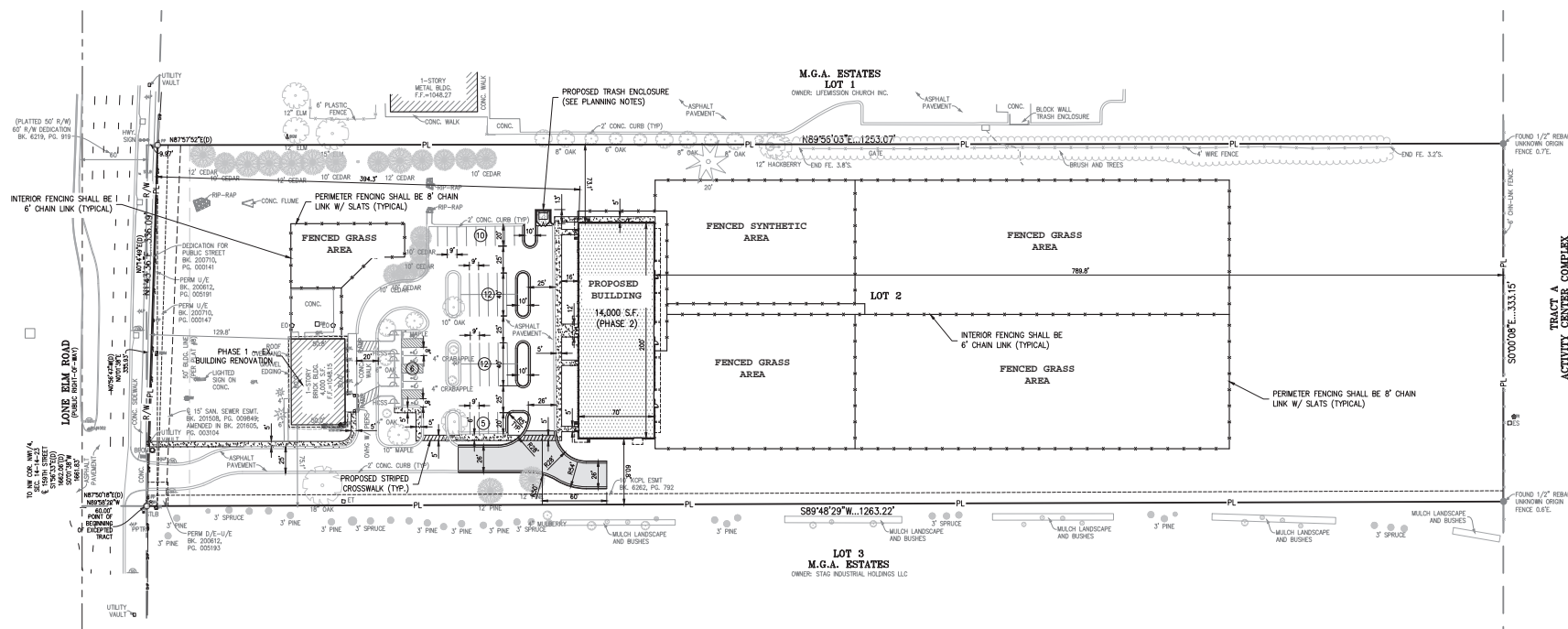


K-9 ACRES
RZ20-0004



User: JaredMD
Date: 06/02/2020





LEGAL DESCRIPTION:
LOT 2, M.G.A. ESTATES, A SUBDIVISION IN JOHNSON COUNTY, KANSAS, EXCEPT THE WEST 10 FEET IN ROAD,
AND EXCEPT

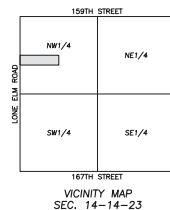
COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 01° 56' 33" EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 506,597 FEET (1,602.06 FEET); THENCE NORTH 87° 50' 48" EAST, A DISTANCE OF 18.8 FEET (0.60 FEET) TO THE POINT OF BEGINNING; THENCE ALONG THE SOUTH LINE OF SAID LOT 2 WITH THE EAST RIGHT-OF-WAY LINE OF LONGVIEW ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 01° 56' 47" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 102,391 FEET (333.93 FEET) TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE NORTH 87° 50' 52" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 3,038 METERS (9,997 FEET); THENCE SOUTH 01° 14' 49" EAST, A DISTANCE OF 102,441 METERS (336.69 FEET) TO THE TRUE POINT OF BEGINNING.

FLOOD NOTE:

THIS PROPERTY LIES WITHIN FLOOD 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 CLATHE, JOHNSON COUNTY, KANSAS, COMMUNITY NO. 200173, MAP NO. 200991C0108C, DATED AUGUST 3, 2009.



Know what's below.
Call before you dig



169 HIGHWAY

SCALE:
1" = 200'

LOT 2	420,888 S.F. / 9.662 AC.
ZONING EXISTING PROPOSED	RUR M2
BUILDING AREA EXISTING BUILDING PROPOSED BUILDING TOTAL BUILDING	4,000 S.F. 14,000 S.F. 18,000 S.F.
PROPOSED OPEN SPACE	8.1 AC. (84%)

REQUIRED PARKING 1 SPACE PER 1,500 S.F. (ANIMAL CARE SERVICES)	12
PROPOSED PARKING STANDARD STALLS (9'-0" X 18'-0") ACCESSIBLE STALLS TOTAL STALLS	39 6 45
REQUIRED ACCESSIBLE STALLS REQUIRED ACCESSIBLE STALLS (51-75)	3

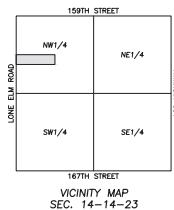
— PL —	PROPERTY LINE
-- LL --	LOT LINE
-- R/W --	RIGHT-OF-WAY
=====	2' CURB & GUTTER
=====	6" CURB
— B/L —	BUILDING SETBACK LINE
— P/S —	PARKING SETBACK LINE
— L/S —	LANDSCAPE SETBACK LINE
	STANDARD DUTY ASPHALT PAVEMENT
	PROPOSED BUILDING
	CONCRETE PAVEMENT
	CONCRETE SIDEWALK
	CHAIN LINK FENCE
	PARKING SPACES

1. TRASH ENCLOSURE TO BE CONSTRUCTED PER OLATHE UDO SECTION 18.30.130.1;

- A. THREE (3) SIDES WITH A SIX (6) TO EIGHT (8) FOOT SOLID WOOD OR CONSTRUCTED OF MASONRY OF A COLOR AND FORM THAT IS CONSISTENT AND COMPATIBLE WITH THE PRINCIPAL BUILDING ARCHITECTURE OF THE SITE; AND
 - B. ONE (1) SIDE WITH A METAL GATE.
2. ALL ON-SITE WIRING AND CABLES MUST BE PLACED UNDERGROUND.
 3. EXTERIOR GROUND MOUNTED OR BUILDING-MOUNTED EQUIPMENT INCLUDING, BUT NOT LIMITED TO, MECHANICAL EQUIPMENT, UTILITIES METER BANKS, AND COOLERS MUST BE SCREENED FROM VIEW BY A SCREENING OR WITH A SCREENING ARCHITECTURAL TREATMENT COMPATIBLE WITH THE BUILDING ARCHITECTURE.



SCALE: 1"=50'

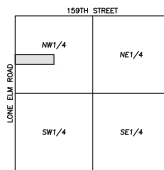


1. SET "C" CUT ON SOUTH END OF ISLAND IN CENTER OF LONE ELM ROAD ADJACENT TO PROPERTY
ELEVATION = 1042.52

-



- | | |
|----------|------------------------------------|
| —PL— | PROPERTY LINE |
| —LL— | LOT LINE |
| —R/W— | RIGHT-OF-WAY |
| —CWP— | EXISTING CABLE TELEVISION LINE |
| —FOP— | EXISTING FIBER OPTIC LINE |
| —G— | EXISTING GAS LINE |
| —E— | EXISTING BURIED ELECTRIC LINE |
| —DHP— | EXISTING OVERHEAD POWER LINE |
| —DSE— | EXISTING SANITARY SEWER LINE |
| —DSS— | EXISTING SANITARY SEWER LINE |
| —24" OF— | EXISTING STORM SEWER LINE (A SIZE) |
| —BTP— | EXISTING BURIED TELEPHONE LINE |
| —WTL— | EXISTING WATER LINE (A SIZE) |
| —CATV— | PROPOSED CABLE TELEVISION LINE |
| —FO— | PROPOSED FIBER OPTIC LINE |
| —G— | PROPOSED GAS LINE |
| —E— | PROPOSED BURIED ELECTRIC LINE |
| —DSE— | PROPOSED SANITARY SEWER LINE |
| —DHP— | PROPOSED OVERHEAD POWER LINE |
| —STW— | PROPOSED STORM SEWER LINE (A SIZE) |
| —BTP— | PROPOSED BURIED TELEPHONE LINE |
| —WTL— | PROPOSED WATER LINE (A SIZE) |
| —ST— | PROPOSED STORM DRAIN (A SIZE) |

VICINITY MAP
SEC. 14-14-23

SCALE: 1"=50'

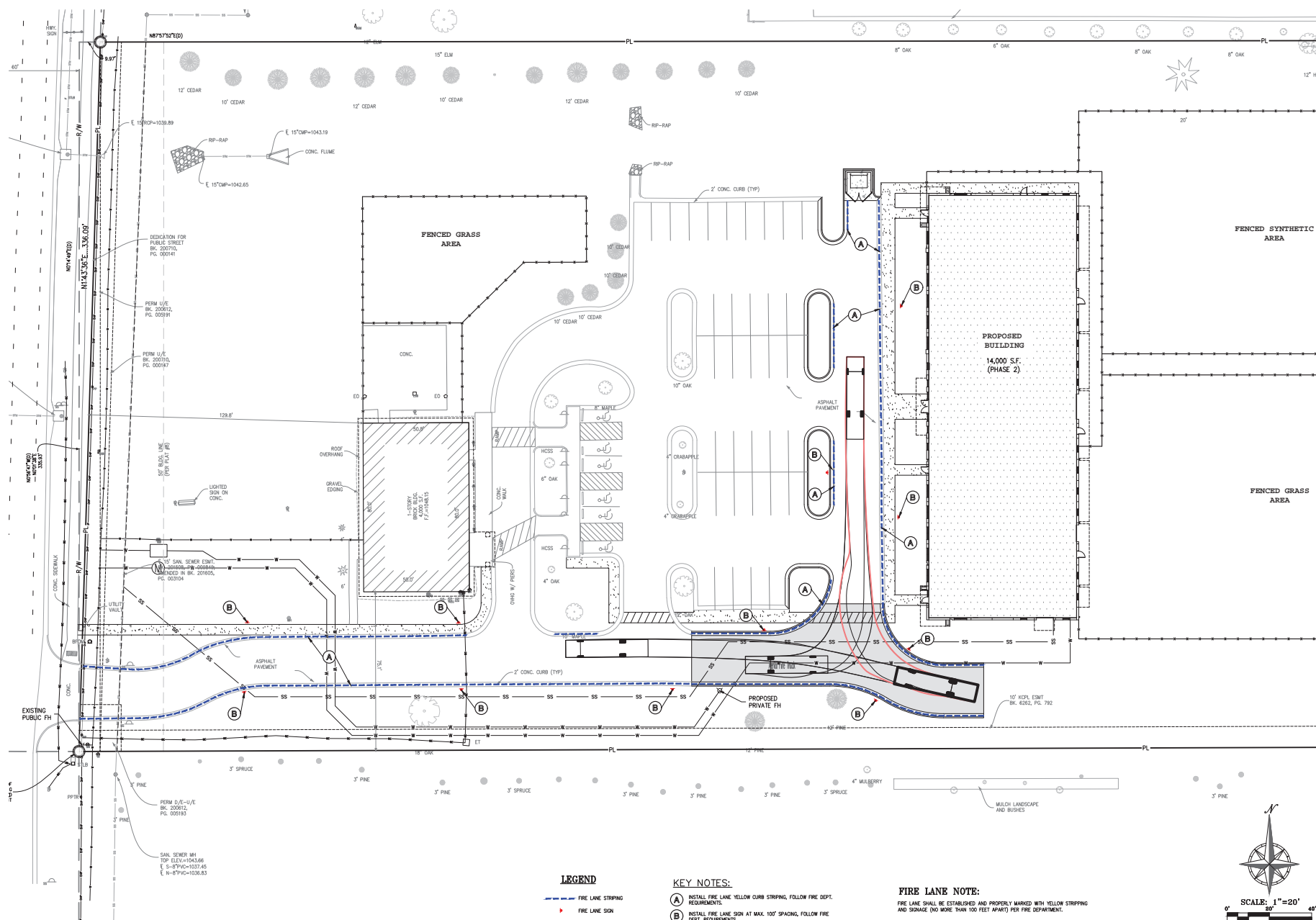


Know what's below.
Call before you dig.

16129 LONE ELM ROAD
K-9 ACRES
POLATHE, JOHNSON COUNTY, KANSAS

[illegible]

SHEET
C3.1





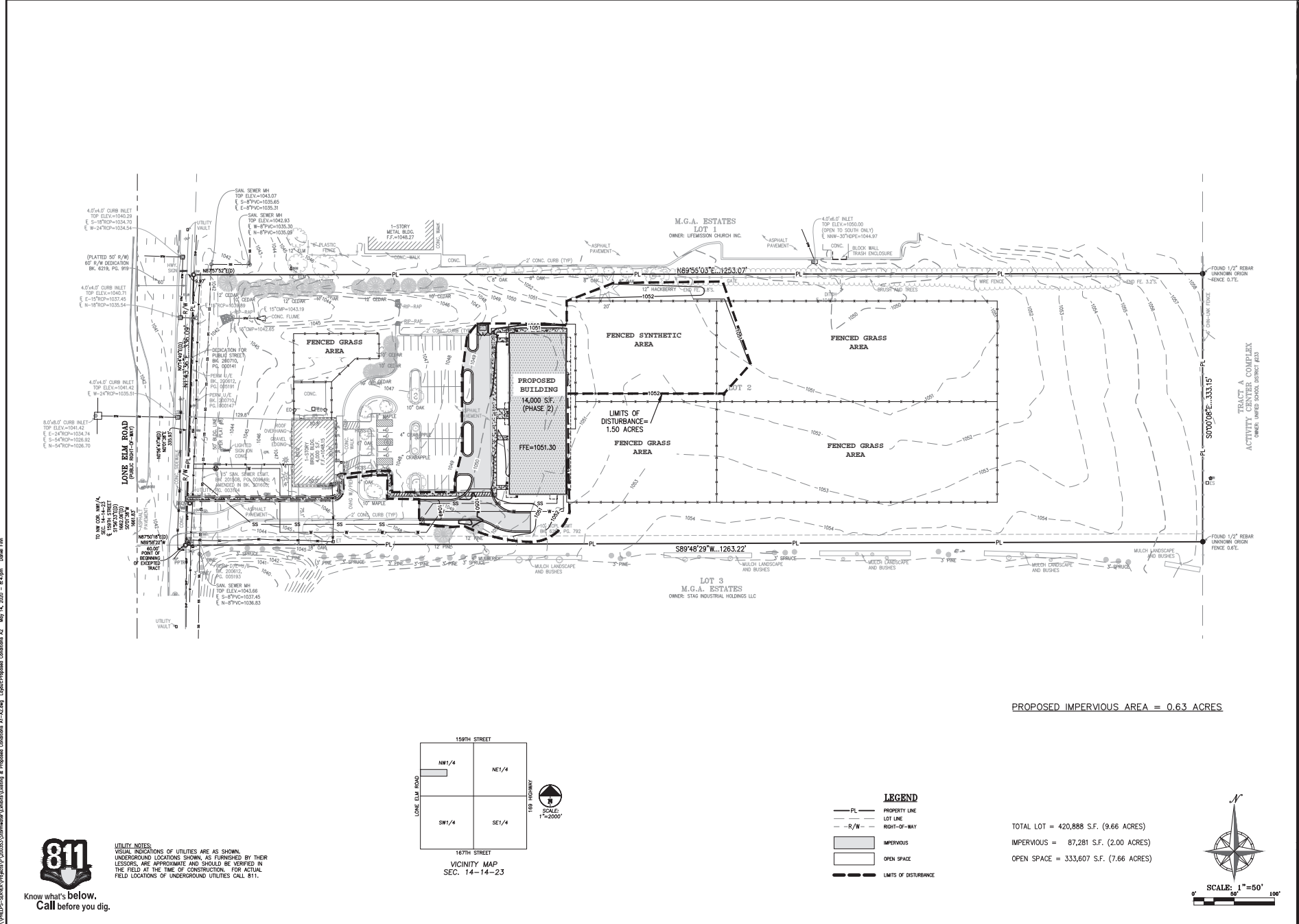
Professional Engineer Seal
David L. Hunsicker
State of Kansas
License No. 100000000000000
Date: 5/14/20

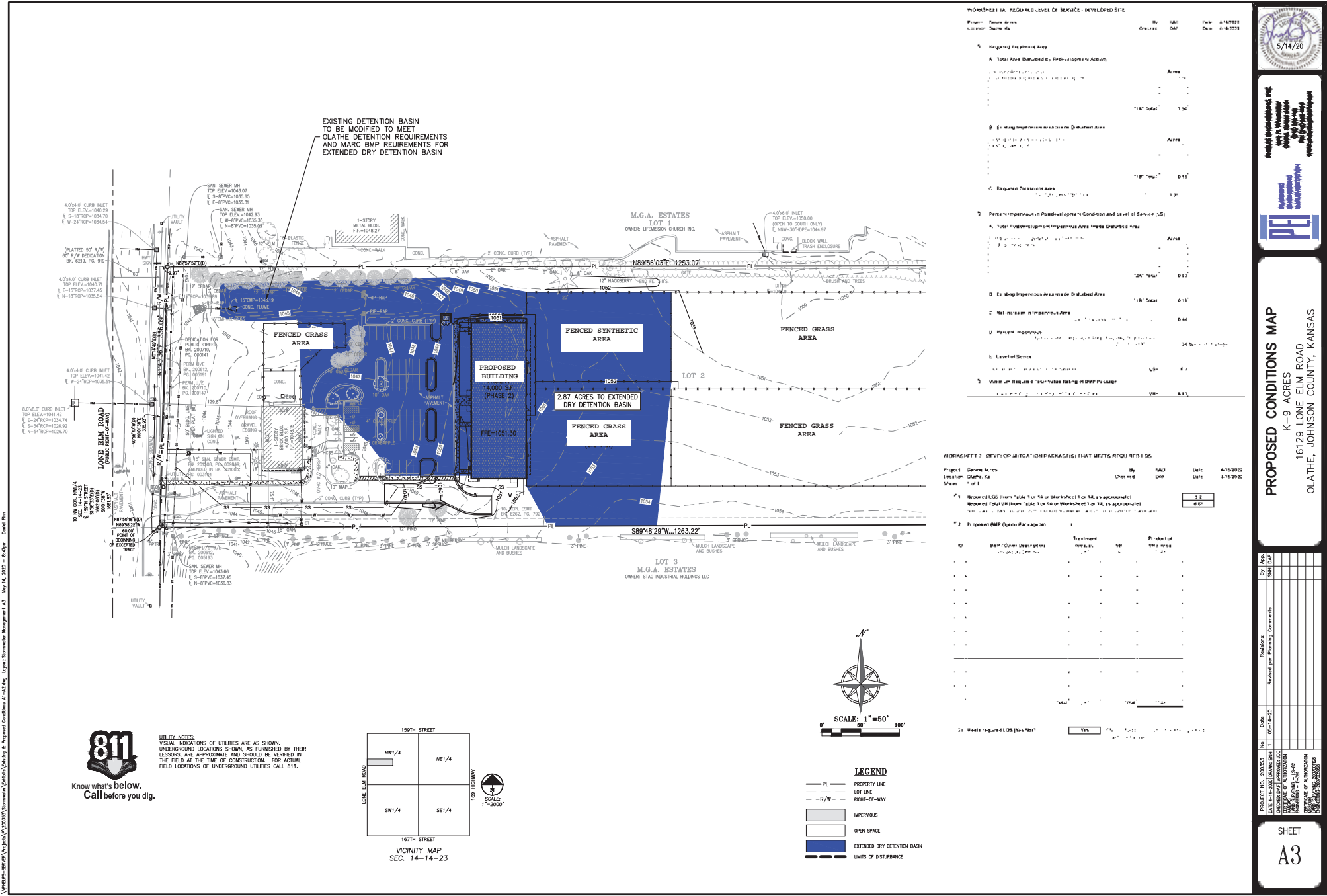


PROPOSED CONDITIONS MAP
K-9 ACRES
16129 LONE ELM ROAD
OLATHE, JOHNSON COUNTY, KANSAS

PROJECT NO.	DATE	BY	REVISIONS
200553	05-14-20	DWH	1. Initial per Planning Commission
200553	05-14-20	DWH	2. Revised per Planning Commission
200553	05-14-20	DWH	3. Revised per Planning Commission
200553	05-14-20	DWH	4. Revised per Planning Commission
200553	05-14-20	DWH	5. Revised per Planning Commission
200553	05-14-20	DWH	6. Revised per Planning Commission
200553	05-14-20	DWH	7. Revised per Planning Commission
200553	05-14-20	DWH	8. Revised per Planning Commission
200553	05-14-20	DWH	9. Revised per Planning Commission
200553	05-14-20	DWH	10. Revised per Planning Commission

SHEET
A2



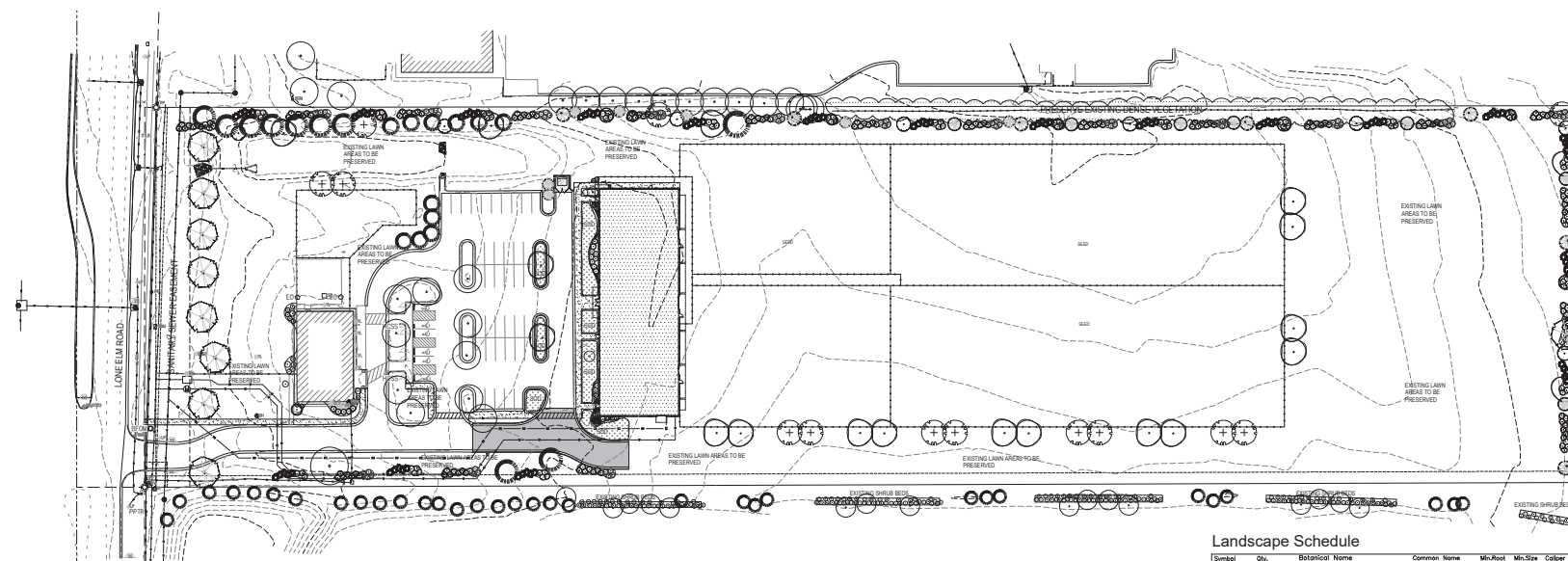




Brandon and Danette
Sutherland
14665 S CAENEN LN
Overland Park, KS 66062

In association with:
David Caton
KC Elite Dog Training

K-9 Acres
Property Masterplan
16129 Lone Elm Road
Olathe, Kansas

[illegible]

1. Location of all existing utilities should be done before commencing work.
2. The planting plan graphically illustrates overall plant massing. Each plant species massing shall be placed in the field to utilize the greatest coverage of ground plane. The following are guidelines for individual plantings:
 - a. Creeping groundcover shall be a minimum of 6" from paved edge.
 - b. Trees shall be a minimum of 3' from paved edge.
 - c. All plants of the same species shall be equally spaced apart and placed for best aesthetic viewing.
 - d. All shrubs shall be a minimum of 2' from paved edge.
 - e. Match planting of trees to a minimum depth of 3'. Match individual trees to a minimum depth of 4'.
 - f. Note: If trees are not labeled, they are existing and shall remain.
3. In the event of work in or on a JCW sanitary main, any trees or plantings placed within the sewer easement may be removed without replacement and compensation shall be provided by the contractor as required by the City.
4. All landscaped areas in ROW shall be sodded and irrigated unless otherwise specified.
5. No trees may be planted within 15 feet of a street light
6. Landscape areas must contain 50% living material.
7. Building facade and foundation landscape plants must be irrigated.

