



## Agenda

**REGULAR MEETING  
GOVERNING BODY  
CITY OF LENEXA, KANSAS  
17101 W. 87<sup>th</sup> STREET PARKWAY**

**JUNE 21, 2022  
7:00 PM  
COMMUNITY FORUM**

**CALL TO ORDER** Pledge of Allegiance

**ROLL CALL**

**APPROVE MINUTES** June 7, 2022 City Council meeting draft minutes (located in the Appendix)

**MODIFICATION OF  
AGENDA**

**APPOINTMENTS** Dan Roh, Council President - July 1, 2022 through December 31, 2022

Police Community Advisory Board Members (located in the Appendix)

**PRESENTATIONS** Legislative Update - Federico//Duerst

**CONSENT AGENDA**

**Item Numbers 1 through 12**

All matters listed within the Consent Agenda have been distributed to each member of the Governing Body for review, are considered to be routine, and will be enacted by one motion with no separate discussion. If a member of the Governing Body or audience desires separate discussion on an item, that item may be removed from the Consent Agenda and placed on the regular agenda.

1. Acceptance of the Prairie View at Creekside Woods, 4th Plat public improvements for maintenance

*This project constructed public street, storm, and streetlight improvements and was funded by private development.*

2. Acceptance of traffic signal and sidewalk easements as shown on Lenexa Logistics Centre, Seventh Plat

*This is a one-lot final plat for a new phase of the Lenexa Logistics Centre development located at the southwest corner of College Boulevard & Britton Street. Easements are being dedicated to the City as part of the final plat. PT22-12F*

3. Acceptance of sidewalk and drainage easements as shown on the Tesla Motors - Lenexa Lackman, Final Plat

*This is a three-acre final plat, replatting Lot 2 of the Lackman Business Center Plat. It is located at the southwest corner of 101st Terrace & Lackman Road. Easements are being dedicated to the City as part of the final plat. PT22-14F*

4. Resolution authorizing the Mayor to execute a Memorandum of Understanding with the Lenexa Cemetery Association relating to the process and timeline of acquiring the real property and financial assets of the Association

*At the May 24, 2022 Committee of the Whole meeting, staff presented an update on the status of the Lenexa Cemetery and a draft Memorandum of Understanding with the Lenexa Cemetery Association that outlines the process and timeline for acquiring the real property and assets of the Association.*

5. Resolution authorizing the amendment of the trust indenture relating to the City's approximate \$30.5 million industrial revenue bonds, Series 2021 (Lenexa Logistics Centre East Building 4)

*Lenexa Logistics Centre East Building 4 developer is requesting an extension to utilize the remaining industrial revenue bonds (IRBs), and the associated sales tax exemption, to construct tenant finishes in the completed 603,000 square foot building located east of the intersection of 116th Street & Renner Boulevard. The requested extension requires a corresponding amendment to the completion date set forth in the IRB documents.*

6. Consideration of ordinances and a resolution authorizing the sale of general obligation bonds, Series 2022A, in the principal amount of approximately \$9.7 million
  - a. Ordinance authorizing the City to make certain storm drainage improvements and authorizing the issuance of general obligation bonds to finance the improvements (109th Street to College Boulevard Project)
  - b. Ordinance amending Ordinance 5854 and authorizing the issuance of

general obligation bonds by the City to pay a portion of the costs of the Lenexa Justice Center, all pursuant to Charter Ordinance No. 72

- c. Resolution authorizing the sale of general obligation bonds, Series 2022A, in the principal amount of approximately \$9.7 million

*The City has scheduled the sale of Series 2022A general obligation bonds during the week of August 1, 2022 to provide funding for multiple capital projects previously approved by the City Council.*

7. Resolution authorizing the Mayor to execute an interlocal agreement with Johnson County for partial reimbursement of construction costs for the 109th Street to College Boulevard Stormwater System Renewal Project

*This interlocal agreement allows the City to be reimbursed for eligible costs including construction, inspection, and utility relocation costs for the 109th Street to College Boulevard Stormwater System Renewal Project. The City will be awarded 50% up to a maximum of \$774,167.*

8. Resolution authorizing the Mayor to execute an interlocal agreement with Johnson County for partial reimbursement of construction costs for the Oakhill Stormdrainage Improvements Project

*This interlocal agreement allows the City to be reimbursed for eligible costs including construction, inspection, and utility relocation costs for neighborhood pipe rehabilitation and improvements from 79th Street to 83rd Street between Lackman Road and Mill Creek. The City will be awarded 50% up to a maximum of \$42,534.*

9. Ordinance adjusting special assessments on property in the Lenexa Logistics Centre North Phase II Special Benefit District - Stormwater Improvements

*The City established the Lenexa Logistics Centre North Phase II Special Benefit District - Stormwater Improvements in 2021 to construct stormwater improvements with a maximum cost of \$1,770,000. The City subsequently approved Ordinance 5808 levying the maximum amount of the special assessments. The improvements are substantially complete and the City is planning to issue its special obligation bonds for the improvements in 2022. The total costs were \$1,585,000, so an ordinance adjusting the special assessments is needed.*

10. Ordinance amending City Code Chapter 4-8 regarding Building and Construction Standards and adopting by reference certain codes published by the International Code Council and the National Fire Protection Agency

*Staff has been working since January 2022 to review and prepare amendments to the building and construction standards in the City Code. This ordinance will incorporate various clarifications and additions to the currently adopted Building and Construction Standards.*

11. Ordinance amending the sentencing requirements in City Code Section 3-8-A-14 Driving Under the Influence and Section 3-8-A-15 Commercial Driving Under the Influence

*The City closely follows the Kansas State statutes prohibiting driving under the influence (DUI). Several changes were made this legislative session to K.S.A. 8-1567 and 8-2,144, as well as related statutes. This ordinance updates the language of the City's Code Sections to reflect those changes to ensure the continued ability to prosecute DUI violations effectively and remain consistent with changes in state law regarding these violations.*

12. Resolution consenting to the assignment of the CID Development Agreement and the TIF Disposition and Development Agreement from Lane4 Property Group, Inc. to K10 Retreat, LLC (The Retreat on the Prairie Project)

*The City entered into a CID Development Agreement (CID DA) and a TIF Disposition and Development Agreement (TIF DDA) with Lane4 Property Group in November 2021 as part of The Retreat on the Prairie mixed-use development located in the northwest corner of K-10 highway & Ridgeview Road. Lane4 Property Group would like to assign all of its rights and obligations under the CID DA and TIF DDA to K10 Retreat, LLC.*

## END OF CONSENT AGENDA

## BOARD RECOMMENDATIONS

13. Ordinance approving a three-year Special Use Permit for Inspire Therapy, located at 10321 W. 84th Terrace, to allow Personal Instruction, General in the BP-2, Planned Manufacturing zoning district

*The applicant is requesting a Special Use Permit to allow one-on-one learning and instruction for children and teens diagnosed with Autism Spectrum Disorder. SU22-04*

14. Ordinance approving a three-year Special Use Permit for Sacred Processes, located at 9716 Rosehill Road, to allow Personal Services in the NP-O, Planned Neighborhood Office zoning district



*The applicant is requesting a Special Use Permit to provide holistic health services to clients on an individual, appointment-only basis. SU22-06*

15. Ordinance approving a three-year Special Use Permit renewal for Moroney Landscape, located at 27145 W. 83rd Street, to allow Maintenance Services in the AG, Agricultural zoning district

*The applicant is requesting a Special Use Permit renewal to allow a landscape company on residential property. SU22-03*

16. Ordinance approving a 10-year Special Use Permit renewal for AT&T KS5343, located at 9131 Noland Road, to allow the renewal and modification of a wireless communication tower in the BP-2, Planned Manufacturing zoning district

*The applicant is requesting a Special Use Permit renewal to allow for modifications of a wireless communication tower. SU22-05*

17. Approval of a final plan for Advent Health Life Campus, located at the southwest corner of 86th Street & Renner Boulevard, to allow a new hospital and medical office building

*The hospital and medical office building are the first two of 11 buildings to be considered for final plan approval on the 25-acre Advent Health Life Campus. The hospital is a five-story, 230,341 square-foot building and the medical office is a three-story, 55,597 square-foot building. The plan includes two parking structures and some areas of surface parking. PL22-07F*

#### **NEW BUSINESS**

None

#### **BUSINESS FROM FLOOR**

Comments will be accepted from the audience on items not listed on the agenda. Please limit remarks to a maximum of five (5) minutes per person/issue.

#### **COUNCILMEMBER REPORTS**

#### **STAFF REPORTS**

18. June 8, 2022 tornado report and update

#### **ADJOURN**

#### **APPENDIX**

19. June 7, 2022 City Council meeting draft minutes
20. Police Community Advisory Board Appointments Memo
21. Item 4 -- Memorandum of Understanding - Lenexa Cemetery
22. Item 10 -- Ordinance redline - Building and Construction Standards
23. Item 11 -- Ordinance redline - DUI

Dist. Governing Body; Management Team; Agenda & Minutes Distribution List

IF YOU NEED ANY ACCOMMODATIONS FOR THE MEETING, PLEASE CONTACT THE CITY ADA COORDINATOR, 913/477-7550. KANSAS RELAY SERVICE 800/766-3777. PLEASE GIVE 48 HOURS NOTICE



**CITY COUNCIL  
MEMORANDUM**

**ITEM 1**

**SUBJECT:** Acceptance of the Prairie View at Creekside Woods, 4th Plat public improvements for maintenance

**CONTACT:** Tim Green, Deputy Community Development Director

**DATE:** June 21, 2022

**ACTION NEEDED:**

Accept the Prairie View at Creekside Woods, 4th Plat public improvements for maintenance.

**PROJECT BACKGROUND/DESCRIPTION:**

This project constructed public street, storm, and streetlight improvements related to the Prairie View at Creekside Woods, 4th Plat subdivision, and was funded by private development.

Staff performed a final inspection on May 5, 2022, and advised that all work had been completed in accordance with the plans and specifications. The maintenance bonds for this project shall go into force upon acceptance by the Governing Body on June 21, 2022, and will expire on June 21, 2024.

The contractor was McAnany Construction.

Total lane miles:	0.66 miles
Total statute miles:	0.66 miles
Pipe length:	2,417 linear feet

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

This project was funded by private development.

**STAFF RECOMMENDATION:**

Acceptance for maintenance.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

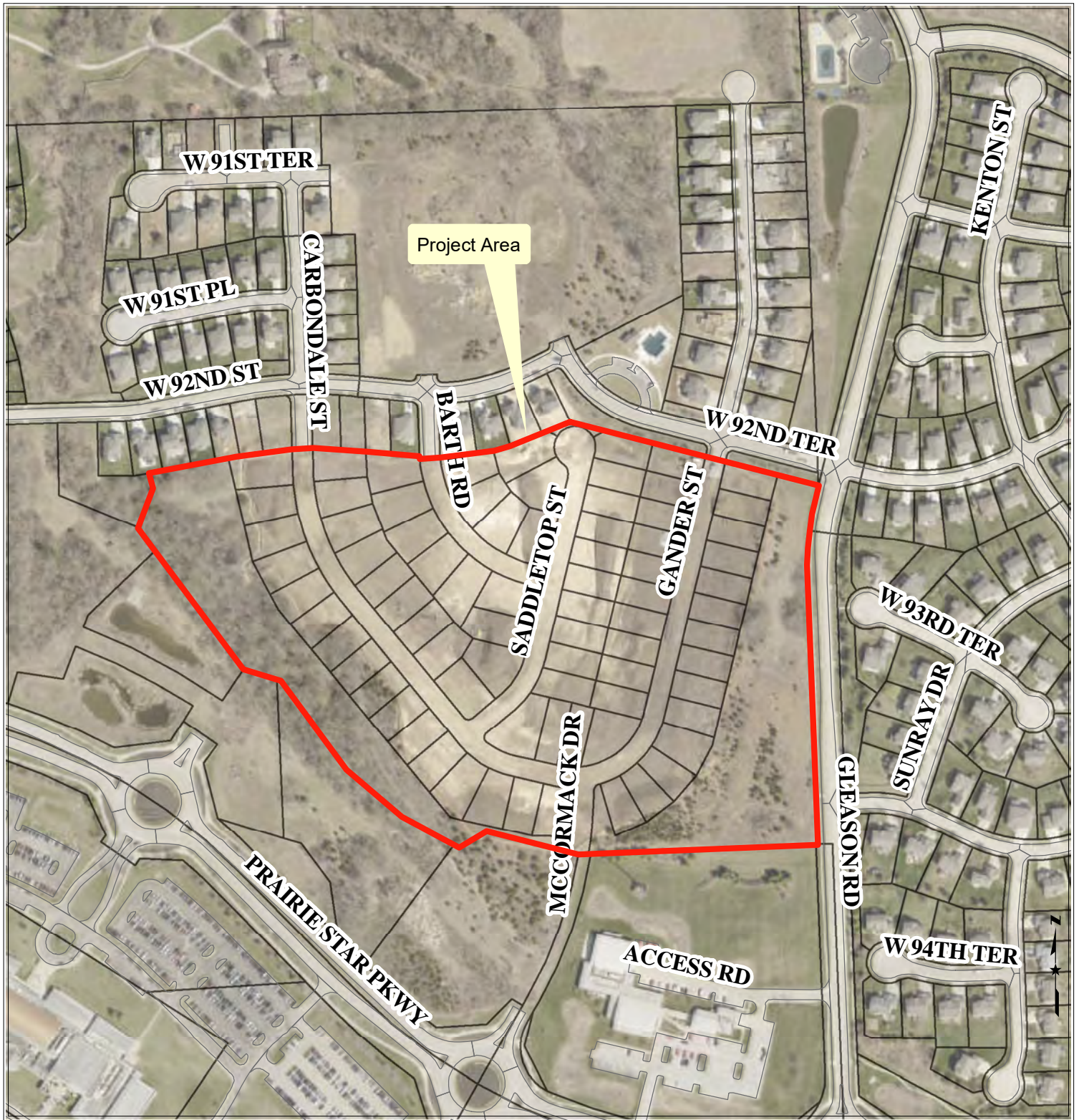
**Guiding Principles**

Responsible Economic Development

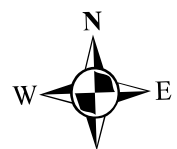
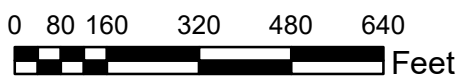
**ATTACHMENTS**

1. Map





Prairie View at Creekside Woods, 4th Plat





**CITY COUNCIL  
MEMORANDUM**

**ITEM 2**

**SUBJECT:** Acceptance of traffic signal and sidewalk easements as shown on Lenexa Logistics Centre, Seventh Plat

**CONTACT:** Stephanie Kisler, Planning & Development Administrator  
Scott McCullough, Community Development Director

**DATE:** June 21, 2022

**ACTION NEEDED:**

Accept the traffic signal and sidewalk easements as shown on Lenexa Logistics Centre, Seventh Plat.

**APPLICANT:**

Curtis Holland, Polsinelli PC

**OWNER:**

Marley Associates, LLC

**PROPERTY ADDRESS:**

Located approximately at the southwest corner of College Boulevard & Britton Street

**PROJECT BACKGROUND/DESCRIPTION:**

Lenexa Logistics Centre is a 120-acre business park that has been developing since 2013. Each lot is platted prior to the construction of the building on the site. Two sites remain to be platted and developed, including this site. The lot will include a traffic signal easement at the northwest corner of the lot. The traffic signal is for the intersection of College Boulevard & Mill Creek Road. The plat also includes a sidewalk easement along College Boulevard.

**STAFF RECOMMENDATION:**

Acceptance of the easements.

**PLANNING COMMISSION ACTION:**

At the June 6, 2022 Planning Commission meeting, the final plat for Lenexa Logistics Centre, Seventh Plat, was approved as part of the consent agenda. Chairman Poss entertained a motion for **APPROVAL** of the consent agenda. Commissioner Handley moved for approval and the motion was seconded by Commissioner Katterhenry. The Planning Commission approved consent agenda items 1-5 by a unanimous voice vote.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Thriving Economy

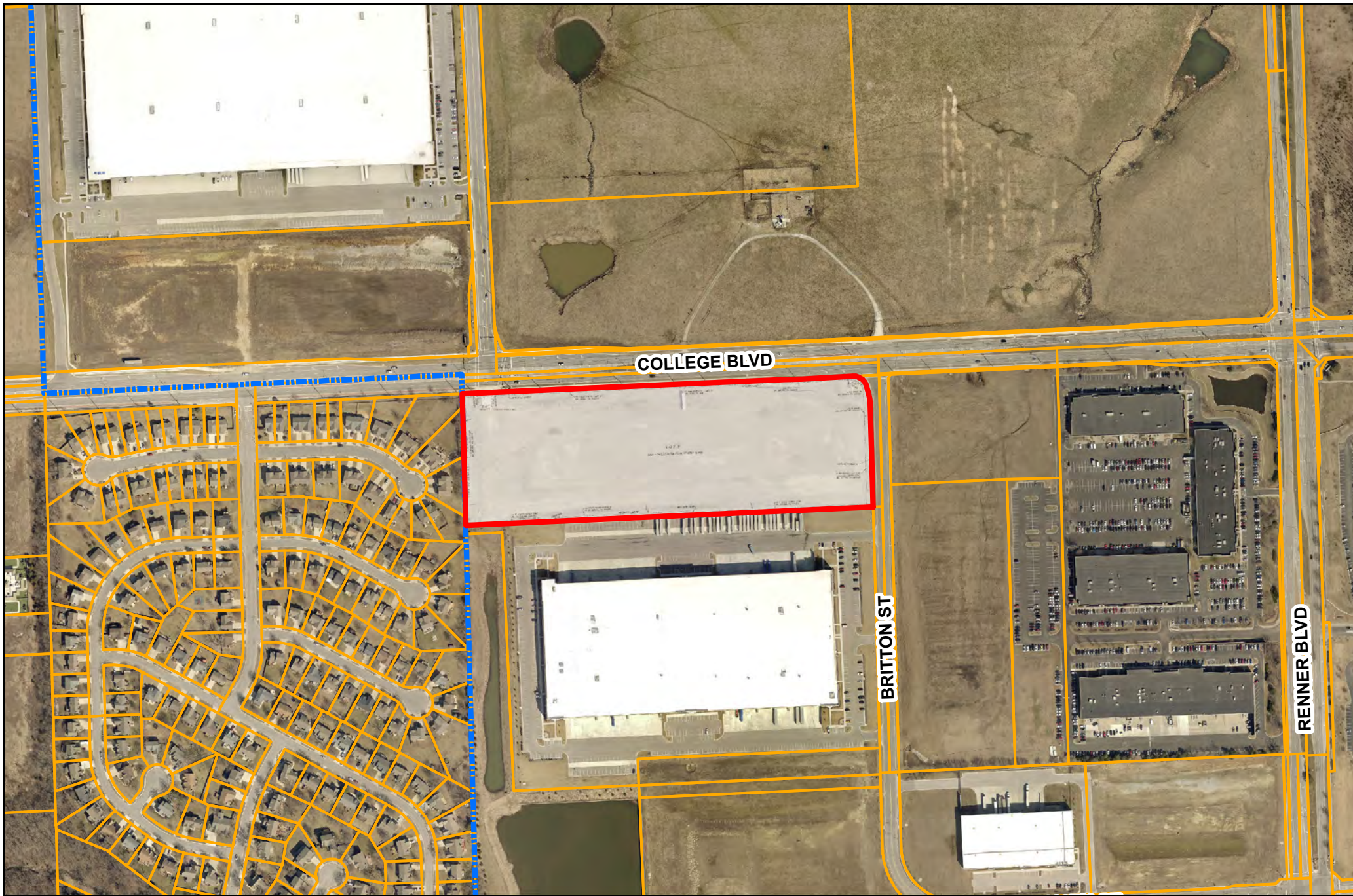
**Guiding Principles**

Responsible Economic Development

## **ATTACHMENTS**

1. Map
2. Plat
3. PC Staff Report
4. PC Draft Minutes Excerpt





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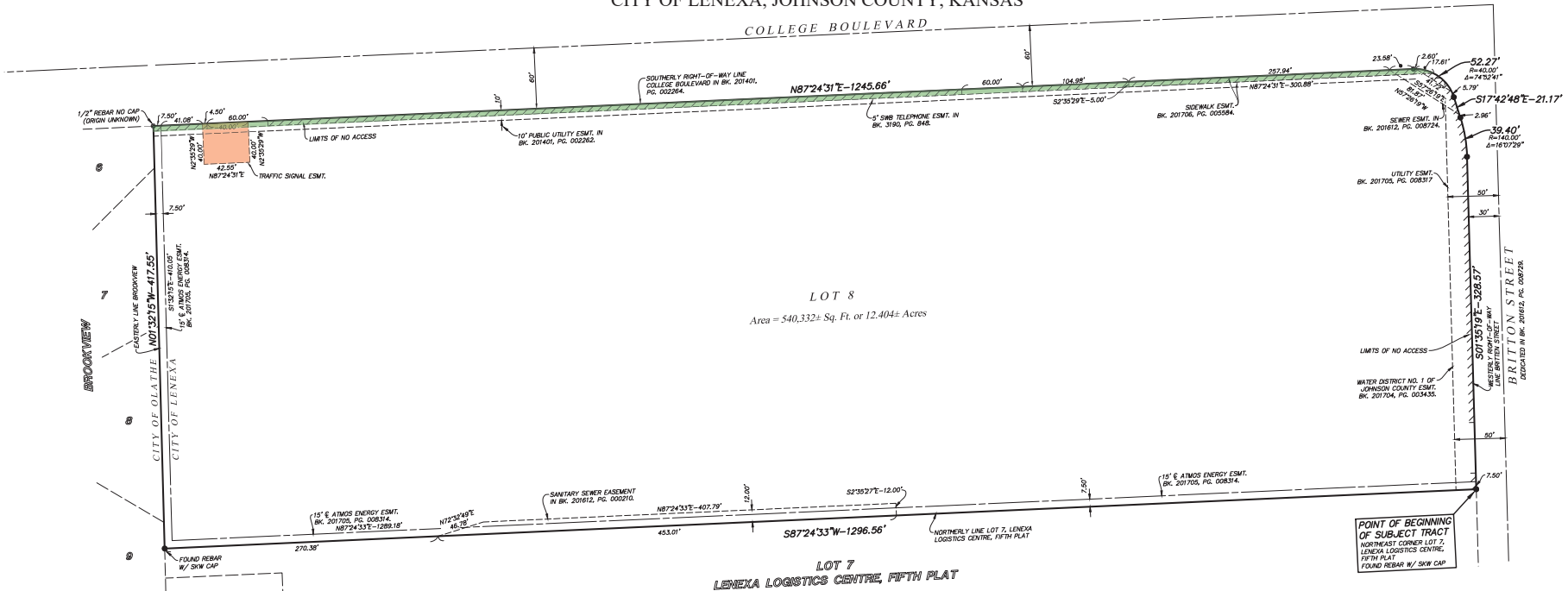
# **Lenexa Logistics Centre, Seventh Plat / PT22-12F** **Vicinity / Aerial Map**

0 200 400 800 Feet



# FINAL PLAT OF LENEXA LOGISTICS CENTRE SEVENTH PLAT

A REPLAT OF A PORTION OF THE NE 1/4 OF SECTION 18, TOWNSHIP 13, RANGE 24  
CITY OF LENEXA, JOHNSON COUNTY, KANSAS



## DESCRIPTION:

All that portion of the NE 1/4 of Section 18, Township 13 South, Range 24 East, in the City of Lenexa, Johnson County, Kansas, this original legal description being prepared on April 8, 2022, by me, Craig E. Chaney, Professional Surveyor, Kansas License No. 1141, and with said portions being more particularly described as follows:

Beginning at the Northeast corner of Lot 7, LENEXA LOGISTICS CENTRE, FIFTH PLAT, a subdivision of land in the City of Lenexa, Johnson County, Kansas; thence S 87° 24' 33\"/>

## GENERAL NOTES:

Bearings shown hereon are in accordance with the State Plane Coordinate System, Kansas North Zone, NAD83. [CAF=0.999928426] and the recorded plats of LENEXA LOGISTICS CENTRE.

Error of closure exceeds 1 in 50,000

## 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 National Flood Insurance Program Flood Insurance Rate Map prepared by the Federal Emergency Management Agency for the City of Lenexa, Johnson County, Kansas, Map No. 20091C0064G, dated August 3, 2009.

I hereby certify that the information shown hereon is based on a field survey performed by me or under my direct supervision in the month of April 2022.

CRAIG E. CHANEY P.S., LS-1141

McCLURE

"Your Vision. Engineered Here"

11031 Strang Line Road  
LENEXA, KANSAS 66215

(913) 888-7800 www.mcclurevision.com

IN TESTIMONY WHEREOF, the undersigned proprietor has hereunto subscribed its hand.

OWNER: Marley Associates, LLC

By: \_\_\_\_\_  
XXXXXXXXXXXXXXXXXXXX

STATE OF \_\_\_\_\_ )

COUNTY OF \_\_\_\_\_ ) S.S.

This record was acknowledged before me on \_\_\_\_\_ by \_\_\_\_\_ as \_\_\_\_\_ of Marley Associates, LLC.

Notary Public

My Commission Expires: \_\_\_\_\_

APPROVED by the Planning Commission of the City of Lenexa, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2022.

Chris Pass, Chairman

APPROVED by the Governing Body of the City of Lenexa, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 2022.

Michael Boehm, Mayor

Attest: \_\_\_\_\_  
Jennifer Martin, City Clerk

**MEETING DATE:** June 6, 2022

**CONSENT AGENDA ITEM: 2**

**PROJECT TITLE:** Lenexa Logistics Centre, Seventh Plat

**PROJECT # / REQUEST:** PT22-12F – Final Plat

**APPLICANT:**  
Curtis Holland, Polsinelli PC

**OWNER:**  
Marley Associates, LLC

**DESIGN PROFESSIONAL:**  
Alan Johnson, Alan Johnson Design

**STAFF PLANNER:**  
David Dalecky

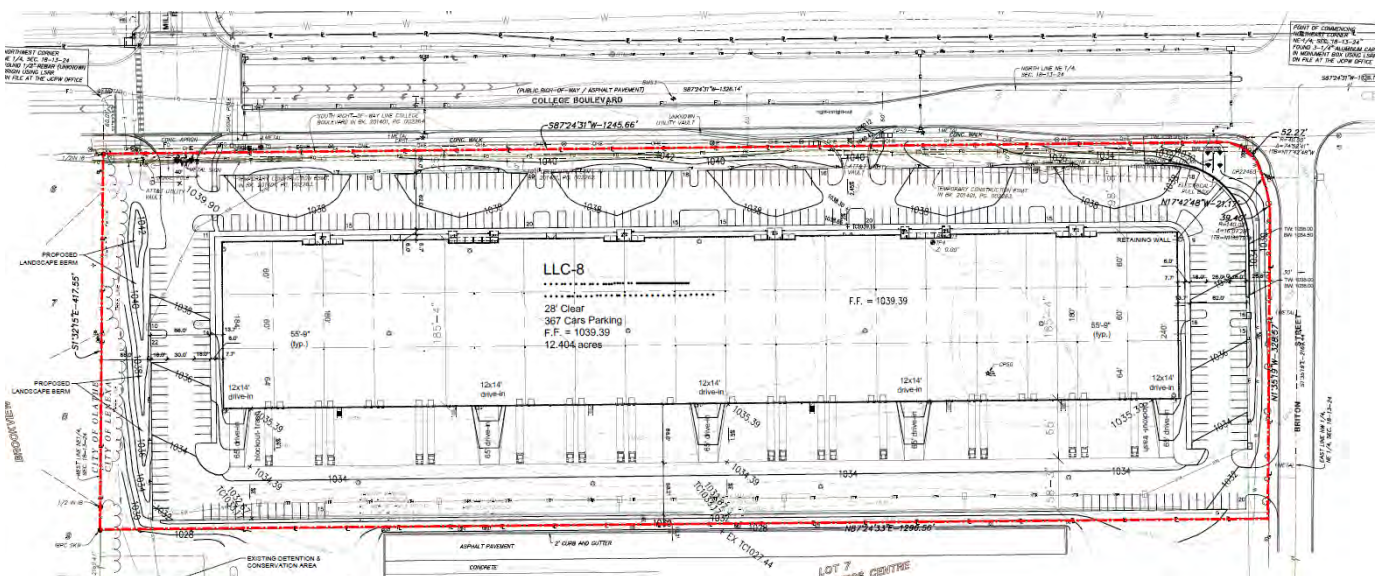
**PROPERTY LOCATION:** Located approximately at the southwest corner of College and Britton Street

## SUMMARY OF RECOMMENDATION

Staff recommends **APPROVAL** of the final plat for Lenexa Logistics Centre, Seventh Plat.

## PROPOSED PROJECT DESCRIPTION AND BACKGROUND INFORMATION

The final plat is part of the 120-acre Lenexa Logistics Centre development. This final plat is approximately one-quarter mile west of the intersection of College Boulevard and Renner Boulevard, more specifically at the southwest corner of College Boulevard and Britton Street. The final plat is associated with a final plan for a new building. The final plan for the building is shown in the following *Exhibit 1*:



**CURRENT ZONING:**

BP-2, Planned Manufacturing District

**CURRENT USE:**

Undeveloped land

**PROPOSED USE:**

Wholesale and Warehousing

**ACREAGE:**

12.41

<b>COMPREHENSIVE PLAN RECOMMENDATION FOR AREA</b>
---

**Business Park** – Developments providing space for uses that includes light assembly and manufacturing, or warehousing and distribution. Settings may range from campus-like business parks to single-use buildings.

**VICINITY ZONING PATTERN:**

**North:** BP-2, Planned Manufacturing District

**South:** BP-2, Planned Manufacturing District

**East:** AG, Agricultural District

**West:** R-3, Low-Density Multi Family District (City of Olathe)

**VICINITY LAND USE PATTERN:**

**North:** Undeveloped land

(across College Boulevard)

**South:** Warehousing and wholesale uses

**East:** Undeveloped land

**West:** Multi-Family residential uses (City of Olathe)

<b>FINAL PLAT ANALYSIS</b>
----------------------------

The final plat application is a one-lot plat in the Lenexa Logistics Centre industrial development. The overall development contains several buildings over 120 acres. The lot is located at the southwest corner of College Boulevard and Britton Street.

Access into the site will be from three locations, a signalized drive entrance at the northwesterly corner of the site, a right-in, right-out entrance further east along the College Boulevard frontage, and a drive entrance onto Britton Street.

The applicant has agreed to provide an access easement to allow circulation from the adjacent property to the south through this site to the signalized drive entrance. This drive is across from Mill Creek Road, which provides access to the development on the north side of College Boulevard. This signalized access location will allow for trucks to move onto College Boulevard without waiting for an opening in the passing traffic. Final consideration to whether a physical drive is constructed will be determined with the final plan. The physical connection between the two lots will require the owner of the lot to the south to construct a connecting drive to the common property boundary. The easement is established should this drive connection be constructed. The location of the easement is shown in the following *Exhibit 2*.

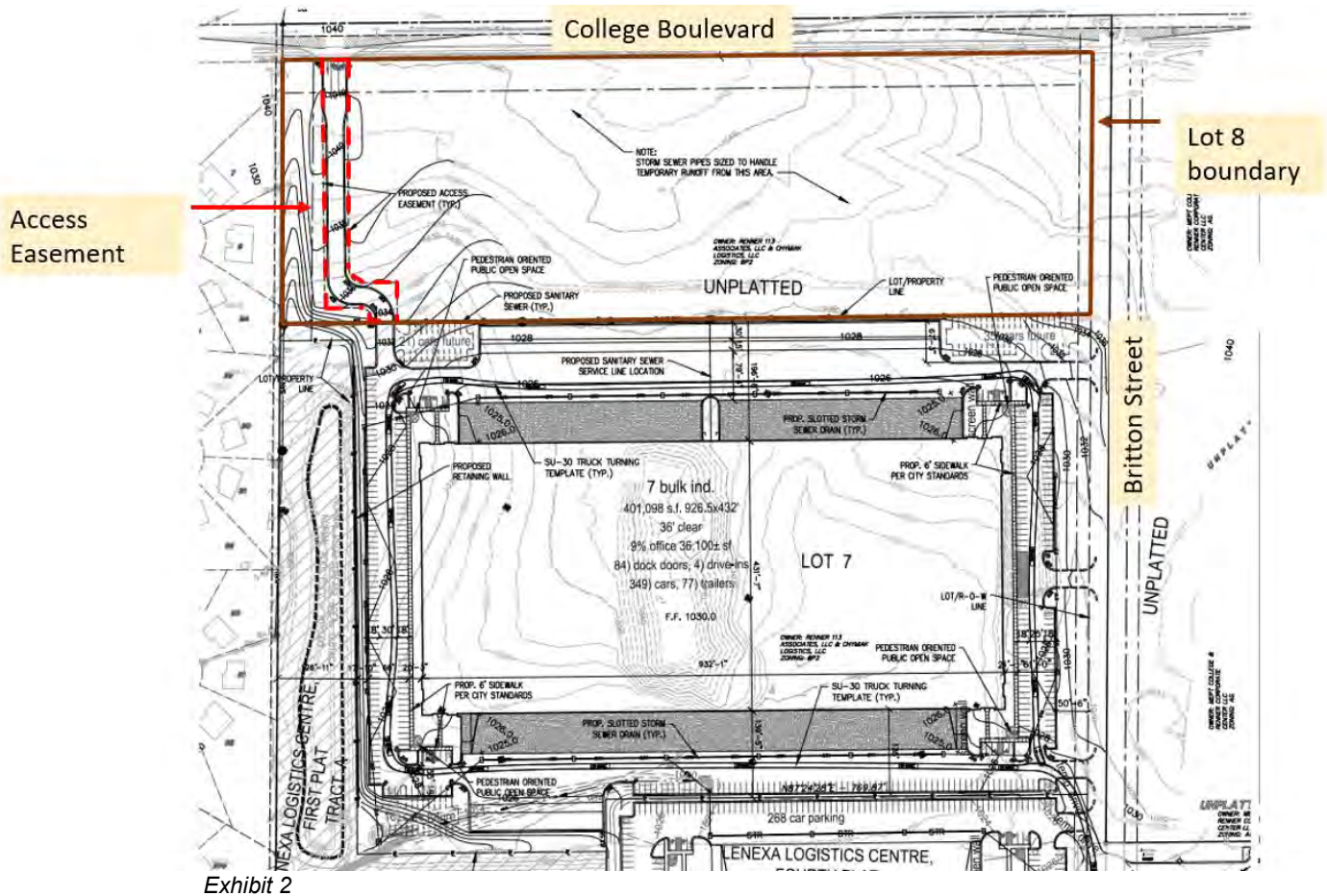


Exhibit 2

Aside from showing the easement for cross access through the lot, the plat complies with the Unified Development Code (UDC) subdivision regulations.

An easement for the traffic signal and sidewalk along College Boulevard associated with a new turning lane is being coordinated with the final plan. Adjustments to the plat exhibit may be needed prior to the Governing Body’s acceptance of the plat.

**INFORMATIONAL COMMENTS**

A traffic signal installation easement is dedicated with the final plat.

The Governing Body will consider acceptance of the sidewalk easement as shown on the final plat on June 21, 2022.

**STAFF RECOMMENDATION**

Staff recommends **APPROVAL** of the final plat for Lenexa Logistics Centre, Seventh Plat located at the southwest corner of College Boulevard and Britton Street with no conditions.



**CITY OF LENEXA, KANSAS**  
**PLANNING COMMISSION MEETING MINUTES**  
**June 6, 2022**

**CALL TO ORDER**

Chairman Chris Poss called the regular meeting of the Lenexa Planning Commission to order at **7:20 p.m. on Monday, June 6, 2022**. The meeting was held in the Community Forum at Lenexa City Hall at 17101 W. 87th Street Parkway, Lenexa, Kansas.

**ROLL CALL**

**Commissioners Present**

Commissioner Burson  
Commissioner Handley  
Commissioner Harber  
Commissioner Harper  
Commissioner Horine  
Commissioner Katterhenry  
Commissioner Leib  
Commissioner Woolf  
Commissioner Macke  
Chairman Poss

**Commissioners Absent**

None

**Staff Present**

Scott McCullough, Director of Community Development  
Stephanie Kisler, Planning and Development Administrator  
Tim Collins, Engineering Construction Services Administrator  
Andrew Diekemper, Fire Division Chief  
Alex Aggen, Assistant City Attorney  
Dave Dalecky, Planner II  
Christa McGaha, Planner II  
Kim Portillo, Planner II  
Gloria Lambert, Senior Administrative Assistant

**APPROVAL OF MINUTES**

The minutes of the May 2, 2022, meeting were presented for approval. Hearing no changes or corrections to the minutes of the regular meeting, Chairman Poss entertained a motion to **APPROVE** the minutes as written. Moved by Commissioner Katterhenry, seconded by Commissioner Horine, and **APPROVED** by a majority voice vote.

**CONSENT AGENDA**

1. **Final Plan for Vista Ridge Lots 1 & 2 located on the northeast corner of Ridgeview Road and K-10 Highway, in the CP-3, Planned Regional Commercial District. PL22-08F**  
*Consideration of a final plan for two restaurant buildings and one retail building on Lots 1 & 2 of Vista Ridge.*
2. **Final Plat for Lenexa Logistics Centre, Seventh Plat, located at the southwest corner of College and Britton Street, in the BP-2, Planned Manufacturing District. PT22-12F**  
*Consideration of a 12-acre final plat for Lot 8 of Lenexa Logistics Centre.*

**CITY OF LENEXA, KANSAS**  
**PLANNING COMMISSION MEETING MINUTES**  
**June 6, 2022**

3. **Final Plat for Lenexa Logistics Centre, Eighth Plat, located approximately at the northwest corner of 113<sup>th</sup> Street and Britton Street, in the BP-2, Planned Manufacturing District. PT22-13F**

*Consideration of a 10.9-acre final plat for Lot 6 of Lenexa Logistics Centre.*

4. **Final Plat for Tesla Motors – Lenexa Lackman, located at 15125 W. 101<sup>st</sup> Terrace, in the BP-2, Planned Manufacturing District. PT22-14F**

*Consideration of a one-lot final plat to accommodate a 35,095 square foot auto repair building.*

5. **Deviation for Surface Real Estate Holdings, located at 8900 Rosehill Road, in the BP-2, Planned Manufacturing District. DV22-01**

*Consideration of a 2.5-foot parking setback deviation.*

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Item Numbers 1 through 5. Moved by Commissioner Handley, seconded by Commissioner Katterhenry, and carried by a unanimous voice vote.



**CITY COUNCIL  
MEMORANDUM**

**ITEM 3**

**SUBJECT:** Acceptance of sidewalk and drainage easements as shown on the Tesla Motors - Lenexa Lackman, Final Plat

**CONTACT:** Stephanie Kisler, Planning & Development Administrator  
Scott McCullough, Community Development Director

**DATE:** June 21, 2022

**ACTION NEEDED:**

Accept the sidewalk and drainage easements as shown on the Tesla Motors - Lenexa Lackman, Final Plat.

**APPLICANT:**

Caleb Flake, Kimler-Horn

**OWNER:**

KANCO, LLC.

**PROPOSED TENANT:**

Tesla Motors

**PROPERTY ADDRESS:**

15125 W. 101st Terrace

**PROJECT BACKGROUND/DESCRIPTION:**

This three-acre plat is located at the southwest corner of 101st Terrace & Lackman Road. This is a replat of Lot 2 of the Lackman Business Center Plat, which was approved in 1998. This final plat application was submitted in conjunction with the final plan application for Tesla Auto Repair, a proposed vehicle and equipment repair facility for Tesla brand electric automobiles. The applicant proposes to construct a 35,095 square foot auto repair facility with accompanying outdoor parking and storage area on the lot.

Limits of No Access are shown on the plat along the frontages of Lackman Road, 101st Terrace, and the I-435 right-of-way along the south property line. Access to this site is provided on the north of the Suburban Extended Stay lot to the west via a 40-foot cross-access easement. This easement was recorded as a part of the Suburban Extended Stay – Lenexa Lackman, Final Plat. The plat shows the six-foot sidewalk easement along Lackman Road in gold and the 10-foot drainage easement in blue. Both are to be dedicated to the City with this final plat. This application complies with Lenexa's property development and subdivision regulations.

**STAFF RECOMMENDATION:**

Acceptance of the easements.

**PLANNING COMMISSION ACTION:**

At the June 6, 2022 Planning Commission meeting, the final plat for Tesla Motors - Lenexa Lackman was approved as part of the consent agenda. Chairman Poss entertained a motion for **APPROVAL** of the



consent agenda. Commissioner Handley moved for approval and the motion was seconded by Commissioner Katterhenry. The Planning Commission approved consent agenda items 1-5 by a unanimous voice vote.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**  
Thriving Economy

**Guiding Principles**  
Responsible Economic Development

**ATTACHMENTS**

- 1. Map
- 2. Plat
- 3. PC Staff Report
- 4. PC Draft Minutes Excerpt





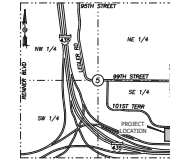


Final Plat of:  
**TESLA MOTORS - LENEXA LACKMAN**  
**A REPLAT OF PART OF LOT 2, LACKMAN BUSINESS CENTER**  
**A SUBDIVISION IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS**

**CIVIL ENGINEER**  
Kimley-Horn  
805 Pennsylvania Avenue, Suite 150  
Kansas City, MO 64105

**OWNER**  
KANCO, LLC  
3215 S Providence Road  
Columbia, MO 65203

**SURVEYOR**  
BHC  
712 State Avenue  
Kansas City, Kansas 66101  
(913) 371-5300



SECTION MAP  
SECTION 5-T135-K4E  
(NOT TO SCALE)

**GENERAL NOTES**

- Basis of Bearings: South 89° 29' 07" West along the South line of Lot 2, LACKMAN BUSINESS CENTER, referenced to the Kansas State Plane Coordinate System, North Zone (NAD83).
- This survey is based on field work completed on or before the date shown in the title block or the following survey or plats:
  - ALTA survey performed by BHC RHODES on May 16, 2011 as project number 014760.00.01.
  - The plat of "SUBURBAN EXTENDED STAY - LENEXA LACKMAN" recorded July 24, 2008 and filed as Document Number T20080027688 in Book 200807, Page 007014.
  - The plat of "LACKMAN BUSINESS CENTER SECOND PLAT" recorded October 10, 2006 and filed as Document Number T20060050896 in Book 200610, Page 003230.
  - The plat of "LACKMAN BUSINESS CENTER" recorded May 28, 1998 and filed as Document Number 2836078 in Book 104, Page 30.
  - The plat of "LACKMAN 101 BUSINESS CENTER CONDOMINIUMS" recorded February 15, 1985 and filed as Document Number 1515934 in Book 58, Page 23.
- This Tract contains 130,652 square feet or 2.9994 acres.
- Closure Summary:**  
Precision: 1 part in 114,643.70  
Error Distance: 0.013'  
Error Direction: North 89° 21' 32" West  
Perimeter: 1454.15'

**LEGAL DESCRIPTION**

A Tract of land and part of Lot 2, LACKMAN BUSINESS CENTER, a subdivision of land recorded in Book 104, Page 30, said Tract as surveyed by Brent E. Thompson, PS 1277, with BHC, CLS 175, being more particularly described by metes and bounds as follows:

(Note: For course orientation the bearings in this description are based on the South line of Lot 2, LACKMAN BUSINESS CENTER, having a bearing of South 89° 29' 07" West, referenced to the Kansas State Plane Coordinate System, North Zone, NAD83.)

BEGINNING at the Southeast corner of said Lot 2, LACKMAN BUSINESS CENTER;

Thence South 89° 29' 07" West, 306.29 feet on the South line of said Lot 2, to the Southeast corner of Lot 1, SUBURBAN EXTENDED STAY - LENEXA LACKMAN, a subdivision of land recorded in Book 200807, Page 007014;

Thence North 02° 17' 48" West, 436.83 feet on the East line of said Lot 1, to its Northeast corner, said point also being on the North line of said Lot 2, LACKMAN BUSINESS CENTER;

Thence South 89° 16' 15" East, 6.48 feet on the North Line of said Lot 2, to a found 1/2-inch reinforcing rod with cap marked "XS 15175";

Thence South 84° 01' 43" East, 69.91 feet, continuing on said North line, to a found 1/2-inch reinforcing rod;

Thence North 87° 41' 59" East, 158.80 feet, continuing on said North line, to a found 1/2-inch reinforcing rod with cap marked "PHELPS 15145";

Thence Southeasterly, on a tangent curve, concave to the Southwest, having a radius of 70.00 feet, an arc length of 109.96 feet, on said North line, and the East line of said Lot 2, said curve, to the right, having a chord bearing South 47° 17' 54" East, and a chord distance of 99.00 feet;

Thence South 03° 58' 59" East, 57.00 feet, on said East line, to the POINT OF BEGINNING, said Tract containing 130,652 square feet or 2.9994 acres.

**PLAT DEDICATION**

The undersigned representative for the owner of the herein described land has caused the same to be subdivided in the manner shown on the accompanying plat, which subdivision and plat shall hereafter be known as "TESLA MOTORS - LENEXA LACKMAN".

**PUBLIC EASEMENT DEDICATION**

**SIDEWALK EASEMENT**  
A perpetual sidewalk easement upon, over, across, under, and through the areas outlined and designated on this plat as "6.0' Sidewalk Easement" is hereby granted to the City of Lenexa, Johnson County, Kansas for the purpose of a public sidewalk and appurtenant work for pedestrian, bicyclist, and other non-vehicular purposes, including the right to construct, use, maintain, repair, reconstruct, or expand such facility with the easement area. Said sidewalk easement shall be kept clear of obstructions that would interfere with the use or maintenance of sidewalks within the easement.

**DRAINAGE EASEMENT**  
An easement is hereby granted to the City of Lenexa, Johnson County, Kansas, to enter upon, construct, maintain, and use conduits, sewer pipes, surface drainage facilities, etc., upon, over, under, and across those areas outlined and designated on this plat as "10.0' Drainage Easement", and, subject to the management by the City, to regulate the subordinate use of other easements by governmental entities, utilities, and other service providers within those outlined and designated easement areas. These areas shall be subject to the right of the City, in its sole discretion, to require the relocation or modification of any utility facility or other property improvement, including the removal of vegetation, determined by the City to impede the strength or interfere with the use and maintenance of any stormwater drainage facility or otherwise interfere with or obstruct the flow of surface drainage water.

**CONSENT TO LEVY**

The undersigned proprietors of the above tract of land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Lenexa, 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 the land fronting or abutting on such dedicated public way or thoroughfare.

**RIGHT OF ENTRANCE**

The right of entrance and egress in travel along any street or drive within the boundaries of the property is hereby granted to the City of Lenexa, Kansas, for the purpose of fire and police protection, maintenance of water mains, sanitary and sewer lines, collection of garbage and refuse and to the United States Postal Services for the delivery of mail; provided, however, such right of ingress and egress does not include any obligation to contribute for any damage to any private street or drive by virtue of the exercise of the rights stated herein and specifically, neither the City of Lenexa, Kansas nor the U.S. Postal Service shall incur any liability by virtue of the exercise of such rights.

**EXECUTION**

IN TESTIMONY WHEREOF, undersigned proprietors has caused this instrument to be executed on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

Print Name: \_\_\_\_\_

Title: \_\_\_\_\_

**ACKNOWLEDGEMENT**

STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_  
BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a Notary Public in and for said County and State, came

\_\_\_\_\_ who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said company, and such person duly acknowledged the execution of the same to be the act and deed of the same.

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 Lenexa, Johnson County, Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Chairman: Chris Pios

Approved by the Governing Body of the City of Lenexa, Johnson County, Kansas, on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Michael A Boehm, Mayor

Jennifer Martin, City Clerk

**SURVEYOR'S CERTIFICATION**

THIS IS TO CERTIFY that on the "Field Date" shown in the title block of this document, this survey was made by me or under my direct supervision and that said survey was executed in accordance with the "KANSAS MINIMUM STANDARDS" for boundary surveys pursuant to KAR 66-12-1.

(See Title Block for date, seal and signature)

BHC, KS CLS-175  
Brent E. Thompson, PS-1277

Project	Drawn	Checked
FINAL PLAT OF TESLA MOTORS - LENEXA LACKMAN A REPLAT OF PART OF LOT 2, LACKMAN BUSINESS CENTER LENEXA, JOHNSON COUNTY, KANSAS		
Project No: 032620		
Field Date: 2022/05/26		
Drawn By: J.C.		
Issue Date: 2022/05/26		
Sheet	1	1

**MEETING DATE:** June 6, 2022

**CONSENT AGENDA ITEM:** 4.

**PROJECT TITLE:** Tesla Motors – Lenexa Lackman, Final Plat

**PROJECT # / REQUEST:** PT22-14F – Final Plat

**APPLICANT & DESIGN PROFESSIONAL:**  
Caleb Flake, Kimley-Horn

**OWNER:**  
KANCO LLC

**STAFF PLANNER:**  
Christa McGaha

**PROPERTY LOCATION:** 15125 West 101<sup>st</sup> Terrace

#### **SUMMARY OF RECOMMENDATION**

Staff recommends **APPROVAL** of the final plat for Tesla Motors - Lenexa Lackman located at 15125 West 101<sup>st</sup> Terrace with no conditions.

#### **PROPOSED PROJECT DESCRIPTION AND BACKGROUND INFORMATION**

The final plat for Tesla Motors - Lenexa Lackman is a one-lot plat. This lot is a remnant of Lot 2 of Lackman Business Center Plat, which was approved in 1998. In 2008, the final plat for Suburban Extended Stay, Lenexa Lackman was approved to the west of this site. This was a replat of a portion of the original Lackman Business Center Plat and the 2008 plat left the subject property as a remnant of the original plat. With the approval of the Suburban Extended Stay - Lenexa Lackman final plat, Staff noted that the remaining 3.0 acres is required to be re-platted at such time as it is developed. The applicant has submitted this final plat application in conjunction with the administrative final plan for Tesla Auto Repair (PL22-05FS).

**CURRENT ZONING:**  
BP-2, Planned Manufacturing District

**CURRENT USE:**  
Undeveloped

**PROPOSED USE:**  
Vehicle and Equipment Repair

**ACREAGE:**  
3.0

**BUILDING SQUARE FOOTAGE:**  
35,095

## COMPREHENSIVE PLAN RECOMMENDATION FOR AREA

**Business Park** - Developments providing space for uses that may include light assembly and manufacturing, or warehousing and distribution. Settings may range from campus-like business parks to single-use buildings.

### VICINITY ZONING PATTERN:

**North:** BP-2, Planned Manufacturing District  
**South:** BP-2, Planned Manufacturing District  
**East:** BP-2, Planned Manufacturing District  
**West:** BP-2, Planned Manufacturing District

### VICINITY LAND USE PATTERN:

**North:** Commercial – QuikTrip gas station and convenience store  
**South:** I-435 Highway and ramps  
**East:** Business Park – Lackman Business Center Condominiums  
**West:** Hotel – Suburban Extended Stay Hotel Lenexa-Kansas City

## FINAL PLAT ANALYSIS

This 3-acre plat is located at the southwest corner of 101<sup>st</sup> Terrace and Lackman Road. This is a replat of Lot 2 of Lackman Business Center Plat, which was approved in 1998. This final plat application was submitted in conjunction with the final plan application for Tesla Auto Repair, a proposed vehicle and equipment repair facility for Tesla brand electric automobiles. The applicant proposes to construct a 35,095 square foot auto repair facility and accompanying outdoor parking and storage area on the lot.

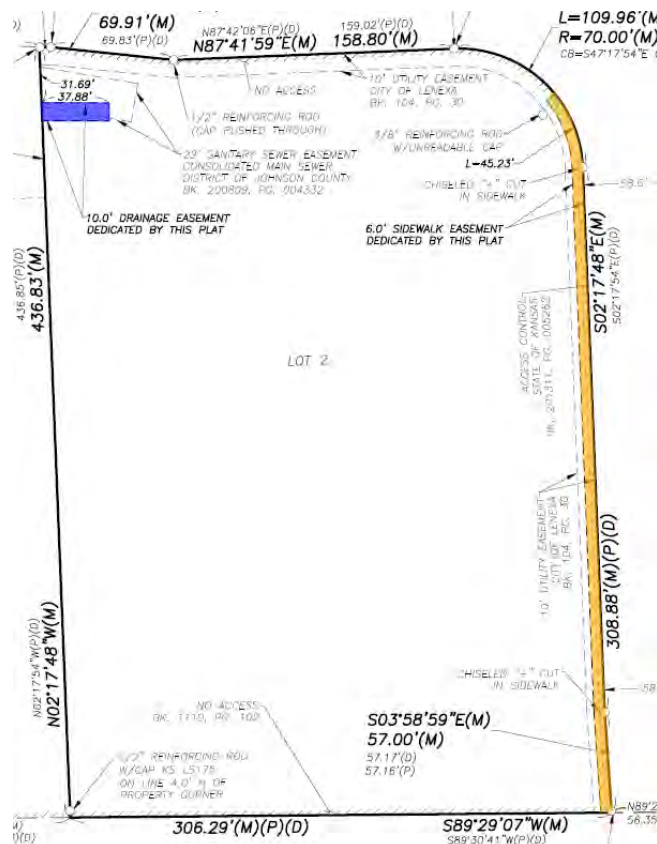


Exhibit 1: Easements to be Dedicated on Final Plat.

Limits of No Access are shown on the plat along the frontages of Lackman Road, 101<sup>st</sup> Terrace, and I-435 right-of-way along the south property line. Access to this site is provided on the north of the Suburban Extended Stay lot to the west via a 40-foot cross access easement. This easement was recorded as a part of the Suburban Extended Stay – Lenexa Lackman, final plat. Exhibit 1 shows the six-foot sidewalk easement along Lackman Road in gold and the 10-foot drainage easement in blue. Both are to be dedicated to the City with this plat. This final plat application complies with Lenexa’s property development and subdivision regulations.

### **INFORMATIONAL COMMENTS**

The Governing Body will consider acceptance of sidewalk and drainage easements as shown on the final plat on June 21, 2022.

<b>STAFF RECOMMENDATION</b>
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Staff recommends **APPROVAL** of the final plat for Tesla Motors - Lenexa Lackman located at 15125 West 101<sup>st</sup> Terrace with no conditions.

**CITY OF LENEXA, KANSAS**  
**PLANNING COMMISSION MEETING MINUTES**  
**June 6, 2022**

**CALL TO ORDER**

Chairman Chris Poss called the regular meeting of the Lenexa Planning Commission to order at **7:20 p.m. on Monday, June 6, 2022**. The meeting was held in the Community Forum at Lenexa City Hall at 17101 W. 87th Street Parkway, Lenexa, Kansas.

**ROLL CALL**

**Commissioners Present**

Commissioner Burson  
Commissioner Handley  
Commissioner Harber  
Commissioner Harper  
Commissioner Horine  
Commissioner Katterhenry  
Commissioner Leib  
Commissioner Woolf  
Commissioner Macke  
Chairman Poss

**Commissioners Absent**

None

**Staff Present**

Scott McCullough, Director of Community Development  
Stephanie Kisler, Planning and Development Administrator  
Tim Collins, Engineering Construction Services Administrator  
Andrew Diekemper, Fire Division Chief  
Alex Aggen, Assistant City Attorney  
Dave Dalecky, Planner II  
Christa McGaha, Planner II  
Kim Portillo, Planner II  
Gloria Lambert, Senior Administrative Assistant

**APPROVAL OF MINUTES**

The minutes of the May 2, 2022, meeting were presented for approval. Hearing no changes or corrections to the minutes of the regular meeting, Chairman Poss entertained a motion to **APPROVE** the minutes as written. Moved by Commissioner Katterhenry, seconded by Commissioner Horine, and **APPROVED** by a majority voice vote.

**CONSENT AGENDA**

1. **Final Plan for Vista Ridge Lots 1 & 2 located on the northeast corner of Ridgeview Road and K-10 Highway, in the CP-3, Planned Regional Commercial District. PL22-08F**  
*Consideration of a final plan for two restaurant buildings and one retail building on Lots 1 & 2 of Vista Ridge.*
2. **Final Plat for Lenexa Logistics Centre, Seventh Plat, located at the southwest corner of College and Britton Street, in the BP-2, Planned Manufacturing District. PT22-12F**  
*Consideration of a 12-acre final plat for Lot 8 of Lenexa Logistics Centre.*



**CITY OF LENEXA, KANSAS**  
**PLANNING COMMISSION MEETING MINUTES**  
**June 6, 2022**

3. **Final Plat for Lenexa Logistics Centre, Eighth Plat, located approximately at the northwest corner of 113<sup>th</sup> Street and Britton Street, in the BP-2, Planned Manufacturing District. PT22-13F**

*Consideration of a 10.9-acre final plat for Lot 6 of Lenexa Logistics Centre.*

4. **Final Plat for Tesla Motors – Lenexa Lackman, located at 15125 W. 101<sup>st</sup> Terrace, in the BP-2, Planned Manufacturing District. PT22-14F**

*Consideration of a one-lot final plat to accommodate a 35,095 square foot auto repair building.*

5. **Deviation for Surface Real Estate Holdings, located at 8900 Rosehill Road, in the BP-2, Planned Manufacturing District. DV22-01**

*Consideration of a 2.5-foot parking setback deviation.*

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Item Numbers 1 through 5. Moved by Commissioner Handley, seconded by Commissioner Katterhenry, and carried by a unanimous voice vote.



**CITY COUNCIL  
MEMORANDUM**

**ITEM 4**

**SUBJECT:** Resolution authorizing the Mayor to execute a Memorandum of Understanding with the Lenexa Cemetery Association relating to the process and timeline of acquiring the real property and financial assets of the Association

**CONTACT:** Mike Nolan, Assistant City Manager  
Alex Aggen, Assistant City Attorney

**DATE:** June 21, 2022

**ACTION NEEDED:**

Adopt a resolution authorizing the Mayor to execute a Memorandum of Understanding (MOU) with the Lenexa Cemetery Association (LCA or "Association") relating to the process and timeline of acquiring the real property and financial assets of the Association.

**PROJECT BACKGROUND/DESCRIPTION:**

Since 1872, the LCA through its Board of Directors ("Board") has cared for the tract of land southeast of 87th Street Parkway & Pflumm Road, commonly known as Lenexa Cemetery. The property encompasses 4.34 acres, approximately 2,000 burial plots, a three-pronged and paved driveway, an informational kiosk, and other appurtenances typical of a cemetery. An unrelated adjacent cemetery, St. John's Catholic Cemetery, is located immediately south of Lenexa Cemetery. The Association, a non-profit corporation, approached the City in early 2021 with concerns about the ability of the organization to sustain ongoing operations of the cemetery. The Association first contacted St. John's Catholic Cemetery, but that organization declined to take over Lenexa Cemetery.

In Kansas, cemeteries are extensively regulated by statute to assure they are permanently managed and maintained. Pursuant to state law, should a private or non-profit cemetery dissolve or otherwise become abandoned, the management and maintenance of the cemetery defaults to municipal responsibility. Cities are granted broad authority to acquire, manage, and fund cemeteries. This authority includes the ability to enact rules and regulations, sell plots, make improvements, and levy taxes, as well as most other powers necessary to care for and maintain a cemetery.

At its annual strategic planning retreat in early 2022, the City Council directed staff to explore how to collaboratively transition responsibility for the cemetery from the Association to the City. At a special meeting on June 8th, the Board voted unanimously to approve a MOU and pursue the dissolution and transfer of Association property and assets to the City. The current Board consists of three officers and three at-large members:

- Joan Jones, President
- Darla Haston, Secretary
- Debbie Markle, Treasurer
- Mark Haston, Member-at-Large

- Carl Orser, Member-at-Large
- James Smith, Member-at-Large

The draft MOU outlines the proposed process, duties, responsibilities, due diligence, and other general terms by which the parties wish to pursue the conveyance of real property, records, documents, and financial assets from the Association to the City.

Assuming responsibility for the cemetery is not unlike acquiring a business operation in that there will be a period of due diligence before assuming ownership. The process will be collaborative and includes many touchpoints between staff and the Association, its financial institutions and donors, the Association's chosen service providers, a property surveyor, and utility companies, as well as the City Council.

Staff is proposing an acquisition timeline that aims to close on the property and assets on December 30, 2022. The following is an overview of the steps and general timeline:

### **Summer 2022**

- Perform a property survey (June/July)
- Notify LCA donors and current service providers of the MOU and acquisition timeline (on or about June 30)
- Legal Department drafts cemetery codes and any necessary Governing Body Policies (June-August)
- Parks & Recreation Department drafts proposed Administrative Policies and customer service procedures (June-August)

### **Fall 2022**

- Work through any issues related to the property survey (September)
- City staff finalizes operating procedures and budget considerations for FY 2023 (September)
- City staff presents the City Council draft Code and Policies for comment and input (October)
- City Council approves the acquisition and adopts recommended codes, policies, and procedures (November)

### **Winter 2022**

- City executes an agreement(s) with any service providers necessary to operate the cemetery (December)
- City adopts cemetery fees as part of FY 2023 Fee Schedule (December)

- LCA initiates financial asset transfers to a single institution/escrow agent in preparation for acquisition (late December)
- Close on the property/assets and assume cemetery operations (anticipated December 30)

There are still a fair number of legal, financial, and operational considerations to work through. Operationally, staff is moving forward with a plan to run the Lenexa Cemetery through the Parks & Recreation Department. This is very similar to how other municipalities run their cemeteries. The customer service, sales, and public property maintenance aspects of the cemetery are most closely aligned with its operations and workforce capacity. As reported at the June 14, 2022 Committee of the Whole meeting, the Parks & Recreation Department anticipates operating the Cemetery with an employee who will also be responsible for coordinating Learning About Lenexa and Lenexa Historical Society activities.

#### **FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The Association currently has financial assets in a Perpetual Care Fund, in addition to several other unrestricted financial instruments in two separate institutions. The Association has been fiscally conservative in its fiduciary responsibilities and staff projects that the funds will be adequate to operate the cemetery for many years after acquisition. The total amount of funds amongst all Association accounts is approximately \$325,000.

All cemetery funds received are planned to be included as part of the City's FY 2023 budget considerations and the operation will be administered as an enterprise fund, similar to the Rec Center and Thompson Barn. This will ensure that the cemetery assets are accounted for in the spirit of the Association's original mission of operating and maintaining Lenexa Cemetery in perpetuity.

#### **STAFF RECOMMENDATION:**

Adoption of the resolution.

#### **VISION / GUIDING PRINCIPLES ALIGNMENT:**

##### **Vision 2040**

##### **Guiding Principles**

Extraordinary Community Pride  
Superior Quality Services

#### **ATTACHMENTS**

1. Map
2. Resolution
3. Memorandum of Understanding located in the Appendix





# Lenexa Cemetery





**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A MEMORANDUM OF UNDERSTANDING WITH THE LENEXA CEMETERY ASSOCIATION [“LCA”] CONCERNING THE PROCESS AND TIMELINE TO ACQUIRE THE LCA’S REAL PROPERTY AND ASSETS.**

WHEREAS, the LCA has operated the Lenexa Cemetery since 1872, but is facing difficulties concerning longer term operations and recruitment of new board members; and

WHEREAS, the LCA contacted the City of Lenexa to explore an intentional transition of LCA real property and assets; and

WHEREAS, if the LCA dissolved the operations of the cemetery property would default to City responsibility and the City desires to have a plan for such a transition and work with the LCA to ensure operations continue without interruption; and

WHEREAS, City and the LCA have identified certain initial processes and determinations necessary prior to a potential final transfer of the LCA’s real property and other assets and such details have been memorialized in a Memorandum of Understanding to permit the parties further exploration and preparations for such a final transfer; and

WHEREAS, both parties have read and understand the terms and conditions of said Memorandum of Understanding, which is attached hereto as Exhibit “A”, and made a part hereof by reference.

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:

SECTION ONE: The City of Lenexa, Kansas, a municipal corporation, does hereby approve and authorizes the Mayor to execute the Memorandum of Understanding with the LCA in substantially the same form as attached hereto as Exhibit “A” and incorporated herein by reference.

SECTION TWO: This resolution shall become effective upon adoption by the Governing Body.

ADOPTED by the City Council this 21st day of June, 2022.

SIGNED by the Mayor this 21st day of June, 2022.

CITY OF LENEXA, KANSAS

[SEAL]

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Michael A. Boehm, Mayor

ATTEST:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Alexander J. Aggen, Assistant City Attorney





**CITY COUNCIL  
MEMORANDUM**

**ITEM 5**

**SUBJECT:** Resolution authorizing the amendment of the trust indenture relating to the City's approximate \$30.5 million industrial revenue bonds, Series 2021 (Lenexa Logistics Centre East Building 4)

**CONTACT:** Sean McLaughlin, City Attorney

**DATE:** June 21, 2022

**ACTION NEEDED:**

Adopt a resolution authorizing the amendment of the trust indenture relating to the City's approximate \$30.5 million industrial revenue bonds (IRBs), Series 2021 (Lenexa Logistics Centre East Building 4).

**PROJECT BACKGROUND/DESCRIPTION:**

On October 2021, the City issued its IRBs, Series 2021 in the approximate amount of \$30.5 million pursuant to a trust indenture, base lease, and lease, all dated October 1, 2021, and entered into between the City and the Trustee for the purpose of acquiring, constructing and equipping of a 603,000 square foot building in the Lenexa Logistics Centre East development located east of 116th Street & Renner Boulevard. The City leased the building to NB Lenexa East, LLC ("Developer") pursuant to a Lease Agreement dated October 1, 2021. The Developer is an entity related to Block Real Estate Services, which developed the Lenexa Logistics Centre East business park. The City Council also approved a fixed tax abatement with an effective abatement of 71% over 10 years, as well as a payment in lieu of tax (PILOT) agreement.

The building shell is complete and, pursuant to the bond documents, the maximum completion date for the project is June 30, 2022. The Developer has finished portions of the interior tenant improvements and is working with tenants to finish the remaining space. The Developer has requested the City extend the completion date to June 30, 2023 to allow additional time to complete the tenant work. This is the Developer's first extension of the completion date. Completing tenant finish work with bond proceeds allows the Developer to continue to utilize the sales tax exemption certificate. The extension does not affect the previously approved tax abatement. The IRB documents are available for review in the City Clerk's office.

**STAFF RECOMMENDATION:**

Adoption of the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Thriving Economy

**Guiding Principles**

Responsible Economic Development

## **ATTACHMENTS**

1. Map
2. Resolution





# Lenexa Logistic Centre Building 4

## Aerial/Vicinity Map





**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION AUTHORIZING THE AMENDMENT OF THE TRUST  
INDENTURE RELATING TO THE CITY'S NOT TO EXCEED \$30,500,000  
INDUSTRIAL REVENUE BONDS (TAXABLE UNDER FEDERAL LAW),  
SERIES 2021 (LENEXA LOGISTICS CENTRE EAST BUILDING 4).**

**WHEREAS**, the City of Lenexa, Kansas (the "City" and 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 and equip certain facilities (as defined in the Act), 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 Issuer passed Ordinance No. 5857 on October 19, 2021 (the "Ordinance"), authorizing the issuance of its Industrial Revenue Bonds (Taxable Under Federal Law), Series 2021 (Lenexa Logistics Centre East Building 4), (the "Bonds"); and

**WHEREAS**, the Issuer issued the Bonds in the original principal amount not to exceed \$30,500,000 pursuant to a Trust Indenture dated as of October 1, 2021 (the "Original Indenture"), between the Issuer and BOKF, N.A., a national banking association (the "Trustee"), for the purpose of paying the costs of acquiring, constructing and equipping the Project as more fully described in the Original Indenture; and

**WHEREAS**, the Issuer leased the Project to NB Lenexa East 4, LLC, a Kansas limited liability company (the "Company"), pursuant to the terms of a Lease dated as of October 1, 2021 (the "Lease"), between the Issuer and the Company; and

**WHEREAS**, capitalized terms used and not otherwise defined herein shall have the meanings ascribed to them in the Original Indenture; and

**WHEREAS**, the Company desires to amend the Original Indenture to extend the Completion Date (as defined in the Original Indenture) of the Project until June 30, 2023, and Sections 1102 and 1103 of the Original Indenture authorize the Issuer and the Trustee to amend the Original Indenture with the consent of the Company and the owner of 100% of the outstanding Bonds; and

**WHEREAS**, pursuant to Article XI of the Original Indenture, any such amendment of the Original Indenture requires the consent of the Bondowner (as herein defined), the Company, the Issuer and the Trustee; and

**WHEREAS**, the Company is the owner (the "Bondowner") of 100% of the Outstanding Bonds; and

**WHEREAS**, the Company and the Trustee have or will consent to the requested amendment to the Original Indenture; and



**WHEREAS**, the Governing Body of the Issuer deems it advisable to approve an amendment of the Original Indenture and to enter into a First Supplemental Trust Indenture (the “Supplemental Indenture”); and

**WHEREAS**, in connection with such amendment, the Issuer is willing to waive the notices specified in the Original Indenture.

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

**Section 1. Approval of the Documents.** The Governing Body of the Issuer hereby deems it desirable and hereby approves and authorizes the proposed amendment of the Original Indenture to extend the Completion Date to June 30, 2023, contingent upon receipt of all necessary approvals and consents and the compliance with all requirements of the Original Indenture and other bond documents.

**Section 2. Execution of the Bonds and Documents.** The Mayor is hereby authorized and directed to execute and deliver the Supplemental Indenture 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 Issuer) for and on behalf of and as the act and deed of the Issuer. The City Clerk is hereby authorized and directed to attest to and affix the seal of the Issuer to the Supplemental Indenture 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. Further Authority.** The Issuer shall, and the officials and agents of the Issuer and Kutak Rock LLP, the Issuer’s Bond Counsel for the Bonds, are hereby authorized and directed to, take such action and execute such other documents, certificates and instruments as may be necessary or desirable to carry out and comply with the intent of this Resolution.

**Section 4. 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 Issuer.

*[Remainder of Page Intentionally Left Blank]*

**PASSED** by the Lenexa City Council on June 21, 2022.

**SIGNED** by the Mayor on June 21, 2022.

**CITY OF LENEXA, KANSAS**

[Seal]

\_\_\_\_\_  
Michael A. Boehm, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Sean L. McLaughlin, City Attorney



**CITY COUNCIL  
MEMORANDUM**

**ITEM 6**

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**SUBJECT:** Consideration of ordinances and a resolution authorizing the sale of general obligation bonds, Series 2022A, in the principal amount of approximately \$9.7 million

**CONTACT:** Nate Blum, Chief Financial Officer  
Sean McLaughlin, City Attorney

**DATE:** June 21, 2022

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**ACTION NEEDED:**

- a. Pass an ordinance authorizing the City to make certain storm drainage improvements and authorizing the issuance of general obligation bonds to finance the improvements (109th Street to College Boulevard Project); and
- b. Pass an ordinance amending Ordinance 5854 and authorizing the issuance of general obligation bonds by the City to pay a portion of the costs of the Lenexa Justice Center, all pursuant to Charter Ordinance No. 72; and
- c. Adopt a resolution authorizing the sale of general obligation bonds, Series 2022A, in the principal amount of approximately \$9.7 million.

**PROJECT BACKGROUND/DESCRIPTION:**

Staff has scheduled a general obligation bond sale during the week of August 1, 2022 to provide funding for multiple capital projects previously approved by the City Council. Details of the proposed bond issue include:

- Estimated bond issue amount of \$9.7 million.
- 20-year amortization for the new capital projects.
- Estimated true interest cost of 4.255%.

The City is tentatively scheduled to accept bids on August 4, 2022, although the City can adjust the sale date as needed due to market conditions. The Mayor or City Manager would be authorized to accept the best allowable bid or reject all bids per the resolution authorizing the sale of the bonds.

The estimated issuance amount of \$9.7 million would be allocated as follows:

- \$1,585,000 for the Lenexa Logistics Centre North Phase II SBD project; these funds would retire the Series 2019A temporary notes issued to provide initial funding for the project.

- \$2,995,000 for two storm drainage projects (Oakhill and 109th to College Boulevard) approved in the Capital Improvement Program.
- \$5,120,000 for the Lenexa Justice Center.

The City will request credit ratings from Moody's Investors Service and S&P Global Ratings for the bond issue. The City currently has the best possible credit ratings on outstanding bonds (Aaa from Moody's and AAA from S&P). The bond issue will be completed and closed in August 2022.

#### **FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The estimated debt service on the general obligation bonds will be repaid through a combination of property tax revenues, special assessment revenues, and Stormwater Fund revenues. Debt service payments will begin in fiscal year 2023 and are included in the 2023 Recommended Budget.

#### **STAFF RECOMMENDATION:**

Passage of the ordinances and adoption of the resolution.

#### **VISION / GUIDING PRINCIPLES ALIGNMENT:**

##### **Vision 2040**

Thriving Economy

##### **Guiding Principles**

Responsible Economic Development

Prudent Financial Management

Strategic Community Investment

#### **ATTACHMENTS**

1. Ordinance - 109th St. to College Blvd. project
2. Ordinance - Justice Center project
3. Resolution



ORDINANCE NO. \_\_\_\_

**AN ORDINANCE AUTHORIZING THE CITY OF LENEXA, KANSAS, TO MAKE CERTAIN STORM DRAINAGE IMPROVEMENTS WITHIN THE CITY, AND AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS OF THE CITY ALL PURSUANT TO K.S.A. 12-631r AND 12-631s (109TH STREET TO COLLEGE BOULEVARD).**

**WHEREAS**, K.S.A. 12-631r and 12-631s authorize the governing body of any city to construct storm sewers, channels, retention basins or drains for the purpose of managing the storm drainage areas of all or any portion of such city and to issue general obligation bonds in payment therefor; and

**WHEREAS**, K.S.A. 12-631r provides that construction shall be authorized by an ordinance which designates the location of any storm sewers, channels, retention basins or drains to be constructed; and

**WHEREAS**, the Governing Body of the City of Lenexa, Kansas (the "City"), has determined that it is necessary to construct certain storm drainage improvements (the "Improvements") consisting of the replacement and rehabilitation of corrugated metal pipe from 109<sup>th</sup> Street to College Boulevard near the northeast corner of Pflumm Road and College Boulevard, together with all appurtenant work; and

**WHEREAS**, the Improvements are within the corporate boundaries of the City; and

**WHEREAS**, the estimated cost of the Improvements is \$2,675,000, and it is necessary and desirable to pay a portion of the cost of the Improvements through the issuance of general obligations bonds of the City in an amount not to exceed \$1,360,000, with the balance of the cost of the Improvements paid from other available funds of the City;

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

**Section 1.** In accordance with K.S.A. 12-631r and 12-631s, as amended, the Governing Body of the City hereby finds and declares the necessity for and authorizes the Improvements.

**Section 2.** For the purpose of providing funds to pay a portion of the cost of the Improvements, the City authorizes the issuance of its general obligation bonds in an aggregate amount not to exceed \$1,360,000 pursuant to K.S.A. 12-631r and 12-631s.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage by the Governing Body and publication in the official City newspaper.

*[Remainder of Page Intentionally Left Blank]*

**PASSED** by the Lenexa City Council on June 21, 2022.

**SIGNED** by the Mayor on June 21, 2022.

**CITY OF LENEXA, KANSAS**

---

Michael A. Boehm, Mayor

[Seal]

Attest:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Sean McLaughlin, City Attorney

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AMENDING ORDINANCE NO. 5854 OF THE CITY OF LENEXA, KANSAS, AUTHORIZING THE ISSUANCE OF GENERAL OBLIGATION BONDS BY THE CITY TO PAY A PORTION OF THE COSTS OF A JUSTICE CENTER, ALL PURSUANT TO CHARTER ORDINANCE NO. 72 OF THE CITY.**

**WHEREAS**, the City of Lenexa, Kansas (the “City”), is authorized pursuant to Article 12, Section 5 of the Constitution of the State of Kansas and Charter Ordinance No. 72 of the City, passed on December 3, 2013, to issue general obligation bonds of the City for the purpose of paying the cost of public improvements, including a civic center or other buildings or improvements when it is found by the Governing Body of the City that such buildings, improvements, equipment, or furnishings serve a public purpose; and

**WHEREAS**, pursuant to Ordinance No. 5854 (“Ordinance No. 5854”) of the City passed on October 19, 2021, the City authorized the design, construction, furnishing, and equipping of a new Justice Center within the City to house the Police Department, Municipal Court, and the City data center, including the installation of fiber optic infrastructure to connect the new facility with the City’s fiber optic network, together with all related appurtenances (the “Project”); and

**WHEREAS**, the estimated cost of the Project has increased, and the Governing Body of the City has determined it is necessary and desirable to amend Ordinance No. 5854 to increase the total authorized amount of general obligation bonds that may be issued to finance a portion of the authorized costs of the Project;

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

**Section 1.** Ordinance No. 5854 is hereby amended by deleting the second recital paragraph of such Ordinance in its entirety and replacing it with the following:

**WHEREAS**, the Governing Body of the City has determined that it is necessary and desirable to issue general obligation bonds of the City in an amount not to exceed \$44,015,000 to finance a portion of the costs of the design, construction, furnishing, and equipping of a new Justice Center within the City to house the Police Department, Municipal Court, and the City data center, including the installation of fiber optic infrastructure to connect the new facility with the City’s fiber optic network, together with all related appurtenances (the “Project”), with the balance of the costs of the Project paid from other available funds of the City;

**Section 2.** Ordinance No. 5854 is hereby amended by deleting Section 1 of such Ordinance in its entirety and replacing it with the following:

**Section 1.** The Governing Body of the City hereby finds that the Project serves a public purpose by promoting the general welfare of the City

and hereby authorizes the issuance of general obligation bonds of the City in an amount not to exceed \$44,015,000 to finance a portion of the costs of the Project, all pursuant to Charter Ordinance No. 72 of the City.

