



## Agenda

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

**FEBRUARY 20, 2024  
7:00 PM  
COMMUNITY FORUM**

**CALL TO ORDER** Pledge of Allegiance

**ROLL CALL**

**APPROVE MINUTES** February 6, 2024 City Council meeting draft minutes  
(located in the Appendix)

**MODIFICATION OF  
AGENDA**

**PRESENTATIONS** Leading the Way Award - ETC Institute

**APPOINTMENTS**

Planning Commission - Mike Burson, Don Horine, and Curt Katterhenry (terms expiring February 28, 2027)

Parks & Recreation Advisory Board - Kelly Rasor, Jeff Mark, Aivars Sics (terms expiring February 28, 2027)

Arts Council - Fabiola Riobe, Emily Behrmann, and Cheryl Kimmi (terms expiring February 28, 2027)

Building Code Board of Appeals - Mike Jansen (term expiring February 28, 2027)

**PROCLAMATIONS** National Black History Month

**CONSENT AGENDA**

**Item Numbers 1 through 6**

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 VF Anderson Builders for the 113th Street East of Renner and 113th Street and Lakeview Stormwater Improvement Projects

*This area has a high concentration of corrugated metal pipes that are failing or in very poor condition. The two projects were combined into one bid. VF Anderson Builders bid \$2,725,547.25 to construct the projects. The projects will also receive partial funding through the Johnson County Stormwater Replacement Program.*

2. Resolution authorizing the Mayor to execute an encroachment agreement with Southern Star Central Gas Pipeline, Inc. for the Lenexa City Center Multi-Purpose Trail Relocation Public Improvement Project

*Southern Star Central Gas Pipeline, Inc. has agreed to permit construction over its easement for this project. Improvements include realigning portions of the Lenexa City Center Multi-Purpose Trail.*

3. Resolution authorizing the Mayor to execute a construction engineering agreement with the Kansas Department of Transportation for the Lackman Road Right-Turn Lane at I-435 Project

*The City has been selected to receive federal funding for 90% of the construction and engineering costs for the Lackman Road Right-Turn Lane at I-435 Project. Because the City will be performing construction engineering services, an agreement with KDOT is required. The total federal funding is \$436,500.*

4. Resolution authorizing the Mayor to execute an agreement with Affinis to provide design and consulting services for the 89th Terrace to 90th Street West of Lackman Stormwater Improvements Project

*This area has a high concentration of corrugated metal pipes that need replaced. Affinis bid \$230,685 to design and prepare construction plans for the project. The project will also receive partial funding through the Johnson County Stormwater Replacement Program.*

5. Resolution authorizing certain employees and officers to act as agents for the City to transact business with authorized financial institutions and repealing Resolution 2022-094

*Multiple City representatives are responsible for processing financial transactions on the City's behalf with authorized financial institutions. Due to staffing changes and the election of a new mayor, the City is required to update the signature cards and authorizations for its commercial deposit accounts.*

6. Resolution authorizing certain employees to take necessary and appropriate action, to make inquiries, and to receive notices regarding the Municipal Investment Pool on behalf of the City and repealing Resolution 2022-095

*Due to staffing changes in the Finance Department, the City is required to modify the employee authorizations for its State of Kansas Municipal Investment Pool (MIP) account. The MIP requires the modifications to be authorized by City Council resolution.*

## END OF CONSENT AGENDA

### BOARD RECOMMENDATIONS

7. Consideration of a rezoning and preliminary plan known as Canyon Ridge Apartment Homes for a mixed-use Planned Unit Development comprised of multifamily residential, nursing home, and convenience store with gasoline sales uses on property located near the northwest corner of K-10 Highway & Canyon Creek Boulevard

- a. Ordinance rezoning property from the AG, Agricultural, CP-O, Planned General Office, and CP-2, Planned Community Commercial Districts to the PUD, Planned Unit Development District
- b. Approval of a companion preliminary plan for Canyon Ridge Apartment Homes

*The applicant requests approval of a preliminary plan for a mixed-use PUD containing 346 apartments, an 80-bed nursing home, and a 6,100 square foot convenience store with gasoline sales.*

8. Consideration of a rezoning and preliminary plan known as Santa Fe Commerce Center for an industrial development located at the northeast corner of Santa Fe Trail Drive & Lakeview Avenue - **CONTINUED FROM THE FEBRUARY 6, 2024 CITY COUNCIL MEETING**

- a. Ordinance rezoning property from the AG, Agricultural District to the BP-2, Planned Manufacturing District
- b. Approval of a companion preliminary plan for Santa Fe Commerce Center

*The applicant requests approval of a preliminary plan for an industrial*

*development consisting of two buildings totaling 222,550 square feet, parking, outdoor storage, and related site improvements.*

## **PUBLIC HEARINGS**

9. Consideration of a right-of-way vacation of Lakeview Avenue north of Santa Fe Trail Drive and south of 113th Street - **CONTINUED FROM THE FEBRUARY 6, 2024 CITY COUNCIL MEETING**
  - a. Public hearing to consider a request to vacate right-of-way
  - b. Ordinance vacating the right-of-way

*The applicant requests approval to vacate right-of-way on Lakeview Avenue north of Santa Fe Trail Drive and south of 113th Street to serve as a private drive for the new Santa Fe Commerce Center industrial development and the existing Fry-Wagner Development to the west.*

**NEW BUSINESS** None

## **COUNCILMEMBER REPORTS**

## **STAFF REPORTS**

## **END OF RECORDED SESSION**

## **BUSINESS FROM FLOOR**

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

## **ADJOURN**

## **APPENDIX**

10. February 6, 2024 City Council meeting draft minutes
11. Board Appointments Memo
12. National Black History Month Proclamation
13. Item 2 -- Southern Star Encroachment Agreement

14. Item 3 -- KDOT Agreement
15. Item 7 -- Canyon Ridge Correspondence

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

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

ASSISTIVE LISTENING DEVICES ARE AVAILABLE FOR USE IN THE COMMUNITY FORUM BY REQUEST.



**ITEM 1**

**SUBJECT:** Bid award to VF Anderson Builders for the 113th Street East of Renner and 113th Street and Lakeview Stormwater Improvement Projects

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

**DATE:** February 20, 2024

**ACTION NEEDED:**

Award the bid to VF Anderson Builders for the 113th Street East of Renner and 113th Street and Lakeview Stormwater Improvement Projects ("Projects").

**PROJECT BACKGROUND/DESCRIPTION:**

These Projects encompass the area along 113th Street from Renner Boulevard to Lakeview Avenue. This area has a high concentration of corrugated metal pipes that are failing or in very poor condition. Staff prepared a preliminary estimate and submitted the project to Johnson County for partial funding under the Stormwater Replacement Program. The project was accepted for funding at 50% for all eligible costs.

Detailed plans were prepared by Lamp Rynearson. Bids were opened on February 13, 2024, with the following results:

|                                    |                       |
|------------------------------------|-----------------------|
| Engineer's Estimate                | \$3,147,033.00        |
| <b>VF Anderston Builders, LLC*</b> | <b>\$2,725,547.25</b> |
| Infrastructure Solutions, LLC      | \$3,058,000.00        |
| Kansas Heavy Construction, LLC     | \$3,231,841.90        |
| Redford Construction, Inc.         | \$3,272,027.00        |
| SDI, LLC (She Digs it)             | \$3,687,827.00        |
| Pyramid Contractors, Inc.          | \$3,730,762.25        |

\* Low Bidder

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

This bid award is for \$2,725,547.25 and will be paid with stormwater cash and Johnson County funding. These projects are included in the 2024-2028 Capital Improvement Program(CIP) (Project No. 90063 and Project No. 90066).

|  |             |
|--|-------------|
| CIP No. 90063 - 113th East to Renner Boulevard | \$1,570,000 |
| CIP No. 90066 - 113th Street and Lakeview      | \$2,950,000 |
| Total Project Budgets                          | \$4,520,000 |

**STAFF RECOMMENDATION:**

Award the bid.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

**Guiding Principles**

Sustainable Policies and Practices

**ATTACHMENTS**

1. Map



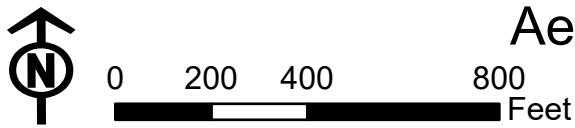
Project Area  
113th Street East of  
Renner

Project Area  
113th Street at  
Lakeview

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

# 113th East of Renner and 113th and Lakeview Stormwater Projects Aerial/Vicinity Map







**ITEM 2**

**SUBJECT:** Resolution authorizing the Mayor to execute an encroachment agreement with Southern Star Central Gas Pipeline, Inc. for the Lenexa City Center Multi-Purpose Trail Relocation Public Improvement Project

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

**DATE:** February 20, 2024

**ACTION NEEDED:**

Adopt a resolution authorizing the Mayor to execute an encroachment agreement with Southern Star Central Gas Pipeline, Inc. ("SSC") for the Lenexa City Center Multi-Purpose Trail Relocation Public Improvement Project ("Project").

**PROJECT BACKGROUND/DESCRIPTION:**

In 2014, Southern Star Central Gas Pipeline ("SSC") and the City entered into an encroachment agreement ("Original Encroachment") on property located in the vicinity of 88th Street & Winchester Road ("Property"). The City subsequently constructed a multi-use trail in the Original Encroachment area as part of a larger multi-use trail that runs along the southwestern side of Lenexa City Center from Lifetime Fitness to 87th Street Parkway. After construction of the multi-use trail, the Property was sold to allow for the expansion of the Kiewit Engineering ("Kiewit") campus and the multi-use trail was allowed to remain in the Original Encroachment area.

Kiewit is further expanding its campus and the multi-use trail now needs to be relocated on the Property in order to accommodate the expansion. The proposed encroachment agreement between the SSC and the City will permit the construction of the relocated multi-use trail on the Property. Kiewit will remove the multi-use trail in the Original Encroachment area and will also be responsible for constructing a new multi-use trail in the new encroachment area. During the relocation, it is anticipated that the multi-use trail will be temporarily closed until May 2024.

**STAFF RECOMMENDATION:**

Adoption of the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

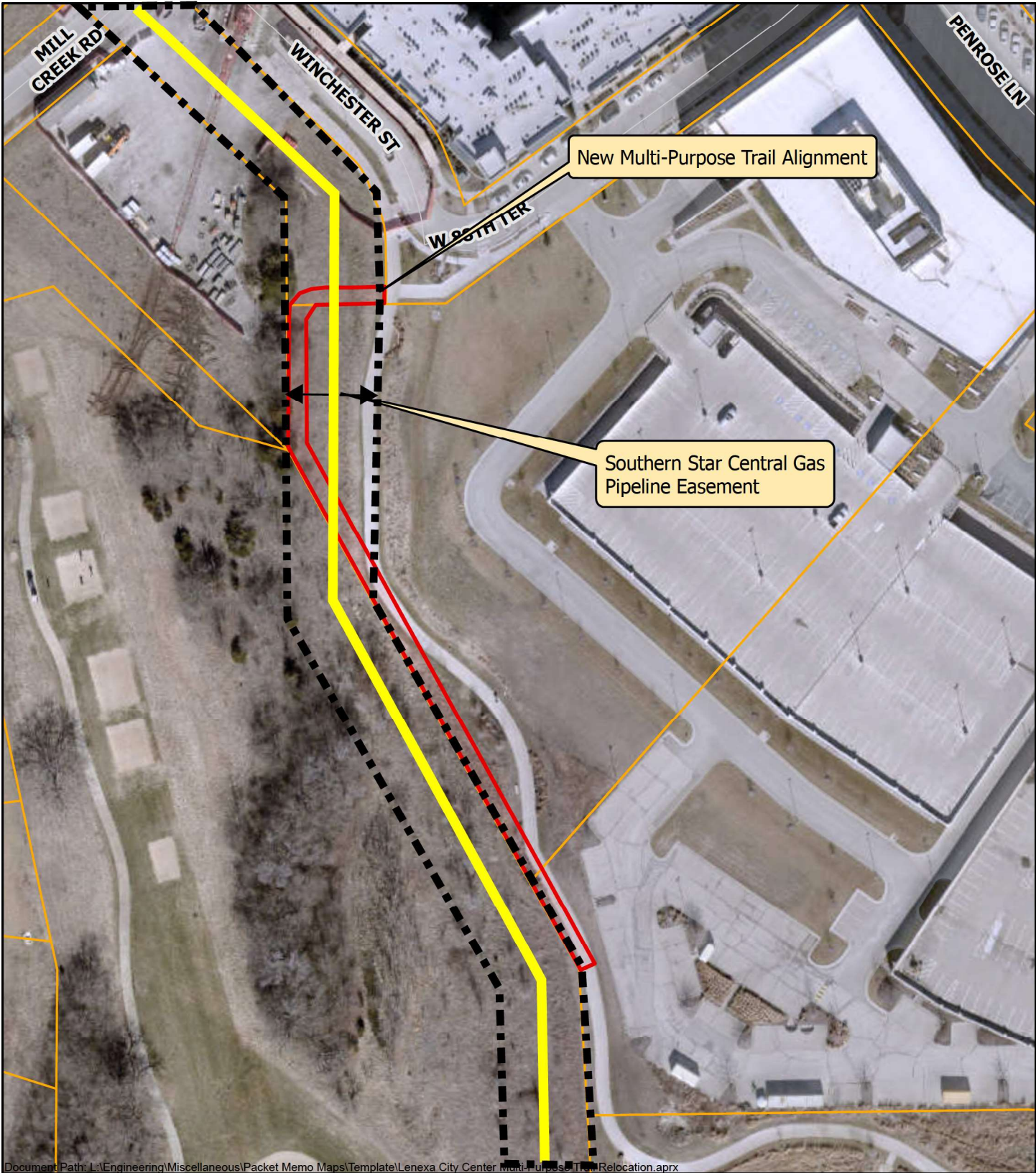
Integrated Infrastructure & Transportation

**Guiding Principles**

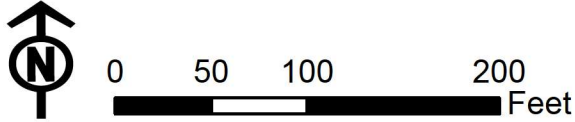
Strategic Community Investment

**ATTACHMENTS**

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



# Lenexa City Center Multi-Purpose Trail Relocation



RESOLUTION NO. 20\_\_ - \_\_\_\_\_

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN ENCROACHMENT AGREEMENT BETWEEN SOUTHERN STAR CENTRAL GAS PIPELINE, INC. (“SSC”) AND THE CITY OF LENEXA FOR THE LENEXA CITY CENTER MULTIPURPOSE TRAIL RELOCATION PUBLIC IMPROVEMENT PROJECT.**

WHEREAS, SSC is the owner of a pipeline easement containing natural gas pipeline facilities located in the vicinity of the intersection of West 88<sup>th</sup> Terrace and Winchester Street; and

WHEREAS, the City entered into an encroachment agreement with SSC in 2014 for the construction of the Lenexa City Center Multipurpose Trail (“Trail”); and

WHEREAS, to accommodate the expansion of the Kiewit Engineering campus, Kiewit Engineering will be required by the City to remove a portion of the existing Trail and construct a new portion of the Trail along a new realignment within SSC’s easement; and

WHEREAS, The City and SSC have reached agreement regarding the conditions upon which SSC will permit encroachment into its easement for said relocation of the Trail and desire to enter into an encroachment agreement to evidence those understandings.

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

SECTION ONE: The City of Lenexa, Kansas, a municipal corporation, does hereby authorize the Mayor to execute an Encroachment Agreement with SSC, 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 this 20th day of February, 2024.

SIGNED by the Mayor this 20th day of February, 2024.

CITY OF LENEXA, KANSAS

\_\_\_\_\_  
Julie Sayers, Mayor

Attest:

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

Approved As To Form:

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Steven D. Shrout, Assistant City Attorney



**ITEM 3**

**SUBJECT:** Resolution authorizing the Mayor to execute a construction engineering agreement with the Kansas Department of Transportation for the Lackman Road Right-Turn Lane at I-435 Project

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

**DATE:** February 20, 2024

**ACTION NEEDED:**

Adopt a resolution authorizing the Mayor to execute a construction engineering agreement with the Kansas Department of Transportation (KDOT) for the Lackman Road Right-Turn Lane at I-435 Project ("Project").

**PROJECT BACKGROUND/DESCRIPTION:**

Northbound Lackman Road traffic at the eastbound I-435 intersection currently backs up past 105th Street during peak hours. The intersection has also experienced a high number of crashes. A new right-turn lane on northbound Lackman Road at the eastbound I-435 ramp terminal will add capacity, reduce delays, and improve safety. In addition to the new turn lane, construction will consist of new street lighting between 105th Street and the eastbound I-435 ramp, new permanent signage, and minor storm sewer structure adjustments.

In June 2022, the project was selected by KDOT to receive federal funding for 90% of the construction and engineering costs.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The Project is included in the 2024-2028 Capital Improvement Program (CIP Project No. 60124). KDOT will reimburse the City for 90% of the construction and construction engineering costs. The cost for design, utility relocation, and right-of-way acquisition is paid 100% by the City.

Funding sources include:

|               |                  |
|---------------|------------------|
| Federal funds | \$436,500        |
| CIP funds     | \$238,500        |
| <b>Total</b>  | <b>\$675,000</b> |

**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
3. Agreement located in the Appendix

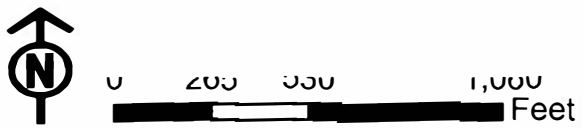


Document Path: C:\Users\edting\Documents\ArcGIS\Projects\MyProject7\MyProject7.aprx

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

# Lackman Road Right-Turn Lane at I-435

## Aerial/Vicinity Map



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

**A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE AN AGREEMENT BETWEEN THE CITY OF LENEXA (“CITY”) AND THE SECRETARY OF TRANSPORTATION OF THE STATE OF KANSAS (“SECRETARY”) FOR CONSTRUCTION OF THE I-435 AND LACKMAN ROAD RIGHT TURN LANE IMPROVEMENTS.**

WHEREAS, on December 4, 2023, the City and Secretary entered into an agreement to outline the responsibilities and costs related to the construction of the northbound right turn lane improvements at Lackman Road and I-435 (“Project”); and

WHEREAS, Secretary has authorized the City to perform certain Construction Engineering and technical services for the Project (“Construction Engineering Services”; and

WHEREAS, the City and Secretary desire to enter into an agreement to outline the responsibilities and costs related to the performance of the Construction Engineering Services on the Project; and

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

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

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

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

ADOPTED by the City Council this 20th day of February, 2024.

SIGNED by the Mayor this 20th day of February, 2024.

CITY OF LENEXA, KANSAS

[SEAL]

\_\_\_\_\_  
Julie Sayers, Mayor

ATTEST:

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



APPROVED AS TO FORM:

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Steven D. Shrout, Assistant City Attorney



**ITEM 4**

**SUBJECT:** Resolution authorizing the Mayor to execute an agreement with Affinis to provide design and consulting services for the 89th Terrace to 90th Street West of Lackman Stormwater Improvements Project

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

**DATE:** February 20, 2024

**ACTION NEEDED:**

Adopt a resolution authorizing the Mayor to execute an agreement with Affinis to provide design and consulting services for the 89th Terrace to 90th Street West of Lackman Stormwater Improvements Project ("Project").

**PROJECT BACKGROUND/DESCRIPTION:**

Routine inspections identified the area from 89th Terrace to 90th Street west of Lackman as having a high concentration of corrugated metal pipes that have reached the end of their useful life. Staff developed a project to rehabilitate all the existing pipes within that area. This Project proposal was submitted to Johnson County for funding under the Stormwater Replacement Program. The project was accepted for funding at 50% for all eligible costs. Staff has selected Affinis to design and prepare construction plans for the Project.

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

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

This Project is included in the 2024-2028 Capital Improvement Program (Project No. 90013). The design contract is for \$230,685 and will result in a construction project estimated at \$2,400,000.

**STAFF RECOMMENDATION:**

Adoption of the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

**Guiding Principles**

Sustainable Policies and Practices

**ATTACHMENTS**

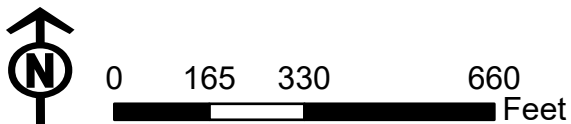
- 1. Map
- 2. Resolution



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

## Project Location

89th Ter. to 90th St. west of Lackman Stormwater Improvements



RESOLUTION NO. 2024 - \_\_\_\_\_

**A RESOLUTION APPROVING AN AGREEMENT WITH AFFINIS CORP. [“CONSULTANT”] TO PROVIDE DESIGN AND CONSULTING SERVICES FOR THE 89<sup>TH</sup> TERRACE TO 90<sup>TH</sup> STREET WEST OF LACKMAN STORMWATER IMPROVEMENTS PROJECT [“PROJECT”].**

WHEREAS, the City of Lenexa, Kansas (“City”) has defined a need for design services for the above Project; and

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

WHEREAS, both parties have read and understand the terms and conditions of said Agreement, which is attached hereto as Exhibit A and incorporated herein by reference.

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

SECTION ONE: The City of Lenexa, Kansas, a municipal corporation, does hereby authorize the Mayor to execute the Consultant Services Agreement, in substantially the same for as 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 this 20<sup>th</sup> day of February, 2024.

SIGNED by the Mayor this 20<sup>th</sup> day of February, 2024.

CITY OF LENEXA, KANSAS

\_\_\_\_\_  
Julie Sayers, Mayor

Attest:

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

Approved As To Form:

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Steven D. Shrout, Assistant City Attorney



**ITEM 5**

**SUBJECT:** Resolution authorizing certain employees and officers to act as agents for the City to transact business with authorized financial institutions and repealing Resolution 2022-094

**CONTACT:** Nate Blum, Chief Financial Officer

**DATE:** February 20, 2024

**ACTION NEEDED:**

Adopt a resolution authorizing certain employees and officers to act as agents for the City to transact business with authorized financial institutions and repealing Resolution 2022-094.

**PROJECT BACKGROUND/DESCRIPTION:**

Multiple Finance Department employees are responsible for processing City financial transactions with authorized financial institutions. Due to staffing changes in the department and the election of a new mayor, staff has prepared the proposed resolution authorizing the following representatives to transact City business with authorized financial institutions:

New representatives being added to authorization:

Julie Sayers, Mayor  
Colter Stevenson, Senior Budget & Financial Analyst

Representatives being removed from authorization:

Mike Boehm, Mayor  
Nathan Mull, Deputy Chief Financial Officer

Staff currently authorized:

Beccy Yocham, City Manager  
Nate Blum, Chief Financial Officer  
Megan Sterling, Assistant Chief Financial Officer  
Justine Kubicki, Accounting Manager

**STAFF RECOMMENDATION:**

Adoption of the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

Vision 2040

Guiding Principles  
Prudent Financial Management

**ATTACHMENTS**

- 1. Resolution

**RESOLUTION NO. 2024-\_\_\_\_\_**

**A RESOLUTION AUTHORIZING CERTAIN EMPLOYEES AND OFFICERS TO ACT AS AGENTS TO TRANSACT BUSINESS WITH AUTHORIZED FINANCIAL INSTITUTIONS AND REPEALING RESOLUTION 2022-094.**

**WHEREAS**, during its regular course of business, the City's Finance Department conducts financial transactions with multiple financial institutions, many of which are necessary for the City to comply with state law requirements; and

**WHEREAS**, state law requires the City offer available funds for deposit to local financial institutions complying with the City's Investment Policy ("Authorized Financial Institutions"); and

**WHEREAS**, The City designates, through a formal selection process, a financial institution as its official depository ("Official Depository") for the transaction of City business, including but not limited to, the issuance of checks, drafts and other negotiable instruments; and

**WHEREAS**, each financial institution doing business with the City requires corporate resolutions, signature cards, and other documents verifying the authorization of certain employees and officers to perform financial transactions on behalf of the City; and

**WHEREAS**, in the interest of the efficient exercise of public business, the City Council finds and determines it is in the City's best interest to designate and authorize specific City employees and officers to act as the City's agent to transact the financial business of the City.

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

**SECTION ONE:** The City of Lenexa, Kansas (the "City"), a municipal corporation, does hereby authorize and designate Rebecca Yocham, City Manager, Nate Blum, Chief Financial Officer, Megan Sterling, Assistant Chief Financial Officer, Justine Kubicki, Accounting Manager, and Colter Stevenson, Senior Budget & Financial Analyst to act as agents of the City to perform investment transactions on behalf of the City, including but not limited to such acts as drawing or endorsing all checks, drafts, notes and other items payable to or owned by the City for deposit with an Authorized Financial Institution, or for collection or discount by an Authorized Financial Institution; to accept drafts and other items payable at the Authorized Financial Institution; and to make wire transfers, authorize certificates of deposits, and other financial transactions as reasonably necessary to carry out the investment business of the City.

**SECTION TWO:** The Mayor, as provided in City Code Section 1-2-A-1, the City Manager, and the Chief Financial Officer are authorized to sign all drafts, orders, and other items drawn on a City account at the Official Depository of the City.

**SECTION THREE:** Where permitted by law, stamped, electronic, or digital signatures of these individuals may be accepted as original signatures.

**SECTION FOUR:** Resolution 2022-094 is hereby repealed.

**SECTION FIVE:** The authority conferred by this Resolution shall remain in full force and effect until this Resolution is amended or repealed, or actual written notice has been provided to the Authorized Financial Institution that an individual's authority under this Resolution has been revoked. Any such notice shall not affect any items in process at the time such notice is given.

**SECTION SIX:** The Mayor is hereby authorized to execute any corporate banking resolutions or other documents in addition to this Resolution that may be required by any Authorized Financial Institution to verify the authority of the above designated individuals to act as agents of the City to conduct financial or investment transactions.

**SECTION SEVEN:** This Resolution shall become effective upon passage.

**ADOPTED** by the Lenexa City Council on February 20, 2024.

**SIGNED** by the Mayor on February 20, 2024.

**CITY OF LENEXA, KANSAS**

[SEAL]

\_\_\_\_\_  
Julie Sayers, Mayor

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Sean McLaughlin, City Attorney





**ITEM 6**

**SUBJECT:** Resolution authorizing certain employees to take necessary and appropriate action, to make inquiries, and to receive notices regarding the Municipal Investment Pool on behalf of the City and repealing Resolution 2022-095

**CONTACT:** Nate Blum, Chief Financial Officer

**DATE:** February 20, 2024

**ACTION NEEDED:**

Adopt a resolution authorizing certain employees to take necessary and appropriate action, to make inquiries, and to receive notices regarding the Municipal Investment Pool (MIP) on behalf of the City and repealing Resolution 2022-095.

**PROJECT BACKGROUND/DESCRIPTION:**

The State of Kansas offers an investment pool as a voluntary investment alternative for local governments in Kansas. Due to staffing changes in the Finance Department, staff has prepared the proposed resolution to update the MIP to add a new employee.

Staff being removed from the City's MIP account:

Nathan Mull, Deputy Chief Financial Officer

New staff being added to the City's MIP account:

Colter Stevenson, Senior Budget & Financial Analyst

Staff currently on the City's MIP account:

Beccy Yocham, City Manager  
Nate Blum, Chief Financial Officer  
Megan Sterling, Assistant Chief Financial Officer  
Justine Kubicki, Accounting Manager

The Municipal Investment Pool requires the modifications to be authorized by City Council resolution.

**STAFF RECOMMENDATION:**

Adoption of the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

Vision 2040

Guiding Principles  
Prudent Financial Management

## **ATTACHMENTS**

1. Resolution

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

**A RESOLUTION AUTHORIZING CERTAIN EMPLOYEES AND OFFICERS TO TAKE NECESSARY AND APPROPRIATE ACTION, TO MAKE INQUIRIES, AND TO RECEIVE NOTICES REGARDING THE MUNICIPAL INVESTMENT POOL (“MIP”) AND REPEALING RESOLUTION 2022-095.**

WHEREAS, the City has established an MIP account, and has designated certain individuals with authority to take action with respect to the fund as it impacts the City; and

WHEREAS, the City deems it necessary to occasionally review and amend the employee designations; and

WHEREAS, the City now desires to repeal Resolution No. 2022-095, and revise the designations, make additional clarifications, and change the authority set forth in said Resolution.

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

SECTION ONE: The City of Lenexa, Kansas (the “City”), a municipal corporation, approves the establishment and/or continuance of a municipal investment pool (“MIP”) account(s).

SECTION TWO: The following individuals, whose signatures appear directly below, are employees of the City and are each hereby authorized to transfer funds to the State of Kansas for investment in the MIP and are each further authorized to withdraw funds from time to time, to issue letters of instructions, and to take all other actions deemed necessary or appropriate for the investment of local funds:

Nate Blum,  
Chief Financial Officer

Megan Sterling,  
Assistant Chief Financial Officer

\_\_\_\_\_  
[signature]

\_\_\_\_\_  
[signature]

Justine Kubicki,  
Accounting Manager

Colter Stevenson,  
Senior Budget & Financial Analyst

\_\_\_\_\_  
[signature]

\_\_\_\_\_  
[signature]

SECTION THREE: The following individuals, whose signatures appear directly below, are employees of the City and are each hereby authorized to make inquiries into the status of the account(s) of the City.

Rebecca Yocham,  
City Manager

Nate Blum,  
Chief Financial Officer

\_\_\_\_\_  
[signature]

\_\_\_\_\_  
[signature]

SECTION FOUR: Notices required by the Pooled Money Investment Board's Municipal Investment Pool Participation Policy shall be provided to:

Nate Blum, Chief Financial Officer  
City of Lenexa, Kansas  
17101 W. 87<sup>th</sup> Street Parkway  
Lenexa, KS 66219  
(913) 477-7544  
(913) 477-7586 / fax

SECTION FIVE: Resolution No. 2022-095 is hereby repealed.

SECTION SIX: The Mayor is hereby authorized to execute this Resolution, with a copy to be transmitted by the Finance Director to the State upon adoption by the City Council.

SECTION SEVEN: This Resolution shall become effective immediately upon passage by the City Council.

ADOPTED by the City Council on this February 20, 2024.

SIGNED by the Mayor on this February 20, 2024.

**CITY OF LENEXA, KANSAS**

[SEAL]

By: \_\_\_\_\_  
Julie Sayers, Mayor

Attest:

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Jennifer Martin, City Clerk

Approved As To Form:

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Sean McLaughlin, City Attorney



**ITEM 7**

**SUBJECT:** Consideration of a rezoning and preliminary plan known as Canyon Ridge Apartment Homes for a mixed-use Planned Unit Development comprised of multifamily residential, nursing home, and convenience store with gasoline sales uses on property located near the northwest corner of K-10 Highway & Canyon Creek Boulevard

**CONTACT:** Stephanie Kisler, Planning Manager

**DATE:** February 20, 2024

**ACTION NEEDED:**

- a. Pass an ordinance rezoning property located near the northwest corner of K-10 Highway & Canyon Creek Boulevard from the AG, Agricultural, CP-O, Planned General Office, and CP-2, Planned Community Commercial Districts to the PUD, Planned Unit Development District; and
- b. Approve the companion preliminary plan for the Canyon Ridge Apartment Homes.

**APPLICANT:**  
Henry Klover, Klover Architects

**OWNER:**  
Oddo Development

**PROPERTY LOCATION/ADDRESS:**  
Northwest corner of Canyon Creek Boulevard & K-10 Highway

**PROJECT BACKGROUND/DESCRIPTION:**  
The applicant requests rezoning of the property near the northwest corner of K-10 Highway & Canyon Creek Boulevard from the AG, Agricultural, CP-O, Planned General Office, and CP-2, Planned Community Commercial Districts to the PUD, Planned Unit Development Zoning District to allow for a mixed-use development comprised of multifamily residential, nursing home, and convenience store with gasoline sales uses.

The rezoning request includes a companion preliminary plan. The proposed development includes 45.57 acres of undeveloped land that abuts Canyon Creek Boulevard on the east and K-10 Highway on the south. The three components of the project include 346 apartment units on 35.95 acres (9.62 units per acre), an 80-bed, 68,800 square foot nursing home on 4.02 acres, and a 6,100 square foot convenience store with gasoline sales on 1.94 acres. The remaining 2.88 acres of land will be right-of-way for a future public street that connects to Canyon Creek Boulevard. This new public street will provide access to the development and is intended to provide future access to an undeveloped parcel west of the development, which is under different ownership.

The applicant requests four deviations from the Unified Development Code. The deviation requests are described in detail in the Planning Commission Staff Report. Staff is supportive of the following deviation requests:

1. A reduction to the required 635 parking spaces for the apartment component by 28 fewer spaces;
2. An increase of the 5,000 square-foot building size of a convenience store by an additional 1,100 square feet;
3. A reduction of the 100-foot Special Freeway Setback along K-10 Highway of 72 feet; and
4. A reduction of the 50-foot queue space for gasoline pump islands of 25 feet.

Staff and Governing Body members received several citizen emails concerning the project, which are included in the Appendix.

**STAFF RECOMMENDATION:**

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

**PLANNING COMMISSION ACTION:**

This item was considered as Regular Agenda Item 4 at the February 5, 2024 Planning Commission meeting.

At the public hearing, most speakers opposed the proposal, citing concerns about loss of wooded areas, increased noise from the highway and apartments, construction impact, traffic, parking, property devaluation, and deviation requests. They felt the plan contradicted the Comprehensive Plan's designation for office/employment use and believed a three-story nursing home wasn't suitable for the area. One speaker supported the rezoning.

The Planning Commissioners reviewed questions asked by the members of the public regarding issues such as traffic, future improvements to K-10 Highway, emergency access for Fire Department vehicles, parking needs for the apartments, additional parking provided for the other two components of the developments, construction impacts such as excessive dust, and stormwater impacts.

Each Commissioner provided comments regarding the rezoning and the preliminary plan. All the Commissioners supported the request to rezone the site to the Planned Unit Development Zoning District, basing their support on the criteria for review and the design of the overall development.

Chairman Poss entertained a motion to recommend **APPROVAL** to rezone property from AG, CP-O, and CP-2 to PUD for a mixed-use Planned Unit Development including multifamily, nursing home, and convenience store uses located near the northwest corner of K-10 Highway and Canyon Creek Boulevard. Moved by Commissioner Horine, seconded by Commissioner Burson, and carried by a vote of 8 to 0. Commissioner Macke was absent.

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan for Canyon Ridge Apartment Homes, for mixed-use PUD. Moved by Commissioner Harber, seconded by Commissioner Handley, and carried by a vote of 8 to 0. Commissioner Macke was absent.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**  
Thriving Economy

**Guiding Principles**  
Responsible Economic Development

## **ATTACHMENTS**

1. Map
2. PC Staff Report & Exhibits
3. PC Draft Minutes Excerpt
4. Ordinance
5. Correspondence located in the Appendix



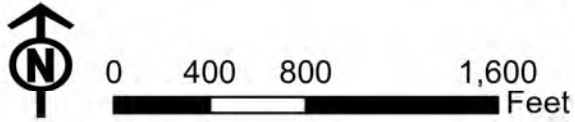


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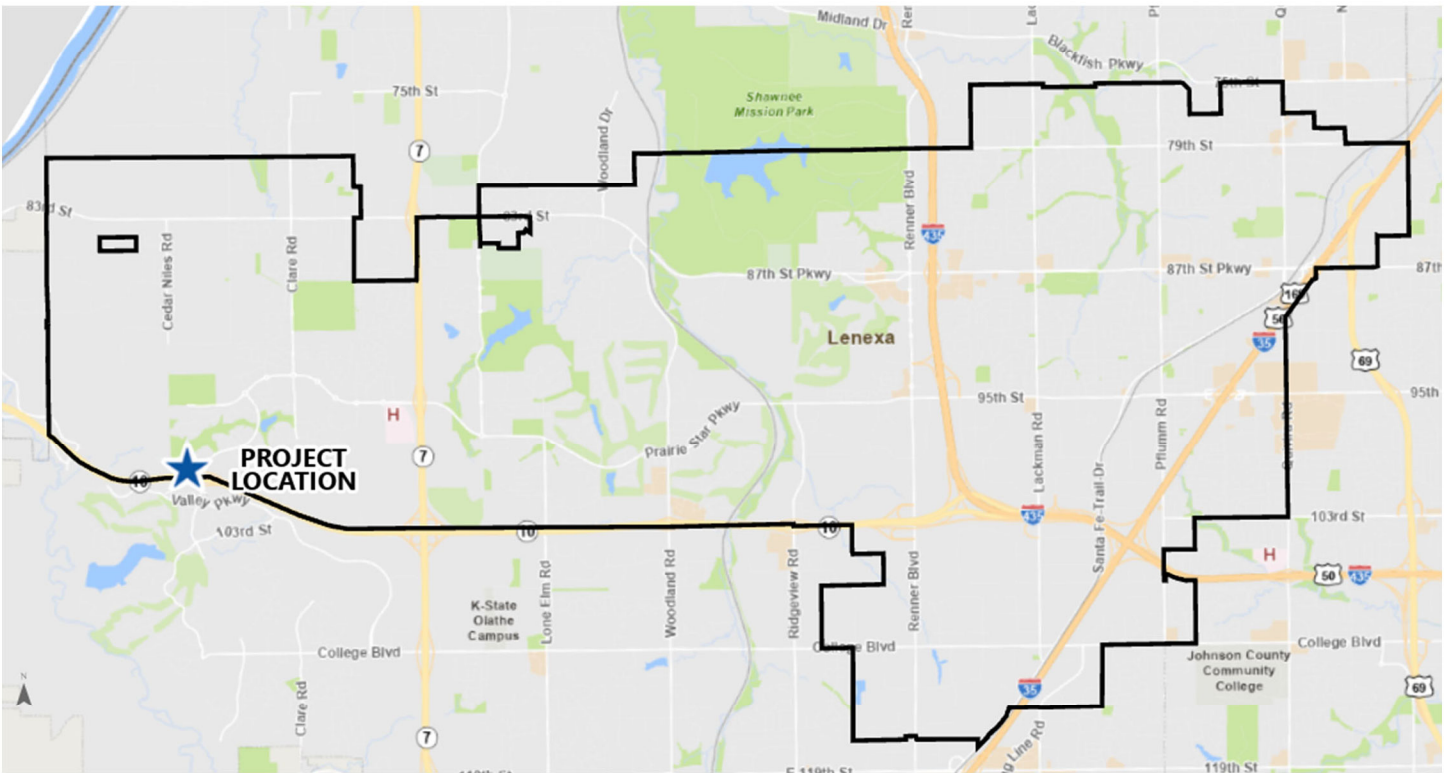
# Canyon Ridge Apartment Homes

## RZ23-07 & PL23-12P



# CANYON RIDGE APARTMENT HOMES

|                       |                                 |                      |  |
|-----------------------|---------------------------------|----------------------|--|
| <b>Project #:</b>     | RZ23-07 & PL23-12P              | <b>Location:</b>     | Northwest corner of K-10 Highway and Canyon Creek Boulevard                      |
| <b>Applicant:</b>     | Henry Klover, Klover Architects | <b>Project Type:</b> | Rezoning & Preliminary Plan/Plat   |
| <b>Staff Planner:</b> | Dave Dalecky                    | <b>Proposed Use:</b> | Multifamily Residential, Nursing Home, and Convenience Store with gasoline sales |



## PROJECT SUMMARY

The applicant requests approval to rezone the property at the northwest corner of K-10 Highway and Canyon Creek Boulevard from the AG, Agricultural, CP-O, Planned General Office, and CP-2, Planned Community Commercial Districts to the PUD, Planned Unit Development District to allow a mixed-use development comprised of multifamily residential, nursing home, and convenience store with gasoline sales uses. The companion preliminary plan shows apartments on the north and west part of the site, a nursing home on the southeasterly part of the site, and convenience store with gasoline sales on the east part of the site along Canyon Creek Boulevard. A new public street will extend into the site to provide access to the different components of the development and to an adjacent undeveloped parcel. The applicant requests four deviations from the Unified Development Code (UDC) related to parking, convenience store size, freeway setback, and gasoline pump island setback. A Public Hearing is required for the rezoning request.

The project has been revised from the original submittal reflected in the January 8, 2024 Staff Report. The changes are related to the nursing home building and parking for the multifamily development.

- The nursing home building is increased in height from two stories to three stories tall and is now proposed to be 68,800 square feet in area, which is an increase of 34,400 square feet from the original 34,400 square feet. The revised plan shows the nursing home to have 80 units (beds), which is an increase of 40 units from the original 40-unit proposal.
- The revised plan now shows 41 new deferred parking spaces for the multifamily component of the project. The additional parking spaces result in 607 total parking spaces, which is an increase from the 566 parking spaces originally proposed.

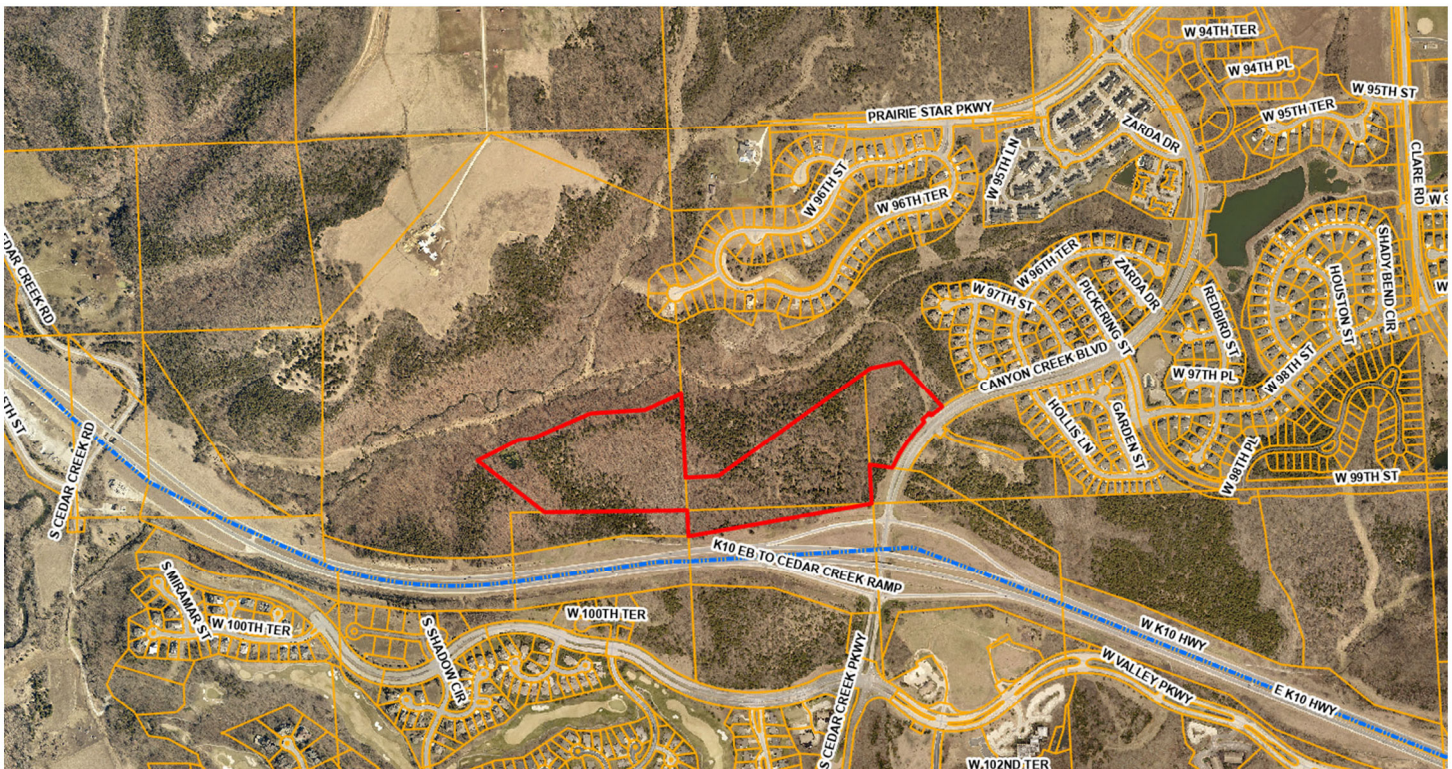
The Staff Report has been revised to note the changes to the development.

**STAFF RECOMMENDATION: APPROVAL**

**SITE INFORMATION**

This site is a 45.57-acre undeveloped tract of land located at the northwest corner of the intersection of K-10 Highway and Canyon Creek Boulevard. The site is an irregular shaped tract of land with limited access onto the public street network and extensively sloped terrain varying in approximately 60 feet of grade change. The site has approximately 570 feet of frontage along Canyon Creek Boulevard. The plan includes a new public street for access to the westernmost part of the site and to provide right-of-way to an adjacent undeveloped parcel. A 74-acre tract of City-owned property is to the north and east of the site. This land is the site of Cedar Station Park. The park includes a valley with a stream channel that abuts multiple residential subdivisions, crosses Canyon Creek Boulevard, and continues easterly.

|   |  |  |
|---|--|--|
| <p><b>LAND AREA (AC)</b></p> <p>45.57</p>                       | <p><b>CURRENT ZONING</b></p> <p>AG<br/>CP-O<br/>CP-2</p>               | <p><b>COMP. PLAN</b></p> <p>Office/Employment Center,<br/>Community Retail, and<br/>Suburban Density<br/>Residential</p> |
| <p><b>DWELLING UNITS (UPA)</b></p> <p>9.62 (346 U/35.95 AC)</p> | <p><b>NURSING HOME</b></p> <p>68,800 square feet &amp;<br/>80 beds</p> | <p><b>RETAIL SQUARE FEET (CONVENIENCE STORE WITH GASOLINE SALES)</b></p> <p>6,100</p>                                    |



**Exhibit 1: Aerial Image of Subject Site.**

## SITE HISTORY

The property was partially annexed into the incorporated limits of Lenexa in 1988 and was zoned AG by default. The remaining portion was annexed in 1999. In 2001, part of the site was rezoned to CP-O and CP-2 and a companion concept plan was approved (RZ01-07 & PL01-01CP). The site was originally part of a 490-acre development called Canyon Creek. This development included retail, office, apartment, duplex, and single-family residential development. The concept plan for this site did not show any buildings or parking areas but did note the total square footage for these uses. A total of 27,000 square feet of retail and 43,200 square feet of office uses were approved.

A rezoning, concept, and preliminary plan application was submitted for this site in the summer of 2018 (RZ18-05, PL18-04CP & PL18-11P). The proposed plan is shown in Exhibit 2. The concept plan was for a convenience store building in the same location as the proposed convenience store for the currently proposed plan. The preliminary plan was for a 12-building apartment development containing 294 units. The application was for 25 acres of land and did not include the westerly portion of site now included in the current application. Table 1 shows a comparison of the 2018 Preliminary Plan in relation to the current application.



**Exhibit 2. 2018 Rezoning site plan.**

**TABLE 1: 2018 PLAN COMPARISON TO PROPOSED PLAN**

|                      | Zoning      | Land Area   | No. of Apartment Buildings | Total Units Per Acre (UPA) | Building Stories | C-Store Area | Nursing Home                 |
|----------------------|-------------|-------------|----------------------------|----------------------------|------------------|--------------|------------------------------|
| <b>2018 Plan</b>     | CP-2 & RP-4 | 25 acres    | 12                         | 294 Units<br>13.36 UPA     | Three-four-story | 4,773 SF     | NA                           |
| <b>Proposed Plan</b> | PUD         | 45.57 acres | 22                         | 346 Units<br>9.62 UPA      | Two-three-story  | 6,100 SF     | 68,800 SF<br>(Three stories) |

Action taken on the 2018 applications is described in Table 2.

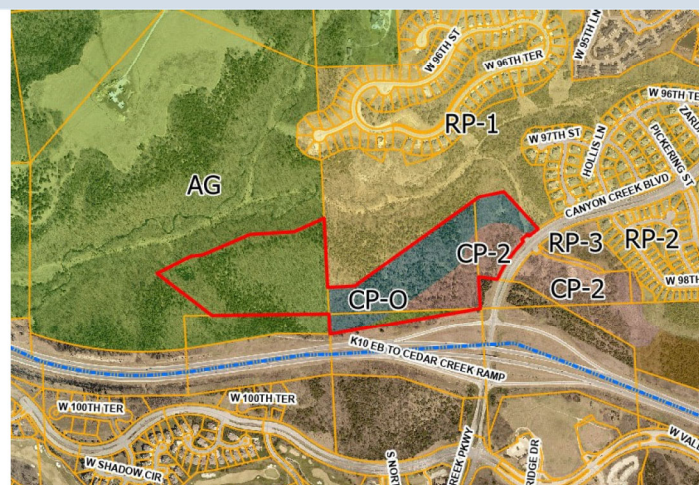
**TABLE 2: 2018 REZONING ACTION**

| Date               | Action  |
|--------------------|---|
| May 30, 2018       | Application submitted   |
| July 2, 2018       | Planning Commission recommends approval                         |
| July 17, 2018      | City Council remands back to Planning Commission                |
| August 27, 2018    | Planning Commission recommends approval of revised plans        |
| September 18, 2018 | City Council denies Rezoning, Concept Plan and Preliminary Plan |

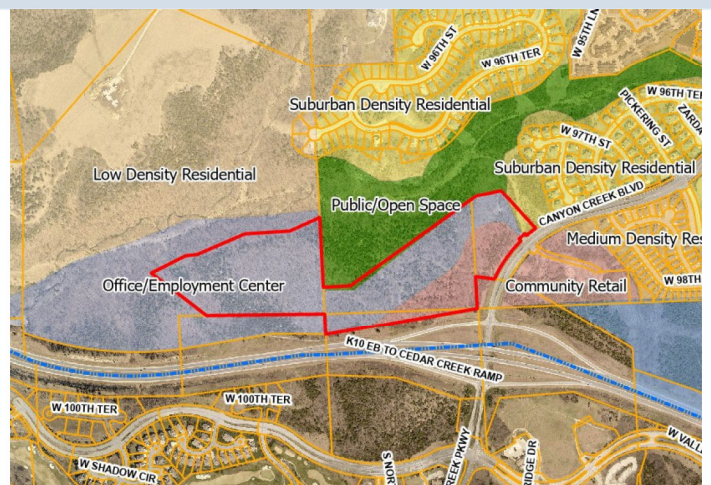
## LAND USE REVIEW

The proposed use is a PUD, Planned Unit Development, containing apartment buildings, a nursing home, and a convenience store with gasoline sales. The proposed PUD is to establish a particular site layout, building design and coordinated concept for the overall project. Two examples of PUD projects in Lenexa are Vista Village (RZ15-06) at the southeast corner of Prairie Star Parkway and Ridgeview Road and Sonoma Plaza (RZ16-07) at the southeast corner of 87<sup>th</sup> Street Parkway and I-435 Interstate Highway.

**Zoning Map**



**Future Land Use Map**



**TABLE 3: COMPARISON OF SURROUNDING PROPERTIES**

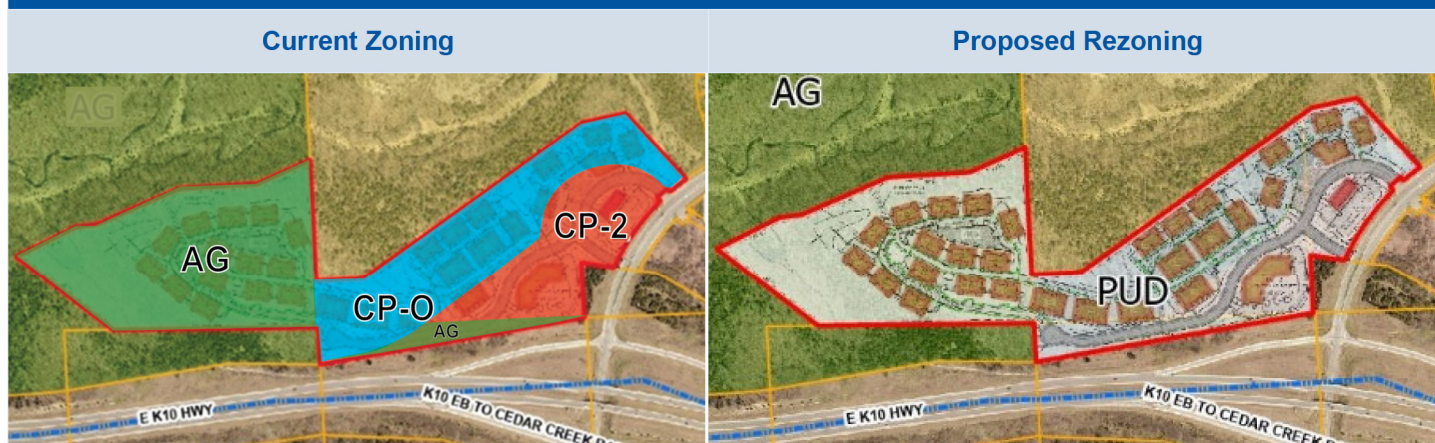
| Vicinity                | Land Use Designation   | Zoning  | Current Use   |
|-------------------------|--|---|---|
| <b>Subject Property</b> | Office/Employment Center, Community Retail, and Suburban Density Residential   | AG, Agricultural District, CP-O, Planned General Office District, and CP-2, Planned Community Commercial District   | Undeveloped land  |
| <b>North</b>            | Office/Employment Center, Low Density Residential, and Public/Open Space       | RP-1, Planned Residential Single-Family (Low-Density) District  | Undeveloped land and Public park  |
| <b>South</b>            | Office/Employment Center   | AG, Agricultural District and <i>City of Olathe (across K-10 Highway)</i>   | Undeveloped land and <i>single-family residential in City of Olathe (across K-10 Highway)</i> |
| <b>East</b>             | Community Retail, Medium Density Residential, and Suburban Density Residential | RP-1, Planned Residential Single-Family (Low-Density) District, RP-2, Residential Planned (Intermediate Density), and CP-2, Planned Community Commercial District | Undeveloped land and single-family residential  |
| <b>West</b>             | Office/Employment Center and Low Density Residential                           | AG, Agricultural District   | Undeveloped land  |

## REZONING REVIEW

The applicant proposes to rezone the subject site from the AG (Agricultural), CP-O, Planned General Office, and CP-2, Planned Community Commercial Zoning Districts to the PUD, Planned Unit Development District. The purpose statement of the PUD Zoning District states:

*“It is the intent of the PUD District to provide flexibility from use and site development regulations in order to encourage innovative, well-designed projects that achieve a high level of environmental sensitivity, energy efficiency, safety, aesthetics and other community goals.”*

**TABLE 4: REZONING ANALYSIS**



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

#### **1. The character of the neighborhood.**

The character of the neighborhood is a mix of existing residential development and undeveloped land. The site is at the intersection of a state highway (K-10 Highway) and an arterial street (Canyon Creek Boulevard). A substantial amount of the undeveloped land is adjacent to the K-10 Highway right-of-way. The sites that have developed, or are currently developing, are a mix of multifamily (apartment development, duplex residential) and single-family residential. The site to the east, across Canyon Creek Boulevard, was recently rezoned for both residential and nonresidential uses. The recently approved zoning changes include multifamily residential, commercial, office, and industrial zoning districts. This site is referred to as Cedar Canyon West (RZ22-09). A preliminary plan was approved for a six-building commercial development (PL23-08P) and final plans were recently approved for an apartment development (PL23-20F).

A large tract of City-owned land is immediately to the north of the subject site. This tract is Cedar Station Park/Mize Lake. The site contains a stream channel within a valley and includes an extensive wooded area. Cedar Station Park is to the west, north and east of the site. New site amenities and play equipment for the public park are nearing completion at Cedar Station Park.

#### **2. The zoning and use of properties nearby.**

The zoning and uses of the adjacent properties vary. The zoning and land use of adjacent properties is noted in Table 3.

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

The property is currently restricted to commercial, office, and agricultural uses based on its current zoning. The property is suited for various types of multifamily and nonresidential development. The site is adjacent to the highway, therefore is not suitable for single-family development due to noise and other potential negative impacts from the nearby highway.

The Comprehensive Plan designates the site for office and commercial development. Nonresidential uses such as office and retail will have similar impact on vehicle trip generation within the area. As Staff noted, the site is at the intersection of an arterial street and K-10 Highway. The street network is sufficient to support land uses of greater intensity than suburban density development.

The site transitions in grade, descending from the southeast to the northwest. The grade descends approximately 50 feet from the highest elevation to the lowest elevation, from east to west. The site is also an irregular shaped parcel narrowing to approximately 230 feet wide at the middle of the site. The significant grade transition and narrow shape make the site difficult to develop with large-footprint building and surface parking areas commonly constructed for nonresidential buildings.

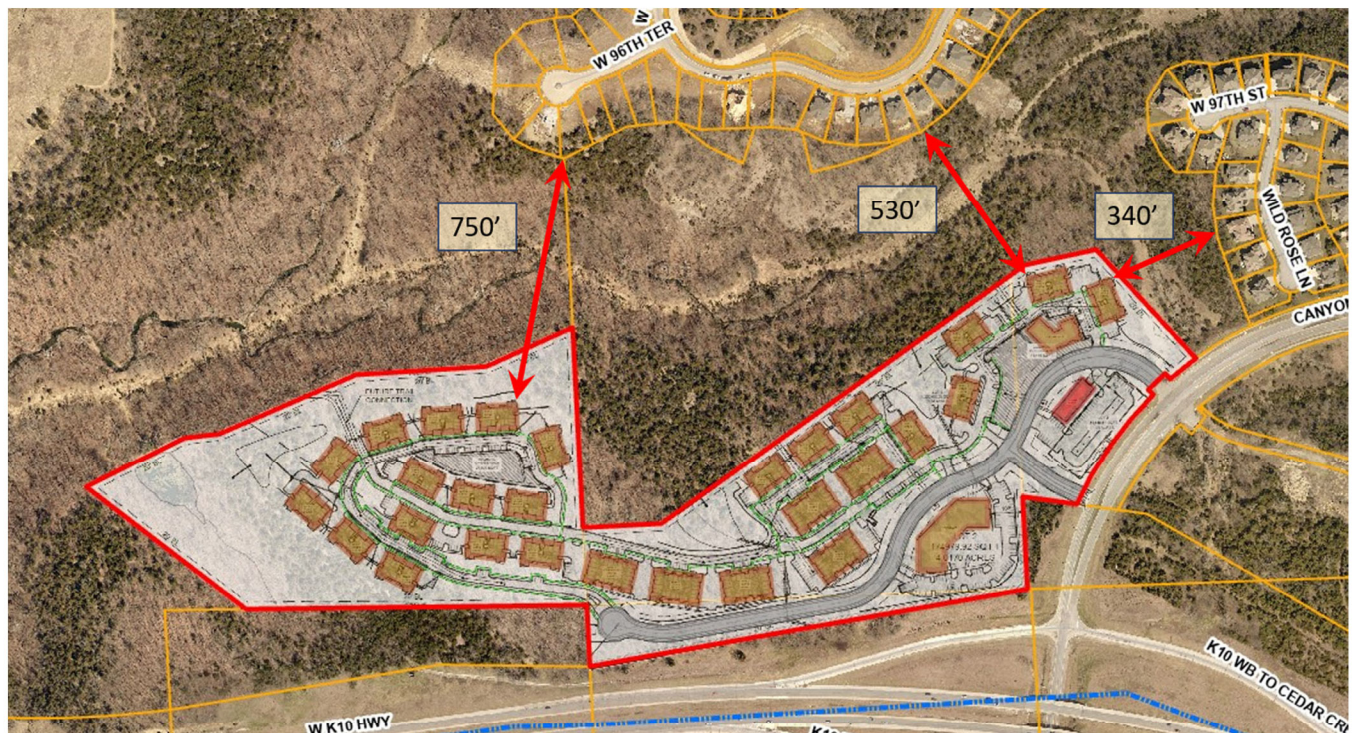
#### **4. The extent to which the proposed use will detrimentally affect nearby property.**

The proposed uses will not detrimentally affect nearby property of any greater impact than if the site were to be developed with office and retail uses as the site is now zoned. It is Staff's opinion the proposed uses are compatible with the existing and planned uses in the vicinity.

Traffic will not have to cut through any nearby subdivisions for access to the proposed development.

Similar uses and intensities were recently approved east of Canyon Creek Boulevard adjacent to K-10 Highway. The larger region north of K-10 Highway, toward Prairie Star Parkway, has several different land uses of various intensities. The subject site is anticipated for a use that is of a greater development intensity than suburban residential use.

There is adequate buffering between the proposed development and the next closest development. The subject site is separated from the existing single-family residential subdivisions to the north by City-owned parkland. The proposed apartment buildings are a minimum of 340 feet to the closest single-family residential lot line to the east, a minimum of 530 feet to the closest single-family residential lot to the north, and a minimum of 750 feet from single-family residential lots to the northwest (see Exhibit 3).



**Exhibit 3: Proximity to adjacent development.**

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

The property is undeveloped land and has been zoned AG since being annexed into the City. The property was partially annexed into the incorporated limits of Lenexa in 1988. The remaining portion of the site was annexed in 1999. A portion of the site was rezoned to CP-O and CP-2 in 2001 but the development associated with the rezoning never came to fruition.

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

It is Staff’s opinion that denial of this rezoning would have no gain to public health, safety, or welfare since the proposed development’s density and uses are compatible with surrounding development and appropriate infrastructure is available to serve the site. Denial of the application would restrict the property to the existing zoning of CP-2, CP-O, and AG in a market where office uses appear to be less viable for development for the foreseeable future.



## **7. Recommendation of City's permanent professional staff.**

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

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

The Future Land Use (FLU) Map designation for the site is Office/Employment Center and Community Retail and includes a sliver of Suburban Density Residential. The City is nearing completion of a major Comprehensive Plan update. The update includes studying several undeveloped areas of the City which are currently designated as Office/Employment Center. The market for office-park type of land uses has changed over time and office parks, such as Corporate Woods in Overland Park, are not common in the current market. Office development is not typically built speculatively in today's market. Most office uses are purpose-built development for a specific building tenant. The subject site and the site on the east side of the K-10 Highway and Canyon Creek Boulevard intersection were both studied to consider what may be reasonable alternatives to the Office/Employment Center FLU Map designation. The probable alternative to an office building development is multifamily residential development.

Multifamily, or apartment, development is often relegated to areas designated for Medium Density Residential development on the FLU Map. The proposed apartments are not consistent with the designations shown on the FLU Map within the Comprehensive Plan. However, multifamily uses are contextually appropriate for the subject site because the site provides proximity to the major street network and a multifamily use provides a buffer between K-10 Highway and existing single-family residential subdivisions.

The applicant requests that a portion of the site be developed as a convenience store with gasoline sales, which is a use that is common in regions of the City that are designated for Community Retail uses. The nursing home component of the development is consistent with medical office type uses. Nursing homes and convalescent homes are often associated with or are immersed within office building developments and office or commercial uses.

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

The site is in a developing area of the City. Several nearby properties are either developed, developing, or have a plan approved for future development. Adequate utilities and services are available to the subject property. The site is subject to the City's stormwater management requirements which are applicable to all development in the City. The site is within the Olathe School District.

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

It is Staff's opinion the proposed use will not adversely impact the capacity or the safety of the street network or present a parking problem in the vicinity of the site. The site abuts Canyon Creek Boulevard, an arterial street, to the east, and is in close proximity to K-10 Highway.

Off-street parking requirements are shown on Table 5.

| TABLE 5: PARKING ANALYSIS                    |   |            |                      |
|--|---|------------|----------------------|
| Use  | Requirement   | Required   | Provided             |
| <b>Multifamily</b>                           | 1 space per efficiency unit, 1.5 spaces per 1-bedroom unit, 1.75 spaces per 2-bedroom unit, 2 spaces per 3+-bedroom units and 0.25 spaces per unit for visitor parking if parking spaces are located in common parking area | 635        | 607<br>(41 deferred) |
| <b>Nursing Home</b>                          | 1 space per 3 beds, and 1 space per employee  | 47         | 89                   |
| <b>Convenience Store with Gasoline Sales</b> | 1 space per 250 square feet, minimum of 5 spaces  | 24         | 39                   |
| <b>TOTAL</b>                                 |   | <b>706</b> | <b>735</b>           |

The plan includes 41 deferred parking spaces. Per [Section 4-1-D-1-J](#) of the UDC, deferred parking is permitted provided the location of the deferred parking spaces is shown on a plan and the plan is approved by the Planning Commission. The applicant requests a deviation to allow 28 fewer parking spaces than what is required for multifamily residential uses per [Section 4-1-D-1-C](#) of the UDC.

More parking is provided for both the nursing home and convenience store components of the development than what is required. The result is a net of 29 more parking spaces than what is required for the combined uses. The additional parking spaces are not conducive for the residents and visitors of the apartments to use; therefore, Staff concludes that a deviation is still required for the apartment component of the PUD. This deviation request is discussed in more detail in the Deviations section of this report.

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

The proposed PUD is not anticipated to generate any environmental impacts exceeding the requirements of the UDC.

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

The site is subject to the UDC requirements for stormwater management and is required to meet the same standards as any new development.

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

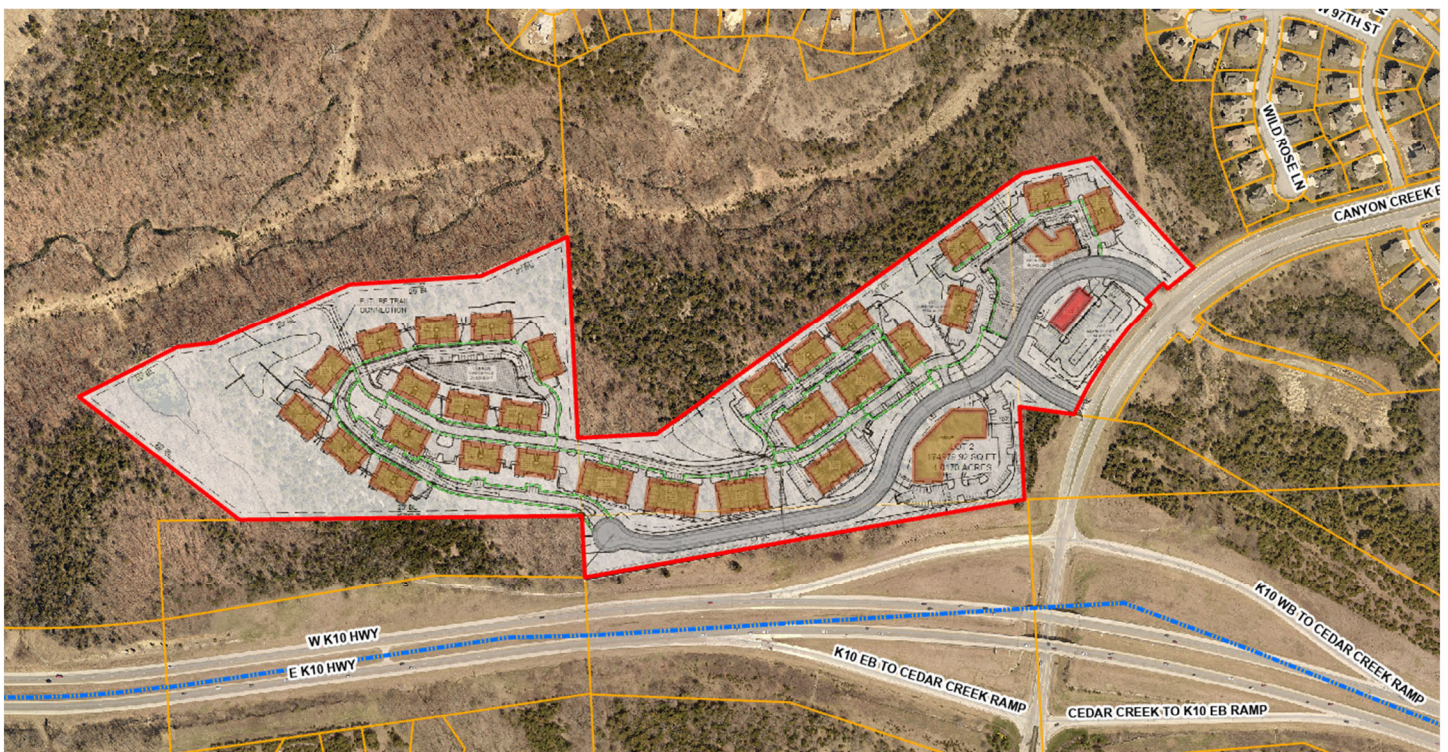
The preliminary plan is in compliance with the UDC requirements for the PUD Zoning District. The applicant requests four deviations, which are summarized below and are discussed in more detail within the Deviations section of this report.

1. [Section 4-1-D-1-C](#) of the UDC lists the parking requirement for multifamily development. The applicant is requesting to reduce the total number of parking spaces provided with the apartment component of the development.
2. [Section 4-3-C-3](#) of the UDC states that a convenience store is not to exceed 5,000 square feet in floor area. The applicant is requesting the convenience store be 6,100 square feet in floor area.
3. [Section 4-1-B-26-C-1](#) of the UDC states the minimum setback from freeway right-of-way is 100 feet. [Section 4-1-D-2-L](#) of the UDC requires a 100-foot landscape buffer along freeway right-of-way. The applicant is requesting a reduction of the setback therefore a reduction to the landscaping requirement along the freeway.
4. [Section 4-1-D-1-N-1](#) of the UDC states that 50-foot queue space is to be provided from each end of a gasoline pump island. The applicant is requesting deviations to reduce the setback of the parking area for the nursing home from K-10 Highway and to reduce the queue space from around the gas pump island of the convenience store.

A deviation request may be considered using the criteria listed in [Section 4-1-B-27-G-4](#) of the UDC.

## PRELIMINARY PLAN REVIEW

The subject site is located at the northwest corner of K-10 Highway and Canyon Creek Boulevard. The site has frontage onto Canyon Creek Boulevard for access to a public street and abuts City-owned parkland northerly along the east half of the site. A six-acre undeveloped parcel exists south of the west half of the site. A new public street is proposed to connect to Canyon Creek Boulevard and extend westerly through the site and terminate in a cul-de-sac. The new public street will provide access to the apartments, nursing home, convenience store, and to the six-acre undeveloped parcel to the south of this development.



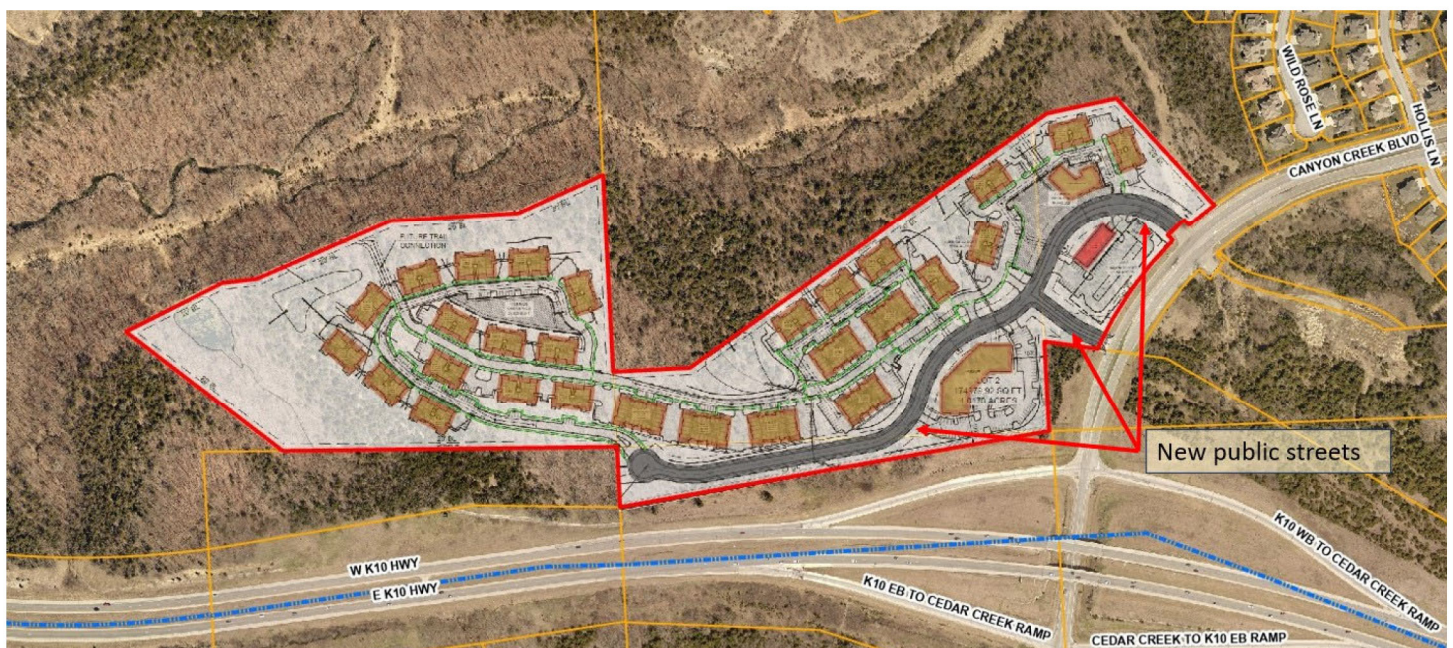
**Exhibit 4: Site Plan.**

The PUD consists of three components, the largest of which is multifamily residential. This component contains 346 dwelling units distributed among 22 buildings on 35.95 acres. The density of the apartments is 9.62 units per acre. Per [Section 4-1-B-20-C-5](#) of the UDC the maximum density of the residential portion of a mixed-use PUD is 16 units per acre. The apartment component incorporates two different building types, a 12-unit building and 14-unit building. Most of the buildings are two-story, some are a two-three-story split building where the grades transition and result in the lower level of the buildings being exposed.

The other components are a nursing home building on four acres and a convenience store with gasoline sales on two acres. The nursing home component is a three-story, 68,800 square-foot building containing 80 residential dwelling units. The convenience store is a one-story, 6,100 square foot building. The nursing home and convenience store are at the southeasterly part of the site. The convenience store is on a part of the site that is currently zoned to allow this use. The nursing home site is currently zoned CP-O. Per [Section 4-3-C-2](#) of the UDC a *nursing home* is a use distinct from multifamily residential. The use is categorized a *public or civic use*. A nursing home is allowed in the CP-O Zoning District with a special use permit.

Access for the site is provided by a new public street. The street intersects with Canyon Creek Boulevard, across from 100<sup>th</sup> Street, which is a new street that will be constructed for the development on the east side of Canyon Creek Boulevard. A short street segment is on the southerly side of the convenience store to provide additional circulation for the site. This shorter section of street will have a right-in-right-out only movement onto Canyon Creek Boulevard.

The new street will provide access to the remaining six-acre private parcel on the north side of K-10 Highway. The plan shows the street ends in a cul-de-sac bulb. The edge of the cul-de-sac bulb is approximately 30 feet from the property line. The 30-foot gap from the cul-de-sac bulb to the adjacent property is dedicated as right-of-way for the continuation of the public street.



