



## Agenda

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

**FEBRUARY 18, 2025  
7:00 PM  
COMMUNITY FORUM**

**CALL TO ORDER** Pledge of Allegiance

**ROLL CALL**

**APPROVE MINUTES** February 4, 2025 City Council meeting draft minutes  
(located in the Appendix)

**MODIFICATION OF  
AGENDA**

**PRESENTATIONS** Johnson County World Cup Transit Partnership (located in  
the Appendix)

**APPOINTMENTS**

Arts Council - Wayne Dothage, Sarah Homan, Judy  
Tuckness

Parks & Recreation Advisory Board - Sarah Hanson,  
Wanda Kiewiet, Patrick Thomas

Planning Commission - David Woolf, Sunny Dharod,  
Jermaine Jamison

Building Code Board of Appeals - Chris Culp, Ellen Foster  
(Memo located in the Appendix)

**CONSENT AGENDA**

**Item Numbers 1 through 8**

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. Approval of the purchase of a 20,000 gallon fuel tank from Hoidale, Inc. for the future Western Fueling Station & Salt Storage Facility at Freedom Fields and waiving the sealed bid process

*A new 20,000-gallon fuel tank will be installed as part of the Western Fueling Station & Salt Storage Facility at Freedom Fields. To keep the project on schedule, the tank must be ordered ahead of the construction bid process due to a 24-week lead time for fabrication and delivery. Staff recommends purchasing the fuel tank from Hoidale, Inc. at a total cost of \$85,107.65.*

2. Approval of the purchase of 27 outdoor warning siren solar power systems from Blue Valley Public Safety, Inc. and waiving the sealed bid process

*The City operates and maintains 33 outdoor warning sirens, 27 of which are solar powered. The solar powered sirens are operating with their original equipment that was installed in 2007-2008 and need to be replaced. Blue Valley Public Safety, Inc. has managed the emergency warning sirens for all of Johnson County for 30 years. The total cost of replacing the power units for these warning sirens is \$171,579.60.*

3. Approval of an agreement with AdventHealth Services, LLC to be the Presenting Sponsor of the 2025 Lenexa Farmers Market

*Presenting Sponsors for major City festivals and events are required to be approved by the City Council pursuant to the City's Sponsorship Policy. AdventHealth Services, LLC responded to a recent Request for Sponsorships and is being recommended as the Presenting Sponsor for the 2025 Lenexa Farmers Market.*

4. Approval of a preliminary plan for ARC Physical Therapy to operate as a medical clinic under the retail and service, limited, business park use classification in an existing business park located at 11360 Strang Line Road within the BP-2, Planned Business Park District

*ARC Physical Therapy requests approval of a preliminary plan that would allow continued operations of their business under the retail and service, limited, business park use within the BP-2, Planned Manufacturing District.*

5. Approval of a final plan for a restaurant known as Five Four, located at approximately 8651 Scarborough Street within the CC, Planned City Center Zoning District

*The applicant proposes to construct a 10,969 square-foot, one-story restaurant in the AdventHealth Life Campus. The site is on the east side of Scarborough Street midway between 86th Street and 87th Street Parkway.*

*The proposed final plan is part of Area 2, a block in the AdventHealth Life Campus.*

6. Resolution terminating the Lease Agreement with Lenexa Logistic 4 Investment, Inc. and conveying certain real and personal property associated with the City's industrial revenue bonds (Building 4, Lenexa Logistics Centre South)

*In 2014, the City issued \$13,925,000 in industrial revenue bonds (IRBs) and approved a tax abatement for a commercial/warehouse facility located at 16851 W. 113th Street. The abatement ended in 2024 and the proposed resolution authorizes the Mayor and City staff to execute all documents necessary to terminate the IRBs.*

7. Consideration of an amendment to the fiscal year 2025-2029 Capital Improvement Program and approval of an agreement with SunSmart Technologies for the installation of solar panels at the Lenexa Justice Center
  - a. Resolution amending the 2025-2029 Capital Improvement Program to increase the budget for the Lenexa Sustainability Program for the installation of solar panels at the Lenexa Justice Center
  - b. Approval of an agreement with SunSmart Technologies for the installation of solar panels at the Lenexa Justice Center

*This Capital Improvement Program amendment and companion agreement is for the design and installation of an 884-panel solar array on the roof of the Lenexa Justice Center training building at a total cost of \$695,885. In addition to a direct \$208,766 rebate through a federal program, the system is estimated to recover its capital cost in eight years, including an estimated first-year utility savings of \$51,311 and a 25-year utility savings of \$1,993,244.*

8. Ordinance authorizing a portion of the cost of certain stormwater improvements to be financed by the City's general obligation bonds, Series 2022A

*In August 2022, the City issued general obligation bonds Series 2022A for the Oakhill Stormwater Improvements Project ("Project") in the amount of \$2,165,000. The Project was completed and came in under budget with \$222,614.27 in bond funds remaining. Staff is requesting authorization to reallocate the remaining bond funds to the 81st Street to 81st Terrace - East of Mauer Stormwater Project approved in the 2025-2029 Capital Improvement Plan.*

**END OF CONSENT AGENDA**

## BOARD RECOMMENDATIONS

9. Approval of a preliminary and final plan for Ad Astra Park, a city park, located at 8265 Maurer Road in the R-1, Residential Single-Family (Low-Density) District

*The applicant requests approval of both a preliminary and final plan of a city park located at 8265 Maurer Road. The preliminary and final plans are a required part of the process for the Ad Astra Pool Reconstruction Project.*

10. Ordinance approving a five-year special use permit for a church/place of worship for Real Church located at 15602-15618 College Boulevard in the BP-1, Planned Business District

*The applicant proposes to operate a church, classified as a church or place of worship use, within the BP-1, Planned Business Park Zoning District at 15602-15618 College Boulevard, which requires a special use permit.*

11. Ordinance approving amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship

*Project 1020, the operator of a cold weather homeless shelter at Shawnee Mission Unitarian Universalist Church, requested that the City amend its supplementary use regulations pertaining to certain homeless shelters to increase guest occupancy for its cold weather shelter from 30 to 50 people and modify the number of staff/volunteers required to be present in the facility during shelter operational hours.*

## PUBLIC HEARINGS

12. Public hearing to appear and show cause why the fire damaged structure at 19430 W. 87th Lane should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure - **CANCELED AT THE REQUEST OF STAFF**

## 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**

13. February 4, 2025 City Council meeting draft minutes
14. Johnson County World Cup Transit Partnership Presentation
15. Appointments/Reappointments Memo
16. Item 11 -- Homeless Shelter Regulations Correspondence
17. Item 11 -- Homeless Shelter Regulations Ordinance (redline)
18. Item 11 -- Homeless Shelter Regulations Ordinance

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:** Approval of the purchase of a 20,000 gallon fuel tank from Hoidale, Inc. for the future Western Fueling Station & Salt Storage Facility at Freedom Fields and waiving the sealed bid process

**CONTACT:** Nick Arena, Municipal Services Director

**DATE:** February 18, 2025

**ACTION NEEDED:**

Approve the purchase of a 20,000 gallon fuel tank from Hoidale, Inc. ("Hoidale") for the future Western Fueling Station & Salt Storage Facility at Freedom Fields and waive the sealed bid process.

**PROJECT BACKGROUND/DESCRIPTION:**

The Western Fueling Station & Salt Storage Facility Project ("Project") at Freedom Fields will include the installation of a new 20,000-gallon fuel tank. The Project is expected to be bid later this spring, with construction anticipated to begin in May. To maintain the Project timeline, the new fuel tank must be ordered in advance of the construction bidding process, as it requires a 24-week lead time for fabrication and delivery.

Hoidale is currently under contract with the City for the maintenance and repair of the existing fueling station at 7700 Cottonwood. The Western Fueling Station will utilize the same monitoring software, equipment, and components as the existing facility. To ensure continuity, operational efficiency, and compatibility, staff believes it is in the City's best interest to continue working with Hoidale at the new fueling station.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The Project is included in the 2025-2029 Capital Improvement Program (Project No. 85043). The total project budget is \$4.5 million and the cost of the fuel tank is \$85,107.65.

**STAFF RECOMMENDATION:**

Approve the purchase and waive the sealed bid process.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

**Guiding Principles**

Superior Quality Services  
Prudent Financial Management

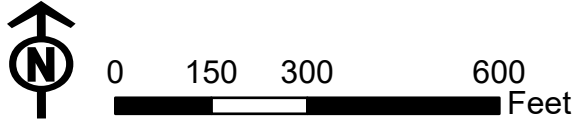
**ATTACHMENTS**

1. Map



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

# Western Fuel Station & Salt Structure Project Location





**ITEM 2**

**SUBJECT:** Approval of the purchase of 27 outdoor warning siren solar power systems from Blue Valley Public Safety, Inc. and waiving the sealed bid process

**CONTACT:** Dawn Layman, Police Chief  
Justin Schopfer, Police Captain

**DATE:** February 18, 2025

**ACTION NEEDED:**

Approve the purchase of 27 outdoor warning siren solar power systems from Blue Valley Public Safety, Inc. ("Blue Valley") and waive the sealed bid process.

**PROJECT BACKGROUND/DESCRIPTION:**

The City operates and maintains 33 outdoor warning sirens that were installed in 2007-2008. Twenty-seven of the sirens are solar powered and are operating with their original equipment. Over the past few years, the solar arrays have been taking longer to recharge batteries due to their age and are in need of replacement. The remaining six locations run off of wired power and do not need replaced at this time.

Staff recommends contracting with Blue Valley for replacement of these units. They service and manage all sirens in Johnson County and have been doing so for 30 years. Staff finds their work to be quality.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The project will be funded by the Small Equipment Reserve Fund (Project No. PD2505) for a total amount of \$171,579.60.

**STAFF RECOMMENDATION:**

Approve the purchase and waive the sealed bid process.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

Vision 2040  
Healthy People

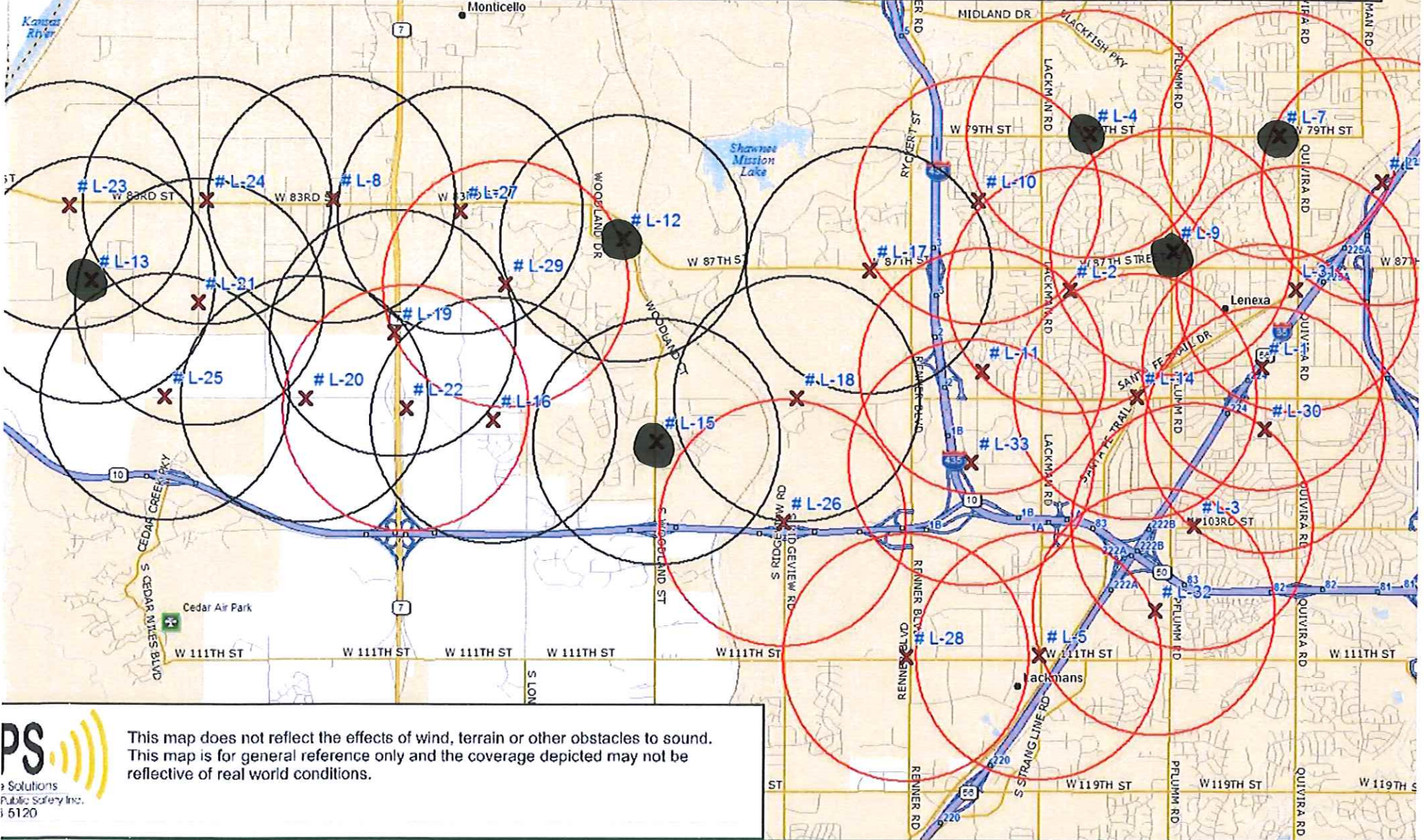
Guiding Principles  
Strategic Community Investment

**ATTACHMENTS**

1. Map
2. Agreement



# Lenexa, KS Current and Proposed Siren Coverage 4-09



**PS** Solutions  
Public Safety Inc.  
6120

This map does not reflect the effects of wind, terrain or other obstacles to sound. This map is for general reference only and the coverage depicted may not be reflective of real world conditions.

subject to license.  
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me.com



- x = solar siren power systems being replaced
- = electric siren power systems not being replaced





Blue Valley Public Safety, Inc.  
 PO Box 363 - 509 James Rollo Dr.  
 Grain Valley, MO 64029  
 Sales: 800-288-5120  
 Fax: 816-847-7513

**Contact Name:** Brady Sharp  
**Customer:** City of Lenexa  
**Address:** 12500 West 87th Street  
**City:** Lenexa  
**State:** KS  
**Zip:** 66215  
**Phone:** 913-825-8027  
**Cell:** 913-208-9565  
**Fax:** \*  
**Email:** bsharp@lenexa.com  
**Notes:** Delivery schedule cannot be established until radio information is supplied, if applicable.

Quotation No.: BVPS 107251444
<b>Please reference quote no. on your order</b>
Date Quoted: 1/7/25

Item No.	Qty.	Model/Part No.	Description	Unit Price	Total
<b>Electronic Siren Equipment</b>					
1	27	BV-PVS	BVPS will provide and install a solar charging system for a siren	\$ 4,300.00	\$ 116,100.00
<b>Total Equipment</b>					<b>\$ 116,100.00</b>
<b>Shipping</b>					
2	1	ES-FREIGHT - Z2	Shipping Fees		\$ 5,529.60
<b>Services</b>					
3	27	BV-LABOR	REPLACE OBSOLETE SOLAR EQUIPMENT WITH NEW SOLAR PACKAGE	\$ 1,850.00	\$ 49,950.00
<b>Total Services</b>					<b>\$ 49,950.00</b>
<b>Total of Project</b>					<b>\$ 171,579.60</b>

**Terms/Conditions**

Prices are firm for 120 days from the date of quotation unless otherwise shown. Upon acceptance, prices are firm for 6 months. This quotation is expressly subject to acceptance by Buyer of all Terms stated in the attached Terms document, and any exception to or modification of such Terms shall not be binding unless expressly accepted in writing by an authorized agent or Office of the Seller. Any order submitted to Seller on the basis set forth above, in whole or in part, shall constitute an acceptance by Buyer of the Terms. Any such order shall be subject to acceptance by Seller in its discretion. Installation is not included unless specifically quoted as a line item above.

**Site Restoration** is not included in this quote unless specifically called out above. As the site has typically not been determined at the time of quoting we cannot forecast what landscaping, seeding or backfilling will be required to restore a site. It is recommended to keep sites within 15' of a paved surface so as to avoid damage to landscaping at the time of installation and for future service.

**Adverse Site Conditions**, including rock, caving soil conditions, contaminated soil, poor site access availability, and other circumstances which result in more than 2 hours to install a pole, will result in a \$385.00 per hour fee, plus equipment.

**Power Clause:** Bringing power to the siren equipment is the responsibility of the purchaser. Trenching is additional.

**Traffic Control Clause:** Traffic control, if required, will be an additional \$250.00 per site.

**Permit Clause:** Any special permits, licenses or fees will be additional.

**FCC Licensing Clause:** The buyer is responsible for maintaining any FCC licensing requirements associated with the use of this equipment.

**Classified Location Clause:** No equipment or services are designed or installed to meet the requirements of a classified location installation unless noted.

**Sales Tax:** Sales Tax will be additional unless an Exemption Certificate is provided.

Proposed By: Jeff E  
 Company: Blue Valley Public Safety Inc.  
 Address: P.O. Box 363 - 509 James Rollo Dr.  
 City, State, Zip: Grain Valley, MO 64029  
 Country: USA  
 Work Phone 1-800-288-5120  
 Fax: 816-847-7513  
 Approved By: Brian Cates  
 Title: General Manager

Delivery: 12-16 weeks  
 Freight Terms: FOB University Park  
 Terms:  
 Equipment, Net 30 Days upon receipt  
 Services, Net 30 Days as completed,  
 billed monthly. Net 30 will not be held  
 for installations.

**Purchase Order must be made out to, and e-mailed, mailed or faxed to:**  
**Blue Valley Public Safety, Inc. , PO Box 363, Grain Valley, MO 64029**  
**Fax: 816-847-7513**

dee@bvpsonline.com



Blue Valley Public Safety, Inc.  
PO Box 363 - 509 James Rollo Dr.  
Grain Valley, MO 64029  
Sales: 800-288-5120  
Fax: 816-847-7513

**Contact Name:** Brady Sharp  
**Customer:** City of Lenexa  
**Address:** 12500 West 87th Street  
**City:** Lenexa  
**State:** KS  
**Zip:** 66215  
**Phone:** 913-825-8027  
**Cell:** 913-208-9565  
**Fax:** \*  
**Email:** bsharp@lenexa.com  
**Notes:** Delivery schedule cannot be established until radio information is supplied, if applicable.

Quotation No.: BVPS 107251444 <b>Please reference quote no. on your order</b> <b>Date Quoted:</b> 1/7/25
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*I hereby agree to the Terms stated on this quotation and in the attached Terms document on behalf of the above mentioned Company or Government Entity.*

Accepted By: \_\_\_\_\_  
*Signature:*  
\_\_\_\_\_  
*Title:*

**Purchase Order must be made out to, and e-mailed, mailed or faxed to:**  
**Blue Valley Public Safety, Inc. , PO Box 363, Grain Valley, MO 64029**  
**Fax: 816-847-7513**

[dee@bvpsonline.com](mailto:dee@bvpsonline.com)



**ITEM 3**

**SUBJECT:** Approval of an agreement with AdventHealth Services, LLC to be the Presenting Sponsor of the 2025 Lenexa Farmers Market

**CONTACT:** Logan Wagler, Parks & Recreation Director

**DATE:** February 18, 2025

**ACTION NEEDED:**

Approve an agreement with AdventHealth Services, LLC ("AdventHealth") to be the Presenting Sponsor of the 2025 Lenexa Farmers Market.

**PROJECT BACKGROUND/DESCRIPTION:**

Annually, the City offers sponsorship opportunities to individuals, businesses, and community organizations who desire to support and be associated with the City's festivals, events, and activities. These sponsorships serve as an important tool to foster community involvement, enhance and improve the City's events and to help offset the costs of offering these events.

In January 2025, staff issued a Request for Sponsorships (RFS) seeking proposals from those interested in becoming a Presenting Sponsor at several City events. Presenting Sponsorships are required to be approved by the City Council pursuant to the City's Sponsorship Policy. Proposals were evaluated using the criteria contained in the Policy and staff has selected and is recommending AdventHealth as the exclusive Presenting Sponsor for the 2025 Lenexa Farmers Market. AdventHealth will receive the standard promotion, publication, advertising, radio/TV advertisement, website acknowledgment, and signage benefits typically provided to Presenting Sponsors at City events.

This sponsorship runs through the conclusion of the 2025 Lenexa Farmers Market season on October 25, 2025. This agreement uses the City's standard form and is available for review in the City Clerk's office.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

AdventHealth will pay \$7,500 to be the Presenting Sponsor of the 2025 Lenexa Farmers Market.

**STAFF RECOMMENDATION:**

Approve the agreement.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

Vision 2040  
Inviting Places

Guiding Principles  
Superior Quality Services  
Extraordinary Community Pride

**ATTACHMENTS**

None



**ITEM 4**

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**SUBJECT:** Approval of a preliminary plan for ARC Physical Therapy to operate as a medical clinic under the retail and service, limited, business park use classification in an existing business park located at 11360 Strang Line Road within the BP-2, Planned Business Park District

**CONTACT:** Scott McCullough, Community Development Director

**DATE:** February 18, 2025

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**ACTION NEEDED:**

Approve a preliminary plan for ARC Physical Therapy to operate as a medical clinic under the retail and service, limited, business park use classification in an existing business park located at 11360 Strang Line Road within the BP-2, Planned Business Park District.

**APPLICANT:**  
Prescott Dean, MDC Inc.

**OWNER:**  
SLBC, LLC

**PROPERTY LOCATION/ADDRESS:**  
11360 Strang Line Road

**PROJECT BACKGROUND/DESCRIPTION:**

The applicant, ARC Physical Therapy (ARC), occupies a 2,032 square-foot tenant space in a 43,600 square-foot multi-tenant building within the Crossroads Industrial Business Park. Physical therapy is classified as a medical clinic and the use was discovered upon the applicant filing for a Certificate of Occupancy. Medical clinics are generally not permitted in the BP-2 Zoning District, except through the “retail and service limited, business park” use classification. The purpose of this classification is to allow for a limited amount of retail and service uses within business parks to serve nearby businesses, employees, and the general public at a small scale that would not impact the operations of the nearby industrial, manufacturing, warehousing, and office-oriented businesses. The limited retail and service use includes medical clinics as a potential use within business parks. All business park retail and service uses must have preliminary plan approval from the Planning Commission and Governing Body. A final plan will not be required for approval of the use.

Based on the proposed use, 11 parking spaces are required to meet minimum City Code requirements for the site. All parking on-site is shared, and the introduction of this business is not expected to create parking issues based on the maximum number of four employees and the traffic generated by the business. The location generally sees less than 15 patients per day over a nine-hour operational period, with the clinic estimating a maximum of two to three patient visits per hour.

The primary services offered by ARC are physical and occupational therapy, often working with nearby businesses to rehabilitate employees who have been injured so they may return to work. This particular ARC location currently serves two local employers: LMI Aerospace, Inc. and Heartland Coca-Cola, which

conforms to supplementary use regulations requiring the applicant serve surrounding business areas as their primary market.

No new external changes to the site are proposed as part of the project, though the recommendation for approval included the following conditions to bring the site and tenant space into compliance with City Code:

1. All trash enclosures on-site shall be screened by the applicant/property owner with a proper opaque, weatherproof gate that matches the principal structure within 60 days of plan approval by the Governing Body. The gates require a fence permit and will be reviewed for compliance at permit stage.
2. The applicant must obtain a sign permit for the new façade sign that was installed within 30 days of plan approval by the Governing Body.

**STAFF RECOMMENDATION:**

Approve the preliminary plan.

**PLANNING COMMISSION ACTION:**

This item was considered as Consent Agenda Item 4 at the February 3, 2025 Planning Commission meeting.

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1-2 and 4-7. Moved by Commissioner Woolf, seconded by Commissioner Burson, and carried by a unanimous voice vote.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Thriving Economy

**Guiding Principles**

Responsible Economic Development

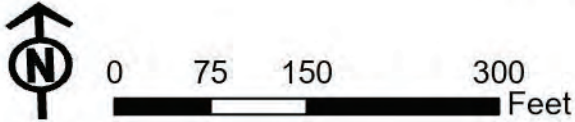
**ATTACHMENTS**

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



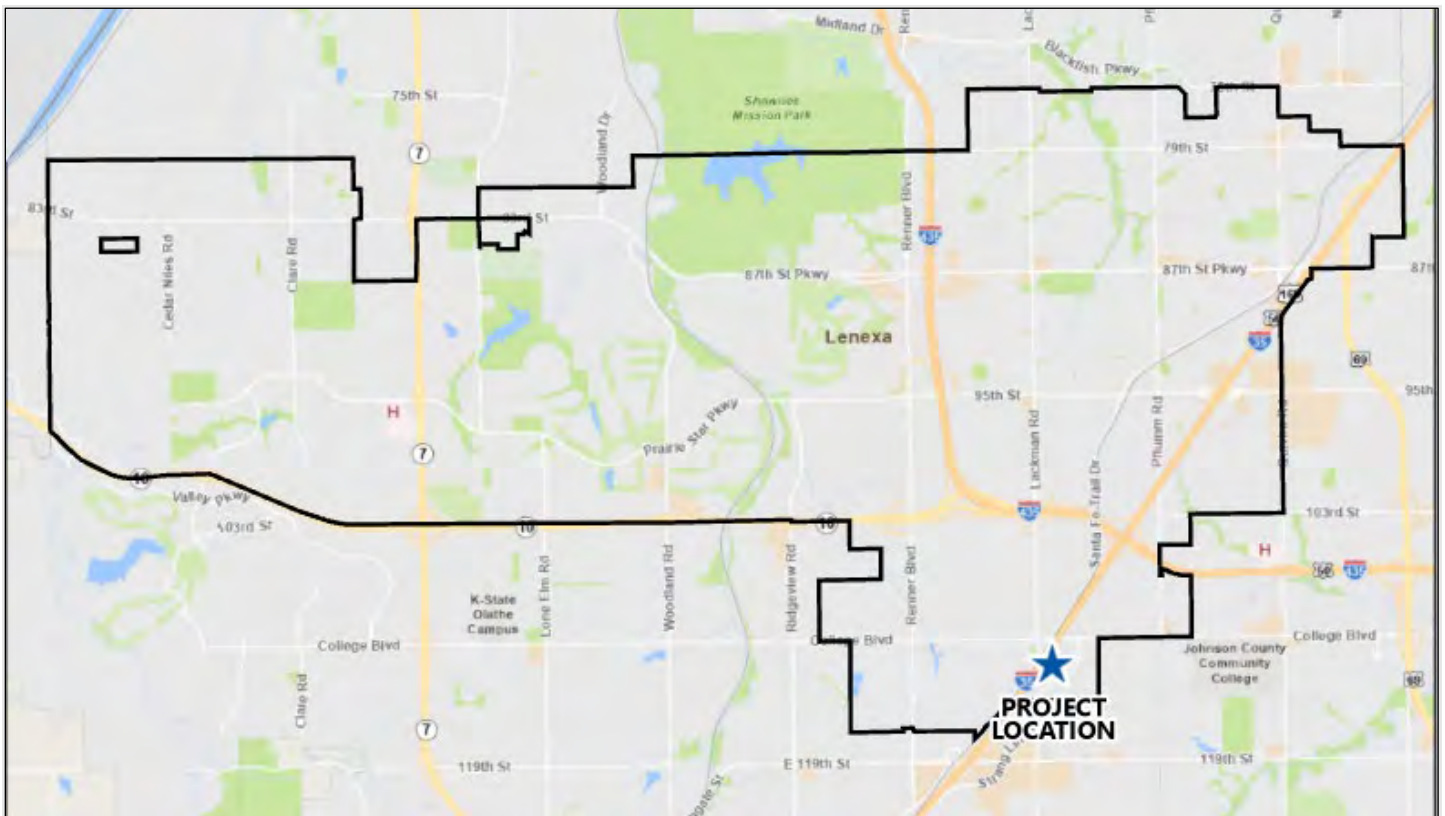
Data Source: City of Lenexa and Johnson County Kansas  
For further information, please call 913-477-7500

# ARC Physical Therapy+ Preliminary Plan



## ARC PHYSICAL THERAPY

<b>Project #:</b>	PL25-02P	<b>Location:</b>	11360 Strang Line Road
<b>Applicant:</b>	Prescott Dean, MDC Inc.	<b>Project Type:</b>	Preliminary Plan
<b>Staff Planner:</b>	Noah Vaughan	<b>Proposed Use:</b>	Medical Clinic within Retail and Service Limited, Business Park



### PROJECT SUMMARY

The applicant proposes to occupy a tenant space within the Crossroads Industrial Business Park development as a medical clinic under Lenexa’s “*retail and service limited, business park*” use classification at 11360 Strang Line Road. Medical and dental clinics as a use are generally not permitted within the BP-2 Zoning District. Retail and other services uses are also generally prohibited, except through the “*retail and service limited, business park*” use classification. The purpose of this classification is to allow for a limited amount of retail and service uses within business parks to service nearby businesses, employees, and the general public at a small scale that would not impact the operations of the nearby industrial, manufacturing, warehousing, and office-oriented businesses. This limited retail and service use includes medical clinics as a potential use within business parks. The tenant space is currently occupied by the applicant, and the use was first noticed upon submittal of a Certificate of Occupancy application by the applicant. In order to approve the use, [Section 4-1-B-23](#) of the Unified Development Code (UDC) states that the Planning Commission must approve any proposed “*retail and service limited, business park*” use through the preliminary plan process.

### STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS



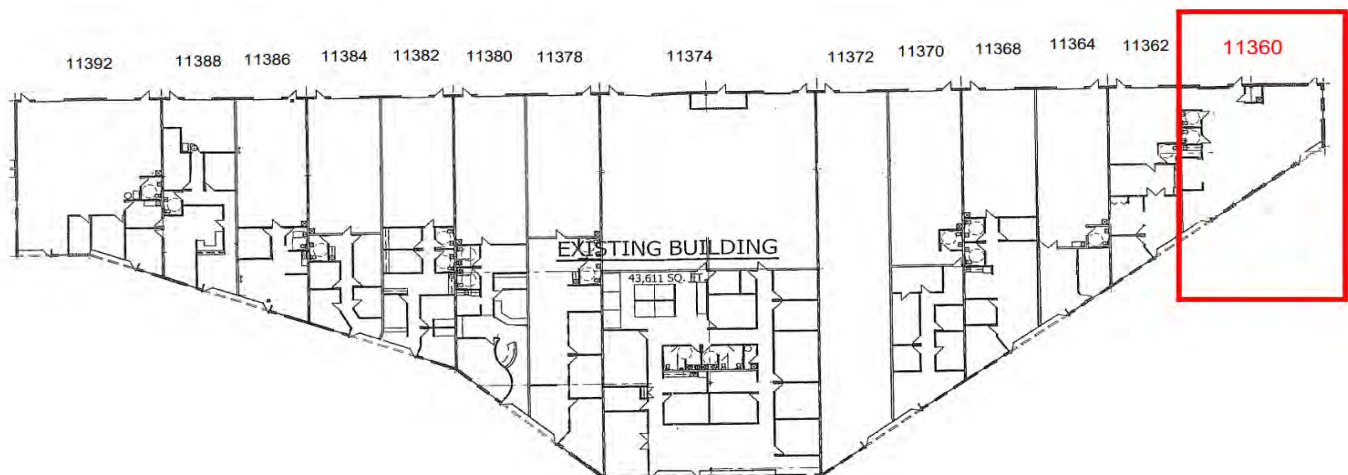
## SITE INFORMATION

The subject site is on Lot 13 of Crossroads Industrial Park, which was platted in 1998, while the current building was constructed in 1999. The tenant area is the eastern-most tenant space in the building, which is 2,032 SF of the total 43,600 SF of the building. The space was occupied from 2010 to 2019 and used as an adult daycare that operated through a special use permit. The previous tenant in the space, who had also been operating through a special use permit, was using the space as a church/place of worship. ARC Physical Therapy submitted an application for a Certificate of Occupancy on October 22, 2024 and moved into the space in early November 2024 prior to receiving approval to occupy the space from the City.

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
3.21	5,747 SF (tenant space) 43,600 SF (building)	BP-2	Business Park



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



**Exhibit 2: Floor layout of the current building, showing the various tenant spaces, with the subject space outlined in red.**

## LAND USE REVIEW

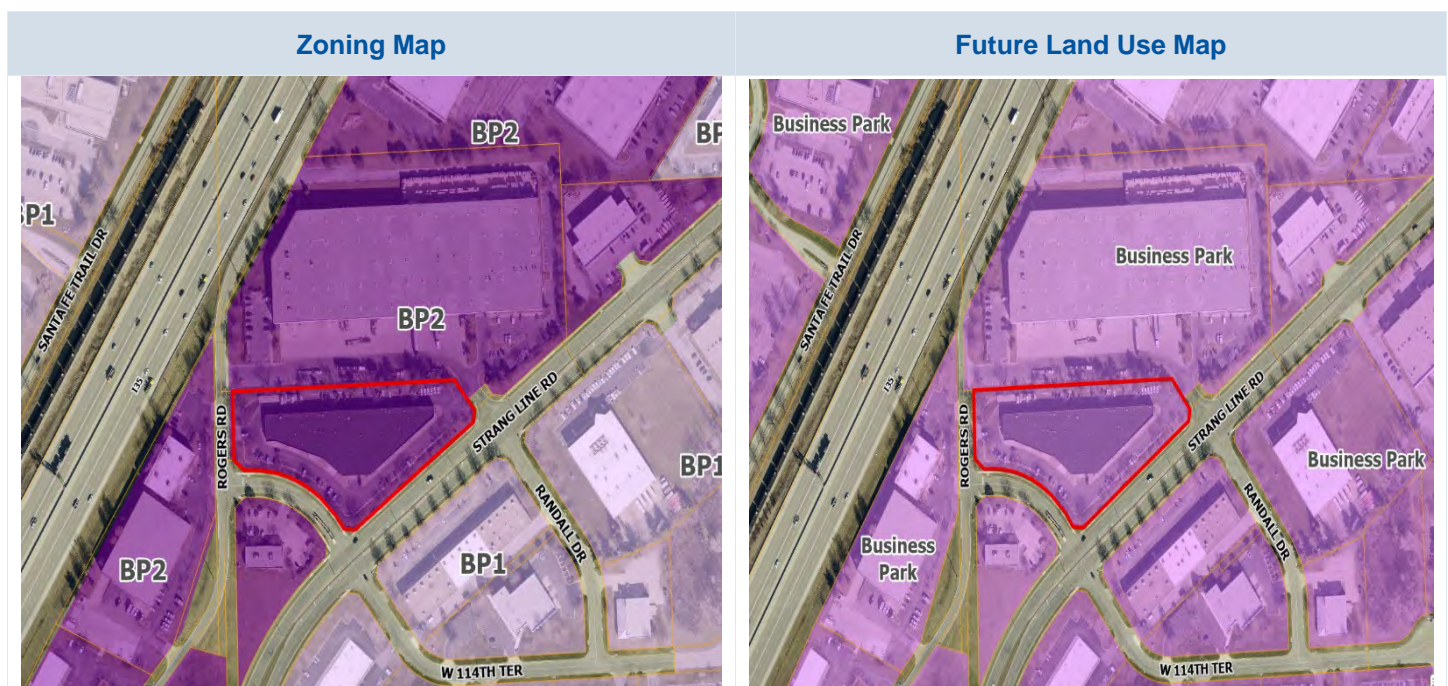
The land use for ARC Physical Therapy is classified as a *medical clinic* use based on the services offered by the company. The primary service offered by ARC is physical and occupational therapy, often working with local employers to serve employees who have been injured to rehabilitate so they are able to work again. One major form of occupational therapy offered by ARC is hand therapy, but they also offer other types of therapy to treat other parts of the body for post-surgery recovery, bone-related injuries, nerve-related issues, and more. ARC also offers services such as concussion management and post-offer employment testing.

This location of ARC Physical Therapy currently services two local employers: LMI Aerospace Inc and Heartland Coca-Cola, which conforms with item 1 of the supplementary use regulation related to the *retail and service limited, business park* classification. This item requires that the business be primarily oriented to serve surrounding business areas as their primary market.

Three part-time physical therapists work at the location alongside one full-time administrative assistant. Typical business hours for ARC are 8 A.M. to 5 P.M. Monday through Friday. The clinic estimates that there are 11 to 14 patient visits per day, with a maximum of 2-3 patients per hour. The proposed use of *medical clinic* is not permitted by right within the BP-2, Planned Manufacturing District. Instead, the use relies on the *retail and service limited, business park* use, which must be approved via a preliminary plan, as stated in item 3 of the supplementary use regulations for *retail and service limited, business park* within the UDC.

A final plan will not be required for approval of the use. No new external changes to the site are proposed as part of the project.

Surrounding uses include a multitenant warehousing and office building to the north, a print shop and commercial flooring business to the west, a pharmacy, medical office, and other retail uses to the south, and offices and a warehouse/showroom to the east.

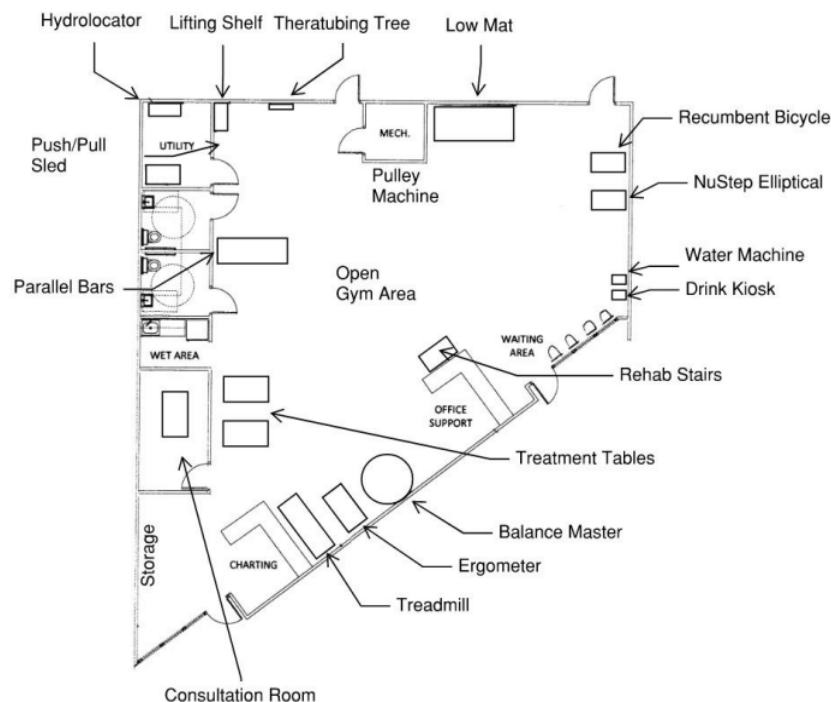


**TABLE 1: COMPARISON OF SURROUNDING PROPERTIES**

Vicinity	Land Use Designation	Zoning	Current Use
<b>Subject Property</b>	Business Park	BP-2, Planned Manufacturing District	Medical Clinic
<b>North</b>	Business Park	BP-2, Planned Manufacturing District	Office, Manufacturing, Wholesale/Warehousing, general
<b>South</b>	Business Park	BP-1, Planned Business Park District; BP-2, Planned Manufacturing District	Retail, Personal Services
<b>East</b>	Business Park	BP-1, Planned Business Park District	Wholesale/Warehousing, general, Retail
<b>West</b>	Business Park	BP-2, Planned Manufacturing District	Office, Wholesale/Warehousing, general, Retail

## PRELIMINARY PLAN REVIEW

Approval of the preliminary plan will allow the *medical clinic* use to operate within the existing tenant space. No exterior or interior changes will occur with this project, except for permitting of the existing exterior façade signage and an improvement to the trash enclosures as noted within this Staff Report. Exhibit 3 shows the floor plan for the tenant space, which includes various exercise and therapy equipment.



**Exhibit 3: Floor Plan of ARC Physical Therapy tenant space.**

## **PUBLIC IMPROVEMENTS**

No public improvements are proposed with this project.

## **ACCESS, TRAFFIC, AND PARKING**

The site has frontage along Rogers Road, 114<sup>th</sup> Terrace, and Strang Line Road. The property gains access from two points on the site, one entrance on the western side from Rogers Road and the other on the eastern side from Strang Line Road. The tenant space is located closer to the Strang Line entrance and leads to the shared parking area on site.

There is a sidewalk along 114<sup>th</sup> Terrace and Strang Line Road. The sidewalk along Strang Line Road connects to the eastern side entrance into the site, but overall the sidewalk network has no direct connection to the site. Sidewalk improvements will not be required as part of this preliminary plan.

Based on the proposed use, eleven parking spaces are required to meet minimum code requirements for the site. All parking on-site is shared, and the introduction of this business is not expected to create parking issues based on the maximum number of employees on-site (4) and the traffic generated by the business. The location generally sees less than 15 patients per day over a nine-hour operational period, with the clinic estimating a maximum of 2-3 patient visits per hour. No bike rack is currently present on-site, but it is encouraged that this should be added to the business park to make this form of transportation to the business more viable. However, a bike rack is not a required improvement for this preliminary plan.

## **STORMWATER**

No modifications to the existing stormwater system for the business park or tenant space are proposed or required at this time.

## **FIRE PREVENTION**

The Fire Department reviewed the plans based on the current adopted fire codes and local amendments. All general planning review comments have been acknowledged or satisfied and there are no outstanding Fire Department planning review items that need to be addressed for this project to move forward. A more detailed fire code review may be conducted based on the most up-to-date adopted codes if building permits are applied for at the space in the future.

## **LIGHTING**

No modifications to lighting within the business park are proposed or required at this time.

## **LANDSCAPING & TRASH ENCLOSURES**

The site utilizes perimeter landscape buffering to reduce any potential impacts from business operations at the site to adjacent properties. There is minimal visibility from the front street side and neighboring site to the north from the tenant façade and rear side of the spaces within the building. The Crossroads Industrial Business Park does not contain loading docks, so no traffic flow issues are expected in the rear of the building with the permitting of the physical therapy use.

The site includes several exterior trash enclosures behind the building. The tenant has access to one of the trash enclosures. The enclosures do not meet current code requirements for trash receptacle screening. While masonry walls were installed to screen the receptacles on three sides, the receptacles are not screened from the front in any way.

An opaque gate utilizing proper weather-durable materials and a color scheme to match the building, or another other code-compliant type of screening, must be installed in the front of each enclosure to properly screen the receptacles from view. Staff recommends installing code-compliant screening to the trash enclosures as a condition of approval for the preliminary plan.

*At Right: Exhibit 4: Existing trash enclosure.*



## ARCHITECTURE & SIGNAGE

The tenant space is a 2,032 SF area within a 43,600 SF multitenant building. Every other tenant within the building uses the space for general office and warehousing, aside from the occupant of 11378 Strang Line Road, who also utilizes the space for *retail and service, limited* within a business park. The façade of the business, shown from a side view in Exhibit 5, does not stray from the general design of the business park. An identification sign for the business was installed upon move-in without a permit. This existing sign will need to undergo review by staff to make sure sign code for the façade sign is followed. A condition of approval for the use will include review and permitting of this sign. Upon proper permitting of the sign, item 2 of the supplementary use regulations for *retail and service limited, business park*, will be satisfied. This requires that the design of the retail business is uniform in design characteristics of the business park development in which it is located.



*Exhibit 5: Side view of the ARC Physical Therapy tenant façade space. The facade sign is shown above the entrance.*

## DEVIATIONS

The applicant is not requesting any deviations from the UDC.

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## REVIEW PROCESS

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- This project requires a recommendation from the Planning Commission and final approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration from the City Council on February 18, 2025.
- The applicant must obtain approval of the Certificate of Occupancy to continue operations at the location.
- The applicant must fulfill any conditions of approval of this preliminary plan in order to continue operations at the location.
- The applicant should inquire about additional City requirements, such as permits and development fees.

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## RECOMMENDATION FROM PROFESSIONAL STAFF

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★ **Staff recommends approval of the proposed preliminary plan for ARC Physical Therapy.**

- This is a preliminary plan to allow for a *medical clinic* to operate at this location through the *retail and service limited, business park* use classification.
- The project is consistent with Lenexa's goals through **Responsible Economic Development** to create a **Thriving Economy**.

### PRELIMINARY PLAN

Staff recommends **approval** of the preliminary plan for PL25-02P – **ARC Physical Therapy** at 11360 Strang Line Road, for a *retail and service limited, business park* use with the following conditions:

1. All trash enclosures on-site shall be screened by the applicant/property owner with a proper opaque, weatherproof gate that matches the principal structure within 60 days of plan approval by the Governing Body. The gates require a fence permit and will be reviewed for compliance at permit stage.
2. The applicant must obtain a sign permit for the new façade sign that was installed within 30 days of plan approval by the Governing Body.



December 12, 2024

To whom this may concern,

This letter is to serve as an application for ARC Physical Therapy Plus, located at 11360 Strang Line Lenexa, KS, for a Preliminary Plan to conduct business as “Medical Clinic” located in a BP-2 zoning district, under “Retail and Service Limited, Business Park”

At ARC Physical Therapy+, we are more than just a physical therapy and occupational therapy provider. We are truly unique in how we help local employers manage and prevent injuries in the workplace. Our services are patient-focused with comprehensive injury prevention, rehabilitation and return to work offerings.

In our primary aim of serving the community in creating a healthier workforce, we partner with area employers in offering a full continuum of care in rehabilitative and preventative services including:

- [Post- offer employment testing](#)
- [Onsite Services](#)
- [Ergonomic Assessments](#)
- [Job Analysis](#)
- [Outcome Reports](#)
- [Sincerity of Effort Testing](#)
- [Work Conditioning](#)
- [Functional Capacity Evaluations](#)
- [Concussion Management](#)
- Physical and Occupational Therapy (in clinic and onsite)

Our Lenexa location will serve tenants within our office park, and the greater Lenexa community. To this point, we are fortunate to have business relationships with over 35 Lenexa employers. Two notable Lenexa employers who we currently serve, and who are close in proximity to this clinical location include; LMI Aerospace Inc and Heartland Coca Cola, amongst many others.

Our location will employ 3 part time Physical Therapists and 1 full time Administrative Assistant. We will see on average between 11 and 14 visits per day in clinic. Our typical business hours are 8AM- 5PM Monday- Friday.

Attached in Exhibit A is a sketch of our current unit, which is approximately 2032 SF. The unit utilized entirely for the treatment of care of our clientele. Located at the end of the building, and excellent visibility from Strang Line, our customers can see our brand while passing by. With having our clinic at the end of the building, our clients have very little parking constraints with the surround businesses. Our 4 parking spots for our employees utilizing parking in the rear of the space, while our 2-3 customers per hour utilize the front spaces.

Attached in Exhibit B shows the site plan of the building. As previously mentioned, we are located at the end of the building, adjacent to office type neighboring tenants. The building does not have any semi-truck dock areas, or any dock level doors. Only grade-level “garage” style roll up doors utilized for loading and unloading of UPS, FedEx, and similar type delivery services. With typical office/retail like vehicle traffic, customer safety is that of the



same as a BP-1 or similarly zoned retail space. Additionally in Exhibit B, you will see a list of all businesses, their hours, employee counts, and typical parking uses.

We hope that the provided information is helpful enough to determine that ARC Physical Therapy Plus can conduct business at 11360 Strang Line, as we are eager to serve our nearby clients with needed patient care.

Best Regards,

A handwritten signature in black ink, appearing to read 'Prescott R. Dean', written over a horizontal dotted line.

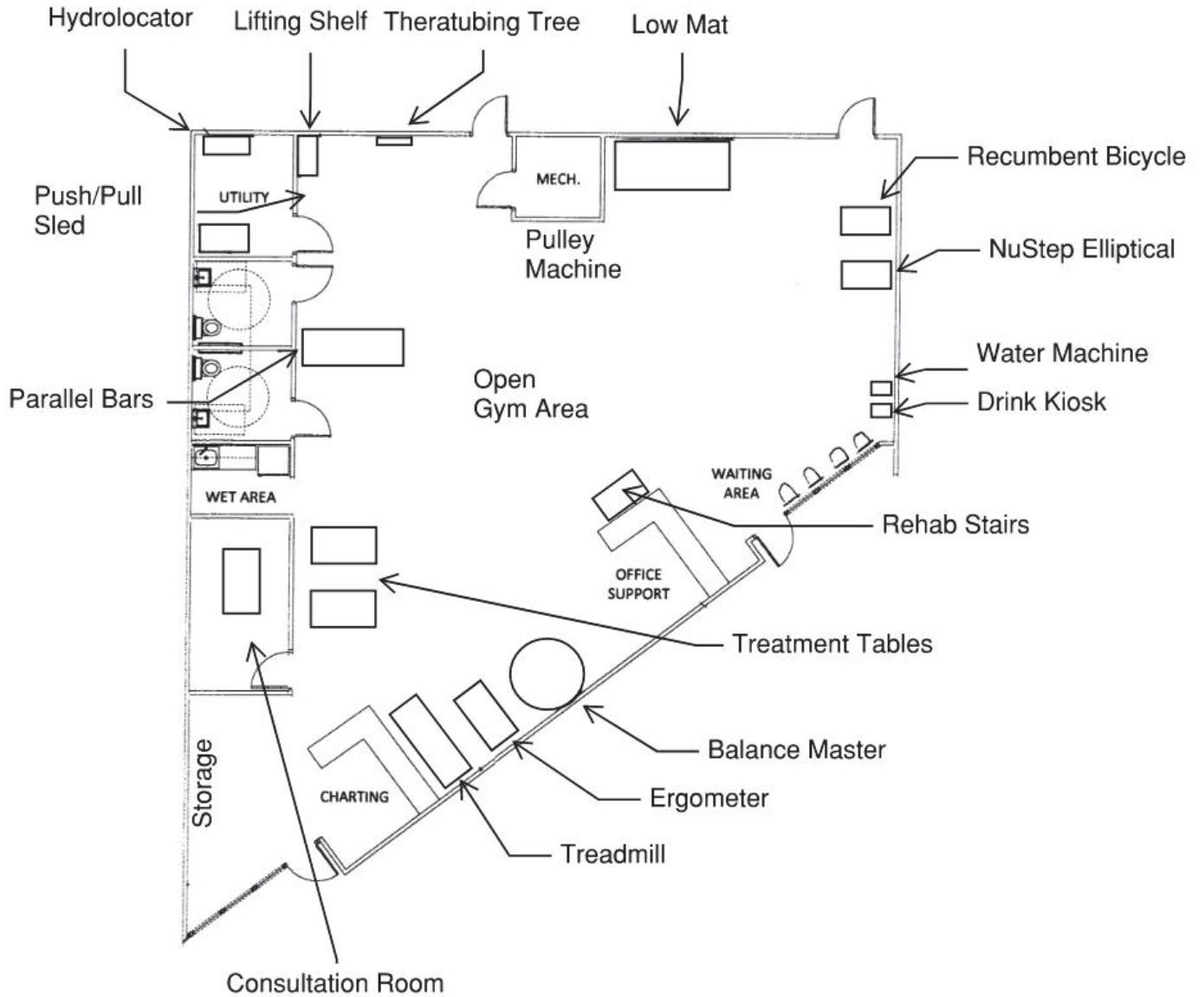
Prescott R. Dean  
MDC Inc.  
Property Manager

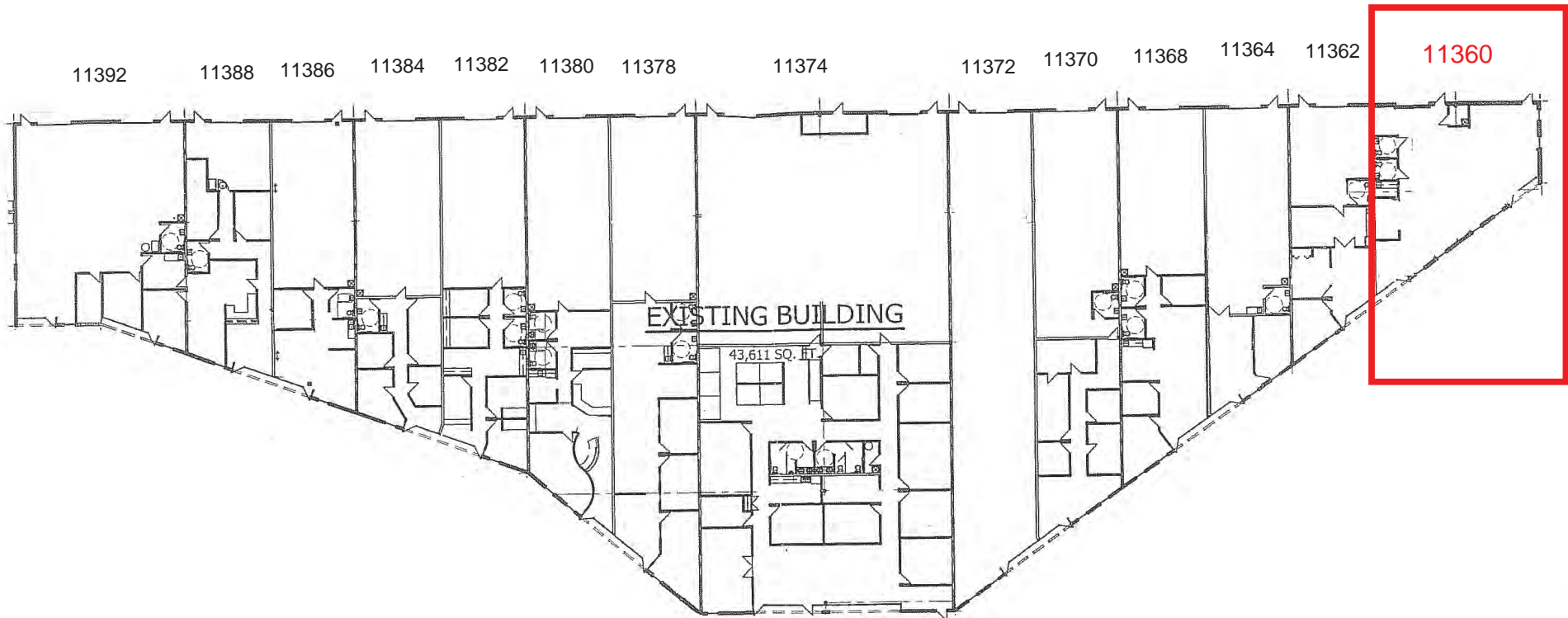
Ben Peterson  
ARC Physical Therapy Plus  
CEO, Partner





EXHIBIT A – Space Plan







Non Designated  
Parking Areas

Unit	SF	Tenant Name	Hours	Employees	Parking	Type of Business
11360	2,032	ARC Physical Therapy	8-5 M-F	4	6	Physical Therapy
11362	1,671	VACANT		NA	NA	NA
11364	2,115	Savage Holdings	8-5 M-F	3	4	General Office/warehouse for low voltage data contractor
11368	2,537	Aptive Environmental	7-9 M-F 8-6 S	4	8	General Office/warehouse for pest control
11370	2,990	Harpenau Power & Process	8-5 M-F	4	5	General Office/warehouse for sales of power and process equipment
11372	3,503	International Sports Turf Research	8-5 M-F	5	6	General Office/warehouse for turf installations
11374	10,772	Royal Coatings LLC	8-5 M-F	8	8	General Office/warehouse for a general contractor
11378	3,396	Big Fish, LLC	11-6 M-S 12-5 Su	4	6	Limited retail sale of fish and fish products. Majority warehouse for fish supplies
11380	5,410	United Construction Services Inc.	8-5 M-F	6	6	General Office/warehouse for a general contractor
11384	2,264	Pyro Novelties	8-5 M-F	2	3	General Office/warehouse for custom marketing products
11386	2,035	Finishes Unique & Amiglia Design Group	8-5 M-F	3	4	General Office/warehouse for window treatments and installation
11388	1,813	PRH Residential Paint	8-5 M-F	4	4	General Office/warehouse for a general contractor
11392	3,062	PPS Industries	8-5 M-F	6	6	General Office/prduction facility for electronic faceplates

## CONSENT AGENDA

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1. **Petco - Consideration of a revised final plan for a facade improvement for a new tenant space within an existing building on property located at 9658 Quivira Road within the CP-3, Planned Regional Commercial District. PL24-10FR**
2. **Sonoma Plaza Phase 3 Apartments - Consideration of a final plan for a four-five-story split multifamily residential development on property located approximately east of 88th Street & Maurer Road within the PUD, Planned Unit Development District. PL25-01F**
3. **Reflections Apartments Sign Deviations - Consideration of sign deviations for facade signs on property located at 9250 Renner Boulevard within the RP-5, Planned Residential (High Rise, High Density) District. DV25-01**
4. **ARC Physical Therapy Plus - Consideration of a preliminary plan to operate as a medical clinic under the retail and service, limited, business park classification in an existing business park located at 11360 Strang Line Road within the BP-2, Planned Business Park District. PL25-02P**
5. **Five Four - Consideration of a final plan for a one-story restaurant building known as Building 2B within Area 2 of the Advent Health campus located at approximately 8651 Scarborough Street within the CC, Planned City Center District. PL25-02F**
6. **Lenexa Fuel Station and Salt Storage - Consideration of a final plan for a fuel station and salt storage facility for the City of Lenexa within a public park located at 22651 West 83rd Street within the AG, Agricultural District. PL25-04F**
7. **Lenexa Logistics Centre, Ninth Plat - Consideration of a final plat for property located west of Britton Street at 113th Street within the BP-2, Planned Manufacturing District. PT25-01F**

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1, 2, 4, 5, 6, 7.  
Moved by Commissioner Woolf seconded by Commissioner Burson and carried by a unanimous voice vote.

