



Agenda

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

**MARCH 19, 2024
7:00 PM
COMMUNITY FORUM**

CALL TO ORDER

Pledge of Allegiance

ROLL CALL

APPROVE MINUTES

March 5, 2024 City Council meeting draft minutes (located in the Appendix)

MODIFICATION OF AGENDA

CONSENT AGENDA

Item Numbers 1 through 9

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

1. Acceptance for maintenance
 - a. Acceptance of the 79th Street west of Quivira Road, 98th Terrace, and 95th & Alden Storm Drainage Improvement Projects for maintenance

These three projects included a combination of pipe replacement and pipe lining, as well as incidental restoration items. Infrastructure Solutions, LLC constructed all three projects for a total cost of \$902,954.83.
 - b. Acceptance of the 2023 Pipe Lining Project for maintenance

Staff identified numerous corrugated metal pipes in various parts of the city that were good candidates for lining. The total cost of construction was \$537,785.50.
 - c. Acceptance of the Prairie Star Parkway Turn Lanes at Vista Village

Public Improvement Project for maintenance

This project constructed an eastbound right-turn-lane and a westbound left-turn-lane on Prairie Star Parkway at Ambassador Street (Vista Village private development project).

2. Acceptance of a drainage easement as shown on Lenexa Point, Third Plat

Lenexa Point, Third Plat is a final plat for a 1.12-acre lot in the CP-2, Planned Community Commercial Zoning District. The plat applications follow approval of a final plan for construction of a 4,542 square foot office building, which was approved by the Planning Commission on December 4, 2023. A drainage easement is dedicated to the City with this plat.

3. Acceptance of drainage, utility, and trail easements as shown on Ceva Biomune, Fourth Plat

Ceva Biomune, Fourth Plat is a final plat for an industrial campus located at 8940 Long Street. Drainage, utility, and trail easements are being dedicated to the City with this plat.

4. Resolution approving and authorizing the Mayor to execute the City's standard form sponsorship agreement with Everfast Fiber Network, LLC as a 2024 festival Presenting Sponsor

Everfast Fiber Network, LLC proposes to be a 2024 Presenting Sponsor of the Art Fair, the Great Lenexa BBQ Battle, the Freedom Run/Community Days Parade, the Spinach Festival, Enchanted Forest, Sar-Ko Aglow, the Outdoor Concert Series, and the Farmers Market Regular Season, which requires City Council approval.

5. Resolution authorizing the Mayor to forward the City's 2025-2029 application for the County Assisted Road System program to the Johnson County Board of County Commissioners

Annually, the City applies for funding assistance from the County Assisted Road System (CARS) program. Staff is requesting approval to submit the 2025-2029 application to Johnson County. The CARS program provides funding to local communities to assist with collector and arterial street improvements.

6. Resolution authorizing the Mayor to execute a Private Water Service Line easement with Bison Properties, LLC for property located at 9040 Quivira Road

The proposed easement would allow the property owner at 9040 Quivira

Road to place a private service line and fire line across City-owned property to serve their existing building.

7. Resolution authorizing the Mayor to execute an agreement with Alfred Benesch & Co. to provide design and consulting services for the Lackman Road Wall Replacement Study

The agreement with Alfred Benesch & Co. is for design and consulting services related to the Lackman Road Wall Replacement Study. The total cost is \$149,482.

8. Resolution authorizing the Mayor to execute an engineering agreement with HNTB Corporation for Phase 1 design services for the 83rd Street from Gleason Road to Clare Road Improvements Project

Phase 1 of the 83rd Street improvement project will include engineering survey, traffic study, and concept design for 83rd Street from Gleason Road to Clare Road. Additional effort will also be focused on traffic and concept analysis of the broader 83rd Street study limits from K-7 to the western city limits. The Phase 1 design services contract with HNTB Corporation is \$290,950.

9. Ordinance authorizing the acquisition of lands or interests therein by condemnation for the construction of certain public improvements associated with Lackman Road as part of its Sidewalk & Trail Repair Program

This project will construct sidewalk and other public improvements along Lackman Road between 95th Street and 99th Street. The City anticipates that it will need to acquire easements and rights-of-way from one tract adjacent to the project area.

END OF CONSENT AGENDA

BOARD RECOMMENDATIONS

10. Ordinance approving a 10-year special use permit for a personal instruction, general use known as MAVS located at 16501 W. 116th Street, in the BP-2, Planned Manufacturing District

The applicant proposes to operate a personal instruction, general use within the BP-2 District, which requires a special use permit.

11. Ordinance approving a five-year special use permit for a medical clinic use known as Tarry Chiropractic located at 13000 W. 87th Street Parkway, Suite 105, in the NP-O, Planned Neighborhood Office District

The applicant proposes to operate a medical (chiropractic) clinic within the NP-O District, which requires a special use permit.

12. Ordinance approving a five-year special use permit for a medical clinic and personal services business known as Evolution You located at 13626 W. 95th Street, in the NP-O, Planned Neighborhood Office District

The applicant proposes to operate a medical clinic and health coaching business within the NP-O District, which requires a special use permit.

13. Approval of a preliminary plan/plat for a multifamily residential development known as Oak IQ Copper Creek located near the northwest corner of 89th Street & Woodsonia Drive within the RP-3, Residential Planned (Medium High-Density), RP-4, Residential Planned (High-Density), and RP-5, Residential Planned (High-Rise, High-Density) Districts

The applicant proposes a multifamily residential development known as Oak IQ Copper Creek located at the northwest corner of 89th Street & Woodsonia Drive. The preliminary plan includes 15 buildings totaling 529 dwelling units on 27.07 acres.

14. Consideration of a rezoning and preliminary plan/plat known as The Residences on Woodsonia for a multifamily residential development located near the northeast and southeast corners of future 86th Street & Woodsonia Drive
 - a. Ordinance rezoning property from the AG, Agricultural District to the RP-4, Planned Residential (High-Density) and RP-2, Planned Residential (Intermediate-Density) Districts
 - b. Approval of a companion preliminary plan for The Residences on Woodsonia

The applicant requests approval of a preliminary plan for a 320-unit apartment and 62-unit duplex residential development at the north and southeast corners of 86th Street & Woodsonia Drive. The two components will be separated by a new public street that will connect Woodsonia Drive to Monticello Road.

NEW BUSINESS

15. Resolution authorizing the Mayor to execute a Real Estate Contract for the sale of excess land adjacent to Fire Station 4 located southeast of the intersection of 108th Street & Eicher Drive

The City is proposing to sell approximately 19,000 square feet of excess land at Fire Station 4 located at 10855 Eicher Drive to Herrman Holdings, LLC, which is located immediately south of Fire Station 4. The property will be used to accommodate the buyer's plans to expand.

**COUNCILMEMBER
REPORTS**

STAFF REPORTS

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

16. March 5, 2024 City Council meeting draft minutes

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 1a

SUBJECT: Acceptance of the 79th Street west of Quivira Road, 98th Terrace, and 95th & Alden Storm Drainage Improvement Projects for maintenance

CONTACT: Tim Green, Deputy Community Development Director

DATE: March 19, 2024

ACTION NEEDED:

Accept the 79th Street west of Quivira Road, 98th Terrace, and 95th Street & Alden Street Storm Drainage Improvement Projects for maintenance.

PROJECT BACKGROUND/DESCRIPTION:

These projects, which included work at three different locations, were combined for administrative efficiency ("Project"). The Project included a combination of pipe replacement and pipe lining as well as incidental restoration items. Each project received 50% funding from the Johnson County Stormwater Management Program (SMP).

1. 79th Street west of Quivira
2. 98th Terrace
3. 95th & Alden

Staff performed a final inspection on February 15, 2024, and advised that all work had been completed in accordance with the plans and specifications. Maintenance bonds, the warranty mechanism by which the City ensures the quality of materials and construction on public improvements, for this Project shall go into effect upon acceptance by the Governing Body on March 19, 2024 and expire on March 19, 2026.

The contractor was Infrastructure Solutions, LLC.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The Project was funded through a combination of stormwater cash and County funding as authorized through the 2023-2027 Capital Improvement Program (CIP Project No. 90065).

Lenexa Stormwater cash	\$608,483.83
Johnson County SMP	\$294,471.00
Total Construction	\$902,954.83

STAFF RECOMMENDATION:

Acceptance for maintenance.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment
Sustainable Policies and Practices

ATTACHMENTS

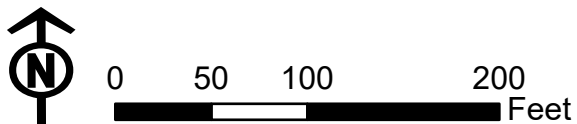
1. Map -79th Street west of Quivira
2. Map - 98th Terrace & Walker
3. Map - 95th & Alden



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

79th Street West of Quivira





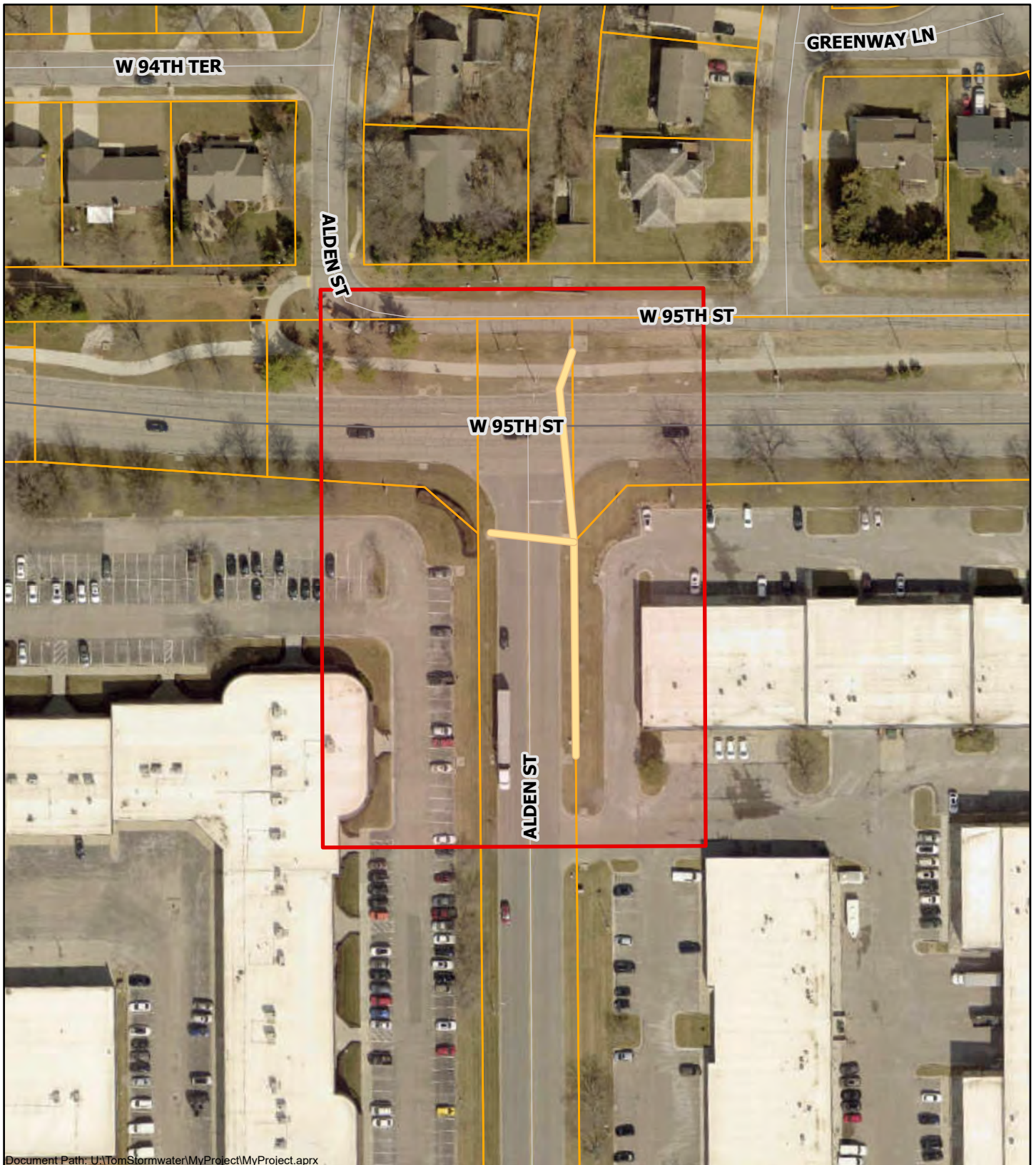
Document Path: U:\TomStormwater\MyProject\MyProject.aprx

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

98th Terrace and Walker

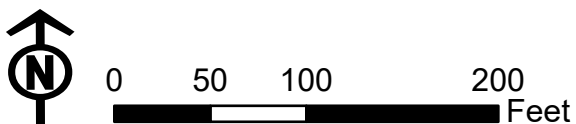


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Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

95th and Alden





**CITY COUNCIL
MEMORANDUM**

ITEM 1b

SUBJECT: Acceptance of the 2023 Pipe Lining Project for maintenance

CONTACT: Tim Green, Deputy Community Development Director

DATE: March 19, 2024

ACTION NEEDED:

Accept the 2023 Pipe Lining Project for maintenance.

PROJECT BACKGROUND/DESCRIPTION:

Staff identified numerous corrugated metal pipes in various parts of the city that were good candidates for lining.

Staff performed a final inspection on January 30, 2024, and advised that all work had been completed in accordance with the plans and specifications. Maintenance bonds, the warranty mechanism by which the City ensures the quality of materials and construction on public improvements, for this Project shall go into effect upon acceptance by the Governing Body on March 19, 2024, and expire on March 19, 2026.

The contractor was SAK Construction, LLC.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The Project was funded through stormwater cash as authorized through the 2023-2027 Capital Improvement Program (CIP Project No. 90067). The final construction cost was \$537,785.50.

STAFF RECOMMENDATION:

Acceptance for maintenance.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

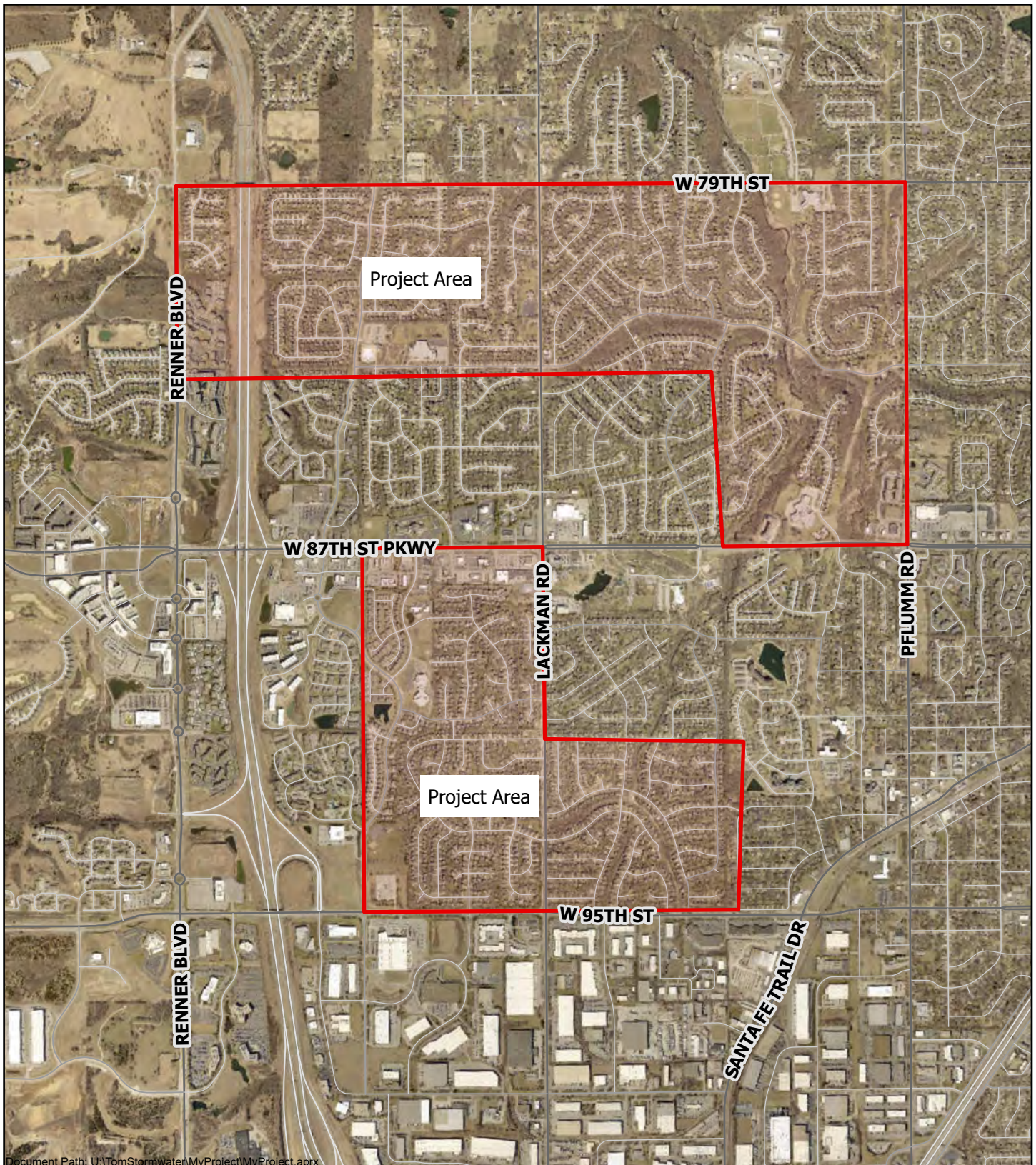
Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment
Sustainable Policies and Practices

ATTACHMENTS

1. Map



Document Path: U:\TomStormwater\MyProject\MyProject.aprx

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

2023 Stormwater Pipe Lining Aerial/Vicinity Map



0 1,000 2,000 4,000
Feet



**CITY COUNCIL
MEMORANDUM**

ITEM 1c

SUBJECT: Acceptance of the Prairie Star Parkway Turn Lanes at Vista Village Public Improvement Project for maintenance

CONTACT: Tim Green, Deputy Community Development Director

DATE: March 19, 2024

ACTION NEEDED:

Accept the Prairie Star Parkway Turn Lanes at Vista Village Public Improvement Project for maintenance.

PROJECT BACKGROUND/DESCRIPTION:

This project constructed an eastbound right-turn-lane and a westbound left-turn-lane on Prairie Star Parkway at Ambassador Street (Vista Village private development project).

Staff performed a final inspection on January 25, 2024, and advised that all work had been completed in accordance with the plans and specifications. Maintenance bonds, the warranty mechanism by which the City ensures the quality of materials and construction on public improvements, for this Project shall go into effect upon acceptance by the Governing Body on March 19, 2024 and expire on March 19, 2026.

The contractor was Cohorst Enterprises.

Total lane miles:	0.18 miles
Pipe length:	14 linear feet

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The work was privately funded.

STAFF RECOMMENDATION:

Acceptance for maintenance.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment

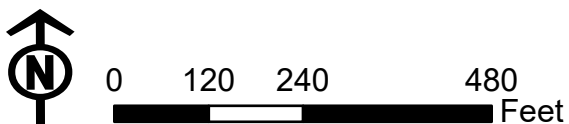
ATTACHMENTS

1. Map



Document Path: L:\Engineering\Projects\ACTIVE PROJECTS\99th Street & Clare Road Change Orders\Construction\Roadway\Change Order 1\Prairie Star Parkway Turn Lanes - Vista Village.aprx
Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

Prairie Star Parkway Turn Lanes Vista Village





**CITY COUNCIL
MEMORANDUM**

ITEM 2

SUBJECT: Acceptance of a drainage easement as shown on Lenexa Point, Third Plat

CONTACT: Stephanie Kisler, Planning Manager

DATE: March 19, 2024

ACTION NEEDED:

Accept the drainage easement as shown on Lenexa Point, Third Plat.

APPLICANT:

Matt Mabe, Arise Homes

OWNER:

Penn Properties Holding, LLC

PROPERTY LOCATION/ADDRESS:

Near the northwest corner of 87th Street Parkway & Maurer Road

PROJECT BACKGROUND/DESCRIPTION:

Lenexa Point, Third Plat is a final plat for a 1.12-acre lot in the CP-2, Planned Community Commercial Zoning District for an office use for Arise Homes Sales Center, located near the northwest corner of 87th Street Parkway & Maurer Road in the Lenexa Point commercial center. A 4,542 square foot office building is planned for the site. The lot has access from Maurer Road via perpetual access easements from neighboring properties to the east and south that are part of the Lenexa Point commercial area. The lot abuts right-of-way for I-435 to the west. There is a "limits of no access" designation preventing future access points along the highway right-of-way. Utilities are available at the site. In addition to the access easements, there are existing sewer and drainage easements. A new portion of drainage easement is being dedicated to the City with this plat.

STAFF RECOMMENDATION:

Acceptance of the drainage easement.

PLANNING COMMISSION ACTION:

This item was considered as Consent Agenda Item 1 at the March 4, 2024 Planning Commission Meeting.

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1-5. Moved by Commissioner Woolf, seconded by Commissioner Katterhenry, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Sustainable Policies and Practices

ATTACHMENTS

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

79TH ST

RENNER BLVD

NW 1/4

NE 1/4

83RD ST

29

SW 1/4

SE 1/4

I-435

MAURER ROAD

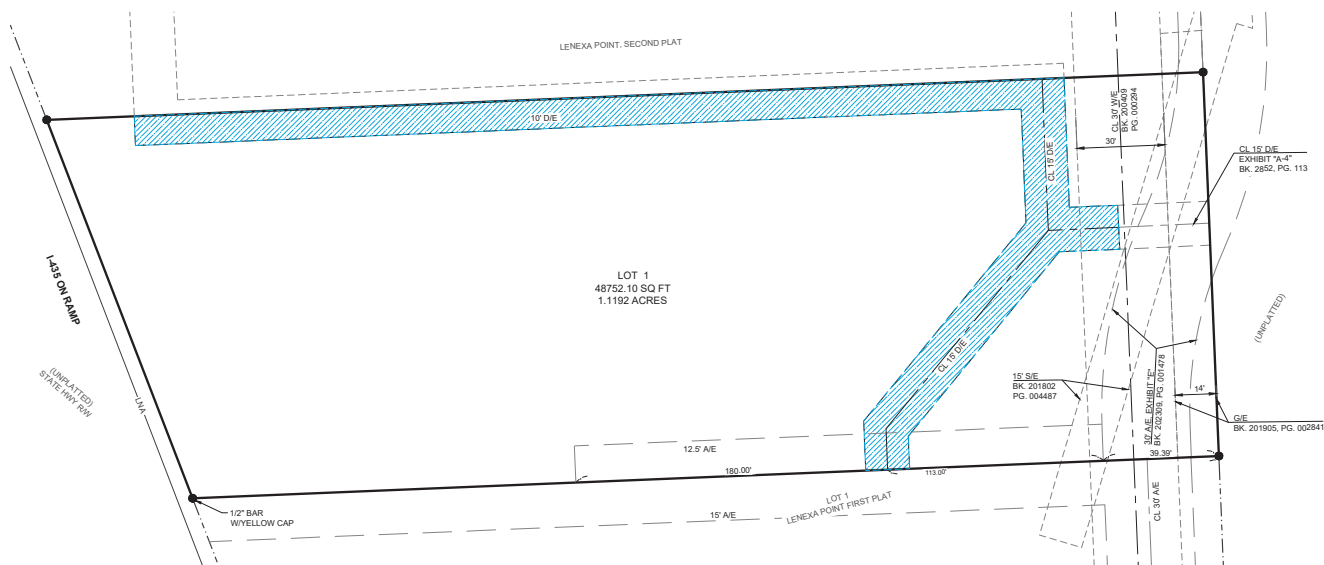
87TH ST PKWY

PROJECT LOCATION

SECTION 29-T12-R24

LOCATION MAP

SCALE 1" = 2000'

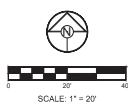


The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat which hereafter shall be known as "LENEXA POINT, THIRD PLAT".

The streets and roads shown on this plat and not heretofore dedicated as thoroughfares are hereby dedicated to the City of Lenexa, Johnson County, Kansas.

An easement or license to enter upon, locate, construct and maintain or authorize, the location, construction or maintenance and use of conduits, pipes inlets, manholes, surface drainage facilities and other similar facilities, over, under, and under those areas outlined and designated on this plat as "Drainage Easements" or D/E, is hereby granted to the City of Lenexa, Kansas. Drainage Easements shall remain free of fences, shrubs, trees and other obstacles that would restrict the flow of drainage. The City of Lenexa is under no duty or obligation to maintain or repair the stormwater drainage facilities placed within the limits of this easement, and in no event shall this easement be construed to impose any such obligation on the City of Lenexa.

An perpetual easement of access to, over and under those areas outlined and designated on this plat as "Private Access Easement" or "AE" is hereby granted to all lots within this subdivision and to Lot 1, Lenexa Plat, First Plat to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of private streets and similar facilities. Said areas are also reserved for the ingress and access of all owners within this plat, and their occupants, guests, and invitees. The private drives within the "AE" shall be performed as set forth in the Easements, Covenants and Restrictions Agreement (the "ECR") recorded in Book _____, Page _____ of the Johnson County, Kansas records. If the ECR is not in place or disbanded, then maintenance shall be the responsibility of the owner of the lot.



BASIS OF BEARINGS:

BASIS OF BEARINGS IS GRID NORTH
NAD 83, KANSAS NORTH ZONE
SOUTH LINE OF THE SW 1/4, SEC 29-12-24
BEARING S87°38'22"W

LEGEND:

- | | |
|-----------|---|
| ■ | MONUMENT AS NOTED |
| ● | FOUND 1/2" REBAR W/CLS 82 CAP
UNLESS OTHERWISE NOTED |
| ○ | SET 1/2" REBAR W/LS-54 CAP
UNLESS OTHERWISE NOTED |
| A/E | - ACCESS EASEMENT |
| D/E | - DRAINAGE EASEMENT |
| G/E | - GAS LINE EASEMENT |
| LNA | - LIMITS OF NO ACCESS |
| R/W | - RIGHT-OF-WAY |
| S/E | - SANITARY SEWER EASEMENT |
| W/E | - WATERLINE EASEMENT |
| ----- | EXISTING LOT AND PROPERTY LINES |
| - - - - - | EXISTING PLAT AND R/W LINES |

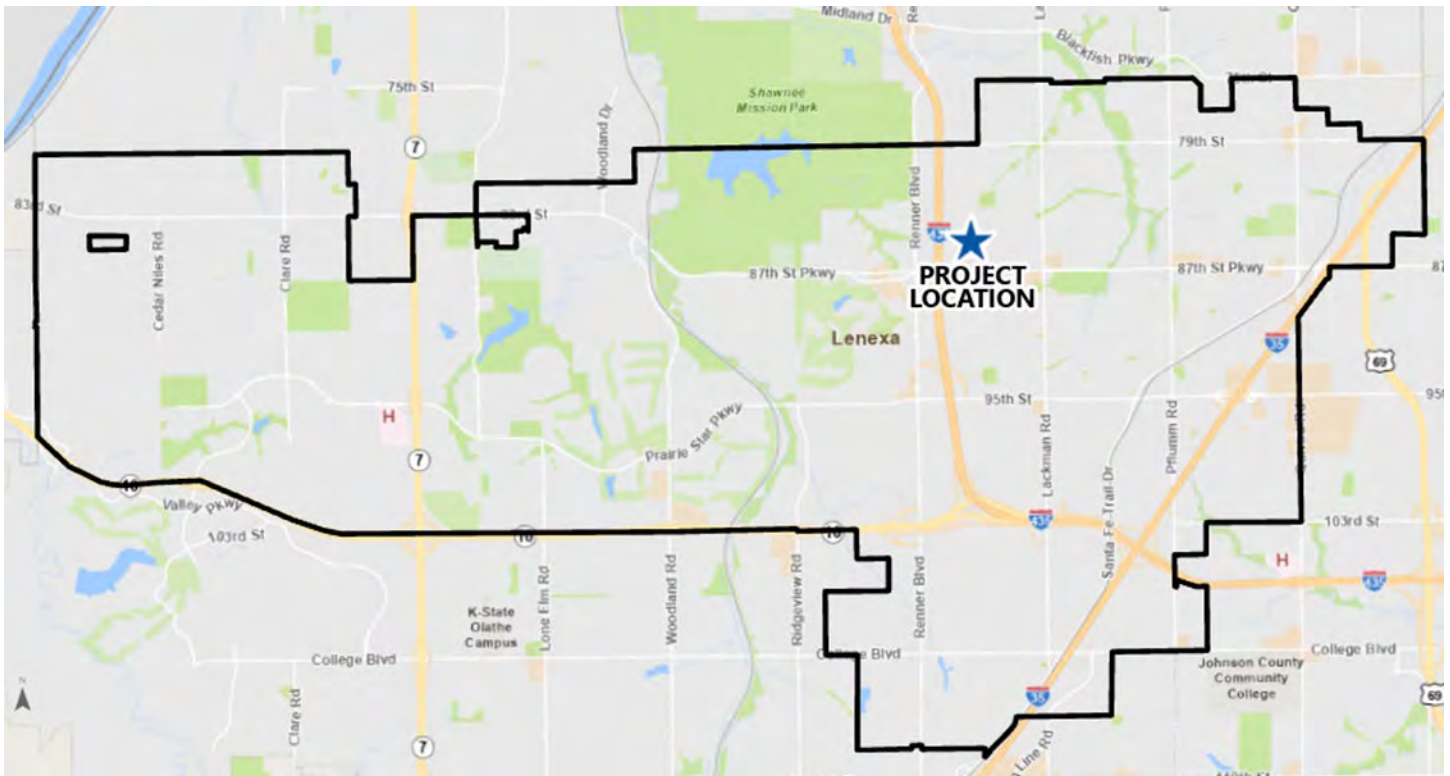
SCHLAGEL
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS

14500 Wind 107th Street • Lenexa, Kansas 66151
Ph: (913) 492-1159 • Fax: (913) 492-6460 • WWW.SCHLAGELASSOCIATES.COM
Kansas State Certificate of Authority
#E-206 #L-209 #L-5-54

DATE 02/19/2014	EASEMENT EXHIBIT LENEXA POINT THIRD PLAT
DRAWN BY JWT	
CHECKED BY SCH	
PROJ. NO. 21-201	SHEET NO. 1

LENEXA POINT, THIRD PLAT

Project #:	PT24-01P & PT24-04F	Location:	Near the northwest corner of W. 87 th Street Parkway & Maurer Road
Applicant:	Matt Mabe, Arise Homes	Project Type:	Preliminary & Final Plat
Staff Planner:	Kim Portillo, AICP	Proposed Use:	Office



PROJECT SUMMARY

The applicant requests approval of a preliminary and final plat for one, 1.12-acre lot in the CP-2, Planned Community Commercial Zoning District. The plat applications follow approval of a final plan for construction of a 4,542 SF office building, which was approved on December 4, 2023, by the Planning Commission (PL23-24F). A new drainage easement is dedicated to the City with this plat, which requires approval from the Governing Body. This project does not require a Public Hearing.

STAFF RECOMMENDATION: APPROVAL

SITE INFORMATION

The subject property is located in the vicinity of the northwest corner of W. 87th Street Parkway and Maurer Road. This commercial center was originally developed in the late 1980s and parcels within it have been gradually platted since then. Lenexa Point, First Plat (PT16-25F) was approved in 2016 and Lenexa Point, Second Plat (PT23-24F) was approved in 2023. The current plat proposal is for an unplatted piece of land between Lenexa Point, Second Plat to the north and Lenexa Point, First Plat to the south.

A preliminary plan for a drive-thru restaurant use (PL08-11P) was approved in 2008 but a final plan was never submitted.

A revised preliminary plan for this site was included as part of the final plan (PL16-11F) application for the dental office building located to the south. The revised preliminary plan showed a restaurant use for the site; however, the general layout was consistent with what is now being proposed.

A final plan for an *office* use (PL23-24F) for Arise Sales Center was approved by the Planning Commission on December 4, 2023.

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
1.12	N/A	CP-2	Community Retail

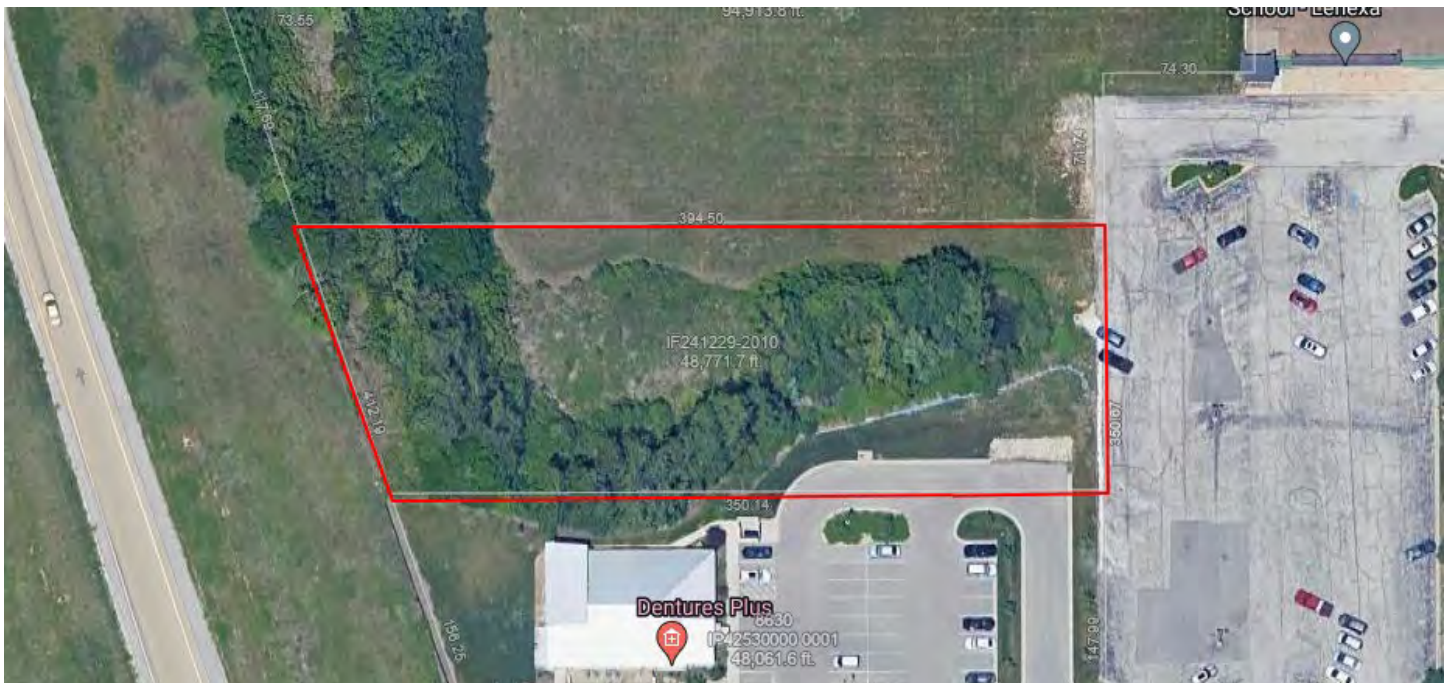


Exhibit 1: Aerial Image of Subject Site

LAND USE REVIEW

The activities proposed at the Arise Sales Center fall under the category of *office* according to the Unified Development Code (UDC). *Office* is a permitted use in the CP-2, Planned Community Commercial Zoning District.

The subject parcel is designated as Community Retail on the Future Land Use Map within the Comprehensive Plan. The proposed use is compatible in the context of existing land uses.

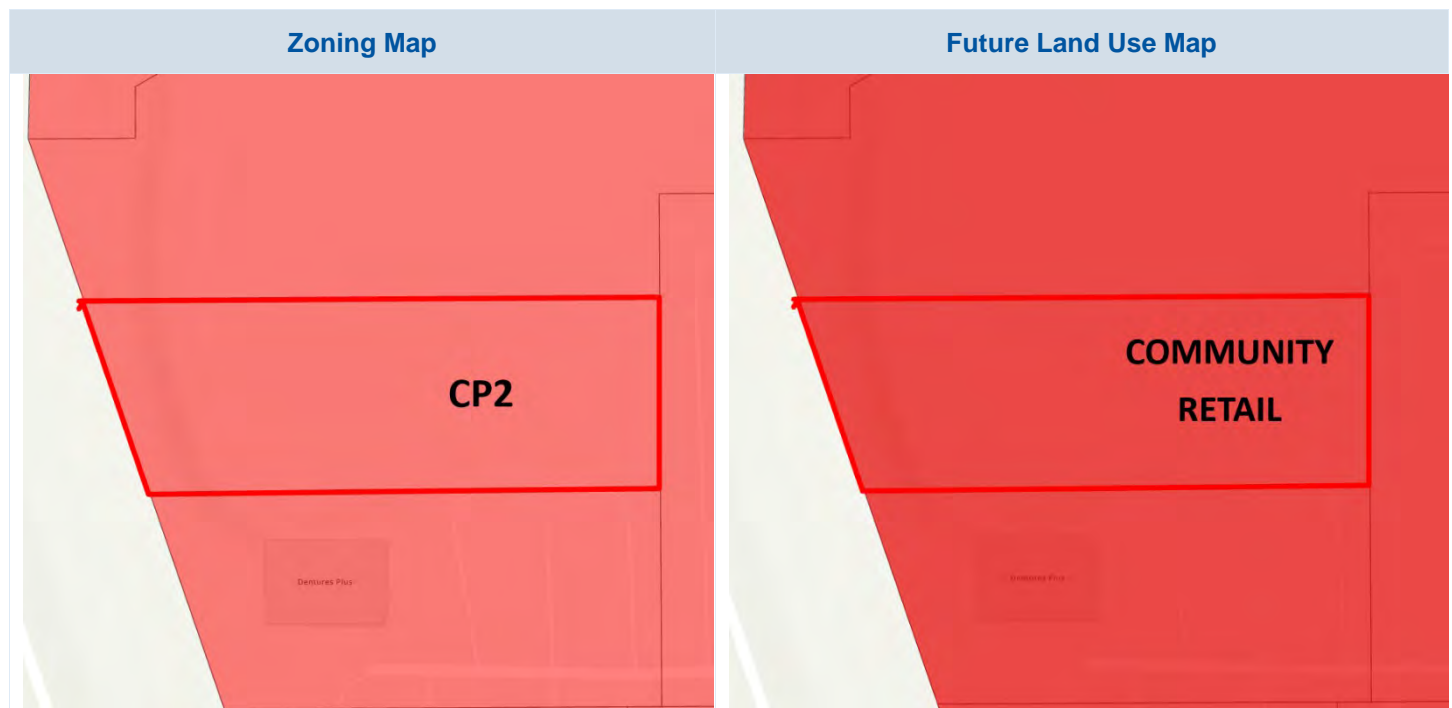


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Community Commercial Center	CP-2, Planned Community Commercial District	Undeveloped
North	Community Commercial Center	CP-2, Planned Community Commercial District	Approved for Self-storage
South	Community Commercial Center	CP-2, Planned Community Commercial District	Retail
East	Community Commercial Center	CP-2, Planned Community Commercial District	Retail
West	I-435 Right-of-Way	N/A	I-435 Right-of-Way

PRELIMINARY & FINAL PLAT REVIEW

This report includes both a preliminary plat and final plat application for one, 1.12-acre lot in the CP-2, Planned Community Commercial Zoning District for an office use. [Section 4-2-B-12-A](#) of the Unified Development Code allows for final plat applications to be submitted simultaneously with the preliminary plat application for minor subdivisions that have less than 5 lots and do not contain new streets right-of-way or easements within rights-of-way.

