



**MINUTES OF THE
JULY 2, 2024
LENEXA CITY COUNCIL MEETING
COMMUNITY FORUM, 17101 W 87th STREET PARKWAY
LENEXA, KS 66219**

CALL TO ORDER

Mayor Sayers called the meeting to order at 7 PM.

ROLL CALL

Councilmembers Karlin, Charlton, Nicks, Arroyo, Williamson, Denny, and Herron were present with Mayor Sayers presiding. Councilmember Eiterich was absent.

Staff present included Beccy Yocham, City Manager; Todd Pelham, Deputy City Manager; Mike Nolan, Assistant City Manager; Scott McCullough, Community Development Director; Sean McLaughlin, City Attorney; Jennifer Martin, City Clerk; and other City staff.

APPROVE MINUTES

Councilmember Karlin made a motion to approve the June 18, 2024 City Council meeting draft minutes and Councilmember Nicks seconded the motion. Motion passed unanimously.

MODIFICATION OF AGENDA

There were no modifications to the agenda.

APPOINTMENT

Arts Council Appointment - Carol Leligdon

Mayor Sayers recommended Ms. Leligdon for appointment to the Arts Council, replacing Fabiola Riobe who had to resign due to a scheduling conflict. Ms. Leligdon is a lifelong educator who has lived in Lenexa a long time and wants to give back to the community.

Councilmember Nicks made a motion to approve the appointment and Councilmember Charlton seconded the motion. Motion passed unanimously.

PRESENTATIONS

Johnson County Arts & Economic Prosperity (AEP) Study

Sarah VanLanduyt, Executive Director for the Arts Council of Johnson County, presented the findings of the 2023 Arts & Economic Prosperity (AEP) Study, which is conducted every 5 years. She reported that the non-profit arts and culture sector in the region provides almost 9,000 jobs. She also said that although nearly 70% of attendees at arts and culture events are local, non-local attendees spend \$54.64 on average - more than twice as much per person, per event than locals. She reported that people

spent more than \$23 million to attend arts and culture events.

Ms. VanLanduyt thanked the Lenexa Arts Council for its partnership.

Councilmember Nicks talked about how experiencing art changes you and the benefits are not just economic.

Councilmember Arroyo talked about art being a public health issue, not just a luxury, and thanked Ms. VanLanduyt for advocating for social wellness in our communities.

Ms. VanLanduyt thanked Councilmember Arroyo for serving on the committee that produced the cultural arts map.

CONSENT AGENDA

1. Agreement purchasing 6,000 tons of rock salt to be used during the 2024-2025 winter season
This purchase will replenish the City's rock salt storage for treating roads this winter. The award is through a cooperative bid for a total of \$299,400.
2. Community Development Block Grant project extension request with Johnson County for the 2023 CDBG Street Lighting Project
The City must formally request an extension of the Community Development Block Grant (CDBG) funds for any work not completed by December 31, 2023. Due to the extended delay times for the delivery of streetlight poles, the City is requesting that the project completion be extended until November 30, 2024. The City received \$182,863.36 in CDBG funds from Johnson County for the 2023 project.
3. Amendment #1 to the Community Development Block Grant and HOME Investment Partnership Cooperation Agreement with the Board of County Commissioners of Johnson County, Kansas
On May 6, 2024, the U.S. Department of Housing and Urban Development (HUD) issued instructions for qualifications for participation in the Community Development Block Grant (CDBG) Program for fiscal years 2025-2027. This amendment incorporates items from that notice.
4. Amendment One to the Community Improvement District Development Agreement with Ten Ridge, LLC located at the northeast corner of K-10 Highway & Ridgeview Road
In 2022, the City approved an amendment to the Tax Increment Financing Disposition and Development Agreement (TIF DDA) with Ten Ridge, LLC extending the time for performance on the Vista Ridge project; however, no amendments were made at that time to the Community Improvement District Development Agreement (CID DA). The Developer is in compliance with the amended TIF DDA and the proposed amendments will align the performance standards in the CID DA.
5. Amendment One to the TIF Project Plan 10 Disposition and Development Agreement with LUXE, LLC located at the southwest corner of Prairie Star Parkway & Vahalla Street

The City approved this multi-phased project consisting of multi-family villas and commercial uses in June 2022 and entered into a Disposition and Development Agreement (DDA) with Luxe, LLC ("Developer"). The Developer has begun site development work but has requested an amendment to the DDA to extend the time to commence vertical construction and adjust the years the Developer will receive TIF Reimbursement. The proposed amendment would extend the project's commencement date to December 31, 2024 and extend the completion date to December 31, 2027.

