Agenda

REGULAR MEETING **GOVERNING BODY** **CITY OF LENEXA, KANSAS** **17101 W. 87th STREET PARKWAY**	**JULY 2, 2024** **7:00 PM** **COMMUNITY FORUM**

CALL TO ORDER	Pledge of Allegiance
ROLL CALL	
APPROVE MINUTES	June 18, 2024 City Council meeting draft minutes (located in the Appendix)
MODIFICATION OF AGENDA	
APPOINTMENT	Arts Council Appointment - Carol Leligdon
PRESENTATIONS	Johnson County Arts & Economic Prosperity Study - Sarah VanLanduyt, Executive Director of Johnson County Arts Council (presentation located in the Appendix)
CONSENT AGENDA	**Item Numbers 1 through 10** 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. 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 Ridgview 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

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.

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.

NEW BUSINESS

None

COUNCILMEMBER REPORTS

STAFF REPORTS

13. Ad Astra Reconstruction Project update

END OF RECORDED SESSION

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.

ADJOURN

APPENDIX

14. June 18, 2024 City Council meeting draft minutes

15. Arts Council Appointment Memo

16. Johnson County Arts Council Presentation

17. Item 3 -- CDBG and HOME Cooperation Agreement - Amendment #1

18. Item 4 -- Ten Ridge, LLC CID Development Agreement - Amendment One

19. Item 5 -- LUXE, LLC TIF Project Plan 10 Disposition and Development Agreement - Amendment One

20. Item 6 -- Jayhawk Ridge, LLC Disposition and Development Agreement - Amendment Two

21. Item 6 -- Jayhawk Ridge, LLC CID Development Agreement - Amendment Two

22. Item 13 -- Ad Astra Reconstruction Presentation

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

ASSISTIVE LISTENING DEVICES ARE AVAILABLE FOR USE IN THE COMMUNITY FORUM BY REQUEST.

CITY COUNCIL
MEMORANDUM

ITEM 1

SUBJECT: Agreement purchasing 6,000 tons of rock salt to be used during the 2024-2025 winter season

CONTACT: Nick Arena, Municipal Services Director

DATE: July 2, 2024

ACTION NEEDED:
Approve the agreement purchasing 6,000 tons of rock salt to be used during the 2024-2025 winter season.

PROJECT BACKGROUND/DESCRIPTION:
Crews responded to eight weather events during the 2023-2024 winter season using approximately 4,000 tons of rock salt.

This purchase of 6,000 tons of rock salt will restock what was used from the previous winter season and fully restock all the City's locations for the upcoming 2024-2025 winter season. The salt will be stored in the structures listed below.

Location	Capacity in Tons
Meritex Underground	8,000
Service Center (1)	4,000
Service Center (2)	750
Freedom Fields	750

The City of Overland Park was the lead agency for the multi-city bid for rock salt in 2023. Other participating agencies included the Blue Valley School District, Johnson County, Leawood, Mission, Olathe, Roeland Park, and Shawnee. The City awarded a bid to Independent Salt Company in 2023. The agreement allowed the City the option to renew the terms of the contract for two additional one-year periods. This agreement uses the City's standard form and is available for review in the City Clerk's office.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:
The contract price per ton in 2023 and 2024 was $49.90. The price includes delivery of the salt to any location. The total purchase price is $299,400. There is sufficient funding in the Snow Operations budget for this purchase.

STAFF RECOMMENDATION:
Approve the agreement.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040	**Guiding Principles**
Healthy People	Superior Quality Services

ATTACHMENTS

None

CITY COUNCIL
MEMORANDUM

ITEM 2

SUBJECT: Community Development Block Grant project extension request with Johnson County for the 2023 CDBG Street Lighting Project

CONTACT: Tim Green, Deputy Community Development Director

DATE: July 2, 2024

ACTION NEEDED:
Approve the Community Development Block Grant (CDBG) project extension request with Johnson County for the 2023 CDBG Street Lighting Project.

PROJECT BACKGROUND/DESCRIPTION:
Per the Subrecipient Agreement executed on August 1, 2023, the City received $182,863.36 in CDBG funds from Johnson County for the 2023 CDBG Street Lighting Project: Long Street, Rosehill Road, Gillette Street, and 89th Street ("Project"). The Project is currently under construction. The contractor is installing the underground portion of the Project and expects to complete this phase of the Project by the end of June. However, the contractor was recently made aware that the order for the streetlight poles was never released. As a result, delivery of the streetlight poles has been delayed, and the poles won't be delivered until this fall. The anticipated Project completion date is November 30, 2024.

The City must formally request an extension of the CDBG funds for any work not completed by December 31, 2023. Due to the extended delay times for the delivery of the street lighting equipment, the City formally requested an extension on November 21, 2023 to move the project completion to June 30, 2024. Additional delays in the delivery of the streetlight poles have pushed the completion date beyond June 30, 2024. Therefore, the City is formally requesting a second extension to November 30, 2024.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:
This Project is included in the 2024-2028 Capital Improvement Program (Project No. 60042).

City of Lenexa (Project No. 60042)	$287,612.64
Johnson County CDBG Funds	$182,863.36
Total Construction Cost	$470,476.00

STAFF RECOMMENDATION:
Approve the CDBG project extension request and authorize the Mayor to sign the amendment as approved by the City Attorney.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040	**Guiding Principles**
Vibrant Neighborhoods	Strategic Community Investment

ATTACHMENTS

1. Map
2. Extension Request Letter

Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

2023 CDBG Streetlighting Project

Aerial/Vicinity Map

N

0 165 330 660 Feet

Lenexa KANSAS

June 25, 2024

Ms. Hilary Rose-Holland
Community Development
Johnson County, Kansas
111 S. Cherry, Suite 2000
Olathe, KS 66061

RE: 2023 CDBG Street Lighting Project
Long Street, Rosehill Road, Gillette Street & 89th Street

Dear Ms. Rose-Holland:

Per the Subrecipient Agreement executed on August 1, 2023, the City of Lenexa received $182,863.36 in Community Development Block Grant (CDBG) funds from Johnson County for the 2023 CDBG Street Lighting Project – Long Street, Rosehill Road, Gillette Street & 89th Street. The contractor is currently working on the underground portion of the project and expects to complete this phase of the project by the end of June. However, delivery of the street light poles has been delayed until this fall. The City respectfully requests that the project completion be extended until November 30, 2024.

Pursuant to Article I (F) of the sub-recipient agreement, the City of Lenexa formally requests an extension of the CDBG funds into November 2024.

Should you have any questions, please contact Tim Green or Paula Parke.

Sincerely,

CITY OF LENEXA

Julie Sayers
Mayor

APPROVED AS TO FORM:

_____
Sean McLaughlin, City Attorney

CITY COUNCIL MEMORANDUM

ITEM 3

SUBJECT: Amendment #1 to the Community Development Block Grant and HOME Investment Partnership Cooperation Agreement with the Board of County Commissioners of Johnson County, Kansas

CONTACT: Tim Green, Deputy Community Development Director

DATE: July 2, 2024

ACTION NEEDED:
Approve Amendment #1 to the Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) Cooperation Agreement with the Board of County Commissioners of Johnson County, Kansas.

PROJECT BACKGROUND/DESCRIPTION:
CDBG is a federal program administered by the Department of Housing and Urban Development (HUD). It provides funding to local governments and states to support a wide range of community development activities aimed at improving the quality of life for low- and moderate-income individuals and neighborhoods.

HOME grant programs fund a wide range of activities including building, buying, and/or rehabilitating affordable housing for rent or home ownership or providing direct rental assistance to low-income people. HOME is the largest federal block grant to state and local governments designed exclusively to create affordable housing for low-income households.

Due to the complexity and staff requirements to manage these programs in-house, Lenexa deferred its status as a Metropolitan City in 2020 and elected to be included in the Urban County (Johnson County) for purposes of the CDBG and HOME grants. The City signed a Cooperation Agreement with Johnson County of May 19, 2020. Johnson County is requesting the following amendments to the Cooperation Agreement:

- Requires the terminating party to send a copy of the Notice of Termination to the HUD field office by the date specified in HUD's Urban County Qualification Notice.

- Implementing regulations in 24 CFR Part 6, which incorporates the Rehabilitation Act of 1973, the Americans with Disabilities Act of 1974, the Age Discrimination Act of 1975 and Section 3 of the Housing and Urban Development Act of 1968.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

CDBG Program	$180,000/year*
HOME Investment Partnership	$71,600/year*
City of Lenexa HOME match	$17,900/year (25% of HOME grant)

*Estimated amount. The actual CDBG Program and HOME Investment Partnership sub-grants to the City shall be based upon the City's percentage of the Johnson County population according to the 2010 U.S. Census Bureau data.

STAFF RECOMMENDATION:
Approve Amendment #1 to the CDBG and HOME Cooperation Agreement and authorize the Mayor to sign the amendment as approved by the City Attorney.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040	**Guiding Principles**
Vibrant Neighborhoods	Inclusive Community Building
	Strategic Community Investment

ATTACHMENTS
1. Amendment located in the Appendix

CITY COUNCIL
MEMORANDUM

ITEM 4

SUBJECT: Amendment One to the Community Improvement District Development Agreement with Ten Ridge, LLC located at the northeast corner of K-10 Highway & Ridgeview Road

CONTACT: Sean McLaughlin, City Attorney

DATE: July 2, 2024

ACTION NEEDED:
Approve Amendment One to the Community Improvement District Development Agreement with Ten Ridge, LLC ("Developer") located at the northeast corner of K-10 Highway & Ridgeview Road.

PROJECT BACKGROUND/DESCRIPTION:
The City approved a Community Improvement District and entered into a Development Agreement ("CID DA") with the Developer on November 3, 2020 for the Vista Ridge project located on 15 acres on the northeast corner of K-10 Highway & Ridgeview Road ("Project"). The City also approved Ridgeview Mining TIF Project Plan 6 and entered into a Disposition and Development Agreement with the Developer on September 15, 2020 covering the Project area ("TIF DDA"). The Project includes the construction of multiple buildings containing a mix of restaurant, retail, hotel and other commercial uses and associated infrastructure. The Project involves several phases of construction. The Developer has substantially completed the site development and several buildings for the Project, and is currently under construction on several additional buildings.

On July 19, 2022, the City approved an amendment to the TIF DDA extending the time for performance on the Project. The City and Developer, however, did not make the corresponding time for performance amendments to the 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. All other provisions of the CID DA shall remain the same. The proposed amendment changes the following times for performance standards:

Phase	Original Date	Amended Date
Vertical Construction	12/31/2021	12/31/2022
Phase 1 Substantial Completion	12/31/2024	12/31/2025
Phase 2 Substantial Completion	12/31/2027	12/31/2027

FINANCIAL IMPLICATIONS/FUNDING SOURCES:
The CID improvements will be funded solely with a 1% CID sales tax over the property located within the CID.

STAFF RECOMMENDATION:
Approve Amendment One to the CID DA with Ten Ridge, LLC for the Vista Ridge Community Improvement District and authorize the Mayor to sign the amendment as approved by the City Attorney.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040	**Guiding Principles**
Thriving Economy	Responsible Economic Development

ATTACHMENTS
1. Map
2. Amendment located in the Appendix

Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

Ten Ridge

N

0 150 300 600
Feet

Lenexa
KANSAS

CITY COUNCIL
MEMORANDUM

ITEM 5

SUBJECT: 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

CONTACT: Sean McLaughlin, City Attorney

DATE: July 2, 2024

ACTION NEEDED:
Approve Amendment One to the TIF Project Plan 10 Disposition and Development Agreement with LUXE, LLC ("Developer") located at the southwest corner of Prairie Star Parkway & Vahalla Street.

PROJECT BACKGROUND/DESCRIPTION:
Ridgeview Mining TIF Project Plan 10 covers approximately 25 acres located at the southwest corner of Prairie Star Parkway & Vahalla Street and is a multi-phased project consisting of multi-family villas and commercial uses ("Project"). The City approved the Project on June 7, 2022 and entered into a Disposition and Development Agreement (DDA) with the Developer. The Developer has begun site development work on the Project, 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 commencement date from December 31, 2023 to December 31, 2024 and extend the completion date of December 31, 2026 to December 31, 2027.

Additionally, the Developer is requesting its TIF reimbursement years be adjusted by one year from years two to 11 (total of 10 years) of the TIF Term to years three through 12 of the TIF Term. This is the first amendment to the DDA and City staff is comfortable with proposed amendments because the Developer has begun site development and has submitted applications for industrial revenue bonds for the Project. All other provisions of the DDA shall remain the same.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:
Project Plan 10 identifies private reimbursable TIF expenses of $4,650,000 and public reimbursable TIF expenses of $5 million. The TIF increment plus other available private revenues and funds are expected to be sufficient to pay for the eligible reimbursable expenses. This is a pay-as-you-go TIF, so reimbursement is only made to the extent TIF revenues are actually received by the City.

STAFF RECOMMENDATION:
Approve Amendment One to the DDA with LUXE, LLC for TIF Project Plan 10 and authorize the Mayor to sign the amendment as approved by the City Attorney.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040	Guiding Principles
Thriving Economy	Responsible Economic Development

ATTACHMENTS

1. Map
2. Amendment located in the Appendix

Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

Villas at Vista Village

Ridgeview Mining TIF Project Plan 10

N

0 200 400 800 Feet

Lenexa KANSAS

CITY COUNCIL
MEMORANDUM

ITEM 6

SUBJECT: Amendments to the economic development agreements for the Vista Village project located at the southeast corner of Prairie Star Parkway & Ridgeview Road

CONTACT: Sean McLaughlin, City Attorney

DATE: July 2, 2024

ACTION NEEDED:
a. Approve Amendment Two to the Disposition and Development Agreement with Jayhawk Ridge, LLC (Project Plan 5 Ridgview Mining TIF); and

b. Approve Amendment Two to the Development Agreement with Jayhawk Ridge, LLC associated with the Jayhawk Ridge Mixed-Use CID Project.

PROJECT BACKGROUND/DESCRIPTION:
The Vista Village project covers approximately 25 acres located at the southeast corner of Prairie Star Parkway & Ridgeview Road and is a multi-phased project consisting of multi-family, retail, dining, and other uses ("Project"). The City approved Ridgeview Mining TIF Project Plan 5 over the Project area on April 7, 2020 and the City entered into a Disposition and Development Agreement ("TIF DDA") with Jayhawk Ridge, LLC ("Developer") to develop the Project. The City also approved a Community Improvement District over the same Project area on July 7, 2020 and entered into a Development Agreement with the Developer ("CID DA"). The Project started during the height of the Covid-19 pandemic and experienced development delays due to uncertainty in the retail and commercial real estate market and the TIF DDA and CID DA were amended on July 18, 2023 to grant additional time for performance and adjust the TIF increment disbursement from a 50/50 split between Developer and City to 65% to the Developer and 35% to the City for the remainder of the TIF term. These amendments were also approved in order to enable the Developer to secure a lease with KC Bier to construct a restaurant/brewery that would serve as a significant draw to the area.

The Developer and KC Bier are now ready to start construction of these components of the Project but have requested amendments to the TIF DDA and the CID DA with the City to extend the time to commence vertical construction on the Project. The proposed amendment would extend the commencement date from May 31, 2024 to December 31, 2024. The completion date of December 31, 2026 remains unchanged. This is the second amendment to the TIF DDA and CID DA and City staff is comfortable with proposed amendments because the Developer has begun site development and has submitted applications for industrial revenue bonds for the Project. All other provisions of the TIF DDA and CID DA shall remain the same.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:
The TIF revenues will be split 65% to the Developer and 35% to the City. The maximum reimbursable TIF expenses total $12 million of which $7 million are private (Developer) TIF eligible costs and $5 million are public (City) TIF eligible costs. The TIF costs exceed the estimated TIF revenue and the Developer will use

private funds, revenues, and financing to pay for the approved TIF reimbursable expenses that exceed the actual TIF increment.

The CID improvements will be funded solely with a 1% CID sales tax over the property located within the CID.

STAFF RECOMMENDATION:
Approve the amendments to the TIF DDA and CID DA with Jayhawk Ridge, LLC for the Vista Village Project and authorize the Mayor to sign the amendments as approved by the City Attorney.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040	**Guiding Principles**
Thriving Economy	Responsible Economic Development

ATTACHMENTS
1. Map
2. DDA Amendment located in the Appendix
3. CID Amendment located in the Appendix

Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

Vista Village (fka Jayhawk Ridge)

N

0 100 200 400 Feet

Lenexa KANSAS

CITY COUNCIL
MEMORANDUM

ITEM 7

SUBJECT: 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

CONTACT: Sean McLaughlin, City Attorney

DATE: July 2, 2024

ACTION NEEDED:
Adopt a 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 in the Vista Village Project ("Project").

PROJECT BACKGROUND/DESCRIPTION:
The City received an application from VV South, LLC to issue up to $3 million in IRBs 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. Since the Project includes retail uses, the City published notice for the proposed resolution of intent to issue the IRBs in the Legal Record on June 18, 2024 in accordance with state statute. The applicant requested the issuance of IRBs to receive a sales tax exemption on the purchase of construction materials for the project.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:
IRBs are not backed by the full faith and credit of the City. The applicant is responsible for repayment of the bonds and all fees related to the bond issue.

STAFF RECOMMENDATION:
Adopt the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040	Guiding Principles
Thriving Economy	Responsible Economic Development

ATTACHMENTS
1. Map
2. Resolution

Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

Vista Village (fka Jayhawk Ridge)

Lots 5 & 6

0 100 200 400 Feet

Lenexa KANSAS

RESOLUTION NO. _____

A RESOLUTION DETERMINING THE INTENT OF THE CITY OF LENEXA, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE APPROXIMATE PRINCIPAL AMOUNT OF $3,000,000 TO FINANCE THE COSTS OF ACQUIRING AND EQUIPPING CONSTRUCTION MATERIALS FOR A RESTAURANT/RETAIL PROJECT FOR THE BENEFIT OF VV SOUTH, LLC (VISTA VILLAGE PROJECT – LOTS 5 & 6).

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

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

WHEREAS, VV South, LLC, a Kansas limited liability company (the "Company"), made application requesting the City issue its taxable industrial revenue bonds in one or more series in the aggregate principal amount of approximately $3,000,000 (the "Bonds") for the purpose of financing the cost of acquiring and equipping construction materials for an approximately 6,600 s.f. restaurant/retail building and an approximately 3,600 s.f. restaurant/retail building on Lots 5 and 6, respectively, in the Vista Village development located at the southeast corner of Prairie Star Parkway and Ridgeview Road (the "Project") and continue to lease the Project to the Company or its successors and assigns, subject to City consent and all pursuant to the Act; and

WHEREAS, the Company intends to lease portions of the Project to retailers as defined in K.S.A. 79-3602; and

WHEREAS, in accordance with K.S.A. 12-1744e, the City published notice in the official city newspaper of its intent to issue Bonds and lease the Project to the Company; and

WHEREAS, it is found and determined to be advisable and in the interest and for the welfare of the City and its inhabitants that the City finance the costs of the Project by the issuance of Bonds under the Act in an approximate principal amount of $3,000,000, such Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the City to the Company or its successors and assigns.

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

Section 1. **Approval of Project**. The Governing Body of the City finds and

determines that the acquisition and equipping construction materials for the Project will promote, stimulate and develop the general welfare and economic prosperity of the City through the promotion and advancement of physical or mental health, industrial, commercial, agricultural, natural resources or recreation development of the City and the issuance of the City's Bonds to pay such costs will be in furtherance of the public purposes set forth in the Act.

Section 2. **Intent to Issue Bonds**. The Governing Body of the City determines and declares the intent of the City to acquire and quip the Project using the proceeds of the Bonds to be issued and used in accordance with the Act.

Section 3. **Provision for the Bonds**. Subject to the conditions of this Resolution, the City expresses its intent to: (i) issue its Bonds to pay the costs of acquiring, constructing and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the City; (ii) provide for the base lease from the Company to the City and a lease (with an option to purchase) of the Project from the City to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the City and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. **Conditions to Issuance**. Issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to (i) passage and publication of an ordinance authorizing the Bonds and obtaining any other necessary governmental approvals; (ii) agreement by the City, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof; and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project, including, but not limited to, provisions relating to the security for the payment of the Bonds, and provisions relating to the maintenance of the Project; (iii) the Company’s compliance with the City’s policies relating to the issuance of industrial revenue bonds, including payment of the City’s origination fee and all costs of issuance; and (iv) delivery of an opinion of Bond Counsel with respect to the validity of the Bonds in a form acceptable to the City and the purchaser of the Bonds and delivery of an opinion from counsel to the Company for the benefit of the city in a form acceptable to the City..

Section 5. **Sale of the Bonds/Authority to Proceed.** The sale of the Bonds shall be the responsibility of the Company and shall be privately place with the Company, an affiliate of the Company or Company’s lender; provided, however, all arrangements for the sale of the Bonds shall be acceptable to the City. The Company is authorized to proceed with the acquiring and equipping of construction materials for the Project, including the necessary planning and engineering for the Project and entering into contracts and purchase orders in connection therewith and to advance such funds as may be necessary to accomplish such purposes, and to the extent permitted by law, the Company may be reimbursed for such expenditures out of the proceeds of the Bonds, when and if issued, to the extent permitted by law. Notwithstanding such authorization,

the Company proceeds at its own risk and if for any reason, the Bonds are not issued, the City shall have no liability to the Company for any reason, including the repayment to the Kansas Department of Revenue of any retailers' sales tax exemption utilized by the Company for which the Company shall indemnify and hold the City harmless.