A 4,542 SF office building is planned for the site. The lot has access from Maurer Road via perpetual access easements from neighboring properties to the east and south that are part of the Lenexa Point commercial area. The lot abuts right-of-way for Interstate 435 to the west. There is a "limits of no access" designation preventing future access points to the highway right-of-way. Utilities are available to the site. In addition to the access easements there are existing sewer and drainage easements. A new portion of drainage easement is being dedicated to the City of Lenexa with this plat as illustrated in Exhibit 2. This new drainage easement dedication to the City requires acceptance by the Governing Body. This plat does not contain any tracts.

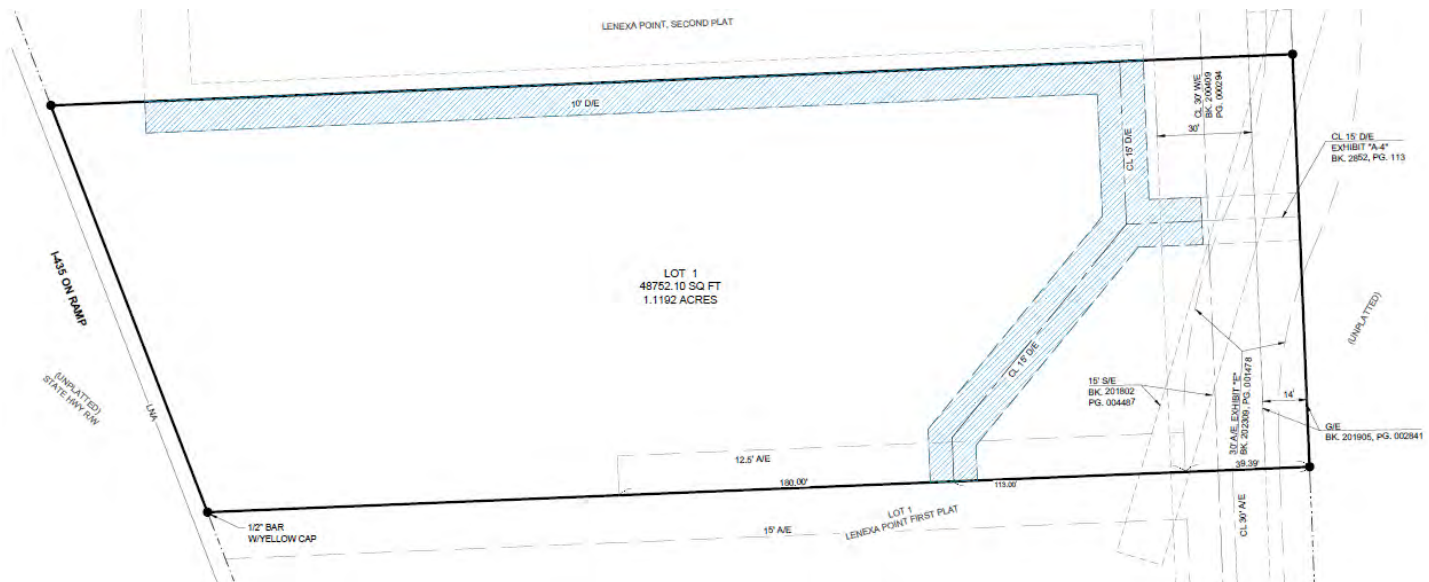


Exhibit 2: Final plat with drainage easement highlighted in blue.

DEVIATIONS

The applicant is not requesting any deviations from the Unified Development Code (UDC).

REVIEW PROCESS

- The Planning Commission is the final authority for approval of the preliminary plat.
- The final plat requires approval from the Planning Commission and acceptance of dedications by the City Council. Pending approval from the Planning Commission, the project is tentatively scheduled for acceptance of dedications from the City Council on March 19, 2024.
- The applicant should inquire about additional City requirements, such as permits and development fees.

RECOMMENDATION FROM PROFESSIONAL STAFF

- ★ **Staff recommends approval of the proposed preliminary and final plats for Lenexa Point, Third Plat.**
 - These are preliminary and final plat applications for one lot in the Lenexa Point commercial center. The plat applications are related to an approved final plan for development of an office building for Arise Sales Center.
 - The project is consistent with Lenexa's goals through *Responsible Economic Development* to create *Thriving Economy*.

PRELIMINARY PLAT

Staff recommends **approval** of the preliminary plat for PT24-01P – **Lenexa Point, Third Plat** near the northwest corner of W. 87th Street Parkway and Maurer Road for an office use.

FINAL PLAT

Staff recommends **approval** of the final plat for PT24-04F – **Lenexa Point, Third Plat** near the northwest corner of W. 87th Street Parkway and Maurer Road for an office use.

CONSENT AGENDA

1. **Lenexa Point, Third Plat (AKA Arise Homes - Sales Center) - Consideration of a preliminary plat and final plat for an office use on property located at 8620 Maurer Road within the CP-2, Planned Community Commercial District. PT24-01P, PT24-04F**
2. **Ceva Biomune, Fourth Plat - Consideration of a final plat for a manufacturing use on property located at 8940 Long Street within the BP-2, Planned Manufacturing District. PT24-05F**
3. **Cottonwood Canyon Fourteenth Plat - Consideration of a revised final plat to replat two single-family residential lots to alter a common property line for property located at 9321 & 9325 Cottonwood Canyon Drive within the RP-1, Residential Planned (Low Density) District. PT24-01FR**
4. **Express Oil Change & Tire Engineers - Consideration of a final plan for an automotive service, limited use on property located at 8610 Pflumm Road within the CP-2, Planned Community Commercial District. PL24-02F**
5. **Berger Convenience Store - Consideration of a revised final plan for convenience store with gasoline sales and retail uses on property located at 18275 West 101st Street within the CP-3, Planned Regional Commercial District. PL24-03FR**

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1-5. Moved by Commissioner Woolf seconded by Commissioner Katterhenry and carried by a unanimous voice vote.



**CITY COUNCIL
MEMORANDUM**

ITEM 3

SUBJECT: Acceptance of drainage, utility, and trail easements as shown on Ceva Biomune, Fourth Plat
CONTACT: Stephanie Kisler, Planning Manager
DATE: March 19, 2024

ACTION NEEDED:

Accept the drainage, utility, and trail easements as shown on Ceva Biomune, Fourth Plat.

APPLICANT:
Jay Healy, GBA

OWNER:
Biomune Company, Ceva Animal Health LLC

PROPERTY LOCATION/ADDRESS:
8940 Long Street

PROJECT BACKGROUND/DESCRIPTION:

This is a replat of Lot 3, Ceva Biomune, Third Plat to combine Lot 3 of the Third Plat with an unplatted parcel to the south for an overall 7.30-acre lot that will be part of the Ceva manufacturing campus. The proposed lot has frontage onto Long Street, Rosehill Road, and Santa Fe Trail Drive. There is vehicular access from Rosehill Road and Long Street with a "limits of no access" designation along Santa Fe Trail Drive. Utilities are available at the site. Easements for drainage, utilities, and a trail are dedicated to the City with this plat.

STAFF RECOMMENDATION:
Acceptance of the easements.

PLANNING COMMISSION ACTION:

This item was considered as Consent Agenda Item 2 at the March 4, 2024 Planning Commission meeting. Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1-5. Moved by Commissioner Woolf, seconded by Commissioner Katterhenry, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Sustainable Policies and Practices

ATTACHMENTS

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



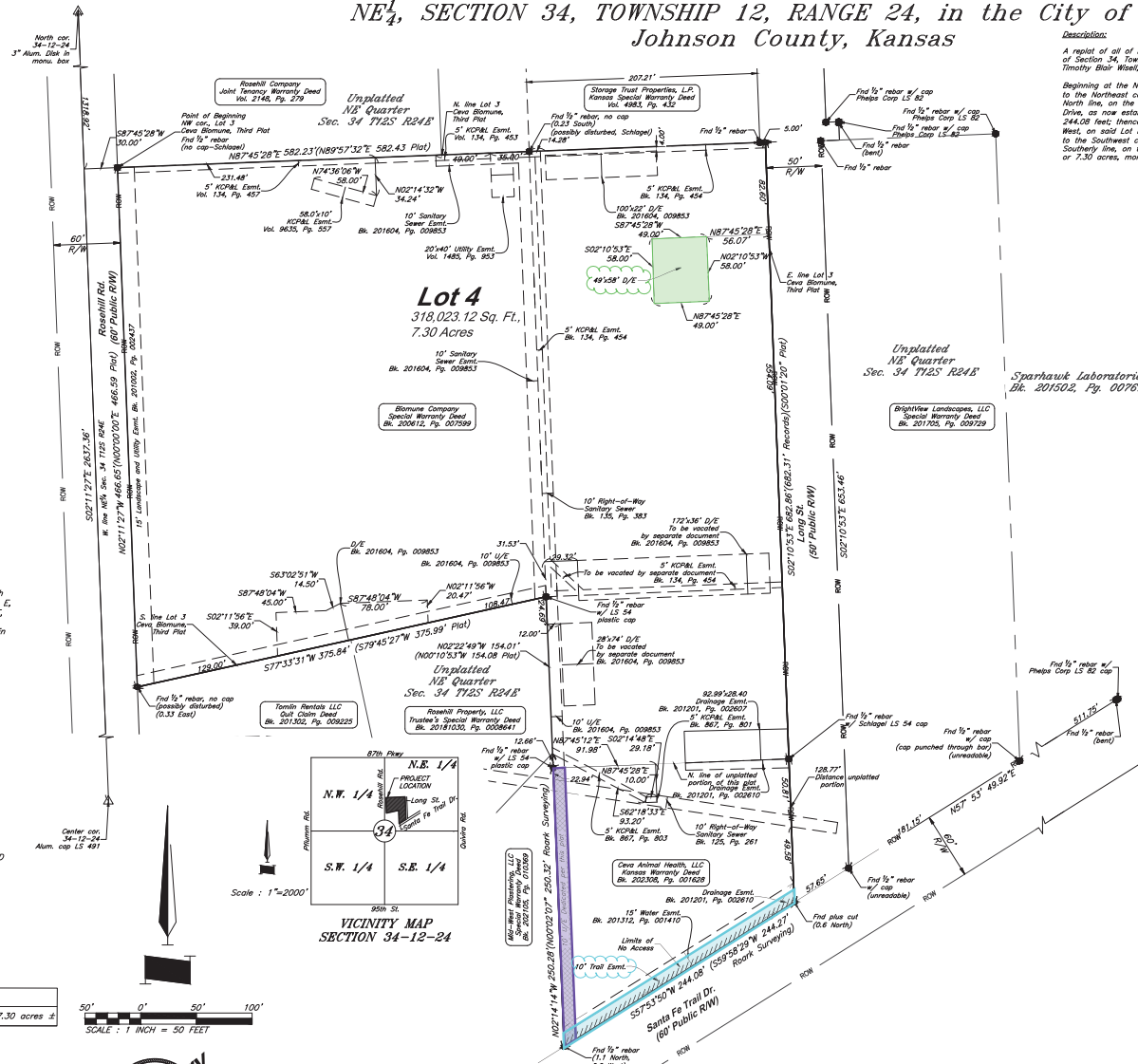
Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

Ceva Biomune, Fourth Plat PT24-05F



0 80 160 320 Feet

FINAL PLAT OF
CEVA BIOMUNE, FOURTH PLAT
A replat of all of Lot 3, CEVA BIOMUNE, THIRD PLAT, and part of the
NE $\frac{1}{4}$, SECTION 34, TOWNSHIP 12, RANGE 24, in the City of Lenexa,
Johnson County, Kansas



Description:

A replat of all of Lot 3, CEVA BIOMUNE, THIRD PLAT, as recorded in Book 201604, Page 009853, and that part lying in the Southwest Quarter of the Northeast Quarter of Section 34, Township 12 South, Range 24 East, of the Sixth Principal Meridian, in the City of Lenexa, Johnson County, Kansas, being more particularly described by Timothy Blair Wiswell, L.S. 1136, of George Butler Associates, Inc., C.L.S. 8, on January 29, 2024, being more particular, described as follows:

Beginning at the Northwest corner of said Lot 3, CEVA BIOMUNE, THIRD PLAT; thence North 87°45'28" East, on the North line of said Lot 3, a distance of 582.23 feet, to the Northeast corner of said Lot 3, also being a point on the West Right-of-Way line of Long Street, as now established; thence South 02°10'53" East, departing said North line, on the East line of said Lot and said West Right-of-Way line, a distance of 682.86 feet, to a point on the Northerly Right-of-Way line of Santa Fe Trail Drive, as now established; thence South 57°53'50" West, departing said East line and said West Right-of-Way line, on said Northerly Right-of-Way line, a distance of 244.08 feet; thence North 02°14'14" West, departing said Northerly Right-of-Way line, a distance of 250.28 feet, to a corner on said Lot 3; thence North 02°14'14" West, on said Lot line, a distance of 154.01 feet, to a corner of said Lot; thence South 77°33'31" West, on the Southerly line of said Lot, a distance of 375.84 feet, to the Southwest corner of said Lot and a point on the East Right-of-Way line of Rosehill Road, as now established; thence North 02°11'27" West, departing said Southerly line, on the West line of said Lot and said East Right-of-Way line, a distance of 466.65 feet, to the Point of Beginning, containing 318,023.12 square feet, or 7.30 acres, more or less.

Dedication:

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, which hereafter shall hereafter be known as "CEVA BIOMUNE, FOURTH PLAT".

The undersigned proprietor of said property shown on this plat does hereby dedicate for public use and public ways and thoroughfares, all parcels and parts of land indicated on this plat as streets, terraces, places, roads, drives, lanes, avenues and alleys not heretofore dedicated.

A 10-foot Trail Easement of a public trail shall be the property owner's responsibility for maintenance of the trail easement until such time as a trail is constructed, at which point the City of Lenexa will construct and maintain the public trail.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, pipes, inlets, manholes, surface drainage facilities, and other similar facilities, upon, over and under those areas outlined and designated on this plat as "Drainage Easement" or "U/E" is hereby granted to the City of Lenexa, Johnson County, Kansas, for its use. Drainage easements shall remain free of fences, shrubs, and other obstacles that would restrict the flow of drainage. The City of Lenexa is under no duty or obligation to maintain or repair the stormwater drainage facilities placed within the limits of this easement, and in no event shall this easement be construed to impose any such obligation on the City of Lenexa.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of streets, utilities, conduits, pipes, manholes, surface drainage facilities, and other similar facilities, upon, over and under those areas outlined and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City of Lenexa, Johnson County, Kansas, for its use and that of its designees or duly authorized agents. A 10-foot wide Utility Easement or "U/E" off lots adjacent and parallel with all street right-of-way lines, when shown hereon, is hereby dedicated to the City of Lenexa, Johnson County, Kansas, for its use and that of its designees or duly authorized agents, for the purposes previously described. No above ground facilities associated with the use herein permitted shall be constructed, located or maintained in any area of the U/E that crosses or intersects with a drainage easement.

Consent to Levy:

The undersigned proprietor of the above described land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Lenexa, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public way or thoroughfare.

Election:

IN TESTIMONY WHEREOF, the undersigned proprietor has hereunto subscribed its name, this _____ day of _____, 20____.

Blomune Company

By: Rick Cook, Chief Operations Officer

Acknowledgment:

STATE OF _____

COUNTY OF _____

BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Robert Brooks, to me personally known to be the person described in and who executed the foregoing instrument on behalf of said Company, and he duly acknowledged the execution of the same to be the free act and deed of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public _____ Print Name _____ My Appointment Expires: _____

IN TESTIMONY WHEREOF, the undersigned proprietor has hereunto subscribed its name, this _____ day of _____, 20____.

CEVA ANIMAL HEALTH, LLC

By: Rick Cook, Chief Operations Officer

Acknowledgment:

STATE OF _____

COUNTY OF _____

BE IT REMEMBERED that on this _____ day of _____, 20____, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Jon Capak, to me personally known to be the person described in and who executed the foregoing instrument on behalf of said Company, and he duly acknowledged the execution of the same to be the free act and deed of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public _____ Print Name _____ My Appointment Expires: _____

Asst. Asst.

APPROVED by the Planning Commission of the City of Lenexa, Johnson County, Kansas, this _____ day of _____, 20____.

By: Chris Pass, Chairperson

APPROVED by the City Council of the City of Lenexa, Johnson County, Kansas, this _____ day of _____, 20____.

By: Julie Sagers, Mayor

ATTEST: Jennifer Martin, City Clerk

GBA

GEORGE BUTLER ASSOCIATES, INC.
CONSULTING ENGINEERS / ARCHITECTS / LANDSCAPE ARCHITECTS / PLANNERS
ONE FENNER ROAD, SUITE 200, LENEXA, KS 66151 (913) 682-1400
Surveyor Email: twiswell@gbainc.com

FINAL PLAT OF
CEVA BIOMUNE, FOURTH PLAT
in NE $\frac{1}{4}$, Section 34, Township 12, Range 24,
City of Lenexa, Johnson County, Kansas

Prepared For:

Ceva Animal Health LLC
6940 Long Street
Lenexa, Kansas 66215

Owner:

BIOMUNE COMPANY
8901 ROSEHILL ROAD
LENEXA, KS 66215
SPECIAL WARRANTY DEED
BK. 200612, PG. 007599

CEVA ANIMAL HEALTH, LLC
6735 ROSEHILL ROAD, SUITE 300
LENEXA, KS 66215
KANSAS WARRANTY DEED
BK. 202308, PG. 001628

FLOOD NOTE:

According to FEMA Flood Insurance
Rate Map, Panel 51 of 161,
Community-Panel Number 200168
0051 G, Map Revised August 3,
2009, the surveyed premises lies
entirely within Zone X, areas
determined to be outside the 0.2%
annual chance floodplain.

Theory of Location:

Utilized found monuments from CEVA
BIOMUNE, FIRST, SECOND and THIRD
PLAT, as well as from an ALTA
Survey by Roark Surveying, and
FINAL PLAT OF SPARHAWK
LABORATORIES, all of which are
shown hereon for retracement
purposes.

Basis of bearings:

Kansas Coordinate System 1983, North
Zone, having a bearing of N87°45'28" E,
along the North line of CEVA BIOMUNE,
PLAT, as well as from an ALTA
Survey by Roark Surveying, and
FINAL PLAT OF SPARHAWK
LABORATORIES, all of which are
shown hereon for retracement
purposes.

References:

SPECIAL WARRANTY DEED
BOOK 200612 PAGE 007599

KANSAS WARRANTY DEED
BOOK 202308 PAGE 01628

CEVA BIOMUNE, FIRST PLAT
BOOK 201002, PAGE 002437

CEVA BIOMUNE, SECOND PLAT
BOOK 201311, PAGE 005701

CEVA BIOMUNE, THIRD PLAT
BOOK 201604, PAGE 009853

SPARHAWK LABORATORIES
BOOK 201502, PAGE 007618

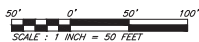
UNRECORDED ALTA SURVEY, PERFORMED
BY ROARK SURVEYING

Closure Summary:

This plat lies within the required of
the minimum Error of Closure of
1:10,000

Precision, 1 part in: 535,962.65"
Error distance: 0.005"
Error direction: N53°12'28"W

AREA TABLE	
LOT 4	318,023.12 sq. ft., or 7.30 acres ±



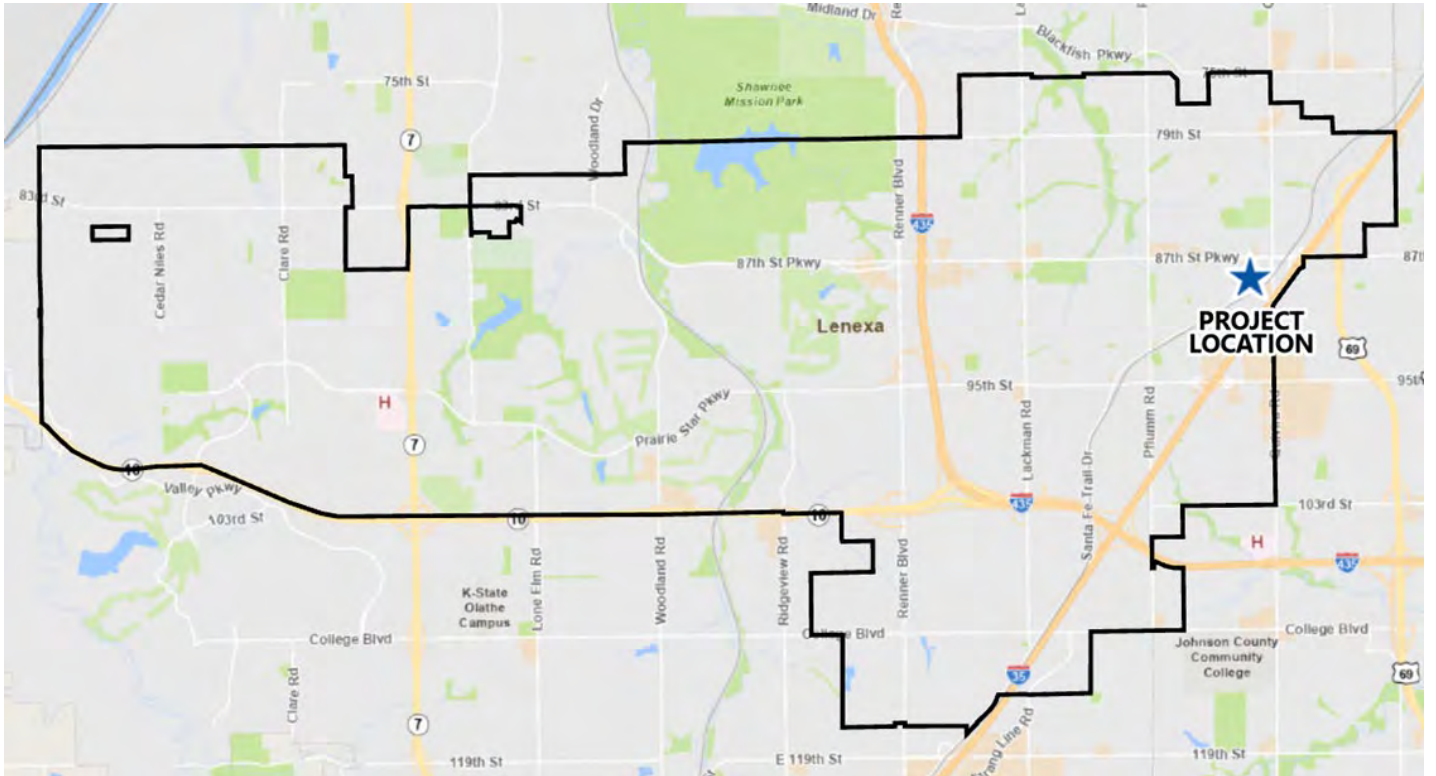
Certification:

I, Timothy Blair Wiswell, hereby certify that during the month of January, 2024, I or someone under my direct supervision have made a survey of the above described tract of land and the results of said survey meets or exceeds the "Kansas Minimum Standards" for Boundary Surveys pursuant to K.A.R. 68-12-1. The field work was completed on 01/19/2024.

Job No. 15555.00 January 29, 2024 Drawn By: DMS

CEVA BIOMUNE FOURTH PLAT

Project #:	PT24-05F	Location:	8940 Long Street
Applicant:	Jay Healy, GBA	Project Type:	Final Plat
Staff Planner:	Kim Portillo, AICP	Proposed Use:	Manufacturing



PROJECT SUMMARY

The applicant seeks approval of a final plat for an industrial campus located at 8940 Long Street. The final plat follows approval of a preliminary plan/plat application (PL23-09P) for construction of a 42,000 SF building, parking, and related site improvements. The final plat includes dedications of drainage, utility, and trail easements to the City of Lenexa. The proposed final plat is comprised of 1 lot and is consistent with the approved preliminary plat, which was approved by the Governing Body on November 21, 2023. This project does not require a Public Hearing.

STAFF RECOMMENDATION: APPROVAL

SITE INFORMATION

This final plat application is to combine Lot 3 of Ceva Biomune, Third Plat and an unplatted parcel (parcel ID IF241234-3073) into one lot. Lot 3 has two manufacturing buildings that will remain, and construction of a third is planned. The unplatted parcel has a building that will be demolished.

Previous applications on this site include:

- RZ14-01, PL14-01CP “Ceva-Biomune” concept plan and rezoning from RP-3, Planned Residential (Medium-High Density) to BP-2, Planned Manufacturing zoning district for a new, two-story, 53,000 SF manufacturing/production facility. The rezoning and concept plan was approved by the Governing Body on March 18, 2014. This building was never built.
- PT15-14F “Ceva Biomune 3rd Plat” final plat, a replat of Ceva Biomune First Plat, fronting Rosehill Road and Ceva Biomune Second Plat, fronting Long Street. This plat was approved by the Planning Commission on July 6, 2015.
- PL21-05P “Ceva 8940 Long Street” preliminary plan for an 18,500 SF manufacturing building and site improvements. This plan was approved by Governing Body on June 15, 2021.
- PL21-15FS “Ceva Long Street Mech Yard Addition” administrative final plan for the development of the first phase for parking and civil infrastructure. The staff review only final plan was approved by Staff on January 10, 2022, but was not constructed.
- PL23-09P “Ceva Animal Health” preliminary plan/plat for a 42,000 SF manufacturing building and site improvements. This plan was approved by the Governing Body on November 21, 2023. This preliminary plat is related to the current application.
- PL24-01FS “Ceva Animal Health” staff review only final plan of PL23-09P. Staff release of the final plan is pending approval of the final plat.

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
7.30	N/A	BP-2	Business Park

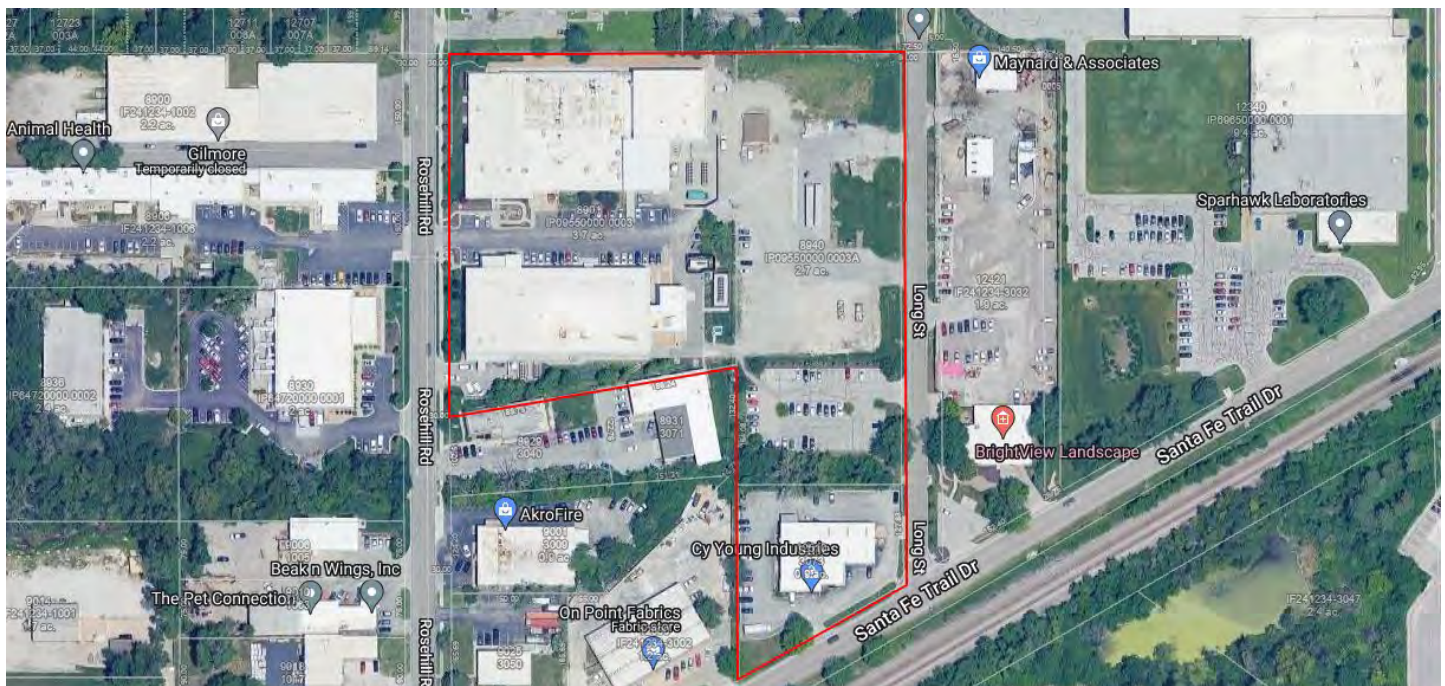


Exhibit 1: Aerial Image of Subject Site

LAND USE REVIEW

The proposed use is a manufacturing facility with office space that will produce agricultural vaccines. This site will be part of the larger Ceva campus, which is located between Rosehill Road and Long Street, north of Santa Fe Trail Drive. *Manufacturing* is an allowable use within the BP-2, Planned Manufacturing Zoning District and complies with the designated Future Land Use of Business Park. Surrounding uses, other than the adjacent Ceva campus, include outdoor storage, warehousing, and other similar industrial uses that would be compatible with the proposed development.

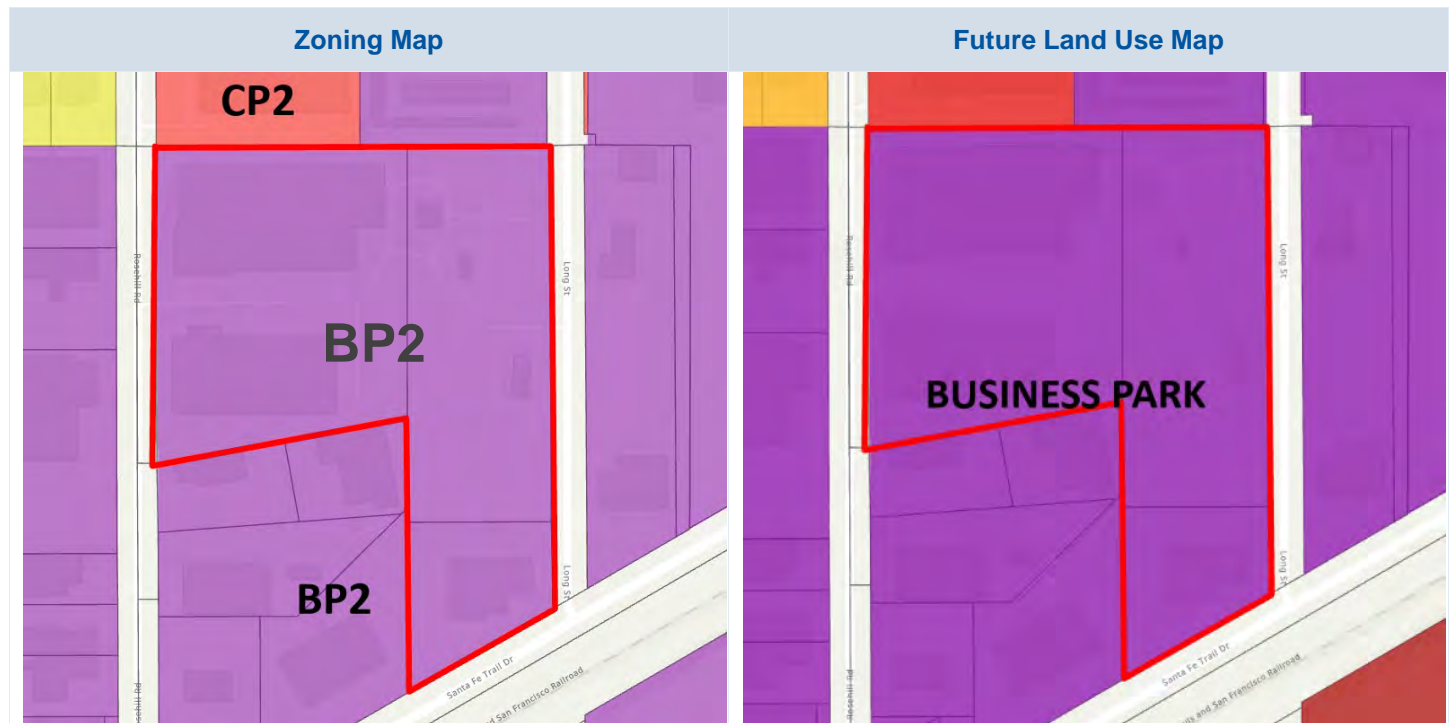


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Business Park	BP-2, Planned Manufacturing District	Business Park
North	Community Commercial Center & Business Park	CP-2, Planned Community Commercial District & BP-2, Planned Manufacturing District	Community Commercial Center & Business Park
South	Business Park	BP-2, Planned Manufacturing District	Business Park
East	Business Park	BP-2, Planned Manufacturing District	Business Park
West	Business Park	BP-2, Planned Manufacturing District	Business Park

FINAL PLAT REVIEW

The applicant proposes a replat of Lot 3, Ceva Biomune, Third Plat to combine Lot 3 of the Third Plat with an unplatted parcel to the south for an overall 7.30-acre lot that will be part of the Ceva manufacturing campus. Ceva also occupies land on the west side of Rosehill Road. The proposed plat results in 1 lot.

The proposed Lot 4 has frontage onto Long Street, Rosehill Road, and Santa Fe Trail Drive. There is vehicular access from Rosehill Road and Long Street with limits of no access marked along Santa Fe Trail Drive. Utilities are available to the site.

Easements dedicated to the City of Lenexa and requiring Governing Body approval are illustrated in Exhibit 2 and include:

- Utility easement dedicated (shown in purple)
- Drainage easement dedicated (shown in green)
- 10-foot trail easement dedicated (shown in blue)

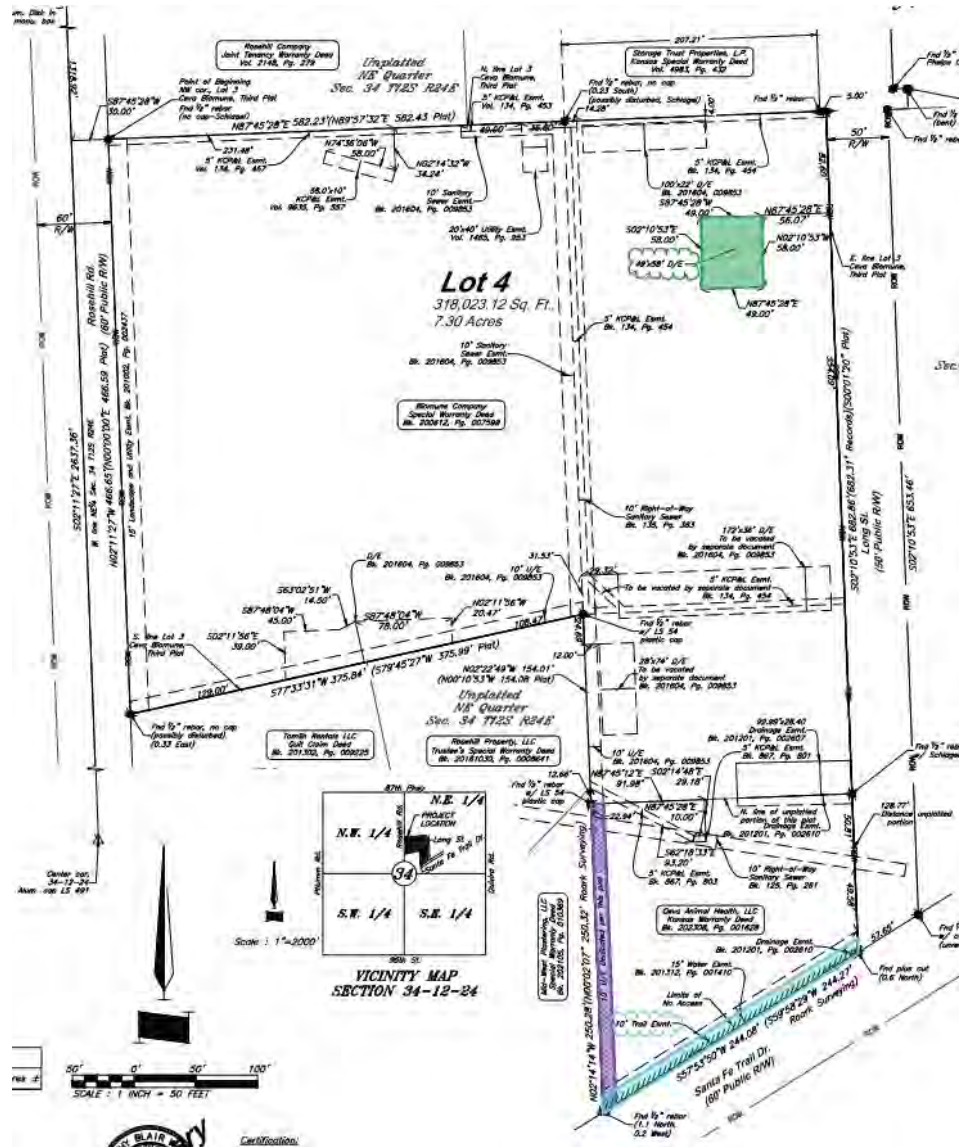


Exhibit 2: Final plat with dedications to the City highlighted.



Exhibit 3: Lots to be combined.

DEVIATIONS

The applicant is not requesting any deviations from the Unified Development Code (UDC). Deviations previously approved with the preliminary plan PL23-09P are listed in Table 2 for reference.

TABLE 2: DEVIATIONS APPROVED WITH THE PRELIMINARY PLAN			
Yard	Required Minimum Setback	Proposed Setback	Difference
Building Setback (Long Street)	50 feet	24.35 feet	- 25.65 feet
Landscape Depth (SE Corner - Long Street)	20 feet	18.38 feet	-1.62 feet
Landscape Depth (West Property Line)	10 feet	1 foot to 7.64 feet	- 9 to -2.36 feet
Landscape Depth (Santa Fe Trail Drive)	25 feet	16 feet	-9 feet

REVIEW PROCESS

- This project requires approval from the Planning Commission and acceptance of dedications by the City Council. Pending approval from the Planning Commission, the project is tentatively scheduled for consideration by the City Council on March 19, 2024.
- The applicant should inquire about additional City requirements, such as permits and development fees.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ Staff recommends approval of the proposed final plat for Ceva Biomune Fourth Plat.

- This is a final plat for one lot in the BP-2, Planned Manufacturing Zoning District, for development of a new manufacturing facility on the Ceva campus.
- The project is consistent with Lenexa's goals through *Responsible Economic Development* to create *Thriving Economy*.

FINAL PLAT

Staff recommends **approval** of the final plat for PT24-05F – **Ceva Biomune Fourth Plat** at 8940 Long Street, for a *manufacturing* use.

CONSENT AGENDA

1. **Lenexa Point, Third Plat (AKA Arise Homes - Sales Center) - Consideration of a preliminary plat and final plat for an office use on property located at 8620 Maurer Road within the CP-2, Planned Community Commercial District. PT24-01P, PT24-04F**
2. **Ceva Biomune, Fourth Plat - Consideration of a final plat for a manufacturing use on property located at 8940 Long Street within the BP-2, Planned Manufacturing District. PT24-05F**
3. **Cottonwood Canyon Fourteenth Plat - Consideration of a revised final plat to replat two single-family residential lots to alter a common property line for property located at 9321 & 9325 Cottonwood Canyon Drive within the RP-1, Residential Planned (Low Density) District. PT24-01FR**
4. **Express Oil Change & Tire Engineers - Consideration of a final plan for an automotive service, limited use on property located at 8610 Pflumm Road within the CP-2, Planned Community Commercial District. PL24-02F**
5. **Berger Convenience Store - Consideration of a revised final plan for convenience store with gasoline sales and retail uses on property located at 18275 West 101st Street within the CP-3, Planned Regional Commercial District. PL24-03FR**

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1-5. Moved by Commissioner Woolf seconded by Commissioner Katterhenry and carried by a unanimous voice vote.