6. Amendments to the economic development agreements for the Vista Village project located at the southeast corner of Prairie Star Parkway & Ridgeview Road
 - a. Amendment Two to the Disposition and Development Agreement with Jayhawk Ridge, LLC (Project Plan 5 Ridgeview Mining TIF)
 - b. Amendment Two to the Development Agreement with Jayhawk Ridge, LLC associated with the Jayhawk Ridge Mixed-Use CID Project

The Vista Village project is a multi-phased project consisting of multi-family, retail, dining, and other uses. In 2020, the City approved Ridgeview Mining TIF Project Plan 5 over the Project Area and entered into a Disposition & Development Agreement ("TIF DDA") with Jayhawk Ridge, LLC ("Developer"). The City also approved a Community Improvement District over the same Project area and entered into a Development Agreement with the Developer ("CID DA"). The TIF DDA and CID DA were amended in July 2023 to grant additional time for performance and adjust the TIF increment disbursement to 65% to the Developer and 35% to the City for the remainder of the TIF term. The Developer and tenant have requested an amendment to the TIF DDA and CID DA to extend the time to commence vertical construction. The proposed amendment would extend the commencement date to December 31, 2024. The completion date of December 31, 2026 remains unchanged.
7. Resolution determining the intent of the City to issue approximately \$3 million in industrial revenue bonds (IRBs) to finance the costs of acquiring, constructing, and equipping Lots 5 & 6 for the Vista Village Project

The City received an application from VV South, LLC to issue up to \$3 million in industrial revenue bonds for construction of an approximately 6,600 square foot restaurant/retail building and an approximately 3,600 square foot restaurant/retail building on Lots 5 and 6, respectively, in the Vista Village development located at the southeast corner of Prairie Star Parkway & Ridgeview Road.
8. Resolution determining the intent of the City to issue approximately \$6 million in industrial revenue bonds (IRBs) to finance the costs of acquiring, constructing, and equipping for Lot 7 in the Vista Village Project

The City received an application from VV South, LLC to issue up to \$6 million in industrial revenue bonds for construction of an approximately 15,000 square foot restaurant/brewery building on Lot 7 in the Vista Village development located at the southeast corner of Prairie Star Parkway & Ridgeview Road.
9. Resolution consenting to refinancing of a leasehold mortgage in connection with a

project financed with industrial revenue bonds (Meritex Surface Buildings 3, 4 & 5 Project)

A light industrial/warehouse development located along 99th Street between Ridgeview Road and Britton Street is financed by industrial revenue bonds (IRBs). The developer has requested refinancing and needs the City's consent to do so.

10. Resolution approving the termination of a regulatory agreement and release of leases pertaining to multi-family housing revenue bonds (Rosewood Senior Apartments Project)

The City issued Multifamily Housing Revenue Bonds ("Bonds") in March 2005 related to the Rosewood Place multi-family facility located at 8500 Pflumm Road. The Bonds have been redeemed and the owner has requested termination of the Bond documents.

END OF CONSENT AGENDA

Councilmember Williamson made a motion to approve items 1 through 10 on the consent agenda and Councilmember Denny seconded the motion. Motion passed unanimously.

BOARD RECOMMENDATIONS

11. Ordinance adopting the Lenexa Comprehensive Plan - **CONTINUED FROM THE JUNE 18, 2024 CITY COUNCIL MEETING**

Since 2021, the City has been working on a major update to the Comprehensive Plan ("Plan"). Extensive engagement has taken place over the past three years, and the Planning Commission approved a resolution adopting the proposed Plan at its meeting on June 3, 2024. The Plan will take effect upon the Governing Body passing an ordinance adopting the Plan.

Scott McCullough, Community Development Director, said that the proposed Comprehensive Plan is the culmination of three years of work by many people including residents, business owners and other stakeholders, as well as youth and the development community. He thanked the steering committee, the Planning Commission, the Governing Body for providing input and feedback for this proposed plan. He said the Planning Commission unanimously voted to recommend approval.