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Item 3, recusing Commissioner Burson who declared a conflict of interest on this item. Moved by Commissioner Wagner seconded by Commissioner Harber and carried by a unanimous voice vote.



**ITEM 5**

**SUBJECT:** Approval of a final plan for a restaurant known as Five Four, located at approximately 8651 Scarborough Street within the CC, Planned City Center Zoning District

**CONTACT:** Scott McCullough, Community Development Director

**DATE:** February 18, 2025

**ACTION NEEDED:**

Approve a final plan for a restaurant known as Five Four, located at approximately 8651 Scarborough Street within the CC, Planned City Center Zoning District.

**APPLICANT:**

Mike Slutter, RIC

**OWNER:**

Shawnee Mission Medical Center, Inc.

**PROPERTY LOCATION/ADDRESS:**

Northeast corner of westbound 87th Street Parkway and Scarborough Street, approximately 8651 Scarborough Street

**PROJECT BACKGROUND/DESCRIPTION:**

This final plan is for a one-story, 10,969 square-foot restaurant building known as Five Four. The site is located on the east side of Scarborough Street midway between 86th Street and 87th Street Parkway. The restaurant building will front Scarborough Street. The restaurant has an outdoor seating and yard game area enclosed by a fence with masonry columns. Parking for this restaurant, and other buildings of the AdventHealth Life Campus, will use a new parking structure and surface parking east of the proposed restaurant abutting Renner Boulevard. The final plan is consistent with the approved preliminary plan.

**STAFF RECOMMENDATION:**

Approve the final plan.

**PLANNING COMMISSION ACTION:**

This item was considered as Consent Agenda Item 5 at the February 3, 2025 Planning Commission meeting.

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1-2 and 4-7 in one motion. Moved by Commissioner Woolf, seconded by Commissioner Burson, and carried by a unanimous voice vote.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Thriving Economy

**Guiding Principles**

Responsible Economic Development

## **ATTACHMENTS**

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



Document Path: C:\Users\stoddavidd\OneDrive - City of Lenexa\Documents\ArcGIS\Projects\MyProject\City Council Packet Template.aprx

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

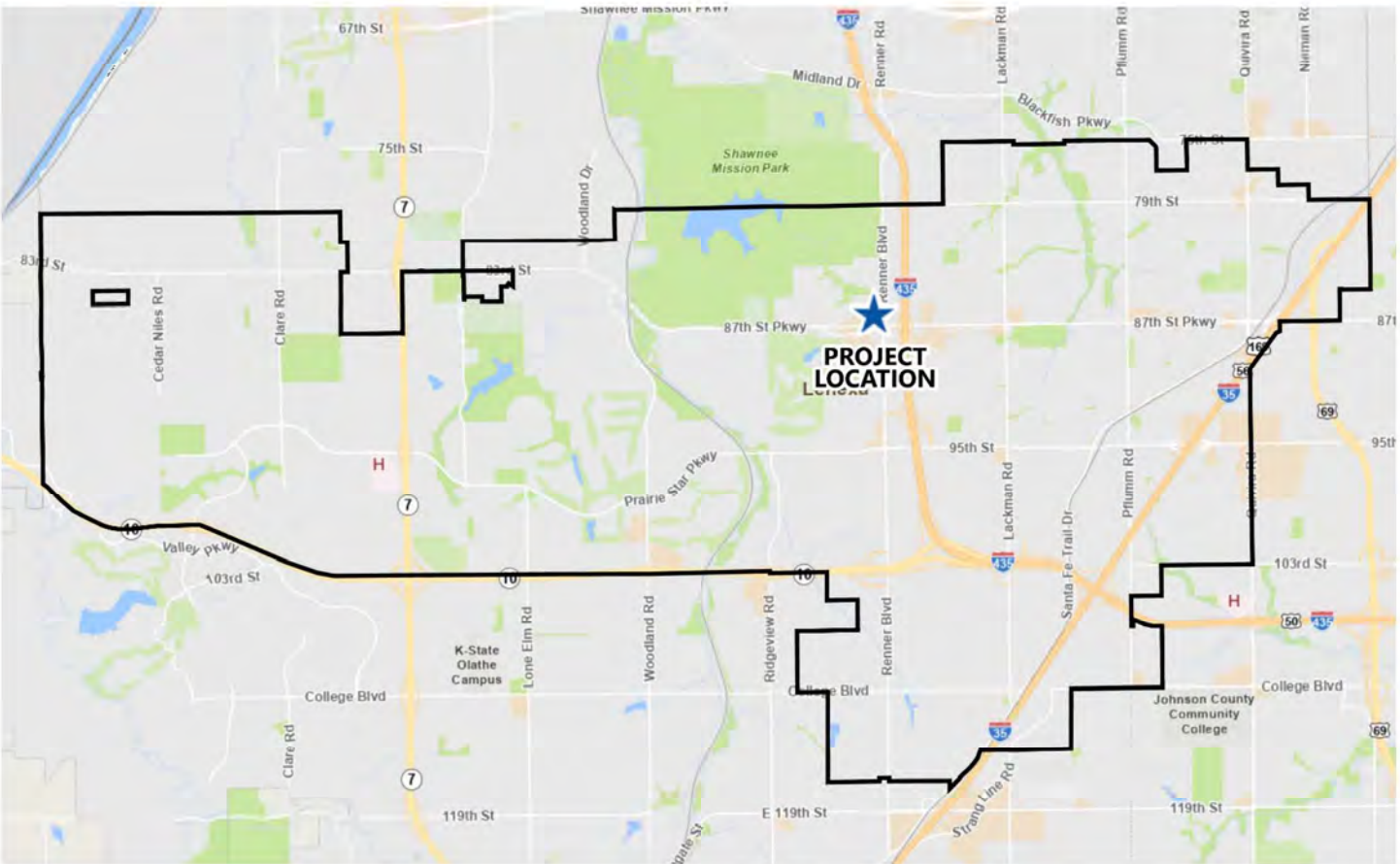
# Five Four Final Plan





**FIVE FOUR**

<b>Project #:</b>	PL25-02F	<b>Location:</b>	Northeast corner of westbound 87 <sup>th</sup> Street Parkway & Scarborough Street
<b>Applicant:</b>	Mick Slutter, RIC	<b>Project Type:</b>	Final Plan
<b>Staff Planner:</b>	David Dalecky	<b>Proposed Use:</b>	Restaurant



**PROJECT SUMMARY**

The applicant requests final plan approval to construct a 10,969 SF building located in the Advent Health Life Campus at the northeast corner of westbound 87<sup>th</sup> Street Parkway and Scarborough Street. The building is a one-story single tenant restaurant. The site is within a block of the Advent Health Life Campus that includes common surface parking areas and a three-level parking garage. Visitor and employee parking will share the surface and garage parking among several different building within this block and the larger Advent Campus. The final plan is consistent with the approved preliminary plan. This project does not require a Public Hearing.

**STAFF RECOMMENDATION: APPROVAL**

## SITE INFORMATION

The Advent Health 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 9 and part of Lot 10 on the preliminary plat.

**TABLE 1: PREVIOUS APPLICATIONS**

Project No.	Type	Name	Date Approved
PL08-01CPR, PL08-17, and SU08-13	Concept Plan, Preliminary Plan, and Special Use Permit	City Center North Hospital	August 19, 2008
PL16-02PR and SU16-03	Revised Preliminary Plan and Special Use Permit	City Center North Village	January 19, 2016
PL19-06P and SU19-11	Preliminary Plan and Special Use Permit	Advent Health Life Campus	June 18, 2019
PL21-04PR	Revised Preliminary Plan	Advent Health Life Campus	November 21, 2021
PL24-04F	Final Plan	Advent Health Life Campus Building 2C	April 16, 2024

<b>LAND AREA (AC)</b> 0.54	<b>BUILDING AREA (SF)</b> 10,969	<b>CURRENT ZONING</b> CC	<b>COMP. PLAN</b> City Center
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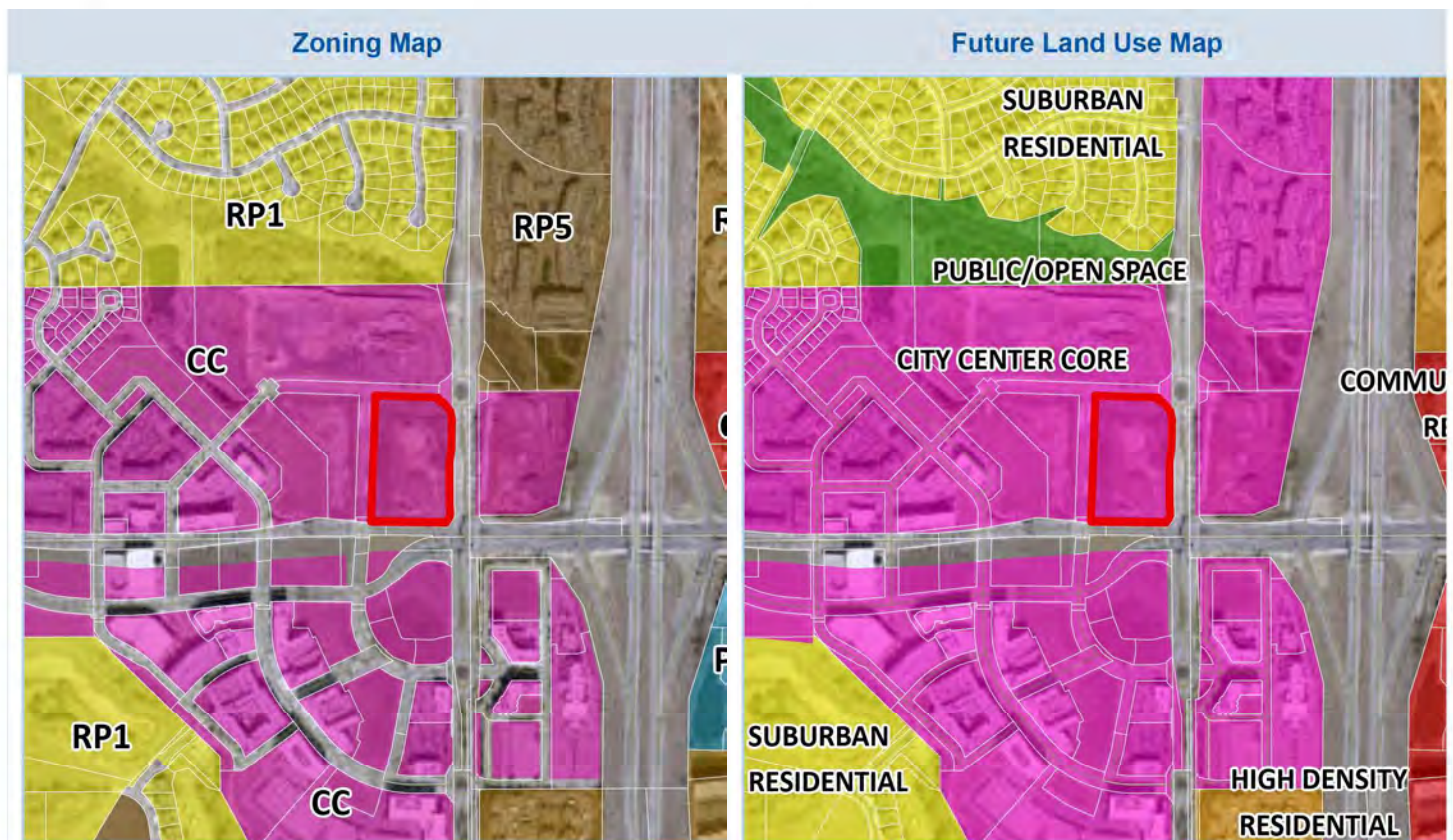


Exhibit 1: Aerial Image of Subject Site

## LAND USE REVIEW

This is intended to be a single tenant building with a restaurant use. The proposed uses are allowed in the CC, Planned City Center Zoning District. Specific tenants have not yet been identified.

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 or density, public open space, pedestrian-friendly streets and a mix of employment, shopping, entertainment, office, retail, residential, recreation, and civic uses. The planned use of the building is aligned with the designated future land use.

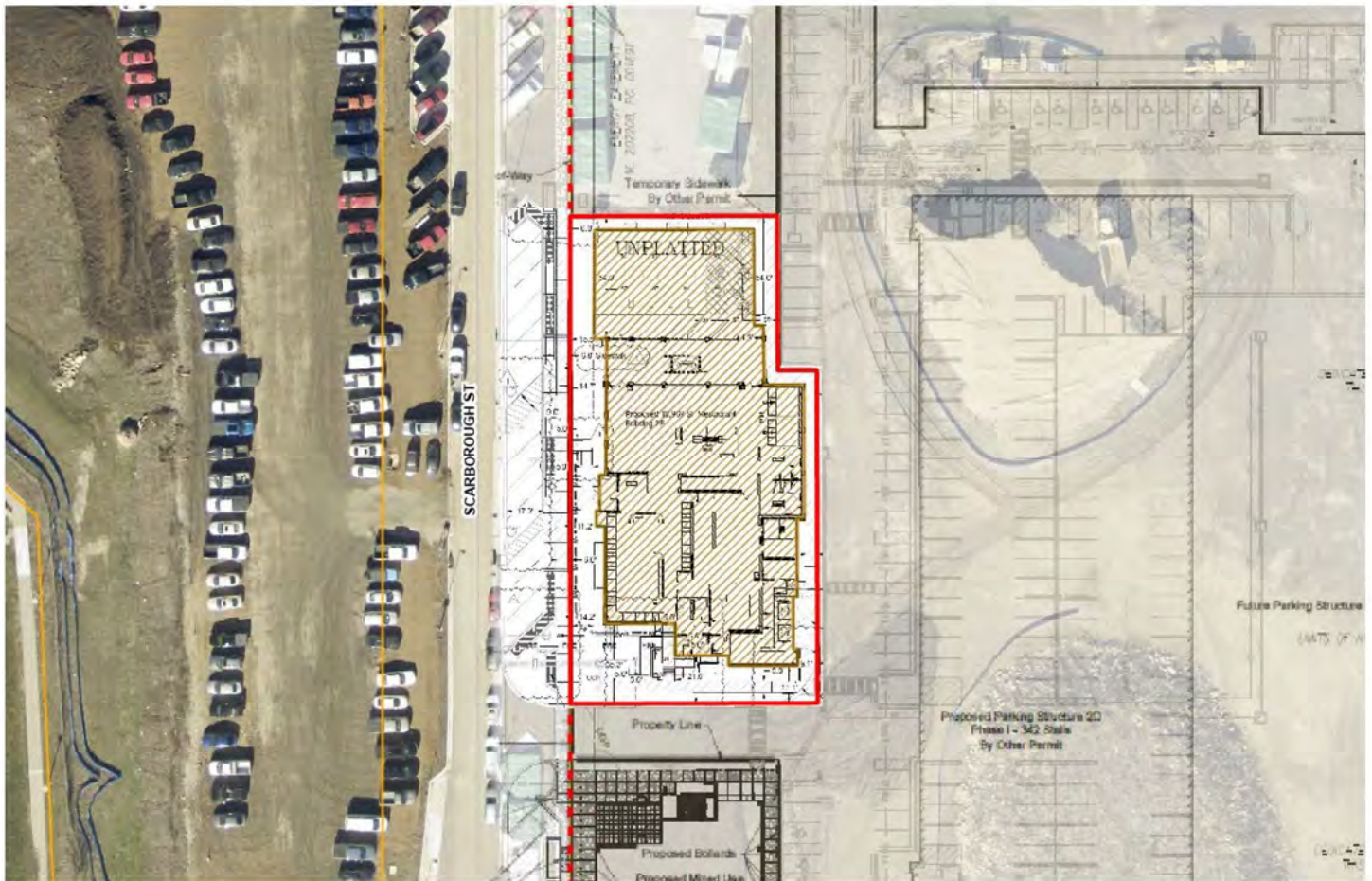


**TABLE 2: COMPARISON OF SURROUNDING PROPERTIES**

Vicinity	Land Use Designation	Zoning	Current Use
<b>Subject Property</b>	City Center	CC, Planned City Center District	Undeveloped
<b>North</b>	City Center	CC, Planned City Center District	Hospital (Under Construction)
<b>South</b>	City Center	CC, Planned City Center District	Undeveloped
<b>East</b>	City Center	CC, Planned City Center District	Undeveloped
<b>West</b>	City Center	CC, Planned City Center District	Undeveloped

## FINAL PLAN REVIEW

This final plan is for a one-story restaurant building known as Building 2B and is part of the first phase of development of Area 2 of the Advent Health Life Campus. Area 2 of the Advent Campus is located between Renner Boulevard and Scarborough Street to the east and west, and W. 86<sup>th</sup> Street and W. 87<sup>th</sup> Street Parkway to the north and south. Area 2 will contain several buildings; all are to be built along the street frontages with a parking structure internal to the block and partially fronting onto Renner Boulevard. A final plan for the medical office building and the first phase of the parking structure have been approved (PL24-03F). Building permit plans are currently under review for these two structures.



**Exhibit 2: Site plan.**

The Scarborough Street frontage of the Advent Health Life Campus is to have a dense urban character with both multi-story and one-story buildings (as noted on the preliminary plan) fronting both sides of nearly the entire block from 87<sup>th</sup> Street to 86<sup>th</sup> Street. Private drives will provide access to the parking areas internal of the blocks behind the buildings. This building is at the middle of the block. The building is one-story but is designed to appear as two stories, which meets the design intent for this specific lot within Area 2 along Scarborough Street. The entry element is the tallest part of the building and is over 30 feet in height. The front facade along Scarborough Street uses clerestory windows to emulate a two-story volume inside the building.

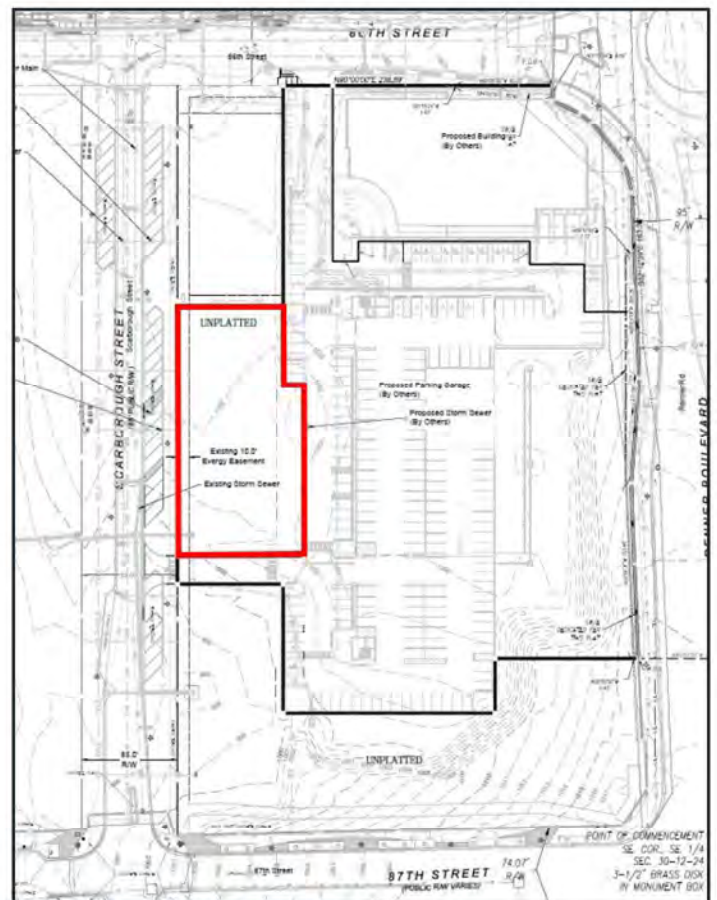
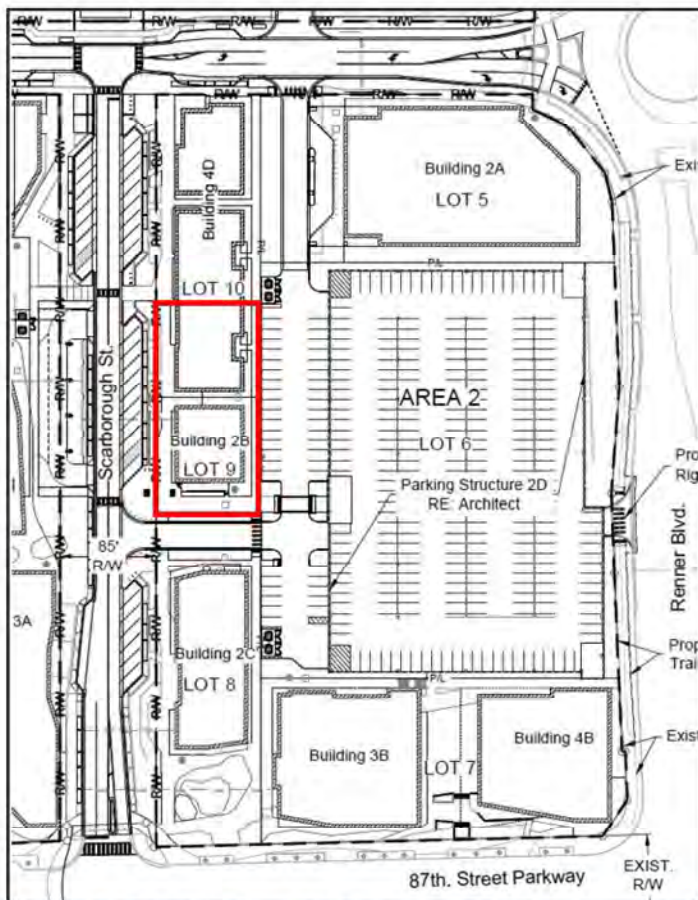
The development will continue the modular pavement pattern of the Pedestrian Amenity Zone (PAZ) common throughout City Center along the Scarborough Street frontage. The PAZ will include tree wells and planter spaces and spaces for benches along the sidewalk. The restaurant has an outdoor seating and yard game area at the

north end of the site. This space will be enclosed with an ornamental fence and brick columns. The patio space will include shade awnings mounted to metal poles.

The main entrance to the building is from Scarborough Street. The entrance has a short stair section and ramp from the PAZ. This stair section is prominent and easily identified as the building entrance with stone accents that extend from the building façade. The building has multiple entrances on other façades that will allow customers to enter the building.

The preliminary plans for Advent Health Life Campus (PL19-06P and PL21-04PR) focused on the importance of the character of Scarborough Street and the expectation for the continuation of the PAZ spaces in front of each building. The PAZ includes a modular pavement design with intermittent spaces of brick pavers and concrete with a distinct scoring pattern. This pattern establishes a unifying characteristic to all of City Center and reinforces the pedestrian oriented nature of the district. The PAZ is consistent with other streetscape designs throughout City Center. This site does not use an angular pavement detail that Building 2B uses. The landscaping uses a more curvilinear pattern. Subtle variations to site details such as landscaping patterns, pedestrian benches, and grade transitions are encouraged in City Center to create unique spaces and experiences for visitors. The modular PAZ pavement design is a consistent framework that is used throughout the City Center District.

This building, at the midblock of Scarborough Street between 86<sup>th</sup> Street and 87<sup>th</sup> Street, is now a larger building than what is shown on the preliminary plan. A future building is to be developed at the north end of the block.



**Exhibit 3: Building 2B on the Preliminary Plan for Area 2 of the Advent Health Life Campus.**

**Current Plan for Building 2B.**

### DIMENSIONAL STANDARDS

The Planned City Center Zoning District has a minimum height of 25 feet and maximum height of 45 feet for retail buildings. The height of the proposed building varies from 23 feet to 34 feet with variation of parapet heights. The predominant height of the building is 27 feet tall.

Setbacks from rights-of-way or property lines are more flexible in the City Center District than standard zoning districts, with mixed-use buildings ideally having a setback of 0 to 15 feet to reflect the district’s urban scale of development. Alternative setbacks are allowable as part of an approved final development plan. The proposed building setback from Scarborough Street is 11.2 feet at the closest point and 15.5 feet at the furthest point, with the intervening space used as part of the pedestrian zone.

### PUBLIC IMPROVEMENTS

Completion of the amenity zone, including all pedestrian-scale lighting, will require a separate public improvement permit.

### ACCESS, TRAFFIC, AND PARKING

The development pattern for this block of the Advent Health Life Campus has two planned vehicular access points that will serve all the buildings on the block for access to the parking garage and site-internal surface parking areas included with final plan PL24-03F. One drive is located off 86<sup>th</sup> Street and the second drive is located off Scarborough Street. The drive entrance from Scarborough Street has moved slightly south from the location approved on the preliminary plan due to refinement of building designs.

There are pedestrian connections from the public sidewalk network to the building from both Scarborough Street and from the parking areas internal of the block. There are sidewalk and crosswalk connections to link the proposed mixed-use building with the parking garage and surface parking lots.

Development in City Center is intended to be more dense than suburban development. Sites are to have a mixture of complimentary uses that have different parking demands throughout a typical day. Multiple developments within a block will share parking as the demands change throughout the day. Parking for Area 2 of the Advent Health Life Campus was calculated for the entire block with parking needs planned to be met with the use of a parking garage, surface parking, and on-street parking.

**TABLE 3: PARKING ANALYSIS**

Land Use	Parking Approved with Preliminary Plan	Required	Provided	Difference
Total Phase 1 MOB 2, Building 2B, and Building 2C (partial parking structure)	n/a	574	433	<b>-141</b>
All of Area 2 (complete parking structure)	800	1034	709	<b>-325</b>

The Advent Health Life Campus is a compact and densely developed area. Parking is provided throughout the campus as is provided across City Center. It is understood that the individual lots will not provide the required parking per the Parking Schedule of [Section 4-1-D-1-C](#) of the UDC. Parking is to be shared among all sites and uses throughout City Center. The region is to be a walkable region where visitors may need to park a block or further from their destination and walk and a visitor will park once then walk from destination to destination.

The parking structure (approved with final plan PL24-03F) approves the construction of approximately two-thirds of the overall structure. The first phase of the structure will have 433 parking spaces, these spaces combined with the surface and on-street parking of Area 2 of the Advent Health Life Campus, while is fewer than is required

per [Section 4-1-D-1-C](#) of the UDC, is an acceptable number of parking spaces for the MOB, Building 2C, and Building 2B (Five Four). This group of buildings will have a complimentary parking demand; the MOB will have a high demand during the day and the other two buildings will have a high demand during the evening hours. Further development of the Advent Health Life Campus will require additional parking spaces be provided. Any additional development beyond MOB 2, Building 2B, and Building 2C will require the remainder of the parking structure to be constructed.

