



Agenda

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

**MAY 16, 2023
7:00 PM
COMMUNITY FORUM**

CALL TO ORDER Pledge of Allegiance

RECOGNITION Eagle Scout Alex Wright

ROLL CALL

APPROVE MINUTES May 2, 2023 City Council meeting draft minutes (located in the Appendix)

MODIFICATION OF AGENDA

PROCLAMATIONS National Gun Violence Awareness Day - June 2

CONSENT AGENDA **Item Numbers 1 through 13**

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. Bid award to V.F. Anderson Builders for the 99th Street and Clare Road Improvement Project

This project constructs 99th Street as a four-lane, divided roadway from 98th Street to future Clare Road and the easternmost two lanes of Clare Road from 97th Terrace to the proposed 99th Street extension. Improvements include standard arterial roadway sections, sidewalks, multi-use trails, storm sewers, street lighting, and water quality facilities, as well as bike lanes on 99th Street. V.F. Anderson Builders bid \$6,495,701.20 for the project.

2. Acceptance of utility, drainage, and landscape easements and rights-of-way as shown on Creekside Park, First Plat located at the southeast corner of 91st Street & Clare Road

Creekside Park, First Plat, is a 14-lot, two-tract single-family residential development on 7.26 acres at the southeast corner of 91st Street & Clare Road. Easements and rights-of-way are being dedicated to the City as part of the final plat.

3. Acceptance of the 87th Street Parkway & I-435 Interchange Improvement Project for maintenance

This project included signal replacements, widening 87th Street Parkway, construction of additional turn lanes, mill and overlay, and improvement of the existing storm sewer, street lighting, and trail system. The total cost of construction was \$6,831,668.61.

4. Authorize the purchase of an aerial bucket lift truck for the Police Department

This truck will allow Police Department staff the ability to safely work around traffic signals and street lights while installing and performing maintenance on traffic cameras and license plate readers. The total purchase price is \$169,800.

5. Authorize the purchase of three vehicles from the 2023 Equipment Reserve Fund for the Parks and Recreation Department

The City annually replaces vehicles through the Equipment Reserve Fund and the Parks Department was approved to replace three vehicles with three 2023 Chevy Silverado 3500 Cab and Chassis. The total purchase price is \$176,574.

6. Resolution authorizing the Mayor to execute an agreement with the City of Shawnee for the Monticello Road Mill and Overlay Project

The City of Shawnee will be performing a mill and overlay maintenance project on Monticello Road from 71st Terrace to 83rd Street as part of its pavement management program. A portion of this work is within Lenexa city limits and an interlocal agreement is required for Lenexa to pay for their portion of the work. The total cost for Lenexa is estimated at \$90,000.

7. Resolution calling for a public hearing to consider establishing a community improvement district for the City Center North Central Green MXD Project

Central Green, LLC has petitioned to establish a Community Improvement District (CID). In order to establish a CID, a public hearing must be held. The resolution provides notice of a public hearing to consider the establishment of a CID over property located at the northeast corner of 87th Street Parkway & Penrose Lane.

8. Resolution approving and authorizing the Mayor to execute an amendment to the Payment Agreement with Creekside Woods Investors, LLC regarding property located at the northeast corner of 92nd Street & Clare Road

The proposed amendment grants the developer additional time to make payments to the City in lieu of constructing certain stormwater facilities associated with the Creekside Woods subdivision located at 92nd Street & Clare Road.

9. Resolution approving a Payment Agreement with Ruf Construction Co. for construction of stormwater improvements associated with the Creekside Park subdivision

Ruf Construction Co. ("Developer") intends to develop a single family subdivision known as Creekside Park east of 91st Street & Clare Road, adjacent to the Clear Creek Stormwater Project ("Project"). In lieu of constructing stormwater facilities within the subdivision, the Project will serve as its detention. Per this agreement, the Developer will pay the City \$7,000/acre in lieu of constructing such stormwater facilities for an estimated total of \$200,410.

10. Resolution approving and authorizing the Mayor to execute Addendum Three to the Employment Agreement with the City Manager

In June 2020, the City entered into a one-year employment agreement with Beccy Yocham appointing her City Manager and setting forth the terms and conditions of her employment. The agreement was subsequently amended in 2021 and 2022 to extend the term, amend compensation, and establish new performance goals. The proposed amendment extends the agreement for an additional year and revises the compensation terms and the performance goals.

11. Resolution authorizing the Mayor to execute a Community Development Block Grant project extension request with Johnson County

Pursuant to the sub-recipient agreement with Johnson County, the City must formally request an extension of the Community Development Block Grant funds for any work not completed by December 31, 2022. Due to the extended delay times for the delivery of street light poles, the City requested that the project completion be extended until October 31, 2023.

12. Resolution approving and authorizing the execution of an agreement with ComPsych Corporation for the provision of an employee assistance program and related behavioral health services to the City's employees and dependents

The City's health benefits consultant and staff recommend entering into an agreement with ComPsych Corporation for the provision of an employee assistance program and related behavioral health services for the City's employees and dependents beginning July 1, 2023. The annual estimated cost of the program is \$82,912.

13. Resolution authorizing the termination of a base lease and lease with Meritex Lenexa Development I, LLC as a result of an industrial revenue bond redemption (Meritex Surface Buildings 1 & 2 Project)

Meritex Lenexa Development I, LLC has submitted a request to redeem the industrial revenue bonds (IRBs) the City issued in 2019 for constructing two approximately 120,000 square foot industrial/flex buildings located at the northwest corner of 99th Street & Britton Street. Termination of the base lease and lease, as well as any other needed documents, is necessary to terminate the IRBs associated with the project.

END OF CONSENT AGENDA

BOARD RECOMMENDATIONS

14. Ordinance amending Sections 4-1-B-24, 4-3-B-7, and 4-3-B-24 of the City Code related to regulations for fences, walls, and retaining walls

Adopted development codes are periodically reviewed by staff to determine if any revisions are necessary and appropriate for the needs of the City. Staff believes revisions to these sections of the City Code are necessary to address updates to regulations.

15. Approval of a preliminary plan for an accessory office building for Westside Family Church located at 8500 Woodsonia Drive in the R-1 Residential Single-Family Zoning District

The applicant requests preliminary plan approval for construction of a two-story 19,838 square foot office building to serve as a care center for Westside Family Church. The site is located southeast of the existing church and includes classrooms, meeting rooms, playrooms, and counseling rooms.

16. Approval of a final plan for a mixed-use building with hotel and retail space known as Midas Lenexa City Center on 87th Street Parkway between Elmridge Street and Penrose Lane in the CC, Planned City Center Zoning District

The applicant proposes to construct a 79,956 square foot, five-story mixed-

use building with two hotels, ground floor retail and an internalized parking garage on 87th Street Parkway between Elmridge Street and Penrose Lane.

PUBLIC HEARINGS

17. Consideration of establishing Project Plan 1K in the City Center Tax Increment Financing District (Kiewit Penrose Lane Building Project)
 - a. Public Hearing
 - b. Ordinance approving TIF Project Plan 1K by a 2/3 vote of the Governing Body
 - c. Resolution approving the Disposition and Development Agreement (DDA) with Kiewit Engineering Group Inc.
 - d. Ordinance amending Project Plan 1C within the City Center TIF District

Tax Increment Financing (TIF) Project Plan 1K contemplates construction of a six-story office building, structured and surface parking, sidewalks, landscaping and associated infrastructure, located south of 89th Street/Penrose Lane and west of Renner Boulevard in the City Center TIF District. After the public hearing, the Governing Body will consider adoption of TIF Project Plan 1K. If passed by a 2/3 vote, the Governing Body will consider adoption of a Disposition and Development Agreement with Kiewit Engineering Group Inc. setting forth the terms and conditions for reimbursement of TIF eligible costs with TIF revenues generated from the TIF District. Finally, the Governing Body will consider an Ordinance amending Project Plan 1C to remove land acquisition costs associated with Project Plan 1K.

NEW BUSINESS None

**COUNCILMEMBER
REPORTS**

STAFF REPORTS

18. Lenexa Old Town Activity Center Improvement Project update

END OF RECORDED SESSION

BUSINESS FROM FLOOR

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

ADJOURN

APPENDIX

19. May 2, 2023 City Council meeting draft minutes
20. National Gun Violence Awareness Day Proclamation
21. Item 9 -- Ruf Construction Co. Payment Agreement
22. Item 10 -- Addendum Three to City Manager Employment Agreement
23. Item 12 -- ComPsych Agreement
24. Item 14 -- Fence Code Ordinance
25. Item 17 -- Project Plan 1K
26. Item 17 -- Amended Project Plan 1C
27. Item 18 -- Lenexa Old Town Activity Center Presentation

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

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



ITEM 1

SUBJECT: Bid award to V.F. Anderson Builders for the 99th Street and Clare Road Improvement Project

CONTACT: Tim Green, Deputy Community Development Director

DATE: May 16, 2023

ACTION NEEDED:

Award the bid to V.F. Anderson Builders ("V.F. Anderson") for the 99th Street and Clare Road Improvement Project ("Project").

PROJECT BACKGROUND/DESCRIPTION:

This Project will construct 99th Street as a four-lane, divided roadway from the current end-of-pavement at 98th Street easterly 2,550 feet to future Clare Road. It also constructs Clare Road from the current end-of-pavement at 97th Terrace southerly 1,350 feet to the proposed 99th Street extension. Clare Road requires grading for the ultimate four-lane road section. However, it will only construct the easternmost two lanes of roadway at this time. The proposed improvements include standard arterial roadway section, sidewalks, multi-use trails, storm sewers, street lighting, and water quality facilities. 99th Street will also include bike lanes.

Detailed plans were prepared by Olsson, Inc., and sealed bids were opened on May 3, 2023, with the following results:

Engineer's estimate	\$7,032,696.00
V.F. Anderson Builders*	\$6,495,701.20
Pyramid Contractors, Inc.	\$6,999,807.50
Leavenwoth Excavating & Equipment Co., Inc.	\$7,818,207.75

*low bidder

City staff has worked with V.F. Anderson Builders on numerous other projects and have had good experience with the quality of work.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The project will be funded by the Capital Improvement Fund (Project No. 60100).

STAFF RECOMMENDATION:

Award the bid.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

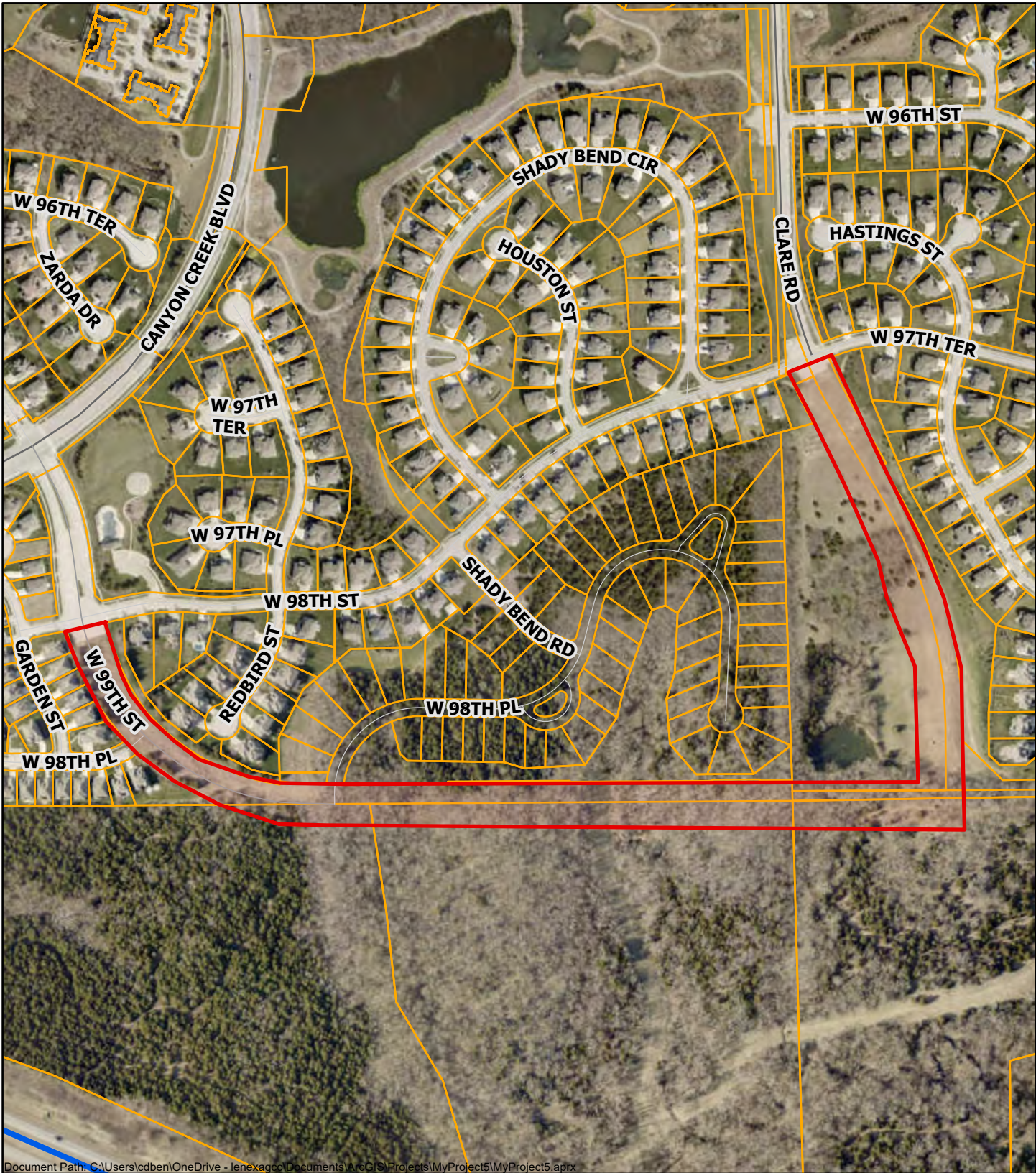
Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment

ATTACHMENTS

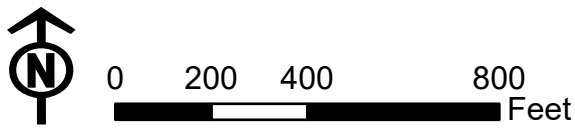
1. Map



Document Path: C:\Users\cdben\OneDrive - lenexagcc\Documents\ArcGIS\Projects\MyProject5\MyProject5.aprx

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

99th Street & Clare Road





ITEM 2

SUBJECT: Acceptance of utility, drainage, and landscape easements and rights-of-way as shown on Creekside Park, First Plat located at the southeast corner of 91st Street & Clare Road

CONTACT: Stephanie Kisler, Planning Manager

DATE: May 16, 2023

ACTION NEEDED:

Accept the utility, drainage, and landscape easements and rights-of-way as shown on Creekside Park, First Plat located at the southeast corner of 91st Street & Clare Road.

APPLICANT:

Corby Rust, Landplan Engineering

OWNER:

August Ruf

PROPERTY LOCATION/ADDRESS:

Southeast corner of 91st Street & Clare Road

PROJECT BACKGROUND/DESCRIPTION:

The applicant is requesting approval of a 14-lot, two-tract final plat for Creekside Park subdivision. This is the first phase of this subdivision. The preliminary plat (PT22-02P) was approved for a total of 60 lots and eight tracts in December 2022. The plat is on the east side of the subdivision. The lots are accessed from the street connection to Gander Street in the Creekside Woods subdivision. As the subdivision continues to develop, additional road connections will be made to 91st Street, a collector street which will border the northern boundary of the subdivision.

STAFF RECOMMENDATION:

Acceptance of the easements and rights-of-way.

PLANNING COMMISSION ACTION:

This item was considered as Consent Agenda Item 2 at the May 1, 2023 Planning Commission meeting. Chairman Poss entertained a motion to recommend **APPROVAL** of Consent Agenda items 1 through 3. Moved by Commissioner Katterhenry, seconded by Commissioner Horine, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Vibrant Neighborhoods

Guiding Principles

Responsible Economic Development

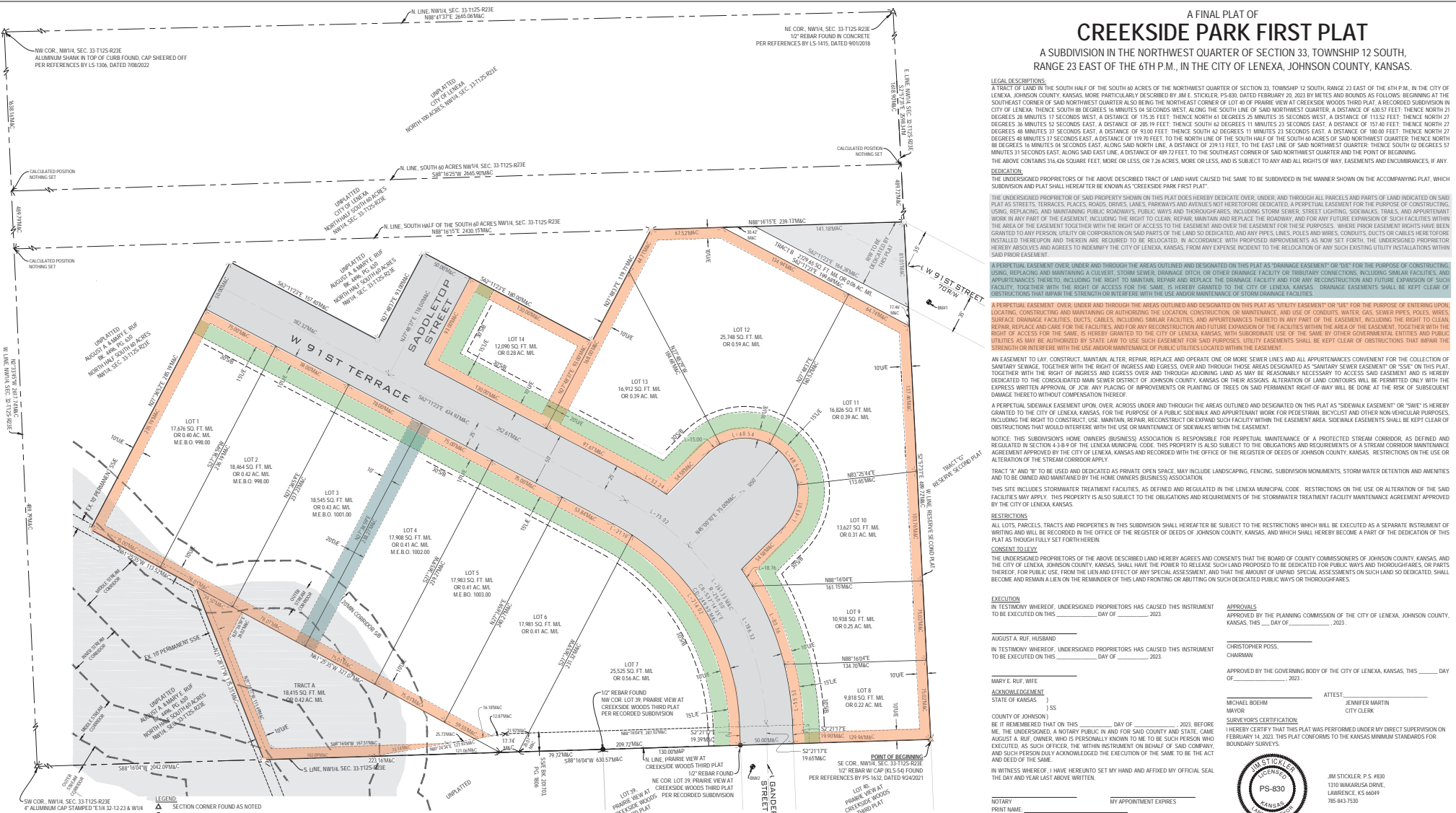
ATTACHMENTS

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

FILE NAME: Y:\Shorea\2021\Projects\20210007\CAD\Planning\FP\202007-FP.dwg LAST SAVED BY: Spomer, Alex SAVED DATE: 4/12/2023 3:00 PM PLOTTED: 4/12/2023 3:00 PM

A FINAL PLAT OF CREEKSIDE PARK FIRST PLAT

A SUBDIVISION IN THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE 6TH P.M., IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS.



LEGAL DESCRIPTIONS:
 A TRACT OF LAND IN THE SOUTH HALF OF THE SOUTH 40 ACRES OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE 6TH P.M., IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED BY JIM E. STICKLER, P.S. 830, DATED FEBRUARY 29, 2021 BY METES AND MEASURES AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER ALSO BEING THE NORTHEAST CORNER OF LOT 6 OF PRAIRIE VIEW AT CREEKSIDE WOODS THIRD PLAT, A RECORDED SUBDIVISION IN THE CITY OF LENEXA, THENCE SOUTH 88 DEGREES 16 MINUTES 36 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 483.57 FEET; THENCE NORTH 21 DEGREES 29 MINUTES 17 SECONDS WEST, A DISTANCE OF 175.35 FEET; THENCE NORTH 41 DEGREES 35 MINUTES 35 SECONDS WEST, A DISTANCE OF 113.52 FEET; THENCE NORTH 27 DEGREES 36 MINUTES 52 SECONDS EAST, A DISTANCE OF 205.19 FEET; THENCE SOUTH 42 DEGREES 11 MINUTES 23 SECONDS SOUTH, A DISTANCE OF 157.62 FEET; THENCE NORTH 27 DEGREES 48 MINUTES 37 SECONDS WEST, A DISTANCE OF 180.75 FEET; THENCE SOUTH 42 DEGREES 11 MINUTES 23 SECONDS WEST, A DISTANCE OF 113.52 FEET; THENCE NORTH 27 DEGREES 48 MINUTES 37 SECONDS EAST, A DISTANCE OF 179.70 FEET, TO THE NORTH LINE OF THE SOUTH 40 ACRES OF SAID NORTHWEST QUARTER, THENCE NORTH 88 DEGREES 16 MINUTES 36 SECONDS EAST, ALONG SAID NORTH LINE, A DISTANCE OF 239.13 FEET, TO THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 42 DEGREES 57 MINUTES 31 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 49.72 FEET, TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER AND THE POINT OF BEGINNING. THE ABOVE CONTAINS 316.42 SQUARE FEET, MORE OR LESS, OR 7.26 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL RIGHTS OF WAY, EASEMENTS AND ENCUMBRANCES, IF ANY.

DEDICATION:
 THE UNDERSIGNED PROPRIETORS OF THE ABOVE DESCRIBED TRACT OF LAND HAVE CAUSED THE SAME TO BE SUBDIVIDED IN THE MANNER SHOWN ON THE ACCOMPANYING PLAT, WHICH SUBDIVISION AND PLAT SHALL HEREAFTER BE KNOWN AS "CREEKSIDE PARK FIRST PLAT".

THE UNDERSIGNED PROPRIETOR OF SAID PROPERTY SHOWN ON THIS PLAT DOES HEREBY DEDICATE OVER, UNDER, AND THROUGH ALL PARCELS SAID PARTS OF LAND INDICATED ON SAID PLAT AS STREETS, TERRACES, PLACES, ROADS, DRIVES, LINES, PARKWAYS AND AVENUES NOT HERETOFORE DEDICATED, A PERPETUAL EASEMENT FOR THE PURPOSE OF CONSTRUCTING, USING, REPLACING AND MAINTAINING PUBLIC ROADSWAYS, PUBLIC WAYS AND THROUGHFARES, INCLUDING STORM SEWER, STREET LIGHTING, SIDEWALKS, TRAILS, AND APPURTENANT WORK IN ANY PART OF THE EASEMENT, INCLUDING THE RIGHT TO CLEAN, REPAIR, MAINTAIN AND REPLACE THE ROADWAY, AND FOR ANY FUTURE EXPANSION OF SUCH FACILITIES WITHIN THE AREA OF THE EASEMENT TOGETHER WITH THE RIGHT OF ACCESS TO THE EASEMENT AND OVER THE EASEMENT FOR THESE PURPOSES. WHERE PRIOR EASEMENTS RIGHTS HAVE BEEN GRANTED TO ANY PERSON, UTILITY OR CORPORATION ON SAID PARTS OF THE LAND SO DEDICATED, AND ANY PIPES, LINES, POLES AND WIRES, CONDUITS, DUCTS OR CABLES HERETOFORE INSTALLED THEREON AND THEREIN ARE REQUIRED TO BE RELOCATED, IN ACCORDANCE WITH PROPOSED IMPROVEMENTS AS NOW SET FORTH, THE UNDERSIGNED PROPRIETOR HEREBY ASSUAGES AND AGREES TO INDEMNIFY THE CITY OF LENEXA, KANSAS, FROM ANY EXPENSE INCIDENT TO THE RELOCATION OF ANY SUCH EXISTING UTILITY INSTALLATIONS WITHIN SAID PRIOR EASEMENT.

A PERPETUAL EASEMENT OVER, UNDER AND THROUGH THE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS "DRAINAGE EASEMENT" OR "D/E" FOR THE PURPOSE OF CONSTRUCTING, USING, REPLACING AND MAINTAINING A CULVERT, STORM SEWER, DRAINAGE DITCH, OR OTHER DRAINAGE FACILITY OR TERTIARY COLLECTIONS, INCLUDING SIMILAR FACILITIES, AND APPURTENANCES THEREIN INCLUDING THE RIGHT TO MAINTAIN, REPAIR AND REPLACE THE DRAINAGE FACILITY AND FOR ANY RECONSTRUCTION AND FUTURE EXPANSION OF SUCH FACILITY TOGETHER WITH THE RIGHT OF ACCESS FOR THE SAME, IS HEREBY GRANTED TO THE CITY OF LENEXA, KANSAS. DRAINAGE EASEMENTS SHALL BE KEPT CLEAR OF OBSTRUCTIONS THAT IMPAIR THE STRENGTH OR INTERFERE WITH THE USE AND MAINTENANCE OF STORM DRAINAGE FACILITIES.

A PERPETUAL EASEMENT OVER, UNDER AND THROUGH THE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS "SIDEWALK EASEMENT" OR "SWE" IS HEREBY GRANTED TO THE CITY OF LENEXA, KANSAS, FOR THE PURPOSE OF CONSTRUCTING, USING, REPLACING AND MAINTAINING SIDEWALKS, TRAILS, AND APPURTENANT WORK IN ANY PART OF THE EASEMENT, INCLUDING THE RIGHT TO CLEAN, REPAIR, REPLACE AND CARE FOR THE FACILITIES, AND FOR ANY RECONSTRUCTION AND FUTURE EXPANSION OF THE FACILITIES WITHIN THE AREA OF THE EASEMENT TOGETHER WITH THE RIGHT OF ACCESS FOR THE SAME, IS HEREBY GRANTED TO THE CITY OF LENEXA, KANSAS, WITH SUBORDINATE USE OF THE SAME BY OTHER GOVERNMENTAL ENTITIES AND PUBLIC UTILITIES AS MAY BE AUTHORIZED BY STATE LAW TO USE SUCH EASEMENT FOR SAID PURPOSES. UTILITY EASEMENTS SHALL BE KEPT CLEAR OF OBSTRUCTIONS THAT IMPAIR THE STRENGTH OR INTERFERE WITH THE USE AND MAINTENANCE OF PUBLIC UTILITIES LOCATED WITHIN THE EASEMENT.

AN EASEMENT 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 "SSE" ON THIS PLAT, TOGETHER WITH THE RIGHT OF INGRESS AND EGRESS OVER AND THROUGH ANY AND ALL LAND AS MAY BE REASONABLY NECESSARY TO THE COLLECTION OF SANITARY SEWAGE AND IS HEREBY DEDICATED TO THE CONSOLIDATED MAIN SEWER DISTRICT OF JOHNSON COUNTY, KANSAS OR THEIR ASSIGNS. ALTERATION OF LAND CONTOURS WILL BE PERMITTED ONLY WITH THE EXPRESS WRITTEN APPROVAL OF JOE, ANY PLACING OF IMPROVEMENTS OR PLANTING OF TREES ON SAID PERMANENT RIGHT OF WAY WILL BE DONE AT THE RISK OF SUBSEQUENT DAMAGE THERE TO WITHOUT COMPENSATION THEREOF.

A PERPETUAL SIDEWALK EASEMENT OVER, UNDER AND THROUGH THE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS "SIDEWALK EASEMENT" OR "SWE" IS HEREBY GRANTED TO THE CITY OF LENEXA, KANSAS, FOR THE PURPOSE OF A PUBLIC SIDEWALK AND APPURTENANT WORK FOR PEDESTRIAN, BICYCLIST AND OTHER NON-VEHICULAR PURPOSES, INCLUDING THE RIGHT TO CONSTRUCT, USE, MAINTAIN, REPAIR, RECONSTRUCT OR EXPAND SUCH FACILITY WITHIN THE EASEMENT AREA. SIDEWALK EASEMENTS SHALL BE KEPT CLEAR OF OBSTRUCTIONS THAT WOULD INTERFERE WITH THE USE OR MAINTENANCE OF SIDEWALKS WITHIN THE EASEMENT.

NOTICE: THIS SUBDIVISION'S HOME OWNERS (BUSINESS) ASSOCIATION IS RESPONSIBLE FOR PERPETUAL MAINTENANCE OF A PROTECTED STREAM CORRIDOR, AS DEFINED AND REGULATED IN SECTION 4-38.9 OF THE LENEXA MUNICIPAL CODE. THIS PROPERTY IS ALSO SUBJECT TO THE OBLIGATIONS AND REQUIREMENTS OF A STREAM CORRIDOR MAINTENANCE AGREEMENT APPROVED BY THE CITY OF LENEXA, KANSAS AND RECORDED WITH THE OFFICE OF THE REGISTER OF DEEDS OF JOHNSON COUNTY, KANSAS. RESTRICTIONS ON THE USE OR ALTERATION OF THE STREAM CORRIDOR APPLY.

THIS SITE INCLUDES STORMWATER TREATMENT FACILITIES, AS DEFINED AND REGULATED IN THE LENEXA MUNICIPAL CODE. RESTRICTIONS ON THE USE OR ALTERATION OF THE SAID FACILITIES APPLY. THIS PROPERTY IS ALSO SUBJECT TO THE OBLIGATIONS AND REQUIREMENTS OF THE STORMWATER TREATMENT FACILITY MAINTENANCE AGREEMENT APPROVED BY THE CITY OF LENEXA, KANSAS.

RESTRICTIONS:
 ALL LOTS, PARCELS, TRACTS AND PROPERTIES 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 REGISTER OF DEEDS OF JOHNSON COUNTY, KANSAS, AND WHICH SHALL HEREBY BECOME A PART OF THE DEDICATION OF THIS PLAT AS THOUGH FULLY SET FORTH HEREIN.

CONSENT TO LAY:
 A PERPETUAL EASEMENT OVER, UNDER AND THROUGH THE AREAS OUTLINED AND DESIGNATED ON THIS PLAT AS "SIDEWALK EASEMENT" OR "SWE" IS HEREBY GRANTED TO THE CITY OF LENEXA, KANSAS, FOR THE PURPOSE OF A PUBLIC SIDEWALK AND APPURTENANT WORK FOR PEDESTRIAN, BICYCLIST AND OTHER NON-VEHICULAR PURPOSES, INCLUDING THE RIGHT TO CONSTRUCT, USE, MAINTAIN, REPAIR, RECONSTRUCT OR EXPAND SUCH FACILITY WITHIN THE EASEMENT AREA. SIDEWALK EASEMENTS SHALL BE KEPT CLEAR OF OBSTRUCTIONS THAT WOULD INTERFERE WITH THE USE OR MAINTENANCE OF SIDEWALKS WITHIN THE EASEMENT.

EXECUTION:
 IN TESTIMONY WHEREOF, UNDERSIGNED PROPRIETORS HAVE CAUSED THIS INSTRUMENT TO BE EXECUTED ON THIS _____ DAY OF _____, 2023.

AUGUST A. RUF, HUSBAND
 IN TESTIMONY WHEREOF, UNDERSIGNED PROPRIETORS HAVE CAUSED THIS INSTRUMENT TO BE EXECUTED ON THIS _____ DAY OF _____, 2023.

MARY E. RUF, WIFE
 APPROVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS, THIS _____ DAY OF _____, 2023.

ATTEST:
 MICHAEL BOEHM MAYOR
 JENNIFER MARTIN CITY CLERK

LEGEND:

- SECTION CORNER FOUND AS NOTED
- MONUMENT FOUND AS NOTED
- MONUMENT FOUND AS NOTED
- BENCHMARK LOCATION
- P.O.B. POINT OF BEGINNING
- M.E.B.D. MINIMUM ELEVATION BASEMENT ELEVATION
- R/W RIGHT-OF-WAY
- D/E DRAINAGE EASEMENT
- UTILITY EASEMENT
- LANDSCAPE EASEMENT
- SSE SANITARY SEWER EASEMENT
- SB BUILDING SETBACK
- ML MORE OR LESS
- M MEASURED DISTANCE
- C CALCULATED DISTANCE

BENCHMARK:

- BM #1: CHISELED 88 CENTER FRONT LIP OF STORM INLET BOX SOUTH SIDE OF W 91ST STREET.
- BM #2: CHISELED 89 IN CONCRETE CURB NE CORNER OF THE DRIVEWAY OF LOT 39, PRAIRIE VIEW AT CREEKSIDE WOODS THIRD PLAT, (9130 GANDER STREET)
- N 265371.8620
- E 220429.7730
- ELEV. 1012.71 (NAVD 83)
- N 265371.8620
- E 220429.7730
- ELEV. 1015.34 (NAVD 83)

SCALE: 1" = 40'

LOCATION MAP:

SECTION 33-1125-R23E JOHNSON COUNTY, KANSAS (NOT TO SCALE)

NOTES:

- THIS SURVEY WAS CONDUCTED IN THE FIELD BASED ON THE KANSAS STATE PLANE COORDINATE SYSTEM, NORTH ZONE (NAD83/IGD16), IN US SURVEY FEET
- SEE REFERENCE REPORTS FOR METHODS OF ESTABLISHMENT AND ORIGIN OF SECTION AND QUARTER CORNERS.

FLOOD NOTES:

- THIS PROPERTY IS NOT WITHIN ANY SPECIAL FLOOD AREAS AS SHOWN ON THE FLOOD INSURANCE RATE MAP NO. 200910010C, AND DATED AUGUST 3, 2009.
- SEE REFERENCE REPORTS FOR METHODS OF ESTABLISHMENT AND ORIGIN OF SECTION AND QUARTER CORNERS.

NOTICE: THIS SITE LIES WITHIN A PROTECTED STREAM CORRIDOR, AS DEFINED AND REGULATED IN CITY OF LENEXA, KANSAS CODE, ARTICLE 4-10. RESTRICTIONS ON THE USE OR ALTERATION OF THE STREAM CORRIDOR MAY APPLY.

NOTES:

- TRACT 'A' AND 'B' TO BE LEASED AND DEDICATED AS PRIVATE OPEN SPACE. MAY INCLUDE LANDSCAPING, FENCING, SUBDIVISION MONUMENTS, STORM WATER DETENTION AND AMENITIES AND TO BE OWNED AND MAINTAINED BY THE HOME OWNERS BUSINESS ASSOCIATION.
- TRACT 'A' AND 'B' TO BE LEASED AND DEDICATED AS PRIVATE OPEN SPACE. MAY INCLUDE LANDSCAPING, FENCING, SUBDIVISION MONUMENTS, STORM WATER DETENTION AND AMENITIES AND TO BE OWNED AND MAINTAINED BY THE HOME OWNERS BUSINESS ASSOCIATION.

LOTS WITH EASEMENTS:

SETBACK REQUIREMENTS:

- LOTS 2, 3, 4, AND LOTS 9 THROUGH 13 SHALL HAVE A 7 FOOT SIDE YARD SETBACK LINE.
- LOTS 8 THROUGH 14 SHALL HAVE A 30 FOOT REAR YARD SETBACK LINE.
- LOT 1 SHALL HAVE A 54 FOOT REAR YARD SETBACK LINE. A 15 FOOT SIDE YARD SETBACK LINE (SOUTHWESTERLY LOT LINE), AND A 7 FOOT SIDE YARD SETBACK LINE (SOUTHEASTERLY LOT LINE).
- LOT 2 SHALL HAVE A 42 FOOT REAR YARD SETBACK LINE.
- LOT 3 SHALL HAVE A 75 FOOT REAR YARD SETBACK LINE AND A 15 FOOT SIDE YARD SETBACK LINE (SOUTHWESTERLY LOT LINE).
- LOT 4 SHALL HAVE A 49 FOOT REAR YARD SETBACK LINE AND A 15 FOOT SIDE YARD SETBACK LINE (NORTHWESTERLY LOT LINE).
- LOT 5 SHALL HAVE A 36 FOOT REAR YARD SETBACK LINE.
- LOT 6 SHALL HAVE A 23 FOOT REAR YARD SETBACK LINE, AND A 7 FOOT SIDE YARD SETBACK (NORTHWESTERLY LOT LINE).
- LOT 7 SHALL HAVE A 15 FOOT SIDE YARD SETBACK LINE (SOUTHERLY LOT LINE).
- LOT 14 SHALL HAVE A 15 FOOT SIDE YARD SETBACK LINE (NORTHWESTERLY LOT LINE).

LOT CLASSIFICATION:

- LOTS 1-14 SHALL BE SINGLE FAMILY LOTS

APPROVALS:

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF LENEXA, KANSAS, THIS _____ DAY OF _____, 2023.

CHRISTOPHER POSS, CHAIRMAN

APPROVED BY THE GOVERNING BODY OF THE CITY OF LENEXA, KANSAS, THIS _____ DAY OF _____, 2023.

MICHAEL BOEHM, MAYOR

JENNIFER MARTIN, CITY CLERK

NOTARY:

PRINT NAME: _____ MY APPOINTMENT EXPIRES: _____

ACKNOWLEDGEMENT:

STATE OF KANSAS))
 COUNTY OF JOHNSON))

BE IT REMEMBERED THAT ON THIS _____ DAY OF _____, 2023, BEFORE ME, THE UNDERSIGNED, A NOTARY PUBLIC, IN AND FOR SAID COUNTY AND STATE, CAME MARY E. RUF, OWNER, WHO IS PERSONALLY KNOWN TO ME TO BE SUCH PERSON WHO EXECUTED, AS SUCH OFFICER, THE WITHIN INSTRUMENT ON BEHALF OF SAID COMPANY, AND SUCH PERSON DULY ACKNOWLEDGED THE EXECUTION OF THE SAME TO BE THE ACT AND DEED OF THE SAME.

IN WITNESS WHEREOF, I HAVE HERETO SET MY HAND AND AFFIXED MY OFFICIAL SEAL, THE DAY AND YEAR LAST ABOVE WRITTEN.

NOTARY: _____ MY APPOINTMENT EXPIRES: _____

PRINT NAME: _____

STICKLER SURVEYING
 PS-830
 KANSAS
 LAND SURVEYOR

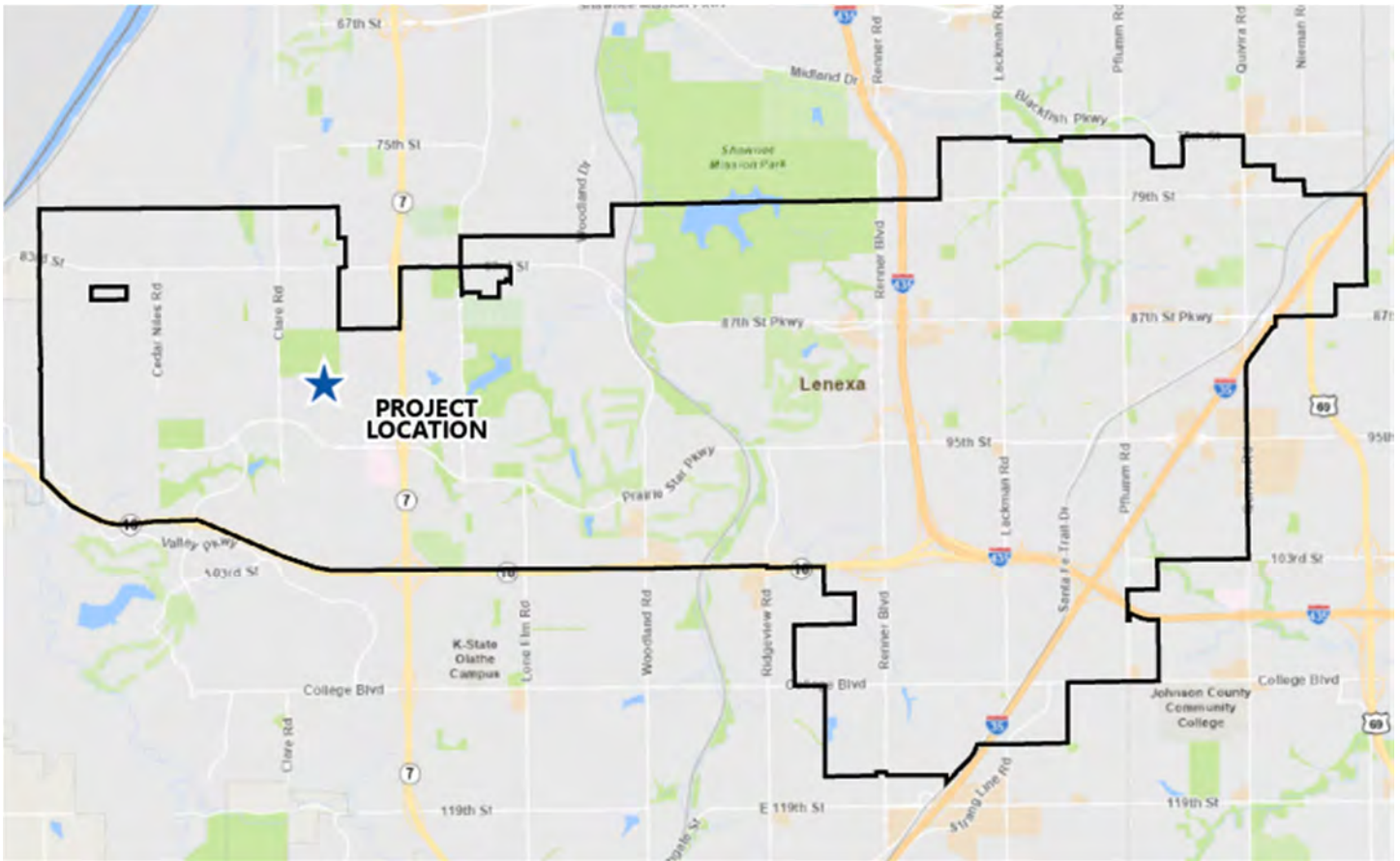
JIM STICKLER, P.S. #830
 1310 WAKARUSA DRIVE,
 LAWRENCE, KS 66049
 785.843.7530

LANDPLAN ENGINEERING
 Lawrence, KS • The Woodlands, TX
 4100 Wokalee Lane, Suite 100
 Lawrence, Kansas 66049
 785.843.7550(p) | 785.843.2111(f)
 info@landplan-pc.com | www.landplan-pc.com

NOTE: PLEASE INCLUDE NOTE: THIS PLAT SHALL NOT BE FILED BY THE REGISTER OF DEEDS OF JOHNSON COUNTY, KANSAS UNLESS FILING IS WITHIN 750 CALENDAR DAYS AFTER THE CITY OF LENEXA GOVERNING BODY APPROVES THIS PLAT.

CREEKSIDE PARK FIRST PLAT, FINAL PLAT

Project #:	PT23-12F	Location:	SEC of 91 st Street and Clare Road
Applicant:	Corby Rust, Landplan Engineering	Project Type:	Final Plat
Staff Planner:	Dave Dalecky	Proposed Use:	Single-Family Residential



PROJECT SUMMARY

The applicant is requesting approval of a 14-lot and two-tract final plat for Creekside Park subdivision. This is the first phase of this subdivision. The preliminary plat (PT22-02P) was approved for a total of 60 lots and eight tracts in December 2022. The plat is on the east side of the subdivision. The lots are accessed from the street connection to Gander Street in the Creekside Woods Addition subdivision. As the subdivision continues to develop, additional connections will be made to 91st Street, a collector street bordering the north line of the subdivision.

STAFF RECOMMENDATION: APPROVAL

SITE INFORMATION

The site is zoned RP-1, Planned Residential Single-Family (Low-Density) District (RZ22-10). This zoning category allows for single-family subdivisions. The Creekside Park subdivision contains areas of stream corridor in the middle part of the site, is partially on City-owned property, and will require the construction of 91st Street, which crosses the stream corridor a stream convergence. These conditions will dictate the phasing of the subdivision. The first phase is a cluster of lots that will not require constructing a portion of 91st Street. Any later phase will require, at least, a section of 91st Street to be constructed.

LAND AREA (AC)	DWELLING UNITS	ZONING	COMP. PLAN
7.26	14	RP-1	Suburban-Density Residential



Exhibit 1: Aerial Image of Subject Area.

LAND USE REVIEW

The single-family residential development is the anticipated use for this site and is consistent with the surrounding development, all predominantly single-family residential uses. The subdivision will continue along the south side of the future 91st Street extension from Gleason Road to Clare Road. The north side of 91st Street is a future City park. A system of public trails and a pond have been constructed on the City-owned land. Additional park features are anticipated as the plans for the park are established.



TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Future Land Use Designation	Zoning	Current Use
Subject Property	Suburban Density Residential	RP-1, Planned Residential Single-Family (Low-Density) District	Undeveloped land
North	Public and Open Space	RP-1, Planned Residential Single-Family (Low-Density) District, and AG, Agricultural District	Undeveloped land
South	Suburban Density Residential	RP-1, Planned Residential Single-Family (Low-Density) District	Single-family residential
East	Suburban Density Residential	RP-1, Planned Residential Single-Family (Low-Density) District	Single-family residential, and subdivision private amenity
West	Suburban Density Residential	RP-1, Planned Residential Single-Family (Low-Density) District	Undeveloped land

FINAL PLAT REVIEW

This final plat is consistent with the approved preliminary plat and this first phase includes 14 lots and two tracts, shown in green on the following exhibit. The street access to this first phase is from Gander Street in the subdivision to the south. All lots exceed the minimum requirements of the Unified Development Code. A tract is provided at the northeasterly corner of the plat for the required landscape buffer along a collector street. This tract is 165 feet long. It is not reasonable for the landscaping to be installed until after the section of 91st Street is constructed, otherwise the plant materials will be damaged. The landscaping and fence are to be installed with a future phase of the subdivision that includes the construction of the section of the street. The homeowner's association is ultimately responsible for the landscaping and fence should the landscaping not be installed by the developer.

Staff notes this subdivision takes advantage of the relatively newly constructed regional detention facility just to the north, and instead of providing on-site stormwater facilities, has opted to pay an in-lieu stormwater fee. This fee will need to be paid prior to the plat being released for recording.

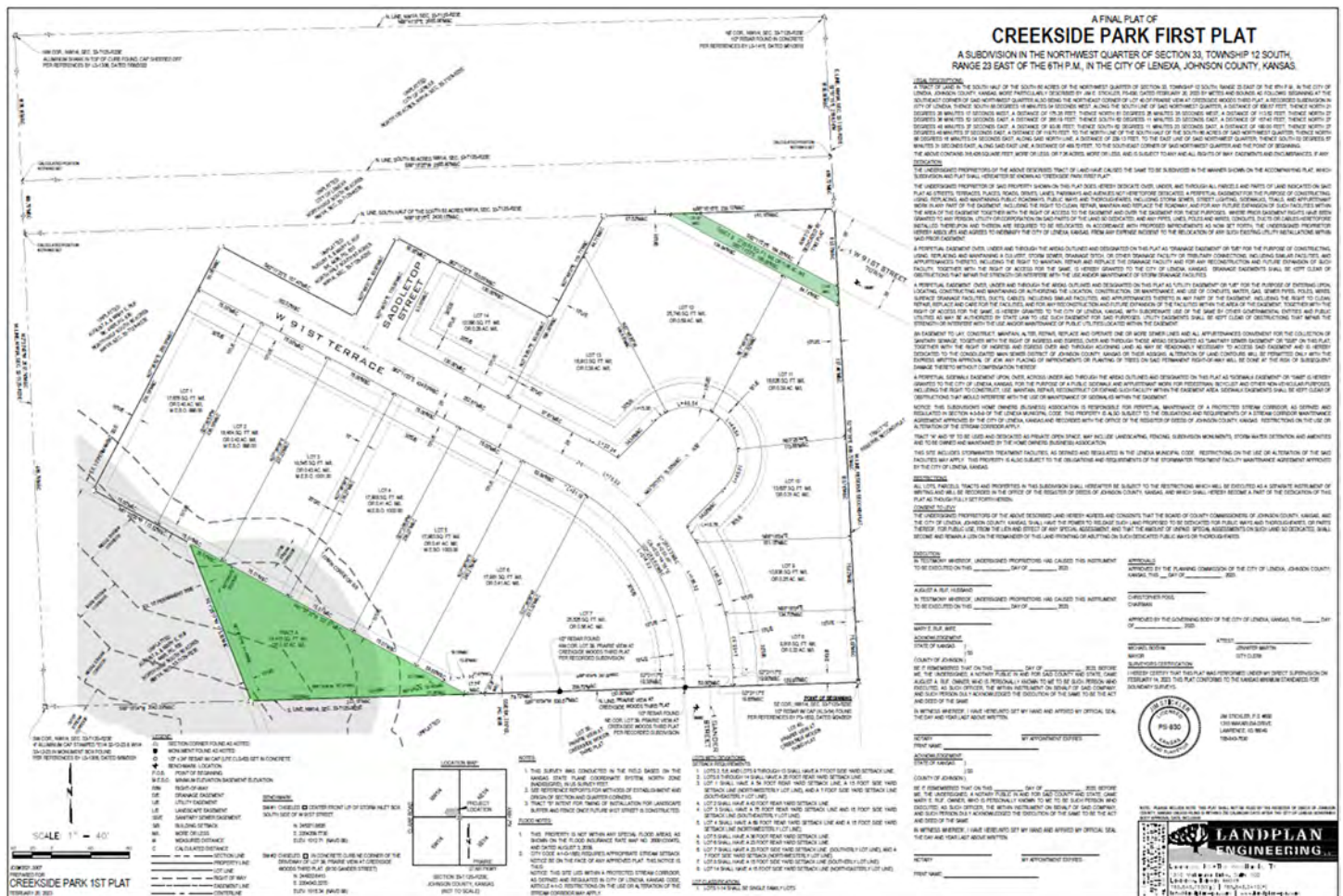


Exhibit 3: Final Plat

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 is tentatively scheduled for the May 16, 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 Creekside Park First Plat.**
 - This is a 14-lot final plat with two tracts for common open space.
 - The project is consistent with Lenexa’s goals through *Responsible Economic Development* to create *Vibrant Neighborhoods*.

FINAL PLAT

Staff recommends **approval** of the final plat for PT23-12R – **Creekside Park First Plat** at the southeast corner of 91st Street and Clare Road, for 14 lots and two tracts.

CONSENT AGENDA

1. **Cottonwood Canyon, 14th Plat - Consideration of a revised final plat for a single-family residential lot located at 9309 Cottonwood Canyon Drive within the RP-1, Planned Residential (Low Density) District. PT23-02FR**
2. **Creekside Park First Plat - Consideration of a final plat for a single-family subdivision located near the southeast corner of 91st Street and Clare Road within the RP-1, Planned Residential (Low Density) District. PT23-12F**
3. **Midas Lenexa City Center - Consideration of a final plan for a mixed-use development with two hotels and retail space 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. PL23-10F**

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1 through 3. Moved by Commissioner Horine, seconded by Commissioner Burson, and carried by a unanimous voice vote.

DRAFT



ITEM 3

SUBJECT: Acceptance of the 87th Street Parkway & I-435 Interchange Improvement Project for maintenance

CONTACT: Tim Green, Deputy Community Development Director

DATE: May 16, 2023

ACTION NEEDED:

Accept the 87th Street Parkway & I-435 Interchange Improvement Project ("Project") for maintenance.

PROJECT BACKGROUND/DESCRIPTION:

The Project included:

- signal replacements at the I-435 ramps,
- widening 87th Street Parkway to three through-lanes and two left-turn lanes to I-435,
- an additional right-turn lane on the southbound I-435 off-ramp,
- additional right-turn and left-turn lanes on the northbound I-435 ramp,
- added a right-turn lane to southbound Maurer Road,
- mill and overlay of the existing surface through the corridor, and
- improvements to the existing storm sewer, street lighting, and trail system through the corridor.

The contractor was Pyramid Contractors, Inc.

Staff performed a final inspection on April 24, 2023 and advised that all work had been completed in accordance with the plans and specifications. The maintenance bonds for this project shall go into force upon acceptance by the Governing Body on May 16, 2023 and will expire on May 16, 2025.