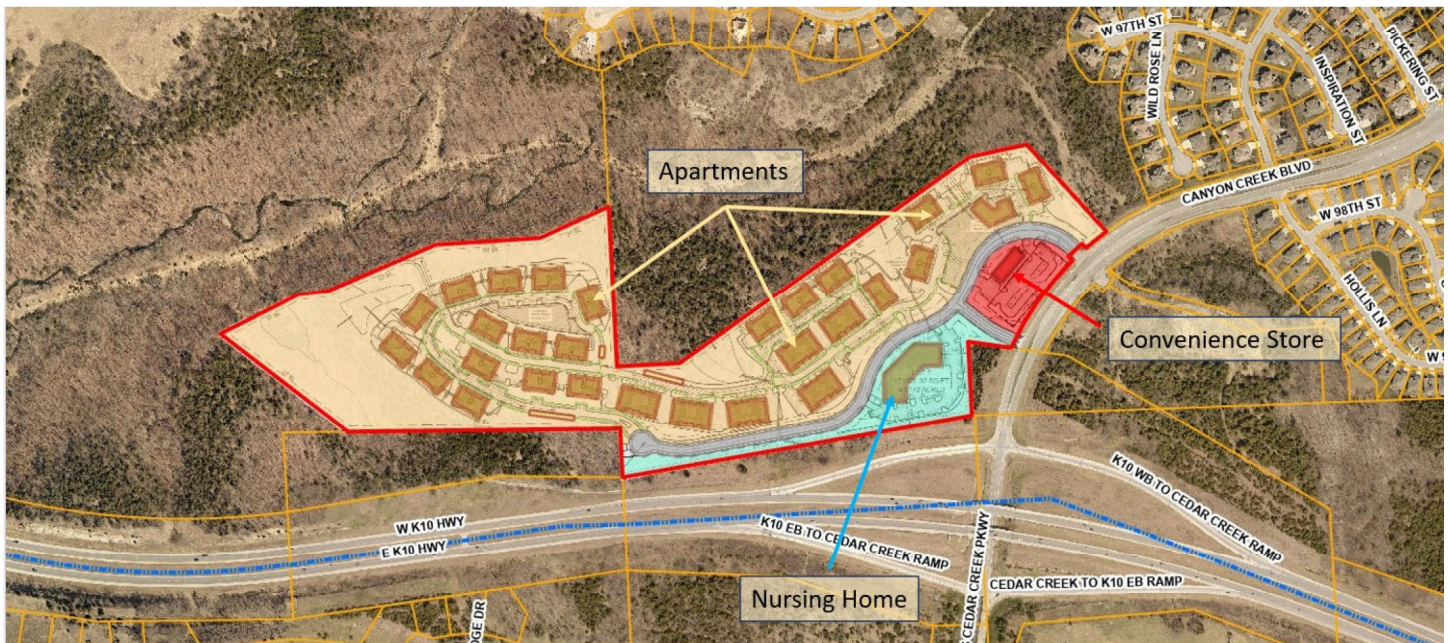
**Exhibit 5: New public streets.**

The applicant submitted a preliminary stormwater management study identifying the stormwater measures proposed to meet the City’s requirements. These measures include three dry detention basins, a hydro-dynamic separator, as well as preserved native vegetation.

The multifamily residential component of the development is comprised of clusters of apartment buildings arranged along a main drive through the development. The irregular shape of the site and the extent of the grade change from southeasterly to northwesterly dictates where building sites may be located. This results in three main clusters of buildings. The community clubhouse is located within the easternmost cluster of buildings.

The apartment buildings are configured to have an attached garage space for each apartment unit. The apartment buildings have “driveway courts” between buildings for maneuvering into and out of garages. Additional parking is provided in small lots of four to twelve parking spaces throughout the development.

The nursing home component is located on the southerly side of the new public street, a double-loaded row of parking is between the building and K-10 Highway right-of-way. A drop-off court is provided in a central location of the building. The convenience store is oriented toward Canyon Creek Boulevard. The gas pump canopy is between the building and the street. Parking areas are provided close to the building. Both the nursing home and the convenience store require further detail at the final plan stage. These details include drive entrances, placement of the trash enclosures, sidewalks, pedestrian-oriented features, and landscaping.



**Exhibit 6: PUD Components.**

As part of the PUD, a managing document is to be provided to ensure development consistency among all the different components. The applicant provided a Design Guidelines document that lists several controlling features of the development including, but not limited to, building design, landscaping, signs, and lighting. The part of the Design Guidelines document regarding signs for the development will be reviewed in greater detail prior to the issuance of any sign permits for the project. Per [Section 4-1-E](#) of the UDC, the number, size, and placement of signs are subject to the sign regulations. This document will be used to review any subsequent plans submitted as part of the overall development.

The PUD is expected to incorporate interconnecting features throughout the development to establish continuity among the various components. These types of features may include site furniture, wayfinding features like street signs and numbers, and a site-wide pedestrian network. A 10-foot-wide sidewalk is provided along the main internal drive of the development. This pedestrian link starts at the clubhouse and extends to the farthest west apartment building. Sidewalks are provided from the main walk to the doors of every apartment building.

Sidewalks also connect to the nursing home and convenience store buildings. The specific design and placement of sidewalks will be reviewed in greater detail for each component with a final plan.

The plan shows a trail connection from the apartments to the trail in Cedar Station Park. Staff requested a second trail connection be provided on the easterly side of the development, closer to the clubhouse. Specific trail locations and connections are a detail that can be reviewed and coordinated with the applicant at final plan stage.

## DEVIATIONS

The applicant requests four deviations from the requirements within the UDC. The deviations are noted in Table 6 and summarized below. The Planning Commission has the authority to approve deviations if the criteria from [Section 4-1-B-27-G-4](#) of the UDC are met.

1. [Section 4-1-D-1-C](#) of the UDC lists the parking requirement for multifamily development. The applicant is requesting to reduce the total number of parking spaces provided with the apartment component of the development.
2. [Section 4-3-C-3](#) of the UDC states that a convenience store is not to exceed 5,000 square feet in floor area. The applicant is requesting the convenience store be 6,100 square feet in floor area.
3. [Section 4-1-B-26-C-1](#) of the UDC states the minimum setback from freeway right-of-way is 100 feet. In addition to the special setback, [Section 4-1-D-2-L](#) of the UDC requires a 100-foot landscape buffer along freeway right-of-way. The applicant is requesting a reduction of the setback therefore a reduction to the landscaping requirement along the freeway.
4. [Section 4-1-D-1-N-1](#) of the UDC states that 50-foot queue space is to be provided from each end of a gasoline pump island. The applicant is requesting deviations to reduce the setback of the parking area for the nursing home from K-10 Highway and to reduce the queue space from around the gas pump island of the convenience store. A deviation request may be considered using the criteria listed in [Section 4-1-B-27-G-4](#) of the UDC.

**TABLE 6: REQUESTED DEVIATIONS**

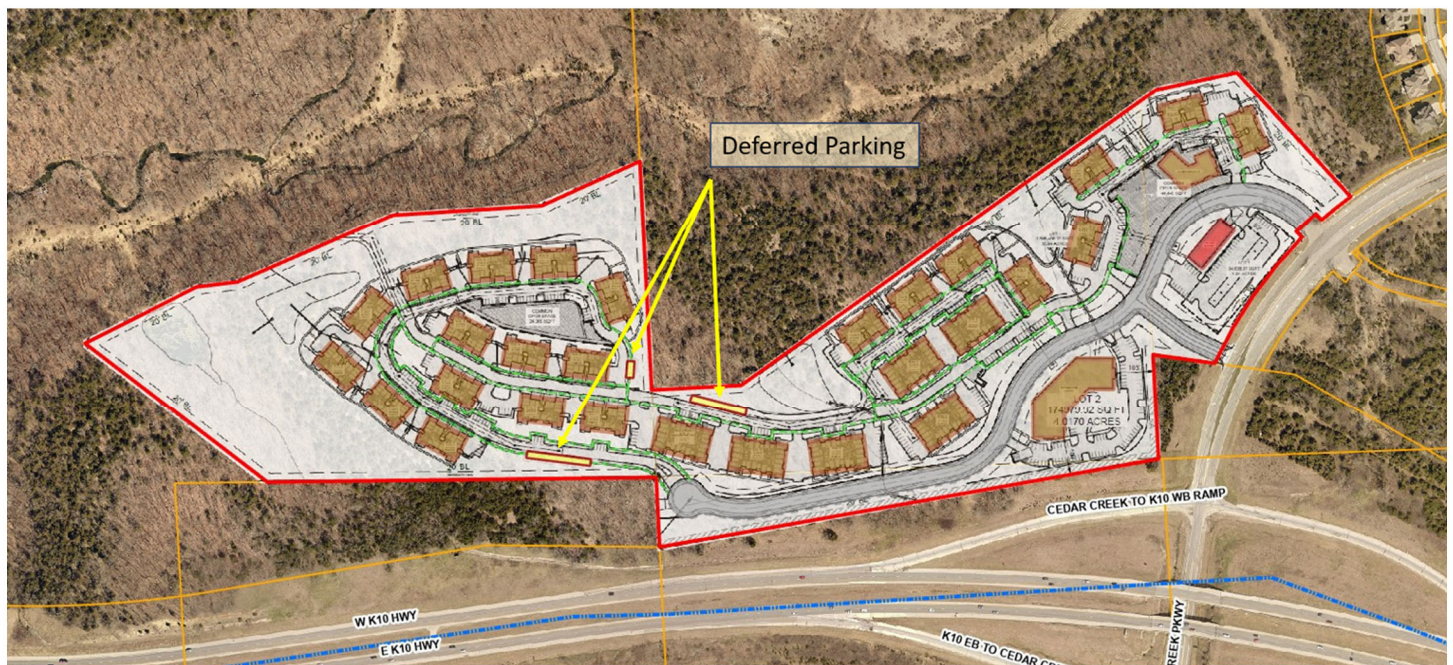
| Deviation                               | Requirement                            | Proposed   | Difference        |
|---|--|------------|-------------------|
| <b>Multifamily Parking</b>              | 635 spaces for multifamily residential | 607 spaces | <b>-28 spaces</b> |
| <b>Convenience Store Floor Area</b>     | Not to exceed 5,000 SF                 | 6,100 SF   | <b>1,100 SF</b>   |
| <b>Freeway Special Setback</b>          | 100 feet                               | 28 feet    | <b>72 feet</b>    |
| <b>Gasoline Pump Island Queue Space</b> | 50 feet from each end of pump island   | 25 feet    | <b>25 feet</b>    |

**MULTIFAMILY PARKING**

The applicant justifies this reduction by stating the parking demand for this type of apartment product is closer to 1.5 stalls per dwelling unit, which results in a parking demand of 519 spaces for 346 units leaving 88 spaces available for guest parking. A total of 87 guest parking spaces are required per [Section 4-1-D-1-C](#) of the UDC. The deviation request results in a parking ratio of 1.64 spaces per unit based on 566 stalls provided and a ratio of 1.75 spaces per unit based on 607 parking spaces, when including the 41 deferred parking spaces. The parking ratio for the required 635 parking spaces is 1.84 spaces per unit.

It is Staff’s opinion a reduction from the parking requirement for multifamily development may be warranted based on certain factors such as the mix of unit types, distribution of surface parking spaces throughout the site, and the provision of garages for each unit. The applicant has provided an analysis of a similar development which has the same unit mix, garage spaces per unit, and distribution of surface parking spaces. The applicant’s analysis shows that similar apartment developments have a surplus of parking even though the developments have a lesser parking ratio and concludes this development will satisfy the peak parking demand with the requested reduction of 28 spaces and the 41 deferred parking spaces.

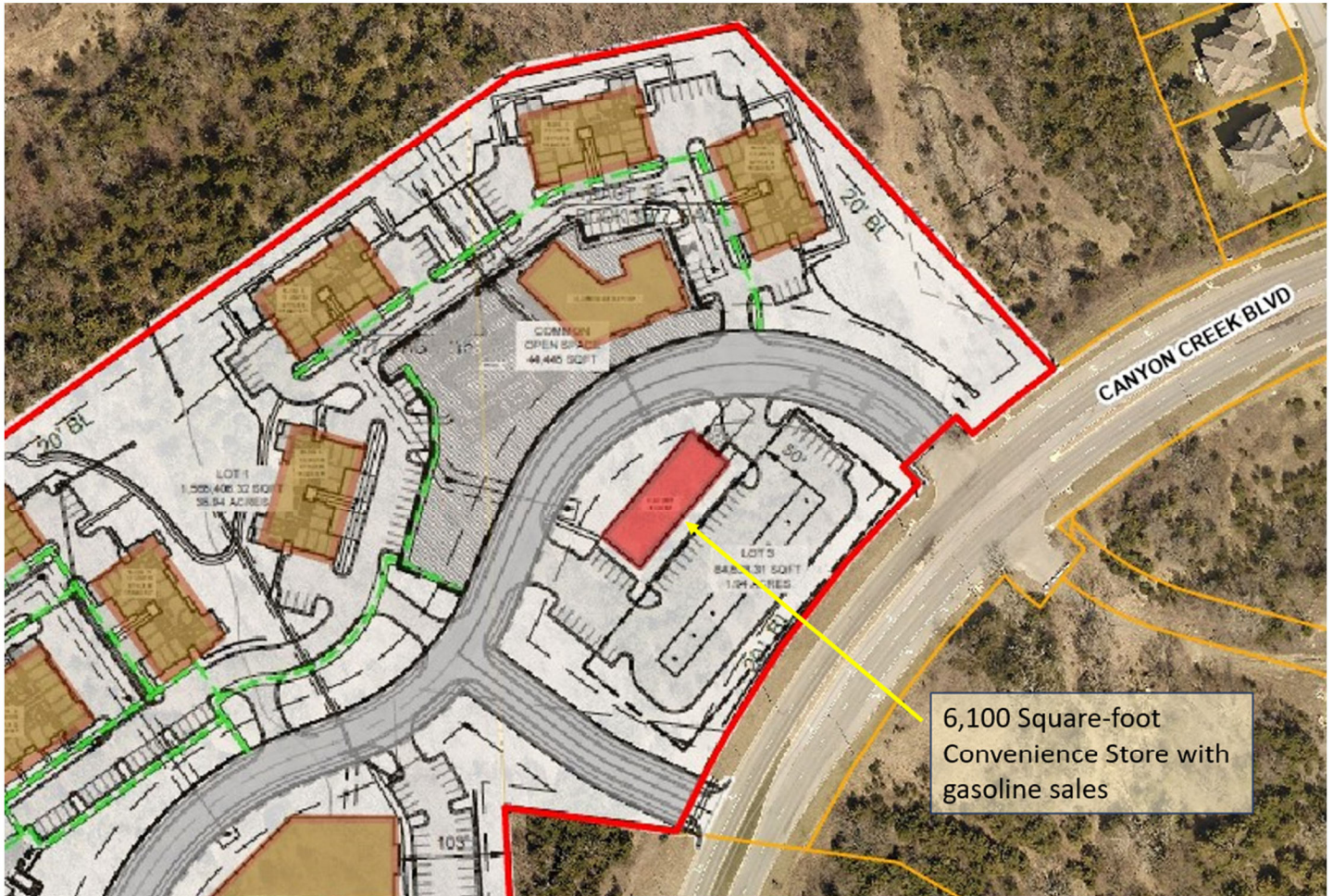
Per [Section 4-1-D-1-J](#) of the UDC, deferred parking may be shown on the plan and approved by the Planning Commission. The deferred parking is shown in a central area of the site. The surface parking is evenly distributed throughout the site providing spaces for each building. The developer will be required to enter into a deferred parking agreement that will require the deferred parking to be constructed when determined by the City the parking is necessary to address parking issues. A condition for the applicant to submit a statement to enter into a deferred parking agreement with the City will be included with a Final Plan for any portion of the apartment buildings. Staff supports the deviation request for 607 parking spaces where 635 parking spaces are required.



**Exhibit 7: Deferred Parking.**

### CONVENIENCE STORE FLOOR AREA

The request for a convenience store with gasoline sales that exceeds the 5,000 square feet of gross floor area limitation is reasonable. A modern convenience store provides multiple goods and often includes prepared foods unlike the operation of convenience stores of previous decades. A modern convenience store is more like a retail and service type of use, not exclusively for sales of snack items. Staff supports the deviation request for a 6,100 square-foot convenience store.



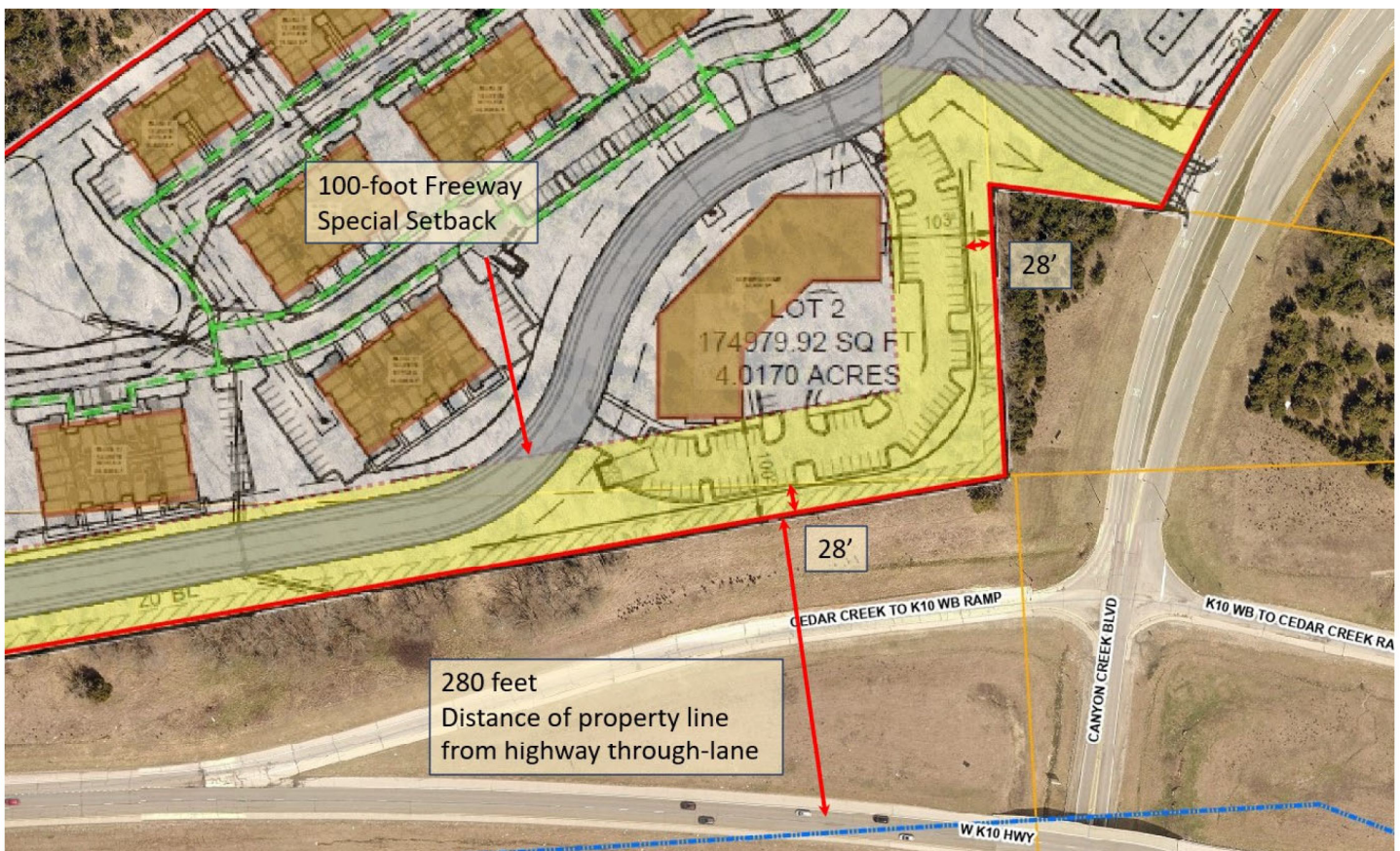
**Exhibit 8: Convenience Store Component.**



**FREEWAY SETBACK**

The deviation request to reduce the 100-foot special setback along K-10 Highway is reasonable. The plan shows the parking area for the nursing home to encroach into this setback. The purpose of the setback is to reduce the adverse impact from road noise on development adjacent to the highway.

This site is at the intersection of Canyon Creek Boulevard and K-10 Highway. All buildings within this development will be outside of the 100-foot setback. The parking lot for the nursing home component is shown as close as 28 feet from the property line. The development is next to an on-ramp where the highway right-of-way is particularly wide and the through lanes of the highway range from 280 feet to 330 feet from the property line. In addition to the freeway special setback, the UDC states landscaping is to be installed within the 100-foot space. By virtue of the reduced setback, the landscape buffer would be reduced as well. Staff supports the deviation request to reduce the 100-foot freeway special setback and the 100-foot landscape buffer to 28 feet at the closest point and allow the parking lot and drive aisles to encroach.

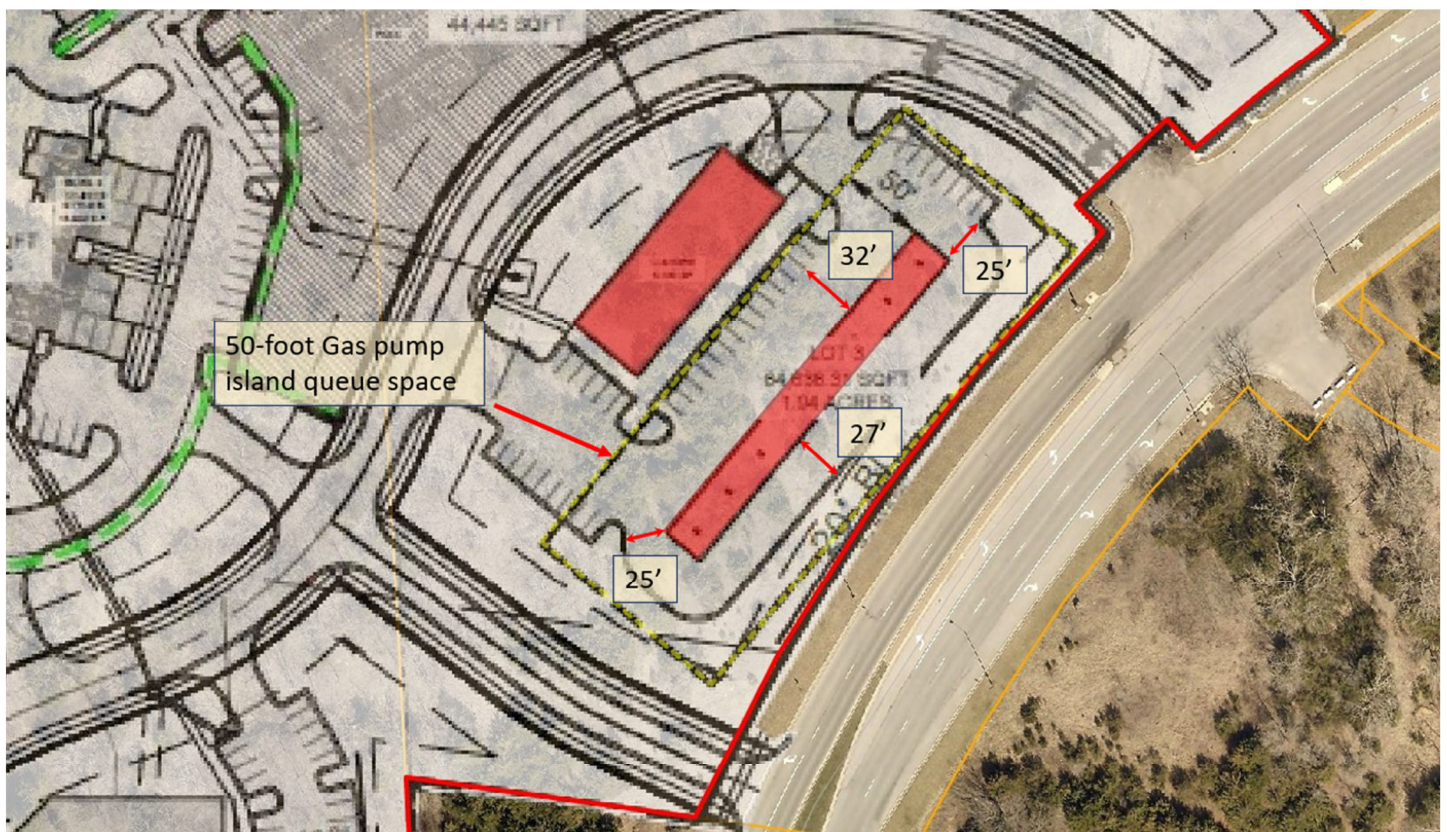


**Exhibit 9: Special setback encroachment.**

**GASOLINE PUMP ISLAND QUEUE SPACE**

The third deviation is to reduce the queue width requirement of 50 feet from the end of the gasoline pump island. This deviation is a common request for convenience stores with gasoline sales. Nearly all convenience stores with gasoline sales in Lenexa have requested a similar reduction to this requirement. The additional space is intended to provide adequate room for vehicles to line up for a gas pump and still allow traffic to circulate around the pump island within the parking lot. The gasoline fueling island or canopy area which covers the individual gas pumps is typically a larger structure than previous generations of gas stations. These sites provide adequate space for vehicles to line queue behind a vehicle while still allowing other vehicles to enter and exit the site.

The requirement of 50 feet is not necessary for a modern convenience store with gasoline sales where sufficient space is provided and the number of gas pumps available reduce the need to queue behind a vehicle while fueling. Staff supports the deviation request to reduce the 50-foot queue space for the gas pump island to a minimum of 25 feet.



**Exhibit 10: Gas pump island queue space encroachment.**

## ARCHITECTURE

The development is of a traditional architectural character. The apartment buildings use stone, horizontal lap siding, and stucco materials, which are all common materials for residential buildings. The nursing home and the convenience store use the same material palette and introduce brick. The apartment buildings use pitched roof forms and composite asphalt shingles. The apartment buildings have several articulations to the wall plane which create multiple shadow lines and offsets. The buildings have a complex roof line with several gable elements of varying sizes. The materials are used to strategically mass certain elements and create visual breaks along the facades. The apartment buildings are predominantly two-story buildings. Some buildings will have an exposed basement level and will appear three-stories from one side. It is common for both single-family and apartment buildings to appear two-story from one side and three stories from another. Building height is measured by calculating the average height of all sides of the building. The two-story facing sides of the apartment buildings are 30 feet tall.

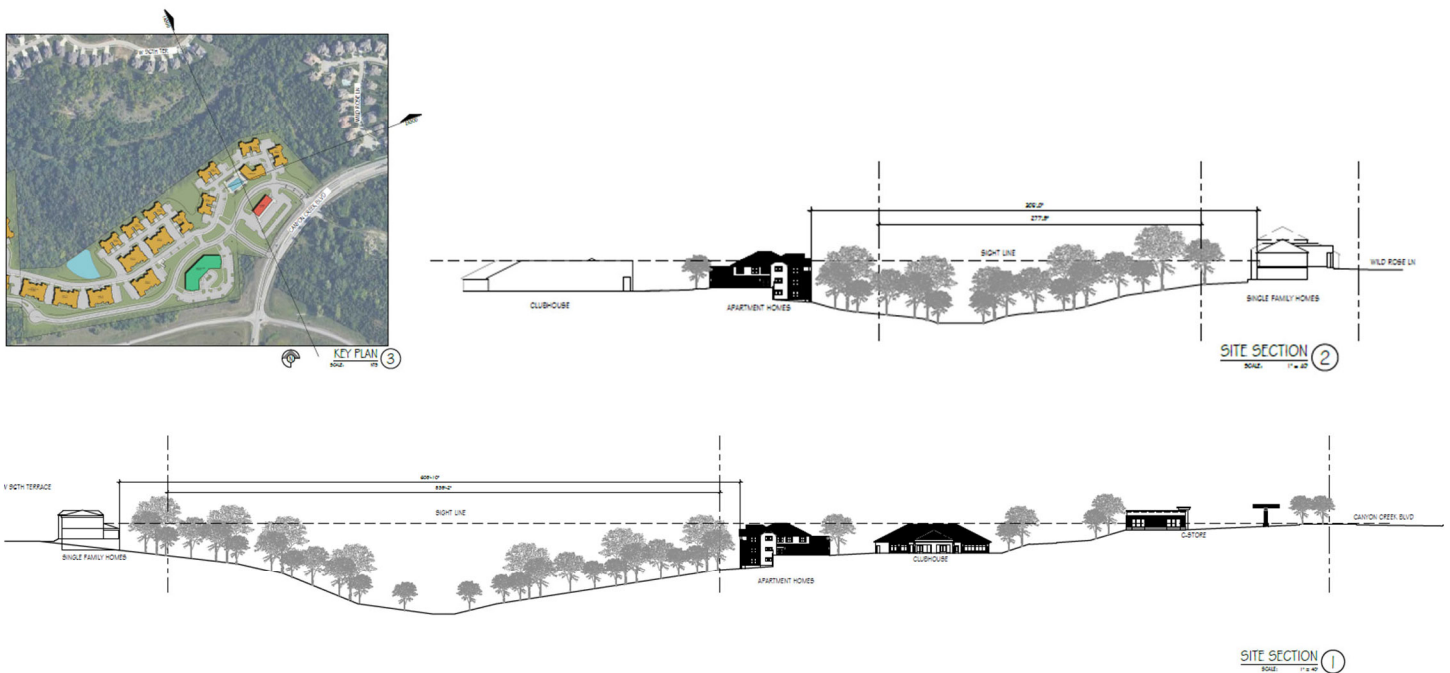


**Exhibit 11: Apartment building elevations.**

The PUD Zoning District does not state a maximum building height for buildings. [Section 4-1-B-20-C-6](#) states the following:

*“A PUD shall be harmonious and not conflict with surrounding neighborhoods and existing natural features. It shall be planned, designed and constructed so as to avoid undue traffic congestion in the surrounding area and provide a compatible land-use relationship with the surrounding area, making use of landscaping, screening, natural streamways and storm water management, open space and the placement of buildings where appropriate in accordance with land-use planning and design principles.”*

The apartment buildings are the same height as a typical single-family home with the basement exposed. The following section shows the comparison of the apartment buildings to single-family homes across the City-owned parkland.



**Exhibit 12: Site sections.**

The nursing home building and the convenience store use a significant amount of brick and stone material and reflect a commercial character. Both buildings use a flat roof. The nursing home is a larger building and incorporates several more articulations to the wall plane. The nursing home is three stories tall which is 37 feet 9 inches at the tallest part of the building. The nursing home building is closest to K-10 Highway than the apartments or the convenience store.



**Exhibit 13: Nursing home and convenience store elevations.**

## FIRE PREVENTION

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

## LANDSCAPING

The landscape plan shows trees and shrubs installed around the site perimeter boundaries, street frontages, and the parking lot. The landscape plan includes a request for a deviation from the freeway buffer landscape requirement. The west, north and northeasterly property line of the development is adjacent to City parkland. The south property line abuts an undeveloped six-acre tract of land which is designated for Office/Employment Center. The land uses of the adjacent property results in the site not requiring a Land Use Intensity (LUI) landscape buffer requirement per [Section 4-1-D-2-N](#) of the UDC.

Additional perimeter screening of a PUD is required per [Section 4-1-B-20-C-12](#) of the UDC. Staff recommends an enhancement of the landscape screening along the part of the site closest to the neighboring single-family development be provided. These details will be reviewed at final plan stage.

Detailed landscape designs are typically not shown with the preliminary plan. The preliminary plan will show the applicant's intent to meet the numerical quantity and placement requirements of the UDC. The landscape plan does not show details of the landscaping around the apartment buildings, nursing home, or the convenience store. Landscaping close to the buildings and in clustered planting areas will be shown with the final plans for any part of the development.

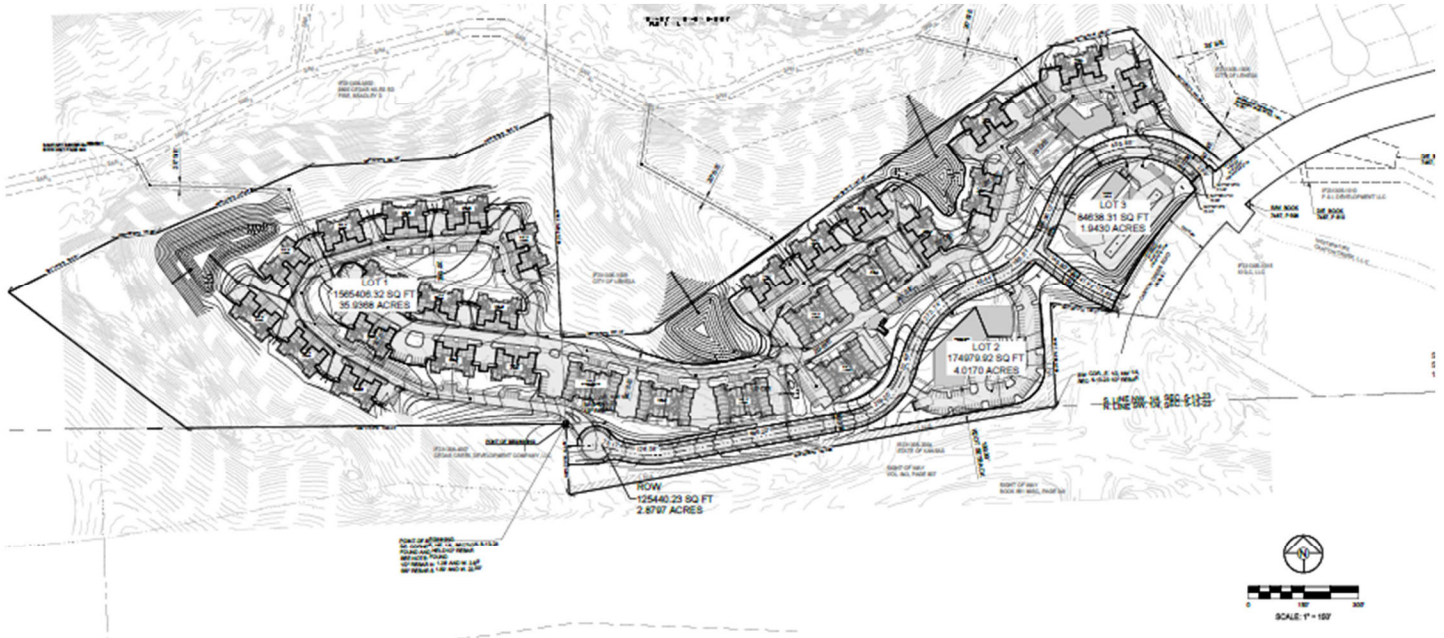
The site is currently extensively wooded. The landscape plan shows preservation of the areas of the site that do not contain buildings, parking, or grading. The applicant intends to apply this existing landscaping to the required perimeter planting requirements. Per [Section 4-1-D-2-I](#) of the UDC allows credit for existing trees that are to be preserved.



**Exhibit 14: Preserved trees.**

## PRELIMINARY PLAT

A preliminary plat was provided with the preliminary plan. The plat shows three lots, right-of-way dedication for public streets, and utility dedications for sanitary and storm sewers. Each of the three components of the development, the multifamily residential, nursing home, and convenience store will be contained within their respective lot. The preliminary plat complies with the subdivision requirements of [Section 4-2](#) of the UDC.



**Exhibit 15: Preliminary Plat.**

## REVIEW PROCESS

- This project requires a recommendation from the Planning Commission and approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration by the City Council on February 20, 2024.
- The applicant should inquire about additional City requirements, such as permits and development fees.

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## RECOMMENDATION FROM PROFESSIONAL STAFF

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- ★ **Conduct a Public Hearing for the rezoning request.**
- ★ **Staff recommends approval of the proposed rezoning and preliminary plan for Canyon Ridge Apartment Homes.**
  - The project is consistent with Lenexa’s goals through *Responsible Economic Development* to create *Vibrant Neighborhoods* and a *Thriving Economy*.

### REZONING

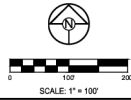
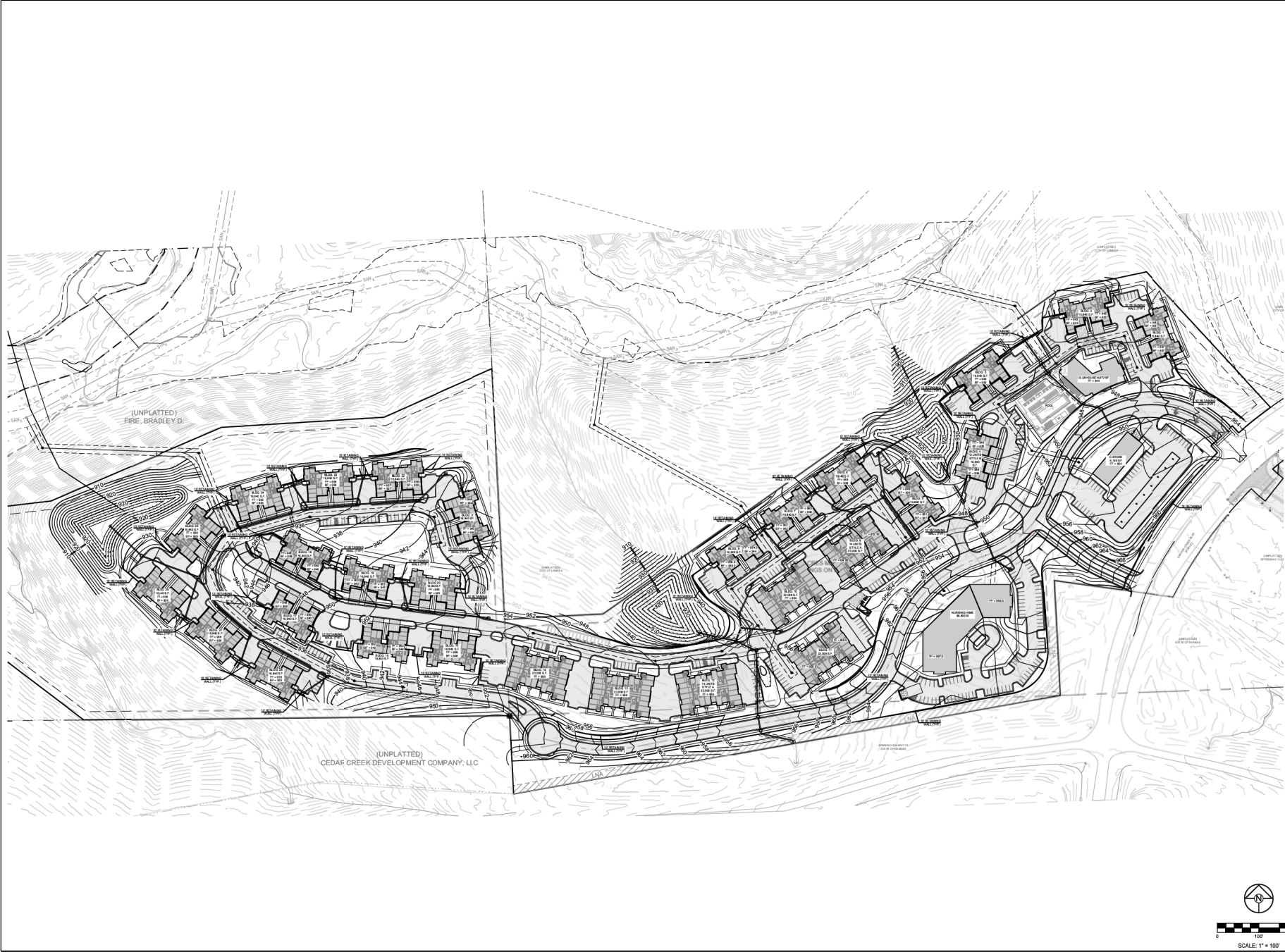
Staff recommends **approval** for rezoning property from AG, CP-O, and CP-2 to PUD for **Canyon Ridge Apartment Homes** located at the northwest corner of K-10 Highway and Canyon Creek Boulevard.

### PRELIMINARY PLAN/PLAT

Staff recommends **approval** of the preliminary plan/plat for **Canyon Ridge Apartment Homes** located at the northwest corner of K-10 Highway and Canyon Creek Boulevard for a mixed-use PUD including multifamily residential, nursing home, and convenience store with gasoline sales uses, with the following deviations:

1. A deviation from Section 4-1-D-1-C of the UDC to allow a reduction in the total number of parking spaces of 28 parking spaces from the minimum required 635 spaces for the apartment component of the PUD.
2. A deviation to from Section 4-3-C-3 of the UDC to allow a convenience store of 6,100 square feet in area, exceeding the maximum allowed 5,000 square-foot floor area.
3. A deviation from Sections 4-1-B-26-C-1 and 4-1-D-2-L of the UDC to allow a setback of 28 feet, a reduction of 72 feet from the 100-foot freeway special setback and the 100-foot landscape buffer along K-10 Highway.
4. A deviation from Section 4-1-D-1-N-1 of the UDC to allow a vehicle queue area of 25 feet, a reduction of 25 feet from the 50-foot queue area from the ends of a gas pump island.

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PREPARED BY:

SCHLAGEL & ASSOCIATES P.A.

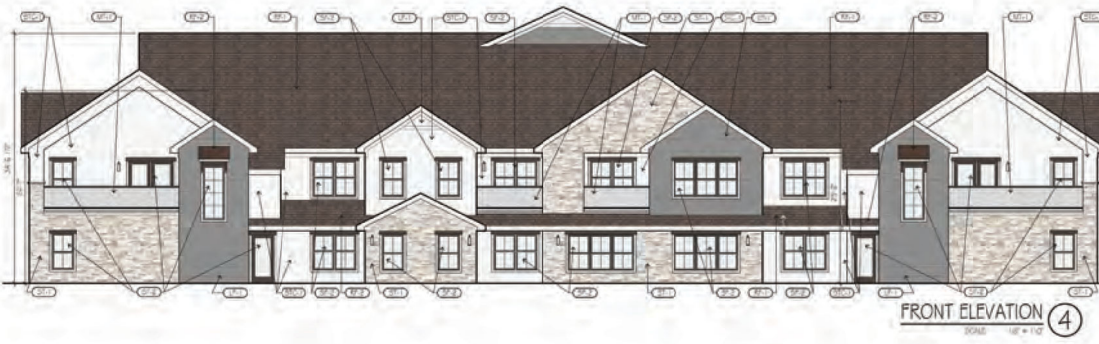
**CANYON RIDGE APARTMENT HOMES  
 PRELIMINARY DEVELOPMENT PLAN  
 CANYON CREEK BLVD LENEAXA, KANSAS**

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OVERALL PRELIMINARY GRADING PLAN

SHEET **C2.0**

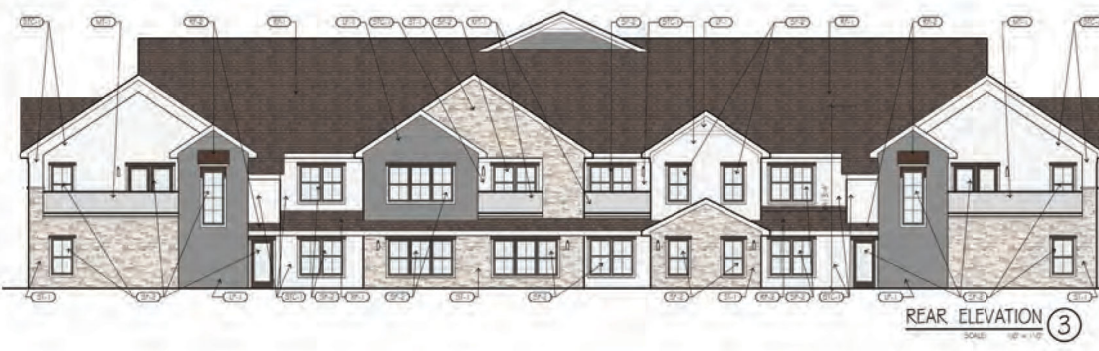




FRONT ELEVATION ④  
SCALE: 1/8" = 1'-0"



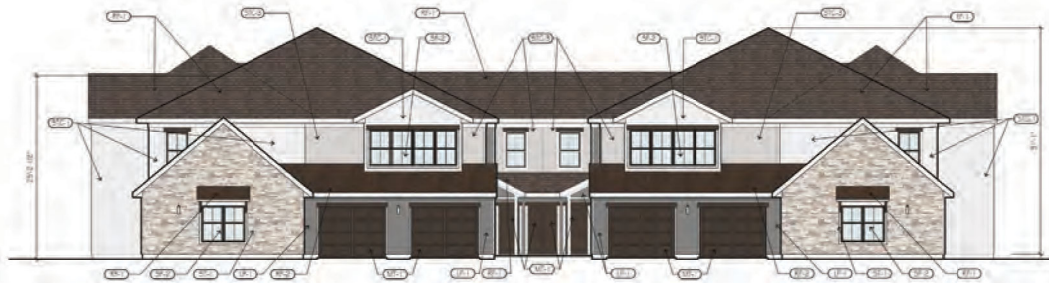
SIDE 2 ELEVATION ②  
SCALE: 1/8" = 1'-0"



REAR ELEVATION ③  
SCALE: 1/8" = 1'-0"



SIDE 1 ELEVATION ①  
SCALE: 1/8" = 1'-0"



FRONT ELEVATION ④  
SCALE: 1/8" = 1'-0"



SIDE 2 ELEVATION ②  
SCALE: 1/8" = 1'-0"



REAR ELEVATION ③  
SCALE: 1/8" = 1'-0"



SIDE 1 ELEVATION ①  
SCALE: 1/8" = 1'-0"

NOTE:  
SEE SHEET A200 FOR MATERIAL  
FINISH SCHEDULE

### A201 BUILDING ELEVATIONS - WALK OUT

SCALE: 1/8" = 1'-0"

CANYON CREEK APARTMENTS | ODDO DEVELOPMENT | 10.30.2023



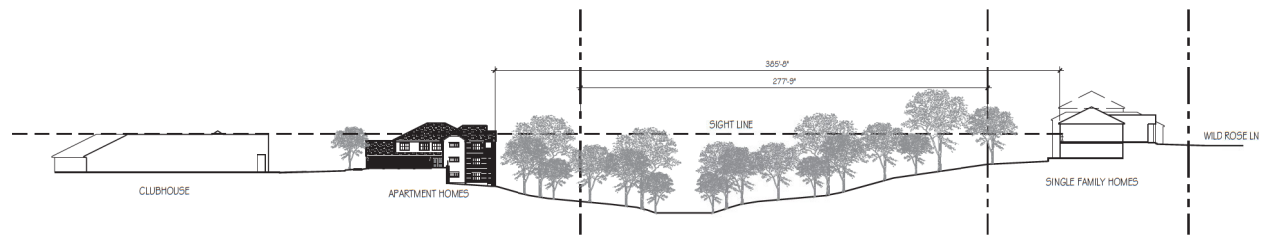
NOTE:  
- SEE SHEET A202 FOR MATERIAL  
FINISH SCHEDULE.

**A202 BUILDING ELEVATIONS - CLUBHOUSE**

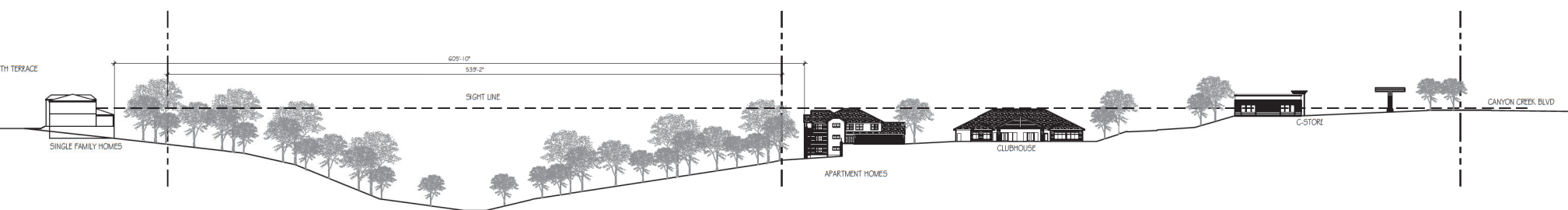
CANYON CREEK APARTMENTS | ODDO DEVELOPMENT | 10.30.2023



**KEY PLAN** ③  
SCALE: NTS



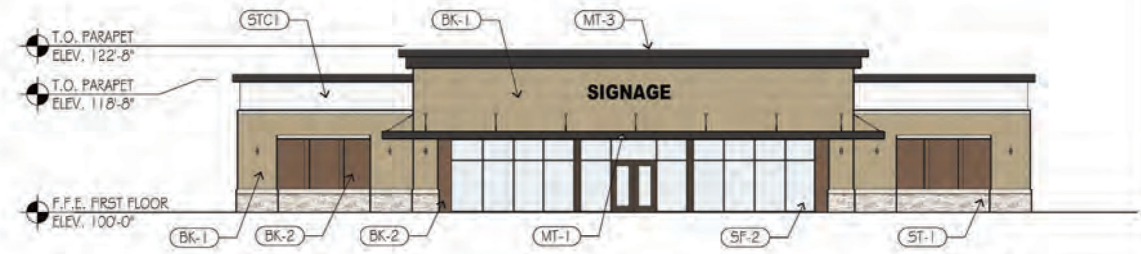
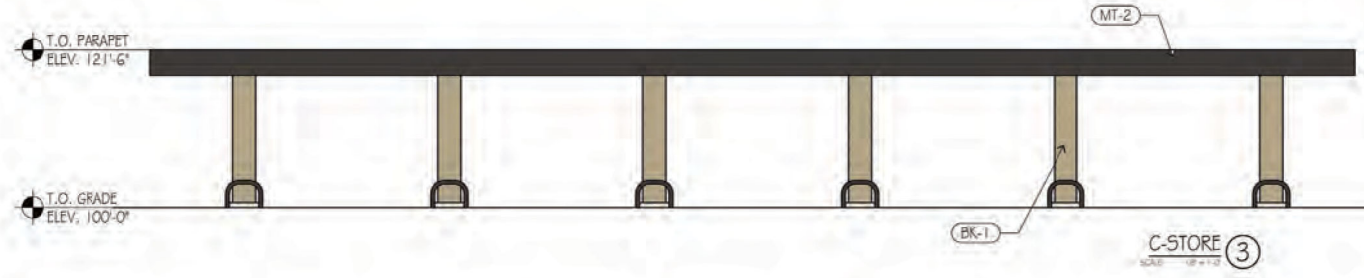
**SITE SECTION** ②  
SCALE: 1" = 40'



**SITE SECTION** ①  
SCALE: 1" = 40'



**A300 SITE SECTION**  
SCALE: 1/8" = 1'



NOTE:  
-SEE SHEET A200 FOR MATERIAL / FINISH SCHEDULE

**NURSING HOME ①**  
SCALE: 1/8" = 1'-0"

**A203 BUILDING ELEVATIONS**

4. **Canyon Ridge Apartment Homes - Consideration of a rezoning and preliminary plan/plat for a mixed-use development including multifamily residential, nursing home, and convenience store/gasoline sales uses on property located near the northwest corner of K-10 Highway & Canyon Creek Boulevard. RZ23-07, PL23-12P**
  - a. **Consideration of a rezoning from the AG, Agricultural, CP-O, Planned General Office, and CP-2 Planned Community Commercial Districts to the PUD, Planned Unit Development District. RZ23-07**
  - b. **Consideration of a preliminary plan/plat for a mixed-use development. PL23-12P**

## APPLICANT PRESENTATION

Curtis Holland, Polsinelli PC, introduced the members of the applicant's team. Mr. Holland said the project was comprised of multifamily homes, senior living or nursing facility, and convenience store uses.

Patrick Reuter, Klover Architects, presented the site location and talked about the surrounding areas as well as some of the previously approved projects in the area. Mr. Reuter discussed the site plan and described the access points into the site and pointed out each component associated with the project. He said the proposed mansion-style multifamily buildings resemble large homes and are smaller than some single-family homes in the area. He stated they are similar in height to a two-story single-family home with a walk out basement. He talked about the topography of the site and how the buildings are conformed to meet the difficulty of the topography. He talked about the landscaping and noted they are preserving as much as the natural landscaping as possible. He also stated that nothing would be constructed within the stream corridor. Their goal is to provide a cohesive and walkable community by providing a ten-foot walking trail with planned connections to future trails. Amenities include a clubhouse, pool, fitness facility, and several open green spaces. He showed the two main residential building types and gave a detailed list of the proposed materials. The nursing home will be two stories with a walk out and c-store that will have similar materials and color scheme as the apartments. He discussed the parking deviations and noted that to preserve green space and natural habitat they are deferring construction of 41 parking stalls that may be built in the future if needed. He said they hosted an informal neighborhood meeting with the adjacent residents to the north and northeast of the site. The primary concerns the residents voiced during the meeting were the possibility of obscured views and their desire to keep the native park land. He presented information that showed the distance from the single-family homes to the project site and commented that the distance was from 600 to 1,000 feet away. He showed images the architecture team captured from Zillow and Redfin of the single-family homes to show the distance in proximity to the apartments and stated that because they are keeping trees on both side of the site, the apartment buildings would be hidden from the single-family residents' view.

Curtis Holland addressed the Commission and said he would begin by focusing on some of the residents' concerns. Mr. Holland said the greatest concern of the residents seemed to be the rezoning and land use component of the application. He also said that a detailed response letter, which was included in the Planning Commission packet, was put together by the development team to address the residents' major concerns. He commended Staff on the thorough analysis that was done on the rezoning portion of the Staff Report. He stated the property is currently zoned for office and the request is to rezone the property to PUD, Planned Unit Development District. He said that rezoning from office to PUD lessens the intensity of the project. He said traffic is significantly lower for multifamily residential than office, especially at peak times. He noted another difference in the zoning districts is the amount of required open space. He stated that the code requirement of open space for the office district is 35% and they are proposing 60% of open space for the multifamily development, which is a significant increase. He talked about the views and

said that the mansion-style apartments would resemble a large home. He said the topography on the site was very challenging with steep grades, making it difficult for an office footprint. He displayed the Future Land Use Map and said the traffic volume generated by multifamily would be the best option. He talked about the differences between the Vistas at Canyon Creek project that was proposed on the same site in 2018 in relation to the current project. He stated that the density and height is currently lower than the 2018 plans, the current design is more suitable for the area, and the current design blends well with the single-family homes in the area. He gave examples of other multifamily projects the City had previously approved, pointing out WaterCrest and EdgeWater at City Center, which are zoned RP-5, Planned Residential (High Rise, High Density) District. The projects were opposed in the beginning by the residents that lived at nearby single-family residential subdivisions. The residents later complimented the apartments and ended up being great projects within the City of Lenexa. He also mentioned Copper Creek Apartments and said that project was opposed by residents of Watercrest Landing subdivision. Their development team compromised and changed the apartments across the street from the single-family homes to RP-3, Planned Residential (Medium-High Density) Zoning District. In fact, the mansion-style homes planned for the RP-3 area of Copper Creek is the same style proposed for this current project. He commented that the future update to the Comprehensive Plan will probably recommend RP-4, Planned Residential (High Density) and RP-5, Planned Residential (High Rise, High Density) Zoning Districts for the site, but they are requesting a lesser density. To address the concerns of property value negatively impacting the nearby residents, he said there is no evidence that single-family home property values decline when located close to multifamily developments.

## STAFF PRESENTATION

David Dalecky presented the Staff Report. Mr. Dalecky provided the history and background information for the site. The property was partially annexed into Lenexa in 1988 and zoned AG, Agricultural with the remaining portion annexed in 1999. In 2001, the property was rezoned from AG, Agricultural to CP-O, Planned General Office and CP-2, Planned Community Commercial Districts. In 2018 a rezoning, concept plan, and preliminary plan proposal was presented. The request was to rezone the property to RP-4, Planned Residential (High Density) and CP-2, Planned Community Commercial to develop a retail, and apartment, development, but was denied by City Council. He presented a detailed explanation of each the following rezoning criteria that Staff evaluated for this application:

1. Character of the Neighborhood
2. Nearby Zoning
3. Suitability of the Use
4. Potential Detrimental Effects
5. How long Property has Been Vacant
6. Potential Gain to the Public by Denial
7. Staff Recommendation
8. Conformance with Comprehensive Plan
9. Utilities Available to the Site
10. Traffic Impact
11. Environmental Impact
12. Stormwater Impact
13. Meeting Zoning Requirements

Mr. Dalecky described the site plan and the three components that included 22 apartment buildings, an 80-bed nursing home and a 6,100 square foot convenience store. Mr. Dalecky stated the nursing home is a three-story building as shown on the plan before the Commission. He stated that the applicant is requesting four deviations. The first deviation request was 28 fewer parking spaces for the multifamily component. The second deviation request was to allow 1,100 additional square feet for the convenience store. The third deviation requested was for the gas pump island. The applicant is requesting 25 feet of

queuing space from each pump island instead of the required 50 feet. The last deviation request is a freeway special setback. The applicant is requesting a 28-foot setback from freeway right-of-way instead of the 100-foot requirement.

## PUBLIC HEARING

Chairman Poss **OPENED** the Public Hearing and asked if anyone wished to speak on this item.

Tracy Thomas of 26197 West 96<sup>th</sup> Terrace said that his home would be of the closest proximity to the proposed site and that he was speaking in opposition of the project. Mr. Thomas said there were several residents in the audience that he was speaking on behalf of, and they were all wearing red as a sign of solidarity. He talked about their concern of the removal of trees and the disturbance of wildlife that included timber rattlesnakes, an endangered species. He stated that he and his neighbors have studied the zoning and read the City's Vision 2020, 2030, and current 2040 plan. He noted the petition of opposition that was previously presented to the Commissioners that was comprised of more than 600 signatures. He said there were better answers than what was being proposed and asked the Commission to decline the rezoning and development being presented.

Evangelos Brisimitzakis of 24612 West 96<sup>th</sup> Street stated he was there to support the Commission's rezoning goals. Mr. Brisimitzakis said he moved to Lenexa in 2013 because he saw a lot of potential in the growth of west Lenexa. He was excited to see more homes and commercial development in that area. He encouraged the Commission to move forward with the project being presented. He said there was a gas station south of K-10 Highway that previously failed and wanted to make sure if the proposed gas station fails, can the land be used productively.

Ann Rogish of 25110 West 114<sup>th</sup> Court in Olathe said she was there to oppose the Canyon Ridge project the applicant presented. Ms. Rogish said she believes if approved it will have a large negative impact on Lenexa and Johnson County. She talked about the lack of safety associated with the project if approved. She mentioned the Kansas Department of Transportation (KDOT) 2005 study that pointed out the projected expansion needed west of K-10 Highway. She said it was slated to begin in 2010 and commented there has been no movement on the expansion. She said the area on K-10 and Canyon Creek Boulevard is considered a high crash location and without the expansion of K-10 and infrastructure in place for Canyon Creek Boulevard there will be more accidents, a decrease to safety and overall, a negative impact for the community.

Brad Krehbiel of 26009 West 96<sup>th</sup> Street commented that Tracy Thomas did a great job of speaking on behalf of all the residents. Mr. Krehbiel said he hopes that if the project is approved that the Commissioners will place stipulations on the applicants to minimize dust, noise, and blasting in the area. He said that as the land begins development the limestone underneath will bring more dust. He pointed out page 101 in the Planning Commission packet and said the sight lines are misleading because they are showing the lower homes and not the upper homes. He also mentioned the impact that the new development would have on the Olathe School District because of the 900+ projected residential units proposed within this development and other nearby developments that will bring a significant number of kids into the district.

Steve Bennett of 25891 West 96<sup>th</sup> Street agreed that the applicant's presentation of the sight line view was misleading and shown incorrectly. Mr. Bennett also disagreed with the applicant's presentation of two-story apartments, saying they are actually three-story because they include walkout basements. He said the assisted living building going from two-stories to three-stories is a huge change and the third story will block their view. He stated that he was speaking from over 35 years of experience because of his work in development with one of the largest developers in the Midwest. He said he has done the development and construction for QuikTrip Corporation. He teaches construction and development at



Johnson County Community College so he can speak from his knowledge and experience to address the variances being requested by the applicant. He commented that parking on the street and traffic in that area will be a huge issue.

Paul LaForge of 9858 Garden Street commented that none the issues discussed in his letter to the Planning Commission have been addressed. He stated that he was a licensed engineer and that the zoning was wrong because going from Agricultural to apartments is increasing not decreasing the zoning use. He said he has looked at the project proposal and it does not state the number of bedrooms per apartment therefore the number of parking stalls cannot be determined. He stated that because of the freeway setback request, there will not be a landscape buffer from the highway traffic. He also disagrees with the deviation request to expand the square footage of the convenience store and the queuing space for pumps at the gas station. He feels the area for the site is not designed for the proposed development and should not be allowed.

Steve Bennett of 25891 West 96<sup>th</sup> Street approached the podium again to address the comment concerning the circulation of traffic around the gas pump. He talked about the stormwater going to the creek and stated that amount of water will overwhelm wildlife.

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

### COMMISSION DISCUSSION

Chairman Poss asked the applicant to give an overview of the traffic study that was conducted. The traffic engineer, Matthew Parker of TranSystems, said the traffic study was based on the zoning district Canyon Creek Boulevard was zoned when constructed which was office use. The traffic study conducted took into account what was already built as well as accounted for the future development in the area. It was determined that the intersection received a level of service of "C", which is acceptable.

Mr. Parker said that most Kansas Department of Transportation (KDOT) projects have been deferred because of the 2008 recession and Governor Sam Brownback drained funds out of the State highway system. They are now trying to catch up with those projects. He said the traffic engineers do a very thorough job when conducting studies. They consider the vacant and proposed development along the corridor as well as undeveloped land, projecting traffic assuming it will get developed with highest and best land uses.

Chairman Poss acknowledged that KDOT is working on the highway system and asked Tim Collins to share where KDOT stands regarding the further development of K-10 Highway. Mr. Collins responded that they are in the process of conducting their study and agrees that they are very thorough. It is his understanding that improvements to the interchange will be a part of the K-10 corridor improvements. He said the City currently has an approved Capital Improvement Plan (CIP) Project for interim improvements to the interchange should KDOT's timing for work be extended. In response to what are interim improvements, he indicated improvements such as additional lanes on the ramp.

Commissioner Burson asked Tim Collins about the ground water issue that was pointed out earlier by the resident. Mr. Collins replied that he was unaware of any such issue, but that constructing a brand-new section of public street would be a great opportunity to fix the problem if one exists.

Chairman Poss addressed the issue of parking on the streets. Rick Oddo, Oddo Development, said they use hard-back curbs as well as “no parking” signs. Mr. Oddo said there is enough parking in the garages, and through a lease agreement they require the tenants to use them for parking and not for storage.

Butch Diekemper spoke on behalf of the Fire Department and said the plans have been reviewed very extensively and the applicant is meeting all fire-related code requirements at this time and he has no concerns at their current developments.

Chairman Poss addressed Scott McCullough concerning the noise, blasting, and dust control. Mr. McCullough said some construction will impact the project but will be regulated by City requirements. They will continue to work with all contractors to mitigate the impacts of construction.

Chairman Poss spoke about the Olathe School District, saying they are similar to KDOT and are their own entity. Mr. Poss said when a request to rezone comes before the Commission the school district is aware and adjusting as needed to keep balance in the community.

Commissioner Burson asked Tim Collins where the stormwater will go and asked if the creek could handle it. Mr. Burson also asked if the term “wetland” is defined by the Federal government. Mr. Collins replied that to his knowledge there is no wetland on the property but will verify during final plan stage since it was stated. He said if a wetland exists on the City property it will remain and not be impacted. Mr. Collins addressed the stormwater issue indicating that the purpose of stormwater detention to protect the stream from damaging conditions.

Scott McCullough said it would be appropriate that the Planning Commissioners declare any ex-parte communication that Commissioners may have had with a resident or anyone on the developer’s team. Mr. McCullough explained that the intent to declare is if one learned something in the process that was not in the staff report or discussed this evening, and that knowledge is shared openly. Each Planning Commissioner individually responded that they did not have any ex-parte communication with anyone concerning the current project under review.

Commissioner Horine stated that the staff report provides the number of apartment bedrooms and a parking analysis based on the defined number of bedrooms. Mr. Horine also appreciated Mr. Thomas’ PowerPoint presentation and said it was very clear and well-presented. He commented that the applicant also presented a clear message, and it was good to see City Staff go through the Golden Criteria. He believes the proposed development is a good use of the property and that traffic will not be an issue.

Commissioner Harber echoed that both sides of the presentations were very well done and thoughtful. Mr. Harber also appreciated the comparison of the 2018 plans to the current project.

Commissioner Wagner asked if there are any similar projects that have recently been approved with the 100-foot setback deviation. Stephanie Kisler replied that the most recent project is within the Cedar Canyon West area. The Canyon Creek Apartments project is zoned RP-4, Planned Residential (High Density) District and was granted a deviation, along with the Cedar Canyon West Commercial component. Ms. Kisler said the setback deviation allowed for trash and parking within the required 100-foot setback. Scott McCullough noted that when the City looks at these types of deviations, noise impact for residential projects is considered. Ms. Wagner asked if there is an alternative to the development of the gas station. Patrick Reuter replied that the PUD, Planned Unit Development District allows for a variety of uses and the site design criteria list a number of uses that can be developed on the site.

Commissioner Katterhenry said he previously had concerns about parking, setbacks, and queuing at the convenience store and those issues have been discussed. Going forward Mr. Katterhenry would like to see a large amount of vegetation in the front areas where the setbacks exist. He shared that he was

concerned in the past when an RP-5, Planned Residential (High Rise, High Density) District apartment project was being constructed near his residence. The apartments near his residence have been in place for several years now and he has had no problems. They have had no impact on their subdivision. He said Staff did a good job of addressing the Golden Criteria and it meets the criteria guidelines. The project could also be a lot denser and have potentially become a five- or six-story office building with the current zoning.

Commissioner Woolf stated that the project in review is lower than the original plan that was previously proposed and he likes the way the applicant is using the topography as a natural buffer between the distances. Mr. Woolf also likes that they are deferring some of the parking and keeping the open area.

Commissioner Handley asked about the westward connectivity of public street the residents of the apartment will exit onto. Stephanie Kisler said the public street does terminate on the west end of a cul-de-sac bulb and is specifically designed so the right-a-way is accessible to the next parcel that is privately owned to the west, so there is potential to link it to future development to the west, on the north side of K-10 Highway.

Commissioner Burson said if a real estate agent makes false promises, he apologizes that anyone would use that as a marketing ploy. Mr. Burson stated that the City of Lenexa's website has always shown that the site to be zoned as office and the applicants could have elected to build a seven- or eight-story office building, and he would not want to see that. He said he likes the proposed plan and reminded the residents that the City will continue to grow and expand. He addressed those that previously spoke about AG, Agricultural and said that AG zoning is a placeholder in our city until the land is rezoned for development. The property in question is a popular site and single-family residential would not be built there; the City would not allow it.

Chairman Poss inquired about the additional parking for the convenience store and nursing home. Rick Oddo said they were talking to a specific user for the convenience store that requested that specific layout for parking. Patrick Reuter said the nursing facility is currently 80 one-bed units and there may be two-bed units, so they wanted to allow for flexibility. If they do not need the parking, they will not build it.

Chairman Poss stated that he supported the applicant's requested deviations and also supports Staff's analysis of the Golden Criteria in the Staff Report.

Commissioner Katterhenry encouraged the applicant to save as many trees as possible through the planning process.

Chairman Poss commented that the City will continue to develop to the west and whoever has ownership of a piece of property will have the right to develop that property.

## MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of rezoning property from AG, CP-O and CP-2 to PUD for RZ23-07– **Canyon Ridge Apartment Homes** at the northwest corner of K-10 Highway and Canyon Creek Boulevard.

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

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan/plat for PL23-12P – **Canyon Ridge Apartment Homes** at the northwest corner of K-10 Highway and Canyon Creek

Boulevard, for multifamily residential, nursing home, and convenience store with gasoline sales uses, with the following deviations:

1. A deviation from Section 4-1-D-1-C of the UDC to allow a reduction in the total number of parking spaces of 28 parking spaces from the minimum required 635 spaces for the apartment component of the PUD.
2. A deviation to from Section 4-3-C-3 of the UDC to allow a convenience store of 6,100 square feet in area, exceeding the maximum allowed 5,000 square-foot floor area.
3. A deviation from Sections 4-1-B-26-C-1 and 4-1-D-2-L of the UDC to allow a setback of 28 feet, a reduction of 72 feet from the 100-foot freeway special setback and the 100-foot landscape buffer along K-10 Highway.
4. A deviation from Section 4-1-D-1-N-1 of the UDC to allow a vehicle queue area of 25 feet, a reduction of 25 feet from the 50-foot queue area from the ends of a gas pump island.

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

DRAFT

**RZ 23-07**

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

**AN ORDINANCE REZONING PROPERTY LOCATED IN THE VICINITY OF THE NORTHWEST CORNER OF K-10 HIGHWAY AND CANYON CREEK BOULEVARD IN THE AG, AGRICULTURAL, CP-O, PLANNED GENERAL OFFICE, AND CP-2, PLANNED COMMUNITY COMMERCIAL ZONING DISTRICTS TO PUD, PLANNED UNIT DEVELOPMENT ZONING DISTRICT.**

**WHEREAS**, on October 30, 2023, Rick Oddo, agent for CB Holdings, LLC & BFP Real Holdings, LLC, owners of record, filed a request to rezone property located in the vicinity of the northwest corner of K-10 Highway and Canyon Creek Boulevard in Lenexa, Kansas (the "Property") from the AG, Agricultural, CP-O, Planned General Office, and CP-2, planned Community Commercial Zoning Districts to PUD, Planned Unit Development Zoning District; and

**WHEREAS**, on February 5, 2024, the Lenexa Planning Commission held a public hearing to hear the rezoning request. Notice for the public hearing was provided in accordance with K.S.A. 12-757; and

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

**WHEREAS**, on February 20, 2024, the Governing Body considered the rezoning request and Planning Commission recommendation, as reflected in the minute record for said meeting; and

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

**SECTION ONE:** The real estate described as:

Part of the West One-Half of Section 5 and part of the Northeast One-Quarter of Section 6, both being in Township 13 South, Range 23 East, in the City of Lenexa, Johnson County, Kansas and both together being more particularly described as follows:

Beginning at the Southeast corner of the Northeast One-Quarter of said Section 6; thence along the South line of said Northeast One-Quarter, South 89 degrees 21 minutes 26 seconds West, a distance of 1030.45 feet; thence North 52 degrees 38 minutes 22 seconds West, a distance of 606.34 feet; thence North 63 degrees 14 minutes 45 seconds East, a distance of 330.91 feet; thence North 83 degrees 05 minutes 30 seconds East, a distance of 107.99 feet; thence North 66 degrees 40 minutes 47 seconds East, a distance of 448.95 feet; thence North 86 degrees 23 minutes 27 seconds East, a distance of 394.54 feet; thence North 65 degrees 42 minutes 39 seconds East, a distance of 286.19 feet to a point on the East line of the said Northeast One-Quarter; thence along said east line, South 02 degrees 55 minutes

00 seconds East, a distance of 606.01 feet; thence North 87 degrees 05 minutes 00 seconds East, a distance of 237.15 feet; thence North 54 degrees 35 minutes 01 seconds East, a distance of 1347.50 feet; thence North 77 degrees 54 minutes 51 seconds East, a distance of 220.37 feet; thence South 42 degrees 32 minutes 22 seconds East, a distance of 444.99 feet to a point of curvature on the West right-of-way line of Canyon Creek Boulevard as established in Book 7467 at Page 594; thence along said West right-of-way line for the following three courses, along a curve to the left, having an initial tangent bearing of South 53 degrees 56 minutes 27 seconds West, a radius of 1120.00 feet, a central angle of 05 degrees 02 minutes 20 seconds and an arc length of 98.50 feet; thence North 42 degrees 53 minutes 19 seconds West, a distance of 22.45 feet; thence South 47 degrees 06 minutes 41 seconds West, a distance of 70.00 feet; thence South 42 degrees 53 minutes 19 seconds East, a distance of 22.45 feet to a point of curvature; thence along a curve to the left having an initial tangent bearing of South 45 degrees 19 minutes 14 seconds West, a radius of 1120.00 feet, a central angle of 20 degrees 48 minutes 09 seconds and an arc length of 406.64 feet; thence North 82 degrees 06 minutes 14 seconds West, a distance of 165.21 feet; thence South 03 degrees 05 minutes 36 East, a distance of 278.49 feet to a point on the South line of the Northwest One-Quarter of said Section 5; thence South 79 degrees 45 minutes 03 seconds West, a distance of 1342.96 feet to a point on the West line of the Southwest One-Quarter of said Section 5; thence along said West line, North 02 degrees 52 minutes 11 seconds West, a distance of 190.58 feet to the Point of Beginning, and containing 44.777 acres, more or less.

now zoned AG, Agricultural, CP-O, Planned General Office, and CP-2, planned Community Commercial Zoning Districts, is hereby rezoned to the PUD, Planned Unit Development Zoning District as reflected in the minute record of the February 20, 2024 Governing Body meeting.

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

**SECTION THREE:** This Ordinance shall be construed as follows:

- A. Liberal Construction. This Ordinance shall be liberally construed to effectively carry out its purposes that are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.
- B. Savings Clause. The repeal of any ordinance or code section, as provided herein, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or any action or proceeding commenced under or by virtue of the ordinance or code section repealed. Any ordinance or code section repealed continues in force and effect after the passage, approval, and publications of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities and proceedings.

C. Invalidity. If for any reason any chapter, article, section, subsection, sentence, portion, or part of this Ordinance, or the application thereof to any person or circumstance is declared to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance, the Lenexa City Code, or other ordinances.

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

**PASSED** by the Governing Body February 20, 2024.

**SIGNED** by the Mayor February 20, 2024.

CITY OF LENEXA, KANSAS

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Julie Sayers, Mayor

ATTEST:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Steven Shrout, Assistant City Attorney



**ITEM 8**

**SUBJECT:** Consideration of a rezoning and preliminary plan known as Santa Fe Commerce Center for an industrial development located at the northeast corner of Santa Fe Trail Drive & Lakeview Avenue - **CONTINUED FROM THE FEBRUARY 6, 2024 CITY COUNCIL MEETING**

**CONTACT:** Stephanie Kisler, Planning Manager

**DATE:** February 20, 2024

**ACTION NEEDED:**

- a. Pass an ordinance rezoning property located at the northeast corner of Santa Fe Trail Drive and Lakeview Avenue from the AG, Agricultural District to the BP-2, Planned Manufacturing District; and
- b. Approve the companion preliminary plan for Santa Fe Commerce Center.

**APPLICANT:**

Daniel Finn, Phelps Engineering

**OWNER:**

BCB Lenexa Holdings LLC

**PROPERTY LOCATION/ADDRESS:**

Northeast corner of Santa Fe Trail Drive & Lakeview Avenue

**PROJECT BACKGROUND/DESCRIPTION:**

The applicant requests approval of a preliminary plan and rezoning from the AG District to the BP-2 District for an industrial development at the northeast corner of Santa Fe Trail Drive and Lakeview Avenue. The plan includes two buildings totaling 222,550 square feet, parking, outdoor storage, and related site improvements.

Building 1 is one-story, 42 feet tall, and 152,000 square feet. Building 2 is one-story, 42 feet tall, and 70,550 square feet. The development includes a vacation request, which will be separately considered by the Governing Body, to vacate Lakeview Avenue as public right-of-way and make it a private drive. The plans include one deviation related to setback for a screening fence for the outdoor storage area. Staff supports the proposed deviation.

**STAFF RECOMMENDATION:**

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

**PLANNING COMMISSION ACTION:**

This item was considered at the January 8, 2024, Planning Commission meeting. A public hearing was held. No one from the public spoke during the public hearing.

Commissioners did not oppose the fence deviation because it meets the 50-foot setback. Commissioners also requested that masonry be utilized wherever possible on the elevations and felt it was important for



the applicant to install the public sidewalk along Santa Fe Trail Drive. Commissioners noted that staff could work with the applicant on the location of internal sidewalks.

Chairman Poss entertained a motion to recommend **APPROVAL** for the rezoning for Santa Fe Commerce Center located at 15620 Santa Fe Trail Drive and 15504 Santa Fe Trail Drive from the AG, Agricultural Zoning District to the BP-2, Planned Manufacturing Zoning District. Moved by Commissioner Handley, seconded by Commissioner Burson, and carried by a unanimous voice vote.

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan/plat for Santa Fe Commerce Center located at the northeast corner of Santa Fe Trail Drive and Lakeview Avenue, for an industrial development. Moved by Commissioner Harber, seconded by Commissioner Woolf, and carried by a unanimous voice vote. The motion included the following conditions:

1. A five-foot wide public sidewalk along Santa Fe Trail Drive shall be provided on the final plan and shall be constructed by the applicant in conjunction with the first building.
2. Sidewalk connections linking the two buildings within the development shall be provided on the final plan. The public sidewalk network can serve as this connection.
3. The final plan shall incorporate masonry columns into the white vinyl screening fence on the north and south fence lines at intervals of one column per three fence panels if 8-foot panels are used, or similar spacing, with a minimum of two columns worth of return on the north and south fence lines.

