



Agenda

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

**MARCH 21, 2023
7:00 PM
COMMUNITY FORUM**

CALL TO ORDER Pledge of Allegiance

ROLL CALL

APPROVE MINUTES March 7, 2023 City Council meeting draft minutes (located in the Appendix)

**MODIFICATION OF
AGENDA**

PROCLAMATIONS Cleaning Week in Lenexa- March 26-April 1

CONSENT AGENDA **Item Numbers 1 through 7**
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. Change Order No. 2 to the contract with Wildcat Construction Company, Inc. for the 99th Street & Canyon Creek Boulevard Intersection Improvement Project

This change order is for locating and intercepting the existing duct bank along Canyon Creek Boulevard for \$50,750.

2. Acceptance of landscape and utility easements as shown on Brampton West Tracts, Final Plat

This final plat is a replat of 2.8 acres at the intersection of 95th Street & Aurora Street. The subject property consists of a vacated portion of right-of-way from Silverleaf, First Plat, together with right-of-way and unplatted land. Utility and landscape easements are being dedicated to the City as part of the final plat.

3. Acceptance of utility, drainage, sidewalk, and landscape easements and rights-of-way as shown on Clear Creek Landing, Final Plat

Clear Creek Landing, Final Plat, is a fourplex-style multi-family residential development on 3.34 acres at the southwest corner of 83rd Street & Clare Road. Easements and rights-of-way are being dedicated to the City as part of the final plat.

4. Acceptance of utility easements as shown on Vista Village, 2nd Plat, Final Plat

This final plat is for Vista Village, 2nd Plat, a Planned Unit Development that includes retail and multi-family uses, located near the southwest corner of Prairie Star Parkway & Vahalla Street. The replat changes the multi-unit buildings to all duplex lots. Utility easements are being dedicated to the City as part of the final plat.

5. Consideration of purchases from the Equipment Reserve Fund

- a. Authorize the purchase of three pieces of equipment from the 2023 Equipment Reserve Fund for the Municipal Services Department

This purchase award is for a front end rubber tire loader, a compact front end loader, and a steel wheel asphalt roller for a total purchase price of \$397,088.48.

- b. Authorize the purchase of four vehicles from the 2023 Equipment Reserve Fund for the Police Department

This purchase award is for four Ford Police Interceptors for a total purchase price of \$170,720.

6. Resolution authorizing the Mayor to execute a parking agreement with Foundry Church Restoration Community

This is an updated 10-year agreement with Foundry Church that allows the City to use the church's parking lot, adjacent to Sar-Ko-Par Trails Park, for nearby City events for a total cost of \$51,500.

7. Resolution declaring it necessary to appropriate private property for construction of the 87th Street Parkway Median and Mixed-Use Trail Improvements Project

The Complete Streets Study recommended providing a trail connection between Bourgade Avenue and Allman Road on the south side of 87th

Street Parkway. This project constructs the trail connection for an estimated \$120,000, as well as median work.

END OF CONSENT AGENDA

BOARD RECOMMENDATIONS

- 8. Ordinance approving a five-year Special Use Permit for a commercial parking lot use for Auto Driveaway, located south of 16105 W. 113th Street within the BP-2, Planned Manufacturing Zoning District

Auto Driveaway is requesting a Special Use Permit for a secured parking area within an existing parking lot in the BP-2, Planned Manufacturing Zoning District. Auto Driveaway provides vehicle relocation services for commercial fleets.

- 9. Consideration of a Special Use Permit and companion preliminary plan for a self-service storage facility known as StorTropolis, located at the southwest corner of 96th Terrace & Rosehill Road in the CP-2, Planned Community Commercial Zoning District

- a. Ordinance approving a 20-year Special Use Permit for a self-service storage use for StorTropolis
- b. Approval of a preliminary plan for StorTropolis

The applicant is requesting approval of a Special Use Permit to allow self-service storage and approval of a preliminary plan for a 170,640 square foot self-storage complex with five buildings and 976 storage units. The site comprises two undeveloped parcels at the southwest corner of 96th Terrace & Rosehill Road. The preliminary plan is intended to serve as the preliminary plat.

- 10. Approval of a preliminary plan for a mixed-use development known as Midas Lenexa City Center, located between Elmridge Street and Penrose Lane at 87th Street Parkway in the CC, City Center Zoning District

The applicant requests preliminary plan/plat approval to allow an 80,000 square foot mixed-use development with a parking garage, located within City Center between Elmridge Street and Penrose Lane at 87th Street Parkway. The proposal includes two hotels, a bar and restaurant, retail space, parking, and pedestrian amenity zones.

NEW BUSINESS

None

**COUNCILMEMBER
REPORTS**

STAFF REPORTS

END OF RECORDED SESSION

**BUSINESS FROM
FLOOR**

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

ADJOURN

APPENDIX

11. March 7, 2023 City Council meeting draft minutes
12. Cleaning Week in Lenexa Proclamation
13. Item 6 -- Foundry Church Agreement

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



ITEM 1

SUBJECT: Change Order No. 2 to the contract with Wildcat Construction Company, Inc. for the 99th Street & Canyon Creek Boulevard Intersection Improvement Project

CONTACT: Tim Green, Deputy Community Development Director

DATE: March 21, 2023

ACTION NEEDED:

Approve Change Order No. 2 to the contract with Wildcat Construction Company, Inc. ("Wildcat") for the 99th Street & Canyon Creek Boulevard Intersection Improvement Project.

PROJECT BACKGROUND/DESCRIPTION:

This change order is for locating and intercepting the existing duct bank along Canyon Creek Boulevard. Per the contract documents, Wildcat was to intercept the existing duct bank along Canyon Creek Boulevard and install nine fiber optic service boxes. The existing duct bank ended up not being located where it was indicated on the plans and was eight to ten feet deep in several locations, instead of the anticipated four to six feet.

Wildcat spent an additional 16 days locating the existing duct bank and needed to rent trench boxes for the extra deep locations, which was not anticipated. There were locations where the existing duct bank was broken and needed repair. The additional \$50,750 includes labor, equipment, and materials costs that were not anticipated in the original contract.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

Original Construction Contract:	\$474,972
Previous Change Order No. 1:	\$770
Current Change Order No. 2:	\$50,750
Revised Construction Contract:	\$526,492

This project is funded by the Capital Improvement Fund - General Obligation Bonds (Project No. 60100).

STAFF RECOMMENDATION:

Approval of the change order.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

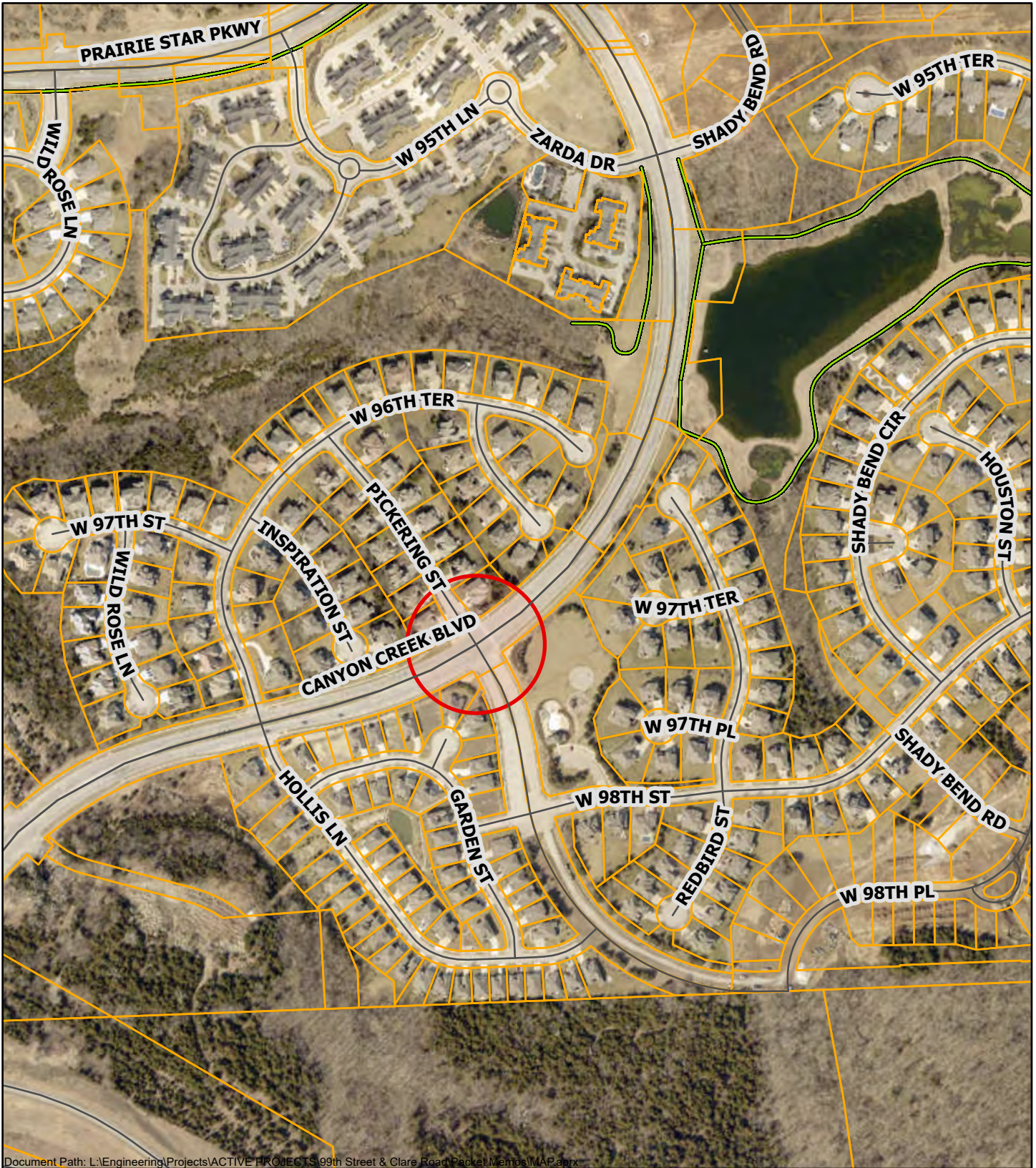
Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment

ATTACHMENTS

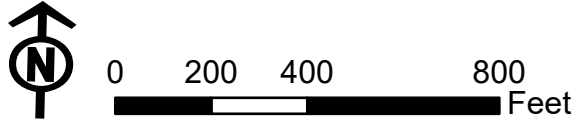
1. Map
2. Change Order No. 2



Document Path: L:\Engineering\Projects\ACTIVE PROJECTS\99th Street & Clare Road\Packet Memos\IMAP.aprx

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

99TH STREET AND CANYON CREEK BOULEVARD INTERSECTION IMPROVEMENT PROJECT





**CONSTRUCTION
CHANGE ORDER FORM**

PO: 2200140

17101 W. 87TH STREET PARKWAY · LENEXA, KANSAS 66219 · PH. (913) 477-7500 FAX (913) 477-7730 · WWW.LENEXA.COM

Date: 2/23/2023 **Change Order Request # 2**
Project Manager: Ben Clark
Project Number: 60100.2520.3514
Project Name and Location: 99th St. and Canyon Creek Blvd. Intersection Improvements
Contractor Name: Wildcat Construction Company

Reason for change order (Check all that apply):

- | | |
|---|--|
| <input checked="" type="checkbox"/> Unforeseen Conditions | <input type="checkbox"/> Utility Conflict |
| <input type="checkbox"/> Design Omission | <input type="checkbox"/> Work to accommodate another project |
| <input type="checkbox"/> Scope Change (City Initiated) | <input type="checkbox"/> Scope Change (Contractor Initiated) |
| <input type="checkbox"/> Other | <input type="checkbox"/> Quantity Error |

Urgency of Change Order:

- Contractor cannot proceed with any project work until change order is approved.
- Contractor cannot proceed with major project work, but can continue work.
- Contractor can proceed with all work except the immediate portion affected by the change order.
- Contractor must proceed with work before the change order can be approved.
- Change order is desirable, but not absolutely necessary to complete the project.

Contract Summary:

The original Contract Sum was:	\$474,972.00
Net change by previously authorized Change Orders:	\$770.00
The Contract Sum prior to this Change Order was:	\$475,742.00
The Contract Sum will be modified by this Change Order in the amount of:	\$50,750.00
The new Contract Sum will be:	\$526,492.00
% <u>Increase</u> (decrease) from current contract amount:	11%
The Contract Time will be increased (decreased) by:	0 days

Sufficient budget available to cover the requested change order? YES NO

Additional Required Approval:

Governing Body Approval Required: YES NO

Contracts \$0 to \$1,000,000: Change Orders greater than or equal to \$50,000
Contracts \$1,000,000 to \$3,000,000: Change Order increases contract by greater than 5%
Contracts greater than \$3,000,000: Change Order greater than or equal to \$150,000

Administrative Team Member Approval Required: ≤ \$20,000 YES NO

City Manager Approval Required: None of the above criteria apply YES NO

**The change order dollar thresholds listed above are non-cumulative*

Description of work to accomplish the change order:

(Attach appropriate backup material necessary to document the requested change order)

ITEM NO. New Line Item: 10A Duct Bank Adjustments. 1 LS @ \$50,750.00

\$50,750.00

The contractor was to intercept the existing duct bank along Canyon Creek Boulevard and install nine fiber optic service boxes. The existing duct bank ended up not being located where it was indicated on the plans and was eight to ten feet deep in several locations instead of the anticipated four to six feet. The contractor spent an additional 16 days locating the existing duct bank and needed to rent trench boxes for the extra deep locations which was not anticipated. Additionally, there were locations where the existing duct bank was broken and needed repaired.

Labor: \$25,487.50
 Equipment: \$16,183.00
 Materials and Rentals: \$4,002.35
 Overhead & Profit: \$5,077.15 (11%)

TOTAL CHANGE ORDER:

\$50,750.00

Approved: _____
Project Manager

Date

Approved: _____
Tim Green, P.E.
City Engineer

Date

Approved: _____
Scott McCullough
Community Development Director

Date

Approved: _____
Rebecca A. Yocham
City Manager

Date

APPROVED AS TO FORM:

Steven Shrou, Assistant City Attorney

Approved: _____
Michael A. Boehm
Mayor

Date

Approved: _____
Wildcat Construction Company

Date



ITEM 2

SUBJECT: Acceptance of landscape and utility easements as shown on Brampton West Tracts, Final Plat

CONTACT: Stephanie Kisler, Planning Manager

DATE: March 21, 2023

ACTION NEEDED:

Acceptance of the landscape and utility easements as shown on Brampton West Tracts, Final Plat.

APPLICANT:

Frank Dean, Silverleaf LLC

DESIGN PROFESSIONAL:

Aaron Reuter, Schlagel & Associates

PROPERTY LOCATION:

95th Street & Aurora Street

PROJECT BACKGROUND/DESCRIPTION:

The final plat is a replat of 2.8 acres at the intersection of 95th Street & Aurora Street. The plat includes two 20-foot-wide tracts on the south side of 95th Street known as Tract “K” and Tract “L” to be dedicated as a landscape easement, which will be maintained by the Brampton West Homes Association. These tract areas are comprised of unplatted land owned by the developer of the Silverleaf subdivision on the north side of 95th Street.

The purpose of this replat is to create the tracts and landscape easements so that the land can be transferred from the developer of Silverleaf (the subdivision on the north side of 95th Street) to the Brampton West Homes Association (the subdivision on the south side of 95th Street). The final plat does not include construction of public streets or infrastructure improvements. Utility and landscape easements are being dedicated to the City with this final plat.

STAFF RECOMMENDATION:

Acceptance of the easements.

PLANNING COMMISSION ACTION:

This item was considered as Consent Agenda item 1 at the March 6, 2023 Planning Commission meeting. Chairman Poss entertained a motion to recommend **APPROVAL** of Consent Agenda items 1 through 8. Moved by Commissioner Horine, seconded by Commissioner Burson, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

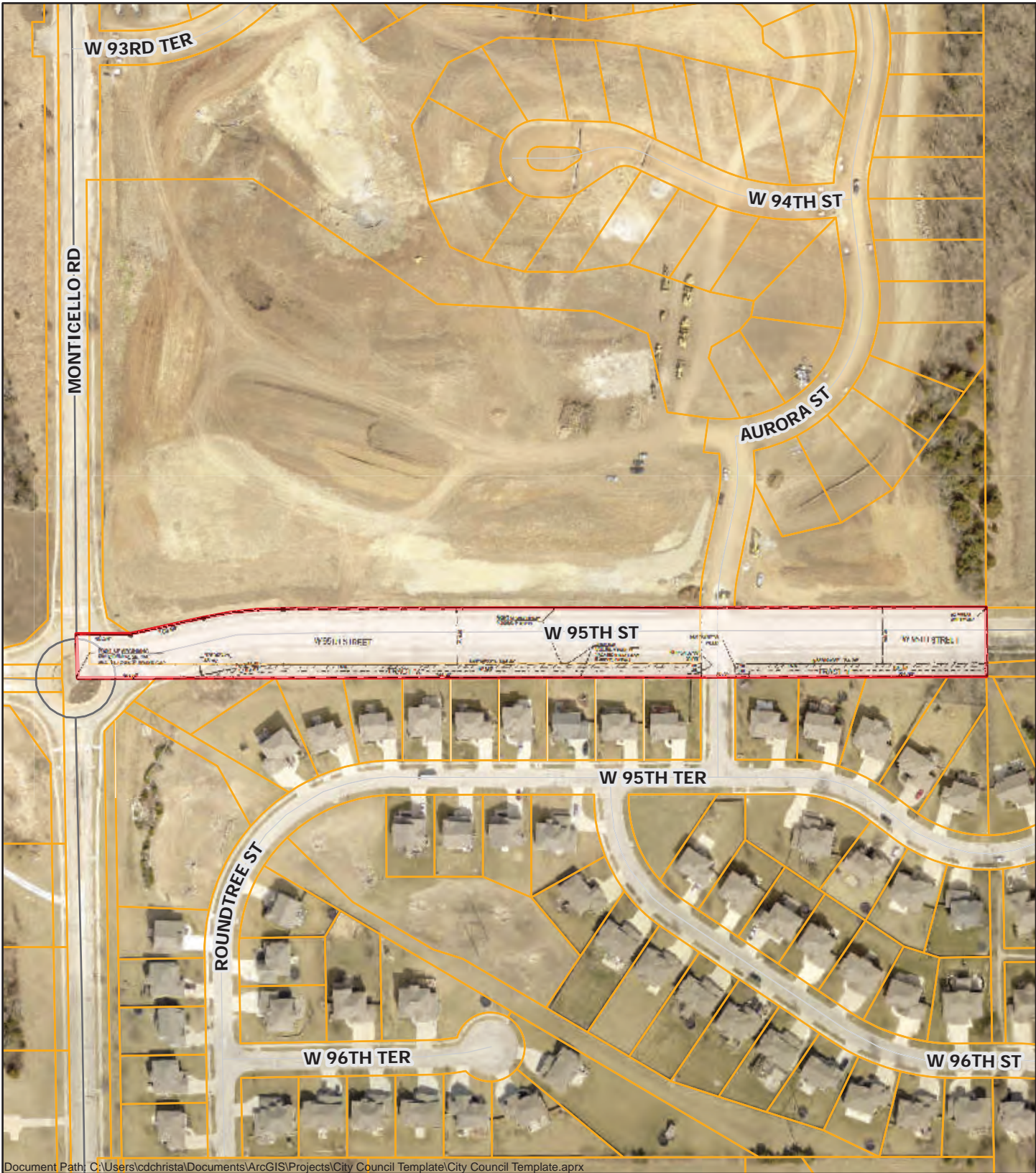
Vibrant Neighborhoods

Guiding Principles

Responsible Economic Development

ATTACHMENTS

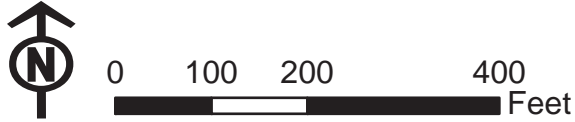
1. Map
2. Plat
3. PC Staff Report
4. PC Draft Minutes Excerpt



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

Brampton West Tracts, Final Plat

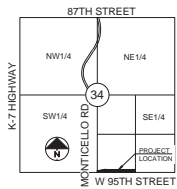
PT23-06F



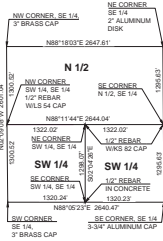
FINAL PLAT OF
BRAMPTON WEST TRACTS

A REPLAT OF ALL OF 95TH STREET RIGHT OF WAY AS RECORDED IN SILVERLEAF, FIRST
PLAT AND PART OF THE SOUTHEAST 1/4 OF SEC. 34-12-23
IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS

- LEGEND:
- FOUND MONUMENT AS NOTED
 - FOUND 1/2" REBAR W/LS-54 CAP UNLESS OTHERWISE NOTED
 - SET 1/2" REBAR W/LS-54 CAP UNLESS OTHERWISE NOTED
 - DRAINAGE EASEMENT
 - RIGHT-OF-WAY
 - SANITARY SEWER EASEMENT
 - UTILITY EASEMENT
 - EXISTING LOT AND PROPERTY LINES
 - EXISTING PLAT AND R/W LINES
 - LIMITS OF NO ACCESS



SECTION 34-12-23
LOCATION MAP
SCALE 1" = 2000'



SECTION BREAK-DOWN
SCALE 1" = 1000'

DESCRIPTION:

A replat of part of All of 95th Street right of way as platted in SILVERLEAF, FIRST PLAT, a subdivision of land as recorded in Book 202203 at Page 008810 and part of the Southwest One-Quarter of the Southeast One-Quarter of Section 34, Township 12 South, Range 23 East, All in the City of Lenexa, Johnson County, Kansas, and altogether being described as follows:

Beginning at the Southwest corner of the said Southeast One-Quarter; thence along the West line of said Southeast One-Quarter North 02 degrees 09 minutes 08 seconds West, a distance of 63.85 feet; thence North 87 degrees 50 minutes 52 seconds East a distance of 80.59 feet to a point on the Northern right of way line of West 95th Street as now established by the right of way grant as recorded in book 200909 at page 001813; thence along said Northern right of way line the following three courses, North 75 degrees 42 minutes 12 seconds East a distance of 108.90 feet to a point of curvature; thence North easterly on a curve to the right being tangent to the previous course, having a radius of 535.00 feet, a central angle of 12 degrees 23 minutes 12 seconds and an arc length of 115.66 feet; thence North 88 degrees 05 minutes 23 seconds East a distance of 1018.51 feet to the Northeast corner of said West 95th Street right of way as recorded in book 200609 at page 001813; said corner being the Southeast corner of Tract "C", of said SILVERLEAF, FIRST PLAT; and said corner being on the East line of the said Southwest One-Quarter of the Southeast One-Quarter of Section 34; thence along said East line South 02 degrees 04 minutes 26 seconds East a distance of 100.00 feet to the Southeast corner of the said Southwest One-Quarter of the Southeast One-Quarter of Section 34; said point also being the Southwest corner of TIMBER ROCK, FIRST PLAT; the Northwest corner of BRAMPTON and the Northeast corner of BRAMPTON WEST all subdivisions of land in the said City of Lenexa; thence along the South line of the said Southwest One-Quarter of the Southeast One-Quarter of Section 34 and the North line of said BRAMPTON WEST, South 88 degrees 05 minutes 23 seconds West a distance of 1320.24 feet to the Point of Beginning, and containing 2.885 acres, more or less.

DEDICATIONS:

The undersigned proprietor of the above-described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat which hereafter shall be known as "BRAMPTON WEST TRACTS". The streets and roads shown on this plat and not heretofore dedicated as thoroughfares are hereby dedicated to the City of Lenexa, Johnson County, Kansas.

An easement or license to enter upon, locate, construct and maintain, or authorize the location, construction or maintenance and use of conduits, pipes, poles, wires, drainage facilities, sanitary sewers, ducts and cables, and similar facilities, upon, over and under those areas outlined and designated on this plat as "Utility Easement" or "LUE" is hereby granted to the City of Lenexa, Kansas.

Tracts "K" and "L" will be owned and maintained by the Brampton West Homes Association. These Tracts are intended to be used for landscaping and utility easements.

A Landscape Easement or "LUE" over Tracts "K" and "L" is hereby dedicated to the City of Lenexa, Johnson County, Kansas. Maintenance of said easement shall be the responsibility of the Brampton West Homes Association, with access granted to the City of Lenexa. In the event the HOA no longer lawfully exists or fails to maintain these Tracts, then maintenance shall be the responsibility, shared equally, of the owners of property that are part of the Brampton West subdivision.

RESTRICTIONS:

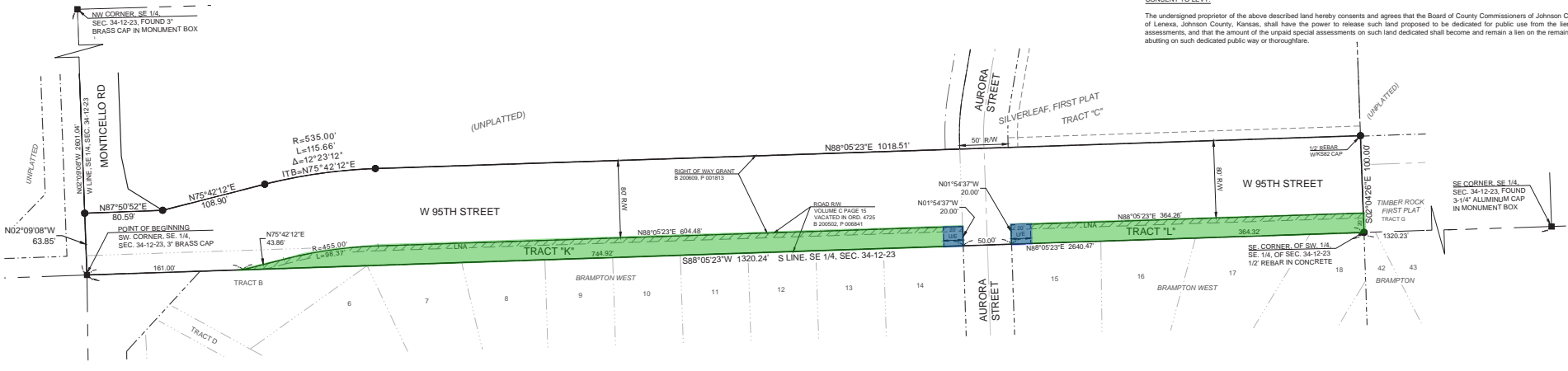
The use of all Tracts of land in this subdivision shall hereafter be subject to the Declaration of Brampton West Deed Restrictions filed at the Office of the Register of Deeds of Johnson County, Kansas on May 28, 2010 in book 201005 at page 008140 as instrument No. 7201002221 and shall hereby become a part of the dedication of this plat as though fully set forth herein. All property owners in this subdivision are required to be members of the Homeowners Association referenced in the Declaration.

Limits of No Access (LNA) from Tracts "K" and "L" to 95th STREET as shown hereon.

This plat shall not be filed by the Register of Deeds unless filing is within 730 calendar days after the City of Lenexa Governing Body approval date, inclusive.

CONSENT TO LEVY:

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



LOT #	AREA (SF)
95TH ROW	104,901.17
TRACT "K"	13,900.17
TRACT "L"	7,285.77

APPROVALS:

Approved by the Planning Commission of the City of Lenexa, Johnson County, Kansas, this ___ day of ___, 2023.

Chris Pess, Chairman

Approved by the Governing Body of the City of Lenexa, Johnson County, Kansas, this ___ day of ___, 2023.

Michael A. Boehm, Mayor Jennifer Martin, City Clerk

EXECUTION:

IN TESTIMONY WHEREOF, CLAY BLAIR III, PRESIDENT OF CLAY BLAIR SERVICES CORPORATION, the MANAGER OF SILVERLEAF DEVELOPMENT, LLC, a KANSAS LIMITED LIABILITY COMPANY, has caused this instrument to be executed, this ___ day of ___, 2023.

SILVERLEAF DEVELOPMENT, LLC,
By: CLAY BLAIR SERVICES CORPORATION, MANAGER

By: CLAY BLAIR III, PRESIDENT

ACKNOWLEDGMENT:

STATE OF KANSAS)
COUNTY OF JOHNSON) ss.

BE IT REMEMBERED that on this ___ day of ___, 2023, before me, the undersigned, a Notary Public in and for said County and State, came CLAY BLAIR III, PRESIDENT OF CLAY BLAIR SERVICES CORPORATION, MANAGER OF SILVERLEAF DEVELOPMENT, LLC, A KANSAS LIMITED LIABILITY COMPANY, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said company, and such duly acknowledged the execution of the same to be the act and deed of same.

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

Notary Public My Commission Expires: _____

Print Name



Aaron T. Reuter - Land Surveyor
KS# LS-1429

I HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED ON A FIELD SURVEY PERFORMED ON 01-29-2020 AND 06-10-2022. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

SCHLAGEL
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
14201 West 107th Street • Lenexa, Kansas 66157
Ph: (913) 492-5158 • Fax: (913) 492-8600 • WWW.SCHLAGELASSOCIATES.COM
Kansas State Certificate of Authority #EC-201-04-22-04-54

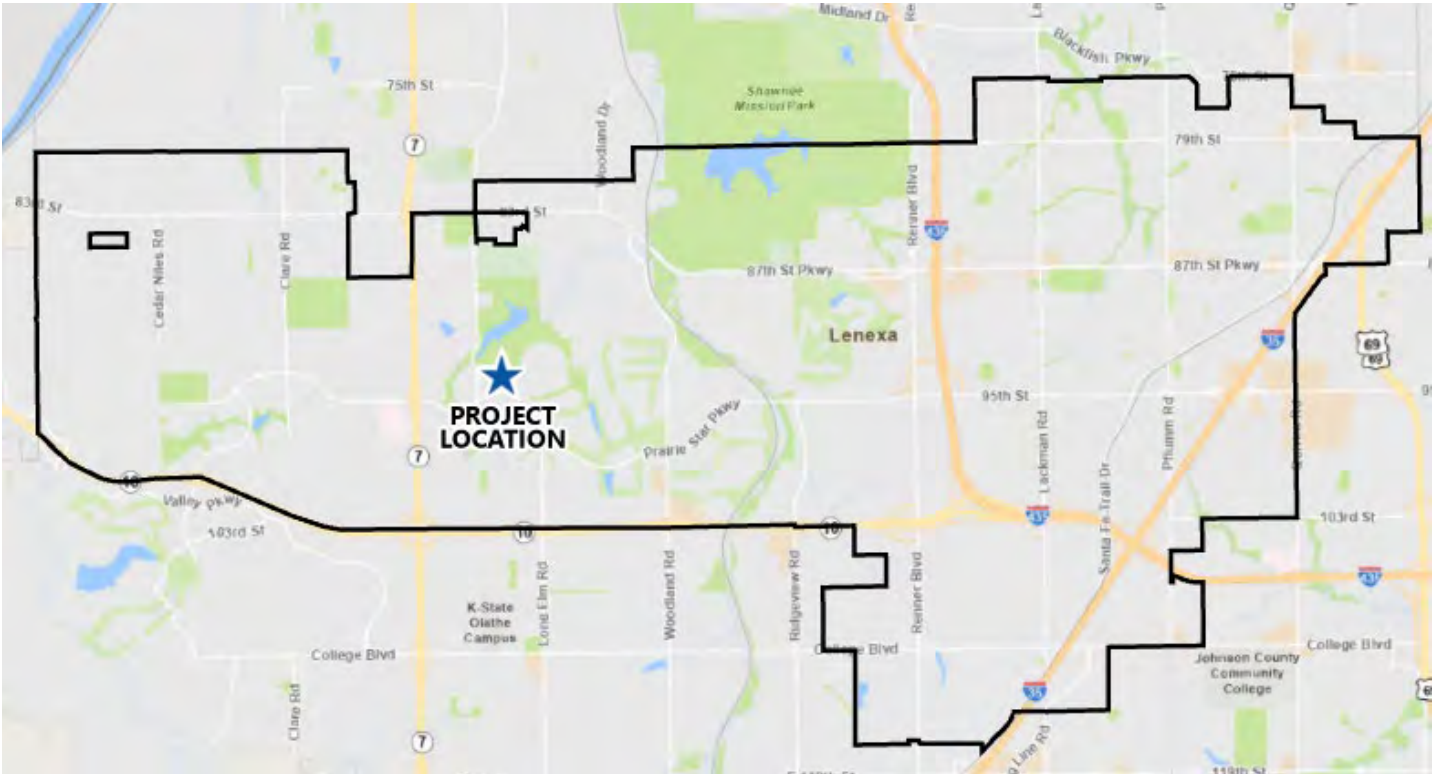
DATE 12-15-2022
DRAWN BY SCH
CHECKED BY AR
PROJECT NO. 22-069

FINAL PLAT OF
BRAMPTON WEST TRACTS
SHEET NO. 1

REV: 1-24-2023
REV: 1-16-2023

BRAMPTON WEST TRACTS, FINAL PLAT

Project #:	PT23-06F	Location:	95 th Street & Aurora Street
Applicant:	Frank Dean, Silverleaf LLC	Project Type:	Final Plat
Staff Planner:	Christa McGaha, AICP	Proposed Use:	Landscape Tracts



PROJECT SUMMARY

The applicant proposes a replat of 2.895 acres at the intersection of W. 95th Street and Aurora Street. The subject property consists of a vacated portion of right-of-way from Silverleaf, First Plat together with right-of-way and unplatted land. The plat contains two tracts known as Tract “K” and Tract “L” to be dedicated as a landscape easement to be maintained by the Brampton West Homes Association. The purpose of this replat is to create the tracts and landscape easements so that they can be transferred from the developer of Silverleaf to the Brampton West Homes Association. The final plat does not include construction of public streets or infrastructure improvements. Utility easements, landscape easements, and public rights-of-way are being dedicated to the City of Lenexa with this final plat. This project does not require a Public Hearing.