**Section 3.** This Ordinance shall be in full force and effect from and after its passage by the Governing Body and publication in the official City newspaper.

*[Remainder of Page Intentionally Left Blank]*



**PASSED** by the Lenexa City Council on June 21, 2022.

**SIGNED** by the Mayor on June 21, 2022.

**CITY OF LENEXA, KANSAS**

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Michael A. Boehm, Mayor

[Seal]

Attest:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Sean McLaughlin, City Attorney

**RESOLUTION NO. 2022-\_\_**

**A RESOLUTION AUTHORIZING THE PUBLIC SALE OF GENERAL OBLIGATION BONDS, SERIES 2022A IN THE PRINCIPAL AMOUNT OF APPROXIMATELY \$9,700,000 OF THE CITY OF LENEXA, KANSAS.**

**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS, AS FOLLOWS:**

**Section 1.** The General Obligation Bonds, Series 2022A of the City of Lenexa, Kansas (the “City”), in the principal amount of approximately \$9,700,000 (the “Bonds”) shall be offered at competitive public sale at 10:00 a.m., Central Time, on August 4, 2022, or on an alternate date and time approved by the Mayor.

**Section 2.** The City Clerk is authorized and directed to receive bids for the purchase of the Bonds on behalf of the City at the specified time and place. Such bids may be received electronically through an experienced municipal bond electronic bid provider and through other means determined by the City’s Chief Financial Officer, in consultation with the City’s Bond Counsel and Municipal Advisor, to be in the best interest of the City.

**Section 3.** The Mayor and City Clerk are authorized to cause to be prepared and executed an official statement for use in connection with the public sale of the Bonds.

**Section 4.** The Chief Financial Officer is authorized and directed to give notice of the sale of the Bonds by publishing a summary notice of bond sale not less than six days nor more than thirty days before the date of the Bond sale in a newspaper of general circulation in Johnson County, Kansas, and the *Kansas Register* and to give notice of the sale of the Bonds by making copies of a notice of sale and official statement available to prospective purchasers of the Bonds.

**Section 5.** For the purpose of enabling the purchaser of the Bonds (the “Original Purchaser”) to comply with the requirements of Rule 15c2-12(b)(1) of the Securities and Exchange Commission, the appropriate officers of the City are authorized, if requested, to provide the Original Purchaser a letter or certification to the effect that the City deems the information contained in the preliminary official statement to be “final” as of its date, except for the omission of such information as is permitted by Rule 15c2-12(b)(1), and to take such other actions or execute such other documents as such officers in their reasonable judgment deem necessary to enable the Original Purchaser to comply with the requirements of such Rule.

**Section 6.** The City agrees to provide to the Original Purchaser within seven business days of the date of the sale of the Bonds, or within sufficient time to accompany any confirmation that requests payment from any customer of the Original Purchaser, whichever is earlier, sufficient copies of the final official statement to enable the Original Purchaser to comply with the requirements of Rule 15c2-12(b)(4) of the Securities and

Exchange Commission and with the requirements of Rule G-32 of the Municipal Securities Rulemaking Board.

**Section 7.** The City agrees to enter into a written agreement or contract on or before the date of delivery of the Bonds to provide ongoing disclosure about the City for the benefit of the holders of the Bonds as required by Rule 15c2-12(b)(5)(1) of the Securities and Exchange Commission (the “Rule”). The City may further designate Kutak Rock LLP as an agent of the City for the purpose of obtaining and disseminating information in connection with the Rule if requested by the City.

**Section 8.** The City Administrator; the City Attorney; the Chief Financial Officer; the City Clerk; Kutak Rock LLP, the City’s Bond Counsel; Baker Tilly Municipal Advisors, LLC, the City’s Municipal Advisor, and the other officers and representatives of the City are authorized and directed to take such other action as may be necessary to carry out the public sale of the Bonds.

**Section 9.** This Resolution shall be in full force and effect from and after its adoption.

*[Remainder of Page Intentionally Left Blank]*

**ADOPTED** by the Lenexa City Council on June 21, 2022.

**CITY OF LENEXA, KANSAS**

---

Michael A. Boehm, Mayor

[Seal]

Attest:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Sean McLaughlin, City Attorney



**CITY COUNCIL  
MEMORANDUM**

**ITEM 7**

**SUBJECT:** Resolution authorizing the Mayor to execute an interlocal agreement with Johnson County for partial reimbursement of construction costs for the 109th Street to College Boulevard Stormwater System Renewal Project

**CONTACT:** Tim Green, Deputy Community Development Director  
Tom Jacobs, Stormwater Engineer

**DATE:** June 21, 2022

**ACTION NEEDED:**

Adopt a resolution authorizing the Mayor to execute an interlocal agreement with Johnson County for partial reimbursement of construction costs for the 109th Street to College Boulevard Stormwater System Renewal Project.

**PROJECT BACKGROUND/DESCRIPTION:**

City staff identified the main storm sewer from 109th Street to College Boulevard for storm drainage system improvements due to poor condition and previous failures. Olsson Inc. was contracted to design improvements and the project was submitted for County funding. It was ranked against proposals by other communities and awarded a 50% cost share. VFA Builders submitted the lowest bid and was awarded the contract for construction.

This interlocal agreement allows the City to be reimbursed for 50% of all eligible costs including construction, inspection, and utility relocation costs. Creation of this interlocal agreement was delayed until construction was nearly complete to account for additional utility relocation costs.

This agreement uses the City's standard form and is available for review in the City Clerk's office.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The City will be awarded 50% of construction, inspection, and utility relocation costs up to a maximum of \$774,167. This project is budgeted in the 2022-2026 Capital Improvement Program (Project No. 90050).

**STAFF RECOMMENDATION:**

Adoption of the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

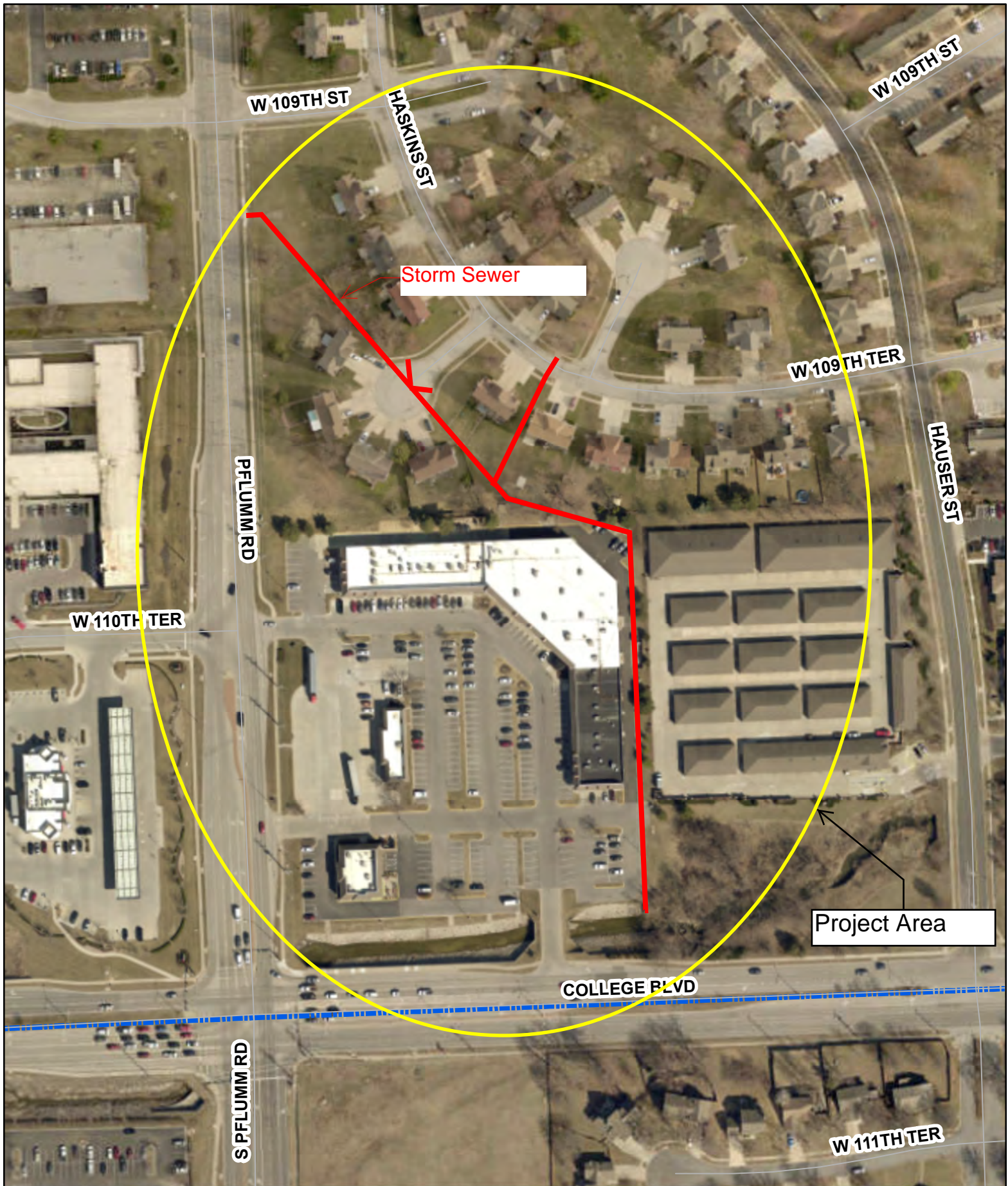
**Guiding Principles**

Sustainable Policies and Practices  
Strategic Community Investment



## **ATTACHMENTS**

1. Map
2. Resolution



# 109th Street to College Stormsewer Repairs

## Aerial/Vicinity Map

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE JOHNSON COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE 109<sup>TH</sup> TERRACE NEAR PFLUMM STORMWATER SYSTEM RENEWAL PROJECT.**

WHEREAS, the County has established a county-wide retailers' sales tax for the purpose of providing funds for Stormwater Management projects; and created a Stormwater Management Advisory Council to identify and recommend projects for inclusion in the Stormwater Management Program; and

WHEREAS, the County has established a Stormwater Management and Flood Control Fund for the purpose of funding Stormwater Management Program projects; and

WHEREAS, the City has requested the County participate in the funding of the construction of the Stormwater Management Project identified as the 109<sup>th</sup> Terrace Near Pflumm Renewal Project 2-LX-2020-R-1 (the "Project"), which Project is on the County's Project Priority List, and the County is willing to provide such funding upon the terms and conditions set forth in the attached agreement; and

WHEREAS, the Agreement attached as Exhibit "A" has been reviewed and accepted by the City of Lenexa's Governing Body.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:**

**SECTION ONE:** The City Council does hereby approve the Agreement between the Board of County Commissioners of Johnson County, Kansas and the City of Lenexa, Kansas, for the reimbursement of the construction of a Stormwater Management Project identified as the 109<sup>th</sup> Terrace Near Pflumm Renewal Project 2-LX-2020-R-1 as set out in Exhibit A and incorporated herein by reference and authorize the Mayor to execute same.

**SECTION TWO:** This Resolution shall take effect immediately after its adoption.

**ADOPTED** by the City Council this 21st day of June, 2022.

**SIGNED** by the Mayor this 21st day of June, 2022.

**CITY OF LENEXA, KANSAS**

[SEAL]

\_\_\_\_\_  
Michael A. Boehm, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven D. Shrout, Assistant City Attorney





**CITY COUNCIL  
MEMORANDUM**

**ITEM 8**

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**SUBJECT:** Resolution authorizing the Mayor to execute an interlocal agreement with Johnson County for partial reimbursement of construction costs for the Oakhill Stormdrainage Improvements Project

**CONTACT:** Tim Green, Deputy Community Development Director  
Tom Jacobs, Stormwater Engineer

**DATE:** June 21, 2022

---

**ACTION NEEDED:**

Adopt a resolution authorizing the Mayor to execute an interlocal agreement with Johnson County for partial reimbursement of construction costs for the Oakhill Stormdrainage Improvements Project.

**PROJECT BACKGROUND/DESCRIPTION:**

The Oakhill Stormdrainage Improvements Project ("Project") consists of neighborhood pipe rehabilitation and improvements from 79th Street to 83rd Street between Lackman Road and Mill Creek. Prompted by a high concentration of failing pipes, a study was performed in July 2019 resulting in a recommendation to improve more than two miles of pipes in this area. The Project's budget is approximately \$2.7 million.

This interlocal agreement allows the City to be reimbursed for 50% of all eligible costs including construction, construction inspection, and utility relocation costs. This reimbursement program is a new county program. The Project was well underway when this funding first became available and staff was able to find some eligible items in this project for submittal and reimbursement.

This agreement uses the City's standard form and is available for review in the City Clerk's office.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The City will be awarded 50% of construction, construction inspection, and utility relocation costs up to a maximum of \$42,534.

**STAFF RECOMMENDATION:**

Adoption of the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

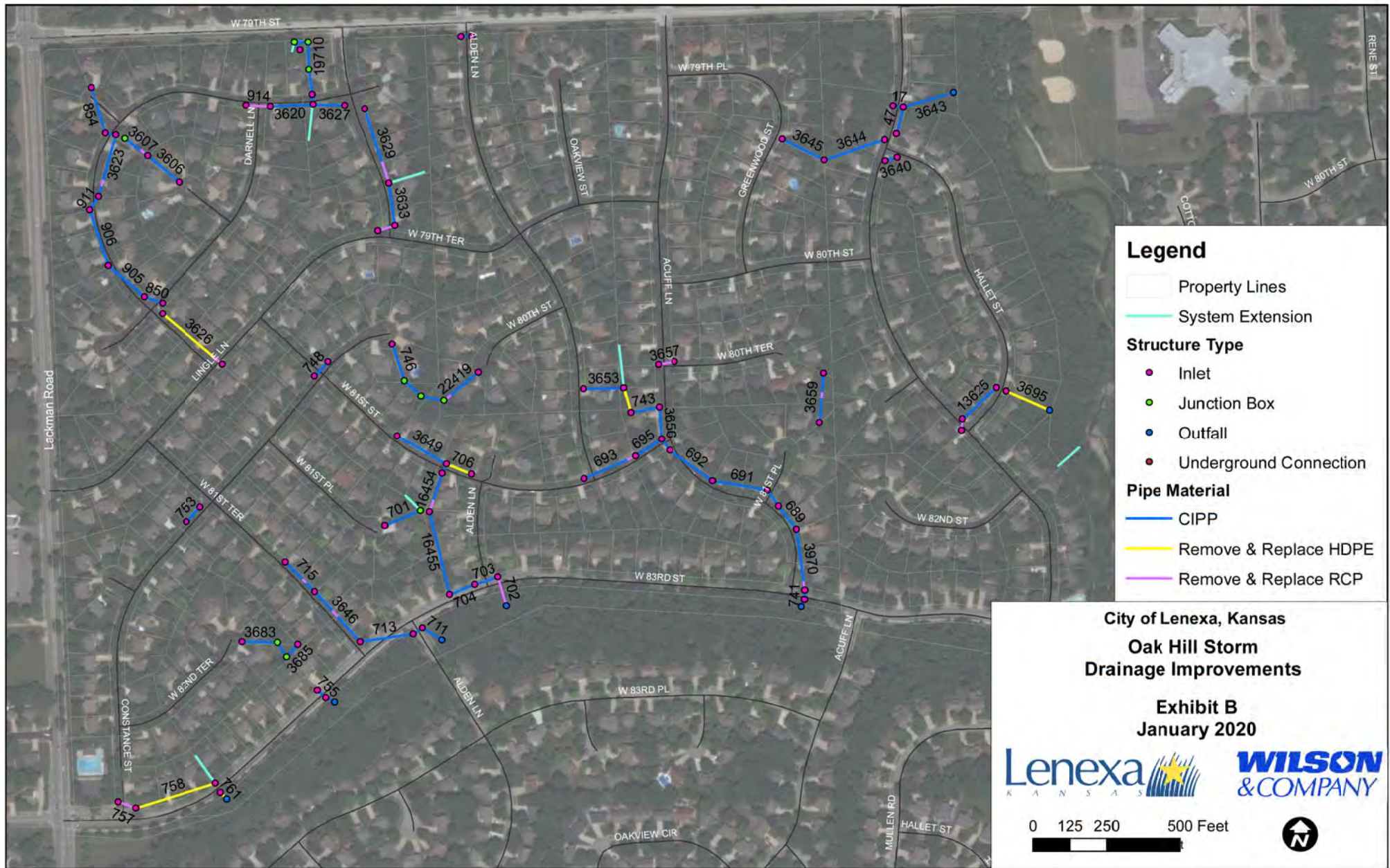
**Guiding Principles**

Sustainable Policies and Practices  
Strategic Community Investment



## **ATTACHMENTS**

1. Map
2. Resolution



**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT WITH THE JOHNSON COUNTY BOARD OF COUNTY COMMISSIONERS FOR THE OAKHILL STORMDRAINAGE IMPROVEMENTS PROJECT.**

WHEREAS, the County has established a county-wide retailers' sales tax for the purpose of providing funds for Stormwater Management projects; and created a Stormwater Management Advisory Council to identify and recommend projects for inclusion in the Stormwater Management Program; and

WHEREAS, the County has established a Stormwater Management and Flood Control Fund for the purpose of funding Stormwater Management Program projects; and

WHEREAS, the City has requested the County participate in the funding of the construction of the Stormwater Management Project identified as the Oakhill Stormdrainage Improvements Project 6-LX-2021-R-456 (the "Project"), which Project is on the County's Project Priority List, and the County is willing to provide such funding upon the terms and conditions set forth in the attached agreement; and

WHEREAS, the Agreement attached as Exhibit "A" has been reviewed and accepted by the City of Lenexa's Governing Body.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:**

**SECTION ONE:** The City Council does hereby approve the Agreement between the Board of County Commissioners of Johnson County, Kansas and the City of Lenexa, Kansas, for the reimbursement of the construction of a Stormwater Management Project identified as the Oakhill Stormdrainage Improvements Project 6-LX-2021-R-456 as set out in Exhibit A and incorporated herein by reference and authorize the Mayor to execute same.

**SECTION TWO:** This Resolution shall take effect immediately after its adoption.

**ADOPTED** by the City Council this 21st day of June, 2022.

**SIGNED** by the Mayor this 21st day of June, 2022.

**CITY OF LENEXA, KANSAS**

[SEAL]

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Michael A. Boehm, Mayor

ATTEST:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Steven D. Shrout, Assistant City Attorney



**CITY COUNCIL  
MEMORANDUM**

**ITEM 9**

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**SUBJECT:** Ordinance adjusting special assessments on property in the Lenexa Logistics Centre North Phase II Special Benefit District - Stormwater Improvements

**CONTACT:** Sean McLaughlin, City Attorney

**DATE:** June 21, 2022

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**ACTION NEEDED:**

Pass an ordinance adjusting special assessments on property in the Lenexa Logistics Centre North Phase II Special Benefit District - Stormwater Improvements.

**PROJECT BACKGROUND/DESCRIPTION:**

The City Council previously approved Ordinance 5808 levying the maximum amount of special assessments for the Lenexa Logistics Centre North Phase II Special Benefit District - Stormwater Improvements, which constructed a four-acre stormwater detention basin and associated infrastructure in the Lenexa Logistics Centre North Phase II business park. The maximum assessment amount was \$1,770,000.

The proposed ordinance would reduce the special assessments to a final amount of \$1,585,000 based on the final costs for the project. If the ordinance is approved, staff will notify property owners in the district of the revised assessment amount. Also, staff will prepare amortization schedules for the \$1,585,000 assessment plus interest for certification to Johnson County in August as part of the annual budget process.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The revised special assessments will be sufficient to cover the final debt service for the project.

**STAFF RECOMMENDATION:**

Passage of the ordinance.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

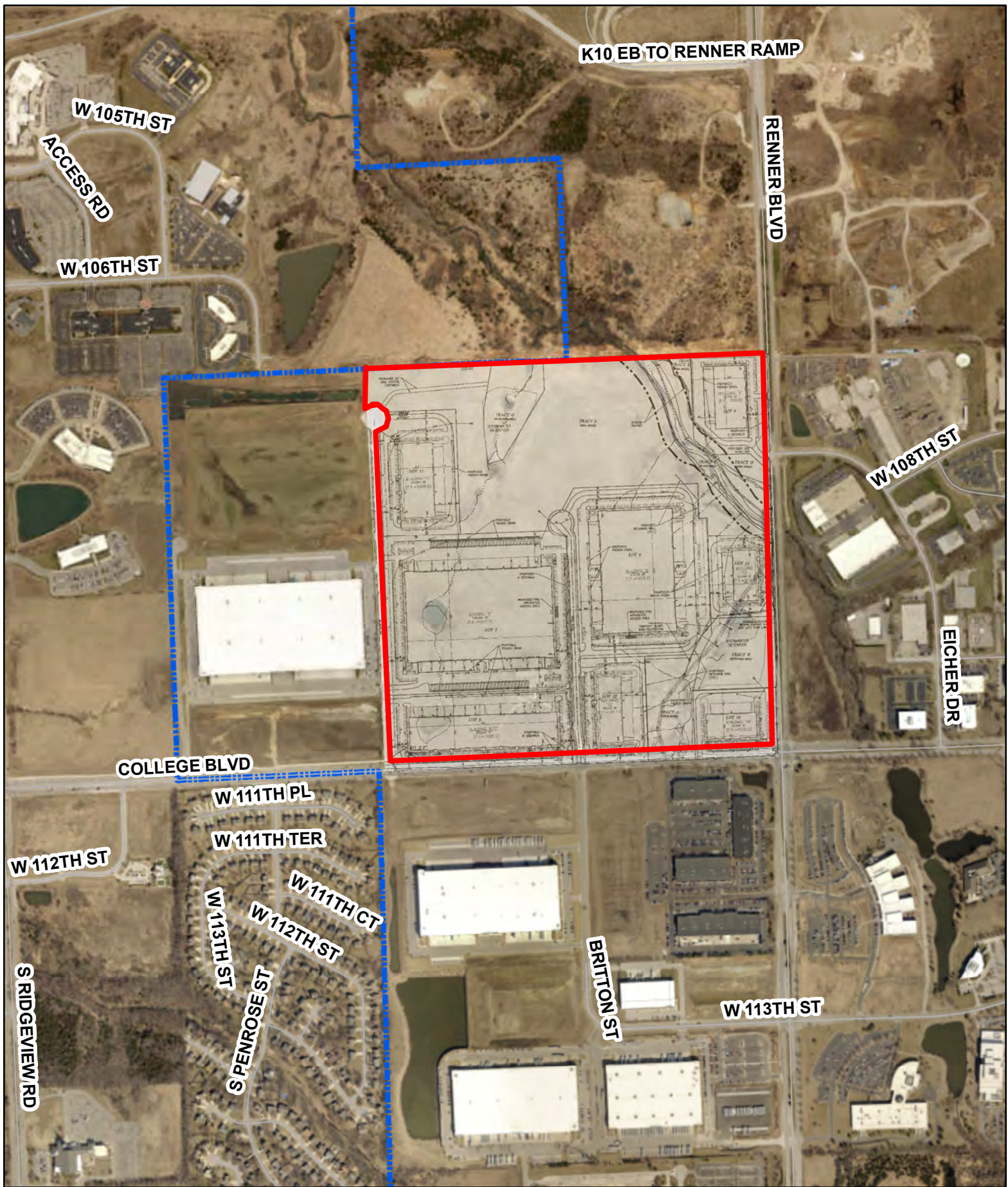
**Vision 2040**  
Thriving Economy

**Guiding Principles**  
Responsible Economic Development

**ATTACHMENTS**

1. Map
2. Ordinance





# Lenexa Logistics Centre North Phase II - Stormwater Special Benefit District

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING ORDINANCE NO. 5808 AND ADJUSTING SPECIAL ASSESSMENTS ON CERTAIN LOTS, PIECES AND PARCELS OF LAND LIABLE FOR SUCH SPECIAL ASSESSMENTS TO PAY THE COSTS OF IMPROVEMENTS IN THE CITY OF LENEXA, KANSAS, AS AUTHORIZED BY RESOLUTION 2021-009 (LENEXA LOGISTICS CENTRE NORTH PHASE II SPECIAL BENEFIT DISTRICT – STORMWATER IMPROVEMENTS).**

**WHEREAS**, pursuant to Resolution No. 2021-009 of the City of Lenexa, Kansas (the “City”) adopted on January 19, 2021 the Governing Body has authorized the creation of an improvement district and the construction of the following improvements:

(1) Acquisition and construction of the following:

- (1) 8” sanitary sewer main extensions of approximately 1,000 L.F. and related structures;*
- (2) an extended detention basin approximately 5.0 acres in size (north basin), including grading, plantings, dam construction, storm structures through dam, storm culverts and various storm pipes along future Britton St., drainage swales curb cuts and landscaping, and related structures;*
- (3) preliminary and final engineering, title and survey, staking, grading, construction supervision, staking, testing, bonds, permits and fees, inspections, financing costs such as bond counsel, financial advisor, bond and interest expenses and other related appurtenances associated with the municipal improvements.*

(2) Collectively the foregoing shall hereafter be referred to as the “Improvements”



**WHEREAS**, prior to commencement of construction of the Improvements, the City determined the maximum amount of assessment (the “Special Assessment”) against each lot, piece or parcel of land deemed to be benefited (the “Property”) by the Improvements based on the approved estimated of cost of the Improvements of \$1,770,000; and

**WHEREAS**, prior to commencement of construction of the Improvements, the owners of 100% of the Property deemed to be benefitted by the Improvements and for which the Special Assessment was to be levied (the “Property Owners”) were notified of the proposed maximum special assessments and 100% of the Property Owners (a) waived any formal notice of and the holding of a public hearing by the City for the purpose of considering the Special Assessments as required by K.S.A. 12-6a09; (b) consented to the levy of the Special Assessments in twenty (20) annual installments against the Property by appropriate proceedings of the City in the manner set forth in Resolution No. 2020-009 and in the amounts shown in Ordinance No. 5808 Levying the Special Assessments, all without formal or further notice to the Owners; (c) waived any formal additional notice of the final assessment; (d) waived the 30-day statute of limitations provided in K.S.A. 12-6a11; and (e) consented to the City proceeding to issue its general obligation bonds to include the full amount of the Special Assessments all without further delay or notice to the Property Owners; and

**WHEREAS**, thereafter, on January 19, 2021 the City passed Ordinance No. 5808 levying and assessing the maximum amount of Special Assessment against each lot, piece or parcel of land deemed benefited by the Improvement (the “Original Assessment Ordinance”); and

**WHEREAS**, the final costs of the completed Improvement is \$1,585,000, which is less than the maximum amount of the assessment included in the Original Assessment Ordinance and the Governing Body desires to adjust the Special Assessment previously levied.

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:**

**SECTION 1.** Pursuant to K.S.A. 12-6a01 *et seq.*, special assessments levied to pay the costs of the Improvements are hereby adjusted based on the final cost of the Improvements and are levied and assessed against the lots, pieces and parcels of land liable therefore as described on Exhibit A to this Ordinance, which is incorporated herein by reference, and in the amounts set forth on Exhibit A following the description of each lot, piece or parcel of land. All other terms and provisions of the Original Assessment Ordinance shall remain in full force and effect.

**SECTION 2.** The City Clerk shall mail a copy of this Ordinance to each of the Property Owners after its adoption.

**SECTION 3.** The City Clerk shall certify to the County Clerk, in the same manner and at the same time as other taxes are certified, for a period of twenty (20) years, all of the adjusted special assessments, together with interest on such amount thereof at a rate not exceeding the maximum rate as prescribed by the laws of the state of Kansas; and such amounts shall be placed on the tax rolls and collected as other taxes are collected, the levy for each year being a portion of the principal amount of the assessment plus one year's interest on the amount remaining unpaid.

**SECTION 4.** This Ordinance shall take effect and be in force from and after its publication once in the official City newspaper. The City Clerk is directed to file this Ordinance with the Register of Deeds of Johnson County, Kansas.

**PASSED** by the City Council of the City of Lenexa, Kansas this 21<sup>st</sup> day of June, 2022.

**SIGNED** by the Mayor this 21<sup>st</sup> day of June, 2022.

CITY OF LENEXA, KANSAS

[SEAL]

By: \_\_\_\_\_  
Michael A. Boehm, Mayor

Attest:

\_\_\_\_\_  
Jennifer Martin, City Clerk

Approved As To Form:

\_\_\_\_\_  
Sean McLaughlin, City Attorney



## **EXHIBIT A**

### **LENEXA LOGISTICS CENTRE NORTH PHASE II SPECIAL BENEFIT DISTRICT – STORMWATER IMPROVEMENTS MAXIMUM ASSESSMENTS**

#### **Final Adjusted Special Assessment Roll**

##### **TRACT 1:**

##### **BLNP, LLC:**

Parcel ID: IF241307-4001

\$698,197.21 is the Maximum Assessment against the following property:

The Southeast Quarter, except the Northeast Quarter of the Southeast Quarter of Section 7, Township 13, Range 24, in the City of Lenexa, Johnson County, Kansas, except that part in roads, except that part included in the plat of LENEXA LOGISTICS CENTRE NORTH, FIRST PLAT, and also except that part described as follows:

All that part of the SE 1/4 of Section 7, Township 13, Range 24, in the City of Lenexa, Johnson County, Kansas, more particularly described as follows:

Commencing at the Southwest corner of the SE 1/4 of said Section 7; thence N 87° 24' 31" E, along the South line of said SE 1/4, a distance of 535.57 feet; thence N 2° 35' 29" W, a distance of 60.00 feet, to a point on the North right-of-way line of College Boulevard, as now established, said point being the True Point of Beginning; thence N 88° 13' 27" W, a distance of 131.29 feet; thence S 87° 24' 31" W, along a line 10.00 feet North of and parallel with said North right-of-way line, a distance of 263.77 feet to a point of curvature; thence Northwesterly along a curve to the right having an initial tangent bearing of N 53° 23' 40" W, a radius of 40.00 feet, a central angle of 34° 14' 45", an arc distance of 23.91 feet, to a point of tangency; thence N 19° 08' 55" W, a distance of 35.91 feet to a point of curvature; thence Northwesterly along a curve to the right having an initial tangent bearing of N 19° 08' 55" W, a radius of 140.00 feet, a central angle of 16° 28' 58", an arc distance of 40.27 feet, to a point on the East right-of-way line of Mill Creek Road, as now established; thence S 2° 39' 57" E, a distance of 103.73 feet, to a point on the North right-of-way line of said College Boulevard; thence N 87° 24' 31" E, along said North right-of-way line, a distance of 423.65 feet, to the true point of beginning.

##### **AND EXCEPT**

Lot 5, Lenexa Logistics Centre North 4<sup>th</sup> Plat, a subdivision in the City of Lenexa, Johnson County, Kansas

AND EXCEPT

Lot 11, Lenexa Logistics Centre North 5<sup>th</sup> Plat, a subdivision in the City of Lenexa, Johnson County, Kansas

AND EXCEPT

Tract G, Lenexa Logistics Centre North 5<sup>th</sup> Plat, a subdivision in the City of Lenexa, Johnson County, Kansas

**TRACT 2:**

**BLNP, LLC:**

Parcel ID: IF241307-4002

\$423,445.56 is the Maximum Assessment against the following property:

The Northeast Quarter of the Southeast Quarter of Section 7, Township 13, Range 24, in the City of Lenexa, Johnson County, Kansas, except that part taken for streets and highway.

**TRACT 3:**

**CHYMIK INVESTMENTS KS SPE LLC and GDG2 LLN5, LLC:**

Parcel ID: IP40260000-0005

\$301,403.19 is the Maximum Assessment against the following property:

Lot 5, Lenexa Logistics Centre North 4<sup>th</sup> Plat, a subdivision in the City of Lenexa, Johnson County, Kansas

**TRACT 4:**

**10757 MILL CREEK RD. KSLX, LLC:**

Parcel ID: IP40260000-0011

\$161,954.03 is the Maximum Assessment against the following property:

Lot 11, Lenexa Logistics Centre North 5<sup>th</sup> Plat, a subdivision in the City of Lenexa, Johnson County, Kansas

**Pursuant to Resolution No. 2021-009, the assessments shall not be levied against those areas dedicated as public right of way, public parks, storm water retention or detention areas, common area associations, conservation easements, publicly owned easements or similar areas.**



**CITY COUNCIL  
MEMORANDUM**

**ITEM 10**

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**SUBJECT:** Ordinance amending City Code Chapter 4-8 regarding Building and Construction Standards and adopting by reference certain codes published by the International Code Council and the National Fire Protection Agency

**CONTACT:** Scott McCullough, Community Development Director

**DATE:** June 21, 2022

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**ACTION NEEDED:**

Pass an ordinance amending City Code Chapter 4-8 regarding Building and Construction Standards and adopting by reference certain codes published by the International Code Council and the National Fire Protection Agency.

**PROJECT BACKGROUND/DESCRIPTION:**

Staff from the Community Development, Fire, and Legal Departments have been working since January 2022 to review and prepare amendments to the Building and Construction Standards in Chapter 4-8 of the City Code.

Historically, the City has adopted by reference various building and construction codes for the purpose of maintaining a reasonable standard for building construction and greater public safety through uniform building laws and code enforcement. The codes adopted by the City are a set of books published by the International Code Council (ICC). The International Codes® (I-Codes) provide a standard level of safeguards, function, and sustainability for newly constructed buildings, remodels, and maintenance of existing buildings. They are the most commonly used building codes in the United States. Lenexa is currently enforcing the following I-Codes as adopted and amended in Chapter 4-8 of the City Code:

- 2018 International Building Code;
- 2018 International Fire Code;
- 2018 International Residential Code;
- 2018 International Plumbing Code;
- 2018 International Mechanical Code;
- 2018 International Fuel Gas Code;
- 2018 International Existing Building Code;
- 2018 International Property Maintenance Code;
- 2018 International Swimming Pool and Spa Code;
- 2017 National Electrical Code (NEC); and
- 2012 International Energy Conservation Code.

The adopted codes are periodically reviewed by staff to determine if any revisions are necessary and appropriate to meet the needs of the City. Based upon staff discussions, staff believes various revisions to Chapter 4-8 are now necessary. The proposed ordinance will incorporate various clarifications and

additions to the currently adopted Building and Construction Standards.

The Building Code Board of Appeals (BCBA) considered the proposed amendments at its May 6, 2022, meeting and unanimously recommended approval. The proposed amendments were then presented to the Governing Body at the May 24, 2022, Committee of the Whole meeting and several questions were raised and discussed. Two notable items are summarized here:

- 1. Energy Conservation Code - There was discussion regarding the merits of adopting the 2018 Energy Conservation Code to align with other Johnson County cities already using that code and reducing the impact on builders of moving from the 2012 code to the 2024 code. Staff believes that many Lenexa builders also build in cities that have adopted the 2018 Energy Conservation Code, so the adoption of the 2024 Energy Conservation Code should not be a significant change for those builders. Additionally, staff plans to begin reviewing the 2024 set of codes next year, so the time and effort required to review and adopt the 2018 Energy Conservation Code would produce only a year or so of outcomes for new buildings. Staff believes a better use of staff and stakeholder time would be to focus on the review of the 2024 codes.
- 2. Trash and Garbage Containers - There was a discussion about whether the code should require trash and garbage containers in residential districts to have close fitting covers as required in commercial districts. The City's Solid Waste Business Regulations, Chapter 2-11 of the City Code, require licensed refuse haulers to provide solid waste and recycling containers that are equipped with lids. As such, staff felt it was appropriate to align the Property Maintenance Code amendments regarding trash and garbage containers to include the requirement of "close fitting covers" in residential districts.

A summary of changes is attached and the redlined ordinance is in the Appendix. A copy of the full, clean ordinance is available for review in the City Clerk's office.

**STAFF RECOMMENDATION:**

Passage of the ordinance.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**  
Healthy People

**Guiding Principles**  
Superior Quality Services

**ATTACHMENTS**

- 1. Summary of changes
- 2. Ordinance redline located in the Appendix



## **Summary of Adjustments to Adopted 2018 ICC Codes**

<b><u>CODE SECTION</u></b>	<b><u>SUMMARY</u></b>	<b><u>BACKGROUND INFO.</u></b>
<b><u>4-8-A Building Administration</u></b>		
<b>Section 4-8-A-1 INTERNATIONAL BUILDING CODE ADOPTED.</b>	Clarifies the City is adopting the sixth printing of the IBC.	The International Code Council will occasionally adopt new versions of the current edition of the I-Codes. While many of the changes in these versions are minor revisions, some may be substantive causing questions regarding enforceability. This clarification is necessary to specifically identify the version of the 2018 IBC that was adopted by the Council.

<p><b>Section 4-8-A-4 PERMITS. 105.2 Work exempt from permit.</b></p>	<p>Clarifies swimming pools with sidewalls that are 30" or less in height are exempt from permit requirement.</p>	<p>Current language could be interpreted that partially filled pools do not need a permit regardless of the structure depth as long as the water level is less than 30" deep. The proposed clarification helps staff consistently apply the code.</p>
<p><b>Section 4-8-A-4 PERMITS. 105.2 Work exempt from permit.</b></p>	<p>Clarifies that modifying existing light fixtures, such as changing, replacing, or removing ballast and lamp-holders, does not require a permit.</p>	<p>The proposed clarification helps staff consistently apply codes relating to permit exemptions for electrical repairs and maintenance. Modernizing existing fixtures with more efficient bulbs sometimes requires fixture parts to be replaced or removed. Such work is considered "minor" by the code.</p>
<p><b>Section 4-8-A-4 PERMITS. 105.5 Expiration.</b></p>	<p>Clarifies the City's current policy that the expiration date for a Temporary Certificate of Occupancy (TCO) by default becomes the permit expiration date. It removes the existing language allowing a permit expiration date to be later than the expiration date of a TCO.</p>	<p>The proposed clarification helps staff consistently apply codes relating to the expiration date of permits that have been issued a TCO.</p>
<p><b>Section 4-8-A-4 PERMITS. 105.5 Expiration.</b></p>	<p>Adds a new exception to the general rule regarding building permit expiration that building permits for single family dwellings, duplexes, and townhouses will expire 2 years after permit issuance.</p>	<p>Currently, permits for single family dwellings, duplexes, and townhouses may be extended indefinitely which can result in unreasonably slow progress. Prolonged building projects have a detrimental effect on neighborhoods. This change helps staff address unreasonably slow projects by incentivizing timely completion. The change does not affect staff discretion to extend permits for good cause.</p>

<b>Section 4-8-A-5 Construction Documents</b> <b>107.2.1 Information on construction documents</b>	Requires the submittal of a code footprint or code data sheets.	This item clarifies code footprints / code data sheet submittals according to common industry practice and certain State Fire Marshal requirements.
<b>Section 4-8-A-6 Permit Fees</b> <b>109.4 Work commencing before permit issuance</b>	Edited to improve readability. No substantive changes.	N/A
<b>Section 4-8-A-7 CERTIFICATE OF OCCUPANCY</b> <b>111.1 Use and occupancy</b>	Edited to improve readability. No substantive changes.	N/A
<b>Section 4-8-A-7 CERTIFICATE OF OCCUPANCY.</b> <b>111.2 Certificate issued.</b>	Clarifies that before a final Certificate of Occupancy is issued there must be no violations of any city code (including, but not limited to, building codes, landscaping requirements, site aesthetics, stormwater requirements, etc.).	Through the building inspection process, the City provides contractors/owners with a list of outstanding violations that need to be addressed prior to the issuance of a CO. The proposed change clarifies the City's authority to withhold a final Certificate of Occupancy if there are any violations existing at the project of any City Code (including, but not limited to, building codes, landscaping, site aesthetics, stormwater, etc.).

<p><b>Section 4-8-A-7 CERTIFICATE OF OCCUPANCY.</b>  <b>111.3 Temporary occupancy.</b></p>	<p>Clarifies the decision to issue a Temporary Certificate of Occupancy is discretionary and based on certain relevant factors that determine the confidence level of the City that the owner/contractor will complete any outstanding work. Also clarifies a TCO is required for new home projects when the structure is safe to occupy but not complete.</p>	<p>This revision helps clarify staff's authority to issue a TCO and to assure projects are completed according to adopted codes.</p>
<p><b>Section 4-8-A-7 CERTIFICATE OF OCCUPANCY.</b>  <b>111.3.2 Violations.</b></p>	<p>Clarifying the violation if a TCO expires and the conditions have not been resolved or completed.</p>	<p>Due to other revisions associated with the TCO, it was necessary to update the language of this violation provision to clarify the violation if a TCO expires and the conditions have not been resolved or completed.</p>
<p><b>4-8-A-9 VIOLATIONS</b></p>	<p>Replaces the term "violator" with "code offender."</p>	<p>This change is necessary to be consistent with other violation provisions in the City Code to aid staff in providing notice to code offenders.</p>
<p><b>4-8-A-14 through 4-8-A-18</b></p>	<p>Chapter 9 of the IBC is nearly identical to Chapter 9 of the IFC. All code amendments in Chapter 9 of the IBC were made to reflect the identical amendments made to Chapter 9 of the IFC. See below for summaries of the changes and background information.</p>	

## **4-8-B FIRE CODE**

### **Section 4-8-B-1 INTERNATIONAL FIRE CODE ADOPTED.**

Clarifies the City is adopting the sixth printing of the IFC.

The International Code Council will occasionally adopt new versions of the current edition of the I-Codes. While many of the changes in these versions are minor revisions, some may be substantive causing questions regarding enforceability. This clarification is necessary to specifically identify the version of the 2018 IFC that was adopted by the Council.

### **4-8-B-3 CONSTRUCTION DOCUMENTS 105.4.2 Information on construction documents.**

Clarifies the city's current policy for the submittal of a code footprint or code data sheets.

This item clarifies code footprints / code data sheet submittals according to common industry practice and certain State Fire Marshal requirements.

### **OLD 4-8-B-8 SEPARATION DISTANCE BETWEEN WOOD PALLET STACKS AND BUILDINGS Table 315.7.6(1) Separation distance between wood pallet stacks and buildings**

Deleted this section amending Table 315.7.6(1) in its entirety

The International Code Council issued an Errata that corrected this Table so the City's local amendment is no longer necessary.

### **4-8-B-8 BURNING OBJECTS 310.7.1 Smoking receptacles required**

Clarifies the type of container that may be used for disposal of smoking materials and that owners must maintain such containers.

Currently, the language does not address the maintenance of smoking receptacles and requires the Fire Code Official to approve the receptacles used. The proposed change permits receptacles that have been designed by a manufacturer for the collection of discarded smoking materials to be used without requiring Fire Code Official approval.



<b>4-8-B-9 MOBILE FOOD PREPARATION VEHICLES</b> <b>319.1 General</b>	Added requirement that mobile food preparation vehicles comply with NFPA 1 Chapter 50.	With food trucks becoming more popular the IFC code's vagueness created potential differences in the interpretations in regards to required inspections. The NFPA 1 Chapter 50 standard provides a better description of the inspection requirements.
<b>4-8-B-10 ADDRESS IDENTIFICATION</b> <b>505.1 Address identification.</b>	Added an exception for one and two family dwellings and townhomes to provide specific requirements for those buildings and deleted language pertaining to the display of numbers over garages.	Currently, requirements for address identification for one and two family dwellings and townhomes are contained in the IBC, IFC, IRC, and the IPMC. Staff is adding this exception here and amending the other code books to reference back to this IFC section to ensure consistency.
<b>4-8-B-11 Key Boxes</b> <b>506.1.2 Key boxes for nonstandardized fire service elevator keys.</b> <b>505.1 Address identification.</b>	Clarifies the required location of elevator key boxes in commercial buildings.	Current requirements allow the key boxes to be placed in areas away from the elevators and not visible to firefighters in an emergency. The proposed change provides better consistency and clarity regarding the location of key boxes.
<b>4-8-B-13 FIRE PROTECTION AND LIFE SAFETY SYSTEMS.</b> <b>903.2.13 For occupancies over 12,000 square feet or more than one store.</b>	Adds two exceptions. First, to permit the redevelopment of multi-level single family residences into a commercial occupancy without the requirement of sprinklers if the basement or story other than the main level does not exceed 1600 sq. ft. other occupancy classifications without the requirement of sprinklers. Second, to exempt commercial buildings with a basement not exceeding 1,000 square feet.	The current requirements mandate a sprinkler system in all multi-story buildings no matter the size or use for new and changing occupancy classifications. This revision would remove a high-cost barrier to convert a single-family home to a non-residential use if other fire sprinkler triggers are not being considered for the structure.

<b>4-8-B-13 FIRE PROTECTION AND LIFE SAFETY SYSTEMS.</b>  <b>903.3.5.3.1 Main control valve access.</b>	Provides clarification to the location of the main control valves for sprinkler systems and the size of the sprinkler valve rooms.	Current requirements allow sprinkler control valves to be installed in small closets and within occupied residential units which creates problems for firefighters' access to valves in emergency and non-emergency situations. The proposed change requires access to sprinkler controls without having to enter a residence.
<b>4-8-B-13 FIRE PROTECTION AND LIFE SAFETY SYSTEMS.</b>  <b>904.3.4 Floor Control Valves</b>	Deleted this section in its entirety	The standard code language has specific thresholds that would trigger this requirement our amendment substantial costs to lower density residential sprinkler systems.
<b>4-8-B-15 SPRINKLER SYSTEMS.</b>  <b>1103.5.1 Group A-2</b>	Clarifies that an automatic sprinkler system must be installed in certain A-2 occupancies prior to 4/1/2028.	The current adopted code requires alcohol serving facilities with an occupant load over 300 to have to add sprinkler systems immediately. This is an expensive upfront cost. The proposed date of April 1, 2028, provides a more reasonable time frame to bring a nonconforming space into compliance.
<b>4-1-B-19 FIRE HYDRANT LOCATIONS AND DISTRIBUTION – APPENDIX C D107.1 One- or two-family dwelling residential developments.</b>	Aligns the requirement for fire apparatus access roads with the Unified Development Code's requirements regarding the number of dwelling units that would require a secondary access road.	The city amended the UDC numerous years ago regarding the number of dwelling units that would require a second fire access road. The UDC requirements and the IFC requirements conflict and the proposed change aligns both the requirements to be the same number of units.

## **4-8-C Residential Building General**

<b>Section 4-8-C-1 INTERNATIONAL RESIDENTIAL CODE ADOPTED.</b>	Clarifies the City is adopting the fourth printing of the IRC.	The International Code Council will occasionally adopt new versions of the current edition of the I-Codes. While many of the changes in these versions are minor revisions, some may be substantive causing questions regarding enforceability. This clarification is necessary to specifically identify the version of the 2018 IRC that was adopted by the Council.
<b>Section 4-8-C-8 EMERGENCY ESCAPE AND RESCUE OPENINGS R310.1 Emergency escape and rescue opening required</b>	Section Deleted in its entirety.	ICC code no longer mandates egress windows when finishing off non-sleeping rooms in basements in existing homes. The concern has been addressed by ICC code as written.
<b>4-8-C-10 EXISTING BUILDINGS, SMOKE ALARMS REQUIRED R314.2.3 Existing Buildings</b>	Adds a new requirement that rental homes licensed pursuant to Chapter 2-16 of the Lenexa City Code must be equipped with smoke alarms as required by the IRC.	The fire department receives calls from renters asking for free smoke and carbon monoxide alarms. The fire department carbon monoxide alarm program does not allow the fire department to provide carbon monoxide alarms to rental properties due to the cost of the alarms. The fire department smoke alarm program (which is the state program “ <i>Get Alarmed</i> ” per state statute does not allow the fire department to provide smoke alarms to rental properties. The state statute places this burden on the property owner who leases the space.

<p><b>4-8-C-11 EXISTING BUILDINGS, CARBON MONOXIDE ALARMS REQUIRED</b></p> <p><b>R315.2.3 Existing Buildings.</b></p>	<p>Adds a new requirement that rental homes licensed pursuant to Chapter 2-16 of the Lenexa City Code must be equipped with carbon monoxide alarms as required by the IRC.</p>	<p>The fire department receives calls from renters asking for free smoke and carbon monoxide alarms. The fire department carbon monoxide alarm program does not allow the fire department to provide carbon monoxide alarms to rental properties due to the cost of the alarms. The fire department smoke alarm program (which is the state program “<i>Get Alarmed</i>” per state statute does not allow the fire department to provide smoke alarms to rental properties. The state statute places this burden on the property owner who leases the space.</p>
<p><b>4-8-C-12 BUILDING ADDRESSES.</b></p> <p><b>R319.1 Premises identification.</b></p>	<p>Amends this section to references the IFC’s building address identification requirements.</p>	<p>Currently, requirements for address identification for one and two family dwellings and townhomes are contained in the IBC, IFC, IRC and the IPMC. Staff is amending this code section to reference back to the IFC section on address identification to ensure consistency.</p>

## **4-8-D Property Maintenance**

<b>Section 4-8-D-1 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.</b>	Clarifies the City is adopting the second printing of the IPMC.	The International Code Council will occasionally adopt new versions of the current edition of the I-Codes. While many of the changes in these versions are minor revisions, some may be substantive causing questions regarding enforceability. This clarification is necessary to specifically identify the version of the 2018 IPMC that was adopted by the Council.
<b>Section 4-8-D-4 INSPECTIONS, TECHNICAL ASSISTANCE AND REPORTING 104.2.1 Technical Assistance.</b>	Clarifies policy of requiring testing or structural analysis for conditions that are potentially harmful to building occupants.	This amendment codifies City procedures of requiring owners to submit to the City a technical analysis under the IPMC for potentially harmful conditions such as mold and severe structural disrepair.
<del><b>Section 4-8-D-7 UNSAFE STRUCTURES, SYSTEMS, AND EQUIPMENT; CONDEMNATION. 108.1.1 Unsafe Structures</b></del>	<del>Adds “unsanitary” to the list of conditions that can cause a building to be declared an unsafe structure.</del>	<del>This amendment codifies City procedures that unsanitary conditions can render structures as unfit for occupancy.</del>  Amendment removed by Staff. Unsanitary conditions already addressed by Section 108.1.3, Structure unfit for human occupancy,” in the IPMC.
<b>Section 4-8-D-12 SWIMMING POOLS, SPAS, AND HOT TUBS. 303.1 Swimming pools.</b>	Clarifies appurtenances to swimming pools such as ladders and fencing shall be maintained in good repair.	This amendment eliminates a potential loophole in code language regarding the maintenance of swimming pool ladders and fencing.



<p><b>Section 4-8-D-14 RUBBISH, GARBAGE AND OUTSIDE STORAGE.</b>  <b>408.3.2</b>  <b>Containers (dumpsters)</b></p>	<p>Clarifies dumpsters are prohibited from being located on public streets or on unpaved surfaces in yards, except as allowed in the Lenexa City Center zoning district and where approved by City traffic engineers. Clarifies that dumpster size limitation applies to dumpsters in residential districts. Adds “close-fitting cover” requirement to residential garbage containers.</p>	<p>Without this amendment property maintenance inspectors do not have code authority to enforce community concerns about dumpster locations. Additionally, the current code language could be interpreted to require dumpsters in non-residential districts to be smaller than 90 gallons in capacity.</p>
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<p><b><u>4-8-E International Energy Conservation Code</u></b></p>		
<p><b>Section 4-8-E-1 INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED.</b></p>	<p>Clarifies the City is adopting the fifth printing of the 2012 IECC.</p>	<p>The International Code Council will occasionally adopt new versions of the current edition of the I-Codes. While many of the changes in these versions are minor revisions, some may be substantive causing questions regarding enforceability. This clarification is necessary to specifically identify the version of the 2012 IECC that was adopted by the Council.</p>
<p><b>4-8-E COMMERCIAL ENERGY (2012 IECC)</b>  <b>Section R401.2 Insulation and fenestration criteria.</b></p>	<p>Changing current amendment to correspond with re-numbering of the ICC book.</p>	<p>This change eliminates the numbering discrepancy between the current City amendment and updates to the ICC book.</p>

## **4-8-F PLUMBING CODE**

### **4-8-F-1 International Plumbing Code Adopted**

Clarifies the City is adopting the fifth printing of the 2018 IPC.

The International Code Council will occasionally adopt new versions of the current edition of the I-Codes. While many of the changes in these versions are minor revisions, some may be substantive causing questions regarding enforceability. This clarification is necessary to specifically identify the version of the 2018 IPC that was adopted by the Council.

## **4-8-G FUEL GAS CODE**

### **4-8-G-1 International Fuel Gas Code Adopted**

Clarifies the City is adopting the fourth printing of the 2018 IFGC.

The International Code Council will occasionally adopt new versions of the current edition of the I-Codes. While many of the changes in these versions are minor revisions, some may be substantive causing questions regarding enforceability. This clarification is necessary to specifically identify the version of the 2018 IFGC that was adopted by the Council.

## **4-8-J MECHANICAL CODE**

<b>Section 4-8-J-1 International Mechanical Code Adopted</b>	Clarifies the City is adopting the fourth printing of the 2018 IMC.	The International Code Council will occasionally adopt new versions of the current edition of the I-Codes. While many of the changes in these versions are minor revisions, some may be substantive causing questions regarding enforceability. This clarification is necessary to specifically identify the version of the 2018 IMC that was adopted by the Council.
<b>Section 4-8-J-4 502.14 Exhaust Systems</b>	Clarification that a source capture system is not required if any of the listed conditions exist.	Correcting the current amendment of restricting motor vehicle parking inside warehouse spaces w/out an exhaust system.

## **4-8-K EXISTING BUILDING CODE**

<b>4-8-K-1 International Existing Building Code Adopted</b>	<p>Clarifies the City is adopting the fifth printing of the 2018 IEBC.</p>	<p>The International Code Council will occasionally adopt new versions of the current edition of the I-Codes. While many of the changes in these versions are minor revisions, some may be substantive causing questions regarding enforceability. This clarification is necessary to specifically identify the version of the 2018 IEBC that was adopted by the Council.</p>
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<b><u>4-8-M SWIMMING POOL &amp; SPA CODE</u></b>		
<b>Section 4-8-M-1 International Swimming Pool and Spa Code</b>	<p>Clarifies the City is adopting the fourth printing of the 2018 ISPSC.</p>	<p>The International Code Council will occasionally adopt new versions of the current edition of the I-Codes. While many of the changes in these versions are minor revisions, some may be substantive causing questions regarding enforceability. This clarification is necessary to specifically identify the version of the 2018 ISPSC that was adopted by the Council.</p>
<b>Section 4-8-M-4 305.2.4 Mesh fence as a barrier</b>	<p>Deleted section to remove the ability to use mesh fencing as a structure wall barrier.</p>	<p>Zoning code requires fencing of good materials and architecturally compatible with the surrounding area and mesh fencing does not meet that standard.</p>



**CITY COUNCIL  
MEMORANDUM**

**ITEM 11**

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**SUBJECT:** Ordinance amending the sentencing requirements in City Code Section 3-8-A-14 Driving Under the Influence and Section 3-8-A-15 Commercial Driving Under the Influence

**CONTACT:** Elizabeth Landau, Prosecutor  
Ashlee Tomasic, Prosecutor

**DATE:** June 21, 2022

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**ACTION NEEDED:**

Pass an ordinance amending the sentencing requirements in City Code Section 3-8-A-14 Driving Under the Influence and Section 3-8-A-15 Commercial Driving Under the Influence.

**PROJECT BACKGROUND/DESCRIPTION:**

This is an ordinance amending City Code provisions dealing with Driving Under the Influence (DUI) and Driving a Commercial Vehicle Under the Influence (Commercial DUI). The City closely follows the Kansas State statutes prohibiting the same conduct, and several changes were made this legislative session to K.S.A. 8-1567 (DUI) and 8-2,144 (Commercial DUI) as well as related statutes. This ordinance updates the language of the City's Code Sections to ensure the continued ability to prosecute DUI violations effectively and remain consistent with changes in state law regarding these violations.

These changes work to simplify the sentencing scheme for DUI and Commercial DUI, allowing more discretion to courts and offenders on how the sentence would be fulfilled, encouraging enrollment and participation in alcohol and drug treatment programs, and minimizing the need to count individual hours of confinement.

The key changes to 3-8-A-14 (the City's DUI Code) and 3-8-A-15 (the City's Commercial DUI Code):

- The ordinance removes mandatory confinement for a first conviction of DUI or Commercial DUI.
- The ordinance amends the penalties for a second conviction of DUI or Commercial DUI to reorganize and clarify minimum confinement requirements. Previously, the law required that the offender serve at least 48 hours of imprisonment consecutively and at the beginning of the period of confinement. While offenders still have to serve minimum time on a second offense, the other requirements about when and how it must happen are removed, providing courts and service providers with more flexibility.
- The ordinance amends the penalties for a third conviction of DUI or Commercial DUI, with a prior conviction within the preceding 10 years, setting the required minimum confinement as 30 days.
- The ordinance changes the way that imprisonment time is calculated. Previously, each hour had to be tracked. Now, offenders will receive hour-for-hour credit in work release or house arrest for the



minimum hours of confinement, and will then receive day-for-day credit for any additional confinement, unless otherwise ordered by the court.

- The ordinance gives a court discretion to waive any portion of a fine imposed for DUI, except for \$250 required to be remitted to the State Treasurer and credited to the Community Correction Supervision Fund, upon showing the offender successfully completed court-ordered education or treatment.

**STAFF RECOMMENDATION:**

Passage of the ordinance.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

**Guiding Principles**

Superior Quality Services

**ATTACHMENTS**

1. Ordinance
2. Ordinance redline located in the Appendix

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE LENEXA CITY CODE REGARDING DRIVING UNDER THE INFLUENCE.**

**WHEREAS**, the City has previously adopted ordinances dealing with driving under the influence and driving a commercial vehicle under the influence; and

**WHEREAS**, recent legislation and case law had mandated updates to the City Code regarding Driving Under the Influence; and

**WHEREAS**, the City must act to ensure continuity in our ability to prosecute DUI violations effectively, and to remain compliant with state law regarding these violations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA:

**Section One:** Section 3-8-A-14 is hereby amended to read as follows:

**Section 3-8-A-14 DRIVING UNDER THE INFLUENCE.**

- A. Driving under the influence is operating or attempting to operate any vehicle within this city while:
1. The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, is .08 or more;
  2. The alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is .08 or more;
  3. Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
  4. Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or
  5. Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.
- B. On a first conviction of a violation of this Section, the person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750 nor more than \$1,000. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the remainder of the sentence only after such person has served 48 consecutive hours' imprisonment.
- C. On a second conviction of a violation of this Section, the person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The following conditions shall apply to such sentence:
1. As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at

least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

2. a. if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

b. when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence; and

- D. On a third conviction of a violation of this Section, the person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500. The following conditions shall apply to such sentence:

1. As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21- 6609, and amendments thereto; and
2. a. if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and  
b. when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence

- E. In addition, for any conviction pursuant to subsection D, upon a request for probation by an offender, the court shall order a term of one year of supervision by a probation monitor approved by the Lenexa Municipal Court upon release from imprisonment. Such term of supervision shall not be subject to any modification or reduction. During such supervision, the offender may be required to participate in a multidisciplinary model of services for substance use disorders to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. Any violation of the conditions of such supervision may subject such person to revocation of supervision and imprisonment for the remainder of the original sentence.
- F. In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.
- G. Any person 18 years of age or older convicted of violating this Section who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this Section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.
- H. If a person is charged with a violation of this Section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- I. The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this Section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- J.
  - 1. In lieu of payment of a fine imposed pursuant to this Section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become                      due                      on                      that                      date.
  - 2. The court may, in its discretion, waive any portion of a fine imposed pursuant to this Section, except the \$250 required to be remitted to the state treasurer pursuant to subsection (T), upon a showing that the person successfully completed court-ordered education or treatment.

- K. The court shall electronically report every conviction of a violation of this Section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this Section to the Division of Vehicles including any finding regarding the alcohol concentration in the offender's blood or breath. Prior to sentencing under the provisions of this Section, the court shall request and shall receive from the Division of Vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state. On and after July 1, 2012, the amount of \$250 from each fine imposed pursuant to this Section shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 75-52,113, and amendments thereto.
- L. For the purpose of determining whether a conviction is a first, second, or third conviction in sentencing under this Section:
1. Convictions for a violation of this section, or a violation of a law of any state or an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;
  2. Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:
    - a. Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto;
    - b. Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
    - c. Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 2011 Supp. 21-5405, and amendments thereto; and
    - d. Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto; and
    - e. Aggravated battery as described in subsection (b)(3) of K.S.A. 21-5413, and amendments thereto;
  3. "Conviction" includes:
    - a. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging an offense described in subsection (L)(2);



- b. Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense described in subsection (L)(1) or (L)(2);
  - 4. Multiple convictions of any crime described in subsection (L)(1) or (L)(2) arising from the same arrest shall only be counted as one conviction;
  - 5. It is irrelevant whether an offense occurred before or after conviction for a previous offense; and
  - 6. A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this Section, and amendments thereto, or an ordinance which prohibits the acts of this Section, and amendments thereto, only once during the person's lifetime.
- M. For the purposes of determining whether an offense is comparable, the following shall be considered:
- 1. The name of the out-of-jurisdiction offense;
  - 2. The elements of the out-of-jurisdiction offense; and
  - 3. Whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.
- N. Upon conviction of a person of a violation of this Section, the Division of Vehicles, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.
- O. Upon conviction of a person of a violation of this Section, the court may order the convicted person to pay restitution to any victim who suffered loss due to a violation for which the person was convicted.
- P.
- 1. Upon the filing of a complaint, citation or notice to appear alleging a person has violated this Section, and prior to conviction thereof, a city attorney or designee shall request and shall receive from the
    - a. Division of Vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
    - b. Kansas Bureau of Investigation Central Repository all criminal history record information concerning such person.
  - 2. If the elements of such violation are the same as the elements of a violation of this Section that would constitute, and be punished as, a felony, the city attorney or designee shall refer the violation to the appropriate county of district attorney for prosecution.
- Q. No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this Section to avoid the mandatory penalties established by this Section. This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge. For the purpose of this subsection,

entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. and amendments thereto, shall not constitute plea bargaining.

- R. The alternatives set out in subsection A may be pleaded in the alternative, and city may, but shall not be required to elect one or more of the alternatives prior to submission of the case to the fact finder.
- S. As used in this Section:
  - 1. "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;
  - 2. "Imprisonment" includes any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and
  - 3. "Drug" includes toxic vapors such term in defined in K.S.A. 2010 Supp. 21-36a12, and amendments thereto.
- T. On and after July 1, 2012, the amount of \$250 from each fine imposed pursuant to this Section shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 75-52,113, and amendments thereto.

**Section Two:** Section 3-8-A-15 is hereby amended to read as follows:

**Section 3-8-A-15 DRIVING A COMMERCIAL MOTOR VEHICLE UNDER THE INFLUENCE.**

- A. Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this city while:
  - 1. The alcohol concentration in the person's blood or breath, as shown by any competent evidence, including other competent evidence, as defined in paragraph 1 of subsection f of K.S.A. 8-1013, and amendments thereto, is .04 or more;
  - 2. The alcohol concentration in the person's blood or breath, as measured within three hours of the time of driving a commercial motor vehicle, is .04 or more; or
  - 3. Committing a violation of subsection a of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder.
- B. On a first conviction of a violation of this Section, the person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$750 nor more than \$1,000.
- C. On a second conviction of a violation of this Section, the person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined

not less than \$1,250 nor more than \$1,750. The following conditions shall apply to such sentence:

1. As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and
  2. a. if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and  
b. when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence; and
- D. In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.
- E. Any person 18 years of age or older convicted of a violation of this Section, who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this Section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.
- F. If a person is charged with a violation of this Section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- G. The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this Section. Any assessment and costs

shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.

H.

1. In lieu of payment of a fine imposed pursuant to this Section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.

2. The court may, in its discretion, waive any portion of a fine imposed pursuant to this Section, except the \$250 required to be remitted to the state treasurer pursuant to subsection T, upon a showing that the person successfully completed court-ordered education or treatment.

I. The court shall electronically report every conviction of a violation of this Section to the Division of Vehicles including any finding regarding the alcohol concentration in the offender's blood or breath. Prior to sentencing under the provisions of this Section, the court shall request and shall receive from the:

1. Division of Vehicles a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and
2. Kansas Bureau of Investigation Central Repository all criminal history record information concerning such person.

J. Upon conviction of a person of a violation of this Section, the Division of Vehicles, upon receiving a report of conviction, shall:

1. Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; and
2. Suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.

K. Upon conviction of a person of a violation of this Section, the court may order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.

L.

1. Upon the filing of a complaint, citation or notice to appear alleging a person has violated this Section, and prior to conviction thereof, a city attorney or designee shall request and shall receive from the:
  - a. Division of Vehicles of vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
  - b. Kansas Bureau of Investigation Central Repository all criminal history record information concerning such person.

2. If the elements of such violation are the same as the elements of a violation of this Section that would constitute, and be punished as, a felony, the city attorney or designee shall refer the violation to the appropriate county or district attorney for prosecution. The county or district attorney shall accept such referral and pursue a disposition of such violation, and shall not refer any such violation back to the city attorney.
- M. No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this Section, to avoid the mandatory penalties established by this Section. This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge.
- N. The alternatives set out in subsection A may be pleaded in the alternative, and city may, but shall not be required to elect one or more of the alternatives prior to submission of the case to the fact finder.
- O. For the purpose of determining whether a conviction is a first, second or third conviction in sentencing under this Section:
  1. Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;
  2. Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:
    - a. Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits;
    - b. Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
    - c. Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 2011 Supp. 21-5405, and amendments thereto; an
    - d. Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto; and
    - e. Aggravated battery as described in subsection (b)(3) of K.S.A. 21-5413, and amendments thereto;
  3. "Conviction" includes:



- a. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (P)(2);
  - b. Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense described in subsection (P)(1) or (P)(2);
- 4. It is irrelevant whether an offense occurred before or after conviction for a previous offense; and
- 5. Multiple convictions of any crime described in subsection (P)(1) or (P)(2) arising from the same arrest shall only be counted as one conviction.
- P. For the purposes of determining whether an offense is comparable, the following shall be considered:
  - 1. The name of the out-of-jurisdiction offense;
  - 2. The elements of the out-of-jurisdiction offense; and
  - 3. Whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.
- Q. For the purpose of this Section:
  - 1. "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;
  - 2. "Imprisonment" includes any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and
  - 3. "Drug" includes toxic vapors as such term is defined in K.S.A. 2010 Supp. 21-36a12, and amendments thereto.
- R. On and after July 1, 2012, the amount of \$250 from each fine imposed pursuant to this Section shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 75-52,113, and amendments thereto.

**Section Three:** Interpretation: This Ordinance shall be construed as follows:

A. Liberal Construction: The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

B. Savings Clause: The repeal of any Ordinance or Code Section, as provided herein, shall not revive an Ordinance previously repealed, nor shall the repeal affect any right which accrued, any duty imposed, any penalty incurred or any proceeding commenced, under or by virtue of the Ordinance repealed. Said Ordinance or Code

repealed continues in force and effect after the passage, approval, and publication of this Ordinance for the purpose of pursuing such rights, duties, penalties, or proceedings.

C. Invalidity: If for any reason any chapter, article, section, subsection, sentence, portion or part of this Ordinance, or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, City Code or other ordinances.

**Section Four**: Repeal: The existing City Code Sections 3-8-A-14 and 3-8-A-15 are hereby repealed.

**Section Five**: Effective Date: This Ordinance shall become effective on July 1, 2022, upon passage and publication of the ordinance summary in the official City newspaper as provided by State law.

PASSED BY the Governing Body this 21<sup>st</sup> day of June, 2022.

SIGNED BY the Mayor this 21<sup>st</sup> day of June, 2022.

CITY OF LENEXA, KANSAS

\_\_\_\_\_  
Michael A. Boehm, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Elizabeth M. Landau, City Prosecutor



**CITY COUNCIL  
MEMORANDUM**

**ITEM 12**

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**SUBJECT:** Resolution consenting to the assignment of the CID Development Agreement and the TIF Disposition and Development Agreement from Lane4 Property Group, Inc. to K10 Retreat, LLC (The Retreat on the Prairie Project)

**CONTACT:** Sean McLaughlin, City Attorney

**DATE:** June 21, 2022

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**ACTION NEEDED:**

Adopt a resolution consenting to the assignment of the CID Development Agreement (CID DA) and the TIF Disposition and Development Agreement (TIF DDA) from Lane4 Property Group, Inc. to K10 Retreat, LLC (The Retreat on the Prairie Project).

**PROJECT BACKGROUND/DESCRIPTION:**

On November 16, 2021, the City approved TIF Project Plan 8 and the associated TIF DDA and The Retreat on the Prairie Community Improvement District (CID) and the associated CID DA with Lane4 Property Group, Inc. ("Original Developer"). The Retreat on the Prairie Project contemplates the construction of a mixed-use development consisting of a multi-family residential complex and approximately five pad sites that will have various commercial uses including, but not limited to, retail, restaurants, office, convenience and gas station, and hotel located at the northwest corner of K-10 highway & Ridgeview Road ("Project"). The CID DA and TIF DDA include reimbursement of CID and TIF eligible improvement costs associated with the Project.

Subsequent to approval of the CID DA and the TIF DDA, the Original Developer formed a related entity to control the property and the Original Developer desires to assign all its rights, obligations, title, and interest under the CID DA and the TIF DDA, including its right to receive CID and TIF Revenues, to K10 Retreat, LLC ("Assignee"). The CID DA and the TIF DDA permit such an assignment and require the City's consent.

The assignment documents are available for review in the City Clerk's office.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

There are no financial implications to this assignment and the terms of the CID DA and TIF DDA remain the same. The City is merely consenting to an assignment between private parties.

**STAFF RECOMMENDATION:**

Adoption of the resolution.

## VISION / GUIDING PRINCIPLES ALIGNMENT:

### Vision 2040

Thriving Economy

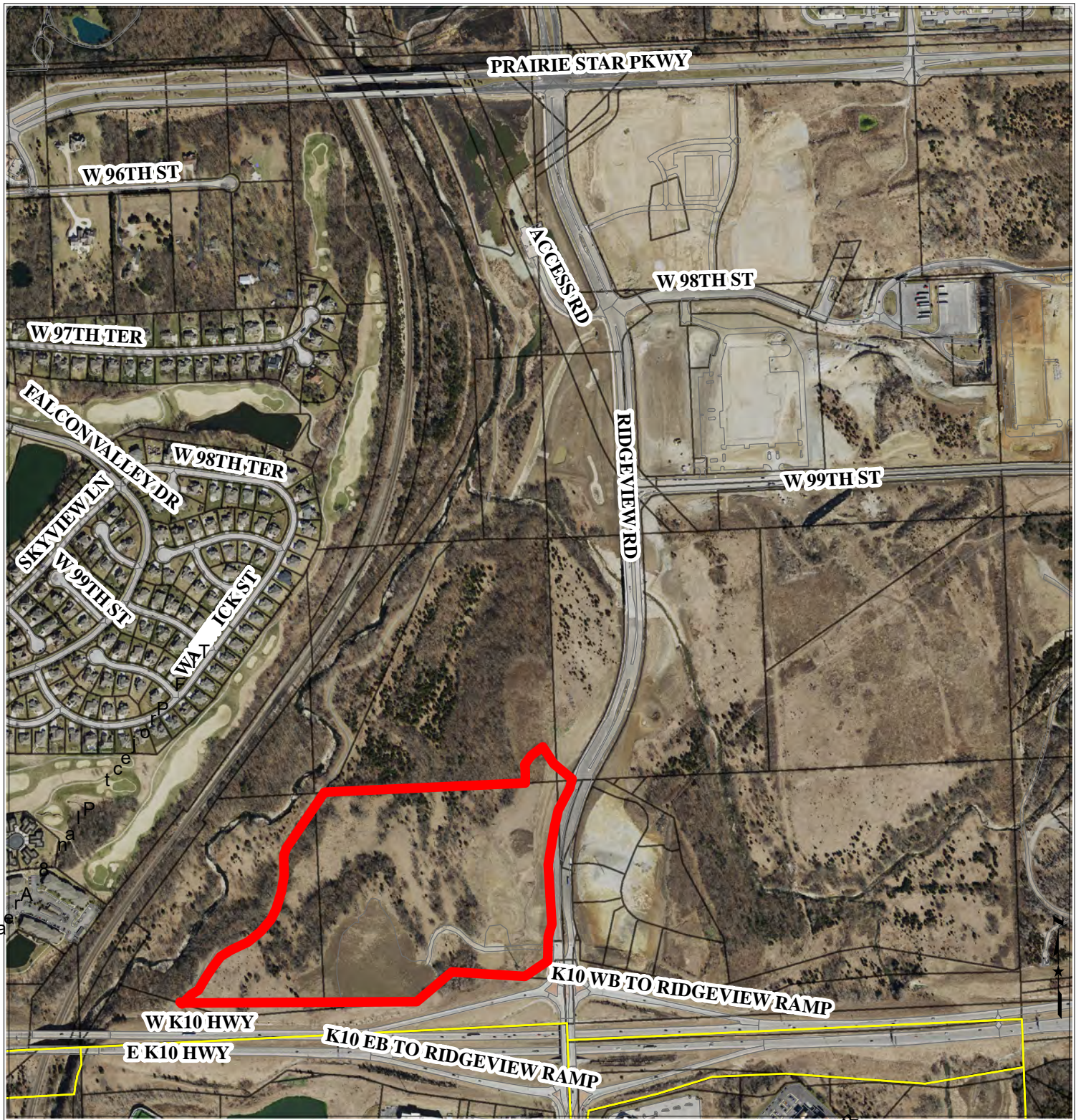
### Guiding Principles

Responsible Economic Development

## ATTACHMENTS

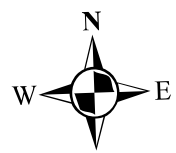
1. Map
2. Resolution





**Retreat on the Prairie  
Project Area**

0 190 380 760 1,140 1,520  
Feet





**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION CONSENTING TO THE ASSIGNMENT OF THE CID DEVELOPMENT AGREEMENT AND THE TIF DISPOSITION AND DEVELOPMENT AGREEMENT FROM LANE4 PROPERTY GROUP, INC. TO K10 RETREAT, LLC (THE RETREAT ON THE PRAIRIE PROJECT)**

**WHEREAS**, On November 16, 2021, the city of Lenexa, Kansas (**'City'**) approved Ordinance No. 5868 adopting a TIF Redevelopment Project Plan 8 (**'Project'**) in the Ridgeview Mining TIF District covering approximately 41 acres in the northwest corner of the intersection on K-10 Highway and Ridgeview Road (the **'Property'**); and

**WHEREAS**, on November 16, 2021, the City entered into a Disposition and Development Agreement (**'DDA'**) with Lane4 Property Group, Inc. (the **'Assignor'**) which DDA sets out the obligations and conditions under which Assignor is required to construct Project private improvements and the terms under which Assignor is entitled to certain TIF Revenues as defined therein; and

**WHEREAS**, On November 16, 2021, the City of Lenexa, Kansas (**'City'**) approved Ordinance No. 5869 adopting the Retreat on the Prairie CID Project; and

**WHEREAS**, on November 16, 2021, the City entered into a Development Agreement (**'DA'**) with the Assignor which DA sets out the obligations and conditions under which Assignor is required to construct the Project private improvements and the terms under which Assignor is entitled to certain CID Revenues as defined therein

**WHEREAS**, Assignor desires to assign all its rights, obligations, title and interest under the DDA and DA to K10 Retreat, LLC, a Kansas Limited liability company (the **'Assignee'**); and

**WHEREAS**, Assignee requests the City's consent to such assignment as set out in the respective DDA and DA Assignment & Assumption Agreement between Assignor & Assignee dated \_\_\_\_\_ (the **'Assignments'**) attached hereto as Exhibit A; and

**WHEREAS**, the City consents to such assignment subject to the terms and conditions recited in the Assignments.

**NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:**

**SECTION ONE:** The City Council hereby approves and authorizes the Mayor to consent to the Assignments of the DA and DDA by Assignor to Assignee, which document is attached as Exhibit A and incorporated herein by reference.