#### **VISION / GUIDING PRINCIPLES ALIGNMENT:**

##### **Vision 2040**

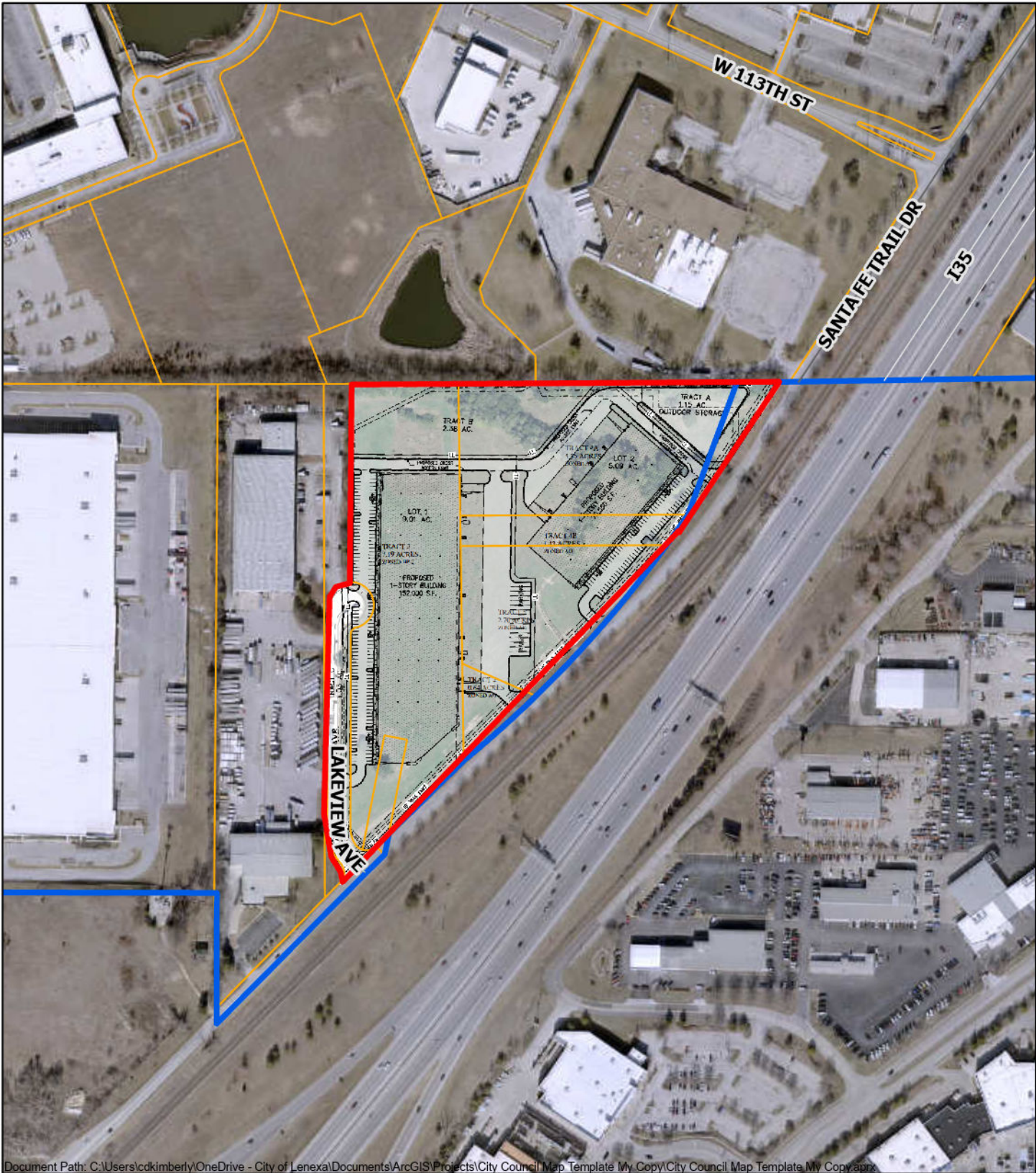
Thriving Economy

##### **Guiding Principles**

Responsible Economic Development

#### **ATTACHMENTS**

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



Document Path: C:\Users\cdkimberly\OneDrive - City of Lenexa\Documents\ArcGIS\Projects\City Council Map Template My Copy\City Council Map Template My Copy.aprx  
 Data Source: City of Lenexa and Johnson County Kansas  
 For further information, please call 913-477-7500

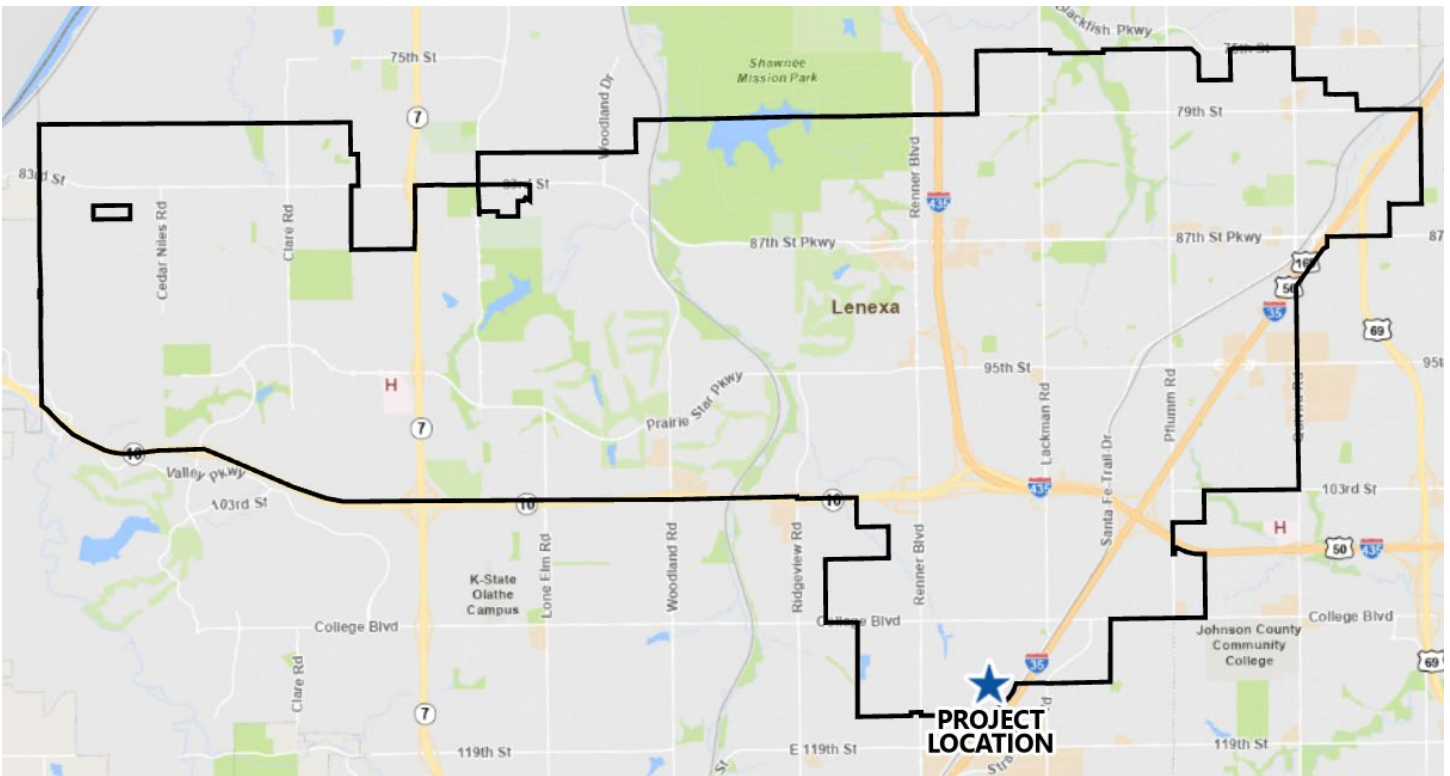
# Santa Fe Commerce Center

## RZ24-01 & PL24-01P



## SANTA FE COMMERCE CENTER

|                       |                                 |                      |   |
|-----------------------|---------------------------------|----------------------|---|
| <b>Project #:</b>     | RZ24-01 & PL24-01P              | <b>Location:</b>     | NEC of Santa Fe Trail Drive & Lakeview Avenue |
| <b>Applicant:</b>     | Daniel Finn, Phelps Engineering | <b>Project Type:</b> | Rezoning & Preliminary Plan                   |
| <b>Staff Planner:</b> | Kim Portillo, AICP              | <b>Proposed Use:</b> | Warehouse                                     |



### PROJECT SUMMARY

The applicant requests approval of a preliminary plan and rezoning from the AG District to the BP-2 District for an industrial development at the northeast corner of Santa Fe Trail Drive and Lakeview Avenue. The plan includes two buildings totaling 222,550 SF, parking, and outdoor storage. Building 1 is one-story, 42 feet tall, and 152,000 SF. Building 2 is one-story, 42 feet tall, and 70,550 SF. The development includes a separate request, which will be heard by the Governing Body, to vacate Lakeview Avenue as public right-of-way and have it become a private drive. The plans include one deviation related to setback for a screening fence for the outdoor storage area. The preliminary plan is also serving as the preliminary plat. This project requires a Public Hearing.

**STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS**

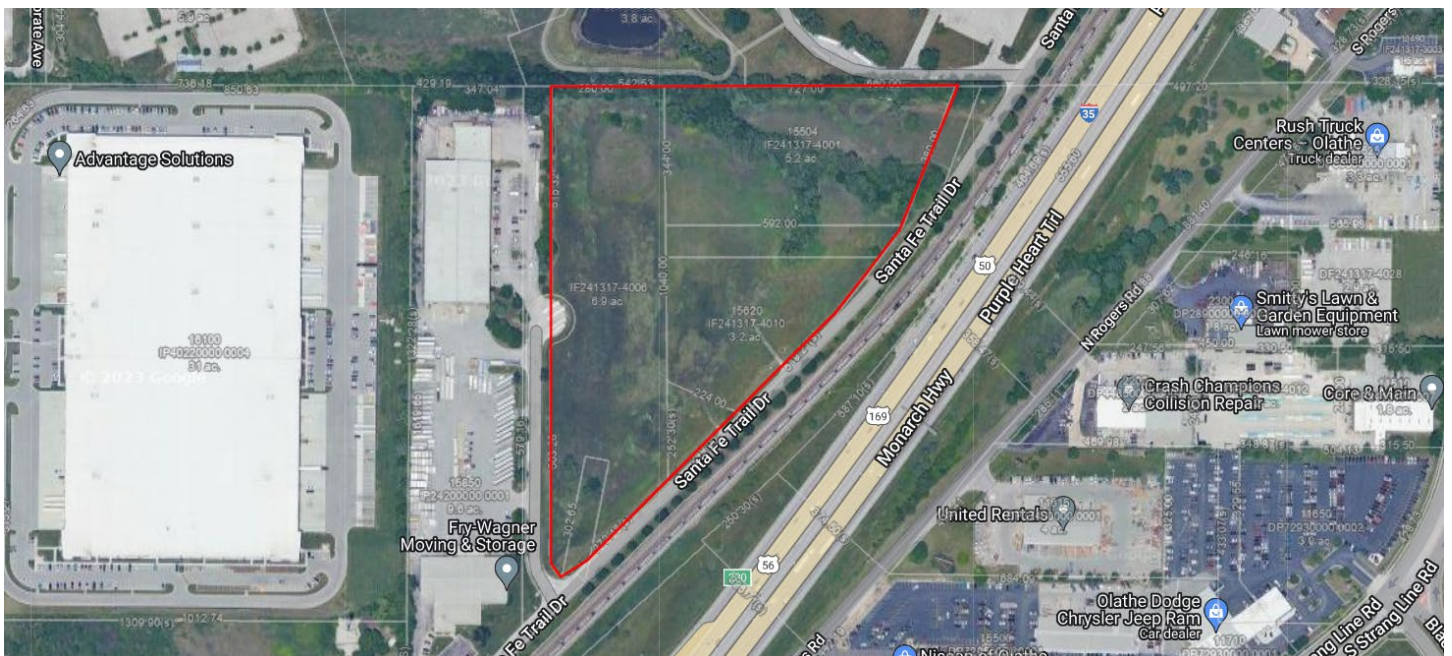
## SITE INFORMATION

The site is located near the Olathe-Lenexa border with Olathe’s city limit further south along Santa Fe Trail Drive and Interstate 35 bordering the site toward the east. The site has never been developed. The overall site includes multiple parcels as well as portions of right-of-way.

**TABLE 1: SUBJECT SITE PARCELS**

| Parcel ID     | Address                 | Acreage | Included in Preliminary Plan | Included in Rezoning |
|---------------|-------------------------|---------|------------------------------|----------------------|
| IF24317-4001  | 15504 Santa Fe Trail Dr | 5.20    | Yes                          | Yes                  |
| IF241317-4002 | No Address              | 1.02    | Yes                          | Yes                  |
| IF241317-4008 | No Address              | .56     | Yes                          | Yes                  |
| IF241317-4010 | 15620 Santa Fe Trail Dr | 3.16    | Yes                          | Yes                  |
| IF241317-4006 | No Address              | 6.85    | Yes                          | No                   |

|                                |                                      |                                   |                                    |
|--------------------------------|--------------------------------------|-----------------------------------|------------------------------------|
| <b>LAND AREA (AC)</b><br>18.67 | <b>BUILDING AREA (SF)</b><br>222,550 | <b>CURRENT ZONING</b><br>AG, BP-2 | <b>COMP. PLAN</b><br>Business Park |
|--------------------------------|--------------------------------------|-----------------------------------|------------------------------------|

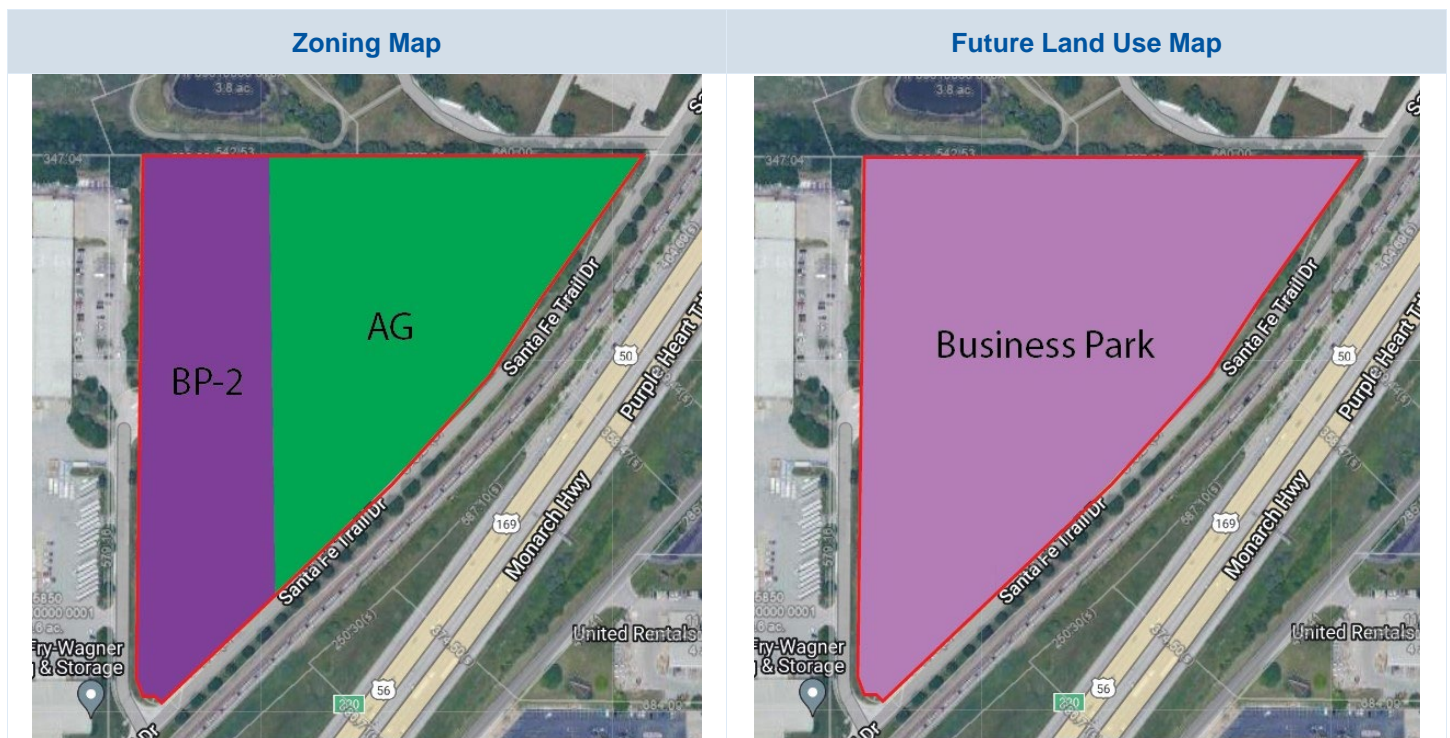


**Exhibit 1: Aerial Image of Subject Site**

## LAND USE REVIEW

The proposed plan includes two industrial buildings with multiple storefront entrances. The buildings will be able to accommodate multitenant or a large single tenant warehouse use with offices. Specific tenants will be identified in the future and will be reviewed for zoning compliance during the permit review stage. The proposed use aligns with the site’s Future Land Use designation of Business Park.

The proposed use is similar to the surrounding uses, which are primarily office/warehouse combination buildings. Part of the site is zoned BP-2, Planned Manufacturing District, which allows the proposed use by-right. The applicant requests a rezoning for the AG, Agricultural District, portion of the site to be rezoned to the BP-2 Zoning District.

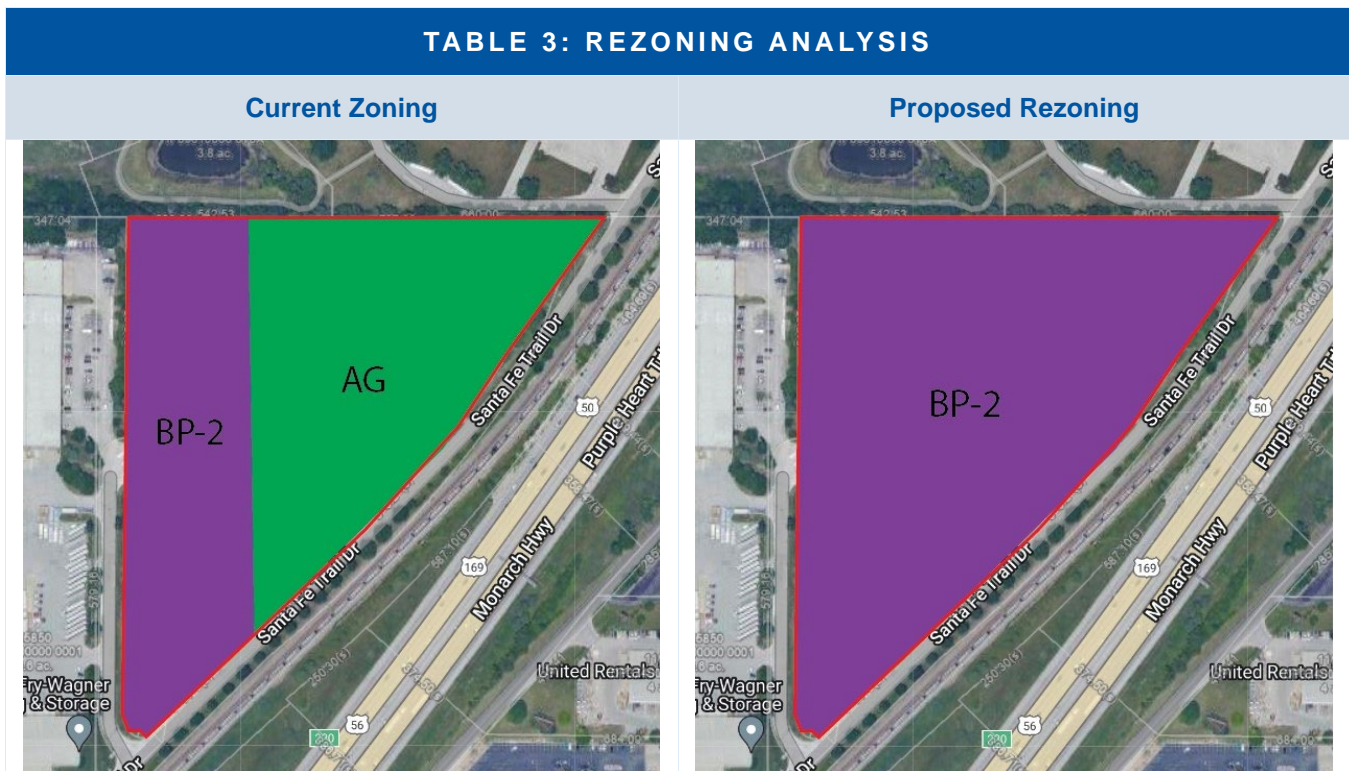


**TABLE 2: COMPARISON OF SURROUNDING PROPERTIES**

| Vicinity                | Land Use Designation | Zoning   | Current Use        |
|-------------------------|----------------------|--|--------------------|
| <b>Subject Property</b> | Business Park        | AG, Agricultural & BP-2, Planned Manufacturing | Undeveloped        |
| <b>North</b>            | Business Park        | BP-2, Planned Manufacturing                    | Warehouse & Office |
| <b>South</b>            | No FLU               | Olathe (across I-35)                           | Interstate         |
| <b>East</b>             | No FLU               | Olathe (across I-35)                           | Interstate         |
| <b>West</b>             | Business Park        | BP-2, Planned Manufacturing                    | Warehouse          |

## REZONING REVIEW

The applicant proposes to rezone 10.3 acres of the 18.67-acre site from the AG, Agricultural Zoning District to the BP-2, Planned Manufacturing District for development as an industrial park. The proposed rezoning will cause the entire 18.67-acre site to be zoned BP-2. The rezoning will make the subject site consistent with the Comprehensive Plan and existing surrounding zoning, as the area zoned AG is one of the last remaining undeveloped pieces in this industrial area of the City.



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

**1. The character of the neighborhood.**

The neighborhood is industrial in nature with access to major roads and close proximity to interstate access. A rail line runs parallel to Santa Fe Trail Drive to the east.

**2. The zoning and use of properties nearby.**

The zoning and land use of properties are outlined in Table 2 and include industrial zoning and uses. The applicant proposes a similar use that would be compatible.

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

The agricultural zoning district is a remnant from the annexation of this site. The land surrounding has since developed into an industrial area. Use of this site for purely agricultural purposes is not very likely given the surrounding development and uses.

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

Nearby properties include uses similar to the proposed development. Allowing rezoning to the BP-2 Zoning District will not negatively impact nearby properties as it would be in-kind with surrounding uses.

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

The property has never been developed.

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

Denial of the rezoning request would not enhance public health, safety, or welfare. Granting the request would be an overall benefit to the community by allowing this site to develop as intended in accordance with the Comprehensive Plan.

**7. Recommendation of City's permanent professional staff.**

See Staff's Recommendation section of the staff report.

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

The proposed development conforms with the Future Land Use Designation of Business Park within the Comprehensive Plan. This land use is intended to be for light assembly, manufacturing, warehousing, or distribution in campus-like business parks or single-use buildings.

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

Utilities are available to serve the site.

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

Required parking for the proposed use will be provided on site. The site also has nearby access to major roadways and the interstate and would not require truck traffic to traverse residential streets.

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

The proposed use will not generate excessive stormwater runoff, water pollution, air pollution, noise pollution, nighttime lighting, or other environmental harm.

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

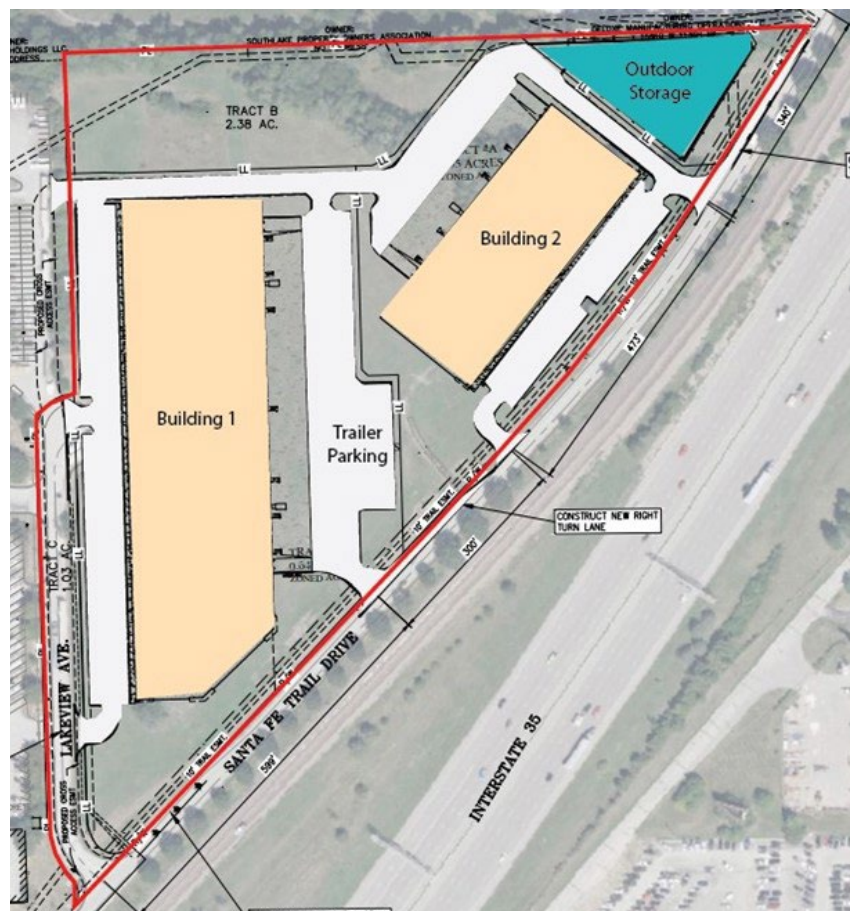
A preliminary stormwater management study has been submitted with this application ensuring that there will be no adverse effect on the capacity of the stormwater system.

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

The preliminary plan submitted with the rezoning request meets applicable zoning regulations and other ordinances, with a request for one deviation related to fence setback for the outdoor storage area.

**PRELIMINARY PLAN REVIEW**

The site layout includes two buildings totaling approximately 222,000 SF with associated passenger vehicle parking, trailer parking, and an outdoor storage area on approximately 18 acres in the BP-2, Planned Manufacturing District. Located at the northwest corner of the site, Tract B will serve a stormwater management function. The preliminary plan is contingent on approval of rezoning approximately 10 acres.



**Exhibit 2: General site layout.**



### DIMENSIONAL STANDARDS

The proposed development meets required setbacks, building height, and open space standards for the BP-2 Zoning District.

| TABLE 4: DIMENSIONAL ANALYSIS |                    |                    |
|-------------------------------|--------------------|--------------------|
|                               | Required Dimension | Proposed Dimension |
| From Streets                  | 50 feet            | 50 feet +          |
| From Other Property Lines     | 30 feet            | 30 feet +          |
| Maximum Building Height       | 45 feet            | 42 feet            |
| Open Space                    | 25%                | 36%                |

### ACCESS, TRAFFIC, AND PARKING

The site has access onto Santa Fe Trail Drive at four points. Santa Fe Trail Drive is a collector road. Lakeview Avenue is a local road, which the applicant is proposing to be vacated to become a private drive with a shared access easement.

Two new southbound right turn lanes will be constructed for access from Santa Fe Trail Drive, one each for Lot 1 and Lot 2. The existing right turn lane at Lakeview Avenue will be restriped. Initially, Staff requested that a northbound left turn lane be constructed at Lakeview Avenue, but with the applicant’s submittal, traffic generation estimates indicated that the intersection would not require a left turn lane, although Staff notes that such an improvement may be necessary in the future should issues arise.

The preliminary plat also provides a 10-foot trail easement for future trail construction. A 10-foot trail is designated along Santa Fe Trail Drive and the preliminary plat shows a trail easement to be dedicated to the City of Lenexa. This trail will be constructed as part of a future improvement project funded and constructed by the City. There is not an anticipated timeline for construction of the trail.

Due to the unknown timeline for the trail project, the applicant is required to provide a 5-foot sidewalk along Santa Fe Trail Drive with development of this site. Staff has also requested the applicant provide internal sidewalk connections from Building 1 to Building 2, in compliance with [Section 4-1-C-7 Pedestrian Oriented Design Standards](#), Subsection B, which states that each main entrance to a principal building shall be connected by a sidewalk to the main entrance of other principal buildings on the site, and be connected to the adjacent public sidewalk network. The exact alignment and location of sidewalk connections can be determined with the final plan.



Exhibit 3: Location of future trail (highlighted).

Adequate parking is provided for the proposed use. The site also provides an area for trailer parking, which will be screened with a combination of a screen wall, berming, and landscaping.

**TABLE 5: PARKING ANALYSIS**

| Land Use        | Parking Formula                  | Required Parking | Proposed Parking | Difference |
|-----------------|----------------------------------|------------------|------------------|------------|
| Vehicle Parking | Warehouse Use<br>1 per 1,000 SF  | 223              | 230              | + 7        |
| Bicycle parking | 1 per 20 required vehicle stalls | 11               | 12               | + 1        |

**STORMWATER**

The applicant submitted a preliminary stormwater management study identifying the measures proposed to meet the City of Lenexa’s stormwater requirements. These measures include extended dry detention, a hydro-dynamic separator, curb inlet inserts, along with establishment and preservation of native vegetation.

**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**

A photometric plan is required at final plan stage and will be reviewed at that time.

**LANDSCAPING & FENCING**

The landscape plan provides perimeter plantings and parking lot landscaping. Additional landscaping beyond perimeter planting standards is provided along Santa Fe Trail Drive to obscure view of the truck maneuvering and parking area. Additionally, a screen wall connected to Building 1, along with berming, has been provided between Building 1 and Santa Fe Trail Drive as screening for the overhead dock doors along the east side of Building 1.

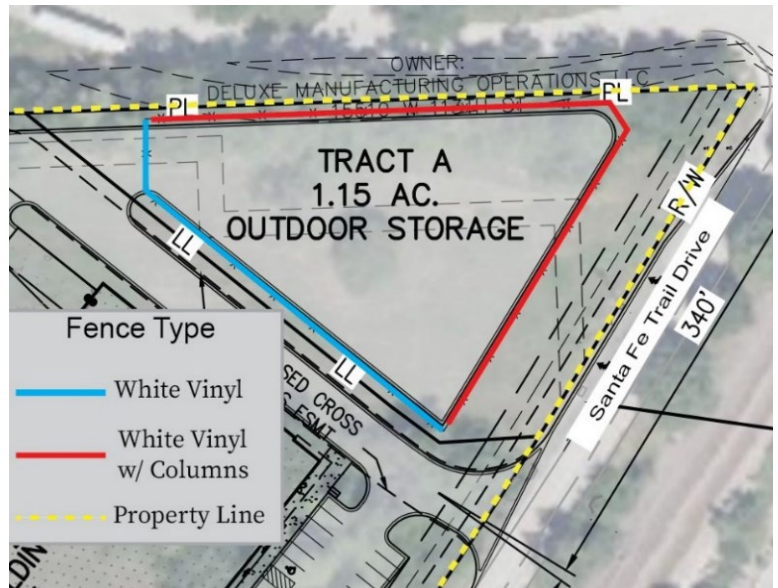


*Exhibit 4: Close up of landscape screening area.*

The applicant proposes an 8-foot-tall white vinyl fence to screen the outdoor storage area. Staff has requested masonry columns on the fence at intervals of every three panels if 8-foot panels are used, or similar spacing, along Santa Fe Trail drive and the north where the outdoor storage area abuts an existing development. Staff will expect this revision at the final plan stage.

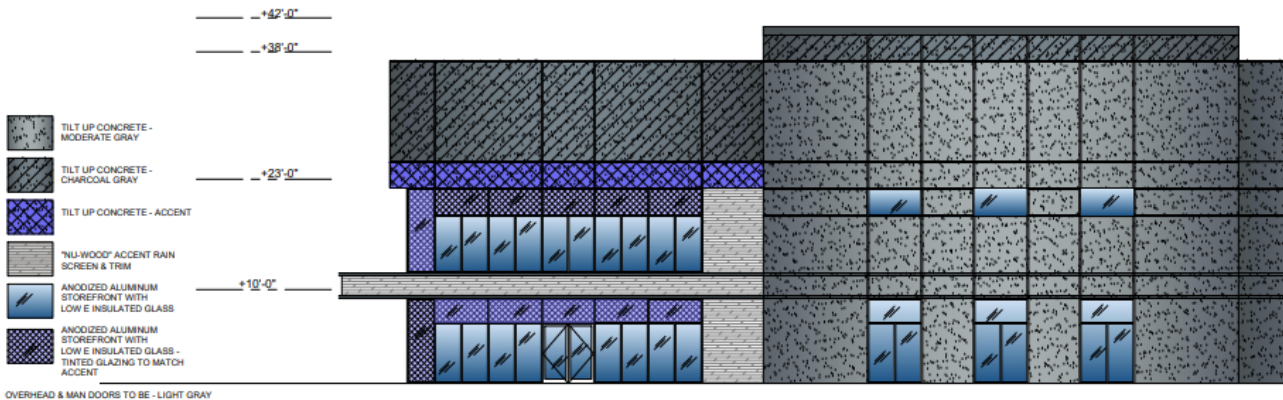
**ARCHITECTURE**

The two buildings are comprised of tilt-up concrete panels in moderate and charcoal grey colors complemented with accent blue banding and accent trim. Aluminum storefronts and windows are integrated along the facades. Each storefront features an entryway canopy and roofline variation adds architectural interest. Overhead dock doors are incorporated with both buildings and will be colored to blend in with the surrounding façade.



**Exhibit 5: Outdoor Storage Area Fence**

- Building 1 is a 42-foot tall, one-story multitenant warehouse building with 152,000 SF of floor area. This building has corner storefront features with an angled wall facing Santa Fe Trail Drive. Overhead dock doors are located on the east side of the building with an architecturally integrated screening wall.
- Building 2 is a 42-foot tall, one-story multitenant warehouse building with 70,550 SF of floor area.



**Exhibit 6: Building materials elevation.**



**Exhibit 7: Rendering of Building 1. View from Santa Fe Trail Drive.**

## PRELIMINARY PLAT REVIEW

The preliminary plan is serving as the preliminary plat. The preliminary plat covers 18.67 acres with two lots and three tracts.

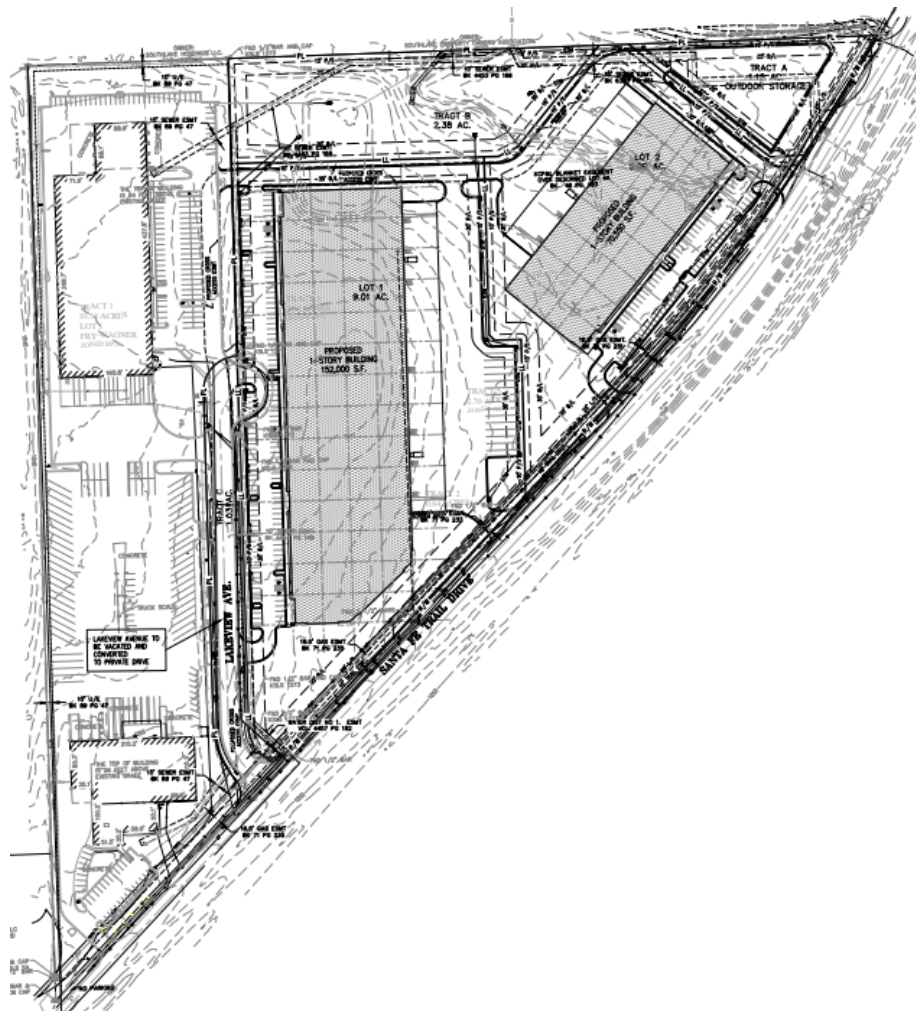
**TABLE 6: PRELIMINARY PLAT TRACTS AND LOTS**

|          | Use                   | Acreage |
|----------|-----------------------|---------|
| Lot 1    | Industrial Building   | 9.01    |
| Lot 2    | Industrial Building   | 5.09    |
| Tract A* | Outdoor Storage       | 1.15    |
| Tract B  | Stormwater Management | 2.38    |
| Tract C  | Access Drive          | 1.03    |

\* Tract A to become part of Lot 2 with final plat

Staff notes that with the final plat, Tract A will become part of Lot 2, as tracts are reserved for non-active land uses such as landscaping, buffering, and stormwater. The applicant agreed to incorporate Tract A into Lot 2 with the final plat.

Access is available from Santa Fe Trail Drive and Lakeview Avenue, which is proposed to be vacated. The proposed vacation of Lakeview Drive will be reviewed by the Governing Body. Utilities are available to the site. Cross-Access Easements are proposed to allow shared use of the drives and entrances between Lot 1 and Lot 2. There will also be shared access of Lakeview Avenue, if vacated. A 10-foot-wide trail easement along Santa Fe Trail Drive shall be dedicated to the City with the final plat.

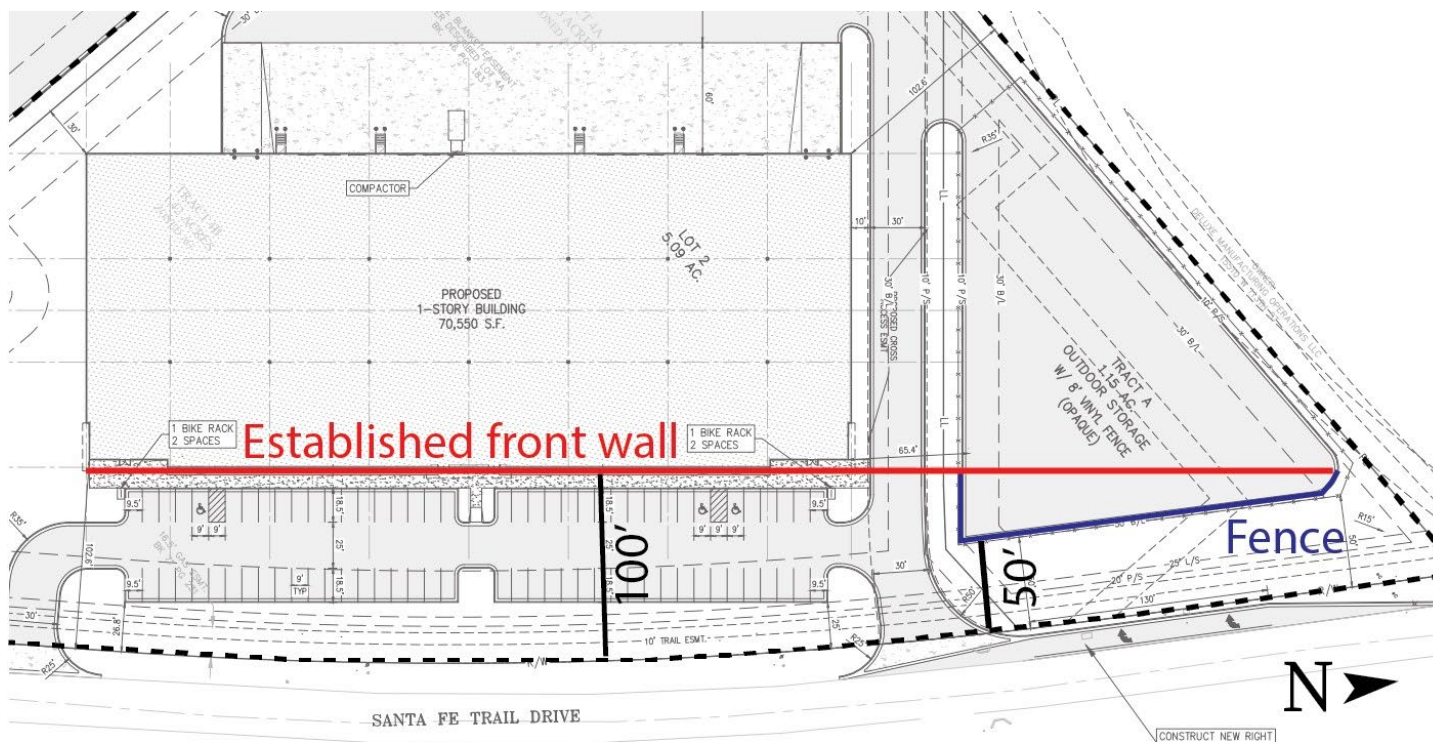


**At Right: Exhibit 8: Preliminary plat.**

## DEVIATIONS

The applicant is requesting one deviation for setback of the white vinyl screening fence for the outdoor storage area. Section 4-1-B-24-F-5 of the UDC states that a fence cannot be located closer to the front property line than the front wall of the constructed building. To meet this condition the fence for the storage area would need to move west approximately 52 feet. In this unique situation, the building is setback approximately 100 feet from the right of way line at its closest point, which is twice the required setback of 50 feet for buildings in the BP-2 Zoning District. The fence meets the 50-foot setback required of the zoning district, which Staff supports.

However, Staff recommends a condition of approval on the preliminary plan that the fence plan incorporates masonry columns along the north and east fence lines. Staff’s recommendation is that the columns be placed at intervals of every three panels if 8-foot panels are used, or similar spacing, along Santa Fe Trail drive and the north abutting the neighboring property.



**Exhibit 9: Deviation graphic.**

## 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 February 6, 2024.
- The applicant should inquire about additional City requirements, such as permits and development fees.

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## RECOMMENDATION FROM PROFESSIONAL STAFF

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★ **Conduct a Public Hearing.**

★ **Staff recommends approval of the proposed Rezoning and Preliminary Plan/Plat for Santa Fe Commerce Center.**

- This is a preliminary plan and a rezoning application for an industrial development. The proposed use and zoning district are compatible with the future land use designated by the City’s Comprehensive Plan and with surrounding development.
- The project is consistent with Lenexa’s goals through *Responsible Economic Development* to create *Thriving Economy*.

### REZONING

Staff recommends **approval** of rezoning property from AG to BP-2 for RZ24-01 – **Santa Fe Commerce Center** at 15620 Santa Fe Trail Drive and 15504 Santa Fe Trail Drive, for an industrial development.

### PRELIMINARY PLAN/PLAT

Staff recommends **approval** of the preliminary plan/plat for PL24-01P – **Santa Fe Commerce Center** at 15620 Santa Fe Trail Drive and surrounding parcels, for an industrial development, with the following conditions:

1. A five-foot wide public sidewalk along Santa Fe Trail Drive shall be provided on the final plan and shall be constructed by the applicant in conjunction with the first building.
2. Internal sidewalk connections linking the two buildings within the development shall be provided on the final plan.
3. The final plan shall incorporate masonry columns into the white vinyl screening fence along the north and east fence lines for the outdoor storage area.

5. **Santa Fe Commerce Center - Consideration of rezoning and preliminary plan/plat for an industrial development on property located at 15620 Santa Fe Trail Drive. RZ24-01, PL24-01P**
  - a. **Consideration of a rezoning from the AG, Agricultural District to the BP-2, Planned Manufacturing District. RZ24-01**
  - b. **Consideration of a preliminary plan/plat for an industrial development. PL24-01P**

### APPLICANT PRESENTATION

Dan Finn, Phelps Engineering, showed an aerial and gave the location of the 19-acre site that is currently zoned AG, Agricultural District but is requesting to rezone to BP-2, Planned Manufacturing District. Mr. Finn explained the property consisted of two new industrial buildings. He gave the location of auto parking for both buildings and explained where the truck stalls and docks would also be located. He said there will be an outdoor storage yard on the northwest corner of the development that will be screen with an 8-foot-tall vinyl fence, per the City's request. There will be four points of access to the site including new entrances and turn lanes. The stormwater detention tracks will be located at the north end of the site. The detention tracks will handle both stormwater and water detention for the development as well as the existing Fry Wagner development to the west. The stormwater plans will meet all BMP requirements set by the City of Lenexa. He said they are asking to vacate the public right-of-way at Lakeview Avenue and maintenance responsibility will be taken over by the private property owner. He noted that the owner and developer of the property is also owner of the western lot, currently occupied by Fry Wagner. Mr. Finn discussed the landscape plan and noted that ten feet of the property line will not be disturbed to ensure that the existing tree line remains. He added, there will be additional berming installed to help screen the truck docks. A screen wall will be installed on the southern end of the docks to help with additional screening. He pointed out all the building materials that would be used and displayed architecture elevations that included store front entry areas on the office side and of the dock area. He said the applicant is requesting a deviation on the outdoor storage area and the location of the fence. Due to the uniqueness of the site, the curvature of the road and length of building they are requesting a 50-foot yard setback for the outdoor storage area. He discussed the three conditions from the Staff Report that included the public sidewalk along Santa Fe Trail Drive, the internal sidewalk connection linking the two buildings and the masonry columns into the vinyl fence to screen the outdoor storage area. He stated that with the future City trail they are providing a 10-foot trail easement along the entire frontage of the property. He said they are requesting that in lieu of the sidewalk being installed at this time, to instead provide private sidewalks into the right-of-way for future trail connections. He said they are also asking that internal sidewalks between buildings be removed from Staff's conditions as it is the expectation that each building will have a separate tenant. They also request that the condition for masonry columns on the northern side of the fence be removed, but agreed to install the columns along the Santa Fe Drive side of the fence.

### STAFF PRESENTATION

Kim Portillo presented the Staff Report. Ms. Portillo noted the preliminary plan was also serving as the preliminary plat. She gave the site location and showed an aerial map of the property and stated that it borders the City of Olathe to the south. She presented the Future Land Use and Zoning Maps and said the applicant is requesting to zone the AG, Agricultural portion of the property to the BP-2, Planned Manufacturing District. She explained that the site plan consists of two industrial speculative buildings to be located on approximately 18-acres with an outdoor storage area and a stormwater tract in the northern corner. She talked about the proposed building materials and showed architectural drawings provided by the applicant. She spoke about the applicant's proposed landscape plan noting that it did not require any

deviations; however, Staff and the applicant worked together to further improve the landscaping. She said the applicant is requesting a deviation related to the fence setback for the outdoor storage area and Staff is supportive of the 50-foot setback request as they have provided additional landscaping beyond requirements. It is Staff's recommendation that the applicant add masonry columns along the north and east fence lines. She gave an example, noting that a similar requirement was applied on Santa Fe Tow's prior application, which included a condition to add masonry columns to the outside of their fence. She talked about the recommended conditions relating to sidewalks. The first condition is a requirement that the applicant provide a 5-foot public sidewalk along Santa Fe Trail Drive with the current development. The applicant mentioned wanting to wait until the City builds the planned trail along Santa Fe Trail Drive, but there is no timeline of how long it would be before the trail would be built. Staff recommends the Planning Commission enforce the requirement for the public sidewalk. Staff is also requesting the required internal sidewalk connections from front entrance to front entrance of the individual industrial buildings. She presented a graphic of what the connection could potentially look like but stated that Staff is willing to work with the applicant in considering a different layout or different location for the internal sidewalks. Staff recommends the applicant install sidewalk connections to the public network and from building to building.

## PUBLIC HEARING

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

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

## PLANNING COMMISSION DISCUSSION

Commissioner Katterhenry said he did not have a problem with the fence being beyond the face of the building as long as it meets the 50-foot setback. He agrees with Staff concerning the installation of internal sidewalks and the masonry on the fence.

Commissioner Woolf said that he is less concerned with internal sidewalks as long as there is a connector to the public sidewalks. He also feels the masonry should be installed wherever visible.

Commissioner Handley stated that the public sidewalks should be installed and would leave it up to Staff to decide where the internal sidewalks should be installed. He suggests requiring masonry columns on the first half of the third of the northern property line or to consider the first half of the southeast to northwest property line visual.

Chairman Poss asked if the fence would be installed on the property line. Ms. Portillo replied that it would be installed at a 10-foot setback from the north property line, inside the applicant's property. Chairman Poss asked if the trees are located on or inside the property line. Dan Finn replied that the precise tree location will be determined at final plan stage. Chairman Poss said it may not be necessary to install masonry columns along the fencing on the entire north side. Ms. Portillo said the Commissioners could recommend a condition for a greater expanse between masonry columns along the fence line. Chairman Poss said he agrees with the spacing that Staff recommended.

Chairman Poss asked that if the left-hand turn lane is deferred and who would install it in the future. Tim Collins said it is unknown at this time.



## MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of rezoning property from AG to BP-2 for RZ24-01 – **Santa Fe Commerce Center** at 15620 Santa Fe Trail Drive and 15504 Santa Fe Trail Drive, for an industrial development.

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

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan/plat for PL24-01P – **Santa Fe Commerce Center** at 15620 Santa Fe Trail Drive and surrounding parcels, for an industrial development, with the following conditions:

1. A five-foot wide public sidewalk along Santa Fe Trail Drive shall be provided on the final plan and shall be constructed by the applicant in conjunction with the first building.
2. Internal sidewalk connections linking the two buildings within the development shall be provided on the final plan. The public sidewalk network can serve as this connection.
3. The final plan shall incorporate masonry columns into the white vinyl screening fence on the north and south fence lines at intervals of one column per three fence panels if 8-foot panels are used, or similar spacing, with a minimum of two columns worth of return on the north and south fence lines.

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

**RZ 24-01**

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

**AN ORDINANCE REZONING PROPERTY LOCATED AT APPROXIMATELY THE NORTHEAST CORNER OF SANTA FE TRAIL DRIVE AND LAKEVIEW AVENUE IN LENEXA, KANSAS FROM THE AG, AGRICULTURAL ZONING DISTRICT TO THE BP-2, PLANNED MANUFACTURING ZONING DISTRICT.**

**WHEREAS**, on December 3, 2023, Daniel Finn, agent for BCB Holdings Lenexa, LLC, owner of record, filed a request to rezone property located at approximately the northeast corner of Santa Fe Trail Drive and Lakeview Avenue in Lenexa, Kansas (the "Property") from the AG, Agricultural Zoning District to the BP-2, Planned Manufacturing Zoning District; and

**WHEREAS**, on January 8, 2024, the Lenexa Planning Commission held a public hearing to hear the rezoning request. Notice for the public hearing was provided in accordance with K.S.A. 12-757, and

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

**WHEREAS**, on February 20, 2024, the Governing Body considered the rezoning request and Planning Commission recommendation, as reflected in the minute record for said meeting; and

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

**SECTION ONE:** The real estate described as:

All that part of the Southeast Quarter of Section 17, Township 13 South, Range 24 East, in the City of Lenexa, Johnson County, Kansas, being more particularly described by Phelps Engineering, Inc., CLS-82, on November 30, 2023, for project 230535, as follows:

Commencing at the Northwest corner of the Southeast Quarter of said Section 17; thence N 89°59'38" E. along the North line of the Southeast Quarter of said Section 17, a distance of 626.01 feet, to the Point of Beginning; thence, continuing along said North line of said Southeast Quarter of said Section 17, N 89°59'38" E, a distance of 845.61 feet, to a point on the Northwesterly Right-of-way line of Sante Fe Trail Drive, as now established; thence along said Northwesterly Right-of-Way line of said Sante Fe Trail Drive for the following three (3) courses; thence S 33°24'35" W, a distance of 214.46 feet; thence Southwesterly on a curve to the right, said curve being tangent to the last described course and having a radius of 2614.93 feet, an arc distance of 525.61 feet; thence S 44°55'35" W, a distance of 551.33 feet; thence N 0°23'48" W, a distance of

976.12 feet, to the Point of Beginning, containing 449,281 square feet or 10.3141 acres, more or less.

now zoned AG, Agricultural Zoning District, is hereby rezoned to the BP-2, Planned Manufacturing Zoning District as reflected in the minute record of the February 20, 2024 Governing Body meeting.

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

**SECTION THREE:** This Ordinance shall be construed as follows:

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

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

**PASSED** by the Governing Body February 20, 2024.

**SIGNED** by the Mayor February 20, 2024.

CITY OF LENEXA, KANSAS

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Julie Sayers, Mayor

ATTEST:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Steven ShROUT, Assistant City Attorney II



**ITEM 9**

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**SUBJECT:** Consideration of a right-of-way vacation of Lakeview Avenue north of Santa Fe Trail Drive and south of 113th Street - **CONTINUED FROM THE FEBRUARY 6, 2024 CITY COUNCIL MEETING**

**CONTACT:** Stephanie Kisler, Planning Manager

**DATE:** February 20, 2024

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**ACTION NEEDED:**

- a. Conduct a public hearing; and
- b. Pass an ordinance vacating right-of-way of Lakeview Avenue north of Santa Fe Trail Drive and south of 113th Street.

**PROJECT BACKGROUND/DESCRIPTION:**

The vacation application is related to the preliminary plan/plat and rezoning applications for Santa Fe Commerce Center. The section of right-of-way that is proposed to be vacated will serve as a private drive for the new industrial development and the existing Fry-Wagner Development to the west. Utilities have been notified of the proposed right-of-way vacation.

State law sets forth the standards for approval of a vacation:

1. Legal notice has been given by publication.
  - As required by law, a notice of public hearing was published on Tuesday, January 16, 2024 in the Legal Record.
2. That no private rights will be injured or endangered by such vacation.
  - It is staff's opinion that no private rights will be injured or endangered by this vacation.
3. That the public will suffer no loss or inconvenience by said vacation.
  - Staff does not anticipate any loss or inconvenience imposed on the public by this vacation. This section of Lakeview Avenue is only utilized by two private industrial developments, one of which is not yet constructed (Santa Fe Commerce Center), and dead ends approximately 750 feet north of Santa Fe Trail Drive. The road will remain as a private street and continue to provide access to the two industrial sites.

4. That in justice to the petitioner, the vacation should be granted.

- It is staff's opinion the vacation should be approved.

**STAFF RECOMMENDATION:**

Passage of the ordinance.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

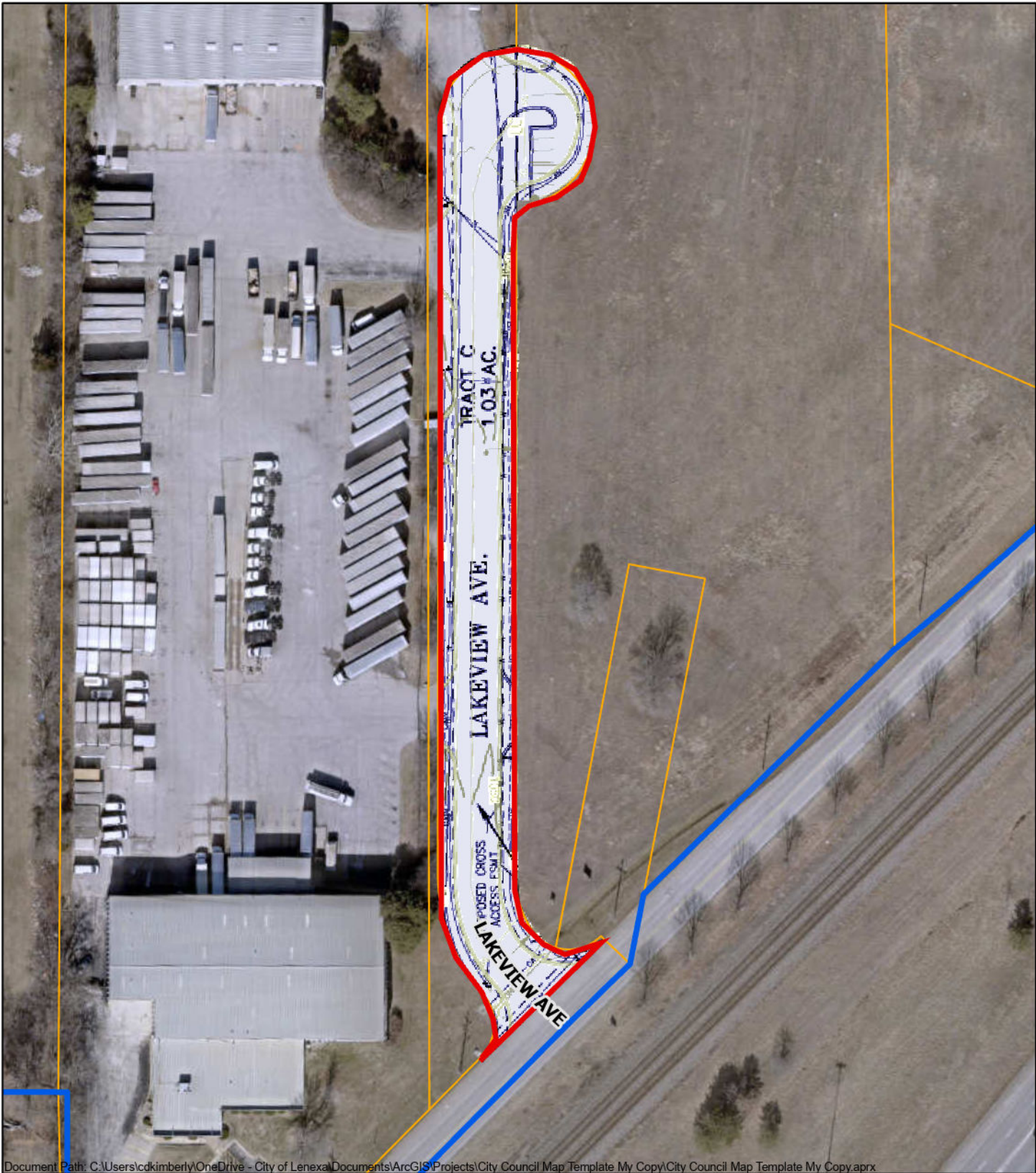
Thriving Economy

**Guiding Principles**

Responsible Economic Development

**ATTACHMENTS**

1. Map
2. Ordinance

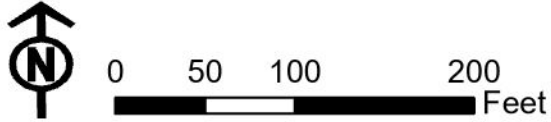


Document Path: C:\Users\cdkimberly\OneDrive - City of Lenexa\Documents\ArcGIS\Projects\City Council Map Template My Copy\City Council Map Template My Copy.aprx

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

# Lakeview Avenue Vacation

## VA24-01



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

**AN ORDINANCE VACATING RIGHT-OF-WAY LOCATED IN THE VICINITY OF LAKEVIEW AVENUE, NORTH OF SANTA FE TRAIL DRIVE, IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS.**

**WHEREAS**, the City of Lenexa, Kansas has received a request for the vacation of right-of-way located in the vicinity of Lakeview Avenue north of Santa Fe Trail Drive; and

**WHEREAS**, the right-of-way was recorded at the Johnson County Register of Deeds in Book 89, at page 47, as a part of Plat of Fry-Wagner; and

**WHEREAS**, the City has caused Notice of Public Hearing to be published in the official City newspaper according to K.S.A. 12-504, *et seq.*, and amendments thereto; and

**WHEREAS**, the Governing Body of the City has held a hearing on said Petition and evidence has been presented, and the Governing Body has determined that due and legal notice has been given by publication as required by statute; and

**WHEREAS**, the Governing Body heard the evidence at the public hearing on February 6, 2024; and

**WHEREAS**, the Governing Body having reviewed and weighed the evidence finds:

1. No private rights will be injured or endangered by this vacation; and
2. The public will suffer no loss or inconvenience by this vacation; and
3. The petitioner should in the interest of justice be granted this request.

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

**SECTION ONE:** The following described real estate, previously dedicated as right-of-way should be and is hereby vacated, to wit:

All that part of the Platted Right-of-Way of LAKEVIEW AVENUE, FRY-WAGNER, a platted subdivision of land in the in the City of Lenexa, Johnson County, Kansas, being more particularly described by Phelps Engineering, Inc., CLS-82, on November 30, 2023, for project 230535, as follows:

Commencing at the Southwest corner of Lot 1, of said plat of FRY-WAGNER; thence N 44°59'48" E, along the Southerly line of said Lot 1, and along the Northwesterly right-of-Way line, of Santa Fe Trail Drive, as now established, a distance of 455.96 feet, to a point on the Westerly Right-of-way line of Lakeview Avenue, as now established, said point also being the Point of Beginning; thence



along the Westerly, Northerly, and Easterly Right-of-way line of said Lakeview Avenue for the following eight (8) courses; thence Northerly on a curve to the left, said curve being tangent to the last described course having a radius of 37.00 feet, and an arc distance of 55.40 feet; thence Northerly on a curve to the right, said curve being tangent to the last described course and having a radius of 140.00 feet, an arc distance of 100.64 feet; thence N 0°23'41" E, a distance of 579.16 feet; thence Southeasterly on a curve to the right, said curve being tangent to the last described course having a radius of 60.00 feet, and an arc distance of 268.75 feet; thence Southwesterly on a curve to the left, said curve being tangent to the last described course having a radius of 18.00 feet, and an arc distance of 24.08 feet; thence S 0°23'41" W, a distance of 503.26 feet; thence Southerly on a curve to the left, said curve being tangent to the last described course having a radius of 80.00 feet, and an arc distance of 43.63 feet; thence Easterly on a curve to the left, said curve being tangent to the last described course and having a radius of 35.00 feet, an arc distance of 63.62 feet, to a point on the Northwesterly right-of-way line of said Santa Fe Trail Drive; thence S 44°59'48" W, along said Northwesterly Right-of-Way line, a distance of 132.90 feet, to the Point of Beginning, containing 50,543 square feet or 1.1603 acres, more or less.

**SECTION TWO:** The City of Lenexa, Kansas reserves to itself any property rights it may hold in the area that are not expressly vacated herein.

**SECTION THREE:** That said Ordinance shall have no impact on any private easements of record in the real estate, previously dedicated and recorded with Johnson County Register of Deeds.

**SECTION FOUR:** That said Ordinance shall take effect from and after its passage and publication as required by law.

**SECTION FIVE:** That the City Clerk shall certify a copy of this Ordinance to the Register of Deeds of Johnson County, Kansas, for filing all in accordance with K.S.A. 12-504, et seq., and amendments thereto.

**PASSED** by the Governing Body this 20th day of February 2024.

**SIGNED** by the Mayor this this 20th day of February 2024.

**CITY OF LENEXA, KANSAS**

[SEAL]

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Julie Sayers, Mayor

ATTEST:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Steven Shrout, Assistant City Attorney II

# APPENDIX



**MINUTES OF THE  
FEBRUARY 6, 2024  
LENEXA CITY COUNCIL MEETING  
COMMUNITY FORUM, 17101 W 87<sup>th</sup> STREET PARKWAY  
LENEXA, KS 66219**

**CALL TO ORDER**

Mayor Sayers called the meeting to order at 7 PM.

**RECOGNITION**

Mayor Sayers and Lana McPherson, IIMC Past President, recognized City Clerk Jennifer Martin for receiving her Master Municipal Clerk designation from IIMC.

**ROLL CALL**

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

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

**APPROVE MINUTES**

*Councilmember Denny made a motion to approve the January 16, 2024 City Council meeting draft minutes and Councilmember Arroyo seconded the motion. Motion passed unanimously.*

**MODIFICATION OF AGENDA**

There were no modifications to the agenda.

**PROCLAMATIONS**

National Engineers Week February 18-24

**PRESENTATIONS**

Julie Steiner presented the Convention and Visitors Bureau semi-annual report.

Ashley Sherard presented the Lenexa Economic Development Council semi-annual report.

**CONSENT AGENDA**

1. Bid award to VF Anderson Builders, LLC for the 95th Street & Loiret Boulevard Intersection Improvements Project  
*Increased traffic warrants the installation of a traffic signal at the 95th Street & Loiret*

- Boulevard intersection. VF Anderson Builders, LLC bid \$1,668,028.68 to construct the project.*
2. Bid award to Sosaya Electrical Construction for the 2023 Community Development Block Grant Street Lighting Project  
*This project consists of the replacement of existing streetlights on Long Street, Rosehill Road, Gillette Street, and 89th Street with a new street lighting system. Sosaya Electrical Construction bid \$470,476 for the project.*
  3. Resolution consenting to the enlargement of the Consolidated Main Sewer District of Johnson County, Kansas to include property located north of 83rd Street and east of Cedar Niles Road  
*The Consolidated Main Sewer District of Johnson County, Kansas has requested consent to enlarge its sanitary sewer system to serve the Stoneridge North, 1st Plat subdivision north of 83rd Street and east of Cedar Niles Road.*
  4. Resolution waiving the sealed bid process and authorizing the Mayor to execute an agreement with Centric Construction Group, LLC to replace the boardwalk at Hidden Woods Park  
*The boardwalk in this park is in need of repair due to age and exposure to the elements. Centric Construction Group, LLC bid \$127,199 to construct the project.*
  5. Resolution authorizing the Mayor to execute an agreement with Walter P Moore to provide design services for the 87th Street Parkway & Bluejacket Street Stormwater Improvements Project  
*This design contract with Walter P Moore is for the design of a stormwater rehabilitation project located near 87th Street Parkway & Bluejacket Street, as well as in the Pine Ridge Business Park. The cost of the design contract is \$176,925. The resulting construction project cost is estimated to be \$1,758,601.*
  6. Resolution approving and authorizing the Mayor to execute interlocal agreements with the Johnson County Board of County Commissioners for four stormwater renewal projects
    - a. 79th Street west of Quivira Storm Drainage Improvements Project
    - b. 95th and Alden Storm Drainage Improvements Project
    - c. 98th Terrace and Walker Storm Drainage Improvements Project
    - d. Widmer/95th Street to Pennycross Storm Drainage Improvements Project  
*The City has completed four stormwater projects that qualify for cost share funding through the Johnson County Stormwater System Rehabilitation Program. This resolution grants the City permission to invoice Johnson County for reimbursement of 50% of eligible project costs.*
  7. Resolution providing notice and calling for a public hearing to appear and show cause why the fire damaged structure at 7737 Westgate Drive should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure

*A fire occurred at 7737 Westgate Drive on September 18, 2023, resulting in substantial damage to the structure. The proposed resolution sets a public hearing for September 17, 2024 should fire damage repairs not commence in a manner acceptable to the Building Codes Administrator prior to that date.*

### **END OF CONSENT AGENDA**

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

### **BOARD RECOMMENDATIONS**

8. Consideration of a rezoning and preliminary plan known as Santa Fe Commerce Center for an industrial development located at the northeast corner of Santa Fe Trail Drive & Lakeview Avenue - **CONTINUED TO THE FEBRUARY 20, 2024 CITY COUNCIL MEETING**
  - a. Ordinance rezoning property from the AG, Agricultural District to the BP-2, Planned Manufacturing District
  - b. Approval of a companion preliminary plan for Santa Fe Commerce Center

### **PUBLIC HEARINGS**

9. Consideration of a rights-of-way vacation of Lakeview Avenue north of Santa Fe Trail Drive and south of 113th Street - **CONTINUED TO THE FEBRUARY 20, 2024 CITY COUNCIL MEETING**
  - a. Public hearing to consider a request to vacate rights-of-way
  - b. Ordinance vacating the rights-of-way
10. Consideration of a rights-of-way vacation of Oak Street between Pflumm Road and Haskins Street for the Lenexa Old Town Activity Center
  - a. Public hearing to consider a request to vacate rights-of-way
  - b. Ordinance vacating the rights-of-way  
*Construction related to the Lenexa Old Town Activity Center will include a building addition, a public plaza, and parking lot that will be within the area that is currently right-of-way. This portion of Oak Street is proposed to be vacated to serve as a private drive off Pflumm Road.*

Mike Nolan, Assistant City Manager, said this action is important to the Lenexa Old Town Activity Center project, vacating the original Old Town plat's Oak Street right-of-way (ROW) on the south entrance to the future Lenexa Old Town Activity Center (LOTAC).

Mr. Nolan presented a location map reflecting the area of Oak Street that is ROW between Pflumm Road and Haskins Street, pointing out the area that will be vacated and the area that will not be vacated. He showed a close-up view of the LOTAC building plan reflecting where construction will occur in a portion of the existing ROW, which is why it needs to be vacated.

Mr. Nolan went through the state law's criteria for vacating a ROW. He said that this has not been a through-street in a long time and staff believes the vacation will allow LOTAC to be constructed in a way that is even more welcoming to the public.

Staff recommends approval.

Mayor Sayers opened the public hearing at 7:37 PM.

No public comments were made.

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

The public hearing closed at 7:37 PM.

*Councilmember Williamson made a motion to approve Item 10b and Councilmember Arroyo seconded the motion. Motion passed unanimously.*

### **NEW BUSINESS**

There was no new business.

### **COUNCILMEMBER REPORTS**

There were no councilmember reports.

### **STAFF REPORTS**

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

### **END OF RECORDED SESSION**

### **BUSINESS FROM FLOOR**

Wanda Minor, 7628 Legler Street, said she is with the Johnson County NAACP and requested that the City recognize Black History Month.

### **EXECUTIVE SESSION**

11. Executive session for privileged attorney-client consultation pursuant to K.S.A. 75-4319(b)(2)

Mayor Sayers said, "I will entertain a motion for the City Council to recess into executive session in the Prairie Star conference room to discuss potential litigation arising out of a workers compensation matter. The justification for such executive session is for consultation with an attorney for the City, which would be deemed privileged in an attorney-client relationship in accordance with K.S.A. 75-4319(b)(2). Present in the executive session will be the Governing Body and the following staff members: City Manager Beccy Yocham, Human Resources Director Jim Bowers, Assistant Human Resources Director Kristin Crow, and City Attorney Sean McLaughlin. The executive session will start at 7:45 PM and last 15 minutes and the open meeting will resume at 8 PM in Prairie Star Conference Room."

*Councilmember Denny made a motion to recess into executive session and Councilmember Nicks seconded the motion. Motion passed unanimously.*

At 8 PM, Mayor Sayers opened the door and said, "It is 8 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 authorize the City Manager and the City Attorney to proceed on the workers' compensation matter as directed by the Governing Body in executive session."

*Councilmember Nicks made the motion and Councilmember Herron seconded the motion. Motion passed unanimously.*


### **ADJOURN**

*Councilmember Denny made a motion to adjourn and Councilmember Arroyo seconded the motion. Motion passed unanimously.*

The meeting adjourned at 8 PM.





**DATE:** February 20, 2024  
**TO:** Lenexa City Council  
**FROM:** Mayor Sayers   
**RE:** Annual Appointments/Re-Appointments

Lenexa has been blessed with dedicated citizens who provide countless hours of time volunteering to make Lenexa one of the most desirable places to live, raise a family, and do business. The results of our biannual Citizen Survey confirm this pronouncement noting top rated scores in each category surveyed. As such, it is with great pleasure and pride that I place before you the following individuals for your consideration and approval for re-appointment to our commissions, boards, and councils, recognizing their hours of commitment to keeping Lenexa a leader in citizen satisfaction with local government and thanking them for their service to our community.

**Planning Commission: 3-year terms expiring 2/28/27**

**Re-Appointment:**

Mike Burson  
Don Horine  
Curt Katterhenry

**Parks & Recreation Advisory Board: 3-year terms expiring 2/28/27**

**Appointment:**

Kelly Rasor (resume attached)

**Re-Appointment:**

Jeff Mark  
Aivars Sics



**Arts Council: 3-year terms expiring 2/28/27**

**Appointment:**

Fabiola Riobe (resume attached)

**Re-Appointment:**

Emily Behrmann

Cheryl Kimmi

**Building Code Board of Appeals: 3-year term expiring 2/28/27**

**Re-Appointment:**

Mike Jansen

# Kelly Rasor

9711 Millridge Drive ■ Lenexa, KS 66220  
[ksrasor@me.com](mailto:ksrasor@me.com) ■ (913) 706-0278 (mobile)

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Experienced and passionate professional with a proven history in Finance and Accounting. Pro-active, results oriented with an eye for efficient solutions to improve processes and controls. Exemplifies extensive oral and written communication and business management skills. Solid planning and organizational skills in executing and attaining key team results. Well disciplined with proven ability to manage multiple assignments efficiently and timely under extreme pressure.

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## KEY SKILLS

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### FINANCE/ACCOUNTING

- Consultant for several companies over the past 10 years
  - Monthly close, account reconciliations, financial statement preparation
  - Cash flow preparation and analysis
  - Forecasting and allocations
- Project Manager
  - Support global ERP system implementations
  - Process design changes to improve Global Payment Process and Closing Processes
  - Led system testing teams to ensure timely and efficient implementation
- Closing/Consolidations Lead
  - Managed US GAAP and SEC financial reporting for a \$9 billion Reinsurance subsidiary of General Electric

### MANAGING TEAM RESOURCES

- As Finance Project Management Lead, partnered with Information Technology (IT) Manager to develop and drive a cohesive team of Finance and IT resources to attain project success
- Managed team of third party professionals to ensure on-time delivery of design specifications and fully documented and tested configuration of new financial system

### MANAGING MULTIPLE PRIORITIES

- Administered multiple project plans, driving completion of tasks and managing impact of delays on dependent tasks/projects to ensure timely completion of system implementation
  - Led three simultaneous system implementation projects, including 80+ resources with a total budget exceeding \$25 million.
  - Balanced multiple testing streams across various business locations for global payment process migration. Scope included approximately 80 bank accounts across six banks.
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## PROFESSIONAL HISTORY

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### Kansas City Repertory Theatre

AUG 2020 - Present

ASSOCIATE DIRECTOR OF FINANCE - AUG 2021 - Present

CONTRACTOR - FINANCE/ACCOUNTING SUPPORT - AUG 2020 - AUG 2021

### Hospital Hill Run

NOV 2013 - Present

PARTICIPANT ENGAGEMENT MANAGER (2017-PRESENT)

VOLUNTEER MANAGER; AMBASSADOR COORDINATOR; RACE WEEKEND STAFF (2014-2016)

VOLUNTEER COORDINATOR (2013-2014)

### National Multiple Sclerosis Society

JUL 2015 - SEP 2016

MANAGER, SPECIAL EVENTS

|   |                |
|---|----------------|
| <u>Bike For The Brain (Part-time)</u><br>SPONSORSHIP, GRANT and VOLUNTEER COORDINATOR               | FEB - SEP 2015 |
| <u>Transformation Management Consulting, LLC</u><br>CONSULTANT - A/P SYSTEM DESIGN & IMPLEMENTATION | 2013, 2014     |
| <u>McGladrey, LLP</u><br>CONSULTANT - SYSTEM IMPLEMENTATION PROJECT MANAGER                         | APR-SEP 2012   |
| <u>The White Paladin Group, Inc</u><br>CONSULTANT - SHARED SERVICES AND PROJECT MANAGEMENT          | 2011 - 2012    |
| <u>Kforce</u><br>CONSULTANT - PROJECT MANAGEMENT  | 2009 - 2011    |
| <u>Embarq Corporation</u> (Purchased by CenturyTel July 2009)<br>PROJECT MANAGER (2006 - 2009)      | 2006 - 2009    |

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### VOLUNTEER

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|   |                     |
|---|---------------------|
| <u>Sunflowers to Roses</u><br>Plan Social events<br>Plan all aspects of annual charity Bike Ride<br>Manage all aspects of online registration and fundraising | JAN 2013 - Present  |
| <u>Bike MS Planning Committee</u><br>Coordinate all aspects of annual Bike MS bike ride   | JAN 2013 - JUL 2015 |
| <u>KC Century/Ride2Boulevardia - Board Member</u><br>Plan details of Annual Charity Bike Ride<br>Manage budget; prepare financial statements and tax return   | MAY 2013 - JUN 2017 |
| <u>Girls on the Run of Greater Kansas City</u><br>Assistance Coach  | SEP 2013 - MAY 2014 |
| <u>Grace United Methodist Church</u><br>Finance Committee Member  | JAN 2017 - JAN 2019 |
| <u>Women Who Explore</u><br>Ambassador - Plan/organize events   | SEP 2021 - Present  |

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### EDUCATION

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Education  
Bachelors of Science in Business  
Indiana University/Purdue University, Fort Wayne, Indiana

## **KEY ACCOMPLISHMENTS**

- Secured \$2.5 million investment from external shareholder by leading analysis of market research, evaluating the competitive landscape and authoring a sound business case.
- Increased revenue and saved 25% in expenses by developing an Information Technology roadmap that eliminated the use of paper score reports in China.
- Designed sustainable initiatives in the MENA and West Africa regions in conjunction with the departments of Public Health and Women/Children's Health focused on development and promotion of female led businesses and organizations.
- Wrote the curriculum for summer arts and language camps that received \$500,000 in funding to support rural and low-income kids across 12 cities.