STAFF RECOMMENDATION: APPROVAL

SITE INFORMATION

Brampton West is a 50-lot single-family subdivision approved by the City in 2005. At the time of approval, the City did not require a landscape buffer to the north of the lots on 95th Terrace in anticipation of the potential future construction of 95th Street. Brampton West was not adjacent to the 95th Street right-of-way; a silver of privately-owned land remained between 95th Street and the lots along 95th Terrace in Brampton West (see Exhibit 1).

LAND AREA (AC) 2.895	BUILDING AREA (SF) N/A	ZONING R-1	COMP. PLAN N/A
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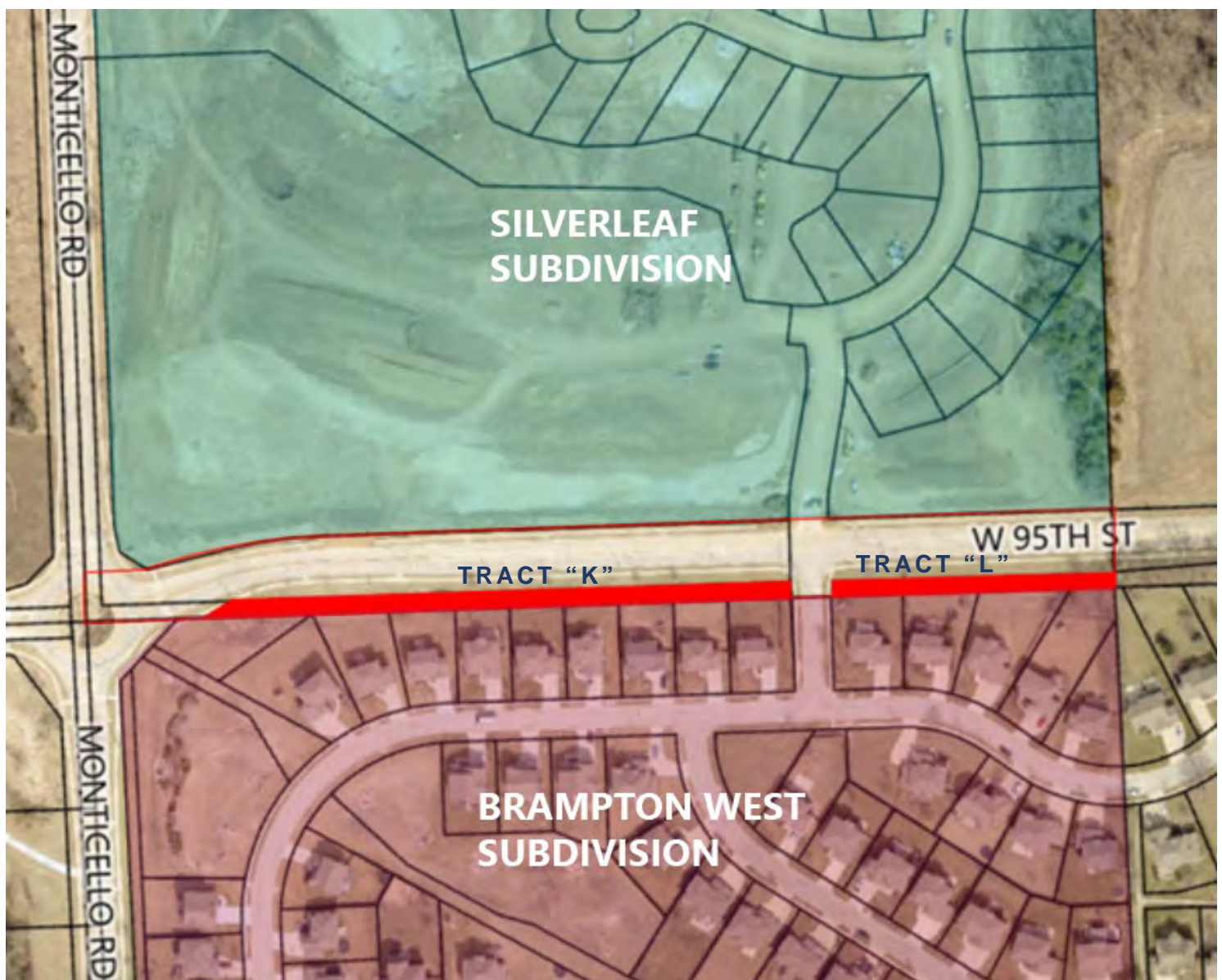


Exhibit 1: Aerial Image of Subject Area.

LAND USE REVIEW

The tracts proposed with this plat will be landscape buffers for the Brampton West single-family residential subdivision and will be maintained by the Brampton West Homeowner’s Association. The use is compatible with surrounding residential lots and is consistent with the intent of the Comprehensive Plan.

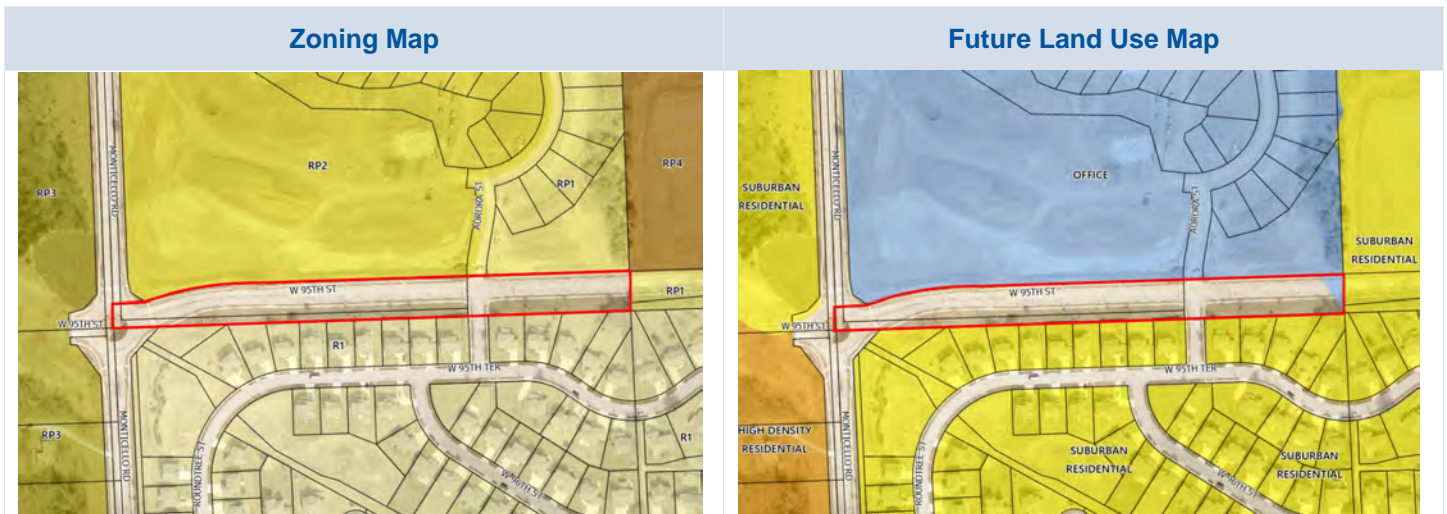


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Suburban Residential	R-1 Residential Low Density	Right-of-Way & Unplatted Land
North	Office	RP-1 Planned Residential Low Density & RP-2 Planned Residential Intermediate Density	Undeveloped Future Single-Family Residential
South	Suburban Residential	R-1 Residential Low Density	Single-Family Residential
East	Suburban Residential	RP-1 Planned Residential Low Density	Right-of-Way
West	Suburban Residential	RP-3 Planned Residential Medium High Density	Undeveloped Future Townhomes

FINAL PLAT REVIEW

This is a replat of the vacated portion of right-of-way from Silverleaf, First Plat together with right-of-way and unplatted land, containing 2.895 acres. The plat contains two tracts known as Tract “K” and Tract “L” to be dedicated as a landscape easement. Maintenance of the landscape easements shall be the responsibility of the Brampton West Homes Association. In the event the HOA no longer lawfully exists or fails to maintain these tracts, then maintenance shall be the responsibility, shared equally, of the owners of property that are part of the Brampton West subdivision. The purpose of the landscape easement is for Brampton West Subdivision to provide a landscape buffer between the subdivision and 95th Street.

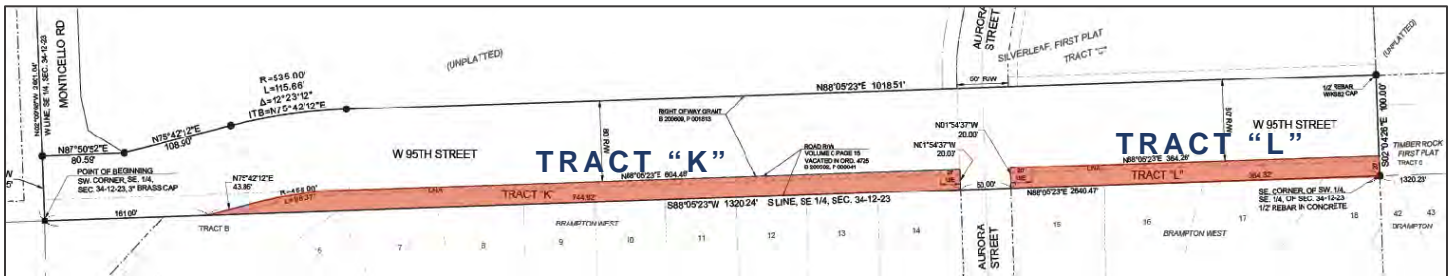


Exhibit 3: Landscape Buffer Tracts: Tract K (left) and Tract L (right).

The plat also contains Limits of No Access to prohibit access to the tracts from 95th Street and dedications for utility easements and right-of-way. Exhibit 4 shows two 20-foot utility easements (in blue) at the ends of Tracts K and L on either side of Aurora Street, to be dedicated to the City of Lenexa. Landscape plantings are not typically allowed within utility easements. Therefore, the remaining area of the tracts outside of the utility easements are where the landscape plantings will be planted (shown in green). This planting envelope area outside of any the utility easements is 20-feet wide.

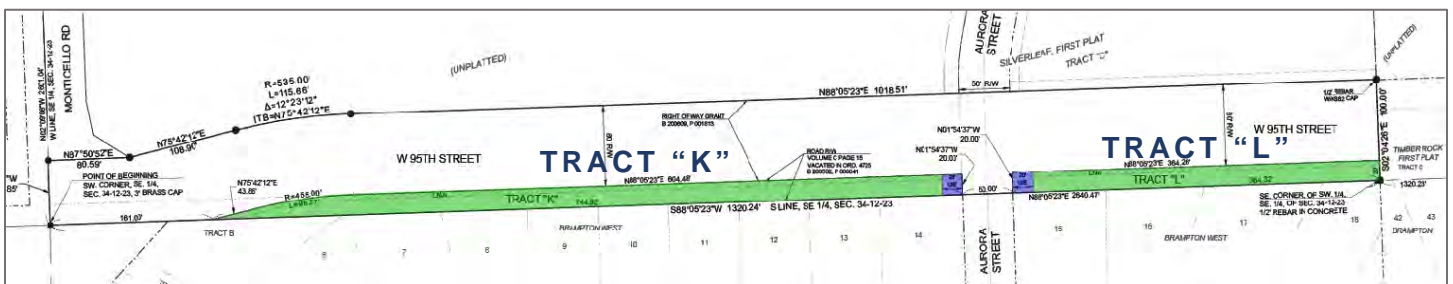


Exhibit 4: Utility Easements (blue) and Remaining Tract Areas Available for Landscape Plantings (green).

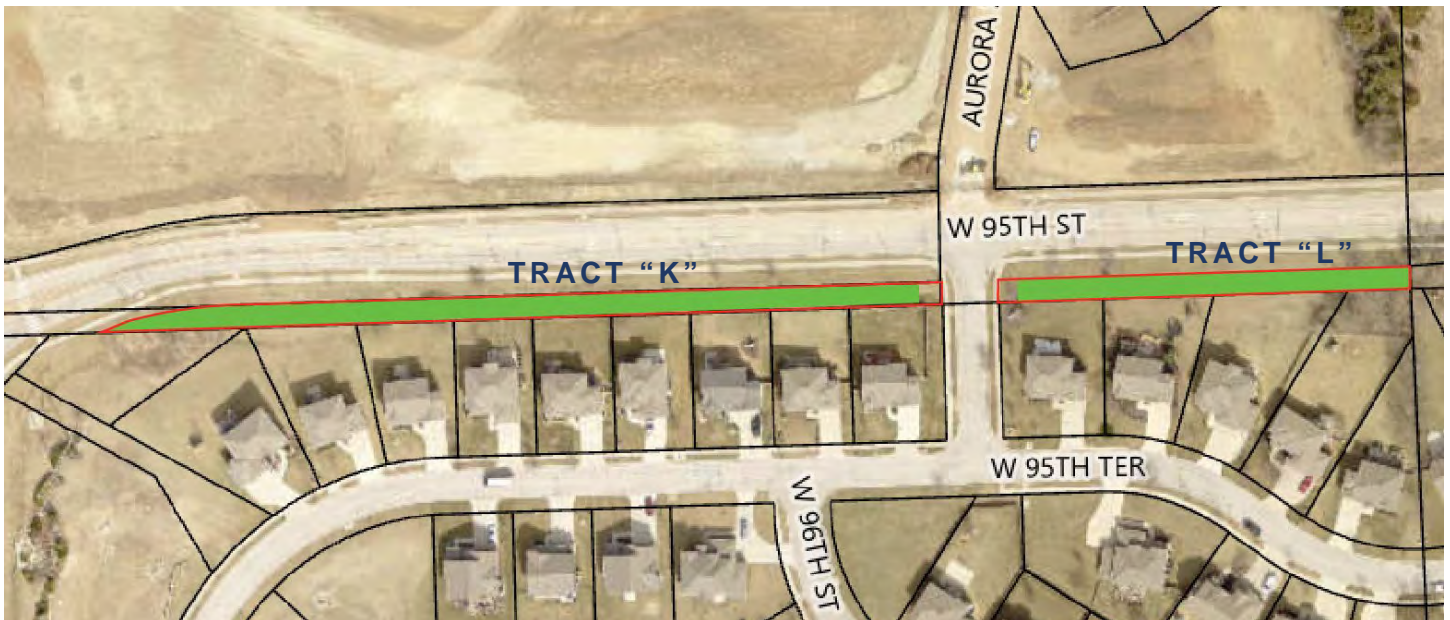


Exhibit 5: Tract Areas Available for Landscape Plantings (green).

Exhibit 5 shows Tracts “K” and “L” outlined in red. The planting envelope area outside of any the utility easements is shown in green.

DEVIATIONS

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

REVIEW PROCESS

- The Planning Commission is the final authority for approval of this plat, pending Governing Body acceptance of right-of-way and easements for landscaping and utilities as shown on the final plat, which will be on the agenda for the March 21, 2023 City Council meeting.
- The applicant should inquire about additional City requirements, such as permits and development fees.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Staff recommends approval of the proposed Final Plat for Brampton West Tracts.**

- This is a replat of Silverleaf, First Plat and a portion of the vacated 95th Street resulting in two tracts for the purpose of buffering and landscaping between 95th Street and single-family residences.
- The project is consistent with Lenexa's goals through ***Strategic Community Investment*** and ***Responsible Economic Development*** to create ***Vibrant Neighborhoods***.

FINAL PLAT

Staff recommends **approval** of the final plat for PT23-06F – **Brampton West Tracts** at 95th Street and Aurora Street, for two tracts.

CONSENT AGENDA

1. **Brampton West Tracts** - Consideration of a final plat for property located near the intersection of W. 95th Street & Aurora Street within the R-1, Single-Family Residential District. PT23-06F
2. **Clear Creek Landing** - Consideration of a final plat for property located at the southwest corner of W. 83rd Street and Clare Road within the RP-2, Planned Residential (Intermediate Density) District. PT23-10F
3. **Quivira Square** - Consideration of a final plan for facade, site, and parking improvements for property located at 7820 Quivira Road within the CP-1, Planned Neighborhood Commercial District. PL22-24F
4. **Lenexa Smart Storage** - Consideration of a final plan a self-service storage use for property located at 8630 Maurer Road within the CP-2, Planned Community Commercial District. PL23-04F
5. **St. James Academy Multi-Purpose Building** - Consideration of a revised final plan for an accessory structure related to the existing private high school located at 24505 Prairie Star Parkway within the R-1, Single-Family Residential District. PL23-02FR
6. **Vista Village, 2nd Plat** - Consideration of a revised final plat for property located at the southwest corner of Prairie Star Parkway and Vahalla Street within the PUD, Planned Unit Development District. PT23-01FR
7. **Watercrest Landing, Seventh Plat** - Consideration of a final plat for property located at the northwest corner of W. 89th Street and Ginger Street within the RP-1, Planned Residential (Low Density) District. PT23-09F
8. **Redevelopment Project Plan 3H for the City Center TIF District** - Consideration of a resolution for property located at the northwest corner of 87th Street Parkway and Renner Boulevard within the CC, Planned City Center District.

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1 through 8. Moved by Commissioner Horine, seconded by Commissioner Burson, and carried by a unanimous voice vote.



ITEM 3

SUBJECT: Acceptance of utility, drainage, sidewalk, and landscape easements and rights-of-way as shown on Clear Creek Landing, Final Plat

CONTACT: Stephanie Kisler, Planning Manager

DATE: March 21, 2023

ACTION NEEDED:

Accept the utility, drainage, sidewalk, and landscape easements and rights-of-way as shown on Clear Creek Landing, Final Plat.

APPLICANT/ DESIGN PROFESSIONAL:

Jeff Skidmore, Schlagel & Associates

OWNER:

Clear Creek Landing, LLC

PROPERTY LOCATION:

Southwest corner of 83rd Street & Clare Road

PROJECT BACKGROUND/DESCRIPTION:

The final plat for Clear Creek Landing, a fourplex-style multi-family residential development, is for 3.34 acres at the southwest corner of 83rd Street & Clare Road. The plat contains one lot and one tract known as Tract "A" to be dedicated as a stormwater management area. Utility, drainage, landscape, and sidewalk easements and rights-of-way are being dedicated to the City with this final plat.

STAFF RECOMMENDATION:

Acceptance of the easements and rights-of-way.

PLANNING COMMISSION ACTION:

This item was considered as Consent Agenda item 2 at the March 6, 2023 Planning Commission meeting. Chairman Poss entertained a motion to recommend **APPROVAL** of Consent Agenda items 1 through 8. Moved by Commissioner Horine, seconded by Commissioner Burson, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

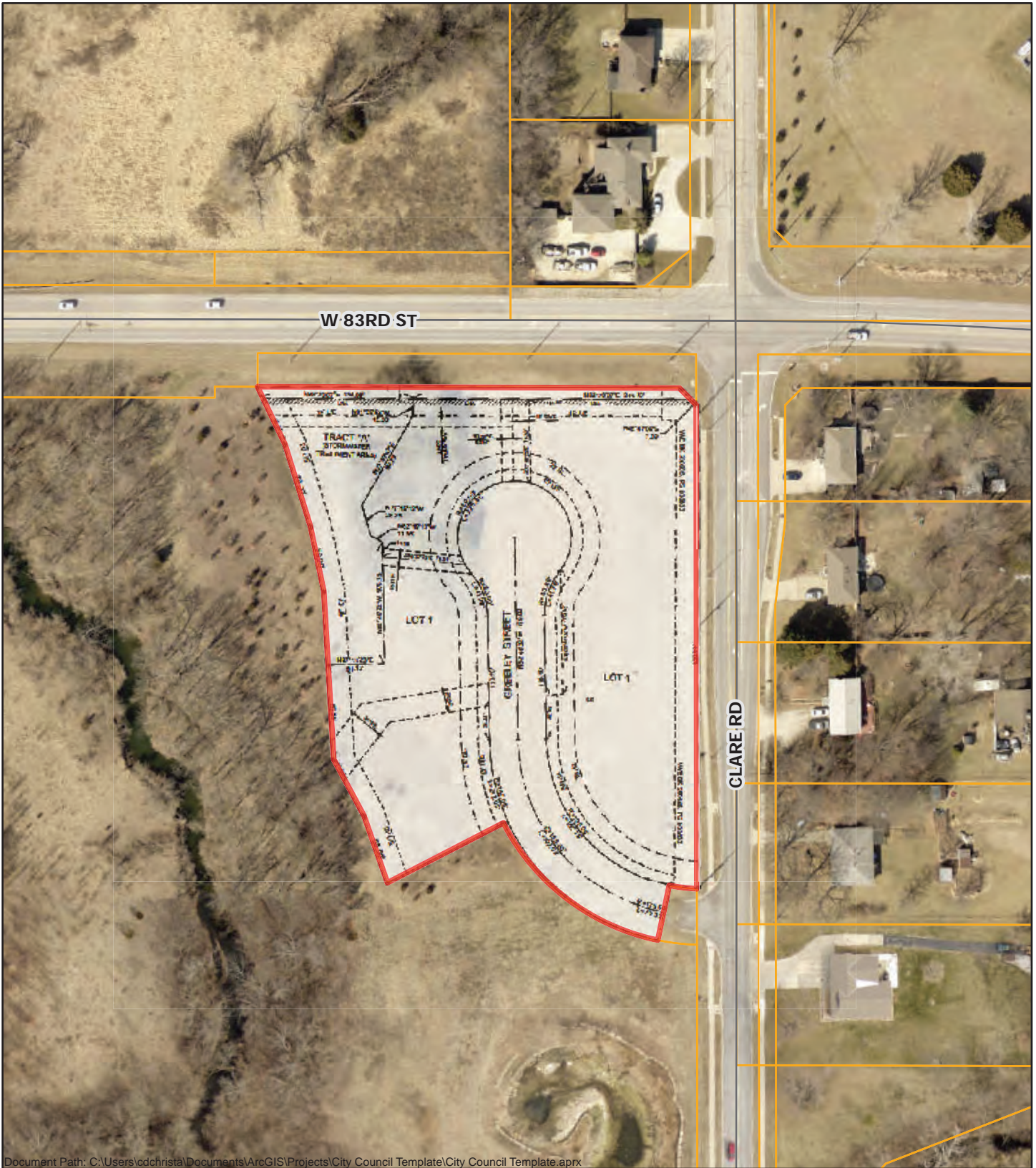
Vibrant Neighborhoods

Guiding Principles

Responsible Economic Development

ATTACHMENTS

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

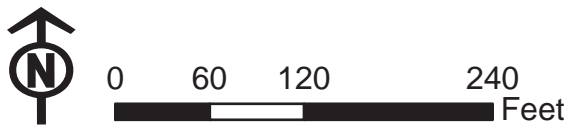


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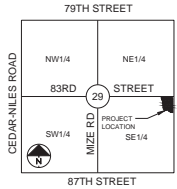
Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

Clear Creek Landing, Final Plat

PT23-10F



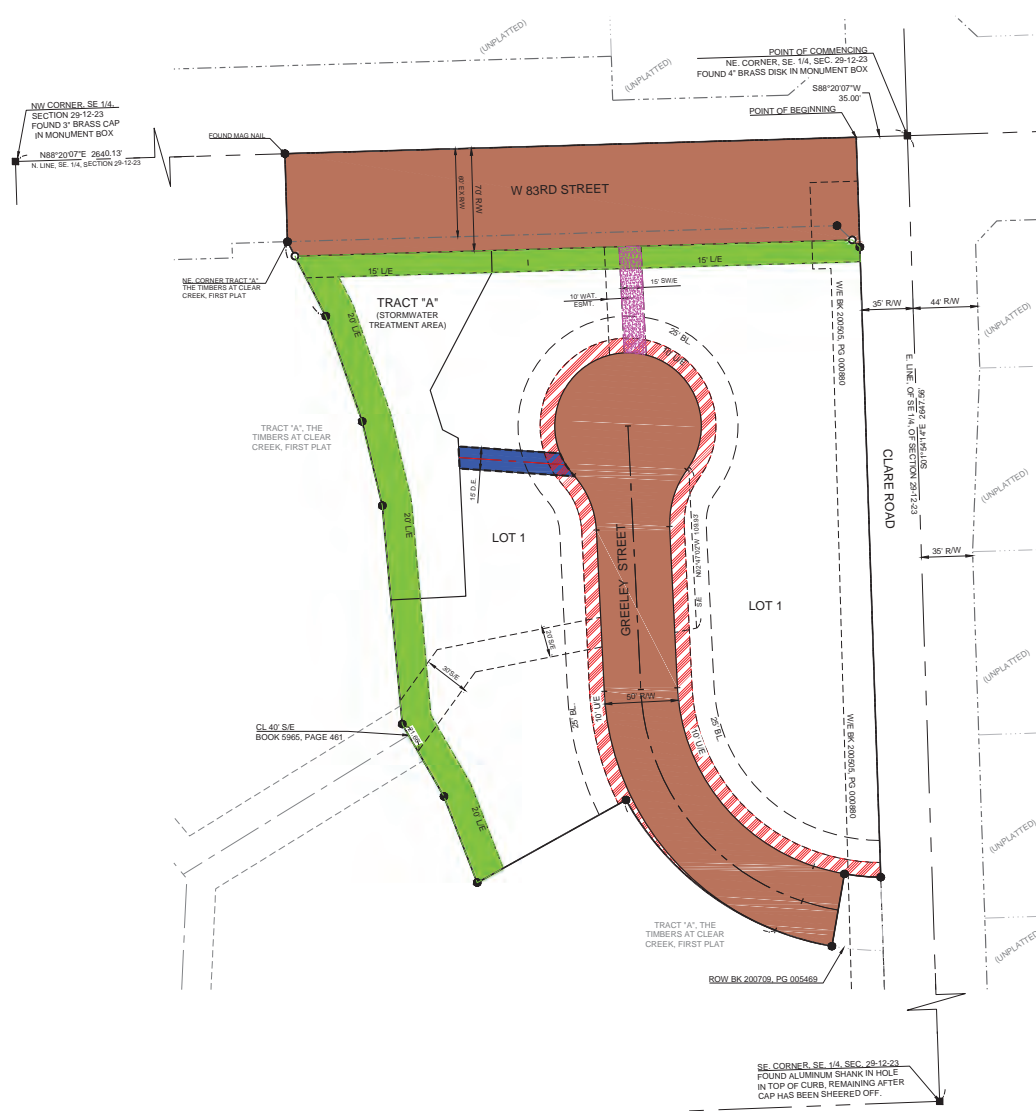
**EASEMENT EXHIBIT
CLEAR CREEK LANDING
PART OF THE SE 1/4 OF SEC. 29-12-23
IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS**



**SECTION 29-12-23
LOCATION MAP
SCALE 1" = 2000'**



- LEGEND:**
- MONUMENT AS NOTED
 - FOUND 1/2" REBAR W/LS-52 CAP UNLESS OTHERWISE NOTED
 - SET 1/2" REBAR W/LS-54 CAP UNLESS OTHERWISE NOTED
 - BL - BUILDING LINE
 - DE - DRAINAGE EASEMENT
 - L/E - LANDSCAPE EASEMENT
 - LNA - LIMITS OF NO ACCESS
 - R/W - RIGHT-OF-WAY
 - S/E - SANITARY SEWER EASEMENT
 - U/E - UTILITY EASEMENT
 - W/E - WATERLINE EASEMENT
 - - - - - EXISTING LOT AND PROPERTY LINES
 - - - - - EXISTING PLAT AND R/W LINES



DESCRIPTION:
Part of the East one half of the Southeast One-Quarter of Section 29, Township 12 South, Range 23 East, in the City of Lenexa, Johnson County, Kansas, being described as follows:
Commencing at the Northeast corner of the Southeast One-Quarter of said Section 29; thence along the North line of the Southeast Quarter of said Section 29, South 88 degrees 20 minutes 07 seconds West, a distance of 35.00 feet to a point on the West right of way line of CLARE Road as now established and recorded in THE TIMBERS AT CLEAR CREEK, FIRST PLAT, a subdivision in the City of Lenexa, said point being the Point of Beginning; thence along the said West right of way line of CLARE Road, South 01 degrees 54 minutes 14 seconds East, also being on a line 35.00 feet West of and parallel with the East line of the Southeast Quarter of said Section 29, a distance of 550.03 feet to a point on the West right of way line of Clare Road, as now established and recorded in book 200709 at page 005469; thence West and Northwesterly along the West right of way line of said Clare Road, said line being a curve to the right having an initial tangent bearing of North 89 degrees 30 minutes 38 seconds West, a radius of 150.00 feet, a central angle of 09 degrees 29 minutes 31 seconds and an arc length of 24.85 feet; thence continuing along the said West right of way line of Clare Road, South 09 degrees 52 minutes 58 seconds West a distance of 50.00 feet to a point of curvature on the North line of Tract "A", of said, THE TIMBERS AT CLEAR CREEK, FIRST PLAT, thence along the Northern and Eastern lines of said Tract "A" the following eight courses, Westerly and Northwesterly on a curve to the right having an initial tangent bearing of North 80 degrees 07 minutes 12 seconds West (deduced North 80 degrees 07 minutes 05 seconds West), a radius of 200.00 feet, a central angle of 51 degrees 01 minutes 12 seconds and an arc length of 178.09 feet; thence South 60 degrees 54 minutes 00 seconds West a distance of 116.00 feet; thence North 21 degrees 06 minutes 00 seconds West a distance of 63.00 feet; thence North 30 degrees 00 minutes 00 seconds West a distance of 57.00 feet; thence North 05 degrees 12 minutes 00 seconds West a distance of 149.63 feet; thence North 13 degrees 30 minutes 00 seconds West a distance of 59.00 feet; thence North 19 degrees 00 minutes 00 seconds West a distance of 76.00 feet; thence North 27 degrees 15 minutes 00 seconds West a distance of 57.09 feet to the Northeast corner of said Tract "A", said corner being on the South right of way line of West 83rd Street, as now established; thence North 01 degrees 39 minutes 53 seconds West a distance of 60.00 feet to a point on the said North line of the Southeast Quarter of Section 29; thence along said North line, North 68 degrees 20 minutes 07 seconds East a distance of 388.63 feet to the Point of Beginning and containing 3.878 acres more or less.

DEDICATION:
The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat which hereafter shall be known as "CLEAR CREEK LANDING".
The streets and roads shown on this plat and not heretofore dedicated as thoroughfares are hereby dedicated to the City of Lenexa, Johnson County, Kansas.

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of conduits, pipes, poles, wires, drainage facilities, ditches and cables, and similar facilities, upon, over and under those areas outlined and designated on this plat as "Utility Easement" or "U/E" is hereby granted to the City of Lenexa, Kansas. No above ground facilities associated with the uses herein permitted shall be constructed, located, or maintained in any area of the "U/E" that crosses or intersects with a "Drainage Easement" or "D/E".

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

An easement or license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of sidewalks, upon and over those areas outlined and designated on this plat as "Sidewalk Easement" or "S/E" is hereby granted to the City of Lenexa, Kansas. No above ground facilities associated with the uses herein permitted shall be constructed, located, or maintained in any area of the "S/E" that crosses or intersects with a "S/W/E".

A 15 foot wide Landscape Easement or "L/E" is hereby dedicated to the City of Lenexa, Johnson County, Kansas, adjacent to and parallel with W. 83rd Street. A 20 foot wide Landscape Easement or "L/E" is hereby dedicated to the City of Lenexa, Johnson County, Kansas, adjacent to and parallel with West line of plat as shown hereon. Maintenance of the "L/E's" within Lots shall be the responsibility of the Homeowner. Maintenance of the "L/E's" within Tracts shall be the responsibility of the development home owner association. In the event the HOA no longer lawfully exists or fails to maintain these tracts, then maintenance shall be the responsibility, shared equally, of the owners of property that are part of this subdivision, whether herein platied or by joining the subdivision in a later development phase.

An easement or license to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "S/E" on this plat, together with the right of ingress and egress over and through adjoining land as may be reasonably necessary to access said easement and is hereby dedicated to the Johnson County Wastewater of Johnson County, Kansas or their assigns. Alteration of land contours will be permitted only with the express written approval of JCW. Any piling of improvements or planting of trees on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation therefor.

RESTRICTIONS:
The use of all Lots and Tracts of land in this subdivision shall hereafter be subject to the covenants and restrictions which will be filed at the office of the Register of Deeds of Johnson County, Kansas and shall hereby become a part of the dedication of this plat as though fully set hereon.
This plat shall not be filed by the Register of Deeds unless filing is within 730 calendar days after the City of Lenexa Governing Body approval date, inclusive.

Tracts "A" shall be owned and maintained by the Homeowners Association that serve this plat and are to be used for stormwater management, sidewalk/trail access and landscaping purposes.

All landscaping and related materials that are planted or constructed within Tracts "A" shall be maintained by the Homes Association or their authorized representatives thereof. However, in the event that the HOA is not lawfully existing or fails to maintain these areas, then maintenance shall be the responsibility of the owners of all lots within the platted area herein.