Mr. McCullough explained that the Comprehensive Plan is a roadmap for the physical development of the city over the next 20 years, which identifies current and future desires, goals, and needs for the community. This is a topically broad document that is used to analyze zoning, special use permit and land use permit applications, and informs future development proposals.

The Comprehensive Plan is used to coordinate regional initiatives, tell Lenexa's story, and support the Capital Improvement Program and budgeting. Mr. McCullough talked about how the Comprehensive Plan contains the Future Land Use (FLU) Map and is used when working with the Kansas Department of Transportation (KDOT) on the K-10 Highway Study. It is the foundation for zoning code and subdivision regulations and helps identify future studies.

Mr. McCullough reviewed the project objectives to reflect and implement Vision 2040 values; acknowledge market trends; incorporate sustainable goals and practices; accommodate changing technology in transportation and building practices; and create a regulatory framework that encourages a diverse economy, housing choice and a high quality of life.

He also reviewed the plan's highlights that include a vision statement with 14 goals and associated policy statements; an area of change map; a revised transportation network and recreation trail maps; and incorporated policies for complete neighborhoods, missing middle housing, context sensitive design, Vision 2040 values and nodes, encouraging appropriate redevelopment of commercial areas, expanding recreational trails, strengthening policies that model sustainability throughout the plan, and annual reviews and implementation.

Mr. McCullough presented the vision statement, highlighting the following key phrases:

- welcoming to all,
- attainable housing choices,
- Complete Streets,
- variety of employment opportunities,
- sustainable development practices, and
- public spaces for socializing and enjoying the outdoors.

Mr. McCullough said he would not go through all the goals and policies, which were reviewed in a previous meeting, but said that they all relate to the five Vision 2040 themes that came directly from the Lenexa community, residents, and businesses:

- vibrant neighborhoods,
- healthy people,
- thriving economy,
- integrated infrastructure and transportation, and
- inviting places.

He presented the Areas of Change Map which reflected the development areas changing in the proposed Comprehensive Plan. He said staff has worked with owners of these properties, looked at the market, and negotiated and made changes. He then presented the revised FLU Map, which is the one thing most people refer to in the Comprehensive Plan. He said they added the Vision 2040 Neighborhood Nodes Map to the Comprehensive Plan as an enhancement, and talked about the what nodes are and how they are intended to function.

Mr. McCullough presented the Framework Map for Housing and Neighborhoods to highlight the effort to get mixed-income neighborhoods and more housing choices, as well as higher amenities. He said there would be future code updates to address some of these issues.

Councilmember Karlin asked if the context sensitive infill is similar to a Planned Urban Development (PUD) and Mr. McCullough responded that it is one tool to use to look at the context of an area and creatively address it to mitigate impacts where there are

compatible uses that need help with transitioning because issues such as height, intensity, or density.

Mr. McCullough presented the Commercial and Employment Areas Framework Map and talked about areas where new development is expected, infrastructure deficiencies, policies looking at existing development, support of out lot development in large, existing parking lots. He said this is laying the regulatory framework for developers to thrive in Lenexa.

He then presented the Transportation and Mobility Network Map and talked about the state highways, arterial and collectors streets and how they inform development, right of way needed, and working with partners on interchange locations and future infrastructure and development.

Mr. McCullough said the future will bring a lot of opportunity to develop more parks, trails and enhance the quality of life of Lenexans. He presented the Parks, Open Space, and Recreation Map and noted that this works in conjunction with the Parks Master Plan.

Mr. McCullough talked about the Comprehensive Plan being a living document that is regularly reviewed and referenced, reflecting current and future goals. He reiterated that it is a broad guide that reflects the ideal pattern for today, but flexibility is needed to consider other ideas and be willing to go in different directions.

Councilmember Arroyo asked about the difference between the Comprehensive Plan and Vision 2040.

Mr. McCullough explained that Vision 2040 was driven by a community process, longer period of public engagement, and is the community's plan that is incorporated into other plans like Comprehensive Plan. He said vision planning is not something all cities do, but most have Comprehensive Plans because they have subdivision regulations. The Comprehensive Plan is intended to do more technical things that the vision plan does not get into.