## **Professional Experience**

**May 2023          Vice President for Educational Innovation and International Programs  
Kansas City Kansas Community College**

Major Responsibilities:

- Oversight responsibility for workforce development, online education and international programs.
- Executive Cabinet Member and Community liaison.

**9/2019 - 4/2023      Associate Provost for Academic Innovation, Online Education & Global  
Opportunities, SUNY Rockland Community College, Suffern, NY 10901**

Associate Provost for Academic Innovation, Online Education & Global Opportunities:

Provides vision, leadership, and operational management with particular emphasis on the following key areas: academic innovation, online education, global opportunities. Reporting directly to the Provost and Executive Vice President.

Major Responsibilities:

- Oversight responsibility for career and professional development, academic technology and instructional design; E-Learning; global engagement; academic and career strategies; and strategic initiatives.
- Leading and managing productive and creative on-line teams of both faculty, staff, and administrators.
- Foster communications, facilitate the implementation of on-line education and troubleshoot problems in academic planning and practices across all levels of the College.
- Secure Global opportunities both internal and external such as COIL Study Abroad and oversee the Department of International Students.
- Implementation and administration of policies, regulations, and grants affecting faculty and students on a global level to obtain exposure and recognition.
- Work with Deans and Program Directors in the schools in leading collaborative and ongoing processes of review of academic planning and related on-line procedures.
- Leading the facilitation for the processes of on-line curriculum for students and potential students.
- Provide oversight and set policy regarding student services and administrative procedures involving administrative and academic units across campus

Notable Accomplishments:

- Led the college to successfully transition to entirely online and technology-assisted instruction during the onset of the COVID-19 global pandemic.
- Led the development process to create a new strategic plan for online education and academic technology.
- Designed the user-interface to establish training recommendations and faculty assignments.
- Co-lead the microcredential process at the institution, awarding students skills based and competency-based credentials.
- Grant principal with over 10 million under oversight.
- Launched the college's premier Lunch 'n Learn series focused on Best Practices & Tips to thrive in an online or technology-assisted environment.
- Composed 3-year operational plans: English Skills Academy and Global Opportunities.
- Advisor to Diversity Abroad Inaugural Community College Global Education Forum. .
- Co-designed the program for New Accepted Student Day. The focus on Hispanic and low-income students with remedial math scores and provided supplemental support to get them on grade level.

**2018-2019      President & Executive Director, Community Colleges for International Development (CCID), Houston, TX**

President & Executive Director:

Lead the internationalization efforts of member institutions that span the globe. Facilitated the collaboration between college presidents, heads of states, and various government & nongovernment organizations.

Major Responsibilities:

- Advance the mission of CCID, by building strong relationships among a diverse group, have a broad understanding of global educational issues, and collaborate with members to develop a clear strategic vision for the organization.
- Expand the CCID member network and partnerships including international institutions.
- Provide strategic and visionary leadership.
- Collaborate with CCID's Board and SIO Council to develop and implement a strategic plan framed with strategic priorities, objectives, and assessment.
- Establish appropriate partnerships with other entities engaged in international initiatives, such as AACC, NASFA and US State Department.

Notable Accomplishments:

- Increased board membership by 30%.
- Network representative for over 172 community colleges and technical institutions.
- Developed the framework for international programs and partnerships.
- Negotiated two bilateral agreements on half of the ministry of education in Italy.
- Established the student pipeline for U.S. based institutions to public universities in France.
- Organized international annual conferences and increased international membership by twenty percent.
- Created public-private industry round tables convening college presidents and CEOs.
- Implemented a series of virtual workshops and webinars to share best practices & tips.
- Translated & interpreted institutional policies and procedures to adhere to foreign requirements and mandates.
- On-boarded virtual exchange as a medium for international exchanged.
- Key Partnerships established AACC, Partners of the Americas and Stevens Institute.

**2015-2018 Founding Director / Master Teacher, American Cultural Association, American Language Center, Morocco.**

Founding Director / Master Teacher ALC El Jadida:

Managed the center, including financial and operational management, overseeing the academic program, teacher recruitment, training and evaluation and cultural and community initiatives.

Major Responsibilities:

Management & Leadership

- Oversee the organizational structure and decision-making process with the ALC.
- Manage language and study abroad programs.
- Recruit and manage staff and teachers for the ALC.
- Innovate and promote new initiatives, attentive to different marketing and promotion techniques in the community, including actively using the ALC's social media, blog, and website.
- Oversee the physical premises of the ALC.

Financial

- Oversee the annual budget process for the ALC with the ACA comptroller.
- Complete annual audits and desk reviews with the ACA external auditors.
- Submit timely and accurate monthly and quarterly reporting and budgeting and meet financial goals.
- Prepare reporting on center statistics, demonstrating comprehension and attention to detail.

Curriculum & Pedagogy

- Review and adapt course curricula, book and resource selection, and grading system annually.
- Define expectations for student learning.
- Organize regular teacher observations, co-teaching, teacher mentors and training process, and subsequent evaluations.
- Motivate teachers and staff, in part through identifying opportunities for teacher and staff professional development.

Cultural & Community

- Work with ACA cultural team to program diverse activities.
- Plan local community service initiatives, partner with non-profit organizations, and collaborate with ALCs on projects.
- Encourage student-run clubs, engaging teachers and staff in overseeing the organization.
- Oversee the English Teaching Internship Initiative (ETII) locally.
- Oversee the ALC Bookstore, sourcing new and unique titles, organizing workshops and activities.

Notable Accomplishments:

- Created a Mommy & Me early literacy initiative - developed national curriculum.
- Wrote the curriculum for summer arts and language camps that received \$500,000 in funding to support kids across 12 cities.
- Co-founder of Women Advancement Network - mentoring circle pairing aspiring entrepreneurs with business mentors.
- Secured 600,000 Dh in grant funding to provide leadership training for marginalized youth.
- Organized and sponsored first local autism awareness conference.
- Designed a new curriculum to incorporate Project Based Learning (PBL).
- Partnered with local U.S. companies to provide diverse programs and teams geared toward language acquisition and social development.

**2011-2015 Director / Professional Work Fellow, ETS, Princeton, NJ**

Major Responsibilities:

- Featuring Rotation through Four Product/Program Areas Featuring Learn You Go with Project Accomplishments for Each Area Rotation. ○ Global Strategy
  - Product Development & Research Applications
  - Learning Technologies and Research & Development
  - IT Strategy and Organizational Design
- Director, Information Technology & Organizational Design Learning.

Notable Accomplishments:

- Team Lead to sunset the paper based TOEFL iBT test in China and introduce new internet-based testing and score reports.
- Increased revenue and saved 25% in expenses by developing an Information Technology roadmap that eliminated the use of paper score reports in China.
- Secured \$2.5 million investment to support business case to enhance Criterion - and integrate into k-12 spaces.
- Led focus groups to finalize content mapping process for English writing tool.
- Managed research projects and international language programs globally to launch the redesign of junior tests.
- Principal for U.S. military contracts.
- Drafted interview protocols to execute investigative methodologies to scope out new areas of interest for testing sites.
- Developed new compensation models for test centers and encapsulate and verify business solutions to identify new Information Technology resources.
- Sourced new product and business development proposals; investigated data to assess user experiences regarding new technology launches.
- Designed process to managed and onboard administration technologies - emphasis on conference technologies.
- Led the project team based in India and U.S. to move organizational network to cloud-based servers.

**2008-2010 Wall Street Market Research, International Consultant - MENA & West Africa Region, London, UK.**

Major Responsibilities:

- Led in-country development team.
- Recommend partnership development profile.
- Represent organization at international conferences, meetings and community events.
- Provide data and business intelligence for country reports.

Notable Accomplishments:

- Directed Market Research team to create government-led and nonprofit projects.
- Secured funding to publish Senegal country investment report and guide.
- Served on the Chamber of Commerce taskforce to prioritize business development opportunities.
- Led partnership development for small to medium-sized businesses and organized networking conferences.
- Designed sustainable initiatives in the MENA and West Africa regions in conjunction with the departments of Public Health and Women/Children's Health focused on development and promotion of female led businesses and organizations.
- Created marketing deliverables and provided press releases and PowerPoint presentations.
- Fostered donor relationships by participating in philanthropic activities that raised awareness of causes.



- Employed research evaluation tools to monitor progress and determine short-term goals.

### **Other Related Experience**

2006-2009            Director, Family Resource Center – CEJES Institute, Pomona, NY  
 2006-Present        Interpreter / Court Translator, Precise Translations, LLC. White Plains, NY

### **ACADEMIC BACKGROUND**

|   |   |
|---|---|
| Ferris state university, Big Rapids, MI   | Doctor of Education, Leadership                 |
| Schiller International University, France | MBA & MA, International Relations               |
| State University of New York, Buffalo, NY | BA, Social Science Interdisciplinary            |
| ILSC Montreal                             | Certificate English Language Teaching Assistant |
| Northwestern university                   | Project Management                              |
| Dale Carnegie                             | Leadership for Managers                         |
| Rutgers university                        | Social Media Marketing, Mini MBA                |

### **Faculty/Teaching Experience**

- Lecturer, The Superior Institutions of Science & Technology (SIST)
- Taught in MBA and undergraduate programs (in person and online)
- Courses: Strategic Management, Human Resources Development, Business Ethics
- Adjunct Professor, Institute for Leadership and Communication Studies
- Taught in graduate program (in person and online)
- Courses: Intro to translations, Civics and Cultural Studies
- Adjunct Instructor, State University of New York at Rockland Community College
- French Language Instructor, MT. Vernon Middle School

### **Community Activities**

- Board of Directors, YMCA, Rockland NY
- Member, Young Women’s Leadership Initiative of Houston, TX
- Member, Alpha Kappa Alpha Sorority, Inc., Peekskill, NY
- Executive Board, Junior League, Orange County, NY
- Board of Directors, Red Trunk Project, NY
- Board of Directors, Houston Caribbean Professional Association, Houston, TX
- Board of Directors, Planned Parenthood Hudson Peconic - Action Fund Board, NY
- Member, National Sorority of Phi Delta Kappa, Inc., Eastern Region, NY
- Mentor, African Women Economic Consortium, Washington, D.C. & Global

### **Awards**

- Mentor Recognition Award, AWEC, The Center for Global Enterprise, 2020
- Global Marketers Award for Volunteer Work and Dedication, 2010
- Human Rights Commission in Rockland County Community Recognition Award, 2009-2010
- Big Media Outstanding International Consultant, 2009 – 2010
- Leadership Peer Education Mentor Recognition Award, 2008
- Fulbright Scholar, 2004-2005

- Federal Bureau of Investigations Buffalo Field Office Civilian's Academy Completion Award, 2002

### **Leadership Development**

- SUNY SAIL, Executive Leadership Academy, 2022
- AIEA- Association of International Education Administrators, Senior International Officer Academy, 2022
- Association of Junior League, Winter Leadership Institute on Diversity, Equity, and Inclusion, 2021
- NAFSA Academy, National Cohort, 2020
- Fulbright Scholar Liaison Training, 2020

### **Selected Professional Activities**

- AIEA – Advisory Board, Member at Large
- Advisor to Diversity Abroad Community College Initiative
- SUNY Sexual Misconduct & Gender Discrimination Committee, NY
- SUNY Council on International Education Committee, NY
- Member, TESOL Africa

### **Selected Workshop/Convention Presentations and Publications**

- Riobé, Fabiola. [Ideation to Implementation: Engaging Faculty to Lead Innovation](#), The EvoLLLution, A Modern Campus Illumination, November 2022
- Riobé, Fabiola. The Role of Educators as Innovators. The KRINON, 2022
- Riobé, Fabiola. [Self-care isn't Selfish](#). The KRINON, 2021
- Presenter The Role of Community Colleges as Innovators to Address the Needs of a Global Economy, SUNY Student Success Summit! April 2021
- Panelist, Achieving Equity Virtual Global Learning, Inclusive Learning Institute, April 2021
- Presenter, Collaboration & Innovation: The Role of Community Colleges in a Digital Economy, AAC&U Virtual Annual Meeting, January 2021
- Presenter, Community Colleges Facilitating Innovation in a Global Economy, Community College Global Education Forum, September 2020 Virtual
- Presenter, The Geography of Higher Education a Conversation with Fabiola Riobé, Organization for Economic Co-operation and Development (OECD), Paris, September 2020, Virtual
- Presenter, Maintaining a sense of self and integrity in this ever changing globally competitive world., Future of Work Summit, Nigeria, October 2019, Virtual
- Roving Reporter, Content and Language Integrated Learning (CLIL) next phases, TESOL SPAIN, Spring 2018
- Presenter, Project Based Learning / Service Learning in the EFL Curriculum. TESOL International Convention & Language Expo, Seattle, Washington, March 2017
- Presenter, Developing Teacher-Led Professional Development Modules. TESOL SUDAN – ICLELT, Abu Dhabi, UAE, Summer 2017
- Presenter, Project Based Learning as another form of Student Assessment. American

- o Cultural Association Annual Conference, Tangier, Morocco, Spring 2016
- o Presenter, Family Based Resource Centers as a vehicle to increase Parent Engagement and Involvement in school education, Community Works International Conference, Fall 2015

# Proclamation

**WHEREAS**, during National Black History Month, we celebrate the many achievements and contributions made by African Americans to our economic, cultural, spiritual, and political development; and,

**WHEREAS**, Black History Month began when Carter G. Woodson wanted to raise awareness of African American's contributions to civilization and initiated and announced Negro History Week in 1926; and,

**WHEREAS**, the 2024 national theme for the observance of Black History Month is "African Americans and the Arts"; and,

**WHEREAS**, Black History Month brings to our attention that we and our nation must continue to address racial injustice, advocate for anti-racism in practice and policy, and fully support a society that lives up to its democratic ideals; and,

**WHEREAS**, society should pursue greater knowledge and understanding of the contributions and accomplishments of African Americans to this great nation and community through involvement with the National Association for the Advancement of Colored People (NAACP), the Advocacy and Awareness Group of Johnson County, by visiting the Black Archives of Mid-America, the Negro Leagues Baseball Museum, the National Museum of African American History and Culture, and many other outstanding organizations and institutions.

**NOW, THEREFORE**, I, Julie Sayers, Mayor of Lenexa, Kansas do hereby proclaim February 2024 in the City of Lenexa to be

## NATIONAL BLACK HISTORY MONTH

**IN WITNESS WHEREOF**, I have hereunto set my hand this 20th day of February, 2024.



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Julie Sayers  
Mayor of Lenexa, Kansas

STATE OF KANSAS

Tract 19769

COUNTY OF JOHNSON

Line: DLA

**ENCROACHMENT AGREEMENT**

**THIS AGREEMENT**, entered into by and between **SOUTHERN STAR CENTRAL GAS PIPELINE, INC.**, (formerly Williams Gas Pipelines Central, Inc., Williams Natural Gas Company, Northwest Central Pipeline Corporation and Cities Service Gas Company), a Delaware corporation, whose mailing address is P.O. Box 20010, Owensboro, Kentucky 42304, hereinafter referred to as "Company", and City of Lenexa, whose mailing address is 17101 West 87<sup>th</sup> Street Parkway, Lenexa, Kansas 66219, hereinafter referred to as "Owner".

**WHEREAS**, Company is the current owner/holder of a valid and subsisting right-of-way(s), easement(s), lease(s), agreement(s) and/or similar rights located in the Northeast Quarter (NE/4) of Section 31, Township 12 South, Range 24 East, Johnson County, Kansas pursuant to the instrument recorded with the Register of Deeds in Johnson County, Kansas and as more fully described on **Exhibit A** (the "Pipeline Easement(s)") for the installation, modification and/or operation of Pipeline Facilities defined, without limitation, as being pipelines currently existing on or in the Pipeline Easement(s), together with all substitutions or replacements thereto and together with all appurtenances thereto, including but not limited to compressor stations, pump stations, valves, meters, tanks, fittings, connections, corrosion control and pressure detection devices, wires, cables, pig traps, and any other appurtenances associated with the pipelines.

**WHEREAS**, Owner is in possession of leases and/or easement rights and/or owns (the "Owner's Tracts") a portion of which cover the parcels listed on **Exhibit B** (the "Property") for the development, construction, operation, maintenance, repair and replacement of improvements to be located in Lenexa, Johnson County, Kansas (the "Project").

**WHEREAS**, Owner has or shall construct certain improvements upon, over or under the Pipeline Easements as part of its Project and as specifically described on **Exhibit C** attached hereto and made a part hereof (collectively referred to herein as the "Encroachments").

Encroachment Agreement between Southern Star Central Gas Pipeline, Inc. & City of Lenexa located in the NE/4, Section 31, Township 12 South, Range 24 East, Johnson, County, Kansas, Tr. 19769.

**WHEREAS**, under the terms of this Agreement, Company is willing to permit said encroachments and,

**NOW THEREFORE**, Company grants Owner a limited right to encroach upon the Pipeline Easements, subject to the terms and conditions set forth herein; and Owner, in consideration of this limited right of Encroachments, agrees to the following covenants and obligations set forth herein:

1. Owner specifically acknowledges Company's need for access to its facilities and recognizes its rights under the Pipeline Easements, which, are to remain in full force and effect notwithstanding this Agreement. As consideration for this Agreement, any cost to Owner or damage to the Encroachments resulting from Company's need to maintain, operate, repair or replace any portion of the Pipeline Facilities, including, but not limited to, costs for the maintenance, replacement or repair of any portion of the Encroachments, will be the sole responsibility of Owner and Company will not, under any circumstances, be responsible for loss or damage to the Encroachments.
2. Owner will cause to be furnished to Company contemporaneously with the execution of this Agreement, detailed plans, including a certified survey, for the construction of the Encroachments upon, over or under the Pipeline Easements. The plans shall be deemed incorporated herein by reference and made a part of this Agreement. Owner agrees that any review or approval by Company of any plans and/or specifications relating to the Encroachments or the identity of any contractors, subcontractors and materialmen is solely for Company's benefit, and without any representation or warranty whatsoever to Owner with respect to the adequacy, correctness or efficiency thereof or otherwise and it is understood that such Company's approval does not absolve Owner of any liability hereunder. Further, Owner, in connection with the construction, maintenance and/or removal of the Encroachments, agrees to observe and fully comply with all laws, rules and regulations of the United States, the State of Kansas, and all agencies and political subdivisions thereof. Owner agrees and acknowledges that all work on the easement shall be performed in a workman like manner.
3. This Agreement shall be terminable by Company in the event of Owner's material noncompliance with the requirements, conditions or specifications of this Agreement and the continuation thereof for a period of thirty (30) days following written notice to Owner or immediately after such written demand by Company if such non-compliance will result in Company's reasonable opinion to a substantial risk to health or safety. Should Company terminate this Agreement, Owner will relocate and/or remove the Encroachments at no expense or risk to Company.
4. No permanent structures, including without limitation landscaping, irrigations systems and signage not explicitly approved by this Agreement shall be allowed within Company's easement.

Encroachment Agreement between Southern Star Central Gas Pipeline, Inc. & City of Lenexa located in the NE/4, Section 31, Township 12 South, Range 24 East, Johnson, County, Kansas, Tr. 19769.

5. Owner agrees and understands that its work and encroachments are to strictly adhere to Company's Land Use and Developers Handbook located on-line at <https://www.southernstar.com/safety/pipeline-safety/>.
6. Owner will restrict all equipment traffic over the Company's pipeline until the pipeline has undergone a load study conducted and approved by Company. In order for that study to be conducted, Owner agrees to submit to Company (at [sscencroachments@southernstar.com](mailto:sscencroachments@southernstar.com)) a comprehensive list of equipment to be used on the pipeline easement. Owner understands that it shall be financially responsible for any and all outside engineering services required for Company to perform the Load Study and for complying with the requirements of said Load Study.
7. Indemnity/Hold Harmless/Insurance.
  - (A) To the fullest extent permitted by law and subject to the provisions of the Kansas Tort Claims Act, Owner shall indemnify, defend and hold harmless Company and Company's affiliated companies, partners, shareholders, employees and agents (collectively, "indemnitees") for, from and against any and all claims, liabilities, fines, penalties, costs, damages, losses, liens, causes of action, suits, demands, judgments and reasonably incurred out of pocket expenses (including, without limitation, court costs, reasonable attorneys' fees and costs of investigation) (collectively, "liabilities") of any nature, kind or description of any indemnitee directly or indirectly arising out of, resulting from or related to (in whole or in part): (i) Owner's occupation and use of the existing pipeline easement area; (ii) construction, use, state of repair or presence of the encroachments; or (iii) any act or omission of Owner or Owner's officers, agents, employees, or contractors, or anyone directly or indirectly employed by any of them, or anyone they control or exercise control over, even if such liabilities arise from or are attributed to, in whole or in part, to the negligence of any indemnitee. The only liabilities with respect to which Owner's obligation to indemnify the indemnitees does not apply are liabilities wholly caused by the sole negligence or willful misconduct of an indemnitee.
  - (B) Owner acknowledges that having the encroachments, whether permitted or not, on the existing Pipeline Easements provides some risk that the encroachments may be damaged in the course of Company's operations or activities. Therefore, notwithstanding any other provision in this agreement, to the fullest extent permitted by law, Owner releases the indemnitees from any loss, damage and/or claim from loss or damage to their property, including the encroachments, that Owner may have against the indemnitees resulting from the activities of Company in the ordinary course of its operations, provided that such release shall not apply to any loss, damage or claim wholly caused by the gross negligence or willful misconduct of an indemnitee.

8. Owner shall notify or cause Company to be notified, at least forty-eight (48) hours prior to the performance of any construction or excavation work upon the Pipeline Easement. Owner covenants and agrees to notify or cause its representative to notify the appropriate state one-call center as required by law no less than forty-eight (48) hours prior to the commencement of excavation in or near the existing pipeline easement area. Company shall have the absolute right to perform any work upon, over or under the Pipeline Easements it reasonably deems necessary for the maintenance or operation of its facilities without prior notice to Owner.
9. During the exercise of its easement rights to construct, maintain and operate the pipeline and appurtenances, in the event Company or its contractors destroy or damage the encroachments herein permitted, including without limitation landscaping and/or irrigation systems, all such damages to said permitted items and all costs thereof shall be the sole responsibility of Owner, its successors and assigns, unless such loss, or cost or expense is directly and solely caused by the gross negligence or willful misconduct of Company, its agents, contractors and/or subcontractors.
10. During the exercise of its easement rights to construct, maintain and operate the pipeline and appurtenances, in the event Company or its contractors restrict or block access to the Encroachment or any of its facilities, Company will not be responsible for providing an alternate source of access, liable for the loss of any and all income and/or any and all damages caused by such activities.
11. Prior to commencement of construction of the above referenced work and Encroachment(s), Owner or Owner's contractor, shall provide Company certificates of insurance expressly naming Company as an additional insured and evidencing coverage in the amount of one million dollars (\$1,000,000.00) general liability, one million dollars (\$1,000,000.00) auto liability, and one million dollars (\$1,000,000.00) workers compensation and employers' liability insurance for the construction area described herein, and containing thirty (30) days prior written notice of cancellation. Certificates of Insurance and this signed Agreement will be submitted to the following address:

Southern Star Central Gas Pipeline, Inc.  
Attn: Land Department  
4700 State Route 56  
P.O. Box 20010  
Owensboro, KY 42304
12. No failure or delay in exercising any right, power or privilege hereunder shall operate as a waiver thereof, nor shall any single or partial exercise thereof preclude any other or further exercise of any right, power or privilege hereunder.



13. In the event it shall become necessary for either party to commence litigation to enforce any provision of this Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees and attendant expenses in conjunction with such litigation.
14. Owner warrants that it is the current owner of the real property and/or the holder of the easement right(s) described herein and has the right, title and capacity to enter into this Agreement.
15. Under no circumstance shall Company be required to relocate a Pipeline Facility.
16. Owner agrees to abide by the Company's guidelines, procedures and requirements for working in and around Company's easement(s) and/or facilities and failure to do so will be considered a breach of this Agreement.
17. The terms of this Agreement shall constitute covenants running with the land and will be binding upon and inure to the benefit of the parties hereto, or their successors and assigns. The obligations of Owner herein shall survive the termination of this Agreement.

**IN WITNESS WHEREOF**, we hereunto set our hands and seals on the day and year indicated below our signatures.

**COMPANY:**

SOUTHERN STAR CENTRAL GAS PIPELINE, INC.

\_\_\_\_\_  
Charles Crews, Executive Vice-President and  
Chief Operations Officer

Date: \_\_\_\_\_

**Owner:**

\_\_\_\_\_  
Michael A. Boehm - Mayor

Date: \_\_\_\_\_

Encroachment Agreement between Southern Star Central Gas Pipeline, Inc. & City of Lenexa located in the NE/4, Section 31, Township 12 South, Range 24 East, Johnson, County, Kansas, Tr. 19769.

**CORPORATE ACKNOWLEDGEMENT**

**COMMONWEALTH OF KENTUCKY**

**COUNTY OF DAVIESS**

Before me, the undersigned, a Notary Public duly commissioned in and for the county and state aforesaid, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, personally appeared Charles Crews, who being by me duly sworn, did say that he is the Executive Vice President and Chief Operations Officer of Southern Star Central Gas Pipeline, Inc., a corporation, and that said instrument was signed on behalf of said corporation by authority of its Board of Directors, and said Charles Crews acknowledged said instrument to be the free act and deed of said corporation.

In testimony whereof, I have hereunto set my hand and affixed my official seal at my office in said county and state the day and year last above written.

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

My Commission Expires \_\_\_\_\_, 20\_\_.

**LIMITED LIABILITY COMPANY ACKNOWLEDGEMENT**

**STATE OF KANSAS**

**COUNTY OF JOHNSON**

Before me, the undersigned, a Notary Public duly commissioned in and for the county and state aforesaid, on this \_\_\_\_\_ day of \_\_\_\_\_, 2024, personally appeared, Michael A. Boehm, who being duly sworn, did say that he is the Mayor of the City of Lenexa, Kansas, a Kansas municipal corporation and that said instrument was signed on behalf of said City by authority of its City Council, and said Mayor acknowledged said instrument to be the free act and deed of said City.

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

My Commission Expires: \_\_\_\_\_, 20\_\_\_\_\_.

**Exhibit A**

Whereas, Company is the owner of one (1) Twelve-inch (12") natural gas pipeline and easement therefore across the following land to wit:

The East half of the Northeast Quarter (NE/4) of Section Thirty-one (31), Township Twelve (12) South, Range Twenty-four (24) East, Johnson County, Kansas.

Acquired by virtue of that certain Right of Way easement granted to Southern Star Central Gas Pipeline, Inc. dated February 22, 2008, recorded in Book 200806 at Page 002996 in the Register of Deeds of Johnson County, Kansas.

Acquired by virtue of that certain Right of Way easement granted to Southern Star Central Gas Pipeline, Inc. dated February 28, 2008, recorded in Book 200806, Page 002997 in the Register of Deed of Johnson County, Kansas.

**Exhibit B**

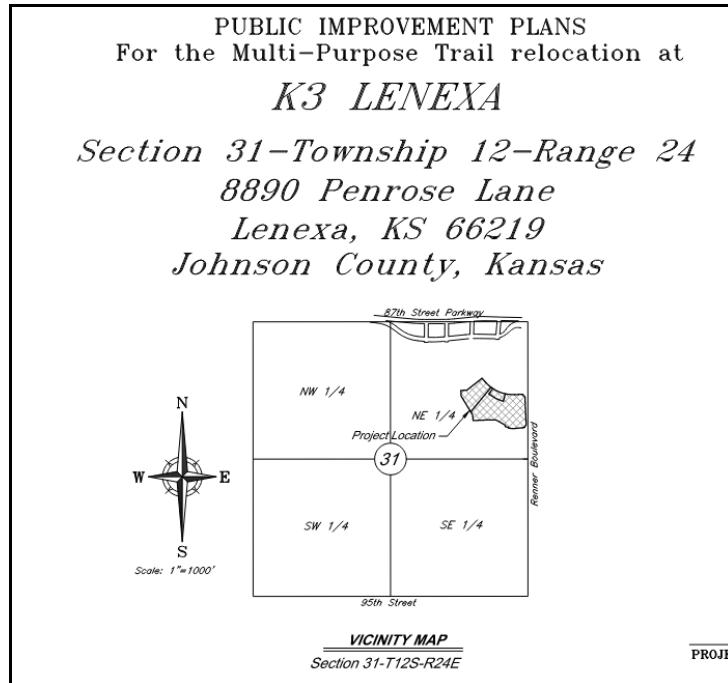
PT. OF THE NORTHEAST QUARTER (NE/4) OF SECTION THIRTY-ONE (31), ALL IN TOWNSHIP TWELVE SOUTH (12S), RANGE TWENTY-FOUR EAST (24E), JOHNSON COUNTY, KANSAS.

Encroachment Agreement between Southern Star Central Gas Pipeline, Inc. & City of Lenexa located in the NE/4, Section 31, Township 12 South, Range 24 East, Johnson, County, Kansas, Tr. 19769.

**Exhibit C**  
**Encroachment Assessment**

|                     |  |
|---------------------|--|
| LINE LETTER         | DLA 12”  |
| NAME / DESCRIPTION  | PUBLIC IMPROVEMENT PLANS FOR THE MULTI-PURPOSE TRAIL RELOCATION AT K3 LENEXA |
| LEGAL DESCRIPTION   | NE/4 OF S31-T12S-R24E JOHNSON COUNTY, KS                                     |
| ENGINEER            | MIKE DEGRAEVE  |
| LAND REPRESENTATIVE | ED PAGEL   |
| DATE                | SEPTEMBER 9, 2023  |

The City of Lenexa (CITY) will encroach on Southern Star’s easement and Line DLA 12” with the removal of an existing multi-purpose trail and construction of a new multi-purpose trail as described and shown below.



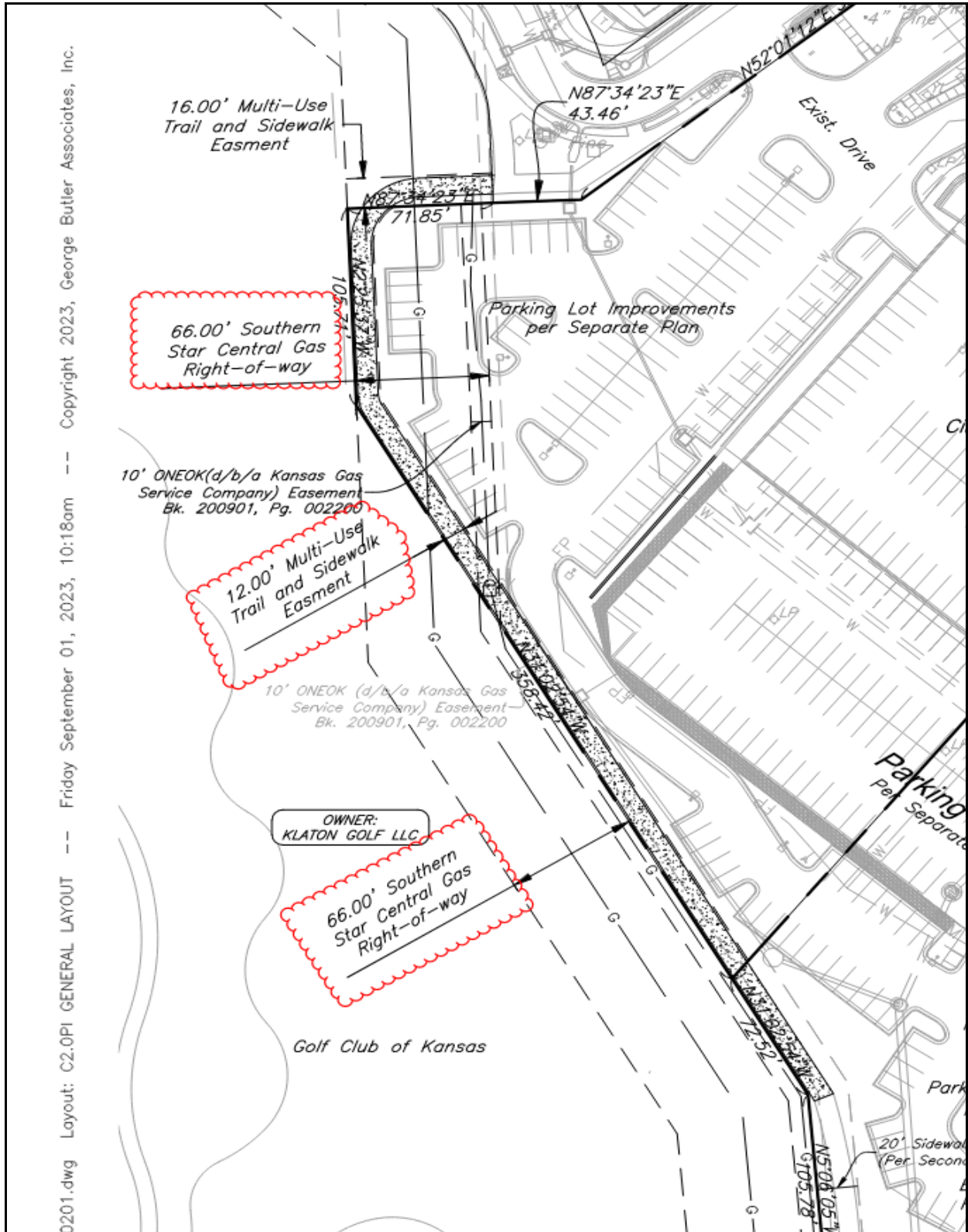
**Irrigation Systems**

- Sprinkler heads at least 10 feet from the pipeline
- Feeder & Irrigation lines will cross easement and pipeline at or near 90 degrees
- Minimum 24 inches of clearance between lines
- No paralleling the pipeline within the easement

**Landscaping**

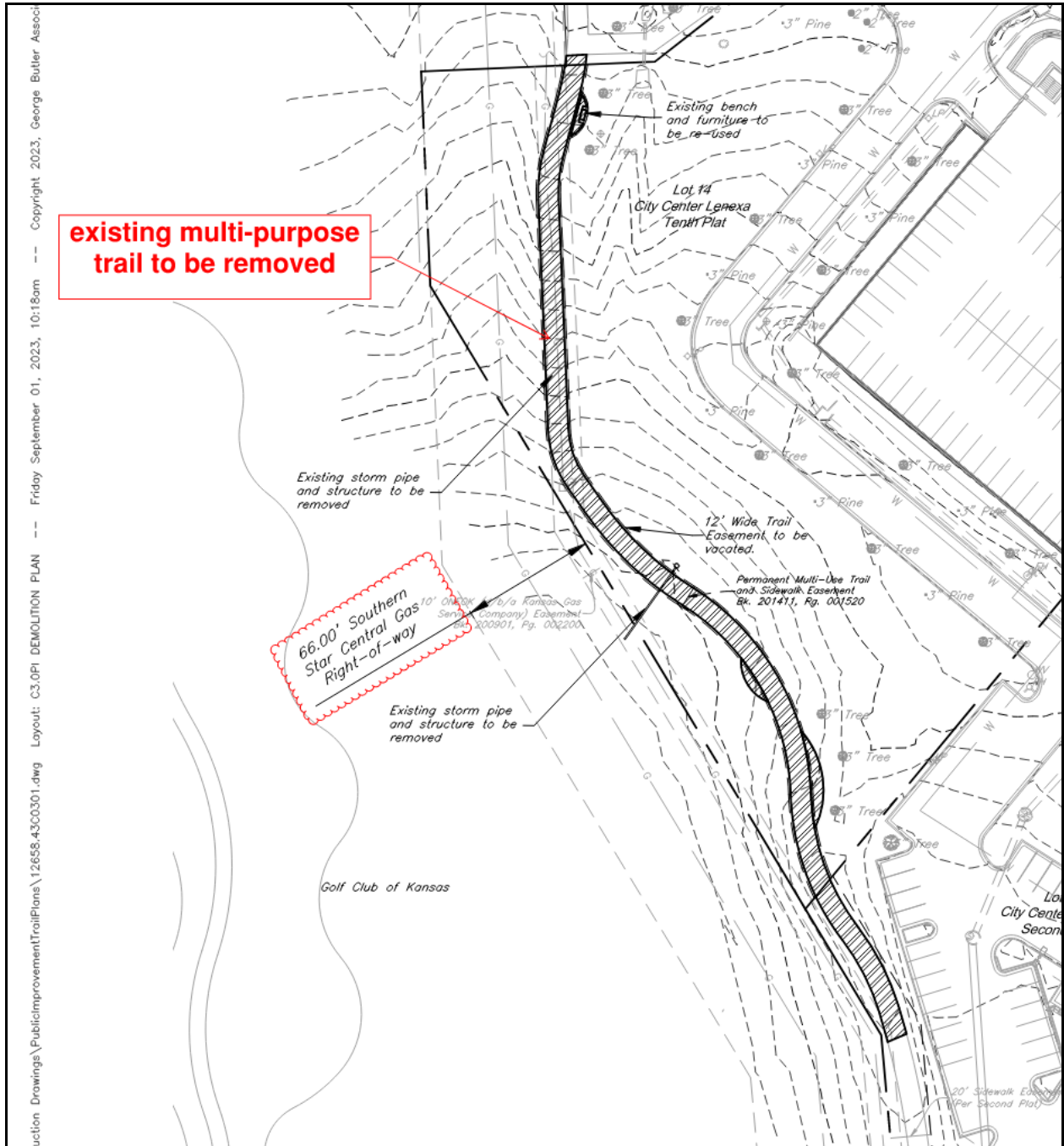
- Plantings at full maturity cannot exceed 3 feet in height
- Plantings at full maturity need to be at least 5 feet from the pipeline

Encroachment Agreement between Southern Star Central Gas Pipeline, Inc. & City of Lenexa located in the NE/4, Section 31, Township 12 South, Range 24 East, Johnson, County, Kansas, Tr. 19769.



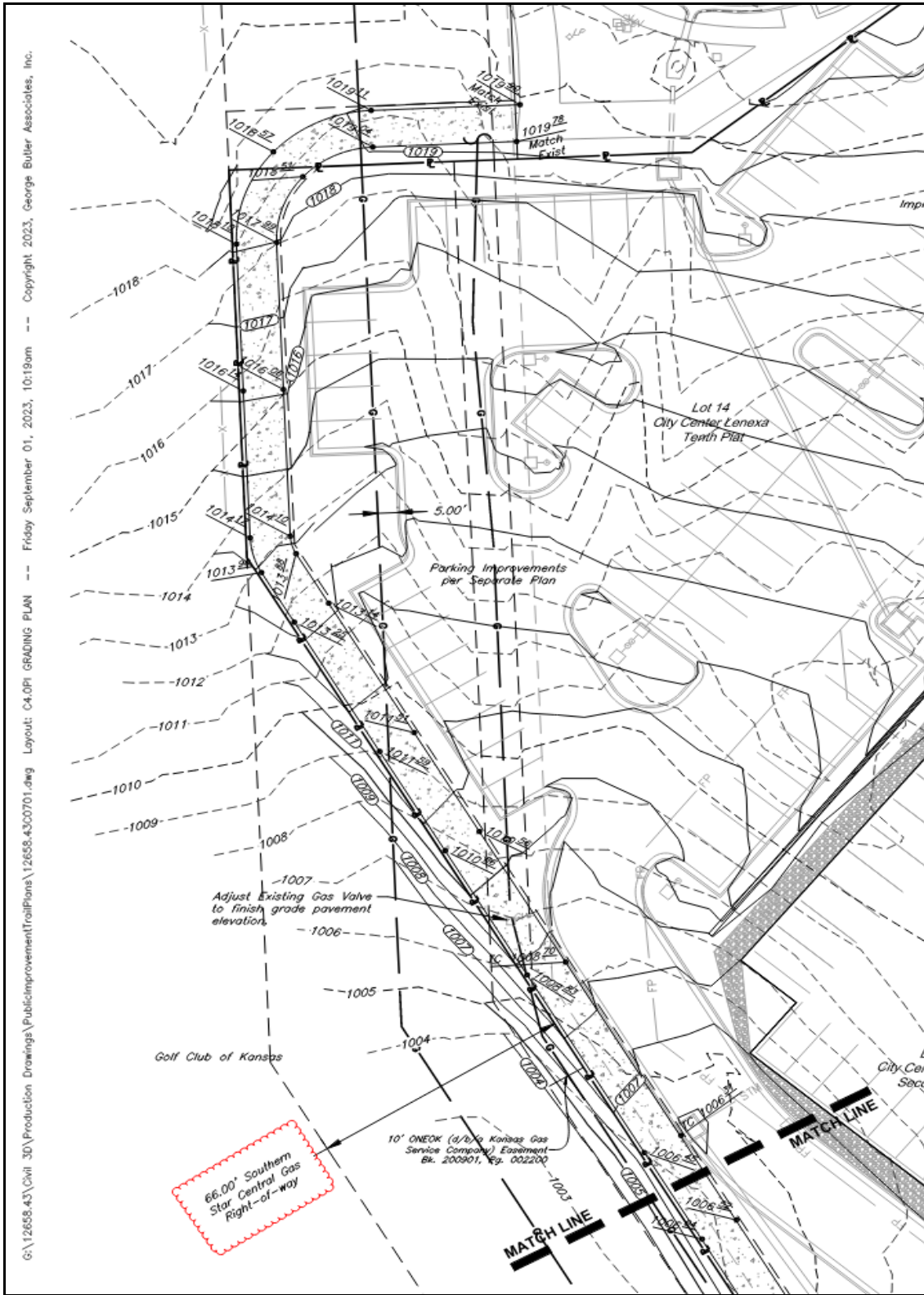
0201.dwg Layout: C2.0PI GENERAL LAYOUT -- Friday September 01, 2023, 10:18am -- Copyright 2023, George Butler Associates, Inc.

Encroachment Agreement between Southern Star Central Gas Pipeline, Inc. & City of Lenexa located in the NE/4, Section 31, Township 12 South, Range 24 East, Johnson, County, Kansas, Tr. 19769.



Encroachment Agreement between Southern Star Central Gas Pipeline, Inc. & City of Lenexa located in the NE/4, Section 31, Township 12 South, Range 24 East, Johnson, County, Kansas, Tr. 19769.





Encroachment Agreement between Southern Star Central Gas Pipeline, Inc. & City of Lenexa located in the NE/4, Section 31, Township 12 South, Range 24 East, Johnson, County, Kansas, Tr. 19769.

**CONTRACT FOR  
FEDERAL-AID CONSTRUCTION ENGINEERING BY LPA  
(FORCE ACCOUNT AGREEMENT)**

**CMS CONTRACT NO.** \_\_\_\_\_

**PROJECT NO. 46 N-0749-01  
FEDERAL PROJECT NO. HSIP-N074(901)  
CITY OF LENEXA, KANSAS**

**THIS AGREEMENT** is by and between **City of Lenexa, Kansas** (“LPA”), and the Secretary of Transportation of the State of Kansas acting by and through the **Kansas Department of Transportation** (KDOT) (“Secretary”), collectively, referred to as the “Parties.”

**RECITALS**

- A. The Secretary and the LPA previously executed an agreement related to this Project dated December 4, 2023 (Agreement No. 664-23, which is incorporated by this reference as if set out in its entirety herein including, but not limited to, any funding maximums established by the Secretary for the Project in its entirety). The final design Plans and specifications for said Project are available in the KDOT Headquarters in Topeka.
- B. The Federal Government through its Department of Transportation (USDOT) and the Federal Highway Administration (FHWA), pursuant to Title 23, U.S. Code, has established a program of Federal-Aid to the states designated as the Federal-Aid Program, with a general purpose to increase the safety and capacity of roads in the United States.
- C. Pursuant to authority vested in K.S.A. §§ 68-401, *et seq.*, the Secretary authorizes the LPA to perform certain Construction Engineering and technical services for the above noted Project requiring inspection, sampling, and testing of materials and workmanship, as well as other technical services (“Services”).
- D. The LPA represents that it currently has sufficient equipment of suitable type and the necessary employees with the education, training, and experience necessary to perform the Services this Agreement requires in an accurate and timely manner available for the Project. The LPA’s individual employees are licensed by the Kansas Board of Technical Professions as required by Kansas law. The LPA represents that all personnel utilized in performance of Services have appropriate training, qualifications, and certifications to perform Services. The LPA further represents the use of the forces and equipment required for the performance of the Services will not interfere with other work which is necessary to be performed by such forces and equipment on other roads in the LPA.
- E. The Secretary agrees the LPA shall perform Construction Engineering Services for this Project under the terms set forth in this Agreement and its associated attachments and exhibits, whether attached or incorporated by reference.

## ARTICLE I

### DEFINITIONS:

A. **“Agreement”** means this written document, including all attachments and exhibits, evidencing the legally binding terms and conditions of the agreement between the Parties.

B. **“Construction Contract”** means a written agreement between the LPA and a Contractor, requiring the Contractor to construct or reconstruct a portion of the LPA’s roadway system for the Project for which the LPA is providing Services. The Construction Contract includes the following Contract Documents, all of which constitute one instrument and are incorporated by reference into this Agreement: proposal, Exploratory Work Documents, addenda, amendments, contract form, contract bond, Standard Specifications, Special Provisions, Project Special Provisions, general plans, detailed plans, drawings, the notice to proceed, material test methods, material test reports, material certifications, Part V of the KDOT Construction Manual, change orders, payment vouchers, guarantees, warranties, and other agreements, if any, that become required for construction and completion of a Project.

C. **“Construction Engineering” or “CE” or “Construction Engineering Inspection Services” or “Services”** means the services necessary to inspect and monitor the construction of the Project as detailed herein this Agreement and in the **Specific Construction Provisions Attachment**.

D. **“Construction Project”** means the specified location where a Contractor shall perform construction together with all improvements the Contractor shall be constructing under a Construction Contract.

E. **“Contract Documents” or “Documents”** mean the written, printed papers, and electronic/digital files, including but not limited to, the Standard Specifications, the Construction Contract, the Special Provisions, the Project Special Provisions, and the Plans.

F. **“Contractor”** means the individual, partnership, corporation, joint venture, or other legal entity undertaking the performance of work designated under the terms of the Construction Contract.

G. **“Exploratory Work Documents”** mean documents developed by KDOT, local governments, or consultants to determine a Project’s subsurface conditions, engineering requirements, or both. These may include geotechnical foundation investigation reports; soils reports; geology reports; hydraulic investigations; hydrological investigations; bridge reports; earth work computations; boring logs; surveys; rock investigations; soils investigations; environmental investigations; building investigations; bridge investigations; and other geological, geotechnical, or design information for a Project.

H. **“KDOT”** means the Kansas Department of Transportation, the Secretary of Transportation, and its authorized representatives and employees.

- I. **“KDOT Area Engineer”** or **“Area Engineer”**, for administrative control of this Agreement, means the KDOT Area Engineer, the KDOT Field Engineering Administrator, or Construction Manager, or other designee of the KDOT District Engineer.
- J. **“KDOT District Engineer”** means the KDOT District Engineer or designee who will perform KDOT’s administrative functions for the Project.
- K. **“Local Public Authority”** or **“LPA”** means City of Lenexa, Kansas, and its authorized employees with its place of business located at 17101 W. 87<sup>th</sup> Street Parkway, Lenexa, KS 66219.
- L. **“Manuals”** means the current version of the KDOT Documentation Manual, Construction Manual, Form Manual, CMS Procedures Manual, the Manual on Uniform Traffic Control Devices (MUTCD) as adopted by the Secretary and all other current relevant documents adopted by KDOT.
- M. **“Non-Participating Costs”** means the costs of any items or services which the Secretary, acting on the Secretary’s own behalf and on behalf of the FHWA, reasonably determines are not Participating Costs.
- N. **“Notice to Proceed”** means a written notice from KDOT authorizing the LPA to begin performance of Services.
- O. **“Participating Costs”** means expenditures for items or services which are an integral part of highway, bridge, and/or road construction projects, as reasonably determined by the Secretary.
- P. **“Plans”** mean, unless noted as “preliminary,” the plan profiles, typical cross sections, and other detail sheets showing the location, character, dimensions, and details of a Contractor’s work on a Project.
- Q. **“Project”** means KDOT Project No.46 N-0749-01 including the construction of a right turn lane on the east side of Lackman Road, between 105<sup>th</sup> Street and the I-435 east bound on-ramp in Lenexa, Kansas, which will be completed under a Construction Contract, and for which the LPA will perform Construction Engineering Services.
- R. **“Project Special Provisions”** means the Documents that modify the Standard Specifications for a particular Project.
- S. **“Reports”** mean the formal documents that detail or summarize information analyzed, generated, or gathered for the Project or for a Construction Contract. Any document or information which is or should be produced by the exercise or practice of a technical profession, as defined in K.S.A. § 74-7001, *et seq.*, is considered a Report. Any record of inspection, sampling, or testing of materials or workmanship is a Report.

T. “**Special Provisions**” mean Documents that modify the Standard Specifications, such as details not covered by KDOT’s Standard Specifications, special fabrication, or construction features.

U. “**Standard Specifications**” means the current English edition of the Kansas Department of Transportation Standard Specifications for State Road and Bridge Construction.

## ARTICLE II

### SECRETARY’S GENERAL RESPONSIBILITIES:

A. For the Services which the LPA performs under this Agreement, the Secretary will do the following:

1. Issue a written Notice to Proceed to LPA. The Secretary assumes no obligation to pay for Services the LPA performs prior to KDOT’s issuance of a Notice to Proceed for such Services.
2. Furnish or make available to the LPA a sufficient supply of blank field diaries, logs, recordkeeping books, reporting forms, and other documents KDOT requires the LPA to utilize in the performance of Services.
3. Furnish or make available all Manuals requested by the LPA, if unavailable online.
4. Assign such KDOT personnel to the Project as the Secretary determines are needed.
5. Perform, or provide KDOT-furnished laboratory for, testing of materials when a laboratory is required.
6. Pay the LPA according to Article V.

B. The Secretary has the authority to review, approve, reject, eliminate, or modify some or all of the Services. When reviewing the Services, issuing approvals/rejections, or taking any other action, the Secretary and the Secretary’s representatives are not undertaking the LPA’s responsibility for its Services. Any review undertaken by the Secretary is done for the Secretary’s purposes and not for the benefit of the LPA, the Contractor, or the traveling public. The Secretary and the Secretary’s representatives make no representations, or express or implied warranties to any persons or entities regarding the Services.

## ARTICLE III

## LPA'S GENERAL RESPONSIBILITIES:

A. For all Services performed under this Agreement, the LPA shall be responsible for the following obligations:

1. Furnish all labor materials, equipment, supplies, transportation, and incidentals necessary to perform the Services necessary and incidental to the accomplishment of the Project to the satisfaction of the Secretary, and as more detailed in the **Specific Construction Provisions Attachment**. The LPA represents that it is adequately staffed, properly qualified, and suitably equipped to perform the Services in a timely manner. The LPA shall perform all Services: (a) in conformance with the terms of this Agreement; (b) in compliance with applicable laws, rules, and regulations; and (c) with the degree of care, skill, and diligence ordinarily exercised by professional engineering firms performing services of a similar nature.

2. Follow Quality Assurance Procedures in checking or testing equipment the LPA will use to perform its Services. The LPA shall conduct this checking or testing before use of the equipment on the Project.

3. Documentation and Deliverables.

a. Reports and other technical data collected, recorded, or prepared by the LPA shall be maintained in form and substance, as well as in formats (electronic or otherwise), approved by KDOT.

b. LPA personnel shall perform Services and maintain Reports, records, and other Documents in an accurate and timely fashion. LPA personnel shall record, submit, and process such Reports, records, and Documents on a current basis.

c. LPA personnel shall neither allow nor accept any inspection, sampling, or testing of materials from any individual without first confirming such individual is currently qualified by KDOT to perform such inspection, sampling, or testing. No inspection, sampling, or testing will be attributed to any individual unless such individual actually performed such inspection, sampling, or testing. No test results shall be accepted unless the test results are submitted in writing with the name of the technician and the technician ID number along with the expiration date of the technician's certification.

B. The LPA shall perform its inspection Services in conformity with all the terms, conditions, plans and specifications of the applicable Construction Contract.

C. The LPA shall have sole responsibility for the adequacy and accuracy of Reports, technical data, and all other Services. The Secretary's performance under this Agreement is not intended to fulfill the LPA's obligations under this Agreement.

## ARTICLE IV

### A. CONTRACT ADMINISTRATION AND AUTHORITY

1. The KDOT Area Engineer will designate a KDOT representative to monitor, oversee, and coordinate the LPA's Services. The LPA shall communicate and coordinate its Services with the KDOT representative. KDOT's monitoring, oversight, and coordination of the LPA's Services is not an undertaking of the LPA's duty to provide adequate and accurate Services but rather to fulfill the Secretary's obligations.

2. The LPA will provide progress reports to the KDOT representative.

3. The KDOT representative will make decisions regarding changes in the work, unacceptable work, unauthorized work, defective work, and the LPA's compliance with all federal, state, and local laws, regulations, and ordinances.

4. The KDOT District Engineer or KDOT Area Engineer may order the LPA to remove from the Project any personnel of the LPA who are unable to perform Services in a competent or timely manner.

5. LPA personnel shall communicate and coordinate the Services with the KDOT representative. Consultant personnel shall transmit all Reports, documentation, and paperwork to the KDOT representative.

6. If the LPA furnishes all inspection, sampling, and testing for a Project, the LPA shall furnish and designate a Project Manager or Project Engineer as well as other inspection personnel or technicians to inspect, sample, and test materials and workmanship under the Construction Contract. The Project Manager/Project Engineer shall not act as the Contractor's superintendent or foreman. The Project Manager/Project Engineer shall not issue the instructions contrary to the Construction Contract. For such Project, the Project Manager/Project Engineer shall:

a. Supervise all LPA personnel and Services and shall act as a liaison among the Contractor, the LPA, and KDOT.

b. Have the responsibility and authority to reject unacceptable work, including unacceptable materials, until the KDOT representative resolves any questions or disputes.

c. Have the responsibility and authority to suspend all or part of the Contractor's work on a Project because of unsafe site conditions or unsafe work practices.

d. Provide guidance in interpreting Contract Documents and refer issues of interpretation to the KDOT representative.

e. The Project Manager/Project Engineer shall not alter or waive Construction Contract provisions. If a controversy arises, the Project Manager shall notify the KDOT representative without delay.

f. The Project Manager/Project Engineer shall transmit to the Contractor the orders and instructions of the KDOT representative. If the Project Manager/Project Engineer is unavailable and the matter needs prompt attention, the KDOT representative will transmit to the Contractor such orders or instructions and then notify the Project Manager/Project Engineer of the situation.

## **B. THIRD PARTIES**

1. If the Project work requires contact or coordination with third parties, then KDOT will contact and, if necessary, coordinate activities with third parties, such as affected local, state, and federal agencies, the general public, utilities, railroad companies, private consultants, businesses, and contractors.

2. The LPA shall cooperate fully with KDOT, the LPA, local agencies, state agencies, federal agencies, including the FHWA, the general public, utilities, railroad companies, private consultants, businesses, and contractors. The LPA recognizes that its actions or inactions may adversely impact or affect KDOT as well as other third parties, including but not limited to other consultants in plan development, any Contractor on the Construction Project, public utilities, private utilities, public landowners, private landowners, or others. The LPA shall do, or require to be done, all things reasonably necessary to: (a) avoid or mitigate unavoidable delays, costs, losses or damages which may arise out of, be caused by or attributed to the LPA's actions or inactions in performance of Services under this Agreement and (b) effectively coordinate with KDOT and third parties so as to enable KDOT to implement the Project in a timely and cost-effective manner.

## **C. CONSTRUCTION CONTRACT PERFORMANCE**

1. At the Secretary's request, the LPA shall attend conferences or meetings that occur during performance of a Construction Contract, including but not limited to, pre-construction conferences held with potential bidders and other third parties interested in or involved in the Project. The Secretary may hold such conferences/meetings to discuss the LPA's Services, the Contractor's operations, third parties' concerns, or other relevant Project or Construction Contract issues. KDOT may hold a close-out conference with the LPA to evaluate the LPA's performance.

2. The LPA shall require its personnel that are KDOT-certified inspectors and technicians to be present on the Project any time the Contractor performs work requiring inspection, sampling, or testing under the Construction Contract.



**D. TERM AND TERMINATION OF AGREEMENT**

1. Unless terminated sooner under Article IV.D.2. or IV.D.3., the term of this Agreement will commence upon the Effective Date described in Article VI.H.1 and expire upon notice of written release from the Secretary.
2. The Secretary may terminate this Agreement, in whole or in part, upon ten (10) days advance written notice delivered to the LPA.
  - a. If the Secretary terminates this Agreement in whole or in part, for the Secretary's own convenience, then the Secretary will pay the LPA the LPA's costs incurred before the termination date as Article V provides.
  - b. If the Secretary terminates this Agreement, in whole or in part, because of the LPA's failure to comply with its contract obligations or because of the LPA's negligent acts, errors, or omissions, then the Secretary will pay the LPA the reasonable value of Services performed before the termination date.
3. The LPA may terminate this Agreement upon ten (10) days advance written notice to the Secretary and delivered to KDOT's Bureau of Local Projects.
4. The Secretary or the LPA may or may not claim the other Party breached the contract when exercising their right to terminate this Agreement. Termination, in any case, does not prevent the Secretary from recovering damages for the LPA's failure to comply with its obligations under this Agreement or for the LPA's negligent acts, errors, or omissions (See Article VI.F.) or prevent the LPA from seeking payment for additional Services under Article V.B.
5. Regardless of which Party terminates this Agreement, the Secretary may require the LPA to complete some of the remaining Services. The LPA's obligations to perform shall not end until such Services are completed.

**ARTICLE V**

**A. BASIS OF PAYMENT**

1. Subject to the upper limit of compensation, disallowed costs (Article V.A.6.) applicable to the Project, and sums withheld for liquidated damages (Article V.A.11.), the Secretary will pay the LPA ninety percent (90 %) of the supported actual costs for the performed Services not to exceed the upper limit of compensation of twenty-one thousand eight hundred eighty-four dollars and four cents (\$21,884.04). Additionally, the Secretary will pay the LPA its other direct costs expended on the Project, such as contract labor, approved subcontractor/subconsultant costs as necessary, equipment costs, transportation costs, lodging costs, and meal expenses.

2. Subject to the upper limit of compensation, the Secretary will pay for additional Services according to Article V.B. The Secretary will not pay the LPA for any costs the LPA incurred because of the LPA's negligent acts, errors, or omissions or because of the LPA's failure to comply with its obligations under this Agreement.

3. Initially, the Parties shall identify the upper limit of compensation on the **Special Construction Provisions Attachment**. The Parties may thereafter adjust the upper limit of compensation through a revised **Special Construction Provisions Attachment**, CMS Change Order, or Supplemental Agreement. The LPA shall notify the KDOT District Engineer before the LPA's Services exceed the upper limit of compensation so the Parties may consider an adjustment. The Secretary has no obligation to pay costs that exceed the upper limit of compensation unless and until any adjustment thereof is agreed in writing between the Parties.

4. To initiate payment for Services, the LPA shall submit to the KDOT District Engineer an itemized billing in the form approved by the KDOT District Engineer. The LPA shall not submit a billing more frequently than once a month or for less than five hundred dollars (\$500.00) during the progress of the work, for partial payment on account for the approved work completed by the LPA to date. In cases where the LPA submits billings which include costs incurred by a subconsultant, the same requirements of subparagraphs (a) – (b) below will apply. For each billing cycle the LPA shall:

a. Submit payroll documentation identifying all tasks and employees that worked on such tasks for the Project during that billing period, all hours each of these employees worked, the rate of pay for each of these employees, and all monies paid to each of these employees; and

b. Itemize the direct expenses and provide adequate supporting documentation, therefore.

5. The Secretary will pay for the Services within thirty (30) days after receiving, reviewing, and generally approving the LPA's itemized billing and accompanying documentation. This approval does not prevent the Secretary from adjusting a previous payment(s) for disallowed costs (Article V.A.6.) discovered after the Secretary has made that payment.

6. The LPA shall incur and invoice its costs in conformity with generally accepted accounting principles and the cost principles established in the Federal-Aid Policy Guide and the Code of Federal Regulations, Title 48, Chapter 1, Subchapter E, Part 31 (48 C.F.R. § 31.000, *et seq.*). The Secretary will not pay for disallowed costs. Disallowed costs include costs the Secretary determines are unreasonable, not actually incurred, caused by the LPA's failure to comply with its obligations under this Agreement, caused by the LPA's negligent acts, errors, or omissions, or otherwise unallowable. The LPA shall reimburse the Secretary if the Secretary previously paid any disallowed costs.

7. For Services performed, accumulated partial payments shall not exceed ninety-five percent (95%) of the federal-aid share of the upper limit of compensation.

8. The LPA shall submit its final invoice (clearly marked and designated as “final”) for final payment following completion of Services, but no later than one hundred eighty (180) days from completion of such Services. The LPA shall clearly designate and label such invoice as “final” so as to enable KDOT to proceed to close out the Project in accordance with its own internal procedures.

9. All local governmental units, state agencies, or instrumentalities, non-profit organizations, institutions of higher education, and Indian Tribal governments shall comply with Federal-Aid Transportation Act and the requirements of 2 C.F.R. Part 200, “Uniform Administrative Requirements, Cost Principles, and Requirements for Federal Awards” (commonly known as the “Supercircular”). Further, the LPA agrees to the following provisions:

a. Audit. It is the policy of the Secretary to make any final payments to the LPA for services related to the Project in a timely manner. The Audit Standards set forth in 2 C.F.R. Part 200, “Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,” and specifically the requirements in Subpart F, 2 C.F.R. § 200.500, *et seq.*, require either a single or program specific audit be performed by an independent certified public accountant in accordance with these standards. All information audited and audit standards and procedures shall comply with 2 C.F.R. § 200.500, *et seq.*

b. Audit Report. The Secretary may pay any final amount due for the authorized work performed based upon the LPA’s most recent Single or Program Specific Audit Report “(Audit Report”) available and a desk review of the claim by the Contract Audit Section of KDOT’s Bureau of Fiscal Services. The LPA, by acceptance of this Agreement, acknowledges the final payment is subject to all single or program specific audits which cover the time period of the expenses being claimed for reimbursement. The Parties agree as the Audit Report becomes available for the reimbursement period (normally should occur within a period of 1-2 years), the Secretary will review the Audit Report for items which are declared as not eligible for reimbursement. The LPA agrees to refund payment made by the Secretary to the LPA for items subsequently found to be not eligible for reimbursement by audit.

c. Agency Audit. If the LPA is not subject to the Audit Standards set forth in 2 C.F.R. Part 200, the Secretary and/or the FHWA may request, in their sole discretion, to conduct an audit of the Project. Upon the request of the Secretary and/or the FHWA for an audit, the LPA will participate and cooperate in the audit and shall make its records and books available to representatives of the requesting agency for a period of five (5) years after date of final payment under this Agreement. If any such audit reveals payments have been made with federal funds

by the LPA for items considered Non-Participating Costs, the LPA shall promptly reimburse the Secretary for such items upon notification by the Secretary.

10. The LPA has registered and shall maintain current registrations in the System for Award Management (<http://www.sam.gov/>) at all times during which it has active federal awards.

11. Upon receiving the final invoice and verifying the LPA completed its Services, the Secretary will pay the LPA the next-to final payment for that portion of the eligible remaining five percent (5%) of the upper limit (up to the maximum of the federal-aid share and as allowed by provision of state law), withholding the retainage specified in Article V.A.12. The LPA will not have completed its Services until the LPA has completed and returned all records, Reports, and other such documents this Agreement requires. If the LPA fails to complete and return all such documents to the KDOT District Engineer, then the LPA shall owe the Secretary liquidated damages of five hundred dollars (\$500.00) which shall be withheld from final payment.

12. Once the LPA has earned ninety-five percent (95%) of the federal-aid share of the upper limit of compensation, the Secretary will withhold as retainage one percent (1%) of the upper limit or five hundred dollars (\$500.00), whichever is greater. If partial payments never reach ninety-five percent (95%) of the federal-aid share of the upper limit, the LPA may request payment one hundred percent (100%) of the federal-aid share minus a retainage equal to one percent (1%) of the upper limit or five hundred dollars (\$500.00), whichever is greater. The Secretary will hold the retainage until the Secretary or the Secretary's authorized representative has performed a final audit of the LPA's Services. The Secretary will make final payment, if any, within ninety (90) days after KDOT completes the final audit. If the LPA owes the Secretary no money after audit, the final payment will equal the retainage. However, if the final audit reveals the LPA owes the Secretary money, the Secretary will apply the retainage to the amount owed before paying the LPA any remaining funds. The amount owed to the Secretary may include liquidated damages under Article VI.A.11, overpayments, or other sums. If the retainage is insufficient to pay the amount owed, then the Secretary will issue a notice of deficiency, demanding that the LPA pay the balance owed. The LPA then shall pay the balance owed promptly after receiving notice of the deficiency. The Secretary will consider no claim for additional compensation submitted after KDOT has completed the final audit.

## **B. CHANGE IN SERVICES**

1. The KDOT Area Engineer may change the LPA's Services by increasing, decreasing, or otherwise modifying the Services this Agreement requires.

2. The LPA may request payment for increased or modified Services as "extra Services" by written request to the KDOT Area Engineer. No additional payment will be made to the extent "extra services" were caused by the LPA's breach of its contract obligations or the LPA's negligent acts, errors, or omissions. If the Secretary determines the "extra Services" are reasonable and/or necessary, then the Secretary may authorize

payment for these “extra Services” and increase the upper limit of compensation if necessary to compensate for the “extra Services.” Such increases may include adding structures, increasing the Construction Contract scope, increasing Project termini, or changing the duration of Services, among others.

3. If the KDOT Area Engineer decreases the Services or decreases the expected duration of Services, then the LPA shall have no claim for additional compensation. Such decreases may include eliminating structures, decreasing the Construction Project scope, decreasing Construction Project termini, or changing the duration of Services, among others.

4. For changes in Services, the LPA will submit in writing its opinion and justification for extra Services and the estimated amount of additional compensation and submit to the KDOT representative.

5. If the KDOT Area Engineer denies additional compensation for “extra services”, in whole or in part, the LPA may appeal this denial to the Deputy Secretary of Transportation/State Transportation Engineer. The State Transportation Engineer’s decision represents KDOT final agency action under the Kansas Judicial Review Act (KJRA), K.S.A. § 77-601, *et seq.*

## ARTICLE VI

### A. OWNERSHIP OF DOCUMENTS

1. Upon completion or termination of Services, the LPA shall furnish to the KDOT Area Engineer all Documents KDOT provided to the LPA for such Services.

2. Upon completion or termination of Services, the LPA shall furnish to the KDOT Area Engineer all original Documents and Reports the LPA compiled and prepared in performing such Services.

3. Any Documents, procedures, specifications, engineering calculations, information, Reports, or any other work products developed by the LPA as deliverables to KDOT as part of the Services performed and paid for under this Agreement shall become the property of KDOT, but the LPA shall have the right to retain copies thereof for its own internal recordkeeping and for the purposes of performing Services for a Project.

4. Upon completion or termination of Services and at the Secretary’s request, the LPA shall furnish to the KDOT Area Engineer copies of all correspondence, memoranda, instructions, receipts, invoices, e-mails, and any other Documents pertaining to such Services and the Project. These Documents are KDOT’s property.

5. Any or all Services performed under this Agreement may result in the LPA using Documents (such as reports, surveys, schedules, lists, or data) the Secretary’s authorized

representatives prepared, compiled, or collected that are use restricted pursuant to 23 U.S.C. § 407. Such Documents are watermarked “Use Restricted 23 U.S.C. § 407,” providing the Secretary with an evidentiary privilege that only counsel for KDOT may assert in litigation against KDOT. The LPA shall use these watermarked Documents only to perform Services on the Project. The LPA shall not remove or otherwise damage the 23 U.S.C. § 407 watermark. The requirements of this paragraph shall be included by the LPA in its subcontract agreements, if any, for the performance of any Services.

6. Documents collected or prepared by the LPA in the performance of this Agreement may be used without restriction by the Secretary for any public purpose. Any such use shall be without compensation to the LPA.

## **B. ACCESS TO RECORDS; AUDITS**

1. The LPA shall keep all Project Documents arising out of or related to performance of Services for a five-year retention period beginning with the LPA’s final payment date. The final payment date is the voucher date on the Secretary’s last payment to the LPA. This final payment occurs after the LPA submits its request for final payment and KDOT has completed the final audit. The LPA shall make all Documents available at the LPA’s principal office.

2. The Secretary, FHWA, or both, may inspect and review all Documents pertaining to the LPA’s Services during the LPA’s performance and the five-year retention period.

3. The LPA shall maintain all cost documentation according to generally accepted accounting principles and the cost principles contained in Code of Federal Regulations, Title 48, Chapter 1, Subchapter E, Part 31 (48 C.F.R. § 31.000, *et seq.*).

4. Within five (5) years after the LPA has submitted its invoice for final payment on Work Estimate for a Project, having completed its Services, the Secretary or the Secretary’s authorized representatives may perform a final audit of the LPA’s costs conducted according to generally accepted governmental auditing standards and in compliance with cost principles contained in Code of Federal Regulations, Title 48, Chapter 1, Subchapter E, Part 31 (48 C.F.R. § 31.000, *et seq.*). Without limitation, the auditors may determine whether costs incurred were actual and necessary, reasonable, allowable, and in compliance with regulations and whether the compensation did not exceed the applicable upper limit of compensation. The auditors may review all subconsultant records and costs, if any, as well. The LPA shall reimburse the Secretary for overpayments.

5. The LPA shall include the provisions of Articles VI.B.1—B.4. above in all subconsultant agreements, if any.

**C. AGREEMENT ITEMS**

1. Incorporation of Documents. The correlation, interpretation, and intent of the Agreement documents, including the Agreement and attachments thereto, shall be as follows:
  - a. All Attachments listed and checked on the Index of Attachments are made a part of and incorporated into this Agreement.
  - b. The Agreement, the Notice to Proceed, and all supplemental agreements shall be included as the Agreement documents.
  - c. The Agreement documents comprise the entire Agreement between the Secretary, the Consultant, and the LPA.
  - d. The Agreement documents are complimentary; that is, what is called for by one is binding as if called for by all. If the Consultant or the LPA finds a conflict, error, or discrepancy in the Agreement documents, the Consultant or the LPA will call it to the Secretary's attention before proceeding with the work affected thereby. In resolving such conflicts, errors, and discrepancies, the documents shall be given precedence in the following order: Supplemental Agreement, this Agreement, and Notice to Proceed.
2. No Party may alter or amend this Agreement except by a revised Work Estimate, CMS Change Order, or Supplemental Agreement evidencing written agreement between the Parties for such alteration or amendment.

**D. LEGAL RELATIONS**

1. The LPA shall observe and comply with all applicable federal, state, and local laws, ordinances, and regulations.
2. This Agreement binds the Parties and the Parties' successors and assigns. The LPA shall not assign this Agreement without the prior written permission of the Secretary. Notwithstanding any other provision of this Agreement, the LPA shall not subcontract any part of the Services without prior written approval by the Secretary.
3. This Agreement creates no third-party beneficiaries.
4. In the event any disagreement, dispute, or claim of the LPA arising out of or in connection with the LPA's performance of this Agreement, the LPA shall make written request to the KDOT District Engineer to review the matter. If dissatisfied with the review and decision of the KDOT District Engineer, then the LPA may appeal, in writing, to the Deputy Secretary of Transportation/State Transportation Engineer within fifteen (15) calendar days of receipt of the decision of the KDOT District Engineer. The State

Transportation Engineer's decision represents KDOT final agency action under the Kansas Judicial Review Act (KJRA), K.S.A. § 77-601, *et seq.*

5. The **Civil Rights Act Attachment** pertaining to the implementation of the Civil Rights Act of 1964, is attached and made a part of this Agreement.
6. The provisions found in the current version of **Contractual Provisions Attachment (Form DA-146a)**, which is attached, are hereby incorporated into and made a part of this Agreement.

#### **E. WORKERS' COMPENSATION**

The LPA will elect to come within the provisions of the Workers' Compensation Act (K.S.A. § 44-505) for all Services performed for the Project and will provide such workers' compensation insurance as is required by the Commissioner of Workers' Compensation.

#### **F. ERRORS AND OMISSIONS; INDEMNIFICATION; INSURANCE**

1. The LPA shall promptly correct, without additional compensation, the LPA's failure to perform its obligations under this Agreement. The LPA shall promptly correct its negligent acts, errors, or omissions without additional compensation. If the Services affect a third party, then the LPA shall perform corrections in a manner that minimizes delay to the third party and other damages.

2. The LPA shall pay for or reimburse the Secretary for damages and costs the Secretary has incurred or will incur, because the LPA failed to comply with its obligations under this Agreement and LPA's negligent acts, errors, or omissions arising out of or in connection with the LPA's performance of this Agreement. These damages include personal injury to KDOT employees, damage to KDOT property, and economic loss whether the economic loss arises in contract, tort, or equity. Economic loss encompasses direct and consequential damages Kansas law permits the Secretary to recover, including monies the Secretary pays or owes to construction contractors, monies the Secretary pays or owes to consulting firms, delay damages, or other damages arising from the LPA's failure to comply with its obligations. This Agreement does not authorize third parties to seek recovery as third-party beneficiaries of this Agreement or in any other capacity.

3. To the extent permitted by law and subject to the maximum liability provisions of the Kansas Tort Claims Act (K.S.A. § 75-6101, *et seq.*) as applicable, the LPA will defend, indemnify, hold harmless, and save the Secretary and the Secretary's authorized representatives from any and all claims, suits, damages, whether property damages, personal injury damages, or economic damages, and costs resulting from the LPA's failure to comply with its obligations under this Agreement, resulting from the LPA's negligent acts, errors, or omissions in performing its Services, or all of the above. The LPA shall have no obligation to defend, indemnify, hold harmless, and save the Secretary for negligent acts or omissions of the Secretary or the Secretary's authorized representatives or employees.



## G. CONFLICT OF INTEREST

1. The LPA warrants it has no public or private interest and shall not acquire (directly or indirectly) any such interest, which would conflict with the Services performed under this Agreement.
2. The LPA shall not hire persons in KDOT's employment to provide Services under this Agreement without the Secretary's prior written permission.

## H. EFFECTIVE DATE; REPRESENTATION OF AUTHORITY

1. This Agreement will become effective on the date when signed by the Secretary or the Secretary's designee ("Effective Date"). It is intended that the LPA will sign first, and the Secretary (or the Secretary's designated representative) will sign last; therefore, the effective date of the Agreement will be the latter date.
2. In signing this Agreement, the Parties and the individual person signing on behalf of such Party represent that the person signing is duly authorized, having the authority and capacity to execute and legally bind the respective entity to this Agreement.

