

MILHAUS DEVELOPMENT LLC – CHESTNUT NORTH AND CHESTNUT SOUTH NEIGHBORHOOD MEETING MINUTES

Application Numbers: RZ2019-0020 and RZ2019-0021

Date: September 16, 2019

Location: Olathe City Hall, 100 East Santa Fe Street, Olathe, Kansas 66061, in the City of Governors Room

Meeting Called to Order at: 5:30pm

Applicant Representatives in Attendance:

- John McGurk, Milhaus Development LLC
- Justin Bridges, Davidson Architecture & Engineering
- Korb Maxwell, Polsinelli PC
- Maren Worley, Polsinelli PC

The above representatives are sometimes hereinafter collectively referred to as the “Applicant.”

City Representatives in Attendance:

- None

Others in Attendance:

- Please refer to the sign-in sheets attached hereto as Exhibit A and incorporated herein by reference.
- Please also refer to the list of parties invited to attend the meeting attached hereto as Exhibit B and incorporated herein by reference, and a copy of the notice regarding the meeting which was sent to them attached hereto as Exhibit C and incorporated herein by reference.

Introduction and Project Description:

John McGurk introduced the Applicant representatives in attendance, and provided a general overview of the Applicant and its development experience, explaining that Milhaus is an Indianapolis-based development firm having offices in nine states, with Kansas City being its second largest market. The Applicant then provided an overview description of the proposed development, which is comprised of 270+/- apartment units situated on two areas of real property located on the parking lot (the North property) and existing library site (the South property), with parking spaces on site in addition to the city’s parking garage spaces during nights and weekends.

Justin Bridges then provided a more detailed description of the proposed development, including a full and accurate description of the proposed development plans (which were displayed prominently at the

meeting for all to view during the presentation and after the meeting for a closer view), including the location of the proposed project in the city, the renderings and elevations from each street view and building side, and provided an explanation of other key details of the proposed project including parking and access, unit count, loading zone for tenants moving in and out, amenities, landscaping, construction and continuation of existing utilities, and dedication of right-of-way to the City to increase amount of on-street parking. Mr. Bridges also presented the plans originally submitted to the City as well as the updated submittals. The Applicant then facilitated a discussion of neighborhood questions and comments as more particularly set forth below.

Questions and Comments:

1. Q: A member of the public commented on the church and its patrons' ability to utilize parking. A: There is no plan currently to address that, but the Applicant will set up a schematic base file for the church lot and will be looking at options to improve their parking lot. The Applicant is willing to cooperate with the church on this matter.
2. Q: What are the demographics of the residents? A: We anticipate the majority to be around ages 22–35.
3. Q: How are you calculating rent? A: On the basis of square footage.
4. Q: With there only being one bar Downtown, what will draw residents to paying that rent? A: This project will help drive more retail to the Downtown Olathe area, and based on our industry knowledge, there is a market need for renters in this area.
5. Q: Have you talked to the building owners? A: Yes, we have.
6. Q: A member of the public stated that many of her tenant's clients are old and/or handicapped and do not want to walk to the upper floors of the parking garage when it is full so she is concerned they will not renew their lease if the proposed project goes forward. A: The Applicant explained that the parking garage will only be available for the project's use during night and weekend hours, and the project will enhance the City's economy and bring tenants increased business.
7. Q: A member of the public expressed concern regarding how the project's tenants will get around since there is no public transportation so they will need their own car, and there doesn't appear to be enough parking. A: The Applicant explained that it would work with the City to assure the spaces in the parking garage were open during business operating hours.
8. Q: How long does your development company hold property for? A: We are generally long-time holders of the properties, and this is an Opportunity Zone project, so we will be holding this property for at least 10 years.
9. Q: Is any representative of the City present? A: No, but we are taking notes to provide them afterward.
10. Q: A member of the public commented that many years ago, a shop had to shut down because there was not enough parking and many people cannot or will not walk far. A: The Applicant acknowledged the speaker's concern and assured that based on their industry knowledge and similar projects, there will be enough parking.