**CITY COUNCIL
MEMORANDUM**

ITEM 4

SUBJECT: Resolution approving and authorizing the Mayor to execute the City's standard form sponsorship agreement with Everfast Fiber Network, LLC as a 2024 festival Presenting Sponsor

CONTACT: Logan Wagler, Parks & Recreation Director

DATE: March 19, 2024

ACTION NEEDED:

Adopt a resolution approving and authorizing the Mayor to execute the City's standard form sponsorship agreement with Everfast Fiber Network, LLC ("Everfast") as a 2024 festival Presenting Sponsor.

PROJECT BACKGROUND/DESCRIPTION:

Annually, the City offers sponsorships to provide opportunities for community involvement by individuals and entities who desire to support and be associated with the City's festivals. These sponsorships serve as an important tool to enhance and improve the City's festivals and help to offset the costs of offering such festivals.

In January 2024, staff issued a Request for Sponsorships (RFS) seeking proposals from individuals or entities interested in becoming a festival Presenting or Major Sponsor. Proposals were evaluated using the sponsorship criteria contained in the City Sponsorship Policy (Policy). Staff recommends Everfast be approved as a Presenting Sponsor for the following festivals:

- Lenexa Art Fair
- Great Lenexa BBQ Battle
- Lenexa Freedom Run/Community Days Parade
- Lenexa Spinach Festival
- Enchanted Forest
- Sar-Ko Aglow
- Outdoor Concert Series
- Farmers Market Regular Season

Everfast also submitted a proposal to be a Major Sponsor of the Lenexa Chili Challenge, which Policy authorizes the City Manager to approve.

Everfast submitted a proposal to be a Special Event Sponsor for the following events, which Policy allows the City Manager to delegate to the department head for approval.

- Movies in the Park
- Food Truck Frenzy
- Fishing Derby

Everfast submitted a proposal to be a Public Market Sponsor for the following events, which Policy allows the City Manager to delegate to the department head for approval.

- Global Neighbors and Flavors
- Sip, Mingle, and Jingle
- Breakfast with Santa

In total, Everfast will be making a \$36,500 cash contribution to become a sponsor for all of the above-listed events, and will be making in-kind contributions of candy for a minimum of 3,000 children for the Enchanted Forest event.

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

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Inviting Places

Guiding Principles
Extraordinary Community Pride

ATTACHMENTS

1. Resolution

RESOLUTION NO _____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE THE CITY'S STANDARD FORM SPONSORSHIP AGREEMENT WITH 2024 FESTIVAL PRESENTING SPONSOR EVERFAST.

WHEREAS, the City recognizes sponsorships as an important tool to enhance and improve the City's various festivals and events; and

WHEREAS, the City offers sponsorships to provide opportunities for community involvement by local businesses who desire to support and be associated with the City's festivals and events; and

WHEREAS, the City's Parks and Recreation Department issued a Request for Sponsorship (the "RFS") in January 2024 seeking Presenting sponsors for the Lenexa Farmers Market, the Lenexa Art Fair, the Great Lenexa BBQ Battle, the Lenexa Freedom Run, the Lenexa Spinach Festival and the Lenexa Chili Challenge (the "Festivals"); and

WHEREAS, in response to the RFS, certain respondents submitted proposals which met the minimum cash and/or in-kind investment to become a 2024 Festival Presenting sponsor, and such proposals complied with all other criteria set forth in the Governing Body's City Sponsorship Policy, GB-Gen-1; and

WHEREAS, the City Sponsorship Policy vests authority to approve the Festival Presenting sponsorships for City Festivals solely with the Governing Body; and

WHEREAS, the Governing Body desires to approve such Presenting sponsors and enter into the City's Standard Form Sponsorship Agreement with the successful respondents.

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

SECTION ONE: The City of Lenexa, Kansas, a municipal corporation, does hereby approve and authorize the Mayor to execute the Standard Form Sponsorship Agreements, as approved by the City Attorney, with the following 2024 Festival Presenting sponsors, as designated:

The Lenexa Farmers Market:
Everfast Fiber Networks LLC

Outdoor Concert Series:
Everfast Fiber Networks LLC

The Lenexa Art Fair:
Everfast Fiber Networks LLC

The Great Lenexa BBQ Battle
Everfast Fiber Networks LLC

Lenexa Freedom Run:
Everfast Fiber Networks LLC

The Lenexa Spinach Festival:
Everfast Fiber Networks LLC

The Lenexa Chili Challenge:
Everfast Fiber Networks LLC

The Enchanted Forest:
Everfast Fiber Networks LLC

Sar-Ko Aglow:
Everfast Fiber Networks LLC

SECTION TWO: This resolution shall become effective upon adoption.

PASSED by the City Council March 19, 2024.

SIGNED by the Mayor March 19, 2024.

CITY OF LENEXA, KANSAS

[Seal]

Julie Sayers, Mayor

Attest:

Jennifer Martin, City Clerk

Approved as to Form:

Spencer L. Throssell, Assistant City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 5

SUBJECT: Resolution authorizing the Mayor to forward the City's 2025-2029 application for the County Assisted Road System program to the Johnson County Board of County Commissioners

CONTACT: Tim Green, Deputy Community Development Director

DATE: March 19, 2024

ACTION NEEDED:

Adopt a resolution authorizing the Mayor to forward the City's 2025-2029 application for the County Assisted Road System (CARS) program to the Johnson County Board of County Commissioners (BOCC).

PROJECT BACKGROUND/DESCRIPTION:

Each year, Johnson County cities must submit a five-year plan to the Johnson County Board of County Commissioners to request CARS program funding. This submission is a planning tool to set priorities for each local jurisdiction. Prior to acceptance of CARS program funding, a detailed agreement for each project will be presented to the Governing Body for approval.

It is important that the 2025 projects be established as they will be programmed for funding. The 2026-2029 projects are submitted for planning purposes only, and may be amended each year as the City's Capital Improvement Program (CIP) is approved.

A brief overview of each project follows. City staff is requesting two years of funding for the 83rd Street from Gleason Road to Clare Road project. The total request for this project will be \$2,750,000.

CARS 2025-2029 Program Summary Sheet				
Priority	Project Location	Proposed Start/Finish	CARS Program Funding Request	Total Project Cost
2025-1	95th St - Renner Blvd to Noland Rd	2025/2025	\$2,050,000	\$4,670,000
2026-1	Santa Fe Trail Dr - 95th St to south city limits	2026/2026	\$845,000	\$1,860,000
2027-1	83rd St - Gleason Rd to Clare Rd	2027/2028	\$1,375,000	\$13,670,000
2028-1	83rd St - Gleason Rd to Clare Rd	2027/2028	\$1,375,000	\$13,670,000
2029-1	Renner Blvd - 79th St to 84th St	2028/2029	\$1,370,000	\$3,030,000
	Total		\$7,015,000	

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The City is requesting \$7,015,000 in CARS program funding for these projects. Actual funding amounts will be determined by Johnson County annually.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:**Vision 2040**

Integrated Infrastructure & Transportation

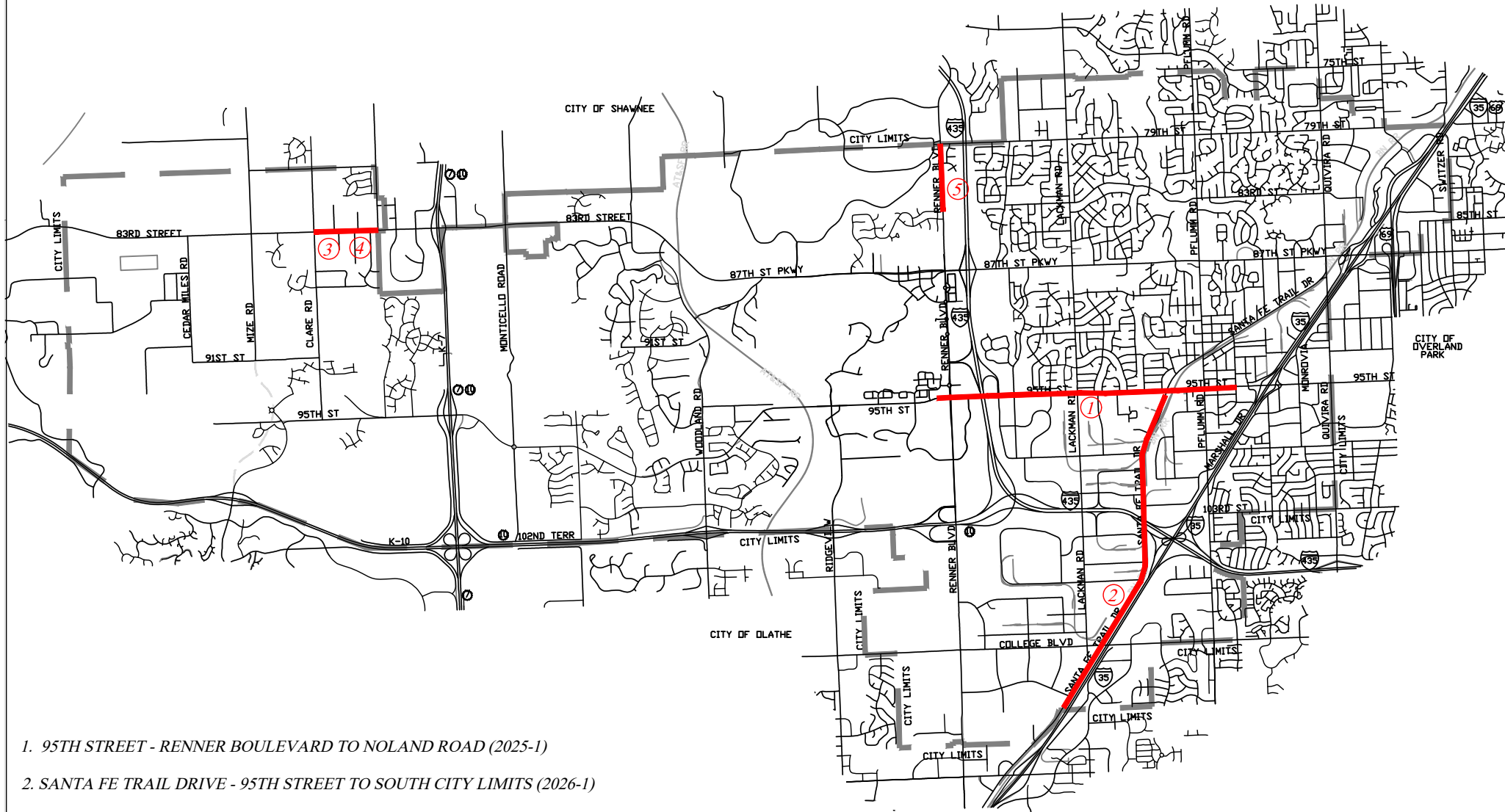
Guiding Principles

Prudent Financial Management
Strategic Community Investment

ATTACHMENTS

1. Map
2. Resolution

C.A.R.S. PROPOSED 2025-2029 FIVE YEAR PROGRAM



1. 95TH STREET - RENNER BOULEVARD TO NOLAND ROAD (2025-1)
2. SANTA FE TRAIL DRIVE - 95TH STREET TO SOUTH CITY LIMITS (2026-1)
3. 83RD STREET - GLEASON ROAD TO CLARE ROAD (2027-1)
4. 83RD STREET - GLEASON ROAD TO CLARE ROAD (2028-1)
5. RENNER BOULEVARD - 79TH STREET TO 84TH STREET (2029-1)



Lenexa

RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO FORWARD THE CITY OF LENEXA'S APPLICATION FOR THE FIVE-YEAR COUNTY ASSISTED ROAD SYSTEM [C.A.R.S.] PROGRAM [2025-2029] TO THE BOARD OF JOHNSON COUNTY COMMISSIONERS.

WHEREAS, the City of Lenexa has made application for County Assistance Road System [C.A.R.S.] funds to the Board of Johnson County Commissioners for the five year program [2025-2029]; and

WHEREAS, the application has been reviewed and accepted by the City of Lenexa's City Council.

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

SECTION ONE: The City Council does hereby approve the application and authorizes the Mayor to forward the five-year C.A.R.S. Program [2025-2029] application to the Johnson County Board of Commissioners.

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

ADOPTED by the City Council this 19th day of March, 2024.

SIGNED by the Mayor this 19th day of March, 2024.

CITY OF LENEXA, KANSAS

[SEAL]

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven D. Shrout, Assistant City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 6

SUBJECT: Resolution authorizing the Mayor to execute a Private Water Service Line easement with Bison Properties, LLC for property located at 9040 Quivira Road

CONTACT: Tim Green, Deputy Community Development Director

DATE: March 19, 2024

ACTION NEEDED:

Adopt a resolution authorizing the Mayor to execute a Private Water Service Line easement with Bison Properties, LLC for property located at 9040 Quivira Road.

PROJECT BACKGROUND/DESCRIPTION:

In October 1990, prior to construction of the Quivira Road bridge over I-35, the Kansas Department of Transportation (KDOT) deeded a portion of KDOT right-of-way to the City. Subsequently, the City entered into an agreement with the owner of 9040 Quivira Road to allow the owner to use a portion of City's land for their parking at 9040 Quivira Road.

The owner of 9040 Quivira Road needs to add a new fire line to the building. To accomplish this, the line must be placed on City property. City staff have reviewed the proposed easement and believe no undue burden is caused to the City by allowing this easement.

This is a standard easement document and available for review in the City Clerk's office.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment

ATTACHMENTS

1. Map
2. Easement
3. Resolution

\\NFPS-SERVER\Projects\240144\Drawings\Utility\Exhibit - Call before dig.dwg User:dlr Date: 08/23/2024 1:50pm Sheet 1 of 1



Know what's below.
Call before you dig.

UTILITY NOTES:
VISUAL INDICATIONS OF UTILITIES ARE AS SHOWN.
UNDERGROUND LOCATIONS SHOWN, AS FURNISHED BY THEIR
LESSORS, ARE APPROXIMATE AND SHOULD BE VERIFIED IN
THE FIELD AT THE TIME OF CONSTRUCTION. FOR ACTUAL
FIELD LOCATIONS OF UNDERGROUND UTILITIES CALL 811.

LEGEND

- PL — PROPERTY LINE
- LL — LOT LINE
- R/W — RIGHT-OF-WAY
- W — EXISTING WATER LINE
- F — PROPOSED FIRE LINE



WATER EASEMENT EXHIBIT
UNITED IMAGING CONSULTANTS
9040 QUIVIRA ROAD
LENEXA, JOHNSON COUNTY, KANSAS

PROJECT NO.	240144	NO.		DATE		REVISIONS	BY	APP.
DATE OF APPROVAL								
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DATE OF APPROVAL								

SHEET
1

PHILIPS ENGINEERING, INC.
1001 N. Winchester
Olathe, Kansas 66061
(913) 765-1000
www.philipsengineering.com

PHILIPS ENGINEERING
ENGINEERING
INFORMATION

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A PRIVATE WATER SERVICE LINE EASEMENT TO BISON PROPERTIES, LLC AT 9040 QUIVIRA ROAD.

WHEREAS, the City of Lenexa ("City") is the owner of a parcel of property located in the vicinity of the Quivira Road Bridge over I-35 ("City Property") in order to have maintenance access to the Quivira Road Bridge; and

WHEREAS, the Bison Properties, LLC is owner of office building at 9040 Quivira immediately south of City Property and has requested a private water service line easement through the City Property; and

WHEREAS, the City has reviewed the private water service line easement attached hereto as Exhibit A and found it to be acceptable.

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

SECTION ONE: The City of Lenexa, Kansas, a municipal corporation, does hereby approve and authorize the Mayor to execute the Private Water Service Line Easement, attached hereto as Exhibit "A" and incorporated herein by reference.

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

ADOPTED by the Governing Body this 19th day of March, 2024.

SIGNED by the Mayor this 19th day of March, 2024.

[SEAL]

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 7

SUBJECT: Resolution authorizing the Mayor to execute an agreement with Alfred Benesch & Co. to provide design and consulting services for the Lackman Road Wall Replacement Study

CONTACT: Nick Arena, Director of Municipal Services

DATE: March 19, 2024

ACTION NEEDED:

Adopt a resolution authorizing the Mayor to execute an agreement with Alfred Benesch & Co. ("Benesch") to provide design and consulting services for the Lackman Road Wall Replacement Study ("Study").

PROJECT BACKGROUND/DESCRIPTION:

The Study will review and assess the useful life of nine walls along Lackman Road from 84th Terrace to the north city limits. The existing walls are nearly 50 years old and are showing signs of distress and failure. The walls do appear to have useful life in them, but planning for their replacement is needed.

City staff solicited proposals and four were received. Benesch was selected as the most qualified to complete the Study. The total cost is \$149,482.

The Study will rate the overall condition of the walls, provide maintenance strategies, and determine if removal and replacement is needed. Cost estimates for these strategies will also be provided.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The Study is in the 2024-2028 Capital Improvement Program (CIP Project No. 60065).

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

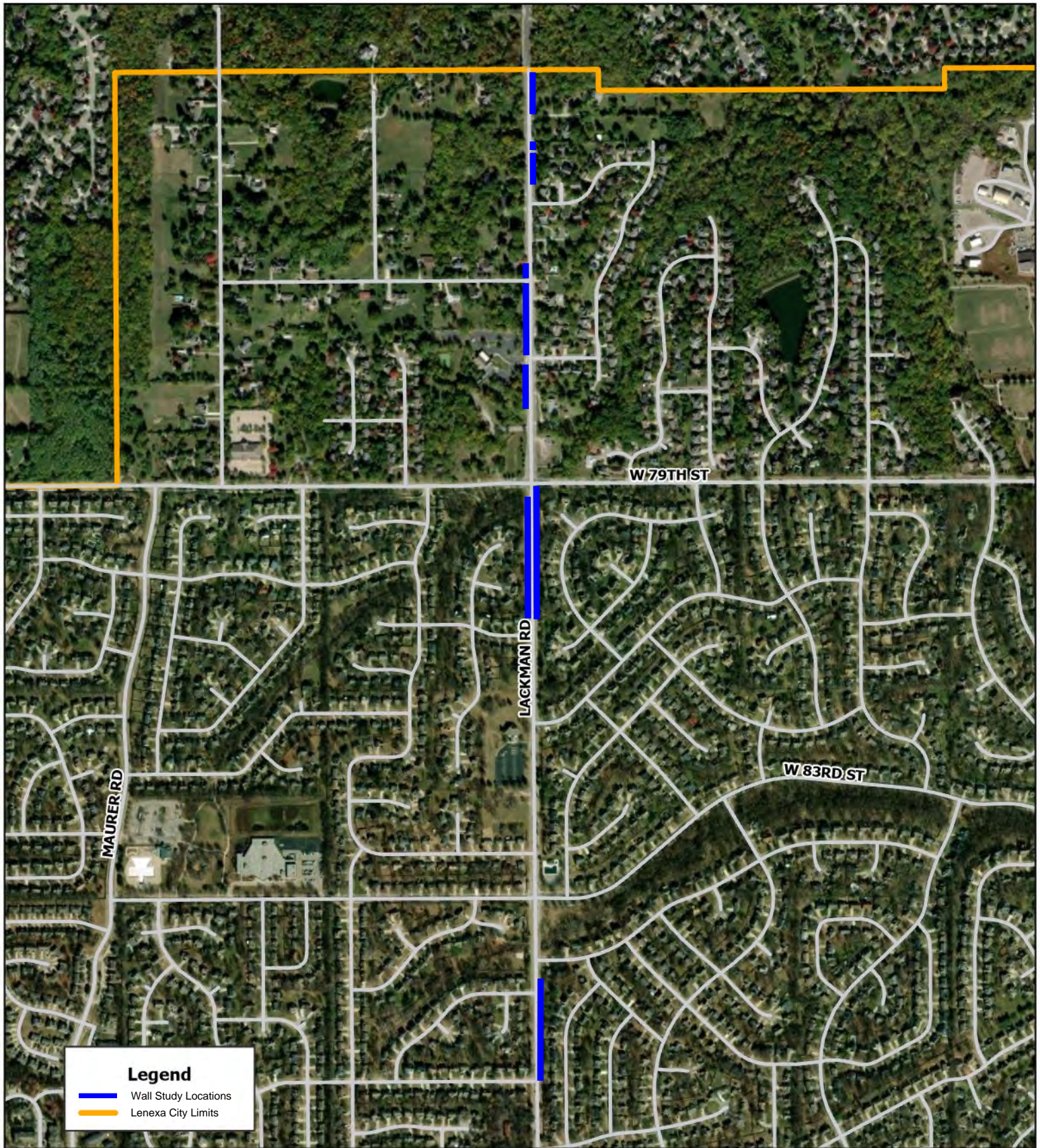
Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment

ATTACHMENTS

1. Map
2. Resolution



Lackman Road Wall Replacement Study

84th Terrace to North City Limits



0 1,250 2,500 Feet

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN CONTRACTOR ALFRED BENESCH & CO. AND THE CITY OF LENEXA, KANSAS, TO PROVIDE DESIGN AND CONSULTING SERVICES FOR THE LACKMAN ROAD WALL REPLACEMENT STUDY.

WHEREAS, the City has determined that it is in the best interests of the general public to conduct a study to determine whether the wall at Lackman Road needs to be replaced, including how that would be designed and accomplished (collectively the "Project"); and

WHEREAS, the City issued a request for bids to qualified firms to evaluate the wall's condition and provide proposals to the repairs and replacement called for by the Project; and

WHEREAS, in or about March 2024, Alfred Benesch & Co. ("Contractor") expressed an interest in entering an agreement with the City to perform that Project by presenting a proposal and competitive bid for that work; and

WHEREAS, of the bids received, Contractor's proposal was the low proposal on the Project; and

WHEREAS, Contractor has performed work for the City a number of times in the past; and

WHEREAS, City Staff believes it is in the best interest of the public to enter an agreement with Contractor for this Project; and

WHEREAS, City and Contractor have read and understand the terms and conditions of an Agreement for Centric to complete this Project.

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

SECTION ONE: The City of Lenexa, Kansas, a municipal corporation, does hereby authorize the Mayor to execute the Agreement for Consulting and Design Services regarding the Project with Contractor ("Agreement"), a true and accurate copy of which is available for review in the City Clerk's Office.

SECTION TWO: This Resolution shall become effective upon adoption.

ADOPTED BY the City Council this 19th day of March, 2024.

SIGNED BY the Mayor this 19th day of March, 2024.

Julie Sayers, Mayor

[SEAL]

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Spencer L. Throssell, Assistant City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 8

SUBJECT: Resolution authorizing the Mayor to execute an engineering agreement with HNTB Corporation for Phase 1 design services for the 83rd Street from Gleason Road to Clare Road Improvements Project

CONTACT: Tim Green, Deputy Community Development Director

DATE: March 19, 2024

ACTION NEEDED:

Adopt a resolution authorizing the Mayor to execute an engineering agreement with HNTB Corporation for Phase 1 design services for the 83rd Street from Gleason Road to Clare Road Improvements Project ("Project").

PROJECT BACKGROUND/DESCRIPTION:

The City issued a Request for Proposals for the design of 83rd Street from Gleason Road to Clare Road on January 3, 2024. The City received 12 proposals. A staff selection committee reviewed the proposals and recommended HNTB Corporation.

Phase 1 of this project will include an engineering survey, a traffic study, and a high-level concept design options for the Project. The two design options (currently presumed to be a 5-lane section and a 4-lane divided section) will include consideration for Complete Streets elements, access control, and will include a profile to best match the existing terrain and provide adequate drainage. The scope includes public engagement and council presentations.

Additional effort will be focused on traffic and high-level concept analysis of the broader 83rd Street study limits from K-7 Highway to the western city limits. The focus of the broader concept analysis is to review and refine the key design elements (traffic projections, typical section, intersection analysis, project phasing sensitivity) and document all design criteria.

No final design, bidding, or construction phase services are included in this scope of services, but will be negotiated as a supplemental agreement as the Project moves forward.

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

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

This Phase 1 design agreement will be funded with General Obligation Bonds. The Phase 1 design services contract with HNTB Corporation is \$290,950.

The total project budget is \$13,671,790.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment

ATTACHMENTS

1. Map
2. Resolution

RESOLUTION NO. _____

**A RESOLUTION APPROVING AN AGREEMENT WITH HNTB CORPORATION
[“CONSULTANT”] FOR PHASE 1 DESIGN AND ENGINEERING SERVICES FOR
THE 83RD STREET FROM GLEASON ROAD TO CLARE ROAD IMPROVEMENT
PROJECT.**

WHEREAS, the City of Lenexa, Kansas has defined a need for engineering consultant services for the design of the 83rd Street from Gleason Road to Clare Road Project; and

WHEREAS, Consultant has submitted an Engineering Services Agreement [“Agreement”] to provide for such services; and

WHEREAS, both parties have read and understand the terms and conditions of said Agreement, which is attached hereto as Exhibit “A”.

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

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

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

ADOPTED by the City Council this 19th day of March, 2024.

SIGNED by the Mayor this 19th day of March, 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: Ordinance authorizing the acquisition of lands or interests therein by condemnation for the construction of certain public improvements associated with Lackman Road as part of its Sidewalk & Trail Repair Program

CONTACT: Cody Wilbers, Assistant Municipal Services Director
Nick Arena, Director of Municipal Services

DATE: March 19, 2024

ACTION NEEDED:

Pass an ordinance authorizing the acquisition of lands or interests therein by condemnation for the construction of certain public improvements associated with Lackman Road ("Project") as part of its Sidewalk & Trail Repair Program.

PROJECT BACKGROUND/DESCRIPTION:

As part of its Sidewalk & Trail Repair Program, the City has determined it necessary to appropriate private property for use by the City for the Project. The Project will construct sidewalk and other public improvements along a portion of Lackman Road between 95th Street and 99th Street. On March 5, 2024, the Governing Body adopted Resolution 2024-020 declaring it necessary to appropriate this property for that purpose.

This ordinance is the next step in that process. The City recognizes the need to acquire easements and rights-of-way from one tract adjacent to the Project area.

This ordinance moves forward the condemnation action and authorizes City staff to proceed.

The City has retained Orrick & Erskine as outside counsel for acquisition services on the Project.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

This project is included in the 2024-2028 Capital Improvement Program (CIP Project No. 60117).

STAFF RECOMMENDATION:

Passage of the ordinance.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure and Transportation

Guiding Principles

Strategic Community Investment

ATTACHMENTS

1. Map
2. Ordinance



Sidewalk and Trail Repair Program
9700 Lackman Road



ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE ACQUISITION OF LANDS OR INTERESTS THEREIN BY CONDEMNATION FOR THE CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS ASSOCIATED WITH LACKMAN ROAD AS PART OF LENEXA'S SIDEWALK & TRAIL REPAIR PROGRAM IN LENEXA, JOHNSON COUNTY, KANSAS.

WHEREAS, the Governing Body of the City of Lenexa, Kansas did by Resolution No. 2024-020, declare the necessity for, and authorize a survey and description of lands or interests therein to be acquired by the City for the following:

Construction of sidewalk repairs along Lackman Road as part of its Sidewalk & Trail Repair Program.

The project includes easements and property acquisition for locating, building, constructing, maintaining, and repairing complete pavement reconstruction, underdrain installation, spot replacement of existing curbs, gutters, sidewalks, and street upgrades and the installation of new sidewalks along Lackman Road where none existed before, together with all necessary appurtenances thereto, together with the rights of ingress and egress for the purpose of construction, maintenance, and repairs of said facilities, together with utility location and relocation, environmental review and mitigation, landscaping, as well as easement and condemnation costs; preliminary and final engineering; survey, staking, grading, and erosion control; appraisal fees; construction supervision/inspection; testing; and other related improvements to be constructed with the main improvement; City administrative costs; legal fees; and costs associated with the bond and interest expense associated with financing the improvement and other necessary appurtenances; and

WHEREAS, said survey and description was prepared and is maintained at the Lenexa City Hall.

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

SECTION ONE: It is hereby authorized and provided that the lands or interests therein, hereafter described, be acquired for the following improvement:

Construction of sidewalk repairs along Lackman Road as part of its Sidewalk & Trail Repair Program.

The project includes easements and property acquisition for locating, building, constructing, maintaining, and repairing complete pavement reconstruction, underdrain installation, spot replacement of existing curbs, gutters, sidewalks, and street upgrades and the installation of new sidewalks along Lackman Road where none existed before, together with all necessary appurtenances thereto, together with the rights of ingress and

egress for the purpose of construction, maintenance, and repairs of said facilities, together with utility location and relocation, environmental review and mitigation, landscaping, as well as easement and condemnation costs; preliminary and final engineering; survey, staking, grading, and erosion control; appraisal fees; construction supervision/inspection; testing; and other related improvements to be constructed with the main improvement; City administrative costs; legal fees; and costs associated with the bond and interest expense associated with financing the improvement and other necessary appurtenances.

TRACT 1 – STAG INDUSTRIAL HOLDINGS, LLC.:

CONDEMNEE: Stag Industrial Holdings, LLC.

SITUS ADDRESS: In the vicinity of 9700 Lackman Road, Lenexa, Kansas 66219, consisting of a strip of land along the western side of Lackman Road approximately 672 feet long running north and south and 35 feet across, west to east.

MAILING ADDRESS: Stag Industrial Holdings, LLC
Stag 1 Federal Street, Floor 23
Boston, MA 02110

Permanent Pedestrian Sidewalk Easement

All that part of an unplatted tract of land in the Southwest Quarter of Section 1, Township 13 South, Range 23 East, in the City of Lenexa, Johnson County, Kansas, more particularly described by Chris R. Sprague, Kansas PS-1632, of Olsson, CLS-114, on April 14, 2023, as follows:

A portion of the property described in the Special Warranty Deed to Stag Industrial Holdings, LLC, recorded July 12, 2019, in Book 201907, Page 4380, situated in the Northeast quarter of Section 5, Township 13 South, Range 24 East, in the City of Lenexa, Johnson County, Kansas, described as follows:

COMMENCING for reference at the Northeast corner of the Northeast quarter of said Section 5; thence, along the East line of the Northeast quarter of said Section 5, South 02°13'56" East, 672.03 feet to a point on the Easterly prolongation of the North line of said property described in Book 201907, Page 4380; Thence, along the Easterly prolongation of last said North line, South 88°12'06" West, 35.00 feet to the Northeast corner of said property described in Book 201907, Page 4380, said point being the **TRUE POINT OF BEGINNING**;

Thence, along the North line of said property described in Book 201907, Page 4380, South 88°12'06" West, 5.00 feet to a point on a line parallel with and 5.00 feet West of the East line of said property described in Book 201907, Page 4380;

Thence, along last said parallel line, South 02°13'56" East, 1019.93 feet to a point on the South line of said property described in Book 201907, Page 4380;

Thence, along last said South line, North 88°12'06" East, 5.00 feet to the Southeast corner of said property described in Book 201907, Page 4380;

Thence, along the East line of said property described in Book 201907, Page 4380, North 02°13'56" West, 1019.93 feet to the **TRUE POINT OF BEGINNING**, Prepared by Anne M. Smoke, Kansas PS 1650, on January 2, 2024.

Contains 5,100 square feet, more or less.

Temporary Construction Easement

All that part of an unplatted tract of land in the Southwest Quarter of Section 1, Township 13 South, Range 23 East, in the City of Lenexa, Johnson County, Kansas, more particularly described by Chris R. Sprague, Kansas PS-1632, of Olsson, CLS-114, on April 14, 2023, as follows:

A portion of the property described in the Special Warranty Deed to Stag Industrial Holdings, LLC, recorded July 12, 2019, in Book 201907, Page 4380, situated in the Northeast quarter of Section 5, Township 13 South, Range 24 East, in the City of Lenexa, Johnson County, Kansas, described as follows:

COMMENCING for reference at the Northeast corner of the Northeast quarter of said Section 5; thence, along the East line of the Northeast quarter of said Section 5, South 02°13'56" East, 672.03 feet to a point on the Easterly prolongation of the North line of said property described in Book 201907, Page 4380; Thence, along the Easterly prolongation of last said North line, South 88°12'06" West, 35.00 feet to the Northeast corner of said property described in Book 201907, Page 4380, said point being the **TRUE POINT OF BEGINNING**;

Thence, along the North line of said property described in Book 201907, Page 4380, South 88°12'06" West, 5.00 feet to a point on a line parallel with and 5.00 feet West of the East line of said property described in Book 201907, Page 4380;

Thence, along last said parallel line, South 02°13'56" East, 1019.93 feet to a point on the South line of said property described in Book 201907, Page 4380;

Thence, along last said South line, North 88°12'06" East, 5.00 feet to the Southeast corner of said property described in Book 201907, Page 4380;

Thence, along the East line of said property described in Book 201907, Page 4380, North 02°13'56" West, 1019.93 feet to the **TRUE POINT OF BEGINNING**, Prepared by Anne M. Smoke, Kansas PS 1650, on January 2, 2024.

Contains 5,100 square feet, more or less.

SECTION TWO: It is further authorized and provided that, as soon as practicable after the passage of this ordinance, action be initiated to exercise the power of eminent domain in accordance with K.S.A. 26-501, *et seq.*, the Eminent Domain Procedure Act, to condemn all lands and interests therein hereinbefore described.

SECTION THREE: This ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the City Council this 19th day of March, 2024.

SIGNED by the Mayor this 19th day of March, 2024.

CITY OF LENEXA, KANSAS

[SEAL]

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Spencer L. Throssell, Assistant City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 10

SUBJECT: Ordinance approving a 10-year special use permit for a personal instruction, general use known as MAVS located at 16501 W. 116th Street, in the BP-2, Planned Manufacturing District

CONTACT: Stephanie Kisler, Planning Manager

DATE: March 19, 2024

ACTION NEEDED:

Pass an ordinance approving a 10-year special use permit (SUP) for a personal instruction, general use known as MAVS located at 16501 W. 116th Street, in the BP-2, Planned Manufacturing District.

APPLICANT:

Rodney Blecha, MAVS

OWNER:

ML LLE3 SPE LLC

PROPERTY LOCATION/ADDRESS:

16501 W. 116th Street

PROJECT BACKGROUND/DESCRIPTION:

The applicant requests a renewal of an SUP for a personal instruction, general use in the BP-2, Planned Manufacturing District. The Mid-America Volleyball Club, known as MAVS, is a 70,000 square foot indoor sports facility that specializes in volleyball located at 16501 W. 116th Street. An SUP is required because the facility exceeds 5,000 square feet, which is the maximum size in the BP-2 zoning district. Throughout the year, the facility operates during normal business hours but extends its hours into the evening until 10 PM during the volleyball club season from November through June. Additionally, MAVS hosts approximately three tournaments per month from January to March. MAVS provides clients additional parking in the vicinity by utilizing shared parking agreements with adjacent property owners. Their current SUP will expire in September 2024. This will be their second SUP renewal. There have been no reported concerns with the business.

STAFF RECOMMENDATION:

Passage of the ordinance.

PLANNING COMMISSION ACTION:

This item was considered as Regular Agenda Item 9 at the March 4, 2024 Planning Commission meeting. A public hearing was held and no one from the public spoke. The Commission discussed the parking arrangements and the responsiveness of the applicant in addressing previous parking issues.

Chairman Poss entertained a motion to recommend **APPROVAL** for a special use permit for 10 years for MAVS located at 16501 W. 116th Street in the BP-2, Planned Manufacturing District. Moved by Commissioner Harber, seconded by Commissioner Horine, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Thriving Economy

Guiding Principles

Responsible Economic Development

ATTACHMENTS

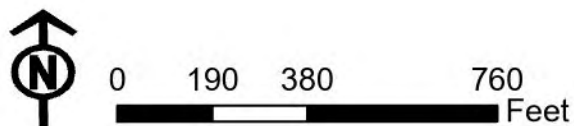
1. Map
2. PC Staff Report & Exhibits
3. PC Draft Minutes Excerpt
4. Ordinance



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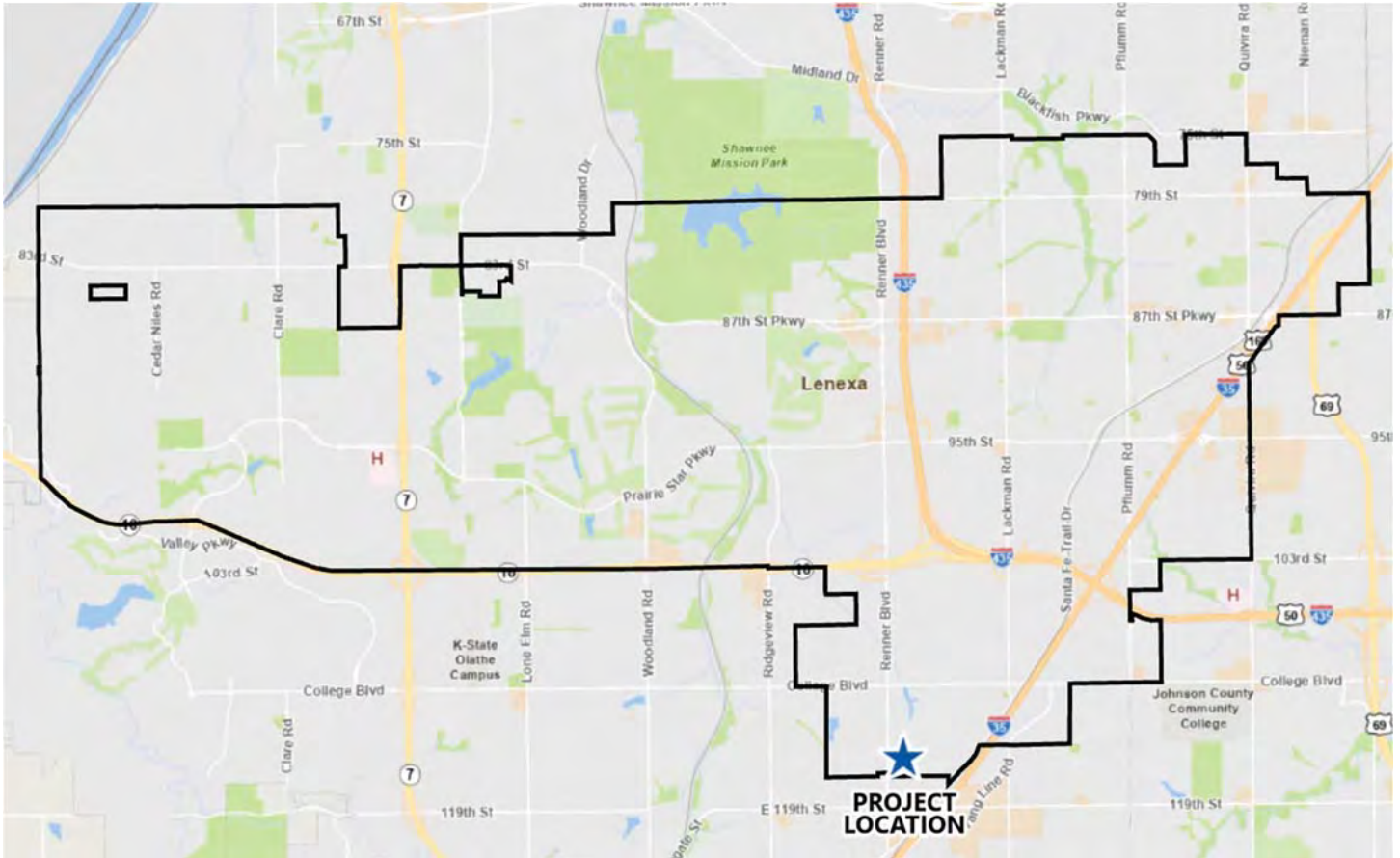
Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

MAVS
SU24-04



MAVS

Project #:	SU24-04	Location:	16501 W. 116 th Street
Applicant:	Rodney Blecha, MAVS	Project Type:	Special Use Permit
Staff Planner:	Will Sharp	Proposed Use:	Personal Instruction, General



PROJECT SUMMARY

The applicant requests a renewal of a special use permit (SUP) for a *personal instruction, general* use in the BP-2, Planned Manufacturing District. The Mid-America Volleyball Club, known as MAVS, is an indoor sports facility located at 16501 W. 116th Street. Their current SUP will expire in September 2024. Throughout the year, the facility operates during normal business hours but extends its hours into the evening until 10:00 PM during the volleyball club season from November through June. Additionally, MAVS hosts approximately three tournaments per month from January to March. An SUP is required because the facility is larger than the 5,000 SF allowed by-right for *personal instruction* uses in the BP-2 Zoning District. The SUP requires a Public Hearing at the Planning Commission meeting and approval by the Governing Body.