Section 6. Limited Obligations of the City. The Bonds and the interest thereon shall be special, limited obligations of the City payable solely out of the amounts derived by the City under a Lease Agreement with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate to the Trustee and in favor of the owners of such Bonds, as provided in the Indenture. The Bonds shall not constitute a general obligation of the City, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the City, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the City, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 7. Required Disclosure. Any disclosure document prepared in connection with the private placement of the Bonds shall contain substantially the following disclaimer:

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

Section 8. Benefit of Resolution. This Resolution will inure to the benefit of the City and the Company. The City may, at the written request of the Company and approval of the City Counsel, assign the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of this Resolution assigned and the proceedings related thereto.

Section 9. Further Action. The City's Bond Counsel, the City's Financial Advisor, together with the officers and employees of the City, are authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the City all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 7. **Effective Date**. This Resolution shall take effect and be in full force immediately after its passage by the City Council of the City and remain in effect until December 31, 2025 unless (i) the Bonds have been issued by the City or (ii) the Company

has obtained from the City a building permit for the Project and is diligently pursuing construction to completion.

PASSED by the Lenexa City Council on July 2, 2024.

SIGNED by the Mayor on July 2, 2024.

CITY OF LENEXA, KANSAS

_____

(Seal) Julie Sayers, Mayor

ATTEST:

_____

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

_____

Sean McLaughlin, City Attorney

CITY COUNCIL
MEMORANDUM

ITEM 8

SUBJECT: 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

CONTACT: Sean McLaughlin, City Attorney

DATE: July 2, 2024

ACTION NEEDED:
Adopt a 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 Lot 7 in the Vista Village Project ("Project").

PROJECT BACKGROUND/DESCRIPTION:
The City received an application from VV Lot 7, LLC to issue up to $6 million in IRBs for construction of an approximately 15,000 square foot KC Bier restaurant/brewery in the Vista Village development located at the southeast corner of Prairie Star Parkway & Ridgeview Road. Since the Project includes retail uses, the City published notice for the proposed resolution of intent to issue the bonds in the Legal Record on June 18, 2024 in accordance with state statute. The applicant requested the issuance of IRBs to receive a sales tax exemption on the construction materials for the Project.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:
IRBs are not backed by the full faith and credit of the City. The applicant is responsible for repayment of the bonds and all fees related to the bond issue.

STAFF RECOMMENDATION:
Adopt the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040	Guiding Principles
Thriving Economy	Responsible Economic Development

ATTACHMENTS
1. Map
2. Resolution

Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

Vista Village (fka Jayhawk Ridge)

Lot 7

N

0 100 200 400 Feet

Lenexa KANSAS

RESOLUTION NO. _____

A RESOLUTION DETERMINING THE INTENT OF THE CITY OF LENEXA, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE APPROXIMATE PRINCIPAL AMOUNT OF $6,000,000 TO FINANCE THE COSTS OF ACQUIRING AND EQUIPPING CONSTRUCTION MATERIALS FOR A RESTAURANT/RETAIL PROJECT FOR THE BENEFIT OF VV LOT 7, LLC (VISTA VILLAGE PROJECT – LOT 7).

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

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

WHEREAS, VV Lot 7, LLC, a Kansas limited liability company (the "Company"), made application requesting the City issue its taxable industrial revenue bonds in one or more series in the aggregate principal amount of approximately $6,000,000 (the "Bonds") for the purpose of financing the cost of acquiring and equipping construction materials for an approximately 15,000 s.f. restaurant/brewery in the Vista Village development located at the southeast corner of Prairie Star Parkway and Ridgeview Road (the "Project") and continue to lease the Project to the Company or its successors and assigns, subject to City consent and all pursuant to the Act; and

WHEREAS, the Company intends to lease portions of the Project to retailers as defined in K.S.A. 79-3602; and

WHEREAS, in accordance with K.S.A. 12-1744e, the City published notice in the official city newspaper of its intent to issue Bonds and lease the Project to the Company; and

WHEREAS, it is found and determined to be advisable and in the interest and for the welfare of the City and its inhabitants that the City finance the costs of the Project by the issuance of Bonds under the Act in an approximate principal amount of $6,000,000, such Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the City to the Company or its successors and assigns.

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

Section 1. **Approval of Project**. The Governing Body of the City finds and determines that the acquisition and equipping construction materials for the Project will

promote, stimulate and develop the general welfare and economic prosperity of the City through the promotion and advancement of physical or mental health, industrial, commercial, agricultural, natural resources or recreation development of the City and the issuance of the City's Bonds to pay such costs will be in furtherance of the public purposes set forth in the Act.

Section 2. **Intent to Issue Bonds**. The Governing Body of the City determines and declares the intent of the City to acquire and quip the Project using the proceeds of the Bonds to be issued and used in accordance with the Act.

Section 3. **Provision for the Bonds**. Subject to the conditions of this Resolution, the City expresses its intent to: (i) issue its Bonds to pay the costs of acquiring, constructing and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the City; (ii) provide for the base lease from the Company to the City and a lease (with an option to purchase) of the Project from the City to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the City and take or cause to be taken such other action as may be required to implement the aforesaid.

Section 4. **Conditions to Issuance**. Issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to (i) passage and publication of an ordinance authorizing the Bonds and obtaining any other necessary governmental approvals; (ii) agreement by the City, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof; and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project, including, but not limited to, provisions relating to the security for the payment of the Bonds, and provisions relating to the maintenance of the Project; (iii) the Company's compliance with the City's policies relating to the issuance of industrial revenue bonds, including payment of the City's origination fee and all costs of issuance; and (iv) delivery of an opinion of Bond Counsel with respect to the validity of the Bonds in a form acceptable to the City and the purchaser of the Bonds and delivery of an opinion from counsel to the Company for the benefit of the city in a form acceptable to the City..

Section 5. **Sale of the Bonds/Authority to Proceed.** The sale of the Bonds shall be the responsibility of the Company and shall be privately place with the Company, an affiliate of the Company or Company's lender; provided, however, all arrangements for the sale of the Bonds shall be acceptable to the City. The Company is authorized to proceed with the acquiring and equipping of construction materials for the Project, including the necessary planning and engineering for the Project and entering into contracts and purchase orders in connection therewith and to advance such funds as may be necessary to accomplish such purposes, and to the extent permitted by law, the Company may be reimbursed for such expenditures out of the proceeds of the Bonds, when and if issued, to the extent permitted by law. Notwithstanding such authorization, the Company proceeds at its own risk and if for any reason, the Bonds are not issued,

the City shall have no liability to the Company for any reason, including the repayment to the Kansas Department of Revenue of any retailers' sales tax exemption utilized by the Company for which the Company shall indemnify and hold the City harmless.

Section 6. Limited Obligations of the City. The Bonds and the interest thereon shall be special, limited obligations of the City payable solely out of the amounts derived by the City under a Lease Agreement with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate to the Trustee and in favor of the owners of such Bonds, as provided in the Indenture. The Bonds shall not constitute a general obligation of the City, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the City, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the City, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

Section 7. Required Disclosure. Any disclosure document prepared in connection with the private placement of the Bonds shall contain substantially the following disclaimer:

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

Section 8. Benefit of Resolution. This Resolution will inure to the benefit of the City and the Company. The City may, at the written request of the Company and approval of the City Counsel, assign the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of this Resolution assigned and the proceedings related thereto.

Section 9. Further Action. The City's Bond Counsel, the City's Financial Advisor, together with the officers and employees of the City, are authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the City all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

Section 7. **Effective Date**. This Resolution shall take effect and be in full force immediately after its passage by the City Council of the City and remain in effect until December 31, 2025 unless (i) the Bonds have been issued by the City or (ii) the Company has obtained from the City a building permit for the Project and is diligently pursuing

construction to completion.

PASSED by the Lenexa City Council on July 2, 2024.

SIGNED by the Mayor on July 2, 2024.

CITY OF LENEXA, KANSAS

_____

(Seal) Julie Sayers, Mayor

ATTEST:

_____

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

_____

Sean McLaughlin, City Attorney

CITY COUNCIL
MEMORANDUM

ITEM 9

SUBJECT: 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)

CONTACT: Sean McLaughlin, City Attorney

DATE: July 2, 2024

ACTION NEEDED:
Adopt a 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).

PROJECT BACKGROUND/DESCRIPTION:
In December 2022, the City issued its industrial revenue bonds (IRBs) in an amount not to exceed $24 million to finance the cost of acquiring, constructing, and equipping three light industrial/warehouse buildings totaling 300,000 square feet located along 99th Street between Ridgeview Road and Britton Street ("Project'). Pursuant to the IRB documents, the City executed a lease and base lease with Meritex Lenexa Development II, LLC ("Developer"), subject to a leasehold mortgage in favor of Bell Bank. The Developer now desires to refinance the Project and the existing mortgage and enter into a loan agreement with U.S. Bank and grant the new lender a leasehold mortgage for purposes of securing the loan.

Pursuant to the IRB documents, consent of the City is required for the Developer to assign or mortgage its interest in the Project and such consent shall not be unreasonably withheld. The refinancing and new leasehold mortgage do not release the Developer of its liability to perform its duties and obligations under the Lease Agreement or under the payment in lieu of taxes (PILOT) agreement.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:
IRBs are not backed by the full faith and credit of the City. The applicant is responsible for repayment of the bonds and all fees related to the bond issue, including an origination fee.

STAFF RECOMMENDATION:
Adopt the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040	Guiding Principles
Thriving Economy	Responsible Economic Development

ATTACHMENTS
1. Map
2. Resolution

Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

Meritex Buildings 3,4, & 5

N

0 300 600 1,200
Feet

Lenexa
KANSAS

RESOLUTION NO. 2024-____

A RESOLUTION CONSENTING TO A MORTGAGE AND AUTHORIZING THE EXECUTION OF DOCUMENTS IN CONNECTION WITH AN INDUSTRIAL/WAREHOUSE DEVELOPMENT FINANCED WITH THE CITY'S INDUSTRIAL REVENUE BONDS (TAXABLE UNDER FEDERAL LAW) SERIES 2022 (MERITEX SURFACE BUILDINGS 3, 4 & 5 PROJECT).

WHEREAS, the City of Lenexa, Kansas (the "City"), has previously issued its Industrial Revenue Bonds (Taxable Under Federal Law), Series 2022 (Meritex Surface Buildings 3, 4, & 5 Project) (the "Bonds"), pursuant to a Trust Indenture dated as of December 1, 2021 (the "Indenture"), between the Issuer and BOKF, N.A. (the "Trustee"); and

WHEREAS, the proceeds of the Bonds were used to finance the cost of acquiring, constructing and equipping three light industrial/warehouse buildings totaling 300,000 sq. ft., access road, surface parking, sidewalks, landscaping and associated infrastructure (the "Project"), which Project was leased by the City to Meritex Lenexa Development II, LLC, a Kansas limited liability company (the "Company"), pursuant to a Lease dated as of December 1, 2021 (the "Lease"); and

WHEREAS, the Company is the owner of the 100% of the outstanding Bonds and previously pledged the Bonds to Bell Bank (the "Original Lender"), as collateral for a loan from the Original Lender to the Company pursuant to a mortgage granted by the Company to the Original Lender; and

WHEREAS, the Company desires to enter into a loan agreement (the "Loan") with U.S. Bank their successors and/or assigns, as their interests may appear (collectively, the "Lender"), and in connection with the Loan, the Company desires to grant a mortgage to the Lender (the "Mortgage") for the purpose of securing the Loan; and

WHEREAS, pursuant to Section 9.2 of the Lease, the Company may assign or mortgage its interest in the Lease with the prior written consent of the City, and the Company has requested the City to consent to the Mortgage; and

WHEREAS, under the terms of the Lease, the mortgage of the Company's interest in the Project does not relieve the Company of its liability to perform its duties and obligations under the Lease; and

WHEREAS, the Governing Body of the City has determined it is in the best interests of the City to authorize the execution of certain documents in connection with the Mortgage;

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

SECTION 1. The City hereby consents to the Company's grant of the Mortgage for the purposes herein described and authorizes the execution of a any documents in

connection therewith. The Mayor, City Clerk or other officers or agents of the City are authorized to execute such other documents as may be necessary in connection with the City's consent provided such documents are consistent with the intent of this Resolution.

SECTION 2. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the Lenexa City Council on July 2, 2024.

SIGNED by the Mayor on July 2, 2024.

CITY OF LENEXA, KANSAS

_____
Julie Sayers, Mayor

[SEAL]

ATTEST:

_____
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

_____
Sean McLaughlin, City Attorney

CITY COUNCIL
MEMORANDUM

ITEM 10

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

CONTACT: Sean McLaughlin, City Attorney

DATE: July 2, 2024

ACTION NEEDED:
Adopt a resolution approving the termination of a regulatory agreement and release of leases pertaining to multi-family housing revenue bonds (Rosewood Senior Apartments Project).

PROJECT BACKGROUND/DESCRIPTION:
The City issued $8,478,000 in Multifamily Housing Revenue Bonds ("Bonds") in March 2005 on behalf of Rosewood Place, LLC ("Owner") to finance its apartment facility at 8500 Pflumm Road.

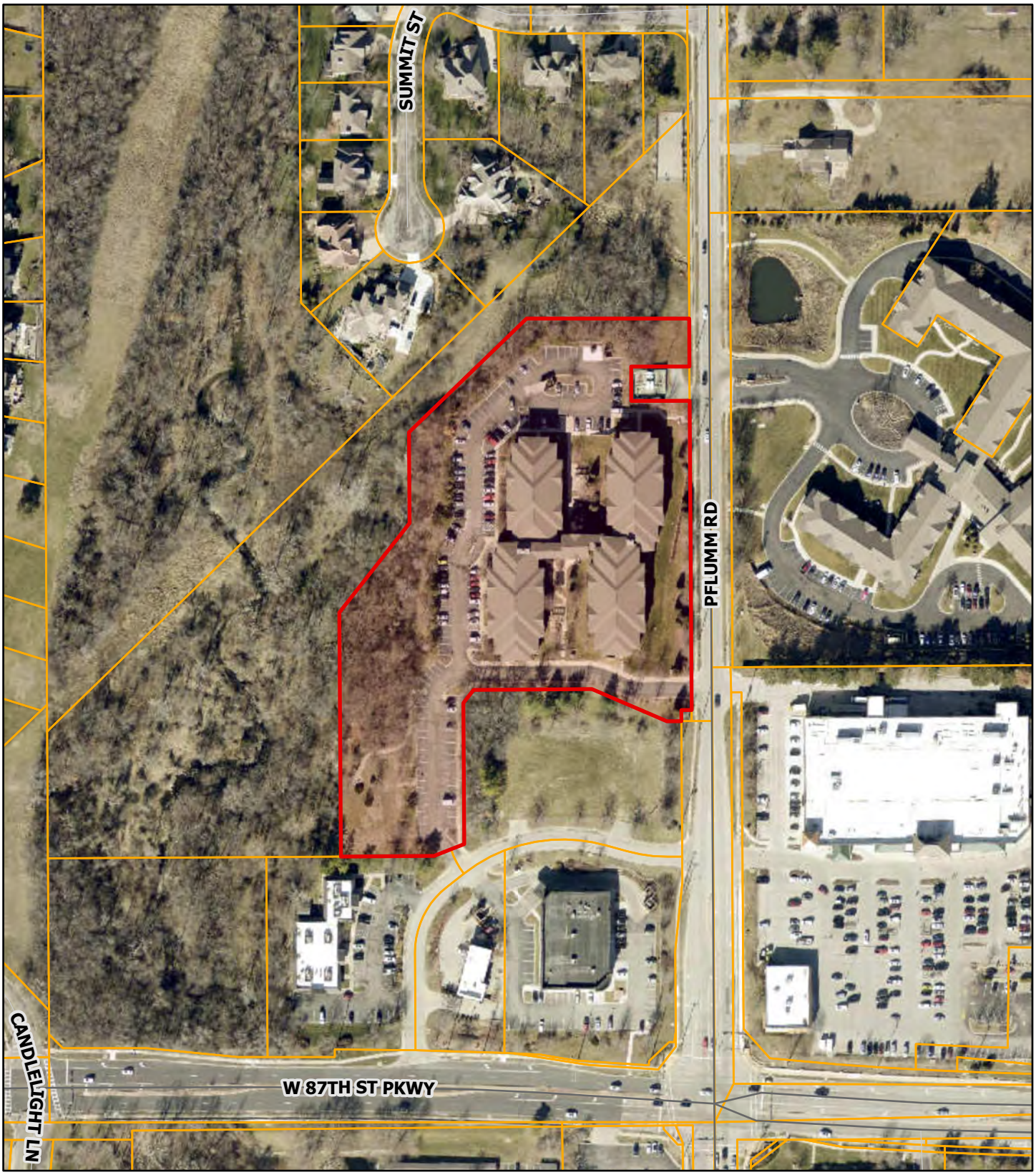
In June 2024, the Owner notified the City and certified that it had redeemed the Bonds and met all the performance requirements associated with the issuance of the Bonds, and requested the financing documents between the City and Owner be terminated. The resolution authorizes the City to discharge and terminate all documents associated with the Bonds. Upon approval and execution of the redemption documents, the documents will be recorded with the Johnson County, Kansas Records and Tax Administration Department.

STAFF RECOMMENDATION:
Adopt the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040	Guiding Principles
Thriving Economy	Responsible Economic Development

ATTACHMENTS
1. Map
2. Resolution



Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

Rosewood Senior Apartments

0 100 200 400 Feet

Lenexa KANSAS

RESOLUTION NO. 2024-_____

A RESOLUTION APPROVING A TERMINATION OF REGULATORY AGREEMENT AND A TERMINATION OF LEASES PERTAINING TO MULTIFAMILY HOUSING REVENUE BONDS ISSUED FOR THE ROSEWOOD SENIOR APARTMENTS PROJECT IN LENEXA, KANSAS.

WHEREAS, pursuant to that certain Indenture of Trust dated as of March 29, 2005, (the "Original Indenture"), by and between the City of Lenexa, Kansas (the "Issuer") and U.S. Bank National Association (the "Trustee"), the Issuer issued its $8,478,000 Multifamily Housing Revenue Bonds, Series 2005A (RoseWood Senior Apartments Project) (the "Original Bonds"), to finance a portion of the costs of the acquisition, construction and equipping of a 144-unit senior residential rental development located within the City (the "Project"); and

WHEREAS, in connection with the issuance of the Original Bonds, the Issuer, the Trustee, and RoseWood Place, L. L. C., a Kansas limited liability company (the "Owner"), entered into that certain Regulatory Agreement dated as of March 29, 2005 (the "Regulatory Agreement"); and

WHEREAS, in further connection with the issuance of the Original Bonds, the Issuer and the Owner entered into that certain Base Lease Agreement dated as of March 29, 2005 (the "Base Lease"), and a Sublease Agreement dated as of March 29, 2005 (the "Sublease") wherein the Owner leased the Project to the Issuer and the Issuer leased back the Project to the Owner, respectively; and

WHEREAS, the Issuer and the Trustee amended and restated the Original Indenture pursuant to that certain Amended and Restated Indenture of Trust dated as of December 1, 2010, to provide for the replacement of the Original Bonds with the Issuer's (i) Multifamily Housing Revenue Bonds (RoseWood Senior Apartments Project), Series 2005A, issued in the original principal amount of $6,800,000 (the "Series 2005A Bond"), and (ii) Multifamily Housing Revenue Bonds (RoseWood Senior Apartments Project), Series 2005B, issued in the original principal amount of $1,162,854.73 (the "Series 2005B Bond" and together with the Series 2005A Bonds, the "Bonds"); and

WHEREAS, the Regulatory Agreement executed in conjunction with the issuance of the Bonds requires the Owner to comply with certain covenants and restrictions, which certain of such covenants and restrictions expire on the termination of the Qualified Project Period (as defined in the Regulatory Agreement); and

WHEREAS, the Owner has certified as to certain facts which show that the Qualified Project Period has terminated and have caused the Bonds to be paid in full; and

WHEREAS, the City, Owner and Trustee desire to terminate the Regulatory Agreement and terminate the Base Lease and Sublease upon satisfaction of the conditions specified herein;

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

Section 1. **Termination of Regulatory Agreement, Release of Leases and Authorization of Documents.** The City approves the Termination of the Regulatory Agreement and the Termination of Leases in substantially the same forms presented to and reviewed by the Governing Body of the City at this meeting. This approval is contingent upon the City Attorney's receipt of the Agreements' executed signature pages from the Owner and Trustee, as applicable.

Section 2. **Execution of Documents.** The Mayor is hereby authorized and directed to execute the Termination of Regulatory Agreement and the Termination of Leases; and the City Clerk is hereby authorized and directed to attest to the Documents, for and on behalf of the City.

Section 3. **Recording.** Upon execution by all parties, the City Attorney shall cause the document to be recorded with the Johnson County Register of Deeds Office and provide a recorded copy of the same to the Owner and the Trustee.

Section 4. **Further Authority.** Subject to review and approval as to form by the City Attorney, the Mayor and City Clerk are hereby authorized to execute such other documents as may be necessary to carry out the intent of this Resolution.

