



**City of Olathe City Council
100 E. Santa Fe | Council Chamber
Tuesday | January 7, 2025 | 7:00 PM**

1. CALL TO ORDER

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

2. BEGIN LIVE STREAMED SESSION – 7:00 P. M.

3. PLEDGE OF ALLEGIANCE

Mayor Bacon thanked the infrastructure staff for the outstanding work they have been doing the past several days in response to the winter storm.

4. SPECIAL BUSINESS

- A. Proclamation recognizing January 20, 2025 as Dr. Martin Luther King Jr. Day.

Mayor Bacon read the proclamation and presented it to Tim Dannenberg, Human Relations Commission staff liaison.

Mr. Dannenberg thanked the mayor and council for the proclamation and said this would be the essay contest's 24th year. The contest is in partnership with the Human Relations Commission, Olathe Library, the Olathe School District, and other community partners.

5. PUBLIC HEARINGS

- A. Public hearing and consideration of Ordinance No. 25-01 regarding the creation of a community improvement district and the levy of a community improvement district sales tax pursuant to K.S.A. 12-6a26 et seq. (Pizza 51 Project).

Mayor Bacon opened the public hearing.

No public comments were heard.

Motion by Vogt, seconded by Gilmore, to close the public hearing. The motion carried with the following vote:

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

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 25-01, as presented. The motion carried with the following vote:

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

- B.** Public hearing and consideration of Ordinance No. 25-02 regarding the creation of a community improvement district and the levy of a community improvement district sales tax pursuant to K.S.A. 12-6a26 et seq. (3rd Street Social Project).

Mayor Bacon opened the public hearing.

No public comments were heard.

Motion by Vogt, seconded by Gilmore, to close the public hearing. The motion carried with the following vote:

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

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 25-02, as presented. The motion carried with the following vote:

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

6. CONSENT AGENDA

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

Approval of the Consent Agenda

Motion by Vogt, seconded by Gilmore, to approve the consent agenda, as presented. The motion carried with the following vote:

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

- A.** Consideration of approval of the City Council meeting minutes of the December 17, 2024 council meeting.
approved.

- B. Consideration of renewal license(s) as recommended by the City Clerk.
approved.
- C. Consideration of Travel Request Authorization for City Manager Michael Wilkes to travel to a League of Kansas Municipalities meeting in Topeka, Kansas on January 23, 2025
approved.
- D. Consideration of Consent Calendar.
approved.
- E. Consideration of bid and award of contract to C&B Equipment for water and wastewater pump repair and replacement, and vertical well testing and cleaning for Environmental Services Division of Infrastructure.
approved.

7. NEW BUSINESS

- A. Consideration of Resolution No. 25-1001 (SU24-0003), requesting approval of a special use permit for Motor Vehicle Sales (Golf and Utility Carts) for Icon Midwest on approximately 1.08 acres; located at 1301 E. Santa Fe Street. Planning Commission recommended approval 8 to 0. Kim Hollingsworth, Planning and Development Manager, provided a brief presentation to the council.

Councilmember Vogt asked how many vehicles the applicant wanted to display on Santa Fe. Ms. Hollingsworth stated fifteen.

Councilmember Vakas asked if there would be inventory on the lot or behind the building. Ms. Hollingsworth stated there is no opportunity for storage behind the building, but there are opportunities on Santa Fe, as the applicant wishes, or up at the building, as staff recommends.

Councilmember Gilmore asked clarifying questions about staff's thoughts about limiting displays on Santa Fe when businesses to the east along Santa Fe have displays along the road. Ms. Hollingsworth stated some businesses were grandfathered in before the UDO regulated the use.

Mayor Bacon stated he did not realize Tint World would close because he thought cart sales would be a side business for them. Ms. Hollingsworth stated that to staff's knowledge, the plan is for Tint

World to close and the applicant to pivot to cart sales, if approved. Mr. Bacon also asked about the shortened timeframe for the Special Use Permit, at two years. Ms. Hollingsworth stated staff will do an introductory timeframe, usually two years, and noted that staff and the applicant favored the two year timeframe.

Councilmember Felter asked where customers would park. Ms. Hollingsworth provided clarification to the council.

Mr. Schoonover asked if there would still be parking along the building if five carts were on display in front of it. Ms. Hollingsworth stated yes.

Curt Peterson, Polsinelli Law Firm, provided a presentation to the council on behalf of the applicant.

Councilmember Vakas asked about the proposed inventory totals. Mr. Peterson stated there would be six in the inside showroom and up to thirty in the indoor storage, with up to fifteen being moved outside during the day. Mr. Vakas added that decluttering the site and having fewer than fifteen carts may be better.

Councilmember Vogt stated she sees this as a destination store for sales versus having potential clients driving by and stopping and feels there is not a need to have fifteen carts on display. Ms. Vogt also asked how many models may be shown. Mr. Peterson did not have an exact number available.

Councilmember Essex stated she is excited about the product but added having fifteen carts may be too many and feels having them closer to the building may make it easier to see them as you drive by. She also noted she is not a fan of them along Santa Fe.