Materials:

1. Plant material shall be healthy, vigorous, and free of disease and insects as per AAH standards.
2. Shredded bark mulch installed at trees shall be finely chipped and shredded per standard chips, consisting of pure wood products and free of all other foreign substances. Pine bark compost mulch installed at planting areas shall be free of all other foreign substances.

Installation:

1. All planting beds shall be amended with 1 cubic yard of peat moss per 1,000 sq-ft area. Till peat moss into soil to a 6" depth. A 10/10 to 10/150 sieve shall be spread over all planting areas prior to planting, at a rate of 50 pounds per 2,000 square feet.
2. After plants have been installed, all planting beds shall be treated with Dacthal pre-emergent herbicide prior to much application.
3. All plant material shall be watered and irrigated at a rate of 100% to 150% of the plant's water requirements and 50% type.
4. Plant material shall be maintained and guaranteed for a period of one year after Owner's acceptance of finished job. All dead or damaged plant material shall be replaced at Landscape Contractor's expense.
5. All plant material shall be installed and accepted by the City at plant material unit acceptance, at which point the one year guarantee begins.

SCALE: 1" = 1'

Turf Area
Finish Grade
Cultivated Edge: 6"
Mulch
Existing Undisturbed Subsoil
12" Prepared Planting Bed

SCALE: NTS

4 PLUMBING INSTALLATION DETAILS
SCALE: NTS

Date: 5.15.2020
Project #: 593
Layout Plan

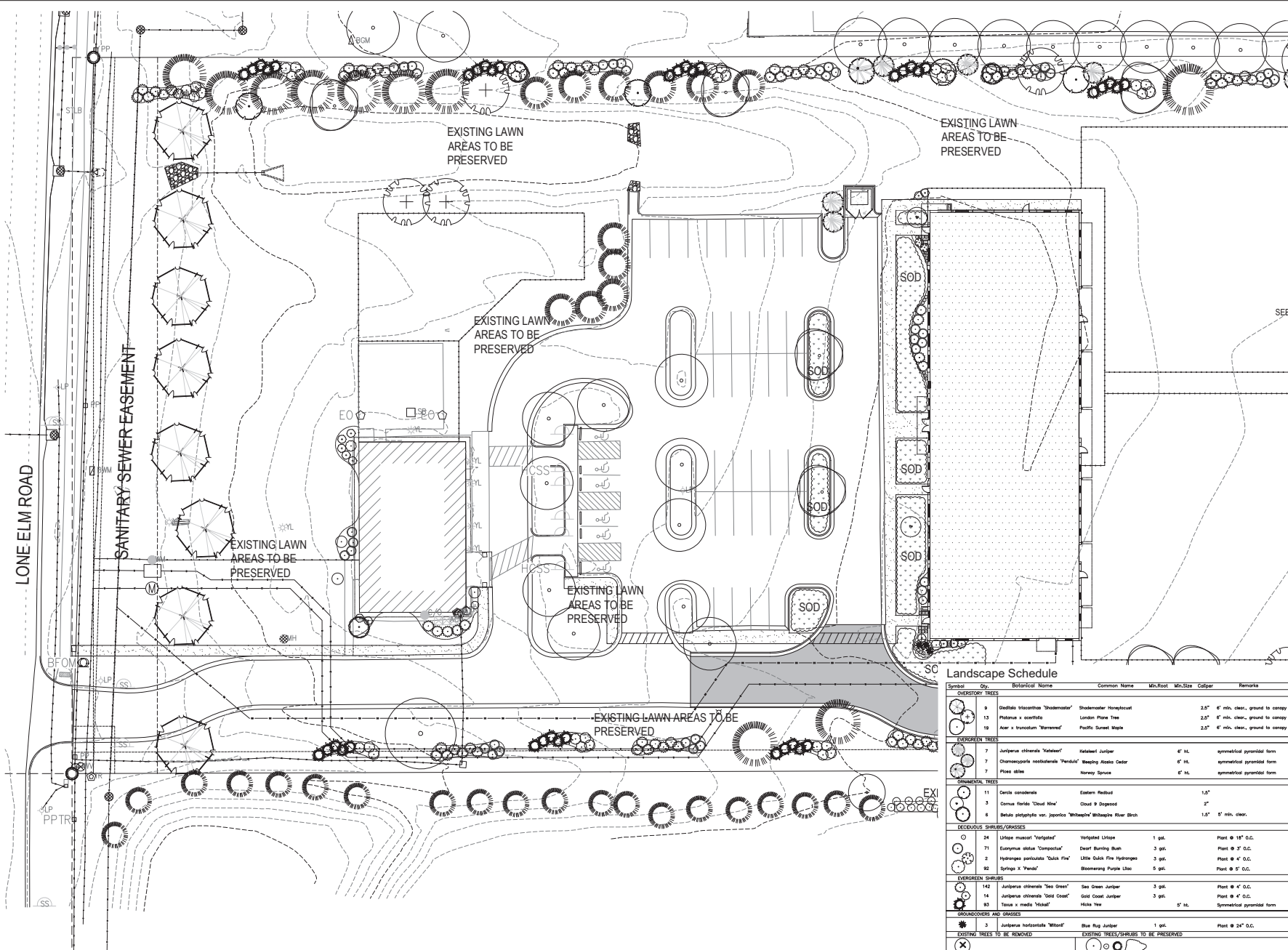
L1



Brandon and Danette
Sutherland
14665 S CAENEN LN
Overland Park, KS 66062

In association with:
David Caton
KC Elite Dog Training

K-9 Acres
Property Masterplan
16129 Lone Elm Road
Olathe, Kansas



Landscape Schedule

Symbol	Qty.	Botanical Name	Common Name	Min.Root	Min.Size	Caliper	Remarks
EVERGREEN TREES							
	9	<i>Daphne genkwa</i> "Shimadama"	Shimadama Hanafueki		2.5"	6" min. clear, ground to canopy	
	13	<i>Platanus x occidentalis</i>	London Plane Tree		2.5"	6" min. clear, ground to canopy	
	19	<i>Acer x fraxinifolium</i> "Warrenae"	Pacific Sweet Maple		2.5"	6" min. clear, ground to canopy	
EVERGREEN TREES							
	7	<i>Juniperus chinensis</i> "Yatsudomaru"	Katsudomaru Juniper		6" RL		symmetrical pyramidal form
	7	<i>Quercus robur</i> "resinosa" "Pendula"	English Oak Cedar		6" RL		symmetrical pyramidal form
	7	<i>Ficus elaeagnifolia</i>	Japanese Ficus		6" RL		symmetrical pyramidal form
DECIDUOUS TREES							
	11	<i>Cercis canadensis</i>	Eastern Redbud		1.5"		
	3	<i>Cornus florida</i> "Cloud Nine"	Cloud 9 Dogwood		1.5"		
	6	<i>Betula platyphylla</i> var. japonica "Whisper" "Whisper River Birch"	Whisper River Birch		2"	5' min. clear.	
DECIDUOUS SHRUBS/ROSEARIES							
	24	<i>Lilium muscari</i> "Variegata"	Variegated Lilacs	1 gal.			Plant @ 18" O.C.
	71	<i>Eurythoe alba</i> "Campanula"	Red Barberry Bush	3 gal.			Plant @ 3' O.C.
	10	<i>Hydrangea paniculata</i> "Dawn Pink"	Little White Panicle Hydrangea	3 gal.			Plant @ 3' O.C.
	82	<i>Syringa x "Pease"</i>	Blossoming Purple Lilac	3 gal.			Plant @ 6' O.C.
EVERGREEN SHRUBS							
	142	<i>Juniperus chinensis</i> "Tree Green"	Sue Green Juniper	3 gal.			Plant @ 4" O.C.
	14	<i>Juniperus chinensis</i> "Vireo Crest"	Green Crest Juniper	3 gal.			Plant @ 4" O.C.
	83	<i>Yucca x media</i> "Nasadi"	Mini Tree "		5" RL		symmetrical pyramidal form
GRASSES/CLIMBERS AND GRASSES							
	3	<i>Juniperus horizontalis</i> "Wittich"	Blue Ray Juniper	1 gal.			Plant @ 24" O.C.
EXISTING TREES TO BE REMOVED							
			EXISTING TREES/SHRUBS TO BE PRESERVED				
LAND AREA							
	1500	SOO SHALL BE TALL FESCUE MIXTURE, AS PRODUCED BY MEMBERS OF THE TURF PRODUCERS ASSOC.					
SEED		SEED		SEED		SEED	
				10.0% MAX		10.0% MAX	
				PERCENT TALL FESCUE		PERCENT TALL FESCUE	
				15.0% MIN		15.0% MIN	
				PERCENT TALL FESCUE		PERCENT TALL FESCUE	
				15.0% MIN		15.0% MIN	

SCALE: 1"=20'
NORTH

Date: 5.15.2020
Project #: 593
Layout Plan

L2

CITY OF OLATHE
Property Owner Notification Letter

Attachment A

Case No. RZ20-0004

Dear Property Owner:

This is to notify you that a public hearing will be held at the Olathe City Hall Council Meeting Room at 100 E. Santa Fe, Olathe, Kansas, to consider a **rezoning** request from RUR (present zoning) to M2 (proposed zoning), ~~or a Zoning Amendment for~~ District (present zoning) on the following described tract of land:

Legal Description:
Lengthy, See Attached.

General Location: 16129 Lone Elm Rd (See general location map attached)

A public hearing will be held to consider the rezoning request for the above-described tract at 7:00 PM on June 8, 2020. Any interested persons or property owners are invited to attend. Due to the COVID-19 pandemic, the City of Olathe continues to follow social distancing and recommendations from the State and Johnson County, therefore additional means of meeting participation may be provided through interactive communication methods, such as Zoom. Please refer to the City of Olathe Planning Division website (<https://www.olatheks.org/government/planning>) for updates and latest news on the meeting format. You may also call the Planning Division at 913-971-8750.

Information regarding this rezoning application is available in the Planning Division located at City Hall, at 913-917-8750, through email at PlanningContact@Olatheks.org, or you may contact Judd Claussen at Phelps Engineering at the contact information below for additional information regarding this rezoning request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition with the City Clerk. If valid protest petitions are received from property owners of twenty (20) percent of the land within the notification area, exclusive of the public right-of-way, a three- quarters ($\frac{3}{4}$) vote of the City Council is required to approve this rezoning request.

Copies of the protest petitions are available from the Planning Division or City Clerk office at 913-971 8521 or CCO@Olatheks.org.

Respectfully,

Judd D. Claussen, P.E.

Applicant (or Owner or Agent)
jclaussen@phelpsengineering.com
PHONE: 913-393-1155
ADDRESS: 1270 N Winchester
CITY: Olathe
STATE: KS
ZIP: 66061



May 5, 2020

Re: **Neighborhood Meeting for K-9 Acres project**
16129 Lone Elm Rd, Olathe, Kansas
Rezoning case # RZ20-0004
Special Use permit case # SU20-0001

Dear Neighbor,

On behalf of our client, Emerald Properties, LLC., I would like to invite you to an informational meeting that we are hosting for our neighbors regarding the development on the above referenced property. Due to the COVID-19 Pandemic, this meeting will be held via a virtual online meeting. Below is the information to attend:

Meeting Date/Time:	Monday May 18 at 5:30 pm.
Website:	https://zoom.us/join
Meeting ID:	856 0818 3958
Password:	Olathe
Phone call in option:	(312) 626 6799 - for use only if not using computer audio.

Our proposed project consists of remodeling the existing church building and re-purposing the building for a canine facility where training, day-care, boarding, and veterinary services will be provided for canines. A new building will be constructed east of the existing parking lot, and play/training fields will be located on the eastern portion of the property. A copy of the proposed site plan and building elevation is attached for reference. We have filed rezoning and special use permit applications with the City for their approval and we are excited to share this information with you and answer any questions you may have.

An upcoming Planning Commission public hearing will be held at the City of Olathe City Hall at 7 pm, June 8, 2020. The public is invited to attend and will be able to speak.

Please feel free to attend this meeting for an opportunity to learn more about the project and discuss any questions you might have. If you are not able to be on the virtual meeting, please contact me and I will be happy to answer any questions you may have.

Sincerely,

Judd D. Claussen, P.E.
Phelps Engineering, Inc.,
Jclaussen@phelpsengineering.com
Encl: Site plan, building elevation.

PHELPS ENGINEERING, INC.



Date: May 18, 2020

Meeting Date: May 18, 2020 at 5:30 PM

Location of Meeting: Zoom online meeting (see attached invite letter)

Project: K-9 Acres

Project/File No.: 200353

Neighborhood Attendees: None.

Development Team: Brandon Sutherland – Emerald Properties
Jason Meier – Meier Consulting – Landscape Architect
Judd Claussen – Phelps Engineering
Daniel Finn – Phelps Engineering
Powell Minnis – Davidson Architects & Engineers

Copy: Olathe Planning Department

-
1. Development team called / logged in at meeting time. After approximately 20 minutes, there had been no neighbors that called or logged into the meeting. Meeting ended approximately 5:50 pm.



Planning Division

MINUTES

Planning Commission Meeting: June 8, 2020

Application:	<u>RZ20-0004</u>: Preliminary Development Plan and Rezoning for 16129 S. Lone Elm Road
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Jessica Schuller, Senior Planner, presented an application for approval of a rezoning and preliminary site development plan for property located at 16129 Lone Elm Road, south of 159th and east of Lone Elm Road. Mission Life Church is to the north; Frito Lay warehouse is to the south; Olathe District Activity Center is to the east. The property is currently zoned County Rural. The applicant is requesting a rezoning to M-2 General Industrial District, which is the zoning on the property south of the site.

Ms. Schuller noted that there is an existing church building on the site that will remain in place and the interior renovated by the applicant. The applicant plans to construct another 14,000 square foot building on the site, east of the parking lot. Parking lot improvements include new islands, trees, a trash enclosure, and a new sidewalk will be constructed to Lone Elm Road.

Ms. Schuller stated that additional plantings will be added to the site to meet requirements of the UDO. The future land use map designates this area as an employment center, which aligns with the M-2 zoning designation and is a continuation of the zoning established on the lot directly to the south. Additionally, the zoning meets the standards of the Golden Criteria. These are large lots that exceed setback requirements and are buffered from adjacent properties. Also, rezoning the property follows the goals of the PlanOlathe Comprehensive Plan.

Ms. Schuller stated that staff finds the requested zoning to be compatible with the surrounding land uses and finds the preliminary site development plan to be consistent with the standards outlined in the ordinance. Staff recommends approval of the rezoning and preliminary site development plan as stipulated.

Ms. Schuller noted that there is also a special use permit application on tonight's agenda, which cannot be considered until after consideration of the zoning.

Comm. Nelson questioned the wording in stipulations b and c. **Ms. Schuller** explained that zoning stipulations are always separated from development plan stipulations in case future changes to a development plan are necessary.

Chair Vakas opened the public hearing and asked if there was anyone who wished to speak. **Judd Claussen**, appeared via Zoom on behalf of the applicant, Brandon Sutherland. They agree with all stipulations presented by staff. There being no questions, Chair Vakas called for a motion to close the public hearing.

RZ20-0004
June 8, 2020
Page 2

Motion by Comm. Allenbrand, seconded by Comm. Breen, to close the public hearing.

Aye: Allenbrand, Sutherland, Freeman, Nelson, Fry, Corcoran, Youker, Breen, Vakas (9)

No: (0)

Motion was approved 9-0.

There being no further discussion, **Chair Vakas** called for a motion to recommend approval of this rezoning.

Motion by Comm. Sutherland, seconded by Comm. Allenbrand, that RZ20-0004 be recommended for approval, for the following reasons:

1. The proposed development complies with the policies and goals of the *Comprehensive Plan*.

Principle LUCC-6: Discourage Sprawl. “Discourage “leap-frog” or sprawling land use patterns by encouraging growth in serviceable areas. Promote the infill of vacant parcels and reinvestment in buildable areas.”

ES-4: Employment Areas as Districts. “Develop distinct employment districts to ensure Olathe’s strong and diversified economy.”

2. The requested rezoning to the M-2 District meets the Unified Development Ordinance (UDO) criteria for considering zoning applications.

Comm. Sutherland’s motion included recommending approval of RZ20-0004 with no stipulations.

Comm. Sutherland’s motion included recommending approval of the associated preliminary site development plan, subject to the following stipulations:

1. A final site development plan must be approved prior to building permit submittal.
2. Building standards for new structures on site must comply with the Industrial Building requirements of UDO Section 18.15.020.
3. As required by the UDO, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building.
4. All new on-site wiring and cables shall be placed underground.
5. At the time of Final Development Plan, the proposed building must either provide an automatic fire sprinkler system or alterations to the access roads in order to resolve the fire access deficiency.

Aye: Allenbrand, Sutherland, Nelson, Freeman, Fry, Corcoran, Youker, Breen, Vakas (9)

RZ20-0004
June 8, 2020
Page 3

No: (0)

Motion was approved 9-0.

ORDINANCE NO. 20-24

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. RZ20-0004 requesting rezoning from CTY RUR (County Rural) District to M-2 (General Industrial) District was filed with the City of Olathe, Kansas, on the 7th day of April 2020; 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 8th day of June 2020; 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:

LOT 2, M.G.A. ESTATES, A SUBDIVISION IN JOHNSON COUNTY, KANSAS, EXCEPT THE WEST 10 FEET IN ROAD, AND EXCEPT

PART OF LOT 2, M.G.A. ESTATES, AND PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 SOUTH, RANGE 23 EAST IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 01° 56' 33" EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 506.597 METERS (1,662.06 FEET); THENCE NORTH 87° 50' 18" EAST, A DISTANCE OF 18.288 METERS (60.00 FEET) TO THE POINT OF INTERSECTION OF THE SOUTH LINE OF SAID LOT 2 WITH THE EAST RIGHT-OF-WAY LINE OF LONE ELM ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 01° 56' 47" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 102.391 METERS (335.93 FEET) TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE NORTH 87° 57' 52" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 3.038 METERS (9.97 FEET); THENCE SOUTH 00° 14' 49" EAST, A DISTANCE OF 102.441 METERS (336.09 FEET) TO THE TRUE POINT OF BEGINNING.

Said legally described property is hereby rezoned from CTY RUR (County Rural) to M-2 (General Industrial) 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 7th day of July 2020.

SIGNED by the Mayor this 7th day of July 2020.

Mayor

ATTEST:

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Public Works, Planning Division

STAFF CONTACT: Jessica Schuller, Senior Planner

SUBJECT: SU20-0001: Special Use Permit and Preliminary Site Development Plan for *Animal Care - Indoor or Outdoor Kennel*; Applicant: Brandon Sutherland, Emerald Properties, LLC

ITEM DESCRIPTION:

Consideration of Resolution 20-1047, SU20-0001, requesting approval of a special use permit for *Animal Care - Indoor or Outdoor Kennel* on 9.7± acres; located at 16129 Lone Elm Road. Planning Commission recommends approval 9 to 0.

SUMMARY:

The applicant is requesting a special use permit for K-9 Acres, a dog training and boarding facility with an associated veterinary clinic. The Unified Development Ordinance (UDO) requires a special use permit for this use category which is classified as *Animal Care - Indoor or Outdoor Kennel*, in the M-2 (General Industrial) District.

The proposed facility includes multiple outdoor play areas, an indoor training and kennel facility, and an associated veterinary clinic. The project will be phased, with the remodel of an existing building taking place in Phase 1, and the construction of a new 14,000 square foot building and fenced areas east of the new building taking place in Phase 2. A related application is on this agenda for a rezoning and revised preliminary site development plan (RZ20-0004). Zoning to the M-2 District is required for consideration of this special use permit. If case RZ20-0004 is not approved, this special use permit request cannot be considered for approval.

