



Agenda

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

**OCTOBER 15, 2024
7:00 PM
COMMUNITY FORUM**

CALL TO ORDER Pledge of Allegiance

ROLL CALL

APPROVE MINUTES October 1, 2024 City Council meeting draft minutes
(located in the Appendix)

**MODIFICATION OF
AGENDA**

PROCLAMATIONS Color the World Orange Day Nov. 4 and AMPS/CRPS
Awareness Month - Nov.

CONSENT AGENDA **Item Numbers 1 through 7**

The matters listed on the Consent Agenda are routine and approved collectively with no separate discussion on each individual item. Any item on the Consent Agenda may be removed from the Consent Agenda for separate consideration by a member of the Governing Body, the City Manager, or by a member of the public in attendance at the meeting. In the event the item is removed from the Consent Agenda, it will be placed on the regular agenda.

1. Acceptance of the Belmont Estates, 2nd Plat, public improvements for maintenance

This project constructed public street, stormwater, and streetlight improvements in the Belmont Estates, 2nd Plat subdivision. The work was privately funded.

2. Approval of the 2024-2025 insurance program and authorization for the City Manager to execute all documents necessary to procure property and liability insurance and associated lines of coverage

The proposed 2024-2025 self-insured retention program is substantially similar to the 2023-2024 policy; however, due to market conditions and the

addition of the Justice Center and the renovated Sar-Ko-Par Aquatic Center, the program has increased in cost by approximately 40%, for a total cost of \$689,278.

3. Acceptance of sidewalk easements as shown on AdventHealth Lenexa City Center, Second Plat

AdventHealth Lenexa City Center, Second Plat is a final plat for a medical office campus located at the southwest corner of 86th Street & Renner Boulevard. Sidewalk easements are being dedicated to the City with this plat.

4. Encroachment agreement with Shawnee Mission Medical Center Inc. d/b/a AdventHealth Shawnee Mission

To accommodate development of the new hospital at 16950 W. 86th Street in Lenexa City Center, AdventHealth is requesting an encroachment into public right-of-way for underground conduit, cables, and handholes.

5. Amendment One to the encroachment agreement with Adam and Ziyen Pessetto for a stormwater inlet

This amendment to the original encroachment agreement accurately identifies the location of the stormwater inlet as built.

6. Resolution declaring it necessary to appropriate private property for the construction of the 87th and Bluejacket Stormwater Improvements Project

This project will rehabilitate existing stormwater infrastructure in the area near 87th Street Parkway & Bluejacket Street, as well as in the Pine Ridge Business Park. The estimated project cost is \$2.1 million with the City receiving \$424,000 in cost-share funding from Johnson County.

7. Resolution approving the annual investment policy for operating funds

The Pooled Money Investment Board for the State of Kansas requires government entities with expanded investment powers to review and adopt an investment policy on an annual basis. Staff and the City's investment consultant have reviewed the existing policy and are recommending no changes.

END OF CONSENT AGENDA

**BOARD
RECOMMENDATIONS**

8. Ordinance approving a three-year special use permit for a daycare, general

use for The Learning Playhouse located at 8115 Acuff Lane in the R-1, Residential Single-Family District

The applicant proposes to operate an in-home daycare for up to 12 children, classified as a daycare, general use, within the R-1 District, which requires a special use permit.

- 9. Ordinance approving a three-year special use permit for a personal instruction, general use for The Piotrowski Indoor Facility located at 13720 & 13722 W. 108th Street in the BP-2, Planned Manufacturing District

The applicant proposes to operate an indoor youth training facility, classified as a personal instruction, general use within the BP-2 District, which requires a special use permit.

- 10. Preliminary plan for Renner 87, a mixed-use development in City Center, located at the northeast corner of 87th Street Parkway & Renner Boulevard in the CC, Planned City Center District - **WITHDRAWN BY THE APPLICANT**

NEW BUSINESS None

COUNCILMEMBER REPORTS

STAFF REPORTS

END OF RECORDED SESSION

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

ADJOURN

APPENDIX

- 11. October 1, 2024 City Council meeting draft minutes
- 12. Color the World Orange Day and AMPS/CRPS Awareness Month Proclamation
- 13. Item 4 -- AdventHealth Encroachment Agreement

14. Item 5 -- Pessetto Encroachment Agreement - Amendment One
15. Item 7 -- Annual Investment Policy

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: Acceptance of the Belmont Estates, 2nd Plat, public improvements for maintenance
CONTACT: Tim Green, Deputy Community Development Director
DATE: October 15, 2024

ACTION NEEDED:

Accept the Belmont Estates, 2nd Plat, public improvements for maintenance.

PROJECT BACKGROUND/DESCRIPTION:

Belmont Drive north of 83rd Street used to terminate at a dead-end. This project constructed an asphalt cul-de-sac with concrete curb and gutter and stormwater improvements to serve two new residential lots platted with the Belmont Estates, 2nd Plat.

Staff performed a final inspection on July 23, 2024, and advised that all work had been completed in accordance with the plans and specifications. The maintenance bonds for this project shall go into force upon acceptance by the Governing Body on October 15, 2024, and will expire on October 15, 2026.

The contractor was Cohorst Enterprises, Inc.

Total lane miles:	0.02 miles
Total statute miles:	0.01 miles
Pipe length:	140 linear feet

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The work was privately funded.

STAFF RECOMMENDATION:

Accept for maintenance.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

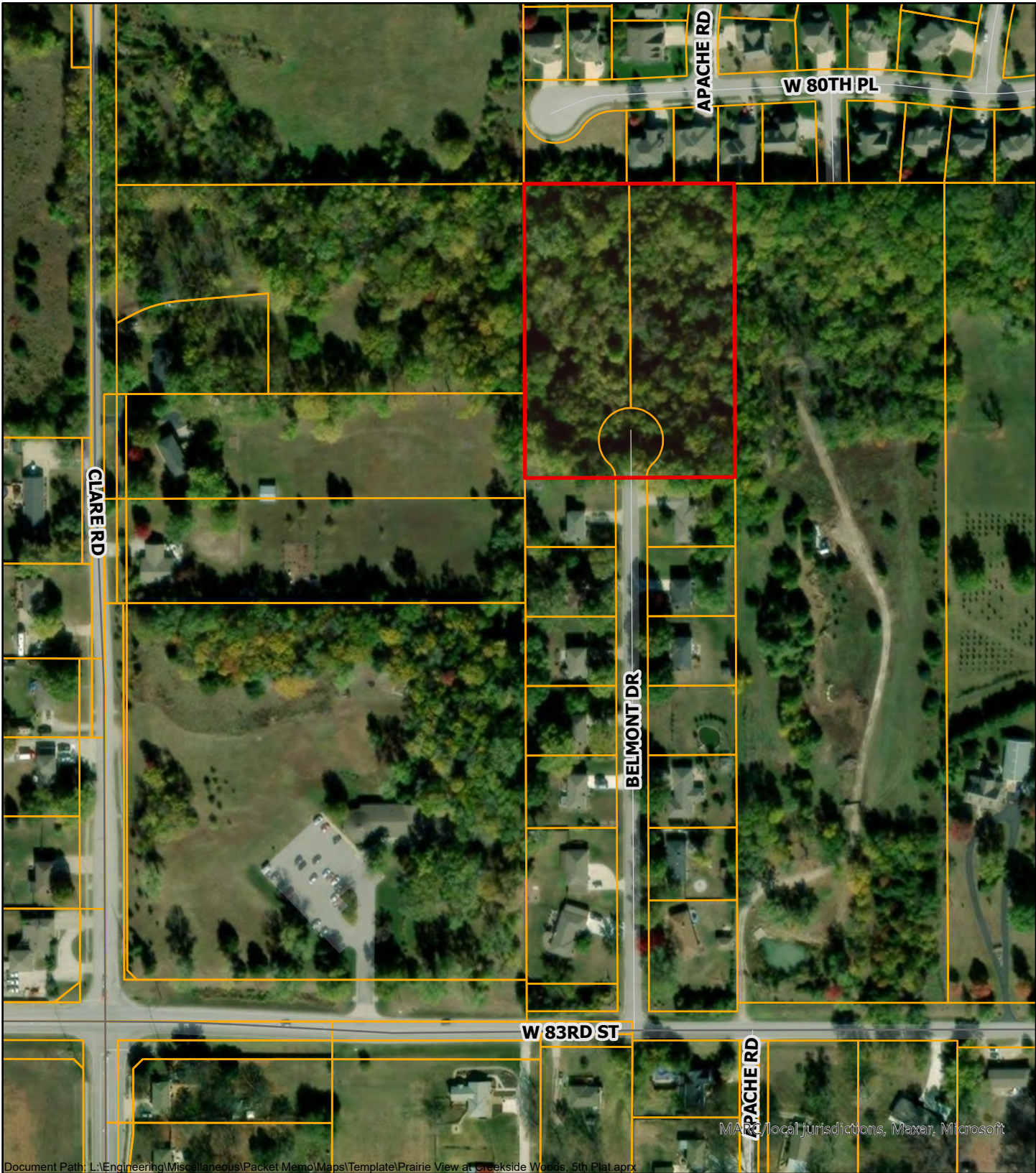
Integrated Infrastructure & Transportation

Guiding Principles

Responsible Economic Development

ATTACHMENTS

1. Map

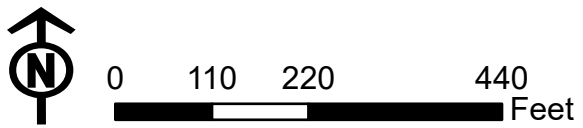


Document Path: L:\Engineering\Miscellaneous\Packet Memo\Maps\Template\Prairie View at Creekside Woods, 5th Plat.aprx

Map local jurisdictions, Maxar, Microsoft

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

Belmont Estates, 2nd Plat Public Improvements





ITEM 2

SUBJECT: Approval of the 2024-2025 insurance program and authorization for the City Manager to execute all documents necessary to procure property and liability insurance and associated lines of coverage

CONTACT: Steven Shrout, Assistant City Attorney

DATE: October 15, 2024

ACTION NEEDED:

Approve the 2024-2025 insurance program and authorize the City Manager to execute all documents necessary to procure property and liability insurance and associated lines of coverage.

PROJECT BACKGROUND/DESCRIPTION:

The City comprehensively bids its entire property and liability insurance program, including insurance brokers, every three to five years. This comprehensive bid was last completed for the 2022-2023 policy year. As a result of the 2022-2023 comprehensive bid, the City converted its insurance program from a first dollar program to a self-insured retention program through Traveler's Property Casualty Company of America ("Traveler's") and obtained a favorable renewal through Traveler's for all lines of coverage for the 2023-2024 policy year. The policy period for the City's property and liability insurance is November 1st through October 31st.

The City's insurance broker secured two quotes for coverage for the 2024-2025 policy year. Staff reviewed the quote and determined Traveler's provided the most favorable terms. The other quote contained unfavorable coverage limits, which would require the City to purchase additional policies to meet the City's total value of insured property. The cost of the other quote would have more than doubled the premiums quoted by Traveler's to obtain a substantially similar insurance program.

The recommended 2024-2025 insurance program through Traveler's will cost \$689,278 in base premiums - a 39.66% increase over the 2023-2024 policy year. The insurance program remains essentially the same as the 2023-2024 policy year. The most notable difference is an increase in the City's Wind and Hail deductible from a 2% deductible (\$100,000 minimum) to a 3% deductible (\$250,000 minimum). Exhibit A to the resolution provides a summary of the 2024-2025 insurance coverage. The summary compares premium amounts for individual coverage lines (i.e. property, auto, and cybersecurity) to premiums paid last year.

The increase in the cost of insurance is largely the result of (1) the current state of the insurance industry; and, to a lesser extent, (2) an increase in the total insured value of City property resulting from the addition of the Justice Center and the renovation of the Sar-Ko-Par Aquatic Center. The property and casualty insurance market continues to experience a hardening market, characterized by rising premiums, stricter underwriting guidelines, and limited coverage options. This is largely due to an increase in the frequency and severity of natural disasters. These hardening market conditions are affecting all public entities in Kansas, making it increasingly challenging to obtain adequate insurance coverage at a reasonable cost.

Even though the City has not experienced an increase in the frequency or severity of its claims, the overall insurance market is highly interconnected. As a result, when insurers experience significant losses globally, they increase their premiums to maintain profitability and to pass their increased reinsurance costs on to policyholders.

The rising cost of insurance can pose a significant financial burden on the City. The City's insurance broker has advised that the City can expect its premiums to continue to rise over the next several years. To effectively manage or potentially avoid these rising costs, staff is proactively exploring alternative risk management and insurance program strategies to mitigate risk and reduce costs.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The property and liability insurance program is part of the Legal Department operating budget under the General Fund and contains sufficient funds to cover the costs associated with the 2024-2025 insurance program.

STAFF RECOMMENDATION:

Approve the 2024-2025 insurance program and authorize the City Manager to execute all documents necessary to procure property and liability insurance and associated lines of coverage.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Guiding Principles

Prudent Financial Management

ATTACHMENTS

1. Exhibit

Insurance Package Summary

	EXPIRING 2022-2023	EXPIRING 2023-2024	RECOMMENDATION 2024-2025	CHANGE
PROPERTY				
Carrier:	Travelers	Travelers	Travelers	
Policy Period:	11/01/2022 - 11/1/2023	11/01/2023 - 11/1/2024	11/01/2024 - 11/1/2025	86.24%
Premium:	\$141,495.00	\$182,061.00	\$339,064.00	\$157,003.00
BOILER				
Carrier:	Travelers	Travelers	Travelers	
Policy Period:	11/01/2022 - 11/01/2023	11/01/2023 - 11/01/2024	11/01/2024 - 11/1/2025	67.66%
Premium:	\$9,262.40	\$9,186.00	\$15,400.80	\$6,214.80
LIABILITY				
Carrier:	Travelers	Travelers	Travelers	
Policy Period:	11/01/2022 - 11/01/2023	11/01/2023 - 11/01/2024	11/01/2024 - 11/1/2025	14.20%
Premium:	\$81,133.00	\$100,685.00	\$114,981.00	\$14,296.00
AUTO				
Carrier:	The Charter Oak Fire Insurance Company	The Charter Oak Fire Insurance Company	The Charter Oak Fire Insurance Company	
Policy Period:	11/01/2022 - 11/01/2023	11/01/2023 - 11/01/2024	11/01/2024 - 11/1/2025	14.72%
Premium:	\$91,885.00	\$93,316.00	\$107,053.00	\$13,737.00
UMBRELLA/EXCESS				
Carrier:	Travelers	Travelers	Travelers	
Policy Period:	11/01/2022 - 11/01/2023	11/01/2023 - 11/01/2024	11/01/2024 - 11/1/2025	16.43%
Premium:	\$26,993.00	\$29,039.00	\$33,811.00	\$ 6,818
Package Total:	\$341,506.00	\$405,101.00	\$594,909.00	\$189,808.00
ENVIRONMENTAL LIABILITY				
Above Ground Storage Tank				
Carrier:	Ace TankSafe	Ace TankSafe	Ace TankSafe	
Policy Period:	12/01/2022 - 12/01/2023	12/01/2023 - 12/01/2024	12/01/2024 - 12/1/2025	0.00%
Premium:	\$1,270.00	\$1,316.00	\$1,316.00	\$0.00
ENVIRONMENTAL LIABILITY				
Underground Storage Tank				
Carrier:	Great American	Great American	Great American	
Policy Period:	12/01/2022 - 12/01/2023	12/01/2023 - 12/01/2024	12/01/2024 - 12/1/2025	27.20%
Premium:	\$358.20	\$375.00	\$477.00	\$102.00
FIDUCIARY LIABILITY				
Carrier:				
Policy Period:	Included in Travelers Cyber	Included in Travelers Cyber	Included in Travelers Cyber	Included in Travelers Cyber
Premium:				
CRIME				
Carrier:				
Policy Period:	Included in Travelers Cyber	Included in Travelers Cyber	Included in Travelers Cyber	Included in Travelers Cyber
Premium:				
CYBER LIABILITY				
Carrier:	Travelers	Travelers	Travelers	
Policy Period:	11/01/2022 - 11/01/2023	11/01/2023 - 11/01/2024	11/01/2024 - 11/1/2025	-0.63%
Premium:	\$51,721.00	\$52,318.00	\$51,986.00	-\$332.00
DRONE LIABILITY				
Carrier:				
Policy Period:	Included in Travelers Liability package	Included in Travelers Liability package	Included in Travelers Liability package	Included in Travelers Liability
Premium:				
FINANCE DIRECTOR'S BOND				
Carrier:	Travelers	Travelers	Travelers	
Policy Period:	1/03/2022 - 1/03/2024	1/03/2024 - 1/03/2026	1/02/2025 - 1/02/2026	-30.00%
Premium:	\$ 263	\$ 263	\$ 184	-\$78.90
Broker Fee	\$25,000.00	\$25,000.00	\$24,929.00	-0.28%
TOTAL INSURANCE COST:	\$ 404,381	\$ 493,559	\$ 689,202	\$189,499.10



ITEM 3

SUBJECT: Acceptance of sidewalk easements as shown on AdventHealth Lenexa City Center, Second Plat

CONTACT: Stephanie Sullivan, Planning Manager

DATE: October 15, 2024

ACTION NEEDED:

Accept the sidewalk easements as shown on the AdventHealth Lenexa City Center, Second Plat.

APPLICANT:

Chase Kohler, Renaissance infrastructure Consulting

OWNER:

Shawnee Mission Medical Center, Inc.

PROPERTY LOCATION/ADDRESS:

Southwest corner of 86th Street & Renner Boulevard

PROJECT BACKGROUND/DESCRIPTION:

The applicant requests approval of a final plat for a medical office development at the southwest corner of 86th Street & Renner Boulevard. The plat includes two lots on 3.7 acres in the CC, Planned City Center Zoning District. The final plat is consistent with the approved final plan for AdventHealth Building 2A and Parking Garage, which was approved by the Governing Body on April 16, 2024. A sidewalk easement is being dedicated to the City to ensure public sidewalk access along 86th Street and Renner Boulevard and the easement requires acceptance by the Governing Body.

STAFF RECOMMENDATION:

Accept the easement.

PLANNING COMMISSION ACTION:

This item was considered as Consent Agenda Item 1 at the September 30, 2024 Planning Commission meeting.