**SECTION TWO:** This Resolution shall be effective upon passage and execution by the Mayor.

**PASSED** by the City Council this 21<sup>st</sup> day of June, 2022.

**SIGNED** by the Mayor this 21<sup>st</sup> day of June, 2022.

**CITY OF LENEXA, KANSAS**

[SEAL]

By: \_\_\_\_\_  
Michael A. Boehm, Mayor

**Attest:**

\_\_\_\_\_  
Jennifer Martin, City Clerk

**Approved As To Form:**

\_\_\_\_\_  
Sean McLaughlin, City Attorney



**CITY COUNCIL  
MEMORANDUM**

**ITEM 13**

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**SUBJECT:** Ordinance approving a three-year Special Use Permit for Inspire Therapy, located at 10321 W. 84th Terrace, to allow Personal Instruction, General in the BP-2, Planned Manufacturing zoning district

**CONTACT:** Stephanie Kisler, Planning & Development Administrator  
Scott McCullough, Community Development Director

**DATE:** June 21, 2022

---

**ACTION NEEDED:**

Pass an ordinance approving a three-year Special Use Permit (SUP) for Inspire Therapy, located at 10321 W. 84th Terrace in the BP-2, Planned Manufacturing zoning district.

**APPLICANT:**

David Isaac, Inspire Therapy

**OWNER:**

PRH Holdings, LLC

**PROPOSED TENANT:**

Inspire Therapy

**PROPERTY ADDRESS:**

10321 W. 84th Terrace

**PROJECT BACKGROUND/DESCRIPTION:**

The applicant is requesting a three-year SUP to allow Personal Instruction, General in a multi-tenant space zoned BP-2, Planned Manufacturing. Inspire Therapy provides one-on-one learning and instruction for children and teens diagnosed with Autism Spectrum Disorder. Services include Applied Behavior Analysis (ABA) and speech and occupational therapy. This use is required to have an SUP in the BP-2 zoning district.

The building is 14,638 square feet and Inspire Therapy will occupy 9,010 square feet. The proposed use will have 20-25 employees and serve approximately 12 clients at a time. Clients will be dropped off and picked up at pre-determined times. Business hours will be 8 AM to 6 PM, Monday through Friday.

**STAFF RECOMMENDATION:**

Passage of the ordinance.

**PLANNING COMMISSION ACTION:**

This item was considered at the June 6, 2022, Planning Commission meeting. No one from the public spoke at the public hearing. Chairman Poss entertained a motion to recommend **APPROVAL**, moved by Commissioner Harber, seconded by Commissioner Horine, and carried by a unanimous voice vote.

## VISION / GUIDING PRINCIPLES ALIGNMENT:

### Vision 2040

Thriving Economy

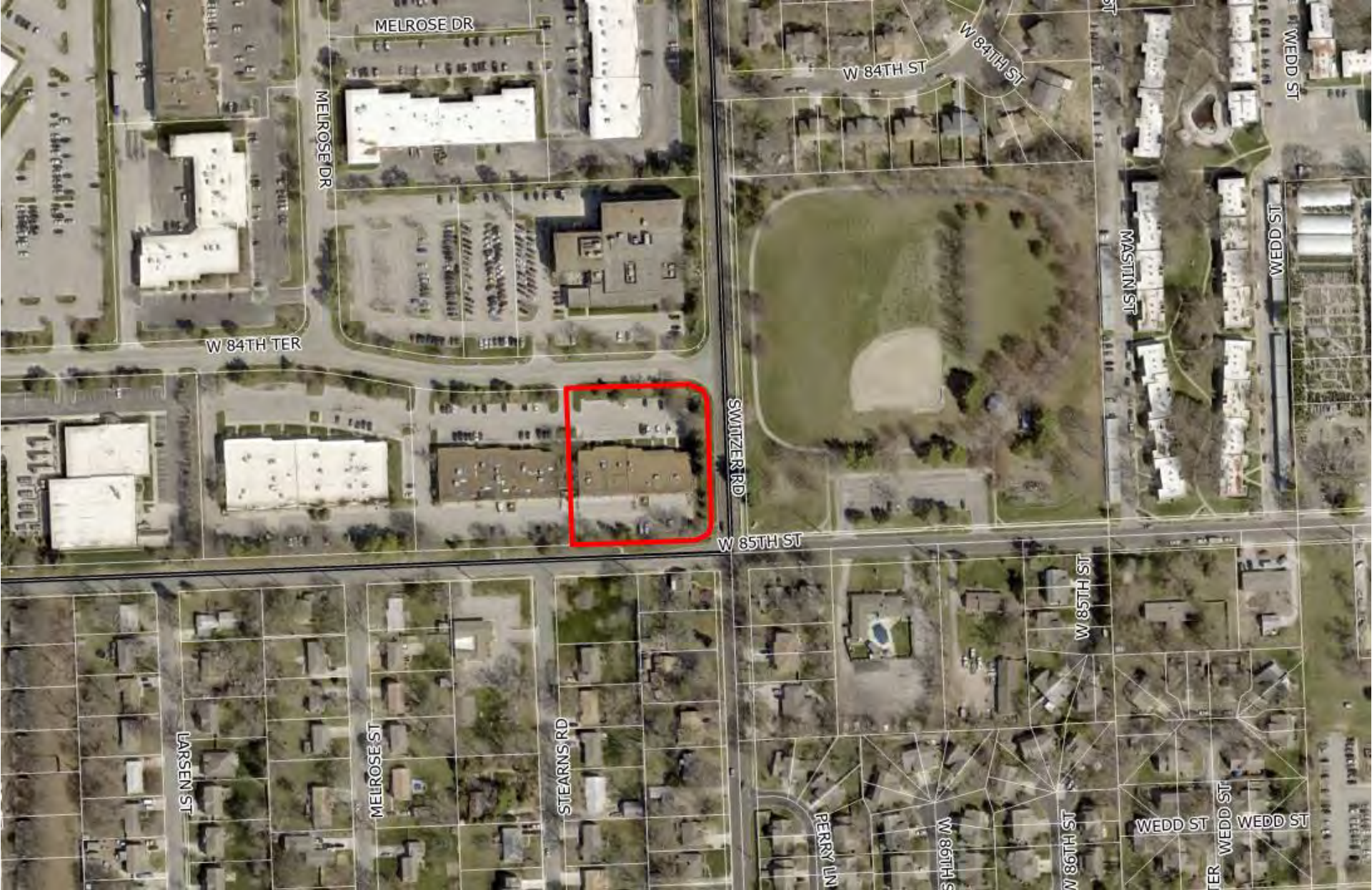
### Guiding Principles

Responsible Economic Development

## ATTACHMENTS

1. Map
2. PC Staff Reports & Exhibits
3. PC Draft Minutes Excerpt
4. Ordinance





Inspire Therapy

SU22-04 | 10321 W. 84<sup>th</sup> Terrace



**MEETING DATE:** June 6, 2022 - **PUBLIC HEARING REQUIRED**

**REGULAR AGENDA ITEM:** 3

**PROJECT TITLE:** Inspire Therapy

**PROJECT # / REQUEST:** SU22-04 – Special Use Permit

**APPLICANT:**  
David Isaac, Inspire Therapy

**OWNER:**  
PRH Holdings, LLC

**STAFF PLANNER:**  
Kimberly Portillo

**PROPERTY LOCATION:** 10321 W. 84<sup>th</sup> Terrace

#### **SUMMARY OF RECOMMENDATION**

Staff recommends **APPROVAL** for a Special Use Permit for a Personal Instruction, General use known as Inspire Therapy at 10321 W. 84<sup>th</sup> Terrace for a period of three years.

#### **PROPOSED PROJECT DESCRIPTION AND BACKGROUND INFORMATION**

The applicant is requesting approval of a Special Use Permit (SUP) to allow personal instruction, general use in the BP-2, Planned Manufacturing District. The proposal is for Inspire Therapy, which provides one-on-one learning and instruction for children and teens diagnosed with Autism Spectrum Disorder. Services include Applied Behavior Analysis (ABA) and Speech and Occupational Therapy, but does not include medical treatments requiring the use of medical equipment or devices.

Inspire Therapy's operations are classified as a "Personal Instruction, General" land use, which is defined within the Unified Development Code (UDC) as:

*An establishment primarily engaged in the provision of personal development instruction. Typical uses include, but are not limited to: art and music schools, gymnastic and dance studios, hobby and craft instruction, sports training, martial arts, volleyball, soccer, baseball, football, fencing, driving and computer instruction.*

Personal Instruction, General is allowed in the BP-2 Planned Manufacturing District with a SUP. Supplementary use regulations limit the initial term of a SUP to three years.

The proposed business would have approximately 20 and 25 employees with varying schedules between the hours of 8 a.m. and 6 p.m., Monday through Friday. There are currently 14 clients that have staggered arrival and pickup times. Standard arrival and pickup times are 8 a.m., 12 p.m., 4 p.m., and 6 p.m.



All activities will be contained within the building, with the exception of occasional walks across the street to the park. Clients will be with staff members at all times.

Access to the site is available from W. 84<sup>th</sup> Terrace, a local road. Switzer Road, a collector, is to the east and W. 85<sup>th</sup> Street, a local road is to the south.



Figure 1 Site plan provided by applicant.

**CURRENT ZONING:**  
BP-2 Planned Manufacturing District

**CURRENT USE:**  
Business Park

**ACREAGE:**  
1.54 acres

**PROPOSED ZONING:**  
BP-2 Planned Manufacturing District

**PROPOSED USE:**  
Personal Instruction

**BUILDING SQUARE FOOTAGE:**  
14,638 (9,010 for Inspire Therapy)



## COMPREHENSIVE PLAN RECOMMENDATION FOR AREA

**Business Park-** Developments providing space for uses that may include light assembly and manufacturing or warehousing and distribution. Settings may range from campus-like business parks to single-use buildings.

## SPECIAL USE PERMIT ANALYSIS

With regard to the review criteria contained within [Section 4-1-G-5](#) of the UDC, Staff has the following comments:

### 1. *The character of the neighborhood.*

The proposed center is at the northwest corner of Switzer Road and W. 85<sup>th</sup> Street and is at the Lenexa/Overland Park city limits to the east and south. Although the property is zoned Business Park, the surrounding uses in Overland Park (single-family homes and a park) give this area a more diverse context. The proposed location is one tenant space in a multi-tenant building that currently has one other occupant. Switzer Road is designated as a collector road.

### 2. *The zoning and use of properties nearby.*

#### VICINITY ZONING PATTERN:

**North:** BP-2 Planned Manufacturing District

**South:** R-1 Single Family Residential (Overland Park)

**East:** R-1 Single Family Residential (Overland Park)

**West:** BP-2 Planned Manufacturing District

#### VICINITY LAND USE PATTERN:

**North:** Business Park

**South:** Single-Family Residential (Overland Park)

**East:** Maple Hills Park (Overland Park)

**West:** Business Park

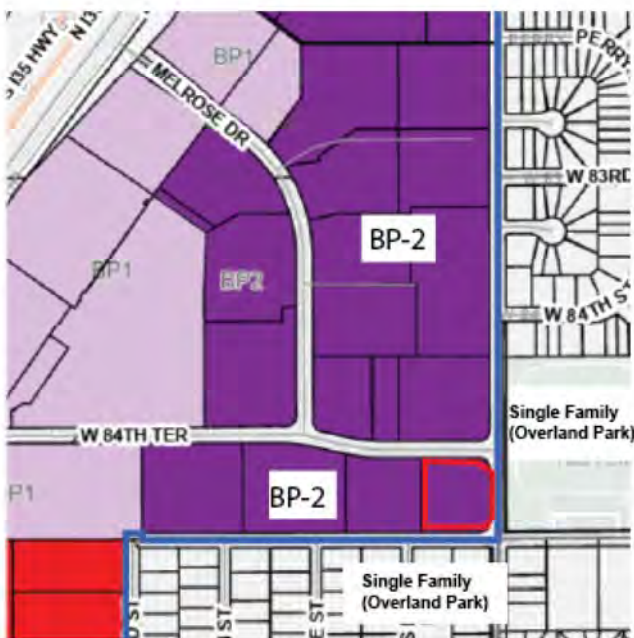


Figure 2 Surrounding zoning



Figure 3 Surrounding land uses.



3. ***The suitability of the subject property for the uses to which it has been restricted.***

The site is suitable for the use proposed, which has characteristics of an office use, which is allowed in the BP-2 district.

4. ***The extent to which the proposed use will detrimentally affect nearby property.***

General increase in traffic to the site will be concentrated at certain times of the day correlating with arrival of staff and clients but is expected to be low volume enough to not cause undue burden on surrounding properties and roadways.

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

The subject property is not vacant and is developed as a business park. The building was constructed in 1985. This criteria is not applicable.

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

There would be no gain to public health, safety, and welfare if this application is denied. The proposed use is a benefit to the community by providing services for special populations.

7. ***Recommendation of City's permanent professional staff.***

See staff's recommendation.

8. ***Conformance of the requested change to the adopted or recognized Master Plan being utilized by the City.***

The proposed use is allowed as a special use in the BP-2 zoning district, which aligns and conforms with the Business Park land use designation in the Master Plan.

9. ***The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water and electrical service, police and fire protection, schools, parks and recreation facilities, etc.***

The site is within a developed part of the City. Public utilities and services are adequate for the proposed use and are available to the site.

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

The applicant states that Inspire Therapy will have up to 25 employees, some on varying shifts, and currently has 14 clients. The bulk of employees will work Monday through Friday 8 a.m. to 4 p.m., with some staying until 6 p.m. Clients will not drive themselves but rather will be picked up and dropped off by their guardians. Guardians will park and staff members go to the vehicle to collect



clients and belongings from the car, and then guardians leave and come back at pick-up times. Drop-off and pick-up times vary by client based on clinical recommendations but are standard and would be at either 8 a.m., 12 p.m., 4 p.m. and 6 p.m.

The site has 41 parking stalls available in the front of the building and 20 at the rear. Staff are encouraged to park in the rear lot, leaving the front lot open for clients.

The building is a multi-tenant space with two uses; the proposed Inspire Therapy (personal instruction, general) and an existing wholesale/ warehousing tenant, WFLIII Drums.

Use Type	Required Standard	Parking Required	Parking Provided
Personal Instruction, General	.5 spaces per person in largest class, if multiple classes are going on at the same time then .5 spaces per person for each class, plus 1 space per employee	33	37
Wholesale and warehousing	1 space per 1,500 square feet	4	24

It is staff's opinion that the site contains adequate parking for Inspire Therapy and other tenants of the building.

11. ***The environmental impacts the proposed use will generate including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.***

The proposed use of the tenant space does not include any exterior modification to the building or site and would not have harmful environmental impacts.

12. ***The ability of the applicant to satisfy any requirements (e.g. site plan, etc.) applicable to the specific use imposed pursuant to the zoning regulations in this Chapter and other applicable ordinances.***

The applicant has demonstrated an ability to satisfy supplementary use regulations for Personal Instruction, General. This will be accomplished through limiting hours of operation and number of clients at a time as well as staggered client pick-up and drop-off schedules.

## INFORMATIONAL COMMENTS

The SUP is scheduled to be considered by the Governing Body on June 21, 2022.

## STAFF RECOMMENDATION

Staff recommends **APPROVAL** for a Special Use Permit for a Personal Instruction, General use known as Inspire Therapy, located at 10321 W. 84<sup>th</sup> Terrace within the BP-2 Planned Manufacturing District, for a period of three years.





# Inspire Therapy

## SU22-04 | 10321 W. 84<sup>th</sup> Terrace





Inspire Therapy is dedicated to enhancing the lives of children and teens through individualized learning. Our qualified team provides: direct, individualized ABA, Speech, and OT services within the community. It is our goal at Inspire Therapy to provide services in a compassionate, nurturing manner, that will lead to positive changes in the lives and future of those we serve.

Our primary focus at Inspire is treating those diagnosed with autism spectrum disorder. We provide a range of services (ABA, Speech, and OT) to our clients depending on their individual needs. We also see clients with other developmental disabilities.

Day to day treatment is provided in a day school like setting with one-on-one instruction. Our treatment is primarily based in play and our day is structured much like a home or preschool. Due to the nature of the treatments, we do not require any medical devices or equipment, but rather toys and educational materials.

You can find more information on our website at <https://inspiretherapycenters.com/>



# Peer Example: Willow ABA

10321-10333 W 84th Terrace  
Lenexa, Kansas 66214

14844 W 107th Street, Lenexa, KS



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# Peer Example: Willow ABA

10321-10333 W 84th Terrace  
Lenexa, Kansas 66214

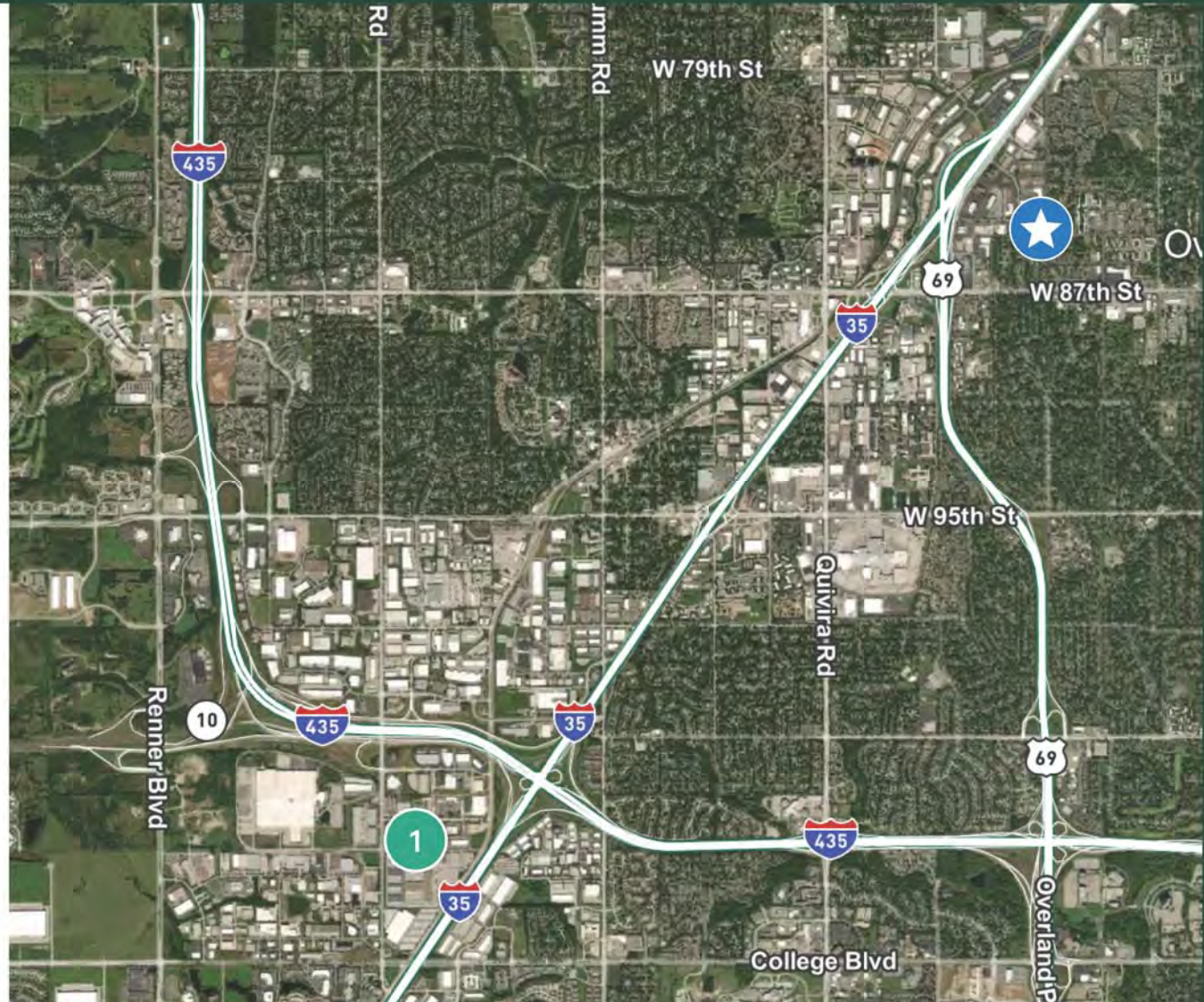
## BP-2 Zoned Therapy Practices

### Target Site: Inspire Therapy

★ 10333 W 84th Ter  
Lenexa, KS, 66214

### Existing Practice: Willow ABA

① 14844 W 107th St  
Lenexa, KS, 66215



**CITY OF LENEXA, KANSAS**  
**PLANNING COMMISSION MEETING MINUTES**  
**June 6, 2022**

**PUBLIC HEARING**

**1. Special Use Permit for Inspire Therapy located at 10321 W 84<sup>th</sup> Terrace, in the BP-2, Planned Manufacturing District. SU22-04**

*Consideration of a Special Use Permit to allow Personal Instruction, General, in the BP-2, Planned Manufacturing District*

**APPLICANT PRESENTATION:**

Josh Koch, an associate of CBRE, represented the applicants David and Amanda Isaac of Inspire Therapy. Josh assisted them with finding a location for their company. The business is currently operating in Shawnee County and this will be an expansion. Upon reaching out to the City, they were informed they needed a Special Use Permit to operate their business from this tenant space.

**STAFF PRESENTATION:**

Kimberly Portillo presented the Staff Report. The SUP is for a personal instruction, general use for Inspire Therapy. The nature of their business is working one on one providing learning services with those on the autism spectrum. They will take up a little more than half of the building and there is another existing tenant in the building. She showed an image of the zoning in the vicinity and noted this is on the border of Lenexa and Overland Park. She displayed a graphic of where the entrance is located and where the client and employee parking is located. The services would be inside the building except for the occasional walk to the park across Switzer Road. Staff recommends approval of the SUP for three years.

**PUBLIC HEARING:**

Chairman Poss opened the public hearing and asked if anyone wished to speak on this item. Hearing no comments from the public, Chairman Poss entertained a motion to CLOSE the public hearing. Moved by Commissioner Leib, seconded by Commissioner Handley, and carried by a unanimous voice vote.

**PLANNING COMMISSION DISCUSSION:**

Chairman Poss commented the application was straight forward and will fit well into the proposed area.

**MOTION:**

Chairman Poss entertained a motion to recommend **APPROVAL** for a Special Use Permit for a Personal Instruction, General use known as Inspire Therapy, located at 10321 W. 84<sup>th</sup> Terrace within the BP-2 Planned Manufacturing District, for a period of three years. Moved by Commissioner Harber, seconded by Commissioner Horine, and carried by a unanimous voice vote.



**SU 22-04**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A THREE-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED AT 10321 W. 84TH TERRACE, LENEXA, KANSAS.**

**WHEREAS**, on May 2, 2022, David Isaac, applicant for the owner of record, PRH Holdings, LLC, filed a request for a three-year special use permit to allow the use of Personal Instruction, General on property located at 10321 W. 84th Terrace, in a BP-2, Planned Manufacturing District; and

**WHEREAS**, on June 6, 2022, the Lenexa Planning Commission held a public hearing to hear the request for said special use permit. Notice for the public hearing was provided in accordance with K.S.A. 12-757; and

**WHEREAS**, on June 6, 2022, the Lenexa Planning Commission recommended approval of a three-year special use permit to allow the use of Personal Instruction, General, on property located at 10321 W. 84th Terrace, in a BP-2, Planned Manufacturing District, as reflected in the minute record for said meeting; and

**WHEREAS**, on June 21, 2022, the Governing Body considered the request and Planning Commission recommendation, as reflected in the minute record for said meeting;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:**

**SECTION ONE:** That the Governing Body hereby approves the issuance of a three-year special use permit to allow the use of Personal Instruction, General, on property located at 10321 W. 84th Terrace, in a BP-2, Planned Manufacturing District, without any stipulations as reflected in the minute record of the June 6, 2022, Governing Body meeting for the real estate described as:

PINE RIDGE BUSINESS PARK FIRSTPLAT LT 6 BG 82.31' E SW CR LT6 N 274.14' TO N/L E ALG N/L 209.54' ALG CUR RT 59.69' S 198.05' ALG CUR RT 59.67' W 209.71' TO POB LEC 19 6

**SECTION TWO:** The Clerk of the City of Lenexa, Kansas, is hereby authorized and directed to record the issuance of this three-year special use permit in accordance with the above and foregoing change including notation upon the City's official land use map.

**SECTION THREE:** This Ordinance shall be construed as follows:

- A. Liberal Construction. This Ordinance shall be liberally construed to effectively carry out its purposes that are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.
- B. Savings Clause. The repeal of any ordinance or code section, as provided herein, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or any action or proceeding commenced under or by virtue of the ordinance or code section repealed. Any ordinance or code section repealed continues in force and effect after the passage, approval, and publications of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities, and proceedings.
- C. Invalidity. If for any reason any chapter, article, section, subsection, sentence, portion, or part of this Ordinance, or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, the Lenexa City Code, or other ordinances.

**SECTION FOUR:** This Ordinance shall take effect and be in force from and after publication of an ordinance summary in the City's official newspaper as provided by State law.

**PASSED** by the Governing Body June 21, 2022.

**SIGNED** by the Mayor June 21, 2022.

CITY OF LENEXA, KANSAS

\_\_\_\_\_  
Michael A. Boehm, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alexander J. Aggen, Assistant City Attorney



**CITY COUNCIL  
MEMORANDUM**

**ITEM 14**

**SUBJECT:** Ordinance approving a three-year Special Use Permit for Sacred Processes, located at 9716 Rosehill Road, to allow Personal Services in the NP-O, Planned Neighborhood Office zoning district

**CONTACT:** Stephanie Kisler, Planning & Development Administrator  
Scott McCullough, Community Development Director

**DATE:** June 21, 2022

**ACTION NEEDED:**

Pass an ordinance approving a three-year Special Use Permit (SUP) for Sacred Processes, located at 9716 Rosehill Road, to allow Personal Services in the NP-O, Planned Neighborhood Office zoning district.

**APPLICANT:**

Nicole Maharaj, Sacred Processes

**OWNER:**

Bristol Court, LLC

**PROPOSED TENANT:**

Sacred Processes

**PROPERTY ADDRESS:**

9716 Rosehill Road

**PROJECT BACKGROUND/DESCRIPTION:**

The applicant is requesting an SUP to allow Personal Services in the multi-tenant office building located at 9716 Rosehill Road. The office building is 6,727 square feet in floor area and Sacred Processes will occupy 1,496 square feet. This use is allowed by approval of an SUP in the NP-O zoning district.

Sacred Processes is a holistic health service provider that works with clients on an individual, appointment-only basis, and offers healing prayer and vibrational tone therapy. There are two employees with three to six clients each anticipated daily. Sacred Processes is co-locating in this space with The Colon Care Center, which has one employee and takes clients on a one-on-one appointment basis. The intensity of this use will be similar to surrounding office uses.

**STAFF RECOMMENDATION:**

Passage of the ordinance.

**PLANNING COMMISSION ACTION:**

This item was considered at the June 6, 2022, Planning Commission meeting. There were no comments from the public during the public hearing. Chairman Poss entertained a motion to recommend

**APPROVAL**, moved by Commissioner Handley, seconded by Commissioner Horine, and carried by a unanimous voice vote.

## VISION / GUIDING PRINCIPLES ALIGNMENT:

### Vision 2040

Thriving Economy

### Guiding Principles

Responsible Economic Development

## ATTACHMENTS

1. Map
2. PC Staff Report & Exhibits
3. PC Draft Minutes Excerpt
4. Ordinance



## Sacred Processes

SU22-06 | 9716 Rosehill Road





**MEETING DATE:** June 6, 2022 - **PUBLIC HEARING REQUIRED**

**REGULAR AGENDA ITEM:** 5

**PROJECT TITLE:** Sacred Processes

**PROJECT # / REQUEST:** SU22-06 – Special Use Permit

**APPLICANT:**

Nicole Maharaj, Sacred Processes

**OWNER:**

Bristol Court LLC

**STAFF PLANNER:**

Kimberly Portillo

**PROPERTY LOCATION:** 9716 Rosehill Road

**SUMMARY OF RECOMMENDATION**

Staff recommends **APPROVAL** for a Special Use Permit for a Personal Services use for Sacred Processes, located at 9716 Rosehill Road in the NP-O Zoning District for a period of three years.

**PROPOSED PROJECT DESCRIPTION AND BACKGROUND INFORMATION**

The applicant is requesting approval for a Special Use Permit (SUP) to allow personal services in the NP-O Planned Neighborhood Office District. Sacred Processes is a holistic health service provider that provides services through prayer on an appointment-only basis. There are two employees with 3-6 clients each anticipated daily. In addition, Sacred Processes is co-locating in this space with The Colon Care Center, which has one employee and takes clients on a one-on-one appointment basis.

Sacred Processes has been classified as a Personal Services use, which is defined as:

*An establishment primarily engaged in the provision of frequently or recurrently needed services of a personal nature. Typical uses include, beauty and barbershops, tanning and nail salons, weight loss centers, shoe shines, portrait studios, custom tailoring and seamstress, and establishments which provide massage therapy subject to the licensing provisions in this City Code.*

A personal services use is only allowed in the NP-O Zoning District with approval of a SUP. It is not subject to any supplementary use regulations.

The prayer services offered by Sacred Processes sometimes include the use of vibrational tones played through a speaker. These tones would not be played at such a level to be heard from outside of the room or tenant space. All services provided are to occur within the building.

The proposed location is one tenant space in a multi-use building, constructed in 1984. A shared parking lot serves this building as well as a second building constructed in 1982. The two buildings house insurance offices, marketing offices, and other office uses.

The buildings were platted as condominiums by the Bristol Court Office Condominiums final plat in 1984 and the subject building was part of the Bristol Court Office Condominiums Second Plat, a replat of Tract A of the original plat in 2007.

**CURRENT ZONING:**

NP-O, Planned Neighborhood Office

**PROPOSED ZONING:**

NP-O Planned Neighborhood Office

**CURRENT USE:**

Office

**PROPOSED USE:**

Personal services

**ACREAGE:**

.02 acre

**BUILDING SQUARE FOOTAGE:**

6,727 (1,496 for the tenant space at 9716)

<b>COMPREHENSIVE PLAN RECOMMENDATION FOR AREA</b>
---

**Office-** Designated for businesses with little or no sales of product, manufacturing, or warehousing. Examples include both campus-type development as well as single buildings and could include both single and multiple tenants.

<b>SPECIAL USE PERMIT ANALYSIS</b>
------------------------------------

With regard to the review criteria contained within [Section 4-1-G-5](#) of the UDC, Staff has the following comments:

**1. *The character of the neighborhood.***

The proposed use is located in the Bristol Court Office Condominiums Second Plat. The property is located off Rosehill Road between Lord Nelson Drive and 96<sup>th</sup> Terrace. This section of Rosehill Road contains mixed commercial and apartment uses. Nearby uses include hotels, apartments, office, small stores, and Rosehill Elementary School.

**2. *The zoning and use of properties nearby.***

**VICINITY ZONING PATTERN:**

**North:** CP-2 Planned Community  
Commercial

**South:** NP-O Planned Neighborhood Office

**East:** RP-4 Planned Residential (High  
Density)

**West:** CP-2 Planned Community  
Commercial

**VICINITY LAND USE PATTERN:**

**North:** Office

**South:** Childcare

**East:** Motel

**West:** Apartment Complex



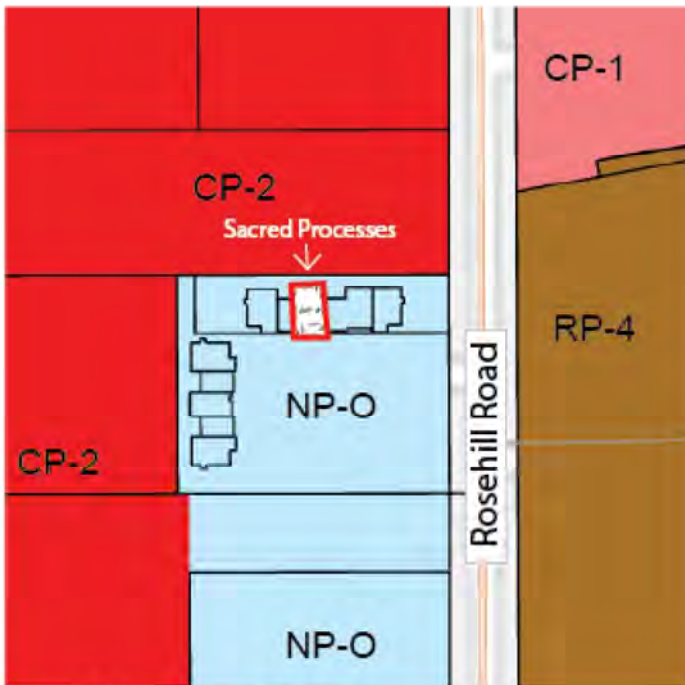


Figure 1 Surrounding zoning.



Figure 2 Surrounding uses.

**3. The suitability of the subject property for the uses to which it has been restricted.**

The property has been designated for office use. Sacred Processes would offer one-on-one client interactions with characteristics similar to an office use.

**4. The extent to which the proposed use will detrimentally affect nearby property.**

The proposed use will not detrimentally affect nearby property due to the low volume of clients and visitors daily, and the nature of the activities that are contained within the building. Surrounding uses in the building are office and include insurance, sales, consulting, and similar uses.

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

The site is occupied by an office building that was constructed in 1984. The tenant space at 9716 most recently held a business license that expired in 2018.

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

It is staff's opinion that there would be no relative gain to public health, safety, and welfare due to the denial of the application.

**7. Recommendation of City's permanent professional staff.**



See staff's recommendation.

8. ***Conformance of the requested change to the adopted or recognized Master Plan being utilized by the City.***

The proposed use is allowed as a special use in the NP-O Zoning District, which aligns and conforms with the office land use designation in the Master Plan.

9. ***The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water and electrical service, police and fire protection, schools, parks and recreation facilities, etc.***

The site is within a developed part of the city. Utilities and services exist.

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

The proposed use will generate relatively low traffic and parking due to the consideration that there will only be three staff and each staff will only take on one client at a time. The property owner has expressed that there is not currently an overburden on available parking and there are no concerns from existing tenants related to parking.

Use Type	Required Standard	Parking Required	Parking Provided
Personal Services (Sacred Processes)	1 space per 200 square feet plus one space per employee	6	6
Personal Instruction (ColonCare)	.5 spaces per person in largest class, if multiple classes are going on at the same time then .5 spaces per person for each class plus one space per employee	2	2
Office	1 space per 250 square feet	38	38

11. ***The environmental impacts the proposed use will generate including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.***

The proposed SUP does not include any additions or modifications to the exterior of the structure or site. No environmental impacts are anticipated by this use.

12. ***The ability of the applicant to satisfy any requirements (e.g. site plan, etc.) applicable to the specific use imposed pursuant to the zoning regulations in this Chapter and other applicable ordinances.***

The applicant is capable of meeting applicable zoning regulations and other applicable ordinances.

## INFORMATIONAL COMMENTS

The SUP is scheduled to be considered by the Governing Body on June 21, 2022.

<b>STAFF RECOMMENDATION</b>
-----------------------------

Staff recommends **APPROVAL** for a Special Use Permit for a Personal Services use for Sacred Processes, located at 9716 Rosehill Road in the NP-O Zoning District for a period of three years.





## Sacred Processes

### SU22-06 | 9716 Rosehill Road

To: City of Lenexa, KS  
From: Sacred Processes  
Subject: Special Use Permit at 9716 Rosehill Road

We are applying for a Special Use Permit for this location to continue our (Virginia and Nici's) Sacred Processes business relocating from Kansas City, MO and teaming up with Rosie Matchette's Colon Care Center as our philosophies of holistic health and anti-drug use are similar. We all had to relocate in divine timing and decided to share this office space in Lenexa due to its prime location and professional appearance.

The association evolved with Rosie as her previous office building was sold after being a tenant for many years and the common interest in a professional building location. Given the move, the location at 9716 Rosehill Road fit criteria providing a separate entrance, adequate parking and lighting in a safe neighborhood.

All three business associates use scheduling systems to manage their appointment only clientele. Each will use one parking spot during their schedule times which will be Monday through Saturday between 8am and 6pm.

The anticipated clients will average 3-6 per person daily depending on appointment and service required. Sacred Processes works with clients locally and throughout the area from holistic fairs who will travel to Lenexa to take advantage of the service offerings.

The Colon Care Center has a well established clientele of 6,000 plus over the years including outside of Kansas City Metro and the U.S.

Thank you for your support.

Sincerely,

R. Virginia Sepulveda and Nici Maharaj



**CITY OF LENEXA, KANSAS**  
**PLANNING COMMISSION MEETING MINUTES**  
**June 6, 2022**

**PUBLIC HEARING**

**1. Special Use Permit for Sacred Processes located at 9716 Rosehill Road, in the NP-O, Planned Neighborhood Office District. SU22-06**

*Consideration of a Special Use Permit to allow for Personal Services in the NP-O, Planned Neighborhood Office Zoning District*

**APPLICANT PRESENTATION:**

Nicole Maharaj and Virginia Sepulveda, business associates for Sacred Processes, came before the Planning Commission to request a SUP for personal services.

**STAFF PRESENTATION:**

Kimberly Portillo presented the Staff Report. The applicant proposes to operate a personal services type use. She displayed an aerial image of the site to show the business office development. The parking lot has capacity for the use. The business likely is a low intensity use. They will share space with another low intensity user. She showed an image with the zoning in the vicinity. Staff recommends approval of the SUP for 3 years.

**PUBLIC HEARING:**

Chairman Poss **OPENED** the public hearing and asked if anyone wished to speak on this item. Hearing no comments from the public, Chairman Poss entertained a motion to **CLOSE** the public hearing. Moved by Commissioner Horine, seconded by Commissioner Katterhenry, and carried by a unanimous voice vote.

**PLANNING COMMISSION DISCUSSION:**

There was no discussion.

**MOTION:**

Chairman Poss entertained a motion to recommend **APPROVAL** for a Special Use Permit for a Personal Services use for Sacred Processes, located at 9716 Rosehill Road in the NP-O Zoning District for a period of three years. Moved by Commissioner Handley, seconded by Commissioner Horine, and carried by a unanimous voice vote.

**SU 22-06**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING A THREE-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED AT 9716 ROSEHILL ROAD, LENEXA, KANSAS.**

**WHEREAS**, on May 2, 2022, Nicole Maharaj, applicant for the owner of record, Bristol Court, LLC, filed a request for a three-year special use permit to allow the use of Personal Services on property located at 9716 Rosehill Road, in an NP-O, Planned Neighborhood Office District; and

**WHEREAS**, on June 6, 2022, the Lenexa Planning Commission held a public hearing to hear the request for said special use permit. Notice for the public hearing was provided in accordance with K.S.A. 12-757; and

**WHEREAS**, on June 6, 2022, the Lenexa Planning Commission recommended approval of a three-year special use permit to allow the use of Personal Services on property located at 9716 Rosehill Road in an NP-O, Planned Neighborhood Office District, as reflected in the minute record for said meeting; and

**WHEREAS**, on June 21, 2022, the Governing Body considered the request and Planning Commission recommendation, as reflected in the minute record for said meeting;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:**

**SECTION ONE:** That the Governing Body hereby approves the issuance of a three-year special use permit to allow the use of Personal Services on property located at 9716 Rosehill Road, in an NP-O, Planned Neighborhood Office District, without any stipulations as reflected in the minute record of the June 21, 2022, Governing Body meeting for the real estate described as:

BRISTOL COURT OFFICE CONDOMINIUMS SECOND PLAT LOT 8 AND AN UNDIVIDED INTEREST IN COMMON AREAS AND FAC LEC 212 A 8

**SECTION TWO:** The Clerk of the City of Lenexa, Kansas, is hereby authorized and directed to record the issuance of this three-year special use permit in accordance with the above and foregoing change including notation upon the City's official land use map.

**SECTION THREE:** This Ordinance shall be construed as follows:

- A. Liberal Construction. This Ordinance shall be liberally construed to effectively carry out its purposes that are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

- B. Savings Clause. The repeal of any ordinance or code section, as provided herein, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or any action or proceeding commenced under or by virtue of the ordinance or code section repealed. Any ordinance or code section repealed continues in force and effect after the passage, approval, and publications of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities and proceedings.
- C. Invalidity. If for any reason any chapter, article, section, subsection, sentence, portion, or part of this Ordinance, or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, the Lenexa City Code, or other ordinances.

**SECTION FOUR:** This Ordinance shall take effect and be in force from and after publication of an ordinance summary in the City's official newspaper as provided by State law.

**PASSED** by the Governing Body June 21, 2022.

**SIGNED** by the Mayor June 21, 2022.

CITY OF LENEXA, KANSAS

\_\_\_\_\_  
Michael A. Boehm, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alexander J. Aggen, Assistant City Attorney





**CITY COUNCIL  
MEMORANDUM**

**ITEM 15**

**SUBJECT:** Ordinance approving a three-year Special Use Permit renewal for Moroney Landscape, located at 27145 W. 83rd Street, to allow Maintenance Services in the AG, Agricultural zoning district

**CONTACT:** Stephanie Kisler, Planning & Development Administrator  
Scott McCullough, Community Development Director

**DATE:** June 21, 2022

**ACTION NEEDED:**

Pass an ordinance approving a three-year Special Use Permit (SUP) renewal for Moroney Landscape, located at 27145 W. 83rd Street, to allow Maintenance Services in the AG, Agriculture zoning district.

**APPLICANT:**

Blakelund Moroney, Moroney Landscape LLC

**OWNER:**

Blakelund and Paige Moroney

**PROPOSED TENANT:**

Moroney Landscape LLC

**PROPERTY ADDRESS:**

27145 W. 83rd Street

**PROJECT BACKGROUND/DESCRIPTION:**

The applicant is requesting a SUP renewal to allow a landscape company on residential property located at 27145 W. 83rd Street. Maintenance Services is an allowed use with approval of an SUP in the AG, Agricultural zoning district. There was a previous SUP for the same use (SU19-05), which was approved by the Governing Body in April 2019 for a period of three years.

The property is 21.5 acres, and approximately three acres of the property will be used by the landscape company. The areas to be used for the business include:

- A carport for covered parking of vehicles. Employees will park their personal vehicles here for the day and use company trucks parked on-site.
- Two barns for storage. The majority of the landscape operations will take place in the 4,000 square foot barn to the south of the residence. Indoor storage includes materials, equipment, and machinery.
- An outdoor storage area. Outdoor storage will consist of parked trucks, trailers on the gravel drive, and materials on pallets in the designated exterior material storage location.

Employees will visit the site between the hours of 7 AM and 7 PM from April to November for pick-up and drop-off, with a typical day having five employee vehicles parked. The applicant requested a 10-year SUP

and an expansion in employees from 10 to 20.

A site inspection was conducted by staff on May 26, 2022, and piles of brush and used mulch were being kept on the property, in violation of the previously approved condition that all waste materials shall be placed in the dumpster and not stored elsewhere on the property. The applicant was given notice that these piles must be removed from the property by June 12, 2022. A follow-up inspection was conducted on June 13, 2022 and the pile of mulch had been partially removed but was still present and the pile of brush remained.

As noted below, the Planning Commission questioned the applicant's ability to properly maintain the site and comply with the conditions of the SUP and ultimately recommended a three-year SUP (the applicant requested 10 years and staff recommended five years). Given the inability of the applicant to timely remove the piles, the Governing Body may desire to modify the conditions to further shorten the time period with the intention of monitoring the performance of the applicant in complying with the conditions. Staff could inspect the property on a routine basis and track such performance should the applicant apply for an extension of the SUP after it expires.

The Planning Commission recommended a three-year time limit with the following conditions:

1. The applicant continues to work with Community Development to remedy property maintenance concerns through the rental license process.
2. All waste materials shall be placed in the dumpster and not stored elsewhere on the site.
3. No grinding of tree debris on the property.
4. If any new buildings or additional uses, such as plant nursery, should be used for the landscape business, a revised SUP and plan approval shall be required.
5. Outdoor storage of materials and vehicle parking shall be as indicated on the site plan included with the application. Outdoor storage is to be kept on pallets or in neatly organized piles and is to include only unused materials and excludes debris removed from job sites.
6. The number of employees shall be limited to 10, including the owner(s).
7. The applicant must maintain a valid rental and business license.

Section [4-1-G-4-F](#) outlines the actions that the Governing Body may take:

1. Adopt the recommendation of the Planning Commission by simple majority;
2. Overturn or amend the Planning Commission's recommendation by a 2/3 majority vote of the membership of the Governing Body; or
3. Remand such recommendation to the Planning Commission with a statement specifying the basis for the Governing Body's failure to approve or disapprove.

If the Governing Body decides to overturn or amend the Planning Commission's recommendation and approve the SUP with different conditions, then staff offers the following condition, in addition to the conditions recommended by the Planning Commission, to address the matters discussed above:

- The special use permit shall expire one year after Governing Body approval. Staff shall inspect the property on a quarterly basis for compliance with the conditions of the special use permit.

**STAFF RECOMMENDATION:**

Passage of the ordinance.

**PLANNING COMMISSION ACTION:**

This item was considered at the June 6, 2022, Planning Commission meeting. There were no comments from the public during the public hearing.

Commissioner Burson noted photos of brush piles and property maintenance violations included within the meeting packet and expressed concerns that the original conditions were not being met. He asked the applicant if they could follow the conditions. Blakelund Moroney said yes, he would follow the conditions. He is working on improvements to the rental house. Commissioner Burson said he is concerned that the applicant does not seem aware of what is on his property and urged the applicant to take care of the property. There was additional discussion about the lack of following the existing condition related to outdoor storage on the property, the appropriate time period for the SUP, and the appropriate number of employees. There was consensus that the number of employees should remain limited to no more than 10 and that the SUP time period should be three years.

Chairman Poss entertained a motion to recommend **APPROVAL** for a three-year period with the following conditions:

1. The applicant continues to work with Community Development to remedy property maintenance concerns through the rental license process.
2. All waste materials shall be placed in the dumpster and not stored elsewhere on the site.
3. No grinding of tree debris on the property.
4. If any new buildings or additional uses, such as plant nursery, should be used for the landscape business, a revised SUP and plan approval shall be required.
5. Outdoor storage of materials and vehicle parking shall be as indicated on the site plan included with the application. Outdoor storage is to be kept on pallets or in neatly organized piles and is to include only unused materials and excludes debris removed from job sites.
6. The number of employees shall be limited to 10 including the owner(s).
7. The applicant must maintain a valid rental and business license.

Moved by Commissioner Leib, seconded by Commissioner Burson, and carried by a unanimous voice vote.

## VISION / GUIDING PRINCIPLES ALIGNMENT:

### Vision 2040

Thriving Economy

### Guiding Principles

Responsible Economic Development

## ATTACHMENTS

1. Map
2. PC Staff Report & Exhibits
3. PC Draft Minutes Excerpt
4. Ordinance





## Moroney Landscape

SU22-03 | 27145 W. 83<sup>rd</sup> St.



**MEETING DATE:** June 6, 2022 - **PUBLIC HEARING REQUIRED**

**REGULAR AGENDA ITEM: 2**

**PROJECT TITLE:** Moroney Landscape

**PROJECT # / REQUEST:** SU22-03 – Special Use Permit

**APPLICANT & OWNER:**

Blakelund Moroney, Moroney Landscape LLC

**STAFF PLANNER:**

Kimberly Portillo

**PROPERTY LOCATION:** 27145 West 83<sup>rd</sup> Street

**SUMMARY OF RECOMMENDATION**

Staff recommends **APPROVAL** for a Special Use Permit for a Maintenance Services use for Moroney Landscape LLC at 27145 W. 83<sup>rd</sup> Street for five (5) years with the following conditions:

1. The applicant continues to work with Community Development to remedy property maintenance concerns through the rental license process.
2. All waste materials shall be placed in the dumpster and not stored elsewhere on the site.
3. No grinding of tree debris on the property.
4. If any new buildings or additional uses, such as plant nursery, should be used for the landscape business, a revised SUP and plan approval shall be required.
5. Outdoor storage of materials and vehicle parking shall be as indicated on the site plan included with the application. Outdoor storage is to be kept on pallets or neatly organized piles and is to include only unused materials and excludes debris removed from job sites.
6. The number of employees shall be limited to 10 including the owner(s).
7. The applicant must maintain valid rental and business licenses.

**PROPOSED PROJECT DESCRIPTION AND BACKGROUND INFORMATION**

This is a request for a Special Use Permit (SUP) to continue operating a Maintenance Services business at an existing an occupied single-family residence. Maintenance services is an allowed use with approval of an SUP in the AG Zoning District. This is a request for a renewal of a SUP (SU19-05), which was approved by the Governing Body in April 2019 for a period of three years with the following stipulations:

1. All waste materials shall be placed in the dumpster and not stored elsewhere on the site.
2. No grinding of tree debris on the property.
3. If any new buildings should be used for the landscape business, a revised SUP and plan approval shall be required.
4. Outdoor storage of materials and vehicle parking shall be as indicated on the site plan included with the application.
5. The number of employees shall be limited to 10 including the owner(s).



The applicant is requesting that the new SUP allow for up to 20 employees and be approved for a period of ten years. The applicant stated that at this time, there are only five employees but that this provision would allow them to grow in the future.

In addition to this application, the applicant submitted a rental license application for the home on the property and a business license, subject to approval of this SUP.

Of the 21.5 acres, approximately 3 acres, or 14% of the property will be used for the landscape company. Employees will visit the site in the morning, park their personal vehicles, and ride together in a company vehicle to jobsites. At the end of the day employees will return to their vehicles and depart. Equipment and material will also be loaded onto trucks and trailers to be brought to jobsites and returned for storage after. Employees will visit the site between the hours of 7 a.m. and 7 p.m. from April to November for pick-up and drop-off, with a typical day having 5 employee vehicles parked. Work is minimal during the remainder of the year. This is unchanged from the initial SUP approval. The areas to be used for the business include:

1. A carport for covered parking of vehicles. Employees will park their personal vehicles here for the day and use company trucks parked on-site.
2. Two barns for storage. The majority of the landscape operations will take place in the 4,000 sq. ft. barn to the south of the residence. Indoor storage includes materials, equipment, and machinery.
3. An outdoor storage area. Outdoor storage will consist of parked trucks, trailers on the gravel drive and materials on pallets in the designated exterior material storage location.



Figure 1: Site plan provided by applicant.



The applicant also requested the ability to have a nursery use at this location in the future, but does not have any plans to operate the nursery immediately. In the future, if the applicant wants to open a nursery an update to the SUP is required.

**CURRENT ZONING:**  
AG, Agricultural District

**PROPOSED ZONING:**  
AG, Agricultural District

**CURRENT USE:**  
Single-family residence

**PROPOSED USE:**  
Single-family residence and maintenance services

**ACREAGE:**  
21.52

#### COMPREHENSIVE PLAN RECOMMENDATION FOR AREA

**Low-Density Residential-** Low density detached single-family housing not exceeding a gross density of one dwelling unit per acre, preferable incorporating lot clustering to protect environmentally sensitive areas.

#### SPECIAL USE PERMIT ANALYSIS

With regard to the review criteria contained within [Section 4-1-G-5](#) of the UDC, Staff has the following comments:

**1. *The character of the neighborhood.***

The neighborhood is rural in character but has recently seen some proposed development with the approval of Stoneridge single-family subdivision approximately .1 mile to the east of this site along W. 83<sup>rd</sup> Street. Across W. 83<sup>rd</sup> Street to the direct northeast a rezoning and preliminary plan were recently approved for the development of single-family lots in the Riverbend subdivision. Immediate adjacent parcels are used for hay, farming, and other agricultural purposes, with the Olathe Water Treatment plant to the south.

**2. *The zoning and use of properties nearby.***

**VICINITY ZONING PATTERN:**

**North:** AG Agricultural  
**South:** AG Agricultural  
**East:** AG Agricultural  
**West:** AG Agricultural

**VICINITY LAND USE PATTERN:**

**North:** Single-family home  
**South:** Undeveloped  
**East:** Olathe Water Treatment Plant  
**West:** Undeveloped



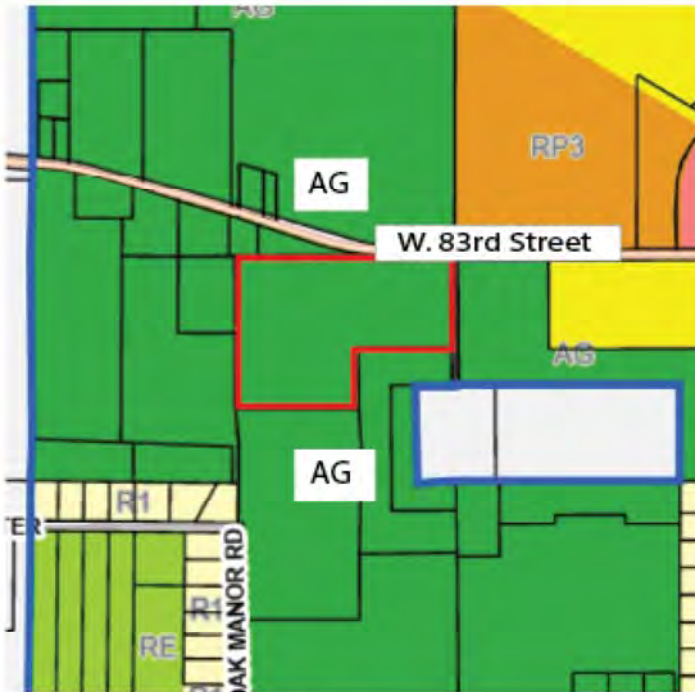


Figure 2 Surrounding zoning.



Figure 3 Surrounding land uses.

**3. The suitability of the subject property for the uses to which it has been restricted.**

This property is suitable for agricultural uses. The maintenance services use will be limited to approximately 3 acres of the 21-acre site. This will entail the parking of work vehicles and storage of landscape materials.

**4. The extent to which the proposed use will detrimentally affect nearby property.**

The proposed use has existed at the property for the past three years. Staff is not aware of any complaints from neighboring properties. The primary function of this space is storage of vehicles and materials, which will need to be appropriately maintained so as not to become a nuisance.

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

The property is not vacant. A single-family home exists on the property, built in 1958, and there are several accessory structures. A previous SUP allowed maintenance services.

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

Denial of this application would not produce a gain to public health, safety, and welfare as long as the stipulations are complied with.



**7. *Recommendation of City's permanent professional staff.***

See staff's recommendation.

**8. *Conformance of the requested change to the adopted or recognized Master Plan being utilized by the City.***

The comprehensive plan designates this site for Low Density Residential uses. The area is undergoing development and the AG district acts as a holding zone as the area develops according to the Comprehensive Plan. The proposed use is allowed as a special use in the AG Zoning District, which is a compatible interim use as the area develops into a more residential development pattern.

**9. *The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water and electrical service, police and fire protection, schools, parks and recreation facilities, etc.***

The home on the property is on a septic system, but it is not expected that the proposed activity will cause strain on the system, as the property is being used for employees to come pick up materials and then head out for the day to various job locations off-site.

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

The drives on site are gravel and increased employees at the site will bring gravel and dirt onto 83<sup>rd</sup> Street. Limiting the number of employees to 10 will present no change to the current status on this issue.

**11. *The environmental impacts the proposed use will generate including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.***

The proposed use will not increase impervious area of the site and will not have a negative impact on the environment beyond standard use of vehicles.

**12. *The ability of the applicant to satisfy any requirements (e.g. site plan, etc.) applicable to the specific use imposed pursuant to the zoning regulations in this Chapter and other applicable ordinances.***

A site inspection was conducted following the application for a rental license at this property. The inspection was completed on May 26, 2022 and found the home on the property was in disrepair and there was trash and debris on the site, conflicting with the first stipulation of the previous approval (All waste materials shall be placed in the dumpster and not stored elsewhere on the site). Site inspection photos are included in the attachments.

In light of these concerns, staff does not support the increase in the number of employees and does not believe an operation of such size would be in keeping with the intent of the agricultural district or the development pattern of the area. The staff report for the previous SUP stated that if the



business grows, there may be need for private and public improvements to the site, noting a lack of hard surface driveways, lack of a turn lane on 83<sup>rd</sup> Street, and lack of public sewer. No such improvements have been proposed at this time. Staff also recommends approval for a period of five years rather than ten years to ensure continued compatibility of the home-based business with the evolving suburban development occurring in the western part of Lenexa.

Additionally, staff recommends updated and clarified conditions for the operation to ensure continued satisfaction of the zoning regulations.

<b>STAFF RECOMMENDATION</b>
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Staff recommends **APPROVAL** for a Special Use Permit for a Maintenance Services use known as Moroney Landscape located at 27145 W. 83<sup>rd</sup> Street within the AG Agriculture District for a five-year period with the following conditions:

1. The applicant continues to work with Community Development to remedy property maintenance concerns through the rental license process.
2. All waste materials shall be placed in the dumpster and not stored elsewhere on the site.
3. No grinding of tree debris on the property.
4. If any new buildings or additional uses such as plant nursery, should be used for the landscape business, a revised SUP and plan approval shall be required.
5. Outdoor storage of materials and vehicle parking shall be as indicated on the site plan included with the application. Outdoor storage is to be kept on pallets or neatly organized piles and is to include only unused materials and excludes debris removed from job sites.
6. The number of employees shall be limited to 10 including the owner(s).
7. The applicant must maintain valid rental and business licenses.

## INFORMATIONAL COMMENTS

The Special Use Permit is scheduled to be considered by the Governing Body on June 21, 2022.





# Moroney Landscape

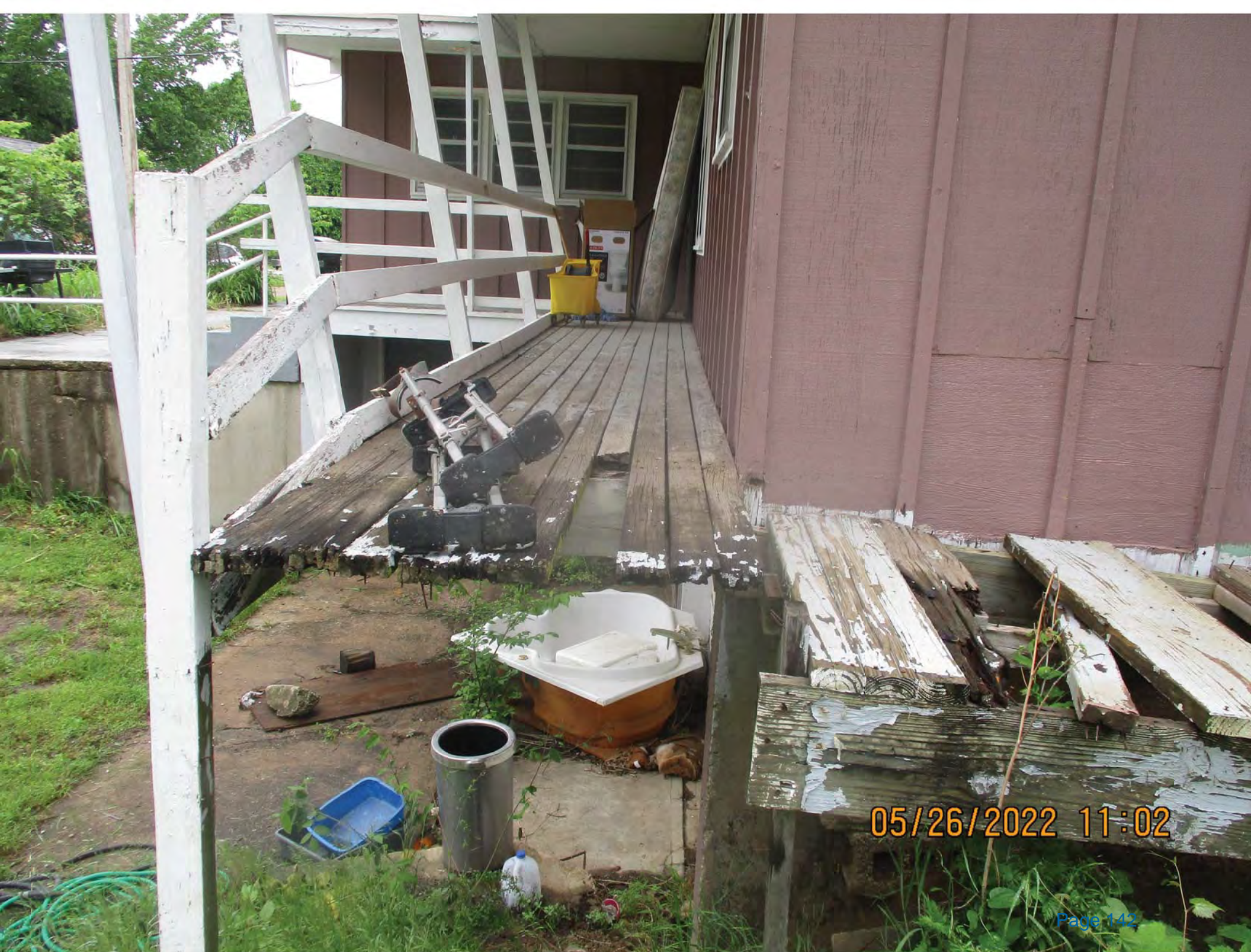
## SU22-03 | 27145 W. 83<sup>rd</sup> St.





05/26/2022 11:01





05/26/2022 11:02





05/26/2022 11:07



Moroney Landscape  
SU22-03  
Mulch Pile

June 13, 2022



May 26, 2022



April 12, 2022





Moroney Landscape  
SU22-03  
Brush Pile

June 13, 2022



May 26, 2022



April 12, 2022



**CITY OF LENEXA, KANSAS**  
**PLANNING COMMISSION MEETING MINUTES**  
**June 6, 2022**

**PUBLIC HEARING**

**1. Special Use Permit for Moroney Landscape located at 27145 West 83<sup>rd</sup> Street, in the AG, Agriculture District. SU22-03**

*Consideration of the renewal of a Special Use Permit for Maintenance Services for a landscaping company in the Agricultural (AG) Zoning District.*

**APPLICANT PRESENTATION:**

Blakelund and Paige Moroney were the presenting applicants. Blakelund stated their application is a renewal for a Special Use Permit (SUP) granted in 2019. He requested the ability to allow 20 employees instead of 10. He asked if there was an easier process to expand the ability to have more employees instead of the SUP process. He requested a SUP duration of 10 years. His initial 2019 SUP was requested for 10 years but granted for 3 years. The current Staff recommendation is 5 years. There are five or so employees that come to the site and park under a covered area. There is screening from 83<sup>rd</sup> Street.

**STAFF PRESENTATION:**

Kim Portillo presented the Staff Report. The SUP request is for a renewal for a maintenance services use for Moroney Landscape. The applicant requests approval for a 10 year duration with a maximum of 20 employees allowed on-site. She explained the general location of the site and the zoning in the vicinity. She showed a graphic of the site, including the areas for the residential structure, storage, barns, and parking. The employees arrive at the site daily to pick up materials and leave in a company vehicle and return later in the day to bring the vehicle back and leave in their personal vehicle. She mentioned that Staff recommends approval subject to conditions, including addressing property maintenance concerns, placing waste material in the dumpster and not store elsewhere on the site, no grinding of tree debris on property, any additional buildings or uses will require a revised SUP with plan approval, outdoor storage to be kept neatly and debris removed from site, no more than 10 employees and must maintain valid rental and business licenses. There is concern about having 20 employees on-site because the intensity could be inconsistent with the future residential development within the vicinity. The future development of nearby property is another reason why staff recommended a five year approval instead of a ten year of the Special Use Permit. This is to see how the neighborhood will continue to develop, as well as how well the applicant's property is maintained.

**PUBLIC HEARING:**

Chairman Poss **OPENED** the public hearing and asked if anyone wished to speak on this item. Hearing no comments from the public, Chairman Poss entertained a motion to **CLOSE** the public hearing. Moved by Commissioner Horine, seconded by Commissioner Burson, and carried by a unanimous voice vote.

**PLANNING COMMISSION DISCUSSION:**

Commissioner Burson noted photos included within the meeting packet. Kim Portillo said yes, those are property maintenance items that need to be addressed. Commissioner Burson said he was concerned about this in 2019 and is concerned that the original conditions are not being met. He asked the Applicant if they could follow the conditions. Blakelund Moroney said yes, he will follow the conditions. He is working on improvements. He asked about why grinding was not allowed on-site. He will not make piles of trees anymore. Commissioner Burson said he is concerned that the Applicant does not seem to be aware of what is on the property. He urged the Applicant to take care of the property. He will reluctantly support the SUP and takes these approvals very seriously.



**CITY OF LENEXA, KANSAS**  
**PLANNING COMMISSION MEETING MINUTES**  
**June 6, 2022**

Commissioner Harber recalled discussion from the 2019 SUP that debris would be gathered and removed on a weekly basis and asked if that was still the practice. Blakelund Moroney said there is a 20-yard dump trailer on-site by the barn. Most material goes into that. The pile in the photos is a nuisance item that they will work to remove. Commissioner Harber asked if the Moroneys live in the rental house. Blakelund Moroney responded they are working on the rental home and it is unoccupied. The last time someone was in there was in 2021.

Commissioner Leib said he is not in favor of a 10-year SUP with 20 employees but would be supportive of a 3 year SUP.

Commissioner Woolf asked about how staff came to the 10-employee restriction. The site should be evaluated for the employee constraints. Kim Portillo said if there is 5 employees now they have some room to expand and the site can handle some extra parking.

Commissioner Katterhenry said the site needs to be cleaned up. Debris should be limited and should be screened from view.

Chairman Poss said he is concerned that the conditions from 2019 were not followed. He is not supportive for a 10-year SUP; he could be supportive of 3 years.

Commissioner Leib asked if there could be a limit on the number of vehicles parked on-site instead of number of employees. The concern appears to be with the number of vehicles, not the number of people. Scott McCullough said the concern is the intensity of the commercial use. Chairman Poss asked about where the vehicles park. Blakelund Moroney said there are 6-8 vehicles that can park under the covered area and other vehicles would park further down by the barn. Commissioner Burson said he is concerned with the intensity of the use and doesn't want it to get too big.

**MOTION:**

Chairman Poss entertained a motion to recommend **APPROVAL** for a Special Use Permit for a Maintenance Services use known as Moroney Landscape located at 27145 W. 83<sup>rd</sup> Street within the AG Agriculture District for a three-year period with the following conditions:

1. The applicant continues to work with Community Development to remedy property maintenance concerns through the rental license process.
2. All waste materials shall be placed in the dumpster and not stored elsewhere on the site.
3. No grinding of tree debris on the property.
4. If any new buildings or additional uses such as plant nursery, should be used for the landscape business, a revised SUP and plan approval shall be required.
5. Outdoor storage of materials and vehicle parking shall be as indicated on the site plan included with the application. Outdoor storage is to be kept on pallets or neatly organized piles and is to include only unused materials and excludes debris removed from job sites.
6. The number of employees shall be limited to 10 including the owner(s).
7. The applicant must maintain valid rental and business licenses.

Moved by Commissioner Leib, seconded by Commissioner Burson, and carried by a unanimous voice vote.



**SU 22-03**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING RENEWAL OF A THREE-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED AT 27145 W 83RD STREET, LENEXA, KANSAS.**

**WHEREAS**, on or about April 16, 2019, Moroney Landscape LLC was granted a special use permit for a three-year term to allow the use of a landscape company located at 27145 W. 83rd Street; and

**WHEREAS**, on June 6, 2022, Blakelund Moroney, applicant and owner of record, filed a request for a renewal of a a three-year special use permit to allow the continued use of a landscape company on property located at 27145 W. 83rd Street, in an AG, Agricultural District; and

**WHEREAS**, on June 6, 2022, the Lenexa Planning Commission held a public hearing to hear the request for said special use permit. Notice for the public hearing was provided in accordance with K.S.A. 12-757; and

**WHEREAS**, on June 6, 2022, the Lenexa Planning Commission recommended approval of a three-year special use permit to allow the use of a landscape company on property located at 27145 W. 83rd Street, in an AG, Agricultural District, as reflected in the minute record for said meeting; and

**WHEREAS**, on June 21, 2022, the Governing Body considered the request and Planning Commission recommendation, as reflected in the minute record for said meeting;

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:**

**SECTION ONE:** That the Governing Body hereby approves the issuance of a three-year special use permit renewal to allow the continued use of a landscape company on property located at 27145 W. 83rd Street, in an AG, Agricultural District, with seven stipulations as reflected in the minute record of the June 21, 2022, Governing Body meeting for the real estate described as:

A TRACT OF LAND IN THE EAST ONE-HALF OF THE SOUTHWEST QUARTER OF FRACTIONAL SECTION 30, TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE SIXTH PRINCIPAL MERIDIAN, IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS AS SURVEYED BY WAYNE E MALNICOFF PS# 1239 IN APRIL OF 2017, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SECTION 30, THENCE S02°24'33" E ALONG THE EAST LINE OF THE SAID SOUTHWEST QUARTER A DISTANCE OF 548.62 FEET, THENCE S88°02'54" W A DISTANCE OF 570.65 FEET, THENCE 802°24'33" E AND PARALLEL WITH THE EAST LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 353.30 FEET, THENCE 888°02'24" W A DISTANCE OF 720.96 FEET TO A POINT ON THE WEST LINE OF THE EAST ONE-HALF OF SAID SOUTHWEST QUARTER, THENCE N02°08'41"W ALONG SAID WEST LINE A DISTANCE OF 891.80 FEET TO THE NORTHWEST CORNER OF THE EAST ONE-HALF OF SAID SOUTHWEST QUARTER, THENCE N87°35'39" E ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 1287.45 FEET TO THE POINT OF BEGINNING, EXCEPT THAT PART USED FOR PUBLIC RIGHT-OF-WAY. ALSO KNOWN AS TRACT 1 ON THE CERTIFICATE OF SURVEY RECORDED MAY 10, 2017 AS DOCUMENT NO. 20170510-0003698 IN BOOK 201705 AT PAGE 003698. CONTAINING 954,884.30 SQ. FT. (INCLUDING R/W) OR 21.92 ACRES, OR 21.67 ACRES (WITHOUT R/W)

**SECTION TWO:** The Clerk of the City of Lenexa, Kansas, is hereby authorized and directed to record the issuance of this three-year special use permit in accordance with the above and foregoing change including notation upon the City's official land use map.

**SECTION THREE:** This Ordinance shall be construed as follows:

- A. Liberal Construction. This Ordinance shall be liberally construed to effectively carry out its purposes that are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.
- B. Savings Clause. The repeal of any ordinance or code section, as provided herein, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or any action or proceeding commenced under or by virtue of the ordinance or code section repealed. Any ordinance or code section repealed continues in force and effect after the passage, approval, and publications of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities and proceedings.
- C. Invalidity. If for any reason any chapter, article, section, subsection, sentence, portion, or part of this Ordinance, or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, the Lenexa City Code, or other ordinances.

**SECTION FOUR:** This Ordinance shall take effect and be in force from and after publication of an ordinance summary in the City's official newspaper as provided by State law.

**PASSED** by the Governing Body June 21, 2022.

**SIGNED** by the Mayor June 21, 2022.

CITY OF LENEXA, KANSAS

\_\_\_\_\_  
Michael A. Boehm, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alexander J. Aggen, Assistant City Attorney





**CITY COUNCIL  
MEMORANDUM**

**ITEM 16**

**SUBJECT:** Ordinance approving a 10-year Special Use Permit renewal for AT&T KS5343, located at 9131 Noland Road, to allow the renewal and modification of a wireless communication tower in the BP-2, Planned Manufacturing zoning district

**CONTACT:** Stephanie Kisler, Planning & Development Administrator  
Scott McCullough, Community Development Director

**DATE:** June 21, 2022

**ACTION NEEDED:**

Pass an ordinance approving a 10-year Special Use Permit (SUP) renewal for AT&T KS5343, located at 9131 Noland Road, to allow the renewal and modification of a wireless communication tower in the BP-2, Planned Manufacturing zoning district.

**APPLICANT:**

David Connell, SMJ International

**OWNER:**

Pyramid Properties, Inc.

**PROPOSED TENANT:**

AT&T

**PROPERTY ADDRESS:**

9131 Noland Road

**PROJECT BACKGROUND/DESCRIPTION:**

This request is for consideration of a SUP renewal for AT&T to modify the existing cell tower at 9131 Noland Road. The original SUP was approved in 1993 and renewed in 2004 and 2014 for 10-year increments. Additions to the site include a new colocation of antennae on the tower and a new 520 square foot fenced area for additional ground equipment.

Section 4-1-B-23-AE of the Unified Development Code (UDC) requires SUPs to be updated for “substantial changes of Wireless Communication Facilities... or any other installation, construction, or modification of equipment not associated with existing Wireless Communication Facilities.” The proposal for a 520 square foot ground equipment area meets these criteria and triggers the SUP renewal. The applicant is requesting renewal of the SUP for an additional 10-year period with this application.

The proposed site modifications will not increase the height of the structure. The monopole is 97-feet tall with existing carrier equipment on a platform mounted on top of the pole at 99 feet. The top of the highest appurtenance measures 105 feet at the tip of the lightning rod. A 220 square foot equipment shelter is currently located at the base of the structure. This area hosts the ground mounted equipment to serve other carriers, including Verizon Wireless. Access and parking for maintenance of the tower is on the paved drive area south of the tower. The site is accessible via a private driveway off Noland Road just south of the railroad.



Exhibit 1: Location of Existing Monopole.

**STAFF RECOMMENDATION:**

Passage of the ordinance.

**PLANNING COMMISSION ACTION:**

This item was considered at the June 6, 2022, Planning Commission meeting. No one from the public spoke at the public hearing. Chairman Poss entertained a motion to recommend **APPROVAL** of a 10-year renewal for a Special Use Permit for AT&T KS5343 Cell Tower, located at 9131 Noland Road within the BP-2, Planned Manufacturing zoning district, as proposed without conditions. Moved by Commissioner Leib, seconded by Commissioner Woolf and carried by a unanimous voice vote.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**  
Thriving Economy

**Guiding Principles**  
Responsible Economic Development

**ATTACHMENTS**

1. PC Staff Report & Exhibits
2. PC Draft Minutes Excerpt
3. Ordinance

**MEETING DATE:** June 6, 2022 - **PUBLIC HEARING REQUIRED**

**REGULAR AGENDA ITEM:** 4

**PROJECT TITLE:** AT&T KS5343, Cell Tower

**PROJECT # / REQUEST:** SU22-05– Special Use Permit

**APPLICANT:**  
David Connell, SMJ International

**OWNER:**  
Pyramid Properties, Inc.

**STAFF PLANNER:**  
Christa McGaha, AICP

**PROPERTY LOCATION:** 9131 Noland Road

#### **SUMMARY OF RECOMMENDATION**

Staff recommends **APPROVAL** of a 10-year Special Use Permit to a) allow the continued operation of and b) modification of a wireless communication tower for AT&T KS5343 Cell Tower at 9131 Noland Road.

#### **PROPOSED PROJECT DESCRIPTION AND BACKGROUND INFORMATION**

The request is for consideration of a renewal for a Special Use Permit (SUP) for AT&T to modify the existing cell tower at 9131 Noland Road. The original SUP was approved in 1993 and renewed in 2004 and 2014 for ten-year increments. Additions to the site include a new collocation of antennae on the tower and a new 520 square foot fenced area for additional ground equipment.

[Section 4-1-B-23-AE](#) of the Unified Development Code (UDC) requires Special Use Permits to be updated for “*substantial changes of Wireless Communication Facilities... or any other installation, construction or modification of equipment not associated with existing Wireless Communication Facilities.*” The proposal for a 520 square foot ground equipment area meets these criteria and triggers the SUP renewal. The applicant is requesting for the SUP to be renewed for an additional ten-year period with this application.