The proposed kennel facility complies with architectural standards and Staff will continue to work with the applicant to provide additional architectural interest on the north and south facades at the time of Final Site Development Plan review. The details of the type of fencing on site and the proposed screening of the fence areas will be finalized at the time of final development plan as the developer continues to collaborate with staff. The fences will be landscaped intermittently to break long expanses of fencing, as required by the UDO.

On June 8, 2020, the Planning Commission held a public hearing for the proposed request. No neighboring property owners spoke at the public hearing or corresponded with staff. The Planning Commission voted 9-0 to recommend approval of SU20-0001 for a ten (10) year time limit with the stipulations outlined in the Planning Commission minutes.

FINANCIAL IMPACT:

None

ACTION NEEDED:

1. Adopt Resolution 20-1047 to approve a Special Use Permit *Animal Care - Indoor or Outdoor*

MEETING DATE: 7/7/2020

Kenel as stipulated by the Planning Commission.

2. Deny Resolution 20-1047 (5 positive votes required) for a Special Use Permit for *Animal Care - Indoor or Outdoor Kenel*.
3. Return the Special Use Permit application to the Planning Commission for further consideration with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

ATTACHMENT(S):

- A. Planning Commission Packet
- B. Planning Commission Minutes
- C. Resolution No. 20-1047



Planning Division

STAFF REPORT

Planning Commission Meeting: June 8, 2020

Application:	<u>SU20-0001</u>: Preliminary Development Plan and Special Use Permit for <i>Animal Care – Indoor or Outdoor Kennel</i>, K-9 Acres		
Location:	16129 Lone Elm Road		
Owner:	Jerry Bain, Lone Elm Ventures, LLC		
Applicant:	Brandon Sutherland, Emerald Properties, LLC		
Engineer:	Judd Claussen, P.E., Phelps Engineering		
Staff Contact:	Jessica Schuller, AICP, Senior Planner		

Site Area:	<u>9.7± acres</u>	Existing Building Area:	<u>4,000 sq.ft.</u>
Current Zoning:	<u>CTY RUR (County Rural)</u>	Proposed Total Building Area:	<u>18,000 sq.ft.</u>
Proposed Zoning:	<u>M-2 (General Industrial)</u>	Plat:	<u>M.G.A. Estates</u>

1. Comments:

The applicant is requesting a special use permit for K-9 Acres, a dog training and boarding facility with an associated veterinary clinic. The Unified Development Ordinance (UDO) requires a special use permit for this use category which is classified as an *Animal Care – Indoor or Outdoor Kennel*, in the M-2 (General Industrial) District.

The proposed facility includes multiple outdoor grass play areas, turf play areas, an indoor training and kennel facility, and an associated veterinary clinic. The project will be phased, with the remodel of an existing building taking place in Phase 1, and the construction of a new building and fenced areas east of the new building taking place in Phase 2. A related application is on this agenda for a rezoning and revised preliminary site development plan (RZ20-0004). Zoning to the M-2 district is required for consideration of this special use permit. If case RZ20-0004 is not approved, this special use permit cannot be recommended for approval.

2. History:

The subject property was the previous location of Southwest Community Church, which was constructed in 1999. The 4,000 square foot church building is proposed to remain on the property, to be used for veterinary services, in addition to a proposed 14,000 square foot training/kennel facility. The property is currently zoned CTY RUR (County Rural); a

SU20-0001
June 8, 2020
Page 2

related application to rezone the property to M-2 (General Industrial) is on this agenda (RZ20-0004).

The subject property was platted in 1996 as part of the M.G.A. Estates and was annexed in May 2020 (ANX20-0001).



Site Aerial – Outlined in Blue



Site Photo – Looking east from Lone Elm Road

3. Property Owner Notice:

The applicant held a neighborhood meeting on May 18, 2020, which no neighbors attended. Notice of the neighborhood meeting was mailed to all property owners within 500 feet of the subject property in accordance with UDO requirements and staff has not received any correspondence regarding this proposed special use.

The applicant mailed the required public notification letters to surrounding properties within 200 feet and posted signs on the subject property over 20 days prior to the public hearing.

4. Zoning Requirements:

- a. **Land Use** – The proposed primary land use of *Animal Care – Indoor or Outdoor Kennel* for this development requires approval of a special use permit and is consistent with uses permitted within the M-2 District. *Animal Care – Indoor or Outdoor Kennel* is the primary use and is permitted with approval of a special use permit.
- b. **Building Height** – Building heights within the M-2 District are limited to 55' in height. The proposed building is 21' tall at its highest point, and the existing building is approximately 18' tall, meeting the requirements of the UDO.
- c. **Setbacks/Open Space** – Table 1, below, lists the required dimensional standards for the M-2 District and those proposed for the development.

Table 1: Setbacks	UDO Requirement (minimum)	Proposed Plan
<i>Front Yard</i>	30' from property line	129.8' from property line
<i>Side Yard</i>	10' from property line	60.8' from property line
<i>Rear Yard</i>	10' from the property line	789' from property line
<i>Parking/Paving</i>	30' from right-of-way/10' from property line	200' from right-of-way
<i>Open Space</i>	15% of site area	84% of site area

5. Development Requirements:

- a. **Access/Streets** – One existing driveway provides access to the southern end of the site from Lone Elm Road, which is not proposed to change. A 5' sidewalk is being constructed from Lone Elm Road to the southern side of the existing building.
- b. **Parking** – Per UDO requirements, parking is required at a minimum rate of one space per 1,500 square feet of building area, with no parking maximum. With 18,000 square feet of total building area, a minimum of 12 parking spaces are required. The

applicant proposes to reduce the number of parking spaces from the existing 69 to 45 spaces and will add additional landscape islands to endcap the parking rows.

- c. **Landscaping** –The applicant will provide additional landscaping exceeding the current requirements of the UDO with additional evergreen trees along the northern property line to further screen the proposed development from the adjacent site to the north. A Type 1 Buffer is provided on the eastern property line, and additional plantings are provided on the southern property line to supplement the existing landscaping in order to meet the Type 1 Buffer requirements. Foundation plantings are provided along facades facing the parking lot, and an existing row of trees provides screening of the parking lot from the Lone Elm Road right-of-way.

Preliminary plans identify locations and areas for proposed fencing. The details of the type of fencing and proposed screening will be finalized at the time of final development plan as the developer continues to collaborate with staff. The fences will be landscaped intermittently to break long expanses of fencing, as required by the UDO.

- d. **Public Utilities** – The property is in the Olathe sewer service and WaterOne service areas.
- e. **Stormwater/Detention** – Existing stormwater detention is located on the northwest corner of the property. The basin will be modified to meet current requirements for extended dry detention basins.

6. Site Design Standards:

The site is designated as Employment Center on the *PlanOlathe* Comprehensive Plan Future Land Use Map but is proposed to be rezoned to the M-2 District, therefore the proposed development is subject to **Site Design Category 6** (UDO 18.15.130). Table 2 below provides an analysis of the site design requirements.

Table 2. Composite Site Design (Category 6)	Design Requirements
<i>Parking Pod Size</i>	<p><i>The maximum number of parking stalls allowed in one parking pod is 320.</i></p> <p>The proposed plan has 45 parking spaces, meeting the requirements of the UDO.</p>
<i>Landscape Buffer Area</i>	<p><i>Buildings must be set back at least 50 feet from an adjoining arterial street or nonindustrial zoning district and landscaped with 70% permeable surfaces and 50% planted material.</i></p> <p>The property adjoins a nonindustrial zoning district to the north and east and an arterial street to the west. The building is setback approximately 73' from the northern property line, 790' from the east property line, and 130' feet from the arterial roadway; the site will be landscaped and sodded, meeting the requirements of the UDO.</p>

<i>Drainage Features</i>	<p><i>Open drainage and detention areas visible to the public shall be designed as an attractive amenity.</i></p> <p>The existing dry detention basin on site is maintained as landscaped open space or yard area, meeting the requirements of the UDO.</p>
--------------------------	--

7. Building Design Standards:

The building is subject to building design standards for **Industrial Buildings** (UDO 18.15.020.G.10). Table 3, below, lists the requirements of the UDO, and the elements of the proposed design which meet these requirements.

Table 3: Building Design Standards	Design Requirements Proposed Design
<i>Building Entryway</i>	<p><i>The main common building entry must be defined with a covered projection from the façade or by a recessed area.</i></p> <p>Entries are located at the corners and in the center of building and are defined with projecting canopies, meeting the requirements of the UDO.</p>
<i>Garage Doors</i>	<p><i>Garage and overhead doors may only face a local or collector public street, unless completely screened from view.</i></p> <p>No proposed garage doors face a local or collector street, meeting the requirements of the UDO.</p>
<i>Vertical Articulation</i>	<p><i>Each primary façade must provide vertical articulation every 50 linear feet of the façade.</i></p> <p>The parapet heights of the primary facade change by 4' across the front façade, creating variation in height at the building entrances located in the center and at both ends of the building, and meeting the requirements of the UDO.</p>
<i>Horizontal Articulation</i>	<p><i>Each primary façade must provide horizontal articulation every 50 linear feet of the façade.</i></p> <p>Wall projections that are 4" deep and 24" wide are provided for the full height of the facade on both sides of the central building entrance, and on each end of the building near the corner entrances, meeting the requirements of the UDO.</p>
<i>Building Materials – Primary Facades</i>	<p><i>Each primary façade requires a minimum of 75% Class 1 & Class 2 materials and a minimum of 15% clear glass.</i></p> <p>The primary façade exceeds this minimum requirements. See Table 4, below, for building materials.</p>

<i>Building Materials – Secondary Facades</i>	<p><i>Each secondary façade requires a minimum of 40% Class 1, Class 2 and Class 3 materials.</i></p> <p>The secondary façade exceeds this minimum requirement. See Table 4, below, for building materials.</p>
---	--

Proposed Building Materials

The proposed building will be constructed of architectural quality precast concrete panels with integral color in varying shades of gray, tan colored stone veneer, and gray colored genuine stucco. Glass is used on all facades, located around building entrances, and on the upper portions of the building. The standing seam metal roof is screened from the primary façade by the building parapet, which will also fully screen the rooftop mechanical units.

Table 4, below, lists the percentages of Class 1 and Class 2 materials used on each façade. A Class 3 material is used in the form of pre-cast concrete painted architectural panels, at 20% of the primary façade. A small percentage of metal trim (a Class 4 material) is also used throughout the building.

Table 4. Building Materials	Stone Veneer & Stucco (Class 1)	Clear Glass (Class 1)	Precast Concrete Panels (Class 1)	Metal Awning (Class 1)	Total (Class 1)
<i>Secondary Façade - North</i>	12%	3%	83%	0%	98%
<i>Secondary Façade - East</i>	0%	16%	52%	25%	93%
<i>Secondary Façade - South</i>	12%	3%	77%	3%	95%
<i>Primary Façade - West</i>	16%	17%	47%	0%	80%

The existing building on site is proposed to be repurposed as a veterinary clinic. The exterior of the building is proposed to remain as existing, with the exception of new paint colors to match the color scheme of the proposed building.

8. Employees/Operation:

K-9 Acres anticipates a maximum of 25 employees with a ratio of one employee per 15 dogs. The maximum dog capacity is 250 and there will be overnight staff to care for the dogs, and 24/7 emergency hours for the veterinarian office.

According to the applicant, normal hours of operation are daily, 6 a.m. – 8 p.m.

9. Time Limit:

According to UDO 18.40.100F.4, unless otherwise specified, Special Use Permits are approved for a five (5) year period. In this instance, the applicant's proposal meets all UDO requirements and there are no residential developments within 500 feet of the site. The applicant is requesting a 10 year Special Use Permit, which staff is supportive of.

10. Land Use Analysis:

The future land use map of the *Comprehensive Plan* identifies the subject property as "Employment Center." Staff is supportive of the proposed use, as *Animal Care – Indoor or Outdoor Kennel* is a higher intensity commercial/industrial use that relies on an increased amount of indoor and outdoor space. The potential for a higher level of noise creation is suitable for an employment center that is zoned for General Industrial uses. The following are criteria for considering special use applications as listed in *Unified Development Ordinance (UDO) Section 18.40.100.F*:

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

The Comprehensive Plan designates the subject property as part of an Employment Center which allows for a variety of uses, including light industrial uses, and complementary retail and service uses which should be carefully integrated with the surrounding employment area. The proposed use of *Animal Care – Indoor or Outdoor Kennel* is appropriate for the subject property as it is a commercial service-type use that is situated on a large lot and is well screened from adjacent uses.

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 area consists of commercial and industrial uses on large parcels. A large industrial building, the Frito Lay Warehouse, is located on the parcel south of the subject property and is a three-story tall concrete structure. LifeMission Church is located on the parcel north of the property and consists of multiple structures/assembly spaces and large parking areas. The Olathe District Activity Center, a sports and recreation facility consisting of football, soccer, baseball and softball fields, is located to the east of the subject property.

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

The proposed development is consistent with the zoning of nearby properties and surrounding uses. The surrounding land uses range from sporting uses to the east

(zoned AG – Agricultural), assembly uses to the north (zoned C-O – Office) and trucking/warehousing uses to the south (zoned M-2 – General Industrial). There are existing residences to the west, across Lone Elm Road. These single-family residences are situated on multi-acre lots with farmland (zoned CTY RUR – County Rural) and are setback from the roadway. The proposed use of *Animal Care – Indoor or Outdoor Kennel* is in harmony with the surrounding uses as the uses are separated by large lots and exceed the minimum setbacks required in the UDO. The site is well buffered by landscaping and the style of the building is consistent with surrounding structures.

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

The proposed outdoor kennel use is not permitted within the existing CTY RUR zoning district, requiring a rezoning to develop the property as proposed. The proposed M-2 (General Industrial) District permits more intensive uses than the existing CTY RUR zoning district, permitting uses such as warehousing, office, automobile, product assembly, and construction type uses. The proposed use of *Animal Care – Indoor or Outdoor Kennel* is allowed in M-2 Districts with a special use permit. The special use permit ensures that adequate precautions are taken to assure compatibility with surrounding uses. The special use permit will be reconsidered by the Planning Commission upon its expiration, should the applicant wish to seek a renewal.

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

The subject property is currently zoned CTY RUR (County Rural) and was developed with the Southwest Community Church in 1999. The church, however, is not currently in use on this site.

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

The proposed development is not anticipated to detrimentally affect nearby properties. The proposed use may potentially produce a greater level of noise than standard commercial uses due to the outdoor kennel areas, but is located a suitable distance from adjacent property lines and buffered with landscaping; neighboring uses (sporting, assembly, and trucking) also have the potential to create increased levels of noise.

The UDO requires that outdoor kennels not be located closer than 40' to religious buildings. The proposed kennels are approximately 70' from the property line, and a greater distance to the religious buildings.

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

The proposed special use will not substantially harm the value of nearby properties, which consist of higher intensity industrial use to the south, farmland to the west, religious assembly to the north and outdoor athletic uses to the east. Landscaping buffers will be provided along property lines to screen the proposed kennel from the adjacent existing 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.

The proposed use will not adversely affect the capacity or safety of the roadway network. Lone Elm Road is a high capacity arterial roadway. The proposed use will likely result in fewer trips than the previous use on the site, that of a religious institution. The proposed application is also reducing the total number of parking spaces that currently exist from 69 to 45, which will provide adequate parking for the proposed use.

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

Staff is not aware of any potential for unlawful levels of air, water or noise pollution with the proposed development. The proposed development shall be subject to all local, state, and federal environmental regulations.

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

K-9 Acres has indicated that they anticipate hiring 25 employees and the new center will generate additional sales tax revenue.

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.

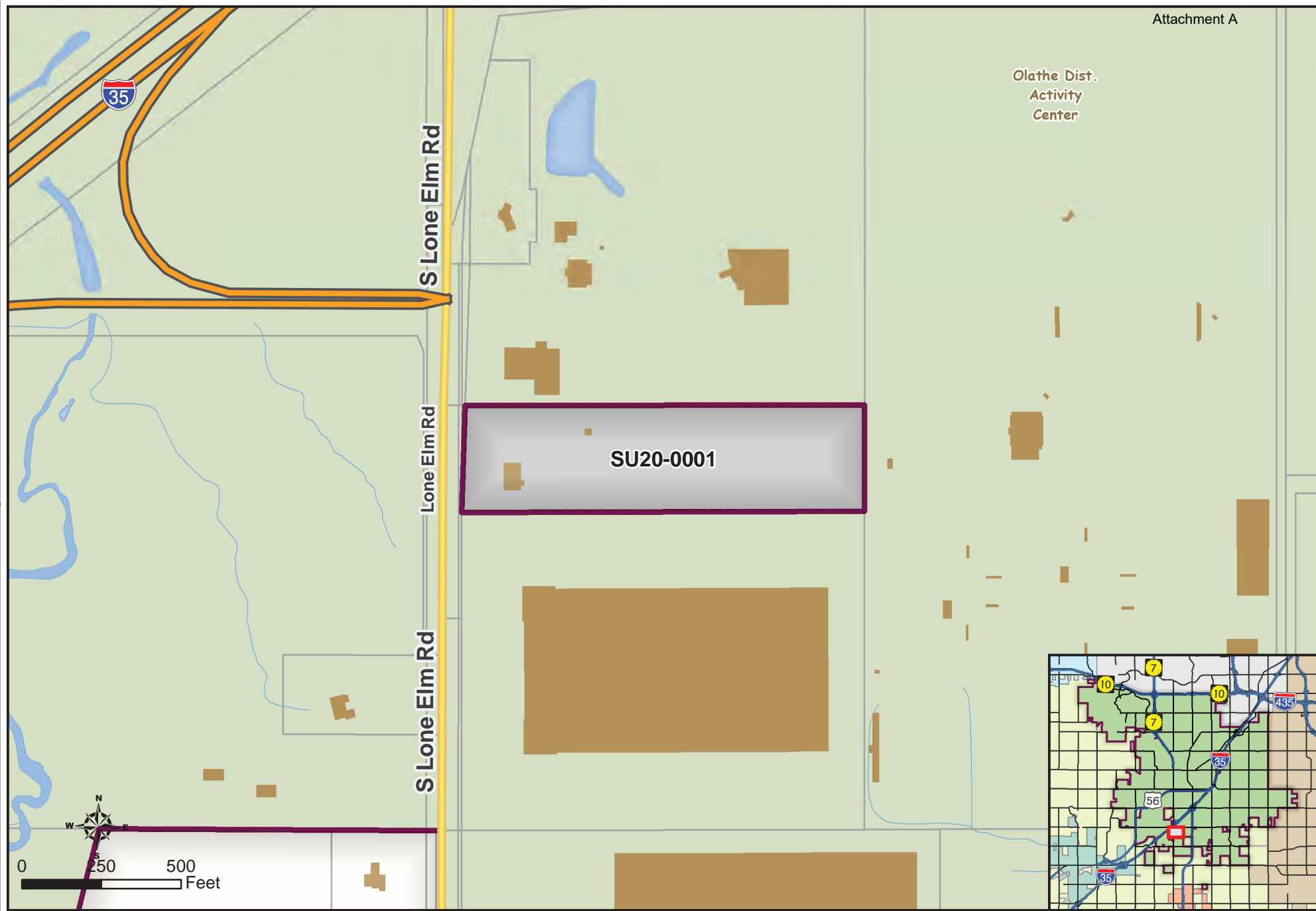
The proposed special use does not negatively impact public health, safety, or welfare as presented. If the special use permit were denied, the parcel would remain abandoned, causing a hardship for the property owner. City staff and the applicant agree the special use permit offers an improved use of the property and service to the community, while providing consistency with surrounding properties.

11. Staff Recommendation:

Staff recommends approval of the special use permit (SU20-0001) with the following stipulations:

- a. The special use permit for *Animal Care – Indoor or Outdoor Kennel* is approved for a ten (10) year period effective from the date of the Resolution.
- b. A final site development plan must be approved prior to issuance of a building permit.
- c. As required by the UDO, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building.
- d. All new on-site wiring and cables shall be placed underground.
- e. Details of the fencing of the outdoor enclosed dog areas, including landscaping details, shall be determined at the time of Final Site Development Plan.

- f. Additional architectural interest on the north and south facades will be provided by the applicant during Final Site Development Plan review.
- g. At the time of Final Site Development Plan, the proposed building must either provide an automatic fire sprinkler system or alterations to the access roads in order to resolve the fire access deficiency.

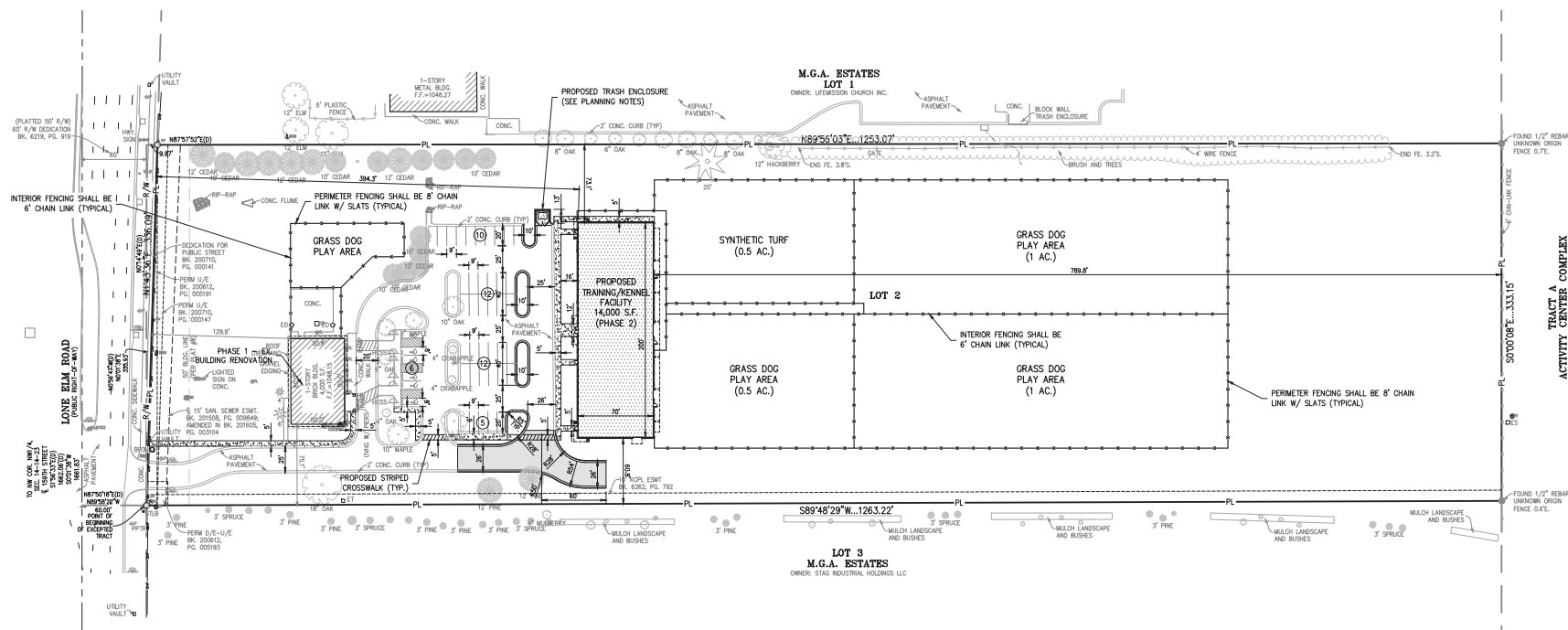


K-9 ACRES
SU20-0001



User: JaredMD
Date: 06/02/2020





LOT 2, M.G.A. ESTATES, A SUBDIVISION IN JOHNSON COUNTY, KANSAS, EXCEPT THE WEST 10 FEET IN ROAD, AND EXCEPT

PART OF LOT 2, M.G.A. ESTATES, AND PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 SOUTH, RANGE 23 EAST IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 01° 56' 33" EAST, ALONG THE NORTHWEST CORNER OF SAID QUARTER, A DISTANCE OF 508.597 FEET (1,662.260 FEET); THENCE NORTH 77° 05' 18" WEST, A DISTANCE OF 18.200 FEET TO THE POINT OF BEGINNING; THENCE ALONG THE INTERSECTION OF THE SOUTH LINE OF SAID LOT 2 WITH THE EAST EIGHTY-FOOT-OF-WAY LINE OF LONG ELM ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 01° 56' 47" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 102.391 FEET (335.935 FEET) TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE NORTH 88° 57' 52" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 3.038 FEET (9.97 FEET); THENCE SOUTH 00° 14' 49" EAST, A DISTANCE OF 102.441 FEET (336.600 FEET) TO THE TRUE POINT OF BEGINNING.