Total lane miles	1.66 miles
Total pipe length	2,422 linear feet

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

This Capital Improvement Program Project (Project No. 60108) was funded by the following:

Federal STP Funding	\$3,200,000
Excise Tax	\$1,992,000
CARS Funding	\$1,526,000
Capital Improvement Fund	\$1,437,000
Federal Grant Funding	\$245,000
TOTAL PROJECT BUDGET	\$8,400,000

STAFF RECOMMENDATION:

Acceptance for maintenance.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment

ATTACHMENTS

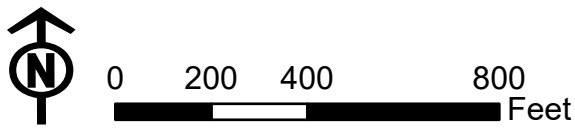
1. Map



Document Path: I:\Engineering\Miscellaneous\Packet Memo Maps\Template\87th and I-435.aprx

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

87th Street Parkway and I-435 Interchange Improvements Renner Boulevard to Maurer Road





ITEM 4

SUBJECT: Authorize the purchase of an aerial bucket lift truck for the Police Department
CONTACT: Nick Arena, Director of Municipal Services
DATE: May 16, 2023

ACTION NEEDED:

Approve the purchase of a new aerial bucket lift truck for the Police Department.

PROJECT BACKGROUND/DESCRIPTION:

The vehicle in this purchase is a Terex LT40 Aerial Bucket Lift Truck that will be assigned to the Police Department. The aerial bucket lift truck will allow staff the ability to safely work around traffic signals and street lights for installation and maintenance of traffic cameras and license plate readers.

After reviewing other cooperative agreements and state bids, the pricing and availability was secured through Sourcewell Cooperative Purchasing as it provided the lowest bid price and best value to the City. It is anticipated that the City will take delivery of this vehicle in the 4th quarter of 2023.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The total purchase price is \$169,800. This will be a new vehicle added to the fleet and was approved as part of the 2023 Police Department operating budget.

STAFF RECOMMENDATION:

Approval of the purchase.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Superior Quality Services

ATTACHMENTS

None



ITEM 5

SUBJECT: Authorize the purchase of three vehicles from the 2023 Equipment Reserve Fund for the Parks and Recreation Department

CONTACT: Nick Arena, Director of Municipal Services

DATE: May 16, 2023

ACTION NEEDED:

Approve the purchase of three vehicles from the 2023 Equipment Reserve Fund (ERF) for the Parks and Recreation 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 Parks and Recreation Department was approved to replace three vehicles through the 2023 ERF with three 2023 Chevy Silverado 3500 Cab and Chassis.

These vehicles are critical to performing daily tasks, and are used in emergency operations within the department. Delivery is anticipated in summer 2023.

After reviewing other cooperative agreements and state bids, the pricing and availability for the three 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.

Make	Unit Price	Quantity	Total Price	Cooperative Bid
Chevy Silverado 3500	\$58,858	3	\$176,574	MACCP

STAFF RECOMMENDATION:

Approval of the purchase.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Guiding Principles
Superior Quality Services

ATTACHMENTS

None



ITEM 6

SUBJECT: Resolution authorizing the Mayor to execute an agreement with the City of Shawnee for the Monticello Road Mill and Overlay Project

CONTACT: Nick Arena, Director of Municipal Services

DATE: May 16, 2023

ACTION NEEDED:

Adopt a resolution authorizing the Mayor to execute an agreement with the City of Shawnee for the Monticello Road Mill and Overlay Project.

PROJECT BACKGROUND/DESCRIPTION:

The City of Shawnee will be performing a mill and overlay maintenance project on Monticello Road from 71st Terrace to 83rd Street as part of its pavement management program. The maintenance work will include the removal and replacement of curb, a 3-inch milling of the existing concrete pavement, and the placement of an asphalt overlay.

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

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

This project is being funded through the 2023-2027 Capital Improvement Program as follows:

City of Shawnee	\$90,000
Lenexa PMP (Project No. 60120)	\$90,000
TOTAL	\$180,000

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

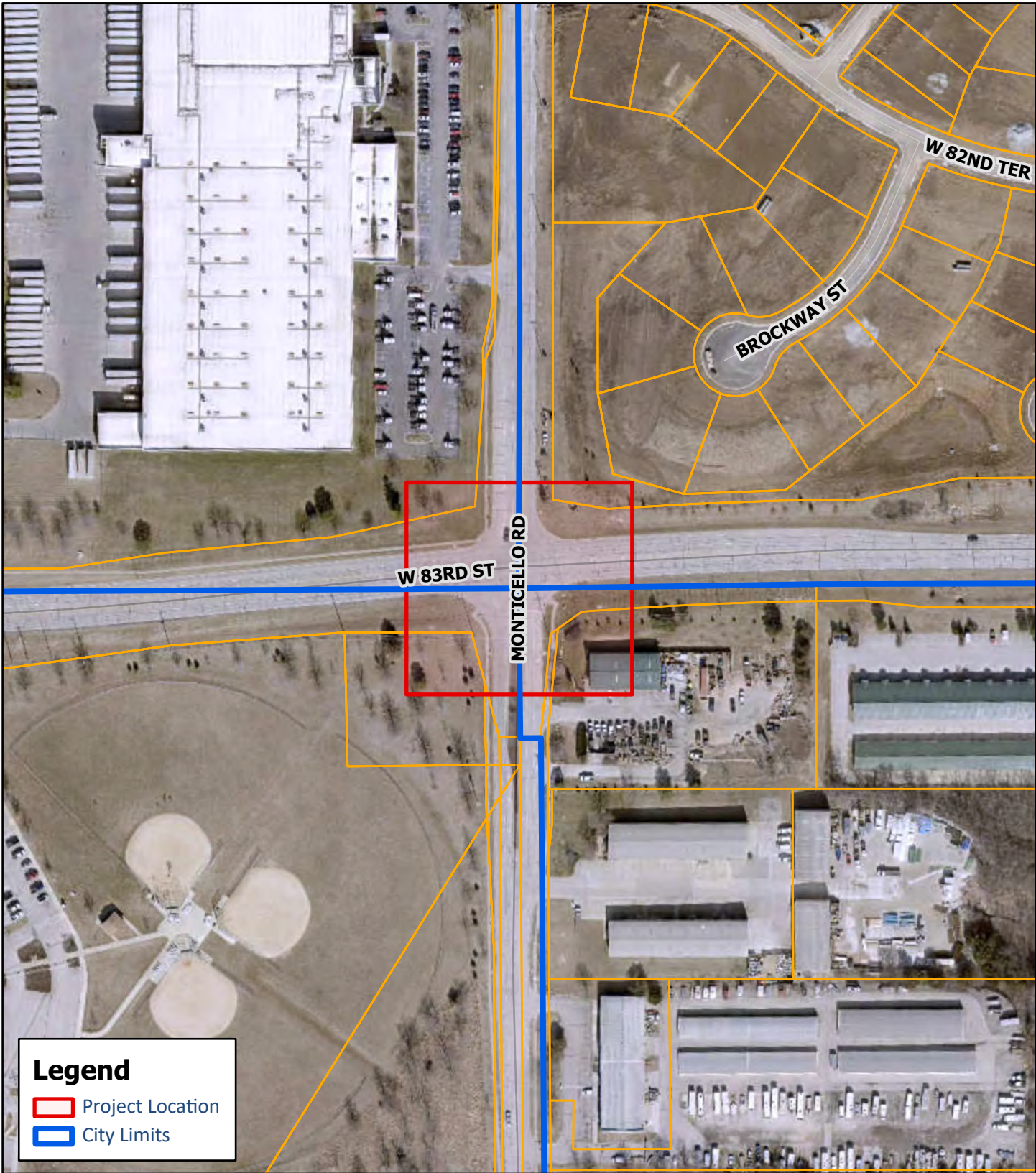
Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment

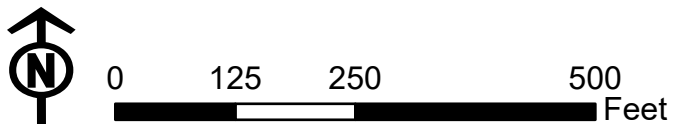
ATTACHMENTS

1. Map
2. Resolution



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

83rd Street & Monticello Road



RESOLUTION NO. _____ - _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN INTERLOCAL AGREEMENT (“AGREEMENT”) WITH THE CITY OF SHAWNEE, KANSAS FOR PUBLIC STREET IMPROVEMENTS ON MONTICELLO ROAD BETWEEN 83RD STREET AND 71ST TERRACE.

WHEREAS, the City of Shawnee (“Shawnee”) and the City of Lenexa (“Lenexa”) have determined it is in the best interests of the general public to make certain public street improvements to Monticello Road between 83rd Street and 71st Terrace; and

WHEREAS, Monticello Road serves as a city limit between Shawnee and Lenexa in the vicinity of the public improvements and the public improvements will be located partially within the jurisdictional boundaries of each Party; and

WHEREAS, K.S.A. 68-129 and K.S.A. 12-2908 authorize the cities to cooperate in making the public improvements; and

WHEREAS, Shawnee and Lenexa desire to enter into an agreement setting forth the responsibilities for completion and future maintenance of the public improvements.

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

SECTION ONE: The City of Lenexa, Kansas, a municipal corporation, does hereby approve and authorize the Mayor to execute the Interlocal Agreement between the City of Shawnee, Kansas and the City of Lenexa, Kansas for Public Street Improvements on Monticello Road between 83rd Street and 71st Terrace, attached hereto as Exhibit A, and incorporated herein by reference.

SECTION TWO: This Resolution shall take effect immediately after its adoption.

ADOPTED by the Lenexa City Council on May 16, 2023.

SIGNED by the Mayor on May 16, 2023.

CITY OF LENEXA, KANSAS

Michael A. Boehm, Mayor

Attest:

Jennifer Martin, City Clerk

Approved As To Form:

Steven D. Shrout, Assistant City Attorney



ITEM 7

SUBJECT: Resolution calling for a public hearing to consider establishing a community improvement district for the City Center North Central Green MXD Project

CONTACT: Sean McLaughlin, City Attorney

DATE: May 16, 2023

ACTION NEEDED:

Adopt a resolution calling for a public hearing to consider establishing a community improvement district (CID) for the City Center North Central Green MXD Project.

PROJECT BACKGROUND/DESCRIPTION:

The City received a petition from Central Green, LLC, which owns 100% of the land within the proposed CID. In order to establish a CID, the City must hold a public hearing. The attached resolution provides notice of a public hearing to consider the establishment of a CID over property located at the northeast corner of 87th Street Parkway & Penrose Lane. The public hearing will be held at the Tuesday, June 20, 2023 City Council meeting at 7 PM or as soon thereafter as may be heard. At the public hearing, staff will present more detailed information regarding the proposed CID Project. After the presentation, all interested persons will be provided an opportunity to be heard. Following the public hearing, the Governing Body, by a majority vote, may adopt an ordinance establishing the CID.

The proposed CID would levy a 1% CID sales tax on all property within the District, which covers 1.4 acres ("Property"). The project consists of a 67,000 square foot mixed-use building with office and restaurant uses, structured parking, and associated site work and infrastructure on the property ("Project"). The Petitioner requests that revenues generated from the CID sales tax be used to reimburse some or all of the project costs. The CID sales tax, if approved, will commence on or about October 1, 2023 and the funds will be used to pay to reimburse approved CID eligible costs.

The Project is located in City Center TIF Project Plan 3F, which was approved in 2017. TIF Project Plan 3F specifically contemplates that a CID would be considered for the Project. The developer waited until it could develop its retail/restaurant concept to make application for the CID. The developer acknowledges that they cannot be reimbursed twice for the same cost in Project Plan and CID.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

There are no financial implications to the City. This will be a reimbursement CID financed with a 1% CID sales tax on retail sales within the property.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Thriving Economy

Guiding Principles

Responsible Economic Development

ATTACHMENTS

1. Map
2. Resolution



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

Central Green Community Improvement District



RESOLUTION NO. _____

A RESOLUTION GIVING NOTICE OF A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ESTABLISHING A COMMUNITY IMPROVEMENT DISTRICT OVER A PORTION OF LAND IN THE CITY OF LENEXA, KANSAS (CITY CENTER NORTH CENTRAL GREEN MXD PROJECT).

WHEREAS, K.S.A. 12-6a26 *et seq.*, as amended, establishes the Community Improvement District Act (the “Act”) for economic development and any other purpose for which public money may be expended; and

WHEREAS, cities are authorized to create a community improvement district (“CID”) to assist with the financing of eligible projects provided cities comply with the procedures set forth in the Act; and

WHEREAS, the City received a petition from the owners of record of 100% of the land within the proposed CID and the owners of 100% by assessed value of the land area within the proposed CID generally described as the southwest corner of 87th Street Parkway and Renner Boulevard (the “ Project”) and legally described in Section 8 herein; and

WHEREAS, in order to assist in the development and redevelopment of the CID Project, the City desires to consider the establishment of a CID as requested by Petitioners and in accordance with the Act; and

WHEREAS, K.S.A. 12-6a29 provides that any city proposing to establish a CID must adopt a resolution stating that the city is considering the establishment of a CID and include in such resolution notice that a public hearing will be held to consider the establishment of the CID.

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

SECTION 1. A public hearing to consider the advisability of creating a CID shall be held at the Lenexa City Council meeting on June 20, 2023 at 7:00 p.m., central daylight time or as soon thereafter as it may be heard, in the Council Chambers at the Lenexa City Hall, 17101 W. 87th St. Pkwy, Lenexa, Kansas.

SECTION 2. The general nature of the CID Project consists of a an approximately 67,000 sq. ft. mixed-use building consisting of office and restaurant uses, structured parking as well as associated site work and infrastructure on the Petitioner Property. The Petitioner is requesting that revenues generated from a CID Sales Tax be used to pay for or reimburse some or all of the Project costs. The general components of the Project include but are not limited to such items as land acquisition, site preparation, utilities, landscaping, construction of buildings and tenant finish improvements, including FF&E, construction of infrastructure and

surface parking, engineering and consultant fees, ongoing operation and maintenance costs and other any other items or uses associated with the CID Project as authorized by the Act.

SECTION 3. The estimated total cost of the CID Project is \$10,360,210.

SECTION 4. The proposed method of financing the Project is through a combination of private equity, private debt and Pay-as-you-go financing reimbursed with a CID sales tax in the proposed amount of one percent (1%). The City may entertain a future request to issue CID Special Obligation Bonds if the City deems it is feasible and in the best interest of the City, but the City is not obligated to approve such issuance. Further, the City will not be issuing full faith and credit bonds to finance this proposed Project.

SECTION 5. The proposed amount of the CID sales tax to be levied is one percent (1%) for a term of twenty-two (22) years from the date the CID sales tax is first collected and the Petition proposes an October 1, 2023 commencement date for the CID sales tax.

SECTION 6. There will be no CID special assessment levied on the property as a result of the CID petition.

SECTION 7. A map of the proposed CID is included in Exhibit A attached to this Resolution and incorporated herein.

SECTION 8. The legal description of the proposed CID is as follows:

Lot 6, Lenexa City Center – North Village, First Plat, a subdivision located within the city of Lenexa, Johnson County, Kansas, containing 60,984 square feet or 1.4 acres, more or less.

SECTION 9. The Governing Body shall consider findings necessary for the establishment of the proposed CID.

SECTION 10. A copy of this Resolution shall be mailed by certified mail, return receipt requested, to each owner and occupant of land within the proposed CID project area at least 10 days prior to the date of the public hearing. The City Clerk shall publish this resolution at least once each week for two consecutive weeks in the official city newspaper with the second publication occurring at least seven days prior to the date fixed for the public hearing.

SECTION 11. This Resolution shall be in full force and effect from and after its adoption.

ADOPTED by the Lenexa City Council this 16th day of May, 2023.

SIGNED by the Mayor this 16th day of May, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

Attest:

Jennifer Martin, City Clerk

Approved As To Form:

Sean McLaughlin, City Attorney

Exhibit A – Map of Proposed CID District



Data Source: City of Lenexa and Johnson County, Kansas
For further information, please call 913-477-1920

Central Green Community Improvement District





ITEM 8

SUBJECT: Resolution approving and authorizing the Mayor to execute an amendment to the Payment Agreement with Creekside Woods Investors, LLC regarding property located at the northeast corner of 92nd Street & Clare Road

CONTACT: Scott McCullough, Community Development Director
Sean McLaughlin, City Attorney

DATE: May 16, 2023

ACTION NEEDED:

Adopt a resolution approving and authorizing the Mayor to execute an amendment to the Payment Agreement ("Agreement") with Creekside Woods Investors, LLC ("Developer") regarding property located at the northeast corner of 92nd Street & Clare Road.

PROJECT BACKGROUND/DESCRIPTION:

On May 3, 2016, the City and the Developer entered into the Agreement allowing the Developer to pay the City a fee in lieu of constructing stormwater BMP facilities and improvements on-site associated with the Developer's single family home project located east of the intersection of 92nd Terrace & Gleason Road, known as the Creekside Woods subdivision.

In the Agreement, the Developer agreed to pay a fee of \$7,000/acre in lieu of constructing stormwater facilities within the subdivision. The Agreement reimbursed the City for a portion of the construction costs associated with the Clear Creek Stormwater Project, which serves as a regional stormwater facility for several properties in the watershed area, including the Creekside Woods subdivision. Due to administrative errors by both parties, the fees contemplated in the Agreement were not paid in accordance with the original agreement and the parties now desire to amend the agreement to provide a new payment plan.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The total fee will remain at \$392,000. Pursuant to the proposed amendment, the Developer will pay the City \$163,000 prior to recording the next (and final) plat for the Creekside Woods subdivision and will pay the balance of the fee in annual installments of \$45,800 for five years.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Sustainable Policies and Practices

ATTACHMENTS

1. Resolution
2. Amendment One to Payment Agreement

RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AMENDMENT TO THE PAYMENT AGREEMENT WITH CREEKSIDE WOODS INVESTORS, LLC REGARDING PROPERTY LOCATED AT THE NORTHEAST CORNER OF CLARE ROAD AND 92nd STREET IN THE CITY OF LENEXA.

WHEREAS, on May 3, 2016, the City and Developer entered into the Payment Agreement (the "Agreement") allowing the Developer to pay the City a fee in lieu of constructing storm water BMP facilities and improvements on-site associated with the Developer's single family home project located east of the intersection of 92nd Terrace and Gleason Road;

WHEREAS, due to administrative errors by both parties, the fees contemplated in the Agreement were not made and now the City and Developer desire to amend the Agreement to provide a new payment plan; and

WHEREAS, all parties have read and understand the terms and conditions of the amendment to the 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 Amendment One to the Payment Agreement in substantially the same form as attached hereto as Exhibit "A", and incorporated herein by reference.

SECTION TWO: This Resolution shall be effective upon passage and execution by the Mayor, subject to the condition set forth in Section Two herein.

PASSED by the City Council this 16th day of May, 2023.

SIGNED by the Mayor this 16th day of May, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

By: _____
Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney

**AMENDMENT ONE TO THE
PAYMENT AGREEMENT**

THIS AMENDMENT ONE TO THE PAYMENT AGREEMENT (the “Amendment”) entered into this _____ day of May 2023, by and between CREEKSIDE WOODS INVESTORS, LLC, a Kansas limited liability company (“Developer”) and CITY OF LENEXA, KANSAS, a municipal corporation duly organized under the laws of the State of Kansas (“City”).

RECITALS

A. The City and Developer entered into the Payment Agreement dated May 3, 2016 (the “Agreement”) allowing the Developer to pay the City a fee in lieu of constructing storm water BMP facilities and improvements on-site associated with the Developer’s single family home project located east of the intersection of 92nd Terrace and Gleason Road.

B. The City and Developer desire to amend the Agreement as set forth below.

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

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

The total amount of the fee (the “**Total Fee**”) shall be Three Hundred Ninety-Two Thousand and 00/100 Dollars (\$392,000.00). The payment of the Total Fee shall be paid in accordance with the following terms:

a. 5th Plat Fee: The City approved Prairie View at Creekside Woods 5th Plat on April 4, 2022. Prior to the City recording the Prairie View at Creekside Woods 5th Plat with the Johnson County Records and Tax Administration, the Developer shall pay One Hundred Sixty Three Thousand and 00/100 Dollars (\$163,000.00) (the “5th Plat Fee”). Upon payment of the 5th Plat Fee, the City shall release it for recording.

b. Annual Payment: Developer shall remit annual payments over five (5) years (each an “Annual Payment”) with the first Annual Payment being paid within twelve (12) months after the 5th Plat Fee is paid in accordance with Section 1.a. of the Agreement and each subsequent Annual Payment occurring annually on or before the same date of the following year. The Annual Payments shall be in the following amounts:

Year 1: \$45,800

Year 2: \$45,800
Year 3: \$45,800
Year 4: \$45,800
Year 5: \$45,800

Notwithstanding the foregoing, this Agreement is not intended to modify City Code and the Developer shall be subject to the City's standard review process and applicable City Codes.

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

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

[Signature Pages Follow]

City of Lenexa, Kansas

By: _____

Name: Michael A. Boehm

Title: Mayor

Attest:

Jennifer Martin, City Clerk

Approved As To Form:

Sean McLaughlin, City Attorney

ACKNOWLEDGMENT

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

On this ____ day of _____, 2023 before me appeared Michael A. Boehm, who acknowledged himself to be Mayor of the City of Lenexa, Kansas, and that he, as such and being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of said entity.

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

Notary Public

My Commission Expires: _____

Creekside Woods Investors, LLC
A Kansas limited liability company

By: _____

Printed Name

Title

ACKNOWLEDGMENT

STATE OF KANSAS)
)ss.
COUNTY OF JOHNSON)

On this _____ day of _____, 2023 before me appeared _____, who acknowledged himself to be _____ of Creekside Woods Investors, LLC, and that he, as such and being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of said entity.

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

Notary Public

My Commission Expires: _____



ITEM 9

SUBJECT: Resolution approving a Payment Agreement with Ruf Construction Co. for construction of stormwater improvements associated with the Creekside Park subdivision

CONTACT: Scott McCullough, Community Development Director
Sean McLaughlin, City Attorney

DATE: May 16, 2023

ACTION NEEDED:

Adopt a resolution approving a Payment Agreement with Ruf Construction Co. ("Developer") for construction of stormwater improvements associated with the Creekside Park subdivision.

PROJECT BACKGROUND/DESCRIPTION:

In 2016, the City constructed the Clear Creek Stormwater Project ("Project"), which is a regional stormwater facility at approximately 91st Street & Clare Road. The Project is sized to accommodate stormwater generated from neighboring subdivisions in the Clear Creek watershed. The Developer owns approximately 28 acres adjacent to the Project and intends to develop a single family subdivision known as Creekside Park. In lieu of constructing stormwater facilities within the subdivision, the Project will serve as detention for Creekside Park.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The Developer will pay the City a fee of \$7,000/acre in lieu of constructing such stormwater facilities for an estimated total of \$200,410. These fees will offset a portion of the cost of constructing the Project. The fees will be paid in phases as each final plat in the subdivision is recorded.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Sustainable Policies and Practices

ATTACHMENTS

1. Resolution
2. Agreement located in the Appendix

RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A PAYMENT AGREEMENT WITH RUF CONSTRUCTION CO. REGARDING PROPERTY LOCATED EAST OF CLARE ROAD AND 91ST STREET.

WHEREAS, Ruf Construction Co. (“Developer”) is the owner of certain real property located east of Clare Road and 91st Street in the City of Lenexa, Johnson County, Kansas (“Property”); and

WHEREAS, the City has certain storm water management and water quality regulations (collectively, the “Storm Water Regulations”) and Developer desires to pay a fee in lieu of constructing storm water BMP facilities and improvements on-site for the development; and

WHEREAS, all parties have read and understand the terms and conditions of the Payment 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 Development Agreement in substantially the same form as attached hereto as Exhibit “A”, and incorporated herein by reference.

SECTION TWO: This Resolution shall be effective upon passage and execution by the Mayor, subject to the condition set forth in Section Two herein.

ADOPTED by the City Council this 16th day of May, 2023.

SIGNED by the Mayor this 16th day of May, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

By: _____
Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney



ITEM 10

SUBJECT: Resolution approving and authorizing the Mayor to execute Addendum Three to the Employment Agreement with the City Manager

CONTACT: Sean McLaughlin, City Attorney

DATE: May 16, 2023

ACTION NEEDED:

Adopt a resolution approving and authorizing the Mayor to execute Addendum Three to the Employment Agreement with the City Manager.

PROJECT BACKGROUND/DESCRIPTION:

The City has employed Beccy Yocham as City Manager since May 1, 2019. In June 2020, the City entered into a new employment agreement with the City Manager ("Agreement"). The Agreement was for an initial one-year term commencing on May 1st of the calendar year and automatically renewing for successive one-year terms according to the same terms and conditions, unless either party provides the other party with 30 days written notice of its intent to not renew, it is amended, or a new agreement is entered into. The Agreement was amended in 2021 and 2022 to extend the term, amend compensation, and establish new performance goals. Following the Governing Body's performance evaluation of the City Manager at the May 2nd City Council meeting, the proposed Addendum Three has been prepared to further modify some provisions of the Agreement.

Key provisions of Addendum Three include:

- A term of May 1, 2023 through April 30, 2024. The agreement shall automatically renew for successive one-year terms according to the same terms and conditions unless either party provides 30 days written notice or a new agreement is entered into.
- Authorization of a merit increase of 6% for the new term. The merit increase would be applied retroactively to May 1, 2023.
- A new Exhibit B with City Manager Performance Goals for the new term.

All other terms and conditions of the Agreement remain unchanged.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Guiding Principles

Values-based Organizational Culture

ATTACHMENTS

1. Resolution
2. Addendum located in the Appendix

RESOLUTION NO. 2023-_____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE ADDENDUM THREE TO THE EMPLOYMENT AGREEMENT WITH THE CITY MANAGER.

WHEREAS, pursuant to Charter Ordinance 77 and Lenexa City Code Section 1-6-F, Rebecca Swanwick Yocham (“Beccy Yocham”) is appointed by the Governing Body as the City Manager for the City of Lenexa, Kansas (“City”) and has been serving in such capacity since May 2019; and

WHEREAS, the City and Beccy Yocham entered into an Employment Agreement dated June 16, 2020, as amended by Addendum One on July 6, 2021 and Addendum Two on May 17, 2022 (as amended, the “Employment Agreement”) setting forth certain benefits and establishing certain working conditions for the City Manager; and

WHEREAS, the City desires to continue employing the services of Beccy Yocham as City Manager; and

WHEREAS, the parties desire to further amend the Employment Agreement through the execution of Addendum Three.

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

SECTION ONE: That the Governing Body hereby reaffirms the appointment Beccy Yocham as the City Manager for the City of Lenexa for the period commencing May 1, 2023 through April 30, 2024, subject to the provisions of the Employment Agreement.

SECTION TWO: The Governing Body approves and authorizes the Mayor to execute the Addendum Three to the Employment Agreement.

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

ADOPTED by the Lenexa Governing Body on May 16, 2023.

SIGNED by the Mayor on May 16, 2023.

[Seal]

CITY OF LENEXA, KANSAS

Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean L. McLaughlin, City Attorney



ITEM 11

SUBJECT: Resolution authorizing the Mayor to execute a Community Development Block Grant project extension request with Johnson County

CONTACT: Tim Green, Deputy Community Development Director

DATE: May 16, 2023

ACTION NEEDED:

Adopt a resolution authorizing the Mayor to execute a Community Development Block Grant (CDBG) project extension request with Johnson County.

PROJECT BACKGROUND/DESCRIPTION:

Per the Subrecipient Agreement executed on August 2, 2022, the City received \$179,636 in CDBG funds from Johnson County for the 2022 CDBG Street Lighting Project: 77th Street from Quivira to City Limit; Cedar Valley/Holmberg Estates Subdivisions; Barton Street – north of 79th Street. The project was advertised, and bids were opened on December 1, 2022. The project was subsequently awarded at the City Council meeting on February 21, 2023.

Pursuant to the sub-recipient agreement with Johnson County, the City must formally request an extension of the Community Development Block Grant funds for any work not completed by December 31, 2022. Due to the extended delay times for the delivery of street light poles, the City formally requested an extension on December 13, 2022 to move the project completion to June 30, 2023. Additional delays in receiving materials have pushed the completion date beyond June 30, 2023. Therefore, the City is formally requesting a second extension to October 31, 2023.

Adoption of this resolution authorizes the Mayor to submit a project extension request to Johnson County.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

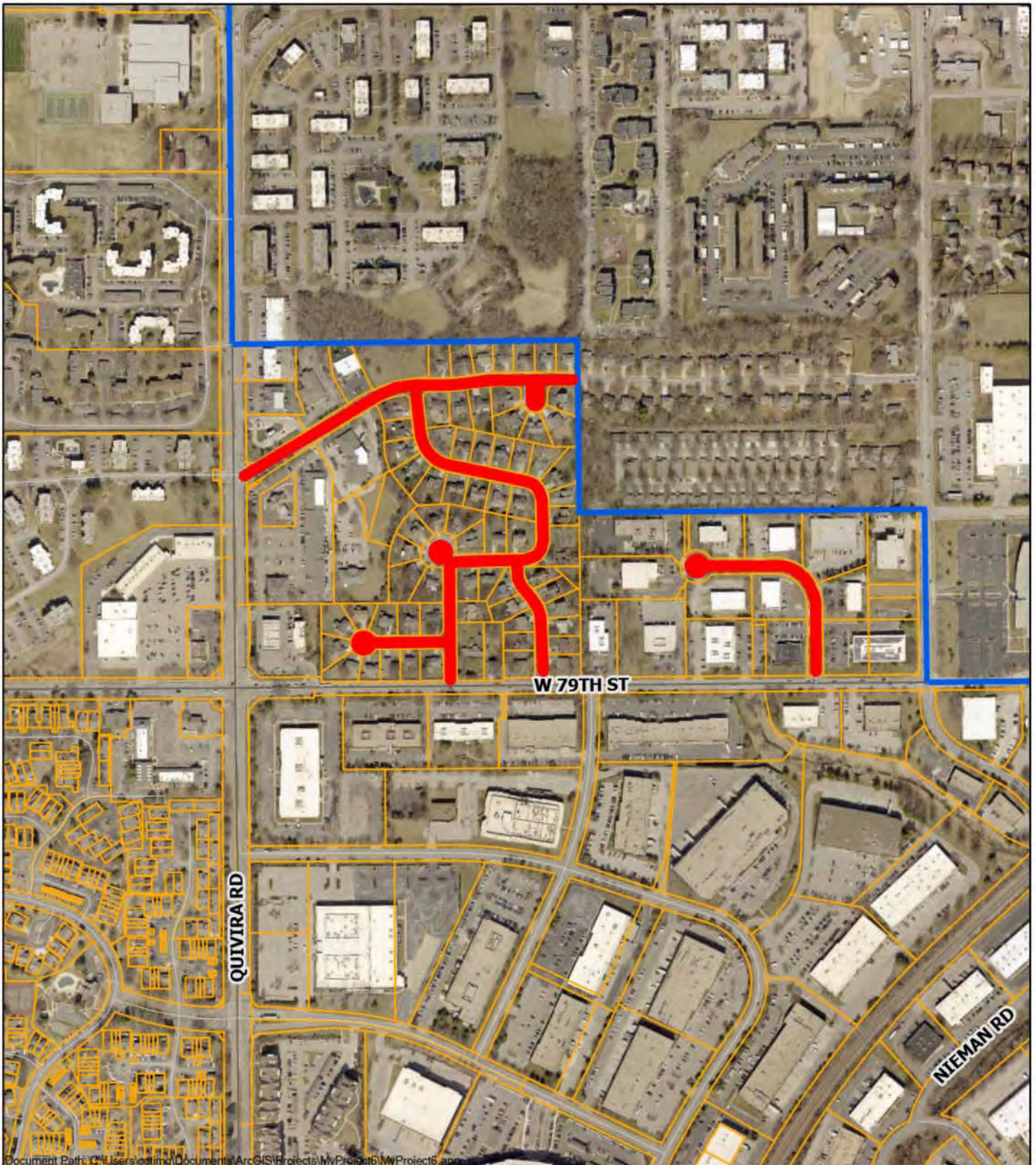
Vibrant Neighborhoods

Guiding Principles

Strategic Community Investment

ATTACHMENTS

1. Map
2. Exhibit
3. Resolution



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

2022 CDBG Streetlighting Project Aerial/Vicinity Map



0 265 530 1,060
Feet





May 9, 2023

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

Dear Ms. Rose-Holland:

Per the Subrecipient Agreement executed on August 2, 2022, the City of Lenexa received \$179,636 in Community Development Block Grant (CDBG) funds from Johnson County for the 2022 CDBG Street Lighting Project – 77th Street – Quivira to City Limit; Cedar Valley/Holmberg Estates Subdivisions; Barton Street – North of 79th Street. The project was advertised, and bids were opened on December 1, 2022. The project was subsequently awarded at the City Council meeting on February 21, 2023. Due to the extended delay times for the delivery of street light poles, the City respectfully requests that the project completion be extended until October 31, 2023.

Pursuant to Article I (F) of the sub-recipient agreement, the City of Lenexa formally requests an extension of the CDBG funds into October 2023.

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

Sincerely,

CITY OF LENEXA

Michael A. Boehm
Mayor

APPROVED AS TO FORM:

Steven Shroud, Assistant City Attorney

RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE A REQUEST FOR AN EXTENSION OF TIME TO COMPLETE THE 2022 CDBG STREET LIGHTING PROJECT – 77TH STREET – QUIVIRA TO CITY LIMIT; CEDAR VALLEY/HOLMBERG ESTATES SUBDIVISIONS; BARTON STREET – NORTH OF 79TH STREET AND TO EXPEND CDBG FUNDS.

WHEREAS, the City of Lenexa has advertised, and bids were opened on December 1, 2022 for work to be performed on the 2022 CDBG Street Lighting Project – 77th Street – Quivira to City Limit; Cedar Valley/Holmberg Estates Subdivisions; Barton Street – North of 79th Street (the “Project”); and

WHEREAS, the City entered into a Subrecipient Agreement with Johnson County, Kansas on August 2, 2022, for the receipt of CDBG funds to be used on the Project (“the Agreement”) and required that the Project be completed and closed by December 31, 2022 or if the City knows or anticipates that the Project will not be closed prior to December 31, 2022, the City must seek a formal extension; and

WHEREAS, due to extended delay times for the delivery of street light poles, the City formally requested an extension on December 13, 2022 to move the project completion date to June 30, 2023;

WHEREAS, extended delay times for the delivery of the street light poles has pushed the completion date beyond June 30, 2023 and the City must formally request a second extension to October 31, 2023.

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

SECTION ONE: The City of Lenexa, Kansas, a municipal corporation, does hereby approve and authorize the Mayor to execute a request for an extension of time to complete the Projects and expend CDBG funds.

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

ADOPTED by the Governing Body this 16th of May, 2023.

SIGNED by the Mayor this 16th day of May, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven D. Shrout, Assistant City Attorney



ITEM 12

SUBJECT: Resolution approving and authorizing the execution of an agreement with ComPsych Corporation for the provision of an employee assistance program and related behavioral health services to the City's employees and dependents

CONTACT: James Bowers, Human Resources Director
Kristin Crow, Human Resources Manager

DATE: May 16, 2023

ACTION NEEDED:

Adopt a resolution approving and authorizing the execution of an agreement with ComPsych Corporation for the provision of an employee assistance program and related behavioral health services to the City's employees and dependents.

PROJECT BACKGROUND/DESCRIPTION:

The City's Employee Assistance Program (EAP) provides employees with confidential behavioral health counseling by phone or online 24/7/365, and by appointment at the on-site LiveWell health center. Employees and family members can receive up to eight free sessions per situation from highly-trained behavioral health professionals, who can assist with personal counseling or coaching, or provide work/life services in the areas of childcare, adult care, daily living, financial assistance, and legal assistance. An on-site counselor also provides mandatory health education sessions for police officers and firefighters.

Since 2012, St. Luke's LIFEWISE EAP has provided these services for Lenexa employees and family members. The City was notified by St. Luke's in late 2022 that it would stop providing these services to the City on June 30, 2023.

In early 2023, Lockton Companies, the City's broker for its health care plans, began marketing EAP services on behalf of the City. Six companies (HealthAdvocate, Curalinc, AWP, AlternativeEAP, ComPsych, and PAS) submitted quotes. After detailed discussions with the companies, only one company, ComPsych, was able to fulfill the City's specific on-site behavioral health services requirements. As a result, staff recommends selecting ComPsych to begin providing these services for City employees on July 1, 2023.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

Staff recommends contracting with Compsych for the provision of EAP services for an initial term of five years, beginning July 1, 2023 at an estimated annual cost of \$82,912. The annual costs are dependent upon the amount of usage of the on-site counselors. The estimated costs over the five years of the contract are \$414,560. The costs are funded through the City's Health Care Fund.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Healthy People

Guiding Principles
Values-based Organizational Culture

ATTACHMENTS

1. Resolution
2. Agreement located in the Appendix

RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT WITH COMPSYCH CORPORATION FOR THE PROVISION OF AN EMPLOYEE ASSISTANCE PROGRAM AND RELATED BEHAVIORAL HEALTH SERVICES TO EMPLOYEES AND THEIR DEPENDENTS.

WHEREAS, the City provides employees and dependents with access to the City of Lenexa Employee Assistance Program (EAP), which includes various mental and physical wellbeing support services; and

WHEREAS, the City's current EAP provider informed the City that it would stop providing the services in June 2023; and

WHEREAS, the City reviewed proposals from six companies interested in providing the EAP services moving forward; and

WHEREAS, only one company, ComPsych Corporation (ComPsych), was able to fulfill the City's specific on-site behavioral health services requirements; and

WHEREAS, the parties have negotiated and agreed to the terms of an Agreement, attached hereto, for ComPsych to administer the EAP.

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

SECTION ONE: That the Mayor is authorized to execute the Agreement, attached hereto and incorporated herein by reference.

SECTION TWO: That during the Term of the Agreement, the City Manager or her designee is authorized to execute such other documents as may be reasonably necessary to continue the Agreement provided such documents are approved as to form by the City Attorney.

SECTION THREE: This Resolution shall become effective upon adoption.

PASSED by the Lenexa City Council this 16th day of May, 2023.

SIGNED by the Mayor this 16th day of May, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

MacKenzie Harvison, Deputy City Attorney



ITEM 13

SUBJECT: Resolution authorizing the termination of a base lease and lease with Meritex Lenexa Development I, LLC as a result of an industrial revenue bond redemption (Meritex Surface Buildings 1 & 2 Project)

CONTACT: Sean McLaughlin, City Attorney

DATE: May 16, 2023

ACTION NEEDED:

Adopt a resolution authorizing the termination of a base lease and lease with Meritex Lenexa Development I, LLC as a result of an industrial revenue bond (IRB) redemption (Meritex Surface Buildings 1 & 2 Project).

PROJECT BACKGROUND/DESCRIPTION:

In November 2019, the City issued IRBs in the approximate principal amount of \$5.5 million on behalf of Meritex Lenexa Development I, LLC (“Developer”) to finance the acquisition, construction, and equipping of two 120,000 square foot industrial/flex buildings located at the northwest corner of 99th Street & Britton Street (“Project”). The Developer used the IRBs to obtain a sales tax exemption on construction materials purchased for the Project. During the term of the outstanding IRBs, the City and Developer entered into a lease-leaseback arrangement in order to secure the IRBs. Pursuant to the lease-leaseback arrangement, the City leased the property from the Developer and then leased back the Project to the Developer. Once the IRBs are cancelled, the City and Developer terminate the bond leases and the City transfers the Project back to the Developer.

The City received notice from the Developer that they intended to exercise their option to purchase the project and redeem the IRBs. The City also received certification from the IRBs Bank Trustee that all of the IRBs have been canceled and the Developer has paid all sums due and owing under the bond leases. The IRB termination documents are available for review in the City Clerk’s office.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

IRBs are not backed by the full faith and credit of the City. The Developer is responsible for repayment of the bonds and all fees related to the bond issue.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Thriving Economy

Guiding Principles
Responsible Economic Development

ATTACHMENTS

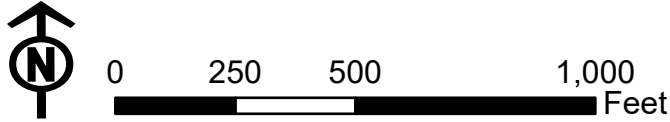
1. Map
2. Resolution



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

Meritex Surface Buildings 1 & 2

Industrial Revenue Bonds



RESOLUTION NO. _____

A RESOLUTION AUTHORIZING THE TERMINATION OF A BASE LEASE AND LEASE WITH MERITEX LENEXA DEVELOPMENT I, LLC PERTAINING TO INDUSTRIAL REVENUE BONDS, SERIES 2019 FOR PROPERTY LOCATED AT THE NORTHWEST CORNER OF 99TH STREET AND BRITTON AND AUTHORIZING THE EXECUTION OF CERTAIN DOCUMENTS IN CONNECTION WITH THE REDEMPTION (MERITEX SURFACE BUILDINGS 1 & 2 PROJECT).

WHEREAS, pursuant to Ordinance No. 5757, adopted November 5, 2019, the City of Lenexa, KS (the "City") issued its Industrial Revenue Bonds, Series 2019, in the aggregate original principal amount of \$5,500,000 (the "Bonds") for the purpose of providing funds to pay the costs of acquiring, purchasing, constructing and equipping two 120,000 square foot industrial/flex buildings and associated infrastructure at the northwest corner of 99th Street and Britton in Lenexa, Kansas and legally described in Schedule "1" attached hereto and incorporated herein by reference (the "Project"); and

WHEREAS, Security Bank of Kansas City was appointed the Trustee (the "Trustee") and entered into a Trust Indenture with the City dated November 1, 2019 and the First Supplemental Trust Indenture dated October 1, 2021 (collectively the "Indenture"); and

WHEREAS, in connection with the issuance of the Bonds, Meritex Lenexa Development I, LLC ("Developer"), as lessors, entered into a Base Lease Agreement with the City, as lessee, dated November 1, 2019 and the First Supplemental Base Lease dated October 1, 2021 (collectively the "Base Lease"), creating a leasehold interest in the Project.

WHEREAS, the City as Landlord, entered into a Lease Agreement with the Developer, as Tenant, dated as of November 1, 2019 and the First Supplemental Lease dated October 1, 2021 (collectively the "Lease"); and

WHEREAS, pursuant to Section 17.1 of the Lease, Developer has the right and option to purchase the Project by giving notice to the City and the Trustee of the Developer's election to exercise its option.

WHEREAS, pursuant to the Lease, the City is required to terminate the Base Lease and Lease and release all of its interest in the Project to the Developer upon adequate notice once the Bonds have been fully paid and all the other obligations and duties of the Developer under the Lease have been performed and satisfied; and

WHEREAS, Developer provided written notice to the City on December 31, 2022 that it was exercising its option to purchase the Project pursuant to the terms of the Lease; and

WHEREAS, the Developer has requested that the City waive the notice period and be permitted to exercise its option to purchase the Project; and

WHEREAS, the Trustee provided confirmation that the Bonds have been cancelled, and shall provide certification to the City that all sums due and owing under the Bond Lease have been paid; and

WHEREAS, the City desires to enter into certain documents and take certain other actions and approve the execution of certain other documents as herein provided to transfer the Project to the Developer once all other requirements of the Bond documents relating to the exercise of the purchase option have been satisfied.

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

SECTION ONE: Approval of Transfer. The City hereby approves and authorizes the transfer of the Project as provided in the Indenture, Base Lease and Lease; provided, however, that prior to such transfer, the City shall have received the \$1,000 as provided in the Lease, a certificate of the Trustee that the Bonds have been paid in full and confirmation by the City Attorney that all other requirements of the Indenture, Base Lease and Lease relating to the exercise of the purchase option have been satisfied, including, but not limited to, payment of any fees and expenses in connection with this transaction.

SECTION TWO: Waiver of Notice. The City hereby waives any deficiency in the notice it received as required by Section 17.1 of the Lease.

SECTION THREE: Authorization of Documents. Subject to receipt by the City Attorney of certain certifications as set forth in Section Five herein, the City Council approves the Termination of Base Lease Agreement, attached hereto as Exhibit "A" and the Termination of Lease Agreement, attached hereto as Exhibit "B" (collectively, the "documents") all in substantially the same form as presented. Said documents shall be filed by the City Clerk in the records of the City and with the Johnson County Records & Tax Administration Office ("RTA"), with such changes therein as shall be approved by the officer of the City executing such documents, such officer's signature thereon being conclusive evidence of the City's approval thereof.

SECTION FOUR: Execution of Documents. The Mayor is hereby authorized and directed to execute the Termination of Base Lease and the Termination of Lease Agreement and the City Clerk is hereby authorized and directed to attest to such documents, for and on behalf of the City. Such documents shall be held by the City Attorney for disbursement in accordance with the provisions of Section Five herein.

SECTION FIVE: Delivery of Documents. Upon receipt of certification from the Trustee that all sums due and owing under the Base Lease and Lease have been paid and confirmation that proper notice has been provided to the bondholders as required by the Indenture, the City Attorney shall deliver to Developer a copy of the documents and/or other appropriate instrument or instruments of conveyance or assignment, properly executed and filed with the RTA, transferring the Project to the Developer.

SECTION SIX: Further Authority. The Mayor, City Manager and City Clerk are hereby authorized to execute such other documents and certificates as may be necessary to transfer the Project, terminate all interest of the City in the Project and carry out the intent of this Resolution.

SECTION SEVEN: Effective Date. This Resolution shall take effect and be in force from and after its adoption.

ADOPTED by the Governing Body this 16th day May, 2023.

SIGNED by the Mayor this 16th day May, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney

SCHEDULE “1”

DESCRIPTION OF PROPERTY

The following property leased to the City of Lenexa, Kansas (the “Issuer”) in connection with the issuance by the City of its Industrial Revenue Bonds (Taxable Under Federal Law), Series 2019 (Meritex Surface Buildings 1 & 2 Project) (the “Series 2019 Bonds”):

(a) The following described real estate in Johnson County, Kansas:

All of Lot 1, Meritex Lenexa Executive Park, First Plat, City of Lenexa, Johnson County, Kansas.

Said real property constituting the “Land” as referred to in the Trust Indenture and the Lease entered into by the Issuer concurrently with the issuance of the Series 2019 Bonds (the “Indenture” and the “Lease”), subject to the Permitted Encumbrances (as defined in the Indenture).

(b) All buildings, building additions, improvements, machinery, furnishings and equipment now constructed, located or installed on the Land, all or any portion of the costs of which were paid from the proceeds of the Issuer’s Series 2019 Bonds, and which constitute Improvements (as defined in the Indenture), together with any substitutions or replacements therefor, the property described in paragraphs (a) and (b) of this Schedule I together constituting the “Project” as referred to in the Indenture and the Lease.



ITEM 14

SUBJECT: Ordinance amending Sections 4-1-B-24, 4-3-B-7, and 4-3-B-24 of the City Code related to regulations for fences, walls, and retaining walls

CONTACT: Stephanie Kisler, Planning Manager

DATE: May 16, 2023

ACTION NEEDED:

Pass an ordinance amending Sections 4-1-B-24, 4-3-B-7, and 4-3-B-24 of the City Code related to regulations for fences, walls, and retaining walls.

PROJECT BACKGROUND/DESCRIPTION:

At the April 18, 2023 City Council meeting, staff presented recommended changes to the City Code sections regarding fences, walls, and retaining walls. Members of the Governing Body expressed several concerns with the proposed reduction of the street-side, side yard setback for fences on residential corner lots and asked staff to review those recommendations further. The item was tabled to the May 16, 2023 City Council meeting.

Staff was directed to revise the proposed code to maintain the current setback standard for street-side fences that are considered to be privacy fences and/or over 4 feet tall. In the R-1/RP-1 District, this setback is 20 feet from the property line. The Governing Body supported reducing the street-side side yard setback to 15 feet for fences that are "open-style", defined by the code as 50% or less opaque, and no taller than 4 feet. In both instances, a fence may extend to the front plane of the house. Staff has made the changes requested by the Governing Body and they are included in a revised ordinance.

Governing Body discussion and feedback regarding the other proposed code changes were favorable.

STAFF RECOMMENDATION:

Passage of the ordinance.

PLANNING COMMISSION ACTION:

This item was considered at the April 3, 2023 Planning Commission meeting. A public hearing was held. One resident that lives on a corner lot spoke at the public hearing and discussed her wish to enclose more of her street-side side yard within a fence. The Commission discussed fence setbacks in relation to retaining walls, the massing and appropriate design of fencing when used in conjunction with retaining walls, and corner lot fence locations.

Chairman Poss entertained a motion to recommend **APPROVAL** amending the Unified Development Code for regulations related to fences, walls, and retaining walls with the following revisions to staff's

proposal:

1. When retaining walls include fences on top of the retaining wall or within close proximity of the retaining wall, the total height of the combined retaining wall and fence shall not be greater than 10 feet.
2. Fences installed along the street-side, side yard 15-foot setback may be made of opaque materials up to the rear corner of a house in residential instances, but a fence shall be open-style if the fence is in front of the rear corner of the house.

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

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Vibrant Neighborhoods

Guiding Principles

Sustainable Policies and Practices

ATTACHMENTS

1. UDC Amendment - Redline
2. Ordinance located in the Appendix

PROPOSED UDC SECTION 4-1-B-24-F-5

5. Fences, Walls, and Retaining Walls

a. General

1. Permit Requirements

- a. New or Replacement Fence, Wall, or Retaining Wall: All new and replacement fences, walls, or retaining walls require a permit prior to construction. The permit application shall include a scaled and dimensioned plot plan showing the proposed fence, wall, or retaining wall along with all property lines, easements, setbacks, and structures. The permit application shall also include details about the proposed fence, wall, or retaining wall, including materials, heights, and design. Additional information may be required on a case-by-case basis.
- b. Exceptions to Permit Requirement: A permit is not required in the following instances:
 1. When installing a decorative fence or wall in accordance with Section 4-1-B-24-F-5-b.
 2. When installing an agricultural fence or wall in accordance with Section 4-1-B-24-F-5-b.
 3. When installing a retaining wall less than 4 feet in height in accordance with Section 4-1-B-24-F-5-b.
 4. When replacing less than 50% of a single fence line with the same fence materials, height, and design, in the same location as the fence was previously permitted. See *Figure 5-A-1-B-4*.
 5. Replacing a fence, wall, or retaining wall that was removed in order to complete work within an easement with the same materials, height, and design, in the same location as was previously permitted.
 6. Replacing non-structural components of an existing fence or wall, such as pickets.

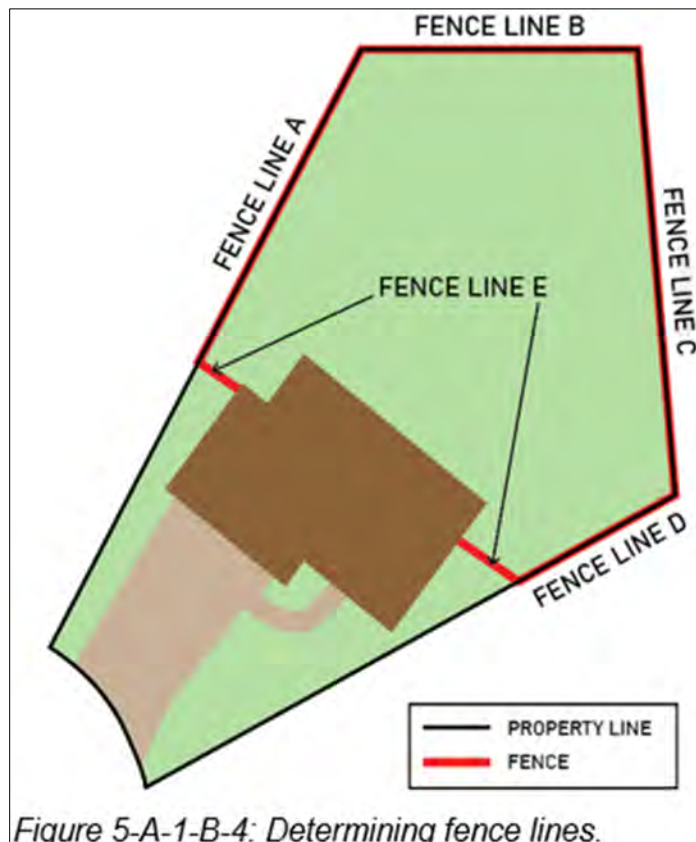


Figure 5-A-1-B-4: Determining fence lines.