Section 5. **Effective Date.** This Resolution shall take effect and be in force from and after its adoption.

[*Remainder of Page Intentionally Left Blank*]

ADOPTED by the Lenexa City Council on July 2, 2024.

SIGNED by the Mayor on July 2, 2024.

CITY OF LENEXA, KANSAS

_____
Julie Sayers, Mayor

[Seal]

ATTEST:

_____
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

_____
Sean McLaughlin, City Attorney

CITY COUNCIL MEMORANDUM

ITEM 11

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

CONTACT: Scott McCullough, Community Development Director
Stephanie Sullivan, Planning Manager

DATE: July 2, 2024

ACTION NEEDED:
Pass an ordinance adopting the Lenexa Comprehensive Plan ("Plan").

PROJECT BACKGROUND/DESCRIPTION:
In 2021, the City embarked on a major update to the Plan. Extensive staff, Steering Committee, and public engagement have occurred since 2021 and a draft of the Plan was prepared and shared with the public at an open house on March 27, 2024. A report reflecting the comments received at the open house and recommended revisions to the draft Plan was shared with the Planning Commission and City Council at a joint meeting on April 23, 2024. Feedback at the joint meeting was provided to staff and a revised draft Plan was generated, which is the draft Plan under consideration at this time.

The only change to the Plan from the April 23rd joint meeting was to revise the classification of a property located in the area west of K-7 Highway and south of the 99th Street alignment per the maps below (Exhibits 1 and 2) from High-Density Residential to Medium-Density Residential (green dot). This was based on neighborhood feedback during the open house and acknowledgment that the High-Density Residential classification, often used as a buffer between a state highway and residential area, was less appropriate at the noted location. Instead, the Medium-Density Residential classification was viewed as more appropriate given the Suburban-Density Residential classification to the immediate north.

Exhibit 1: Original draft Plan reflecting High-Density Residential

Exhibit 2: Revised draft Plan reflecting Medium-Density Residential

Click here to view the Draft Comprehensive Plan.

Highlights of the plan include:

- A vision statement and 14 goals with associated policy statements
- Area of change map (reimagining areas to address changing market trends)
- Revised transportation network and recreation trail maps
- Incorporating policies for:
    - Complete neighborhoods (mixing housing types and amenities)
    - Missing middle housing (duplex, row houses, etc.)
    - Context-sensitive design
    - Vision 2040 values and Neighborhood Nodes
    - Encouraging appropriate redevelopment of commercial areas
    - Expanding recreational trails
    - Strengthening policies that model sustainability throughout the Plan
    - Annual reviews and implementation

On June 3, 2024, the Planning Commission held a public hearing, received public testimony, and voted unanimously to approve a resolution adopting the Lenexa Comprehensive Plan as proposed by staff. The Plan will take effect upon the Governing Body passing an ordinance adopting the Plan.

STAFF RECOMMENDATION:
Pass the ordinance.

PLANNING COMMISSION ACTION:
On June 3, 2024, the Planning Commission held a public hearing and received testimony.

Public testimony centered on the same two areas discussed at the April 23rd joint City Council / Planning Commission meeting - one parcel west of K-7 Highway and one parcel east of K-7 Highway. Two residents from the Canyon Creek Highlands neighborhood requested that the City review the alignment of future 99th Street planned to be constructed south of their neighborhood, as well as consider revising the proposed Business Park land use to Medium-Density Residential land use to mitigate the concern for future semi-truck oriented uses.

Attorney David Waters, representing landowner Andy Cope, proposed reclassifying a parcel east of K-7 Highway from Office, Research, and Development land uses to Medium-Density Residential.

The Planning Commission supported the land use patterns proposed in the draft Plan when considering the planned street system and other factors. The Commission also noted that the area will be scrutinized

in more detail when development plans come forward for consideration, which may necessitate revised street alignments and land uses based on such plans.

Chairman Poss entertained a motion to **ADOPT** the new Lenexa Comprehensive Plan. Moved by Commissioner Burson, seconded by Commissioner Woolf, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040	**Guiding Principles**
Healthy People	Inclusive Community Building
Inviting Places	Sustainable Policies and Practices
Vibrant Neighborhoods	Responsible Economic Development
Integrated Infrastructure & Transportation	Extraordinary Community Pride
Thriving Economy	

ATTACHMENTS

1. Draft Comprehensive Plan (link)
2. PC Staff Report
3. PC Draft Minutes Excerpt
4. Correspondence
5. Ordinance

LENEXA COMPREHENSIVE PLAN

PROJECT SUMMARY

The Comprehensive Plan represents the City's official roadmap for the future, which is intended to guide Lenexa for the coming years. The Comprehensive Plan is a policy guide that outlines actions to work towards achieving the City's vision. It will serve as an important decision-making tool for City officials, residents, business owners, developers, and other stakeholders within Lenexa. It is intentionally broad in nature, addressing issues relating to land use, growth, housing, economic development, transportation, community facilities, infrastructure, and other relevant topics.

In 2021, the City embarked on a major update to the Comprehensive Plan. Extensive staff, Steering Committee, and public engagement have occurred since 2021 and a draft of the Plan was prepared and shared with the public at an open house on March 27, 2024. A report reflecting the comments received at the open house and recommended revisions to the draft Plan was shared with the Planning Commission and City Council at a joint meeting on April 23, 2024. Feedback at the joint meeting was provided to Staff and a revised draft Plan was generated, which is the draft under consideration at this time. This project requires a Public Hearing.

STAFF RECOMMENDATION: APPROVAL

HIGHLIGHTS OF THE DRAFT PLAN

- A vision statement and 14 goals with associated policy statements
- Area of change map (reimagining areas to address changing market trends)
- Revised transportation network and recreation trail maps
- Incorporating policies for:
    - Complete neighborhoods (mixing housing types and amenities)
    - Missing middle housing (duplex, row houses, etc.)
    - 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
    - Annual reviews and implementation

JOINT PC/CC FEEDBACK

Feedback at the joint meeting was provided and a revised draft Plan was generated. The only change to the draft Plan was to revise the classification of a property located in the area west of K-7 and south of the 99th Street alignment per the maps below (Exhibits 1 and 2) from High-Density Residential to Medium-Density Residential (green dot). This was based on neighborhood feedback during the open house and acknowledgement that the High-Density Residential classification, often used as a buffer between a state highway and residential area, was less appropriate at the noted location. Instead, the Medium-Density Residential classification was viewed as more appropriate given the Suburban-Density Residential classification to the immediate north.

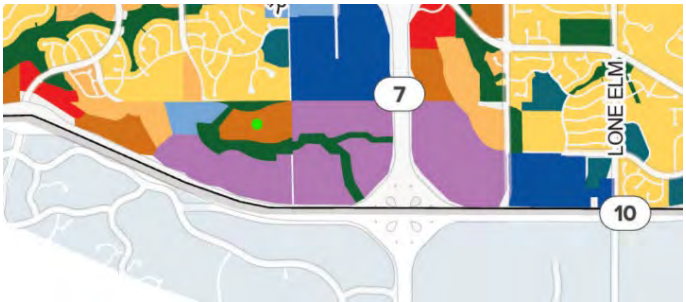


Exhibit 1: Original draft Plan reflecting High-Density Residential

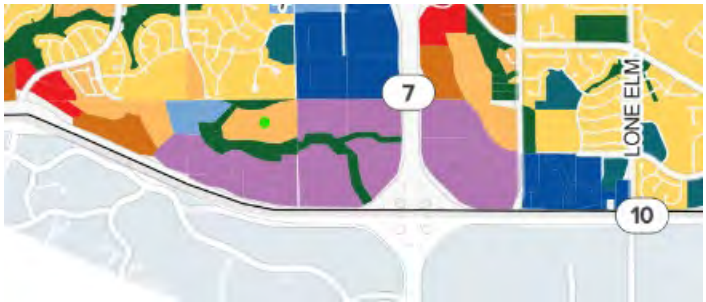


Exhibit 2: Revised draft Plan reflecting Medium-Density Residential

POST JOINT PC/CC MEETING COMMUNICATIONS

After the joint Planning Commission/City Council meeting held April 23, 2024, Staff was approached by Greg Sieve, a resident of Canyon Creek Highlands neighborhood, which is located north of the property changed from High-Density Residential to Medium-Density Residential regarding the alignment of future 99th Street. Mr. Sieve requests two changes to the Plan as reflected in his attached email dated May 20, 2024, and as reflected in Exhibit 3 where the yellow line reflects the current planned alignment of future 99th Street and the green line reflects the desire of the neighborhood to push the alignment of future 99th Street to the south. The orange-hatched area reflects the requested change from Business Park to Medium-Density Residential classification.

Exhibit 3: Canyon Creek Highlands neighborhood request to align future 99th Street to the south (green line) and reclassify the orange-hatched area from Business Park to Medium-Density Residential.

As noted previously, the Plan is broad in nature and many elements of development are worked out when an area becomes ripe for development. The draft Plan's Transportation and Mobility Network Map (Exhibit 4) reflects a general alignment and expectation for an arterial street in this area as part of the overall street network.

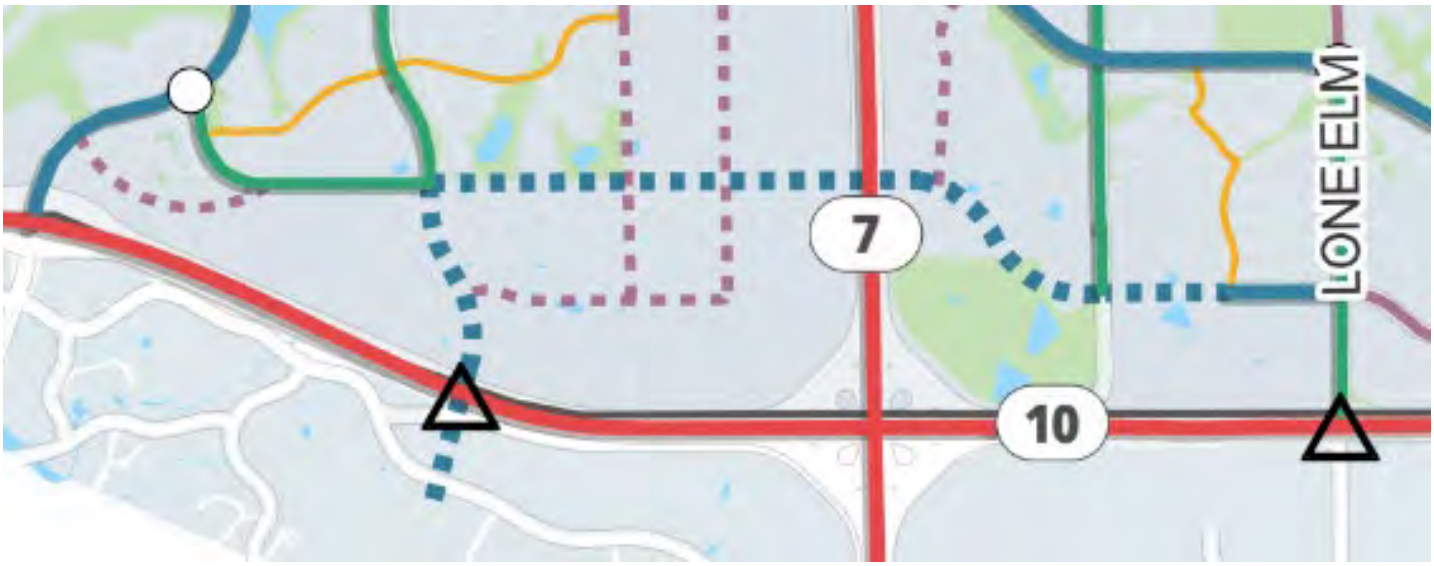


Exhibit 4: Draft Transportation Plan excerpt.

The City completed an alignment study of the subject street section circa 2006. It studied the impacts of the planned street relative to the streams, topography, flight over K-7 Highway, costs, effect on bifurcating development parcels, etc. The study provided two options for the alignment south of the Canyon Creek neighborhood (Exhibit 5 – Canyon Creek Highlands neighborhood outlined to the north of the street). Both options have the street bending south of the existing stream, but the study does not recommend alignments farther south due to significant challenges with crossing K-7 Highway, multiple stream crossings and their cost and impact to the environment, cost for retaining walls and earthwork, disruption in the continuity of travel along an arterial street, etc.

Exhibit 5: Alignment study of 2006.

It should be noted that arterial streets adjacent to single-family neighborhoods is a typical land use layout in Lenexa. Additionally, the preferred alignment is not new with this new Comprehensive Plan – it is included in the current Comprehensive Plan and the alignment study was completed in 2006.

The neighborhood would like the street pushed as far south as possible to avoid the impacts that an arterial street creates. For reasons noted, Staff believes the neighborhood will already enjoy some relief due to the stream pushing the street south. The alignment will need to be in the general location of that reflected in the 2006 study based on the reasons noted; however, the precise alignment and timing of constructing the street will be determined in the future and will take into account input from multiple stakeholders.

As for the request to reclassify the orange-hatched area from Business Park to Medium-Density Residential, Staff believes that because it is necessary to maintain the 99th Street alignment north to more efficiently fly-over K-7 Highway, classifying this area to residential would create a less-than-ideal land use pattern placing residential uses between nonresidential uses.

Staff shared the neighborhood's request with the owner of the property in question. Dan Foster with Schlagel & Associates, representing the property owner, reviewed the request and offered a response in an email dated May 23, 2024 (attached).

If the street were able to locate to the south more efficiently and cost-effectively, the ideas expressed to alter its alignment and reclassify the orange-hatched area would garner greater consideration from Staff. All things considered, Staff's perspective is that the draft Plan reflects the most ideal street alignment and land use pattern based on what is known at this time. Staff believes the street alignment and Business Park classification in the draft Plan should be sustained, acknowledging that as the area becomes ripe for development the circumstances may change.

NEXT STEPS

- This project requires adoption by the Planning Commission and the City Council. Pending action from the Planning Commission, the project is tentatively scheduled for consideration by the City Council on June 18, 2024.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Conduct a Public Hearing.**

★ **Staff recommends approval of the Lenexa Comprehensive Plan.**

- The Comprehensive Plan is consistent with Lenexa's goals through ***Strategic Community Investment, Inclusive Community Building, Responsible Economic Development,*** and ***Sustainable Policies and Practices*** to create ***Healthy People, Inviting Places, Vibrant Neighborhoods, Integrated Infrastructure and Transportation, and Thriving Economy***.

COMPREHENSIVE PLAN

Staff recommends adoption of the Lenexa Comprehensive Plan as presented.

REGULAR AGENDA

3. Consider adopting the new Lenexa Comprehensive Plan - Conduct a Public Hearing and consider adopting the City's new Comprehensive Plan.

STAFF PRESENTATION

Scott McCullough, Community Development Director, presented the report on behalf of the City of Lenexa. Mr. McCullough stated that the development of Lenexa's new Comprehensive Plan was a process that spanned more than two years and involved contributions from the community, several boards, commissions, and staff. He explained the purpose of the Comprehensive Plan, detailing its components and the reasons for its creation and subsequent revision. He further noted that the Comprehensive Plan was updated to align with Lenexa's Vision 2040. Mr. McCullough highlighted that the classification of properties within the plan is based on various factors, including the street and highway system, topography, impacts on site users and surrounding users, with opportunities to foster a diverse economy. He provided a PowerPoint presentation detailing the following information:

- Project Scope
  - Task 1: Project Management
  - Task 2: Foundational Community Engagement
  - Task 3: Existing Conditions Analysis
  - Task 4: Vision, Goals, and Preliminary Policy Framework
  - Task 5: Land Use Scenarios and Plan Framework
  - Task 6: Draft Framework Plans
  - Task 7: Draft Comprehensive Plan and Adoption

- Project Objectives
  - Reflect & implement Vision 2040's values.
  - Acknowledge current market trends in classifying areas of development opportunities.
  - Incorporate sustainable goals and practices throughout the plan.
  - Accommodate ever-changing technology in transportation and building practices.
  - Create a regulatory framework that encourages diverse housing and high quality of life.

- Plan Highlights
  - A vision statement and 14 goals and associated policy statements
  - Area of change map (reimagining areas to address changing market trends)
  - Revised transportation network and recreation trail maps
  - Incorporating policies for
    - Complete neighborhoods (mixing housing types and amenities)
    - Missing middle housing (duplex, row houses, etc.)
    - 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
    - Annual reviews and implementation

- Vision and Goals

DRAFT

- Vision Statement
- Goals, Policies, and Relation to Vision 2040
- Housing and neighborhood
- Commercial and employment
- Transportation and mobility
- Community facilities and infrastructure
- Parks, open space, and recreation

❖ Future Land Use
- Future Land Use scenarios
- Areas of change map
- Future Land Use Map
- Future Land Use classifications
- Percentage of total land area by land use classification
- Comparing acreage by land use classification
- Growth Strategy
  - Promote infill development
  - Enhance infrastructure with growth
- Neighborhood Nodes

❖ Housing and Neighborhoods
- Framework Map
- Context sensitive infill development
- Explore complete neighborhoods
- Housing considerations

❖ Commercial and Employment
- Framework Map
- City Center core
- New business parks
- New commercial areas
- Commercial and employment areas considerations

❖ Transportation and Mobility
- Mobility Network Map
- Pedestrian Facilities Map

❖ Community Facilities and Infrastructure
- Facilities Map
- Provide high quality community services as the City grows
- Wastewater

❖ Parks, Open Space, and Recreation
- Parks, Open Space, and Recreation Map
- Enhance, protect, and increase access to the City's Parks and natural assets

❖ Implementation
- Next steps
  - Regional planning and partnerships
  - Potential funding sources

DRAFT

- Reporting

Mr. McCullough stated that he wanted to address a couple of issues raised during the joint meeting with the Governing Body in April. He noted that there were concerns regarding areas on both the west and east sides of K-7 Highway. Specifically, he highlighted a parcel on the map of the west side that was classified as high-density residential, which had prompted public engagement during the open house. Following discussion and analysis, Staff recommended reclassifying the parcel to medium-density residential. He explained that this change from high to medium density was the proposal currently being presented. He pointed out a yellow line on the map representing a 99th Street alignment resulting from a 2006 study conducted by the City. This study aimed to establish a continuous traffic pattern for travelers over K-7 Highway. He explained that this reclassification was prompted by the need to address traffic flow and density, considering the properties situated to the north and south of the highway. He commented that Greg Sieve, representative for Canyon Creek Highland subdivision residents, approached Staff with possible options and both options proved to be very challenging. He said the input used for the Comprehensive Plan is based on the 2006 traffic study conducted by the City and that the study resulted in a good outcome.

Mr. McCullough addressed the second concern, raised by Andy Cope, a property owner, regarding a parcel of land zoned for Office, Employment, and Research, as classified in the current Comprehensive Plan. Mr. Cope requested that the parcel be classified for multifamily uses. While no changes were made to this classification, a review of the entire area was conducted. The review revealed that with the development of the Lone Elm interchange and future 101st Street, an arterial street, non-residential land use outcomes were ideal for that area. He emphasized that Staff has worked diligently to place multifamily residential developments in appropriate locations, and the City believes that a diverse land use pattern is essential for the Office, Employment, and Research zones to effectively serve the residents of Lenexa. He stated it is Staff's opinion that the nonresidential classification should remain as is in that area. He concluded by recommending adoption of the Comprehensive Plan.

PUBLIC HEARING

Chairman Poss **OPENED** the Public Hearing and asked if anyone wished to speak on this item.

David Waters, with Spencer Fane LLP and Mayor of Westwood, Kansas, stated that he served on the City of Westwood Planning Commission for eight years prior to becoming Mayor and assisted with their Comprehensive Plan. Mr. Waters spoke on behalf of Andrew Cope, who owns several properties in Lenexa. He expressed agreement with Staff's position on the alignment of 99th Street, in support that it should remain as shown on the plan. However, he noted a difference in opinion regarding the area zoned for Office, Employment, and Research. Mr. Waters maintained that medium and high-density development would be more compatible with the existing single-family homes, schools, and churches in the area. He stated that these uses would be more suitable due to the existing stream buffers and corridors, and they would better align with the Comprehensive Plan's priorities and policies. He concluded by requesting reconsideration of the areas off Monticello and Gleason Roads, to the north of K-10 Highway, specifically suggesting reclassifying the eastern portion from Office, Employment, and Research zoning to another designation, and returning the western portion to high-density residential development.

Matthew Lee stated that he was representing some of the neighbors who reside in the Stone View subdivision. Mr. Lee voiced his concern regarding the portion of the Comprehensive Plan that addresses the addition of the Lone Elm interchange. He believes this area is unique compared to anywhere else within the city limits. He mentioned that the Kansas Department of Transportation (KDOT) has been studying that intersection for K-10 Highway improvements, which include widening the intersection and

adding access points to get on and off the highway. He commented that he has communicated with KDOT regarding the proposed interchange and feels that their decisions are heavily influenced by the discussions and decisions made by the City of Lenexa and the City of Olathe. He finds it interesting that the City of Olathe opposes adding an interchange at Lone Elm, believing that Olathe is not equipped to handle the increased traffic that the interchange would generate. He stated that there are no other areas where thousands of vehicles are being funneled in such proximity to homes, as what is being proposed for Lone Elm Road. He named several major interchanges as examples to illustrate his point. He believes it would be a disservice to the residents who have purchased homes in the Stone View subdivision. He expressed hope that the Comprehensive Plan can still be revised before it moves forward to the City Council.