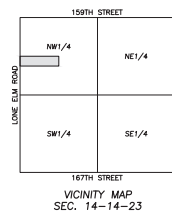
NET AREA = 420,888± SQ.FT. / 9.662± ACRES

THIS PROPERTY LIES WITHIN FLOOD 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 CLATHE, JOHNSON COUNTY, KANSAS, COMMUNITY NO. 200173, MAP NO. 2009H001082, DATED AUGUST 3, 2009.



Know what's below.
Call before you dig.

UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN.
UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR
LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN
THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL
FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.



LOT 2	420,888 S.F. / 9.662 AC.
ZONING EXISTING PROPOSED	RUR M2
BUILDING AREA EXISTING BUILDING PROPOSED BUILDING TOTAL BUILDING	 4,000 S.F. 14,000 S.F. 18,000 S.F.
PROPOSED OPEN SPACE	R 1 AC. (84%)

REQUIRED PARKING 1 SPACE PER 1,500 S.F. (ANIMAL CARE SERVICES)	12
PROPOSED PARKING STANDARD STALLS (9'-0" X 18'-0") ACCESSIBLE STALLS TOTAL STALLS	39 6 45
REQUIRED ACCESSIBLE STALLS REQUIRED ACCESSIBLE STALLS (51-75)	3

=====	PROPERTY LINE
-----	LOT LINE
---R/W---	RIGHT-OF-WAY
=====	2" CURB & GUTTER
=====	6" CURB
<u>B/L</u>	BUILDING SETBACK LINE
<u>P/S</u>	PARKING SETBACK LINE
<u>L/S</u>	LANDSCAPE SETBACK LINE
	STANDARD DUTY ASPHALT PAVEMENT
	PROPOSED BUILDING
	CONCRETE PAVEMENT
	CONCRETE SIDEWALK
	CHAIN LINK FENCE
(9)	PARKING SPACES

1. TRASH ENCLOSURE TO BE CONSTRUCTED PER OLATHE UDO SECTION 18-30.130.1;

- A. THREE (3) SIDES WITH A SIX (6) TO EIGHT (8) FOOT SOLID WOOD OR CONSTRUCTED OF MASONRY OF A COLOR AND FORM THAT IS CONSISTENT AND COMPATIBLE WITH THE PRINCIPAL BUILDING ARCHITECTURE OF THE SITE; AND
 - B. ONE (1) SIDE WITH A METAL GATE.
2. ALL ON-SITE WIRING AND CABLES MUST BE PLACED UNDERGROUND.
 3. EXTERIOR GROUND MOUNTED OR BUILDING-MOUNTED EQUIPMENT INCLUDING, BUT NOT LIMITED TO, MECHANICAL EQUIPMENT, UTILITIES METER BANKS, AND COOLERS MUST BE SCREENED FROM VIEW BY A SCREENING OR WITH A SCREENING ARCHITECTURAL TREATMENT COMPATIBLE WITH THE BUILDING ARCHITECTURE.



SCALE: 1"=50'



Professional Engineer, State of Kansas
No. 20053
David P. Smith
www.dpsmithengr.com

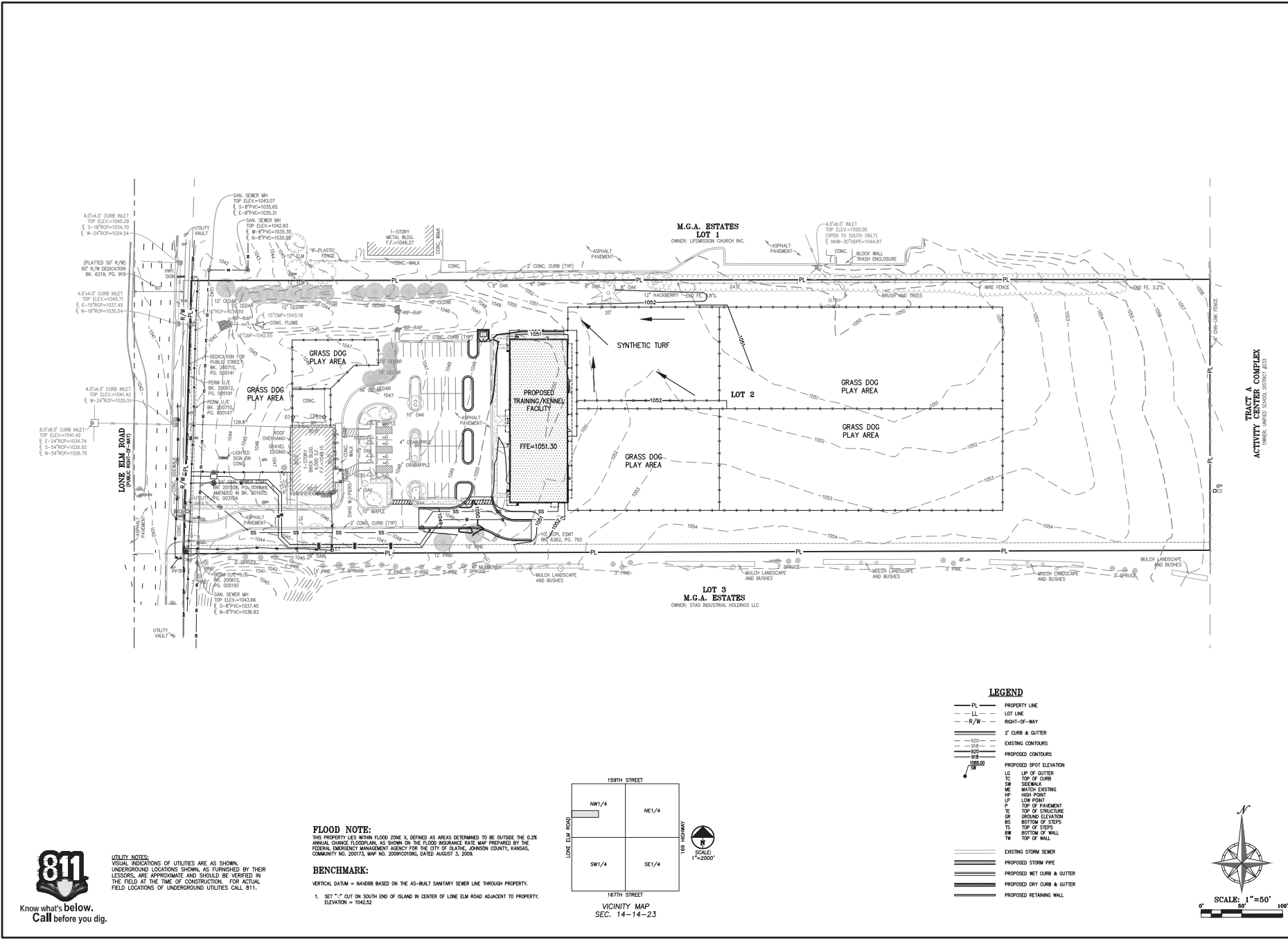


Professional Engineer, State of Kansas
No. 20053
David P. Smith
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GRADING PLAN
K-9 ACRES
16129 LONE ELM ROAD
OLATHE, JOHNSON COUNTY, KANSAS

PROJECT NO.	DATE	BY	CHKD	REVISIONS
20053	5/17/23	DAVID P. SMITH		
1				REVISION FOR PROPERTY COMMENTS
2				
3				
4				
5				
6				
7				
8				
9				
10				
11				
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SHEET
C2



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100

SCALE: 1"=50'

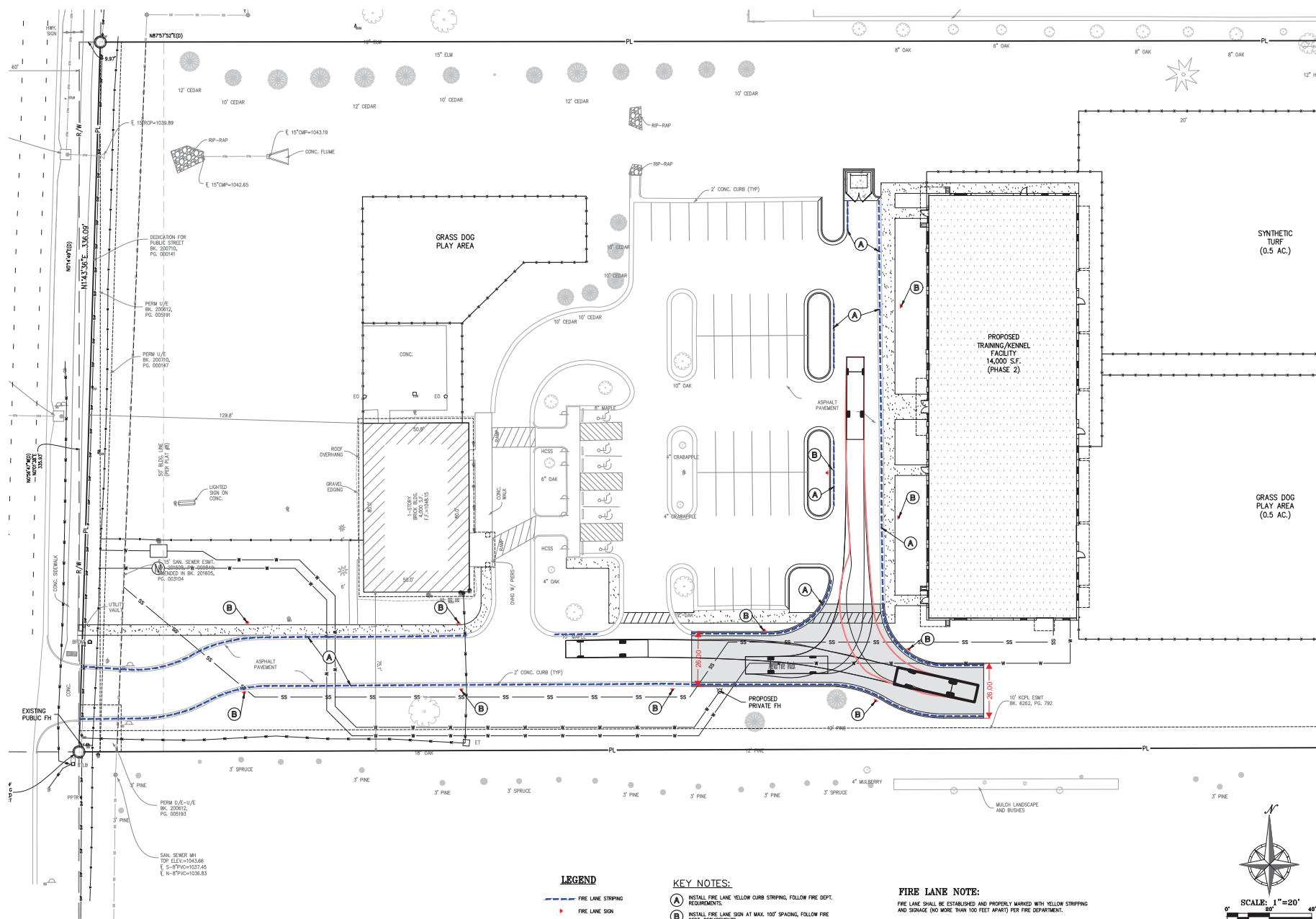
SHEET
C3

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K-9 ACRES
16129 LONE ELM ROAD
OLATHE, JOHNSON COUNTY, KANSAS

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SHEET
C3.1





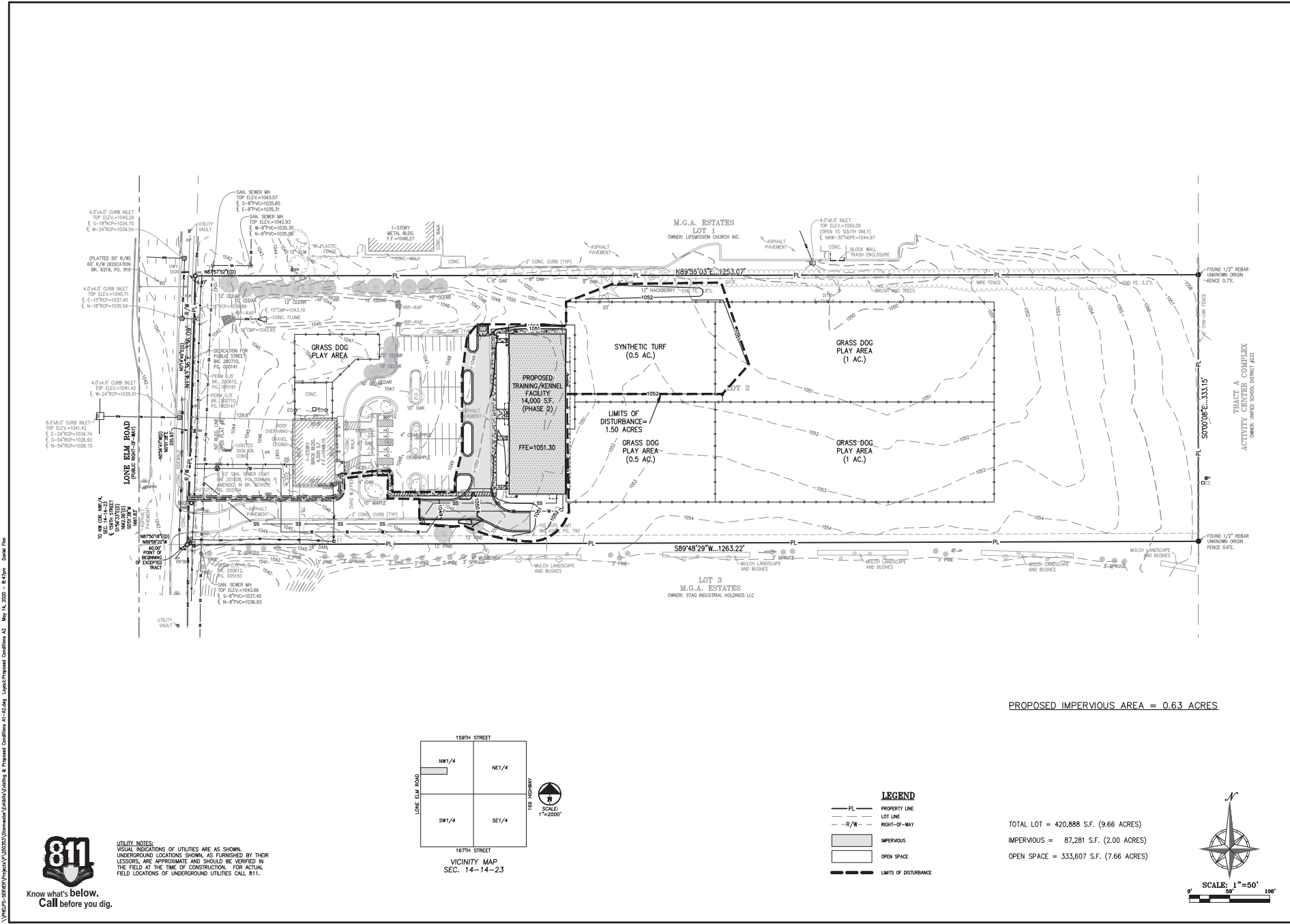
Professional Engineer, State of Kansas
No. 142,283
Exp. 5/14/20
www.kansaspe.com



PROPOSED CONDITIONS MAP
K-9 ACRES
16129 LONE ELM ROAD
OLATHE, JOHNSON COUNTY, KANSAS

PROJECT NO.	DATE	BY	REVISIONS
200553	05-14-20	SMI/DAF	
1			Revised per Planning Comments
2			
3			
4			
5			
6			
7			
8			
9			
10			

SHEET
A2



PROPOSED IMPERVIOUS AREA = 0.63 ACRES

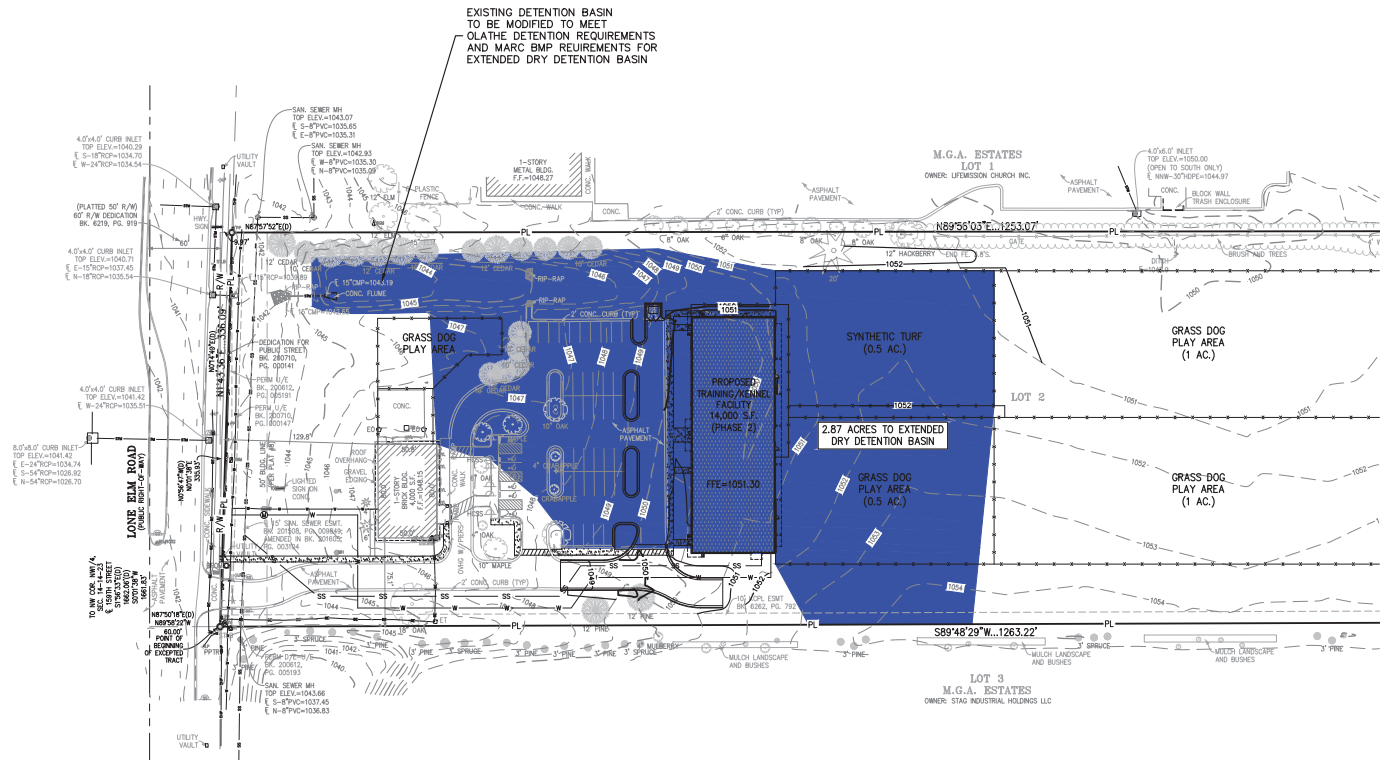
TOTAL LOT = 420,888 S.F. (9.66 ACRES)
IMPERVIOUS = 87,281 S.F. (2.00 ACRES)
OPEN SPACE = 333,607 S.F. (7.66 ACRES)

\\p01ps01-srv001\projdata\p\200553\Drawings\Utility\Utility & Proposed Conditions A1-A2.dwg Layout/Proposed Conditions A2 May 14, 2020 - 4:27pm David Fike



UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN.
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LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN
THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL
FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.

\\NFPS-SEVEN\Projects\2023\230523\Stormwater\Guidelines\Guiding & Proposed Conditions A1-A2.dwg Layout: Stormwater Management A3 May 14, 2025 - 8:43pm David Finn



WORKSHEET 1A: RECORD LEVEL OF SERVICE - DEVELOPED SITE

Project: Commerce Acres	By: OAT	Date: 4-16-2022
Location: Olathe, KS	Checked: OAT	Date: 4-16-2022

1. Proposed Impervious Area

A. Total Area Disturbed by Redevelopment Activity

Area	Acres
1.18" Total	1.36

B. Existing Impervious Area Inside Disturbed Area

Area	Acres
1.18" Total	0.15

C. Required Total Disturbed Area

Area	Acres
1.18" Total	1.31

2. Percent Impervious in Redevelopment Conditions and Level of Service (LS)

A. Total Redevelopment Impervious Area Inside Disturbed Area

Area	Acres
1.18" Total	0.15

B. Existing Impervious Area Inside Disturbed Area

Area	Acres
1.18" Total	0.15

C. Net Increase in Impervious Area

Area	Acres
1.18" Total	0.44

D. Proposed Impervious Area

Area	Acres
1.18" Total	0.44

E. Level of Service

LS	4.0
----	-----

3. Watershed Required Total Value Rating of BMP Package

Value	8.85
-------	------

WORKSHEET 2: CHECK OF MITIGATION PACKAGE(S) THAT MEETS REQUIRED LOS

Project: Commerce Acres	By: OAT	Date: 4-16-2022
Location: Olathe, KS	Checked: OAT	Date: 4-16-2022

1. Required LOS from Table 1 or 2 on Worksheet 1 or 1A, as appropriate

Required LOS	4.0
--------------	-----

2. Proposed BMP Package

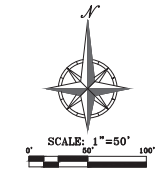
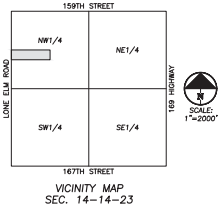
ID	BMP / Control Description	Treatment Area, ac	VR	Value of VR to meet LOS
1	1.18" Total	1.36	1.18	1.18

3. Watershed Required LOS (Yes/No)

Yes	No
-----	----



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FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.



