



**MINUTES OF THE
DECEMBER 19, 2023
LENEXA CITY COUNCIL MEETING
COMMUNITY FORUM, 17101 W 87th STREET PARKWAY
LENEXA, KS 66219**

CALL TO ORDER

Mayor Sayers called the meeting to order at 7 PM.

Girl Scout Troop 3041 led the Pledge of Allegiance. The students attend Sunflower and Mill Creek Elementary Schools in Lenexa.

ROLL CALL

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

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

APPROVE MINUTES

Councilmember Arroyo made a motion to approve the December 5, 2023 City Council meeting draft minutes and Councilmember Eiterich seconded the motion. Motion passed unanimously.

MODIFICATION OF AGENDA

Item 6 was continued to the January 16th meeting at the applicant's request.

APPOINTMENTS

Mayor Sayers announced that Councilmember Nicks will serve as Council President from January 1 through June 30, 2024. She thanked Councilmember Karlin for his service as Council President for the past six months.

Mayor Sayers presented Milton Jeffrey and Alice Batista for reappointment to the Police Department Community Advisory Board with terms expiring December 31, 2026.

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

PRESENTATIONS

Ryan Murray, ETC Institute, presented the findings of the Citizen Survey that was completed this year.

CONSENT AGENDA

1. Purchase of an asphalt milling machine for \$295,825 for the Municipal Services Department
To increase asphalt pavement patching and maintenance capabilities, the Municipal Services Department proposes to purchase a Wirtgen W 60 Ri Milling Machine with a companion 4-foot stub conveyor at a price of \$295,825 and to trade in an Asphalt Zipper AZ 500, valued at \$20,000, for a net cost of \$275,825.
2. Resolution authorizing the Mayor to execute an interlocal agreement with the City of Shawnee for the Nieman Road Public Improvement Project
Shawnee's Nieman Road Public Improvement Project ("Project") was selected for a grant through the County Assistance Road System (CARS) program. Since a small portion of this Project crosses into Lenexa, staff intends to fund Lenexa's portion of the Project through the Pavement Management Program. Lenexa's portion is \$107,398. Since Shawnee is administering the Project, Shawnee will invoice Lenexa for \$59,883 and the County in the amount of \$59,883 for Lenexa's share of the CARS-eligible funding.
3. Resolution approving and authorizing the Mayor to execute an agreement with Forms+Surfaces for the purchase of outdoor furniture for the Lenexa Old Town Activity Center
Outdoor furniture for the public gathering spaces has been selected for the Lenexa Old Town Activity Center Project. The total agreement amount is \$115,709.

END OF CONSENT AGENDA

Councilmember Eiterich made a motion to approve items 1 through 3 on the consent agenda and Councilmember Denny seconded the motion. Motion passed unanimously.

BOARD RECOMMENDATIONS

4. Ordinance approving a five-year special use permit for a medical clinic use known as Raw Health Company located at 12760 W. 87th Street Parkway, Suite 110, in the NP-O, Planned Neighborhood Office District
The applicant proposes to operate a medical (chiropractic) clinic within the NP-O District, which requires a special use permit.

Stephanie Kisler, Planning Manager, said that a five-year Special Use Permit (SUP) has been requested by Raw Health Company, which will be located north of 87th Street Parkway and Rosehill Road.

She reviewed the site location on the zoning and future land use maps, noting that they are in alignment. She presented photos of the building and that this SUP is only for the 700 square foot tenant space in Suite 110, not the entire building.

Ms. Kisler said that staff reviewed the 13 criteria for SUP applications and that staff's responses to each can be found in PC staff report, which is in the meeting packet.

Ms. Kisler explained the reason an SUP is required for this use.

Both staff and the Planning Commission recommended approval.

The applicant was present.

Councilmember Karlin asked if the drive is private and if the owner could be made to improve its condition. Scott McCullough, Community Development Director, said staff can look into that as a separate issue.

Councilmember Williamson made a motion to approve Item 4 and Councilmember Denny seconded the motion. Motion passed unanimously.

5. Preliminary plan for Express Oil Change & Tire Engineers for an auto service, limited use at 8610 Pflumm Road in the CP-2, Planned Community Commercial District
The applicant proposes a one-story, 5,747 square foot building for an auto service, limited use known as Express Oil Change & Tire Engineers on property located at 8610 Pflumm Road.