The proposed site modifications will not increase the height of the structure. The monopole itself measures 97-feet tall with an existing carrier equipment on a platform mounted on top of the pole at 99-feet. The top of the highest appurtenance measures 105-feet at the tip of the lightning rod. A 220 square foot equipment shelter is currently located at the base of the structure. This area hosts the ground mounted equipment to serve other carriers, including Verizon Wireless. Access and parking for maintenance of the tower is on the paved drive area south of the tower. The site is accessible via a private driveway off Noland Road just south of the railroad.





*Exhibit 1: Location of Existing Monopole.*

## **PROJECT HISTORY & TIMELINE**

**1993** – The initial Special Use Permit request was approved for a wireless communication tower at this site for a period of ten years.

**2004** – A ten-year renewal request was approved subject to the replacement of missing or dying landscaping.

**2014** – Verizon Wireless renewed the Special Use Permit (SU14-11) for an additional ten-year period with conditions regarding the planting of landscaping and clearing of vegetation around the base of the pole.

## PROPOSED SITE CHANGES

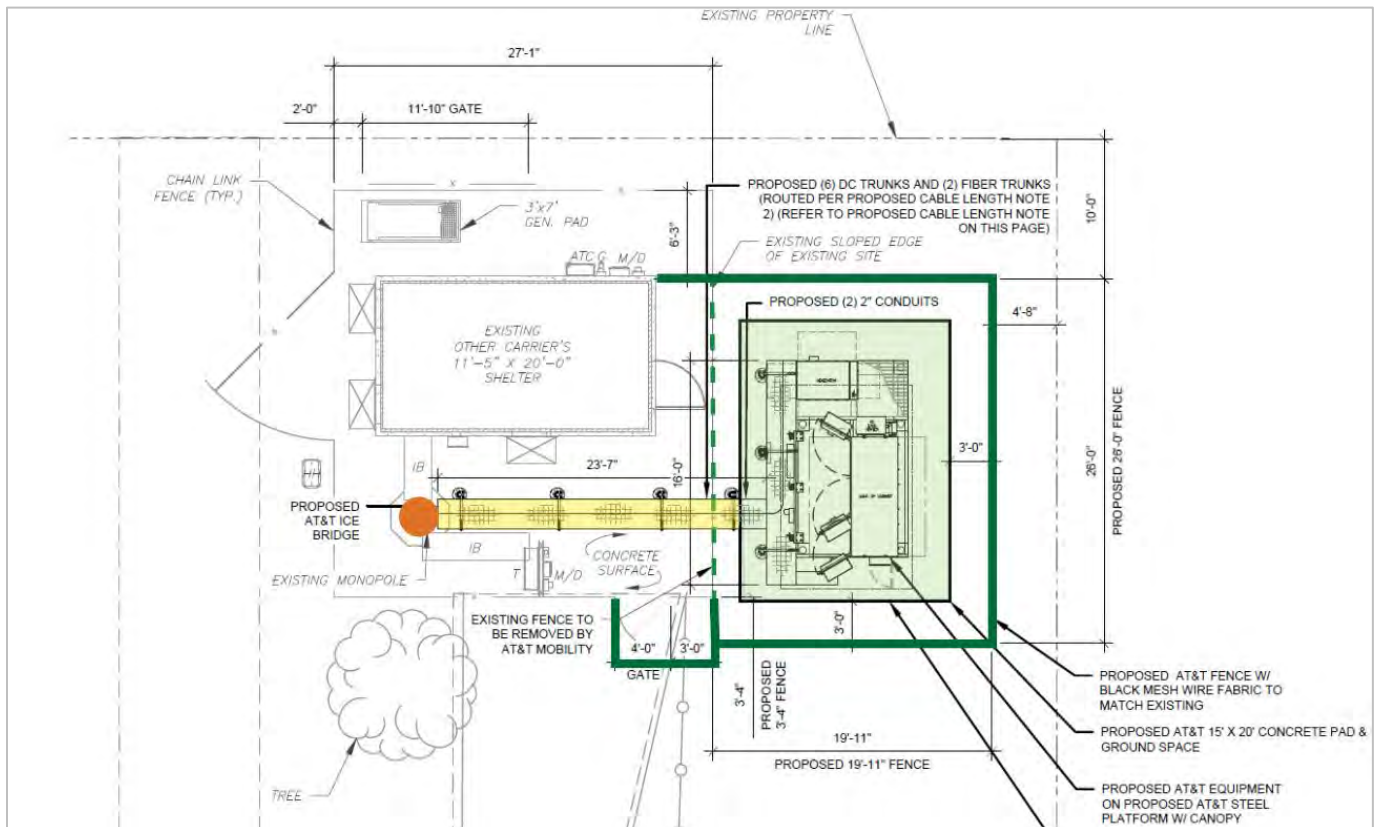


Exhibit 2: Site Plan and Proposed Modifications.

The modifications to the site are shown in Exhibit 2 (above). The existing 102-foot monopole is shown in orange. The proposed ground equipment area is to be located to the east of the existing structure. This proposed 15' x 20' concrete pad is shown in light green. This space will house the new AT&T equipment and 10' x 8' steel canopy. The equipment includes a walk-up cabinet, AC load center, and generator. In yellow is the proposed ice bridge shelter for the fiber and cable trunks that is to run from the cell tower to the equipment area.

The proposed fence is represented in dark green and will match the existing fence, which consists of a black mesh wire material. The dashed green line shown through the center of the site represents the portion of the existing fence that will be removed.

Previous permits noted deficiencies in landscaping surrounding the facility. The current site is adequately screened and meets city standards. The applicant is working with staff to ensure that any landscaping is removed with construction will be replaced, and the new site will be adequately screened from adjacent properties.

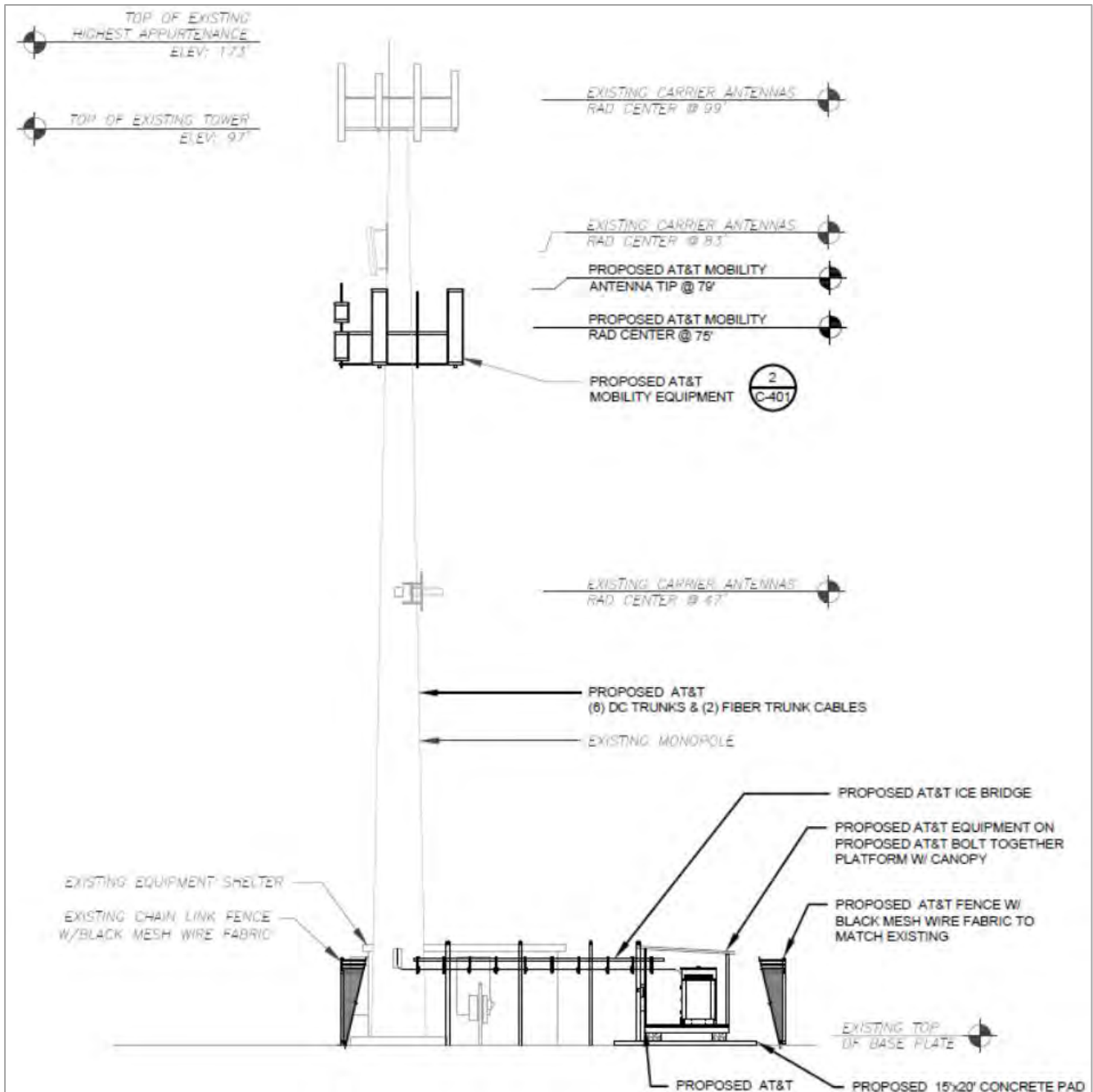


Exhibit 3: Proposed Antenna Location on Monopole.

Exhibit 3 shows the proposed AT&T antenna and proposed collocation on the monopole at 75-feet. The exhibit also shows the proposed ice bridge, equipment platform, conduits, steel canopy, and fence around the new equipment area.

**CURRENT ZONING:**

BP-2, Planned Manufacturing Zoning District

**PROPOSED ZONING:**

N/A

**CURRENT USE:**

Utility

**PROPOSED USE:**

Utility



**ACREAGE:**  
6.06 property

**ADDITION SQUARE FOOTAGE:**  
520 - fenced equipment area

1,200 square foot cell tower site  
(680 existing 520 proposed)

## COMPREHENSIVE PLAN RECOMMENDATION FOR AREA

**Business Park** - Developments providing space for uses that may include light assembly and manufacturing, or warehousing and distribution.

## SPECIAL USE PERMIT ANALYSIS

With regard to the review criteria contained within [Section 4-1-G-5](#) of the UDC, Staff has the following comments:

### ***1. The character of the neighborhood.***

The neighboring land uses contain a mix of low-density residential, commercial, and industrial businesses. The property where the wireless communication tower is located serves as an industrial and manufacturing site for JDS Contractors. The subject wireless communication tower has had a Special Use Permit with the City of Lenexa since 1993 and the modifications proposed with this permit renewal will not impact the character of the neighborhood.

### ***2. The zoning and use of properties nearby.***

Based on the summary of zoning and land use information provided below, the wireless communication tower is compatible with the context of the area.

#### **VICINITY ZONING PATTERN:**

**North:** CP-2, Planned Community  
Commercial Zoning District  
**South:** RP-1, Planned Residential (Low-Density) Zoning District  
**East:** BP-2, Planned Manufacturing Zoning District  
**West:** RP-2, Planned Residential  
(Intermediate-Density) Zoning District

#### **VICINITY LAND USE PATTERN:**

**North:** Railroad Right-of-Way & Commercial,  
Auto Services  
**South:** Low-Density Residential, Bradshaw  
Place Subdivision  
**East:** Industrial and Manufacturing – JDS  
Contractors  
**West:** Railroad Right-of-Way & Low-Density  
Residential, Bradshaw Place  
Subdivision

### ***3. The suitability of the subject property for the uses to which it has been restricted.***

Freestanding wireless communication towers are allowed in nonresidential zoning districts, subject to standards outlined in [Section 4-1-B-23-AE](#) of the UDC.

### ***4. The extent to which the proposed use will detrimentally affect nearby property.***

The tower was sited to lessen visual impacts to nearby residential properties. Previously existing tree lines and trees required to be planted with previous SUP renewals serve to adequately reduce visual impacts from the tower. Staff inspected the site and determined the existing landscaping is adequate for the site and since the applicant is not proposing to remove any existing trees, staff does not propose additional screening.

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

The property was originally developed by Holland Construction in 1959 and has been utilized for industrial/ manufacturing uses since. The property is not vacant, so this criteria is not applicable.

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

Staff does not see a relative gain to the public in recommending denial of this application given that the tower has been in existence for thirty years without significant complaints from surrounding property owners.

**7. *Recommendation of City's permanent professional staff.***

See staff recommendation section.

**8. *Conformance of the requested change to the adopted or recognized Master Plan being utilized by the City.***

The site will retain the BP-2 zoning designation and does not conflict with the Comprehensive Plan designation of Business Park.

**9. *The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water and electrical service, police and fire protection, schools, parks and recreation facilities, etc.***

Major utilities are existing and in place.

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

The approval of this Special Use Permit renewal will not adversely impact traffic in the area.

**11. *The environmental impacts the proposed use will generate including, but not limited to, excessive storm water runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting or other environmental harm.***

Staff is not aware of any environmental impacts associated with this proposal.

12. *The ability of the applicant to satisfy any requirements (e.g. site plan, etc.) applicable to the specific use imposed pursuant to the zoning regulations in this Chapter and other applicable ordinances.*

The wireless communication tower meets criteria outlined in Section [4-1-B-23-AE](#). Staff is supportive of the proposed additions and modifications to the cell tower provided by the applicant.

#### **INFORMATIONAL COMMENTS**

This item is scheduled to go before the Governing Body on June 21, 2022.

<b>STAFF RECOMMENDATION</b>
-----------------------------

Staff recommends **APPROVAL** of a 10-year renewal for a Special Use Permit for AT&T KS5343 Cell Tower, located at 9131 Noland Road within the BP-2, Planned Manufacturing zoning district, as proposed without conditions.



1. THIS SITE PLAN REPRESENTS THE BEST PRESENT KNOWLEDGE AVAILABLE TO THE ENGINEER AT THE TIME OF THIS DESIGN. THE CONTRACTOR SHALL VISIT THE SITE PRIOR TO CONSTRUCTION AND VERIFY ALL EXISTING CONDITIONS RELATED TO THE SCOPE OF WORK FOR THIS PROJECT.
2. ICE BRIDGE, CABLE LADDER, COAX PORT, AND COAX CABLE ARE SHOWN FOR REFERENCE ONLY. CONTRACTOR SHALL CONFIRM THE EXACT LOCATION OF ALL PROPOSED AND EXISTING EQUIPMENT AND STRUCTURES DEPICTED ON THIS PLAN. BEFORE UTILIZING EXISTING CABLE SUPPORTS, COAX PORTS, INSTALLING NEW PORTS OR ANY OTHER EQUIPMENT, CONTRACTOR SHALL VERIFY ALL ASPECTS OF THE COMPONENTS MEET THE ATC SPECIFICATIONS.
3. NO ELECTRICAL SCOPE IS INCLUDED IN THIS PROJECT.



⊗	GROUNDING TEST WELL
ATS	AUTOMATIC TRANSFER SWITCH
B	BOLLARD
CSC	CELL SITE CABINET
D	DISCONNECT
E	ELECTRICAL
F	FIBER
GEN	GENERATOR
G	GENERATOR RECEPTACLE
HH, V	HAND HOLE, VAULT
IB	ICE BRIDGE
K	KENTROX BOX
LC	LIGHTING CONTROL
M	METER
PB	PULL BOX
PP	POWER POLE
T	TELCO
TRN	TRANSFORMER
—	CHAINLINK FENCE



1. ESTIMATED LENGTH OF PROPOSED CABLE IS 105'  
ESTIMATED LENGTH OF CABLE WAS PROVIDED BY  
CUSTOMER OR CALCULATED BY ADDING THE RAD  
CENTER AND THE DISTANCE FROM THE SHELTER  
ENTER PLATE TO THE TOWER (ALONG THE ICE  
BRIDGE) AND A SAFETY FACTOR MEASUREMENT OF  
10% OF THE TWO PROVIDED VALUES, CSB DEFER  
TO GREATEST CABLE LENGTH.
2. ROUTE PROPOSED CABLES ALONG SAME PATH AS  
EXISTING CABLES AND IN ACCORDANCE WITH  
STRUCTURAL ANALYSIS, WHERE POSSIBLE UTILIZE  
EXISTING CABLE SUPPORT STRUCTURES AS  
PROVIDED FOR CARRIER TO ADEQUATELY SECURE  
CABLES, USING EITHER APPROPRIATELY SIZED  
STAINLESS STEEL SNAP-INS OR MOUNTING  
HARDWARE AND BRACKETS AS SPECIFIED BY CABLE  
MANUFACTURER. DO NOT ATTACH CABLES TO  
HORIZONTAL OR DIAGONAL TOWER MEMBERS  
USING PROPOSED STAINLESS STEEL ADAPTERS (DO  
NOT ATTACH TO TOWER LEG).



REV.	DESCRIPTION	BY	DATE
A	PRELIM	RV	10/12/21
B	PRELIM	RV	12/02/21
0	FINAL	RV	02/23/22
1	REV. 1	RV	04/29/22
2	REV. 2	ICP	05/20/22

AT&T MOBILITY SITE NAME:  
**SANTA FE & PFLUMM**

SITE ADDRESS:  
9131 NOLAND ROAD  
LENEXA, KS 66215-3752

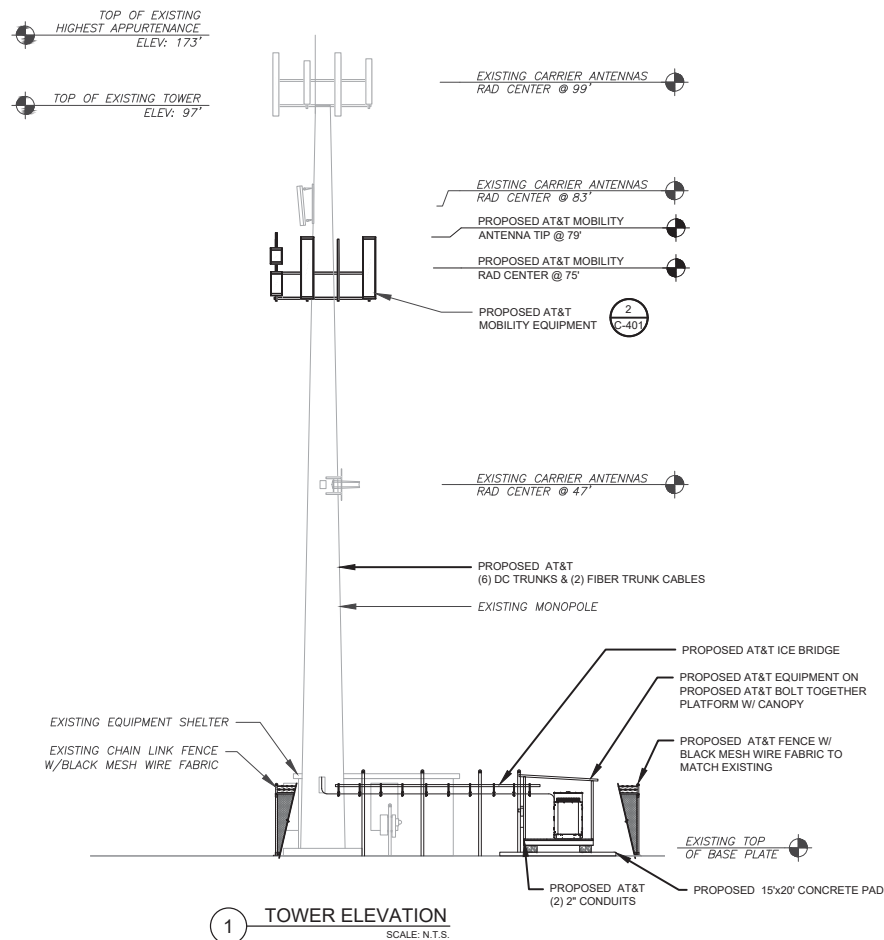
A circular professional engineer seal for Daniel W. Smith. The outer ring contains the text "DANIEL W. SMITH" at the top and "PROFESSIONAL ENGINEER" at the bottom. Inside the ring, the word "LICENSED" is at the top and "KANSAS" is at the bottom. The center of the seal features the license number "24307" and a stylized signature of "D. Smith".



DATE DRAWN:	10/08/21
ATC JOB NO:	83229
CUSTOMER ID:	SANTA FE & PFLUMM
CUSTOMER #:	12677421

### DETAILED SITE PLAN

SHEET NUMBER: <b>C-101</b>	REVISION: <b>2</b>
-------------------------------	-----------------------



PER MOUNT ANALYSIS COMPLETED BY POD, DATED 10/06/2021, THE PROPOSED MOUNT CAN ADEQUATELY SUPPORT THE PROPOSED LOADING

PER STRUCTURAL ANALYSIS COMPLETED BY TELAMON CLS, DATED 10/13/2021, THE EXISTING TOWER CAN ADEQUATELY SUPPORT THE PROPOSED LOADING

NOTE:  
-DOD ANTENNA (AEQU) WILL BE INSTALLED ABOVE THE CBAND ANTENNA (AEQK)

#### TOWER NOTE:

- IT IS THE CONTRACTOR'S RESPONSIBILITY TO CONFIRM WITH THE PROJECT MANAGER THAT THEY HAVE THE MOST RECENT VERSION OF THE STRUCTURAL ANALYSIS BEFORE COMMENCING WORK. EXISTING AND PROPOSED TOWER APPURTENANCES, MOUNTS, AND ANTENNAS ARE SHOWN BASED ON THE STRUCTURAL ANALYSIS. WHERE APPLICABLE, ALL NEW ANTENNAS, EQUIPMENT, MOUNTS, CABLING, ETC. SHALL BE PAINTED/SOCKED TO MATCH EXISTING EQUIPMENT IN ACCORDANCE WITH FAA, JURISDICTION, AND/OR OTHER LOCAL REQUIREMENTS.
- ROUTE PROPOSED CABLES ALONG SAME PATH AS EXISTING CABLES AND IN ACCORDANCE WITH STRUCTURAL ANALYSIS. IF ADEQUATE SPACE EXISTS, ROUTE CABLES THROUGH ENTRY PORT HOLE, UP INSIDE OF MONOPOLE, AND THROUGH EXIT PORT HOLE. IF ROUTING OUTSIDE THE MONOPOLE, ATTACH CABLES USING STAND-OFF ADAPTERS MOUNTED TO TOWER USING STAINLESS STEEL BANDING. ADEQUATELY SECURE CABLES USING EITHER APPROPRIATELY SIZED STAINLESS STEEL SNAP-INS OR MOUNTING HARDWARE AND BRACKETS AS SPECIFIED BY CABLE MANUFACTURER.
- TOWER ELEVATIONS ARE MEASURED FROM TOP OF BASE PLATE TO MATCH STRUCTURAL ANALYSIS. ELEVATIONS DO NOT REFLECT TRUE ABOVE GROUND LEVEL (A.G.L.)



**FULLERTON**  
ENGINEERING-DESIGN

1100 E. WOODFIELD ROAD, SUITE 500  
SCHAUMBURG, ILLINOIS 60173  
TEL: 847-908-8400  
COA# E-1939  
www.FullertonEngineering.com

REV.	DESCRIPTION	BY	DATE
A	PRELIM	RV	10/12/21
B	PRELIM	RV	12/02/21
A	FINAL	RV	02/23/22
	REV. 1	RV	04/29/22
A	REV. 2	ICP	05/20/22

ATC SITE NUMBER:  
83229

ATC SITE NAME:  
SANTA FE KS

AT&T MOBILITY SITE NAME:  
SANTA FE & PFLUMM

SITE ADDRESS:  
9131 NOLAND ROAD  
LENEXA, KS 66215-3752

SEAL:



DATE DRAWN:	10/08/21
ATC JOB NO:	83229
CUSTOMER ID:	SANTA FE & PFLUMM
CUSTOMER #:	12677421

TOWER ELEVATION

SHEET NUMBER:	REVISION:
C-201	2





**CITY OF LENEXA, KANSAS**  
**PLANNING COMMISSION MEETING MINUTES**  
**June 6, 2022**

**PUBLIC HEARING**

**1. Special Use Permit for AT&T KS5343 located at 9131 Noland Road, in the BP-2, Planned Manufacturing District. SU22-05**

*Consideration of a Special Use Permit for AT&T to add antennas and a fenced equipment area to an existing cell tower.*

**APPLICANT PRESENTATION:**

Jeff Berkenmeier represented the applicant, AT&T Mobility and tower owner, American Tower. The site is located behind the railroad tracks and will be expanded to about a 20'x26' area and will match the existing fence. It is an above ground platform with cabinets set on it and antennae put on the tower at 75-feet. He noted there are some changes to the plans regarding the vegetation. He complimented Lenexa on the City Center area.

**STAFF PRESENTATION:**

Christa McGaha presented the Staff Report. This is a request for the renewal for the SUP and a modification for a new collocation and ground equipment area. The applicant provided plans showing the existing landscaping in order for staff to confirm that it meets code, which it does. She showed a graphic and noted the location of the site. The site is accessible via a private driveway just south of the railroad. The original SUP was approved in 1993 and subsequently approved in ten year increments. The proposed modification triggers the need for review, so this is an early renewal along with a modification for the site. She discussed a graphic with the height of the tower and antennas, the ice bridge, and ground equipment area. Staff recommends a 10 year SUP renewal and a modification to allow the proposed equipment.

**PUBLIC HEARING:**

Chairman Poss **OPENED** the public hearing and asked if anyone wished to speak on this item. Hearing no comments from the public, Chairman Poss entertained a motion to **CLOSE** the public hearing. Moved by Commissioner Leib, seconded by Commissioner Katterhenry, and carried by a unanimous voice vote.

**PLANNING COMMISSION DISCUSSION:**

Commissioner Katterhenry said collocations are encouraged and likes seeing that this is reducing the quantity of cell towers by having the antenna is collocating.

Commissioner Leib asked what the ice bridge does and what is its material. Jeff Berkenmeier explained the ice bridge is usually made of a galvanized material and its purpose is to keep ice from damaging the tower. He noted a gate on the north side of the ground equipment area. Christa McGaha explained access to the site is a drive from the south. Jeff Berkenmeier stated the gate on the north is the original Verizon gate.

**MOTION:**

Chairman Poss entertained a motion to recommend **APPROVAL** of a 10-year renewal for a Special Use Permit for AT&T KS5343 Cell Tower, located at 9131 Noland Road within the BP-2, Planned Manufacturing Zoning District, as proposed without conditions.

Moved by Commissioner Leib, seconded by Commissioner Woolf and carried by a unanimous voice vote.

**SU 22-05**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE GRANTING RENEWAL OF A TEN-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED AT 9131 NOLAND ROAD, LENEXA, KANSAS.**

**WHEREAS**, on or about July 15, 2014, Pyramid Properties, Inc. was granted a renewal of a prior special use permit for a ten-year term to allow the continued use of a wireless communication tower located at 9131 Noland Road; and

**WHEREAS**, on May 2, 2022, David Connell, representative for AT&T KS5343 for the owner of record, Pyramid Properties, Inc., filed a request for a renewal of a ten-year special use permit to allow the continued use of a wireless communications tower, on property located at 9131 Noland Road in a BP-2, Planned Manufacturing Zoning District; and

**WHEREAS**, on June 6, 2022, the Lenexa Planning Commission held a public hearing to hear the request for said special use permit. Notice for the public hearing was provided in accordance with K.S.A. 12-757; and

**WHEREAS**, the Lenexa Planning Commission recommended approval of a ten-year special use permit renewal to allow the use of wireless communications tower, on property located at 9131 Noland Road in a BP-2, Planned Manufacturing Zoning District with no stipulations, as reflected in the minute record for said meeting; and

**WHEREAS**, on June 21, 2022, the Governing Body considered the request and Planning Commission recommendation, as reflected in the minute record for said meeting; and

**NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS:**

**SECTION ONE:** That the Governing Body hereby approves the issuance of a ten-year special use permit renewal to allow the use of wireless communications tower, on property located at 9131 Noland Road in a BP-2, Planned Manufacturing Zoning District with no stipulations as reflected in the minute record of the June 21, 2022, Governing Body meeting for the real estate described as:

BEGINNING AT THE CENTER OF SECTION 34, TOWNSHIP 12, RANGE 24, IN JOHNSON COUNTY, KANSAS; THENCE WEST ALONG THE HALF SECTION LINE 145 FEET, MORE OR LESS TO THE SOUTHERLY RIGHT OF WAY LINE OF THE SAINT LOUIS SAN FRANCISCO RAILROAD; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE 1363 FEET, MORE OR LESS, TO THE WEST LINE OF THE EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE SOUTH ALONG SAID WEST LINE 13 FEET, MORE OR LESS, TO THE NORTHERLY RIGHT OF WAY LINE OF THE KANSAS CITY, OLATHE, LAWRENCE

AND TOPEKA ELECTRIC RAILWAY, AS NOW SURVEYED AND LOCATED ACROSS SAID EAST HALF OF THE SOUTHWEST QUARTER OF SAID SECTION 34; THENCE NORTHEASTERLY ALONG SAID NORTHERLY RIGHT OF WAY LINE 1325 FEET, MORE OR LESS, TO THE EAST LINE OF SAID EAST HALF OF THE SOUTHWEST QUARTER OF SECTION 34; THENCE NORTH 567 FEET, MORE OR LESS, TO THE PLACE OF TO THE PLACE OF BEGINNING.

EXCEPT ALL THAT PART OF SECTION 34, TOWNSHIP 12, RANGE 24, JOHNSON COUNTY, KANSAS, DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12, RANGE 24; THENCE WEST ALONG THE NORTH LINE OF SAID QUARTER SECTION, A DISTANCE OF 169.13 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE ST LOUIS AND SAN FRANCISCO RAILROAD; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE, SAID LINE MAKING A SOUTHWEST ANGLE OF 30 DEGREES, 02 MINUTES FROM THE LAST DESCRIBED COURSE, A DISTANCE OF 225 FEET TO THE TRUE POINT OF BEGINNING OF THE TRACT HEREIN DESCRIBED; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 446.77 FEET TO A POINT; THENCE SOUTHEASTERLY AT RIGHT ANGLES FROM THE LAST DESCRIBED COURSE A DISTANCE OF 195 FEET TO A POINT; THENCE NORTHEASTERLY AND PARALLEL TO THE SOUTHERLY RIGHT OF WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD, A DISTANCE OF 446.77 FEET TO A POINT; THENCE NORTHWESTERLY A DISTANCE OF 195 FEET TO THE POINT OF BEGINNING.

AND EXCEPT BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHWEST QUARTER OF SECTION 34, TOWNSHIP 12 SOUTH, RANGE 24 EAST, JOHNSON COUNTY, KANSAS, FOR A POINT OF BEGINNING; THENCE WEST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER A DISTANCE OF 169.13 FEET TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF THE ST. LOUIS AND SAN FRANCISCO RAILROAD; THENCE SOUTHWESTERLY ALONG SAID SOUTHERLY RIGHT OF WAY, SAID LINE MAKING A SOUTHWEST ANGLE OF 30 DEGREES AND 03 MINUTES FROM THE LAST DESCRIBED COURSE A DISTANCE OF 225 FEET TO A POINT; THENCE SOUTHEASTERLY AT RIGHT ANGLES TO SAID RIGHT OF WAY A DISTANCE OF 195 FEET; THENCE NORTHEASTERLY AND PARALLEL TO SAID RIGHT OF WAY LINE A DISTANCE OF 307.77 FEET TO THE EAST LINE OF SAID SOUTHWEST QUARTER; THENCE NORTH ALONG SAID EAST LINE A DISTANCE OF 127.34 FEET TO THE POINT OF BEGINNING.

**SECTION TWO:** The Clerk of the City of Lenexa, Kansas, is hereby authorized and directed to record the issuance of this ten-year Special Use Permit in accordance with the above and foregoing change including notation upon the City's official land use map.

**SECTION THREE:** This Ordinance shall be construed as follows:



- A. Liberal Construction. This Ordinance shall be liberally construed to effectively carry out its purposes that are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.
- B. Savings Clause. The repeal of any ordinance or code section, as provided herein, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or any action or proceeding commenced under or by virtue of the ordinance or code section repealed. Any ordinance or code section repealed continues in force and effect after the passage, approval, and publications of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities and proceedings.
- C. Invalidity. If for any reason any chapter, article, section, subsection, sentence, portion, or part of this Ordinance, or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, the Lenexa City Code, or other ordinances.

**SECTION FOUR:** This Ordinance shall take effect and be in force from and after publication of an ordinance summary in the City's official newspaper as provided by State law.

**PASSED** by the Governing Body June 21, 2022.

**SIGNED** by the Mayor June 21, 2022.

CITY OF LENEXA, KANSAS

\_\_\_\_\_  
Michael A. Boehm, Mayor

ATTEST:

\_\_\_\_\_  
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
Alexander Aggen, Assistant City Attorney II



**CITY COUNCIL  
MEMORANDUM**

**ITEM 17**

**SUBJECT:** Approval of a final plan for Advent Health Life Campus, located at the southwest corner of 86th Street & Renner Boulevard, to allow a new hospital and medical office building

**CONTACT:** Stephanie Kisler, Planning & Development Administrator  
Scott McCullough, Community Development Director

**DATE:** June 21, 2022

**ACTION NEEDED:**

Approve a final plan for the Advent Health Life Campus, located at the northwest corner of 86th Street & Renner Boulevard, to allow a hospital and medical office building.

**APPLICANT:**

Dustin Burton, RIC Consulting

**OWNER:**

Shawnee Mission Medical Center

**PROPERTY ADDRESS:**

Located at the northwest corner of 86th Street & Renner Boulevard

**PROJECT BACKGROUND/DESCRIPTION:**

This final plan is for a five-story hospital and a three-story medical office building at the Advent Health Life Campus in City Center. The two buildings are the first to be constructed on the campus. Previous plans were approved for a hospital at this site dating back to 2008. The campus includes 11 buildings and is on 25 acres. The preliminary plan for the campus is divided into three main spaces called *Areas*. The hospital and the medical office building are in *Area 1* of the campus.

In addition to the hospital and medical office buildings, two parking structures will be constructed with this phase. One structure is partially under the hospital building. The other parking structure is located northwest of the medical office building. Both structures will take advantage of the grade differential of the site, appearing like surface parking for part of the structure and appearing as a two-level parking structure from a different view. The structures will have a decorative patterned edge around the top level that will appear like the Lenexa prairie grass used in other applications throughout City Center. The site plan provides for 503 parking stalls for both the hospital and the medical office building.

The preliminary plan for the campus showed contemporary-style buildings. The buildings will have long horizontal lines and use modern materials like glass, brick, stone, and metal panels. The hospital will use an extensive amount of glass wall panels for the south and east facades. The north facade is stepped with multiple planes. This part of the building includes a mechanical court to conceal equipment, tanks, and loading areas. The upper floors of the north-facing facade will use glass and brick. The medical office building will use glass, stone, and precast materials.

**STAFF RECOMMENDATION:**

Approval of the final plan.

**PLANNING COMMISSION ACTION:**

The Planning Commission considered this final plan at a public meeting on June 6, 2022. The Commissioners discussed with staff and the applicant several details related to the street design, way-finding signs, access to the north service/ambulance drive, plantings in the storm water BMP, and the construction traffic route.

Chairman Poss entertained a motion to recommend **APPROVAL** of the final plan for Advent Health Life Campus, hospital and medical office building. Moved by Commissioner Handley and seconded by Commissioner Katterhenry, and carried by a unanimous vote. The motion included the following condition:

- 1. Prior to the issuance of a building permit for the hospital or medical office building, the applicant shall submit a final plat for review, approval and recording.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

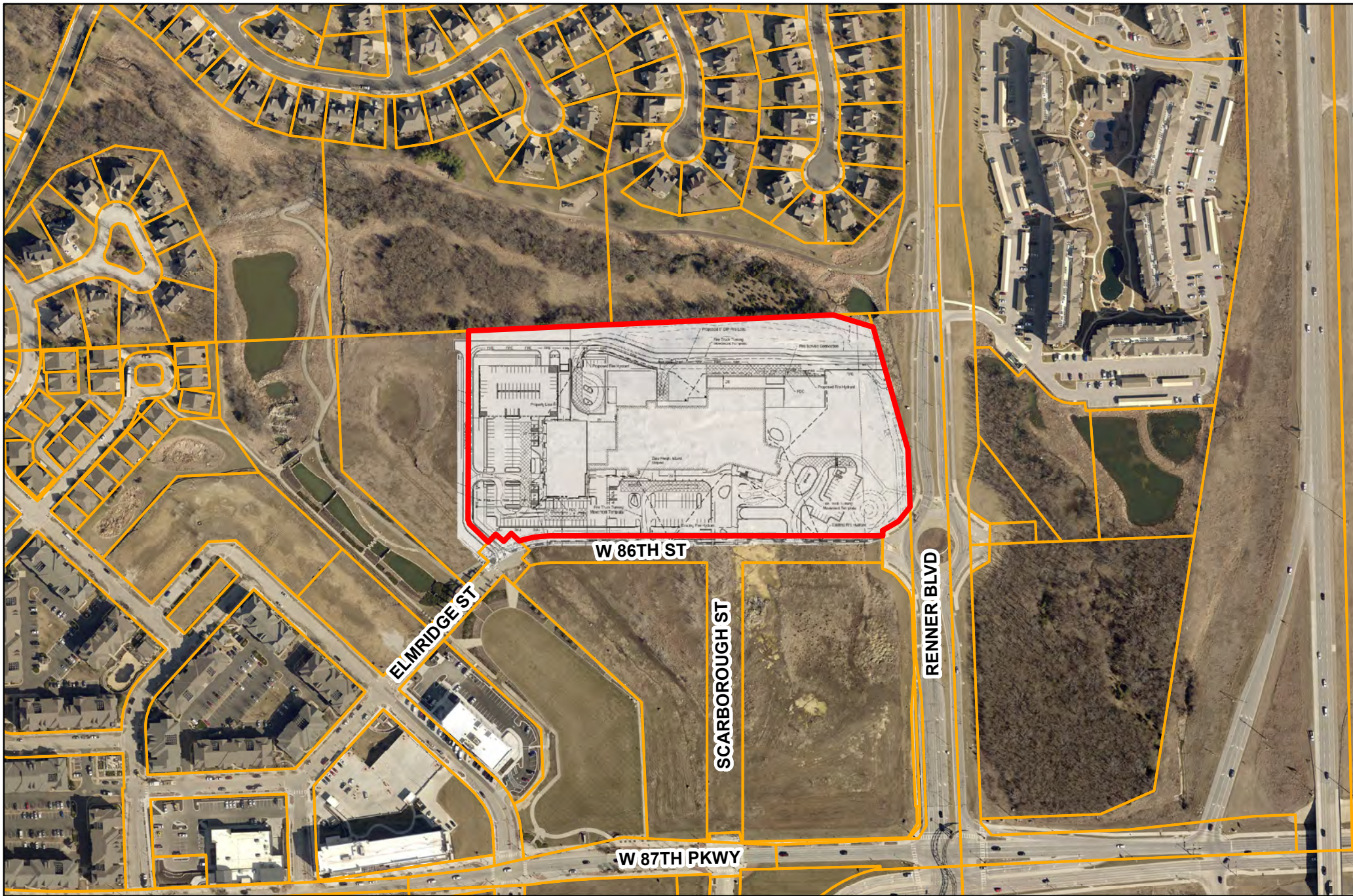
**Vision 2040**  
Thriving Economy  
Healthy People

**Guiding Principles**  
Responsible Economic Development

**ATTACHMENTS**

- 1. Map
- 2. PC Staff Report & Exhibits
- 3. PC Draft Minutes Excerpt





# Advent Health Lenexa City Center / PL22-07F Vicinity / Aerial Map



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Feet



**MEETING DATE:** June 6, 2022

**REGULAR AGENDA ITEM:** 1

**PROJECT TITLE:** Advent Health Life Campus

**PROJECT # / REQUEST:** PL22-07F – Final Plan

**APPLICANT & DESIGN PROFESSIONAL:**  
Dustin Burton, RIC Consulting

**OWNER:**  
Shawnee Mission Medical Center

**STAFF PLANNER:**  
David Dalecky

**PROPERTY LOCATION:** Located at the northwest corner of 86<sup>th</sup> Street and Renner Boulevard

#### **SUMMARY OF RECOMMENDATION**

Staff recommends **APPROVAL** of the final plan for a hospital and medical clinic for Advent Health Life Campus subject to the condition at the end of the staff report.

#### **PROPOSED PROJECT DESCRIPTION AND BACKGROUND INFORMATION**

The applicant is requesting final plan approval for a five-story hospital and a three-story Medical Office Building (MOB), at the northerly part of the Advent Health Life Campus in City Center.

In the City Center Zoning District, a hospital is permitted by a Special Use Permit (SUP). A SUP was originally approved for the North Village area in 2008. The SUP was updated in 2016 with a new preliminary plan for the Advent Health and Life Campus. A revised preliminary plan for the campus was approved in November of 2021 (PL21-04PR).

The campus is a multi-building and multi-service development in the northeasterly quadrant of City Center. The campus contains eleven buildings and is approximately 25 acres in size. The site is bordered on the south by 87<sup>th</sup> Street Parkway, Renner Boulevard to the east, Central Green Park to the west, and Parkhurst Park to the north. The campus contains three sub-regions. These regions are referred to as *Areas* on the preliminary plan. The approved preliminary plan for the campus is shown in the following *Exhibit 1*.

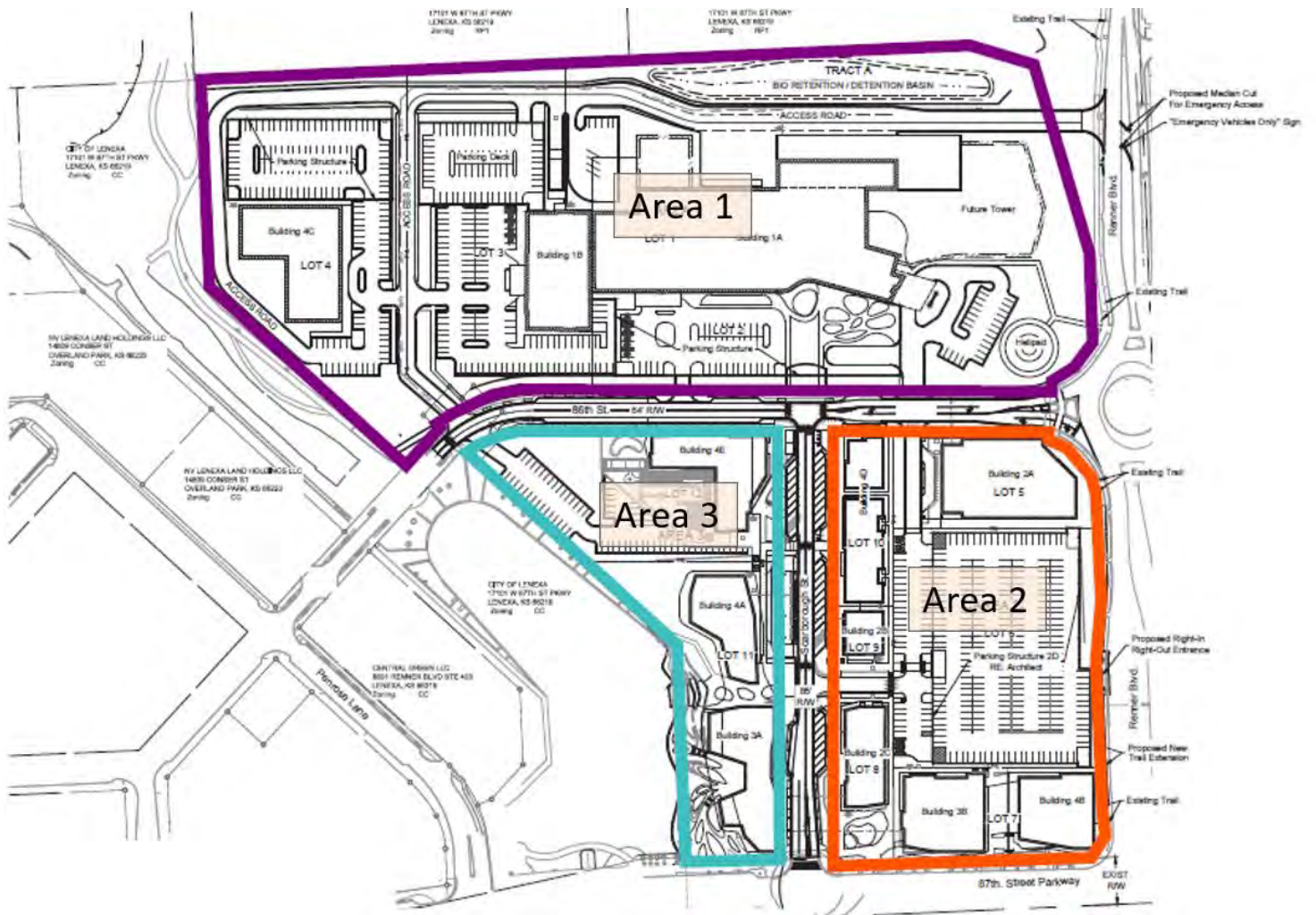


Exhibit 1

**CURRENT ZONING:**  
CC, Planned City Center District

**CURRENT USE:**  
Undeveloped Land

**ACREAGE:**  
15.29

**PROPOSED USE:**  
Hospital and Medical Clinic and Hospital uses

**BUILDING SQUARE FOOTAGE:**

Hospital	230,341
Medical Office	55,597
<b>Total</b>	<b>285,939</b>



## COMPREHENSIVE PLAN RECOMMENDATION FOR AREA

**City Center** – Intended to be a unique mixed-use development in the geographic center of Lenexa. Development should be tailored to an urban environment, and thus be of greater intensity or density, with public open space and pedestrian-friendly streets and include a mix of employment, shopping, entertainment, office, retail, residential, recreation, and civic uses. Parking should primarily be provided on street or in structures, carefully integrated into the building architecture and site layout. While mixing of uses with buildings is preferred, the mixing of uses on a street is also desirable.

### VICINITY ZONING PATTERN:

**North:** RP-1, Planned Residential Single-Family District

**South:** CC, Planned City Center District

**East:** CC, Planned City Center District  
RP-5, Residential Planned (High-Rise, High-Density) District

**West:** CC, Planned City Center District

### VICINITY LAND USE PATTERN:

**North:** City Park and Suburban Density residential use

**South:** Undeveloped land

**East:** High-Density residential use and undeveloped land

**West:** City Park and City Center development

## FINAL PLAN ANALYSIS

The proposed final plan is for a new hospital and MOB in the Advent Health Life Campus. The campus is located at the northeasterly quadrant of City Center. The campus contains three sub-regions. These regions are referred to as *Areas* on the preliminary plan. The hospital and MOB are part of *Area 1*. The campus includes two sections of public streets, 86<sup>th</sup> Street and Scarborough Street. *Area 1* is the part of the campus on the north side of 86<sup>th</sup> Street. A third building is anticipated in *Area 1* with a future phase of the campus.

### SITE LAYOUT

The hospital and the MOB are located on the interior of the block, which is contrary to several design requirements of the City Center area. The hospital is a unique type of building which requires the need to access multiple sides of the building at multiple entrance points. The nature of the building is to serve as a medical use, including emergency treatment, and requires the building be positioned on the site to be accessible to visitors entering the site. The hospital is set back from the street and a visitor parking area is provided between the street and the building entrance, which is in contrast to the expectations of the City Center Design Guidelines. The placement of the hospital building more internal of the block is shown on the following *Exhibit 2*.

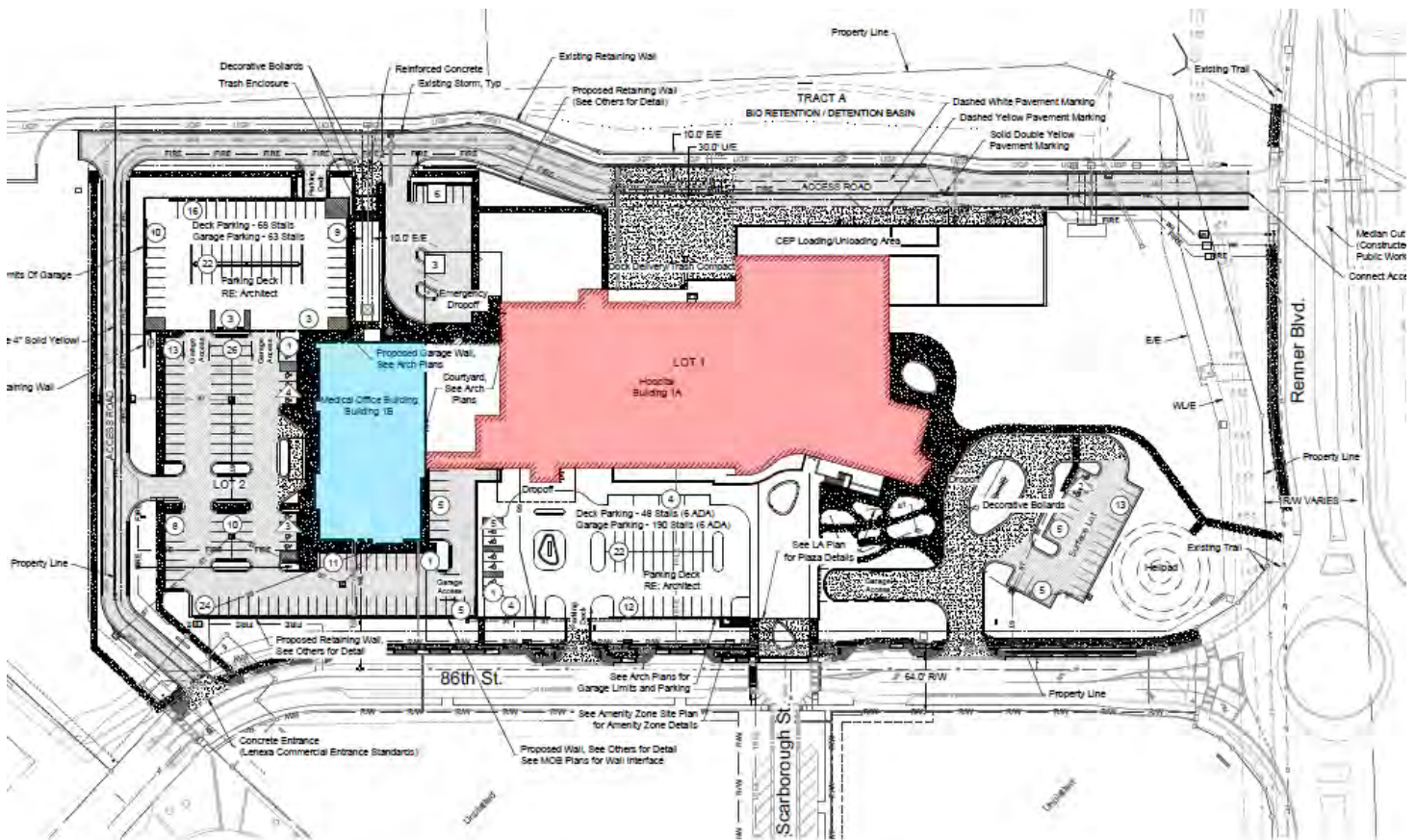


Exhibit 2

The main access into the site is from drive entrances along 86<sup>th</sup> Street. The easterly entrance connects to a small surface parking lot at the eastern end of the site and to a ramp to the lower level of a parking structure. The lower level of the parking structure is the main parking level. This level is below the street level and extends under part of the hospital building. The upper level of this parking lot has a single point of access from 86<sup>th</sup> Street. This parking lot is level with 86<sup>th</sup> Street and will appear like a surface lot when traveling along 86<sup>th</sup> Street. This lot is where all visitors seeking emergency room services will access the site.

An internal drive is along the west side of the site and will provide access to the medical office building parking areas. This drive will also provide access to a third building in *Area 1* at the northwest corner of the campus. The third building will be constructed as part of a later phase of the campus.

The surface parking area for the MOB is a continuation of the lower level of the parking structure of the hospital. Additional parking for the MOB is provided in a second parking structure. The parking structure is two-level structure at the northwest corner of the site. This ground level of this structure is accessed from the south at entry points from the surface parking lot. The second level access is from the drive along the northerly part of the site. The two levels of this structure do not connect.

The drive around the northerly part of the site is a service drive. The drive is to be used by delivery vehicles and by emergency vehicles only. This drive intersects with Renner Boulevard at a right-in-right-out only design. A median along Renner Boulevard restricts the ability for northbound traffic to turn left onto this drive from Renner Boulevard. The median will have a lane for emergency vehicles

only to make this left turn movement. Visual cues, including signs and pavement markings, will be used to inform the public to not use this drive at the north end of the site for normal traffic.

The site slopes downward from east to west. The highpoint of the site is where the two-level parking structure at the northwest corner of the MOB is located. The two parking structures incorporate this grade differential. Retaining walls will be used along 86<sup>th</sup> Street to help conceal the lower level of the parking area. Short section of retaining walls are used along the west side of the site and continue to form the wall of the parking structure. The retaining walls and the wall panels of the parking structure use a sculpted relief pattern of the tall prairie grass image used in other areas of the City. This pattern is like the silhouette pattern used in the ornamental metal fence along the Hyatt Hotel and Convention Center next to the onramp of I-435. The grass pattern embossed in the concrete panels is shown in the following *Exhibit 3*:



*Exhibit 3*

A metal panel with the same design will be used atop sections of the walls to help define the edge of the site. The panels are to be four feet in height. The panels are an aesthetically pleasing site feature and are consistent with the design character of City Center. However, it is staff's opinion the panels will become obscured behind the landscaping as the shrubs in front of the panels mature over time. The panels may be part of this feature, but the design will need to be further developed so these features are effective.

The grades of the site also slope downward abruptly along the north boundary of the site. A stormwater feature is located at this part of the site. The north side of the site will incorporate a retaining wall along the length of the service drive. The retaining wall will vary in heights from just a few feet to approximately 20 feet in height. Staff discourages the height of a single wall face exceeding eight feet in height. The wall along the north part of the site will be obscured with existing and new landscaping installed along the northeasterly corner of the site. Part of the retaining wall may be visible while traveling southbound on Renner Boulevard. It is anticipated the view of the wall will be for a short glimpse and will continue to reduce as the landscape materials mature. The taller portions of the wall are further west which are significantly screened by existing landscaping on the City owned parkland.

Development in City Center encourages pedestrian circulation. The streets have a consistent decorative pavement and brick pattern used along all sidewalks. This decorative sidewalk is referred to as the *Pedestrian Amenity Zone*. The north side of 86<sup>th</sup> Street incorporates this pattern from the roundabout intersection on Renner Boulevard to the point where 86<sup>th</sup> Street “meets” the current terminus of Elmridge Street. The pavement pattern uses a modular pattern of rectangular score pattern with alternating rectangles of decorative brick and landscaping spaces, both outlined with a concrete band. The Pedestrian Amenity Zone is a unifying feature throughout City Center. The pedestrian amenity zone pattern gives importance to this space and further communicates the enhanced pedestrian connectivity. The site also has a City trail section along the Renner Boulevard frontage. This pedestrian space is a ten-foot-wide concrete sidewalk in lieu of the modular Pedestrian Amenity Zone pattern. The ten-foot-wide sidewalk continues along both sides of Renner Boulevard from the north end of City Center to Prairie Star Parkway. The ten-foot trail is currently a temporary asphalt



surface. The trail is to be reconstructed a concrete path with this phase of the Advent Health and Life Campus.

The site will include a large plaza space and pedestrian features. The plaza is a large space extending from the hospital building to the intersection of 86<sup>th</sup> Street and Scarborough Street. This plaza space uses decorative concrete from the Pedestrian Amenity Zone to a prominent section of the building. This part of the building incorporates a curve to the façade intended to draw the eye down the Scarborough Street axis of the campus. The plaza is a multi-purpose space. Furniture and plantings are moveable and can be organized for different types of events and functions. Two large planter spaces are permanent features of the plaza. The planters use an elliptical geometric shape inspired from the petals of the Advent logo. Immediately adjacent to the large patio space is a garden space connecting the plaza to the entrance at the east end of the building. The garden is linked with a curving path of walkways. The shapes of the garden planter use similar elliptical geometric shapes which introduces an arched and free-flowing pattern into the site that has a more linear and rectangular patterns to the spaces and the building design. The curved lines of the garden planters provide contrasting imagery to the other areas of the site.

The plaza space is a large feature that continues out to the edge of 86<sup>th</sup> Street. The space includes the edge of the intersection of 86<sup>th</sup> Street and Scarborough Street. The intersection of these two streets is an important part of the site. The intersection is where most of the pedestrians will travel through as they circulate in and around the campus and to other areas in City Center. This space is to be identified with an element that reinforces this importance. The plaza space is effective in demonstrating this importance. The intersection will include four bronze medallion inserts, one in each corner of the intersection. The medallions will use the four-petal Advent logo. Two medallions are to be installed on the northeast and northwest corners with this phase of the development. The medallions will be installed on the two south corners when those phases are developed.

The hospital and the MOB will use a porte-cochere covered drive at the entrances to the building. Two of the drive entrances have a drive width that is not wide enough for a vehicle to pass should a vehicle already be parked in the lane under the porte-cochere. In Staff's opinion, these drives should be designed to either provide sufficient width for two vehicles to pass each other or remove the island that separates the drive from the aisle in the parking lot. This is a minor issue that can be further coordinated at the time of a site development permit or building permit for the buildings. This issue does not warrant a condition be included with the staff report for this design issue.

## **LANDSCAPE AND BUFFERS**

The site is densely developed with the two buildings, parking structures and surface parking which is a consistent development pattern for all of City Center. Sites within City Center do not have deep yards from the street to the edges of paved areas or to the wall of the buildings. Landscaping is installed in planter areas and plazas oriented to create spaces and to provide ornamentation, protection, and softening of areas within the site.

Landscaping, including trees, shrubs, and ornamental plantings, are installed along 86<sup>th</sup> Street and Renner Boulevard. These areas incorporate a series of patterned planter areas from the pedestrian amenity zones to the edge of the parking areas. The planter are rectangular spaces alternating with shrubs and flowers in one space and lawn in the other. This pattern presents a more urban park like character to the site instead of the large lawn spaces that is more characteristic of a suburban office building site.

The frontage along Renner Boulevard uses a curved planting bed pattern in the space between the roundabout intersection and small parking lot at the easterly entrance into the building. The curved planting beds use ornamental grasses in the space next to the ten-foot-wide trail with shrub beds and trees more interior to the site.

The northerly boundary of the site is adjacent to City parkland. The park has a mix of tree cover in the valley between the City Center North Village area the Parkhurst subdivision to the north. The Land Use Intensity buffer requirement in *Section 4-1-D-2-N* of the UDC is not applied to the north line of City Center as this property line is adjacent to the park. The park varies in width from approximately 170 feet at the narrowest point, at the easterly end, to 470 feet at the west end. The City park provides the buffer between City Center North Village and the Parkhurst subdivision.

A detention basin will be installed along the northerly boundary of the site, which is the lowest elevation of the site. The plan shows a row of trees to be planted between the edge of the basin and the north property line. The trees will provide additional screening to the trees in the City park. The plan shows the park property is densely planted with a mix of types of trees. The trees will be installed at the low elevation of the site and will mature to provide partial screening of the retaining wall on the opposite side of the detention basin.

Ornamental landscape beds are installed in the areas around the entrance to the hospital, under the porte-cochere at the east entrance and in the large garden spaces next to the plaza. Additional groupings of shrubs are installed in landscape beds around the foundation of the hospital building where the building is adjacent to open spaces. Landscape beds are installed around the parking structure and the surface lot on the west part of the site. The landscaping is along the internal drives of the site. The landscaping will provide screening and soften the presence of the parking structure and surface parking lot. These landscape areas use patterns of plantings in rows and spacing to continue the character of an urban environment.

## **ARCHITECTURAL COMPATIBILITY**

The hospital and MOB are contemporary-style buildings using significant amounts of glass, stone, and pre-cast concrete exterior materials. The hospital is five stories tall, and the MOB is three stories tall. The south façade of the hospital, which is the most visible façade to visitors of the site and from the surrounding streets of the campus, uses glass almost exclusively for the façade. The first and second floors are offset, projecting outward, from the upper stories of the building. The offset creates a curved plane of the façade. This curve is a focal feature of the building façade where the building aligns with the large plaza space linking site to the 86<sup>th</sup> Street and Scarborough Street intersection. The third, fourth, and fifth floors of the building also use glass panels. The glass panels will either be translucent and open into rooms of the building or will be installed over a wall system. The top of the building will use a metal screen to enclose the roof-mounted mechanical equipment. The south façade of the hospital is shown the following *Exhibit 4*.



*Exhibit 4*

The east façade of the building uses a glass tower element with stacked stone central design feature. The element lends a vertical character to the building, where the façade is the narrowest wall of the building.

The north façade will use glass, masonry materials, and pre-cast concrete. The north facing wall of the building is stepped and varies in height as the building increases in height from the ground to the fifth floor. The lower-level mechanical space and service area is at the lowest elevation. This space is a masonry walled open-court area. The hospitals have several types of mechanical requirements to operate, these features are in the mechanical space and service area of the building primarily in the lower level of the building. A mechanical court is also at the top of the building above the fifth floor. The next two levels of the building are hospital floor spaces with various medical treatment uses and the top three levels of the building include the bed-tower part of the hospital. The north façade of the hospital is shown the following *Exhibit 5*.





*Exhibit 5*

The MOB will use the same building finish materials but in different pattern. Masonry materials are used around the base of the building and substantial amounts of glass curtain wall of the hospital. The building incorporates long horizontal lines with articulated features to identify the main building entrance. Sections of the façade use a stone veneer material for a textured element like the stacked stone found on the hospital. The material is used in larger planes from the ground to the top of the floor level or to the top level of the building. The building includes a subtle relief detail of a recessed band of masonry at the ground floor level of the building. The detail is relatively minor but adds character to the lower part of the building where visitors walking into and around the building will be able to see this detail.

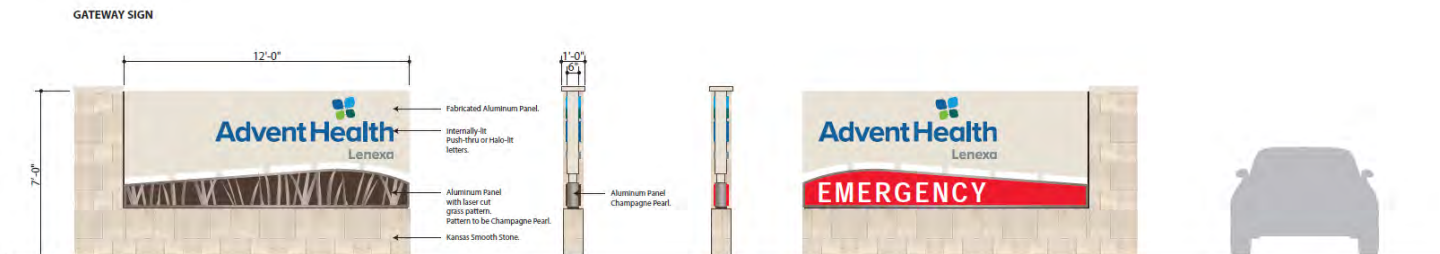
## **SIGN PROGRAM**

The site will use several different types of signs to identify the campus and to orient visitors to the appropriate drive to access the hospital. Signs for a hospital are unique for the nature of the service the hospital provides. The signs are to be visible from surrounding streets and effective to direct people seeking the emergency entrance to the building. The emergency route is identified with red letters that clearly indicate the quickest route into the parking area and to the building entrance. The Advent Health and Life Campus will use multiple signs to identify the emergency access and the entrance into the building for emergency visits.

The buildings will use wall signs to identify them as Advent affiliated buildings. Identifying tenants and building occupants for City Center buildings is anticipated with each development. The signs should be of a modern design and high quality. The plan shows the signs to be a channel style sign. The scale and placement of the signs are reasonable for the campus. Any signs that are to be installed on the north side of the building should be on the lower floors of the building so that the trees screen these signs from being visible from the subdivision to the north. Such signs will identify the emergency entrance for ambulances and other directional type signs.

The plan shows ground mounted signs that identify the Advent Health and Life Campus and the hospital at the roundabout intersection at 86<sup>th</sup> Street and Renner Boulevard. The signs are monument signs on

the northwest and southwest corners of the intersection. The signs use a stone base with a painted metal sign panel. The Advent logo includes a geometric arc element. The monument signs insert a grass pattern into the on the of signs. The other sign uses the “emergency” route graphic on the other sign. The grass pattern detail is used in other wayfinding signs throughout the campus and is featured on various design elements elsewhere in Lenexa. The ground mounted signs are shown on the following *Exhibit 6*.



*Exhibit 6*

Wayfinding signs will be installed at the drive along the north side of the site to inform visitors the drive is for ambulance and service vehicle access only. The copy on the signs and the placement will be coordinated with Staff when the signs are ready to be installed.

The applicant shall provide a sign criteria with a written description of allowed signs for the overall campus. A sign criteria is common for a development where several signs are to be installed and the signs are coordinated in style and fabrication. The Advent Health and Life Campus may contain different types of buildings and uses where signs are desired to have unique characteristics from the hospital and medical uses. The City Center Design Guidelines will allow for unique signs when the circumstances allow for such a sign. Staff will coordinate the acceptance of the sign criteria with the applicant prior to the issuance of sign permits for the campus.

## INFORMATIONAL COMMENTS

Prior to the issuance of the building permit for the hospital or MOB, a final plat for the property shall be recorded.

The final plan for a hospital and medical office building for Advent Health Life Campus is scheduled to be considered by the Governing Body on June 21, 2022.

## STAFF RECOMMENDATION

Staff recommends **APPROVAL** of the of the final plan for a hospital and medical clinic for Advent Health Life Campus located at the northwest corner of 86<sup>th</sup> Street and Renner Boulevard, subject to the following condition:

1. The applicant shall submit a final plat for review, approval, and recording.





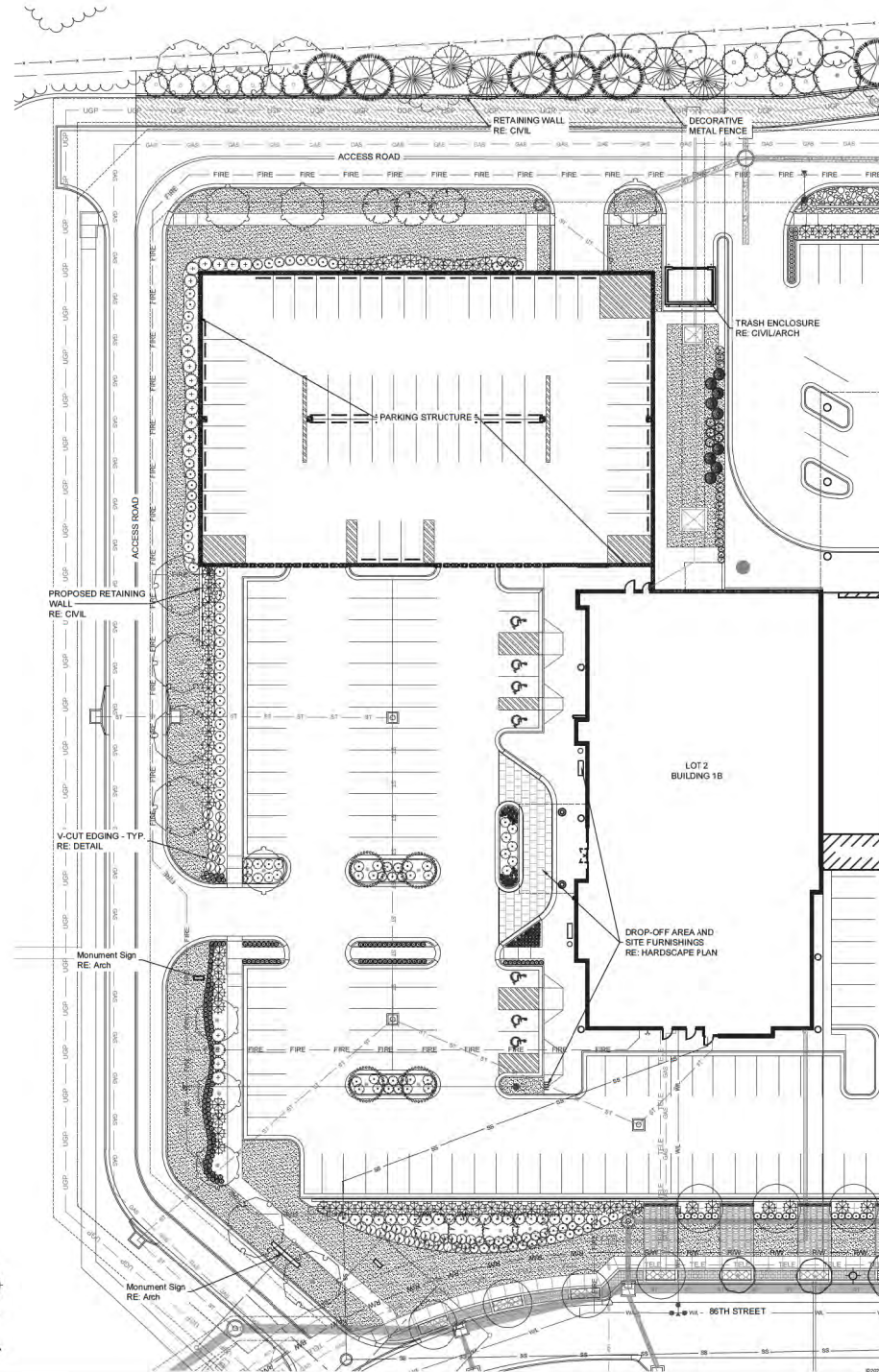
Page 180



# PLANT SCHEDULE WEST LANDSCAPE

TREES	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
AS	Acer rubrum 'Red Sunset' / Red Sunset Maple	B&B	2" Cal.		
CB	Carpinus betulus 'Fastigiata' / Pyramidal European Hornbeam	B&B	2" Cal.		
GT2	Gleditsia triacanthos inermis 'Shademaster' TM / Shademaster Locust	B&B	2" Cal.		
QRR	Quercus robur 'Regal Prince' / Regal Prince English Oak	B&B	2" Cal.		
EVERGREEN	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
JH	Juniperus virginiana 'Hillspire' / Hillspire Juniper	B&B	5' Ht Min.		
PA	Picea abies / Norway Spruce	B&B	5' Ht Min.		
PF	Pinus flexilis 'Vanderwolf's Pyramid' / Vanderwolf's Pyramid Phe	B&B	5' Ht Min.		
ORNAMENTAL	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
CC	Cornus florida 'Cherokee Brave' / Cherokee Brave Dogwood	B&B	6' Ht. Min.		
MSS	Malus x 'Spring Snow' / Spring Snow Crab Apple	B&B	6' Ht. Min.		
SHRUBS	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
CF	Cornus sericea 'Farrow' TM / Arctic Fire Red Twig Dogwood	3 Gal.			
FB	Fothergilla gardenii 'Blue Shadow' / Blue Shadow Fothergilla	3 Gal.			
HB	Hydrangea paniculata 'ILVOBO' TM / Bobo Panicle Hydrangea	3 Gal.			
HQR	Hydrangea quercifolia 'Ruby Slippers' / Ruby Slippers Hydrangea	3 Gal.			
IS	Ilex glabra 'Shamrock' / Shamrock Inkberry Holly	3 Gal.			
PH3	Pennisetum alopecuroides 'Hamelin' / Hamelin Dwarf Fountain Grass	3 Gal.			
PERENNIALS & ANNUALS	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
LM	Liriope muscari 'Big Blue' / Big Blue Lilyturf	1 Gal.			
EVERGREEN SHRUBS	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
JCS	Juniperus chinensis 'Sea Green' / Sea Green Juniper	5 Gal.			18"-24" Ht. Min.
JH2	Juniperus horizontalis 'Hughes' / Hughes Juniper	5 Gal.			18"-24" Ht. Min.
TMD2	Taxus x media 'Densaformis' / Dense Yew	5 Gal.			18"-24" Ht. Min.