## I. FEDERAL REQUIREMENTS

1. Anti-Lobbying. If the total value of this agreement exceeds one hundred thousand dollars (\$100,000.00), a **Certification for Federal Aid Contracts and accompanying Disclosure of Lobbying Activities Attachment** will be attached to and made part of this Agreement. Such certification must state the recipient or subrecipient of a federal grant will not and has not used Federally-appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. § 1352. Each tier must also disclose any lobbying with non-Federal funds that takes place in connection with obtaining any Federal award. 2 C.F.R. § Pt. 200, App. II.
2. Debarment & Suspension. If the value of this Agreement exceeds twenty-five thousand dollars (\$25,000.00), it is a covered transaction for purposes of 2 C.F.R. Parts 180 and/or 1200. By signature on this Agreement, the LPA verifies that neither it, nor its agents or employees, are presently debarred, suspended, proposed for debarment, declared ineligible, disqualified, or voluntarily excluded from participation in this transaction by any federal department or agency as reflected in the System for Award Management (SAM). Exec.Orders No. 12549 and 12689; 2 C.F.R. § 200.213. A **Certification as to Current History Regarding Debarment, Eligibility, Indictments, Convictions, or Civil Judgments Attachment** will be attached to and made a part of this Agreement. 2 C.F.R. § 200.213.
3. System for Award Management. The LPA has registered with the System for Award Management (<http://www.sam.gov/>), which provides a Unique Entity Identifier (SAM).

The LPA shall maintain such registration at all times during which it has active federal awards.

4. Buy America Compliance. The Parties agree to comply with the Buy America requirements of 23 C.F.R. § 635.410, or other applicable Buy America requirements, when purchasing items using Federal funds under this Agreement. Buy America requires the Parties to purchase only steel and iron produced in the United States unless a waiver has been granted by FHWA or the product is subject to a general waiver. Costs for applicable materials which are not certified either compliant or under waiver will not be reimbursed. Buy America requirements apply to all contractors/subcontractors and should be incorporated through appropriate contract provisions as needed.
5. Prohibition on Certain Technologies. All Parties agree that they will comply with 2 C.F.R. §§ 200.216 and 200.471 regulations. Such regulations provide that recipients and sub-recipients of federal funds are prohibited from obligating or expending loan or grant funds to 1) procure or obtain; 2) extend or renew a contract to procure or obtain, or; 3) or enter into a contract to procure or obtain telecommunication or video surveillance equipment, services, or systems produced by: Huawei Technologies Company or ZTE Corporation (or any subsidiary or affiliate of such entities); and Hytera Communications Corporation, Hangzhou Hikvision Digital Technology Company, or Dahua Technology Company (or any subsidiary or affiliate of such entities). Any expenditures for such telecommunication or video surveillance equipment, services or systems are unallowable costs and will not be reimbursed.

**NOW THEREFORE**, the Parties cause their duly authorized representatives to enter into this Agreement.

RECOMMEND FOR APPROVAL:

CITY OF LENEXA, KANSAS

\_\_\_\_\_  
CITY ENGINEER

\_\_\_\_\_  
CITY COMMISSION CHAIRPERSON (Date)

ATTEST:

\_\_\_\_\_  
CITY COMMISSION MEMBER

\_\_\_\_\_  
CITY CLERK (Date)

\_\_\_\_\_  
CITY COMMISSION MEMBER

(SEAL)

Kansas Department of Transportation  
Secretary of Transportation

By: \_\_\_\_\_  
Greg M. Schieber, P.E. (Date)  
Deputy Secretary and  
State Transportation Engineer

Approved as to form:

### **INDEX OF ATTACHMENTS**

- Specific Construction Provisions
- Certification as to Current History Regarding Debarment, Eligibility, Indictments, Convictions, or Civil Judgments
- Certification Against Contingent Fees
- Policy Regarding Sexual Harassment
- Certificate of Compliance with K.S.A. § 46-239(c)
- Certification of Company Not Currently Engaged in a Boycott of Goods or Services from Israel
- Contractual Provisions Attachment (DA-146a)
- Certification for Federal Aid Contracts and accompanying Disclosure of Lobbying Activities
- Civil Rights Act
- Listing of KDOT Certified Inspectors
- Estimate of Engineering Fee / Work Estimate Form
- Certificate of Tax Clearance

\*Note – If left unchecked, then inapplicable.

**SPECIFIC CONSTRUCTION PROVISIONS**

**ARTICLE I SCOPE OF SERVICES (CONSTRUCTION ENGINEERING INSPECTION SERVICES TO BE PERFORMED BY THE CONSULTANT)**

**A. THE CONSULTANT AGREES TO THE FOLLOWING:**

- (1) Attend all conferences designated by KDOT or required under the terms of this Agreement.
- (2) Designate a Project Engineer/Project Manager who shall meet KDOT's certification policy and report and transmit Project activity and documents to KDOT's Field Engineer.
- (3) Assign KDOT Certified Inspector(s) of the appropriate classifications to the Project to perform the services required under this Agreement in a timely manner to avoid delay to the Contractor.
- (4) Become familiar with the standard practices of KDOT, the Contract Documents, and the Contractor's proposed schedule of operations prior to beginning field services to be performed under this Agreement.
- (5) Perform the Consultant's field operations in accordance with accepted safety practices.
- (6) Furnish all equipment required to accomplish the Consultant's services and to check or test it prior to use on the Project.
- (7) Provide for Consultant personnel such transportation, supplies, materials and incidentals as are needed to accomplish the services required under this Agreement.
- (8) Transmit orders from KDOT to the Contractor and provide guidance in the interpretation of the Contract Documents.
- (9) Transmit orders from KDOT to the Contractor and provide guidance in the proper interpretation of the Contract Documents.
- (10) Perform or provide construction surveys, staking, and measurements needed by the Contractor (unless provided for in the contract where contractor construction staking is to be performed as a bid item by the Contractor) and perform measurements and surveys that are involved in the determination of final pay quantities.
- (11) Inspect all phases of construction operations to determine the Contractor's compliance with the Contract Documents and to reject such work and materials, which do not comply with the Contract Documents until any questions at issue, can be referred to and be decided by the KDOT's Field Engineer.
- (12) Take field samples and/or test materials to be incorporated in the work and reject those not meeting the provisions of the Contract Documents until any questions at issue can be referred to and be decided by the Field Engineer.

- (13) Make certain that test report records or certificates of compliance for materials tested off the Project site and required, prior to the incorporation in the work, have been received.
- (14) Keep such daily diaries, logs and records as are needed for a complete record of the Contractor's progress, including the Consultant's Project Engineer/Project Manager and Chief Inspector's diaries.
- (15) Measure and compute all materials incorporated in the work and items of work completed and maintain an item account record.
- (16) Provide measurement and computation of pay items.
- (17) Prepare and submit, or assist in preparing, such periodic, intermediate and final reports and records as may be required by KDOT and as are applicable to the Project, which may include:
  - a. Progress Reports
  - b. Weekly statement of working days
  - c. Notice of change in construction status
  - d. Report of field inspection of material
  - e. Test report record
  - f. Contractor pay estimates
  - g. Pile driving data
  - h. Piling record
  - i. Final certification of materials
  - j. Explanation of quantity variation
  - k. Other reports as required by the Project
- (18) Review, or assist in reviewing, all Contractor submittals of records and reports required by KDOT, as applicable to the Project, which may include:
  - a. Requests for partial and final payment
  - b. Other reports and records as required by the individual Project
- (19) Prepare and submit if desired by the Consultant, partial payment invoices for services rendered by the Consultant, but not to exceed one submittal per month.
- (20) Collect, properly label or identify, and deliver to KDOT all original diaries, logs, notebooks, accounts, records, reports and other documents prepared by the Consultant in the performance of this Agreement, upon completion or termination of this Agreement.
- (21) Return, upon completion or termination of this Agreement, all Contract Documents, Manuals, written instructions, unused forms and record keeping books, and other documents and materials furnished by KDOT. The Consultant shall be responsible for replacing lost documents or materials at the price determined by KDOT.
- (22) Prepare and submit a certification of Project completion.
- (23) Prepare and submit a final payment voucher for services rendered by the Consultant.

(24) Prepare and deliver (when Project is completed) one copy of major changes to the Plans (by letter) to KDOT. The letter should contain such items as the following:

- a. Earthwork and Culverts
  - 1. A revised list of benchmarks
  - 2. Location of government benchmarks
  - 3. Major changes in alignment
  - 4. Major changes in grade line
  - 5. Established references on cornerstones
  - 6. Major changes in location of drainage structures
  - 7. Major changes in flow-line of drainage structures
  - 8. Drainage structures added or deleted
  - 9. Any change of access control
  
- b. Bridges
  - 1. Changes in stationing
  - 2. Changes in type, size or elevation of footings
  - 3. Changes in grade line

**B. THE SECRETARY AGREES TO THE FOLLOWING:**

- (1) Make available to the Consultant sufficient copies of the Contract Documents, shop drawings, plan revisions, written instructions and other information and data considered by KDOT to be necessary for the Consultant to perform the Construction Engineering Inspection Services under this Agreement, for the Project.
- (2) Provide for the use of the Consultant a sufficient supply of the blank diaries, logs, record keeping books, and reporting forms considered by KDOT to be necessary for the Consultant to perform the Construction Engineering Inspection Services under this Agreement.
- (3) Provide space in the field office and field laboratory furnished by the Contractor under the terms of the Construction Contract, for the occupancy and use of the Consultant until completion of the construction work.
- (4) Perform or provide for laboratory testing of materials requiring off-site testing facilities and obtain test reports or certificates of compliance hereof.
- (5) Perform weld inspection when there is welding for bridge beam connections and splices, and for sign supports. This includes all cross frames, diaphragm connections, and stud welding.
- (6) Designate a Field Engineer Coordinator in the Construction Office with the duties and responsibilities set forth in Article I, Section C of this Agreement.
- (7) The Secretary reserves the right to assign and charge to the Project such KDOT personnel as may be needed.

**ARTICLE II PROSECUTION AND PROGRESS**

- (1) It is anticipated the Construction Engineering Inspection Services to be performed under the Construction Contract will start in 2024 and be completed by 2024.
- (2) The Consultant shall complete all of the Construction Engineering Inspection Services to be rendered under this Agreement no later than two months after completion of Project construction. Failure to comply may result in disqualification of the Consultant's Project Engineer/Project Manager or Chief Inspector until proper documentation is submitted and accepted.

### ARTICLE III BASIS OF PAYMENT

- (1) Compensation of Construction Engineering Inspection Services provided by the Consultant under the terms of this Agreement shall be made on the basis of the reimbursable Consultant's actual cost. The actual cost shall be incurred in conformity with the cost principles established in Volume 1, Chapter 7, Section 2 of the Federal-aid Highway Policy Guide and 48 C.F.R. pt. 31 *et seq.* The upper limit of compensation for the Construction Engineering Inspection Services detailed in this Agreement shall be **\$ 21,884.04**.
- (2) Compensations for Construction Engineering Inspection Services during the progress of work normally will be made to the Consultant within 30 days after receipt by the Secretary of proper billing and when supported by appropriate documentation. The Consultant may not request partial payments at intervals of more than one per calendar month. Progress billings shall be acceptable to the Secretary before payments can be made to the Consultant. Unless extra Construction Engineering Inspection Services has been authorized by the Secretary, the total of the final payment and previous payments cannot exceed the upper limit of compensation approved for the Construction Engineering Inspection Services. If extra Construction Engineering Inspection Services has been authorized it will be reimbursed as per the terms of the supplemental agreements(s).
- (3) The Secretary will pay 100 percent of all partial billings up to 95 percent of the upper limit of compensation. Any further amount due will be held until the KDOT field office obtains all deliverables (field books, CMS disks, as-built plans, etc.) from the Consultant. When all deliverables are received by KDOT the remainder due may be paid if requested by the Consultant minus a \$500.00 retainage or the amount earned in excess of 95 percent of the upper limit, whichever is less. If partial payments never reach 95 percent of the upper limit, the Consultant may request payment of 100 percent of the amount earned minus a \$500.00 retainage. The retainage amount will be released to the Consultant when this Agreement has been audited by KDOT.
- (4) The Secretary will reimburse the Consultant for the approved voucher amount up to the upper limit of compensation (or upper limit plus any amount approved by a revised supplemental) for Construction Engineering Inspection Services detailed in this Agreement. The payments will be made provided the LPA has submitted to KDOT the estimated LPA's share of the Project cost and the LPA's estimated share of the Construction Engineering cost.
- (5) If this Agreement's upper limit of compensation exceeds the amount approved by the FHWA, KDOT will reimburse the Consultant for the approved voucher fee (not to exceed this

Agreement's upper limit of compensation unless authorization has been granted and included in a revised supplemental agreement for the Construction Engineering Inspection Services). The LPA will reimburse KDOT for fees voucher by the Consultant and approved by KDOT up to the upper limit of compensation in this Agreement that may exceed the FHWA's approved amount unless provisions are provided for payment under state law.

#### **ARTICLE IV MISCELLANEOUS PROVISIONS**

##### **A. AUTHORIZED REPRESENTATIVES**

- (1) The Field Engineer for KDOT will be Michael Rinehart, whose work address is 1290 S. Enterprise, Olathe, KS 66061-5355, and work telephone is 913-942-3100.
- (2) The Project Engineer/Project Manager for the Consultant will be Tim Green, P.E., whose work address is 17101 W. 87<sup>th</sup> Street Parkway, Lenexa, KS 66219 and work telephone is 913-477-7661.
- (3) The Chief Inspector for the Consultant will be Toni Sinker-Strang, Certification Number 1665 (expiration date is 3/4/2026), whose work address is 17101 W. 87<sup>th</sup> Street Parkway, Lenexa, KS 66219 and work telephone is 913-477-7668.
- (4) The contact person for the LPA will be Tim Green, P.E., whose work address is 17101 W. 87<sup>th</sup> Street Parkway, Lenexa, KS 66219 and work telephone is 913-477-7661.

##### **B. ACCESS TO RECORDS**

- (1) All documents and evidence pertaining to costs incurred under this Agreement will be available for inspection during normal business hours in the Consultant's office, located at 17101 W. 87<sup>th</sup> Street Parkway, Lenexa, KS 66219, for a period of three (3) years following final Agreement payment.



CERTIFICATION OF CONTRACTOR

I hereby certify that I am \_\_\_\_\_ and duly authorized representative of \_\_\_\_\_ (CONTRACTOR) and that neither I nor the above agency I here represent has:

- (a) employed or retained for the payment of a commission, percentage, brokerage, contingent fee, or other consideration, any person (other than a bona fide employee working solely for me or the CONTRACTOR) to solicit or secure this Agreement,
- (b) agreed, as an express or implied condition for obtaining this Agreement, to employ or retain the services of any firm or person in connection with carrying out the agreement, or
- (c) paid, or agreed to pay, to any firm, organization of persons (other than a bona fide employee working solely for me or the CONTRACTOR) any fee, contribution, donation, or consideration of any kind, for, or in connection with, procuring or carrying out the Agreement;

except as here expressly stated (if any):

I acknowledge that this certificate is to be furnished to the Secretary of Transportation of the State of Kansas in connection with this Agreement and is subject to applicable State and Federal laws, both criminal and civil.

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_

**Policy Regarding Sexual Harassment**

**WHEREAS**, sexual harassment and retaliation for sexual harassment claims are unacceptable forms of discrimination that must not be tolerated in the workplace; and

**WHEREAS**, state and federal employment discrimination laws prohibit sexual harassment and retaliation in the workplace; and

**WHEREAS**, officers and employees of the State of Kansas are entitled to working conditions that are free from sexual harassment, discrimination, and retaliation; and

**WHEREAS**, the Governor and all officers and employees of the State of Kansas should seek to foster a culture that does not tolerate sexual harassment, retaliation, and unlawful discrimination.

**NOW THEREFORE**, pursuant to the authority vested in me as Governor of the State of Kansas, I hereby order as follows:

1. All Executive Branch department and agency heads shall have available, and shall regularly review and update at least every three years or more frequently as necessary, their sexual harassment, discrimination, and retaliation policies. Such policies shall include components for confidentiality and anonymous reporting, applicability to intern positions, and training policies.
2. All Executive Branch department and agency heads shall ensure that their employees, interns, and contractors have been notified of the state’s policy against sexual harassment, discrimination, or retaliation, and shall further ensure that such persons are aware of the procedures for submitting a complaint of sexual harassment, discrimination, or retaliation, including an anonymous complaint.
3. Executive Branch departments and agencies shall annually require training seminars regarding the policy against sexual harassment, discrimination, or retaliation. All employees shall complete their initial training session pursuant to this order by the end of the current fiscal year.
4. Within ninety (90) days of this order, all Executive Branch employees, interns, and contractors under the jurisdiction of the Office of the Governor shall be provided a written copy of the policy against sexual harassment, discrimination, and retaliation, and they shall execute a document agreeing and acknowledging that they are aware of and will comply with the policy against sexual harassment, discrimination, and retaliation.
5. Matters involving any elected official, department or agency head, or any appointee of the Governor may be investigated by independent legal counsel.
6. The Office of the Governor will require annual mandatory training seminars for all staff, employees, and interns in the office regarding the policy against sexual harassment, discrimination, and retaliation, and shall maintain a record of attendance.
7. Allegations of sexual harassment, discrimination, or retaliation within the Office of the Governor will be investigated promptly, and violations of law or policy shall constitute grounds for disciplinary action, including dismissal.
8. This Order is intended to supplement existing laws and regulations concerning sexual harassment and discrimination, and shall not be interpreted to in any way diminish such laws and regulations. The Order provides conduct requirements for covered persons, and is not intended to create any new right or benefit enforceable against the State of Kansas.
9. Persons seeking to report violations of this Order, or guidance regarding the application or interpretation of this Order, may contact the Office of the Governor regarding such matters.

**Agreement to Comply with the Policy Against Sexual Harassment, Discrimination, and Retaliation.**

I hereby acknowledge that I have read the above State of Kansas Policy Against Sexual Harassment, Discrimination, and Retaliation established by Executive Order 18-04 and agree to comply with the provisions of this policy.

\_\_\_\_\_  
Contractor Name (Type or Print)

By: \_\_\_\_\_  
Signature

\_\_\_\_\_  
Printed Name

\_\_\_\_\_  
Title

\_\_\_\_\_  
Date

# KANSAS DEPARTMENT OF TRANSPORTATION

## SPECIAL ATTACHMENT

### CERTIFICATE OF COMPLIANCE WITH K.S.A. 46-239(c)

Kansas law (K.S.A. 46-239(c)) requires the Kansas Department of Transportation to report all contracts entered into with any legislator, or any member of a firm of which a legislator is a member, under which the legislator or member of the firm is to perform services for this agency for compensation. The following certification must be filled in by the signator of this contract:

\_\_\_\_\_ Yes, this contract is with a legislator or a firm in which a legislator is a member.

Legislator name \_\_\_\_\_

Business phone \_\_\_\_\_

Address (Street, City, State, Zip Code)

\_\_\_\_\_

\_\_\_\_\_

**Purpose of Employment:** \_\_\_\_\_

**Method of determining compensation:** \_\_\_\_\_

**or**

\_\_\_\_\_ No, this contract is not being entered into with a legislator or a firm in which a legislator is a member.

The signer understands that this certification is factual and reliable and is part of this transaction.

By: \_\_\_\_\_

Date: \_\_\_\_\_

Contract/  
Project No: \_\_\_\_\_  
(if applicable)

County: \_\_\_\_\_  
(if applicable)

State of Kansas  
 Department of Administration DA-146a  
 (Rev. 07-19)

### CONTRACTUAL PROVISIONS ATTACHMENT

Important: This form contains mandatory contract provisions and must be attached to or incorporated in all copies of any contractual agreement. If it is attached to the vendor/contractor's standard contract form, then that form must be altered to contain the following provision:

The Provisions found in Contractual Provisions Attachment (Form DA-146a, Rev. 07-19), which is attached hereto, are hereby incorporated in this contract and made a part thereof.

The parties agree that the following provisions are hereby incorporated into the contract to which it is attached and made a part thereof, said contract being the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

1. **Terms Herein Controlling Provisions:** It is expressly agreed that the terms of each and every provision in this attachment shall prevail and control over the terms of any other conflicting provision in any other document relating to and a part of the contract in which this attachment is incorporated. Any terms that conflict or could be interpreted to conflict with this attachment are nullified.
2. **Kansas Law and Venue:** This contract shall be subject to, governed by, and construed according to the laws of the State of Kansas, and jurisdiction and venue of any suit in connection with this contract shall reside only in courts located in the State of Kansas.
3. **Termination Due To Lack Of Funding Appropriation:** If, in the judgment of the Director of Accounts and Reports, Department of Administration, sufficient funds are not appropriated to continue the function performed in this agreement and for the payment of the charges hereunder, State may terminate this agreement at the end of its current fiscal year. State agrees to give written notice of termination to contractor at least thirty (30) days prior to the end of its current fiscal year and shall give such notice for a greater period prior to the end of such fiscal year as may be provided in this contract, except that such notice shall not be required prior to ninety (90) days before the end of such fiscal year. Contractor shall have the right, at the end of such fiscal year, to take possession of any equipment provided State under the contract. State will pay to the contractor all regular contractual payments incurred through the end of such fiscal year, plus contractual charges incidental to the return of any such equipment. Upon termination of the agreement by State, title to any such equipment shall revert to contractor at the end of the State's current fiscal year. The termination of the contract pursuant to this paragraph shall not cause any penalty to be charged to the agency or the contractor.
4. **Disclaimer Of Liability:** No provision of this contract will be given effect that attempts to require the State of Kansas or its agencies to defend, hold harmless, or indemnify any contractor or third party for any acts or omissions. The liability of the State of Kansas is defined under the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*).
5. **Anti-Discrimination Clause:** The contractor agrees: (a) to comply with the Kansas Act Against Discrimination (K.S.A. 44-1001, *et seq.*) and the Kansas Age Discrimination in Employment Act (K.S.A. 44-1111, *et seq.*) and the applicable provisions of the Americans With Disabilities Act (42 U.S.C. 12101, *et seq.*) (ADA), and Kansas Executive Order No. 19-02, and to not discriminate against any person because of race, color, gender, sexual orientation, gender identity or expression, religion, national origin, ancestry, age, military or veteran status, disability status, marital or family status, genetic information, or political affiliation that is unrelated to the person's ability to reasonably perform the duties of a particular job or position; (b) to include in all solicitations or advertisements for employees, the phrase "equal opportunity employer"; (c) to

comply with the reporting requirements set out at K.S.A. 44-1031 and K.S.A. 44-1116; (d) to include those provisions in every subcontract or purchase order so that they are binding upon such subcontractor or vendor; (e) that a failure to comply with the reporting requirements of (c) above or if the contractor is found guilty of any violation of such acts by the Kansas Human Rights Commission, such violation shall constitute a breach of contract and the contract may be cancelled, terminated or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration; (f) Contractor agrees to comply with all applicable state and federal anti-discrimination laws and regulations; (g) Contractor agrees all hiring must be on the basis of individual merit and qualifications, and discrimination or harassment of persons for the reasons stated above is prohibited; and (h) if it is determined that the contractor has violated the provisions of any portion of this paragraph, such violation shall constitute a breach of contract and the contract may be canceled, terminated, or suspended, in whole or in part, by the contracting state agency or the Kansas Department of Administration.

6. **Acceptance of Contract:** This contract shall not be considered accepted, approved or otherwise effective until the statutorily required approvals and certifications have been given.
7. **Arbitration, Damages, Warranties:** Notwithstanding any language to the contrary, no interpretation of this contract shall find that the State or its agencies have agreed to binding arbitration, or the payment of damages or penalties. Further, the State of Kansas and its agencies do not agree to pay attorney fees, costs, or late payment charges beyond those available under the Kansas Prompt Payment Act (K.S.A. 75-6403), and no provision will be given effect that attempts to exclude, modify, disclaim or otherwise attempt to limit any damages available to the State of Kansas or its agencies at law, including but not limited to, the implied warranties of merchantability and fitness for a particular purpose.
8. **Representative's Authority to Contract:** By signing this contract, the representative of the contractor thereby represents that such person is duly authorized by the contractor to execute this contract on behalf of the contractor and that the contractor agrees to be bound by the provisions thereof.
9. **Responsibility for Taxes:** The State of Kansas and its agencies shall not be responsible for, nor indemnify a contractor for, any federal, state or local taxes which may be imposed or levied upon the subject matter of this contract.
10. **Insurance:** The State of Kansas and its agencies shall not be required to purchase any insurance against loss or damage to property or any other subject matter relating to this contract, nor shall this contract require them to establish a "self-insurance" fund to protect against any such loss or damage. Subject to the provisions of the Kansas Tort Claims Act (K.S.A. 75-6101, *et seq.*), the contractor shall bear the risk of any loss or damage to any property in which the contractor holds title.
11. **Information:** No provision of this contract shall be construed as limiting the Legislative Division of Post Audit from having access to information pursuant to K.S.A. 46-1101, *et seq.*
12. **The Eleventh Amendment:** "The Eleventh Amendment is an inherent and incumbent protection with the State of Kansas and need not be reserved, but prudence requires the State to reiterate that nothing related to this contract shall be deemed a waiver of the Eleventh Amendment."
13. **Campaign Contributions / Lobbying:** Funds provided through a grant award or contract shall not be given or received in exchange for the making of a campaign contribution. No part of the funds provided through this contract shall be used to influence or attempt to influence an officer or employee of any State of Kansas agency or a member of the Legislature regarding any pending legislation or the awarding, extension, continuation, renewal, amendment or modification of any government contract, grant, loan, or cooperative agreement.

**KANSAS DEPARTMENT OF TRANSPORTATION  
CIVIL RIGHTS ATTACHMENT**

**PREAMBLE**

The Secretary of Transportation for the State of Kansas, in accordance with the provisions of Title VI of the Civil Rights Act of 1964 (78 Stat. 252, 42 U.S.C. § 2000d to 2000d-4) and other nondiscrimination requirements and the Regulations, hereby notifies all contracting parties that it will affirmatively ensure that this contract will be implemented without discrimination on the grounds of race, color, national origin, sex, age, disability, income-level or Limited English Proficiency (“LEP”).

**CLARIFICATION**

Where the term “contractor” appears in the following “Nondiscrimination Clauses”, the term “contractor” is understood to include all parties to contracts or agreements with the Secretary of Transportation, Kansas Department of Transportation. This Attachment shall govern should this Attachment conflict with provisions of the Document to which it is attached.

**ASSURANCE APPENDIX A**

During the performance of this contract, the contractor, for itself, its assignees and successors in interest (hereinafter referred to as the “contractor”), agrees as follows:

1. **Compliance with Regulations:** The contractor (hereinafter includes consultants) will comply with the Acts and the Regulations relative to Non-discrimination in its Federally-assisted programs of the U.S. Department of Transportation, the Federal Highway Administration (FHWA), the Federal Transit Administration (“FTA”) or the Federal Aviation Administration (“FAA”) as they may be amended from time to time which are herein incorporated by reference and made a part of this contract.
2. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, will not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor will not participate directly or indirectly in the discrimination prohibited by the Acts and the Regulations, including employment practices when the contract covers any activity, project or program set forth in Appendix B of 49 CFR Part 21.
3. **Solicitations for Subcontractors, Including Procurements of Material and Equipment:** In all solicitations, either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials, or leases of equipment, each potential subcontractor will be notified by the contractor of the contractor’s obligations under this contract and the Acts and the Regulations relative to Non-discrimination on the grounds of race, color, or national origin.
4. **Information and Reports:** The contractor will provide all information and reports required by the Acts, the Regulations, and directives issued pursuant thereto and will permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Recipient or the FHWA, Federal Transit Administration (“FTA”), or Federal Aviation Administration (“FAA”) to be pertinent to ascertain compliance with such Acts, Regulations, and instructions. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish the information, the contractor will so certify to the Recipient or, the FHWA, FTA, or FAA as appropriate, and shall set forth what efforts it has made to obtain the information.
5. **Sanctions for Noncompliance:** In the event of the contractor’s noncompliance with the Non-discrimination provisions of this contract, the Recipient will impose such contract sanctions as it or the FHWA, FTA, or FAA may determine to be appropriate, including, but not limited to:
  - a. withholding payments to the contractor under the contract until the contractor complies; and/or
  - b. cancelling, terminating or suspending a contract, in whole or in part.
6. **Incorporation of Provisions:** The contractor will include the provisions of the paragraphs one through six in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Acts, the Regulations and directives issued pursuant thereto. The contractor will take action with respect to any

subcontract or procurement as the Recipient or the FHWA, FTA, or FAA may direct as a means of enforcing such provisions including sanctions for noncompliance. Provided, that if the contractor becomes involved in, or is threatened with litigation by a subcontractor, or supplier because of such direction, the contractor may request the Recipient to enter into any litigation to protect the interests of the Recipient. In addition, the contractor may request the United States to enter into the litigation to protect the interests of the United States.

### **ASSURANCE APPENDIX E**

During the performance of this contract, the contractor, for itself, its assignees, and successors in interest (hereinafter referred to as the “contractor”) agrees to comply with the following non-discrimination statutes and authorities; including but not limited to:

- Title VI of the Civil Rights Act of 1964 (42 U.S.C. § 2000d et seq., 78 stat. 252), (prohibits discrimination on the basis of race, color, national origin); and 49 CFR Part 21.
- The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. § 4601), (prohibits unfair treatment of persons displaced or whose property has been acquired because of Federal or Federal-aid programs and projects);
- The Federal Aid Highway Act of 1973 (23 U.S.C. § 324 et. seq.), (prohibits discrimination on the basis of sex);
- Section 504 of the Rehabilitation Act of 1973 (29 U.S.C. § 794 et. seq.) as amended, (prohibits discrimination on the basis of disability); and 49 CFR Part 27;
- The Age Discrimination Act of 1975, as amended, (42 U.S.C. § 6101 et. seq.), prohibits discrimination on the basis of age);
- Airport and Airway Improvement Act of 1982, (49 U.S.C. § 471, Section 47123), as amended, (prohibits discrimination based on race, creed, color, national origin, or sex);
- The Civil Rights Restoration Act of 1987 (PL No. 100-259), (Broadened the scope, coverage and applicability of Title VI of the Civil Rights Act of 1964, The Age Discrimination Act of 1975 and Section 504 of the Rehabilitation Act of 1973, by expanding the definition of the terms “programs or activities” to include all of the programs or activities of the Federal-aid recipients, sub-recipients and contractors, whether such programs or activities are Federally funded or not);
- Titles II and III of the Americans with Disabilities Act, which prohibit discrimination on the basis of disability in the operation of public entities, public and private transportation systems, places of public accommodation, and certain testing entities (42 U.S.C. §§12131-12189) as implemented by Department of Transportation regulations at 49 C.F.R. parts 37 and 38;
- The Federal Aviation Administration’s Non-discrimination statute (49 U.S.C. § 47123) (prohibits discrimination on the basis of race, color, national origin, and sex);
- Executive Order 12898, Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, which ensures nondiscrimination against minority populations by discouraging programs, policies, and activities with disproportionately high and adverse human health or environmental effects on minority and low-income populations;
- Executive Order 13166, Improving Access to Services for Persons with LEP, and resulting agency guidance, national origin discrimination includes discrimination because of LEP. To ensure compliance with Title VI, you must take reasonable steps to ensure that LEP persons have meaningful access to your programs (70 Fed. Reg. at 74087 to 74100);
- Title IX of the Education Amendments of 1972, as amended, which prohibits you from discriminating because of sex in education programs or activities (20 U.S.C. § 1681)

Listing of Inspection Staff for the City of Lenexa, KS

Updated: 04-Dec-23 08:49 AM

The following list of personnel are available to perform the work on 46 N-0749-01 when required.

Certification and Expiration Dates

| Name               | Cert. No. | INSPECTION |           |           |           |     |     |     | TESTING |     |           |           |    |    |     |           |               |                    |
|--------------------|-----------|------------|-----------|-----------|-----------|-----|-----|-----|---------|-----|-----------|-----------|----|----|-----|-----------|---------------|--------------------|
|                    |           | BI         | API       | CPI       | STR       | PDI | DSI | CSW | AGF     | AGL | ACI CF    | HCP       | PO | SF | SOF | NUC       | QC/QA ASPHALT | QC/QA CONCRETE/CTB |
| Toni Sinker-Strang | 1665      | 3/4/2026   | 3/4/2026  | 3/4/2026  | 3/4/2026  |     |     |     |         |     | 1/11/2024 |           |    |    |     |           |               |                    |
| Brett Burton       | 3203      | 3/4/2026   | 3/4/2026  | 3/4/2026  | 3/4/2026  |     |     |     |         |     | 2/24/2026 |           |    |    |     |           |               |                    |
| Brandon Reeves     | 4445      | 1/28/2025  | 1/30/2025 | 1/31/2025 | 1/29/2025 |     |     |     |         |     | 2/21/2024 |           |    |    |     |           |               |                    |
| Jake Worden        | 4319      | 1/29/2024  | 1/31/2024 | 2/1/2024  | 1/30/2024 |     |     |     |         |     | 3/6/2028  |           |    |    |     |           |               |                    |
| David Zentz        | 3511      | 1/3/2028   | 2/1/2028  | 2/1/2028  | 2/1/2028  |     |     |     |         |     | 3/6/2028  |           |    |    |     |           |               |                    |
| Daniel Carpenter   | 2600      | 5/6/2026   | 5/6/2026  | 5/6/2026  | 5/6/2026  |     |     |     |         |     | 5/5/2026  | 1/12/2027 |    |    |     | 5/21/2026 |               |                    |
|                    |           |            |           |           |           |     |     |     |         |     |           |           |    |    |     |           |               |                    |
|                    |           |            |           |           |           |     |     |     |         |     |           |           |    |    |     |           |               |                    |
|                    |           |            |           |           |           |     |     |     |         |     |           |           |    |    |     |           |               |                    |
|                    |           |            |           |           |           |     |     |     |         |     |           |           |    |    |     |           |               |                    |
|                    |           |            |           |           |           |     |     |     |         |     |           |           |    |    |     |           |               |                    |
|                    |           |            |           |           |           |     |     |     |         |     |           |           |    |    |     |           |               |                    |
|                    |           |            |           |           |           |     |     |     |         |     |           |           |    |    |     |           |               |                    |
|                    |           |            |           |           |           |     |     |     |         |     |           |           |    |    |     |           |               |                    |
|                    |           |            |           |           |           |     |     |     |         |     |           |           |    |    |     |           |               |                    |
|                    |           |            |           |           |           |     |     |     |         |     |           |           |    |    |     |           |               |                    |
|                    |           |            |           |           |           |     |     |     |         |     |           |           |    |    |     |           |               |                    |
|                    |           |            |           |           |           |     |     |     |         |     |           |           |    |    |     |           |               |                    |
|                    |           |            |           |           |           |     |     |     |         |     |           |           |    |    |     |           |               |                    |



**WORK ESTIMATE FORM**  
**Cost plus Net Fee**

**Work Scope Defined by Project Plans** **Date** 11/8/2023

Consultant's Name City of Lenexa, KS Project No. 46N-0749-01

Mailing Address 17101 W. 87th Street Parkway County/City Johnson/Lenexa

Lenexa, KS 66219 Working Days 40 Calendar Days

Work Estimate No. \_\_\_\_\_ CMS Contract No. \_\_\_\_\_

Project Location N.B. Lackman Road Right-Turn Lane at Eastbound I-435

Name of Project Eng'r/Manager Tim Green, P.E. Phone Number 913-477-7661

Name of Chief Inspector Toni Sinker-Strang Phone Number 913-477-7668

|                                 |                     |     |   |          |
|---------------------------------|---------------------|-----|---|----------|
| 1. Pre-construction preparation | Eng'r(s) &/or Mang. | @   | = | \$0.00   |
|                                 | Tech'n(s)           | 4 @ | = | \$163.28 |
|                                 | Others(s)           | 2 @ | = | \$111.58 |
|                                 | Clerical            | @   | = | \$0.00   |
| Subtotal                        |                     |     |   | \$274.86 |

|  |                     |       |   |             |
|--|---------------------|-------|---|-------------|
| 2. Field Inspection daily contract documents | Eng'r(s) &/or Mang. | @     | = | \$0.00      |
|  | Tech'n(s)           | 320 @ | = | \$13,062.40 |
|  | Others(s)           | 50 @  | = | \$2,789.50  |
|  | Clerical            | @     | = | \$0.00      |
| Subtotal                                     |                     |       |   | \$15,851.90 |

|                    |                     |   |   |        |
|--------------------|---------------------|---|---|--------|
| 3. On-site Testing | Eng'r(s) &/or Mang. | @ | = | \$0.00 |
|                    | Tech'n(s)           | @ | = | \$0.00 |
|                    | Others(s)           | @ | = | \$0.00 |
|                    | Clerical            | @ | = | \$0.00 |
| Subtotal           |                     |   |   | \$0.00 |

|              |                     |   |   |        |
|--------------|---------------------|---|---|--------|
| 4. Surveying | Eng'r(s) &/or Mang. | @ | = | \$0.00 |
|              | Tech'n(s)           | @ | = | \$0.00 |
|              | Others(s)           | @ | = | \$0.00 |
|              | Clerical            | @ | = | \$0.00 |
| Subtotal     |                     |   |   | \$0.00 |

|                            |                     |      |   |          |
|----------------------------|---------------------|------|---|----------|
| 5. Final Paper Preparation | Eng'r(s) &/or Mang. | @    | = | \$0.00   |
|                            | Tech'n(s)           | 16 @ | = | \$653.12 |
|                            | Others(s)           | 4 @  | = | \$223.16 |
|                            | Clerical            | @    | = | \$0.00   |
| Subtotal                   |                     |      |   | \$876.28 |

Total Direct Payroll Costs \$17,003.04

Summary Total Direct Payroll Costs

|   | Hours        | Rate              | Extension          |
|---|--------------|-------------------|--------------------|
| Eng'r(s) &/or Mang.   | <u>0 @</u>   | <u>\$0.00 =</u>   | \$0.00             |
| Tech'n(s)   | <u>340 @</u> | <u>\$40.82 =</u>  | \$13,878.80        |
| Others(s)   | <u>56 @</u>  | <u>\$55.79 =</u>  | \$3,124.24         |
| Clerical  | <u>0 @</u>   | <u>\$0.00 =</u>   | \$0.00             |
| Total Direct Payroll Costs  |              |                   | \$17,003.04        |
| B. Salary Related Overhead  | ** _____ %   |                   | \$0.00             |
| C. Total Payroll plus Overhead  |              |                   | \$17,003.04        |
| D. Net Fee -- N/A for LPA providing their own CE                                |              |                   | \$0.00             |
| E. Direct Expenses (Travel, Postage, Misc.)                                     |              |                   |                    |
|   | Days         |                   |                    |
| Per Diem & Subsistence  | <u>40 @</u>  | <u>\$0.00 =</u>   | \$0.00             |
| Mileage   | miles        | \$0.00/mile       |                    |
| Auto  | <u>0 @</u>   | <u>          </u> | \$0.00             |
| Pickup  | <u>0 @</u>   | <u>          </u> | \$0.00             |
| Postage   | <u>0 @</u>   | <u>\$0.00</u>     | \$0.00             |
| Testing Laboratory or Consulting Firm to Assist (Braun Intertec) (See attached) | <u>1 @</u>   | <u>\$4,881.00</u> | \$4,881.00         |
| Equipment Rental (Details \$500 +)  | <u>0 @</u>   | <u>\$0.00</u>     | \$0.00             |
| Total Other Direct Expenses   |              |                   | <u>\$4,881.00</u>  |
| TOTAL COST PLUS NET FEE ESTIMATE  |              |                   | <u>\$21,884.04</u> |

Consultant Representative           N/A           Date \_\_\_\_\_

LPA Authorized Representative           [Signature]           Date 12/4/23

Approving KDOT Representative \_\_\_\_\_ Date \_\_\_\_\_

\*\* Salary Related Overhead can only be charged if the rate has been approved by a Federal Agency.

**WORK ESTIMATE FORM**  
**Cost plus Net Fee**

**Work Scope Defined by Project Plans** **Date** 11/28/2023

Consultant's Name Braun Intertec Project No. 46N-0749-01

Mailing Address 11529 W. 79th Street County/City Johnson/Lenexa  
Building 21  
Lenexa, KS 66214 Working Days 40 Calendar Days

Work Estimate No. \_\_\_\_\_ CMS Contract No. \_\_\_\_\_

Project Location N.B. Lackman Road Right-Turn Lane at Eastbound I-435


Name of Project Eng'r/Manager Joe Lorensen Phone Number 913-208-5444

Name of Chief Inspector \_\_\_\_\_ Phone Number \_\_\_\_\_

|  |                     |      |            |                   |
|--|---------------------|------|------------|-------------------|
| 1. Pre-construction preparation              | Eng'r(s) &/or Mang. | 2 @  | \$135.00 = | \$270.00          |
|  | Tech'n(s)           | @    | \$75.00 =  | \$0.00            |
|  | Others(s)           | @    | =          | \$0.00            |
|  | Clerical            | @    | =          | \$0.00            |
| Subtotal                                     |                     |      |            | \$270.00          |
|  |                     |      |            |                   |
| 2. Field Inspection daily contract documents | Eng'r(s) &/or Mang. | @    | \$135.00 = | \$0.00            |
|  | Tech'n(s)           | @    | \$75.00 =  | \$0.00            |
|  | Others(s)           | @    | \$0.00 =   | \$0.00            |
|  | Clerical            | @    | \$0.00 =   | \$0.00            |
| Subtotal                                     |                     |      |            | \$0.00            |
|  |                     |      |            |                   |
| 3. On-site Testing                           | Eng'r(s) &/or Mang. | 6 @  | \$135.00 = | \$810.00          |
|  | Tech'n(s)           | 31 @ | \$75.00 =  | \$2,325.00        |
|  | Others(s)           | @    | \$0.00 =   | \$0.00            |
|  | Clerical            | @    | \$0.00 =   | \$0.00            |
| Subtotal                                     |                     |      |            | \$3,135.00        |
|  |                     |      |            |                   |
| 4. Surveying                                 | Eng'r(s) &/or Mang. | @    | \$135.00 = | \$0.00            |
|  | Tech'n(s)           | @    | \$75.00 =  | \$0.00            |
|  | Others(s)           | @    | \$0.00 =   | \$0.00            |
|  | Clerical            | @    | \$0.00 =   | \$0.00            |
| Subtotal                                     |                     |      |            | \$0.00            |
|  |                     |      |            |                   |
| 5. Final Paper Preparation                   | Eng'r(s) &/or Mang. | @    | \$135.00 = | \$0.00            |
|  | Tech'n(s)           | @    | \$75.00 =  | \$0.00            |
|  | Others(s)           | @    | \$0.00 =   | \$0.00            |
|  | Clerical            | @    | \$0.00 =   | \$0.00            |
| Subtotal                                     |                     |      |            | \$0.00            |
|  |                     |      |            |                   |
| <b>Total Direct Payroll Costs</b>            |                     |      |            | <b>\$3,405.00</b> |

Summary Total Direct Payroll Costs

|  | Hours          | Rate              | Extension         |
|--|----------------|-------------------|-------------------|
| Eng'r(s) &/or Mang.                              | <u>8 @</u>     | <u>\$135.00 =</u> | \$1,080.00        |
| Tech'n(s)  | <u>31 @</u>    | <u>\$75.00 =</u>  | \$2,325.00        |
| Others(s)  | <u>0 @</u>     | <u>\$0.00 =</u>   | \$0.00            |
| Clerical   | <u>0 @</u>     | <u>\$0.00 =</u>   | \$0.00            |
| Total Direct Payroll Costs                       |                |                   | \$3,405.00        |
| B. Salary Related Overhead                       | <u>    </u> ** | %                 | \$0.00            |
| C. Total Payroll plus Overhead                   |                |                   | \$3,405.00        |
| D. Net Fee -- N/A for LPA providing their own CE |                |                   | \$0.00            |
| E. Direct Expenses (Travel, Postage, Misc.)      |                |                   |                   |
|  | Days           |                   |                   |
| Per Diem & Subsistence                           | <u>40 @</u>    | <u>\$0.00 =</u>   | \$0.00            |
| Mileage  | miles          | \$0.00/mile       |                   |
| Auto   | <u>0 @</u>     | <u>    </u>       | \$0.00            |
| Pickup   | <u>275 @</u>   | <u>\$0.80</u>     | \$220.00          |
| Postage  | <u>0 @</u>     | <u>\$0.00</u>     | \$0.00            |
| Testing Laboratory or Consulting Firm to Assist  | <u>1 @</u>     | <u>\$1,256.00</u> | \$1,256.00        |
| Equipment Rental (Details \$500 +)               | <u>0 @</u>     | <u>\$0.00</u>     | \$0.00            |
| Total Other Direct Expenses                      |                |                   | <u>\$1,476.00</u> |
| TOTAL COST PLUS NET FEE ESTIMATE                 |                |                   | <u>\$4,881.00</u> |

Consultant Representative  Date 12/1/2023

LPA Authorized Representative  Date 12/4/23

Approving KDOT Representative \_\_\_\_\_ Date \_\_\_\_\_

\*\* Salary Related Overhead can only be charged if the rate has been approved by a Federal Agency.

# Public Correspondence

**Canyon Ridge (RZ23-07, PL23-12P)**  
**Public Comment Emails Received for the January 8, 2024 Planning Commission Meeting**

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**From:** Melissa Drummond <[mdrummond@kcexec.com](mailto:mdrummond@kcexec.com)>  
**Date:** December 26, 2023 at 10:00:48 PM CST  
**To:** Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>, Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>, Joe Karlin <[jkarlin@lenexa.com](mailto:jkarlin@lenexa.com)>, Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>, Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>, Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>, Chelsea Williamson <[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)>, Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>  
**Subject:** Lenexa Re-Zoning Request for Request for Canyon Ridge Apartments NW corner of K-10 & Canyon Creek Blvd

Lenexa City Council Members,

I'm sending this note to encourage you to reject a proposal to build a large 28 multi-story building apartment complex, convenience store, and assisted living complex in western Lenexa. This is the 2nd attempted development of this land in 5 years. Surrounding neighborhoods canvassed and rallied support of over 170 signatures representing 75 million in home values in the 2-week notification period last time, and we have again been given less than 2-weeks to oppose this rezone effort. (January 8th is the Planning Commission Meeting).

This project requires land zoned for single family homes to be rezoned to support the proposal. Lenexa residents chose to live and invest in this part of Lenexa due to the published master land use plan. I have lived in Lenexa nearly my entire life and moved to this area specifically for the wooded landscape and the atmosphere of this section of Lenexa. A developer presenting a plan for this type of development should not override the investment of many hundreds of homeowners in this area. Additionally, the proposed building plat location is largely unfavorable requiring 10-foot retaining walls around nearly the entire complex, which will greatly raise the building height and visibility. Further, I have shared with the Lenexa Police Department my concerns about the unfavorable traffic conditions on Prairie Star Parkway, in particular, due to St. James Academy. St. James Academy is allowed to have drop-off/pick-up traffic sitting in the intersections and roundabouts on Prairie Star Parkway. I am concerned about the additional traffic conditions that this proposal may add to Prairie Star Parkway. The nearby villas, expansion to Arbor Lake, and new park being built will already add quite a bit more traffic to the area. Finally, an additional convenience store is completely unnecessary as there are Casey's <2 and <4 miles away with a Quick Trip being built on 83rd and K-7.

This proposal is an eyesore and truly unfitting for the western entrance of Lenexa. Lenexa has many areas already zoned for such a development and would be much better suited and zoned near walkable amenities around the City Center area or Ridgeview interchange. Again, you are urged to honor the published master land use plan and reject this proposal.

For awareness, I am attaching my letter from July 2018 when a similar proposal was put in front of the Lenexa Council for review and consideration.

I appreciate your time and attention to this request.

Kind Regards,  
Melissa Drummond  
25939 W 96<sup>TH</sup> TER, Lenexa, KS  
**Melissa Drummond, PMP, CSM**  
[\(913\) 269-6057](tel:9132696057)  
[mdrummond@kcexec.com](mailto:mdrummond@kcexec.com)

**Canyon Ridge (RZ23-07, PL23-12P)**  
**Public Comment Emails Received for the January 8, 2024 Planning Commission Meeting**

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**From:** Andrew Drummond <[Andrew@kcexec.com](mailto:Andrew@kcexec.com)>

**Date:** December 26, 2023 at 9:40:23 PM CST

**To:** Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>, Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>, Joe Karlin <[jkarlin@lenexa.com](mailto:jkarlin@lenexa.com)>, Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>, Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>, Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>, Chelsea Williamson <[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)>, Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>, Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>

**Subject:** Lenexa Re-Zoning Request for Request for Canyon Ridge Apartments NW corner of K-10 & Canyon Creek Blvd

Lenexa City Council Members,

I'm sending this note to encourage you to reject a proposal to build a large 28 multi-story building apartment complex, convenience store, and assisted living complex in western Lenexa. This is the 2<sup>nd</sup> attempted development of this land in 5 years. Surrounding neighborhoods canvassed and rallied support of over 170 signatures representing 75 million in home values in the 2-week notification period last time, and we have again been given less than 2-weeks to oppose this rezone effort. (January 8<sup>th</sup> is the Planning Commission Meeting).

This project requires land zoned for single family homes to be rezoned to support the proposal. Lenexa residents chose to live and invest in this part of Lenexa due to the published master land use plan. We moved to Lenexa (15-year resident) from Overland Park specifically for the wooded landscape and the atmosphere of this section of Lenexa. A developer presenting a plan for this type of development should not override the investment of many hundreds of homeowners in this area. Additionally, the proposed building plat location is largely unfavorable requiring 10-foot retaining walls around nearly the entire complex, which will greatly raise the building height and visibility. Finally, an additional convenience store is completely unnecessary as there are Casey's <2 and <4 miles away with a Quick Trip being built on 83<sup>rd</sup> and K-7.

This proposal is an eyesore and truly unfitting for the western entrance of Lenexa. Lenexa has many areas already zoned for such a development and would be much better suited and zoned near walkable amenities around the City Center area or Ridgeview interchange. Again, you are urged to honor the published master land use plan and reject this proposal.

I appreciate your time and attention to this request.

Thank you,  
Andrew Drummond  
25939 W. 96<sup>th</sup> Terrace Lenexa, KS  
816.529.7500

**Canyon Ridge (RZ23-07, PL23-12P)**  
**Public Comment Emails Received for the January 8, 2024 Planning Commission Meeting**

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**From:** Barbara Eidt <[beidt50@att.net](mailto:beidt50@att.net)>  
**Sent:** Wednesday, December 27, 2023 6:51 PM  
**To:** Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>  
**Subject:** ODDO Proposed development

Hi Bill

We are currently residents of canyon creek point. After carefully reviewing the ODDO plan documents for a another massive apartment development at k10 and canyon creek blvd, we are requesting you consider our STRONG opposition to this project.

Reasons:

This HUGE development massively impacts the entire section of Lenexa, negatively impacting the noise levels, traffic and natural beauty of our section of lenexa.

The plan includes a huge convenience store, directly opposite the one already in the works at k10 and canyon creek blvd.

The substantial increase in traffic resulting from this many apartments and a q trip style gas store will negatively impact the existing residents. in to all the added traffic, the noise levels will spoil a beautiful section of lenexa.

There will be an incred negative impact on the natural beauty of our entire area by removing natural trees and adding a massive amount of noise pollution to this beautiful section of lenexa- which was planned as home owner residential.

There are multiple alternatives available within a few short miles that are already in the works- such as the one across canyon creek Blvd, or the massive complex at Ridgeview and college....

This development conflicts with the existing master plan- for no valid reason. "Panasonic" can not be the primary reason repeatedly used to destroy our residential area!

A similar plan was successfully opposed by residents several years ago. Your lenexa residents consistently do NOT want this type of development so close to our homes.

PLEASE listen to your residents and reject this incredibly massive, Invasive, and inappropriate change to what is a peaceful home owner residential area.

Respectfully

Barbara Eidt  
26122 W 96th Street  
Lenexa ks 66227  
[Beidt50@att.net](mailto:Beidt50@att.net)



**Canyon Ridge (RZ23-07, PL23-12P)**  
**Public Comment Emails Received for the January 8, 2024 Planning Commission Meeting**

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**From:** Fred Gower <[gowerfj@gmail.com](mailto:gowerfj@gmail.com)>  
**Sent:** Wednesday, December 27, 2023 12:16 PM  
**To:** Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>  
**Subject:** Re-Zoning proposal - Canyon Ridge Apartments

December 27, 2023

Dear Councilman Nicks,

I am writing to express my concern and objection to the re-zoning request for the Canyon Ridge Apartment Homes located approximately at the northwest corner of K-10 Highway & Canyon Creek Boulevard.

I reside at 26245 West 96<sup>th</sup> Terrace, Lenexa, Ks 66227 in the Canyon Creek Point subdivision. I purchased lot 53 at Canyon Creek point in October of 2018 based solely on the panoramic views and wildlife located in the area. As very few spaces in Lenexa offered the views available at Canyon Creek Point, the lot prices were considerably higher than those in surrounding neighborhoods. Many neighbors and I in Canyon Creek Point invested heavily in a secluded area surrounded by city parks and greenspaces.

The proposed rezoning request which includes 28 High density multi-story apartments, convenience store and assisted living center will completely destroy what so many of us have come to believe is the most beautiful spot in Lenexa. The plans show the apartment complex cresting the forested hillside from K-10 and down the valley putting the backside of all apartment buildings in the direct site line of all Canyon Creek Point homes. Picture our view today with a hillside covered with native trees that is highly traveled by wildlife with a view of a hillside stripped of vegetation and replaced by multi-storied apartments.



I attached several quotes describing Canyon Creek Point giving you an idea as to why we chose to live in Lenexa. "The natural beauty of this area cannot be overstated."

***Canyon Ridge (RZ23-07, PL23-12P)***  
***Public Comment Emails Received for the January 8, 2024 Planning Commission Meeting***

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“Canyon Creek Point is situated atop a high ridge with deep stream valleys on two sides. City-owned parkland and a natural conservation area surround the community, allowing sweeping views of nothing but nature, and assuring residents that those views will remain forever unspoiled.”

“The community is surrounded by city-owned parkland and a natural conservation area, providing residents with panoramic vistas of nothing but nature and promising inhabitants that those views would remain undisturbed in perpetuity.”

“The purpose of The Lenexa Foundation is to support community beautification and maintenance, promote social welfare, **promote environmental conservation**, advance education and science, and promote the arts.”

It is my request that you and all city council members as well as the Lenexa Planning Commission reject the proposed re-zoning of this area and leave it as is for the sake of the area residents and wildlife that live here.

Very truly yours,

Fred Gower

**Canyon Ridge (RZ23-07, PL23-12P)**  
**Public Comment Emails Received for the January 8, 2024 Planning Commission Meeting**

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Jeffrey and Alicia Klein  
26213 W 96<sup>th</sup> Terrace  
Lenexa, KS 66227

December 29, 2023

Courtney Eiterich  
Lenexa Planning Commission  
17101 West 87<sup>th</sup> St. Pkwy.  
Lenexa, KS 66219

Subject: Concerns Regarding Proposed Development at the Northeast Corner of Hwy 10 and Canyon Creek Blvd.

Dear [City Council Member's Name],

We hope this letter finds you well. Our names are Jeffrey and Alicia Klein, and we are residents of Canyon Creek Point. We are writing to express our deep concerns about the proposed development in the heavily forested area 600 feet beyond our southern border.

We understand that the proposed development necessitates rezoning the current agricultural, community commercial, and general office zones to high-density residential. While we appreciate the need for urban planning and development, we believe there are significant reasons to reconsider this proposal in light of the following concerns:

**Zoning Regulations:** The area's current zoning aligns with the city master plan, reflecting a thoughtful consideration of the community's needs. Rezoning to high-density residential may violate existing zoning regulations, and we urge the City Council to thoroughly review the compatibility of this proposal with the current zoning laws.

**Traffic and Infrastructure:** Introducing high-density residential units in the proposed development may lead to increased traffic congestion and put undue stress on our existing infrastructure, including roads and schools. We request a comprehensive traffic impact assessment to understand and address these potential issues.

**Property Values:** There is a legitimate concern among residents that the removal of trees and the drastic change in land use may adversely affect property values in our neighborhood. Research suggests that green spaces and mature trees contribute positively to property values, and we encourage the City Council to consider these potential impacts.

**Environmental Impact:** The proposed development's plan to remove all trees from the heavily forested area raises significant environmental concerns. Destruction of this habitat could have far-reaching consequences for the local ecosystem and wildlife. We urge the City Council to conduct a thorough environmental impact assessment before approving any rezoning.

**Noise and Privacy:** Introducing high-density residential units may result in increased noise levels and compromise the privacy of existing residents. We request that the City Council consider the potential impact on the quality of life for those near the proposed development.

**Canyon Ridge (RZ23-07, PL23-12P)**  
**Public Comment Emails Received for the January 8, 2024 Planning Commission Meeting**

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**Aesthetic Concerns:** The current character of our neighborhood is complemented by the presence of the adjacent forested area. Clearing this space for high-density residential units may alter the area's aesthetic appeal. We ask the City Council to evaluate the visual impact on our community carefully.

**Community Input and Engagement:** Ensuring that the community's concerns are heard and considered is crucial in any development process. We urge the City Council to facilitate transparent communication and public hearings to allow residents to voice their opinions and contribute to the decision-making process. In conclusion, We kindly request that the Lenexa City Council thoroughly assess the potential implications of the proposed development in the forested area south of our neighborhood. Considering the points raised above will not only help preserve the character of our community but also contribute to the long-term well-being of our residents and the environment.

Thank you for your attention to this matter. We look forward to a thoughtful and considerate evaluation of our community's concerns.

Sincerely,



Jeffrey and Alicia Klein  
816-591-4644  
jeffrgklein@gmail.com

**Canyon Ridge (RZ23-07, PL23-12P)**  
**Public Comment Emails Received for the January 8, 2024 Planning Commission Meeting**

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**From:** Susan Cameron <[susankc1953@icloud.com](mailto:susankc1953@icloud.com)>  
**Date:** December 29, 2023 at 1:55:49 PM CST  
**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>  
**Subject: Refining**

Lenexa Planning Commission - Re-Zoning Request for 28 High Density Apts Canyon Ridge Apartments NW corner of K-10 & Canyon Creek Blvd.

Please please vote NO!

**Canyon Ridge (RZ23-07, PL23-12P)**  
**Public Comment Emails Received for the January 8, 2024 Planning Commission Meeting**

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**From:** Jim Keller <[jimekeller@hotmail.com](mailto:jimekeller@hotmail.com)>  
**Date:** December 28, 2023 at 8:52:20 PM CST  
**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>, Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>, Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>, "[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)[cherron@lenexa.com](mailto:cherron@lenexa.com)" <[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)[cherron@lenexa.com](mailto:cherron@lenexa.com)>  
**Cc:** Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>, Joe Karlin <[karlin@lenexa.com](mailto:karlin@lenexa.com)>, Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>, Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>  
**Subject:** ODDO Rezoning Request

Lenexa Mayor & City Council Members,

Last night, we had the opportunity to hear from the ODDO Development leadership team about a proposed 28-building, 342-unit multi-story apartment complex (Canyon Ridge Apartment Homes), assisted living center, and convenience store/gas station development at the northwest corner of K-10 and Canyon Creek Boulevard, which they have submitted to the Council for rezoning consideration. We urge you to **deny this request** and retain the integrity and spirit of the current Master Land Use Plan for the following reasons.

As new Lenexa residents, we gave considerable weight in our decision to purchase land and build our current home in Canyon Creek Point based upon the Master Land Use Plan and the assurances made to us in the sales process by Prime Development that the land and views surrounding our neighborhood would be preserved. Our subdivision is less than ½ mile from K-10, and we appreciate that the natural landscape and elevation of the land between our homes and the highway shields us from views of K-10 and mitigates considerable traffic noise. However, with the upcoming expansion of K-10 to six lanes, we fear it will be intolerable if the protective ridge with its trees and thick vegetation is stripped from the ridge and apartment buildings will allow sightlines to expose the interstate.

We learned at the meeting that this is the second attempted development and at the time, the surrounding neighborhoods were able to successfully canvas and solicit feedback from homeowners representing then roughly \$75 million in home value. After five years, there are considerably more homes and much higher home values for you to consider; however, with limited time, we fear you will not have the full weight of resident input to consider before your January 8<sup>th</sup> meeting.

Furthermore, it is our understanding that a convenience store is already planned for the northeast side of that interchange, and with two Casey's less than two and four miles from that area, and a planned Quick Trip at 83<sup>rd</sup> and K-7, another convenience store is not needed nor desired. It will only serve to increase traffic on and off of K-10 and onto our currently serene parkway and as a security concern, introduce more non-resident traffic into our neighborhoods.

In addition, we learned from the ODDO team that the proposed site for their development is very narrow, causing them to squeeze a large, high density apartment complex into the area between the floodplain valley and the easement adjacent to K-10. We agree! In addition to the natural beauty, this space, which hosts many native animals and is a unique and desired feature for those of us living north of K-10 and west of Canyon Creek Parkway, is a key reason we chose to live here. This development and other development all around the intersection of K-10 and Canyon Creek Parkway will put them at risk and cause us to lose a vital component of what makes western Lenexa so unique and desirable.

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This project requires land currently zoned for single family homes to be rezoned to support the proposed commercial development. Especially for those of us situated within 600 feet of the proposed apartment complex, with more transient residents and little incentive to maintain the exterior of their apartments, single-family homes are more desirable and would preserve the aesthetics and continuity of the surrounding neighborhoods. Even a quiet, low-rise general office (CPO) complex, if incorporating the natural surroundings and beauty of the area, (on the order of Corporate Woods in Overland Park) would be more desirable, and would also provide a neat, professional, and more pleasing introduction to western Lenexa to travelers along K-10 than what is being proposed.

Finally, Lenexa has many areas already zoned for this type of development which would be much better suited and less problematic to surrounding neighborhoods, such as the areas around Lenexa City Center with its access to amenities, and the Ridgeview/K-10 interchange.

For these reasons, and many others that we and our fellow Canyon Creek Point neighbors articulated to the ODDO development team, we respectfully request that you continue to honor the published Master Land Use Plan and reject this proposal.

We look forward to more amenable ideas and recommendations for the use of this land that will meet the needs of the city and its residents, while protecting the investments and desires of the existing landowners.

We appreciate your time and attention to our concerns.

Kind Regards,

James and Robin Keller  
25923 W. 96th Terrace  
Lenexa, KS 66227

Jim Keller  
913-908-8360

***All that is necessary for the triumph of evil is for good men to do nothing.***

Edmund Burke 1729-1797

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**From:** Tammy Wainwright <[kctammy2009@gmail.com](mailto:kctammy2009@gmail.com)>  
**Date:** December 28, 2023 at 7:58:15 PM CST  
**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>  
**Subject: Re: Lenexa Planning Commission - Re-Zoning Request for 28 High Density Apts Canyon Ridge Apartments NW corner of K-10 & Canyon Creek Blvd.**

Mayor Julie Sayers,

I'm emailing you about the proposal to build a large apartment complex with 28-high density apartment buildings, an assisted living center and convenience store and gas station on the northwest corner of Canyon Creek Parkway and K-10 in western Lenexa. This project, Canyon Ridge Apartments, will require rezoning to support the proposal and **I implore you to reject this massive project and protect our neighborhoods.**

This is the second attempt in the past five years to rezone this land and push through a high density project in our suburban neighborhood. The proposed project will remove acres of trees, destroy wildlife habitats and increase traffic and noise, lowering the quality of life for residents in the Canyon Creek neighborhoods, many who moved to this area for the natural beauty surrounding our homes. Property values will decline. Five years ago, residents rallied and in less than two weeks got the support of over 170 residents (representing \$75 million in property values) to oppose this type of development. Again, we have less than two weeks to make our voices be heard, since the Lenexa Planning Commission will meet on Jan. 8, 2024, to hear the developer's plea and opposition from many Canyon Creek area residents.

Again, **I urge you to reject this proposal** and protect the Lenexa residents who chose to live and invest in this part of Lenexa due to the published master land use plan. Many of us moved to this area specifically for the wooded landscape and the atmosphere of this section of Lenexa. A developer seeking a profit should not override the investment of tax-paying homeowners in this area lush with natural beauty. Additionally, the proposed building plat location is largely unfavorable requiring 10-foot retaining walls around nearly the entire complex, which will greatly raise the building height and visibility. As a resident, seeing the removal of hundreds of mature trees so a developer can profit, is a travesty and will negatively impact our climate.

This development will be an eyesore and not one the residents want to have at the western entrance of Lenexa. Other areas in our city, many already zoned for apartments, assisted living and a convenience store, would be better suited for this development than a single-family neighborhood.

**Please honor the published master land use plan, show support to the residents of the Canyon Creek neighborhoods and reject this proposal.**

Please let me know how you plan to vote.  
Thank you.

Sincerely,  
Tammy Ljungblad Wainwright  
Brian Wainwright  
26058 W. 96th St.  
Lenexa, KS 66227  
Canyon Creek Point residents



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**From:** Gary Link <[gflink69@gmail.com](mailto:gflink69@gmail.com)>  
**Sent:** Friday, December 29, 2023 2:16 PM  
**To:** Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>  
**Subject:** Canyon Creek West Development

I live in Canyon Creek just north of the proposed apartment and assisted living development. In two words, I object. This development is entirely too dense with the number of apartment buildings plus the assisted living center. The noise from the apartments and commercial area as well as the assisted living complex (regular EMT traffic and sirens) as well as light pollution will have a negative impact on the residences just to the north. Additionally, there is a planned new multi-family complex and commercial development less than a half mile east across Canyon Creek Blvd.

It appears that the K10 corridor is becoming lined with apartments from Ridgeview to Cedar Creek Parkway. I believe these developments will degrade our home investments. Thanks for your consideration.  
Sent from my iPad

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**From:** Rick Vaughn <[rvaughn763@gmail.com](mailto:rvaughn763@gmail.com)>  
**Date:** December 31, 2023 at 1:38:10 PM CST  
**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>  
**Subject: Oppose the Proposed Canyon Ridge Apartments Development**

Dear Mayor Sayers:

I am writing to ask you to oppose the proposed Canyon Ridge Apartments development located at the northwest corner of K-10 Highway and Canyon Creek Boulevard in western Lenexa. This proposed development is a 28 multi-story building apartment complex, convenience store/gas station and assisted living complex that would be developed by Oddo Development (Rick Oddo). The project requires land zoned for single family homes to be rezoned to support this proposal.

My wife and I bought our retirement home in this area of Lenexa two and a half years ago because we loved the peaceful, quiet environment and the beautiful conservation area surrounding our neighborhood, which has abundant green space and lots of wildlife. Our neighborhood (Canyon Creek Point) skews older with many retired couples who picked this area for similar reasons. We love watching for deer, turkeys, and even bobcats right in our back yard and being able to see the stars in the sky at night above the expanse of trees. My wife and I often joke that we no longer need to go on vacation, because it feels like we are on vacation just sitting on our deck. The nature in this area is truly amazing!

When we bought our home, we did so with the knowledge that the current zoning in the Lenexa master land use plan prevents this proposed type of major development. We felt we could trust the master plan and hope the council does not vote to rezone the area. We moved from Overland Park to get away from the noise and light pollution and were willing to give up close proximity to retail, grocery, etc. in order to be somewhere more peaceful and closer to nature. If the land is rezoned and the development is approved, we fear that it will change all of this for the worse.

Here are some of our more specific comments and concerns regarding the project:

1) We understand and support the need for housing diversity across Lenexa and believe the current zoning in and around our neighborhood already supports an impressive balance of multi-family and single-family developments. In terms of multi-family developments similar to the one being proposed, within one mile of our house there is already The Mansions at Canyon Creek (with 220 apartment/condo units), Mize Hill, which is currently under construction (162 units of duplexes/twin villas), and Canyon Creek Apartments which was recently approved (with 212 units). This totals 594 multi-family units already approved in our neighborhood. Lenexa's Comprehensive Plan mentions that "effective planning and management of development has ensured multi-family housing is diffused throughout the city and is not spatially concentrated." If you add the 345 proposed units, the total number of multi-family units within one mile of each other would be 939, which would be about 6.5% of the total in Lenexa if my math is correct (per the Comprehensive Plan - 12,252 existing units plus 2,281 more needed by 2030 = 14,533). This seems spatially concentrated in a city of over 34 square miles. Are the areas currently zoned for multi-family use maxed out? If not, why are we not adding additional multi-family units in those zones? Is it really necessary to rezone our area?

2) Additional noise and light pollution would result from this project for our area. The development plan calls for the removal of most of the trees on the land. Currently those trees not only provide beautiful green space, but also help to buffer the noise from K-10. Once they are removed, the reverberations off the buildings will likely

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be much louder than we have now. When K-10 is expanded, it will be even worse (which also makes me wonder if it is even a good location for an assisted living facility, with all the noise from the highway and busy intersection). It also appears the buildings would have lots of outside lighting in front and back that would cause light pollution in our neighborhood (and in other surrounding neighborhoods).

3) The project includes a convenience store/gas station, but one has already been approved to go in right across the street in the Canyon Creek Apartments development. When asked, the developer, Mr. Oddo, was apparently not aware this was the case. Additionally, we already have a Casey's on Prairie Star Parkway (less than 2 miles away) and a new Quik Trip is being built at K-7/83rd street (less than 4 miles away). It doesn't seem like another gas station is needed in the area.

4) We also have a strong concern for what this project would do to the surrounding environment and in particular the green space, trees, and the wildlife. Lenexa's Comprehensive Plan makes some important statements about the need to protect and conserve our natural resources and to take environmental changes seriously. The removal of trees and green space with an increase in noise and light pollution will have a negative impact on the wildlife in the area, and they will almost certainly start to disappear.

Thank you for taking the time to read all this, I know you have a lot on your plate. I think you may know our daughter Lindsay Vaughn through politics. She is always telling us how important it is to reach out to our elected officials and be actively engaged in our community. We really love our home and the sanctuary it has become for us, and the developer made us feel relatively powerless to change the outcome of this project. We hope in appealing to you and the city council that our perspectives and the stories of others in our neighborhood will be considered as you evaluate the proposed development. We truly appreciate your consideration of our request.

Sincerely,

Rick Vaughn  
25955 W. 96th Terrace  
Lenexa, KS 66227  
PH: 816.674.6547  
Email: [rvaughn763@gmail.com](mailto:rvaughn763@gmail.com)

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From: Kate Flax <[ksflax@yahoo.com](mailto:ksflax@yahoo.com)>  
Sent: Friday, December 29, 2023 9:34 AM  
To: David Dalecky <[ddalecky@lenexa.com](mailto:ddalecky@lenexa.com)>  
Subject: Re: Canyon Creek Apartment Home Plans

Thank you, David.

My main concern is the proximity of this development, and the type of development being proposed, in relation to our neighborhood. I heard the edge of the development will come within 600 feet of our homes which especially impacts the west side of the Canyon Creek by the Park section where I live. My home faces west on Wild Rose street and will look directly at a gas station and large apartment buildings. The homes in the Canyon Creek by the Park section range from 650k to over a million dollars and it's absurd to me that it's being considered to put another apartment complex and even worse, a gas station, when you have this level of homes. I don't know of any other subdivision around this area that has this level of homes that is surrounded by apartments and a gas station.

I have two teen girls and the thought of our home being within 600 feet of random people coming in and out of a gas station is a scary thought. We built our home with the understanding this would be a safe and clean area to live. Adding this development will result in more traffic, more noise, more trash and reduced safety.

I am strongly against this development, and very much appreciate you taking these comments and combining them with those of other concerned residents to share with the Planning Commissioners and City Council Members.

Thank you,  
Kate Flax

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**From:** Michael Szczygiel <[mszczflgtrp69@gmail.com](mailto:mszczflgtrp69@gmail.com)>

**Sent:** Wednesday, January 3, 2024 8:49 AM

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>; Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>; Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>; jcarlin@lenedxa.com; [ceitirich@lenexa.com](mailto:ceitirich@lenexa.com); Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>; Chelsea Williamson <[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)>; Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>; Chris Herron <[cherron@lenexa.com](mailto:cherron@lenexa.com)>

**Subject:** Canyon Creek Zoning Changes

My wife and I built a home in Canyon Creek in 2010. A major component of our decision-making process was our need to select a site, which based on extant zoning, would be compatible with our chosen lifestyle. Naturally, the characteristics of the neighborhood, determined in part by the type and number of structures, absence of commercial enterprises and population density, were and are of paramount importance. The proposed zoning changes are such that if they would have been in existence on 2010 we would not have chosen to build in Canyon Creek. These changes will destroy our right to enjoy a product we purchased, our home, in the manner in which we intended; effectively creating the equivalent of a "bait and switch." We appreciate your consideration.

Michael Szczygiel (Segal)

Cathy Moffett

25204 W 97<sup>th</sup> Terrace

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**From:** Suzanne Luke <[suzannedahle@hotmail.com](mailto:suzannedahle@hotmail.com)>  
**Date:** January 3, 2024 at 2:31:58 PM CST  
**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>  
**Subject:** Apartments at K-7 and Canyon Creek Blvd

Hello Julie,

Welcome to your new position as Mayor of Lenexa! We voted for you and we're glad you're in there.

I am a resident of Canyon Creek by the Lake and I'm really concerned about the proposal to build high density apartments at the corner of K-7 and Canyon Creek Blvd. We purchased in this neighborhood because of the beautiful feel of the land, the quietness of the neighborhoods, and overall atmosphere...and we definitely paid for those things! We currently have a neighborhood atmosphere similar to that of Cedar Creek whose values have remained high and strong throughout the years. Adding high density apartments would decrease that atmosphere and therefore decrease our values and the amount of taxes the City of Lenexa would receive. The entire landscape and feel would change. We need to keep our values in line with those of Cedar Creek and therefore, we need to keep the atmosphere the same by not allowing high density apartments to be built.

Also, Canyon Creek Elementary is already busting at the seams with houses still being built. Adding high density apartments would also affect my children's education because the sizes of the classrooms would increase.

Our area of Lenexa is NOT the right place for high density apartments. It was never part of the master plan and those living in these areas do not want it.

Please consider these points when addressing the proposed development at the meeting on January 8th.

Thank you!

Suzanne Luke  
9776 Shady Bend Circle  
Lenexa, KS 66227

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**From:** Vanessa Calcara <[vanessagower@gmail.com](mailto:vanessagower@gmail.com)>  
**Date:** January 3, 2024 at 2:45:15 PM CST  
**To:** Vanessa Calcara <[vanessagower@gmail.com](mailto:vanessagower@gmail.com)>  
**Subject:** Proposed Rezoning in Western Lenexa

Lenexa City Council Members,

I am reaching out to encourage you to reject an upcoming proposal to build a large apartment complex, convenience store and assisted living complex near my home in western Lenexa. Since moving to this area in 2014, we have faced two other rezoning attempts on the outskirts of our neighborhood...and both times neighbors have rallied together to stop them and to preserve what little bit of nature we have left. My family chose Canyon Creek almost 10 years ago based on the published master land use plan--among other things. We enjoy being out of the hustle and bustle and love our natural views and wooded surroundings. There are so many areas in Lenexa that are already zoned for this type of use...so why ruin the natural beauty around us and remove the only barrier we have from K-10?

Please vote to honor the published master land use plan and reject this proposal.

Thank you,  
Vanessa Calcara

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On Aug 27, 2018, at 12:57 PM, Patrick C. Miller  
[pat.miller.travel@gmail.com](mailto:pat.miller.travel@gmail.com)> wrote:

Bill and Tom,

I am a resident of Canyon Creek by the Park, and have lived in this neighborhood since 2010. Over the course of the last eight years my wife and I have seen the issue of re-zoning raised in a nonchalant manner several times by the City of Lenexa. To be frank, I am very tired of those discussions, and I want to make sure my voice is heard. I did not invest into the vision of a neighborhood only to have that vision repeatedly changed by the Lenexa Planning Commission. I know it doesn't really matter to a lot of city planners; however, to someone who has invested literally hundreds of thousands of dollars into a home and neighborhood it does.