LEGEND

PL	PROPERTY LINE
LOT LINE	LOT LINE
R/W	RIGHT-OF-WAY
IMPERVIOUS	IMPERVIOUS
OPEN SPACE	OPEN SPACE
EXTENDED DRY DETENTION BASIN	EXTENDED DRY DETENTION BASIN
LIMITS OF DISTURBANCE	LIMITS OF DISTURBANCE

PROPOSED CONDITIONS MAP
K-9 ACRES
16129 LONE ELM ROAD
OLATHE, JOHNSON COUNTY, KANSAS

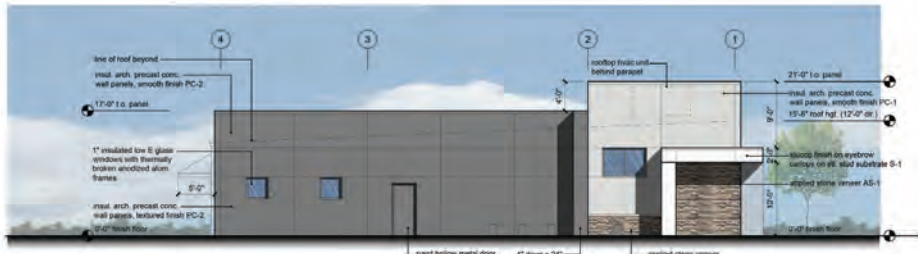
PROJECT NO. 2023053
DATE: 05-14-20
BY: OAT
CHECKED: OAT
DATE: 05-14-20

REVISIONS:
1. 05-14-20
2. 05-14-20
3. 05-14-20
4. 05-14-20
5. 05-14-20
6. 05-14-20
7. 05-14-20
8. 05-14-20
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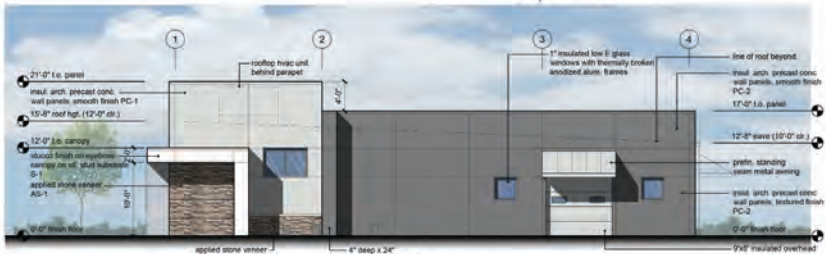
SHEET
A3



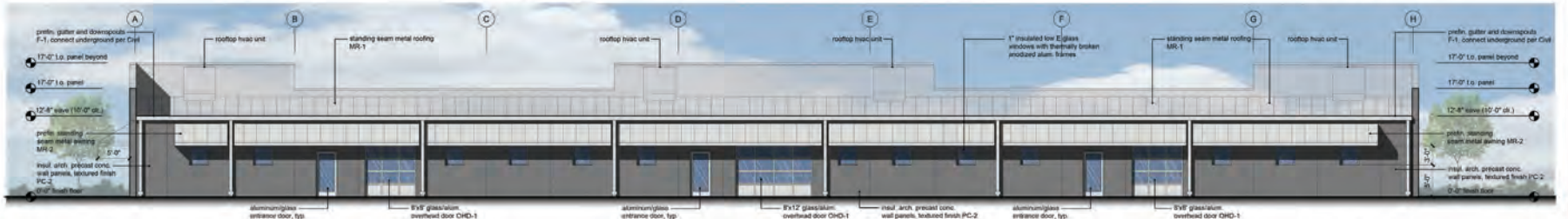
1 West Elevation
scale: 1/8" = 1'-0"



3 North Elevation
scale: 1/8" = 1'-0"



2 South Elevation
scale: 1/8" = 1'-0"



4 East Elevation
scale: 1/8" = 1'-0"

primary facade - west

material	area	% of wall area
architectural quality precast conc. panels, class 1	1574 sf	51%
integral color		
clear glass in alum. frame curtainwall, class 1	664 sf	17%
stone veneer, synthetic, class 1	104 sf	3%
stone veneer, synthetic, class 1	853 sf	13%
metal door/frame, class 4	760 sf	25%
total wall area	3825 sf	100%

UDO requirements: 2 materials from class 1 or comb. 2 materials from class 1 and 2 with no less than 75% of facade with 15% min. clear glass

West primary facade has 80% class 1 materials, including 17% clear glass

secondary facade - east

material	area	% of wall area
architectural quality precast conc. panels, class 1	1138 sf	52%
integral color		
clear glass in alum. frame curtainwall, class 1	404 sf	16%
standing seam metal roofing, class 1	845 sf	25%
metal roof, class 4	181 sf	7%
total wall area	2569 sf	100%

UDO requirements: 2 materials from class 1 or comb. 2 materials from class 1, 2 or 3 with no less than 40% of facade

East facade has 90% class 1 materials

secondary facade - north

material	area	% of wall area
architectural quality precast conc. panels, class 1	1079 sf	30%
integral color		
clear glass in alum. frame curtainwall, class 1	42 sf	3%
stone veneer, synthetic, class 1	42 sf	3%
stone veneer, synthetic, class 1	116 sf	9%
metal door/frame, class 4	21 sf	2%
total wall area	1302 sf	100%

UDO requirements: 2 materials from class 1 or comb. 2 materials from class 1, 2 or 3 with no less than 40% of facade

North facade has 90% class 1 materials

secondary facade - south

material	area	% of wall area
architectural quality precast conc. panels, class 1	993 sf	77%
integral color		
clear glass in alum. frame curtainwall, class 1	42 sf	3%
stone veneer, synthetic, class 1	42 sf	3%
standing seam metal roofing, class 1	116 sf	9%
metal door/frame, class 4	35 sf	3%
total wall area	1269 sf	100%

UDO requirements: 2 materials from class 1 or comb. 2 materials from class 1, 2 or 3 with no less than 40% of facade

South facade has 90% class 1 materials

exterior materials and finishes:

- pre-cast concrete architectural panels
- PC-1 light gray integral color, match SW7071 Gray Screen
- PC-2 dark gray integral color, match SW7074 Software
- exterior paint
- P-1 Sherwin Williams SW7071 Gray Screen
- P-2 Sherwin Williams SW7074 Software
- applied stone veneer
- AS-1 Eldorado Stone, Stacked Stone pattern, color Alderwood or equal cast stone
- CS-1 Midwest Cast Stone, color: 1A or equal
- stone veneer
- S-1 fine finish, color: white
- standing seam aluminum frame, color: clear
- glass
- GL-1 1" insulated clear glass with low-E coating and argon fill
- GL-2 1/2" insulated clear glass with low-E coating and argon fill
- roofing, gutters and downspouts
- F-1 prefinished 24 ga. color: Firestone Cityscape or equal
- MC-1 prefinished, color: Majestic White or equal
- standing seam metal roofing
- MS-1 prefinished, color: galvalume finish
- standing seam metal canopy
- MS-2 prefinished, color: Firestone Cityscape or equal
- hollow metal doors and frames
- P-2 paint color SW7074 Software
- overhead doors
- OH-1 OH-2
- glass and aluminum
- prefinished metal, light gray

UDO category 10 Industrial Buildings compliance:

- Building Facade Treatment
- 1 Building Entry - a 2' wide x 5' deep prefinished metal canopy projects from the facade
- 2 Overhead Doors - no overhead doors face the public street
- 3 Windows - primary west facade has 17% clear glass, exceeds UDO minimum
- 4 Facade Articulation - the 200' long primary west facade is divided into 5 vertical bays. Two end bays, one corner bay and 3 bays that separate the center and ends from each other. The building is "bookended" with vertical articulation at both ends, and at the center where the main building entrance is located
- One facade articulation technique is required for each of the following categories
- 1 Horizontal Articulation
- 2 Vertical Articulation
- 3 Window Articulation
- 4 Facade Articulation

notes:
1. All signage is approved administratively through a separate application.

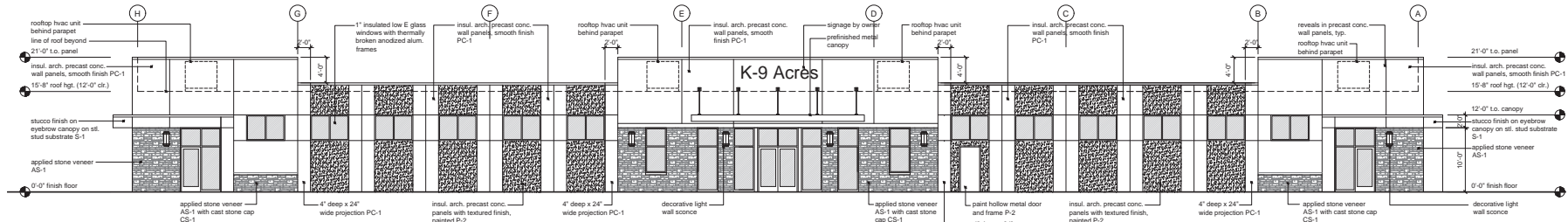
One facade articulation technique is required for each of the following categories

Roofing Materials - project is using class 1 standing seam metal roofing, prefinished vertically run panels with interlocking raised seams

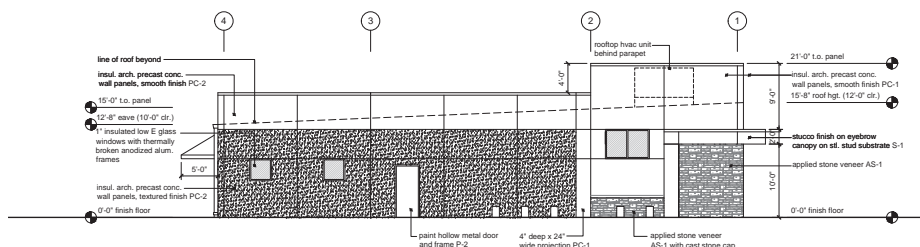
a new development for
K-9 Acres
16129 S. Lone Elm Road
Olathe, Kansas

date
05.15.2020
drawn by
DAE
checked by
DAE
revisions

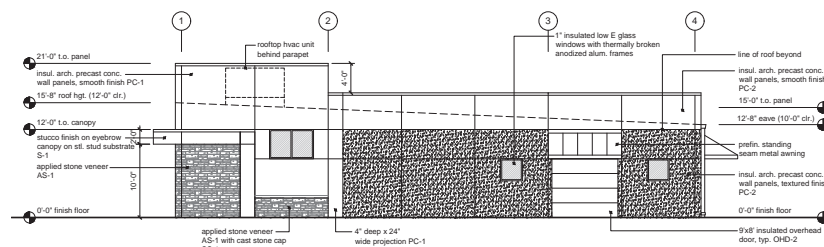
sheet number
A3.1
drawing type
preliminary
project number
20057



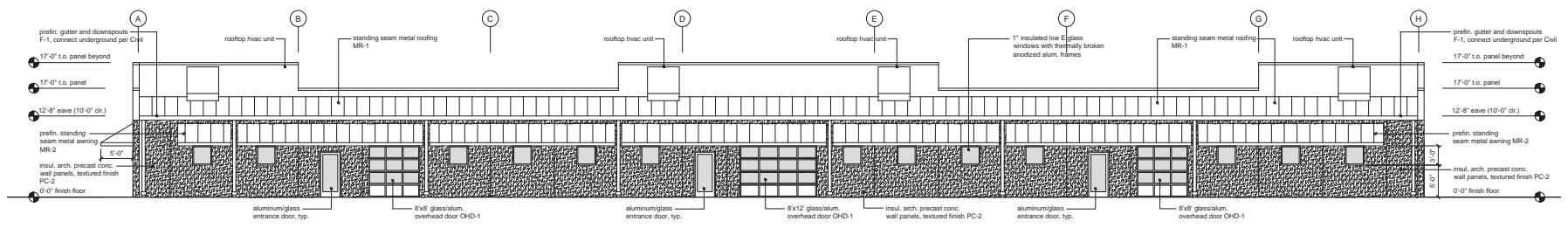
1 West Elevation
scale: 1/8" = 1'-0"



3 North Elevation
scale: 1/8" = 1'-0"



2 South Elevation
scale: 1/8" = 1'-0"



4 East Elevation
scale: 1/8" = 1'-0"

primary facade - west

material	area	% of wall area
architectural quality precast conc. panels, class 1	1814 sf	47%
integral color		
clear glass in alum. frame curtainwall, class 1	664 sf	17%
stucco, genuine, class 1	104 sf	3%
stone veneer, synthetic, class 1	493 sf	13%
precast conc. panels, painted, class 3 (dark gray)	760 sf	20%
total wall area	3835 sf	100%

UDO requirements: 2 materials from class 1 or comb. 2 materials from class 1 and 2 with no less than 75% of facade, with 15% min. clear glass

West primary facade has 80% class 1 materials, including 17% clear glass

secondary facade - east

material	area	% of wall area
architectural quality precast conc. panels, class 1	1338 sf	52%
integral color		
clear glass in alum. frame curtainwall, class 1	404 sf	16%
standing seam metal awning, class 1	640 sf	25%
metal trim, class 4	181 sf	7%
total wall area	2663 sf	100%

UDO requirements: 2 materials from class 1 or comb. 2 materials from class 1, 2 or 3 with no less than 40% of facade

east facade has 93% class 1 materials

secondary facade - north

material	% of wall area
architectural quality precast conc. panels, class 1	1079 sf 83%
integral color	
clear glass in alum. frame curtainwall, class 1	42 sf 3%
stucco, genuine, class 1	42 sf 3%
stone veneer, synthetic, class 1	118 sf 9%
metal door/frame, class 4	21 sf 2%
total wall area	1302 sf 100%

UDO requirements: 2 materials from class 1 or comb. 2 materials from class 1, 2 or 3 with no less than 40% of facade

north facade has 98% class 1 materials

secondary facade - south

material	% of wall area
architectural quality precast conc. panels, class 1	993 sf 77%
integral color	
clear glass in alum. frame curtainwall, class 1	42 sf 3%
stucco, genuine, class 1	42 sf 3%
stone veneer, synthetic, class 1	118 sf 9%
standing seam metal awning, class 1	35 sf 3%
prefinished overhead door, class 4	72 sf 5%
total wall area	1302 sf 100%

UDO requirements: 2 materials from class 1 or comb. 2 materials from class 1, 2 or 3 with no less than 40% of facade

south facade has 95% class 1 materials

exterior materials and finishes:

- pre-cast concrete architectural panels
 - PC-1 light gray integral color, match SW7071 Gray Screen
 - PC-2 dark gray integral color, match SW7074 Software
- exterior paint
 - P-1 Sherwin Williams SW7071 Gray Screen
 - P-2 Sherwin Williams SW7074 Software
- applied stone veneer:
 - AS-1 Eldorado Stone, Stacked Stone pattern, color Alderwood or equal cast stone
 - CS-1 Midwest Cast Stone, color: 1A or equal
- stucco finish eyebrow canopy:
 - S-1 fine finish, color: white
- stone/roof/windows:
 - GL-1 1" insulated clear glass with low-E coating and argon fill "use SOLARBAN 60 as basis
- copings, gutters and downspouts:
 - prefinished 24 ga., color: Firestone Cityscape or equal
- metal entrance canopy:
 - MC-1 prefinished, color: Mapes White or equal
- Standing seam metal roofing:
 - MR-1 prefinished, color: galvalume finish
- Standing seam metal awning:
 - MR-2 prefinished, color: Firestone Cityscape or equal
- hollow metal doors and frames:
 - P-2 paint color SW7074 Software
- overhead doors:
 - OHD-1 glass and aluminum
 - OHD-2 prefinished metal, light gray

UDO category 10 Industrial Buildings compliance:

- Building Facade Treatment
 - 1. Building Entry - a 27' wide x 5' deep prefinished metal canopy projects from the facade.
 - 2. Overhead Doors - no overhead doors face the public street.
 - 3. Windows - primary west facade has 17% clear glass, exceeds UDO minimum.
 - 4. Facade Articulation - the 200' long primary west facade is divided into 5 vertical bays - two end bays, one center bay and 2 bays that separate the center and end bays from each other. The building is "bookended" with vertical articulation at both ends, and at the center where the main building entrance is located.
- One facade articulation technique is required for each of the following categories:
 - 1. Horizontal Articulation:
 - Wall projection is the selected technique. Each bay is separated with a 4' x 24' wide vertical projection from the wall, full height of the facade.
 - 2. Vertical Articulation:
 - Variation in height is the selected technique. The parapet is raised 4' at the ends and center bays.
- Exterior building materials (see facade information this sheet).
- Roofing Materials - project is using class 1 standing seam metal roofing, prefinished vertically run panels with interlocking raised seams.

notes:

- 1. All signage is approved administratively through a separate application.

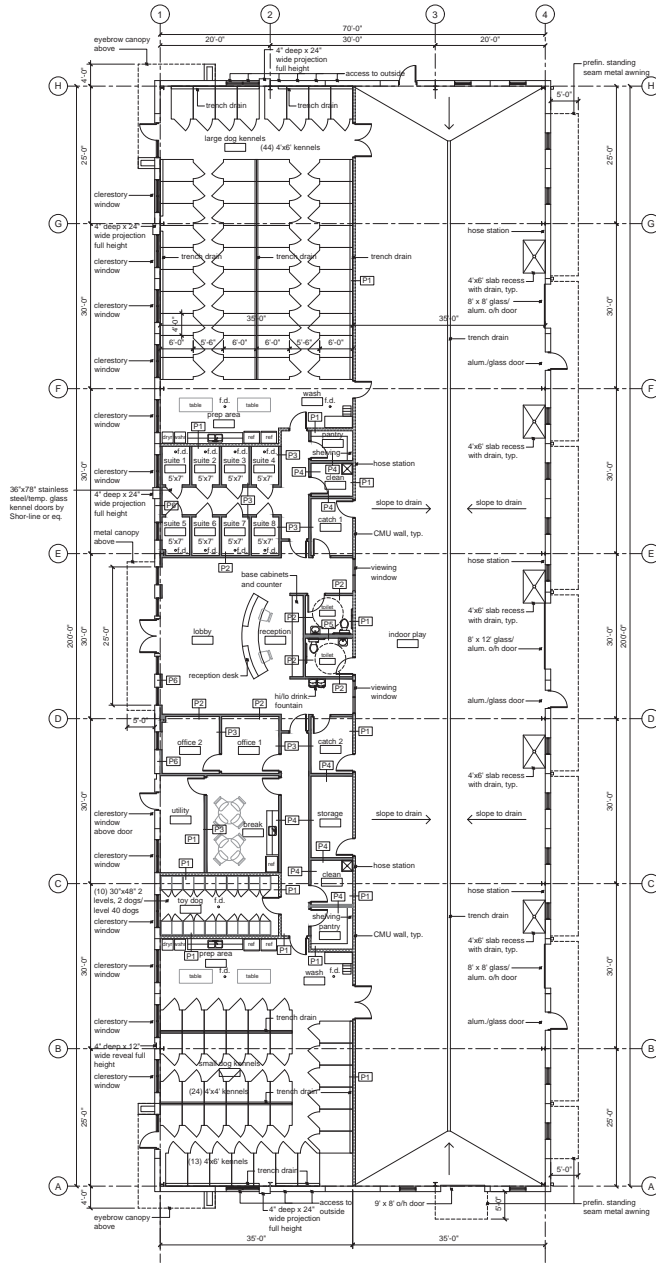
a new development for
K-9 Acres
16129 S. Lone Elm Road
Olathe, Kansas

date: 05.15.2020
checked by: DAE
checked by: DAE
revisions:

sheet number
A3.1
drawing type
preliminary
project number
20057



4801 Industrial Parkway
Overland Park, Kansas
Phone: 913-451-5555
Fax: 913-451-5555
www.davidsoneng.com



partition legend:

- full height CMU partition:
full height 8" thick CMU wall to structure. Reinforcing and grouting per structural.
- full height insulated partition:
6" metal studs at 16" o.c. with 5/8" gypsum on each side full height to underside roof decking with deep leg slip track per detail and full batt insulation. Stud gauge per supplier.
- standard insulated partition:
3-5/8" metal studs at 16" o.c. with 5/8" gypsum on each side to 12'-0" a.f.f. with 3 1/2" unfaced sound attenuation insulation. Stud gauge per supplier. Utilize Dens-Armour Plus at all restroom walls.
- standard partition:
3-5/8" metal studs at 16" o.c. with 5/8" gypsum on each side to 12'-0" a.f.f. Stud gauge per supplier. Utilize Dens-Armour Plus at all restroom walls.
- plumbing chase partition:
8" metal studs at 16" o.c. with 5/8" Dens-Armour Plus gypsum board on both sides up to 12'-0" a.f.f., with sound attenuation insulation. Stud gauge per supplier.
- interior turned partition:
5/8" gypsum on interior side of 3 1/2" studs to above ceiling with 3 1/2" batt insulation. Stud gauge per supplier.

plan notes:

- Flooring is epoxy (with epoxy cove base) except as noted.
Lobby - ceramic tile
toilet off lobby - ceramic tile
2 offices - carpet
utility room - sealed concrete
- Personal suites will have FRP on walls.
Price glass/steel doors on suites by Shor-Line, or equal, 8 total.
- Walls in Indoor Play will have epoxy paint.
- Provide cost for full CMU wall separation between Indoor Play and Office/Kennel area. Indoor play will be heated and ventilated only. Suspended heating units and exhaust fans/hoods for Indoor Play area. Contractor can price (3) HVLS fans in Indoor area for consideration.
Provide cost for fence between Kennel areas and Indoor Play with HVAC entire facility.
- All other interior doors are hollow metal doors and frames, painted.
- Ceiling heights:
Lobby - 12'
Offices, restrooms, break, pantry, etc. 10'
Kennel areas - exposed to roof structure
Indoor Play - exposed to roof structure
- Kennels shown will be purchased by owner.
- Office area and Kennel areas HVAC are roof mounted, screened by building parapets.
- Contractor can price prefabricated standing seam metal awnings on east side as well as canvas type awnings, for owner review and selection.
- Coordinate type of dog wash tub selection with owner.
- Refrigerators, washers and dryers shown are by owner, but will require M/P/E connections.
- Provide alternate cost for 25' wide x 10' high aluminum frameless curtainwall and entrance. See alternate west elevation A3.1a.
(Base bid is curtainwall system as shown on west elevation sheet A3.1.)