There shall be no direct access (LNA) to W 83rd Street from Lot 1 and Tract "A".

APPROVALS:
Approved by the Planning Commission of the City of Lenexa, Johnson County, Kansas, this ____ day of _____, 20__.

Chris Poss, Chairman

Approved by the Governing Body of the City of Lenexa, Johnson County, Kansas, this ____ day of _____, 20__.

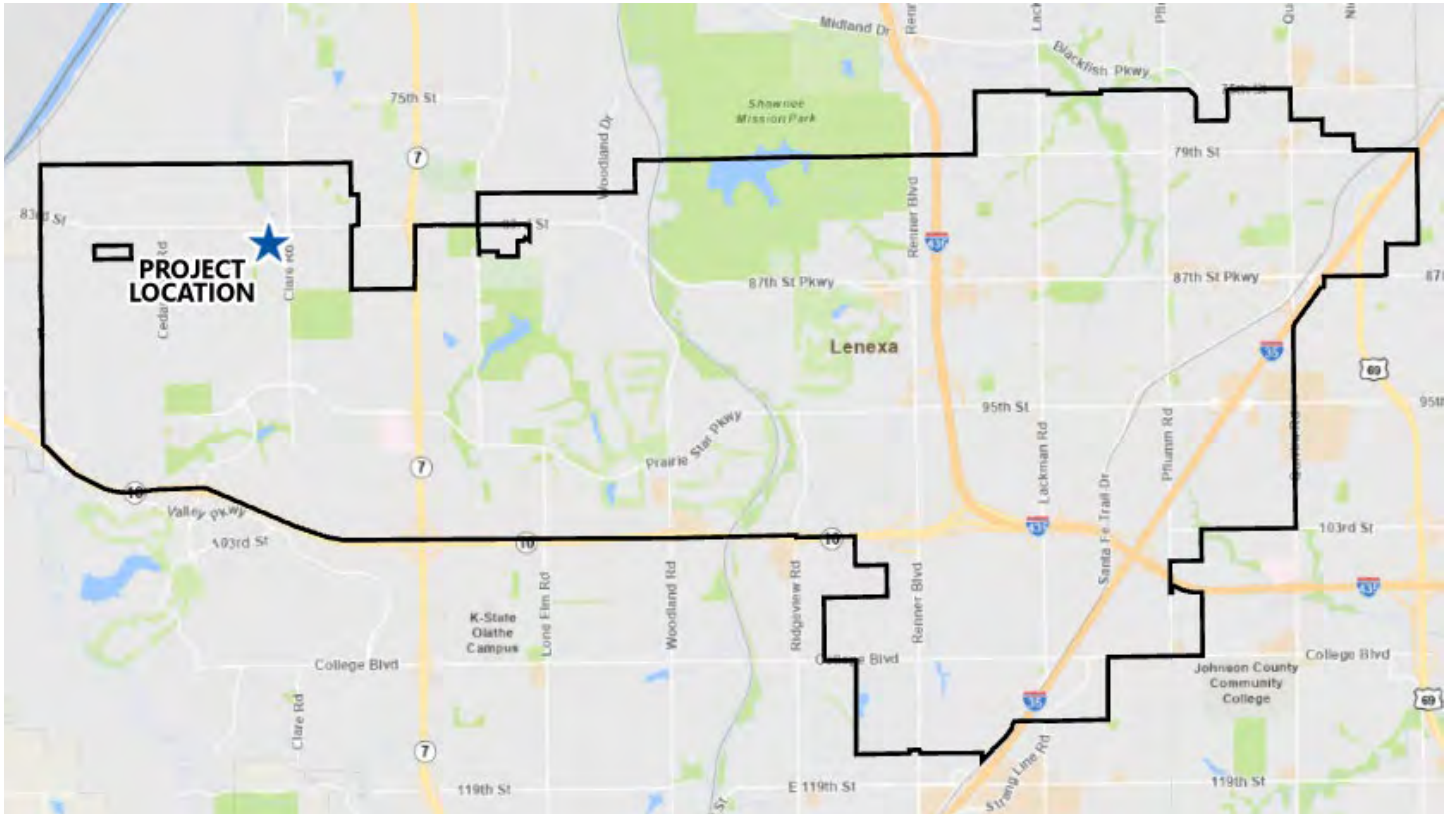
Michael A. Boehm, Mayor Jennifer Martin, City Clerk

SCHLAGEL
ENGINEERS PLANNERS SURVEYORS LANDSCAPE ARCHITECTS
1820 West 107th Street • Lenexa, Kansas 66156
Ph: (913) 492-5158 • Fax: (913) 492-8400 • WWW.SCHLAGEL-ASSOCIATES.COM
Kansas State Certified of Authority
#C202-04229-04254

DATE	3/13/2023	EASEMENT EXHIBIT
DRAWN BY	JWT	CLEAR CREEK LANDING
CHECKED BY	SCH	
PROJ. NO.	22-131	SHEET NO. 1

CLEAR CREEK LANDING, FINAL PLAT

Project #:	PT23-10F	Location:	SWC of 83 rd Street and Clare Road
Applicant:	Jeff Skidmore, Schlagel & Associates	Project Type:	Final Plat
Staff Planner:	Christa McGaha, AICP	Proposed Use:	Multi-Family Residential



PROJECT SUMMARY

The applicant proposes a final plat of 3.34 acres at the southwest corner of W. 83rd Street and Clare Road. The plat contains one lot and one tract known as Tract “A” to be dedicated as a stormwater management, sidewalk/trail access, and landscaping to be maintained by the Homeowners Association. The final plat includes construction of Greeley Street. Utility easements, landscape easements, sidewalk easements, and public rights-of-way are being dedicated to the City of Lenexa with this final plat. This project does not require a Public Hearing.

STAFF RECOMMENDATION: APPROVAL

SITE INFORMATION

In November 2022, the applicant was granted approval of the preliminary plan and rezoning applications (RZ22-07 & PT22-13P) to rezone the 3.4-acre subject property from RP-1 to RP-2 to allow for a six-building, 24-unit townhome development at the southwest corner of 83rd Street and Clare Road.

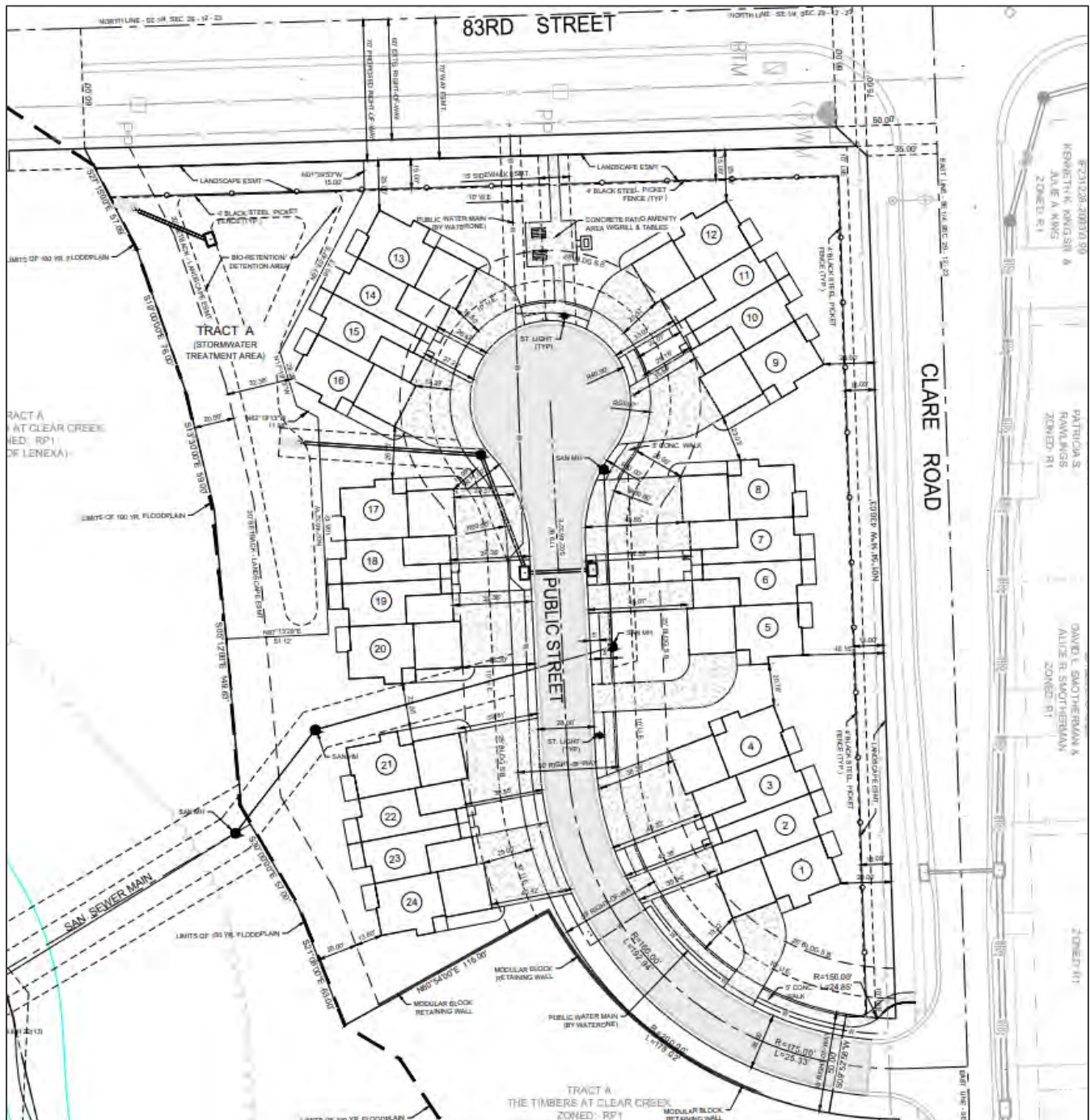


Exhibit 1: Approved Preliminary Plan and Plat, PT22-13P.

LAND AREA (AC) 3.4	DWELLING UNITS 24	ZONING RP-2	COMP. PLAN Suburban Residential
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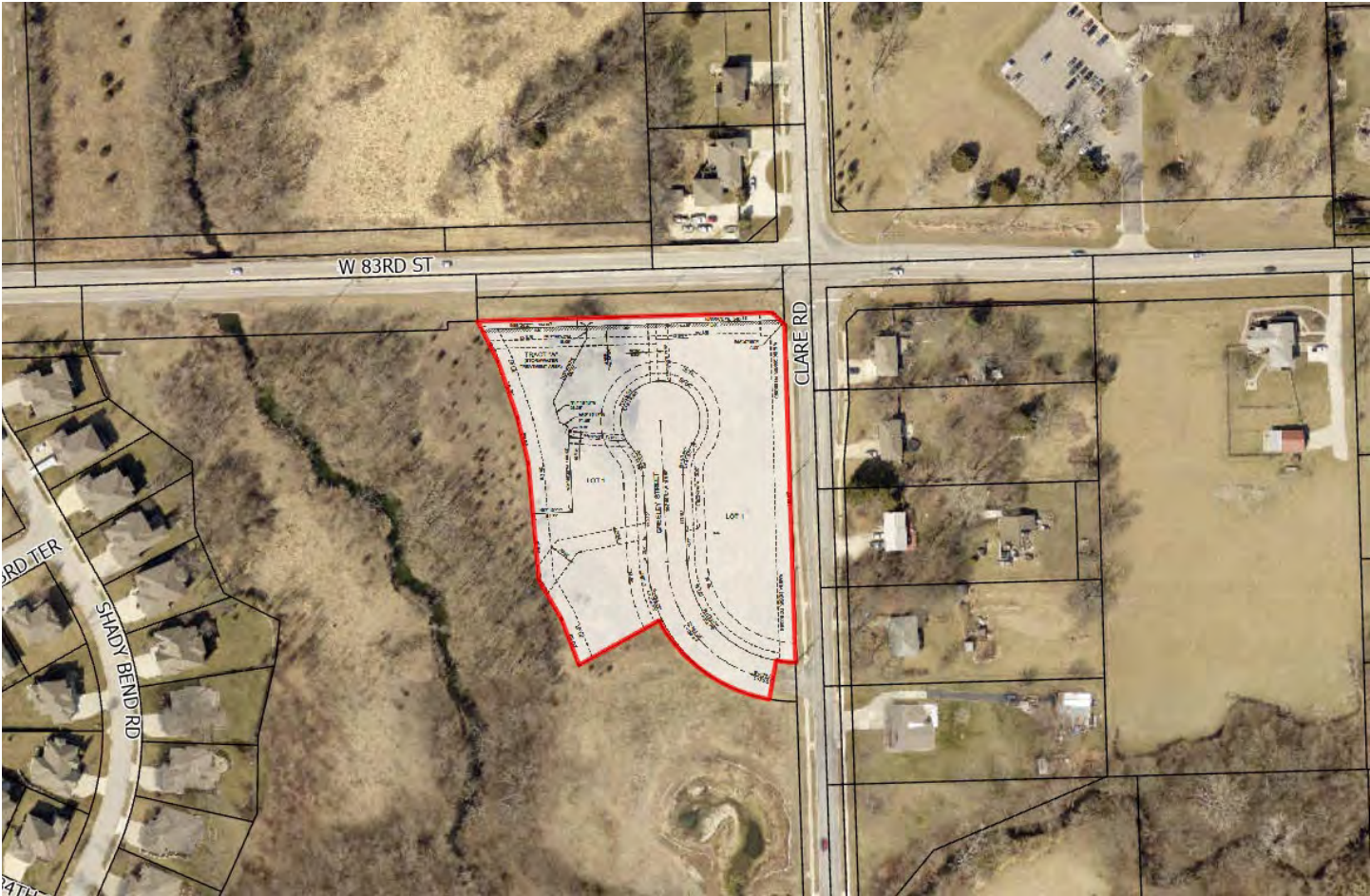


Exhibit 2: Aerial Image of Subject Area.

LAND USE REVIEW

The one lot plat will contain six fourplex townhome buildings with 24 total units. The use is compatible with the RP-2 Zoning designation and will have a density calculation of 7.2 dwelling units per acre. The proposed development is not in conformance with the Comprehensive Plan’s Future Land Use Map (FLU). The Comprehensive Plan’s Future Land Use Map identifies the subject 3.4-acre parcel to be developed as Suburban Density Residential. This is defined as low density detached single-family housing not exceeding a gross density of 3.5 dwelling units per acre. The proposed development, at a density of 7.2 dwelling units per acre, is one level of intensity higher and proposes a multi-family townhome housing product.

While this is not in conformance with the FLU designation, Staff supported of the increase in the intensity of the zoning for this parcel due to the similar alignment of the proposed plan to the previously approved preliminary plan, and the existing buffer of this site from the existing single-family subdivision, as well as the proposed perimeter landscaping for the site. Staff pursued a reasonable balance of varied zoning districts by which to build community in this developing area of Lenexa taking into account specific locations and what each request can provide for the existing and future neighborhoods.

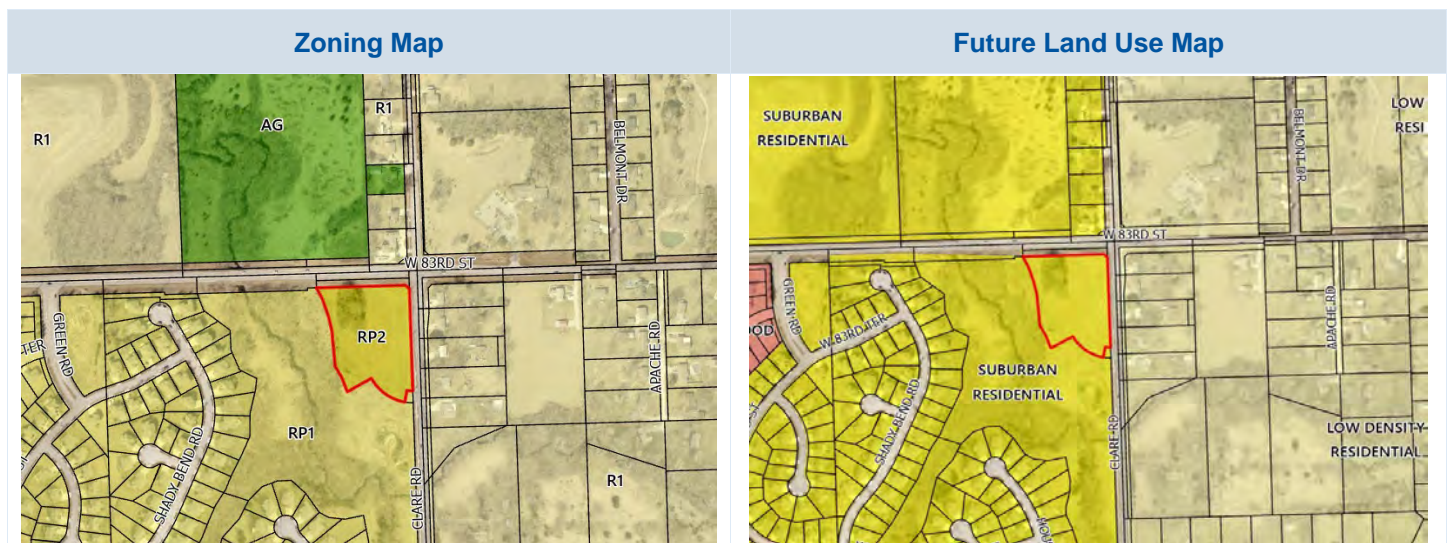


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Suburban Residential	RP-2 Planned Residential Intermediate Density	Undeveloped Land
North	Suburban Residential	RP-1 Planned Residential Low Density & Agricultural	Single-Family Homes & Undeveloped Land
South	Suburban Residential	RP-1 Planned Residential Low Density	City Owned Land – Stream Buffer & Storm Detention BMP
East	Low Density Residential	R-1 Residential Low Density	Low Density Single-Family Homes
West	Suburban Residential	RP-1 Planned Residential Low Density	Stream Buffer & the Timbers at Clear Creek Single-Family Subdivision

FINAL PLAT REVIEW

The proposed final plat consists of one lot and one tract, known as Tract “A”, for construction of a six-building, 24-unit townhome development on a 3.4-acre tract of land at the southwest corner of 83rd Street and Clare Road. Tract “A” is a stormwater treatment area.

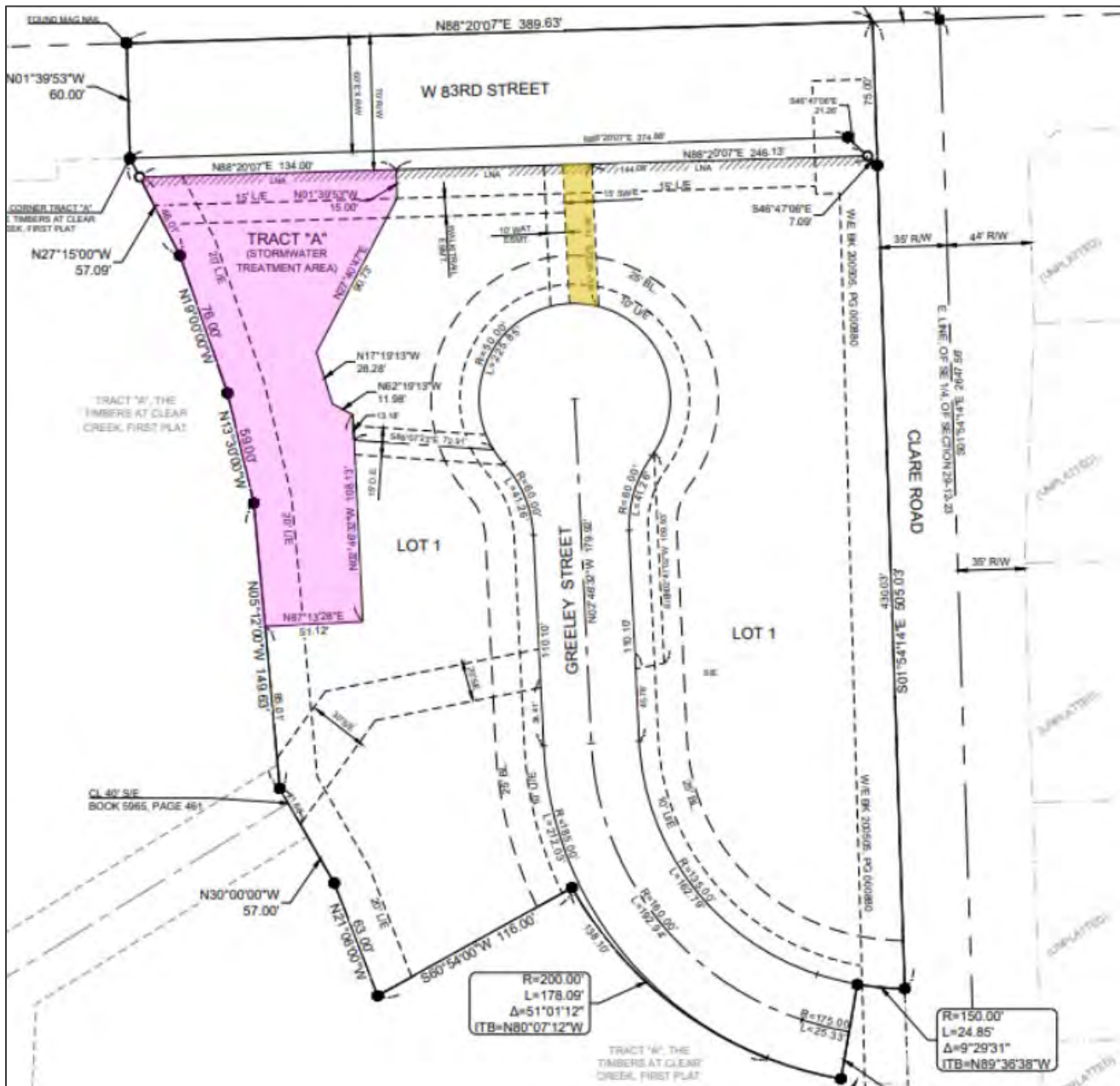


Exhibit 3: Final Plat with Tract “A” and Sidewalk Easement.

The plat also contains Limits of No Access (LNA) to prohibit access to W. 83rd Street from both Lot 1 and Tract “A” and dedications for utility, drainage, sidewalk, and landscape easements and right-of-way. Exhibit 2 shows Tract “A” (magenta) a 15-foot sidewalk easement (yellow) connecting the cul-de-sac to W. 83rd Street to the north. Staff is working with the applicant to determine the appropriate location for a trail easement for a future walking trail connection to the future City trail to the west of the property.

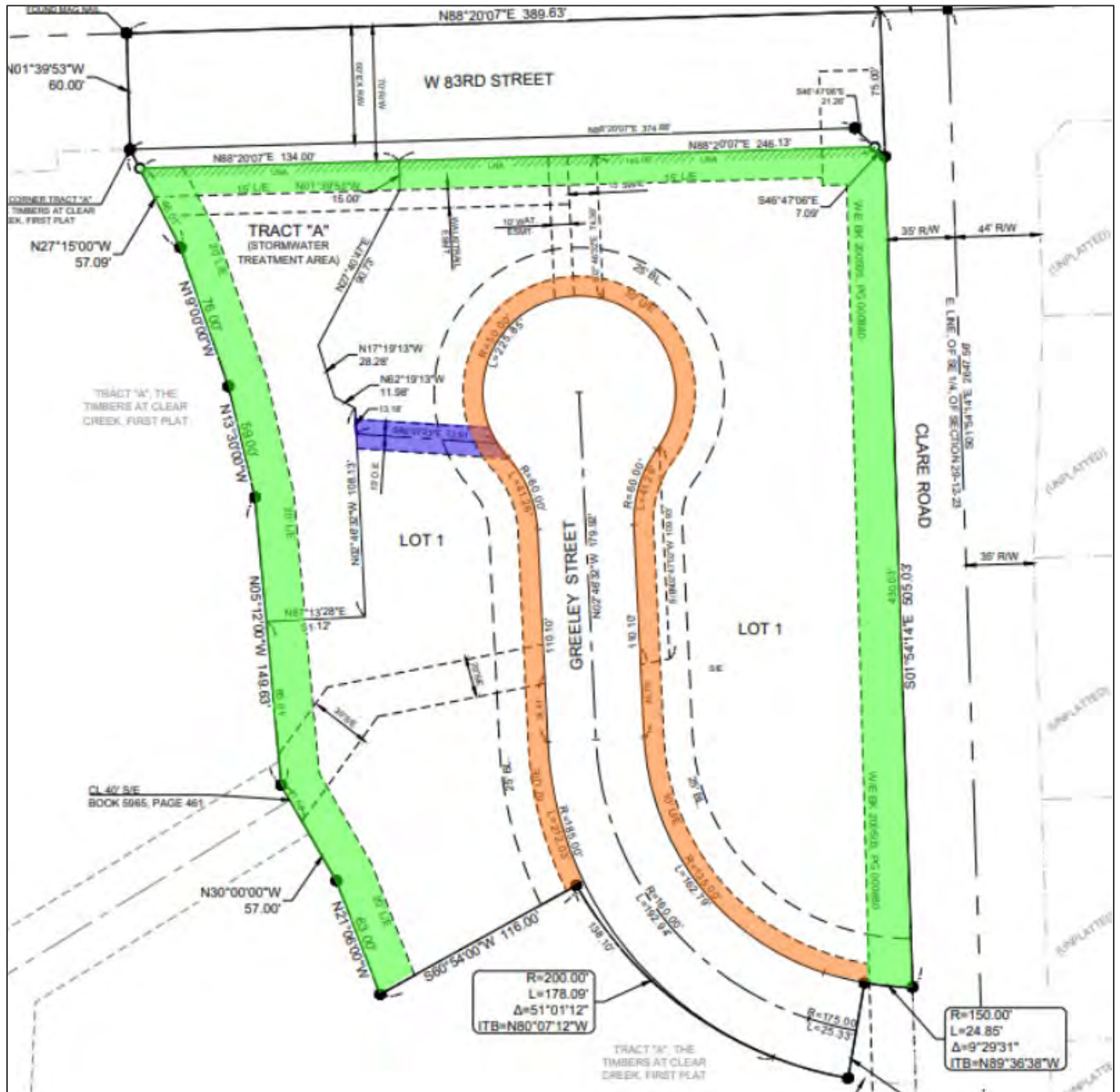


Exhibit 4: Final Plat with Utility and Landscape Easements.

Exhibit 3 shows proposed landscape easements (green) throughout the site. A 20-foot landscape easement is proposed along the north and east property lines to buffer from adjacent streets and along the west property line to provide a buffer from the single-family subdivision to the west. A 10-foot utility easement (orange) is to be dedicated to the City of Lenexa surrounding the Greeley Street right-of-way dedication. A 15-foot drainage easement (blue) is proposed to be dedicated to the City of Lenexa from the Greeley Street right-of-way to Tract "A".

DEVIATIONS

The applicant is not requesting any additional deviations from the Unified Development Code with this application. A deviation was granted with the preliminary plan approval (PL22-13P) to reduce the 25-foot front yard setback by 10-feet to allow a front yard setback of 15-feet in a few instances. The majority of the structures will meet the 25-foot front yard setback requirement.

REVIEW PROCESS

- The Planning Commission is the final authority for approval of this plat, pending Governing Body acceptance of right-of-way and easements for landscaping and utilities as shown on the final plat. This project is tentatively scheduled for the March 21, 2023 City Council meeting.
- The applicant should inquire about additional City requirements, such as permits and development fees.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Staff recommends approval of the proposed Final Plat for Clear Creek Landing.**

- This is a one-lot final with one tract for the purpose of stormwater management.
- The project is consistent with Lenexa's goals through ***Strategic Community Investment*** and ***Responsible Economic Development*** to create ***Vibrant Neighborhoods***.

FINAL PLAT

Staff recommends **approval** of the final plat for PT23-10F – **Clear Creek Landing** at the southwest corner of W. 83rd Street and Clare Road, for one-lot and one tract.

CONSENT AGENDA

1. **Brampton West Tracts** - Consideration of a final plat for property located near the intersection of W. 95th Street & Aurora Street within the R-1, Single-Family Residential District. PT23-06F
2. **Clear Creek Landing** - Consideration of a final plat for property located at the southwest corner of W. 83rd Street and Clare Road within the RP-2, Planned Residential (Intermediate Density) District. PT23-10F
3. **Quivira Square** - Consideration of a final plan for facade, site, and parking improvements for property located at 7820 Quivira Road within the CP-1, Planned Neighborhood Commercial District. PL22-24F
4. **Lenexa Smart Storage** - Consideration of a final plan a self-service storage use for property located at 8630 Maurer Road within the CP-2, Planned Community Commercial District. PL23-04F
5. **St. James Academy Multi-Purpose Building** - Consideration of a revised final plan for an accessory structure related to the existing private high school located at 24505 Prairie Star Parkway within the R-1, Single-Family Residential District. PL23-02FR
6. **Vista Village, 2nd Plat** - Consideration of a revised final plat for property located at the southwest corner of Prairie Star Parkway and Vahalla Street within the PUD, Planned Unit Development District. PT23-01FR
7. **Watercrest Landing, Seventh Plat** - Consideration of a final plat for property located at the northwest corner of W. 89th Street and Ginger Street within the RP-1, Planned Residential (Low Density) District. PT23-09F
8. **Redevelopment Project Plan 3H for the City Center TIF District** - Consideration of a resolution for property located at the northwest corner of 87th Street Parkway and Renner Boulevard within the CC, Planned City Center District.

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1 through 8. Moved by Commissioner Horine, seconded by Commissioner Burson, and carried by a unanimous voice vote.



ITEM 4

SUBJECT: Acceptance of utility easements as shown on Vista Village, 2nd Plat, Final Plat
CONTACT: Stephanie Kisler, Planning Manager
DATE: March 21, 2023

ACTION NEEDED:
Accept the utility easements as shown on Vista Village, 2nd Plat, Final Plat.

APPLICANT:
Chad Porter, Payne and Brockway

OWNER:
Luxe, LLC

PROPERTY LOCATION/ADDRESS:
Southwest corner of Prairie Star Parkway & Vahalla Street

PROJECT BACKGROUND/DESCRIPTION:
Vista Village is a Planned Unit Development (PUD), which includes retail and multi-family uses. The original plan was for 2-, 4-, 5-, and 6-unit buildings to be developed on the east part of the site. The applicant revised the design and now intends to construct all duplex buildings on this part of the site, which is located near the southwest corner of Prairie Star Parkway & Vahalla Street. This replat will change the lots from multi-unit buildings to all duplex (two-unit) buildings. The internal drive alignment will remain the same as planned throughout the site. The change will result in a net reduction of 11 units.

Utility easements are being dedicated to the City with this final plat. Existing easements for drainage and sanitary sewer from Vista Village, 1st Plat, will remain.

STAFF RECOMMENDATION:
Acceptance of the easements.

PLANNING COMMISSION ACTION:
This item was considered as Consent Agenda item 6 at the March 6, 2023 Planning Commission meeting. Chairman Poss entertained a motion to recommend **APPROVAL** of Consent Agenda items 1 through 8. Moved by Commissioner Horine, seconded by Commissioner Burson, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Vibrant Neighborhoods

Guiding Principles
Responsible Economic Development

ATTACHMENTS

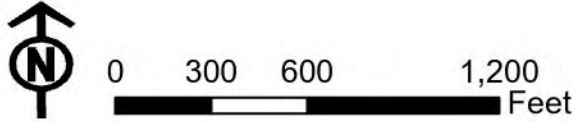
1. Map
2. Plat
3. PC Staff Report
4. PC Draft Minutes Excerpt



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

Vista Village, 2nd Plat PT23-01FR



REVISIONS			
NO.	DATE	DESCRIPTION	BY
1	1/20/23	Issuance	CSA
2	1/25/23	City comments	CSA

FINAL PLAT OF VISTA VILLAGE, 2ND PLAT

A Replat of All of Lots 10 Through 34 and Tract D, VISTA VILLAGE, 1ST PLAT

This is a warranty and plat of All of Lots 10 through 34 and Tract D, VISTA VILLAGE, 1ST PLAT, a subdivision in the City of Lenexa, Johnson County, Kansas, lying above the Farley Lodge of Limestone, where such ledge exists, proposed by Gerald L. Coon, P.S. No. 1128, January 24, 2023, containing 23816195 sq. ft. more or less.

The undersigned proprietors of the above described tract of land have caused the same to be subdivided in the manner as shown on the accompanying plat, which hereafter shall be known as VISTA VILLAGE, 2ND PLAT.

An easement of license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of streets, culverts, sidewalks, drains, utility, sanitary sewer, water, electric, gas, telephone, cable, utility, drainage facilities, utility, construction and other similar facilities, open, over and under those areas outlined and designated on this plat as "Utility Easement" or "1/2\"

An easement of license to enter upon, locate, construct and maintain or authorize the location, construction or maintenance and use of curbside, plan, shaft, manhole, surface drainage facilities and other similar facilities, open, over and under those areas outlined and designated on this plat as "Drainage Easement" or "D.E." to be held jointly by the City of Lenexa, Kansas, Drainage Department and owner of the lots, streets, and other facilities that would restrict the flow of drainage. The City of Lenexa is under no duty or obligation to maintain or repair the stormwater drainage facilities placed within the limits of this easement, and in no event shall this easement be construed to impose any such obligation on the City of Lenexa.