SHRUB AREAS	BOTANICAL / COMMON NAME	CONT	SPACING
	Juniperus horizontalis 'Hughes' / Hughes Creeping Juniper	3 Gal.	
	Pennisetum alopecuroides 'Hamelin' / Hamelin Dwarf Fountain Grass	3 Gal.	30" o.c.
	Sporobolus heterolepis / Prairie Dropseed	3 Gal.	30" o.c.
GROUND COVERS	BOTANICAL / COMMON NAME	CONT	SPACING
	Turfgrass Sod Fescue Mix RE: Notes / Fescue Sod	SOD	



# HKS

**ARCHITECT**  
HKS, INC.  
1227 W. MONROE AVE., SUITE 200  
FORT WORTH, TX 76104

**INTERIOR DESIGN**  
HKS, INC.  
1227 W. MONROE AVE., SUITE 200  
FORT WORTH, TX 76104

**MEP ENGINEER**  
HENDERSON ENGINEERING, INC.  
8406 LINDALE AVE., STE. 200  
LINCOLN, NE 68514

**STRUCTURAL ENGINEER**  
HKS, INC.  
1227 W. MONROE AVE., SUITE 200  
FORT WORTH, TX 76104

**CIVIL ENGINEER**  
RENEGADE INFRASTRUCTURE CONSULTING  
400 PENCE LINE  
LINCOLN, NE 68512

**LANDSCAPE ARCHITECT**  
RENEGADE INFRASTRUCTURE CONSULTING  
400 PENCE LINE  
LINCOLN, NE 68512

**FOOD SERVICE**  
RENEGADE DESIGN GROUP  
303 NORTH EAST ST., SUITE ONE  
FORT WORTH, TX 76102

**SIGNAGE CONSULTANT**  
HEALTHCARE GRAPHICS CONSULTING  
1500 SURVEY COURT  
OAKLAND, CA 94612

**ASSOCIATE ARCHITECT**  
HKS, INC.  
1227 W. MONROE AVE., SUITE 200  
FORT WORTH, TX 76104

**PROJECT MANAGER**  
JACOB  
1115 N. GESSIE RD., 5TH FLOOR  
ARLINGTON, VA 22201

**CONSTRUCTION MANAGER**  
GEORGE CONSTRUCTION CO.  
25 NORTH CASCADE AVE., STE. 400  
COLLEGE SPRING, MD 20740

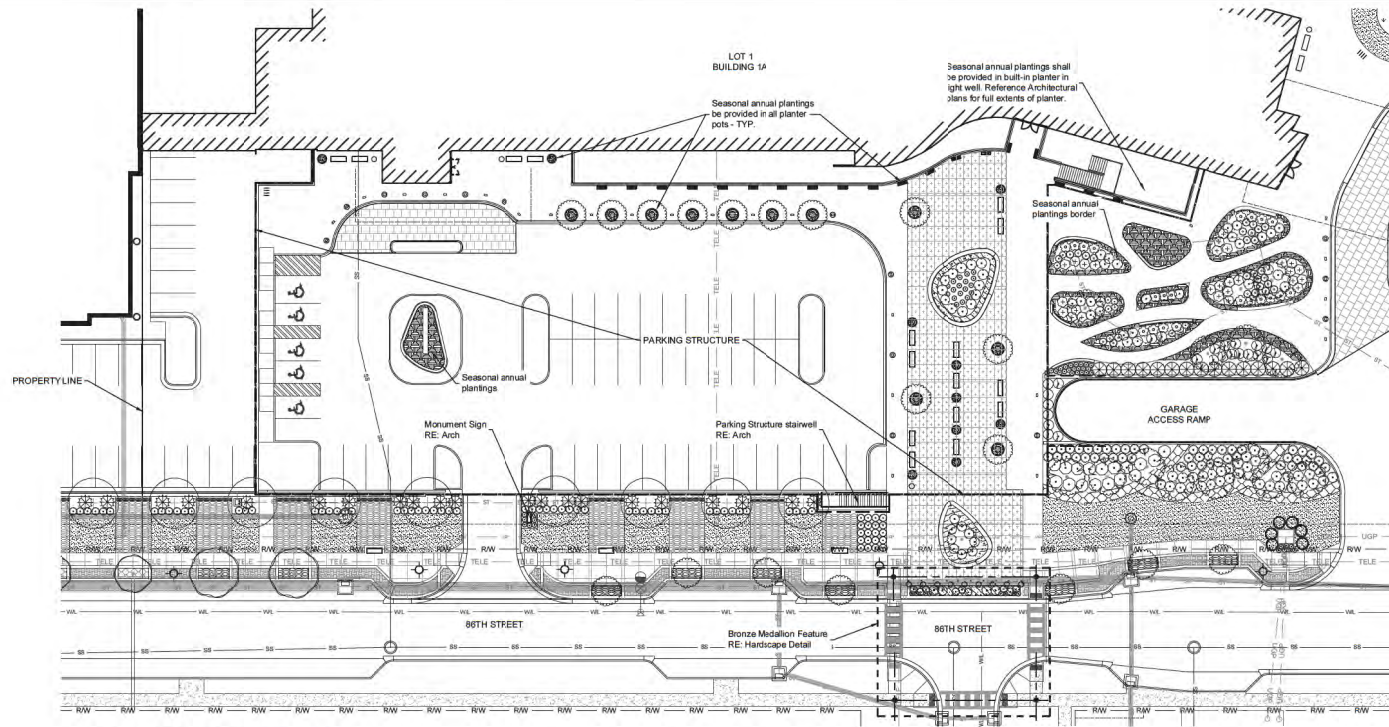
**Advent Health**  
**ADVENT HEALTH**  
**HOSPITAL**

NOT FOR CONSTRUCTION

REVISION	NO.	DESCRIPTION	DATE

HKS PROJECT NUMBER  
**23662.000**  
DATE  
**03/28/22**  
SHEET  
**FINAL DEVELOPMENT**  
**PLAN**  
SHEET TITLE  
West Landscape  
Enlargement

SHEET NO.  
**L02**



PLANT SCHEDULE SOUTH LANDSCAPE

TREES	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	SHRUB AREAS	BOTANICAL / COMMON NAME	CONT	SPACING
	GB	Ginkgo biloba 'Fastigata' / Fastigate Maidenhair Tree	B&B	2" Cal.			Pennisetum alopecuroides 'Hainin' / Hainin Dwarf Fountain Grass	3 Gal.	30" e.c.
	GT2	Gleditsia triacanthos inermis 'Shademaster' TM / Shademaster Locust	B&B	2" Cal.			Seasonal Plantings / Seasonal Annuals By Owner	4" or greater	12" e.c.
	QRR	Quercus robur 'Regal Prince' / Regal Prince English Oak	B&B	2" Cal.			Sporobolus heterolepis / Prairie Dropseed	3 Gal.	30" e.c.
EVERGREEN	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE		Weigela florida 'Verweig' TM / My Monet Weigela	4" or greater	18" e.c.
	TS2	Thuja occidentalis 'Smaragd' / Emerald Green Arborvitae	B&B, 3" Cal.						
ORNAMENTAL	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	GROUNDS COVERS	BOTANICAL / COMMON NAME	CONT	
	CC	Cornus florida 'Cherokee Brave' / Cherokee Brave Dogwood	B&B		6" Ht. Min.		Turfgrass Sod Fescue Mix RE: Notes / Fescue Sod	SOD	
SHRUBS	CODE	BOTANICAL / COMMON NAME	CONT						
	AL	Achillea millefolium 'Lavender Beauty' / Lavender Beauty Common Yarrow	3 Gal.						
	AM2	Aronia melanocarpa 'Morton' TM / Iroquois Beauty Black Chokeberry	3 Gal.						
	CAK	Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass	3 Gal.						
	CW	Calamintha nepeta 'White Cloud' / White Cloud Lesser Calamint	3 Gal.						
	CF	Cornus sericea 'Farrow' TM / Arctic Fire Red Twig Dogwood	3 Gal.						
	HB	Hydrangea paniculata 'ILVORO' TM / Bobo Panicle Hydrangea	3 Gal.						
	HQR	Hydrangea quercifolia 'Ruby Slippers' / Ruby Slippers Hydrangea	3 Gal.						
	HP	Hypericum perforatum / St. John's Wort	3 Gal.						
	IS	Ilex glabra 'Shamrock' / Shamrock Inkberry Holly	3 Gal.						
EVERGREEN SHRUBS	CODE	BOTANICAL / COMMON NAME	CONT						
	JCG	Juniperus chinensis 'Gold Lace' / Gold Lace Juniper	5 Gal.		18"-24" Ht. Min.				
	JCS	Juniperus chinensis 'Sea Green' / Sea Green Juniper	5 Gal.		18"-24" Ht. Min.				
	JH2	Juniperus horizontalis 'Hughes' / Hughes Juniper	5 Gal.		18"-24" Ht. Min.				
	JB4	Juniperus squamata 'Blue Star' / Blue Star Juniper	5 Gal.		18"-24" Ht. Min.				

**HKS**

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**ADVENT HEALTH**  
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SCALE & SIGNATURE

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REVISION

NO. DESCRIPTION DATE

HKS PROJECT NUMBER

**23662.000**

DATE

**03/28/22**

ISSUE

**FINAL DEVELOPMENT**

PLAN

SHEET TITLE

**South Landscape**

Enlargement




























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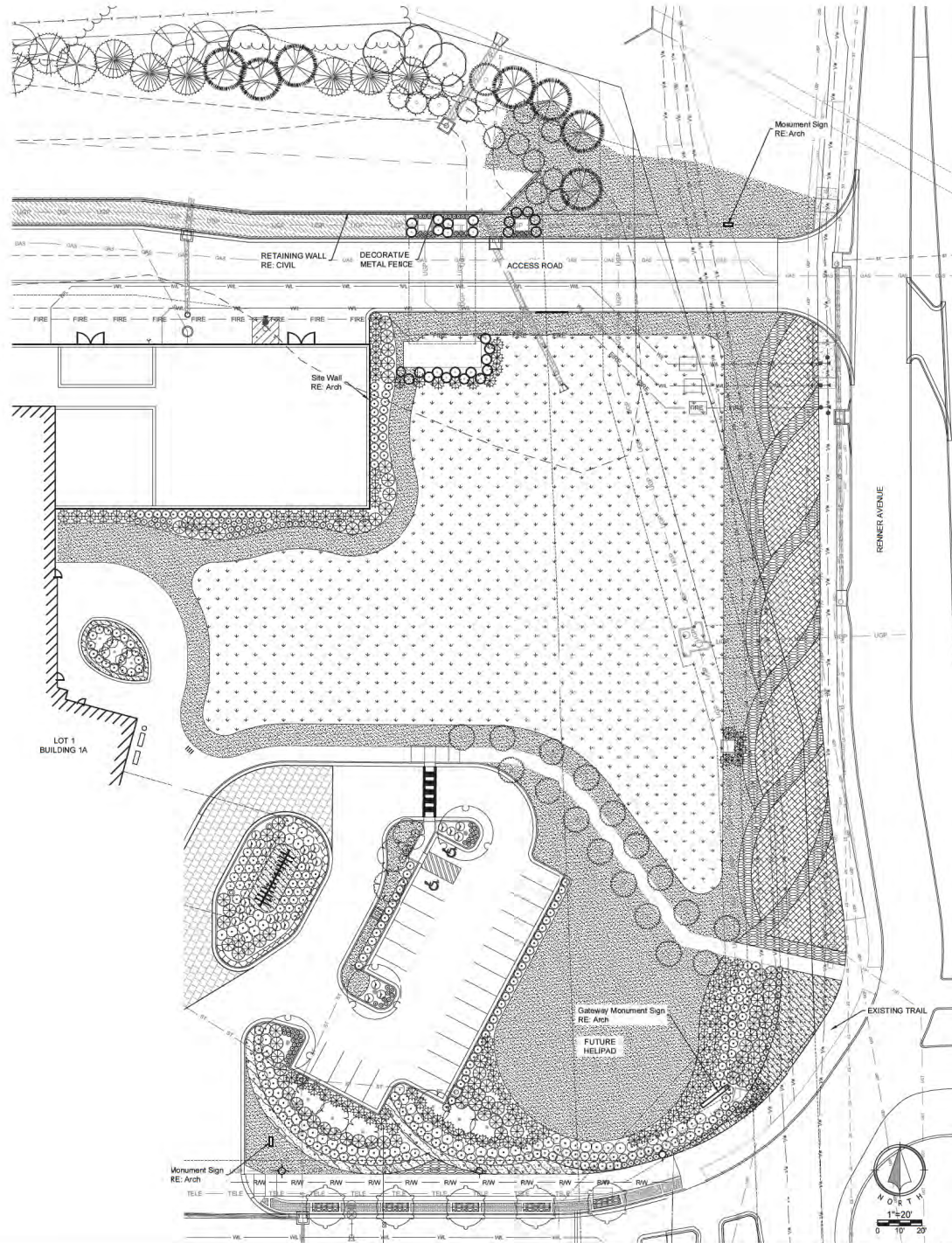
**L03**





# PLANT SCHEDULE EAST LANDSCAPE

TREES	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
	CB	Carpinus betulus 'Fastigiata' / Pyramidal European Hornbeam	B&B	2" Cal.	
	GB	Ginkgo biloba 'Fastigiata' / Fastigiate Maidenhair Tree	B&B	2" Cal.	
	QRR	Quercus robur 'Regal Prince' / Regal Prince English Oak	B&B	2" Cal.	
	TC	Tilia cordata 'Greenspire' / Littleleaf Linden	B&B	2" Cal.	
EVERGREEN	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
	JH	Juniperus virginiana 'Hillspire' / Hillspire Juniper	B&B		5' Ht. Min.
	PA	Picea abies / Norway Spruce	B&B		5' Ht. Min.
	PF	Pinus flexilis 'Vanderwolf's Pyramid' / Vanderwolf's Pyramid Pine	B&B		5' Ht. Min.
	TS2	Thuja occidentalis 'Smaragd' / Emerald Green Arborvitae	B&B, 3" Cal.		
ORNAMENTAL	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE
	CA	Cercis canadensis 'Appalachian Red' / Appalachian Red Eastern Redbud	B&B		6' Ht. Min.
	CC	Cornus florida 'Cherokee Brave' / Cherokee Brave Dogwood	B&B		6' Ht. Min.
	MB	Magnolia grandiflora 'Bracken's Brown Beauty' / Bracken's Southern Magnolia	B&B		6' Ht. Min.
	MP	Malus 'Prairifire' / Prairifire Crab Apple	B&B		6' Ht. Min.
SHRUBS	CODE	BOTANICAL / COMMON NAME	CONT		
	AM2	Aronia melanocarpa 'Morton' TM / Iroquois Beauty Black Chokeberry	3 Gal.		
	CAK	Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass	3 Gal.		
	CF	Cornus sericea 'Farrow' TM / Arctic Fire Red Twig Dogwood	3 Gal.		
	HB	Hydrangea paniculata 'ILVOBO' TM / Bobo Panicle Hydrangea	3 Gal.		
	HQR	Hydrangea quercifolia 'Ruby Slippers' / Ruby Slippers Hydrangea	3 Gal.		
EVERGREEN SHRUBS	CODE	BOTANICAL / COMMON NAME	CONT		
	JCG	Juniperus chinensis 'Gold Lace' / Gold Lace Juniper	5 Gal.		18"-24" Ht. Min.
	JCS	Juniperus chinensis 'Sea Green' / Sea Green Juniper	5 Gal.		18"-24" Ht. Min.
	JH2	Juniperus horizontalis 'Hughes' / Hughes Juniper	5 Gal.		18"-24" Ht. Min.
	JB4	Juniperus squamata 'Blue Star' / Blue Star Juniper	5 Gal.		18"-24" Ht. Min.
SHRUB AREAS	BOTANICAL / COMMON NAME		CONT	SPACING	
	Panicum virgatum 'Svenandoah' / Switch Grass		3 Gal.	36" o.c.	
	Pennisetum alopecuroides 'Hamel' / Hameln Dwarf Fountain Grass		3 Gal.	30" o.c.	
	Sporobolus heterolepis / Prairie Dropseed		3 Gal.	30" o.c.	
	Weigela florida 'Verweig' TM / My Monet Weigela		4" or greater	18" o.c.	
GROUND COVERS	BOTANICAL / COMMON NAME		CONT		
	Mixed-Height Prairie Seed Mix; RE: Notes / Refer to Seed Mix this Sheet		Cont.		
	Turfgrass Sod Fescue Mix; RE: Notes / Fescue Sod		SOD		



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**Advent Health**  
**ADVENT HEALTH**  
**HOSPITAL**

RE: Arch

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REVISION

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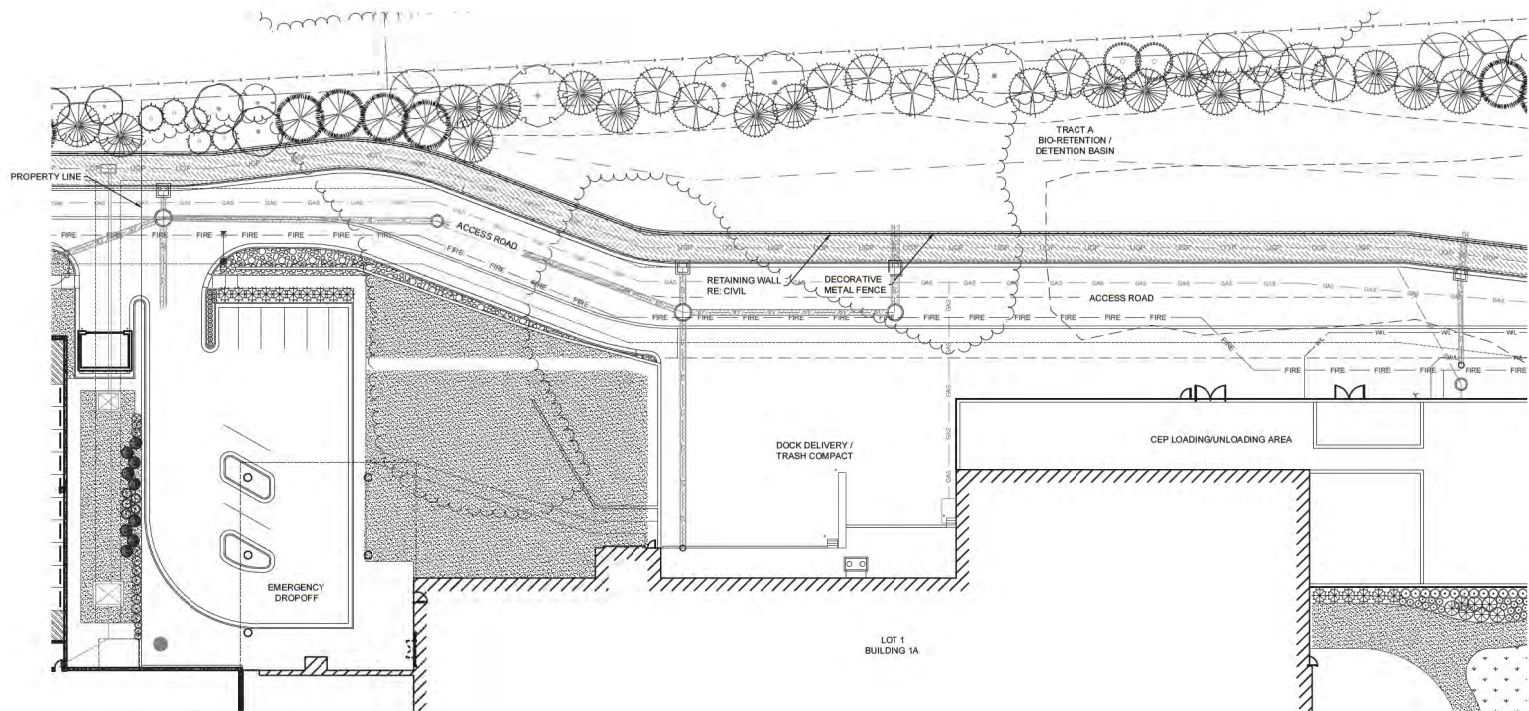
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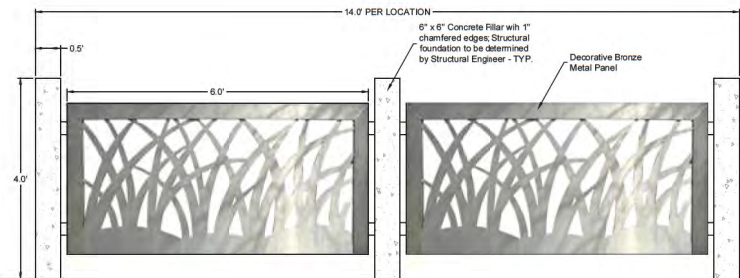
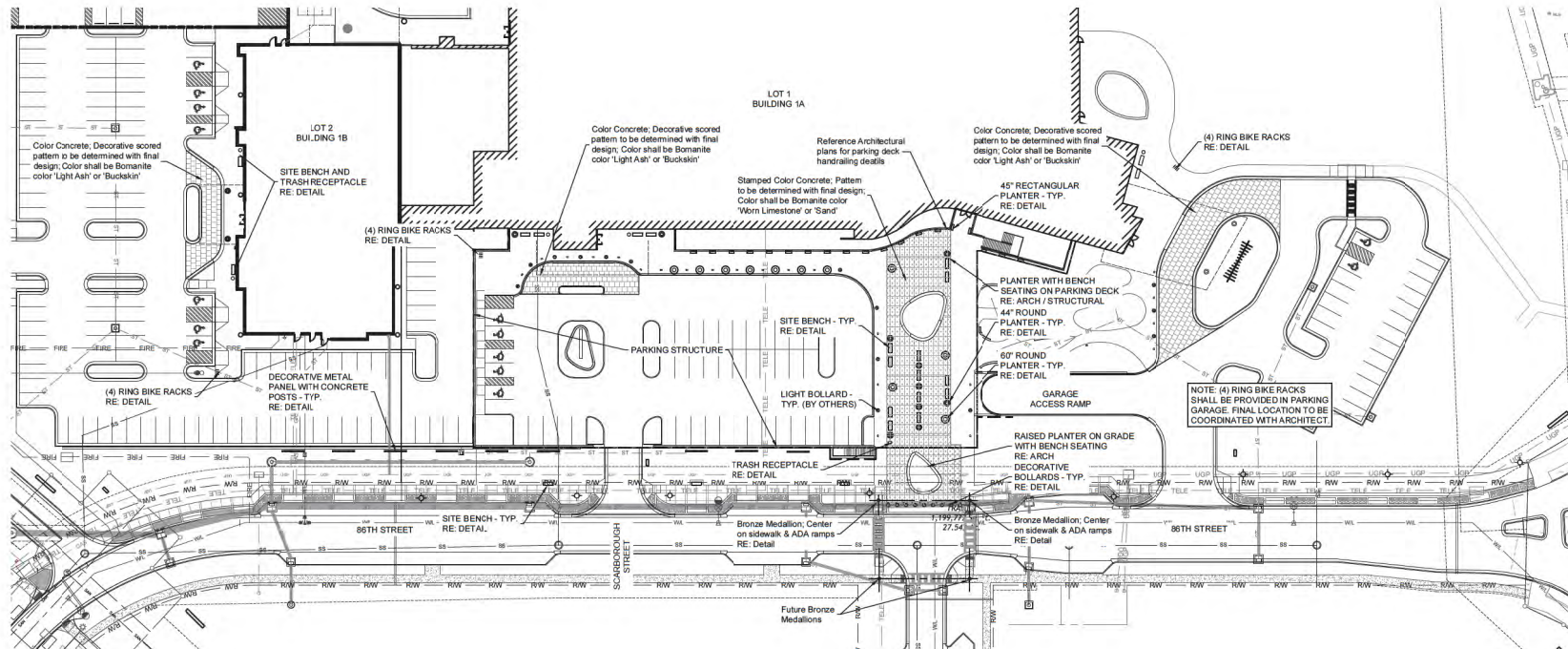


PLANT SCHEDULE NORTH LANDSCAPE

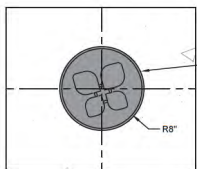
TREES	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE	SHRUB AREAS	BOTANICAL / COMMON NAME	CONT	SPACING
	AS	Acer rubrum 'Red Sunset' / Red Sunset Maple	B&B	2" Cal.			Juniperus horizontalis 'Hughes' / Hughes Creeping Juniper	3 Gal.	
	AA2	Acer x freemanii 'Jeffersred' TM / Autumn Blaze Freeman Maple	B&B	2" Cal.			Decorative Gavel 4" - 6" Non. Dia. River Rock / Local Source; Re: Notes	6" Depth Min.	
	QRR	Quercus robur 'Regal Prince' / Regal Prince English Oak	B&B	2" Cal.			Turfgrass Sod Fescue Mix; RE: Notes / Fescue Sod	SOD	
	TM	Taxodium distichum 'Mickelson' TM / Shawnee Brave Bald Cypress	B&B	2" Cal.					
EVERGREEN	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE				
	JS	Juniperus chinensis 'Spartan' / Spartan Juniper	B&B		5' Ht. Min.				
	JH	Juniperus virginiana 'Hillspire' / Hillspire Juniper	B&B		5' Ht. Min.				
	PA	Picea abies / Norway Spruce	B&B		5' Ht. Min.				
	PF	Pinus flexilis 'Vanderwolf's Pyramid' / Vanderwolf's Pyramid Pine	B&B		5' Ht. Min.				
ORNAMENTAL	CODE	BOTANICAL / COMMON NAME	CONT	CAL	SIZE				
	MB	Magnolia grandiflora 'Bracken's Brown Beauty' / Bracken's Southern Magnolia	B&B		6' Ht. Min.				
	MP	Malus x 'Prairifire' / Prairifire Crab Apple	B&B		6' Ht. Min.				
SHRUBS	CODE	BOTANICAL / COMMON NAME	CONT						
	CAK	Calamagrostis x acutiflora 'Karl Foerster' / Feather Reed Grass	3 Gal.						
	JS2	Juniperus scopulorum 'Skyrocket' / Skyrocket Juniper	5 Gal.						
EVERGREEN SHRUBS	CODE	BOTANICAL / COMMON NAME	CONT						
	JCG	Juniperus chinensis 'Gold Lace' / Gold Lace Juniper	5 Gal.		18"-24" Ht. Min.				
	JCS	Juniperus chinensis 'Sea Green' / Sea Green Juniper	5 Gal.		18"-24" Ht. Min.				
	JB4	Juniperus squamata 'Blue Star' / Blue Star Juniper	5 Gal.		18"-24" Ht. Min.				







DECORATIVE METAL PANELS - NTS



BRONZE MEDALLIONS - NTS



Decorative Metal Panel: Bronze Metal with Concrete Posts RE. Elevation Detail

## SORELLA



### FINISHES

FINISH	DESCRIPTION	REMARKS
1	Stained concrete paving: Bomanite 'Sandscape Refined' finish. Concrete shall be sealed per manufacturer's specifications. Contact Bomanite at bomanite.com for more information.	
2	Plaza Area Concrete Color Option 1 Bomanite color 'Warm Limestone'	
3	Plaza Area Concrete Color Option 2 Bomanite color 'Sand'	
4	Drop-Off Area Concrete Color Option 1 Bomanite color 'Light Ash'	
5	Drop-Off Area Concrete Color Option 2 Bomanite color 'Buckskin'	

### TO SPECIFY

1. Stained concrete paving: Bomanite 'Sandscape Refined' finish. Concrete shall be sealed per manufacturer's specifications. Contact Bomanite at bomanite.com for more information.

### NOTES

NOTE: All planter pots shall contain seasonal annual plantings by Owner

## LANDSCAPE

## DESIGN

### DESIGN

### DESIGN

### DESIGN

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## CONCRETE PAVING

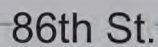
Stained concrete paving: Bomanite 'Sandscape Refined' finish. Concrete shall be sealed per manufacturer's specifications. Contact Bomanite at bomanite.com for more information.

- Plaza Area Concrete Color Option 1 Bomanite color 'Warm Limestone'
- Plaza Area Concrete Color Option 2 Bomanite color 'Sand'
- Drop-Off Area Concrete Color Option 1 Bomanite color 'Light Ash'
- Drop-Off Area Concrete Color Option 2 Bomanite color 'Buckskin'

## DECORATIVE CONCRETE NOTES

- Mock Up: Contractor shall provide (2) 4x4 minimum mock ups for approval by the Owner. Excess material shall be discarded. Construct mock up using processes and techniques intended for use on permanent work. Include samples of control, expansion and joint in mock up sample. Mock up shall be produced by the individual workers who will perform the work for the project. Mock up shall remain through completion of work for use as a quality standard for finished work. Mock up area shall not be used as the final product.
- All stained concrete shall be sealed. All sealing compounds shall be of the same manufacturer as the color admixture and applied as recommended by the manufacturer.
- Finish: All stained concrete shall be Bomanite's 'Sandscape Refined' finish per manufacturer's recommendations.
- Tolerance: Minor variations in appearance of stained concrete, which are similar to natural variations in color and appearance of uncolored concrete, are acceptable.
- Stamped concrete slab on grade shall be 4" thick or as directed by the Geotech Report for sidewalks. Provide saw cut joints spacing at no larger than 2x the slab thickness. Align saw cuts perpendicular to the path of travel and with corners as required.
- Stamped concrete over parking structure shall be recessed in slab per Structural and Architectural plans.
- Provide expansion joints at all cold joints and vertical surfaces.



















**MAIN ENTRY VIEW**  
LANDSCAPING SHOWN FOR IMAGERY - REFERENCE LANDSCAPING PLANS FOR FINAL LANDSCAPING



**RENNER VIEW - LOOKING SOUTH WEST**  
LANDSCAPING SHOWN FOR IMAGERY - REFERENCE LANDSCAPING PLANS FOR FINAL LANDSCAPING



**BIRD'S EYE VIEW - LOOKING NORTH**  
LANDSCAPING SHOWN FOR IMAGERY - REFERENCE LANDSCAPING PLANS FOR FINAL LANDSCAPING



**PLAZA VIEW**  
LANDSCAPING SHOWN FOR IMAGERY - REFERENCE LANDSCAPING PLANS FOR FINAL LANDSCAPING



**BIRD'S EYE VIEW - LOOKING NORTH EAST**  
LANDSCAPING SHOWN FOR IMAGERY - REFERENCE LANDSCAPING PLANS FOR FINAL LANDSCAPING



**BIRD'S EYE VIEW - LOOKING SOUTH EAST**  
LANDSCAPING SHOWN FOR IMAGERY - REFERENCE LANDSCAPING PLANS FOR FINAL LANDSCAPING

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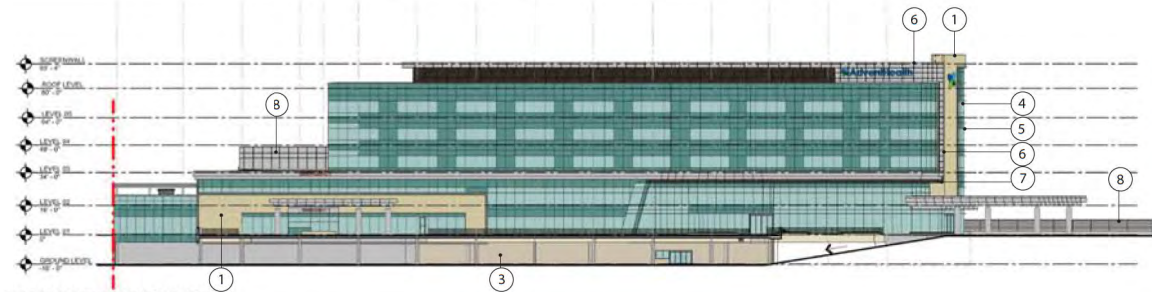
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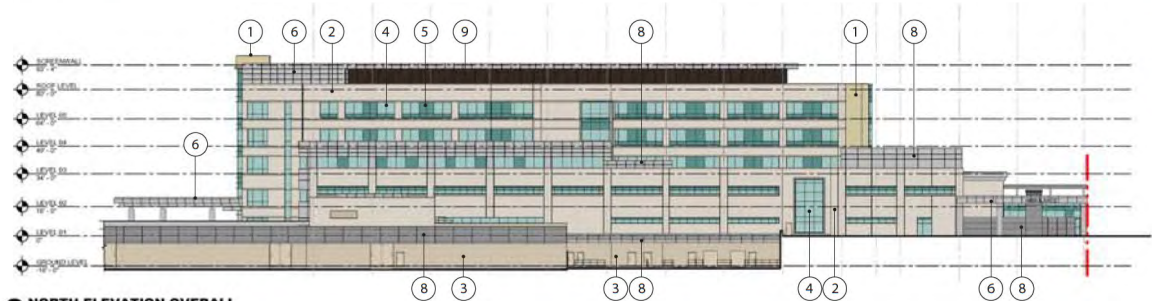
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**23682.000**  
DATE  
**04/18/22**  
ISSUE  
**FINAL DEVELOPMENT  
PLAN  
SHEET TITLE  
ARCHITECTURAL  
RENDERINGS**

SHEET NO.  
**A5-03**

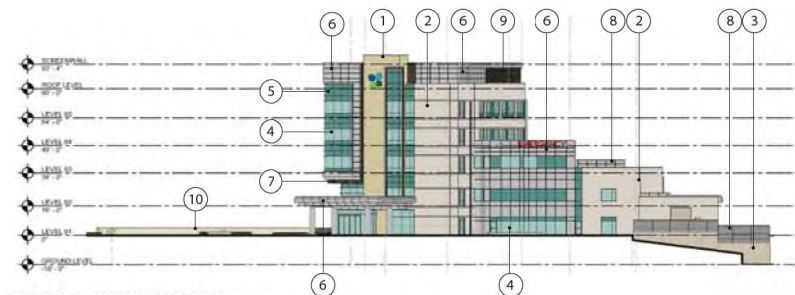




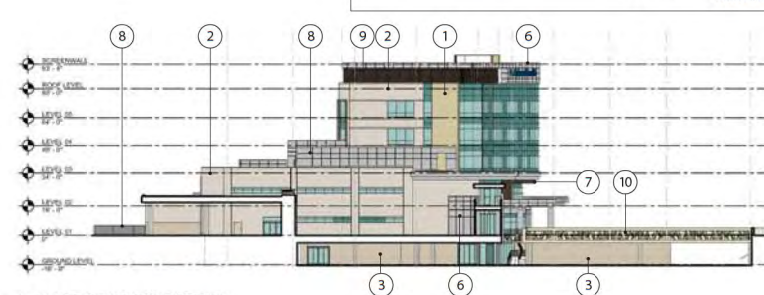
**1 SOUTH ELEVATION-OVERALL**  
1/32" = 1'-0"



**2 NORTH ELEVATION-OVERALL**  
1/32" = 1'-0"



**3 EAST ELEVATION-OVERALL**  
1/32" = 1'-0"



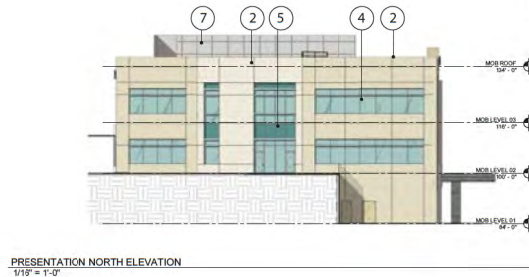
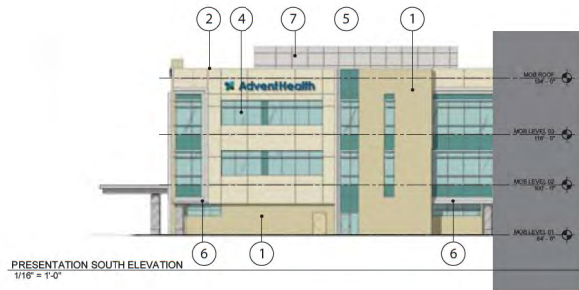
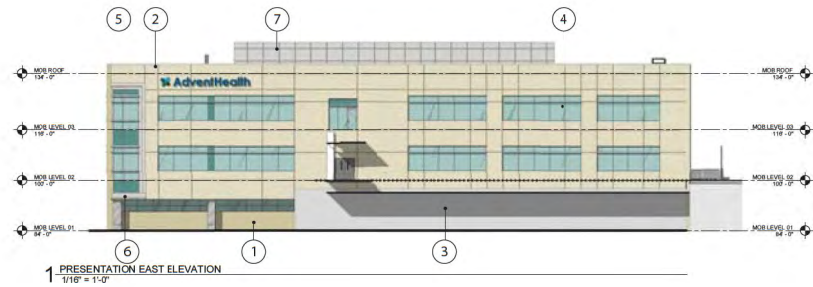
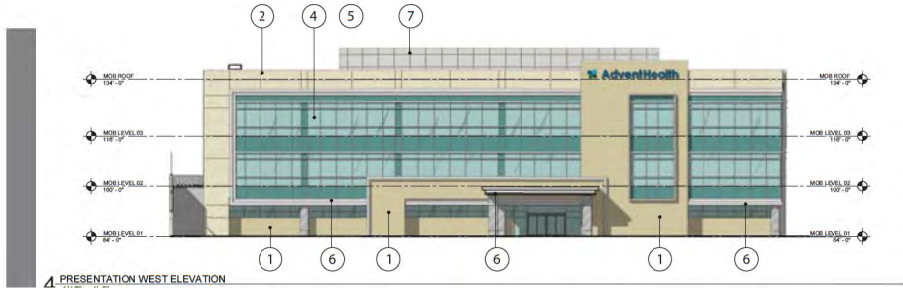
**4 WEST ELEVATION-OVERALL**  
1/32" = 1'-0"



**Main Entry Rendering**  
(Landscaping shown for Rendering Only, RE: Landscape drawings)

**Exterior Materials**

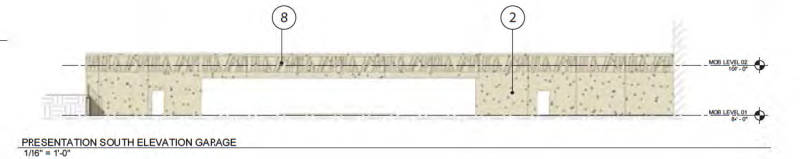
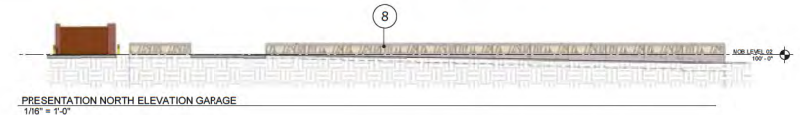
<p><b>1</b> Stone/Veneer (ST01) Type: Kansas Limestone Manufacture: U.S. Stone Industries Color: Cottonwood, Top Ledge Finish: Honed Size/Pattern: 23 5/8" x 35 5/8", Running Bond</p>	<p><b>4</b> Glazing (GL01) Type: Insulated Coated Glass - Vision Manufacture: Vitrocon VREI-65 Color: Clear</p>	<p><b>9</b> Screenwall 2 (AMF06) Type: Formed Metal Wall Panel Manufacture: Morin Color: PPG Duranar Sunstorm, Driftwood Mica</p>
<p><b>2</b> Brick Veneer (MV01) Type: Masonry Brick Veneer Manufacture: Acme Brick Color: Steele Gray Finish: Velour Size/Pattern: Utility Size, Running Bond</p>	<p><b>5</b> Glazing (GL02) Type: Insulated Coated Glass - Spandrel Manufacture: Vitrocon VREI-65 Color: Clear w/ V008 Gray on No. 4 Surface</p>	<p><b>10</b> Precast Type: Precast Concrete Spandrel Panel Manufacture: Omega Color: Tan (match brick) Texture: Smooth Formliner: Fitzgerald, Western Tange Grass</p>
<p><b>3</b> CMU (CMUC1) Type: Concrete Masonry Unit Manufacture: Featherlite Color: Ashland Finish: Palo Duro Series: Burnished Size/Pattern: 7 5/8" x 15 5/8", Running Bond</p>	<p><b>6</b> Metal Panel 1 (AMF01) Type: Composite Metal Panel/Window Mullions Manufacture: Pittcon Industries Color: Valspar Flutopan Classic II, Champagne Pearl</p>	
	<p><b>7</b> Metal Panel 2 (AMF02) Type: Composite Metal Panel Manufacture: Pittcon Industries Color: PPG Duranar Sunstorm, Driftwood Mica</p>	
	<p><b>8</b> Screenwall 1 (AMF05) Type: Formed Metal Wall Panel Manufacture: Morin Color: Valspar Flutopan Classic II, Champagne Pearl</p>	



Main Entry Rendering  
(Landscaping shown for Rendering Only, RE: Landscape drawings)

#### Exterior Materials

1 Stone/Veneer (ST01)	Type: Kansas Limestone Manufacture: U.S. Stone Industries Color: Cottonwood, Top Ledge Finish: Honed Size/Pattern: 23 5/8" x 35 5/8", Running Bond	4 Glazing (GL01)	Type: Insulated Coated Glass - Vision Manufacture: Vitrocon VREI-65 Color: Clear
2 Precast:	Type: Precast Concrete Spandrel Panel Manufacture: Omega Color: Tan Texture: Smooth	5 Glazing (GL02)	Type: Insulated Coated Glass - Spandrel Manufacture: Vitrocon VREI-65 Color: Clear w/ V908 Gray on No. 4 Surface
3 CMU: (CMUC1)	Type: Concrete Masonry Unit Manufacture: Featherlite Color: Ashland Finish: Palo Duro Series; Burnished Size/Pattern: 7 5/8" x 15 5/8", Running Bond	6 Metal Panel: (AMF01)	Type: Composite Metal Panel/Window Mullions Manufacture: Pittcon Industries Color: Valspar Flutrop Classic II, Champagne Pearl
		7 Screenwall: (AMF05)	Type: Formed Metal Wall Panel Manufacture: Moni Color: Valspar Flutrop Classic II, Champagne Pearl
		8 Precast:	Type: Precast Concrete Spandrel Panel Manufacture: Omega Color: Tan Texture: Smooth Formliner: Fitzgerald; Western Range Grass

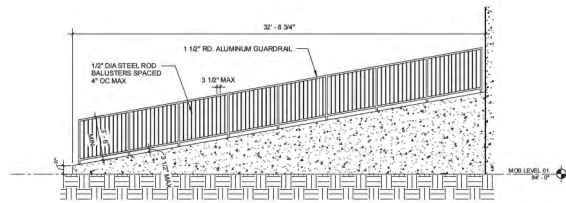












3 GUARDRAIL ELEVATION  
1/4" = 1'-0"

EXTERIOR FINISH MATERIALS		BASIS OF DESIGN
PRECAST CONCRETE PANEL	FITZGERALD FORMLINERS, PATTERN 200A-36 (PARKING GARAGE)	
CLEAR ANODIZED ALUM. CURTAINWALL	KAWNEER 180 WALL SYSTEM, CHAMPAGNE PEARL	
CLEAR ANODIZED ALUM. STOREFRONT	KAWNEER TRIFAB 451T FRAMING SYSTEM, CHAMPAGNE PEARL	
PRE-FINISHED ARCHITECTURAL METAL PANEL	ALUCOBOND - CHAMPAGNE PEARL	
LIMESTONE VENEER	US STONE INDUSTRIES, COTTONWOOD, HONED	
PRE-FINISHED MECHANICAL SCREEN	PAC-GLAD, COMPOSITE WALL PANEL, PAC-3000 RS	
CONCRETE MASONRY UNIT	FEATHERLITE ASHLAND	



15225 Breadmoor Street  
Overland Park, KS 66223  
h|d Architecture, LLC  
Certificate of Authority Number:  
Kansas: #0207523

Gregory S. Highberger - Architect  
License - Kansas: #06056

#### DESIGN ARCHITECT/INTERIOR

WHS Architects  
1227 W. Maple Ave.  
A200, Fort Worth, TX 76104  
Phone Number: 817-574-2058

#### CIVIL/LANDSCAPE CONSULT.

Maintenance Infrastructure Consulting  
8653 Pennell Lane  
Lenexa, KS 66219  
Phone Number: 913-321-9500

#### STRUCTURAL CONSULTANT

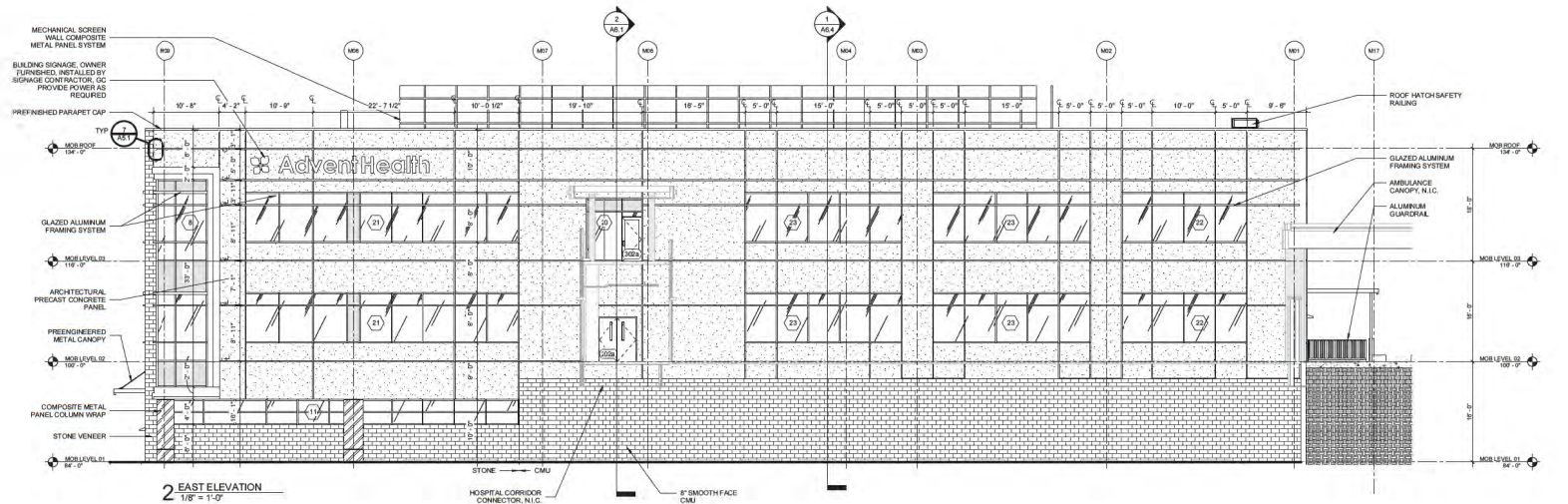
Bob D Campbell & Co  
4338 Bellvue Ave  
Kansas City, MO 64111  
Phone Number: 816-778-7247

#### MEP CONSULTANT

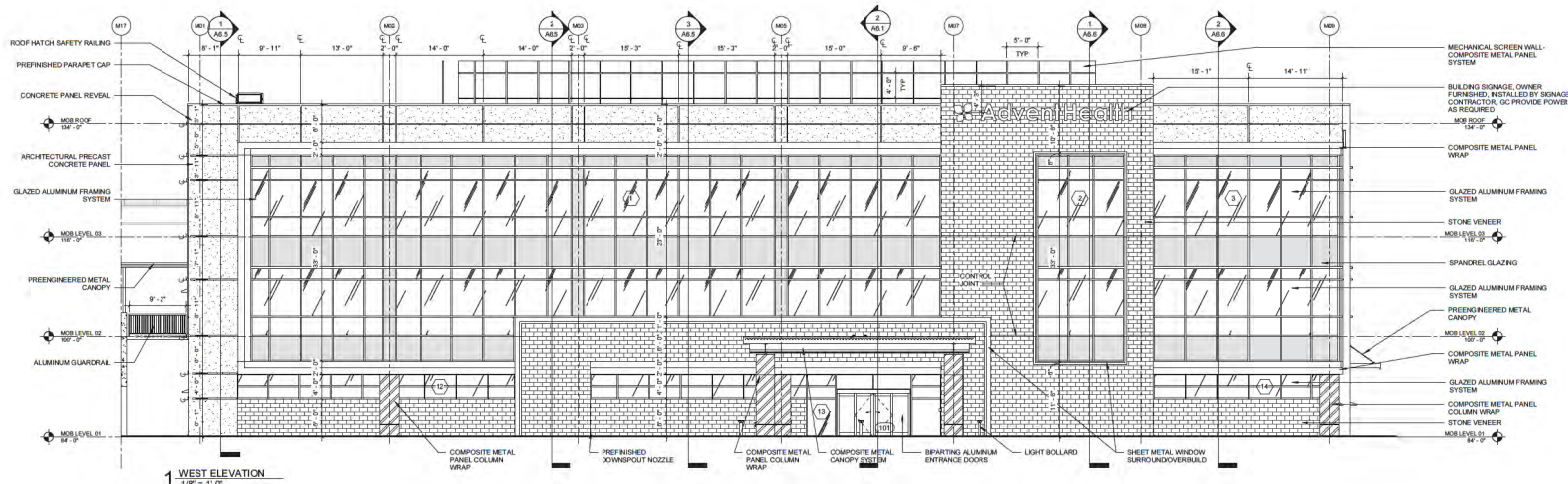
Henderson Engineers, Inc.  
8145 Lenexa Dr., Ste 300  
Lenexa, KS 66214  
Phone Number: 913-742-5000

#### OWNER REPRESENTATIVE

MED Development  
10380 Bailey Dr., Ste 300  
Overland Park, KS 66210



2 EAST ELEVATION  
1/8" = 1'-0"



1 WEST ELEVATION  
1/8" = 1'-0"

**AdventHealth**  
LENEXA CITY CENTER MOB #1  
FINAL DEVELOPMENT PLAN

Date 03/01/2022  
Job Number 22-002  
Drawn By TWG  
Checked By JMW

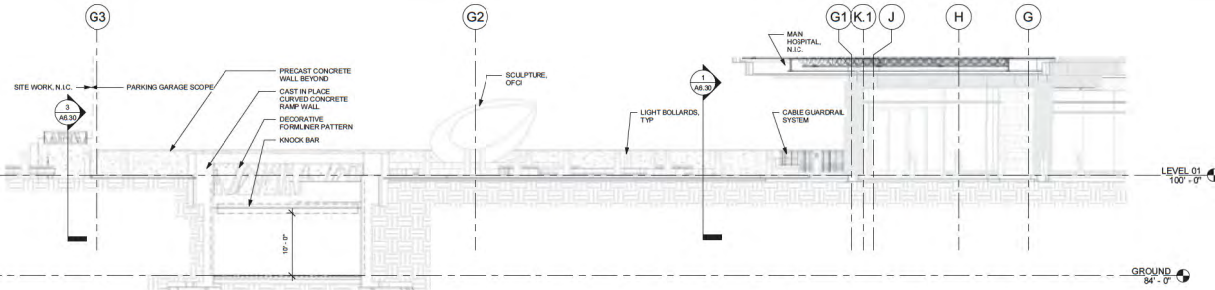
Revision		
Number	Date	Description

A5.2

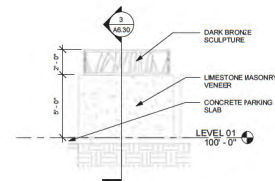
2022-03-14 Architecture, LLC

EXTERIOR ELEVATIONS

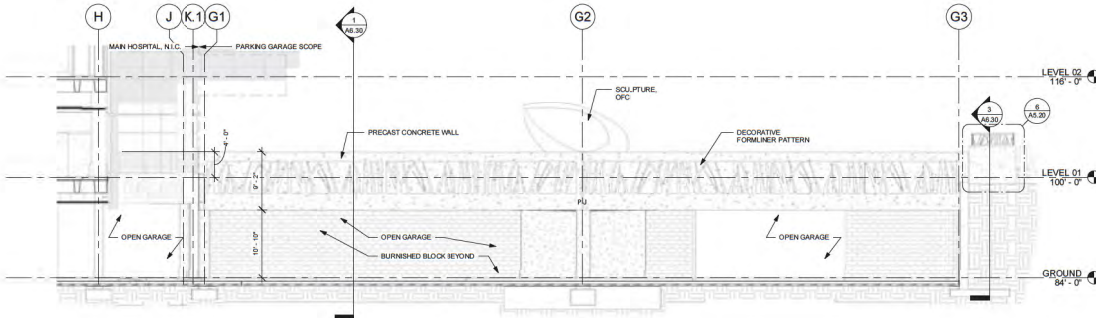




**4 PARKING GARAGE EAST ELEVATION**  
1/8" = 1'-0"



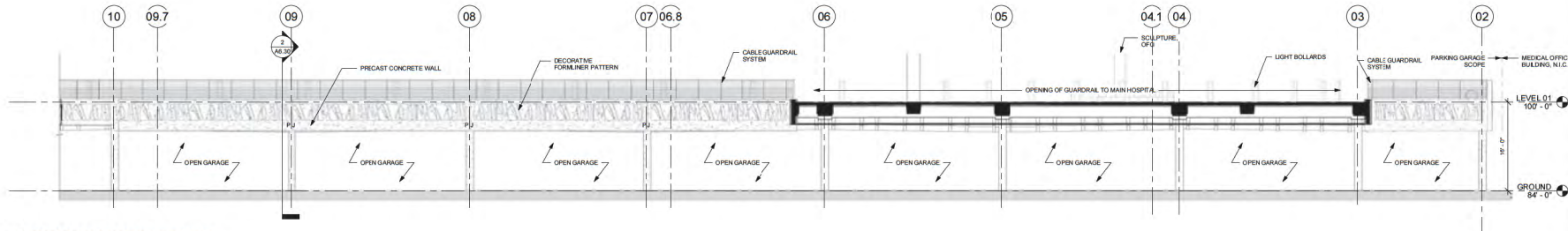
**6 ENLARGED STAIR WALL WEST ELEVATION**  
1/4" = 1'-0"



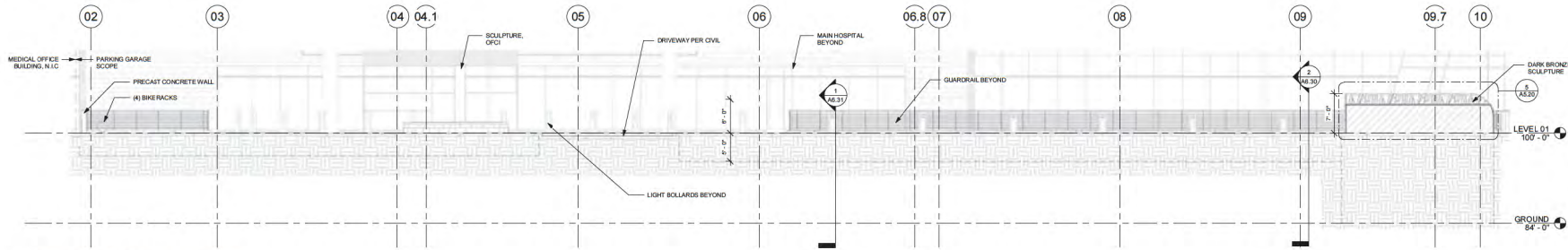
**3 PARKING GARAGE WEST ELEVATION**  
1/8" = 1'-0"



**5 ENLARGED STAIR WALL SOUTH ELEVATION**  
1/4" = 1'-0"



**2 PARKING GARAGE NORTH ELEVATION**  
1/8" = 1'-0"



**1 PARKING GARAGE SOUTH ELEVATION**  
1/8" = 1'-0"



**CITY OF LENEXA, KANSAS**  
**PLANNING COMMISSION MEETING MINUTES**  
**June 6, 2022**

**REGULAR AGENDA**

- 1. Final Plan for Advent Health Lenexa City Center located at the northwest corner of 87<sup>th</sup> Street Parkway and Renner Boulevard, in the CC, Planned City Center District. PL22-07F**  
*Consideration of a final plan for Advent Hospital and medical office building in City Center*

**APPLICANT PRESENTATION:**

Greg Highbarger, HD Architecture, noted that they brought Staff on a tour to the Overland Park site to see the new building there. A few design elements were discussed between preliminary and final plan including edging treatments to enhance the perimeter and a subtle relief detail.

Chip Corcoran, Renaissance Infrastructure Consulting, discussed detail being added with the parking structure, grading changes for accessibility, and pedestrian circulation. The retaining wall area north of the building was enhanced with landscaping to soften the massing of the wall. Some utilities were rerouted. The plans are otherwise very similar to what was provided at preliminary stage.

**STAFF PRESENTATION:**

Dave Dalecky presented the Staff Report. He displayed graphics showing the site location, the master plan for the medical campus, and the vicinity. The campus has three distinct areas. The current proposal is the majority of Area 1. The plans include a medical office building and a hospital. He explained a graphic showing a three-dimensional model of the parking structure. He noted the design elements of the edge walls and panels that tie the site design into the City Center aesthetic. The applicant is also installing bronze medallions near the pedestrian crosswalk adjacent to the plaza. Landscaping enhancements will help obscure the retaining wall from view from Renner. He showed images of the buildings and noted the building materials and design details. Staff recommends approval with one condition – the Applicant must submit and receive approval for a final plat prior to issuance of the building permit.

**PLANNING COMMISSION DISCUSSION:**

Chairman Poss asked about timing of building permit. Chip Corcoran said they want to submit for footing and foundation permit after the June 21<sup>st</sup> City Council meeting. The condition could negatively affect their timeline. Chairman Poss recalled there being previous discussion about changing the condition to allow for a permit to be released sooner.

Commissioner Katterhenry requested to add plant material to soften the top of the retaining wall.

Commissioner Handley wanted to follow up on a few items from the previous iteration. The right-in-right-out was supposed to be restricted access to medical vehicles. He asked if that was still the case. Dave Dalecky responded, yes. Commissioner Handley asked if the parking area north of the MOB parking garage was meant for staff only. Dave Dalecky replied no, others may use it. There will not be any access across Renner except for an emergency area where the median could be crossed. Chip Corcoran commented, they are making sure the area of the median is not used for the public to make left turns. Commissioner Handley asked about the viewshed from the apartments to the north side of the hospital and whether it be screened. Dave Dalecky responded, the expectation is that the existing and new landscaping will create dense landscaping to obscure view.



**CITY OF LENEXA, KANSAS**  
**PLANNING COMMISSION MEETING MINUTES**  
**June 6, 2022**

Commissioner Horine asked if the landscaping was only enhanced at the northeast corner or if it was provided all along the north side of the site. Chip Corcoran stated the landscaping will obscure the view from the trail to the north side of the hospital. The northeast end was enhanced with additional landscaping.

Commissioner Leib asked about how circulation will work. Dave Dalecky moved the mouse around on the graphic and explained how a visitor would get through the site. He displayed the route for an emergency and a non-emergency. He noted how to get into the parking decks and how to access surface parking. Commissioner Leib asked about the decorative panels and whether these panels will rust. Dave Dalecky said there will be some metal panels used but other details will be via a concrete form liner so they cannot rust.

Commissioner Macke asked about the plant palette for the bioretention area. Chip Corcoran said it will be grasses and there is a select soil mixture with the native grasses.

Commissioner Burson asked if 86<sup>th</sup> and Scarborough will be constructed by the City and how the construction entrance could be impacted. Chip Corcoran said the streets are in a Special Benefit District. They are under construction and will be completed by the beginning of September. The construction entrances will be maintained off the roundabout off Renner. Tim Collins said the current construction entrance will be maintained. Commissioner Burson said he is concerned with the state of Renner and continued the construction traffic once they move forward with footings and foundations. Chip Corcoran said they will take note of the concerns about the mud and debris in the road and work to clean. Scott McCullough stated the code requires the final plat to be completed before permits are issued. He encouraged the Commission to keep the condition as written in the Staff Presentation.

Chairman Poss asked if the facility included public parking. Chip Corcoran replied yes.

Chairman Poss voiced concern about the Staff Report discussion about the decorative panels being obscured by landscape material. Dave Dalecky said the panels along 86<sup>th</sup> Street could be obscured over time, but the design of the “anchor” panel will be over six feet tall and will be less likely to be obscured.

Commissioner Katterhenry asked about a sign to note that the service drive is only for service vehicles and emergency vehicles only. Dave Dalecky said there is an expectation that there will be wayfinding signage to that point.

Commissioner Macke commented the landscape plan appears to lack plant material. Tim Collins said that detail is not yet provided. Natives are required to be a part of the BMP. Construction level detail has not yet been provided. Stormwater staff will make sure all details are in compliance with City code.

**MOTION:**

Chairman Poss entertained a motion to recommend **APPROVAL** of the final plan for a hospital and medical clinic for Advent Health Life Campus located at the northwest corner of 86<sup>th</sup> Street and Renner Boulevard, subject to the following condition: The applicant shall submit a final plat for review, approval, and recording. Moved by Commissioner Handley, seconded by Commissioner Horine, and carried by a majority voice vote.



**MINUTES OF THE  
JUNE 7, 2022  
LENEXA CITY COUNCIL MEETING  
COMMUNITY FORUM, 17101 W 87<sup>th</sup> STREET PARKWAY  
LENEXA, KS 66219**

**CALL TO ORDER**

Mayor Boehm called the meeting to order at 7 PM.

**ROLL CALL**

Councilmembers Eiterich, Nicks, Roh, Arroyo, Sayers, and Denny were present with Mayor Boehm presiding. Councilmembers Karlin and Nolte were absent.

Staff present included Beccy Yocham, City Manager; Todd Pelham, Deputy City Manager; Mike Nolan, Assistant City Administrator; Scott McCullough, Community Development Director; Sean McLaughlin, City Attorney; Jennifer Martin, City Clerk; and other City Staff.

**APPROVE MINUTES**

*Councilmember Roh made a motion to approve the May 17, 2022 City Council meeting draft minutes and Councilmember Denny seconded the motion. Motion passed unanimously.*

**MODIFICATION OF AGENDA**

There were no modifications to the agenda.

**PROCLAMATIONS**

Mayor Boehm read the Lenexa Barbecue Month proclamation and presented it to co-founder of The Great Lenexa BBQ Battle Pat Dalton who spoke about the event's success and all the work that has continued to go into it annually.

**RECOGNITION**

Bob Hamilton, KDOT Law Enforcement Liaison, presented the 2021 Platinum AAA Traffic Safety Award to the Lenexa PD Traffic Safety Unit.

**PRESENTATIONS**

Fiscal year 2021 external audit -- Nate Blum, Chief Financial Officer, introduced Chester Moyer with Rubin Brown who reviewed the audit process and explained how the details of the report are determined, going through the required auditor communications. Mr. Moyer noted that there were no corrected misstatements or disagreements and that the audit was performed in a timely fashion. He added that there would be a new accounting report required next year for leases.

**CONSENT AGENDA**

1. Authorize the purchase of one pipe inspection camera van from the 2022 Equipment Reserve Fund for the Municipal Services Department  
*The City annually replaces vehicles through the Equipment Reserve Fund. This purchase award is through the Sourcewell Cooperative Purchasing Agreement for a total cost of \$239,699.50.*
2. Acceptance of drainage, landscape, trail, and utility easements and public rights-of-way as shown on the Townhomes at Watercrest Landing, Final Plat  
*This final plan and plat are for a 143-unit townhome development on a 28-acre tract at the northwest corner of 95th Street & Monticello Road. The project is a part of the Watercrest Landing development. This proposed phase for the development of townhomes has a density of 5.1 dwelling units per acre. Several easements and rights-of-way are being dedicated to the City as part of this final plat.*
3. Resolution authorizing the Mayor to execute a Kansas Real Estate Exchange Agreement for the conveyance of property located in the vicinity of W. 95th Street and Lenexa Drive  
*The City is selling a parcel of land to Living Spaces in order to redevelop the 106,000 square foot retail center located in the southeast corner of 95th Street and Lenexa Drive. The property being sold was acquired as part of the 95th Street and I-35 Highway Interchange Project in 2014 and it is no longer needed. The City is selling the land for \$180,230.*
4. Resolution authorizing the termination of a base lease and lease with AC City Center Lenexa, LLC as a result of an industrial revenue bond redemption (AC City Center Lenexa, LLC - City Center Tract E)  
*AC City Center Lenexa, LLC has submitted a request to redeem the industrial revenue bonds (IRBs) the City issued in 2020 for constructing an approximately 20,000 square foot mixed use office and retail project located at the southwest corner of 87th Street Parkway and Renner Boulevard. Termination of the base lease and lease, as well as any other needed documents, is necessary to terminate the IRBs associated with the project.*
5. Consideration of an amendment to the 2022-2026 Capital Improvement Program to increase the budget for the Black Hoof Park Parking Lot Expansion Project and a resolution waiving the sealed bid process and authorizing the Mayor to execute an agreement with McAnany Construction for construction of the project
  - a. Resolution amending the 2022-2026 Capital Improvement Program to adjust the budget for the Black Hoof Park Parking Lot Expansion Project ("Expansion Project")
  - b. Resolution authorizing the Mayor to waive the sealed bid process and to execute an agreement with McAnany Construction for Expansion Project construction  
*Black Hoof Park regularly receives over 1,000 daily visitors and current parking is insufficient. Further strain to parking will be added as a disc golf course at the*



*park nears completion. Additional parking is necessary, and staff have determined McAnany Construction can perform the work at a favorable cost and in a timely manner.*

### **END OF CONSENT AGENDA**

*Councilmember Roh made a motion to approve items 1 through 5 on the consent agenda and Councilmember Sayers seconded the motion. Motion passed unanimously.*

### **BOARD RECOMMENDATIONS**

There were no Board Recommendations.

### **PUBLIC HEARINGS**

6. Consider establishing Project Plan 10 in the Ridgeview Mining Tax Increment Financing District (Villas at Vista Village)
  - a. Conduct a public hearing for Ridgeview Mining TIF Project Plan 10
  - b. Ordinance approving Ridgeview Mining TIF Project Plan 10
  - c. Resolution approving a Disposition and Development Agreement with LUXE, LLC
  - d. Resolution determining the intent of the City to issue approximately \$32.5 million in industrial revenue bonds to help acquire, construct, and equip the Villas at Vista Village mixed-use development

*TIF Project Plan 10 contemplates construction of a 6,000 square foot retail building and a mix of two-, four-, five-, and six-unit townhome buildings and associated infrastructure and improvements. After the public hearing, the Governing Body will consider adoption of TIF Project Plan 10. If passed, the Governing Body will consider adoption of the Disposition and Development Agreements with LUXE, LLC setting forth the terms and conditions for reimbursement of TIF eligible costs with TIF revenues. Finally, the Governing Body will consider adoption of a resolution determining City's intent to issue approximately \$32.5 million in industrial revenue bonds for the construction of the project.*

Sean McLaughlin, City Attorney, said that Project Plan 10 covers approximately 25 acres in the southwest corner of Prairie Star Parkway and Valhalla Drive in the Ridgeview Mining TIF district. He said the project plan will use increment to reimburse the developer for eligible costs associate with the construction of a mixed-use project including multi-family housing and a commercial component.

Mr. McLaughlin said the project plan approves up to \$4.7 million in private TIF costs and \$5 million in eligible public improvements. He said this is a pay-as-you-go TIF and reimbursement is only to be made to the extent TIF revenue is received.

Mr. McLaughlin said a feasibility study was prepared and estimates \$14 million in increment would be generated over the term. He said the Disposition and Development agreement sets for the standard terms and agreements for performance and reimbursement.

Mr. McLaughlin said this also includes a resolution of intent to issue up to \$32.5 million in IRBs so that the developer can use the sales tax exemption on certain construction materials.

Staff recommends approval.

Developer representatives were present.

Mayor Boehm opened the public hearing at 7:25 PM.

No public comments were made.

*Councilmember Roh made a motion to close the public hearing and Councilmember Eiterich seconded the motion. Motion passed unanimously.*

The public hearing closed at 7:25 PM.

*Councilmember Nicks made a motion to approve Item 6b and Councilmember Arroyo seconded the motion. Motion passed unanimously.*

*Councilmember Denny made a motion to approve Item 6c and Councilmember Nicks seconded the motion. Motion passed unanimously.*

*Councilmember Roh made a motion to approve Item 6d and Councilmember Denny seconded the motion. Motion passed unanimously.*

7. Consideration of a tax abatement and issuance of industrial revenue bonds for Lenexa Logistics Centre South Building 8 located on the southwest corner of College Boulevard and Britton Street

a. Conduct a public hearing to consider exemption from ad valorem taxes for property financed with industrial revenue bonds (IRBs)

b. Resolution determining the intent of the City to issue approximately \$20,200,000 in industrial revenue bonds and approving a 10-year tax abatement with a payment in lieu of taxes agreement

*Marley Associated, LLC (the "Applicant"), is requesting the City issue approximately \$20,200,000 in industrial revenue bonds to finance the acquisition, construction, and equipping of a 195,409 square foot commercial warehouse/office facility located southwest of the intersection of College Boulevard & Britton Street in the Lenexa Logistics Centre South Business Park. The Applicant has also requested a 10-year tax abatement. Pursuant to state law, the City must hold a public hearing and consider a cost-benefit analysis before approving a tax abatement.*

Mr. McLaughlin said this is a fixed 10-year tax abatement and issuance of up to \$20.2 million in IRBs for the construction of a 195,000 square foot office/warehouse building referred to as Lenexa Logistics Centre South Building 8, located in the southwest corner of Britton Street and College Boulevard.

Mr. McLaughlin said the fixed payment in lieu of taxes (PILOT) payment is based on a total annual tax of \$1.20 per square foot with a 2% annual increase. The property currently pays \$71,000 in property taxes, and in year 1 the PILOT will pay \$175,000. The City's cost benefit analysis showed a positive net benefit.

Staff recommends approval.

Mayor Boehm opened the public hearing at 7:29 PM.

No public comments were made.

*Councilmember Sayers made a motion to close the public hearing and Councilmember Eiterich seconded the motion. Motion passed unanimously.*

The public hearing closed at 7:30 PM.

*Councilmember Nicks made a motion to approve Item 7b and Councilmember Arroyo seconded the motion. Motion passed unanimously.*

## **NEW BUSINESS**

8. Resolution waiving the sealed bid process and authorizing the Mayor to execute an agreement with New Line Skateparks FL, Inc. for the design and construction of the Sar-Ko-Par Trails Park Skate Park  
*Sar-Ko-Par Trails Park ("SKP") features a concrete skate park at the northeast end of the park. Built in 2001, the skate park has become a heavily utilized portion of SKP and is the only skate park in the city. Staff believes that reconstruction of the skate park is necessary. Funds were budgeted in the 2022-2026 CIP project and addressed both the skate park reconstruction and parking improvements. A Request for Qualifications was issued, and a review team ultimately selected New Line Skateparks, FL, Inc.*

Logan Wagler, Parks & Recreation Director, provided some background and history on the current skate park, which is 11,000 square foot and was built in 2001-02. He reported that this facility is in use year-round regardless of the weather.

Mr. Wagler presented an aerial map showing the Sar-Ko-Par Trails Park tunnel construction and its proximity to the proposed new 15,000 square foot skate park, which would be constructed east of the existing skate park. The map also reflected a future parking lot and pedestrian improvements.



Mr. Wagler talked about the process of selecting the project team and reviewed the team's expertise and projects. He reviewed the project phases and timeline, which will include community design workshops, and construction beginning in spring 2023.

Staff recommends approval.

Councilmember Nicks spoke about the current skate park's construction and feedback he had received as the Parks & Recreation Director at that time.

*Councilmember Roh made a motion to approve Item 8 and Councilmember Nicks seconded the motion. Motion passed unanimously.*

### **BUSINESS FROM FLOOR**

There was no Business from the Floor.

### **COUNCILMEMBER REPORTS**

There were no councilmember reports.

### **STAFF REPORTS**

#### **9. Quarterly Financial Report**

Nate Blum, CFO, presented the financial report for the first quarter of 2022 and reviewed the revenue, expenditure, investment, and economic indicators.

Mr. Blum presented the upcoming June, July and August dates for the 2023 budget cycle.

#### **10. Lenexa Justice Center update**

Todd Pelham, Deputy City Manager, introduced Brian Berryhill and Ellen Foster who would present updates on the Lenexa Justice Center project.

Mr. Berryhill presented the new proposed project site plan and versions of the building's elevations, and pointed out the area reserved for future expansion for a firing range. He presented aerial views and talked about this new plan combining the prior two proposed schemes into one using the pieces that were most favored and supported by the mission and goals for the project while considering feedback from staff and the Governing Body.

Mr. Berryhill provided multiple elevations and explained how the components were chosen to create this new plan.

Chief Layman spoke about the team's collective efforts and her excitement about this project and how it meets every request. She said this is a building that pushes the boundaries and leads from the front while being fiscally responsible and exuding the mission vision and values of the city. She added that it will humanize police officers in the community.

Councilmember Sayers said this plan hits the mark and pulls together so many dichotomies in a great way. She congratulated the team.

Councilmember Roh agreed with Councilmember Sayers and said he was impressed with how the team took the feedback as a challenge to create this new plan.

Councilmember Eiterich said she appreciates seeing how the feedback has been incorporated into the development of this plan and she likes the architectural feeling of strength and warmth.

Councilmember Arroyo said she was excited to see this new rendering and cannot wait to see the complete project.

Councilmember Nicks said he had liked the light coming from the east side of the building in the last plans and he does not see that in this plan. Mr. Berryhill said that while that light is a little different in this plan, the building at night would still be a beacon.

Councilmember Denny said that designs improve over time and he is really pleased with this plan.

Mayor Boehm said that while he likes the transparency provided with the use of glass and windows, he does not want to create any risk and for the glass to have protective qualities. He said the team has done a good job incorporating the community room into the design and considering the space for additional community uses.

Ms. Foster then reviewed the next steps and the project schedule. She said that the team intends to submit the plan for the June 26, 2022 Planning Commission meeting and then return for the July 19, 2022 City Council meeting. She said they anticipate groundbreaking in mid-September with an 18-24 month construction timeline and project completion in spring 2024.

### **EXECUTIVE SESSION**

There was no Executive Session.

### **ADJOURN**

*Councilmember Denny made a motion to adjourn and Councilmember Eiterich seconded the motion. Motion passed unanimously.*

The meeting adjourned at 8:41 PM.

**TO: LEXEXA CITY COUNCIL**

**FROM: MIKE BOEHM**

**DATE: June 10, 2022**

**RE: POLICE COMMUNITY ADVISORY BOARD APPOINTMENTS**

It is my pleasure to recommend the following appointments to fill the two remaining positions on the Police Community Advisory Board (CAB) as a result of the resolution passed by City Council on December 7, 2021 to establish the CAB:

1. Eric Arner
2. Rachel Lauren-Park Mulvihill

We had sixteen individuals apply for the two open positions. The applicants were impressive and showed a great desire to serve on the CAB. We hope to engage those not selected at this time to continue to participate and remain active with this group.

The Lenexa Police Department has long been known as a progressive law enforcement agency, proactive in its operations, and guided by the City's vision, mission and values. The Department is constantly looking for ways to maintain and build partnerships within the community in an effort to reduce crime and enhance the quality of life for all who live, work and visit our city. The CAB operates as a resource to provide certain counsel for the Department on contemporary issues such as biased-based policing, use of force, mental health response, and homelessness.

The seven Board members serve three-year terms and will function in an advisory capacity to the Chief of Police.

1. Jeff Boone - Term ending December 31, 2022
2. Geoff Garcia - Term ending December 31, 2022
3. Milton Jeffrey -Term ending December 31, 2023
4. Alice Nascimento - Term ending December 31, 2023
5. Vanessa Vaughn West - Term ending December 31, 2024
6. Eric Arner - Term ending December 31, 2025
7. Rachel Lauren-Park Mulvihill - Term ending December 31, 2025

These individuals devote countless hours to the city of Lenexa in their respective roles and are an integral part of our success. I recommend approval of these appointments with much gratitude for their service.



## **MEMORANDUM OF UNDERSTANDING**

This Memorandum of Understanding (the "MOU") is entered into this \_\_\_\_ day of \_\_\_\_\_, 2022, by and between the City of Lenexa, Kansas, a municipal corporation ("CITY") and the Board of Directors of The Lenexa Cemetery Association, ("LCA").

### **RECITALS**

WHEREAS, the CITY is a Kansas municipal corporation and is authorized to enter into this MOU by the powers vested in it by Article 12, Section 5 of the Kansas Constitution and by Charter Ordinance 55; and

WHEREAS, LCA is a Kansas not-for-profit corporation affirming its right to enter into this MOU under its own governing documents and under Kansas law; and

WHEREAS, LCA is the owner and administrator of approximately 4.3 acres of certain real property located east of Pflumm Road and south of W. 87th Place; (the "Property") which is within the CITY's municipal limits and is identified and outlined on an attached map, attached hereto and incorporated herein by reference as Exhibit A; and

WHEREAS, LCA was incorporated in 1872 with certain Articles of Incorporation which remain on file with the Kansas Secretary of State's office, and has since that time been operated as a not-for-profit entity governed by a volunteer board of directors; and

WHEREAS, LCA has found difficulty in recruiting sufficient volunteers with the interests and abilities to continue to maintain LCA operations on a long-term basis, and with the additional difficulties of the COVID-19 pandemic the LCA Board of Directors decided to explore the possibility to transfer the ownership and administration of the LCA's assets, including without limitation the Property, to the CITY to ensure for the perpetual care of the Property; and

WHEREAS, the LCA approached the CITY about potential avenues for such a transfer, and the CITY's governing body has instructed CITY staff to begin more earnest exploration concerning a potential transfer and to undertake provisional planning as to a potential transfer and how future operations by the CITY might occur within the CITY's structure and commensurate with the CITY's public purposes; and

WHEREAS, the LCA and CITY staff have undertaken exploratory discussions to understand the state of the LCA's operations and assets, including without limitation the Property and the LCA's funds; and

WHEREAS, the CITY recognizes that if a transfer did not occur under mutually agreeable methods whereby the CITY did receive the transfer, then were the LCA to

dissolve, it is likely that state agencies would ultimately assign the LCA's assets and operations of the Property to the CITY; and

WHEREAS, the parties would like to collaborate together to allow for a timely and planned transfer; and

WHEREAS, the parties desire to enter into this MOU setting forth their intentions with respect to their responsibilities to each other and this MOU memorializes the same subject to the terms, conditions and subsequent agreements as described herein.

NOW, THEREFORE, for the mutual promises and covenants contained herein, the parties agree as follows:

**1. LCA STATUS AND ASSETS.** The LCA has been continuously operated by volunteers and has sought to maintain accurate records and provide good stewardship over its assets. The LCA assets are as follows:

- A. Records. The LCA has in its possession paper and electronic records which shall be turned over to CITY on the transfer date. Such records include all known records concerning ownership of plots located at the Property, any records of payments for the same, as well as a mailing list of contacts. Said contacts are the totality of the contacts that the LCA has for relatives of those who may be buried at the Property or for those who have purchased a plot. The LCA has no contact information beyond what it shall transfer to the CITY and does not expect the CITY to perform any research, diligence, or heir search related to potential individuals or entities who might claim an interest related to any of the plots (filled or unfilled) at the Property.
- B. Financial Assets. As of June 2, 2022, the LCA has \$326,784.20 in cash across the following bank accounts:
  - i. Checking Account(s)
    - a. Demand deposit account with Security Bank  
Local branch at 9900 Woodland Road, Lenexa, KS 66220  
Account number 10118068491  
Funds as of June 2, 2022: \$96,845.88
  - ii. Certificates of Deposit ("CD")
    - b. CD account with Security Bank  
Account number 1150011829  
Funds as of June 2, 2022: \$35,240.64
    - c. CD accounts with Bank Midwest  
Local branch at 15040 W. 87th Street, Lenexa, KS 66215  
Account number 2110011117  
Funds as of June 2, 2022: \$63,503.65  
Account number 2110011016  
Funds as of June 2, 2022: \$15,878.23  
Account number 2110011054  
Funds as of June 2, 2022: \$88,021.57

Account number 2110011118  
Funds as of June 2, 2022: \$27,294.23

- C. P.O. Box. The LCA rents a United States Postal Service P.O. Box, number 14725, located within the United State Post Office located at 8820 Monrovia, Lenexa, KS 66215. The LCA possesses keys to the same.
- D. The Property. As more fully described above and in Exhibit A, the LCA owns the Property, including the section marked for graves, the unmarked section, the fence along the Property's east side, a flagpole, a small informational kiosk, and a monument sign. The exact size and legal description shall be determined after a survey but prior to Closing (hereinafter defined).

The items of subsections A-D above, shall collectively be known as the "Assets."

The LCA affirms that it has no outstanding debts, liabilities, or contractual obligations, except that it currently has a relationship with Gary Johnson for seasonal landscaping. No contract exists between the LCA and Gary Johnson, nor is there any oral promise for any future service or obligation. Upon the conclusion of the seasonal landscaping which may occur through the fall of 2022, the LCA will not undertake any further landscaping work from Gary Johnson, and the LCA shall ensure that Gary Johnson has been paid in full for any prior work prior to the transfer contemplated in this MOU. The LCA shall obtain from Gary Johnson a signed lien release in a form acceptable to the Parties.