There are discussions underway, which support re-zoning an area at the intersection of K-10 and Canyon Creek Boulevard with "high density apartments". I am against these plans 100%. We already have hundreds of apartments directly to the north of us. I don't feel we also need hundreds of apartments to the southwest of us.

I was told the mayor believes "the silent majority supports this re-zoning effort, while only a vocal minority is against it". I can't confirm this statement by the mayor is accurate, but I have no reason to believe the neighbor who conveyed this remark to me is being dishonest. Unless the mayor has actually knocked on every door in this neighborhood, I don't know how he could make this claim. I've never spoken to any neighbor, who supported re-zoning our neighborhood either now or in the past.

In sum, I am against this re-zoning and I encourage both of you to vote against it (please). I intend to attend this meeting tonight -- even though it means working a full day and missing part of my daughter's birthday celebration tonight.

Please confirm your receipt of this email.

V/r,

Pat Miller  
9632 Zarda Drive  
Lenexa, KS 66227  
316-737-3791



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**From:** [michelle.moseman@prodigy.net](mailto:michelle.moseman@prodigy.net)

**Date:** January 3, 2024 at 10:09:50 PM CST

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>, Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>, Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>

**Cc:** Joe Karlin <[jkarlin@lenexa.com](mailto:jkarlin@lenexa.com)>, Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>, Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>, Chelsea Williamson <[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)>, Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>, Chris Herron <[cherron@lenexa.com](mailto:cherron@lenexa.com)>

**Subject:** K-10 and Canyon Creek - Canyon Ridge Apartment Homes

Happy New Year Lenexa City Council Members and Mayor Sayers,

I have been a resident of Lenexa residing in the Canyon Creek by the Park neighborhood (Ward 2) since 2010. However, I am growing quite concerned over repeated attempts to rezone and change the vision for this beautiful area near K-10 and Canyon Creek. We did not invest in the vision of a neighborhood/city only to have that vision repeatedly changed by the Lenexa Planning Commission.

For historical context, we had this exact.same.conversation in 2018 when there was a proposal to rezone K10 and Canyon Creek with apartments (see attached 2018 email with Bill Nicks). We were opposed to this rezoning back then and we remain opposed to this rezoning now. **What changed?** Why is Lenexa revisiting this rezoning issue after it was rejected previously?

Reasons why I oppose the rezoning:

1. K10 and Cedar Creek was meant to be the “western gateway” or “front door” to Lenexa. The city’s first impression should not be apartments. It is not consistent with Canyon Creek (north side of K10), nor is it consistent with Cedar Creek (south side of K10).
2. My sister’s family *and* former co-workers live in Canyon Creek by the Point and their backyard view will change from picturesque wooded trees to apartment buildings.
3. We were all sold on a vision and we don’t want Lenexa to be known as bait and switch with an evolving (degrading) vision for this area.
4. My 3 elementary aged children don’t need the added safety risks due to increased traffic that apartments will bring to Canyon Creek Pkwy.
5. We already have apartments (Mansions at Canyon Creek) adjacent / immediately to the North of our subdivision. We don’t need apartments in 360 degrees surrounding our neighborhood.
6. I (not the city planners) invested in this community / neighborhood and I want to protect my investment by preserving my home value. Every few years, we keep degrading the quality of the build around us.

Although tangential, I think it is important for you to understand why Canyon Creek residents are so sensitive to rezoning. We’ve had a parade of quality degradations since we moved in.

7. In 2012, Clay Blair purchased the Canyon Creek property and loosened the requirements for concrete tile roofs and all-stucco exterior walls.
8. During the summer of 2014, the owner of the land at the southeast corner of 99th Street and Canyon Creek Boulevard, across the street from the Canyon Creek pool complex, intended to build entry-level “starter” homes with prices starting in the \$200’s. Many Canyon Creek homeowners expressed concern that this kind of housing would have an adverse impact on property values in Canyon Creek. Clay Blair

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agreed with us and wrote the attached letter underscoring the concerns that entry-level homes would decrease property values.

9. In 2018, we fought the rezoning of K10 and Canyon Creek to high density apartments.

It is convenient to assume that it is a vocal minority opposed and a silent majority supports, but that is categorically false. I'm attaching the 170+ signatures that were submitted in 2018. Meanwhile, in 2024, there is a new change.org petition being circulated as we speak. I have personally spoken to at least 20 households (= 40 voting members of Lenexa) tonight and 100% of them are opposed to the apartments as well. I work fulltime, so my time is limited and I can't hit every household in the city, but these results speak for themselves. When, in politics, do we have 100% agreement on any issue?

Finally, I am disappointed with the poor timing of this entire discussion occurring within a week of the holidays. That said, I will be sitting at 6 basketball and soccer games on Saturday and will be doing my civic duty to ensure every neighbor is educated on this topic.

Bill, you've been a great advocate for us in the past. Always listening. I hope we can count on you and the others I've copied for your continued support and understanding of these concerns.

Mayor Sayers, you've said you wanted to do the right things, for the right reasons, and in the right way. I trust you will oppose the rezoning since it isn't the right thing to do to residents who were sold on a vision of K10 and Canyon Creek being the "western gateway" of Lenexa – meaning we should be maintaining the integrity of that vision, quality of the area, and representing the wishes of the constituents that you serve.

Please confirm acknowledgement of this email and ensure it is shared with those who will be voting on this issue. Several neighbors, including myself, will see you on Monday, January 8<sup>th</sup> to continue the discussion.

Sincerely,  
Michelle Miller  
Canyon Creek by the Park resident

**Canyon Ridge (RZ23-07, PL23-12P)**  
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**From:** Marcia Bledsoe <[mdmoseman@gmail.com](mailto:mdmoseman@gmail.com)>  
**Sent:** Wednesday, January 3, 2024 7:34 PM  
**To:** Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>  
**Subject:** Opposition to Lenexa's Re-Zoning Proposal

Dear City Council Member Bill Nicks,

I am writing this letter to encourage you to reject a proposal to build a large 28 multi-story building apartment complex, convenience store and assisted living complex in western Lenexa. My husband and I spent our entire life savings to build our dream home in Canyon Creek Point a little over a year ago and the main reason we picked our specific plot was due to the surrounding nature and the peaceful secluded view. Our decision to move to Lenexa and make it our forever home was based solely on the Lenexa Master Land use plan. We love nature and would like our 1 year old daughter to be raised in this area. The Lenexa Master Land use plan (as you are aware of) called for this area to be single-family and agricultural. We hope that the city council members will be empathetic to us and the many families like us that will be affected by re-zoning this area. We believed in the city's leaders that they would continue to preserve these trees and wildlife for all the single-family residents to enjoy. It would be heartbreaking and disappointing to tear it all down in the name of commercialism.

Additionally, our neighbor informed us this is the 2nd attempted development of this land in 5 years. Previously, surrounding neighborhoods canvassed and rallied support of over 170 signatures representing 75 million in home values in the 2-week notification period last time, and we have again been given less than 2-weeks to oppose this rezone effort. (January 8th is the Planning Commission Meeting). A developer presenting a plan for this type of development should not override the investment of many hundreds of homeowners in this area. Plus, the proposed building plat location is largely unfavorable requiring 10-foot retaining walls around nearly the entire complex, which will greatly raise the building height and visibility. Finally, an additional convenience store is completely unnecessary as there are Casey's <2 and <4 miles away with a Quick Trip being built on 83rd and K-7.

This proposal is an eyesore and truly unfitting for the western entrance of Lenexa. Lenexa has many areas already zoned for such a development and would be much better suited and zoned near walkable amenities around the City Center area or Ridgeview interchange. Again, we strongly urge you to honor the published Lenexa Master Land use plan and reject this proposal.  
I appreciate your time and attention to this request.

Thank you,

Marcia Bledsoe

26261 W 96th Ter, Lenexa KS

**Canyon Ridge (RZ23-07, PL23-12P)**  
**Public Comment Emails Received for the January 8, 2024 Planning Commission Meeting**

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**From:** Susan Cameron <[susankc1953@icloud.com](mailto:susankc1953@icloud.com)>  
**Subject:** Rezoning  
**Date:** December 29, 2023 at 2:57:36 PM EST  
**To:** [jkarlin@lenexa.com](mailto:jkarlin@lenexa.com)

Lenexa Planning Commission - Re-Zoning Request for 28 High Density Apts Canyon Ridge Apartments NW corner of K-10 & Canyon Creek Blvd.

Please please vote NO!

Sent from my iPhone

**Canyon Ridge (RZ23-07, PL23-12P)**  
**Public Comment Emails Received for the January 8, 2024 Planning Commission Meeting**

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**From:** Marcia Bledsoe <[mdmoseman@gmail.com](mailto:mdmoseman@gmail.com)>  
**Sent:** Wednesday, January 3, 2024 7:21 PM  
**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>  
**Subject:** Opposition to Lenexa Re-Zoning Proposal

Mayor Julie Sayers,

I enjoyed reading about you in Lenexa's January 2024 Towntalk magazine. It's exciting to see you are a designer and uplifting to hear you want "all parts of Lenexa to remain healthy, beautiful and connected." I am writing this letter to encourage you to reject a proposal to build a large 28 multi-story building apartment complex, convenience store and assisted living complex in western Lenexa. My husband and I spent our entire life savings to build our dream home in Canyon Creek Point a little over a year ago and the main reason we picked our specific plot was due to the surrounding nature and the peaceful secluded view. Our decision to move to Lenexa and make it our forever home was based solely on the Lenexa Master Land use plan. We love nature and would like our 1 year old daughter to be raised in this area. The Lenexa Master Land use plan (as you are aware of) called for this area to be single-family and agricultural. We hope that you and the city council members will be empathetic to us and the many families like us that will be affected by re-zoning this area. We believed in the city's leaders that they would continue to preserve these trees and wildlife for all the single-family residents to enjoy. It's refreshing to see that your goal is "to make sure residents continue to see an exceptional quality of life." It would be heartbreaking and disappointing to tear it all down in the name of commercialism.

Additionally, our neighbor informed us this is the 2nd attempted development of this land in 5 years. Previously, surrounding neighborhoods canvassed and rallied support of over 170 signatures representing 75 million in home values in the 2-week notification period last time, and we have again been given less than 2-weeks to oppose this rezone effort. (January 8th is the Planning Commission Meeting). A developer presenting a plan for this type of development should not override the investment of many hundreds of homeowners in this area. Plus, the proposed building plat location is largely unfavorable requiring 10-foot retaining walls around nearly the entire complex, which will greatly raise the building height and visibility. Finally, an additional convenience store is completely unnecessary as there are Casey's <2 and <4 miles away with a Quick Trip being built on 83rd and K-7.

Since you are a designer, you can see what an eyesore this proposal is and truly unfitting for the western entrance of Lenexa. Lenexa has many areas already zoned for such a development and would be much better suited and zoned near walkable amenities around the City Center area or Ridgeview interchange. Again, we strongly urge you to honor what you stated in the Towntalk magazine by "doing the right things, for the right reasons and in the right way" by upholding the published Lenexa Master Land use plan and reject this proposal.

I appreciate your time and attention to this request.

Thank you,  
Marcia Bledsoe  
26261 W 96th Ter, Lenexa KS

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** Kaylee Johnson <[kaylee.johnson2@gmail.com](mailto:kaylee.johnson2@gmail.com)>

**Sent:** Friday, January 5, 2024 9:03 AM

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>; Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>; Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>

**Subject:** Lenexa Resident Opposed to Canyon Ridge Apartments

Mayor Sayers, Mr. Charlton and Mr. Nicks,

I am a Lenexa resident who lives in Canyon Creek by the Lake, here in Lenexa. We are aware of a recent proposal to rezone the Northwest Corner of K-10 and Canyon Creek Blvd. We were here 5 years ago when a similar request was made, and we were part of the opposition requesting this not occur. Our elected officials listened to us then, and we hope you, as our elected officials today, can listen to us know.

This rezoning request is an attempt to overturn land zoned for single family homes and goes against the Lenexa Master Plan that we along with MANY other homeowners used to make a decision to invest significant money to live here in Lenexa. I am respectfully urging the council to reject this proposal.

When my husband and I purchased our home in Canyon Creek by the Lake 7 years ago, we chose this Western edge of Lenexa due to the city's plan. We love the feel of living near the 'country' while still allowing our 3 kids to attend amazing schools and having access to all the city has to offer. It is vital to retain green space and maintain this area, currently zoned as single-family homes, in order to keep our home values up. This proposal directly contradicts the vision Lenexa put in place and what was promised to those of us who chose to be residents of this very special part of the city.

Lastly, the Northeast side of Canyon Creek Blvd has already been approved for some major development, the addition of 28 high density apartment type buildings adjacent to this major development would completely change the look and feel coming into our beautiful neighborhoods.

Again, as our elected officials, and knowing that Canyon Creek residents have already opposed this rezone in the past, I urge the council to prevent this type of rezoning.

Thank you for your consideration,

Kaylee & Aaron Johnson

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** Steve Bennett <[stevewildcat13@gmail.com](mailto:stevewildcat13@gmail.com)>  
**Sent:** Friday, January 5, 2024 10:08 AM  
**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>  
**Subject:** Rezone Development- NWC of K-10 & Canyon Creek Blvd

Honorable Ms. Sayers:

I live in Canyon Creek Point.

Our development backs up the the proposed rezoning of the property at the NWC of K-10 and Canyon Creek Blvd.

Our neighborhood is greatly concerned of the City's consideration to rezone this for apartments and a gas station.

The are in question is full of wildlife, a creek and the proposed apartments will span almost 40' up in the air.

And there is another gas station planned right across the street that the City has already approved.

This is not an appropriate development for this area.

It is going to be further impacted by the planned expansion of K-10.

With the City's core value being to have green space, including a lot of parks, etc, this seems to go against this value with all the removal of habitat in the area.

Speaking of the K-10 expansion, we understand the need for this, but not the precedence of it being a toll road. We pay gas tax for repair and expansion for such things and more and more this is happening creating more financial impact to travelers.

Respectfully, people are getting tied in the troubling economy and political environment of this over reach.

Appreciate in advance you taking the time to listen.

Sincerely,

Steve Bennett  
25891 W. 96th  
816-730-0751

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** Melinda Marquess <[mmarquess1@att.net](mailto:mmarquess1@att.net)>

**Date:** January 6, 2024 at 1:35:47 PM CST

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>

**Subject: Rezoning on NW corner of K-10 and Canyon Creek Blvd**

Hi Mayor Sayers,

As Lenexa's new mayor, please do NOT allow the rezoning of K-10 and Canyon Creek Blvd to allow more apartment buildings, etc. and for those who built and moved to the Canyon Creek developments to lose the natural barrier of the noise from K10 and the natural beauty. We're already getting office buildings, etc on the NE corner of K-10 and Canyon Creek Blvd which will contribute to a lot more traffic.

This proposal requires multiple plats to be rezoned from RP1 and CPO which rejects the published Lenexa Master Land use plan which we used when we bought in this part of Lenexa.

Canyon Creek residents need your support in this matter.

Sincerely,  
Melinda Marquess  
913-940-1381



**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**Topic: Proposed Canyon Ridge Apartment Homes Development**

January 7, 2024

Dear Mayor Julie Sayers,  
Mayor of the City of Lenexa

We are Susie and Dennis Burket, three-year residents of Canyon Creek Point (26229 W96th Ter). We have several major concerns to express to you with the desired outcome that you **vote against** the proposed rezonings, distance variances and construction at K-10 and Canyon Creek Road.

Concerns: (1) The proposed development does not support the Lenexa Comprehensive Plan - current zoning is appropriate and should not be changed; and (2) there is not enough time for residents to understand the interrelated effects of this proposal – all decisions related to the proposal must be delayed until after analysis, review, and approval of the proposed 2024 Lenexa Comprehensive Plan.

The proposed rezonings, safe distance variances, and required 10-ft retaining walls needed to squeeze in the maximum number of housing units on heavily wooded, sloped, and isolated land next to K-10 do not fit the Lenexa vision for future or current residents. Future residents of this proposed shortsighted development would be living in a loud, crowded, and isolated area with no sense of community and connection. Current residents would experience a loss of neighborhood character with a view of K-10 through three-story equivalent buildings sitting on required 10-ft retaining walls in a stripped area with additional swaths of land stripped through the Wetland/Wildlife Sanctuary to connect utilities. The scale of required woodland stripping would cause wildlife currently living in this area to be further compressed into an area already full of wildlife seeking sanctuary. Past City Councils got it right, the current zoning fits with the shared vision of Lenexa.

Decisions related to this impatient and ill-timed proposal should be delayed by the City Council until residents can get a good picture of the possible outcomes and the effects on the lives of current/future residents. Time is needed for residents to review the proposed 2024 Comprehensive Plan. There is too much not known about the interrelationships and possible outcomes between: other approved and proposed residential developments and projects in proximity; proposed K-10 interchange expansion and highway widening; school district capacity; property values and taxes; traffic and noise; future parks/off-leash areas; deforestation of thick red cedar woodland; and wetlands/wildlife sanctuary and resident wildlife.

In conclusion, current zoning in the proposed development area is correct for current/future residents, and wildlife. Residents need time to study the interrelationships between many factors and effects from the rushed developer's proposal. We extend an offer for you to visit us in our Canyon Creek Point home and view the proposed development area from our deck.

Regards,  
Susie and Dennis Burket  
913.593.5835

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** Daholt <[d2aholt@sbcglobal.net](mailto:d2aholt@sbcglobal.net)>  
**Date:** January 6, 2024 at 7:11:15 PM CST  
**To:** Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>  
**Subject:** Canyon Ridge Apartments

Dear Council Person,

We understand that over the holidays an apartment complex at K10 and Canyon was approved by the Planning commission.

There has been no time for people in Canyon Creek to evaluate that. Apartments at that location was rejected previously and need to be rejected again for same reasons as back then including not in accordance with the master plan for city and county. There was supposed to be single family homes at the location.

Please reject the project in total. No one in Canyon Creek wants apartments at that location. There are plenty of other places for apartments.

Thank you very much

Don and Diane Aholt  
25008 W 98 Street  
Lenexa, KS 66227  
Sent from my iPad

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** "Alonso, Joe" <[Joe.Alonso@saint-gobain.com](mailto:Joe.Alonso@saint-gobain.com)>

**Date:** January 7, 2024 at 12:52:42 PM CST

**To:** Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>

**Subject:** **FW: Oppose the development of 28 apartment buildings, a convenience store, and an assisted living center on the northwest corner of K-10 and Canyon Creek Blvd.**

Mrs. Eiterich

I am a resident of Canyon Creek Point subdivision and oppose the proposed rezoning and planned development of 28 apartment buildings, a convenience store, and an assisted living center on the northwest corner of K-10 and Canyon Creek Blvd. We were assured by the developer when we moved in that our views would remain forever unspoiled. I believe if the council approves the rezoning, we will incur the following issues.

1. The destruction of the wetlands.
2. The disturbance of wildlife i.e. owls, deer, coyotes, squirrels, rabbits, raccoons, wild turkeys, etc. in our backyard.
3. The added pollution and noise.
4. Additional dust from the construction and the blasting effecting my home.
5. Additional traffic and congestion.

The reason we moved into the sub-division is because of the beauty and the assurance that our views would remain forever unspoiled.

Please help keep our community beautiful. Vote to not rezone and plan a development of 28 apartment buildings, a convenience store, and an assisted living center on the northwest corner of K-10 and Canyon Creek Blvd.

Thank you,

**Joe Alonso**

Senior Director, Gypsum Sales West

20 Moores Road  
Malvern, PA 19355 - USA  
Tel.: 913-579-6722  
[certainteed.com](http://certainteed.com)

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** IAN CUTTS <[cuttsinmemphis@aol.com](mailto:cuttsinmemphis@aol.com)>

**Date:** January 7, 2024 at 1:46:18 PM CST

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>, Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>, Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>, Chelsea Williamson <[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)>, Chris Herron <[cherron@lenexa.com](mailto:cherron@lenexa.com)>, Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>, Joe Karlin <[karlin@lenexa.com](mailto:karlin@lenexa.com)>, Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>, Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>

**Cc:** [icmedcon@gmail.com](mailto:icmedcon@gmail.com)

**Subject: Proposal to build 28 multi story apartments/ convenience store/assisted living NW K10 and Canyon Creek Boulevard**

Dear Planning Committee,

We are writing to formally express our strongest objections to the proposed development at NW K10 and Canyon Creek Boulevard. As residents of Canyon Creek Point we have significant concerns regarding not only the development itself but it's potential impact on the bio diversity of the surrounding area including our own home and the well being of surrounding residents.

The proposed construction will create years of noise, dust, vibration and pollution from equipment not only affecting our health and well being but the unique surrounding ecology. Our subdivision is flanked by wetlands which are highly productive and biologically diverse systems. We have a responsibility to maintain ecosystem productivity. In addition, the use of hazardous materials or ground contamination will disrupt the environment from this significant high density development.

Furthermore, the removal of 45 acres of dense woodland bordering our wetlands will displace existing wildlife including hawks, eagles, deer, coyote and create a large increase in noise from traffic.

What will be the impact on drainage from this high density site with its numerous structures?

The development will cause a considerable increase in traffic attempting to leave and to join K10.

We purchased our property in CCP not only based on the merits of the building but more importantly because of the serenity of the area! It was described as a neighborhood surrounded by nature. " City owned parkland and a natural conservation area surrounding the community allowing sweeping views of nothing but nature and assuring residents that those views will remain forever unspoiled" is what we were sold. Two years later that is under threat.

Where is the integrity?

Whilst we understand the need for more affordable housing we request that this development is located in a more suitable area.

Sincerely,  
Gill and Ian Cutts  
Sent from my iPad

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** Brian Stevens <[cerbds@gmail.com](mailto:cerbds@gmail.com)>

**Date:** January 7, 2024 at 2:06:04 PM CST

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>

**Subject:** Concerns about zoning change

Mayor Sayers,

It has come to my attention only very recently that the City of Lenexa is considering zoning changes and possible approval of a plan to build multifamily units at K10 and Canyon Creek Parkway.

I am a homeowner in Canyon Creek Point. Judging from the maps I have seen, the new structures will be within 600 feet from my back patio / deck and likely some of the habitat and trees will be removed much closer than that. We have lived in our home that we built for 4.5 years.

When we bought our lot, noise from K10 and what might someday be done with the land behind us were really our 2 only concerns. While we did not do everything that we maybe could have to understand the plans for the land, we did explore websites and talk with people about it. Prime development told us (and had posted on their website) that nothing would be done with the land, "ever". We did find information that made it seem likely that a convenience store and/or some offices would might someday be built there, we never imagined and quite frankly we don't see how it is being considered, that apartment complexes that will be close to 40' tall (with a 10' retaining wall holding it up making it more like 50' tall) would be build right in plain site of our back windows.

In addition, finding out about this right before Christmas and now understanding that the planning committee will make a decision on 8-January and the council will vote shortly after that seems very intentional to push this through without allowing homeowners like me to spend the time to understand the process, make recommendations and allow us to understand the impact and what options we have to make those minimal. I request that we be given time to do what we need to do to make this situation acceptable to all.

The noise is my biggest concern at this point. I know it is easiest and that the number of structures for this plan takes up most of the acreage, but why do all of the trees need to be removed? My understanding is that they may need to remove all of the trees clear down to the creek. Those trees are a natural sound barrier and without them, I fear that every semi truck that goes by will be something I can hear in my kitchen.

While that may not seem like something you need to be concerned with, I feel that the city has to take into consideration what the plan for the city was when I bought my lot just over 5 years ago. Zoning for single family homes, a convenience store and possibly some offices is very different than 350+ apartments along with a nursing home. When the City of Lenexa did planning and the plan was published, I have to imagine that the plan included the number of people in the area and what that meant long term. Now, without redoing the studies and understanding if these proposed zoning changes (along with others in our area that have added more apartments than originally planned) will have any impact on the overall plan, a decision is being rushed through.

Thank you for considering my concerns.

Cheers,  
Brian Stevens

816-588-1265  
[cerbds@gmail.com](mailto:cerbds@gmail.com)

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** Daholt <[d2aholt@sbcglobal.net](mailto:d2aholt@sbcglobal.net)>  
**Date:** January 6, 2024 at 7:11:15 PM CST  
**To:** Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>  
**Subject:** Canyon Ridge Apartments

Dear Council Person,

We understand that over the holidays an apartment complex at K10 and Canyon was approved by the Planning commission.

There has been no time for people in Canyon Creek to evaluate that. Apartments at that location was rejected previously and need to be rejected again for same reasons as back then including not in accordance with the master plan for city and county. There was supposed to be single family homes at the location.

Please reject the project in total. No one in Canyon Creek wants apartments at that location. There are plenty of other places for apartments.

Thank you very much

Don and Diane Aholt  
25008 W 98 Street  
Lenexa, KS 66227  
Sent from my iPad

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** Brad Krehbiel <[thermoguy1@gmail.com](mailto:thermoguy1@gmail.com)>

**Date:** January 7, 2024 at 2:27:06 PM CST

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>

**Subject:** Proposed Development at K-10 & Canyon Creek Blvd.

Hello, Julie,

First, congratulations on your election as Mayor. The City of Lenexa, in my opinion, has always been a leader in quality-of-life and aesthetics, and your background in design and construction should only reinforce that. I look forward to seeing what the City can accomplish under your leadership!

I recently became aware of this proposed project (Convenience store, nursing home, and 346 apartment units) from other concerned citizens in our area (Canyon Creek and Canyon Creek Point). It seems that the Developer is trying to fast-track approval of this project. There was a hastily-arranged "informational meeting" for the neighborhood on December 28, which I was not available to attend, and now the project is on the agenda for the Planning Commission meeting on January 8. Luckily, some of my neighbors WERE able to attend the December meeting, and have made us aware of this project.

I have read through the (very lengthy) packet of information for the Planning Commission meeting and have noted that the recommendation of Staff is to approve this project and send it to the City Council for the February 6 meeting. If recent history is any predictor, the Planning Commission will rubber-stamp its approval, with maybe a couple of stipulations. I am planning to attend the meeting to offer my input.

Assuming this project is sent your way in February, I'd like to address some possible points of discussion for the Council:

1. The existing Future Land Use Plan calls for this area (and for some distance to the West) to be used for "Office/Employment Center" purposes. Although the Developer (in a January 4, 2024 letter to the Planning Commission and Council) cites studies proposing changing this future use designation to "High-density Residential," this has not been done. The proposed rezoning should be considered with respect to the plan in existence today.
2. There is nothing in the packet indicating that any kind of environmental impact or conservation study for the site and surrounding area has been conducted or proposed. It is very probable that the wetland area to the north of the site will be adversely affected by this project, either during site development or construction.
3. The Exhibit purporting to show "sightlines" from the existing homes in Canyon Creek Point and Canyon Creek by the Lake Subdivisions (Drawing A300, packet page 101) is very misleading. The existing deciduous trees in the valley are shown as tall as 60 feet, which they decidedly are not. Even if they were that tall, this blockage would occur only when there are leaves on the trees. Many of these trees are Hedge trees (Osage Orange), which are the first to drop leaves in the Fall and the last to re-leaf in the Spring.
4. This project will generate large amounts of dust and construction noise for many years, especially during the months when the prevailing winds are from the south. Although this is

***Canyon Ridge (RZ23-07, PL23-12P)***

***Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting***

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inevitable during any construction project, we would hope that the City would require the Developer to have dust and noise mitigation plans in place if this project is approved.

5. This project may involve blasting to remove rock (not addressed in the packet). If so, how does the Developer plan to communicate with and protect the surrounding neighbors?

My neighbors and I would strongly encourage the Council to deny this project, but if it is your inclination to approve it, we would appreciate any help you can give us to make sure the project does not impact the area more than absolutely necessary. Thank you for your time and consideration.

Sincerely,

Brad Krehbiel, PE

26009 W 96th St

Lenexa, KS 66227



**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** Matt Kaminsky <[mattkaminsky68@gmail.com](mailto:mattkaminsky68@gmail.com)>

**Date:** January 7, 2024 at 4:30:24 PM CST

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>, Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>, Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>, Chelsea Williamson <[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)>, Chris Herron <[cherron@lenexa.com](mailto:cherron@lenexa.com)>, Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>, Joe Karlin <[jkarlin@lenexa.com](mailto:jkarlin@lenexa.com)>, Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>, Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>

**Subject: Proposed Apartment Complex to the South of Canyon Creek Point**

To the Mayor and Lenexa Planning Commission,

We are Matt and Rochelle Kaminsky and have lived at 26133 West 96th Terrace in Canyon Creek Point since April 2020. Our home is currently one of many homes whose backyard will backup to the proposed Apartment Complex. We have many concerns about this development being passed because of the reasons listed below.

1. Prior to buying this property we looked at the Master Plan and it showed that it would not be developed as multi-family. That was one of the main reasons why we bought this property so we wouldn't have to look at apartments and we would have this quiet, forested beautiful sanctuary in our backyard.
2. Currently we get deer, bobcats, coyotes and many types of birds in our backyard including hawks, owls, pileated woodpeckers, and turkeys. With the destruction of the land and potential damage to the wetlands we are very concerned how it would affect the wildlife in our area.
3. We were told and under the assumption that this area would never be developed.
4. As a former contractor specializing in concrete construction for 20 years I'm very concerned about any blasting and what it will do to the foundation of our home.
5. Another concern is with the excavation of the trees and topsoil the damage from the runoff it will have into the stream and ecosystem in the valley.
6. The potential effect it will have on our home's resale value.

We appreciate your time and consideration,

Matt and Rochelle Kaminsky

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Matt Kaminsky

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** Tracy Thomas <[tjthomas13212@gmail.com](mailto:tjthomas13212@gmail.com)>

**Date:** January 6, 2024 at 10:10:40 PM CST

**To:** Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>, Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>, Chelsea Williamson <[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)>, Chris Herron <[cherron@lenexa.com](mailto:cherron@lenexa.com)>, Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>, Joe Karlin <[jkarlin@lenexa.com](mailto:jkarlin@lenexa.com)>, Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>, Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>, Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>

**Subject: Request for Continuance on Proposed Development and Rezoning Plans - Canyon Ridge Apartment Homes (R23-07, PL 23-12P)**

Good evening Mayor Sayers and members of the Lenexa City Council.

Today, Saturday January 6, nearly 80 residents that represent neighborhoods near K-10 and Canyon Creek Blvd., met to discuss the proposed rezoning and planned development of 28 apartment buildings, a convenience store, and an assisted living center on the northwest corner of K-10 and Canyon Creek Blvd. **(Proposed Development and Rezoning Plans - Canyon Ridge Apartment Homes (R23-07, PL 23-12P)).**

We were first made aware of this proposal on December 20. Further details were provided at a meeting at Otto Development on December 28. The proposed plans were available for review this past Thursday. As such, we have had only one full business day to review the plans prior to consideration by the Planning Commission on Monday. Starting on December 20, through current date, which involves two major holidays, and two weekends, not to mention many with expertise on such issues were out on holiday break, we have had an extremely short amount of time to prepare. The rezoning and proposed plans are very complicated, and also quite concerning to area residents. As such, we will ask for a continuance on both issues at the Planning Commission meeting on Monday, January 8 at 7:00 p.m. Additionally, there is an expectation of bad weather, which causes us further issues.

It is the strong desire of our group to provide you, Mayor Sayers, and members of the City Council fully vetted and factual responses to our many concerns regarding this rezoning and proposed project. We feel the fair thing is for a continuance of both issues at the Planning Commission, and also the City Council level. A 30 day continuance provides us time to do our diligence, which we certainly hope is a request you will view favorably.

Any comments or questions, please feel free to reach out to me.

Very truly yours,

Tracy Thomas  
26197 W. 96<sup>th</sup> Terrace  
Lenexa, KS 66227  
[tjthomas13212@gmail.com](mailto:tjthomas13212@gmail.com)  
913-638-8133

**Canyon Ridge (RZ23-07, PL23-12P)**

***Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting***

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From: Lisa Mizell <[lmizell@cpckc.org](mailto:lmizell@cpckc.org)>  
Sent: Sunday, January 7, 2024 4:13 PM  
To: Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>  
Subject: Proposed development off K10

Councilman Charlton,

We are sending this note to encourage you to reject a proposal to build a large 28 multi-story building apartment complex, convenience store, and assisted living complex in western Lenexa. This is the 2nd attempted development of this land in 5 years. Surrounding neighborhoods canvassed and rallied support of over 170 signatures representing 75 million in home values in the 2-week notification period last time, and we have again been given less than 2-weeks to oppose this rezone effort. (January 8th is the Planning Commission Meeting).

This project requires land zoned for single family homes to be rezoned to support the proposal. Lenexa residents chose to live and invest in this part of Lenexa due to the published master land use plan. We have lived in Lenexa since 2019 and moved to this area specifically for the wooded landscape and the atmosphere of this section of Lenexa. A developer presenting a plan for this type of development should not override the investment of many hundreds of homeowners in this area. Additionally, the proposed building plat location is largely unfavorable requiring 10-foot retaining walls around nearly the entire complex, which will greatly raise the building height and visibility. Finally, an additional convenience store is completely unnecessary as there are Casey's <2 and <4 miles away with a Quick Trip being built on 83rd and K-7.

We moved here from a much more urban and busy part of Johnson County. Our plan is to retire in this home surrounded by nature and the peaceful landscape. That is what we were promised when we purchased our home and truly hope you will help the City of Lenexa keep that promise.

This proposal is an eyesore and truly unfitting for the western entrance of Lenexa. Lenexa has many areas already zoned for such a development and would be much better suited and zoned near walkable amenities around the City Center area or Ridgeview interchange. Again, you are urged to honor the published master land use plan and reject this proposal.

We appreciate your time and attention to this request.

Kind Regards,  
Dave and Lisa Mizell  
26130 West 96th St.  
Lenexa, KS 66227  
Canyon Creek Point

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** Randy Lewis <[lewisrandy.lewis@gmail.com](mailto:lewisrandy.lewis@gmail.com)>  
**Date:** January 8, 2024 at 12:45:13 PM CST  
**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>  
**Subject:** **Proposed rezoning of land on the northwest corner of Highway 10 and Canyon Creek Development**

Dear Mayor Sayers,

My family and I live in Canyon Creek Point which is north of the proposed rezoning and development of the land on the northwest corner of highway 10 and Canyon Creek Blvd.

We bought our home with the understanding that the existing views would not be disturbed. We reviewed the existing zoning of the land surrounding the development and felt development under the existing zoning would have minimal impact on the wetlands and surrounding area.

Our concerns are as follows:

- 1) Impact to the wetlands and the native wildlife (e.g.; bats, owls, bobcats, deer etc,) and the native vegetation.
- 2) The deforestation of the entire construction area which will impact the wetlands and natural environment.
- 3) Impact on air quality during the extended construction time.
- 4) The removal of a natural sound barrier of trees. The sound is already becoming an issue and with the proposed widening of highway 10 it will only become worse.
- 5) The developers commitment as documented in their marketing collateral that the views would remain as is.

I realize that the City Council will ultimately approve or decline this rezoning request but also want you to be aware of the concerns of some of your constituents.

Sincerely,

Randy and Cynthia Lewis  
9601 Wild Rose Lane  
Lenexa, KS 66227

**Canyon Ridge (RZ23-07, PL23-12P)**

***Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting***

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**From:** Julie Else <[jelse0770@gmail.com](mailto:jelse0770@gmail.com)>

**Sent:** Monday, January 8, 2024 2:09 PM

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>

**Subject:** Please oppose the zoning request for Canyon Creek Blvd

Dear Mayor Sayers,

As a resident of Canyon Creek Point, we are writing to ask you to oppose the proposed rezoning of Canyon Creek Boulevard and K10. As you already know this area was zoned for single-family homes, office space and agriculture. With the current rezoning proposal, 45+ acres of wooded terrain would be leveled and destroy habitat, noise barrier from K10 to multiple existing Canyon Creek neighborhoods as well as views of this beautiful valley. With the possible upcoming expansion of K10, the highway will be even closer to our neighborhoods and noise and sight lines for the future need to be considered. The destruction of habitat and deforestation for this area would be devastating to the local population of wildlife. We have seen eagles, owls, fox, coyote, bobcat, turkeys that all live in this area.

West Lenexa has a different feel and is a peaceful retreat. My family moved here and invested in a home in this area specifically because of the woods, trees, quiet and wildlife after 25 years in Overland Park. Lenexa's master plan for the area and the developer of our neighborhood assured us that this area's natural beauty and views were protected. We chose to be 15-20 minutes from the hustle and bustle of the city. Even my college-aged kids said it feels like "we are out of the chaos here." We ask that the city keeps to the Future Land Use Map and honors the investments of hundreds of homeowners who have already invested in this area of Lenexa.

We have high hopes that you as the mayor and the City Council will keep the the natural beauty and integrity of the area safe and as it was intended and originally planned. We as investors and home owners are here to stay.

Thank you for your time and service,

Greg + Julie Else  
9559 Landon St  
Lenexa KS

**Canyon Ridge (RZ23-07, PL23-12P)**

***Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting***

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**From:** Gina R <[g.marie.ross@gmail.com](mailto:g.marie.ross@gmail.com)>  
**Sent:** Monday, January 8, 2024 2:20 PM  
**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>  
**Subject:** Concerned Citizen

Hello Mayor Sayers,

I am writing today with the upmost respect and deep concern regarding the proposed rezoning and proposed planning of the Canyon Ridge Apartments on the Northwest corner of K-10 and Canyon Creek Blvd.

My family moved to Canyon Creek by the lake from Colorado about three years ago. We were in awe of the beauty of the area and how quiet our new neighborhood was. This was a huge draw for us coming from the busy and overcrowded area of Colorado.

When we moved here we were assured that the developer promised to keep the natural beauty and views. This did not include large apartment buildings and commercial buildings. Rezoning this land goes against what we were promised when we invested into this area.

In addition to rezoning issues, I am highly against further deforestation, eliminating 45 acres of wooded terrain. This should be a critical concern to our city planners as it leads to loss of biodiversity, increased carbon emissions, soil erosion and degradation, water cycle disruption, stormwater issues and increased flooding risks and further displacement of natural wildlife.

The additional noise, traffic and pollution that this proposed property will bring to our area is concerning as we many of us who reside in canyon creek, invested in an area that was promised to remain a natural sanctuary.

We also do not have the room in our current educational institutions to support more people in this area. I worry that our children's education will suffer and that excellent teachers will burnout do to needless overcrowding.

Please consider this when hearing the proposal. I speak on behalf of myself, family and neighbors when I say we do not want these proposed plans to pass.

Thank you for your consideration,

Gina Ross  
Canyon Creek by the Lake & Lenexa Resident  
303-809-3336  
24935 W. 98th St.

**Canyon Ridge (RZ23-07, PL23-12P)**

***Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting***

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**From:** Cary Daniel <[cdaniel@nextaff.com](mailto:cdaniel@nextaff.com)>  
**Sent:** Thursday, January 4, 2024 4:04 PM  
**To:** Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>  
**Subject:** Canyon Creek Point

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

Hey Mark,

Hope all is well, and you had a good holiday season. Congrats on Ward 2 City Council – you got my vote!

I was reaching out regarding the Oddo Development proposed rezoning off Canyon Creek & K10. Not sure you can give one, but if you can, In your opinion, what is the best offense to defeating this rezoning?

The argument most have, like me, is they did their research before buying in this development based on Lenexa Future Use Plan and Lenexa zoning. I also look at the Johnson County zoning. That neighborhood already has considerable highway noise and a 28 multi-level apartment complex with parking would in my guess eliminate all or most of the trees helping with that noise. The other consideration is obviously the view of potential CDO or CP2 vs an apartment building.

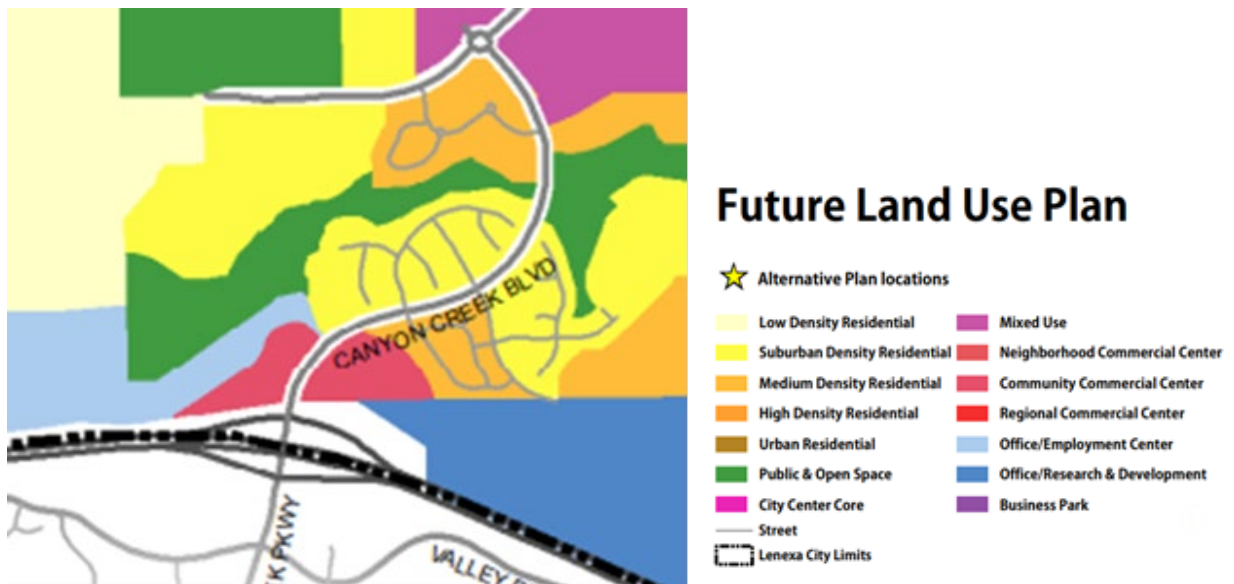
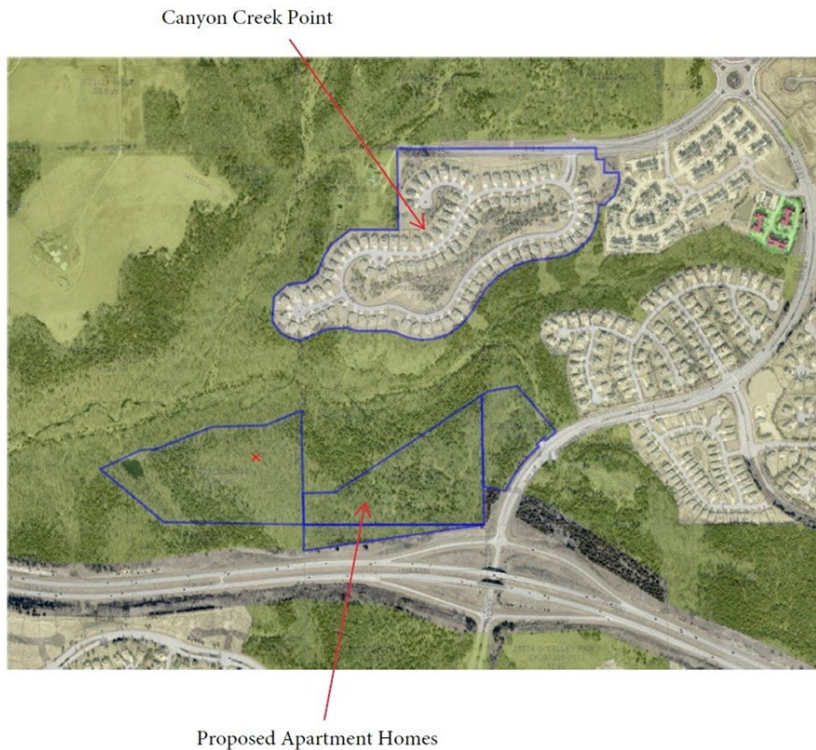
I'm trying to figure out the most effective argument that you've seen be affective so we can present a reasonable and logical argument vs neighbors crying and talking about the birds that will die...

Thanks!

Cary Daniel (913-484-7840)

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

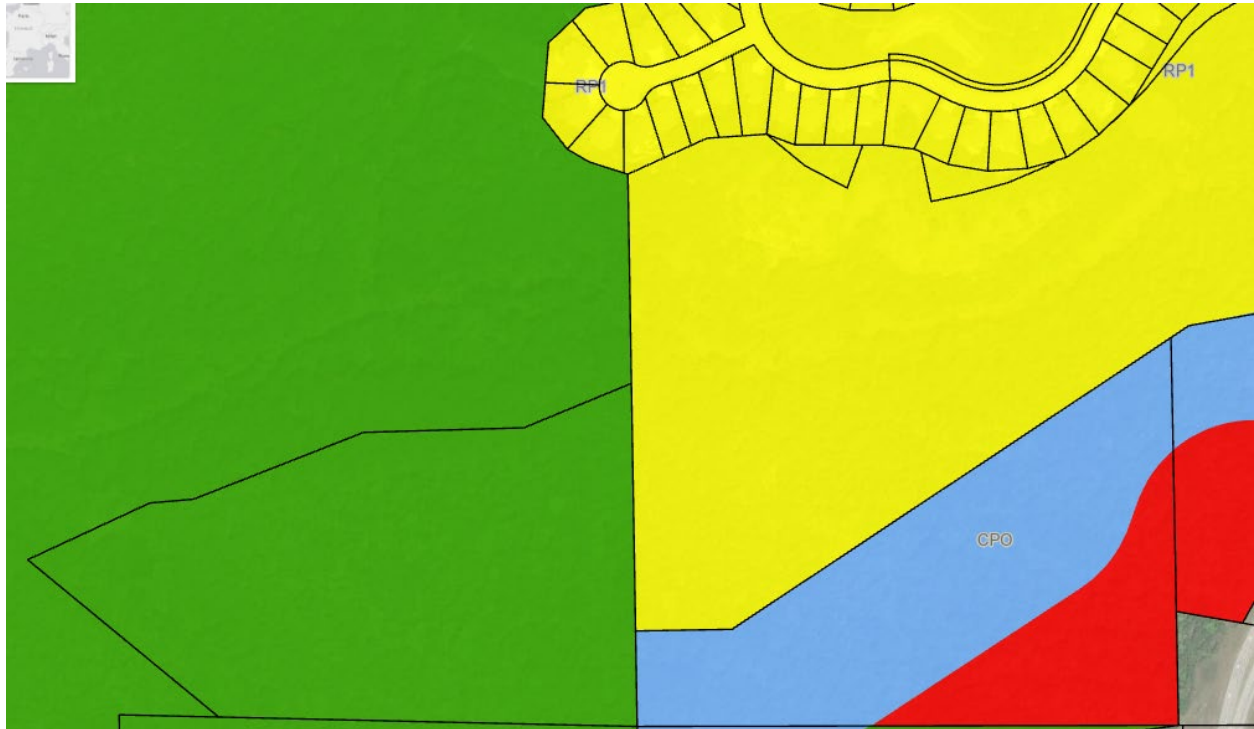





**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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Current Zoning

-  AG - Agricultural
-  BP1 - Planned Business Park
-  BP2 - Planned Manufacturing
-  CC - Planned City Center
-  CP1 - Planned Neighborhood Commercial
-  CP2 - Planned Community Commercial
-  CP3 - Planned Regional Commercial
-  CPO - Planned General Office
-  HBD - Planned Historic Business
-  NPO - Planned Neighborhood Office
-  PUD - Planned Unit Development
-  R1 - Residential Single Family
-  RE - Residential Estate

**Canyon Ridge (RZ23-07, PL23-12P)**

***Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting***

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ODDO Development has submitted a proposal to build 28 multi-story apartment buildings, convenience store and assisted living center on the NW corner of K-10 & Canyon Creek Blvd. This proposal requires multiple plats to be rezoned from RP1 (planned single family residential) and CPO - General Office. This proposal rejects the published Lenexa Master Land use plan which many used when building/buying in this area of Lenexa.

The Lenexa Planning Commission will be meeting Monday January 8, 2024 7 p.m. to make a decision on the re-zoning.

If you would like to voice your opinion on this matter, you are encouraged to attend the meeting in person or send an email to the Lenexa Council Members.

The planning commission meeting will be held at Lenexa City Hall starting at 7:00PM located at City Hall (17101 W. 87th Street Parkway Lenexa KS).

Julie Sayers (mayor)  
jsayers@lenexa.com  
913.477.7567

Bill Nicks (ward 2)  
bnicks@lenexa.com  
913.424.9228

Mark Charlton (ward 2)  
mcharlton@lenexa.com  
913.675.2428

Joe Karlin (ward 1)  
jkarlin@lenexa.com  
913.477.7560

Courtney Eiterich (ward 1)  
ceiterich@lenexa.com  
913.522.9423

Melanie Arroyo (ward 3)  
marroyo@lenexa.com  
913.279.0407

Chelsea Williamson (ward 3)  
cwilliamson@lenexa.com  
913.303.9929

Craig Denny (ward 4)  
cdenny@lenexa.com  
816.225.5891

Chris Herron (ward 4)  
cherron@lenexa.com  
913.477.7550

## **Future Land Use vs. Zoning**

Land use and zoning, though related, are not the same. Land use is intended to set the framework for guiding future development. Current land use is how the land is being used right now and future land use is how the land is envisioned to be used in the future. Land use is often described in more generalized terms, such as low-density residential and multi-family residential, or regional commercial and neighborhood commercial. For this reason, while there is a relationship between land use and zoning, there is not a one-for-one relationship between the two classifications.

Zoning is the “tool” municipalities use to regulate land use. Zoning refers to how the property can be used and specific regulations for the development of the property. It is through zoning regulations found within the City of Lenexa’s Unified Development Code that items relating to the use of land, height and size of buildings, size of lots, setbacks, and parking, to name a few, are regulated.

When considering a request to rezone property, part of the review, and one of the factors, includes an analysis of how the land is currently being used and how the land is designated on our Future Land Use Map. The staff analyzes the rezoning request against thirteen criteria known as the Golden Criteria named after the land use case Donald Golden vs City of Overland Park. Other criteria relate to the character of the neighborhood, affect to nearby properties, the environment, safety of the street network, and adequacy of required utilities and services, to name a few.

**Canyon Ridge (RZ23-07, PL23-12P)**

***Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting***

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**From:** Laura McNeese <[lmcneese@gmail.com](mailto:lmcneese@gmail.com)>

**Sent:** Monday, January 8, 2024 2:34 PM

**To:** Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>

**Subject:** Proposed development Canyon Creek Parkway and K10

We are not able to attend tonight's meeting, but we would like to voice our concerns regarding the proposed ODDO development.

We have lived in Lenexa since 1998. From that time we have always been very impressed with the care and concern that the city provides in regards to zoning, planning and development.

We moved from Falcon Ridge to Canyon Creek Point in 2019 and built here with the knowledge that the growth would occur near us, but we had confidence that the potential for that growth would be under the guise of the ever vigilant city planners. The requested zoning changes would practically be a 180 degree change from the current zoning, and would shatter the commitments promised by our developer when we purchased our home.

Please do not allow the proposed zoning changes for the northwest corner of K-10 and Canyon Creek Parkway.

Respectfully,

Laura and John McNeese

9563 Landon St, Lenexa, KS 66227

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** Larry Riggins <larryriggins@live.com>

**Date:** January 9, 2024 at 4:31:47 PM CST

**To:** Julie Sayers <jsayers@lenexa.com>, Mark Charlton <mcharlton@lenexa.com>, Courtney Eiterich <ceiterich@lenexa.com>, Chelsea Williamson <cwilliamson@lenexa.com>, Chris Herron <cherron@lenexa.com>, Bill Nicks <bnicks@lenexa.com>, Joe Karlin <jkarlin@lenexa.com>, Melanie Arroyo <marroyo@lenexa.com>, Craig Denny <cdenny@lenexa.com>

**Subject:** Canyon Ridge (RZ23-07, PL23-12P) - ODDO Rezoning Request

Larry & Lartrell Riggins

9570 Wild Rose Ln

Lenexa, KS 66227

Date: January 9, 2024

Subject: Canyon Ridge (RZ23-07, PL23-12P) – ODDO Rezoning Request

To: Lenexa Mayor & City Council Members

We share the concerns submitted by other Canyon Creek Point (CCP) residents and residents from neighboring developments. After reviewing the most recent ODDO developer remarks, we have a couple of comments:

***ODDO: Most real estate and planning experts understand there is no need for office development in this area of Lenexa (or nearly anywhere else in Johnson County post-Covid) and considering the steep grades of the subject property it is nearly impossible to develop office buildings on the subject property.***

It is interesting that is nearly impossible to construct office buildings, but apartments are suitable for the same property. My understanding is as one resident has stated: “The plans show the apartment complex cresting the forested hillside from K-10 and down the valley putting the backside of all apartment buildings in the direct site line of all Canyon Creek Point homes”. The backside of the certain apartments will be three stories tall for the walkout purposes with a large retaining wall to overcome the steep grade. It seems highly unlikely that the remaining few trees in the project will cover the site line from the CCP homes. It is unfortunate that the size of this project requires the entire tree buffer to K-10 to be eliminated to fit an apartment complex onto a very challenging track of land.

***ODDO: Importantly, the Kansas Supreme Court has stated that rezoning may not be based on a “plebiscite of the neighborhood” but must be based on the interests of the community at large.***

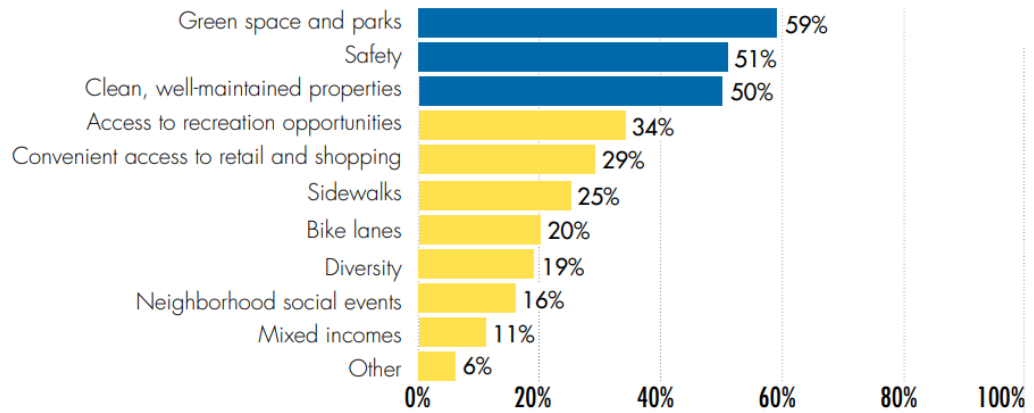
**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

Lenexa’s vision for 2040 will be realized through strong community partnerships

Through an online survey, we asked Lenexans what factors should be considered and are most important for maintaining and creating healthy neighborhoods in 2040. Their responses are below.

**What factors are most important for maintaining and creating healthy neighborhoods in 2040?**



SOURCE: Where to Focus — Survey 2. Appendix B

**20 • HEALTHY PEOPLE**

K-10 as a highway was completed in 1984. The proposed 45-acre rezoning site has remained undisturbed for at least 40 years and now has mature trees and a wetland that attracts several wildlife species.

Lenexa’s stated vision shows that green space and parks are at the top of the latest community survey as most important for maintaining and creating healthy neighborhoods in 2040. The area just north of CCP is reserved for a future city park. The proposal means almost all the 45 acres of wooded terrain would be cleared for this project. This leaves a narrow band of conservation area south of CCP for a planned Lenexa walking trail that would have close site-lines to the apartments. The long-term goal of the future city park, in conjunction with the trail that leads back to nearby Mize Lake, is to promote and make available this area as green space to the larger community. The project, as proposed, would detract from this vision.

We respectfully request that you continue to honor the published Master Land Use Plan and reject this proposal.

Sincerely,

Larry & Lartrell Riggins  
Canyon Creek Point residents

**Canyon Ridge (RZ23-07, PL23-12P)**

**Post Packet Public Comment Emails Received After January 8, 2024 Planning Commission Meeting**

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**From:** Lee Stucky <[leestucky@icloud.com](mailto:leestucky@icloud.com)>

**Date:** January 14, 2024 at 6:40:56 PM CST

**To:** Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>, Chelsea Williamson <[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)>, Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>, Joe Karlin <[jkarlin@lenexa.com](mailto:jkarlin@lenexa.com)>, Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>, Chris Herron <[cherron@lenexa.com](mailto:cherron@lenexa.com)>

**Subject: Opposition to Canyon Creek Oddo Development Proposal**

Dear Lenexa City Council Members,

We built our home in Canyon Creek by the Park in 2007. Much has changed over the past 16 years, but the basic premise of life in Canyon Creek - living amidst nature's beauty, wildlife, and tranquility - has been well preserved. It is exactly why we made the decision to live here, and why we have enjoyed and appreciated every moment of it.

Now comes the proposal from Oddo Development calling for a multi-building, multi-story, high density apartment complex, assisted living center, and convenience store. At its closest proximity, it will come within 600 feet of many established Canyon Creek homes, while destroying 45 acres of prime woodland beauty immediately adjacent to the community.

The rezoning required for this project is counter to the City of Lenexa's master plan for the area and violates the developer's commitment to protect and maintain the natural beauty of it.

The negative impacts of such a project are numerous and wide ranging from immediate to long-term. To name a few, these concerns include:

- Environmental: Destruction and damage to woodlands, wetlands, and wildlife, as well as increased drainage and pollution issues;
- Construction: Prolonged heavy equipment operation, noise, wind blown dust, and potential peripheral demolition and blasting damage to residential foundations;
- Traffic: Construction-related road damage, increased usage due to density and retail component, and increased congestion at K-10/Cedar Creek/Canyon Creek ramps;
- Property Values: Cumulative effects of the above will negatively impact existing home and development values in the long term.

We strongly oppose this project and urge the Mayor and City Council to reject this proposal in consideration of the long term impacts on the environment, quality of life in Canyon Creek, and the image it conveys for the City of Lenexa.

Respectfully,

Lee and Sharon Stucky  
25712 W. 97th Street  
Canyon Creek by the Park

**Paul E. LaForge**  
**9858 Garden St.**  
**Lenexa, KS 66227**  
**pelaforge@gmail.com**  
**KS Engineer #7319**

January 30, 2024

Lenexa KS Planning Commission  
City of Lenexa, KS  
17101 W. 87<sup>th</sup> St. Pkwy  
Lenexa, KS 66219

CMRRR 7021-0350-0001-2552-3723

RE: Pending Planning Commission Applications for February 5, 2024

RE: Canyon Ridge Apartment Homes located approximately at the northwest corner of K-10 Highway & Canyon Creek Blvd. – Rezoning & Preliminary Plan for a multifamily residential use, assisted living, and retail use

Lenexa KS Planning Commission:

**Area Resident.**

Paul E. LaForge; 9858 Garden St.; Lenexa, KS 66227

**Resident's Opening Statement.**

This resident is a current area resident. The applicant has made multiple deviation requests. This resident is not against development of the land as long as Lenexa Zoning laws, the Lenexa Comprehensive Plan and Lenexa UDC codes are met. **The current owner/applicant bought the land knowing the current Lenexa Zoning, the Lenexa Comprehensive Plan and the Lenexa UDC code requirements.**

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

Item 4 reads. "...The proposed uses will not detrimentally affect nearby property of any greater impact than if the site were to be developed with office and retail uses as the site is *now zoned*. It is Staff's opinion the proposed uses are compatible with the existing and planned uses in the vicinity..."

**Response.** The Staff is not being honest in making such a statement. The applicant's proposed deviations will detrimentally affect nearby property. The applicant is openly requesting a "*rezoning*". The applicant's proposed deviations are not adequate. The "Staff's opinion" statement is both misleading and simply wrong.P

**Resident Requested Action.** Deny applicant's rezoning request.



**Apartment Parking** (Title 4 UDC, § 4-1-D-1-C)

Applicant proposal is for **566 stalls** (519 for units, 43 for guest parking).

Applicant “alleges” 635 stalls are required.

Applicant states that its 566 stalls are 69 stalls short of applicants “alleged” 635 stalls.

**Response.** Applicant does not state how many bedrooms are in each unit.

Lenexa UDC requires **606 stalls** if all are 1 bedroom units.

Lenexa UDC requires **692 stalls** if all are 2 bedroom units.

Lenexa UDC requires **779 stalls** if all are 3 bedroom units.

Also, the applicant drawing shows “*Potential locations for additional parking stalls*” but applicant does not show how many. Having looked at the drawings, these “additional parking stalls” must be part of the original construction. This resident also questions whether the additional parking stalls can even be built were shown.

**Resident Requested Action.** Deny applicant’s deviation request.

**Nursing Home Parking** (Title 4 UDC, § 4-1-D-1-C)

Applicant drawing simply shows 85 stalls.

Applicant does not state how many beds are in the nursing home.

Applicant does not state how many employees are anticipated.

**Response.** Lenexa UDC stipulates 1 stall per 3 beds, plus 1 space per employee.

**Resident Requested Action.** Deny applicant’s deviation request.

**Convenience Store Floor Area** (Title 4 UDC, § 4-3-C-3)

Applicant has requested a deviation from 5,000 SF to 6,100 SF.

**Response.** Lenexa UDC stipulates a maximum of 5,000 SF for a convenience store. Once this door is opened a Pandora’s Box is opened - the next applicant will want 10,000 Sf, the next applicant 20,000 SF – ditto – until a shipping center is requested.

**Resident Requested Action.** Deny applicant’s deviation request.

**Freeway Setback** (Title 4 UDC, § 4-1-B-26-C-1)

Applicant has requested a freeway setback from 100 LF to 28 LF, with a corresponding decrease in the landscape buffer from 100 LF to 28 LF.

**Response.** Lenexa UDC requires a setback of 100 LF with a corresponding landscape buffer. The existing Lenexa UDC required setbacks help to control freeway noise. Nothing good can or will come from reducing the freeway and landscape buffer set back of 100 LF.

**Resident Requested Action.** Deny applicant’s deviation request.

**Gasoline Pump Island Queue Space** (Title 4 UDC, § 4-1-D-1-N-1)

Applicant has requested a deviation from 50 LF to 25 LF.

**Response.** Lenexa UDC stipulates 50 LF from each end of the pump island. The 50 LF accommodates large vehicles. Reducing Queue space to 25 LF will block the road and will cause safety hazards with the pumps so close to the roadway.

**Resident Requested Action.** Deny applicant’s deviation request.

**Salt Lake Area Study on Impact to Single Family Home Values.**

Applicant has included a study for "Suburban Salt Lake County" in support of its position.

**Response.** I have been to Salt Lake, UT area. I live in Lenexa, KS. The applicant's use of a Salt Lake area study as a comparison to Lenexa, KS is simply absurd - Suburban Salt Lake County, UT is NOT Lenexa, KS.

**Resident Requested Action.** Ignore the Salt Lake Area study.

**Area Resident's Closing.**

It is this resident's opinion that the applicant's deviation requests are to maximize the applicant's profits from the income generated from the sale of the property, but without regard to current zoning, the Lenexa UDC codes and the impact upon the adjacent property owners. If Lenexa were to approve the applicant's deviation requests, Lenexa's actions would result in a negative impact on the value of the current homes in the Lenexa area. **This resident requests that all of the applicant's deviation be denied.**

Sincerely,



Paul E. LaForge  
9858 Garden St.  
Lenexa, KS 66227

Cc:

Lenexa KS City Clerk at: [cityclerk@lenexa.com](mailto:cityclerk@lenexa.com)  
Scott McCullough at: [smccullough@lenexa.com](mailto:smccullough@lenexa.com)  
Julie Sayers at: [jsayers@lenexa.com](mailto:jsayers@lenexa.com)

# Neighbors opposed to Canyon Ridge Apartment Homes



Started January 3, 2024

576

Signatures

1,000

Next Goal

Support now



Neighbors opposed to Canyon Ridge Apartment Homes

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## Why this petition matters

Started by [Fred Gower](#)

**Who is impacted?** Every homeowner in Canyon Creek (Point, Highlands, Lake and Park), Canyon Ridge subdivision, and anyone currently using the Canyon Creek Blvd exit.

**What is at stake?** The immediate effect will be loss of all natural barriers between Canyon Creek homes and K-10 highway, increasing noise levels and the elimination of native trees and wildlife. There are also safety concerns that come with the increased traffic. Canyon Creek neighborhoods span across Canyon Creek Blvd, and children often have to cross this road to and from school, to access the park and pool, visit friends, etc. **This proposal goes against the Lenexa Master Plan, which current homeowners used when deciding to invest in this part of the city.**

**Why is now the time to act?** Left as is, homeowners continue to have access to the beauty that Lenexa states it wants to preserve. If rezoned, all surrounding neighbors will have a direct site line to the backside of 2-story + walkouts (in effect, 3-story) multi-unit apartments. K-10 & Canyon Creek Blvd was meant to be the "western gateway" or "front door" to Lenexa. If rezoned, you will see the stark difference between Olathe's priorities (south side of K-10: preserved natural beauty) and Lenexa's priorities (north side of K-10: loss of native trees and wildlife replaced with apartments, assisted living and a gas station).