Greg Sieve said he was there representing the Canyon Creek Highland area. Mr. Sieve stated that he has met with fellow neighbors several times to discuss the proposed development in their area. He thanked Scott McCullough and Staff for dedicating their time to listening and discussing their concerns. He said that he and the residents of Canyon Creek Highland subdivision's major concern was the positioning of future 99th Street. Referring to the map displayed on the screen, he pointed out the yellow line that indicated the proposed location of 99th Street, explaining that it was determined based on an alignment study conducted in 2006. He and the residents of Canyon Creek Highland subdivision expressed a preference for an alternative option represented by a green line outlined on the same map. He indicated the preferred option crossed the streamway only once at a 90-degree angle and not multiple times as one of his earlier options did. He expressed his view that the 2006 alignment study was outdated. He also commented about the possibility of a distribution center similar to Amazon being established in the area that was previously classified for Office, Employment, and Research, but is now proposed as a business park. He discussed their concern regarding the frequency of semi-truck traffic that would pass through the subdivision, emphasizing the need to relocate the alignment of 99th Street further south to address this issue. He referenced the Transportation and Mobility Map and pointed out possible scenarios for the flow traffic. Mr. Sieve voiced concern that the addition of 99th Street would lead to a dangerous school crossing at 99th Street for children going to school at 97th & Gleason. He noted some of the goals within the Comprehensive Plan that would be abandoned with the implementation of the 99th Street addition.

Dana Krug, a resident of Canyon Creek Highland subdivision, stated that the homes within their subdivision are valued around $800,000 to $900,000 and they are paying more than $10,000 to $11,000 a year in taxes. Mr. Krug commented that they chose to buy homes in that area because of the zoning that existed at their time of purchase. He said he has never experienced a unilateral zoning change and feels it is very impactful. He spoke on the growth of Lenexa and stated that he expects to experience growth in his area. He said the city should not encourage the zoning change in order to develop growth in that area. He noted that the corner of Gleason and 99th Street touches their subdivision, and on the opposite corner, there is industrial zoning with no existing buffer. He feels a buffer would be necessary at that intersection if zoning becomes a higher intensity. He talked about the existing creeks and streams in their neighborhood and said placing industrial projects in that area would be odd and out of place. He agreed with Mr. Sieve on his view of semis being dangerous for children crossing the busy intersection of 99th Street on their way to school. He asks that the commission consider moving the road farther south to keep large truck traffic away from their subdivision. He suggested the need for a park in their area to give children a place to play. Mr. Krug mentioned a service road in the area of Prairie Star Parkway that would be a better route for truck traffic (existing Hedge Lane outer road). He said using that service road would lessen the expense of building a brand-new road when the service road could be utilized.

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.

COMMISSION DISCUSSION

Commissioner Horine said that having been involved in the work with the City's Comprehensive Plan since the early 1980s, he has seen the process go through and been on both sides, as a board member and a presenter for his clients. Mr. Horine commented that it is very seldom that what is presented is going to develop immediately. As development continues, the City has been open to resident concerns. He stated that there will not be an Amazon Island created in the area previously mentioned nor will there be semi-trucks driving by a school. When there is a plan for that area the City will evaluate that plan and come up with a solution that will satisfy the concerns of the developer and the residents. He stated that the Comprehensive Plan is what the City is envisioning as a probable best use, not a specific zoning district. He stated that if a better plan or study with supported facts is submitted to staff, they will review those plans and potentially change the original intended use or zoning designation. He mentioned a previous iteration of the Comprehensive Plan that included stars that represented areas that were open to optional uses or zoning designations. He suggested the possibility of the area under discussion east of K-7 be symbolized with a star to designate its use as a business park or multifamily residential housing. He concluded by complimenting Staff's presentation of the Comprehensive Plan.

Commissioner Harber echoed Mr. Horine's comments concerning Staff's work on the Comprehensive Plan. Mr. Harber reiterated the previous comments that the Comprehensive Plan is multidecade and future forward plan. He talked about the development he has witnessed as a lifelong resident of Lenexa and the controversy that has come with the all the changes. He said he does not dismiss the concerns of the residents. He believes it is a positive and appropriate Plan for the next several decades and he plans to support it.

Commissioner Wagner said the Plan was well thought out while a lot of work went into it. Ms. Wagner said although there is a small, concentrated area that has raised concerns, the overall Comprehensive Plan is a good update. She noted that if anything comes out of the discussion it would be an updated view of the 99th Street area.

Commissioner Macke said she is in support of her fellow Commissioners. She supports the Plan and says it is reassuring that this is a distant vision of what Lenexa could look like in the future. She said working in the industry she knows the area of discussion will be highly studied before there is any major land use changes, rezoning or traffic changes. It is a vision that we can refer to as we move forward and make decisions.

Commissioner Katterhenry agreed that the Comprehensive Plan is just a plan and a vision and is not concrete. Mr. Katterhenry commented that there will be a lot of engineering studies conducted before the decision is made on the alignment of the road. He appreciated all the input provided during the discussion of the various options. He said the alignment will be worked out and be done in the most economic and realistic way.

Commissioner Woolf echoed that the Comprehensive Plan is a directional document and is something that the City of Lenexa can envision and that may come into fruition. Mr. Woolf added that as development occurs, the City will make decisions on a case-by-case basis. These decisions will be made with the best interests of not only the developers but everyone in the Lenexa community.

Commissioner Burson said that as a member of the steering committee for the Comprehensive Plan, all that were involved receive a lot of guidance throughout the process. Mr. Burson stated that this element helps them understand how the market has shifted since the previous Comprehensive Plan. He noted that, while working on the Plan, they needed to acknowledge the reality that large retail stores will not be developed at K-7 or K-10. He stated that consultants, professional staff, and input from community citizens contributed to a mixed and diverse thought process to allow for some flexibility at that intersection. He pointed out the parcel to the east and stated that it was classified as a business park on the Future Land Use Map since he joined the Planning Commission. He noted that it is the landowner who wants to

potentially change the classification of the land. He mentioned that applicants can submit plans for land that was originally classified on the Future Land Use Map as one use but upon Staff and board review, changed to a better and higher use. He said that option still exists for any landowner in Lenexa. He emphasized that there will be another study conducted by the city before constructing another arterial road. He asked Tim Collins if that was an accurate statement. Mr. Collins replied that it was reasonably accurate. He said the 2006 study was just an alignment study so the next study will be a lot more detailed going forward. Mr. Burson stated that as a member of the commission he did not see sufficient evidence to change the alignment. He said whether it becomes a business park or industrial park, it is still a lot of trips and as city staff, they all do a good job in providing safe pedestrian access through planning.

Chairman Poss echoed what all the Commissioners commented. Mr. Poss said the 2006 study is the best information we have today and there will be a lot more study that will go into the construction of a new arterial road. He stated the Comprehensive Plan is the big picture; therefore, it was a vision for the entire city to work together and build a cohesive community for everyone. Chairman Poss asked Tim Collins what the future was for the outer road on the west side of K-7 Highway. Mr. Collins replied that the street is called Hedge Lane Terrace and it is intended to go away.

MOTION

Chairman Poss entertained a motion to recommend **ADOPTING** the new **Lenexa Comprehensive Plan**. Moved by Commissioner Burson, seconded by Commissioner Woolf and carried by a unanimous voice vote.

DRAFT

From: Greg Sieve <gregcv106@gmail.com>
Sent: Monday, May 20, 2024 1:48 PM
To: Scott McCullough <smccullough@lenexa.com>
Cc: Bill Nicks <bnicks@lenexa.com>; Mark Charlton <mcharlton@lenexa.com>
Subject: Comprehensive Plan Update

Scott, I wanted to share with you the consensus that a group of residents of Canyon Creek Highlands arrived at after discussing the proposed changes to the Comprehensive Plan. We met as a group last Wednesday and invited Council Member, Bill Nicks, who attended the meeting, listening to our conversations and concerns first hand.

First we support the proposal to change zoning for the residential area bordering Canyon Creek Highlands to the south from high density to a maximum of medium density.

We support extending the medium residential density area beyond Gleason Road to the east to Highway 7 and bounded by the streamway to the south. This is a change from Business Park zoning to medium density residential zoning represented as the yellow cross hatch in the map below.

We discussed that by expanding this zoning it would:

***Align with conversations that multiple citizens, members of the council, and the planning and zoning committee expressed about the need for more moderately priced homes.

***Have less touch points between residential and Business Park zoning that were not buffered by existing streamways and the recommended move of 99th Street.

***It is aligned with stated requirements from the Comprehensive Plan for Business Parks bordering residential areas to have significant buffers including physical distance and opaque landscaping.

***It is aligned with Housing and Neighborhood goals #2, #2.3 and #2.5 listed below.

It is our understanding that new medium residential areas will adhere to all of the stated goals / objectives / practices in the Comprehensive Plan including those related to adjacency to established suburban density including:

***Housing and Neighborhoods Goal #2

Support a wide range of housing to support residents of all backgrounds and stages of life.

***Goal #2.3
Accommodate infill developments and consider moderate density increases in established neighborhoods where increased density is determined to be appropriate based on the context of the area.

***Context sensitive infill is defined as creating cohesive and connected neighborhoods bringing people closer to amenities and mitigate traffic congestion. Ensure that denser development is a net benefit to the community and does not detract from existing residents to utilize and enjoy their homes. Including transitions with landscape buffers, stepping back building heights, preserving existing trees and natural topography. Design higher density residential buildings to resemble and complement existing single family homes.

***Goal #2.5
Consider higher density multi family housing in areas that provide well planned transition to lower density housing.

We support modifying the 99th Street extension, proposed in 2006, to be moved to the south border of the proposed medium residential development from Clare Road to Highway 7 in a way that minimizes environmental, logistical, and economic concerns. Reference the green line versus the yellow line in the above map as a starting point for consideration.

Moving the 99th Street extension to the south would create the following outcomes:

***Joins the medium residential area with Canyon Creek Highlands aesthetically without a four lane divided road barrier.

***Enables graduated density increases starting with lower densities for homes with better aesthetic views next to green areas and retention ponds, then increased density as it progresses toward Business Park zoning boundaries and Highway 7. (Goal 2.3 and 2.5)

*** Reduces visual and noise nuisances from truck traffic

***Most importantly, it eliminates the potential of a very dangerous School Crossing zone across 99th Street if it remains where the 2006 plan places the roadway. We also have concerns for how Gleason Road may be used for truck traffic as the Canyon Creek Elementary School is bordering at 97th Street.

There was much conversation regarding the Business Park zoning to the north and west of Highway 10 and Highway 7. We are very concerned about having the possibility of a facility like an Amazon distribution center, operating 24 hours a day with heavy traffic of semi-trucks operating on 99th Street extension and Gleason Road (and extension), as their path to the highway.

If this were to happen it would make the move of 99th Street to the south an imperative for residents of

Canyon Creek Highlands and speaking for future residents of the new medium density residential area an imperative for them also.

We support the exploration of other zoning designations for the area including a return to Office/ Research, Mixed Use or some level of residential.

Scott from our conversations, we realize the Comprehensive Plan is a live document subject to change with many options that may occur based on market conditions. We also recognize that developers / investors look at the proposed zoning and may choose to invest large sums of money based on the zoning type presented. We wanted to provide you and staff with our perspectives upfront and early in the process.

Thank you for your consideration of the collective ideas of the residents of Canyon Creek Highlands.

Greg Sieve

From: Dan Foster <df@schlagelassociates.com>
Sent: Thursday, May 23, 2024 10:47 AM
To: Scott McCullough <smccullough@lenexa.com>
Cc: Andrew M Cope <andy@jocoland.com>
Subject: 20-207 RE: Comprehensive Plan Update

Thanks for the opportunity to provide input to the discussion on the alignment of 99th Street.

We appreciate the adjacent resident support of a residential land use south of Canyon Creek Highlands. We understand their concern about business park uses adjacent to single family and we support the high density residential use proposed on the reimagined comprehensive plan. We reviewed the alignment proposed by the residents but applied City standards for curves and tangents. We also reviewed the comments regarding the suggest change to 99th Street alignment. The residents had provided similar comments regarding truck traffic during the approval of the Cedar Canyon West project so we are aware of and acknowledge their concerns. After reviewing the information provided, we feel there are significant issues and challenges with changing the 99th Street alignment. Our client does not support moving 99th Street south as proposed by adjacent residents for the reasons below.

1. A preliminary alignment study was prepared for 99th Street. The alignment for the road has been established for many years and with the recent construction of 99th west of Clare, changing the alignment it not as simple as indicated on the plan provided by the residents. The intersection of 99th and Clare is under construction so that cannot move. Using the minimum City standard for tangents and curves, the alignment proposed by the residents is not possible on the west end. See comments 4 and 5.

2. 99th Street cannot move south to the location proposed by the adjacent resident because it would locate the road in an area with steeper cross slopes than the current location. It would require significant more grading resulting in removal of the stream corridor south of 99th and the City would have to acquire more property to construct the road.

3. The location of 99th Street proposed by the adjacent resident would put the multifamily and industrial uses right adjacent to Canyon Creek Highlands(sharing a common property line) instead of using the road to be part of the buffer separation between uses.

4. The location of 99th Street proposed by the adjacent resident would leave small undevelopable slivers of property between 99th and the stream corridor(that are not in the stream corridor and the right of way) so the City would have to purchase/acquire more property than just the right of way. Using the City minimum curve and tangents, 99th cannot be aligned further south without creating a small 5 acre parcel that is not really developable. This does not include the sliver that is only 100' wide between the stream corridor and 99th that is needed to transition grade from the right of way to the stream corridor.

5. Relocating 99th reduces the size of the remaining residential parcel west of Gleason so that it would also be a difficult parcel to develop.

6. Per the City street plan, there would be a commercial collector south of the stream corridor south of 99th to serve the business park uses. If 99th is moved south then the stream corridor would be sandwiched between 99th and the commercial collector which does not seem to align with the goals of the City.

7. The future interchange improvements for K-7 and K-10 interchange do not work at the location of 99th Street proposed by the adjacent resident because of the flyover ramp configuration . See attached. Moving 99th south along the adjacent single family and then curving back up to the original alignment also causes damages to the remainder business park parcels. It makes them less rectangular and creates more small slivers that are not developable.

8. The current alignment allows for the Office Research and Development parcels north of 99th to have direct access to 99th. If 99th street is moved south those parcels would no longer have direct access to 99th as shown on the original alignment study. Now those parcels would have to use Gleason and Dunraven for access.

9. The current alignment is curved along the residential to minimize impact on the stream corridor north of 99th. This creates a landscape buffer between the road and single family residential.

10. The current alignment crossing the pipeline at nearly 90 degrees which is the typical pipeline standard. Changing the alignment would change the crossing to be more angled and may not be feasible given the topography and pipeline standards.

11. Gleasons has long been the division between residential and more commercial/office uses. There might be some potential for multifamily east of Gleason, however it would need to be high density because of the context of having office, research, development and warehouse uses north and south. How far multifamily could be extended would depend on the Clare Road interchange. With no Clare Road interchange then truck would have to go north to 99th and through multifamily residential if the land use was changed. Multifamily might be extended to Dunraven, as I have seen plans from the City where Gleason terminates at 99th and does not cross the stream corridor south of 99th. It would need to be high density residential because the land use to the north, east and south would be office warehouse uses.

12. We would prefer to keep the high density designation on the future land use plan. With the topography of the current parcel shown as high density residential on the draft comprehensive plan, an RP-3 building that can step down the grade (ie 2/3 split) would fit the topography better than a medium density residential building. Ultimately any plan for that area would be a planned district that the adjacent owners can provide input and eventually need to be reviewed and require approval of the City.

13. The plan as proposed has typical and appropriate land use transitions. The business park is next to K-10 highway, then a stream corridor, then high density residential, then a typical arterial road, then a stream buffer and finally the single family.

14. As discussed at the Planning Commission and/or City Council meeting, the City has enforcement control for truck routes. When the City is able to get the Clare Road and K-10 interchange constructed most of the truck traffic from the business park uses will use the commercial collector (100th Street) south of 99th Street to access the interchange. If the Lone Elm and K-10

interchange is constructed first and 99th is extended over K-7 then truck traffic from the business park uses would go east over K-7 to that interchange or may use Dunraven to access the Prairie Star Parkway and K-7 interchange. The City will approve plans and access to Gleason from the proposed Office Research and Development uses.

We recommend keeping the alignment of 99th Street in the location currently shown. It matches the alignment study the City prepared, works with the future K-7 and K-10 interchange improvements, and works with the proposed land use plan. Please feel free to contact us if you have any questions or want to discuss our comments.

Daniel G. Foster, PLA

Principal / Landscape Architect

Direct 913-322-7142

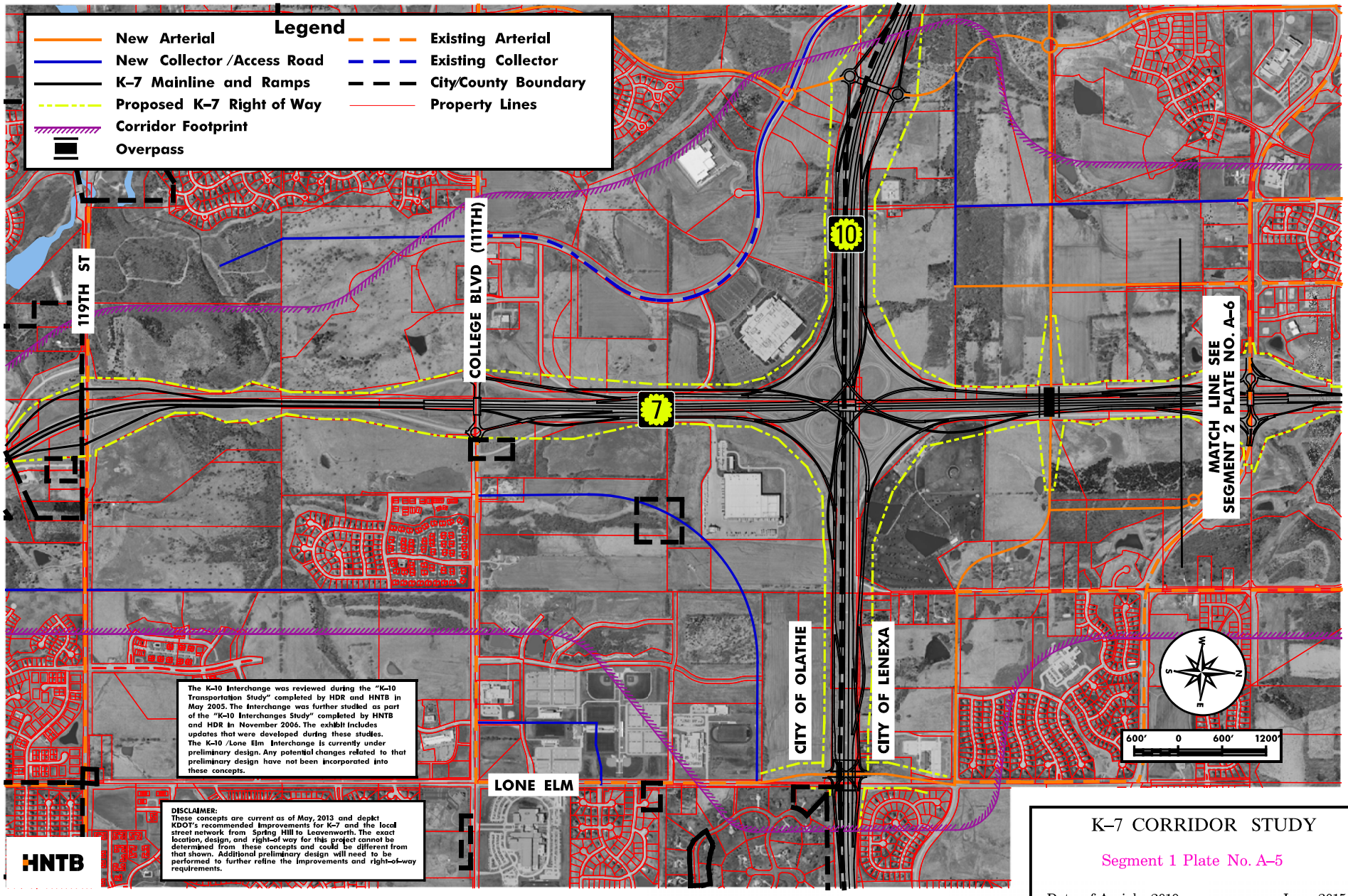
SCHLAGEL

ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS

14920 W. 107th Street, Lenexa, Kansas 66215-4018

(913) 492-5158 Main

www.schlagelassociates.com



K–7 CORRIDOR STUDY

Segment 1 Plate No. A–5

Date of Aerials: 2010 June 2015

From: Waters, David E. <dwaters@spencerfane.com>
Sent: Wednesday, May 29, 2024 9:19 AM
To: Scott McCullough <smccullough@lenexa.com>
Cc: Julie Sayers <jsayers@lenexa.com>; Beccy Yocham <byocham@lenexa.com>; Bill Nicks <bnicks@lenexa.com>; Mark Charlton <mcharlton@lenexa.com>
Subject: RE: Lenexa Comprehensive Plan--Comments for Joint Council and Planning Commission Meeting

Scott,

In advance of the June 3 Planning Commission meeting, please find attached an updated letter on behalf of my client, Mr. Andy Cope. Again, we appreciate your receiving this and giving these thoughts good consideration prior to finalization of the updated Comprehensive Plan. Thank you.