**2. LAND AND ASSETS CONVEYANCE.** The LCA will convey the Assets, including without limitation the Property, to CITY at no cost, to allow CITY to manage and maintain the Property.

A. Public Purpose. The CITY finds that its management and maintenance of the Property is a good public use.

B. Value. The Property will be donated by the LCA to CITY consistent with the provisions of this MOU. The other Assets will be donated by the LCA to CITY to permit the City to maintain the Property consistent with the standards by which the CITY maintains its parkland property.

C. Conveyance.

(1) CITY shall conduct an ALTA survey on the Property at its expense.

(2) The parties shall cooperate with in good faith to reasonably resolve any concerns, disputes, conflicts, title issues, or other issues that may arise from the ALTA survey.

(3) The CITY and LCA intend to enter into a Property and Assets Conveyance Agreement within one hundred eighty (180) days after execution of the MOU. The conveyance (or "Closing") is intended to occur on December 30, 2022. To facilitate the Closing, the LCA shall begin to meet with the financial



institutions holding the LCA's assets to inform of this MOU and the forthcoming Property and Assets Conveyance Agreement, and shall arrange for one of the financial institutions, or another mutually agreeable party to serve as escrow agent for Closing.

(4) Closing is anticipated to occur in calendar year 2022. The Property is not subject to real estate taxes, and LCA warrants that to the best of its knowledge, there are currently no special assessments against it. This MOU imposes no responsibility on CITY for payment of any real estate tax and/or special assessments on the Property prior to Closing.

(5) Unless otherwise specifically provided in the Property and Assets Conveyance Agreement., the LCA maintains all rights and obligations of ownership with respect to the Assets, including the Property until Closing. LCA's use prior to Closing shall be at the LCA's sole cost and responsibility and shall not create any environmental issues or any new encumbrance upon the Property.

(6) LCA specifically grants CITY and its agents the right of access to the Property during business hours for its preparatory purposes, including without limitation for the above-mentioned ALTA survey.

(7) LCA shall continue to manage and oversee the Assets, including the Property, and conduct operations as normal until Closing. Accordingly, LCA may continue to take in new monies from plots sales and incur normal costs consistent with current practices.

**3. SCHEDULE.** Subject to written agreement of the Parties, LCA agrees to diligently pursue the contemplated conveyance in accordance with this MOU. Once LCA has executed this MOU, the CITY's governing body shall be presented with the same for its authorization of the City Manager to execute this MOU. The Parties will then work together in good faith to arrange for the drafting of a mutually agreeable Property and Assets Conveyance Agreement.

LCA and the City Manager may agree, in writing, to minor adjustments to the schedule as contemplated herein, provided however that any substantial adjustments to the schedule, may in the City Manager's discretion require an amendment by the CITY's governing body. LCA shall remain diligent in completing its obligations under the considered schedule.

**4. OBLIGATIONS TO PROCEED.** The obligation of the parties to proceed beyond this MOU is dependent upon the following:

A. The LCA Board of Directors approving this MOU consistent with its own internal governance rules and regulations;

B. CITY and LCA entering into a mutually agreeable Property and Assets Conveyance Agreement, which will then be submitted to the Board of County Commissioners of Johnson County, Kansas;

C. LCA contacting any and all banks holding LCA assets and ensuring such assets can be transferred as contemplated herein;

D. CITY authorizing by resolution the City Manager to undertake preparation to negotiate and execute the Property and Assets Conveyance Agreement develop a plan for incoming Assets, establish the appropriate budget items for the year of transfer and future years, establish departmental responsibilities for the management of the cemetery operations, and other preparations as needed; and

E. CITY and LCA entering into a Property and Assets Conveyance Agreement.

**5. NO LIMITATION OF POWER.** Nothing in this MOU shall be construed as a limitation on the ability of the CITY to exercise its governmental functions or to diminish, restrict or limit the police powers of the CITY granted by the Constitution of the state of Kansas and the United States, statutes, or by general law.

**6. COOPERATION.** The Parties agree to exercise good faith and cooperate with each other to finalize and execute all documents and agreements necessary to complete the Project as contemplated herein and as required by CITY code or state law.

**7. NOTICES.** Any notice, request, approval, demand, instruction, or other communication to be given to either party hereunder, unless specifically stated otherwise herein, shall be in writing and shall be conclusively deemed to be delivered (i) when personally delivered, (ii) when deposited in the U.S. mail, sent by certified mail return receipt requested, (iii) when sent by overnight courier, or (iv) when sent by facsimile with a confirmed receipt, but in all cases addressed to the parties as follows:

To LCA: Joan Jones, LCA Board President  
7323 Lafayette Avenue  
Kansas City, KS 66109  
Phone: (913)449-6816  
Email: dottegirl1950@gmail.com

To CITY: City Attorney, Sean McLaughlin  
17101 W. 87th Street Parkway  
Lenexa, KS 66219  
Phone: (913) 477-7622  
Fax: (913) 477-7639  
Email: smclaughlin@lenexa.com

**8. TERMINATION.** Unless otherwise amended in writing, this MOU shall automatically terminate and be of no further force and effect upon the earlier of:

- A. Dissolution of the LCA prior to closing;
  - B. Execution of a subsequent agreement that expressly terminates this MOU;
- or
- C. Mutual Agreement of the Parties to terminate the MOU as evidenced in writing signed by both parties.

**9. AUTHORITY TO ACT BY LCA BOARD OF DIRECTORS.** Due to the unique history and volunteer nature of the LCA Board of Directors, by signing below, the LCA Board of Directors hereby affirms its authority to enter this MOU and the future ability to transfer the LCA's assets to the CITY. Specifically, the LCA acknowledges and affirms that it is unaware of any by-laws, governing documents, or amendments, other than the 1872 Articles of Incorporation. The current LCA board members are as follows:

President – Joan Jones of Kansas City, Kansas;  
Secretary – Darla Haston of Lenexa, Kansas;  
Treasurer – Debra Markle of Shawnee, Kansas;  
Member-at-Large – Mark Haston of Lenexa, Kansas;  
Member-at-Large – Carl Orser of Overland Park, Kansas; and  
Member-at-Large – James Smith of Lenexa, Kansas.

None of the above LCA board members are aware of any other individual who would claim to have authority to act for the LCA.

Moreover, the LCA Board of Directors reaffirms that at the LCA's annual meeting, a unanimous motion passed to undertake necessary actions and preparations to transfer all of the LCA's assets, including without limitation, its records, funds, accounts, and the Property to the CITY solely conditioned upon the CITY's governing body passing the necessary resolution to receive the LCA's assets and take over operations related to the LCA, including managing the Property.

**9. GENERAL MATTERS.**

- A. This MOU shall be governed by and construed under the laws of the state of Kansas.
- B. Neither party shall assign this MOU without the written consent of both parties.
- C. The recitals set forth above are true and correct and are incorporated herein by reference and made a part of this MOU. This MOU constitutes the entire agreement between the Parties and supersedes all prior agreements, whether written or oral, covering the same subject matter. This MOU may only be modified or amended



only upon written instrument executed by the parties required to consent to such amendment.

D. No member of the Governing Body, official or employee of the CITY shall be personally liable to LCA, or any successor in interest to LCA, pursuant to the provisions of this MOU or for any default or breach of the MOU by the CITY.

E. No member of the Board of Directors, official or employee of LCA shall be personally liable or obligated to perform the obligations of LCA, pursuant to the provisions of this MOU or for any default or breach of the MOU by LCA.

F. The signatories to this MOU covenant and represent that each is fully authorized to enter into and to execute this MOU on behalf of the above-named party.

G. It is agreed that nothing in this MOU is intended to, nor does it create or establish a joint venture between the CITY and LCA, or as constituting any agency relationship

H. Nothing contained in this MOU shall be construed to confer upon any other party the rights of a third-party beneficiary.

The parties have executed this MOU on the date first written above.

[Signature Pages Follow]

**CITY OF LENEXA, KANSAS**

By: \_\_\_\_\_  
Michael A. Boehm, Mayor

Attest:

\_\_\_\_\_  
Jennifer Martin, City Clerk

Approved as to Form:

\_\_\_\_\_  
Sean McLaughlin, City Attorney

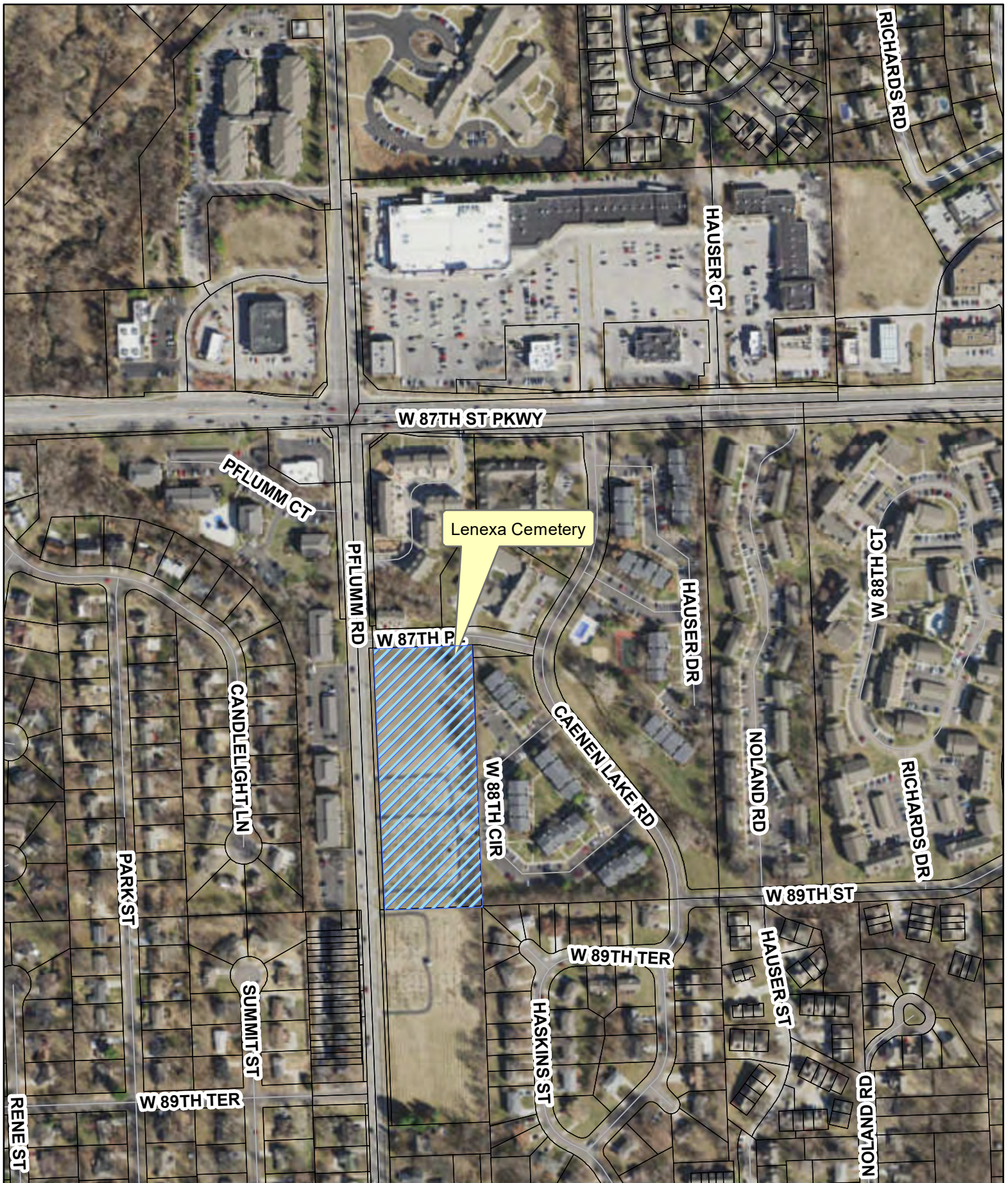
**BOARD OF DIRECTORS OF THE LENEXA  
CEMETERY ASSOCIATION**

By: \_\_\_\_\_  
Joan Jones  
President



## **EXHIBIT A**

### Demonstrative Map of the Property



# Lenexa Cemetery





**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING THE LENEXA CITY CODE REGARDING BUILDING AND CONSTRUCTION STANDARDS AND ADOPTING BY REFERENCE CERTAIN CODES PUBLISHED BY THE INTERNATIONAL CODE COUNCIL AND THE NATIONAL FIRE PROTECTION AGENCY.**

WHEREAS, the City has historically adopted by reference standard building and safety codes for the purpose of ensuring better building construction and greater public safety through uniformity in building laws and code enforcement; and

WHEREAS, to ensure the highest level of safety and the greatest degree of uniformity and that the code adopted by the City sufficiently meet its needs, it is necessary to periodically review the available model codes; and

WHEREAS, City staff has reviewed the available model codes and determined amendments and updates to the City's currently adopted building and safety codes are necessary

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA:

**Section One:** A new Chapter 4-8 is hereby added to read as follows:

**CHAPTER 4-8 BUILDING AND CONSTRUCTION STANDARDS**

**Article 4-8-A INTERNATIONAL BUILDING CODE**

**Section 4-8-A-1 INTERNATIONAL BUILDING CODE ADOPTED.**

The International Building Code, 2018 Edition, (sixth printing), including Appendixes C and E published by the International Code Council, Inc., 4051 West Flossmoor, Country Club Hills, IL 60478-5975, hereafter referred to as the Building Code, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code.

At least one (1) copy of said International Building Code will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 5696," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

**Section 4-8-A-2 GENERAL.**

Section 101.1 of the International Building Code is hereby amended to read as follows:



**101.1 Title.** These regulations shall be known as the *Building Code of the City of Lenexa*, hereinafter referred to as “this code.”

Section 101.4.8 of the International Building Code is hereby added to read as follows:

**101.4.8 Electrical.** The provisions of the National Electric Code shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Whenever the ICC Electrical Code is referenced, it shall mean the National Electrical Code, as adopted in Section 4-8-I-1.

Section 101.4.9 of the International Building Code is hereby added to read as follows:

**101.4.9 Swimming Pools and Spas.** The provisions of the International Swimming Pool and Spa Code shall apply to all matters governing the design and construction of aquatic recreation facilities, swimming pools and spas. Whenever the International Swimming Pool and Spa Code is referenced, it shall mean the International Swimming Pool and Spa Code, as adopted in Section 4-8-M-1.

#### **Section 4-8-A-3 CREATION OF ENFORCEMENT AGENCY.**

Section 103.1 of the International Building Code is hereby repealed and a new Section 103.1 is added to read as follows:

**103.1 Creation of Enforcement Agency.** There is hereby established in this jurisdiction a Code Enforcement Agency named “Building Services Division” in the Community Development Department which shall be under the administrative and operational control of the Building Codes Administrator, hereinafter referred to as the “Building Official” or “Code Official.”

#### **Section 4-8-A-4 PERMITS.**

Section 105 of the International Building Code is hereby amended to read as follows:

**105.1 Required.** Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical, plumbing, fire alarm, fire detection, automatic fire suppression, or LP gas system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit and licenses.

**105.1.1 Occupational License.** Prior to issuance of a permit, each owner, individual, firm, corporation, or contractor conducting or performing work covered by the permit shall have a valid occupational license as required by Title 2 of the City Code.

**Exception:** An occupational license is not required for a property owner obtaining permits and performing work for a single family dwelling or townhouse in which the owner resides.

**105.1.2 Contractors License:** All persons undertaking work which requires a permit as provided in Section 105, or seeking to obtain that permit from the City, are required to have a current, valid license as a contractor. That license shall have been issued by Johnson County, Kansas in accordance with the provisions of the Johnson County Contractors Licensing Program and the Contractor Licensing Regulations adopted by the Board of County Commissioners by Resolution 058-01 on August 9, 2001, and any regulations subsequently adopted by the Contractor Licensing Review Board as authorized by said County Licensing Regulations, as said Resolution and regulations may be amended from time to time by said Boards.

**Exception:** A permit required by this Section may be issued to any person to do work regulated by this Section on a one- or two-family dwelling used exclusively for living purposes, including the usual accessory buildings, providing such person certifies that they are a bona fide owner of such dwelling and accessory buildings, that the same are to be occupied by said owner for a minimum period of one (1) calendar year from the date the approved final inspection report is issued. When a permit is issued to the owner under these conditions, any work performed by individuals, firms, or contractors, other than the owner, shall comply with the licensing requirements of the Johnson County Contractors Licensing Program and the contractors licensing and occupational license information shall be provided prior to issuance of a building permit where the work performed is not included in an applicable license category as established by the Johnson County Contractors Licensing Program.

The Building Official may waive the need for a contractor's license in those instances where it can be established that no license exists for the installation, alteration, or repair of a certain type of work requiring a permit.

**105.1.3 Annual permit.** In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical, or plumbing installation, the building official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

**105.1.4 Annual permit records.** The person, firm or corporation to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The Building Official shall have access to such records at all times or such records shall be filed with the Building Official as designated.

**105.2 Work exempt from permit.** Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:

**Building:**

1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 120 square feet.
2. Oil derricks.
3. Retaining walls that are not over 4 feet in height, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
4. Water tanks supported directly on grade if the capacity does not exceed 5,000 gallons (18 925 L) and the ratio of height to diameter or width does not exceed 2:1.
5. Sidewalks and driveways not more than 30 inches above adjacent grade, and not over any basement or story below and are not part of an accessible route. Note: Right-of-way work permits are required for sidewalk or driveway installation or replacement in the public right-of-way.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Prefabricated swimming pools accessory to a single family dwelling, duplex, or townhouse ~~that are less than~~with a sidewall height of 30 inches ~~deep or less~~, do not exceed 5,000 gallons (18,925 L)). and are installed entirely above ground.
9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment accessory to detached one- and two-family dwellings.
11. Window awnings supported by an exterior wall that do not project more than 54 inches from the exterior wall and do not require additional support.
12. Nonfixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches in height.

**Electrical:**



**Repairs and maintenance:** Minor repair work, including items such as the replacement of lamps, lampholders, ballasts or the connection of approved portable electrical equipment to approved permanently installed receptacles; listed cord and plug connected temporary decorative lighting; reinstallation of attachment plug receptacles but not the outlet; repair or replacement of branch circuit over current devices of the required capacity in the same location; electrical wiring, devices, appliances, apparatus or equipment operating at less than 25 volts and not capable of supplying more than 50 watts of energy, and are not part of a fire alarm system.

**Radio and television transmitting stations:** The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

**Temporary testing systems:** A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.

**Gas:**

Portable heating appliance.

Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.

**Mechanical:**

Portable heating appliance.

Portable ventilation equipment.

Portable cooling unit.

Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.

Replacement of any part that does not alter its approval or make it unsafe.

Portable evaporative cooler.

Self-contained refrigeration system containing 10 pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.

**Plumbing:**

The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation or replacement of water closets, sinks and lavatories in the same location.

**105.2.1 Emergency repairs.** Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.

**105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

**105.2.3 Public service agencies.** A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.

**105.3 Application for permit.** To obtain a permit, the applicant shall first file an application in writing on a form furnished by the department of building safety for that purpose. Such application shall:

1. Identify and describe the work to be covered by the permit for which application is made.
2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
3. Indicate the use and occupancy for which the proposed work is intended.
4. Be accompanied by construction documents and other information as required in Section 107.

5. State the valuation of the proposed work.
6. Be signed by the applicant, or the applicant's authorized agent.
7. Indicate a current and valid occupational license by number, issued to individuals, firms, corporations, contractors or establishments conducting business within the City to verify compliance with the requirements of Title 2 of the City Code for business licenses generally. For occupational license applications a person must present a valid contractor's license issued by Johnson County, Kansas, in accordance with the provisions of the Johnson County Contractors Licensing Program.

**Exception:** A permit required by this Section may be issued to any person to do work regulated by this Section on a one- or two-family dwelling used exclusively for living purposes, including the usual accessory buildings, providing such person certifies that they are a bona fide owner of such dwelling and accessory buildings, that the same are to be occupied by said owner for a minimum period of 1 calendar year from the date the certificate of occupancy is issued. When a permit is issued to the owner under these conditions, any work performed by individuals, firms, or contractors, other than the owner, shall comply with the licensing requirements of the Johnson County Contractors Licensing Program and the contractors licensing and occupational license information shall be provided prior to issuance of a building permit.

8. Indicate that a performance guaranty is on file in accordance with Section 4-1-N-22 of City Code.
9. Be signed by the permittee or their authorized agent, who may be required to submit evidence to indicate such authority.
10. Give such other data and information as required by the building official.

**105.3.1 Action on application.** The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. The building official may reject the application if:

1. The application or the construction documents do not conform to the requirements of pertinent laws;
2. There is a pending Notice of Violation or Notice to Appear issued pursuant to this code or pursuant to Article 3-5-H of the Lenexa City Code regarding the property identified on the application; or
3. The applicant or property owner has failed to appear in court with respect to any violation of the Lenexa City code.



If the application is rejected, the building official shall notify the applicant in writing and state the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

**105.3.2 Time limitation of application.** An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.

**105.3.3 Connection to public sewer.** No building permit shall be issued for any structure or building to be located within a legally created sewer district in the City in which sanitary sewage will, or may, originate until and unless the applicant, or their agent, has previously applied for and received from the sewer district, an outside sanitary sewer construction and connection permit as required by the rules and regulations of the sewer district.

**Exception:** The Director of Community Development, in its sole discretion, may issue a building permit prior to receipt of an outside sanitary sewer construction and connection permit.

**105.4 Validity of permit.** The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.

**105.5 Expiration.** It shall be unlawful for any person, firm, or corporation to allow a permit to expire after work has commenced. The permit will expire if the permit holder fails to pass a required building code related inspection in any 180-day period. All work is to be inspected per Section 110 of this code.

**Exception:**

1. Permits will remain valid for the time frames established by a Temporary Certificate of Occupancy (TCO) ~~or the permit, whichever is greater.~~

2. For single family dwellings, duplexes, and townhouses, permits shall expire 2 years after issuance regardless of passing required building code related inspections.

2.3. The work authorized by a wrecking permit shall be commenced within 14 calendar days from the date of issuance of such permit or according to a schedule approved by the building official. Once commenced work shall be continuous until the work is completed. For the purpose of this Article, the term "continuous" shall mean the normal rate of progress in keeping with good demolition practices.

The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each when, in the sole discretion of the building official, it is determined that the extension of the permit and related construction work will not adversely impact the surrounding property. The extension shall be requested in writing.

**105.5.1 Renewal of permit upon expiration.** Once a permit has expired for any reason, the permit may not be renewed and work may not recommence until the payment in full of a new permit fee based upon the value of the work remaining to complete the project.

**105.6 Suspension or revocation.** The building official is authorized to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

**105.7 Placement of permit.** The building permit or copy shall be kept on the site of the work and posted in a conspicuous place until completion of the project.

#### **Section 4-8-A-5 CONSTRUCTION DOCUMENTS.**

Section 107.2.1 of the International Building Code is hereby amended to read as follows:

**107.2.1 Information on construction documents.** Construction documents shall be dimensioned and drawn on suitable material. Electronic media documents are permitted to be submitted where approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official. Upon request, a code footprint or code data sheet shall be provided to the fire or building official.

#### **Section 4-8-A-6 PERMIT FEES.**

Section 109 of the International Building Code is hereby amended to read as follows:

**109.1 Payment of fees.** A permit shall not be valid until the fees prescribed by this code have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

**109.2 Schedule of permit fees.** All fees for each permit shall be paid as required. A fee schedule pertaining to said permit fees shall be adopted by ordinance, resolution or as otherwise permitted.

**109.3 Building permit valuations.** The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official.

**109.4 Work commencing before permit issuance.** When it is determined through an investigation that ~~any~~ any person ~~who commences~~ commenced any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits ~~shall be required to pay to,~~ an investigation fee ~~established by the building official that~~ shall be required in addition to the required permit fees. The investigation fee shall be equal to the amount of the permit fee. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of either this Code or the technical codes nor from any penalty prescribed by law.

**109.5 Related fees.** The payment of the fee for the construction, alteration, removal or demolition for work done in connection to or concurrently with the work authorized by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

**109.6 Refunds.** The building official may authorize refunds paid under the following circumstances: (1) Any fee paid which was erroneously paid or collected; or (2) A permit fee paid when no work has been done under a permit issued in accordance with this code provided the request is received within 180 days after the issuance of the permit.

#### **Section 4-8-A-6~~7~~ CERTIFICATE OF OCCUPANCY.**

Section 111 of the International Building Code is hereby amended to read as follows:



**111.1 Use and occupancy.** No new building or structure shall be used or occupied, and no change in the existing occupancy classification of an existing building or structure or portion thereof shall be made, and no re-occupancy of existing buildings or tenant spaces shall occur until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction.

**Exception:** ~~A certificate of occupancy (CO) is not required for~~ For single family dwellings, duplexes, townhomes, units within multi-family buildings, and work of a minor nature and work not directly related to occupancy. ~~Therefore,~~ satisfactory approval of the final inspection of such work shall constitute compliance with the requirements of the ~~City~~ Certificate of Occupancy, completion of work, and closure of the permit. This includes but is not limited to: plumbing, mechanical, and electrical modifications; fences; re-roofing; structural repairs; fire alarm and fire suppression systems; and residential projects including accessory structures, decks, room additions and remodels.

**111.2 Certificate issued.** After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the ~~department of building safety~~ City, the building official shall issue a certificate of occupancy ("CO"). CO's and temporary certificates of occupancy (TCO) shall be posted in a conspicuous place on the premises and shall not be removed except by the building official. The CO shall contain the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of that portion of the structure for which the certificate is issued.
5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the building official.
7. The edition of the code under which the permit was issued.
8. The use and occupancy, in accordance with the provisions of Chapter 3.
9. The type of construction as defined in Chapter 6.

10. The design occupant load.

11. If an automatic sprinkler system is provided, whether the sprinkler system is required.

12. Any special stipulations and conditions of the building permit.

**111.3 Temporary occupancy.** ~~The building official is authorized to~~ The City may issue a ~~TCO~~ temporary certificate of occupancy (TCO) before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely; and taking into equal consideration other relevant factors such as, but not limited to, the following: the project's historical and current compliance with project-required elements; compliance with other code types such as zoning and stormwater; and the owner and/or contractor's history of compliance with code and project requirements. If, based on all of these factors, the City is not confident that the owner and/or contractor will complete all outstanding work covered by the permit in compliance with stipulations of a TCO, the City will not issue a TCO.. The building official shall set a time period during which the ~~TCO~~ temporary certificate of occupancy is valid. All buildings or structures or portions thereof subject to the provisions of this code, including single-family dwellings, duplexes, and townhouses, may receive a TCO, at the building official's sole discretion, as set forth herein.

**111.3.1 Extensions.** The building official is authorized to issue extensions of a TCO for an appropriate period of time. All extensions shall be left to the discretion of the building official based upon compliance with the conditions of the TCO, satisfactory progress towards completion of the work, and the impact on surrounding property.

**111.3.2 Violations.** When a temporary certificate of occupancy expires and the TCO conditions have not been resolved or completed according to the terms therein, further occupancy is prohibited and multiple code violations occur including, but not limited to, failing to comply with City approvals such as the technical and administrative requirements of the building permit and related building and construction standards; ~~or when conditions included in the TCO have not been resolved or completed within the timeframes stipulated herein, the application shall be deemed in violation of the provisions of this Article.~~

**111.4 Revocation.** The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

## **Section 4-8-A-~~78~~ BOARD OF APPEALS.**

Section 113 of the International Building Code is hereby repealed and a new Section 113 added to read as follows:

**113.1 General.** In order to hear and decide appeals of orders, decisions or determinations made by the building official or fire chief relative to the application and interpretation of the construction codes adopted in Chapter 4-8 of the Lenexa City Codes, there shall be and is hereby created a board of appeals. The Board of Appeals ("Board") shall be appointed by the governing body as set forth herein.

**113.2 Limitations on authority.** An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board shall have no authority relative to interpretation of the administrative provisions of this Code nor shall the Board be empowered to waive requirements of either this Code or the technical codes including Chapter 4-8 of the Lenexa City Code.

**113.3 Board Composition.** The Board shall consist of five (5) members. Each member shall have at least ten years' experience and be a licensed professional engineer or architect; or a builder, superintendent of building construction, or an individual licensed in a trade. Not more than two members shall be from the same profession or occupation, and at least one member shall be licensed by the State of Kansas as a registered professional architect. At least one member shall be licensed by the State of Kansas as a professional engineer. The members of the Board are not required to be residents of the City.

**113.4 Ex officio members.** The Building Official shall be an ex officio member. The City Attorney, or a designee, shall attend all meetings held by the Board. The fire chief or designee shall be an ex officio member and attend at least all meetings which are pertinent to the enforcement of the Fire Code and Life Safety Code.

**113.5 Appointment.** Members of the Board shall be appointed by the Mayor, with the consent of the City Council. Members shall serve 3-year staggered terms, with no more than two terms expiring each year. The term of office shall commence on May 1 of the calendar year. On May 1, 2011, one member shall be appointed and serve until April 30, 2012, two members shall be appointed and serve until April 30, 2013; and two members shall be appointed and serve until April 30, 2014. Thereafter, all members shall be appointed to serve a term of three (3) years. Notwithstanding the foregoing, beginning January 1, 2018, the terms of all members shall commence on March 1 instead of May 1 and shall terminate three (3) years later on the last day of February. To transition to the new terms, beginning January 1, 2018, the terms of all members expiring in 2018, 2019, or 2020 shall be shortened two months to expire the last day in February instead of April 30 in the same year the term would have otherwise expired. Thereafter, the terms of office shall remain three years. Vacancies shall be filled by appointment for the unexpired term. Recommendations by the Mayor to fill any vacancy shall be made to the Council as soon as reasonably practicable after the effective date of such vacancy.



**113.6 Compensation.** Members shall serve without compensation.

**113.7 Rules and Regulations.** The Board shall adopt reasonable rules and regulations for its conduct as it may deem necessary to carry out the requirements of this Code.

**113.8 Meetings.** The Board shall establish meeting dates and times as needed and shall allow reasonable time for the hearing of appeals.

**113.9 Conflict of Interest.** All proceedings and votes shall be in accord with the City's Code of Ethics located in Article 1-6-H of the City Code.

**113.10 Decisions.** All decisions of the Board shall be by majority vote of the attending members; provided a quorum is present. A quorum shall consist of at least 3 members of the Board.

## **Section 4-8-A-89 VIOLATIONS.**

Section 114 of the International Building Code is hereby amended to read as follows:

**114.1 Unlawful acts.** It shall be unlawful for any person, as defined by Section 202 of this Code, to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any conditions of the permit and the approved plans, or of the provisions of this code or any of the codes or provisions contained in Chapter 4-8 of the Lenexa City Code.

**114.2 Notice of violation.** When it is determined by the code official that there has been a violation of this code or the code official has probable cause to believe that a violation of this code has occurred, the code official is authorized to serve a notice of violation or order on the ~~Violator~~Code Offender responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of a permit, certificate of occupancy, or any provision of this code.

**114.2.1 When required.** A notice of violation shall not be required for second and subsequent violations of the same code provision by the same person within the following 12 months.

**114.2.2 Contents of notice.** Any notice of violation issued pursuant to this Section shall contain the following information:

1. The name and address of the ~~Violator~~Code Offender, unless reasonable efforts fail to produce this information;

2. The street address or description sufficient for identification of the building, structure, premises, or land upon or within which the alleged violation has occurred or is occurring;
3. A description of the alleged violation(s) and a reference to the provision(s) of the code that has allegedly been violated;
4. The required corrective action and a date by which the correction must be completed;
5. That each alleged violation of Chapter 4-8 may be punishable by a fine of not more than two thousand five hundred dollars (\$2,500.00), imprisonment for not more than one (1) year or both such fine and imprisonment;
6. That upon written request received by the City within ten (10) days of the notice of violation, the ~~Violator~~Code Offender may request a hearing before a designated hearing officer. The written request shall include the reason(s) that the ~~Violator~~Code Offender is relying upon to support their belief that no violation has occurred.

**114.2.3 Extensions.** The City may grant a request for an extension of the corrective action date identified in the notice of violation. If an extension is granted, the City shall document in writing the basis for and length of the extension.

**114.2.4 Service.** A notice of violation may be served upon the ~~Violator~~Code Offender by any one of the following means:

1. Personal service;
2. First-class, priority, or certified mail at the last known address of the ~~Violator~~Code Offender; or
3. Posting a copy of such notice in a conspicuous place on the affected building, structure, premises or land.

**114.3 Violation hearing.** Following issuance of a Notice of Violation, the ~~Violator~~Code Offender may request an administrative hearing on the issue of whether the building, structure, premises or land are in violation of this code. Said request must be in writing, and must be received by the City within ten (10) days from the date of the notice of violation.

**114.3.1 Hearing officer.** The violation hearing shall be conducted by a hearing officer designated by the City Administrator.

**114.3.2 Scope of the hearing.** The scope of the hearing shall be limited to whether the decisions, actions, or findings of the code official were within the scope of their

authority, supported by substantial competent evidence, and not arbitrary or capricious in nature. The hearing shall be informal and not subject to the rules of civil and/or criminal procedure.

**114.3.3 Hearing officer's determination.** The hearing officer shall make a determination as to whether the building, structure, premises or land is in violation of this code. If the building, structure, premises or land is in violation, the hearing officer shall have discretion to order a new date at which time the building, structure, premises or land must be brought into compliance to avoid prosecution and/or abatement proceedings.

**114.4 Prosecution and abatement of violation.** If the notice of violation is not complied with by the corrective action date, the building official is authorized to institute the appropriate proceeding at law or in equity, including, but not limited to, issuance of a Notice to Appear in Municipal Court, to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**114.45 Order to Abate.** Upon determination by the City that a violation of this code constitutes a nuisance as provided in Article 3-5-C of the Lenexa City Code, the City may issue an order to abate in accordance with Section 3-5-H-7-C of the Lenexa City Code.

**114.56 Violation penalties.** Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be subject to the penalties as prescribed in Section 1-1-C-3 of the City Code. Each day that a violation continues shall be deemed a separate offense.

**114.67 Substantial Compliance.** It shall not be a defense to any prosecution or administrative action taken under this code that the ~~Violator~~Code Offender did not personally receive the notice of violation or order to abate, provided it was served in compliance with this code. Further, it shall not be a defense to any prosecution or administrative action taken under this code that a notice of violation or order to abate did not include all information required by this code, so long as it was in substantial compliance with this code.

**114.78 Election.** The City may elect to proceed under a notice of violation or under an order to abate; or the City may pursue both remedies simultaneously.

**114.89 Emergency Abatement by City.** If the City makes a determination that an emergency situation exists, the City may immediately use the enforcement and abatement powers and remedies available pursuant to the Lenexa City Code,



including, but not limited to, immediate abatement. No other notification procedures are required as a prerequisite to any action taken in an emergency situation.

**114.910 Abatement; Recovery Costs.** Following any abatement performed by this in accordance with this code, the City shall give notice to the owner or agent by certified mail, return receipt requested, of the total cost of such abatement or removal incurred by the City, including any administrative costs. Such notice also shall state that payment of such costs is due and payable within (30) days following receipt of such notice. The City also may recover the cost of providing notice, including any postage, required by this Section. If such costs are not paid within the thirty (30) day period, the costs shall be collected in the manner provided by state law, or shall be assessed and charged against the lot or parcel of ground on which the nuisance was located. If the costs are to be assessed, the City Clerk, at the time of certifying other city taxes to the county clerk, shall certify such costs, and the county clerk shall extend the same on the tax roll of the county against the lot or parcel of ground, and it shall be collected by the county treasurer and paid to the City as other city taxes are collected and paid. The City may pursue collection both by levying a special assessment and in the manner provided by state law, but only until the full cost and any applicable interest has been paid in full.

**114.1011 Alternative Remedies Available to City.** Nothing in this Article shall affect, impair, preempt or preclude the rights of the City to pursue alternative or additional remedies available under state law or any other local law, code, or regulation.

**114.11 Violator. 12 Code Offender.** When used in this section, the word “~~Violator~~Code Offender” shall mean any person who owns, has an interest in and/or resides on property with an alleged violation of any conditions of a permit or approved plans, or of the provisions of this code or any of the codes or provisions contained in Chapter 4-8 of the Lenexa City Code, whether as owner, tenant, occupant, or otherwise, or any person who has contracted with or who was otherwise hired by any of the aforementioned for the purpose of performing work for which a permit is required pursuant to this code.

## **Section 4-8-A-910 ENFORCEMENT PROCESS FOR UNSAFE STRUCTURES AND EQUIPMENT.**

Section 116 of the International Building Code is hereby repealed and a new Section 116 is added to read as follows:

**116.1 Enforcement process for unsafe structures and equipment.** Whenever the code official declares a structure, equipment, building system, or appurtenance as unsafe the process and administration for addressing the condition shall be governed by the provisions contained in the International Property Maintenance Code as adopted and amended.

## Section 4-8-A-~~10~~11 GROUP R-2 HOTEL AND MOTEL COOKING FACILITIES

Section 420.11 of the International Building Code is hereby added to read as follows:

**420.11 Group R-1 and R-2 hotel and motel cooking facilities.** Domestic cooking appliances within guest rooms of Group R-1 and R-2 hotels and motels shall be provided with timers limiting unattended operation to 175 minutes and protection in accordance with section 904.13.1.2 of the International Building Code as adopted and amended.

**Exception:** Coffee makers and microwaves are not required to comply with section 904.13.1.2 of the IBC as adopted and amended.

## Section 4-8-A-~~11~~12 STORM PROTECTION AREA REQUIRED.

Section 423.5 of the International Building Code is hereby added to read as follows:

**423.5 Groups R-1, R-2, R-3, R-4, I-1, and I-2 occupancies.** All Group R-1 R-2, R-3, R-4, I-1, and I-2 of any occupant load shall have a storm protection area constructed in accordance with ICC 500 or a basement. Sub-surface areas located beneath concrete stoops with or without doors are considered equivalent to a basement. Such areas shall be provided with ventilation in accordance with applicable code requirements.

**423.5.1 Required occupant capacity.** The required occupant capacity of the storm protection area in all Group R-1, R-2, R-3, R-4, I-1, and I-2 occupancies shall be calculated as private dwellings per Table 403.3.1.1 per the International Mechanical Code as adopted and amended. Where approved by the code official, the required occupant capacity of the storm protection area shall be permitted to be reduced by the occupant capacity of any existing storm protection area on the site.

**423.4.2 Location.** Storm protection areas shall be located within the building they serve or shall be located so that the maximum distance of travel from the storm protection area to at least one exterior door of each building the storm shelter serves does not exceed 1,000 feet.

Section 403 of ICC 500 is hereby repealed in its entirety.

## Section 4-8-A-~~12~~13 BUILDING ADDRESS IDENTIFICATION.

Section 502 of the International Building Code is hereby repealed and a new section 502 is hereby added to read as follows:

**502.1 Building Address identification.** New and existing building address identification shall be posted in accordance with section 505.1 the International Fire Code as adopted and amended.

#### Section 4-8-A-~~13~~14 FIRE AREAS.

Section 901.7 of the International Building Code is hereby amended to read as follows:

**901.7 Fire Areas.** Fire walls, fire barriers, party walls, and horizontal assemblies shall not be used to determine automatic fire sprinkler system thresholds based on fire areas per Section 903.2. The most restrictive occupancy classification applied to automatic fire suppression system thresholds shall be applied to the entire building. Fire areas are permitted to be applied to determining allowable building height and area limits per Section 508.

#### Section 4-8-A-~~14~~15 AUTOMATIC SPRINKLER SYSTEMS.

Section 903.1 of the International Building Code is hereby amended to read as follows:

**[F] 903.1 General.** Automatic sprinkler systems shall comply with this section.

**[F] 903.1.1 Alternative protection.** Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to an automatic sprinkler protection where recognized by the applicable standard and approved by the fire chief.

Section 903.2.10 of the International Building Code is hereby amended to read as follows:

**[F] 903.2.10 Group S-2.** An automatic sprinkler system shall be provided throughout buildings classified as an enclosed parking garage in accordance with Section 406.6 of the International Building Code where either of the following conditions exist:

1. Where the fire area of the enclosed parking garage exceeds 12,000 square feet.
2. Where the enclosed parking garage is located beneath other groups.

**[F] 903.2.10.1 Commercial parking garages.** An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.

Section 903.2.13 of the International Building Code is hereby added to read as follows:

**[F] 903.2.13. Occupancies over 12,000 square feet or more than one story.** For all occupancies, an approved automatic fire extinguishing system shall be provided whenever the building has a total combined area of more than 12,000 square feet or is more than one-story.

**~~Exception:~~ Exceptions:**

1. Open parking garages in compliance with items 1 through 7:



- 1.1. Classified as an S-2 occupancy.
- 1.2. Not more than two tiers of parking.
- 1.3. Fire department personnel access is provided to over 40 percent of each tier uniformly distributed over opposing sides of the building.
- 1.4. Fire department apparatus access is provided adjacent to fire department personnel access areas.
- 1.5. A standpipe system is provided in accordance with NFPA-14.
- 1.6. The parking garage is not located beneath or within 20 feet of an adjacent structure or occupancies.

1.7. Area of structure does not exceed 300,000 square feet.

2. One-family dwellings with more than one story that are being converted to a commercial use, provided any basement or story, other than the main level, does not exceed 1600 square feet and does not meet any other sprinkler requirement thresholds.

2.3. Commercial buildings with a basement not exceeding 1000 square feet and does not meet any other sprinkler requirement thresholds.

Section 903.3.1.2.1 of the International Building Code is hereby amended to read as follows:

**[F] 903.3.1.2.1 Balconies and Decks.** Sprinkler protection shall be provided for exterior balconies, decks, and ground floor patios of dwelling units and sleeping units. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distances of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

Section 903.3.1.2.3 of the International Building Code is hereby amended to read as follows:

**[F] 903.3.1.2.3 Attics.** Attic protection shall be provided in all occupancies which are required to be protected by NFPA 13R systems.

**Exception:** Townhome attics.

Section 903.3.1.2.4 of the International Building Code is hereby added to read as follows:

**[F] 903.3.1.2.4 Attached garages.** Attached garages shall be provided with sprinkler protection.

Section 903.3.1.3 of the International Building Code is hereby amended to read as follows:

**[F] 903.3.1.3 NFPA 13D sprinkler systems.** Automatic sprinkler systems installed in one- and two-family dwellings, and townhomes; Group R-3; and Group R-4, Condition 1; shall be permitted to be installed throughout in accordance with NFPA 13D, and shall include sprinkler protection in attached garages.

Section 903.3.5.3 of the International Building Code is hereby added to read as follows:

**[F] 903.3.5.3 Main control valves.** Water supply lines for automatic sprinkler systems shall be provided with a control valve located on the riser. The valve shall be capable of isolating the underground fire service main from automatic sprinkler system.

**[F] 903.3.5.3.1 Main control valve access.** The isolationmain control valve shall be accessible. To be considered accessible, the valve shall be installed in a location that can be accessed without entering a residential unit and a clear space 3 feet by 3 feet by 7 feet high shall be provided in front of the valve. Access to the clear space shall be provided by an unobstructed aisle not less than 3 feet wide and 7 feet high. The valve shall be operable from the floor level.

Section 903.3.5.3 of the International Building Code is hereby added to read as follows:

**[F] 903.3.5.3 Calculations.** Hydraulic calculations in accordance with NFPA 13 shall be provided to demonstrate that the available water flow and pressure are adequate to supply all sprinklers installed in any single fire area with discharge densities corresponding to the hazard classification. The City of Lenexa requires a minimum safety factor of 5 psi. When calculating the water supply requirements for new installations, the minimum safety factor shall be deducted from the actual static and residual pressure. The actual flow calculation and minimum safety factor reduction calculation shall be shown on the hydraulic calculation sheets.

**Exception:** NFPA 13D systems (one- and two-family dwellings).

Section 903.4.2 of the International Building Code is hereby amended to read as follows:

**[F] 903.4.2 Alarms.** Approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

**[F] 903.4.2.1 Occupant notification devices.** Where an automatic fire sprinkler system is installed in a building, audible and visible notification appliances shall be installed throughout the building as follows:

1. Audible notification appliances shall be installed so as to be audible at 15 dBa above sound pressure level throughout the building.
2. Visible notification appliances shall be installed in all public and common use areas, restrooms and corridors in accordance with the spacing requirements of NFPA 72.
3. Visible notification devices can be eliminated in normally unoccupied portions of buildings where permitted by the fire code official.

~~Section 903.4.3 of the International Building Code is hereby amended to read as follows:~~

~~**[F] 903.4.3 Floor Control Valves.** Approved supervised indicating control valves shall be provided at a point of connection to the riser on each floor for buildings three (3) or more stories in height.~~

## **Section 4-8-A-~~1516~~ MONITORING ALTERNATIVE AUTOMATIC FIRE-EXTINGUISHING SYSTEMS.**

Section 904.3.5 of the International Building Code is hereby amended to read as follows:

**[F] 904.3.5 Monitoring.** Alternative automatic fire extinguishing systems shall be monitored by a fire alarm system in accordance with NFPA 72.

**Exception:** Mobile Food Preparation Vehicles.

## **Section 4-8-A-~~1617~~ PORTABLE FIRE EXTINGUISHERS.**

Section 906 of the International Building Code is hereby repealed and a new Section 906 is hereby added to read as follows:

**[F] 906.1 Where required.** Portable fire extinguishers shall be installed in all new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

### **Exceptions:**

1. In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 8 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.



2. In Group E occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 8 where each classroom is provided with a portable fire extinguisher having a minimum rating of 2-A:20-B:C.
3. Within 30 feet distance of travel from commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, Condition 1; and R-2 college dormitory occupancies.
4. In areas where flammable or combustible liquids are stored, used or dispensed.
5. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3315.1 of the International Fire Code as adopted and amended.
6. Where required by the sections indicated in Table 906.1.
7. Special-hazard areas, including but not limited to laboratories, computer rooms, laundry rooms and generator rooms, where required by the fire code official.
8. At each exit discharge on the egress level of Group R-2 occupancies.

#### **Section 4-8-A-~~17~~18 FIRE DEPARTMENT SUPPLY CONNECTIONS.**

Section 912.3.1 of the International Building Code is hereby added to read as follows:

**[F] 912.3.1 Fire department supply connection.** All connections to supply fire sprinkler systems and/or standpipe systems shall be fitted with an approved four inch (4") Storz quick coupling connector.

#### **Section 4-8-A-~~18~~19 PHYSICAL SECURITY.**

Section 1010.4 of the International Building Code is hereby added to read as follows:

**1010.4.1 Purpose.** The purpose of this Section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

**1010.4.1.1 Scope.** The provisions of this Section shall apply to all new structures and to alterations, additions, and repairs as stipulated in the International Existing Building Code.

**1010.4.2 Doors.** Except for vehicular access doors, all swinging doors that provide access into dwelling units of residential buildings and attached garages, including the doors leading from the garage area into the dwelling unit, shall comply with Sections 1010.4.2.1 through 1010.4.2.5 for the type of door installed.

**1010.4.2.1 Wood doors.** Where installed, exterior wood doors shall be of solid core construction, such as high-density particleboard, solid wood, or wood block core with a minimum thickness of one and three-fourths inches (1-3/4") at any point. Doors with panel inserts shall be solid wood. The panels shall be a minimum of one inch (1") thick. The tapered portion of the panel that inserts into the groove of the door shall be a minimum of one-quarter inch (1/4") thick. The groove shall be a dado groove or applied molding construction. The groove shall be a minimum of one-half inch (1/2") in depth.

**1010.4.2.2 Steel doors.** Where installed, exterior steel doors shall be a minimum thickness of 24- gauge.

**1010.4.2.3 Fiberglass doors.** Fiberglass doors shall have a minimum skin thickness of one-sixteenth inch (1/16") and have reinforcement material at the location of the deadbolt.

**1010.4.2.4 Double doors.** Where installed, the inactive leaf of an exterior double door shall be provided with flush bolts having an engagement of not less than one inch into the head and threshold of the doorframe.

**1010.4.2.5 Sliding doors.** Where installed, exterior sliding doors shall comply with all of the following requirements:

1. Sliding door assemblies shall be installed to prevent the removal of the panels and the glazing from the exterior with the installation of shims or screws in the upper track.
2. All sliding glass doors shall be equipped with a secondary locking device consisting of a metal pin or a surface mounted bolt assembly.
3. Metal pins shall be installed at the intersection of the inner and outer panels of the inside door and shall not penetrate the frame's exterior surface.
4. The surface mounted bolt assembly shall be installed at the base of the door.

**1010.4.3 Door frames.** The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with Sections 1010.4.3.1 through 1010.4.3.3 for the type of assembly installed.

**1010.4.3.1 Wood frames.** Wood door frames shall comply with all of the following requirements:

1. All exterior door frames shall be set in frame openings constructed of double studding or equivalent construction, including garage doors, but excluding overhead doors.

2. Door frames, including those with sidelights shall be reinforced in accordance with ASTM F476-84 Grade 40.
3. In wood framing, horizontal blocking shall be placed between studs at the door lock height for three (3) stud spaces or equivalent bracing on each side of the door opening.

**1010.4.3.2 Steel frames.** All exterior door frames shall be constructed of 18 gauge or heavier steel, and reinforced at the hinges and strikes. All steel frames shall be anchored to the wall in accordance with manufacturer specifications. Supporting wall structures shall consist of double studding or framing of equivalent strength. Frames shall be installed to eliminate tolerances inside the rough opening.

**1010.4.3.3 Door jambs.** Door jambs shall be installed with solid backing in a manner so no void exists between the strike side of the jamb and the frame opening for a vertical distance of twelve inches (12") each side of the strike. Filler material shall consist of a solid wood block.

Door stops on wooden jambs for in-swinging doors shall be of one-piece construction. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.

**1010.4.4 Door hardware.** Exterior door hardware shall comply with Sections 1010.4.4.1 through 1010.4.4.5.

**1010.4.4.1 Hinges.** Hinges for exterior swinging doors shall comply with the following:

1. At least two (2) screws, three inches (3") in length, penetrating at least one inch (1") into wall structure shall be used.
2. Solid wood fillers or shims shall be used to eliminate any space between the wall structure and door frame behind each hinge.
3. Hinges for out-swinging doors shall be equipped with mechanical interlock to preclude the removal of the door from the exterior.

**1010.4.4.2 Strike plates.** Exterior door strike plates shall be a minimum of 18 gauge metal with four offset screw holes. Strike plates shall be attached to wood with not less than three inch (3") screws, which shall have a minimum of one inch (1") penetration into the nearest stud. Note: For side lighted units, refer to Section 1010.4.4.5.

**1010.4.4.3 Locks.** Exterior doors shall be provided with a locking device complying with all of the following:

1. Single Cylinder Deadbolt shall have a minimum projection of one inch (1").



2. The deadbolt shall penetrate at least three-fourths inch (3/4") into the strike receiving the projected bolt.
3. The cylinder shall have a twist-resistant, tapered hardened steel cylinder guard.
4. Bolt assembly (bolt housing) unit shall be of single piece construction.

**1010.4.4.4 Entry vision and glazing.** All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. The view may be provided by a door viewer having a field of view of not less than 180 degrees through windows or through view ports.

**1010.4.4.5 Side lighted entry doors.** Side light door units shall have framing of double stud construction or equivalent construction complying with Sections 1010.4.3.1, 1010.4.3.2, and 1010.4.3.3. The doorframe that separates the door opening from the side light, whether on the latch side or the hinge side, shall be double stud construction or equivalent construction complying with Sections 1010.4.3.1 and 1010.4.3.2. Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

**1010.4.5 Street numbers.** Street numbers shall comply with Section 505 of the International Fire Code.

**1010.4.6 Exterior lighting.** Exterior lighting shall comply with Sections 1010.4.6.1 through 1010.4.6.2.

**1010.4.6.1 Front and street side exterior lighting.** All front and street side door entrances should be protected with a minimum of one light outlet having a minimum of sixty (60) watts of lighting (or energy efficient equivalent), installed so that the light source is not readily accessible.

**1010.4.6.2 Rear exterior lighting.** Homes with windows or doors near ground level below 8 feet on the rear side of the house shall be equipped with a minimum of one light outlet having 100 watt lighting (or energy efficient equivalent).

**1010.4.7 Alternate materials and methods of construction.** The provisions of this Section are not intended to prevent the use of any material or method of construction not specifically prescribed by this Section, provided any such alternate has been approved by the enforcing authority, nor is it the intention of this Section to exclude any sound method of structural design or analysis not specifically provided for in this Section. The materials, methods of construction, and structural design limitations provided for in this Section shall be used, unless the enforcing authority grants an exception. The enforcing authority is authorized to approve any such alternate provided they find the proposed design, materials, and methods of work to be at least

equivalent to those prescribed in this Section in quality, strength, effectiveness, burglary resistance, durability, and safety.

#### **Section 4-8-A-~~1920~~ STAIRWAY IDENTIFICATION SIGNAGE REQUIREMENTS.**

Section 1023.9.1 of the International Building Code is hereby amended to read as follows:

**1023.9.1 Signage requirements.** Stairway identification signs shall comply with all of the following requirements:

1. The signs shall be a minimum size of 18 inches by 12 inches.
2. The letters designating the identification of the interior exit stairway and ramp shall be not less than 11 inches in height.
3. The number designating the floor level shall be not less than 5 inches in height and located in the center of the sign.
4. Other lettering and numbers shall be not less than 1 inch in height.
5. Characters and their background shall have a non-glare finish. Characters shall contrast with their background, with either light characters on a dark background or dark characters on a light background.
6. Where signs required by Section 1023.9 are installed in the interior exit stairways and ramps of buildings subject to Section 1025, the signs shall be made of the same materials as required by Section 1025.4.
7. Signs shall be color coded or have colored borders as approved by the fire code official.

#### **Section 4-8-A-~~2021~~ ESTABLISHMENT OF FLOOD HAZARD AREAS.**

Section 1612.3 of the International Building Code is hereby amended to read as follows:

**1612.3 Establishment of Flood Hazard Areas.** To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for CITY OF LENEXA" dated AUGUST 3rd, 2009, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

## **Section 4-8-A-~~2422~~ ELEVATOR CERTIFICATES OF INSPECTION.**

Section 3009 of the International Building Code is hereby added to read as follows:

**3009.1 Certificates of Inspection Required.** It shall be unlawful to operate any elevator, dumbwaiter, escalator, or moving walk without a current certificate of inspection provided by a Qualified Elevator Inspector who is certified by the National Association of Elevator Safety Authorities or other similar certification from another nationally recognized organization.

## **Article 4-8-B INTERNATIONAL FIRE CODE**

### **Section 4-8-B-1 INTERNATIONAL FIRE CODE ADOPTED.**

The International Fire Code, 2018 Edition, (sixth printing), including Appendices B, C, and D as amended, and H, I, K, and L published by the International Code Council, Inc., are hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added or changed in this Article. References within the Fire Code to the International Building Code is deemed to refer to the International Building Code as amended by the City and references within the Fire Code to the International Mechanical Code or International Plumbing Code are deemed to refer to the International Mechanical Code or the International Plumbing Code as amended by the City. Any NFPA Standard referenced in the 2018 edition of the International Fire Code shall use the most current edition of such NFPA standard.

At least one (1) copy of said International Fire Code will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 5696," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

### **Section 4-8-B-2 TITLE.**

Section 101.1 of the International Fire Code is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the *Fire Code of the City of Lenexa*, hereinafter referred to as "this code."

### **Section 4-8-B-3 Construction Documents**

Section 105.4.2 of the International Fire Code is hereby amended to read as follows:

**105.4.2 Information on construction documents.** Construction documents shall be drawn to scale on suitable material. Electronic media documents are allowed to be submitted where approved by the fire code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and



show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations as determined by the fire code official. Upon request, a code footprint shall be provided to the fire or building official in the municipality where the work is occurring.

#### **Section 4-8-B-4 BOARD OF APPEALS.**

Section 109 of the International Fire Code is hereby amended to read as follows:

**109.1 Board of appeals established.** Applications for appeals of orders, decisions or determinations made by the fire chief shall be made to the board of appeals as established in Section 4-8-A-7 of the Lenexa City Code.

**109.2 Limitations on authority.** An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder has been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The board shall have no authority to waive requirements of this code.

#### **Section 4-8-B-45 VIOLATIONS.**

Section 110 of the International Fire Code is hereby amended to read as follows:

**110.1 Violations.** When it is determined by the code official that there has been a violation of this code or the fire chief or fire code official has probable cause to believe that a violation has occurred, the process and administration of violations shall be governed by the provisions contained in Section 4-8-A-8 of the Lenexa City Code.

#### **Section 4-8-B-56. OPEN BURNING, RECREATIONAL FIRES AND PORTABLE OUTDOOR FIREPLACES.**

Section 307 of the International Fire Code is hereby amended to read as follows:

**307.1 Open Burning, Recreational Fires and Portable Outdoor Fireplaces.** Open burning, recreational fires and the use of portable outdoor fireplaces shall be in accordance with Article 3-5-D of the Lenexa City Code.

#### **Section 4-8-B-67. OPEN-FLAME COOKING DEVICES**

Section 308.1.4 of the International Fire Code is hereby amended to read as follows:

**308.1.4 Open-flame cooking devices.** Charcoal burners and other open-flame cooking devices shall not be stored or operated on combustible balconies or within 10 feet of combustible construction.

**Exceptions:**

1. Cooking devices associated with one- and two-family dwellings and townhomes.
2. Other than one and two family dwellings and townhomes, where buildings, balconies, and decks are protected by an automatic sprinkler system, only gas cooking devices are allowed.

**Section 4-8-B-78. BURNING OBJECTS**

Section 310.7 of the International Fire Code is hereby amended to read as follows:

**310.7 Burning objects.** Lighted matches, cigarettes, cigars or other burning object shall not be discarded in such a manner that could cause ignition of other combustible material.

**310.7.1 Smoking receptacles required.** Owners of commercial and multi-family properties, where smoking is permitted, shall be responsible for providing approved and maintaining non-combustible receptacles specifically designed for the collection of discarded smoking ~~material in locations approved by the authority having jurisdiction materials.~~

**Section 4-8-B-8. SEPARATION DISTANCE BETWEEN WOOD PALLET STACKS AND BUILDINGS**

Table 315.7.6(1) of the International Fire Code is hereby amended to read as follows:

TABLE 315.7.6(1) SEPARATION DISTANCE BETWEEN WOOD PALLET STACKS AND BUILDINGS				
WALL CONSTRUCTION	OPENING TYPE	WOOD PALLET SEPARATION DISTANCE (feet)		
		≤ 50 Pallets	51 TO 200 Pallets	> 200 Pallets
Masonry	None	2	2	2
Masonry	Fire-rated glazing with open sprinklers	2	5	20
Masonry	Fire-rate glazing	10	15	20
Masonry	Plain glass with open sprinklers	10	15	20

Noncombustible	None	10	15	20
Wood with open sprinklers	—	10	15	20
Wood	None	15	30	90
Any	Plain glass	15	30	90
<b>For SI: 1 foot 304.8 mm</b>				

### **Section 4-8-B-9. MOBILE FOOD PREPARATION VEHICLES**

Section 319 of the International Fire Code is hereby amended to read as follows:

#### **319.1 General**

Mobile food preparation vehicles that are equipped with any appliances that produce smoke or grease-laden vapors shall comply with this section and the 2021 Edition of NFPA 1 Chapter 50.

### **Section 4-8-B-109 FIRE APPARATUS ACCESS ROADS.**

Section 503.1.4 of the International Fire Code is hereby added to read as follows:

**503.1.4 Supplemental access road requirements.** Fire apparatus access roads shall comply with the requirements of Appendix D as amended in addition to the requirements in this section.

Section 503.6 of the International Fire Code is hereby amended to read as follows:

**503.6 Security Gates.** The installation of security gates across a fire apparatus access road shall be approved by the fire code official. Where security gates are installed, they shall have an approved means of emergency operation with a secondary means of operation in the event of failure of the primary operation. The security gates and the emergency operation shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL 325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

### **Section 4-8-B-110 ADDRESS IDENTIFICATION.**

Section 505.1 of the International Fire Code is hereby amended to read as follows:

**505.1 Address identification.** New and existing buildings shall be provided with approved address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification shall also be placed in a position that is visible from the rear of the



building. Address identification characters shall contrast with their background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall not be spelled out. Each character shall be a minimum of 5 inches high with a minimum stroke width of 0.5 inch. Where required by the fire code official, address identification shall be provided in additional approved locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

**Exceptions:** For one and two-family dwellings and townhomes, the building numbers shall be at least 4 inches in height, or larger where required by the fire code official to be legible from the street even in darkness and inclement weather and are not required to be visible from the rear of the building

**505.1.1 Buildings with multiple exterior doors.** Where buildings or tenant spaces have multiple exterior doors additional address numbers shall be displayed as directed by the Fire Department.

**Exception:** Individual dwelling units.

~~**505.1.2 Dwellings with attached garages.** Numbers shall be displayed over the garage door when the garage faces the front of the lot. On the 1- and 2-family residences, and dwellings constructed using the International Residential Code numbers shall be displayed over the garage door when fronting the designated street. When impractical, the Fire Department will recommend another approved location.~~

~~**505.1.3 Numbers Displayed; Buildings Under Construction.** Where a building number is assigned, upon issuance of a building permit, such number shall be posted in a conspicuous place on the front part of the lot before work on such building is commenced.~~

## **Section 4-8-B-1~~12~~ KEY BOXES.**

Section 506 of the International Fire Code is hereby amended to read as follows:

**506.1 When required.** Where access to or within a new or existing structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the fire code official is authorized to require a key box to be installed in an approved accessible location. The key box shall be of an approved type listed in accordance with UL 1037, and shall contain keys to gain access as required by the fire code official. Approved key boxes are required to be installed on any building that has a fire alarm system and/or a fire sprinkler system that is monitored by an approved central station.

**506.1.1 Locks.** An approved lock shall be installed on gates or similar barriers where required by the fire code official.

**506.1.2 Key boxes for nonstandardized fire service elevator keys.** Key boxes provided for nonstandardized fire service elevator keys shall comply with Section 506.1 and all of the following:

1. The key box shall be compatible with an existing rapid entry key box system in use in the jurisdiction and approved by the fire code official.
2. The front cover shall be permanently labeled with the words "Fire Department Use Only—Elevator Keys."
3. The key box shall be mounted at each elevator bank at the lobby nearest to the lowest level of fire department access.
4. The key box shall be mounted 5 feet 6 inches above the finished floor ~~to the right side~~ and within 10 feet of the elevator bank. The mounting location shall not be visually obstructed.
5. Contents of the key box are limited to fire service elevator keys. Additional elevator access tools, keys and information pertinent to emergency planning or elevator access shall be permitted where authorized by the fire code official.
6. In buildings with two or more elevator banks, a single key box shall be permitted to be used where such elevator banks are separated by not more than 30 feet. Additional key boxes shall be provided for each individual elevator or elevator bank by more than 30 feet.

**506.2 Key box maintenance.** The key box shall be maintained in working order by the operator of the building. The operator of the building shall immediately notify the fire code official and provide the new key where a lock is changed or rekeyed. The key to such lock shall be secured in the key box.

## **Section 4-8-B-1~~23~~ FIRE PROTECTION WATER SUPPLIES.**

Section 507.5.1 of the International Fire Code is hereby amended to read as follows:

**507.5.1 Where required.** Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

**Exception:** For Group R-3 and Group U occupancies, the distance requirement shall be 500 feet.

**507.5.1.1 Hydrant for fire department connections.** Buildings equipped with a sprinkler or standpipe system installed in accordance with Section 903 or 905 shall have a fire hydrant within 100 feet of the fire department connections.

**Exception:** The distance shall be permitted to exceed 100 feet where approved by the fire code official.

Section 507.5.3 of the International Fire Code is hereby amended to read as follows:

**507.5.3 Private fire service mains and water tanks.** Private fire service mains and water tanks shall be periodically inspected, tested and maintained in accordance with NFPA 25 at the following intervals:

1. Private fire hydrants of all types: Shall be painted red, inspected annually and after each operation; flow test and maintenance annually. Private hydrants shall be identified in accordance with Chapter 5 of NFPA 291 as required by the Fire Code Official.
2. Fire service main piping: Inspection of exposed, annually; flow test every 5 years.
3. Fire service main piping strainers: Inspection and maintenance after each use.

Records of inspections, testing and maintenance shall be maintained.

## **Section 4-8-B-134 FIRE PROTECTION AND LIFE SAFETY SYSTEMS.**

Section 901.4.3 of the International Fire Code is hereby amended to read as follows:

**901.4.3 Fire walls.** Fire walls, fire barriers, party walls, and horizontal assemblies shall not be used to determine automatic sprinkler system thresholds based on fire areas per section 903.2. The most restrictive occupancy classification applied to automatic fire suppression system thresholds shall be applied to the entire building. Fire areas are permitted to be considered when determining allowable building height and area limits per section 508 of the International Building Code as adopted and amended.

Section 901.7.4 of the International Fire Code is hereby amended to read as follows:

**901.7.4 Preplanned impairment programs.** Preplanned impairments shall be authorized by the impairment coordinator. Before authorization is given, a designated individual shall be responsible for verifying that all of the following procedures have been implemented:

1. The extent and expected duration of the impairment have been determined.

2. The areas or buildings involved have been inspected and the increased risks determined.
3. Recommendations have been submitted to management or the building owner/manager.
4. The fire department has been notified.
5. The insurance carrier, the alarm company, the building owner/manager and other authorities having jurisdiction have been notified.
6. The supervisors in the areas to be affected have been notified.
7. A tag impairment system has been implemented.
8. Necessary tools and materials have been assembled on the impairment site.
9. Documentation of fire watch log shall be submitted to the fire code official when requested.

Section 903.1 of the International Fire Code is hereby amended to read as follows:

**903.1 General.** Automatic sprinkler systems shall comply with this section.

**903.1.1 Alternative protection.** Alternative automatic fire-extinguishing systems complying with Section 904 shall be permitted in addition to an automatic sprinkler protection where recognized by the applicable standard and approved by the fire chief.

Section 903.2.10 of the International Fire Code is hereby amended to read as follows:

**903.2.10 Group S-2.** An automatic sprinkler system shall be provided throughout buildings classified as an enclosed parking garage in accordance with Section 406.6 of the International Building Code where either of the following conditions exist:

1. Where the fire area of the enclosed parking garage exceeds 12,000 square feet.
2. Where the enclosed parking garage is located beneath other groups.

**903.2.10.1 Commercial parking garages.** An automatic sprinkler system shall be provided throughout buildings used for storage of commercial motor vehicles where the fire area exceeds 5,000 square feet.



Section 903.2.13 of the International Fire Code is hereby added to read as follows:

**903.2.13. Occupancies ~~more than~~ 12,000 square feet or more than one story.**

For all occupancies an approved automatic fire extinguishing system shall be provided whenever the building has a total combined building area of more than 12,000 square feet or is more than one story.

**Exception: Exceptions:**

1. Open parking garages in compliance with the following:
  - 1.1. Classified as an S-2 occupancy;
  - 1.2. Not more than two tiers of parking;
  - 1.3. Fire department personnel access is provided to over 40 percent (40%) of each tier uniformly distributed over opposing sides of the building;
  - 1.4. Fire department apparatus access is provided adjacent to the fire department personnel access areas;
  - 1.5. A standpipe system is provided in accordance with NFPA-14;
  - 1.6. The parking garage is not located beneath or within twenty-six (26') feet of an adjacent structure or occupancies; and
  - 1.7. Area of structure does not exceed 300,000 square feet.
2. One-family dwellings with more than one story that are being converted to a commercial use, provided any basement or story, other than the main level, does not exceed 1600 square feet and does not meet any other sprinkler requirement thresholds.
- 2.3. Commercial buildings with a basement not exceeding 1000 square feet and does not meet any other sprinkler requirement thresholds.

Section 903.3.1.2.1 of the International Fire Code is hereby amended to read as follows:

**903.3.1.2.1 Balconies and decks.** Sprinkler protection shall be provided for exterior balconies, decks, and ground floor patios of dwelling units and sleeping units. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distances of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

Section 903.3.1.2.3 of the International Fire Code is hereby amended to read as follows:

**903.3.1.2.3 Attics.** Attic protection shall be provided in all occupancies which are required to be protected by NFPA 13R systems.

**Exception:** Townhome attics shall not require attic protection.

Section 903.3.1.2.4 of the International Fire Code is hereby added to read as follows:

**903.3.1.2.4 Attached garages:** Attached garages shall be provided with sprinkler protection.

Section 903.3.1.3 of the International Fire Code is hereby amended to read as follows:

**903.3.1.3 NFPA 13D sprinkler systems.** Automatic sprinkler systems installed in one- and two-family dwellings; Group R-3; and Group R4, Condition 1; and townhouses shall be permitted to be installed throughout in accordance with NFPA 13D, to include sprinkler protection in attached garages.

Section 903.3.5.3 of the International Fire Code is hereby added to read as follows:

**903.3.5.3 Main control valves.** Water supply lines for automatic sprinkler systems shall be provided with a control valve located on the riser. The valve shall be capable of isolating the underground fire service main from automatic sprinkler system.

**903.3.5.3.1 Main control valve access.** The isolation main control valve shall be accessible. To be considered accessible, the valve shall be installed in a location that can be accessed without entering a residential unit and a clear space 3 feet by 3 feet by 7 feet high shall be provided in front of the valve. Access to the clear space shall be provided by an unobstructed aisle not less than 3 feet wide and 7 feet high. The valve shall be operable from the floor level.

Section 903.3.5.4 of the International Fire Code is hereby added to read as follows:

**903.3.5.4 Calculations.** Hydraulic calculations in accordance with NFPA 13 shall be provided to demonstrate that the available water flow and pressure are adequate to supply all sprinklers installed in any single fire area with discharge densities corresponding to the hazard classification. The City of Lenexa requires a minimum safety factor of 5 psi. When calculating the water supply requirements for new installations, the minimum safety factor shall be deducted from the actual static and residual pressure. The actual flow calculation and minimum safety factor reduction calculation shall be shown on the hydraulic calculation sheets.

**Exception:** NFPA 13D systems (one- and two-family dwellings).

Section 903.4.2 of the International Fire Code is hereby amended to read as follows:

**903.4.2 Alarms.** An approved audible and visual device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

**903.4.2.1 Occupant notification devices.** Where an automatic fire sprinkler system is installed in a building, audible and visible notification appliances shall be installed throughout the building as follows:

1. Audible notification appliances shall be installed so as to be audible at 15 dBa above sound pressure level throughout the building.
2. Visible notification appliances shall be installed in all public and common use areas, restrooms and corridors in accordance with the spacing requirements of NFPA 72.
3. Visible notification devices can be eliminated in normally unoccupied portions of buildings where permitted by the fire code official.

~~Section 903.4.3 of the International Fire Code is hereby amended to read as follows:~~

~~**903.4.3 Floor Control Valves.** Approved supervised indicating control valves shall be provided at the point of connection to the riser on each floor for buildings three (3) or more stories in height.~~

Section 904.3.5 of the International Fire Code is hereby amended to read as follows:

**904.3.5 Monitoring.** Automatic fire-extinguishing systems shall be monitored by a fire alarm system in accordance with NFPA 72.

**Exception:** Mobile food preparation vehicles.

Section 906.1 of the International Fire Code is hereby amended to read as follows:

**906.1 Where Required.** Portable fire extinguishers shall be installed in all new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

**Exceptions:**

1. In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 8 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.
2. In Group E occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 8 where each classroom is provided with a portable fire extinguisher having a minimum rating of 2-A:20-B:C.
3. Within 30 feet distance of travel from commercial cooking equipment and from domestic cooking equipment in Group I-1; I-2, Condition 1; and R-2 college dormitory occupancies.
4. In areas where flammable or combustible liquids are stored, used or dispensed.
5. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3315.1.
6. Where required by the sections indicated in Table 906.1.
7. Special-hazard areas, including but not limited to laboratories, computer rooms, laundry rooms and generator rooms, where required by the fire code official.
8. At each exit discharge serving more than one dwelling unit of Group R-2 occupancies.

Section 912.3.1 of the International Building Code is hereby added to read as follows:

**[F] 912.3.1 Fire department supply connection.** All connections to supply fire sprinkler systems and/or standpipe systems shall be fitted with an approved four inch (4") Storz quick coupling connector.

## **Section 4-8-B-154 STAIRWAY IDENTIFICATION SIGNAGE REQUIREMENTS.**

Section 1023.9.1 of the International Fire Code is hereby amended to read as follows:

**1023.9.1 Signage requirements.** Stairway identification signs shall comply with all of the following requirements:

1. The signs shall be a minimum size of 18 inches by 12 inches.
2. The letters designating the identification of the interior exit stairway and ramp shall be not less than 11 inches in height.
3. The number designating the floor level shall be not less than 5 inches in height and located in the center of the sign.



4. Other lettering and numbers shall be not less than 1 inch in height.
5. Characters and their background shall have a non-glare finish. Characters shall contrast with their background, with either light characters on a dark background or dark characters on a light background.
6. Where signs required by Section 1023.9 are installed in the interior exit stairways and ramps of buildings subject to Section 1025, the signs shall be made of the same materials as required by Section 1025.4.
7. Signs shall be color coded or have colored borders as approved by the fire code official.

#### **Section 4-8-B-156 SPRINKLER SYSTEMS.**

Section 1103.5.1 of the International Fire Code is hereby amended to read as follows:

**1103.5.1 Group A-2.** Where alcoholic beverages are consumed in a Group A-2 occupancy having an occupant load of 300 or more, the fire area containing the Group A-2 occupancy shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1. The automatic sprinkler system shall be installed on or before April 1, 2028.

#### **Section 4-8-B-17 ACCESS FOR FIRE FIGHTING.**

Section 3310.1 of the International Fire Code is hereby amended to read as follows:

**3310.1 Required access.** Approved vehicle access for fire fighting and emergency responses shall be provided to all construction and demolition sites. Vehicle access shall be provided by either temporary or permanent roads, capable of supporting vehicle loading under all weather conditions. Asphalt or concrete roadways shall be used for combustible construction. Vehicle access shall be maintained until permanent fire apparatus access roads are available.

#### **Section 4-8-B-1618 REQUIRED FIRE FLOW FOR BUILDINGS – APPENDIX B.**

Table B105.2 of the International Fire Code is hereby amended to read as follows:

Table B105.2 REQUIRED FIRE FLOW FOR BUILDINGS OTHER THAN ONE- AND TWO-FAMILY DWELLINGS, GROUP R-3 AND R-4 BUILDINGS AND TOWNHOUSES		
AUTOMATIC SPRINKLER SYSTEM	MINIMUM FIRE FLOW (gallons per minute)	FLOW DURATION (hours)

(Design Standard)		
No automatic sprinkler system	Value in Table B105.1(2)	Duration in Table B105.1(2)
Section 903.3.1.1 of the International Fire Code	50% of the value in Table B105.1(2) <sup>a</sup>	Duration in Table B105.1(2) at the reduced flow rate.
Section 903.3.1.2 of the International Fire Code	50% of the value in Table B105.1(2) <sup>b</sup>	Duration in Table B105.1(2) at the reduced flow rate.

For S1: 1 gallon per minute = 3.785 L/m.

a. The reduced fire flow shall be not less than 1,000 gallons per minute.

b. The reduced fire flow shall be not less than 1,500 gallons per minute.

## Section 4-8-B-~~4719~~ FIRE HYDRANT LOCATIONS AND DISTRIBUTION -APPENDIX C.

Section C103.4 of the International Fire Code is hereby added to read as follows:

**C103.4 Hydrant spacing for Fire Department Connections.** A fire hydrant shall be located within 100' of all Fire Department Connections.

**Exception:** The distance shall be permitted to exceed 100 feet where approved by the fire code official.

## Section 4-8-B-20 FIRE HYDRANT LOCATIONS AND DISTRIBUTION -APPENDIX C.

Section D107.1 of Appendix D of the International Fire Code is hereby added to read as follows:

**D107.1 One- or two-family dwelling residential developments.** Developments of one- or two-family dwellings where the number of dwelling units exceeds 50 shall be provided with two separate and approved fire apparatus access roads.

**Exceptions:**

1. Where there are more than 50 dwelling units on a single public or private fire apparatus access road and all dwelling units are equipped throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, access from two directions shall not be required.

2. The number of dwelling units on a single fire apparatus access road shall not be increased unless fire apparatus access roads will connect with future development, as determined by the fire code official.