STAFF RECOMMENDATION: APPROVAL FOR 10 YEARS

SITE INFORMATION

MAVS outgrew its previous location at 15546 W. 108th Street and relocated to its present location at 16501 W. 116th Street in 2020. Their current site is within Building 3 of Lenexa Logistics Centre East Business Park, which is just north of Lenexa's southern border adjacent to the City of Olathe.

The area was platted as Lenexa Logistics Centre East, 1st Plat in 2019. The building that MAVS occupies was constructed in 2020. MAVS occupies approximately 70,000 SF of the larger 249,780 SF building. Other tenants in the building include Essense of Australia and Emerson Ecologics.

Previous approvals include:

- SU13-10 – MAVS' first SUP in Lenexa for their previous location at 15546 W. 108th Street
- SU20-06 – Initial SUP request at the present location, for the use of four courts during tournament play
- SU21-01 – Modification of previous SUP to allow eight courts with no spectators (COVID-19 protocol)
- SU21-08 – Modification of previous SUP to allow eight courts with spectators

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
15.75	70,000 (tenant) 249,780 (building)	BP-2	Business Park

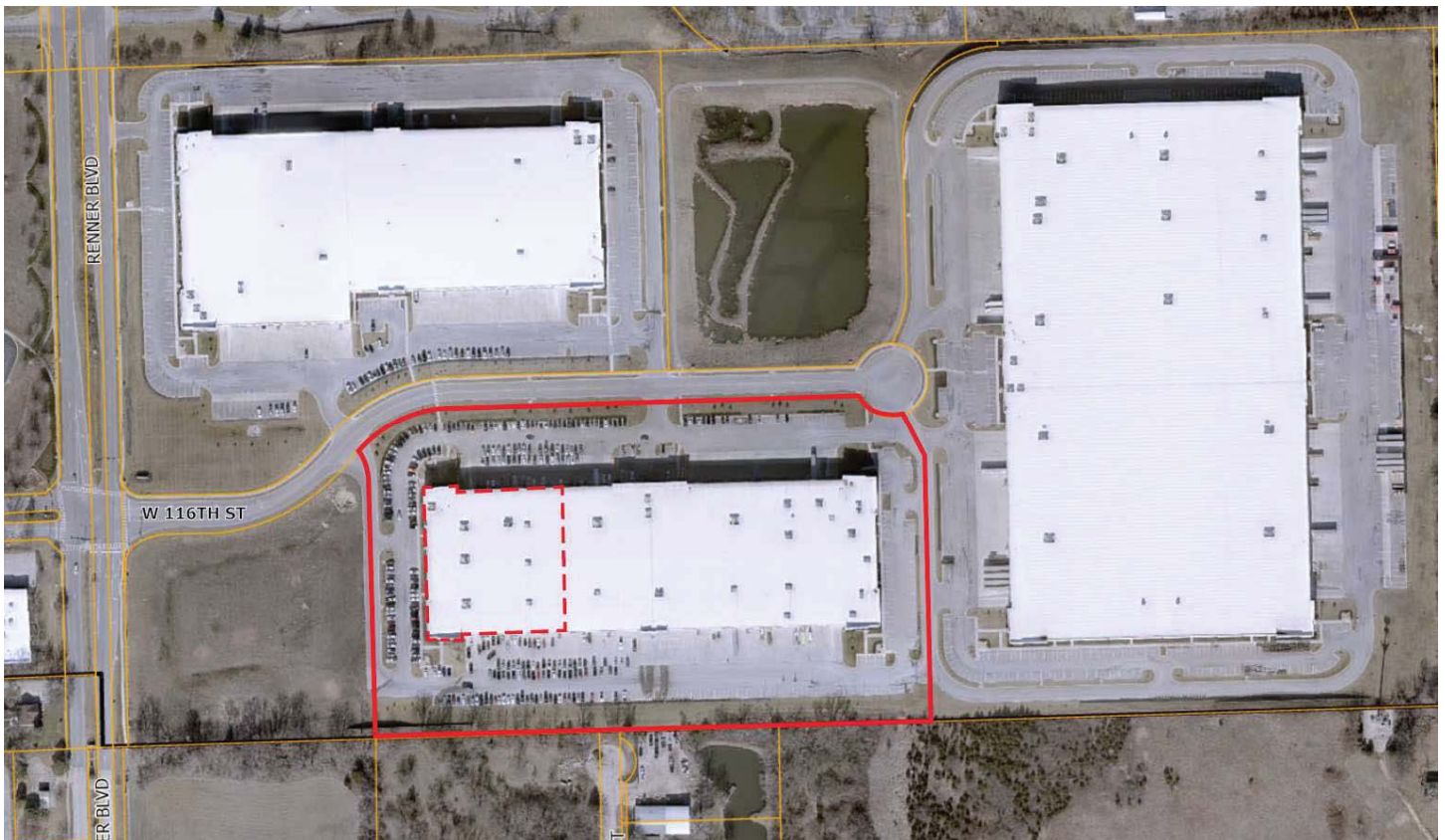


Exhibit 1: Aerial image of subject site. MAVS is indicated by the dashed outline.

LAND USE REVIEW

MAVS is considered a *personal instruction* land use. Typical activities for this use include gymnastic and dance studios, hobby and craft instruction, and training for various sports. In addition to volleyball, the MAVS facility has spaces designated for baseball and softball instruction. The Unified Development Code (UDC) distinguishes between two types of *personal instruction* uses. *Limited* uses are restricted to 5,000 SF or 20% of the total floor area of the building. The MAVS facility is greater than 5,000 SF and its square footage is greater than 20% of the total floor area of the building. Therefore, MAVS is considered a *personal instruction, general* use. While *limited* uses are allowed by-right in the BP-2 Zoning District, *general* uses require an SUP. Per UDC Section 4-3-C-3, the *personal instruction, general* use is defined as:

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



Exhibit 2: West face of the building, visible from Renner Boulevard.

Personal instruction, general uses are subject to supplementary regulations found in UDC [Section 4-1-B-23-AC](#). These have been considered and it is Staff's opinion that MAVS will not conflict with surrounding uses in its current location and during its proposed operating hours. These regulations are further discussed within the context of this report.

MAVS hosts approximately three weekend tournaments per month from January to March. These tournaments draw significant crowds, with a maximum number of players and spectators reaching 825 people. The parking demand and mitigation strategies will be discussed further in the report. Club season and weekend tournament hours are offset from the normal operating hours of nearby businesses. See Table 1 for operating hours and expected number of occupants throughout the year.

TABLE 1: OPERATING HOURS AND EXPECTED NUMBER OF OCCUPANTS

	Normal	Club Season	Saturday Tournaments	Sunday Tournaments
Session	Weekdays Year-round	Weekdays November – June	January – March	January – March
Start	8:00 AM	4:00 PM	8:00 AM	8:00 AM
End	5:00 PM	10:00 PM	7:00 PM	4:00 PM
Occupants	20-30 vehicles	188 people	750 people	825 people

The facility is surrounded by other parcels in the BP-2 Zoning District. This parcel and its surroundings are designated as Business Park on the Future Land Use Map in the Comprehensive Plan. The area to the south, which is mostly undeveloped, is within Olathe city limits. The proposed use is compatible in the context of existing land uses.

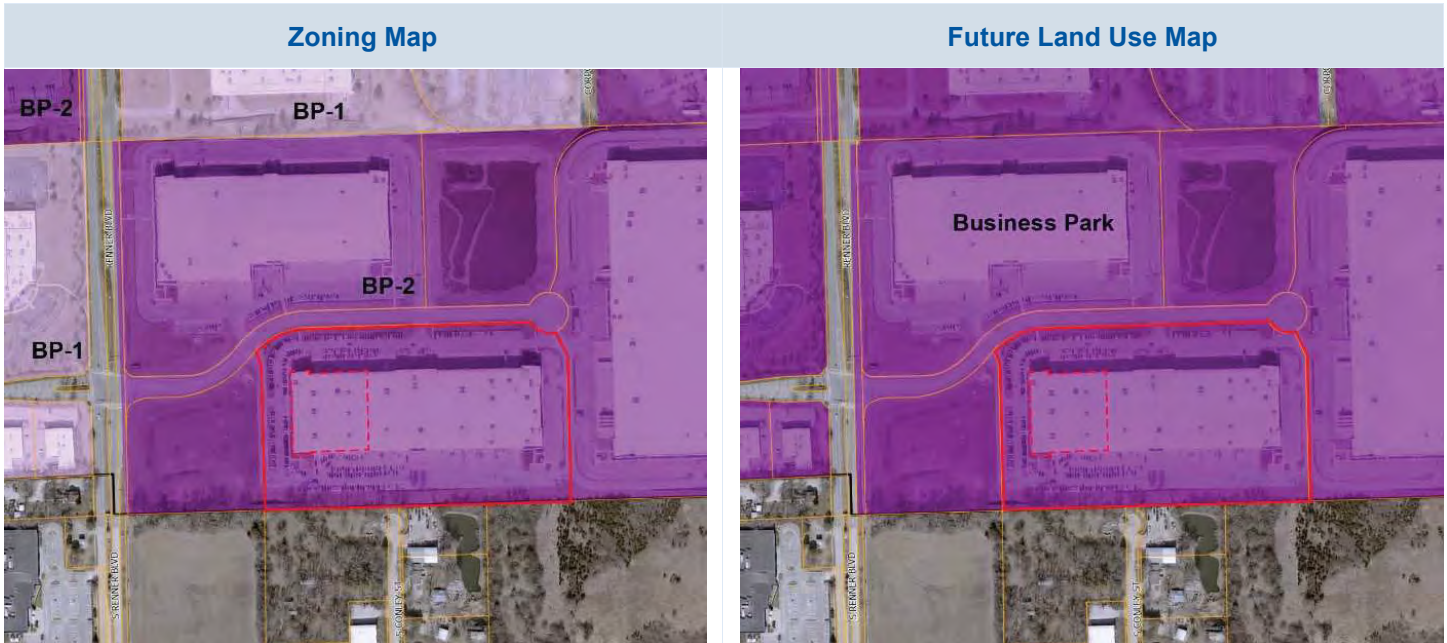


TABLE 2: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Business Park	BP-2, Planned Manufacturing District	Business Park – Lenexa Logistics Centre East
North	Business Park	BP-2, Planned Manufacturing District	Business Park – Lenexa Logistics Centre East
South	<i>City of Olathe Urban Mixed Use Center</i>	<i>City of Olathe M-2, Heavy Industrial</i>	<i>City of Olathe Industrial, Undeveloped</i>
East	Business Park	BP-2, Planned Manufacturing District	Business Park – Lenexa Logistics Centre East
West	Business Park	BP-2, Planned Manufacturing District	Business Park – Lenexa Logistics Centre East



Exhibit 3: North face of building, which serves as the entrance.

SPECIAL USE PERMIT REVIEW

An SUP is required for a *personal instruction, general* use in the BP-2 Zoning District. *Personal instruction, limited* uses (businesses that operate in facilities with an area of 5,000 SF or less) are allowed by-right in the BP-2 Zoning District. Since the MAVS facility is 70,000 SF, it is considered a *personal instruction, general* use.

The initial SUP request for *personal instruction* uses can be made for a maximum of three years. All subsequent renewals may be approved for up to ten years, provided all performance standards are being met.

Staff provides the following analysis to the review criteria within [Section 4-1-G-5](#) of the UDC.

1. The character of the neighborhood.

The vicinity is generally characterized by manufacturing, logistics, and distribution uses. The campus of Lenexa Logistics Centre East consists of three large buildings ranging from 249,780 SF to 606,171 SF.

The building occupied by MAVS, as well as the other buildings in Lenexa Logistics Centre East, are multitenant buildings.

The proposed is not out of character for the area because it is contained wholly within the building.

2. The zoning and use of properties nearby.

Surrounding zoning and uses are summarized in Table 2.

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

The subject property is suited to the business park uses to which it is restricted. It has direct access onto Renner Boulevard and I-35 is a short distance to the east via W. 119th Street in Olathe.

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

The proposed *personal instruction* use will have no outward impacts on nearby properties during normal operating hours on weekdays. All activity associated with this use will occur inside the building. On weekday evenings during club season (November through June), Staff does not anticipate detrimental effects on nearby properties because traffic will be at its most intense during the off-hours of neighboring businesses.

Weekend tournament activity has the potential to impact nearby properties based on greater pedestrian activity or if the off-site parking is not managed properly. At the time of the initial SUP request at this location, MAVS installed a sidewalk on the property.

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

The building MAVS occupies was built in 2019 and it was one of its initial tenants. It was undeveloped land prior to its construction. From the time the area was annexed into the City limits 1989, the property has been designated for industrial uses.

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

Staff does not see any gain to public health, safety, and welfare from denying this application.

7. Recommendation of City's permanent professional staff.

See Staff's recommendation at the end of this report.

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

The property will retain its BP-2 zoning. The Business Park future land use designation allows primarily industrial uses by right; however, it does allow for *personal instruction*, *general* uses subject to the supplementary use regulations of [Section 4-1-B-23-AC](#).

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

Utilities and services are adequate to serve the proposed use.

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

Staff considered the possibility of potential parking problems due to the high volume of vehicles expected during weekend tournament times. The applicant provided documentation of existing parking agreements with the surrounding businesses within their complex. Staff has also been informed that MAVS employs two parking attendants on tournament weekends to assure that visitors are parking where they are supposed to and are not obstructing any public access areas.

Table 3 below includes figures provided by the applicant based on their history with operating this business at this location since 2020. There is precedent for determining the required parking for weekend tournaments using a combination of the formula for the *entertainment, indoor* use and the formula for *personal instruction, general* use. Therefore, the required parking for this use is calculated by requiring one parking space per staff member/coach and one parking space per three participant/spectator. The required number of parking spaces is based on the possible maximum number of people, as reported by the applicant.

The applicant will maintain existing Fire Department access lanes.

It is Staff's opinion that MAVS' normal operating hours outside of club season will not pose any parking problems.

TABLE 3: PARKING STANDARDS			
Use	Parking Formula	Required Parking	Provided Parking
Personal instruction, general	.5 spaces per person in largest class (156 x .5 = 78) plus 1 space per employee (32)	110 (weekday evenings)	453 (weekday evenings)
Entertainment, indoor	Staff/coach: 1 space per person (75) Participant/spectator: 1 space per 3 people (825)	350 (weekends)	611 (weekends)

Given the preceding analysis, it is Staff's opinion that MAVS, through coordinating with the surrounding businesses, will be able to meet the parking demand during periods of the highest intensity.



Exhibit 4: 611 available parking spaces during weekend hours highlighted in yellow.

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

All activities related to this permit will occur inside the building. Since the parking area and building have already been constructed, there should be no additional environmental impacts.

- 12. 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.**

There are no proposed modifications to the stormwater system or increases to the overall amount of impervious area. For these reasons, the proposed use would not adversely affect the capacity or water quality of the stormwater system.

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

The applicant demonstrated an ability to satisfy applicable zoning regulations and other ordinances.

DEVIATIONS

The applicant is not requesting any deviations from the Unified Development Code (UDC).

REVIEW PROCESS

- *This project requires a recommendation from the Planning Commission and final approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration by the City Council on March 19, 2024.*
- *The applicant should inquire about additional City requirements, such as permits and development fees.*

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Conduct a Public Hearing.**

★ **Staff recommends approval of the proposed special use permit for MAVS.**

- The applicant is requesting a renewal of a special use permit to allow a *personal instruction, general* use in the BP-2, Planned Manufacturing District.
- The project is consistent with Lenexa's goals through **Responsible Economic Development** to create **Healthy People** and **Thriving Economy**.

SPECIAL USE PERMIT

Staff recommends **approval** of SU24-04 – a special use permit for a *personal instruction, general* use for **MAVS** at 16501 W. 116th Street, for a period of 10 years.

MAVS

VOLLEYBALL

16501 West 116th St.
Lenexa, KS 66219
(913) 888-6287

MAVS, LLC is an indoor sports facility located in Johnson County, KS with approximately 70K square feet of space. The indoor "gym" space consists of 10 volleyball courts (8 regulation courts) and 6 tunnels / 1 field used for baseball/softball practices. Our existing Special Use Permit (SUP) expires in September of 2024, so this narrative is to request a renewal of that SUP for future use.

During the months of January – March, we host approximately three tournaments per month on the weekends:

- During Saturday tournaments there will be two waves. The first wave will start at 8am and last until approximately 1pm, then the second wave will start at 2pm and last until approximately 7pm. If we use 8 courts (max#) for these tournaments, at any given time the maximum number of people within our facility would be around 750.
- During Sunday tournaments there will be one wave. This wave will start at 8am and last until approximately 4pm. If we use 8 courts (max#) for these tournaments, at any given time the maximum number of people within our facility would be around 825.
- We have permission from all surrounding businesses within our complex to use their parking spots on tournament weekends as they are not open for business on the weekends.
- We also employ two parking attendants on these tournament weekends to assure our patrons are parking where they are supposed to and not obstructing any public access areas.

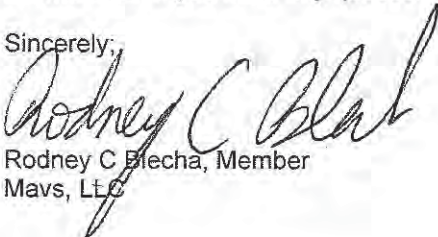
During normal business hours (8a-5p / weekdays), we will have 5 staff members in the building.

Our volleyball club season starts Nov and goes through June, and during those months, our club teams will be practicing at our facility on the weekday evenings. Practices start around 4pm and last until 10pm. All 10 courts are used for practices, and at any given time, the maximum number of people within our facility is around 188.

All the numbers above would include any baseball/softball patrons as they are minimal.

Let me know if you have any questions. Have a great day and look forward to hearing back from you!

Sincerely,



Rodney C Blecha, Member
Mavs, LLC

9. **MAVS (Mid-America Volleyball) - Consideration for renewal of a special use permit for a personal instruction, general use on property located at 16501 West 116th Street within the BP-2, Planned Manufacturing District. SU24-04 (Public Hearing)**

APPLICANT PRESENTATION

Rodney Blecha and Kathy Bates of Mid-America Volleyball said they were requesting renewal of the special use permit for MAVS that is currently in effect but will expire in September of this year. The original special use permit was requested in 2020 at a time when COVID was an issue and there were only three buildings in their industrial division. Mr. Blecha said that two of the buildings were still being constructed and MAVS was the only tenant in the business park at that time. He said that parking was an issue while hosting tournaments on the weekends but to solve the issue MAVS received permission to utilize several areas in the business park for participants to park during tournaments. He said that the other buildings have been fully constructed and leased, and they have received permission from the other tenants to park in the business park during tournaments. He said they are now ready to move forward with the renewal of the special use permit. Ms. Bates said the concerns of parking by the Commissioners at the previous special use permit request have been taken care of. She said they have taken safety measures by installing a crosswalk to keep participants safe during tournaments.

STAFF PRESENTATION

Will Sharp presented the Staff Report. Mr. Sharp explained that MAVS is an indoor sports facility that provides space for volleyball, baseball, and softball training and practice. He displayed a location map of the site and provided zoning and Comprehensive Plan information for the property in question. He said that the organization is requesting the special use permit because the facility exceeds the Code by 5,000 square feet for personal instruction, general use allowed in the BP-2, Planned Manufacturing District. He said that MAVS operates during normal business hours and crosses into the evening hours during volleyball club season from November to June as well as weekend tournaments that run from January to March. He said the history of working with MAVS and their special use request have been great and they have resolved all issues that have been brought forward. He displayed the floorplan of MAVS and discussed the layout. He displayed the criteria by which the application was reviewed by Staff and that each of the criteria was discussed in detail within the Staff Report. He said that staff focused on parking and through review, are satisfied with the parking agreement from other tenants in the area. During tournament weekends the applicants have provided no parking signs for fire lanes as well as employed parking attendants for high volume times during tournaments. He stated that staff feels they are meeting all the City requirements and supports approval of their special use request for ten years.

PUBLIC HEARING

Chairman Poss **OPENED** the Public Hearing and asked if anyone wished to speak on this item. No one from the audience came forward.

Chairman Poss entertained a motion to **CLOSE** the Public Hearing. Moved by Commissioner Handley, seconded by Commissioner Katterhenry, and carried by a unanimous voice vote.

COMMISSION DISCUSSION

Commissioner Harber said he recalls the past discussions with the applicants regarding parking and feels they have addressed previous concerns and resolved parking issues.

Commissioner Woolf thanked the applicants for providing parking attendants during high volume times because it has aided in making the parking process much smoother.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of SU24-04 – a special use permit for a personal instruction, general use for **MAVS** at 16501 W. 116th Street, for a period of 10 years.

Moved by Commissioner Harber, seconded by Commissioner Horine, and carried by a unanimous voice vote.

DRAFT

SU 24-04

ORDINANCE NO. _____

AN ORDINANCE GRANTING A TEN-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED AT 16501 W. 116th STREET, LENEXA, KANSAS.

WHEREAS, on January 29, 2024, Rodney Blecha, agent for ML LLE3 SPE LLC, owner of record, filed a request for a ten-year special use permit to allow “Personal Instruction, General” on property located at 16501 W. 116th Street, Lenexa, KS (the “Property”), in the BP-2, Planned Manufacturing District; and

WHEREAS, on March 4, 2024, the Lenexa Planning Commission held a public hearing to hear the request for said special use permit. Notice for the public hearing was provided in accordance with K.S.A. 12-757, and

WHEREAS, the Lenexa Planning Commission recommended approval of a ten-year special use permit to allow “Personal Instruction, General” on the Property, in the BP-2, Planned Manufacturing District as reflected in the minute record for said meeting; and

WHEREAS, on March 19, 2024, the Governing Body considered the request and Planning Commission recommendation, as reflected in the minute record for said meeting;

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

SECTION ONE: The Governing Body hereby approves the issuance of a ten-year special use permit to allow “Personal Instruction, General” in the Planned Manufacturing District, for the real estate described as:

Lot 3, Lenexa Logistics Centre East, 1st Plat;

More commonly known as 16501 W. 116th Street, Lenexa, Kansas.

Hereinafter referred to as (the “Property”).

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

SECTION THREE: This Ordinance shall be construed as follows:

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

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

PASSED by the Governing Body March 19, 2024.

SIGNED by the Mayor March 19, 2024.

CITY OF LENEXA, KANSAS

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven Shrout, Assistant City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 11

SUBJECT: Ordinance approving a five-year special use permit for a medical clinic use known as Tarry Chiropractic located at 13000 W. 87th Street Parkway, Suite 105, in the NP-O, Planned Neighborhood Office District

CONTACT: Stephanie Kisler, Planning Manager

DATE: March 19, 2024

ACTION NEEDED:

Pass an ordinance approving a five-year special use permit (SUP) for a medical clinic use known as Tarry Chiropractic located at 13000 W. 87th Street Parkway, Suite 105, in the NP-O, Planned Neighborhood Office District.

APPLICANT:

Ryan Tarry, Tarry Chiropractic

OWNER:

American College of Clinical Pharmacy Inc.

PROPERTY LOCATION/ADDRESS:

13000 W. 87th Street Parkway, Suite 105

PROJECT BACKGROUND/DESCRIPTION:

The applicant requests approval of a five-year SUP to operate a medical clinic use in the NP-O, Planned Neighborhood Office District. The clinic is located at 13000 W. 87th Street Parkway, Suite 105. Tarry Chiropractic will offer diagnosis and treatment of musculoskeletal conditions of the spine and extremities. The clinic proposes to occupy a 518 square foot space and will be open for appointments between 9 AM and 6 PM, Monday through Thursday, and between 9 AM and 1 PM on Friday. Consideration of this SUP is only for Suite 105, not the entire building.

STAFF RECOMMENDATION:

Passage of the ordinance.

PLANNING COMMISSION ACTION:

This item was considered as Regular Agenda Item 7 at the March 4, 2024 Planning Commission meeting. A public hearing was held and no one from the public spoke.

Chairman Poss entertained a motion to recommend **APPROVAL** for a special use permit for five years for Tarry Chiropractic located at 13000 W. 87th Street Parkway, Suite 105, in the NP-O District. Moved by Commissioner Horine, seconded by Commissioner Macke, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Thriving Economy

Guiding Principles

Responsible Economic Development

ATTACHMENTS

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



Document Path: C:\Users\cdwillis\Documents\ArcGIS\Projects\TV\Project36\TVProject36.aprx...

MARC/local jurisdictions, Maxar, Microsoft

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

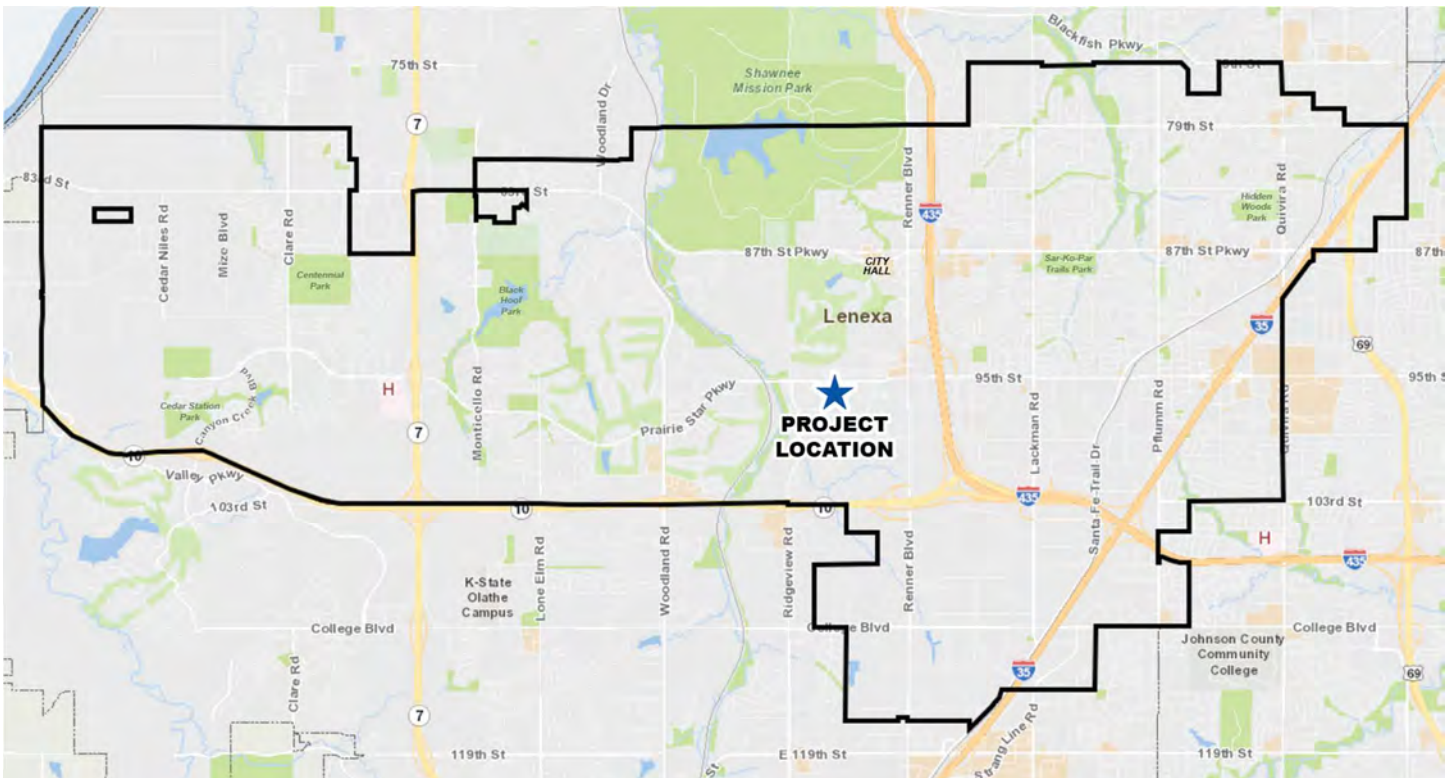
Tarry Chiropractic SU24-01



0 75 150 300
Feet

TARRY CHIROPRACTIC

Project #:	SU24-01	Location:	13000 W. 87 th Street Parkway, Suite 105
Applicant:	Ryan Tarry	Project Type:	Special Use Permit
Staff Planner:	Will Sharp	Proposed Use:	Medical Clinic



PROJECT SUMMARY

The applicant requests approval of a special use permit (SUP) for a *medical clinic* use in the NP-O, Planned Neighborhood Office District. Tarry Chiropractic proposes to occupy Suite 105 at 13000 W. 87th Street Parkway. Per the Unified Development Code (UDC) [Section 4-1-B-11](#), an SUP is required to operate a *medical clinic* business within the NP-O Zoning District. According to the applicant, Tarry Chiropractic will offer diagnosis and treatment of musculoskeletal conditions of the spine and extremities. This request requires a Public Hearing at the Planning Commission meeting and consideration by the Governing Body.

STAFF RECOMMENDATION: APPROVAL FOR FIVE YEARS

SITE INFORMATION

This site was platted in 1989 as Greystone South Plaza. The plat consists of nine lots, of which the subject property occupies Lot 4. The multitenant building was constructed in 1985 and has been used primarily as an office space since then.

An SUP for *medical or dental clinic* use was previously approved at this location in 2016 (SU16-18, Ordinance No. [5571](#)). That request was for a five-year SUP that expired in 2021. Pinkerton Pain Therapy, the previous applicant, ceased operations at this address in 2020.

The building also houses the world headquarters of the American College of Clinical Pharmacy. This is a non-profit association that provides administrative support for education in and advancement of clinical pharmacy.

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
1.5	518 (tenant) 10,032 (building)	NP-O	Office/Employment Center



Exhibit 1: Aerial image of subject site. The approximate location of Tarry Chiropractic is indicated by a red star.

LAND USE REVIEW

Chiropractors are included in the UDC [Section 4-3-C-3](#) definition of the *medical or dental clinic* use. The *medical or dental clinic* use is a special use in the NP-O Zoning District and requires approval of an SUP. The subject property is in the NP-O, Planned Neighborhood Office District.

Per UDC Section 4-3-C-3, the *medical or dental clinic* use is defined as:

“An establishment where patients, who are not lodged overnight except for observation or emergency treatment, are admitted for examination and treatment by a person or group of persons practicing any form of healing or health-building services, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists or any such profession, the practice of which is lawful in the State, and also includes establishments which provide massage therapy subject to the licensing provisions in this City Code.”

Tarry Chiropractic will occupy a 518 SF suite, known as Suite 105, in the office building located at 13000 W. 87th Street Parkway. The primary use of the office will be for diagnosis and treatment of musculoskeletal conditions of the spine and extremities. Treatment will focus on joint mobilization and include some soft tissue work and therapeutic exercises.

The business will operate Monday through Thursday from 9:00 AM to 6:00 PM, and on Friday from 9:00 AM to 1:00 PM. According to the applicant, there will be a maximum of 25 patients seen daily during business hours. Initially there will be just one employee, but a receptionist may be added as the patient load expands.

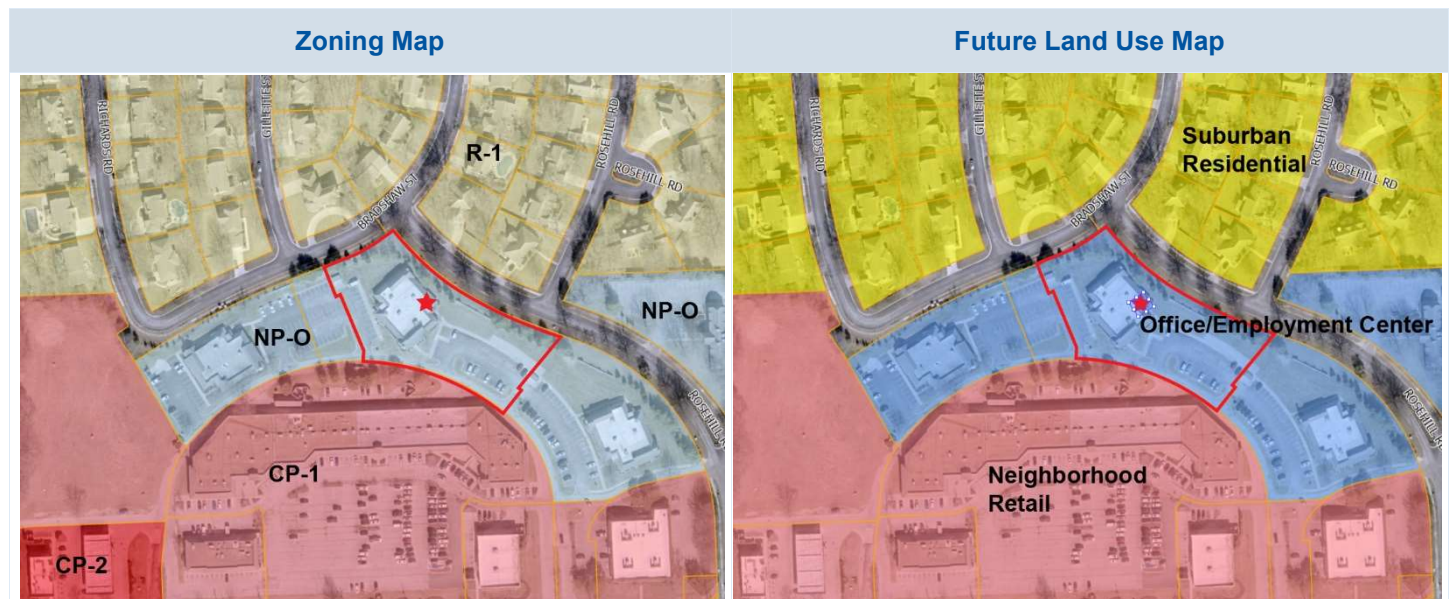


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Office/Employment Center	NP-O, Planned Neighborhood Office District	Office
North	Suburban Residential	R-1, Residential Single-Family	Residential, Single-Family Detached
South	Neighborhood Retail	CP-1, Planned Neighborhood Commercial District	Retail
East	Office/Employment Center	NP-O, Planned Neighborhood Office District	Office
West	Office/Employment Center	NP-O, Planned Neighborhood Office District	Office

The proposed use is compatible with the surrounding existing land uses and those uses which are designated on the Future Land Use Map in the Comprehensive Plan.

SPECIAL USE PERMIT REVIEW

A special use permit is required for *medical or dental clinic* uses in the NP-O, Planned Neighborhood Office District.

The UDC does not specify a duration for initial SUP requests for *medical or dental clinic* uses. The previous SUP for a *medical clinic* use on the property, as well as several more recent SUP applications for *medical clinic* use for chiropractor offices in NP-O districts, have been approved for a duration of five years. Given this precedent, Staff recommends a duration of five years for this SUP.

Staff provides the following analysis to the review criteria within [Section 4-1-G-5](#) of the UDC.

1. The character of the neighborhood.

The surrounding neighborhood includes a mix of office and retail uses to the south and single-family residential uses to the north.

2. The zoning and use of properties nearby.

Surrounding zoning and uses are summarized in Table 1.

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

The NP-O Zoning District is primarily intended to accommodate low-intensity office uses that serve neighborhood and community needs. The property is suitable for these uses. Based on the small square footage proposed to be used by the medical clinic, Staff believes the proposed use will be low-intensity and thus appropriate within the NP-O District.

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

Staff does not believe there is a potential for the medical clinic to be detrimental to nearby property. The site features adequate on-site parking to accommodate the proposed use's parking demand. There is

also a legal covenant and restrictions document that stipulates cross-parking/access agreements with prior, existing, and future owners of property within Greystone South Plaza.

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

The existing building was constructed in 1985 and has had various tenants over the years.

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

Staff does not see any gain to public health, safety, and welfare from denying this application.

7. Recommendation of City's permanent professional staff.

See Staff's recommendation at the end of this report.

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

The proposed medical clinic business will not change the primary land use of the subject property. The land use is in conformity with the Future Land Use Map designation of Office/Employment Center.

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

Utilities and services are adequate to serve the proposed use.

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

The property has adequate parking to meet the needs of the current tenant mix. The proposed land use should have a limited impact on the street network.

TABLE 3: PARKING STANDARDS			
Use	Parking Formula	Required Parking	Provided Parking
Medical or dental clinic	1 space per 200 SF (518 SF)	3	62
Office	1 space per 250 SF (9,514 SF)	38	
TOTAL		41	

The portion of W. 87th Street Parkway that provides access to the property has been the subject of numerous complaints. Property owners are working with City staff on rectifying some of the underlying issues that keep the road in a state of disrepair.

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

All activities related to this permit will occur inside the building. Since the parking area and building have already been constructed, there should be no additional environmental impacts.

12. 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.

There are no proposed modifications to the stormwater system or increases to the overall amount of impervious area. For these reasons, the proposed use would not adversely affect the capacity or water quality of the stormwater system.

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

The applicant demonstrated an ability to satisfy applicable zoning regulations and other ordinances.

DEVIATIONS

The applicant is not requesting any deviations from the Unified Development Code (UDC).

REVIEW PROCESS

- *This project requires a recommendation from the Planning Commission and final approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration by the City Council on March 19, 2024.*
- *The applicant should inquire about additional City requirements, such as permits and development fees.*

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Conduct a Public Hearing.**

★ **Staff recommends approval of the proposed special use permit for Tarry Chiropractic.**

- The applicant is requesting a special use permit to allow a *medical or dental clinic* use in the NP-O, Planned Neighborhood Office District.
- The project is consistent with Lenexa's goals through **Responsible Economic Development** to create **Vibrant Neighborhoods** and **Healthy People**.

SPECIAL USE PERMIT

Staff recommends **approval** of SU24-01 – a special use permit for *medical or dental clinic* use for **Tarry Chiropractic** at 13000 W. 87th Street Parkway, Suite 105, for a period of five years.

7. **Tarry Chiropractic - Consideration of a special use permit for a medical clinic use on property located at 13000 West 87th Street within the NP-O, Planned Neighborhood Office District. SU24-01 (Public Hearing).**

APPLICANT PRESENTATION

Ryan and Madeline Tarry introduced themselves and said they reside at 87th & Rosehill in Lenexa and were applying for a special use permit for a chiropractic office in the NP-O, Planned Neighborhood Office District where he would like to conduct his business.

STAFF PRESENTATION

Will Sharp presented the Staff Report. Mr. Sharp displayed a location map of the proposed site and provided zoning and Comprehensive Plan information for the property in question. He explained that a special use permit is required because a chiropractic use is not allowed in the NP-O, Planned Neighborhood Office District by-right. He explained that the applicant proposes to occupy 518 square feet within an office building. He said that including the applicant, there are seven other tenants in the building that all comply with the current zoning within the NP-O Zoning District. The applicant's proposed office hours are Monday through Thursday, from 9:00am to 6:00pm, and Friday's from 9:00am to 1:00pm. Ryan Tarry expects a maximum of 25 patients per day. Mr. Sharp displayed the criteria by which the application was reviewed by Staff and that each of the criteria was discussed in detail within the Staff Report. He explained that out of the thirteen criteria he would address criteria number 4, Potential detrimental effect on nearby property and criteria number 10, Traffic impact. He stated that the site features adequate parking for the combination of uses so Staff is not concerned about detrimental impact. He noted that from the standpoint of traffic impact, the ring road that accesses the site is in disrepair and the property owners are working with the City to find and correct the underline causes of constant disrepair.

PUBLIC HEARING

Chairman Poss **OPENED** the Public Hearing and asked if anyone wished to speak on this item. No one from the audience came forward.

Chairman Poss entertained a motion to **CLOSE** the Public Hearing. Moved by Commissioner Handley, seconded by Commissioner Woolf, and carried by a unanimous voice vote.