2. Design and Installation Standards

- a. Materials must be durable and suitable for year-round outdoor conditions.
- b. Fence and wall posts shall be set in concrete footings with a minimum depth of 18 inches.
- c. Fences, walls, and retaining walls must be installed with the finished side facing outward and supporting elements on the inside, when applicable. The Community Development Director shall have the authority to waive the requirement that a fence be constructed with a finished side facing outward from the property in unique situations where the topography, vegetation, or other site conditions screen the fence from the affected neighboring property.
- d. Retaining walls that retain in excess of 48 inches of unbalanced fill shall be designed by an engineer licensed in the State of Kansas and installed to ensure stability against overturning, sliding, excessive foundation pressure, rotational failure, and water uplift. Design ~~should~~ shall provide a minimum safety factor of 1.5 against sliding, overturning, and rotational failure. Retaining walls shall be designed by an engineer licensed in the State of Kansas to support lateral loads.
- e. Retaining walls that will be either periodically or permanently inundated with water ~~must~~ shall be appropriately designed by an engineer licensed in the State of Kansas to withstand said inundation.
- f. All fences, walls, and retaining walls shall be constructed to allow for proper surface drainage.
- g. Fence Requirement with Retaining Wall: A fence with a height between 42 inches and 72 inches is required to be installed directly on top of or within 18 inches of a retaining wall when the retaining wall is within three feet of a walkway and there is a drop of 30 inches or more. The Community Development Director shall have the authority to approve an alternative barrier, such as shrubbery, ~~in certain circumstances~~.
- h. Easements:
 1. Fences, walls, and retaining walls proposed within any easement require approval from the applicable entity.
 2. Fences, walls, and retaining walls must be installed in a manner that will allow access to dedicated easements. A gate may be required to provide necessary access.
 3. Easements for retaining walls must be of sufficient width to allow for maintenance of said wall to be performed fully within the easement.
 4. If the Community Development Director, or their designee, determines that any fence, wall, or retaining wall is negatively impacting any easement then the Community Development Director shall have the authority to require the relocation or removal of the fence, wall, or retaining wall.
 5. Fences, walls, and retaining walls constructed within City or private easements may be altered or removed to allow access to utilities. The property owner shall be responsible for the reconstruction and replacement of any fences, walls, and retaining walls that are altered or removed.
 6. Drainage Easements:
 - i. Walls and retaining walls are prohibited within drainage easements.
 - ii. Fences are generally prohibited within drainage easements; however, fences may be allowed on a case-by-case basis depending on the impact on drainage. Fences allowed within a drainage easement for conveyance must be open-style and have a minimum of 4 inches clearance between the bottom of the fence pickets and grade.
 7. Landscape Easements: Fences, walls, and retaining walls proposed within landscape easements are subject to review and may be allowed on a case-by-case basis for the

purpose of providing decorative buffering features between private property and public rights-of-way with collector, arterial, and freeway road classifications.

- i. Swimming Pool and Hot Tub Enclosures: Swimming pool and hot tub enclosures shall be installed pursuant to the standards of Section 4-1-B-24-F.

b. Fence, Wall, and Retaining Wall Requirements by Type

Table 1: Fence, Wall, and Retaining Wall Requirements by Type					
Type	Zoning Districts Allowed	Is a Permit Required?	Maximum Height ⁴ Allowed	Location Allowed	Materials Allowed
Fence/Non-Retaining Wall on Residential Property	All residential zoning districts and mixed-use districts that include residential uses	Yes	6' ³	<ul style="list-style-type: none"> • May be located on the side and rear ¹ property lines • Front yard: Cannot be closer to the front property line(s) than the front wall of the constructed building 	<ul style="list-style-type: none"> • Wood • Aluminum • Steel • Wrought Iron • PVC • Chain-Link (without slats) • Masonry • Stone • Concrete
Fence/Non-Retaining Wall on Non-Residential Property	All non-residential zoning districts and mixed-use districts that do not include residential uses	Yes	10' ³	<ul style="list-style-type: none"> • <u>Street-side side yards on corner lots: Privacy fences, open-style fences > 4' tall, and walls shall meet the required setback from side streets. Along a street-side side property line the Open-style fences ≤ 4' tall fence or wall must may be minimum 15' set back 15' from the street-side side property line ².</u> 	
Agricultural Fence/ Non-Retaining Wall	AG for agricultural purposes	No	6'	<ul style="list-style-type: none"> • May be located anywhere on the property 	
Decorative Fence/ Non-Retaining Wall	All zoning districts	No	3'	<ul style="list-style-type: none"> • ≤ 75% of the lot width. Cannot fully enclose the yard • May be located anywhere on the property 	
Recreational Fence/ Non-Retaining Wall	All zoning districts	Yes	6' for private swimming pools; 10' for other uses	<ul style="list-style-type: none"> • 6' fence or wall may be located on side and rear property lines • >6' fence or wall must be minimum 15' setback from property lines • Cannot be closer to the front property line than the front of the constructed building 	
Underground Electric Fence	All zoning districts	No	n/a	<ul style="list-style-type: none"> • May be located anywhere on the property 	
Security Fence (Barbed Wire)	AG for agricultural purposes	No	8'	<ul style="list-style-type: none"> • May be located anywhere on the property 	<ul style="list-style-type: none"> • Barbed Wire
	BP-1, BP-2, BP-S	Yes	18"	<ul style="list-style-type: none"> • On top of fences with a 6' minimum height 	<ul style="list-style-type: none"> • 3 Horizontal Strands of Barbed Wire
	All zoning districts	Yes	Per Planning Commission approval in conjunction with a site plan or Special Use Permit		<ul style="list-style-type: none"> • Barbed Wire
Razor Wire	Prohibited				
Retaining Wall <4' Tall ⁴	All zoning districts	No	<4'; shall not be >6" above retained surface	<ul style="list-style-type: none"> • May be located anywhere on the property with minimum 2' setback from property lines 	<ul style="list-style-type: none"> • Masonry • Stone • Concrete
Retaining Wall ≥4' Tall ⁴	All zoning districts	Yes	10' of exposed wall per tier; shall not be >6" above retained surface	<ul style="list-style-type: none"> • May be located anywhere on the property with minimum 2' setback from property lines; however, a greater setback may be required depending on the design of the retaining wall • Tiers shall be separated by at least 3' 	

- ¹ *Rear Setback: Fences constructed within a designated residential fence/wall buffer area or land use buffer area must comply with the location shown on the approved plan. On a double-frontage lot where the rear property line abuts a collector or local street and where a house on adjacent property fronts on that street or where adjacent property has the potential to be subdivided into a lot which fronts on that street, the rear yard fence of the double-frontage lot shall be located no closer to the abutting street right-of-way than a line established by the platted front building line of the adjacent property or, if unplatted, the distance from the abutting street right-of-way to the required front building line. However, the Community Development Director shall have the authority to reduce the required rear fence setback for such a double-frontage lot, provided that safe visibility at driveways, the view to the street for the neighboring properties, and the general character of the neighborhood along the street are maintained. This determination shall take into consideration the height and opaqueness of the proposed fence, the difference in elevation of the affected properties, and other existing site characteristics.*
- ² *Provided that the fence ~~or wall~~ does not impede safe visibility for pedestrians and vehicles as determined by the Community Development Director. ~~Fence lines installed along a street-side side yard that connect or end anywhere in front of the back corner of the constructed building shall be open-style along that entire fence line.~~ See Figure 5-B-1-A and Figure 5-B-1-B.*
- ³ *When a fence or wall is located within 3' of or directly on top of a retaining wall, the height of the fence/wall plus the height of the retaining wall shall not exceed 10'. See Figure 5-B-1-C.*
- ⁴ *Height Measurements.*
Fence/Wall Height: Fence/wall height is the vertical distance measured from the adjacent grade to the top of the fence posts or panels, whichever is higher.
Retaining Wall Height: Height of a retaining wall for determining whether engineering is required is defined as the distance between the bottom of the footing to the top of the wall, regardless of the amount of exposed wall. Height of a retaining wall in relation to maximum height allowed in Table 1 above is the vertical distance measured from the adjacent grade to the top of the wall.



Figure 5-B-1-A

(Showing R-1 Setbacks for Illustrative Purposes)

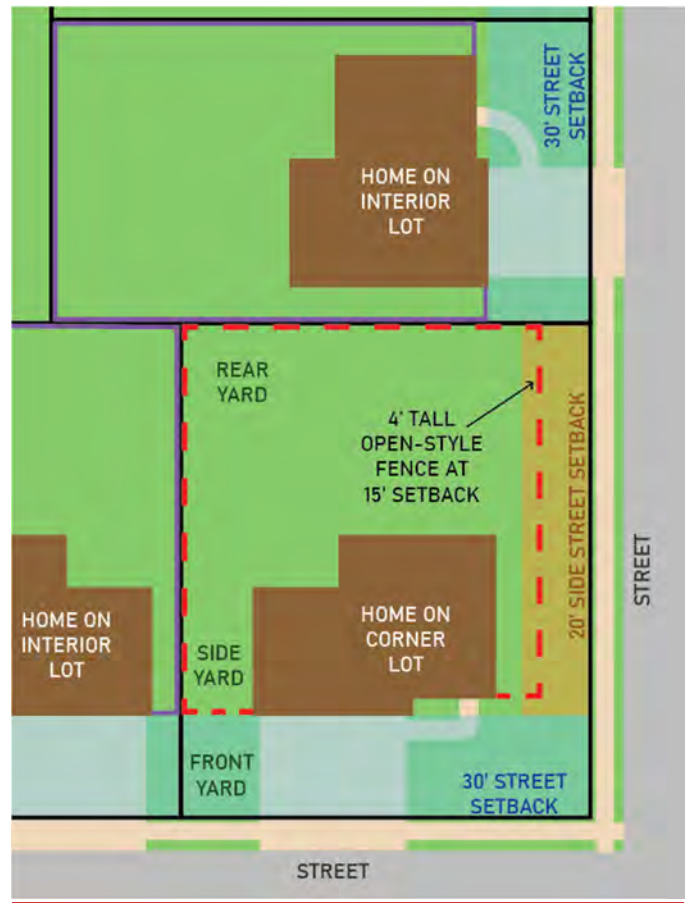


Figure 5-B-1-B

(Showing R-1 Setbacks for Illustrative Purposes)

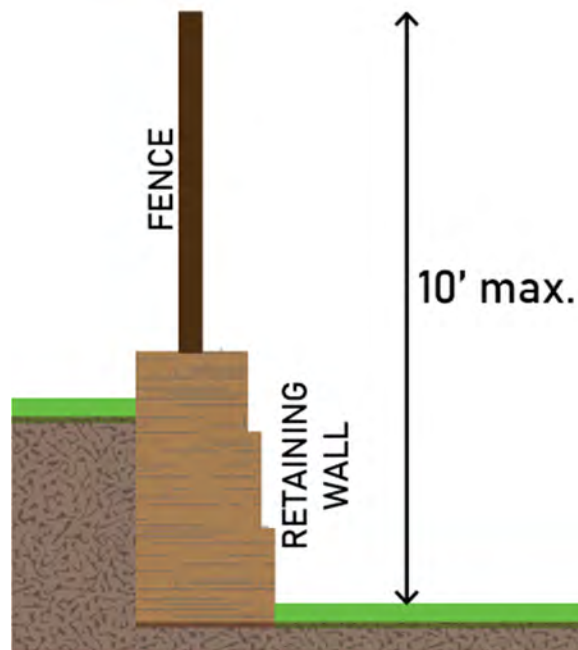


Figure 5-B-1-C

c. Deviations from Strict Compliance

1. Deviation Approval: It is recognized that site conditions vary greatly among sites and that the design, scale, and character of neighborhoods is varied. The Planning Commission shall have the authority to approve deviations from strict compliance with the regulations of this subsection at the time of initial project review for planned districts and the Community Development Director shall have the same authority for administrative plan and permit approvals, provided that the purpose and intent of this subsection is met. Deviations shall be clearly identified on plans submitted for plan and permit approval. The criteria to be considered by the Planning Commission and Community Development Director shall include, but not be limited to:
 - i. Purpose and intent of the Code.
 - ii. Impact on adjacent properties.
 - iii. Safety.
 - iv. Unique site conditions and constraints.
 - v. Promotion of high quality or unique design.
 - vi. Character of the neighborhood.

PROPOSED DEFINITIONS WITHIN UDC SECTION 4-3-B-7

FENCE/WALL: An above-grade structure or barrier, usually constructed of wooden, metal, masonry, or fiberglass parts, and used to mark a boundary or to define and enclose a specific area for the purposes of protection, privacy, safety, or confinement.

FENCE/WALL TYPES:

AGRICULTURAL: A fence or wall structure installed for agricultural purposes, such as farming or keeping of livestock. Such fencing includes, but is not limited to split rail, electric fencing, and barbed-wire fencing.

DECORATIVE: An open-style fence or wall structure used in a manner which is designed to add to the aesthetics or attractiveness of the lot or tract upon which it is placed, rather than as an enclosure or barrier. Railings along or adjacent to front stoops, porches, steps, landings, culverts, bridges, or sidewalks, shall not be considered as decorative fences.

OPEN-STYLE: A fence, including gates, designed and constructed so that the surface area of any segment of such fence contains at least 50% open space as compared to solid materials.

PRIVACY/SOLID: A fence, including gates, designed and constructed so that the surface area of any segment of such fence is greater than 50% opaque.

RECREATIONAL: A fence or wall used in conjunction with basketball courts, tennis courts, racquetball courts, softball/baseball fields, school playgrounds, swimming pools, or other similar recreational areas.

RESIDENTIAL BUFFERS: ~~A fence or wall placed within a residential fence/buffer.~~

SWIMMING POOLS/HOT TUB ENCLOSURES: ~~A fence or wall used to enclose a swimming pool or hot tub.~~

TRANSITION BUFFER: ~~A wall or fence placed within a transition buffer.~~

WALL, RETAINING: A structure or barrier situated at or below grade, usually constructed of masonry, used to retain earth.

PROPOSED DEFINITIONS WITHIN UDC SECTION 4-3-B-24

WALL: See “FENCE/WALL”.



ITEM 15

SUBJECT: Approval of a preliminary plan for an accessory office building for Westside Family Church located at 8500 Woodsonia Drive in the R-1 Residential Single-Family Zoning District

CONTACT: Stephanie Kisler, Planning Manager

DATE: May 16, 2023

ACTION NEEDED:

Approve a preliminary plan for an accessory office building for Westside Family Church located at 8500 Woodsonia Drive in the R-1 Residential Single-Family Zoning District.

APPLICANT:

Matthew Schlicht, Engineering Solutions

OWNER:

Westside Family Church, Inc.

PROPERTY LOCATION/ADDRESS:

8500 Woodsonia Drive

PROJECT BACKGROUND/DESCRIPTION:

The applicant proposes to construct a new office building known as the Westside Family Church Care Center on the 13.36-acre Westside Family Church campus at 8500 Woodsonia Drive. The proposed building is two stories tall and includes 19,838 square feet of floor area with space for classrooms, meeting rooms, playrooms, and counseling rooms to serve the congregation. The uses are considered accessory to the primary "Church or Place of Worship" use. The office use is compliant with the R-1 Zoning District so long as it is associated with the Westside Family Church. If that relationship ends, via sale to a non-religious entity, for example, then rezoning of the property would need to be pursued to allow the office use.

The proposed accessory building will correlate with the existing church building with respect to architecture and building materials. Proposed site improvements include the construction of Woodsonia Drive south from the roundabout to the south property line of the subject property in order to connect to the south entry drive of the proposed office building site, a new parking area to the west of the new office building, and various sidewalk connections. The parking lot will include 70 new parking spaces.

STAFF RECOMMENDATION:

Approval of the preliminary plan.

PLANNING COMMISSION ACTION:

This item was considered at the May 1, 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 project and expressed support for the architectural design of the building and support of the project overall.

Chairman Poss entertained a motion to recommend **APPROVAL** of a preliminary plan for an office building accessory to the church/place of worship for Westside Family Church located at 8500 Woodsonia Drive. Moved by Commissioner Harber, seconded by Commissioner Horine, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Healthy People

Guiding Principles
Responsible Economic Development

ATTACHMENTS

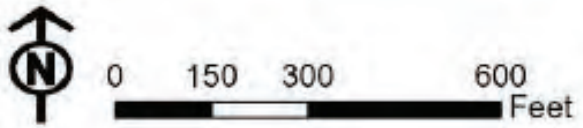
1. Map
2. PC Staff Report
3. Exhibits
4. PC Draft Minutes Excerpt



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

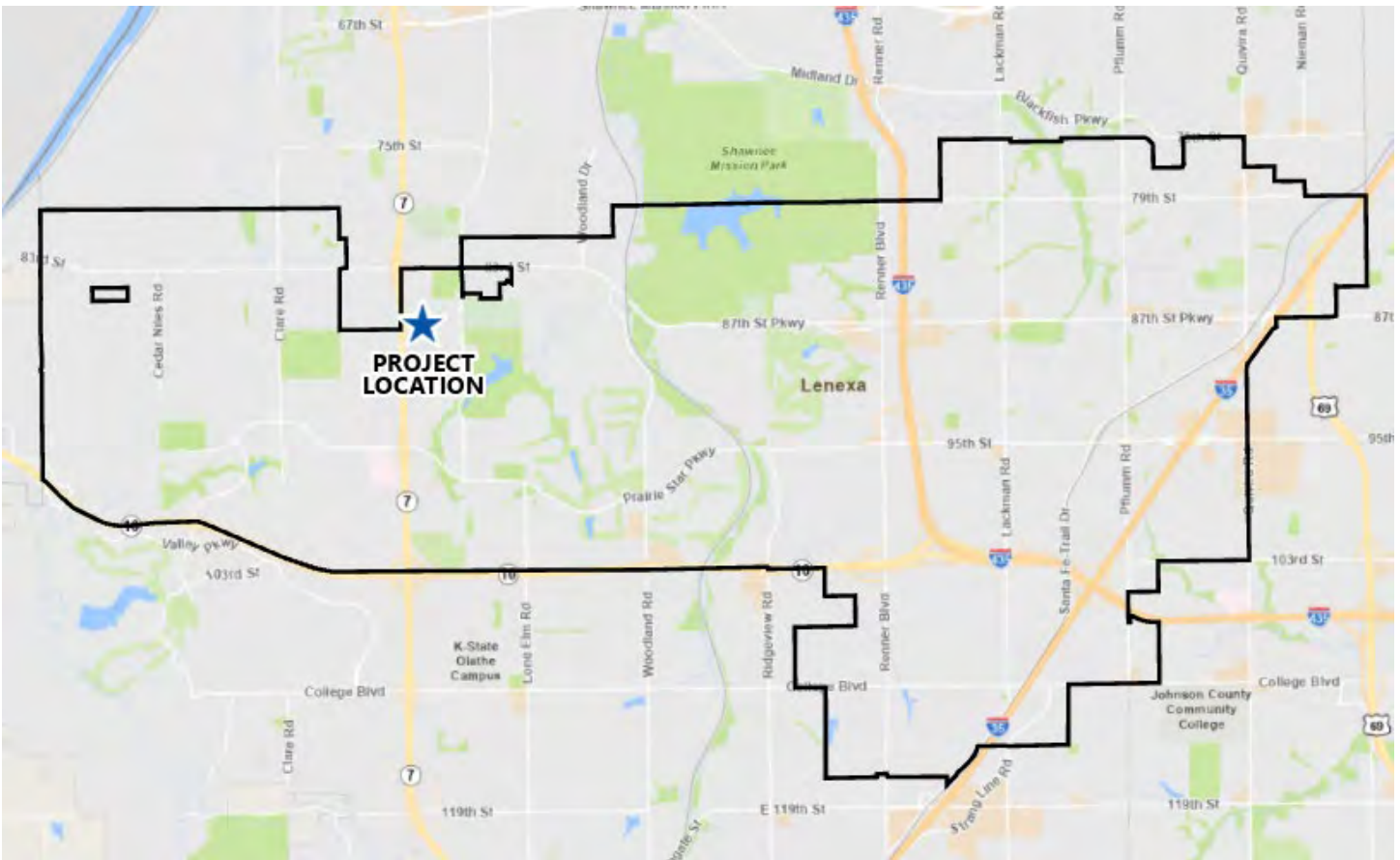
Data Source: City of Lenexa and Johnson County, Kansas
For further information, please call 613-477-7500

Westside Family Church Care Center PL23-03P



WESTSIDE FAMILY CHURCH CARE CENTER

Project #:	PL23-03P	Location:	8500 Woodsonia Drive
Applicant:	Matthew Schlicht, Engineering Solutions	Project Type:	Preliminary Plan
Staff Planner:	Christa McGaha, AICP	Proposed Use:	Accessory Office Building for Church



PROJECT SUMMARY

The applicant seeks preliminary plan approval for construction of an accessory office building to serve as a care center for the Westside Family Church. The site is located southeast of the existing church. The proposed care center building includes classrooms, meeting rooms, playrooms, and counseling rooms for the church to use to provide services for their congregation. The proposed two-story building totals 19,838 square feet. The proposed care center building was not approved with the original preliminary plan (PL04-11P) for the overall 34-acre church campus, so preliminary and final plan approval is required. This project does not require a Public Hearing.

STAFF RECOMMENDATION: APPROVAL

SITE INFORMATION

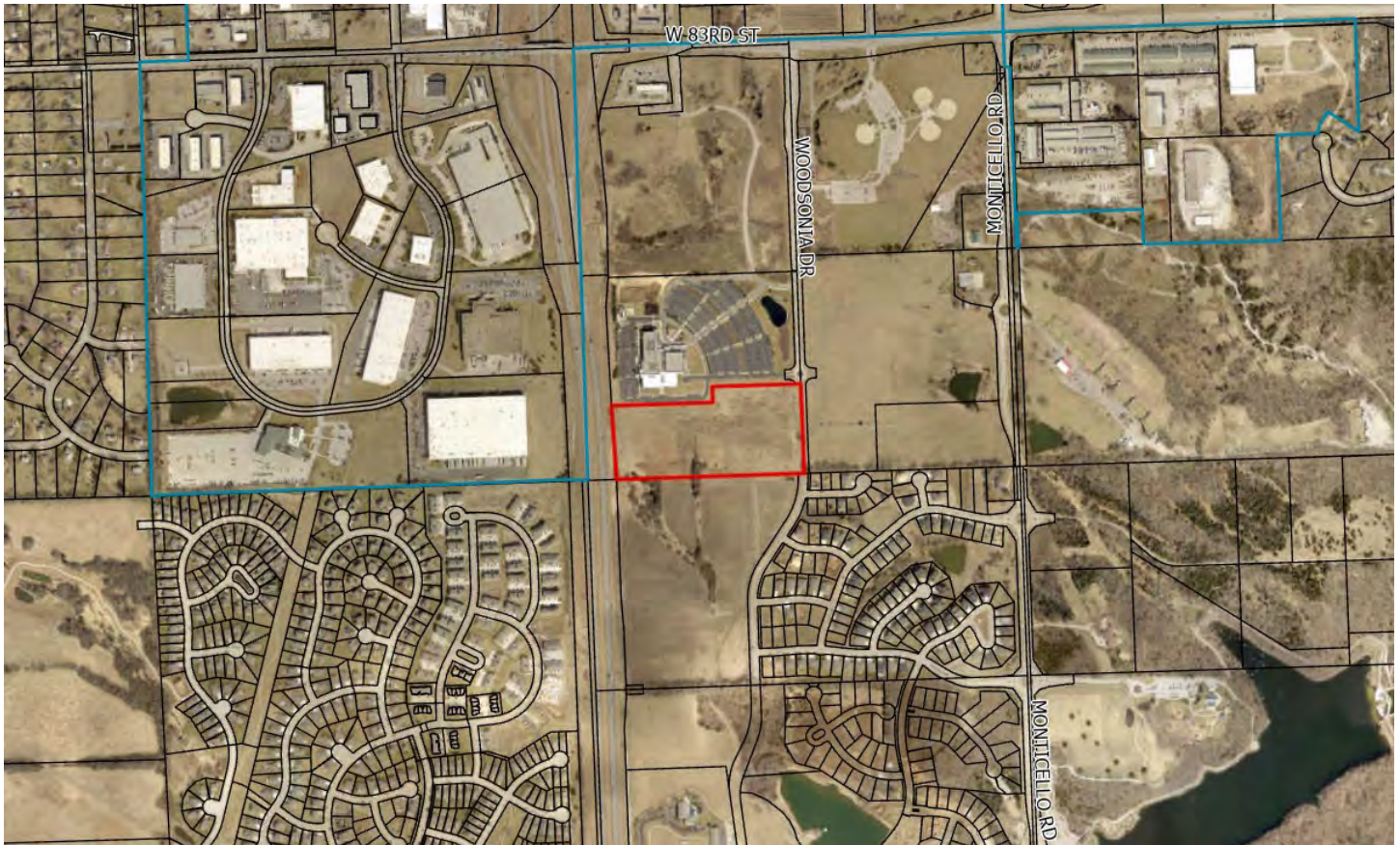


Exhibit 1: Vicinity Aerial Image of Subject Site.

LAND AREA (AC) 13.36	BUILDING AREA (SF) 19,838	CURRENT ZONING R-1	COMP. PLAN Public/Open Space
--------------------------------	-------------------------------------	------------------------------	--

The subject property is located on the west side of Woodsonia Drive south of W. 83rd Street. In June 2004, the rezoning and overall preliminary plan was approved for Westside Family Church (PL04-11P & RZ04-12) to rezone the 34-acre property from AG, Agricultural to R-1, Residential Single-Family and to construct a 168,300 square foot church facility to include a 2,200-seat sanctuary, classrooms, activity rooms, multi-purpose room, auditorium, administration offices, and outdoor play and athletic courts with a total of 1,592 parking spaces provided at completion.

In August 2004, a final plan for Phase I (PL04-30F) was approved for the north 18.71 acres. This phase included a 70,000 square foot building, including a sanctuary, activity rooms, multi-purpose room, auditorium, administration offices, and classrooms. In February 2014, the final plan and final plat were revised for Phase II (PL14-02FR & PT14-02FR). The revised final plan consisted of a one-story, 19,775 square foot building addition for an overall total of 89,779 square feet. The addition provided for more worship space on the main floor of the building and revised associated parking.

LAND USE REVIEW

The proposed development is a care services office building that is accessory to the overall church campus. The church buildings fall within the “church or place of worship” land use category in the Unified Development Code (UDC). The building will include classrooms, meeting rooms, playrooms, and counseling rooms for the church community. Churches are permitted land uses within the R-1, Residential Single-Family Zoning District. The proposed office building is to function as a part of the existing Westside Family Church campus and is compatible with the existing church use.

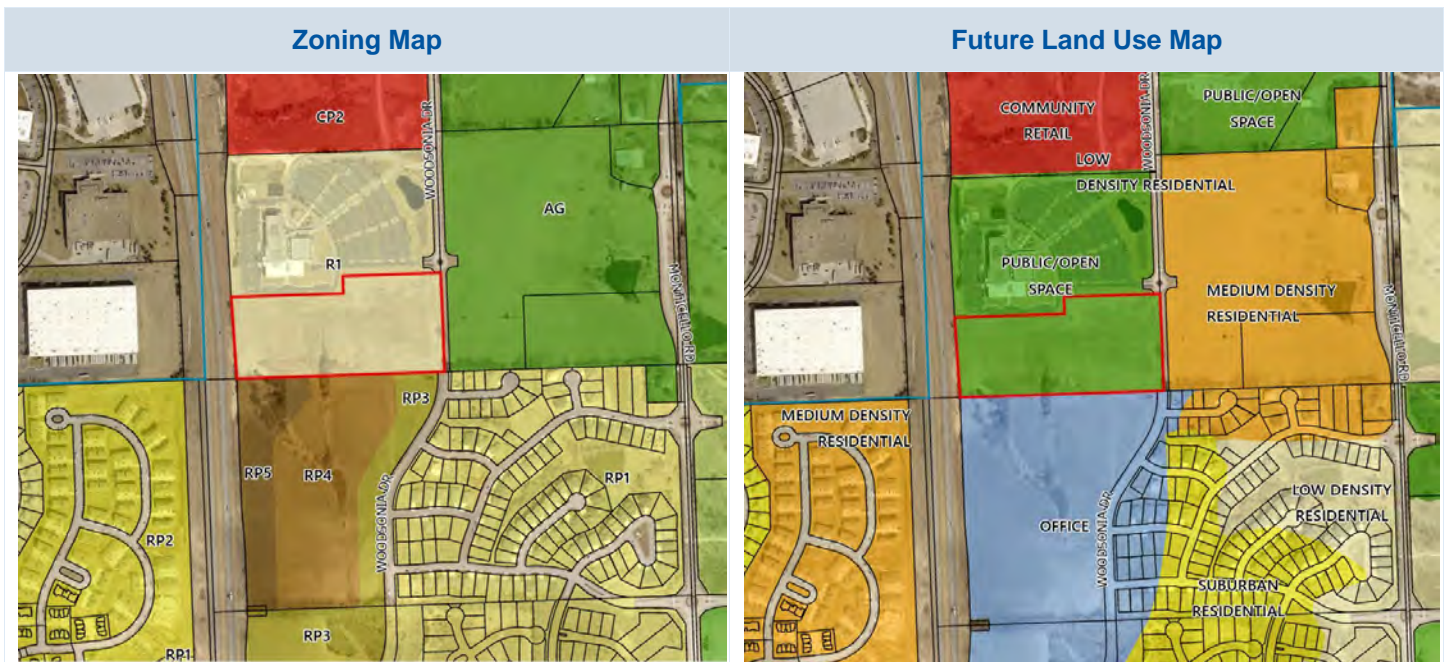


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Public/Open Space	R-1, Residential Single-Family District	Undeveloped
North	Community Retail	R-1, Residential Single-Family District	Church or place of worship, Westside Family Church
South	Office	RP-3, RP-4, RP-5 Planned Residential Medium-High, High, & High-Rise Density Districts	Undeveloped
East	Medium Density Residential	AG, Agricultural District	Undeveloped
West	K-7 Highway/Medium Density Residential/ City of Shawnee	KDOT Right-of-Way/RP-2, Planned Residential Intermediate Density District/ PI, Planned Industrial (Shawnee)	KDOT Right-of-Way/ Townhomes at the Reserve/ Ford Motor Co. (Shawnee)

FINAL PLAN REVIEW

The applicant is requesting approval of a new preliminary plan and preliminary plat for the construction of a two-story 19,838 square foot care center for Westside Family Church that will include classrooms, meeting rooms, playrooms, and counseling rooms.



Exhibit 2: Proposed Site Plan with Future Building and Parking Lot Plans.

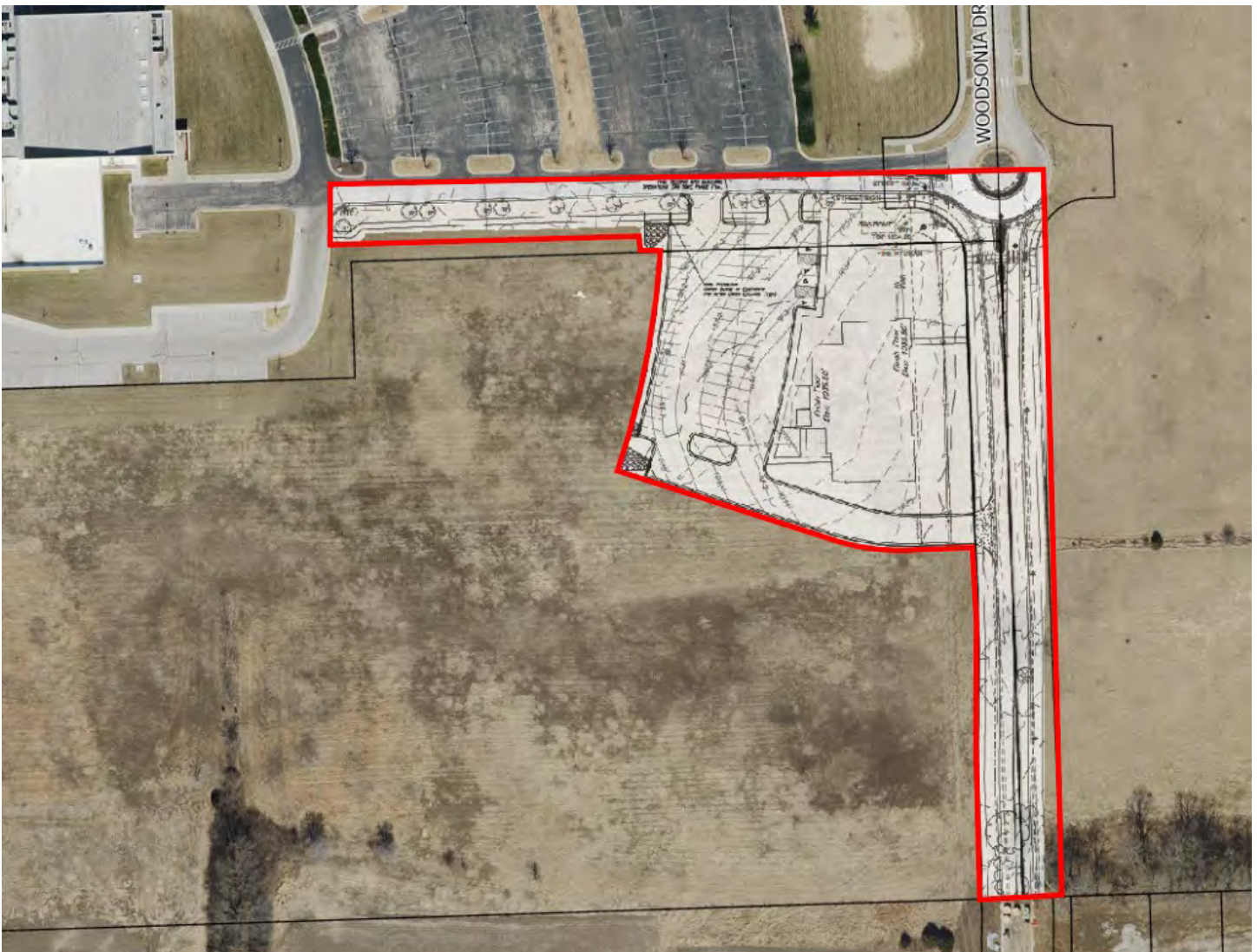


Exhibit 3: Aerial Image with Site Plan.

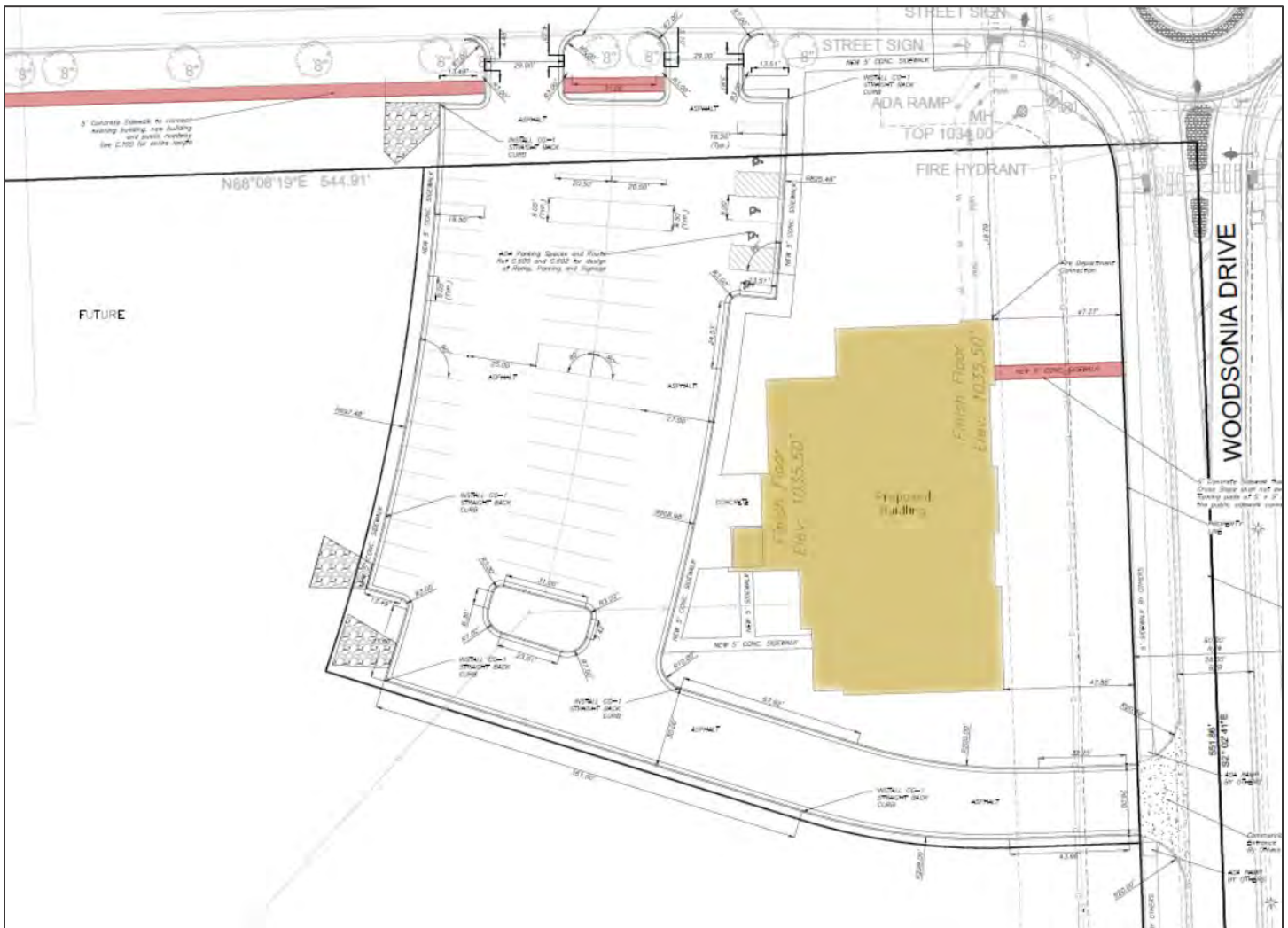


Exhibit 4: Site Plan.

The proposed care center (see Exhibit 4; shown in brown) is two-stories and 19,838 square feet. The center will include classrooms, meeting rooms, playrooms, and counseling rooms. Proposed site improvements to the area include the construction of Woodsonia Drive from the roundabout to connect to the south entry drive, a parking area, and sidewalks. The parking lot will include 70 new parking spaces and one internal parking lot island. New 5-foot concrete sidewalks are proposed along both sides of Woodsonia Drive and along the perimeter of the parking lot to the main entrance of the building. Additional sidewalk connections (see Exhibit 4; shown in red) include a 5-foot sidewalk along the north side of the site that continues to the west to provide a pedestrian connection from the care center to the existing Westside Family Church building. Another connection is shown from the future sidewalk on Woodsonia Drive to the stairwell entrance at the northeast corner of the building.

PUBLIC IMPROVEMENTS

While there are not public improvements physically on the site, the construction of Woodsonia Drive from the existing roundabout to the south property line to connect into the existing segment of Woodsonia Drive south of this property will be a required improvement. The permit to perform this work must be obtained prior to or concurrently with the building for this project, and the construction of this segment of Woodsonia Drive is required to be completed prior to approval of occupancy for the building.

TRAFFIC, ACCESS, AND PARKING

- Woodsonia Drive is classified as a collector roadway.
- There are two points of access to the site from the existing internal drive to the north.
- There is one point of access to the site from Woodsonia Drive to the east.
- The site plan does not meet the required 80 parking spaces for office uses; however, the remaining 10 spaces can be accounted for in the existing parking lot to the north.

TABLE 3: PARKING ANALYSIS				
Land Use	Parking Formula	Required Parking	Proposed Parking	Difference
Office	1 space per 250 square feet	80	70	-10

STORMWATER

The applicant has provided a preliminary stormwater management report for this phase, addressing both the interim condition (this application) as well as the ultimate condition with the remaining church property build-out. This report indicates that the applicant intends to meet the City’s requirements with a combination of extended dry detention and an infiltration trench.

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

Proposed lighting types include street and internal parking lot lighting. A photometric plan that is in compliance with the performance standards of [Section 4-1-C-4-I](#) of the UDC is required to be submitted for review with the final plan application.

LANDSCAPING



Exhibit 5: Landscape Plan.

The proposed landscape plan shows perimeter plantings along Woodsonia Drive and internal parking lot landscaping, which are subject to the requirements of [Section 4-1-D-2-L](#) of the UDC. The final landscape design will be submitted and reviewed with the final development plan for this lot to ensure all applicable landscaping code standards landscaping standards have been met.

ARCHITECTURE

The proposed two-story care center office building is 19,838 square feet. Exterior building finish materials include multiple different shades of brick veneer, stone veneer, and decorative metal wall panels, stucco, and aluminum.



The materials and design are consistent in character with the existing Westside Family Church building to the west. Exhibit 6 shows the northeast elevation of the existing church building. Building materials for the proposed care center include similar brick, stone veneer, stucco, and aluminum accents.



Exhibit 6: Existing Church Building Architecture.

The main entrance is located on the west building elevation facing the parking lot. The east and west elevations consist of a mix of brick, stucco, and metal to add visible interest by breaking the building into different sections. The building has several windows on each façade, with an aluminum framed tinted glass accent wall of windows spanning the height of the building surrounding the entrance on the west elevation. The north and south building elevations incorporate stone veneer as well as the brick, stucco, and metal wall panel finishes. The proposed building is subject to the architectural standards required in [Section 4-1-C-5](#) of the UDC and will be reviewed in further detail with the review of the final plan application.

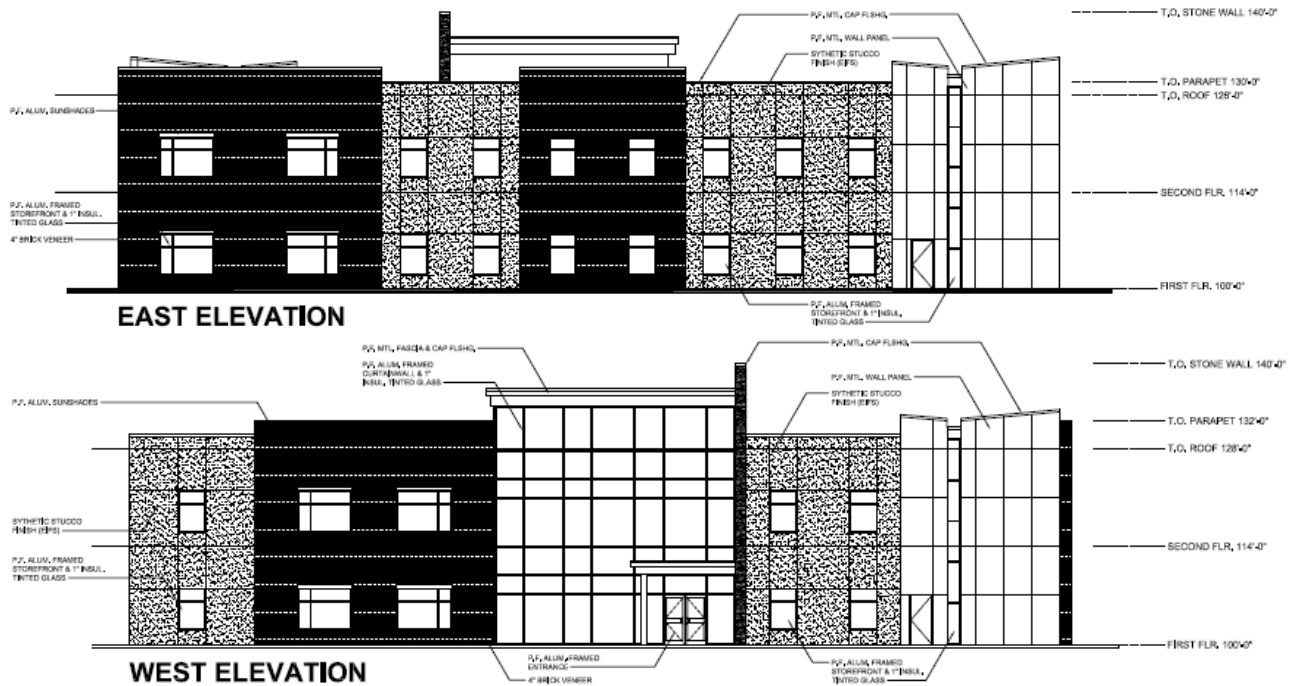


Exhibit 7: East and West Building Elevations.

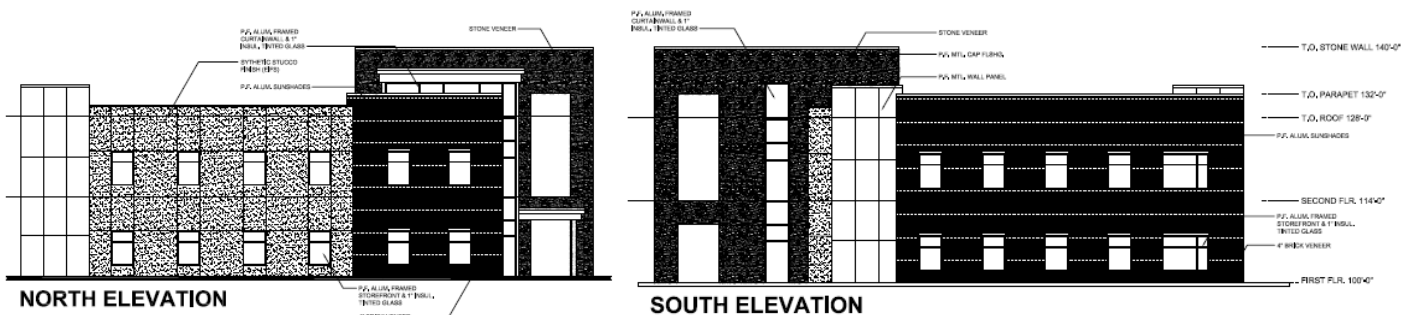


Exhibit 8: North and South Building Elevations.

DEVIATIONS

The applicant is not requesting any deviations.

REVIEW PROCESS

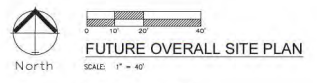
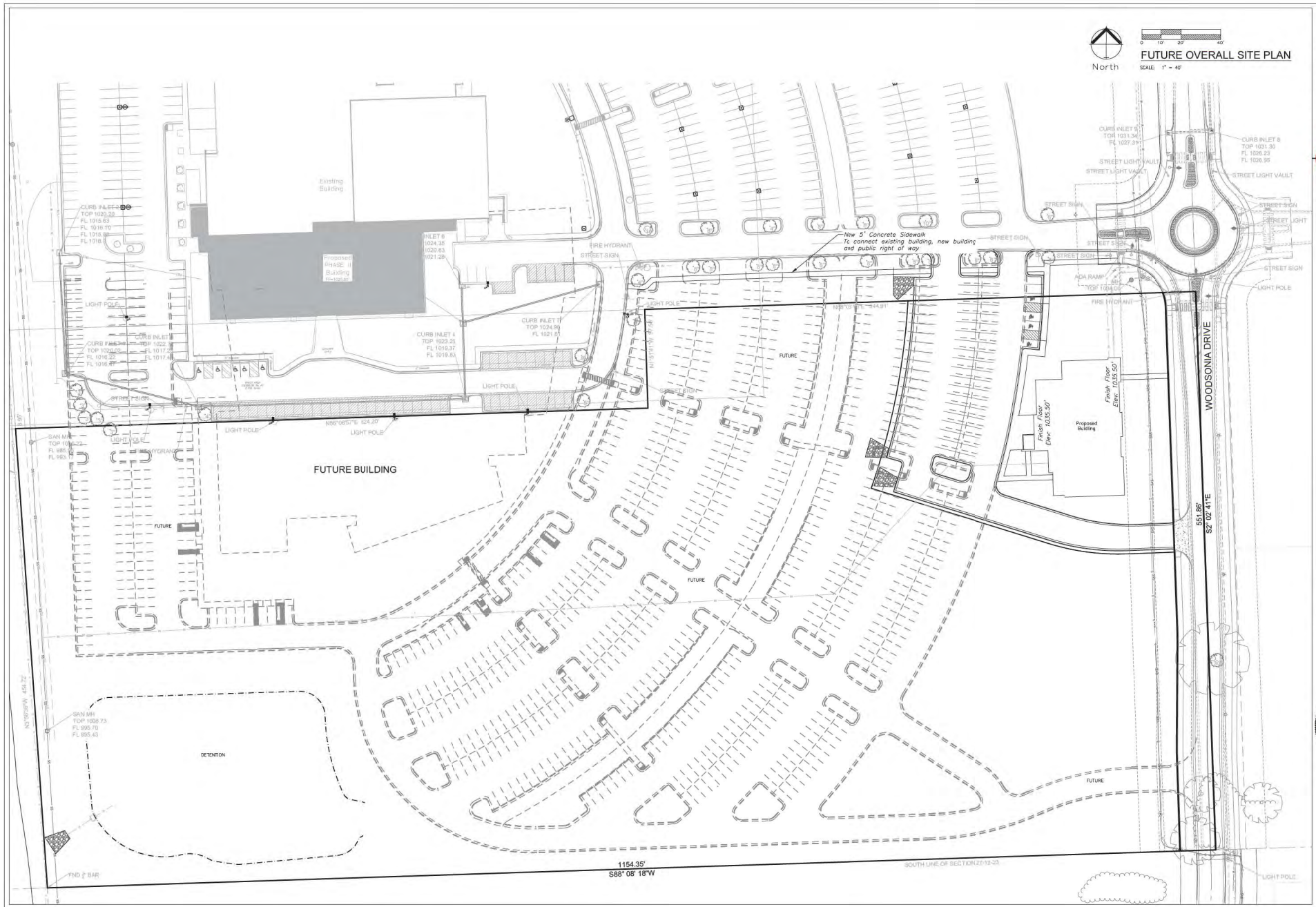
- The Governing Body is the final authority for approval of this project.
- The applicant should inquire about additional City requirements, such as permits and development fees.

RECOMMENDATION FROM PROFESSIONAL STAFF

- ★ Staff recommends approval of the proposed preliminary plan for Westside Family Church Care Center.
 - This project is consistent with Lenexa’s goals through *Responsible Economic Development* to promote *Vibrant Neighborhoods* and *Healthy People*.

PRELIMINARY PLAN

Staff recommends **approval** of the preliminary plan for PL23-03P – **Westside Family Church Care Center** at 8500 Woodsonia Drive, for an office building accessory to the church/place of worship.