**STORMWATER**

Stormwater management meeting City Center guidelines is being addressed through a combination of the Central Green basins, along with an already existing mechanical unit that has been installed in the system just upstream of the Central Green facilities.

**FIRE PREVENTION**

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

**LIGHTING**

Lighting is provided at the pedestrian level in the PAZ along Scarborough Street. There are also decorative wall-mounted lights on the ground-level of the building and soffit lights on the building cornice and awnings. The outdoor seating patio will include light fixtures. The building windows are clear and will illuminate the façade during the evening hours.

Sections of the building will use a wood looking façade detail with a concealed light fixture to create a red glow to these sections of the building façade. The sections of the wood looking material will be on each façade of the building. Lighting of a building feature is an acceptable architectural feature to illuminate features of a building. The City Center Neighborhood Design Standards and Guidelines encourage to use architectural features to address otherwise blank walls. The sections of the building that use the concealed lighting create a unique architectural treatment different than using light to “wash” of the wall of the building.

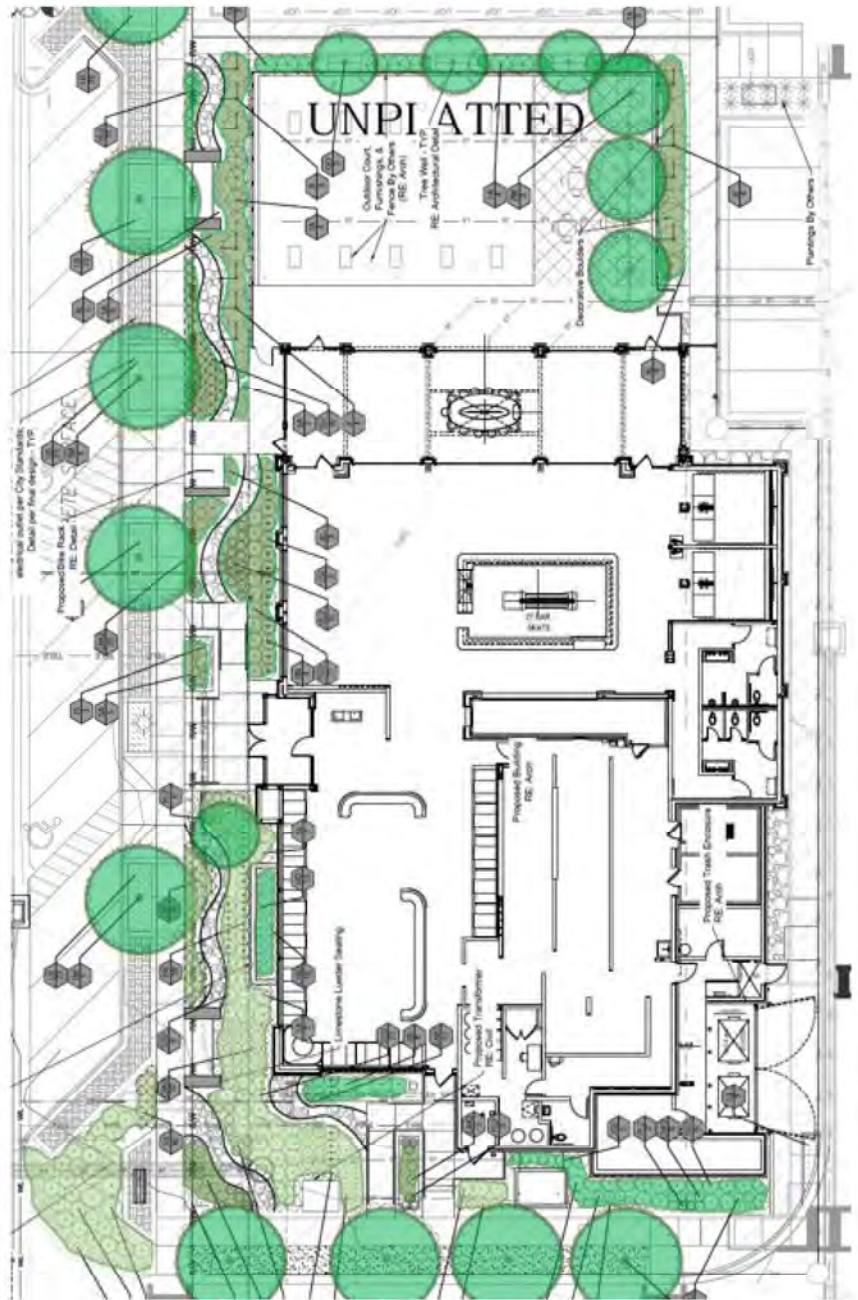


*Exhibit 4: Front elevation showing wood panel with concealed lighting.*

**LANDSCAPING**

Landscaping is provided to meet the requirements of the Lenexa City Center Design Guidelines. This project will include landscaping associated with the Amenity Zone along Scarborough Street and around the building. These areas will have street trees along with standardized pavers as used in other areas of City Center. Site furnishing include benches, pedestrian level lighting, and raised seating planters along Scarborough Street. Individual planters are provided at the base of the building on the west façade.

This site plan also includes trees along the drive entrance from Scarborough Street as well as plant beds with shrubs along portions of the north and south building edge.



*At Right: Exhibit 5: Building 2B Landscaping*



## ARCHITECTURE

The building is one-story but will have features that present part of the building as a two-story volume. The entry element uses a glass wall façade at the tallest part of the building. The entry feature is 34 feet tall. The interior space is an open atrium with a large chandelier fixture.

The entry element is at the middle of the building. The ground-level of the building is nearly all glass storefront on either side of the entry. A projecting awning element extends from the façade the full length of the building. The northerly part of the façade uses clerestory windows, and the southerly part of the building has a linear wood panel element above the ground level. The wood panel element is an architectural feature that will conceal lights that will provide a red glow effect to this element. The wood trim element wraps the corner of the building and is used on the upper level of the north façade of the building.

The predominant building materials are brick and stone. The building incorporates a wainscot of cast stone with a cap transition to the façade field materials of either brick, stacked stone or windows. The parts of the building clad in brick use a decorative patterning of dark color brick. The contrasting brick color pattern is used in the brick pilasters and the brick columns around the outdoor seating area. The roofline of the building has several changes in height to emphasize the plane changes to each building façade. The roofline will use a wide coping on the taller sections and will use a soldier course brick band and narrow coping on the lower sections.



*Exhibit 6: Architectural rendering.*

All of the façades will incorporate the same exterior material details. The east and south facing façades will not have as extensive amount of glass because the kitchen and service areas of the building will abut these exterior walls of the building.



*Exhibit 7: Architectural rendering (view from Scarborough Street looking northeast).*



*Exhibit 8: Architectural rendering (view looking northwesterly).*

The outdoor seating patio and yard game area is enclosed by a decorative metal fence with brick columns at regular intervals. The outdoor patio will use fabric shade sails mounted to metal poles.



*Exhibit 9; Architectural rendering (view of outdoor patio and yard game space looking southeast).*

## **SIGNS**

The building will include wall signs to identify the restaurant. Wall signs are common for all businesses in City Center. The elevations show a channel letter sign installed on the awning over the front door, a blade sign, and a tenant name sign on the east façade, facing the internal part of the block. Typically, only one sign is allowed on a building façade for a single tenant. Staff encourages the applicant to relocate “around the corner” to the south façade of the building. All signs will require a separate sign permit prior to installation. Signage shown on the plans is not considered approved as part of this final plan.

## **DEVIATIONS**

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

## **NEXT STEPS**

- The Planning Commission is the approval authority on this application. The City has a practice of submitting City Center final plans to the City Council for affirmation of the Planning Commission’s decision. Pending the Planning Commission’s decision, the project will be tentatively scheduled for consideration by the City Council on February 18, 2025.
- The applicant must submit a final plat application prior to applying for permits.
- The final plat must be recorded with Johnson County prior to permits 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 plan for Five Four.**

- This is a final plan for a one-story restaurant building in City Center. The building will be part of the Advent Health Life Campus.
- The project is consistent with Lenexa's goals through *Strategic Community Investment* and *Responsible Economic Development* to create *Inviting Places*.

### FINAL PLAN

Staff recommends **approval** of the final plan for PL25-02F – **Five Four** at the northeast corner of westbound 87<sup>th</sup> Street Parkway & Scarborough Street, for a restaurant use.



**FIVE FOUR  
LELEXA ADVENT CAMPUS  
LELEXA DEVELOPMENT  
LELEXA, KS**



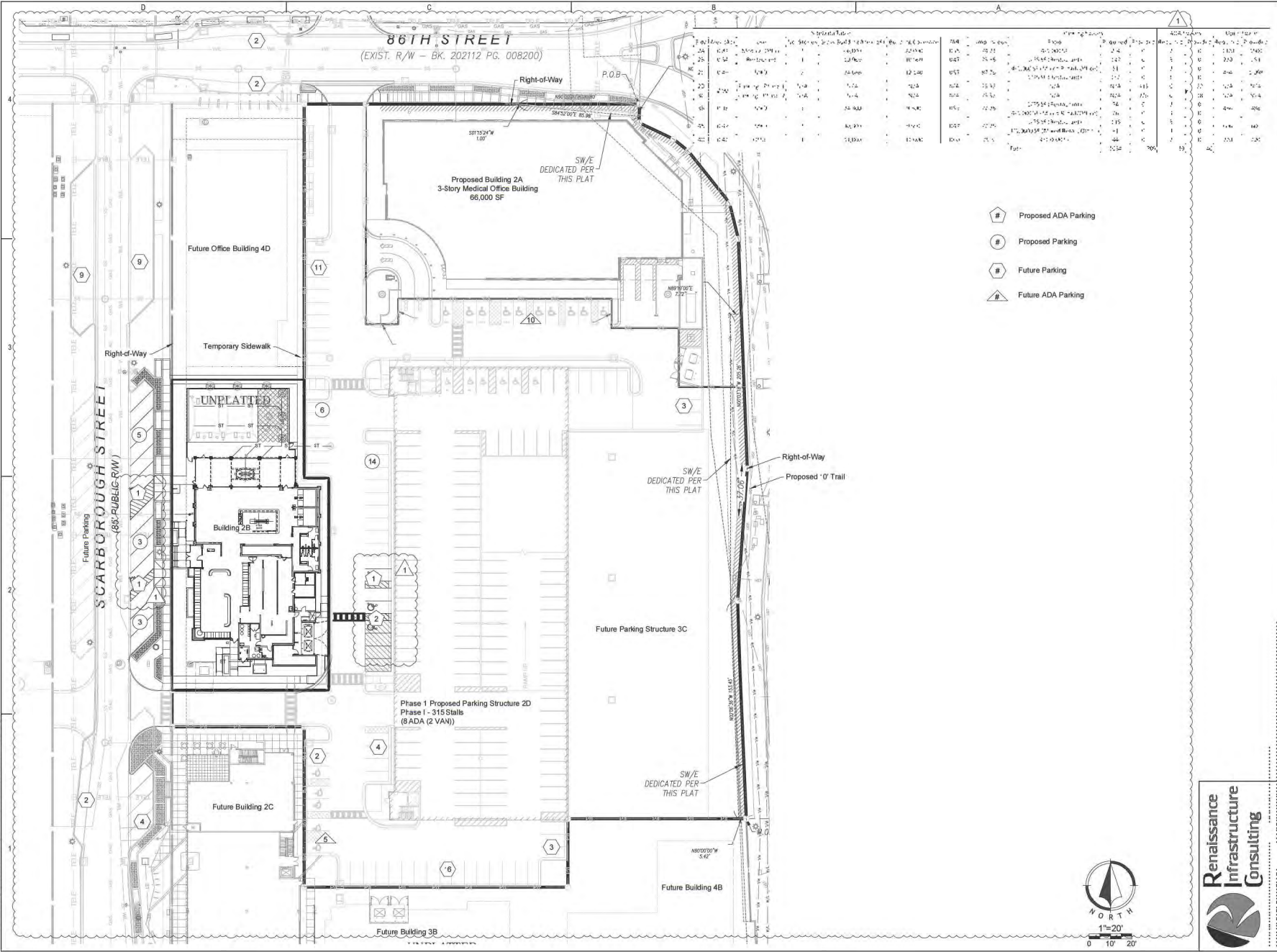
**SH ASSOCIATES**  
SHAWN HOFSTRA + ASSOCIATES  
1800 CENTRAL STREET, SUITE 203  
KANSAS CITY, MISSOURI 64108  
P: 816.452.0000

ARCHITECTURAL CORPORATION  
Certificate of Authority No. 00111330

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JOB NO.	
DRAWN BY	
ISSUE	DATE
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**SHEET**  
Parking Plan  
**C03b**



- Proposed ADA Parking
- Proposed Parking
- Future Parking
- Future ADA Parking



1/16/24  
 Jan 17, 2025 12:28 PM  
 2: Public Comment 20250117 12:28 PM (P) 100111330



**FIVE FOUR  
LENEXA ADVENT CAMPUS  
LENEXA DEVELOPMENT  
LENEXA, KS**



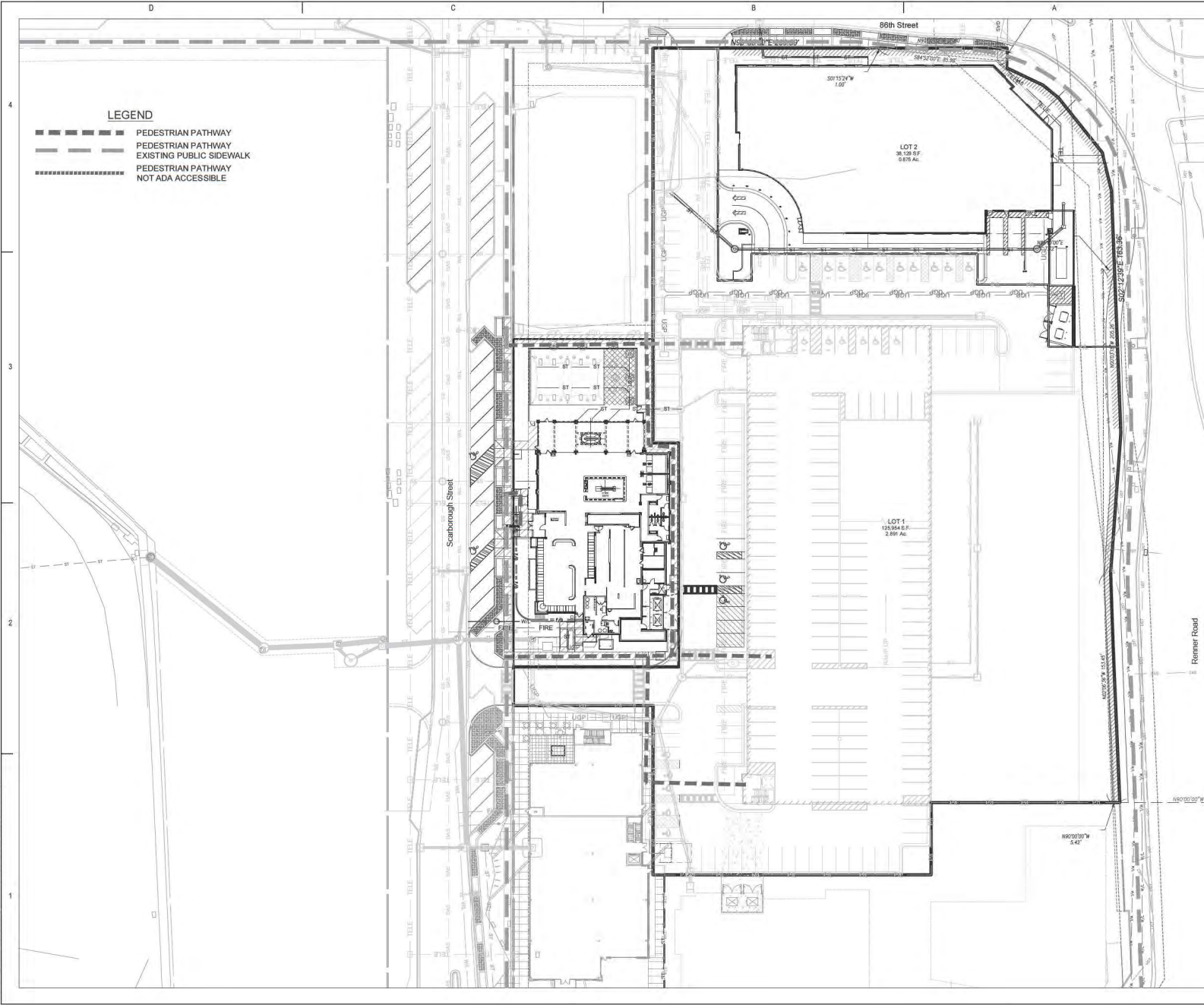
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JOB NO.	
DRAWN BY	
ISSUE	DATE
FINAL DEVELOPMENT PLANS	10-2024
REVISIONS	REVISED

SHEET
Pedestrian Plan
<b>C04</b>



**LEGEND**

- PEDESTRIAN PATHWAY
- PEDESTRIAN PATHWAY
- EXISTING PUBLIC SIDEWALK
- PEDESTRIAN PATHWAY NOT ADA ACCESSIBLE

Sheet: 2024-12-23.rvt  
 Date: 12/23/24  
 Project: Renaissance Consulting  
 User: shawn.hofstra  
 Path: C:\Users\shawn.hofstra\AppData\Local\Temp\1\2024-12-23.rvt





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FIVE FOUR  
LENEXA ADVENT CAMPUS - LENEXA DEVELOPMENT

FINAL DEVELOPMENT PLANS

RENDERING 3  
NO SCALE  
12-20-2024 CITY COMMENTS - REV 1-17-2025







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FIVE FOUR  
LENEXA ADVENT CAMPUS - LENEXA DEVELOPMENT

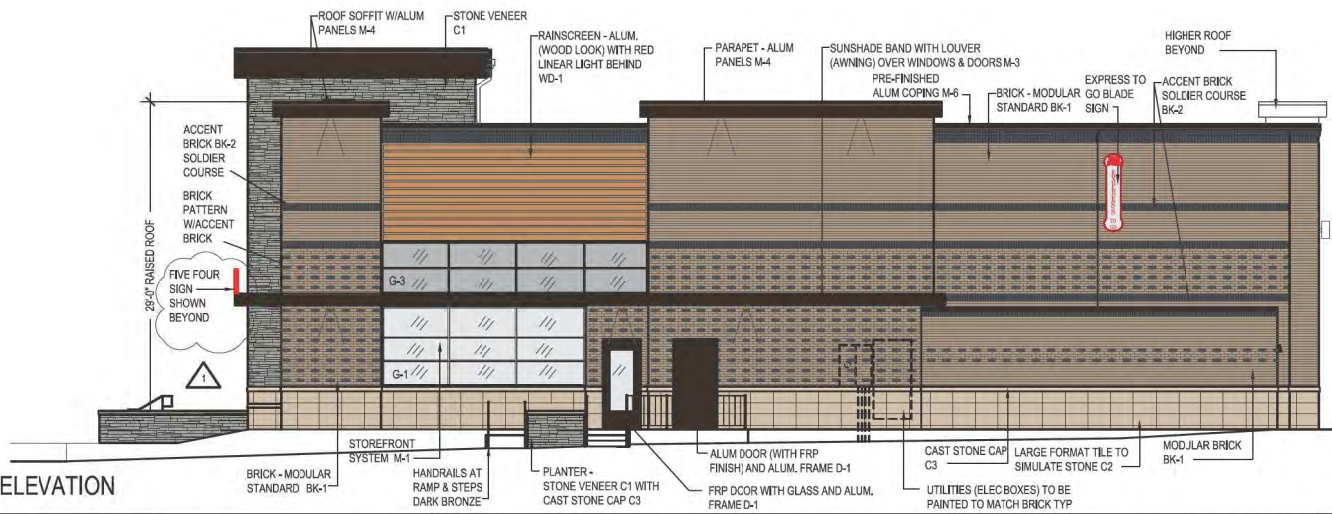
FINAL DEVELOPMENT PLANS

RENDERING 4  
NO SCALE  
12-20-2024 CITY COMMENTS - REV 1-17-2025





WEST ELEVATION



SOUTH ELEVATION

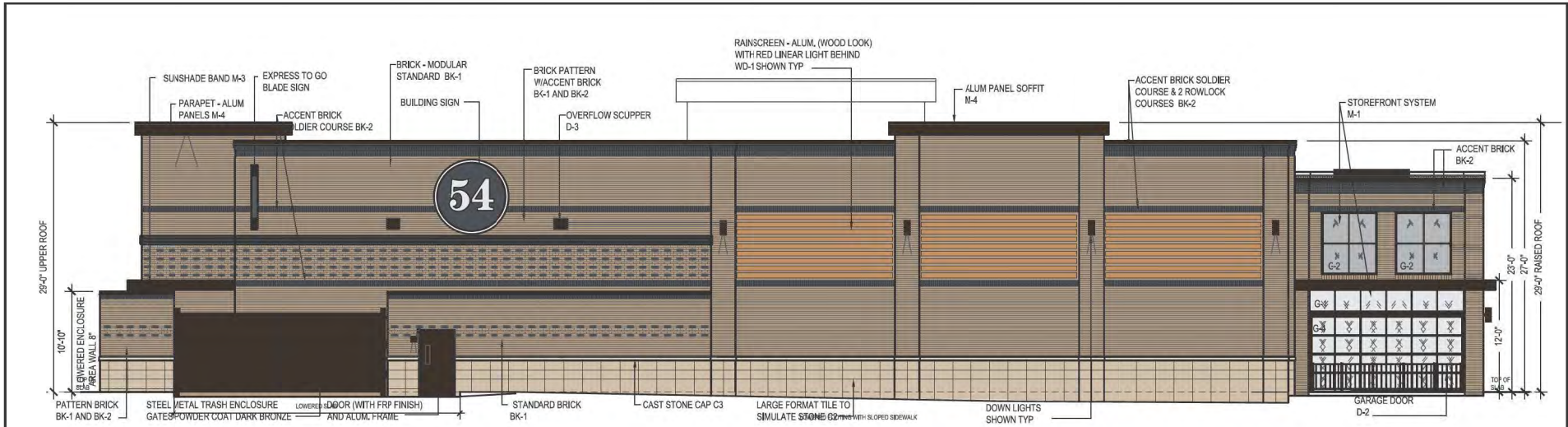
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 www.shawhofstra.com 816-421-0505

FIVE FOUR Restaurant & Draffhouse  
 LENEXA ADVENT CAMPUS - LENEXA DEVELOPMENT

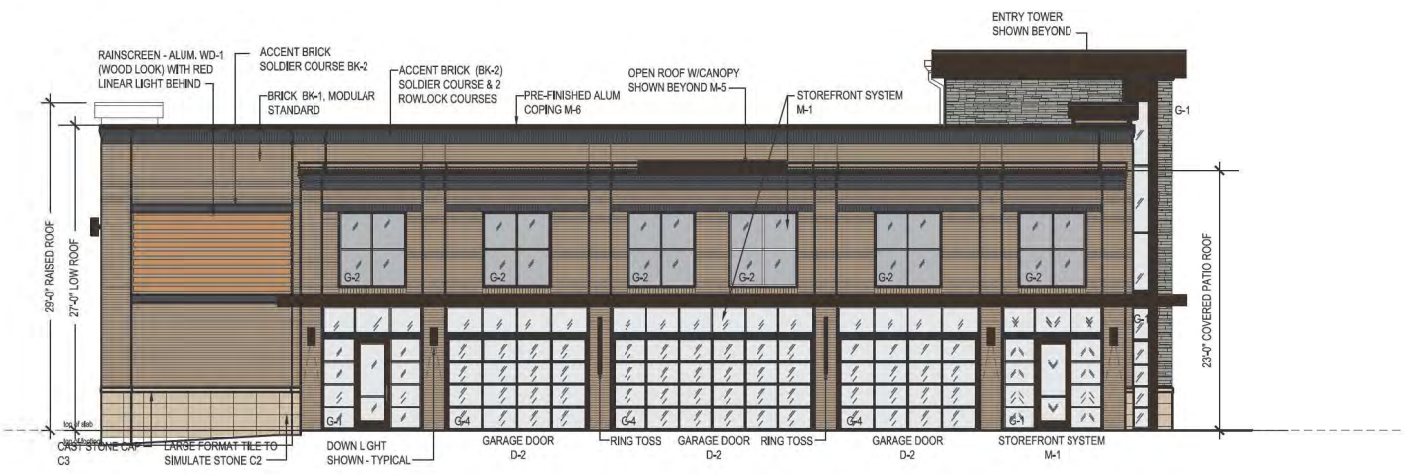
FINAL DEVELOPMENT PLANS

WEST & SOUTH ELEVATIONS  
 SCALE: 1" = 40'-0" ON 11 X 17 SHEET  
 12-20-2024 CITY COMMENTS - REV 1-17-2025





EAST ELEVATION - FACING GARAGE



NORTH ELEVATION - FACING EXTERIOR DINING AND BAG TOSS

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FIVE FOUR Restaurant & Draughthouse  
 LENEXA ADVENT CAMPUS - LENEXA DEVELOPMENT

FINAL DEVELOPMENT PLANS

EAST & NORTH ELEVATIONS  
 SCALE: 1" = 40'-0" ON 11 X 17 SHEET  
 12-20-2024 CITY COMMENTS - REV 1-17-2025



## CONSENT AGENDA

---

1. **Petco - Consideration of a revised final plan for a facade improvement for a new tenant space within an existing building on property located at 9658 Quivira Road within the CP-3, Planned Regional Commercial District. PL24-10FR**
2. **Sonoma Plaza Phase 3 Apartments - Consideration of a final plan for a four-five-story split multifamily residential development on property located approximately east of 88th Street & Maurer Road within the PUD, Planned Unit Development District. PL25-01F**
3. **Reflections Apartments Sign Deviations - Consideration of sign deviations for facade signs on property located at 9250 Renner Boulevard within the RP-5, Planned Residential (High Rise, High Density) District. DV25-01**
4. **ARC Physical Therapy Plus - Consideration of a preliminary plan to operate as a medical clinic under the retail and service, limited, business park classification in an existing business park located at 11360 Strang Line Road within the BP-2, Planned Business Park District. PL25-02P**
5. **Five Four - Consideration of a final plan for a one-story restaurant building known as Building 2B within Area 2 of the Advent Health campus located at approximately 8651 Scarborough Street within the CC, Planned City Center District. PL25-02F**
6. **Lenexa Fuel Station and Salt Storage - Consideration of a final plan for a fuel station and salt storage facility for the City of Lenexa within a public park located at 22651 West 83rd Street within the AG, Agricultural District. PL25-04F**
7. **Lenexa Logistics Centre, Ninth Plat - Consideration of a final plat for property located west of Britton Street at 113th Street within the BP-2, Planned Manufacturing District. PT25-01F**

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1, 2, 4, 5, 6, 7.

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

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Item 3, recusing Commissioner Burson who declared a conflict of interest on this item. Moved by Commissioner Wagner seconded by Commissioner Harber and carried by a unanimous voice vote.



**ITEM 6**

**SUBJECT:** Resolution terminating the Lease Agreement with Lenexa Logistic 4 Investment, Inc. and conveying certain real and personal property associated with the City's industrial revenue bonds (Building 4, Lenexa Logistics Centre South)

**CONTACT:** Sean McLaughlin, City Attorney

**DATE:** February 18, 2025

**ACTION NEEDED:**

Adopt a resolution terminating the Lease Agreement with Lenexa Logistic 4 Investment, Inc. and conveying certain real and personal property associated with the City's industrial revenue bonds (IRBs) (Building 4, Lenexa Logistics Centre South).