11. Q: A member of the public commented that most families are two car families, and expressed concern with the parking availability. A: The Applicant assured that with the on-site spaces, plus the use of the City's parking garage during night and weekend hours only, there will be more than enough parking spaces available for the project tenants and the members of the public.
12. Q: A member of the public commented that new courthouse will be utilizing the City's parking, and how that poses an issue in regards to driving retail downtown. A: The Applicant acknowledged the speaker's concern but did not have any specific information or knowledge pertaining to the same.
13. Q: A member of the public commented on the increased public attendance during Downtown annual events, such as art fairs and craft fairs. A: The Applicant acknowledged the speaker's concern and agrees that annual events would increase the demand for parking for a short period of time.
14. Q: A member of the public commented that county workers cannot afford to pay \$1,000 in rent. A: The Applicant acknowledged the speaker's concern. The rent charged to the project's tenants will be market rent in accordance with the area.
15. Q: Would the existing alleyway remain? A: Yes, it will be a two-way alleyway and we would maintain that all the way down.
16. Q: Would the 43 parking on the alleyway be private parking? A: It is intended that we reserve those for the project's tenants, but if down the road we see they are generally vacant and not needed by the project's tenants, we would certainly be willing to work with the City and make them public parking spaces.
17. Q: A member of the public inquired about the RFP (Request for Proposals) pertaining to this site. A: The Applicant stated it was unaware of any RFP, so it had no knowledge or information on it.
18. Q: Have you heard of anyone interested in building other retail in this location? A: Yes, we have a 1,700 square-foot retail space incorporated in our project, but we do not have any knowledge or information of another party's plan.
19. Q: A member of the public commented how the retail incorporated into the project would be equated to a 7-11 convenient store. A: The Applicant explained that to the contrary, it generally selects its retail users as an amenity for our tenants.
20. Q: How big are the 1-bedroom and 2-bedroom apartments? A: Around 650 square feet and 700–950 square feet, respectively.
21. Q: Where would the parking be expanded if it ends up being a cluster? A: From our experience, we feel confident that our parking will satisfy the needs of the City, and there are numerous instances in the metro area in which public parking garages have been used for private residential use during the weekends and nights, including the One Light's use of the Consentino's parking garage.
22. Q: Is the street parking going to be all day or two-hour parking? A: That will be up to the City to decide.
23. Q: Will you offer covered parking? A: The parking garage during night and weekend hours.

24. Q: Will the City charge for the use of the parking garage? A: No, it will be a first-come, first-served basis.
25. Q: Why not build the project on top of the parking garage? A: It is cost prohibitive; we considered doing so, but we learned that it would make the project non-feasible.
26. Q: What is the timeline for this project? A: We are planning to be in front of Planning Commission in October, City Council in November, and then we will finalize everything our end if all is approved with a goal to start construction this winter or early spring.
27. Q: Do you have City incentives for the project? A: Yes, a 10-year abatement and access to the parking garage which we will help pay to maintain.
28. Q: Do you know where the City plans to relocate the library? A: We have heard they are looking at a couple of prospective spaces, but we cannot speak to where it is final; however, they are planning to maintain a downtown branch.
29. Q: Will the Chestnut / Santa Fe alleyway be open during construction? A: It is possible that it will not be open during all times of construction, but we will do our best to have it open as much as possible and not closed off for an extended period of time.
30. Q: Are you going to work on the character on the buildings to keep the Old Town look? A: We have re-worked the façade, added more varying heights and ins and outs with different depths, as well as different materials. The final plans insofar as details are still in progress, but this will be the general approach.

Conclusion:

The Applicant reiterated that it wants to be a good and cooperative neighbor to all, and that even though there are concerns about parking that this proposed project will significantly enhance the City's economic climate while providing sufficient parking spaces for its tenants. In closing, the Applicant thanked everyone for coming, expressed its commitment to the continuation of community involvement moving forward, and invited any attendee to come forward and look at the site plans and renderings in closer detail.