Beccy Yocham, City Manager, said that Vision 2040 is unique to Lenexa, and the Parks Master Plan and the Comprehensive Plan refer to it. It is the highest level with the broadest perspective and is most aspirational and visionary of the plans that informs the others below it, but a Comprehensive Plan is required because of the City's zoning and planning authority.

Councilmember Charlton asked about the level of involvement in the process for western-Lenexa residents. He said his constituents ask when a grocery store or other retail will be built. He shared his concern about retail areas changing to business park in the proposed plan.

Mr. McCullough talked about the creation of an urban community that includes residential, retail and services, jobs and economic development, while maintaining some commercial areas. He said that many residents in the western area have attended meetings and made their voices heard on issues. He said that although he

did not hear a lot about residents wanting more commercial, staff knows having commercial is important because the City does not want a large area of western Lenexa to be without services such as daycare, coffee shops, medical services, and everything that people need to enjoy a high quality of life.

Councilmember Charlton talked about the commercial nodes being taken away in the northeast corner of K-10 Highway and K-7 Highway and the great opportunity that has been balanced with the business park on the northwest corner with the same potential uses in the future. He said he is concerned about having a big box fulfillment center at those intersections when they could be some really wonderful, major, mixed-use uses.

Mr. McCullough talked about the market not delivering the large expanse of regional commercial that was planned for that area, the way that online shopping is trending upward, and fulfillment centers replacing retail. He added that staff is planning for a more clear reality while maintaining enough commercial area for a few grocery stores. He also noted that the City does not determine what is built where, but instead lays the framework and plan, and encourages developers to do different things.

Mr. McCullough said they have tried to maintain enough commercial area for grocery stores, as well as some medium and smaller-sized retail.

Ms. Yocham said that this plan is about rightsizing and making sure there are adequate spaces for those uses to go, but the northeast corner of K-7 and K-10 had enough retail for the Oak Park Mall development, which are not being built anymore. She added that the FLU map is one small piece of this very big and broad document that gives all sorts of important guidance and strategies around complete neighborhoods. While it does not lay out exactly where a grocery store would go, it provides multiple locations where one could go, as well as the policy guidance and implementation steps necessary to get that.

Councilmember Charlton said he feels the northeast and northwest corners of K-10 and K-7 Highways have too much development with this plan. He said he knows staff says fulfillment centers would be a right use there and economic viability is wanted, but asked if anything like the Bluehawk development in Overland Park been envisioned in Lenexa.

Mr. McCullough said that if an idea like that were to be presented, staff would certainly consider it through an iterative process and look at the context, making decisions based on that. He talked about how staff looks at the context around intensity, traffic generation and land use, and determines what would be a good use when considering proposed developments.

Councilmember Charlton said he thinks designating this area as business park will make it easier for a fulfillment center to come in and build because it would correspond with the Comprehensive Plan and have less push back.

Mayor Sayers said any proposed development would still have to go through every stage of the planning process and be approved by staff, recommended for approval

by the Planning Commission, and approved by the Governing Body.

Councilmember Nicks concurred with Councilmember Charlton that once a use is set in the plan, it is more likely to be approved. He asked if restaurants or commercial would be allowed in the Business Park.

Mr. McCullough responded affirmatively and talked about Business Park being a use that is in demand and this area being an appropriate location for it. He said that if the market shifts in the future, staff would give consideration to something else. He added that this specific area needs significant and costly infrastructure to support any development consideration to move forward.

Councilmember Nicks said that he feels essentially any project submitted that aligns with the use would be a done deal.

Mr. McCullough said that from the steering committee, Planning Commission, and staff perspective this is a reasonable land use pattern and considered ideal for today's market and circumstances.

Mayor Sayers invited public comment.

Greg Sieve, 9885 Saddletop Street, said he was speaking on behalf of the Canyon Creek Highlands neighborhood in regards to their concerns about the area to the south. He thanked Mr. McCullough for being open and accessible to talk to about these concerns. He talked about their concerns about 99th Street and keeping it from becoming a major arterial street for semi traffic for fulfillment centers and, after talking with Mr. McCullough and the Planning Commission about the transportation and mobility plan, learning there are opportunities for that traffic to use Dunraven Street, Gleason Road, or Clare Road to avoid creating a dangerous school crossing, as well as limiting semis on Gleason Road by the school. He said his neighborhood feels staff is open to listening to their concerns and developing solutions to address them.