Ms. Kisler said this preliminary plan is for Express Oil Change and Tire Engineers located at 86th Street and Pflumm Road.

She reviewed the site location map with a plan overlay, adding that this is an infill development project where Sonic used to be located. She presented the zoning and future land use maps, noting that this project is in alignment.

Ms. Kisler presented the proposed site plan reflecting a private drive on the south with access from the private drive and no access from Pflumm Road. She pointed out the site's traffic flow, a trash enclosure on the northwest corner, and the multi-family residential development to the north. She said the applicant will preserve the berm to maintain the buffer between the project site and existing development.

She showed the proposed architecture of the 5,700 square foot building with six garage door bays, saying that this is a preliminary plan and that some of the architecture could change for the final plan. She also showed the landscape plan and talked about the applicant preserving existing and adding new vegetation.

Both staff and the Planning Commission recommended approval.

The applicant was present.

Ryan Kubert, Olsson Associates, said this is the company's sixth location in the Kansas City area and they have a 99% success rate for their stores, providing a high level of service and a quick oil change.

Councilmembers Eiterich and Arroyo shared concerns about there being another similar business in close proximity to this site. Ms. Kisler said that the Planning Commission did discuss that with the applicant and that the request meets all the requirements and no deviations are being requested.

Councilmember Denny said he has wondered what would come to this site and he is

happy to see this.

Councilmember Denny made a motion to approve Item 5 and Councilmember Nicks seconded the motion. Motion passed unanimously.

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

- a. Ordinance rezoning property from the AG, Agricultural District to the RP-4, Planned Residential (High-Density) and RP-2, Planned Residential (Intermediate-Density) Districts

- b. Approval of a companion preliminary plan for The Residences on Woodsonia
The applicant requests approval of a preliminary plan for a 320-unit apartment and 62-unit townhome residential development at the north and southeast corners of 86th Street and Woodsonia Drive. The apartments are on the northerly part of the site and the townhomes are on the southerly part. The two components are separated by a new public street that will connect Woodsonia Drive to Monticello Road.

This item was continued to the January 16, 2024 City Council meeting at the applicant's request.

7. Preliminary plan for Cedar Canyon West Commercial for retail, restaurant, office, and service station uses located near the northeast corner of K-10 Highway & Canyon Creek Boulevard in the CP-2, Planned Community Commercial District
The applicant proposes a 12.5-acre commercial development featuring retail, restaurants, office, and service station uses located near the northeast corner of K-10 Highway & Canyon Creek Boulevard. The preliminary plan/plat includes deviations related to setbacks and perimeter landscape areas.

Ms. Kisler said this preliminary plan/plat for a commercial center to be located at the northeast corner of Canyon Creek Boulevard and K-10 Highway.

She reviewed the site location map reflecting the six lots on the site, noting that future 100th street would run through the development.

Ms. Kisler talked about where this development is located on tract 1 as part of the concept plan and rezoning approved in 2023 for seven tracts in the Cedar Canyon West master plan. She said that final plans have been recently approved for 100th Street and Canyon Creek Apartments.

She presented the zoning and future land use maps, saying the updated Comprehensive Plan would reflect community retail in this area to align with what was approved for Cedar Canyon West.

Ms. Kisler said that the preliminary plan has not changed much from the concept plan and the main change is the convenience store is now oriented to face Canyon Creek Boulevard. She pointed out the commercial use buildings on all of the lots, totaling

about 40,000 square feet.

Ms. Kisler reviewed the site's access points, saying there is potential for a traffic signal to be added at 100th Street & Canyon Creek Boulevard, but it would be dependent on development to the west.

She reviewed the five lots on tract A, one lot on tract B, and tract C, which is not able to be developed. Tract C could be conveyed to the adjacent residential owner in the future, which would be a private transaction. She also pointed out the stream buffer along the northeast of the development, which is also not developable.

Councilmember Nicks asked about detention and Ms. Kisler said this development would have its own detention and the applicant could speak more specifically about it. Councilmember Nicks said he liked tract C on the plan and that staff worked with the developer and neighbors on it.

Ms. Kisler showed the preliminary architectural renderings of the buildings' front elevations and material pallets of grey block, brown brick, and grey stucco, noting that these could change later in the process and still meet the aesthetic of the area.