Note that several members of the public, in reviewing the site plans, indicated they preferred the split building concept over the single large building on the South lot. The Applicant is willing to incorporate this change into its development plans, although it is a change from the Applicant's original submittal to the City.

Meeting Adjourned at: 6:30pm

Minutes Taken By: Maren Worley, Polsinelli PC

EXHIBIT A

Sign-in Sheets

[ATTACHED]

SIGN-IN SHEET

City of Olathe – Neighborhood Meeting – Case Nos. RZ201-0020 and RZ2019-0021

September 16, 2019 at 5:30 PM

City Hall, 100 E. Santa Fe Street, Olathe, Kansas 66061

NAME	ADDRESS	EMAIL
Bea & Audrey Jones	336 S. Park St	Bjones85@gmail.com
Wanda Hansen	1060 N. Somers	
Ivan Klicke	698 W Cedar	imw1ake@yahoo.com
Carole Belcher	632 S Edgemore	bcbelcher@comcast.net
CINDY J JONES	15844 W 137th STREET	cindyj59@kc.surewest.net
BOB BARNES	<u>SAME</u> → Olathe, KS 66062	
Thyma Gentry	128 S. Chestnut, 66061	lgentry@gentrydesign.net
Cindy Heckman	22174 W. 121st ST	cindyheckman@comcast.net
Neal Heckman	22174 W. 121st ST	nealheckman@comcast.net
Ryan Nelson	124 N. Cherry St	RyanN@HomePartner.com
Sue Devlin	26090 W 143rd Terr	ssdevlin@hotmail.com
Dave Devlin	"	"
Elizabeth Leek	100 E Park Suite 209	eleek@villageproperties.biz
JADH KERR	100 E. PARK	jjkerr@speerrholidays.com

SIGN-IN SHEET

City of Olathe – Neighborhood Meeting – Case Nos. RZ201-002 and RZ2019-0021

September 16, 2019 at 5:30 PM

City Hall, 100 E. Santa Fe Street, Olathe, Kansas 66061

<u>NAME</u>	<u>ADDRESS</u>	<u>EMAIL</u>
Chuck Drews		cdnewsch@yahoo
AJ Lang	124 N Cherry	Jay@AJLang.org
May Rene Webb	329 E. LOUIA St	SKIDBICKMAN@HOTMAIL.COM
AJ Lang Jr	124 N Cherry	rentals@ajlang.org
Barry D. Martin	100 E. Park	bdmartin@speechholidays.com
TRAVIS LOUIS	212 S Cherry	TRAVIS@CHERRY PARK PROPERTIES.COM

EXHIBIT B

List of Invitees

[ATTACHED]

Company
MARK IV INVESTMENTS INC 15840 E JERICHO DR FOUNTAIN HILLS, AZ 85268
ETTER, ANDREW GEORGE TRUST 26090 W 143RD TER OLATHE, KS 66061
GABRIEL ORDAZ-VAZQUEZ and ALICIA FRAIRE CARILLO 325 E LOULA ST OLATHE, KS 66061
ADRIENNE L. HICKMAN and MAX WEIBEL 329 E LOULA ST OLATHE, KS 66061
UNIFIED SCHOOL DIST #233 PO BOX 2000 OLATHE, KS 66061
SHELDON INVESTMENTS, LLC 11402 W 139TH TER OVERLAND PARK, KS 66221
WILLIAM F. KAMINSKI Jr. 14407 W 90TH CT LENEXA, KS 66215
SOUTHWESTERN BELL TELEPHONE COMPANY 909 CHESTNUT ST ST LOUIS, MO 63101
PROPERTY TAX DEPARTMENT ROOM 36-Q-1 909 CHESTNUT ST ST LOUIS, MO 63101
PARK CHERRY, A LIMITED LIABILITY COMPANY PO BOX 786 OLATHE, KS 66051-0500
CHERYL JONES AND TRAVIS JONES 212 S CHERRY ST OLATHE, KS 66061
HEINEMAN, D. SCOTT TRUSTEE JOHNSON, KURT F. TRUSTEE 223 S CHESTNUT ST OLATHE, KS 66061