1 Floor Plan
scale: 3/32" = 1'-0"
north

a new development for
K-9 Acres
16129 S. Lone Elm Road
Olathe, Kansas

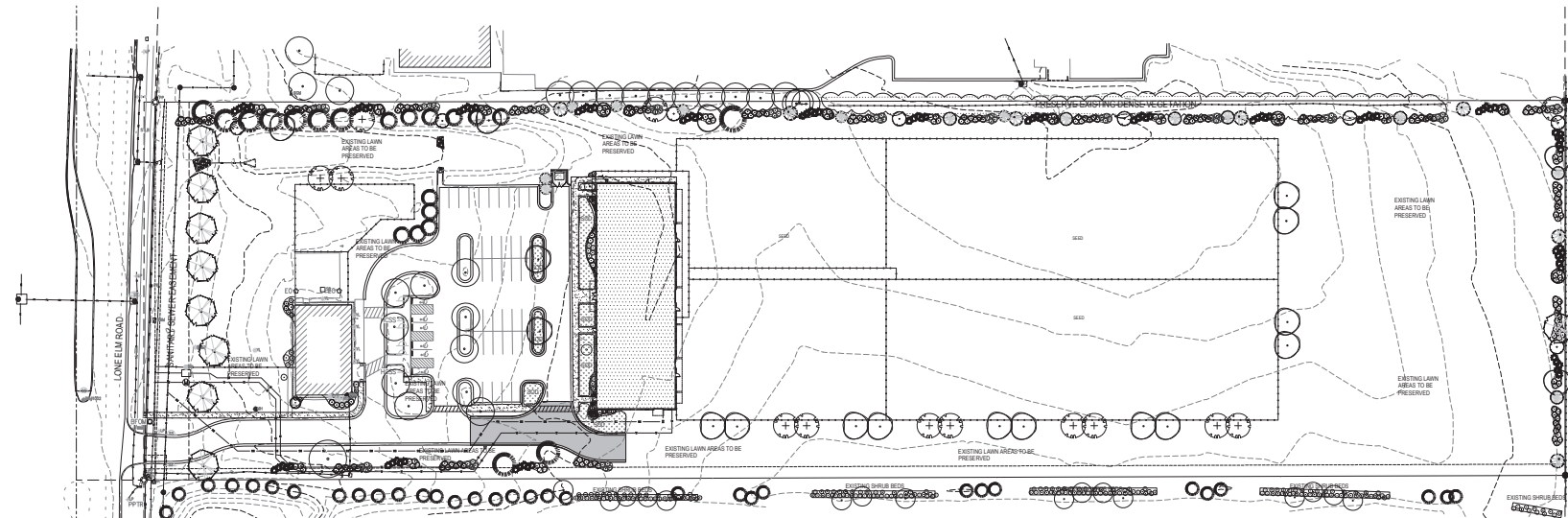
date: 05.15.2020
drawn by: DAE
checked by: DAE
revisions:

sheet number
A2.1
drawing type:
preliminary
project number:
20057

CLIENT
Brandon and Danette
Sutherland
14665 S CAENEN LN
Overland Park, KS 66062

In association with:
David Caton
KC Elite Dog Training

PROJECT
K-9 Acres
Property Masterplan
16129 Lone Elm Road
Olathe, Kansas



1 LANDSCAPE PLAN

SCALE: 1"=50'-0"

M-2 Zoning Landscape Calculations

STREET TREE REQUIREMENTS:

One tree per 40 feet public or private street frontage (minus intersecting driveways)
311 LP along Lone Elm Road
8 Street trees required
8 Street trees provided
Requirements Met

BUFFER LANDSCAPING:

M-1 adjacent to M-1, M-2, C-2, C-3, buffer landscape requirements (North and South Boundary):
Minimum buffer width: 10R - TYPE 1 Buffer required.
(1 Deciduous Shade tree, 1 Ornamental tree, 1 evergreen tree, 20 shrubs, per 100 linear feet)

Linear feet along North edge of site: 1253 LF (extensive existing vegetation to be preserved)

Deciduous trees required: 13
Existing Deciduous trees provided: 13
Evergreen trees required: 13
Existing Evergreen trees provided: 13
Additional evergreen trees provided above requirements.

Linear feet along East edge of site: 331 LF

Deciduous trees required: 3
Existing Deciduous trees provided: 3
Evergreen trees required: 3
Existing Evergreen trees provided: 3
Requirements Met

Linear feet along South edge of site: 1263 LF (Partial Type 1 buffer already existing)

Deciduous trees required: 13
Existing Deciduous trees provided: 13
Evergreen trees required: 13
Existing Evergreen trees provided: 13
Requirements Met

INTERIOR PARKING REQUIREMENTS:

One (1) shade tree shall be provided for every parking and vehicular use landscape island.
Requirement Met

BUILDING FOUNDATION PLANTINGS:

Along any building facade or foundation that fronts upon a public right-of-way or a parking lot provided for the building, landscape areas shall be provided equivalent to a minimum of twenty-five (25) percent of each building facade or foundation.
Requirement Met

Planting Notes

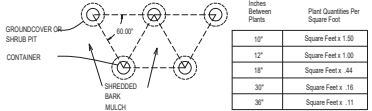
- Location of all existing utilities needs to be done before commencing work.
- The planting plan graphically illustrates overall plant massings. Each plant species massing shall be placed in the field to utilize the greatest coverage of ground plane. The following applies for individual plantings:
 - Creeping groundcover shall be a minimum of 6" from paving edge.
 - All trees shall be a minimum of 3' from paving edge.
 - All plants of the same species shall be equally spaced apart and placed for best aesthetic viewing.
 - All shrubs shall be a minimum of 2' from paved edge.
 - Mulch all planting beds areas to a minimum depth of 3". Mulch individual trees to a minimum depth of 4".
 - Note: If plants are not labeled - they are existing and shall remain.
 - In the event of work in or on a JCW sanitary main, any trees or plantings placed within the sewer easement may be removed without replacement or compensation there-of and shall be replaced by the property owner as required by the City.
 - All landscaped areas in ROW shall be sodded and irrigated unless otherwise specified.
 - No trees may be planted within 15 feet of a street light.
 - Landscape areas must contain 50% living material.
 - Building facade and foundation landscape areas must be irrigated.

Materials:

- Plant material shall be healthy, vigorous, and free of disease and insects as per AAN standards.
- Shredded bark mulch installed at trees shall be finely chipped and shredded hardwood chips, consisting of pure wood products and free of all other foreign substances. Pine bark compost mulch installed at planting beds areas shall be free of all other foreign substances.

Installation:

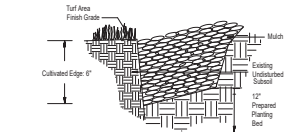
- All planting beds shall be amended with 1 cubic yard of peat moss per 1,000 square feet. Till peat moss into soil to a 6" depth. A 10-10-10 fertilizer shall be spread over all planting areas prior to planting, at a rate of 50 pounds per 2,000 square feet.
- After plants have been installed, all planting beds shall be treated with Dacthal pre-emergent herbicide prior to mulch application.
- Plant pit backfill for trees and shrubs shall be 50% peat or well composted manure and 50% topsoil.
- Plant material shall be maintained and guaranteed for a period of one year after Owner's acceptance of finished job. All dead or damaged plant material shall be replaced at Landscape Contractor's expense.
- Landscape contractor shall maintain all plant material until final acceptance, at which point the one year guarantee begins.



NOTES: 1. SPACING FOR GROUNDCOVERS, SHRUBS, AND PERENNIALS NOTED ON PLANS.
2. TILL SOIL IN BED TO A 12" MINIMUM DEPTH AND THOROUGHLY MIX IN SOIL AMENDMENTS AS NOTED ON PLANS.

2 GROUNDCOVER/SHRUB DETAIL

SCALE: NTS



3 CULTIVATED EDGE DETAIL

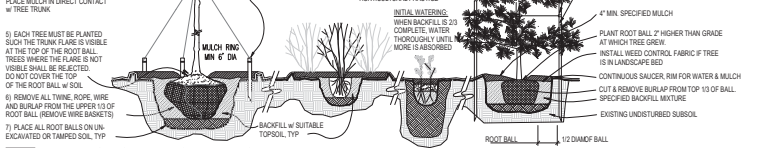
SCALE: NTS

TREE PLANTING NOTES:

- DO NOT HEAVILY PRUNE THE TREE. PRUNE ONLY CROSSOVER LIMBS, CO-DOMINANT LEADERS, & BROKEN OR DEAD BRANCHES. SOME INTERIOR TWIGS & LATERAL BRANCHES MAY BE PRUNED. DO NOT REMOVE THE TERMINAL BUDS OF BRANCHES THAT EXTEND TO THE EDGE OF THE CROWN.
- MARK THE NORTH SIDE OF THE TREE IN THE NURSERY, AND ROTATE THE TREE TO FACE NORTH AT THE SITE WHENEVER POSSIBLE.
- SET TOP OF ROOT BALL 1-2 INCHES HIGHER THAN SURROUNDING GRADE.
- APPLY 4" THICK WOOD MULCH. DO NOT PLACE MULCH IN DIRECT CONTACT W/ TREE TRUNK.
- EACH TREE MUST BE PLANTED SUCH THE TRUNK FLARE IS VISIBLE AT THE TOP OF THE ROOT BALL. TREES WHERE THE FLARE IS NOT VISIBLE SHALL BE REJECTED. DO NOT COVER THE TOP OF THE ROOT BALL W/ SOIL.
- REMOVE ALL TRUNK ROOTS, WIRE, AND BURGLAR FROM THE UPPER 1/3 OF ROOT BALL. REMOVE IRON BASKETS.
- PLACE ALL ROOT BALLS ON TOP OF EXCAVATED OR TAMPED SOIL TYPE.

4 PLANTING INSTALLATION DETAILS

SCALE: NTS



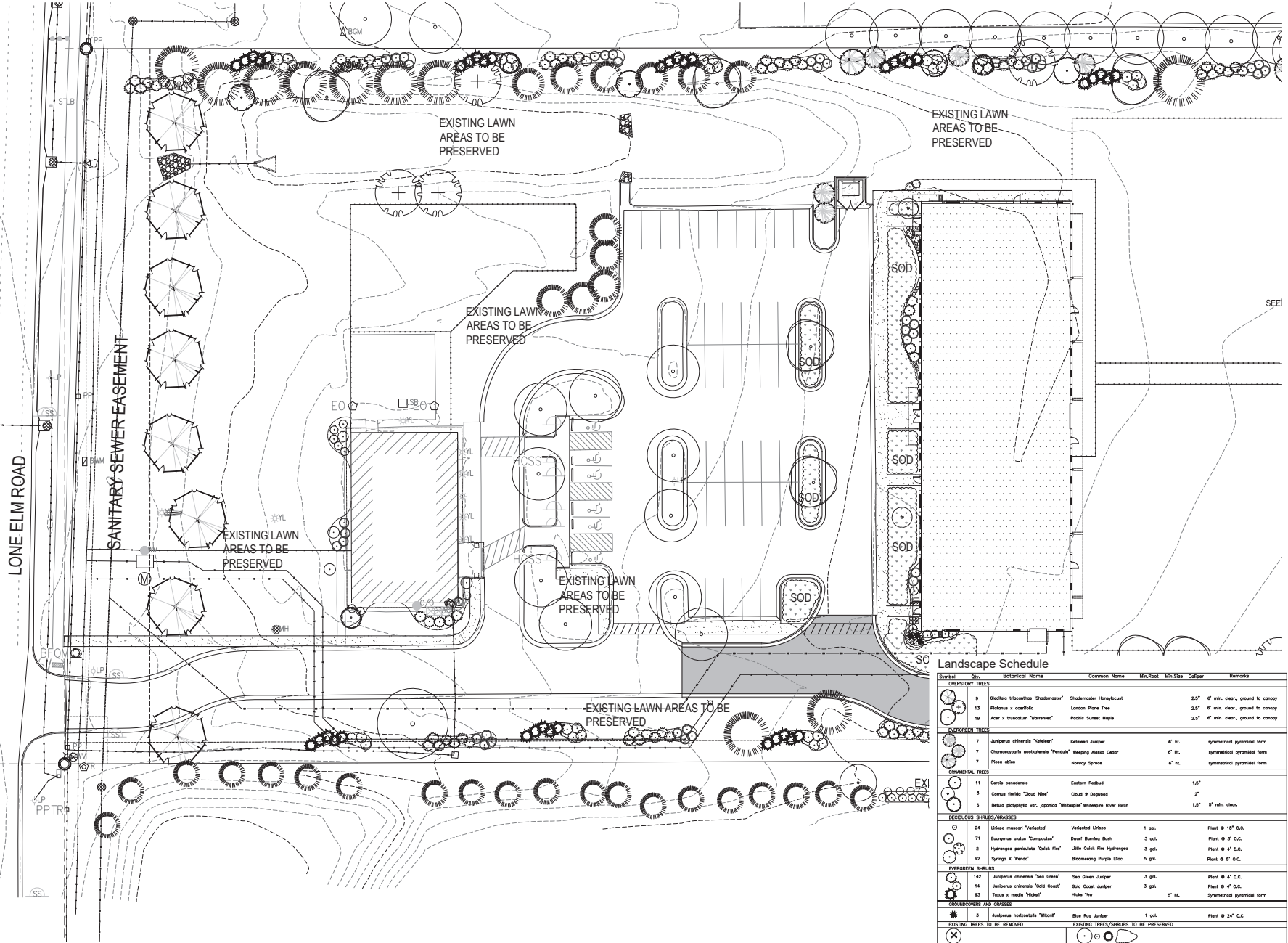
MEIER
LANDSCAPE
ARCHITECTURE
15245 Metcalf Ave.
Overland Park, KS 66223
913.787.2817



CLIENT
Brandon and Danette
Sutherland
14665 S CAENEN LN
Overland Park, KS 66062

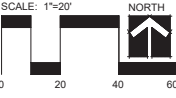
In association with:
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PROJECT
K-9 Acres
Property Masterplan
16129 Lone Elm Road
Olathe, Kansas



Landscape Schedule

Symbol	Qty.	Botanical Name	Common Name	Min. Root	Min. Size	Caliper	Remarks
OVERSTORY TREES							
8	1	<i>Crataegus mollis</i> "Shademaster"	Shademaster Honeysuckle	2.5"	6" min. clear, ground to canopy		
13	1	<i>Platanus x acerifolia</i>	London Plane Tree	2.5"	6" min. clear, ground to canopy		
19	1	<i>Acer x fraxinifolium</i> "Baroness"	Pacific Sunset Maple	2.5"	6" min. clear, ground to canopy		
EVERGREEN TREES							
7	1	<i>Juniperus chinensis</i> "Spartan"	Kelbert Juniper	6" H.	symmetrical pyramidal form		
7	1	<i>Chamaecyparis nortoniensis</i> "Pendula"	weeping Alaska Cedar	6" H.	symmetrical pyramidal form		
7	1	<i>Picea canadensis</i>	Horsely Spruce	6" H.	symmetrical pyramidal form		
SEMI-DECIDUOUS TREES							
11	1	<i>Quercus macrocarpa</i>	Eastern Redbud	1.5"			
3	1	<i>Cornus florida</i> "Cloud Nine"	Cloud 9 Dogwood	2"			
3	1	<i>Betula papyrifera</i> var. <i>japonica</i> "Whisper"	Whispering River Birch	1.5"	5' min. clear		
PERENNIAL SHRUBS/GRASSES							
24	1	<i>Liriodendron tulipifera</i>	Yellowed Tulip	1 gal.	Plant @ 18" O.C.		
71	1	<i>Campanula medium</i> "Campanula"	Dark Bellflower	2 gal.	Plant @ 3' O.C.		
2	1	<i>Hydrangea paniculata</i> "Dawn Fire"	Little Quik Fire Hydrangea	3 gal.	Plant @ 4' O.C.		
92	1	<i>Syringa x 'Pamela'</i>	Blossoming Purple Lilac	5 gal.	Plant @ 5' O.C.		
EVERGREEN SHRUBS							
142	1	<i>Juniperus chinensis</i> "Spartan"	Spartan Juniper	3 gal.	Plant @ 4' O.C.		
14	1	<i>Juniperus chinensis</i> "Spartan"	Spartan Juniper	2 gal.	Plant @ 4' O.C.		
93	1	<i>Taxus x media</i> "Nidus"	Hicks Yew	5" H.	Symmetrical pyramidal form		
GROUNDCOVERS AND GRASSES							
3	1	<i>Juniperus horizontalis</i> "Wilton"	Blue Rug Juniper	1 gal.	Plant @ 24" O.C.		
EXISTING TREES TO BE REMOVED							
EXISTING TREES/SHRUBS TO BE PRESERVED							
LAWN AREAS							
SEED	SEED	SOD SHALL BE TALL FESCUE MIXTURE, AS PROVIDED BY MEMBERS OF THE TURF PRODUCERS ASSOC.					
SEED	SEED	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES
SEED	SEED	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES
SEED	SEED	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES	PERENNIAL WILLOW TREES



Date: 5.15.2020
Project #: 593
Layout Plan

L2

1 LANDSCAPE PLAN - ENLARGEMENT PLAN
SCALE: 1"=20'-0"

CITY OF OLATHE
Property Owner Notification Letter

Attachment A

Case No. SU20-0001

Dear Property Owner:

This is to notify you that a public hearing will be held at the Olathe City Hall Council Meeting room at 100 E. Santa Fe, Olathe, Kansas, to consider a **SPECIAL USE PERMIT** for Animal Care - Indoor or Outdoor Kennel on the following described tract of land:

Legal Description:
Lengthy, See Attached.

General Location: 16129 Lone Elm Rd (See general location map attached)

A public hearing will be held to consider a request for a special use permit for the above-described tract at 7:00 PM on June 8, 2020. Any interested persons or property owners are invited to attend. Due to the COVID-19 pandemic, the City of Olathe continues to follow social distancing and recommendations from the State and Johnson County, therefore additional means of meeting participation may be provided through interactive communication methods, such as Zoom. Please refer to the City of Olathe Planning Division website (<https://www.olatheks.org/government/planning>) for updates and latest news on the meeting format. You may also call the Planning Division at 913-971-8750.

Information regarding this special use permit application is available in the Planning Division located at City Hall, at 913-917-8750, through email at PlanningContact@Olatheks.org, or you may contact Judd Claussen at Phelps Engineering at the contact information below for additional information regarding this request.

A fourteen (14) day protest period begins at the conclusion of the public hearing during which you may file a protest petition with the City Clerk. If valid protest petitions are received from property owners of twenty (20) percent of the land within the notification area, exclusive of the public right-of-way, a three- quarters ($\frac{3}{4}$) vote of the City Council is required to approve this request.

Copies of the protest petitions are available from the Planning Division or City Clerk office at 913-971 8521 or CCO@Olatheks.org.

Respectfully,

Judd D. Claussen, P.E.

Applicant (or Owner or Agent)
jclaussen@phelpsengineering.com
PHONE: 913-393-1155
ADDRESS: 1270 N Winchester
CITY: Olathe
STATE: KS
ZIP: 66061

May 5, 2020

Re: **Neighborhood Meeting for K-9 Acres project**
16129 Lone Elm Rd, Olathe, Kansas
Rezoning case # RZ20-0004
Special Use permit case # SU20-0001

Dear Neighbor,

On behalf of our client, Emerald Properties, LLC., I would like to invite you to an informational meeting that we are hosting for our neighbors regarding the development on the above referenced property. Due to the COVID-19 Pandemic, this meeting will be held via a virtual online meeting. Below is the information to attend:

Meeting Date/Time:	Monday May 18 at 5:30 pm.
Website:	https://zoom.us/join
Meeting ID:	856 0818 3958
Password:	Olathe
Phone call in option:	(312) 626 6799 - for use only if not using computer audio.

Our proposed project consists of remodeling the existing church building and re-purposing the building for a canine facility where training, day-care, boarding, and veterinary services will be provided for canines. A new building will be constructed east of the existing parking lot, and play/training fields will be located on the eastern portion of the property. A copy of the proposed site plan and building elevation is attached for reference. We have filed rezoning and special use permit applications with the City for their approval and we are excited to share this information with you and answer any questions you may have.

An upcoming Planning Commission public hearing will be held at the City of Olathe City Hall at 7 pm, June 8, 2020. The public is invited to attend and will be able to speak.

Please feel free to attend this meeting for an opportunity to learn more about the project and discuss any questions you might have. If you are not able to be on the virtual meeting, please contact me and I will be happy to answer any questions you may have.

Sincerely,

Judd D. Claussen, P.E.
Phelps Engineering, Inc.,
Jclaussen@phelpsengineering.com
Encl: Site plan, building elevation.

PHELPS ENGINEERING, INC.



Date: May 18, 2020

Meeting Date: May 18, 2020 at 5:30 PM

Location of Meeting: Zoom online meeting (see attached invite letter)

Project: K-9 Acres

Project/File No.: 200353

Neighborhood Attendees: None.

Development Team: Brandon Sutherland – Emerald Properties
Jason Meier – Meier Consulting – Landscape Architect
Judd Claussen – Phelps Engineering
Daniel Finn – Phelps Engineering
Powell Minnis – Davidson Architects & Engineers

Copy: Olathe Planning Department

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1. Development team called / logged in at meeting time. After approximately 20 minutes, there had been no neighbors that called or logged into the meeting. Meeting ended approximately 5:50 pm.



Planning Division

MINUTES

Planning Commission Meeting: June 8, 2020

Application:	<u>SU20-0001</u>: Preliminary Development Plan and Special Use Permit for Animal Care – Indoor or Outdoor Kennel, K-9 Acres
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Jessica Schuller, Senior Planner, presented this special use permit and preliminary site development plan for K-9 Acres. This is the same site with additional details specific to the user of the site. It is within the employment center district established by the Future Land Use Map. The property proposes a rezoning to M-2 from existing County Rural designation, which is in conjunction with Case RZ20-0004 previously recommended for approval.