Professional Registration
 Missouri
 Engineering 200002186-0
 Surveying 2000001919-0
 Kansas
 Engineering E-568
 Surveying S-218
 Oklahoma
 Engineering 654
 Nebraska
 Engineering CA201

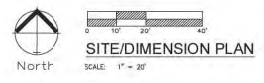
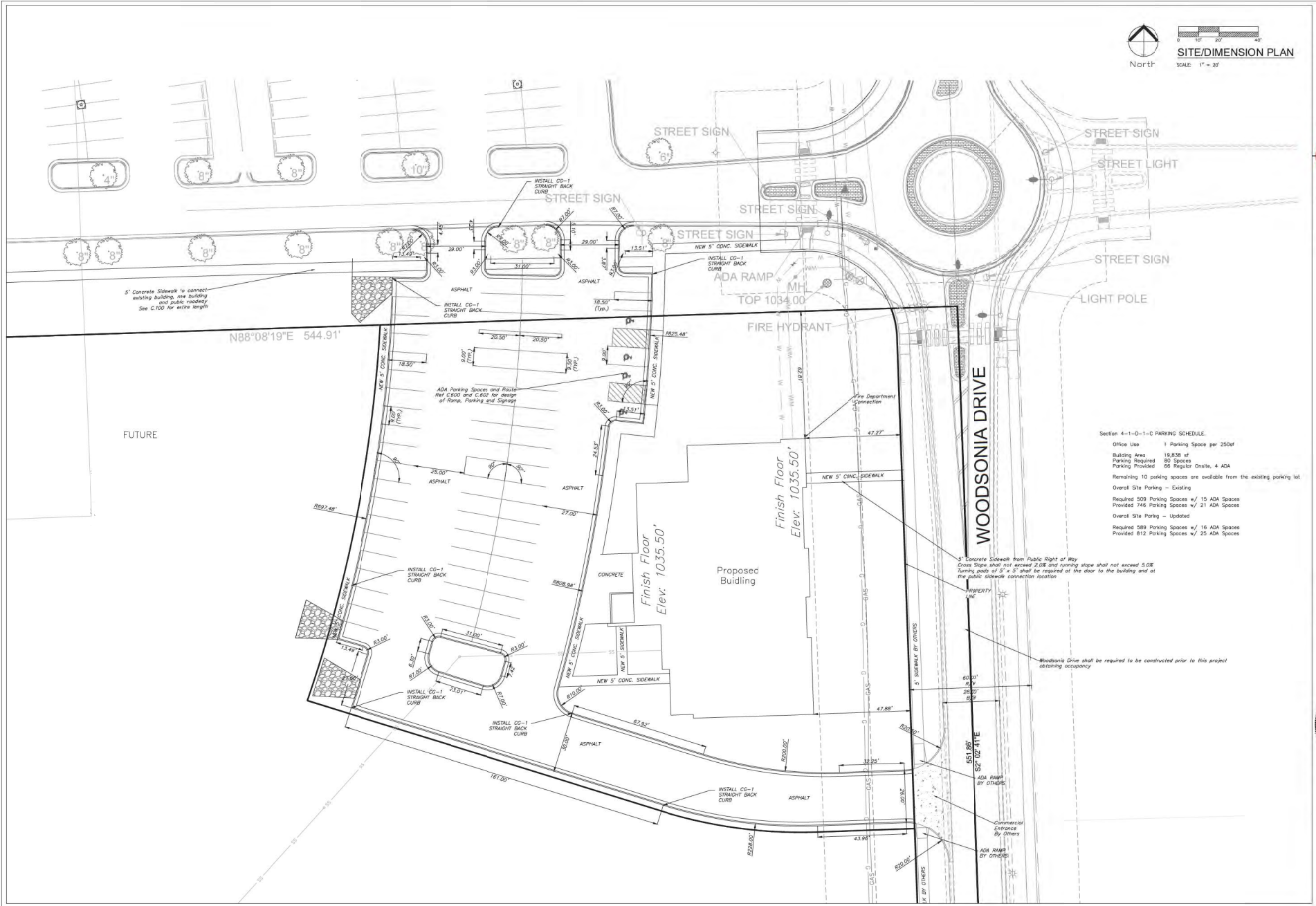
8500 Woodsonia Drive
 Lenexa, Johnson County, Kansas

Project: Westside Family Church
 Issue Date: March 20, 2021

Dimension Plan
 Construction Plans for:
 Westside Family Church Phase 2
 Lenexa, Johnson County, Kansas



Matthew J. Spischock
 MO #200001708
 KS #E 15071
 NE #E-C-21225
 REVISIONS



Section 4-11.6-1-C PARKING SCHEDULE.

Office Use	1 Parking Space per 250sf
Building Area	18,838 sf
Parking Required	80 Spaces
Parking Provided	95 Regular Onsite, 4 ADA
Remaining 10 parking spaces are available from the existing parking lot.	
Overall Site Parking - Existing	
Required 509 Parking Spaces w/ 13 ADA Spaces	
Provided 746 Parking Spaces w/ 21 ADA Spaces	
Overall Site Parking - Updated	
Required 589 Parking Spaces w/ 16 ADA Spaces	
Provided 812 Parking Spaces w/ 25 ADA Spaces	

5' Concrete Sidewalk from Public Right of Way
Cross Slope shall not exceed 2.0% and running slope shall not exceed 5.0%
Turning pads of 5' x 5' shall be required at the door to the building and at the public sidewalk connection location

Woodsonia Drive shall be required to be constructed prior to this project obtaining occupancy



Professional Registration
Missouri
Engineering 200002186-0
Surveying 2005000191-0
Kansas
Engineering E-1688
Surveying LS-112
Oklahoma
Engineering 654
Nebraska
Engineering CA201

8500 Woodsonia Drive
Lenexa, Johnson County, Kansas

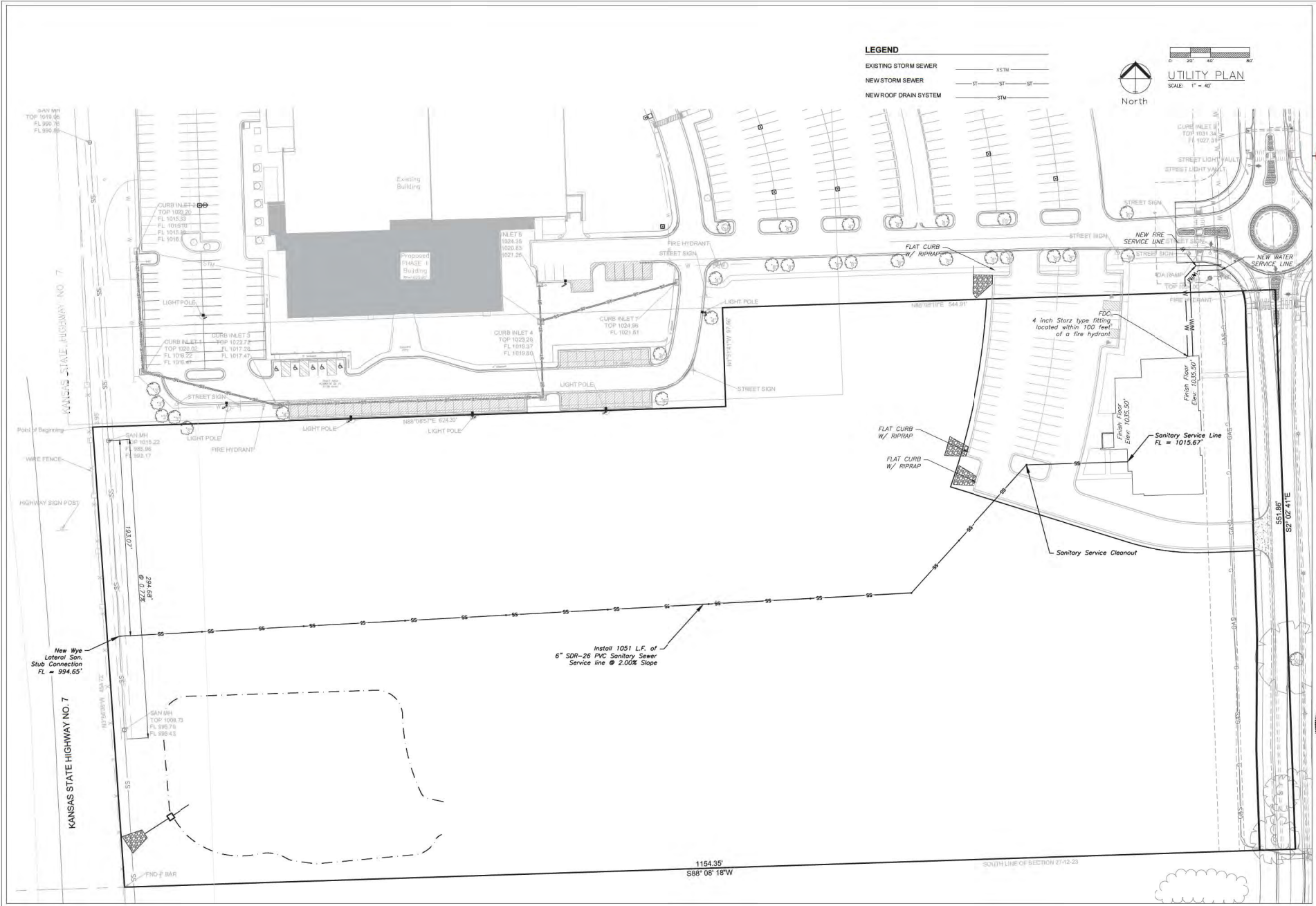
Project: Westside Family Church
Revision: 1
Issue Date: March 20, 2021

Dimension Plan
Construction Plans for:
Westside Family Church Phase 2
Lenexa, Johnson County, Kansas



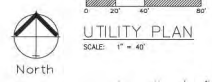
Matthew J. Spohn
MO #E 19071
KS #E 19071
NE #E C-1225
NE #E C-1235

REVISIONS



LEGEND

EXISTING STORM SEWER	XSTW
NEW STORM SEWER	ST
NEW ROOF DRAIN SYSTEM	STW



Professional Registration
Missouri
Engineering 200002186-0
Surveying 205000019-0
Kansas
Engineering E-568
Surveying LS-118
Oklahoma
Engineering 654
Nebraska
Engineering CA201

8500 Woodsonia Drive
Lenexa, Johnson County, Kansas

Project: Westside Family Church
Issue Date: March 20, 2021

Utility Plan
Construction Plans for:
Westside Family Church Phase 2
Lenexa, Johnson County, Kansas



Matthew J. Spink
MO No. 306019708
KS No. 19071
NE No. 0000225
NE No. 0000225

REVISIONS

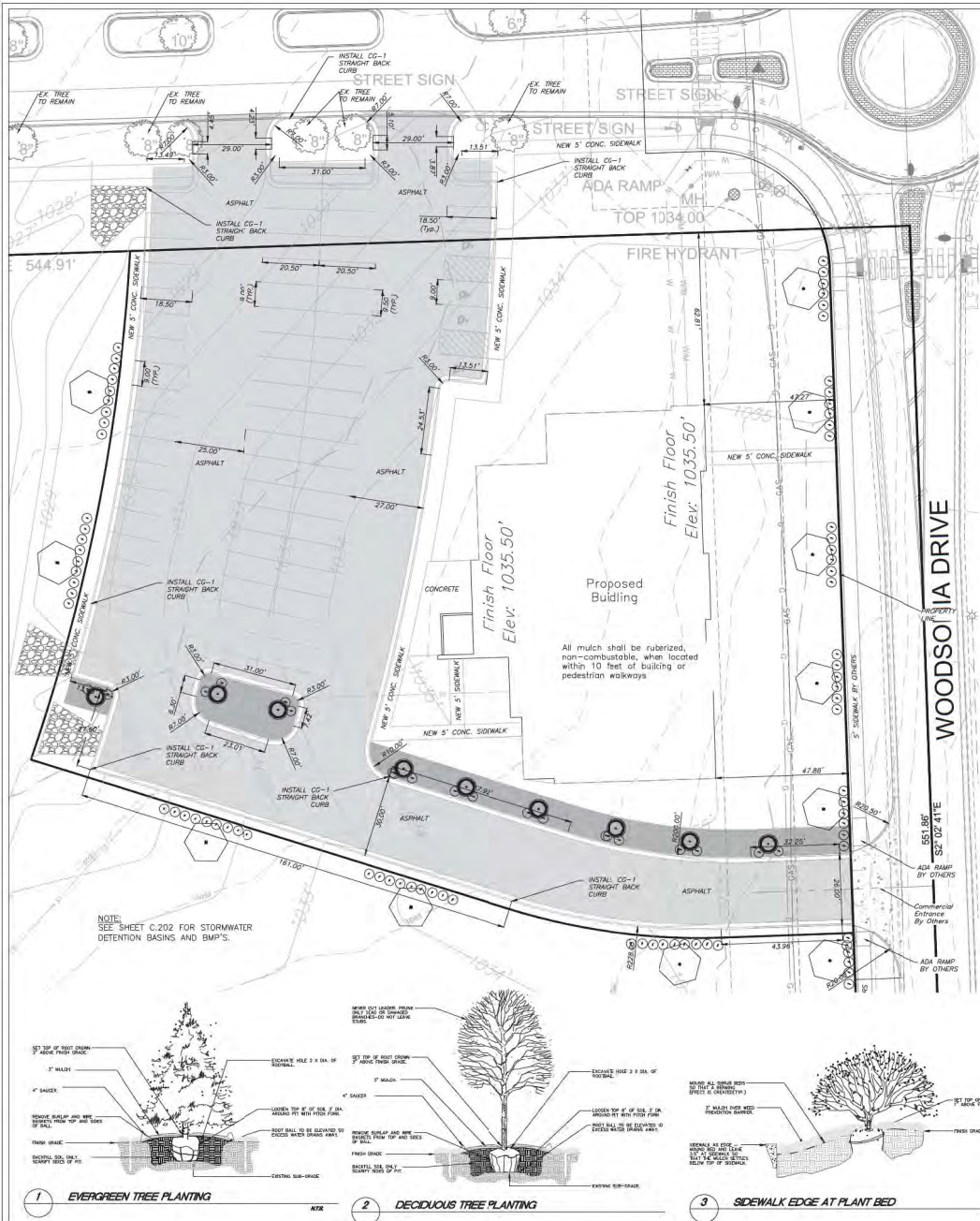


Table 1 - Perimeter Plantings Along Street Frontages

Per 100 Lin. Ft. Adjacent To:	Farkway (minimum 50 ft. depth, or as designed)	Freeway (minimum 100 ft. depth)	Arterial and Collector (minimum 25 ft. depth)	Local (minimum 20 ft. depth)**
Building or Open Area	2 shade trees 1 or more trees 25 shrubs and 20' offset*	1 shade tree, 3 evergreen trees, and 12 shrubs	2 shade trees 1 or more trees 12 shrubs and 75' offset**	2 shade trees and 12 shrubs
Parking Lot and Parallel Drive Area	As above and ADD shrubs on berm to form a visual screen of 10 feet high. 50% of the length of the berm adjacent to the parking lots and parallel drive area and other vehicle use areas.	As above and ADD shrubs on berm to form a visual screen of 10 feet high. 75% of the length of the berm adjacent to the parking lots and parallel drive area and other vehicle use areas.	As above and ADD shrubs on berm to form a visual screen of 10 feet high. 75% of the length of the berm adjacent to the parking lots and parallel drive area and other vehicle use areas.	As above and ADD shrubs on berm to form a visual screen of 10 feet high. 75% of the length of the berm adjacent to the parking lots and parallel drive area and other vehicle use areas.
Service Area (loading docks, outside storage, and activity)	As above and ADD evergreen trees, shrubs, and/or berms to accomplish 75% screening	As above and ADD evergreen trees, shrubs, and/or berms to accomplish 75% screening	As above and ADD evergreen trees, shrubs, and/or berms to accomplish 75% screening	As above and ADD evergreen trees, shrubs, and/or berms to accomplish 75% screening

* Decorative planting bed with flowers, other color, small shrubs and non-tall ground covers. ** Also include private shielded drive that access a local street.

Table 2 - Perimeter Plantings Along Lot Lines

Per 100 Lin. Ft. Adjacent To:	Planting
Building	1 shade tree
Parking Lot	1 shade tree 3 shrubs
Parking Lot - 500 LF	5 shade trees and 45 shrubs
Service Area	As above and ADD evergreen trees and shrubs as necessary to accomplish complete visual screen from public view**

** May be reduced or deleted adjacent to other service areas or other compatible areas or where views are already obscured by other means such as existing retaining walls or berms. The berm or screen shall be visible from on-site public areas, including property, public or private streets or other public access ways.

PLANTING GUIDE

SYMBOL	QUANT	KEY	NAME	SIZE
(Symbol)	6	TA	AMERICAN HASSWOOD LINDEN TILIA AMERICANA	2.5' CAL.
(Symbol)	9	NS	NORWAY SPRUCE PICEA OMNIS	6' HT.
(Symbol)	54	JCH	HOLBERT CHINESE JUMPER JONIPERUS CHINENSIS 'HOLBERT'	#3 POT

GENERAL LANDSCAPE NOTES:

PLANT MATERIAL

- ALL PLANT MATERIAL SHALL BE FIRST CLASS REPRESENTATIVES OF SPECIFIED SPECIES, VARIETY OR CULTIVAR. IN ORDER TO COMPLY WITH NATIONAL WELL DEVELOPED BRANCHES AND UNIFORMITY OF MATERIAL, PLANT MATERIAL SHALL BE PROVIDED BY THE AMERICAN ASSOCIATION OF NURSERMEN. AMERICAN STANDARD OF NURSERY STOCK AND SPECIFICATIONS SHALL BE USED IN ALL APPLICABLE RESPECTS TO PROPER STANDARDS AS SET FORTH IN THE AMERICAN ASSOCIATION OF NURSERMEN'S AMERICAN STANDARD OF NURSERY STOCK AND SPECIFICATIONS.
- SHRUBS SHALL BE CONTAINER GROWN AND WILL BE FREE OF DISEASE AND PESTS. NO BARE ROOT PLANT MATERIAL SHALL BE ORDERED TO A DEPTH OF 2" WITH DARK BROWN, HARDWOOD MULCH. PLANTING BEDS ARE TO BE FREE OF WEEDS AND GRASS. TREE BEDS WITH A 10" DEPTH SHALL BE FILLER MULCH AND MULCH PLACEMENT SHALL BE IN ACCORDANCE WITH STANDARD TREE PRACTICES.
- ALL PLANT MATERIALS SHALL BE PROTECTED FROM THE SPRING ACTION OF THE SUN AND WIND AFTER BEING DELIVERED. ALL PLANT MATERIALS SHALL BE PROTECTED FROM THE SPRING ACTION OF THE SUN AND WIND AFTER BEING DELIVERED. ALL PLANT MATERIALS SHALL BE PROTECTED FROM THE SPRING ACTION OF THE SUN AND WIND AFTER BEING DELIVERED.



LANDSCAPE PLAN
SCALE: 1" = 20'

Falsing completion of this building addition the overall site will be inspected for compliance with the previously approved landscape plan or the entire site as well as the modifications and additions proposed with the application.

Section 4-1-D-2 LANDSCAPING, BUFFERING AND SITE DESIGN.

M. Internal Parking Lot, Landscaped Areas: Every parking lot of over 10 spaces and 3,500 square feet shall contain internal landscaped areas based on the following design criteria:

1. Amount: The following percentage of the total parking lot area shall be dedicated to internal landscaped areas. Where there is more than 1 distinct parking area on a site, this amount shall be provided for each lot. Where multiple lots are provided on a multi-use site, the lots may reflect the predominant use for which the spaces serve.

For multi-family projects - 10 percent of total parking lot area.

For office and commercial sites - 7.5 percent of total parking lot area, For industrial or warehouse sites 5 percent of total parking lot area.

30,812 s.f. parking lot area x 7.5 percent = 2310.90 s.f. required
2542 s.f. provided

The total parking lot area shall be measured along the perimeter of the lot including all parking spaces, access drives, cruise lanes, and landscaped islands within the perimeter and at the corners of the lot. The total parking lot area shall not include loading and service areas, but shall include drive-up areas for customer service and drives and maneuvering areas that are jointly used by parking lot and service traffic.

2. Design: Internal landscape islands and Stormwater Best Management Practices (BMP's), such as infiltration areas, satisfying this internal parking lot landscape requirement shall be of a minimum of 8 feet in width with a minimum of 1 tree shall be planted per 300 feet of overall internal landscaped area, with at least 1 tree planted in each island. The remainder of the island shall be landscaped with additional trees, shrubs, ground cover or turf. Plantings should anticipate peak traffic patterns, be used to discourage foot traffic where dictated by safety concerns, and shall provide adequate visibility for the safety of pedestrian and vehicles.

1 tree shall be planted per 300 feet of overall internal landscaped area, with at least 1 tree planted in each island = 9 TREES

3. Location: Islands should be designed in locations based on the priority of: a) defining major drives and cruise lanes; b) delineating the end of parkingrows; c) at aisle intersections; and d) internal to the parking rows.

LAWN AND TURF AREAS

7. ALL LAWN AREAS TO BE SOWN OR SEEDS AS SHOWN ON PLANS. SOO SHALL COMPLY WITH US DEPT. OF AGRICULTURE RULES AND REGULATIONS UNDER THE FEDERAL SEED ACT AND SOO IN ACCORDANCE WITH SPECIFICATIONS FOR CENTRAL SEED. SOO SHALL BE CALIBRATED, SOO TURF HARVESTING AND SOO TURF HARVESTING. SOO SHALL BE SOWN OR SEEDS AS SHOWN ON PLANS. SOO SHALL COMPLY WITH US DEPT. OF AGRICULTURE RULES AND REGULATIONS UNDER THE FEDERAL SEED ACT AND SOO IN ACCORDANCE WITH SPECIFICATIONS FOR CENTRAL SEED. SOO SHALL BE CALIBRATED, SOO TURF HARVESTING AND SOO TURF HARVESTING.

INSTALLATION

8. THE INSTALLATION OF ALL PLANT MATERIAL SHALL BE IN COMPLIANCE WITH THE REQUIREMENTS OF THE CITY OF LENEXA, KS. AND LANDSCAPE INDUSTRY STANDARDS.

9. ALL PLANTING AREAS TO BE FREE OF ALL BUILDING DEBRIS AND TRASH. BARS FILLED WITH CLEAN FILL. GRASS AND TURF AREAS TO BE FREE OF ALL DEBRIS. TURF SHALL HAVE A JIF RANGE OF 8 TO 7 AND A JIF RANGE OF 8 TO 7.

10. PLANT BEDS TO BE "SOUND" ALL PLANT MATERIAL, PLANT BEDS, MULCH AND SOO DEPTH ARE TO BE INSTALLED PER LANDSCAPE PLANS, DETAIL AND MANUFACTURER'S RECOMMENDATIONS.

11. MULCH SHALL BE APPLIED TO ALL PLANT MATERIALS. MULCH SHALL BE 2" DEEP AND 1" FREE OF ALL DEBRIS AND TRASH. MULCH SHALL BE APPLIED TO ALL PLANT MATERIALS. MULCH SHALL BE 2" DEEP AND 1" FREE OF ALL DEBRIS AND TRASH.

MAINTENANCE BY OWNER

20. ALL SHRUBS ARE TO BE MAINTAINED IN THEIR NATURAL SHAPE TO ALLOW EVENTUAL GROWTH INTO A HEDGE.

21. MAINTAIN NATURAL HABIT OF ALL SPECIFIED PLANT MATERIAL.

22. NEW SOO TO BE THOROUGHLY WATERED UNTIL ROOTS TAKE HOLD OF SOO BED. CONTINUE WATERING AS REQUIRED TO COMPLETE ESTABLISHMENT.

ENGINEERING & SURVEYING SOLUTIONS

Professional Registration
Missouri
Engineering 200002166-0
Surveying 200000191-0
Kansas
Engineering E-588
Surveying S-518
Oklahoma
Engineering 654
Nebraska
Engineering CA201

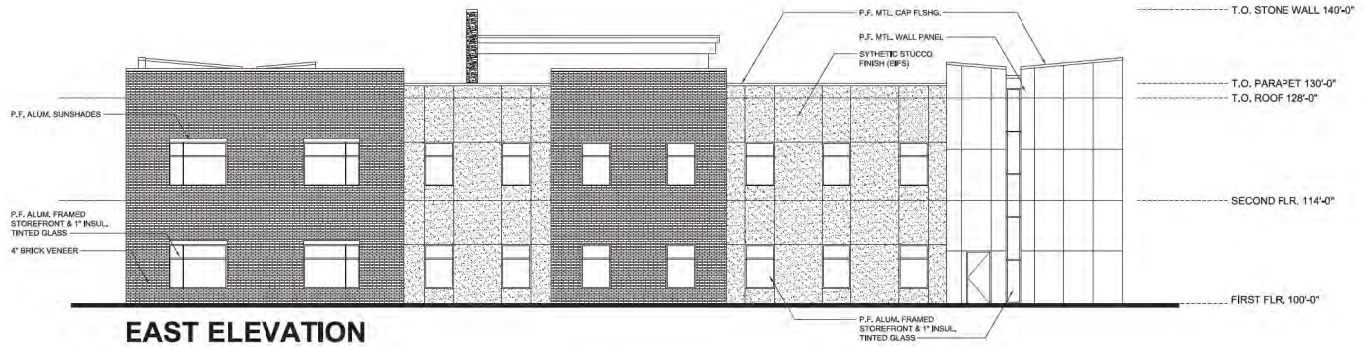
8500 Woodsonia Drive
Lenexa, Johnson County, Kansas

Project: Westside Family Church
Revision: 01/20/2021

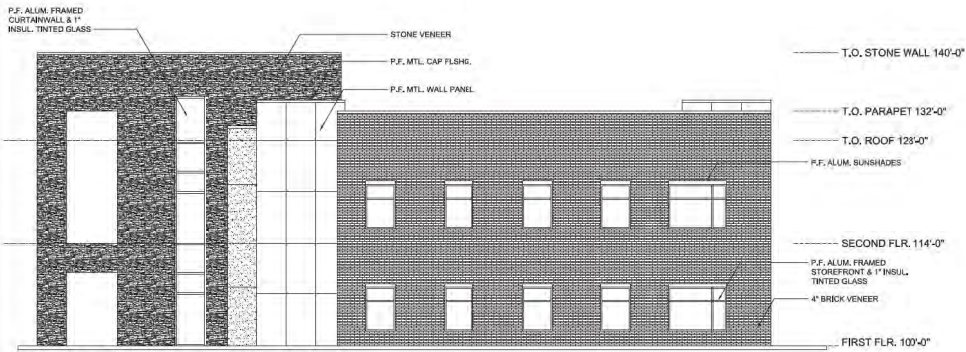
Matthew J. Spohn
MS PE 200619708
KS PE 19071
CA PE 21255

REVISIONS

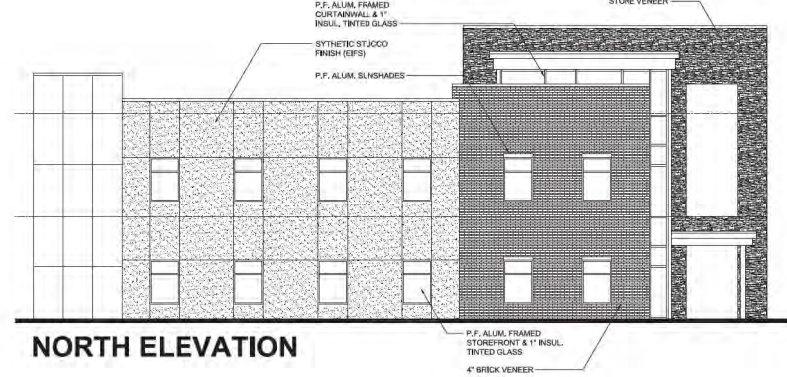
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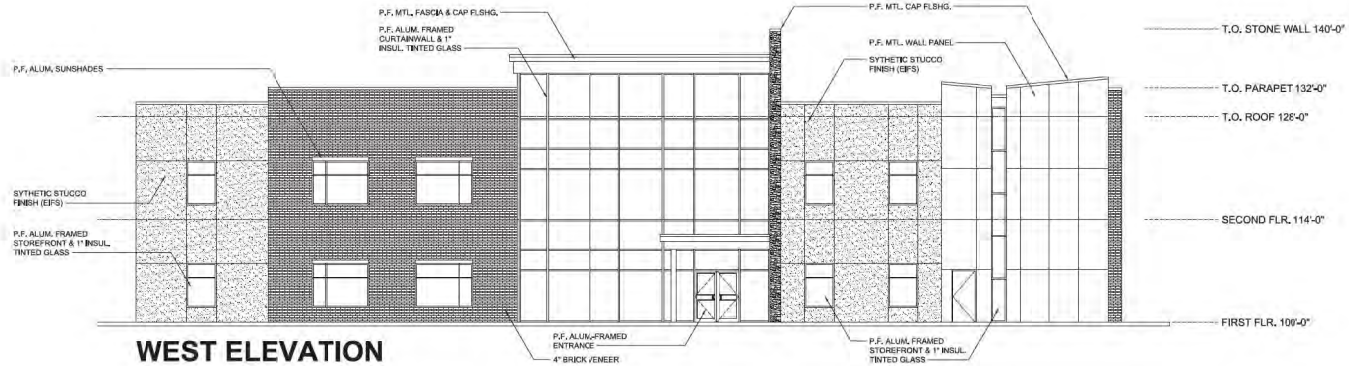
EAST ELEVATION



SOUTH ELEVATION



NORTH ELEVATION



WEST ELEVATION

A CARE CENTER FOR:
WESTSIDE FAMILY CHURCH
 8500 WOODSONIA DRIVE
 LENEXA, KANSAS 66227

PROJECT #: 22-877
 ISSUE DATE: 4/17/2023
 DRAWN BY:
 CHECKED BY:
 REVISIONS:

SHEET No.
A2
 EXTERIOR ELEVATIONS

REGULAR AGENDA

4. Westside Family Church Care Center - Consideration of a preliminary plan for a two-story office building accessory to the church/place of worship located at 8500 Woodsonia Drive within the R-1, Single-Family Residential District. PL23-02P

APPLICANT PRESENTATION:

Brian Rathsam, Architect with Mantel Teter Architects, presented information for the proposed project. The project includes a new building that will be two stories in height. The new building will match the existing material and tie into its current architecture. The new two-story building will include offices and meeting rooms for counseling. They will also be adding 70 parking stalls to the parking lot. They are also working to develop a new stormwater plan.

Dan Chaverin, Executive Pastor of Westside Family Church, talked about the church's plans for the new building. Westside Family Church's mission is to help families in the community by expanding the services they currently offer. Statistics show that the mental health crisis has worsened and their certified counseling services will be available to all families in the community.

STAFF PRESENTATION:

Stephanie Kisler presented the staff report. She displayed an aerial image of the project's location and the overall site. The proposed building is an accessory use to the existing church and is therefore allowed within the R-1 Zoning District. She also displayed the site's current zoning and future land use classification and talked about the applicant's overall future plans. The proposed two-story structure will be about 20,000 square feet in size and located on the southwest corner of Woodsonia Drive. Their proposal included sidewalk connections along both sides of Woodsonia Drive. The landscape plan and elevations include elements that will carry over from the existing site and existing church building to the new building.

PLANNING COMMISSION DISCUSSION:

Commissioner Horine commented that it was nice to see the church address the community's needs.

Commissioner Katterhenry echoed Commissioner Horine's comments, agreeing that the services the church offers are needed.

Chairman Poss asked if the building would meet the maximum height allowance of 35 feet for the R-1 District. Ms. Kisler noted that staff will review that requirement and a height deviation request could be necessary.

MOTION:

Chairman Poss entertained a motion to recommend **APPROVAL** of a preliminary plan for an office building accessory to the church/place of worship for **Westside Family Church** located at 8500 Woodsonia Drive.

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



ITEM 16

SUBJECT: Approval of a final plan for a mixed-use building with hotel and retail space known as Midas Lenexa City Center on 87th Street Parkway between Elmridge Street and Penrose Lane in the CC, Planned City Center Zoning District

CONTACT: Stephanie Kisler, Planning Manager

DATE: May 16, 2023

ACTION NEEDED:

Approve a final plan for a mixed-use building known as Midas Lenexa City-Center, for hotel and retail uses, located on 87th Street Parkway between Elmridge Street and Penrose Lane in the CC, Planned City Center Zoning District.

APPLICANT & DESIGN PROFESSIONAL:

Haidan O'Keefe, Olsson

OWNER:

City Center Lenexa, LLC

PROPERTY LOCATION/ADDRESS:

87th Street Parkway between Elmridge Street and Penrose Lane

PROJECT BACKGROUND/DESCRIPTION:

The final plan is for a mixed-use building that will contain two hotels, AC Hotel and Residence Inn, with four ground floor retail tenant spaces. The building is 79,956 square feet and due to grade changes varies from three to five stories tall. AC Hotel will have 130 guest rooms and Residence Inn will have 128 guest rooms. The lobby level, located on the ground floor, will also have a bar/ restaurant that will be open to the public, with an entrance from the public sidewalk.

Guest check-in parking is proposed along the 87th Street Parkway westbound lane in 15-minute on-street parking. Additional 15-minute guest check-in parking is planned along Penrose Lane near the main entrance to the hotel lobby. Guests can skip check-in parking by using a mobile app that will deliver a room key to their phone. Mobile room keys can be used to access the reserved parking areas for hotel guests in the parking garage.

On-street parallel parking along 87th Street Parkway will remain while additional parking will be provided in a structured parking garage access from Elmridge Street. The parking garage will have 284 spaces, of which 216 will be located behind a gate on the second floor of the garage and reserved for hotel guests only. There will be 68 spaces on the bottom two floors of the garage open for public parking. There will also be a reserved parking space for hotel check-in on each of the first two floors. All retail tenants will have rear access to the parking garage through the corridors running behind the retail tenant spaces. The applicant, in partnership with the City, may provide an additional level of public parking if determined to be feasible. Staff supports approval of the final plan with an option to add the additional parking without the need for a revised final plan submittal. An additional level of parking will yield approximately 73 parking spaces for an estimated total of 357 parking spaces within the garage.

STAFF RECOMMENDATION:

Approval of the final plan.

PLANNING COMMISSION ACTION:

This item was considered as Consent Agenda Item 3 at the May 1, 2023 Planning Commission meeting. Chairman Poss entertained a motion to recommend **APPROVAL** of Consent Agenda items 1 through 3. Moved by Commissioner Katterhenry, seconded by Commissioner Horine, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Thriving Economy

Guiding Principles

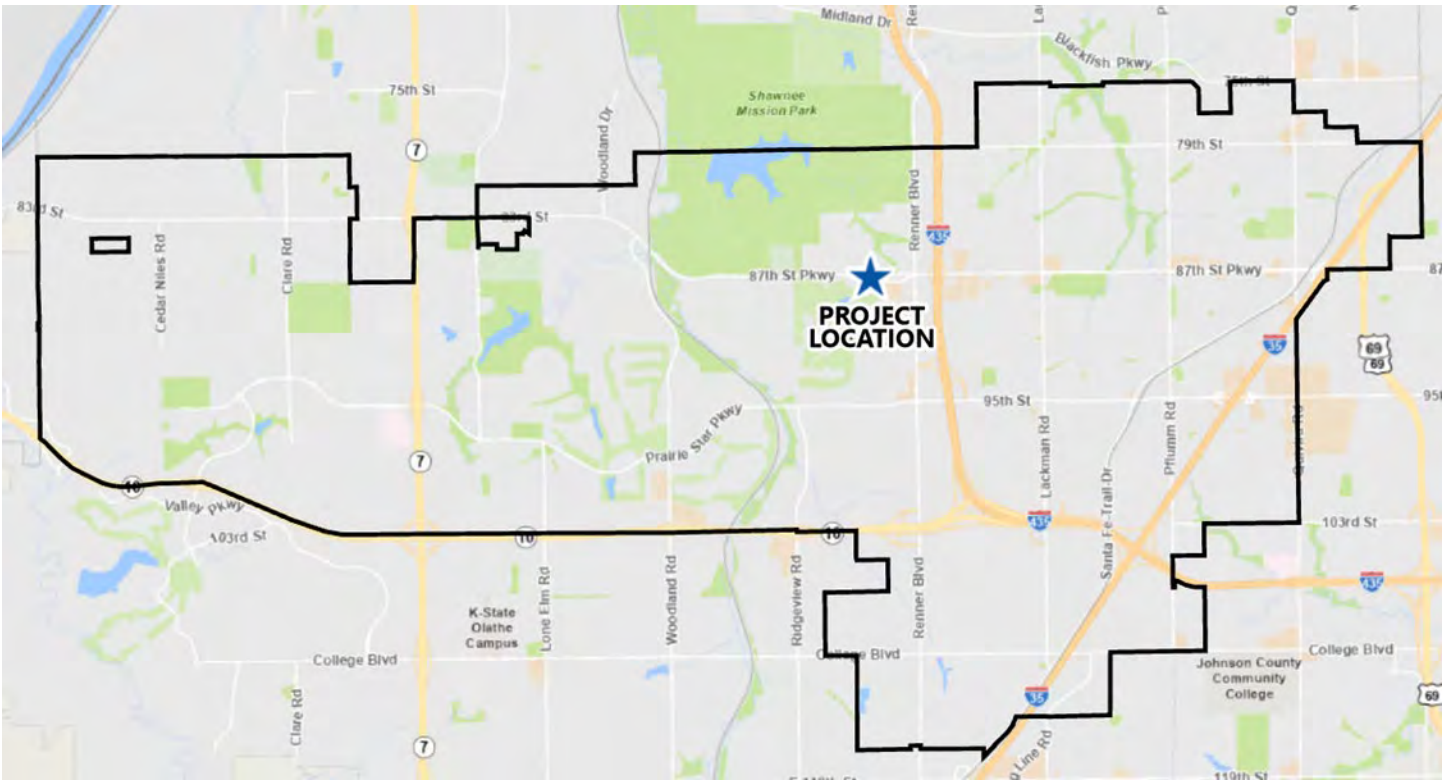
Responsible Economic Development

ATTACHMENTS

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

MIDAS LENEXA CITY CENTER

Project #:	PL23-10F	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:	Final Plan
Staff Planner:	Kimberly Portillo, AICP	Proposed Use:	Hotel, Retail



PROJECT SUMMARY

The applicant proposes to construct a mixed-use development in the City Center District. The building will include two hotels, four retail spaces and a parking garage. The structure is five stories tall and totals 79,956 square feet. The development includes construction of pedestrian amenity zones along the public rights-of-way. The applicant requests approval of a final plan for the development. The proposed final plan is consistent with the approved preliminary plan (PL23-02P), which was approved by the Governing Body on March 21, 2023. This project does not require a Public Hearing.

STAFF RECOMMENDATION: APPROVAL

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. The site is undeveloped and is not currently platted. A preliminary plan/plat for Midas Lenexa City Center (PL23-02P) was approved by the Governing Body on March 18, 2023.

LAND AREA (AC) 2.32	BUILDING AREA (SF) 79,956	CURRENT ZONING CC	COMP. PLAN City Center
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Exhibit 1: Aerial Image of Subject Site

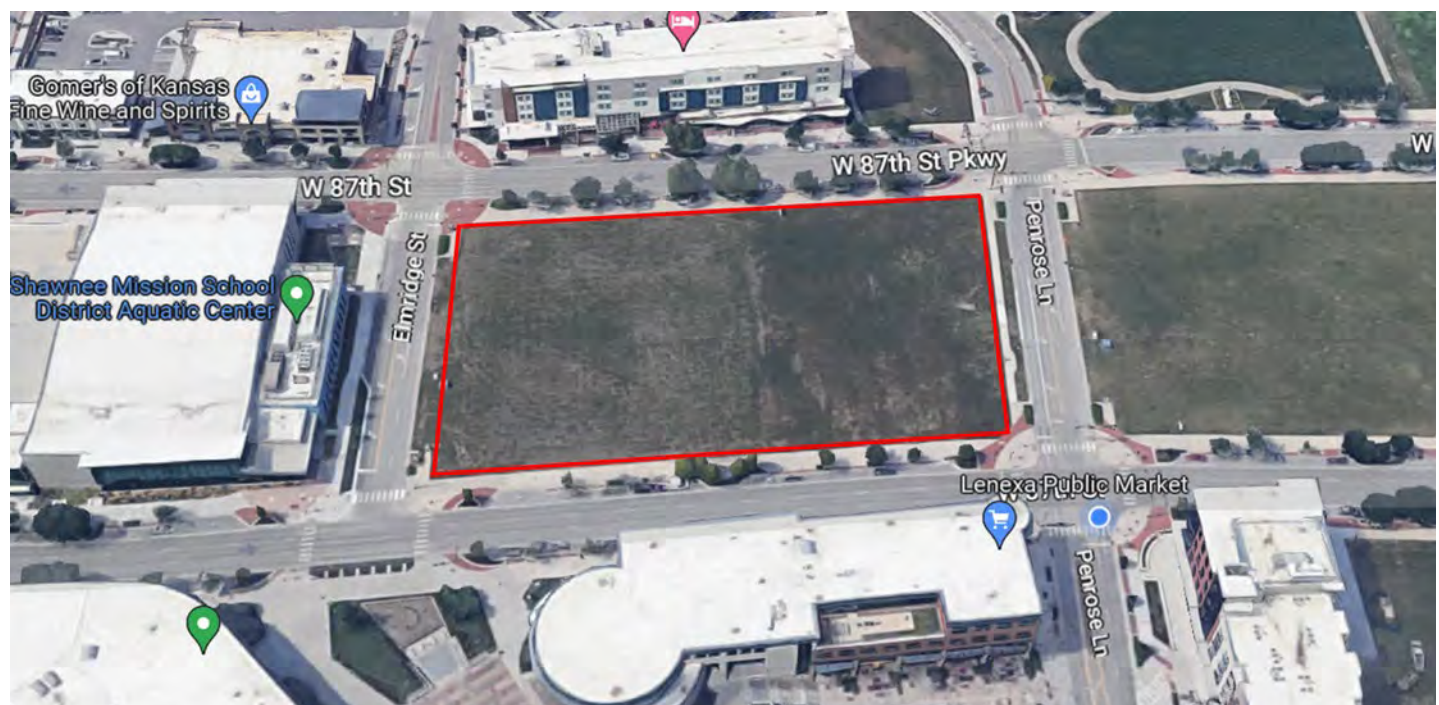


Exhibit 2: Bird's eye view of subject site.

LAND USE REVIEW

This development proposal includes the following uses:

- Two Hotels totaling 260 guest rooms;
 - AC Hotel, which will have 130 rooms.
 - Residence Inn, which will have 128 rooms.
 - Hotel lobby open 24 hours, with access limited between midnight and 5:00 AM to only registered guests or guests checking in.
 - Each hotel will have between 20 to 30 employees working during normal operating hours.
- A bar and restaurant.
 - The bar and restaurant, located adjacent to the hotel check-in area, will be accessible to hotel guests and the general public and includes an exterior entrance from the sidewalk.
- Four ground-floor retail spaces totaling 11,079 square feet.
 - Retail hours and services to be determined once tenants have been finalized.
- An off-street parking garage with 284 spaces that will have both public parking and designated hotel parking.

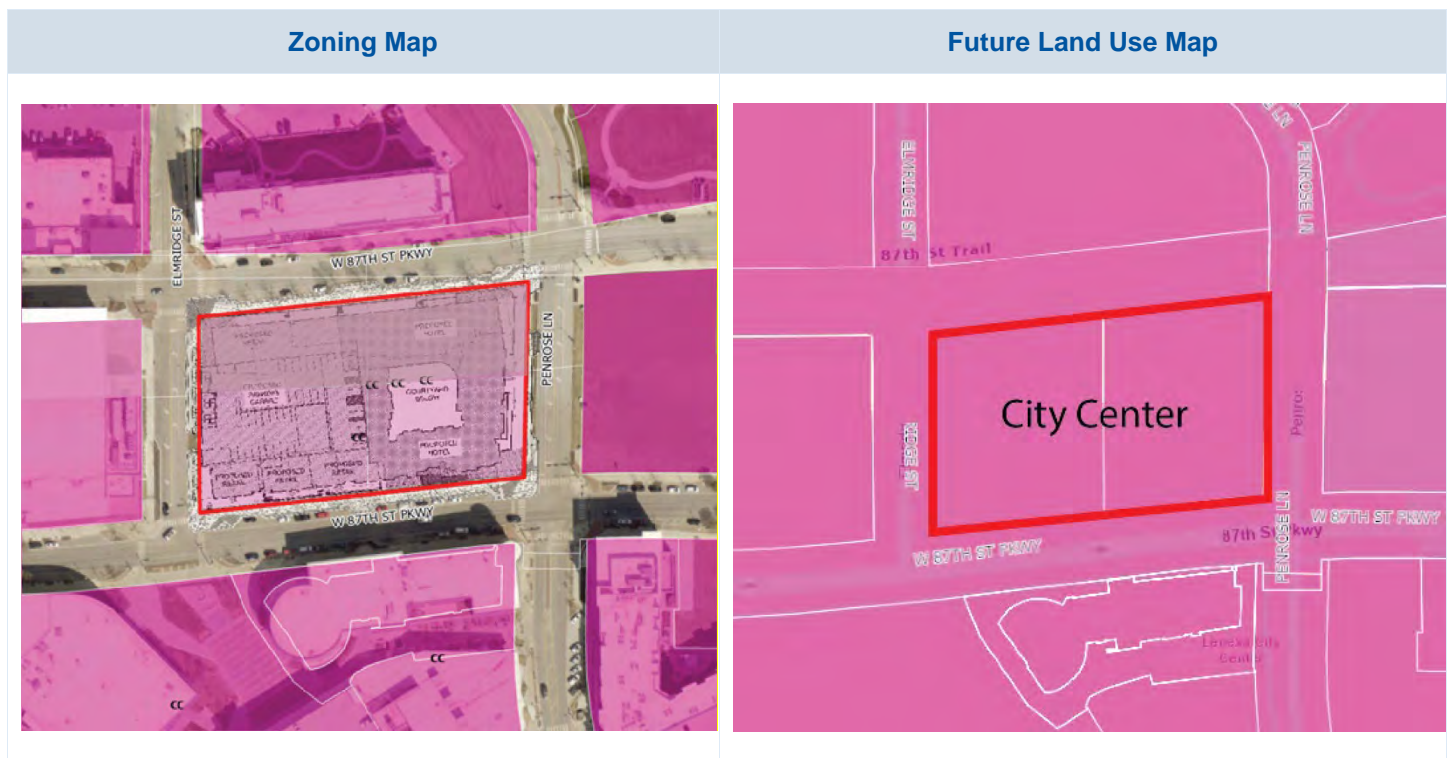


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

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 for 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 streets.” The proposed use is compatible with the future land use designation. The development uses styles of architecture that promote 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.

FINAL PLAN REVIEW

This final plan is for a mixed-use development in the City Center District. A preliminary plan/plat were approved in March 2023. 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. Construction is anticipated in one phase and is projected to begin in the fall of 2023. Vertical construction is projected to begin in 2024 and scheduled to be completed in 2026.

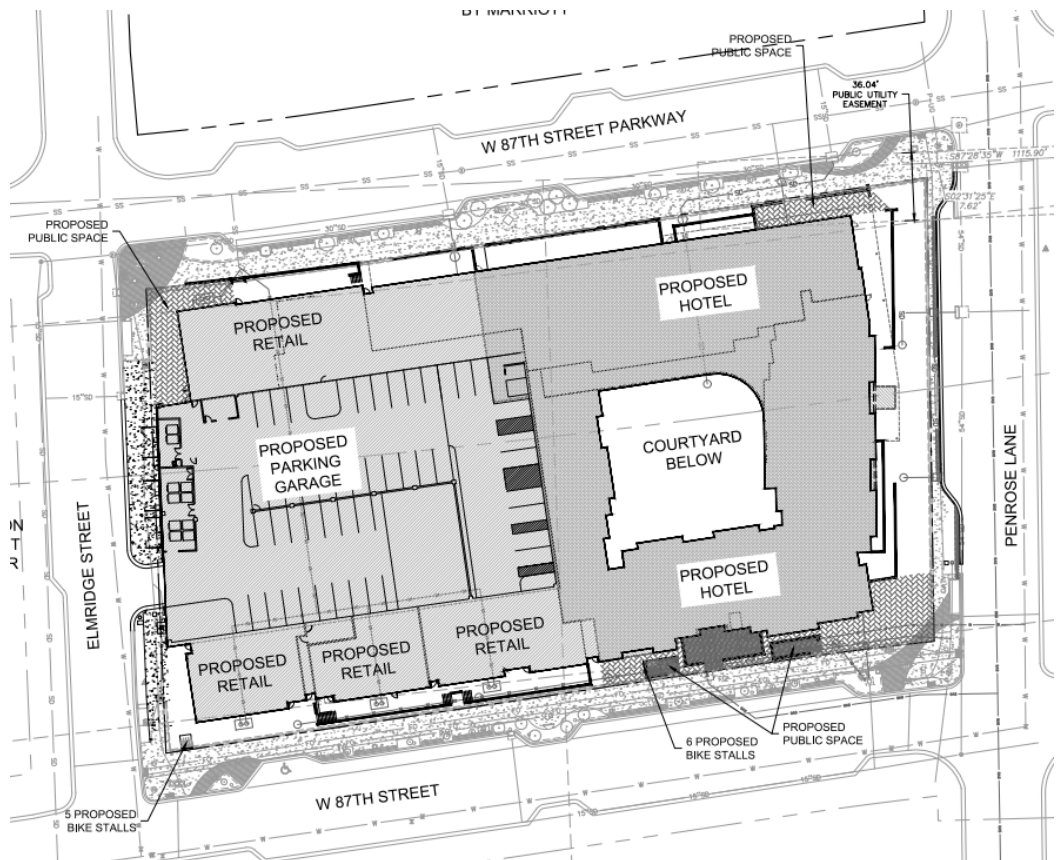


Exhibit 3: Site plan.

DIMENSIONAL STANDARDS

The Planned City Center Zoning District has a minimum height of 35 feet and maximum height of 110 feet for mixed-use buildings. The height of the proposed building varies from approximately 40 feet to 67 feet in height due to grade changes and is within the allowable range.

Setbacks from rights-of-way or property lines are more flexible in the City Center district than standard zoning districts, with mixed-use buildings ideally having a setback of 0 to 15 feet to reflect the district’s urban scale of

development. Alternative setbacks are allowable as part of an approved final development plan. Proposed setbacks are within this limit except for the eastern property line adjacent to Penrose Lane which has a setback of approximately 28 feet from the building to the right-of-way line in some locations. Staff does not have an issue with this setback considering that the intervening space is used for the public amenity zone and sidewalk.

PUBLIC IMPROVEMENTS

This proposal includes development of public space as required in the City Center District. Pedestrian amenity zones are to be provided along street frontages with landscaping and amenities. Some of these amenities are located on private property rather than in the public right-of-way; however, they are intended for public use. Pedestrian amenity zones include the following:

- o Landscape zones between the sidewalk and street. These areas will contain trees, shrubbery, and a modular brick pattern hardscape consistent with other areas of City Center.
- o Two pedestrian plazas at the southeast corner. Plaza 1 is a hardscaped area with six bike racks, benches, and a decorative pole light. Plaza 2 is a hardscape area with scooter storage, a bench, a decorative pole light and trash receptacles.
- o An additional five bike racks are located at the southwest corner.
- o A restaurant patio area is located at the northeast corner.



Exhibit 4: Sample pedestrian bench: Austin Series backless wood finish.



Exhibit 5: Sample pedestrian lighting: Cree Edge Series Pathway Luminaire



Exhibit 6: Sample planter: Vienna 3' Durawood Planter in Black.



Exhibit 7: Sample bike rack: Landscape Forms Ring Collection

TRAFFIC, ACCESS, AND PARKING

Guest check-in parking is proposed along W. 87th Street westbound lane in 15-minute on-street parking. Additional 15-minute guest check-in parking is planned along Penrose Lane near the main entrance to the hotel lobby. Guests can skip check-in parking by using a mobile app that will deliver a room key to their phone. Mobile room keys can be used to access the reserved parking areas for hotel guests in the parking garage.

On-street parallel parking along W. 87th Street will remain while additional parking will be provided in a structured parking garage access from Elmridge Street. The parking garage will have 284 spaces, of which 216 will be located behind a gate on the second floor of the garage and reserved for hotel guests only. 68 spaces on the bottom two floors of the garage will be open for public parking. There will also be a reserved parking space for hotel check-in on each of the first two floors. All retail tenants will have rear access to the parking garage through the corridors running behind the retail tenant spaces. Eight electric vehicle charging stations are provided in the parking garage. Two staircases, located on the north and south sides of the parking garage, allow visitors to park and access the ground-level sidewalk network. An elevator located at the northeast corner of the parking garage provides access through a corridor into lobby area on the ground floor of the hotel.

Bicycle parking is provided within pedestrian amenity zones along the sidewalk. Eleven bicycle stalls are provided in accordance with the bicycle parking standard of the Unified Development Code. Bicycle parking is provided in two locations along W. 87th Street Parkway.

The applicant, in partnership with the City of Lenexa, may provide an additional level of public parking if determined to be feasible. Staff supports approval of the final plan with an option to add the additional parking without need for a revised final plan submittal. An additional level of parking will yield approximately 73 parking spaces for an estimated total of 357 parking spaces within the garage. Table 2 shows approximate parking counts for both alternatives. Staff would ensure that the aesthetics of an additional level of parking would remain consistent with the architectural design of the development provided within this final plan. Exhibit 15 in the *Architecture* section of this staff report shows a sample rendering of the proposal with an added deck of parking.

TABLE 2: PARKING DECK ALTERNATIVES

Vicinity	Designated Hotel Parking	Public Parking	Total Parking
As Proposed	216	68	284
With Added Deck	216	141	357

STORMWATER

With the addition of a hot-spot stormwater best management practice (BMP) for the parking garage and two structural water quality BMPs on-site (similar to those used for the City Hall campus) 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

Existing streetlamps along street frontages will remain. Lighting of the site includes wall lights, pedestrian pathway lighting, downlit LED at hotel entry, and parking garage lights. The photometric plan is in compliance with the UDC.

LANDSCAPING

Landscaping is provided in designated pedestrian amenity zones and along the base of the building in certain areas. Three new street trees will be planted along Elmridge Street and six new trees will be planted along Penrose Lane. Existing street trees along W. 87th Street Parkway will be preserved. If construction activity deems it necessary to remove any existing trees or landscaping, the applicant shall be responsible for replacement in-kind. Additional ornamental trees and shrubs will be planted at select locations near the base of the building near pedestrian plaza space. Planter boxes are also planned along retail frontages.