Mr. Sieve said that their other concern is their subdivision borders Business Park and that they would like to propose adding medium-density to the east of Gleason Road to graduate the densities. Should future Business Park development occur, they would like to trust that the City Council would enforce the Comprehensive Plan requirements for graduated increases in density and buffers.

Mayor Sayers emphasized that this is all considering the big picture and the details of every application are reviewed and some do not even make it to the City Council.

Councilmember Nicks asked Mr. McCullough talk about Mr. Sieve's comment about Dunraven Street.

Mr. McCullough replied that Mr. Sieve's comment was regarding trucks using Dunraven Street to get to K-7 Highway. The concerns are truck traffic along 99th Street and other local streets. This high-level plan does not address the specific details, but those concerns could be considered and potentially mitigated as future proposed development plans are reviewed.

Councilmember Nicks said that he has followed Mr. Sieve and Mr. McCullough's conversations and he sees the trust that is being built. He talked about the buffering that was achieved with the Stortropolis project and how polite, respectful conversation can be impactful in the outcomes.

Councilmember Denny said he was pleased to see the plan at this stage and all the work that has been put into it. He said this is a good plan for what might be possible in the future and also a good tool for talking with other agencies like KDOT. He added that it is a guiding document showing what is being planned for in the future.

Councilmember Nicks thanked everyone who worked on this over the last few years. He said he is against the high density and will vote against it because of that; having that designated on the FLU map makes that type of development almost a done deal, and enough high-density developments are already built or planned. He talked about Vision 2040, for which he served as the Governing Body liaison, and how there was only one reference to high density – if they are built, to make them look consistent with single family housing. He added that he does not think residents want high density apartments. Although he wants to support this plan and the three years of work that have gone into it, he does not want the high density included.

Councilmember Nicks made a motion to instruct City Manager Yocham to instruct staff to eliminate the 207 acres of additional high-density apartments from the plan and Councilmember Karlin seconded the motion.

Sean McLaughlin, City Attorney requested a recess for staff to discuss how to proceed. Mayor Sayers called a 5 minute recess at 8:06 PM. An electrical power outage occurred during the recess.

Mayor Sayers called the meeting back to order at 8:17 PM.

Ms. Yocham talked about how the statute that governs Comprehensive Plan approvals gives the City Council the ability to accept the Planning Commissions' recommendation, to override it, or to remand it back to the Planning Commission. She said that what Councilmember Nicks has moved to do is not something that can be done because of the complexity of the process creating this plan. If that is the direction the Council would like to take, staff recommends the motion be withdrawn and a new motion made to remand this item back to the Planning Commission to study how to make that change.

Councilmember Nicks withdrew his motion and Councilmember Karlin withdrew his second of the motion.

Councilmember Nicks made a motion to remand Item 11 to the Planning Commission and Councilmember Karlin seconded the motion.

Councilmember Denny said that plenty of community and staff input has been received and he will vote in favor of adopting this plan as presented. He was not in favor of remanding to the Planning Commission.

Councilmember Williamson agreed with Councilmember Denny and said she was not in favor of a remand and would vote to approve the plan as presented.

Councilmember Herron said he believes this plan reflects what the people who participated in Vision 2040 wanted and this is not a fixed document, but a guideline to reference. He was not in favor of the remand and said he would vote to approve the plan as presented.

Councilmember Arroyo said she would vote in favor of plan as presented.

Councilmember Charlton said he has a different vision for the K-10 Highway and K-7 Highway interchange and thinks there are other opportunities for that area. He would also prefer not to see the truck traffic there. He said because of those things, he would vote no for the proposed plan.

Councilmember Karlin said that he did not see the remand producing any different results and did not believe it would be worth the effort.

Motion failed 1-6 with only Councilmember Nicks voting in favor.

Councilmember Denny made a motion to approve Item 11 and Councilmember Williamson seconded the motion.