Ms. Schuller explained that the applicant is seeking a special use permit to allow a dog kennel and training facility with an associated veterinary clinic to be located on this site. The request complies with the UDO. The business would be open daily and include about 25 employees. Emergency vet hours will also be offered.

Ms. Schuller noted that the existing building was the location of a former church and is now vacant. The applicant plans first to renovate the building as a veterinary clinic before building a new 14,000 square foot kennel building. There is existing access to the site from Lone Elm Road, and landscaping is being added to meet current requirements of the UDO. There are existing landscape buffers along the property lines, and trees have been added throughout the site. Staff will continue to work with the applicant to finalize a plan for fencing and additional landscaping on site.

Ms. Schuller added that the proposed building is a single story constructed with tilt-up concrete panels in shades of light and dark gray. The primary façade is accented with stone veneer and canopies. She stated that the proposed building exceeds ordinance requirements for building materials, although staff will continue working with the applicant on the north elevation, adding additional articulation and detail to that façade. Also, staff supports applicant's request for a ten-year term for the special use permit. Staff recommends approval of this special use permit as stipulated.

Chair Vakas opened the public hearing and ask applicants represented if they wished to speak. **Judd Claussen, Phelps Engineering, 1270 North Winchester, Olathe**, appeared via Zoom on behalf of the applicant, Brandon Sutherland. He explained that there will be two phases because the applicant wants to open for business in the existing building as soon as possible. They are requesting a 10-year term.

There were no questions for Mr. Claussen, and no one else wished to speak. **Chair Vakas** called for a motion to close the public hearing.

Motion by Comm. Allenbrand, seconded by Comm. Sutherland, to close the public hearing.

Aye: Allenbrand, Sutherland, Freeman, Nelson, Fry, Corcoran, Youker, Breen, Vakas (9)

SU20-0001
June 8, 2020
Page 2

No: (0)

Motion was approved 9-0.

Chair Vakas also appreciates the investment the applicant is making in Olathe.

Motion by Comm. Nelson, seconded by Comm. Youker, that SU20-0001 be recommended for approval, subject to the following stipulations:

- a. The special use permit for *Animal Care – Indoor or Outdoor Kennel* is approved for a ten (10) year period effective from the date of the Resolution.
- b. A final site development plan must be approved prior to issuance of a building permit.
- c. As required by the UDO, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building.
- d. All new on-site wiring and cables shall be placed underground.
- e. Details of the fencing of the outdoor enclosed dog areas, including landscaping details, shall be determined at the time of Final Site Development Plan.
- f. Additional architectural interest on the north and south facades will be provided by the applicant during Final Site Development Plan review.
- g. At the time of Final Site Development Plan, the proposed building must either provide an automatic fire sprinkler system or alterations to the access roads in order to resolve the fire access deficiency.

Aye: Allenbrand, Sutherland, Freeman, Nelson, Fry, Corcoran, Youker, Breen, Vakas (9)

No: (0)

Motion was approved 9-0.

RESOLUTION NO. 20-1047

A RESOLUTION GRANTING A SPECIAL USE PERMIT FOR ANIMAL CARE, INDOOR OR OUTDOOR KENNEL SUBJECT, HOWEVER, TO THE STIPULATIONS HEREINAFTER MORE FULLY EXPRESSED.

WHEREAS, Application No. SU20-0001 was filed with the City of Olathe, Kansas, on the 7th day of April 2020; and

WHEREAS, said Application requested that the City Council of the City of Olathe, Kansas, issue a special use permit for Animal Care – Indoor or Outdoor Kennel on the following described property:

LOT 2, M.G.A. ESTATES, A SUBDIVISION IN JOHNSON COUNTY, KANSAS, EXCEPT THE WEST 10 FEET IN ROAD, AND EXCEPT

PART OF LOT 2, M.G.A. ESTATES, AND PART OF THE NORTHWEST QUARTER OF SECTION 14, TOWNSHIP 14 SOUTH, RANGE 23 EAST IN THE CITY OF OLATHE, JOHNSON COUNTY, KANSAS MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 01° 56' 33" EAST, ALONG THE WEST LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 506.597 METERS (1,662.06 FEET); THENCE NORTH 87° 50' 18" EAST, A DISTANCE OF 18.288 METERS (60.00 FEET) TO THE POINT OF INTERSECTION OF THE SOUTH LINE OF SAID LOT 2 WITH THE EAST RIGHT-OF-WAY LINE OF LONE ELM ROAD, SAID POINT BEING THE TRUE POINT OF BEGINNING; THENCE NORTH 01° 56' 47" WEST, ALONG SAID EAST RIGHT-OF-WAY LINE, A DISTANCE OF 102.391 METERS (335.93 FEET) TO A POINT ON THE NORTH LINE OF SAID LOT 2; THENCE NORTH 87° 57' 52" EAST, ALONG SAID NORTH LINE, A DISTANCE OF 3.038 METERS (9.97 FEET); THENCE SOUTH 00° 14' 49" EAST, A DISTANCE OF 102.441 METERS (336.09 FEET) TO THE TRUE POINT OF BEGINNING.

WHEREAS, such property is zoned M-2; and

WHEREAS, Chapter 18.20 and 18.40 of the Unified Development Ordinance authorizes the establishment of such a use in such zoned area upon the issuance of a special use permit; and

WHEREAS, the Planning Commission and the City Council of the City of Olathe, Kansas, having given the requisite notices by publication and otherwise, and after holding a public hearing on the 8th day of June 2020, and affording a full and fair hearing to all the property owners, generally, and to other interested persons situated in the affected area or in the vicinity thereof; and

WHEREAS, the Planning Commission of the City of Olathe, Kansas, has recommended that the special use permit be granted; and

WHEREAS, the City Council is of the opinion that such special use permit should be granted subject to the conditions set out herein. The following conditions apply:

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

SECTION ONE: That Application No. SU20-0001 requesting the issuance of a special use permit for Animal Care - Indoor or Outdoor Kennel on the previously described property, which is presently zoned as M-2 is hereby approved.

SECTION TWO: That this special use permit is approved and granted upon the following stipulations and in conformance with Chapter 18.20 and Chapter 18.40 of the Unified Development Ordinance:

- a. The special use permit for *Animal Care – Indoor or Outdoor Kennel* is approved for a ten (10) year period effective from the date of the Resolution.
- b. A final site development plan must be approved prior to issuance of a building permit.
- c. As required by the UDO, all exterior ground or building mounted equipment, including but not limited to mechanical equipment, utility meter banks and coolers, shall be screened from public view with landscaping or an architectural treatment compatible with the building.
- d. All new on-site wiring and cables shall be placed underground.
- e. Details of the fencing of the outdoor enclosed dog areas, including landscaping details, shall be determined at the time of Final Site Development Plan.
- f. Additional architectural interest on the north and south facades will be provided by the applicant during Final Site Development Plan review.
- g. At the time of Final Site Development Plan, the proposed building must either provide an automatic fire sprinkler system or alterations to the access roads in order to resolve the fire access deficiency.

SECTION THREE: That this Resolution shall take effect immediately.

ADOPTED by the City Council this 7th day of July 2020.

SIGNED by the Mayor this 7th day of July 2020.

ATTEST:

Mayor

City Clerk

(Seal)

APPROVED AS TO FORM:

City Attorney



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Resource Management

STAFF CONTACT: Dianna Wright/Emily Vincent

SUBJECT: Consideration of Resolution No 20-1048 assigning the master resolution, lease agreement and related bond documents by BR Capital, LLC in connection with \$5,000,000 in industrial revenue bonds to Foley Industries, Inc.

ITEM DESCRIPTION:

Consideration of Resolution No 20-1048 assigning the master resolution, lease agreement and related bond documents by BR Capital, LLC in connection with \$5,000,000 in industrial revenue bonds to Foley Industries, Inc.

SUMMARY:

The City previously approved Master Resolution 18-1049 (Attachment A) authorizing the issuance of not to exceed \$17,000,000 in industrial revenue bonds to BR Capital, LLC for the construction of new facilities located on a 15.3 acre lot at the end of 157th Street, west of 169 Highway.

The City then approved Ordinance 19-14 (Attachment B) authorizing the issuance of not to exceed \$6,500,000 in industrial revenue bonds to BR Capital, LLC for the construction of an office and shop facility under the Master Resolution.

BR Capital, LLC has requested to assign the \$5,000,000 in industrial revenue bonds that were issued and associated tax abatement for the facility along with the remaining \$12,000,000 under the Master Resolution to Foley Industries, Inc. (Attachment C).

Attached is Resolution No. 20-1048 (Attachment D) prepared by Gilmore & Bell, P.C., the City's bond counsel consenting to the assignment.

FINANCIAL IMPACT:

None

ACTION NEEDED:

Approve Resolution No. 20-1048

ATTACHMENT(S):

Attachment A: Master Resolution 18-1049 Attachment B: Ordinance No. 19-14 Attachment C: Request for Assignment Letter Attachment D: Resolution No. 20-1048

RESOLUTION NO. 18-1049

RESOLUTION DETERMINING THE INTENT OF THE CITY OF OLATHE, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN ONE OR MORE SERIES IN THE APPROXIMATE PRINCIPAL AMOUNT OF \$17,000,000 TO FINANCE THE COSTS OF ACQUIRING, CONSTRUCTING AND EQUIPPING MULTIPLE FACILITIES FOR THE BENEFIT OF BEDROCK CONCRETE L.L.C., AND ITS SUCCESSORS AND ASSIGNS (MASTER RESOLUTION)

WHEREAS, the City of Olathe, Kansas (the "City"), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and thereby to further promote, stimulate and develop the general welfare and economic prosperity of the State of Kansas; and

WHEREAS, the City is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the "Act"), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, Bedrock Concrete L.L.C., a Kansas limited liability company (the "Company"), has submitted to the City an Application for the Issuance of Industrial Revenue Bonds (the "Application") requesting that the City finance the cost of acquiring, constructing and equipping one or more facilities of approximately 92,000 square feet as more fully described in the Application (individually a "Project" and collectively, the "Projects") through the issuance of its industrial revenue bonds in one or more series in the approximate principal amount of \$17,000,000 (collectively, the "Bonds"), and to lease the Projects to the Company, or its successors and assigns in accordance with the Act; and

WHEREAS, it is hereby found and determined to be advisable and in the interest and for the welfare of the City and its inhabitants that the City finance the costs of each of the Projects by the issuance of the Bonds in one or more series under the Act in the approximate principal amount of \$17,000,000, each series of Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the applicable Project by the City to the Company.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS, AS FOLLOWS:

Section 1. Approval of Projects. The Governing Body of the City hereby finds and determines that the acquiring, constructing and equipping of the Projects will promote the general welfare and economic prosperity of the City of Olathe, Kansas, and thereby further promote, stimulate and develop the general economic welfare and prosperity of the State of Kansas, and the issuance of the Bonds in one or more series to pay the costs of the Projects will be in furtherance of the public purposes set forth in the Act. The Projects shall be located on approximately 15.3 acres of land approximately located at 19968 W. 157th Street, west of 169 Highway in Olathe, Kansas.

Section 2. Intent to Issue Bonds. The Governing Body of the City hereby determines and declares the intent of the City to acquire, construct and equip the Projects out of the proceeds of the Bonds of the City in the approximate principal amount of \$17,000,000 to be issued pursuant to the Act.

Section 3. Provision for the Bonds. Subject to the conditions of this Resolution, the City expresses its intent to (i) issue its Bonds in one or more series to pay the costs of acquiring, constructing

and equipping the Projects, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the City; (ii) provide for the lease (with an option to purchase) of each Project to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of each series of Bonds by the City and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. Conditions to Issuance. The issuance of each series of Bonds and the execution and delivery of any documents related to each series of Bonds are subject to: (i) passage and publication of an ordinance authorizing each series of Bonds and obtaining any other necessary governmental approvals; (ii) agreement by the City, the Company and the purchaser of each series of Bonds upon (a) mutually acceptable terms for each series of Bonds and for the sale and delivery thereof, and (b) mutually acceptable terms and conditions of any documents related to the issuance of each series of Bonds and the Projects; (iii) the Company's compliance with the City's policies relating to the issuance of industrial revenue bonds and ad valorem tax abatement; and (iv) the receipt and approval by the City of appropriate applications for the issuance of each series of Bonds.

Section 5. Sale of the Bonds. The sale of each series of Bonds shall be the responsibility of the Company; provided, however, arrangements for the sale of each series of Bonds shall be acceptable to the City.

Section 6. Ad Valorem Tax Abatement. Subject to the conditions in Section 4 and compliance with K.S.A. 12-1749c and 12-1749d and in consideration of the Company's decision to acquire, construct and equip the Projects, the City hereby agrees to take all appropriate action to request the Kansas Board of Tax Appeals to approve a 100% ad valorem property tax abatement (not including special assessments and taxes that may not be abated by the City under Kansas law) for all property (including real property and building improvements) financed with the proceeds of each series of Bonds.

In consideration of the City's agreement to request such 100% abatement, the Company will agree to make payments in lieu of tax for each Project to the City as follows:

<u>Year</u> ¹	<u>Approximate Percentage of Payments in Lieu</u>
1	50%
2	50%
3	50%
4	50%
5	50%
6	50%
7	50%
8	50%
9	50%
10	50%

¹Year refers to the first full calendar year following the issuance of the applicable series of Bonds.

provided, however, any agreed upon valuation for determining the amount of such payment in lieu of tax and any property for which the City shall determine the payment in lieu of tax shall be in excess of that shown above, shall be set forth in the performance based tax agreement executed by the City and the

Company. Each Project financed with the Bonds shall be entitled to a 10-year tax abatement, with the first year of the abatement being the year beginning on the January 1 following the year the series of Bonds associated with such Project are issued. The foregoing percentages are subject to adjustment in accordance with the performance agreement for each Project.

Section 7. Limited Obligations of the City. Each series of Bonds and the interest thereon shall be special, limited obligations of the City payable solely out of the amounts derived by the City under a Lease Agreement with respect to each series of Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate to the Trustee and in favor of the owners of each series of Bonds, as provided in the Indenture. Each series of Bonds shall not constitute a general obligation of the City, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the City, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the respective Indenture. The issuance of each series of Bonds shall not, directly, indirectly or contingently, obligate the City, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 8. Required Disclosure. Any disclosure document prepared in connection with the placement or offering of any series of Bonds shall contain substantially the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE CITY CONTAINED UNDER THE CAPTIONS "THE CITY" AND "LITIGATION - THE CITY" HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE CITY, AND THE CITY MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

Section 9. Authorization to Proceed. The Company is hereby authorized to proceed with the acquiring, constructing and equipping of the Projects, including the necessary planning and engineering for the Projects and entering into of contracts and purchase orders in connection therewith, and to advance such funds as may be necessary to accomplish such purposes, and, to the extent permitted by law, the City will reimburse the Company for all expenditures paid or incurred therefor out of the proceeds of the Bonds.

Section 10. Termination of Resolution. This Resolution shall terminate ten (10) years after its adoption.

Section 11. Benefit of Resolution. This Resolution will inure to the benefit of the City and the Company. The City may, at the request of the Company, assign all or a portion of the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of the portion of this Resolution assigned and the proceedings related hereto.

Section 12. Further Action. Counsel to the City and Gilmore & Bell, P.C., Bond Counsel for the City, together with the officers and employees of the City, are hereby authorized to work with the purchaser of each series of Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the City all documents necessary to effect the authorization, issuance and sale of each series of Bonds and other actions contemplated hereunder.

Section 13. Effective Date. This Resolution shall take effect and be in full force immediately after its adoption by the Governing Body of the City.

ADOPTED on May 15, 2018.

CITY OF OLATHE, KANSAS

[SEAL]

By:

Jim Rauloff
Mayor Pro Tem

ATTEST:

Emily Vincent
City Clerk



Resolution of Intent
Bedrock Concrete L.L.C. Master 2018

ORDINANCE NO. 19-14

AN ORDINANCE AUTHORIZING THE CITY OF OLATHE, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (BR CAPITAL, L.L.C. – PHASE I PROJECT), SERIES 2019, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$6,500,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL PROJECT, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE ISSUER TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

WHEREAS, the City of Olathe, Kansas (the “Issuer”), is authorized pursuant to the provisions of K.S.A. 12-1740 to 12-1749d, inclusive, as amended (the “Act”), to acquire, purchase, construct, install and equip certain commercial and industrial facilities, and to issue industrial revenue bonds for the purpose of paying the cost of such facilities, and to lease such facilities to private persons, firms or corporations; and

WHEREAS, the governing body of the Issuer has heretofore and does now find and determine that it is desirable in order to promote, stimulate and develop the general economic welfare and prosperity of the Issuer and the State of Kansas that the Issuer issue its Taxable Industrial Revenue Bonds (BR Capital, L.L.C. – Phase I Project), Series 2019 (the “Bonds”), in a principal amount not to exceed \$6,500,000, for the purpose of acquiring, purchasing, constructing, installing, furnishing, and equipping a commercial project, consisting of an approximately 37,440 square foot commercial facility for BR Capital, L.L.C., a Kansas limited liability company (the “Company”), including land, buildings, structures, improvements, fixtures, machinery and equipment (the “Project”); and

WHEREAS, the Bonds will be issued under a Bond Trust Indenture dated as of the date set forth therein (the “Indenture”), by and between the Issuer and UMB Bank, N.A., as Trustee (the “Trustee”); and

WHEREAS, the Company will lease the Project to the Issuer pursuant to the Base Lease Agreement dated as of the date set forth therein (the “Base Lease Agreement”) between the Company and the Issuer; and

WHEREAS, simultaneously with the execution and delivery of the Indenture, the Issuer will enter into a Lease Agreement dated as of the date set forth therein (the “Lease Agreement”), by and between the Issuer, as lessor, and the Company, as lessee, pursuant to which the Project will be acquired, constructed, furnished, and equipped, and pursuant to which the Issuer will lease the Project to the Company, and the Company will agree to pay the rental payments due under the Lease Agreement sufficient to pay the principal of and premium, if any, and interest on, the Bonds; and

WHEREAS, the governing body of the Issuer further finds and determines that it is necessary and desirable in connection with the issuance of these bonds that the Issuer enter into certain agreements, and that the Issuer take certain other actions and approve the execution of certain other documents as herein provided;

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS, AS FOLLOWS:

Section 1. Authorization for the Acquisition, Purchase, Construction, Installation and Equipping of the Project. The Issuer is hereby authorized to provide for the acquisition, purchase, construction, installation, furnishing, and equipping of the Project, all in the manner and as more particularly described in the Indenture and the Lease hereinafter authorized. The Issuer hereby consents to the assignment of all of Bedrock Concrete, L.L.C.'s interest in Resolution No. 18-1050 to the Company.

Section 2. Authorization of and Security for the Bonds. The Issuer is hereby authorized to issue and sell the Bonds in a principal amount not to exceed \$6,500,000 (the "Bonds"), for the purpose of providing funds to pay the cost of acquiring, purchasing, constructing, installing, furnishing, and equipping the Project. The Bonds shall be issued and secured pursuant to the herein authorized Indenture and shall bear such date, shall mature at such time, shall be in such denominations, shall bear interest at such rates, shall be in such form, shall be subject to redemption and other terms and conditions, and shall be issued in such manner, subject to such provisions, covenants and agreements, as are set forth in the Indenture. The Bonds shall be payable solely out of the rents, revenues and receipts derived by the Issuer from the Project, and the Project and the net earnings derived by the Issuer from the Project shall be pledged and assigned to the Trustee as security for payment of the Bonds as provided in the Indenture.

Section 3. Authorization of Documents. The Issuer is hereby authorized to enter into the following documents, in substantially the forms presented to and reviewed by the governing body of the Issuer (copies of which documents, upon execution thereof, shall be filed in the office of the Clerk of the Issuer), with such changes therein as shall be approved by the officers of the Issuer executing such documents (the "Bond Documents"), such officers' signatures thereon being conclusive evidence of their approval thereof:

- (a) Trust Indenture, between the Issuer and the Trustee;
- (b) Base Lease Agreement, between the Company and the Issuer.
- (c) Lease Agreement, between the Issuer and the Company;
- (d) Bond Purchase Agreement dated the date set forth therein, among the Issuer, the Company and the Company, as Purchaser; and
- (e) Performance Agreement, between the Issuer and the Company.

Section 4. Execution of Bond and Documents. The Mayor of the Issuer is hereby authorized and directed to execute the Bonds and to deliver the Bonds to the Trustee for authentication for and on behalf of and as the act and deed of the Issuer in the manner provided in the Indenture. The Mayor (or, in the Mayor's absence, the acting Mayor) of the Issuer is hereby authorized and directed to execute the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance, for and on behalf of and as the act and deed of the Issuer. The Clerk of the Issuer is hereby authorized and directed to attest to and affix the seal of the Issuer to the Bonds, the Bond Documents and such other documents, certificates and instruments as may be necessary.

Section 5. Pledge of the Project and Net Lease Rentals. The Issuer hereby pledges the Project and the net rentals generated under the Lease Agreement to the payment of the Bonds in accordance with K.S.A. 12-1744. The lien created by the pledge will be discharged when all of the Bonds are paid or deemed to have been paid under the Indenture

Section 6. Further Authority. The Issuer shall, and the officers, employees and agents of the Issuer and the Issuer's Bond Counsel, Gilmore & Bell, P.C. are hereby authorized and directed to, take such action, expend such funds and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Ordinance and to carry out, comply with and perform the duties of the Issuer with respect to the Bonds and the Bond Documents.

Section 7. Effective Date. This Ordinance shall take effect and be in force from and after its passage by the governing body, approval by the Mayor and publication of the Ordinance or a summary thereof in the official Issuer newspaper.

PASSED by the governing body of the City of Olathe, Kansas on April 16, 2019 and **APPROVED AND SIGNED** by the Mayor.

SEAL]

ATTEST:



Mayor

Clerk

[Published in **The Gardner News** on April __, 2019.]

SUMMARY OF ORDINANCE NO. 19-14

On April 16, 2019, the governing body of the City of Olathe, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE CITY OF OLATHE, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (BR CAPITAL, L.L.C. – PHASE I PROJECT), SERIES 2019, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$6,500,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL PROJECT, INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE CITY TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Bonds approved by the Ordinance are being issued in the maximum principal amount of \$6,500,000, for the purpose of acquiring, constructing, furnishing, and equipping a commercial project for BR Capital, L.L.C., a Kansas limited liability company, and constitute limited obligations of the City payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2019 Bonds, as provided in the Indenture. In connection with the issuance of the Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 100 E. Santa Fe. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <http://www.olatheks.org/government/city-clerk/public-notice>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: April 16, 2019.