Exhibit 8: Landscaping plan.

ARCHITECTURE

Ground floor architecture is designed to create visual interest at street-level and reinforce pedestrian activity. Retail entrances are oriented towards the street and given distinct architectural expression through design elements. Materials include aluminum storefront windows, light gray modular thin brick along the lengths of the building and terra cotta colored modular brick accents and at corners. Storefronts and entrances feature steel canopies, fabric awnings and in some locations glass entry vestibules. Additional ground-level architectural detailing includes planters, light sconces, horizontal masonry reveals, and soldier course detailing.

The applicant has also provided an alternative view of elevations depicting the option for an additional floor in the parking garage, shown in Exhibit 15.

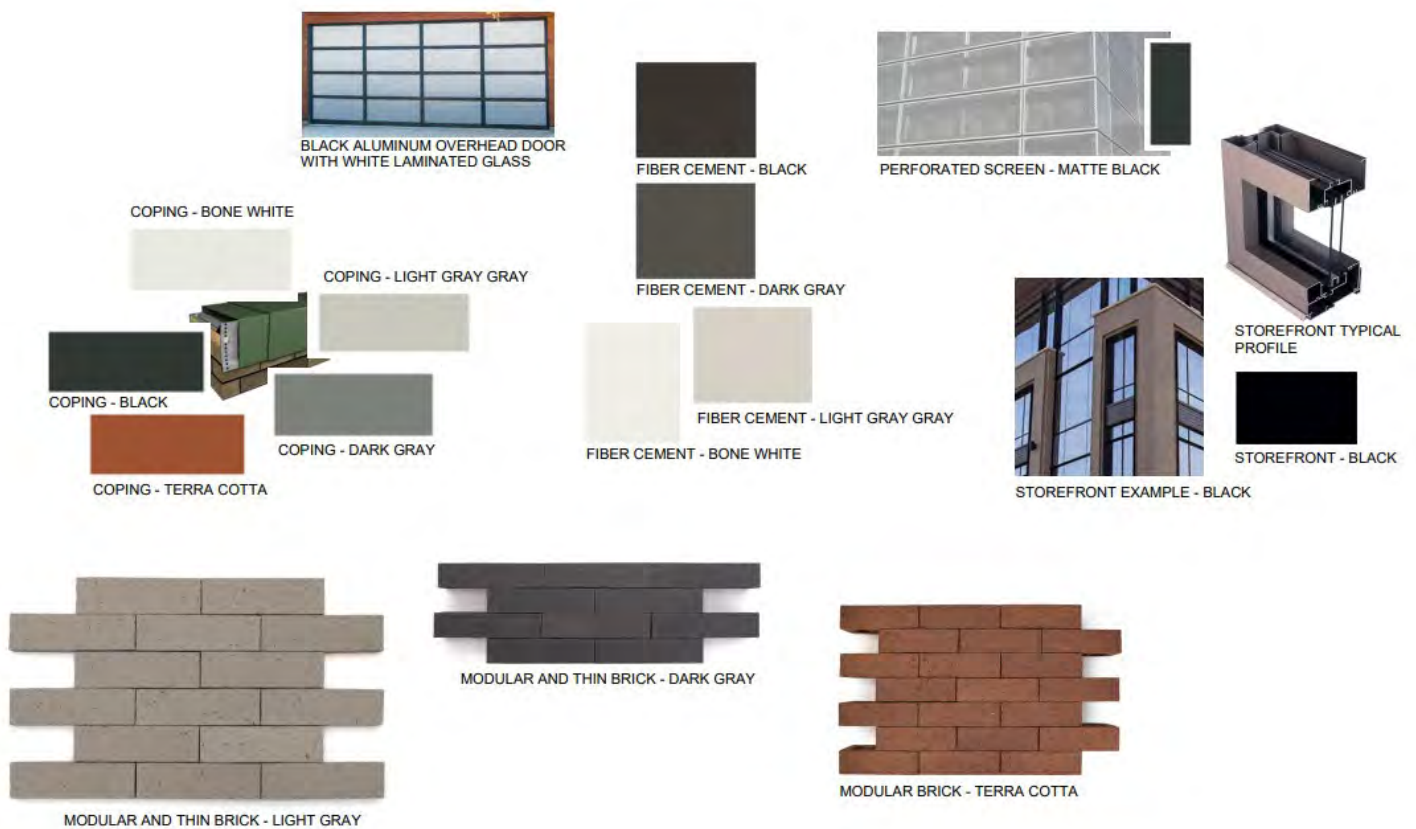


Exhibit 9: Material board



Exhibit 10: View at northwest corner, Retail A.

Upper floors on the north and south elevations have similar yet varying design to provide distinction between the two hotel brands. Architecture for the AC Hotel (north elevation) includes the use of dark gray fiber cement panels to create a distinguished roofline. There are four rows of windows for guest rooms with off-white fiber cement panels and light gray fiber cement panels. Louver details are spaced between every double-set of windows. The northeast corner of the building is made prominent with a raised roofline and distinctive colors using the terra cotta-colored coping and darkest gray fiber cement panels.



Exhibit 11: View at southeast corner, Residence Inn.

Architecture for the Residence Inn (south and east elevations) includes light gray fiber cement panels, dark gray fiber cement panels, and masonry veneer. A bone white coping band around sections of the building and protrusions and recession in the facade create visual depth. Materials are consistent with other facades and include light gray fiber cement panels, dark gray fiber cement panels and masonry veneer.



Exhibit 12: View at northeast corner.



Exhibit 13: View at southwest corner, Retail B.

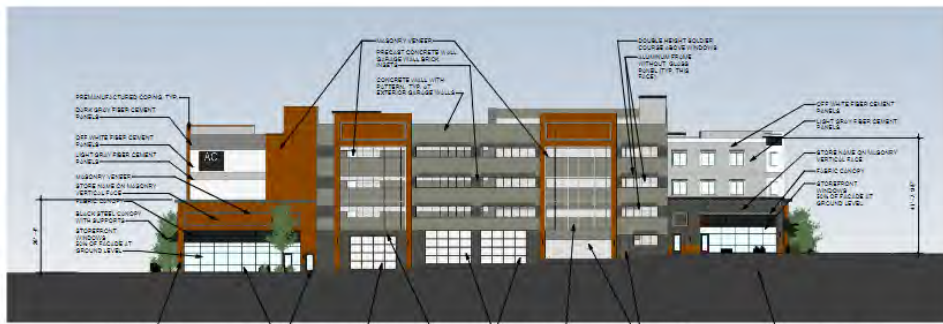


Exhibit 14: West elevation garage entrance and service doors.

The west elevation along Elmridge Street includes the most visible section of the parking garage, with the parking garage entrance and trash enclosure overhead doors at ground level. At the time of preliminary plan approval, the Planning Commission requested that the applicant improve the aesthetics of the overhead service doors along Elmridge Street. The applicant has modified the design to use frosted glass overhead doors for access to service areas. The materials are consistent with the high-quality material standard requirements of the City Center Zoning District.



75 NORTH ELEVATION
ELEVATION



76 WEST ELEVATION
ELEVATION



77 SOUTH ELEVATION
ELEVATION



78 EAST ELEVATION
ELEVATION

Exhibit 15: Alternative elevations with additional level of parking garage.

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 May 16, 2023.
- Approval of a final plat is required prior to submittal of any building permit other than a Land Disturbance Permit. A Land Disturbance Permit can be issued prior to platting and requires approval of a preliminary plan.
- The applicant should inquire about additional City requirements, such as permits and development fees.

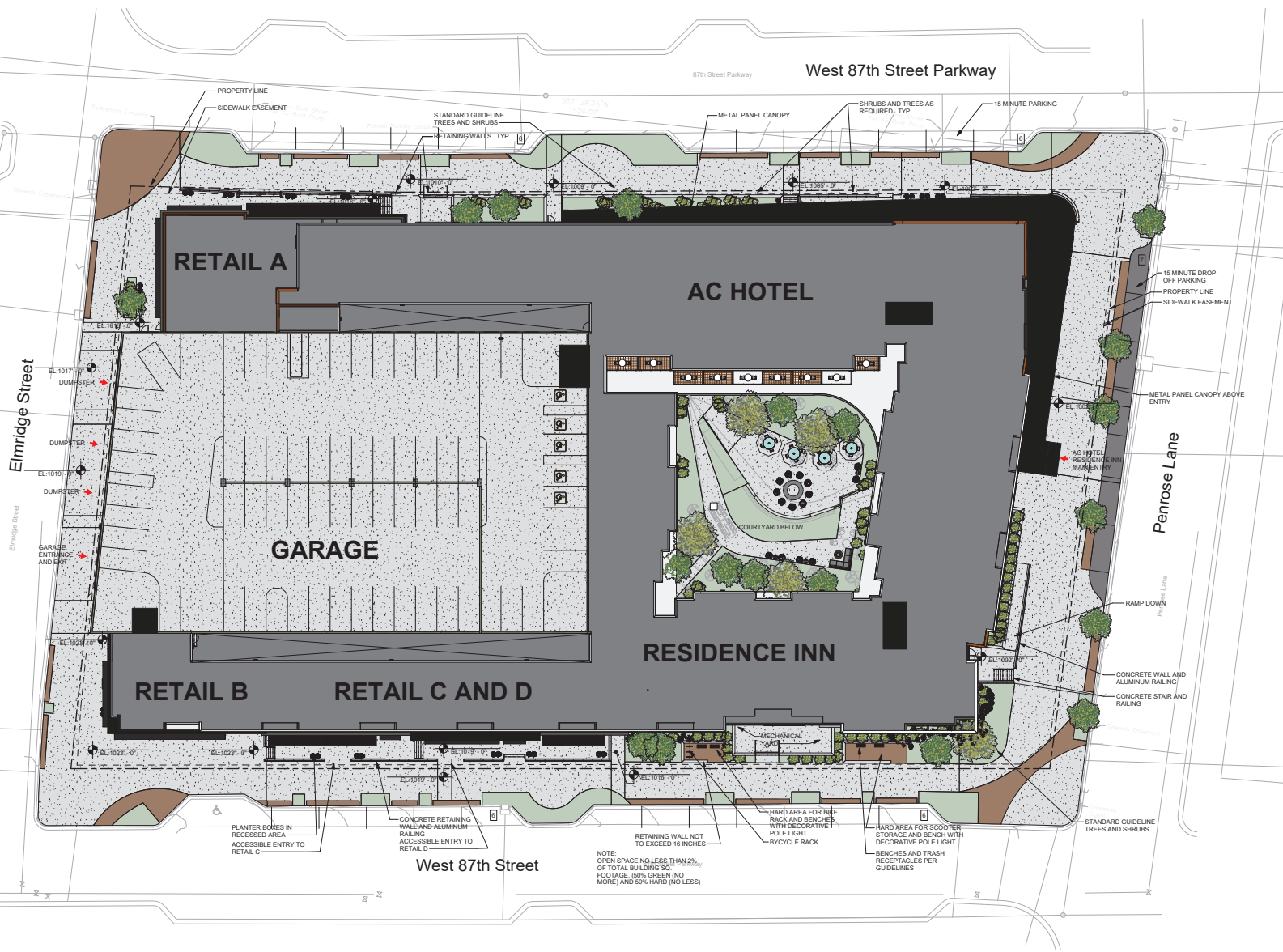
RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Staff recommends approval of the proposed Final 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**.
- Staff supports an option to allow an additional level in the parking garage to be used for public parking without the need for a revised final plan.

FINAL PLAN

Staff recommends **approval** of the final plan for PL23-10F – **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. This recommendation includes both the proposed plan and the plan with the option to add parking garage capacity.



AC HOTEL (30 EMPLOYEES)

ROOM MATRIX	K STANDARD	K STANDARD/ALT	ACC K	ACC K ALT	METRO K	DB STANDARD	ACC DB	TOTAL
5	7	7	1	0	0	12	1	34
4	7	7	1	0	0	12	1	34
3	7	7	1	0	0	12	1	34
2	5	6	1	0	0	12	0	30
1	0	0	0	0	0	0	0	0
TOTAL	26	27	4	0	24	48	3	132

RESIDENCE INN (30 EMPLOYEES)

ROOM MATRIX	K STUDIO	QQ STUDIO	ACC K STUDIO	ACC QQ STUDIO	STUDIO K	ONE BED END	ACC ONE BED END	TOTAL
5	25	8	1	0	1	1	1	37
4	25	8	1	0	1	1	1	37
3	17	8	0	0	1	1	0	27
2	17	7	0	1	1	1	0	27
1	0	0	0	0	0	0	0	0
TOTAL	84	31	2	1	4	4	2	128

PARKING	GARAGE PRIVATE	GARAGE PUBLIC	PARALLEL STREET	15 MIN SPACES	TOTAL
6	70 (5 HC)				70
5	75 (5 HC)				75
4	70 (2 HC)	2			72
3		76 (2 HC)			76
2		64 (2 HC)	12		76
1		0	18	0	18
TOTAL PROVIDED	215(12 HC)	142(4 HC)	30	0	387
	261 KEYS AT 1 SPACE PER KEY =				261
	11,079 SF RETAIL @ 1 SP. PER 250 SF=				45
TOTAL REQUIRED					305

PROPOSED: 30% GREEN SPACE AND 70% HARD SPACE
 ALLOWABLE: NO MORE THAN 50% GREEN SPACE
 ALLOWABLE: NO LESS THAN 50% HARD SPACE
 PROPOSED: 36% OPEN AREA
 ALLOWABLE: MORE THAN 2% OPEN SPACE

Residence Inn AC Dual Brand Hotel at City Center

Lenexa, Kansas 66219

SITE PLAN
1"=20'-0"

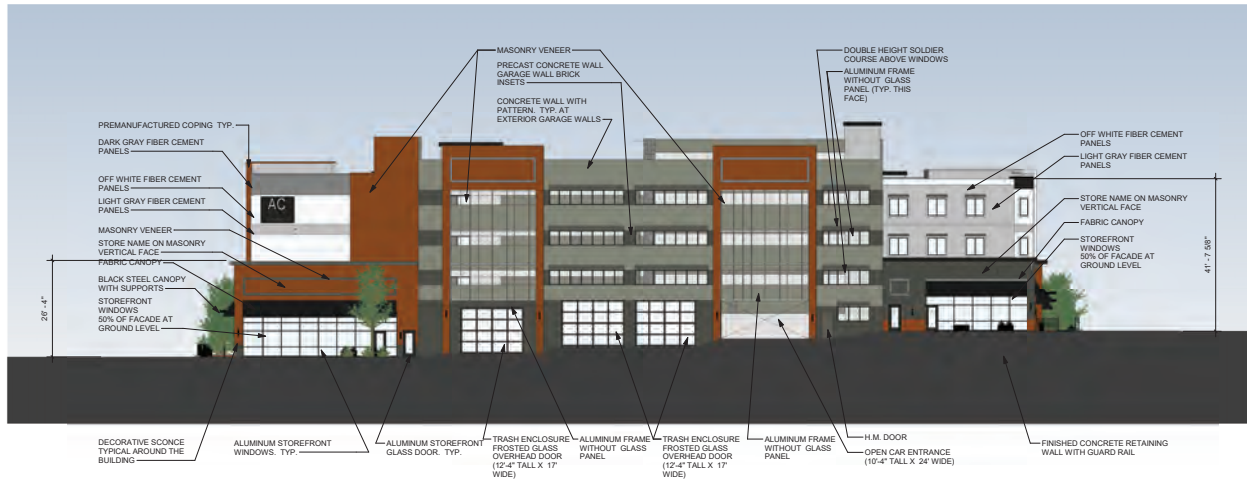
22446.00

4/24/2023





1 NORTH ELEVATION
1/16" = 1'-0"



2 WEST ELEVATION
1/16" = 1'-0"

Residence Inn AC Dual Brand Hotel at City Center

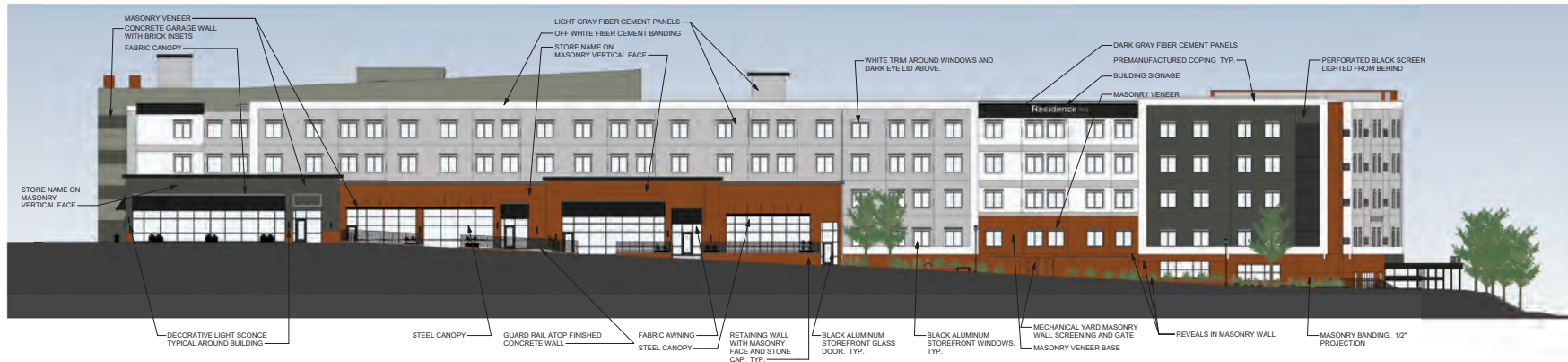
Lenexa, Kansas 66219

BUILDING ELEVATIONS
1/16"=1'-0"

22446.00

4/24/2023





1 SOUTH ELEVATION
 P10 1/16" = 1'-0"



2 EAST ELEVATION
 P10 1/16" = 1'-0"

Residence Inn AC Dual Brand Hotel at City Center

Lenexa, Kansas 66219

BUILDING ELEVATIONS
 1/16"=1'-0"

22446.00

4/24/2023





BLACK ALUMINUM OVERHEAD DOOR WITH WHITE LAMINATED GLASS



FIBER CEMENT - BLACK



FIBER CEMENT - DARK GRAY



PERFORATED SCREEN - MATTE BLACK



STOREFRONT TYPICAL PROFILE

COPING - BONE WHITE



COPING - LIGHT GRAY GRAY



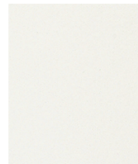
COPING - BLACK



COPING - DARK GRAY



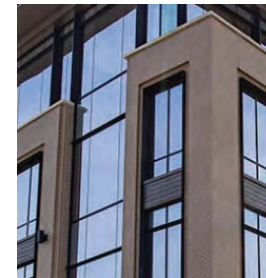
COPING - TERRA COTTA



FIBER CEMENT - BONE WHITE



FIBER CEMENT - LIGHT GRAY GRAY



STOREFRONT EXAMPLE - BLACK



STOREFRONT - BLACK



MODULAR AND THIN BRICK - LIGHT GRAY



MODULAR AND THIN BRICK - DARK GRAY



MODULAR BRICK - TERRA COTTA

CONSENT AGENDA

- 1. Cottonwood Canyon, 14th Plat - Consideration of a revised final plat for a single-family residential lot located at 9309 Cottonwood Canyon Drive within the RP-1, Planned Residential (Low Density) District. PT23-02FR**
- 2. Creekside Park First Plat - Consideration of a final plat for a single-family subdivision located near the southeast corner of 91st Street and Clare Road within the RP-1, Planned Residential (Low Density) District. PT23-12F**
- 3. Midas Lenexa City Center - Consideration of a final plan for a mixed-use development with two hotels and retail space 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. PL23-10F**

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1 through 3. Moved by Commissioner Horine, seconded by Commissioner Burson, and carried by a unanimous voice vote.

DRAFT



**CITY COUNCIL
MEMORANDUM**

ITEM 17

SUBJECT: Consideration of establishing Project Plan 1K in the City Center Tax Increment Financing District (Kiewit Penrose Lane Building Project)

CONTACT: Sean McLaughlin, City Attorney

DATE: May 16, 2023

ACTION NEEDED:

- a. Conduct a public hearing;
- b. Pass an ordinance approving TIF Project Plan 1K by a 2/3 vote of the Governing Body;
- c. Adopt a resolution approving the Disposition and Development Agreement (DDA) with Kiewit Engineering Group Inc by a simple majority; and
- d. Pass an ordinance approving an amendment to TIF Project Plan 1C by a simple majority.

PROJECT BACKGROUND/DESCRIPTION:

After staff's presentation, the City Council will open a public hearing to consider approving Redevelopment (TIF) Project Plan 1K ("Project Plan 1K") located on 0.90 acres located south of 89th Street/Penrose Lane and west of Renner Boulevard in the City Center TIF District ("District"). The City established the original district on September 11, 2001 and it was subsequently amended on December 20, 2005 to include 424 acres.

Project Plan 1K contemplates the construction of a six-story office building including associated site work, utilities, and structured parking facilities ("Private Project Improvements"). The Private Project Improvements will be performed by or on behalf of Kiewit Engineering Group Inc. ("Developer"). The TIF increment generated from the Project will be used to reimburse the Developer for a portion of its TIF eligible costs associated with the Private Project Improvements. The eligible costs, priority, and terms of reimbursement to the Developer for the Private Project Improvements are set forth in the DDA with the Developer.

Pursuant to the DDA, the Developer will receive 100% of the TIF revenues during the TIF term. The DDA also contains a number of performance standards. Some of the key provisions include substantial completion by December 31, 2026. The City is entitled to receive reimbursement of the Annual TIF Administrative Fee and the TIF Project Plan Fee prior to reimbursing 100% of TIF revenue to the Developer. The DDA uses the City's standard terms and is available for review in the City Clerk's office.

Finally, the Governing Body will consider a clean up amendment to Project Plan 1C in the City Center TIF District. Project Plan 1C was approved in 2012 as part of the initial incentive package for what was known as the Perceptive Software campus. At the time of approval, Project Plan 1C inadvertently included land acquisition costs that are located in the proposed Project Plan 1K area. The proposed amendment will

remove the land acquisition costs from Project Plan 1C so that they are eligible for reimbursement in the proposed Project Plan 1K.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

Project Plan 1K identifies a maximum in private reimbursable TIF expenses of \$20,729,084. The feasibility study prepared by City staff conservatively estimates the Project Plan 1K area TIF increment of \$13,126,380 over the 20-year TIF Term. The TIF increment plus other available private revenues and funds are expected to be sufficient to pay for the eligible reimbursable expenses. This is a pay-as-you-go TIF, so reimbursement is only made to the extent TIF revenues are actually received by the City. The amendment to TIF Project Plan 1C will not affect the reimbursement schedule as all the costs associated with Project Plan 1C have been certified and are currently being reimbursed.

STAFF RECOMMENDATION:

Passage of ordinances and adoption of the resolution

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Thriving Economy

Guiding Principles
Responsible Economic Development

ATTACHMENTS

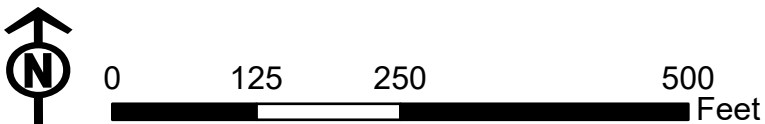
1. Map
2. Ordinance - Project Plan 1K
3. Resolution
4. Ordinance - Amended Project Plan 1C
5. Project Plan 1K located in the Appendix
6. Amended Project Plan 1C located in the Appendix



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

Kiewit K3

City Center Project Plan 1K



ORDINANCE NO. _____

ORDINANCE APPROVING AND ADOPTING REDEVELOPMENT PROJECT PLAN 1K WITHIN A REDEVELOPMENT DISTRICT IN THE CITY OF LENEXA, KANSAS GENERALLY REFERRED TO AS THE CITY CENTER TIF DISTRICT (KIEWIT PENROSE LANE BUILDING PROJECT)

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”) cities are authorized to assist in the development and redevelopment of eligible areas located within cities in order to promote, stimulate and develop the general and economic welfare of the state of Kansas and its communities; and

WHEREAS, in order to promote, stimulate and develop the general and economic welfare of the city of Lenexa, Kansas (“City”), the Lenexa City Council on September 11, 2001, adopted Ordinance No. 4427 establishing a Redevelopment District (the “Original District”) pursuant to the Act. The Original District was amended on December 20, 2005 by Ordinance No. 4824 to include a total of approximately 424 acres (the “District”) referred to as the City Center TIF District; and

WHEREAS, pursuant to the Act and the establishment of the District, the City in cooperation with the Lenexa Planning Commission prepared a Redevelopment Project Plan for an area within the District (“Project Plan 1K”) which was found by the Lenexa Planning Commission on April 3, 2023 to be consistent with the intent of the comprehensive plan for the development of the City and such findings are included in the Planning Commission Resolution; and

WHEREAS, the purpose of Project Plan 1K is for Kiewit Properties (Kansas), LLC (the “Developer”) to construct or cause to be constructed a six-story office building, parking structure and surface parking, sidewalks, landscaping and associated infrastructure (the “Penrose Project”); and

WHEREAS, Project Plan 1K shall utilize the TIF increment from the Penrose Building Project within the Project Plan 1K area and associated appurtenances thereto (the “Project”) to reimburse Developer and the City for various approved TIF eligible expenses associated with the Project, as described in more detail in Project Plan 1K and the associated Disposition & Development Agreement (“DDA”); and

WHEREAS, pursuant to Resolution No. 2023-034 adopted April 4, 2023, the City gave notice of its intent to consider Project Plan 1K and conduct a public hearing on the proposed Project Plan 1K at the City Council meeting on May 16, 2023 or as soon thereafter as it may be heard and notice was provided to the Johnson County, Kansas BOCC and the Board of Education of USD 512, all in accordance with the Act; and

WHEREAS, a feasibility study has been completed by Lenexa City Staff which indicates the benefits derived from Project Plan 1K are significant. Revenues from Project Plan 1K and other available revenues including private debt and equity are expected to be sufficient to pay for the eligible redevelopment project costs; and

WHEREAS, pursuant to the Act, Project Plan 1K, including a copy of the feasibility study and a description and map of the area to be redeveloped, has been on file in the office of the City Clerk and available for viewing during regular office hours; and

WHEREAS, Developer understands and agrees that it will be required to execute a DDA setting forth the terms for the implementation of Project Plan 1K. Such agreement shall be in substantially the same form as the City's standard form and address issues involved in the redevelopment project, including but not limited to, the eligible TIF expenses, priority and eligible amount for reimbursement, performance requirements, reimbursement procedures, and remedies upon default.

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

SECTION ONE: Redevelopment Project Plan 1K, a copy of which is on file and available for inspection in the office of the City Clerk, is hereby adopted and approved.

SECTION TWO: In accordance with the Act, following publication of this Ordinance, the City Clerk is authorized and directed to transmit a copy of the description of the land within the Redevelopment District, a copy of this Ordinance adopting Project Plan 1K and a map indicating the boundaries within the Redevelopment District to the County Clerk, County Assessor, County Treasurer and Board of County Commissioners of Johnson County, Kansas, and the Board of Education of Unified School District No. 512 of Johnson County, Kansas.

SECTION THREE: This Ordinance shall be in full force and effect from and after its passage by a 2/3 vote of the Governing Body and publication once in the official newspaper of the City.

PASSED by two-thirds vote of the Lenexa Governing Body this 16th day of May, 2023.

SIGNED by the Mayor this 16th day of May, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney

RESOLUTION NO. _____

A RESOLUTION APPROVING AND AUTHORIZING THE MAYOR TO EXECUTE A DISPOSITION AND DEVELOPMENT AGREEMENT WITH KIEWIT ENGINEERING GROUP INC (PROJECT PLAN 1K – KIEWIT PENROSE LAND BUILDING PROJECT)

WHEREAS, on September 11, 2001, the City adopted Ordinance No. 4427 establishing a Redevelopment District generally referred to as the City Center TIF District (“Original District”) which was amended by Ordinance No. 4824 on December 20, 2005 to incorporate a total area of approximately 424 acres, including all four corners of 87th Street Parkway and Renner Boulevard, as well as a tract of land located east of I-435 at 87th Street Parkway (the “City Center TIF District”); and

WHEREAS, the City has identified multiple City Center development projects located within the City Center TIF District. The area located within the City Center TIF District on the southwest corner of 87th Street Parkway and Renner Boulevard is commonly referred to as “City Center Lenexa”; and

WHEREAS, pursuant to K.S.A. 12-1772, as amended, the City prepared Redevelopment Project Plan 1K for property located within City Center Lenexa (the "Project Plan "); and

WHEREAS, on May 16, 2023, the Governing Body adopted an ordinance approving the Project Plan which was found by the Lenexa Planning Commission on April 3, 2023 to be consistent with the intent of the comprehensive plan for the development of the City; and

WHEREAS, the Project Plan contemplates construction of six-story office building, parking structure and surface parking, sidewalks, landscaping and associated infrastructure (the “Project”); and

WHEREAS, the City and Developer desire to enter into a Disposition & Development Agreement (“DDA”) regarding the terms for implementation of Project Plan 1K including but not limited to reimbursement of costs associated with approved TIF eligible costs; the description of such eligible improvements/costs; and the procedures for and priority of reimbursement on a “pay as you go” basis, all as set forth in the DDA attached hereto as Exhibit A.

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

SECTION ONE: The City Council hereby approves and authorizes the Mayor to execute the Disposition and Development Agreement in substantially the same form as the document attached hereto as Exhibit A.

SECTION TWO: The approval granted herein is contingent upon Governing Body adoption of the ordinance approving Project Plan 1K and publication thereof as required by law.

SECTION THREE: This Resolution shall be effective upon passage and execution by the Mayor, subject to the conditions set forth in Section Two herein.

PASSED by the City Council this 16th day of May, 2023.

SIGNED by the Mayor this 16th day of May, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

By: _____
Michael A. Boehm, Mayor

Attest:

Jennifer Martin, City Clerk

Approved As To Form:

Sean McLaughlin, City Attorney

ORDINANCE NO. _____

ORDINANCE APPROVING THE AMENDED PROJECT PLAN 1C WHICH AMENDS PROJECT PLAN 1C WITHIN THE CITY CENTER TIF DISTRICT AND AMENDS ORDINANCE NO. 5272.

WHEREAS, pursuant to K.S.A. 12-1770 *et seq.*, as amended (the “Act”) cities are authorized to assist in the development and redevelopment of eligible areas located within cities in order to promote, stimulate and develop the general and economic welfare of the state of Kansas and its communities; and

WHEREAS, in order to promote, stimulate and develop the general and economic welfare of the city of Lenexa, Kansas (“City”), the Lenexa City Council on September 11, 2001, adopted Ordinance No. 4427 establishing a Redevelopment District (the “Original District”) pursuant to the Act. The Original District was amended on December 20, 2005 by Ordinance No. 4824 to include a total of approximately 424 acres (the “District”) referred to as the City Center TIF District; and

WHEREAS, on July 11, 2012, the Governing Body adopted Ordinance No. 5272 approving and adopting a redevelopment project plan within the City Center TIF District (the “Original Project Plan 1C”); and

WHEREAS, the Original Project Plan 1C contemplated the construction two approximately 120,000 square foot office buildings, structured and surface parking, and associated improvements; and

WHEREAS, the Original Project Plan 1C included reimbursable costs for land acquisition that are outside of the Original Project Plan 1C area; and

WHEREAS, the City now desires to approve an Amended Project Plan 2C which amends the Original Project Plan 1C to remove the reimbursable costs for land acquisition that are not in the Original Project Plan 1C area.

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

SECTION ONE: The Original Project Plan 1C is hereby amended as reflected in the Amended Project Plan 1C, attached hereto as Exhibit “1” and incorporated herein by reference.

SECTION TWO: Upon passage and publication of this ordinance, Ordinance No. 5272 approving Original Project Plan 1C is hereby amended.

SECTION THREE: The Amended Project Plan 1C shall be available for review in the Lenexa City Clerk’s office during regular business hours.

SECTION FOUR: This Ordinance shall be in full force and effect from and after its passage by the Governing Body and publication of an ordinance summary once in the official newspaper of the City.

PASSED by the Lenexa Governing Body this 16th day of May, 2023.

SIGNED by the Mayor this 16th day of May, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

Michael A. Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney



ITEM 18

SUBJECT: Lenexa Old Town Activity Center Improvement Project update
CONTACT: Logan Wagler, Parks & Recreation Director
DATE: May 16, 2023

PROJECT BACKGROUND/DESCRIPTION:

Staff has been working with the design team of Multistudio and Turner Construction, the proposed construction manager for the project, to provide the City Council with an update regarding the Lenexa Old Town Activity Center (LOTAC) Improvement Project. This update will focus on schematic design for the entire site and the overall schedule.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040
Inviting Places

Guiding Principles
Strategic Community Investment

ATTACHMENTS

1. Presentation located in the Appendix

APPENDIX



**MINUTES OF THE
MAY 2, 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.

ROLL CALL

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

Staff present included Beccy Yocham, 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 Roh made a motion to approve the April 18, 2023 City Council meeting draft minutes and Councilmember Eiterich seconded the motion. Motion passed unanimously.

MODIFICATION OF AGENDA

There were no modifications to the agenda.

PROCLAMATIONS

Building Safety Month
Professional Municipal Clerks Week April 30-May 6
Emergency Medical Services Week May 21-27

At 7:26 PM, Mayor Boehm called for a five minute recess and the meeting resumed at 7:31 PM.

PRESENTATIONS

Legislative Update - Federico//Duerst

John Federico, Steven Duerst, Mihailo Ilich, and Liz Sosa presented updates on the Kansas legislative session's activities and its impacts on Lenexa.

Mr. Federico talked about the work they do and said that during this session, 800 bills and 43 resolutions were introduced, with 288 bills of interest to Lenexa. He added that 88 of the 800 bills became law. He talked about vetoes, overturned vetoes, partisanship, the session's unique adjournment sine die, and only being able to override the governor's veto post sine die through a special session called by the governor herself or 2/3 of the legislature signing a petition forcing the governor to call a special session.

Mr. Duerst talked about key bills they tracked for Lenexa including a bill that would amend law regarding file and information sharing between law enforcement agencies for employment applications; a bill that would permit the optional use of infant surrender devices; a bill that amended provision of the Kansas Liquor Control Act, relating to common consumption areas; a bill expanding the drop or deferred retirement option program to any eligible KP&F member; a bill expanding what used to be the Kansas Rural Housing Incentive District Program to urban areas meeting certain conditions; and a bill dealing with environmental and social governance that may impact KPERS and the KPERS fund.

Mr. Ilich talked about legislative veto override attempts. He said there were three bills related to abortion and three related to transgender matters that were relevant to the City. He also said there were seven vetoes that failed to become law, most notably the tax package which includes a single rate income tax. He added that the bill regarding childcare regulations failed to overcome the veto.

Mr. Duerst provided an update on policies they have been watching this session. He talked about the 10 different provisions of Senate Bill 8, which included expanding the homestead property tax freeze, tax credits, and revenue neutral rate among other things, which would provide a property tax exemption for health clubs, childcare, and restaurants facing public competition from any city-owned facility operating mostly for that purpose. He also talked about an education appropriations bill.

Ms. Sosa talked about a bill that is a combination of juvenile justice bills dealing primarily with juvenile crisis intervention centers and another bill that deals with how juveniles are referred and admitted to crisis intervention centers.

Mr. Duerst talked about the local food sales tax and local control on determination of rates, as well as property value caps, prohibition of imposing fees on vacant property, and plastic bag preemption.

Members of the Governing Body requested clarification and asked questions about various legislative items, which were addressed by Federico//Duerst staff.

CONSENT AGENDA

1. Award a contract to K&W Underground for the 2023 Fiber Optics and Conduit Installation Project
New fiber will be installed in an existing conduit along Pflumm Road from Fire Station 1 to College Boulevard for the City's communication network, as well as in the main trunk line along Prairie Star Parkway to increase capacity at Fire Station 3. Staff recommends waiving the sealed bid process and contracting with K&W Underground because of their familiarity with the system. The total contract amount is \$156,694.90.
2. Award a bid to Total Electric for the Prairie Star Parkway & Lone Elm Road Intersection Improvements Project
Increased traffic in this area warrants the installation of a traffic signal at the

intersection of Prairie Star Parkway & Lone Elm Road. Total Electric bid \$516,143.02 to construct the improvements.

3. Award a bid to Superior Bowen Asphalt for the 2023 Pavement Management Program - County Assistance Road System Mill and Overlay Project
This project treats the segment of 87th Street Parkway from Maurer Road to Pflumm Road with a 2-inch mill and overlay. Work also includes replacing deteriorated curb and gutter and sidewalk panels as needed. Superior Bowen bid \$1,517,800.80 to perform the work.
4. Award a bid to Morgan Contractors, Inc. for the Pavement Markings Improvement Project - 87th Street Parkway & I-435 Intersection and Quivira Road (87th Street Parkway to 75th Street)
This project installs the permanent pavement markings for the 87th Street & I-435 Intersection Improvement Project and the Quivira Road from 87th Street to 75th Street Improvements Project. Morgan Contractors, Inc. bid \$117,325 to perform the work.
5. Award a bid to McAnany Construction for the 83rd Street & Monticello Road Intersection Improvement Project
This project constructs traffic signal and intersection improvements at 83rd Street & Monticello Road, as well as a mill and overlay along 83rd Street from K-7 Highway to Valley Road. McAnany Construction bid \$1,878,964.95 to perform the work.
6. Acceptance of the Enclave at Manchester Park, 1st Plat public improvements for maintenance
This project constructed public street, storm, and streetlight improvements west of 101st Street & Lone Elm Road in the Enclave at Manchester Park subdivision. The work was funded by private development.
7. Resolution authorizing the Mayor to forward the City's 2024-2028 application for the County Assisted Road System program to the Johnson County Board of County Commissioners
Annually, the City applies for funding assistance from the County Assisted Road System (CARS) program. Staff is requesting approval to submit the 2024-2028 application to Johnson County. The CARS program provides funding to local communities to assist with collector and arterial street improvements.
8. Resolution authorizing the sale of conduit on the 95th Street bridge over I-435 and on the Prairie Star Parkway bridge over the BNSF railroad tracks to Evergy Metro, Inc.
Evergy Metro, Inc. is interested in purchasing a conduit on the 95th Street bridge over I-435 and two conduits on the Prairie Star Parkway Bridge over the BNSF railroad from the City for \$47,774.
9. Resolution approving an amendment to the Disposition and Development Agreement with Alto Lenexa Apartments, LLC extending the time for performance
The developer has requested additional time to commence and complete construction of the multi-family component of the Project Plan 5 mixed-use plan at the southeast corner of Prairie Star Parkway & Ridgeview Road. The proposed amendment grants the developer an extension of time for performance until December 31, 2023 to commence construction, as well as until June 30, 2026 to substantially complete the

project.

10. Resolution authorizing the execution of documents in connection with the assignment and assumption of base lease, lease, and payment in lieu of tax agreement, and transfer of the bonds, related to the City's industrial revenue bonds Series 2022 (Lenexa Logistics Centre North Phase II - Building 5)
Chymiak Investments KS SPE, LLC, FCubed Lenexa N5 LLC, GDG2 LLN5, LLC, and McMann Property Management LLC, have requested the City consent to the assignment and assumption of the base lease, lease, and payment in lieu of tax (PILOT) agreement for Lenexa Logistics Centre North - Building 5, so it can convey the project to LLCN 5, LLC.
11. Ordinance authorizing and providing for the acquisition of lands or interests therein by condemnation for the construction of the 87th Street Parkway Median and Mixed-Use Trail Improvements Project
This ordinance authorizes City staff and its acquisition counsel to file a condemnation petition with the district court to acquire the necessary property interests for the construction of the 87th Street Parkway Median and Mixed-Use Trail Improvements Project.

END OF CONSENT AGENDA

Councilmember Roh made a motion to approve items 1 through 11 on the consent agenda and Councilmember Sayers seconded the motion. Motion passed unanimously.

NEW BUSINESS

There was no new business.

STUDENT INTRODUCTIONS

Zach Nelson and Hailey Scott, Shawnee Mission West students, and Michael Coleman, Brighton Academy student, attended the meeting for American Government class.

COUNCILMEMBER REPORTS

Councilmember Roh commended staff for the follow-through on the various projects addressing safety concerns that were approved on the Consent Agenda and said he looks forward to them being done this summer.

STAFF REPORTS

12. Electric Vehicle Charging Station Pilot Project Update

Lockie Woods, Management Intern, reported that installation of the four electric vehicle (EV) chargers in the parking garage was completed on April 6th and the designated EV parking stalls will be painted/striped soon. He said that signage is up that indicates the stalls are reserved for EV charging only and that cars must be plugged in while in those spots. He added that as of April 25th, there have been 46 unique charging sessions for 60.6 hours of charging.

Mr. Woods said that the units cost \$11,456 and additional supplies were \$4,114.43. He talked about cost recovery and the fee for being plugged in and not charging. He said that fee is intended to encourage people to leave the spots once charging is complete. As of this meeting, more than \$100 has been generated in revenue. Based on those numbers, he said he anticipates a cost recovery of \$3,102.50 over the next five years.

Mr. Woods said staff is in the process of applying for the \$10,000 Evergy rebate. With the rebate and revenue, he said it is estimated the City's net expense for ownership and operation will be \$2,467.93.

Mr. Woods said installation of the two EV chargers in the northeast corner of the Old Town parking lot would begin around June 1st and take about two weeks. He said the pedestal unit would provide two charging stalls and cost \$6,374. He added that there is a \$5,000 rebate for that installation.

Councilmember Nicks said the location in Old Town is right in front of Lenexa's first gas station sight.

Councilmember Roh asked Mr. Woods to share his marketing ideas for increasing use of the chargers with staff before he leaves. He thanked Mr. Woods for his work.

Councilmember Sayers said she has received some feedback from residents excited that the City is doing this.

Mayor Boehm thanked Mr. Woods for his efforts and said that although this is not necessarily a growth area, he would like to see them break even.

Mr. Woods said he is going to Fort Collins, CO to be a graduate management assistant.

ADDITIONAL STAFF REPORTS

Beccy Yocham, City Manager, said that the Committee of the Whole meeting next week will be canceled, and a joint work session with the City Council and the Planning Commission to review the comprehensive plan update would take its place.

END OF RECORDED SESSION

BUSINESS FROM FLOOR

There was no business from the floor.

EXECUTIVE SESSION

13. Conduct the City Manager annual performance review as permitted by the non-elected personnel matter exception (K.S.A. 75-4319(b)(1))

Mayor Boehm said, "I will entertain a motion for the City Council to recess into executive session in the Prairie Star Conference Room to conduct the annual City Manager performance review. The justification for the executive session is for a discussion covered by the non-elected personnel matter exception, K.S.A. 75-4319(b)(1). Present in the executive session will be the Governing Body and City Manager Beccy Yocham. The executive session will start at 8:20 PM and last 45 minutes and the open meeting will resume at 9:05 PM in the Prairie Star Conference Room."

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

Mayor Boehm opened the conference room door and stated, "It is 9:05 PM and the Governing Body reconvened into the public meeting and no votes were taken or decisions made during the executive session, but I will entertain a motion to recess back into executive session to continue the discussion as provided in the original motion for an additional 10 minutes with the open meeting to resume in the Prairie Star Conference room at 9:15 PM.

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

Mayor Boehm opened the conference room door and stated, "It is 9:15 PM and the Governing Body reconvened into the public meeting and no votes were taken or decisions made during the executive session. I will entertain a motion to adjourn the public meeting."

ADJOURN

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

The meeting adjourned at 9:16 PM.

Proclamation

WHEREAS, every day more than 120 Americans are killed by gun violence and on average there are more than 17,000 gun homicides every year; and

WHEREAS, Kansas has 456 gun deaths every year, with a rate of 15.7 deaths per 100,000 people. Kansas has the 21st highest rate of gun deaths in the United States; and

WHEREAS, support for the Second Amendment rights of law-abiding citizens goes hand-in-hand with keeping guns away from people with dangerous histories; and

WHEREAS, on June 2, 2023 people across the United States will recognize and raise awareness about gun violence on National Gun Violence Awareness Day; and

WHEREAS, in tribute to Hadiya Pendleton, who was tragically shot and killed at age 15, a group of her friends decided to commemorate her life by wearing orange, choosing this color because hunters use it to announce themselves to other hunters and it is a color that symbolizes the value of human life; and

WHEREAS, wearing orange honors Hadiya as well as all victims of gun violence, and the loved ones of all victims; and

WHEREAS, we renew our commitment to reduce gun violence and pledge to do all we can to keep firearms out of the wrong hands, and encourage responsible gun ownership to help keep our children safe.

NOW, THEREFORE, I, Michael A. Boehm, Mayor of Lenexa, Kansas do hereby proclaim June 2, 2023 in the City of Lenexa to be

NATIONAL GUN VIOLENCE AWARENESS DAY

IN WITNESS WHEREOF, I have hereunto set my hand this 16th day of May, 2023.



Michael A. Boehm
Mayor of Lenexa, Kansas

PAYMENT AGREEMENT

THIS PAYMENT AGREEMENT (this “**Agreement**”) is made as of _____, 2023 (the “**Effective Date**”) by and between the CITY OF LENEXA, KANSAS, a municipal corporation duly organized under the laws of the State of Kansas (the “**City**”), and Ruf Construction Co, a Kansas for profit corporation (“**Developer**”).

RECITALS

A. Developer is the owner of certain real property legally described on Exhibit A (the “**New Development**”) and depicted on Exhibit B, each exhibit being attached hereto and incorporated herein by reference. Exhibit B reflects the preliminary plat of which the Developer owns part and City owns part. Developer intends to develop the New Development as single family residential (the “**Project**”). The Developer’s part of the New Development contains 28.63 acres (the “**Project Acreage**”), and Developer anticipates the Project will be developed in multiple phases (each a “**Phase**”). Developer anticipates that it will apply for final plat (a “**Plat**”) for each Phase.

B. The City has certain storm water management and water quality regulations (collectively, the “**Storm Water Regulations**”) that affect the Project, and the Storm Water Regulations may be satisfied by constructing on-site detention and storm water BMP facilities and improvements, or by paying to the City a fee in lieu of constructing such on-site facilities and improvements.

C. Developer desires to pay a fee in lieu of constructing storm water BMP facilities and improvements on-site for the New Development.

D. The City and Developer desire to determine the amount, and schedule for payment, of the fees that will satisfy the Storm Water Regulations, and certain other matters related to the Project.

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

1. Payment of Fee. The total amount of the fee (the “**Total Fee**”) shall be \$200,410.00. If the City approves a Plat for recording, Developer shall pay to the City a percentage of the fee calculated as follows: Total Fee x (Gross Plat acreage /Gross Project Acreage). Upon payment of such fee (each a “**Fee Payment**”), the City shall release such Plat for recording. Developer is not obligated to make each Fee Payment. However, the City shall not release a Plat for recording until the Developer pays the respective Fee Payment. Notwithstanding the foregoing, this Agreement is not intended to modify City Code and the Developer still shall be required to make application with each final plat, and each application shall be subject to the City’s standard review process and applicable City Codes. The lack of City invoicing the fee or receiving the fee prior to releasing the plat for recording shall not release the obligation of the Developer to pay the fee after the recording of the plat and City may withhold building permits on any lot in the New Development until the fee is paid.

2. New Development. Provided Developer pays the respective Fee Payment, the City shall not require any detention and storm water BMP facilities or improvements on the Plat that corresponds to such Fee Payment. If Developer has made a Fee Payment for one Plat, but then elects not to make a Fee Payment for another Plat, such failure shall not affect the Storm Water Regulations requirements for the Plat or Plats for which a Fee Payment was previously made. Notwithstanding, if Developer elects not to make a Fee Payment for a Plat, then such Plat must comply with the City’s Storm Water Regulations in

order for the City to consider approving the same, which will require the Developer to replat any plat that does not comply with the City's Storm Water regulations.

3. Notices. All notices required or desired to be given hereunder shall be in writing and all such notices and other written documents required or desired to be given hereunder shall be deemed duly served and delivered for all purposes if (i) delivered by nationally recognized overnight delivery service; (ii) email (with follow up within one (1) business day by overnight delivery); or (iii) delivered in person, in each case if addressed to the parties set forth below:

If to the City:

City of Lenexa
ATTN: City Clerk
City Hall
12350 West 87th Street Parkway
Lenexa, KS 66215
Telephone: (913) 447-7500

with a copy to:

City of Lenexa
ATTN: City Attorney
City Hall
12350 West 87th Street Parkway
Lenexa, KS 66215

If to Developer:

Ruf Construction Co
9055 Clare Road
Lenexa, KS 66227
Phone: _____
Email: augmarruf@gmail.com

All notices shall be deemed delivered (i) if by overnight delivery, one business day after placement with the overnight delivery service, (ii) if by email, followed up by overnight delivery, one business day after such email transmission, and (iii) if in person, upon delivery.

4. Miscellaneous.

a. Non-liability of Officials, Employees and Agents of the City. No recourse shall be had for any claim based thereon or upon any representation, obligation, covenant or agreement contained in this Agreement against any past, present or future official, officer, employee or agent of the City, under any rule of law or equity, statute or constitution or by the enforcement of any assessment or penalty or otherwise, and all such liability of any such officials, officers, employees or agents as such is hereby expressly waived and released as a condition of and consideration for the execution of this Agreement.

b. Section Headings. The Section headings of this Agreement are for convenience of reference only and in no way define or limit the scope or content of this Agreement or in any way affect its provisions.

c. Time. Time is of the essence in this Agreement.

d. Entire Agreement; Prior Agreement. Each party acknowledges that this Agreement sets forth the entire agreement and understanding of the parties with respect to this Agreement and that no oral or other agreements, understandings, representations, or warranties, other than those set forth in this Agreement, exist with respect to the subject matter hereof.

e. Applicable Law. This Agreement shall be governed by, and construed in accordance with, the laws of the State of Kansas. This Agreement has been negotiated by the parties and shall not be construed against either party as the drafter of this Agreement.

f. Severability. The invalidity of any one of the covenants, agreements, conditions or provisions of this Agreement, or any portion thereof, shall not affect the remaining portions or any part thereof, and this Agreement shall be construed as if such invalid portion was not included herein.

g. Waiver. No waiver of any of the provisions hereof shall be effective unless it is in writing and signed by the party to be charged with such waiver. No waiver shall be deemed a continuing waiver with respect to any breach or default, whether of similar or different nature unless expressly stated in writing.

h. Successors and Assigns. This Agreement shall be binding upon and inure to the benefit of the parties hereto and their respective successors, permitted assigns and legal representatives. This Agreement or memorandum thereof may be recorded with the Johnson County, Kansas Register of Deeds.

i. Counterparts. This Agreement may be executed in multiple counterparts, each of which shall be an original and all of which together shall constitute one and the same instrument. The parties hereby acknowledge and agree that a pdf or electronic signature on this Agreement shall be deemed to be an original document for all purposes.

[The remainder of this page intentionally left blank.]

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed as of the Effective Date.

City of Lenexa, Kansas

By: _____

Name: Michael A. Boehm

Title: Mayor

Attest:

Jennifer Martin, City Clerk

Approved As To Form:

Sean McLaughlin, City Attorney

ACKNOWLEDGMENT

STATE OF KANSAS)

)ss.

COUNTY OF JOHNSON)

On this . day of _____, 2023 before me appeared Michael A. Boehm, who acknowledged himself to be Mayor of the City of Lenexa, Kansas, and that he, as such and being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of said entity.

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

Notary Public

My Commission Expires: _____

Ruf Construction Co.
A Kansas limited liability company

By: _____

Printed Name

Title

ACKNOWLEDGMENT

STATE OF KANSAS)

)ss.

COUNTY OF JOHNSON)

On this _____ day of _____, 2023 before me appeared _____, who acknowledged himself to be _____ of Ruf Construciton Co, and that he, as such and being authorized so to do, executed the foregoing instrument for the purposes therein contained on behalf of said entity.