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1-4. Moved by Commissioner Horine, seconded by Commissioner Woolf, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

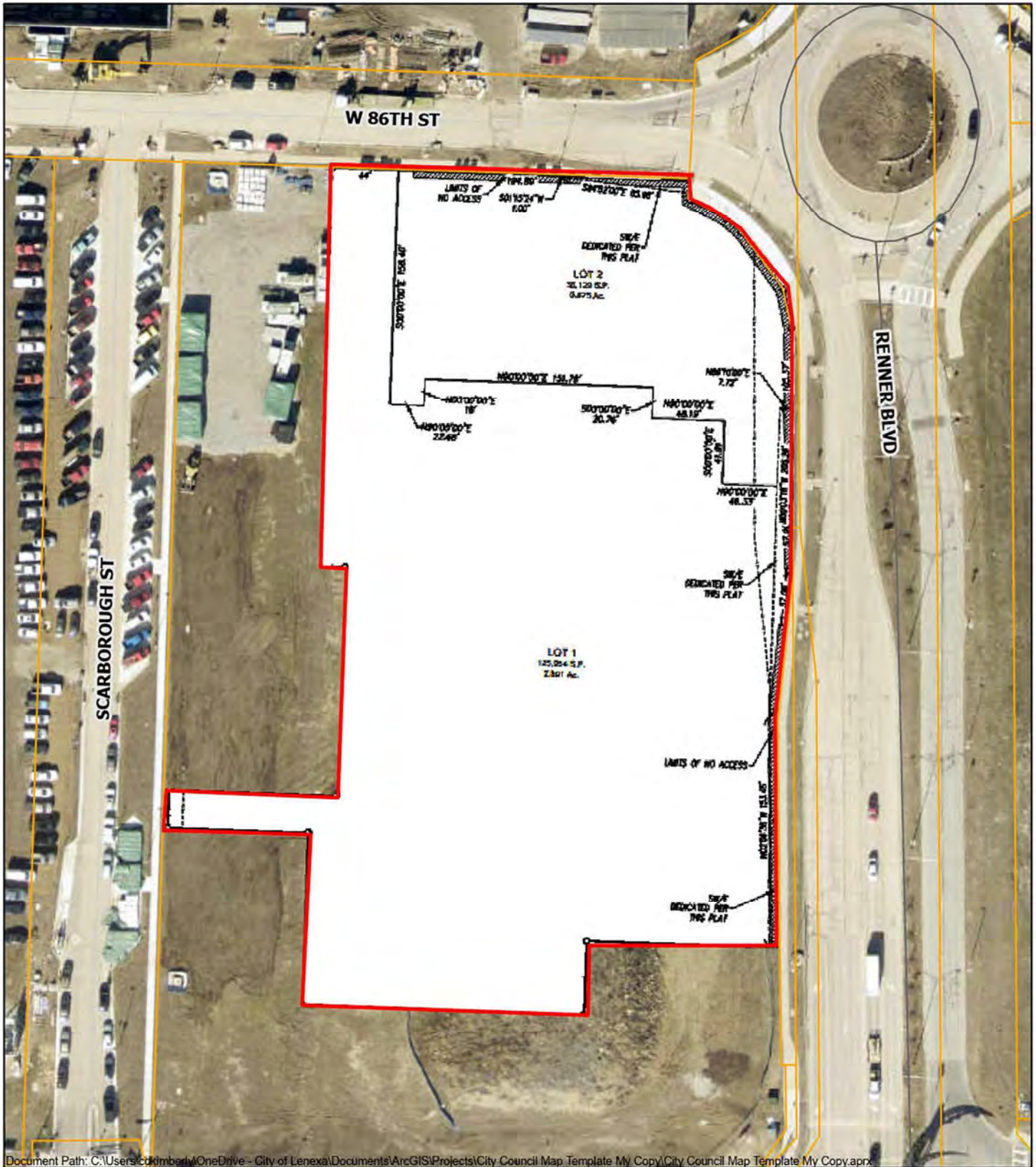
Integrated Infrastructure & Transportation

Guiding Principles

Responsible Economic Development

ATTACHMENTS

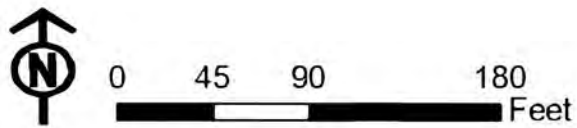
1. Map
2. Plat
3. PC Staff Report
4. PC Draft Minutes Excerpt



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

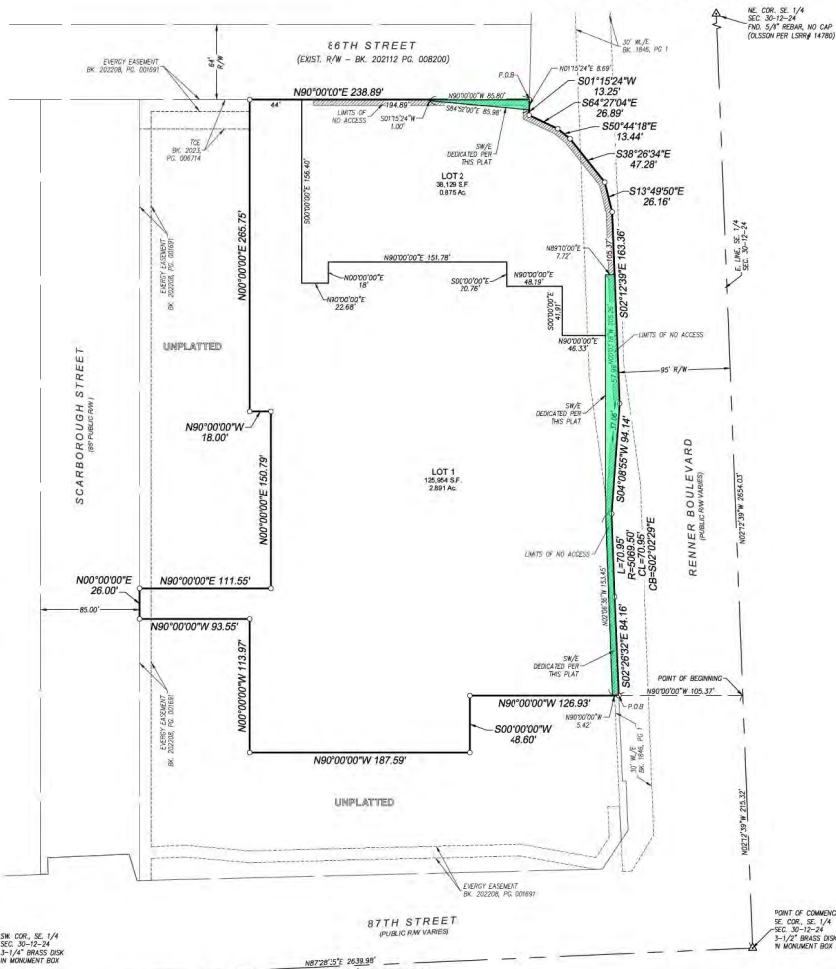
Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 613-477-7500

AdventHealth Lenexa City Center, Second Plat



SIDEWALK EASEMENT EXHIBIT FOR ADVENTHEALTH LENEXA CITY CENTER, SECOND PLAT

PART OF THE SOUTHEAST QUARTER OF SECTION 30, TOWNSHIP 12 SOUTH, RANGE 24 EAST,
IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS



DESCRIPTION

All that part of the Southeast Quarter of Section 30, Township 12 South, Range 24 East of the 6th P.M., in the City of Lenexa, Johnson County, Kansas more particularly described by Wayne Malnicof, P.S. 1239, on June 19, 2024, as follows:
Commencing at the Southeast corner of the Southeast Quarter of said Section 30; thence North 02°12'39\"/>

DEDICATION

The undersigned proprietor of the above-described portion of land has caused the same to be subdivided in the manner shown on the accompanying plat, which hereafter shall be known as "ADVENTHEALTH LENEXA CITY CENTER, SECOND PLAT".
An easement or license to enter upon, locate, construct, and maintain or authorize the location, construction or maintenance and use of sidewalks upon those areas outlined and designated on the plat as "Sidewalk Easement" or "SWE" is hereby granted to the City of Lenexa, Johnson County, Kansas for its use and that of its designees or duly authorized agents.

RESTRICTIONS

Lot 1 contains a blanket cross access easement for garage use and access for all current and future plats sharing the parking garage and surrounding lots and tracts shown hereon.
This plat contains a "Limits of No Access" along the West Frontage of Remner Boulevard and South frontage of 66th Street.

CONSENT TO LEVY

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

EXECUTION

IN TESTIMONY WHEREOF, the undersigned proprietor has caused this instrument to be executed this _____ day of _____ 20__.

Shawnee Mission Medical Center, Inc.

Sam Huengergard, Mid-America Region CEO

STATE OF _____)
COUNTY OF _____) SS

BE IT REMEMBERED, that on this _____ day of _____ 20__ before me a Notary Public in and for said County and State, came Sam Huengergard, Mid-America Region CEO of Shawnee Mission Medical Center, Inc., who is personally known to me to be the same person who executed the foregoing instrument of writing on behalf of said Corporation and he duly acknowledged the executor of the same to be the act and deed of said Corporation.

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

Notary Public

My Appointment Expires: _____

APPROVALS

APPROVED by the Planning Commission of the City of Lenexa, Johnson County, Kansas, on this _____ day of _____ 20__

Chris Posa, Chairman

APPROVED by the Governing Body of the City of Lenexa, Johnson County, Kansas, on this _____ day of _____ 20__

Julie Sayers, Mayor

Attest: Jennifer Martin, City Clerk

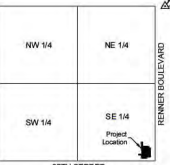
This plat shall not be filed by the Register of Deeds of Johnson County, Kansas unless filed within 720 calendar days after the City of Lenexa Governing Body approval date, inclusive.

I hereby certify that during month of August 2024, this field survey was completed on the ground by me or under my direct supervision, and that said survey meets or exceeds the current "Kansas Minimum Standards for Boundary Surveys" as established by the Kansas Board of Technical Professions.

Wayne E. Malnicof, Kansas PS-1239
RICKS CLS-234
wmalnicof@rc-consult.com

DRAFT COPY

- LEGEND:**
- ▲ FOUND SECTION CORNER AS NOTED
 - SET 12" X 24" REBAR WITH R/C
 - 1/4" BRASS DISK IN MONUMENT CAP
 - PLATTED
 - SANITARY SEWER EASEMENT
 - WATERLINE EASEMENT

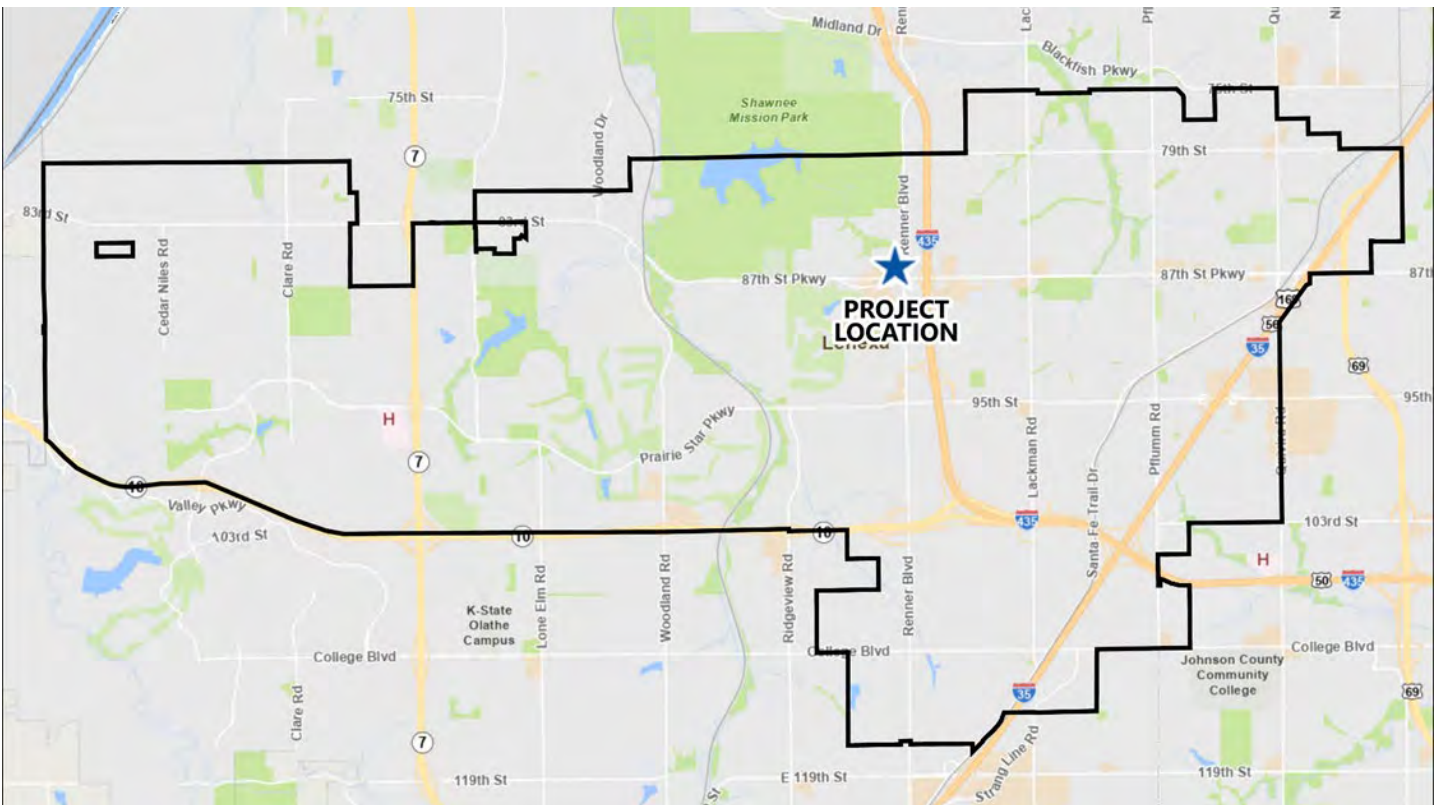


- NOTES:**
1. Basis of Bearings: N02°12'39\"/>
 2. All bearings and distances shown on this plat are platted and measured unless otherwise noted.
 3. Flood Plain Note: According to the F.E.M.A. Flood Insurance Rate Map Number 20991C00340 and 20091C00350, both revised August 3, 2009, this tract graphically lies in OTHER AREAS, ZONE X, defined as areas determined to be outside the 0.2% annual chance floodplain.

ADVENTHEALTH LENEXA CITY CENTER, SECOND PLAT	
Prepared For: Shawnee Mission Medical Center Inc. Sam Huengergard, Mid-America Region CEO 9100 W 74th Street Shawnee Mission, Kansas 66204	
Date of Preparation: August 9, 2024	Revised: August 3, 2024
Certificate of Authorization: Missouri CLS-201100357; Kansas CLS-234	
Renaissance Infrastructure Consulting 102 Abble Avenue Kansas City, Kansas 66103 913.317.6500 www.ri-consult.com	

ADVENTHEALTH LENEXA CITY CENTER, SECOND PLAT

Project #:	PT24-12F	Location:	8698 Renner Boulevard
Applicant:	Chase Kohler, RIC	Project Type:	Final Plat
Staff Planner:	Kim Portillo, AICP	Proposed Use:	Medical Clinic



PROJECT SUMMARY

The applicant requests approval of a final plat for a medical office development at the southwest corner of 86th Street and Renner Boulevard. The plat includes two lots on 3.7 acres in the City Center Zoning District. The final plat is consistent with the approved final plan PL24-03F for Advent Health Building 2A and Parking Garage, which was approved by the Governing Body on April 16, 2024. A sidewalk easement is being dedicated to the City of Lenexa and will require acceptance by the Governing Body. This project does not require a Public Hearing.

STAFF RECOMMENDATION: APPROVAL

SITE INFORMATION

The AdventHealth Life Campus is a mixed-use development in City Center including a hospital, office, retail, hotel and life activation buildings. The overall campus consists of 11 buildings on approximately 25 acres. The subject site is identified as Lot 5 (Medical Office Building) and Lot 6 (Garage) on the preliminary plat.

Previous applications for this site include:

- PL08-01CPR, PL08-17, and SU08-13 – Concept plan, preliminary plan, and special use permit for City Center North for a hospital campus development. Approved by the Governing Body on August 19, 2008.
- PL16-02PR and SU16-03 – Revised preliminary plan and permanent special use permit for Lenexa City Center North Village, to allow a hospital and mixed uses in the CC Planned City Center Zoning District. Approved by the Governing Body on January 19, 2016.
- PL19-06P and SU19-11 – Revised preliminary plan and permanent special use permit to allow a helipad with the hospital. Approved by the Governing Body on June 18, 2019.
- PL21-04PR – Revised preliminary plan to comply with the five-story building height for the hospital building. Approved by the Governing Body on November 16, 2021.
- PL24-03F – Final plan for a medical office building and parking garage. Approved by the Planning Commission on April 1, 2024.

LAND AREA (AC) 3.7	BUILDING AREA (SF) 66,000	CURRENT ZONING CC	COMP. PLAN City Center
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Exhibit 1: Aerial Image of Subject Site

LAND USE REVIEW

The proposed use is *medical clinic*, for a medical office building and parking garage. Medical clinic is a permitted use in the CC, Planned City Center Zoning District.

The future land use as designated by the Comprehensive Plan is City Center, which anticipates mixed-use development tailored to an urban environment with high intensity development, public open space, pedestrian-friendly streets, and a mix of employment, shopping, entertainment, office, retail, residential, recreation and civic uses. The use of a medical office and physical form of the building are designed to be compatible with this future land use. The future land use of City Center also encourages parking to be provided on-street or in structures, which is proposed with this project.

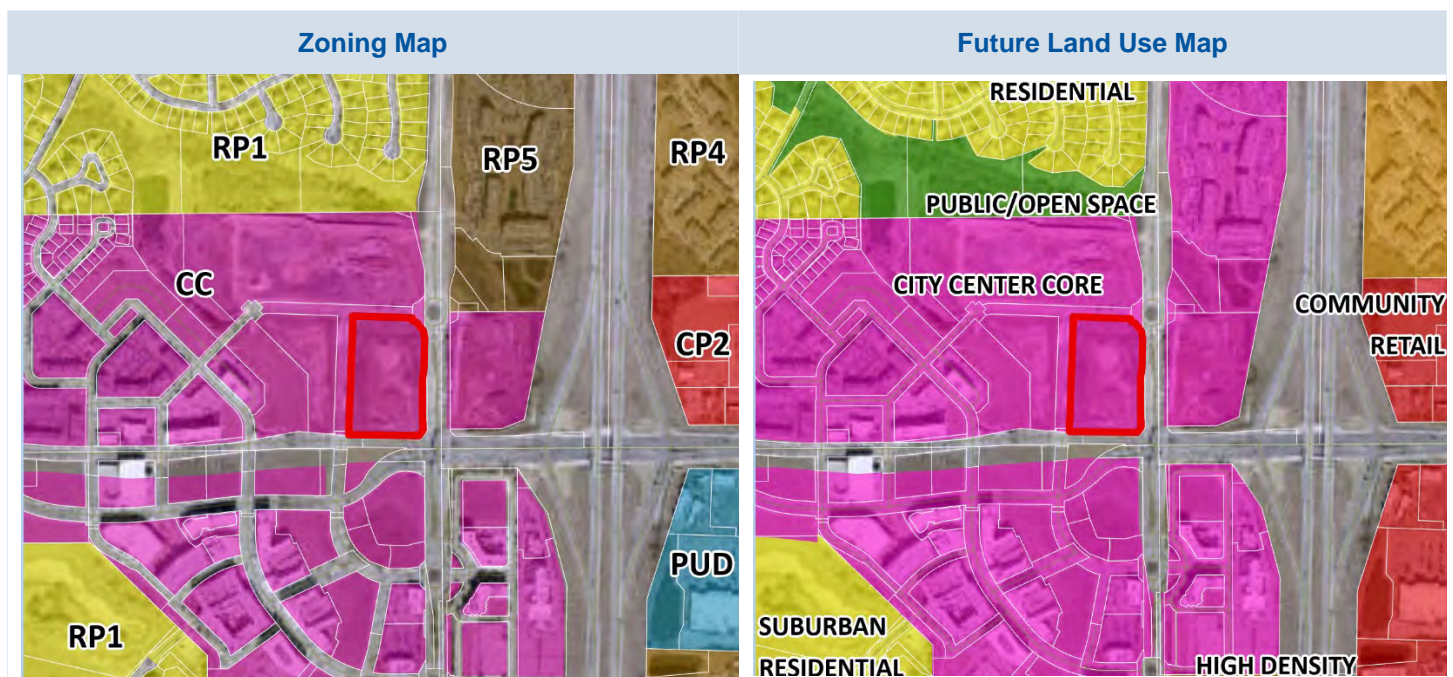


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	City Center	CC, Planned City Center District	Undeveloped
North	City Center	CC, Planned City Center District	Hospital
South	City Center	CC, Planned City Center District	Undeveloped
East	City Center	CC, Planned City Center District	Undeveloped
West	City Center	CC, Planned City Center District	Undeveloped

FINAL PLAT REVIEW

This is a final plat of two lots on 3.7 acres in the City Center Zoning District at the southwest corner of 86th Street and Renner Boulevard. The site is undeveloped and is being planned for a medical office development. Lot 1 has an approved final plan for a parking garage and Lot 2 has an approved final plan for a medical office building.

The approved site plan has vehicular access from Scarborough Street and 86th Street. Future access is also planned for a designated location along Renner Boulevard. Street frontages outside of designated access points are marked with limits of no access. Lot 1 contains a blanket cross-access easement for garage use and access for all current and future plats sharing the parking garage.

Sidewalk easements are provided along Renner Boulevard and 86th Street, as shown highlighted in green in Exhibit 2. These easements require acceptance by the Governing Body. Utilities are available to the site. The developer is required to construct a 10-foot-wide trail along Renner Boulevard with the construction of the medical office building on Lot 2 and parking garage on Lot 1. The trail must be completed prior to building occupancy and shall meet current trail standards of the City of Lenexa, specifically as it continues through the City Center area.