## **Article 4-8-C INTERNATIONAL RESIDENTIAL CODE**

### **Section 4-8-C-1 INTERNATIONAL RESIDENTIAL CODE ADOPTED.**

The International Residential Code, 2018 Edition, (fourth printing), including Appendixes C, G, H, K, P and Q as published by the International Code Council, Inc., and the International Code Council, Inc., 4051 West Flossmoor, Country Club Hills, IL 60478-5975, hereafter referred to as the Residential Code, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in this Article.

At least than one (1) copy of said International Residential Code will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 5696," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

### **Section 4-8-C-2 SCOPE AND ADMINISTRATION.**

Section R101.1 of the International Residential Code is hereby amended to read as follows:

**R101.1 Title.** These regulations shall be known as the Residential Code for One- and Two-family Dwellings of the City of Lenexa, Kansas, hereinafter referred to as "this code." administration of permits shall be governed by the provisions contained in the International Building Code as adopted by the City of Lenexa.

Section R101.2 of the International Residential Code is hereby amended to read as follows:

**R101.2 Scope.** The provisions of this code shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one- and two- family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height.

**Exception:** The following shall be permitted to be constructed in accordance with this code where provided with a fire sprinkler system in accordance with the International Building Code as adopted and amended by the City of Lenexa:

1. Live/work units located in townhouses and complying with the requirements of Section 419 of the International Building Code.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. A care facility with five or fewer persons receiving custodial care within a dwelling unit.
4. A care facility with five or fewer persons receiving medical care within a dwelling unit.
5. A care facility for five or fewer persons receiving care that are within a single-family dwelling.

**R101.2.1 Child Daycare Homes.** The provisions of this code shall apply to the use and occupancy of child daycare homes, not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height, that are an accessory use of the dwelling unit in compliance with all of the following:

1. Child daycare operations are in compliance with applicable State licensing programs;
2. Approved fire extinguishers provided;
3. Approved flashlights provided;
4. approved secondary means of egress doors including with landings and stairs from any story used for care;
5. The smoke alarm and CO detection systems comply with requirements for new construction; and
6. The dwelling unit principal residents are the primary care providers.

Section R105 of the International Residential Code is hereby repealed and a new R105 is added to read as follows:

**R105.1 Permits.** The administration of permits shall be governed by the provisions contained in the International Building Code as adopted and amended by the City of Lenexa in Section 4-8-A-4 of the Lenexa City Code.



Section R110 of the International Residential Code is hereby repealed and a new Section R110 added to read as follows:

**R110.1 Certificate of Occupancy.** The administration of Certificates of Occupancy shall be governed by the provisions contained in the International Building Code as adopted and amended by the City of Lenexa in Section 4-8-A-6 of the Lenexa City Code.

Section R112 of the International Residential Code is hereby repealed and a new Section R112 added to read as follows:

**R112.1 Board of Appeals.** Appeals to orders, decisions, or determinations by the building official relative to the application and interpretation of this code shall be governed by the provisions contained in Section 4-8-A-7 of the Lenexa City Code.

Section R113 of the International Residential Code is hereby repealed and a new Section R113 added to read as follows:

**R113.1 Violations.** When it is determined by the code official that there has been a violation of this code or the code official has probable cause to believe that a violation has occurred, the process and administration of violations shall be governed by the provisions contained in Section 4-8-A-8 of the Lenexa City Code.

Section R115 of the International Residential Code is hereby added to read as follows:

**R115.1 Unsafe structures, installations and equipment.** Whenever the code official declares a structure, equipment, building system, or appurtenance as unsafe the process and administration for addressing the condition shall be governed by the provisions contained in in the International Property Maintenance Code as adopted and amended by the City of Lenexa.

### Section 4-8-C-3 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA.

Table No. R301.2(1) of Section R301.2.1 of the International Residential Code is hereby repealed and a new Table No. R301.2(1) is added to read as follows:

Table R301.2.(1) CLIMATE AND GEOGRAPHIC DESIGN CRITERIA		
Ground	Wind Design	Seismic

Snow Load <sup>o</sup>	Speed <sup>d</sup> (mph)	Topographic Effects <sup>k</sup>	Special Wind Region <sup>l</sup>	Windborne Debris Zone <sup>m</sup>		Category <sup>f</sup>
20	115	No	No	No		A
Subject to Damage From						
Weathering <sup>a</sup>	Frost Line Depth <sup>b</sup>	Termite <sup>c</sup>	Winter Design Temp <sup>e</sup>	Ice Barrier Underlayment Required <sup>h</sup>	Flood Hazards <sup>g</sup>	Air Freezing Index <sup>i</sup>
Severe	36"	Yes	60°F	Yes	--	1000

- a. Where weathering requires a higher strength concrete or grade of masonry than necessary to satisfy the structural requirements of this code, the frost line depth strength required for weathering shall govern. The weathering column shall be filled in with the weathering index (i.e., "negligible," "moderate" or "severe") for concrete as determined from Figure R301.2(4). The grade of masonry units shall be determined from ASTM C34, C55, C62, C73, C90, C129, C145, C216 or C652.
- b. Where the frost line depth requires deeper footings than indicated in Figure R403.1(1), the frost line depth required for weathering shall govern. The jurisdiction shall fill in the frost line depth column with the minimum depth of footing below finish grade.
- c. The jurisdiction shall fill in this part of the table to indicate the need for protection depending on whether there has been a history of local subterranean termite damage.
- d. The jurisdiction shall fill in this part of the table with the wind speed from the basic wind speed map [Figure R301.2(5)A]. Wind exposure category shall be determined on a site-specific basis in accordance with Section R301.2.1.4.
- e. The outdoor design dry-bulb temperature shall be selected from the columns of 97 ½-percent values for winter from Appendix D of the 2018 International Plumbing Code. Deviations from the Appendix D temperatures shall be permitted to reflect local weather experience as determined by the Building Official. [Also see Figure R301.2.(1)]
- f. The jurisdiction shall fill in this part of the table with the Seismic Design Category determined from Section R301.2.2.1.

- g. The jurisdiction shall fill in this part of the table with (a) the date of the jurisdiction's entry into the National Flood Insurance Program (date of adoption of the first code or ordinance for management of flood hazard areas), (b) the date(s) of the Flood Insurance Study and (c) the panel numbers and dates of the currently effective FIRMs and FBFMs, or other flood hazard map adopted by the authority having jurisdiction, as may be amended.
- h. In accordance with Sections R905.1.2, R905.4.3.1, R905.5.3.1, R905.6.3.1, R905.7.3.1 and R905.8.3.1, where there has been a history of local damage from the effects of ice damming, the jurisdiction shall fill in this part of the table with "YES." Otherwise, the jurisdiction shall fill in this part of the table with "NO."
- i. The jurisdiction shall fill in this part of the table with the 100-year return period air freezing index (BF-days) from Figure R403.3(2) or from the 100-year (99%) value on the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° Fahrenheit)" at <https://www.ncdc.noaa.gov/sites/default/files/attachments/Air-Freezing-Index-Return-Periods-and-Associated-Probabilities.pdf>
- j. The jurisdiction shall fill in this part of the table with the mean annual temperature from the National Climatic Data Center data table "Air Freezing Index- USA Method (Base 32° Fahrenheit)" at <https://www.ncdc.noaa.gov/sites/default/files/attachments/Air-Freezing-Index-Return-Periods-and-Associated-Probabilities.pdf>
- k. In accordance with Section R301.2.1.5, where there is a local historical data documenting structural damage to buildings due to topographic wind speed-up effects, the jurisdiction shall fill in this part of the table with "YES". Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- l. In accordance with Figure R301.2.(5)A, where there is local historical data documenting unusual wind conditions, the jurisdiction shall fill in this part of the table with "YES" and identify any specific Requirements. Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- m. In accordance with Section R301.2.1.2 the jurisdiction shall indicate the wind-borne debris wind zone (s). Otherwise, the jurisdiction shall indicate "NO" in this part of the table.
- n. The jurisdiction shall fill in this section of table using the Ground Snow Loads in Figure R301.2 (6).

#### **Section 4-8-C-4 TWO-FAMILY DWELLING SEPARATION.**

Section R302.3 of the International Residential Code is hereby repealed and a new section R302.3 added to read as follows:

**R302.3 Two-family dwellings.** Dwelling units in two-family dwellings shall be separated in accordance with the requirements of townhouses as set forth in this code.

#### **Section 4-8-C-5 MECHANICAL VENTILATION.**

Section R303.4 of the International Residential Code is hereby repealed and a new section R303.4 added to read as follows:

**R303.4 Mechanical Ventilation.** Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c. (50 Pa) in accordance with Section N1102.4.1.2, the dwelling unit shall be provided with whole-house ventilation in accordance with Section M1505.4.

#### **Section 4-8-C-6 TEMPORARY TOILET FACILITIES.**

Section R306.5 of the International Residential Code is hereby added to read as follows:

**R306.5 Temporary toilet facilities at new single-family dwellings.** Temporary toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the Building Official to verify the availability of toilet facilities. The temporary toilet facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy.

#### **Section 4-8-C-7 RESIDENTIAL DRIVEWAYS.**

Section R309.6 of the International Residential Code is hereby added to read as follows:

**R309.6 Residential driveways.** Residential concrete and asphalt driveway slabs shall be a minimum of 4-inches nominal thickness. The driveway shall have a constant slope so as to avoid ponding of water. The slope shall be away from the house or building or drain by means approved by the Building Official.

#### ~~**Section 4-8-C-8 EMERGENCY ESCAPE AND RESCUE OPENINGS.**~~

~~Section R310.1 of the International Residential Code is hereby amended to read as follows:~~

~~**R310.1 Emergency escape and rescue opening required.** Basements, habitable attics and every sleeping room shall have not less than one operable emergency escape and rescue opening. Where basements contain one or more sleeping rooms, an emergency escape and rescue opening shall be required in each sleeping room.~~



~~Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.~~

**Exceptions:**

- ~~1. Storm shelters and basements used only to house mechanical equipment not exceeding a total floor area of 200 square feet.~~
- ~~2. When habitable spaces other than sleeping rooms are created in basements a smoke alarm system installed in compliance with Section R314.1 through R314.7 of this code for new construction may be used as an alternative to an emergency escape and rescue opening. Each alarm throughout the dwelling unit shall be interconnected with battery back-up. This exception does not apply to creating sleeping rooms.~~
- ~~3. Where the dwelling or townhouse is equipped with an automatic sprinkler system installed in accordance with the International Building Code as adopted and amended by the City of Lenexa, sleeping rooms in basements shall not be required to have emergency escape and rescue openings provided the basement has one of the following:~~
  - ~~a. One means of egress complying with Section R311 and one emergency escape and rescue opening.~~
  - ~~b. Two means of egress complying with Section R311.~~

~~**R310.1.1. Operational constraints and opening control devices.** Emergency escape and rescue openings shall be operational from the inside of the room without the use of keys, tools or special knowledge. Window opening control devices on windows serving as a required emergency escape and rescue opening shall comply with ASTM F2090.~~

**Section 4-8-C-~~98~~ TOWNHOUSE AUTOMATIC FIRE SPRINKLER SYSTEMS.**

Section R313 of the International Residential Code is hereby amended to read as follows:

**R313.1 Townhouse Automatic Fire Sprinkler Systems:** An approved automatic fire sprinkler system in accordance with the International Building Code as adopted and amended by the City of Lenexa shall be installed in new townhouses consisting of three or more connected dwellings.

**Exception:** An automatic fire sprinkler system shall not be required where additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed.

**Section 4-8-C-10 EXISTING BUILDINGS, SMOKE ALARMS REQUIRED**

Section R314.2.3 of the International Residential Code is hereby amended to read as follows:

**R314.2.3 Existing Buildings.** All one- and two-family dwellings and townhouses which are licensed pursuant to the Residential Rental Licensing provisions set forth in Chapter 2-16 of the Lenexa City Code shall be equipped with smoke alarms as required by this code for new construction.

#### **Section 4-8-C-9 EXISTING BUILDINGS, CARBON MONOXIDE ALARMS REQUIRED**

Section R315.2.3 of the International Residential Code is hereby amended to read as follows:

**R315.2.3 Existing Buildings.** All one- and two-family dwellings and townhouses which are licensed pursuant to the Residential Rental Licensing provisions set forth in Chapter 2-16 of the Lenexa City Code shall be equipped with carbon monoxide alarms as required by this code for new construction.

#### **Section 4-8-C-10 BUILDING ADDRESSES.**

Section R319 of the International Residential Code is hereby repealed and new Section R319 added to read as follows:

**R319.1 Premises identification.** ~~Approved numbers or addresses shall be provided for Building address identification on all new buildings.~~

**R319.1.1 Numbers displayed.** ~~On all 1one- and 2two-family dwellings, and townhouses shall be posted on the address numbers shall be legible and placeddwelling in a position that is visible from the street or road fronting the property. Address identification characters shall contrastaccordance with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. When impractical, thesection 505.1 of the International Fire Department will recommend another approved location.~~

**R319.1.2 Size of numbers.** ~~All building numbers shall be of suitable weather-resistant material at least 4 inches in height or larger if determined by the Fire Department so as to be legible from the street even in darkness and must be of contrasting color.~~

**R319.1.3 Number illuminated.** ~~All 1- and 2-family dwellings shall have the ability to illuminate the address numbers during the hours of darkness from a power source connected to the house electrical system or other approved source of illumination.~~

**R319.1.4 Numbers displayed during construction.** ~~Prior to beginning construction of any building for which a number is required, such number shall be posted in a~~

~~conspicuous place on the front of the lot and so maintained during construction. Code as adopted and amended.~~

#### **Section 4-8-C-11 STORM PROTECTION AREA REQUIRED.**

Section R323 of the International Residential Code is hereby repealed and a new section R323 is hereby added to read as follows:

**R323.1 Storm protection area required.** All new one- and two-family dwellings and townhouses shall contain a storm protection area meeting the standards set forth for Group R occupancies in accordance with the International Building Code as adopted and amended.

#### **Section 4-8-C-12 PHYSICAL SECURITY.**

Section R328 of the International Residential Code is hereby repealed and a new Section R328 added to read as follows:

**R328.1 Purpose.** The purpose of this Section is to establish minimum standards that incorporate physical security to make dwelling units resistant to unlawful entry.

**R328.1.1 Scope.** The provisions of this Section shall apply to all new structures and to alterations, additions, and repairs as stipulated in the International Existing Building Code.

**R328.2 Doors.** Except for vehicular access doors, all exterior swinging doors of residential buildings and attached garages, including the doors leading from the garage area into the dwelling unit, shall comply with Sections R328.2.1 through R328.2.5 for the type of door installed.

**R328.2.1 Wood doors.** Where installed, exterior wood doors shall be of solid core construction such as high-density particleboard, solid wood, or wood block core with a minimum thickness of one and three-fourths inches (1 3/4") at any point. Doors with panel inserts shall be solid wood. The panels shall be a minimum of one inch (1") thick. The tapered portion of the panel that inserts into the groove of the door shall be a minimum of one-quarter inch (1/4") thick. The groove shall be a dado groove or applied molding construction. The groove shall be a minimum of one-half inch (1/2") in depth.

**R328.2.2 Steel doors.** Where installed, exterior steel doors shall be a minimum thickness of 24 gauge.

**R328.2.3 Fiberglass doors.** Fiberglass doors shall have a minimum skin thickness of one-sixteenth inch (1/16") and have reinforcement material at the location of the deadbolt.

**R328.2.4 Double doors.** Where installed, exterior sliding doors shall comply with all of the following requirements:

1. Sliding door assemblies shall be installed to prevent the removal of the panels and the glazing from the exterior with the installation of shims or screws in the upper track.
2. All sliding glass doors shall be equipped with a secondary locking device consisting of a metal pin or a surface mounted bolt assembly.
3. Metal pins shall be installed at the intersection of the inner and outer panels of the inside door and shall not penetrate the frames exterior surface.
4. The surface mounted bolt assembly shall be installed at the base of the door.

**R328.3 Door frames.** The exterior door frames shall be installed prior to a rough-in inspection. Door frames shall comply with Sections R328.3.1 through R328.3.3 for the type of assembly installed.

**R328.3.1 Wood frames.** Wood door frames shall comply with all of the following requirements:

1. All exterior door frames shall be set in frame openings constructed of double studding or equivalent construction, including garage doors, but excluding overhead doors.
2. Door frames, including those with sidelights shall be reinforced in accordance with ASTM F476-84 Grade 40.
3. In wood framing, horizontal blocking shall be placed between studs at the door lock height for three (3) stud spaces or equivalent bracing on each side of the door opening.

**R328.3.2 Steel frames.** All exterior door frames shall be constructed of 18 gauge or heavier steel, and reinforced at the hinges and strikes. All steel frames shall be anchored to the wall in accordance with manufacturer specifications. Supporting wall structures shall consist of double studding or framing of equivalent strength. Frames shall be installed to eliminate tolerances inside the rough opening.

**R328.3.3 Door jambs.** Door jambs shall be installed with solid backing in a manner so no void exists between the strike side of the jamb and the frame opening for a vertical distance of twelve inches (12") each side of the strike. Filler material shall consist of a solid wood block.



Door stops on wooden jambs for in-swinging doors shall be of one-piece construction. Jambs for all doors shall be constructed or protected so as to prevent violation of the strike.

**R328.4 Door hardware.** Exterior door hardware shall comply with Sections R328.4.1 through R328.4.5.

**R328.4.1 Hinges.** Hinges for exterior swinging doors shall comply with the following:

1. At least two (2) screws, three inches (3") in length, penetrating at least one inch (1") into wall structure shall be used.
2. Solid wood fillers or shims shall be used to eliminate any space between the wall structure and door frame behind each hinge.
3. Hinges for out-swinging doors shall be equipped with mechanical interlock to preclude the removal of the door from the exterior.

**R328.4.2 Strike plates.** Exterior door strike plates shall be a minimum of 18 gauge metal with four offset screw holes. Strike plates shall be attached to wood with not less than three inch (3") screws, which shall have a minimum of one inch (1") penetration into the nearest stud. Note: For side lighted units, refer to Section R328.4.5.

**R328.4.3 Locks.** Exterior doors shall be provided with a locking device complying with all of the following:

1. Single Cylinder Deadbolt shall have a minimum projection of one inch (1").
2. The deadbolt shall penetrate at least three-fourths inch (3/4") into the strike receiving the projected bolt.
3. The cylinder shall have a twist-resistant, tapered hardened steel cylinder guard.
4. Bolt assembly (bolt housing) unit shall be of single piece construction.

**R328.4.4 Entry vision and glazing.** All main or front entry doors to dwelling units shall be arranged so that the occupant has a view of the area immediately outside the door without opening the door. The view may be provided by a door viewer having a field of view of not less than 180 degrees through windows or through view ports.

**R328.4.5 Side lighted entry doors.** Side light door units shall have framing of double stud construction or equivalent construction complying with Section R328.3.1, R328.3.2 and R328.3.3. The doorframe that separates the door opening from the side light, whether on the latch side or the hinge side, shall be double stud construction or equivalent construction complying with Sections R328.3.1 and R328.3.2. Double stud construction or construction of equivalent strength shall exist between the glazing unit of the side light and wall structure of the dwelling.

**R328.5 Street numbers.** Street numbers shall comply with Section R321.

**R328.6 Exterior Lighting.** Exterior lighting shall comply with Sections R328.6.1 through R328.6.2.

**R328.6.1 Front and street side exterior lighting.** All front and street side door entrances shall be protected with a minimum of one light outlet having a minimum of sixty (60) watts of lighting (energy efficient equivalent).

**R328.6.2 Rear exterior lighting.** Homes with windows or doors near ground level between eight feet (8') on the rear side of the house shall be equipped with a minimum of one light outlets having 100 watt (or energy efficient equivalent).

**R328.7 Alternate materials and methods of construction.** The provisions of this Section are not intended to prevent the use of any material or method of construction not specifically prescribed by this Section, provided any such alternate has been approved by the enforcing authority, nor is it the intention of this Section to exclude any sound method of structural design or analysis not specifically provided for in this Section. The materials, methods of construction, and structural design limitations provided for in this Section shall be used, unless the enforcing authority grants an exception. The enforcing authority is authorized to approve any such alternate provided they find the proposed design, materials, and methods of work to be at least equivalent to those prescribed in this Section in quality, strength, effectiveness, burglary resistance, durability, and safety.

#### **Section 4-8-C-13 CONTINUOUS FOOTING REINFORCEMENT.**

Section R403.1.1.1 of the International Residential Code is hereby added to read as follows:

**R403.1.1.1 Continuous footing reinforcement.** Continuous footings for basement foundation walls shall have minimum reinforcement consisting of not less than two no. 4 bars, uniformly spaced, located a minimum of 3 inches clear from the bottom of the footing.

#### **Section 4-8-C-14 COLUMN PADS.**

Section R403.1.1.2 of the International Residential Code is hereby added to read as follows:

**R403.1.1.2 Column pads.** Column pads shall be designed to support the imposed design load based on the allowable soil bearing capacity. Column pads shall be a minimum of 24 inches by 24 inches and 8 inches deep. Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced.

#### **Section 4-8-C-15 FOUNDATION ANCHORAGE.**

Section R403.1.6.2 of the International Residential Code is hereby added to read as follows:

**R403.1.6.2 Anchor bolt spacing.** The spacing of anchor bolts shall be a maximum of 3'-0 on center. Where a foundation design is utilized in accordance with section R404.1.1 of this code the location of the anchor bolts shall be specified.

#### **Section 4-8-C-16 FOUNDATION DESIGN REQUIRED.**

Section R404.1.1 of the International Residential Code is hereby amended to read as follows:

**R404.1.1 Design required.** A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundations when any of the conditions listed below exist. Where applicable, a standard design approved by the building official may be used in lieu of a design from the design professional. For new buildings and additions where standard designs approved by the City are used, the design professional sealing the plans shall specify the use of those designs on the approved plans or through a separate report.

1. Walls are subject to hydrostatic pressure from ground water.
2. Walls supporting more than 48 inches of unbalanced backfill that do not have permanent lateral support at the top and bottom.
3. Sites containing CH, MH, OL, or OH soils as identified in Table R405.1.
4. Foundation walls exceeding ten feet (10') in height, measured from the top of the wall to the bottom of the slab.
5. Lots identified on the subdivision grading plan as having more than six feet (6') of fill or having a finished slope steeper than 4 horizontal to 1 vertical before grading.
6. Footings and foundations with existing fill soils below the footing level.
7. Sloping lots steeper than 4 to 1 before grading.
8. Lots where some footings will bear on soil and others will bear on rock.
9. Areas where problems have historically occurred.
10. Stepped footing and foundation walls.

#### **Section 4-8-C-17 RETAINING WALLS.**

Section R404.4 of the International Residential Code is hereby amended to read as follows:

**R404.4 Retaining walls.** Retaining walls that are not laterally supported at the top and that retain in excess of 48 inches of unbalanced fill shall be designed to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 against later sliding and overturning.

#### **Section 4-8-C-18 WATER DISCHARGE.**

Section R405.1.2 of the International Residential Code is hereby added to read as follows:

**R405.1.2 Water discharge.** Roof water and water from intermittent sources such as discharges from sump pumps, foundation drains, gutters, downspouts, and similar sources shall not discharge closer than four (4) feet from any adjoining property line.

#### **Section 4-8-C-19 CONCRETE FLOORS - DESIGN REQUIRED.**

Section 506.2.5 of the International Residential Code is hereby added to read as follows:

**R506.2.5 Design required.** A design in accordance with accepted engineering practice shall be provided for concrete floors when the limitations for fill material set forth in Section R506.2.1 are exceeded. Where applicable, a standard design approved by the City may be used in lieu of a design from the design professional.

#### **Section 4-8-C-20 CONCRETE FLOORS - SLAB ISOLATION.**

Section R506.2.6 of the International Residential Code is hereby added to read as follows:

**R506.2.6 Basement floor slab isolation.** Basement floor slabs shall be isolated from column pads, interior columns and interior bearing walls to facilitate differential movement. Nonbearing walls supported on basement floor slabs shall be provided with a minimum one inch (1") expansion joint to facilitate differential movement between the floor slab and the floor framing above. Isolation and/or an expansion joints are not required within six inches (6") of the exterior walls.

#### **Section 4-8-C-21 DRILLING AND NOTCHING OF TOP PLATE.**

Section R602.6.1 of the International Residential Code is hereby amended to read as follows:

**R602.6.1 Drilling and notching of top plate.** When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than fifty percent (50%) of its width, a galvanized metal tie not less than 0.054 inch thick (16 ga) and one and one-half inches (1½") wide shall be fastened across and to the plate at each side of the opening with not less than



four 10d (0.148 inch diameter) nails having a minimum length of one and one-half inches (1½") at each side or equivalent. The metal tie must extend a minimum of six inches (6") past the opening. See Figure R602.6.1.

**Exception:** When the entire side of the wall with the notch or cut is covered by wood structural panel sheathing.

#### Section 4-8-C-22 COMPLIANCE.

Section N1101.13 the International Residential Code is hereby repealed and a new Section N1101.13 is hereby added to read as follows:

**N1101.13 Compliance.** Projects shall comply with one of the following:

1. Sections N1101.14 through N1104.
2. Section N1105 and the provisions of Sections N1101.14 through N1104 indicated as "mandatory."
3. The energy rating index (ERI) approach in Section N1106.

**N1101.13.1 Home energy rating system.** The permit applicant of record shall elect which compliance path will be followed at the time permit application is made. The ERI Index rating option can be met by constructing a residence that scores 80 or less on the HERS Index. All HERS ratings shall be performed by a rater accredited by the Residential Energy Services Network (RESNET/ICC). The final HERS Certificate which indicates that the dwelling unit achieved a compliant HERS Index score must be submitted to the City before issuance of a Certificate of Occupancy. The final HERS certificate shall identify the project address, and include the HERS raters name and contact information.

**Exception:** Equivalent ERI ratings as approved by the Code Official.

#### Section 4-8-C-23 INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT.

Table N1102.1.2 of the International Residential Code is hereby amended to read as follows:

Table N1102.1.2 (R402.1.2) INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT <sup>a</sup>										
Climate zone	Fenestration U-factor <sup>b</sup>	Skylight U-factor <sup>b</sup>	Glazed Fenestration SHGC <sup>b</sup>	Ceiling <sup>g</sup> R-value	Wood Frame Wall R-Value	Mass Wall R-Value <sup>f</sup>	Floor R-Value	Basement Wall R-value <sup>c</sup>	Slab <sup>d</sup> R-Value &	Crawl Space <sup>c</sup> Wall R-Value

					value				Depth	Value
4	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13

a. R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value of the insulation shall not be less than the R-value specified in the table.

b. The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

c. "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation at the interior of the basement walls.

d. R-5 shall be added to the required slab edge R-values for heated slabs.

e. The second R-value applies when more than half the insulation is on the interior of the mass wall.

f. Loose-fill insulation shall be installed at the rate recommended by the manufacturer's statement "so many bags per 1000 sq ft." Where the pitch of the roof restricts the "minimum thickness" at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the "minimum thickness" can be achieved. An alternative is to install high-density batts around the perimeter edge per N1102.2.

#### Section 4-8-C-24 TESTING (MANDATORY).

Section N1102.4.1.2 of the International Residential Code is hereby amended to read as follows:

**N1102.4.1.2 Testing.** Where required by the code official, the building or dwelling unit shall be tested and verified as having an air leakage rate not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the Code Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope. During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather-stripping or other infiltration control measures;

2. Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
3. Interior doors, if installed at the time of the test, shall be open;
4. Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling systems, if installed at the time of the test, shall be turned off; and
6. Supply and return registers, if installed at the time of the test, shall be fully open.

#### **Section 4-8-C-25 ROOM CONTAINING FUEL BURNING APPLIANCES (MANDATORY).**

Section N1102.4.4 of the International Residential Code is hereby amended to read as follows:

**N1102.4.4 Rooms containing fuel-burning appliances.** Where open combustion air ducts provide combustion air from the exterior or unconditioned spaces to open combustion fuel-burning appliances, the appliances and combustion air opening shall be located outside the building thermal envelope or enclosed in a room that is isolated from inside the thermal envelope. Such rooms shall be sealed and insulated in accordance with the envelope requirements of Table N1102.1.2, where the walls, floors and ceilings shall meet a minimum of the basement wall R-value requirement. The door into the room shall be fully gasketed and any water lines and ducts in the room insulated in accordance with Section N1103. The combustion air duct shall be insulated where it passes through conditioned space to an R-value of not less than R-8. For the purpose of this section, unfinished basements included in a whole-house ERI compliance analysis are considered conditioned space.

#### **Section 4-8-C-26 SYSTEMS.**

Section N1103.3.3 of the International Residential Code is hereby amended to read as follows:

**N1103.3.3 Duct testing.** Where required by the Code Official, duct tightness shall be verified by either of the following:

1. Postconstruction test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.

2. Rough-in test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm per 100 square feet of conditioned floor area.

**Exceptions:**

1. The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.
2. On the postconstruction test, it is permissible to test for "leakage to the outdoors" versus a "total leakage." Leakage to the outdoors shall be less than or equal to 8 cfm per 100 square feet of conditioned floor area.

Section N1103.3.5 of the International Residential Code is hereby amended to read as follows:

**N1103.3.5 Building cavities (mandatory).** Building framing cavities shall be permitted to be used as return air ducts or plenums.

Section N1103.5.1.1 of the International Residential Code is hereby amended to read as follows:

**N1103.5.1.1 Circulation Systems.** Heated water circulation systems shall be provided with a circulation pump. The system return pipe shall be a dedicated return pipe or a cold water supply pipe. Gravity and thermosyphon circulation systems shall be prohibited. Controls for circulating hot water system pumps shall start the pump based on the identification of a demand for hot water within the occupancy. The controls shall automatically turn off the pump when the water in the circulation loop is at the desired temperature and when there is no demand for hot water.

**Exception:** Where approved by the code official alternate methods for hot water circulation can be accepted.

**Section 4-8-C-27 ELECTRIC POWER AND LIGHTING SYSTEMS.**

Section N1104 of the International Residential Code is hereby deleted.

**Section 4-8-C-28 ERI-BASED COMPLIANCE.**

Section N1106.4 of the International Residential Code is hereby amended to read as follows:

**N1106.4 ERI-based compliance.** Compliance based on an ERI analysis requires that the rated design be shown to have an ERI less than or equal to the appropriate value



of 80 when compared to the ERI reference design. Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4, the building shall meet the mandatory requirements of Section N1106.2, and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4.

#### **Section 4-8-C-29 TESTING RESPONSIBILTiy OF PERMITTEE.**

Section P2503.3 of the International Residential Code is hereby amended to read as follows:

**P2503.3 Responsibility of permittee.** The permit holder shall make the applicable test prescribed in Section 2503.5 through Section 2503.8 to determine compliance with the provisions of this Code.

#### **Section 4-8-C-30 SEWER INSTALLATION.**

Section P2603.5.1 of the International Residential Code is hereby amended to read as follows:

**P2603.5.1 Building sewers.** Building sewers shall be installed as required by the appropriate authority having jurisdiction.

#### **Section 4-8-C-31 OUTDOOR OUTLETS.**

Section E3901.7 of the International Residential Code is hereby amended to read as follows:

**E3901.7 Outdoor outlets.** Not less than one receptacle outlet that is readily accessible from grade level and located not more than six feet, six inches (6'6") above grade, shall be installed outdoors at the front and back of each dwelling unit having direct access to grade level. Balconies, decks, and porches that are accessible from inside of the dwelling unit shall have at least one receptacle outlet installed within the perimeter of the balcony, deck, or porch. The receptacle shall be located not more than six feet, six inches (6'6") above the balcony, deck, or porch surface.

**Exception:** Balconies, decks, and porches with a floor area of less than nine square feet.

#### **Section 4-8-C-32 GARAGE, BASEMENT, AND ACCESSORY STRUCTURE RECEPTACLES.**

Section E3902.2 of the International Residential Code is hereby amended to read as follows:

**E3902.2 Garage, unfinished basement, and unfinished accessory building receptacles.** All 125-volt, single-phase, 15- and 20-ampere receptacles installed in garages, basements, and grade-level portions of unfinished accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protection for personnel.

**Exception:**

1. A dedicated receptacle supplying a permanently installed fire alarm or security alarm system.
2. A dedicated receptacle supplying a sump pump.
3. A dedicated receptacle supplying a refrigerator or freezer.
4. A dedicated receptacle supplying a garage door opener.

**Section 4-8-C-33 UNFINISHED BASEMENT RECEPTACLES.**

Section E3902.5 of the International Residential Code is hereby deleted.

**Article 4-8-D INTERNATIONAL PROPERTY MAINTENANCE CODE**

**Section 4-8-D-1 INTERNATIONAL PROPERTY MAINTENANCE CODE ADOPTED.**

The International Property Maintenance Code, 2018 Edition, (second printing), published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, hereafter referred to as the Property Maintenance Code, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in this Article.

At least one (1) copy of said Property Maintenance Code will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 5696," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

**Section 4-8-D-2 GENERAL.**

Section 101.1 of the International Property Maintenance Code is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the Property Maintenance Code of the City of Lenexa, Kansas herein after referred to as "this code."

Section 101.2 of the International Property Maintenance Code is hereby amended to read as follows:

**101.2 Scope.** The City Council finds that there exists within the City conditions of structures and lands which are dangerous or injurious to the health, safety or general welfare of the occupants of such structures and lands or other residents of the City or which have a blighting influence on the properties in the area. Such conditions include the following, without limitation: defects therein increasing the hazards of fire, accident or other calamities; dilapidation; disrepair; structure defects; uncleanness; overcrowding; inadequate ingress and egress; dead and dying trees, limbs or other unsightly natural growth and unsightly appearances that constitute a blight to adjoining property, the neighborhood or the City; walls, sidings or exteriors of a quality and appearance not commensurate with the character of the properties in the neighborhood; unsightly stored or parked material, equipment, supplies and machinery and vermin infestation; inadequate drainage; or any violation of health, fire, building or any other laws or regulations relating to the use of land and the use and occupancy of the buildings and improvements. The provisions of this code shall apply to all existing residential and nonresidential structures and all existing premises and constitute minimum requirements and standards for property, premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

#### **Section 4-8-D-3 APPLICATION OF OTHER CODES.**

Section 102.3 of the International Property Maintenance Code is hereby amended to read as follows:

**102.3 Application of other codes.** Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the International Building Code, International Existing Building Code, International Energy Conservation Code, International Fire Code, International Fuel Gas Code, International Mechanical Code, International Residential Code, International Plumbing Code, International Swimming Pool and Spa Code and NFPA 70. Nothing in this code shall be construed to cancel, modify, or set aside any provision of Title 3 or Title 4 of the Lenexa City Code.

#### **Section 4-8-D-4 INSPECTIONS, TECHNICAL ASSISTANCE AND REPORTING**

Section 104.2 of the International Property Maintenance Code is hereby amended to read as follows:

##### **104.2 Inspections.**

The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as

deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

**104.2.1 Technical Assistance.** Where the code official finds evidence of conditions potentially harmful to building occupants, including, but not limited to, vermin infestation, uncleanliness, elevated mold levels or structural defects, the code official is authorized to require the owner or owner's authorized agent to provide, without charge to the jurisdiction, a technical opinion and report prepared by a qualified engineer, specialist, laboratory, or fire safety specialty organization acceptable to the code official. The technical opinion and report shall analyze the design, operation, or use of the building or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The code official is authorized to require design submittals to be prepared by, and bear the stamp of, a registered design professional where applicable.

**104.2.2 Mandatory Reporting.** Where an approved agency or individual performs an inspection required by this section, the approved agent or individual shall provide the inspection report, the code official in writing within ten (10) days or as otherwise determined by the code official.

#### **Section 4-8-D-5 VIOLATIONS.**

Section 106 of the International Property Maintenance Code is hereby repealed and a new Section 106 is added to read as follows:

**106.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of this code.

**106.2 Violations.** The administration of violations shall be governed by the provisions contained in Article 3-5-H of the Lenexa City Code.

#### **Section 4-8-D-~~5~~6 NOTICES AND ORDERS.**

Section 107 of the International Property Maintenance Code is hereby amended to read as follows:

**107.1 Notice to person responsible.** When it is determined by the code official that there has been a violation of this code or the code official has probable cause to believe that a violation has occurred, notice shall be given in the manner prescribed in Article 3-5-H of the Lenexa City Code.

**107.2 Transfer of ownership.** It shall be unlawful for the owner of any dwelling unit or structure who has received a compliance order or upon whom a notice of violation has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another until the provisions of the compliance order or notice of violation have been complied with, or until such owner shall first furnish the



grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of violation issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such compliance order or notice of violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation.

**107.3 Unauthorized Tampering.** Signs, tags, or seals posted or affixed by the code official shall not be mutilated, destroyed, or tampered with, or removed without authorization from the code official.

## **Section 4-8-D-67 UNSAFE STRUCTURES, SYSTEMS, AND EQUIPMENT; CONDEMNATION.**

Section 108.1.1 of the International Property Maintenance Code is hereby amended to read as follows:

**108.1.1 Unsafe Structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to property or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe or of such faulty construction or unstable foundation, that partial or complete collapse is possible. A vacant structure that is not secured against entry may be deemed unsafe.

Section 108.3 of the International Property Maintenance Code is hereby amended to read as follows:

**108.3 Notice.** Whenever the code official has condemned a structure, system or equipment under the provisions of this section, notice shall be provided in accordance with Section 107. If the notice pertains to equipment, it shall also be placed on the condemned equipment.

Section 108.8 of the International Property Maintenance Code is hereby added to read as follows:

**108.8 Unsafe systems.** Any system or installation regulated by Chapter 4-8 of the Lenexa City Code that is found to be dangerous to the life, health, property or safety of the public is hereby declared unsafe. Any use of a system or installation regulated by Chapter 4-8 constituting a hazard to safety, health, or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage, or abandonment is hereby declared an unsafe use. Any such unsafe system or installation is hereby declared to be a public nuisance.

**108.8.1 Authority to disconnect service utilities.** The code official shall have the authority to authorize the disconnection of utility service to a building, structure,

system, or installation regulated by the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility and, where possible, the owner or the owner's authorized agent and occupancy of the building, structure, system or installation of the decision to disconnect prior to taking such action. If not notified prior to disconnection, the owner or occupant of the building, structure, system, or installation shall be notified in writing, as soon as practicable thereafter.

**108.8.2 Connection after order to disconnect.** A person shall not make any connection of utility service to a system or installation regulated by this chapter that have been disconnected or ordered to be disconnected by the code official, or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection of such system.

#### **Section 4-8-D-~~78~~ HEARING.**

Section 109.6 of the International Property Maintenance Code is hereby amended to read as follows:

**109.6 Hearing.** Any person ordered to take emergency measures shall comply with such order forthwith. Any person may thereafter be afforded with a hearing as provided in Article 3-5-H of the Lenexa City Code.

#### **Section 4-8-D-~~89~~ MEANS OF APPEAL.**

Section 111 of the International Property Maintenance Code is hereby deleted.

#### **Section 4-8-D-~~910~~ BUILDINGS UNDER CONSTRUCTION.**

Section 301.4 of the International Property Maintenance Code is hereby added to read as follows:

**301.4 Buildings under construction.** The City of Lenexa requires that where permits have been issued for new houses, room additions, decks, detached accessory structures or other work that affects the site or exterior of the structure, the property shall be maintained in compliance with the applicable City regulations. Applicable regulations include: minimum levels of landscaping and yards areas per the Unified Development Ordinance; hard surface driveways; proper trash storage and disposal; and maintaining exterior property areas and structures in compliance with this code. During the construction process, flexibility is afforded the builder and/or owner to complete the construction, and bring the property into compliance with the Code requirements, in a reasonable period of time. A reasonable period of time is: within 30 days after the permit has expired; or after 18 months from the date of the first building permit and where no inspection for newly completed work has been requested from the City within the last 45 days.

**301.4.1 Abatement.** Abatement of violations relating to buildings under construction shall be in accordance with Article 3-5-H of the Lenexa City Code.

#### **Section 4-8-D-~~10~~11 EXTERIOR PROPERTY AREAS.**

Section 302.1 of the International Property Maintenance Code is hereby amended to read as follows:

**302.1 Sanitation.** All exterior property and premises shall be maintained in a clean, safe and sanitary condition. The occupant shall keep part of the exterior property which such occupant occupies or controls in a clean and sanitary condition. No excess accumulation of animal waste shall be permitted on any property, and animal wastes shall not be disposed of in an open ditch or storm drain. Animal carcasses shall not remain exposed after death.

Section 302.4 of the International Property Maintenance Code is hereby deleted.

Section 302.8 of the International Property Maintenance Code is hereby deleted.

Section 302.9 of the International Property Maintenance Code is hereby deleted.

#### **Section 4-8-D-~~11~~12 SWIMMING POOLS, SPAS, AND HOT TUBS.**

Section 303.1 of the International Property Maintenance Code is hereby amended to read as follows:

##### **303.1 Swimming pools.**

Swimming pools and their appurtenances shall be maintained in a clean and sanitary condition, and in good repair.

#### **Section 4-8-D-13 EXTERIOR STRUCTURE.**

Section 304.2 of the International Property Maintenance Code is hereby amended to read as follows:

**304.2 Protective treatment.** All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks and fences shall be maintained in good condition. Exterior wood surfaces, other than decay-resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint in areas in excess of twenty-five percent (25%) of the surface area on any one side of a structure or any one identifiable component (i.e. door, garage door, window trim, etc.) shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be

maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement.

Section 304.3 of the International Property Maintenance Code is hereby ~~deleted~~amended to read as follows:

**304.3 Premises identification.** Building address identification shall be posted and maintained on the dwelling in accordance with section 505.1 of the International Fire Code as adopted and amended.

Section 304.7 of the International Property Maintenance Code is hereby amended to read as follows:

**304.7 Roofs and drainage.** The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Roof water and water from intermittent sources such as discharges from sump pumps, foundation drains, gutters, downspouts, and similar sources shall not discharge closer than four (4) feet from any adjoining property line. Lawn sprinkle discharges shall be directed away from adjoining property.

**304.7.1 Swimming pool drainage.** Backwash from pools serving single family dwellings may be discharged directly to the ground. Discharge shall be set back a minimum of four (4) feet from adjacent property lines. Care should be taken to minimize the impact on adjacent property and discharges shall not flow directly into a stream, pond, or storm sewer. Backwash from public, commercial, or semi-public pools shall not drain across adjacent private property.

**304.7.1.1 Complete or partial draining of single family dwelling pools and spas.** Seasonal drainage of pools or spas shall be accomplished as follows: Water may be discharged directly to a public curb, ditch, or storm drain after chemical treatment of the water has been discontinued for at least two weeks to allow the chlorine or other chemicals to be dissipated and/or neutralized. Discharge on the property is permitted provided the water does not flow across the surface of adjoining property.

Section 304.14 of the International Property Maintenance Code is hereby amended to read as follows:

**304.14 Insect screens.** During the period from May 1 to September 30, every door, window and other outside opening required for ventilation of habitable rooms, food



preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch, and every screen door used for insect control shall have a self-closing device in good working condition.

**Exception:** Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

## **Section 4-8-D-~~12~~14 RUBBISH, GARBAGE AND OUTSIDE STORAGE.**

Section 308 of the International Property Maintenance Code is hereby amended to read as follows:

**308.1 Accumulation of rubbish or garbage.** All exterior property and premises, and the interior of every structure, shall be free from any accumulation of rubbish or garbage. The throwing, leaving, depositing or allowing the accumulation of any worn out, broken or worthless item, waste, garbage, trash debris or refuse on any property, drainage course or other land is prohibited. Such substances are those that impede mowing of weeds or tall grass, are food products or food containers attracting insects, rodents or animals or are useless as evidenced by their broken, deteriorated or dismantled condition.

**308.2 Disposal of rubbish.** Every occupant of a structure shall dispose of all rubbish in a clean and sanitary manner by placing such rubbish in approved containers.

**308.2.1 Rubbish storage facilities.** The owner of every occupied premise shall supply approved covered containers for rubbish, and the owner of the premises shall be responsible for the removal of rubbish.

**308.2.2 Refrigerators.** Refrigerators and similar equipment not in operation shall not be discarded, abandoned or stored on premises without first removing the doors.

**308.3 Disposal of garbage.** Every occupant of a structure shall dispose of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers.

**308.3.1 Garbage facilities.** The owner of every dwelling shall supply one of the following: an approved mechanical food waste grinder in each dwelling unit; an approved incinerator unit in the structure available to the occupants in each dwelling unit; or an approved leak proof, covered, outside garbage container.

**308.3.2 Containers.** The operator of every establishment that produces garbage shall provide, and at all times cause to be utilized, approved leak proof containers provided with close-fitting covers for the storage of such materials until removed from the premises for disposal. Containers must be located on private property and a paved

surface, and may not obstruct any city right-of-way, sidewalks or interfere with the normal operations of the permanent use on the property. In residential districts trash and garbage containers shall be designed and manufactured specifically for storage of solid waste ~~and, shall be leak proof and waterproof-, shall be light weight and of sturdy construction, shall be provided with close-fitting covers, and shall not exceed ninety (90) gallons in capacity.~~ The ~~container~~containers required by this section shall be closed at all times except when depositing waste therein or removing the contents thereof. ~~Containers shall be light weight and of sturdy construction and shall not exceed ninety (90) gallons in capacity.~~

**Exception: Dumpsters for Exceptions:**

1. Trash and garbage containers for residential property improvement projects are not limited in size to 90 gallons nor required to be equipped with close-fitting covers, provided dumpsters shall not be filled above the fill line or the top of the dumpster wall, whichever is lowest. Provisions shall be made to contain contents inside the dumpster at all times. ~~Dumpsters~~Trash and garbage containers are permitted to remain on site for the duration of the active building permit, or for projects not requiring a building permit, ~~dumpster~~trash and garbage containers are allowed to remain on-site for a maximum of thirty (30) days.
2. Containers located at establishments or residential areas located within the Lenexa City Center zoning district shall be subject to additional permitting requirements.

**308.3.3 Outdoor Residential Storage Specifically Permitted.** The following items, objects, or structures are specifically permitted and are exempt from the enclosure and screening requirements set forth in this Section:

**308.3.3.1 Items permitted by Article 4-1-B.** Any item, object, or structure permitted under the provisions of the applicable zoning district regulations established in Article 4-1-B or the applicable accessory use regulations established in Section 4-1-B-24 of the Code, if in full compliance with the authorizing provision.

**308.3.3.2 Firewood.** Firewood, neatly stacked and free of insects and vermin; provided, that its storage shall be at least three feet (3') from the property line if it is bounded by a wooden fence on an adjacent property owned by another person, and, furthermore, its storage shall not be at any location on the property that is closer to a street than the nearest primary wall surface of the residence. For the purposes of this Section, "primary wall surface" shall mean any exterior wall surface of the residence that is visible from the street and not perpendicular to the street, but excluding porches, carports and minor building projections such as fireplaces or bay windows.

**308.3.3.3 Miscellaneous Storage.** Outdoor play equipment, patio furniture, barbecue grills, dog houses, lawn ornaments, garden hoses and sprinklers; provided, that these

items must be specifically manufactured for outdoor use and in working/useable condition.

**308.3.3.4 Building materials.** Outdoor building materials for a home/lawn improvement project, not requiring a building permit, may be stored outside in a neat and orderly manner for a period not to exceed thirty (30) days. Examples of such items include, but shall not be limited to, fencing, lumber, masonry, dirt, sand, and gravel. Building materials stored in conjunction with an active building permit must be stored in a neat and orderly manner.

**308.3.4 Screening or Enclosure Required for Other Residential Items Not Specifically Permitted in Section 308.3.3.** Any item, object, or structure not specifically authorized in Section 308.3.3 must be located either within a fully enclosed structure or in the rear yard and substantially screened from view from any adjacent property at ground level by a wall or fence. The Community Development Director may approve mature landscape materials as acceptable substantial screening if he/she determines that it provides the substantial equivalent of approved fence or wall materials. Fence or wall materials shall be of a type, material and quality compatible with the immediate neighborhood, as determined by the Community Development Director. Fencing or walls, adequate to prevent viewing of outdoor items from adjacent properties at ground level, may be used for screening purposes provided they are constructed and maintained in compliance with City Code and comply with primary structure setback requirements for the zoning district. Common examples of items that require screening include, but shall not be limited to, garden equipment/tools, lawn mowers, edgers, wheelbarrows, saw horses, storm windows, snow removal equipment, and ladders.

**308.3.4.1 Compost Piles.** Residential compost must be stored in a container manufactured or constructed so as to contain all materials and permit turning to aerate the materials. The container and contents must be stored in the rear yard and screened from the view of adjacent properties at ground level. The container and contents must be maintained in a neat and sanitary condition and be free of odor.

**308.3.4.2 Maximum storage area.** Notwithstanding any other applicable provision, permitted items, objects, or structures shall occupy no more than twenty percent (20%) of the allowable outside storage area. In measuring the area occupied by these permitted items, objects, or structures to determine if the twenty percent (20%) outside storage area is exceeded, a rectangle shall be drawn to include all points where any such item, object, or structure is located, and the area shall be calculated to include all that area within the rectangle. This method of calculating area shall not apply to those items specifically authorized in Section 4-1-B-24, specifically F-15-c.

**308.3.5 Outdoor Residential Storage Expressly Prohibited.** The following items, objects, or structures are expressly prohibited from outdoor storage: appliances, furniture or items not manufactured for outdoor use, any item in disrepair, accumulation of yard waste (except as permitted in Section 4-1-B-24, specifically F-

15-d-2), vehicle parts or tires, business equipment, machinery or supplies (except in an AG district as permitted by Section 4-1-B-4, specifically G-4), and building materials (except as permitted in Section 4-1-B-24, specifically F-15-c-5).

#### **Section 4-8-D-~~13~~15 HEATING FACILITIES.**

Section 602.3 of the International Property Maintenance Code is hereby amended to read as follows:

**602.3 Heat supply.** Every owner and operator of any building who rents, leases or lets one or more dwelling units, rooming units, dormitory or guestroom during the period from October 1 to April 30, shall provide facilities capable of maintaining a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

**Exception:** When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

Section 602.4 of the International Property Maintenance Code is hereby amended to read as follows:

**602.4 Equipment and Systems.** Interior spaces intended for human occupancy shall be provided with active or passive space heating systems capable of maintaining an indoor temperature of not less than 68°F (20°C) at a point three (3) feet above the floor on the design heating day.

**Exceptions:** Space heating systems are not required for:

1. Interior spaces where the primary purpose of the space is not associated with human comfort.
2. Group F, H, S or U occupancies.
3. Areas in which persons are primarily engaged in vigorous activities.

#### **Section 4-8-D-~~14~~16 ELECTRICAL GENERAL**

Section 605.1 of the International Property Maintenance Code is hereby amended to read as follows:

**605.1 General.** All electrical equipment, devices, and fixtures shall be properly installed and maintained in a safe working condition, and shall be capable of performing the intended function.



## Section 4-8-D-~~15~~17 ELEVATORS.

Section 606.1 of the International Property Maintenance Code is hereby amended to read as follows:

**606.1 General.** Elevators, dumbwaiters and escalators shall be maintained in compliance with ASME A17.1. The most current certification of inspection shall be on display at all times within the elevator or attached to the escalator or dumbwaiter, or the certificate shall be available for public inspection in the office of the building operator. The inspection and tests shall be performed at not less than the periodical intervals listed in Table 606.1(1).

**TABLE 606.1(1)  
INSPECTION AND TEST INTERVALS IN “MONTHS”**

Reference Section	Equipment Type	Periodic Inspections		Periodic Test					
		Requirement	Interval	Category 1		Category 3		Category 5	
				Requirement	Interval	Requirement	Interval	Requirement	Interval
8.11.2	Electric elevators	8.11.2.1	6	8.6.4.19	12	N/A	N/A	8.6.4.20	60
8.11.3	Hydraulic elevators	8.11.3.1	6	8.6.5.14	12	8.6.6.15	36	8.6.5.16	60
8.11.4	Escalators and moving walks	8.11.4.1	6	8.6.8.15	12	N/A	N/A	N/A	N/A
8.11.5.1	Sidewalk elevators	8.6.5.1	6	8.6.7.5.1	12	8.6.7.5.1	36	8.6.7.5.1	60
8.11.5.2	Private residence elevators	8.11.5.2	12	8.6.7.3.1, 8.6.7.4.1	12	8.6.7.3.1, 8.6.7.4.1	36	8.6.7.3.1, 8.6.7.4.14	60
8.11.5.4	Dumbwaiters	8.11.5.4	12	8.6.10.1.1	12	8.6.10.1.1	36	8.6.10.1.1	60
8.11.5.5	Material lifts and dumbwaiters with automatic transfer devices	8.11.5.5	12	8.6.10.2.1	12	8.6.10.2.1	36	8.6.10.2.1	60
8.11.5.6	Special purpose personnel elevators	8.11.5.6	6	8.6.7.7.1	12	8.6.7.7.1	36	8.6.7.7.1	60

8.11.5.7	Inclined elevators	8.11.5.7	6	8.6.7.1.1	12	8.6.7.1.1	36	8.6.7.1.1	60
8.11.5.8	Marine elevators	8.11.5.8	6	8.6.7.8.1	12	8.6.7.8.1	36	8.6.7.8.1	60
8.11.5.9	Screw-column elevators	8.11.5.9	6	8.6.6.2.1	12	8.6.6.2.1	36	8.6.6.2.1	60
8.11.5.10	Rooftop elevators	8.11.5.10	6	8.6.7.6.1	12	8.6.7.6.1	36	8.6.7.6.1	60
8.11.5.11	Rack-and-pinion elevators	8.11.5.11	6	8.6.6.1.1	12	N/A	N/A	8.6.6.1.1	60
8.11.5.12	Limited-use/limited-application elevators	8.11.5.12	6	8.6.7.2.1	12	8.6.7.2.1	36	8.6.7.2.1	60
8.11.5.13	Elevators used for construction	8.11.5.13	3	8.6.7.10.1	12	8.6.7.10.2	36	8.6.7.10.3	60
8.11.2.1	Mine elevators	8.11.2.1	2	8.6.4.19	2	N/A	N/A	8.6.4.20	60
8.11.5.14	Wind turbine elevators	8.11.5.14	12	8.6.7.11	12	N/A	N/A	N/A	N/A

## Article 4-8-E INTERNATIONAL ENERGY CONSERVATION CODE

### Section 4-8-E-1 INTERNATIONAL ENERGY CONSERVATION CODE ADOPTED.

The International Energy Conservation Code (IECC), 2012 Edition, (fifth printing), published by the International Code Council, Inc., and the International Code Council, Inc., 4051 West Flossmoor, Country Club Hills, IL 60478-5975, hereafter referred to as the Energy Code, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in this Article.

At least one (1) copy of said International Energy Conservation Code will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 5696," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

## Section 4-8-E-2 COMMERCIAL PROVISIONS - ADMINISTRATION.

Section C101.6 of the International Energy Conservation Code – Commercial Provisions is hereby added to read as follows:

**101.6 Administration.** The administration of permits, fees, violations, and means of appeal shall be governed by the provisions contained in Chapter 1 of the International Building Code as adopted and amended by the City of Lenexa.

## Section 4-8-E-3 COMMERCIAL PROVISIONS - TABLE C402.2.

Table C402.2 of the International Energy Conservation Code – Commercial Provisions is hereby amended to read as follows:

Table C402.2		
Opaque Thermal Insulation Requirements <sup>a</sup> for Zone 4		
	All Other	Group R
Roofs		
Insulation entirely above deck	R-25ci	R-25ci
Metal buildings (with R-5 thermal blocks) <sup>a, b</sup>	R-19 + R-11 LS	R-19 + R-11 LS
Attic and other	R-38	R-38
Walls above grade		
Mass <sup>c</sup>	R-9.5ci	R-11.4ci
Metal Building	R13 + R13ci	R13 + R13ci
Metal Framed	R13 + R7.5ci	R-13+R7.5ci
Wood Framed and other <sup>f</sup>	R-13	R-13
Walls below grade		
Below-grade Wall <sup>d</sup>	R-7.5ci	R-7.5ci
Floors		
Mass	R-10ci	R-10.4ci
Joist/Framing	R-30	R-30
Slab on grade floors		

<b>Unheated slabs</b>	R-10 for 24" below	R-10 for 24" below
<b>Heated slabs<sup>d</sup></b>	R-15 for 24" Below + R-5 full slab	R-15 for 24" Below + R-5 full slab
<b>Opaque Doors</b>		
<b>Swinging</b>	U-0.61	U-0.61
<b>Roll-up or sliding</b>	R-4.75	R-4.75

- a. Assembly descriptions can be found in ANSI/ASHRAE/IESNA Appendix A.
- b. Where using R-value compliance method, thermal spacer block shall be provided, otherwise use the U-factor compliance method in Table C402.1.2.
- c. R-5.7ci is allowed to be substituted with concrete block walls complying with ASTM C90, ungrouted or partially grouted at 32 inches or less on center vertically and 48 inches or less on center horizontally, with ungrouted cores filled with materials having a maximum thermal conductivity of 0.44 Btu-in/h-f2 °F.
- d. Where heated slabs are below grade, below-grade walls shall comply with the exterior insulation requirements for heated slabs.
- e. Steel floor joists shall be insulated to R-38.
- f. The U-factors shown in Table 402.1.2 shall be adjusted to correspond with the R-values shown in this table.

#### **Section 4-8-E-4 COMMERCIAL PROVISIONS - AIR LEAKAGE—THERMAL ENVELOPE TESTING.**

Section C402.4.1.2.4 of the International Energy Conservation Code – Commercial Provisions is hereby added to read as follows:

**C402.4.1.2.4 Building test required.** Building thermal envelope testing, as described by section C402.4.1.2.3, shall only be required when the code official, in its sole discretion, determines such testing is necessary.

#### **Section 4-8-E-5 RESIDENTIAL PROVISIONS - SCOPE.**

Section ~~R101~~R401.2 of the International Energy Conservation Code – Residential Provisions is hereby amended to read as follows:



**~~R101~~R401.2 Scope.** This code applies to residential buildings and the building sites and associated systems and equipment.

**Exception:** The energy efficiency of detached one- and two-family dwellings, and townhouses not more than three stories above grade plane in height with a separate means of egress, and their accessory structures not more than three stories above grade plane in height shall be governed by the provisions contained in the International Residential Code as adopted and amended by the City of Lenexa.

#### **Section 4-8-E-6 DEFINITION - RESIDENTIAL BUILDING.**

The definition of “Residential Building,” as provided in Section R202 of the International Energy Conservation Code – Residential Provisions, is hereby amended to read as follows:

**RESIDENTIAL BUILDING.** For this code, includes Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane.

#### **Article 4-8-F INTERNATIONAL PLUMBING CODE**

##### **Section 4-8-F-1 INTERNATIONAL PLUMBING CODE ADOPTED.**

The International Plumbing Code (IPC), 2018 Edition, (fifth printing), including Appendixes B, C, D, and E published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, hereafter referred to as the Plumbing Code, are hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in this Article.

At least one (1) copy of said International Plumbing Code will be kept on file in the office of the City Clerk, marked or stamped “Official Copy as Incorporated by Ordinance No. 5696,” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

##### **Section 4-8-F-2 SCOPE AND ADMINISTRATION.**

Section 101.1 of the International Plumbing Code is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the Plumbing Code of the City of Lenexa, Kansas hereinafter referred to as “this code.”

Section 106 of the International Plumbing Code is hereby repealed and a new Section 106 added to read as follows:

**106.1 Permits.** The administration of permits shall be governed by the provisions contained in Chapter 1 of the International Building Code as adopted by the City of Lenexa.

Section 108 of the International Plumbing Code is hereby repealed and a new Section 108 added to read as follows:

**108.1 Violations.** Violations of this code shall be administered by the provisions contained in the Section 4-8-A-8 of the Lenexa City Code.

**108.2 Unsafe installations.** Whenever the code official declares an installation as unsafe the process and administration for addressing the condition shall be governed by the provisions contained in the International Property Maintenance Code as adopted and amended.

Section 109 of the International Plumbing Code is hereby repealed and a new Section 109 added to read as follows:

**Section 109.1 Means of Appeal.** Appeals to orders, decisions, or determinations by the building official relative to the application and interpretation of this code shall be governed by the provisions contained in Section 4-8-A-7 of the Lenexa City Code.

#### **Section 4-8-F-3 SEWER DEPTH – PRIVATE SYSTEM.**

Section 305.4.1 of the International Plumbing Code is hereby amended to read as follows:

Section 305.4.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall be installed not less than forty-two inches (42”) below finished grade at the point of septic tank connection. Building sewers shall be installed not less than forty-two inches below grade.

#### **Section 4-8-F-4 MINIMUM PLUMBING FIXTURES.**

Section 403.1 of the International Plumbing Code is hereby amended to read as follows:

**403.1 Minimum number of fixtures.** Plumbing fixtures shall be provided in the minimum number as shown in Table 403.1, based on the actual use of the building or space. Uses not shown in Table 403.1 shall be considered individually by the code official. The number of occupants shall be determined by the International Building Code.

**Exception to Table 403.1:** A service sink is not required in business or mercantile occupancies with a total of 2500 square feet of gross floor area and where the nature of the business does not include services or processes requiring frequent moping of

floor surfaces. Food service or merchants, beauty parlors, barbershops and veterinary clinics are examples of businesses that require a service sink.

**403.1.1 Fixture calculations.** To determine the occupant load of each sex, the total occupant load shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the occupant load of each sex in accordance with Table 403.1. Fractional numbers resulting from applying the fixture ratios of Table 403.1 shall be rounded up to the next whole number. For calculations involving multiple occupancies, such fractional numbers for each occupancy shall first be summed and then rounded up to the next whole number.

Exception: The total occupant load shall not be required to be divided in half where approved statistical data indicates a distribution of the sexes of other than 50 percent of each sex.

**403.1.2. Single-user toilet facility and bathing room fixtures.** The plumbing fixtures located in single-user toilet facilities and bathing rooms, including family or assisted use toilet facilities and bathing rooms that are required by Section 1109.2.1 of the International Building Code, shall contribute toward the total number of required plumbing fixtures for a building or tenant space. Single-user toilet facilities and bathing rooms, and family or assisted-use toilet rooms and bathing rooms shall be identified for use by either sex.

**403.1.3. Lavatory distribution.** Where two or more toilet rooms are provided for each sex, the required number of lavatories shall be distributed proportionately to the required number of water closets.

## **Section 4-8-F-5 DRINKING FOUNTAINS SUBSTITUTIONS.**

Section 410.4 of the International Plumbing Code is hereby amended to read as follows:

**410.4 Drinking Fountain Substitutions.** The following substitutions shall be permissible: A break room sink, or water dispenser, or bottled water dispenser complying with ADA reach ranges for the following occupancies:

1. Mercantile and business occupancies (excluding medical offices and concentrated business areas) with less than 2,500 square feet of gross floor area.
2. Warehouse occupancies with less than 7500 square feet of gross floor area.
3. Where restaurants provide drinking water free of charge, drinking fountains shall not be required.
4. In other occupancies where drinking fountains are required, water dispensers shall be permitted to be substituted for not more than 50 percent of the required number of drinking fountains.

#### **Section 4-8-F-6 SANITARY DRAINAGE.**

Section 701.2 of the International Plumbing Code is hereby repealed and a new section 701.2 is added to read as follows:

**701.2 Connection to Sewer Required.** Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer.

**Exception:** Where a public sewer is unavailable, an approved private sewage disposal system shall be installed.

Section 703.5 of the International Plumbing Code is hereby repealed and a new section 703.5 is added to read as follows:

**703.5 Cleanouts on building sewers.** Building sewers shall be provided with cleanouts located as required by the appropriate authority having jurisdiction.

#### **Section 4-8-F-7 VENTS TERMINALS.**

Section 903.1 of the International Plumbing Code is hereby amended to read as follows:

**903.1 Roof Extension.** Open vent pipes that extend through a roof shall be terminated not less than 6 inches above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall terminate not less than 7 feet above the roof.

#### **Section 4-8-F-8 INTERCEPTORS AND SEPARATORS.**

Section 1003 of the International Plumbing Code is hereby repealed and a new section 1003 is added to read as follows:

**1003.1 Where Required.** Interceptors and separators shall be provided, installed, inspected, and maintained as required by the appropriate authority having jurisdiction.

#### **Section 4-8-F-9 MEDICAL GAS PIPING.**

Section 1202.1 of the International Plumbing Code is hereby repealed and a new section 1202 is hereby added to read as follows:

**1202.1 Nonflammable medical gasses.** No person shall install, improve, repair, maintain, or inspect a medical gas piping system unless such person is:

1. Licensed under the provisions of K.S.A. 12-1508 et seq., and amendments thereto; and



2. Certified under the appropriate professional qualifications standards.

All documentation of the inspections and certifications of installers and inspectors shall be provided to the Building Official prior to any occupancy of the building or unit of the building in which the medical gas piping has been installed. As used in this section, “medical gas piping” means piping used solely to transport gasses used for medical purposes at a health care facility.

## **Article 4-8-G INTERNATIONAL FUEL GAS CODE**

### **Section 4-8-G-1 INTERNATIONAL FUEL GAS CODE ADOPTED.**

The International Fuel Gas Code, 2018 Edition, (fourth printing), including Appendixes A, B, and C, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, hereafter referred to as the Fuel Gas Code, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in this Article.

At least one (1) copy of said International Fuel Gas Code will be kept on file in the office of the City Clerk, marked or stamped “Official Copy as Incorporated by Ordinance No. 5696,” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

### **Section 4-8-G-2 SCOPE AND ADMINISTRATION.**

Section 101.1 of the International Fuel Gas Code is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the Fuel Gas Code of the City of Lenexa, Kansas hereinafter referred to as “this code.”

Section 106 of the International Fuel Gas Code is hereby repealed and a new Section 106 added to read as follows:

**106.1 Permits.** The administration of permits shall be governed by the provisions contained in Chapter 1 of the International Building Code as adopted by the City of Lenexa.

Sections 108 of the International Fuel Gas Code is hereby repealed and a new Section 108 added to read as follows:

**108.1 Violations.** Violations of this code shall be administered by the provisions contained in the Section 4-8-A-8 of the Lenexa City Code.

**108.2 Unsafe installations.** Whenever the code official declares an installation as unsafe the process and administration for addressing the condition shall be governed

by the provisions contained in the International Property Maintenance Code as adopted and amended.

Section 109 of the International Fuel Gas Code is hereby repealed and a new Section 109 added to read as follows:

**109.1 Means of Appeal.** Appeals to orders, decisions, or determinations by the building official relative to the application and interpretation of this code shall be governed by the provisions contained in Section 4-8-A-7 of the Lenexa City Code.

## **Article 4-8-H HISTORICAL STRUCTURES**

### **Section 4-8-H-1 NOMINATION PROCEDURE.**

In order to nominate a building or district to the Lenexa Register of Historic Places, any citizen, group or organization must complete a State historic preservation application. This filing must be submitted to the Lenexa Historical Society who will review, within 90 days from filing date, the historical accuracy of the application and make a written report to the City Council that the nomination qualifies for listing on the Lenexa Register of Historic Places. If the Historical Society feels that the nomination is historically qualified, the City Clerk will notify owners and occupants of the building that their historic structure is being considered by the City Council for listing on the City Register of Historic Places. The Lenexa Historical Society may seek an extension of the requirement to review nominations within 90 days by requesting, in writing, additional time. This request will be reviewed by the City Council at its next regularly scheduled meeting.

### **Section 4-8-H-2 APPROVAL PROCEDURE.**

The Historical Society's written recommendation, along with the original application and all exhibits, shall be forwarded to the City Council. Within 30 days, the City Council will schedule a public hearing, and the City Clerk will notify the owners of the building 10 days in advance of the public hearing date. After the public hearing, the City Council may take action on the nomination or may refer the nomination to City staff or other committees of the City for further review and recommendation. If the City Council approves the nomination and application, then the structure will be officially listed on the Lenexa Register of Historic Places. The Lenexa Historical Society, affected property owners and occupants of nominated sites will be notified by the City Clerk within 10 days of the City Council's action.

### **Section 4-8-H-3 REQUIREMENTS FOR LENEXA REGISTERED PROPERTIES AND SITES.**

Unless approved by the City Council, sites or properties listed on the Lenexa Register of Historic Places cannot be altered or modified in a manner that would change the property from the descriptions contained in the original nomination as approved by the City

Council. Any modifications that would alter the sites or properties must be planned and submitted to the Planning Commission as well as the other City committees as designated by the City Council. These modifications shall be reviewed by the appropriate committees and passed to the Council for final approval. The same procedure applies to demolition plans or plans for removing portions of a structure for additions made to existing structures.

#### **Section 4-8-H-4 REQUIREMENTS FOR NATIONAL AND STATE REGISTERED PROPERTIES AND SITES; PENALTIES.\***

\*K.S.A. 75-2724.\*

- A. The State or any political subdivision of the State or any instrumentality thereof shall not undertake any project\*\* which will encroach upon, damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places or the environs of such property until the State Historic Preservation Officer shall be given notice, as provided herein, and an opportunity to investigate and comment upon the proposed project. Notice to the State Historic Preservation Officer shall be given by the State or any political subdivision of the State when the proposed project, or any portion thereof, is located within 500 feet of the boundaries of a historic property located within the corporate limits of a city or within 1,000 feet of the boundaries of a historic property located in the unincorporated portion of a county. Notwithstanding the notice herein required, nothing in this Section shall be interpreted as limiting the authority of the State Historic Preservation Office to investigate, comment and make the determinations otherwise permitted by this Section regardless of the proximity of any proposed project to the boundaries of a historic property. The State Historic Preservation Officer may solicit the advice and recommendations of the Historic Sites Board of Review with respect to such project and may direct that a public hearing or hearings be held thereon. If the State Historic Preservation Officer determines, with or without having been given notice of the proposed project, that such proposed project will encroach upon, damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places or the environs of such property, such project shall not proceed until:

\*\*See Section 4-8-H-6 of this Chapter for definition.\*\*

1. The Governor, in the case of a project of the State or an instrumentality thereof, or the governing body of the political subdivision or an instrumentality thereof, has made a determination, based on a consideration of all relevant factors, that there is no feasible and prudent alternative to the proposal and that the program includes all possible planning to minimize harm to such historic property resulting from such use; and
2. Any person aggrieved by the determination of the Governor pursuant to this Section may seek review of such determination in accordance with the act for judicial review and civil enforcement of agency actions. Any person aggrieved by the determination

of a governing body pursuant to this Section may seek review of such determination in accordance with K.S.A. 60-2101, and amendments thereto.

3. The failure of the State Historic Preservation Officer to initiate an investigation of any proposed project within 30 days from the date of receipt of notice thereof shall constitute such Officer's approval of such project.
4. Failure of any person to apply for and obtain the proper or required building or demolition permit before undertaking a project that will encroach upon, damage or destroy any historic property included in the National Register of Historic Places or the State Register of Historic Places or the environs of such property shall be subject to a civil penalty not to exceed \$25,000.00 for each violation. The Attorney General may seek such penalties and other relief through actions filed in district court.

#### **Section 4-8-H-5 VIOLATIONS; PENALTY FOR LENEXA REGISTERED PROPERTIES AND SITES.**

The violation of any provisions of this Article dealing with properties or sites on the Lenexa Register of Historical Places shall be administered by the provisions contained in the Section 4-8-A-8 of the Lenexa City Code.

#### **Section 4-8-H-6 DEFINITIONS.**

**HISTORIC STRUCTURES:** Historic structures are buildings over 50 years old that have significance to the founding of the City or to persons who have achieved local, regional or national prominence. Also, historic structures are buildings that have historic significance to events that have local, regional and/or national impact. In addition, a building can be considered historic if it is over 50 years old and is considered by the City Council to be symbolic of the City districts within the City. This symbolism can be based on the uniqueness of architecture or in the particular way a structure has been used. Before a building qualifies as a historic structure, it must occupy the original building site or exist on the same building site for the last 50 years. Also, the structure must contain the original design and features it had at the time it was constructed. This requirement can be satisfied if those who nominate the building clarify that through rehabilitation the structure can be returned to its original appearance.

**PROJECT:** Includes:

- A. Activities directly undertaken by the State or any political subdivision of the State or any instrumentality thereof;
- B. Activities undertaken by a person which are supported, in whole or in part, through grants, subsidies, loans or other forms of financial assistance from the State or any political subdivision of the State or any instrumentality thereof; and



- C. Activities involving the issuance of a lease, permit, license, certificate or other entitlement for use, to any person by the State or any political subdivision of the State or any instrumentality thereof.\*

## **Article 4-8-I NATIONAL ELECTRICAL CODE**

### **Section 4-8-I-1 NATIONAL ELECTRICAL CODE ADOPTED.**

The National Electrical Code (NEC), 2017 Edition, excluding Article 80 in its entirety, published by the National Fire Protection Association of Batterymarch Park, Quincy, Massachusetts 02269, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in the City Code.

At least one (1) copy of said National Electrical Code will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 5696," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

### **Section 4-8-I-2 ADMINISTRATION.**

Article 120 of the National Electrical Code is hereby added to read as follows:

**120.1 Administration.** This code shall be governed by the administrative provisions contained in Sections 101 through 116 of the International Building Code incorporated in Article 4-8-B of the Lenexa City Code.

## **Article 4-8-J INTERNATIONAL MECHANICAL CODE**

### **Section 4-8-J-1 INTERNATIONAL MECHANICAL CODE ADOPTED.**

The International Mechanical Code, 2018 Edition, (fourth printing), including Appendix A, published by the International Code Council, Inc., 4051 West Flossmoor Road, Country Club Hills, IL 60478-5795, hereafter referred to as the Mechanical Code, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in this Article.

At least one (1) copy of said International Mechanical Code will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 5696," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

## Section 4-8-J-2 SCOPE AND ADMINISTRATION.

Section 101.1 of the International Mechanical Code is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the Mechanical Code of the City of Lenexa, Kansas hereinafter referred to as “this code.”

Section 102.12 of the International Mechanical Code is hereby added to read as follows:

**102.12 State Boiler Inspector.** Where permits are issued and portions of the work require inspection and approval of boilers and pressure vessels by the State of Kansas, those portions of the work shall comply with the state requirements in lieu of compliance with the technical provisions of this code. State approval is generally required for all boilers that require permits.

**Exceptions:**

1. Boilers serving individual dwelling units and their accessory structures.
2. Boilers serving apartment houses with less than five (5) families.
3. Pressure vessels that do not exceed 15 cubic feet and 250 psi.
4. Pressure vessels that do not exceed 210 degrees Fahrenheit and a nominal water capacity of 85 gallons.

Section 106 of the International Mechanical Code is hereby repealed and a new Section 106 is added to read as follows:

**106.1 Permits.** The administration of permits shall be governed by the provisions contained in Chapter 1 of the International Building Code as adopted by the City of Lenexa.

Section 108 of the International Mechanical Code is hereby repealed and a new Section 108 is added to read as follows:

**Section 108.1 Violations.** Violations of this code shall be administered by the provisions contained in the Section 4-8-A-8 of the Lenexa City Code.

**108.2 Unsafe installations.** Whenever the code official declares an installation as unsafe the process and administration for addressing the condition shall be governed by the provisions contained in the International Property Maintenance Code as adopted and amended.

Section 109 of the International Mechanical Code is hereby repealed and a new Section 109 is added to read as follows:

**Section 109.1 Means of Appeal.** Appeals to orders, decisions, or determinations by the building official relative to the application and interpretation of this code shall be governed by the provisions contained in Section 4-8-A-7 of the Lenexa City Code.

### **Section 4-8-J-3 VENTILATION REQUIRED.**

Section 401.2 of the International Mechanical Code is hereby amended to read as follows:

**401.2 Ventilation required.** Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403. Within Group R-2, R-3 and R-4 buildings three stories or less in height above grade plane, where the air infiltration rate in a dwelling unit is less than 5 air changes per hour when tested with a blower door at a pressure of 0.2-inch water column (50Pa) in accordance with Section N1102.4.1.2 of the International Residential Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403. Ambulatory care facilities and Group I-2 occupancies shall be ventilated by mechanical means in accordance with Section 407.

**Exception:** For dwelling units that do not share interior means of egress with other units, where the air infiltration rate in the dwelling unit is less than 3 air changes per hour when tested with a blower door at a pressure of 0.2-inch water column (50Pa) in accordance with Section N1102.4.1.2 of the International Residential Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403.