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

Notary Public

My Commission Expires: _____

EXHIBIT A

Legal Description of the New Development

Ruf Property

A TRACT OF LAND IN THE SOUTH 60 ACRES OF THE NORTHWEST QUARTER OF SECTION 33, TOWNSHIP 12 SOUTH, RANGE 23 EAST OF THE 6TH P.M., IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS, MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER; THENCE SOUTH 88 DEGREES 16 MINUTES 04 SECONDS WEST, ALONG THE SOUTH LINE OF SAID NORTHWEST QUARTER, A DISTANCE OF 2612.66 FEET; THENCE NORTH 2 DEGREES 33 MINUTES 45 SECONDS WEST, A DISTANCE OF 398.29 FEET; THENCE NORTH 86 DEGREES 56 MINUTES 36 SECONDS E, A DISTANCE OF 113,19 FEET; THENCE ON A CURVE TO THE LEFT HAVING A RADIUS OF 505.29 FEET, AN ARC LENGTH OF 269.34 FEET AND A CHORD THAT BEARS NORTH 71 DEGREES 40 MINUTES 21 SECONDS EAST, A DISTANCE OF 266.16 FEET; THENCE NORTH 56 DEGREES 50 MINUTES 57 SECONDS EAST, A DISTANCE OF 25.28 FEET; THENCE NORTH 88 DEGREES 16 MINUTES 04 SECONDS EAST, A DISTANCE OF 2076.16 FEET; THENCE SOUTH 62 DEGREES 11 MINUTES 23 SECONDS EAST, A DISTANCE OF 165.19 FEET TO THE EAST LINE OF SAID NORTHWEST QUARTER; THENCE SOUTH 02 DEGREES 57 MINUTES 31 SECONDS EAST, ALONG SAID EAST LINE, A DISTANCE OF 408.71 FEET TO THE SOUTHEAST CORNER OF SAID NORTHWEST QUARTER AND THE POINT OF BEGINNING.

THE ABOVE CONTAINS 1,247,072 SQUARE FEET, MORE OR LESS, OR 28.63 ACRES, MORE OR LESS, AND IS SUBJECT TO ANY AND ALL RIGHTS OF WAY, EASEMENTS AND ENCUMBRANCES, IF ANY.

ADDENDUM THREE TO EMPLOYMENT AGREEMENT

This Addendum Three is entered into this 16th day of May, 2023 (the “Addendum”) by and between the City of Lenexa, Kansas, a municipal corporation (“City”) and Rebecca Swanwick Yocham (“Employee”) and modifies and amends the Employment Agreement between the City of Lenexa and Rebecca Swanwick Yocham dated June 16, 2020, as amended by Addendum One dated July 6, 2021 and Addendum Two dated May 17, 2022 (as amended, the “Agreement”).

WHEREAS, the Agreement was entered into between the City and Employee setting forth the terms and conditions of Employee’s services as the City Manager; and

WHEREAS, the City desires to continue Employee’s services as City Manager in accordance with the provisions set forth in the Agreement as amended herein; and

WHEREAS, the Employee agrees to accept continued employment as City Manager subject to the terms and conditions of the Agreement as amended herein.

NOW, THEREFORE, in consideration of the mutual covenants and other good valuable consideration, the parties agree to amend the Agreement as provided herein. Any provision of the Agreement not otherwise amended herein shall remain in full force and effect.

1. Section 1 of the Agreement is amended to read as follows:

TERM. The Term of the Agreement as described in Section 1 of the Agreement is automatically renewed for a successive one (1) year term as provided therein effective May 1, 2023. All other provisions of Section 1 remain in full force and effect.

2. Section 3 of the Agreement is amended to read as follows:

COMPENSATION.

Salary. Employee shall receive a base salary of Two Hundred Forty Three Thousand Nine Hundred Forty and No/100 Dollars (\$243,940), which represents a six percent (6%) merit increase in the Annual Base Salary and shall become effective May 1, 2022. Such increase shall be retroactively applied in the first pay period commencing after approval of this Agreement.

All other provisions of Section 3, as amended, shall remain in full force and effect.

3. Section 8 of the Agreement is amended to read as follows

PERFORMANCE EVALUATION AND GOALS. The Governing Body completed its review and evaluation of Employee on May 2, 2023. The Employee's Goals are amended to reflect the Goals set forth on revised Exhibit B (the "2023 Goals"), attached hereto and incorporated herein by reference. Employee's performance shall be evaluated against these 2023 Goals. All other provisions of Section 8 shall remain in full force and effect.

4. To the extent this Addendum conflicts with any provision in the Agreement, the provisions of this Addendum shall govern. All other terms and provisions of the Agreement not otherwise amended remain in full force and effect.

IN WITNESS WHEREOF, the parties set their hands the day and year first above shown.

CITY OF LENEXA,

EMPLOYEE

Michael A. Boehm, Mayor

Rebecca Swanwick Yocham

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney

**Exhibit B – 2023 to City Manager Employment Agreement
Performance Goals**

1. **Governing Body Guiding Principles:** *Promote and carry out the goals of the Governing Body.*
2. **Sound Financial Management:** *Continue careful and responsible management of the budget and capital improvement plan. Specific plans this year include continued work to ensure budget transparency and compliance with the RNR requirements as they stand today and as they may evolve in the future. We will also be closely monitoring the economy and Kansas legislative actions - such as removal of the local sales tax on food, the government competition tax exemption and caps on property appraisal increases - that could impact the City's finances.*
3. **Governing Body Orientation:** *Complete thorough orientation of new Governing Body members, including development (in consultation with Mayor Boehm) and completion of mayoral orientation for newly elected Mayor, following November election.*
4. **Successful Management of Capital Projects:** *Including on-going projects such as Justice Center, Old Town Activity Center, SKP Aquatics, Skatepark and new projects such as Old City Hall, 83rd Street Improvements.*
5. **Continued support of DEI:** *Continue to promote and support diversity, equity and inclusion initiatives including incorporating strategies from the REIC pilot around equity in recruitment, hiring, on-boarding.*

COMPSYCH®

GuidanceResources® Worldwide

AGREEMENT

This agreement ("Agreement") sets forth the agreed upon terms and conditions surrounding ComPsych Corporation's (hereinafter referred to as "ComPsych") delivery of a GuidanceResources Program (a "Program") to employees and dependents ("Participants") of City of Lenexa (hereinafter referred to as "Client") to begin July 1, 2023 ("Commencement Date"). This Agreement also refers to ComPsych and Client individually as "Party" and collectively as the "Parties." The terms and conditions are as follows:

1. **Term:** Initial term of five (5) years for the delivery of a Program to Client. After the expiration of the initial term (June 30, 2028), this Agreement shall automatically renew for successive one (1) year periods unless either Party shall deliver to the other Party written notice of non-renewal not less than ninety (90) days prior to the expiration of the initial term or any applicable renewal term.
2. **Fees:**
 - (A) Client agrees to pay ComPsych a fee of \$3.21 per employee per month ("pepm"). In addition, Client agrees to pay ComPsych a fee of \$130.00 per hour for On-Site Counseling Services described in Schedule I. After the initial term, the pepm fees will increase by no more than five percent (5%) per contract year. Client represents that as of the Commencement Date it has approximately 465 employees located in the United States. Client agrees to provide ComPsych with quarterly updated employee counts and locations. Fees to be paid by Client to ComPsych shall be adjusted to reflect the updated employee counts. Payment for the Program is due on a quarterly basis beginning on the Commencement Date and thereafter on or before each three (3) month anniversary of the Commencement Date. In the event that any payment due ComPsych hereunder is not received by ComPsych from Client when due, a delinquency charge shall be assessed on each installment assessed in default for not less than five (5) days in an amount not to exceed five percent (5%) for each month the installment remains unpaid or the maximum amount allowed by law, in addition to attorney's fees and other costs and expenses incurred by ComPsych to collect any amounts due hereunder. ComPsych reserves the right to amend its fees in the event of any changes to Client's benefit plan or in the event of any other program or administrative changes due to state or federal law.
 - (B) Critical incident stress management ("CISM") Services will be provided at no charge until such time as the block of hours described in Section 3 of Schedule I is exhausted. Once such block of hours is exhausted, any CISM time and travel time will be billed at a rate of \$265.00 per hour plus related expenses. ComPsych shall invoice Client and Client agrees to pay ComPsych within thirty (30) days after its receipt of each invoice.
 - (C) Training Services will be provided at no charge until such time as the block of hours described in Section 3 of Schedule I is exhausted. Once such block of hours is exhausted, any training time will be billed at a rate of \$215.00 per hour plus travel and related expenses. ComPsych shall invoice Client and Client agrees to pay ComPsych within thirty (30) days after its receipt of each invoice.
 - (D) Client must give ComPsych at least five (5) days advance notice if it wishes to cancel any scheduled training, on-site intervention or other on-site Service or else the applicable hourly fee set forth in Sections 2(B) and 2(C) will apply or training/CISM hours will be reduced, as the case may be.
3. **Exclusivity:** During the term of this Agreement, Client warrants that ComPsych shall be the exclusive provider of the Program under this Agreement to all employees of Client, its affiliates and subsidiaries and that all such employees shall be covered under this Agreement.

4. **Services:** The Program shall include those services described on Schedule I attached hereto ("Services"). Client agrees that any and all communications disseminated by Client to Participants regarding the Services to be rendered by ComPsych hereunder shall: (a) if written, be subject to ComPsych's prior written approval, which approval shall not be unreasonably withheld; and (b) if oral, accurately reflect the terms hereof and comply with such guidelines as may be established, from time to time, by ComPsych. Frequency and method of distribution of promotional communications shall be mutually agreed upon by the Parties.
5. **Plan Administration:** Client, as the Plan Administrator, shall retain all final authority for benefit eligibility. Client will, at its cost, distribute all notices required by the Health Insurance Portability and Accountability Act (HIPAA).
6. **Force Majeure:** No failure, delay or default in performance of any obligation of ComPsych shall constitute an event of default or breach of the Agreement to the extent that such failure to perform, delay or default arises out of a cause, existing or future, that is beyond the control and without negligence of ComPsych, including, but not limited to: action or inaction of governmental, civil or military authority; fire, strike, lockout or other labor dispute; flood, war; terrorism; riot; theft; earthquake and other natural disaster.
7. **Taxes:** All fees quoted and payable under this Agreement exclude taxes. Client will pay or reimburse ComPsych for all applicable sales, services and other taxes (excluding taxes on ComPsych's net income) that may be levied upon the performance of Services under this Agreement.
8. **Notices:** Any notice required hereunder will not be effective, unless in writing, signed by an authorized officer of the Party delivering such notice, and sent by certified mail or recognized overnight carrier to the signatories below.
9. **Billing Contact Information:** Client agrees to provide ComPsych with current and updated billing contact information.

Client Billing Contact: Kristin Crow

Address: 17101 West 87th Street, Lenexa, KS 66219

Phone number: 913-477-7578

Email address: kcrow@lenexa.com

10. **Amendment:** Any changes, additions, or deletions to this Agreement will not be considered binding or agreed to unless the modifications have been initialed or otherwise approved in writing by an authorized representative of the other Party.
11. **Facsimile or Scan/Counterparts:** Facsimile or electronically scanned transmission of an executed copy of this Agreement or any amendments hereto shall be accepted as evidence of a Party's execution of the Agreement or amendment. This Agreement may be executed in multiple counterparts, each of which shall be deemed an original.
12. **Severability:** If and to the extent any provision of this Agreement is held illegal, invalid or unenforceable in whole or in part under applicable law, such provision or such portion thereof will be ineffective as to the jurisdiction in which it is illegal, invalid or unenforceable to the extent of its illegality, invalidity or unenforceability and will be deemed modified to the extent necessary to conform to applicable law so as to give the maximum effect to the intent of the Parties. The illegality, invalidity or unenforceability of such provision in that jurisdiction will not affect the legality, validity or enforceability of such provision or any other provisions of this Agreement in any other jurisdiction.

- 13. Relationship of the Parties:** ComPsych and Client agree that ComPsych is an independent contractor and neither Party nor their respective employees or agents shall be deemed to be an employee of the other, nor shall this Agreement be deemed to create a partnership, joint venture, agency relationship or other association between the Parties hereto.
- 14. No Third Party Beneficiaries:** Nothing express or implied in this Agreement is intended to confer, nor shall anything herein confer, upon any person or entity other than Client and ComPsych any rights, remedies, obligations, or liabilities whatsoever, whether in contract, statute, tort (such as negligence) or otherwise, and no person or entity shall be deemed a third-Party beneficiary under or by reason of this Agreement.
- 15. Governing Law and Venue:** This Agreement shall be interpreted under and governed by the laws of the State of Kansas, without regard to its conflict of laws rules. Any dispute regarding this Agreement shall be brought in the District Court of Johnson County, Kansas.
- 16. Clause Headings:** The clause headings appearing in this Agreement have been inserted for the purpose of convenience and ready reference. They do not purport to, and shall not be deemed to, define, limit or extend the scope or intent of the clauses to which they appertain.
- 17. Entire Agreement:** This Agreement, together with the Schedules attached hereto, shall constitute the entire Agreement by and between the Parties with respect to the subject matter hereof. There are no promises, terms, conditions, or obligations other than those contained herein and, this Agreement shall supersede all prior and contemporaneous communications, representations or agreements, either verbal or written, by and between the Parties hereto, all of which are merged herein.

Please sign below to acknowledge each Party's acceptance of these terms.

ComPsych Corporation

City of Lenexa

By: _____

By: _____

By: _____

By: _____

Its: _____

Its: _____

Date: _____

Date: _____

**Reviewed & Approved
City Legal Dept.**

By May 4 20 23
Marlensie Hulen
Title Deputy City Attorney

SCHEDULE I
GUIDANCERESOURCES®
COVERED SERVICES

1. **Account Management:** Client will be assigned an account manager who will serve as the contact person and provide Client with reports and feedback on the Program.
2. **Management Report:** ComPsych will prepare and provide to Client customary statistical management reports, without disclosure of the identity of any Participant utilizing the Services.
3. **Training/CISM:** Provide Client with up to five (5) hours of a combination of the following types of Services per contract year: 1) employee/supervisor orientation sessions (in-person or via Webinar), 2) personal development workshops, 3) health/enrollment fairs, and 4) CISM Services. Each training session will be a minimum of thirty (30) minutes in length and same-day training sessions must run consecutively, unless otherwise mutually agreed upon. Training must be scheduled thirty days in advance. The date and time of any CISM Services shall be mutually agreed upon by Client and ComPsych.
4. **Program Promotion:** ComPsych will provide customary promotional materials announcing and explaining the Program to Client employees.
5. **Service Access:** Toll free telephone line access to guidance consultants.
6. **Assessment, Counseling and Referral:** Assess the presenting problem of each Participant requesting counseling Services and provide a maximum of eight (8) sessions per presenting problem if such problem is determined by ComPsych to be resolvable within the above number of sessions. If the Participant's presenting problem is determined not to be resolvable in the above number of sessions, the Participant will be referred for alternative Services after assessment.
7. **Supervisor Consultation:** ComPsych professionals are available to provide technical support and policy-based information to supervisors and managers of Client.
8. **LegalConnect®:** Provide Client Participants with telephonic legal information and local referral upon request. If a local referral is requested, the Participant shall be entitled to a free thirty minute consultation and thereafter a 25% reduction in the attorney's customary rates. However, ComPsych does not guarantee the availability of discounted fees in certain rural areas. The decision as to whether or not to utilize a resource identified by ComPsych shall rest solely with the Participant who has the sole and independent obligation to decide whether or not to retain such resource. ComPsych does not assume any liability with regard to the Services performed by any resource.
9. **FinancialConnect®:** Provide Client Participants with telephonic financial information regarding their personal finances and related issues.

- 10. FamilySource®:** Provide Client Participants with child and/or elder care resources in the Participant's community. In addition, provide information on automobile purchases, relocation, pet Services and apartment shopping. ComPsych does not control and is not responsible for the quality of Services rendered by resources nor does ComPsych review or monitor their activities. A referral by ComPsych to a resource is not a recommendation, approval or representation by ComPsych regarding the standards, quality, competence or adequacy of such resource or its agents and employees or its facilities. The decision as to whether or not to utilize a resource identified by ComPsych shall rest solely with the Participant who has the sole and independent obligation to decide whether or not to contract with or otherwise retain or employ such resource. ComPsych does not assume any liability with regard to the Services performed by any resource. FamilySource Services are defined as individual Participant requests that are completed by providing information and, if applicable, local referrals based on a Participant's specific criteria. Any requests by Client for information to be used as a company "directory" or "guide," such as multi-state, multi-county, or multi-zip code searches, are outside the scope of FamilySource Services and development of such directories or guides will be billed at a rate of \$125/hour.
- 11. GuidanceResources® Online:** Online (via www.guidanceresources.com) information, resources, tools and other features on topics such as health & wellness, law & regulations, family & relationships, work & education, money & investments, consumer & leisure and home & auto.
- 12. EstateGuidance®:** Online Will preparation services that includes a basic Last Will and Testament. In the event the Participant desires a Will that is printed on bond paper and mailed to his/her address or any additional documents, the Participant shall be responsible for the cost of those options.
- 13. On-Site Counseling Services:** A ComPsych provider or providers shall be available on-site for ten (10) hours per calendar week. This provider will provide on-site counseling services to Participants, as necessary. Client will supply a workspace to ComPsych's on-site provider to allow such provider to conduct counseling safely and confidentially. Such workspace shall include, but not be limited to, a table, chairs, and an appropriate private physical space at Client's on-site location. Client shall also allow ComPsych's on-site provider reasonable access to telephones and a copier for business use. ComPsych will not be responsible for any damage to Client's property unless such damage was the result of ComPsych's gross negligence.

On-Site Services shall continue throughout the term of the Agreement unless Client otherwise decides to eliminate the on-site services prior to the expiration of the term.

ORDINANCE NO. _____

AN ORDINANCE AMENDING LENEXA CITY CODE SECTIONS 4-1-B-24, 4-3-B-7, 4-3-B-24 REGARDING THE REGULATION OF FENCES, WALLS, AND RETAINING WALLS.

WHEREAS, City Code Section 4-1-B-24 sets forth accessory use and structure regulations; and

WHEREAS, the City desires to make revisions to City Code Section 4-1-B-24, 4-3-B-7, and 4-3-B-24 to amend the regulations and definitions pertaining to fences, walls, and retaining walls; and

WHEREAS, a public hearing was held by the Lenexa Planning Commission on April 3, 2023, and notice was provided in accordance with K.S.A. 12-757, to hear comments on the suggested changes; and

WHEREAS, the Lenexa Planning Commission recommended approval of the proposed changes to the Lenexa City Code, as reflected in the minute record for said meeting; and

WHEREAS, the Lenexa Governing Body reviewed and commented on the proposed changes to the Lenexa City Code at the April 18, 2023 City Council meeting and continued the changes to the May 16, 2023 City Council meeting to allow recommendations provided to staff to be incorporated into the proposed changes to the Lenexa City Code.

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

SECTION ONE: Section 4-1-B-24 is hereby amended to read as follows:

Section 4-1-B-24 ACCESSORY USES AND STRUCTURES.

Principal uses specified as permitted or special uses by the district regulations of this Title shall be deemed to include accessory uses and activities that are necessarily and customarily associated with, and appropriate, incidental, and subordinate to the principal uses allowed in zoning districts. Accessory uses and activities shall be subject to the same regulations as apply to principal uses in each district, except as otherwise provided in these regulations. In no case shall an accessory use, building or structure be established on a lot until the principal use has been established.

- A. **Agricultural Accessory Uses:** In addition to the accessory uses specifically listed in subsection B of this Section, agricultural uses shall include accessory uses and activities customarily associated with agricultural operations, as determined by the Community Development Director.
- B. **Residential And Agricultural Accessory Uses:** Residential and agricultural uses shall include, but not be limited to, the following accessory uses, activities and structures:
1. Accessory apartments (reserved for future adoption);
 2. Accessory buildings and structures, subject to the standards of subsection F2 of this Section;
 3. Animals, (keeping of), subject to the standards of subsection F4 of this Section;

4. Fences and walls, subject to the standards of subsection F5 of this Section;
5. Garage, craft and sample sales, subject to the standards of subsection F6 of this Section;
6. Garages, carports and off-street parking areas, subject to the standards of subsection F2 of this Section;
7. Gates and guardhouses;
8. Hobby activities, subject to the standards of subsection F7 of this Section;
9. Home occupations, subject to the standards of subsection F8 of this Section;
10. Play equipment, cabanas, gazebos and incidental household storage buildings;
11. Radio and television receiving antennas and support structures, subject to the standards of subsection F10 of this Section;
12. Subdivision recreational and play facilities for the use of residents;
13. Satellite dish antennas, subject to the standards of subsection F11 of this Section;
14. Solar energy systems, subject to the standards of subsection F12 of this Section;
15. Swimming pools and hot tubs, subject to the standards of subsection F13 of this Section;
16. Temporary Uses and Structures, subject to the standards of subsection F14 of this Section;
17. Outdoor storage of items, objects, and structures, subject to the standards of subsection F15 of this Section;
18. Storm Protection Area, subject to the standards of subsection F16 of this Section;
19. Other necessary and customary uses determined by the Community Development Director to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards imposed by the Community Development Director as a means of ensuring land-use compatibility; and
20. Small Wind Energy Conservation Systems, subject to the standards of subsection F17 of this Section.

C. **Commercial And Office Accessory Uses:** Commercial and office uses shall include, but not be limited to, the following accessory uses, activities and structures:

1. Accessory buildings and structures, subject to the standards of subsection F2 of this Section;
2. Dwelling units, other than mobile homes, for security or maintenance personnel;
3. Fences and walls, subject to the standards of subsection F5 of this Section;
4. Gates and guardhouses;
5. Parking garages and off-street parking areas;
6. Radio and television receiving antennas and support structures, subject to the standards of subsection F10 of this Section;
7. Recreation areas and facilities for the use of employees;
8. Satellite dish antennas, subject to the standards of subsection F11 of this Section;
9. Solar energy systems, subject to the standards of subsection F12 of this Section;
10. Swimming pools and hot tubs for the use of employees, subject to the standards of subsection F13 of this Section;

11. Soliciting and general fund-raising activities may be conducted on sidewalks and entryways of businesses located in commercial zoning districts, and in limited retail business areas within the BP-1 and BP-2 Zoning Districts with permission from the business owner and the property owner, and provided such activities do not interfere with pedestrian and vehicular access;
12. Other necessary and customary uses determined by the Community Development Director to be appropriate, incidental and subordinate to the principal use of the lot, subject to compliance with any development and performance standards imposed by the Community Development Director as a means of ensuring land-use compatibility;
13. Small Wind Energy Conservation Systems, subject to the standards of subsection F17 of this Section; and
14. Temporary Uses and Structures, subject to the standards of subsection F14 of this Section.

D. Industrial And Business Park Accessory Uses: Industrial uses shall include, but not be limited to, the following accessory uses, activities and structures:

1. Accessory buildings and structures, subject to the standards of subsection F2 of this Section;
2. Dwelling units, other than mobile homes, for security or maintenance personnel;
3. Fences and walls, subject to the standards of subsection F5 of this Section;
4. Gates and guardhouses;
5. Parking garages and off-street parking areas;
6. Radio and television receiving antennas and support structures, subject to the standards of subsection F10 of this Section;
7. Recreation areas and facilities for the use of employees;
8. Satellite dish antennas, subject to the standards of subsection F11 of this Section;
9. Solar energy systems, subject to the standards of subsection F12 of this Section;
10. Swimming pools and hot tubs for the use of employees, subject to the standards of subsection F13 of this Section;
11. Warehouse or inventory reduction sales for individual businesses located within the BP-1 and BP-2 Zoning Districts may be held no more than 4 times per calendar year and the duration of each sale shall not exceed 3 days. The dates and hours of operation shall compliment the schedule of surrounding businesses. One temporary facade sign may be utilized for the event. The size of the sign shall not exceed 5 percent of the facade area upon which it will be placed. The sign must be attached securely to the building so as not to allow movement of the sign by the atmosphere and may be placed on the site no earlier than 1 week prior to the event;
 - a. Adequate off-street parking must be provided for the event. The parking utilized for the event must not create a shortage for any of the businesses for which the parking is required;
 - b. The event must be continually monitored so as to prevent undue traffic congestion and to reduce accident potential;
12. Manufacturer's Or Warehouse Retail Outlets: Any use in the BP-1 and BP-2 Districts may incorporate a retail outlet of up to 10 percent of the floor area of the building, but no greater than 10,000 square feet. Uses located on an arterial or collector road may incorporate a

retail outlet of up to 25 percent of the floor area. Retail outlets should be provided with a separate entrance convenient to a designated customer parking area that is segregated from truck loading and maneuvering areas;

13. Other necessary and customary uses determined by the Community Development Director to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards imposed by the Community Development Director as a means of ensuring land-use compatibility;
14. Small Wind Energy Systems, subject to the standards of subsection F17 of this Section;
and
15. Temporary Uses and Structures, subject to the standards of subsection F14 of this Section.

E. **Public And Civic Accessory Uses:** Public and civic uses shall include accessory uses and activities customarily associated with the purpose and function of the principal use, including, but not limited to, the following:

1. Accessory buildings and structures, subject to the standards of subsection F2 of this Section;
2. Cafeterias, dining halls and similar food services when operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;
3. Fences and walls, subject to the standards of subsection F5 of this Section;
4. Gift shops, newsstands and similar commercial activities operated primarily for the convenience of employees, residents, clients, patients or visitors to the principal use;
5. Recreation areas and facilities for the use of employees;
6. Refreshment stands and food and beverage sales located in uses involving public assembly;
7. Satellite dish antennas, subject to the standards of subsection F11 of this Section;
8. Solar energy systems, subject to the standards of subsection F12 of this Section;
9. Swimming pools and hot tubs for the use of employees, subject to the standards of subsection F13 of this Section;
10. Other necessary and customary uses determined by the Community Development Director to be appropriate, incidental and subordinate to the principal use on the lot, subject to compliance with any development and performance standards imposed by the Community Development Director as a means of ensuring land-use compatibility;
11. Small Wind Energy Systems, subject to the standards of subsection F17 of this Section;
and
12. Temporary Uses and Structures, subject to the standards of subsection F14 of this Section.
13. A church or place of worship may operate a Homeless Shelter as an accessory use, subject to the supplementary use regulations of Section 4-1-B-23-AK of this Article

F. **Accessory Use Development And Performance Standards:**

1. **Accessory Apartments:** (Reserved for future adoption)
2. **Accessory Buildings And Structures:**
 - a. **General:**

1. **Floor Area:** Unless otherwise provided in this Section, the total floor area of any 1 accessory building or structure, with the exception of bonafide agricultural structures, which includes buildings and structures used strictly for the housing of farm equipment, cattle or horse, hay, etc., shall not exceed the total ground floor area of the dwelling unit, inclusive of any attached garages. The total ground floor area of all accessory buildings and structures shall be in compliance with zoning district open space requirements.
 2. **Appearance:** Residential accessory buildings and structures that are larger than 200 square feet in area shall be constructed of quality materials and shall be compatible in design and character with the dwelling unit.
 3. **Height:** Residential accessory buildings and structures shall not exceed 25 feet in height.
 4. **Vision Obstructions At Intersections:** Accessory buildings and structures are subject to the requirements of Section 4-1-B-26 of this Article.
 5. **Double-Frontage Lots:** On a double-frontage lot where the rear property line abuts a collector or local street and where a house on adjacent property fronts on that street or where adjacent property has the potential to be subdivided into a lot which fronts on that street, an accessory building or structure shall be located no closer to the abutting street than a line established by the platted front building line of the adjacent property or, if unplatted, the distance from the street to the required front building line. However, the Planning Commission, at the time of the platting or Community Development Director thereafter shall have the authority to reduce the setback requirement, provided that safe visibility at driveways, the view to the street for the neighboring properties, and the general neighborhood character along the street are maintained. This determination shall take into consideration the height and opaqueness of the proposed accessory building or structure, the difference in elevation of the affected properties, and other existing site characteristics.
 6. **Nonresidential Use In Residential Zoning Districts:** Accessory buildings and structures for permitted or approved nonresidential uses in residential zoning districts shall follow the minimum property development regulations for the NP-O, Planned Neighborhood Office District, except that no accessory building or structure shall exceed 25 feet in height.
 7. **Temporary Portable Storage Containers:** Temporary portable storage containers in residential and agricultural zoning districts shall not be utilized as permanent accessory structures.
- b. **AG, RE And RP-E Zoning Districts:**
1. **Location:** In order to maintain the open space character of these larger lots, accessory structures shall be subject to the zoning district property development regulations of this Chapter with the following exceptions:
 - a. Residential accessory buildings and structures 200 square feet or smaller in area and no more than 10 feet in height shall be permitted within interior side and rear yard areas, provided that they maintain a minimum setback of 10 feet from the property line.

- b. On parcels which are larger than 1 acre, the Community Development Director may permit residential accessory buildings and carports to be located within the front yard area but behind the required front and side yard setback lines where the principal structures within the established neighborhood generally maintain greater setbacks or other similar design diversity has been established. Such buildings shall be constructed of quality materials and designed to be architecturally compatible with the dwelling unit.
- c. **R-1, RP-1, RP-2 Zoning Districts:**
- 1. **Location:** Accessory buildings and structures shall be located in the rear yard, subject to the following requirements and exceptions:
 - a. **Side Yard:** Accessory buildings and structures shall be permitted to occupy side yards provided that they comply with the zoning district's setback requirements, are constructed with quality materials and are architecturally compatible with the dwelling unit.
 - b. **Parcels Larger Than 1 Acre:** On parcels which are larger than 1 acre, the Community Development Director may permit residential accessory buildings and structures to be located within the front yard area, but behind the required front and side setback lines, where the principal structures within the established neighborhood generally maintain greater setbacks, or other similar design diversity has been established. Such buildings and structures shall be constructed of quality materials and designed to be architecturally compatible with the dwelling unit.
 - 2. **Floor Area:** The total floor area of any one accessory building or structure, with the exception of bonafide agricultural structures, which includes buildings and structures used strictly for the housing of farm equipment, cattle or horse, hay, etc., shall not exceed the ground floor area of the dwelling unit, inclusive of any attached garages. The total ground floor area of all accessory buildings and structures is subject to the following:
 - a. **Lots Less Than 1 Acre:** The maximum allowed total ground floor area for all accessory buildings and structures shall not exceed 250 square feet in area for each 3,000 square feet of lot area up to a maximum of 1,500 square feet.
 - b. **Lots At Least 1 Acre But Less Than 2 Acres:** The maximum allowed total ground floor area of all accessory buildings and structures shall be 2,000 square feet.
 - c. **Lots At Least 2 Acres But Less Than 5 Acres:** The maximum allowed total ground floor area of all accessory buildings and structures shall increase from 1,500 square feet by 1,000 square feet for each full acre of lot size greater than 1 acre and on a pro rata basis for each fraction of a full acre.
 - d. **Lots 5 Acres or Larger:** The total ground floor coverage for all accessory buildings and structures shall not be limited if the structures comply with the zoning district setback and open space requirements of this Chapter.
 - 3. **Setbacks:**
 - a. Accessory buildings with a ground floor area no larger than 200 square feet and a height no taller than 10 feet shall be set back at least 5 feet from rear and side

property lines. If the accessory building is taller than 10 feet, the setback shall be at least equal to the height of the structure, but need not exceed the minimum yard setback requirements for the zoning district in which it is located, unless otherwise required by this Chapter.

- b. All accessory structures, and those accessory buildings with a ground floor area greater than 200 square feet shall comply with the yard setback requirements for the zoning district in which they are located, unless otherwise required by this Chapter.
4. **Height:** Residential accessory buildings and structures shall not exceed 25 feet in height.
5. **Appearance:** Residential accessory buildings and structures that are larger than 200 square feet in area shall be constructed of quality materials and shall be compatible in character with the dwelling unit.
- d. **All Other Zoning Districts:** Except as noted below, accessory buildings and structures shall be subject to the property and planned development regulations of the zoning district in which they are located.

Incidental buildings that do not exceed 200 square feet in area and 10 feet in height, such as guardhouses and mechanical buildings that require unique locations for functional reasons, may be permitted within required yard areas, provided that such structures shall be constructed with quality materials which are architecturally compatible with adjacent buildings and structures, and provided that they maintain a minimum setback of 10 feet from property lines.

3. **Accessory Retail Services In Office Buildings:** The following ancillary commercial activities shall be permitted as accessory office uses in the CP-O District if the conditions set forth below are met: a) retail sale of convenience goods, including, but not limited to, pharmaceuticals, toiletries, tobacco, magazines and flowers; b) general restaurants; and c) barber and beauty care.
 - a. The accessory commercial activities shall be located within the same building as a permitted principal activity and shall serve only the occupants of the building.
 - b. The structure containing the principal activity shall have a minimum of 10,000 square feet of floor space devoted to the principal activity.
 - c. The accessory commercial activities shall occupy no more than 10 percent of the gross floor area within the principal building.
 - d. No signs or other external evidence of ancillary convenience uses shall be visible from a public street or adjacent lot.
 - e. No direct exterior customer access shall be provided to the accessory retail service use.
4. **Animals:**
 - a. **Domestic, Nonfarm Animals:** The raising, keeping and breeding of domestic, nonfarm animals for purely noncommercial purposes shall be considered a permitted accessory use in residential zoning districts. Compliance with the animal control regulations of Title 3, Chapter 2 of the City Code shall also be required.

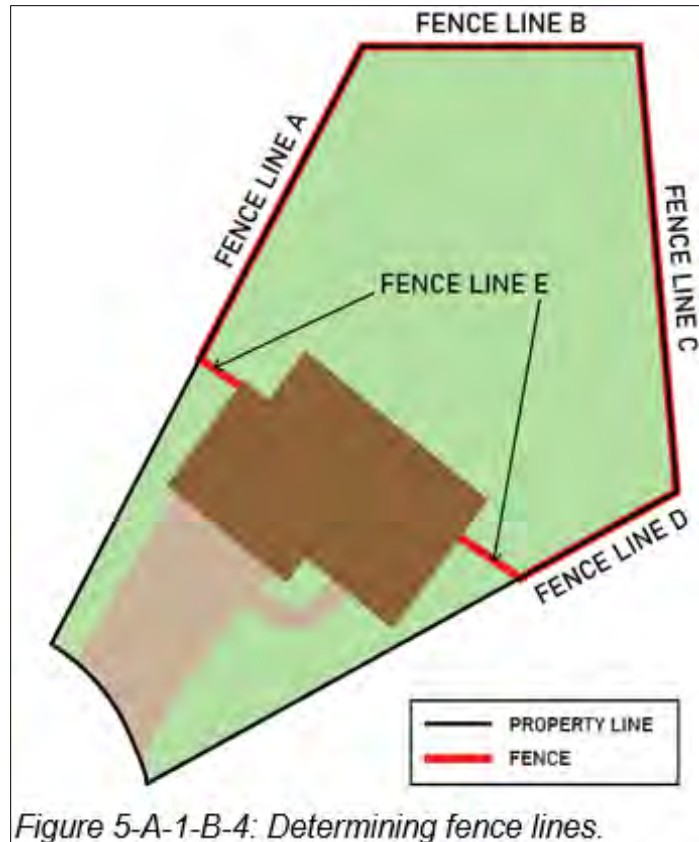
- b. **Livestock and/or Poultry:** The raising, keeping and breeding of livestock and/or poultry shall be permitted on AG, Agricultural District, zoned lots of at least three (3) acres in size. The raising, keeping and breeding of livestock and/or poultry for purely noncommercial purposes shall be permitted as an accessory use on AG-zoned lots of less than three (3) acres in size and on nonagriculturally zoned land only in accordance with the provisions of Title 3, Chapter 3-2 of this Code.
- c. **Exotic/Wild Animals:** Except as provided in Article 3-2-1 of this Code, the keeping of exotic, wild, or hybrid animals is prohibited in all zoning districts. Compliance with the animal control regulations of Title 3, Chapter 3-2 of the City Code shall also be required.
- d. **Bees:** No bees or beehives shall be kept in any district except the AG, RE or RP-E Zoning Districts. Beekeeping operations shall also be subject to the regulations of Title 3, Chapter 3-2 of the City Code.

5. **Fences, Walls, and Retaining Walls**

a. **General**

1. **Permit Requirements**

- a. **New or Replacement Fence, Wall, or Retaining Wall:** All new and replacement fences, walls, or retaining walls require a permit prior to construction. The permit application shall include a scaled and dimensioned plot plan showing the proposed fence, wall, or retaining wall along with all property lines, easements, setbacks, and structures. The permit application shall also include details about the proposed fence, wall, or retaining wall, including materials, height, and design. Additional information may be required on a case-by-case basis.
- b. **Exceptions to Permit Requirement:** A permit is not required in the following instances:
 - 1. When installing a decorative fence or wall in accordance with Section 4-1-B-24-F-5-b.
 - 2. When installing an agricultural fence or wall in accordance with Section 4-1-B-24-F-5-b.
 - 3. When installing a retaining wall less than 4 feet in height in accordance with Section 4-1-B-24-F-5-b.
 - 4. When replacing less than 50% of a single fence line with the same fence materials, height, and design, in the same location as the fence was previously permitted. See *Figure 5-A-1-B-4*.
 - 5. Replacing a fence, wall, or retaining wall that was removed in order to complete work within an easement with the same materials, height, and design, in the same location as was previously permitted.
 - 6. Replacing non-structural components of an existing fence or wall, such as pickets.



2. Design and Installation Standards

- a. Materials must be durable and suitable for year-round outdoor conditions.
- b. Fence and wall posts shall be set in concrete footings with a minimum depth of 18 inches.
- c. Fences, walls, and retaining walls must be installed with the finished side facing outward and supporting elements on the inside, when applicable. The Community Development Director shall have the authority to waive the requirement that a fence be constructed with a finished side facing outward from the property in unique situations where the topography, vegetation, or other site conditions screen the fence from the affected neighboring property.
- d. Retaining walls that retain in excess of 48 inches of unbalanced fill shall be designed by an engineer licensed in the State of Kansas and installed to ensure stability against overturning, sliding, excessive foundation pressure, rotational failure, and water uplift. Design shall provide a minimum safety factor of 1.5 against sliding, overturning, and rotational failure. Retaining walls shall be designed by an engineer licensed in the State of Kansas to support lateral loads.
- e. Retaining walls that will be either periodically or permanently inundated with water must be appropriately designed to withstand said inundation.
- f. All fences, walls, and retaining walls shall be constructed to allow for proper surface drainage.

- g. Fence Requirement with Retaining Wall: A fence with a height between 42 inches and 72 inches is required to be installed directly on top of or within 18 inches of a retaining wall when the retaining wall is within three feet of a walkway and there is a drop of 30 inches or more. The Community Development Director shall have the authority to approve an alternative barrier, such as shrubbery.
- h. Easements:
 - 1. Fences, walls, and retaining walls proposed within any easement require approval from the applicable entity.
 - 2. Fences, walls, and retaining walls must be installed in a manner that will allow access to dedicated easements. A gate may be required to provide necessary access.
 - 3. Easements for retaining walls must be of sufficient width to allow for maintenance of said wall to be performed fully within the easement.
 - 4. If the Community Development Director, or their designee, determines that any fence, wall, or retaining wall is negatively impacting any easement then the Community Development Director shall have the authority to require the relocation or removal of the fence, wall, or retaining wall.
 - 5. Fences, walls, and retaining walls constructed within City or private easements may be altered or removed to allow access to utilities. The property owner shall be responsible for the reconstruction and replacement of any fences, walls, and retaining walls that are altered or removed.
 - 6. Drainage Easements:
 - i. Walls and retaining walls are prohibited within drainage easements.
 - ii. Fences are generally prohibited within drainage easements; however, fences may be allowed on a case-by-case basis depending on the impact on drainage. Fences allowed within a drainage easement for conveyance must be open-style and have a minimum of 4 inches clearance between the bottom of the fence pickets and grade.
 - 7. Landscape Easements: Fences, walls, and retaining walls proposed within landscape easements are subject to review and may be allowed on a case-by-case basis for the purpose of providing decorative buffering features between private property and public rights-of-way with collector, arterial, and freeway road classifications.
 - i. Swimming Pool and Hot Tub Enclosures: Swimming pool and hot tub enclosures shall be installed pursuant to the standards of Section 4-1-B-24-F.

b. Fence, Wall, and Retaining Wall Requirements by Type

Table 1: Fence, Wall, and Retaining Wall Requirements by Type

Type	Zoning Districts Allowed	Is a Permit Required?	Maximum Height Allowed ⁴	Location Allowed	Materials Allowed
Fence/Non-Retaining Wall on Residential Property	All residential zoning districts and mixed-use districts that include residential uses	Yes	6' ³	<ul style="list-style-type: none"> • May be located on the side and rear¹ property lines • Front yard: Cannot be closer to the front property line(s) than the front wall of the constructed building 	<ul style="list-style-type: none"> • Wood • Aluminum • Steel • Wrought Iron • PVC • Chain-Link (without slats) • Masonry • Stone • Concrete
Fence/Non-Retaining Wall on Non-Residential Property	All non-residential zoning districts and mixed-use districts that do not include residential uses	Yes	10' ³	<ul style="list-style-type: none"> • Street-side side yards on corner lots: Privacy fences, open-style fences > 4' tall, and walls shall meet the required setback from side streets. Open-style fences ≤ 4' tall may be set back 15' from the street-side side property line². 	
Agricultural Fence/ Non-Retaining Wall	AG for agricultural purposes	No	6'	<ul style="list-style-type: none"> • May be located anywhere on the property 	
Decorative Fence/	All zoning districts	No	3'	<ul style="list-style-type: none"> • ≤ 75% of the lot width. Cannot fully 	

Non-Retaining Wall				enclose the yard <ul style="list-style-type: none"> • May be located anywhere on the property 	
Recreational Fence/ Non-Retaining Wall	All zoning districts	Yes	6' for private swimming pools; 10' for other uses	<ul style="list-style-type: none"> • 6' fence or wall may be located on side and rear property lines • >6' fence or wall must be minimum 15' setback from property lines • Cannot be closer to the front property line than the front of the constructed building 	
Underground Electric Fence	All zoning districts	No	n/a	<ul style="list-style-type: none"> • May be located anywhere on the property 	<ul style="list-style-type: none"> • Underground electric fencing
Security Fence (Barbed Wire)	AG for agricultural purposes	No	8'	<ul style="list-style-type: none"> • May be located anywhere on the property 	<ul style="list-style-type: none"> • Barbed Wire
	BP-1, BP-2, BP-S	Yes	18"	<ul style="list-style-type: none"> • On top of fences with a 6' minimum height 	<ul style="list-style-type: none"> • 3 Horizontal Strands of Barbed Wire
	All zoning districts	Yes	Per Planning Commission approval in conjunction with a site plan or Special Use Permit		<ul style="list-style-type: none"> • Barbed Wire
Razor Wire	Prohibited				

Retaining Wall <4' Tall ⁴	All zoning districts	No	<4'; shall not be >6" above retained surface	<ul style="list-style-type: none"> • May be located anywhere on the property with minimum 2' setback from property lines 	<ul style="list-style-type: none"> • Masonry • Stone • Concrete
Retaining Wall ≥4' Tall ⁴	All zoning districts	Yes	10' of exposed wall per tier; shall not be >6" above retained surface	<ul style="list-style-type: none"> • May be located anywhere on the property with minimum 2' setback from property lines; however, a greater setback may be required depending on the design of the retaining wall • Tiers shall be separated by at least 3' 	

¹ *Rear Setback: Fences constructed within a designated residential fence/wall buffer area or land use buffer area must comply with the location shown on the approved plan. On a double-frontage lot where the rear property line abuts a collector or local street and where a house on adjacent property fronts on that street or where adjacent property has the potential to be subdivided into a lot which fronts on that street, the rear yard fence of the double-frontage lot shall be located no closer to the abutting street right-of-way than a line established by the platted front building line of the adjacent property or, if unplatted, the distance from the abutting street right-of-way to the required front building line. However, the Community Development Director shall have the authority to reduce the required rear fence setback for such a double-frontage lot, provided that safe visibility at driveways, the view to the street for the neighboring properties, and the general character of the neighborhood along the street are maintained. This determination shall take into consideration the height and opaqueness of the proposed fence, the difference in elevation of the affected properties, and other existing site characteristics.*

² *Provided that the fence does not impede safe visibility for pedestrians and vehicles as determined by the Community Development Director. See Figure 5-B-1-A and Figure 5-B-1-B.*

³ When a fence or wall is located within 3' of or directly on top of a retaining wall, the height of the fence/wall plus the height of the retaining wall shall not exceed 10'. See Figure 5-B-1-C.

⁴ Height Measurements.

Fence/Wall Height: Fence/wall height is the vertical distance measured from the adjacent grade to the top of the fence posts or panels, whichever is higher.

Retaining Wall Height: Height of a retaining wall for determining whether engineering is required is defined as the distance between the bottom of the footing to the top of the wall, regardless of the amount of exposed wall. Height of a retaining wall in relation to maximum height allowed in Table 1 above is the vertical distance measured from the adjacent grade to the top of the wall.

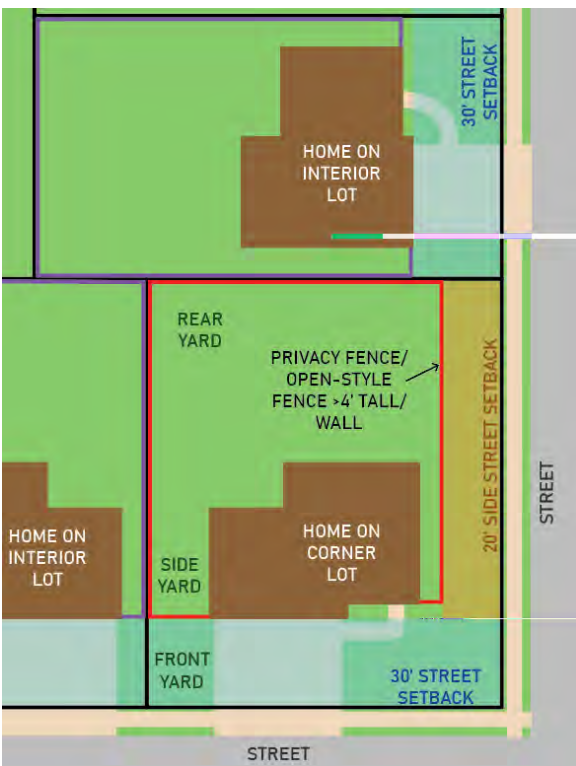


Figure 5-B-1-A (Showing R-1 setbacks for illustrative purposes)

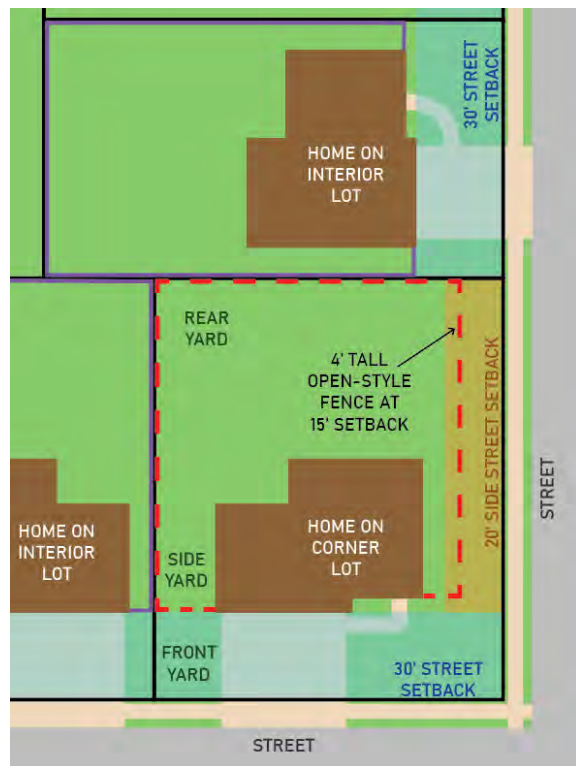


Figure 5-B-1-B (Showing R-1 setbacks for illustrative purposes)

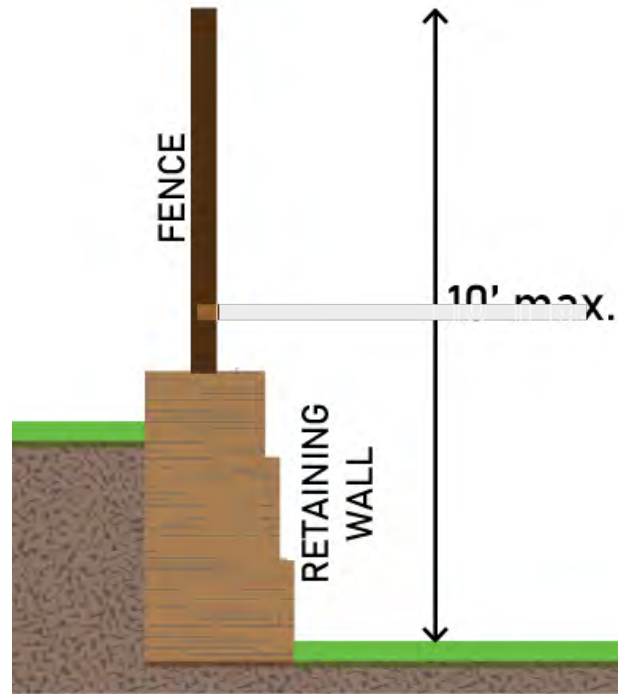


Figure 5-B-1-C

c. Deviations from Strict Compliance

1. Deviation Approval: It is recognized that site conditions vary greatly among sites and that the design, scale, and character of neighborhoods is varied. The Planning Commission shall have the authority to approve deviations from strict compliance with the regulations of this subsection at the time of initial project review for planned districts and the Community Development Director shall have the same authority for administrative plan and permit approvals, provided that the purpose and intent of this subsection is met. Deviations shall be clearly identified on plans submitted for plan and permit approval. The criteria to be considered by the Planning Commission and Community Development Director shall include, but not be limited to:

- i. Purpose and intent of the Code.
- ii. Impact on adjacent properties.
- iii. Safety.
- iv. Unique site conditions and constraints.
- v. Promotion of high quality or unique design.
- vi. Character of the neighborhood.

6. **Garage, Craft And Sample Sales:** Garage sales, craft sales and manufacturers' sample sales shall be a permitted accessory use in the residential zoning districts; provided, that:

- a. No more than 2 sales events shall be conducted on the premises in any calendar year;
- b. No sales event shall be conducted for longer than 4 days duration;
- c. Sales events may be conducted during the daylight hours only; and

- d. The sign regulations set forth in Section 4-1-E-4-N of this Chapter shall be followed.
7. **Hobby Activities:** Hobby activities shall be permitted as an accessory residential use by the occupant of the premises when conducted purely for personal enjoyment, amusement or recreation and when the activity does not conflict with any City ordinance.
8. **Home Occupations:** A home occupation is an accessory use by the occupant(s) of a dwelling unit in which goods are produced or traded, or services are rendered, as an economic enterprise. Such use shall be clearly incidental or subordinate to the residential use of a dwelling. A home occupation shall be considered an accessory use, subject to the following standards:
- a. **Intent:** These home occupation standards are intended to permit the establishment of certain incidental and accessory home occupation uses in residential neighborhoods under conditions that will ensure their compatibility with the residential character of the neighborhood. They are intended to permit residents to engage in home occupations that are compatible with residential land uses and to ensure that home occupations do not adversely affect the integrity of residential areas. Use of a dwelling as a “Hotel or Motel” as defined in Section 4-3-C-3 of this Code shall not be allowed as a home occupation. The standards of this section shall not apply to a “Day Care” as defined in Section 4-3-C-2 of this Code.
 - b. **Employees:** No more than 1 other person in addition to members of the family residing on the premises shall be engaged in the home occupation at the place of residence.
 - c. **Size:** A home occupation shall be clearly incidental and subordinate to the residential use of the dwelling unit, and no more than 25 percent of the total floor area of the dwelling including garage and basement space, shall be used for the home occupation. If more than 1 home occupation is operated in the residence, the combined total square footage devoted to the home occupations shall not exceed 25 percent of the total floor area of the dwelling including garage and basement space.
 - d. **Appearance:** There shall be no change in the exterior appearance of the dwelling unit or other visible evidence of the conduct of the home occupation.*
See Section 4-1-E-4-V (Home Occupation Signs) of this Chapter.
 - e. **Landlord Consent:** Any person applying for a business license for a home occupation that will take place within a rental property shall submit written consent signed by the owner of the rental property.
 - f. **Hours Of Operation:** A home occupation may attract business-related vehicular and pedestrian visits only between the hours of 6:00 A.M. and 9:00 P.M.
 - g. **Traffic:** A home occupation shall not generate more than 6 round-trip vehicular trips per day.
 - h. **Parking:** No parking in the public right of way shall occur as a result of the home occupation except for occasional business gatherings as permitted in this subsection.
 - i. **Entrance:** No separate street-side entrance for the exclusive use of the home occupation shall be permitted.
 - j. **Nuisances:** A home occupation shall not create noise, dust, heat, smoke, odor, vibration, electrical interference, glare, light or radio or television transmission interference that exceeds levels normally associated with single-family dwellings. The

production, dumping or storage of combustible, toxic or other hazardous substances shall be expressly prohibited on the site of the home occupation, unless approved by the City in writing.