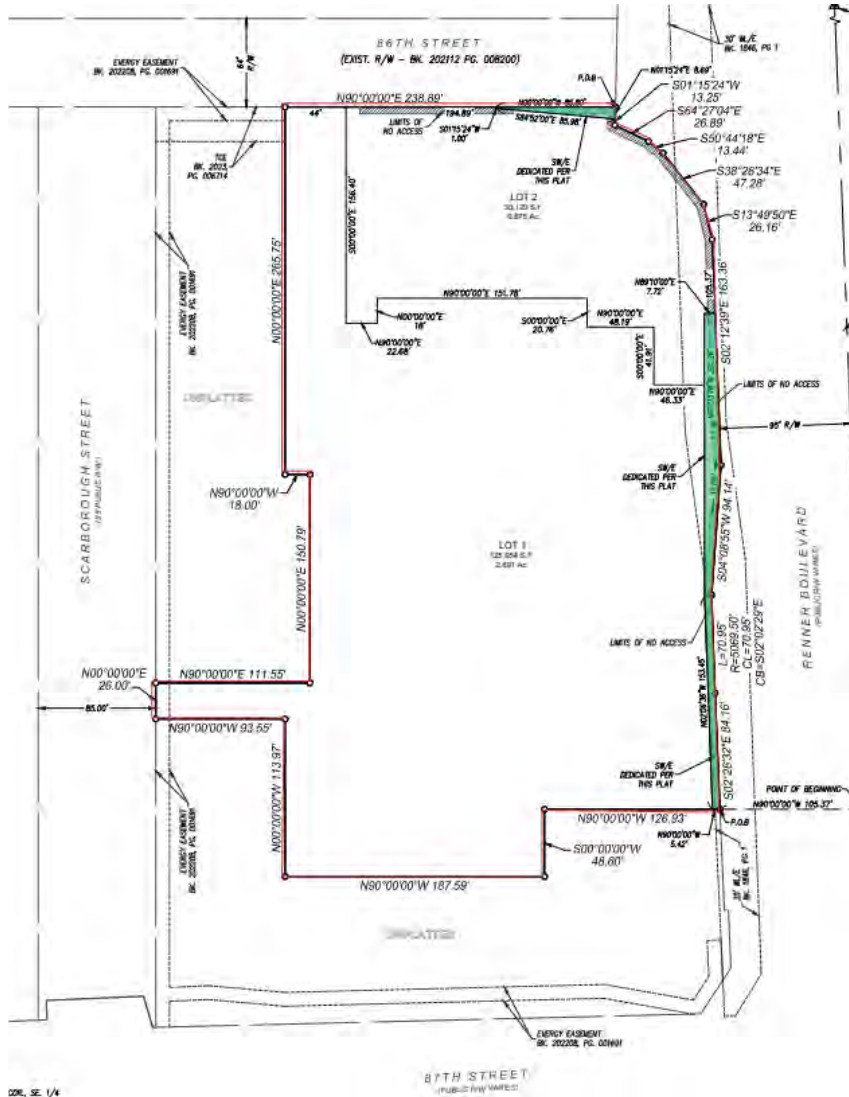


Exhibit 2: AdventHealth Lenexa City Center, Second Plat, with sidewalk easement highlighted in green.

DEVIATIONS

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

NEXT STEPS

- This project requires approval from the Planning Commission and acceptance of dedications by the City Council. Pending an approval from the Planning Commission, the project is tentatively scheduled for consideration from the City Council on October 15, 2024.
- The final plat must be recorded with Johnson County prior to permit(s) being released.
- The applicant must receive permit(s) prior to commencing construction.
- The applicant must obtain a Certificate of Occupancy before opening for business.
- The applicant must obtain a Business License prior to opening for business.
- The applicant should inquire about additional City requirements and development fees.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Staff recommends approval of the proposed Final Plat for AdventHealth Lenexa City Center, Second Plat.**

- This is a final plat of two lots in the City Center Zoning District to facilitate development of a medical office building and parking garage, for which a final plan has already been approved.
- The project is consistent with Lenexa's goals through *Responsible Economic Development* and *Strategic Community Investment* to create a *Thriving Economy*.

FINAL PLAT

Staff recommends **APPROVAL** of the final plat for PT24-14F – **AdventHealth Lenexa City Center, Second Plat** at 8698 Renner Boulevard, for a medical office building and parking garage.

CONSENT AGENDA

1. **AdventHealth Lenexa City Center, Second Plat - Consideration of a final plat for a portion of Area 2 of the AdventHealth campus for property located between Scarborough Street & Renner Boulevard, north of 87th Street Parkway within the CC, Planned City Center District. PT24-12F**
2. **Lenexa Community Center Plat - Consideration of a final plat for a new community center for property located at 9301 Pflumm Road within the HBD, Planned Historic Business and RP-1 Planned Residential Single-Family (Low-Density) District. PT24-14F**
3. **Pine Ridge West, Eighth Plat - Consideration of a final plat to combine three lots into a single lot for property located at 8035 Quivira Road within the BP-1, Planned Business Park District. PT24-13F**
4. **Vista Village Design Guidelines - Consideration of a revised final plan to amend Design Guidelines for a mixed-use development on property located approximately at the southeast corner of Prairie Star Parkway & Ridgeview Road within the PUD, Planned Unit Development District. PL24-08FR**

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1 - 4. Moved by Commissioner Horine seconded by Commissioner Woolf and carried by a unanimous voice vote.



ITEM 4

SUBJECT: Encroachment agreement with Shawnee Mission Medical Center Inc. d/b/a AdventHealth Shawnee Mission

CONTACT: Tim Green, Deputy Community Development Director

DATE: October 15, 2024

ACTION NEEDED:

Approval of the encroachment agreement with Shawnee Mission Medical Center Inc. d/b/a/ AdventHealth Shawnee Mission.

PROJECT BACKGROUND/DESCRIPTION:

Building permits for the new AdventHealth hospital in Lenexa City Center were issued on August 3, 2023. To accommodate telecommunications access into the hospital, AdventHealth must extend private conduits, cables, and handholes into the Renner Boulevard public right-of-way. This proposed encroachment agreement will allow placement of the facilities, indemnify and hold the City harmless, and place maintenance responsibilities on AdventHealth.

STAFF RECOMMENDATION:

Approve the agreement.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Responsible Economic Development

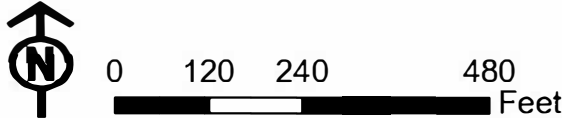
ATTACHMENTS

1. Map
2. Agreement located in the Appendix



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

AdventHealth Campus Encroachment Agreement





ITEM 5

SUBJECT: Amendment One to the encroachment agreement with Adam and Ziyah Pessetto for a stormwater inlet

CONTACT: Scott McCullough, Community Development Director
Steven Shrout, Assistant City Attorney

DATE: October 15, 2024

ACTION NEEDED:

Approval of Amendment One to the encroachment agreement with Adam and Ziyah Pessetto for a stormwater inlet.

PROJECT BACKGROUND/DESCRIPTION:

The City previously entered into an encroachment agreement with Adam and Ziyah Pessetto (the "Pessettos"), owners of 9560 Cherry Lane, on December 6, 2022, to permit the construction of a private stormwater area inlet in a portion of the City's existing public right-of-way. During construction of the inlet, the Pessettos altered its design. As a result, a portion of the inlet as constructed is now located outside the previously approved encroachment area identified in the encroachment agreement. An amendment to the agreement is necessary to ensure it accurately identifies the location of the inlet in the encroachment area.

STAFF RECOMMENDATION:

Approve the amendment.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

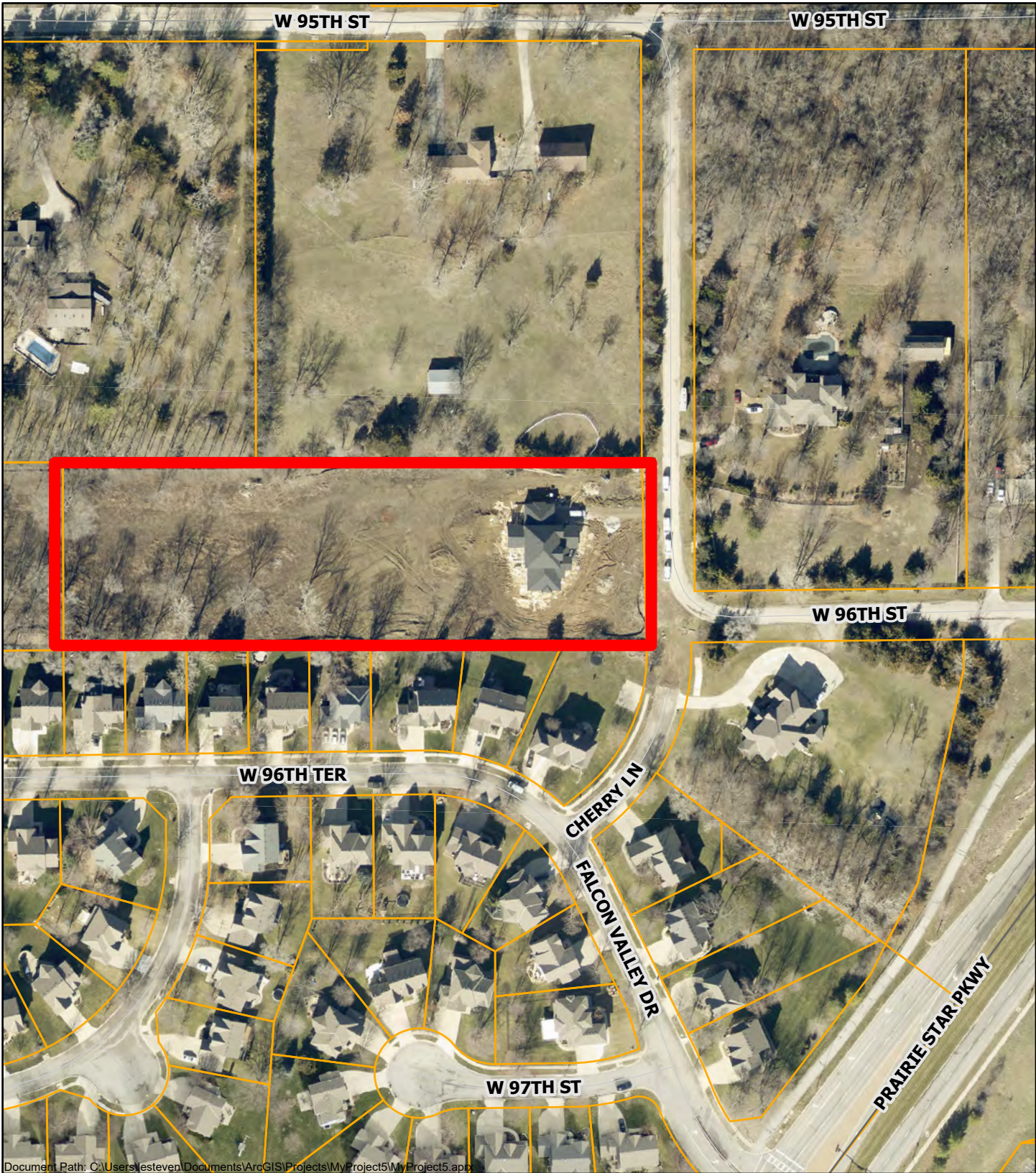
Integrated Infrastructure & Transportation

Guiding Principles

Sustainable Policies and Practices

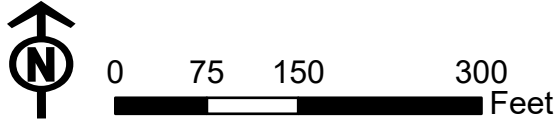
ATTACHMENTS

1. Map
2. Amendment located in the Appendix



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

9560 Cherry Lane





ITEM 6

SUBJECT: Resolution declaring it necessary to appropriate private property for the construction of the 87th and Bluejacket Stormwater Improvements Project

CONTACT: Tim Green, Deputy Community Development Director

DATE: October 15, 2024

ACTION NEEDED:

Adopt a resolution declaring it necessary to appropriate private property for the construction of the 87th and Bluejacket Stormwater Improvements Project ("Project").

PROJECT BACKGROUND/DESCRIPTION:

Staff identified a concentration of failing pipes near the intersection of 87th Street Parkway & Bluejacket Street, as well as in the Pine Ridge Business Park near 84th Street & Melrose Drive. Many of the pipes were eligible for cost-share funding through Johnson County's Stormwater System Rehabilitation Program. Staff submitted the Project and received approval for 2024 construction. After consideration of several consulting firms, staff selected Walter P. Moore to complete the design and prepare construction plans for this Project. Walter P. Moore identified the need to acquire easements on 11 parcels. Construction is anticipated to begin in summer 2025.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The total estimated cost of the project is \$2.1 million, which includes any necessary acquisition costs. The Project will be funded with stormwater cash and Johnson County Stormwater Rehabilitation funds.

Johnson County Stormwater Rehabilitation funds	\$424,000
City of Lenexa Stormwater funds	\$1,676,000

STAFF RECOMMENDATION:

Adopt the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Integrated Infrastructure & Transportation

Guiding Principles

Strategic Community Investment
Sustainable Policies and Practices

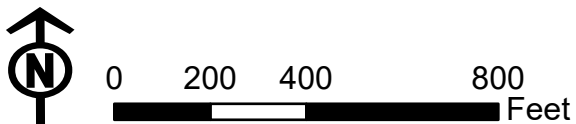
ATTACHMENTS

1. Map
2. Resolution



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

87th and Bluejacket Stormwater Improvements Aerial/Vicinity Map



RESOLUTION NO. _____

A RESOLUTION DECLARING IT NECESSARY TO APPROPRIATE PRIVATE PROPERTY FOR THE USE OF THE CITY OF LENEXA, KANSAS FOR CONSTRUCTION OF CERTAIN PUBLIC IMPROVEMENTS ASSOCIATED WITH THE 87TH AND BLUEJACKET STORM DRAINAGE IMPROVEMENTS PROJECT.

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

87th and Bluejacket Storm Drainage Improvements Project

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

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

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

87th and Bluejacket Storm Drainage Improvements Project

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

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

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

ADOPTED by the City Council this 15th day of October 2024.

SIGNED by the Mayor this 15th day of October 2024.

CITY OF LENEXA, KANSAS

[SEAL]

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven D. Shrout, Assistant City Attorney



ITEM 7

SUBJECT: Resolution approving the annual investment policy for operating funds
CONTACT: Nate Blum, Chief Financial Officer
DATE: October 15, 2024

ACTION NEEDED:

Adopt a resolution approving the annual investment policy for operating funds.

PROJECT BACKGROUND/DESCRIPTION:

The Pooled Money Investment Board (PMIB) for the State of Kansas requires governmental entities with expanded investment powers to review and adopt an investment policy annually. The expanded investment powers allow the City to purchase investments maturing up to four years after the purchase date. Without expanded powers, the City could only purchase investments maturing up to two years after the purchase date.

City staff and Columbia Capital Management, LLC (the City's investment advisor for operating funds) have reviewed the investment policy and are recommending no changes. If the Governing Body approves the investment policy, staff will submit the policy to the PMIB later this year as part of the annual application to renew the City's expanded investment powers.

FINANCIAL IMPLICATIONS/FUNDING SOURCES:

The investment policy guides the investment of the City's operating funds and bond proceeds.

STAFF RECOMMENDATION:

Adoption of the resolution.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Guiding Principles

Prudent Financial Management

ATTACHMENTS

1. Resolution
2. Policy located in the Appendix

RESOLUTION NO. 2024 - _____

A RESOLUTION APPROVING THE CITY'S INVESTMENT POLICY.

WHEREAS, K.S.A. 12-1677b grants expanded investment powers to municipalities where the governing body of the municipality has adopted an investment policy that is approved by the Kansas Pooled Money Investment Board (the "KPMIB"); and

WHEREAS, the City previously adopted Resolution No. 2023-098 approving an investment policy as set out in Governing Body Policy number GB-Finance-2 (the "Investment Policy"), to define investment objectives and to establish procedures to achieve those objectives; and

WHEREAS, in accordance with K.S.A. 12-1677b, the investment policy must be reviewed and approved at least annually or whenever the City makes changes in such investment policy; and

WHEREAS, staff requested Columbia Capital Management, LLC ("Columbia Capital"), who serves as the City's investment adviser for operating funds, review and recommend changes to the Investment Policy; and

WHEREAS, staff and Columbia Capital both recommend approval and re-adoption of the existing Investment Policy without any changes; and

WHEREAS, upon adoption by the Governing Body, staff will submit the Investment Policy to the KPMIB as part of the City's annual application for continuation of the City's expanded investment powers.

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

SECTION ONE: The Governing Body hereby adopts the existing Investment Policy attached in substantially the same form hereto as Exhibit "A" and incorporated herein by reference, as Governing Body Policy number GB-Finance-2. Further, the City Manager, City Attorney, Chief Financial Officer may take further action necessary to update the Investment Policy into the City's current Governing Body policy format.

SECTION TWO: Upon adoption of this Resolution, the City's current Investment Policy number GB-Finance-2 adopted on October 17, 2023 will be amended to reflect its re-adoption effective October 15, 2024 with no additional changes..

SECTION THREE: This Resolution shall become effective upon adoption.

ADOPTED by the Governing Body this 15th day of October, 2024.

SIGNED by the Mayor this 15th day of October, 2024.

CITY OF LENEXA, KANSAS

[SEAL]

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Sean McLaughlin, City Attorney



ITEM 8

SUBJECT: Ordinance approving a three-year special use permit for a daycare, general use for The Learning Playhouse located at 8115 Acuff Lane in the R-1, Residential Single-Family District

CONTACT: Stephanie Sullivan, Planning Manager

DATE: October 15, 2024

ACTION NEEDED:

Pass an ordinance approving a three-year special use permit (SUP) for a daycare, general use for The Learning Playhouse located at 8115 Acuff Lane in the R-1 Residential Single-Family District.

APPLICANT/PROPERTY OWNER:

Megan Todd

PROPERTY LOCATION/ADDRESS:

8115 Acuff Lane

PROJECT BACKGROUND/DESCRIPTION:

The applicant requests approval of an SUP for a daycare, general use in the R-1, Single-Family Residential Zoning District. Per the Unified Development Code (UDC) Section 4-1-B-6, an SUP is required to operate a daycare, general use within the R-1 Zoning District. According to the applicant, The Learning Playhouse proposes to operate as an in-home daycare between the hours of 7 AM and 4:30 PM Monday through Friday, with staggered drop-offs and pick-ups from parents. The daycare will provide care for up to 12 children and maintain required City and State licensing.

Two classifications of daycare are permitted within the R-1, Single-Family Residential Zoning District: daycare, limited is permitted by right, whereas daycare, general is permitted with an SUP. The classification of the use is determined based on the occupancy of the daycare. Daycare, limited use has a maximum occupancy of up to six children and daycare, general use has an occupancy of seven to 12 children. The applicant is currently operating as a daycare, limited use with a business license from the City for that operation.

The Oak Hill Homeowners Association (HOA) Board reviewed the subdivision's deed restrictions and concluded that an in-home daycare would be a business operation, which is prohibited in the Oak Hill neighborhood. Staff advised in its report and at the Planning Commission meeting that private restrictive covenants are a matter of private concern to which the City is not a party. The City is not responsible for the interpretation of or enforcement of such restrictions. Thus, staff evaluates the SUP application based on the criteria of Section 4-1-G-5 of the UDC, regardless of any private restrictive covenant.

STAFF RECOMMENDATION:

Pass the ordinance.

PLANNING COMMISSION ACTION:

This item was considered as Regular Agenda Item 7 at the September 30, 2024 Planning Commission meeting. A public hearing was held. Two members of the public spoke and stated that a home business is not allowed by the HOA regulations and asked that the Planning Commission deny the application based on that. The Planning Commission discussed the applicable criteria for evaluating the application and stated that their evaluation is based on the Golden Criteria and the City does not enforce HOA regulations.