Company
WILLIAMS RENTAL PROPERTIES LLC 15691 W 138TH ST OLATHE, KS 66062
B C OF OLATHE INC O NS NT OLATHE, KS 66061
URBAN RENEWAL AGENCY CITY OF OLATHE 100 W SANTA FE ST OLATHE, KS 66061
HEIDI M. SMITH AND DON E. TIMMONS 708 W ELM ST OLATHE, KS 66061-4008
CITY OF OLATHE PO BOX 768 OLATHE, KS 66051-0768
JO CO BD OF COMMISSIONERS (FACILITIES) 111 S CHERRY ST # 1100 OLATHE, KS 66061
KAR W CHOI REVOCABLE TRUST 1622 E COLLEGE WAY OLATHE, KS 66062
RICHARD K. CHAMPAGNE TRUSTEE 16980 MAX CT LOCH LLOYD, MO 64012
JASON K. HUBBARD 216 S CHESTNUT ST OLATHE, KS 66061
BOX JUMP APARTMENTS LLC 15454 GLENWOOD ST OVERLAND PARK, KS 66223
MICHAEL L. CROFT AND RHONDA K. CROFT 311 E LOULA ST OLATHE, KS 66061
OLATHE CLUB FOR THE DEAF, INC. PO BOX 302 OLATHE, KS 66061

Company
ROBERT M. EDGERLY AND JULIE M. EDGERLY 925 N WALKER ST OLATHE, KS 66061
JERRY C ALDRIDGE JR 218 S CHERRY ST OLATHE, KS 66061
719 HOLDINGS LLC 15917 W 161ST CT OLATHE, KS 66062
CHRISTOPHER M. HAYNES 9863 WINNER RD INDEPENDENCE, MO 64052
JEFFERY K. SHOWALTER 223 S WATER ST OLATHE, KS 66061
STEVEN W. WALTER AND TRACI M. WALTER 93 PASADENA DR OLATHE, KS 66061
KYLE A. JONES AND MELISSA J. JONES 19318 MILLVIEW RD SPRING HILL, KS 66083
OZ LAND HOLDINGS LLC 122 N WATER ST OLATHE, KS 66061
JOHNSON COUNTY 111 S CHERRY ST OLATHE, KS 66061
JO CO BD OF COMMISSIONERS (COURT HOUSE/PUBLIC SQUARE) 111 S CHERRY ST OLATHE, KS 66061
JACKELYN INVESTMENTS LIMITED PARTNERSHIP 5351 E EXETER BLVD PHOENIX, AZ 85018
MAINSTREET CREDIT UNION 13001 W 95TH ST # 200 LENEXA, KS 66215

Company
LANG FAMILY LLC 124 N CHERRY ST OLATHE, KS 66061
A.J. LANG PROPERTY MANAGEMENT 124 N CHERRY ST OLATHE, KS 66061
SCI KANSAS FUNERAL SERVICES, INC., PO BOX 130548 HOUSTON, TX 77219
SCI MANAGEMENT CORPORATION PROPERTY TAX DEPT. PO BOX 130548 HOUSTON, TX 77219
MILLBROOKE LLC 9633 REDBUD LN LENEXA, KS 66220
SHANE L. ROLF AND ANGELA L. ROLF 3801 W 193RD ST STILWELL, KS 66085
MARK JAMES METROKOTSAS AND BARBARA G METROKOTSAS LIV TR 12012 STEARNS ST OVERLAND PARK, KS 66213
UNITED STATES POSTAL SERVICE 300 W PERSHING RD APT. 235 KANSAS CITY, MO 64108-9995
USPS MID AMER DIST FIN OFFICE DISTRICT FINANCE MANAGER 300 W PERSHING RD APT. 235 KANSAS CITY, MO 64108-9995
DCD PROPERTIES, LLC 115 E PARK ST # C OLATHE, KS 66061
LANGSTON LAW, CHARTERED 115 E PARK ST APT. C OLATHE, KS 66061
RE-BUILD LLC 302 E PARK ST OLATHE, KS 66061
GWT PROPERTIES, LLC 105 E PARK ST OLATHE, KS 66061