COMMISSION DISCUSSION

Commissioner Horine said he felt it was a good use for the property and hopes they can continue to fill the office building.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of SU24-01 – a special use permit for a medical clinic use for **Tarry Chiropractic** at 13000 W. 87th Street Parkway, Suite 105, for a period of five years.

Moved by Commissioner Horine, seconded by Commissioner Macke and carried by a unanimous voice vote.

SU 24-01

ORDINANCE NO. _____

AN ORDINANCE GRANTING A FIVE-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED AT 13000 W. 87th STREET PARKWAY, SUITE 105, LENEXA, KANSAS.

WHEREAS, on January 29, 2024, Greg Musil, agent for Tarry Chiropractic, LLC, with authority from American College of Clinical Pharmacy, Inc., owner of record, filed a request for a five-year special use permit to allow “Medical Clinic” on property located at 13000 W. 87th Street Parkway, Suite 105, Lenexa, KS (the “Property”), in the NP-O, Planned Neighborhood Office Zoning District; and

WHEREAS, on March 4, 2024, the Lenexa Planning Commission held a public hearing to hear the request for said special use permit. Notice for the public hearing was provided in accordance with K.S.A. 12-757, and

WHEREAS, the Lenexa Planning Commission recommended approval of a five-year special use permit to allow “Medical Clinic” on the Property, in the NP-O, Planned Neighborhood Office Zoning District, as reflected in the minute record for said meeting; and

WHEREAS, on March 19, 2024, the Governing Body considered the request and Planning Commission recommendation, as reflected in the minute record for said meeting;

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

SECTION ONE: The Governing Body hereby approves the issuance of a five-year special use permit to allow “Medical Clinic” in the Planned Neighborhood Office Zoning District, for the real estate described as:

Lot 4, Greystone South Plaza;

More commonly known as 13000 W. 87th Street Parkway, Suite 105, Lenexa, Kansas.

Hereinafter referred to as (the “Property”).

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

SECTION THREE: This Ordinance shall be construed as follows:

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

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

PASSED by the Governing Body March 19, 2024.

SIGNED by the Mayor March 19, 2024.

CITY OF LENEXA, KANSAS

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven Shrout, Assistant City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 12

SUBJECT: Ordinance approving a five-year special use permit for a medical clinic and personal services business known as Evolution You located at 13626 W. 95th Street, in the NP-O, Planned Neighborhood Office District

CONTACT: Stephanie Kisler, Planning Manager

DATE: March 19, 2024

ACTION NEEDED:

Pass an ordinance approving a five-year special use permit (SUP) for a medical clinic and personal services business known as Evolution You located at 13626 W. 95th Street in the NP-O, Planned Neighborhood Office District.

APPLICANT:
Melissa Herlein

OWNER:
Maria Brown, Five Star Property Management, LLC

PROPERTY LOCATION/ADDRESS:
13626 W. 95th Street

PROJECT BACKGROUND/DESCRIPTION:

The applicant requests approval of a five-year SUP to operate medical clinic and personal service uses in the NP-O, Planned Neighborhood Office District. The clinic is known as Evolution You and is proposed to locate within an 819 square foot space at 13626 W. 95th Street. Evolution You will offer primary care services, weight loss injections, and health coaching. The clinic will be open for appointments on Tuesday, Wednesday, and Thursday from 9 AM to 5 PM, with the possibility of expanding their operating hours to serve additional clients in the future.

During staff's review of the request, it was observed that the trash enclosure was in violation of code and a screening gate needed to be added to it. Staff recommended a condition that this maintenance issue be resolved within 90 days of SUP approval and the Planning Commission concurred.

STAFF RECOMMENDATION:
Passage of the ordinance.

PLANNING COMMISSION ACTION:

This item was considered as Regular Agenda Item 8 at the March 4, 2024 Planning Commission meeting.. A public hearing was held and no one from the public spoke. A Commissioner inquired if 90 days would give the property owner enough time to address the trash enclosure compliance issue and staff replied that the deadline was appropriate.

Chairman Poss entertained a motion to recommend **APPROVAL** for a special use permit for medical clinic

and personal services uses for Evolution You located at 13626 W 95th Street in the NP-O, Planned Neighborhood Office District. Moved by Commissioner Handley, seconded by Commissioner Katterhenry, and carried by a unanimous voice vote. The motion included the following condition:

1. The applicant/property owner shall have 90 days from the date of approval of the SUP to install an opaque gate to the masonry trash enclosure as required by Section 4-1-D-2-P-1 of the UDC.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

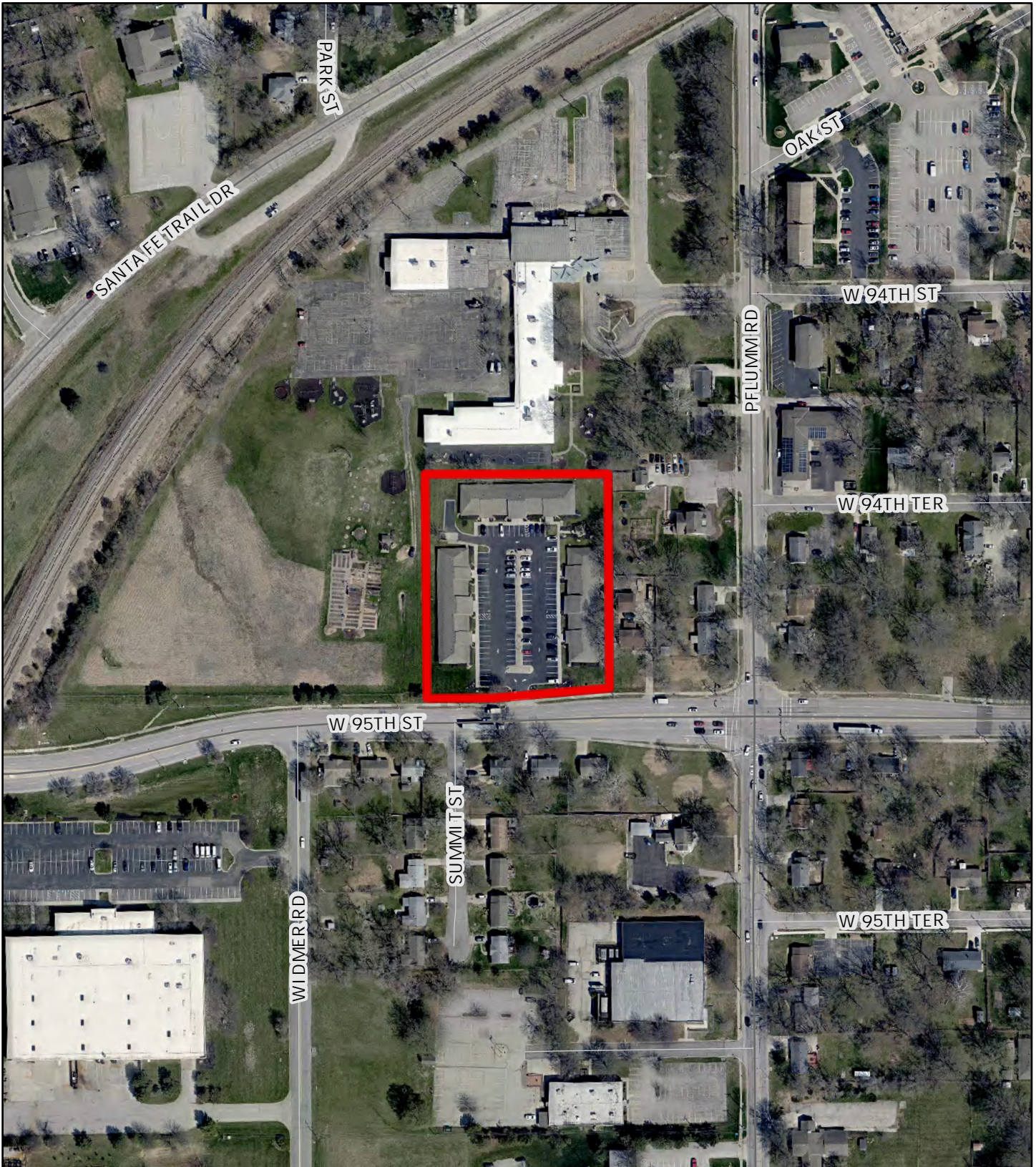
Thriving Economy

Guiding Principles

Responsible Economic Development

ATTACHMENTS

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



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

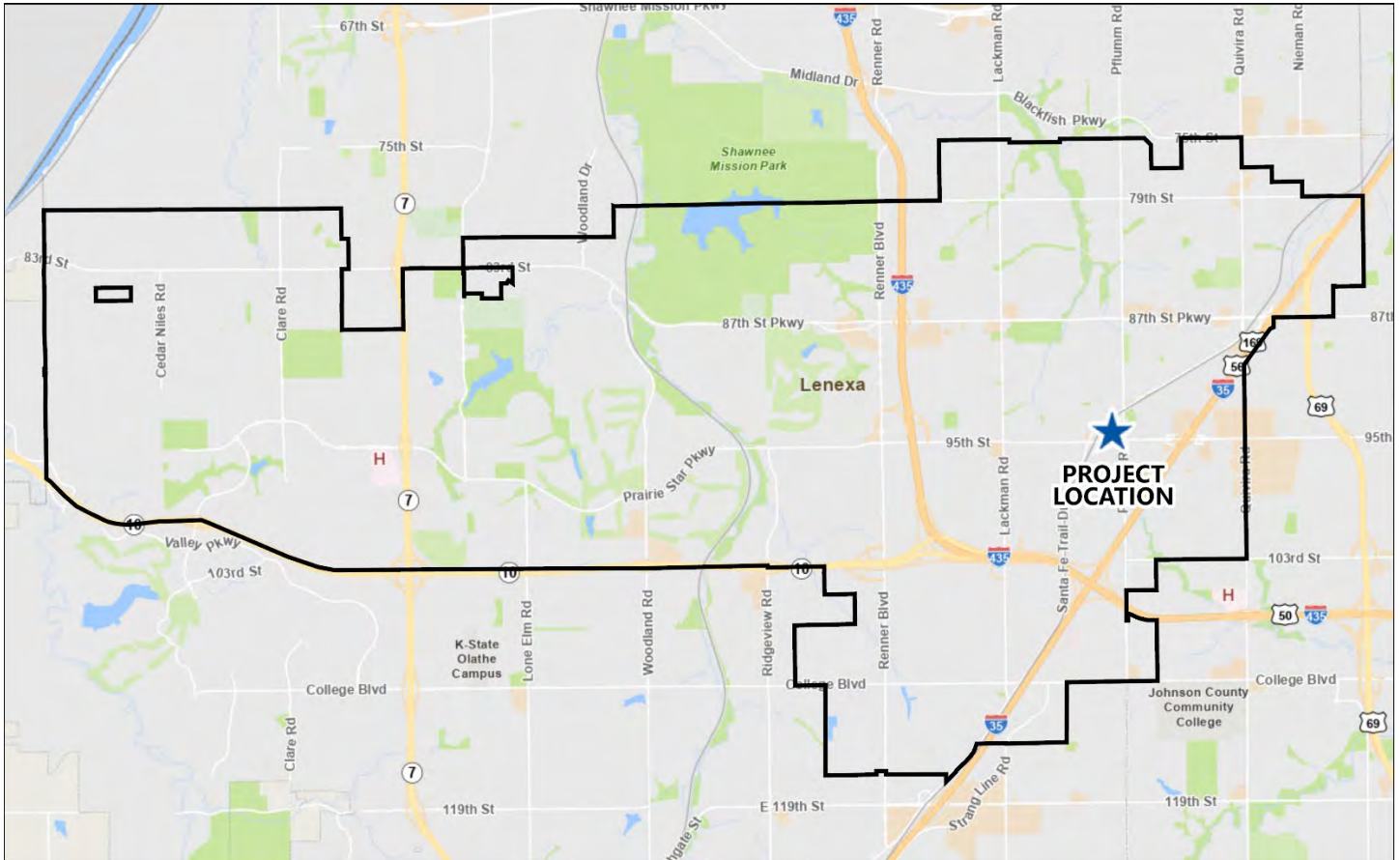
Evolution You SU24-02



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Feet

EVOLUTION YOU

Project #:	SU24-02	Location:	13626 W. 95 th Street
Applicant:	Melissa Herlein	Project Type:	Special Use Permit
Staff Planner:	Logan Strasburger	Proposed Use:	Medical clinic and personal services



PROJECT SUMMARY

The applicant is requesting approval of a special use permit (SUP) to operate a *medical clinic* and *personal services* use known as Evolution You, LLC, located at 13626 W. 95th Street. The property is located within the Planned Neighborhood Office District (NP-O). Per the Unified Development Code (UDC) [Section 4-1-B-11](#), an SUP is required to operate a *medical clinic* and/or a *personal services* use within the NP-O Zoning District. According to the applicant, Evolution You provides primary care services and health coaching. Staff recommends that exterior property maintenance be performed as a condition of approval for this SUP. This request requires a Public Hearing at the Planning Commission meeting and consideration by the Governing Body.

STAFF RECOMMENDATION: APPROVAL FOR FIVE YEARS WITH A CONDITION

SITE INFORMATION

Prior to construction of the subject site, which is currently known as the Park 95 Office Business Park, the land at 13626 W. 95th Street was occupied by one single-family home. The home was relocated nearby and the site was rezoned from RP-2, Planned Intermediate Density District, to the CP-O, Planned Office District in February 1985. The final plan (PL85-11F) was approved for the office business park by the Planning Commission in March 1985. In 1992, there were amendments to the UDC that changed the zoning of the site from CP-O to NP-O.

Park 95 Office Business Park features three one-story buildings with six tenant spaces in each. The tenant space addressed as 13626 was originally occupied by State Farm Insurance in 1986 and was most recently occupied by a behavioral health practice that operated under various names from 2002 until ceasing operations in August 2023. The date of the previous tenant's occupancy and use predates amendments to the UDC that made *medical or dental clinic* uses a special use in the NP-O Zoning District, resulting in a legal nonconforming use at the site. Because the use was discontinued for at least 6 months, the legal nonconforming use status was discontinued. However, the *personal services* use is new to the site, so the applicant would have still been required to apply for a special use permit even if the *medical clinic* use was still considered legal nonconforming.

There are eight SUPs associated with the business park and are specific to each tenant space:

- A. 13624 W. 95th Street
 - Personal services (ORD #4592, #4703, #5003)
 - Medical clinic (ORD #5098, #5159)
- B. 13622 W. 95th Street
 - Personal services (ORD #5075, #5136, #5301)

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
2.44	24,744 (total) 819 (tenant space)	NP-O	Office/Employment Center



Exhibit 1: Aerial Image of Subject Site



Exhibit 2: Photo of entrance to subject site from 95th Street facing north.



Exhibit 3: Photo from the east side of the subject property facing west toward the proposed tenant space.

LAND USE REVIEW

The subject property is in the NP-O, Neighborhood Planned Office District. The proposed *medical clinic* and *personal services* uses require a special use permit in the NP-O Zoning District.

Per UDC Section 4-3-C-3, the *personal services* use is defined as:

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

And the *medical clinic* use is defined as:

“An establishment where patients, who are not lodged overnight except for observation or emergency treatment, are admitted for examination and treatment by a person or group of persons practicing any form of healing or health-building services, whether such persons be medical doctors, chiropractors, osteopaths, chiropodists, naturopaths, optometrists, dentists or any such profession, the practice of which is lawful in the State, and also includes establishments which provide massage therapy subject to the licensing provisions in this City Code.”

A single business, Evolution You, proposes to occupy the 819 square-foot space at 13626 W. 95th Street. According to the applicant, the medical and personal services provided include primary care, prescription weight loss injections, and health coaching.

Evolution You will begin operating on Tuesday, Wednesday, and Thursday from 9:00 AM to 5:00 PM, with the possibility of expanding hours to better serve their clients in the future. Their goal is to transition to a Monday through Friday schedule, operating from 8:00 AM to 6:00 PM. The clinic will be low-volume and appointments are expected to last approximately 45 minutes. The business owner of Evolution You, a Nurse Practitioner, will be available during operating hours. There are no other employees.

Staff believes this is an appropriate location for a business engaged in *medical clinic* and *personal services* use. The future land use map supports office and community businesses near residential areas.

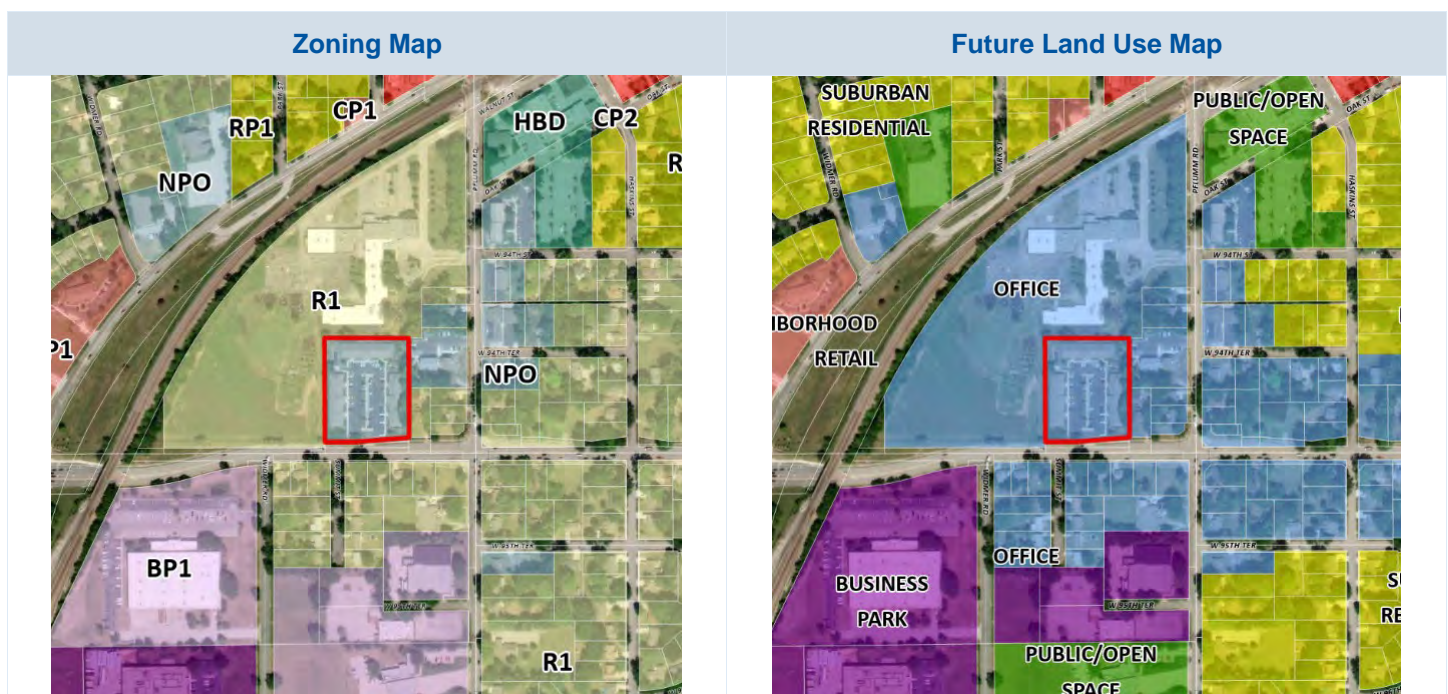


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Office	NP-O, Planned Neighborhood Office District	Office
	Office	R-1, Single-Family Residential District	Church or place of worship; Community & Senior Center
	Office; Business Park	R-1, Single-Family Residential District; NP-O, Planned Neighborhood Office District	Residential – Single-Family Detached; Industrial and business equipment and supplies; Wholesale and warehousing, limited; Public safety services; personal services; Club or lodge
	Office; Suburban Residential; Public/Open Space	NP-O, Planned Neighborhood Office District; R-1, Single-Family Residential District; RP-1, Planned Residential (Low Density) District; HBD, Planned Historic Business District;	Residential – Single-Family Detached; Veterinary hospital; Club or lodge; Office; Personal instruction, limited; Commercial use of a residential property; Public park
	Office; Business Park	R-1, Single-Family Residential District; CP-1, Planned Neighborhood Commercial District; BP-1, Planned Business Park District	Residential – Single-Family Detached; Retail; Veterinary hospital; Personal instruction, limited; personal services; Industrial and business equipment and supplies; Wholesale and warehousing, limited

SPECIAL USE PERMIT REVIEW

The applicant requests approval of a special use permit for *medical clinic* and *personal services* uses at 13626 W. 95th Street in the NP-O Zoning District. Staff provides the follow analysis to the review criteria within [Section 4-1-G-5](#) of the UDC.

1. The character of the neighborhood.

The neighborhood is comprised of single-family residential homes, a variety of community commercial uses, and offices. A *medical clinic* and *personal services* uses are compatible with the neighborhood because it is complementary to existing uses and acts as a buffer for nearby residences from more intense uses from the industrial business parks to the south.

2. The zoning and use of properties nearby.

Surrounding zoning and uses are described in Table 1. The uses associated with the subject property are various types of office. The NP-O Zoning District allows medical or dental clinics and personal services as special uses. Evolution You is a low-volume clinic and Staff does not anticipate negative externalities such as noise or traffic to be a concern. It is Staff's opinion the proposed special use is compatible with the surrounding zoning and uses.

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

Staff believes that the proposed 819 SF, low-volume medical clinic is an appropriate use at this location.

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

Staff does not believe there is a potential for the medical clinic to be detrimental to nearby property. The previous tenant operated as a medical clinic and Staff is not aware of any complaints or issues related to the use since it began operating in 2002.

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

The property is a multitenant commercial center and is mostly occupied. Tenant spaces become available from time to time. The applicant's proposed tenant space has been vacant since August 2023.

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

Staff does not believe that the denial of the application would be a relative gain in public health, safety, or welfare to the community. Staff believes that the presence of a medical clinic within close proximity to residential neighborhoods would increase the public health and welfare of the community. Staff believes that if the application were denied, the hardships imposed on the applicant would be greater than any negative externalities the use may impose. Staff does not believe there are impacts that need to be mitigated by the applicant.

7. Recommendation of City's permanent professional staff.

Please see Staff's recommendation at the end of this report.

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

The proposed medical clinic will not change the primary land use of the subject property. The land use is in conformity with the Future Land Use Map designation of Office.

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

The subject property is an established development. The property is adequately served by required utilities and services.

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

See the parking standards below in Table 2. The subject property exceeds the parking requirement by one parking space.

TABLE 2: PARKING STANDARDS			
Use	Parking Formula	Required Parking	Provided Parking
Medical clinic	1 space per 200 SF (819 SF)	4	101
Office	1 space per 250 SF (23,925 SF)	96	
TOTAL		100	

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

The proposed use will not generate negative environmental impacts. New construction or additional impervious surfaces are not proposed with this SUP.

12. 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.

There are no proposed modifications to the stormwater system or increases to the overall amount of impervious surfaces. The proposed SUP would not adversely affect the capacity or quality of water of the stormwater system. No natural streams are within the vicinity of the subject property.

13. 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.

Staff conducted a site visit as part of the review for the SUP application. During the visit, it was observed that the masonry trash enclosure is missing the gate required to screen the trash receptacle (see Exhibit 4). Overall, the parking lot, landscaping, and other elements of the site were in good condition.

Staff recommends a gate be installed on the masonry trash enclosure as a condition of approval for the SUP. The applicant and property owner are aware of the noncompliant trash enclosure.

Staff recommends the following condition for the SUP to ensure that property maintenance is completed in a timely manner:



Exhibit 4: Masonry trash enclosure missing gate.

1. The applicant/property owner shall have 90 days from the date of approval of the SUP to install an opaque gate on the masonry trash enclosure as required by Section 4-1-D-2-P-1 of the UDC.

DEVIATIONS

The applicant is not requesting any deviations from the UDC.

REVIEW PROCESS

- *This special use permit requires a recommendation from the Planning Commission and final approval by the City Council. Pending a recommendation from the Planning Commission, the special use permit is tentatively scheduled for consideration from the City Council on March 19, 2024.*

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Conduct a Public Hearing.**

★ **Staff recommends approval of the proposed special use permit for Evolution You.**

- The use, “*medical clinic*” and “*personal services*”, is appropriate at the subject property.
- The project is consistent with Lenexa’s goals through **Strategic Community Investment** to create **Healthy People** and **Vibrant Neighborhoods**.

SPECIAL USE PERMIT

Staff recommends **approval** of SU24-02 - a special use permit for a *medical clinic* and *personal services* uses business known as **Evolution You** at 13626 W. 95th Street for a period of five years with the following condition:

1. The applicant/property owner shall have 90 days from the date of approval of the SUP to install an opaque gate to the masonry trash enclosure as required by Section 4-1-D-2-P-1 of the UDC.

1. **Proposed Business Narrative.** The business narrative should include the following information:
 - i. Services provided include primary care and medical weight loss. Physical exam, vital signs (height, weight, body fat percentage, blood pressure, pulse and body measurements), writing lab orders, drawing labs, health coaching that includes setting goals for nutrition and exercise, and if appropriate will prescribe medication with orders sent to the pharmacy (no prescription medications will be stored on-site). Evaluation of patient includes health history-personal and family, medication and allergy review, surgical history, exam based on concerns (heart, lungs, abdominal, musculoskeletal, and mental health) and vital signs. Health coaching is discussed based that includes setting goals for nutrition and exercise. Patients will follow up based on health concerns and/or goals with a timeline. These services are provided in person at the clinic unless the patient requests telehealth or required by inclement weather, etc.
 - ii. Days/hours of operation: will move to standard business hours (i.e., Monday through Friday 8-6), initially planning to be open Tuesday, Wednesday, Thursday 9-5.
 - iii. Current business plan would max out at 10 patients seen on a daily basis. Initial numbers will be lower.
 - iv. Floor layout includes a small waiting area (single room), 2 office spaces-1st office Nurse practitioner office: exams will take place in this location, 2nd office space can be used for health coaching with goal setting, labs will be conducted in the lab (dedicated space) which is labeled on the floor plan. Administrative functions are done by the Nurse Practitioner in her office.
 - v. Melissa Herlein is the only practitioner/employee.
 - vi. No other businesses will be sharing/co-leasing the space.

8. **Evolution You - Consideration of a special use permit for medical clinic and personal services uses on property located at 13626 West 95th Street within the NP-O, Planned Neighborhood Commercial District. SU24-02 (Public Hearing).**

APPLICANT PRESENTATION

Melissa Herlein, owner and nurse practitioner of Evolution You, said the property is currently an office building that was previously an ecology office. Ms. Herlein is requesting a special use permit to use the office space for her business. She explained the layout of the office and said it will remain the same as the previous occupant. The proposed office will include a waiting room, clinical office to do vitals and labs, restroom, and lunchroom. She expects to have about one patient every hour, with no more than six patients per day.

STAFF PRESENTATION

Logan Strasburger presented the Staff Report. Ms. Strasburger displayed a location map of the proposed site and provided zoning and Comprehensive Plan information for the property in question. She said the applicant is one of six tenants in the office building. She said there will be one employee and the clinic is expected to be a low volume business offering medical uses such as primary care, weight loss injections, and health coaching. She displayed an exterior view of the front entrance of the building and said the applicant will need to provide a gate on trash enclosure as a condition of approval of the special use permit. She presented the criteria by which the application was reviewed by Staff and that each of the criteria was discussed in detail within the Staff Report. She addressed previous concerns of increased traffic and said this would be a low volume clinic compared to the higher volume of office uses. Staff recommends approval of the special use permit for five years with the condition of installing a gate on the masonry trash enclosure within 90 days of the special use permit approval.

PUBLIC HEARING

Chairman Poss **OPENED** the Public Hearing and asked if anyone wished to speak on this item. No one from the audience came forward.

Chairman Poss entertained a motion to **CLOSE** the Public Hearing. Moved by Commissioner Horine, seconded by Commissioner Macke and carried by a unanimous voice vote.

COMMISSION DISCUSSION

Commissioner Handley said he was happy to hear that the property owner has been cooperative with the request to resolve the issue with the trash enclosure but is 90 days an appropriate amount of time to satisfy the condition. Logan Strasburger replied yes, Staff has given previous special use permit applicants 90 days to satisfy conditions in the past and that seems appropriate.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of SU24-02 - a special use permit for medical clinic and personal services uses business known as **Evolution You** at 13626 W. 95th Street for a period of five years with the following condition:

1. The applicant/property owner shall have 90 days from the date of approval of the SUP to install an opaque gate to the masonry trash enclosure as required by Section 4-1-D-2-P-1 of the UDC.

Moved by Commissioner Handley, seconded by Commissioner Katterhenry and carried by a unanimous voice vote.

SU 24-04

ORDINANCE NO. _____

AN ORDINANCE GRANTING A FIVE-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED AT 13626 W. 95th STREET, LENEXA, KANSAS.

WHEREAS, on January 25, 2024, Melissa Herlein, agent for Five Star Property Management, LLC, owner of record, filed a request for a five-year special use permit to allow “Medical Clinic” and “Personal Services” on property located at 13626 W. 95th Street, Lenexa, KS (the “Property”), in the NP-O, Planned Neighborhood Office Zoning District; and

WHEREAS, on March 4, 2024, the Lenexa Planning Commission held a public hearing to hear the request for said special use permit. Notice for the public hearing was provided in accordance with K.S.A. 12-757, and

WHEREAS, the Lenexa Planning Commission recommended approval of a five-year special use permit to allow “Medical Clinic” and “Personal Services” on the Property, in the NP-O, Planned Neighborhood Office Zoning District, as reflected in the minute record for said meeting; and

WHEREAS, on March 19, 2024, the Governing Body considered the request and Planning Commission recommendation, as reflected in the minute record for said meeting;

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

SECTION ONE: The Governing Body hereby approves the issuance of a five-year special use permit to allow “Medical Clinic” and “Personal Services” in the NP-O, Planned Neighborhood Office Zoning District, for the real estate described as:

Beginning 234 feet West of the Southeast corner of Section 33, Township 12, Range 24, Johnson County, Kansas; thence North 230 feet; thence East 46 feet; thence North 174 feet; thence West 342 feet; thence South 404 feet; thence East 296 feet to beginning, except that part in roads and except that tract described as:

Beginning at a point 234 feet West and 230 feet North of said Southeast corner; thence East and parallel to the South line of said Section, 46 feet; thence North and parallel to the East line of said Section, 174 feet; thence West and parallel to the South line of said Section, 46 feet; thence South 174 feet to the point of beginning.

More commonly known as 13626 W. 95th Street, Lenexa, Kansas.

Hereinafter referred to as (the "Property").

SECTION TWO: The issuance of the special use permit shall be conditioned on the following:

- A. The applicant or property owner shall have 90 days from the date of approval of this special use permit to install an opaque gate to the masonry trash enclosure as required by Section 4-1-D-2-P-1 of the UDC.

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

SECTION FOUR: This Ordinance shall be construed as follows:

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

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

PASSED by the Governing Body March 19, 2024.

SIGNED by the Mayor March 19, 2024.

CITY OF LENEXA, KANSAS

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven Shrout, Assistant City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 13

SUBJECT: Approval of a preliminary plan/plat for a multifamily residential development known as Oak IQ Copper Creek located near the northwest corner of 89th Street & Woodsonia Drive within the RP-3, Residential Planned (Medium High-Density), RP-4, Residential Planned (High-Density), and RP-5, Residential Planned (High-Rise, High-Density) Districts

CONTACT: Stephanie Kisler, Planning Manager

DATE: March 19, 2024

ACTION NEEDED:

Approve a preliminary plan for a multifamily residential development known as Oak IQ Copper Creek located at the northwest corner of 89th Street & Woodsonia Drive within the RP-5, Residential Planned (High-Rise, High-Density), the RP-4, Residential Planned (High-Density), and the RP-3, Residential Planned (Medium-Density) Zoning Districts.

APPLICANT:

Phelps Engineering, Judd Clausen

PROPERTY LOCATION:

Northwest corner of 89th Street & Woodsonia Drive

PROJECT BACKGROUND/DESCRIPTION:

The applicant proposes to construct a 529-unit multifamily residential development on 27.07 acres of land located at the northwest corner of 89th Street & Woodsonia Drive. The project, known as Copper Creek, was rezoned to three multifamily residential districts in 2021. The three zoning districts intend to transition the intensity from the east side of the site, progressively increasing to the west as the site approaches and abuts K-7 Highway.

The east part of the site is zoned RP-3. This tier includes five buildings, each with 12 units. The buildings are two stories and are similar in scale and features to a large home. The middle tier is zoned RP-4. This tier includes six buildings. The buildings are two and three stories tall. The part of the buildings that face east are all two stories, then transition to three stories to the west. The west tier is zoned RP-5. This tier includes four buildings that are all parallel to K-7 Highway. The buildings are all three and four stories tall.

The project is designed to be constructed in two phases, each phase incorporating a distinct architectural style. The applicant intends to develop the north phase of the site first. The development of the site requires completion of Woodsonia Drive from 83rd Street to Prairie Star Parkway prior to occupancy of the apartments.

The applicant requests four deviations from the Unified Development Code (UDC) as follows.

- A reduction to open space for the RP-4 zoned part of the site,
- an increase of building height for the buildings in the RP-4 zoned tier,
- an increase in building height for the RP-5 zoned tier, and

- a reduction to the setback along K-7 Highway.

The four deviations were considered and found to be an acceptable design by the Planning Commission.

STAFF RECOMMENDATION:

Approval of the preliminary plan.

PLANNING COMMISSION ACTION:

This item was considered as Regular Agenda Item 10 at the March 4, 2024 Planning Commission meeting. Chairman Poss asked if anyone from the public wished to speak and no one came forward.

Several Planning Commissioners recalled the project consists of the three multifamily residential zoning districts and the discussion regarding the transitioning of the scale of the buildings from east to west. All the Commissioners concurred the plan meets the intent of placing buildings which are similar in scale to large homes along Woodsonia Drive and the buildings progressively become larger and the development becomes more dense getting closer to K-7 Highway.

Several Commissioners stated that they support the requested deviations as listed in the Staff Report.

The applicant acknowledged that he understands that Woodsonia Drive will need to be completed from 83rd Street to Prairie Star Parkway prior to occupancy of any buildings.

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan/plat for Oak IQ Copper Creek, for multifamily residential uses with deviations as listed within the Staff Report. Moved by Commissioner Harber, seconded by Commissioner Handley, and carried by a unanimous vote of 8 to 0.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Vibrant Neighborhoods
Thriving Economy

Guiding Principles

Responsible Economic Development

ATTACHMENTS

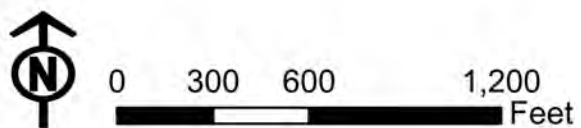
1. Map
2. PC Staff Report and Exhibits
3. PC Draft Minutes Excerpt



Document Path: C:\Users\cddavidd\OneDrive - City of Lenexa\Documents\ArcGIS\Projects\MyProject\City Council Packet Template.aprx

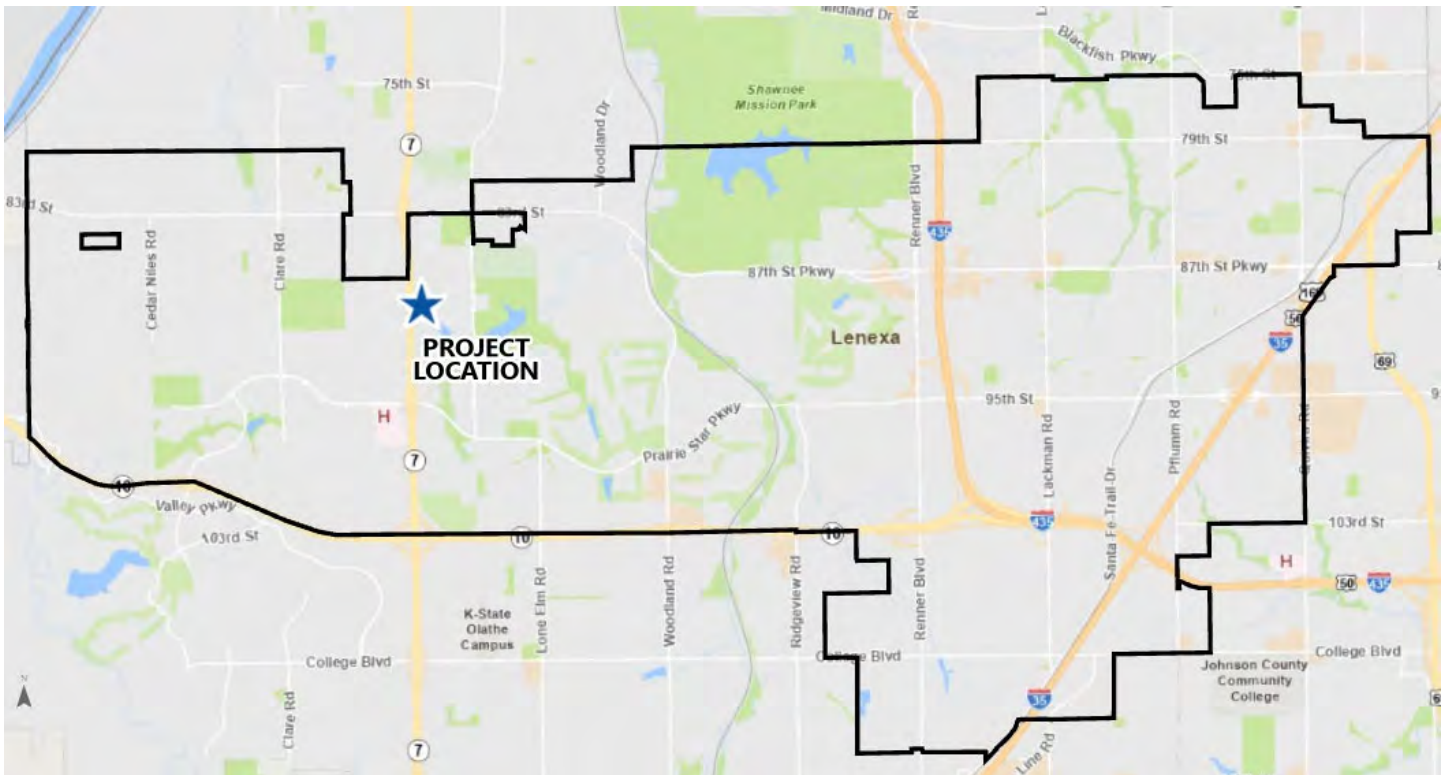
Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

Oak IQ - Copper Creek PL24-03P



OAK IQ – COPPER CREEK

Project #:	PL24-03P	Location:	Northwest corner 89 th Street and Woodsonia Drive
Applicant:	Judd Clausen, Phelps Engineering	Project Type:	Preliminary Plan/Plat
Staff Planner:	Dave Dalecky	Proposed Use:	Multifamily Residential



PROJECT SUMMARY

The applicant proposes to construct a multifamily development at the northwest corner of 89th Street and Woodsonia Drive. The development includes 529 apartment units across 15 buildings. The development consists of three zoning districts, RP-3, Residential Planned (Medium-Density), RP-4, Residential Planned (High-Density), and RP-5, Residential Planned (High-Rise, High-Density) Districts. The zoning districts progress in intensity from east to west. The overall development is divided into two sub-developments that will be distinct in architectural characteristics and will each have separate amenity features, including the club house and pool. The proposed plan includes four deviation requests, which are related to the freeway setback along K-7 Highway, open space requirements, and the maximum allowable building height. A concept plan for a 531-unit multifamily development (PL21-06CP) was approved in March 2021. The concept plan is now expired.