An easement of license to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "S.S.E." in this plat, together with the right of ingress and egress over and through adjoining land as may be reasonably necessary to access said easement over to be held jointly by the Johnson County Westwater & Trail District. Ingression of third parties shall be permitted only with the express written approval of J.C.W. Any placing of improvements or planting of trees on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation therefor.

Tract E shall be owned and maintained by the Lane Homes Association. The tract is intended to be used for ingress/egress, private drives, cross easement sidewalks, detention, landscaping, fencing, stormwater drainage, water quality features, and/or Home Association Amenities. In the event the HOA no longer exists or fails to maintain these tracts, then maintenance shall be the responsibility, shared equally, of the owners of property that are part of this subdivision, either herein platting or by joining the subdivision in a later development phase.

The use of all lots in this subdivision shall hereafter be subject to the restrictions which will be executed as a separate instrument of writing and will be recorded in the Office of the Registrar of Deeds of Johnson County, Kansas, said restrictions all thereby be made a part of the dedication of this plat as though fully set forth herein.

The undersigned proprietors of the above described tract of land hereby consent and agree that the Board of County Commissioners of Johnson County, Kansas, and the City of Lenexa, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use, from the tax and effect of any special assessments and that the amount of unpaid special assessments on such land dedicated, said taxes and remain a lien on the remainder of this and portions or sections of said dedicated public ways or thoroughfares.

IN WITNESS WHEREOF, the undersigned proprietors have caused this instrument to be executed this _____ day of _____, 2023.

LUXE, LLC

MICHAEL A. CHRISTE, Manager

STATE OF KANSAS
COUNTY OF JOHNSON

BE IT REMEMBERED, that on this _____ day of _____, 2023, before me a Notary Public in and for said County and State, came MICHAEL A. CHRISTE, Manager of LUXE, LLC, who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Corporation, and he acknowledged to me the execution of the same to be for the said end and use aforesaid.

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

My Appointment Expires: _____

Notary Public:

APPROVED by the Planning Commission of the City of Lenexa, Kansas, on this _____ day of _____, 2023.

By: CHRIS PREEB, Chairman

APPROVED by the Governing Body of the City of Lenexa, Kansas, on this _____ day of _____, 2023.

By: MICHAEL A. BOEHN, Mayor

ATTEST: JENNIFER MARTIN, City Clerk

I hereby certify that on 1/11/23, 2023, I or someone under my direct supervision completed a field survey of the above described tract of land and this is an accurate and true plat of said subdivision on this _____ day of _____, 2023.

Gerald L. Coon
Kansas L.S. No. 1128



LOT AREAS

LOT 35	5,979.8	Sq.Ft.
LOT 36	5,979.8	Sq.Ft.
LOT 37	5,979.8	Sq.Ft.
LOT 38	5,979.8	Sq.Ft.
LOT 39	5,979.8	Sq.Ft.
LOT 40	5,979.8	Sq.Ft.
LOT 41	5,979.8	Sq.Ft.
LOT 42	5,979.8	Sq.Ft.
LOT 43	5,979.8	Sq.Ft.
LOT 44	5,979.8	Sq.Ft.
LOT 45	5,979.8	Sq.Ft.
LOT 46	5,979.8	Sq.Ft.
LOT 47	5,979.8	Sq.Ft.
LOT 48	5,979.8	Sq.Ft.
LOT 49	5,979.8	Sq.Ft.
LOT 50	5,979.8	Sq.Ft.
LOT 51	5,979.8	Sq.Ft.
LOT 52	5,979.8	Sq.Ft.
LOT 53	5,979.8	Sq.Ft.
LOT 54	5,979.8	Sq.Ft.
LOT 55	5,979.8	Sq.Ft.
LOT 56	5,979.8	Sq.Ft.
LOT 57	5,979.8	Sq.Ft.
LOT 58	5,979.8	Sq.Ft.
LOT 59	5,979.8	Sq.Ft.
LOT 60	5,979.8	Sq.Ft.
LOT 61	5,979.8	Sq.Ft.
LOT 62	5,979.8	Sq.Ft.
LOT 63	5,979.8	Sq.Ft.
LOT 64	5,979.8	Sq.Ft.
LOT 65	5,979.8	Sq.Ft.
LOT 66	5,979.8	Sq.Ft.
LOT 67	5,979.8	Sq.Ft.
LOT 68	5,979.8	Sq.Ft.
LOT 69	5,979.8	Sq.Ft.
LOT 70	5,979.8	Sq.Ft.
LOT 71	5,979.8	Sq.Ft.
LOT 72	5,979.8	Sq.Ft.
LOT 73	5,979.8	Sq.Ft.
LOT 74	5,979.8	Sq.Ft.
LOT 75	5,979.8	Sq.Ft.
LOT 76	5,979.8	Sq.Ft.
LOT 77	5,979.8	Sq.Ft.
LOT 78	5,979.8	Sq.Ft.
LOT 79	5,979.8	Sq.Ft.
LOT 80	5,979.8	Sq.Ft.
LOT 81	5,979.8	Sq.Ft.
LOT 82	5,979.8	Sq.Ft.
LOT 83	5,979.8	Sq.Ft.
LOT 84	5,979.8	Sq.Ft.
LOT 85	5,979.8	Sq.Ft.
TRACT E	2,935.7	Sq.Ft.
TOTAL	1,028,721.4	Sq.Ft.

NOTES:

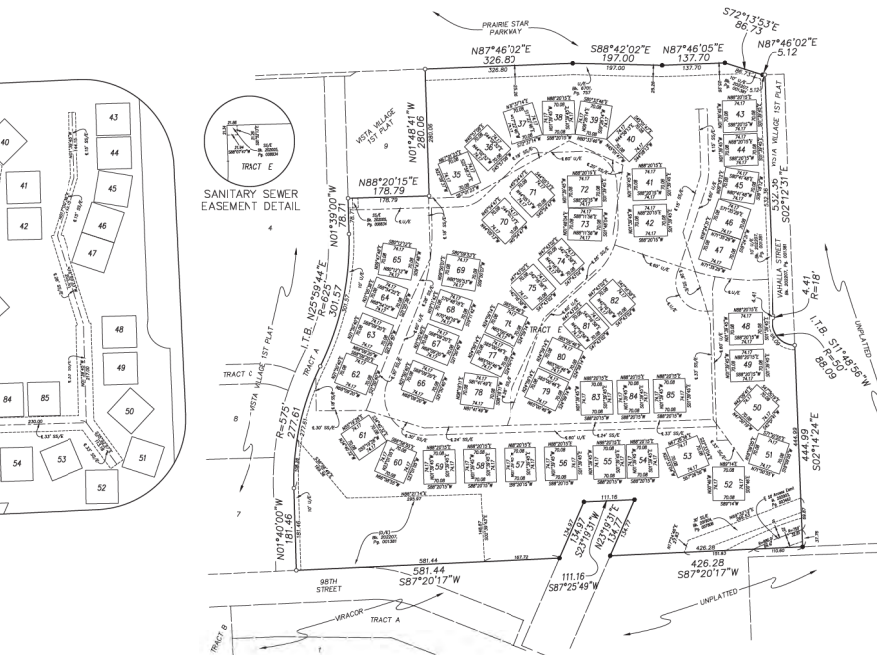
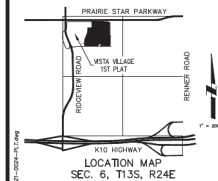
The basis for bearings on this plat is Grid North, Kansas North Zone, NAD83.

In preparing this plat by the City of Lenexa and recording this plat with the Office of the Registrar of Deeds, all lot lines, front and posted, and other proper easements that lie within those parts of VISTA VILLAGE, 1ST PLAT, recorded in Book 20207, Page 03381, being registered, are hereby now recorded.

This plat is subject to a Restrictive Covenant Agreement recorded in the Office of the Registrar of Deeds, Book 20230, Page 03266.

4,510.07' (net boundary distance) / 0.0174' (closing distance) = unadjusted error of closure 1' in 259,196.55

ALL AREAS DESIGNATED IN THE PLAT AS DRAINAGE EASEMENT SHALL REMAIN FREE OF FENCING, SHEDS, AND OTHER OBSTACLES THAT WOULD RESTRICT THE FLOW OF DRAINAGE.



LEGEND:

- BOUNDARIES 1/2" REBAR SET w/PAB PLASTIC CAP C/P 43-49
- BOUNDARIES 1/2" REBAR FOUND w/PAB PLASTIC CAP C/P 43-49
- BOUNDARIES 1/2" CHAIN
- BOUNDARIES SANITARY SEWER EASEMENT
- - - BOUNDARIES DRAINAGE EASEMENT



Prepared By: Payne & Bruckway Engineers, P.A.
P. O. Box 128
Olathe, Kansas 66051
913-251-8000

Developed By: Luxe, LLC
c/o Michael A. Christe, Manager
3817 W. 203rd Street
Lenexa, Kansas 66215
913-448-0000

Date Prepared: January 30, 2023

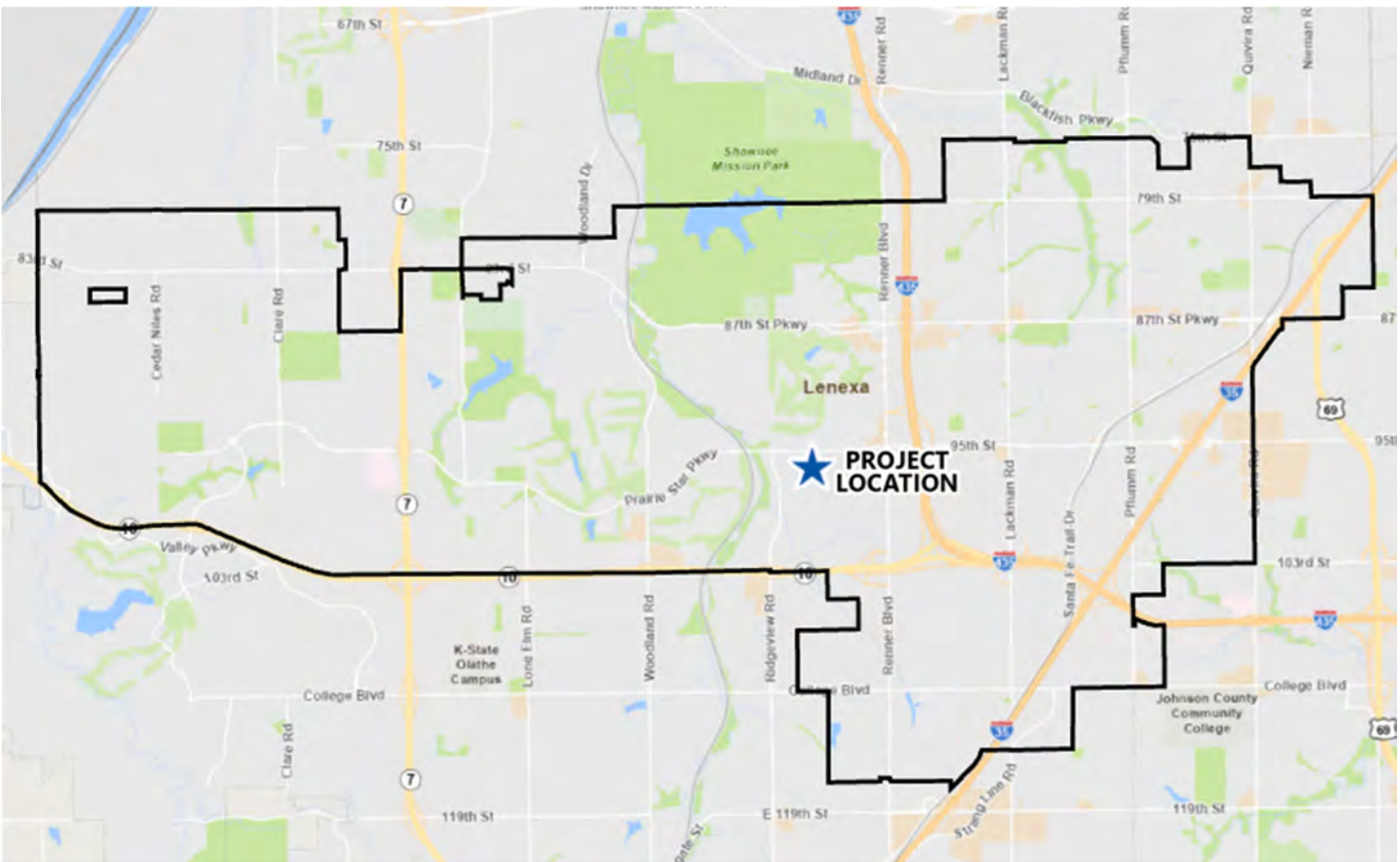
THE INFORMATION FURNISHED BY
OHFCO TITLE INSURANCE COMPANY
COMPLETION OF RECORD
DATED JANUARY 17, 2019

VISTA VILLAGE
2ND PLAT
SEC. 6, T13S, R24E
JOHNSON COUNTY, KANSAS



VISTA VILLAGE, 2ND PLAT, FINAL PLAT

Project #:	PT23-01FR	Location:	SWC of Prairie Star Parkway and Vahalla Street
Applicant:	Chad Porter, Payne and Brockway	Project Type:	Final Plat
Staff Planner:	Dave Dalecky	Proposed Use:	Multi-Family Residential



PROJECT SUMMARY

The applicant is requesting approval of a final plat for the townhome portion of the Vista Village development. This replat of Vista Village, 1st Plat (PT22-09F) will change the development pattern from a mix of two-, four-, five-, and six-unit buildings to all two-unit (duplex) buildings. The change will result in a net reduction of 11 units. The change to the development, from multi-unit buildings to all two-unit buildings is sufficiently consistent with the approved plan to not warrant a revised final plan. [Section 4-1-H-4-D](#) of the Unified Development Code (UDC) lists the threshold for when such a revision is required. The proposed plan shows the two-unit buildings and internal private drives in a nearly identical development pattern to what is shown on the approved plan. The development is less dense with the reduction of 11 units.

STAFF RECOMMENDATION: APPROVAL

SITE INFORMATION

The site is zoned PUD, Planned Unit Development (RZ15-06). This zoning category allows for multiple uses developed as a unified development. Vista Village includes the townhome component, now all two-unit buildings, commercial buildings, and an apartment component. Several preceding versions of a preliminary plan were approved prior to the current plan for Vista Village. The most recent preliminary plan approval for Vista Village development is PL21-05PR.

LAND AREA (AC)	DWELLING UNITS	ZONING	COMP. PLAN
23.6	108	PUD	Business Park

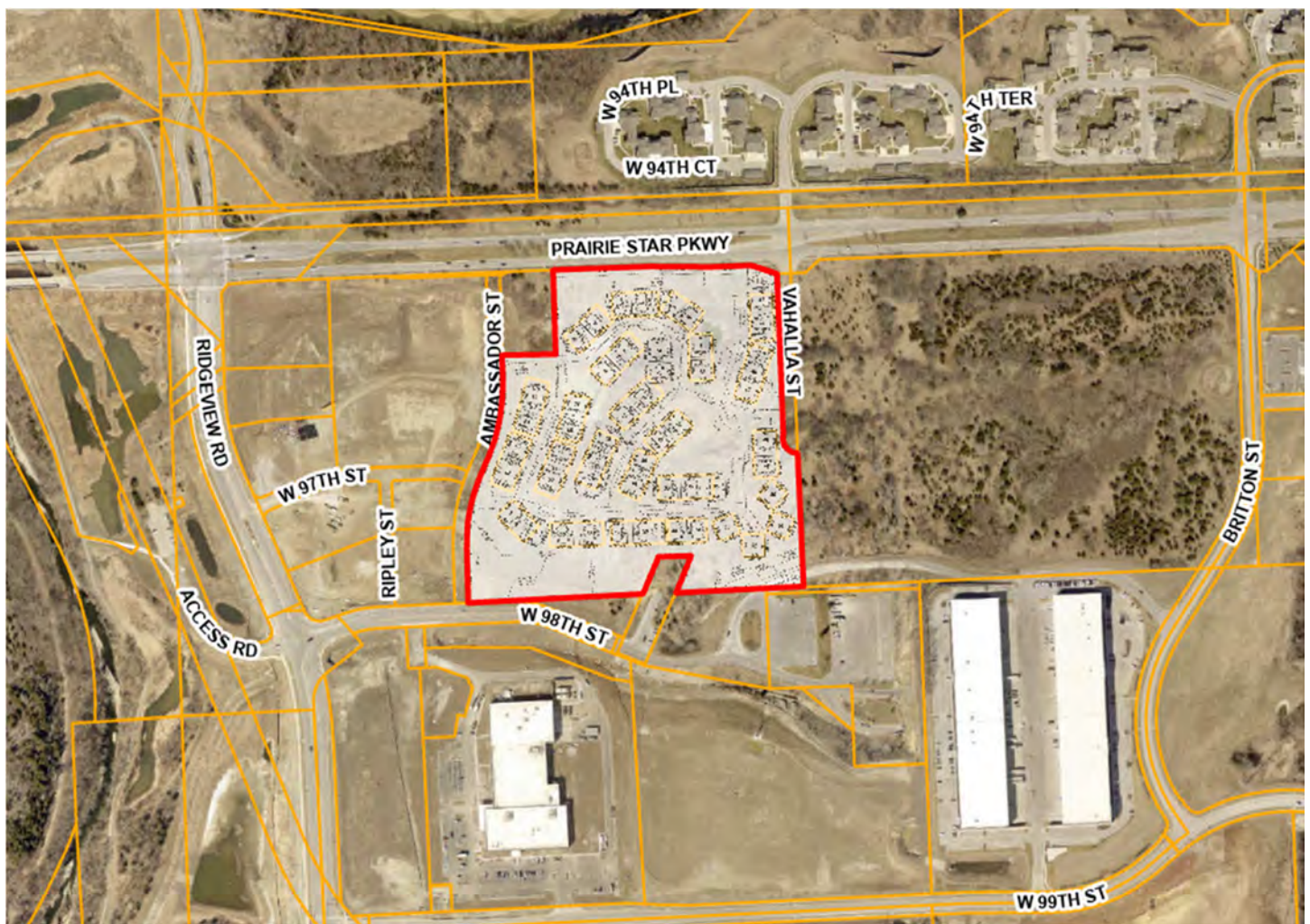


Exhibit 1: Aerial Image of Subject Area.

LAND USE REVIEW

The plat will establish individual lots for each two-unit building. The placement of the lots are in a nearly identical pattern as the recorded plat and will have the same private street alignment. The plat contains 54 lots and one tract. Utility easements shown on the plat are the same locations as are shown on Vista Village, 1st Plat (now recorded) with the exception of minor changes to sections of the sanitary sewer easement.

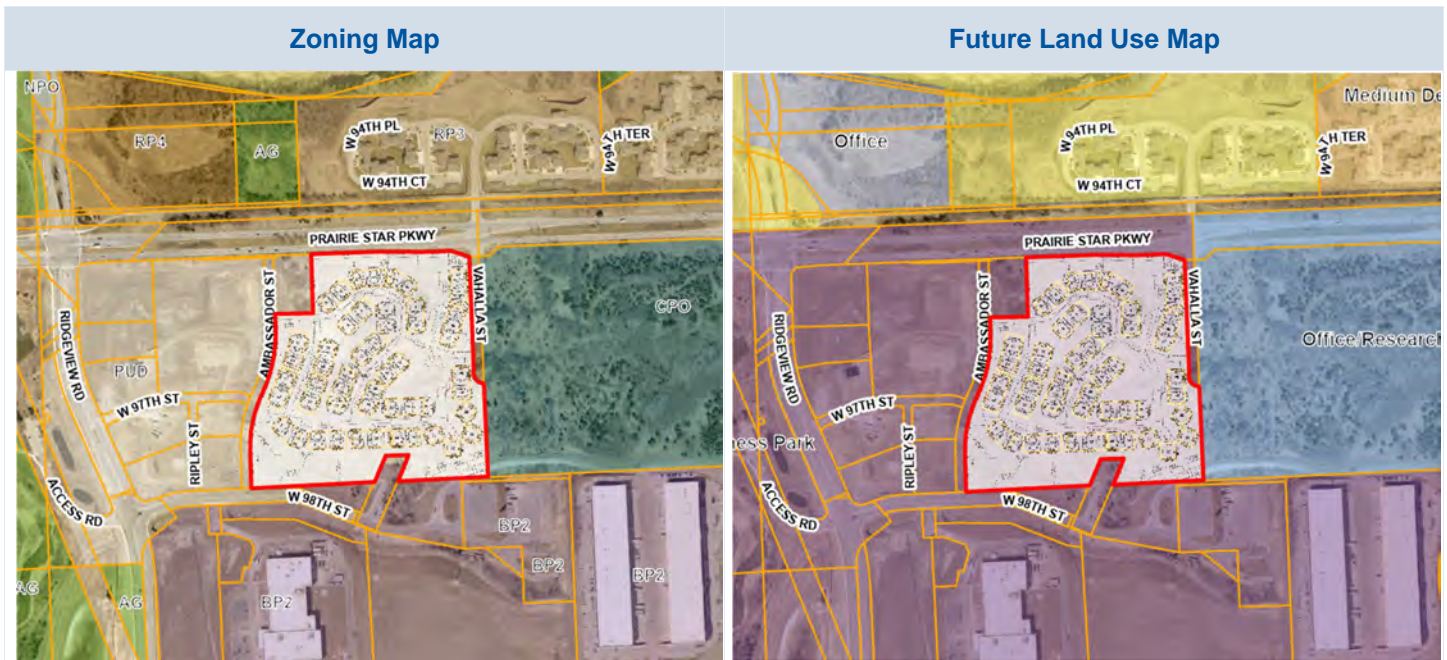


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Future Land Use Designation	Zoning	Current Use
Subject Property	Business Park	PUD, Planned Unit Development District	Undeveloped land
North	Suburban Density Residential	RP-3, Residential Planned (Medium High-Density) Residential District	Medium Density
South	Business Park	BP-2, Planned Manufacturing District	Laboratory, manufacturing, office, and distribution
East	Office, Research and Development	CP-O, Planned General Office District	Undeveloped land
West	Business Park	PUD, Planned Unit Development District	Undeveloped land

FINAL PLAT REVIEW

This final plat is a replat of part of Vista Village, 1st Plat. The original plat is for the entire 50-acre site. The replat is for the easterly part of the site that contains the townhomes. The applicant is now proposing all the buildings be two-unit buildings. The previous concept was for two-, four-, five, and six-unit buildings.

The plat includes separate lots to encapsulate each building. The “common” space of the site is within a single tract. The general layout of the buildings on the site is effectively identical to the previous layout. The change to the development is the actual footprints of each of the buildings. The plat contains 54 lots and one tract. The plat contains utility, drainage, and sewer easements. All easements remain exactly as shown on Vista Village, 1st Plat except for minor adjustments to the sewer easement. This easement is dedicated to Johnson County Wastewater and is subject to the provisions of Johnson County Wastewater. The applicant is coordinating the minor changes of this easement with Johnson County Wastewater.

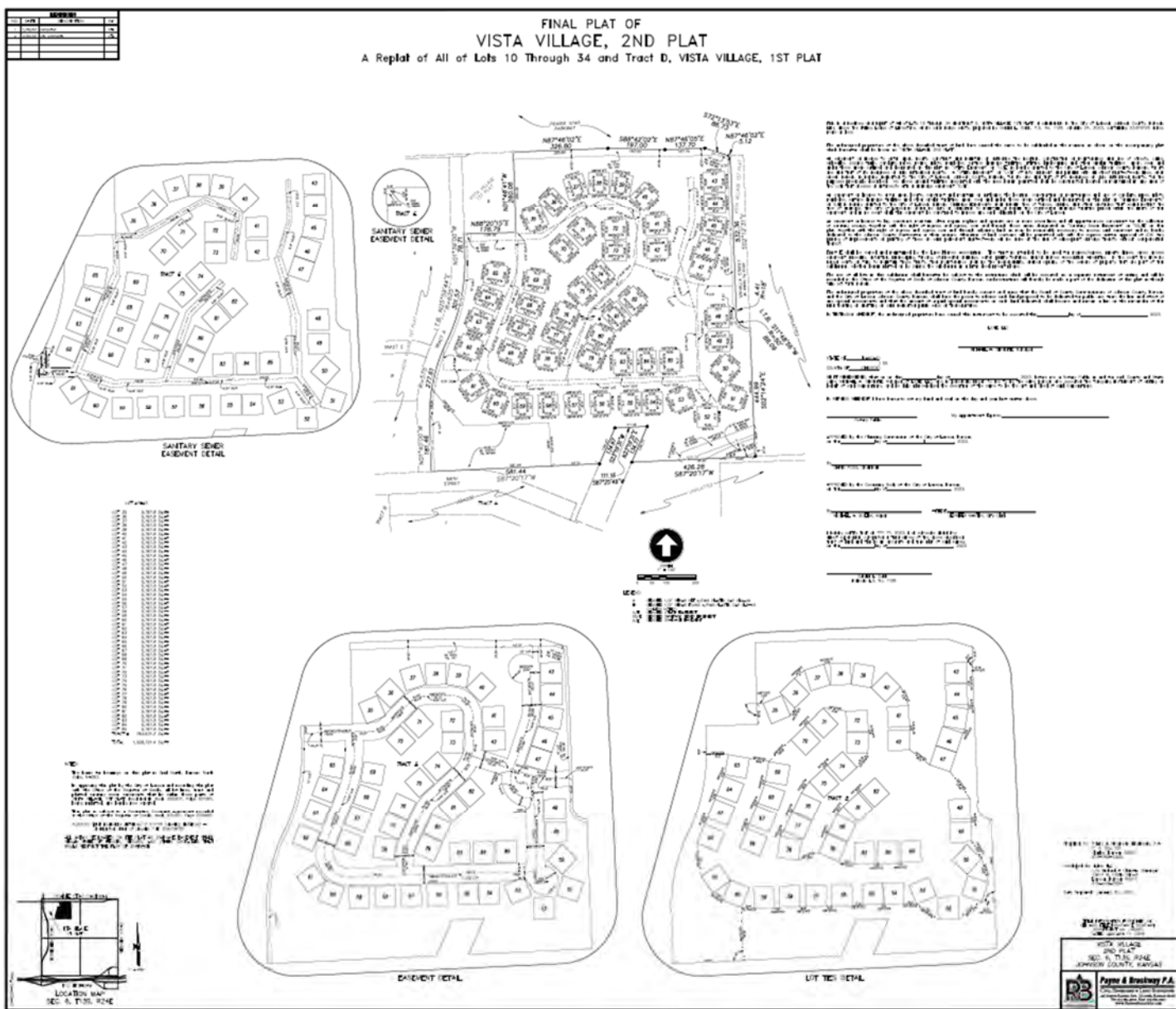


Exhibit 3: Final Plat with Tracts and Easements to be Dedicated.

DEVIATIONS

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

REVIEW PROCESS

- The Planning Commission is the final authority for approval of this plat, pending Governing Body acceptance of easements for utilities as shown on the final plat, which will be on the agenda for the March 21, 2023, City Council meeting.
- The applicant should inquire about additional City requirements, such as permits and development fees.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Staff recommends approval of the proposed Final Plat for Vista Village, 2nd Plat.**

- This is a 54-lot final plat with one tract for common open space.
- The project is consistent with Lenexa's goals through ***Strategic Community Investment*** and ***Responsible Economic Development*** to create ***Vibrant Neighborhoods***.

FINAL PLAT

Staff recommends **approval** of the final plat for PT23-01FR – **Vista Village, 2nd Plat** at the southwest corner of Prairie Star Parkway and Vahalla Street, for 54 lots and one tract.

CONSENT AGENDA

1. **Brampton West Tracts** - Consideration of a final plat for property located near the intersection of W. 95th Street & Aurora Street within the R-1, Single-Family Residential District. PT23-06F
2. **Clear Creek Landing** - Consideration of a final plat for property located at the southwest corner of W. 83rd Street and Clare Road within the RP-2, Planned Residential (Intermediate Density) District. PT23-10F
3. **Quivira Square** - Consideration of a final plan for facade, site, and parking improvements for property located at 7820 Quivira Road within the CP-1, Planned Neighborhood Commercial District. PL22-24F
4. **Lenexa Smart Storage** - Consideration of a final plan a self-service storage use for property located at 8630 Maurer Road within the CP-2, Planned Community Commercial District. PL23-04F
5. **St. James Academy Multi-Purpose Building** - Consideration of a revised final plan for an accessory structure related to the existing private high school located at 24505 Prairie Star Parkway within the R-1, Single-Family Residential District. PL23-02FR
6. **Vista Village, 2nd Plat** - Consideration of a revised final plat for property located at the southwest corner of Prairie Star Parkway and Vahalla Street within the PUD, Planned Unit Development District. PT23-01FR
7. **Watercrest Landing, Seventh Plat** - Consideration of a final plat for property located at the northwest corner of W. 89th Street and Ginger Street within the RP-1, Planned Residential (Low Density) District. PT23-09F
8. **Redevelopment Project Plan 3H for the City Center TIF District** - Consideration of a resolution for property located at the northwest corner of 87th Street Parkway and Renner Boulevard within the CC, Planned City Center District.

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1 through 8. Moved by Commissioner Horine, seconded by Commissioner Burson, and carried by a unanimous voice vote.



ITEM 5a

SUBJECT: Authorize the purchase of three pieces of equipment from the 2023 Equipment Reserve Fund for the Municipal Services Department

CONTACT: Nick Arena, Director of Municipal Services

DATE: March 21, 2023

ACTION NEEDED:

Authorize the purchase of three pieces of equipment from the 2023 Equipment Reserve Fund (ERF) for the Municipal Services Department.

PROJECT BACKGROUND/DESCRIPTION:

Every year through the budget process, a select number of light-, medium-, and heavy-duty vehicles and equipment are purchased through the ERF. Vehicles and pieces of equipment are selected to be replaced due to high mileage, hours, wear and tear, and high maintenance costs. The three pieces of equipment needing authorization for purchase include:

- 1 -- 2023 John Deere 324L compact front end loader
 - The compact front end loader will be replacing a 2006 track loader with 2,557 hours.
- 1 -- 2023 John Deere 544 front end rubber tire loader
 - The steel roller will be replacing a 2004 steel roller with 1,747 hours.
- 1 -- 2023 HAMM tandem steel asphalt roller
 - The front end rubber tire loader will be replacing a 2013 rubber tire loader with 3,575 hours.

All three pieces of equipment are used by the Municipal Services department on a regular basis. It is anticipated that the City can take delivery of the steel wheel roller and the rubber tire loader in six months, while the compact front end loader can be delivered within a month. All three pieces of equipment come with a 12-month warranty.

After reviewing other cooperative agreements and state bids, the pricing and availability for the three pieces of equipment was secured through the Sourcewell cooperative bid, as it provided the lowest bid price and best value to the City.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

This purchase is budgeted in the 2023 ERF. The total purchase price is \$397,088.48.

Make	Vendor	Price
2023 John Deere 544 Front End Rubber Tire Loader	Murphy Tractor & Equipment	\$219,950.00
2023 John Deere 324 Compact Front End Loader	Murphy Tractor & Equipment	\$126,249.00
2023 HAMM Steel Wheel Asphalt Roller	Murphy Tractor & Equipment	\$50,889.48

STAFF RECOMMENDATION:

Approval of the purchases.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Superior Quality Services
Prudent Financial Management

ATTACHMENTS

1. Exhibit

2023 HAMM Steel Wheel Asphalt Roller



2023 John Deere 324 Compact Front End Loader



2023 John Deere 544 Front End Rubber Tire Loader





ITEM 5b

SUBJECT: Authorize the purchase of four vehicles from the 2023 Equipment Reserve Fund for the Police Department

CONTACT: Nick Arena, Director of Municipal Services

DATE: March 21, 2023

ACTION NEEDED:

Authorize the purchase of four vehicles from the 2023 Equipment Reserve Fund (ERF) for the Police Department.

PROJECT BACKGROUND/DESCRIPTION:

Every year through the budget process, a select number of light-, medium-, and heavy-duty vehicles are purchased through the ERF. Vehicles are selected to be replaced due to high mileage, wear and tear, and high maintenance costs. The four vehicles needing authorization for purchase include:

- 4 -- 2024 Ford Police Interceptors
 - They will be replacing four Ford Interceptors with high mileage and wear and tear.

The City is expecting to take delivery of these vehicles later this year. All four of these vehicles are used by the Police Department, are critical to performing their daily tasks, and are used in emergency operations.

After reviewing other cooperative agreements and state bids, the pricing and availability for the four vehicles was secured through the Mid-America Council for Public Purchases (MACPP), as it provided the lowest bid price and best value to the City.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

This purchase is budgeted in the 2023 ERF. The total purchase price is \$170,720.00.

Make	Vendor	Price per vehicle	Total Price
2024 Ford Interceptor	Shawnee Mission Ford	\$42,680	\$170,720

STAFF RECOMMENDATION:

Approval of the purchases.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Healthy People

Guiding Principles
Superior Quality Services
Prudent Financial Management

ATTACHMENTS

None



ITEM 6

SUBJECT: Resolution authorizing the Mayor to execute a parking agreement with Foundry Church Restoration Community

CONTACT: Logan Wagler, Parks & Recreation Director
Spencer Throssell, Assistant City Attorney

DATE: March 21, 2023

ACTION NEEDED:

Adopt a resolution authorizing the Mayor to execute a parking agreement with Foundry Church Restoration Community.