**PROJECT BACKGROUND/DESCRIPTION:**

On November 18, 2014, the Governing Body passed Ordinance 5408 authorizing the issuance of its IRBs, Series 2014 in the aggregate principal amount of \$13,925,000 ("Bonds") to help finance the acquisition, construction, and equipping of a facility at 16851 W. 113th Street, which is also referred to as Lenexa Logistics Centre South Building 4 ("Project"). At this same time, the City also entered into a bond lease and a payment in lieu of taxes (PILOT) agreement with Lenexa Logistics 4, LLC ("Original Tenant") under the bond lease and a trust indenture with BOKF, N.A. ("Trustee"). The Original Tenant subsequently assigned the Bonds and PILOT agreement to Lenexa Logistic 4 Investment, Inc. ("Tenant").

Pursuant to the Bond documents, the City holds title to the Project until the Bonds are paid off and the Tenant exercises its purchase option under the bond lease. In December 2024, the Tenant notified the City, the Trustee, and the Bondholder that it intended to exercise its option to purchase the Project and redeem the Bonds. This resolution approves and authorizes the Mayor to execute all documents necessary to terminate the Bond documents.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

IRBs are not backed by the full faith and credit of the City and are the sole responsibility of the Tenant, Lenexa Logistic 4 Investment, Inc.

**STAFF RECOMMENDATION:**

Adopt the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**  
Thriving Economy

**Guiding Principles**  
Responsible Economic Development

**ATTACHMENTS**

1. Resolution

RESOLUTION NO. 2025 -

**A RESOLUTION AUTHORIZING THE CITY OF LENEXA, KANSAS TO TERMINATE A LEASE AGREEMENT, TERMINATE A PILOT AGREEMENT, AND CONVEY CERTAIN REAL AND PERSONAL PROPERTY TO LENEXA LOGISTIC 4 INVESTMENT, INC., PERTAINING TO INDUSTRIAL REVENUE BONDS (TAXABLE UNDER FEDERAL LAW) SERIES 2014 FOR PROPERTY LOCATED AT 16851 W. 113<sup>TH</sup> STREET, LENEXA, KANSAS (BUILDING 4, LENEXA LOGISTICS CENTRE SOUTH).**

WHEREAS, the City of Lenexa, Kansas (the "City", also referred to as "Issuer") issued its Industrial Revenue Bonds, 2014 Series, on behalf of Lenexa Logistics 4, LLC (the "Original Tenant") in the aggregate original principal amount of \$13,925,000 (the "Bonds") in connection with the acquisition and equipping of the real property at 16851 W. 113<sup>th</sup> Street, Lenexa, Kansas and legally described in Schedule "I" attached hereto (the "Project"); and

WHEREAS, the Bonds were issued pursuant to Ordinance No. 5408 passed and approved by the Lenexa Governing Body on November 18, 2014 and pursuant to which BOKF, N.A.. was appointed the trustee (the "Trustee"); and

WHEREAS, in connection with the issuance of the Bonds, the City also entered into a Trust Indenture with the Trustee dated as of December 1, 2014 as amended by the First Supplemental Trust Indenture dated March 1, 2015 and the Second Supplemental Trust Indenture dated December 16, 2016 (collectively, the "Indenture"); and

WHEREAS, in connection with the issuance of the Bonds, the City as Issuer and Landlord, entered into a lease with OriginalTenant dated as of December 1, 2014 (the "Original Lease") and a Memorandum of Lease is recorded with the Johnson County Records and Tax Administration (the "RTA") at Book 201412, Page 004976; and

WHEREAS, the City entered into a Payment in Lieu of Tax Agreement dated June 18, 2013, as amended by Amendment One to Payment In Lieu of Tax Agreement dated May 6, 2014 (the "PILOT Agreement"); and

WHEREAS, pursuant to an Assignment and Assumption of Lease and Payment in Lieu of Tax Agreement dated December 16, 2016 and recorded with the RTA at Book 201612, Page 007345 (the "Assignment"), between Original Tenant and Lenexa Logistic 4 Investment, Inc. (the "Company"), the Original Tenant assigned all of its rights, duties, interests and obligations under the Original Lease and the Original PILOT Agreement to the Company, and the Company assumed all of the covenants, agreements, obligations and liabilities of the Original Tenant under the Original Lease and the Original PILOT Agreement; and

WHEREAS, in connection with the Assignment, the City and the Company entered into a First Supplemental Lease dated December 16, 2016 (the "First Supplemental Lease" and together with Original Lease, the "Lease") and recorded with the RTA at Book 201612, Page 007346, and an Amendment Two to Payment In Lieu of Tax Agreement dated December 16, 2016 (the "Amendment Two to PILOT Agreement" and together with the Original PILOT Agreement, the "PILOT Agreement") to clarify the duties and obligations of the Company under the Lease and the PILOT Agreement, and the City also consented to the transfer of 100% of the Bonds to the Company; and

WHEREAS, Company has provided the required notice to the City, the Trustee and all bondholders and thereafter Tenant redeemed all of the outstanding Bonds pursuant to Article 17 of the Lease Agreement; and

WHEREAS, on February 12, 2025 the Trustee provided the City a written certification that the Tenant has paid all sums due and owing under the Bonds and the Tenant paid to the City its fee to exercise Tenant's option to purchase; and

WHEREAS, the City desires to terminate the Lease and the PILOT Agreement and convey to Tenant title to the Project and personal property acquired with the Bond proceeds.

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

SECTION ONE: Notice. The City acknowledges receipt of the required notice and the fee associated with Company's exercise of its option to purchase as required by the Bond Lease.

SECTION TWO: Approval of Transfer. The City authorizes the transfer by the City to Tenant of the real property legally described as:

*Tract 1:*

*Lot 4, Lenexa Logistics Centre, 1<sup>st</sup> Plat, a subdivision of land now in the City of Lenexa, Johnson County, Kansas*

free and clear of all liens and encumbrances except:

- (a) Permitted Encumbrances as defined in the Lease;
- (b) those to which title was subject on the date of conveyance to the Issuer of the Project, or to which title became subject with the Tenant or its successors and assigns written consent, or which resulted from any failure of the Tenant or its successors and assigns to perform any of its covenants or obligations under the Lease;

- (c) taxes and assessments, general and special, if any, which have been assessed but not yet paid; and
- (d) the rights of any party having condemned or who is attempting to condemn or use for a limited period, all or any part of the Project; and

SECTION THREE: Authorization of Documents. The City approves the Kansas Special Warranty Deed, the Termination of Lease and PILOT Agreements, and General Bill of Sale, in substantially the same form presented to and reviewed by the Governing Body at this City Council meeting.

SECTION FOUR: Execution of Documents. The Mayor is authorized and directed to execute the Kansas Special Warranty Deed, the Termination of Lease and PILOT Agreements; and the General Bill of Sale and the City Clerk is hereby authorized and directed to attest to such documents, for and on behalf of the City. The City Clerk shall cause the Special Warranty Deed and the Termination of Lease and PILOT Agreements to be recorded with the Johnson County RTA, with such changes therein as shall be approved by the officer of the City executing such documents, such officer's signatures thereon being conclusive evidence of the City's approval thereof.

SECTION FIVE: Further Authority. The Mayor, City Manager, City Attorney and City Clerk are authorized to execute such other documents, certificates and UCC termination statements as may be necessary to transfer the Project, terminate all interest of the City in the Project and carry out the intent of this Resolution, provided such documents are first reviewed and approved by the City Attorney

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

ADOPTED by the Lenexa City Council this 18th day February, 2025.

APPROVED by the Mayor this 18th day February, 2025.

[Rest of Page Intentionally Left Blank. Signature Pages Follow.]



**CITY OF LENEXA, KANSAS**

[SEAL]

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

ATTEST:

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

APPROVED AS TO FORM:

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



**ITEM 7**

**SUBJECT:** Consideration of an amendment to the fiscal year 2025-2029 Capital Improvement Program and approval of an agreement with SunSmart Technologies for the installation of solar panels at the Lenexa Justice Center

**CONTACT:** Nick Arena, Municipal Services Director

**DATE:** February 18, 2025

**ACTION NEEDED:**

- a. Adopt a resolution amending the fiscal year (FY) 2025-2029 Capital Improvement Program (CIP) to increase the budget for the Sustainability Program to fund the installation of solar panels at the Lenexa Justice Center; and
- b. Approve an agreement with SunSmart Technologies for the installation of solar panels at the Lenexa Justice Center.

**PROJECT BACKGROUND/DESCRIPTION:**

During the design and construction of the Lenexa Justice Center, there was strong interest to reduce long-term energy costs while supporting sustainability efforts at the facility. The Justice Center training building and its associated electrical and structural components were designed for solar panel installation. In December, staff solicited quotes from four solar design and installation companies to erect solar panels on the roof of the Justice Center training building. Two firms submitted quotes for the proposed project with the following results:

Company	System Capacity	Price Quote
SunSmart Technologies	362.44kW DC	\$695,885
Good Energy Solutions, Inc.	280.40kW DC	\$644,900

Staff selected SunSmart Technologies due to the proposed system having a lower relative cost per kilowatt production capacity ratio and the quality of work demonstrated in the design and installation of the same solar panels and energy monitoring system at the Municipal Services HQ building.

The project includes the installation of 884 solar panels and companion electrical equipment. The panels and inverters include a 25-year warranty. It is anticipated that work will begin immediately with installation planned for late spring.

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

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The total cost to install the solar panels is \$695,885 and will be funded with savings from the Justice Center Project account and unallocated funds from the Capital Improvement Fund (CIF). The project will be paid through the Sustainability Program (CIP Project No. 87000) in the FY 2025-2029 CIP. However, a CIP amendment is required to increase the budget authority in the Sustainability Program to account for the up-front costs of installation. The City is eligible to be reimbursed for 30% of the Project cost from a federal rebate program. Therefore, the estimated net cost of the Project after the 30% rebate will be \$487,119. The estimated \$208,766 rebate will be credited to the Sustainability Program and be used for further sustainability investments.

Unallocated CIF transfer	\$370,885
Savings transfer from the Lenexa Justice Center Project	\$325,000
Up front capital cost	\$695,885
30% rebate	(\$208,766)
<b>Net capital cost</b>	<b>\$487,119</b>

It is estimated that this system will fully recover its capital costs within eight years, including an estimated one-year utility savings of \$51,311 and a 25-year utility savings of \$1,993,244.

**STAFF RECOMMENDATION:**

Adopt the resolution and approve the agreement.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

**Guiding Principles**

Prudent Financial Management  
Sustainable Policies and Practices

**ATTACHMENTS**

1. Resolution

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

**A RESOLUTION AMENDING THE 2025-2029 CAPITAL IMPROVEMENT PROGRAM TO INCREASE THE BUDGET FOR THE LENEXA SUSTAINABILITY PROGRAM FOR THE CONSTRUCTION OF SOLAR PANELS ON THE LENEXA JUSTICE CENTER TRAINING BUILDING.**

WHEREAS, on December 17, 2024, the City of Lenexa adopted by Resolution 2024-80, a financial planning instrument known as the 2025-2029 Capital Improvement Program (“CIP”); and

WHEREAS, since adoption of the CIP, the City has determined the need to increase the budget of the Sustainability Program for the construction of solar panels on the Lenexa Justice Center training building; and

WHEREAS, City desires to amend the CIP to reflect such change and more accurately depict the current status of the above-referenced project and the entire program.

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

SECTION ONE: The Governing Body hereby amends the City’s 2025-2029 Capital Improvement Program (CIP) to increase the budget of the Sustainability Program for the construction of solar panels on the Lenexa Justice Center training building by \$703,185 to reflect a total cost of \$953,185 as approved at the February 18, 2025 City Council meeting. The increased project costs will be funded through a combination of unallocated Capital Improvement Funds.

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

ADOPTED by the City Council this 18<sup>th</sup> day of February, 2025.

SIGNED by the Mayor this 18<sup>th</sup> day of February, 2025.

CITY OF LENEXA, KANSAS

[SEAL]

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

ATTEST:

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

APPROVED AS TO FORM:

---

Sean L. McLaughlin, City Attorney



**ITEM 8**

**SUBJECT:** Ordinance authorizing a portion of the cost of certain stormwater improvements to be financed by the City's general obligation bonds, Series 2022A

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

**DATE:** February 18, 2025

**ACTION NEEDED:**

Pass an ordinance authorizing a portion of the cost of certain stormwater improvements to be financed by the City's general obligation bonds, Series 2022A.

**PROJECT BACKGROUND/DESCRIPTION:**

In August 2022, the City issued general obligation bonds Series 2022A for the Oakhill Stormwater Improvements Project ("Project") in the amount of \$2,165,000. The Project was completed and came in under budget with \$222,614.27 in bond funds remaining. Staff is requesting authorization to reallocate the remaining bond funds to the 81st Street to 81st Terrace - East of Mauer Stormwater Project approved in the 2025-2029 Capital Improvement Plan.

Per IRS rules, governments must spend down bond funds issued on a tax-exempt basis within three years of bond issuance. The deadline to spend down the remaining funds from the Series 2022A bonds is August 30, 2025. Staff anticipates meeting that deadline by reallocating the funds to the 81st Street to 81st Terrace - East of Mauer Stormwater Project, which has already been bid and construction is scheduled to begin in March 2025. Additionally, the project was anticipated to be funded with Stormwater cash and the reallocation of bond funds will free up cash to finance other stormwater projects.

**STAFF RECOMMENDATION:**

Pass the ordinance.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

**Guiding Principles**

Prudent Financial Management  
Sustainable Policies and Practices

**ATTACHMENTS**

1. Ordinance

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

**AN ORDINANCE OF THE CITY OF LENEXA, KANSAS, RELATING TO CERTAIN STORM WATER IMPROVEMENTS AND THE ISSUANCE OF GENERAL OBLIGATION BONDS PURSUANT TO K.S.A. 12-631r AND K.S.A. 12-631s AND AUTHORIZING A PORTION OF THE COST OF SUCH STORM WATER IMPROVEMENTS TO BE FINANCED BY THE CITY'S GENERAL OBLIGATION BONDS, SERIES 2022A.**

**WHEREAS**, pursuant to Ordinance No. 5793, of the City of Lenexa, Kansas (the "City"), passed on September 15, 2020, the Governing Body of the City authorized certain storm water improvements, including replacement and rehabilitation of the water system, together with all appurtenant work, in the Oakhill area of the City, from 87<sup>th</sup> Street to 79<sup>th</sup> Street and between Lackman Road and Little Mill Creek (the "Oakhill Storm Water Improvements"), and authorized financing the cost of such improvements with general obligation bonds of the City;

**WHEREAS**, pursuant to Ordinance No. 5897 of the City, passed on July 19, 2022, and Parameters Resolution No. 2022-070 of the City, adopted on July 19, 2022 (collectively, the "Bond Resolution"), the City issued its General Obligation Bonds, Series 2022A, dated August 30, 2022, in the aggregate principal amount of \$8,910,000 (the "Bonds") for the purpose of paying the cost of certain improvements within the City, including the costs of the Oakhill Storm Water Improvements;

**WHEREAS**, the City has completed the Oakhill Storm Water Improvements without spending the full amount of the proceeds of the Bonds allocable thereto;

**WHEREAS**, in accordance with Section 6.04 of the Bond Resolution, the City is authorized to substitute or add other improvements (the "Substitute Improvements") to the improvements being financed with the proceeds of the Bonds if the City complies with the conditions set forth in such Section 6.04 with respect to the Substitute Improvements; and

**WHEREAS**, the Governing Body finds it desirable and in the best interests of the City: (i) to authorize certain storm water improvements generally located between 81<sup>st</sup> Street and 81<sup>st</sup> Terrace, east of Maurer Road within the City, including the replacement or lining of the existing pipe, at a total estimated cost not to exceed \$1,105,000 (the "Series 2022A Substitute Improvements"); (ii) to finance a portion of the cost of the Series 2022A Substitute Improvements with general obligation bonds of the City; and (iii) to authorize the use of proceeds of the Bonds to pay a portion of the costs of the Series 2022A Substitute Improvements as Substitute Improvements under the Bond Resolution;

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

**Section 1.** Pursuant to K.S.A. 12-631r and K.S.A. 12-631s, the Governing Body of the City hereby authorizes the Series 2022A Substitute Improvements and the

issuance of general obligation bonds of the City in an amount not to exceed \$1,105,000 to pay all or a portion of the costs thereof, including costs of issuance.

**Section 2.** Subject to Section 3 of this Ordinance, and pursuant to Section 6.04 of the Bond Resolution, the Governing Body of the City hereby authorizes and directs proceeds of the Bonds in the amount of \$222,614 (which were initially allocated to pay a portion of the cost of the Oakhill Storm Water Improvements) to be used to pay a portion of the cost of the Series 2022A Substitute Improvements, with the balance of the cost of the Series 2022A Substitute Improvements, if any, payable from other available funds of the City.

**Section 3.** No proceeds of the Bonds shall be used to pay the cost allocated to the Series 2022A Substitute Improvements until the following conditions have been met: (a) the Attorney General of the State of Kansas (the "State") has approved an amendment to the transcript of proceedings for the Bonds to include the Series 2022A Substitute Improvements; and (b) the City has received an opinion of bond counsel to the effect that the use of proceeds of the Bonds to pay the costs of the Series 2022A Substitute Improvements will not adversely affect the tax-exempt status of the Bonds under State or federal law and the Series 2022A Substitute Improvements have been authorized pursuant to Section 6.04 of the Bond Resolution and the laws of the State.

**Section 4.** This Ordinance shall take effect and be in full force from and after its passage by the Governing Body of the City and publication in the official City newspaper.

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**PASSED** by the Lenexa City Council on February 18, 2025.

**SIGNED** by the Mayor on February 18, 2025.

**CITY OF LENEXA, KANSAS**

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Julie Sayers, Mayor

(Seal)

Attest:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Sean McLaughlin, City Attorney



**ITEM 9**

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**SUBJECT:** Approval of a preliminary and final plan for Ad Astra Park, a city park, located at 8265 Maurer Road in the R-1, Residential Single-Family (Low-Density) District

**CONTACT:** Scott McCullough, Community Development Director

**DATE:** February 18, 2025

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**ACTION NEEDED:**

Approve a preliminary and final plan for Ad Astra Park, a city park, located at 8265 Maurer Road in the R-1, Residential Single-Family (Low-Density) District.

**APPLICANT:**

Allison Vandever, SFS Architecture

**OWNER:**

City of Lenexa

**PROPERTY LOCATION/ADDRESS:**

8265 Maurer Road

**PROJECT BACKGROUND/DESCRIPTION:**

The applicant requests approval of preliminary and final plans for Ad Astra Park located at 8265 Maurer Road. The 9.6-acre city park includes a pool, trails, play equipment, and parking lot. The park is undergoing a major reconstruction project with a new pool, reconstructed parking area, new trails, and a restroom structure. The pool and parking area will be rebuilt in the same locations. The new pool will include modern facilities, and the parking area will be converted to 90-degree spaces with two-way traffic circulation. New landscaping will be installed around the pool and parking area.

New structures will be built for the operation of the pool. The primary structure is a combination guardhouse, concession, and bathhouse. This structure has two sections that are connected with a trellis covered seating area for the concessions. The trellis is planned to include a solar panel array on its top. The details for the solar panel appearance and design are to include screening of the framing so the metal supports are appropriately screened from view from around the site and from adjacent properties. Replacement of the existing pavilion structure is also planned if the project budget allows. The pavilion is centrally located in the park near the playground.

The preliminary and final plans are being processed concurrently because the preliminary plan was scheduled to be considered at the January 6, 2025, Planning Commission meeting but that meeting was canceled due to a winter storm. The preliminary and final plans are nearly identical and so to keep the project on track from a timing perspective, staff merged the two applications for the Planning Commission's consideration at its February 3rd meeting. The Planning Commission supported the project and process with direction to refine the design of the solar array and primary pool structure at time of building permits.

**STAFF RECOMMENDATION:**

Approve the preliminary and final plan.

**PLANNING COMMISSION ACTION:**

This item was considered as Regular Agenda Item 8 at the February 3, 2025, Planning Commission meeting. Chairman Poss asked if anyone from the public wished to speak and no one spoke.

Several Planning Commissioners stated the project reflects the City's commitment to provide exceptional facilities to the residents. One commissioner commented about managing vehicles driving through the park and exiting onto 83rd Street where children will be crossing as they walk to and from school. Another commissioner commented about the design of the guardhouse, concession and bathhouse building, stating that the exterior facade of the structure facing out to the street should provide additional details in the masonry wall. The applicant acknowledged these comments and stated that solutions will be included with the construction plan phase of the project.

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary and final plans for Ad Astra Park, for a City Park, located at 8265 Maurer Road. Moved by Commissioner Harber, seconded by Commissioner Burson, and carried by a unanimous vote.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

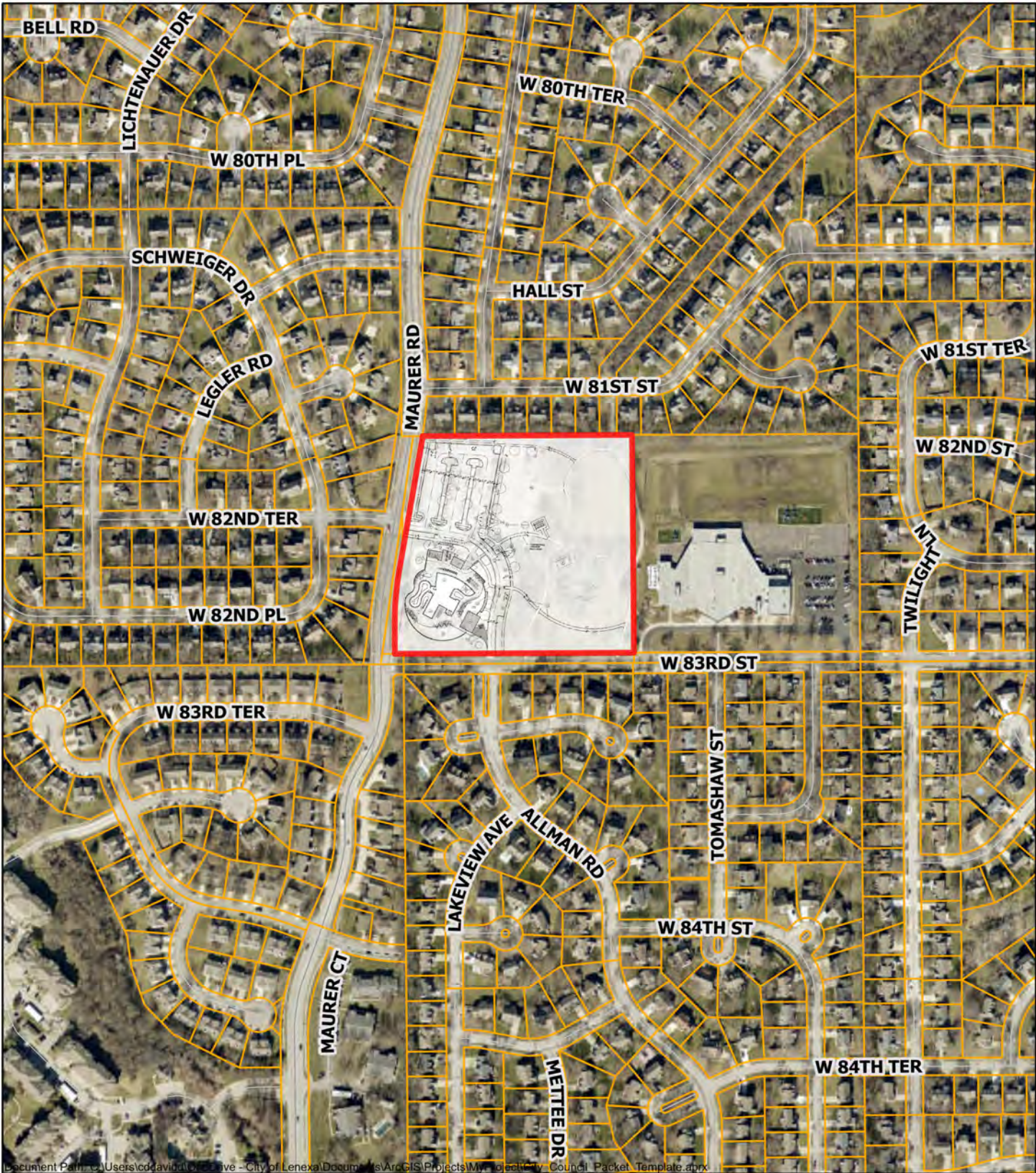
Healthy People  
Vibrant Neighborhoods

**Guiding Principles**

Strategic Community Investment

**ATTACHMENTS**

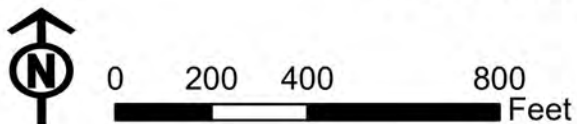
- 1. Map
- 2. PC Staff Report & Exhibits
- 3. PC Draft Minutes Excerpt



Document Path: \\Users\cd\David\000\drive - City of Lenexa\Documents\ArcGIS\Projects\Map\Project\City Council Packet Template.aprx

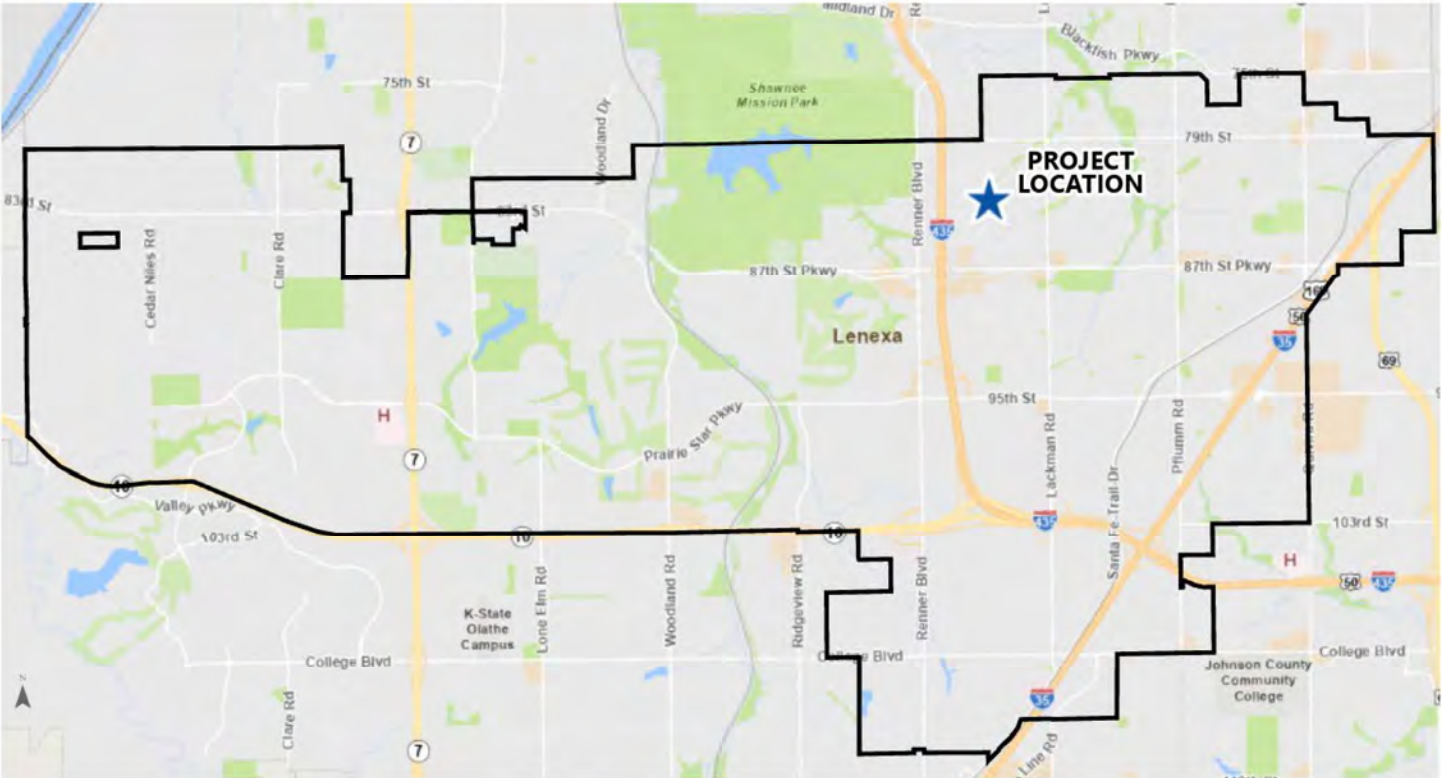
Data Source: City of Lenexa and Johnson County Kansas  
For further information, please call 913-477-7500

# Ad Astra Park Preliminary and Final Plan



## AD ASTRA PARK

<b>Project #:</b>	PL25-01P & PL25-03F	<b>Location:</b>	8265 Maurer Road
<b>Applicant:</b>	Allison Vandever, SFS Architecture	<b>Project Type:</b>	Preliminary & Final Plans
<b>Staff Planner:</b>	Dave Dalecky	<b>Proposed Use:</b>	Public Park



### PROJECT SUMMARY

The applicant requests approval of preliminary and final plans for Ad Astra Park located at 8265 Maurer Road. Ad Astra Park is a 9.6-acre City of Lenexa public park with trails, play equipment, public pool, and a parking lot. The park is undergoing a major reconstruction project to rebuild the pool and parking lot, install new trail connections, and construct a new restroom structure. The pool and parking lot will be reconstructed in the same location, at the westerly side of the park. The preliminary plan was originally on the January 6, 2025 Planning Commission agenda but that meeting was cancelled due to inclement weather. Due to the meeting cancellation and the progress made toward final plan details, Staff recommends consideration of both the preliminary and final plans together at the February 3, 2025 Planning Commission meeting.