STAFF RECOMMENDATION: APPROVAL

SITE INFORMATION

This site is a 27.07-acre undeveloped tract of land located at the northwest corner of the intersection of 89th Street and Woodsonia Drive. The site sits between Woodsonia Drive to the east and K-7 Highway on the west. Westside Family Church is to the north and undeveloped land zoned for townhomes is to the south. Access to the site is solely from Woodsonia Drive. Woodsonia Drive is to be completed from 83rd Street at the northerly end to Prairie Star Parkway at the southerly end for residents and visitors to use north and southbound Woodsonia Drive as the primary way to travel to and from the site.

LAND AREA (AC)	DWELLING UNITS	CURRENT ZONING	COMP. PLAN
27.07	529	RP-3, RP-4, and RP-5	Office/Employment Center



Exhibit 1: Aerial Image of Subject Site.

SITE HISTORY

The property was annexed into the incorporated limits of Lenexa in 1986. Multifamily development had been presented as a potential alternative land use for this site at the time of the rezoning for Watercrest Landing single-family subdivision (RZ16-04). The site was proposed to be rezoned in the spring of 2020 with an associated preliminary plan (RZ20-05 and PL20-06P). The applications were withdrawn. A request to rezone this site and several other parcels extending south to approximately 95th Street was submitted for the area. That rezoning request was included with multiple rezoning requests for the area known as Watercrest South. The applications included eight separate rezoning requests, seven concept plans, and one preliminary plat. Table 1 lists the history of the different applications.



At Right: Exhibit 2: 1986 Aerial with subject site outlined.

TABLE 1: APPLICATIONS FOR WATERCREST SOUTH

	Rezoning	Concept Plan	Preliminary Plan	Preliminary Plat	Planning Commission Action	City Council Action
2020 Submittals	RZ20-05	-	PL20-06P	PT20-02P	Approved	Withdrawn
2021 Submittals	RZ20-01, RZ21-02, RZ21-03, RZ21-04, RZ21-05, RZ21-06, RZ21-07, and RZ21-08	PL21-01CP PL21-02CP, PL21-03CP, PL21-04CP, PL21-05CP, PL21-06CP, and PL21-07CP	-	PT21-02P	Approved	Approved
2023	-	PL23-05, and PL23-06	-	-	Withdrawn	-

LAND USE REVIEW

The application is a preliminary plan for a multifamily development. The site contains three zoning districts that progressively become more intense from east to west. The proposed density of the project is consistent with the zoning districts.

TABLE 2: MULTIFAMILY ZONING DISTRICT DENSITY

Zoning District	UDC Allowed Density	Total Units	Acres of Site	Proposed Density
RP-3	12	60	4.86 (net) 5.81(gross – includes ½ of Woodsonia ROW)	10.3 UPA
RP-4	16	234	14.71	15.9 UPA
RP-5	36	235	6.54	35.9 UPA
TOTAL	-	529	27.07	19.54 UPA

The site is designated for Office and Employment Center uses on the Future Land Use Map of the Comprehensive Plan. The site was rezoned to allow for multifamily uses in 2021. The expectations of the 2021 concept plan were to provide transition of scale and intensity from the single-family homes in Watercrest Landing. The proposed plan shows a band of two-story, twelve-unit buildings along Woodsonia Drive which are in a tier of RP-3 zoning. The next tier of development contains six buildings that mix two and three-story buildings. The third tier contains four buildings that are a mix of three and four-story buildings.

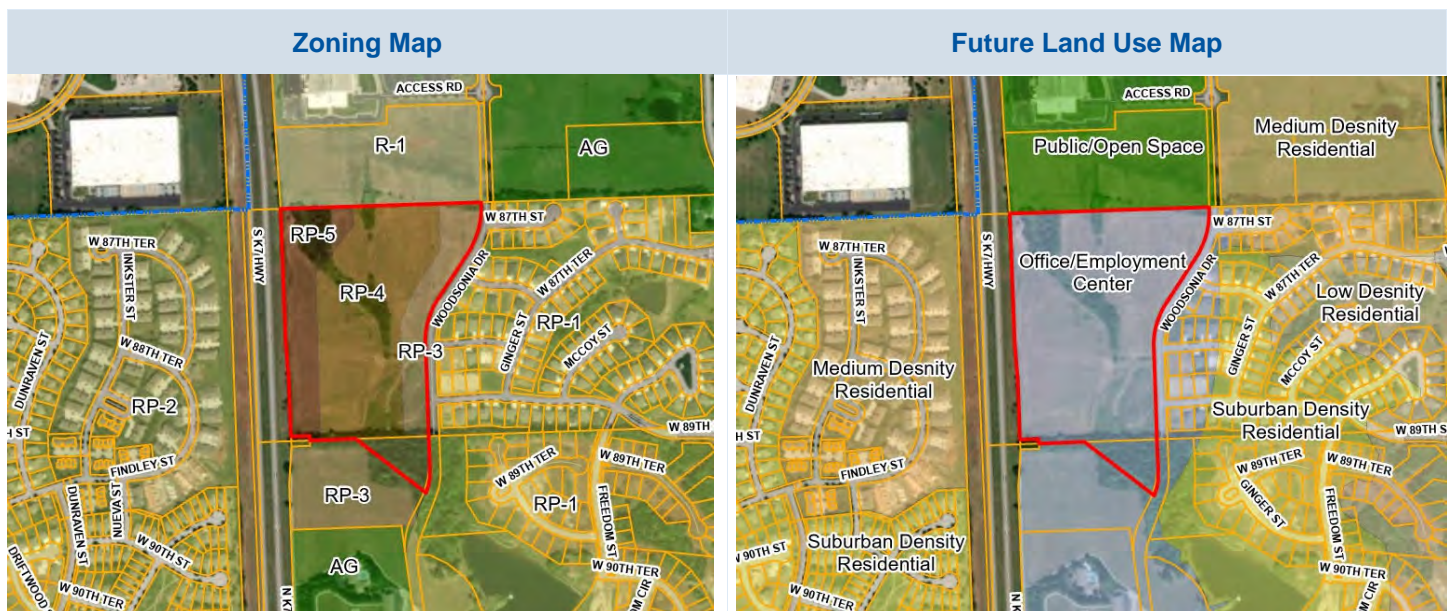


TABLE 3: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Office/Employment Center	RP-3, Residential Planned (Medium-Density) District, RP-4, Residential Planned (High-Density) District, and, RP-5, Residential Planned (High-Rise, High-Density) District	Undeveloped land
North	Public/Open Space	RP-1, Planned Residential Single-Family (Low-Density) District	Church, Westside Family Church Campus
South	Office/Employment Center	RP-3, Residential Planned (Medium-Density) District	Undeveloped land
East	Office/Employment Center, Medium Density Residential, Suburban Density Residential, and Low-Density Residential	RP-1, Planned Residential Single-Family (Low-Density) District, RP-2, Residential Planned (Intermediate Density), and CP-2, Planned Community Commercial District	Single-Family Subdivision, Watercrest Landing
West	Medium Density Residential (across K-7 Highway)	RP-3, Residential Planned (Medium-Density) District (across K-7 Highway)	Multifamily Residential, Townhomes at the Reserve (across K-7 Highway)

PRELIMINARY PLAN REVIEW

The subject site, occupying 27.07 acres, is situated at the northwest corner of 89th Street and Woodsonia Drive. It borders Woodsonia Drive to the east, K-7 Highway to the west, the Westside Family Church campus to the north, and undeveloped land to the south. A neighboring site to the south, recently rezoned to RP-3 for a townhome development, may facilitate a future internal drive connection with the current site. The development plan encompasses 529 dwelling units across 15 buildings.

The development comprises three multifamily zoning districts: RP-3, RP-4, and RP-5, facilitating a gradual intensity transition from the adjacent Watercrest Landing single-family subdivision to the east towards K-7 Highway in the west. Exhibit 3 illustrates the distribution of buildings, with RP-3 buildings depicted in light tan, RP-4 buildings in light brown, RP-5 buildings in dark brown, and clubhouse buildings highlighted in blue. The development contains two distinct phases. The two phases will use have different architectural styles. The phases will divide the site into north and south components. Each phase will have a clubhouse and amenities.

- The RP-3 zoned section features five two-story buildings along Woodsonia Drive, each containing twelve units, designed to resemble large single-family homes, sometimes referred to as a “big house” or “mansion-style” type of apartment building, with various wall articulations and roofline variations to appear indicative of a large single-family dwelling.
- In the RP-4 zone, larger buildings are situated with their narrow facades facing towards Watercrest Landing, transitioning from two-story to three-story structures moving westward.
- The RP-5 zoned area comprises three and four-story buildings, aligned parallel to K-7 Highway, with an “L-shaped” building at the northwest corner of the site.

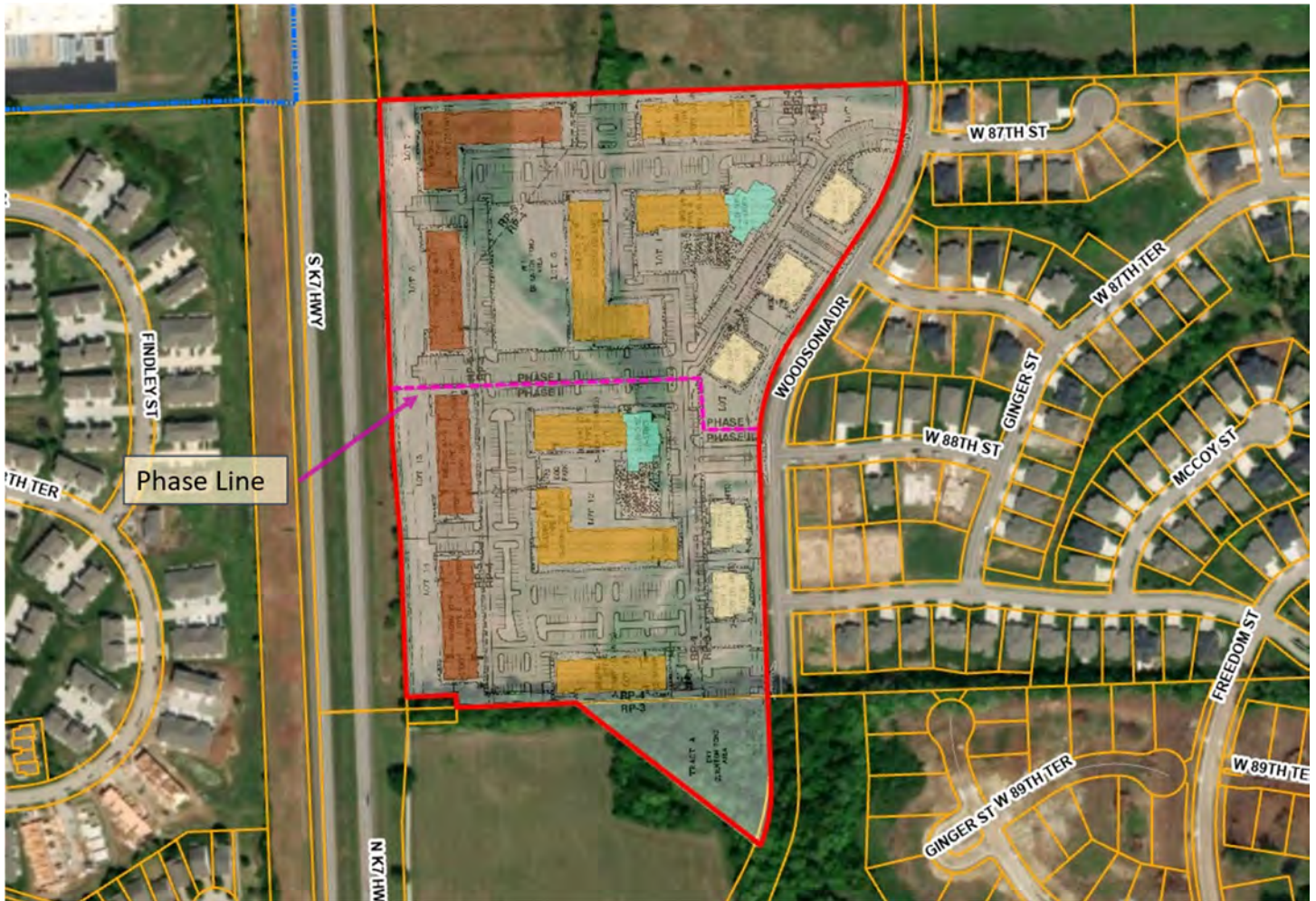


Exhibit 3: Site Plan.



PUBLIC IMPROVEMENTS

As previously stated, in order for this project to move forward Woodsonia Drive must be completed from the current northern terminus at the Westside Family Church roundabout southerly to Prairie Star Parkway. Staff notes that the applicant is currently discussing options for completion of Woodsonia Drive with the City.

At Left: Exhibit 4: Required construction of Woodsonia Drive shown in yellow.

TRAFFIC, ACCESS, AND PARKING

The site will have surface parking and garage units. The garages are tuck-under garages, which are garage spaces that are on the ground floor of one side of the buildings. This style of garage parking is used in several developments recently constructed in Lenexa, including Watercrest and Edgewater at City Center located along Renner Boulevard north of 87th Street and Waterside Residences on Quivira located along Quivira Road between 81st Street and 83rd Terrace.

The development will provide more parking spaces than required per the parking requirements of the UDC. The plan shows that 21 more spaces are provided than are required. Off-street parking requirements are based on the types of apartment units, specifically the number of bedrooms each unit will have. The development will include 35 studio units, 306 one-bedroom units, and 191 two-bedroom units. Guest parking is also required per the *Off-Street Parking* section of the UDC. The parking requirements are shown on Table 4.

TABLE 4: PARKING ANALYSIS

Use	Requirement	Required	Provided
Multifamily (Phase 1)	1 space per efficiency unit, 1.5 spaces per 1-bedroom unit, 1.75 spaces per 2-bedroom unit, 2 spaces per 3+-bedroom units and 0.25 spaces per unit for visitor parking if parking spaces are located in common parking area	527	535
Multifamily (Phase 2)	1 space per efficiency unit, 1.5 spaces per 1-bedroom unit, 1.75 spaces per 2-bedroom unit, 2 spaces per 3+-bedroom units and 0.25 spaces per unit for visitor parking if parking spaces are located in common parking area	435	448
TOTAL		962	983

STORMWATER

The applicant submitted a preliminary stormwater management plan for this development, indicating the intent to meet the City's stormwater requirements. Although some minor tweaking will be necessary at final plan/plat stage, the report reasonably shows space allocation for extended dry detention, extended wet detention, mechanical structures, along with native vegetation, in order to meet the City's requirements.

FIRE PREVENTION

The Fire Department reviewed the plans based on the current adopted fire codes and local amendments. All general planning review comments have been acknowledged or satisfied and there are no outstanding Fire Department planning review items that need to be addressed for this project to move forward. A more detailed fire code review will be conducted based on the adopted codes at the time of final plan and building permit documentation submittal.

LIGHTING

Exterior lighting for a private development is not required by the UDC. It is anticipated the site will include parking lot lighting, site lighting, and building mounted lights. Lighting information is required with a final plan. Site lighting is subject to [Section 4-1-C-4-I](#) of the UDC.

LANDSCAPING

The landscape plan shows trees and shrubs installed around the site perimeter boundaries, street frontages, and the parking lot. The plan shows that the required number of trees and shrubs will be installed, and further detail will be provided on a final landscape plan at final plan stage.

The site is subject to [Section 4-1-D-2-N](#) of the UDC, requiring a land use intensity (LUI) buffer for the Woodsonia Drive frontage. The plan shows the LUI requirements for the total number of trees and shrubs will be provided and the required buffer depth of 20 feet is shown. Some of the trees will be within the lawn space between the property line and the building setback along Woodsonia Drive.

ARCHITECTURE

The development will incorporate two distinct architectural styles to discern between each phase. Phase one, the northerly phase will use a contemporary style and phase two will use a traditional style. The architectural styles will share colors between the two palettes.

The contemporary style buildings will use large geometric forms and modular patterning of the building features with sections of flat roof elements with shallow pitched sections of the roof line. The exterior finish materials are brick, stucco, lap siding, and woodgrain panel. Lap siding is installed in a vertical seam pattern for some of the wall sections of the buildings. The color palette is a mix of gray tones and green painted stucco inserted throughout the façade. The apartment buildings will use window shapes and mullions to reinforce the modern character of the buildings.



Exhibit 5: Three-story building elevation for Phase 1.

The traditional styled buildings use more pitched roof forms with gable roof elements. The buildings use more pilasters for the series of decks for the units and use a more traditional mullion pattern to emulate typical double hung style windows. The building materials are stone, stucco, lap siding and wood grain panels. The lap siding is installed in a horizontal seam pattern and the wood grain panels are stained dark stain color to blend more closely to the other materials.



Exhibit 6: Three-story building elevation for Phase 2.

The buildings along Woodsonina Drive are to be closer in scale to a large single-family home. The development has five buildings along Woodsonia Drive. Three buildings will be in phase one and two buildings in phase two. The buildings are very similar in footprint and wall plane articulation but will incorporate subtle architectural details of the respective phase. These buildings along Woodsonia Drive will include multiple windows along each façade, and several ridges and valleys throughout the roof.



Exhibit 7: Building elevation for Phase 1 of RP-3 zoned part of site.



Exhibit 8: Building elevation for Phase 2 of RP-3 zoned part of site.

The buildings are acceptable for preliminary plan consideration. Additional details for the various buildings will be reviewed with each final plan submittal for the development. Additional details such as the insertion of a wainscot line on some of the wall planes, window sills and lintels, and additional trim elements are features that will be expected with final plan submittals for any building in the development.

DEVIATIONS

The applicant requests four deviations from the requirements within the UDC. The deviations are noted in Table 4 and summarized below. The Planning Commission has the authority to approve deviations if the criteria from [Section 4-1-B-27-G-4](#) of the UDC are met.

1. [Section 4-1-B-9-F](#) of the UDC lists the open space requirement for the RP-4 Zoning District. The applicant is requesting to reduce the open space for the RP-4 zoned part of the development by 22%.
2. [Section 4-1-B-9-F](#) of the UDC states the maximum height of buildings in the RP-4 Zoning District is 35 feet. The applicant is requesting a cupula feature of the buildings be allowed to be 42 feet, 10 inches tall.
3. [Section 4-1-B-10-F](#) of the UDC states the maximum height of buildings in the RP-5 Zoning District is 48 feet. The applicant is requesting a cupula feature of the buildings be allowed to be 52 feet, 5 inches tall.
4. [Section 4-1-B-26-C-1](#) of the UDC states the minimum setback from freeway right-of-way is 100 feet. In addition to the special setback, [Section 4-1-D-2-L](#) of the UDC requires a 100-foot landscape buffer along freeway right-of-way. The applicant is requesting a 25-foot reduction of the setback therefore a reduction to the landscaping requirement along the freeway.

TABLE 5: REQUESTED DEVIATIONS

Deviation	Requirement	Proposed	Difference
Open Space (RP-4 zoned part of the site)	60%	38%	22% (139,643 SF)
Building Height (RP-4 zoned part of site)	35 feet	42 feet, 10 inches	7 feet, 10 inches
Building Height (RP-5 zoned part of site)	48 feet	52 feet, 5 inches	4 feet, 5 inches
Special Setback Along Interstate or Freeway	100 feet	48 feet	52 feet

OPEN SPACE

The applicant requests a 22% reduction of the required 60% open space for the RP-4 zoned part of the site. The plan shows this part of the site will provide 38% open space. The plan contains three different zoning districts, RP-3, RP-4, and RP-5. The RP-3 and RP-4 Zoning Districts require 60% open space, and the RP-5 Zoning District requires 40% open space. Table 6 lists the UDC requirements for open space and the areas provided. The table also lists the cumulative area and the overall reduction percentage for the entire site.

TABLE 6: OPEN SPACE DEVIATION			
Zoning District	Requirement (SF)	Proposed (SF)	Difference
RP-3	60% (127,126)	70% (148,643)	+10% (+21,517)
RP-4	60% (384,560)	38% (244,917)	22% (-139,643)
RP-5	40% (113,894)	56% (158,341)	+16% (+44,447)
TRACT A (RP-3)	60% (20,246)	100% (33,744)	+40% (+13,498)
TOTAL	645,826	585,645	9.3% (-60,182)

The cumulative open space reduction is 5% of the overall required open space for the site, approximately 1.38 acres of land. The site is approximately 27 acres in total. The plan provides 13.45 acres of open space. A total of 14.83 acres of open space is required. The site contains three zoning districts, which creates a unique situation for calculating the requirements of each district. For instance, the boundaries established for each of these districts are related to the placement of buildings on the site. An adjustment to the zoning district boundary between the RP-4 and RP-5 zoned portion would yield a different value for the required open space.

The plan provides greater amounts of open space in the RP-3 District closest to the Watercrest Landing single-family homes. By transitioning the zoning district from less intense to the more intense from east to west across the site and using smaller buildings on the easterly side, the constraints on the site plan and the design create some limitations that factor into the overall plan. A reduction of 1.38 acres of open space from the cumulative 13.45 acres of open space is a reasonable reduction.

FREEWAY SETBACK

The applicant requests a reduction to the 100-foot setback along K-7 Highway. In addition to the special setback, [Section 4-1-D-2-L](#) of the UDC requires a 100-foot landscape buffer along freeway right-of-way. The applicant is requesting a 52-foot reduction of the setback (at the closest point), and therefore a reduction to the landscaping requirement along the freeway.

The plan shows three parking areas where the turn-around space of the drive aisle will extend into the 100-foot freeway setback. The extent of the encroachment for this paved turn-around space is 48 feet for the closest paved area for the northerly two parking areas and is 62 feet for the southernmost paved area. Each of the parking areas is 63 feet wide. The three together equate to 189 feet. The overall length of the site frontage along K-7 Highway is 1,270 feet. The extent of the encroachment of the parking areas is minor. Encroachments of parking areas into the freeway setback has been generally accepted for similar circumstances.

The plan also shows the row of buildings encroaching into the freeway setback. This encroachment also varies between 10 and 19 feet leaving a 90 to 81-foot freeway setback for the buildings. The concept plan from 2021 (PL21-06CP) was approved with a deviation to allow a 75-foot setback along K-7 Highway. That concept plan has expired; therefore, a new deviation must be requested for the proposed plan.

Staff is supportive of the setback deviation request as proposed. The extent of the deviation is minor when compared to the overall space provided as separation from the buildings and pavement to K-7 Highway. The setback provided is equal to or exceeds the setback for other similar developments approved along I-435 and K-10 Highway.



Exhibit 9: Special setback encroachment.

BUILDING HEIGHT

The applicant requests a deviation to allow a part of the buildings to exceed the maximum allowed building height for the RP-4 and the RP-5 zoned areas of the site. The requested building height deviations are for five buildings in Phase 2 of the development. These buildings are the traditional design building with gable roofs and include a cupula detail. The east end of the RP-4 zoned buildings will step down to two-stories reducing the height of the buildings that are closest to the homes in Watercrest Landing. The north and south ends of the RP-5 zoned buildings, along K-7 Highway, will step down from four to three stories. The clubhouse buildings, shown in blue, are two-story buildings.

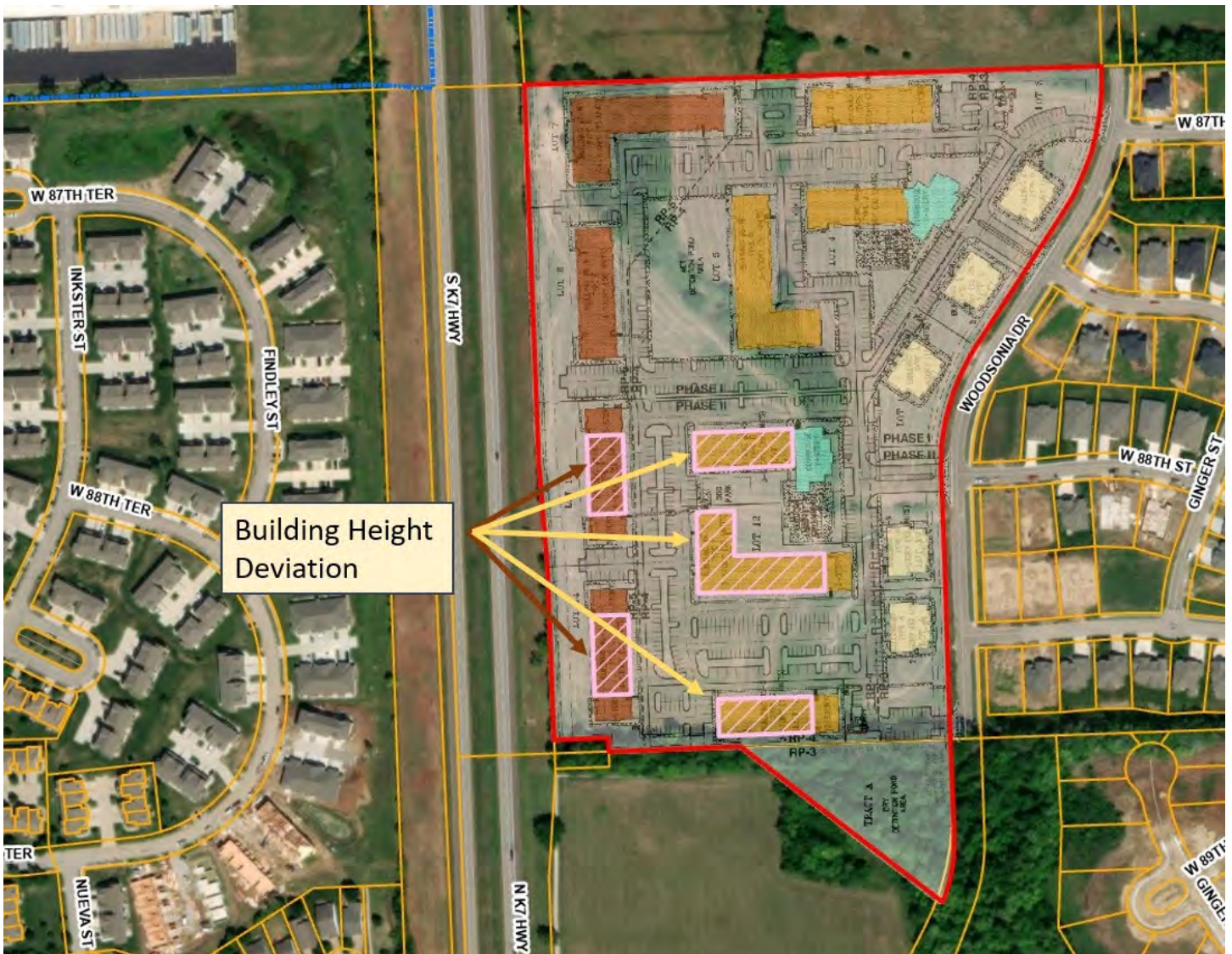


Exhibit 10: Building height deviation requested.

The gables will range in height from 37 feet, 1 inch tall, 37 feet, 6 inches tall and 42 feet, 10 inches tall for the cupula elements for the RP-4 zoned part of the site. The cupula is 52 feet, 5 inches for the RP-5 zoned part of the site. The cupulas are a clerestory feature of the building design. These features are a relatively small element of the building mass. The main roofline of the buildings in the RP-4 zoned part of the site are 34 feet, 2 inches tall. The main roofline the of the RP-5 buildings are 44 feet, 11 inches tall. The height of the cupula and gable features are shown on Exhibit 5.



Exhibit 11: Building height deviation.

Per [Section 4-1-B-26-B-9](#) of the UDC, building height is measured to the midpoint between the ridge and the eave of a pitched roof section. The buildings heights shown on Exhibit 6 show the heights to the midpoint of the pitched roof sections. Per [Section 4-1-B-27-G-d](#) of the UDC, building height deviations may be requested for up an increase of up to 35%. The buildings in the RP-4 zoned part of the site will be 22% taller that the allowed height of 35 feet and the buildings in the RP-5 zoned part of the site are 11% taller than the allowed 48 feet for the cupula features.

Staff supports the request for the deviation to allow the increase for the building height for the five buildings of the development. The part of the buildings that exceed the allowed height of the RP-4 and RP-5 Zoning Districts is a small architectural cupula feature. The buildings are substantially compliant with the building height requirement of the respective zoning district. The additional architectural details provide interest and character for the buildings.

PRELIMINARY PLAT

A preliminary plat is provided with the preliminary plan. The plat shows fifteen lots, one lot for each building, and one tract. The applicant states that the reason for the multiple lots is for project financing reasons. Multiple lots may be included within a single plat. Platting the development into multiple lots is not ideal. Staff will continue to coordinate the plat process as plat submittals are made for incremental phases of the project.

The lot lines do not fully coincide with the zoning district boundaries but follow the parking lot edges and drive aisles. If the lot lines were to follow the zoning district boundaries, lot lines would cross through section of the parking spaces and would result in odd parcel boundaries. The lot lines, as proposed, are the preferred subdivision layout for the development.

Tract A is for open space and a stormwater treatment feature at the south end of the site.

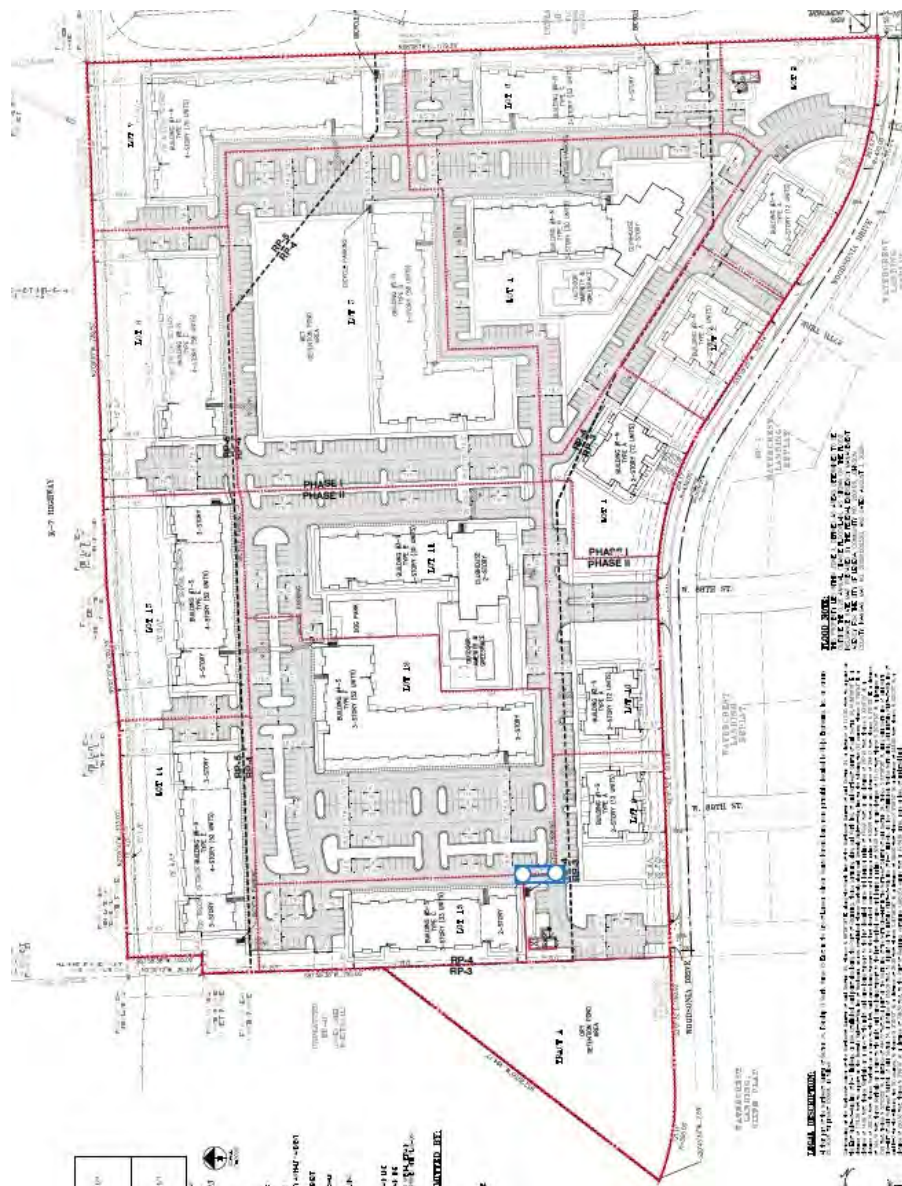


Exhibit 12: Preliminary Plat.

REVIEW PROCESS

- This project requires a recommendation from the Planning Commission and approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration by the City Council on March 19, 2024.
- The applicant should inquire about additional City requirements, such as permits and development fees.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Staff recommends approval of the preliminary plan/plat for Oak IQ – Copper Creek.**





- The project is consistent with Lenexa's goals through *Responsible Economic Development* to create *Vibrant Neighborhoods* and a *Thriving Economy*.

PRELIMINARY PLAN/PLAT

Staff recommends **approval** of the preliminary plan/plat for **Oak IQ – Copper Creek** located at the northwest corner of 89th Street and Woodsonia Drive for a multifamily residential use, with the deviations noted in the Deviations section of the Staff Report.



LEGEND

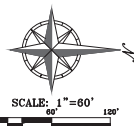
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|---|---|
| — PL | PROPERTY LINE |
| — LL | LOT LINE |
| — R/W | RIGHT-OF-WAY |
|  | STANDARD DUTY ASPHALT PAVEMENT |
|  | CONCRETE PAVEMENT |
|  | CONCRETE SIDEWALK |
|  | PROPOSED BUILDING |
| ZONING LINE | |
| PHASING LINE | |
| $\frac{B}{A}$ | BUILDING SETBACK LINE |
| $\frac{P}{S}$ | PARKING SETBACK LINE |
| $75' \frac{B}{A}^*$ | 75' REQUESTED SPECIAL SETBACK REDUCTION APPROVED WITH PL20-06 |

PREPARED & SUBMITTED BY:

PHELPS ENGINEERING, INC.
1270 N. WINCHESTER
OLATHE, KS 66061
913-393-1155 OFFICE
913-393-1166 FAX
CONTACT: JUDD CLAUSSEN, P.E.

OWNER/DEVELOPER:

OAK IQ INVESTMENTS LLC
4050 PENNSYLVANIA AVE,
SUITE 115 #332
KANSAS CITY, MO 64111
ATTN: AARON LEATHERDALE
EMAIL: AARON@OAKIQ.COM



LEGAL DESCRIPTION:

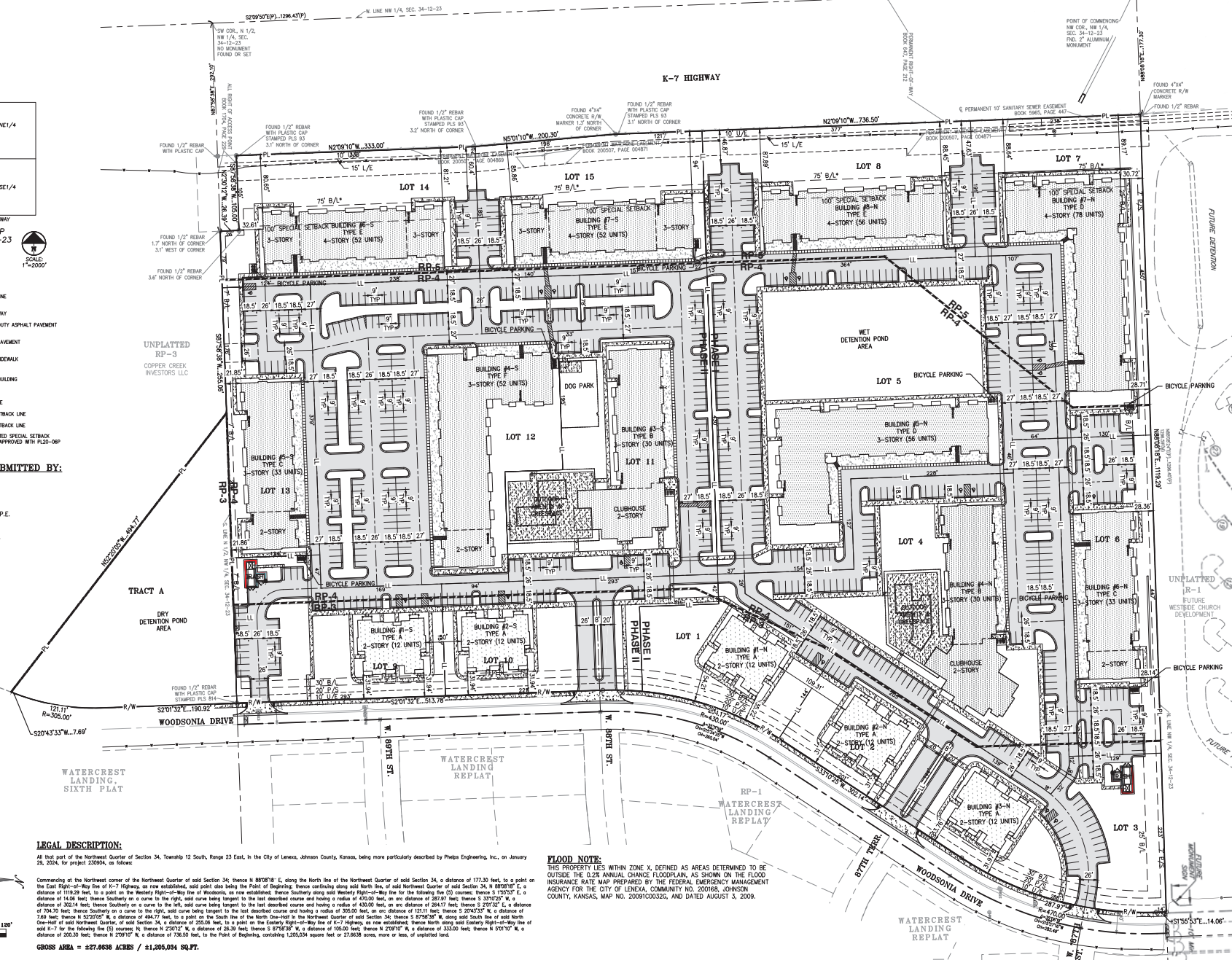
All that part of the Northwest Quarter of Section 34, Township 12 South, Range 23 East, in the City of Lenexa, Johnson County, Kansas, being more particularly described by Phelps Engineering, Inc., on January 29, 2024, for project 230904, as follows:

[illegible]

GROSS AREA = ±27.6638 ACRES / ±1,205,034 SQ.FT.

FLOOD NOTE:

FLOOD NOTE:
THIS PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF LENEXA, COMMUNITY NO. 200168, JOHNSON COUNTY, KANSAS, MAP NO. 2009IC00326, AND DATED AUGUST 3, 2009.