PROJECT BACKGROUND/DESCRIPTION:

Foundry Church Restoration Community ("Foundry Church") owns and operates a church building and parking lot located at 8835 Lackman Road, which is adjacent to Sar-Ko-Par Trails Park. The City and Foundry Church have had a maintenance and use agreement that allows the City to use the church parking lot in conjunction with various City events throughout the year, and that agreement is due for renewal.

The City and Foundry Church want to enter a new 10-year agreement with scaled payments over the next 10 years and slightly revised provisions for maintenance and use. This agreement is similar to prior agreements. In exchange for the outlined annual payments, which start at \$4,000 and increase to \$5,750 over the 10-year term, Foundry Church will allow the City to continue using its parking lot in conjunction with various City events throughout the year.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The agreement will cost the City \$51,500 over the 10-year term and is funded through the Park and Recreation Maintenance Administration fund.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Inviting Places

Guiding Principles
Strategic Community Investment

ATTACHMENTS

1. Resolution
2. Agreement located in the Appendix

RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A PARKING AGREEMENT BETWEEN THE CITY OF LENEXA, KANSAS (“CITY”) AND FOUNDRY CHURCH RESTORATION COMMUNITY (“FOUNDRY CHURCH”).

WHEREAS, Foundry Church owns and operates a church on property located immediately adjacent to the City’s public park commonly known as Sar-Ko-Par Trails park; and

WHEREAS, City has enjoyed a long, cooperative history of sharing the maintenance and use of the Foundry Church parking lot with both Foundry Church and its predecessor in interest, Cedar Ridge Christian Church; and

WHEREAS, City and Foundry Church (then known as Cedar Ridge) previously entered into a parking agreement on August 3, 2010; and

WHEREAS, City and Foundry Church find it necessary to update their agreement with respect to the use and maintenance of the Foundry Church parking lot; and

WHEREAS, all parties have read and understand the terms and conditions of the Parking Agreement as set out in the attached Exhibit “A”.

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

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

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

PASSED by the City Council this 21st day of March, 2023.

APPROVED by the Mayor this 21st day of March, 2023.

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Mike Nolan, Acting City Clerk

APPROVED AS TO FORM:

Spencer L. Throssell, Assistant City Attorney



ITEM 7

SUBJECT: Resolution declaring it necessary to appropriate private property for construction of the 87th Street Parkway Median and Mixed-Use Trail Improvements Project

CONTACT: Tim Green, Deputy Community Development Director
Steve Schooley, Transportation Manager

DATE: March 21, 2023

ACTION NEEDED:

Adopt a resolution declaring it necessary to appropriate private property for construction of the 87th Street Parkway Median and Mixed-Use Trail Improvements Project ("Project").

PROJECT BACKGROUND/DESCRIPTION:

This resolution declares it necessary to appropriate private property for the construction of the Project. The Complete Streets Study recommended providing a trail connection between Bourgade Avenue and Allman Road on the south side of 87th Street Parkway. The trail connection has been incorporated in the Pavement Management Program ("PMP") project for the 87th Street Parkway corridor. As a result, this Project includes the trail connection, as well as median work, on 87th Street Parkway between Bourgade Avenue and Allman Road.

This is the first step in acquiring the easements for the Project. The City will need to acquire easements from the property owners adjacent to the Project area for the trail connection. This resolution empowers the Community Development Director, or their designee, to approve offers, negotiate for the acquisition of such private property, and enter into agreements accomplishing such acquisition; provided there is sufficient funding available in the approved Project's budget to accomplish the same. This provision affirms the standard practice by which Community Development staff makes all reasonable attempts to settle with property owners outside of condemnation. Should condemnation be necessary, staff will seek authorization from the Governing Body to institute those proceedings.

The City previously retained Orrick and Erskine as outside counsel for acquisition services and they will be used on this project.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The total cost of the trail portion of the Project is estimated to be \$120,000, which includes any necessary acquisition costs. The trail connection portion of the project will be funded through the Capital Improvement Program (Project No. 60119) and the median work will be funded through the PMP.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Healthy People

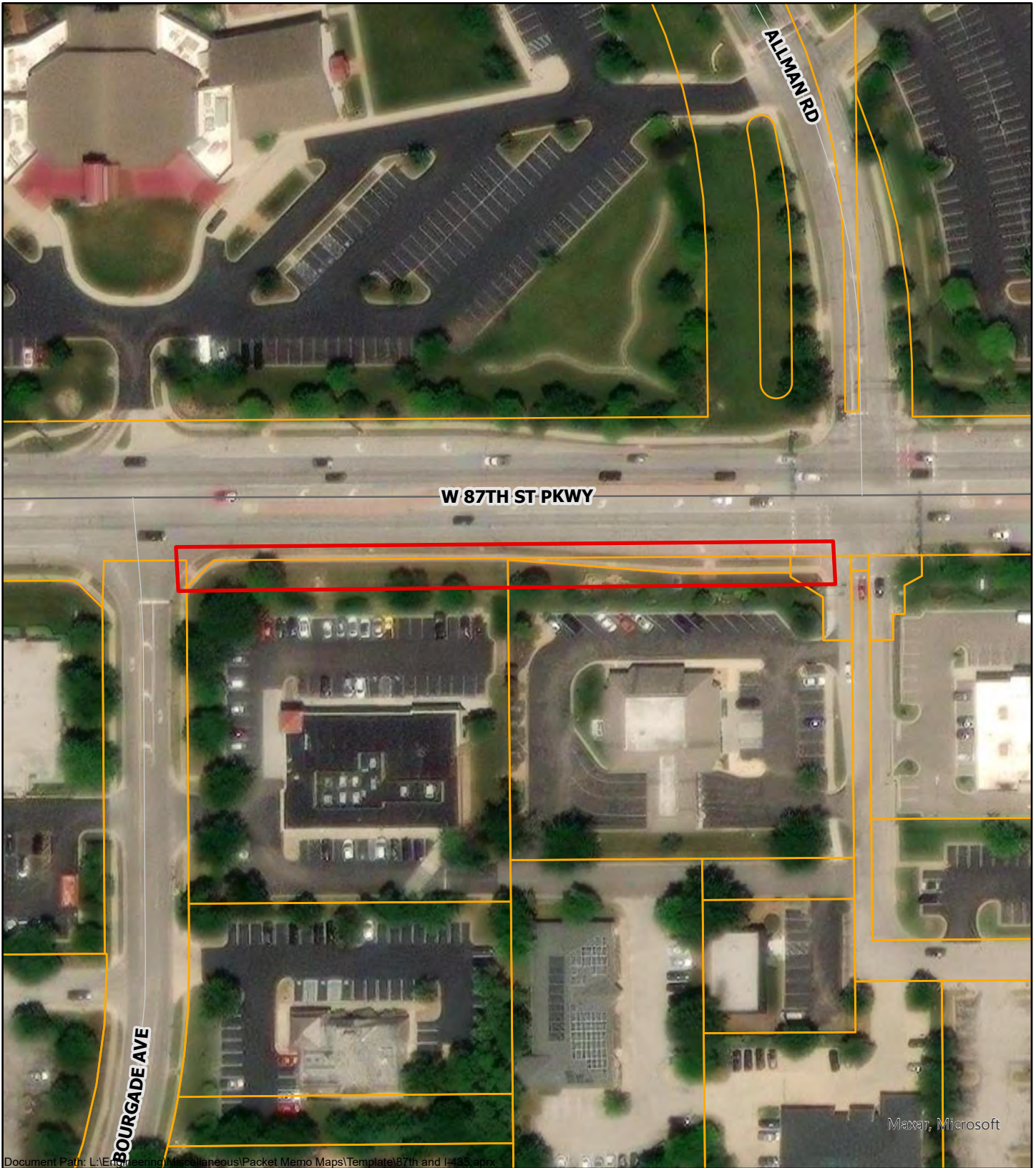
Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment

ATTACHMENTS

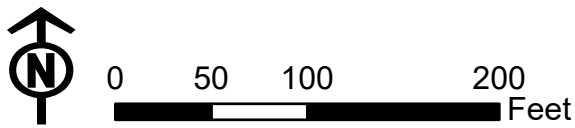
1. Map
2. Resolution



Document Path: L:\Engineering\Miscellaneous\Packet Memo Maps\Template\87th and I-495.aprx

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

87th Street Parkway Median and Mixed-Use Trail Improvements Project



RESOLUTION NO. _____

A RESOLUTION DECLARING IT NECESSARY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY OF LENEXA, KANSAS FOR CONSTRUCTION OF THE 87TH STREET PARKWAY MEDIAN AND MIXED-USE TRAIL IMPROVEMENTS PROJECT.

WHEREAS, the City of Lenexa, Kansas does hereby authorize and direct the following described improvement:

Construction of the 87th Street Parkway Median and Mixed-Use Trail Improvements Project.

WHEREAS, it is necessary to acquire private property for the construction of the improvements.

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

SECTION ONE: It is hereby declared necessary to acquire private property for the use of the City of Lenexa, Kansas, for the following described improvements:

Construction of the 87th Street Parkway Median and Mixed-Use Trail Improvements Project.

SECTION TWO: It is hereby authorized and directed that a survey and description of the lands or interests therein to be acquired be made by the City Engineering staff and filed with the City Clerk of the City of Lenexa, Kansas.

SECTION THREE: The Community Development Director, or his designee, is hereby empowered to negotiate and approve offers for the acquisition of such private property and to enter into agreements accomplishing such acquisition, whose value does not exceed his authorization under the City's purchasing policy; and the City Manager, or her designee, is authorized to enter into all other agreements accomplishing such acquisition; provided there is sufficient funding available in the approved project budget to accomplish the same.

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

ADOPTED by the City Council this 21st day of March, 2023.

SIGNED by the Mayor this 21st day of March, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Mike Nolan, Acting City Clerk

APPROVED AS TO FORM:

Steven D. Shrout, Assistant City Attorney



ITEM 8

SUBJECT: Ordinance approving a five-year Special Use Permit for a commercial parking lot use for Auto Driveaway, located south of 16105 W. 113th Street within the BP-2, Planned Manufacturing Zoning District

CONTACT: Stephanie Kisler, Planning Manager

DATE: March 21, 2023

ACTION NEEDED:

Pass an ordinance approving a five-year Special Use Permit (SUP) for a commercial parking lot use for Auto Driveaway, located south of 16105 W. 113th Street within the BP-2, Planned Manufacturing Zoning District.

APPLICANT:
Kendall Harrell

OWNER:
Southlake Investments SPE LLC

**PROPERTY
LOCATION/ADDRESS:**
South of 16105 W. 113th Street

PROPOSED TENANT:
Auto Driveaway (commercial vehicle parking only)

PROJECT BACKGROUND/DESCRIPTION:

The applicant, Auto Driveaway, requests approval of a five-year SUP for a commercial parking use. The applicant proposes to enclose a portion of an existing parking lot for use as a secured parking area. The site is located at the southeast corner of the existing parking lot south of 16105 W. 113th Street. Auto Driveaway's office is located off-site from the proposed secured lot. The proposed site is the parking lot adjacent to EcoWorks. EcoWorks does not fully utilize the existing parking lot and is supportive of Auto Driveaway's proposed use of a portion of the existing parking lot. The proposed commercial parking lot will not create a parking deficiency or create a negative impact on EcoWorks or other adjacent properties.

Up to 75 vehicles in functioning mechanical condition will be kept in the secured lot. The applicant stated the vehicles are sometimes branded, are of common make/model/style (sedans, SUVs, and pick-up trucks), and are typically one to three years old. There will not be any semi-truck or trailer storage. The necessary site work includes construction of fencing around the secured parking area. The applicant does not propose any other site changes at this time. The SUP application is being reviewed in conjunction with a staff-level final plan review (PL23-01FSR).

STAFF RECOMMENDATION:

Passage of the ordinance.

PLANNING COMMISSION ACTION:

This item was considered at the March 6, 2023 Planning Commission meeting. A public hearing was held. No one from the public spoke during the public hearing. The Commission asked questions about ownership of the parcel and the proposed fence.

Chairman Poss entertained a motion to recommend **APPROVAL** for a five-year SUP for Auto Driveway located south of 16105 W. 113th Street in the BP-2, Planned Manufacturing Zoning District. Moved by Commissioner Macke, seconded by Commissioner Katterhenry, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Thriving Economy

Guiding Principles
Responsible Economic Development

ATTACHMENTS

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

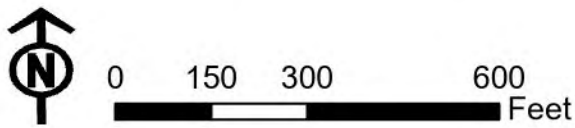


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Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

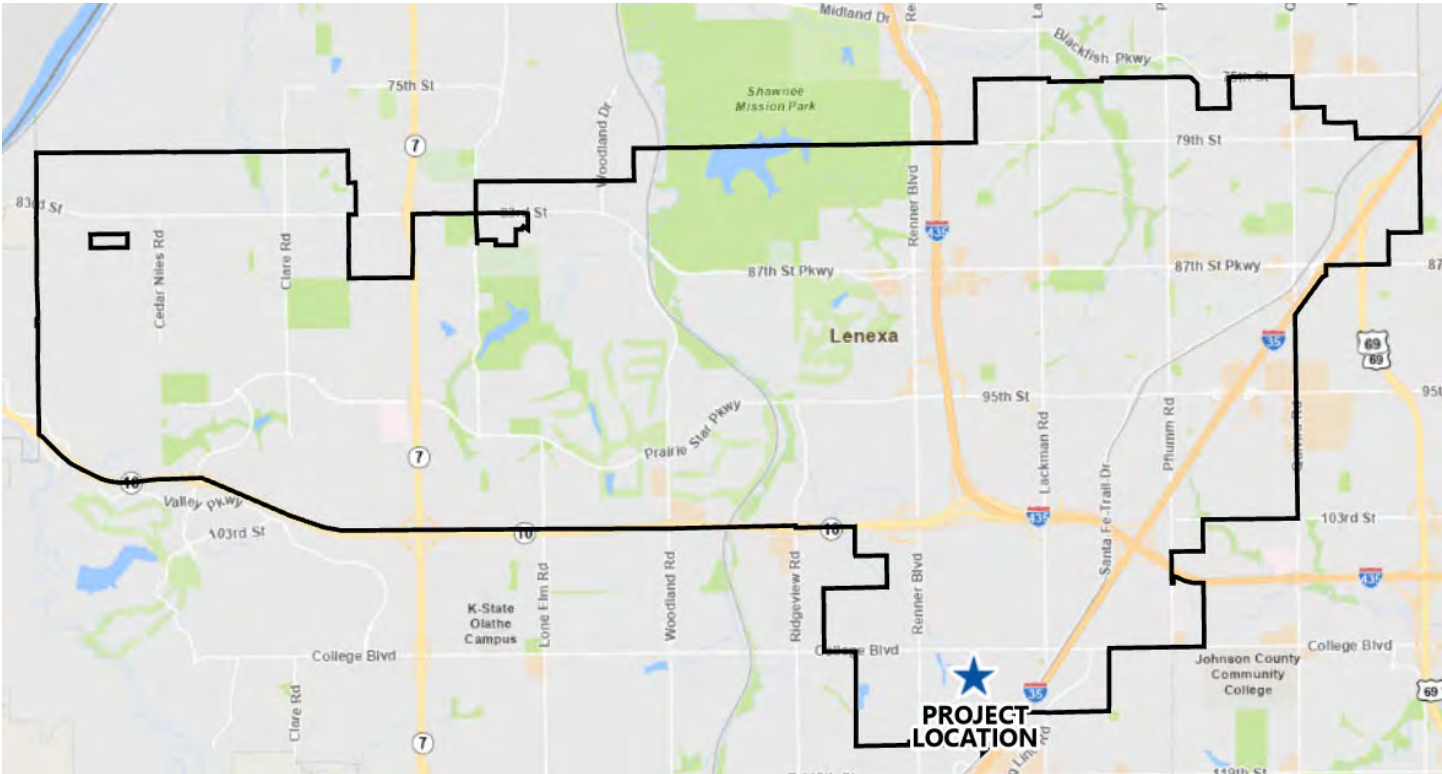
Auto Driveway Special Use Permit

SU23-02



AUTO DRIVEAWAY

Project #:	SU23-02	Location:	South of 16105 W. 113 th Street
Applicant:	Kendall Harrell	Project Type:	Special Use Permit
Staff Planner:	Kimberly Portillo, AICP	Proposed Use:	Parking Lot, Commercial



PROJECT SUMMARY

The applicant proposes to enclose a portion of an existing parking lot to use as a secured parking area, in a corner of the parking lot south of 16105 W. 113th Street. Up to 75 vehicles in functioning mechanical condition will be kept in the secured lot. The development includes construction of fencing around the secured parking area but does not propose any other site development. This application is being reviewed in conjunction with a staff-level final plan review (PL23-01FSR). The special use permit requires approval by the by the Governing Body. This project requires a Public Hearing.

STAFF RECOMMENDATION: APPROVAL FOR FIVE YEARS

SITE INFORMATION

The parking lot was constructed in 2006-2007 and was reviewed under staff review final plan PL06-08FSR. At the time of construction, the parking lot was intended to serve as additional office parking for Ecoworks at Southlake Technology Park.

In 2021, building permit B21-2051 was approved for a salt storage tent and screening fence in the southwest corner of the parking lot. The salt tent serves the Ecoworks parking lots.

LAND AREA (AC) 10.37	BUILDING AREA (SF) N/A	CURRENT ZONING BP-2	COMP. PLAN Business Park
--------------------------------	----------------------------------	-------------------------------	------------------------------------



Exhibit 1: Aerial Image of Subject Site



Exhibit 2, 3: Secured area as outlined in red.

LAND USE REVIEW

Auto Driveaway is a vehicle relocation company that serves as a third party between buyer and seller of corporate vehicle fleets. Auto Driveaway receives the vehicle from the seller and stores it on their lot while licensing, title and registration is transferred to the new owner. The company is relocating their office from Overland Park to 16011 College Boulevard. The Lenexa office location will house 15 to 20 full-time employees. The office use is allowed by-right in the zoning district.



Exhibit 4: Location of the proposed office space for Auto Driveaway in relation to the secured parking lot.

The use of a commercial parking lot requires a special use permit in the BP-2, Planned Manufacturing District. The commercial parking lot will be used for the intermittent storage of vehicles while paperwork is processed. Vehicles will be stored in the secured parking area for two to six weeks before being delivered to the final owner. The secured lot is proposed to accommodate an estimated 75 vehicles which will be parked in standard parking spots. Approximately four to six vehicle trips will be made daily. Vehicles will be driven in and out of the lot by Auto Driveaway staff only. Clients will not have access to the lot or secured vehicles and there will be no on-site sales to private individuals.



Exhibit 5: Example image of a comparable Auto Driveaway parking lot in Vienna, Virginia.

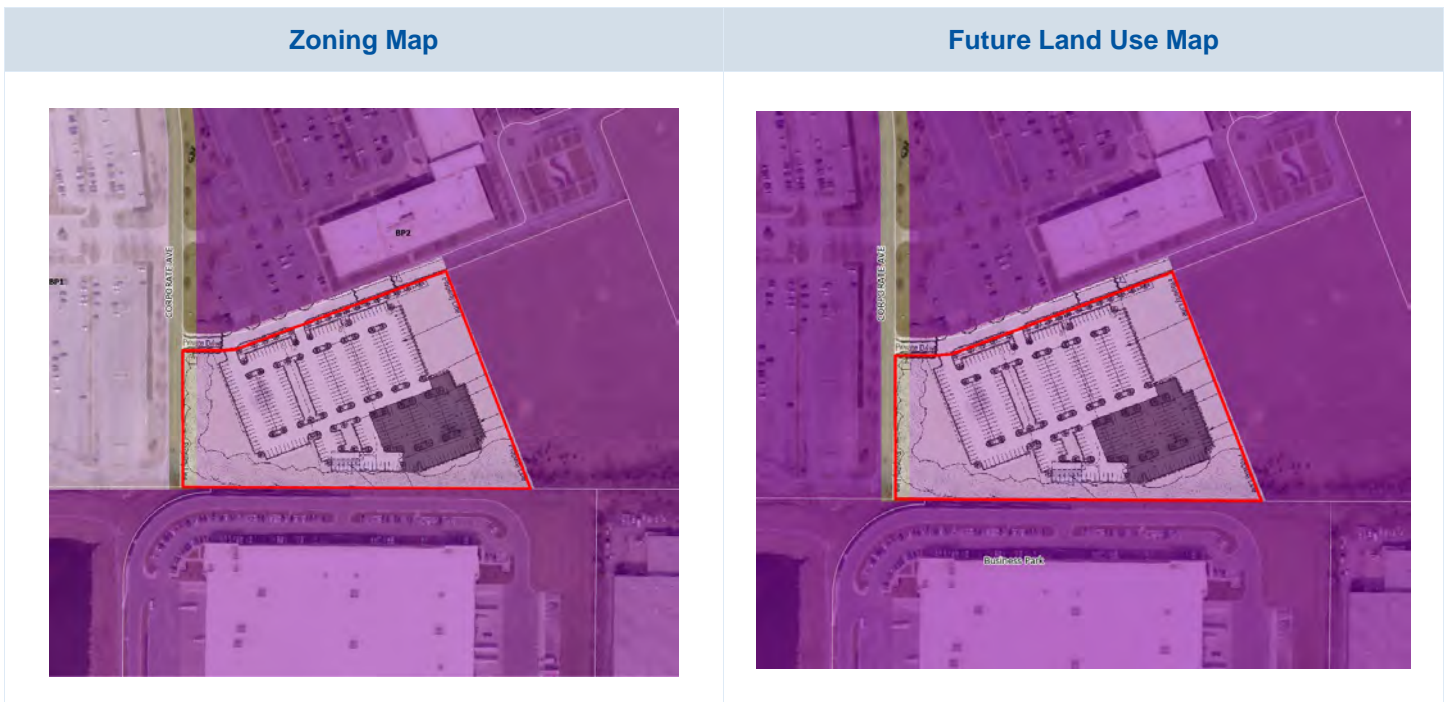


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Business Park	BP-2	Parking Lot
North	Business Park	BP-2	Office
South	Business Park	BP-2	Warehouse
East	Business Park	BP-2	Undeveloped Lot
West	Business Park	BP-1	Office

The proposed use is compatible with existing surrounding uses and land use designations. The secured portion of the parking lot will be located in the furthestmost southeast corner of the parking lot where it will not be visible from the public right-of-way.

SPECIAL USE PERMIT REVIEW

Staff recommends approval of a special use permit for a commercial parking lot for five years, which is consistent with the approval of a previous commercial parking lot for Reed Automotive in 2020.

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

1. The character of the neighborhood.

The secured parking lot is in a secluded area, located at the intersection of the dead-end of Corporate Avenue and a private drive. Nearby office buildings have large parking lots to the north and west and there is an abundance of parking in the general area. Industrial uses to the south are buffered from this site by an existing grove of trees.

2. The zoning and use of properties nearby.

Surrounding zoning and uses are described in Table 1. The proposed use is compatible with surrounding zoning and uses. The use of the lot for commercial storage will not be significantly different than the existing use as a standard parking lot.

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

The subject property is a good location for the proposed use. The parking lot is in a secluded area with existing perimeter landscaping. The lot is not used to full capacity to serve the office building for which it was built. The lot is underutilized for the existing Ecoworks building and provides an amount of parking beyond the code required standard.

TABLE 2: PARKING STANDARDS

Use	Standard	Required	Provided
Office (129,484 SF)	1 space per 250 SF	518	743
Salt Tent			Occupies 7 stalls
Secured Parking			Occupies 82 stalls
Total Available for Office Use		518	654 (Surplus 136)

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

The proposed use will not detrimentally affect nearby property. The site itself is in a secluded location with existing screening between the parking lot and the adjacent building to the south.

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

The property is not vacant. The lot serves the existing Ecoworks building, although it is underutilized because the building tenants do not need all of the provided parking at this time. The parking lot also houses a salt storage area that takes up a small corner of the parking lot.

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

There will be no gain to the public health, safety, and welfare if the application is denied.

7. Recommendation of City's permanent professional staff.

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

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

The requested special use permit will not change the zoning of the property or the Master Plan designation.

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

Required utilities to serve the use are existing and adequate.

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

The proposed use would generate a low number of vehicle trips. The projected number of vehicle trips are much lower than the potential vehicle trips if the parking lot was fully utilized as a daily parking lot for

nearby employers. No adverse impacts to the capacity of the street network are anticipated due to the overall reduction in the potential trips to the parking lot and the fencing of a portion of the parking lot.

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

All vehicles to be kept in the secured lot will be in working order. There will be no on-site mechanical work done on any of the vehicles. There will not be any negative environmental impacts from keeping the vehicles in the secured lot. The storage lot will not be significantly different than the existing use of an office parking lot and would likely improve overall security of the site.

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

There are no proposed modifications to the stormwater system or increases to the overall amount of impervious area. All vehicles will be kept in working order and will not be leaking fluids. For these reasons the proposed development would not adversely affect the capacity or water quality of the stormwater system.

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

The applicant demonstrated in the plan set an ability to satisfy applicable zoning regulations and other ordinances.

DEVIATIONS

The applicant is not requesting any deviations

REVIEW PROCESS

- This project requires a recommendation from the Planning Commission and final approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration from the City Council on March 21, 2023.
- The applicant should inquire about additional City requirements, such as permits and development fees.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ Conduct a Public Hearing.

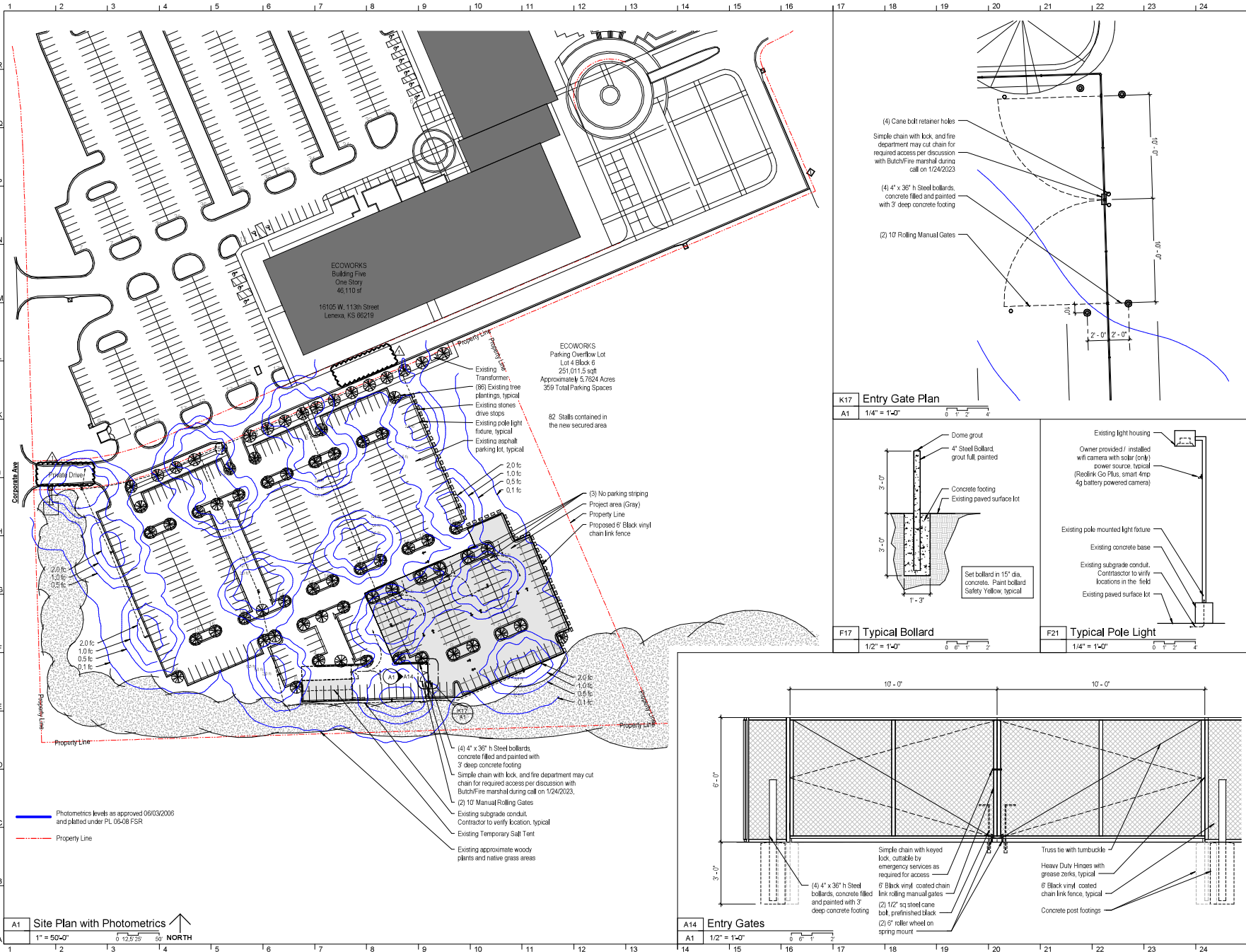
★ Staff recommends approval of the proposed Special Use Permit for Auto Driveway.

- This is a special use permit for a commercial parking lot. The special use permit is being reviewed in conjunction with a staff-review only final plan.
- The project is consistent with Lenexa's goals through *Strategic Community Investment* to create *Thriving Economy*.

SPECIAL USE PERMIT

Staff recommends **approval** of SU23-02 - a special use permit for a commercial parking lot with a maximum of 75 parking spaces for **Auto Driveway** on property directly south of 16105 W. 113th Street for a period of five years.

J:\Inet\16011 College\2022\023 Auto Driveway Fence\Drawings and Specifications\2022\023 Auto Driveway Fence.rvt



GastingerWalker &

Architects Interior Designers Construction Managers
 6177 Hyattsville Kansas City, Missouri 64113
 Phone: 816.432.9200 Fax: 816.432.9201
 Email: info@gastingerwalker.com

Auto Driveway Franchise Systems, LLC Fence

16105 W 113th St

Lenexa, KS 66219

ISSUED FOR:

Preliminary Review	20 January 2023
Permit	27 January 2023
Response to Comments	14 February 2023



Drawn By: MS
 Checked By: KR

Plans and Elevations

A1

Project Number: 2022.023 © Copyright 2023

REGULAR AGENDA

9. **Auto Driveaway Franchise Systems** - Consideration of a special use permit for a commercial parking lot use for property located directly south of 16105 W. 113th Street within BP-2, Planned Manufacturing District. SU23-02

APPLICANT PRESENTATION:

Kendall Harrell with Auto Driveaway Systems presented information about the proposed project. They are relocating from Overland Park to Lenexa and would like to have secured parking about half a mile away from their new office. They estimate 15 to 20 full time professional employees to work at that office. They're headquartered in Lombard, Illinois and are the leader in vehicle relocation services in the United States. Their services include fleet shipping, fleet management services, expedited shipping, enclosed carrier shipping for high valuable vehicles, temporary vehicle storage, licensing, title, and registration. The proposed secured parking is critical to their business operations. It will safely secure vehicles that are in transit to their final destinations. Vehicles are of common make/model/style and are typically one to three years old and in working condition. Vehicles are sometimes branded. Their sister company, J&J Drive-away located in Overland Park, will not utilize the lot for any truck or trailer storages. The vehicles kept on the site will include sedans, SUVs, and pickup trucks.

STAFF PRESENTATION:

Kim Portillo presented the Staff Report. She noted that the applicant seeks approval of a special use permit for a commercial parking lot for a vehicle relocation services company. The applicant also submitted a staff review only application with a final site plan that includes site-related details, such as fencing. The area is primarily industrial. She displayed an image of the site where the secured parking area was outlined in red. She mentioned a nearby salt storage tent that would not have any impact on the proposed special use permit. The vehicles are standard fleet-type vehicles, and all will be kept in working order. She provided an image of the office location near College Boulevard & Lakeview Avenue in relation to the proposed commercial parking lot. The parking lot is the extra parking for the EcoWorks building. The parking is in excess of the requirements of the Unified Development Code and staff does not have concerns with parking in this area. Staff recommends approval of a special use permit for a period of five years.

PUBLIC HEARING:

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

PLANNING COMMISSION DISCUSSION:

Commissioner Leib said asked about what the parking area will look like. Kendall Harrell said the fence surrounding the proposed secured parking lot is a six-foot tall, black vinyl fence with a twenty-foot swing gate.

Commissioner Horine asked if the owner of EcoWorks parking lot was supportive. Jeff Kimball, representing the owner, said that ownership fully supports Auto Driveaway's use of the parking lot.

MOTION:

Chairman Poss entertained a motion to recommend **APPROVAL** of a special use permit for a commercial parking lot with a maximum of 75 parking spaces for **Auto Driveway** on property directly south of 16105 W. 113th Street for a period of five years.

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

DRAFT

SU 23-02

ORDINANCE NO. _____

AN ORDINANCE GRANTING A FIVE-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED SOUTH OF 16105 W. 113TH STREET, LENEXA, KANSAS.

