



## Agenda

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

**FEBRUARY 2, 2021  
7:00 PM  
COMMUNITY FORUM**

### **CALL TO ORDER**

Pledge of Allegiance

### **ROLL CALL**

### **APPROVE MINUTES**

January 19, 2021 City Council meeting draft minutes  
(located in the Appendix)

### **MODIFICATION OF AGENDA**

### **CONSENT AGENDA**

#### **Item Numbers 1 through 2**

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. Resolution approving and authorizing the Mayor to execute a benefit area letter agreement with Water District No. 1 of Johnson County for a waterline extension along Ridgeview Road from 99th Street to K-10 Highway

*To serve proposed development along the corridor, a new 12-inch waterline will be installed along Ridgeview Road from 99th Street to K-10 Highway. Water District No. 1 of Johnson County (WaterOne) is requesting a letter agreement stating the City has no objection to the Main Extension Agreement between the developer and WaterOne.*

2. Ordinance granting a contract franchise to Level 3 Communications, LLC

*This ordinance will renew the franchise with Level 3 Communications, LLC to construct, operate, and maintain a telecommunications system in City. The franchise ordinance includes a 5% fee on gross receipts and a two-year term with four automatic renewal terms of two years each for a total of 10 years.*

## END OF CONSENT AGENDA

### BOARD RECOMMENDATIONS

3. Ordinance amending multiple sections of Articles 4-1-D and 4-2-C of the Unified Development Code related to the recommendations from the Complete Streets Plan

*Improved connectivity, access, comfort, and safety for bicyclists, pedestrians, and transit users were identified in the Complete Streets Plan. The proposed code amendments cover multiple articles and sections of the Unified Development Code and include changes to existing policies and the addition of requirements and standards to promote safe pedestrian networks and bicycle parking.*

### NEW BUSINESS

None

### BUSINESS FROM FLOOR

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

### COUNCILMEMBER REPORTS

### STAFF REPORTS

### ADJOURN

### APPENDIX

4. January 19, 2021 City Council meeting draft minutes
5. Item 1 -- Water Main Extension Agreement (MX-20029BA)
6. Item 2 -- Franchise Ordinance - Level 3 Communications, LLC

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

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



**CITY COUNCIL  
MEMORANDUM**

**ITEM 1**

**SUBJECT:** Resolution approving and authorizing the Mayor to execute a benefit area letter agreement with Water District No. 1 of Johnson County for a waterline extension along Ridgeview Road from 99th Street to K-10 Highway

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

**DATE:** February 2, 2021

**ACTION NEEDED:**

Adopt a resolution approving and authorizing the Mayor to execute a benefit area letter agreement with Water District No. 1 of Johnson County for a waterline extension along Ridgeview Road from 99th Street to K-10 Highway.

**PROJECT BACKGROUND/DESCRIPTION:**

Ten Ridge, LLC ("Developer") has petitioned WaterOne for a water main extension. This water main extension will be capable of serving the Developer's tract of land and also other tracts of land within the general area. Benefit Area MX-20029BA ("Benefit Area") includes the property located on each side of Ridgeview Road from Prairie Star Parkway south approximately 2,460 lineal feet. The water main extension is necessary to serve the proposed Ten Ridge development on the east side of Ridgeview Road and the undeveloped Bleakley property on the west side of Ridgeview Road.

The initial cost of the water main extension will be paid by the Developer. Because the main extension may eventually benefit all tracts within the Benefit Area, a plan for reimbursement from landowners within the Benefit Area to the Developer has been agreed to by the Developer and WaterOne in a document entitled "Water Main Extension Agreement Creating a Benefit Area" ("Agreement"). The Agreement does not impose any obligation of reimbursement until each landowner has need for new or increased water service. The amount to be reimbursed by any connecting landowner is determined by multiplying the linear feet of the property to be furnished with water service in the Benefit Area by \$58.42.

The proposed letter agreement being requested from the City states that the City does not oppose formation of the Benefit Area between the Developer and WaterOne.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

There is no initial cost to the City to form the Benefit Area. The Developer will pay all upfront costs to extend the waterline. However, a connection fee of approximately \$58.42 per linear foot of development along Ridgeview Road frontage will be due at the time of connection to the waterline. The City property that lies within the Benefit Area is currently being used as a detention and water quality facility. Therefore, a waterline connection along this property is not anticipated.

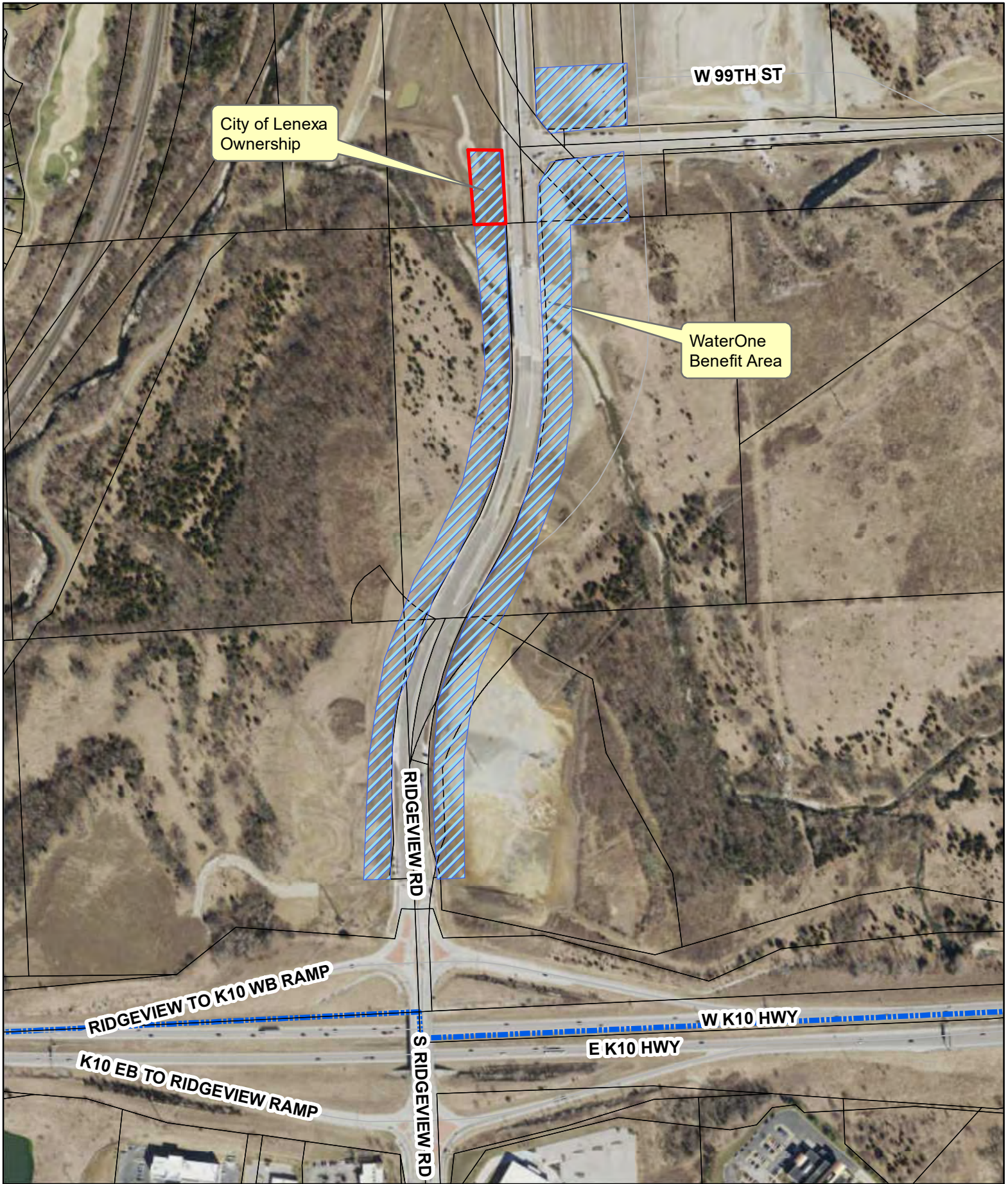
**STAFF RECOMMENDATION:**

Adoption of the resolution.

**ATTACHMENTS**

1. Map
2. Letter Agreement
3. Resolution
4. Agreement located in the Appendix





# WaterOne Benefit Area

## MX-20029BA





Administrative Offices  
10747 Renner Boulevard  
Lenexa, KS 66219

913.895.5500  
WaterOneCustomerService@waterone.org  
www.waterone.org

**Sent Via Email Only \* Delivery Report Requested**  
Tim Green: [tgreen@lenexa.com](mailto:tgreen@lenexa.com)

**January 22, 2021**

**City of Lenexa**  
**Attn: Tim Green**  
**17101 W. 87<sup>th</sup> St. Pkwy**  
**Lenexa, KS 66219**

**Re: Project Number: MX-20029BA**  
**TRACT E**

Dear Sir or Madam:

A Developer has petitioned WaterOne for a water main extension. This water main extension will be capable of serving their own tract of land, and also will be capable of serving other tracts of land within the general area which could be benefited by the main extension to be built by WaterOne. A **Benefit Area** has been defined as shown on the enclosed **Appendix A**.

The initial cost of the water main extension will be paid by the Developer. Because the main extension may eventually benefit all tracts within the **Benefit Area**, a plan of reimbursement from landowners within the **Benefit Area** to the Developer has been agreed upon between the Developer and the District in a document entitled "Water Main Extension Agreement Creating a Benefit Area." The **Agreement** does not impose any obligation of reimbursement until each landowner has need for new or increased water service. The amount to be reimbursed by any connecting landowner is determined by the linear feet of the property to be furnished water service with the **Benefit Area**.

A PDF copy of the proposed "Water Main Extension Agreement Creating a Benefit Area", together with a PDF of the map of the **Benefit Area** are attached for your information and review. Any written comments concerning the terms of the document to be presented to WaterOne for consideration should be addressed to **Kiel Johnson, P.E., Manager – Developer Services**, 10747 Renner Boulevard, Lenexa, Kansas 66219.



You may call or email **Kiel Johnson, P.E.** at **(913) 895-5767** or [kjohnson@waterone.org](mailto:kjohnson@waterone.org) if you have any questions concerning this Agreement. The Developer and WaterOne contemplate execution and recording of the document on, or about **February 22, 2021**. Upon the filing of the Document with the Johnson County Register of Deeds, all owners of land within the **Benefit Area** will become bound by its terms.

Sincerely,



Kiel Johnson, P.E.  
Manager – Developer Services

The Developer wishes to proceed with water main construction as soon as possible. If you have no objection to the execution of the Water Main Extension Agreement Creating a Benefit Area prior to **February 22, 2021**, WaterOne now accepts digitally signed documents. You may digitally sign this PDF and return the document back to my attention by email at [jfrye@waterone.org](mailto:jfrye@waterone.org). You may also print one copy of this letter, sign and date where indicated, and place the document in the mail or you can drop the document off at our office.

The receipt of the above-mentioned Water Main Extension Agreement Creating a Benefit Area is hereby acknowledged. After reading the terms and conditions contained therein, there is no objection to the Developer and the District entering into said **Agreement** prior to **February 22, 2021**.

**City of Lenexa**  
**Attn: Tim Green**  
**17101 W. 87<sup>th</sup> St. Pkwy**  
**Lenexa, KS 66219**

BY: \_\_\_\_\_

\_\_\_\_\_  
**Michael A. Boehm, Mayor**  
PRINT NAME/TITLE

\_\_\_\_\_  
DATE

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

**A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A BENEFIT AREA LETTER AGREEMENT WITH WATER DISTRICT NO. 1 OF JOHNSON COUNTY, KANSAS FOR THE RIDGEVIEW ROAD WATERLINE EXTENSION.**

WHEREAS, Ten Ridge, LLC, a Kansas limited liability company (“Developer”), has petitioned Water District No. 1 of Johnson County, Kansas (“WaterOne”) for a water main extension along Ridgeview Road from 99th Street to Highway K-10;

WHEREAS, to provide the conditions upon which WaterOne will install the water line and provide a method in which the Developer can be reimbursed for the cost of installing the water line, WaterOne submitted a Water Main Extension Agreement Creating a Benefit Area that will create a refund area in the area to be served by the water line (“Benefit Area”); and

WHEREAS, the City owns a tract of land located in the Benefit Area on the southwest corner of 99th Street and Ridgeview Road; and

WHEREAS, although City does not currently need a water main tap in the Benefit Area, the City’s acknowledgment of the Water Main Extension Agreement Creating a Benefit Area and execution of the Benefit Area Letter Agreement is required if the City desires a future connection to the water line and the City’s consent does not impose any obligation of reimbursement to WaterOne until the City has connected to the water line; and

WHEREAS, all parties have read and understand the terms and conditions of the Benefit Area Letter Agreement as set out in the attached “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 authorize the Mayor to execute the Benefit Area Letter Agreement (MX-20029BA) attached hereto as “Exhibit A” and incorporated herein by reference and such other documents as may be necessary to provide water service to the referenced property.

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

ADOPTED by the City Council this 2nd day of February, 2021.

SIGNED by the Mayor this 2nd day of February, 2021.



CITY OF LENEXA, KANSAS

[SEAL]

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Mandy Stuke, Council President  
presiding as Mayor pursuant to Lenexa  
City Code Section 1-2-A-3

ATTEST:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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David Jack, Assistant City Attorney



**CITY COUNCIL  
MEMORANDUM**

**ITEM 2**

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**SUBJECT:** Ordinance granting a contract franchise to Level 3 Communications, LLC

**CONTACT:** Steven Shrout, Assistant City Attorney

**DATE:** February 2, 2021

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**ACTION NEEDED:**

Pass an ordinance granting a contract franchise to Level 3 Communications, LLC.

**PROJECT BACKGROUND/DESCRIPTION:**

This is a franchise renewal permitting Level 3 Communications, LLC ("Level 3") to continue to construct, operate, and maintain a telecommunications system within the City. This franchise ordinance is substantially similar to Level 3's previous franchise as well as the City's current franchises with other telecommunication entities.

The franchise provides that any use of the right-of-way by Level 3 is subordinate to the City's health, safety, and welfare requirements and regulations, including the City's right-of-way management code. The franchise does not include the right to use any other City-owned facilities, parkland, or property. Pursuant to the franchise, Level 3 is required to maintain sufficient workers' compensation and general liability insurance or demonstrate to the City that it is self-insured and able to provide sufficient coverage to protect the City from any claims for personal injury or property damage occasioned by Level 3.

Finally, the franchise agreement contains a provision allowing for renegotiation upon the occurrence of certain events including but not limited to change in law, regulation, or other unanticipated material changes. The franchise agreement will become effective on February 10, 2021. The existing Level 3 franchise (Ordinance No. 5149) will be repealed automatically upon the effective date of this ordinance. The franchise is for a two-year term with up to four automatic renewal terms of two years each for a total of 10 years.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The City receives 5% of the gross receipts for certain telecommunication services that Level 3 collects within the City. In 2020, the City collected \$3,811 from Level 3 Communications, LLC pursuant to their existing contract franchise.

**STAFF RECOMMENDATION:**

Passage of the ordinance.

**ATTACHMENTS**

1. Ordinance located in the Appendix



**CITY COUNCIL  
MEMORANDUM**

**ITEM 3**

**SUBJECT:** Ordinance amending multiple sections of Articles 4-1-D and 4-2-C of the Unified Development Code related to the recommendations from the Complete Streets Plan

**CONTACT:** Scott McCullough, Community Development Director  
Magi Tilton, Planning & Development Administrator

**DATE:** February 2, 2021

**ACTION NEEDED:**

Pass an ordinance amending multiple sections of Articles 4-1-D and 4-2-C of the Unified Development Code (UDC) related to the recommendations from the Complete Streets Plan.

**PROJECT BACKGROUND/DESCRIPTION:**

The following amendments are proposed to the UDC as recommended from the Complete Streets Plan accepted by the City in December 2019:

**4-1-D SITE DESIGN AND DEVELOPMENT STANDARDS**

**4-1-D-1 Off-Street Parking, Bicycle Parking, and Drive-Thru Queuing and Loading**

- The addition of the requirement for safe and convenient pedestrian access from a street sidewalk to building entrances.
- Changing the requirement for sidewalks serving off-street vehicle parking areas from a minimum of 4-feet to 5-feet in width and from 6-feet to 7-feet where car overhangs are permitted.
- The addition of bicycle parking standards (layout/location/dimensions/signage).
- The addition of a table for bicycle parking space minimum requirements by use and the ability to defer bicycle parking for good cause.
- Differentiate between vehicle parking and bicycle parking in off-street parking standards.

**4-2-C SUBDIVISION DESIGN STANDARDS**

**4-2-C-2 Streets**

- Changing the requirement for sidewalks from a minimum of 4-feet to 5-feet wide.
- Changing the requirement for multi-purpose trails from a minimum of 8-feet to 10-feet wide.
- Changing the requirement for sidewalks from none to one side of the road within new industrial/business parks.
- The addition of the requirement for sidewalk connections at the end of cul-de-sacs at the discretion of the City Engineer.

#### 4-2-C-4 Blocks

- Changing the requirement for sidewalks through blocks from the Planning Commission's discretion in blocks longer than 600 feet, to requiring sidewalks through blocks more than 800 feet long at the discretion of the City Engineer.

The proposed amendments were first presented to the Governing Body at the November 17, 2020 meeting. While there was general support for the proposed amendments, additional clarification was requested regarding the following items:

1. Bicycle parking dimension graphic - due to confusion regarding the graphic, it has been removed from the proposed regulations; however, the text outlining the proposed spacing requirements continues to be part of the regulations.
2. Requiring sidewalks in new industrial/business parks - the wording has been modified to bolster the intent that sidewalks would be required only in new parks and not just in new plats that may be part of an older park. The revised language states: "Sidewalks in Industrial and Business Parks are required only upon initial preliminary planning for new parks where the appropriate side of the street can be determined and carried through the subdivision."
3. Providing guidance and clarification for the City Engineer to use discretion when considering mid-block connections and connections from the end of cul-de-sacs - the wording has been modified to state: "The criteria to be considered by the City Engineer... shall include, but not be limited to:
  1. Existing or planned transportation system
  2. Existing or planned surrounding uses
  3. Unique subdivision design or site conditions and constraints that would make requiring a connection unreasonable
  4. Impact on subject and adjacent properties
  5. Safety

After a meeting with a small group of development-minded stakeholders on December 21, 2020, additional concerns were raised as follows:

1. The mid-block and cul-de-sac trail connections proposed to be 10-foot wide within a 20-foot easement are too wide given they will connect 5-foot sidewalks.

Staff response: Wider connections make for safer two-way traffic of bicyclists and/or pedestrians. Staff believes that given the shorter lengths of these connections, compared with the longer multi-use trail system, these paths will be functional at 8-foot wide in a 15-foot easement or tract. The code has been revised to account for this change for both the mid-block and cul-de-sac connections. The code language has also been changed to refer to these connections as sidewalks instead of multi-purpose trails. Additionally, tracts have been added, along with easements, as options to contain these sidewalk connections.

2. The mid-block and cul-de-sac connections located between houses will detrimentally impact the adjacent homes.

Staff response: This really is a function of the entire design of the subdivision to either forego long block lengths and/or cul-de-sacs that contain full lots around them or appropriately design the trail connections between the houses in a way that enhances the homes. There are examples in the City of trails going between homes functioning well with enough width and landscaping to enhance the area.

3. The additional one-foot of sidewalk width will impact the design of the driveway apron and, in any event, it is not necessary to widen sidewalks from 4-feet to 5-feet.

Staff response: The engineering standards will need to account for the extra foot of sidewalk and there are various ways to do so: take the sidewalk back to the right-of-way line, bring it closer to the curb and lose a foot of green space, or even offset the street pavement from centerline of the right-of-way and keep the sidewalk side of the street practically the same as it is now. The Engineering Division will determine the best option and revise the City's standards accordingly, but it should not impact the driveway apron since the apron and its slope requirements are required to extend to the right-of-way line and not the back of sidewalk.

The value of going from 4-feet to 5-feet is best summarized by the Federal Highway Administration's course on bicycle and pedestrian transportation: "Sidewalks require a minimum width of 5.0 feet if set back from the curb or 6.0 feet if at the curb face. Any width less than this does not meet the minimum requirements for people with disabilities. Walking is a social activity. For any two people to walk together, 5.0 feet of space is the bare minimum." Additionally, the Safe Routes to School program states: "The preferred minimum sidewalk width recommended for safe routes to schools is five to six feet. Walking can be a social activity; facilities are needed to accommodate social walking. The six-foot width allows for two people to walk comfortably side by side and provides sufficient space for pedestrians crossing in the opposite direction."

4. Potential for overreach of requiring bicycle and pedestrian facilities leading to unreasonable cost to develop property.

Staff response: There are checks and balances contained within the code to address unreasonable implementation of the new standards including City Engineer review with criteria that accounts for unusual circumstances and surrounding uses, waivers from the standards, appeals of the Engineer's decision, and Planning Commission review. Staff believes the amenities in question are mostly already being provided and this amendment is codifying them so all developments are brought to a uniform standard for bicyclists and pedestrians.

5. The standards will affect the affordability of housing.

Staff response: Acknowledging that the evolution of codes and standards often raises the construction costs of subdivisions and homes, staff believes these added costs are justified in the enhanced amenities to the end consumer that will enjoy a functional transportation network necessary for people of all incomes. A memo has been added as an attachment which expands on this topic.

Overall, staff believes that, like any and all subdivision design standards, these revisions must be taken into account at the beginning stages of subdivision design. Staff and the developer's engineers should collaborate on well-planned systems for all aspects of a subdivision – streets, bicycle/pedestrian system, storm water, etc. - in order for the developer to maximize the return (number of lots) available to him/her by the code. Proposed amendments include changes to existing policies and the addition of requirements and standards to promote safe pedestrian networks and bicycle parking. The code changes are intended to build on the city's existing strengths and make Lenexa a more connected and livable community.



**STAFF RECOMMENDATION:**

Passage of the ordinance.

**PLANNING COMMISSION ACTION:**

The proposed code amendments were considered at the November 2nd Planning Commission meeting. No one spoke at the public hearing and the Planning Commission was of the opinion the amendments were appropriate. There was some discussion related to the number of bicycle parking spaces required for churches and the layout/spacing requirements in relation to the bike racks commonly used at schools. Staff has modified the proposed amendment relative to spacing requirements to allow for inline bicycle racks.

At the November 2nd Planning Commission meeting, Chairman Poss entertained a motion to recommend **APPROVAL** of the amendments to multiple sections of the Unified Development Code, Articles 4-1-D, and 4-2-C, Sections 4-1-D-1, 4-2-C-2 and 4-2-C-4 related to the recommendations from the Complete Streets Plan. Moved by Commissioner Burson, seconded by Commissioner Hoye, and carried by a unanimous voice vote.

**ATTACHMENTS**

1. Affordability Analysis
2. Staff Report
3. PC Minutes Excerpt
4. Redlined Code Sections
5. Ordinance

**MEETING DATE:** February 2, 2021

**REGULAR AGENDA ITEM:** 1. - Complete Streets Code Amendments

**SUBJECT:** Affordability analysis pertaining to the ordinance amending multiple sections of Articles 4-1-D and 4-2-C of the Unified Development Code related to the recommendations from the Complete Streets Plan.

**FROM:** Christa McGaha, Planner I

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**BACKGROUND:**

After meeting with a small group of development-minded stakeholders on December 21, 2020 about the Complete Streets code changes, additional clarification was requested regarding the additional cost of implementing the new standards relative to the overall cost of new housing in Lenexa and the desire to make Lenexa a more affordable community to own a home. In particular, the stakeholders believe that adding one foot of width to the sidewalk standard and creating a standard to incorporate mid-block and cul-de-sac sidewalk connections may negatively affect the opportunities to develop in Lenexa when compared with other cities in the region.

In 2020, the average residential home permitted in Lenexa cost \$413,775. Currently, 4-foot sidewalks are required on one side of the street in residential subdivisions. The proposed code amendments will require the minimum sidewalk width to increase from 4-feet to 5-feet in new residential subdivisions. According to recent construction bids, the average cost for sidewalks in Lenexa is \$6.50/sf. The minimum lot width in R-1 and RP-1, Residential Single-Family and Planned Residential Single-Family (Low-Density) Districts, is 70-feet. Typical single-family developments follow this minimum by constructing lots around 70-feet wide.

$$70\text{-feet} \times \$6.50/\text{sf} = \$455$$

Adding an additional foot of sidewalk in single-family districts will increase the cost per lot by approximately \$455 for those houses built on a lot that contains a sidewalk. This additional cost per lot compared to the current pricing of homes will not itself cause homes to become unaffordable or unattainable in Lenexa. This equates to a 0.1% increase in the cost to construct the home.

The stakeholders point out, however, that little things add up and any new standard that increases costs or that may result in less product being sold (less lots taking into account more bike/pedestrian infrastructure) will push the market away from affordability and may push developers to cities where development is less costly.

Staff agrees that there will be nominal cost to implement the proposed code changes. These costs must be weighed against the goals and objectives reflected in the Complete Streets Plan and Vision 2040 to be a more walkable city, the convenience the new standards bring to the end consumer, and in the context of the desire to make housing in Lenexa attainable to a range of income levels.

Acknowledging that the evolution of codes and standards often raises the construction costs of subdivisions and homes, staff believes this added cost is justified in order to enhance amenities to the end consumer to create a functional transportation network as a key amenity which can be utilized by people of all incomes and abilities.

**MEETING DATE:** November 2, 2020

**REGULAR AGENDA ITEM:** 2 - **PUBLIC HEARING REQUIRED**

**SUBJECT:** Approval of amendments to Articles 4-1-D and 4-2-C, including Sections 4-1-D-1, 4-2-C-2 and 4-2-C-4, related to the recommendations from the Complete Streets Plan accepted in December 2019.

**CONTACT PERSON:** Christa McGaha

### DESCRIPTION AND BACKGROUND INFORMATION

In December 2019, the [Complete Streets Plan](#) was accepted by the City of Lenexa. This plan outlines clear goals to improve safety, health, livability, multimodal interconnectivity, equity, coordination, economic development, and fiscal responsibility within Lenexa. The plan intends to build on the city's strengths, more specifically a healthy economy, an extensive roadway network, and vibrant, attractive neighborhoods. Integrating more walking and bicycling activity and infrastructure into the roadway network and community fabric is anticipated to help reach these goals. Lenexa's Complete Streets vision statement states:

*"Lenexa's Complete Streets will prioritize safe, active, and sustainable connections in order to improve the livability of current and future residents, workers, and visitors of all ages, abilities, and backgrounds. The City of Lenexa should plan, design, construct, operate, and maintain an integrated system of Complete Streets that supports the accessibility of all users of the roadway system, including pedestrians, bicyclists, transit riders, motorists, freight and service delivery, and emergency responders. Promotion of these principles will be implemented where they can be practical and economically feasible as a catalyst for continued local and regional growth."*

Furthermore, the Complete Streets Plan outlines an additional vision specifically for walking and bicycling priorities. This vision is for Lenexa to be a community where walking and bicycling are safe, comfortable, convenient, and reliable choices for recreational and transportation trips. Three priorities for walking and bicycling in Lenexa are outlined, including: providing access and connectivity, improving safety and comfort, and encouraging a culture of walking and bicycling.

During the Complete Streets planning process, an initial review of Lenexa's policies identified opportunities where code modifications could be made to improve accommodation for bicyclists, pedestrians and transit users. Chapter 8 of the Complete Streets Plan identifies potential changes to the Unified Development Code (UDC) to improve connectivity, access, comfort, and safety of pedestrians and cyclists. The proposed code amendments cover multiple articles and sections of the UDC to encompass all sections of the code relating to connectivity and standards for bicycles and pedestrians. Proposed amendments include changes to existing policies and the addition of requirements and standards to promote safe pedestrian networks and bicycle parking. Overall, the intent of these code changes are to build on the city's existing strengths and to make Lenexa a more connected and livable community.

## SUMMARY OF PROPOSED CODE AMENDMENTS

After careful consideration and research, staff is proposing the following changes to the UDC. The changes listed below are an overview of the actual language and modifications in the code. A red-lined copy of the code is attached.

### 4-1-D SITE DESIGN AND DEVELOPMENT STANDARDS

#### 4-1-D-1 Off-Street Parking, Bicycle Parking, and Drive-Thru Queuing and Loading

- The addition of the requirement for *safe and convenient pedestrian access from a street sidewalk to building entrances*
- Changing the requirement for sidewalks serving off-street vehicle parking areas from a minimum of 4-feet to 5-feet in width and from 6-feet to 7-feet where car overhangs are permitted
- The addition of *bicycle parking standards (layout/location/dimensions/signage)*
- The addition of a table for *bicycle parking space minimum requirements by use and the ability to defer bicycle parking for good cause*
- Differentiate between vehicle parking and bicycle parking in off-street parking standards

### 4-2-C SUBDIVISION DESIGN STANDARDS

#### 4-2-C-2 Streets

- Changing the requirement for sidewalks from a minimum of 4 feet to 5 feet wide
- Changing the requirement for multi-purpose trails from a minimum of 8 feet to 10 feet wide
- Changing the requirement for sidewalks from none to one side of the road within industrial/business parks
- The addition of the requirement for *multi-purpose trail connections at the end of cul-de-sacs at the discretion of the City Engineer*

### 4-2-C SUBDIVISION DESIGN STANDARDS

#### 4-2-C-4 Blocks

- Changing the requirement for pedestrian pathways through blocks from the Planning Commission's discretion in blocks longer than 600 feet, to requiring a multi-purpose trail through blocks more than 800 feet long at the discretion of the City Engineer

## COMPLETE STREETS PLAN RECOMMENDATION

Chapter 8 of the Complete Streets Plan identifies potential changes to the UDC to improve connectivity, access, comfort, and safety of pedestrians. After thorough review of these recommendations from staff, nearly all are presented as proposed amendments. The following table shows the exact language recommended in Chapter 8 of the Complete Streets Plan. This table displays which code amendments are presented in this application as well as which Complete Streets recommendations have been determined by staff to be unnecessary to change at this time.