Chairman Poss entertained a motion to recommend **APPROVAL** for a three-year SUP for The Learning Playhouse located at 8115 Acuff Lane in the R-1, Residential Single-Family District. Moved by Commissioner Wagner, seconded by Commissioner Burson, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Vibrant Neighborhoods

Guiding Principles

Responsible Economic Development

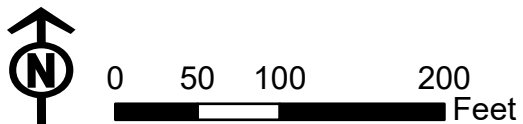
ATTACHMENTS

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



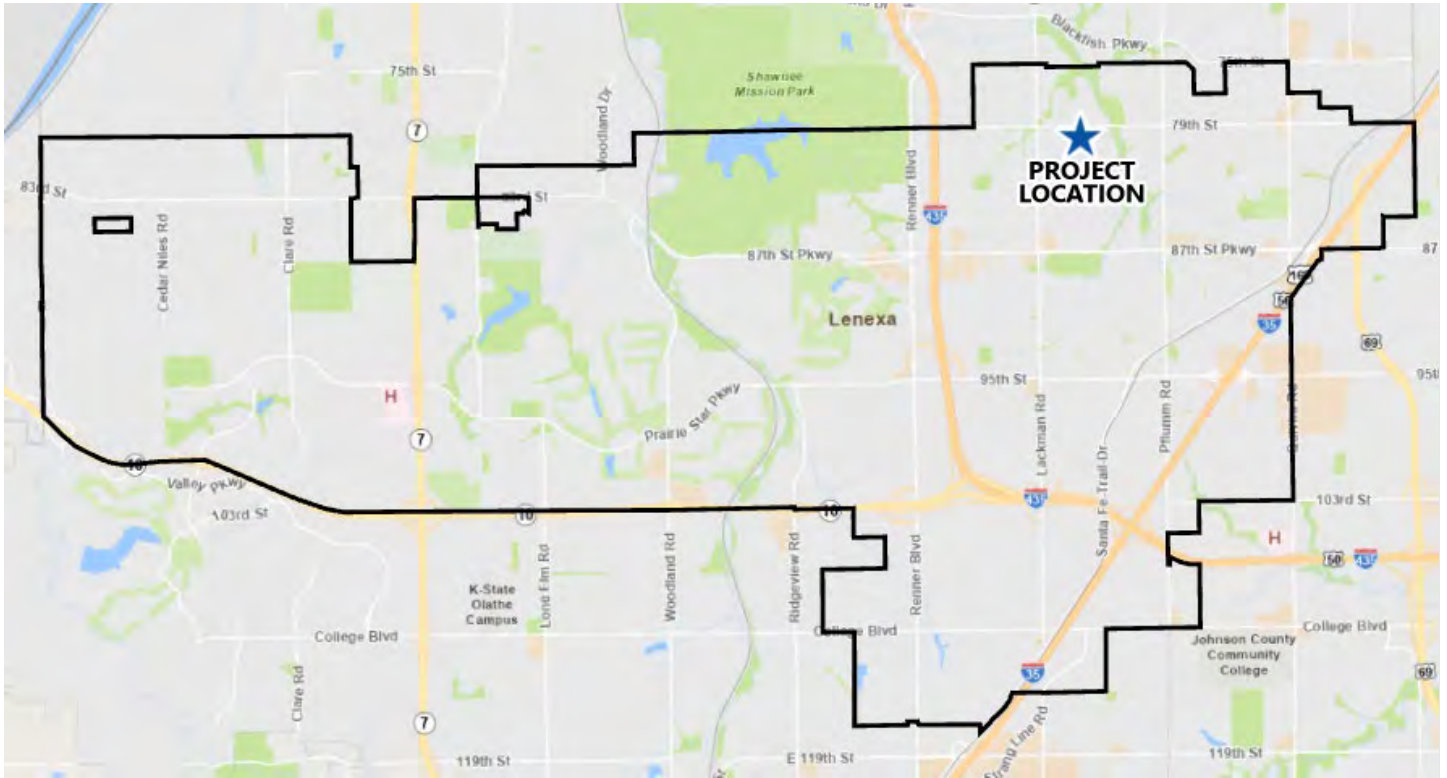
Data Source: City of Lenexa and Johnson County Kansas
For further information, please call 913-477-7500

The Learning Playhouse Special Use Permit



THE LEARNING PLAYHOUSE

Project #:	SU24-06	Location:	8115 Acuff Lane
Applicant:	Megan Todd, Property Owner	Project Type:	Special Use Permit
Staff Planner:	Kim Portillo, AICP	Proposed Use:	Daycare, General



PROJECT SUMMARY

The applicant requests approval of a special use permit (SUP) for a *daycare, general* use in the R-1, Single-Family Residential Zoning District. Per the Unified Development Code (UDC) [Section 4-1-B-6](#), an SUP is required to operate a *daycare, general* use within the R-1 Zoning District. According to the applicant, The Learning Playhouse proposes to operate as an in-home daycare between the hours of 7:00 AM and 4:30 PM Monday through Friday, with staggered drop-offs and pick-ups from parents. The daycare will provide care for up to 12 children. This request requires a Public Hearing at the Planning Commission meeting and consideration by the Governing Body.

STAFF RECOMMENDATION: APPROVAL FOR THREE YEARS

SITE INFORMATION

The subject property is a single-family home located on a 0.23-acre lot in the Oak Hill residential subdivision. The Oak Hill final plat was approved by the Governing Body on July 11, 1983. The home was constructed in 1985 and has been used for single-family residential purposes.

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
0.23	4,166	R-1	Suburban-Density Residential



Exhibit 1: Aerial Image of Subject Site.

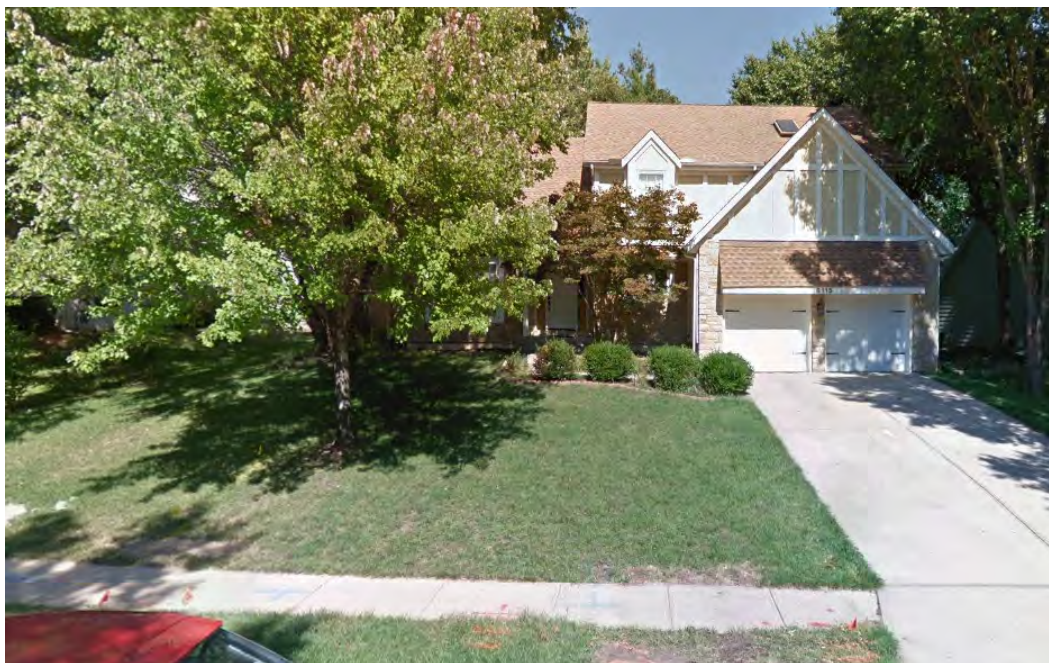


Exhibit 2: 8115 Acuff Lane view from street.

LAND USE REVIEW

The subject property is zoned as R-1, Single-Family Residential District. Two classifications of daycares are permitted within the R-1, Single-Family Residential Zoning District; *daycare, limited* is permitted by right, whereas *daycare, general* is permitted with a special use permit. The classification of the use is determined based on the occupancy of the daycare. *Daycare, limited* has a maximum occupancy of up to six children and *daycare, general* has an occupancy of 7 to 12 children.

The applicant is currently operating as a *daycare, limited* use with a business license from the City of Lenexa for that operation.

The applicant proposes expanding the daycare operation for attendance of 10-12 children per day, which according to the City of Lenexa’s Unified Development Code (UDC) [Section 4-3-C-2](#), would be classified under *daycare, general* use, therefore requiring approval of a special use permit.

Per UDC [Section 4-3-C-2](#), the *daycare, general* use is defined as:

“An establishment that provides care, protection and supervision for 7 to 12 children under 16 years of age on a regular basis away from their primary residences for less than 24 hours per day.”

The proposed hours of operation are Monday through Friday, 7:00 AM to 4:30 PM, with staggered drop offs and pick-ups to ensure minimal traffic disturbance in the surrounding neighborhood. The Learning Playhouse will have two employees, one who lives at the residence and the other who does not live at the home.

The applicant has provided a schedule of the proposed day-to-day operations, which are detailed in Table 1.

TABLE 1: ANTICIPATED DAILY SCHEDULE

Time	Anticipated Activity
7:00 AM – 8:30 AM	Drop off depending on family needs
7:00 AM – 9:00 AM	Morning free play
9:00 AM – 10:30 AM	Morning circle followed by themed centers and preschool curriculum
10:30 AM – 11:00AM	Outside or indoor gross motor time
11:00 AM – 11:20 AM	Books/puzzles, bathroom break and wash for lunch
11:20 AM – 12:00 PM	Lunch
12:00 PM – 12:30 PM	Outside or indoor gross motor time
12:30 PM – 2:00 PM	Story time followed by rest time
2:00 PM – 2:30 PM	Snack
2:30 PM – 3:30 PM	Outside or indoor gross motor time
3:30 PM – 4:30PM	Afternoon free play
4:30 PM	All children have been picked up for the day

Daycares, either limited or general, are uses that are commonly operated from a person’s home as accessory uses. An in-home daycare is an appropriate use within a single-family residential area provided the supplementary use regulations for a daycare within [Section 4-1-B-23-E](#) are met and the use does not negatively impact the surrounding properties. Supplementary regulations include provisions for licensing, residency, employees, outdoor play areas, and traffic. Table 2 describes the land use and zoning designations for the surrounding properties, and it is Staff’s belief that no incompatible land use relationships or hazards will be created.

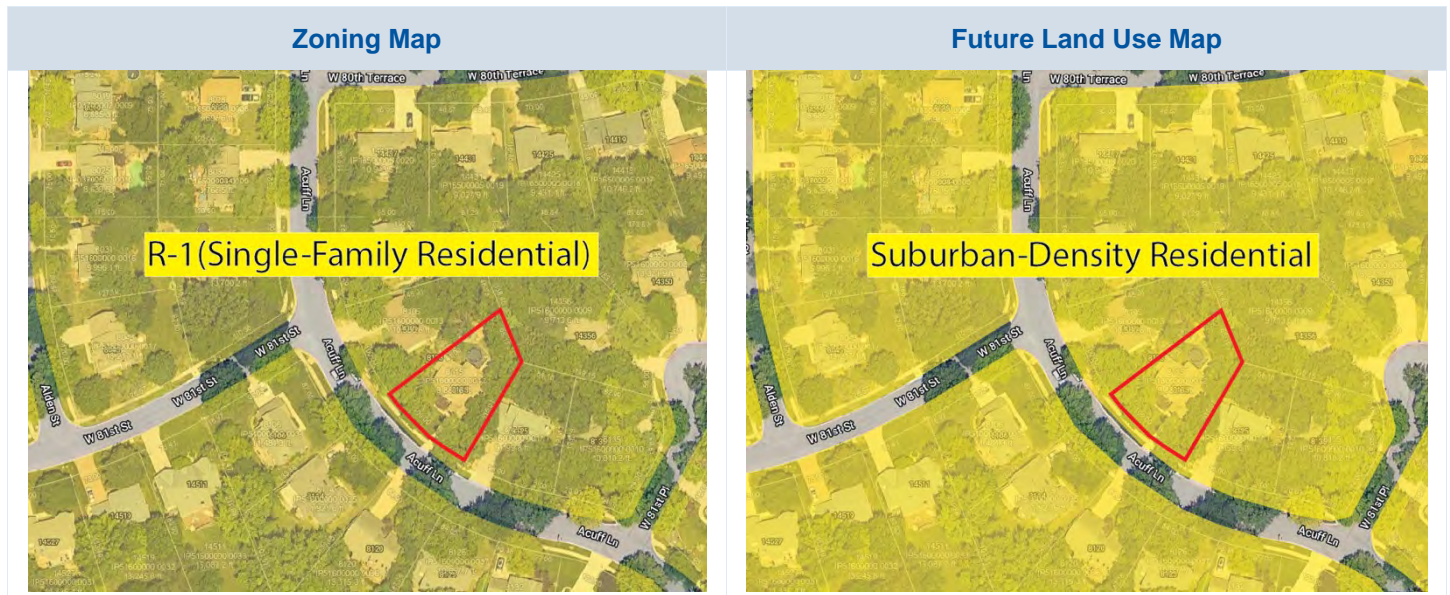


TABLE 2: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Suburban-Density Residential	R-1, Residential Single-Family	Single-Family Homes
North	Suburban-Density Residential	R-1, Residential Single-Family	Single-Family Homes
South	Suburban-Density Residential	R-1, Residential Single-Family	Single-Family Homes
East	Suburban-Density Residential	R-1, Residential Single-Family	Single-Family Homes
West	Suburban-Density Residential	R-1 Residential Single-Family	Single-Family Homes

SUPPLEMENTARY USE REGULATIONS

A daycare use is subject to the supplementary use regulations of Section 4-1-B-23-E of the Unified Development Code. These include the following:

- 1. Licensing: The daycare shall be licensed with the State, obtain required permits from the Department of Community Development and obtain a City business license.**

The applicant has received licensing from the State and is pursuing the special use permit process in order to obtain Community Development approval and City business licensing for the daycare, general use. The applicant is currently licensed and operating as a daycare, limited.

- 2. Duration of Permits: The initial special use permit for a general daycare in residential zoning districts is limited to a maximum of 10 years.**

Staff is recommending initial approval for three years.

- 3. Number of Employees and On-Site Residency for In-Home Daycare: General daycare uses shall have no more than one employee other than the persons who reside on the premises. Limited daycare and general daycare providers shall reside on the premises.**

The applicant owns and resides on the premises and has one employee that does not reside on the premises.

- 4. Outdoor Play Area: Outdoor play areas shall not be located within the required front yard setback.**

The applicant will have all outdoor activities within the fenced-in rear yard.

- 5. Revocation of Permits: The special use permit may be revoked at any time by the Governing Body upon a determination that it is in violation of standards of the Unified Development Code.**

- 6. Accessory Uses: Daycares, preschools and Mother's Day Out programs shall be considered as accessory uses to the primary use of the property when located in religious, educational and community buildings.**

This section is not applicable to the current application as it is not accessory to the aforementioned primary uses.

- 7. Landlord Consent: Owner Consent is required for daycare applications located at rental properties.**

This is not applicable to the current application, as the applicant is the property owner.

- 8. Traffic: Commercial Daycares and daycares that are considered accessory uses to religious, educational and community buildings may be required to submit a traffic impact study to the Transportation Manager for review and approval.**

This section is not applicable to the current application as it is not a commercial daycare or accessory to the aforementioned uses.

SPECIAL USE PERMIT REVIEW

The UDC states that the initial SUP requests for *daycare, general* uses shall be valid for a maximum of 10 years from the date of approval. A neighbor expressed concerns verbally to Staff regarding a safety concern for children playing in the front yard due to traffic on the street and the potential for pick and drop-off to cause traffic. The applicant stated to Staff that no children will be playing in the front yard. Any outdoor activity would occur in the fenced-in rear yard. Parents will be encouraged to park in the driveway for pick-ups and drop-offs and will have staggered schedules to limit the number of vehicles present for pick-up and drop-off at any given time. Based on these considerations, Staff concludes the requested use would not create undue hardship or generate negative impacts on the surrounding properties. However, Staff believes that because the use is new in the neighborhood that a three-year initial SUP period is appropriate to monitor impacts and ensure the use is appropriate for the area.

The HOA Board President also corresponded with the applicant and Staff. The HOA Board reviewed the subdivision's deed restrictions and formed a consensus that an in-home daycare would be interpreted as a business operation, which is prohibited in the Oak Hill subdivision regardless of nuisance concerns. Private restrictive covenants are a matter of private concern to which the City is not a party. The City is not responsible for the interpretation of or enforcement of such restrictions. Thus, Staff evaluates the SUP application based on the criteria of [Section 4-1-G-5](#) of the UDC, regardless of any private restrictive covenant.

Additionally, the applicant expressed a desire to find a different permanent location to operate The Learning Playhouse in the future, with the use of the applicant's home at 8115 Acuff Lane for the daycare being temporary. The applicant expressed they are actively looking for a commercial space, but do not have a specified timeline for relocation.

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

1. The character of the neighborhood.

The surrounding area is comprised of low-density, single-family residential uses.

2. The zoning and use of properties nearby.

The zoning and uses of surrounding properties are listed in Table 2. The use is compatible with surrounding properties.

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

In-home daycares are allowed in Lenexa provided the applicant meets the applicable regulations and ordinances. A "*daycare, general*" use requires that the operator of the daycare obtain an SUP. It is Staff's opinion that this residence is adequately suited for an in-home daycare with a fenced in rear yard and driveway that can accommodate parking for multiple vehicles during drop off an pick up.

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

It is the opinion of Staff that this use will not negatively impact nearby property. Should any concerns arise regarding noise, parking, traffic flow, or any other detriment to nearby property owners while the SUP is active, then Staff could initiate review and potential revocation of the SUP and the applicant would need to reduce the maximum number of children to 6, reclassifying the use as "*daycare, limited*", which is a use permitted by right in the R-1 (Single-Family Residential) Zoning District.

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

The property is occupied as a single-family residence.

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 there would be no gain to the public health, safety, or welfare with denial of this application.

7. Recommendation of City's permanent professional staff.

See the Staff Recommendation at the end of this report.

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

The proposed in-home daycare will not change the primary land use as a single-family residential home. The land use is in conformance with the Future Land Use Map designation of Suburban Density Residential.

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.

Adequate utilities exist on the site. There is no anticipated impact on police, fire, schools, or park facilities.

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

The property has a two-car garage and a driveway that can accommodate four parking spaces. The applicant will encourage parents to park in the driveway and has indicated intent to stagger drop-off and pick-up times to reduce the number of parked cars at any given time. The applicant has also indicated that several of the children that intend on enrolling in the proposed daycare pending approval are siblings, leading to fewer daily drop-offs and pick-ups than the number of participants would otherwise indicate. Staff does not anticipate this use would create a parking problem or adversely affect the capacity or safety of the street network.

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

It is not expected that the proposed daycare would generate excessive stormwater runoff, water pollution, air pollution, noise pollution, excessive 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.

There are no plans for site work or construction that would increase the impervious area of the site or adversely affect the capacity or water quality of the stormwater system or natural assets.

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 operation of a residential daycare is regulated in [Section 4-1-B-23](#) of the Unified Development Code. The applicant is required to comply with regulations such as licensing and number of employees and children. The applicant has complied with applicable processes to date, and it is the opinion of Staff that the applicant is able to satisfy the requirements of the zoning regulations.

DEVIATIONS

The applicant is not requesting any deviations from the UDC.

NEXT STEPS

- 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 by the City Council on October 15, 2024.
- The applicant should inquire about additional City requirements and development fees.
- The applicant must obtain a Certificate of Occupancy before opening for business.
- The applicant must obtain an updated Business License prior to opening for business.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Conduct a Public Hearing.**

★ **Staff recommends approval of the proposed Special Use Permit for The Learning Playhouse.**

- The recommended duration of the SUP approval is three years.
- The requested special use permit is for an in-home daycare for up to 12 children (*daycare, general use*) in the R-1, Single Family Zoning District.
- The project is consistent with Lenexa's goals through **Strategic Community Investment** to create **Vibrant Neighborhoods**.