Councilmember Karlin said that although the K-10 Highway and K-7 Highway interchange is not a front door to the city, it is a main interchange and he would like to see that area developed with high-quality, beautiful buildings. He said he really likes the complete neighborhoods and addressing the “missing middle” parts of the plan. He talked about the market driving development and the City getting creative with incentives, attainable housing, and driving development of what the City wants. He added that he would like to make sure that churches in residential districts are on arterial streets. He thanked everyone who worked on the plan for their countless ours and said this is a great plan to look forward to.

Mayor Sayers talked about Lenexa working though things longer than other cities or than people might expect to achieve results that everyone can be proud of, respectful dialog, fully vetting the process and hearing from all stakeholders, and moving forward in a positive way.

Motion passed 5-2 with Councilmembers Nicks and Charlton voting against.

PUBLIC HEARINGS

12. Vacation of right-of-way of Collins Road near the northwest corner of 99th Street & Clare Road

- a. Public hearing to consider a request to vacate right-of-way

b. Ordinance vacating the right-of-way

The applicant requests approval to vacate right-of-way of Collins Road near the northwest corner of 99th Street and Clare Road due to the re-alignment of Collins Road as Clare Road.

Stephanie Sullivan, Planning Manager, said this is a right-of-way vacation request for what was known as Collins Road, near the northwest corner of 99th Street & Clare Road.

Ms. Sullivan presented a location map reflecting the area, which is north of 99th Street that is under construction currently and west of Clare Road. She said there is a 40-foot wide strip running north and south about 1,000 feet long, which is part of the Canyon Creek by the Lake Second Plat.

Ms. Sullivan reviewed the four standards for right-of-way vacations and said that no utilities have objected to this vacation.

Ms. Sullivan said that both staff and the Planning Commission recommend approval of the vacation.

Mayor Sayers opened the public hearing at 8:33 PM.

No one from the public spoke.

The public hearing closed at 8:33 PM.

Councilmember Karlin made a motion to approve Item 12b and Councilmember Denny seconded the motion. Motion passed unanimously.

NEW BUSINESS

There was no new business.

COUNCILMEMBER REPORTS

Mayor Sayers reminded everyone about the Community Days Parade on Thursday, July 4th.

STAFF REPORTS

13. Ad Astra Reconstruction Project update

Staff and the project design team will provide an update on the public engagement process including results from the first open house, community survey, and design workshop.

Mr. Wagler introduced Brian Garvey, SFS Architecture, to talk about the public engagement process for the Ad Astra Reconstruction Project. He said they have recently completed the first of three rounds of public engagement from which they have received good feedback. He talked about the project team of SFS Architecture, Water Technology, Confluence, GBA, and others. He said that staff would propose

contracting with Prosser Wilbert at a future meeting. He thanked the project advisory committee, which includes Councilmembers Arroyo and Williamson and four residents, for their work and passion for the project.

Mr. Wagler said there is a \$10 million budget for this project in the 2025 Capital Improvement Program, specifically \$8 million for the pool and \$2 million for addressing site issues and demolition. If there is anything left of the \$2 million, it would be used to make improvements outside of the pool fence. He added that a top priority is to build a new standalone restroom for the park with this project, which will be a pilot project for an off-grid restroom with solar panels and possibly a year-round option.

Discussion followed about ADA accessibility, site improvements, the potential for other park improvements in addition to the pool.

Mr. Garvey reviewed the project schedule and three-part engagement process, saying that construction will begin spring 2025 with a grand opening May 2026. He said that Open House #1 included a dot-polling exercise and there were 49 attendees. The attendees voted for pool types (zero depth entry ranked #1), amenities (large shade structure ranked #1), programming (open swim time ranked #1), and design theme (cosmos ranked #1). He said that Online Survey #1 had 818 respondents and asked the same questions from the Open House. The results were the same except for the theme, which beach ranked #1. He said they also had a pop-up at Sar-Ko-Par Aquatic Center to gather some feedback.

Mr. Garvey said that development of the preliminary planning concept is next with survey #2 open July 17th through July 31st. He added that Community Meeting #2 would be on July 24th.

END OF RECORDED SESSION

BUSINESS FROM FLOOR

There was no business from the floor.

ADJOURN

Councilmember Arroyo made a motion to adjourn and Councilmember Nicks seconded the motion. Motion passed unanimously.

The meeting adjourned at 8:56 PM.

/s/ Jennifer Martin
City Clerk