- k. **Business Gatherings:** The standards of this subsection shall not be interpreted to prohibit occasional group gatherings, such as recitals or demonstrations; provided, that such gatherings occur during the hours of operation specified in this subsection F8, and provided that they do not occur more than twelve times per year.
- l. **Business License:** A business license shall be required for the operation of a home occupation. The Community Development Director shall have the right to place stipulations and restrictions on the approval of the business licenses for home occupations to ensure the home occupation operates in a manner consistent with the intent of this section as set forth in subsection (a) above.
- m. **Violations.** Any person found to be in violation of the provisions of this Section relating to home occupations shall be notified in writing by the Community Standards Officer, or his or her designee, by regular U.S. mail, personal service, or publication and posting, in accordance with Section 3-5-H-7. In addition, the enforcement process for home occupation violations shall be executed in accordance with the property use and maintenance code enforcement process set forth in Title 3, Chapter 5-H; provided, however that the City's remedy for a third violation of these home occupation regulations within a twenty-four (24) month period shall be the revocation of permits and licenses in accordance with Section 4-1-B-24-F-8n.
- n. **Enforcement Process; Multiple Violations; Revocation.** Penalties for violations of this Section shall escalate in severity for each successive violation within the immediately preceding two (2) year period, as follows:
 - 1. **First And Second Violations:** Enforcement actions for the first two (2) violations of this Section period shall be executed in accordance with the property use and maintenance code enforcement process set forth in Title 3, Chapter 5-H.
 - 2. **Third Violation:** Enforcement actions for the third violation of this Section within a twenty-four (24) month period shall implement the notice and hearing components set forth in Title 3, Chapter 5-H. In addition, the business license issued for the home occupation may be revoked and, if revoked, shall not be reissued for a period of at least two (2) years from the date of revocation.

9. **Outdoor Retail Display In Commercial Zoning Districts:**

- a. Retail businesses shall be allowed to maintain outdoor retail displays of organic seasonal products, such as firewood, bedding plants, Christmas trees, pumpkins, and landscape plants. Except as set forth in Section 4-1-B-25-B-1-f, this provision does not allow the outdoor retail display of the following types of seasonal landscape material: mulch, chips, rocks, fertilizer, potting soil, pots, pesticides, etc. Retail businesses shall not be allowed to maintain outdoor retail display for other seasonal products.
- b. Each business shall be limited to 2 outdoor vending-type machines, such as ice machines, LP gas cylinder exchanges, soft drink dispensers and children's rides. This provision shall not apply to newspaper vending machines

- c. No outdoor retail display permitted by this subsection shall interfere with pedestrian or vehicular access or parking.

10. Radio And Television Antennas:

- a. **Purpose And Intent:** The purpose and intent of this subsection is to provide for the safe and effective installation and operation of amateur radio, citizens band radio and television antenna support structures and the beam antennas installed on those support structures. It is also the purpose and intent of this subsection to provide for a reasonable accommodation of amateur radio communications, in accordance with parts 95 and 97 of chapter 1 of title 47 of the Code of Federal Regulations, while reflecting the City's legitimate interest in protecting and promoting the health, safety, welfare, neighborhood aesthetics and morals of its citizens. The standards in this subsection are intended to place reasonable safety and aesthetic precautions on the installation and erection of such antennas and antenna support structures and to represent the minimum practicable regulation necessary to protect and promote the health, safety and welfare of the public. The regulations are not, however, intended to unduly restrict or preclude amateur radio communications.
- b. **Applicability:** All amateur and citizens band radio and television transmission and receiving antennas, excluding satellite dish antennas, shall be governed by the standards of this subsection.
- c. **Residential Districts:** In the residential districts, all antenna support structures which have a height of more than 35 feet above grade level, including the antenna installed on the support structure, shall be considered a special use requiring review and approval pursuant to the standards of Article 4-1-G of this Chapter. Antenna support structures which have a height of 35 feet or less above grade level, including the antenna installed on the support structure, shall be considered a permitted accessory use.
- d. **Nonresidential Districts:** In the nonresidential districts, all antenna support structures which extend more than 12 feet above the highest point of the principal structure, including the antenna installed on the support structures, shall be considered a special use requiring review and approval pursuant to the standards of Article 4-1-G of this Chapter. Antenna support structures which extend 12 feet or less above the highest point of the principal structure, including the antenna installed on the support structure, shall be considered a permitted accessory use.
- e. **Location:** All antennas and antenna support structures shall comply with these location standards:
 - 1. **Setbacks:** All antenna support structures and the beam antennas installed on those support structures, including all elements or parts thereof, shall conform to the minimum yard setback standards of the district in which it is to be located.
 - 2. **Support Structure Location:** In addition to complying with the district setback standards, antenna support structures shall be located on the property so as to provide a minimum distance equal to 50 percent of the height of the tower from aboveground utility power lines other than applicant's service lines or a break point certified by a professional engineer or as evidenced by the manufacturer's specifications. In addition, no antenna support structure shall be located in the front yard.

3. **Anchor Location:** All antenna support structure supports and peripheral anchors shall be located entirely within the boundaries of the property, and if closer than 5 feet to property under different ownership and if such support or anchor extends greater than 3 feet above ground, it shall be effectively screened from view from abutting properties and shall extend no greater than 6 feet above ground.
 4. **Limitation:** No more than 1 antenna support structure shall be allowed on any residential lot.
11. **Satellite Dish Antennas:** The provisions of this subsection shall apply to the installation, location and screening of satellite dishes and accessories except where the Federal Communications Commission (FCC) has preempted regulation of small antennas, which are defined as Direct Broadcast Satellite (DBS) antennas 1 meter or less in diameter. It is the intent of these requirements to further the community's health, safety, welfare, and aesthetic objectives; to provide for timely installation of satellite dish antennas; and to allow reasonable flexibility in locating and screening the antennas to optimize reception or transmission while maintaining accepted community aesthetic standards. Locational restrictions of accessory structures such as satellite dish antennas are intended to ensure safety and to minimize obstruction of views and open space from adjacent properties. Screening and locational requirements are intended to minimize the visual impact of larger satellite dish antennas and to set aesthetic standards that are comparable to that required for other accessory structures in commercial and industrial zoning districts, such as dumpsters and mechanical equipment, and to be more compatible with the nonobtrusive structures that are commonly found in residential neighborhoods.
- a. **General Requirements Applicable To All Satellite Dish Antennas Unless Indicated Otherwise:**
 1. **Permanent Installation Required:** Satellite dish antennas shall be permanently installed on a building, in the ground or on a foundation and shall not be installed on a portable or movable structure, such as a trailer.
 2. **Location:** Satellite dish antennas shall be located so they do not interfere with safe visibility at street intersections or driveways, do not obstruct movement of vehicles or pedestrians, or block building entries and shall not be located in any manner that interferes with or creates a hazardous condition with utilities or other structures.
 3. **Appearance:** To the extent permitted by operational requirements, satellite dish antennas, except those that are 1 meter or less in diameter, shall be of a color that blends with the surroundings. No signs, advertising or business identification other than the manufacturer's labeling shall be permitted on the dish or screening.
 4. **Cables:** All cables and lines serving ground-mounted satellite dish antennas shall be located under ground.
 5. **Electromagnetic Interference:** Each satellite dish antenna shall be filtered or shielded to prevent the emission of radio-frequency energy that would cause any harmful interference with the radio or television reception or broadcasting on adjacent properties. In the event the interference is detected after installation of the satellite dish antenna, the owner of the unit shall immediately take steps to eliminate the interference.

6. **Construction, Installation And Operation:** The construction, installation and operation of satellite dish antennas shall comply with all Federal, State and local regulations.
 7. **Permits Required:** Satellite dish antennas greater than 1 meter in diameter shall require a building permit and payment of the fee adopted by the City Council. Direct Broadcast Satellite dish antennas 1 meter or less in diameter generally do not require a building permit and payment of fees, except as indicated in subsection F11d of this Section. A plot plan drawn to scale and specifications, such as property lines, setbacks, building location, utility easements, accessory structures, fences, trees and proposed screening methods along with detailed information about the proposed dish and method of installation shall be submitted with the permit request. The permit shall be approved, approved with conditions, or denied by the Community Development Director.
 8. **Maintenance Specifications:** Satellite dish antennas shall be properly maintained. Exposed surfaces, including the dish, brackets and any supporting members, shall be kept clean and painted as necessary to achieve a well maintained appearance in keeping with all approvals. The Community Development Director shall have the right to order the repair or removal of any satellite dish antenna that is damaged, deteriorated or no longer in use.
- b. **Residential And Agricultural Districts:** The following additional standards shall only apply to satellite dish antennas that are greater than 1 meter in diameter within the residential and agricultural districts:
1. **Number, Mounting And Height:** One satellite dish antenna greater than 1 meter in diameter shall be permitted per parcel. Satellite dish antennas shall be ground-mounted and shall not exceed a total height of 12 feet.
 2. **Location And Setbacks:** Satellite dish antennas shall be located within the rear yard and shall be set back a distance inside all property lines at least equal to its height, but not less than 5 feet from the property line.
 3. **Screening Of Ground-Mounted Antennas:** A satellite dish antenna shall be screened so as not to be readily visible from surrounding properties or any public rights of way. The screen may consist of structures, fences, plant materials and/or earth berms which are located to conceal at least the sides and rear of the antenna and its support. A solid perimeter fence with a minimum height of 6 feet installed around the yard in which the antenna is located is deemed to satisfy these screening requirements. If plant materials are used to provide screening, the type used shall effectively screen the antenna throughout the year. The plants shall have a minimum height of 5 to 6 feet at the time of initial planting and must be spaced appropriately to achieve the screening.
- c. **Nonresidential Zoning Districts:** The following additional standards shall only apply to satellite dish antennas that are greater than 1 meter in diameter within the nonresidential zoning districts:
1. **Size:** Retail commercial sites may utilize an antenna that does not exceed 12 feet in total height. Broadcasting studios, offices, manufacturing and warehouse uses may utilize larger antennas up to the maximum building height permitted on the site;

however, the overall height of roof-mounted antennas shall not exceed 12 feet over the maximum permitted building height on the site.

2. **Number:** Multiple satellite dish antennas may be permitted; however, multiple antennas over 12 feet in total height shall be approved only through final plan review by the Planning Commission.
 3. **Location And Setbacks:** A ground-mounted satellite dish antenna shall be permitted on any portion of the lot, except between any right-of-way line and the corresponding building line. The antenna shall be set back inside any property line a distance at least equal to its height, but not less than 5 feet from the property line.
 4. **Roof-Mounting:** A roof-mounted satellite antenna shall be permitted; provided, that it is in scale with the overall building mass and the specific location at which it is installed. As a guideline to proper scale, the visible height of the antenna should be no more than 25 percent of the height to the top of the underlying building edge or screen, and no more than 25 percent of the width of the underlying building edge or screen. Regardless of scale requirements, the building edge or screening should obscure the lower part of the support structure and all accessory equipment from ground-level views within 1,000 feet of the antenna. The criteria of this subsection may be varied in the case of irregularly shaped buildings or other unique installation locations as long as the overall intent of this subsection is met.
 5. **Ground-Mounted Installation:** A ground-mounted installation shall include installation of fencing, berming or landscaping to accomplish the following:
 - a. Complete screening of all accessory equipment and the lower part of the support structure.
 - b. Screening at the rear and sides of the structure, at an elevation and size equal to the height of the highest portion of the structure, in order to break down the scale of the dish itself.
 - c. Installation of landscape material in the vicinity of the structure so as to, at least, partially obscure the view of the dish from all off-site rights of way and public areas of private property.
 6. **Off-Site Satellite Antenna Locations:** Satellite antennas may be located on a different site from the building they serve, when written permission is granted by the owner of the proposed property where the antenna is to be located.
- d. **Small Satellite Dish Antennas:** In addition to the general requirements of this Section, the following supplementary standards shall apply to satellite dish antennas that are 1 meter or less in diameter within all zoning districts:
1. **Location:** Every effort should be made to install satellite dish antennas that are 1 meter or less in diameter in a location that is not visually obtrusive from neighboring properties or the public right of way.
 2. **Building Permit:** In order to protect public safety, a building permit may be required if any of the following occurs:
 - a. The installation requires electrical service of 110 volts or greater.
 - b. A ground-mounted antenna is to be installed a distance from a property line that is less than the overall mounted height of the dish.

- c. A roof-mounted antenna will extend more than 12 feet above the surface on which it is mounted.
 - e. **Deviations:** Requirements for overall height, location, setback, ground-mounting, and screening of any satellite dish antenna may be modified or waived by the Community Development Director in cases where unique site conditions prevent reasonable reception or transmission and where compliance with these provisions would impair signal reception. In addition, the Community Development Director may modify or waive screening requirements for satellite dish antennas where the antenna's material, color, and placement diminish its visibility to the same extent that other screening elements would. The Community Development Director shall consider the following criteria in acting upon a request for deviation:
 - 1. The deviation shall be in compliance with the general purpose and intent of the City's satellite dish antenna regulations.
 - 2. The deviation shall not create a safety hazard.
 - 3. The placement, color, and screening of the satellite dish antenna shall minimize the visual impact on adjacent properties and minimize obstruction of views and open space from adjacent properties.
 - 4. The deviation from the satellite dish antenna regulations shall be the least amount necessary to provide reasonable satellite dish antenna reception or transmission.
12. **Solar Energy Systems:** The provisions of this subsection shall apply to the design, construction, installation, alteration, materials, location, repair and removal of solar systems and accessories connected, attached or adjacent to a building or structure. The provisions of this subsection relate to solar energy systems and component requirements similar to those provided in the Building Code.* Solar energy systems, whether active or passive, shall be designed to be compatible with the surrounding neighborhood and shall comply with the following standards:
See Article 4-8-D of this Title.
- a. **Maintenance And Access:** Solar energy system components shall be accessible for required routine maintenance without trespassing on adjoining property or disassembling any major portion of the structure of a building or appurtenance.
 - b. **Location:** Solar energy system components shall not be located so as to interfere with the operation of required doors, windows or other building components. Provision shall be made over pedestrian and vehicular ways to protect those areas from sliding snow or ice. Solar energy systems may be placed in the side or rear yards of any lot; provided, that the required setback distances are observed. In no instance shall solar energy systems be placed any closer to the front lot line than the front of the building or buildings erected upon said lot.
 - c. **Compliance With Building Code:** Solar energy system components shall be constructed or installed in accordance with Article 4-8-D of this Title.
 - d. **Roof-Mounted Equipment:** Solar energy systems, when mounted or placed atop the roof of a structure, shall conform to the following requirements:
 - 1. **New Construction:**
 - a. **Residential And Agricultural Zoning Districts:** In the residential and agricultural zoning districts (R-1 through RP-5 and AG), solar energy systems

shall be incorporated as a building component of the roof of a structure or otherwise integrated into the roof so that the device forms a part of the roof itself. Placement above or away from the roof line in "standoff" or "rack" mounting arrangements shall not be permitted.

- b. **Commercial And Industrial Zoning Districts:** In the commercial and industrial zoning districts solar collection systems may be mounted upon any roof section of a structure; provided, that the height of the device shall not project more than 3 feet above the height of the corresponding roof line. All mounting arrangements must be screened from the adjacent public right of way.

2. **Residential Retrofit:**

a. **Domestic Hot Water Systems:**

- 1. **Collector Surface Area:** The collector surface area for solar energy systems shall be limited to a maximum of 120 square feet for each residential lot.
- 2. **Location And Placement:** The device may be placed on any roof section of a structure; except, that part of the roof which provides the most direct exposure or greatest visibility to the front lot line and the adjacent public street right of way.
- 3. **Height:** The device shall be placed so that its highest point does not exceed the highest elevation of the corresponding roof line of the structure by a distance greater than 3 feet. Where the roof section provides direct exposure or greatest visibility to the front lot line and the adjacent public street right of way, then the following restrictions shall apply:
 - 1. The apparatus shall not project above the ridge line or beyond the hip or gable of the roof when viewed from the front lot line or adjacent public street right of way;
 - 2. All points of the lower edge of the collector shall not extend more than 18 inches above the roof; and
 - 3. For rack-mounted apparatus, the rack only shall be enclosed in such a way as to be architecturally compatible with the existing roof. The enclosure shall in no way interfere with the safety and efficiency of the solar apparatus.

4. **Framing Materials:** All framing shall be rust treated or of nonrusting materials.

- b. **Systems With Space Heating Applications:** The installation of solar systems with space heating applications shall be approved in accordance with Article 4-1-H of this Chapter.

- c. **Existing Solar Energy Systems:** Existing solar energy systems shall be permitted to have their existing use continued, provided their use and maintenance is not a hazard to life, health or property. Conditions that endanger life, limb, health or property shall be abated by repair, rehabilitation, demolition or removal in accordance with the provisions of Article 4-8-E of this Title.

- 13. **Swimming Pools And Hot Tubs:** Outdoor swimming pools, hot tubs and spas shall be enclosed by a fence or wall with a self-latching gate. The fence or wall shall have a minimum height of 4 feet. The fence shall be constructed so as not to allow a 4 inch diameter sphere to pass through the fence. Enclosing the entire yard containing the swimming pool, hot tub or spa in accordance with these requirements shall satisfy the intent of this subsection. In

addition, rigid hot tub covers, latched in place when not in use, shall be permitted in lieu of required hot tub fencing. Swimming pools, hot tubs and spas shall be set back at least 5 feet from all side and rear lot lines, as measured from the water's edge, and shall not exceed the size of the dwelling unit.

14. **Temporary Uses and Structures:** The following temporary uses and/or structures are subject to the regulations contained within this section, with the exception of temporary banking facilities which are regulated separately under Section 4-1-B-23-AA.

- a. **Temporary Construction Site Office and/or for Storage:** Temporary construction site office(s) and/or storage, including modular offices and trailers are permitted on the same site as a single-family lot, commercial, industrial, or multi-family construction project possessing a valid building permit. Temporary construction office(s) may be occupied for construction office purposes or used for storage of equipment and material used during development of the site. All temporary structures must meet required setbacks for accessory structures. Such temporary structure(s) must be well maintained by the developer, property owner, or contractor or his or her designee. Failure to comply may result in the applicant being ordered to remove or relocate the temporary structure(s). The temporary structure(s) shall be removed within 30 days after issuance of a final Certificate of Occupancy or expiration of the building permit for said project, whichever first occurs. No hazardous materials or wastes of any kind may be stored unless otherwise approved by the Kansas Department of Health and Environment.
- b. **Temporary Sales Office:** A temporary sale offices for a new development shall be permitted for the purpose of selling properties or memberships when located within an approved structure, i.e. model home, apartment, trailer, pursuant to a valid permit for said residential or non-residential development. The temporary structure must meet applicable building and fire code requirements, i.e. anchoring, ADA ramps, access. The temporary sales office structure shall be removed within 30 days after issuance of a temporary Certificate of Occupancy or expiration of the building permit for said project, whichever first occurs.
- c. **Temporary Portable Storage Containers:** Temporary portable storage containers shall be permitted by the property owner or tenant of said residential property for temporary storage, or by commercial/ industrial property owners or tenants for the temporary storage of inventory provided they can meet the following regulations listed below. Portable containers cannot be used as temporary construction site offices, sales offices or by third-parties for storage. Roll-off bins or dumpsters are not considered temporary portable storage containers.
 1. Residential and Agricultural zoned lots developed with a principle structure:
 - a. Temporary portable storage containers are permitted for a period not to exceed a total of 30 days within any calendar year. The Community Development Director is authorized to grant additional time for temporary portable storage containers, when requested in writing.
 - b. Temporary portable storage containers must be located on private property and a paved surface, and may not obstruct any city right-of-way, sidewalks or interfere with the normal operations of the permanent use on the property.

- c. The maximum allowable size for temporary portable storage containers shall be 160 square feet with an overall length not to exceed 20 feet or height of eight (8) feet.
 - d. Rail cars, semi-trailers, or other similar structures may not be used for temporary storage.
 - e. The temporary portable storage containers shall be weather resistant, and made of a high quality/commercial grade material intended for outdoor use and be water tight.
 - f. All temporary portable storage containers shall be delivered and maintained in good condition, free from rodents, insects, or graffiti. It shall be the responsibility of the property owner or tenant and the supplying company to maintain the portable storage containers.
2. Commercial or Industrial zoned lots developed with a principle structure: Temporary portable storage containers shall be allowed for the storage of seasonal merchandise for no more than 60 days within any calendar year and must be located out of street right-of-way and public view.
- d. **Temporary Structures for Elementary and Secondary Schools:** Temporary structures for the use of elementary and secondary schools shall be permitted in any zoning district; provided:
- 1. The temporary structure is placed on an active elementary or secondary school campus where students or members are in attendance.
 - 2. The temporary structure is not located within any required parking or landscape area.
 - 3. A staff approved all weather surface is provided for access to the temporary structure.
 - 4. The applicant provides a parking study demonstrating the existing parking facilities can accommodate the additional classrooms or space, or how additional parking spaces can be provided, per City code.
 - 5. The temporary structure must meet applicable fire and building code requirements, as well as other applicable development regulations.
 - 6. The applicant and City enter into a Development Agreement inclusive of a phasing plan, requirements for maintenance and/or repairs, and duration of the temporary structure.
 - 7. A separate building permit is not required for the temporary structure, but a temporary structure will only be allowed in conjunction with a building permit for improvements and/or expansion to an existing permanent school structure located on the campus property.
 - 8. The temporary structure shall be removed within 2 years of issuance of a building permit or upon expiration of the building permit for said project, whichever first occurs. The Community Development Director is authorized to grant additional time for a temporary structure, when requested in writing.

15. Outdoor Storage Associated with Residential Uses:

- a. No property owner or resident shall allow the placement, storage, installation, or construction of any item, object or structure on any property zoned or used for residential purposes, including the RE, RP-E, R-1, RP-1, RP-2, RP-3, RP-4, RP-5, and AG districts, except as specifically permitted by this Section.
- b. An item, object, or structure not specifically permitted by this Section shall be considered to be placed, stored, or installed on the property if it remains on the property and is not properly enclosed or screened for a period in excess of forty-eight (48) hours.
- c. **Outdoor Storage Specifically Permitted:** The following items, objects, or structures are specifically permitted and are exempt from the enclosure and screening requirements set forth in this Section:
 1. Any item, object, or structure permitted under the provisions of the applicable zoning district regulations established in Article 4-1-B or the applicable accessory use regulations established in Section 4-1-B-24 of the Code, if in full compliance with the authorizing provision.
 2. **Authorized Trash Containers.** An "authorized trash container" is one that has been designed and manufactured specifically for storage of solid waste and is leak proof and waterproof. That container shall be closed at all times except when depositing waste therein or removing the contents thereof. Containers shall be a light weight and of sturdy construction and shall not exceed 90 gallons in capacity.
 3. Firewood, neatly stacked and free of insects and vermin; provided, that its storage shall be at least three feet (3') from the property line if it is bounded by a wooden fence on an adjacent property owned by another person, and, furthermore, its storage shall not be at any location on the property that is closer to a street than the nearest primary wall surface of the residence. For the purposes of this Section, "primary wall surface" shall mean any exterior wall surface of the residence that is visible from the street and not perpendicular to the street, but excluding porches, carports and minor building projections such as fireplaces or bay windows.
 4. Outdoor play equipment, patio furniture, barbecue grills, dog houses, lawn ornaments, garden hoses and sprinklers; provided, that these items must be specifically manufactured for outdoor use and in working/useable condition.
 5. Outdoor building materials for a home/lawn improvement project, not requiring a building permit, may be stored outside in a neat and orderly manner for a period not to exceed thirty (30) days. Examples of such items include, but shall not be limited to, fencing, lumber, masonry, dirt, sand, and gravel. Building materials stored in conjunction with an active building permit must be stored in a neat and orderly manner.
- d. **Screening or Enclosure Required for Other Items Not Specifically Permitted:**
 1. Any item, object, or structure not specifically authorized in Section 4-1-B-24-F-15c, above, must be located either within a fully enclosed structure or in the rear yard and substantially screened from view from any adjacent property at ground level by a wall or fence. The Community Development Director may approve mature landscape materials as acceptable substantial screening if he/she determines that it provides the substantial equivalent of approved fence or wall materials. Fence or wall materials shall be of a type, material and quality compatible with the immediate neighborhood, as determined by the Community Development Director. Fencing or walls, adequate

to prevent viewing of outdoor items from adjacent properties at ground level, may be used for screening purposes provided they are constructed and maintained in compliance with City Code and comply with primary structure setback requirements for the zoning district. Common examples of items that require screening include, but shall not be limited to, garden equipment/tools, lawn mowers, edgers, wheelbarrows, saw horses, storm windows, snow removal equipment, and ladders.

2. **Compost Piles:** Residential compost must be stored in a container manufactured or constructed so as to contain all materials and permit turning to aerate the materials. The container and contents must be stored in the rear yard and screened from the view of adjacent properties at ground level. The container and contents must be maintained in a neat and sanitary condition and be free of odor.
 3. Notwithstanding any other applicable provision, permitted items, objects, or structures shall occupy no more than twenty percent (20%) of the allowable outside storage area. In measuring the area occupied by these permitted items, objects, or structures to determine if the twenty percent (20%) outside storage area is exceeded, a rectangle shall be drawn to include all points where any such item, object, or structure is located, and the area shall be calculated to include all that area within the rectangle. This method of calculating area shall not apply to those items specifically authorized in Section 4-1-B-24-F-15c above.
 - e. **Outdoor Storage Expressly Prohibited:** The following items, objects, or structures are expressly prohibited from outdoor storage: appliances, furniture or items not manufactured for outdoor use, any item in disrepair, accumulation of yard waste (except as permitted in Section 4-1-B-24-F-16d2), vehicle parts or tires, business equipment, machinery or supplies (except in an AG district as permitted by Section 4-1-B-4-G-4), and building materials (except as permitted in Section 4-1-B-24-F-16c5).
16. **Storm Protection Area:** Storm protection areas for any new residential development for which a preliminary plan/plat application is approved by the Planning Commission after December 1, 2005, shall be a permitted accessory use when located with such development.
- a. Storm Protection Areas shall comply with Federal Emergency Management Agency - Publication 320 (Taking Shelter From the Storm) or Publication 361 (Design and Construction Guidance for Community Shelters).

17. Small Wind Energy Conversion Systems (WECS)

A Small WECS may be located in any zoning district within the city as an accessory use provided all conditions in this section are satisfied.

- a. Location on the Property:
 1. Residential Zoning Districts: The Small WECS may not be located in any required or established front or side yard.
 2. Agricultural, Commercial, and Industrial Zoning Districts: The Small WECS may not be located in any required front or side yard.
- b. Number of Units: One Small WECS may be in addition to any other accessory structure located on the property. With respect to the total number of accessory structures located on a property, the WECS shall be counted as a single accessory

structure. More than one Small WECS may be placed on properties zoned other than RE, RP-E, R-1, RP-1, and RP-2 with approval of a Special Use Permit .

- c. Height: All Small WECS, both roof/building mounted and ground mounted, shall comply with the maximum height restrictions for the applicable zoning district. Small WECS proposed to exceed the maximum height restrictions may be allowed subject to approval of a Special Use Permit. For roof/building mounted Small WECS, the total height of the building and Small WECS shall be considered when measuring the overall height. The highest point of the Small WECS structure, including blades, if applicable shall also be included as part of the overall height. The height for ground mounted Small WECS shall be measured from average grade at the tower base to the highest point of the Small WECS structure, including blades, if applicable.
- d. Blade Design: Only propeller-style Small WECS may be considered as an accessory use. All other blade or collection styles may be allowed subject to approval of a Special Use Permit.
- e. Setback: All Small WECS shall comply with the minimum property line setback requirements for the applicable zoning district or be set back from the property line a distance greater than or equal to the overall height of the Small WEC, including blades, whichever is greater. Setback requirements shall not apply for roof/building mounted Small WECS. The setback of the building shall be considered as satisfying the setback requirement for the Small WECS.
- f. Design and Aesthetics: Small WECS shall be painted a non-reflective, non-obtrusive color or a color that conforms to the environment and architecture of the community.
- g. Tower Design: All tower structures for Small WECS shall be of self-supporting, monopole construction unless attached to a structurally reinforced roof where such support is not warranted. No lattice or guyed monopole structures shall be permitted.
- h. Minimum Blade Clearance: The blade tip clearance for ground-mounted Small WECS shall, at its lowest point, be not less than 30 feet.
- i. Lighting: Small WECS shall be lighted only if required by the Federal Aviation Administration (FAA) or other applicable authority. Lighting of other parts of the Small WECS facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes and shall comply with all other requirements of this chapter.
- j. Noise: The noise emitted from any Small WECS shall not exceed the noise level limits outlined in Section 4-1-C-4.
- k. Vibration: Vibration emitted from any Small WECS shall not exceed the limits outlined in Section 4-1-C-4.
- l. Signage: Any signage proposed in conjunction with a Small WECS shall comply with Article 4-1-E Signs.
- m. Equipment Cabinets and Other Ground-Level Equipment: Ground-level equipment shall either be fully enclosed in a building meeting architectural compatibility standards with surrounding properties, or adequately screened based on site specific location and adjacent land uses. At a minimum, ground-level equipment shall be enclosed with a 3/8" non-climbable, black vinyl, chain link fence with a variety of upright evergreens planted in a staggered spacing necessary to achieve the desired screening. In residential settings or where ground-level equipment is readily visible from public areas of

surrounding properties or from any public rights-of-way a solid screen wall, of a height at least equal to the maximum height of the equipment may be required. The screen wall shall be architecturally compatible with adjacent development.

1. Screening of the ground-level equipment may be waived provided that such equipment is screened by other property boundary enclosures or other structures so as not to be visible from surrounding properties or public ways.
- e. Compliance with Building Code: All Small WECS shall require a building permit for installation.
- f. Removal of Inoperable WECS: Any Small WECS that is inoperable for twelve consecutive months shall be considered abandoned, and the owner of such Small WECS shall either restore the Small WECS to operating condition or remove the Small WECS, including all associated support structures and transmission lines, within ninety days of receipt of notice from the governing authority notifying the owner of such abandonment. If, after ninety days, the Small WECS is not removed, the Small WECS and associated structures would be subject to the enforcement provisions as set forth in Article 3-5-H of the Municipal Code. For purposes of this section, inoperable shall be deemed to include, but shall not be limited to, the blades of the Small WECS remaining stationary so that wind resources are not being converted into energy, or the Small WECS is no longer connected to equipment to convert the wind into energy.
- g. Miscellaneous:
 1. The principle use of the Small WECS shall be providing power for the structure(s) on the subject property. Incidental selling of power back to the electric grid shall not constitute a commercial use unless the WECS is part of larger a wind farm.

SECTION TWO: Section 4-3-B-7 is hereby amended to read as follows:

Section 4-3-B-7 GENERAL TERMS - F.

FAMILY:

1. **Family.** In all zoning districts, family shall be defined to mean:

- a. a person living alone, or
- b. two or more persons related by blood, marriage, legal adoption, guardianship, or other legally authorized custodial relationship, or
- c. a group of not more than four (4) persons age eighteen (18) or older who are unrelated by blood, marriage, or legal adoption, living together as a single housekeeping unit in a dwelling unit; provided, that if any one of the adult persons is unrelated to another adult person in the group, the entire group shall be classified as unrelated.

2. **Exemption.** Group Homes, Limited, as defined in Section 4-3-C-2. The burden of proving a facility qualifies as a Group Home, Limited, rests solely with the party exerting or claiming the exemption.

FEE SIMPLE TITLE: A clear legal title to a tract of land as further defined in law.

FENCE/WALL: An above-grade structure or barrier, usually constructed of wooden, metal, masonry, or fiberglass parts, and used to mark a boundary or to define and enclose a specific area for the purposes of protection, privacy, safety, or confinement.

FENCE/WALL TYPES:

- A. **AGRICULTURAL:** A fence or wall structure installed for agricultural purposes, such as farming or keeping of livestock. Such fencing includes, but is not limited to split rail, electric fencing, and barbed-wire fencing.
- B. **DECORATIVE:** An open-style fence or wall structure used in a manner which is designed to add to the aesthetics or attractiveness of the lot or tract upon which it is placed, rather than as an enclosure or barrier. Railings along or adjacent to front stoops, porches, steps, landings, culverts, bridges, or sidewalks, shall not be considered as decorative fences.
- C. **OPEN-STYLE:** A fence, including gates, designed and constructed so that the surface area of any segment of such fence contains at least 50% open space as compared to solid materials.
- D. **PRIVACY/SOLID:** A fence, including gates, designed and constructed so that the surface area of any segment of such fence is greater than 50% opaque.
- E. **RECREATIONAL:** A fence or wall used in conjunction with basketball courts, tennis courts, racquetball courts, softball/baseball fields, school playgrounds, swimming pools, or other similar recreational areas.
- F. **WALL, RETAINING:** A structure or barrier situated at or below grade, usually constructed of masonry, used to retain earth.

FREEWAY FRONTAGE: Property lying adjacent to the right-of-way line of a freeway designated in the City's Major Street Plan, or lying adjacent to a freeway frontage road.

FREEWAY FRONTAGE ROAD: A road running parallel to a freeway designated in the City's Major Street Plan, the right-of-way of which lies directly adjacent to the right-of-way of the freeway and its associated ramps.

SECTION THREE: Section 4-3-B-24 is hereby amended to read as follows:

Section 4-3-B-24 GENERAL TERMS - W.

WALL: See "FENCE/WALL"

WEIGHTED SOUND LEVEL: The sound pressure level in decibels read on a sound level meter using the A filter. The A filter attenuates incoming sound to approximate the sensitivity of the human ear.

WIDTH: The least horizontal distance between the side lot lines and the building.

SECTION FOUR: Penalty: Any violation of the above provisions shall be punishable in accordance with Code Section 1-1-C-3, unless otherwise specifically set out.

SECTION FIVE: Interpretation: This ordinance shall be construed as follows:

- A. Liberal Construction: The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which 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 revive an Ordinance previously repealed, nor shall the repeal affect any right which accrued, any duty imposed, any penalty incurred or any proceeding commenced, under or by virtue of the Ordinance repealed. Said Ordinance or Code repealed continues in force and effect after passage, approval, and publication of this Ordinance for the purpose of pursuing such rights, duties, penalties, or proceedings.
- C. Invalidity: If 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, City Code or other ordinances.

SECTION SIX: Repeal: The Existing Code Sections 4-1-B-24, 4-3-B-7, and 4-3-B-24 are hereby repealed.

SECTION SEVEN: Effective Date: 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 Lenexa Governing Body this 16th day of May, 2023.

SIGNED by the Mayor on this 16th day of May, 2023.

CITY OF LENEXA, KANSAS

[SEAL]

Michael Boehm, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven D. ShROUT, Assistant City Attorney II

CITY CENTER REDEVELOPMENT (TIF) PROJECT PLAN 1K
CITY CENTER REDEVELOPMENT (TIF) DISTRICT AS AMENDED
(Kiewit Penrose Lane Building Project)

In accordance with K.S.A. 12-1770 *et seq.*, as amended (the “**Act**”), to promote, stimulate and develop the general and economic welfare of the city of Lenexa, Kansas (“**City**”), the Lenexa City Council adopted Ordinance No. 4427 on September 11, 2001, establishing a Redevelopment (TIF) District (the “**Original District**”). The Original District was amended on December 20, 2005 by Ordinance No. 4824 to include a total of approximately 424 acres (the “**District**,” also referred to as the “**City Center TIF District**”) and is legally described in attached **Exhibit A**. The City has identified multiple City Center development projects located within the City Center TIF District. The area located on the southwest corner of 87th Street Parkway and Renner Boulevard is commonly referred to as “**Lenexa City Center**”. The Act allows one or more TIF projects to be undertaken by a city within an established district and any such project plan may be implemented in separate development stages. To date, the City has approved multiple TIF project plans in the Lenexa City Center area.

The City desires to establish Project Plan 1K as set forth herein (“**Project Plan 1K**”, also referred to as the “**Project Plan**”). Project Plan 1K will incorporate approximately 0.90 acres located south of 89th Street/Penrose Lane and west of Renner Boulevard and is legally described on **Exhibit B** (the “**Project Plan 1K Area**”). The Developer for the Project Plan is Kiewit Engineering Group Inc. (the “**Developer**”). The Developer, and/or entities related to or affiliated with Developer, are the owner of the approximately 16 acres (the “**Kiewit Property**”) immediately adjacent to the Project Plan 1K Area. There are three previously constructed buildings and structured and surface parking on the Kiewit Property. Project Plan 1K is expected to complete the cohesive office campus over the Kiewit Property and Project Plan 1K Area.

Anticipated within Project Plan 1K is construction of a six-story, office building, two-level parking structure, surface parking, landscaping, sidewalks and related site amenities, signage and associated infrastructure improvements, and special assessments within the Project Plan Area associated with the special benefit district financing of the 87th Street Parkway improvements, all of which are more specifically described in **Section 5** herein (the “**Private Project**”). Some of the Private Project improvements consist of a portion of the structured and surface parking, landscaping, sidewalks, and site amenities which will be constructed on the Kiewit Property, outside the Project Plan 1K Area but within the City Center TIF District and are necessary to implement Project Plan 1K and important to creating the cohesive office campus environment.

Project Plan 1K shall extend for a period of twenty (20) years from the date the Project Plan is approved by the City (the “**Project Plan Term**”). The incremental ad valorem property taxes (as defined by the Act) generated from the real property within the Project Plan 1K Area during the Project Plan Term in

excess of the amount of real property taxes collected for the base year assessed valuation shall constitute the “**TIF Revenues**”. In accordance with the Act and in cooperation with the Planning Commission, the City prepared Project Plan 1K.

1. **Financial Feasibility.**

Staff prepared a Financial Feasibility Study (“**Feasibility Study**”) for Project Plan 1K attached hereto as **Appendix 1**. Projections on development in the Project Plan 1K Area were provided by the Developer. The Feasibility Study incorporates a number of assumptions, including a constant mill levy of 90.733, which excludes the 20 mill school levy and the 1.5 State mill levy. The mill levy may vary each year of the TIF Term based on legislative actions and budgetary decisions made by the individual taxing jurisdictions. It also assumes property tax collection at 100%, Private Project completion by January 2025 (and fully assessed beginning January 2026), and a two percent (2%) annual increase in appraised valuation after the Private Project is fully constructed and stabilized.

The Developer will advance funds necessary to construct the Private Project and to pay the costs associated with the estimated and approved, private TIF eligible reimbursable costs set forth generally on **Exhibit C** attached hereto (the “**TIF Reimbursable Costs**”), and it is contemplated that Developer will subsequently be reimbursed with TIF Revenues received by the City on a “pay-as-you-go” basis. Such advances and reimbursements will be made in accordance with the terms of a Disposition & Development Agreement executed by the Developer and the City (the “**DDA**”). The TIF Reimbursable Costs are set forth in more detail in the DDA. There is a total of \$20,729,084 in TIF Reimbursable Costs identified with Project Plan 1K, but reimbursement of TIF Reimbursable Costs is dependent upon the amount of TIF Revenues generated within the Project Plan 1K Area during the Project Plan Term and received by the City, and shall be paid in accordance with the amount, priority and duration set forth in the DDA. In no event will any TIF Reimbursable Costs be reimbursed in an amount that exceeds the amount of TIF Revenues available.

The Feasibility Study indicates that if projected development, assessed values and tax revenues are accurate, TIF Revenues will be sufficient to reimburse the Developer for a portion of the approved TIF Reimbursable Costs. Other revenue sources, including but not limited to private equity, are available to meet TIF Reimbursable Costs and other private development costs associated with the Project. TIF Reimbursable Costs must (1) be reasonably approved by the City in accordance with the terms of the DDA; (2) meet the definition of “redevelopment project cost” set out in K.S.A. 12-1770a(o), as amended; (3) be an eligible expense under the City’s adopted TIF Policy and/or Procedures, unless otherwise permitted in the DDA; (4) be authorized in this Project Plan 1K and in the City Center TIF District Plan; and (5) be in compliance with the terms for reimbursement and prioritization described with particularity in the DDA.

The City has identified up to \$20,729,084 in TIF Reimbursable Costs and anticipates reimbursing Developer for such TIF Reimbursable Costs incurred and paid by the Developer with available TIF Revenues generated during the twenty (20) year Project Plan Term. Based on the current projections and cash flow analysis contained in the Feasibility Study, it is determined that the Project benefits, TIF Revenues and other available revenues, exceed the TIF Reimbursable Costs, and that the TIF Revenues and other available revenue sources, including private revenue sources for the private costs, should be sufficient to pay for such TIF Reimbursable Costs. For any improvements constructed by Developer in Project Plan 1K, the Developer is responsible for all expenses, including but not limited to, TIF Reimbursable Costs, even if they exceed the amount of available TIF Revenues. The City reserves the right to amend the specific approved TIF Reimbursable Costs, and the amount, duration and prioritization thereof, to conform to the provisions of the DDA. City may also amend this Project Plan 1K in accordance with state law and the DDA provided that such amendments shall not, without the consent of Developer, change the nature or scope of the Private Project improvements to be constructed by Developer, amend the timing of Project Plan 1K, or alter or affect the financial terms of this Project Plan 1K benefitting Developer.

In summary, assuming Project Plan 1K approval by the end of the second quarter of 2023 with construction commencing by the third quarter of 2023 and complete by January 1, 2025, the City anticipates the ad valorem property tax increment will generate approximately \$13,126,380 over the Project Plan Term (the “**Estimated Total TIF Revenue Projection**”). The Developer will be responsible for all expenses of Developer, including the TIF Reimbursable Costs, above the TIF Revenue generated from the Project Plan 1K Area and allocated to the TIF Reimbursable Costs during the Project Plan Term. If the TIF Revenue does not meet the estimated total TIF Reimbursable Costs, the City shall be under no obligation to provide financial assistance to Developer beyond the TIF Revenues actually generated from the Project Plan 1K Area in accordance with the distribution formula and term set out in the DDA. A summary of the feasibility assumptions and Estimated Total TIF Revenue Projection is included in **Exhibit E**.

2. Redevelopment District Plan and Redevelopment (TIF) Project Plan 1K.

Redevelopment District Plan (City Center TIF District Plan)

The City Center TIF District area includes the land within the City of Lenexa, Kansas as legally described on **Exhibit A**, but generally described as an area of approximately 424 acres located on all four corners of 87th Street and Renner Blvd., as well as a tract of land located east of I-435 at 87th St Pkwy. The Redevelopment (TIF) District Plan for the City Center TIF District contemplates development of a mixed use urban development project to be located on all four corners of Renner Boulevard and 87th St Pkwy and east of I-435 at 87th St Pkwy, to include office, retail, residential and public civic uses (“**City Center Project**”).

Lenexa City Center will be constructed on approximately 56.85 acres located on the southwest corner of Renner Boulevard and 87th Street Parkway and is the subject of a Development Agreement dated May 31, 2006 (as amended) between City Center Lenexa, LLC (the “**Developer**”), and the City (the “**Master Development Agreement**”). Lenexa City Center is proposed to be developed in multiple phases as a mixed use project consistent with the Master Plan included in the Master Development Agreement, which is contemplated to include approximately 1,900,000 square feet of retail, residential, hotel, office, entertainment and civic uses. The Lenexa City Center project proposes to utilize on-street, structured and surface parking consistent with the Master Plan in the Master Development Agreement. Development of additional City Center projects of a smaller scale are anticipated on the other tracts of land included in the District.

In accordance with the City Center District Plan, TIF increment may be used to pay for eligible project expenses within specific project areas for such items including but not limited to public infrastructure; land acquisition; site preparation; street improvements and their appurtenances; sidewalks; storm and sanitary sewers; utility improvements as permitted in the Act; parks; parking facilities; landscaping; water mains; storm water detention; sculptures and public art; plazas; and special assessments levied pursuant to KSA 12-6a01 *et seq.* for eligible public infrastructure authorized in the District Plan.

Redevelopment (TIF) Project Plan 1K

Project Plan 1K incorporates approximately 0.90 acres of real estate and improvements located south of 89th Street/Penrose Lane and west of Renner Boulevard, all within the City Center TIF District. Project Plan 1K Area is legally described in **Exhibit B**. Project Plan 1K consists of a six-story office building, structured and surface parking, landscaping, sidewalks and other site amenities, associated infrastructure improvements and reimbursement for special assessments and costs associated with certain public streets serving the development, all of which are more specifically described in **Section 5** herein.

3. Map of Redevelopment Project Plan 1K Area.

A map of the Project Plan 1K Area is attached as **Exhibit D**.

4. Relocation Assistance Plan.

No relocation will occur as a result of Project Plan 1K and therefore no relocation assistance plan is provided.

5. Description of the Buildings and Facilities Proposed to be Constructed or Improved.

Project Plan 1K consists of a six-story, approximately 177,802 S.F. office building, an adjacent two level parking structure and surface parking, containing a combined total of approximately 364 parking stalls of which a portion will be

available for public parking outside of regular business hours and for special events in accordance with the provisions of the DDA, sidewalks, landscaping and associated infrastructure and special assessments within the Project Plan Area associated with the special benefit district financing of the 87th Street Parkway improvements (the “**Private Project**”). TIF Reimbursable Costs incurred as a result of the Private Project part of Project Plan 1K include, but are not limited to, land acquisition within the Project Plan area, architectural and engineering costs associated with the site improvements and parking structure (but excluding all other vertical buildings to be owned or leased by the Developer), infrastructure improvements, site development, surface and structured parking, lighting, landscaping, hardscape, sidewalks, water mains, special assessments associated with the financing of the 87th St. Pkwy improvements, interest during construction and TIF Fee. Some of the parking, sidewalks and landscaping will be constructed on the adjacent Kiewit Property, outside the Project Plan 1K Area but within the City Center TIF District. The improvements outside the Project Plan 1K Area are necessary to implement the Project Plan and important to creating the cohesive office campus the Developer and City desire to establish. The TIF Reimbursable Costs are described in more detail in the DDA.

6. Other Relevant Information.

- a. Reimbursement of TIF Reimbursable Costs shall be made from ad valorem property tax increment (as defined in the Act) actually received by the City from Project Plan 1K Area and deposited into the special fund established by the City in accordance with K.S.A. 12-1778 (the “**City Center Project Plan 1K Fund**”).
- b. If sufficient TIF Revenues are not available to pay all of the TIF Reimbursable Costs, the City is under no obligation to reimburse TIF Reimbursable Costs from any other public source.
- c. Prior to any reimbursement of TIF Reimbursable Costs, Developer and City shall enter into a separate, valid and enforceable DDA. A detailed description of all TIF Reimbursable Costs, and the procedure for distribution, reimbursement amount and priority of payment of the TIF Reimbursable Costs is set out in the DDA and consistent with this Project Plan 1K.
- d. The City does not anticipate issuing TIF Bonds, however, upon future request of Developer, the City shall reasonably consider any such request to issue TIF Bonds if the market can feasibly support such a bond issue and if the TIF Revenues and any other collateral provided for such TIF Bonds provide reasonable assurance that the principal of and interest on the TIF Bonds will be paid on a timely basis. A decision on whether or not a TIF Bond issue is feasible and adequately secured, will be the City’s final decision and within the City’s sole discretion. The

City is under no obligation to issue TIF Bonds and makes no commitment to do so.

EXHIBIT A

LEGAL DESCRIPTION OF CITY CENTER REDEVELOPMENT DISTRICT

Beginning at the Northwest corner of the Northeast Quarter of Section 31, Township 12 South, Range 24 East; thence South along the West line of the Northeast Quarter of said Section 31 to the Southwest corner of the Northeast Quarter of said Section 31; thence East along the South line of the Northeast Quarter of said Section 31 to the Southeast corner of the Northeast Quarter of said Section 31, and continuing East along the South line of the Northwest Quarter of Section 32, Township 12 South, Range 24 East to the Easterly right-of-way line of Renner Boulevard as it now exist; thence North along the Easterly right-of-way line of said Renner Boulevard to the intersection with the South line of the Northwest Quarter of the Northwest Quarter of Said Section 32; thence East along the South line of the Northwest Quarter of the Northwest Quarter of said Section 32, to the intersection with the centerline of Interstate Route 435, as it now exists; thence South along the centerline of said Interstate Route 435 to the South line of the Northwest Quarter of said Section 32; thence East along the South line of the Northwest Quarter of said Section 32, to the Southeast corner of the Northwest Quarter of said Section 32; thence North along the East line of the Northwest Quarter of said Section 32, to the Northeast corner of the Northwest Quarter of said Section 32; thence West along the North line of the Northwest Quarter of said Section 32, to the centerline of Interstate Route 435, as it now exists; thence North along the centerline of said Interstate Route 435 to the North line of the Southwest Quarter of Section 29, Township 12 South, Range 24 East; thence West along the North line of the Southwest Quarter of said Section 29, to the Northwest corner of the Southwest Quarter of said Section 29: thence South along the West line of the Southwest Quarter of said Section 29, to the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 30, Township 12 South, Range 24 East; thence West along the South line of Stonecreek of Parkhurst 1st Plat, Stonecreek of Parkhurst 2nd Plat, and Estates of Parkhurst 1st Plat, all subdivisions of land in Johnson County, Kansas, to the Northeast corner of Horizons West Re-Plat 3rd Plat, a subdivision of land in Johnson County, Kansas; thence South along the East line of said Horizons West Replat 3rd Plat, and its extension South, to the South line of the Southeast Quarter of said Section 30; thence West along the South line of the Southeast Quarter of said Section 30 to the Point of Beginning, containing approximately 424 acres.

EXHIBIT B

LEGAL DESCRIPTION OF PROJECT PLAN 1K AREA

Lot 2, City Center Lenexa Second Plat, a subdivision in the City of Lenexa,
Johnson County, Kansas

EXHIBIT C
TIF Reimbursable Costs– Project Plan 1K

The following items are estimated TIF eligible private and public costs for reimbursement with TIF Revenues generated from Project Plan 1K. The priority and duration of reimbursement is set forth in the DDA.

Description of Expenditure	Reimbursement to:	Maximum Reimbursement
TIF Fee	Developer	\$50,000 ¹
Itemized TIF Reimbursable Costs paid by Developer, including: Land acquisition within the Project Plan area; site development; A/E (excluding vertical buildings owned or leased by the Developer other than parking structures); water mains; surface and structured parking; landscaping, lighting, sidewalks, benches and similar amenities; special assessments in the Project Plan Area associated with financing the 87 th Street Parkway improvements; contingency; and temporary construction interest.	Developer	\$20,679,084 ^{2,3}
Annual Administrative TIF Fee: 0.5% of the annual TIF Revenues reimbursed to Developer	City	TBD
Total Maximum Aggregate of Eligible TIF Reimbursable Costs	Developer	\$20,729,084 ⁴
Total Maximum TIF Reimbursable Costs		\$20,729,084⁴

Notwithstanding any other provision of this Plan to the contrary, reimbursable expenditures shall at all times be consistent with the Act, including judicial interpretation of the Act.

¹The TIF Fee is based upon 1% of the TIF reimbursable Costs in the estimated amount of \$20,679,084 (which amount represents the Total TIF Reimbursable Costs less the TIF Fee). This total excludes the Annual Administrative TIF Fee as it is TBD based upon eligible TIF Revenue disbursed. This sum shall be reimbursed to Developer if it has been paid by Developer and if not, it shall be deducted from the first TIF Reimbursable Cost payment (and thereafter until paid in full) and paid to the City.

²The Total TIF Reimbursable Costs do not include interest cost to carry which is not an eligible expense in this Project Plan; however, interest during construction on TIF Reimbursable Costs (excluding TIF Fee, interest and contingency) is an eligible expense and shall be reimbursed at the rate of 6% for up to 36 months. The interest shall be simple interest and shall not be compounded.

³The Contingency is calculated at 10% of the TIF Eligible Costs excluding the TIF Fee, land acquisition, special benefit district assessments, and temporary construction interest, as such items are not eligible to receive contingency funds.

⁴The amount of the total TIF Reimbursable Costs does not include a sum for the Annual Administrative TIF Fee as this amount is to be determined as it is based upon the annual amount of TIF Revenues disbursed to Developer.

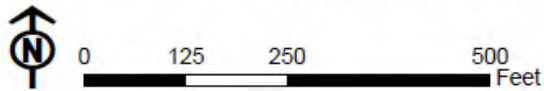
EXHIBIT D

TIF PROJECT PLAN 1K AREA



Date Reprint: City of Lenexa and Johnson County Kansas
For further information, please call 913-571-7800.