Area residents were only notified of the developers request to re-zone the area on December 18th, wanting approval in less than 30 days. We believe the timing of this request was intentional with the hope that most residents would not notice as this is right in the middle of the busy holiday season.

petition\_signatures\_jobs\_37816043\_20240131222219

| Name              | City            | State | Postal Code | Country | Signed On  |
|-------------------|-----------------|-------|-------------|---------|------------|
| Vanessa Calcara   | Lenexa          | KS    |             | US      | 2024-01-03 |
| Fred Gower        | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Chris Calcara     | Kansas City     | MO    | 64114       | US      | 2024-01-03 |
| Dennis Burket     | Prairie Village | KS    | 66208       | US      | 2024-01-03 |
| Roslyn Brittain   | Leawood         | KS    | 66206       | US      | 2024-01-03 |
| mandy Pennebaker  | Lenexa          | KS    | 66227-7300  | US      | 2024-01-03 |
| Jennifer Tran     | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Colleen Gower     | Olathe          | KS    | 66062       | US      | 2024-01-03 |
| Heather Day       | Olathe          | KS    | 66062       | US      | 2024-01-03 |
| KIM GODWIN        | Olathe          | KS    | 66062       | US      | 2024-01-03 |
| Michael Day       | Olathe          | KS    | 66062       | US      | 2024-01-03 |
| Ron Ramsour       | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Kathleen Mulligan | Kansas City     | KS    | 66102       | US      | 2024-01-03 |
| Becky Longfellow  | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Chad Mellick      | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Lois Maxwell      | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Judith McNish     | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Darci Guerrein    | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Larry Riggins     | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Barb Ramsour      | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Lisa Mizell       | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Tyler Kippes      | Olathe          | KS    | 66061       | US      | 2024-01-03 |
| Kelley Chapman    | Olathe          | KS    | 66062       | US      | 2024-01-03 |
| Andrew Drummond   | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Melissa Drummond  | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Joe Guerrein      | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Matthew Zelenc    | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Lisa Vaughn       | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Robin Keller      | Lenexa          | KS    | 66227       | US      | 2024-01-03 |
| Adam Hansen       | Lenexa          | KS    | 66227       | US      | 2024-01-04 |
| Lyndsy Zelenc     | Lenexa          | KS    | 66227       | US      | 2024-01-04 |
| Gina Ross         | Lenexa          | KS    | 66227       | US      | 2024-01-04 |
| Todd Ross         | Lenexa          | KS    | 66227       | US      | 2024-01-04 |
| Thomas DeMaria    | Olathe          | KS    | 66227       | US      | 2024-01-04 |
| Wes Simmons       | Lenexa          | KS    | 66215       | US      | 2024-01-04 |
| Richard Miller    | Lenexa          | KS    | 66219       | US      | 2024-01-04 |

|                                      |               |    |       |    |            |
|--------------------------------------|---------------|----|-------|----|------------|
| <b>Suzanne Luke</b>                  | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Tammy Wainwright</b>              | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Alan Baker</b>                    | Olathe        | KS | 66061 | US | 2024-01-04 |
| <b>Susanne Burket</b>                | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Nicole Ferrell</b>                | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Areli Quinones</b>                | Olathe        | KS | 66227 | US | 2024-01-04 |
| <b>Mike Carter</b>                   | Lenexa        | KS | 66220 | US | 2024-01-04 |
| <b>Jenna Means</b>                   | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Kristin Kippes</b>                | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Thomas &amp; Michele Carrigan</b> | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Angie Nelson</b>                  | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>David Nelson</b>                  | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Connor Navrude</b>                | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Melinda Gibson</b>                | Olathe        | KS | 66062 | US | 2024-01-04 |
| <b>Danielle Navrude</b>              | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Daniel Quinones</b>               | Kansas City   | KS | 66103 | US | 2024-01-04 |
| <b>Kristen Potter</b>                | Overland Park | KS | 66212 | US | 2024-01-04 |
| <b>Allyson Putnam</b>                | Kansas City   | MO | 64133 | US | 2024-01-04 |
| <b>Jeffrey Oswald</b>                | Lenexa        | KS | 66220 | US | 2024-01-04 |
| <b>Amy Kaufmann</b>                  | Olathe        | KS | 66062 | US | 2024-01-04 |
| <b>Rochelle Kaminsky</b>             | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Matt Kaminsky</b>                 | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Michelle Miller</b>               | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Tina Nonoyama</b>                 | Olathe        | KS | 66062 | US | 2024-01-04 |
| <b>Laura Mordica</b>                 | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Barb Eidt</b>                     | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Justin Eastwood</b>               | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Leslie Marvin</b>                 | Olathe        | KS | 66061 | US | 2024-01-04 |
| <b>Marcia Bledsoe</b>                | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Stephanie Rector</b>              | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Natalie Eidt</b>                  | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Patricia Pound</b>                | Olathe        | KS | 66061 | US | 2024-01-04 |
| <b>Nicole Thomas</b>                 | Olathe        | KS | 66061 | US | 2024-01-04 |
| <b>Mike Marvin</b>                   | Olathe        | KS | 66061 | US | 2024-01-04 |
| <b>Jeff Folks</b>                    | Lenexa        | KS | 66220 | US | 2024-01-04 |
| <b>Marjorie Lampton</b>              | Shawnee       | KS | 66226 | US | 2024-01-04 |
| <b>Brittany Sacks</b>                | Lenexa        | KS | 66227 | US | 2024-01-04 |
| <b>Stuart Pollack</b>                | Lenexa        | KS | 66215 | US | 2024-01-04 |

|                             |                               |    |        |    |            |
|-----------------------------|-------------------------------|----|--------|----|------------|
| <b>Chris Rector</b>         | Lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>Melissa Frock</b>        | Olathe                        | KS | 66062  | US | 2024-01-04 |
| <b>Lori Sosna</b>           | Shawnee                       | KS | 66218  | US | 2024-01-04 |
| <b>Jim Baird</b>            | Lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>Patrick Miller</b>       | Lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>Rae Baird</b>            | Overland Park                 | KS | 66212  | US | 2024-01-04 |
| <b>Gary Brittain</b>        | Kansas City                   | MO | 64184  | US | 2024-01-04 |
| <b>Gabe Wiechman</b>        | Olathe                        | KS | 66062  | US | 2024-01-04 |
| <b>Chad Boling</b>          | Lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>Denise Wiechman</b>      | Lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>Mike Smith</b>           | Lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>Jeff Godwin</b>          | Olathe                        | KS | 66062  | US | 2024-01-04 |
| <b>Jessica Grier</b>        | lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>Caitlin Skala</b>        | Olathe                        | KS | 66061  | US | 2024-01-04 |
| <b>Amanda Morgan</b>        | Lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>Joshua Dreesen</b>       | Overland Park                 | KS | 66213  | US | 2024-01-04 |
| <b>David Bledsoe</b>        | Overland Park                 | KS | 66207  | US | 2024-01-04 |
| <b>Kelsey Ingold</b>        | Lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>Tim Durkin</b>           | Kansas City                   | MO | 64110  | US | 2024-01-04 |
| <b>Gina Calhoon</b>         | Kansas City                   | MO | 64121  | US | 2024-01-04 |
| <b>Toby Leach</b>           | Overland Park                 | KS | 66212  | US | 2024-01-04 |
| <b>Christiane Branstrom</b> | Lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>James Shenoy</b>         | Lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>Dan Robinson</b>         | Lenexa                        | KS | 66220  | US | 2024-01-04 |
| <b>Karen Watkins</b>        | Olathe                        | KS | 66061  | US | 2024-01-04 |
| <b>Steven Branstrom</b>     | Olathe                        | KS | 66062  | US | 2024-01-04 |
| <b>Elizeth Gonzalez</b>     | Phoenix                       |    | 85008  | US | 2024-01-04 |
| <b>Earl Watkins</b>         | Olathe                        | KS | 66061  | US | 2024-01-04 |
| <b>Britany Gordon</b>       | Lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>Heather Suelflow</b>     | Lenexa                        | KS | 66215  | US | 2024-01-04 |
| <b>Holly Myers</b>          | Lenexa                        | KS | 29466  | US | 2024-01-04 |
| <b>Josh Suelflow</b>        | Lenexa                        | KS | 66215  | US | 2024-01-04 |
| <b>Karen Shenoy</b>         | Canyon Creek by the Park, Ler | KS | 662227 | US | 2024-01-04 |
| <b>Jill Rew</b>             | Lenexa                        | KS | 66215  | US | 2024-01-04 |
| <b>Joseph Czyz</b>          | Lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>Lyndsey Stuber</b>       | Olathe                        | KS | 66061  | US | 2024-01-04 |
| <b>Randy Lewis</b>          | Lenexa                        | KS | 66227  | US | 2024-01-04 |
| <b>Andrea Kelley</b>        | Lenexa                        | KS | 66227  | US | 2024-01-04 |

|                                 |                 |    |       |    |            |
|---------------------------------|-----------------|----|-------|----|------------|
| <b>Nick Gordon</b>              | Kansas City     | MO | 64113 | US | 2024-01-04 |
| <b>Lauren Schneider</b>         | Eudora          | KS | 66025 | US | 2024-01-04 |
| <b>Megan Goodyear</b>           | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Adam Frock</b>               | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Caren Oswald</b>             | Lenexa          | KS | 66220 | US | 2024-01-04 |
| <b>Shaun Burnison</b>           | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Jon Inwood</b>               | Brooklyn        | NY | 11226 | US | 2024-01-04 |
| <b>Kelly Burnison</b>           | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Michaela Rush</b>            | Olathe          | KS | 66062 | US | 2024-01-04 |
| <b>Tammy Forgey</b>             | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Tracy Thomas</b>             | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Erika Rikhiram</b>           | Clermont        | FL | 34711 | US | 2024-01-04 |
| <b>jill angelichio</b>          | charlotte       | NC | 28204 | US | 2024-01-04 |
| <b>Yonatan Aguilar</b>          | King George     |    | 22485 | US | 2024-01-04 |
| <b>Rick Vaughn</b>              | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Melissa Gower</b>            | Prairie Village | KS | 66208 | US | 2024-01-04 |
| <b>Lindsay Carter</b>           | Lenexa          | KS | 66220 | US | 2024-01-04 |
| <b>Max Bruce</b>                | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Terri and Steve Bennett</b>  | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Jake Ellis</b>               | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Kim Pauli</b>                | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Lisa Johnson</b>             | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Robyn Reid</b>               | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Gary Reid</b>                | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Ashley Thornton</b>          | Shawnee         | KS | 66217 | US | 2024-01-04 |
| <b>Kim Smith</b>                | Prairie Village | KS | 66208 | US | 2024-01-04 |
| <b>Alyne Millert</b>            | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Broni cherian</b>            | Olathe          | KS | 66061 | US | 2024-01-04 |
| <b>George Mordica</b>           | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Joy Palangi</b>              | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Michele MorganCarrigan</b>   | Kansas City     | KS | 66106 | US | 2024-01-04 |
| <b>Alfonso Aldave</b>           | Kansas City     | KS | 66227 | US | 2024-01-04 |
| <b>Adrian Kelley</b>            | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Matthew Lewis</b>            | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Kelsey Lewis</b>             | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Brenda Cunningham</b>        | Olathe          | KS | 66061 | US | 2024-01-04 |
| <b>Kayla South</b>              | Kansas City     | KS | 66102 | US | 2024-01-04 |
| <b>Susan Burkholder Cameron</b> | Olathe          | KS | 66062 | US | 2024-01-04 |

|                              |                 |    |       |    |            |
|------------------------------|-----------------|----|-------|----|------------|
| <b>Patricia Mathews</b>      | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Lesley Walden</b>         | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Randall Stark</b>         | Prairie Village | KS | 66208 | US | 2024-01-04 |
| <b>Steve Powell</b>          | Olathe          | KS | 66062 | US | 2024-01-04 |
| <b>Sreeraman Rangarajan</b>  | Waipahu         | HI | 96797 | US | 2024-01-04 |
| <b>Cynthia Neumayer</b>      | Olathe          | KS | 66061 | US | 2024-01-04 |
| <b>Tracy King</b>            | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Anthony Lawson</b>        | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Ron David</b>             | Olathe          | KS | 66061 | US | 2024-01-04 |
| <b>James Byers</b>           | Florence        | AZ | 85132 | US | 2024-01-04 |
| <b>Brett Bales</b>           | Kansas City     | KS | 66106 | US | 2024-01-04 |
| <b>Donna David</b>           | Olathe          | KS | 66061 | US | 2024-01-04 |
| <b>Cyndee Lewis</b>          | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Carole Munns</b>          | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Lisa and Willie Scott</b> | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Linda Powell</b>          | Olathe          | KS | 66062 | US | 2024-01-04 |
| <b>Cheryl Greenough</b>      | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Cheri Couture</b>         | Lenexs          | KS | 66227 | US | 2024-01-04 |
| <b>Gillian Cutts</b>         | Overland Park   | KS | 66214 | US | 2024-01-04 |
| <b>Melissa Feltz</b>         | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Judy Farrell</b>          | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Dan Miller</b>            | Olathe          | KS | 66062 | US | 2024-01-04 |
| <b>Steve Bennett</b>         | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Ian Cutts</b>             | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Mary Woltkamp</b>         | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Patricia Krehbiel</b>     | Lenexa          | KS | 66220 | US | 2024-01-04 |
| <b>Donna Garrett</b>         | Stevensville    |    | 21666 | US | 2024-01-04 |
| <b>Patricia Hunt</b>         | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>William R. Hensley</b>    | Olathe          | KS | 66061 | US | 2024-01-04 |
| <b>Jeannette Paige</b>       | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Tyler Booth</b>           | Lenexa          | KS | 66215 | US | 2024-01-04 |
| <b>Joe Alonso</b>            | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Lori Barrett</b>          | Prairie Village | KS | 66208 | US | 2024-01-04 |
| <b>Janet Alonso</b>          | Lenexa          | KS | 66227 | US | 2024-01-04 |
| <b>Leslie Bales</b>          | Overland Park   | KS | 66212 | US | 2024-01-05 |
| <b>Jerry Walters</b>         | Olathe          | KS | 66062 | US | 2024-01-05 |
| <b>Kim Galbreath</b>         | Lenexa          | KS | 66227 | US | 2024-01-05 |
| <b>Melody Baker</b>          | Lenexa          | KS | 66227 | US | 2024-01-05 |



|                        |                 |    |       |           |            |
|------------------------|-----------------|----|-------|-----------|------------|
| Laura McNeese          | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Kirk Calhoon           | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Vonda Kay Brown        | Olathe          | KS | 66062 | US        | 2024-01-05 |
| Jane Moseman           | Omaha           | NE | 68130 | US        | 2024-01-05 |
| Yanci Moran            | Houston         |    | 77073 | US        | 2024-01-05 |
| Larry Molder           | Olathe          | KS | 66061 | US        | 2024-01-05 |
| Catherine Dextraze     | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Andrew Floyd           |                 |    |       | US        | 2024-01-05 |
| Andy Dextraze          | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Kent Siemens           | Olathe          | KS | 66062 | US        | 2024-01-05 |
| Dianne Walker          | Prairie Village | KS | 66208 | US        | 2024-01-05 |
| Aaron Johnson          | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Adeline Powers         | Elkhorn         |    | 68022 | US        | 2024-01-05 |
| Darci Deskin           | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Steve Wyman            | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Tom Deskin             | Overland Park   | KS | 66204 | US        | 2024-01-05 |
| Ron & Patricia McNelis | Overland Park   | KS | 66213 | US        | 2024-01-05 |
| Alana Preziosi         | Swedesboro      |    | 8085  | US        | 2024-01-05 |
| Whitney Webb           | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Christy Wichtendahl    | Shawnee         | KS | 66227 | US        | 2024-01-05 |
| Kelly Roney            | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Sabrina Markese        | Olathe          | KS | 66061 | US        | 2024-01-05 |
| Alexandria Hills       | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Megan Johnson          | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Maria Holdenried       | LENEXA          | KS | 66227 | US        | 2024-01-05 |
| Ronnie Kotz            | Olathe          | KS | 66061 | US        | 2024-01-05 |
| Tresa Riggins          | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Sydney Ash             | Phoenix         | AZ | 85003 | US        | 2024-01-05 |
| Sam Baba               |                 |    |       | Saudi Ara | 2024-01-05 |
| Alleigh Taylor         | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Lui yu                 | Miami           |    | 33132 | US        | 2024-01-05 |
| Lily Jones             | Lenexa          | KS | 66215 | US        | 2024-01-05 |
| Lowell J. Tawney       | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Madeline Maldonado     | Waukegan        |    | 60085 | US        | 2024-01-05 |
| Melissa Weatherspoon   | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Linda Winter           | Olathe          | KS | 66061 | US        | 2024-01-05 |
| Brian Stevens          | Lenexa          | KS | 66227 | US        | 2024-01-05 |
| Montira Kotz           | Lenexa          | KS | 66227 | US        | 2024-01-05 |

|                                    |                 |    |            |    |            |
|------------------------------------|-----------------|----|------------|----|------------|
| <b>Wayne Walker</b>                | Prairie Village | KS | 66208      | US | 2024-01-05 |
| <b>Hanna Flaming</b>               | Olathe          | KS | 66062      | US | 2024-01-05 |
| <b>Gregory Roe</b>                 | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>Kaylee Johnson</b>              | Lenexa          | KS | 66220      | US | 2024-01-05 |
| <b>Nicole Barker</b>               | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>Stanton Barker</b>              | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>jesus Segura</b>                | Chicago         |    | 60651-3944 | US | 2024-01-05 |
| <b>Candy Johnson</b>               | Prairie Village | KS | 66208      | US | 2024-01-05 |
| <b>Catherine Montgomery-Malone</b> | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>Jerry Johnson</b>               | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>Bruce Kotz</b>                  | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>Debra Meyer</b>                 | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>Laura Hatcher</b>               | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>Ken Hunt</b>                    | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>James Keller</b>                | LENEXA          | KS | 66227      | US | 2024-01-05 |
| <b>Clare McGinness</b>             | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>marcella stevens</b>            | Olathe          | KS | 66062      | US | 2024-01-05 |
| <b>Jay Ramsdell</b>                | Olathe          | KS | 66227      | US | 2024-01-05 |
| <b>Jennifer Walker</b>             | Olathe          | KS | 66061      | US | 2024-01-05 |
| <b>Brad Krehbiel</b>               | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>Cindy Ritchie</b>               | Olathe          | KS | 66061      | US | 2024-01-05 |
| <b>Patti Finn</b>                  | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>Sachet Ohio</b>                 |                 |    |            | US | 2024-01-05 |
| <b>Josue Chávez</b>                | Los Angeles     |    | 90004      | US | 2024-01-05 |
| <b>Karen Beckwith</b>              | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>William Ross</b>                | Lenexa          | KS | 66220      | US | 2024-01-05 |
| <b>Melissa Harmon</b>              | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>Brian Wainwright</b>            | Olathe          | KS | 66062      | US | 2024-01-05 |
| <b>Dianne Brown</b>                | Shawnee         | KS | 66226      | US | 2024-01-05 |
| <b>Carol Hudson</b>                | Chicago         |    | 60644      | US | 2024-01-05 |
| <b>Erin Morgan</b>                 | Olathe          | KS | 66061      | US | 2024-01-05 |
| <b>LORI HOTZEL</b>                 | Olathe          | KS | 66062      | US | 2024-01-05 |
| <b>Eddie Regan</b>                 | Denver          | CO | 80238      | US | 2024-01-05 |
| <b>Kevin Thornton</b>              | Shawnee         | KS | 66226      | US | 2024-01-05 |
| <b>Guiselle Isidro</b>             | Astoria         |    | 97103      | US | 2024-01-05 |
| <b>Michelle Fairchild</b>          | LENEXA          | KS | 66227-7262 | US | 2024-01-05 |
| <b>John Marshall</b>               | Lenexa          | KS | 66227      | US | 2024-01-05 |
| <b>Matt Regan</b>                  | Overland Park   | KS | 66221      | US | 2024-01-05 |

|                               |               |    |       |    |            |
|-------------------------------|---------------|----|-------|----|------------|
| <b>Skyler Fairchild</b>       | Lenexa        | KS | 66227 | US | 2024-01-05 |
| <b>Clayton Neal</b>           | Overland Park | KS | 66227 | US | 2024-01-05 |
| <b>Paige Mulgrew</b>          | Lenexa        | KS | 66227 | US | 2024-01-05 |
| <b>Lea Ann Littell-West</b>   | Lenexa        | KS | 66220 | US | 2024-01-05 |
| <b>Stephen Munns</b>          | Olathe        | KS | 66062 | US | 2024-01-06 |
| <b>Michelle Folks</b>         | Lenexa        | KS | 66220 | US | 2024-01-06 |
| <b>Bruce Austin</b>           | Kansas City   | MO | 64137 | US | 2024-01-06 |
| <b>Lori Brannan</b>           | Olathe        | KS | 66062 | US | 2024-01-06 |
| <b>Manoj Devalla</b>          | Olathe        | KS | 66062 | US | 2024-01-06 |
| <b>Jeff Kerr</b>              | Miamisburg    |    | 45342 | US | 2024-01-06 |
| <b>Rebecca Hook</b>           | Lenexa        | KS | 66227 | US | 2024-01-06 |
| <b>Jose A Garcia</b>          | Atlanta       |    | 30319 | US | 2024-01-06 |
| <b>Patricia Curran</b>        | Lenexa        | KS | 66227 | US | 2024-01-06 |
| <b>Mark Smith</b>             | Lenexa        | KS | 66215 | US | 2024-01-06 |
| <b>Carolyn Tomes</b>          | Olathe        | KS | 66227 | US | 2024-01-06 |
| <b>Renee States</b>           | Lenexa        | KS | 66227 | US | 2024-01-06 |
| <b>Shirley Robinette</b>      | Olathe        | KS | 66061 | US | 2024-01-06 |
| <b>Karen Janes</b>            | Lenexa        | KS | 66227 | US | 2024-01-06 |
| <b>Karen Johnson</b>          | Lenexa        | KS | 66227 | US | 2024-01-06 |
| <b>Janet Link</b>             | Lenexa        | KS | 66227 | US | 2024-01-06 |
| <b>Carol Cooley</b>           | Lenexa        | KS | 66227 | US | 2024-01-06 |
| <b>Leslie Rollins</b>         | Lenexa        | KS | 66215 | US | 2024-01-06 |
| <b>Amy Hosier</b>             | Omaha         | NE | 68137 | US | 2024-01-06 |
| <b>Dave Hosier</b>            | Omaha         | NE | 68137 | US | 2024-01-06 |
| <b>Amy Bartkoski</b>          | Olathe        | KS | 66227 | US | 2024-01-06 |
| <b>Castlen Hunt</b>           | Lenexa        | KS | 66227 | US | 2024-01-06 |
| <b>Michael Bartkoski</b>      | Lenexa        | KS | 66227 | US | 2024-01-06 |
| <b>Deborah Stone</b>          | Lenexa        | KS | 66227 | US | 2024-01-06 |
| <b>Melissa Tawney</b>         | Olathe        | KS | 66062 | US | 2024-01-06 |
| <b>Mike Steggerda</b>         | Lenexa        | KS | 66227 | US | 2024-01-06 |
| <b>Dawn Steggerda</b>         | Lenexa        | KS | 66227 | US | 2024-01-06 |
| <b>Kim Leyva</b>              | Georgetown    |    | 41008 | US | 2024-01-06 |
| <b>Kate Flax</b>              | Olathe        | KS | 66062 | US | 2024-01-06 |
| <b>Melinda Marquess</b>       | Lenexa        | KS | 66220 | US | 2024-01-06 |
| <b>Scott Marquess</b>         | Lenexa        | KS | 66227 | US | 2024-01-06 |
| <b>Rich and Theresa Jones</b> | Lenexa        | KS | 66215 | US | 2024-01-06 |
| <b>Paul LaForge</b>           | Lenexa        | KS | 66215 | US | 2024-01-06 |
| <b>Eric Kelter</b>            | Olathe        | KS | 66061 | US | 2024-01-06 |

|                           |                 |    |       |    |            |
|---------------------------|-----------------|----|-------|----|------------|
| <b>Paul McCluskey</b>     | Lenexa          | KS | 66227 | US | 2024-01-06 |
| <b>Rob Oyler</b>          | Kansas City     | MO | 64131 | US | 2024-01-06 |
| <b>Ron Pentecost</b>      | Lenexa          | KS | 66227 | US | 2024-01-06 |
| <b>Jeannie McCluskey</b>  | Lenexa          | KS | 66227 | US | 2024-01-06 |
| <b>Donna Nichols</b>      | Lenexa          | KS | 66227 | US | 2024-01-06 |
| <b>LaTrice Cobbins</b>    | Lenexa          | KS | 66227 | US | 2024-01-06 |
| <b>Robert Johnson</b>     | Olathe          | KS | 66061 | US | 2024-01-06 |
| <b>Sarah Supiran</b>      | Lenexa          | KS | 66227 | US | 2024-01-06 |
| <b>David Gunter</b>       | Olathe          | KS | 66062 | US | 2024-01-06 |
| <b>Sharon Colbert</b>     | Prairie Village | KS | 66208 | US | 2024-01-06 |
| <b>Sharon Stucky</b>      | Lenexa          | KS | 66227 | US | 2024-01-06 |
| <b>Debra Jones</b>        | LENEXA          | KS | 66227 | US | 2024-01-06 |
| <b>Don Aholt</b>          | Kansas City     | MO | 64110 | US | 2024-01-06 |
| <b>Mary Carter</b>        | Kansas City     | MO | 64108 | US | 2024-01-06 |
| <b>Jay Greenough</b>      | Wichita         | KS | 67209 | US | 2024-01-06 |
| <b>Adam Kaluba</b>        | Burleson        |    | 76028 | US | 2024-01-06 |
| <b>Tamara Shepley</b>     | Kansas City     | MO | 64124 | US | 2024-01-06 |
| <b>Brad and Pam Mohr</b>  | Lenexa          | KS | 66227 | US | 2024-01-06 |
| <b>Jill Lackey</b>        | Lenexa          | KS | 66227 | US | 2024-01-06 |
| <b>Paul Christianson</b>  | Olathe          | KS | 66062 | US | 2024-01-06 |
| <b>wikelna bourdeau</b>   | Lynn            |    | 1905  | US | 2024-01-06 |
| <b>Gary Link</b>          | Olathe          | KS | 66062 | US | 2024-01-07 |
| <b>Nicole Weddige</b>     | Lenexa          | KS | 66220 | US | 2024-01-07 |
| <b>John Shepley</b>       | Overland Park   | KS | 66212 | US | 2024-01-07 |
| <b>Richard Richard</b>    | Atlanta         |    | 30340 | US | 2024-01-07 |
| <b>Silvia Gunter</b>      | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Brian Lester</b>       | Olathe          | KS | 66061 | US | 2024-01-07 |
| <b>Trinity Morris</b>     | Detroit         | MI | 48219 | US | 2024-01-07 |
| <b>Ashley Lutjemeier</b>  | Lenexa          | KS | 66220 | US | 2024-01-07 |
| <b>Stephanie Niemeier</b> | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Sandra Arcuri</b>      | New York        |    | 10118 | US | 2024-01-07 |
| <b>Brittany Phillips</b>  | Fayetteville    |    | 28314 | US | 2024-01-07 |
| <b>Laura Gascogne</b>     | Shawnee         | KS | 66216 | US | 2024-01-07 |
| <b>Anastcia Roberts</b>   | Brooklyn        |    | 11210 | US | 2024-01-07 |
| <b>Sherry McKee</b>       | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Bryon Larson</b>       | Olathe          | KS | 66061 | US | 2024-01-07 |
| <b>Jeffery Forgey</b>     | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Christian Marie</b>    | Lenexa          | KS | 66215 | US | 2024-01-07 |

|                            |                 |    |       |    |            |
|----------------------------|-----------------|----|-------|----|------------|
| <b>Jeff Abernathy</b>      | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Pam Mosher</b>          | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Meghan Saylor</b>       | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Lee Stucky</b>          | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>John Harrington</b>     | Olathe          | KS | 66062 | US | 2024-01-07 |
| <b>Erica Harrington</b>    | Chicago         | IL | 60625 | US | 2024-01-07 |
| <b>Lance Saylor</b>        | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Pamela Flick</b>        | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Shawn Flick</b>         | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Larrie Nichols</b>      | Overland Park   | KS | 66212 | US | 2024-01-07 |
| <b>Bryant Brown</b>        | Chicago         | KS | 60602 | US | 2024-01-07 |
| <b>Susan Wailes</b>        | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Norm Waters</b>         | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Julie Else</b>          | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Jonathan Walker</b>     | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Danielle Gallegos</b>   | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Nathaniel Gallegos</b>  | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Patty Clinkinbeard</b>  | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Kay Pentecost</b>       | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Alex Laime</b>          | West Roxbury    |    | 2132  | US | 2024-01-07 |
| <b>Gregory Else</b>        | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Trudi Stark</b>         | Prairie Village | KS | 66208 | US | 2024-01-07 |
| <b>Krista Else</b>         | Olathe          | KS | 66061 | US | 2024-01-07 |
| <b>Wayne Mathews</b>       | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Sharon Caffrey</b>      | Olathe          | KS | 66062 | US | 2024-01-07 |
| <b>Jacqueline Pederson</b> | Lenexa          | KS | 66227 | US | 2024-01-07 |
| <b>Amy Abernathy</b>       | Lenexa          | KS | 66227 | US | 2024-01-08 |
| <b>Pamela Walker</b>       | Kansas City     | MO | 64112 | US | 2024-01-08 |
| <b>Terrence Doyle</b>      | Overland Park   | KS | 66212 | US | 2024-01-08 |
| <b>Kendall Tomes</b>       | Lenexa          | KS | 66227 | US | 2024-01-08 |
| <b>Noah Andemichael</b>    | White Plains    | MD | 20695 | US | 2024-01-08 |
| <b>Jan Price</b>           | Lenexa          | KS | 66227 | US | 2024-01-08 |
| <b>Katie Price</b>         | Lenexa          | KS | 66227 | US | 2024-01-08 |
| <b>Alora Thompson</b>      | Seattle         |    | 98109 | US | 2024-01-08 |
| <b>Anderson Kintu</b>      | Atlanta         |    | 30319 | US | 2024-01-08 |
| <b>Marilyn Hall</b>        | Florence        |    | 85132 | US | 2024-01-08 |
| <b>MICHAEL TREGONING</b>   | Ottawa          |    | 61350 | US | 2024-01-08 |
| <b>Cheryl Aston</b>        | Raymore         | MO | 64083 | US | 2024-01-08 |

|                           |               |    |            |    |            |
|---------------------------|---------------|----|------------|----|------------|
| <b>Lori Franklin</b>      | Lenexa        | KS | 66227      | US | 2024-01-08 |
| <b>William Murray</b>     | Lenexa        | KS | 66227      | US | 2024-01-08 |
| <b>rosemary torossian</b> | Sherman Oaks  |    | 91423      | US | 2024-01-08 |
| <b>Bryan Obi</b>          | Carrollton    | TX | 75007      | US | 2024-01-08 |
| <b>Allie Trompeter</b>    | Lenexa        | KS | 6622766218 | US | 2024-01-08 |
| <b>Stacey OKeefe</b>      | Xenia         | OH | 45385      | US | 2024-01-08 |
| <b>Ben Petersen</b>       | Lenexa        | KS | 66227      | US | 2024-01-08 |
| <b>Leah Petersen</b>      | Olathe        | KS | 66061      | US | 2024-01-08 |
| <b>Walden Hodges</b>      | Lenexa        | KS | 66227      | US | 2024-01-08 |
| <b>Michele Bingham</b>    | Charlotte     |    | 28206      | US | 2024-01-09 |
| <b>Jerrica Martin</b>     | Aiea          |    | 96701      | US | 2024-01-09 |
| <b>joce garcia</b>        | Dallas        |    | 75238      | US | 2024-01-09 |
| <b>Kara Horigan</b>       | Olathe        | KS | 66277      | US | 2024-01-09 |
| <b>Nadia Alexis</b>       | Orlando       | FL | 32807      | US | 2024-01-09 |
| <b>Andrea Percy</b>       | Lenexa        | KS | 66227      | US | 2024-01-09 |
| <b>Katrina Taylor</b>     | Lake City     |    | 32024      | US | 2024-01-09 |
| <b>Nikki Graham</b>       | Sarasota      |    | 34236      | US | 2024-01-09 |
| <b>Matthew Gelsheimer</b> | Olathe        | KS | 66061      | US | 2024-01-09 |
| <b>Marion West</b>        | Olathe        | KS | 66061      | US | 2024-01-09 |
| <b>Mirsad Cekovic</b>     | New York      |    | 10118      | US | 2024-01-09 |
| <b>Eduardo Levia</b>      | San Francisco | CA | 50321      | US | 2024-01-09 |
| <b>Mary Jo Kostus</b>     | Lenexa        | KS | 66227      | US | 2024-01-10 |
| <b>Sam Sharp</b>          | Kansas City   | KS | 66103      | US | 2024-01-10 |
| <b>Maleah Owsley</b>      | Indianapolis  |    | 46202      | US | 2024-01-10 |
| <b>Kofi Addo</b>          | Cerritos      |    | 90703      | US | 2024-01-10 |
| <b>robert cobb</b>        | Ormond Beach  |    | 32174      | US | 2024-01-10 |
| <b>Juan Morales</b>       | Newark        |    | 7105       | US | 2024-01-10 |
| <b>Stephen Farrell</b>    | Lenexa        | KS | 66227      | US | 2024-01-10 |
| <b>Amanda Kushner</b>     | West Chester  |    | 19380      | US | 2024-01-10 |
| <b>Raven Koki</b>         | New York      |    | 10605      | US | 2024-01-10 |
| <b>Dinsdale Jackson</b>   |               |    |            | US | 2024-01-11 |
| <b>Jennifer Montoya</b>   | Orem          |    | 84058      | US | 2024-01-11 |
| <b>Breauna Gant</b>       | Olathe        | KS | 66062      | US | 2024-01-11 |
| <b>Joshua Curphey</b>     | Peterborough  |    | PE7        | US | 2024-01-11 |
| <b>Ruba Saleh</b>         | Maryville     |    | 37803      | US | 2024-01-11 |
| <b>Kathleen Stone</b>     | Wake Forest   | NC | 27587      | US | 2024-01-11 |
| <b>Taylor Nixon</b>       | Graham        |    | 27253      | US | 2024-01-11 |
| <b>Kyle Powers</b>        | Towson        |    | 21286      | US | 2024-01-11 |

|                          |               |    |       |    |            |
|--------------------------|---------------|----|-------|----|------------|
| <b>Kevin Zou</b>         | Philadelphia  |    | 19120 | US | 2024-01-11 |
| <b>Adnan Bibi</b>        | Austin        |    | 78705 | US | 2024-01-11 |
| <b>Austin Ward</b>       | Corvallis     | OR | 97330 | US | 2024-01-11 |
| <b>Yurai Dina</b>        | Las Vegas     |    | 89115 | US | 2024-01-11 |
| <b>Jessica Downing</b>   | Bridgeton     |    | 8302  | US | 2024-01-12 |
| <b>Janell Washington</b> | Washington    |    | 20012 | US | 2024-01-12 |
| <b>Carolyn Hall</b>      | lenexa        | KS | 66227 | US | 2024-01-12 |
| <b>Shawn Scholz</b>      | Kansas City   | KS | 66103 | US | 2024-01-12 |
| <b>Melissa Pierson</b>   | Kansas City   | MO | 64114 | US | 2024-01-12 |
| <b>Kristina Goodman</b>  | Minneapolis   |    | 55408 | US | 2024-01-12 |
| <b>Scott Grier</b>       | Orlando       | FL | 32801 | US | 2024-01-12 |
| <b>Amanda Reed</b>       | Lenexa        | KS | 66227 | US | 2024-01-12 |
| <b>Joanne BURCHARD</b>   | Lenexa        | KS | 66220 | US | 2024-01-12 |
| <b>Mason Scholz</b>      | Overland Park | KS | 66212 | US | 2024-01-12 |
| <b>Logan Scholz</b>      | Kansas City   | KS | 66227 | US | 2024-01-12 |
| <b>Jeanne Boucek</b>     | Lenexa        | KS | 66215 | US | 2024-01-12 |
| <b>Afton Bingman</b>     | Lenexa        | KS | 66215 | US | 2024-01-12 |
| <b>Marissa Bundy</b>     | Lenexa        | KS | 66227 | US | 2024-01-13 |
| <b>Adam Bundy</b>        | Dallas        | TX | 75207 | US | 2024-01-13 |
| <b>Shawn Luke</b>        | Lenexa        | KS | 66227 | US | 2024-01-13 |
| <b>Lexi Parish</b>       | Lenexa        | KS | 66227 | US | 2024-01-13 |
| <b>Terrence Doyle</b>    | Lenexa        | KS | 66227 | US | 2024-01-13 |
| <b>Heath Reed</b>        | Olathe        | KS | 66061 | US | 2024-01-13 |
| <b>Melissa Ruiz</b>      | Lenexa        | KS | 66215 | US | 2024-01-13 |
| <b>Alisa Ford</b>        | Lenexa        | KS | 66227 | US | 2024-01-13 |
| <b>Bret Chapman</b>      | Lenexa        | KS | 66227 | US | 2024-01-13 |
| <b>Aaron Niemeier</b>    | Lenexa        | KS | 66227 | US | 2024-01-13 |
| <b>Shirley Pavlovich</b> | Lenexa        | KS | 66215 | US | 2024-01-13 |
| <b>Severin Risner</b>    | Portland      |    | 97206 | US | 2024-01-13 |
| <b>David Gryszowka</b>   | Olathe        | KS | 66062 | US | 2024-01-13 |
| <b>Anne Healy</b>        | Lenexa        | KS | 66227 | US | 2024-01-13 |
| <b>Cery Castillo</b>     | Houston       |    | 77043 | US | 2024-01-13 |
| <b>Jill Achanzar</b>     | Atco          |    | 8004  | US | 2024-01-13 |
| <b>Donene Pollack</b>    | Kansas City   | MO | 64184 | US | 2024-01-13 |
| <b>Lou salced</b>        | Cleveland     |    | 77327 | US | 2024-01-13 |
| <b>Emily Antolovic</b>   | Glenview      |    | 60026 | US | 2024-01-14 |
| <b>Aiden Bell</b>        | Lake Orion    |    | 48362 | US | 2024-01-14 |
| <b>Lisa Bakeman</b>      |               |    |       | US | 2024-01-14 |

|                               |               |    |           |           |                   |
|-------------------------------|---------------|----|-----------|-----------|-------------------|
| <b>Mm Rr</b>                  | <b>Bnd</b>    |    | <b>Ye</b> | <b>US</b> | <b>2024-01-14</b> |
| <b>Christine Jones</b>        | Omaha         |    | 68105     | US        | 2024-01-14        |
| <b>Debra Wallace</b>          | OLATHE        | KS | 66061     | US        | 2024-01-15        |
| <b>Di Shi</b>                 | Shawnee       | KS | 66218     | US        | 2024-01-15        |
| <b>Shuaishuai Lambkin</b>     | Lenexa        | KS | 66227     | US        | 2024-01-15        |
| <b>Sukhpreet Grewal</b>       | Olathe        | KS | 66061     | US        | 2024-01-15        |
| <b>Rada Lewis</b>             | Lenexa        | KS | 66227     | US        | 2024-01-15        |
| <b>Jodi Easter</b>            | Lenexa        | KS | 66227     | US        | 2024-01-15        |
| <b>Brooke Lennington</b>      | Lenexa        | KS | 66215     | US        | 2024-01-15        |
| <b>Terry Evans</b>            | Topeka        | KS | 66614     | US        | 2024-01-15        |
| <b>Jack Hruska</b>            | Lenexa        | KS | 66227     | US        | 2024-01-15        |
| <b>Durrel Harper</b>          | Lenexa        | MO | 66227     | US        | 2024-01-15        |
| <b>Corey McIntyre</b>         | Olathe        | KS | 66061     | US        | 2024-01-15        |
| <b>Krista Phelps</b>          | Port Huron    |    | 48060     | US        | 2024-01-15        |
| <b>Dana Burgess</b>           | Arvada        |    | 80004     | US        | 2024-01-15        |
| <b>Cindy Steck</b>            | Olathe        | KS | 66062     | US        | 2024-01-15        |
| <b>Kyla Alsman</b>            | Cape Coral    | FL | 33904     | US        | 2024-01-15        |
| <b>Livvy Briece</b>           | Kansas City   | MO | 64133     | US        | 2024-01-15        |
| <b>Tizzi Blackburn</b>        | Lenexa        | KS | 66227     | US        | 2024-01-15        |
| <b>Lisa Bowen</b>             | Olathe        | KS | 66062     | US        | 2024-01-15        |
| <b>Gale Hansen</b>            | Olathe        | KS | 66062     | US        | 2024-01-15        |
| <b>Melissa Leach</b>          | Kansas City   | KS | 66109     | US        | 2024-01-15        |
| <b>Michelle jarman Jarman</b> | Mexico City   |    | 3020      | Mexico    | 2024-01-15        |
| <b>Katie Czyz</b>             | Olathe        | KS | 66061     | US        | 2024-01-15        |
| <b>Brett Childers</b>         | Lenexa        | KS | 66227     | US        | 2024-01-15        |
| <b>Carrie DeMaria</b>         | Olathe        | KS | 66062     | US        | 2024-01-15        |
| <b>Tammy Bangs</b>            | Lenexa        | KS | 66227     | US        | 2024-01-15        |
| <b>Misty Jared</b>            | Baxter        |    | 38544     | US        | 2024-01-15        |
| <b>Pablo Unzueta</b>          | Chicago       |    | 60628     | US        | 2024-01-15        |
| <b>Eric Easter</b>            | Olathe        | KS | 66062     | US        | 2024-01-15        |
| <b>Meghan Magistro</b>        | Lenexa        | KS | 66227     | US        | 2024-01-15        |
| <b>Carter Saul</b>            | Grove City    |    | 43123     | US        | 2024-01-15        |
| <b>Azael Amador</b>           | San Antonio   |    | 78245     | US        | 2024-01-16        |
| <b>Butter Man</b>             | Frisco        |    | 75933     | US        | 2024-01-16        |
| <b>Derek Brown</b>            | San Antonio   |    | 78256     | US        | 2024-01-16        |
| <b>David Magistro</b>         | Kansas City   | MO | 64184     | US        | 2024-01-16        |
| <b>Christina Alexander</b>    | Olathe        | KS | 66061     | US        | 2024-01-16        |
| <b>Michelle Abella</b>        | Overland Park | KS | 66214     | US        | 2024-01-16        |



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|--|-------------------|----|-------|----|------------|
| <b>Julian Nardelli</b>                 | McKinney          |    | 75071 | US | 2024-01-16 |
| <b>Hunter Geiger</b>                   | Houston           |    | 77005 | US | 2024-01-16 |
| <b>Junior Enriquez</b>                 | San Antonio       |    | 78249 | US | 2024-01-16 |
| <b>Kiara Williams</b>                  | Mount Joy         |    | 17552 | US | 2024-01-16 |
| <b>Carlos Maldonado</b>                | San Antonio       |    | 78222 | US | 2024-01-16 |
| <b>Andrés Naranjo</b>                  | Lewisville        |    | 75067 | US | 2024-01-16 |
| <b>Khloe Obaya</b>                     | San Antonio       |    | 78237 | US | 2024-01-16 |
| <b>alijah Sylve-Matautia</b>           | Converse          |    | 78109 | US | 2024-01-16 |
| <b>Yo No</b>                           | McKinney          |    | 75070 | US | 2024-01-16 |
| <b>Nygil Setzer</b>                    | Newbraunfels      |    | 78130 | US | 2024-01-16 |
| <b>Anita Max Wynn</b>                  | San Antonio       |    | 78245 | US | 2024-01-16 |
| <b>Kristi Holthaus</b>                 | Shawnee           | KS | 66226 | US | 2024-01-16 |
| <b>hi hi</b>                           | Flower Mound      |    | 75022 | US | 2024-01-16 |
| <b>khmerapmbz@gmail.com munir balo</b> | Elk Grove Village |    | 60007 | US | 2024-01-16 |
| <b>Tom Crowder</b>                     | Lenexa            | KS | 66227 | US | 2024-01-16 |
| <b>Constance Phipps</b>                | Lenexa            | KS | 66227 | US | 2024-01-18 |
| <b>Edward Shires</b>                   | Lenexa            | KS | 66227 | US | 2024-01-18 |
| <b>Ben Byers</b>                       | Lenexa            | KS | 66215 | US | 2024-01-18 |
| <b>Howard Wilcox</b>                   | Olathe            | KS | 66062 | US | 2024-01-18 |
| <b>Jonathan Swinney</b>                | Olathe            | KS | 66062 | US | 2024-01-18 |
| <b>Nube Pinos</b>                      | Brooklyn          |    | 11233 | US | 2024-01-18 |
| <b>Linda INFANTE</b>                   | West Granby       |    | 6090  | US | 2024-01-19 |
| <b>Dennis Szabo</b>                    | Lenexa            | KS | 66227 | US | 2024-01-19 |
| <b>Monica Montgomery</b>               | Kansas City       | MO | 64106 | US | 2024-01-19 |
| <b>Evan Ferrante</b>                   | Overland Park     | KS | 66212 | US | 2024-01-19 |
| <b>Mark Mader</b>                      | Olathe            | KS | 66062 | US | 2024-01-19 |
| <b>Justin Kaufman</b>                  | Fort Wayne        |    | 46806 | US | 2024-01-20 |
| <b>Ben Harder</b>                      | Lenexa            | KS | 66220 | US | 2024-01-20 |
| <b>Carl Creamean</b>                   | Olathe            | KS | 66061 | US | 2024-01-20 |
| <b>Stephen Havel</b>                   | Olathe            | KS | 66061 | US | 2024-01-20 |
| <b>Valerie Schroeder</b>               | Olathe            | KS | 66062 | US | 2024-01-20 |
| <b>Jamee Patrick</b>                   | Orange Park       |    | 32073 | US | 2024-01-21 |
| <b>Stephanie Perez</b>                 | Chino             |    | 91710 | US | 2024-01-21 |
| <b>Michael Edwards</b>                 | Shawnee           | KS | 66226 | US | 2024-01-21 |
| <b>Sarah Edwards</b>                   | Shawnee           | KS | 66226 | US | 2024-01-21 |
| <b>Stiven Cabrera</b>                  | Atlanta           |    | 30297 | US | 2024-01-21 |
| <b>Kathy Snelgrove</b>                 | Olathe            | KS | 66062 | US | 2024-01-21 |
| <b>Tina Williamson</b>                 | Springfield       |    | 65804 | US | 2024-01-21 |

|                            |                  |    |       |    |            |
|----------------------------|------------------|----|-------|----|------------|
| <b>Paula Sapata</b>        | Wichita Falls    |    | 76302 | US | 2024-01-22 |
| <b>Jose Rodriguez</b>      | Lenexa           | KS | 66227 | US | 2024-01-22 |
| <b>Raj Patel</b>           | Lenexa           | KS | 66227 | US | 2024-01-22 |
| <b>Kimberly Curtis</b>     | Lenexa           | KS | 66220 | US | 2024-01-22 |
| <b>Kyle Nicolson</b>       | Rancho Cucamonga | CA | 91730 | US | 2024-01-23 |
| <b>Shannon Perr</b>        | Lenexa           | KS | 66227 | US | 2024-01-24 |
| <b>Kelsey Lee</b>          | Citrus Heights   |    | 95621 | US | 2024-01-24 |
| <b>Kayla Fritchey</b>      | Topeka           | KS | 66614 | US | 2024-01-26 |
| <b>Akihisa Nonoyama</b>    | Olathe           | KS | 66061 | US | 2024-01-27 |
| <b>Randy Retherford</b>    | Lenexa           | KS | 66227 | US | 2024-01-30 |
| <b>Kelly Shea</b>          | Kansas City      | KS | 66102 | US | 2024-01-30 |
| <b>Nicholas Payne</b>      | Kansas City      | KS | 64124 | US | 2024-01-30 |
| <b>Floyd Shoup</b>         | Overland Park    | KS | 66210 | US | 2024-01-30 |
| <b>Alan Parker</b>         | Olathe           | KS | 66061 | US | 2024-01-30 |
| <b>Heather Jones</b>       | Olathe           | KS | 66061 | US | 2024-01-30 |
| <b>Kathleen Pirie</b>      | Olathe           | KS | 66061 | US | 2024-01-30 |
| <b>Charles Pirie</b>       | Olathe           | KS | 66061 | US | 2024-01-30 |
| <b>Melissa Fox</b>         | Shawnee          | KS | 66216 | US | 2024-01-30 |
| <b>Lisa Fox</b>            | Kansas City      | MO | 64132 | US | 2024-01-30 |
| <b>Melanie Beck</b>        | Olathe           | KS | 66061 | US | 2024-01-30 |
| <b>Lori Poland</b>         | Olathe           | KS | 66061 | US | 2024-01-31 |
| <b>Timothy Fogarty</b>     | Olathe           | KS | 66061 | US | 2024-01-31 |
| <b>Melody Luschei</b>      | Olathe           | KS | 66061 | US | 2024-01-31 |
| <b>Julie Whitley</b>       | Olathe           | KS | 66062 | US | 2024-01-31 |
| <b>Abby Baird</b>          | Olathe           | KS | 66061 | US | 2024-01-31 |
| <b>Stacy Stephens</b>      | Olathe           | KS | 66061 | US | 2024-01-31 |
| <b>Allison Wollenhaupt</b> | Olathe           | KS | 66061 | US | 2024-01-31 |
| <b>Lisa Morrison</b>       | Olathe           | KS | 66062 | US | 2024-01-31 |
| <b>Mandy Perkins</b>       | Olathe           | KS | 66062 | US | 2024-01-31 |
| <b>Kelley Chilcoat</b>     | Overland Park    | KS | 66213 | US | 2024-01-31 |
| <b>Brian Chilcoat</b>      | Saint Joseph     | MO | 64501 | US | 2024-01-31 |
| <b>Patrick Gallagher</b>   | Olathe           | KS | 66061 | US | 2024-01-31 |
| <b>Bootsie Martin</b>      | Olathe           | KS | 66061 | US | 2024-01-31 |
| <b>Angela Tunnell</b>      | Kansas City      | KS | 64184 | US | 2024-01-31 |
| <b>Doug Tunnell</b>        | Overland Park    | KS | 66213 | US | 2024-01-31 |
| <b>Gary Milligan</b>       | Kansas City      | MO | 64118 | US | 2024-01-31 |
| <b>Krishna Rangarajan</b>  | Kansas City      | IL | 66109 | US | 2024-01-31 |
| <b>Dennis Eaton</b>        | Omaha            | NE | 68137 | US | 2024-01-31 |

|                        |             |    |       |        |            |
|------------------------|-------------|----|-------|--------|------------|
| <b>Mike Johanning</b>  | Olathe      | CO | 66061 | US     | 2024-01-31 |
| <b>Denise Brooks</b>   | Olathe      | KS | 66061 | US     | 2024-01-31 |
| <b>Stephanie Volpe</b> | Olathe      | KS | 66061 | US     | 2024-01-31 |
| <b>Mike Mulligan</b>   | Lenexa      | KS | 66227 | US     | 2024-01-31 |
| <b>Victoria Worrel</b> | Olathe      | KS | 66061 | US     | 2024-01-31 |
| <b>Jack Brake</b>      | Olathe      | KS | 66062 | US     | 2024-01-31 |
| <b>Erin Corona</b>     | Olathe      | KS | 66061 | US     | 2024-01-31 |
| <b>Sandra Askey</b>    | Solidaridad |    | 77725 | Mexico | 2024-01-31 |

**From:** Connor Navrude <[cnavrude@gmail.com](mailto:cnavrude@gmail.com)>  
**Sent:** Wednesday, January 3, 2024 7:45 PM  
**To:** Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>; Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>; Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>  
**Subject:** Lenexa Re-Zoning Request on NW Corner of K-10 and Canyon Creek Blvd

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

Mayor Sayers, Mr. Charlton and Mr. Nicks,

I am a Lenexa resident who lives in the Canyon Creek area of the city. I've been made aware of a recent proposal to rezone the NW Corner of K-10 and Canyon Creek Blvd. This rezoning request is attempting to overturn land zoned for single family homes. I am respectfully urging the council to reject this proposal. My family and I have been made aware that this same request was attempted 5 years ago and rejected after significant opposition gathered from residents in the area.

This proposal goes against the Lenexa Master Plan that many homeowners used to make a decision to invest significant money to live in Lenexa. My family and I moved from Overland Park in 2023 specifically to live in Lenexa due to the city's plan to retain green space and ample spacing of single-family homes. This proposal directly contradicts the vision Lenexa put in place and promised to newer and older residents of the city. This type of apartment development looks to be better suited for spacing near the incredible City Center being built by the city.

Lastly, I speak for many residents in the area that this proposal being allowed to move forward during the holiday season, when many residents are out of town and with family is extremely discouraging. This comes across as a sneaky way by the developer to get approval for the rezone, knowing that Canyon Creek residents have already opposed this rezone in the past. As our elected officials, we must trust the council to prevent this type of deceptive practice.

Thank you for your consideration,

Connor Navrude

**From:** Tammy Wainwright <[kctammy2009@gmail.com](mailto:kctammy2009@gmail.com)>  
**Sent:** Wednesday, January 3, 2024 8:35 PM  
**To:** CityClerk <[CityClerk@lenexa.com](mailto:CityClerk@lenexa.com)>  
**Subject:** Infomation on Canyon Ridge Apartment Homes

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

Hello,

I am a resident of Canyon Creek Point in Lenexa.

Can you tell me when the **Canyon Ridge Apartment Homes** was first presented to the Planning Commission? It was listed on the Dec. 4, 2023, agenda for the Planning Commission, however there were no detailed documents in the Dec. 4 packet. This affects our neighborhood and the notice we've received about a project of this size has been very short, so I would like to know when Canyon Ridge was first presented to the Planning Commision.

I have not been able to find the detailed planning documents on this proposed development and the link on the city's website to the Canyon Ridge Apartment Homes development documents does not work. The link is here.

<https://lenexa.maps.arcgis.com/apps/instant/basic/index.html?appid=d6e15752362147ad99421b6f689d9104>

I would appreciate it if you could share the documents for the proposed development with me as soon as possible. Since the Planning Commission is discussing this on Monday, I would like to have them **by the end of business Friday if possible**. I am happy to download the documents if you can provide a link for me.

If this is not possible, please let me know why.

Also, I could not find the Planning Commission reports for September. Was there a meeting in September? and where can I find those documents? Please share a link with me.

Thank you very much for your help.

Tammy Wainwright  
26058 W. 96th St. Lenexa, Kansas 66227  
816 516-9659

#### **From Dec. 4, 2023 Planning Commission Agenda**

9. Canyon Ridge Apartment Homes - Consideration for a mixed-use development including multifamily residential, assisted living, and retail uses on property located near the northwest corner of K-10 Highway & Canyon Creek Boulevard. RZ23-07, PL23-12P a. Consideration of a rezoning from the AG, Agricultural District to the RP-1, Planned Residential (Low Density), RP-3, Planned Residential (Medium-High Density), and CP-2, Planned Community Commercial Districts. RZ23-07 b. Consideration of a preliminary plan for a mixed-use dev

On Thu, Jan 4, 2024 at 7:51 AM Tracy Thomas <[tjthomas13212@gmail.com](mailto:tjthomas13212@gmail.com)> wrote:  
Dear Mayor Sayers and members of the Lenexa City Council:

My name is Tracy Thomas, and my wife Judy and I live in Canyon Creek Point (CCP), at 26197 W. 96<sup>th</sup> Terrace, Lenexa, KS 66227. It is my desire to indicate strong opposition of the requested rezoning and proposed development plan for the Canyon Ridge Apartment Homes. This project from Oddo Development calls for a 28-building / 346-unit apartment complex, a convenience store and an assisted living center on the northwest corner of Highway 10 and Canyon Creek Blvd.

We relocated from a residence near 132<sup>nd</sup> and Mission Road in Leawood to our CCP address in early 2020. Our residence at CCP is within 600 feet of the proposed development. Our desire in relocation was to find a residence featuring a reverse story-and-a-half layout. After viewing numerous properties in southern and western Johnson County, we decided on CCP for the wooded lots and fantastic scenery.

We learned of this proposed development on December 20, 2023. At this time, the images detailing this proposal are not yet available online at [www.lenexa.com](http://www.lenexa.com). Given weekends and two major holidays, there have been few business days available in order to secure the necessary documents to support our opposition prior to the plan being heard at the Lenexa Planning Commission meeting next Monday, January 8, 2024.

My opposition to the rezoning request and planned development is as follows:

- Change in promised view. Images will be provided at the Planning Commission meeting on January 8, 2024, detailing promises made to CCP residents and how our area “will remain forever unspoiled.”
- Property values. It is unknown, nor does data exist which details how the proposed development affects property values in CCP and surrounding communities. At a minimum, the proposal does not offer a positive value. I can assure you, if this proposed plan was in place before CCP, we certainly would not have moved to this area of Lenexa.
- Impact on wildlife. The proposed development would level and destroy trees and other vegetation on approximately 42 acres. This is an area the size of nearly 32 football fields. The number of deer and other wildlife species is significant in the area.
- Noise. If you drew a line from the southern boundary of Canyon Creek Point to K-10, the highest elevation between these two points is the highway. Trees in the wooded area shield us from significant noise. With this proposal, nearly 100% of the area would be deforested, and the noise level would likely increase significantly.
- Traffic. We are unaware of any reports detailing the impact on traffic in the area, and whether our infrastructure can safely handle this increase.

- Conservation area. Between the southern boundary of CCP and K-10, there is a 51.5-acre conservation area owned by the city of Lenexa, home to wildlife and many unique plat species. This conservation area is on the northern boundary of the proposed development. It is unknown who speaks for the conservation area, or the resulting environmental impact suffered by this proposed rezoning and development.
- Water quality. We are not aware of any studies which detail the impact this rezoning and proposed development might have on water quality in the area.

Clearly, this rezoning request and proposed development is not in the best interests of citizens who invested in the area. Your careful consideration of these concerns is greatly appreciated.

Best regards,  
Tracy Thomas  
26197 W. 96<sup>th</sup> Terrace  
Lenexa, KS 66227  
913-638-833  
[tjthomas13212@gmail.com](mailto:tjthomas13212@gmail.com)

**From:** Rick Vaughn <[rvaughn763@gmail.com](mailto:rvaughn763@gmail.com)>  
**Sent:** Thursday, January 4, 2024 12:11 PM  
**To:** Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>; Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>  
**Subject:** Oppose the Proposed Canyon Ridge Apartments Development

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

Dear Lenexa City Council Members Nicks & Charlton:

I am writing to ask the two of you to oppose the proposed Canyon Ridge Apartments development located at the northwest corner of K-10 Highway and Canyon Creek Boulevard in western Lenexa. This proposed development is a 28 multi-story building apartment complex, convenience store/gas station and assisted living complex that would be developed by Oddo Development (Rick Oddo). The project requires land zoned for single family homes to be rezoned to support this proposal.

My wife and I bought our retirement home in this area of Lenexa two and a half years ago because we loved the peaceful, quiet environment and the beautiful conservation area surrounding our neighborhood, which has abundant green space and lots of wildlife. Our neighborhood (Canyon Creek Point) skews older with many retired couples who picked this area for similar reasons. We love watching for deer, turkeys, and even an occasional bobcat right in our back yard and being able to see the stars in the sky at night above the expanse of trees. My wife and I often joke that we no longer need to go on vacation, because it feels like we are on vacation just sitting on our deck. The nature in this area is truly amazing!

When we bought our home, we did so with the knowledge that the current zoning in the Lenexa master land use plan prevents this proposed type of major development. We felt we could trust the master plan and hope the city council does not vote to rezone the area. We moved from Overland Park to get away from the noise and light pollution and were willing to give up close proximity to retail, grocery, etc. in order to be somewhere more peaceful and closer to nature. If the land is rezoned and the development is approved, we fear that it will change all of this for the worse.

Here are some of our more specific comments and concerns regarding the project:

1) We understand and support the need for housing diversity across Lenexa and believe the current zoning in and around our neighborhood already supports an impressive balance of multi-family and single-family developments. In terms of multi-family developments similar to the one being proposed, within one mile of our house there is already The Mansions at Canyon Creek (with 220 apartment/condo units), Mize Hill, which is currently under construction (162 units of duplexes/twin villas), and Canyon Creek



Apartments which was recently approved (with 212 units). This totals 594 multi-family units already approved in our neighborhood. Lenexa's Comprehensive Plan mentions that "effective planning and management of development has ensured multi-family housing is diffused throughout the city and is not spatially concentrated." If you add the 345 proposed units from Canyon Ridge, the total number of multi-family units within one mile of each other would be 939, which would be about 6.5% of the total in Lenexa if my math is correct (per the Comprehensive Plan - 12,252 existing units plus 2,281 more needed by 2030 = 14,533). This seems spatially concentrated in a city of over 34 square miles. Are the areas currently zoned for multi-family use maxed out? If not, why are we not adding additional multi-family units in those zones? Is it really necessary to rezone our area?

2) Additional noise and light pollution would result from this project for our area. The development plan calls for the removal of most of the trees on the land. Currently those trees not only provide beautiful green space, but also help to buffer the noise from K-10. Once they are removed, the reverberations off the buildings will likely be much louder than we have now. When K-10 is expanded, it will be even worse which also makes me think it is a very bad location for an assisted living facility, with all the noise from the highway and busy intersection (e.g., see "The Unrealized Effects of Noise Pollution on Your Senior Community" at [uniguest.com](http://uniguest.com)). It also appears the buildings would have lots of outside lighting in front and back that would cause light pollution in our neighborhood (and in other surrounding neighborhoods).

3) The project includes a convenience store/gas station, but one has already been approved to go in right across the street in the Canyon Creek Apartments development. When asked, the developer, Mr. Oddo, was apparently not aware this was the case. Additionally, we already have a Casey's on Prairie Star Parkway (less than 2 miles away) and a new Quik Trip is being built at K-7/83rd street (less than 4 miles away). It doesn't seem like another gas station is needed in the area.

4) We also have a strong concern for what this project would do to the surrounding environment and in particular the green space, trees, and the wildlife. Lenexa's Comprehensive Plan makes some important statements about the need to protect and conserve our natural resources and to take environmental changes seriously. The removal of trees and green space with an increase in noise and light pollution will have a negative impact on the wildlife in the area, and they will almost certainly start to disappear.

Thank you for taking the time to read all this, I know you both have a lot on your plate. Our daughter, a Kansas State Representative for District 22, is always telling us how important it is to reach out to our elected officials and be actively engaged in our community. We really love our home and the sanctuary it has become for us, and the developer made us feel relatively powerless to change the outcome of this project. We hope in appealing to you and the rest of the city council that our perspectives and the stories of others in our

neighborhood will be considered as you evaluate the proposed development. We truly appreciate your consideration of our request.

Sincerely,

Rick Vaughn  
25955 W. 96th Terrace  
Lenexa, KS 66227  
PH: 816.674.6547  
Email: [rvaughn763@gmail.com](mailto:rvaughn763@gmail.com)

**From:** Tammy Wainwright <[kctammy2009@gmail.com](mailto:kctammy2009@gmail.com)>  
**Sent:** Saturday, January 6, 2024 3:28 PM  
**To:** Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>  
**Subject:** Re: Re: Lenexa Planning Commission - Re-Zoning Request for 28 High Density Apts Canyon Ridge Apartments NW corner of K-10 & Canyon Creek Blvd.

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Mr. Charlton,  
I am resending my email on this very important possible development that will affect our neighborhood. I would greatly appreciate your response to my questions.  
Thank you.

Tammy Wainwright  
[kctammy2009@gmail.com](mailto:kctammy2009@gmail.com)  
816 516-9659

**From:** Gary Reid <[goreid@icloud.com](mailto:goreid@icloud.com)>  
**Date:** January 7, 2024 at 3:52:59 PM CST  
**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>  
**Cc:** Robyn Reid <[robyn.reid@icloud.com](mailto:robyn.reid@icloud.com)>  
**Subject: Opposition to Canyon Ridge Apartments**

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

Dear, Mayor Sayers

We are writing to ask for your support in opposition to the proposed Canyon Ridge Apartment development complex located on the northeast corner of K-10 and Canyon Creek Boulevard in western Lenexa. The project requires rezoning of the property from single family homes to multifamily homes in support of a 28 apartment and assisted living complex.

We understand that these types of properties are needed in Lenexa. But our opposition is based on several factors and the two most important ones are.

First, this request differs from the Lenexa Comprehensive Plan. A plan that we reviewed prior to our home purchase in Lenexa.

We moved to Lenexa five years ago in 2019 from Colorado to be closer to our grandchildren. In looking into where to move we had two criteria. First, we needed to be close to the grandchildren, second, we wanted to be assured that we knew what was going to be in the area as after moving six times this was going to be our forever home. We started the process by drawing a 30-minute travel time circle around where the grandchildren lived and then started researching the communities. Lenexa kept coming out on top. It is close to the grandchildren, and it was a growing community with a solid Comprehensive Plan that it followed. We particularly liked that the plan, represented the residents, considered creating a community feel while preserving the native wetlands within the development.

The request to rezone the parcels in question is in direct contradiction to the Comprehensive Plan by increasing the density of the population in the area. It also does not consider the recently adopted Climate Action Playbook that Lenexa approved in 2020. This playbook addresses concerns of "urban heat islands" and reducing the carbon footprint through "land stewardship." Both of which would be negatively affected by the zoning changes requested.

Our second concern is the deceptive practices used to gain approval of this rezoning request. We were only made aware of the rezoning request on Wednesday, December 20, 2023, via an invitation to an informal meeting by Rick Oddo of Oddo Development. In his invitation he starts by stating "Although it is not required by ordinance, an informal neighborhood meeting will be held on Wednesday, December 27, 2023 for the Canyon Ridge Apartment Homes." This gave us only five business days after the meeting on the 27<sup>th</sup> to research and learn more about the proposed Comprehensive Plan changes. This notice was also given during a busy holiday time of the year with many in the affected areas on vacation or with other planned activities. Oddo Development has had months to research, plan and talk to the Lenexa Planning Commission crafting a plan they feel will best

pass the zoning request. The residents of Canyon Creek have had zero time to question the proposal, to research the impact to the community and to see what options have been considered.

We know we need to have progress to keep Lenexa a growing and thriving community. But to have this major change request dropped on us with such short notice without time for community feedback does not feel like the Lenexa you read about in the recent TOWNTALK.

It makes us question who is looking out for the residents of Lenexa. Because of this we are asking for your support in denying this request for rezoning.

Sincerely,

Gary and Robyn Reid

25971 West 96<sup>th</sup> Terrace

Lenexa, KS 66227

**From:** Tammy Wainwright <[kctammy2009@gmail.com](mailto:kctammy2009@gmail.com)>  
**Sent:** Monday, January 8, 2024 6:55 PM  
**To:** Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>  
**Subject:** Re: Re: Lenexa Planning Commission - Re-Zoning Request for 28 High Density Apts Canyon Ridge Apartments NW corner of K-10 & Canyon Creek Blvd.

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Thank you for the update.

On Mon, Jan 8, 2024 at 4:32 PM Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)> wrote:

Tammy,

I don't yet have an opinion on this development as I've just been copied recently on the Planning Commission package which was to be held this evening.

I will reserve judgement once the Planning commission meeting happens and if it moves on to our City Council agenda. I would want to hear from all parties prior to making any sort of ruling.

Respectfully,

**Mark Charlton**

Councilmember, Ward 2

City of Lenexa

913.675.2428

[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com) | [www.lenexa.com](http://www.lenexa.com)

**From:** Tammy Wainwright <[kctammy2009@gmail.com](mailto:kctammy2009@gmail.com)>  
**Sent:** Monday, January 8, 2024 4:19 PM  
**To:** Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>  
**Subject:** Re: Re: Lenexa Planning Commission - Re-Zoning Request for 28 High Density Apts Canyon Ridge Apartments NW corner of K-10 & Canyon Creek Blvd.

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Mr. Charlton,

I am aware of the continuance of the Canyon Ridge rezoning issue.

Again, my question to you is, do you support this project?

I would appreciate your response.

Thank you.

Tammy Wainwright

**From:** Debra Jones <[linkdljones23@gmail.com](mailto:linkdljones23@gmail.com)>

**Date:** February 2, 2024 at 2:46:17 PM CST

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>, Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>, Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>, [cwillimason@lenexa.com](mailto:cwillimason@lenexa.com), Chris Herron <[cherron@lenexa.com](mailto:cherron@lenexa.com)>, Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>, Joe Karlin <[jkarlin@lenexa.com](mailto:jkarlin@lenexa.com)>, Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>, Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>

**Subject: Lenexa Re-zoning Request for Canyon Ridge Apartments NW corner of K-10 & Canyon Creek Blvd**

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

Mayor Julie Sayers, and the Lenexa City Council Members,

I am emailing to encourage you to REJECT the Oddo Development proposal to rezone the NW corner of K10 & Canyon Creek Blvd. This project requires land zoned for single family homes, office space, and agriculture to be rezoned for a large apartment complex with 28-high density apartment buildings, assisted living center, convenience store and gas station.

The proposal would remove 45 acres of trees, destroy wildlife habitats, and our property values will decline. A developer presenting a plan of this type should not override the investment of many hundreds of homeowners in this area.

The proposed development would be within 530 ft (line sight) of the Canyon Creek Point southern border. I purchased lot #40 at Canyon Creek Point subdivision in August 2023 based solely on the panoramic views and wildlife located in my backyard. It's always been my dream to have a forever home with such an incredible view. This was is a significant investment for me based on the city's promise to forever protect the natural beauty. Lenexa residents chose to live and invest in this part of Lenexa due to the published comprehensive master land plan. We move here specifically for the wooded landscape and wildlife.

This proposed plan will be an eyesore and truly unfitting for the western entrance of Lenexa. As a resident, seeing the removal of hundreds of mature trees so a developer can profit, is a travesty.

Please honor the request published in the Master Land Use Plan, show support to the residents of the Canyon Creek neighborhoods and reject this rezoning proposal.



**Please vote no to the rezoning!**

Sincerely,

Debra Jones  
25987 W 96<sup>th</sup> Ter  
Lenexa KS 66227  
913-908-7863

**From:** Anh Rongish <[anh.rongish@gmail.com](mailto:anh.rongish@gmail.com)>  
**Sent:** Saturday, February 3, 2024 7:57 AM  
**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>; Joe Karlin <[jkarlin@lenexa.com](mailto:jkarlin@lenexa.com)>; Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>; Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>; Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>; Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>; Chelsea Williamson <[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)>; Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>; Chris Herron <[cherron@lenexa.com](mailto:cherron@lenexa.com)>  
**Subject:** Proposed Canyon Ridge Apartments

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

Dear Mayor Sayers and City Council Members,

First, thank you for all you do for the community, both in Lenexa and to the Johnson County area.

I am writing to respectfully ask that you **reject** the proposed changes at K10 and Canyon Creek Blvd. Although I am an Olathe resident, I strongly believe that these changes will have a large impact not only for Lenexa residents, but also Olathe residents, AND other residents within Johnson County.

Part of Lenexa's Vision 2040 discusses the "safe, well-maintained transportation network" and mentions that K-10 is a large part of this transportation network. KDOT studies have mentioned the need to widen K-10 but as of yet, there are not solid plans to do this. This has been the suggestion for almost 10 years (at least).

With the proposed changes for the Canyon Ridge Apartments, this would add a significant increase in traffic to K-10 especially at the Canyon Creek/Cedar Creek area. While I appreciate the thorough analysis that City Staff included for the planning commission packet, there isn't analysis of the situation around K-10. Currently, there is only one lane in each direction under the K-10 bridge for Canyon Creek Blvd/Cedar Creek Pkwy. Is this sufficient infrastructure to safely support the addition of >300 units AND nursing home traffic AND convenience store traffic? I will also add that the developer has a proposed similar addition on the south side of K-10 in Olathe which would add >400 units AND restaurants. Is this sufficient infrastructure for Lenexa citizens, Olathe citizens, or other KS residents to travel safely? When I commute to and from work, using the Cedar Creek/Canyon Creek exit is the most efficient way for me to get home but because of the MANY near accidents I have had in the area, I travel farther down to K-7 to commute. I know that many other area residents will feel the same.

As a comparison, the developer has a similar development at 87th and I-435. Our family used to frequent the Sprouts there but no longer do so, because that stretch of 87th Street is so congested. While the proposed developed is not to that scale, the 87th St expansion helped manage the growth in that area. There is no discussion of expanding the

infrastructure in Canyon Creek/Cedar Creek/K-10 area and until there is expansion to support growth, the safety of citizens in the area should be strongly considered.

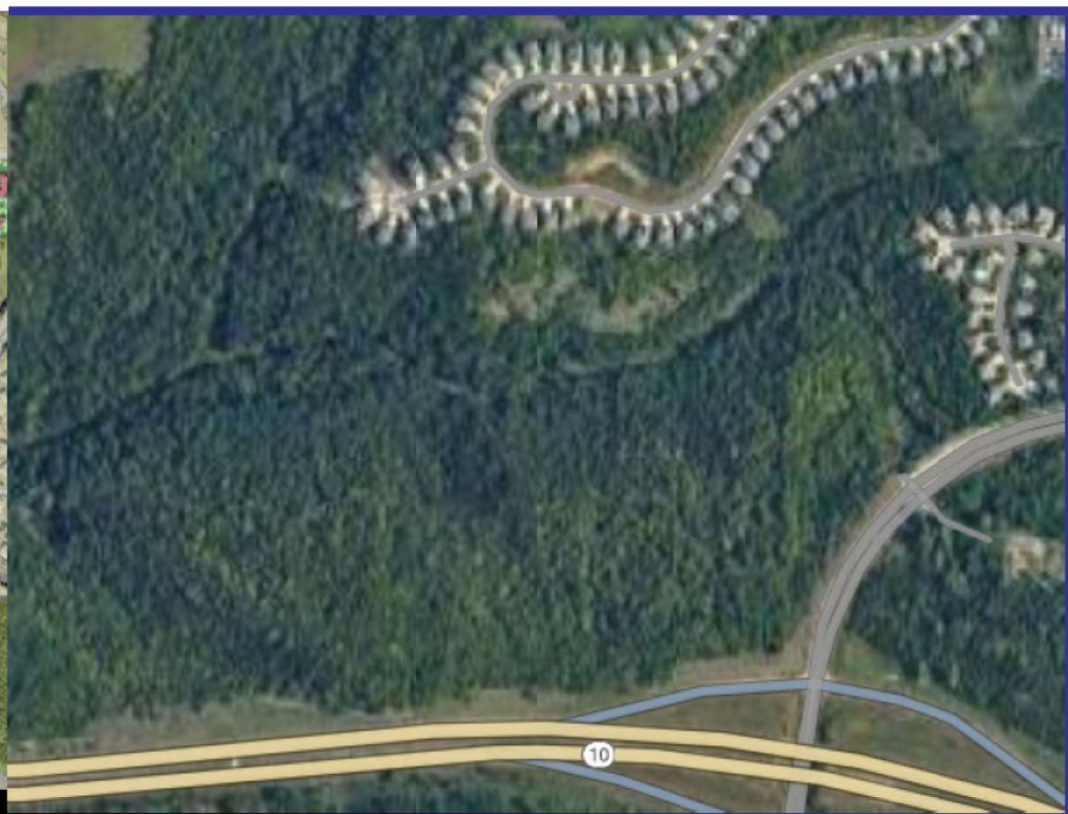
Lastly, students in this area of Lenexa, travel south of K-10 to attend Olathe Public Schools. Please consider the addition of this traffic to an existing infrastructure (as mentioned above) and how this would impact the safety of students traveling to and from school.

Thank you for your time and consideration.

Respectfully,  
Anh Rongish  
25110 W 114th Ct  
Olathe, KS 66061

**Tracy Thomas**  
**26197 W. 96<sup>th</sup> Terrace**  
**Concerns Related to Canyon Ridge**  
**Apartments**  
**(RZ23-07, PL23-12P)**

- **Deforestation**
- **Rezoning**
- **Impact on Wildlife**
- **Noise**
- **Traffic**
- **Water Quality**
- **Conservation Area**



- **45.57 Acres = 34.5 Football Fields**
- **Conservation Area Between CCP and Hwy 10**

# From canyoncreekpoint.com



## Canyon Creek Point

Location: Lenexa, KS

Price Range: From \$520,000

Canyon Creek Point is a maintenance-provided community situated atop a high ridge with deep stream valleys on two sides. City-owned parkland and a natural conservation area surround the community, allowing sweeping views of nothing but nature, and assuring residents that those views will remain forever unspoiled. Speak with our agents today to learn your home site opportunities.

Learn about Lenexa: [Residents have very positive perceptions of Lenexa - City of Lenexa](#)

Visit Community

**“City-owned parkland and natural conservation area surround the community, allowing sweeping views of nothing but nature, assuring residents that those view will remain forever unspoiled.”**

CANYON CREEK POINT  
PRAIRIE STAR PARKWAY & WILD ROSE LANE  
LENEXA, KS

# Maintenance Provided Community

The Natural Place to Live

Hurry come show your clients the VIEW!

Canyon Creek Point is a maintenance-provided community situated atop a high ridge with deep stream valleys on two sides. City-owned parkland and a natural conservation area surrounds the community, allowing sweeping views of nothing but nature, and assuring residents that those views will remain forever unspoiled. Only three homes remain in popular community.

Teresa Acklin  
Gary Pattison

913.461.4618

Prairie Star Pkwy & Wild Rose  
Phone: 913.461.4618

Email:  
sales@canyoncreekpointks.com



|                       |                  |                  |             |
|-----------------------|------------------|------------------|-------------|
| MLS #2358355 (lot 83) | 9555 Landon St   | Crestwood Homes  | \$745,000   |
| Lot 63                | 26145 W. 96th St | Prairie Homes    | Mid \$780's |
| Lot 56                | 26238 W. 96th Tr | LDH Construction | Mid \$800's |



ALL available homes are:

- REV 1.5 STORIES
- WALKOUT LOTS
- PRIVATE TREED/ WOODED



“...assuring residents that those views will remain forever unspoiled”



**From:** Tracy Thomas <[Tracy.Thomas@uspb.com](mailto:Tracy.Thomas@uspb.com)>

**Date:** February 8, 2024 at 9:45:05 AM CST

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>, Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>, Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>, Chelsea Williamson <[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)>, Chris Herron <[cherron@lenexa.com](mailto:cherron@lenexa.com)>, Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>, Joe Karlin <[jkarlin@lenexa.com](mailto:jkarlin@lenexa.com)>, Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>, Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>

**Cc:** Max Bruce <[maxbruce47@gmail.com](mailto:maxbruce47@gmail.com)>, Melissa Harmon <[melissabharmon@gmail.com](mailto:melissabharmon@gmail.com)>, Alan Baker <[alanbaker465@gmail.com](mailto:alanbaker465@gmail.com)>, [tjthomas13212@gmail.com](mailto:tjthomas13212@gmail.com), Cheryl Greenough <[cheryl.reed.greenough@gmail.com](mailto:cheryl.reed.greenough@gmail.com)>

**Subject: Canyon Creek Point HOA Board Opposition to Canyon Ridge Apartment Complex**

Dear Mayor Sayers and members of the Lenexa City Council:

The Board of Directors of the Canyon Creek Point Homes Association, desires to inform you of our high level of concern, disappointment and strong opposition to the proposed rezoning and planned development of the Canyon Ridge Apartment Homes, located at the northwest corner of K-10 and Canyon Creek Boulevard (RZ23-07, PL23-12P).

The Canyon Creek Point (CCP) subdivision is located directly north of the planned development, with many residents within 600 feet of the northern boundary of the proposed 28-unit apartment buildings, convenience store and assisted living center. Our concerns over this rezoning and planned development are as follows:

1. The development would cause deforestation of nearly 95% on more than 45 acres on the northwest corner of K-10 and Canyon Creek Boulevard. This is an area the size of 34.5 combined football fields, including the endzones.
2. The area proposed for the development is solid trees, creating a natural sound barrier from K-10. With near total deforestation, and K-10 going to six lanes in the near future, the increase in noise levels will be significant.
3. The wetlands area in the conservation area supports considerable wildlife and sensitive plants in the area. The resulting impact of this planned development has not been studied and is not fully understood.
4. Zoning for the area is currently RP1, Single Family Residential; CP2 – Business Commercial; CPO – Business Office; and AG, agriculture. This proposed development asks for rezoning to PUD - Planned Unit Development. Changing this designation creates many challenges and concerns for residents who have invested in the area. Considering a rezoning to multi-family is not how this area was marketed to the many residents who have signed the petition of opposition, currently numbering nearly 650 residents.
5. During the time Prime Development was actively marketing CCP to prospective homeowners, the main points of communication were a website and advertising both online and in various print pieces. A line in many advertisements read: "City-owned parkland and natural conservation area surround the community, allowing sweeping views of nothing but nature, assuring residents that those views will remain forever unspoiled." It is impossible to equate "forever unspoiled" with the proposed rezoning and planned development.



6. With the recent announcement of yet another rezoning request, and proposed plans in the Cedar Creek subdivision, combined with the projects on both the northeast and northwest corners of the intersection of K-10 and Canyon Creek Boulevard, the number of possible apartment units now increases to roughly 950. Is this truly the vision of the city, and the direction that works for our citizens? Is this the desired gateway the city desires to promote?
7. Nearly 650 area residents have signed a petition stating their opposition to this proposed rezoning and planned development. CCP has 99 residents – more than 85% of these residents have signed the petition.

We all relied on the master plan at the time we made the decision to invest in the area. The city of Lenexa went to great lengths to combine current zoning, Vision 2020, then Vision 2030 plans, and the city's Master Plan to create a very synergistic plan for prospective buyers. Lenexa competes vigorously with other Johnson County cities for residents shopping for new homes. This rezoning effort and proposed development is a tremendous blow to the residents of Canyon Creek Point and surrounding subdivisions. The city has leaned heavily on its citizens to participate in the direction of future growth. This proposed rezoning and planned development does not contribute to Lenexa's future in a synergistic fashion.

We ask you take our concerns seriously and decline this proposed rezoning and planned development.

Very truly yours,

Max Bruce, President ([maxbruce47@gmail.com](mailto:maxbruce47@gmail.com))

Melissa Harmon, Vice President ([melissabharmon@gmail.com](mailto:melissabharmon@gmail.com))

Alan Baker, Treasurer, ([alanbaker465@gmail.com](mailto:alanbaker465@gmail.com))

Tracy Thomas, Secretary, ([tjthomas13212@gmail.com](mailto:tjthomas13212@gmail.com))

Cheryl Greenough, Member-at-Large ([cheryl.reed.greenough@gmail.com](mailto:cheryl.reed.greenough@gmail.com))

**From:** Lois Maxwell-Gmail <[loismaxwell913@gmail.com](mailto:loismaxwell913@gmail.com)>

**Sent:** Saturday, February 10, 2024 1:40:02 PM

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>; Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>; Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>; Chelsea Williamson <[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)>; Chris Herron <[cherron@lenexa.com](mailto:cherron@lenexa.com)>; Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>; Joe Karlin <[jkarlin@lenexa.com](mailto:jkarlin@lenexa.com)>; Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>; Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>

**Subject:** Opposition to Canyon Ridge Apartment Complex

Dear Mayor Sayers and Members of the Lenexa City Council:

I am writing to express my disappointment, concern, and strong opposition to the proposed rezoning and planned development of the Canyon Ridge Apartment Homes, located at the northwest corner of K-10 and Canyon Creek Boulevard (RZ23-07, PL23-12P).

The subdivision in which I live is the Canyon Creek Point (CCP) subdivision which is located directly north of the planned development, with many residents of our subdivision within 600 feet of the northern boundary of the proposed development. My concerns over this rezoning and planned development are as follows:

- When I built my home in 2019/2020, the future land use and zoning for the proposed development area reflected Suburban Residential, Office/Employment Center and Community Commercial. I used this information as a basis to purchase here. The wide expanses of trees and open land including a proposed city park to the north of our subdivision (PLEASE don't change that!) were significant selling points for this area even with the future land use and zoning.
- I do understand that times change and we change with the times, but the proposed development is overkill with residential units especially when considering the other developments proposed or approved within a half mile of the K10 and Cedar Creek/Canyon Creek interchange. The below totals 1042 residential units (not counting the nursing home) in a half mile area! Now I know you love tax dollars from residents but residents have to have room to live and move! If only 2 people live in a unit, that's over 2000 residents added to this small area close to the interchange!
  - The City Council has already approved a 112-acre development (Cedar Canyon West) to the northeast of the interchange which would include approximately 374 residential units.
  - The proposed Canyon Ridge development to the northwest of the interchange would include approximately 346 residential units plus a 3-story nursing home with 80 units (instead of 2 stories and 40 units).
  - A Shadow Glen complex is also proposed in Olathe at the southeast corner of the Cedar Creek Parkway (street name when it's south of K10 instead of Canyon Creek Boulevard north of K10) and Valley Parkway. This would include approximately 322 residential units.
- While I can appreciate an assisted living facility or nursing home nearby as I advance in age, why go from two stories to three stories?! It's hard to visualize a flat diagram into a 3-dimensional

image from the ground up but I don't see how a big 3-story facility right at the interchange will look right with all of the other buildings.

- With all of these people moving out this way and the increase in development, what about facilities for those of us that already live here? Two convenience stores one on either side of Canyon Creek – that's it? What about an actual grocery store? The closest one is 6 miles. Or restaurants? You simply can't add residences without adding facilities for the residents living here.
- The development would cause deforestation of nearly 95% on more than 45 acres on the northwest corner of K-10 and Canyon Creek Boulevard. This is an area the size of 34.5 combined football fields, including the endzones.
- The area proposed for the development is solid trees, creating a natural sound barrier from K-10. With near total deforestation, and K-10 going to six lanes in the near future, the increase in noise levels will be significant.
- The wetlands area in the conservation area supports considerable wildlife and sensitive plants in the area. The resulting impact of this planned development has not been studied and is not fully understood. An assessment by the Kansas State Extension or other entity should be considered.
- At the base of the slopes from K10 and our subdivision is a creek that moves and collects water from Mize Lake and hard surfaces during rains, etc. As it is, this creek swells considerably during rainy days. With the deforestation noted above, the hard surface will significantly increase and the drainage into this creek will be problematic. An impact study needs to be done.
- The increase in traffic will be significant and I don't see that a traffic impact study has been done. Yes, K10 will expand someday but how do we get to it with 2000 plus more people crowded right at the interchange? This also does not take into consideration the traffic generated by the retail and other businesses planned in the 3 developments noted above.
- This will be a lot of construction in a small area. I don't know what the timetable is for any of these developments but I do know that the area is full of large rock slabs. What impact will there be on existing buildings and foundations from all of the blasting that will occur?

I relied on the master plan and the future land use and zoning plan at the time I made the decision to invest in the area. The City of Lenexa went to great lengths to combine current zoning, Vision 2020, then Vision 2030 plans, and the City's Master Plan to create a very cooperative and integrated plan for prospective buyers and residents. I do not see the proposed development plan as continuing with that vision or taking into consideration the impact on the current residents of this area. Progress and development are one thing. Ensuring that any progress and development addresses the needs and concerns of the current residents is another.

The proposed Canyon Ridge Development does not address the needs and concerns of the current residents. Feasibility and impact studies should be done regarding drainage, wildlife, traffic, etc.