Councilmember Gilmore asked for applicants' opinions on the Planning Commission, taking the total from fifteen carts to ten carts along Santa Fe. Mr. Peterson stated it was a compromise and that the franchisor is in favor of ten being on display.

Councilmember Schoonover asked if the carts were street legal. Ron Shaver, City Attorney, stated that a few years ago, some regulations were passed to allow this type of vehicle on city streets in certain circumstances.

Councilmember Gilmore hopes the business community views the council as a friendly body and feels it needs to do everything possible to ensure this business succeeds. He added that he couldn't vote to make it five if the applicant felt ten was the right number of carts displayed to sell them. He also stated that if the applicant thinks putting them on Santa Fe is the best place to help sell them, they should allow them to be on Santa Fe. He noted that he would support the resolution as presented.

Councilmember Felter stated a franchisor would have a high bar set to be on a highly traveled corridor, and this site gives that. Dr. Felter also stated she is comfortable with the proposed two-year Special Use Permit. Dr. Felter stated she would support the item as well.

Councilmember Vogt stated that the two-year Special Use Permit will allow plenty of time to see how the business does. She noted that she didn't want this to set a precedent though because the Comprehensive Plan is being reviewed, and they may decide later to take the Santa Fe corridor in a different direction.

Councilmember Essex stated she would still like to see the ten displays up by the building but noted that if it was a make-or-break decision, she wanted the business in Olathe.

Motion by Vogt, seconded by Gilmore, to approve Resolution No. 25-1001 regarding SU24-0003 with the stipulations approved by the Planning Commission. The motion carried with the following vote:

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

No: Schoonover

- B.** Consideration of Ordinance No. 25-03, RZ24-0016, requesting approval of a zoning amendment to Ordinance No. 19-24 with a preliminary site development plan for The District (RZ24-0016), on approximately 50.48 acres located southwest of E. 119th Street and N. Renner Boulevard.
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Planning Commission recommends approval 8-0.

Nathan Jurey, Senior Planner, provided a brief presentation to the council.

Scott Slaggie, Slaggie Architects, provided a presentation to the council on behalf of the applicant.

Robert Luna, Luna Architecture, San Antonio, Texas, spoke briefly about the project.

James Arkell, Loretto Properties, spoke on why he is excited about the project and what it will bring to Olathe.

Councilmember Vogt asked how the project would be phased in. Mr. Arkell stated it would be phased in all at once. Ms. Vogt mentioned the request for a gas station on the site and asked if Mr. Arkell and team were willing to agree on where the gas station should be located. Mr. Arkell stated it would not be in a prominent area like the hard corner of the site. Ms. Vogt asked where the preferred location for the gas station would be. Justin Duff, VanTrust, showed two locations being looked at, and Ms. Vogt stated she liked building G1 on the drawing, off the roundabout on Renner Blvd.

Councilmember Essex is concerned about the oversaturation of convenience stores in the area. Mr. Duff stated they would like the market to tell them if there is oversaturation in the area or if the market can support it.

Councilmember Schoonover asked if the developers see a need to have a convenience store at this location. Mr. Duff stated that the market has expressed interest in a convenience store on the site. Mr. Schoonover asked if a convenience store was moved to the site from another location in Olathe, if there would be lost tax revenue due to the STAR Bonds. Todd LaSala, Stinson LLP, stated the plan was not to move but to add a new convenience store.

Councilmember Vakas stated he is on board with everything they are working on and appreciates the thought of adding a convenience

store to the site, adding to its profitability. Mr. Vakas added that he thinks a convenience store on 119th Street would bring the development down a notch. Mr. Vakas added he likes building G1 for a proposed convenience store.

Councilmember Felter stated it would be irresponsible not to have a convenience store on the site with the proposed 750K visitors annually. Dr. Felter added she favors amending the stipulations to allow one and feels building G1 is a great site for it.

Councilmember Gilmore asked the applicant if the proposed stipulation would allow a convenience store at whatever location it is deemed appropriate by the applicant. The applicant stated, yes. Mr. Gilmore added that he feels the council needs to help the applicant succeed.

Councilmember Vogt reiterated why she felt building G1 was a good location for a convenience store. Ms. Vogt asked if a convenience store was not on the site, if it would be a linchpin to the project. Mr Arkell stated it would not be a linchpin but stated the more restrictions on the site, the harder it will be to make it happen.

Councilmember Vakas stated that Olathe and the State of Kansas have a financial stake in the project. He reiterated that he didn't feel a gas station on 119th Street was the right place.

Councilmember Schoonover agrees he does not see a convenience store as part of the Gateway Project but also stated he does not know the market.

Councilmember Essex stated she continues to be concerned that adding a convenience store at this location would harm other stores in the area, which she does not want to see happen.

Councilmember Vogt asked staff about a proposed stipulation that would allow a convenience store but require it to come back to the council for final approval. Mr. Jurey and Ron Shaver, City Attorney, provided guidance.