The recommendations listed in green are changes which are reflected directly in the proposed UDC amendments. Recommendations marked in yellow are being partially incorporated. Lastly, recommendations marked in red were deemed by staff to be unnecessary and are not being proposed with these amendments.

RECOMMENDATIONS IN COMPLETE STREETS PLAN		
Section 4-1-D-1-C Off-street Parking, Drive-Thru Queuing and Loading	Section 4-2-C-2 Subdivision Design Standards – Streets	Section 4-2-C-4 Subdivision Design Standards – Blocks
<p>✓ It does not appear that there are any bicycle parking requirements. Many communities now have bike parking minimums. Refer to Appendix C for some standards regarding bicycle parking requirements.</p> <p>✓ Add "bicycle parking minimum" to the Off-street Parking Schedule; the City will need to adopt best-practice guidelines on bicycle parking design and layout.</p> <p>✓ Increase the width of sidewalks in off-street parking areas to at least 5 feet (and 7 feet where car overhangs are permitted).</p> <p>✓ Encourage parking lot design standards that will require large parking lots to be located at the side or rear of the building to provide for safe and convenient pedestrian access from the adjoining sidewalk.</p> <p>✓ Encourage sidewalk connection from public sidewalks to building entrances.</p>	<p>✗ Consider revising the code so that it states that traffic calming treatments such as curb extensions, traffic circles, chicanes, and pedestrian islands can discourage their use by through-traffic but still allow pedestrian and bicycle connections.</p> <p>✓ Add language stating that a path of a minimum of 10 feet, within an easement of 20 feet, be required at the end of the cul-de-sac to connect cul-de-sacs to schools, churches, parks, and may be considered for shopping areas, or other cul-de-sacs or residential areas.</p> <p>✗ AASHTO has released an updated framework for design standards; the table in this chapter should be revised to reflect that.</p> <p>✓ Require sidewalks on at least one side of the street in industrial/business parks.</p> <p>✓ Increase the minimum sidewalk width on local streets from 4 feet to 5 feet.</p> <p>✓ Increase the minimum width of the path in lieu of sidewalk to 10 feet. (Note: Lenexa's 2019 Design Criteria have been updated to reflect the 10-foot path requirement, but it appears that the ordinance has not been updated.)</p> <p>✓ Require sidewalks to provide direct access from all adjacent public street sidewalks to commercial buildings.</p>	<p>✓ Add language stating that, in addition to the pedestrian pathways that may be required for long blocks, additional pedestrian pathway connections may be required where necessary to provide pedestrian connections to schools, churches, parks, shopping areas, or other community resources.</p>

The recommendation shown in yellow is being partially incorporated in the addition of item j. in [Section 4-1-D-1-O-4, Vehicle Parking Area Design Standards: Layout](#):

*"A safe and convenient pedestrian access shall be provided from each adjoining public or private street sidewalk to building entrances"*

This addition to the vehicle parking area design standards incorporates the requirement for safe and convenient pedestrian access, however, staff has determined not to change the vehicle parking area design standards to require parking lots to be located at the side or rear of the building.

The recommendation listed in red regarding traffic calming has not been incorporated because it is staff's opinion that good subdivision layouts with short blocks and curvilinear streets can discourage cut-through and speeding traffic. Traffic calming should be used when necessary, but rather than requiring or encouraging the use of traffic calming in the UDC, staff believes it should be used as a last resort to discourage speeding and cut-through traffic.

The last recommendation in red regarding the AASHTO guide has not been incorporated due to the fact that the updated framework does not accurately relate to Lenexa's street classifications and urbanized districts. AASHTO recommends that different design standards are appropriate for streets with the same classification, but in different context. For example, a local street in a suburban context would likely have different design standards from a local street in a very dense highly urbanized context. Most of the City of Lenexa is of a suburban nature except for City Center and there are already existing special design guidelines for roadways in City Center.

## ANALYSIS OF PROPOSED CODE AMENDMENTS

### 4-1-D SITE DESIGN AND DEVELOPMENT STANDARDS

#### 4-1-D-1 Off-Street Parking, Bicycle Parking, and Drive-Thru Queuing and Loading

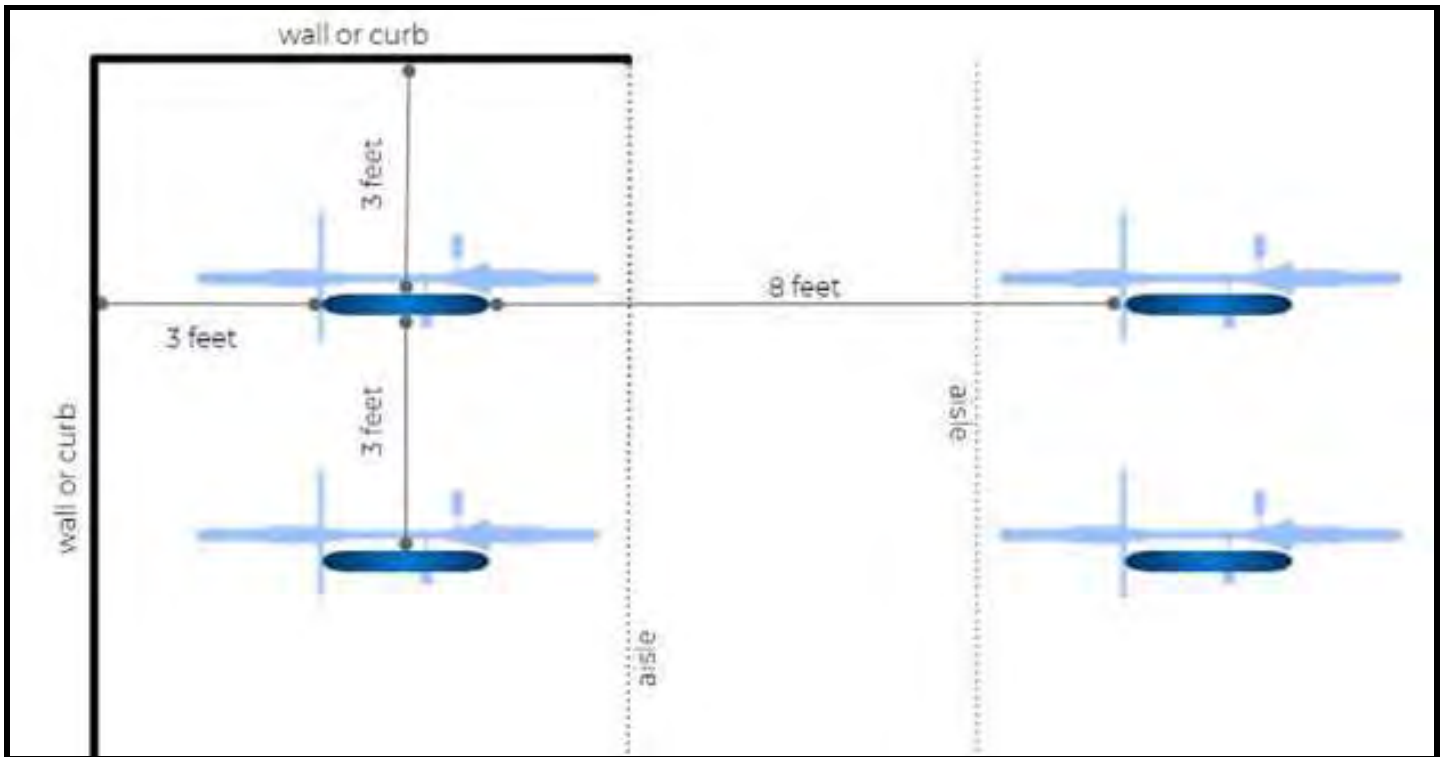
Language for bicycle parking is added throughout [Section 4-1-D-1](#) and the distinction between bicycle and vehicle parking standards is established throughout by adding the term "vehicle" in front of parking standards that only refer to vehicles. The most prominent changes in this section are the addition of a complete subsection for bicycle parking standards and bicycle parking minimums.

The largest addition to the UDC is **Subsection 4-1-D-1-R - Bicycle Parking Standards**, which outlines general standards, dimensions, signage, and includes a table of bicycle parking minimum requirements for new developments based on use.

An overview of the general standards for bicycle parking includes:

- All bicycle racks shall be located on a *hard surface*
- Bicycle racks must allow *standard U-lock*
- Bicycle racks shall be easily accessible from the street and *visible*
- Bicycle racks shall be located no farther than 50 feet from entrance and *strategically distributed*
- Bicycle racks shall *not to encroach* on right-of-way or fire safety egress (exceptions made in City Center (CC) and Historic Business (HBD) zoning districts)

The guidelines outlined in the general bicycle parking standards are accurately reflected through the graphic (below), which is also included in the general standards in **Subsection 4-1-D-1-R-1-b**. These dimensions are typical of most bicycle parking requirements, and provide for proper access and clearance to parking. Any proposed, directional signage used to indicate the location of bicycle parking shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) and the sign regulations in **Section 4-1-E**.



Staff reviewed existing bicycle parking standards from local and regional cities when developing bicycle parking minimum standards for Lenexa. These include standards from: Overland Park (downtown only), Lawrence, Kansas City, MO, Des Moines, IA, and Fort Collins, CO. It should be noted that neighboring cities such as Shawnee and Olathe have not yet adopted bicycle parking standards. Many of the standards in the table below are inspired by the bicycle parking ordinances of Kansas City, Missouri and Lawrence, Kansas. The minimum requirement for all uses is 2 spaces (1 rack). This ensures there will be at least one bicycle rack installed for all new development in Lenexa. After ample consideration, the requirements listed for Hospitals, Churches, and Public Parks are unique to Lenexa. The table also lists uses which are exempt from bicycle parking minimum requirements. For good cause shown through written justification, a portion of required bicycle parking may be deferred, but still identified on the final plan.

Bicycle racks for the parking of bicycles shall be provided in accordance with the following table:

Category	Use	Bicycle Parking Space Requirement
Residential <sup>1</sup>	Multi-family	1 space per 5 units
Commercial <sup>2</sup>	Restaurant, General/ Fast Food/ Drinking Establishments/ Convenience Store	1 space per 5,000 sq. ft.
	Hotel or Motel	1 space per 30 rooms
	Other uses as listed under Commercial uses in <u>Section 4-1-B-22</u>	1 space per 10,000 sq. ft.
Office		1 space per 10,000 sq. ft.
Industrial	All industrial uses	1 space per 20 required vehicle parking spaces
Public or Civic <sup>3</sup>	School, elementary and secondary	1 space per 10 students

	Cultural Services	1 space per 10,000 sq. ft.
	Hospital	1 space per 20 employees
	Church or Place of Worship	1 space per 20 seats in gathering space
	Public Park	1 space per 10 auto spaces
	Other uses as listed under Public or Civic in <u>Section 4-1-B-22</u>	1 space per 10,000 sq. ft.
<sup>1</sup> Exempt Residential uses include: single-family, duplex, manufactured home, mobile home park, group home limited. 1 space per 5 vehicle spaces is required for shared residential amenities. <sup>2</sup> Exempt commercial uses include: carwash <sup>3</sup> Exempt Public/Civic uses include: cemetery, utility, wind farm, wireless communications tower <sup>4</sup> Minimum requirement for bicycle parking is 2 spaces (1 rack) for all uses.		

## 4-2-C SUBDIVISION DESIGN STANDARDS

### 4-2-C-2 Streets

**Section 4-2-C-2-D-6** is amended to require a blanket width of 5-feet for all sidewalks in Lenexa. This is an increase from the previously required 4-feet for local, two-lane streets. Many changes are made to [Table 4-2-C-2.1](#) marked in red (below). This includes the removal of the sidewalk width from the table due to Section 4-2-C-2-D-6 clarifying that all sidewalks are required to be 5-feet wide.

Table 4-2-C-2.1						
Classification	Minimum ROW Width (ft.)	Minimum Street <sup>1,2</sup> Width (ft.)	Grade Maximum Minimum	Design Speed (MPH) <sup>3,4</sup>	Sides of Street Sidewalk Required	Sidewalks-Sides of Street/Width (ft.)
Arterial, 4-Lane, Divided	100 <sup>3,4,5</sup>	2/28	6/1	45	2 <sup>4</sup>	2/5 <sup>4,5</sup>
Collector, 3-Lane	70	40	8/1	30-40	2	2/5
Collector, 2-Lane	60	28	8/1	30-35	2	2/5
Collector, 2-Lane, Residential	50	26	8/1	30-35	2	2/5
Local, 2-Lane	50	28 <sup>5,6,7,8</sup>	10/1	25	1	1/4
Ind./Bus. Park	60 <sup>6,7,8</sup>	36 <sup>6,7,8</sup>	6/1	25-30	1 <sup>7</sup>	None <sup>7,8</sup>
<sup>1,2</sup> Street width measured from curb back to curb back. Additional width may be required to accommodate turn lanes as necessary. <sup>2,3,4</sup> Design speed criteria for horizontal and vertical alignment shall reasonably comply with the guidelines set out in the most recent edition of AASHTO's Green Book. <sup>3,4,5</sup> Minimum median width = 16 feet. <sup>4,5,6,7,8</sup> A recreational path or multi-purpose trail with a minimum width of 8 feet 10 feet shall be provided in lieu of 1 of the required 5-foot sidewalks in those locations designated for recreational trails by the City Parks and Recreation Department. <sup>5,6,7,8,9</sup> 22 feet where approved by City Engineer, see Section 4-2-C-2-D-13. <sup>6,7,8</sup> Right-of-way and paving street width, up to 70 and 40 feet respectively, will be required where heavy truck traffic is anticipated. <sup>7,8,9</sup> Sidewalks in Industrial and Business Parks are required only upon initial platting where the appropriate side of the street can be determined and carried through the subdivision. A pedestrian circulation plan may be required where heavy truck traffic is anticipated.						

Other changes to **Table 4-2-C-2.1** include changing the requirement for multi-purpose trails from a minimum of 8 feet to 10 feet wide, changing the language from “recreational path” to “multi-purpose



trail” to align with the Parks and Recreation Master Plan, and changing the sidewalk requirement in industrial/business parks from none, to one side of the road. This code amendment is not identical to the recommendations in Chapter 8 of the Complete Streets Plan, but it is staff’s opinion it meets the intent of the suggestions.

The last amendment to **Section 4-1-D-1** is the addition of the requirement for multi-purpose trail connections at the end of cul-de-sacs. This is added to **Section 4-1-D-1-D-12**, Street Design Standards – Cul-de-sacs:

***“Cul-de-Sac Sidewalk Connection:*** *A paved multi-purpose trail a minimum of 10 feet wide, within an easement of 20 feet wide, is required at the end of cul-de-sacs to connect the cul-de-sacs to other off-site elements and uses such as, but not limited to, schools, adjacent public street sidewalks, churches, parks, shopping areas, or other cul-de-sacs.”*

*Willowbrooke Farm Subdivision* at 95<sup>th</sup> Street and Lackman Road is an existing example of a successful cul-de-sac connection in Lenexa.



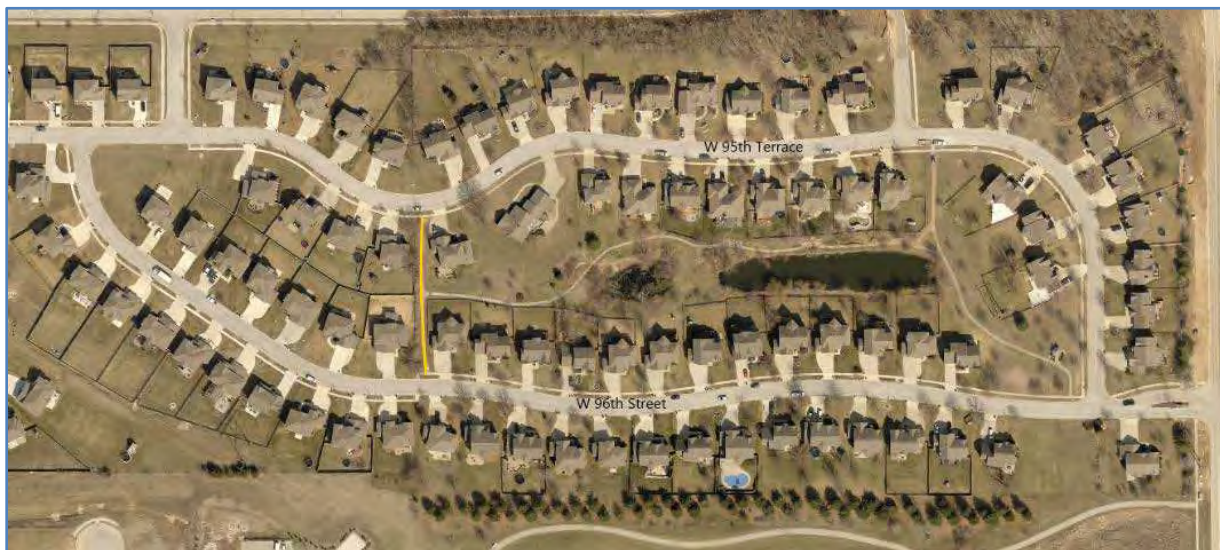
This pedestrian connection provides access to the commercial amenities south of 95<sup>th</sup> Street, such as a bank, restaurants and an urgent care clinic. Without this connection, pedestrians would be forced to walk nearly a half mile out of their way to reach the same location. This would make residents more likely to cut through their neighbor’s properties or less likely to walk or bike in general. This is a perfect example of what is trying to be accomplished through this requirement for multi-purpose trails at the end of cul-de-sacs.

## 4-2-C SUBDIVISION DESIGN STANDARDS

### 4-2-C-4 Blocks



The requirement for pedestrian pathways through blocks is proposed to be changed from being required at the discretion of the Planning Commission in blocks longer than 600 feet, to the requirement of a multi-purpose trail (10-foot wide with 20-foot easement) through blocks more than 800 feet long. The reasoning for changing the requirement from 600 to 800 feet is to avoid multiple connections being required in the same block, since the maximum block length is 1,320 feet long.



*Brampton Subdivision* at 95<sup>th</sup> Street and Lone Elm Road shows an existing pedestrian path providing connection between two blocks. This provides convenient pedestrian access through the center of the block.

## STAKEHOLDER COMMENTS

On October 2, 2020 a draft of the proposed UDC amendments was distributed to 38 stakeholders. These stakeholders were identified as interested parties either from engagement in development activity in Lenexa or via involvement with the Complete Streets planning process last year. This group included developers and builders who work with the city as well as local and regional bike groups. The stakeholders were asked to review and provide comment on the proposed amendments.

The amendments were also sent internally to other city departments and discussions have been had with Parks & Recreation and Engineering regarding the proposed changes.

To date, the following comments have been received from a citizen, the Kansas City Homebuilders Association (KCHBA), and Phelps Engineering:

***Comment: Concerns regarding sidewalk width requirement of 5-feet and required cul-de-sac and block connections adding cost to consumer***

Widening the sidewalk requirement from 4-feet to 5-feet is not anticipated to significantly increase the cost to consumers. Maintenance of trails and sidewalks are the responsibility of Lenexa's Municipal Services.

***Comment: Life safety concerns due to width of easement (wide enough for vehicle) for multi-purpose trails next to homes***

Life safety concerns for vehicles can be minimized with landscaping, reflectors, and bollards at the entrances of these easements. The Police Department is not aware of any incidents on existing pedestrian connections and have noted they do not expect any incidents in these locations in the future.

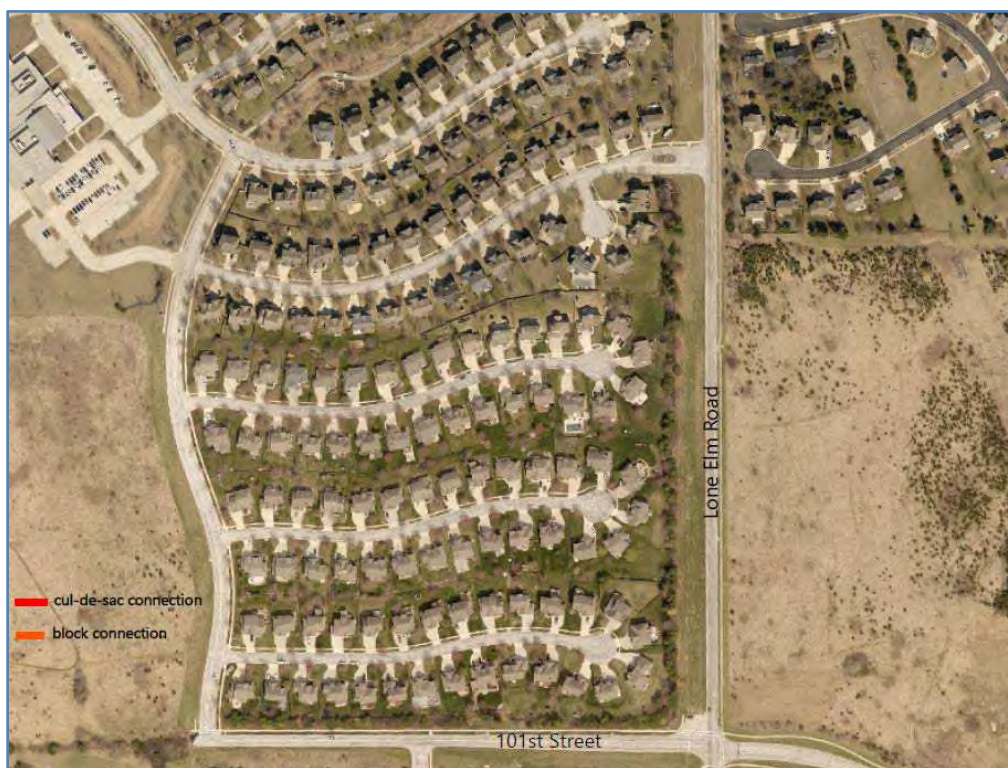
***Comment: Trail connections will reduce property values and add cost to development***

Trail connections will add the value of pedestrian connectivity and access to a greater pedestrian network to new developments. Staff does not believe the addition of these connections will detrimentally affect property values.

***Comment: What about circumstances where trail connections are not feasible?***

After hearing this concern, staff has updated the proposed wording of when these connections are required. The requirements for cul-de-sac connections and blocks now reads: “**To ensure a convenient bicycle and pedestrian transportation network, and at the discretion of the City Engineer to account for the transportation network as a whole,** a paved multi-purpose trail a minimum of 10 feet wide, within an easement of 20 feet wide, **may be** required”. This gives discretion and authority to the City Engineer to require these connections where reasonable.

An example is this subdivision which currently has no connections:



If all possible connections were required, the 10 connections below would be incorporated into this development:





However, by focusing on the network as a whole, and the reasonableness for each connection, the City Engineer may deem fewer connections are necessary. Likely the practice of these regulations will look more like the following 5 connections:



***Comment: The requirement for bicycle parking at churches is too high***

Staff has looked into the bicycle parking requirements for churches, and while pedestrian activity varies from institution to institution, staff believes the current requirement is appropriate. Deviations from these standards can be considered for exceptional circumstances.

<b>STAFF RECOMMENDATION</b>
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Staff recommends **APPROVAL** of the amendments as proposed.

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tonight or wait until an application is submitted to modify the preliminary plan to a Class D dwelling classification at a later date. Lenny Mullin responded he would like to move forward with the infrastructure as quickly as he can. He said he would like to get the plat approved and move forward, but long term he wants to reclassify the lots as Class D.

Commissioner Horine stated the Commission could not modify the housing classification this evening, but they could approve the plat and the applicant could return to the Planning Commission to revise his plan and request a dwelling classification of D.

**MOTION:**

Chairman Poss entertained a motion to **APPROVE** Cedarcrest 3<sup>rd</sup> plat, Item 5 on the Consent Agenda. Moved by Commissioner Horine, seconded by Commissioner Handley, and carried by a unanimous voice vote.

2. a. **CONTINUED TO NOVEMBER 30, 2020** Rezoning for **Wheatley Pointe**, located on the southeast corner of McCormack Drive and Prairie Star Parkway, from NP-O Planned Neighborhood Office District to RP-2, Planned Residential (Intermediate District). Application filed by Jeffrey Skidmore, Schlager & Associates, agent for Michael Menghini, owner of record. **RZ20-09**
- b. **CONTINUED TO NOVEMBER 30, 2020** Companion Preliminary Plan for **Wheatley Pointe**. **PL20-12P**
3. Sidewalk & Bicycle Parking Requirements – UDC Amendment

**STAFF PRESENTATION:**

Magi Tilton stated she was standing in for Christa McGaha, who had done the research and wrote the report for the UDC amendment. Magi Tilton said she would do her best to explain the proposed code amendments relative to following some of the recommendations from Complete Streets that address pedestrians and bicycling specifically. In the summer of last year, Planning Commission and City Council accepted the Complete Streets Plan. In that plan, Lenexa had a vision that the community would be one where walking and bicycling are safe, comfortable, and convenient and provide choices for not only recreation but also transportation. The plan outlined three priorities for walking and bicycling in Lenexa: providing access and connectivity; improving safety and comfort; and encouraging walking and bicycling.

She stated chapter eight of the Complete Streets Plan identifies potential changes to the Unified Development Code to improve connectivity, access, comfort and safety of pedestrians and cyclists. The recommendations are specific for bicycle parking, which includes differentiating between vehicle parking and bicycle parking. The second recommendation is specific to the layout and design of bicycle parking, as well as, specific requirements for bicycle parking. We are also requiring safe and convenient pedestrian access from public and private streets to the entrance of the building. The third recommendation is increasing the minimum sidewalk width from four feet to five feet and from six feet to seven feet where there is car overhang. Fourth, we are including bicycle parking standards to address the layout, location, dimensions, and signage, and if proposed, what it would need to comply with. Lastly, bicycle parking space minimums, similar to how we address off-street parking, but with



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less specificity in terms of uses. The second area of proposed amendments relates to subdivision design standards. That includes again increasing the sidewalk width from four feet to five feet because it is also listed in subdivision regulations. She said they are also proposing an increase in the width of a multi-purpose trail from eight to ten feet, adding there are already several in the city that are ten feet wide. They are also requiring that sidewalks be installed on one side of the street in industrial and business parks. That is the only area where we previously had not required sidewalks so now, everywhere in the City there will be sidewalks, at a minimum, on one side of the street. She commented that lastly, though in two different sections, they would be requiring multi-purpose trail connection at the end of the cul-de-sacs and through the center of blocks more than 600 feet in length, at the discretion of the City Engineer.

She described a graphic which explained the requirements relative to the size of bicycle parking spaces. Magi Tilton commented that they are looking to make sure the bicycle racks are usable and well thought out, so there are minimum distances from wall or curbs, as well as other nearby bicycle racks.

Magi Tilton commented that in developing the design standards, Christa McGaha did review bicycle standards from both local and regional cities, specifically downtown Overland Park, Lawrence, Kansas City, Missouri, Des Moines, and Fort Collins. Magi Tilton stated that both the previous slide, as well as the current slide, were incorporated into the off-street parking, drive-thru and queuing sub-section of the UDC. That section is also being renamed to include bicycle parking. In addition, there are other design standards that would require bicycle racks to be on a hard surface, easily accessible and visible from the street, no further than 50 feet from the entrance and strategically distributed throughout the site. For example, in a multi-family development, you would have bicycle racks spread throughout the property so they could be as convenient as possible. The bicycle racks may also, not encroach into the right-of-way or impede fire safety egress, with two exceptions; within the Historic Business and City Center districts. Lastly, the bicycle racks must allow for the frame of the bicycle to be locked using a standard U-lock. Magi Tilton presented the table they are proposing to insert relative to bicycle requirements. She stated there was specific thought given to some unique uses, such as, schools and parks, while generalizing a lot of the commercial and industrial uses. In all cases, except those that are exempt, a minimum of one bicycle rack is required. Shared residential uses, such as a neighborhood pool, would be required to provide one bicycle rack space for every 5 vehicle parking spaces provided. Magi Tilton said that is the only area within a single-family subdivision where there would be bicycle racks required. She also noted that there was an exception that a portion of the bicycle rack parking requirements could be deferred just as they have allowed deferrals for vehicle parking and that would need to be presented for Planning Commission approval with a written justification.