### **Section 4-8-J-4 EXHAUST SYSTEMS.**

Section 502.14 of the International Mechanical Code is hereby amended to read as follows:

**502.14 Motor vehicle operation.** In areas where motor vehicles operate, mechanical ventilation shall be provided in accordance with Section 403. Additionally, areas in which stationary motor vehicles are operated shall be provided with a source capture system that connects directly to the motor vehicle exhaust systems.

Exception: A source capture system for the operation of stationary motor vehicles is not required where any of the following exist:

1. The motor vehicles being operated or repaired are electrically powered.
2. The motor vehicle engines are operated inside the building only for the duration necessary to move the motor vehicles in and out of the building.
3. The motor vehicles are located within buildings under all the following conditions:
  - a) The primary use of the space is business, mercantile, factory, or warehousing.
  - b) The space will be used for no more than 4 vehicles or trucks of maximum 1 ton capacity; and

- c) The motor vehicle engines are operated inside the building only for the duration necessary to move the motor vehicles in and out of the building.

Section 505.6 of the International Mechanical Code is hereby amended to read as follows:

**505.6 Other than Group R – Kitchen Hoods.** In other than group R occupancies, where domestic cooktops, ranges, and open-top broilers are used, domestic cooking exhaust systems shall be provided.

**Exception:** Where the Building and Fire Code Officials determine there is no potential for grease accumulation, and the cooking is for purposes such as demonstration, education, or the re-warming of pre-cooked foods in commercial kitchens, and such cooking is incidental to the primary function of the space, an exhaust system may be substituted with fire safety systems in accordance with 904.13.1 of the International Building Code as adopted by the City of Lenexa.

## **Article 4-8-K INTERNATIONAL EXISTING BUILDING CODE**

### **Section 4-8-K-1 INTERNATIONAL EXISTING BUILDING CODE ADOPTED.**

The International Existing Building Code (IEBC), 2018 Edition, (fifth printing), including Appendix B, published by the International Code Council, Inc., and the International Code Council, Inc., 4051 West Flossmoor, Country Club Hills, IL 60478-5975, hereafter referred to as the Existing Building Code, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in this Article.

At least one (1) copy of said International Existing Building Code (IEBC) will be kept on file in the office of the City Clerk, marked or stamped “Official Copy as Incorporated by Ordinance No. 5696,” with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

### **Section 4-8-K-2 SCOPE AND ADMINISTRATION.**

Section 101.1 of the International Existing Building Code is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the Existing Building Code of the City of Lenexa, Kansas hereinafter referred to as “this code.”

Section 105 of the International Existing Building Code is hereby repealed and a new Section 105 is added to read as follows:



**105.1 Permits.** The administration of permits shall be governed by the provisions contained in Chapter 1 of the International Building Code as adopted by the City of Lenexa.

Section 112 of the International Existing Building Code is hereby repealed and a new Section 112 is added to read as follows:

**112.1 Board of Appeals.** Appeals to orders, decisions, or determinations by the building official relative to the application and interpretation of this code shall be governed by the provisions contained in Section 4-8-A-7 of the Lenexa City Code.

Section 113 of the International Existing Building Code is hereby repealed and a new Section 113 is added to read as follows:

**113.1 Violations.** Violations of this code shall be administered by the provisions contained in the Section 4-8-A-8 of the Lenexa City Code.

Section 117 of the International Existing Building Code is hereby repealed and a new Section 117 is added to read as follows:

**117.1 Demolition.** The administration of demolition shall be governed by the provisions contained in Chapter 1 and Chapter 33 of the International Building Code, as adopted by the City of Lenexa.

#### **Section 4-8-K-3 SCOPE (FIRE PROTECTION).**

Section 803.1 of the International Existing Building Code is hereby repealed and a new section 803.1 is added to read as follows:

**803.1 Scope.** The requirements of this sections shall apply to buildings in which Level 2 alterations are being performed.

#### **Section 4-8-K-4 AUTOMATIC SPRINKLER SYSTEMS.**

Section 803.2 of the International Existing Building Code is hereby repealed and a new Section 803.2 is added to read as follows:

**803.2 Automatic sprinkler systems.** Automatic sprinkler systems, related monitoring, and notification shall be provided throughout buildings undergoing Level 2 alterations that include exits or corridors shared by more than one tenant or that serve an occupant load greater than 30 where all the following conditions occur:

1. The work area is required to be provided with automatic sprinkler protection in accordance with the International Building Code as applicable to new construction.

2. The work area exceeds 50 percent of the floor area of the building.

**Exception:** If the building does not have sufficient municipal water supply for design of a fire sprinkler system available to the floor without installation of a new fire pump, work areas shall be protected by an automatic smoke detection system throughout all occupiable spaces other than sleeping units or individual dwelling units that activates the occupant notification system in accordance with Sections 907.4, 907.5 and 907.6 of the International Building Code.

**803.2.1 Windowless stories.** Work located in a windowless story, as determined in accordance with the International Building Code, shall be sprinkled where the work area is required to be sprinkled under the provisions of the International Building Code for newly constructed buildings and the building has a sufficient municipal water supply without installation of a new fire pump.

## **Article 4-8-L MOVING BUILDINGS**

### **Section 4-8-L-1 ENFORCING OFFICERS.**

The Director of Community Development, and the Police Chief shall enforce and carry out the requirements of this Article.

### **Section 4-8-L-2 PERMIT REQUIRED.**

No building or fixed structure shall be moved on or across a street or alley without a permit issued by the Director of Community Development in accordance with the provisions set forth in other articles of this Chapter.

### **Section 4-8-L-3 APPLICATION FOR PERMIT.**

A. All applications for permits to move buildings or other structures shall be made to the Director of Community Development. Such application shall include the following:

1. The dimensions of the building or structure as to length, height at its highest point, when loaded for moving, and width.
2. The definite description of the building or structure proposed to be moved giving street number, construction materials, dimensions in square feet, number of rooms and condition of exterior and interior.

3. A map of the proposed route of the move showing the highways, streets, alleys or sidewalks over, along or across which the building or structure is proposed to be moved.
  4. Copy of a state highway move permit if the route travels on or across a state highway.
  5. Approval of the move from adjacent government entities if the route passes through adjacent municipalities.
  6. Written approval of the route, and the move, from each utility company with overhead lines, such as, electric, telephone, and cable TV.
  7. The proposed date and time of the move and the estimated length of time of the move.
  8. A plot plan, to scale, with legal description of the lot from which the building is to be from, giving the lot number, block number and subdivision.
  9. A plot plan, to scale, with the legal description of the lot on which such a building is to be located, giving the lot number, block number and subdivision.
  10. Copies of written notice that have been given by the applicant to the owners of adjacent lots and to the owners of wired or other facilities, whenever same will affect the public utilities located within the City limits.
  11. The applicant of a building or structure to be moved shall file with the application sufficient evidence that the building or structure and lot from which it is to be moved to or from are free of any entanglements and that all taxes and any City charges against the owner are paid in full.
  12. The applicant, if other than the owner, shall file with the application a written statement or bill of sale signed by the owner, or other sufficient evidence, that he is entitled to move the building or structure.
- B. The application shall be made not less than 14 calendar days prior to the commencement of the moving.

#### **Section 4-8-L-4 PERMIT FEE.**

All applications for permits to move buildings or other structures shall be accompanied by a permit fee. The amount of said permit fee shall be as prescribed by City Council.

#### **Section 4-8-L-5 INSURANCE AND BOND REQUIRED.**

- A. **Insurance Required.** The applicant shall be a licensed general contractor through Johnson County Contractor Licensing or furnish to the City a certificate of insurance, which names the City of Lenexa as an additional insured in the amount of \$500,000.00 and evidencing the following coverage including endorsements on a primary basis:
1. General liability insurance not less than \$1,000,000.00 which shall apply to any and all claims related to the moving of buildings, bodily injury and/or property damage that arises from the work of the permittee performed during the term of the permit issued by the City of Lenexa, or during the actual move, whichever date is later.
  2. The policy shall contain a separate endorsement requiring that the insurance company shall notify the City, in writing, of any change in, or cancellation of, said policy at least 10 days prior thereto.
  3. Before the permit is issued, the permittee shall deposit with the City a certificate of insurance evidencing that the endorsements required by subsections A1 and A2 above have been met.
- B. **Bond Required.** It shall be the duty of any person, at the time of making application for a permit, to execute in the favor of this City a good and sufficient bond to the City in the sum of \$10,000.00, with good and sufficient security, conditioned, among other things, that the principal shall pay any and all costs incurred by the City as a result of the move as well as any damages which may be caused to any property, public or private, within the City when such injury or damage shall be inflicted by the principal or his agent, servant, employee, workman, contractor or subcontractor, and such bond shall be conditioned also that the principal will serve, indemnify and protect the City from any and all liability, and that he will, in all respects, comply with all ordinances of the City and comply with the terms of his permit and be conditional upon his faithful performance of the move. The form of such bond must be approved by the City Attorney.

#### **Section 4-8-L-6 APPROVALS.**

Before the permit is issued, the following approvals shall be secured:

- A. Approval must be obtained from the Director of Community Development for the list of streets over which the building or structure will be moved. The final determination of the date and time of the move shall be made by the Director of Community Development so as to minimize disruption and inconvenience to citizens and motorists and to protect the public health, safety and welfare.
- B. Approval must be obtained from the Police Chief for the path of travel and the time of day the move will occur.



Note: In making their determinations, the Director of Community Development and the Police Chief shall act to assure maximum safety to persons and property in the City and to minimize congestion and traffic hazards on public streets.

C. The Director of Community Development shall determine approval or denial of the permit, based on the following:

1. That all application requirements and all fees, deposits and bonds requirements have been complied with.
2. That the building or structure is not too large to move so as to cause injury to persons or property in the City.
3. That the building or structure is not in such a state of deterioration, disrepair or otherwise so structurally unsafe that it cannot be moved without endangering persons or property within the City.
4. That, for any reason, persons or property in the City would be endangered by the moving of the building or structure.
5. That any weight, length, width or other restriction imposed upon the use of the public or private roadways within the City limits by either City traffic ordinances or State statutes would not be violated.
6. That the appropriate building permits and authorizations have been obtained by the City.
  - a. Any structure moved from within the City of Lenexa shall have obtained a demolition permit from the Community Development Department.

Exception: The demolition of the existing structure may be included in the moving permit, at the discretion of the Director of Community Development, provided the gas company, electric company, Water District No. 1 of Johnson County Water, and Johnson County Wastewater for sewers or Johnson County Environmental for septic systems, have notified the City of Lenexa that their utility services have been disconnected from the structure.

- b. Any moved structure to be located within the City of Lenexa shall have obtained a building permit for the new location from the Community Development Department.

#### **Section 4-8-L-7 PERMITTEE RESPONSIBILITIES.**

Every permittee under this Article shall:

- A. Move a building or structure only over streets designated for such use in written permit.

- B. Notify the Director of Community Development, within 14 calendar days of the move, in writing, of a desired change in moving date and hour and route of move as proposed in the application, and such change must be approved by the Director of Community Development.
- C. Notify the Director of Community Development, in writing, of any and all damages done to property belonging to the public and private ownership within 24 hours after the damage or injury has occurred.
- D. Comply with all City Codes, including but not limited to the Building Code, Fire Code, zoning ordinances and all other applicable traffic ordinances and laws upon relocating the building or structure in the City or move the same through the City.
- E. Remove all rubbish and materials and fill all excavations to existing grade at the original building or structure site so that the premises are left in a safe and sanitary condition within 30 days from the date of the move. Holes in the ground, basements or cellars shall be filled with inorganic material; provided, however, the top 1 foot of fill shall be clean earth. The filling of such excavation may not be required when a building permit has been issued for a new building on the site. The holder of the building permit shall provide such excavation with a temporary barricade protecting the excavation on all sides as specified for safety by the Director of Community Development. Temporary barricades may remain in position for a time not exceeding 5 days, after which a solid barricade shall be provided or the excavation filled.
- F. Notify all utilities having service connections within the building or structure and otherwise located within the City limits whose facilities and services to the general public may be affected by the movement of the building or structure. Copies of notification shall be furnished to the Community Development Department.
- G. Comply with the regulations and specifications contained in such permit granted by the Director of Community Development to such permittee.

#### **Section 4-8-L-8 PERMITTEE LIABILITY.**

- A. The permittee shall be liable for any expenses incurred by the City for material, equipment, time and labor associated with the move, including but not limited to removing and replacing all public property, together with damages caused to or inflicted upon private property and City employees wages. Failure of the permittee to reimburse the City for all expenses incurred by the City as a result of the move shall result in a claim being made against the surety bond.
- B. The permittee shall be liable for any expenses, damages, costs in excess of deposited amounts or securities, and the City Attorney shall initiate an action against the permittee in a court of competent jurisdiction for the recovery of such amounts in excess of deposited amounts or securities.

#### **Section 4-8-L-9 ORIGINAL PREMISES LEFT UNSAFE.**

Permittee shall leave the original premises in a safe and sanitary condition and otherwise in compliance with all the applicable City Codes. In the event the permittee fails to leave the original premises in a safe and sanitary condition, the City shall proceed to authorize the work necessary to make the original premises safe and sanitary and the Permittee shall be liable for the expenses incurred by the City pursuant to Section 4-8-L-9.

#### **Section 4-8-L-10 TIME LIMIT OF PERMIT.**

Permits issued under and pursuant to this Article shall be valid for a maximum time of two (2) months. Permittee may extend the permit for up to two (2) additional months upon a showing that the move has been delayed due to circumstances beyond the control of the permittee.

#### **Section 4-8-L-11 PENALTIES.**

Violation of any of the provisions of this Chapter will be subject to Section 1-1-C-3 of this Code.

#### **Section 4-8-L-12 PROPER FOUNDATION.**

No building shall be moved within the City of Lenexa on to any lot covered by a valid building permit for the relocated structure unless and until a proper and suitable foundation or basement has been constructed and approved by the Community Development Department.

#### **Section 4-8-L-13 WARNING DEVICES AT NIGHT.**

It shall be the duty of any person moving any building or structure upon or across any street, alley or sidewalk or other public place in the City from sunset to sunrise to comply with any and all City ordinances\* or State statutes. Such person shall, at all times, erect and maintain barricades across the street in such manner as to protect the public from damage or injury by reason of removal of the building or structure and shall have sufficient escort as provided by City ordinance, State statutes or as determined as necessary for the public safety by the Police Chief.

\*See Title 3, Chapter 3-8 of the City Code.\*

#### **Section 4-8-L-14 LEAVING BUILDING ON STREET.**

No building or structure or any part of a building or structure being moved shall be left in the parkway, street, or right-of-way for more than 24 hours. If any such building or structure is left in the parkway, street, or right-of-way for more than 24 hours, or if the Police Chief determines that the existence of such structure at a particular location for

any length of time constitutes an immediate hazard to the public health, safety or welfare, then the City shall proceed to authorize the work necessary to remove such structure and the Permittee shall be responsible, pursuant to Section 4-8-L-9 for any damage or expense incurred by the City in the removal of any such building.

## **Article 4-8-M INTERNATIONAL SWIMMING POOL AND SPA CODE**

### **Section 4-8-M-1 INTERNATIONAL SWIMMING POOL AND SPA CODE ADOPTED.**

The International Swimming Pool and Spa Code (ISPSC), 2018 Edition, (fourth printing), including Appendices A, B, and C, published by the International Code Council, Inc., 4051 West Flossmoor, Country Club Hills, IL 60478-5975, hereafter referred to as the Pool and Spa Code, is hereby adopted by reference and made a part of this Chapter and Article save and except such parts or portions thereof as are specifically deleted, added, or changed in this Article.

At least one (1) copy of said International Swimming Pool and Spa Code (ISPSC) will be kept on file in the office of the City Clerk, marked or stamped "Official Copy as Incorporated by Ordinance No. 5696," with all sections or portions thereof intended to be deleted or changed clearly marked to show any deletions, additions, or changes.

### **Section 4-8-M-2 SCOPE AND ADMINISTRATION.**

Section 101.1 of the International ~~Existing Building~~Swimming Pool and Spa Code is hereby amended to read as follows:

**101.1 Title.** These regulations shall be known as the Pool and Spa Code of the City of Lenexa, Kansas hereinafter referred to as "this code."

Section 105 of the International Swimming Pool and Spa Code is hereby repealed and a new Section 105 is added to read as follows:

**105.1 Permits.** The administration of permits shall be governed by the provisions contained in Chapter 1 of the International Building Code as adopted by the City of Lenexa.

Section 107 of the International Swimming Pool and Spa Code is hereby repealed and a new Section 107 is added to read as follows:

**107.1 Violations.** Violations of this code shall be administered by the provisions contained in section 4-8-A-8 of the Lenexa City Code.

**107.2 Unsafe installations.** Whenever the code official declares an installation as unsafe the process and administration for addressing the condition shall be governed



by the provisions contained in the International Property Maintenance Code as adopted and amended.

Section 108 of the International Swimming Pool and Spa Code is hereby repealed and a new Section 108 added to read as follows:

**108.1 Means of Appeal.** Appeals to orders, decisions, or determinations by the building official relative to the application and interpretation of this code shall be governed by the provisions contained in Section 4-8-A-7 of the Lenexa City Code.

Section 109 of the International Swimming Pool and Spa Code is hereby added to read as follows:

**109.1 Demolition.** The administration of demolition shall be governed by the provisions contained in Chapter 1 and Chapter 33 of the International Building Code as adopted by the City of Lenexa.

#### **Section 4-8-M-3 STRUCTURE WALL AS BARRIER.**

Section 305.2.4 of the International Swimming Pool and Spa Code is hereby deleted.

Section 305.4 of the International Swimming Pool and Spa Code is hereby amended to read as follows:

**305.4 Structure wall as a barrier.** Where a wall of a dwelling or structure serves as part of the barrier and where doors or windows provide direct access to the pool or spa through that wall, one of the following shall be required:

1. For one- and two-family dwellings, operable basement and grade level windows having a lock height of less than 48 inches above the indoor finished floor and all doors shall have a whole house security system or other approved alarm that produces an audible warning when the window or door is opened.
2. In other than one- and two-family dwellings, operable windows having a sill height of less than 48 inches above the indoor finished floor and doors shall have an alarm that produces an audible warning when the window, door or their screens are opened. The alarm shall be listed and labeled as a water hazard entrance alarm in accordance with UL 2017. In dwellings or structures not required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located 54 inches or more above the finished floor. In dwellings or structures required to be Accessible units, Type A units or Type B units, the operable parts of the alarm deactivation switches shall be located not greater than 54 inches and not less than 48 inches above the finished floor.
3. A safety cover that is listed and labeled in accordance with ASTM F1346 is installed for the pools and spas.

4. An approved means of protection, such as self-closing doors with self-latching devices, is provided. Such means of protection shall provide a degree of protection that is not less than the protection afforded by Item 1 or 2.

## **Article 4-8-N UTILITY POLES AND UNDERGROUND CONDUITS**

### **Section 4-8-N-1 UNDERGROUND WIRES REQUIRED.**

Every person shall place all or any portion of their wires and cables underground in subsurface conduits or such other suitable and acceptable method or type of underground installation as meets existing safety standards prescribed by the City Council, based upon the National Electrical Code (NEC), when hereinafter installing or replacing same for telephone, telegraph, electric light, cable TV or power purposes in the following situations:

- A. As part of new construction of a structure; or
- B. Construction of an expansion greater than 50 percent of the square footage of the existing structure; or
- C. Reconstruction of an existing structure damaged by greater than 50 percent of its fair market value as set by the Johnson County, Kansas Appraiser.

### **Section 4-8-N-2 UNDERGROUND WIRES AND CABLES REQUIRED; VARIANCES AND EXEMPTIONS.**

#### **A. Temporary Variances.**

1. The City Administrator may grant a specific variance to permit the temporary installation, erection, construction or maintenance of poles, wires and other overhead structures for the provision of temporary electrical power or communication services where reasonably required for emergency, building construction or other temporary purposes for a time period not to exceed 1 year in duration.
2. Written requests for the extension of the 1 year time period shall be submitted to the City Administrator for consideration. Upon comment from the City Engineer and Community Development Director, the City Administrator shall approve or deny said request.

- B. **Permanent Variances.** Persons required to place cables and wires underground pursuant to Section 4-8-N-1 of this Article may appeal such requirement by submitting a written request for review to the City Administrator. The City Administrator may grant full or partial relief based on good cause, such as the following factors:

1. Character of surrounding neighborhood and whether cables and wires are underground;
2. Extremely high cost of placing the wires and cables underground in relation to the proposed development;
3. Potential of serious environmental or aesthetic damage, such as removal of significant number of trees.

C. **Exemptions.** The following utility installations shall be exempt from the provisions of Section 4-8-N-1 of this Article; provided, that all plans and specifications are reviewed and approved in accordance with Section 4-8-N-5 of this Article:

1. All electric power lines rated at or above "feeder" line class,\* when located within a public right-of-way or utility easements and along the perimeter or exterior boundaries of residential subdivisions, commonly-owned tracts or parcels developed under 1 preliminary site development plan. For the purpose of this Article, a feeder line is an electrical circuit which provides a rating of 3,000 KVA and electricity directly from a power substation.
2. All telecable or telephone lines rated at or above "trunk" line class,\* when located within a public street right-of-way or utility easements and along the perimeter or exterior boundaries of residential subdivisions, commonly-owned tracts or parcels developed under 1 preliminary site development plan. For the purpose of this Article, a trunk line is the utility line within a system with a 0.75 inch diameter.
3. Poles and appurtenant devices used exclusively for street or area lighting or for traffic-control facilities.
4. Electric power substations and related appurtenances and apparatus provided that plans are reviewed and approved in accordance with Title 4.
5. Transformer and other customary appurtenances to underground installation.
6. Replacement of damaged or worn, existing overhead lines.

### **Section 4-8-N-3 ACCESSIBILITY TO UNDERGROUND WIRES.**

Every person placing his telegraph, telephone, electric light, cable TV and power wires and cables underground in subsurface conduits or such other suitable and acceptable method and or type of underground installation as meets existing safety standards prescribed by the City Council shall have the right to place such necessary manholes and appliances for affording access to such conduits, wires, cables and making connections therefrom to subscribers and stations. Such conduits, manholes and appliances shall be constructed and the wires and cables placed therein in such manner as not to injure or destroy any vault, sewer, water or gas pipes.

#### **Section 4-8-N-4 DESIGNATED LOCATIONS.**

All utility construction must be done within the right-of-way or easement, and the City Engineer shall indicate the depth at which these installations shall be made. It shall be unlawful for any person now having or maintaining any poles, telegraph, telephone, electric light, cable TV or power overhead wires or cables designated to construct, keep or maintain any poles, overhead wires or cables, except such as may be necessary to make connections with presently existing subscribers and presently existing stations from said underground lines from and after the date of said order.

#### **Section 4-8-N-5 PERMIT REQUIRED.**

When any person shall desire to make any excavation in any street, alley, highway, easement or City right-of-way for any of the purposes herein named, such person shall obtain a permit therefor from the Community Development Department, which permit shall state the portions of the streets, alleys, highways, easements or City rights-of-way on which the work is to be done.

#### **Section 4-8-N-6 GRADING, RE-GRADING.**

Whenever the City shall grade or re-grade any street, alley, highway, easement or City right-of-way along or across which any person has laid any pipe or conduit or underground lines, the person owning or using such pipe or conduit or underground lines shall, at his own expense, change such pipe or conduit to conform to the street, alley, highway, easement or City right of way so graded or re-graded on an order thereof from the City Engineer.

#### **Section 4-8-N-7 CITY HELD HARMLESS.**

Every person placing telegraph, telephone, electric light, cable TV or power wires or cables, electric wires or cables underground in subsurface conduits or other suitable manner and method approved in conformance with this Code shall save and hold the City harmless from all damages for personal or other injuries either to private individuals or corporations or to any property for which the City may, in any way, become liable resulting from or growing out of any negligence or want of care on the part of any persons in the construction of any pipe, conduit or other appliance or any defective construction, unsound material or want of repair of any conduits or underground lines, wires, cables, manholes or other appliances used, maintained or constructed by such person under this Article or any ordinance or franchise heretofore granted to any such firm.

#### **Section 4-8-N-8 FRANCHISE AGREEMENTS.**

This Article shall be made and become by reference a part of all franchise agreements made by the City and any person servicing the City with telegraph, telephone, electric light, cable TV and power.



## **Section 4-8-N-9 PENALTY.**

Violation of any of the provisions of this Article will be subject to Section 1-1-C-3 of the City Code.

## **Article 4-8-O SUBSURFACE SPACE BUILDING CODE**

### **Section 4-8-O-1 PURPOSES.**

These regulations shall apply only to subsurface space, as generally outlined in the Lenexa Mining Properties Map of the Lenexa *Comprehensive Plan*. These codes shall apply only to those subsurface properties with a Planned Business Park (BP-S), Subsurface Use Zoning designation. Except for related mine entrances, ventilation shafts and surface utility easements, it is not the purpose of this Article to provide direct regulation of surface uses which are separately regulated by the applicable zoning district. The further purposes of these regulations are:

- A. To recognize the interests of owners of subsurface space in the City who do not own the surface rights or who own only limited surface rights;
- B. To enhance the local economy by encouraging the re-use of subsurface space for offices, manufacturing, warehousing, wholesale distribution and other compatible activities;
- C. To ensure that subsurface space uses are appropriate, safe (restricted storage/use of hazardous materials and substances) and are consistent with the *Comprehensive Plan*;
- D. To provide efficient streamlined regulations for the circumstances of mixed subsurface space uses, including the need for planning flexibility with regard to potential future tenant occupancies;
- E. To protect the health, life safety, public welfare and property both for those persons who use the subsurface spaces and of those who use the surface above and adjacent to them; and
- F. To recognize a limited, but reasonable, time proportionate to the magnitude of any violation, the disruption of service, and the degree of hazard, may be necessary for compliance.

#### **Section 4-8-O-2 BUILDING AND FIRE CODES.**

- A. **Building Code:** The provisions of this Article are in addition to the *International Building Code*, adopted by the City in Section 4-8-A-1 of this Chapter.
- B. **Fire Code:** The provisions of this Article are in addition to the *International Fire Code* adopted by the City in Section 4-8-B-1 of this Chapter.
- C. **Other codes:** Where the *International Building, Fire, Plumbing, or Mechanical Codes* or the *Electrical Code* are referenced in this Article they shall be used synonymously with the respective codes adopted in Chapter 4-8 of the Lenexa City Code.

#### **Section 4-8-O-3 PERMIT AND OCCUPANCY REQUIREMENTS.**

- A. **Application for Permit and/or Certificate:** All group BP-S occupancies shall make application for a building permit and/or certificate of occupancy as required for a surface occupancy. Approval shall be subject to compliance with all applicable sections of this Article. Occupancy shall include all areas outside the particular subsurface building which are accessory to the use of a particular building including such areas as parking, storage areas, loading docks, trash containers, public ways, streets, and yards.
- B. **Subsurface Master Evacuation Plan:** A Subsurface Master Evacuation Plan is required to be submitted to the building official and fire chief for review and approval. The plan shall define public ways, streets and paths intended to provide evacuation routes to the exterior. The Subsurface Master Evacuation Plan shall be updated and resubmitted for approval when public ways, streets and other evacuation routes are altered.
- C. **Subsurface Master Ventilation Plan:** A Subsurface Master Ventilation Plan, certified by a professional engineer registered to practice in the State of Kansas, is required to be submitted to the building official and fire chief for review and approval. The plan shall describe the intended approach to air qualities described in this Article. The plan shall show the location and size (in cfm) of all exhaust fans, ventilation fans and controls. The Subsurface Master Ventilation Plan shall be updated and resubmitted for approval when major systems are altered.
- D. **Geotechnical Engineering Studies:** Note that these studies shall only be required of the initial tenant of a building. In conjunction with the building permit application for an individual tenant and/or phase of a subsurface space, an engineer, registered to practice in the State of Kansas, with competence in the field, and selected by the developer, shall prepare a report reviewing the structural integrity of the mine. The developer may select the consulting firm, with approval from the Community Development Director, provided that adequate information is submitted concerning:

1. The consulting or subconsulting firms previous experience with mine stability investigations;
2. The consulting or subconsulting firms geological, geological engineering, geotechnical engineering, rock or mining engineering expertise; and
3. Client contact listing of similar projects. Once selected, the engineering firm shall submit the following information in the form of a geotechnical report to the Community Development Director for review:

a. **Surveys:**

1. **Surface Survey:** A boundary survey of the surface of the proposed tenancy/phase at a scale of 1" = 100' (unless otherwise approved), tied to existing section corners, with USGS Sea Level datum contours at 2 foot intervals.
  2. **Subsurface Survey:** A mine survey tying surface coordinate grid to subsurface space coordinate grid. This survey should show locations, size, pattern and spacing of pillars, and existing and proposed portal entrances with a horizontal accuracy of plus or minus 1 foot. This survey should also illustrate those areas of other mines directly adjacent (within 100 yards) to the subject tract as well as those portions of other mines being utilized for ventilation or access purposes to the subject subsurface development. Floor and ceiling spot elevations shall also be made for the center of each room and a contour of the floor surface at 6 inch intervals (ignoring pillars) shall be completed for drainage purposes.
- b. **Geological Information:** (Note: the following information should be provided for the subject tract and for those portions of adjacent mines being utilized for ventilation or access purposes.) The data requested below may be obtained through interpolation of the preliminary plan data if the consultant believes the information is sufficient.
1. **Borings:** A sufficient number of borings as needed for licensed registered engineer to determine geological profile and evaluate structural integrity of the mantel.
  2. **Profile Section Cuts:** Vertical profile of rock and overburden from the roof of mined area to ground surface, labeling and giving the depth of each successive geological layer. Show the elevation of the ground surface, mine floor, and roof at each profile location. These vertical profiles need to be provided in a grid pattern sufficient to give a clear picture of the entire area proposed for development. The vertical profile locations need to be shown on a plan of the total area and labeled for reference. On the same map, location and reference distance to outcrop should be shown.

3. **Roof Beam Thickness:** Provision of isopach map illustrating roof beam thickness.
4. **Overburden Thickness:** Provision of isopach map illustrating overburden thickness.
5. **Floor Material:** In a short narrative format indicate floor material and composition thickness.

c. **Geotechnical Evaluations:**

1. **Structural Calculations:** Submittal of all needed structural calculations including; determine original compressive stress loading of the rock layer prior to the mining operation; the projected loading to the support pillars; and a complete analysis of the loading patterns and support capability of the pillars, rock mantel and floor of the mined area with the ultimate above ground/below ground development proposed.
2. **Subsurface Final Structural Inspection:** A detailed room by room inspection of the subsurface space proposed for occupancy shall be undertaken. This inspection should indicate such things as; the surface condition of the roof mantel, pillars and floor with detailed descriptions of any observed cracking, sloughing, chipping or other deterioration. Show and describe any evidence of water infiltration. (Video tape and/or pictures required for problem areas.)
3. **Recommended Structural Modifications:** Submittal of all proposed structural modifications, including any needed minor blasting for final room/corridor trim work or loading dock creation.

E. **Consultant Certification of Structural Adequacy:** The following certification is required from the developer's geotechnical consultant:

*I have personally observed the subsurface space described as: \_\_\_\_\_ . I have personally supervised and reviewed the computations of data and supportive information; Required on-site room by room inspections were completed. I have also completed the calculations, analysis, recommendations and conclusions as set forth in the "Geotechnical Engineering Studies" of this Section. As a professional engineer, registered to practice in the State of Kansas, I hereby certify, to the best of my professional judgment, that there is no visible evidence of structural integrity problems in the areas outlined in the attached survey for final occupancy.*

Name: \_\_\_\_\_



Registration No.: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

F. **Annual Certifications and Reviews:** Developer shall perform the following annual certifications and reviews and records of the completed certifications and reviews shall be maintained by the developer and be presented upon request by the City:

1. **Geotechnical Engineering Inspections:** A room by room visual inspection of all portions of the subsurface development having final occupancy approvals shall be undertaken during the year by a person with competence in the field. This inspection should indicate such things as; the surface condition of the roof mantel, pillars and floor with detailed descriptions of any observed cracking, sloughing, chipping or other deterioration. Any water infiltration problems should be described in detail. (Video tape and/or pictures required for problem areas.) Additional inspection techniques, common to the industry (convergence measurements, etc.), shall be performed as needed. The consulting engineer shall review all inspection data, field verify potential problem areas, make recommendations, if needed, and complete the following certification:

*I have personally observed the subsurface space described as:\_\_\_\_\_. I have personally supervised and reviewed the monitoring data and supportive information. I completed on-site inspections of occupied areas where deemed necessary; and I have completed the analysis, recommendations and conclusions as set forth in the "Geotechnical Engineering Studies" of this Section. I certify that I am currently a professional Engineer registered to practice in the State of Kansas.*

Name: \_\_\_\_\_

Registration No: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

2. **Air Quality:** A certified industrial hygienist, shall certify that the air quality in the occupied areas of the subsurface development complies with the current OSHA work environment standards set forth for carbon monoxide, particulates and radon. The certified industrial hygienist shall create an air quality report, including required air quality readings (taken in those areas most likely to have high readings). The frequency of and location of monitoring shall be determined by the Codes Administrator but in no case shall the minimum frequency required be less than 2 months.
3. **Smoke Evacuation Plan Test:** Developer shall perform an annual smoke evacuation test showing results of air flow and clearing rates and conformance with

the approved Subsurface Master Ventilation Plan. This exercise shall include operation of all smoke dampers and testing of the smoke detectors in all air handling systems. Developer shall notify the Fire Department prior to conducting the test so that the Fire Department may attend and observe the test.

4. **Emergency Evacuation Drill:** Developer will conduct an annual emergency evacuation drill in conjunction with Lenexa Fire Department officials and modify Subsurface Master Evacuation Plan, as needed.
5. **Fire Sprinkler Maintenance:** The developer or tenant shall maintain a copy of the current maintenance plan which shall be subject to approval by the Fire Department and shall provide for annual certification of the sprinkler system by a fire sprinkler contractor or stating that the system is in compliance with applicable sprinkler codes

G. **Compliance or Modification to Subsurface Master Plan Components:** All proposed occupancies shall be reviewed for compliance with the projects approved Subsurface Master Plan. Modifications to the Master Plan may be requested by staff.

1. **General:**

- a. Group BP-S occupancies shall be: a subsurface structure constructed out of a horizontal layer(s) of solid limestone and shale by an approved excavation method of mining when such subsurface space is developed for use as manufacturing, offices, warehousing, storage facilities and other classes of occupancy, approved through the provisions of this Section and Section 4-1-B-21 of this Title.
- b. Since the basic subsurface space is formed of solid limestone or solid limestone and shale, it shall be considered Type I construction as defined in the *International Building Code*, as adopted in Chapter 4-8 of the Lenexa City Code.
- c. Each individual subsurface building shall be classified and developed in accordance with the applicable requirements set forth in the *International Building Code*, as adopted in Chapter 4-8 of the Lenexa City Code.

2. **Exit Facilities:**

- a. The streets and roadways throughout the subsurface space shall be considered to be horizontal, continuous and unobstructed means of egress to either the exterior of the subsurface space through portals or to a refuge area in another building in the subsurface space
- b. One or more areas of refuge and/or refuge chambers or exist passageways shall be provided in new and existing subterranean spaces where travel distance from

any building exit to the exterior of the subterranean space exceeds ½ mile (2,640 feet).

c. Each area of refuge and/or refuge chamber shall comply with the following:

1. Each area of refuge and/or chamber shall provide 10 square feet of floor area for each person it is intended to serve.
2. Each area of refuge and/or refuge chamber shall have an engineered fresh air system that provides fresh air through a borehole from the surface during a fire emergency. Air quantity shall be either at least 20 standard cubic feet per minute per person or the minimum required to prevent smoke infiltration, whichever is greater.
3. Each area of refuge and/or chamber shall be provided with positive pressure of 0.05 inches/water gauge relative to the adjacent space.
4. Entrance and exit from the area of refuge and/or refuge chamber shall be through a vestibule equipped with doors that have self-closing devices.
5. Area of refuge and/or refuge chambers shall be provided with food, drinking water, emergency lighting, blankets, toilet facilities, and first-aid kits in quantities appropriate to the intended usage.
6. Two-way voice communications capabilities with the fire command center shall be provided in each area of refuge and/or refuge chamber.
7. Areas of refuge and/or refuge chambers shall be separated from the remainder of the subterranean space by walls with at least a 2-hour fire resistance rating.
8. Areas of refuge and/or refuge chambers shall be permitted to be used during normal operations for other purposes provided that they are always available for refuge purposes.
9. The surface borehole shall be permitted to be an exhaust ventilation shaft provided that the direction of airflow can be reversed during an emergency by controls located in the area of refuge and/or refuge chamber.

d. Exit passageways shall comply with the following:

1. An exit passageway shall be separated from the remainder of the space by walls with at least a 1-hour fire resistance rating.

2. An exit passageway shall be supplied with outside air sufficient to provide positive pressure of 0.05 inches/water gauge relative to the subterranean space.
  3. Opening other than required exists from normally occupied building spaces and common spaces shall not be permitted.
  4. Penetrations other than ducts, sprinkler piping, and electrical conduit serving the exit passageway shall not be permitted.
  5. The width of an exit passageway shall be adequate to accommodate the aggregate required capacity of all exits discharging through it, but in no case shall be less than 44 inches.
3. **Light, Ventilation and Sanitation:** All portions of Group BP-S occupancies customarily used by human beings shall be provided with artificial light, air and sanitary facilities as required in this Article for the individual occupancy of the developed areas in accordance with surface building codes. Toilet facilities shall be located either in the developed occupancies or conveniently nearby in the subsurface space.
  4. **Shaft Enclosures:** Elevator shafts, vent shafts, exit stairways and other vertical openings extending to the exterior or other floors of the subsurface space, shall be designed and built as required for 2-hour fire-resistive construction.
  5. **Emergency Phone Boxes:** Emergency phone boxes shall be placed at each fire hydrant location along all roadways and shall be prominently marked with luminescent signage. Each phone box shall contain a receiver with a direct link to the central control center and a standard phone jack connected to a second line for the exclusive use of emergency personnel.
  6. **Fire Protection Systems:** Fire protection systems shall be provided as required by this Section 4-8-O-9 of this Article. Such systems shall be continuously maintained in reliable operating condition at all times, and such periodic inspections and tests shall be made as are necessary to ensure proper maintenance. When an automatic sprinkler system is out of service for more than 4 hours within a 24 hour period, the building shall be evacuated and the Fire Department shall be notified immediately.
  7. **Special Hazards:**
    - a. No hazardous occupancies (*International Building Code* Group H occupancies) will be allowed in any subsurface space.
    - b. No hazardous materials, liquids or chemicals shall be stored in Group BP-S occupancies except as permitted in Table No. 307.1(1) and 307.1(2) of the *International Building Code* as amended and Chapter 50 of



the *International Fire Code* as adopted in Chapter 4-8 of the Lenexa City Code. All applications for a building permit or a certificate of occupancy in a subsurface space shall include a comprehensive list of all actual or anticipated hazardous materials, subject to Chapter 50 of the *International Fire Code*, to be stored within the subsurface space. During the term of the building permit or certificate of occupancy in a subsurface space, the permit holder shall be required to maintain and update the aforementioned comprehensive list of hazardous materials stored and shall immediately notify the Fire Chief of any amendment or other change to such comprehensive list.

- c. All applications for a building permit or a certificate of occupancy in a subsurface space shall include a comprehensive list of all actual or anticipated commodities to be stored within the subsurface space, the commodity classifications as provided in Section 3203 of the *International Fire Code*, the maximum allowable storage quantities, and the method of storage. The permit holder shall be responsible for maintaining a working knowledge of the subsurface space subject to the building permit or certificate of occupancy and the limitations of use or commodity storage. During the term of the building permit or certificate of occupancy in a subsurface space, the permit holder shall be required to maintain and update the aforementioned comprehensive list of commodities stored and shall immediately notify the Fire Chief of any amendment or other change to such comprehensive list.
- d. All applications for a building permit or a certificate of occupancy in a subsurface space shall be reviewed by the Codes Administrator and the Fire Chief, or their representative, for the level of hazard represented and shall require approval of both prior to construction and/or occupancy of such space.
- e. Appeals of the decisions of the Codes Administrator and/or Fire Chief shall be made to the *Building Code* Board of Appeals.\*

\*See Section 4-8-B-4 of this Chapter

- f. Every room containing a boiler, furnace or central heating plant shall be separated from the rest of the subsurface space by at least 2-hour fire-resistive construction; shall have a minimum of 2 fire-rated means of access, 1 for personnel use not less than 3 feet in width and 1 large enough to permit removal of the largest unit; and no other openings shall be permitted from this room to the subsurface space other than pipes, ducts or conduits, properly sealed. All combustion air, chimney or flue vent, relief vent(s) and fuel piping shall enter this boiler-furnace room directly to and from the exterior. All such equipment shall exhaust directly to the surface. All other installation, operating and maintenance provisions shall be as required by this Code and the International Mechanical Code.

## **8. Emergency and Exit Signs:**

- a. All streets and roadways within the subsurface space shall be identified for emergency purposes by readily visible signs. Lettering shall be not less than 4 inches high and not less than a ½ inch wide stroke and shall be of luminescent finish. The signs shall not be higher than 4 feet above the road surface.
- b. Street names and building addresses shall be approved by the Community Development Department
- c. Each pillar on each side of a street or roadway shall be identified by name, letter or number; and below each street sign shall be a large directional arrow with the word "EXIT" in letters not less than 6 inches high nor less than a ¾ inch wide stroke. All signs and letters shall be of reflective or luminescent paint. The exit arrow shall point in the direction of the nearest exit or horizontal exit.
- d. All street identification and exit routing shall be shown on color coded maps of the subsurface space, shall be distributed to all personnel using the facility; shall be posted in all offices; shall be posted at the entrances and exits; and shall be given to the police and fire departments having jurisdiction in the facility. The maps shall be brought up-to-date annually as required to be current.

#### **9. Central Control Station:**

- a. Every Group BP-S occupancy shall contain a central control station near an entrance portal of the subsurface space. Such station may serve as a guard room, security office or manager's office. The station shall contain an annunciator panel which has a separate electrically operated visual signaling device for each remote alarm initiating (automatic) device, such as fire detectors, smoke detectors, water flow switches and for each manual alarm initiating device, such as a manual pull station or manually operated switch.
- b. At or near the annunciator panel shall be a large map indicating in reasonable detail the entire subsurface space, identifying by letter, name and/or number each pillar, each building, each area of refuge and each tenant space. The location of each manual or automatic detection device shall be identified by a pilot light with coded letter and/or number to match the visual signal on the annunciator panel. They shall be wired in parallel so that the person in charge or firemen can immediately locate an emergency.
- c. Any 1 of the remote manual or automatic alarm indicating devices shall set off an alarm through audible and visual signals such as flashing lights, bell, horn sirens or a voice system. These shall be capable of being operated from the central control station on a building by building basis and/or as a general alarm throughout the entire subsurface space. The alarm should be designed to be heard or seen by all occupants within the building and/or entire subsurface space

as specified for the voice communication system, as well as transmitting an alarm automatically to the local fire department.

10. **Subsurface Communication Repeaters:** The subsurface development shall be provided with a constant and unobstructed communication network for emergency communications via repeats or other such device throughout the developed areas of the subsurface space and shall have an emergency backup power source capable of operating this system for a minimum of 4 hours.

#### **Section 4-8-O-4 FIRE RESISTANCE OF BUILDING WALLS.**

- A. **Exterior Walls:** Exterior walls of subsurface buildings shall be of at least 2-hour fire-resistive construction.

##### **Exceptions:**

1. Nonbearing exterior walls may be of unprotected nonrated construction when they are at least 40 feet from the closest edge of an adjoining street or public way.
2. All opening protectives in nonbearing exterior walls shall conform to the requirements of the *International Building Code* and shall be protected by a fire assembly having at least a  $\frac{3}{4}$ -hour fire protection rating when located less than 40 feet from the closest edge of an adjoining street or public way. Openings shall not be permitted less than 20 feet from the closest edge of an adjoining street.

- B. **Ventilation Corridor Walls:** Ventilation corridor walls shall be of at least 2-hour fire resistive construction.

**Exception:** All opening protectives in ventilation corridor walls shall conform to the requirements of the *International Building Code* and shall be protected by a fire assembly having a  $1\frac{1}{2}$ -hour fire protection rating.

- C. **Interior Walls and Permanent Partitions:** All interior walls and permanent partitions shall be of noncombustible materials. Fire-retardant treated wood shall not be allowed within these assemblies.

##### **D. Demising Walls:**

1. Demising walls which separate tenant spaces shall be of at least 2-hour fire resistive construction. Fire-retardant treated wood shall not be allowed within these assemblies.
2. Other provisions of the *International Building Code* shall apply when not in conflict with this Article.

#### **Section 4-8-O-5 TYPE I OR TYPE II CONSTRUCTION REQUIRED.**

All construction on or in the subsurface space shall be of Type I or Type II construction as contained in the International Building Code.

#### **Section 4-8-O-6 ALLOWABLE FLOOR AREAS - ONE STORY AREAS.**

The net allowable floor area of a building shall not exceed the limits set forth in the *International Building Code*.

#### **Section 4-8-O-7 ALLOWABLE AREA INCREASES.**

- A. **General:** The floor areas specified in Section 4-8-O-6 of this Article may be increased as permitted in the International Building Code except as further modified in this Section.
- B. **Unlimited Area Not Allowed:**
1. No building of any occupancy classification shall be permitted to have unlimited area. The maximum net usable area for any construction type or occupancy classification shall be 360,000 net usable square feet.
  2. Combinations of spaces which are greater than 360,000 net usable square feet due to area separation walls shall be provided with exterior access as required by the Fire Department.

#### **Section 4-8-O-8 REQUIREMENTS BASED ON CONSTRUCTION.**

- A. **Applicable codes.** Each individually developed area shall be constructed in accordance with the applicable requirements set forth in the adopted International Building, Fire, Plumbing, Mechanical, Existing Buildings Code, and Electrical Code contained in Title 4-8 of the Lenexa City Code and this Article. Where there are conflicts between this Article and other codes the requirements of this Article shall apply.
- B. **Certificate of Occupancy.** All subsurface buildings for which a certificate of occupancy has been issued shall be subject to annual inspections as required in Section 4-8-O-3 of this Article.
- C. **Changes in use.** The owner of each subsurface building in which there is to be a change in use or change of occupant shall make application for a new certificate of occupancy prior to any new use or new occupancy.
- D. **Means of egress.** Every building or portion thereof shall be provided with a means of egress as provided in the International Building Code, the International Existing Buildings Code, and as modified in this Article.



E. **Areas of refuge.** Areas of refuge shall be provided as indicated in this section.

1. **General:** A required refuge area shall have enclosing walls of 4-hour fire-resistive construction. The entrance and exit shall be thru a vestibule. Doors to both the vestibule and to the refuge areas shall have a 1½-hour fire-resistive rating and be provided with closing devices. No other openings shall be permitted in the walls of the refuge area.
2. **Vestibule Size:** The vestibule shall have minimum dimensions of 44 inches in width and 72 inches in the direction of travel.
3. **Ventilation:** The refuge area shall be provided with a fresh air intake from the outside (surface) and an exhaust fan for the purpose of removing any smoke which might be admitted during entry from the street. Such exhaust shall empty into the street in order to make the refuge area as smokeproof as possible.
4. **Utilities:** Emergency lighting, ventilation and communication systems shall be provided for the refuge area to be available in case of emergency.

F. **Key Boxes.** Key Boxes shall be provided in accordance with Section 506 of the International Fire Code, as adopted and amended by the City of Lenexa.

#### **Section 4-8-O-9 FIRE PROTECTION SYSTEMS.**

- A. **General:** Fire protection systems shall be provided as set forth in the International Fire Code, except when modified in this Article.
- B. **Sprinkler System Required:** All occupied areas of the subsurface space including all streets, yards, public ways, parking lots, loading docks, storage, and any other developed areas, shall be protected by an automatic fire-extinguishing system.
- C. **Wet Standpipes:** Approved wet standpipes shall be provided in buildings as required by the adopted International Fire Code or any other code adopted by the City.
- D. **Commodities/Density Study Required:** Prior to occupying any subsurface space, tenant shall provide the code official with a commodities/density study, validating the Suppression Systems ability to adequately protect the proposed commodities.

#### **Section 4-8-O-10 FIRE HYDRANTS.**

- A. **Where Required:** Fire hydrants shall be located at not more than 500 foot intervals.
- B. **Water Supply:** All new and existing buildings shall be provided with an adequate and reliable water supply as approved by the authority having jurisdiction. Approved fire hydrants shall not have less than a 6 inch connection with the water main. A valve shall

be installed in the connection to the main. All water supply systems shall be looped and double fed.

- C. **Inlet:** Each hydrant shall have a 6 inch inlet.
- D. **Outlets:** Each new or replacement hydrant shall have two 2½ inch hose outlets.
- E. **Pumper Connection:** Each hydrant shall have one 4 inch Storz connection.
- F. **Physical Protection:** Each hydrant shall be protected from physical damage when subject to damage from vehicles.
- G. **Thrust Protection:** Thrust protection shall be provided at all pipe turns by installing steel anchors, thrust blocks or other approved methods.
- H. **Fire Hydrant Maintenance:** Fire hydrants shall be installed and maintained in accordance with all applicable NFPA standards.

#### **Section 4-8-O-11 MECHANICAL SYSTEMS - HEATING AND COOLING.**

When heating and cooling systems are provided in any portions of Group BP-S Occupancies, such systems shall be installed in accordance with the International Mechanical Code.

#### **Section 4-8-O-12 VENTILATION.**

- A. **General:** The quality of air in Group BP-S Occupancies shall be certified annually as established in Section 4-8-O-3-I of this Article.
- B. **Positive Pressure:** Each building and demised space shall have a ventilation system capable of maintaining positive pressure with fresh air pulled from the ventilation corridor. Such system shall be able to pressurize the area to a minimum of 0.05 inches water gauge in a sprinkler area in accordance with the Suggested Minimum Design Pressure Difference Across Smoke Barriers in NFPA 92A.
- C. **Emergency Ventilation:** Provisions shall be made to provide emergency ventilation for each tenant space and the subsurface space which will be under the direction and control of the Fire Department thru the Central Control Station as provided in Section 4-8-O-3-J-9 of this Article.
  - 1. **Tenant Space:** Each tenant space shall be provided with a separate exhaust fan able to move smoke from that tenant space to the ventilation corridor at a minimum velocity of 50 feet per minute or in accordance with the latest version of the applicable ASHRAE Application Handbook, referencing smoke control.

2. **Ventilation Corridor:** The subsurface space shall be provided with an exhaust system able to move smoke from the ventilation corridor at a minimum velocity of 100 feet per minute or in accordance with NFPA 130. Where the ventilation corridor passes thru or utilizes unoccupied spaces, walls of the corridor may be formed by using plastic sheeting as approved by the Fire Department. All portal openings shall be able to be closed for proper function of the smoke control system. Exhaust fans shall be reversible and sized for a minimum of 26,000 CFM each and shall be capable of being manually and automatically operated. Manual controls must be located at the fan and at the master control station. A smoke detector shall be provided at the location of each exhaust fan, tied to the central control station. When smoke is detected at the location of an exhaust fan, the exhaust fan shall automatically activate to evacuate the smoke. The other exhaust fans shall be operated by manual control to supply make-up air. Exhaust fan shut down shall be provided with manual controls.

#### **Section 4-8-O-13 PLUMBING SYSTEMS - GENERAL.**

Plumbing systems installed in Group BP-S Occupancies, including developed areas therein, shall comply with the applicable requirements of the International Building Code and the International Plumbing Code, except as modified by this Article.

#### **Section 4-8-O-14 VENT TERMINATION.**

Each vent pipe or stack serving a plumbing system in a building in a subsurface structure shall terminate vertically thru the roof or horizontally thru the wall of such building to a street or yard. When terminated thru a wall, the vent terminal shall be as high above the floor as possible and shall be at least 25 feet from any door, window or ventilation intake opening in the building wall. The open end of such vent terminal shall be covered with a protective screen.

#### **Section 4-8-O-15 SUBSURFACE SEWER STRUCTURE TRAP.**

- A. Whenever a building sewer serving a subsurface structure conveys sanitary sewage to a public sewer, a trap shall be installed on the main sewer line outside the subsurface structure. The purpose of the trap is to prevent odors or gases and/or pests from entering the subsurface structure plumbing system from the public sewer. It is not to be used as a ventilating duct for the public sewer.
- B. A fresh-air inlet shall be connected on the upstream side of this trap so as not to interfere with the cleanouts therein. The upper end of the fresh-air inlet shall terminate in a protected area at least 20 feet from a portal or other opening into the subsurface structure. The upper end of the inlet shall be turned down and shall be provided with a substantial protected screened cover. The air inlet must be sized properly and must remain open in order to maintain fixture trap seals in the plumbing system.

#### **Section 4-8-O-16 ELECTRICAL SYSTEMS.**

Electrical systems installed in Group BP-S Occupancies, including developed areas therein, shall comply with the applicable requirements of the International Building Code and the National Electrical Code, except as modified by this Article.

#### **Section 4-8-O-17 ELEVATOR SYSTEMS.**

- A. **General:** Elevator systems installed in Group BP-S Occupancies, including developed areas therein, shall comply with the applicable requirements of the International Building Code and the elevators, escalators, walks, lifts, and hoists sections thereof, except as modified by this Article.
- B. **Emergency Access:** When it is not feasible to provide emergency doors at required intervals vertically for single elevators in subsurface structures, an alternate method of egress such as a ladder or stair shall be provided and separated from the elevator car by a smoke barrier partition.

#### **Section 4-8-O-18 AREAS NOT PROTECTED BY AN AUTOMATIC FIRE EXTINGUISHING SYSTEM.**

- A. Undeveloped Areas in subsurface space, including, but not limited to, undeveloped areas located in Group BP-S Occupancies, which are not protected by an automatic fire-extinguishing system shall not be used for any purpose, including vehicle parking, truck or trailer parking or material storage. The developer shall be responsible for providing and maintaining an effective system that shall prevent the unauthorized use of the abovementioned areas.
- B. Subsurface spaces, including, but not limited to, Yards, Ventilation Corridors, Streets, and Public Ways, not protected by an automatic fire-extinguishing system shall remain free of all combustible material, including, but not limited to, storage, trash, trailers, construction debris, and parked vehicles.

#### **Section 4-8-O-19 PENALTY.**

Any person convicted of a violation of any of the provisions of, or failing to comply with, any of the mandatory requirements of this Article shall be subject to the enforcement remedies and punishable as set out in Section 1-1-C-3 of the City Code.

#### **Section 4-8-O-20 DEFINITIONS.**

Definitions shall be as provided in the adopted International Building, Fire, Plumbing, and Mechanical Codes, and the Electrical Code except as noted herein:



**BUILDING - SUBSURFACE SPACE:** The area created inside a subsurface space, when walls are constructed between support pillars in an enclosing fashion thereby creating a separate and distinct building.

**NET USABLE AREA:** The net square feet enclosed by the exterior walls of a subsurface building, less the calculated area of natural limestone pillars enclosed by the building.

**PUBLIC WAY:** Any parcel of land (space) unobstructed by development not less than 16 feet in width and with a clear height not less than 7 feet appropriated to the free passage of the public.

**STREET:** Any roadway which affords principal means of vehicular access and which has been specifically set aside for public and/or private use. No street shall be less than 20 feet in width and shall have a minimum vertical clearance of 13 feet 6 inches.

**SUBSURFACE MASTER EVACUATION PLAN:** A written plan illustrating evacuation routes, exits, portals and buildings within the subterranean space.

**SUBSURFACE MASTER VENTILATION PLAN:** A written plan illustrating the location and size (in cfm) of all exhaust fans, ventilation fans, and controls.

**SUBSURFACE SPACE:** The underground cavern resulting from the extraction of limestone rock and related material mined below grade in such a manner that the surface area of the property is not disturbed except in the vicinity of the entrances and easements serving the development.

**UNDEVELOPED AREA:** Subsurface space that has been mined but has not been altered for the use of advanced industrial capability, technological sophistication, or economic productivity.

**VENTILATION CORRIDOR:** A parcel of land (space) which meets or exceeds the dimensions required to be a public way and is identified on the approved master plan as a space through which fresh air will travel to reach various tenant spaces and/or the space into which smoke will be exhausted in the event of a fire within a tenant space. Such corridor shall lead to a portal or exhaust shaft.

**YARD:** An open unoccupied space, other than streets and public ways, unobstructed by development to a vertical clearance of not less than 7 feet.

**Section Two:** Penalty: Any violation of the above provisions shall be punishable in accordance with Section 1-1-C-3, unless otherwise specifically set out.

**Section Three:** Interpretation: This Ordinance shall be construed as follows:

A. Liberal Construction: The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

B. Savings Clause: The repeal of any Ordinance or Code Section, as provided herein, shall not revive an Ordinance previously repealed, nor shall the repeal affect any right which accrued, any duty imposed, any penalty incurred or any proceeding commenced, under or by virtue of the Ordinance repealed. Said Ordinance or Code repealed continues in force and effect after the passage, approval, and publication of this Ordinance for the purpose of pursuing such rights, duties, penalties, or proceedings.

C. Invalidity: If for any reason any chapter, article, section, subsection, sentence, portion or part of this Ordinance, or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, City Code or other ordinances.

**Section Three**: Repeal: The existing Chapter 4-8 is hereby repealed.

**Section Four**: Effective Date: This Ordinance shall become effective on August 1, 2022, after passage and publication of the ordinance summary in the official City newspaper as provided by State law.

PASSED BY the City Council on June 21, 2022.

SIGNED BY the Mayor on June 21, 2022.

CITY OF LENEXA, KANSAS

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Michael A. Boehm, Mayor

ATTEST:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Steven D. Shrout, Assistant City Attorney

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING THE LENEXA CITY CODE REGARDING DRIVING UNDER THE INFLUENCE.**

**WHEREAS**, the City has previously adopted ordinances dealing with driving under the influence and driving a commercial vehicle under the influence; and

**WHEREAS**, recent legislation and case law had mandated updates to the City Code regarding Driving Under the Influence; and

**WHEREAS**, the City must act to ensure continuity in our ability to prosecute DUI violations effectively, and to remain compliant with state law regarding these violations.

NOW, THEREFORE, BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF LENEXA:

**Section One:** Section 3-8-A-14 is hereby amended to read as follows:

**Section 3-8-A-14 DRIVING UNDER THE INFLUENCE.**

- A. Driving under the influence is operating or attempting to operate any vehicle within this city while:
1. The alcohol concentration in the person's blood or breath as shown by any competent evidence, including other competent evidence, is .08 or more;
  2. The alcohol concentration in the person's blood or breath, as measured within three hours of the time of operating or attempting to operate a vehicle, is .08 or more;
  3. Under the influence of alcohol to a degree that renders the person incapable of safely driving a vehicle;
  4. Under the influence of any drug or combination of drugs to a degree that renders the person incapable of safely driving a vehicle; or
  5. Under the influence of a combination of alcohol and any drug or drugs to a degree that renders the person incapable of safely driving a vehicle.
- B. On a first conviction of a violation of this Section, the person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion 100 hours of public service, and fined not less than \$750 nor more than \$1,000. ~~The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation or suspension, reduction of sentence or parole.~~ The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the remainder of the sentence only after such person has served 48 consecutive hours' imprisonment.
- C. On a second conviction of a violation of this Section, the person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. ~~The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation,~~



~~suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the five days' imprisonment mandate by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours. The following conditions shall apply to such sentence:~~

1. As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

2. a. if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and  
b. when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence; and

D. ~~On a third conviction of a violation of this Section, the person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500 the person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,750 nor more than \$2,500. The person convicted shall not be eligible for release on~~

~~probation, suspension or reduction of sentence or parole until the person has served at least 90 days' imprisonment. The 90 days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 2,160 hours of confinement. Such 2,160 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the 90 days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 2,160 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 2,160 hours. The following conditions shall apply to such sentence:~~

1. As a condition of any probation granted under this subsection, the person shall serve at least 30 days of confinement. After at least 48 consecutive hours of imprisonment, the remainder of the period of confinement may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21- 6609, and amendments thereto; and

2. a. if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 30 days of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program for the first 240 hours of confinement, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and

b. when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence

- E. In addition, for any conviction pursuant to subsection D, upon a request for probation by an offender, the court shall order a term of one year of supervision by a probation monitor approved by the Lenexa Municipal Court upon release from imprisonment. Such term of supervision shall not be subject to any modification or reduction. During such supervision, the offender may be required to participate in a multidisciplinary model of services for substance use disorders to include assessment and, if appropriate, referral to a community based substance use disorder treatment including recovery management and mental health counseling as needed. Any violation of the

conditions of such supervision may subject such person to revocation of supervision and imprisonment for the remainder of the original sentence.

- F. In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.
- G. Any person 18 years of age or older convicted of violating this Section who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment must be served consecutively to any other minimum mandatory penalty imposed for a violation of this Section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.
- H. If a person is charged with a violation of this Section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- I. The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this Section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- J. 1. In lieu of payment of a fine imposed pursuant to this Section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.  
2. The court may, in its discretion, waive any portion of a fine imposed pursuant to this Section, except the \$250 required to be remitted to the state treasurer pursuant to subsection (Tq), upon a showing that the person successfully completed court-ordered education or treatment.
- K. The court shall electronically report every conviction of a violation of this Section and every diversion agreement entered into in lieu of further criminal proceedings on a complaint alleging a violation of this Section to the Division of Vehicles including any finding regarding the alcohol concentration in the offender's blood or breath. Prior to sentencing under the provisions of this Section, the court shall request and shall receive from the Division of Vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state. On and after July 1, 2012, the amount of \$250 from each fine imposed pursuant to this Section shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon

receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 75-52,113, and amendments thereto.

- L. For the purpose of determining whether a conviction is a first, second, or third conviction in sentencing under this Section:
1. Convictions for a violation of this section, or a violation of a law of any state or an ordinance of any city or resolution of any county which prohibits the acts that this section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;
  2. Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:
    - a. Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto;
    - b. Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
    - c. Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 2011 Supp. 21-5405, and amendments thereto; and
    - d. Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto; and
    - e. Aggravated battery as described in subsection (b)(3) of K.S.A. 21-5413, and amendments thereto;
  3. "Conviction" includes:
    - a. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging an offense described in subsection (L)(2);
    - b. Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense described in subsection (L)(1) or (L)(2);
  4. Multiple convictions of any crime described in subsection (L)(1) or (L)(2) arising from the same arrest shall only be counted as one conviction;
  5. It is irrelevant whether an offense occurred before or after conviction for a previous offense; and
  6. A person may enter into a diversion agreement in lieu of further criminal proceedings for a violation of this Section, and amendments thereto, or an ordinance which prohibits the acts of this Section, and amendments thereto, only once during the person's lifetime.



- M. For the purposes of determining whether an offense is comparable, the following shall be considered:
1. The name of the out-of-jurisdiction offense;
  2. The elements of the out-of-jurisdiction offense; and
  3. Whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.
- N. Upon conviction of a person of a violation of this Section, the Division of Vehicles, upon receiving a report of conviction, shall suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.
- O. Upon conviction of a person of a violation of this Section, the court may order the convicted person to pay restitution to any victim who suffered loss due to a violation for which the person was convicted.
- P.
1. Upon the filing of a complaint, citation or notice to appear alleging a person has violated this Section, and prior to conviction thereof, a city attorney or designee shall request and shall receive from the
    - a. Division of Vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
    - b. Kansas Bureau of Investigation Central Repository all criminal history record information concerning such person.
  2. If the elements of such violation are the same as the elements of a violation of this Section that would constitute, and be punished as, a felony, the city attorney or designee shall refer the violation to the appropriate county of district attorney for prosecution.
- Q. No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this Section to avoid the mandatory penalties established by this Section. This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge. For the purpose of this subsection, entering into a diversion agreement pursuant to K.S.A. 12-4413 et seq. and amendments thereto, shall not constitute plea bargaining.
- R. The alternatives set out in subsection A may be pleaded in the alternative, and city may, but shall not be required to elect one or more of the alternatives prior to submission of the case to the fact finder.
- S. As used in this Section:
1. "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;
  2. "Imprisonment" ~~shall include~~s any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and

such environment has been approved by the board of county commissioners or the governing body of a city; and

3. "Drug" includes toxic vapors such term in defined in K.S.A. 2010 Supp. 21-36a12, and amendments thereto.
- T. On and after July 1, 2012, the amount of \$250 from each fine imposed pursuant to this Section shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 75-52,113, and amendments thereto.

**Section Two:** Section 3-8-A-15 is hereby amended to read as follows:

**Section 3-8-A-15 DRIVING A COMMERCIAL MOTOR VEHICLE UNDER THE INFLUENCE.**

- A. Driving a commercial motor vehicle under the influence is operating or attempting to operate any commercial motor vehicle, as defined in K.S.A. 8-2,128, and amendments thereto, within this city while:
  1. The alcohol concentration in the person's blood or breath, as shown by any competent evidence, including other competent evidence, as defined in paragraph 1 of subsection f of K.S.A. 8-1013, and amendments thereto, is .04 or more;
  2. The alcohol concentration in the person's blood or breath, as measured within three hours of the time of driving a commercial motor vehicle, is .04 or more; or
  3. Committing a violation of subsection a of K.S.A. 8-1567, and amendments thereto, or the ordinance of a city or resolution of a county which prohibits any of the acts prohibited thereunder.
- B. On a first conviction of a violation of this Section, the person convicted shall be sentenced to not less than 48 consecutive hours nor more than six months' imprisonment, or in the court's discretion, 100 hours of public service, and fined not less than \$750 nor more than \$1,000. ~~The person convicted shall serve at least 48 consecutive hours' imprisonment or 100 hours of public service either before or as a condition of any grant of probation, suspension or reduction of sentence or parole or other release;~~
- C. On a second conviction of a violation of this Section, the person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. ~~The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of~~

~~confinement shall be a period of at least 48 consecutive hours of imprisonment followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; and The following conditions shall apply to such~~ sentence:

1. As a condition of any probation granted under this subsection, the person shall serve at least 120 hours of confinement. The hours of confinement shall include at least 48 hours of imprisonment and otherwise may be served by a combination of: Imprisonment; a work release program, if such work release program requires such person to return to the confinement at the end of each day in the work release program; or a house arrest program pursuant to K.S.A. 2021 Supp. 21-6609, and amendments thereto; and

2. a. if the person is placed into a work release program or placed under a house arrest program for any portion of the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum sentence is met. If the person is placed into a work release program or placed under a house arrest program for more than the minimum of 120 hours of confinement mandated by this subsection, the person shall receive hour-for-hour credit for time served in such program until the minimum of 120 hours of confinement is completed, and thereafter, the person shall receive day-for-day credit for time served in such program unless otherwise ordered by the court; and b. when in a work release program, the person shall only be given credit for the time served in confinement at the end of and continuing to the beginning of the person's work day. When under a house arrest program, the person shall be monitored by an electronic monitoring device that verifies the person's location and shall only be given credit for the time served within the boundaries of the person's residence; and

- D. ~~On a second conviction of a violation of this Section, the person convicted shall be sentenced to not less than 90 days nor more than one year's imprisonment and fined not less than \$1,250 nor more than \$1,750. The person convicted shall serve at least five consecutive days' imprisonment before the person is granted probation, suspension or reduction of sentence or parole or is otherwise released. The five days' imprisonment mandated by this subsection may be served in a work release program only after such person has served 48 consecutive hours' imprisonment, provided such work release program requires such person to return to confinement at the end of each day in the work release program. The person convicted, if placed into a work release program, shall serve a minimum of 120 hours of confinement. Such 120 hours of confinement shall be a period of at least 48 consecutive hours of imprisonment~~

~~followed by confinement hours at the end of and continuing to the beginning of the offender's work day. The court may place the person convicted under a house arrest program pursuant to K.S.A. 21-6609, and amendments thereto, to serve the five days' imprisonment mandated by this subsection only after such person has served 48 consecutive hours' imprisonment. The person convicted, if placed under house arrest, shall be monitored by an electronic monitoring device, which verifies the offender's location. The offender shall serve a minimum of 120 hours of confinement within the boundaries of the offender's residence. Any exceptions to remaining within the boundaries of the offender's residence provided for in the house arrest agreement shall not be counted as part of the 120 hours; and~~

- E. In addition, prior to sentencing for any conviction, the court shall order the person to participate in an alcohol and drug evaluation conducted by a provider in accordance with K.S.A. 8-1008, and amendments thereto. The person shall be required to follow any recommendation made by the provider after such evaluation, unless otherwise ordered by the court.
- F. Any person 18 years of age or older convicted of a violation of this Section, who had one or more children under the age of 18 years in the vehicle at the time of the offense shall have such person's punishment enhanced by one month of imprisonment. This imprisonment shall be served consecutively to any other minimum mandatory penalty imposed for a violation of this Section. Any enhanced penalty imposed shall not exceed the maximum sentence allowable by law. During the service of the enhanced penalty, the judge may order the person on house arrest, work release or other conditional release.
- G. If a person is charged with a violation of this Section involving drugs, the fact that the person is or has been entitled to use the drug under the laws of this state shall not constitute a defense against the charge.
- H. The court may establish the terms and time for payment of any fines, fees, assessments and costs imposed pursuant to this Section. Any assessment and costs shall be required to be paid not later than 90 days after imposed, and any remainder of the fine shall be paid prior to the final release of the defendant by the court.
- I. 1. In lieu of payment of a fine imposed pursuant to this Section, the court may order that the person perform community service specified by the court. The person shall receive a credit on the fine imposed in an amount equal to \$5 for each full hour spent by the person in the specified community service. The community service ordered by the court shall be required to be performed not later than one year after the fine is imposed or by an earlier date specified by the court. If by the required date the person performs an insufficient amount of community service to reduce to zero the portion of the fine required to be paid by the person, the remaining balance of the fine shall become due on that date.  
2. The court may, in its discretion, waive any portion of a fine imposed pursuant to this Section, except the \$250 required to be remitted to the state treasurer pursuant to subsection T, upon a showing that the person successfully completed court-ordered education or treatment.



- J. The court shall electronically report every conviction of a violation of this Section to the Division of Vehicles including any finding regarding the alcohol concentration in the offender's blood or breath. Prior to sentencing under the provisions of this Section, the court shall request and shall receive from the:
1. Division of Vehicles a record of all prior convictions obtained against such person for any violation of any of the motor vehicle laws of this state; and
  2. Kansas Bureau of Investigation Central Repository all criminal history record information concerning such person.
- K. Upon conviction of a person of a violation of this Section, the Division of Vehicles, upon receiving a report of conviction, shall:
1. Disqualify the person from driving a commercial motor vehicle under K.S.A. 8-2,142, and amendments thereto; and
  2. Suspend, restrict or suspend and restrict the person's driving privileges as provided by K.S.A. 8-1014, and amendments thereto.
- L. Upon conviction of a person of a violation of this Section, the court may order that the convicted person pay restitution to any victim who suffered loss due to the violation for which the person was convicted.
- M.
1. Upon the filing of a complaint, citation or notice to appear alleging a person has violated this Section, and prior to conviction thereof, a city attorney or designee shall request and shall receive from the:
    - a. Division of Vehicles of vehicles a record of all prior convictions obtained against such person for any violations of any of the motor vehicle laws of this state; and
    - b. Kansas Bureau of Investigation Central Repository all criminal history record information concerning such person.
  2. If the elements of such violation are the same as the elements of a violation of this Section that would constitute, and be punished as, a felony, the city attorney or designee shall refer the violation to the appropriate county or district attorney for prosecution. The county or district attorney shall accept such referral and pursue a disposition of such violation, and shall not refer any such violation back to the city attorney.
- N. No plea bargaining agreement shall be entered into nor shall any judge approve a plea bargaining agreement entered into for the purpose of permitting a person charged with a violation of this Section, to avoid the mandatory penalties established by this Section. This subsection shall not be construed to prohibit an amendment or dismissal of any charge where the admissible evidence is not sufficient to support a conviction beyond a reasonable doubt on such charge.
- O. The alternatives set out in subsection A may be pleaded in the alternative, and city may, but shall not be required to elect one or more of the alternatives prior to submission of the case to the fact finder.

- P. For the purpose of determining whether a conviction is a first, second or third conviction in sentencing under this Section:
1. Convictions for a violation of K.S.A. 8-1567, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits, or entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging any such violations, shall be taken into account, but only convictions or diversions occurring on or after July 1, 2001. Nothing in this provision shall be construed as preventing any court from considering any convictions or diversions occurring during the person's lifetime in determining the sentence to be imposed within the limits provided for a first, second, third, fourth or subsequent offense;
  2. Any convictions for a violation of the following sections occurring during a person's lifetime shall be taken into account:
    - a. Driving a commercial motor vehicle under the influence, K.S.A. 8-2,144, and amendments thereto, or a violation of an ordinance of any city or resolution of any county which prohibits the acts that such section prohibits;
    - b. Operating a vessel under the influence of alcohol or drugs, K.S.A. 32-1131, and amendments thereto;
    - c. Involuntary manslaughter while driving under the influence of alcohol or drugs, K.S.A. 21-3442, prior to its repeal, or subsection (a)(3) of K.S.A. 2011 Supp. 21-5405, and amendments thereto; and
    - d. Aggravated vehicular homicide, K.S.A. 21-3405a, prior to its repeal, or vehicular battery, K.S.A. 21-3405b, prior to its repeal, if the crime was committed while committing a violation of K.S.A. 8-1567, and amendments thereto; and
    - e. Aggravated battery as described in subsection (b)(3) of K.S.A. 21-5413, and amendments thereto;
  3. "Conviction" includes:
    - a. Entering into a diversion agreement in lieu of further criminal proceedings on a complaint alleging a violation of a crime described in subsection (P)(2);
    - b. Conviction of a violation of an ordinance of a city in this state, a resolution of a county in this state or any law of another jurisdiction that would constitute an offense that is comparable to the offense described in subsection (P)(1) or (P)(2);
  4. It is irrelevant whether an offense occurred before or after conviction for a previous offense; and
  5. Multiple convictions of any crime described in subsection (P)(1) or (P)(2) arising from the same arrest shall only be counted as one conviction.
- Q. For the purposes of determining whether an offense is comparable, the following shall be considered:
1. The name of the out-of-jurisdiction offense;
  2. The elements of the out-of-jurisdiction offense; and

3. Whether the out-of-jurisdiction offense prohibits similar conduct to the conduct prohibited by the closest approximate Kansas offense.

R. For the purpose of this Section:

1. "Alcohol concentration" means the number of grams of alcohol per 100 milliliters of blood or per 210 liters of breath;
2. "Imprisonment" ~~shall include~~s any restrained environment in which the court and law enforcement agency intend to retain custody and control of a defendant and such environment has been approved by the board of county commissioners or the governing body of a city; and
3. "Drug" includes toxic vapors as such term is defined in K.S.A. 2010 Supp. 21-36a12, and amendments thereto.

S. On and after July 1, 2012, the amount of \$250 from each fine imposed pursuant to this Section shall be remitted by the judge or clerk of the municipal court to the state treasurer in accordance with the provisions of K.S.A. 75-4215, and amendments thereto. Upon receipt of each such remittance, the state treasurer shall credit the entire amount to the community corrections supervision fund established by K.S.A. 75-52,113, and amendments thereto.

**Section Three:** Interpretation: This Ordinance shall be construed as follows:

A. Liberal Construction: The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

B. Savings Clause: The repeal of any Ordinance or Code Section, as provided herein, shall not revive an Ordinance previously repealed, nor shall the repeal affect any right which accrued, any duty imposed, any penalty incurred or any proceeding commenced, under or by virtue of the Ordinance repealed. Said Ordinance or Code repealed continues in force and effect after the passage, approval, and publication of this Ordinance for the purpose of pursuing such rights, duties, penalties, or proceedings.

C. Invalidity: If for any reason any chapter, article, section, subsection, sentence, portion or part of this Ordinance, or the application thereof to any person or circumstance, is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, City Code or other ordinances.

**Section Four:** Repeal: The existing City Code Sections 3-8-A-14 and 3-8-A-15 are hereby repealed.

**Section Five:** Effective Date: This Ordinance shall become effective on July 1, 2022, upon passage and publication of the ordinance summary in the official City newspaper as provided by State law.

PASSED BY the Governing Body this 21<sup>st</sup> day of June, 2022.

SIGNED BY the Mayor this 21<sup>st</sup> day of June, 2022.

CITY OF LENEXA, KANSAS

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Michael A. Boehm, Mayor

ATTEST:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Elizabeth M. Landau, City Prosecutor