David E. Waters Partner
Spencer Fane LLP
Office Managing Partner, Overland Park, Kansas

6201 College Boulevard, Suite 500 | Overland Park, KS 66211
O 913.327.5189
dwaters@spencerfane.com | spencerfane.com

From: Waters, David E.
Sent: Friday, April 19, 2024 11:06 AM
To: smccullough@lenexa.com
Cc: Julie Sayers <jsayers@lenexa.com>; Beccy Yocham <byocham@lenexa.com>; bnicks@lenexa.com; mcharlton@lenexa.com
Subject: Lenexa Comprehensive Plan--Comments for Joint Council and Planning Commission Meeting

Scott,

In advance of the City's upcoming joint City Council and Planning Commission meeting regarding the 2024 Comprehensive Plan, please find attached to this email a letter I have prepared providing additional comments regarding the City's plan as my client, Mr. Andy Cope, and his property. We greatly appreciate your consideration. Thank you.

David E. Waters Partner
Spencer Fane LLP
Office Managing Partner, Overland Park, Kansas

6201 College Boulevard, Suite 500 | Overland Park, KS 66211
O 913.327.5189
dwaters@spencerfane.com | spencerfane.com

DAVID E. WATERS
DIRECT DIAL: 913-327-5189
dwaters@spencerfane.com

May 29, 2024

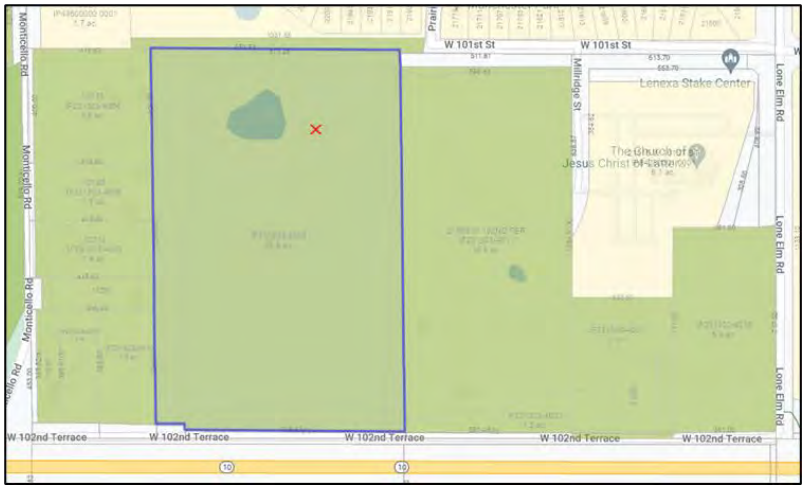
VIA EMAIL TO SMCCULLOUGH@LENEXA.COM

Mr. Scott McCullough, AICP
Community Development Director
City of Lenexa, Kansas
17101 West 87th St. Parkway
Lenexa, Kansas 66219

Re: Lenexa Comprehensive Plan Updates

Dear Mr. McCullough:

As you know, our firm represents Mr. Andrew M. Cope and certain businesses of his, including K10-A, LLC, in regard to certain property he owns in Ward 2 in the City of Lenexa. On April 19, 2024, we wrote to you and other City officials specifically regarding his property located near 102nd Terrace and Monticello Road in the City of Lenexa, as shown below:



Our April 19 letter was in regard to the City's consideration of a new Comprehensive Plan. We have not seen any drafts of a revised Comprehensive Plan following the City Council's and Planning Commission's April 23, 2024, joint work session. However, we understand that the City may still be holding out on an unrealistic expectation (or hope) that this area will develop for business or office purposes, notwithstanding that—throughout years now of this designation—it simply is not happening.

Nevertheless, we understand that the Planning Commission will again consider the Comprehensive Plan on June 3, 2024. Accordingly, for purposes of that meeting, and on behalf of Mr. Cope, we would resubmit our previous thoughts and concerns (see attached a copy of the original April 19 letter) and ask

that this letter—together with the original letter—be submitted to and included in the June 3 Planning Commission packet materials.

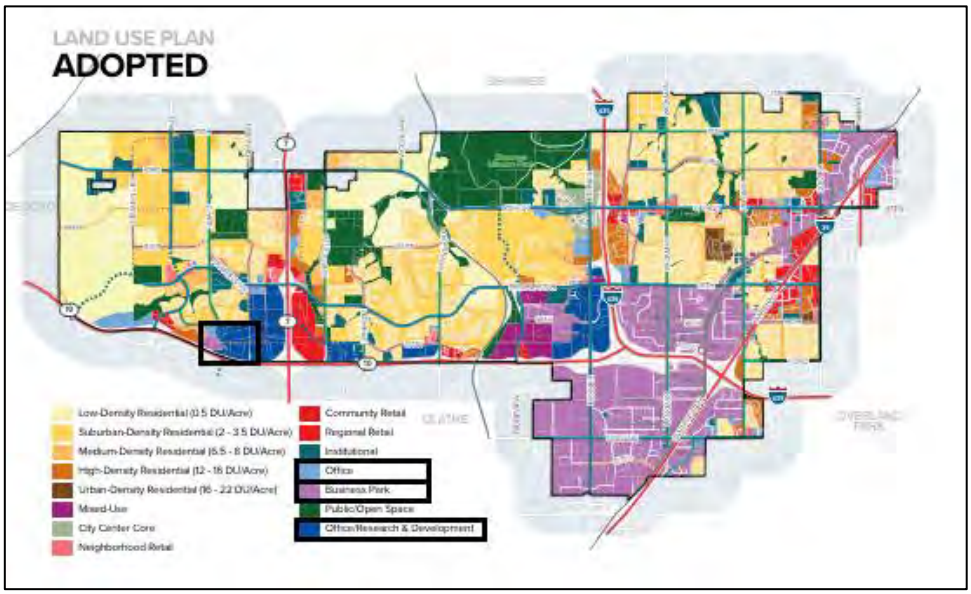
To summarize our previous letter, we believe it would be clear that, under the "Golden" factors, this property is most appropriate to be rezoned for mid- to high-density residential uses. As one example only, the character of the neighborhood is predominantly residential, and even the non-residential uses are ones that are compatible with—and indeed allowed in—residentially-zoned areas (churches and schools). We do not believe that an "island" of office use, in the middle of the surrounding uses, would be compatible with the character of the neighborhood. It is also unreasonable to hope that the all of the surrounding residential homes could be taken down for office uses, rendering a Comprehensive Plan that still sees the "middle" (our client's property) as suitable for office simply unrealistic. We further daresay that the surrounding residents would not appreciate the City's apparent plan to build office or research parks adjacent to their homes.

To that discussion, we would provide an example of a higher-density residential plan that would be appropriate for the site, one that is indicative of where the actual market is, and one that reflects the actual types of applications the City could plan on receiving:

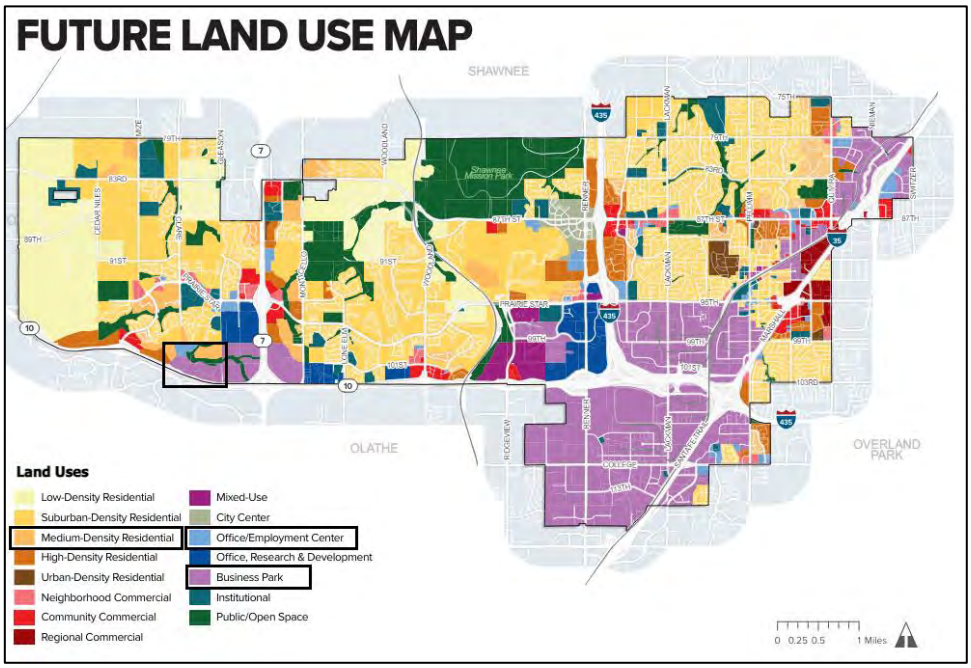
We ask that City staff, the Planning Commission, and the City Council strongly consider the knowledge and experience which Mr. Cope and his other planning professionals—who are in regular contact with the City—and move on from its insistence that office or business park uses will find success in this area of the City. This is especially true given all of the surrounding residential uses.

In addition, and since our last letter, we understand that other changes to the Comprehensive Plan are being proposed that would impact other of Mr. Cope's property (through K10-C, LLC), as shown outlined in blue below:

Under the current Comprehensive Plan, these properties also appear to be planned for a mix of Office/Research and Development, Office, and Business Park:



However, and notwithstanding the Comprehensive Plan, the area has not developed for office, business, or research purposes, and no interest in such uses has been shown. In perhaps partial recognition of this, the latest version of the draft revised Comprehensive Plan appears to show this area with at least some Medium-Density Residential, yet still with much Business Park and Office/Employment Center uses:



For many of the same reasons set forth in our April 19 letter, we do not believe that Lenexa's current approach toward development of this area reflects the market (past, present, and future) and the actual likelihood of future development.

Rather, we believe that—in line with the updated Comprehensive Plan areas directly west of this area, but also adjoining K-10 highway—these areas should also allow for High- to Mid-Density Residential uses. Accordingly, Mr. Cope would request that the Planning Commission—at this time—and the City Council—when the Plan comes before it—recommend and approve such higher residential uses. We understand that City staff has supported higher residential uses for at least a portion of this area and, in further support of our position, we would offer the following comments from Mr. Daniel G. Foster, PLA, with the Schlagel firm (which comments we understand have previously been provided to you) (emphasis added below):

> Gleasons has long been the division between residential and more commercial/office uses. There might be some potential for multifamily east of Gleason, however **it would need to be high density because of the context of having office, research, development and warehouse uses north and south**. How far multifamily could be extended would depend on the Clare Road interchange. With no Clare Road interchange then truck would have to go north to 99th and through multifamily residential if the land use was changed. Multifamily might be extended to Dunraven, as I have seen plans from the City where Gleason terminates at 99th and does not cross the stream corridor south of 99th. **It would need to be high density residential because the land use to the north, east and south would be office warehouse uses**.
>
> We would prefer to keep the high density designation on the future land use plan. With the topography of the current parcel shown as high density residential on the draft comprehensive plan, an RP-3 building that can step down the grade (ie 2/3 split) would fit the topography better than a medium density residential building. Ultimately any plan for that area would be a planned district that the adjacent owners can provide input and eventually need to be reviewed and require approval of the City.

> The plan as proposed has typical and appropriate land use transitions. **The business park is next to K-10 highway, then a stream corridor, then high density residential, then a typical arterial road, then a stream buffer and finally the single family**.

We agree with Mr. Foster's analysis, and we believe that the City's own criteria for reviewing rezoning application would support revisions to the Comprehensive Plan—now, at this time—that reflect the market and actual likelihood for future development.

Much of the City's rationale—as best we can tell from correspondence we have reviewed—appears to be circular, suggesting that the Comprehensive Plan cannot be appropriately changed now because of what the Comprehensive Plans of the past say. Of course, the Comprehensive Plan is not a legally-binding document but rather serves as a basis or guide for coordinated and harmonious development or redevelopment. K.S.A. 12-747(c). We believe the City should look to how nearby areas have actually developed, the prospects for actual development (not merely wishful colors on a map), the applications which the City is actually receiving for rezonings or plan approvals, and the expertise of landowners, developers, and professional consultants (including that of Mr. Cope) in how harmonious development can occur.

We ask that you share this letter with the City Council and the Planning Commission in advance of the June 3 Planning Commission meeting. I plan on attending the meeting on behalf of Mr. Cope, and will provide these comments there as well, if public comment is to be received. I and Mr. Cope would welcome the opportunity to speak further with the City on these issues in advance of that meeting and, if possible, we would ask that you help schedule such a meeting.

Thank you in advance for your and the City's kind consideration of our and Mr. Cope's requests on revisions to Lenexa's updated Comprehensive Plan. Please do not hesitate to contact us if you have any questions or if we can be of further assistance.

Best regards,

David E. Waters

DEW/dew

cc: The Honorable Julie Sayers, Mayor (via email to jsayers@lenexa.com)
Beccy Yocham, City Manager (via email to byocham@lenexa.com)
Councilmember Bill Nicks, Ward 2 (via email to bnicks@lenexa.com)
Councilmember Mark Charlton, Ward 2 (via email to mcharlton@lenexa.com)
Dave Dalecky, Planner II (via email to ddalecky@lenexa.com)

Attachment

DAVID E. WATERS
DIRECT DIAL: 913-327-5189
dwaters@spencerfane.com

April 19, 2024

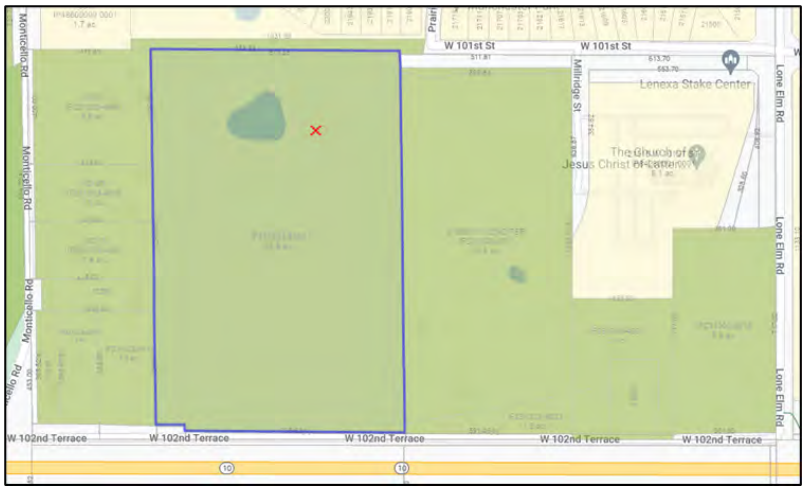
VIA EMAIL TO SMCCULLOUGH@LENEXA.COM

Mr. Scott McCullough, AICP
Community Development Director
City of Lenexa, Kansas
17101 West 87th St. Parkway
Lenexa, Kansas 66219

Re: Lenexa Comprehensive Plan Updates

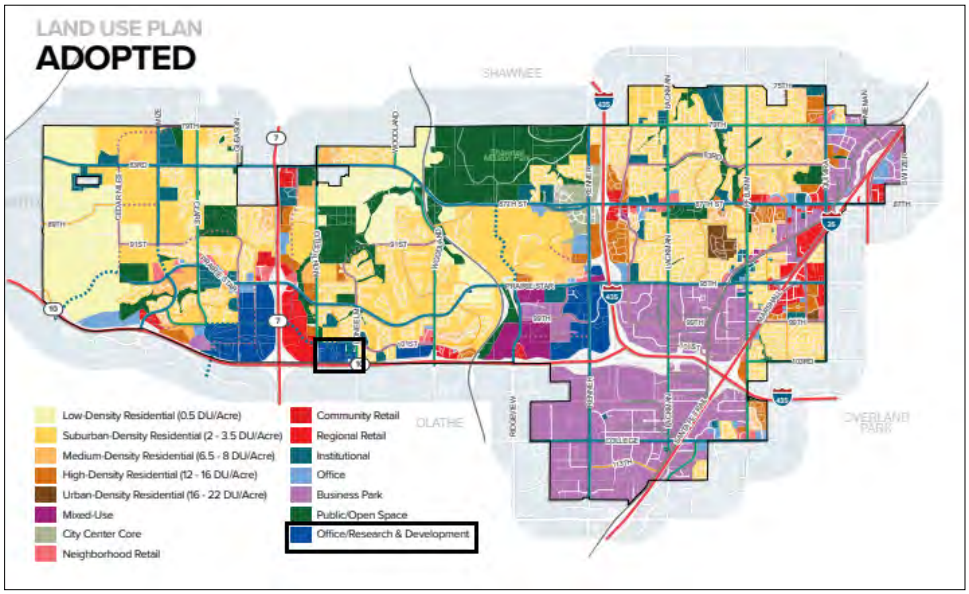
Dear Mr. McCullough:

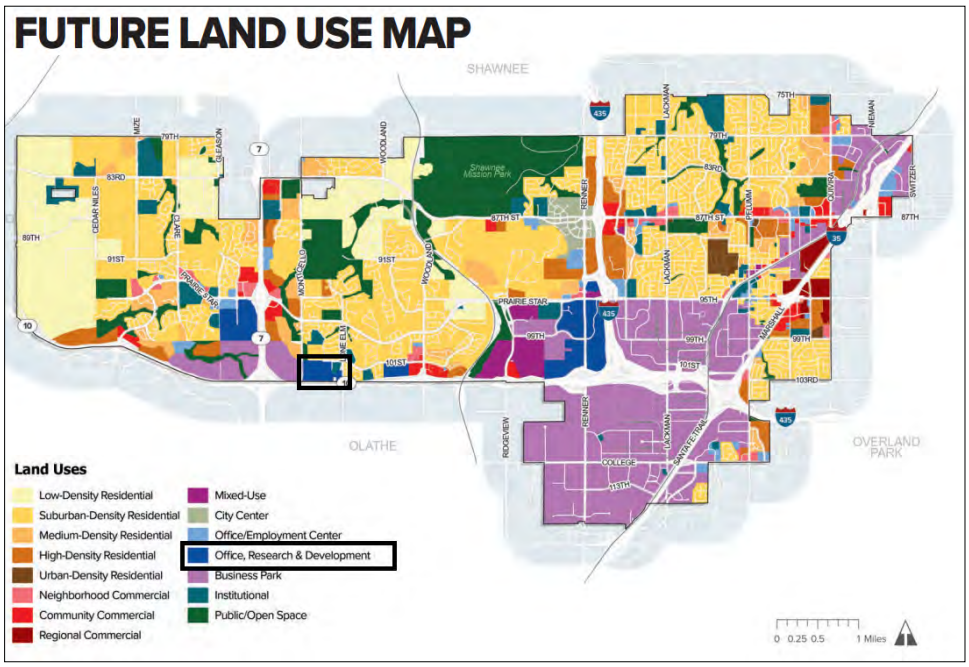
Our firm represents Mr. Andrew M. Cope and certain businesses of his, including K10-A, LLC, in regard to certain property he owns located near 102nd Terrace and Monticello Road in the City of Lenexa, as shown below (which we will refer to in this letter as the "Property"):



We understand that the Lenexa City Council and Lenexa Planning Commission will hold a joint work session on Tuesday, April 23, 2024, to review an updated draft of Lenexa's new Comprehensive Plan, which will directly impact our client's Property. Accordingly, the purpose of this letter is to provide the City, the City Council, and the Planning Commission with our and Mr. Cope's thoughts and comments on the Comprehensive Plan, and we would respectfully ask that the City consider these prior to making any final decisions.

The Property is currently zoned AG (agricultural). According to the City's Comprehensive Plan (both the current version from 2016, and the draft update for this year), the City plans for the Property to be used in the future for "Office/Research & Development":





However, and notwithstanding the Comprehensive Plan, the area has not developed for office or research purposes, and no interest in office uses has been shown. We have previously corresponded with you that the Property and the area would be more suitable for medium-density residential housing (or other residential uses), and that there is interest in development of that kind. We also understand that Mr. Dan Foster, with the Schlagel firm shared the following thoughts with your office:

> The previous and the new draft comprehensive plans show this parcel as an office use. It has been master planned for office forever and has no one has had any interest for an office use. He does have interest in a residential use. He would like to see this parcel shown as medium density residential. Parcels north and west are residential uses and there is a church to the east. With the change in the office market since 2020, office parcels this size (small offices to provide professional services) seek

> locations near retail centers. While it adjacent to proposed BP land use, there is no mutually advantageous connection or compatibility of for business or resources. The office on the small parcel near the retail on Woodland has more mutually beneficial connection as does the office on Prairie Star adjacent to the hospital. Additionally a medium density residential use can work more with the existing conditions of the site (extensive stream corridor and topo) per goal 3.1 in housing and neighborhoods.

We agree with Mr. Foster's analysis, and we believe that the City's own criteria for review of a rezoning application (*e.g.*, from AG to a residential zone) would support revisions to the Comprehensive Plan—now, at this time—that reflect the market and actual likelihood for future development. Below, we offer our initial analysis of Sec. 4-1-G-5 of the City's zoning regulations as they would relate to Mr. Cope's Property.