As part of the process to revise the Unified Development Code, staff sought input from stakeholders. A draft of the proposed UDC amendment was sent to 38 stakeholders, including interested parties that participated in the Complete Streets planning process or because they are engaged in development activity in Lenexa as a developer, builder, or design professional. Christa McGaha did receive some comments from the Kansas City Homebuilders Association, Phelps Engineering and an interested citizen. Magi Tilton went through the concerns and staff's responses to those concerns. There was a concern that widening the sidewalk width from four to five feet would increase the cost of housing to the consumer. It was staff's contention that increasing the sidewalk width by one foot would not significantly increase the cost to homebuyers. She acknowledged there would be an increase, but examining the entire cost of the home, it would be a very small amount. There was also concern that

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the width of the easement for multi-purpose trails next to homes may pose a life safety risk because it is wide enough for a vehicle. Staff is proposing a ten-foot wide multi-purpose trail, in a twenty-foot easement. Staff asked the Police Department about any incidents on multi-purpose trails that already exist in Lenexa, relative to vehicle and pedestrian conflicts. The Lenexa Police Department is not aware of any accidents. Magi Tilton commented that it is also staff's opinion life safety concerns can be minimized with the provision of landscaping, reflectors, and bollards at the entrances of the multi-purpose trail. Other concerns that were raised included a reduction in property value and additional cost to development by requiring a mid-block or cul-de-sac connection. It is staff's contention that the addition of mid-block and cul-de-sac multi-use trail connections will not significantly increase the cost of the development. Staff believes it would improve pedestrian connectivity and access to a greater pedestrian network thus, adding value to the development as a whole. After hearing the question concerning circumstances where trail connections are not feasible, for example, topography. Staff updated the wording of that requirement to allow the City Engineer discretion to account for the transportation network as a whole. There was one concern expressed regarding bicycle requirements for churches being high. Pedestrian and cycling activity vary from one institution to another based on other activities and services that places of worship may provide. For example, you may have a youth group or other activities that people would use alternative transportation to get to the church. Staff believes that current requirements of one space per 20 seats in a gathering area is appropriate and like other requirements in the UDC, deviations from the standard may be considered for specific circumstances.

Magi Tilton went on to explain some of the graphics in her presentation concerning the requirements that were being proposed for the amendments. On an aerial photograph, she pointed out the yellow lines that were representing an existing trail connection from the end of the cul-de-sac to Lackman Road. She explained that it would allow residents in the southern portion of that subdivision closer and shorter access to the convenience and commercial uses on the south side of 95<sup>th</sup> street. Otherwise, they would have to head north to get out of the subdivision, just to head back south. She commented this was an existing example within a subdivision of one of the things the proposed amendment would require. Another example would be a mid-block connection like that provided in the Brampton Subdivision where 95<sup>th</sup> Terrace and 96<sup>th</sup> Street are two very long streets. Providing that mid-block connection allows pedestrians a shorter route to visit neighbors or friends that they have within the subdivision. Magi Tilton then showed another exhibit and gave another example of the Reserve subdivision showing where existing connections from the end of the cul-de-sac to the sidewalk on the perimeter of the subdivision are provided. She further made her point by showing the Oak Valley subdivision and trail connections from the subdivision to the City's public trail system. There are also two recent examples that have recently been approved by the Planning Commission; Mize Hill has connections from cul-de-sacs to the perimeter sidewalks system and Canyon Creek Forest will eventually connect to Clair Road, providing access to the school that is farther to the north and east. Staff recommended that connection specifically for school children. Magi Tilton presented another existing subdivision that did not have a mid-block connections, nor did it have connections from the end of the cul-de-sac to Lone Elm Road. She explained under the originally proposed, the connections shown on the left side, orange mid-block connections and red cul-de-sac connections, would have been required. After further discussion, staff modified that requirement to give the City Engineer discretion to consider the pedestrian network as a whole, resulting in not every possible connection being required, but trying to make sure there was good connectivity throughout the subdivision.

She concluded by stating staff was recommending approval of the code amendments after the Planning Commission holds a public hearing.

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**PUBLIC HEARING:**

Chairman Poss opened the public hearing.

Chairman Poss entertained a motion to **CLOSE** the public hearing. Moved by Commissioner Harper, seconded by Commissioner Harber, and carried by a unanimous voice vote.

**PLANNING COMMISSION DISCUSSION:**

Commissioner Burson commented he believes children ride their bikes to school, therefore, he is in support of the bike requirement for schools. He stated the graphic that was shown is much different than the bike racks he has installed at the half dozen schools he's built. The bike racks typically installed at schools hold 12 or so bikes and are about six or eight feet long. He is building a junior high school right now where there are 600 kids and 60 times what is shown to meet the required spacing will be a huge area. Commissioner Burson commented he agrees with the space requirements for adult bikes, especially at hotels and restaurants, because bike riders wouldn't want their bike crammed up against someone else's.

Magi Tilton said at some schools they have long racks that hold more than two bicycles. She agreed allowing an alternative bike rack style could be considered as an exception. She said he had a really good point when looking at uses that require a lot of bike racks.

Scott McCullough asked the Commissioners to turn to page 48 of the packet to see the start of a discussion of bicycle parking standards. He pointed out section R.1.b. of the Article that states "parking dimensions shall be guidelines for designing bicycle parking areas". Scott McCullough explained that there was a staff discussion of not wanting to prescribe something that is unreasonable for users so they inserted the guideline language and further down on page 50, he noted deviations from strict compliance. The Article states "It is recognized that site conditions vary greatly among sites, that operational characteristics can be unique amongst like uses."

Commissioner Burson said he understands Scott McCullough to say we have the flexibility as a city staff to view an elementary school differently and make exceptions or approvals based on conditions they cite and based on what they normally do.

Scott McCullough replied, that is the intent of how the language is being framed. The deviation language gives the Planning Commission authority to review it and the Community Development staff will review it before it comes to the Planning Commission. He feels there are plenty of avenues to look at our intentions in very practical ways. To the point of stating that a portion of the bicycle parking may be deferred, as long as they reserve the space. He commented that from his experience with standards like those and coming from Lawrence, where they are very bike heavy with the student population, is that some uses bicycle parking requirements were overkill. If we can at least plan out the bicycle parking based on what the code would require, and not put it all in but reserve space for it in case it is needed. He believes we have taken a good step forward on the issue.

Commissioner Burson asked when deferring bicycle parking does it mean for the overall development or a specific project could defer some of their bicycle parking when it is deemed unnecessary?

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Scott McCullough responded that a specific project could defer a portion of the bicycle parking when it was proven unnecessary. What we would expect from the site plan for schools is if a situation was to arise with the project needing to reduce the number of expected bicycle users, they could seek a deviation and reduce the number of bicycle stalls that they install. Maybe reducing it to only 50% or 25%, but reserving enough space to provide all of the required bicycle parking.

Commissioner Burson stated that he was in support of the amendments related to Complete Streets and he too, thought about the added cost to a subdivision or developer by increasing the sidewalk width by a foot. He said it could be about \$5000 per subdivision as an average. Now that he has been given an explanation and sees that there is flexibility, he is definitely in support of the proposed code amendments.

Commissioner Katterhenry commented that it seems that for the churches, the requirement is pretty high. He doesn't see a lot of people bicycling to churches. He also said that he lives on the end of a cul-de-sac and they have a green belt behind their house. In his situation there would be no real way to make a path connecting the two because of the grade change and he believes there will be issues with grade change scenarios that come about. He doesn't think we want to force the developer into making a handicap ramp to a green belt or another pathway if it's not feasible to do so.

Commissioner Horine stated the key to the requirement for churches may be one space for every 20 seats in a gathering space and defining the gathering space more towards where the kids will be. When Holy Trinity Church was designed, they designed it for 1200 seats, and 1200 seats is 60 bicycle spots. In his opinion that would be a lot of wasted space. He commented we need to be clear who the bike parking is for, as opposed to just how many seats are in the facility, particularly in a church.

He also said when he first started looking at the requirement for paths in subdivisions, the path on the left would be a speedway for the skateboards and bicycles through a neighborhood that would indeed impact the neighbors that live on each side. He believes if we look at a layout similar to the one on the right that will be a much better plan. Commissioner Horine asked Magi Tilton if the cities we looked at for bicycle requirements have the same subdivision regulations that we have. What we are imposing is not only where you have a downtown or a City Center, but we have all these other places. Does Overland Park and Shawnee and the others have those same requirements?

Magi Tilton responded that as far as bicycle parking requirements in Overland Park, they are specific just to their downtown, so that is unique. Des Moines, Fort Collins, and Kansas City, Missouri, are more similar to what we are proposing in terms of being based on uses and bicycle parking requirements. She can't specifically say that their subdivision regulations are the same as ours because they are probably not. They do have similar requirements for bicycle parking in terms of layout design, location, and having some type of table outlining the number requirements.

Commissioner Horine commented that he likes the idea of it but having been around Lenexa for a long time, he can remember when a lot of the development community was upset with Lenexa because they were always first and foremost and highest with things they did and this could be an example of that. If we imposed all those regulations, before long, someone will say, I'm not going there anymore. I'll go somewhere where it is cheaper to build. If we are similar to our neighbors that we are competing for development with, then fine. If we are trying to make it more difficult for the development community, then he doesn't think it's a good idea.

**LENEXA PLANNING COMMISSION**  
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Magi Tilton responded we are definitely not trying to make it more difficult, what we are trying to do is address alternative transportation relative to sidewalks, pedestrians and cyclists. Obviously, transit is not something we control so we haven't planned for that the way we have others. We are looking at how to make our community a friendly community for all modes of transportation just like other cities are throughout the region. A lot of other cities have adopted requirements relative to Complete Streets.

Scott McCullough stated we are trying to strike a balance. In addition, we did distribute the amendments to our stakeholders asking for input. Our intent is to look at the whole pedestrian and bike network and let's do reasonable amenities to make sure we are working with the entire network. We hope we are taking small steps with this round of amendments and what's interesting is that we already have this product out there and it looks like it's working for a lot of neighborhoods in Lenexa.

Commissioner Leib asked about the sidewalks in industrial parks, what would be an event that would trigger installation of sidewalks if they don't already exist. He stated we already have a lot of industrial parks without sidewalks and if a single undeveloped lot were to install a sidewalk, but the rest of the park doesn't have sidewalks, it doesn't serve much purpose.

Scott McCullough responded that the last footnote on page 54 states sidewalks in industrial business parks are required only upon initial planning when the appropriate side of the street can be determined and carried throughout the subdivision. A more extreme proposal would be to start retrofitting block by block anytime a new plat is done.

Chairman Poss commented when he first reviewed the amendments, his first thought was that we were a little heavy in the apartment and churches areas when looking at the bicycle parking table. Receiving the explanation and reading through Section 4-2-C of the amendment, he is pretty confident we will be reasonable as we move forward with the bicycle parking requirements. Overall, this corresponds with Vision 2040 with the healthy population, inviting places, vibrant neighborhoods, integrated infrastructure and transportation, and thriving economies. Complete Streets hits on all those points and makes everything more walkable.

Commissioner Katterhenry stated that in their neighborhood, they have the four-foot wide sidewalks and they have had to go in and grind the edges and joints of sidewalks because they tip one way or the other due to tree roots. With five-foot sidewalks, he's not sure if they need to require rebar to keep that from happening.

Commissioner Horine asked if the places where the new electric bicycles are parked, are those bicycle racks located in accordance with the recommendations being proposed this evening.

Scott McCullough responded that he wasn't sure. He added we are trying to ensure bicycle racks are not crammed against a wall to the point where they are unusable.

**MOTION:**

Chairman Poss entertained a motion to recommend **APPROVAL** of the UDC Amendment for bicycle and parking requirements. Moved by Commissioner Burson, seconded by Commissioner Hoyer, and carried by a unanimous voice vote.



**Changes in Red** = Originally proposed amendments

**Changes in Orange** = Changes to amendments since November 17, 2020 City Council Meeting

## Article 4-1-D SITE DESIGN AND DEVELOPMENT STANDARDS

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### Section 4-1-D-1 OFF-STREET PARKING, **BICYCLE PARKING**, AND DRIVE-THRU QUEUING AND LOADING.

- A. Purpose and Intent:** The purpose of this Section is to require off-street parking, **bicycle parking**, drive-thru queuing, and loading facilities in proportion to the parking, queuing, and loading demand of land uses while minimizing the amount of impervious surface where possible. The regulations and design standards of this Section are intended to ensure the usefulness of parking, drive-thru, and loading facilities, to protect the public safety and to mitigate adverse land-use impacts. The use of deferred **vehicle** parking as set forth in subsection J is encouraged as a method of reducing the adverse impacts associated with imperviousness. **Subsection R intends to encourage and accommodate bicycle travel as a form of transportation and recreation by requiring bicycle parking in new and redevelopment projects.**
- B. Applicability:** The standards of this Section shall apply to all new development and to existing development that is modified to the extent that it includes uses or buildings that were not specifically shown on previously approved plans. All off-street parking **and bicycle parking** areas established by this Section shall be continuously maintained according to the standards of this subsection.
- 1. Parking in Excess of Required Standard:** Developments that provide **off-street vehicle** parking in excess of the required standards must mitigate the impacts of such increased impervious surface through the use of storm drainage BMPs as provided by the City's adopted BMP manual as referenced in Section 4-5-E-15 of this Title. Single family and duplex residential uses shall be exempt from this mitigation requirement.
  - 2. New Development:** Off-street **vehicle** parking, **bicycle parking**, and loading facilities shall be provided for any new building constructed and for any new use established, in accordance with the standards of this Section.
  - 3. Additions and Enlargements to Existing Development:** Off-street **vehicle and bicycle** parking and loading facilities shall be provided for any addition to or enlargement of an existing building or use or any change of occupancy or manner of operation that would result in additional parking and loading spaces being required. The additional parking and loading spaces shall be required only in proportionate amount to the extent of the addition, enlargement or change, not for the entire building or use. When a drive-thru is proposed where one previously did not exist, every effort shall be made for the drive-thru facility to comply with the requirements of this Section relative to queuing.
- C. Off-Street Parking Schedule:** Off-street parking spaces shall be provided in accordance with the following off-street parking schedule:

## (OFF STREET PARKING SCHEDULE)

### D. Computing Parking and Loading Requirements:

1. **Multiple Uses:** Lots containing more than 1 use shall provide **bicycle and vehicle** parking and loading in an amount equal to the total of the requirements for all uses, unless the lot is developed as a Shopping Center or a shared parking plan is approved pursuant to [Section 4-1-D-1-K](#) of this Section.
  2. **Fractions:** When measurements of the number of required spaces result in fractions, any fraction of less than  $\frac{1}{2}$  shall be disregarded, and any fraction of  $\frac{1}{2}$  or more shall be rounded upward to the next highest whole number.
  3. **Fixed and Non-Fixed Seating:** Where seating consists of chairs, benches, pews or other forms of fixed and non-fixed seating, the provisions of Chapter 10 of the *International Building Code* shall be used to determine the number of seats to be counted in calculating off-street **bicycle and vehicle** parking requirements.
  4. **Floor Area:** Unless otherwise noted in the provisions, all square footage based **bicycle and vehicle** parking and loading standards shall be computed on the basis of gross floor area.
  5. **Employees:** For the purpose of computing **all bicycle and vehicle** parking requirements based on the number of employees, calculations shall be for the largest number of persons working on any single shift, including owners and managers.
  6. **Unlisted Uses:** For a use not specifically listed in this subsection, the Community Development Director shall either: a) apply the **bicycle or vehicle** parking requirements specified for the listed use that is deemed most similar to the use proposed in the application; or b) require a parking study.
  7. **Parking Study:** Several uses listed in the Off-Street Parking Schedule call for the parking requirement to be determined by the City with a parking study required. These uses have widely varying parking demand, making it impossible to specify a single parking requirement. An applicant proposing to develop or expand any of these uses must submit a parking study that provides justification for the proposed number of spaces to be provided. The City Transportation Manager will review this study along with any traffic engineering and planning data that are appropriate to the establishment of a parking requirement for the use proposed. A parking study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) and data collected from uses or combinations of uses that are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity and location. The study shall document the source of data used to develop the recommendations.
- E. **HBD and CC Development:** Development in HBD (Planned Historic Business District) and CC (City Center) District shall be exempt from strict compliance with the (numerical) parking space requirements listed in the Off-Street Parking Schedule. In lieu of strict compliance with the requirements of the Off-Street Parking Schedule, applicants shall submit a parking study that complies with the standards of subsection D7 of this Section to the [Community Development Director](#). After reviewing the parking study and the availability of parking in the HBD or CC area (both on-street and off-street), the Community Development Director, upon the

advice of the City Transportation Manager, shall establish the minimum off-street parking requirement for the subject [development](#). In establishing the off-street parking requirement, the Community Development Director and the City Transportation Manager shall consider the factors specified in subsection D7 of this Section, the goals, objectives and policies of the [Comprehensive Plan](#) and the adopted *Design Guidelines* for the Old Town Area or City Center, as applicable. The inability to provide parking in an amount established by the Community Development Director shall be cause for denial of development approval. **Bicycle parking shall be exempt from the requirements of 4-1-D-1-R-1-a-vi of this section, allowing bicycle parking in the public right-of-way in HBD and CC districts.**

- F. **Location of Required Vehicle Parking:** Except as provided in subsection K of this Section (Shared Parking) and subsection L of this Section (Off-Site Parking), all required off-street parking spaces shall be provided upon the same [lot](#) as the principal use. The location of required off-street parking spaces shall not interfere with normal traffic flow or with the operation of queuing and backup areas. On-street parking is not permitted, except in single family and [duplex](#) developments, unless said parking is part of an overall [development](#) concept and plan approval.
1. **Distance from Building or Use:** No off-street parking space shall be located more than 300 feet from the [building](#) or use it is intended to serve. This standard shall not apply to parking spaces provided for auditoriums, stadiums, assembly halls or other places of assembly, including places of worship, nor shall it apply to hospitals or community or regional shopping centers or industrial, wholesaling, [manufacturing](#) or business park uses.
  2. **Garages and Carports:** Space within a [carport](#) or garage may be used to satisfy residential off-street parking standards.
  3. **Residential Units Except Multi-Family:** All residential dwelling units, with the exception of [multi-family](#) developments, providing only a single-car garage shall provide at least one additional space between the garage and street right-of-way without blocking the sidewalk.
- G. **Use of Required Off-Street Parking Areas:**
1. **General:** Off-street parking spaces shall be provided for the use of residents, customers, patrons and employees. Required parking spaces shall not be used for anything other than the provision of parking unless otherwise permitted in this Title.
  2. **Recreational Vehicle Parking in Multi-Family Projects:** Areas within [multi-family](#) off-street parking lots that are intended to be used for the parking of tenants' recreational vehicles, such as boats and campers, shall be shown on the [site plan](#) for the project.
  3. **Special Events:** Required off-street parking spaces shall be free from [building](#) encroachments and other activities, except that a portion of the required parking [area](#) may be used for special events on a temporary basis pursuant to the standards of [Section 4-1-B-25](#) of this Chapter (Special Events).
- H. **Parking Fees:** Repealed by Ord. 5350.
- I. **Parking Spaces for Persons with Disabilities:** In each off-street parking lot, a portion of the total number of required parking spaces shall be specifically designated, located and reserved for use by persons with disabilities. Such parking shall be provided pursuant to the regulations set forth in the latest adopted version of the *International Building Code* except all parking spaces reserved for persons with disabilities shall reflect a 9-foot stall width, with a clearly marked adjacent access aisle, which aisle shall be 5-feet in width for passenger vehicles and 8-feet in

width for vans. Such parking spaces shall be located adjacent to an area that is well-protected and available for easy ingress and egress.

- J. **Deferred Vehicle Parking:** To avoid requiring more parking spaces than actually needed to serve a [development](#), the Planning Commission may defer the provision of the off-street parking spaces required by this Section if the other conditions and requirements of this Section are satisfied:

1. **Criteria for Approval:** Before obtaining approval of a deferred parking proposal, the applicant shall demonstrate one or more of the following:

- a. A parking study, as described in subsection D7 of this Section (Parking Study) indicates that there is not a present need for the total amount of off-street parking required.
- b. Public transportation satisfies transportation demands for a portion of the users of the facility that corresponds to the amount of parking sought to be deferred.
- c. A transportation management program has been established by the [developer](#) that clearly justifies deferring the proposed number of parking spaces. Transportation management programs may include, but are not limited to, the following elements:
  1. Establishment and funding of a transportation coordinator position to implement car pool, van pool and transit programs;
  2. Subscription bus services;
  3. Flexible work-hour scheduling; or
  4. On-site transit service capital improvements.
- d. The percentage of parking spaces sought to be deferred corresponds to the percentage of residents, employees or customers who do not drive or who regularly walk, use bicycles and other non-motorized forms of transportation or use mass transit to come to the facility. Bicycle parking spaces shall be provided if the deferred parking plan is based on anticipated bicycle ridership.

2. **Deferred Parking Plan:** If the applicant satisfies 1 or more of the above criteria, the Planning Commission may approve a deferred parking plan. The number of parking spaces deferred shall correspond to the estimated number of parking spaces that will not be needed because of the condition or conditions established. A deferred parking plan shall include the following items:

- a. A [site plan](#) illustrating how the full number of parking spaces may be provided on site. Such site plan shall comply with all other requirements of the Unified Development Code, including but not limited to the provision of landscaping and provisions for stormwater. The site plan shall clearly designate which parking spaces are to be deferred.
- b. A written statement from the applicant agreeing to provide a traffic study of the advisability of providing the full parking requirement within 30 days following notification by the City Transportation Manager of the need for such a study.
- c. A written statement from the applicant agreeing to construct the deferred parking spaces in compliance with the standards of this Section at the applicant's expense if the Planning Commission, based upon observed parking demand and the recommendation of the City Transportation Manager, determines that the additional parking spaces are needed to mitigate adverse land use impacts due to a deficit of off-

street parking spaces. The written statement shall include a reasonable time period within which the required improvements shall be made.

3. **Revocation of Permits:** Failure to comply with the deferred parking plan provisions of this subsection shall constitute a [violation](#) of this Code and shall be cause for revocation of a certificate of occupancy or other enforcement action as outlined in [Article 4-1-I](#) or [Article 4-1-L](#) of this Title.
- K. **Shared Vehicle Parking:** The Planning Commission may authorize a reduction in the number of required parking spaces for multiple use developments or for uses that are located near one another and which have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:
1. **Location:** All uses or developments that participate in a single shared parking plan shall be located on the same lot or on lots that are adjacent and shall include a recorded irrevocable cross-access parking easement. The City Transportation Manager may give consideration to shared parking that is separated by right-of-way. The shared parking lot shall be developed and used as though the uses on the lots were a single unit.
  2. **Shared Parking Study:** A shared parking study acceptable to the [Community Development Director](#) shall be submitted which clearly establishes that the different developments or uses will make use of the shared spaces at different times of the day, week, month or year. The study shall:
    - a. Be based on the Urban Land Institute's shared parking study methodology or other generally accepted methodology;
    - b. Address the size and type of activities, the composition of tenants, the rate of turnover for proposed shared spaces and the anticipated peak parking and traffic loads;
    - c. Provide for a reduction by not more than 50 percent of the combined parking required for each use; and
    - d. Provide for no reduction in the number of spaces reserved for persons with disabilities.
  3. **Agreement for Shared Parking Plan:** A shared parking plan shall be enforced through written agreement. An attested copy of the agreement between the owners of record shall be submitted to the Community Development Director who shall forward a copy to the City Attorney for review. Proof of recordation of the agreement shall be presented to the Community Development Director prior to issuance of a certificate of occupancy. The agreement shall:
    - a. List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
    - b. Provide a legal description of the land encumbered by the agreement;
    - c. Ensure that the area reserved for shared parking is unencumbered by any conditions which would interfere with its use;
    - d. Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
    - e. Assure the continued availability of the spaces for joint use and provide assurance that such spaces will be usable without charge to all properties included (tenants and invitees) within the shared parking agreement except for allocation of maintenance responsibilities;



- f. Describe the obligations of each party, including but not limited to the maintenance responsibility of each party; and
  - g. Require that the Community Development Director be notified sixty days prior to the expiration or termination of the agreement; and
  - h. Describe the method by which the covenant shall, if necessary, be revised.
- 4. **Change in Use:** Should any of the shared parking uses be changed, or should the Community Development Director find that any of the conditions described in the approved shared parking study or agreement no longer exist, the owner shall have the option of submitting a revised shared parking study and an amended shared parking agreement in accordance with the standards of this subsection or of providing the number of spaces required for each use as if computed separately. If the Community Development Director determines that the revised shared parking study or agreement does not satisfy the off-street parking needs of the proposed uses, the shared parking request shall be denied, and no certificates of occupancy shall be issued until the full number of off-street parking spaces are provided and if Certificates of Occupancy already exist they may be revoked unless and until adequate parking is provided.
- 5. **Revocation of Permits:** Failure to comply with the shared parking provisions of this subsection shall constitute a [violation](#) of this Code and shall be cause for revocation of a certificate of occupancy or other enforcement action as outlined in [Article 4-1-I](#) or [Article 4-1-L](#) of this Title..
- L. **Off-Site Vehicle Parking:** Required off-street parking spaces shall be located on the same lot as the use it is intended to serve unless the Planning Commission permits all or a portion of the required parking spaces to be located on a separate lot from the lot on which the principal use is located. Off-site parking shall be subject to the following standards:
  - 1. **Necessity:** The applicant shall demonstrate that it is not feasible to locate all of the required parking on the same lot as the principal use.
  - 2. **Ineligible Activities:** Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, restaurants, bars or convenience stores and other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility.
  - 3. **Location:** Any off-site parking spaces shall be located within a reasonable walking distance to the principal use, however in no case shall the distance be greater than one-quarter mile. The City Transportation Manager may give consideration to off-site parking that is separated by right-of-way.
  - 4. **Zoning Classification:** Off-site parking areas shall require the same or a more intensive zoning classification than that required for the use served.
  - 5. **Agreement for Off-Site Parking:** An agreement, consistent with the requirements in [Section 4-1-D-1-K-3](#) for a shared parking agreement, shall be required for any off-site parking spaces.
  - 6. **Revocation of Permits:** Failure to comply with the deferred parking plan provisions of this subsection shall constitute a [violation](#) of this Code and shall be cause for revocation of a certificate of occupancy or other enforcement action as outlined in [Article 4-1-I](#) or [Article 4-1-L](#) of this Title.
- M. (Reserved for Future Use)

N. **Queuing Requirements for Drive-Thru Facilities:** In addition to meeting the off-street parking requirements of this Section, drive-thru facilities shall meet the following standards:

1. **Queue Space Schedule:** The minimum number of queue spaces required shall be as follows: Variations from these minimums may be allowed based on a traffic study submitted for review and approval by the City.

Use Type	Minimum Spaces	Measured From
Bank teller lane	5	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-thru	6	Order Box*
Car wash stall, automatic	5	Entrance
Car wash stall, self-service	3	Entrance
Other	To be determined by City based on traffic study	
Gasoline pump island	50 feet from each end of pump island	

\* An additional 4 vehicle queue from the pick-up window to the order box shall be provided.

2. **Minimum Dimensions:** Each queue space shall be a minimum of 10 feet by 20 feet in size. Queuing lane dimensions shall be measured from the point indicated in subsection N1 of this Section (Queue Space Schedule) to the end of the queuing lane.
3. **Design:** Each queue lane shall be clearly defined and designed so as not to conflict or interfere with other pedestrian or vehicular traffic using the site. Depending on site circulation, a bypass lane with a minimum width of 12 feet may be required if a one-way traffic flow is used in the parking lot. The bypass lane shall be clearly designated and distinct from the queuing area.

O. **Vehicle Parking Area Design Standards:**

1. **Parking Space and Aisle Dimensions:** The minimum required dimensions of parking spaces and aisles shall be as indicated in the following table. All dimensions are in feet.

Parking Angle	Stall Width	Stall Depth	Aisle Width	Curb Length	Wall Module Width	Interlock Module Width	Stall Depth to Interlock
90°	9.0	18.5	**25.0	9.00	62.0	62.0	18.5
60°	9.0	19.0	**24.0	10.4	62.0	59.0	17.5

60°	9.0	19.0	*18.0	10.4	56.0	53.0	17.5
45°	9.0	18.0	*15.0	12.7	51.0	47.0	16.0

\*One-way aisle width. \*\* Two-way aisle width.

Where the tires of parked vehicles contact wheel stops or curbing, an overhang of 2 feet shall be provided. The overhang may be provided in the form of a setback from the wall to the inside face of the curb or wheel stop. Curbing greater than 6 inches in height will be considered a wall for purposes of this sub-section. If any additional setback is needed to ensure protection of other site features such as decorative walls, fences or landscape areas, the additional setback shall not further reduce the required module dimension.

2. **Parallel Parking:** Parallel parking spaces shall have a minimum length of 23 feet and a minimum width of 9 feet. A minimum width of 10 feet shall be required if any structure or obstacle that would impede the opening of a car door is within 2 feet of the curb side of a parallel parking space.
3. **Residential Parking:** Parking areas designed solely to serve a single dwelling unit and not sharing a common parking area shall be a minimum of 8 feet wide and 18 feet long. Such parking spaces may be located on a driveway or in an enclosed garage and may be placed end to end, but no portion of any parking space shall be located within the right-of-way of a public street or a public alley or obstructing the sidewalk. Parking areas serving single-family dwelling units shall also comply with the standards of subsection F-3 of this Section, and all driveways shall be set back at least 2 feet from side yard property lines unless a shared driveway is provided.
4. **Layout:** All off-street parking spaces, other than those designed solely for a single dwelling unit and not sharing a common parking area, shall comply with the following design requirements:
  - a. Each off-street parking space shall open directly onto an aisle or driveway that is not a public street or a public alley.
  - b. Aisles and driveways shall not be used for parking vehicles.
  - c. Parking spaces shall be designed to permit entry and exit without moving any other vehicle.
  - d. Parking areas that require that vehicles be backed onto a public street from a parking or loading facility as a means of egress (head-in parking) shall be prohibited, except for parking areas serving single-family and duplex uses and development in HBD (Historic Business District) or CC (City Center) District.
  - e. No parking space shall be located so as to block access by emergency vehicles.
  - f. No off-street parking spaces shall be located within the right-of-way of a public street, public alley or required joint access easement unless otherwise permitted in the Historic Business District or City Center zoning districts.
  - g. Parking lots and drives shall be set back at least 20 feet from street rights-of-way and at least 10 feet from all other property lines in conformance with the buffer strip requirements of [Section 4-1-D-2](#) of this Article.
  - h. A landing or sidewalk shall be provided at each facility entrance which permits ingress and egress of the building in a safe and convenient fashion. Ingress and egress of a building directly from a parking stall or driveway or aisle shall not be permitted.