Company
RER HOLDINGS LLC 11302 W 140th TER OVERLAND PARK, KS 66221
LYNN M. GENTRY TRUSTEE AND LYNN M. GENTRY REV TRUST 128 S CHESTNUT ST OLATHE, KS 66061
COMPLETE INVESTMENTS LLC 8666 W 96TH ST OVERLAND PARK, KS 66212
JHAWK INVESTMENTS, LLC 214 S CHESTNUT ST OLATHE, KS 66061
HANNON, R. WARREN TRUSTEE HANNON, M. DARLENE TRUSTEE 808 E KINGS MEAD CIR APT. 2 NIXA, MO 65714-6602
INNERVATIVE, INC. 10120 W 126TH ST OVERLAND PARK, KS 66213
SPEEDY PROPERTIES, LLC 308 E PARK ST OLATHE, KS 66061
GURDWARA NANAK DARBAR SAHIB INC PO BOX 14423 LENEXA, KS 66285-4423
FIRST CHRISTIAN CHURCH TRUSTEES 200 E LOULA ST OLATHE, KS 66061
JO CO BD OF COMMISSIONERS 111 S CHERRY ST OLATHE, KS 66061
BRADLEY F. ZIMMERMAN 234 N CHESTNUT ST OLATHE, KS 66061
LAURIE L. WALKER 565 HILLCREST EAST ST LAKE QUIVIRA, KS 66217
BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY 111 S CHERRY ST STE 3200 OLATHE, KS 66061

Company
CITY OF OLATHE ATTN: ROB PO BOX 768 OLATHE, KS 66051-0768
JOHNSON COUNTY 111 S CHERRY ST OLATHE, KS 66061
IVAN M. WICKE TRUSTEE AND ELIZABETH F. WICKE TRUSTEE 698 W CEDAR ST OLATHE, KS 66061
MANUEL J. BARABAN TRUSTEE AND LOIS N. BARABAN TRUSTEE 13144 BIRCH ST OVERLAND PARK, KS 66209
TOM GLINSTRA MUNICIPAL COUNSEL PO BOX 768 OLATHE, KS 66051-0768
Deana Funk, DOC 515 S. Chestnut Olathe, KS 66061
Ryan Nelson DOBA Executive Team 964 E. Pineview Olathe, KS 66061
Brad Reinhardt Director of Johnson County Facilities 111 S. Cherry St., Suite 2100 Olathe, KS 66061
Chris Gralapp Olathe School District 1500 W. Old 56 Highway Olathe, Kansas 66061
City of Olathe, Kansas Attn: Councilmember Larry Campbell PO Box 768 Olathe, Kansas 66051

EXHIBIT C

Copy of Mailed Notice

[ATTACHED]

CITY OF OLATHE

Property Owner Notification Letter

Case Nos. RZ19-0020 & RZ19-0021.

Dear Property Owner:

This is to notify you that a neighborhood meeting will be held at City Hall, 100 E. Santa Fe Street, Olathe, Kansas 66061, in the City of Governors Room, to discuss the following two (2) applications:

1. **RZ2019-0020**: Rezoning of the real property legally described on Exhibit A and generally depicted on Exhibit A-1 attached hereto and incorporated herein (the “**North Property**”) from C-2 (Community Center) (present zoning) to D (Downtown) (proposed zoning), which North Property is generally located at the southwest corner of E. Santa Fe Street & N. Chestnut Street in the City of Olathe, Johnson County, Kansas; and
2. **RZ2019-0021**: Rezoning of the real property legally described on Exhibit B and generally depicted on Exhibit B-1 attached hereto and incorporated herein (the “**South Property**”) from C-2 (Community Center) (present zoning) to D (Downtown) (proposed zoning), which South Property is generally located at the southeast corner of E. Park Street & N. Chestnut Street in the City of Olathe, Johnson County, Kansas; and

The purpose of these requests is to allow for mixed-use/residential development on the North Property and the South Property.