WHEREAS, on January 30, 2023, Kendall Harrell, applicant for the owner of record, Southlake Investments SPE LLC, filed a request for a five-year special use permit to allow the use of parking, commercial on property located south of 16105 W. 113th Street, in the BP-2, Planned Manufacturing District; and

WHEREAS, on March 6, 2023, the Lenexa Planning Commission held a public hearing to hear the request for said special use permit and notice for the public hearing was provided in accordance with K.S.A. 12-757; and

WHEREAS, on March 6, 2023, the Lenexa Planning Commission recommended approval of a five-year special use permit to allow the use of parking, commercial on property located at 16105 W. 113th Street, in a BP-2, Planned Manufacturing District, as reflected in the minute record for said meeting; and

WHEREAS, on March 21, 2023 the Governing Body considered the request and Planning Commission recommendation, as reflected in the minute record for said meeting;

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

SECTION ONE: That the Governing Body hereby approves the issuance of a five-year special use permit to allow the use of parking, commercial on property located south of 16105 W. 113th Street in a BP-2, Planned Manufacturing District, without any stipulations as reflected in the minute record of the March 21, 2023, Governing Body meeting for the real estate described as:

Southlake Seventeenth Plat, Lot 4 Block 6 and ½ vacated Ave adjacent on W

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

SECTION THREE: This Ordinance shall be construed as follows:

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

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

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

PASSED by the Governing Body March 21, 2023.

SIGNED by the Mayor March 21, 2023.

CITY OF LENEXA, KANSAS

Michael A. Boehm, Mayor

ATTEST:

Mike Nolan, Acting City Clerk

APPROVED AS TO FORM:

Steven Shrout, Assistant City Attorney



ITEM 9

SUBJECT: Consideration of a Special Use Permit and companion preliminary plan for a self-service storage facility known as StorTropolis, located at the southwest corner of 96th Terrace & Rosehill Road in the CP-2, Planned Community Commercial Zoning District

CONTACT: Stephanie Kisler, Planning Manager

DATE: March 21, 2023

ACTION NEEDED:

- a. Pass an ordinance for a 20-year Special Use Permit (SUP) for StorTropolis, located at the southwest corner of 96th Terrace & Rosehill Road in the CP-2, Planned Community Commercial District; and
- b. Approve the companion preliminary plan/plat for StorTropolis.

APPLICANT & DESIGN PROFESSIONAL:
Judd Claussen, Phelps Engineering

OWNER:
KWB LLC

PROPERTY LOCATION/ADDRESS:
Southwest corner of 96th Terrace & Rosehill Road

PROPOSED TENANT:
StorTropolis

PROJECT BACKGROUND/DESCRIPTION:

The applicant proposes to construct a self-storage facility known as StorTropolis at the southwest corner of 96th Terrace & Rosehill Road. The development will include five buildings with a total floor area of 170,640 square feet. The primary four-story structure, designated as “Building A”, is proposed to include 944 units with 156,300 square feet of floor area and a maximum building height of 45 feet. Buildings B, C, D, and E include a combined total of 16 standard units and 16 units for recreational vehicle (RV) storage.

The development includes construction of a new public sidewalk along Rosehill Road, a connection to the existing public sidewalk along 96th Terrace, and related infrastructure improvements. The applicant requests approval of a SUP and preliminary plan/plat for the development with one deviation from the Unified Development Code related to required bicycle parking. Staff supports the proposed deviation to allow two spaces where 17 bicycle spaces are required by code. The preliminary plan is intended to serve as a preliminary plat, whereas two unplatted parcels will be combined into one 3.3-acre lot.

STAFF RECOMMENDATION:

Passage of the ordinance and approval of the companion preliminary plan.

PLANNING COMMISSION ACTION:

This item was considered at the March 6, 2023 Planning Commission meeting. A public hearing was held. No one from the public spoke during the public hearing. The Commission discussed whether interior

overhead doors would be visible through the windows and, if so, if they would be a neutral color. The Commission asked the applicant about the maneuverability of recreational vehicles to get to the designated RV storage units. The Commission stated that this was a creative infill project.

Chairman Poss entertained a motion to recommend **APPROVAL** for a SUP for self-service storage for StorTropolis located at the southwest corner of 96th Terrace & Rosehill Road in the CP-2, Planned Community Commercial Zoning District. Moved by Commissioner Handley, seconded by Commissioner Woolf, and carried by a unanimous voice vote. The motion included the following condition:

1. The SUP is limited to a period of 20 years.

Chairman Poss entertained a motion to recommend **APPROVAL** for a preliminary plan/plat for StorTropolis located at the southwest corner of 96th Terrace & Rosehill Road for a self-service storage facility in the CP-2, Planned Community Commercial Zoning District. Moved by Commissioner Leib, seconded by Commissioner Macke, and carried by a unanimous voice vote. The motion included the following condition and deviation:

1. Prior to approval of a final plan the applicant must provide an access agreement with the adjacent property.
2. A deviation be granted from the bicycle parking requirement to allow two bicycle parking spaces where 17 are required.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Thriving Economy

Guiding Principles
Responsible Economic Development

ATTACHMENTS

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



Document Path: C:\Users\jckkimberly\Documents\ArcGIS\Projects\City Council Packet Template\City Council Packet Template.aprx

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

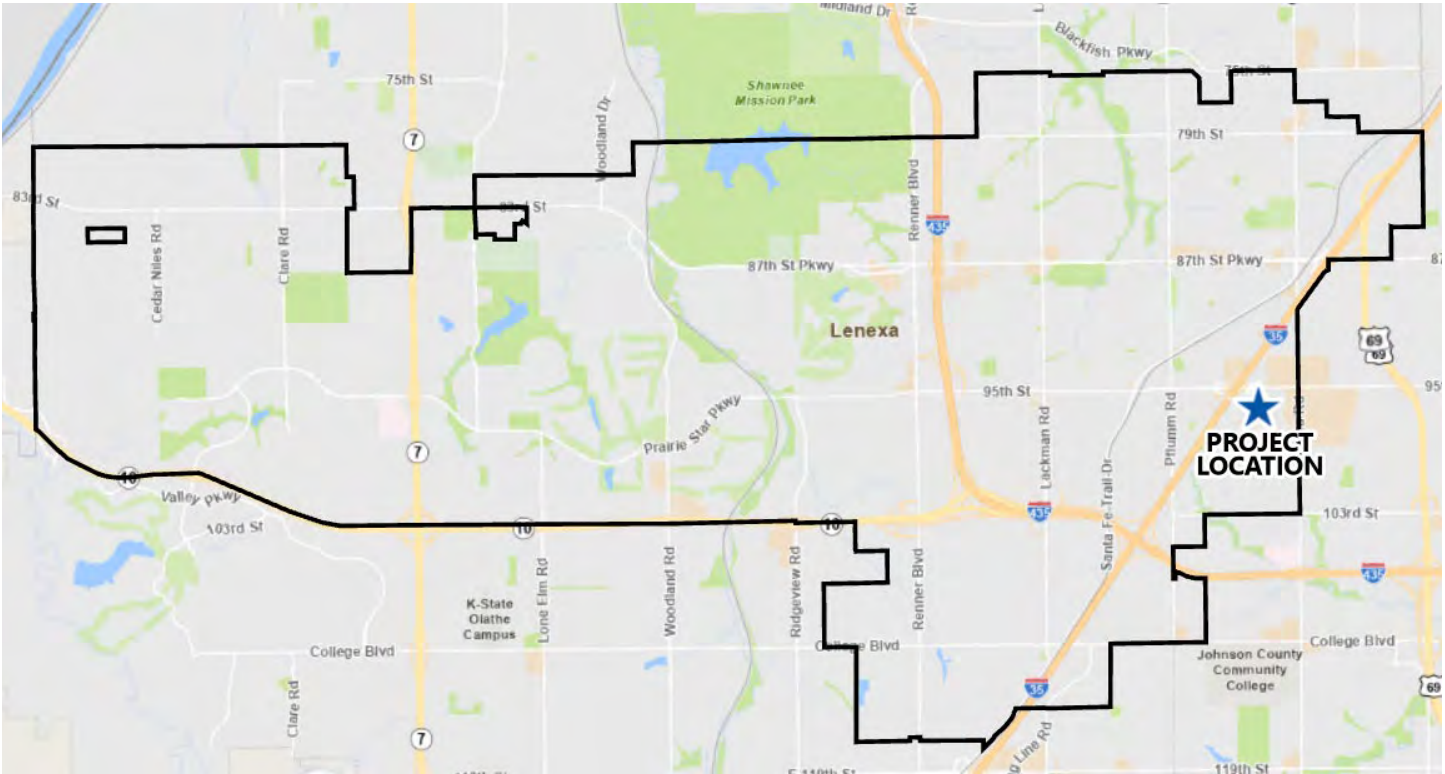
StorTropolis Preliminary Plan & Special Use Permit

PL23-01P & SU23-01



STORTROPOLIS

Project #:	SU23-01 & PL23-01P	Location:	SWC of 96 th Terrace & Rosehill Road
Applicant:	Judd Claussen, Phelps Engineering	Project Type:	Special Use Permit & Preliminary Plan
Staff Planner:	Kimberly Portillo, AICP	Proposed Use:	Self-Storage



PROJECT SUMMARY

The applicant proposes to construct a self-storage facility at the southwest corner of 96th Terrace and Rosehill Road. The development will include five buildings with a total floor area of 170,640 SF. The primary four-story structure designated as “Building A” is proposed to house 944 units with 156,300 SF of floor area with a maximum building height of 45 feet. Buildings B, C, D, and E include a combined total of 16 standard units and 16 units for recreational vehicle (RV) storage.

The development includes construction of a new public sidewalk along Rosehill Road and a connection to the existing public sidewalk along 96th Terrace and related infrastructure improvements. The applicant requests approval of a special use permit and preliminary plan for the development with one deviation from the Unified Development Code (UDC) related to required bicycle parking. Staff supports the proposed deviation. The preliminary plan is intended to serve as a preliminary plat whereas two unplatted parcels will be combined into one, 3.3 acre lot. This project requires a Public Hearing.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

SITE INFORMATION

The subject site includes two separate parcels. The northern parcel is not platted and has not been developed. The southern parcel is not platted and has only been partially developed as an auxiliary parking lot to serve the lot to the north. The parking lot was constructed in the late 1980's.

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
3.3	170,640	CP-2	Community Retail



Exhibit 1: Aerial image of subject site.

LAND USE REVIEW

This proposal is for a self-storage facility, StorTropolis, with standard units and units for RV or vehicle storage. The 3.3-acre site will consist of approximately 170,000 SF and 976 units. The use of a self-storage facility is allowed in the CP-2 Zoning District with approval of a special use permit and is subject to the supplementary use regulations as outlined in [Section 4-1-B-23-Z](#) of the UDC.

StorTropolis will operate Monday through Friday from 9:30am to 5:30pm and Saturday from 9:00am to 4:00pm. Customers will have access to the facility via a secured gate and unique pin code from 6:00am to 10:00pm. During standard office hours there will be one to two employees on-site. The perimeter of the site will be secured by a fence with gated entries with keypads. Each customer will have a unique pin to enter the secured facility. Additional security will be provided through the use of security cameras.

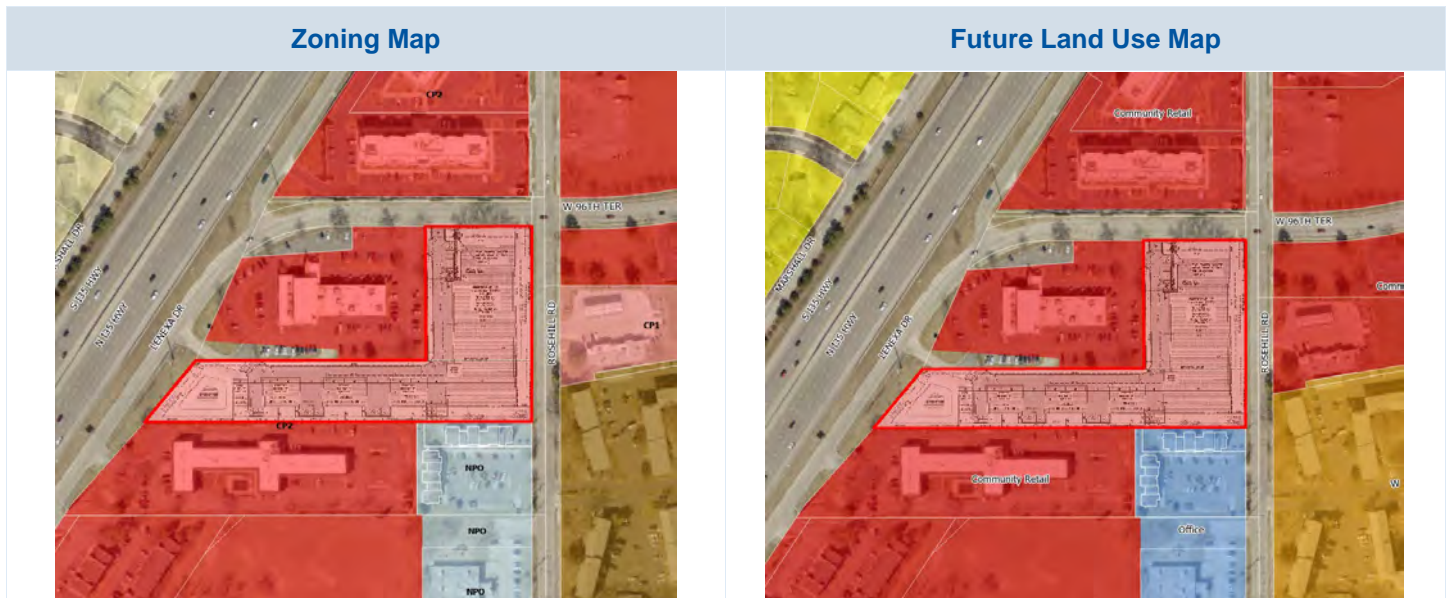


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Community Retail	CP-2	Vacant Land
North	Community Retail	CP-2	Hotel and Office
South	Community Retail and Office	CP-2 and NP-O	Hotel and Office
East	Community Retail and High Density Residential	CP-2, CP-1 and RP-4	Hotel, Convenience Retail and Apartments
West	I-35 Highway	Right-of-way	Highway

The location is an appropriate fit for the proposed use. Surrounding uses include hotel, office and a strip retail complex. A small corner of the southeast portion of the site is across Rosehill Road from an apartment complex. Other than this, there is not nearby residential.

SPECIAL USE PERMIT REVIEW

The subject site is zoned CP-2, Planned Community Commercial District. Self-service storage uses are subject to the supplementary use regulations found in [Section 4-1-B-23-Z](#) of the UDC, which has the following standards:

1. Rental unit door openings shall face toward the interior of the development, except that outward orientation may be allowed if it can be demonstrated that the adjoining land use is such that it will not be impacted.
2. Buildings shall have architectural design treatment on all sides. The architectural style shall be compatible with the predominant area land uses.
3. When proposed, fencing and walls shall be constructed with materials and design elements that are compatible with the predominant area land uses.

4. When proposed, fencing and walls shall be constructed with materials and design elements that are compatible with the neighborhood character. Fencing and walls shall be opaque, except that limited use of materials such as wrought iron may be permitted where berming and or/ landscape planting provide effecting screening of the storage facilities.

The UDC does not specify a duration for special use permits for self-service storage facilities. In these instances, Staff will recommend a time limit to the Planning Commission and Governing Body. Staff recommends that the special use permit be approved for a period of twenty (20) years.

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

1. The character of the neighborhood.

The neighborhood is commercial in nature with a mix of uses. The area has direct access onto the I-35 frontage road.

2. The zoning and use of properties nearby.

Zoning and uses of property are outlined in Table 1 and discussed in the *Land Use Review* section.

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

The site is currently made up of two separate parcels, which combined, make a reverse L shape. The south parcel is a long and narrow strip, which could potentially make it difficult for some uses to develop on. The general location of site is appropriate for commercial uses as designated by the zoning district.

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

A self-storage facility has the potential to generate traffic from larger vehicles, such as a moving van, but is not likely to be a high-volume traffic use. Traffic will have close access to the adjacent highway frontage road and will not detrimentally affect nearby property. Self-storage can also be unsightly when exterior overhead doors are proposed or there are large expanses of blank walls due to the internal layout of the storage units. Staff worked with the applicant to provide upgraded screening and will continue to work on overall architecture with the applicant at the final plan stage to ensure there are no negative visual impacts to nearby properties.

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

Historic aerial imagery shows that the site has never been fully developed. There is a parking lot at the southwestern tip of the site that was constructed sometime in the late 1980's as additional parking for the office use to the north. The parking lot is now in poor condition.

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

Denial of the application would not lead to any relative gain to the public health, safety, or welfare. The proposed use will not be a nuisance and would clean up a site that is regularly used for illegal dumping.

7. Recommendation of City's permanent professional staff.

See *Staff's Recommendation* section.

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

It is the opinion of Staff that the proposed use is in compliance with the adopted Comprehensive Plan for the City. The area serves a mix of commercial and office uses.

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

All required utilities and public services are existing to the site.

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

A self-storage facility is a relatively low impact use for traffic generation. All parking, loading, and unloading will occur within the property boundaries and will not create any adverse effects to the capacity or safety of the street network.

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

It is not anticipated that the proposed use will generate excessive environmental harms. The proposed development shall meet code requirements related to the environmental impacts listed above.

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

The applicant demonstrated the intent to meet the City's stormwater requirements with the use of an underground infiltration trench and a bioretention basin for stormwater management.

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

The applicant is requesting one deviation to the zoning regulations as outlined in the Unified Development Code, to allow reduced bicycle parking. With the exception of this deviation, the plans submitted show an ability to meet the applicable regulations and ordinances.

PRELIMINARY PLAN REVIEW

The proposed site is 3.3 acres and includes two unplatted parcels. The StorTropolis development includes five buildings with a total of 976 storage units. A small office area is included in Building A. Employees will be on-site during office hours.

Building A, located adjacent to Rosehill Road, is four stories tall and includes outside access units along the west façade facing the interior of the site. These units would be visible to the adjacent office building. The building is proposed to have a setback of 30 feet along Rosehill Road and approximately 37 feet from 96th Terrace. The proposed setbacks are within the allowable range for the CP-2 Zoning District. Building A includes the front office entrance and 944 self-storage units, which are accessed internally with the exception of the west-facing ground units. Buildings B, C, D, and E are located along the southern portion of the site. The buildings are set back 30 feet from the adjacent property line. Buildings B, C, D and E have exterior overhead doors that face internally towards each other. Buildings B-E include the following types of units:

- Building B: Four RV units, five standard units
- Building C: Eight RV units
- Building D: Four RV units, five standard units
- Building E: Six standard units

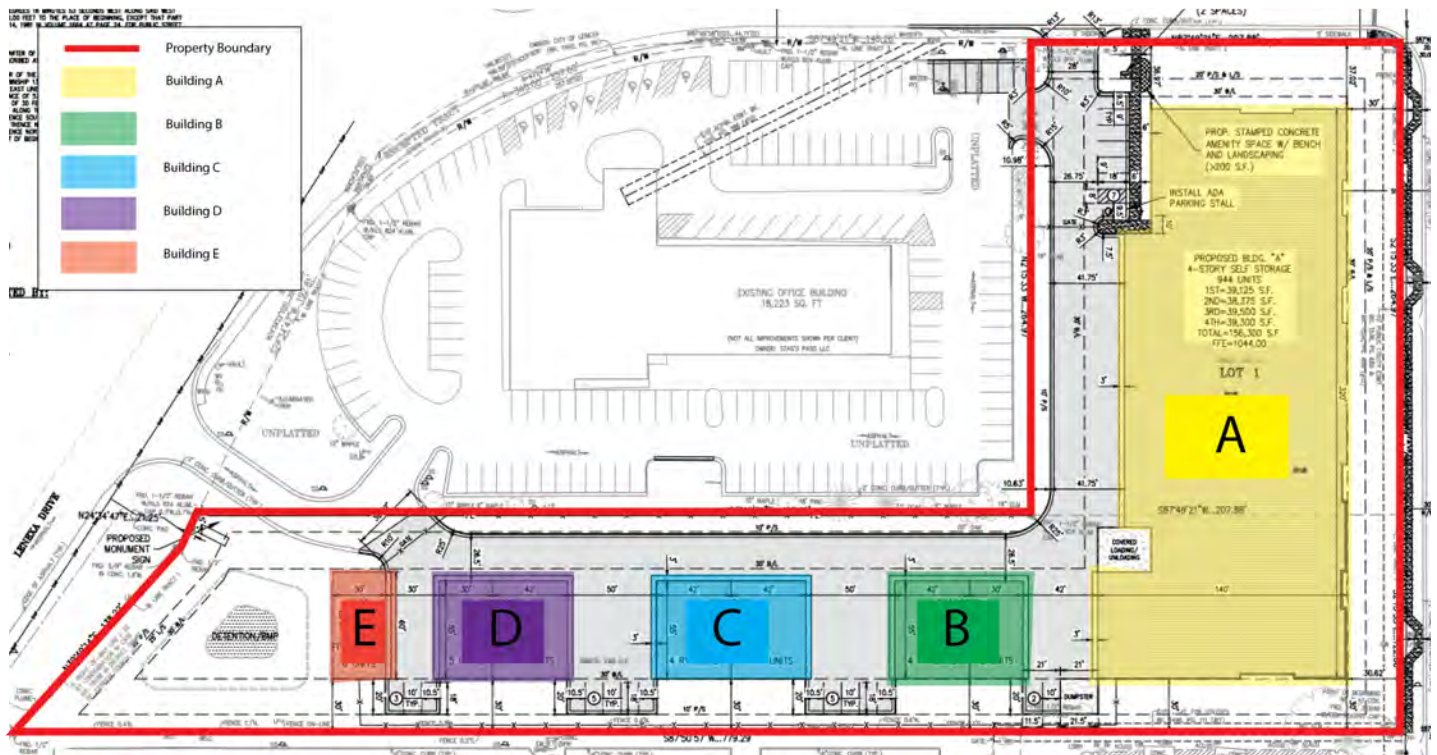


Exhibit 2: Layout of buildings A through E.

Landscaping shall be provided along perimeter lot lines and street frontages and screening is required adjacent to the existing office use. A pedestrian amenity area is proposed north of Building A by the primary office entrance. The plans include two bicycle parking spaces; however, the requirement is 15 spaces. The applicant requests a deviation from this requirement, which is discussed in detail within the *Deviations* section of the Staff Report.

DIMENSIONAL STANDARDS

The CP-2, Planned Community Commercial District has a maximum allowable height of 45 feet. Building A, the tallest of the proposed buildings, is 45 feet at its maximum height. A minimum of 25 percent of the lot area is required for open space. The plans propose 36% open space. Setbacks are outlined in Table 2. This proposal meets required dimensional standards.

TABLE 2: SETBACK ANALYSIS			
	Required Minimum Setback	Proposed Setback	Difference
Streets	30 ft	30	0
Other	30 ft	30+	0

PUBLIC IMPROVEMENTS

A five-foot-wide public sidewalk is proposed on the west side of Rosehill Road. The sidewalk includes three bump-outs toward Rosehill Road where light poles are within the path of the sidewalk. Staff recommends the bump-outs be modified to diverge to the west side of the power poles rather than towards the right-of-way, or for the sidewalk to be moved slightly west onto the subject property. A sidewalk easement is required for either option. For accessibility, the sidewalk design should also be modified to be curvilinear rather than take sharp angles around the poles.

TRAFFIC, ACCESS, AND PARKING

This site is located at the southwest corner of Rosehill Road and 96th Terrace. At the northwest corner of the site 96th Terrace becomes Lenexa Drive. Rosehill Road and 96th Terrace are both local roads. Lenexa Drive is classified as a Collector.

Access on the site is available from a private drive that connects to Lenexa Drive on the west. Lenexa Drive serves as a highway frontage road and will provide access to the Interstate 35 Highway. A second access point is at the north of the site along 96th Terrace, with a branched-off shared drive to the adjacent parcel, 9705 Lenexa Drive. Prior to approval of a final plan the applicant must provide an access agreement with the adjacent property. A 5-foot public sidewalk is proposed on the west side of Rosehill Road, which will improve pedestrian connectivity where there is a gap in sidewalk network between the adjacent north block and blocks to the south. A connection from the public sidewalk network to the internal sidewalk is provided from 96th Terrace to the main office entrance.

Parking, to include accessible spaces, is provided at the office entrance. Additional parking is provided near each of the smaller buildings. Enhancements to the pedestrian connectivity network include construction of a new public sidewalk along Rosehill Road and a separate sidewalk connection from the existing sidewalk along 96th Terrace to the front entrance.

TABLE 3: PARKING ANALYSIS				
Land Use	Parking Formula	Required Parking	Proposed Parking	Difference
Self-Storage	1 per 75 units (976 Units proposed)	13	22 standard 2 unloading spaces	+ 11

STORMWATER

Stormwater management for this site will be provided with a combination of an underground infiltration trench and a bioretention basin to be constructed with this project. The applicant demonstrated the intent to meet the City’s stormwater requirements with the addition of these two new facilities. Staff is working with the applicant to provide some minor tweaks to the stormwater management report in order to provide additional clarity; however, Staff is comfortable recommending approval of the proposed project, anticipating the revised preliminary report will be received prior to moving to the final plan/plat stage.

FIRE PREVENTION

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

LIGHTING

Wall-mounted lighting is proposed. A photometric plan will be reviewed at the time of final plan for full compliance.

LANDSCAPING

A Land Use Intensity Buffer Design Type 1 is required between the proposed development and adjacent office uses. This requires 1 shade tree, 1 evergreen and 1 shrub per 100 feet of lot line adjacent to parking areas. Overhead doors visible from off-site require additional screening. Overhead doors face the office building to the northwest of the site. Due to this additional screening requirement, staff recommended the applicant provide a double row of evergreens for greater screening along the western property line between the parking lot of the proposed site and the parking lot of the adjacent office building. The applicant complied with this request. A standard LUI Type 1 Buffer is provided on the north property line fronting the office property as there are no proposed overhead doors facing the office. Perimeter plantings along lot lines are required and provided. Street trees are provided along Rosehill Road, 96th Terrace and Lenexa Drive. A pedestrian amenity area is provided off the internal sidewalk near the front door with a stamped concrete patio, bench, landscaping, and bike racks.

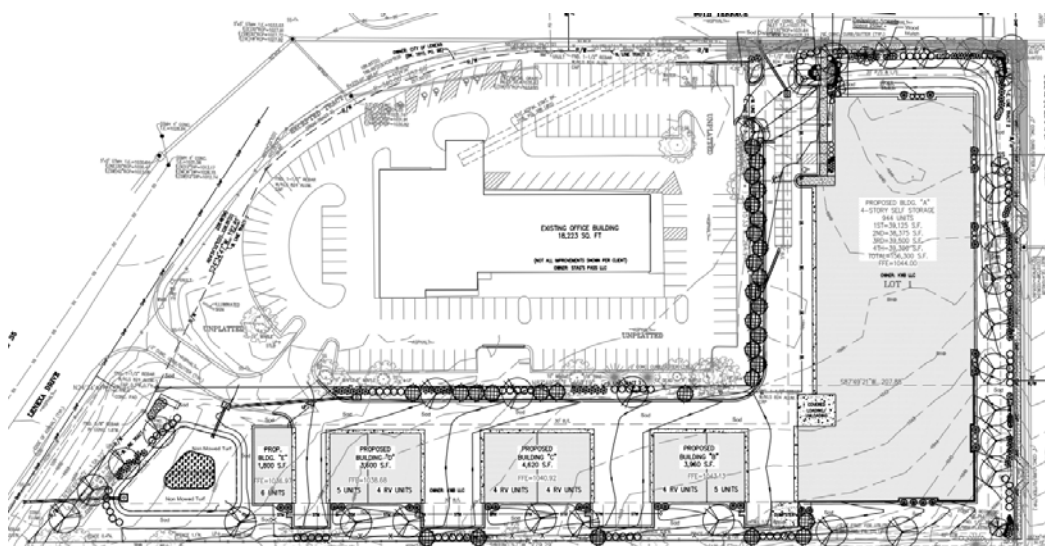


Exhibit 3: Landscape Plan

ARCHITECTURE

Building A, along Rosehill Road, encounters a grade increase of approximately five feet from the north to the south of the building. The design includes a foundation band of stone that is more visible at the northern end and becomes smaller with the grade change to the south. Above the foundation band, primary materials include architectural block, fiber cement siding, and metal panels. Staff encouraged the applicant to consider a more neutral color palette than was originally proposed, which included blue as the primary color of the building. The applicant was amenable to this change and incorporated a neutral off-white color as the primary wall color. Metal panels are an allowable material in the UDC as an accent material but should not be used extensively. Aluminum storefront windows provide fenestration.

The westward facing side of building A, which faces internal to the site and toward the existing office development, uses a similar material pattern but does not have the masonry foundation band. Overhead bay doors are located at the ground level. To reduce visual impact on the adjacent office use, the bay doors will be colored to match the surrounding façade. Additional landscaping is also required to serve as a buffer.

A trash enclosure is proposed at the southwest corner of building A. The applicant has not provided a rendering of the trash enclosure. This will be required at the final plan stage and shall include the use of materials consistent with the approved building materials.

Buildings B, C, D and E are single-story buildings with additional height for RV storage. Building E is the tallest of the four at 30 feet high. These buildings use a similar material palette to Building A, with greater use of stone. Staff would like to see additional detailing on the future final plan, such as faux windows on the south facades where the buildings face adjacent properties. Staff will continue working with the applicant on the material palette at the final plan stage.



Exhibit 4: Building A, view from northeast.



Exhibit 5: Building A, view from northwest.

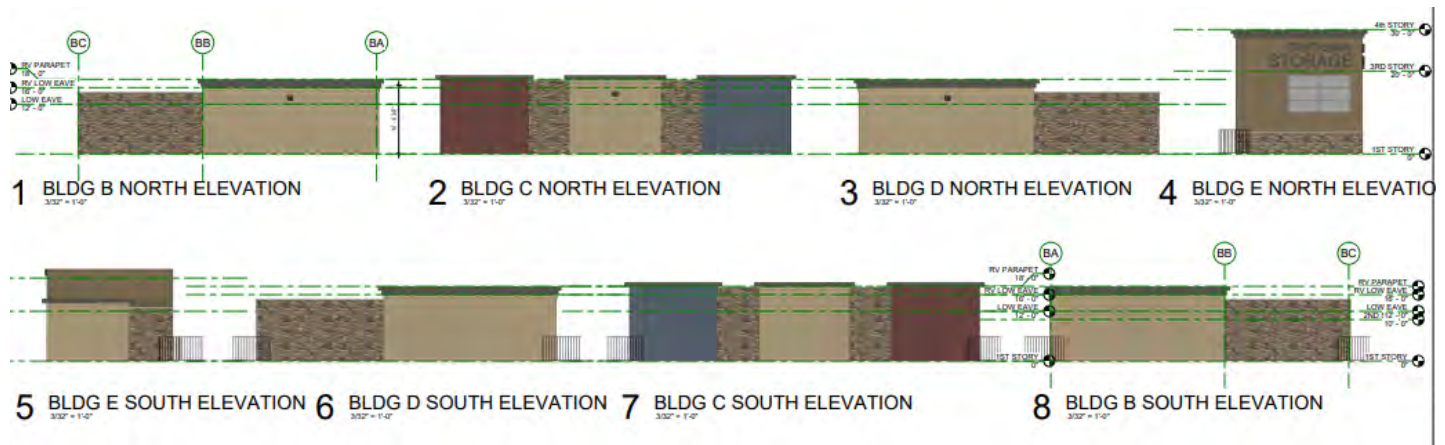


Exhibit 6: Buildings B, C, D and E north and south elevations.

DEVIATIONS

Bicycle parking is required at a ratio of 1 space per 10,000 square feet of building area. The building area of 170,640 square feet requires 17 bicycle parking spaces, whereas the applicant has proposed to provide one rack with two spaces. The majority of the building area will be used for storage rather than space that customers can gather. The use is not anticipated to draw many customers on bike, considering vehicles will be required to carry storage loads in and out; however, an employee may bike to the site a customer may occasionally come to the facility by bike to pick up smaller items. Staff supports this deviation request given the nature of the use.

Discussion Item #1: The Planning Commission must consider the requested deviation from the bicycle parking requirement.

REVIEW PROCESS

- This project requires a recommendation from the Planning Commission and final approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration from the City Council on March 21, 2023.

RECOMMENDATION FROM PROFESSIONAL STAFF

- **Conduct a Public Hearing.**
- **Staff recommends approval of the proposed Special Use Permit and Preliminary Plan for StorTropolis.**
 - This is a request for a special use permit and preliminary plan/plat for a self-service storage facility in the CP-2, Planned Community Commercial District.
 - The project is consistent with Lenexa’s goals through *Responsible Economic Development* and *Strategic Community Investment* to create *Thriving Economy*.

SPECIAL USE PERMIT

Staff recommends **approval** of SU23-01 - a special use permit for self-service storage for **StorTropolis** at the southwest corner of Rosehill Road and 96th Terrace, with the following condition:

1. The special use permit is limited to a period of twenty (20 years).

PRELIMINARY PLAN

Staff recommends **approval** of the preliminary plan/plat for PL23-01P - **StorTropolis** at the southwest corner of Rosehill Road and 96th Terrace, for a self-service storage development, with the following condition and deviation:

1. Prior to approval of a final plan the applicant must provide an access agreement with the adjacent property.
2. A deviation be granted for the bicycle parking requirement to allow two (2) bicycle parking spaces where seventeen (17) are required.