- i. Curb returns may not extend beyond the prolongation of the property line.
  - j. **A safe and convenient pedestrian access shall be provided from each adjoining public or private street sidewalk to building entrances.**
5. **Surfacing:** Unless otherwise allowed by the provisions of subsection J of this Section (Deferred Parking), all required off-street parking areas and access drives shall be surfaced with asphalt, concrete or other surface material approved by the Engineering and Construction Services Administrator. In no event shall vehicles be parked on the grass or in any open space or yard area.
  6. **Signs and Marking:** All parking areas except those designed to serve single-family and duplex uses shall delineate each space by single or double stripes on each side of the space. Except for parallel parking spaces, stall width shall be measured from the center line of 1 stripe to the center line of the other stripe. Parking lot markings and stripes shall be continuously maintained so as to be clearly visible. All signs and markings shall conform with the *Uniform Traffic Control Device Manual* or as approved by the Engineering and Construction Services Administrator.
  7. **Curbs:** Concrete curbs shall be provided in and along the perimeter of parking lots, drives and storage lots.
  8. **Sidewalks:** Sidewalks serving off-street **vehicle** parking areas shall be at least **4 feet 5 feet** in width and at least **6 feet 7 feet** where adjacent to parking areas where car overhangs are permitted.
- P. **Truck Parking In Limited Use Retail Centers:** Repealed by Ord. 5350.
- Q. **Loading Area Design Standards:**
1. **Size of Required Berths:** The minimum required dimensions of loading spaces, open or enclosed, shall be 12 feet in width by 55 feet in length, with a minimum vertical clearance of 15 feet.
  2. **Paving Standards:** All open off-street loading spaces shall be surfaced with asphalt or concrete or other hard-surfaced dustless materials and shall be constructed to provide for adequate drainage, as approved by the Engineering and Construction Services Administrator.
  3. **Use of Loading Area:** Required off-street loading spaces and associated aisles and maneuvering areas shall be used for vehicle loading only. No sales, storage, display of merchandise (including automobiles), repair work or dismantling shall be permitted in such areas, and in no event shall areas that provide direct access to off-street loading areas, such as the areas in front of loading docks and overhead doors, be used to satisfy the off-street parking standards of this Section.
  4. **Layout:** All off-street loading spaces shall comply with the following design requirements:
    - a. No off-street loading space or maneuvering area shall be located within 20 feet of the right-of-way of a public street or within 10 feet of any other property line. Any loading dock or door shall be set back far enough from the right-of-way so that no portion of the right-of-way is occupied by trucks or other vehicles while loading or unloading and maneuvering. Maneuvering areas shall be designed to permit vehicle access to a loading space in a single movement.
    - b. The location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking area. Where loading areas are directly adjacent to or integrated with an off-street parking lot, the Engineering and Construction Services Administrator may

require installation of physical barriers or other means of separating loading areas from parking areas and pedestrian traffic.

- c. No loading space shall be located so as to block access by emergency vehicles.
- d. Loading areas shall not be located within front or street side yard areas except where the Community Development Director determines that site conditions, building function or other factors unique to the proposed site make alternative locations (rear and side yard) impractical.

5. **Screening:** All off-street loading areas shall be screened in accordance with the landscape and buffer standards of [Section 4-1-D-2](#) of this Article.

R. **Bicycle Parking Standards:** In this section, bicycle parking refers to spaces provided by bicycle racks, lockers, or other parking facilities. The regulations and design standards of this subsection are to ensure the usefulness of bicycle parking while protecting public safety.

1. **General Standards**

a. **General:**

- i. All bicycle racks, lockers, or other parking facilities shall be located on a hard surface large enough to accommodate the rack and pedestrian movement.
- ii. Bicycle facilities shall be anchored to a hard surface so that they are not easily removed. Bicycle racks or other locking devices must allow the bicycle frame to be locked using a standard U-lock.
- iii. Each bicycle rack shall be easily accessible from the street and protected from motor vehicles. Protection from motor vehicles includes, but is not limited to, curbs, bollards, wheel stops and fences.
- iv. Bicycle racks shall be located no farther than 50 feet from an entrance of and shall be strategically distributed throughout the site.
- v. Bicycle parking facilities shall be visible to intended users.
- vi. Bicycle parking facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians, nor shall they encroach on any required fire safety egress.
- vii. The use of creative bicycle parking facility designs is encouraged.
- viii. Separated and in-line bicycle racks are acceptable.

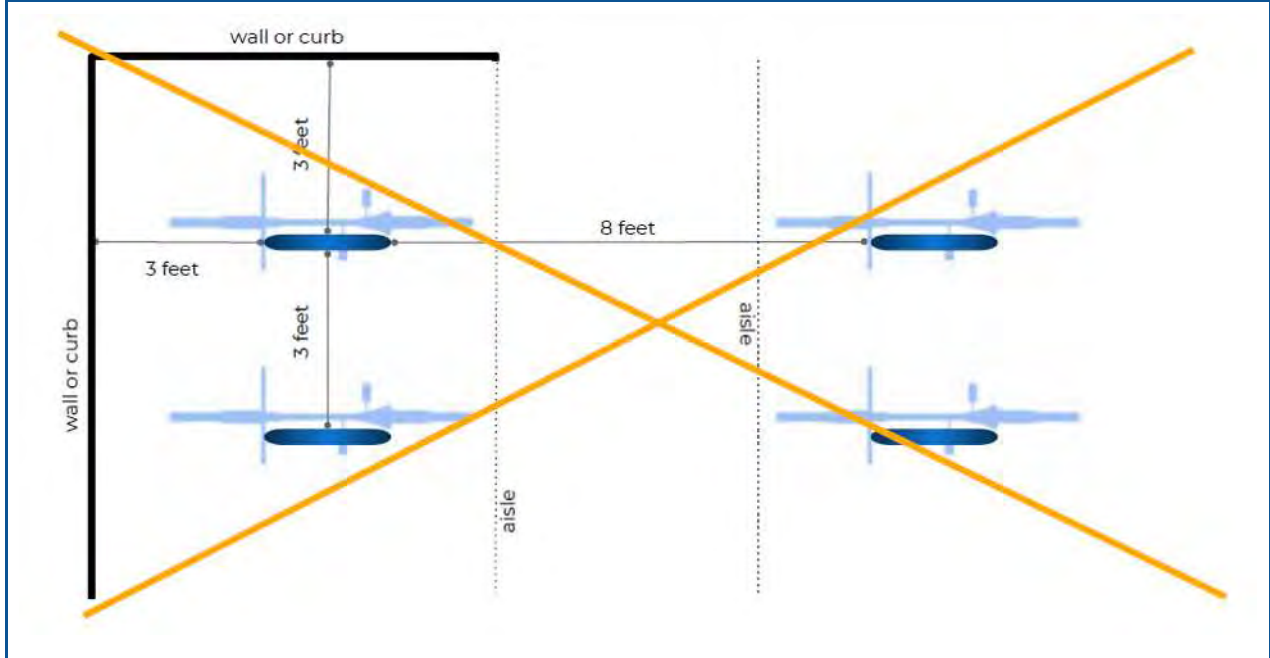
b. **Dimensions:** Adequate space shall be provided for bicycle parking. The following minimum bicycle parking dimensions shall be guidelines for designing bicycle parking areas depending on the bicycle rack design used:

- i. Each bicycle space must be 2 feet x 6 feet with a minimum overhead vertical clearance of 7 feet.
- ii. Distance to other racks:
  - 1. Rack units aligned end-to-end should be placed a minimum of 8 feet apart.
  - 2. Rack units aligned side-by-side should be placed a minimum of 3 feet apart.
- iii. Distance from a curb or wall:



1. Bicycle racks located parallel to a wall or curb should be a minimum of 3 feet from the wall or curb.
2. Racks located perpendicular to a wall or curb should be a minimum of 3 feet from the wall.

Figure 4-1-D-1.1



- c. **Signage:** If proposed, directional signage used to indicate the location of bicycle parking shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) and the sign regulations in Section 4-1-E.

### 3. Bicycle Parking Spaces Required:

Bicycle racks for the parking of bicycles shall be provided in accordance with the following table. For good cause shown through written justification, a portion of required bicycle parking may be deferred and shall be identified on the final plan.

Table 4-1-D-1-R.1

Category	Use	Bicycle Parking Space Requirement
Residential <sup>1</sup>	Multi-family	1 space per 5 units
Commercial <sup>2</sup>	Restaurant, General/ Fast Food/ Drinking Establishments/ Convenience Store	1 space per 5,000 sq. ft.
	Hotel or Motel	1 space per 30 rooms
	Other uses as listed under	1 space per 10,000 sq. ft.

	Commercial uses in <a href="#">Section 4-1-B-22</a>	
Office		1 space per 10,000 sq. ft.
Industrial	All industrial uses	1 space per 20 required vehicle parking spaces
Public or Civic <sup>3</sup>	School, elementary and secondary	1 space per 10 students
	Cultural Services	1 space per 10,000 sq. ft.
	Hospital	1 space per 20 employees
	Church or Place of Worship	1 space per 20 seats in gathering space
	Public Park	1 space per 10 auto spaces
	Other uses as listed under Public or Civic in <a href="#">Section 4-1-B-22</a>	1 space per 10,000 sq. ft.
<sup>1</sup> Exempt Residential uses include: single-family, duplex, manufactured home, mobile home park, group home limited. 1 space per 5 vehicle spaces is required for shared residential amenities. <sup>2</sup> Exempt commercial uses include: carwash <sup>3</sup> Exempt Public/Civic uses include: cemetery, utility, wind farm, wireless communications tower <sup>4</sup> Minimum requirement for bicycle parking is 2 spaces (1 rack) for all uses.		

#### S. Deviations from Strict Compliance:

1. Approval: It is recognized that site conditions vary greatly among sites, **that operational characteristics can be unique amongst like uses**, and that the design, scale, and character of neighborhoods is varied. The Planning Commission shall have the authority to approve deviations from strict compliance with the regulations of this subsection at the time of project review and the Community Development Director shall have the same authority for administrative plan and permit approvals, provided that the purpose and intent of this subsection is met. Deviations shall be clearly identified on plans submitted for plan and permit approval. The criteria to be considered by the Planning Commission and Community Development Director shall include, but not be limited to:
  1. Purpose and intent of the Code.
  2. Impact on adjacent properties.
  3. Safety.
  4. Unique site conditions and constraints.
  5. Promotion of high quality or unique design.
  6. Character of the neighborhood.

2. **Appeal:** The decision of the Community Development Director may be appealed to the Planning Commission. In reviewing the appeal, the Planning Commission shall consider the criteria of the preceding paragraph.

## **Article 4-2-C SUBDIVISION DESIGN STANDARDS**

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### **Section 4-2-C-2 STREETS.**

Streets shall be designed in accordance with the following standards, as well as the standards and design guidelines of the *Comprehensive Plan*:

- A. **Arrangement And Layout:** The public street system within all subdivisions shall be designed, arranged and laid out to comply with the *Comprehensive Plan*. Proposed streets shall be reviewed in terms of their relationship to existing and proposed streets, public safety and proposed land uses.
  1. **General:** The street design shall provide a simple, hierarchical system that, to the maximum extent consistent with the topography and requirements of this Article, minimizes the total length of streets in the subdivision.
  2. **Access:** Streets shall provide direct vehicular access to all properties within the subdivision plat boundaries, in accordance with the access standards of [Section 4-1-C-6](#) of this Title.
  3. **Through Traffic On Local Residential Street Networks:** Local street networks shall be laid out so that their use by through traffic is discouraged.
  4. **Connection With Existing And Future Streets:** Public streets shall provide adequate connections to adjacent properties in order to ensure efficient traffic circulation within the general area. Public streets shall be designed to interconnect with other existing and proposed streets in the area. Streets in a new subdivision shall, where applicable, extend existing dead-end streets. Where a proposed subdivision is adjacent to unplatted land, the plat shall provide for the connection of collector and arterial streets to future streets through the unplatted area(s) and shall conform fully to the access requirements of [Section 4-1-C-6](#) of this Title.
  5. **Topography:** Proposed streets shall be laid out to conform as nearly as possible to existing topography in order to permit efficient drainage and utility systems design. Streets should follow valleys wherever possible so that they will form a collection system for surface water.
  6. **Large Lot Subdivision:** Where a tract is subdivided into lots of 1 acre or more, the Planning Commission shall require an arrangement of lots and streets that will permit a later resubdivision in conformity with the street standards of this Article.
- B. **Reserve Strips:** Reserve strips of private land controlling access to streets shall be prohibited except where their control is placed with the City, pursuant to conditions imposed by the Planning Commission.
- C. **Private Streets:** Private streets are discouraged and shall be prohibited unless specifically approved during the subdivision approval process. Private streets shall be subject to all of the design standards of this Section.
- D. **Geometrics And Other Design Standards:** A Policy on Geometric Design of Highways and Streets, 5th Edition, 2004, as published by the American Association of State Highway and

Transportation Officials (hereinafter "AASHTO's Green Book") is hereby incorporated by reference for the purpose of providing a comprehensive reference manual for assistance in administrative, planning and educational efforts pertaining to design formulation, including geometrics and other design standards for highways and streets.

No less than three (3) copies of such document shall be marked or stamped "official copy" as adopted by Ordinance No. 4622 with a copy of the Ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

1. **Street Classification:** Street classifications shall be determined by the *Comprehensive Plan*, where applicable, or shall be established by the Planning Commission in the plat review process.
2. **Right-Of-Way:** Minimum right-of-way widths shall be established in accordance with the standards in Table 4-2-C-2.1 following.
3. **Street (Paving) Width:** Minimum street widths shall be established in accordance with the standards in Table 4-2-C-2.1 following.
4. **Grades:** Minimum and maximum street grades shall be established in accordance with the standards in Table 4-2-C-2.1 following.
5. **Design Volumes And Speed:** Street design volumes and design speeds shall be established in accordance with the standards in Table 4-2-C-2.1 following.
6. **Sidewalks:** Sidewalks shall be ~~required~~ a minimum of 5 feet wide and designed in accordance with the standards in Table 4-2-C-2.1 following.
7. **Driveway Spacing:** Driveway spacing shall be controlled by the standards of [Section 4-1-C-6](#) of this Title (Street Access).
8. **Intersection Off-Sets:** The minimum center line off-set of adjacent street intersections shall be 200 feet.
9. **Reverse Curves:** Streets with reverse curves shall have a minimum tangent of 100 feet between curves.
10. **Intersection Angles:** Acute angles between streets at their intersection shall be avoided whenever possible. When a deflection angle of more than 10 degrees in a street line occurs at any point between 2 intersecting streets, a curve of reasonably long radius shall be introduced.
11. **Dead-End Streets:** No dead-end streets shall be permitted unless provisions are made to connect the dead-end street with future streets on adjacent land. In the event that such dead-end streets are permitted pursuant to this regulation, such street shall be terminated with a cul-de-sac that meets the minimum standards of subsection D12 of this Section.
12. **Cul-De-Sacs:**
  - a. **General:** Cul-de-sacs shall be permitted if adequate and proper access is provided to all lots. Unless otherwise provided by the Planning Commission and Governing Body during the platting process, cul-de-sacs shall comply with the standards indicated in Figure 4-2-C-2.1 and Table 4-2-C-2.2. In unique situations, such as residential golf course developments, infill developments with limited access options, and where there are unique site problems and environmental areas requiring protection, the Planning Commission and Governing Body may consider less restrictive standards, subject to meeting the requirements

of [Section 4-2-H-1](#) of this Chapter (Exceptions). Cul-de-sacs which are located in higher hazard areas, and which approach or exceed the maximum length standards, may be subject to additional limitations on dwelling unit densities and may be required to provide secondary emergency access. Secondary emergency access shall be designed to accommodate the necessary emergency vehicles and shall be maintained in a passable condition.

- b. **Cul-de-Sac Sidewalk Connection:** To ensure a convenient bicycle and pedestrian transportation network, and at the discretion of the City Engineer to account for the transportation network as a whole, a paved ~~multi-purpose trail~~ sidewalk connection a minimum of ~~10 feet~~ 8-feet wide, within an easement or tract of ~~20 feet~~ 15 feet wide, may be required at the end of cul-de-sacs to connect the cul-de-sacs to other off-site elements and uses such as, but not limited to, schools, adjacent public street sidewalks, churches, parks, shopping areas, or other cul-de-sacs.

The criteria to be considered by the City Engineer in requiring connections at the end of cul-de-sacs shall include, but not be limited to:

1. Existing or planned transportation system.
2. Existing or planned surrounding uses.
3. Unique subdivision design or site conditions and constraints that would make requiring a connection unreasonable.
4. Impact on subject and adjacent properties.
5. Safety.

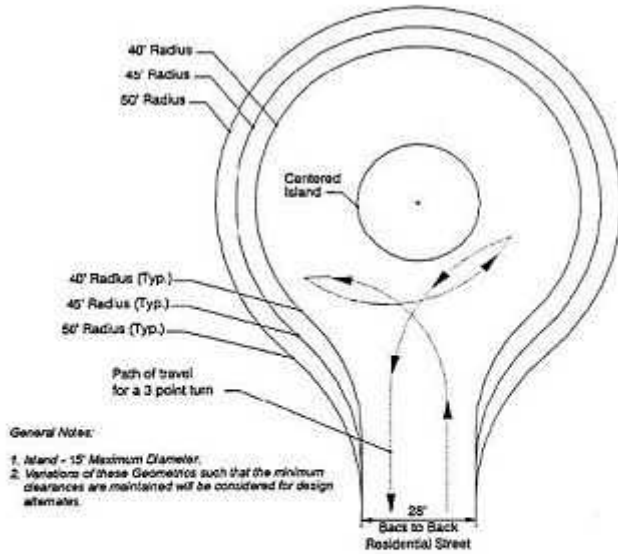
### 13. Authority of City Engineer:

- a. The standards set forth herein are intended to provide streets of adequate width while minimizing the amount of impervious surface whenever possible. The City Engineer may vary the street width standards, to require alternate widths where appropriate, based upon proposed development plans. Any such decision shall be based upon evaluation of all relevant information, including, without limitation, the nature of the development; the proposed use; projected density; projected traffic volumes; and the availability of off-street parking.
- b. **Waivers:** The City Engineer may approve waivers from these standards if ~~he~~ it is **determined** that strict adherence to the standards will create unreasonable hardship to the development of abutting property. Such waivers, however, shall be granted only after the submission of a design plan that demonstrates that the requested waiver will not create a serious detriment to the safety and/or operation of traffic on the street or roadway. The requirements for the design plan may be waived by the City Engineer if it is determined that such an analysis is unnecessary in rendering a competent decision on the requested waiver.



Table 4-2-C-2.1						
Classification	Minimum ROW Width (ft.)	Minimum Street <sup>1*</sup> Width (ft.)	Grade Maximum Minimum	Design Speed (MPH) <sup>2**</sup>	Sides of Street Sidewalk Required	Sidewalks-Sides of Street/Width (ft.)
Arterial, 4-Lane, Divided	100 <sup>3***</sup>	2/28	6/1	45	2 <sup>+</sup>	2/5 <sup>*****</sup>
Collector, 3-Lane	70	40	8/1	30-40	2	2/5
Collector, 2-Lane	60	28	8/1	30-35	2	2/5
Collector, 2-Lane, Residential	50	26	8/1	30-35	2	2/5
Local, 2-Lane	50	28 <sup>5*****</sup>	10/1	25	1	1/4
Ind./Bus. Park	60 <sup>6++</sup>	36 <sup>6++</sup>	6/1	25-30	1 <sup>7</sup>	None <sup>+++</sup>
<p><sup>1*</sup> Street width measured from curb back to curb back. Additional width may be required to accommodate turn lanes as necessary.</p> <p><sup>2**</sup> Design speed criteria for horizontal and vertical alignment shall reasonably comply with the guidelines set out in the most recent edition of AASHTO's Green Book.</p> <p><sup>3***</sup> Minimum median width = 16 feet.</p> <p><sup>4*****</sup> A <del>recreational path or multi-purpose trail</del> with a minimum width of <del>8 feet</del> 10 feet shall be provided in lieu of 1 of the required 5-foot sidewalks in those locations designated for recreational trails by the City Parks and Recreation Department.</p> <p><sup>5*****</sup> 22 feet where approved by City Engineer, see Section 4-2-C-2-D-13.</p> <p><sup>6++</sup> Right-of-way and <del>paving street</del> width, up to 70 and 40 feet respectively, will be required where heavy truck traffic is anticipated.</p> <p><sup>7+++</sup> Sidewalks in Industrial and Business Parks are required <del>only upon initial preliminary planning for new parks where the appropriate side of the street can be determined and carried through the subdivision. A pedestrian circulation plan may be required where heavy truck traffic is anticipated.</del></p>						

Figure 4-2-C-2.1



Residential Cul-De-Sac Design Alternatives	
R/W Required	Pavement - Back of Curb
50' R + Transition	40' R with no island
50'-55' R + Transition	45' R with centered island
55' -60' R + Transition	50' R with centered island

Table 4-2-C-2.2 Cul-De-Sac Criteria

Street Classification	Max. Length* (ft.)	Min ROW Width (ft.)	Min. Street Width** (ft.)	Min. Radius of ROW at Bulb (ft.)	Min. Radius of Pavement at Bulb*** (ft.)	Max. Radius of Island	Comments
2 Lane Local Residential Street	1,000	50	28	50	40	see****	Maximum 50 dwelling units
Industrial Street/Business Park	1,000	60	36	60	59	Island not permitted	N/A

Notes to Table:

\* Measured from the "near side" of right-of-way line of the intersecting street to the center line of cul-de-sac bulb.

\*\* Measured "back-to-back" of the curb and gutter sections except local 2 lane rural streets are measured to the edge of pavement surface.

\*\*\* Radius measured at back of curb.

\*\*\*\* See residential cul-de-sac design alternatives Figure 1 for island application.

E. **Street Names And Numbers:** In order to provide a uniform system of street names and addresses and to avoid duplication and confusion, the Planning Commission shall have the power to:

1. **Street Names:** Recommend to the Governing Body the name by which all existing roads, streets, highways or other public or private ways now used by the public, within the City, shall be officially known, and to recommend to the Governing Body the renaming of the same in accordance with [Article 4-1-P](#). This power shall apply to streets actually used by the public, regardless of whether they are dedicated to the public or maintained by a private entity or person on private property;
2. **Numbering Of Blocks And Addresses:** Establish a uniform series of key numbers for all blocks and for such designated sections as may be deemed convenient upon all existing roads, streets, highways or other public or private ways now used by the public, within the jurisdiction of the Planning Commission, from which official street addresses for residence and business properties may be fixed in numerical order and to renumber the same and all others which may be established if, at any time in the judgment of the City Council, such action may be deemed advisable and proper; and
3. **Street Signs:** The City shall install street identification signs at the intersection of public streets and within the public right-of-way at the intersection of public streets and a private street at the expense of the developer. In cases of all private streets, the City will provide street identification signs at the expense of the developer, but the developer will be responsible for the installation of all private street signs. Payment of the costs for such signs shall be in accordance with the fee schedule established by the City Council, such amounts shall be paid to the City through the City Transportation Manager's office and paid or guaranteed prior to the approval of the final plat; guarantees shall be in accordance with [Article 4-2-F](#) of this Chapter. ~~Two copies of the plat, as recorded, indicating the official street names, shall be provided to the City Transportation Manager by the developer at the time of payment or guarantee of the street identification sign fee.~~

## Section 4-2-C-4 BLOCKS.

- A. **Lengths:** Blocks in residential areas shall not exceed 1,320 feet in length and shall not be less than 400 feet in length. Blocks along collector and arterial streets shall not be less than 600 feet in length. ~~The Planning Commission may require the installation of pedestrian pathways through the center of blocks that are more than 600 feet in length.~~
- B. **Block Connections:** To ensure a convenient bicycle and pedestrian transportation network, and at the discretion of the City Engineer to account for the transportation network as a whole, a paved ~~multi-purpose trail sidewalk~~ connection a minimum of ~~10 feet~~ 8-feet wide, within an easement or

tract of ~~20 feet~~ 15 feet wide, may be required through the center of blocks that are more than 800 feet in length to enhance pedestrian convenience and connect the block to other off-site elements and uses such as, but not limited to, schools, adjacent public street sidewalks, churches, parks, shopping areas, or other blocks.

The criteria to be considered by the City Engineer in requiring connections through the center of blocks that are more than 800 feet in length shall include, but not be limited to:

1. Existing or planned transportation system
2. Existing or planned surrounding uses.
3. Unique subdivision design or site conditions and constraints that would make requiring a connection unreasonable.
4. Impact on subject and adjacent properties.
5. Safety

- C. **Widths:** Blocks shall be designed to have sufficient width to accommodate 2 tiers of lots unless the Planning Commission determines that the existence of adjacent streets, railroads or waterways makes this requirement impractical.

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

**AN ORDINANCE AMENDING LENEXA CITY CODE ARTICLES 4-1-D AND 4-2-C, INCLUDING SECTIONS 4-1-D-1, 4-2-C-2, AND 4-2-C-4 RELATED TO THE RECOMMENDATIONS FROM THE COMPLETE STREETS PLAN ACCEPTED IN DECEMBER 2019.**

WHEREAS, City Code Article 4-1-D sets forth site design and development standards and Article 4-2-C sets forth subdivision design standards; and

WHEREAS, the City desires to make revisions to City Code Article 4-1-D to change sidewalk requirements for pedestrian safety and add bicycle parking standards and minimum requirements and revisions to Article 4-2-C to change requirements for sidewalks, pedestrian connections, and multi-purpose trails; and

WHEREAS, a public hearing was held by the Lenexa Planning Commission on November 2, 2020, and notice was provided in accordance with K.S.A. 12-757, to hear comments on the suggested changes; and

WHEREAS, the Lenexa Planning Commission recommended approval of the proposed changes to the Lenexa City Code, 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:** Section 4-1-D-1 of Article 4-1-D is hereby amended to read as follows:

**Section 4-1-D-1 OFF-STREET PARKING, BICYCLE PARKING, AND DRIVE-THRU QUEUING AND LOADING.**

- A. **Purpose and Intent:** The purpose of this Section is to require off-street parking, bicycle parking, drive-thru queuing, and loading facilities in proportion to the parking, queuing, and loading demand of land uses while minimizing the amount of impervious surface where possible. The regulations and design standards of this Section are intended to ensure the usefulness of parking, drive-thru, and loading facilities, to protect the public safety and to mitigate adverse land-use impacts. The use of deferred vehicle parking as set forth in subsection J is encouraged as a method of reducing the adverse impacts associated with imperviousness. Subsection R intends to encourage and accommodate bicycle travel as a form of transportation and recreation by requiring bicycle parking in new and redevelopment projects.
- B. **Applicability:** The standards of this Section shall apply to all new development and to existing development that is modified to the extent that it includes uses or buildings that were not specifically shown on previously approved plans. All off-street parking and bicycle parking areas established by this Section shall be continuously maintained according to the standards of this subsection.