<u>The character of the neighborhood</u>.

The character of the neighborhood, on the north side of K-10, is predominantly agricultural and residential, with also a large recreational area, and some "governmental/public" areas which are a bit of a misnomer because they reflect churches and schools. The below is marked up from AIMS with the "Land Use" tag turned on.

Particularly north of K-10, the character of the neighborhood is, indeed, predominantly residential, and even the non-residential uses are ones that are compatible with—and indeed allowed in—residentially-zoned areas (churches and schools). We do not believe that an "island" of office use, in the middle of the surrounding uses, would be compatible with the character of the neighborhood.

<u>The zoning and use of properties nearby</u>.

The subject property is currently zoned AG. There is AG zoning to the east and west (with a few homes to the direct west), and northwest; R1 zoning is to the north; a little bit of CPO to the east (but used as a church—the Latter-Day Saints), with more R1 to the east of that. To the south is more AG and also some more R1, with some BP (business park) to the southwest. There is also an elementary school to the south, and a school to the north. Of course, immediately to the south is K-10.

In our previous correspondence, you had stated that the "adjacent proposed uses" south of new 101st Street would be "planned" office/industrial. It is unclear at this time whether there are actually any "planned" or proposed uses beyond what the City has suggested in the Comprehensive Plan. Obviously,

Mr. Cope's Property makes up the majority of the area that would be south of 101st St. and between Lone Elm and Monticello (north of K-10), so if Mr. Cope does not have a "planned" or proposed office/industrial use (and he does not), we would query what actual "planned" uses there really are outside of the City's Comprehensive Plan.

Furthermore, by our count, there are at least six homes to the west of the Property and one to the east. We believe it is incredibly unlikely that, in the near future, all of these residents would sell off their individual parcels to create a parcel that would be practically developable for office or research purposes. Furthermore, the only existing "office" use nearby is actually a church (which fits into a residential category just as well or better as into an office category).

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

This factor would speak to whether the Property is suitably zoned for agriculture. Both we, Mr. Cope, and the City would seem to agree that that the Property is not ultimately suitable for agricultural zoning, so this factor should weigh in favor that a rezoning is appropriate. The most likely rezoning options are what should actually be incorporated into the Comprehensive Plan.

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

Medium-density residential zoning could not reasonably be seen as detrimentally affecting nearby property (in fact, it would be a less intense use than office/research park) and would provide an appropriate transition from the single-family zoning north down to K-10 and adjacent to church property and a recreational area. The construction of 101st Street would also offer protection from adjacent single-family uses to the north.

We do not believe that the City could reasonably maintain a position that a change to medium-density residential zoning would detrimentally affect the City's own vision for nearby properties (which, again, are not actually being used for how the City sees it, at least as reflected in the current draft Comprehensive Plan). Such a position would essentially freeze Mr. Cope's use of his Property until such time as the City could convince all other single-family homeowners nearby to sell their properties for office uses. Given that Mr. Cope's parcel is the largest undeveloped parcel in that section, we believe it would be unreasonable for the City to lock him into a plan while it waits for smaller minority owners to sell. This is especially true where there simply has not been any viable market in this area for office/research uses.

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

The Property has never been developed. This factor speaks again to that the Property should be rezoned. Furthermore, it has never been developed for the City's planned office/research purposes and, as Mr. Foster pointed out, it has been master-planned for office for a significant amount of time and has seen no interest for an office use. In fact, Mr. Cope has owned the property since February 1998. During that time, there has been repeated interest in the property for medium- and even high-density residential uses, but the City has never embraced those proposals. Twenty-six years later, the situation remains the same.

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.

We believe this factor exposes the crux of the issue. Again, what the City appears to be asking for is that Mr. Cope "wait and see" how other properties develop into office/research first, which makes little to no sense given that his Property is the only one truly undeveloped—placing the burden on him to do nothing but wait and see whether other existing residential home sites can develop into office/research first. That

is unrealistic, to freeze development in this way. If any of this area would be developed for office/research first, it would be this one—our client's Property—not the others, on which homes exist (and the one "office" use that is nearby is actually a church). This area has been shown as office/research on the Comprehensive Plan for a number of years and it simply has not developed that way. Asking that Mr. Cope wait for something to maybe happen is an undue hardship.

Recommendations of City's permanent professional staff.

We certainly understand that, at this time, you have stated that you would recommend against a rezoning for medium-density residential uses. We appreciate your consideration of this letter, and hope that the City will reconsider its current position.

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

We believe that now would be the appropriate time to revise the Comprehensive Plan in order to make it consistent with actual nearby land uses and the uses that are most likely to be proposed for the area in the future.

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.

There is certainly no information to suggest that a medium-density residential use would put pressure on available infrastructure. If anything, the use would be less intense than office/research, which would require significant surface parking (impacting drainage); furthermore, a medium-density residential use would be more consistent with the nearby schools and green space.

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.

A residential use that would be less-intense than office zoning would not adversely affect capacity of the street network and would actually provide less of an impact on traffic and parking. As pointed out by Mr. Foster, there are no mutually-advantageous connections for office/research businesses in the area (such as restaurants for employees).

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

There is zero indication that the proposed use (medium-density residential) would cause environmental impacts, etc., especially when compared to office/research purposes. Additionally, as stated by Mr. Foster, a medium-density residential use would work better given existing site conditions, such as the existing stream corridor and the general topography of the site.

The extent to which the proposed development would adversely affect the capacity or water quality of the stormwater system, including without limitation, natural stream assets in the vicinity of the subject property.

Similarly, there is zero indication that a medium-density residential use would adversely affect these issues, especially when compared to office/research uses.

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.

There could be no showing of any inability to satisfy these requirements at this time.

Accordingly, we believe that, if the City were to analyze an application for medium-density rezoning, it would need to find that its factors for consideration weigh in favor of recommending such an application for approval.

We ask that you share this letter with the City Council and the Planning Commission in advance of next week's joint meeting. As you know, I myself have been involved in comprehensive planning in several capacities, including as city attorney for several cities, and personally as a member of the Westwood Planning Commission for eight years, the Westwood City Council for four years, and now as the Mayor of Westwood, currently in my second four-year term. I would welcome the opportunity to speak further with the City on my own experiences in this area, even outside of legal considerations.

Thank you for your and the City's kind consideration of our and Mr. Cope's request on revisions to Lenexa's updated Comprehensive Plan, and please do not hesitate to contact us if you have any questions or if we can be of further assistance.

Best regards,

David E. Waters

DEW/dew

cc: The Honorable Julie Sayers, Mayor (via email to jsayers@lenexa.com)
Beccy Yocham, City Manager (via email to byocham@lenexa.com)
Councilmember Bill Nicks, Ward 2 (via email to bnicks@lenexa.com)
Councilmember Mark Charlton, Ward 2 (via email to mcharlton@lenexa.com)

ORDINANCE NO. _____

AN ORDINANCE APPROVING AND ADOPTING THE CITY OF LENEXA COMPREHENSIVE PLAN.

WHEREAS, the City has consistently evaluated the Lenexa Comprehensive Plan in an effort to remain current with new development proposals, technology and changing community goals and objectives; and

WHEREAS, the last such substantive revision of the Comprehensive Plan occurred in 2016; and

WHEREAS, in 2021, the City of Lenexa undertook a complete revision of its Comprehensive Plan, including, but not limited to, comprehensive surveys and studies of past, present and future conditions and trends relating to land use, population and building intensity, public facilities, economic conditions and natural resources; and

WHEREAS, the results of those surveys and studies have been published in the form of a draft Comprehensive Plan, which is available for viewing in an interactive, web-based format at www.lenexa.com and also maintained in written, paper-copy format in the City of Lenexa Department of Planning and Development ("Proposed Plan"); and

WHEREAS, the Lenexa Planning Commission has determined that the Proposed Plan will ensure the coordinated and harmonious development which will best provide for the health, safety, order, convenience, prosperity, and general welfare of the City; and

WHEREAS, on June 3, 2024, the Lenexa Planning Commission held a duly noticed public hearing on the Proposed Plan for the purpose of hearing and considering public comment thereon and a written summary of said public hearing has been presented to the Governing Body for consideration; and

WHEREAS, the Proposed Plan, showing the Planning Commission's recommendations for development and redevelopment of the City as required by K.S.A. 12-747, was adopted by the Lenexa Planning Commission on June 3, 2024 by Resolution 2024-01 and a certified copy thereof was forwarded to the Governing Body with the Planning Commission's recommendation for approval; and

WHEREAS, the Governing Body, after review of the Proposed Plan, the summary of the public hearing thereon, and the Planning Commission's recommendation, hereby accepts said recommendation.

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

Section One: The City of Lenexa Comprehensive Plan, as attached hereto as Exhibit "A," is hereby approved and adopted. The Comprehensive Plan shall constitute

the bases or guide for public action to insure a coordinated and harmonious development or redevelopment which will best promote the health, safety, morals, order, convenience, prosperity and general welfare as well as wise and efficient expenditure of public funds.

Section Two: The City Clerk is authorized and directed to provide an attested copy of the City of Lenexa Comprehensive Plan and any amendments thereto, to all other taxing subdivisions in the planning area which request a copy of such plan.

Section Three: This Ordinance shall take effect, and the Comprehensive Plan shall become effective, upon passage and publication of the ordinance summary in the official City newspaper as provided by State law.

PASSED BY the City Council this 18th day of June 2024.

SIGNED BY the Mayor this 18th day of June 2024.

CITY OF LENEXA, KANSAS

_____
Julie Sayers, Mayor

ATTEST:

_____
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

_____
Steven D. Shrout, Assistant City Attorney

CITY COUNCIL
MEMORANDUM

ITEM 12

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

CONTACT: Stephanie Sullivan, Planning Manager

DATE: July 2, 2024

ACTION NEEDED:
a. Conduct a public hearing; and

b. Pass an ordinance vacating right-of-way of Collins Road near the northwest corner of 99th Street & Clare Road.

PROJECT BACKGROUND/DESCRIPTION:
The vacation application is to remove a 40-foot tract of right-of-way in the area of what is now platted as Canyon Creek by the Lake, Second Plat. The right-of-way is no longer needed due to the construction of Clare Road just to the east. Utilities have been notified of the proposed right-of-way vacation.

State law sets forth the standards for approval of a vacation:

1. Legal notice has been given by publication.
    - As required by law, a notice of public hearing was published on Tuesday, June 4, 2024 in the Legal Record.

2. That no private rights will be injured or endangered by such vacation.
    - It is staff's opinion that no private rights will be injured or endangered by this vacation.

3. That the public will suffer no loss or inconvenience by said vacation.
    - Staff does not anticipate any loss or inconvenience imposed on the public by this vacation. This section of right-of-way was dedicated along the section line before full plans for the location of streets had been designed. The recently completed alignment of Clare Road serves the function that was intended for this north-south strip of right-of-way.

4. That in justice to the petitioner, the vacation should be granted.
    - It is staff's opinion the vacation should be approved.

STAFF RECOMMENDATION:
Pass the ordinance.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040	**Guiding Principles**
Thriving Economy	Responsible Economic Development

ATTACHMENTS

1. Map
2. Ordinance

Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

Collins Road Vacation

0 87.5 175 350 Feet

Lenexa KANSAS

ORDINANCE NO. _____

AN ORDINANCE VACATING RIGHT OF WAY, OR A PART THEREOF, NEAR THE NORTHWEST CORNER OF 99TH STREET AND CLARE ROAD, IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS.

WHEREAS, the City of Lenexa, Kansas has received a request for the vacation of right-of-way or a portion thereof, located near the northwest corner of 99th Street and Clare Road; and

WHEREAS, the right-of-way was recorded as a section lane road referred to as "Collins Road" in October 1866 by Book 1 page 178 of Road Packet Number 83; and

WHEREAS, the City has caused Notice of Public Hearing to be published in the official City newspaper according to K.S.A. 12-504, *et seq*., and amendments thereto; and

WHEREAS, the Governing Body of the City has held a hearing on said Petition and evidence has been presented, and the Governing Body has determined that due and legal notice has been given by publication as required by statute; and

WHEREAS, the Governing Body heard the evidence at the public hearing on July 2, 2024; and

WHEREAS, the Governing Body having reviewed and weighed the evidence finds:

1. No private rights will be injured or endangered by this vacation; and
2. The public will suffer no loss or inconvenience by this vacation; and
3. The petitioner should in the interest of justice be granted this request.

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

SECTION ONE: The following described real estate, previously dedicated as right-of-way should be and is hereby vacated, to wit:

A tract of land being 40.00 feet in width in the Northwest One-Quarter of Section 4, and the Northeast One-Quarter of Section 5, both in Township 13 South, Range 23 East, in the City of Lenexa, Johnson County, Kansas, lying 20 feet on each side of the Section lines and being more particularly described as follows:

A 40.00 feet wide tract of Collins Road Right-of-Way dedicated by Book 1 at Page 178 and Road Packet Number 83, lying 20.00 East of and adjacent to the West line of said Northwest One-Quarter of Section 4 and 20.00 West of and adjacent to the East line of said Northeast One-Quarter of Section 5, Beginning at the

Southeast corner of said Northeast One-Quarter, thence along the said West line of Section 4 and the said East line of Section 5, N03°38'14"W 1070.21' to The Point of Terminus on the South line of Canyon Creek By The Lake, Second Plat, a subdivision of land in the said City of Lenexa.

SECTION TWO: The City of Lenexa, Kansas reserves to itself any property rights it may hold in the area that are not expressly vacated herein.

SECTION THREE: That said Ordinance shall take effect from and after its passage and publication as required by law.

SECTION FOUR: That the City Clerk shall certify a copy of this Ordinance to the Register of Deeds of Johnson County, Kansas, for filing all in accordance with K.S.A. 12-504, et seq., and amendments thereto.

PASSED by the Governing Body this 2nd day of July 2024.

SIGNED by the Mayor this this 2nd day of July 2024.

CITY OF LENEXA, KANSAS

[SEAL]

_____
Julie Sayers, Mayor

ATTEST:

_____
Jennifer Martin, City Clerk

APPROVED AS TO FORM:

_____
Steven Shrout, Assistant City Attorney II

CITY COUNCIL MEMORANDUM

ITEM 13

SUBJECT: Ad Astra Reconstruction Project update

CONTACT: Logan Wagler, Parks & Recreation Director

DATE: July 2, 2024

PROJECT BACKGROUND/DESCRIPTION:
Ad Astra Pool opened to the public in 1988 and has served the community for nearly 40 years. Due to the condition of the pool and ongoing maintenance challenges, it needs to be completely rebuilt. The City Council approved funding for the reconstruction following the 2024 swim season. The design team is underway on a robust community engagement process to help determine the right mix of amenities and programming for the reconstructed pool which will open in spring 2026.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040	Guiding Principles
Healthy People	Superior Quality Services
Vibrant Neighborhoods	Extraordinary Community Pride
Inviting Places	Inclusive Community Building

ATTACHMENTS
1. Presentation located in the Appendix

APPENDIX

MINUTES OF THE
JUNE 18, 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, and Denny were present with Mayor Sayers presiding. Councilmembers Eiterich, Williamson, and Herron were absent.

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

APPROVE MINUTES

Councilmember Denny made a motion to approve the June 4, 2024 City Council meeting draft minutes and Councilmember Arroyo seconded the motion. Motion passed unanimously.

MODIFICATION OF AGENDA

Item 9, ordinance adopting the Lenexa Comprehensive Plan, was continued to the July 2, 2024 at staff's request.

APPOINTMENT

Mayor Sayers announced that Councilmember Arroyo will serve as Council President from July 1 through December 31, 2024. She thanked Councilmember Nicks for his service as Council President for the past six months.

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

CONSENT AGENDA

1. Bid award to Musselman & Hall Contractors LLC for the 2024 Pavement Reconstruction Program, Deer Run Street Reconstruction Project
   This project will reconstruct 2.13 lane-miles of roadway. Work includes sub-grade modification, new base and surface asphalt, removing and replacing deteriorated curbs and gutters, and replacing sidewalk panels and ADA ramps throughout the neighborhood. Musselman & Hall Contractors LLC bid $1,207,599 to do the work.

2. Consideration of a change order for and acceptance for maintenance of the Falcon

Valley Drive Street Reconstruction Project

a. Approval of Change Order No. 2 for the Falcon Valley Drive Street Reconstruction Project

b. Acceptance of the Falcon Valley Drive Street Reconstruction Project for maintenance
This project reconstructed a total of 3.17 lane-miles of roadway, including complete pavement reconstruction, underdrain installation, new sidewalk installation, spot replacement of existing curbs, gutters, and sidewalks, and streetlight upgrades. The change order amount is $197,446.25.

3. Change Order No. 2 to the contract with K&W Underground Inc. for the 2023 Fiber and Conduit Installation Project
This change order is for modification and adjustment of fiber optic cable and conduit at various locations throughout the City. The change order amount is $76,281.82.

4. Approval and authorization for the Mayor to execute a grant of permanent easement to AT&T Kansas for the Lenexa Old Town Activity Center Project
While vacating right-of-way for the Lenexa Old Town Activity Center Project, a 50-foot utility easement for AT&T Kansas was discovered. AT&T has consented to release the existing 50-foot private utility easement after the City grants a 15-foot utility easement over the existing AT&T facilities.

5. Approval and authorization for the Mayor to execute Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) documents with the Board of County Commissioners of Johnson County, Kansas

a. Letters to Housing and Urban Development (HUD) and Johnson County, Kansas stating Lenexa's intent to defer its classification as a Metropolitan City for the purpose of the CDBG and HOME Programs

b. Memorandum of Understanding (MOU) with the Johnson County Board of County Commissioners for 2025-2027 CDBG and HOME

c. Amendment No. 1 to the MOU - Johnson County HOME Consortium dated June 18, 2020 for federal fiscal year 2021

d. Amendment No. 1 to the MOU - Johnson County HOME Consortium dated June 24, 2021, for federal fiscal years 2022-2024
In 2020, the City elected to be included in the Urban County for purposes of Johnson County's Community Development Block Grant (CDBG) and HOME Investment Partnership (HOME) grants. The City must take several steps to defer its classification as a Metropolitan City from 2025-2027. Amendments to prior Memorandums of Understanding are also required.

6. Resolution authorizing the Mayor to execute an agreement with All City Management Services for school crossing guard services during the 2024-2025 school year and the fall semester of the 2025-2026 school year
All City Management Services is the only provider of school crossing guards in this

area and staff proposes to contract with the company for the upcoming 2024-2025 school year and the fall semester of the 2025-2026 school year for a total estimated cost of $230,946.24.

7. Resolution declaring it necessary to appropriate private property for the construction of the 83rd Street & Lackman Road Traffic Signal Improvements Project
   This resolution will allow the City to proceed with the acquisition of private property associated with the construction of the 83rd Street & Lackman Road Traffic Signal Improvements Project. The total estimated cost for the project, including acquisition, is $514,500.

8. Resolution authorizing the sale, possession, and consumption of alcohol at the 2024 Food Truck Frenzy - Old Town event
   The City plans to sponsor a Food Truck Frenzy - Old Town event on July 20, 2024. The sale, possession, and consumption of alcohol at the event requires City Council approval, as well as designating the event's boundaries and identifying the public streets to be closed.

END OF CONSENT AGENDA

Councilmember Karlin made a motion to approve items 1 through 8 on the consent agenda and Councilmember Arroyo seconded the motion. Motion passed unanimously.

BOARD RECOMMENDATIONS

9. Ordinance adopting the Lenexa Comprehensive Plan
   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.
   This item was continued to the July 2, 2024 City Council meeting at staff's request.

NEW BUSINESS

There was no new business.

COUNCILMEMBER REPORTS

Councilmember Nicks said that the Falcon Ridge Drive street reconstruction project, which was accepted for maintenance on tonight's consent agenda, looks really nice and thanked staff for their work.

STAFF REPORTS

Beccy Yocham, City Manager, said that there would be a Committee of the Whole meeting next week beginning budget discussions. She also introduced Erika Garcia Reyes, the Pro-X intern for the Legal Department this summer.

END OF RECORDED SESSION

BUSINESS FROM FLOOR

There was no business from the floor.

EXECUTIVE SESSION

10. Executive session for preliminary discussion regarding the acquisition of real property pursuant to K.S.A. 75-4319(b)(6)

    Mayor Sayers said, "I will entertain a motion to recess into executive session in the Green Room for a preliminary discussion regarding the acquisition of real property pursuant to K.S.A. 75-4319(b)(6). Present in the executive session will be the Governing Body and the following staff members: City Manager Beccy Yocham, Deputy City Manager Todd Pelham, Community Development Director Scott McCullough, Parks and Recreation Department Director Logan Wagler, and City Attorney Sean McLaughlin. The executive session will start at 7:07 PM and last 15 minutes and the open meeting will resume at 7:22 PM in the Green Room."

    Councilmember Denny made a motion to recess into executive session and Councilmember Charlton seconded the motion. Motion passed unanimously.

    Mayor Sayers opened the Green Room door and said, "It is 7:22 PM and the Governing Body reconvened into the public meeting and no votes were taken or decisions made during the executive session, but I will entertain a motion to recess back into executive session to continue the discussion as provided in the original motion for an additional 10 minutes with the open meeting to resume in the Freen Room at 7:32 PM."