Kiewit K3
City Center Project Plan 1K



APPENDIX 1

TIF PROJECT PLAN 1K FEASIBILITY STUDY

Month, Year
 Name of TIF District
 Project Plan number - TIF Revenue Projections
 Project Name

Year of TIF (1)	Tax Year (2)	Distribution Year (3)	Total Assessed Value (4)	Base Year Assessed Value (5)	Captured Assessed Value (Column 3 - Column 4) (6)	Projected Property Tax Increment (\$7)
1	2023	2024	\$21,120	\$0	\$21,120	\$1,916
2	2024	2025	\$157,150	\$0	\$157,150	\$14,259
3	2025	2026	\$3,522,125	\$0	\$3,522,125	\$319,573
4	2026	2027	\$7,044,250	\$0	\$7,044,250	\$639,146
5	2027	2028	\$7,185,135	\$0	\$7,185,135	\$651,929
6	2028	2029	\$7,328,838	\$0	\$7,328,838	\$664,967
7	2029	2030	\$7,475,415	\$0	\$7,475,415	\$678,267
8	2030	2031	\$7,624,923	\$0	\$7,624,923	\$691,832
9	2031	2032	\$7,777,421	\$0	\$7,777,421	\$705,669
10	2032	2033	\$7,932,969	\$0	\$7,932,969	\$719,782
11	2033	2034	\$8,091,628	\$0	\$8,091,628	\$734,178
12	2034	2035	\$8,253,461	\$0	\$8,253,461	\$748,861
13	2035	2036	\$8,418,530	\$0	\$8,418,530	\$763,838
14	2036	2037	\$8,586,901	\$0	\$8,586,901	\$779,115
15	2037	2038	\$8,758,639	\$0	\$8,758,639	\$794,698
16	2038	2039	\$8,933,812	\$0	\$8,933,812	\$810,592
17	2039	2040	\$9,112,488	\$0	\$9,112,488	\$826,803
18	2040	2041	\$9,294,738	\$0	\$9,294,738	\$843,339
19	2041	2042	\$9,480,633	\$0	\$9,480,633	\$860,206
20	2042	2043	\$9,670,246	\$0	\$9,670,246	\$877,410
Total Projected Property Tax Increment						\$13,126,380
Net Mill Levy						90.733
<u>Assumptions:</u>						
a) TIF Mill Levy is 90.733 mills in all years.						
b) Estimated assessed value upon completion (1/1/2026) is \$7,044,250;						
c) Base year assessed valuation is \$0 for parcels IP10180000 0002.						
c) Assessed value increases by 2% annually after completion.						
d) Property tax collection rate will be 100%.						
e) Property tax increment is distributed twice each year.						

AMENDED REDEVELOPMENT (TIF) PROJECT PLAN 1C
CITY CENTER REDEVELOPMENT (TIF) DISTRICT
(Kiewit – Buildings 1 & 2)

In accordance with K.S.A. 12-1770 *et seq.*, as amended (the “**Act**”), to promote, stimulate and develop the general and economic welfare of the city of Lenexa, Kansas (“**City**”), the Lenexa City Council adopted Ordinance No. 4427 on September 11, 2001, establishing a Redevelopment (TIF) District (the “**Original District**”). The Original District was amended on December 20, 2005 by Ordinance No. 4824 to include a total of approximately 424 acres (the “**District**,” also referred to as the “**City Center TIF District**”) and legally described in attached **Exhibit A**. The City has identified multiple City Center development projects located within the City Center TIF District. The area located on the southwest corner of 87th Street Parkway and Renner Boulevard is commonly referred to as “**City Center Lenexa**”.

The Act allows one or more TIF projects to be undertaken by a city within an established district and any such project plan may be implemented in separate development stages. To date, the City has approved two previous TIF project plans in the City Center Lenexa area. Project Plan 1A was approved in 2001 and subsequently amended in 2002 and 2006. Project Plan 1B was approved in 2008.

The City desires to establish Project Plan 1C as set forth herein (“**Project Plan 1C**”, also referred to as the “**Project Plan**”). Project Plan 1C will incorporate approximately 11 acres located south of 87th Street Parkway and west of Renner Boulevard and legally described on **Exhibit B** (the “**Project Plan 1C Area**”). Certain improvements are anticipated within the Project Plan 1C Area. Project Plan 1C shall extend for a period of twenty (20) years from the date the Project Plan is approved by the City (the “**Project Plan Term**”). The tax increment generated from the real property in the Project Plan 1C Area during the Project Plan Term in excess of the amount of real property taxes collected for the base year assessed valuation constitute the “**TIF Revenues**”. In accordance with the Act and in cooperation with the Planning Commission, the City prepared Project Plan 1C.

1. Comprehensive Feasibility Study.

Staff prepared a Comprehensive Financial Feasibility Study (“**Feasibility Study**”) for Project Plan 1C. Projections on development in the Project Plan 1C Area were provided by Perceptive Software, LLC (“**Applicant**”). The Feasibility Study incorporates a number of assumptions, including a constant mill levy of 97.7340, which excludes the 20 mill school levy and the 1.5 State mill levy. It also assumes a one percent (1%) annual increase in appraised valuation.

It is anticipated that the Applicant will advance funds necessary to pay the estimated TIF eligible private reimbursable costs set forth on **Exhibit C** attached hereto (the “**Private TIF Reimbursable Costs**”), and that Applicant will subsequently be reimbursed with TIF Revenues received by the City on a “pay-as-you-go” basis, in accordance with the terms of the Disposition & Development Agreement executed by the Applicant and the City (the “**DDA**”). The City has also identified various public improvements set forth on **Exhibit C** (the “**Public TIF Reimbursable Costs**”) that are eligible for TIF reimbursement in accordance with the terms of the DDA. Collectively, the Private TIF Reimbursable Costs and Public TIF Reimbursable Costs are referred to as the “**TIF Reimbursable Costs**”. Reimbursement of TIF Reimbursable Costs is dependent upon the amount of TIF Revenues and shall be paid in accordance with the priority set forth in the DDA. In no event will any TIF Reimbursable Costs be reimbursed in an amount that exceeds the amount of TIF Revenues available.

The Feasibility Study indicates that if projected development, assessed values and tax revenues are accurate, TIF Revenues will be sufficient to reimburse the Applicant and City for a portion of the approved TIF Reimbursable Costs. Other revenue sources, including but not limited to private equity, are available to meet remaining TIF Reimbursable Costs and other Project (defined herein) costs. TIF Reimbursable Costs must (1) be approved by the City; (2) meet the definition of “redevelopment project cost” set out in K.S.A. 12-1770a(o), as amended; (3) be an eligible expense under the City’s adopted TIF Policy and/or Procedures, unless otherwise permitted in the DDA; (4) be authorized in this Project Plan 1C and in the City Center TIF District Plan; and (5) be in compliance with the terms for reimbursement and prioritization described with particularity in a subsequent DDA executed by the City and Applicant.

The City anticipates reimbursing Applicant up to approximately \$15,100,000 for Private TIF Reimbursable Costs as described on **Exhibit C**, including Construction Financing Costs at the actual borrowing rate not to exceed 6.5% per annum. Based on the current projections and cash flow analysis contained in the Feasibility Study, it is determined that the Project benefits, TIF Revenues and other available revenues, exceed the TIF Reimbursable Costs, and that the TIF Revenues and other available revenue sources, including private revenue sources for the private costs, should be sufficient to pay for such Private TIF Reimbursable Costs. For any improvements constructed by Applicant in Project Plan 1C, the Applicant is responsible for all expenses, including but not limited to, Private TIF Reimbursable Costs, over and above the amount of TIF Revenues. The City is under no obligation to provide financial assistance to supplement TIF Revenues actually received.

The City reserves the right to amend the specific approved TIF Reimbursable Costs, and the amount and prioritization thereof, in accordance with the provisions of the DDA. City may also amend this Project Plan 1C in accordance

with state law provided that such amendments shall not, without the consent of Applicant, alter or affect the financial terms of this Project Plan 1C benefitting Applicant.

In summary, the City anticipates the ad valorem property tax increment will generate approximately \$26 million over the Project Plan Term. The Applicant will be responsible for all expenses of Applicant, including the Private TIF Reimbursable Costs, above the TIF Revenue generated from Project Plan 1C and allocated to the Private TIF Reimbursable Costs. If the TIF Revenue does not meet the estimate, the City shall be under no obligation to provide financial assistance to Applicant beyond the TIF Revenues actually generated from the Project Plan 1C Area in accordance with the distribution formula set out in the approved DDA. A summary of the assumptions and anticipated TIF Revenue is included in **Appendix I**.

2. Redevelopment District Plan and Redevelopment (TIF) Project Plan 1C.

Redevelopment District Plan (City Center TIF District Plan)

The City Center TIF District area includes the land within the City of Lenexa, Kansas as legally described on **Exhibit A**, but generally described as an area of approximately 424 acres located on all four corners of 87th Street and Renner Blvd., as well as a tract of land located east of I-435 at 87th St Pkwy. The Redevelopment (TIF) District Plan for the City Center TIF District contemplates development of a mixed use urban development project to be located on all four corners of Renner Boulevard and 87th St Pkwy and east of I-435 at 87th St Pkwy, to include office, retail, residential and public civic uses (“**City Center Project**”).

The City Center Lenexa will be constructed on approximately 56.85 acres located on the southwest corner of Renner Boulevard and 87th Street Parkway and is the subject of a Development Agreement (as amended) between City Center Lenexa, LLC (the “**Developer**”) and the City (the “Master Development Agreement”). City Center Lenexa is proposed to be developed in multiple phases as a mixed use project consistent with the Master Plan included in the Master Development Agreement, which is contemplated to include approximately 1,900,000 square feet of retail, residential, hotel, office, entertainment and civic uses. City Center Lenexa proposes to utilize on-street, structured and surface parking consistent with the Master Plan in the Master Development Agreement. Development of additional City Center projects of a smaller scale are anticipated on the other tracts of land included in the District. A golf course development is anticipated for west of City Center Lenexa.

In accordance with the City Center District Plan, TIF increment may be used to pay for eligible project expenses within specific project areas for such items

including but not limited to public infrastructure; land acquisition; site preparation; street improvements and their appurtenances; sidewalks; storm and sanitary sewers; utility improvements as permitted in the Act; parks; structured parking facilities; landscaping; water mains; storm water detention; sculptures and public art; plazas; and special assessments levied pursuant to KSA 12-6a01 *et seq.* for eligible public infrastructure authorized in the District Plan.

Redevelopment (TIF) Project Plan 1C

Project Plan 1C incorporates approximately 11 acres of improvements located within an approximately 16.4 acres Project (defined herein) site within the City Center TIF District. Project Plan 1C Area is legally described in **Exhibit B** and will include site improvements consisting of the first two phases of a proposed multi-phase office campus (the “**Project**”) together with additional private and public infrastructure to accommodate development of the 16.4 acre Project site. The initial two phases encompass two office buildings with both surface and structured parking together with infrastructure, parking, access roads and drives.

3. Map of Redevelopment Project Plan 1C Area.

A map of the Project Plan 1C Area is attached as **Exhibit D**.

4. Relocation Assistance Plan.

No relocation will occur as a result of Project Plan 1C and therefore no relocation assistance plan is provided.

5. Description of the Buildings and Facilities Proposed to be Constructed or Improved.

Project Plan 1C consists of two phases to be constructed on approximately 11 acres of an approximately 16.4 acre site located at the south end the City Center Lenexa Project, north of and adjacent to the Lifetime Fitness project. Phase One will include new construction of a four-story, 120,000 s.f. office building (the “**Phase 1 Building**”). Phase Two will include new construction of a four-story, 120,000 s.f. office building (the “**Phase 2 Building**”). Parking for the Phase 1 and 2 Buildings will be provided by surface parking spaces and a structured parking deck. Access will be provided through a public street denominated as 89th Street and through infrastructure, roads and drives appurtenant to the Phase 1 and Phase 2 Buildings. Collectively, the Phase 1 Building, Phase 2 Building and associated surface and structured parking, infrastructure, roads and drives are referred to as the “**Private Improvements**”. Private TIF Reimbursable Costs incurred as a result of the Private Improvements constructed as part of Project

Plan 1C include, but are not limited to, architectural and engineering costs; site development; parking; lighting, landscaping, hardscape and associated utilities, amenities; and construction interest. The Private TIF Reimbursable Costs are described in more detail in **Exhibit C**.

Public improvements include construction of 89th Street from Renner Boulevard north to 87th Street Parkway where it connects with Penrose Lane; other public infrastructure and amenities located within the City Center TIF District including but not limited to structured parking, and land costs associated with the conveyance of land for the Applicant's first two phases (the "**Public Improvements**"). Costs incurred by the City for the Public Improvements constitute the Public Reimbursable Costs and are described in more detail **Exhibit C**.

6. Other Relevant Information.

- a. Reimbursement of TIF Reimbursable Costs shall be made from ad valorem property tax increment actually received by the City from Project Plan 1C Area and deposited into the special fund established by the City in accordance with K.S.A. 12-1778 (the "City Center Project Plan 1C Fund").
- b. If sufficient TIF Revenues are not available to pay all of the TIF Reimbursable Costs, the City is under no obligation to reimburse TIF Reimbursable Costs from any other public source.
- c. Prior to any reimbursement of TIF Reimbursable Costs, Applicant and City shall enter into a separate, valid and enforceable DDA. The procedure for distribution, reimbursement and priority of payment of the TIF Reimbursable Costs shall be set out in the DDA and consistent with this Project Plan 1C.

EXHIBIT A

LEGAL DESCRIPTION OF CITY CENTER REDEVELOPMENT DISTRICT

Beginning at the Northwest corner of the Northeast Quarter of Section 31, Township 12 South, Range 24 East; thence South along the West line of the Northeast Quarter of said Section 31 to the Southwest corner of the Northeast Quarter of said Section 31; thence East along the South line of the Northeast Quarter of said Section 31 to the Southeast corner of the Northeast Quarter of said Section 31, and continuing East along the South line of the Northwest Quarter of Section 32, Township 12 South, Range 24 East to the Easterly right-of-way line of Renner Boulevard as it now exist; thence North along the Easterly right-of-way line of said Renner Boulevard to the intersection with the South line of the Northwest Quarter of the Northwest Quarter of Said Section 32; thence East along the South line of the Northwest Quarter of the Northwest Quarter of said Section 32, to the intersection with the centerline of Interstate Route 435, as it now exists; thence South along the centerline of said Interstate Route 435 to the South line of the Northwest Quarter of said Section 32; thence East along the South line of the Northwest Quarter of said Section 32, to the Southeast corner of the Northwest Quarter of said Section 32; thence North along the East line of the Northwest Quarter of said Section 32, to the Northeast corner of the Northwest Quarter of said Section 32; thence West along the North line of the Northwest Quarter of said Section 32, to the centerline of Interstate Route 435, as it now exists; thence North along the centerline of said Interstate Route 435 to the North line of the Southwest Quarter of Section 29, Township 12 South, Range 24 East; thence West along the North line of the Southwest Quarter of said Section 29, to the Northwest corner of the Southwest Quarter of said Section 29: thence South along the West line of the Southwest Quarter of said Section 29, to the Northeast corner of the Southeast Quarter of the Southeast Quarter of Section 30, Township 12 South, Range 24 East; thence West along the South line of Stonecreek of Parkhurst 1st Plat, Stonecreek of Parkhurst 2nd Plat, and Estates of Parkhurst 1st Plat, all subdivisions of land in Johnson County, Kansas, to the Northeast corner of Horizons West Re-Plat 3rd Plat, a subdivision of land in Johnson County, Kansas; thence South along the East line of said Horizons West Replat 3rd Plat, and its extension South, to the South line of the Southeast Quarter of said Section 30; thence West along the South line of the Southeast Quarter of said Section 30 to the Point of Beginning, containing approximately 424 acres.

EXHIBIT B

LEGAL DESCRIPTION OF PROJECT PLAN 1C AREA

All that part of the NE1/4 of Section 31, Township 12, Range 24, in the City of Lenexa, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of the NE1/4 of said Section 31; thence S 2° 26' 32" E, along the East line of the NE1/4 of said Section 31, a distance of 1175.00 feet; thence S 87° 33' 28" W, a distance of 95.00 feet, to a point on the West right-of-way line of Renner Boulevard, as now established; thence S 25° 37' 49" W, along the West right-of-way line of said Renner Boulevard, a distance of 85.00 feet; thence S 2° 26' 32" E, along the West right-of-way line of said Renner Boulevard, a distance of 50.00 feet, to the true point of beginning of subject tract; thence continuing S 2° 26' 32" E, along the West right-of-way line of said Renner Boulevard, a distance of 50.00 feet; thence S 41° 06' 07" E, along the West right-of-way line of said Renner Boulevard, a distance of 64.03 feet; thence S 2° 26' 32" E, along the West right-of-way line of said Renner Boulevard, a distance of 540.13 feet; thence S 42° 33' 28" W, along the West right-of-way line of said Renner Boulevard, a distance of 42.43 feet; thence S 2° 26' 32" E, along the West right-of-way line of said Renner Boulevard, a distance of 7.95 feet, to the Northeast corner of Tract "A", CITY CENTER LENEXA FIRST PLAT, a subdivision of land in the City of Lenexa, Johnson County, Kansas; thence Southwesterly and Westerly, along the North line of said Tract "A", said line being a curve to the right having a radius of 64.00 feet, a central angle of 34° 50' 13" and whose initial tangent bearing is S 52° 43' 15" W, a distance of 38.91 feet, to a point of tangency; thence S 87° 33' 28" W, along the North line of said Tract "A", a distance of 24.78 feet; thence S 84° 36' 20" W, along the North line of said Tract "A", a distance of 116.49 feet; thence S 87° 33' 28" W, along the North line of said Tract "A", a distance of 44.63 feet, to a point of curvature; thence Westerly and Northwesterly, along the North line of said Tract "A", said line being a curve to the right having a radius of 326.00 feet and a central angle of 15° 08' 06", a distance of 86.11 feet, to a point of compound curvature; thence Northwesterly and Northerly, along a curve to the right having a radius of 14.00 feet, a central angle of 89° 59' 31" and whose initial tangent bearing is N 77° 18' 26" W, a distance of 21.99 feet; thence N 77° 19' 17" W, along the North line of said Tract "A", a distance of 60.00 feet, to the Northwest corner thereof; thence N 12° 40' 43" E, a distance of 26.11 feet; thence N 60° 38' 35" W, a distance of 202.74 feet; thence N 88° 00' 06" W, a distance of 124.48 feet; thence S 87° 26' 03" W, a distance of 319.30 feet; thence N 5° 06' 10" W, a distance of 107.11 feet; thence N 31° 02' 20" W, a distance of 71.54 feet; thence N 39° 38' 11" E, a distance of 656.74 feet; thence Southeasterly, along a curve to the left having a radius of 600.00 feet, a central angle of 3° 59' 49" and whose initial tangent bearing is S 51° 29' 42" E, a distance of 41.86 feet; thence

S 39° 05' 48" W, a distance of 205.49 feet; thence S 63° 24' 53" E, a distance of 363.07 feet; thence S 87° 24' 17" E, a distance of 60.77 feet; thence N 0° 00' 00" E, a distance of 225.06 feet; thence Southeasterly and Easterly, along a curve to the left having a radius of 600.00 feet, a central angle of 10° 30' 03" and whose initial tangent bearing is S 81° 56' 29" E, a distance of 109.96 feet, to a point of tangency; thence N 87° 33' 28" E, a distance of 179.99 feet, to the true point of beginning of subject tract.

The above described tract of land contains 11.801 acres, more or less.

EXHIBIT C
TIF REIMBURSABLE COSTS
(Project Plan 1C)

The following items are estimated TIF eligible private and public costs for reimbursement with TIF Revenues generated from Project Plan 1C. Reimbursement shall be made in the following priority unless amended in the DDA or otherwise agreed to, in writing, by the City and Applicant:

Priority	Description of Expenditure	Reimbursement to:	Maximum Reimbursement
1	First Phase of 89 th St./Penrose Improvement (Renner west to northwest end of Phase IV Project).	City	\$850,000 ¹
2	Private TIF Reimbursable Costs paid by Applicant including costs associated with architectural & engineering fees; site development (grading, storm water utility relocation, etc.); surface and structured parking; landscaping, lighting benches & similar amenities; contingency and balance of the TIF Project Plan Fee.	Applicant	\$11,447,500
3	Construction financing costs paid by Applicant - to be paid at the actual rate not to exceed 6.5%.	Applicant	\$3,700,000
4	Public TIF Reimbursable Costs paid by City, including but not limited to: Remaining portion of 89 th St./Penrose Improvement costs; land costs; and other public infrastructure and amenities located within the District.	City	\$9,648,340
	Total Private TIF Reimbursable Costs²	Applicant	\$15,147,500

	Total Public TIF Reimbursable Costs³		\$10,498,340
	Total TIF Reimbursable Costs		\$25,645,840

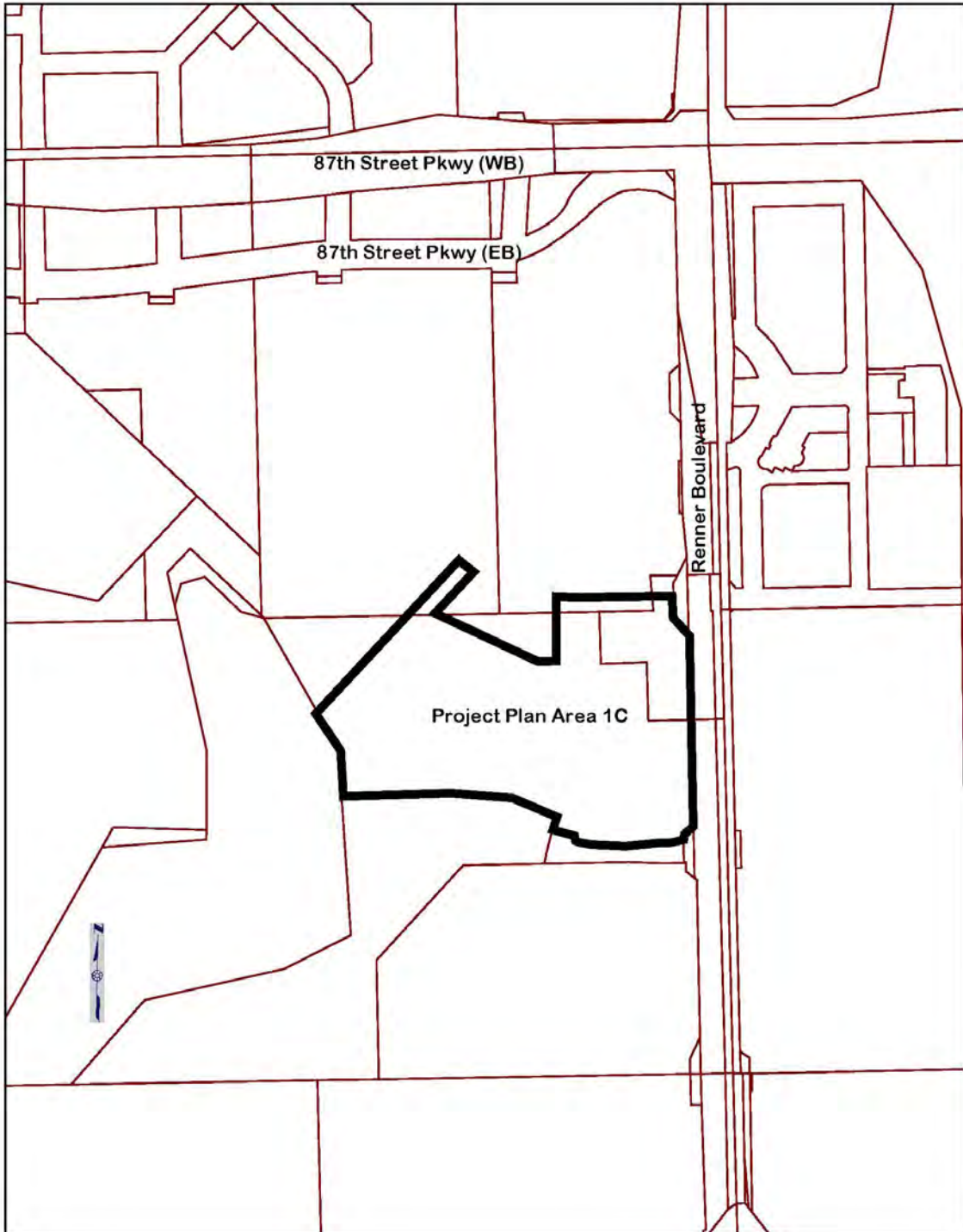
¹ The Expenditures described in Priority 1 constitute the “Public TIF Reimbursable Costs” and are set out in more detail in the DDA. Pursuant to the DDA, the reimbursement of up to \$850,000 described in Priority 1 shall be reduced, dollar for dollar by any state matching contribution made by or on behalf of Perceptive up to an aggregate reduction of \$300,000.

² The Expenditures described in Priority 2 & 3 constitute the “Private TIF Reimbursable Costs” and are set out in more detail in the DDA.

³ The Expenditures described in Priority 1 and 4 constitute the “Public TIF Reimbursable Costs” and are set out in more detail in the DDA.

Notwithstanding any other provision of this Plan to the contrary, reimbursable expenditures shall at all times be consistent with the Act, including judicial interpretation of the Act.

EXHIBIT D - TIF Project Plan 1C Area



**APPENDIX 1
FEASIBILITY STUDY ASSUMPTIONS FOR PROJECT PLAN 1C
TIF REVENUES**

Year of TIF (1)	Distribution Year (2)	Total Assessed Value (3)	Base Year Assessed Value (4)	Captured Assessed Value (Column 3 - Column 4) (5)	Projected Property Tax Increment (6)	Cumulative Increment
1	2013	\$0	\$0	\$0	\$0	\$0
2	2014	\$0	\$0	\$0	\$0	\$0
3	2015	\$13,600,000	\$0	\$13,600,000	\$1,329,182	\$1,329,182
4	2016	\$13,736,000	\$0	\$13,736,000	\$1,342,474	\$2,671,656
5	2017	\$13,873,360	\$0	\$13,873,360	\$1,355,899	\$4,027,555
6	2018	\$14,012,094	\$0	\$14,012,094	\$1,369,458	\$5,397,013
7	2019	\$14,152,215	\$0	\$14,152,215	\$1,383,153	\$6,780,166
8	2020	\$14,293,737	\$0	\$14,293,737	\$1,396,984	\$8,177,150
9	2021	\$14,436,674	\$0	\$14,436,674	\$1,410,954	\$9,588,104
10	2022	\$14,581,041	\$0	\$14,581,041	\$1,425,063	\$11,013,167
11	2023	\$14,726,851	\$0	\$14,726,851	\$1,439,314	\$12,452,481
12	2024	\$14,874,120	\$0	\$14,874,120	\$1,453,707	\$13,906,188
13	2025	\$15,022,861	\$0	\$15,022,861	\$1,468,244	\$15,374,432
14	2026	\$15,173,090	\$0	\$15,173,090	\$1,482,927	\$16,857,359
15	2027	\$15,324,821	\$0	\$15,324,821	\$1,497,756	\$18,355,115
16	2028	\$15,478,069	\$0	\$15,478,069	\$1,512,734	\$19,867,849
17	2029	\$15,632,850	\$0	\$15,632,850	\$1,527,861	\$21,395,710
18	2030	\$15,789,179	\$0	\$15,789,179	\$1,543,140	\$22,938,850
19	2031	\$15,947,071	\$0	\$15,947,071	\$1,558,571	\$24,497,421
20	2032	\$16,106,542	\$0	\$16,106,542	\$1,574,157	\$26,071,578
Total Projected Property Tax Increment					\$26,071,578	

Anticipated Assessed and Appraised Values:

<u>Description</u>	<u>Estimated Square Footage</u>	<u>Year of Completion</u>	<u>Appraisal Value</u>	<u>Assessment Rate</u>	<u>Assessed Value</u>
Phase 1	120,000	2013	\$26,800,000	25%	\$6,700,000
Phase 2	120,000	2013	\$27,600,000	25%	\$6,900,000
Totals			\$54,400,000		\$13,600,000

Net Mill Levy	97.734
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Assumptions:

- a) Construction for phase 1 & 2 is complete by Dec. 2013.
- b) Appraised value increases by 1% annually.
- c) Property tax collection rate will be 100%.
- d) Property tax increment is distributed twice each year.

An aerial photograph of a city street grid, overlaid with a semi-transparent blue filter. The streets are clearly visible, along with some buildings and green spaces. The text is centered over the image.

Lenexa Old Town Activity Center

City Council Update – Schematic Design
May 16th, 2023

What's changed?

- Scope (Site + Senior Center)
- Program Gaps
- Pandemic Pause
- Inflation





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Sean Zaudke

Matt Evett

Turner - Construction Manager
SK Design - Civil Engineer
Henderson Engineers - MEP Engineer
Bob D. Campbell - Structural Engineer



Weave together Old Town



Enhance Old Town Visibility



Connect to Adjoining Neighborhoods



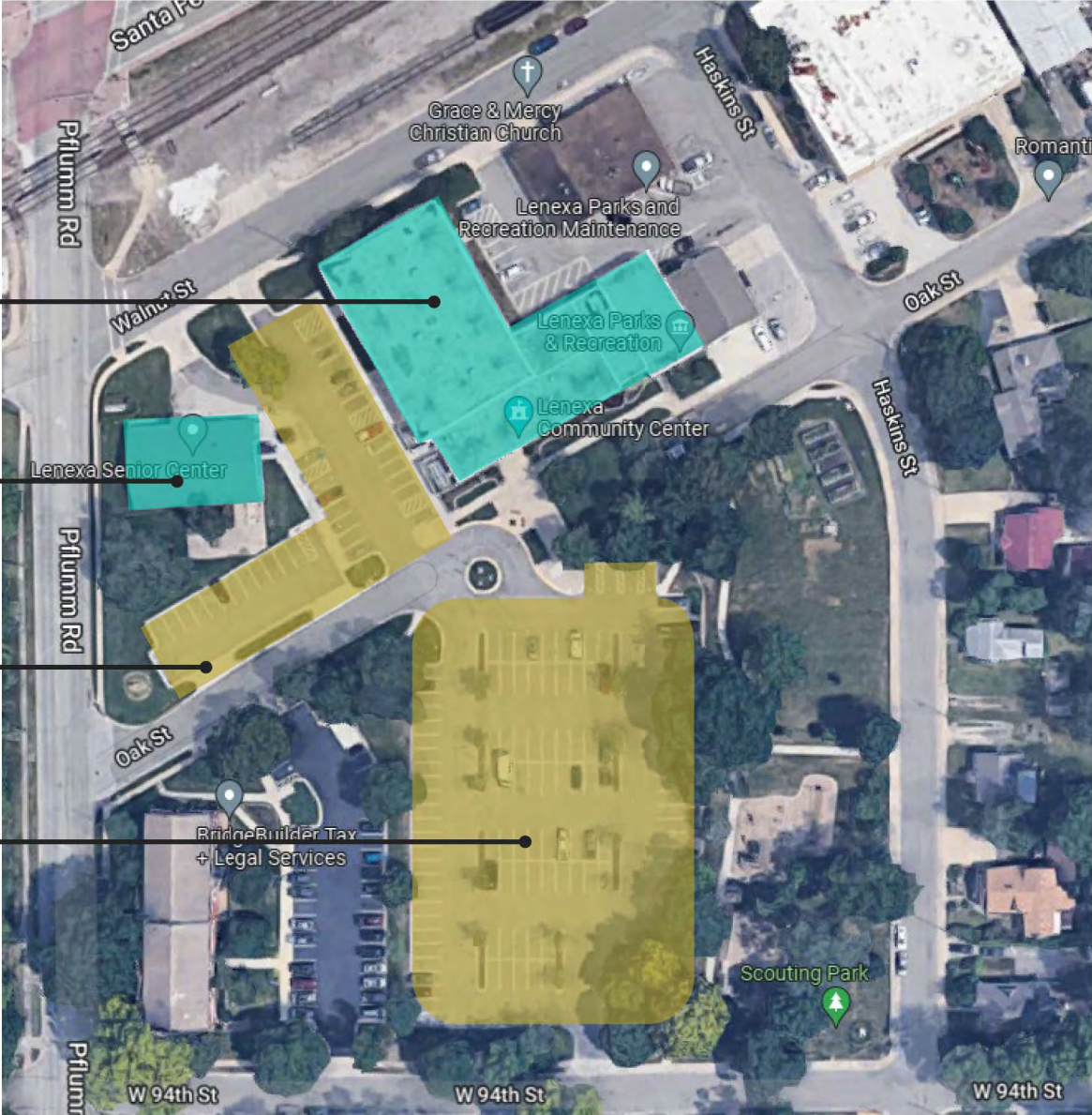
Build and Uplift Senior Community

PROJECT GOALS

SITE

Existing Site

- The Existing Community Center is 19,000 s.f.
- The Existing Senior Center is 4,000 s.f.
- 34 existing parking spaces, 5 of which are ADA
- 116 existing parking spaces, 4 of which are ADA
- 150 total parking spaces



Updated Site Scope

- Focus on the South and West of the Community Center
Includes Pickle Ball Courts, but no Pavilions
- The Parking Area as currently designed meet the programmatic needs.
- The Playground work has been addressed since the completion of the original study.



27 Total Parking Spaces, including 10 ADA

112 Total Parking Spaces

139 Total Parking Spaces



Lenexa Old Town Activity Center



- LEGEND**
- A. PICKLEBALL COURTS
 - B. SHUFFLE BOARD
 - C. RAIN GARDEN
 - D. BIKE RACKS
 - E. SEAT WALL
 - F. RELOCATED GARDEN PLANTERS
 - G. LANDSCAPE BERM
 - H. SEATING AREA/ FLEX SPACE
 - I. WARM-UP AREA (PING PONG)
 - J. SYNTHETIC TURF LAWN
 - K. MAINTENANCE PATH













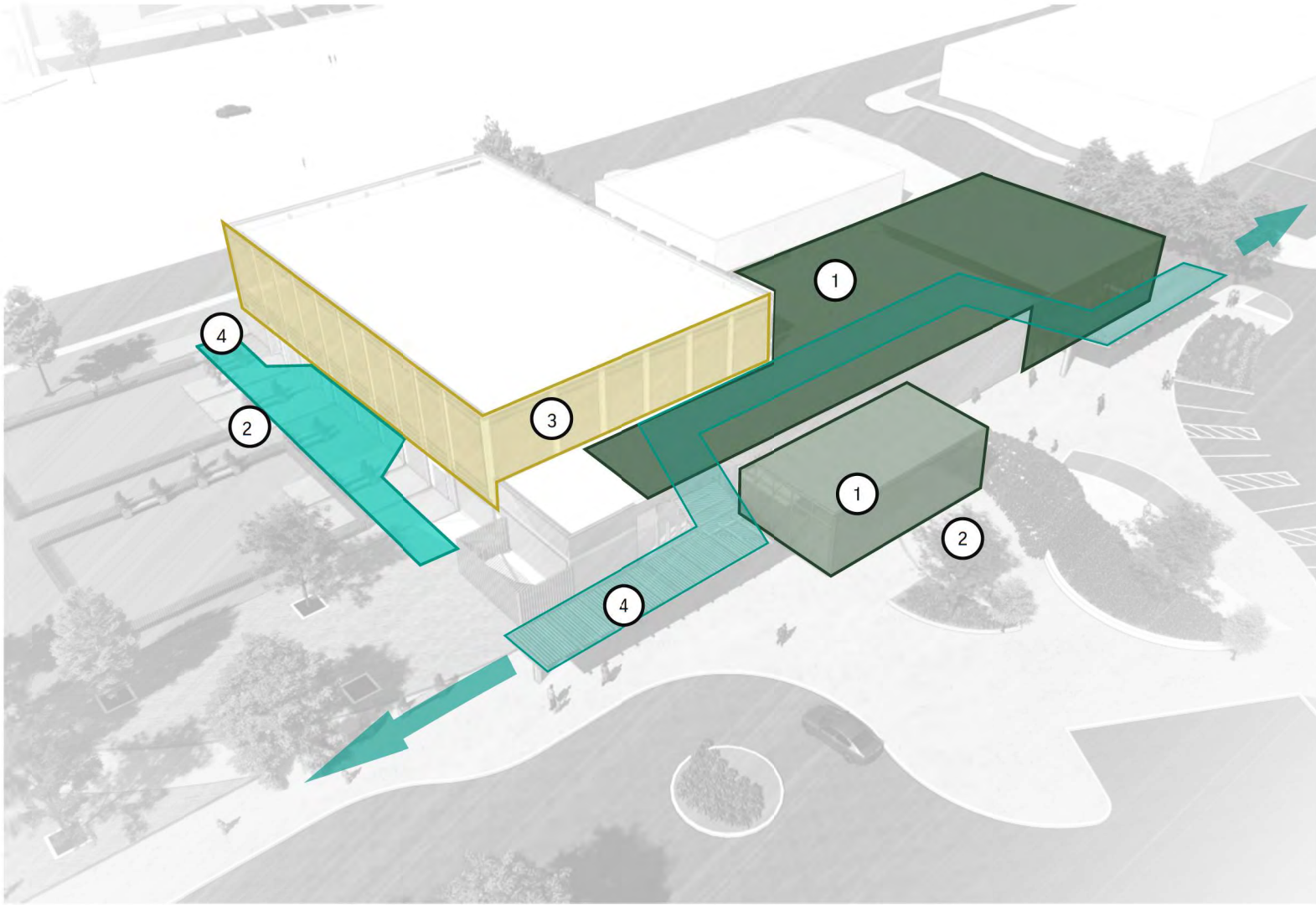






Building Scope

- 1. Renovating the existing community center and developing the new senior wing and multi-use space for the Old Town Activity Center
- 2. Prioritized connections to green spaces with uninterrupted glass views at the multi-use addition, gym, and senior wing
- 3. Re-cladding the existing structures' metal panel with Insulated Metal Panel for improvement on energy performance
- 4. Providing sun-shading canopies to reduce solar heat gain, create comfortable communal outdoor spaces, and connections to adjoining neighborhoods



EXTERIOR

Recladding the Building Enclosure

Existing Insulated Metal Panel

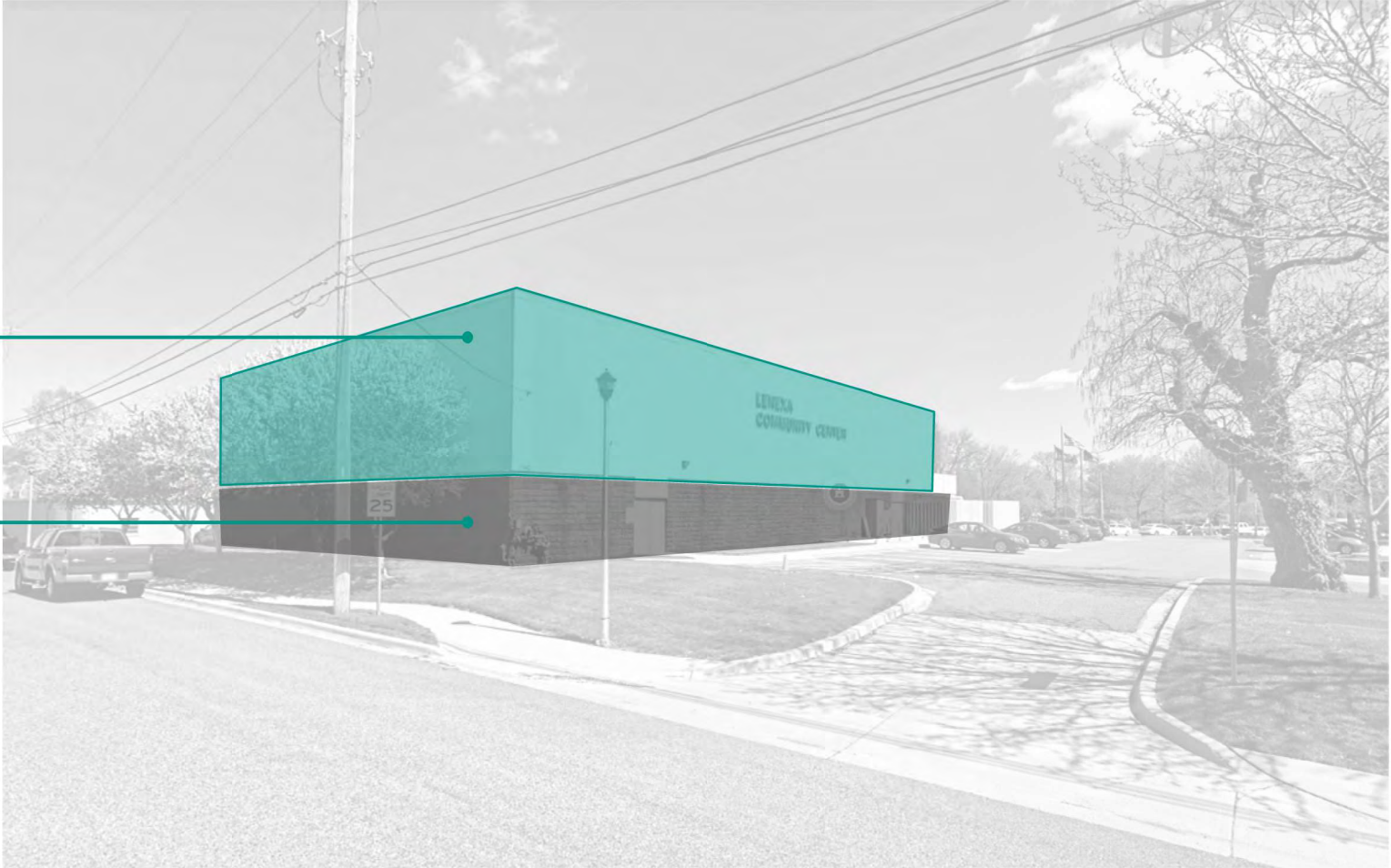
Existing CMU



Recladding the Building Enclosure

New Insulated Metal Panel

Paint Existing CMU





Material Inspiration



West Entry (naming TBD)
Smooth in Contrast



East Entry "Senior Wing" (naming TBD)
Smooth in Contrast

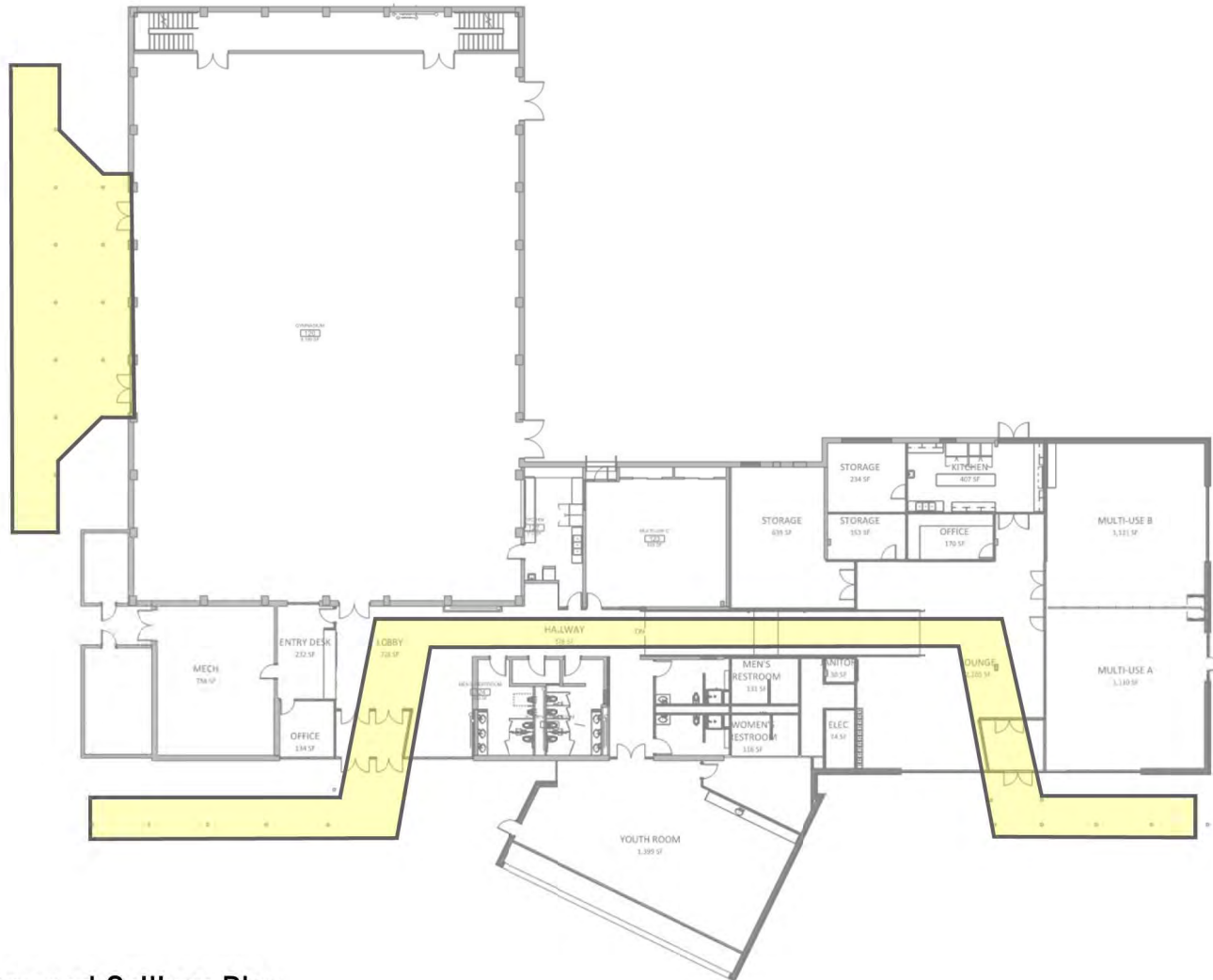


Old Town Access
Smooth in Contrast



Pickleball Porch
Smooth in Contract





Canopy and Ceilings Plan

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Art Wall



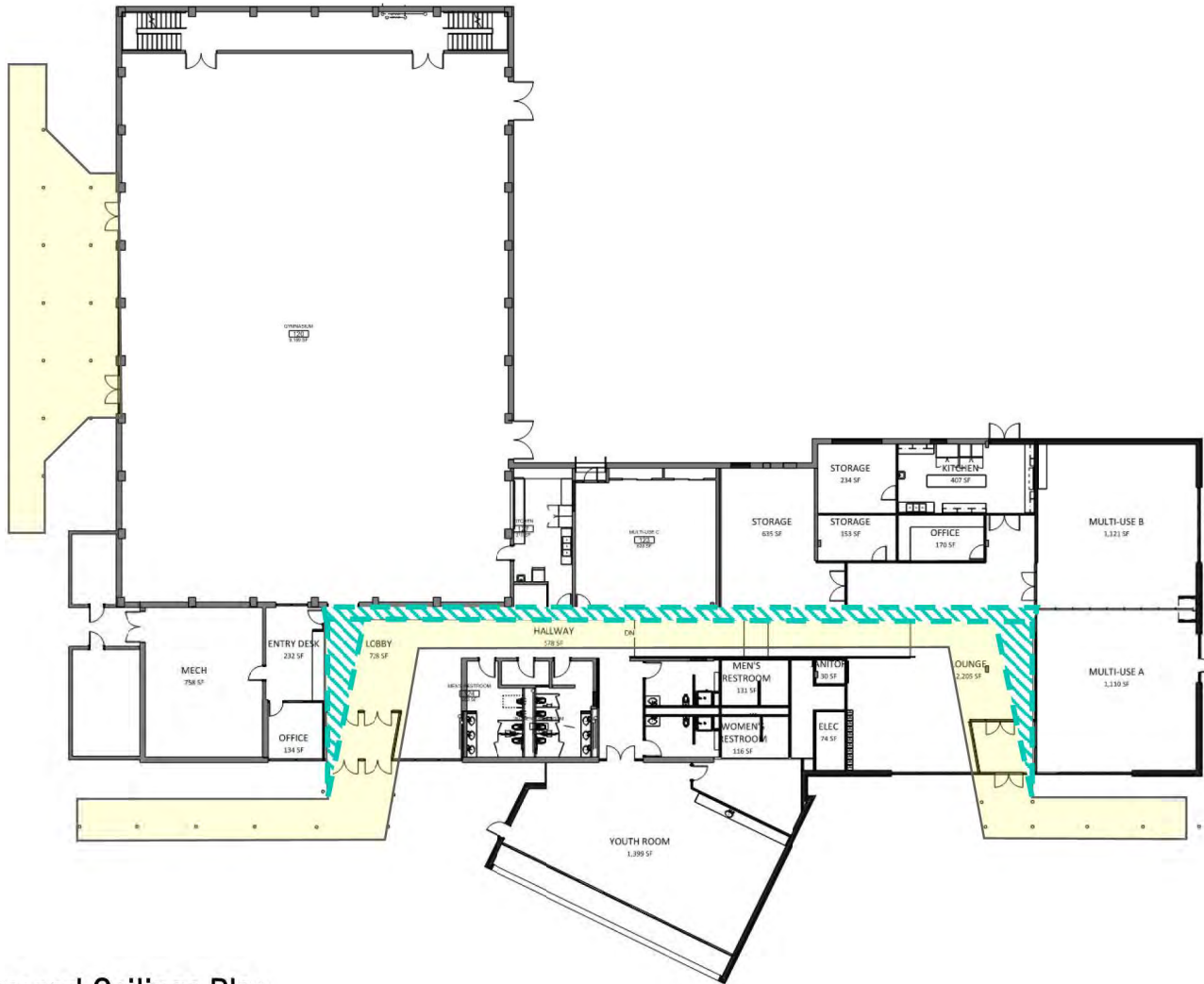
INTERIORS



- Addition
- Heavy Renovation
- Light Renovation
- Circulation
- Existing to Remain

Floor Plan

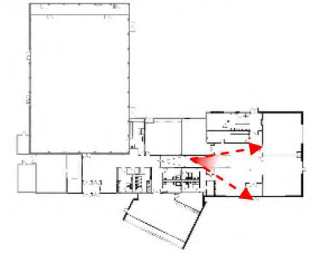
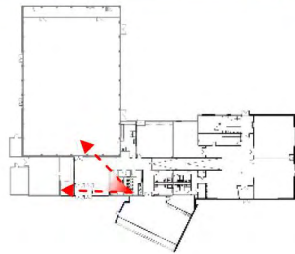
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Canopy and Ceilings Plan

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Wayfinding Ceiling
Becomes Point of
Contact





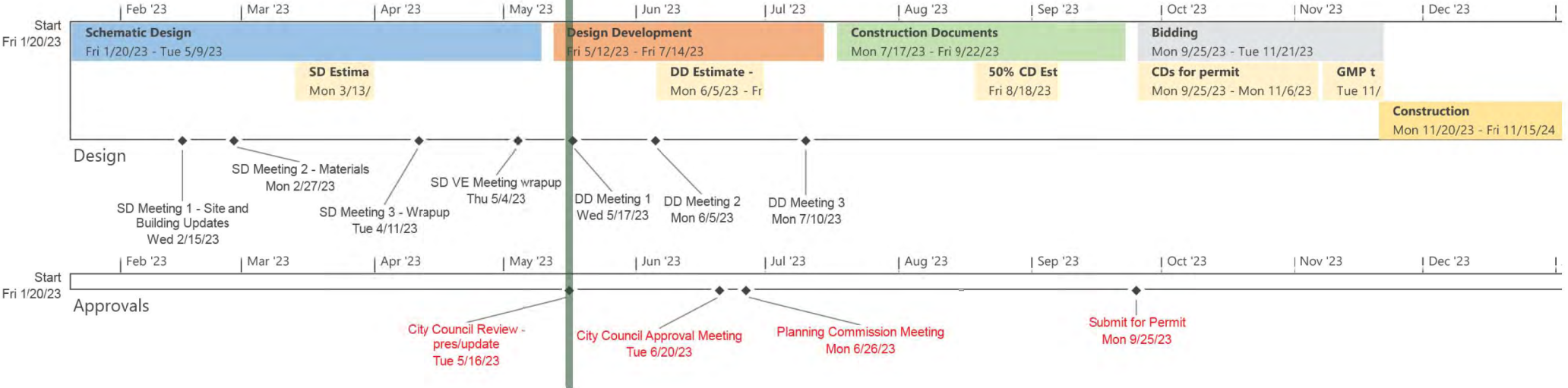
West Entry



East Entry "Senior Wing"

PROJECT SCHEDULE

Today



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