1. **Parking in Excess of Required Standard:** Developments that provide off-street vehicle parking in excess of the required standards must mitigate the impacts of such increased impervious surface through the use of storm drainage BMPs as provided by the City's adopted BMP manual as referenced in Section 4-5-E-15 of this Title. Single family and duplex residential uses shall be exempt from this mitigation requirement.
  2. **New Development:** Off-street vehicle parking, bicycle parking, and loading facilities shall be provided for any new building constructed and for any new use established, in accordance with the standards of this Section.
  3. **Additions and Enlargements to Existing Development:** Off-street vehicle and bicycle parking and loading facilities shall be provided for any addition to or enlargement of an existing building or use or any change of occupancy or manner of operation that would result in additional parking and loading spaces being required. The additional parking and loading spaces shall be required only in proportionate amount to the extent of the addition, enlargement or change, not for the entire building or use. When a drive-thru is proposed where one previously did not exist, every effort shall be made for the drive-thru facility to comply with the requirements of this Section relative to queuing.
- C. **Off-Street Parking Schedule:** Off-street parking spaces shall be provided in accordance with the following off-street parking schedule:

Off-Street Parking Schedule		
Use Type	Required Standard	Notes/Additional Standard
Residential uses		
Single-family	2 spaces per dwelling unit	
Duplex	2 spaces per dwelling unit	
Multi-family	1 space per efficiency unit	Plus 0.25 spaces per unit for visitor parking if parking spaces are located in common parking area
	1.5 spaces per 1-bedroom unit	
	1.75 spaces per 2-bedroom unit	
	2 spaces per 3+-bedroom unit	
Public or civic uses		
Aviation field or airport	To be determined by City	Parking study required
Cemetery	To be determined by City	Parking study required
Church or place of worship	1 space per 3 seats in main assembly area	Schools and other uses calculated separately
Club or lodge	1 space per 200 square feet	
College or university	To be determined by City	Parking study required
Correctional facility	To be determined by City	Parking study required
Cultural services	1 space per 300 square feet	
Daycare, limited	None	
Daycare, general	1 space	Plus 1 space per employee
Daycare, commercial	1 space per 10-person capacity	Plus 1 space per employee
Group home, limited	2 spaces	
Group home, general	1 space per 4 residents	Plus 1 space per employee
Hospital	1 space per 2 beds	Plus 1 space per employee for the largest shift. Consideration will be given to an alternative requirement based on the applicant submitting a parking study that is accepted by the city.
Nursing home	1 space per 3 beds	Plus 1 space per employee
Public park	To be determined by City	Parking study required

<u>Public safety services</u>	1 space per 250 square feet	
Recreation facility, private	To be determined by City	Parking study required
<b>Off-Street Parking Schedule</b>		
Use Type	Required Standard	Notes/Additional Standard
<b>Public or civic uses (cont.)</b>		
School, elementary	1 space per classroom	Plus 1 space per employee
School, middle	1 space per classroom	Plus 1 space per employee
School, high	0.50 spaces per student	Plus 1 space per employee
<u>Utility</u>	To be determined by City	Parking study required
<b>Commercial uses</b>		
Adult entertainment/use	To be determined by City	Parking study required
<u>Amusements</u>	To be determined by City	Parking study required
<u>Arcade, commercial</u>	1 space per 250 square feet	
Auto service	2 spaces per service bay	Minimum of 2 spaces, regardless of service bays
<u>Banking services</u>	1 space per 200 square feet	Plus queuing space per <a href="#">Section 4-1-D-1-N</a>
<u>Bar or nightclub</u>	1 space per 75 square feet	
<u>Broadcasting studio</u>	1 space per 300 square feet	
<u>Campground</u>	1 space per campsite	
<u>Car wash</u>	1 space per bay	Plus queuing space per <a href="#">Section 4-1-D-1-N</a>
Construction sales and service	1 space per 250 square feet	Plus 1 space per 1,000 square feet of outdoor storage and display area
<u>Consumer repair services</u>	1 space per 250 square feet	
<u>Convenience store</u>	1 space per 250 square feet	Minimum 5 spaces
<u>Drinking establishment</u>	1 space per 75 square feet	
<u>Entertainment, indoor</u>	1 space per 200 square feet or 1 space per 3 seats, whichever is greater	Bowling alleys: 4 spaces per lane, plus 1 space per 250 square feet of non-bowling area
<b>Off-Street Parking Schedule</b>		
Use Type	Required Standard	Notes/Additional Standard
<b>Commercial uses (cont.)</b>		
<u>Entertainment, outdoor</u>	To be determined by City	Parking study required
<u>Fish pond, commercial</u>	To be determined by City	Parking study required
<u>Fitness center</u>	1 space per 200 square feet	
<u>Funeral home</u>	1 space per 3 permanent seats	Plus 1 space per 25 square feet of temporary seating area
<u>Garden center</u>	To be determined by City	Parking study required
Gasoline sales	1 space per 250 square feet	Plus queuing space per <a href="#">Section 4-1-D-1-N</a> For those gasoline sales uses that include a convenience store, consideration may be given to allowing the overall number of spaces to be reduced by 1 for every 2 spaces provided at the fuel pump based on the applicant submitting a parking study that is accepted by the City
<u>Golf course</u>	4 spaces per hole	
<u>Gun club or shooting range</u>	1 space per range position	Plus 1 space per 200 square feet of indoor meeting area

<u>Hotel or motel</u>	1 space per rooming unit	
<u>Industrial and business equipment and supplies</u>	1 space per 250 square feet	
<u> kennel, commercial</u>	1 space per 200 square feet	Excluding animal exercise areas
<u>Laundry or dry cleaning service</u>	1 space per 500 square feet	
<u>Laundry, self service</u>	1 space per 250 square feet	
<u>Liquor store</u>	1 space per 250 square feet	
<u>Maintenance services</u>	1 space per 300 square feet	
<u>Medical service</u>	1 space per 200 square feet	
<u>Mobile home sales</u>	1 space per 300 square feet	Plus 1 space per 5,000 square feet of outdoor sales/display area
<u>Nursery</u>	To be determined by City	Parking study required
<u>Office</u>	1 space per 250 square feet	
<u>Pawn shop</u>	1 space per 250 square feet	
<u>Personal instruction</u>	0.50 spaces per person in largest class, if multiple classes are going on at the same time then 0.50 spaces per person for each class	Plus 1 space per employee
<u>Personal services</u>	1 space per 200 square feet	Plus 1 space per employee
<b>Off-Street Parking Schedule</b>		
<b>Use Type</b>	<b>Required Standard</b>	<b>Notes/Additional Standard</b>
<b>Commercial uses (cont.)</b>		
<u>Produce stand</u>	To be determined by City	Parking study required
<u>Research service</u>	1 space per 250 square feet	
<u>Restaurant, fast-food</u>	1 space per 75 square feet	Plus queuing spaces required per <a href="#">Section 4-1-D-1-N</a> For fast-food establishments, such as coffee shops, that do not provide a full menu, consideration will be given to an alternative requirement based on the applicant submitting a parking study that is accepted by the City.
<u>Restaurant, general</u>	1 space per 75 square feet	
<u>Retail</u>	1 space per 250 square feet 1 space per 300 square feet for a single tenant building greater than 100,000 square feet	
<u>Self-service storage</u>	1 space per 75 storage bays	Minimum of 3 spaces
<u>Service station</u>	2 spaces per service bay	Minimum of 2 spaces, regardless of service bays
<u>Shopping center</u> , as defined in <a href="#">Section 4-3-C-3</a>	1 space per 250 square feet	
<u>Stable, commercial</u>	To be determined by City	Parking study required
<u>Theater, indoor</u>	1 space per 3 seats	
<u>Vehicle and equipment repair</u>	2 spaces per service bay	Minimum of 3 spaces
<u>Vehicle and equipment sales/rental</u>	1 space per 300 square feet	Plus 1 space per 4,500 square feet of outdoor sales/display area
<u>Veterinary hospital</u>	1 space per 200 square feet	Not including animal exercise areas
<u>Vocational school</u>	To be determined by City	Parking study required
<b>Industrial uses</b>		
<u>Basic industry</u>	1 space per 1,000 square feet	
<u>Junk or salvage yard</u>	1 space per 200 square feet	
<u>Laboratory, analytical or experimental</u>	1 space per 250 square feet	
<u>Laundry service</u>	1 space per 1,000 square feet	
<u>Manufacturing</u>	1 space per 1,000 square feet	
<u>Printing and publishing</u>	1 space per 1,000 square feet	
<u>Wholesale and warehousing</u>	1 space per 1,500 square feet	

Agricultural and extractive uses		
Agriculture	None	
Mining or quarrying	To be determined by City	Parking study required
Oil or gas drilling	To be determined by City	Parking study required

**D. Computing Parking and Loading Requirements:**

1. **Multiple Uses:** Lots containing more than 1 use shall provide bicycle and vehicle parking and loading in an amount equal to the total of the requirements for all uses, unless the lot is developed as a Shopping Center or a shared parking plan is approved pursuant to [Section 4-1-D-1-K](#) of this Section.
2. **Fractions:** When measurements of the number of required spaces result in fractions, any fraction of less than  $\frac{1}{2}$  shall be disregarded, and any fraction of  $\frac{1}{2}$  or more shall be rounded upward to the next highest whole number.
3. **Fixed and Non-Fixed Seating:** Where seating consists of chairs, benches, pews or other forms of fixed and non-fixed seating, the provisions of Chapter 10 of the *International Building Code* shall be used to determine the number of seats to be counted in calculating off-street bicycle and vehicle parking requirements.
4. **Floor Area:** Unless otherwise noted in the provisions, all square footage based bicycle and vehicle parking and loading standards shall be computed on the basis of gross floor area.
5. **Employees:** For the purpose of computing all bicycle and vehicle parking requirements based on the number of employees, calculations shall be for the largest number of persons working on any single shift, including owners and managers.
6. **Unlisted Uses:** For a use not specifically listed in this subsection, the Community Development Director shall either: a) apply the bicycle or vehicle parking requirements specified for the listed use that is deemed most similar to the use proposed in the application; or b) require a parking study.
7. **Parking Study:** Several uses listed in the Off-Street Parking Schedule call for the parking requirement to be determined by the City with a parking study required. These uses have widely varying parking demand, making it impossible to specify a single parking requirement. An applicant proposing to develop or expand any of these uses must submit a parking study that provides justification for the proposed number of spaces to be provided. The City Transportation Manager will review this study along with any traffic engineering and planning data that are appropriate to the establishment of a parking requirement for the use proposed. A parking study shall include estimates of parking demand based on recommendations of the Institute of Traffic Engineers (ITE) and data collected from uses or combinations of uses that are the same or comparable to the proposed use. Comparability shall be determined by density, scale, bulk, area, type of activity and location. The study shall document the source of data used to develop the recommendations.

- E. **HBD and CC Development:** Development in HBD (Planned Historic Business District) and CC (City Center) District shall be exempt from strict compliance with the (numerical) parking space requirements listed in the Off-Street Parking Schedule. In lieu of strict compliance with the requirements of the Off-Street Parking Schedule, applicants shall submit a parking study that complies with the standards of subsection D7 of this Section to the [Community Development Director](#). After reviewing the parking study and the availability of parking in the

HBD or CC area (both on-street and off-street), the Community Development Director, upon the advice of the City Transportation Manager, shall establish the minimum off-street parking requirement for the subject [development](#). In establishing the off-street parking requirement, the Community Development Director and the City Transportation Manager shall consider the factors specified in subsection D7 of this Section, the goals, objectives and policies of the [Comprehensive Plan](#) and the adopted *Design Guidelines* for the Old Town Area or City Center, as applicable. The inability to provide parking in an amount established by the Community Development Director shall be cause for denial of development approval. Bicycle parking shall be exempt from the requirements of [4-1-D-1-R-1-a-vi](#) of this section, allowing bicycle parking in the public right-of-way in HBD and CC districts.

- F. **Location of Required Vehicle Parking:** Except as provided in subsection K of this Section (Shared Parking) and subsection L of this Section (Off-Site Parking), all required off-street parking spaces shall be provided upon the same [lot](#) as the principal use. The location of required off-street parking spaces shall not interfere with normal traffic flow or with the operation of queuing and backup areas. On-street parking is not permitted, except in single family and [duplex](#) developments, unless said parking is part of an overall [development](#) concept and plan approval.
1. **Distance from Building or Use:** No off-street parking space shall be located more than 300 feet from the [building](#) or use it is intended to serve. This standard shall not apply to parking spaces provided for auditoriums, stadiums, assembly halls or other places of assembly, including places of worship, nor shall it apply to hospitals or community or regional shopping centers or industrial, wholesaling, [manufacturing](#) or business park uses.
  2. **Garages and Carports:** Space within a [carport](#) or garage may be used to satisfy residential off-street parking standards.
  3. **Residential Units Except Multi-Family:** All residential dwelling units, with the exception of [multi-family](#) developments, providing only a single-car garage shall provide at least one additional space between the garage and street right-of-way without blocking the sidewalk.
- G. **Use of Required Off-Street Parking Areas:**
1. **General:** Off-street parking spaces shall be provided for the use of residents, customers, patrons and employees. Required parking spaces shall not be used for anything other than the provision of parking unless otherwise permitted in this Title.
  2. **Recreational Vehicle Parking in Multi-Family Projects:** Areas within [multi-family](#) off-street parking lots that are intended to be used for the parking of tenants' recreational vehicles, such as boats and campers, shall be shown on the [site plan](#) for the project.
  3. **Special Events:** Required off-street parking spaces shall be free from [building](#) encroachments and other activities, except that a portion of the required parking [area](#) may be used for special events on a temporary basis pursuant to the standards of [Section 4-1-B-25](#) of this Chapter (Special Events).
- H. **Parking Fees:** Repealed by Ord. 5350.
- I. **Parking Spaces for Persons with Disabilities:** In each off-street parking lot, a portion of the total number of required parking spaces shall be specifically designated, located and reserved for use by persons with disabilities. Such parking shall be provided pursuant to the regulations set forth in the latest adopted version of the *International Building Code* except all parking spaces reserved for persons with disabilities shall reflect a 9-foot stall width, with a clearly marked adjacent access aisle, which aisle shall be 5-feet in width for passenger vehicles and 8-feet in



width for vans. Such parking spaces shall be located adjacent to an area that is well-protected and available for easy ingress and egress.

- J. **Deferred Vehicle Parking:** To avoid requiring more parking spaces than actually needed to serve a [development](#), the Planning Commission may defer the provision of the off-street parking spaces required by this Section if the other conditions and requirements of this Section are satisfied:

1. **Criteria for Approval:** Before obtaining approval of a deferred parking proposal, the applicant shall demonstrate one or more of the following:

- a. A parking study, as described in subsection D7 of this Section (Parking Study) indicates that there is not a present need for the total amount of off-street parking required.
- b. Public transportation satisfies transportation demands for a portion of the users of the facility that corresponds to the amount of parking sought to be deferred.
- c. A transportation management program has been established by the [developer](#) that clearly justifies deferring the proposed number of parking spaces. Transportation management programs may include, but are not limited to, the following elements:
  1. Establishment and funding of a transportation coordinator position to implement car pool, van pool and transit programs;
  2. Subscription bus services;
  3. Flexible work-hour scheduling; or
  4. On-site transit service capital improvements.
- d. The percentage of parking spaces sought to be deferred corresponds to the percentage of residents, employees or customers who do not drive or who regularly walk, use bicycles and other non-motorized forms of transportation or use mass transit to come to the facility. Bicycle parking spaces shall be provided if the deferred parking plan is based on anticipated bicycle ridership.

2. **Deferred Parking Plan:** If the applicant satisfies 1 or more of the above criteria, the Planning Commission may approve a deferred parking plan. The number of parking spaces deferred shall correspond to the estimated number of parking spaces that will not be needed because of the condition or conditions established. A deferred parking plan shall include the following items:

- a. A [site plan](#) illustrating how the full number of parking spaces may be provided on site. Such site plan shall comply with all other requirements of the Unified Development Code, including but not limited to the provision of landscaping and provisions for stormwater. The site plan shall clearly designate which parking spaces are to be deferred.
- b. A written statement from the applicant agreeing to provide a traffic study of the advisability of providing the full parking requirement within 30 days following notification by the City Transportation Manager of the need for such a study.
- c. A written statement from the applicant agreeing to construct the deferred parking spaces in compliance with the standards of this Section at the applicant's expense if the Planning Commission, based upon observed parking demand and the recommendation of the City Transportation Manager, determines that the additional parking spaces are needed to mitigate adverse land use impacts due to a deficit of off-

street parking spaces. The written statement shall include a reasonable time period within which the required improvements shall be made.

3. **Revocation of Permits:** Failure to comply with the deferred parking plan provisions of this subsection shall constitute a [violation](#) of this Code and shall be cause for revocation of a certificate of occupancy or other enforcement action as outlined in [Article 4-1-I](#) or [Article 4-1-L](#) of this Title.
- K. **Shared Vehicle Parking:** The Planning Commission may authorize a reduction in the number of required parking spaces for multiple use developments or for uses that are located near one another and which have different peak parking demands and operating hours. Shared parking shall be subject to the following standards:
1. **Location:** All uses or developments that participate in a single shared parking plan shall be located on the same lot or on lots that are adjacent and shall include a recorded irrevocable cross-access parking easement. The City Transportation Manager may give consideration to shared parking that is separated by right-of-way. The shared parking lot shall be developed and used as though the uses on the lots were a single unit.
  2. **Shared Parking Study:** A shared parking study acceptable to the [Community Development Director](#) shall be submitted which clearly establishes that the different developments or uses will make use of the shared spaces at different times of the day, week, month or year. The study shall:
    - a. Be based on the Urban Land Institute's shared parking study methodology or other generally accepted methodology;
    - b. Address the size and type of activities, the composition of tenants, the rate of turnover for proposed shared spaces and the anticipated peak parking and traffic loads;
    - c. Provide for a reduction by not more than 50 percent of the combined parking required for each use; and
    - d. Provide for no reduction in the number of spaces reserved for persons with disabilities.
  3. **Agreement for Shared Parking Plan:** A shared parking plan shall be enforced through written agreement. An attested copy of the agreement between the owners of record shall be submitted to the Community Development Director who shall forward a copy to the City Attorney for review. Proof of recordation of the agreement shall be presented to the Community Development Director prior to issuance of a certificate of occupancy. The agreement shall:
    - a. List the names and ownership interest of all parties to the agreement and contain the signatures of those parties;
    - b. Provide a legal description of the land encumbered by the agreement;
    - c. Ensure that the area reserved for shared parking is unencumbered by any conditions which would interfere with its use;
    - d. Agree and expressly declare the intent for the covenant to run with the land and bind all parties and all successors in interest to the covenant;
    - e. Assure the continued availability of the spaces for joint use and provide assurance that such spaces will be usable without charge to all properties included (tenants and invitees) within the shared parking agreement except for allocation of maintenance responsibilities;

- f. Describe the obligations of each party, including but not limited to the maintenance responsibility of each party; and
  - g. Require that the Community Development Director be notified sixty days prior to the expiration or termination of the agreement; and
  - h. Describe the method by which the covenant shall, if necessary, be revised.
- 4. **Change in Use:** Should any of the shared parking uses be changed, or should the Community Development Director find that any of the conditions described in the approved shared parking study or agreement no longer exist, the owner shall have the option of submitting a revised shared parking study and an amended shared parking agreement in accordance with the standards of this subsection or of providing the number of spaces required for each use as if computed separately. If the Community Development Director determines that the revised shared parking study or agreement does not satisfy the off-street parking needs of the proposed uses, the shared parking request shall be denied, and no certificates of occupancy shall be issued until the full number of off-street parking spaces are provided and if Certificates of Occupancy already exist they may be revoked unless and until adequate parking is provided.
- 5. **Revocation of Permits:** Failure to comply with the shared parking provisions of this subsection shall constitute a [violation](#) of this Code and shall be cause for revocation of a certificate of occupancy or other enforcement action as outlined in [Article 4-1-I](#) or [Article 4-1-L](#) of this Title..
- L. **Off-Site Vehicle Parking:** Required off-street parking spaces shall be located on the same lot as the use it is intended to serve unless the Planning Commission permits all or a portion of the required parking spaces to be located on a separate lot from the lot on which the principal use is located. Off-site parking shall be subject to the following standards:
  - 1. **Necessity:** The applicant shall demonstrate that it is not feasible to locate all of the required parking on the same lot as the principal use.
  - 2. **Ineligible Activities:** Off-site parking shall not be used to satisfy the off-street parking standards for residential uses, restaurants, bars or convenience stores and other convenience-oriented uses. Required parking spaces reserved for persons with disabilities shall not be located in an off-site parking facility.
  - 3. **Location:** Any off-site parking spaces shall be located within a reasonable walking distance to the principal use, however in no case shall the distance be greater than one-quarter mile. The City Transportation Manager may give consideration to off-site parking that is separated by right-of-way.
  - 4. **Zoning Classification:** Off-site parking areas shall require the same or a more intensive zoning classification than that required for the use served.
  - 5. **Agreement for Off-Site Parking:** An agreement, consistent with the requirements in [Section 4-1-D-1-K-3](#) for a shared parking agreement, shall be required for any off-site parking spaces.
  - 6. **Revocation of Permits:** Failure to comply with the deferred parking plan provisions of this subsection shall constitute a [violation](#) of this Code and shall be cause for revocation of a certificate of occupancy or other enforcement action as outlined in [Article 4-1-I](#) or [Article 4-1-L](#) of this Title.
- M. (Reserved for Future Use)

N. **Queuing Requirements for Drive-Thru Facilities:** In addition to meeting the off-street parking requirements of this Section, drive-thru facilities shall meet the following standards:

1. **Queue Space Schedule:** The minimum number of queue spaces required shall be as follows: Variations from these minimums may be allowed based on a traffic study submitted for review and approval by the City.

Use Type	Minimum Spaces	Measured From
Bank teller lane	5	Teller or Window
Automated teller machine	3	Teller
Restaurant drive-thru	6	Order Box*
Car wash stall, automatic	5	Entrance
Car wash stall, self-service	3	Entrance
Other	To be determined by City based on traffic study	
Gasoline pump island	50 feet from each end of pump island	

\* An additional 4 vehicle queue from the pick-up window to the order box shall be provided.

2. **Minimum Dimensions:** Each queue space shall be a minimum of 10 feet by 20 feet in size. Queuing lane dimensions shall be measured from the point indicated in subsection N1 of this Section (Queue Space Schedule) to the end of the queuing lane.
3. **Design:** Each queue lane shall be clearly defined and designed so as not to conflict or interfere with other pedestrian or vehicular traffic using the site. Depending on site circulation, a bypass lane with a minimum width of 12 feet may be required if a one-way traffic flow is used in the parking lot. The bypass lane shall be clearly designated and distinct from the queuing area.

O. **Vehicle Parking Area Design Standards:**

1. **Parking Space and Aisle Dimensions:** The minimum required dimensions of parking spaces and aisles shall be as indicated in the following table. All dimensions are in feet.

Parking Angle	Stall Width	Stall Depth	Aisle Width	Curb Length	Wall Module Width	Interlock Module Width	Stall Depth to Interlock
90°	9.0	18.5	**25.0	9.00	62.0	62.0	18.5
60°	9.0	19.0	**24.0	10.4	62.0	59.0	17.5
60°	9.0	19.0	*18.0	10.4	56.0	53.0	17.5

45°	9.0	18.0	*15.0	12.7	51.0	47.0	16.0
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\*One-way aisle width. \*\* Two-way aisle width.

Where the tires of parked vehicles contact wheel stops or curbing, an overhang of 2 feet shall be provided. The overhang may be provided in the form of a setback from the wall to the inside face of the curb or wheel stop. Curbing greater than 6 inches in height will be considered a wall for purposes of this sub-section. If any additional setback is needed to ensure protection of other site features such as decorative walls, fences or landscape areas, the additional setback shall not further reduce the required module dimension.

2. **Parallel Parking:** Parallel parking spaces shall have a minimum length of 23 feet and a minimum width of 9 feet. A minimum width of 10 feet shall be required if any structure or obstacle that would impede the opening of a car door is within 2 feet of the curb side of a parallel parking space.
3. **Residential Parking:** Parking areas designed solely to serve a single dwelling unit and not sharing a common parking area shall be a minimum of 8 feet wide and 18 feet long. Such parking spaces may be located on a driveway or in an enclosed garage and may be placed end to end, but no portion of any parking space shall be located within the right-of-way of a public street or a public alley or obstructing the sidewalk. Parking areas serving single-family dwelling units shall also comply with the standards of subsection F-3 of this Section, and all driveways shall be set back at least 2 feet from side yard property lines unless a shared driveway is provided.
4. **Layout:** All off-street parking spaces, other than those designed solely for a single dwelling unit and not sharing a common parking area, shall comply with the following design requirements:
  - a. Each off-street parking space shall open directly onto an aisle or driveway that is not a public street or a public alley.
  - b. Aisles and driveways shall not be used for parking vehicles.
  - c. Parking spaces shall be designed to permit entry and exit without moving any other vehicle.
  - d. Parking areas that require that vehicles be backed onto a public street from a parking or loading facility as a means of egress (head-in parking) shall be prohibited, except for parking areas serving single-family and duplex uses and development in HBD (Historic Business District) or CC (City Center) District.
  - e. No parking space shall be located so as to block access by emergency vehicles.
  - f. No off-street parking spaces shall be located within the right-of-way of a public street, public alley or required joint access easement unless otherwise permitted in the Historic Business District or City Center zoning districts.
  - g. Parking lots and drives shall be set back at least 20 feet from street rights-of-way and at least 10 feet from all other property lines in conformance with the buffer strip requirements of [Section 4-1-D-2](#) of this Article.
  - h. A landing or sidewalk shall be provided at each facility entrance which permits ingress and egress of the building in a safe and convenient fashion. Ingress and egress of a building directly from a parking stall or driveway or aisle shall not be permitted.
  - i. Curb returns may not extend beyond the prolongation of the property line.



- j. A safe and convenient pedestrian access shall be provided from each adjoining public or private street sidewalk to building entrances.
- 5. **Surfacing:** Unless otherwise allowed by the provisions of subsection J of this Section (Deferred Parking), all required off-street parking areas and access drives shall be surfaced with asphalt, concrete or other surface material approved by the Engineering and Construction Services Administrator. In no event shall vehicles be parked on the grass or in any open space or yard area.
- 6. **Signs and Marking:** All parking areas except those designed to serve single-family and duplex uses shall delineate each space by single or double stripes on each side of the space. Except for parallel parking spaces, stall width shall be measured from the center line of 1 stripe to the center line of the other stripe. Parking lot markings and stripes shall be continuously maintained so as to be clearly visible. All signs and markings shall conform with the *Uniform Traffic Control Device Manual* or as approved by the Engineering and Construction Services Administrator.
- 7. **Curbs:** Concrete curbs shall be provided in and along the perimeter of parking lots, drives and storage lots.
- 8. **Sidewalks:** Sidewalks serving off-street vehicle parking areas shall be at least 5 feet in width and at least 7 feet where adjacent to parking areas where car overhangs are permitted.
- P. **Truck Parking In Limited Use Retail Centers:** Repealed by Ord. 5350.
- Q. **Loading Area Design Standards:**
  - 1. **Size of Required Berths:** The minimum required dimensions of loading spaces, open or enclosed, shall be 12 feet in width by 55 feet in length, with a minimum vertical clearance of 15 feet.
  - 2. **Paving Standards:** All open off-street loading spaces shall be surfaced with asphalt or concrete or other hard-surfaced dustless materials and shall be constructed to provide for adequate drainage, as approved by the Engineering and Construction Services Administrator.
  - 3. **Use of Loading Area:** Required off-street loading spaces and associated aisles and maneuvering areas shall be used for vehicle loading only. No sales, storage, display of merchandise (including automobiles), repair work or dismantling shall be permitted in such areas, and in no event shall areas that provide direct access to off-street loading areas, such as the areas in front of loading docks and overhead doors, be used to satisfy the off-street parking standards of this Section.
  - 4. **Layout:** All off-street loading spaces shall comply with the following design requirements:
    - a. No off-street loading space or maneuvering area shall be located within 20 feet of the right-of-way of a public street or within 10 feet of any other property line. Any loading dock or door shall be set back far enough from the right-of-way so that no portion of the right-of-way is occupied by trucks or other vehicles while loading or unloading and maneuvering. Maneuvering areas shall be designed to permit vehicle access to a loading space in a single movement.
    - b. The location of the loading area shall not interfere with the free circulation of vehicles in the off-street parking area. Where loading areas are directly adjacent to or integrated with an off-street parking lot, the Engineering and Construction Services Administrator may require installation of physical barriers or other means of separating loading areas from parking areas and pedestrian traffic.

- c. No loading space shall be located so as to block access by emergency vehicles.
  - d. Loading areas shall not be located within front or street side yard areas except where the Community Development Director determines that site conditions, building function or other factors unique to the proposed site make alternative locations (rear and side yard) impractical.
5. **Screening:** All off-street loading areas shall be screened in accordance with the landscape and buffer standards of [Section 4-1-D-2](#) of this Article.
- R. **Bicycle Parking Standards:** In this section, bicycle parking refers to spaces provided by bicycle racks, lockers, or other parking facilities. The regulations and design standards of this subsection are to ensure the usefulness of bicycle parking while protecting public safety.
1. **General Standards**
- a. **General:**
    - i. All bicycle racks, lockers, or other parking facilities shall be located on a hard surface large enough to accommodate the rack and pedestrian movement.
    - ii. Bicycle facilities shall be anchored to a hard surface so that they are not easily removed. Bicycle racks or other locking devices must allow the bicycle frame to be locked using a standard U-lock.
    - iii. Each bicycle rack shall be easily accessible from the street and protected from motor vehicles. Protection from motor vehicles includes, but is not limited to, curbs, bollards, wheel stops and fences.
    - iv. Bicycle racks shall be located no farther than 50 feet from an entrance of and shall be strategically distributed throughout the site.
    - v. Bicycle parking facilities shall be visible to intended users.
    - vi. Bicycle parking facilities shall not encroach on any area in the public right-of-way intended for use by pedestrians, nor shall they encroach on any required fire safety egress.
    - vii. The use of creative bicycle parking facility designs is encouraged.
    - viii. Separated and in-line bicycle racks are acceptable.
  - b. **Dimensions:** Adequate space shall be provided for bicycle parking. The following minimum bicycle parking dimensions shall be guidelines for designing bicycle parking areas depending on the bicycle rack design used:
    - i. Each bicycle space must be 2 feet x 6 feet with a minimum overhead vertical clearance of 7 feet.
    - ii. Distance to other racks:
      - 1. Rack units aligned end-to-end should be placed a minimum of 8 feet apart.
      - 2. Rack units aligned side-by-side should be placed a minimum of 3 feet apart.
    - iii. Distance from a curb or wall:
      - 1. Bicycle racks located parallel to a wall or curb should be a minimum of 3 feet from the wall or curb.
      - 2. Racks located perpendicular to a wall or curb should be a minimum of 3 feet from the wall.

- c. **Signage:** If proposed, directional signage used to indicate the location of bicycle parking shall comply with the Manual on Uniform Traffic Control Devices (MUTCD) and the sign regulations in Section 4-1-E.