A handwritten signature in black ink, appearing to read 'Ron Shaver', is written over a horizontal line.

Ron Shaver, City Attorney

STATE OF KANSAS
JOHNSON COUNTY, SS

Brandon Humble, being first duly sworn, deposes and says: That he is the editor of
THE GARDNER NEWS A weekly newspaper printed in the State of Kansas, and published in
and of general circulation in Johnson County, Kansas and that said newspaper is a bi-
weekly published at least weekly, 52 times a year; has been published continuously and
uninterruptedly in said county and state for a period of more than five years prior to the first
publication of said notice; and has been admitted at the post office in Gardner, Kansas in said
county as second class matter.

That the attached notice is a true copy there of and was published in the regular and entire issue
of said newspaper for 1 consecutive week(s).

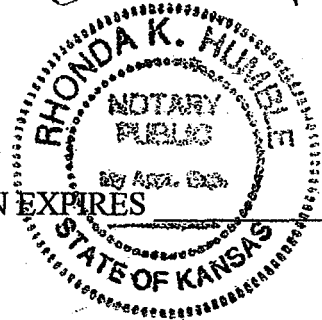
The first publication there of being made as aforesaid on 4.24.2019
Publications being made on the following:

EDITOR Brandon Humble

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NOTARY PUBLIC Rhonda K. Humble

MY COMMISSION EXPIRES



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IN THE DISTRICT COURT OF JOHNSON, COUNTY KANSAS-----

The within Proof Of Publication approved

-----JUDGE

Public Notice

First published in *The Gardner News* Wednesday, April 24, 2019

[Published in *The Gardner News* on April 24, 2019.]

SUMMARY OF ORDINANCE NO. 19-14

On April 16, 2019, the governing body of the City of Olathe, Kansas passed an ordinance entitled:

AN ORDINANCE AUTHORIZING THE CITY OF OLATHE, KANSAS, TO ISSUE TAXABLE INDUSTRIAL REVENUE BONDS (BR CAPITAL, L.L.C. - PHASE I PROJECT), SERIES 2019, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$6,500,000, FOR THE PURPOSE OF PROVIDING FUNDS TO PAY THE COST OF ACQUIRING, PURCHASING, CONSTRUCTING, INSTALLING AND EQUIPPING A COMMERCIAL PROJECT INCLUDING LAND, BUILDINGS, STRUCTURES, IMPROVEMENTS, FIXTURES, MACHINERY AND EQUIPMENT; AUTHORIZING THE CITY TO ENTER INTO CERTAIN DOCUMENTS AND ACTIONS IN CONNECTION WITH THE ISSUANCE OF SAID BONDS.

The Bonds approved by the Ordinance are being issued in the maximum principal amount of \$6,500,000, for the purpose of acquiring, constructing, furnishing, and equipping a commercial project for BR Capital, L.L.C., a Kansas limited liability company, and constitute limited obligations of the City payable solely from the sources and in the manner as provided in the Indenture, and shall be secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate (as defined in the Indenture) to the Trustee and in favor of the owners of the Series 2019 Bonds, as provided in the Indenture. In connection with the issuance of the Bonds, the Issuer approves a 10-year exemption from ad valorem property taxes for the Project, subject to certain payments in lieu of taxes. A complete text of the Ordinance may be obtained or viewed free of charge at the office of the City Clerk, 100 E. Santa Fe. A reproduction of the Ordinance is available for not less than 7 days following the publication date of this Summary at <http://www.olatheks.org/government/city-clerk/public-notices>.

This Summary is hereby certified to be legally accurate and sufficient pursuant to the laws of the State of Kansas.

DATED: April 16, 2019.

/s/ Ron Shaver

Ron Shaver, City Attorney



June 23, 2020

Mr. Ron Shaver
City Attorney
City of Olathe, Kansas
100 E. Santa Fe Street
Olathe, Kansas 66061

Re: Request for Assignment of Taxable Industrial Revenue Bonds (BR Capital, L.L.C. - Phase I Project)

Dear Mr. Shaver:

Foley Industries, Inc., a Kansas corporation ("**Foley**") intends to acquire approximately 15.46 acres of property located at 19968 W 157th St, Olathe, KS 66062 (the "**Property**"), from BR Capital, LLC, a Kansas limited liability company, pursuant to the Exchange Agreement, dated April 23, 2020 (the "**Exchange Agreement**"). Foley is relocating its existing operations located at 15854 S. US 169 Highway, Olathe, KS 66062 to the Property.

The City of Olathe previously issued Taxable Industrial Revenue Bonds (BR Capital, L.L.C. - Phase I Project), Series 2019, in the maximum principal amount of \$5,000,000, on May 9, 2019 (the "**Bonds**") related to the development of the Property. In connection with Foley's acquisition of the Property, Foley is hereby requesting the City to approve the assignment of the Bonds and associated tax abatement rights, interests, and obligations.

Foley is in the business of sales and rental of construction and other industrial equipment, as well as service and repair of the same. Foley intends to continue to conduct the same business operation at the Property. Foley does not intend to use the Property for uses falling within NAICS sectors 44 and 45.

Please let us know if you have any questions. The contact information for Foley is as follows:

Foley Industries, Inc.
5701 E. 87th Street
Kansas City, MO 64132
Attention: Shane Ham, COO

Sincerely,

FOLEY INDUSTRIES, INC.


Shane Ham, COO

www.foleyeq.com

KANSAS

Chanute
(620) 431-3600

Colby
(785) 462-3913

Concordia
(785) 243-1960

Dodge City
(620) 225-4121

Great Bend
(620) 792-5246

Liberal
(620) 626-6555

Manhattan
(785) 537-2101

Olathe
(913) 393-0303

Salina
(785) 825-4661

Topeka
(785) 266-5770

Wichita
(316) 943-4211

MISSOURI

Kansas City
(816) 753-5300

Sedalia
(660) 829-7400

St. Joseph
(816) 233-2516

RESOLUTION NO. 20-1048

A RESOLUTION CONSENTING TO THE DELIVERY OF AN ASSIGNMENT AND ASSUMPTION OF LEASE AGREEMENTS AND RELATED BOND DOCUMENTS IN CONNECTION WITH THE CITY'S \$5,000,000 AGGREGATE PRINCIPAL AMOUNT OF TAXABLE INDUSTRIAL REVENUE BONDS (BR CAPITAL, L.L.C. – PHASE I PROJECT), SERIES 2019.

WHEREAS, the City of Olathe, Kansas (the “City”) is a duly organized and existing municipal corporation under the laws of the State of Kansas; and

WHEREAS, the City previously adopted Resolution No. 18-1049 on May 15, 2018 (the “Resolution”) expressing the City’s intent to issue up to \$17,000,000 of its industrial revenue bonds for the benefit of the Bedrock Concrete, L.L.C., predecessor in interest to the Assignor (as defined herein); and

WHEREAS, the City has issued its Taxable Industrial Revenue Bonds (BR Capital, L.L.C. – Phase I Project), Series 2019, in the aggregate maximum principal amount of \$5,000,000 (the “Bonds”), pursuant to a Trust Indenture dated as of May 1, 2019, by and between the City and UMB Bank, N.A., as trustee (the “Trustee”), for the purpose of acquiring, purchasing, constructing, installing, furnishing and equipping an approximately 37,440 square foot commercial facility, including land, buildings, structures, improvements, fixtures, machinery and equipment, located in the City (the “Project”); and

WHEREAS, the City base leased the Project from BR Capital, L.L.C., a Kansas limited liability company (“Assignor”) pursuant to a Base Lease Agreement dated as of May 1, 2019 (the “Base Lease Agreement”) between Assignor and the City, and simultaneously leased the Project to Assignor pursuant to a Lease Agreement dated as of May 1, 2019 (the “Lease Agreement”), by and between the City and Assignor; and

WHEREAS, the City and Assignor entered into a Performance Agreement dated as of May 1, 2019 (the “Performance Agreement”); and

WHEREAS, the City, the Trustee, and Assignor entered into various other documents relating to the Bonds (collectively, the “Other Bond Documents”), a complete set of which are contained in the Transcript of proceedings relating to the issuance of the Bonds; and

WHEREAS, Assignor is selling all of its right, title and interest in the Project to Foley Industries, Inc., a Kansas corporation (“Buyer”) and assigning its interest in the Resolution, the Bonds, the Base Lease Agreement, the Lease Agreement, the Performance Agreement, and the Other Bond Documents to Buyer pursuant to an Assignment and Assumption of Lease Agreements and Related Bond Documents among Assignor, Buyer, and the City (the “Assignment and Assumption Agreement”); and

WHEREAS, the City desires to authorize the execution and delivery of the Assignment and Assumption Agreement and to consent to the assignment provided for therein.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF OLATHE, KANSAS, AS FOLLOWS:

Section 1. Approval of Assignment and Assumption Agreement. The Governing Body of the City hereby approves the Assignment and Assumption Agreement in substantially the form presented to and

reviewed by the City at this meeting (copies of which shall be filed in the records of the City), and unconditionally consents to the assignment provided for therein. The Mayor (or, in the Mayor's absence, the acting Mayor) is hereby authorized to execute and deliver such document with such changes therein as shall be approved by the officials of the City executing such documents, such officials' signatures thereon being conclusive evidence of their approval and the City's approval thereof.

Section 2. Further Authority. The Mayor is hereby authorized and directed to execute and deliver the Assignment and Assumption Agreement in substantially the same form as presented to the Governing Body on this date, and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution (copies of said documents shall be filed in the records of the City) for and on behalf of and as the act and deed of the City. The City Clerk is hereby authorized and directed to attest to and affix the seal of the City to the aforementioned document and such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

Section 3. Effective Date. This Resolution shall take effect and be in full force and effect from and after its adoption by the Governing Body of the City.

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ADOPTED by the Governing Body of the City of Olathe, Kansas, this 7th day of July, 2020.

CITY OF OLATHE, KANSAS

By: _____
Mayor

[SEAL]

ATTEST:

City Clerk



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Legal

STAFF CONTACT: Ron Shaver / Chris Grunewald

SUBJECT: Report on general issues or concerns portion of City Council Policy CC-3 regarding Time Allocations and Rules of Conduct for Speakers at Public Meetings of the Olathe City Council.

ITEM DESCRIPTION:

Report on general issues or concerns portion of City Council Policy CC-3 regarding Time Allocations and Rules of Conduct for Speakers at Public Meetings of the Olathe City Council.

SUMMARY:

City Council recently updated its speaker policy for City Council Meetings on March 17, 2020. That policy is Council Policy CC-3 regarding Time Allocations and Rules of Conduct for Speakers at Public Meetings of the Olathe City Council. At the City Council meeting on June 17, 2020, City Council requested that Staff provide more information about the general issues or concerns portion of this policy.

Section Two of Policy CC-3 provides the process for persons wanting to address City Council on general issues or concerns, and its key provisions include:

- This portion of the meeting covers persons not speaking on an item on the meeting agenda.
- Persons wishing to speak must sign up no later than thirty (30) minutes prior to the meeting. Persons can sign up by contacting the City Clerk's Office.
- Speakers are called in the order they sign up.
- Speakers are allocated no more than three (3) minutes to speak.
- The total time for all speakers is thirty (30) minutes.

Staff is prepared to draft proposed revisions to the speaker policy based on any feedback that the City Council would like to provide.

FINANCIAL IMPACT:

None.

ACTION NEEDED:

Provide feedback to Staff on whether to propose any changes to the policy.

ATTACHMENT(S): None



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: Public Works

STAFF CONTACT: Mary Jaeger/Beth Wright

SUBJECT: Report on the authorization of the Police Building Expansion Phase II Project, PN 6-C-010-20.

ITEM DESCRIPTION:

Report on the authorization of the Police Building Expansion Phase II Project, PN 6-C-010-20.

SUMMARY:

This project will be the next phase of building improvements to provide additional space and facilities for the Police Department. This project will expand upon the police headquarters building most recently opened in 2010.

The Police Building Expansion Phase II project is included in the proposed 2021-2025 Capital Improvement Plan (CIP) with a total project budget of \$21.7 million. Initial funding of the project is necessary to allow staff to begin preliminary planning and design. Staff recommends an initial \$1,600,000 of funding to start the project. Staff anticipates returning to the City Council in October after the 2021-2025 CIP is approved to finalize full funding of the project.

The initial scope of services for this project will be a review of current building and site conditions, space programming, site master planning, design concept development, and various other analyses to determine options for this phase of the project. This phase of services will conclude with a report on options and a recommendation on the preferred strategy for the expansion of the police headquarters. Staff is currently negotiating a contract with PGAV Architects for the planning and design of the project.

Staff will return to the City Council on July 21, 2020, requesting initial funding authorization in the amount of \$1,600,000. Staff also anticipates bringing the design contract with PGAV Architects to the City Council for award on July 21, 2020.

The project is proposed for design to begin in 2020, construction to begin in 2021, and building occupancy in early 2023.

FINANCIAL IMPACT:

Funding for the Police Building Expansion Phase II project, as proposed in the 2021-2025 Capital Improvement Plan, is \$21,700,000 of General Obligation bonds.

ACTION NEEDED:

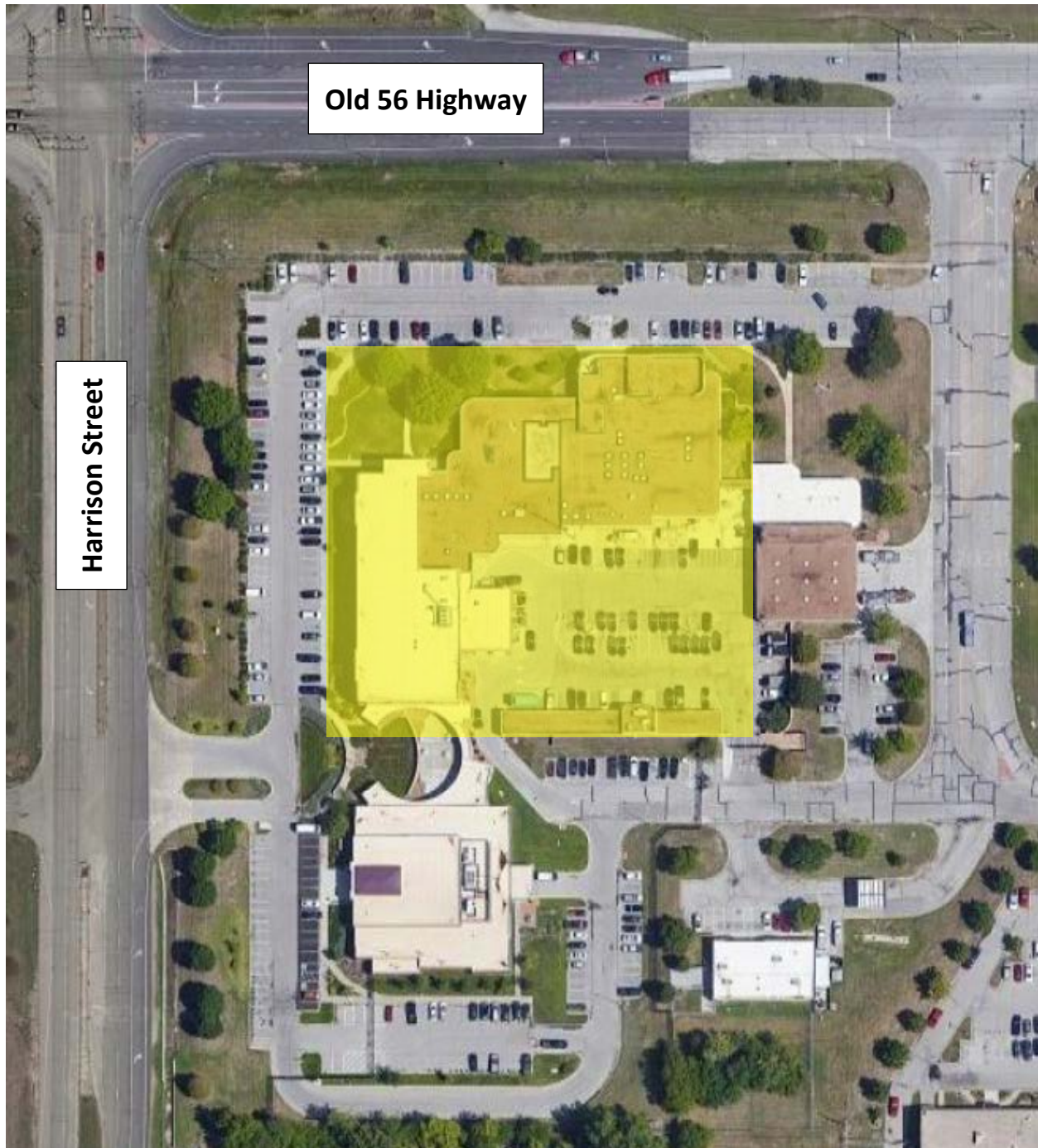
No action is requested at this time. Staff will return to Council on July 21, 2020 to request approval to authorize the project.

ATTACHMENT(S):

MEETING DATE: 7/7/2020

- A. Project Location Map
- B. Project Fact Sheet
- C. 2021-2025 Draft CIP Sheet

Project Location Map
Police Building Expansion Phase II
Project No. 6-C-010-20





Project Fact Sheet
Police Building Expansion Phase II
6-C-010-20
July 7, 2020

Project Manager: Beth Wright / Jeff Blakeman

Description: This project is the second phase of the police building expansion project and is anticipated to provide an estimated 40,000 additional square feet of space. This project will be an expansion to the Phase I building completed in 2010.

Justification: This project will provide additional space needed by the Police Department to meet their most critical space needs for the next 10 years.

Schedule:	Item	Date
	Funding Authorization	July 21, 2020
	Contract Award - Design	July 21, 2020
	Contract Award – Preconstruction	Est. Oct. 20, 2020
	Contract Award – Construction	Est. Q3 2021
	Construction Start	Est. Q3 2021
	Construction Completion	Est. Q4 2022

Council Actions:	Date	Amount
Report on Funding	07-07-2020	N/A
Funding Resolution	07-21-2020	\$1,600,000
Award of Design Contract	07-21-2020	
Report on Preliminary Design		
Funding Resolution		
Award of Construction Management Agreement		
Award of Construction Contract		

Funding Sources:	Amount	CIP Year
General Obligation Bonds	\$ 1,600,000	2023

Expenditures:	Budget	Amount to Date
Staff Costs	\$ 100,000	\$ 0
Design	\$ 1,384,500	\$ 0
Construction	\$ 0	\$ 0
Inspection/Testing	\$ 0	\$ 0
FFE	\$ 0	\$ 0
Contingency	\$ 115,500	\$ 0
Total	\$ 1,600,000	\$ 0

Capital Improvement Plan Projects

2021 *thru* 2025

City of Olathe, Kansas

Project # 6-C-010-XX
Project Name Police Building Expansion-Phase II



Type Improvement **Department** Police
Category Buildings **Contact** Jeff Blakeman
Plan Focus Area Exceptional Services

Description **Total Project Cost:** \$21,700,000

This project is the second phase of the police building expansion project and is anticipated to provide an estimated 40,000 additional square feet of space. This project will be an expansion to the Phase I building completed in 2010.

This project also includes the demolition of the 1983 Public Safety building along with the necessary utility service modifications to the Police Firing Range and Fire Station 1 buildings to allow these buildings to operate independently from the 1983 Public Safety building.

Justification

This project will provide additional space needed by the Police Department to meet their most critical space needs for the next 10 years.

The Police Building Expansion Phase II project requires partial demolition of the 1983 Public Safety building. Due to the age and condition of the 1983 Public Safety building, and to allow for future expansions of the Police Headquarters, demolition of the entire 1983 Public Safety building is necessary. Demolition of the building will eliminate the need to spend an estimated \$2.15 million on major capital repairs that are needed to keep it operational. Demolition of the building is consistent with the strategy implemented in 2008 for the Police Headquarters Expansion.

Prior	Expenditures	2021	2022	2023	2024	2025	Total
840,000	Construction	5,702,000	9,373,000				15,075,000
	Contingency	1,456,000	1,254,000				2,710,000
	Equipment	372,000	1,558,000				1,930,000
	Design	450,000	390,000				840,000
	Inspection	40,000	20,000				60,000
	Staff	110,000	135,000				245,000
	Total	8,130,000	12,730,000				20,860,000

Prior	Funding Sources	2021	2022	2023	2024	2025	Total
840,000	GO Bonds 20 yr			21,700,000			21,700,000
	Temporary Notes	8,130,000	12,730,000	-21,700,000			-840,000
	Total	8,130,000	12,730,000	0			20,860,000

Budget Impact/Other

Estimated costs for operation and maintenance of the facility will be determined once design is completed.



City of Olathe

COUNCIL AGENDA ITEM

MEETING DATE: 7/7/2020

DEPARTMENT: City Manager

STAFF CONTACT: Dianna Wright/Sarah Doherty

SUBJECT: General Overview of the proposed 2021 Recreation, Park Sales Tax and Street Maintenance Sales Tax Funds budgets, 2021-2025 Capital Improvements Plan (CIP) for the Park Sales Tax Fund and 2021 Recreation Fund fees.

ITEM DESCRIPTION:

General Overview of the proposed 2021 Recreation Fund, Park Sales Tax Fund and Street Maintenance Sales Tax Fund budgets, 2021-2025 CIP for the Park Sales Tax Fund and 2021 Recreation Fund fees.

SUMMARY:

The Budget Workshop on July 7th is an opportunity for the City Council to review revenues, expenditures, capital improvement plan and fees in greater detail for the Recreation Fund, Parks Sales Tax Fund and Street Maintenance Sales Tax Fund.

The remaining proposed budget calendar is as follows:

July 14 - Budget Workshop #2 - proposed 2021 General Fund budget, 2021-2025 Capital Improvements Plan (CIP) for the General Fund, 2021 General Fund fees and 2021 Chamber of Commerce budget

July 21 - Budget Workshop #3 - proposed 2021 Enterprise Funds (Water and Sewer, Stormwater and Solid Waste) budgets, 2021-2025 Enterprise Funds CIP and 2021 Enterprise Funds fees

August 4 - Public Hearing for the proposed 2021 Budget

August 18 - City Council Adoption of 2021 Budget, 2021-2025 CIP, and 2021 Fee Schedule

FINANCIAL IMPACT:

The Recreation Fund proposed 2021 budget is approximately \$6.4 million.

The Park Sales Tax Fund proposed 2021 budget is approximately \$4.6 million.

The Street Maintenance Sales Tax Fund proposed 2021 budget is approximately \$13.8 million.

ACTION NEEDED:

Discussion of the proposed 2021 budget.

MEETING DATE: 7/7/2020

ATTACHMENT(S):

None