SPECIAL USE PERMIT

Staff recommends **APPROVAL** of SU24-06 - **The Learning Playhouse** for a special use permit for a *daycare, general use* at 8115 Acuff Lane for a period of three years.

7. **The Learning Playhouse - Consideration of a special use permit to operate an in-home daycare on property located at 8115 Acuff Lane within the R-1, Single-Family Residential District. SU24-06**

APPLICANT PRESENTATION

Megan Todd said that she and husband are seeking a permit to provide in-home childcare for up to 12 children, utilizing their professional experience in early childhood education. Both have degrees and experience as teachers and administrators in early childhood education and aim to create a small-scale childcare program called The Learning Playhouse, offering a nurturing and safe environment for young children. Ms. Todd stated that the permit is intended to serve as a temporary measure to help them save money and eventually transition to a commercial childcare center. She expressed frustration with inconsistent communication from Oak Hill Homeowners Association regarding her business and she believes that outdated bylaws no longer reflect the needs of today's working families. She invited neighbors to visit her home and address any concerns. She received positive feedback from those who visited and remains open to further discussions with any remaining concerned neighbors. She said the special use permit would allow her to support her family while providing much needed childcare to local families.

STAFF PRESENTATION

Kimberly Portillo presented the Staff Report. Ms. Portillo stated the application before them was a special use permit for a daycare, general use. She explained that the Unified Development Code has three classifications of daycare that is based on the number of children that are being served and up to six would be considered a limited daycare, which is allowed by right in the R-1, Single-Family Residential Zoning District. She explained that between seven to twelve children is considered a general daycare, requiring a special use permit, which is what the applicant is seeking. She displayed a location map of the site and provided zoning and Comprehensive Plan information for the property in question. She said the applicant intends to have herself and one other employee and that the daycare will serve up to 12 children, including her own. She stated that the applicant's proposed business hours of operation will be Monday through Friday, 7:00 a.m. to 4:30 p.m. She noted that she would speak in more detail concerning the character of the neighborhood, commenting that a general daycare use is common in a single-family residential neighborhood and the site in question is surrounded by the same zoning. Ms. Portillo said that Staff did receive some concerns from neighbors related to the impact of parents dropping off and picking up children and the potential backup traffic that would be created in the street. Ms. Portillo said that Megan Todd would encourage parents to use her driveway when dropping children off and that their vehicle would be parked in the garage. This will leave the driveway open and there will also be staggered times for both pickups and drop offs. Drop off hours are between 7:00 a.m. and 8:30 a.m. with pick up hours between 2:30 p.m. and 4:30 p.m. Ms. Portillo stated that Staff recommends approval of the application for a three-year period due to neighbor's concerns. The three-year special use approval will give time to see if any issues arise.

PUBLIC HEARING

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

Steve Chernoff, 14905 West 82nd Terrace, stated he has been a Lenexa resident for 37 years and is president of the Oak Hill Homeowners Association (HOA). Mr. Chernoff spoke on behalf of the HOA in opposition to the special use permit for a home daycare business in the Oak Hill subdivision, which is zoned R-1. The Oak Hill HOA Board of Directors has a legal obligation to enforce the subdivision's Declaration of Restrictions, which prohibits any business activities in the neighborhood. Chernoff emphasized that all homeowners, including the applicant, are required to abide by these restrictions. Four attorneys, with experience in real estate law, reviewed

the HOA's restrictions and unanimously agreed that businesses, including home-based ones, are not permitted in the Oak Hill subdivision, regardless of whether the business creates a nuisance or not. Following the legal reviews, the Oak Hill HOA Board unanimously voted (7-0) to enforce the prohibition on public-facing home-based businesses, noting that the board could face legal consequences for not enforcing this restriction. Although the City does not consider deed restrictions when deciding on special use permits (SUPs), the HOA believes that the restrictions are binding and urged the Lenexa Planning Commission to deny the permit for the home daycare business based on the Oak Hill subdivision's governing documents.

Forrest Hanna, 8138 Acuff Lane, said he is not asking the City to enforce the HOA's rules. Instead, he is asking the City to avoid making it difficult for the HOA to enforce its own deed restrictions. He said that HOAs are a valid form of governance, like federal, state, and city governments, and have the legal authority to make and enforce rules. Oak Hill's rules prohibit businesses in the neighborhood, which every homeowner agrees to when purchasing a house. He stated that four lawyers confirmed that Oak Hill's deed restrictions prohibit public-facing businesses from operating in homes within the neighborhood. This ensures the neighborhood remains residential-only, which buyers expect when they invest in homes there. He said that allowing the daycare to operate would make it harder for the HOA to enforce its rules in the future. If the City grants the special use permit, it will complicate the HOA's ability to take legal action against the business. Mr. Hanna asked the City to deny the SUP, maintaining that the R-1 zoning should apply equally to the applicant's home, just as it does to all other homes in the neighborhood.

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

COMMISSION DISCUSSION

Chairman Poss stated that it was his understanding that the HOA regulations do not fall within the purview of the Planning Commission's authority and that the Commission is here to judge on the Golden Criteria.

Scott McCullough, Community Development Director, replied that Chairman Poss was correct and that the City acknowledges HOAs as their own entity. Mr. McCullough added that there are many private restrictions that can and do conflict with City codes. Chairman Poss asked if any action taken by the Planning Commission would take away any authority that the HOA has over the community. Steven Shrout, Assistant City Attorney, stated that an action on a zoning item like this would not have any impact on the enforceability of a private restriction. Mr. Shrout recommended the Planning Commission follow the Golden Criteria and not consider the private restrictions in determining a special use permit.

Commissioner Katterhenry said the Commission has not had any issues with deed restrictions or homeowner association restrictions that have prevented in-home daycares in the past, but he commented that this particular special use permit may open the door to be problematic and possibly involve costly legal issues.

Commissioner Woolf stated that he wished the issue between the HOA and its restrictions had been resolved before the meeting. Mr. Woolf said that it has been acknowledged that there is a clear need for childcare, but there are hurdles related to the HOA's rules that need to be addressed. Although it is not the City's role to act on behalf of the HOA, they are evaluating the situation based on the criteria for the special use permit. He noted that similar permits have been granted in other neighborhoods in the past.

Commissioner Burson stated that he has served on the Commission for nearly a decade, and they have approved numerous daycare special use permits in the past, with only a few denials due to issues with lack of driveways or possibly being a detriment to the neighborhood. Mr. Burson reminded the Commission that the applicant can operate a daycare with up to six children without needing a special use permit, as it is allowed under the current zoning. He emphasized that the Commission's role is not to judge the validity of the subdivision's deed restrictions, but to evaluate the situation based on City Ordinances and Staff

recommendations. He believed City Staff had done a thorough job in reviewing the application and based on this, he is in favor of supporting the permit.

Commissioner Horine pointed out that it is simpler and less expensive to amend deed restrictions to allow for a daycare, compared to fighting against them. The Commission has seen this happen before in other cases. Mr. Horine also acknowledged that many businesses might already be operating out of homes without requiring a special use permit, such as accountants or architects who meet with clients at their homes. In these cases, the homeowner's association (HOA) may not be aware of the business activity. He asked whether there was knowledge of any other businesses currently operating out of homes in the Oak Hill subdivision. Stephanie Sullivan, Planning Manager, said that Staff did research special use permits for daycares in the neighborhood and found no records of special use permit approvals for daycares in that neighborhood.

Chairman Poss commented that the applicant has stated that drop offs and pickups would be staggered and they would be utilizing the driveway. By doing this, the applicant is being proactive and minimizing the impacts on the community.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of SU24-06 - **The Learning Playhouse** for a special use permit for a *daycare, general* use at 8115 Acuff Lane for a period of three years.

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

SU 24-06

ORDINANCE NO. _____

AN ORDINANCE GRANTING A THREE-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED AT 8115 ACUFF LANE IN LENEXA, KANSAS.

WHEREAS, on June 26, 2024, Megan Todd, owner of record, filed a request for a special use permit to an in-home daycare, classified as a daycare, general use, on property located at 8115 Acuff Lane, Lenexa, KS (the "Property"), in the R-1, Residential Single-Family Zoning District; and

WHEREAS, on September 30, 2024, the Lenexa Planning Commission held a public hearing to hear the request for said special use permit. Notice for the public hearing was provided in accordance with K.S.A. 12-757, and

WHEREAS, the Lenexa Planning Commission recommended approval of a Three-Year special use permit to allow a daycare, general, in the R-1, Residential Single-Family Zoning District, as reflected in the minute record for said meeting; and

WHEREAS, on October 15, 2024, the Governing Body considered the request and Planning Commission recommendation, as reflected in the minute record for said meeting;

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

SECTION ONE: The Governing Body hereby approves the issuance of a Three-Year special use permit in the Residential Single-Family Zoning District, for the real estate described as:

LOT 12, OAK HILL.

More commonly known as 8115 Acuff Lane, Lenexa, Kansas.

Hereinafter referred to as (the "Property").

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

SECTION THREE: This Ordinance shall be construed as follows:

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

B. Savings Clause. The repeal of any ordinance or code section, as provided herein, shall not affect any rights acquired, fines, penalties, forfeitures or liabilities incurred thereunder, or any action or proceeding commenced under or by virtue of the ordinance or code section repealed. Any ordinance or code section repealed continues in force and effect after the passage, approval, and publications of this Ordinance for the purposes of such rights, fines, penalties, forfeitures, liabilities, and proceedings.

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

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

PASSED by the Governing Body October 15, 2024.

SIGNED by the Mayor October 15, 2024.

CITY OF LENEXA, KANSAS

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven D. Shrout, Assistant City Attorney



ITEM 9

SUBJECT: Ordinance approving a three-year special use permit for a personal instruction, general use for The Piotrowski Indoor Facility located at 13720 & 13722 W. 108th Street in the BP-2, Planned Manufacturing District

CONTACT: Stephanie Sullivan, Planning Manager

DATE: October 15, 2024

ACTION NEEDED:

Pass an ordinance approving a three-year special use permit (SUP) for a personal instruction, general use for The Piotrowski Indoor Facility located at 13720 & 13722 W. 108th Street in the BP-2, Planned Manufacturing District.

APPLICANT:

Andrew Piotrowski

OWNER:

Prosser Mather Warehouse, LLC

PROPERTY LOCATION/ADDRESS:

13720 & 13722 W 108th Street

PROJECT BACKGROUND/DESCRIPTION:

The applicant requests approval of an SUP for a personal instruction, general use in the BP-2, Planned Manufacturing Zoning District. The Piotrowski Indoor Facility is a private sports conditioning gym that will train youth in a one-on-one or small group environment and will offer fitness classes, after-school programs, and summer camps. The proposed location is a 2,640 square foot facility located at 13720 & 13722 W. 108th Street within a larger existing building. An SUP is required because the facility will be greater than 20% of the entirety of the multi-tenant building that is allowed by right for personal instruction uses in the BP-2 District. The facility is proposed to operate at various times, typically after 3 PM during weekdays and 7 AM to 10 PM on weekends. Adequate parking exists at the site to support this use and the existing tenants.

STAFF RECOMMENDATION:

Pass the ordinance.

PLANNING COMMISSION ACTION:

This item was considered as Regular Agenda Item 5 at the September 30, 2024, Planning Commission meeting. A public hearing was held. No one from the public spoke during the public hearing. Chairperson Poss commented that the applicant's request was straightforward, it looked to have minimal impact on the surrounding area and fit in well within the area. There was no further discussion.

Chairperson Poss entertained a motion to recommend **APPROVAL** for a special use permit for The Piotrowski Indoor Facility located at 13720 & 13722 W. 108th Street in the BP-2 Zoning District. Moved by Commissioner Katterhenry, seconded by Commissioner Macke, and carried by a unanimous voice vote.

VISION / GUIDING PRINCIPLES ALIGNMENT:

Vision 2040

Responsible Economic Development

Guiding Principles

Healthy People

ATTACHMENTS

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



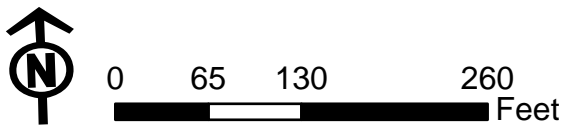
W 107TH ST

W 108TH ST

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

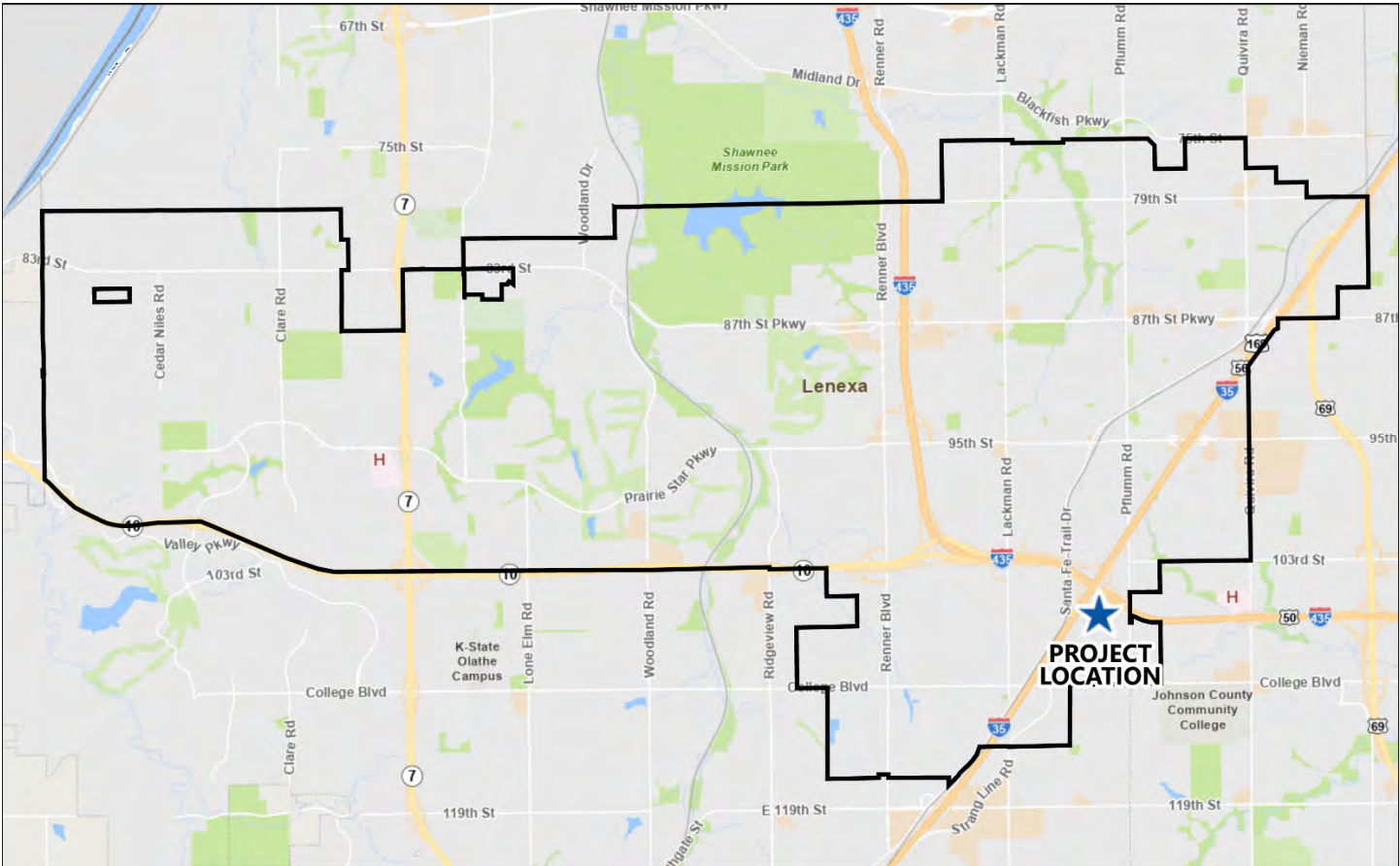
Piotrowski Indoor Facility

SU24-10



PIOTROWSKI INDOOR FACILITY

Project #:	SU24-10	Location:	13720 & 13722 W. 108th Street
Applicant:	Andrew Piotrowski	Project Type:	Special Use Permit
Staff Planner:	Logan Strasburger	Proposed Use:	Personal instruction, general



PROJECT SUMMARY

The applicant is requesting approval for a special use permit (SUP) for the purpose of a *personal instruction, general* use in the BP-2, Planned Manufacturing District. The Piotrowski Indoor Facility is a private sports conditioning gym that trains youth. The proposed location is a 2,640 square foot facility located at 13720 and 13722 W. 108th Street. An SUP is required because the facility will be greater than 20% of the entirety of the multitenant building that is allowed by right for *personal instruction* uses in the BP-2 District. The SUP requires a Public Hearing at the Planning Commission meeting and approval by the Governing Body.

STAFF RECOMMENDATION: APPROVAL FOR THREE YEARS

SITE INFORMATION

The subject site was platted as College Business Park condominiums, Second Plat, in 1985 and the subject building was constructed the same year. Each unit in the subject building is one of six lots on the plat. Originally, the site was zoned Agriculture until it was developed in 1985 and rezoned to MP, Manufacturing Park, which today equates to the BP-2, Planned Manufacturing District. The applicant proposes to occupy Lot 1 (13720 W. 108th Street) and Lot 2 (13722 W. 108th Street) of the College Business Park Condominiums, Second Plat.

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
1.1	Building: 7,920 Tenant Space: 2,640	BP-2	Business Park



Exhibit 1: Aerial Image of subject site.



Exhibit 2: Google Street view of the front of subject building from 108th Street.

LAND USE REVIEW

The subject site, 13720-13722 W. 108th Street, is in the BP-2, Planned Manufacturing District. The site has been occupied by Jade Dental Laboratory since the building's construction in 1985. Jade Dental Laboratory engaged in office and dental laboratory uses.

According to the applicant, the Piotrowski Indoor Facility will be operated by the Piotrowski family and will offer sport performance training and conditioning for youth associated with the Piotrowski family, ages six to 18 years of age. The facility proposes to offer fitness classes, after-school programs, and summer camps. Sport performance training and conditioning in a one-on-one environment or in small groups is classified as *personal instruction* per [Section 4-3-C-3](#) of the Unified Development Code (UDC).

This use in the BP-2 Zoning District necessitates a special use permit because the proposed facility size accounts for 33% of the multitenant building, exceeding the maximum limit of 20% for the entire structure.

Hours of operation will vary during the school year, with majority of weekday activity occurring after 3 PM and varying times between 7 AM and 10 PM on the weekends. During breaks from school, the times for utilizing the facility will vary during the week and weekends from 7 AM to 10 PM.

The parcel that the subject facility is located is designated as Business Park on the Future Land Use Map in the Comprehensive Plan. The proposed use is compatible within the context of existing land uses.