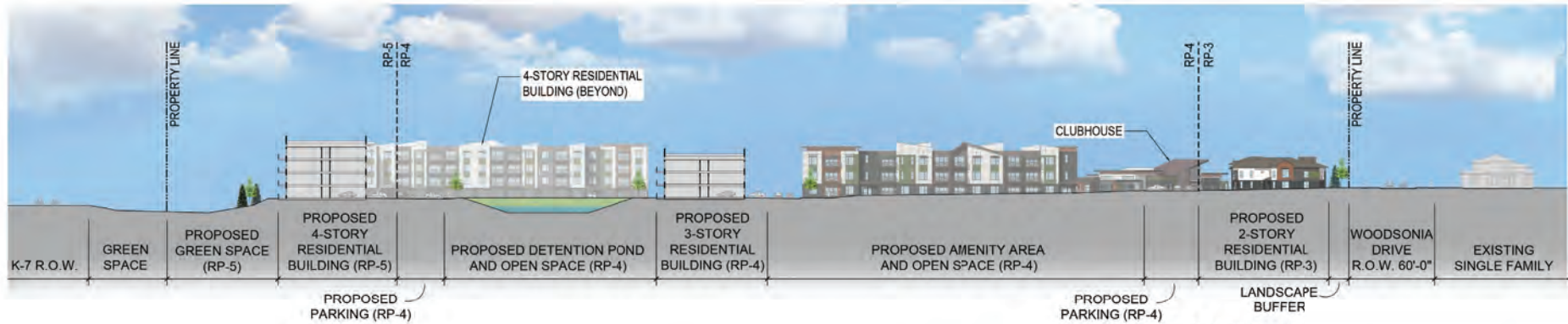


SITE PLAN/PRELIMINARY PLAT

OAK IQ - COPPER CREEK
LENEXA, KANSAS

PROJECT NO.	No.	Date	Revisions	By	App.
DWGS 02-29-2024	1	02-19-2024	CITY COMMENTS	BAG DCU	
CHANGES APPROVED	2	02-26-2024	CITY COMMENTS	BAG DCU	
CERTIFICATE OF AUTHORIZATION NO. 02-29-2024-1-38					
CERTIFICATE OF AUTHORIZATION NO. 02-29-2024-128					

SHEET
C1



② SITE SECTION
1" = 40'-0"



① SITE SECTION
1" = 40'-0"



KEY PLAN
NOT TO SCALE

ARCHITECTURE
LANDSCAPE
ARCHITECTURE
ENERGY SERVICES
P. 913.881.3415
F. 913.881.1563
NSPARCH.COM
3515 W. 75TH ST. SUITE 201
PRAIRIE VILLAGE, KS 66208

NSPJ
ARCHITECTS
3515 W. 75TH ST. SUITE 201
PRAIRIE VILLAGE, KS 66208



A NEW MULTIFAMILY DEVELOPMENT FOR:
OAK IQ - COPPER CREEK
W. 89TH ST. & WOODSONIA RD.
LENEXA, KANSAS

DRAWING BY: [Signature]
DATE: 02.19.24

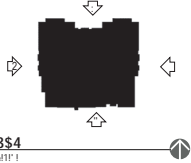
REVISIONS

JOB NO. 747723
DATE 02.19.24
DRAWN BY: BH / MM

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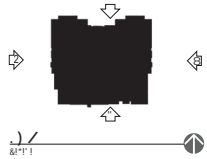


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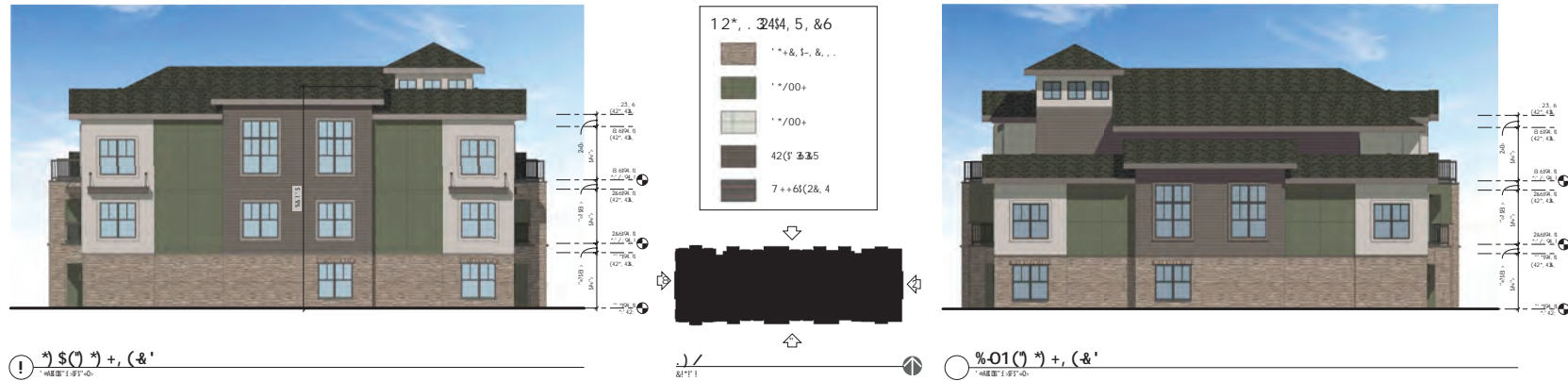
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- 12" , 344, 5, & 6
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10. Oak IQ Copper Creek - Consideration of a preliminary plan/plat for a multifamily residential development on property located approximately at 89th Street & Woodsonia Drive within the RP-3, Residential Planned (Medium-High Density) District, RP-4, Residential Planned (High Density) District and the RP-5, Residential Planned (High Rise, High Density) District. PL24-03P

APPLICANT PRESENTATION

Aaron Leatherdale with Oak IQ, LLC introduced himself and talked about his real estate background and said his development team has contributed to projects throughout the Midwest. Brad Hus with NSPJ Architects provided background on his firm and displayed previous multifamily and single-family projects that have been constructed in Lenexa. Mr. Hus said his firm has worked alongside Phelps Engineering and he talked about their history and experience. He displayed the site location as well as the surrounding areas and the site plans, explaining that construction will be in two phases. He said that phase one is the north part of the site and phase two on the south side of the site. He provided the project site data and explained the proposed dwelling units per acre as pointed out in the Staff Report. He provided a graphic illustration of the three different zoning districts on the proposed property that included RP-3, Residential Planned (Medium-High Density) District, RP-4, Residential Planned (High Density) District and the RP-5, Residential Planned (High Rise, High Density) District. He explained that because the site was divided into three different zoning districts, there were difficulties meeting zoning requirements. He talked about the two phases of development and displayed a graphic to show site sections illustrating height progression for each level. He displayed an elevation showing the two-story building in the RP-3 District that will be constructed in the first phase. He noted that the two-story buildings will resemble a large house and will be located nearest the single-family subdivision along Woodsonia Drive. Also being constructed in the first phase is the three-story apartment building in the RP-4 District that will progress to four-story as it gets closer to the highway. He stated that the second phase will include a three-story building similar in footprint to those in phase one but with different architectural details. The applicant is also proposing more three-story buildings within the RP-4 District that will step down to two-story, and four-story buildings within the RP-5 District that will step down to three-stories along the highway. Deviations are requested for open space, building height, and freeway setback.

STAFF PRESENTATION

Dave Dalecky presented the Staff Report and showed an ariel providing a location map of the site and pointed out the surrounding properties. Mr. Dalecky shared some history and background about the proposed property and provided zoning and Comprehensive Plan information of the property in question. He talked about the site plan and explained the two phases of development proposed by the applicant and said both phases will include a clubhouse for each phase. He displayed the density table and explained the proposed density for each zoning district and said the total overall density for the entire site is 19.54 units per acre. He stated that Staff is requiring that the applicant complete Woodsonia Drive from 83rd Street to Prairie Star Parkway to allow residents in the area access to arterial roads and avoid driving through the Watercrest subdivision. He talked about the proposed deviations that included a setback deviation of 52-feet from the 100-feet required along K-7 Highway. The applicant requests two building height deviations to increase the building height for features in the roof line. He displayed building elevations and commented that they will be shown in greater detail at final plan stage. He showed a graphic explaining the applicant's request for a deviation to reduce the amount of open space on the site. Staff is supportive of all deviation requests.

COMMISSION DISCUSSION

Commissioner Horine asked if the building exceeded the 75-foot setback because there seemed to be a conflict compared to Staff's presentation. Brad Hus clarified by saying that there was previous approval

of a setback reduction at the concept plan phase and the buildings are encroaching on the 100-foot freeway setback.

Commissioner Katterhenry commented that he would rather have the deviation in height for architectural uniqueness than to stop at the requirements. Mr. Katterhenry said that he is in favor because most of the deviations are internal to the site.

Commissioner Woolf asked if the open space calculations included the south part of the site. Mr. Hus responded that it will be co-developed with the property to the south and both properties will end up using it as a detention feature, therefore half of that area will be counted as open space for the apartments. Mr. Woolf asked what the phase timing would be. Aaron Leatherdale responded that the goal is to start on the first phase this year while doing site work on phase two simultaneously early next year.

Chairman Poss asked what zoning district the project would begin with in the phasing process. Mr. Leatherdale replied that the goal would be to start with RP-3 Zoning District to buffer from the single-family homes, then move to the property within RP-4 Zoning District, ending with the RP-5 Zoning District, working east to west.

Commissioner Handley asked if there had been any conversation concerning the impact of traffic on Woodsonia Drive. Mr. Hus responded that they had no data but confirmed that Woodsonia would be completed to provide the primary connection to Prairie Star Parkway and 83rd Street. Tim Collins commented that the project had not changed since 2021; therefore, a new traffic study was not required because the previous study was still applicable.

Chairman Poss asked if the applicant would need to fully complete the connections from Woodsonia to 83rd Street before construction could begin on the site. Mr. Collins responded that the projects could run concurrent but would not be able to start until the Woodsonia connection is complete. Chairman Poss also asked about architecture in comparison to that shown during concept phase. David Dalecky clarified that building elevations were not provided as part of the concept plan that was submitted in 2021 and those plans just showed a general layout of the site.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan/plat for **Oak IQ – Copper Creek** located at the northwest corner of 89th Street and Woodsonia Drive for a multifamily residential use, with the deviations noted in the Deviations section of the Staff Report.

Moved by Commissioner Harber, seconded by Commissioner Handley, and carried by a unanimous voice vote.



**CITY COUNCIL
MEMORANDUM**

ITEM 14

SUBJECT: Consideration of a rezoning and preliminary plan/plat known as The Residences on Woodsonia for a multifamily residential development located near the northeast and southeast corners of future 86th Street & Woodsonia Drive

CONTACT: Stephanie Kisler, Planning Manager

DATE: March 19, 2024

ACTION NEEDED:

- a. Pass an ordinance rezoning property located at the northeast and southeast corners of future 86th Street & Woodsonia Drive from the AG, Agricultural District to the RP-2, Residential Planned (Intermediate-Density) and RP-4, Residential Planned (High-Density) Districts; and
- b. Approve the companion preliminary plan/plat for The Residences on Woodsonia.

APPLICANT:
Brian Hill, MKEC

OWNER:
Sunflower Development Group, Jason Swords

PROPERTY LOCATION/ADDRESS:
Northeast and southeast corners of future 86th Street & Woodsonia Drive

PROJECT BACKGROUND/DESCRIPTION:

The applicant requests approval to rezone property located at the northeast and southeast corners of future 86th Street & Woodsonia Drive from the AG, Agricultural District to the RP-2, Residential Planned (Intermediate-Density) and RP-4, Residential Planned (High-Density) Districts to allow a multifamily residential development. The 38-acre development proposes an apartment component with 240 dwelling units (zoned RP-4) to the north of future 86th Street and a duplex component with 62 dwelling units (zoned RP-2) to the south of future 86th Street. The companion preliminary plan shows 10 apartment buildings on the north area of the site and 31 duplex buildings on the south area of the site. A new public street (86th Street) will connect Woodsonia Drive to Monticello Road. The new street will separate the two residential components of the development. The existing gap in Woodsonia Drive adjacent to the west property line is required to be constructed prior to the completion of the first phase of the development.

The plan includes two deviation requests. One deviation for the building height of the apartment buildings to exceed the maximum height of 35 feet by 3 additional feet, and a setback reduction for one duplex lot from 25 feet to 20 feet along an internal public street. The Planning Commission found the deviation requests acceptable.

The rezoning and preliminary plan were originally considered by the Planning Commission on December 4, 2023, and by the Governing Body on January 19, 2024. The item was remanded to the Planning Commission to allow for a review of changes to the preliminary plan that includes converting the south part

of the site from townhome buildings to duplex buildings and to discuss the appropriateness of the RP-4 Zoning District in an area designated for Medium Density Residential use on the Future Land Use Map. While the building type changed in the RP-2 area, the overall number of residential units remains the same at 62 units.

On the question related to reviewing the revised south portion of the project that is now proposed for duplexes, the Planning Commission concluded the conversion to duplex buildings is an overall improvement and makes more effective use of the south part of the site.

On the question of the appropriateness of the RP-4 Zoning District in an area designated for Medium Density Residential use on the Future Land Use Map, several Planning Commissioners stated they believe the part of the site that is proposed to be zoned the RP-4 Zoning District is acceptable. Commissioners noted the specific context of the site as an important factor for consideration and determined that the proposed plan provides an effective transition of density from single-family development to the south.

STAFF RECOMMENDATION:

Passage of the ordinance and approval of the preliminary plat/plan.

PLANNING COMMISSION ACTION:

This item was considered as Regular Agenda Item 11 at the March 4, 2024 Planning Commission meeting. A representative of the Powder Creek Shooting Range spoke and reaffirmed the position of Powder Creek that the facility is present and intends to operate as it has for the foreseeable future and that the shooting range does generate noise from the discharge of firearms. The speaker stated he is appreciative that the developer will make potential tenants fully aware of Powder Creek.

Several Planning Commissioners acknowledged the revised plan for the south part of the site is an improved design. One Commissioner stated the project now appears to be finished as the developable area of the site will contain buildings and lots for the duplexes. Another Commissioner stated that while he supported the townhomes, the duplex design makes better use of the site.

In response to the remand question regarding the appropriateness of the RP-4 Zoning District, one Commissioner responded that the use is reasonable considering the context of the site being adjacent to Westside Church to the west, Powder Creek Shooting Range to the east, and Freedom Fields Park to the north. Other Commissioners stated that the two different zoning districts result in a cumulative density that is consistent with the Future Land Use Map designation of Medium Density and the project makes an appropriate transition from the single-family homes to the south. One Commissioner stated that restricting the buildings to the ideal of a specific scale may be "too rigid" and the context of the site should be considered for the appropriateness of a development. Chairman Poss stated that he was the dissenting vote at the previous Planning Commission meeting and the project now "feels like a more complete project." Chairman Poss also stated that the two zoning districts are an appropriate transition of density and the duplexes will be an appropriate buffer from the higher density part of the site.

Chairman Poss entertained a motion to recommend **APPROVAL** to rezone property from AG to RP-2 and RP-4 for a multifamily residential development located at the north and southeast corners of 86th Street and Woodsonia Drive. Moved by Commissioner Woolf, seconded by Commissioner Handley, and carried by a vote of 8 to 0.

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan/plat for The

Residences on Woodsonia, for multifamily residential use. Moved by Commissioner Horine, seconded by Commissioner Macke, and carried by a vote of 8 to 0.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Vibrant Neighborhoods

Guiding Principles

Responsible Economic Development

ATTACHMENTS

1. Map
2. PC Staff Report and Exhibits
3. Powder Creek Correspondence
4. Remand Letter
5. PC Draft Minutes Excerpt
6. Ordinance



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

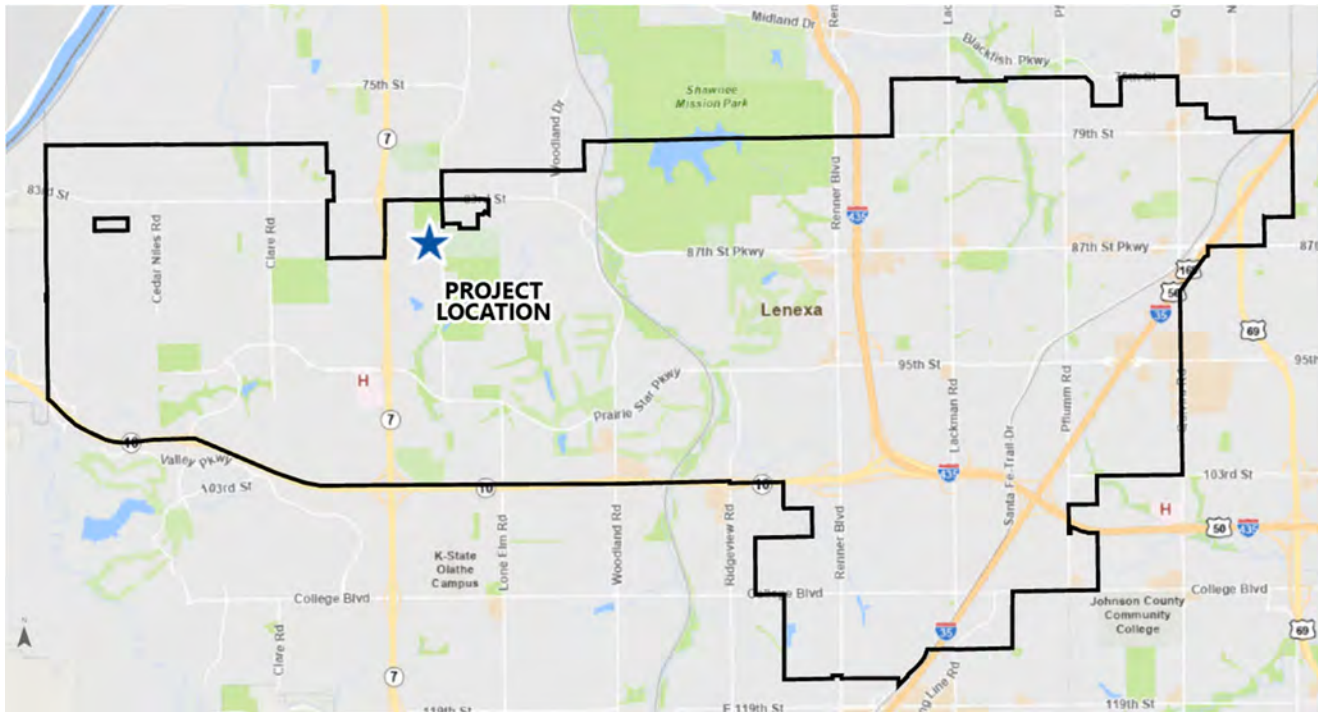
The Residences on Woodsonia RZ23-08 & PL23-11P



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Feet

THE RESIDENCES ON WOODSONIA (FKA K-7 & 83RD STREET MULTIFAMILY DEVELOPMENT)

Project #:	RZ23-08 & PL23-11P	Location:	Northeast corner of 86 th Street (future) and Woodsonia Drive
Applicant:	Brian Hill, MKEC	Project Type:	Rezoning & Preliminary Plan
Staff Planner:	Dave Dalecky	Proposed Use:	Multifamily Residential



REMAND SUMMARY

The Lenexa Planning Commission completed a Public Hearing for the rezoning and preliminary plan applications on December 4, 2023, and submitted its recommendation for approval of all applications to the City Council. After a staff presentation, applicant presentation and request for remand, and public comment on the applications on January 16, 2024, the City Council voted unanimously to return both applications to the Planning Commission for further discussion, review, and consideration of the following specific items related to the project:

1. Review a revised preliminary plan for the south portion of the development, which is proposed to be zoned RP-2.
2. Review the proposed RP-4 zoning for the north portion of the development which would allow 16 units per acre. Discuss and consider whether the proposed RP-4 zoning is reasonable in the context of:
 - a. The Comprehensive Plan's designation of "medium density", which is defined in the comprehensive Plan as "moderate density dwelling, including attached dwellings, not exceeding a gross density of 8 dwelling units per acre"; and
 - b. the overall development plan.

STAFF RECOMMENDATION: APPROVAL

REVISED PRELIMINARY PLAN: SOUTH PORTION

The applicant proposes to change the southerly portion of the development from a four-plex and six-plex townhome-type of multifamily residential building design to a two-family (duplex) residential building type. The density of the south portion of the site remains the same at 4.42 units per acre and a total of 62 units. The south portion of the site will now be duplex buildings on individual lots and the units are to be sold for individual ownership. The entire development, north and south areas, will maintain an average density of 7.95 dwelling units per acre, which is under the Comprehensive Plan's maximum of 8 units per acre within the Medium Density Residential future land use classification.

The original plan for the townhomes had open areas of the site that would be lawn and landscape areas. This plan was approved by the Planning Commission by a vote of 8 to 1 with Chairman Poss dissenting. Chairman Poss questioned the viability of the townhome portion of the development and expressed concern for the potential that a request for a change to the plan that increased the density of the south area may be made at some time in the future.

The revised plan for the duplexes is a residential product similar to other duplex developments recently approved in Lenexa. The revised plan is more evolved in design and does not leave large areas of the site as lawn or open. The duplexes will be on lots and the required landscape areas are shown as either part of the lots or in tracts to be owned and maintained by a homeowner's association.

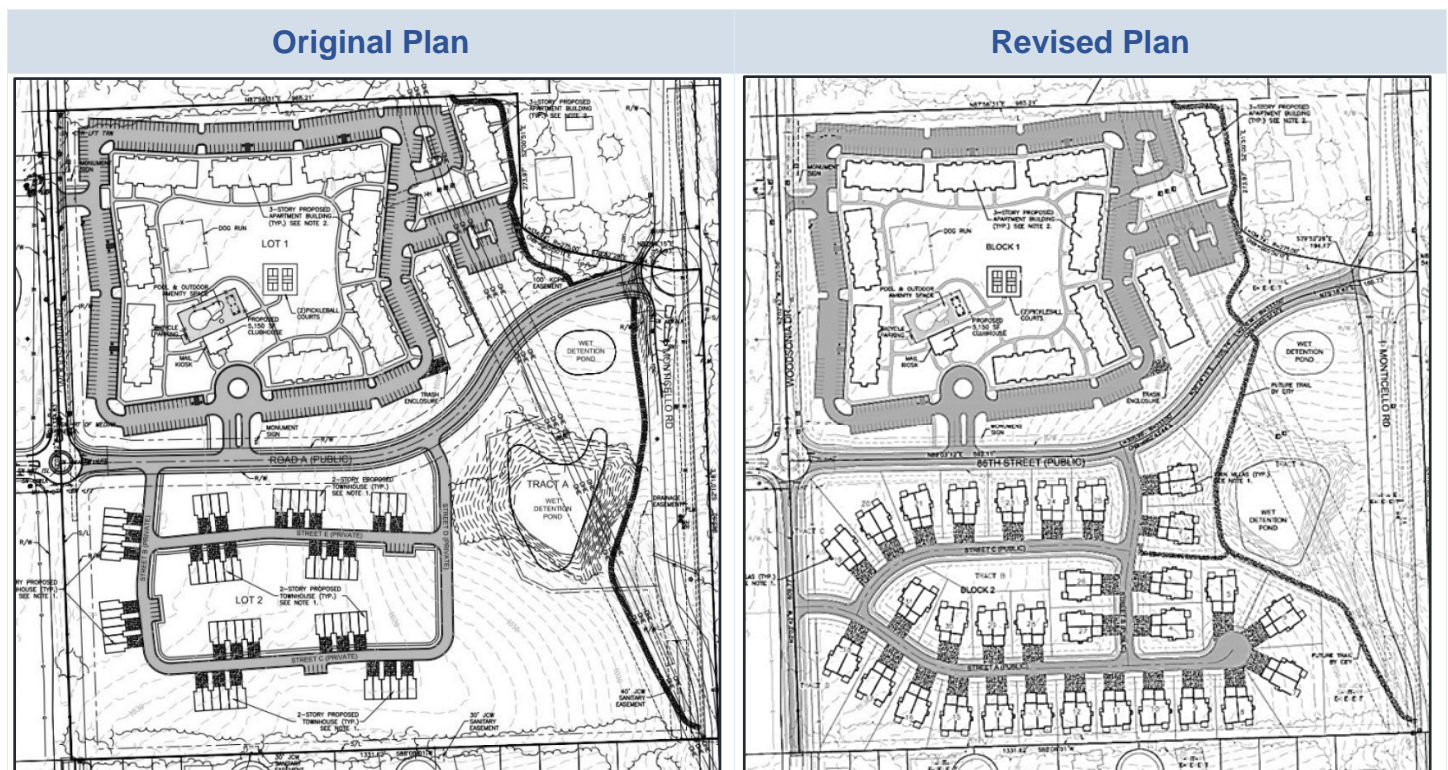


Exhibit 1: Original Plan and Revised Plan Comparison.

PARKING & ACCESS

The duplex buildings will have a larger “footprint” than the townhome buildings which results in a larger floor area per unit. Each building will have a two-stall garage, larger than the one-stall garage per unit previously proposed for the townhome buildings. The revision of the plan to duplex lots includes a change from private internal drives to public streets. It is common for duplex buildings to be accessed from public streets. The street alignment, as shown on the preliminary plan and plat, appears to meet the requirements in [Section 4-2-C-2](#) of the UDC.

DEVIATION

The previous staff report included a deviation request related to building height that is still applicable to the RP-4 portion of the development.

In the revised plans for the RP-2 portion of the development, the applicant requests a 5-foot setback deviation for Lot 31. This lot is located at the intersection of the two internal public streets. Per [Section 4-1-B-7-F](#) of the UDC, the minimum required setback for a duplex building is 25 feet from the street, whether that street frontage is the front yard or side yard. The applicant requests a five-foot reduction from the required 25-foot setback to allow a 20-foot setback. Staff supports the deviation request for the reduced setback of this lot. The condition is internal to the development and the reduced setback will not diminish the open space of the development. The adjacent street is along a curve where the request for the reduced setback is. The reduced setback will result in the corner of the duplex building encroaching into the required 25-foot setback. Per [Section 4-1-B-26-B-7-a](#) of the UDC, an uncovered patio may encroach up to three feet into a required setback. The patios, as shown on the plan, are an allowed exception per the referenced code section.

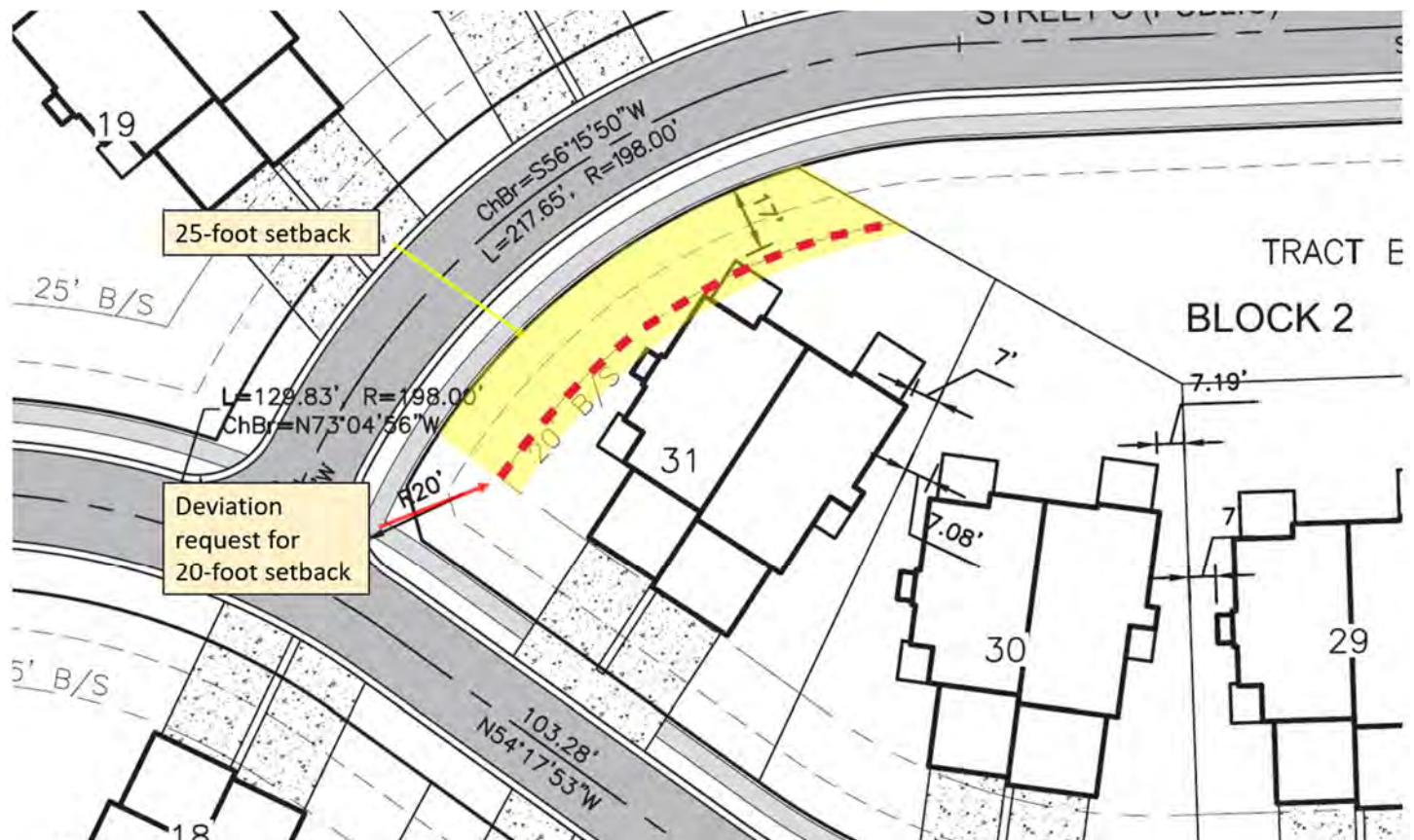


Exhibit 2: Lot 31 Setback deviation request.

LANDSCAPE

The duplex buildings are now closer to the south property line, adjacent to Watercrest Landing subdivision, than the previous plan. The duplex buildings are 32 feet from the south property line, a reduction of 58 feet from the 90-foot setback provided on the original plan. The 20-foot landscape buffer as required by [Section 4-1-D-2-N](#) of the UDC is provided along the south property line.

The change to duplex buildings will result in the development being subject to the Residential Fences/Buffers requirements of [Section 4-2-E-4](#) of the UDC. This section requires a landscape buffer along collector and arterial streets. A tract is shown along Woodsonia Drive for landscape screening and fence. Landscaping and a fence are required on both Woodsonia Drive and Monticello Road. [Section 4-2-E-4](#) of the UDC allows for the Planning Commission to grant a waiver of this requirement if the conditions of the site justify such a waiver. The Monticello Road frontage of the site is to remain undeveloped. This part of the site will also contain a future public trail that will cross the site in the area of the overhead power lines. The trail has been realigned to veer more internally of the site as suggested by Staff. The easterly portion of the site will not have any of the duplex lots close to the arterial street to need such a buffer. It is Staff's conclusion that a waiver from the fence requirement along Monticello Road is reasonable. The applicant is showing additional landscaping to be installed and for some of the existing trees to remain.



Exhibit 3: Revised Landscape Plan

ARCHITECTURE

The duplexes are shown to have identical, or nearly identical architectural features using a varying color palette for each building. The buildings should have more discernable changes to the building facades that face the street. This will ensure a dynamic streetscape of the development. Each unit will have an uncovered patio space at the back of the unit. Per [Section 4-1-B-26-7-a](#) of the Unified Development Code, an uncovered patio space may encroach into a setback up to 3 feet.

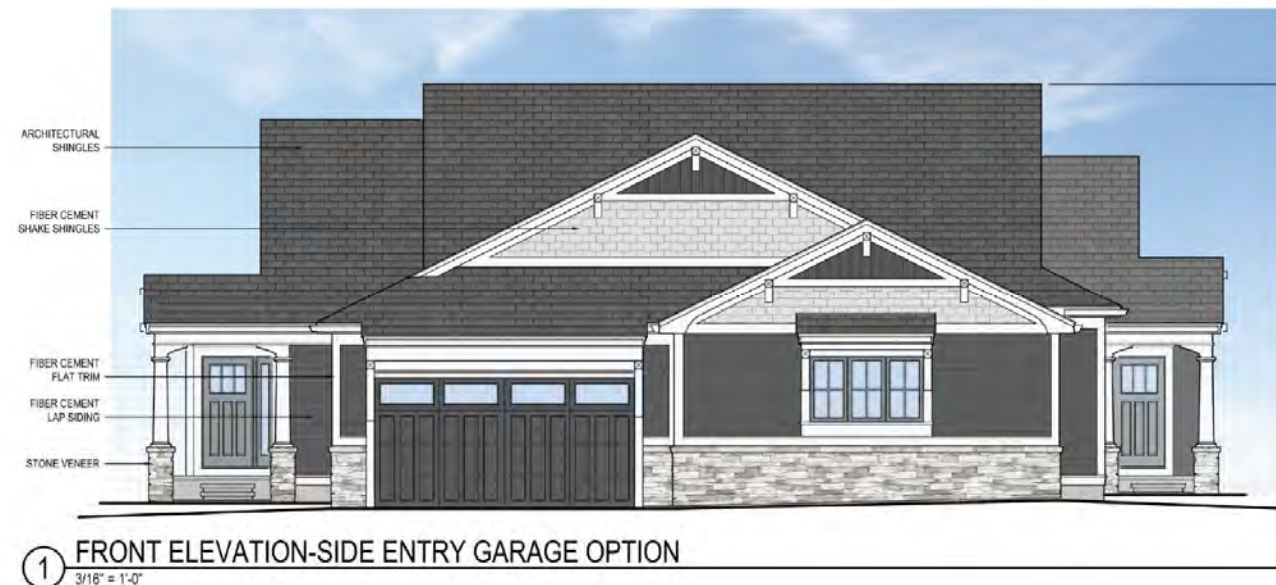
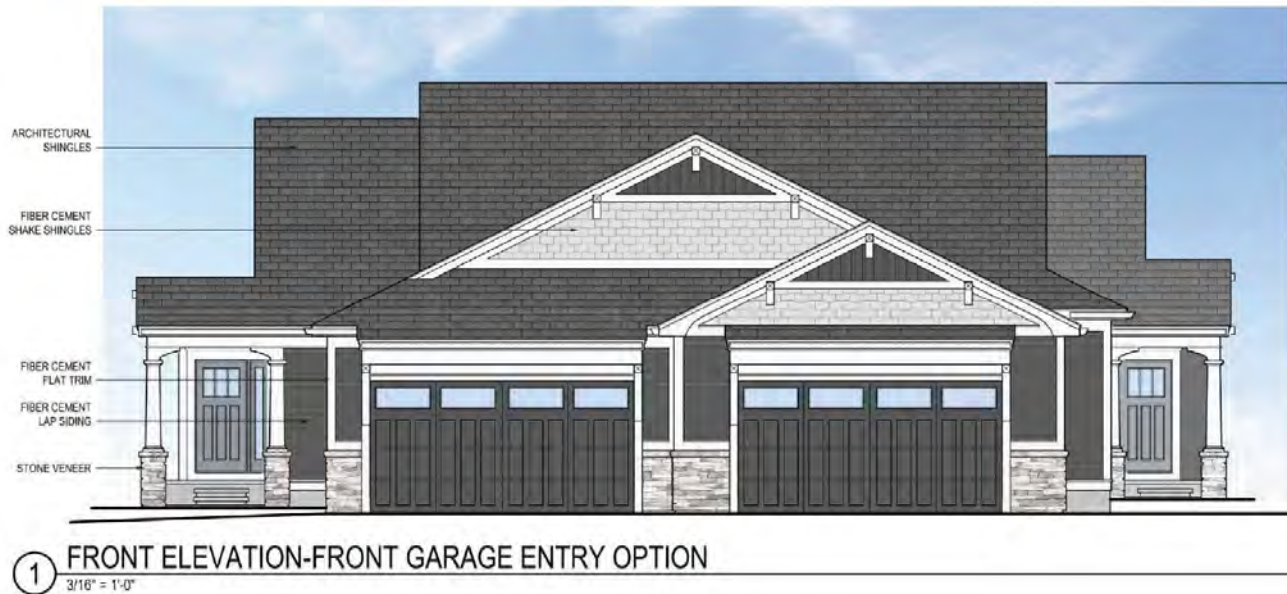


Exhibit 4: Typical duplex elevations facing the street.

A final plan is typically not provided for a duplex development. A duplex subdivision will follow the same approval process as a single-family development. This process is where an individual building permit is submitted for each duplex, identical to a single-family house. Prior to the submittal of any permit for a duplex, Staff will coordinate an architectural design scheme for the duplex buildings.

SUMMARY

The proposed change to the plan complies with the UDC requirements of the RP-2 Zoning District for the southerly part of the site with the exception of one deviation necessary for a portion of one duplex structure to encroach within a required setback.

The duplex buildings, as shown on the plan, provide an appropriate transition from the single-family homes in Watercrest Landing to the apartment buildings on the northerly part of the site. The revised plan does not leave large areas of open spaces on the site. Staff is supportive of the revised plan for the duplex buildings on the southerly part of the development.

At Right: Exhibit 5: Proposed site plan.

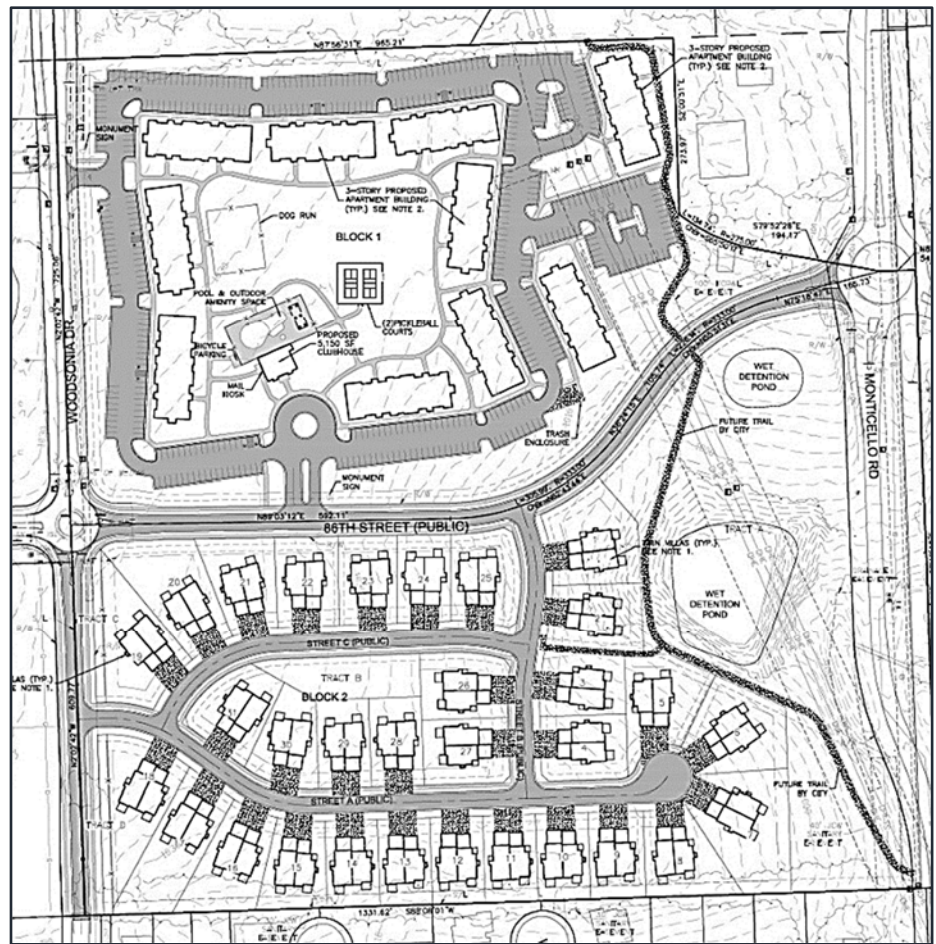


TABLE 1: COMPARISON OF SUBMITTALS FOR RESIDENCES ON WOODSONIA

Site Information	Original Submittal	Revised Submittal
Proposed Zoning	RP-2 and RP-4	RP-2 and RP-4
Dwelling Type	RP-2 – Townhomes RP-4 – Apartments	RP-2 – Duplexes RP-4 – Apartments
Number of Dwelling Units	RP-2 – 62 units RP-4 – 240 units	RP-2 – 62 units RP-4 – 240 units
Density (UPA)	7.95 Units Per Acre (entire site) RP-2 – 4.42 and RP-4 – 14.96	7.95 Units Per Acre (entire site) RP-2 – 4.42 and RP-4 – 14.96

REVIEW PROPOSED RP-4 ZONING: NORTH PORTION

The Future Land Use Plan Map of the Comprehensive Plan designates the entire 37.97-acre site as Medium Density Residential. This designation states that the anticipated type of development is:

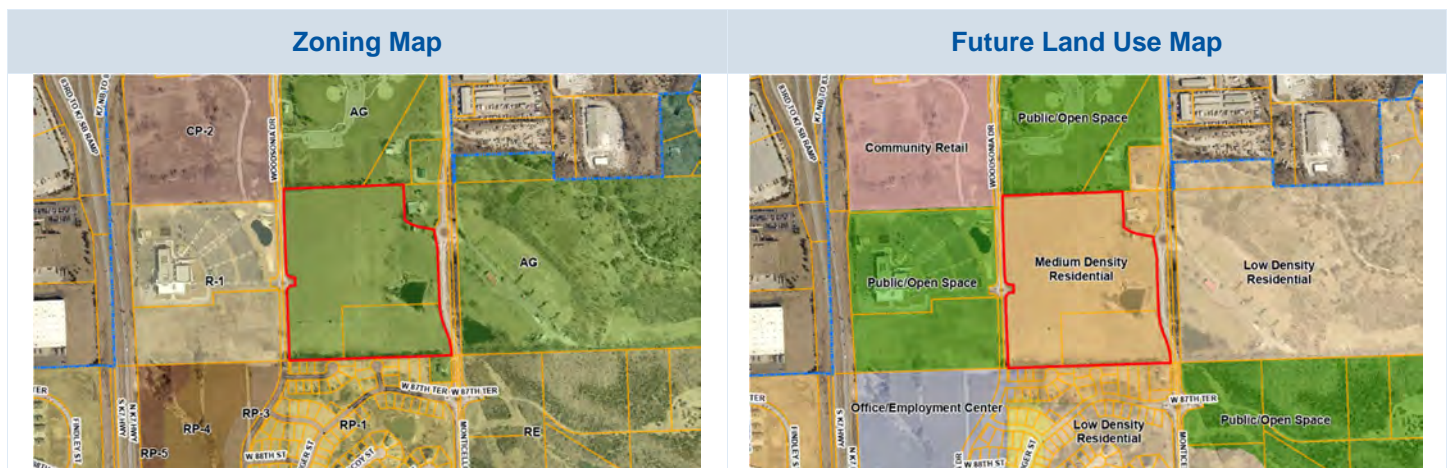
“Moderate density dwellings, including attached dwellings not exceeding a gross density of 8 dwelling units per acre.” Page 33

This description from the Comprehensive Plan does not provide specificity of the actual building massing and scale. The text of the Comprehensive Plan continues:

“The residential land use descriptions provide a brief explanation of the density while referencing either attached or detached dwelling units. The land use designations do not exactly coincide with Lenexa’s zoning district classifications, but strong correlations can be drawn from the descriptions and purpose statements.” Page 33

The Comprehensive Plan lists several goals regarding development and redevelopment. The following is one of the thirteen goals listed that is specifically related to housing types:

“Promote a variety of housing options that serve the needs of citizens throughout their various stages of life.” Page 40



This remand question stems from a concern that the RP-4 multifamily housing product is typically developed in areas classified for High Density Residential (16 units per acre) and not typically found in areas classified for Medium Density Residential (8 units per acre) uses. Staff acknowledges this typical alignment between zoning and the Comprehensive Plan and would offer that for this specific property and its surrounding context, maintaining low densities against the single-family housing to the south and allowing a high-density housing type to the north provides a creative way to better transition between this development and the single-family to the south while also meeting the goal of providing a variety of housing options for citizens.