**3. Bicycle Parking Spaces Required:**

Bicycle racks for the parking of bicycles shall be provided in accordance with the following table. For good cause shown through written justification, a portion of required bicycle parking may be deferred and shall be identified on the final plan.

Table 4-1-D-1-R.1		
Category	Use	Bicycle Parking Space Requirement
Residential <sup>1</sup>	Multi-family	1 space per 5 units
Commercial <sup>2</sup>	Restaurant, General/ Fast Food/ Drinking Establishments/ Convenience Store	1 space per 5,000 sq. ft.
	Hotel or Motel	1 space per 30 rooms
	Other uses as listed under Commercial uses in <u>Section 4-1-B-22</u>	1 space per 10,000 sq. ft.
Office		1 space per 10,000 sq. ft.
Industrial	All industrial uses	1 space per 20 required vehicle parking spaces
Public or Civic <sup>3</sup>	School, elementary and secondary	1 space per 10 students
	Cultural Services	1 space per 10,000 sq. ft.
	Hospital	1 space per 20 employees
	Church or Place of Worship	1 space per 20 seats in gathering space
	Public Park	1 space per 10 auto spaces
	Other uses as listed under Public or Civic in <u>Section 4-1-B-22</u>	1 space per 10,000 sq. ft.
<sup>1</sup> Exempt Residential uses include: single-family, duplex, manufactured home, mobile home park, group home limited. 1 space per 5 vehicle spaces is required for shared residential amenities. <sup>2</sup> Exempt commercial uses include: carwash <sup>3</sup> Exempt Public/Civic uses include: cemetery, utility, wind farm, wireless communications tower		

<sup>4</sup>Minimum requirement for bicycle parking is 2 spaces (1 rack) for all uses.

**S. Deviations from Strict Compliance:**

1. Approval: It is recognized that site conditions vary greatly among sites, that operational characteristics can be unique amongst like uses, and that the design, scale, and character of neighborhoods is varied. The Planning Commission shall have the authority to approve deviations from strict compliance with the regulations of this subsection at the time of project review and the Community Development Director shall have the same authority for administrative plan and permit approvals, provided that the purpose and intent of this subsection is met. Deviations shall be clearly identified on plans submitted for plan and permit approval. The criteria to be considered by the Planning Commission and Community Development Director shall include, but not be limited to:
  - a. Purpose and intent of the Code.
  - b. Impact on adjacent properties.
  - c. Safety.
  - d. Unique site conditions and constraints.
  - e. Promotion of high quality or unique design.
  - f. Character of the neighborhood.
2. Appeal: The decision of the Community Development Director may be appealed to the Planning Commission. In reviewing the appeal, the Planning Commission shall consider the criteria of the preceding paragraph.

**SECTION TWO:** Section 4-2-C-2 of Article 4-2-C is hereby amended to read as follows:

**Section 4-2-C-2 STREETS.**

Streets shall be designed in accordance with the following standards, as well as the standards and design guidelines of the *Comprehensive Plan*:

- A. **Arrangement And Layout:** The public street system within all subdivisions shall be designed, arranged and laid out to comply with the *Comprehensive Plan*. Proposed streets shall be reviewed in terms of their relationship to existing and proposed streets, public safety and proposed land uses.
  1. **General:** The street design shall provide a simple, hierarchical system that, to the maximum extent consistent with the topography and requirements of this Article, minimizes the total length of streets in the subdivision.
  2. **Access:** Streets shall provide direct vehicular access to all properties within the subdivision plat boundaries, in accordance with the access standards of [Section 4-1-C-6](#) of this Title.
  3. **Through Traffic On Local Residential Street Networks:** Local street networks shall be laid out so that their use by through traffic is discouraged.

4. **Connection With Existing And Future Streets:** Public streets shall provide adequate connections to adjacent properties in order to ensure efficient traffic circulation within the general area. Public streets shall be designed to interconnect with other existing and proposed streets in the area. Streets in a new subdivision shall, where applicable, extend existing dead-end streets. Where a proposed subdivision is adjacent to unplatted land, the plat shall provide for the connection of collector and arterial streets to future streets through the unplatted area(s) and shall conform fully to the access requirements of [Section 4-1-C-6](#) of this Title.
  5. **Topography:** Proposed streets shall be laid out to conform as nearly as possible to existing topography in order to permit efficient drainage and utility systems design. Streets should follow valleys wherever possible so that they will form a collection system for surface water.
  6. **Large Lot Subdivision:** Where a tract is subdivided into lots of 1 acre or more, the Planning Commission shall require an arrangement of lots and streets that will permit a later resubdivision in conformity with the street standards of this Article.
- B. **Reserve Strips:** Reserve strips of private land controlling access to streets shall be prohibited except where their control is placed with the City, pursuant to conditions imposed by the Planning Commission.
- C. **Private Streets:** Private streets are discouraged and shall be prohibited unless specifically approved during the subdivision approval process. Private streets shall be subject to all of the design standards of this Section.
- D. **Geometrics And Other Design Standards:** A Policy on Geometric Design of Highways and Streets, 5th Edition, 2004, as published by the American Association of State Highway and Transportation Officials (hereinafter "AASHTO's Green Book") is hereby incorporated by reference for the purpose of providing a comprehensive reference manual for assistance in administrative, planning and educational efforts pertaining to design formulation, including geometrics and other design standards for highways and streets.

No less than three (3) copies of such document shall be marked or stamped "official copy" as adopted by Ordinance No. 4622 with a copy of the Ordinance codified herein and filed with the City Clerk to be open to inspection and available to the public at all reasonable hours.

1. **Street Classification:** Street classifications shall be determined by the *Comprehensive Plan*, where applicable, or shall be established by the Planning Commission in the plat review process.
2. **Right-Of-Way:** Minimum right-of-way widths shall be established in accordance with the standards in Table 4-2-C-2.1 following.
3. **Street (Paving) Width:** Minimum street widths shall be established in accordance with the standards in Table 4-2-C-2.1 following.
4. **Grades:** Minimum and maximum street grades shall be established in accordance with the standards in Table 4-2-C-2.1 following.
5. **Design Volumes And Speed:** Street design volumes and design speeds shall be established in accordance with the standards in Table 4-2-C-2.1 following.
6. **Sidewalks:** Sidewalks shall be a minimum of 5 feet wide and designed in accordance with the standards in Table 4-2-C-2.1 following.



7. **Driveway Spacing:** Driveway spacing shall be controlled by the standards of [Section 4-1-C-6](#) of this Title (Street Access).
8. **Intersection Off-Sets:** The minimum center line off-set of adjacent street intersections shall be 200 feet.
9. **Reverse Curves:** Streets with reverse curves shall have a minimum tangent of 100 feet between curves.
10. **Intersection Angles:** Acute angles between streets at their intersection shall be avoided whenever possible. When a deflection angle of more than 10 degrees in a street line occurs at any point between 2 intersecting streets, a curve of reasonably long radius shall be introduced.
11. **Dead-End Streets:** No dead-end streets shall be permitted unless provisions are made to connect the dead-end street with future streets on adjacent land. In the event that such dead-end streets are permitted pursuant to this regulation, such street shall be terminated with a cul-de-sac that meets the minimum standards of subsection D12 of this Section.

**12. Cul-De-Sacs:**

- a. **General:** Cul-de-sacs shall be permitted if adequate and proper access is provided to all lots. Unless otherwise provided by the Planning Commission and Governing Body during the platting process, cul-de-sacs shall comply with the standards indicated in Figure 4-2-C-2.1 and Table 4-2-C-2.2. In unique situations, such as residential golf course developments, infill developments with limited access options, and where there are unique site problems and environmental areas requiring protection, the Planning Commission and Governing Body may consider less restrictive standards, subject to meeting the requirements of [Section 4-2-H-1](#) of this Chapter (Exceptions). Cul-de-sacs which are located in higher hazard areas, and which approach or exceed the maximum length standards, may be subject to additional limitations on dwelling unit densities and may be required to provide secondary emergency access. Secondary emergency access shall be designed to accommodate the necessary emergency vehicles and shall be maintained in a passable condition.
- b. **Cul-de-Sac Sidewalk Connection:** To ensure a convenient bicycle and pedestrian transportation network, and at the discretion of the City Engineer to account for the transportation network as a whole, a paved sidewalk connection a minimum of 8-feet wide, within an easement or tract of 15-feet wide, may be required at the end of cul-de-sacs to connect the cul-de-sacs to other off-site elements and uses such as, but not limited to, schools, adjacent public street sidewalks, churches, parks, shopping areas, or other cul-de-sacs.

The criteria to be considered by the City Engineer in requiring connections at the end of cul-de-sacs shall include, but not be limited to:

1. Existing or planned transportation system.
2. Existing or planned surrounding uses.
3. Unique subdivision design or site conditions and constraints that would make requiring a connection unreasonable.
4. Impact on subject and adjacent properties.

5. Safety.

**13. Authority of City Engineer:**

- a. The standards set forth herein are intended to provide streets of adequate width while minimizing the amount of impervious surface whenever possible. The City Engineer may vary the street width standards, to require alternate widths where appropriate, based upon proposed development plans. Any such decision shall be based upon evaluation of all relevant information, including, without limitation, the nature of the development; the proposed use; projected density; projected traffic volumes; and the availability of off-street parking.
- b. **Waivers:** The City Engineer may approve waivers from these standards if it is determined that strict adherence to the standards will create unreasonable hardship to the development of abutting property. Such waivers, however, shall be granted only after the submission of a design plan that demonstrates that the requested waiver will not create a serious detriment to the safety and/or operation of traffic on the street or roadway. The requirements for the design plan may be waived by the City Engineer if it is determined that such an analysis is unnecessary in rendering a competent decision on the requested waiver.

**Table 4-2-C-2.1**

Classification	Minimum ROW Width (ft.)	Minimum Street <sup>1</sup> Width (ft.)	Grade Maximum Minimum	Design Speed (MPH) <sup>2</sup>	Sides of Street Sidewalk Required
Arterial, 4-Lane, Divided	100 <sup>3</sup>	2/28	6/1	45	2 <sup>4</sup>
Collector, 3-Lane	70	40	8/1	30-40	2
Collector, 2-Lane	60	28	8/1	30-35	2
Collector, 2-Lane, Residential	50	26	8/1	30-35	2
Local, 2-Lane	50	28 <sup>5</sup>	10/1	25	1
Ind./Bus. Park	60 <sup>6</sup>	36 <sup>6</sup>	6/1	25-30	1 <sup>7</sup>

<sup>1</sup> Street width measured from curb back to curb back. Additional width may be required to accommodate turn lanes as necessary.

<sup>2</sup> Design speed criteria for horizontal and vertical alignment shall reasonably comply with the guidelines set out in the most recent edition of AASHTO's Green Book.

<sup>3</sup> Minimum median width = 16 feet.

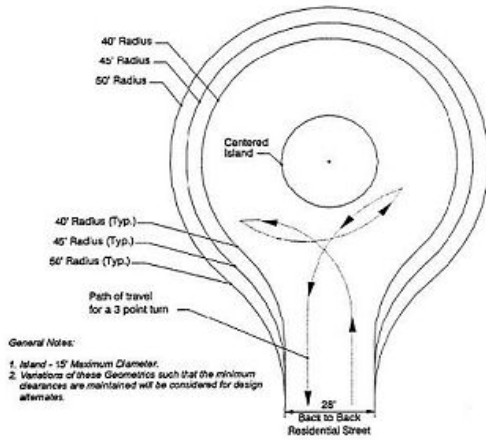
<sup>4</sup> A multi-purpose trail with a minimum width of 10 feet shall be provided in lieu of 1 of the required 5-foot sidewalks in those locations designated for recreational trails by the City Parks and Recreation Department.

<sup>5</sup> 22 feet where approved by City Engineer, see [Section 4-2-C-2-D-13](#).

<sup>6</sup> Right-of-way and street width, up to 70 and 40 feet respectively, will be required where heavy truck traffic is anticipated.

<sup>7</sup> Sidewalks in Industrial and Business Parks are required only upon initial preliminary planning for new parks where the appropriate side of the street can be determined and carried through the subdivision.

Figure 4-2-C-2.1



Residential Cul-De-Sac Design Alternatives	
R/W Required	Pavement - Back of Curb
50' R + Transition	40' R with no island
50'-55' R + Transition	45' R with centered island
55' -60' R + Transition	50' R with centered island

Table 4-2-C-2.2 Cul-De-Sac Criteria

Street Classification	Max. Length* (ft.)	Min ROW Width (ft.)	Min. Street Width** (ft.)	Min. Radius of ROW at Bulb (ft.)	Min. Radius of Pavement at Bulb*** (ft.)	Max. Radius of Island	Comments
2 Lane Local Residential Street	1,000	50	28	50	40	see****	Maximum 50 dwelling units
Industrial Street/Business Park	1,000	60	36	60	59	Island not permitted	N/A

Notes to Table:

\* Measured from the "near side" of right-of-way line of the intersecting street to the center line of cul-de-sac bulb.

\*\* Measured "back-to-back" of the curb and gutter sections except local 2 lane rural streets are measured to the edge of pavement surface.

\*\*\* Radius measured at back of curb.

\*\*\*\* See residential cul-de-sac design alternatives Figure 1 for island application.

E. **Street Names And Numbers:** In order to provide a uniform system of street names and addresses and to avoid duplication and confusion, the Planning Commission shall have the power to:

1. **Street Names:** Recommend to the Governing Body the name by which all existing roads, streets, highways or other public or private ways now used by the public, within the City, shall

be officially known, and to recommend to the Governing Body the renaming of the same in accordance with [Article 4-1-P](#). This power shall apply to streets actually used by the public, regardless of whether they are dedicated to the public or maintained by a private entity or person on private property;

2. **Numbering Of Blocks And Addresses:** Establish a uniform series of key numbers for all blocks and for such designated sections as may be deemed convenient upon all existing roads, streets, highways or other public or private ways now used by the public, within the jurisdiction of the Planning Commission, from which official street addresses for residence and business properties may be fixed in numerical order and to renumber the same and all others which may be established if, at any time in the judgment of the City Council, such action may be deemed advisable and proper; and
3. **Street Signs:** The City shall install street identification signs at the intersection of public streets and within the public right-of-way at the intersection of public streets and a private street at the expense of the developer. In cases of all private streets, the City will provide street identification signs at the expense of the developer, but the developer will be responsible for the installation of all private street signs. Payment of the costs for such signs shall be in accordance with the fee schedule established by the City Council, such amounts shall be paid to the City through the City Transportation Manager's office and paid or guaranteed prior to the approval of the final plat; guarantees shall be in accordance with [Article 4-2-F](#) of this Chapter.

**SECTION THREE:** Section 4-2-C-4 of Article 4-2-C is hereby amended to read as follows:

### **Section 4-2-C-4 BLOCKS.**

- A. **Lengths:** Blocks in residential areas shall not exceed 1,320 feet in length and shall not be less than 400 feet in length. Blocks along collector and arterial streets shall not be less than 600 feet in length.
- B. **Block Connections:** To ensure a convenient bicycle and pedestrian transportation network, and at the discretion of the City Engineer to account for the transportation network as a whole, a paved sidewalk connection a minimum of 8-feet wide, within an easement or tract of 15-feet wide, may be required through the center of blocks that are more than 800 feet in length to enhance pedestrian convenience and connect the block to other off-site elements and uses such as, but not limited to, schools, adjacent public street sidewalks, churches, parks, shopping areas, or other blocks.

The criteria to be considered by the City Engineer in requiring connections through the center of blocks that are more than 800 feet in length shall include, but not be limited to:

- a. Existing or planned transportation system
- b. Existing or planned surrounding uses.
- c. Unique subdivision design or site conditions and constraints that would make requiring a connection unreasonable.

- d. Impact on subject and adjacent properties.
  - e. Safety
- C. **Widths:** Blocks shall be designed to have sufficient width to accommodate 2 tiers of lots unless the Planning Commission determines that the existence of adjacent streets, railroads or waterways makes this requirement impractical.

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

**ADOPTED** by the Governing Body this 2<sup>nd</sup> day of February, 2021.

**SIGNED** by the Mayor on this 2<sup>nd</sup> day of February, 2021.

**CITY OF LENEXA, KANSAS**

[SEAL]

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Mandy Stuke, Council President presiding  
as Mayor pursuant to Lenexa City Code  
Section 1-2-A-3

ATTEST:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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David Jack, Assistant City Attorney II





**MINUTES OF THE  
JANUARY 19, 2021  
LENEXA CITY COUNCIL MEETING  
COMMUNITY FORUM, 17101 W 87<sup>th</sup> STREET PARKWAY  
LENEXA, KS 66219**

**CALL TO ORDER**

Mayor Boehm called the meeting to order at 7 PM.

**ROLL CALL**

Councilmembers Karlin, Eiterich, Nicks, Nolte, Roh, Hunt, Sayers, and Stuke were present with Mayor Boehm presiding.

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

**APPROVE MINUTES**

*Councilmember Roh made a motion to approve the January 5, 2021 City Council meeting draft minutes and Councilmember Karlin seconded the motion. Motion passed unanimously.*

**MODIFICATION OF AGENDA**

None

**CONSENT AGENDA**

1. Bid award for the 2021 mowing services contract to Kansas Land Management  
*This bid award is for a mowing services contract with Kansas Land Management for \$178,425.00 per year. The contract covers maintenance of 210 acres of turf including a variety of medians, rights-of-way, city facilities, parks, and other City-owned property.*
2. Acceptance for maintenance
  - a. Acceptance of the Lenexa Logistics Centre East Special Benefit District Project for maintenance  
*This project constructed public street, storm, and streetlight improvements related to the Lenexa Logistics Centre East development. The total cost of construction was \$4,642,969.87.*
  - b. Acceptance of the LED Streetlight Replacement Project for maintenance  
*The LED Streetlight Replacement Project replaced existing streetlights*

*throughout Lenexa with LED luminaires on 30-foot and 40-foot light poles. In residential neighborhoods, bulbs inside the existing streetlight fixtures were replaced with LED bulbs. Fixtures in City-maintained parking lots were replaced as well. This project began in August 2018 and was conducted in four phases, finishing completion in December 2020. The total cost of construction was \$1,387,219.34.*

c. Acceptance of the 95th Street Turn Lane Project for maintenance

*This project constructed a right-turn lane on 95th Street in the vicinity of the southeast corner of Loiret Boulevard and 95th Street. The project included asphalt pavement, curb and gutter, and pavement markings and was privately funded.*

d. Acceptance of the City Center Scarborough Street Special Benefit District Project for maintenance

*This project constructed Scarborough Street from eastbound 87th Street Parkway to southbound Renner Boulevard and also included construction of 392 linear feet of Hampton Street. Other work included installation of angled parking, sidewalks, street lighting, storm drainage systems, waterlines, landscaping, and a utility duct bank. The total cost of construction was \$1,861,274.70.*

3. Acceptance of sanitary sewer and utility easements as shown on Lenexa Logistics Centre North, 3rd Plat

*This final plat is for Lenexa Logistics Centre North Phase II located at the northeast corner of College Boulevard and Mill Creek Road. Sanitary sewer and utility easements are being dedicated to the City as part of the final plat. PT21-04F*

4. Acceptance of right-of-way, landscape, utility, drainage, and sidewalk easements as shown on Cedarcrest, Third Plat

*This final plat is for the Cedarcrest subdivision, a residential development located at the southeast corner of 83rd Street and Mize Boulevard. Several easements are being dedicated to the City as part of the final plat. PT21-01FR*

5. Approval of a new Cereal Malt Beverage license for Get N Go, located at 9703 Rosehill Road

*Get N Go is under new ownership, which has applied for a Cereal Malt Beverage license for 9703 Rosehill Road.*

6. Resolution approving the Agreement for the Coordinated Delivery of Emergency Medical Services Medical Direction within the Boundaries of Johnson County, Kansas

*Kansas law requires that each emergency medical service provider have a medical director to review, approve, and monitor its activities. This agreement establishes the medical director program for the coordinated Johnson County EMS system which includes Lenexa, Johnson County Med-Act, and other entities.*

7. Resolution authorizing the Mayor or City Manager to execute a Master Services and Purchasing Agreement with Axon Enterprise, Inc. for the purchase and maintenance of body worn cameras, in-car cameras, a digital evidence management system, and

electronic control devices

*The Lenexa Police Department currently has five separate contracts with different termination dates with Axon Enterprise, Inc. for body worn cameras, in-car cameras, a digital evidence management system, and electronic control devices. The purpose of this agreement is to consolidate these services and products into a single contract with uniform terms and one termination date. The total cost over a 5-year period is \$1,147,785.95.*

8. Resolution declaring it necessary to appropriate private property for the construction of the Oakhill Storm Drainage Improvements Project

*The Oakhill Storm Drainage Improvements Project, consisting of neighborhood pipe rehabilitation and improvements, is located approximately from 83rd Street to 79th Street between Lackman Road and Mill Creek. Prompted by a high concentration of failing pipes, a study was performed in July 2019 resulting in a recommendation to improve more than two miles of pipes in this area.*

9. Resolution authorizing the Mayor to execute certain documents terminating the Lenexa City Center - North Village Master Declaration of Covenants, Restrictions, Easements, Reservations, and Assessments and associated Perpetual Maintenance Agreement  
*The City recommends terminating the Lenexa City Center - North Village Master Declaration of Covenants, Restrictions, Easements, Reservations and Assessments and associated Perpetual Maintenance Agreement because they have never functioned and cannot function properly as they were originally intended because there has never been master developer or functioning property owners association.*

### **END OF CONSENT AGENDA**

*Councilmember Hunt made a motion to approve items 1-9 on the consent agenda and Councilmember Sayers seconded the motion. Motion passed unanimously.*

### **BOARD RECOMMENDATIONS**

10. Ordinance approving a three-year Special Use Permit for MAVS, located at 16501 W. 116th Street, to allow Personal Instruction, General, in the BP-2 Planned Manufacturing zoning district  
*MAVS is requesting to amend the three-year Special Use Permit (SUP) approved in September 2020 to allow the use of eight courts to host up to eight volleyball tournaments per season with COVID-19 restrictions in place allowing only one spectator to attend per team to film the games. The approved SUP only allows the use of four courts to host up to eight volleyball tournaments per season. SU21-01*

Magi Tilton, Planning and Development Administrator, said that the applicant wants to revise the three-year SUP that the City Council approved for MAVS in September 2020 for Personal Instruction, General. The original SUP has stipulations regarding the number of volleyball tournaments allowed per year and the number of volleyball courts allowed to be used for tournaments on a daily basis. She said this amended SUP is to allow MAVS to use more of their courts because COVID-19 regulations currently limit

spectator attendance to one per team for video-streaming the games.

Ms. Tilton presented an aerial site map of 116<sup>th</sup> Street showing the surrounding neighborhood and said that there have been no use or zoning changes in this area since the initial SUP was approved last year.

Ms. Tilton presented a table reflecting details of the original SUP application and this revised application for comparison. She said that the square footage of the building to be used remains the same, as does the number of proposed tournaments; however, the number of teams hosted per event and the number of courts used per tournament are proposed to increase with the amended SUP. She added that prior to the pandemic, there would be 20 teams using four courts and with this amendment the applicant requests allowing 24 teams using eight courts.

Ms. Tilton then presented a parking plan reflecting the designated MAVS spaces, as well as the additional night and weekend parking that is available for MAVS use. She said that there are two tenant finish projects for office/warehouse/distribution uses pending for the remaining building space, which would use parking not designated for MAVS.

Ms. Tilton said there was some discussion about player drop-off on the site at the Planning Commission meeting. She said that because only one spectator per team would be allowed this season, the applicant would have drivers follow a designated entrance and exit through the parking lot for player drop-off to keep traffic moving efficiently. She said that since tournaments keep players in the facility for several hours at a time, the applicant would not be allowing anyone to park and wait in the lot, but require them to leave and return after a tournament ends. She added that Planning Commission and City staff recognize that some players would be driving themselves and parking in the facility's lot, but said that there would still be adequate parking available and is not anticipated to be an issue.

Ms. Tilton said that both the Planning Commission and staff recommend approval of this new three-year SUP. She noted that the stipulations would be the same as the initial SUP with a maximum of 70,000 square foot to be occupied in the building and a maximum of eight tournaments per year. She said that the additional, modified stipulations are to increase allowed use to eight courts through March 31<sup>st</sup> and to return to the use of four courts beginning April 1<sup>st</sup>.

Councilmember Karlin asked if tournaments are restricted to weekends.

Kathy Bates, applicant, stated that all tournaments this season will be on weekends because weekday tournaments have been canceled due to the pandemic.

Councilmember Eiterich asked how many players are on each team and the ages of the players.

Ms. Bates said that there are usually nine players and two coaches, but occasionally a team has ten to eleven players. She added that the youngest players are 10 years old.

*Councilmember Sayers made a motion to approve item 10 and Councilmember Roh*

*seconded the motion. Motion passed unanimously.*

11. Consideration of multiple rezoning requests and development plans for Copper Creek Apartments and Townhomes and Watercrest South residential subdivision -  
WITHDRAWN BY THE APPLICANT  
*The applicant has requested that this item be WITHDRAWN.*

## **PUBLIC HEARINGS**

12. Consideration of tax abatement and issuance of industrial revenue bonds for Lenexa Logistics Centre North Phase II Building 5 at the northwest corner of College Boulevard and Renner Boulevard
  - a. Public hearing to consider an exemption from ad valorem taxes for property financed with IRBs.
  - b. Resolution determining the intent of the City to issue approximately \$30 million in IRBs and approving a 10-year tax abatement with a payment in lieu of taxes agreement.  
*BLNP, LLC ("Applicant"), an entity related to Block Real Estate Services, is requesting the City issue approximately \$30 million in industrial revenue bonds to finance the acquisition, construction, and equipping of a 565,027 square foot commercial warehouse/office facility located east of Mill Creek Road and north of College Boulevard in the Lenexa Logistics North Phase II Business Park. The Applicant has also requested a 10-year tax abatement. Pursuant to state law, the City must hold a public hearing and consider a cost-benefit analysis before approving a tax abatement.*

Sean McLaughlin, City Attorney, stated that the City approved a master resolution for Lenexa Logistics Centre North Phase II development; however, it did not grant tax abatement for each building. He said that this resolution is for the City to issue up to \$30 million in IRBs with a fixed 10-year PILOT agreement for the construction of Building 5, an approximately 565,000 square foot building, in the development in the northwest corner of Renner Boulevard and College Boulevard.

Mr. McLaughlin said that the PILOT is based on a total annual tax of \$1.20 per square foot with a 2% annual increase, having an effective abatement of 71% over the 10-year term. He added that this abatement is higher than what is typical, but is similar to what has been done in Lenexa Logistics Centre North Phase I, as well as in the Lenexa Logistics Centre East development.

Mr. McLaughlin said that a cost benefit analysis reflected a positive net benefit for all parties. He added that this parcel currently pays \$53 per year in taxes and this abatement would generate approximately \$88,000 in year one.

Mr. McLaughlin stated that the IRBs are not backed by the full faith and credit of the City



and the applicant is responsible for the full payment of the bonds. He said that staff recommends approval.

Curtis Holland was present as the applicant's representative.

Mayor Boehm opened the public hearing at 7:19 PM.

No public comment was made.

*Councilmember Stuke made a motion to close the public hearing and Councilmember Roh seconded the motion. Motion passed unanimously.*

The public hearing closed at 7:20 PM.

*Councilmember Nicks made a motion to approve item 12b and Councilmember Karlin seconded the motion. Motion passed unanimously.*

## **NEW BUSINESS**

13. Consideration of establishing the Lenexa Logistics Centre North Phase II Stormwater and Britton Street Special Benefit Districts

- a. Resolution establishing the amended Stormwater SBD, waiving the sealed bid process, and repealing Resolution 2019-123.
- b. Resolution establishing the Britton Street SBD and waiving the sealed bid process.
- c. Ordinance levying special assessments for public improvements associated with the Stormwater SBD.
- d. Resolution authorizing the Mayor to execute an agreement with McClure Engineering Company for the design of the Stormwater SBD.
- e. Resolution authorizing the Mayor to execute an agreement with ARCO Construction for the construction of the Stormwater SBD.

*The City has received two petitions from the Lenexa Logistics Centre North Phase II Special Benefit District ("Original SPD") developer. The first petition proposes amending the Original SBS to reduce its scope and only include one approximately 4-acre stormwater detention basin and associated infrastructure ("Stormwater SBD"). The second petition proposes establishing a new special benefit district to construct Britton Street from College Boulevard north approximately 1,640 feet, one 5-acre stormwater detention basin, and associated infrastructure ("Britton Street SBD"). Construction of the Stormwater SBD is expected to begin this winter and the proposed ordinance will levy assessments on the property in order to commence construction. Additionally, an agreement with McClure Engineering Company for engineering and design services for construction of the Stormwater SBD for approximately \$140,635 and an agreement with Arco Construction Company for construction of the*

*Stormwater SBD for approximately \$1,294,693 are proposed.*

Mr. McLaughlin said that in late 2019 the City received a petition to create the initial SBD to construct Britton Street and two detention basins on approximately 150 acres in the northwest corner of Renner Boulevard and College Boulevard for Lenexa Logistics Centre North Phase II. He said that the developer has since decided to split the initial SBD into two separate SBDs to expedite the development of Phase II, specifically Building 5.

Mr. McLaughlin said that two petitions were received, signed by 100% of the property owners of the district. He said the first petition is to amend the initial SBD, reducing its scope to only one detention basin because Building 5 will take its access off Mill Creek Road. He said the second petition is to establish a new SBD to construct Britton Street and the remaining detention basin.