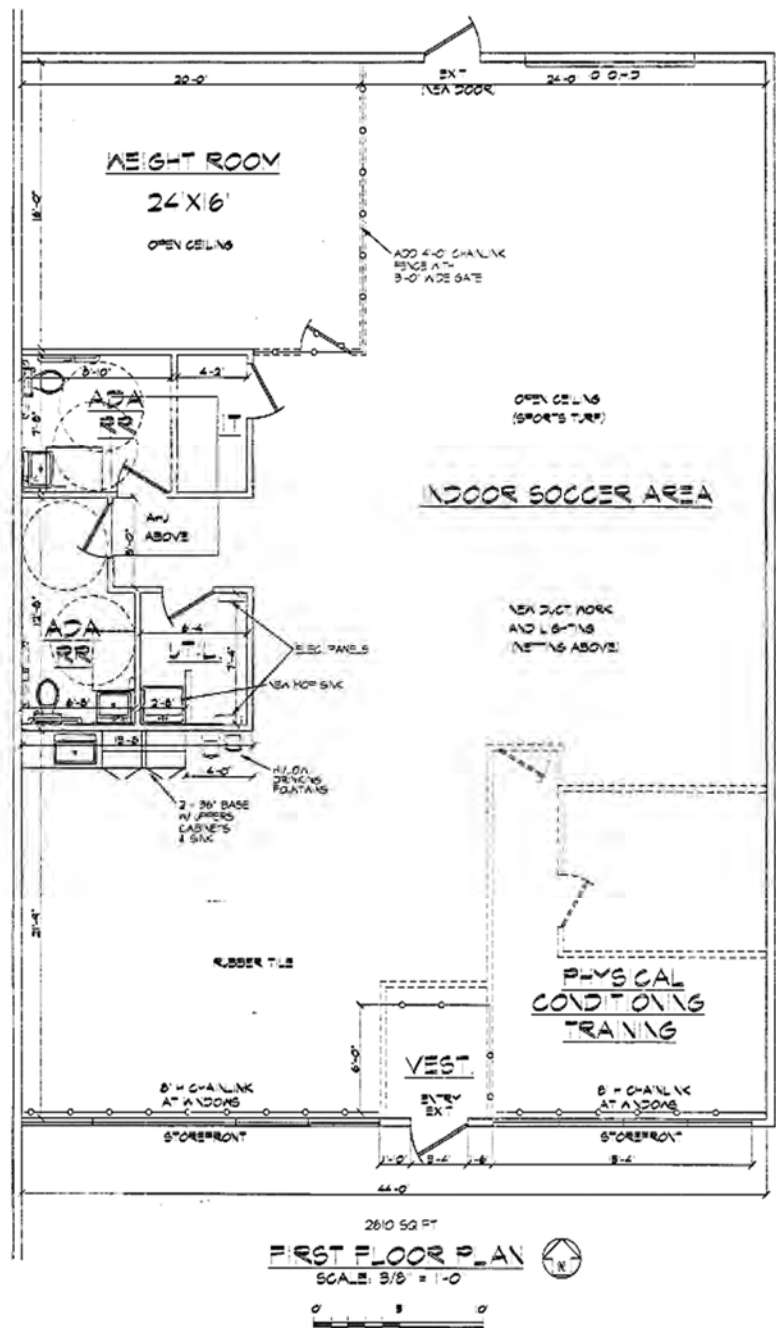


Exhibit 3: Excerpt of building plan for subject site.

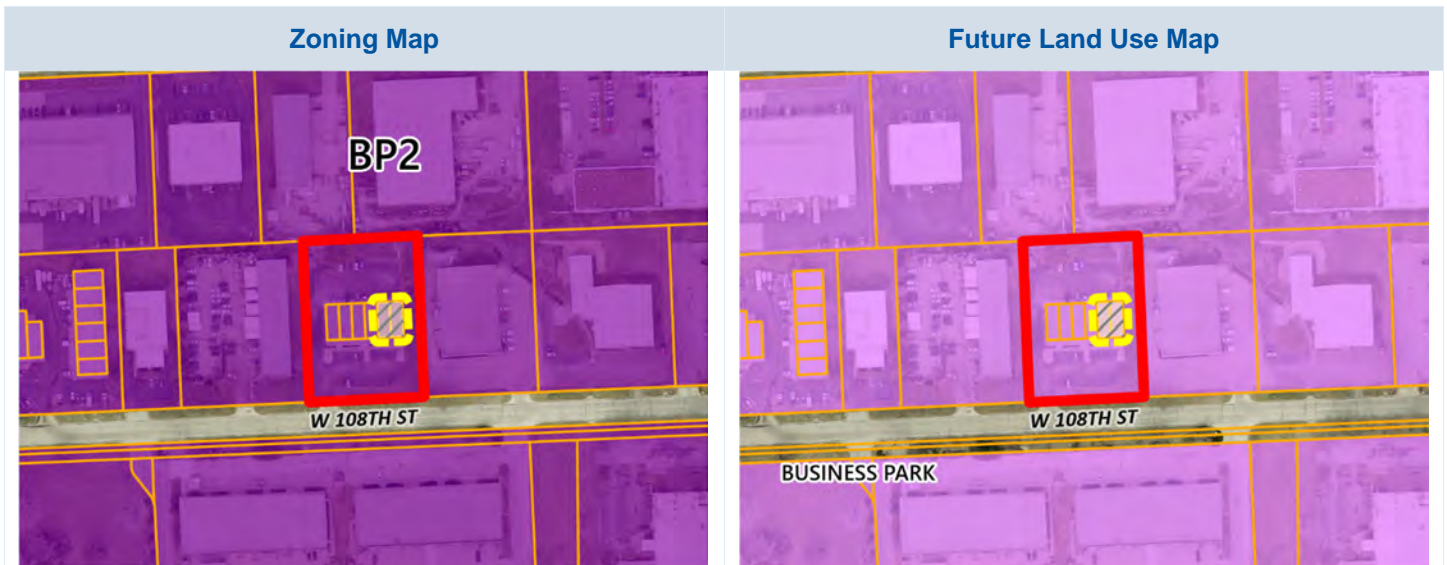


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Business Park	BP-2, Planned Manufacturing District	Office; Warehousing, limited
North	Business Park	BP-2, Planned Manufacturing District	Industrial and business equipment and supplies
South	Business Park	BP-2, Planned Manufacturing District	Wholesale and warehousing, limited
East	Business Park	BP-2, Planned Manufacturing District	Office; Warehousing, limited; Wireless communication facility
West	Business Park	BP-2, Planned Manufacturing District	Vehicle and equipment repair; office

SUPPLEMENTARY USE REGULATIONS

There are supplementary use regulations to consider for a *personal instruction* use within a business park. Staff provides the follow analysis to the supplementary use regulations criteria within [Section 4-1-B-23-AC](#) of the UDC:

- 1. The initial special use permit shall be valid for a maximum of 3 years from the date of approval. The first renewal and all subsequent renewals may be approved for up to 10 years, provided all standards of performance are being met.**

This is the applicant’s first special use permit for *personal instruction* use at the subject site. After reviewing supplementary use regulations and special use permit review criteria, Staff recommends this initial special use permit be valid for three years.

2. All uses are required to meet all applicable Building Code, zoning district, and Fire Code standards for public occupancy.

Staff has communicated to the applicant the requirements to meet applicable building, zoning, and fire code standards for public occupancy. A building permit and certificate of occupancy application has been submitted and is under review, pending consideration of the special use permit.

3. The special use permit may be revoked at any time by the Governing Body upon a determination that the use is in violation of the stipulations of approval, standards of this Section or any other City Code requirement.

Staff has communicated to the applicant the City's right to revoke any special use permit upon determination that the use is in violation of conditions of approval, standards of the supplementary use regulations, or any other City Code requirement.

4. All functions shall be within enclosed buildings. Exceptions may be approved for outdoor activity areas such as drivers training and similar functions, incidental to the use.

The applicant has stated that all functions will be located within the building.

5. Hours of operation may be restricted to minimize the impact of the commercial use on adjoining properties.

Hours of operation for neighboring properties are generally weekdays during standard business hours. The proposed facility will generally operate in the late afternoon and evening during the week. It is Staff's opinion that the proposed facility's hours of operation will not adversely impact adjoining properties.

6. Adequate off-street parking shall be provided to meet the needs of the personal instruction use. No on-street parking or loading facilities shall be permitted in association with such activity. The use shall not cause undue traffic congestion or accident potential given anticipated business and the design of adjacent streets, intersections, and traffic controls.

See the traffic and parking analysis further in this report.

7. Whenever possible, vehicular, and outdoor use areas should be designed to reduce impacts to adjoining properties. To protect neighboring property from potential loss of use or diminishment of land value, the Community Development Director may recommend, and the Planning Commission may approve an increase of the land use buffer factor for approved vehicular and outside use areas.

The subject site is in a business park. All surrounding properties are zoned BP-2, Planned Manufacturing District. The proposed use is not of greater intensity than adjoining uses. Staff does not believe the proposed facility will increase the likelihood of potential loss of use or diminishment of land value, therefore no additional land use buffers are required.

8. Personal instruction uses located within business parks shall be located, scaled, and oriented to compliment the surrounding business park. The following additional criteria shall be used in determining the size, type, and location of these uses:

- a. Safe Vehicular Access: The use shall not cause undue traffic congestion or accident potential given anticipated business and the design of adjacent streets, intersections, and traffic controls. Circulation patterns should be designed to accommodate the traffic reasonably anticipated at such a facility.**

Staff does not anticipate undue traffic congestion or accident potential. There is sufficient vehicle parking serving the subject site. See traffic and parking analysis further in this report.

- b. Proximity to other existing and proposed similar uses. Locations along the fringe of business parks and with direct access and visible from major roadways are preferred.**

The proposed facility is near other existing *personal instruction* uses. The subject site is near Pflumm Road and is on the periphery of the business park.

- c. Provisions of adequate evening hour illumination of the surrounding area.**

Staff believe there is adequate evening hour illumination along the street and on the subject site.

- d. Proximity to existing heavy industrial and distribution uses necessary to minimize conflicts with the general public entering the area.**

Properties immediately adjacent to the subject site do not engage in heavy industrial and distribution uses.

- e. Ability to protect surrounding business park uses from any negative impacts from the use.**

Staff is of the opinion that the proposed facility for *personal instruction* use will not negatively impact surrounding business park uses.

- f. Locations should be selected to limit or restrict the mixing of passenger vehicles with delivery vehicles especially within loading and truck maneuvering areas. Restrictions may be placed on the commercial use that limits the type and amount of traffic in order to ensure compatibility with the surrounding land uses, safe site ingress and egress, and on-site maneuverability. Such facilities may be required to submit a traffic impact study to the Transportation Manager for review and approval.**

The subject site does not include any semi-truck or other large vehicle maneuvering/loading areas. Vehicles associated with adjacent tenant include sedans and pickup trucks. Staff believes the *personal instruction* use is compatible with surrounding land uses. Therefore, Staff does not recommend restrictions on the proposed facility.

SPECIAL USE PERMIT REVIEW

The *personal instruction* use is classified either as *limited* or *general*. The distinguishing feature between the two classifications is primarily the size and proportion of the facility to the multitenant building it occupies. The Piotrowski Indoor Facility is classified as a *personal instruction, general* use because the proposed 2,640 SF facility constitutes 33% of the building, which exceeds 20% of the entire multitenant building and triggers the requirement for approval of a special use permit. In the BP-2 Zoning District, *personal instruction, limited* uses are allowed by right while *personal instruction, general* uses require a special use permit.

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

1. The character of the neighborhood.

The vicinity consists of primarily office, warehouse, vehicle and equipment repair, and a wireless communications facility. Interstate 435 is nearby to the north. The proposed site to be occupied by the Pitrowski Indoor Facility, as well as surrounding properties, are multitenant buildings. The proposed use would not be out of character for the area because it will be contained wholly within the building.

2. The zoning and use of properties nearby.

Surrounding zoning and land uses are summarized in Table 1.

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

Personal instruction, general uses are allowed as a special use within the BP-2 District. It is the opinion of Staff that the property, as currently developed, provides the access and parking required for the proposed use.

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

Staff does not foresee any negative externalities or impacts on nearby properties. The neighboring tenant operates an office and with warehousing for a construction company, with operating hours from Monday to Friday, 8 AM to 5 PM. Most of their traffic is concentrated in the morning and evening, with work pickup trucks arriving and departing the site throughout the day on weekdays.

The hours of operation for the Piotrowski Indoor Facility offset the neighboring tenants and other businesses operating hours located within the business park. All activities related to the *personal instruction* use will take place inside the building. The special use permit may be revoked if it is found that the use causes adverse effects on surrounding property.

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

The subject building was constructed in 1985 and has had one consistent tenant, Jade Dental Laboratory, from 1985 until this year. The other portion of the building not occupied by Jade Dental Laboratory has been office and warehousing space for the property owner's construction company office and warehousing.

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.

Staff does not see any gain to public health, safety, and welfare from denying this application.

7. Recommendation of City's permanent professional staff.

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

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

The property will retain its BP-2 zoning designation. The Business Park future land use category primarily designates more intense commercial and industrial uses by right; however, the zoning district does allow for *personal instruction* uses subject to the supplementary regulations of [Section 4-1-B-23-AC](#).

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 and services are adequate to serve the proposed use.

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 that the approval of this special use permit will not adversely affect the area's existing street network or create parking issues. The entire parking lot has 47 spaces. The applicant has stated that they have 20 parking spaces allotted for their facility though the code requires only eight.

The parking lot that serves the subject site is private and reserved for existing tenants of the multitenant building, which are the property owner's office and warehousing space for a construction company and the prospective tenant, the Piotrowski Indoor Facility.

At Right: Exhibit 4: Aerial graphic of the 20 allotted parking spaces, highlighted in red.



TABLE 2: PARKING ANALYSIS					
Land Use	Parking Formula	Required Parking	Proposed Parking	Difference	
Personal instruction, general (2,640 SF)	.5 spaces per person in largest class (max 15 at any one time)	8	17	47	+ 30
Office (1,320 SF)	1 per 250 SF	6			
Warehousing, limited (3,960 SF)	1 per 1,500 SF	3			

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

All activities related to this permit will occur inside the building. Staff does not anticipate additional environmental impacts with the proposed use.

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

There are no proposed modifications to the stormwater system or increase to the overall amount of impervious area. For these reasons, the proposed use would not adversely affect the capacity of water quality of the stormwater system.

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

The applicant has demonstrated an ability to satisfy applicable zoning regulations and other ordinances.

DEVIATIONS

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

NEXT STEPS

- 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 October 15, 2024.
- The applicant must receive permit(s) prior to commencing construction.
- The applicant must obtain a Certificate of Occupancy before opening for business.
- The applicant must obtain a Business License prior to opening for business.
- The applicant should inquire about additional City requirements and development fees.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Conduct a Public Hearing.**

★ **Staff recommends approval of the proposed Special Use Permit for the Piotrowski Indoor Facility.**

- The project is consistent with Lenexa’s goals through ***Responsible Economic Development*** to create ***Healthy People***.
- *Personal instruction* uses in adjacent tenant spaces within the subject building will be required to obtain a special use permit if this request for a special use permit is approved.
- The initial duration of this special use permit is limited to three years as required by [Section 4-1-B-23-AC-1](#) of the UDC, after which it may be extended for up to ten years for subsequent renewals.

SPECIAL USE PERMIT

Staff recommends **APPROVAL** of SU24-10 - **Piotrowski Indoor Facility** for a special use permit for a *personal instruction, general* use at 13720 & 13722 W. 108th Street for a period of three years with no conditions.

REGULAR AGENDA

5. **Piotrowski Indoor Facility - Consideration of a special use permit to allow a personal instruction, general use for private athletic training on property located at 13720 West 108th Street within the BP-2, Planned Manufacturing District. SU24-10**

APPLICANT PRESENTATION

Andrew Piotrowski explained that he and his wife were planning to open a youth fitness facility in Lenexa. Their idea stemmed from their desire to provide a place for their son, his classmates, and teammates to train year-round, especially as their son plays competitive hockey and lacrosse. After losing their daughter, a high schooler at Shawnee Mission East, three years ago, they sought to create a positive impact on the community and support the youth. The facility would focus on keeping kids out of trouble, offering fitness programs and clinics led by coaches. It would primarily operate after school during the school year and host summer clinics, including activities for both kids and parents. The goal is to create a safe, supportive environment for youth development.

STAFF PRESENTATION

Logan Strasburger stated that the request was for a special use permit for a personal instruction general use in the BP-2, Planned Manufacturing Zoning District. Ms. Strasburger displayed a location map of the proposed site and provided zoning and Comprehensive Plan information for the property in question. She provided the history and background of the two tenant spaces within the facility where Mr. Piotrowski was requesting the special use permit. She explained that the space would be used for private one on ones and sports team training. The proposed hours of operation will vary, but most of the activity would be conducted after school, so possibly 3 p.m. to 10 p.m., and weekends but hours of operation could vary. She displayed the criteria by which the application was reviewed by Staff and explained that each of the criteria was discussed in detail within the Staff Report. She elaborated on traffic impact, stating that the applicant would have 20 designated parking spots for their tenant space and because neighboring tenants are a construction company and hours are generally 8 a.m. to 5 p.m. Monday through Friday, Staff had no concerns about the amount of parking on site or any conflict with traffic flow. Ms. Strasburger stated that Staff recommends approval of the special use permit for a period of three years because there are supplemental regulations for personal instruction uses that require the first special use permit to be a limited duration of three-years.

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

COMMISSION DISCUSSION

Chairman Poss commented that the applicant's request was straightforward, it looked to have minimal impact on the surrounding area and fit in well within the existing development.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of a SU24-10 - **Piotrowski Indoor Facility** for a special use permit for a *personal instruction, general* use at 13720 & 13722 W. 108th Street for a period of three years with no conditions.

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

DRAFT

SU 24-10

ORDINANCE NO. _____

AN ORDINANCE GRANTING A THREE-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED AT 13720 & 13722 W. 108TH STREET, IN LENEXA, KANSAS.

WHEREAS, on August 27, 2024, Andrew Piotrowski, agent for Prosser Mather Warehouse, LLC, owner of record, filed a request for a special use permit to allow for a personal instruction, general use, on property located at 13720 & 13722 W. 108th Street, Lenexa, KS (the "Property"), in the BP-2, Planned Manufacturing Zoning District; and

WHEREAS, on September 30, 2024, the Lenexa Planning Commission held a public hearing to hear the request for said special use permit. Notice for the public hearing was provided in accordance with K.S.A. 12-757, and

WHEREAS, the Lenexa Planning Commission recommended approval of a Three-Year special use permit to allow a personal instruction, general use, in the BP-2, Planned Manufacturing Zoning District, as reflected in the minute record for said meeting; and

WHEREAS, on October 15, 2024, the Governing Body considered the request and Planning Commission recommendation, as reflected in the minute record for said meeting;

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

SECTION ONE: The Governing Body hereby approves the issuance of a Three-Year special use permit in the Planned Manufacturing Zoning District, for the real estate described as:

UNIT NO. 1 AND UNIT NO. 2, AND THE PERCENTAGES OF THE COMMON ELEMENTS APPURTENENT THERETO AS ESTABLISHED IN THE CONDIMUNIUUM DECLARATION, COLLEGE BUSINESS PARK CONDOMINIUM SECOND PLAT, A SUBDIVISION IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS.

UNIT NO. 1 IS MORE COMMONLY KNOWN AS 13720 W. 108TH STREET, LENEXA, KS

AND

UNIT NO. 2 IS MORE COMMONLY KNOWN AS 13722 W. 108TH STREET, LENEXA, KS.

Hereinafter referred to as (the "Property").

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

SECTION THREE: This Ordinance shall be construed as follows:

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

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

PASSED by the Governing Body October 15, 2024.

SIGNED by the Mayor October 15, 2024.

CITY OF LENEXA, KANSAS

Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven D. Shrout, Assistant City Attorney



**CITY COUNCIL
MEMORANDUM**

ITEM 10

SUBJECT: Preliminary plan for Renner 87, a mixed-use development in City Center, located at the northeast corner of 87th Street Parkway & Renner Boulevard in the CC, Planned City Center District - **WITHDRAWN BY THE APPLICANT**

CONTACT: Stephanie Sullivan, Planning Manager

DATE: October 15, 2024

APPLICANT:
Justin Berry, Price Development

OWNER:
87 Renner LLC

DESIGN PROFESSIONAL:
Patrick Reuter, Klover Architects

PROPERTY LOCATION/ADDRESS:
Northeast corner of 87th Street Parkway & Renner Boulevard

PROJECT BACKGROUND/DESCRIPTION:
The applicant has requested that this item be withdrawn.



**MINUTES OF THE
OCTOBER 1, 2024
LENEXA CITY COUNCIL MEETING
COMMUNITY FORUM, 17101 W 87th STREET PARKWAY
LENEXA, KS 66219**

CALL TO ORDER

Mayor Sayers called the meeting to order at 7 PM.

ROLL CALL

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

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

APPROVE MINUTES

Councilmember Herron made a motion to approve the September 17, 2024 City Council meeting draft minutes and Councilmember Charlton seconded the motion. Motion passed unanimously.

MODIFICATION OF AGENDA

There were no modifications to the agenda.