I respectfully ask that you take these concerns seriously and decline this proposed rezoning and planned development. Thank you.

Sincerely,

Lois Maxwell  
26074 W 96th St  
Lenexa KS 66227  
913-744-9082

**Paul E. LaForge**  
9858 Garden St.  
Lenexa, KS 66227  
**pelaforge@gmail.com**  
**KS Engineer #7319**

February 12, 2024

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

RE: Canyon Ridge Apartment Homes located approximately at the northwest corner of K-10 Highway & Canyon Creek Blvd. – Rezoning & Preliminary Plan for a multifamily residential use, assisted living, and retail use  
RE: Planning Commission Applications Hearing held on February 5, 2024  
RE: Lenexa City Council Decision

Mayor Julie Sayers (jsayers@lenexa.com):

**Resident’s Opening Statement.**

I am a current area resident. My history includes construction and its many support industries in 29 states and 2 foreign countries. I started at the construction trades level and steadily progressed to CEO/President. When I recently purchased a home, I trusted that the Lenexa City Council would enforcement the Lenexa UDC.

I am not against development as long as the Lenexa UDC is met. Notwithstanding, the current applicant has applied for multiple deviation requests which are excessive violations of the Lenexa UDC. These deviation requests would permit a footprint density of development which far exceeds a reasonable use of this land.

The applicant also included a “*Plan Comparison*” to the “*2018 Plan*” (Page 4 of 22) which was *previously rejected* – the applicant’s inclusion is both misleading and irrelevant.

**Zoning.** (Title 4 UDC, 21, § 4-1-B)

Item 4 of the application reads. “...*The proposed uses will not detrimentally affect nearby property of any greater impact than if the site were to be developed with office and retail uses as the site is now zoned. It is Staff’s opinion the proposed uses are compatible with the existing and planned uses in the vicinity...*”

**Response.** The “*Staff’s opinion*” is a misleading statement.

- The applicant is openly requesting a “*rezoning*” from **AG, CP-O & CP-2** to **PUD**.
- The “*Staff*” is unable to make such a statement since essential data and information has not been provided by the applicant.
- Lenexa Title 4 UDC, § 4-1-B-27-K stipulates “*Unified Control: No application for a planned development shall be accepted or approved unless all of the property included in the application is under unified control.*” This resident is of the opinion that while the application may “*appear*” to be under “*unified control*”, the applicant intends to relinquish “*unified control*” and sell a portion of the facilities after acquiring a PUD zoning (in a PUD, the Lenexa City Council essentially loses all meaningful control).

**Resident Requested Action.**

- ◆ Deny applicant’s rezoning request until applicant complies with all Lenexa UDC.

**Apartment Buildings and Parking** (Title 4 UDC, § 4-1-D-1-C)

Applicant proposal is for **607 stalls** (566 now with possibly 41 in the future).

**Response.** Applicant continues to avoid stating how many bedrooms are in each unit.

Lenexa UDC requires **606 stalls** if all are 1 bedroom units.

Lenexa UDC requires **692 stalls** if all are 2 bedroom units.

Lenexa UDC requires **779 stalls** if all are 3 bedroom units.

Common sense predicts that not all units will be “1 bedroom units”. The applicant’s representation of the number of stalls required *cannot be verified by the “Staff”*. Also, the applicant drawing shows “*Potential locations for additional parking stalls*”. I questions whether all additional parking stalls can even be built as and were shown.

**Resident Requested Action.**

- ◆ Deny the applicant’s deviation request.
- ◆ Require that the applicant disclose the number of bedrooms in each unit.
- ◆ Require that parking be provided in accordance with Lenexa UDC.

**Nursing Home Building and Parking** (Title 4 UDC, § 4-1-D-1-C)

Applicant drawing simply shows 85± stalls. Applicant first represented that nursing home was 2 stories with 40 beds. Now the applicant is submitting the nursing home as 3-stories with 80 beds. Then, at the Planning Commission meeting, the applicant

slipped up by mentioning that the reason for so much parking was that its client wanted a parking lot for a 160 bed, 3-story facility. The nursing home is not as represented to area residents and to the Lenexa Planning Commission. Also, the applicant refuses to state how many employees are anticipated.

**Response.** Lenexa UDC stipulates 1 stall per 3 beds, plus 1 space per employee.

**Resident Requested Action.**

- ◆ The nursing home parking lot must be removed from the “Freeway Setback” area. (See below under “**Freeway Setback**” for additional comments.)
- ◆ The nursing home must be limited, as is represented in the application.

**Convenience Store Floor Area** (Title 4 UDC, § 4-3-C-3)

Applicant has requested a deviation from 5,000 SF to 6,100 SF.

**Response.** Lenexa UDC stipulates a maximum of 5,000 SF for a convenience store. Once this door is opened a Pandora’s Box is opened - the next applicant will want 10,000 Sf, the next applicant 20,000 SF – ditto – until a shopping center is requested. Also, during the Planning Commission meeting, a Quik Trip representative stated that anything over 5,000 SF is out of line – the planning Commission apparently ignored the representative’s comments.

**Resident Requested Action.**

- ◆ Deny applicant’s deviation request.

**Freeway Setback** (Title 4 UDC, § 4-1-B-26-C-1)

Applicant has requested a freeway setback from 100 LF to 28 LF, with a corresponding decrease in the landscape buffer from 100 LF to 28 LF.

**Response.** Lenexa UDC requires a setback of 100 LF with a corresponding landscape buffer. The Lenexa UDC setbacks are to control freeway noise. Nothing good can or will come from reducing the freeway and landscape buffer set back of 100 LF. Title 4 UDC, §4-1-B-27-G-4-a of the Lenexa UDC does, however, authorize a 50 percent reduction of the setback for streets; i.e., reduced to 50 LF subject to “...*ample evidence that such deviations will not adversely affect neighboring properties and surrounding areas and where such deviations do not constitute the granting of a privilege that would not be universally appropriate for other similarly designed and situated developments...*” The removal of the existing evergreen trees and the existing landscape buffer at this specific intersection will adversely affect the nursing home, the neighboring properties and the surrounding areas.

**Resident Requested Action.**

- ◆ Deny applicant’s deviation request.

**Gasoline Pump Island Queue Space** (Title 4 UDC, § 4-1-D-1-N-1)

Applicant has requested a deviation from 50 LF to 25 LF.

**Response.** Lenexa UDC stipulates 50 LF from each end of the pump island. The 50 LF accommodates large vehicles. Reducing queue space to 25 LF will block the road and will cause safety hazards with the pumps so close to the roadway. Also, at the Planning Commission meeting, a Quik Trip representative stated that the 50 LF queue distance is not only reasonable but necessary – the planning Commission apparently ignored the representative’s comments.

**Resident Requested Action.**

- ◆ Deny applicant’s deviation request.

**Salt Lake Area Study on Impact to Single Family Home Values.**

Applicant has included a study for “Suburban Salt Lake County” in support of its position.

**Response.** This study was not even mentioned during the initial presentation but was later referenced after all citizen rebuttals were taken. I have been to Salt Lake, UT area. I live in Lenexa, KS. The applicant’s use of a Salt Lake area study as a comparison to Lenexa, KS is simply absurd - Suburban Salt Lake County, UT is not Lenexa, KS.

**Resident Requested Action.**

- ◆ Ignore the Salt Lake Area study.

**Area Resident’s Closing**

At the close of meeting, each planning commission member took a choreographed turn at addressing and approving one of the applicant’s requests. Then, to close the meeting, the planning commission chairman scolded the attending residents for objecting to the applicants’ submittal.

It is this resident’s opinion that the applicant’s deviation requests are to maximize the commercial profits generated from an overly dense development, but without regard to the Lenexa UDC and the impact upon the adjacent property owners. It is my opinion (and also the opinion of many area residents in attendance) that the recent planning commission meeting was a façade that was intentionally designed to mislead residents into thinking they were being heard.

I petition the Lenexa City Council to deny the applicant’s PUD zoning request, to deny all of the applicant’s deviation requests and to require full compliance with Lenexa UDC.



Sincerely,

Paul E. LaForge  
9858 Garden St.  
Lenexa, KS 66227

Cc:

Lenexa KS City Clerk ([cityclerk@lenexa.com](mailto:cityclerk@lenexa.com))  
Joe Karlin: Ward 1 ([jkarlin@lenexa.com](mailto:jkarlin@lenexa.com))  
Courtney Eiterich: Ward 1 ([ceiterich@lenexa.com](mailto:ceiterich@lenexa.com))  
Bill Nicks: Ward 2 ([bnicks@lenexa.com](mailto:bnicks@lenexa.com))  
Mark Charlton: Ward 2 ([mcharlton@lenexa.com](mailto:mcharlton@lenexa.com))  
Melanie Arroyo: Ward 3 ([marroyo@lenexa.com](mailto:marroyo@lenexa.com))  
Chelsea Williamson: Ward 3 ([cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com))  
Craig Denny: Ward 4 ([cdenny@lenexa.com](mailto:cdenny@lenexa.com))  
Chris Herron: Ward 4 ([cherron@lenexa.com](mailto:cherron@lenexa.com))

# Applicant Correspondence



January 4, 2023

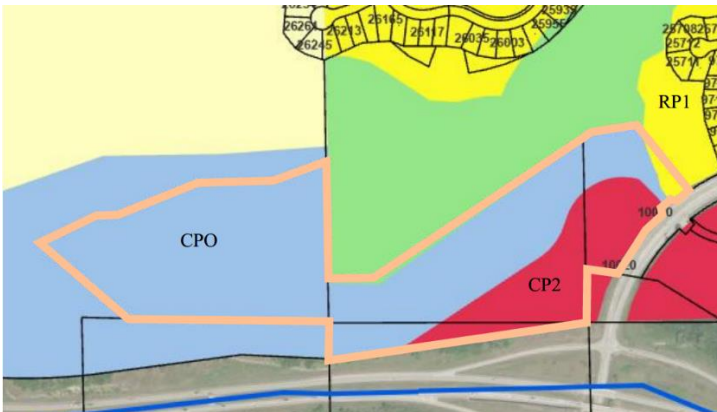
RE: CANYON RIDGE APARTMENT HOMES – NW K-10 & CANYON CREEK BLVD

Dear Planning Commission and City Council Members:

On behalf of the development team, we have worked very hard with the City’s Community Development Department to design a very thoughtful and appropriate mixed-use project at the NW corner of Canyon Creek Blvd (Major Arterial) and K-10 Highway (Freeway/Expressway which carries 70,000-80,000 vehicles per day). Intended to address a serious need for more affordable homes in Western Lenexa (as noted in the recent studies of the City’s Comprehensive Plan), the Project includes a Class-A, medium-density, multi-family residential community (big home/mansion style), a senior living residential community, and a convenience store facility near the main intersection. We understand that you have received several letters of opposition to our project from certain residents north of the Project. This letter is intended to address several of the primary concerns stated:

1. **Comprehensive Plan:** Many opponents claim they relied on the City’s Future Land Use Plan when they bought their homes and then *incorrectly* allege the Future Land Use Plan shows this area to be developed for agriculture and single-family “homeownership.” The current Future Land Use Map (shown below) and Comprehensive Plan has long called for this area to be developed as an “Office/Employment Center” (CPO zoning) or “Regional Commercial Center” (CP2 zoning). Examples include “both campus type development as well as single buildings and could include both single and multiple tenants.”

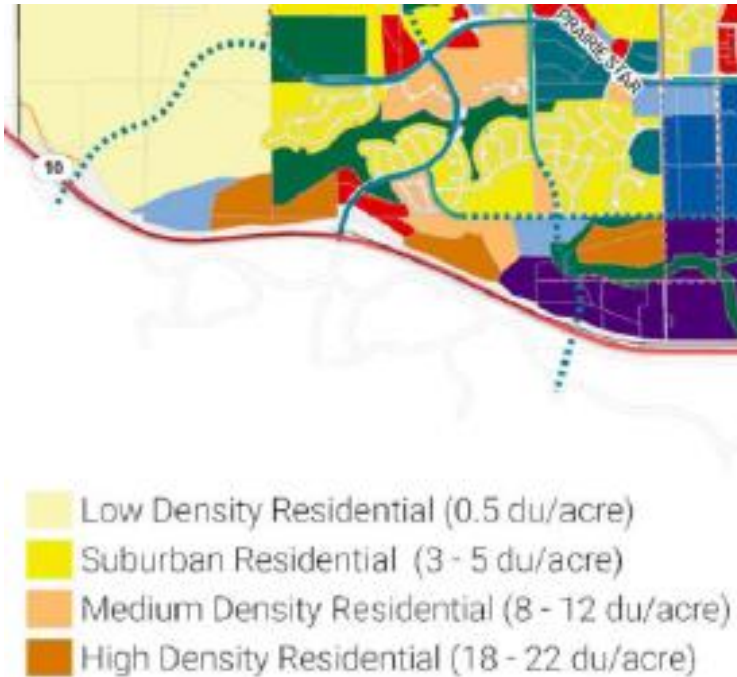
**Current Future Land Use Map:**



Most real estate and planning experts understand there is no need for office development in this area of Lenexa (or nearly anywhere else in Johnson County post-Covid) and considering the steep grades of the subject property it is nearly impossible to develop office buildings on the subject property. Recognizing these facts, City Planning is currently suggesting changes to the Comprehensive Plan and Future Land Use Map that will affect this area of Western Lenexa. We understand that at least some of the neighbors are aware of the pending changes through public workshops. In May 2023, the City

Planning Commission and the City Council held a public, joint planning, work session and discussed multiple scenarios for development of this area. Recognizing the need for more attainable and affordable housing and greater density in Western Lenexa, the City Staff and a hired independent planning consultant (Houseal-Lavigne) strongly suggested this area be changed from Office/Employment Center to High-Density Residential (see proposed map changes below) with retention of the commercial area adjacent to Canyon Creek Blvd. The May 2023 Presentation specifically states that “The location of multifamily housing flanking state highways has proven appropriate to buffer lower density residential uses from the highway.”

### Changes to Future Land Use Map:



Opponents claim that more apartments are not needed next to them and there are better locations in other parts of Lenexa (Not in My Back Yard). They mention a previous apartment proposal on this same land they defeated nearly 6 years ago in 2018. But this Project is significantly different and better than the 2018 proposal for many reasons. It is lower in both height and density. The 2018 proposal for The Vistas at Canyon Creek was for RP-4 zoning, included 3/4-story buildings of contemporary design totaling 294 units on 21.689 acres with a density of 13.56 units/acre. The new Project is for PUD zoning (planned unit development - mixed-use) and includes only 2-story buildings with walkouts and traditional residential design totaling 346± units on 35.95 acres with a density of only 9.62 units/acre. The 2018 proposal was considered high-density under the Lenexa Zoning Regulations, but the new Project is considered medium-density (typically RP-3 zoning) and is more in line with the height and design of the residential subdivisions to the north.

- 2. Views/Aesthetics:** Many opponents claim they moved to this area based solely on the “panoramic views and wildlife located in the area ... and that those views would remain undisturbed in perpetuity.” This understanding is in direct conflict with the existing Future Land Use Map which calls for office buildings that could be as tall as 150’ or more (there is no height limitation in the CP-O district). They opposed the 2018 rezoning (in part) because it included 3/4-story buildings with much greater density (RP-4 density)

and did not like the contemporary design. The current proposed Project limits building heights to 2-story with walkouts and includes a traditional design which is much more in line with the single-family homes where they live. Residents should understand they have no legal right under law to a protected view shed in perpetuity and that the City cannot prohibit other landowners from developing their lands. A landowner has property rights to develop its land just like the landowner who developed their single-family subdivision and chased away wildlife. The proposed Project is sensitive to the neighborhood concerns which is why we are proposing 2-story, big home apartments buildings (aka “mansions” - where each resident has internal access to a garage). These are not tall, high-density buildings like proposed in 2018. Instead, these homes will be very similar in design to their single-family homes, but are merely larger in square footage, thus the name “mansion” style. They will be beautiful buildings and complimentary to their single-family homes.

Importantly, there is a huge natural preserve (i.e., Cedar Station Park) between their single-family subdivision and our Project which provides significant buffers measuring several hundreds of feet to over one thousand feet between our respective developments. There are no other multi-family projects in Lenexa with this same amount of large parkland and buffer distance adjacent to a single-family subdivision, and many of those other apartment developments are high-density, unlike the proposed Project which is medium density. See buffer map below.



The City recently approved an RP-4 apartment project immediately east of Canyon Creek Blvd (Canyon Creek Apartment Homes) which is closer to single-family homes where the same alleged impacts to views, traffic, and noise were raised, without any evidence to support those claims. The mansion style homes proposed with our Project would have the same low-profile as their single-family homes. The subject area ideally suited for multi-family use, just like the recently approved project across the street. It is next to a very busy state highway and provides a great transition to their single-family homes in terms of density and buffering noise from the highway. Moreover, there is no need for offices, and very little retail needed in the area, so the only other viable use is apartments. PUD zoning is much better than RP-4 or RP-3 zoning due to more flexible controls. The proposed community is virtually identical to

our Sonoma Hill community at 89<sup>th</sup> and Maurer Rd. which was unanimously approved a few years ago and that project is within 50' of single-family homes. Sonoma Hill did not hurt their property values, and neither will our Project.

- 3. Traffic/Noise:** Opponents claim that there are already traffic issues along Canyon Creek Blvd and K-10 Highway. One person mentioned that there was a wreck on K-10 Highway which backed up traffic on the highway. While true there is a lot of traffic along K-10 Highway (approximately 70,000 – 80,000 trips per day), and sometimes there are wrecks, but that is irrelevant to our Project. Future development along K-10 Highway (i.e., Panasonic battery plant, etc.) will add significantly more traffic to K-10 Highway than our Project. KDOT is already considering widening and other improvements along K-10 Highway that has nothing to do with our Project.

Canyon Creek Blvd is a 4-lane divided Major Arterial which carries virtually no traffic today. The Project is not expected to create any negative impacts to traffic along Canyon Creek Blvd. We had an independent traffic expert prepare a Traffic Impact Study (TIS) which has been submitted to the City and reviewed by the City's traffic engineers. The TIS shows that 85% of the traffic from the Project will enter and exit from K-10 Highway, so only a small fraction of the traffic will even use Canyon Creek Blvd going north of our Project. The Level of Service (LOS) at the intersections along Canyon Creek Blvd, as measured before and after the Project are nearly all "A", which is the best level possible. The only exceptions are the east bound internal movements at 101<sup>st</sup> Street and the first access drive which are "B", which is still considered excellent. In short, the Project will cause virtually zero traffic impacts to Canyon Creek Blvd.

Opponents claim that somehow the Project will increase noise from the highway with the alleged removal of "all trees." First, maintaining existing trees is valuable to our Project from a screening and aesthetic standpoint, and we intend to save every good tree possible. Second, we believe the buildings and the additional landscaping we install will likely mitigate sound better than trees that have no leaves 4 months out of the year. We are not removing the hill which is the main barrier to highway sound. Finally, the complaint about sound is exactly why it is a bad idea to build single-family homes adjacent to a highway. As evidenced in the May 2023 Presentation on suggested changes to the Comprehensive Plan, the City is keenly aware that highways do not make good neighbors to single-family homes and hasn't approved a single-family project next to a highway in many years. The neighbors' suggestion that the subject land be developed for single-family homeownership is bad planning.

- 4. Property Values:** A common complaint of opponents to apartments is the alleged negative impact to property values. This issue has been studied across the country as well as by the Johnson County Appraiser's office and been universally debunked. You can look at property values all over Lenexa and other cities in Johnson County which show no decrease to single-family homes values caused by nearby apartment projects. It also makes no difference the density of the apartment community. *See attached Study from the Kem C. Gardner Policy Institute, The University of Utah, School of Business, The Impact of High-Density Apartments on Surrounding Single-Family Home Values in Suburban Salt Lake County (February 2021)*. This Project will be constructed as a Class-A apartment community in terms of building design and construction, architectural design and materials, and amenities. The Project will be very similar to our Sonoma Hill at 89<sup>th</sup> and Maurer Rd. which also consists of big home/mansion style apartments. There has been no impact to property values for the single-family homes that are literally across the street within 50' of Sonoma Hill. This is the same for apartment projects all over Johnson

County. During the recent consideration of an apartment community, we are developing in Leawood called East Village, the Johnson County Appraiser's Office submitted a letter to the City which found no negative impacts from apartments to single-family homes – see letter below.



11811 S. Sunset Drive, Suite 2100  
Olathe, Kansas 66061

November 18, 2021

Rick Oddo

RE: Leewood Apartments

This letter is sent to confirm our discussion the other day. In the 26 years I have been in the assessment practice, I have not observed a situation where the construction of an apartment complex negatively affected the single home market. Even in cities like Scottsdale and Paradise Valley, both located in Maricopa County.

I have heard the same concerns for commercial developments and special use properties, but the concern does not come to fruition.

Respectfully,

*David Beau Boisvert*

David Beau Boisvert RMA  
County Appraiser

Some of the neighbors have also mentioned that the City should not approve a project they allege will impact the value of single-family property values totaling \$75 million. The economic value (i.e., tax revenues) that a project may bring is inappropriate to consider in land use decisions. Such factor is not part of the City's zoning criteria or allowed under Kansas zoning law. But since they have raised the issue, it is worth noting that the proposed Project will likely have a value exceeding \$100 million.

It is also worth mentioning that low density projects like single-family subdivisions, do not fully pay for city services they receive – see comment below from the [Johnson County Community Housing Study \(February 2021\)](https://ucsjoco.org/wp-content/uploads/2021/02/2021-Johnson-County-Housing-Study.pdf). <https://ucsjoco.org/wp-content/uploads/2021/02/2021-Johnson-County-Housing-Study.pdf>. In fact, that is one reason why the City believes that greater density is needed in Western Lenexa.

## Smart Growth in Kansas City.

The topic of smart growth and infrastructure burdens on city governments, housing costs, and the taxpayers is not new to the Kansas City metro. Past discussions and lecture have unveiled interesting data on how metro cities should prioritize funding in the future.

A lecture sponsored by the Mid-America Regional Council in October, 2019 titled *Smart Growth KC How? Where?* brought in consultants from Urban3 and Strong Towns to show fiscal impacts of infrastructure growth. The insightful presentation showed that much of the traditional subdivision growth is not fiscally responsible, with six times more infrastructure growth than the growth in population. Subsidies are effectively built into infrastructure for large lot subdivisions. Or rather, the tax burden for all residents increases instead of only for those living in the large lot subdivisions. Instead, investing in existing neighborhoods first and more compact new development patterns can cover infrastructure costs and services.

View the presentation at <https://kclibrary.org/signature-events/smart-growth-kc-how-where>

5. **Convenience Store:** Opponents claim there is no need for a convenience store at this location, citing examples of other c-stores nearby (one proposed across the street and another nearly 4 miles away). For good reason, determination of *need* is not permitted under the City's zoning regulations or Kansas statutes when considering whether to rezone land. Whether the market can support 2 groceries stores, 2 pharmacies, 2 fast-food restaurants or 2 single-family subdivisions next to each other is not for the government to decide. Instead, the government establish which uses belong in which zoning districts based on establish land use criteria and not some speculative decision about whether the market can support such use. A convenience store is merely one, of a number of permitted uses allowed under CP2 zoning. The City has already determined that CP2 zoning is appropriate for portions of the subject land area.



6. **Neighborhood Input:** While neighborhood input is to be considered, it is not and should not be the basis for denying a rezoning application. Importantly, the Kansas Supreme Court has stated that rezoning may not be based on a “plebiscite of the neighborhood” but must be based on the interests of the community at large. *See e.g., Waterstradt v. Leavenworth*, 203 Kan. 317 (1969); *Taco Bell v. City of Mission*, 234 Kan. 879 (1984). So, notwithstanding that some neighbors are opposed, it is not a valid reason to deny the Project. Virtually all projects have some neighborhood opposition and if their approval was required then nothing would ever get built. Having said that, we are sensitive to their concerns and are proposing a very appropriate 2-story medium density project that is Class-A. The development of this Project will be no different than the development of the single-family subdivision where they now live, in terms of the removal of trees and wildlife. Just as their developer acted with care when building their subdivision, so do we intend to act when developing our Project. We intend to save every good tree possible and treat the land with respect.

While using hyperbolic terms and phrases to describe our Project such as, “high-density” (when it is clearly medium density), or “massive project” (when the density and height are very modest), has been effective in defeating other apartment projects (like was done in 2018) these exaggerations do not reflect reality in this case. It should be noted that these same tactics were highlighted in the Johnson County Community Housing Study regarding opposition to many apartment developments and are generally without bases – see below.

“The high amount of public opposition to housing projects in nearly every city. Stories of projects getting denied by Councils even though the project met code standards were mentioned in nearly every session. Opposition is not necessarily geared toward one product - apartments, attached, low-income, and other mixed-use arrangements have all faced opposition. Several reasons are cited by the public in opposition, although not based on provided facts or evidence: › Suggestions of traffic congestion. › Accusations of the project increasing property taxes. › Claims of detriment to neighborhood character.”

@ P. 70.

It appears the neighbors do not want anything built on this land, which cannot be the test.

We are looking forward to sharing this plan with you and seeing it come to fruition.



Improving the way we live.

**Dejan Eskic**  
Senior Research Fellow

# The Impact of High-Density Apartments on Surrounding Single-Family Home Values in Suburban Salt Lake County

New, dense housing continues to be a point of conflict in growing communities as concerns over negative impacts to home values dominate the discussion. This study quantifies how new apartment construction has impacted single-family home price acceleration over the last decade.

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**February 2021**



**Kem C. Gardner**  
**POLICY INSTITUTE**  
THE UNIVERSITY OF UTAH

DAVID ECCLES SCHOOL OF BUSINESS

411 East South Temple Street  
Salt Lake City, Utah 84111  
801-585-5618 | [gardner.utah.edu](http://gardner.utah.edu)

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# The Impact of High-Density Apartments on Surrounding Single-Family Home Values in Suburban Salt Lake County

## Analysis in Brief

This study found apartments built between 2010 and 2018 have not reduced single-family home values in suburban Salt Lake County. In response to accelerating housing prices over the last decade, the market continues to shift to denser development to slow this trend. However, denser development continues to be a politically controversial topic on city council agendas as existing residents often bring up negative impacts on home values. Single-family homes located within 1/2 mile of a newly constructed apartment building experienced higher overall price appreciation than those homes farther away.

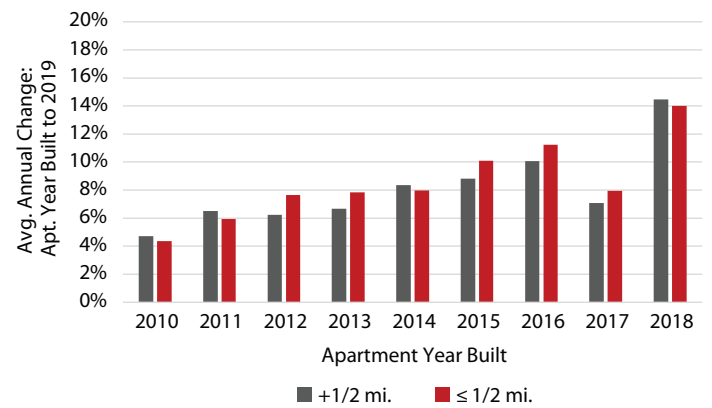
### Key Findings

- **New Apartments Have Not Reduced Single-Family Home Values**—Between 2010 and 2019, homes located within 1/2 mile of a newly constructed apartment building experienced a 10.0% average annual increase in median value, while the value of those farther away increased by 8.6%. Only in the Southeast part of the county did homes more than 1/2 mile away from new apartment construction experience higher average price appreciation than those located  $\leq 1/2$  mile.
- **Negative Impacts**—The only occurrence where negative price trends followed apartment construction was for homes near apartments built in 2010 and 2011. This resulted from the negative economic impacts brought on by the housing crash of the prior decade.
- **Higher Value per Square Foot**—Between 2010 and 2019, homes that are located  $\leq 1/2$  mile of new apartments averaged

an 8.8% higher median value per square foot compared with those farther away. However, the total median market value of single-family homes averaged 4.7% greater for those that are located more than 1/2 mile away from new apartments.

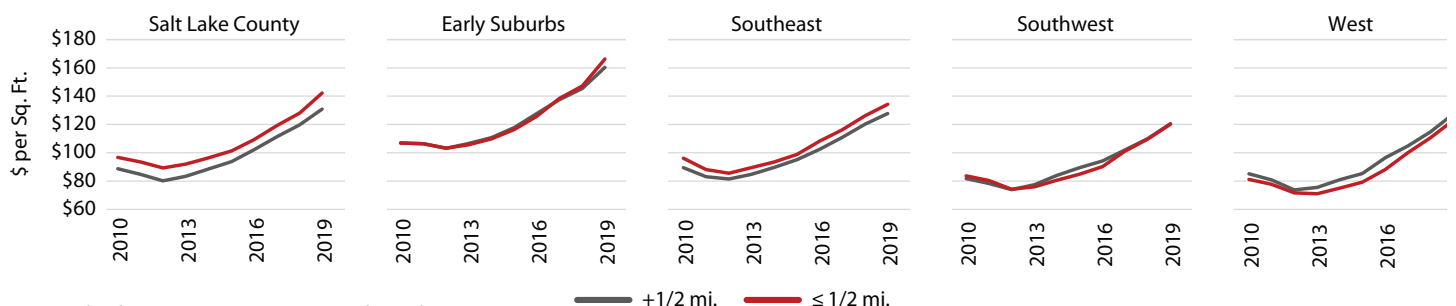
- **Homes Near Apartments Are Smaller and Older**—In suburban Salt Lake County overall, homes located within 1/2 mile of new apartments are approximately 270 sq. ft., or 11.1%, smaller than those farther away. Homes that are located  $\leq 1/2$  mile of new apartments are seven years older on average than those located farther away and lot sizes average 0.02 acre smaller for homes located  $\leq 1/2$  mile of new apartments.

**Average Annual Change in Median Price, Year of Apartment Built to 2019, Salt Lake County**



Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

## Median Market Value per Square Foot of Single-Family Homes by Distance to Nearest Apartment



Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

Access full report at [gardner.utah.edu](http://gardner.utah.edu)

# Introduction

Over the last decade, Utah has led the nation in the rate of population growth, resulting in a record demand for housing. While the housing oversupply of the 2000s was absorbed as the economy recovered from the recession in the early 2010s, supply in the new decade has struggled to keep up, leading to a housing shortage of 53,000 units in 2020. According to the National Association of Realtors, the year-over median sales price of a home in the Salt Lake metropolitan area increased by 12.3% in the first quarter of 2020. The Salt Lake metropolitan area ranked 16th of 182 metropolitan areas surveyed for a year-over price increase. Housing price increases were lower in 90% of the metropolitan areas surveyed.<sup>1</sup> Additionally, land improvement costs, such as excavation and utility work, increased by approximately 40% between 2007 and 2017, and building costs grew 23% in the same period.<sup>2</sup> Land prices have also soared with a limited supply across the Wasatch Front. The Wasatch Mountains to the east and the Oquirrh Mountains to the west limit the availability of developable land in Salt Lake County.

The combination of soaring demand and supply shortages continues to push the market to provide a more affordable housing product. This is typically done through density because the price of land is distributed across more units. Over the last decade, the market has shifted to denser development, with nearly 48% of all units being built as something other than single-family.

As denser projects continue to appear on city council agendas, opposition to them has grown, manifested in a rising Nimby (not in my back yard) sentiment.<sup>3</sup> Amongst the grievances aired by those opposing denser development is an expected negative impact on property values. The question, “Does new apartment construction negatively impact single-family home values?” is challenging to answer because the housing market, over the last decade, has experienced historic price accelerations—it is rare to find a home whose value has decreased. Rather, this study attempts to quantify how new apartment construction has impacted single-family home price acceleration.

This study found apartments built between 2010 and 2018 have not reduced single-family home values. Compared by distance, single-family homes located within 1/2 mile of a newly constructed apartment building experienced higher overall price appreciation than those homes farther away. Measuring the median value of homes from the year the apartment was built to 2019 shows that homes located within 1/2 mile of an apartment experienced a 10.0% average annual increase, while the value of those farther away increased by 8.6%. This implies an additional 1.4 percentage points in annual price appreciation for homes closer to new apartment buildings (see Table 1). Similar results

**Table 1: Average Annual Change in Median Price, Year of Apartment Built to 2019**

| Area             | +1/2 mi. | ≤1/2 mi. |
|------------------|----------|----------|
| Salt Lake County | 8.6%     | 10.0%    |
| Early Suburbs    | 7.6%     | 10.7%    |
| Southeast        | 7.3%     | 6.8%     |
| Southwest        | 7.7%     | 9.7%     |
| West             | 10.5%    | 13.7%    |

Note: See Figure 1 for area designations.  
 Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

are seen in most of the county, with the likely driver being that new apartment construction brings new demand and new dollars to a community and redevelops an older piece of property, thus bringing more vibrancy and “buzz” to the area.<sup>4</sup>

## Literature Review

The academic literature leans towards showing multifamily, denser development having either no impact or a positive impact on single-family residential values. A study in King County, Washington, shows an increase in single-family home values for those located near denser development. The study also showed an increase in access to other land uses and parks, adding additional benefits.<sup>5</sup>

A study completed by the National Association of Homebuilders found that between 1997 and 1999, single-family values increased 2.9% for those homes within 300 feet of an apartment building, compared with an increase of 2.7% for those that weren’t located next to an apartment.<sup>6</sup> Based on data from 1970 to 2000, a study published in 2003 by Harvard’s Joint Center for Housing Studies concluded that apartments posed no threat to surrounding single-family house values.<sup>7</sup>

A study from researchers at Virginia Tech University concluded that apartments with attractive design and landscaping increased the overall value of nearby detached housing, citing three possible reasons.<sup>8</sup> These include, first, new construction serves as a potential indicator of positive economic growth; second, new apartments increase the pool of future homebuyers for current homeowners; and third, apartments with mixed-use development often increase the attractiveness of nearby communities as they provide more housing and amenity choices.<sup>9</sup>

An additional benefit is a decrease in traffic, not an increase as often thought. A study by the National Personal Transportation Survey found that doubling density decreases vehicle miles traveled by 38% since denser households typically own fewer vehicles.<sup>10</sup>

**Methodology & Overview**

The Salt Lake County Assessor’s market value data is used to measure new apartment construction effects on single-family homes. Two measures are used. First, the average annual rate of value change from the year the apartment was constructed to 2019 is used to measure the overall impact. Second, the year-over percent change of median market value is used to estimate annual fluctuations.

Because of data availability, only apartments built between 2010 and 2018 are used to measure these impacts. Single-family homes are divided into two categories, homes that are less than or equal to one-half mile (≤1/2 mi.) from new apartment construction, and those that are farther away (+1/2 mi.).

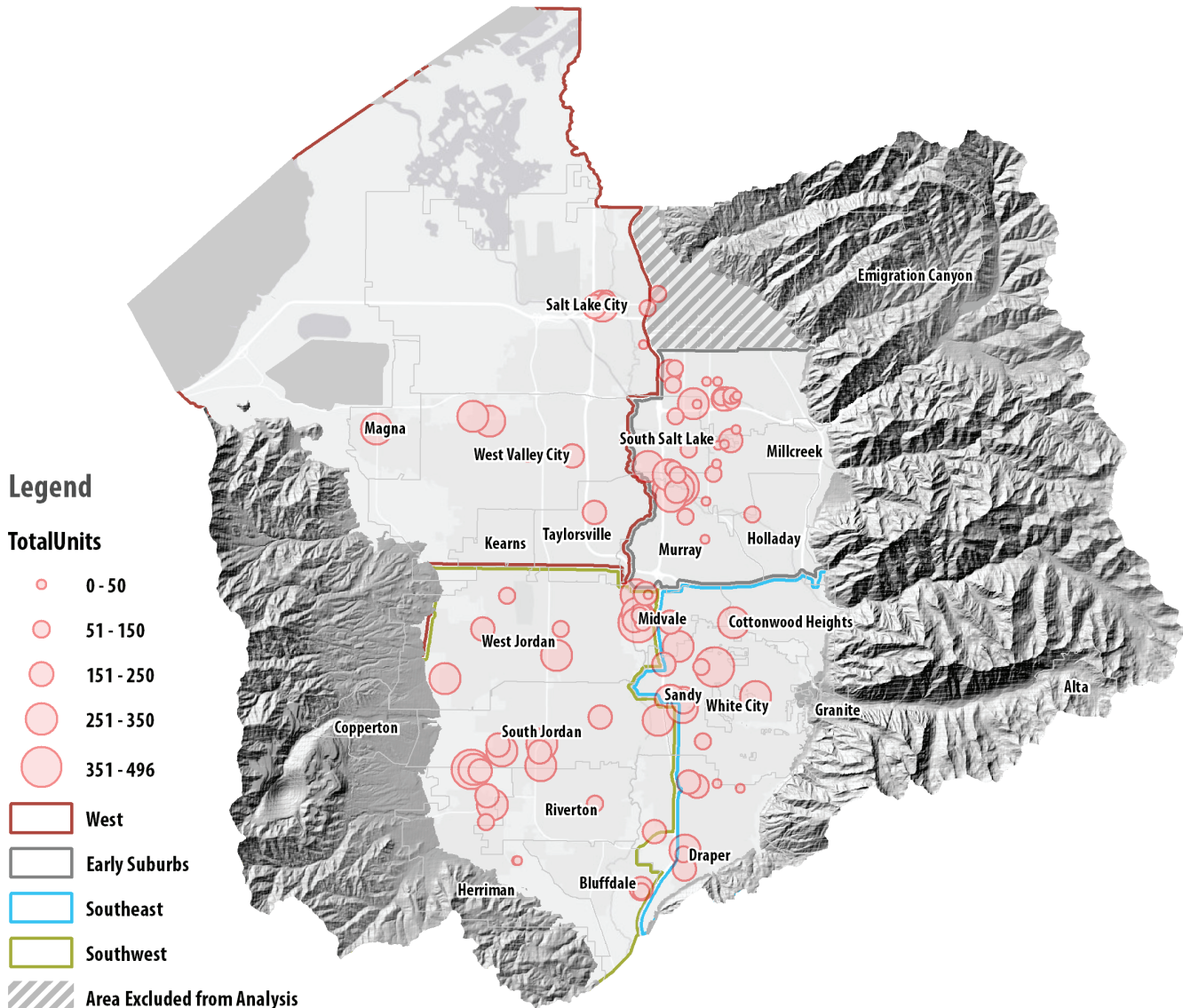
The five geographies covered by this study are shown in Figure 1. Because of a range of development activity and multiple factors not present in the suburban parts of the county,

the greater Salt Lake City downtown area is excluded from this study. The five geographies are based on Census tracts and consist of the following cities and townships:

- **Suburban Salt Lake County:** consists of the four geographies mentioned below.
- **West:** includes a part of Salt Lake City, Magna, West Valley City, Kearns, and Taylorsville.
- **Early Suburbs:** includes a part of Salt Lake City, South Salt Lake, Millcreek, Murray, and Holladay.
- **Southeast:** includes part of Midvale, Cottonwood Heights, Sandy, and part of Draper.
- **Southwest:** includes Bluffdale, Harriman, Riverton, South Jordan, West Jordan, and part of Midvale and Draper.

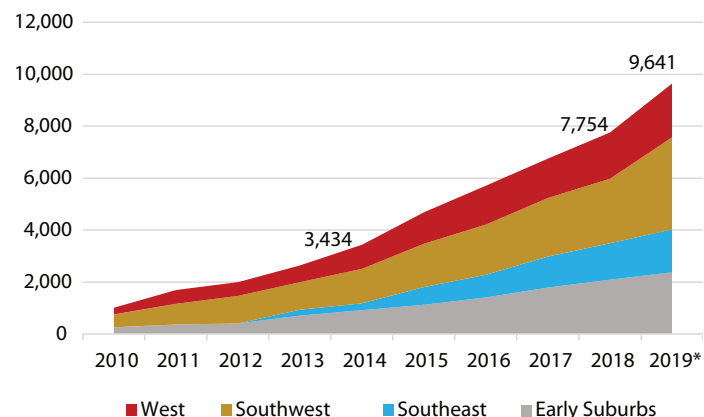
Apartment construction boomed in Salt Lake County during the last decade. Between 2010 and 2018, 7,754 units were

**Figure 1: Areas of Analysis and Location of Apartments by Number of Units, 2010–2018**



Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

**Figure 2: Cumulative Apartment Units Built, Salt Lake County**  
(Excluding greater downtown area)



\*The data to measure impacts of apartments constructed in 2019 was unavailable at the time of this study.

Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

completed (see Figure 2). Another 1,887 units were delivered to the market in 2019 but are not included in this analysis as the data to measure their impacts are not yet available. By 2018, the county’s Southwest area accounted for 32.2% of total apartment units built since 2010, followed by the Early Suburbs area, accounting for 26.9%. The West area held 21.5% of new units built since 2010, and the Southeast area had the lowest share with 17.1% of units.

In suburban Salt Lake County, 1,887 new apartment units completed construction and began leasing in 2019, a single-year record surpassing the 1,250 new units constructed in 2015 (see Table 2). In the Early Suburbs area, 2017 was a record year with 378 new units constructed. The Southeast area set its record in 2015, with 416 new units. The Southwest area holds the record for any single year, adding 1,048 new apartment units in 2019. The West area also reached its record in 2019 for single-year construction with the delivery of 300 units.

Key physical characteristics distinguish single-family units based on their proximity to new apartment construction and impact their value (see Table 3). The size of a home is a major factor driving market value. In suburban Salt Lake County overall, homes located within 1/2 mile of new apartments are approximately 270 sq. ft., or 11.1%, smaller than those farther away. The size difference is even greater for those homes located in the Early Suburbs area; homes ≤1/2 mile of new apartments are 640 sq. ft., or 26.0%, smaller than those that aren’t. Homes located in the Southeast area are 438 sq. ft. smaller or 15.3%, while those located in the Southwest area are nearly identical, with a size difference of only 88 sq. ft., or 3.0%. The difference in size for homes in the West area is 142 sq. ft., or 7.4%.

Home age is another factor influencing value, although remodeling and updates often negate this effect. Homes in suburban Salt Lake County that are located ≤1/2 mile of new apartments are seven years older on average than those located

**Table 2: Annual Apartment Units Built by Geographic Area**  
(Excluding greater downtown area)

| Area             | 2010  | 2011 | 2012 | 2013 | 2014 | 2015  | 2016  | 2017  | 2018  | 2019* |
|------------------|-------|------|------|------|------|-------|-------|-------|-------|-------|
| Salt Lake County | 1,008 | 693  | 292  | 647  | 794  | 1,250 | 1,027 | 1,038 | 1,005 | 1,887 |
| Early Suburbs    | 256   | 100  | 40   | 307  | 211  | 210   | 288   | 378   | 293   | 300   |
| Southeast        | 0     | 0    | 0    | 228  | 42   | 416   | 181   | 330   | 211   | 239   |
| Southwest        | 496   | 315  | 252  | 0    | 258  | 334   | 270   | 330   | 238   | 1,048 |
| West             | 256   | 278  | 0    | 112  | 283  | 290   | 288   | 0     | 263   | 300   |

\*The data to measure impacts of apartments constructed in 2019 was unavailable at the time of this study.

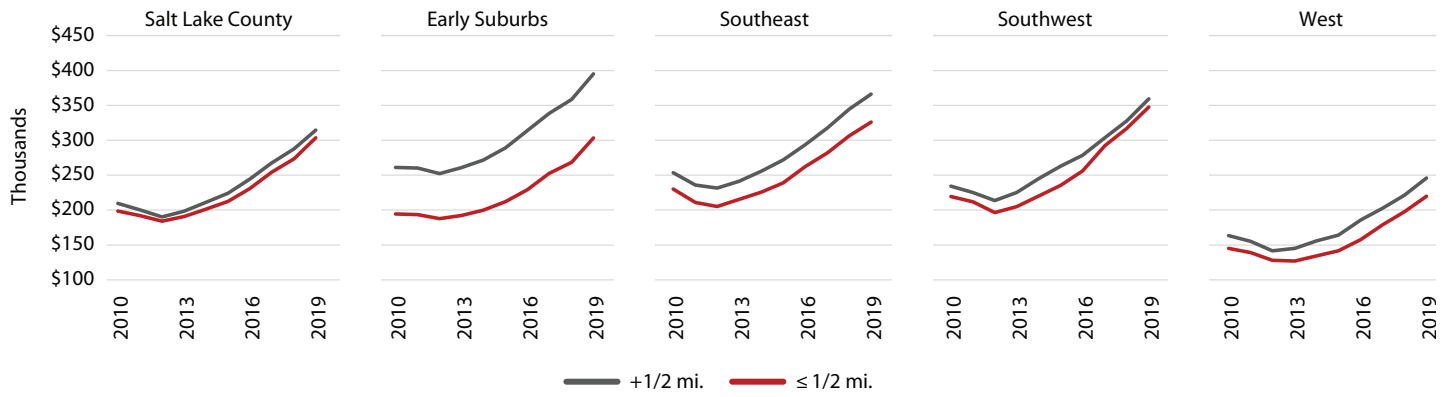
Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

**Table 3: Single-Family Characteristics by Geographic Area and Distance to New Apartments**

| Area             | Distance to Apartment | # of Single-Family Homes | Median Bldg. Sq. Ft. | Median Age | Median Parcel Size (Acres) |
|------------------|-----------------------|--------------------------|----------------------|------------|----------------------------|
| Salt Lake County | +1/2 mi.              | 129,564                  | 2,403                | 41         | 0.21                       |
|                  | ≤1/2 mi.              | 27,829                   | 2,134                | 48         | 0.19                       |
| Early Suburbs    | +1/2 mi.              | 30,063                   | 2,464                | 63         | 0.21                       |
|                  | ≤1/2 mi.              | 11,383                   | 1,824                | 77         | 0.16                       |
| Southeast        | +1/2 mi.              | 28,378                   | 2,866                | 41         | 0.23                       |
|                  | ≤1/2 mi.              | 7,293                    | 2,428                | 41         | 0.21                       |
| Southwest        | +1/2 mi.              | 29,471                   | 2,980                | 23         | 0.24                       |
|                  | ≤1/2 mi.              | 5,005                    | 2,892                | 19         | 0.22                       |
| West             | +1/2 mi.              | 41,652                   | 1,930                | 42         | 0.18                       |
|                  | ≤1/2 mi.              | 4,148                    | 1,788                | 61         | 0.18                       |

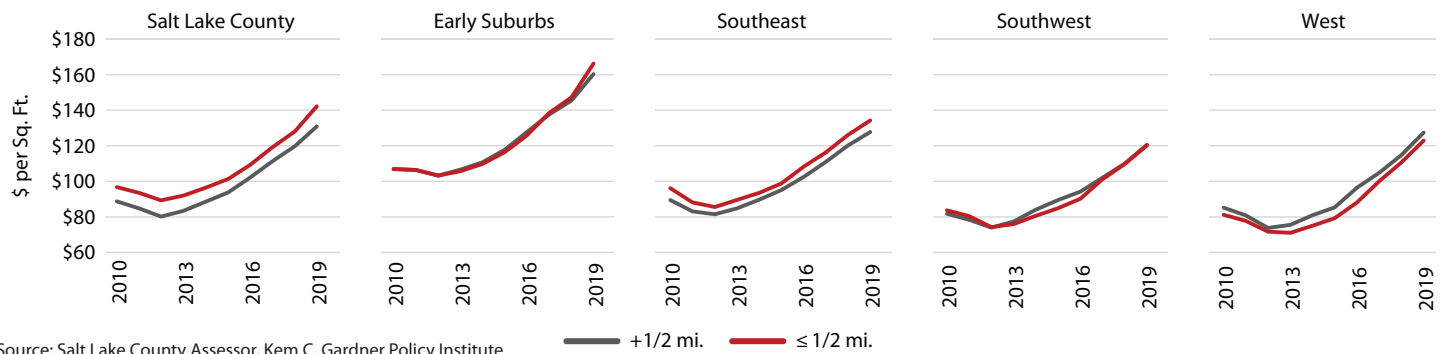
Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

**Figure 3: Median Market Value of Single-Family Homes by Distance to Nearest Apartment**



Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

**Figure 4: Median Market Value per Square Foot of Single-Family Homes by Distance to Nearest Apartment**



Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

farther away. Homes located  $\leq 1/2$  mile in the Early Suburbs area are 14 years older than those that aren't. Southeast area homes are the same age, while those in the Southwest area that are located  $\leq 1/2$  mile of new apartments are four years newer than those located farther. Homes in the West area average 19 years older, the largest age difference between homes that are  $\leq 1/2$  mile of new apartments and those that are farther away.

Lot size is another key category that influences overall value. In suburban Salt Lake County, lot sizes average 0.02 acre smaller for homes located  $\leq 1/2$  mile of new apartments. For homes located in the Early Suburbs area, lots are 0.05 acre smaller for homes  $\leq 1/2$  mile from new apartments. Home lots in the Southeast, Southwest, and West areas are 0.02 acre smaller for those located  $\leq 1/2$  mile of apartments.

## Results

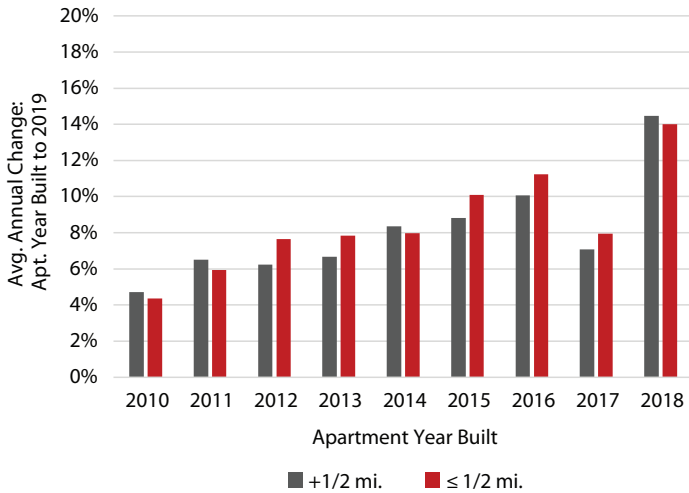
The median market value of single-family homes is greater for those that are located more than 1/2 mile away from new apartments. Between 2010 and 2019, those that are farther than 1/2 mile averaged a 4.7% higher median value (see Figure 3). Homes located in the Early Suburbs area have the greatest discrepancies in values when compared by distance, with the difference averaging 34.6%. This is due to the fact that some of the most expensive and largest homes are located in the areas of Sugar House and Holladay. The average difference in value for homes located in the Southeast area over the last decade is 12.3%. Homes in the Southwest area show the median value

disparity lessening with time. Between 2010 and 2016 the difference by distance was 9.1%; however, the disparity narrowed to 3.5% between 2016 and 2019. This was driven by a 10.4% increase in median building square feet for homes within 1/2 mile of an apartment, leading to an overall increase in home values. The median value for homes in the West area has averaged 13.6% between 2010 and 2019.

While the total median market value is greater for those single-family homes farther than 1/2 mile from new apartment construction, the opposite is true when measuring the median value per square foot (PSF). Between 2010 and 2019, homes

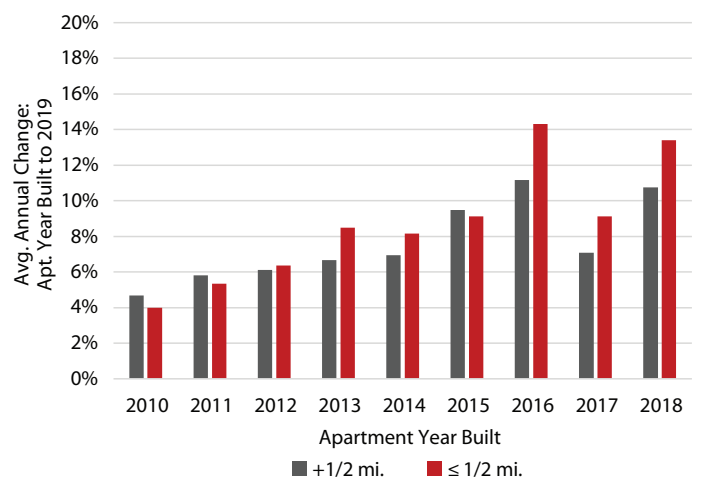


**Figure 5: Average Annual Change in Median Price, Year of Apartment Built to 2019, Salt Lake County**



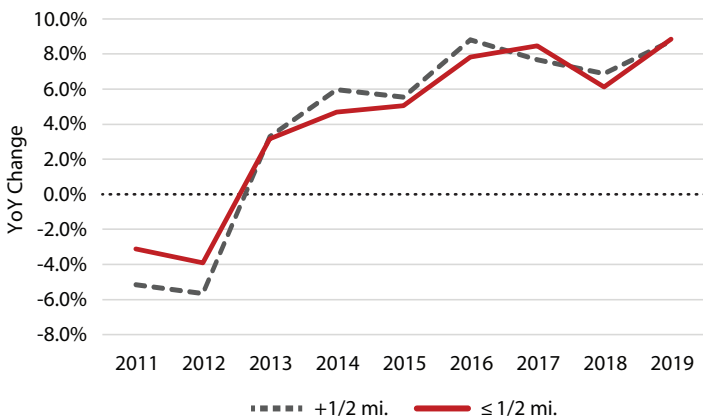
Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

**Figure 7: Average Annual Change in Median Price, Year of Apartment Built to 2019, Early Suburbs**



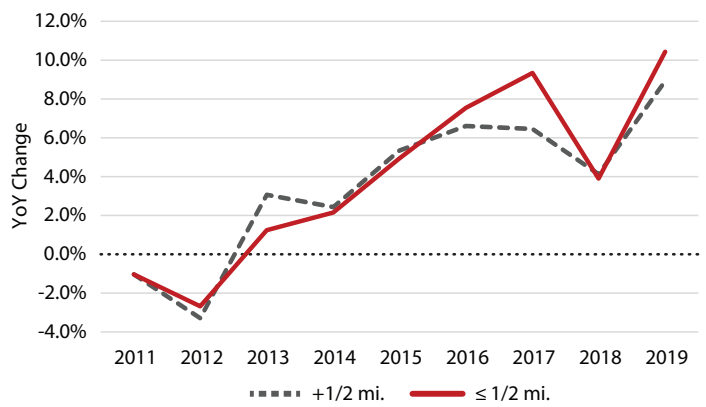
Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

**Figure 6: Year-Over Change of Median Market Value, Salt Lake County**



Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

**Figure 8: Year-Over Change of Median Market Value, Early Suburbs**



Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

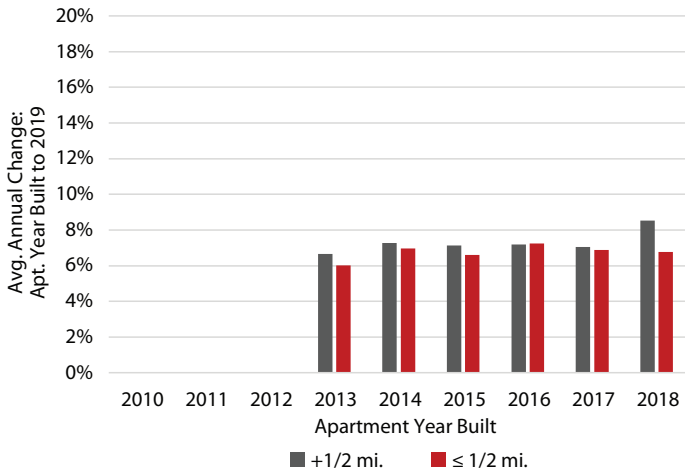
that are located ≤1/2 mile averaged an 8.8% higher PSF median value compared with those farther away (see Figure 4). Although the Early Suburbs area shows the highest discrepancy in total median market value in Figure 3, comparing values on a PSF basis shows there to be little to no difference between the two distances. PSF home values in the Southeast area averaged 5.3% higher for homes located ≤1/2 mile over the last decade. Similar to the trend seen in total median values, the PSF discrepancies in the Southwest favored homes that were farther away between 2013 and 2016, but shows no substantial difference since. The West area shows homes located ≤1/2 mile of a new apartment averaged 5.2% less in median value PSF over the decade when compared with homes farther away. The reason for this disparity is likely due to the homes' age. Homes located ≤1/2 mile of new apartments in the West area average 19 years older than those farther away.

The following sections present a summary of each individual study area's findings, starting with a summary for Salt Lake County.

Figures 5, 7, 9, 11, and 13 measure the average annual rate of value change from the year the nearest apartment was constructed to 2019. This measure is used to understand the overall impact new apartments have on existing single-family homes. Figures 6, 8, 10, 12, and 14 show year-over percent change of median market value to measure annual fluctuations.

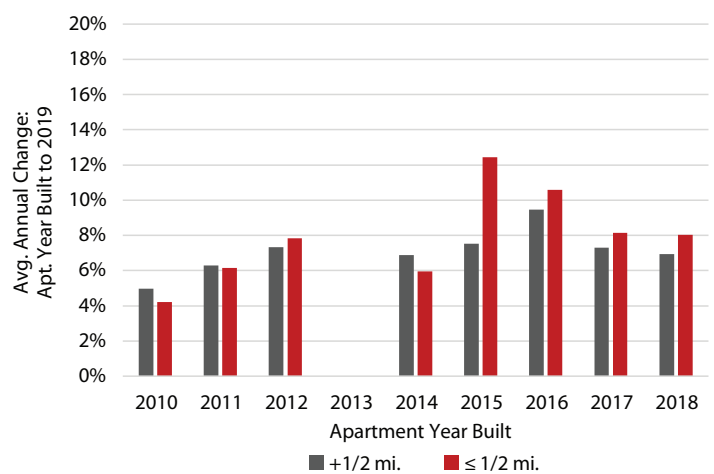
In suburban Salt Lake County, from the year of construction to 2019, single-family homes located ≤1/2 mile of a new apartment experienced a 10.0% average annual increase in value, while the value of homes farther away increased 8.6% on average annually (see Figure 5). Homes that were located more than 1/2 mile in 2010 and 2011 experienced a 1.9-percentage-point larger decline in their value than those that were closer to

**Figure 9: Average Annual Change in Median Price, Year of Apartment Built to 2019, Southeast**



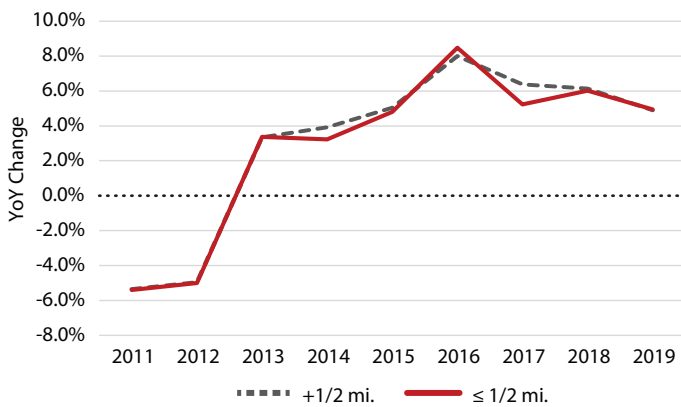
Note: There was no new apartment construction between 2010 and 2012.  
 Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

**Figure 11: Average Annual Change in Median Price, Year of Apartment Built to 2019, Southwest**



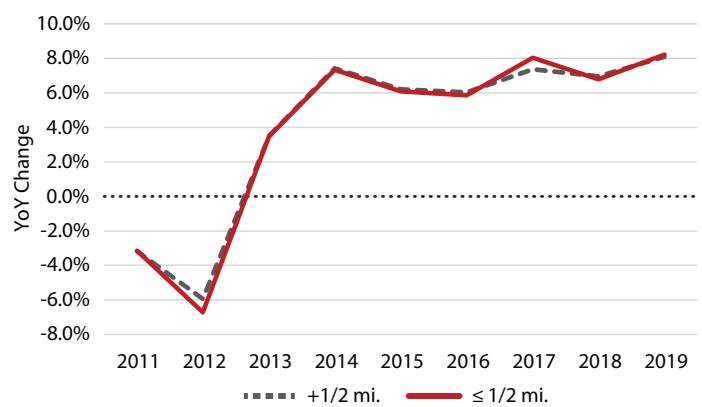
Note: There was no apartment construction in 2013.  
 Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

**Figure 10: Year-Over Change of Median Market Value, Southeast**



Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

**Figure 12: Year-Over Change of Median Market Value, Southwest**



Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

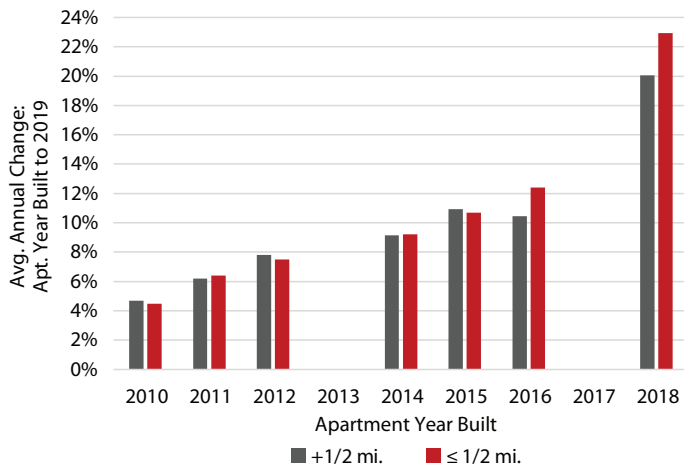
a new apartment building, showing that apartment proximity had a positive impact overall on preserving value during the recession (see Figure 6).

From the year of construction to 2019, homes in the Early Suburbs area that are located ≤1/2 mile of a new apartment experienced a 10.7% average annual increase in value, while the value for homes farther away increased 7.6% annually on average (see Figure 7). Year-over changes have shown some disparities over the last decade. Homes farther than 1/2 mile saw a more positive appreciation from 2012 to 2015, while homes located ≤1/2 mile outperformed those farther away between 2016 and 2019 (see Figure 8).

The Southeast area is the only instance where homes that are more than 1/2 mile away from new apartment construction experienced higher average price appreciation than those located ≤1/2 mile (see Figure 9). Homes farther away

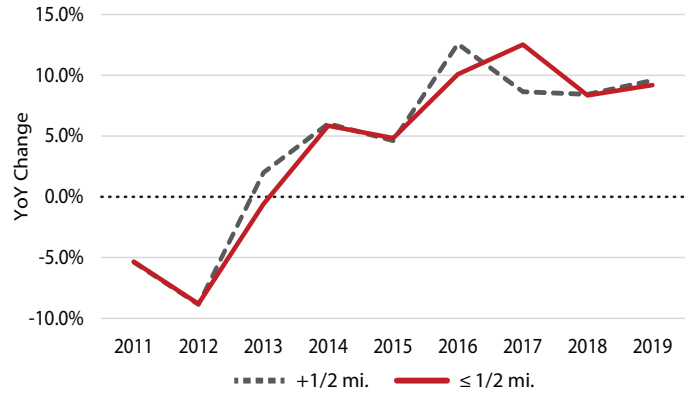
experienced an annual appreciation of 7.3% between year the apartment was constructed to 2019, and those located ≤1/2 mile saw their values increase 6.8% annually. The likely explanation for this discrepancy is that there is a higher concentration of larger retail development near those homes that are located ≤1/2 mile of apartments than in any other study areas. In the other three study areas, homes located ≤1/2 mile of an apartment were near an average of 20% less retail space when compared with homes farther away. In the Southeast area, there is 84% more retail space near homes that are closer to new apartment construction compared with those farther away. Year-over annual trends stayed similar for both distance categories with the exception of 2014 and 2017, when homes farther than 1/2 mile experienced slightly greater annual growth (see Figure 10).

**Figure 13: Average Annual Change in Median Price, Year of Apartment Built to 2019, West**



Note: There was no new apartment construction in 2013 and 2017.  
 Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

**Figure 14: Year-Over Change of Median Market Value, West**



Source: Salt Lake County Assessor, Kem C. Gardner Policy Institute

In the Southwest area, from the year of construction to 2019, single-family homes located ≤1/2 mile of a new apartment experienced a 9.7% average annual increase in value, while the value for homes farther away increased 7.7% on average annually (see Figure 11). Median value year-over trends in the Southwest area show little or no difference between apartment proximities (see Figure 12).

Homes in the West area that are located ≤1/2 mile of a new apartment experienced a 13.7% average annual increase in value, while the value for homes farther away increased 10.5%

annually on average (see Figure 13). Year-over trends show some fluctuation through the last decade. Homes farther than 1/2 mile outperformed annual price growth in 2013, 2016, and 2019, while homes located ≤1/2 mile outperformed in 2017, with the remaining years showing relatively similar year-over price shifts (see Figure 14).

## Conclusion

The public perception about high-density housing continues to be a point of conflict in growing communities across Utah and the country. While many stereotypes and generalizations about negative impacts are brought up in public settings, high density development does not actually appear to depress home values.<sup>11</sup> From the year an apartment was constructed to 2019, in Salt Lake County, single-family homes that were located within 1/2 mile of new apartment construction realized 1.4% more in annual price appreciation than those single-family homes that were located farther away. This is likely because new apartment construction brings new demand and new dollars to a community and redevelops an older piece of property, thus bringing more vibrancy and “buzz” to the area.

The challenges of housing affordability are not going away anytime soon. While density is a solution to alleviate costs, zoning is the mechanism that allows or denies it. Zoning regulations, more than any other local policies, govern the annual supply of single-family and multifamily housing. In recent years, the supply of housing has not met the demand, creating a housing shortage.<sup>12</sup> This shortage has tremendous impacts on Utah’s future. The shortage has also excluded many from homeownership, added to substantial increases in doubling-up of households, delayed marriages, and discouraged young people from forming new households.

## Endnotes

1. National Association of Realtors
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12. <https://gardner.utah.edu/wp-content/uploads/Best-Practices-Dec2020.pdf>



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## RE: Canyon Creek Point HOA Board Opposition to Canyon Ridge Apartment Complex

Curtis Holland <CHolland@Polsinelli.com>

Thu 2/15/2024 9:22 AM

To: Scott McCullough <smccullough@lenexa.com>; Gloria Lambert <glambert@lenexa.com>  
Cc: Stephanie Kisler <skisler@lenexa.com>; David Dalecky <ddalecky@lenexa.com>; Rick Oddo <roddo@oddodev.com>; Patrick Reuter <Patrick.Reuter@klover.net>; Henry Klover <henry@klover.net>; David Rinne (dr@schlagelassociates.com) <dr@schlagelassociates.com>; Dan Foster <df@schlagelassociates.com>; Jake Hattock <jhaddock@schlagelassociates.com>; Pat Daly <pdaly@polsinelli.com>

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Scott, please see our Responses below in **Red** to the email comments from Tracy Thomas. We request this be included in the City Council packet in this case. Thanks.

**Curtis Holland** | Shareholder | POLSINELLI PC | [cholland@polsinelli.com](mailto:cholland@polsinelli.com) | office 913-234-7411 | cell 913-481-5208 | 900 W. 48<sup>th</sup> Place, Suite 900 | Kansas City, MO 64112 | [Polsinelli.com](http://Polsinelli.com)

**From:** Tracy Thomas <[Tracy.Thomas@uspb.com](mailto:Tracy.Thomas@uspb.com)>

**Date:** February 8, 2024 at 9:45:05 AM CST

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>, Mark Charlton <[mcharlton@lenexa.com](mailto:mcharlton@lenexa.com)>, Courtney Eiterich <[ceiterich@lenexa.com](mailto:ceiterich@lenexa.com)>, Chelsea Williamson <[cwilliamson@lenexa.com](mailto:cwilliamson@lenexa.com)>, Chris Herron <[cherron@lenexa.com](mailto:cherron@lenexa.com)>, Bill Nicks <[bnicks@lenexa.com](mailto:bnicks@lenexa.com)>, Joe Karlin <[jkarlin@lenexa.com](mailto:jkarlin@lenexa.com)>, Melanie Arroyo <[marroyo@lenexa.com](mailto:marroyo@lenexa.com)>, Craig Denny <[cdenny@lenexa.com](mailto:cdenny@lenexa.com)>

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**Subject:** Canyon Creek Point HOA Board Opposition to Canyon Ridge Apartment Complex

Dear Mayor Sayers and members of the Lenexa City Council:

The Canyon Creek Point (CCP) subdivision is located directly north of the planned development, with many residents within 600 feet of the northern boundary of the proposed 28-unit apartment buildings, convenience store and assisted living center (**this is a substantial distance compared to most other multi-family projects, even those with much greater density**). Our concerns over this rezoning and planned development are as follows:

1. The development would cause deforestation of nearly 95% on more than 45 acres on the northwest corner of K-10 and Canyon Creek Boulevard. This is an area the size of 34.5 combined football fields, including the endzones. **DEVELOPER'S RESPONSE:** **Approximately 16% of the total 41-acre site (over 6.5 acres) will remain untouched and the trees preserved. Post-development, the new apartment site contains approximately 68% open space which exceeds the open space requirement of 60% for equivalent RP-3 zoning. This amount of open space is the same as required for the Canyon Creek Point subdivision. If the subject land were developed under its current zoning, CPO and CP2, the minimum open space would only be 35% and 25% respectively. The so-called "deforestation" (we disagree with this term) is the exact same development process used by all of the other Canyon Creek residential subdivisions. Within a few short years, the new trees planted by the developer will effectively re-green these areas, usually with substantially better tree species. Also as noted by the planning commission "If this was the standard none of the residences' homes would be permitted to exist today."**

2. The area proposed for the development is solid trees, creating a natural sound barrier from K-10. With near total deforestation, and K-10 going to six lanes in the near future, the increase in noise levels will be significant. **DEVELOPER'S RESPONSE:** The majority of trees within the area of construction are cedar, hedge and other invasive species that took over after the area was no longer being farmed (during the 1940s-60s) and with the construction of K-10 Highway. The proposed 2-story buildings will be nearly the same height as the average single-family home, and combined with new landscaping will actually do a better job of noise reduction, especially in the winter
3. The wetlands area in the conservation area supports considerable wildlife and sensitive plants in the area. The resulting impact of this planned development has not been studied and is not fully understood. **DEVELOPER'S RESPONSE:** A drainage report was submitted by a Kansas licensed engineer with Schlager & Associates and then reviewed and accepted by the City's Public Work Department. According to the National wetland inventory mapper, there is one identified wetland on the far west side of the property. But this wetland is located outside of the limits of the proposed development and will not be disturbed so no further permitting is anticipated. Displacement of wildlife will not be any different when compared to the development of the other Canyon Creek subdivisions, including the very subdivisions where these residents now live.
4. Zoning for the area is currently RP1, Single Family Residential; CP2 – Business Commercial; CPO – Business Office; and AG, agriculture. This proposed development asks for rezoning to PUD - Planned Unit Development. Changing this designation creates many challenges and concerns for residents who have invested in the area. Considering a rezoning to multi-family is not how this area was marketed to the many residents who have signed the petition of opposition, currently numbering nearly 650 residents. **DEVELOPER'S RESPONSE:** The proposed rezoning to PUD is considered a "down zoning" (with less impacts) compared to office zoning (with no height limitations) and more intense uses allowed under C-2 . The proposed development provides significantly more open space, and significantly less traffic than CPO and C-2 uses. Moreover, the Future Land Use Map is being updated to show this area as better suited for High-Density Residential than office development. The proposed apartments are all "Mansion" style and considered medium-density, just like the Mansions of Canyon Creek which are immediately adjacent to their subdivision and has co-existed without any impacts. Lenexa recognizes that medium-density Mansion style apartments make a good buffer between a major highway and higher-density projects and single-family subdivisions. A good example is the Copper Creek Apartment project at 89<sup>th</sup> Street and Woodsonia immediately next to the Watercrest Landing (approved 2021). Recently (2022), the City approved a higher density project immediately to the east (Cedar Canyon West) and next to K-10 Highway for the same reasons. This project was even closer to single-family homes.
5. During the time Prime Development was actively marketing CCP to prospective homeowners, the main points of communication were a website and advertising both online and in various print pieces. A line in many advertisements read: "City-owned parkland and natural conservation area surround the community, allowing sweeping views of nothing but nature, assuring residents that those views will remain forever unspoiled." It is impossible to equate "forever unspoiled" with the proposed rezoning and planned development. **DEVELOPER'S RESPONSE:** It is believed the marketing materials referred specifically to the City-owned parkland. Even a cursory review of the area would reveal the subject property is privately owned and would likely be developed. By the opponents on admission, they bought their homes knowing that the subject property was master planned and zoned for office and commercial uses.

Nonetheless, “sweeping views” of nature are still valid, as the City-owned parkland will remain in place.

6. With the recent announcement of yet another rezoning request, and proposed plans in the Cedar Creek subdivision, combined with the projects on both the northeast and northwest corners of the intersection of K-10 and Canyon Creek Boulevard, the number of possible apartment units now increases to roughly 950. Is this truly the vision of the city, and the direction that works for our citizens? Is this the desired gateway the city desires to promote? . **DEVELOPER’S RESPONSE:** The City’s updates to the Future Land Use Map envisions high-density residential uses as one of the highest and best uses for land immediately adjacent to highways like K-10, K-7, and I-435. The Lenexa Zoning Map shows many existing properties adjacent to highways are zoned for high-density apartment uses (RP-4 and RP-5 zoning). Lenexa has long recognized that allowing single-family development next to highways is inappropriate due to noise and other complaints. As mentioned above, the City approved Cedar Canyon West just last year. The subject request is for a medium-density (RP-3 equivalent) project. The actual density (9.62 DUA) is much closer to RP-2 (8.0 units per acre) than RP-4 (16 units per acre). The proposed “Mansion” style homes are an appropriate buffer to the single family homes which are hundreds of feet away with a City park in between.
7. Nearly 650 area residents have signed a petition stating their opposition to this proposed rezoning and planned development. CCP has 99 residents – more than 85% of these residents have signed the petition. **DEVELOPER’S RESPONSE:** As long as the land is developed in accordance with the rules of the City, this landowner has right to develop its land the same as the landowner who developed their subdivisions, or any other landowner. Rezoning in Kansas are not dictated by a plebiscite of the neighbors. We acknowledge there is opposition from nearby neighbors, but the City Council’s role is to consider what is good for the community at-large. Restricting the property to office uses eliminates all value of the property for the landowner and prospective property taxes that could be used by the City for maintenance of streets, etc.

We all relied on the master plan at the time we made the decision to invest in the area. The city of Lenexa went to great lengths to combine current zoning, Vision 2020, then Vision 2030 plans, and the city’s Master Plan to create a very synergistic plan for prospective buyers. Lenexa competes vigorously with other Johnson County cities for residents shopping for new homes. This rezoning effort and proposed development is a tremendous blow to the residents of Canyon Creek Point and surrounding subdivisions. The city has leaned heavily on its citizens to participate in the direction of future growth. This proposed rezoning and planned development does not contribute to Lenexa's future in a synergistic fashion. **DEVELOPER’S RESPONSE:** When these residents built/bought their homes, the City’s Future Land Use Map showed the subject land as Office/Employment Center” (CPO zoning) or “Regional Commercial Center” (CP2 zoning) which also matches the current zoning of the property.

We ask you take our concerns seriously and decline this proposed rezoning and planned development. **DEVELOPER’S RESPONSE:** The proposed rezoning meets the City’s zoning criteria, development standards and policies, is consistent with the pending update to the City’s Future Land Use Map, acts as an appropriate buffer adjacent to a major highway, and consists of beautifully designed homes that are consistent with nearby residences.

We ask you take our concerns seriously and decline this proposed rezoning and planned development.

Very truly yours,  
Max Bruce, President ([maxbruce47@gmail.com](mailto:maxbruce47@gmail.com))



Melissa Harmon, Vice President ([melissabharmon@gmail.com](mailto:melissabharmon@gmail.com))

Alan Baker, Treasurer, ([alanbaker465@gmail.com](mailto:alanbaker465@gmail.com))

Tracy Thomas, Secretary, ([tjthomas13212@gmail.com](mailto:tjthomas13212@gmail.com))

Cheryl Greenough, Member-at-Large ([cheryl.reed.greenough@gmail.com](mailto:cheryl.reed.greenough@gmail.com))

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