Mr. McLaughlin stated that since the infrastructure is being split, it is still important approve the new SBD for Britton Street because it is integral to the development. He said that the resolutions will establish a Stormwater SBD and a Britton Street SBD, waiting the sealed bid process as is standard in SBD approvals.

Mr. McLaughlin said that construction on the Stormwater SBD is expected to begin this winter and the ordinance levying assessments on the property is required to enter into a construction contract.

Mr. McLaughlin said the resolutions approving contracts with McClure and ARCO are for design and construction of the Stormwater SBD. He added that for the Britton Street SBD, an assessment ordinance as well as any design and construction contracts will be considered in the future, closer to commencement of that construction.

Mr. McLaughlin stated that the property owners will pay 100% of the cost through assessments and the City will finance the project through 20-year special obligation bonds.

Mr. McLaughlin said that staff recommends adoption of the resolutions and the ordinance.

The applicant was present.

Councilmember Nolte asked if there was any liability to the City other than financing.

Mr. McLaughlin said that the street will become part of city's street network and there would be an agreement between the City, property owners, and developer for the detention basin.

Councilmember Nolte shared some concerns about potential issues with the project's construction in the future.

Tim Green, Deputy Community Development Director, addressed Councilmember Nolte's concerns and said that this contractor has done a lot of work to prepare for this project and that he feels confident in their ability to manage it well.

*Councilmember Hunt made a motion to approve item 13a and Councilmember Roh seconded the motion. Motion passed unanimously.*

*Councilmember Karlin made a motion to approve item 13b and Councilmember Hunt seconded the motion. Motion passed unanimously.*

*Councilmember Roh made a motion to approve item 13c and Councilmember Nicks seconded the motion. Motion passed unanimously.*

*Councilmember Sayers made a motion to approve item 13d and Councilmember Eiterich seconded the motion. Motion passed unanimously.*

*Councilmember Roh made a motion to approve item 13e and Councilmember Karlin seconded the motion. Motion passed unanimously.*

## **BUSINESS FROM FLOOR**

None

## **COUNCILMEMBER REPORTS**

Councilmember Sayers said that she participated in a round table discussion with Representative Davids and others last week regarding state and local funding for COVID relief. She said that they discussed how projected revenues were not as bad as had been expected and that Representative Davids provided good feedback on the future impacts of COVID, property tax collections, and vaccinations. She added that the discussion was live-streamed on Representative Davids' Facebook page and that she was glad to have represented Lenexa in the conversation.

Councilmember Nolte said that he appreciates receiving department reports. He asked for some explanation and clarification of some of the figures in the Municipal Court's fourth quarter 2020 report. Beccy Yocham, City Manager, said that the 2020 figures are different from 2019 largely due to the pandemic, stating that calls for service were down because of people staying home, court cases are being managed differently and are moving more slowly than normal, and online activity is being encouraged to reduce face-to-face contact.

Councilmember Hunt said he was pleased to see several of the items on the consent agenda that provide necessary equipment for the City. He added that likes how staff is preparing and presenting information in the packet to prepare the Council for the meetings.

Councilmember Karlin said that he has always been proud of Lenexa, living in Lenexa, and serving Lenexa, but that he has never been more proud than when he heard the news story about Lenexa firefighter Richard Jett this week.

Councilmember Eiterich said that tonight there was a National vigil for the 400,000 people who have lost their lives from COVID-19 this year and the Civic Campus lights have been changed to the color amber tonight in their honor.

Mayor Boehm agreed that there were some significant approvals on the Consent

Agenda for this meeting. He noted the LED streetlight project completion, Cedarcrest project changes, and the consolidation of several agreements with AXON Enterprise for the Police Department. He asked for Governing Body retreat topics to be sent to Ms. Yocham. He announced that he would not be in attendance at the February 2<sup>nd</sup> City Council meeting and that Councilmember Stuke would preside as Council President.

### **STAFF REPORTS**

Ms. Yocham asked the Governing Body for retreat topics in the next few days. She said that there will be a Committee of the Whole meeting next week to discuss homeless shelter regulations. She added that the news article Councilmember Karlin referred to about Lenexa firefighter Richard Jett is in this week's Lenexa Star.

Mayor Boehm thanked Scott McCullough, Community Development Director, and his staff for all the work that was done on the Copper Creek Apartments and Townhomes and Watercrest South residential subdivision project in recent months.

### **ADJOURN**

*Councilmember Nolte made a motion to adjourn and Councilmember Roh seconded the motion. Motion passed unanimously.*

The meeting adjourned at 7:45 PM.

**WATER MAIN EXTENSION AGREEMENT**  
**CREATING A BENEFIT AREA**  
**MX-20029BA**

This **WATER MAIN EXTENSION AGREEMENT CREATING A BENEFIT AREA**, hereinafter "**Agreement**", made and entered into by and between **Ten Ridge, LLC, a Kansas Limited Liability Company**, hereinafter referred to as **Petitioner**, and **Water District No. 1 of Johnson County, Kansas** in the State of Kansas, hereinafter referred to as **WaterOne**, shall govern the conditions of a water main extension and creation of a benefit area in consideration for payment of final costs of said water main extension to provide domestic water service and fire protection to serve property described and identified in the attached **Appendix B**.

**CREATION OF A BENEFIT AREA:**

1. **WaterOne** does not have a water distribution main sufficiently extended and available at this time to serve said property.
2. **Petitioner** is required to extend a water main along property not owned by **Petitioner** and these Owner(s) will benefit by this main extension. It is agreed and understood that this instrument refers only to the availability of water to the Benefit Area, and that as an additional condition to the actual furnishing of water service to any tract within the Benefit Area, there may be additional, separate, and independent Main Extension Petition and Agreement(s) required to be entered in to with **WaterOne** for each tract to be served, and such **Agreements** shall be entirely separate from this Main Extension Petition and Agreement Creating a Benefit Area.
3. **WaterOne** has determined the boundaries of an area that may be benefited by such water main extension and does by this instrument create a "Benefit Area."
4. The Owner(s) of the area to be potentially benefited will not be required to initially contribute to the cost of the water main extension.
5. **WaterOne** will require the owners of tracts within the Benefit Area other than that now owned by the **Petitioner**, or their successor, hereinafter called "Other Participating Parties", to pay



to **WaterOne** a Benefit Area footage charge for each foot, or fraction of a linear foot, of the tract to be served by a new or increased service connection, a new or increased water meter, fire hydrant, or a distribution water main extension located within the Benefit Area. The Benefit Area footage charge is estimated to be **\$58.42 per foot** based upon the estimated cost as described in the Water Main Extension Section, **Paragraph 1** below. The actual Benefit Area footage charge shall be adjusted up or down in the same proportion that the actual cost varies from the estimated cost, as described in the Main Extension Section, **Paragraph 4** below.

Service connections to **WaterOne's** water distribution system existing on the date of this **Agreement** will not be subject to the terms of this **Agreement** if they are subsequently connected to the water main extension, unless the connection(s) or meter(s) is/are enlarged at the request of the property owners. If a larger meter or connection is installed at the request of the customer prior to **Tuesday, January 22, 2041**, the appropriate Benefit Area Footage charge as determined by **WaterOne** shall be collected by **WaterOne** and then paid to the **Petitioner**.

**WaterOne** will pay the collected Benefit Area footage charges within 90 days to the **Petitioner**.

6. A map of the Benefit Area is attached hereto as **Appendix A**. A legal description of each tract within the Benefit Area, or a legal description of the perimeter of the Benefit Area, along with the present property owner of each tract, is attached in **Appendix B**. Each property owner or their successors known to **WaterOne** prior to the time this **Agreement** is executed shall be furnished an unexecuted copy of this **Agreement** to inform them of the Benefit Area that will require their proportionate contribution at the time of any development requiring water service on their respective tract.
7. On **Tuesday, January 22, 2041**, **WaterOne** shall terminate collection of Benefit Area footage charges and pay to the **Petitioner** any Benefit Area Footage charges collected prior to **Tuesday, January 22, 2041** that have not previously been paid to the **Petitioner**. **WaterOne** shall then be fully and finally discharged of all further obligations under this **Agreement**. No consideration or credit shall be given for interest on amounts paid by the **Petitioner** or the Other Participating Parties under this **Agreement**.

All notices and cost reimbursement shall be sent to the **Petitioner** at the address listed in this **Agreement**. The **Petitioner** shall be responsible for notifying **WaterOne** of any change in address within 30 days.

#### **WATER MAIN EXTENSION:**

1. **WaterOne** has estimated that it will be necessary to install an extension of **2,460** linear feet of water main at a total estimated cost, including overheads, of **\$271,815.00** for the water main extension in the Benefit Area
2. The **Petitioner** has simultaneously, with the execution and delivery of the **Agreement**, paid to **WaterOne** a deposit, in cash or its equivalent, the amount of the estimated cost, which **WaterOne** will retain without interest, but subject to **Paragraph 4** in the event of overestimation as hereinafter provided.
3. After **WaterOne's** site readiness requirements have been met, **WaterOne** shall proceed with due diligence to install the water main extension described as follows:

**install approximately 2,460 linear feet of 12-inch water main**

4. After completion of the work, **WaterOne** will determine the actual cost of the water main extension including overheads. If the actual cost is less than the estimated cost, **WaterOne** will refund the difference to the **Petitioner**. If the actual cost is greater than the estimated cost, the **Petitioner** shall pay the difference to **WaterOne**.
5. **WaterOne** shall retain full ownership of the water main extension, fire hydrants, and other appurtenances, free of any liens and encumbrances, and it shall have the right to repair or replace said extension at any time without consideration of the **Petitioner** or any water consuming customer or customers; also, **WaterOne** shall have the right to extend any water main installed pursuant to this **Agreement** in or to other lands, streets or avenues, and the **Petitioner** or any customer shall not, by reason thereof, be entitled to any reimbursement or payment except as noted in the Creation of a Benefit Area Section, **Paragraph 5** above.
6. All decisions regarding the manner of installation of said mains, the type of materials to be used therein and the maintenance thereof shall be and shall so remain at the exclusive discretion and under the sole control of **WaterOne**.
7. This **Agreement** does not include any costs for fire or domestic service connections. Application and payment to **WaterOne** for any required fire or domestic water service connections shall be entirely separate from this **Agreement**.
8. The **Agreement** shall be subject to the Rules and Regulations of **WaterOne** in effect at the date of this instrument as they are recorded in **WaterOne's** Administrative Office and as may be amended in the future, and which are made a part hereof by reference.
9. The **Agreement** must be executed on or before **Friday, April 23, 2021** to keep the estimated costs as current as practical. After that date, if **WaterOne** determines the actual cost to perform the work may exceed the original estimated cost set forth herein, **WaterOne** reserves the right to require this **Agreement** be amended or a new **Agreement** be executed.
10. If the **Petitioner** delays **WaterOne** from completing construction within six months from the date of acceptance of this **Agreement**, then **WaterOne** may either rescind or terminate this **Agreement** and refund any unexpended deposit or drawn funds or require an amendment to increase the estimate and deposit to offset cost increases in water main construction costs.
11. The **Petitioner** shall provide surveying services as required by **WaterOne** for the water main extension. **Petitioner's** surveyor shall bill the **Petitioner** directly for all surveying services rendered in relation to this **Agreement**, and **Petitioner** agrees to be responsible for all engineering and surveying expenses incurred. The surveyor shall immediately notify **WaterOne** of any water mains or appurtenances that were not installed as staked.
12. **Petitioner** agrees that **WaterOne** shall be the sole and exclusive judge as to the necessity for realignment or change in grade of the water main extension and appurtenances after completion of **Petitioner's** project, and **Petitioner** accepts responsibility for errors in **WaterOne's** system design that are caused by errors, omissions or changes in the site development plans or any other information submitted by the **Petitioner** to **WaterOne**, upon which **WaterOne's** system design is based. **Petitioner** shall be responsible for misinterpretation by **WaterOne** of survey stakes, pins, or other means of layout unless the misinterpretation is due to gross negligence by **WaterOne**.
13. If the Main Extension will be installed in a Present Grant of a Permanent Easement Later to Be Defined, the **Petitioner's** surveyor shall provide the legal description of **WaterOne's** easement within 30 days of the completion of the water main extension.

**Petitioner shall provide name of the surveying company and contact information on the lines below.**

---

Name of Surveying Company

---

Surveyor Contact Name

---

Surveyor Phone Number

---

Surveyor E-mail

PROPOSED COPY

The **Petitioner** and **WaterOne** have executed this Main Extension and Agreement Creating a Benefit Area as of the date of acceptance by **WaterOne**.

**TEN RIDGE, LLC**  
**A KANSAS LIMITED LIABILITY COMPANY**

By:

\_\_\_\_\_  
**Michael A. Christie, Managing Member**

**Mike Christie**  
**13617 W. 109th St.**  
**Lenexa, KS 66215**

State of \_\_\_\_\_ )  
County of \_\_\_\_\_ ) ss:

Be it remembered, that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the undersigned, a Notary Public in and for the County and State came **Michael A. Christie, Managing Member of Ten Ridge, LLC**, who is personally known to me to be such officer, and who is personally known to me to be the same person who executed, as such officer, the within instrument on behalf of said a **Kansas Limited Liability Company**, and such persons duly acknowledged the execution of the same to be the act and deed of said a **Kansas Limited Liability Company**.

In Witness Whereof, I have hereunto set my hand and affixed my official seal, on the day and year last above written.

\_\_\_\_\_  
Notary Public signature

My appointment expires:

\_\_\_\_\_

Approved as to Form:

By: \_\_\_\_\_  
WaterOne Counsel

<p>Accepted this _____ day of _____, 2021</p> <p>Water District No. 1 of Johnson County (Kansas)</p> <p>By: _____</p> <p>Michael J. Armstrong General Manager</p>
---

State of Kansas            )  
                                      ) ss.  
County of Johnson        )

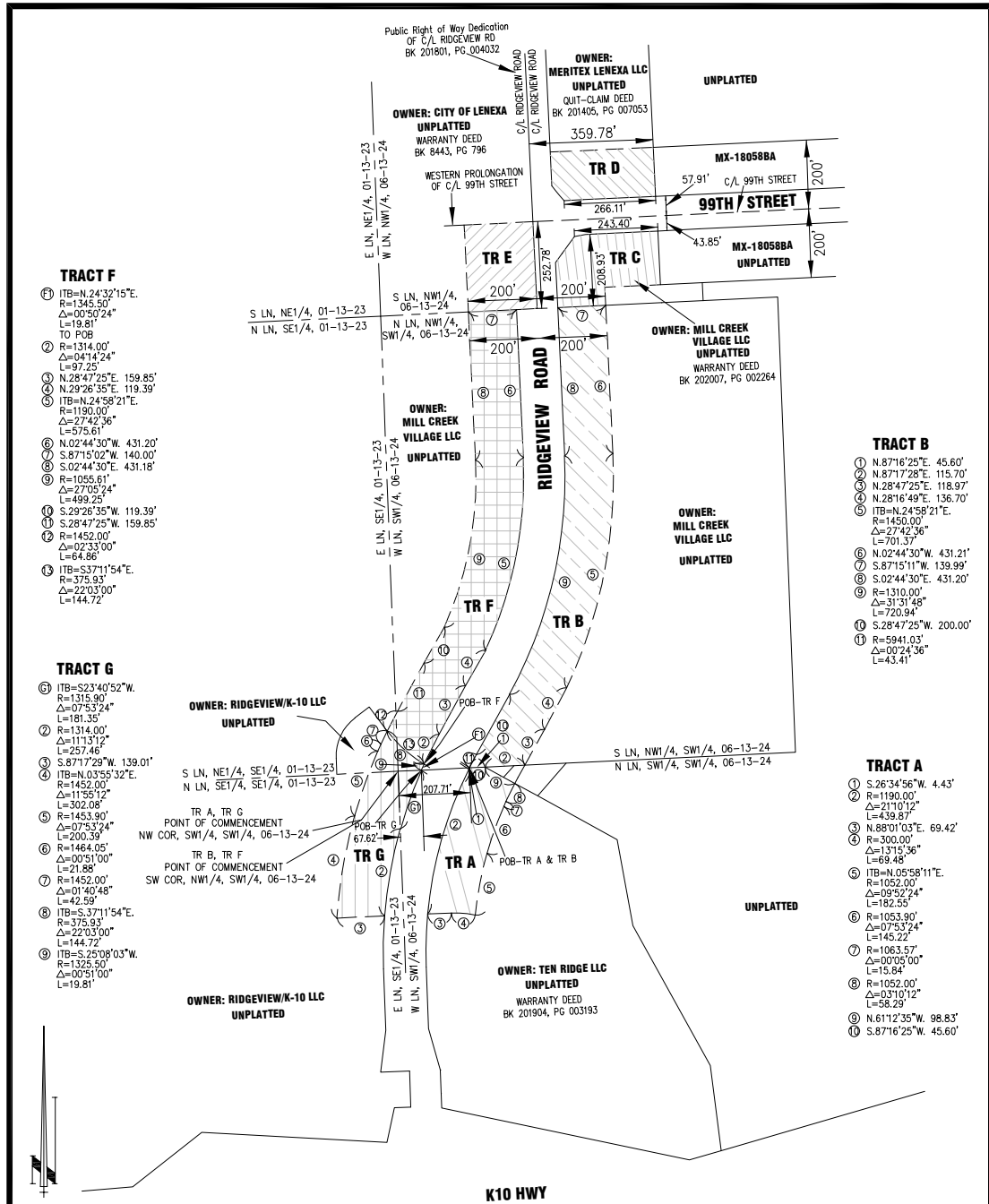
Be it remembered, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2021, before me, the undersigned, a Notary Public in and for the County and State aforesaid, came **Michael J. Armstrong, General Manager of Water District No. 1 of Johnson County**, a quasi-municipal corporation of the State of Kansas, who is personally known to me to be such Officer of said District and the same person who executed the foregoing instrument as such officer on behalf of said District, and the said Michael J. Armstrong, as such Officer, duly acknowledged the execution of the same to be the act and deed of the said Water District No. 1 of Johnson County.

In Witness Whereof, I have hereunto subscribed my name and affixed my official seal the day and year last above written.

\_\_\_\_\_  
Notary Public Signature

My appointment expires:

\_\_\_\_\_



**WaterOne**  
Water District No. 1 of Johnson County

## APPENDIX A

### TEN RIDGE K-10 & RIDGEVIEW RD - BA

DRAWN BY:

*M&K*

DATE:

10/27/20

SCALE:

1" = 450'

JOB NO.

MX-20029BA



## **MX-20029 BENEFIT AREA**

### **Appendix B**

#### **TRACT A**

##### **Ten Ridge, LLC**

13617 W. 109<sup>th</sup> St.

Lenexa, KS 66215

Approx. 600' North of Northeast corner of K-10 HWY and Ridgeview Road

All that part of the Southwest 1/4 of the Southwest 1/4 of Section 6, Township 13 South, Range 24 East in the City of Lenexa, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of said Southwest 1/4; thence East along the North line of said Southwest 1/4 a distance of 207.71 feet to a point on the Easterly right-of-way line of Ridgeview Road, as established in right of way grant filed in Book 201801 at Page 004035, and the POINT OF BEGINNING; thence South 26° 34' 56" West, along the said Easterly right-of-way line of said Ridgeview Road, a distance of 4.43' feet to a point of curvature; thence Southwesterly, along said Easterly right-of-way line, along a curve to the left, being tangent to the last described course, having a radius of 1,190.00 feet, a central angle of 21° 10' 12", and an arc distance of 439.87 feet to a point of tangency; thence North 88° 01' 03" East, departing said Easterly right-of-way line, a distance of 69.42 feet to a point of curvature; thence Southeasterly, along a curve to the right, being tangent to the last described course, having a radius of 300.00 feet, a central angle of 13° 15' 36", and an arc distance of 69.48 feet to a point on a non-tangent curve; thence Northeasterly, along a curve to the right, having an initial tangent bearing of North 05° 58' 11" East, a radius of 1,052.00, a central angle of 09° 52' 24", and an arc distance of 182.55 feet to a point of tangent curvature; thence Northeasterly, along a curve to the right, being tangent to the last described curve, having a radius of 1,053.90 feet, a central angle of 07° 53' 24", and an arc distance of 145.22 feet to a point of tangent curvature; thence Northeasterly, along a curve to the right, being tangent to the last described curve, having a radius of 1,063.57 feet, a central angle of 00° 05' 00", and an arc distance of 15.84 feet to a point of tangent curvature; thence Northeasterly, along a curve to the right, being tangent to the last described curve, having a radius of 1,052.00 feet, a central angle of 03° 10' 12", and an arc distance of 58.29 feet to a point on the Northerly line of a tract of land described in Warranty Deed recorded at Book 201904, Page 003193, at the Johnson County Register of Deeds; thence North 61° 12' 35" West, along said Northerly line, a distance of 98.83 feet to a point on the North line of said Southwest 1/4; thence South 87° 16' 25" West, along said North line, a distance of 45.60 feet to the POINT OF BEGINNING.

Benefit Area footage: 444.30 linear feet, more or less.

## **TRACT B**

### **Mill Creek Village, LLC**

13617 W. 109<sup>th</sup> St.

Lenexa, KS 66215

Approx. 1000' North of Northeast corner of K-10 HWY and Ridgeview Road

All that part of the Northwest 1/4 of the Southwest 1/4 of Section 6, Township 13 South, Range 24 East in the City of Lenexa, Johnson County, Kansas, described as follows: Commencing at the Southwest corner of said Northwest 1/4; thence East along the South line of said Northwest 1/4 a distance of 207.71 feet to a point on the Easterly right-of-way line of Ridgeview Road, as established in right of way grant filed in Book 201801 at Page 004035, and the POINT OF BEGINNING; thence North 87° 16' 25" East, leaving said Easterly right-of-way line of said Ridgeview Road, along said South line of said Northwest 1/4, a distance of 45.60 feet; thence North 87° 17' 28" East, continuing along said South line of said Northwest 1/4, a distance of 115.70 feet; thence North 28° 47' 25" East, leaving the said South line of said Northwest 1/4, a distance of 118.97 feet; thence North 28° 16' 49" East, a distance of 136.70 feet to a point on a non-tangent curve; thence Northeasterly, along a curve to the left, having an initial tangent bearing of North 24° 58' 21" East, a radius of 1,450.00 feet, a central angle of 27° 42' 36", and an arc distance of 701.37 feet to a point of tangency; thence North 02° 44' 30" West, a distance of 431.21 feet to a point on the North line of said Northwest 1/4; thence South 87° 15' 11" West, along the said North line of said Northwest 1/4, a distance of 139.99 feet to a point on the Easterly right-of-way line of said Ridgeview Road; thence South 02° 44' 30" East, along said Easterly right-of-way line, a distance of 431.20 feet to a point of curvature; thence Southwesterly, continuing along the Easterly right-of-way line of said Ridgeview Road, along a curve to the right, being tangent to the last described course, having a radius of 1,310.00 feet, a central angle of 31° 31' 48", and an arc distance of 720.94 feet to a point of tangency; thence South 28° 47' 25" West, along said Easterly right-of-way line, a distance of 200.00 feet to a point of curvature; thence Southwesterly, along said Easterly right-of-way line, along a curve to the right, being tangent to the last described course, having a radius of 5,941.03 feet, a central angle of 00° 24' 36", and an arc distance of 43.41 feet a point on the South line of the Northwest 1/4 of the Southwest 1/4 of Section 6, Township 13 South, Range 24 East, and which also is the POINT OF BEGINNING.

Benefit Area footage: 1395.55 linear feet, more or less.

**TRACT C****Mill Creek Village, LLC**

13617 W. 109<sup>th</sup> St.

Lenexa, KS 66215

Southeast corner of 99th Street and Ridgeview Road

All of that part of a tract of land located in the Northwest 1/4 of Section 6, Township 13 South, Range 24 East in the City of Lenexa, Johnson County, Kansas, described in Warranty Deed recorded at Book 202007, Page 002264, at the Johnson County Register of Deeds, lying North of a line being drawn 200.00 feet South of and parallel with the Centerline of 99th Street, as now established, and lying West of a line being drawn 200.00 feet East of and parallel with the Centerline of Ridgeview Road, as now established, EXCEPT that part thereof in public right-of-way.

Benefit Area footage: 452.33 linear feet, more or less.

**TRACT D****Meritex Lenexa, LLC**

17501 W. 98<sup>th</sup> St., Ste. #26-32

Lenexa, KS 66219

Northeast corner of 99th Street and Ridgeview Road

All of that part of a tract of land located in the Northwest 1/4 of Section 6, Township 13 South, Range 24 East in the City of Lenexa, Johnson County, Kansas, described in Quit Claim Deed recorded at Book 201405, Page 007053, at the Johnson County Register of Deeds, being North of the Centerline of 99th Street, as now established, and East of the Centerline of Ridgeview Road, as now established, and described as follows: A strip of land lying South of a line being drawn 200.00 feet North of and parallel to the Centerline of said 99th Street, and lying West of a line being drawn 359.78 feet East of and parallel with the Centerline of said Ridgeview Road, EXCEPT that part thereof in public right-of-way.

Benefit Area footage: 266.11 linear feet, more or less.

**TRACT E****City of Lenexa**

17101 W. 87<sup>th</sup> St Pkwy  
Lenexa, KS 66219

Southwest corner of 99th Street and Ridgeview Road

All of that part of a tract of land located in the Northwest 1/4 of Section 6, Township 13 South, Range 24 East in the City of Lenexa, Johnson County, Kansas, described in Warranty Deed recorded at Book 8443, Page 796, at the Johnson County Register of Deeds, lying South of a line being the westerly prolongation of the Centerline of 99th Street, as now established; and also, lying East of a line being drawn 200.00 feet West of and parallel with the Centerline of Ridgeview Road, as now established and described in Public Right of Way Dedication recorded at Book 201801, Page 004032, at the Johnson County Register of Deeds, also being the East property line of said tract of land.

Benefit Area footage: 252.78 linear feet, more or less.

**TRACT F****Mill Creek Village, LLC**

13617 W. 109<sup>th</sup> St.  
Lenexa, KS 66215

Approx. 1000' North of Northwest corner of K-10 HWY and Ridgeview Road

All that part of the Northwest 1/4 of the Southwest 1/4 of Section 6, Township 13 South, Range 24 East and part of the Northeast 1/4 of the Southeast 1/4 of Section 1, Township 13 South, Range 23 East in the City of Lenexa, Johnson County, Kansas, described as follows: Commencing at the Southwest corner of said Northwest 1/4; thence East along the South line of said Northwest 1/4 a distance of 67.62 feet to a point on the Westerly right-of-way line of Ridgeview Road, as established in right of way grant recorded in Book 201801 at Page 004035; thence Northeasterly, along said Westerly right-of-way line, along a curve to the right, having an initial tangent bearing of North 24° 32' 15" East, a radius of 1345.50 feet, a central angle of 00° 50' 24", and an arc distance of 19.81 feet to a point of tangent curvature, and being the POINT OF BEGINNING; thence Northeasterly,

continuing along said Westerly right-of-way line, along a curve to the right, being tangent to the last described curve, having a radius of 1,314.00 feet, a central angle of 04° 14' 24", and an arc distance of 97.25 feet to a point of tangency; thence North 28° 47' 25" East, continuing along said Westerly right-of-way line, a distance of 159.85 feet to a point; thence North 29° 26' 35" East, continuing along said Westerly right-of-way line, a distance of 119.39 feet to a point of non-tangent curvature; thence Northeasterly, along said Westerly right-of-way line, along a curve to the left, having an initial tangent bearing of North 24° 58' 21" East, a radius of 1,190.00 feet, a central angle of 27° 42' 36", and an arc distance of 575.61 feet to a point of tangency; thence North 02° 44' 30" West, continuing along said Westerly right-of-way line, a distance of 431.20 feet to a point on the North line of said Northwest 1/4; thence South 87° 15' 02" West, departing said Westerly right-of-way line, along the North line of said Northwest 1/4, a distance of 140.00 feet to a point; thence South 02° 44' 30" East, departing said North line of said Northwest 1/4, a distance of 431.18 feet to a point of curvature; thence Southwesterly, along a curve to the right, being tangent to the last described course, having a radius of 1,055.61 feet, a central angle of 27° 05' 24", and an arc distance of 499.25 feet to a point of tangency; thence South 29° 26' 35" West, a distance of 119.39 feet to a point; thence South 28° 47' 25" West, a distance of 159.85 feet to a point of curvature; thence Southwesterly, along a curve to the left, being tangent to the last described course, having a radius of 1,452.00 feet, a central angle of 02° 33' 00", and an arc distance of 64.86 feet to a point of non-tangent curvature; thence Southwesterly, along a curve to the left, having an initial tangent bearing of South 37° 11' 54" East, a radius of 375.93 feet, a central angle of 22° 03' 00", and an arc distance of 144.72 feet to the POINT OF BEGINNING.

Benefit Area footage: 1383.30 linear feet, more or less.