PROCLAMATIONS

Fire Prevention Month
National Arts and Humanities Month
National Community Planning Month

CONSENT AGENDA

1. Amendment No. 1 to the construction agreement with Prosser Wilbert Construction for the Ad Astra Reconstruction Project
Prosser Wilbert Construction proposes to amend the construction agreement for the Ad Astra Reconstruction Project for guaranteed maximum price package (GMP) #1. GMP #1 consists of site demolition for a total of \$240,586.
2. Addendum No. 3 to the engineering consultant agreement with Braun Intertech Corporation to provide sampling and testing services for construction materials
Braun Intertec Corporation was selected in February 2023 as the City's consultant to perform quality assurance testing for materials used during the construction of Capital Improvement Program projects and privately financed public improvements.

Addendum No. 3 extends the current agreement by one additional year and sets the maximum fee for services at \$150,000.

3. Resolution authorizing the sale, possession, and consumption of alcohol at the 2024 Lenexa Chili Challenge
The 2024 Lenexa Chili Challenge will be held October 11-12, 2024. To permit the sale, possession, and consumption of alcoholic liquor at the event, the City must approve a resolution which recognizes the Lenexa Chili Challenge as a special event as defined by state law, designate the boundaries of the event where alcohol may be consumed, and identify the public streets to be closed. The resolution will approve the Rotary Club of Lenexa as a designated vendor to sell alcohol at the Chili Challenge.
4. Resolution repealing Resolution 2020-71 regarding the intent of the City to issue its industrial revenue bonds for the Sims Global Solutions Project
Kansas Land Group, LLC has failed to correct Lenexa City Code violations and the City believes it is in its best interest to terminate the industrial revenue bonds authorization and the associated payment in lieu of taxes agreement.
5. Ordinance authorizing the issuance of industrial revenue bonds (IRBs) in the principal amount not to exceed \$16.5 million (Villas at Vista Village - Phase I)
In 2022, the City Council passed a resolution stating the City's intent to issue up to \$32.5 million in industrial revenue bonds (IRBs) in multiple issuances to help finance the acquisition, construction, and equipping of an mixed-use multi-family villa and retail development located southeast of the intersection of Prairie Star Parkway & Ridgeview Road in the Vista Village development. This issuance of \$16.5 million in IRBs will be for the first phase of the development.
6. Ordinance adopting the annual appropriations for the fiscal year 2025 budget
As part of the annual budget process, state law requires the City to pass an ordinance authorizing and ratifying the payment of all claims and invoices received during fiscal year 2025 provided there are budgeted funds for the payments. The proposed ordinance also authorizes the Mayor to execute all ongoing licensing and maintenance agreements included in the annual budget that exceed \$75,000 without further approval.

END OF CONSENT AGENDA

Councilmember Karlin made a motion to approve items 1 through 6 on the consent agenda and Councilmember Eiterich seconded the motion. Motion passed unanimously.

NEW BUSINESS

There was no new business.

COUNCILMEMBER REPORTS

Councilmember Herron talked about National Night Out held at the Lenexa Justice Center earlier tonight.

STAFF REPORTS

Todd Pelham, Deputy City Manager, said that there would be no Committee of the Whole meeting next week.

END OF RECORDED SESSION

BUSINESS FROM FLOOR

There was no business from the floor.

ADJOURN

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

The meeting adjourned at 7:13 PM.

Proclamation

WHEREAS, Amplified Musculoskeletal Pain Syndrome (AMPS) or Complex Regional Pain Syndrome (CRPS), is a progressive condition affecting the nervous tissue, which is poorly understood, under-recognized, and often misdiagnosed; and

WHEREAS, this condition can strike anyone, most cases follow some form of traumatic event; some cases begin with something as simple as a fall on the playground or without a known event at all. The pain that results is far out of proportion of what would be expected; and

WHEREAS, the medical community considers this condition as the most painful, children with this condition often will also have pain caused by something that normally should not be painful. Symptoms may include pain in the limbs, whole body, abdomen, headaches, changes in skin temperature and color, and swelling of the affected extremity; and

WHEREAS, early diagnosis and treatment are key to better outcomes, most sufferers see multiple doctors and wait months to years for an accurate diagnosis. Often, the diagnosis comes too late and any hope for remission is lost. Even with remission, there is no cure; and

WHEREAS, sufferers cope with unbearable physical pain, intense emotional distress, and severe mental anguish with few options for ongoing support, treatment, financial aid, and pain relief.

NOW, THEREFORE, I, Julie Sayers, Mayor of Lenexa, KS do hereby proclaim November 4, 2024 as,

COLOR THE WORLD ORANGE DAY

and further declare the month of November 2024 as

AMPS/CRPS AWARENESS MONTH

IN WITNESS WHEREOF, I have hereunto set my hand this 15th day of October, 2024.

ENCROACHMENT AGREEMENT

THIS AGREEMENT is entered into this ____ day of October, 2024 by and between Shawnee Mission Medical Center Inc. a Kansas not for profit corporation d/b/a AdventHealth Shawnee Mission (“Grantee”) and the City of Lenexa, Kansas, a Kansas municipal corporation (“City”).

WHEREAS, Grantee is the owner of a the AdventHealth Lenexa City Center Hospital located at 16950 W. 86th Street, Lenexa, Johnson County, Kansas, and legally described in Exhibit A attached hereto and incorporated by reference (“Property”); and

WHEREAS, Grantee has constructed underground conduit and cable facilities, including, but not limited to hand holes, on Grantee’s property and into a portion of the City’s existing public Right-of-Way within an area legally described in Exhibit B, which is attached hereto and incorporated by reference (“Encroachment Area”); and

WHEREAS, Grantee intends to transfer ownership of said underground conduit and cable facilities, including, but not limited to hand holes, to future heirs, agents, successors, and assigns to use said facilities to provide utility services to the Grantee’s Property; and

WHEREAS, City agrees to permit such encroachment upon the Right-of-Way pursuant to the conditions contained herein.

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

1. Encroachment Upon the Right-of-way. City agrees to permit Grantee and its heirs, agents, successors and assigns, to encroach upon said Right-of-Way for the purpose of the conduit and related facilities and any necessary related improvements or equipment (“Encroachment”), together with the right of access thereto for maintenance of said encroachment. The location of Encroachment is limited to the Encroachment Area described in Exhibit B. Grantee agrees that the use of said Encroachment will be undertaken in such a way to minimize any damage to the Right-of-Way and Grantee expressly agrees to pay 100% of any damage to said Right-of-Way that should occur during said use by Grantee or any other individual or entity authorized or otherwise permitted by Grantee to use the Encroachment. Grantee further agrees that the Encroachment as constructed and maintained shall not obstruct or hinder the usual traffic or public safety on the right-of-way or obstruct the legal use by other entities authorized to occupy the public right-of-way. Grantee acknowledges that the rights granted to Grantee in this Agreement relate solely to the use of the Encroachment Area described herein and, except as expressly provided in this Agreement with respect to relocation, this Agreement does not grant Grantee any rights

relating to the use of any other land. Grantee further acknowledges that any placement of Encroachment in the Encroachment Area under this Agreement shall be at its own risk and is subject to the City's right to use the Right-of-Way, including but not limited to the Encroachment Area, for any lawful purpose.

2. Indemnification. Grantee agrees that, in consideration for placement of the herein described improvements on public property, Grantee, its heirs, agents, successors and assigns, agree to release, indemnify and hold harmless the City, its employees, agents, successors and assigns from any and all liability, claims, suits or demands, whatsoever, which they or others may now have or which may hereafter have arising out of the placement of the Encroachment, as described herein, in, on and/or over public property, including but not limited to, damage from public or private vehicles, City maintenance work or damage or required relocation as a result of work in the public Right-of-Way, easements or other public property or damage to any utilities located within the public Right-of-Way, easements or other public property as a result of installation, repair and/or maintenance of the Encroachment.
3. Maintenance of Encroachment. Grantee acknowledges that Grantee and its heirs, agents, successors and assigns, shall be solely responsible for the maintenance and upkeep of the Encroachment, their appurtenances and environs.
4. Relocation. Grantee agrees that if the City determines in its sole discretion that it is necessary, for any reason, including but not limited to expansion of a road, placement of a sidewalk or trail, or relocation of utilities, to remove or relocate the Encroachment placed within the easement by Grantee pursuant to this Agreement, Grantee will, at no cost to the City, cause such removal or relocation to take place within ninety (90) days after receipt of written notice of the need for relocation from the City. Grantee further agrees that if it fails to comply with the City's request to remove or relocate facilities, the City may remove such facilities at Grantee's cost. If Grantee fails to pay the cost of such removal within 30 days of receiving an invoice from City detailing said expenses, the City may pursue any and all measures to collect such debt as allowed by law. Subject to the City's right to approve or reject a proposed area of relocation in its discretion, Grantee will have the right to relocate the Encroachment to a different portion of the Right-of-way.
5. City Regulations. Grantee's use of the Encroachment across the public right-of-way shall always be subject to and subordinate to the reasonable public health, safety, and welfare requirements and regulations of the Grantor. The Grantor may exercise its home rule powers in its administration and regulation related to the management of the public right-

of-way. Grantee shall be subject to all applicable laws and statutes, and/or rules, regulations, policies, resolutions, and ordinances adopted by the Grantor, relating to the construction and use of the public right-of-way, including but not limited to, the City of Lenexa's Right-of-Way Management provisions codified at Article 4-6-I of the Lenexa City Code, and amendments thereto.

6. Participation in One Call. Grantee and its heirs, agents, successors, and assigns shall participate in Kansas One Call utility location program.
7. Successors. This Agreement shall run with the land and be binding upon the City and Grantee, their heirs, agents, successors and assigns, and shall benefit Grantee, its mortgagees and authorized users of the Property, their heirs, agents, successors and assigns, and shall apply to all interests now owned or hereinafter acquired to the Encroachment. The parties agree that this Agreement shall be recorded with the Register of Deeds of Johnson County.
8. Notice to City. Grantee and its heirs, agents, successors and assigns shall provide notice to the City of any transfer of ownership or other interests now owned or hereinafter acquired to the Encroachment. Notice to the City shall be provided within thirty (30) days following the completed transfer of ownership or other interests now owned or hereinafter acquired to the Encroachment and shall include, but not be limited to, the name and contact information of the heir, agent, successor, or assign.
9. Amendments. This Agreement cannot be modified or changed by any verbal statement, promise or agreement and no modifications, change, nor amendment shall be binding upon the parties hereto unless it shall have been agreed to in writing and signed by both parties.
10. Jurisdiction. This Agreement shall be construed according to the laws of the State of Kansas and may be enforced in any court of competent jurisdiction.
11. Authority to Bind. The parties represent and acknowledge that this Agreement is given and executed voluntarily and that the person executing this Agreement below is doing so on their behalf with authority to bind the party.

Signature Pages To Follow

EXECUTED AND AGREED TO this _____ day of _____, 2024.

CITY OF LENEXA, KANSAS

By: _____
Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven D. Shrout
Assistant City Attorney

STATE OF KANSAS)
COUNTY OF JOHNSON)ss.

BE IT REMEMBERED that on this _____ day of _____, 2024,
before me the undersigned a Notary Public in and for the County and State above, came
_____, who is known to me to be the same person who
signed the foregoing instrument of writing and duly acknowledged the execution of the
same.

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

Notary Public

My appointment expires:

By: _____

Its: _____

STATE OF KANSAS)
COUNTY OF JOHNSON)ss.

BE IT REMEMBERED that on this _____ day of _____, 2024, before me the undersigned a Notary Public in and for the County and State above, came _____, who is known to me to be the same person who signed the foregoing instrument of writing and duly acknowledged the execution of the same.

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

Notary Public

My appointment expires:

EXHIBIT A
Legal Description of Property

EXHIBIT B
Encroachment Location Legal Description

AMENDMENT ONE TO ENCROACHMENT AGREEMENT

THIS AMENDMENT ONE is entered into this ____ day of _____, 20__ by and between Adam Pessetto and Ziyang Pessetto (“Grantee”) and the City of Lenexa, Kansas, a Kansas municipal corporation (“City”).

WHEREAS, Grantee is the owner of a real property located at 9560 Cherry Lane, Lenexa, Johnson County, Kansas, and legally described as Lot 13, Cherry Lane Addition, a subdivision in Lenexa, Johnson County, Kansas (“Property”); and

WHEREAS, the Grantee and City entered into an Encroachment Agreement on December 6, 2022 (“Encroachment Agreement”) and recorded with the Register of Deeds of Johnson County at Book 202301 and Page 004513; and

WHEREAS, the Encroachment Agreement permitted the construction of a drainage area inlet in a portion of the City’s existing public Right-of-Way (“Encroachment”) within an area identified in Exhibit B to the Encroachment Agreement (“Encroachment Area”); and

WHEREAS, during construction of the Encroachment, the Grantee revised the design of the Encroachment and the Encroachment, as constructed, is no longer entirely contained within the Encroachment Area; and

WHEREAS, the City and Grantee desire to replace Exhibit B to the Encroachment Agreement with a new Exhibit identifying the as built location and design of the Encroachment within a revised encroachment area.

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

1. Amendment of Exhibit B to the Encroachment Agreement. Exhibit B to the Encroachment Agreement is hereby deleted and replaced in its entirety with the form of the Revised Encroachment Area attached hereto as Exhibit B and incorporated herein by reference. For the avoidance of doubt, all references to the Encroachment Area in the Encroachment Agreement shall hereafter mean and refer to the Revised Encroachment Area attached hereto and incorporated herein as Exhibit B.

2. Authority to Bind. The parties represent and acknowledge that this Agreement is given and executed voluntarily and that the person executing this Agreement below is doing so on their behalf with authority to bind the party.

EXECUTED AND AGREED TO this _____ day of _____, 20__

[Remainder of page intentionally left blank. Signatures follow.]

CITY OF LENEXA, KANSAS

By: _____
Julie Sayers, Mayor

ATTEST:

Jennifer Martin, City Clerk

APPROVED AS TO FORM:

Steven D. Shrout, Assistant City Attorney

STATE OF KANSAS)
COUNTY OF JOHNSON)ss.

BE IT REMEMBERED that on this ____ day of _____, 20__, before me the undersigned a Notary Public in and for the County and State above, came Julie Sayers, Mayor, who is known to me to be the same person who signed the foregoing instrument of writing and duly acknowledged the execution of the same.

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

Notary Public

My appointment expires:

GRANTEE

By: _____
Adam Pessetto, Owner

By: _____
Ziyan Pessetto, Owner

STATE OF KANSAS)
COUNTY OF JOHNSON)ss.

BE IT REMEMBERED that on this _____ day of _____, 20___, before me the undersigned a Notary Public in and for the County and State above, came Adam Pessetto and Ziyan Pessetto, who are known to me to be the same persons who signed the foregoing instrument of writing and duly acknowledged the execution of the same.

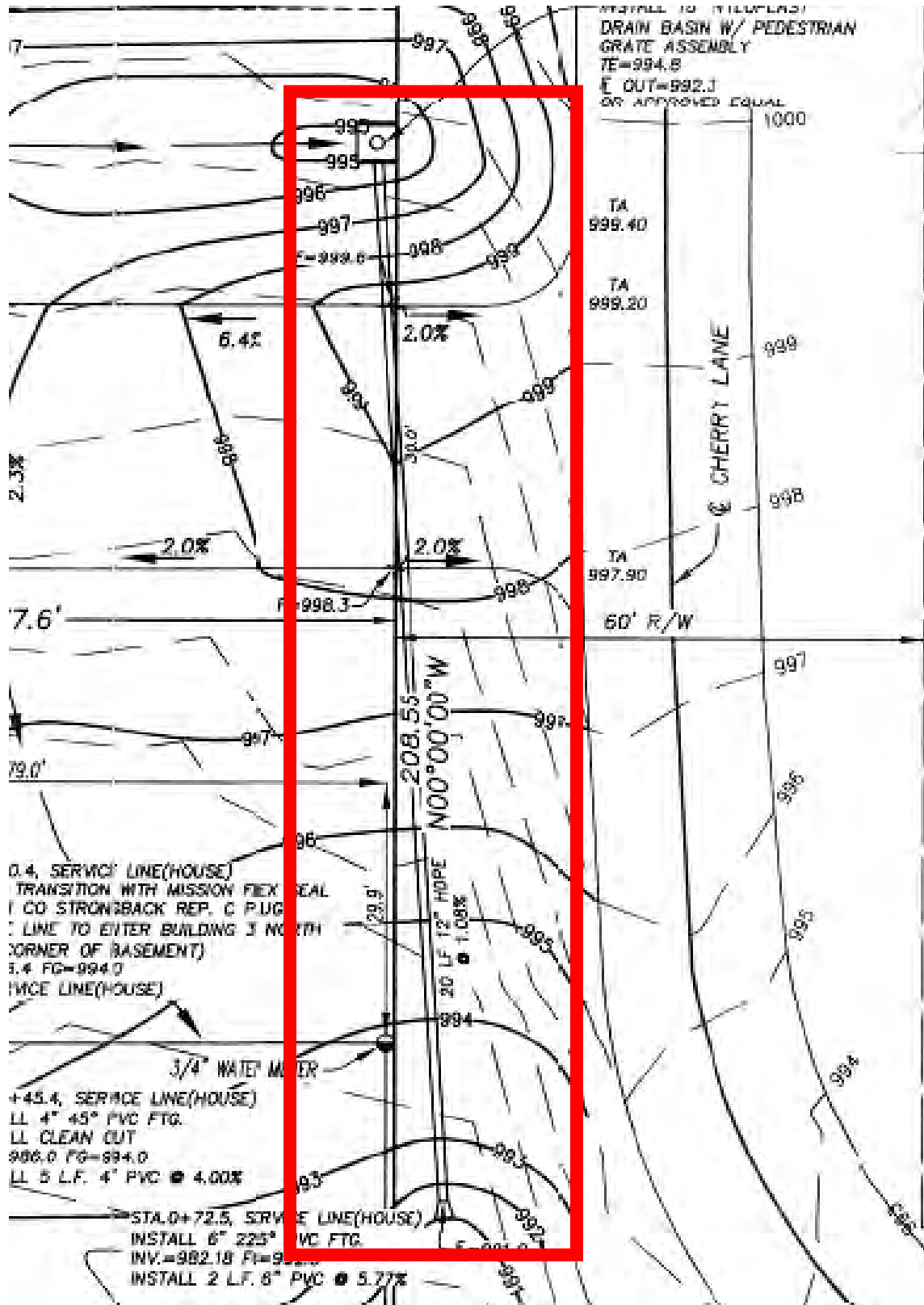
IN WITNESS WHEREOF, I have hereunto subscribed my name and affixed my notary seal on the last day and year above written.

Notary Public

My appointment expires:

EXHIBIT B
Revised Encroachment Location

C



Policy Number:	GB-Finance-2	Effective Date:	XX/XX/XXXX
Approved By:	Governing Body	Sunset Date:	11/30/2024
Approval Date:	10/17/2023	Prepared By:	Finance Dept.
Repeals/Replaces:	Current Investment Policy (Resolution 2023-098)		
Statutory Authority:	K.S.A. 9-1402, 9-1403, 10-131, 12-1675, 12-1677b		
Cross References:	None		
Policy Purpose:	To establish the objectives and practices for investment of the City's operating fund and bond proceeds.		

1. Introduction.

The Governing Body of the City of Lenexa ("the City") has authority to invest all funds of the City pursuant to K.S.A. 12-1675. The purpose of this policy is to identify the investment objectives of the City and to establish procedures to achieve those objectives. This policy applies to all City employees.

This policy applies to all funds eligible for investment by the City pursuant to K.S.A. 12-1675 or other applicable law. The City Defined Benefit Pension Fund is excluded from this policy and shall be subject to the Pension Fund investment policy adopted by the City Retirement Committee pursuant to Section 1-6-G-3 of the City Code.

The Governing Body delegates responsibility for the implementation of this policy to the Chief Financial Officer (CFO). The CFO shall establish written procedures and internal controls to implement this policy and regulate the activities of subordinate employees involved in the investment process. The CFO shall manage the City's investments in a manner consistent with federal, state, and local law. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the CFO.

The CFO shall possess the following minimum qualifications:

- Hold a bachelor's degree in business, finance, public administration, or a related field;
- Have achieved ten (10) years of experience in municipal finance administration, including the investment of idle funds;
- Have achieved five (5) years of supervisory experience.