    Councilmember Denny made a motion to recess back into executive session and Councilmember Nicks seconded the motion. Motion passed unanimously.

    Mayor Sayers opened the Green Room door and said, "It is 7:32 PM and the Governing Body reconvened into the public meeting and no votes were taken or decisions made during the executive session. I will entertain a motion to adjourn the meeting."

ADJOURN

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

The meeting adjourned at 7:32 PM.

Lenexa KANSAS
GOVERNING BODY

TO: **Lenexa Governing Body**
FROM: **Julie Sayers**
DATE: **June 25, 2024**
RE: **Appointment | Lenexa Arts Council**

I am pleased to place before you, **Carol Leligdon** for appointment to the Lenexa Arts Council for a term beginning immediately upon your approval and continuing through July 2, 2027. This appointment will fill the current vacancy on the council following the departure of Fabiola Riobe due to a scheduling conflict.

Mrs. Leligdon is a 25+ year resident of Lenexa, raised her family here, and is now prepared to give back to the community who has "given [her] family so much enjoyment over the years." She holds Bachelors and Masters degrees in Arts Education and has served as an educator in multiple school districts, with an additional focus on reading. As you will see in her attached resume, she has dedicated her career to the arts and education, with additional volunteerism of a similar focus.

Her application for this position states: "Sharing my passion for the arts seeps into all aspects of my life! I am an explorer when it comes to making art; I love to learn and experience different media and processes. I have worked with papermaking, painting, drawing, printmaking stained glass, fiber arts, and clay. In addition to the visual arts, performing arts and music are important to my family, both as participants and as audience supporters."

Your approval is recommended, as I believe Carol will be an asset to our current group and the arts priorities that lie ahead for implementation.

Apply for a Position on the Lenexa Arts Council 2023-12-29 11:01 AM(CST) was submitted by Guest on 12/29/2023 12:01:40 PM (GMT-06:00) US/Central

Name	Value
Name	Carol Warman Leligdon
Home Address	8419 Haven St. Lenexa, KS 66219
Occupation/Job Title	Reading Specialist Teacher
Place of Employment	Turner School District USD 202
Employment Address	Junction Elementary School 2570 S. 42nd St. Kansas City, KS 66106
Home Phone	NA
Work Phone	913 288 3635
Cell Phone	913 568 6695
Email Address	carol.leligdon@gmail.com
Home	
Work	
Cell	3
Explain why you would be a good addition to the Lenexa Arts Council and why you are interested in the position	Over the 25+ years that I have lived in Lenexa, I have enjoyed the many arts experiences that Lenexa offers. I have done so from a range of perspectives, from that of a parent of young children to now that of an empty nester. As a family we have participated in many of the Lenexa arts opportunities, from Missoula Children's theater, to art shows, and concerts. I am at a point in my life that I would like to give back to the organization that has given my family so much enjoyment over the years. I have previously served on advisory groups for Camp Fire, Girl Scouts, school organizations, and YWCA, so I have demonstrated my desire to give back in a volunteer capacity. In addition, I feel my experiences as a long time teacher would be relevant and useful to a position on the advisory council.
List your art-related experience/expertise.	The arts have always been an important part of my life. I was an art teacher for 14 years in the Kansas City, Kansas school district. I also taught art classes at the Nelson Atkins Museum of Art for several years, and taught an arts education class for elementary education students at St. Mary's University. Sharing my passion for the arts seeps into all aspects of my life! I am an explorer when it comes to making art; I love to learn and experience different media and processes. I have worked with papermaking, painting, drawing, printmaking stained glass, fiber arts, and clay. In addition to the visual arts, performing arts and music are important to my family, both as participants and as audience supporters.
List any professional associations or special honors you may hold.	I am a member of the National Education Association, which is my teaching professional organization. I have not received any special honors in the past decade.
List your previous civic involvement and what that includes.	Throughout my life, I have been involved in the community around me. My parents instilled in me the importance and value of volunteering and giving back to your community. My involvements have included volunteering as a Camp Fire

	leader when I was in high school, leadership positions in local and state professional organizations through my teaching career, lots of roles in Girl Scouts and PTA as a parent volunteer, to supporting organizations who help the needy. Here are few highlights: Girl Scouts: Leader: 2002-2010, Program Director for Day Camp: 2005, Troop Consultant: 2005-2008 (responsible for training and supporting leaders) Organized and facilitated school sponsorship program for needy children, Cilegon, Indonesia: 1996-1998 PTA Volunteer: 2000- 2012, Held various volunteer positions including Coordinator of Chat-n-Chew program and Legislative Representative
What cities have you lived in, other than Lenexa?	Ames, Iowa Mission, Kansas Surat Thani, Thailand Suralaya, Indonesia Johannesburg, South Africa
How long have you lived in Lenexa?	26 years (1996- present. We lived out of the country 2011-2012)
E-Signature	Carol Warman Leligdon
Date	12/29/23

Carol Warman Leligdon

8419 Haven St. Lenexa, Kansas 66219
913-568-6695 carol.leligdon@gmail.com

SUMMARY

- Self–motivated, flexible educator with strong communication and leadership skills
- Masters Degree in education with 26 years of classroom experience
- Strong skills in data driven instructional decision making, structured literacy, and classroom management
- Additional training in multiple reading interventions, LETRS, Trauma Smart, BIST, and conflict resolution
- Experience teaching and volunteering in a variety of settings in Southeast Asia and South Africa

EDUCATION AND CREDENTIALS

- Kansas State Board of Education Professional License:
    - Reading Specialist- PreK-12
    - English for Speakers of Other Languages- PreK-12
    - Art- K-12
- Reading Specialist Licensure Program, Emporia State University: 2012
- Master of Arts in Art Education, University of Kansas: 1988
- Bachelors of Arts in Art Education, Iowa State University, Certification K-12: 1979
- SHRM-Essentials of Human Resources Management Certificate Program, 2008

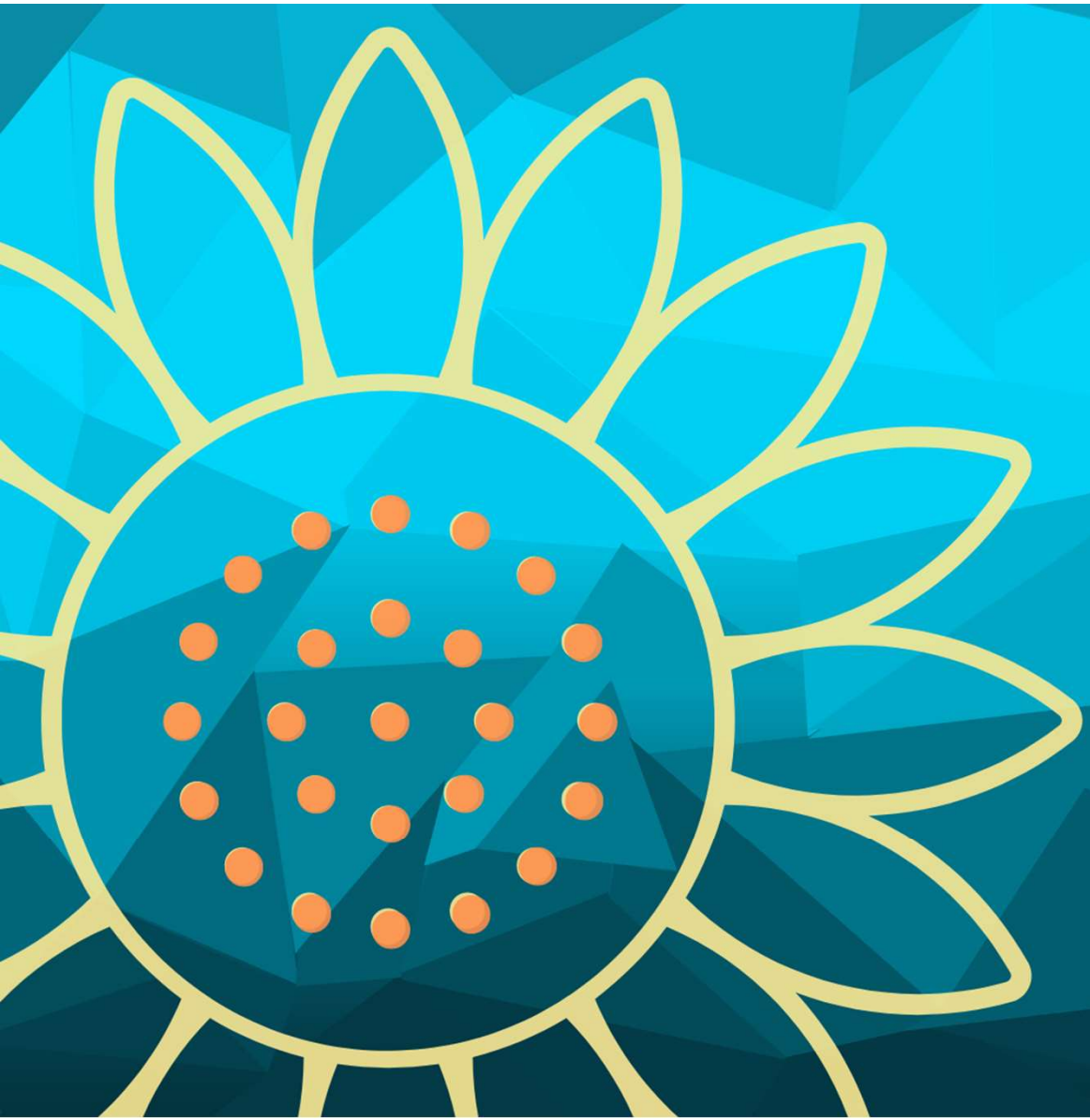
PROFESSIONAL EXPERIENCE

- **Reading Specialist** Turner School District, Kansas: August 2022-present
- **Reading Specialist/Innovation Specialist** Shawnee Mission School District, Kansas: August 2013-June 2022
- **Reading Aide** Shawnee Mission School District, Kansas: August 2012-June 2013
- **Development** Southwest Boulevard Family Health Care, Kansas City, Kansas: October 2008-June 2010
- **Administrative Assistant** Lenexa United Methodist Church Preschool, Lenexa, Kansas: August 2005-May 2008

- **English for Business Teacher** Info Solusi, Merak, Indonesia, August-December 1995 (part-time)
- **English as a Second Language and Art Teacher** Cilegon International School, Cilegon, Indonesia: May 1995-March 1996, Jan. 1997-July 1997 (part-time)
- **Volunteer English Teacher** Thidamaepra School, Surat Thani, Thailand: August 1994-April 1995 (part-time)
- **Elementary Visual Arts Teacher**
    - U.S.D. 500, Kansas City, Kansas: January 1980-June 1985, August 1986-July 1994
    - Elementary District 89, Glen Ellyn, Illinois: August 1985-June 1986 (part-time)
    - Elementary District 20, Keeneyville, Illinois: August 1985-June 1986 (part-time)
- **Museum Educator** Nelson-Atkins Museum of Art, Kansas City, Missouri: Fall 1988-Summer 1990 (part-time)
- **College Instructor** St. Mary's College, Leavenworth, Kansas: Fall 1989, Summer 1991, Fall 1991 (part-time) Responsible for designing program and teaching art education to elementary education majors.
- **Program Director** Camp Towanyak, Shawnee Mission, Kansas: Summers 1976-1977, 1979-1981. Held a variety of staff positions including Assistant Director and Program Director.

RELATED EXPERIENCES

- Girl Scouts: Leader: 2002-2010, Program Director for Day Camp: 2005, Troop Consultant: 2005-2008 (responsible for training and supporting leaders)
- Organized and facilitated school sponsorship program for needy children, Cilegon, Indonesia: 1996-1998
- PTA Volunteer: 2000- 2012, Held various volunteer positions including Coordinator of Chat-n-Chew program and Legislative Representative
- Kansas City, Kansas Public Schools Site Based Management Facilitator Training: 1993-1994
- Kansas Art Education Association Board: June 1992-July 1994
- Kansas Art Education Association Outcomes Committee: 1992-1994
- Kansas City, Kansas Public Schools Outcomes Committee: 1992-1994
- Presentations at local and state levels on a variety of topics including School Restructuring, Aesthetics, Outcomes Based Education, The Comer Model, and Site-Based Management.
- RJR Nabisco Next Century Schools Conference Participant, Washington D.C.: June 1992
- Kansas City, Kansas Elementary Art Curriculum Committee: 1981-1984



The Arts Council of Johnson County

Art is Essential

Arts and Culture Impact in Johnson County

Mission: The Arts Council of Johnson County **enhances the quality of life in Johnson County by strengthening the arts.**

We do this by empowering participation in the arts, convening our community, and advocating for the arts.

THE heART OF OUR COMMUNITY

Nonprofit arts and culture organizations in Clay, Jackson, and Platte counties in Missouri, and Johnson and Wyandotte counties in Kansas contribute significantly to the vibrancy and economic vitality of our region.

TOTAL ANNUAL INDUSTRY EXPENDITURES **$615,192,367**

REGIONAL DATA

Source: Arts & Economic Prosperity Study 6 (2023

EMPLOYMENT IMPACT

As a single entity, the nonprofit arts and culture sector stands as the fourth-largest employer in our region, closely following major entities like the University of Kansas Health System, Oracle (formerly Cerner), and HCA Midwest Health.

Source: Arts & Economic Prosperity Study 6 (2023)

JOHNSON COUNTY, KANSAS

LOCAL DATA

Represents nonprofit arts and culture organizations in Johnson County, Kansas.

TOTAL ANNUAL INDUSTRY EXPENDITURES

$38,537,604

Organizations	Audience
$15,426,146	$23,111,458

Source: Arts & Economic Prosperity Study 6 (2023)

Event-related spending by Arts & Culture Organizations Audiences totaled $23,111,458

Attendance to Arts and Culture Events	Local[1] Attendees	Nonlocal[1] Attendees	All Attendees
Total Attendance to In-Person Events	452,406	200,417	**652,823**
Percentage of Total Attendance	69.3%	30.7%	100.0%
Average Per Person, Per Event Expenditure	$26.88	$54.64	$35.40
Total Event-Related Expenditures	**$12,160,674**	**$10,950,784**	**$23,111,458**

Source: Arts & Economic Prosperity Study 6 (2023)

AVERAGE SPEND PER PERSON, PER EVENT

$26.88
BY LOCALS

$35.40

$54.64
BY TOURISTS

Source: Arts & Economic Prosperity Study 6 (2023)

Percentage of Nonprofit Arts and Culture ATTENDEES that Agree with Statements about the Social Impact of the Arts in Johnson County	
“This venue or facility is an important pillar for me within my community.”	76.3%
“I would feel a great sense of loss if this activity or venue were no longer available.”	82.8%
“This activity or venue is inspiring a sense of pride in this neighborhood or community.”	87.3%
“My attendance is my way of ensuring that this activity or venue is preserved for future generations.”	81%

Source: Arts & Economic Prosperity Study 6 (2023)

Connect with us

AMENDMENT #1 TO CDBG AND HOME COOPERATION AGREEMENT – PARTICIPATION IN THE JOHNSON COUNTY URBAN COUNTY AND THE COMMUNITY DEVELOPMENT BLOCK GRANT AND HOME INVESTMENT PARNERSHIPS PROGRAMS DATED JUNE 18, 2020

THIS FIRST AMENDMENT to the Cooperation Agreement – Participation in the Johnson County Urban County and Community Development Block Grant ("CDBG") and HOME Investment Partnerships ("HOME") dated June 18, 2020 for Federal Fiscal Years 2021, (the "Agreement"), is entered the date of last signature below (the "Effective Date") by and between the Board of County Commissioners of Johnson County, Kansas, by and through the Planning, Housing, and Community Development Department, a body corporate and political subdivision of the State of Kansas ("County") and the City of Lenexa ("City") (collectively, the "Parties").

RECITALS

A. Johnson County, as Lead Entity for the Johnson County Urban County, has entered into a Cooperation Agreement with the City's for participation in the CDBG and HOME programs.

B. On May 6, 2024, the U.S. Department of Housing and Urban Development ("HUD") issued CPD Notice 24-02 Instructions for Urban County Qualifications for Participation in the Community Development Block Grant (CDBG) Program for Fiscal Years (FYs) 2025-27 (the "Urban County Notice").

C. The Urban County Notice requires that subrecipient agreements comply with the federal laws and regulations specified in HUD's Urban County Notice.

D. The Urban County Notice also recommends including a provision that if a party elects to terminates the Agreement at a new qualification period, the terminating party shall send a copy of the notice of termination to the HUD field office by the date specified in HUD's Urban County Qualification Notice.

E. The Parties wish to amend their Agreement to address these two points.

In consideration of the above, the Parties agree to amend the Cooperation Agreement as follows:

1.0 Section V(B) of the Cooperation Agreement is amended to add additional language. The new language is in *italics*. Amended Section V(B) shall be and read as follows:

By the date specified in HUD's Urban County Qualification Notice for the next qualification period, the urban county will notify the participating unit of general local government in writing of its right not to participate. *The terminating party shall send a copy of the notice of termination to the HUD field office by the date specified in HUD's Urban County Qualification Notice.*

2.0 Section VII of the Cooperation Agreement is amended to add additional language. The Cooperation Agreement is amended to add additional language to VII. Language to be deleted is ~~struck out~~. New language is in *italics*. Amended Section VII shall be and read as follows:

The COUNTY and CITY agree to take all required actions necessary to assure compliance with the COUNTY's urban county certification ~~required by~~ *and*:

- Section 104(b) of Title I of the Housing and Community Development Act of 1974, as amended, ~~including~~
- Title VI of the Civil Rights Act of 1964, as amended, *(and the implementing regulations at 24 CFR Part 1);*
- the Fair Housing Act, *(Title VIII of the Civil Rights Act of 1968), and the implementing regulations at 24 CFR Part 100 and the duty to affirmatively further fair housing;*
- Section 109 of Title I of the Housing and Community Development Act of 1974 *and the implementing regulations at 24 CFR Part 6, which incorporates:*
    - *Section 504 of the Rehabilitation Act of 1973, and the implementing regulations at 24 CFR Part 8;*
    - *Title II of the Americans with Disabilities Act of 1974, and the implementing regulations at 28 CFR Part 35;*
    - *the Age Discrimination Act of 1975, and the implementing regulations at 24 CFR Part 146; and*
    - *Section 3 of the Housing and Urban Development Act of 1968,* and
- All other applicable laws.

3.0 All other terms and conditions of the Agreement shall remain unchanged and in full force and effect.

The Parties have caused their duly authorized representatives to execute the above and foregoing Amendment to the Agreement on the date of last signature below.

BOARD OF COUNTY COMMISSIONERS OF JOHNSON COUNTY KANSAS THROUGH THE DEPARTMENT OF PLANNING, HOUSING, AND COMMUNITY DEVELOPMENT

_____

Jay C. Leipzig, Director of Planning, Housing, and Community Development

Date: _____

ATTEST:

_____

Lynda Sader, Deputy County Clerk

APPROVED AS TO FORM

Betsey Lasister, Ass't County Counselor

CITY OF LENEXA

_____

Printed Name: Julie Sayers
Title: Mayor

Date: _____

ATTEST:

_____

Jennifer Martin, City Clerk

APPROVED AS TO FORM

_____

Steven Shrout, City Attorney

AMENDMENT ONE TO THE
CID DEVELOPMENT AGREEMENT

THIS AMENDMENT ONE TO THE CID DEVELOPMENT AGREEMENT (the "Amendment") entered into this _____ day of _____ 2024, by and between TEN RIDGE, LLC, a Kansas limited liability company ("Developer") and CITY OF LENEXA, KANSAS, a municipal corporation duly organized under the laws of the State of Kansas ("City").

RECITALS

A. The City and Developer entered into the Community Improvement District (CID) Development Agreement dated November 3, 2020 (the "DA") pertaining to Ten Ridge CID Project (as defined in the DA) located at the northeast corner of the intersection of Ridgeview Road and K-10 Highway (as defined in the DA).

B. The Developer has been diligently pursuing its obligations under the terms of the DA, including obtaining plan approvals and securing leasing, but the development is not progressing as quickly as the Parties originally anticipated, so the Parties now desire to amend the performance standards to grant additional time for the Developer to meet its obligations under the Agreement; and

C. The City and Developer desire to amend the DA as set forth below.

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreement herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer agree as follows:

1. Section 3.2 of the Agreement is deleted and replaced with the following:

   Section 3.2 Schedule. The CID Project may be constructed in phases and the timing is dependent upon market conditions. The Developer shall substantially adhere to the following schedule:

   Developer shall commence or cause to be commenced vertical construction of the Private Project Improvements on or before December 31, 2022 and substantially complete at least 20,000 square feet of the vertical Private Project Improvements on or before December 31, 2025, and substantially complete a total of at least 40,000 square feet of the vertical Private Project Improvements on or before December 31, 2027. For purposes hereof, "vertical" improvements shall mean buildings or parking garages ("**Schedule**").