- 10. StorTropolis** - Consideration of a preliminary plan and special use permit for a self-service storage use for property located at the southwest corner of 96th Terrace and Rosehill Road within the CP-2, Planned Community Commercial District. PL23-01P & SU23-01

APPLICANT PRESENTATION:

Judd Claussen of Phelps Engineering presented information about the proposed project. He explained information about the project site, noting it has never been developed except for a parking lot at the west side of the lot. The property has a unique configuration and that may be why it sat vacant for so long. They propose a climate-controlled self-storage facility. The main building is four stories and the four ancillary buildings are single-story. The garage doors on the ancillary buildings are facing inward. There are 976 storage units, 944 of which are within the main building. They will work on an agreement with the adjacent neighboring property for access prior to the final plan stage. A pin or key code is required in order to get into the secured area and access the storage units. It is a fairly low traffic generating use. A deviation request from the bicycle parking requirement is requested. Based on the square footage of the building, the code requires 15 bicycle spaces, but two spaces are proposed. Two employees are anticipated to work on-site and the business does not anticipate many customers bicycling to the facility. He noted a stormwater treatment facility in the west area of the site. He presented images of the architecture and highlighted the neutral color palette. He noted agreement with the conditions listed in the Staff Report.

STAFF PRESENTATION:

Kim Portillo presented the Staff Report. The request is for approval of a special use permit and a preliminary plan for a self-service storage facility. She provided the criteria for special use permits. The site is currently two separate parcels and will need to be combined via plat at final plan stage. She said the location is near 96th and Rosehill Road. A colored graphic displayed the five different buildings: A, B, C, D, and E. Building A is the main building. The landscape plan includes standard buffering and street trees along with a double row of evergreens to provide screening. The building materials include architectural block, metal panels, and fiber cement siding. Staff will get into more detail with architecture at final plan stage. She discussed the bicycle parking deviation request of fifteen spaces where seventeen are required, meaning two bicycle spaces are proposed. Given the nature of the use, Staff supports the deviation request. Staff recommends approval of the special use permit and preliminary plan.

PUBLIC HEARING:

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

PLANNING COMMISSION DISCUSSION:

Commissioner Leib asked if the windows are penetrating windows and if the storage unit doors are visible inside. Stan Hernly, project architect, said that all of the windows are looking into hallways. The hallways are five feet wide. This will look similar to the StorTropolis facade facing K-10. Commissioner Leib asked what the doors will look like through the window. Mr. Hernly said they often use accent colors. He said Staff will review the color at final plan stage.

Commissioner Handley said he appreciated the elevations.

Commissioner Burson said it is a creative infill project. He appreciated the doors being oriented inward on the smaller buildings.

Commissioner Katterhenry was also concerned with bright accent color doors within the windows. He has no concerns about the deviation for bicycle parking.

Chairman Poss echoes the other comments. He urged the applicant to use muted colors for the interior doors that would be viewable through the windows. He asked Mr. Claussen whether RVs can fit into the smaller buildings. Mr. Claussen said these storage bays are not designed for Class A motorcoaches, but they can fit smaller vehicles.

MOTION:

Chairman Poss entertained a motion to recommend **APPROVAL** of a special use permit for self-service storage use for **StorTropolis**, at the southwest corner of Rosehill Road and 96th Terrace, with the following condition:

1. The special use permit is limited to a period of twenty (20 years).

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

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan/plat for a self-service storage development known as **StorTropolis**, at the southwest corner of Rosehill Road and 96th Terrace, with the following condition and deviation:

1. Prior to approval of a final plan the applicant must provide an access agreement with the adjacent property.
2. A deviation be granted for the bicycle parking requirement to allow two (2) bicycle parking spaces where seventeen (17) are required.

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

SU 23-01

ORDINANCE NO. _____

AN ORDINANCE GRANTING A TWENTY-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED AT THE SOUTHWEST CORNER OF 96TH TERRACE AND ROSEHILL ROAD, LENEXA, KANSAS.

WHEREAS, on December 28, 2022, Judd Claussen, applicant for the owner of record, KWB LLC, filed a request for a twenty-year special use permit to allow the use of a self-service storage facility on property located at the southwest corner of 96th Terrace and Rosehill Road, in a CP-2, Community Commercial District; and

WHEREAS, on March 6, 2023, the Lenexa Planning Commission held a public hearing to hear the request for said special use permit and notice for the public hearing was provided in accordance with K.S.A. 12-757; and

WHEREAS, on March 6, 2022, the Lenexa Planning Commission recommended approval of a twenty-year special use permit to allow the use of a self-service storage facility on property located at the southwest corner of 96th Terrace and Rosehill Road in a CP-2, Planned Community Commercial District, as reflected in the minute record for said meeting; and

WHEREAS, on March 21, 2023, the Governing Body considered the request and Planning Commission recommendation, as reflected in the minute record for said meeting;

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

SECTION ONE: That the Governing Body hereby approves the issuance of a twenty-year special use permit to allow the use of a self-service storage facility on property located at the southwest corner of 96th Terrace and Rosehill Road, in a CP-2, Planned Community Commercial District, as reflected in the minute record of the March 6, 2023, Governing Body meeting for the real estate described as:

All that part of the Northwest Quarter of Section 3, Township 13 South, Range 24 East, in the City of Lenexa, Johnson County, Kansas, being described by Scott G Chrisman, KS LS #1306, on December 27, 2022, as follows:

Commencing at the Northeast corner of the Northwest Quarter; thence S 2°15'41" E, along the East line of the Northwest Quarter of said Section 3, a distance of 1193.86 feet; thence S 87°49'21" W, a distance of 30.15 feet, to a point on the West Right-of-Way of Rosehill Road, as now established, said point being the Point of Beginning; thence S 2°15'41" E, along the West Right-of-Way line of said Rosehill Road, a distance of 387.03 feet; thence S 87°50'57" W, a distance of 779.21 feet, to a point on the Easterly Right-of-Way line of Interstate 35, as now established; thence along said Easterly Right-of-

Way line of Interstate 35 for the following two (2) courses; N 39°49'14" E, a distance of 138.22 feet; thence N 24°34'47" E, a distance of 65.27 feet; thence S 57°53'18" E, a distance of 69.77 feet; thence N 87°49'21" E, a distance of 391.72 feet; thence N 2°15'41" W, a distance of 264.97 feet; thence N 87°49'21" E, a distance of 207.79 feet; to the Point of Beginning, containing 144,944 square feet or 3.3275 acres, more or less, of unplatted land.

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

SECTION THREE: This Ordinance shall be construed as follows:

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

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

PASSED by the Governing Body March 21, 2023.

SIGNED by the Mayor March 21, 2023.

CITY OF LENEXA, KANSAS

Michael A. Boehm, Mayor

ATTEST:

Mike Nolan, Acting City Clerk

APPROVED AS TO FORM:

Steven Shrout, Assistant City Attorney



ITEM 10

SUBJECT: Approval of a preliminary plan for a mixed-use development known as Midas Lenexa City Center, located between Elmridge Street and Penrose Lane at 87th Street Parkway in the CC, City Center Zoning District

CONTACT: Stephanie Kisler, Planning Manager

DATE: March 21, 2023

ACTION NEEDED:

Approve a preliminary plan for a mixed-use development known as Midas Lenexa City Center, located between Elmridge Street and Penrose Lane at 87th Street Parkway in the CC, City Center Zoning District.

APPLICANT & DESIGN PROFESSIONAL:

Haidan O'Keefe, Olsson

OWNER:

City Center Lenexa, LLC

PROPERTY LOCATION/ ADDRESS:

Between Elmridge Street and Penrose Lane at 87th Street Parkway

PROPOSED TENANT:

AC Hotel, Residence Inn, undetermined retail uses

PROJECT BACKGROUND/DESCRIPTION:

The applicant proposes to construct a mixed-use development on 2.32 acres in Lenexa City Center. The development will include two hotels with a combined 260 rooms, 11,000 square feet of retail space, a private hotel courtyard, public amenity areas around the perimeter of the building, and a structured parking garage, as well as a hotel bar/restaurant. The bar/restaurant will be open to the public and will have direct access from the sidewalk, as well as internal access from the shared hotel lobby. The building, which covers the full block between Penrose Lane and Elmridge Street, will be approximately 80,000 square feet, including the parking garage. The structure is five stories tall at its peak along the east side of the site and three stories tall at the point of highest grade along the west side of the site. The applicant requests approval of a preliminary plan for the development. The preliminary plan also serves as the preliminary plat.

STAFF RECOMMENDATION:

Approval of the preliminary plan.

PLANNING COMMISSION ACTION:

This item was considered at the March 6, 2023 Planning Commission meeting. This item did not include a public hearing; however, Chairman Poss opened the item for public comment. No one from the public spoke. The Commission discussed the operations of the proposed hotel drop-off lane, the design of the trash enclosure gates, and the availability of parking and encouraged the applicant to consider ways to provide additional parking in the parking garage. The Commission expressed support for the architectural design of the building and support of the project overall.

Chairman Poss entertained a motion to recommend **APPROVAL** for a preliminary plan for Midas Lenexa City Center. Moved by Commissioner Horine, seconded by Commissioner Handley, and carried by a unanimous voice vote. The motion included the following condition:

1. The future final plan shall address various topics outlined within the Staff Report, including pedestrian amenity zones, service entrances, trash enclosure gates, lighting, and parking.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Vibrant Neighborhoods
Thriving Economy

Guiding Principles

Responsible Economic Development

ATTACHMENTS

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

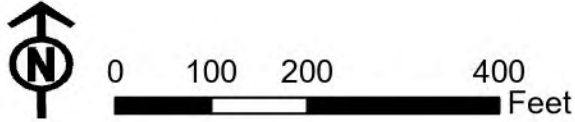


Document Path: C:\Users\cdkimberly\Documents\ArcGIS\Projects\City Council Packet Template\City Council Packet Template.aprx

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

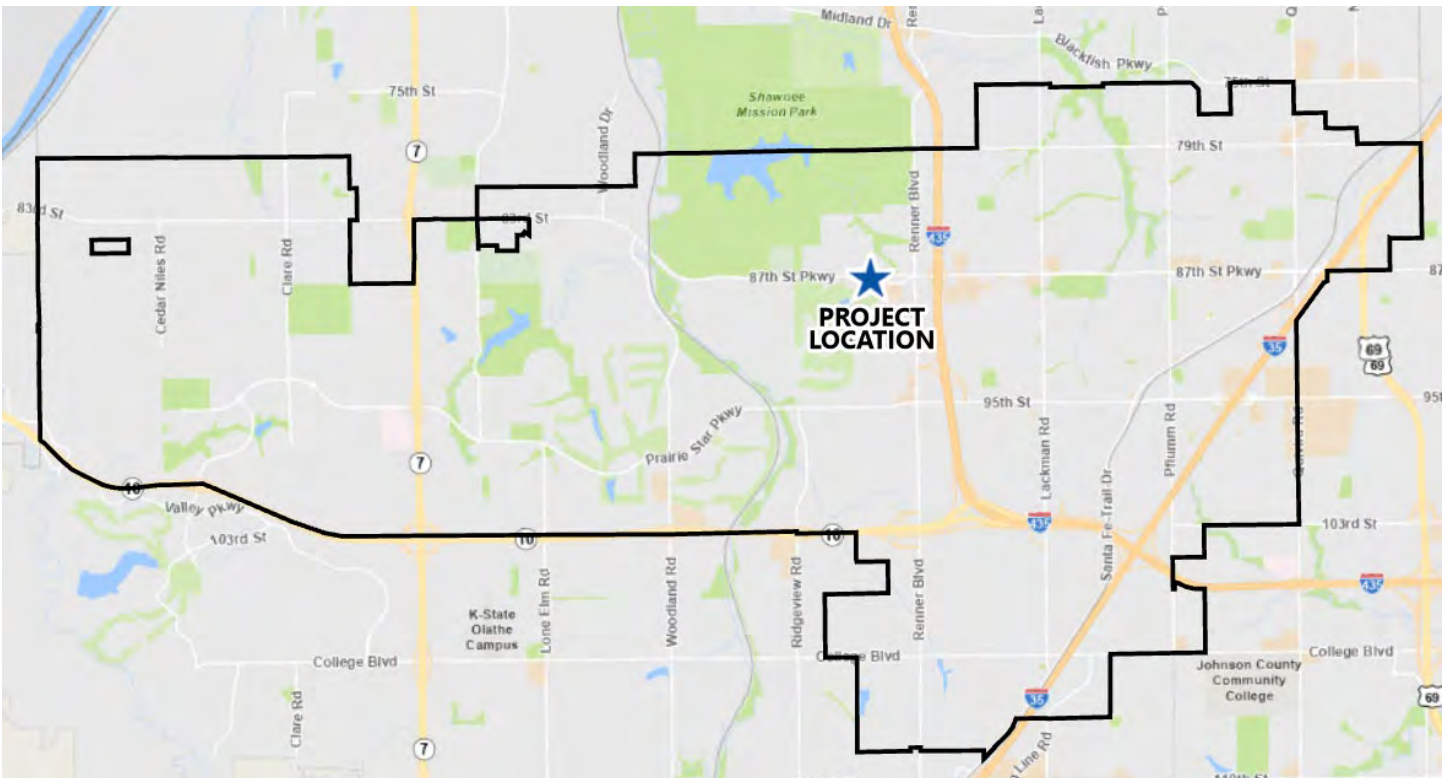
Midas Lenexa City Center Preliminary Plan

PL23-02P



MIDAS LENEXA CITY CENTER

Project #:	PL23-02P	Location:	Between Elmridge Street and Penrose Lane and the east and west lanes of W. 87 th Street Parkway
Applicant:	Haidan O’Keefe, Olsson	Project Type:	Preliminary Plan/Plat
Staff Planner:	Kimberly Portillo, AICP	Proposed Use:	Hotel, Retail



PROJECT SUMMARY

The applicant proposes to construct a mixed-use development on 2.32 acres in Lenexa City Center. The development will include two hotels with a combined 260 rooms, 11,000 SF of retail space, a private hotel amenity courtyard, public amenity areas around the perimeter of the building, and a structured parking garage. Additionally, a hotel restaurant is proposed. The restaurant will be open to the public and will have direct access from the sidewalk as well as internal access from the hotel lobby area. The building, which covers the full block between Penrose Lane and Elmridge Street, will be approximately 80,000 square feet including the parking garage. The structure is five stories tall at its peak and three stories tall at the point of highest grade. The applicant requests approval of a preliminary plan for the development. The preliminary plan is intended to also serve as the preliminary plat.

STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS

SITE INFORMATION

This site is located within the designated City Center District. The site is subject to the City Center Neighborhood Design Standards and Guidelines, which was adopted April 17, 2007, and amended in 2015. This site is undeveloped and is not currently platted.

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
2.32	79,956	CC	City Center



Exhibit 1: Aerial image of subject site.

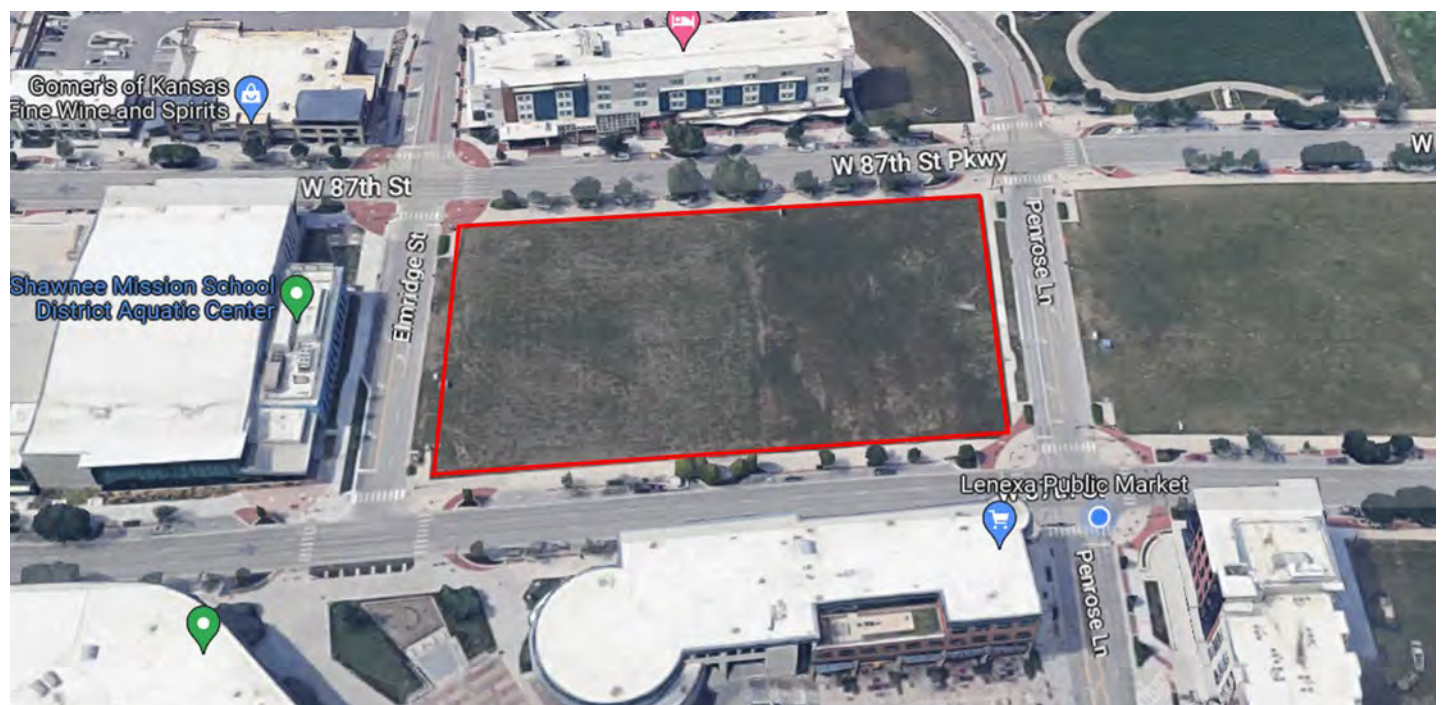


Exhibit 2: Birds eye view of subject site.

LAND USE REVIEW

This development proposal includes the following uses:

- Two hotels featuring:
 - AC Hotel, which will have approximately 30 employees on shift at any given time and 132 rooms.
 - Residence Inn, which will have approximately 30 employees on shift at any given time and 128 rooms.
 - Guest amenities including a courtyard with landscaping and outdoor seating.
 - Restaurant
- Retail space
 - 4 tenant spaces fronting the public sidewalk totaling approximately 11,000 square feet.
- Parking Garage with a minimum of 283 spaces.

The two hotels will have a shared lobby that will be open 24 hours; however, between midnight and 5:00 a.m. only registered guests or guests checking in will be able to enter. The hotel restaurant will be available to the public and guests of the hotel. Generally, the restaurant and retail spaces will be available to the public and guests during normal business hours. Specific hours will be determined once tenants are identified.

Hotel, retail, and restaurant uses are all allowed by-right within the City Center District and will provide an appropriate and desired mix of uses along the block. As required in the City Center District, this proposal will also include a Pedestrian Amenity Zone along the exterior of the building which is characterized by pedestrian-level amenities and landscaping between the sidewalk and street.

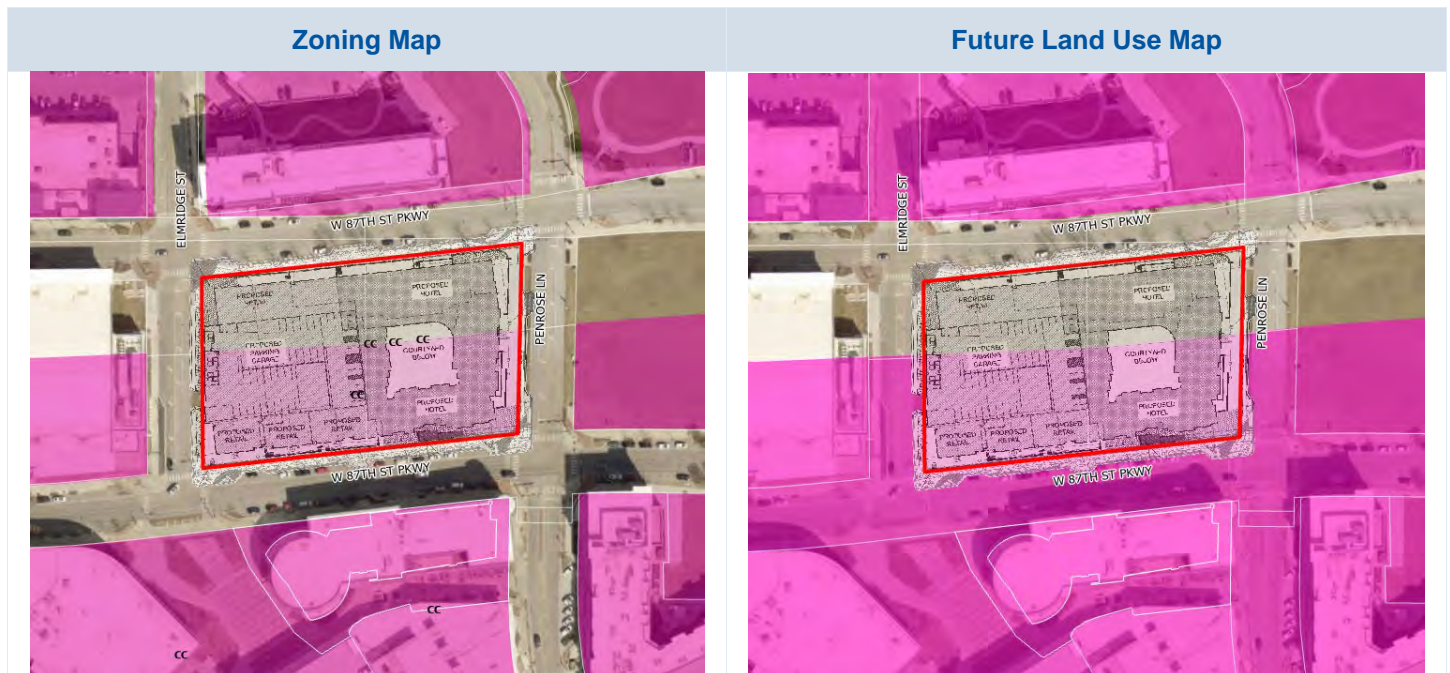


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	City Center	CC, Planned City Center	Undeveloped
North	City Center	CC, Planned City Center	Hotel and Retail
South	City Center	CC, Planned City Center	City Hall and Retail
East	City Center	CC, Planned City Center	Undeveloped
West	City Center	CC, Planned City Center	Aquatics Center

The future land use designation of this site is City Center, described as “unique mixed-use development in the geographic center of Lenexa. Development should be tailored to an urban environment, and thus be of a greater intensity or density, with public open spaces and pedestrian-friendly street.” The proposed use is compatible with the future land use designation. The development uses urban styles of architecture that promotes interaction with the pedestrian space. The hotel and retail uses align with the dense, mixed-use goals of City Center, and the proposed parking garage is intended to provide additional public parking for the District as well as private parking for the hotel.

PRELIMINARY PLAN REVIEW

This preliminary plan is for a mixed-use development in the City Center District. The preliminary plan is also intended to serve as the preliminary plat. The proposal includes two hotels, AC Hotel and Residence Inn, with retail and restaurant space at the ground level. AC Hotel occupies the north half of the block while Residence Inn fronts the south and the majority of the eastern façade. The two hotels have a shared entrance and lobby space on the east with a drop-off lane to the east of the building on Penrose Lane. Parking is available in the on-site parking garage, which is accessible from Elmridge Street on the west side of the building. Limited accessible parking is available along Penrose and standard on-street parking is available on 87th Street Parkway. Site improvements include the addition of public space and pedestrian amenities. Due to site grades, low decorative walls are used throughout the site and will create defined spaces along the pedestrian amenity zone. The availability for these defined spaces to appropriately interact with the sidewalk is key to the character of City Center. Specific details of the decorative walls and spaces created are still being refined as the project progresses from preliminary to final plan.

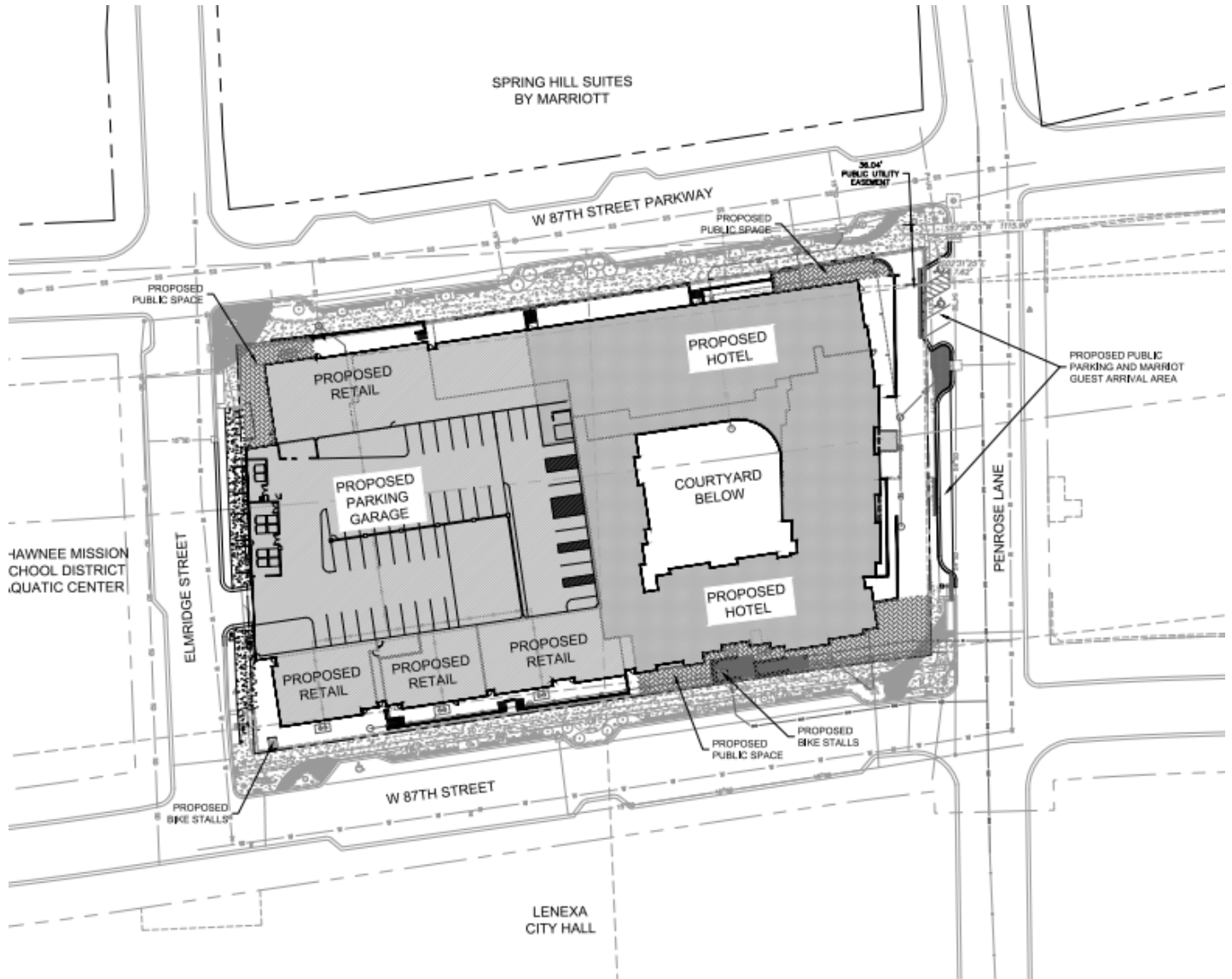


Exhibit 3: Site plan.

DIMENSIONAL STANDARDS

The City Center Design Guidelines require that on mixed-use streets, buildings shall be oriented to the street with setbacks of 0'-15'. Retail tenant spaces are intended to interact directly with the public on the sidewalk, as will the restaurant and front lobby entrance of the hotel. Space is provided between the sidewalk and the storefronts, which will serve as pedestrian walking areas, planter space, outdoor patios, and amenity areas designed to promote an urban, walkable feel. Variations in the building design, such as protrusions and recessions, create a variation in setback along the facades; however, said variation will be within the acceptable range.

PUBLIC IMPROVEMENTS

Pedestrian Amenity Zones are provided along street frontages between the sidewalk and street as required by the City Center Design Guidelines. Pedestrian amenity areas will use modular decorative pavement patterns and landscape planters consistent with other street block edges in City Center.

A separate pedestrian plaza is provided near the southeast corner of the building. Located in this area will be bike racks, benches, decorative lighting, and trash receptacles. Staff will continue to work with the applicant to further pedestrian area details during the final plan phase.

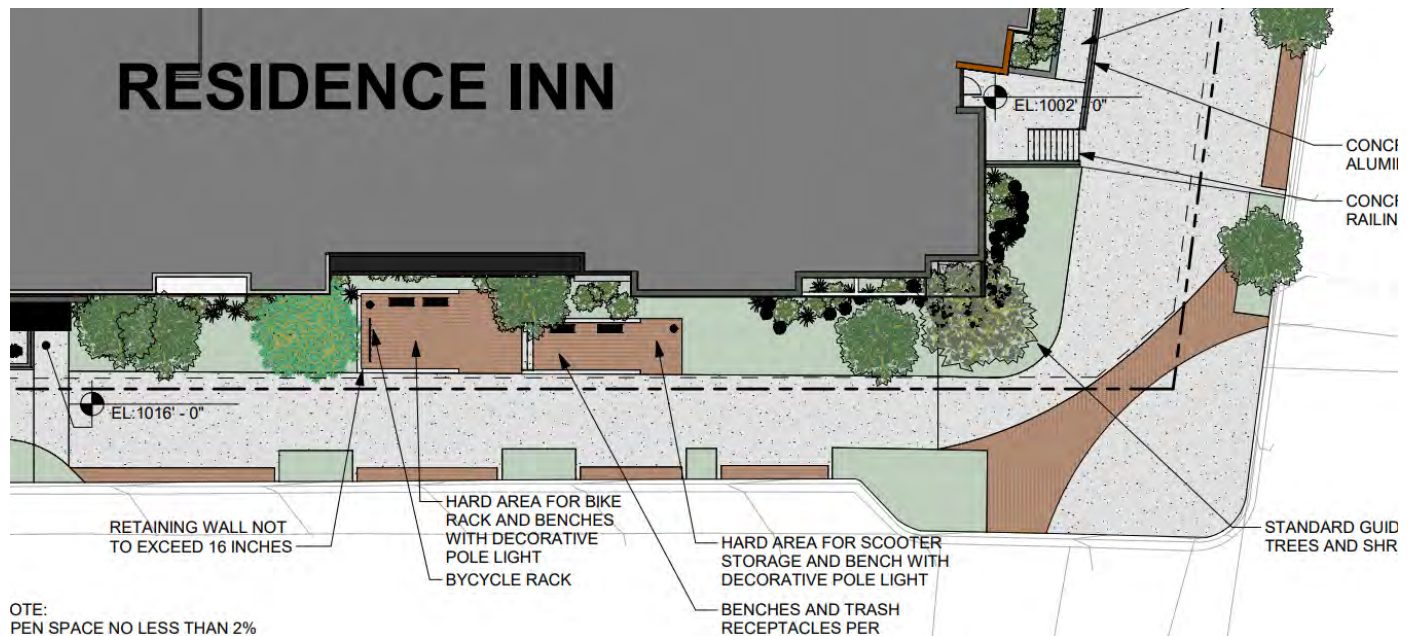


Exhibit 4: Location of pedestrian plaza at southeast corner of 87th Street and Penrose Lane.

TRAFFIC, ACCESS, AND PARKING

There is not a minimum parking requirement in the City Center District as there are in typical zoning districts. Required parking in City Center is determined on an individual basis with an emphasis on promoting structured, on-street and shared parking. The applicant is proposing a parking garage that will be accessed from Elmridge Street.

The angled on-street parking proposed for Penrose Lane must be removed, as it is not appropriate for the location shown. Penrose Lane could support two parallel accessible parking stalls if they were located as far south as possible without being contiguous with the hotel check-in pull-off and if they do not disrupt the existing storm structure. These accessible parking spaces may be revised at final plan stage. ADA accessible parking is also proposed in the parking structure.

The parking structure will be internal to the development with leasable retail spaces serving as screening for the structure on both sides of 87th Street Parkway. The exposed portion of the parking structure, along Elmridge Street, will be treated architecturally with masonry veneer and brick insets on the concrete wall. The street-facing façade of the parking garage also features windows located within a darker grey patterned concrete strip with double height soldier course above the windows.

Total parking provided in the garage is proposed at 283 spaces to meet the demand as reflected in Exhibit 5.

PARKING	GARAGE	PARALLEL STREET	ANGLED STREET	15 MIN SPACES	TOTAL
5	71 (2 HC)				71
4	75 (2 HC)				75
3	75 (2 HC)				75
2	62 (8 HC)	10			73
1		12	4	6	22
TOTAL PROVIDED	283(14 HC)	22	4	6	315
	261 KEYS AT 1 SPACE PER KEY =				261
	11,079 SF RETAIL @ 1 SP. PER 250 SF=				45
TOTAL REQUIRED					305

Exhibit 5: Parking calculation table.