City employees acting pursuant to this policy shall be subject to the "prudent investor rule," as set forth in the Uniform Prudent Investors Act, K.S.A. 58-24a01 *et seq.* and amendments thereto. Except as provided by the Kansas Tort Claims Act, K.S.A. 75-6101 *et seq.* and amendments thereto, investment officers acting in accordance with written procedures and this investment policy and exercising due diligence shall be relieved of

personal responsibility for an individual security's credit risk or market price changes, provided deviations from expectations are reported in a timely fashion and the liquidity and the sale of securities are carried out in accordance with the terms of this policy.

2. Ethics, Integrity and City Values.

Section 1-6-H-1 *et seq.* of the City Code establishes a Code of Ethics for all City employees. This Code of Ethics is reinforced through the City's Personnel Policies/Procedures and the City's values. The City's values are:

- Make every decision with integrity
- Deliver results through teamwork
- Provide exceptional service
- Lead into the future with vision
- Be dedicated to excellence
- We Care

All City employees involved with investment activities shall act in an honest and professional manner in accordance with the City's values, Code of Ethics, and Personnel Policies/Procedures. Employees involved in the investment process shall refrain from personal business activity that could be perceived as a conflict with the proper execution and management of the investment process, or that could impair their ability to make impartial decisions. In addition, employees involved in the investment process shall disclose any material interests in financial institutions with which they conduct business and shall not undertake personal investment transactions with the same individual with whom business is conducted on behalf of the City.

3. Investment Objectives.

The objectives of this investment policy, in order of priority, are: safety of principal; maintenance of adequate liquidity; and maximizing rate of return (yield).

Safety of Principal: Safety of principal is the most important objective of this policy. The CFO shall invest funds covered by this policy in a manner that seeks to ensure preservation of principal while managing both credit risk and interest rate risk.

The City will minimize credit risk (the risk of loss due to the failure of the security issuer or backer) by:

- Following state statute, which limits investment options to high-quality securities; and
- Working with broker/dealers and advisors registered to do business in the State of Kansas; and
- Diversifying the investment portfolio to minimize potential losses on individual securities.

The City will minimize the risk that the market value of securities in the portfolio will decline due to the changes in general interest rates by:

- Structuring the investment portfolio so that securities mature to meet cash requirements for ongoing operations and debt service payments, thereby minimizing the need to sell securities on the open market prior to maturity;
- Investing the majority of cash funds in securities with maturities of twenty-four (24) months or less and utilizing an eligible sweep investment program of the main operating bank; and
- Limiting investments to a maximum stated maturity of four years.

Adequate Liquidity: The CFO shall invest funds covered by this policy in a manner that seeks to maintain liquidity to meet all cash requirements that may be reasonably anticipated. The CFO will structure the investment portfolio so that securities mature concurrently with anticipated cash flow needs. Furthermore, since all possible cash flow needs cannot be anticipated, the investment portfolio will contain securities with active secondary resale markets. A portion of the portfolio may be placed in investments which offer one-day liquidity for short-term funds, such as repurchase agreements and eligible sweep investment arrangements.

Rate of Return (Yield): The CFO shall structure the investment portfolio with the objective of attaining a market rate of return throughout budgetary and economic cycles, taking into account investment risk constraints and liquidity needs. Return on investment is a lower priority than the safety and liquidity objectives.

4. Competitive Placement of Funds.

To the extent required by applicable law, all investments made pursuant to this policy should be bid to ensure competitive pricing. In accordance with K.S.A. 12-1675, funds will first be offered to banks and other eligible financial institutions located within the City. Annually, the City will send letters to banks and other eligible financial institutions located within the City to determine if any of these entities wish to bid on the City's investments during the upcoming 12 months. Those institutions which respond as willing to bid on the City's investments will be added to the City's authorized list of financial institutions (for certificates of deposit, the financial institutions must comply with the collateral and safekeeping requirements). For certificate of deposit transactions, the City will solicit bids from the authorized list of financial institutions. For other competitive investment transactions, the City will generally solicit bids from multiple security broker/dealers.

There are exceptions to the competitive bid policy. An example of an exception is when the City purchases new issue government agency securities where the price is the same through all brokers and the issuing agency pays the selling commission directly to the broker. In that case the City will rotate through the list of brokers when purchasing such securities. In addition, eligible sweep repurchase agreements with the main operating bank are not considered competitive biddable securities.

5. Authorized Security Broker/Dealers.

The CFO shall maintain a list of security broker/dealers authorized to provide investment services. All broker/dealers who desire to become qualified for investment transactions (excluding bank certificates of deposit) shall register with the Kansas Securities Commissioner or the Federal Reserve Bank (if FINRA registration is not required by the entity's regulatory structure). Annually, the CFO will verify all broker/dealers for City investment transactions are registered with the Kansas Securities Commissioner or the Federal Reserve Bank.

Concurrent with the first instance of trading with a broker/dealer and then not less than annually, the CFO will convey a copy of this investment policy to each broker/dealer with which it does business. Any additional documentation required by a broker/dealer must be approved by the City before the City enters into an investment transaction with the broker/dealer.

6. Safekeeping and Custody of Investments.

The CFO is responsible for establishing and maintaining an internal control structure designed to ensure the investments of the City are protected from loss, theft or misuse. The internal control structure shall be designed to provide reasonable assurance these objectives are met. The concept of reasonable assurance recognizes that (1) the cost of a control should not exceed the benefits likely to be derived and (2) the valuation of costs and benefits requires estimates and judgments by management.

The internal controls should address the following points:

- Control of collusion;
- Separation of transaction authority from accounting and record keeping;
- Custodial safekeeping;
- Avoidance of physical delivery securities other than certificates of deposit;
- Clear delegation of authority to subordinate staff members;
- Written confirmation of transactions for investments and wire transfers; and
- Development of a wire transfer agreement with the main operating bank and third-party custodian.

Delivery vs. Payment: All trades will be executed by delivery vs. payment (DVP) to ensure that securities are deposited in an eligible financial institution simultaneously with the release of funds. Securities will be held by a third-party custodian (as evidenced by safekeeping receipts) in the City's name.

Safekeeping of Securities: To protect against potential fraud or embezzlement, the investments of the City shall be secured through third-party custody and safekeeping procedures. Ownership shall be protected through third-party custodial safekeeping. The City shall contract with a single financial institution for custodial and safekeeping services for the City's investment portfolio.

All securities owned by the City shall be held by a single safekeeping agent in the name of the City of Lenexa, Kansas. The exception to this may be when participating in tri-party repurchase agreements by which the broker and the City jointly select a safekeeping agent.

Security for deposits with financial institutions will be held in a third-party entity and registered jointly to the City and to the depository financial institution as required by Kansas law. Securities purchased on or after the effective date of this policy are to be held in the City's tri-party sub-custodial safekeeping account by the City's primary safekeeping agent.

Securities which serve as security for repurchase agreements must be delivered to a third-party custodian with whom the City has established a third-party safekeeping agreement.

The authorization to release City securities and transfer City funds will be accomplished by authorized City staff.

The investment process shall be subject to an annual independent review by an external auditor to assure adequate internal controls (including the verification of securities and collateral).

7. Collateral Requirements.

As detailed in K.S.A. 9-1402, a bank, trust company, savings and loan association, or savings bank must collateralize City deposits (the amount of money on deposit with an institution at any given time) to qualify as a depository. Allowable collateral includes:

- Securities: The financial institution may pledge or assign for the City's benefit sufficient securities, the market value of which is at least 105% of the total deposits. Peak period collateral agreements permitted under K.S.A. 9-1403 and securities that cannot be priced using the Bloomberg Professional Service will not be accepted by the City. The allowable securities acceptable to the City are limited to: direct obligations of, or obligations insured by, the U.S. Government or any agency thereof, and obligations and securities of U. S. government-sponsored corporations, which, under federal law, may be accepted as security for public funds.
- Corporate Surety Bond: The financial institution may provide a corporate surety bond of a surety corporation authorized to do business in Kansas in an amount equal to the amount on deposit including interest accrued.
- Federal Home Loan Bank Letters of Credit: The financial institution may provide a letter of credit from any Federal Home Loan Bank in an amount equal to the funds on deposit including interest accrued.

- Personal Bond: The financial institution may provide a personal bond in double the amount of the funds on deposit including interest accrued.

The depository institution shall provide reports on a monthly basis (or more often if requested by the CFO) to allow for the verification of collateral eligibility and amounts.

8. Investment Parameters.

The investments authorized for cash funds under this policy shall be in conformance with K.S.A. 10-131, K.S.A. 12-1675, K.S.A. 12-1677b, and any other applicable statutes and amendments thereto. The investments authorized for the proceeds of bonds or temporary notes under this policy shall be in conformance with K.S.A. 10-131 and amendments thereto.

The CFO shall diversify the investment portfolio by:

- Avoiding over-concentration in securities from a specific issuer or business sector (excluding U.S. Treasury securities);
- Limiting investment in securities that have higher credit risks;
- Investing in securities with varying maturities; and
- Continuously investing a portion of the portfolio in readily available funds such as the Kansas Municipal Investment Pool or eligible overnight repurchase agreements to ensure that appropriate liquidity is maintained in order to meet ongoing obligations.

In addition, no single financial institution should hold demand or time deposits which will constitute more than 10% of the City's total portfolio value and no more than 33% of the total portfolio value in any investment type of the City should be placed with a single issuer other than the United States Treasury.

The following maximum limits, by instrument, are established for the City's total investment portfolio:

Investment Type	Maximum Percentage of Portfolio
Repurchase Agreements	30%
Collateralized Time & Demand Deposits	100%
U.S. Treasury Notes & Bills	100%
U.S. Government Agency Securities*	90%
Kansas Municipal Investment Pool	30%
Bank Trust Department Municipal Pools	10%
Kansas General Obligation Bonds	10%
Temporary Notes or No-Fund Warrants	10%

*The City does not invest in subordinated agency securities (which rank below other securities with regard to claims on assets).

The limit on repurchase agreements and Kansas MIP deposits may exceed 60%, but not more than 75%, of the portfolio for a maximum of forty-five (45) days during each of the January and June property tax distributions, and prior to debt service payments on March 1st and September 1st.

Investment Portfolios: The City's funds shall be separated into two portfolios for efficient investment management. The short-term operating portfolio is defined as maturities less than 1 year. The long-term operating portfolio has maturities 1 year or greater and would be considered "core" investments that the City would own for a longer period of time. Funds will be allocated to the portfolios based on the projected cash flow needs of the City.

Maturity Schedule/Sale of Securities: In general, the City's philosophy is to ladder the portfolios with investments maturing each month in order to meet cash flow requirements. The maturities will usually occur each month over a period ranging from the current date up to forty-eight (48) months from the current date. Bond and temporary note proceeds will be invested to match anticipated capital project expenditures and will generally mature within eighteen (18) months.

The sale of securities before maturity may occur for the following reasons:

- A security with declining credit may be sold early to minimize loss of principal;
- A security swap would improve the quality, yield, or target maturity of the portfolio; or
- Liquidity needs require that the security be sold. In this situation, the City will generally look first to sell securities maturing within the next month in order to minimize realized losses from the sale of securities.

Approval of the CFO is required before a security is sold prior to maturity.

9. Reporting.

The CFO shall prepare a quarterly investment report for review by the City Manager and Governing Body. The quarterly investment report shall include the following information:

- Listing of individual securities held at the end of the reporting period.
- Realized and unrealized gains or losses resulting from market value changes for securities held in the operating portfolio.
- Average current yield of portfolios as compared to applicable benchmarks.
- Percentage of total portfolio which each type of investment represents.
- Percentage of total portfolio which each banking institution holds.

The CFO may also include other relevant information in the quarterly investment report.

Portfolio Performance Benchmarks: The operating investment portfolios should equal or exceed a market average rate of return during periods of stable interest rates. The City's performance benchmarks are:

- Short-term portfolio: equal or exceed the average 91-day U.S. Treasury Bill yield.
- Long-term portfolio: equal or exceed the average 1-year U.S. Treasury Note yield.

Marking to Market: The market value of the investment portfolios shall be calculated at least monthly and formal statements of market value shall be issued at least monthly by the safekeeping agent. The formal statement will include the market value, book value, and unrealized gains or losses for the securities in the portfolios. Also, the statement will include monthly transaction information.

The City will record mark to market information in the financial statements at the end of each fiscal year.

10. Other Provisions.

The City has elected to use expanded investment powers granted by the Pooled Money Investment Board (PMIB). The PMIB grants the use of investment powers annually to the City by reviewing the City's investment policy (including any amendments to the investment policy) and other investment information. In addition, the Governing Body is required to review and approve the investment policy annually in order to use expanded investment powers.

11. Definitions.

The following is a glossary of key investing terms which appear in the investment policy.

AGENCY SECURITIES: A debt security issued by a United States sponsored enterprise or government agency. The City will only invest in obligations and securities of United States sponsored enterprises or agencies that under federal law may be accepted as security for public funds. The City will not invest in mortgage-backed securities of such enterprises, which include the Government National Mortgage Association.

BOND PROCEEDS: The money paid to the issuer by the purchaser or underwriter of a new issue of municipal securities. These monies are used to finance a capital project.

BROKER: A broker brings buyers and sellers together for a commission paid by the initiator of the transaction or by both sides. In the money market, brokers are active in markets in which banks and others buy and sell securities.

CERTIFICATE OF DEPOSIT: A time deposit in a bank with a specific maturity evidenced by a certificate. Generally CD's are not marketable.

COLLATERALIZATION: A process by which a borrower pledges securities, deposits, letters of credit, or surety bonds for the purpose of securing the repayment of a loan and/or security. Securities of United States sponsored enterprises or government agencies may be pledged as collateral as allowed by federal law.

COLLUSION: A secret agreement between two or more persons for a fraudulent purpose.

COMMERCIAL BANK: A bank, the principal functions of which are to receive demand deposits and to make loans.

CORPORATE SURETY BOND: A contractual arrangement between the surety, the depositor and depository institution, whereby the surety agrees to protect the depositor if the depository institution defaults in performing the depository institution's contractual obligations. The bond is the instrument which binds the surety.

CREDIT RISK: The risk to an investor that an issuer will default in the payment of interest and/or principal on a security.

CUSTODIAL AGENT: An entity that holds collateral for deposits with financial institutions, investment securities, or securities underlying repurchase agreements.

DEMAND DEPOSIT: A bank deposit that can be withdrawn by the depositor and without advance notice.

DEPOSITORY FINANCIAL INSTITUTION (Depository): The place where a deposit is placed and kept.

DEPOSITORY SECURITY: Collateral pledged by a financial institution to guarantee deposits on hand that exceeds depository insurance.

DIVERSIFICATION: A process of investing assets among a range of security types by sector, maturity and quality rating.

DELIVERY VERSUS PAYMENT (DVP): A type of securities transaction in which the purchaser pays for the securities when they are delivered to either the purchaser or his/her custodian. Payment is made simultaneously with the delivery of securities so the purchaser is never without either cash or securities.

FANNIE MAE: Fannie Mae (the Federal National Mortgage Association (FNMA)) is a private stockholder-owned corporation working under the auspices of the Department of Housing and Urban Development (HUD). It is the largest single provider of residential mortgage funds in the United States. The corporation's purchases include a variety of adjustable mortgages and second loans, in addition to fixed-rate mortgages. Fannie Mae's securities are also highly liquid and are widely accepted.

Fannie Mae assumes and guarantees that all security holders will receive timely payment of principal and interest. This is an example of an agency security.

FEDERAL AGRICULTURAL MORTGAGE CORPORATION (FARMER MAC): A government sponsored enterprise which purchases newly originated and seasoned agricultural loans from lenders, issues long-term standby commitments to purchase agricultural mortgage loans, exchanges loans for mortgage-backed securities through a swap program, and purchases and guarantees mortgage bonds backed by eligible agricultural mortgage loans. This is an example of an agency security.

FEDERAL FARM CREDIT BANKS FUNDING CORPORATION (FFC): A government sponsored enterprise responsible for issuing and marketing debt securities to finance the loans, leases, and operations of the Farm Credit System. This is an example of an agency security.

FEDERAL HOME LOAN BANK (FHLB): Government-sponsored wholesale banks, which lend funds and provide correspondent banking services to member commercial banks, thrift institutions, credit unions and insurance companies. The mission of the FHLB is to liquify the housing-related assets of its members who must purchase stock in their district Bank. This is an example of an agency security.

FEDERAL HOME LOAN MORTGAGE CORPORATION (FHLMC): A federal agency which purchases first mortgages from members of the Federal Reserve System and the Federal Home Loan Bank System. Commonly called "Freddie Mac." This is an example of an agency security.

GENERAL OBLIGATION (G.O.) BONDS OR NOTES: Bonds or notes secured by the "full faith and credit" of the issuing government and backed by revenues from its taxing power.

IDLE FUNDS: Money which is not immediately required for the purposes for which it was collected or received and may be invested.

INTEREST RATE: The annual rate of interest received by an investor from the issuer of fixed-income securities. The percentage of an amount of money which is paid for its use for a specified time.

INTEREST RATE RISK: The risk associated with declines or rises in interest rates which cause an investment in a fixed-income security to increase or decrease in value.

INVESTMENT: Commitment of money to gain profit or interest, such as by purchasing securities.

KANSAS MUNICIPAL INVESTMENT POOL (MIP): The State of Kansas offers a Local Government Investment Pool (LGIP) entitled "State of Kansas Municipal Investment Pool," which is governed by the State of Kansas Pooled Money Investment

Board (PMIB). It is a pooled investment vehicle (available to public entities in the state of Kansas) investing in US Treasury and Agency securities, certificates of deposit in Kansas banks, commercial paper, and corporate bonds. Investments range from overnight to two years at the option of the investor.

LIQUIDITY: Refers to the ability of an instrument to be converted into cash rapidly without substantial loss of value.

MARKET VALUE: The price at which a security is traded and could be purchased or sold on a given day.

MARKING TO MARKET: The process whereby the book value or collateral value of a security is adjusted to reflect its current market value.

MATURITY: The length of time an investment is offered.

MATURITY DATE: The date on which payment of a financial obligation is due. The final stated maturity date is the date on which the issuer must retire an investment instrument and pay the face value to the investor.

MONEY MARKET FUND: Mutual funds that invest solely in money market instruments (short-term debt instruments, such as Treasury bills, commercial paper, bankers' acceptances, repurchase agreements, agency securities, and federal funds).

MUNICIPAL NOTE: Short-term notes issued by municipalities in anticipation of tax receipts, proceeds from a bond issue, or other revenues.

PAR VALUE: The amount of principal which must be paid at maturity, also referred to as the face amount of a bond.

PORTFOLIO: Collection of securities held by an investor.

PRINCIPAL: The face amount or par value of a debt security.

REALIZED GAIN OR LOSS: The amount of realized gain from the sale or other disposition of property is the excess of the amount realized over the adjusted basis of the property. The amount of realized loss is the excess of the property's adjusted basis over the amount realized.

REPURCHASE AGREEMENT (Repo): An agreement of one party to sell securities at a specified price to a second party and a simultaneous agreement of the first party to repurchase the securities at a specified price at a specified later date.

SAFEKEEPING: The holding of securities by a financial institution on behalf of the securities owners.

SECURITY: Documents that can be traded for value; an instrument of ownership or debt used to finance government and corporate entities.

SECURITIES SWAP: Trading one asset for another.

TIME DEPOSIT: Another term for a savings account or certificate of deposit in a commercial bank.

TRUST DEPARTMENT: A department of a bank, which is authorized to serve in a fiduciary capacity.

UNITED STATES GOVERNMENT SECURITIES (Treasuries): Bonds, notes, treasury bills or other securities constituting direct obligations of the United States of America, or obligations that principal of and interest on which are fully and unconditionally guaranteed as to the full and timely payment by, the United States of America.

UNREALIZED GAIN OR LOSS: A profit or loss that has not yet materialized. An example of an unrealized gain would be an appreciated stock in which the price has increased but, if the stock is not sold, the profit is considered an unrealized gain.

YIELD: The current rate of return on an investment security generally expressed as a percentage of the security's current price.