Mayor Bacon stated he had concerns about a convenience store at an entrance but thinks the convenience store may not be noticed with a 6-story hotel and a large arena.

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 25-03 regarding RZ24-0016, amending Ordinance No. 19-24 to remove the stipulation prohibiting convenience stores with gas sales, with a limitation to one convenience store with gas sales on the site and that the preliminary site development plan for the convenience store with gas sales will come back to the council for approval:

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

- C.** Consideration of Ordinance 25-04 requesting approval to annex approximately 1.32 acres located at 16040 S. Black Bob Road and approximately 6.25 acres located at 16090 S. Black Bob Road (ANX24-0006).

Motion by Vogt, seconded by Gilmore, to approve Ordinance No. 25-04. The motion carried with the following vote:

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

8. NEW CITY COUNCIL BUSINESS

Councilmember Felter wished everyone a Happy New Year and thanked all staff who have worked through the storm. Dr. Felter also mentioned that fifty refurbished bikes were given to youth in Olathe.

Councilmember Vogt thanked all SnOlathe crews and first responders for their work during the storm.

Councilmember Essex thanked the Olathe snow crews for all the hard work.

Councilmember Schoonover thanked the city staff for all their work during the snowstorm. Mr. Schoonover also reminded councilmembers about the need to discuss affordable housing.

Mayor Bacon noted that the 119th extension project is officially underway and noted that a portion of Gary Haller Trail will be closed by the project until it is completed in early 2027. Additionally, he reminded everyone that there are a few weeks left for the Olathe Mayor's Children's Fund for 2024, where they

have currently raised more than 162-thousand dollars.

9. END OF LIVE STREAMED SESSION

10. GENERAL ISSUES AND CONCERN OF CITIZENS

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

Martin Peters, Olathe resident, thanked Olathe city leaders for recognizing the importance of the historical and cultural treasures in Olathe and urged continued support of the sites.

Claire Reagan, Olathe resident, thanked city staff for their snow removal efforts.

11. CONVENE FOR PLANNING SESSION

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

A. REPORTS

1. Report on the annual Capital Improvement Plan Projects for 2025.
Report Accepted.
2. Report on projects and locations included in the 2025 Street Preservation Program, PN 3-P-000-25.
Report Accepted.
3. Report on the Olathe Private Street Preservation Program projects completed and scheduled for 2025.
Report Accepted.
4. Report on the authorization of the 118th Street, Renner to Kansas City Road, Improvements Project, PN 3-C-069-25.
Mayor Bacon asked why this item was being moved up. Nate Baldwin, City Engineer, clarified the matter for the council.

Michael Wilkes, City Manager also noted that the city received a 4 million dollar base grant for the project.

Report Accepted.

5. Report on the authorization of the 159th Street, Mur-Len to Black Bob, Improvements Project, PN 3-C-003-25.
Report Accepted.
6. Report on the authorization of the BNSF East Track Quiet Zone Project, PN 3-C-038-25.
Councilmember Schoonover asked for an update on this project. Nate Baldwin, City Engineer, provided an update to council.
Report Accepted.
7. Report on the authorization of the Harold Street, Ridgeview to Kansas City Road, Improvements Project, PN 3-C-074-25.
Mayor Bacon noted this project is a three-lane improvement. Nate Baldwin, City Engineer, stated Harold Street would be interesting because of its high crash rate. Mayor Bacon also said he would like to see utilities moved once for any potential future improvements.

Councilmember Vogt asked when staff would talk to the citizens about the proposed improvements. Mr. Baldwin stated that staff needs to get into design more, but conversations will start in late summer or fall.
Report Accepted.
8. Report on the authorization of the Lone Elm Road, 119th Street to Harold, Improvements Project, PN 3-C-040-25.
Report Accepted.
9. Report on the authorization of the 159th and Lone Elm Bridge Lights Replacement Project, PN 3-C-096-25.
Report Accepted.
10. Report on the authorization of the Lone Elm, 159th Street to 167th Street, Improvements Project, PN 3-C-076-25.
Report Accepted.
11. Report on the authorization of the Spruce and Parker Geometric Improvements Project, PN 3-C-078-25.
Report Accepted.
12. Report on the authorization of the 2026 Street Reconstruction Program, PN 3-R-000-26.
Report Accepted.

13. Report on the authorization of the 2025 Traffic Signals Project, PN 3-TS-000-25.
Mayor Bacon asked for clarification on what staff looks at when looking at lights to replace. Nate Baldwin, City Engineer, provided staff with an explanation.
Report Accepted.
14. Report on the authorization of the Salt Barn #2 Project, PN 6-C-030-25.
Report Accepted.

12. ADDITIONAL ITEMS

Councilmember Vakas wished everyone a Happy New Year.

Mayor Bacon stated conversations need to take place about food trucks because it seems that some food trucks are in the same place and asked for a report on the ordinance and if it is effective.

13. ADJOURNMENT

The meeting adjourned at 9:48 PM

Eric Strimple
Assistant City Clerk