She then explained the deviations the applicant has requested:

- freeway setback - to allow trash enclosure and parking lot in the required 100-foot setback;
- freeway perimeter landscape setback – to allow parking lot in the required 100-foot setback;
- gas pump island setback – to allow circulation and traffic stacking within the 50-foot perimeter setback on two sides of the island canopy; and
- a perimeter landscape area setback – to allow an interior lot line within the 10-foot setback.

Staff and PC support deviations and recommend approval

The applicant was present.

Councilmember Nicks asked for the width of a two-lane street and Tim Green, City Engineer, said a two-lane street is 28-feet wide.

Councilmember Charlton asked if the convenience store was in the setback for Canyon Creek Boulevard and Ms. Kisler showed that it is not in the 30-foot building setback.

Dan Foster, Schlagel Associates, explained that the stormwater management plan for all of Canyon Creek was approved in the early 2000s and how it is designed to work, but they will build a separate basin for this development to ensure it is in compliance.

Councilmember Karlin expressed concern about the access points and Mr. Foster said this has been designed the same as the 101st Street & Woodland Road development where Price Chopper is located. Discussion followed about how traffic wanting to make a left turn out of the development would have to go to the full-access

point through the parking lot. Mr. Green said there are a lot of u-turns at the Price Chopper development, but there are two westbound lanes and staff believes it will be safe. He added that a traffic study was also done.

Mayor Sayers said this is a challenging site and it is nice to see this neighborhood node for the area as well as for people visiting off the highway. She thanked the developer and staff for the hard work to get to this point.

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

PUBLIC HEARINGS

8. Consideration of a resolution to amend the fiscal year 2023 budget

a. Public Hearing to consider amending the fiscal year 2023 budget

b. Resolution amending the fiscal year 2023 budget

In Kansas, state law requires cities to establish maximum expenditure amounts by fund when adopting the annual budget. If cities expect to exceed the maximum expenditure amount by fund, state law requires completion of a formal process to increase the budget. This process includes publishing a notice of public hearing and conducting a public hearing before considering increases to budgeted expenditure amounts.

Becky Yocham, City Manager, said that state law requires maximum expenditures be established by fund in the annual budget and a public hearing is required to exceed those maximums and amend the budget. She said the three areas that need to be amended are related to Community Improvement Districts (CIDs). She explained what a CID is and how the funds pass through the budget from sales tax collected to the developer for eligible costs.

She presented three CID funds for budget increases: the Candlewood Suites CID fund, the Sonoma Plaza CID fund, and the Lenexa City Center Area E CID fund.

Mayor Sayers opened the public hearing at 8:11 PM.

No one from the public spoke.

Councilmember Denny made a motion to close the public hearing and Councilmember Eiterich seconded the motion. Motion passed unanimously.

The public hearing closed at 8:11 PM.

Councilmember Nicks made a motion to approve Item 8b and Councilmember Karlin seconded the motion. Motion passed unanimously.

NEW BUSINESS

There was no new business.

COUNCILMEMBER REPORTS

There were no councilmember reports.

STAFF REPORTS

Ms. Yocham proposed taking group photos of the Governing Body at 6:30 PM before the January 16th meeting.

She then talked about the proposed Homeless Service Center, which is a Johnson County project, not a Lenexa project, that would be located in the LaQuinta Hotel and vacant Denny's Restaurant buildings at 95th Street & I-35.

She explained the due diligence process and activities involved. She said that the County does not plan to operate the shelter but will go through a Request for Proposals process to identify an owner/operator. She added that the required Special Use Permit would not be applied for until the owner/operator has been determined. She talked about Lenexa's role in the process.

Ms. Yocham recommended that all questions and concerns be referred to Johnson County but said that staff is collecting all comment and correspondence received for future consideration and public record.

She reviewed the SUP requirements for a homeless shelter and the SUP process.

Finally, Ms. Yocham announced that this is the last meeting for the year and there would be no December 26th Committee of the Whole meeting. She wished everyone happy holidays.

END OF RECORDED SESSION

BUSINESS FROM FLOOR

There was no business from the floor.

ADJOURN

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

The meeting adjourned at 8:21 PM.

/s/ Jennifer Martin
City Clerk