**STAFF RECOMMENDATION: APPROVAL**

## SITE INFORMATION

The site is at the southeast corner of 83<sup>rd</sup> Street and Maurer Road. Ad Astra Park is an existing City Park. The City is reconstructing the pool and will make additional changes to the park. A plan has not been established for the park. The changes to the park are substantial; therefore, new preliminary and final plans are proposed for the site.

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
9.61	N/A	R-1	Suburban Density Residential

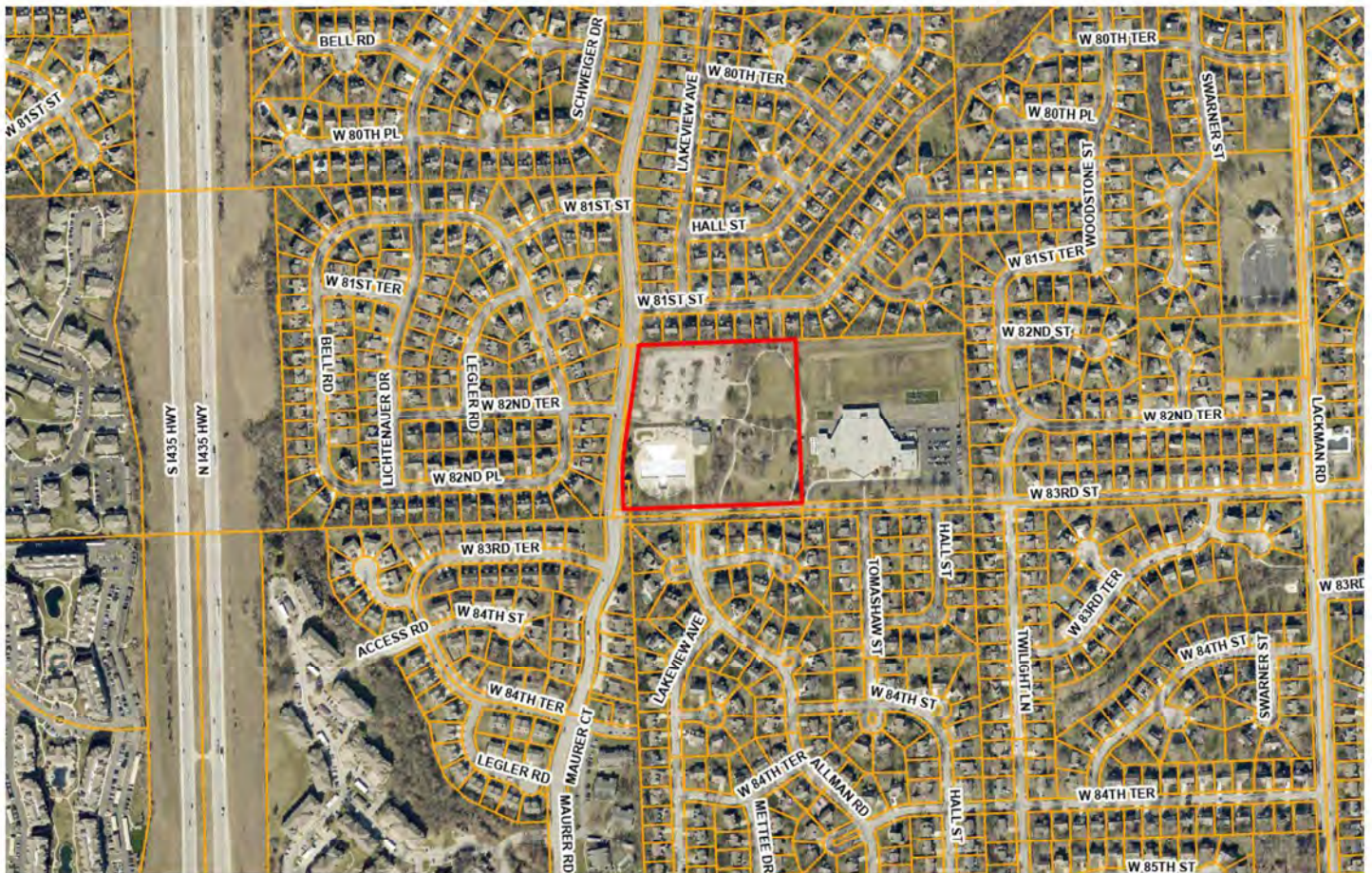
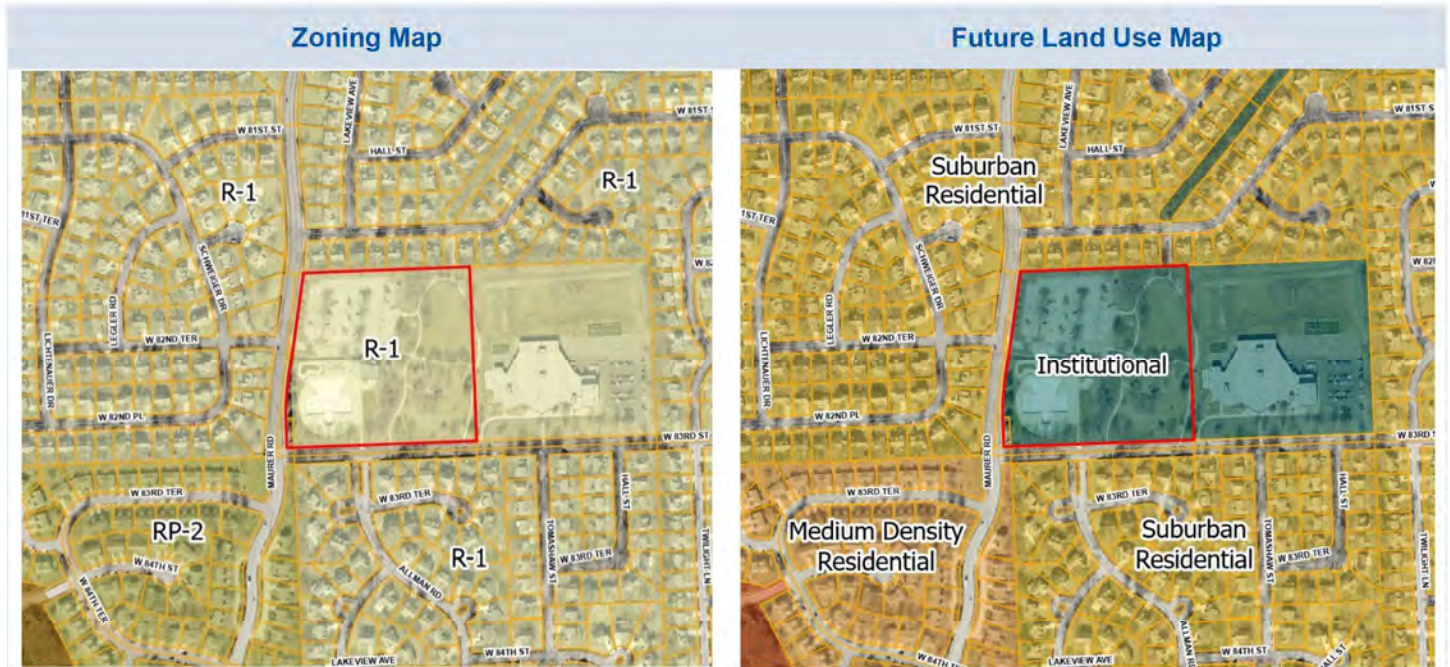


Exhibit 1: Aerial image.

## LAND USE REVIEW

The site is zoned R-1, Residential Single-Family District. The site has been a City Park since the late 1990's. The park is west of Christa McAuliffe Elementary School. The park trail system crosses between the park property and the school grounds. A public park is allowed by right in the R-1 Zoning District.



**TABLE 1: COMPARISON OF SURROUNDING PROPERTIES**

Vicinity	Land Use Designation	Zoning	Current Use
<b>Subject Property</b>	Institutional	R-1, Residential Single-Family District	Public Park
<b>North</b>	Suburban Residential	R-1, Residential Single-Family District	Single-Family
<b>South</b>	Suburban Residential	R-1, Residential Single-Family District	Single-Family
<b>East</b>	Suburban Residential	R-1, Residential Single-Family District	Single-Family
<b>West</b>	Suburban Residential	R-1, Residential Single-Family District	Single-Family

## PRELIMINARY AND FINAL PLAN REVIEW

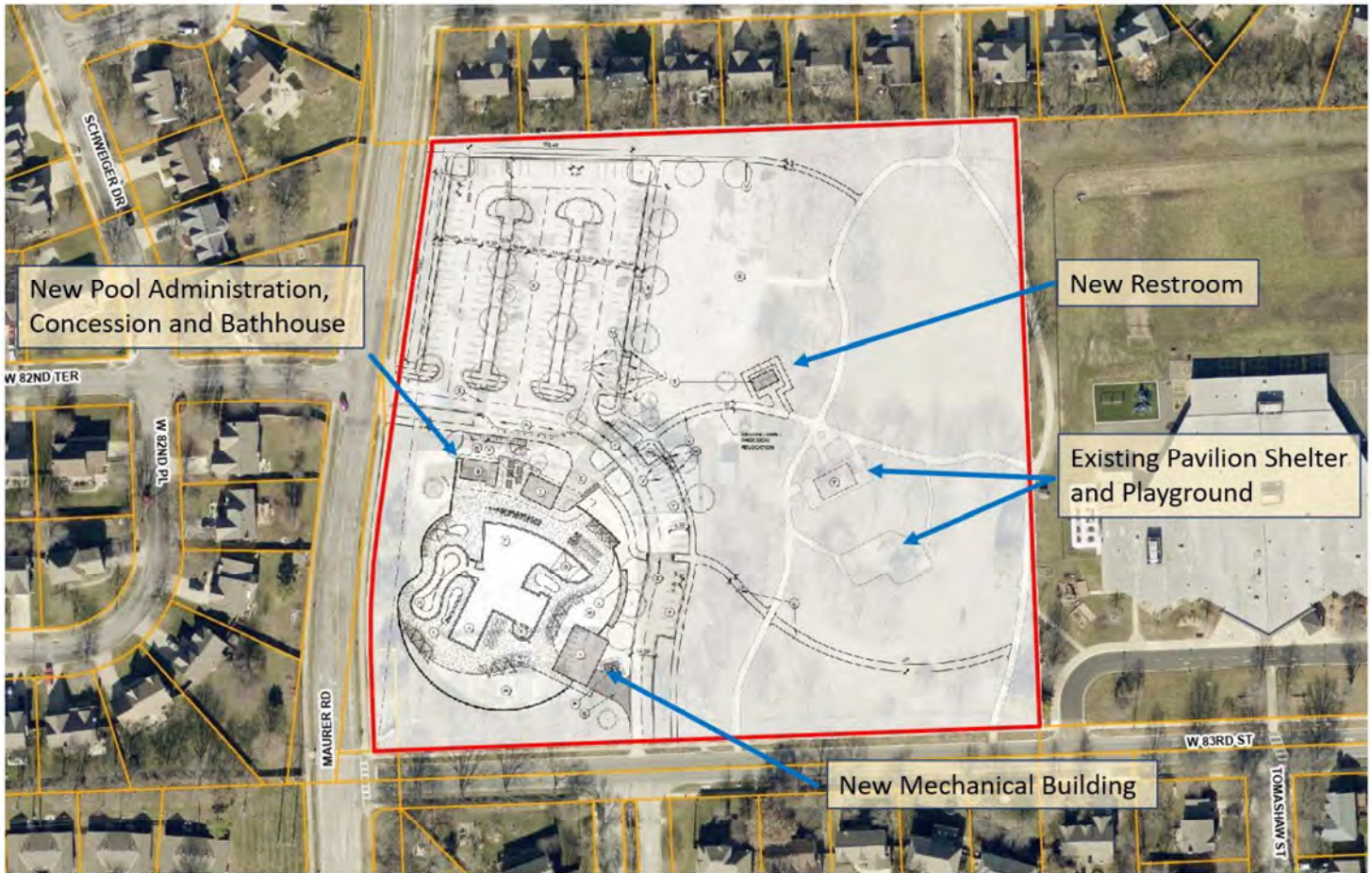
The 9.6-acre site is located at the northeast corner of 83<sup>rd</sup> Street and Maurer Road, next to Christa McAuliffe Elementary School and along the Hickory Ridge Park Trail. The park has an existing public pool, playground, walking trails, pavilion shelter, and a parking area. The parking area is also used by parents waiting to pick up children from the adjacent elementary school.

The proposed plan retains the current general layout of the park, with a parking area at the northwest part of the site, a new public pool at the southwest, additional paved trails, a new restroom structure, and renovations to the pavilion shelter.



Exhibit 2: Current site.





**Exhibit 3: Site Plan.**

The parking lot is changed from angled parking to ninety-degree spaces, which will improve vehicular circulation. The pool and deck area will be entirely reconstructed with a new structure for administration, concessions, and restrooms and a new structure to house the pool mechanical equipment. The entry drive to the park will extend around the perimeter of the pool with additional parking and provide circulation from Maurer Road to 83<sup>rd</sup> Street.

**DIMENSIONAL STANDARDS**

The reconstructed pool is at least 40 feet from the property line along Maurer Road. The pool deck is 28 feet at the closest point. An eight-foot-tall black vinyl-coated chain-link fence will be installed around the pool deck. [Section 4-1-B-24-F-5-b](#) of the UDC states that a fence for a “recreational use” may be up to ten feet tall and cannot be closer to the property line than the primary structure. The pool and deck are the primary structures of the park, and the fence is at the same setback. It is Staff’s determination the fence is compliant with the requirements of the UDC.

**PUBLIC IMPROVEMENTS**

No new public streets are proposed with the reconstruction of the park. The park is a public facility but will be reviewed as a typical construction project with preliminary and final plan approvals and the submittal of building permit plans.

### ACCESS TRAFFIC, AND PARKING

The changes to the site include reconstruction of the parking area and a continuation of the access drive through the park from Maurer Road to 83<sup>rd</sup> Street. The continuation of the access drive will improve circulation, allowing a second means of ingress and egress to the park. Staff will require the drive onto 83<sup>rd</sup> Street to align with the island of Allman Road on the south side of 83<sup>rd</sup> Street. Allman Road has a median dividing the north and southbound lanes.

The parking lot will be changed from angled spaces to ninety-degree spaces. The current design has three rows of one-way drive aisles, which can cause confusion and create conflicting vehicle circulation for visitors. The ninety-degree spaces will use two-way drive aisles.

One row of parking will be removed, which will reduce the overall number of parking spaces. The existing parking area provides 189 spaces. The revised layout will provide 158 spaces. A parking comparison is provided between the recently reconstructed Sar-Ko-Par pool site and the Ad Astra pool site in the following table.

TABLE 2: POOL AREA COMPARISON			
Pool Deck Area	Pool Visitor Count	Parking Spaces per Visitor	Parking Spaces Provided
Sar-Ko-Par	750	0.35	268
Ad Astra	450	0.35	158

The comparison is an analysis to determine a reasonable “demand” for parking during the busiest times of the year when the pool is open. This is typically three months during the summertime. The park will have more parking spaces than needed for visitors during the other nine months of the year.

TABLE 3: PARKING ANALYSIS			
Use	Requirement	Required	Provided
Public Park	To be determined by the City (Parking Study Required)	Per Approved Study	158
<b>TOTAL</b>		-	<b>158</b>

Staff concludes the proposed total number of parking spaces is an appropriate number for the park. The plan shows 16 spaces for bicycles. A typical bicycle rack allows for two bicycles to be parked. The plan shows spaces for 16 bicycles.

### FIRE PREVENTION

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

## LIGHTING

A photometric plan is provided with the final plan. The plan shows new parking lot light poles are installed with the changes to the parking lot. The lights are LED type cut-off light fixtures. The light intensity complies with the UDC requirements for light intensity. It is also the expectation for the buildings to include plight fixtures and potentially some pedestrian scale lighting along the walkways.

## LANDSCAPING

The site will have new landscape materials planted and will retain existing trees. The new landscaping will be installed around the reconstructed parking area and the pool, on the westerly half of the park site. All the landscaping will remain as it is on the easterly half of the site. The existing trees that line Maurer Road are to be preserved. This will require the trees are protected during the construction activity.

The reconstruction of the parking lot will require some of the large trees in existing islands to be removed due to the island locations changing to provide for wider drive aisles. New trees will be installed in the new islands.

New landscape areas for shrubs and seasonal plantings will be installed in the parking lot islands and at the entrance to the pool. The lawn areas immediately adjacent to the new structures, parking areas, and paved trails will be sodded and the surrounding lawn areas will be over-seeded. The southwesterly corner of the site, where the new pool fronts 83<sup>rd</sup> Street and Maurer Road will preserve as many existing trees as possible. The existing landscaping at this corner of the site is to remain as it is. Some additional trees will be installed close to the fence around the pool deck area.

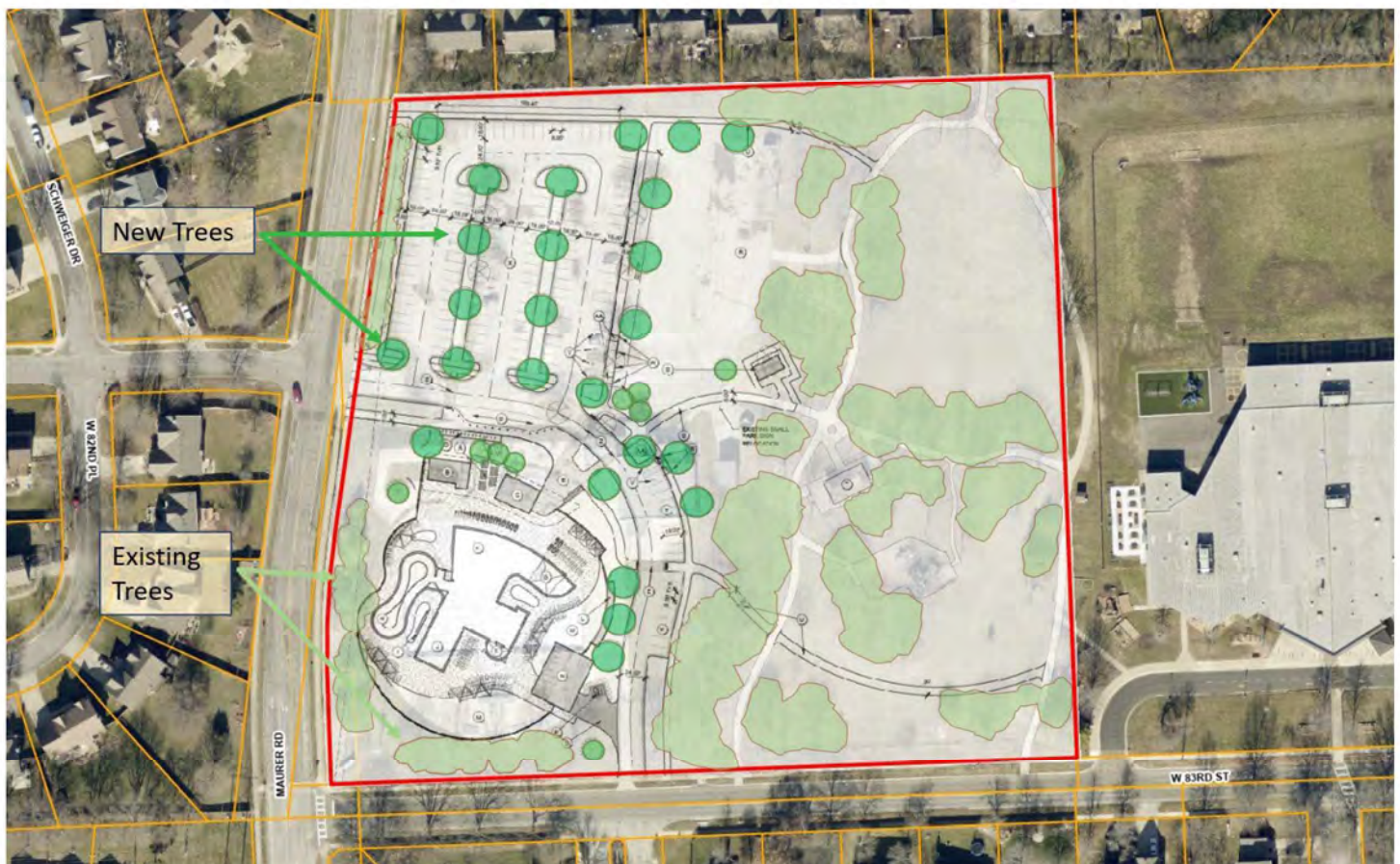


Exhibit 4: Landscape plan.

**ARCHITECTURE**

The new administration, concession, and bathhouse is an integrated structure connected with a roof awning over outdoor seating. The structure uses modular masonry block with a burnished finish, fiber cement panels, wooden timber framing, glass walls, and a shallow pitch metal roof. The building is a contemporary-styled structure with durable materials.



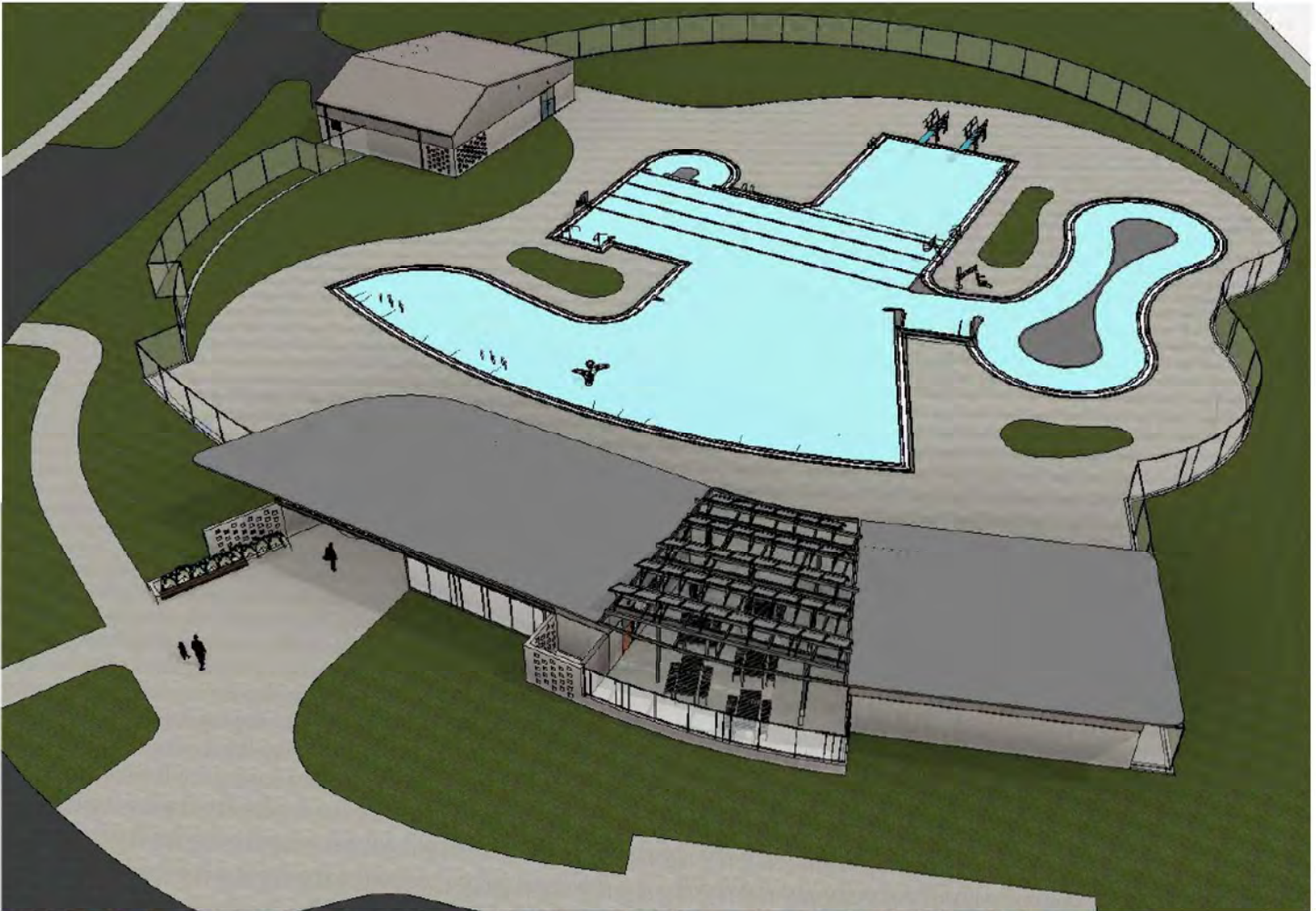
*Exhibit 5: Pool administration, concession, and bathhouse building, north elevation (main entrance facing the parking lot).*



*Exhibit 6: Pool administration, concession, and bathhouse building rendering.*

The new administration, concession, and bathhouse is proposed to have an array of solar panels installed atop a trellis frame that will provide screening for an outdoor seating area. Installation of the solar array is an option based on the budget of the overall project. If the solar array is installed it is intended to be used as an education feature and to offset electricity costs for operation of the pool.

Per [Section 4-1-B-24-F-12-d-1](#) of the UDC states that roof mounted solar panels shall not be mounted in a “standoff” or “rack” arrangements. This requirement effectively states the solar array is to be either flat, or parallel with the roof plane, or is screened so not be directly visible. Staff recommends that the “backside” of the solar array use some type of screening technique to screen the mounting framework of the solar panels. The applicant requests that the details of the design of any screening technique are resolved if and when the determination is made to install the solar array. Staff accepts this solution to resolve the issue of screening the solar panel array and will review the solar panel plans in detail at building permit stage to ensure that the mounting framework is screened from view.



*Exhibit 7: Pool, administration, concession, and bathhouse building, and mechanical building, bird's eye aerial.*

The new mechanical equipment structure uses the same materials but has a gable roof and will glass block to provide natural light.



*Exhibit 8: Pool mechanical building front and side elevations.*

The new restroom building will look slightly more rustic by incorporating a natural stone veneer, wood siding and timber framing.



*Exhibit 9: Restroom structure front and side elevations.*

## DEVIATIONS

The applicant is not requesting any deviations from the UDC.

## REVIEW PROCESS

- This project requires a recommendation from the Planning Commission and final approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration from the City Council on February 18, 2025.
- Approval of the final plan is contingent upon the City Council approving the preliminary plan.
- The applicant must receive permit(s) prior to commencing construction.
- The applicant must obtain a Certificate of Occupancy before opening for business.
- The applicant should inquire about additional City requirements, such as permits and development fees.

## RECOMMENDATION FROM PROFESSIONAL STAFF

- ★ **Staff recommends approval of the proposed Preliminary Plan and Final Plan for Ad Astra Park.**
  - The plans will allow the redevelopment of a Public Park with a public pool.
  - The project is consistent with Lenexa’s goals through *Strategic Community Investment and Superior Quality Services* to create *Healthy People and Vibrant Neighborhoods*.