The Comprehensive Plan, in tandem with the regulations of the UDC, establish the expectation for the built environment of Lenexa. The proposed development uses a “composite” of two different zoning districts. Therefore, two different building types are used in combination to meet the Future Land Use Map designation of Medium Density Residential development. The composite zoning is a unique solution to transition from the single-family residential homes of Watercrest Landing to duplex buildings, then to apartment buildings as the development pattern progresses northward to Freedom Park.

REVIEW PROCESS

- *This project requires a recommendation from the Planning Commission and final approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for reconsideration by the City Council on March 19, 2024.*
- *The applicant should inquire about additional City requirements, such as permits and development fees.*

RECOMMENDATION FROM PROFESSIONAL STAFF

- ★ **Staff recommends approval of the Rezoning and Preliminary Plan for the Residences on Woodsonia.**
 - This project is consistent with Lenexa's goals through **Responsible Economic Development** to create **Vibrant Neighborhoods** and **Thriving Economy**.

REZONING

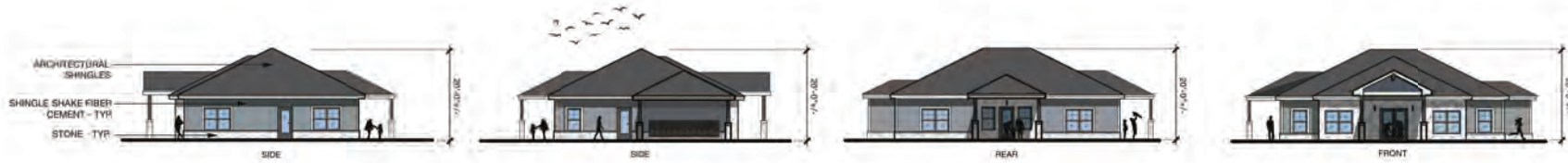
Staff recommends **approval** of rezoning property from AG to RP-2 and RP-4 for **RZ23-08 – Residences on Woodsonia** located at the northeast corner of 86th Street (future) and Woodsonia Drive.

PRELIMINARY PLAN

Staff recommends **approval** of the preliminary plan for **PL23-11P – Residences on Woodsonia** at the northeast corner of 86th Street (future) and Woodsonia Drive, for duplex and multifamily uses with the deviation requests for the building height of the multifamily buildings, to allow an increase of 3 feet to a height of 38 feet, and the setback reduction of Lot 31 of the duplex portion of the development.

PRINTS ISSUED:
1/28/2024 - PRELIMINARY PLAN
REVISIONS:

rosemann & associates P.C.
ARCHITECTURE
INTERIOR DESIGN
ENGINEERING
PLANNING
1526 Grand Boulevard
Kansas City, MO 64106-1404
P: 816.473.1448
F: 816.473.1448
WWW.ROSEMANNCORP.COM
DENVER • KANSAS CITY • ST. LOUIS • ATLANTA



CLUBHOUSE ELEVATIONS (B1)
SCALE: 1/4"=0'-0"



3-STORY WALK-UP SIDE ELEVATION (A2)
SCALE: 1/4"=0'-0"



3-STORY WALK-UP FRONT/REAR ELEVATION (A1)
SCALE: 1/4"=0'-0"

THE RESIDENCES ON WOODSONIA
PRELIMINARY PLAN
K-7 & 83rd STREET
Lenexa, MO

SHEET TITLE:
BUILDING ELEVATIONS

PROJECT NUMBER:

SHEET NUMBER:

A-200

NSPJ ARCHITECTS, INC. 10/25/2022 2:48:53 PM

WOODSONIA TWIN VILLA - COLOR PALETTE OPTIONS

WARM PALETTE - A

SW 2827	SW 2828	SW 2829	SW 2830
Colonial White	Colonial White	Colonial White	Colonial White
SW 2831	SW 2832	SW 2833	SW 2834
Colonial White	Colonial White	Colonial White	Colonial White

WARM PALETTE - B

SW 2835	SW 2836	SW 2837	SW 2838
Colonial White	Colonial White	Colonial White	Colonial White
SW 2839	SW 2840	SW 2841	SW 2842
Colonial White	Colonial White	Colonial White	Colonial White

WARM PALETTE - C

SW 2843	SW 2844	SW 2845	SW 2846
Colonial White	Colonial White	Colonial White	Colonial White
SW 2847	SW 2848	SW 2849	SW 2850
Colonial White	Colonial White	Colonial White	Colonial White

COOL PALETTE - A

SW 2851	SW 2852	SW 2853	SW 2854
Colonial White	Colonial White	Colonial White	Colonial White
SW 2855	SW 2856	SW 2857	SW 2858
Colonial White	Colonial White	Colonial White	Colonial White

COOL PALETTE - B

SW 2859	SW 2860	SW 2861	SW 2862
Colonial White	Colonial White	Colonial White	Colonial White
SW 2863	SW 2864	SW 2865	SW 2866
Colonial White	Colonial White	Colonial White	Colonial White

COOL PALETTE - C

SW 2867	SW 2868	SW 2869	SW 2870
Colonial White	Colonial White	Colonial White	Colonial White
SW 2871	SW 2872	SW 2873	SW 2874
Colonial White	Colonial White	Colonial White	Colonial White



④ RIGHT ELEVATION-FRONT GARAGE ENTRY OPTION
3/16" = 1'-0"



③ LEFT ELEVATION
3/16" = 1'-0"



② REAR ELEVATION
3/16" = 1'-0"



① FRONT ELEVATION-FRONT GARAGE ENTRY OPTION
3/16" = 1'-0"

ARCHITECTURE
LANDSCAPE
ARCHITECTURE
ENERGY SERVICES

P. 913.831.1415
F. 913.831.1563
NSPJARCH.COM
3515 W. 25TH ST., SUITE 201
PRAIRIE VILLAGE, KS 66208

NSPJ

ARCHITECTS

NOT FOR CONSTRUCTION

RESIDENCES ON WOODSONIA TWIN VILLAS:

PRELIMINARY PLAN

K-7 & W. 83rd. ST.
LENEXA, KS

DRAWING RELEASE LOG
1/1/2024 FOR 10/25/2022

REVISIONS

JOB NO.	DATE
750624	02.19.24
DRAWN BY	
TWH	

SHEET NAME
ELEVATIONS - PDP

SHEET NO.

A2.00



February 19, 2024

David Dalecky
Planner II
City of Lenexa, KS
17101 W 87th Street
Lenexa, KS 66219

REFERENCE: RZ23-08 & PL23-11P – The Residences on Woodsonia
Building Setback Code Waiver Request Letter

Dear Mr. Dalecky,

The applicant respectfully requests a waiver for building setback requirement for Lot 31 of the twin villa layout. Per Zoning District Regulations, Section 4-1-B-26 of the Unified Development Code minimum setback requirements along streets for RP-2 zoning is 25ft, whether that be a side yard or rear yard condition. Lot 31 will provide the 25ft minimum requirement along the front of the building. On the side yard of Lot 31, which would otherwise be a 7' setback if not adjacent to a street, it is requested to reduce the building setback requirement by 5ft to a minimum setback of 20ft. The 20ft setback provides adequate clearance from the street right of way and meets the intent of the zoning setback code with substantial offset from the street right of way. In addition, the adjacent street is classified as a residential local street and will see a lower volume of traffic compared to other twin villa streets in the development.

Please contact us with any questions.

Sincerely,

MKEC ENGINEERING, INC.

A handwritten signature in blue ink, appearing to read "B. Hill".

Brian Hill, PE



February 19, 2024

David Dalecky
Planner II
City of Lenexa, KS
17101 W 87th Street
Lenexa, KS 66219

REFERENCE: RZ23-08 & PL23-11P – The Residences on Woodsonia
Landscaping Code Waiver Request Letter

Dear Mr. Dalecky,

The applicant respectfully requests a waiver for fencing along the Monticello Road frontage per Section 4-2-E-4-2 of the Lenexa UDC. The landscape material shall be installed at the rate required level outside of the overhead electrical easement (approximately from the south property line to the north 300'). This waiver request is for the removing fencing only. The remaining open unscreened open space is within the overhead electric utility easement. Because of this condition, this is an area where grading is not proposed, and no site disturbance is planned. It is preferred to maintain site stabilization and not disturb this area. Additionally, due to natural elements, grade change, distance from proposed structures to Monticello Road, and proposed landscaping, fencing in this specific condition does not achieve the goals of Section 4-2-E-4-2. The new homes will be approximately 165' west of the property line along Monticello. The structures also sit over 20' higher in elevation than the roadway. Supplemental evergreen trees could be installed to the east at the back of the duplex lots to screen the structures, but it is our opinion that this is not necessary given the other conditions listed above.

Please contact us with any questions.

Sincerely,

MKEC ENGINEERING, INC.

A handwritten signature in blue ink, appearing to read "B. Hill".

Brian Hill, PE

From: Jason@powdercreek.com <Jason@powdercreek.com>

Sent: Wednesday, November 15, 2023 11:51 AM

To: Gloria Lambert <glambert@lenexa.com>

Cc: Dave Newell <newell0012@aol.com>; Joshua Bartel <joshua.bartel@gmail.com>; 'austinw' <austinw@powdercreek.com>

Subject: Lenexa Planning Commission Meeting December 4th, 2023

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Gloria,

My name is Jason Spengel and I am the General Manager of Powder Creek Shooting Park. I am emailing you in regards to the notice that Powder Creek received in the mail Monday about the possible rezoning and plan for multifamily buildings in the "8500 block between Woodsonia Drive and Monticello Road." Being that Powder Creek Shooting Park resides due east and directly adjacent from this planned community project, we would like to be a part of your meeting on December 4th, 2023, at 7:00pm, either with oral or written comments or both (whatever the meeting agenda will allow for). Powder Creek would simply like to make the planning commission aware that the shotgun shooting range has been in place for 74 years, that we provide a service to the community for both recreational and fundraising events, and that we hope our business will not be affected by the dwellings being built.

It is Powder Creek's concern that if this project is implemented, multi-family homes are built, and tenants move in but are not warned that they're moving in across the street from a gun range: Powder Creek's good relationship with the community of Lenexa could be adversely effected. Therefore, Powder Creek would like to voice at your meeting that there be some form of written notice from all landlords, realtors, building managers, etc., to all tenants occupying dwellings within close vicinity to the Shooting Park, warning that Powder Creek exists close by and that they are signing off and "acknowledging the fact that they are willing to live with gun range noise pollution in their everyday lives" and hopefully will not call us, the City of Lenexa, or Lenexa Police every time Powder Creek is simply trying to conduct their daily business.

Powder Creek just simply wants to exist as it always has. This is our primary concern and hopefully it warrants time for acknowledgement and oration at your meeting on the 4th. Thank you so much for your time, and if you have any questions or comments, please feel free to reach out to me or Powder Creek before your meeting. We look forward to hearing from you.

Jason Spengel
General Manager
Powder Creek Shooting Park
8601 Monticello Rd
Lenexa, KS 66227
913-422-5063
913-609-7843 (call or text)

February 6, 2024

Chris Poss, Chairman
Lenexa Planning Commission
Lenexa City Hall
17101 W. 87th Street Parkway
Lenexa, KS 66219

Re: Remand of Residences on Woodsonia

Chairman Poss,

On January 16, 2024, the Lenexa City Council considered the following applications related to a project known as Residences on Woodsonia:

RZ23-08 – Rezoning from AG to RP-2 and RP-4
PL23-11P – Preliminary Plan

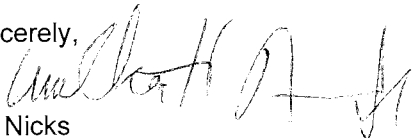
The Council's consideration came after the Lenexa Planning Commission completed a public hearing for said applications on December 4, 2023, and submitted its recommendation for approval of both applications.

Between the Planning Commission meeting and the City Council meeting, the applicant requested remand to the Planning Commission to make a significant revision to the RP-2 portion of the preliminary plan. After a staff presentation, applicant presentation, and public comment on the applications, the City Council discussed the applications and voted unanimously to return both applications to the Planning Commission for further discussion, review, and consideration of the following specific items related to the project.

1. Review a revised preliminary plan for the south portion of the development, which is proposed to be zoned RP-2.
2. Review the proposed RP-4 zoning for the north portion of the development, which would allow 16 dwelling units per acre. Discuss and consider whether the proposed RP-4 zoning is reasonable in the context of:
 - a. the Comprehensive Plan's designation of "medium density", which is defined in the Comprehensive Plan as "moderate density dwellings, including attached dwellings, not exceeding a gross density of 8 dwelling units per acre"; and
 - b. the overall development plan.

The applications will be reconsidered at the Planning Commission's March 4, 2024, meeting. The Council looks forward to the Planning Commission's review of these items.

Sincerely,



Bill Nicks
City Council President

cc: *Brian Hill, MKEC – Agent for Applicant*
Jason Swords, Sunflower Development – Applicant

11. The Residences on Woodsonia - Remanded by the City Council. Consideration of a rezoning and preliminary plan/plat for a multifamily residential development on property located near future 86th Street between Woodsonia Drive & Monticello Road. RZ23-08, PL23-11P

APPLICANT PRESENTATION

Jason Swords of the Sunflower Development Group gave the history of the project and addressed the City Council's remand of the southern part of the site. Mr. Swords stated that they have come back with a better layout and have been working with Westside Family Church for a plan for a Benefit District to complete the segment of Woodsonia Drive directly to the west. He said he has presented the updated plans to the residents in the single-family subdivision to the south and answered several of their questions. He offered to meet with the residents again, but they did not feel it was necessary. He agreed to demolish the barn that currently exists on the property and also put up a fence next to neighboring property along the northeast property line. He noted that they would be demolishing the barn and would begin development of the project at the same time and the phasing will be the same as previously presented. He said they plan to begin construction of the multifamily apartments late this year followed by the rest of the project early next year.

STAFF PRESENTATION

Dave Dalecky presented the Staff Report. Mr. Dalecky presented a location map and pointed out the proposed site and surrounding properties. He displayed the thirteen criteria used for review of land use applications and said they were all detailed in the Staff Report. He provided the zoning and Future Land Use Map explaining that the applicant is proposing to rezone the site from AG, Agricultural to RP-2, Residential Planned (Intermediate Density) District and RP-4, Residential Planned (High Density) District. He talked about the project's previous Planning Commission Public Hearing on December 4, 2023, where the Planning Commission recommended approval of all applications to the City Council. The City Council voted to return both applications to the Planning Commission for further discussion at the request of the applicant. He explained the two specific items addressed by Staff concerning remand of the project: 1) a revised plan for the RP-2 Zoning District on the south portion; and 2) the appropriateness of the requested RP-4 Zoning District for the north portion of the development. He showed a comparison from the original site plan to the revised plan. He noted some of the changes that were included in the Staff Report. He discussed the future trail that would now be more internal to the site. He said that the revised plan also shows that the buildings in the RP-2 Zoning District are larger and more spread out. He confirmed that as a requirement the applicant will complete a segment of Woodsonia Drive adjacent to the site but completion of Woodsonia Drive is not required to the south of the site. He showed building elevations for the apartments and said the three-foot height deviation will remain identical to the previously proposed plans. He displayed an elevation of the duplexes and commented that Staff would like to see some variation in architecture at final plan stage by use of various building colors, siding materials, and possibly masonry materials.

PUBLIC COMMENT

Jason Spangle, general manager of Powder Creek Shooting Park, said it is reassuring to know that the applicant has addressed many of his concerns which include using high quality building materials to mitigate sound. Mr. Spangle stated that Powder Creek Shooting Park intends to remain in the community despite the proposed development locating close to their business. He maintained that he wants future residents to be aware of the neighboring shooting range.

COMMISSION DISCUSSION

Commissioner Handley said he appreciates the applicant agreeing to help with the demolition of the barn and putting up the fence. Mr. Handley commented that the revisions to the site plan seem perfectly reasonable, especially the conversion of private roads to public roads. He talked about whether RP-4 zoning is appropriate for the area and feels that it comes down to context and completeness. He said he did not have a problem with the RP-4 zoning designation in the original site plan and he believes it continues to make sense.

Commissioner Woolf commented that the uniqueness of the site along with the surrounding properties allows for the average density calculation to make sense. He probably would not be as supportive if those boundaries were not there.

Commissioner Katterhenry said he feels it should be some variation to the townhomes and he likes the applicant's revisions.

Commissioner Horine said he likes the revisions to the duplex units within the new site plan. Mr. Horine said that regarding the trails it could be a good selling point to potential residents if they would like close access to the trail.

Commissioner Harber stated that he still supports the project and likes the revisions to the duplexes and feels it is a nice transition to the apartments.

Commissioner Macke commented that she agrees with the previous comments made by the other Commissioners and supports the RP-4 zoning designation on the site.

Chairman Poss said he was previously in opposition of the prior proposal because of the townhome layout on the southern part of the site but is now in agreement with the applicant's revisions.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of rezoning property from AG to RP-2 and RP-4 for RZ23-08 – **Residences on Woodsonia** located at the northeast corner of 86th Street (future) and Woodsonia Drive.

Moved by Commissioner Woolf, seconded by Commissioner Handley, and carried by a unanimous voice vote.

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan for PL23-11P – **Residences on Woodsonia** at the northeast corner of 86th Street (future) and Woodsonia Drive, for duplex and multifamily residential uses with deviations for the building height of the multifamily buildings and a setback reduction on Lot 31 of the duplex portion of the development as noted in the Staff Report.

Moved by Commissioner Horine, seconded by Commissioner Macke, and carried by a unanimous voice vote.

RZ __-__

ORDINANCE NO. _____

AN ORDINANCE REZONING PROPERTY LOCATED AT THE NORTH AND SOUTHEAST CORNERS OF 86TH STREET AND WOODSONIA DRIVE IN LENEXA, KANSAS FROM THE AG, AGRICULTURAL ZONING DISTRICT TO THE RP-2, PLANNED RESIDENTIAL (INTERMEDIATE-DENSITY) ZONING DISTRICT AND RP-4, PLANNED RESIDENTIAL (HIGH-DENSITY) ZONING DISTRICT.

WHEREAS, on October 30, 2023, Brian Hill, agent for Sunflower Development Group, owner of record, filed a request to rezone property located at the north and southeast corners of 86th Street and Woodsonia Drive in Lenexa, Kansas (the “Property”) from the AG, Agricultural Zoning District to the RP-2, Planned Residential (Intermediate-Density) Zoning District and the RP-4, Planned Residential (High-Density) Zoning District; and

WHEREAS, on December 4, 2023, the Lenexa Planning Commission held a public hearing to hear the rezoning request. Notice for the public hearing was provided in accordance with K.S.A. 12-757, and

WHEREAS, the Lenexa Planning Commission recommended approval of said rezoning, as reflected in the minute record for said meeting; and

WHEREAS, on January 16, 2024, the Governing Body considered the rezoning request and Planning Commission recommendation and remanded the rezoning request to the Planning Commission for reconsideration, specifically, to review a revised preliminary plan for the south portion of the development proposed to be zoned RP-2 and Review the proposed RP-4 zoning for the north portion of the development to determine if the RP-4 zoning is reasonable in the context of the City Comprehensive Plan’s designation of “medium density” and the overall development plan; and

WHEREAS, on March 4, 2024, the Lenexa Planning Commission reconsidered the application with the revised preliminary plan and further reconsidered the RP-4 zoning for the north portion of the development in the context of the City Comprehensive Plan and the overall development plan and recommended approval of the rezoning request, as reflected in the minute record for said meeting; and

WHEREAS, on March 19, 2024, the Governing Body considered the rezoning request and Planning Commission recommendation, as reflected in the minute record for said meeting; and

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

SECTION ONE: The real estate describedm now zoned AG, Agricultural Zoning District, is hereby rezoned to the RP-2, Planned Residential (Intermediate-Density)

Zoning District and the RP-4, Planned Residential (High-Density) Zoning District as reflected in the minute record of the March 19, 2024 Governing Body meeting, to wit:

The following property is rezoned to RP-2, Planned Residential (Intermediate Density):

All that part of the Southwest Quarter of Section 27, Township 12S, Range 23E of the 6th Principal Meridian in the City of Lenexa, Johnson County, Kansas described as follows:

Beginning at the Southeast corner of said Southwest Quarter; thence on the South line thereof S88°08'01"W a distance of 1331.62' to the Southwest corner of the Southeast Quarter of said Southwest Quarter section; thence on the West line thereof N02°02'42"W a distance of 609.77'; thence N89°03'12"E a distance of 592.11'; thence on a curve having a radius of 333.00' and a chord bearing of N58°32'36"E an arc length of 354.64'; thence on a curve having a radius of 333.00' and a chord bearing of N51°40'24"E an arc length of 274.79'; thence N75°18'47"E a distance of 177.03'; thence N87°49'15"E a distance of 54.93' to a point on the East line of the Southwest Quarter of said Section 27; thence on said East line S02°10'18"E a distance of 965.52' to the Point of Beginning, containing 21.89 acres, more or less, subject to the rights of way of Monticello Road and Woodsonia Drive, respectively, and subject to easements of record.

The following property is rezoned to RP-4, Planned Residential (High Density):

All that part of the southwest quarter of Section 27, Township 12S, Range 23E of the 6th Principal Meridian in the City of Lenexa, Johnson County, Kansas described as follows:

Commencing at the Southeast corner of said Southwest Quarter; thence on the South line thereof S88°08'01"W a distance of 1331.62' to the Southwest corner of the Southeast Quarter of said Southwest Quarter section; thence on the West line thereof N02°02'42"W a distance of 609.77' to the Point of Beginning; continuing on said west line N02°02'42"W a distance of 725.06' to the Northwest corner of said Quarter-Quarter section; thence on the North line thereof N87°56'31"E a distance of 965.21'; thence departing said North line S02°00'51"E a distance of 273.97'; thence on a non tangent curve to the left having a radius of 275.00' and a chord bearing of S65°50'17"E an arc length of 134.74'; thence S79°52'28"E a distance of 194.17'; thence S75°18'47"W a distance of 177.03'; thence on a curve having a radius of 333.00' and a chord bearing of S51°40'24"W an arc length of 274.79'; thence on a curve having a radius of 333.00' and a chord bearing of S58°32'36"W an arc length of 354.64'; thence S89°03'12"W a distance of 592.11' to the Point of Beginning, containing 16.08 acres, more or less, subject to the rights of way of Monticello Road and Woodsonia Drive, respectively, and subject to easements of record.

SECTION TWO: The Community Development Director is hereby directed to amend the series of maps entitled “Official Copy Zoning District Map of the City of Lenexa” as adopted by the City via City Code Section 4-1-A-6(A) in accordance with said rezoning.

SECTION THREE: This Ordinance shall be construed as follows:

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

SECTION FIVE: This Ordinance shall take effect after publication of an ordinance summary in the City’s official newspaper as provided by State law.

PASSED by the Governing Body March 19, 2024.

SIGNED by the Mayor March 19, 2024.

CITY OF LENEXA, KANSAS

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven Shrout, Assistant City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 15

SUBJECT: Resolution authorizing the Mayor to execute a Real Estate Contract for the sale of excess land adjacent to Fire Station 4 located southeast of the intersection of 108th Street & Eicher Drive

CONTACT: Sean McLaughlin, City Attorney

DATE: March 19, 2024

ACTION NEEDED:

Adopt a resolution authorizing the Mayor to execute a Real Estate Contract for the sale of excess land adjacent to Fire Station 4 located southeast of the intersection of 108th Street & Eicher Drive.

PROJECT BACKGROUND/DESCRIPTION:

The City is proposing to sell a tract of excess land approximately 19,000 square feet ("Property") to Herrman Holdings, LLC ("Buyer") d/b/a Building Controls & Services. The Property is currently part of Fire Station 4 located at 10855 Eicher Drive. The Buyer is located immediately south of the Property and is interested in expanding its parking lot to accommodate growth. In early 2024, the Buyer reached out to the City through the Lenexa Chamber of Commerce to determine if the City would consider selling the Property. The City is selling the land for \$4/square foot, which is comparable to the price determined by the Johnson County appraisal as well as similarly situated business park properties. The Buyer will work with the City's Community Development Department to review a plan for developing the property and will then perform a survey which will determine the total price of the Property.

The contract is scheduled to close following an inspection period to allow for survey, environmental inspection and title commitment to be performed. The City and Buyer will cooperate to develop a preliminary plan, preliminary plat, and final survey prior to closing. The other provisions in the contract are similar to the standard provisions in the City's standard real estate contract including the Buyer will be responsible for title insurance, closing costs, inspection costs, etc. The resolution authorizes the Mayor to execute the real estate contract and delegates authority to the City Manager or their designee, to execute any documents that may be necessary to facilitate the sale of the Property.

The contract is available for review in the City Clerk's office.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Thriving Economy

Guiding Principles
Responsible Economic Development

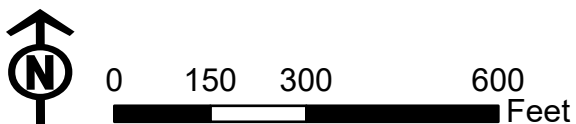
ATTACHMENTS

1. Map
2. Resolution



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

Lenexa Fire Station #4 Land Sale



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A KANSAS REAL ESTATE CONTRACT FOR THE SALE OF CITY OWNED PROPERTY LOCATED IN THE SOUTHEAST CORNER OF THE INTERSECTION OF EICHER DRIVE AND 108TH STREET.

WHEREAS, the City of Lenexa ("City") Fire Station 4 contains is located in the southeast corner of the intersection of Eicher Drive and 108th Street, which is commonly referred to as 10855 Eicher Drive ("Property"); and

WHEREAS, Herrman Holdings, LLC ("Buyer") is located immediately south of the Property is interested purchasing approximately 19,000 sq. ft. of the Property's excess land to expand its parking and accommodate future growth: and

WHEREAS, City staff believes the sale of the Property is a positive because it the City does not need the excess land and it will allow a Lenexa business to expand; and

WHEREAS, the City believes it is in the best interest of the City to sell the Property to the Buyers and execute the Real Estate Purchase Agreement; and

WHEREAS, both parties have read and understand the terms and conditions set forth in the Kansas Real Estate Contract, attached hereto as Exhibit "A".

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

SECTION ONE: The City of Lenexa, Kansas, a municipal corporation, does hereby approve and authorize the Mayor to execute the Real Estate Purchase Agreement in substantially the same form as attached hereto as Exhibit "A" and authorizes the City Manager or their designee to execute all other documents and instruments as may be reasonably necessary and desirable to facilitate the sale of the Property and carry out the terms of the Real Estate Sale Contract.

SECTION TWO: This Resolution shall become effective upon adoption.

ADOPTED by the City Council this 19th day of March, 2024.

SIGNED by the Mayor this 19th day of March, 2024.

CITY OF LENEXA, KANSAS

[SEAL]

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney



**MINUTES OF THE
MARCH 5, 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.

Scout Troop #182 led the Pledge of Allegiance. Logan McKinney, Finn Allen, Caden Emerson, Owen Dickerson, and Ethan Palmberg attended the meeting for their Citizenship in the Community badge.

ROLL CALL

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

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

APPROVE MINUTES

Councilmember Eiterich made a motion to approve the February 20, 2024 City Council meeting draft minutes and Councilmember Arroyo seconded the motion. Motion passed unanimously.

MODIFICATION OF AGENDA

There were no modifications to the agenda.

PROCLAMATIONS

Women's History Month
Multiple Sclerosis Education & Awareness Month

CONSENT AGENDA

1. Bid award to Superior Bowen for the 2024 Pavement Management Program - County Assistance Road System Road Improvements Project
This project treats Lackman Road from 87th Street Parkway to the north city limit with a 2-inch mill and overlay and stormwater improvements. Work also includes replacing deteriorated curb and gutter and sidewalk panels as needed, installation of detection loops for the new signal at 83rd Street & Lackman Road, and pavement markings. Superior Bowen bid \$1,394,757.68 to perform the work.
2. Bid award to McAnany Construction Inc. for the 2024 Pavement Management

Program Ultra-Thin Bonded Asphalt Surface and Mill and Overlay Project

This project treats 24 lane-miles with an Ultra-Thin Bonded Asphalt Surface treatment and another 6.5 lane-miles of an asphalt mill and overlay. Work also includes removing and replacing deteriorated curb and gutter, replacing sidewalk panels, and adding ADA ramps as needed. McAnany Construction Inc. bid \$4,520,000 to perform the work.

3. Change Order No. 1 to the design contract with Brungardt Honomichl & Company PA for the Santa Fe Trail Drive Street and Trail Improvements Project
This change order is for Brungardt Honomichl & Company PA to provide additional design and land surveying services for \$52,255. These additional services are a result of requests by staff to design curb ramp additions and modifications to the Santa Fe Trail Drive & Noland Road intersection, gather supplemental survey information along Santa Fe Trail Drive, and provide consulting services during negotiations with BNSF Railroad.
4. Resolution approving and authorizing the Mayor to execute an agreement with Tropitone for the purchase of outdoor furniture for the Sar-Ko-Par Aquatic Center
This purchase includes 140 deck loungers and 100 deck chairs for Sar-Ko-Par Aquatic Center. The total purchase amount is \$103,737.40.
5. Resolution consenting to the enlargement of the Consolidated Main Sewer District of Johnson County, Kansas to include property located east of Clare Road and north of 83rd Street
The Consolidated Main Sewer District of Johnson County, Kansas has requested consent to enlarge its sanitary sewer system to serve property located east of Claire Road and north of 83rd Street at Belmont Street.
6. Resolution declaring it necessary to appropriate private property for the construction of certain public improvements along a portion of Lackman Road as part of Lenexa's Sidewalk and Trail Repair Program
This project will construct sidewalk and other public improvements along Lackman Road between 95th Street and 99th Street. The City anticipates that it will need to acquire easements and rights-of-way from one tract adjacent to the project area.
7. Resolution authorizing the execution of documents in connection with the assignment and assumption of base lease, lease, and payment in lieu of tax agreement, and transfer of the bonds, related to the City's industrial revenue bonds - Series 2023 (Lenexa Logistics Centre South Building 8)
On October 1, 2023, the City issued its industrial revenue bonds in the approximate amount of \$20.2 million to finance the construction of Building 8 in the Lenexa Logistics Centre South and authorizing a tax abatement for the project as set forth in a payment in lieu of tax (PILOT) agreement. The Developer is conveying the project to a new entity and has requested the City consent to the assignment and assumption of the base lease, lease, and the PILOT by the new entities.

END OF CONSENT AGENDA

Councilmember Eiterich made a motion to approve items 1 through 7 on the consent agenda and Councilmember Nicks seconded the motion. Motion passed unanimously.

BOARD RECOMMENDATIONS

8. Approval of the Lenexa Old Town Activity Center Public Art Committee's recommendation of a mural artist and proposed design, and authorize staff to contract with the muralist to complete the project

During the community engagement period, the City received a total of 1,878 votes for two proposed murals by two different artists. The committee's recommendation is to follow the public's preference and contract with Evan Brown (aka Doodle Dood) for his proposed design "Meet Me in Lenexa" for a maximum cost of \$34,500.

Logan Wagler, Parks and Recreation Director, reviewed the project's history and introduced the Public Art Committee (PAC) members. He also discussed the financial implications and the committee's goals for the project.

Mr. Wagler said that in phase 1 of this project, the PAC short-listed possible artists to two Kansas City area locals, recommended the mural be located on the southwest corner of Lenexa Old Town Activity Center (LOTAC), and engaged in a public review and voting process. He presented the two proposed murals and a rendering of where the mural will be located on the LOTAC building.

Mr. Wagler reported that the public votes totaled 1,878. There were 1,047 votes for "Meet Me in Lenexa" by Doodle Dood and 831 votes for "Our Place In Time" by ITRA Icons. He said that a question was raised at the final PAC meeting about the Native American dwellings on the "Meet Me in Lenexa" mural. He said that they are seeking input and feedback from knowledgeable sources, but that the artist is open to modifying the mural if needed.

Mr. Wagler said that Phase 2 is to accept the recommendation and authorize staff to contract with the mural artist to complete the project in fall 2024.

Mayor Sayers asked if the cost includes anti-graffiti finishes and Mr. Wagler said they are working with the artist on getting the right materials for that and the budget will cover those costs.

Councilmember Nicks said that he had some contacts with the Shawnee Indians in Oklahoma that helped with the Na-Nex-Se statue that would be a good contacts for this as well.

Councilmember Eiterich said she did not notice that the mural says Lenexa because it is subtle and she loves this choice.

Councilmember Eiterich made a motion to approve Item 8 and Councilmember Herron seconded the motion. Motion passed 4-1 with Councilmember Arroyo opposed.

NEW BUSINESS

9. Resolution approving the City Council's 2024 Legislative Priorities
Each year, the City Council adopts a set of policy positions pertaining to the

governance and finances of the City, which may be affected by action at the state or federal level. These Legislative Priorities are organized according to the City Council's Guiding Principles and guide staff in advocating for municipal issues to state legislators and the state's Congressional delegation.

Mike Nolan, Assistant City Manager, talked about the organization of the Legislative Priorities document and how it is aligned with the Governing Body's established Guiding Principles. He presented on the legislative priority changes from 2023 and items the legislature is expected to take action on in 2024.

Councilmember Nicks asked about KPERS Tier 3 and Mr. Nolan said it is essentially a 401K.

Mayor Sayers asked if there were any bills that are still being watched. Mr. Nolan said they are still watching KPERS, property appraisals, property tax exemption for private enterprise, crisis stabilization, and truth and taxation bills.

Councilmember Nicks made a motion to approve Item 9 and Councilmember Arroyo seconded the motion. Motion passed unanimously.

COUNCILMEMBER REPORTS

There were no councilmember reports.

STUDENT INTRODUCTIONS

Shawnee Mission Northwest High School students Jacobe Arnold, Ava VanNieuwenhuyse, Allison Ard, Ruby Corzine, and Gracie VanHorn attended the meeting for Government class.

STAFF REPORTS

10. Black Hoof Park Public Art Discussion

Mr. Wagler presented a background on the City's public art collection, an overview of the Public Art Policy, the methods for public art purchases, and available funding. He reviewed the 2023 Public Art Priority List, which has Black Hoof Park as the next location to place public art.

Judy Tuckness, Lenexa Arts Council (LAC) Co-Chair, talked about why the LAC would like to use the direct selection method to purchase a kinetic sculpture from Lyman Whitaker through Leopold Gallery in Brookside. She presented variety of possible art pieces, which are pieces that would move with winds.

Councilmember Nicks commented that the pieces remind him of Amusing Breeze at Sar-Ko-Par Trails Park and asked if the LAC considered any interactive or touchable art for Black Hoof Park. Ms. Tuckness said the LAC thinks Black Hoof Park already has a nice playground and other opportunities for physical activities, so it thought eye-catching and wind-moved art would be best here, but that could be something for the future.

Mr. Wagler said the LAC and staff are looking for feedback and direction from the Governing Body, no decisions or action at this time.

Councilmember Charlton asked about the single and multiple pieces presented and Ms. Tuckness said there is size difference and comparable cost. Mr. Wagler said these selections are not high-cost and there is budget for them. Ms. Tuckness said the consultant's recommendation was for one larger piece. Councilmember Charlton said he did not feel that a single piece shown was really significant and Ms. Tuckness said that the specific piece has not been selected and these are examples.

Mayor Sayers said she would like to see something more, like to see another iteration, something less common, something that makes a statement about Lenexa.

Councilmember Herron asked for a status update on the damaged Amusing Breeze. Mr. Wagler said staff and LAC are working with the artist and looking at making repairs soon.

Councilmember Eiterich said she trusts the LAC's opinion, but she is struggling with what has been shown without having something to compare it to. She would like to know how the LAC made this choice and also to consider what else could be in this location.

Councilmember Charlton asked about public art locations and the Justice Center. Mr. Wagler said that two pieces are being moved from the current police station to the Justice Center, but a new piece could be considered for the Justice Center too.

11. 2023 Public Market Annual Report

Tessa Adcock, Public Market Manager, presented a review of the 2023 Public Market activities, reporting an over 30% increase in annual gross sales over 2022. She added that each vendor's sales increased over 2022 as well.

Ms. Adcock reviewed tenant development and growth, noting that African Dream and Mr. D's renewed their leases, Kimchi & Bap opened in August, and Cardboard Corner Café was announced as the newest tenant in December. She added that The Flower Market, Butterfields, and Red Kitchen all left the market in 2023 to open independent locations. She talked about how market staff has done different campaigns to share the tenants stories and their flavors with the community.

Ms. Adcock presented the 2024 event schedule, highlighting the kickoff of Friday Night Sound Bites on April 26th in conjunction with Utepils. She said Cardboard Corner Café has added "Learn to Play Board Games" on Monday nights to the weekly schedule.

Ms. Adcock said the market continues to collaborate with the Ethnic Enrichment Commission with events and pop-ups and there will be an announcement on the tenant coming to the open stall soon.

END OF RECORDED SESSION

BUSINESS FROM FLOOR

John Maguire, 15126 W 84th Ter., said that his neighborhood had lost all of its ash trees that lined the streets and asked if the City would be able to do anything to help them replace the trees.

ADJOURN

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

The meeting adjourned at 8:06 PM.