### **TRACT G**

**Ridgeview/K-10, LLC**

1074 W. Santa Fe St.

Olathe, KS 66061

Approx. 600' North of Northwest corner of K-10 HWY and Ridgeview Road

All that part of the Southeast 1/4 of the Southeast 1/4 of Section 1, Township 13 South, Range 23 East, and part of the Northeast 1/4 of the Southeast 1/4 of Section 1, Township 13 South, Range 23 East, and part of the Northwest 1/4 of the Southwest 1/4 of Section 6, Township 13 South, Range 24 East, and part of the Southwest 1/4 of the Southwest

1/4 of Section 6, Township 13 South, Range 24 East, all in the City of Lenexa, Johnson County, Kansas, described as follows: Commencing at the Northwest corner of Southwest 1/4 of the Southwest 1/4 of Section 6, Township 13 South, Range 24 East; thence East along the North line of said Southwest 1/4 a distance of 67.62 feet to a point on the Westerly right-of-way line of Ridgeview Road, as established in right of way grant filed in Book 201801 at Page 004035, and the POINT OF BEGINNING; thence Southwesterly, along said Westerly right-of-way line, along a curve to the left, having an initial tangent bearing of South 23° 40' 52" West, a radius of 1,315.90 feet a central angle of 07° 53' 24", and an arc distance of 181.35 feet to a point of tangent curvature; thence Southwesterly, continuing along said Westerly right-of-way line, along a curve to the left, being tangent to the last described curve, having a radius of 1,314.00 feet, a central angle of 11° 13' 12", and an arc distance of 257.46 feet to a point of tangency; thence South 87° 17' 29" West, departing said Westerly right-of-way line of said Ridgeview Road, a distance of 139.01 feet to a point of non-tangent curvature; thence Northeasterly, along a curve to the right, having an initial tangent bearing of North 03° 55' 32" East, a radius of 1,452.00 a central angle of 11° 55' 12", and an arc distance of 302.08 feet to a point of tangent curvature; thence Northeasterly, along a curve to the right, being tangent to the last described curve, having a radius of 1,453.90 feet, a central angle of 07° 53' 24", and an arc distance of 200.39 feet to a point of tangent curvature; thence Northeasterly, along a curve to the right, being tangent to the last described course, having a radius of 1,464.05 feet, a central angle of 00° 51' 00", and an arc distance of 21.88 feet to a point of tangent curvature; thence Northeasterly, along a curve to the right, being tangent to the last described course, having a radius of 1,452.00 feet, a central angle of 01° 40' 48", and an arc distance of 42.59 feet to a point on a non-tangent curve; thence Southeasterly, along a curve to the left, having an initial tangent bearing of South 37° 11' 54" East, a radius of 375.93, a central angle of 22° 03' 00", and an arc distance of 144.72 feet to a point of a non-tangent curve; thence Southwesterly, along a curve to the left, having an initial tangent bearing of South 25° 08' 03" West, a radius of 1,325.50, a central angle of 00° 51' 00", and an arc distance of 19.81 feet to a point on the South line of the Northwest 1/4 of the Southwest 1/4 of Section 6, Township 13 South, Range 24 East, also being the POINT OF BEGINNING.

Benefit Area footage: 458.62 linear feet, more or less.



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

**AN ORDINANCE GRANTING TO LEVEL 3 COMMUNICATIONS, LLC("GRANTEE"), A CONTRACT FRANCHISE TO CONSTRUCT, OPERATE AND MAINTAIN A TELECOMMUNICATIONS SYSTEM IN THE CITY OF LENEXA, KANSAS AND PRESCRIBING THE TERMS OF SAID CONTRACT FRANCHISE, AND REPEALING ORDINANCE NO. 5149.**

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

**SECTION 1. DEFINITIONS.**

For the purposes of this Ordinance, the following words and phrases shall have the meaning given herein. When not inconsistent within the context, words used in the present tense include the future tense and words in the single number include the plural number. The word "shall" is always mandatory, and not merely directory.

- a. "Access line" - shall mean and be limited to retail billed and collected residential lines; business lines; ISDN lines; PBX trunks and simulated exchange access lines provided by a central office based switching arrangement where all stations served by such simulated exchange access lines are used by a single customer of the provider of such arrangement. Access line may not be construed to include interoffice transport or other transmission media that do not terminate at an end user customer's premises, or to permit duplicate or multiple assessment of access line rates on the provision of a single service or on the multiple communications paths derived from a billed and collected access line. Access line shall not include the following: Wireless telecommunications services, the sale or lease of unbundled loop facilities, special access services, lines providing only data services without voice services processed by a telecommunications local exchange service provider or private line service arrangements.
- b. "Access line count" - means the number of access lines serving consumers within the corporate boundaries of the City on the last day of each month.
- c. "Access line fee" - means a fee determined by the City, up to a maximum as set out in K.S.A. 12-2001(c)(3), and amendments thereto, to be used by Grantee in calculating the amount of Access line remittance.
- d. "Access line remittance" - means the amount to be paid by Grantee to City, the total of which is calculated by multiplying the Access line fee, as determined in the City, by the number of Access lines served by Grantee within the City for each month in that calendar quarter.
- e. "City" - means the City of Lenexa, Kansas.

- f. "Contract franchise" - means this Ordinance granting the right, privilege and franchise to Grantee to provide Telecommunications services, within the City.
- g. "Facilities" - means telephone and telecommunications lines, conduits, manholes, hand holes, ducts, wires, cables, pipes, poles, towers, vaults, appliances, optic fiber, and all equipment used to provide Telecommunications services.
- h. "Grantee" - means LEVEL 3 COMMUNICATIONS, LLC, a Telecommunications local exchange service provider providing, or intending to provide local exchange service and/or operating Facilities within the City. References to Grantee shall also include as appropriate any and all successors and assigns.
- i. "Gross Receipts" - shall mean only those receipts collected from within the corporate boundaries of the City enacting the contract franchise and which are derived from the following: (1) Recurring local exchange service for business and residence which includes basic exchange service, touch tone, optional calling features and measured local calls; (2) Recurring local exchange access line services for pay phone lines provided by Grantee to all pay phone service providers; (3) Local directory assistance revenue; (4) Line status verification/ busy interrupt revenue; (5) Local operator assistance revenue; and (6) Nonrecurring local exchange service revenue which shall include customer service for installation of lines, reconnection of service and charge for duplicate bills. All other revenues, including, but not limited to, revenues from extended area service, the sale or lease of unbundled network elements, nonregulated services, carrier and end user access, long distance, wireless telecommunications services, lines providing only data service without voice services processed by a telecommunications local exchange service provider, private line service arrangements, internet, broadband and all other services not wholly local in nature are excluded from gross receipts. Gross receipts shall be reduced by bad debt expenses. Uncollectible and late charges shall not be included within gross receipts. If Grantee offers additional services of a wholly local nature which if in existence on or before July 1, 2002 would have been included with the definition of Gross Receipts, such services shall be included from the date of the offering of such services within the City.
- j. "Local exchange service" - means local switched telecommunications service within any local exchange service area approved by the state Corporation Commission, regardless of the medium by which the local telecommunications service is provided. The term local exchange service shall not include wireless communication services.
- k. "Public right-of-way" - means only the area of real property in which the City has a dedicated or acquired right-of-way interest in the real property. It shall include the area on, below or above the present and future streets, alleys, avenues, roads, highways, parkways or boulevards dedicated or acquired as right-of-way. The term

does not include the airwaves above a right-of-way with regard to wireless telecommunications or other non-wire telecommunications or broadcast service, easements obtained by utilities or private easements in platted subdivisions or tracts.

- l. "Telecommunications local exchange service provider" – means a local exchange carrier as defined in subsection (h) of K.S.A. 66-1,187, and amendments thereto, and a telecommunications carrier as defined in subsection (m) of K.S.A. 66-1,187 and amendments thereto, which does, or in good faith intends to, provide local exchange service.
- m. "Telecommunications services" - means providing the means of transmission, between or among points specified by the user, of information of the user's choosing, without change in the form or content of the information as sent and received.

## **SECTION 2. GRANT OF CONTRACT FRANCHISE.**

- a. There is hereby granted to Grantee this nonexclusive Contract franchise to construct, maintain, extend and operate its Facilities along, across, upon or under any Public right-of-way for the purpose of supplying Telecommunications services or operating Facilities, including Telecommunications services and other communication-related services, to the consumers or recipients of such service located within the corporate boundaries of the City, for the term of this Contract franchise, subject to the terms and conditions of this Contract franchise.
- b. The grant of this Contract franchise by the City shall not convey title, equitable or legal, in the Public right-of-way, and shall give only the right to occupy the Public right-of-way, for the purposes and for the period stated in this Contract franchise. This Contract franchise does not:
  - (1) Grant the right to use Facilities or any other property, telecommunications related or otherwise, owned or controlled by the City or a third-party, without the consent of such party;
  - (2) Grant the authority to construct, maintain or operate any Facility or related appurtenance on property owned by the City outside of the Public right-of-way, specifically including, but not limited to, parkland property, City Hall property or public works facility property; or
  - (3) Excuse Grantee from obtaining appropriate access or attachment agreements before locating its Facilities on the Facilities owned or controlled by the City or a third party.
- c. As a condition of this grant, Grantee is required to obtain and is responsible for any necessary permit, license, certification, grant, registration or any other

authorization required by any appropriate governmental entity, including, but not limited to, the City, the FCC or the Kansas Corporation Commission (KCC). Grantee shall also comply with all applicable laws, statutes and/or city regulations (including, but not limited to those relating to the construction and use of the Public right-of-way or other public property).

- d. Grantee shall not provide any additional services for which a franchise is required by the City without first obtaining a separate franchise from the City or amending this Contract franchise, and Grantee shall not knowingly allow the use of its Facilities by any third party in violation of any federal, state or local law. In particular, this Contract franchise does not provide Grantee the right to provide cable service as a cable operator (as defined by 47 U.S.C. § 522 (5)) within the City. Grantee agrees that this franchise does not permit it to operate an open video system without payment of fees permitted by 47 U.S.C. § 573(c)(2)(B) and without complying with FCC regulations promulgated pursuant to 47 U.S.C. § 573.
- e. This authority to occupy the Public right-of-way shall be granted in a competitively neutral and nondiscriminatory basis and not in conflict with state or federal law.

### **SECTION 3. USE OF PUBLIC RIGHT-OF-WAY.**

- a. Pursuant to K.S.A. 17-1902, and amendments thereto, and subject to the provisions of this Contract franchise, Grantee shall have the right to construct, maintain and operate its Facilities along, across, upon and under the Public right-of-way. Such Facilities shall be so constructed and maintained as not to obstruct or hinder the usual travel or public safety on such public ways or obstruct the legal use by other utilities.
- b. Grantee's use of the Public right-of-way shall always be subject and subordinate to the reasonable public health, safety and welfare requirements and regulations of the City. The City may exercise its home rule powers in its administration and regulation related to the management of the Public right-of-way, provided that any such exercise must be competitively neutral and may not be unreasonable or discriminatory. Grantee shall be subject to all applicable laws and statutes, and/or rules, regulations, policies, resolutions and ordinances adopted by the City, relating to the construction and use of the Public right-of-way, including, but not limited to, the City's Right-of-Way Management provisions, Article 4-6-I of the Lenexa City Code, and amendments thereto.
- c. Grantee shall participate in the Kansas One Call utility location program.

### **SECTION 4. COMPENSATION TO THE CITY.**

- a. In consideration of this Contract franchise, Grantee agrees to remit to the City a franchise fee of 5% of Gross Receipts. To determine the franchise fee, Grantee shall calculate the Gross Receipts and multiply such receipts by 5%. Thereafter,

subject to subsection (b) hereafter, compensation for each calendar year of the remaining term of this Contract franchise shall continue to be based on a sum equal to 5% of Gross Receipts, unless the City notifies Grantee in writing prior to ninety days (90) before the end of the calendar year that it intends to switch to an Access line fee in the following calendar year. As provided in subsection (b) hereof, such Access line fee shall not exceed \$2.00 per Access line per month. In the event the City elects to change its basis of compensation, nothing herein precludes the City from switching its basis of compensation back, provided the City notifies Grantee in writing prior to ninety days (90) before the end of the calendar year. City acknowledges Grantee's right to add to its end user customers' bill a surcharge equal to the pro rata share of any such gross receipts or access line fee as set forth in K.S.A. 12-2001(r).

- b. Beginning January 1, 2004, and every 36 months thereafter, the City, subject to the public notification procedures set forth in K.S.A. 12-2001 (m), and amendments thereto, may elect to adopt an increased Access line fee or Gross Receipts fee subject to the provisions and maximum fee limitations contained in K.S.A. 12-2001, and amendments thereto, or may choose to decline all or any portion of any increase in the Access line fee.
- c. Grantee shall pay on a quarterly basis without requirement for invoice or reminder from the City, and within 45 days of the last day of the quarter for which the payment applies franchise fees due and payable to the City. Payment shall be made to the City under procedures, which are mutually agreed to by the Grantee. If any franchise fee, or any portion thereof, is not postmarked or delivered on or before the due date, interest thereon shall accrue from the due date until received, at the applicable statutory interest rate.
- d. No acceptance by the City of any franchise fee shall be construed as an accord that the amount paid is, in fact, the correct amount, nor shall acceptance of any franchise fee payment be construed as a release of any claim of the City. Any dispute concerning the amount due under this Section shall be resolved in the manner set forth in K.S.A. 12-2001, and amendments thereto.
- e. The City or its designees shall have the right to examine, upon written notice to Grantee no more often than once per calendar year, those records necessary to verify the correctness of the franchise fees paid by Grantee.
- f. Unless previously paid, within sixty (60) days of the effective date of this Contract franchise, Grantee shall pay to the City a one-time application fee of One Thousand Dollars (\$1,000.00). The parties agree that such fee reimburses the City for its reasonable, actual and verifiable costs of reviewing and approving this Contract franchise.
- g. The franchise fee required herein shall be in addition to, not in lieu of, all taxes, charges, assessments, licenses, fees and impositions otherwise applicable that

are or may be imposed by the City under K.S.A. 12-2001 and 17-1902, and amendments thereto. The franchise fee is compensation for use of the Public right-of-way and shall in no way be deemed a tax of any kind.

- h. Grantee shall remit an Access line (franchise) fee or Gross Receipts (franchise) fee to the City on those access lines that have been resold to another telecommunications local exchange service provider, but in such case the City shall not collect a franchise fee from the reseller service provider and shall not require the reseller service provider to enter into a contract franchise ordinance. Such Access line (franchise) fee or gross receipts (franchise) fee shall be in the same amount or percentage as the franchise fee set forth in subsection 4(a) herein.

## **SECTION 5. INDEMNITY AND HOLD HARMLESS.**

It shall be the responsibility of Grantee to take adequate measures to protect and defend its Facilities in the Public right-of-way from harm or damage. If Grantee fails to accurately or timely locate Facilities when requested, in accordance with the Kansas Underground Utility Damage Prevention Act, K.S.A. 66-1801 et seq., it has no claim for costs or damages against the City and its authorized contractors unless such parties are responsible for the harm or damage by its gross negligence or willful and wanton conduct. Notwithstanding the foregoing, the City and its authorized contractors shall be responsible to take reasonable precautionary measures including calling for utility locations and observing marker posts when working near Grantee's Facilities.

Grantee shall indemnify and hold the City and its officers and employees harmless against any and all claims, lawsuits, judgments, costs, liens, losses, expenses, fees (including reasonable attorney fees and costs of defense), proceedings, actions, demands, causes of action, liability and suits of any kind and nature, including personal or bodily injury (including death), property damage or other harm for which recovery of damages is sought, to the extent that it is found by a court of competent jurisdiction to be caused by the negligence of Grantee, any agent, officer, director, representative, employee, affiliate or subcontractor of Grantee, or its respective officers, agents, employees, directors or representatives, while installing, repairing or maintaining Facilities in the Public right-of-way.

The indemnity provided by this subsection does not apply to any liability resulting from the negligence of the City, its officers, employees, contractors or subcontractors. If Grantee and the City are found jointly liable by a court of competent jurisdiction, liability shall be apportioned comparatively in accordance with the laws of this state without, however, waiving any governmental immunity available to the City under state law and without waiving any defenses of the parties under state or federal law. This section is solely for the benefit of the City and Grantee and does not create or grant any rights, contractual or otherwise, to any other person or entity.



Grantee or City shall promptly advise the other in writing of any known claim or demand against Grantee or the City related to or arising out of Grantee's activities in the Public right-of-way.

## **SECTION 6. INSURANCE REQUIREMENT AND PERFORMANCE BOND**

- a. During the term of this Contract franchise, Grantee shall obtain and maintain insurance coverage at its sole expense, with financially reputable insurers that are authorized to do business in the state of Kansas. Should Grantee elect to use the services of an affiliated captive insurance company for this purpose, that company shall possess a certificate of authority from the Kansas Insurance Commissioner. Grantee shall provide not less than the following insurance:
  - (1) Workers' compensation as provided for under any worker's compensation or similar law in the jurisdiction where any work is performed with an employers' liability limit equal to the amount required by law.
  - (2) Commercial general liability, including coverage for contractual liability and products completed operations liability on an occurrence basis and not a claims made basis, with a limit of not less than Two Million Dollars (\$2,000,000) combined single limit per occurrence for bodily injury, personal injury, and property damage liability. The City shall be included as an additional insured with respect to liability arising from Grantee's operations under this Contract franchise. Grantee may utilize umbrella liability policy to meet the limits required in 6 (a) (2).
- b. As an alternative to the requirements of subsection (a), Grantee may demonstrate to the satisfaction of the City that it is self-insured and as such Grantee has the ability to provide coverage in an amount not less than one million dollars (\$1,000,000) per occurrence and two million dollars (\$2,000,000) in aggregate, to protect the City from and against all claims by any person whatsoever for loss or damage from personal injury, bodily injury, death or property damage occasioned by Grantee, or alleged to so have been caused or occurred.
- c. Grantee shall, as a material condition of this Contract franchise, prior to the commencement of any work and prior to any renewal thereof, deliver to the City a certificate of insurance or evidence of self-insurance, reasonably satisfactory in form and content to the City, evidencing that the above insurance is in force. Grantee shall provide at least 30 days advanced written notice to the City on any required coverage that is materially changed or cancelled or non-renewed and not replaced. Based upon a material change or cancellation or non-renewal of the required insurance coverage, or litigation, Grantee shall make available to the City on request the policy declarations page and a redacted copy of the policy including any endorsements in effect, so that limitations and exclusions can be evaluated for appropriateness of overall coverage.

- d. Grantee shall, as a material condition of this Contract franchise, prior to the commencement of any work and prior to any renewal thereof, deliver to the City a performance bond in the amount of \$50,000, payable to the City to ensure the appropriate and timely performance in the construction and maintenance of Facilities located in the Public right-of-way. The required performance bond must be with good and sufficient sureties, issued by a surety company authorized to transact business in the State of Kansas, and reasonably satisfactory to the City Attorney in form and substance.

## **SECTION 7. REVOCATION AND TERMINATION.**

In case of failure on the part of Grantee to comply with any of the provisions of this Contract franchise, or if Grantee should do or cause to be done any act or thing prohibited by or in violation of the terms of this Contract franchise, Grantee shall forfeit all rights, privileges and franchise granted herein, and all such rights, privileges and franchise hereunder shall cease, terminate and become null and void, and this Contract franchise shall be deemed revoked or terminated, provided that said revocation or termination, shall not take effect until the City has completed the following procedures: Before the City proceeds to revoke and terminate this Contract franchise, it shall first serve a written notice upon Grantee, setting forth in detail the neglect or failure complained of, and Grantee shall have sixty (60) days thereafter in which to comply with the conditions and requirements of this Contract franchise. If at the end of such sixty (60) day period the City deems that the conditions have not been complied with, the City shall take action to revoke and terminate this Contract franchise by an affirmative vote of the majority of the City Council present at the meeting and voting, setting out the grounds upon which this Contract franchise is to be revoked and terminated; provided, to afford Grantee due process, Grantee shall first be provided reasonable notice of the date, time and location of the City Council's consideration, and shall have the right to address the City Council regarding such matter. Nothing herein shall prevent the City from invoking any other remedy that may otherwise exist at law.

Upon any determination by the City Council to revoke and terminate this Contract franchise, Grantee shall have thirty (30) days to appeal such decision to the District Court of Johnson County, Kansas. This Contract franchise shall be deemed revoked and terminated at the end of this thirty (30) day period, unless Grantee has instituted such an appeal. If Grantee does timely institute such an appeal, such revocation and termination shall remain pending and subject to the court's final judgment. Provided, however, that the failure of Grantee to comply with any of the provisions of this Contract franchise or the doing or causing to be done by Grantee of anything prohibited by or in violation of the terms of this Contract franchise shall not be a ground for the revocation or termination thereof when such act or omission on the part of Grantee is due to any cause or delay beyond the control of Grantee or to bona fide legal proceedings.

## **SECTION 8. RESERVATION OF RIGHTS.**

- a. In granting its consent hereunder, the City does not in any manner waive its regulatory or other rights and powers under and by virtue of the laws of the State of Kansas as the same may be amended, its Home Rule powers under the Constitution of the State of Kansas, nor any of its rights and powers under or by virtue of present or future ordinances of the City.
- b. In granting its consent hereunder, Grantee does not in any manner waive its regulatory or other rights and powers under and by virtue of the laws of the State of Kansas or applicable federal laws or regulations as the same may be amended, or under the Constitution of the State of Kansas, nor any of its rights and powers under or by virtue of present or future ordinances of the City.
- c. In entering into this Contract franchise, neither the City's nor Grantee's present or future legal rights, positions, claims, assertions or arguments before any administrative agency or court of law are in any way prejudiced or waived. By entering into the Contract franchise, neither the City nor Grantee waive any rights, but instead expressly reserve any and all rights, remedies, and arguments the City or Grantee may have at law or equity, without limitation, to argue, assert, and/or take any position as to the legality or appropriateness of any present or future laws, non-franchise ordinances (e.g. the City's right-of-way ordinance referenced in Section 3b of this Contract franchise), and/or rulings.

## **SECTION 9. FAILURE TO ENFORCE.**

The failure of either the City or the Grantee to insist in any one or more instances upon the strict performance of any one or more of the terms or provisions of this Contract franchise shall not be construed as a waiver or relinquishment for the future of any such term or provision, and the same shall continue in full force and effect. No waiver or relinquishment shall be deemed to have been made by the City or the Grantee unless said waiver or relinquishment is in writing and signed by both the City and the Grantee.

## **SECTION 10. TERM AND TERMINATION DATE.**

- a. This Contract franchise shall be effective for a term beginning on February 10, 2021, and ending on February 9, 2023. Thereafter, this Contract franchise will automatically renew for up to four (4) additional two (2) year terms, unless either party notifies the other party of its intent to terminate the Contract franchise at least ninety (90) days before the termination of the then current term. The additional term shall be deemed a continuation of this Contract franchise and not as a new franchise or amendment.
- b. Upon written request of either the City or Grantee, this Contract franchise shall be renegotiated at any time in accordance with the requirements of state law upon any of the following events: changes in federal, state, or local laws, regulations,

or orders that materially affect any rights or obligations of either the City or Grantee, including but not limited to the scope of the Contract franchise granted to Grantee or the compensation to be received by the City hereunder.

- c. If any clause, sentence, section, or provision of K.S.A. 12-2001, and amendments thereto, shall be held to be invalid by a court or administrative agency of competent jurisdiction, provided such order is not stayed, either the City or Grantee may elect to amend or terminate the entire Contract franchise as appropriate.. In the event of such invalidity, if Grantee is required by law to enter into a Contract franchise with the City, the parties agree to act in good faith in promptly negotiating a new Contract franchise.
- d. Amendments under this Section, if any, shall be made by contract franchise ordinance as prescribed by statute. This Contract franchise shall remain in effect or be extended by the parties according to its terms, pending completion of any review or renegotiation provided by this section.
- e. In the event the parties are actively negotiating in good faith a new contract franchise ordinance or an amendment to this Contract franchise upon the termination date of this Contract franchise, the parties by written mutual agreement may extend the termination date of this Contract franchise to allow for further negotiations. Such extension period shall be deemed a continuation of this Contract franchise and not as a new contract franchise ordinance or amendment.

## **SECTION 11. POINT OF CONTACT AND NOTICES**

Grantee shall at all times maintain with the City a local point of contact who shall be available at all times to act on behalf of Grantee in the event of an emergency. Grantee shall provide the City with said local contact's name, address, telephone number, fax number and e-mail address. Emergency notice by Grantee to the City may be made by telephone to the City Clerk or the Public Works Director. All other notices between the parties shall be in writing and shall be made by personal delivery, depositing such notice in the U.S. Mail, Certified Mail, return receipt requested, or by facsimile. Any notice served by U.S. Mail or Certified Mail, return receipt requested, shall be deemed delivered five (5) calendar days after the date of such deposit in the U.S. Mail unless otherwise provided. Any notice given under this provision shall also be provided to the email address listed below. Any notice given by facsimile is deemed received by the next business day. "Business day" for purposes of this section shall mean Monday through Friday, City and/or Grantee observed holidays excepted.

### **The City:**

City Clerk  
The City of Lenexa, Kansas  
17101 W. 87<sup>th</sup> St. Pkwy.  
Lenexa, KS 66219  
Fax: (913) 477-7504

### **Grantee:**

Sr Manager DF/ROW  
Lumen Technology  
1025 Eldorado Blvd  
Broomfield, CO 80021  
Fax: \_\_\_\_\_

Email: cityclerk@lenexa.com

Email: CMA@Lumen.com

With a copy to:

City Attorney  
The City of Lenexa, Kansas  
17101 W. 87<sup>th</sup> Street Parkway  
Lenexa, Kansas 66219  
(913) 477-7639 (fax)

or to replacement addresses that may be later designed in writing.

## **SECTION 12. TRANSFER AND ASSIGNMENT.**

This Contract franchise is granted solely to the Grantee and shall not be transferred or assigned without the prior written approval of the City; provided that such transfer or assignment may occur without written consent of the City to any entity controlling, controlled by or under common control with Grantee. The parties acknowledge that said City consent shall only be with regard to the transfer or assignment of this Contract franchise, and that, in accordance with Kansas Statute, the City does not have the authority to require City approval of transfers of ownership or control of the business or assets of Grantee. In the event of any transfer or assignment of either this Contract franchise or Grantee's business or assets, Grantee shall: timely notify the City of the successor entity; provide a point of contact for the successor entity; and advise the City of the effective date of the transfer or assignment. Additionally, Grantee's obligations under this Contract franchise with regard to indemnity, bonding and insurance shall continue until the transferee or assignee has taken the appropriate measures necessary to assume and replace the same, the intent being that there shall be no lapse in any coverage as a result of the transfer or assignment. In the event an entity acquires substantially all of the assets of Grantee, said successor entity shall be allowed to operate under this Contract franchise for up to one hundred and eighty (180) days from the date of transfer; provided, within thirty (30) days from the date of transfer said successor entity makes application with the City for either a new ordinance or the transfer of this Contract franchise, and provides the City with written evidence satisfying the obligations under this Contract franchise with regard to indemnity, bonding and insurance.

## **SECTION 13. CONFIDENTIALITY.**

Information provided to the City under K.S.A. 12-2001 shall be governed by confidentiality procedures in compliance with K.S.A. 45-215 and 66-1220a, et seq., and amendments thereto. Grantee agrees to indemnify and hold the City harmless from any and all penalties or costs, including reasonable attorney's fees, arising from the actions of Grantee, or of the City at the written request of Grantee, in seeking to safeguard the confidentiality of information provided by Grantee to the City under this Contract franchise.

#### **SECTION 14. ACCEPTANCE OF TERMS**

Grantee shall have sixty (60) days after the final passage and approval of this Contract franchise to file with the City Clerk its acceptance in writing of the provisions, terms and conditions of this Contract franchise, which acceptance shall be duly acknowledged before some officer authorized by law to administer oaths; and when so accepted, this Contract franchise and acceptance shall constitute a contract between the City and Grantee subject to the provisions of the laws of the state of Kansas.

#### **SECTION 15. PAYMENT OF PUBLICATION COSTS.**

In accordance with statute, Grantee shall be responsible for payment of all costs and expense of publishing this Contract franchise, and any amendments thereof.

#### **SECTION 16. SEVERABILITY.**

If any clause, sentence, or section of this Contract franchise, or any portion thereof, shall be held to be invalid by a court of competent jurisdiction, such decision shall not affect the validity of the remainder, as a whole or any part thereof, other than the part declared invalid; provided, however,. the City or Grantee may elect to declare the entire Contract franchise is invalidated if the portion declared invalid is, in the judgment of the City or Grantee, an essential part of the Contract franchise, provided, however, if Grantee is required by law to enter into a Contract franchise with the City, the parties agree to act in good faith in promptly negotiating a new Contract franchise, and this Contract franchise shall remain in effect according to its terms pending completion of any renegotiation provided by this section.

#### **SECTION 17. FORCE MAJEURE.**

Each and every provision hereof shall be reasonably subject to acts of God, fires, strikes, riots, floods, war and other disasters beyond Grantee's or the City's control.

#### **SECTION 18. EFFECTIVE DATE**

This Ordinance shall take effect on February 10, 2021, unless within sixty-one days after final publication a sufficient petition for a referendum is filed asking that the new fee established herein be submitted to popular vote, as provided in K.S.A. 12-2001(m), in which case the Ordinance shall become effective if approved by a majority of the electors voting thereon.

#### **SECTION 19. REPEAL**

Grantee's prior franchise ordinance, as adopted by City Ordinance No. 5149, shall be repealed automatically upon the effective date of this Ordinance.



PASSED by the City Council of the City of Lenexa, Kansas February 2, 2021.

SIGNED by the Mayor on February 2, 2021.

\_\_\_\_\_  
Mandy Stuke, Council President presiding as  
Mayor pursuant to Lenexa City Code  
Section 1-2-A-3

ATTEST:

APPROVED AS TO FORM:

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

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