## PRELIMINARY AND FINAL PLANS

Staff recommends **APPROVAL** of the preliminary and final plans PL25-01P and PL25-03F for **Ad Astra Park** located at 8265 Maurer Road, for a Public Park.



**CAUTION!**  
 Numerous Utilities on Site.  
 Contractor to verify location  
 and elevation of all utilities  
 prior to commencing  
 construction.



- Legend**
- Concrete Pavement
  - Standard Duty Asphalt Pavement
  - Heavy Duty Asphalt Pavement

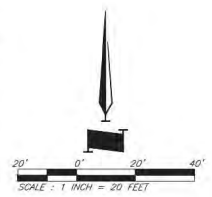


**AD ASTRA POOL RECONSTRUCTION**

CITY OF LENEAX  
 8265 MAURER RD  
 LENEAX, KS 66219

MARK	DATE	DESCRIPTION

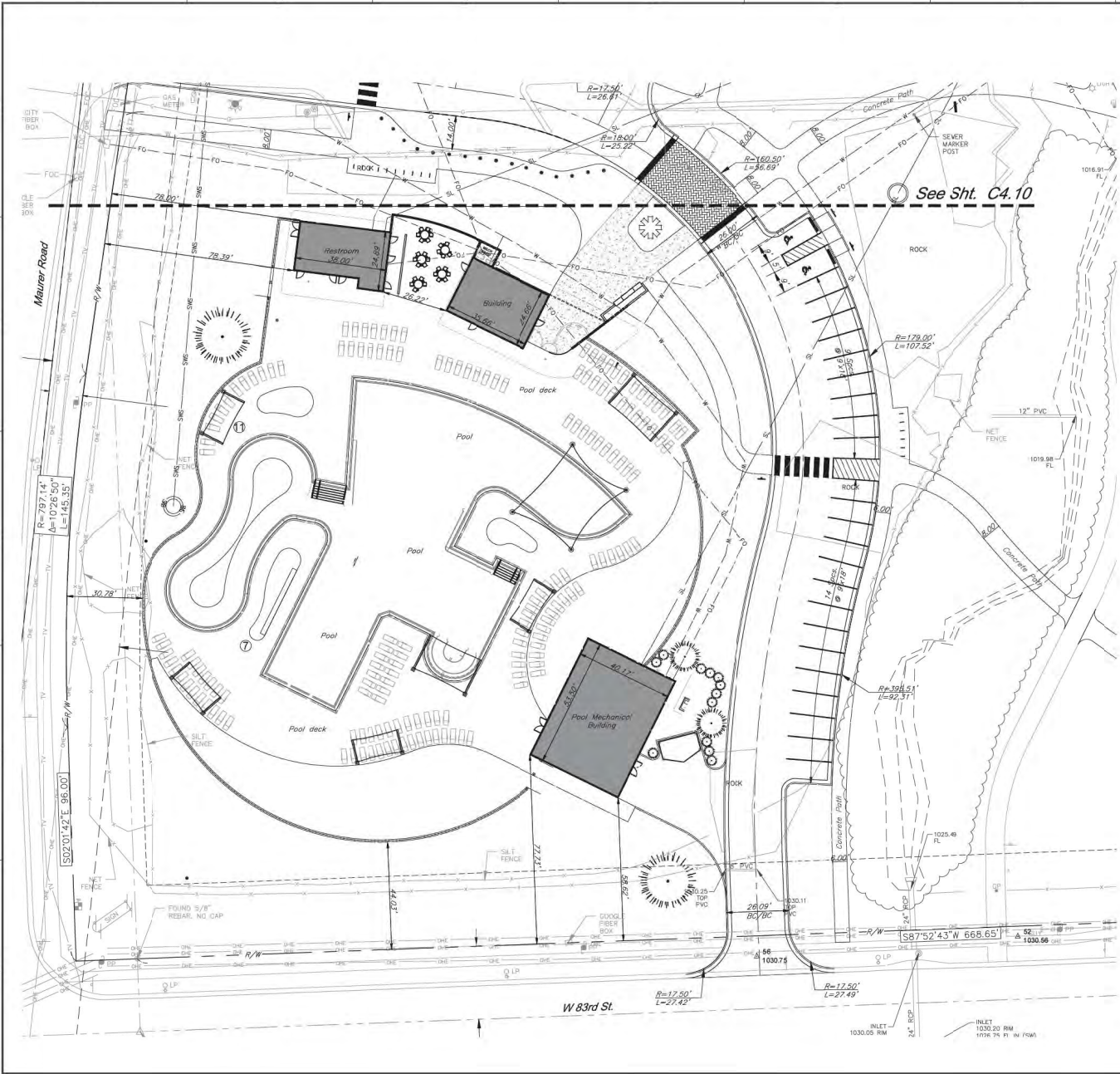
ISSUED FOR FINAL DEVELOPMENT PLAN  
 ISSUE DATE: 12.30.2024  
 © 2024 SFS ARCHITECTURE  
 Dimension  
 Plan



**C4.10**

1 2 3 4 5 6 7 8

E  
D  
C  
B  
A



**CAUTION!**  
Numerous Utilities on Site.  
Contractor to verify location  
and elevation of all utilities  
prior to commencing  
construction.



- Legend**
- Concrete Pavement
  - Standard Duty Asphalt Pavement
  - Heavy Duty Asphalt Pavement



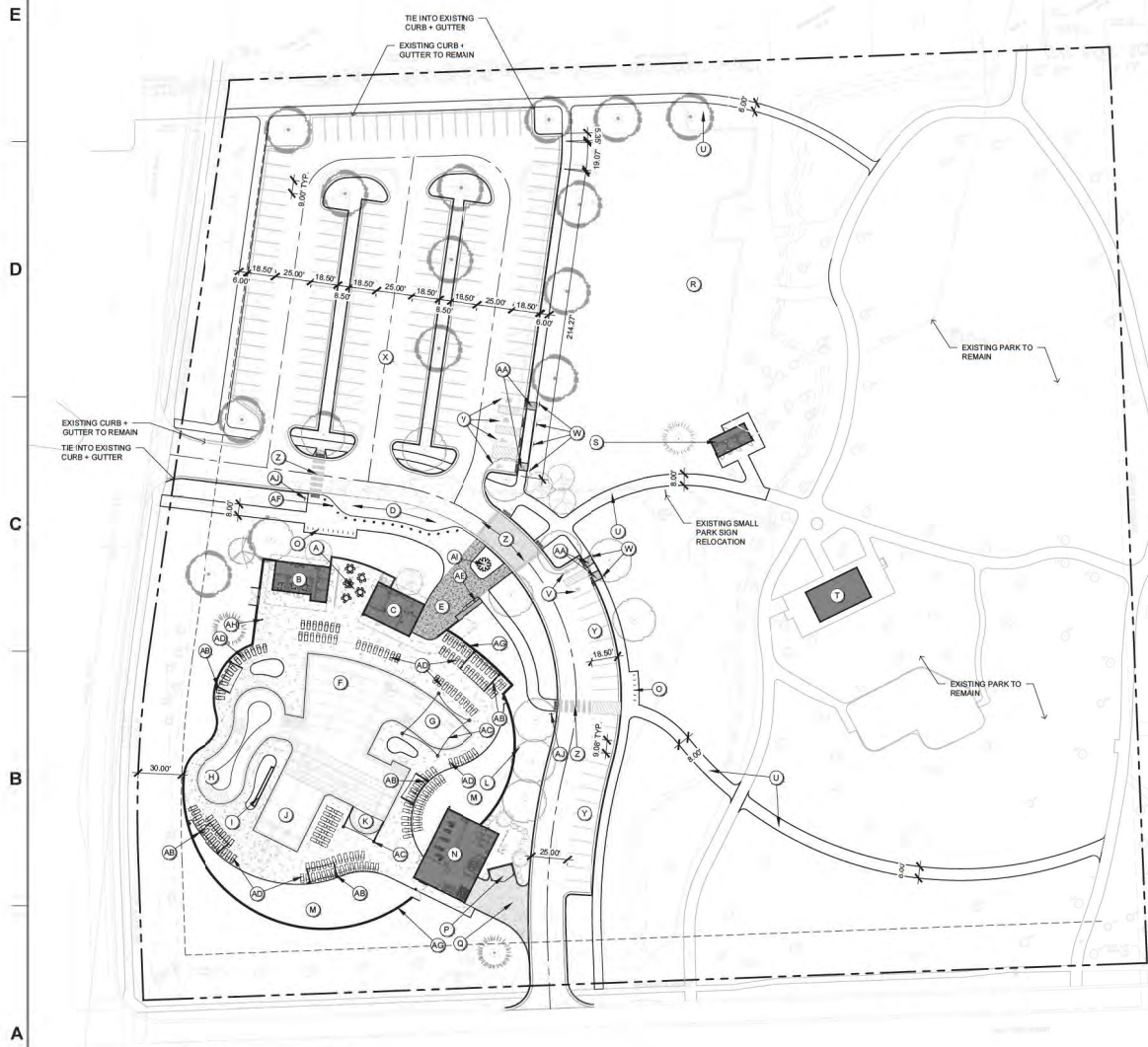
**AD ASTRA POOL RECONSTRUCTION**  
 CITY OF LENEXA  
 8265 MAURER RD  
 LENEXA, KS 66219

MARK	DATE	DESCRIPTION

ISSUED FOR: FINAL DEVELOPMENT PLAN  
 ISSUE DATE: 12.16.2024  
 © 2024 SFS ARCHITECTURE  
 Dimension  
 Plan

**C4.20**





**HATCH LEGEND**

- PROPERTY BOUNDARY
- - - 30' EASEMENT
- [Pattern] POOL ENTRY PLAZA
- [Pattern] POOL DECK AREA

TOTAL SITE AREA IN ACRES	9.61 ACRES
DENSITY- UNITS PER ACRE	N/A
TOTAL LOT COVERAGE [BUILDING(S) & PAVEMENT]	138,851 SF
OPEN SPACE PERCENTAGE	67%
TOTAL VEHICLE PARKING SPACES	158

**EXISTING PARKING**

TOTAL LOT COVERAGE: BLDGS, PAVMT, + POOL DECK (PARKING NOT INCLUDED)	PROVIDED SPACES - 1 SPACE PER \$10 SQFT OF HARDSCAPE (BLDGS, PAVMT, + POOL DECK)
96,499 SQFT	181

**PRECEDENT PROJECT PARKING INFORMATION: (PER BATHER COUNT)**

POOL NAME	POOL BATHER COUNT	PARKING SPACES PROVIDED
SAR-KO-PAR AQUATICS CENTER	750	268 [35 STALLS PER BATHER]

**PROPOSED PARKING**

TOTAL LOT HARDSCAPE COVERAGE: BLDGS, PAVMT, + POOL DECK (PARKING NOT INCLUDED)	POOL BATHER COUNT	REQUIRED SPACES: [35 STALLS PER BATHER]	PROVIDED SPACES: [35 STALL PER BATHER] OR 1 SPACE PER \$20 SQFT OF HARDSCAPE (BLDGS, PAVMT, + POOL DECK)
85,283 SQFT	450	157.5	181

**PROPOSED BIKE PARKING**

PARKING TYPE	REQUIRED SPACES	PROVIDED SPACES
TOTAL PROPOSED BIKE RACKS - PER STANDARD 4:1D-1:1 PUBLIC PARK: 1 SPACE PER 10 VEHICULAR SPACES	16	16

- GENERAL LAYOUT NOTES**
- ALL CURB AND GUTTER DIMENSIONS ARE TO FACE OF CURB. ALL SIDEWALK DIMENSIONS ARE TO THE BACK OF CURB UNLESS OTHERWISE NOTED.
  - WHEN CONTROL POINTS ARE PROVIDED THE CONTRACTOR SHALL VERIFY CONTROL POINTS PRIOR TO CONSTRUCTION.
  - ALL WORK SHALL BE IN ACCORDANCE WITH OSHA CODES AND STANDARDS. NOTHING INDICATED ON THESE DRAWINGS SHALL RELIEVE THE CONTRACTOR FROM COMPLYING WITH ANY APPROPRIATE SAFETY REGULATIONS.
  - ALL RAMPS AND CURB RAMPS SHALL COMPLY WITH FEDERAL AND LOCAL ACCESSIBILITY STANDARDS.
  - CONTRACTOR TO SUPPLY AND INSTALL ALL NECESSARY SLEEVES UNDER PAVING AND WALKS. COORDINATE LOCATIONS WITH GENERAL CONTRACTOR.
  - UNLESS NOTED OTHERWISE EXPANSION JOINTS SHALL BE PLACED AT A MAXIMUM OF 35' O.C. AND ADJACENT TO FIXED VERTICAL STRUCTURES SUCH AS WALLS, CURBS, STEPS AND BUILDINGS.
  - UTILITIES HAVE BEEN MARKED PER SURVEY. CONTRACTOR SHALL DETERMINE THE EXACT LOCATIONS OF ALL EXISTING UTILITIES BEFORE COMMENCING WORK, AND AGREE TO BE FULLY RESPONSIBLE FOR ANY AND ALL DAMAGES WHICH MIGHT BE OCCASIONED BY THE CONTRACTOR'S FAILURE TO EXACTLY LOCATE AND PRESERVE ANY AND ALL UNDERGROUND UTILITIES.

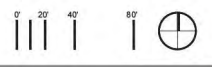
- KEYNOTE LEGEND**
- |   |  |
|---|--|
| (A) BATH HOUSE: CONCESSIONS SEATING; RE: 6/L501           | (R) PARK - RESTORED GREENSPACE                     |
| (B) BATH HOUSE: RESTROOMS; RE: ARCH                       | (S) PARK - RESTROOM; RE: ARCH                      |
| (C) BATH HOUSE: ADMIN AREA; RE: ARCH                      | (T) PARK - SHELTER ENHANCEMENTS; RE: ARCH          |
| (D) POOL - DROP OFF                                       | (U) PARK - TRAIL CONNECTION                        |
| (E) POOL - ENTRY PLAZA                                    | (V) HANDICAP ACCESSIBLE PARKING STALLS; RE: 9/L501 |
| (F) POOL - ZERO DEPTH ENTRY; BY OTHERS                    | (W) ACCESSIBLE PARKING SIGNAGE; RE: 4/L500         |
| (G) POOL - SPRAY ZONE; BY OTHERS                          | (X) MILL + OVERLAY ENHANCED PARKING LOT            |
| (H) POOL - CURRENT CHANNEL; BY OTHERS                     | (Y) PARK + OVERFLOW POOL PARKING STALLS            |
| (I) POOL - GIP SPEZIATOR SEAT WALL; RE: 4/L501            | (Z) PEDESTRIAN CROSSING                            |
| (J) POOL - DIVING WELL; BY OTHERS                         | (AA) ACCESSIBLE RAMP; RE: L502                     |
| (K) POOL - UNDERWATER BENCH (SOCIAL ZONE); BY OTHERS      | (AB) 2-COLUMN CANTILEVER SHADE; RE: 10/L500        |
| (L) POOL - DECK OVERLOOK                                  | (AC) 4-COLUMN HP AND RIDGE SHADE; RE: 8/L500       |
| (M) POOL - TURF ZONE                                      | (AD) POOL LUNGER; RE: 1/L501                       |
| (N) POOL - MECHANICAL BUILDING; RE: ARCH                  | (AE) TOP OF WALL BENCH; RE: 5/L501                 |
| (O) BIKE RACK PARKING; RE: 2/L501                         | (AF) SAFETY BOLLARD; RE: 3/L501                    |
| (P) TRASH ENCLOSURE; RE: 01/L500, 02/L500, 3/L500, 5/L500 | (AG) # POOL FENCE; RE: 06/L500, 07/L500, 08/L500   |
| (Q) SERVICE DRIVE THICKENED PAVEMENT                      | (AH) POOL DECK OUTDOOR SHOWER; RE: 10/L501         |
|   | (AI) SCULPTURE; BY OWNER - OUT OF SCOPE            |
|   | (AJ) PEDESTRIAN CROSSING SIGN; RE: 11/L501         |

AD ASTRA POOL RECONSTRUCTION

CITY OF LENEAX  
8265 MAURER RD  
LENEAX, KS 66219

MARK	DATE	DESCRIPTION
1	01/29/24	FINAL GEP PLAN SET

SFS PROJECT ID: 24119  
ISSUED FOR FINAL DEVELOPMENT PLAN  
ISSUE DATE: 1/30/2024  
© 2024 SFS ARCHITECTURE  
SITE PLAN



L100



**AD ASTRA POOL RECONSTRUCTION**

CITY OF LENEXA  
 8265 MAURER RD  
 LENEXA, KS 66219

MARK	DATE	DESCRIPTION

SFS PROJECT NO: 24219  
 ISSUED FOR: FINAL DEVELOPMENT PLAN  
 ISSUE DATE: 10/20/24  
 © 2024 SFS ARCHITECTURE

**EXTERIOR ELEVATIONS - POOL STRUCTURES**

**A200**

## REGULAR AGENDA

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- 8. Ad Astra Park - Consideration of a preliminary plan and final plan for reconstruction of a public pool within a public park on property located at 8265 Maurer Road in the R-1 (Residential Single-Family, Low Density) District. PL25-01P, PL25-03F**

### APPLICANT PRESENTATION

Brian Garvey, SFS Architecture, introduced himself and others that worked with him on the project being presented. Mr. Garvey explained that the existing pool had been demolished and they are now preparing for the construction phase begin later this year, likely early this summer. He pointed out the proposed plans onscreen acknowledging the reduced parking and the change from angled parking to 90-degree parking. He said there will also be improvements to the existing landscaping. The plan involves reducing the amount of asphalt parking in the northern part of the site, replacing it with three aisles totaling around 158 or 160 parking spaces. These spaces are shifting from angled to 90-degree parking for improved safety. Additionally, landscaping will be enhanced in this area. The entry drive off Mauer Road will be redesigned to loop through and align with Allman Road, improving access for both the public and deliveries, and providing safer movement throughout the park. The redesign will also provide access to the pool's mechanical building located on the site. Additional parking will be added, along with a new trail looping through Ad Astra Park, leading to a new restroom building near the existing playground and shelter. There is also a potential shelter replacement being considered in the same area depending on budget. The pool remains in its original southwest corner, though it will be reconfigured. The plan includes a drop-off lane, a pedestrian plaza with bike racks to cater to kids who may bike to the park, and a covered entryway for guests and staff. The main staff building will be nearby, with a seating area and concessions in the center, and a bathhouse facility close by. The entire area will be under a common roof, with solar panels planned for the trellis above the seating area. The pool's mechanical building will be placed in the southeast corner, with a trash and dumpster area nearby. The pool will be enclosed by a black fence, with turf inside the pool deck and several shade structures. This design was developed through extensive community engagement last year, ensuring that the pool and park meet the needs of the local community.

### STAFF PRESENTATION

Dave Dalecky presented the Staff Report stating that both the preliminary and final plans would be acted on this evening by the commissioners. Mr. Dalecky provided the site location which is at the northeast corner of 83<sup>rd</sup> Street and Mauer Boulevard. The proposed project involves a major renovation of the city park while maintaining the existing layout. The parking lot will remain in the northwest corner, and the pool will be reconstructed at the southwest corner. The eastern side of the park will largely stay the same, but a new restroom and trail connections will be added. The property is zoned R1, which allows city parks, and the park is designated as an institutional use in the city's comprehensive plan. The pool will undergo a full redevelopment at the southwest corner, including reconfiguring the parking lot. The total parking spaces will be reduced, but the new design will improve traffic flow with a 90-degree, two-way drive, replacing the current one-way setup. This change will improve accessibility, especially during the peak season when the pool is heavily used. Additional landscaping will be added to the redeveloped areas, while most of the landscaping along Maurer and 83rd Street, as well as the east half of the park, will remain unchanged. The pool area will feature a main staff building for administration and concessions, as well as a bathhouse with changing rooms on the western side. The building will consist of two sections connected by a trellis, with seating beneath it. The design includes plans for a solar panel array to be installed over the trellis, pending budget approval. The Staff recommends that the details of the solar panel installation be reviewed during the building permit process, particularly to ensure the solar array is effectively screened in accordance with the city's code. The main buildings, including the new restroom structure and the

maintenance building, are designed to blend with the overall park aesthetic. The restroom building is centrally located, and the pool maintenance building is positioned near the southerly end of the park. Staff recommends approval of both the preliminary and final plans for the park renovation. The preliminary plan will be reviewed by the City Council on February 18th.

## COMMISSION DISCUSSION

Commissioner Harber stated the project has been a tremendous success and has exceeded expectations, from the engagement with the neighborhood to the overall execution. He said the improvements to circulation, parking, the addition of a new restroom, and the park enhancements have all been outstanding.

Commissioner Wagner expressed her concerns regarding the newly established drive and its proximity to the school crosswalk at the 83<sup>rd</sup> and Mauer intersection. Her concern was that drivers might use the road to cut through, particularly during times when kids are walking home from school, potentially creating a safety issue. She asked if there were plans to address this, such as reducing traffic or implementing traffic calming measures like speed bumps, to slow down vehicles and ensure safety around the crosswalk during the peak times. Brian Garvey replied that a road table is being considered as a traffic calming measure at the entrance plaza to the pool complex. This will help slow down vehicles as they pass through the park. Mr. Garvey explained that while the area will provide a new route for drivers, it is also an important spot for parents who drop off and pick up their kids from the nearby elementary school. The road table will aim to balance the flow of traffic while ensuring safety for pedestrians, especially during school drop-off and pick-up times.

Commissioner Burson stated that he liked the improvements to the park although he expressed concerns about the exterior design of the building, particularly the area where the mechanical pool equipment is located. He noted that the use of long, flat CMU burnished blocks could benefit from more detailing, especially on the northwest side. He suggests that as a city project, they should apply the same design standards to public buildings as it requires from private developers. Commissioner Burson also expressed concerns about the appearance of the solar panels, feeling that they currently look too exposed and industrial. Despite these concerns, he acknowledges the overall design is good and encourages further work with staff to address these details during the permitting process.

Chairman Poss agreed with the comments made by the commissioners. Chairman Poss also supported staff's recommendation on the solar screening and suggested adding screening into the plans sooner than later would be more cost effective.

## MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary and final plans PL25-01P and PL25-03F for **Ad Astra Park** located at 8265 Maurer Road, for a Public Park.

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



**ITEM 10**

**SUBJECT:** Ordinance approving a five-year special use permit for a church/place of worship for Real Church located at 15602-15618 College Boulevard in the BP-1, Planned Business District

**CONTACT:** Scott McCullough, Community Development Director

**DATE:** February 18, 2025

**ACTION NEEDED:**

Pass an ordinance approving a five-year special use permit (SUP) for a church/place of worship for Real Church located at 15602-15618 College Boulevard in the BP-1, Planned Business District.

**APPLICANT:**

Danny Slavens, Real Church Pastor

**OWNER:**

15520 College LLC

**PROPERTY LOCATION/ADDRESS:**

15602-15618 College Boulevard

**PROJECT BACKGROUND/DESCRIPTION:**

The applicant requests approval of a five-year SUP for a church or place of worship use to operate at 15602-15618 College Boulevard within the BP-1, Planned Business Park Zoning District. Real Church has operated at 11221 Strang Line Road since 2019 but has outgrown the space and is looking to move operations to a larger location. The subject site for Real Church is the approximate west 18,000 square feet of the 38,364 square-foot multi-tenant building located on the property. The typical worship service occurs on Sundays from 10 AM - 11:30 AM. The church also offers childcare services during church service as an ancillary use.

Because the other businesses in the vicinity will not be operating during their typical service time, the church plans to utilize all 110 parking spaces available on site, in addition to the extra parking spaces provided via a shared parking agreement with 15700 College Boulevard. This agreement provides an additional 38 spaces for a total of 148 spaces. The code requires 67 parking spaces to accommodate the 200 available seats. The church estimates that 150 people will be in attendance during Sunday service, so parking conflicts are not expected with the proposed parking plan.

**STAFF RECOMMENDATION:**

Pass the ordinance.

**PLANNING COMMISSION ACTION:**

This item was considered as Regular Agenda Item 9 at the February 3, 2025 Planning Commission meeting. A public hearing was held. No one from the public spoke during the public hearing. Chairman Poss confirmed with staff that there have been no issues with Real Church at their current location on Strang Line Road. There was no further discussion.