   The Developer and City further agree that the commencement, prosecution and completion of the development and construction under the Schedule

set forth in this **Section 3.2** shall be subject to **Section 7.12** of this Agreement. In addition to adjustments as a result of an Excused Delay under **Section 7.12**, the Developer and City Manager may agree, in writing, to minor adjustments to the Schedule set forth above; provided, however, that any adjustment(s) to the Schedule that change the Schedule by more than one hundred eighty (180) days, other than as a result of an Excused Delay, may in the City Manager's discretion require an amendment by the Governing Body. Provided the Developer is diligently prosecuting the work, nothing in this Section shall prohibit the Developer from commencing a phase earlier than the date indicated in the preceding paragraph, and prosecuting the substantial completion of each phase in accordance with the City approved plans in a timely fashion to Completion.

2. Except as specifically amended hereby, the Agreement remains in full force and effect and is hereby ratified by the parties hereto. In the event that any of the terms or conditions of the Agreement conflict with this Amendment, the terms and conditions of this Amendment shall control.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date above.

[Signature Pages Follow]

City of Lenexa, Kansas

By:_____

Name:_____Julie Sayers_____

Title:_____Mayor_____

Attest:

_____

Jennifer Martin, City Clerk

Approved As To Form:

_____

Sean McLaughlin, City Attorney

ACKNOWLEDGMENT

STATE OF KANSAS)

)*ss.*

COUNTY OF JOHNSON)

On this _____ day of _____, 2024 before me appeared Julie Sayers, who acknowledged herself to be Mayor of the City of Lenexa, Kansas, and that he, as such and being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of said entity.

In Witness Whereof, I hereunto set my hand and official seal.

_____

Notary Public

My Commission Expires: _____

Developer:

Ten Ridge, LLC
A Kansas Limited Liability Company

By: _____

Printed Name: _____

Title: _____

ACKNOWLEDGEMENT

STATE OF _____)
)*SS.*
COUNTY OF _____)

On this ____ day of _____, 2024 before me appeared _____ _____, who acknowledged himself to be _____of Ten Ridge, LLC and that he, as such and being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of said entity.

In Witness Whereof, I hereunto set my hand and official seal.

_____
Notary Public

My Commission Expires: _____

AMENDMENT ONE TO THE
DISPOSITION AND DEVELOPMENT AGREEMENT

THIS AMENDMENT ONE TO THE DISPOSITION AND DEVELOPMENT AGREEMENT (the "Amendment") entered into this _____ day of _____ 2024, by and between LUXE, LLC, a Kansas limited liability company ("Developer") and CITY OF LENEXA, KANSAS, a municipal corporation duly organized under the laws of the State of Kansas ("City").

RECITALS

A. The City and Developer entered into that certain Redevelopment (TIF) Project Plan 10 Disposition and Development Agreement, dated June 7, 2022 (the "DDA") pertaining to Project Plan 10 (as defined in the DDA) and the Project Plan Area located at the southwest corner of Vahalla Street and Prairie Star Parkway (as defined in the DDA).

B. The Developer has been diligently pursuing its obligations under the terms of the DDA, including obtaining plan approvals and securing leasing, but the development is not progressing as quickly as the Parties originally anticipated, so the Parties now desire to amend the performance standards to grant additional time for the Developer to meet its obligations under the Agreement; and

C. The City and Developer desire to amend the DDA as set forth below.

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreement herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer agree as follows:

1. Section 3.3 of the Agreement is deleted and replaced with the following:

(a) Developer shall commence or cause to be commenced vertical construction of the Private Project Improvements on or before December 31, 2024 and substantially complete total of at least 5,000 square feet of the retail/commercial buildings on or before December 31, 2026 and substantially complete at least 260,000 square feet of the residential townhomes on or before December 31, 2027. For purposes hereof, "vertical" improvements shall mean buildings or parking garages.

(b) The Developer and City further agree that the commencement, prosecution and completion of the Private Project Improvements and performance under the Project Schedule shall be subject to **Section 7.1** of this Agreement. In addition to adjustments as a result of an Excused Delay under **Section 7.1**, the Developer and City Manager may agree, in writing, to minor adjustments to the Project Schedule set forth above; provided, however, that any adjustment(s) to the Project

Schedule that change the Project Schedule by more than one hundred eighty (180) days, other than as a result of an Excused Delay, may in the City Manager's discretion require an amendment to this Agreement by the Governing Body. Expiration of the permit under which the Project is being performed without reaching substantial completion of the work shall be deemed a failure to diligently pursue performance but this is not an exclusive basis upon which such determination may be made.

(c) The Private Project Improvements contemplate construction of the portion of the Private Project part of Project Plan 10 that is located on the Property, as described in the Final Development Plan, including access roads, parking improvements, sidewalks, landscaping, site development, surface remediation and reclamation and associated infrastructure. (the "**Project Plan 10 Development)**. Notwithstanding the foregoing, this provision does not modify or amend any Development Plan amendments or approvals that may be required by City Code.

2. Section 5.2(c) of the Agreement is deleted and replaced with the following:

Priority. The City shall make reimbursements in accordance with the amounts, priority and duration set forth in **Exhibit C** and the provisions of this DDA:

- The City shall receive the first priority for payment of the City Annual Administrative Fee which shall be deducted from the TIF Revenues prior to any other disbursement.

- The City shall receive full payment of its TIF Fee prior to any other disbursement to Developer.

- Provided Developer is not otherwise in default of this Agreement, upon receipt of a Certificate of Completion for a definable portion as defined in **Section 5.1**, the Developer shall receive 100% of the TIF Revenues, excluding the City Annual Administrative Fee, for years three (3) through twelve (12) of the TIF Term or up to a maximum reimbursement of $4,696,500 whichever occurs first (the "Developer TIF Term"). In no event, will reimbursement to the Developer extend beyond the Developer TIF Term.

- Prior to and following the Developer TIF Term, the City shall receive 100% of TIF Revenues reimburse the City for its Public TIF Reimbursable Costs up to a maximum reimbursement of $5,000,000 or the end of the TIF Term

3. Except as specifically amended hereby, the Agreement remains in full force and effect and is hereby ratified by the parties hereto. In the event that any of the terms or conditions of the Agreement conflict with this Amendment, the terms and conditions of this Amendment shall control.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date above.

[Signature Pages Follow]

City of Lenexa, Kansas

By:_____

Name:_____Julie Sayers_____

Title:_____Mayor_____

Attest:

_____

Jennifer Martin, City Clerk

Approved As To Form:

_____

Sean McLaughlin, City Attorney

ACKNOWLEDGMENT

STATE OF KANSAS)

)*ss.*

COUNTY OF JOHNSON)

On this _____ day of _____, 2024 before me appeared Julie Sayers who acknowledged herself to be Mayor of the City of Lenexa, Kansas, and that he, as such and being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of said entity.

In Witness Whereof, I hereunto set my hand and official seal.

_____

Notary Public

My Commission Expires: _____

Developer:

LUXE, LLC
A Kansas Limited Liability Company

By: _____

Printed Name: _____

Title: _____

ACKNOWLEDGEMENT

STATE OF _____)
)*SS.*
COUNTY OF _____)

On this ____ day of _____, 2024 before me appeared _____ _____, who acknowledged himself to be _____of LUXE, LLC and that he, as such and being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of said entity.

In Witness Whereof, I hereunto set my hand and official seal.

_____
Notary Public

My Commission Expires: _____

AMENDMENT TWO TO THE
DISPOSITION AND DEVELOPMENT AGREEMENT

THIS AMENDMENT TWO TO THE DISPOSITION AND DEVELOPMENT AGREEMENT (the "Amendment") entered into this _____ day of _____ 2024, by and between JAYHAWK RIDGE, LLC, a Kansas limited liability company ("Developer") and CITY OF LENEXA, KANSAS, a municipal corporation duly organized under the laws of the State of Kansas ("City").

RECITALS

A. The City and Developer entered into that certain Redevelopment (TIF) Project Plan 5 Disposition and Development Agreement, dated April 7, 2020 (the "DDA") pertaining to Project Plan 5 (as defined in the DDA) and the Project Plan Area located at the southeast corner of Ridgeview Road and Prairie Star Parkway (as defined in the DDA), which was thereafter amended by Amendment One to the Disposition and Development Agreement dated July 18, 2023 (collectively referred to as the "DDA").

B. The Developer has been diligently pursuing its obligations under the terms of the DDA, including obtaining plan approvals and securing leasing, but the development is not progressing as quickly as the Parties originally anticipated, so the Parties now desire to amend the performance standards to grant additional time for the Developer to meet its obligations under the Agreement; and

C. The City and Developer desire to amend the DDA as set forth below.

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreement herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer agree as follows:

1. Section 3.3(a) of the Agreement is deleted and replaced with the following:

(a) Developer shall commence or cause to be commenced vertical construction of the Private Project Improvements on or before December 31, 2024 and substantially complete total of at least 30,000 square feet of the vertical Private Project Improvements on or before December 31, 2026. For purposes hereof, "vertical" improvements shall mean buildings or parking garages.

(b) The Developer and City further agree that the commencement, prosecution and completion of the Private Project Improvements and performance under the Project Schedule shall be subject to **Section 7.1** of this Agreement. In addition to adjustments as a result of an Excused Delay under **Section 7.1**, the Developer and City Manager may agree, in writing, to minor adjustments to the Project Schedule set forth above; provided, however, that any adjustment(s) to the Project Schedule that change the

Project Schedule by more than one hundred eighty (180) days, other than as a result of an Excused Delay, may in the City Manager's discretion require an amendment to this Agreement by the Governing Body. Expiration of the permit under which the Project is being performed without reaching substantial completion of the work shall be deemed a failure to diligently pursue performance but this is not an exclusive basis upon which such determination may be made.

(c) The Private Project Improvements contemplate construction of the portion of the Private Project part of Project Plan 5 that is located on the Property, as described in the Final Development Plan, including access roads, parking improvements, sidewalks, landscaping, site development, surface remediation and reclamation and associated infrastructure. (the "**Project Plan 5 Development)**. Notwithstanding the foregoing, this provision does not modify or amend any Development Plan amendments or approvals that may be required by City Code.

2. Except as specifically amended hereby, the Agreement remains in full force and effect and is hereby ratified by the parties hereto. In the event that any of the terms or conditions of the Agreement conflict with this Amendment, the terms and conditions of this Amendment shall control.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date above.

[Signature Pages Follow]

City of Lenexa, Kansas

By:_____

Name:_____Julie Sayers_____

Title:_____Mayor_____

Attest:

_____

Jennifer Martin, City Clerk

Approved As To Form:

_____

Sean McLaughlin, City Attorney

ACKNOWLEDGMENT

STATE OF KANSAS)

)*ss.*

COUNTY OF JOHNSON)

On this _____ day of _____, 2024 before me appeared Julie Sayers who acknowledged herself to be Mayor of the City of Lenexa, Kansas, and that he, as such and being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of said entity.

In Witness Whereof, I hereunto set my hand and official seal.

_____

Notary Public

My Commission Expires: _____

Developer:

Jayhawk Ridge, LLC
A Kansas Limited Liability Company

By: _____

Printed Name: _____

Title: _____

ACKNOWLEDGEMENT

STATE OF _____)
)*SS.*
COUNTY OF _____)

On this ____ day of _____, 2024 before me appeared _____ _____, who acknowledged himself to be _____of Jayhawk Ridge, LLC and that he, as such and being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of said entity.

In Witness Whereof, I hereunto set my hand and official seal.

_____
Notary Public

My Commission Expires: _____

AMENDMENT TWO TO THE
CID DEVELOPMENT AGREEMENT

THIS AMENDMENT TWO TO THE CID DEVELOPMENT AGREEMENT (the "Amendment") entered into this _____ day of _____ 2024, by and between JAYHAWK RIDGE, LLC, a Kansas limited liability company ("Developer") and CITY OF LENEXA, KANSAS, a municipal corporation duly organized under the laws of the State of Kansas ("City").

RECITALS

A. The City and Developer entered into the Community Improvement District (CID) Development Agreement dated July 7, 2020 (the "DA") pertaining to Jayhawk Ridge CID Project (as defined in the DA) located at the southeast corner of the intersection of Ridgeview Road and Prairie Star Parkway (as defined in the DA), which was thereafter amended by Amendment One to the Disposition and Development Agreement dated July 18, 2023 (collectively referred to as the "DA").

B. The Developer has been diligently pursuing its obligations under the terms of the DA, including obtaining plan approvals and securing leasing, but the development is not progressing as quickly as the Parties originally anticipated, so the Parties now desire to amend the performance standards to grant additional time for the Developer to meet its obligations under the Agreement; and

C. The City and Developer desire to amend the DA as set forth below.

NOW, THEREFORE, in consideration of the foregoing and in consideration of the mutual covenants and agreement herein contained, and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the City and Developer agree as follows:

1. Section 3.2 of the Agreement is deleted and replaced with the following:

   Section 3.2 Schedule. The CID Project may be constructed in phases and the timing is dependent upon market conditions. The Developer shall substantially adhere to the following schedule:

   Developer shall commence or cause to be commenced vertical construction of the CID Project on or before December 31, 2024 and substantially complete at least 30,000 square feet of the vertical construction on or before December 31, 2026. For purposes hereof, "vertical" improvements shall mean buildings or parking garages ("**Schedule**").

   The Developer and City further agree that the commencement, prosecution and completion of the development and construction under the Schedule set forth in this **Section 3.2** shall be subject to **Section 7.12** of this

Agreement. In addition to adjustments as a result of an Excused Delay under **Section 7.12**, the Developer and City Manager may agree, in writing, to minor adjustments to the Schedule set forth above; provided, however, that any adjustment(s) to the Schedule that change the Schedule by more than one hundred eighty (180) days, other than as a result of an Excused Delay, may in the City Manager's discretion require an amendment by the Governing Body. Provided the Developer is diligently prosecuting the work, nothing in this Section shall prohibit the Developer from commencing a phase earlier than the date indicated in the preceding paragraph, and prosecuting the substantial completion of each phase in accordance with the City approved plans in a timely fashion to Completion.

2. Except as specifically amended hereby, the Agreement remains in full force and effect and is hereby ratified by the parties hereto. In the event that any of the terms or conditions of the Agreement conflict with this Amendment, the terms and conditions of this Amendment shall control.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the Effective Date above.

[Signature Pages Follow]

City of Lenexa, Kansas

By:_____

Name:_____Julie Sayers_____

Title:_____Mayor_____

Attest:

_____

Jennifer Martin, City Clerk

Approved As To Form:

_____

Sean McLaughlin, City Attorney

ACKNOWLEDGMENT

STATE OF KANSAS)

)*ss.*

COUNTY OF JOHNSON)

On this _____ day of _____, 2024 before me appeared Julie Sayers, who acknowledged herself to be Mayor of the City of Lenexa, Kansas, and that he, as such and being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of said entity.

In Witness Whereof, I hereunto set my hand and official seal.

_____

Notary Public

My Commission Expires: _____

Developer:

Jayhawk Ridge, LLC
A Kansas Limited Liability Company

By: _____

Printed Name: _____

Title: _____

ACKNOWLEDGEMENT

STATE OF _____)
)*SS.*
COUNTY OF _____)

On this ____ day of _____, 2024 before me appeared _____ _____, who acknowledged himself to be _____of Jayhawk Ridge, LLC and that he, as such and being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of said entity.

In Witness Whereof, I hereunto set my hand and official seal.

_____
Notary Public

My Commission Expires: _____

Ad Astra Pool Reconstruction Project Update

July 2, 2024

Lenexa KANSAS

Project Team

- **City of Lenexa**
- **SFS Architecture**
  - Water Technology Incorporated
  - Confluence
  - GBA Engineering
- **Construction Manager - TBD**

Project Advisory Committee

- **Lenexa City Council Members**
  - Melanie Arroyo
  - Chelsea Williamson
- **Lenexa Citizen / Ad Astra Coalition Leadership Members**
  - Judi Derks
  - Mike Stein
  - Laurel Joyce
  - Marie Riley

Project Budget

Total Project Budget: $10M

Pool: $8M

Site (including any soil remediation): $2M

Overall Project Schedule

2024	2025	2026

Public Engagement

3 Months

Summer 2024

Design Process

8 Months

Fall 2024 -

Spring 2025

Construction

12 Months

Summer 2025 -

Spring 2026

Grand Opening

May 2026

Engagement Schedule

June	July	August	September

Open House #1

June 13

-Online Survey 1

-Pop-up at Sar-Ko-Par

Open House #2

July 24

-Online Survey 2

-Pop-up TBD

Open House #3

Sept 11

-Online Survey 3

-Pop-up TBD

Open House #1

Lenexa City Hall

June 13

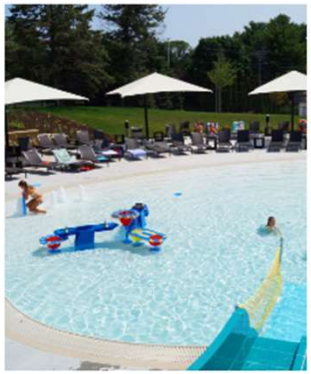
5:30 - 7:00 pm

49 Attendees

- Open-house format
- Dot-Poll exercise asking visitors for preferences on aquatics and design

Open House #1

Pool Types



Top 6

		No. of Votes
1	ZERO DEPTH ENTRY POOL	36
2	CURRENT CHANNEL	28
3	LAP POOL (TIED)	27
3	DEEP WATER POOL (TIED)	27
5	SOCIAL ACTIVITY POOL	25
6	SPLASH PAD	9

Amenities

Top 5

1	LARGE SHADE STRUCTURE	41
2	DIVING BOARDS	31
3	SUN SHELF (TIED)	20
3	WATER SLIDE (TIED)	20
5	UNDERWATER BENCHES	19

Bottom 2

13	PLAY STRUCTURES	7
14	TODDLER SLIDES	6

Lenexa KANSAS

Open House #1

Programming

Top 5

		No. of Votes
1	OPEN SWIM TIME	40
2	MOVIE-NIGHT AT THE POOL	34
3	SWIM LESSONS	32
4	RECREATIONAL LAP SWIMMING	24
5	WATER AEROBICS	10

Bottom 2

7	ADULT SWIM TIME	9
8	BIRTHDAY PARTY RENTALS	9

Design Theme

Top 3

		No. of Votes
1	COSMOS	29
2	BEACH	17
3	PRAIRIE	7

Online Survey #1

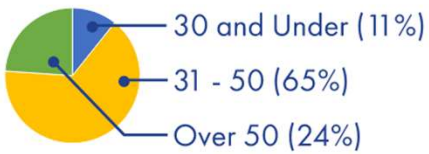
Surveymonkey.com

June 7 - June 20

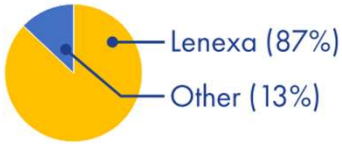
818 Respondents

- Same questions as Open House #1
- Respondent demographics primarily ages 30-50 in 4+ person households

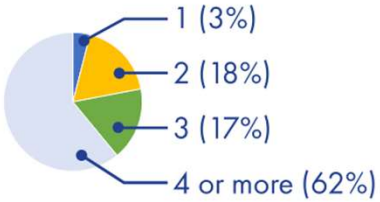
AGE



CITY OF RESIDENCE



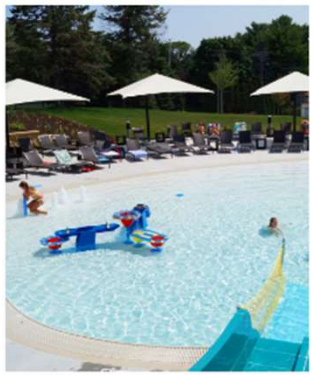
PEOPLE IN HOUSEHOLD



DISTANCE FROM AD ASTRA

Online Survey #1

Pool Types



Top 6

		No. of Votes
1	ZERO DEPTH ENTRY POOL	496
2	SOCIAL ACTIVITY POOL	348
3	LAP POOL	338
4	DEEP WATER POOL	308
5	CURRENT CHANNEL	301
6	SPLASH PAD	259

Amenities

Top 5

		No. of Votes
1	LARGE SHADE STRUCTURE	520
2	UNDERWATER BENCHES	456
3	DIVING BOARDS	432
4	SUN SHELF	399
5	WATER CROSSING	313

Bottom 2

13	TODDLER SLIDES	194
14	DECORATIVE WATERFALL	178

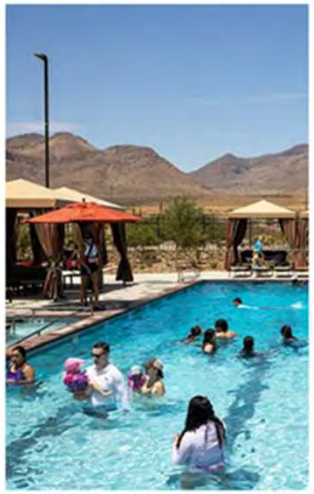
Online Survey #1

Design Theme

Top 3

		No. of Votes
1	BEACH	331
2	COSMOS	242
3	PRAIRIE	212

Programming



Top 5

		No. of Votes
1	OPEN SWIM TIME	361
2	SWIM LESSONS	327
3	MOVIE-NIGHT AT THE POOL	319
4	ADULT SWIM TIME	274
5	RECREATIONAL LAP SWIMMING	251

Bottom 2

7	WATER AEROBICS	162
8	BIRTHDAY PARTY RENTALS	141

Next Steps

- Develop Preliminary Planning Concept
- Survey #2 - July 17 and Open Through July 31
- Community Meeting #2 - July 24

Questions?