The current plan entails gating a certain number of upper-level garage parking spaces for hotel guests and keeping the other garage parking spaces available for the public. Staff approached the applicant to gauge opportunities to add a level of parking deck (approximately 75 spaces) to the project in a public/private partnership since this location is central to many high demand uses in City Center. The applicant is amenable to exploring this, but no decisions have been made at this time. Final parking details will be provided at the time of final plan.

Trash will be kept in an interior service area, accessible from Elmridge Street. The trash enclosures face the primary entrance of the Shawnee Mission School District Aquatic Center across the street. The proposed metal swing doors are not a desired manner to conceal the trash enclosures given the number of doors needed to access the trash areas. A more appropriate design for the location would be glass roll-up doors or designed to be more compatible with the building architecture and context of the aquatic center across the street.

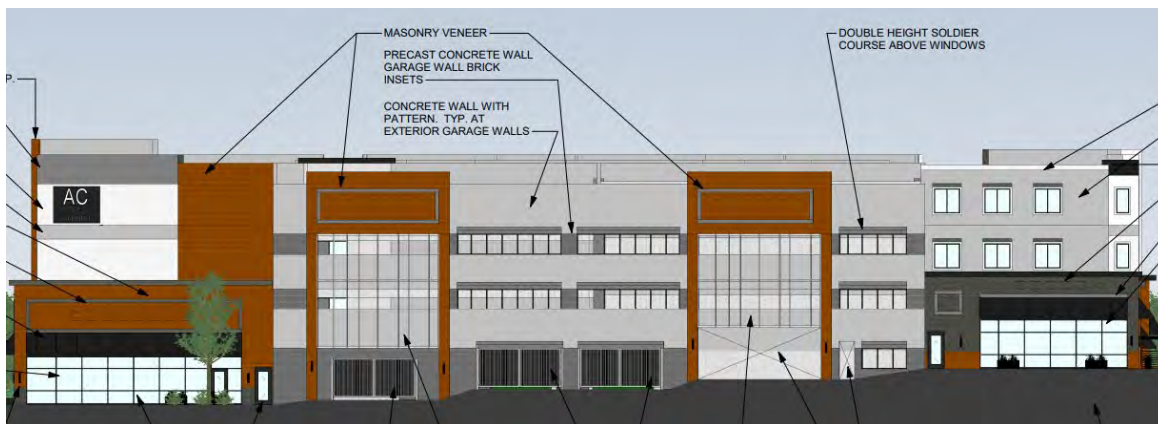


Exhibit 6: View of parking garage façade from Elmridge Street, showing garage entrance and proposed metal swing doors for trash enclosure.

A single-aisle drop-off lane will be added on Penrose Lane, along with proposed head-in parking. On street parking on Penrose 87th Street east and west will remain.

Pedestrian traffic will have direct access to the hotels and storefronts from the sidewalk along east and westbound W. 87th Street and Penrose Lane. Two staircases offer pedestrian access from upper levels of the parking garage to the lower levels and sidewalk. One staircase is located at the north of the parking garage and the other at the south. Due to grade changes, stair sections are provided to connect the building entrances to the sidewalk as needed. Connections between the courtyard spaces out to the sidewalk along the street are of high importance and will continue to be refined with the final plan submittal. Eleven stalls of bicycle parking are provided in the pedestrian plaza.

STORMWATER

With the addition of a hot-spot stormwater best management practice (BMP) for the parking garage and water quality BMP(s) on site for this project, stormwater management for the proposed improvements will be consistent with City Center requirements.

FIRE PREVENTION

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

LIGHTING

Accent lighting is proposed as part of the building architecture. Light sconces provide ground level detailing. Pedestrian-level lighting is achieved with decorative light poles. The southeast corner also features a back-lit lighted panel element. A photometric plan will be required with the final plan.

LANDSCAPING

Landscaping is provided in the pedestrian amenity zones between streets and sidewalks and along the base of the building. This level of landscaping is consistent with the established landscaping in the City Center District. Street trees and seasonal plantings are installed in planter spaces within the modular paving pattern of the pedestrian amenity zone.



Exhibit 7: Landscaping plan.

ARCHITECTURE

The proposed mixed-use building will house multiple tenants and encompasses a block between Elmridge Street and Penrose Lane at 87th Street. The building is three stories on the west side and five floors on the east end of the block due to changes in grade. The ground-level floor is dedicated to retail, hotel lobby and restaurant space with the remaining floors used for the two separate hotels. The ground floor architecture is intended to appeal to the pedestrian scale and enhance the urban feel of City Center. The ground floor primarily uses a red-tone brick-colored masonry veneer material. Retail entrances provide visually distinct architectural expression using individual canopies, protrusions and recessions, masonry banding and reveals, and lighting sconces. Storefronts feature black aluminum frames with bay windows and glass doors.

The lobby entrance for both hotels is located at the center of the east elevation and features a glass entry vestibule with a raised canopy and forecourt. Individual branding for each hotel is presented at the northeast corner for AC Hotel and at the southeast corner for Residence Inn, distinguishing the two separate entities.

The brick-colored masonry veneer is continued to the top of the building at the northeast corner, creating a defined corner presence. Inset in the masonry veneer are grey colored fiber cement panels. The masonry veneer detailing appears elsewhere in the building, particularly on the east façade.

Primary façade materials for the upper floors include light gray fiber cement panels with off-white fiber cement banding. Upper floors on the north and east facades use a louver detail element while the south façade creates variation with a white trim and dark lid above the windows. Staff will continue to refine details of the façade at the final plan stage.

Due to grade, multiple low decorative walls are proposed in the pedestrian area. Retaining walls will have a masonry face and stone cap.



Exhibit 8: View at northeast corner, AC Hotel.



Exhibit 9: View at southeast corner, Residence Inn.



Exhibit 10: View at northwest corner, Retail A.



Exhibit 11: View at southwest corner, Retail B.

PRELIMINARY PLAT REVIEW

The preliminary plan is intended to serve as the preliminary plat. The plat encompasses 2.32 acres in the City Center District. This plat will combine two non-platted parcels into one lot for the mixed-use development. Utilities are available to the site. An approximately 36-foot-long public utility easement is proposed along the west side of Penrose Lane. Public space is proposed at various locations throughout the plat.

DEVIATIONS

The applicant is not requesting any deviations.

FINAL PLAN CONSIDERATIONS

The items below are modifications to the plan set that Staff expects to see with the future submittal of the final plan. This list does not reflect all comments Staff may have at the time of final plan review.

- Pedestrian amenity zones
 - The pedestrian amenity zones along Elmridge Street and Penrose Lane should be updated with a paver and concrete pattern consistent with the existing design along W. 87th Street. Along Penrose Lane, where standard pedestrian amenity areas are not feasible due to the proposed drop-off lane, alternative amenity and design elements shall be incorporated. Examples include the use of decorative brick and planters to establish a pattern.
- Service entrances and trash enclosure gates
 - The plan set shows three separate trash enclosures proposed along Elmridge Street. Staff would like to continue working with the applicant to modify this design to reduce the visual impact along the public street. Staff recommends reviewing internal storage or circulation through the garage bay door to limit the number of gates fronting onto Elmridge Street. Additionally, it is unclear how the trash haulers would access the internal storage areas given the pedestrian amenity zone proposed between the sidewalk and street as the drives do not seem to be fully developed. Further discussion regarding layout and gate design is needed.
- Angled parking on Penrose Lane
 - As discussed in the *Traffic, Access, and Parking* section of this Staff Report, the angled on-street parking on Penrose Lane shall be removed or modified to only include necessary accessible parallel parking.
- Pedestrian lighting
 - In addition to photometric plans to be reviewed at the time of final plan, Staff also expects to see details for pedestrian-scale lighting, bollard lighting, accent lighting, or a combination thereof to aid in pedestrian wayfinding along sidewalks and amenity zones.

REVIEW PROCESS

- This project requires a recommendation from the Planning Commission and final approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration from the City Council on March 21, 2023.
- The applicant should inquire about additional City requirements, such as permits and development fees.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Staff recommends approval of the proposed Preliminary Plan for Midas Lenexa City Center.**

- This is a proposal for a mixed-use development with hotel, retail, and public space.
- The project is consistent with Lenexa’s goals through ***Strategic Community Investment*** and ***Responsible Economic Development*** to create ***Vibrant Neighborhoods***.

PRELIMINARY PLAN

Staff recommends **approval** of the preliminary plan for PL23-02P – **Midas Lenexa City Center**, located between Elmridge Street and Penrose Lane and the east and west lanes of W. 87th Street Parkway, for a retail and hotel mixed-use development, with the following conditions:

1. The future final plan shall address various topics outlined within the Staff Report, including pedestrian amenity zones, services entrances, trash enclosure gates, lighting, and parking.

11. Midas Lenexa City Center - Consideration of a preliminary plan for a mixed-use development with hotel and retail uses for property located between Elmridge Street and Penrose Lane and the east and west lanes of W. 87th Street Parkway within the CC, Planned City Center District. PL23-02P

APPLICANT PRESENTATION:

David Robert of Midas presented information about the proposed project. The company is based out of St. Louis and they have 45 hotels in 15 different states. They own and operate the Spring Hill Suites located in Lenexa City Center. They also have a hotel in Overland Park. They propose to bring two new hotels to the site. The proposed brands include AC Hotel and Residence Inn. The AC Hotel is upscale and modern. They aim to bring the neighborhood inside the hotel. The corner will be very activated. There will be outdoor patio space and exciting energy. Residence Inn is an upscale extended stay hotel. It is geared toward customers staying more than five nights. The site is right across the street from City Hall. He displayed renderings from different vantage points. Retail will be closer to Elmridge Street. Toby Heddinghaus spoke about the building materials. He pointed to a finish board, which includes multiple colors of brick and fiber cement panels. The material board also includes metal panels and copings to match. The site is tricky due to high and low points. The east side is five stories and the west side is three stories. There is a retail/restaurant area near the corner of Elmridge and eastbound 87th Street. The parking garage is accessed via Elmridge and is naturally ventilated. The parking garage is approximately 280 parking spaces. About 210 spaces on the upper levels will be gated and reserved for hotel guests. The plans incorporate pedestrian areas along the exterior of the building. There will be a single shared check-in area fronting Penrose Lane.

STAFF PRESENTATION:

Kim Portillo presented the Staff Report. She noted the site location being at 87th Street between Elmridge Street and Penrose Lane. The site is within the City Center Zoning District. She said the applicant did a good job describing the proposed uses. She said each hotel will have approximately 30 employees per shift. Staff proposes to keep working with the applicant on a few items prior to final plan stage, including parallel accessible spaces along Penrose Lane, creating additional public parking spaces within the parking structure, the details of the landscape plan and pedestrian amenity zone, architecture, and trash enclosure design and functionality. Staff recommends approval of the preliminary plan with the condition that those items continue to be discussed prior to final plan stage.

PLANNING COMMISSION DISCUSSION:

Commissioner Katterhenry said it is a great project and he was surprised how it all fit on the block. He agrees with Staff about the trash enclosure. He is concerned about the drop off area and whether it is enough space. David Robert said there are approximately five spaces for drop off and they believe that it is sufficient.

Commissioner Woolf said he would like the trash enclosure to be revisited. Mr. Robert said they are not happy with it either. He noted they were able to see some examples of glass doors within City Center today and are going to explore options.

Commissioner Handley said he is concerned that hotel guests may not want to drive all the way up in the garage for spaces and may opt to park in the lower public area. Mr. Robert said they will educate guests about parking at their time of check-in. Scott McCullough asked where employees will park. Mr. Robert said that employees will park in the reserved zone.

Commissioner Burson is very supportive of the project. He is concerned with the low quantity of drop off spaces due to personal experience. He is concerned with how it could impact traffic. He asked if there is valet service. Mr. Robert said there is no valet service. He believes that changing the parallel spots will increase the check-in zone. Commissioner Burson asked if there are other examples. Mr. Robert said there is one hotel that is very similar that is opening tomorrow. It is important to them to have an appropriate drop off area.

Commissioner Horine agrees with other Commissioners. He asked if they bring their own retail tenants. Mr. Robert said they have a local broker and they think there is demand for retail in City Center, but they do not have specific tenants at this time. Commissioner Horine asked if the restaurant space is a bar, does it serve food, and whether it is open to the public. Mr. Robert said it is primarily a bar but also serves food. It will be open to the public and it will have its own entrance in addition to access from the hotel lobby.

Commissioner Harber said they are focusing on parking and entrance egress because it is a beautiful building. He said we need to strike a balance with the applicants to afford them the opportunity to work through the parking.

Commissioner Leib asked about the path to get from drop off to the parking garage. Mr. Robert said they will provide a map to the customer. Commissioner Leib asked if they could have a way to get access to the parking garage prior to check-in. He questioned the logistics. He asked if the drop off lane is a double lane. Mr. Robert said it is a single-wide lane, but he believes it will be made longer.

Chairman Poss has nothing additional to add. He thinks it is a good project and a good-looking building. He said the parking issues will work themselves out. Parking is always a topic in urban areas and sometimes people have to park far away in urban areas. He encourages them to work with Staff.

MOTION:

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan for a mixed-use development known as **Midas City Center**, located between Elmridge Street and Penrose Lane and the east and west lanes of W. 87th Street Parkway, with the following conditions:

1. The future final plan shall address various topics outlined within the Staff Report, including pedestrian amenity zones, services entrances, trash enclosure gates, lighting, and parking.

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

APPENDIX



**MINUTES OF THE
MARCH 7, 2023
LENEXA CITY COUNCIL MEETING
COMMUNITY FORUM, 17101 W 87th STREET PARKWAY
LENEXA, KS 66219**

CALL TO ORDER

Mayor Boehm called the meeting to order at 7 PM.

Kyle Barnett, BSA Troop 186, who attended the meeting for his Citizenship in the Community merit badge led the Pledge of Allegiance.

ROLL CALL

Councilmembers Eiterich, Nicks, Nolte, Roh, Arroyo, Sayers, and Denny were present with Mayor Boehm presiding. Councilmember Karlin was absent.

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

APPROVE MINUTES

Councilmember Denny made a motion to approve the February 21, 2021 City Council meeting draft minutes and Councilmember Sayers seconded the motion. Motion passed unanimously.

MODIFICATION OF AGENDA

There were no modifications to the agenda.

PROCLAMATIONS

Colon Cancer Awareness Month
Multiple Sclerosis Education & Awareness Month

PRESENTATIONS

Bob Hamilton, KDOT Law Enforcement Liaison, presented the KDOT 2022 AAA Platinum Traffic Safety Award to the Lenexa PD Traffic Safety Unit.

CONSENT AGENDA

1. Approval of a new Cereal Malt Beverage license for Minit Mart, located at 8633 Quivira Road
The new owners of Minit Mart have applied for a Cereal Malt Beverage license for 8633 Quivira Road.
2. Bid award to FIT Excavating, Inc. for the Widmer Road/95th Street to Pennycross Road Storm Drainage Improvements Project
This project includes rehabilitation of the storm drainage system, which was prompted by reports of sinkholes and a high concentration of pipes in poor condition. Following Johnson County accepting the project for 2022 cost-share funding, the City engaged in design, easement acquisition, utility relocation, and bidding. FIT Excavating, Inc. bid \$1,556,451.50 to do the work.
3. Bid award to McAnany Construction for the 2023 Pavement Management Program - Ultra-Thin Bonded Asphalt Surface (UBAS) Residential Project
McAnany Construction bid \$2,419,467.28 to treat 21 residential lane-miles with an Ultra-Thin Bonded Asphalt Surface (UBAS) treatment. Work will also include removing and replacing deteriorated curb and gutter, replacing sidewalk panels as needed, and installing ADA-compliant wheelchair ramps.
4. Resolution approving and authorizing the Mayor to execute the City's standard form sponsorship agreement with Everfast Fiber Network, LLC as a 2023 festival Presenting Sponsor
Everfast Fiber Network, LLC proposes to be a 2023 Presenting Sponsor of the Art Fair, the Great Lenexa BBQ Battle, the Freedom Run/Community Days Parade, the Spinach Festival, Sar-Ko Aglow, the Outdoor Concert Series, and the Farmers Market Regular Season, which requires City Council approval.
5. Resolution approving and authorizing the Mayor to execute an interlocal agreement with the City of Overland Park for road improvements to Pflumm Road from 103rd Street to College Boulevard
Lenexa and Overland Park share Pflumm Road between 103rd Street and College Boulevard. Maintenance of this portion of road is included in Lenexa's 2023 Pavement Management Program and the cities will share costs. The estimated total cost of the project is \$881,498.50. Overland Park's share is \$37,599 and Lenexa's share is \$843,899.50.
6. Resolution calling for a public hearing to consider approving Redevelopment Project Plan 3H in the City Center TIF District (Advent Health Phase 1 - Hospital Project)
This resolution is only to provide notice of a public hearing on April 18, 2023, at which time the Governing Body will consider approving Redevelopment (TIF) Project Plan 3H encompassing 13.5 acres in the northwest corner of 86th Street & Renner Boulevard in the City Center TIF District.

END OF CONSENT AGENDA

Councilmember Roh made a motion to approve items 1 through 6 on the consent

agenda and Councilmember Arroyo seconded the motion. Motion passed unanimously.

BOARD RECOMMENDATIONS

7. Ordinance approving revisions to the Building and Safety Code in Chapter 4-8 of the City Code related to stair fire protection and storm protection areas
Adopted building and safety codes are periodically reviewed by staff to determine if any revisions are necessary and appropriate to meet the needs of the City. Based upon staff discussions, staff believes revisions to Chapter 4-8 are now necessary to address fire safety and storm shelters in new residential buildings.

Scott McCullough, Community Development Director, said that staff is recommending two Building and Safety Code amendments, one regarding stair protection and the other regarding storm shelters.

Mr. McCullough spoke about some firefighters that were injured in a 2022 house fire in Shawnee when the basement stairs collapsed. He said that other cities in the region have added a requirement to their building codes for adding a layer of half-inch sheetrock to the bottom of stairs that would slow a fire's spread and protect firefighters. He noted the few exceptions to the requirement.

Mr. McCullough spoke about storm protection areas and how Lenexa is classified in the highest wind speeds category because of the potential for tornadoes. He talked about code changes that have been made over the last 15-20 years, and how those changes have created unintended consequences and discrepancies related to storm shelters. He said this amendment changes the current allowance for a community shelter to be within 1,000 feet of single family homes and duplexes to the requirement of a storm shelter located inside single family homes or duplexes.

Mr. McCullough discussed the Stone Ridge developments and the developer's proposed storm shelters, noting staff had not anticipated a single family developer would utilize the code in this way. He said staff had discussions with the developer and told them that the code was going to be reviewed and amendments proposed. He said staff had concerns with the community shelters for several reasons, including property maintenance, neighborhood aesthetics, resident confusion regarding use, and the burden they would be to an HOA.

Mr. McCullough said that staff has been in communications with the Kansas City Home Builders Association (KCHBA) and Arise Homes and that they understand these amendments.

Mr. McCullough said the Building Code Board of Appeals met on February 15, 2023 to discuss these amendments. He said no one from KCHBA or Arise Homes attended that meeting. He said that both staff and the Board recommend approval.

Councilmember Roh asked if duplexes would be required to have a shelter in each unit and Mr. McCullough said he could see it done with only one, but that there would probably be one in each unit.

Councilmember Sayers asked if the 1,000 square foot distance to a community shelter applies only to multifamily units and Mr. McCullough said yes.

Councilmember Eiterich shared that she had been concerned about residents getting their families out into storms to get to the shelter, so she likes the amendment and is in support.

Councilmember Arroyo agreed with Councilmember Eiterich, noting she had also had concerns about people with disabilities being able to access community shelters in an emergency.

Mayor Boehm thanked Mr. McCullough for checking with the KCHBA on these amendments.

Councilmember Sayers made a motion to approve Item 7 and Councilmember Eiterich seconded the motion. Motion passed unanimously.

NEW BUSINESS

8. Resolution approving and authorizing the Mayor to execute a license agreement with Johnson County for the Johnson County Department of Emergency Services' co-location at Fire Station 3
Med-Act has utilized space at Fire Station 3 since 2010 in order to provide ambulance transport services. Johnson County and the City wish to update and further formalize the co-location arrangement in a 10-year license agreement.

Travis Vaughn, Fire Chief, talked about the City's more than 40-year partnership with Johnson County EMS. He said that County EMS has operated out of the City's building on Haskins Street since the 1980s and the upcoming renovations and reconstruction of the Lenexa Old Town Activity Center will remove that building in the near future. He said that these operations would be moving to a new location on Long Street in 2024 and that EMS may temporarily collocate at Fire Station 1 while some renovations are made to their new facility.

Chief Vaughn then discussed the agreement the City has had with County EMS to collocate at Fire Station 3 since 2010, which has been at no cost. He said that the City and County would like to enter into a formal collocation agreement with a 10-year term for \$573,196. He talked about the agreement and how liabilities would be covered with annual fees paid.

Chief Vaughn said that staff recommends approval.

Mayor Boehm remarked that this has been a great partnership and he thanked Chief Vaughn for his efforts.

Councilmember Nolte made a motion to approve Item 8 and Councilmember Roh seconded the motion. Motion passed unanimously.

9. Resolution approving Amendment No. 4 to the construction contract with J.E. Dunn Construction Company for the Lenexa Justice Center Project

J.E. Dunn Construction Company ("Dunn") proposes to amend the Construction Agreement for the Lenexa Justice Center for guaranteed maximum price package (GMP) #4. GMP #4 consists of communications cabling, audio visual equipment, access control hardware and installation, video surveillance equipment, paging equipment, and fire detection alarm and installation for a total of \$3,334,739.

Todd Pelham, Deputy City Manager, said this is a request to amend the current contract with J.E. Dunn for the Lenexa Justice Center, which is for guaranteed maximum price (GMP) #4. He reviewed the work covered by each of the first three GMPs. He said that the team has determined that some of the packages planned for the City to obtain would be better managed through J.E. Dunn and Aptitude, a J.E. Dunn subsidiary company, using scopes of work and competitive bidding. He said that this GMP includes audio visual equipment, low voltage cabling, fire protection, access control, security cameras and systems, and communications work.

Mr. Pelham explained that doing this transfers the risk and added that this is all budgeted within the original \$73 million project. He said that using this procurement method for this work will probably save between \$200,000 and \$300,000.

Mr. Pelham said that staff recommends approval. He reviewed the project budget and then provided an update on the construction schedule, saying the project is slated for completion in mid-May 2024. He showed some pictures of recent construction on the site.

Councilmember Roh said this is a very complex project, so doing this makes sense and he is in support.

Mayor Boehm asked who would do this work and Jim Coulter, J.E. Dunn, said that it would be managed by Aptitude using subcontractors.

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

COUNCILMEMBER REPORTS

Mayor Boehm welcomed Ashley Sherard, Lenexa Chamber of Commerce CEO and Economic Development Director.

STAFF REPORTS

Beccy Yocham, City Manager, said there would be no Committee of the Whole meeting next week.

END OF RECORDED SESSION

BUSINESS FROM FLOOR

David Bryant, 23602 W. 92nd Street, thanked the Governing Body for recording video of the City Council meetings and requested that Business from the Floor be included in the recorded portion of the meeting.

ADJOURN

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

The meeting adjourned at 7:43PM.

Proclamation

WHEREAS, regular cleaning and disinfection are an investment in human health and safety; and,

WHEREAS, the Center for Disease Control and Prevention stresses the importance of routine cleaning and disinfecting to protect public health; and,

WHEREAS, according to the world's leading trade association for the cleaning industry, cleaned and disinfected surfaces reduce virus concentration by almost 42%; when combined with hand washing, this increases to over 85%; and,

WHEREAS, essential frontline cleaning professionals work tirelessly to keep our schools, hospitals, workplaces, and other spaces healthy and safe for us all; and

WHEREAS, Kansas Governor Laura Kelly has proclaimed March 26th through April 1st as Cleaning Week in Kansas to recognize these professionals; and

WHEREAS, Lenexa's Building Services Division provides a safe and clean environment for citizens and employees in 17 city-owned facilities, over 300,000 square feet, throughout the city.

NOW, THEREFORE, I, Michael A. Boehm, Mayor of Lenexa, Kansas do hereby proclaim the week of March 26th through April as

CLEANING WEEK IN LENEXA

IN WITNESS WHEREOF, I have hereunto set my hand this 21st day of March, 2023.



Michael A. Boehm
Mayor of Lenexa, Kansas

PARKING AGREEMENT

THIS PARKING AGREEMENT is entered into this _____ day of _____, 2023, by and between FOUNDRY CHURCH RESTORATION COMMUNITY (formerly "CEDAR RIDGE CHRISTIAN CHURCH"), a Kansas not-for-profit corporation (hereinafter "Foundry Church") and the CITY OF LENEXA ("City"), a Kansas municipal corporation.

WHEREAS, Foundry Church owns and operates a church on property located at 8835 Lackman Road in the City of Lenexa, as legally described in Exhibit A attached hereto and incorporated herein by reference, and such property is immediately adjacent to the City's public park commonly known as Sar-Ko-Par Trails park; and

WHEREAS, the City has enjoyed a long, cooperative history of sharing the maintenance and use of the Foundry Church parking lot with both Foundry Church and its predecessors in interest, Cedar Ridge Christian Church; and

WHEREAS, Foundry Church and City find it necessary to update their agreement with respect to the use and maintenance of the Foundry Church parking lot.

IT IS, THEREFORE, AGREED BETWEEN THE PARTIES AS FOLLOWS:

1. **PRIOR AGREEMENT TERMINATED:**

The previous Agreement regarding the Foundry Church (then identified as "Cedar Ridge Christian Church") parking lot, which was entered into between the City and Foundry Church's successor in interest and signed on August 3, 2010 and recorded with the Johnson County Register of Deeds as Doc. No. 201008090003329 in Book 201008, page 003329, is hereby terminated by mutual agreement of the parties with no penalty to be assigned to either party.

2. **PARKING LOT USAGE:**

Foundry Church grants City and patrons of Sar-Ko-Par Trails Park the right and privilege of ingress and egress over the entire parking lot on the Foundry Church property as well as parking privileges while patronizing Sar-Ko-Par Trails park, with the understanding that the City will not schedule events on Sunday morning that would require more than 12 parking spaces. Foundry Church shall have the right to prohibit public parking during special events sponsored by Foundry Church. Foundry Church will notify City of such event as soon as each event is scheduled, but no later than four (4) weeks prior to said event. Foundry Church is permitted to erect temporary "public parking prohibited" signs during special events. Further, when Foundry church has a special event, twelve (12) spaces shall be reserved in the East end of the parking lot for City. When City has a special event, twelve (12) spaces shall be reserved in the West end of the

parking lot for Foundry Church. Foundry Church and City shall schedule special events in good faith to avoid conflict with each other's special events and Foundry Church specifically agrees that City will have the right to use the parking lot during the following annual special events: Great Lenexa Barbeque Battle, Spinach Festival, Enchanted Forest, Sar-Ko Aglow, Swingin' for a Scholarship Pickleball Tournament(s).

Foundry Church reserves the right to designate the parking lot's use to church activities only, on Sundays from 8:00 a.m. to 12:00 p.m. (noon). In addition, with a minimum of four (4) weeks' notice to the City of Lenexa Parks and Recreation Department, with the exception of regularly scheduled annual City events in the park as noted in this Agreement, Foundry Church may, at its discretion, limit public use of the parking lot to the Church's use on any other day of the week as may be needed by the Church.

3. WALKING TRAIL USAGE:

Foundry Church grants City and patrons of Sar-Ko-Par Trails Park the right and privilege of ingress and egress over the walking trails that lead from Foundry Church property to Sar-Ko-Par Trails Park including the trail on the East side of the parking lot which runs from the park area to the end of Alden Street.

4. MAINTENANCE AND REPAIRS OF PARKING LOT:

The parties hereto agree that Foundry Church shall have sole responsibility for all maintenance and repairs of the Foundry Church parking lot unless otherwise explicitly provided in this Agreement.

5. ANNUAL PAYMENT AND SWEEPING:

Beginning on July 1, 2023, and annually thereafter for the duration of this Agreement, the City will make annual payments in the following amounts:

2023	\$4,000
2024	\$4,500
2025	\$5,000
2026	\$5,000
2027	\$5,250
2028	\$5,250
2029	\$5,500
2030	\$5,500
2031	\$5,750
2032	\$5,750

These payments shall be to Foundry Church for the exclusive use of the Foundry Church parking lot. As a condition of receiving these annual payments, Foundry Church shall, prior to each annual payment date, provide to the City a written summary of all maintenance and repair activities performed on the Foundry Church parking lot in the previous year, as well as a written summary of all

anticipated maintenance and repair activities for the Foundry Church parking lot in the year to come.

In addition, City agrees to clean the Foundry Church parking lot three times per year utilizing a City street sweeper. The parties anticipate that such sweeping will occur prior to Easter and after the Great Lenexa BBQ Battle and Spinach Festival each year; however, Foundry church may request alternate dates and, if mutually agreeable to City, such alternate dates shall be substituted for the dates set forth herein.

6. SPECIAL EVENTS:

Foundry Church agrees to allow City to use the multi-purpose worship center for one special event per year at a time mutually agreeable to the parties and in a manner in accordance with the rules and policies of Foundry Church but at no cost to City. In addition, City further understands that even during the City's special event, the rest of the facility shall remain open for church activities. City agrees to allow Foundry Church to reserve the 125th Shelter, the Lion's Shelter and the Gazebo and their surrounding areas at Sar-Ko-Par Trails Park ("Park Facilities") for one special event per year ("Foundry Church Special Event") at a time mutually agreeable to the parties and in a manner consistent with park rules and regulations but at no cost to Foundry Church. It is further understood and agreed, that although the City is permitting Foundry Church to reserve, at no cost, the three Park Facilities, the Park Facilities must all be used on one day and cannot be spread among multiple days, without going through the regular rental procedures required by all park patrons. In addition, Foundry Church further understands that even during the Foundry Church Special Event, the rest of the park shall remain open to the general public.

7. INSURANCE:

a. Foundry Church will procure and maintain at all times general liability and property policies of insurance in the amount of \$500,000 per occurrence, naming City as an additionally insured party only to the extent of \$500,000.

b. City will procure and maintain at all times a general liability policy of insurance in the minimum amount of \$500,000 per occurrence, naming Foundry Church as an additionally insured party.

8. TERM:

The term of this Agreement is ten (10) years from the date of execution, unless sooner terminated by either party pursuant to paragraph 9 below. If not terminated by either party in writing 1 year prior to the end of the existing term, this Agreement shall automatically renew for another ten (10) year term. The total number of automatic renewals pursuant to this subparagraph shall not exceed 2, for total length of twenty (10) years.

9. TERMINATION:

This Agreement may be terminated by either party upon one hundred eighty (180) days written notice to the other party. If this Agreement is terminated, Foundry agrees to simultaneously provide the City an easement authorizing ingress/egress across the length of the parking lot at a location that allows City vehicles and their agents, access for park maintenance. The location and terms of said easement is to be mutually agreed to by and between the parties.

10. NO OWNERSHIP BY CITY:

This Agreement is not intended to, and shall not convey to City any rights of ownership or interest in the real estate on which the parking lot is constructed.

11. SUCCESSORS:

The terms of this Agreement shall run with the land and shall inure to the benefit of the land and be binding on the parties hereto and their respective successors and assigns. Foundry Church and City acknowledge that this Agreement shall be recorded with the Records and Tax Administration in Johnson County, Kansas.

12. JURISDICTION:

This Agreement shall be construed according to the laws of the State of Kansas and may be enforced in any court of competent jurisdiction.

13. NO WAIVER:

The parties hereto agree that any waiver by either party of any breach of this Agreement shall not be construed to be a waiver of any other or subsequent breach.

14. AUTHORITY TO BIND:

The parties represent that the individuals executing this Agreement on behalf of the parties have the authority to bind the parties and agree to the terms contained herein. Specifically, Foundry Church attests that this Agreement was approved by its Board of Directors/Elders on _____, 202__.

IN WITNESS WHEREOF, the parties have set their hands on the date first written above.

**FOUNDRY CHURCH RESTORATION
COMMUNITY**

By: _____

Title: _____

By: _____

Title: _____

CITY OF LENEXA, KANSAS

Michael A. Boehm, Mayor

APPROVED AS TO FORM:

Spencer L. Throssell, Assistant City Attorney

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this _____ day of _____, 2023, before me, the undersigned Notary Public in and for the County and State aforesaid, came _____ and _____ officers authorized to sign on behalf of Foundry Church Restoration Community, Lenexa, Kansas, who are personally known to me to be the same persons who executed the above and foregoing instrument and duly acknowledged the execution of the same as their free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year last above written.

Notary Public

My Appointment Expires: _____

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

BE IT REMEMBERED, that on this _____ day of _____, 2023, before me, the undersigned Notary Public in and for the County and State aforesaid, came Michael A. Boehm, Mayor of the City of Lenexa, Kansas, who is personally known to me to be the same person who executed the above and foregoing instrument and duly acknowledged the execution of the same as his free act and deed.

IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notarial seal on the day and year last above written.

Notary Public

My Appointment Expires: _____

Exhibit A

CEDAR RIDGE CHRISTIAN CHURCH

LEGAL DESCRIPTION

33-12-24 BG 996.56' S and 30' E NW CR NW1/4 E 559.36' to
CTR/L Alden N 176.99' NW 119.13' and 81.63' WLY 192.77' and
191.88' to E/L Lackman S 287.18' to BG