A neighborhood meeting will be held to discuss these two (2) rezoning requests, and the accompanying preliminary development plans, on the North Property and the South Property at **5:30 PM** on **September 16, 2019**. Any interested persons or property owners are invited to attend. Information regarding these two (2) rezoning applications is available in the Planning Division at City Hall (phone 913-971-8750, City Planning Division, TTY 913-971-8600), or you may contact the undersigned for additional information regarding these requests.

Respectfully,



Korb Maxwell, Polsinelli PC

PHONE: (816) 360-4327
ADDRESS: 900 W. 48th Place, Suite 900
CITY: Kansas City
STATE: Missouri
ZIP: 64112

EXHIBIT A

Legal Description of North Property

All of Lots 1, 2, 3, 4, 11, 12, 15, 16, 19 and 20 and the East 22.75 feet of Lot 5, Block 46, CITY OF OLATHE, a subdivision of land and the vacated alleyway by Ordinance No. 316 recorded December 20, 1974 as Document No. 1004958 in Book 1008 at Page 970 all in the Northeast Quarter of Section 35, Township 13 South, Range 23 East of the 6th Principal Meridian in the City of Olathe, Johnson County, Kansas: Beginning at the Northeast corner of said Lot 1, said corner also being the intersection of the South right-of-way line of E Sante Fe Street, as now established and the West right-of-way line of Chestnut Street, as now established; thence South 02°02'51" East, along said West right-of-way line, 326.00 feet to the Southeast corner of said Lot 20; thence South 87°56'03" West, along the South line of said Lot 20 and it's Westerly prolongation, 136.00 feet to the centerline of a North-South vacated alleyway; thence North 02°02'51" West, along said centerline 189.50 feet to the centerline of an East-West vacated alleyway; thence South 87°56'03" West, along said centerline, 7.75 feet; thence North 02°02'51" West, along the West line of the East 22.75 feet of said Lot 5, 136.50 feet to a point on the South right-of-way line of said E Sante Fe Street; thence North 87°56'03" East, along said South right-of-way line, 143.75 feet to the Point of Beginning. Containing 45,394 square feet or 1.04 acres, more or less.

EXHIBIT A-1

Depiction of North Property



EXHIBIT B

Legal Description of South Property

All of Lots 1, 2, 3, 4 and 5, WILLIAMS AND DEVENPORTS SUBDIVISION and all of Lots 6, 7, 8, 9, 10 and 11, CITY OF OLATHE, both being subdivisions of land and the vacated alleyway by Ordinance dated August 1, 1930 as Document No. 179760 in Misc. Book 17 at Page 394 as shown on the recorded plat, all in the Northeast Quarter of Section 35, Township 13 South, Range 23 East of the 6th Principal Meridian in the City of Olathe, Johnson County, Kansas, being bounded and described as follows: Beginning at the Northeast corner of said Lot 1, said corner being the intersection of South right-of-way line of E Park Street, as now established and the West right-of-way line of Water Street, as now established; thence South 02°02'51" East, along said West right-of-way line of said Water Street, 317.00 feet to the Southeast corner of said Lot 11; thence South 87°56'03" West, along the South line of said Lot 11 and the South line of said Lot 10, 272.50 feet to the Southwest corner of said Lot 10, said corner also being a point on the East right-of-way line of Chestnut Street, as now established; thence North 02°02'51" West, along said East right-of-way line, 317.00 feet to the Northwest corner of said Lot 5, said corner also being a point on the South right-of-way line of said E Park Street; thence North 87°56'03" East, along said South right-of-way line, 272.50 feet to the Point of Beginning. Containing 86,382 square feet or 1.98 acres, more or less.

EXHIBIT B-2

Depiction of South Property