Chairperson Poss entertained a motion to recommend **APPROVAL** for a five-year SUP for Real Church located at 15602-15618 College Boulevard in the BP-1 Zoning District. Moved by Commissioner Burson, seconded by Commissioner Woolf, and carried by a unanimous voice vote.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

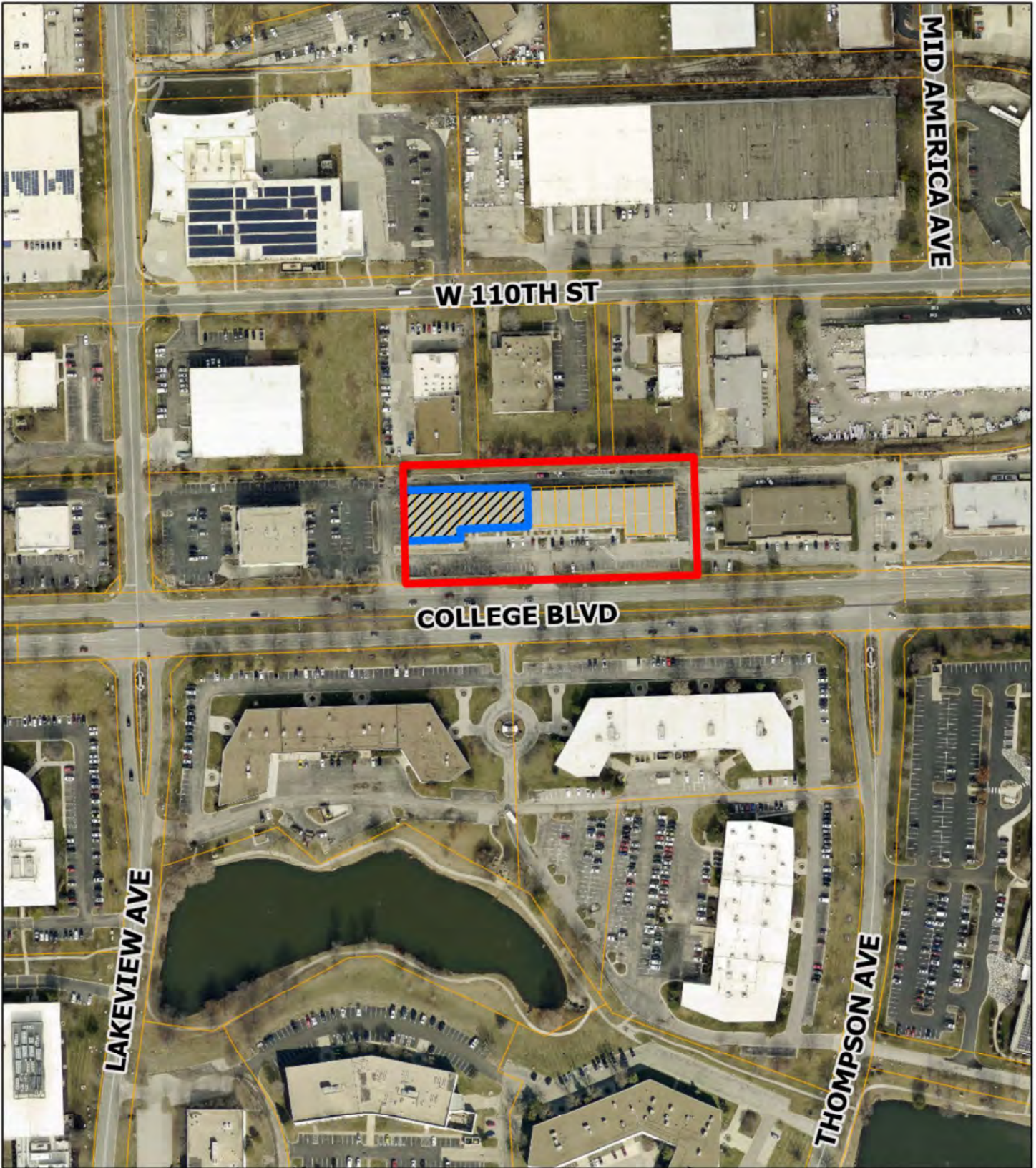
**Vision 2040**

Vibrant Neighborhoods

**Guiding Principles**

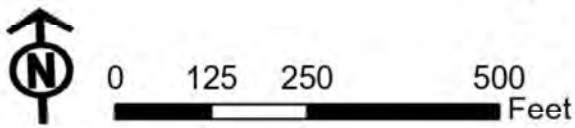
**ATTACHMENTS**

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



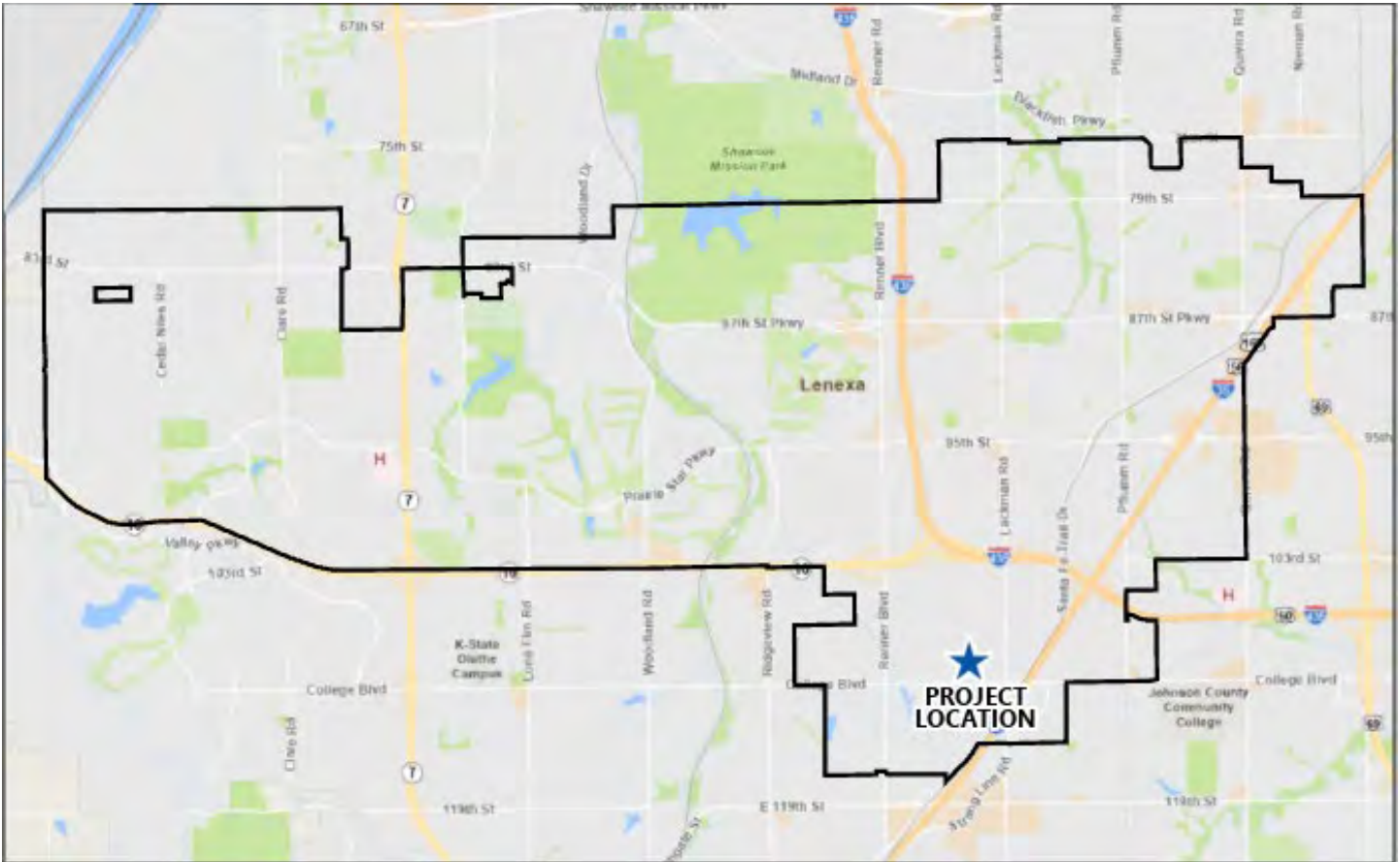
Data Source: City of Lenexa and Johnson County Kansas  
For further information, please call 913-477-7500

# Real Church Special Use Permit



# REAL CHURCH

<b>Project #:</b>	SU25-01	<b>Location:</b>	15602-15618 College Boulevard
<b>Applicant:</b>	Danny Slavens Jr., Real Church Pastor	<b>Project Type:</b>	Special Use Permit
<b>Staff Planner:</b>	Noah Vaughan	<b>Proposed Use:</b>	Church or Place of Worship



## PROJECT SUMMARY

The applicant requests approval of a special use permit (SUP) for a *church or place of worship* use to operate at 15602-15618 College Boulevard within the BP-1, Planned Business Park Zoning District. Per the Unified Development Code (UDC) [Section 4-1-B-6](#), a SUP is required to operate a *church or place of worship* use within the BP-1 Zoning District. Real Church has operated at 11221 Strang Line Road since 2019 but has outgrown the space and is looking to move operations to a larger location. The typical worship service occurs on Sundays at 10:00 AM and has an average attendance of 150 people. The church also offers childcare services during church service as an ancillary use. This request requires a Public Hearing at the Planning Commission meeting and final consideration by the Governing Body.

**STAFF RECOMMENDATION: APPROVAL FOR FIVE YEARS**



## SITE INFORMATION

The subject site for Real Church is approximately the west 18,000 SF within a 38,364 SF multitenant building. The proposed tenant space is addressed as 15602-15618 College Boulevard and is to be utilized as one tenant space. The building is located on a 1.73-acre lot in the College West Business Center subdivision. The College West Business Center final plat was approved by the Governing Body on June 21, 1990 and consists of two lots and the multitenant building includes condominium platting for 20 commercial units. The building was constructed in 1989, and each commercial unit has been utilized in the past by many different companies, mainly as office space for business. The most recent tenant of the west half of the building was Digital Ally, a company focused on providing surveillance and video equipment to police departments

Three businesses occupy tenant spaces in the eastern half of the existing building:

1. Willow ABA Services, an autism therapy provider;
  - Medical Clinic and Office use.
  - 5 employees.
  - Operates from 8 AM – 5 PM, Monday through Friday.
  
2. Ethos Medical Staffing/Heartland Healthcare Providers, a medical staffing agency;
  - Office use.
  - 2 employees.
  - Operates from 8 AM – 5 PM, Monday through Friday.
  
3. FBL Financial Group, an insurance provider.
  - Office use.
  - 2 employees
  - Operates from 8:30 AM – 5:30 PM, Monday through Friday.

<b>LAND AREA (AC)</b> 1.73	<b>BUILDING AREA (SF)</b> 17,781	<b>CURRENT ZONING</b> BP-1	<b>COMP. PLAN</b> Business Park
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*Exhibit 1: Aerial Image of Subject Site. Proposed tenant space for Real Church outlined in red.*



**Exhibit 2: Picture of driveway entrance, front façade, and parking at subject property.**

## LAND USE REVIEW

The subject property is zoned BP-1, Planned Business Park District. *Church or place of worship* is permitted with a special use permit in this district. Real Church was also issued a special use permit in February 2019 for their current operation at 11229 Strang Line Road, which is also zoned BP-1.

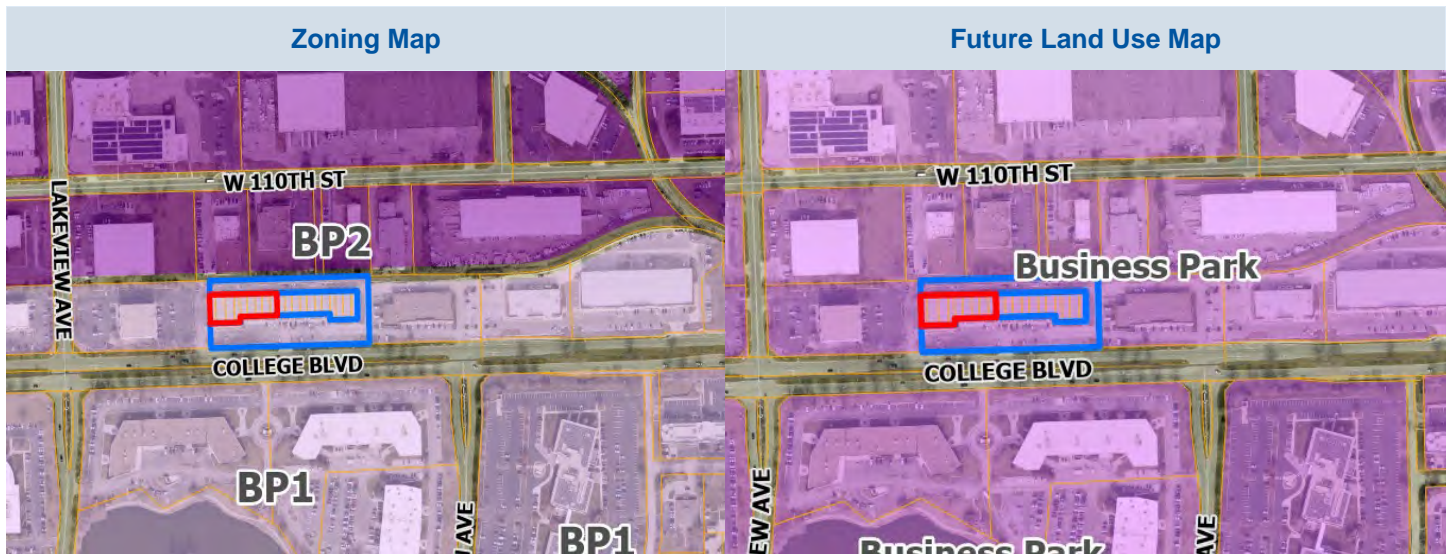
Per UDC [Section 4-3-C-2](#), the *church or place of worship* use is defined as:

*“Any structure or site such as a church, synagogue, chapel, sanctuary or cathedral, used for the collective or individual involvement with a religious activity, such as rites, rituals, ceremonies, prayers and discussions.”*

The proposed hours of service will be on Sunday from 10:00 AM to 11:30 AM. Because the other businesses in the vicinity will not be operating at this time, the church plans to utilize all the parking available on-site in addition to the extra parking spaces provided via a shared parking agreement with 15700 College Boulevard. This agreement provides an additional 38 spaces to the 110 spaces available on-site for a total of 148 spaces. Because the church has 200 available seats, 67 parking spots are required by code. The church estimates that 150 people will be in attendance during Sunday service, so no parking conflicts are expected with the proposed parking plan.

TABLE 1: PARKING ANALYSIS				
Land Use	Parking Formula	Required Parking	Proposed Provided	Difference
Church	1 seat per 3 seats in assembly area	67	148	+81

On holidays and with other services expected to have high attendance, the church will offer two service times, one at 9:00 AM and one at 11:00 AM, to help reduce congestion. The church will also have an additional youth gathering every Monday at 6:30 PM to 8:00 PM. There should be no parking conflicts due to the youth gatherings not overlapping with the operating hours of other on-site businesses. Attendance at these youth groups is expected to be around 30 teenagers, with half of them driving and parking while the other half would be dropped off and picked up at the start and end times. The church also hosts a men’s breakfast gathering on the first Saturday of each month, which is not anticipated to create parking conflicts.



**TABLE 2: COMPARISON OF SURROUNDING PROPERTIES**

Vicinity	Land Use Designation	Zoning	Current Use
<b>Subject Property</b>	Business Park	BP-1, Planned Business Park District	Office and Warehousing and Wholesale, general
<b>North</b>	Business Park	BP-2, Planned Manufacturing District	Office, Manufacturing, Warehousing and Wholesale, general
<b>South</b>	Business Park	BP-1, Planned Business Park District; BP-2, Planned Manufacturing District; CP-O, Planned General Office District	Office and Warehousing and Wholesale, general
<b>East</b>	Business Park	BP-1, Planned Business Park District; BP-2, Planned Manufacturing District	Office, Medical Clinic, Retail
<b>West</b>	Business Park, Institutional	BP-1, Planned Business Park District; BP-2, Planned Manufacturing District	Office, Medical Lab, and Warehousing and Wholesale, general

**SUPPLEMENTARY USE REGULATIONS**

A church or place of worship use is subject to the supplementary use regulations of Section 4-1-B-23-R of the Unified Development Code. These include the following:

- Access:** These uses shall be allowed only on lots with direct access to or within acceptable distances to a collector or arterial street.  
Access to the property is directly serviced by College Boulevard, an arterial street in Lenexa.
- Plan Approval:** Preliminary and final development plans shall be approved by the City as outlined in [Section 4-1-H-3](#) of this Chapter.  
This application will not require a preliminary and final development plan approval as the site is already constructed.

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## SPECIAL USE PERMIT REVIEW

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The applicant requests a special use permit for a *church or place of worship* to operate at 15602-15618 College Boulevard within the BP-1, Planned Business Park District.

While the UDC does not specify a recommended duration for a SUP to be issued for a *church or place of worship* use, Staff recommends a five-year duration based on past Staff recommendations, including the previous SUP issued to Real Church through SU19-03.

Staff's primary concern regarding the special use at this location has been related to parking. The application includes information about the amount of parking available, how church staff will help to instruct attendees where to park, as well as utilization of parking cones to direct traffic. The applicant acknowledges that parking outside of the designated parking areas may result in conflicts with the neighboring properties, such as the towing of improperly parked cars. See additional information in item number 10 in the analysis of the review criteria.

Based on the applicant's mitigation of parking concerns, 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 to the College West Business Center, a five-year initial SUP period is appropriate to monitor impacts and ensure the use is appropriate for the area.

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

### 1. The character of the neighborhood.

The surrounding area is comprised mostly of office, warehousing, wholesale, and manufacturing space. While a church may not be similar in character, it has been compatible with these types of businesses due to having alternate hours of operation. It is unlikely that traffic or parking problems would transpire as a result of Real Church's proposed operations.

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

The zoning and uses of surrounding properties are listed in Table 2. Staff believes the use is compatible with surrounding properties, given the hours of operation.

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

*Churches and places of worship* are permitted uses in Lenexa, provided the applicant meets the applicable supplemental use and zoning regulations. *Churches and places of worship* as a use within the BP-1 Zoning District requires the owner/applicant to obtain a SUP. It is Staff's opinion that the subject property is adequately suited for a *church/place of worship*, given that the property can accommodate parking for the maximum occupancy expected with the new use.

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

It is Staff's opinion that the proposed use will not adversely affect surrounding properties. If any concerns emerge regarding parking, traffic flow, noise, or other impacts on nearby property owners while the SUP is active, Staff will undertake a review of these concerns and work with the applicant to mitigate any issues.

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

The properties have been occupied by various businesses since its construction in 1989. The applicant is under contract to purchase and own the subject properties in the building within a year if the use is approved.

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

There would be no substantial gain to the public health, safety, and welfare if the SUP were to be denied. The applicant would be unable to keep operations at the current accommodations that the church has if the SUP were to be denied unless another suitable location was identified by the applicant. The overall impact to the public primarily stems from potential parking or traffic flow issues, which may be minimal as there is currently little to no overlap with the hours of operation for Real Church and the surrounding businesses.

**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 church does not require rezoning of the property and is allowed as a special use within the BP-1 District, which is designated to be "Business Park" in the Lenexa Future Land Use Map. The zoning and FLU designation will not be affected by approval of this SUP. In addition, the church is in close proximity to the College and Renner neighborhood node identified in Lenexa's Comprehensive Plan. Therefore, the land use is in conformance with the Future Land Use Map and Master Plan.

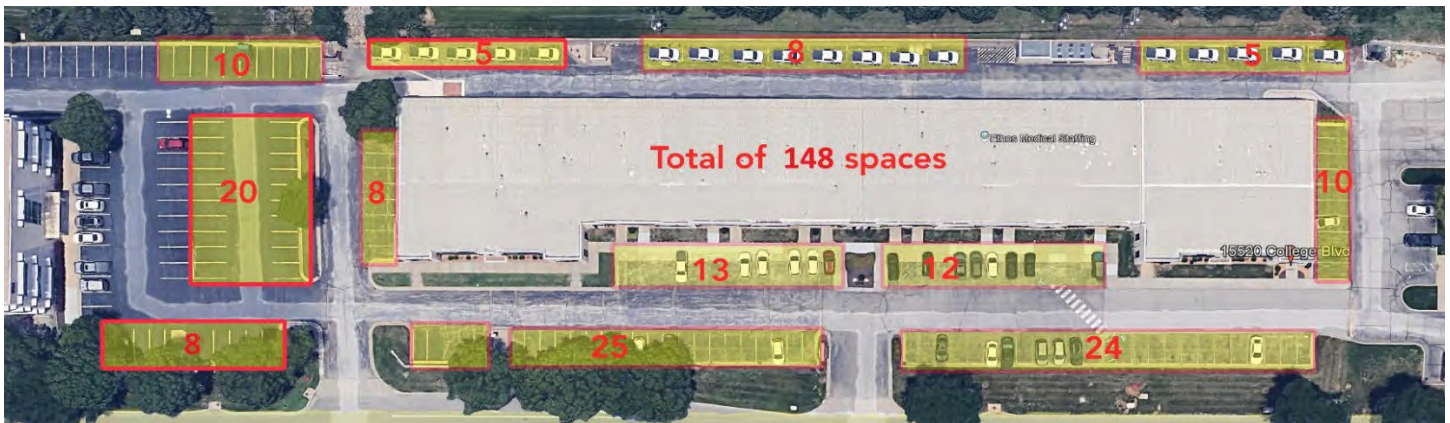
**9. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water and electrical service, police and fire protection, schools, parks and recreation facilities, etc.**

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.**

Because service will generally be conducted on Sundays at 10:00 AM, it is not expected for the street network to be overburdened by the addition of this use to the area. Nearby tenants do not generally operate on Sundays and traffic flow during normal workdays for these businesses will not conflict with the additional traffic introduced from Real Church's operations.

Provided that the parking plan presented by the applicant is followed, no parking issues are expected to occur as the parking area for College West Business Center will be open for the church to utilize during service, which will only last an hour and a half. This plan includes church staff guidance and parking cones to assist attendees to park in the correct locations and not off-property or in spots that are not included within the shared parking agreement.



**Exhibit 3: Parking available at the proposed location, including the shared parking agreement with the neighboring property to the west.**

**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.**

Staff does not anticipate the proposed church use to 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 church or place of worship is regulated in [Section 4-1-B-23](#) of the Unified Development Code. The applicant is required to comply with regulations such as business licensing and state requirements for incorporated, non-profit organizations. 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 Unified Development Code (UDC).

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## NEXT STEPS

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- 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 February 18, 2025.
- The applicant should inquire about additional City requirements and fees.
- The applicant must obtain an updated Business License prior to opening for business.

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## RECOMMENDATION FROM PROFESSIONAL STAFF

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★ **Conduct a Public Hearing.**

★ **Staff recommends approval of the proposed Special Use Permit for Real Church.**

- The recommended duration of the SUP approval is five years to ensure the use does not create parking issues and is compatible with the business park.
- The requested special use permit is for a *church or place of worship* in the BP-1, Single Family Zoning District.
- The project is consistent with Lenexa's goals through **Community Facilities and Infrastructure** to plan and encourage civic uses to be located near neighborhood nodes (11.4).
- The project is consistent with Lenexa's goals through **Responsible Economic Development** to create **Inviting Places** and **Vibrant Neighborhoods**.

## SPECIAL USE PERMIT

Staff recommends **APPROVAL** of SU25-01 - a special use permit for a *church or place of worship* use for **Real Church** at 15602-15618 College Boulevard, for five years with no conditions.



REAL CHURCH  
11221 Strang Line Rd.  
Lenexa, KS 66219

11/25/24  
Lenexa Kansas Community Development  
City Planners Office  
17101 W. 87<sup>th</sup> St. Pkwy.  
Lenexa, KS 66219

To Whom It May Concern,

I am Danny R. Slavens Jr., founder and president of Real Church. Real Church is submitting our Special Use Permit application for the city of Lenexa.

Real Church has been located and operating in Lenexa since 2018. Our current SUP & Occupancy Permit is at 11221 Strang Line Rd., Lenexa, KS 66215. We have outgrown our space and parking lot and found a new location for sale nearby. We are now under contract with the property owner of 15520 College Blvd., Lenexa, KS 66215. Our contract agreement is for purchasing the property's west side (17,781 sq/ft). We will be sharing the outside common space. Real Church is certified 501,c3, incorporated, and maintains a business license in the State of Kansas (see attached). Our attendance average is 150 per Sunday morning service. Our church service time is on Sunday(s) at 10:00 AM. We will also host our Youth Gatherings on Mondays at 6:30 PM and a Men's Breakfast gathering at the church on the 1st Saturday of the month. We do not have hours of operation on weekdays (MON-FRI), and our offices are closed to the public. As needed, during holidays and high-attended services, we plan to offer two service times (9:00 AM & 11:00 AM) to decongest the parking lot (i.e., Easter and Christmas).

We seek to change the building's zoning to an assembly space and operate our church full-time in the new location. The current space does not need external or internal changes made for us to set up and operate as a church. The only consideration in terms of build-out is removing a wall (20x15) to create a larger entryway for our members. We are seeking to add 50 interlocked chairs to the sanctuary space, 200 in total. We will add (2) doors (fire-regulated) to the east wing and interior of the building to secure our Kids' department. We will submit the building permits once we receive our SUP approval. Our Kid's department operates on Sundays from 10:00 AM to 11:30 AM and runs concurrently with our primary church service. We offer childcare for infants, toddlers, and elementary-age students. We will convert existing offices into age-appropriate and supervised classrooms.

At our new location, we have 148 shared parking spaces. An existing parking easement agreement with the property to the west of our new location is in place. All tenants can access the shared parking lot during the week, which Real Church solely uses on Sundays. The current owner has and will maintain ownership of the parking lot and the deed. Real Church has a "Welcome & Security Team" that monitors the parking lot to help with traffic flow and maintain parking requirements. We also utilize parking cones to direct traffic and designated areas.

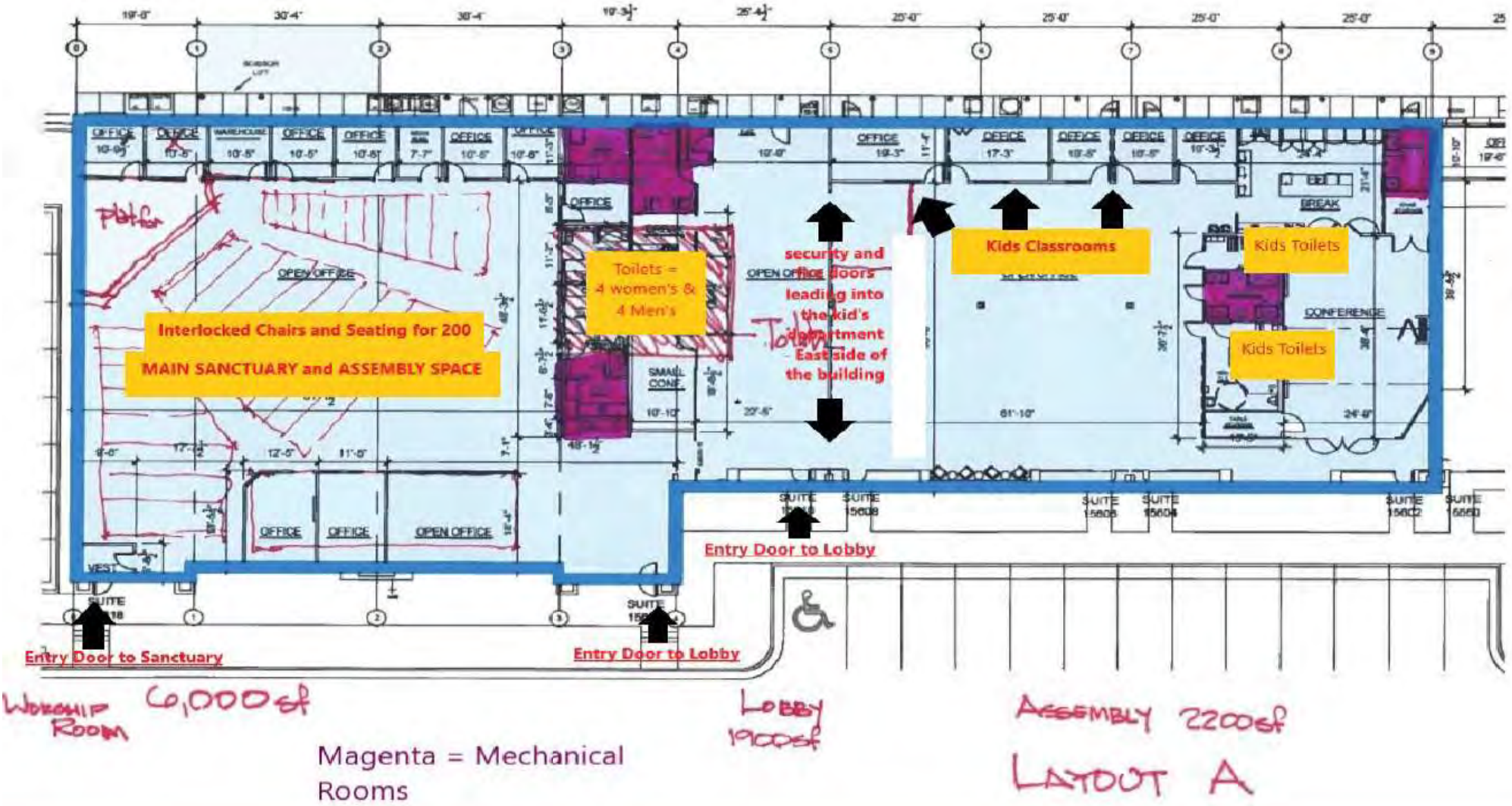
Sincerely,

A handwritten signature in black ink, appearing to read "Danny Slavens", followed by a period.

Danny Slavens  
Senior Pastor



# Real Church Floor Plan



9. **Real Church - Consideration of a special use permit for a church/place of worship use on property located at 15602-15618 College Boulevard in the BP-1 (Planned Business Park) District. SU25-01 (Public Hearing)**

### APPLICANT PRESENTATION

Danny Slaven, pastor of Real Church, shared that the church has been in Lenexa for nearly six years and has outgrown its current space and parking. Mr. Slaven shared that they found a building at 15612 College Boulevard, which was being leased. After inquiring, the owners agreed to sell it to them. The space, currently used as office/warehouse, is being converted into a church and house of worship. They have worked with staff to secure the necessary zoning changes and are now collaborating with architects, construction teams, and builders to finalize the permits and plans. The exterior of the building requires minimal changes, while the interior will have some adjustments, like enhancing the sanctuary and setting up a kids' area. They are seeking approval to move forward and plan to open the church by late March.

### STAFF PRESENTATION

Noah Vaughan presented the Staff Report and provided details about the special use permit for Real Church to operate as a place of worship at 15602-15618 College Boulevard. The site is a 40,000-square-foot building, with the church occupying the western half. The zoning of the site is BP1 (Planned Business Park District), which requires a special use permit for the church. The surrounding area is also zoned as Business Park. The interior layout includes an assembly area (seating 200, with an average attendance of 150), a lobby, childcare area, and necessary bathrooms. The church will hold services on Sundays from 10:00 to 11:30 AM, with additional youth gatherings on Mondays from 6:30 to 8:00 PM. Mr. Vaughan displayed the criteria by which the application was reviewed by Staff. He pointed out that the church's operation hours (outside regular business hours) would minimize traffic and parking concerns. There are 148 total parking spaces available, including a shared 38 spaces nearby. Staff recommended approval of the permit for a period of five years, with the Governing Body scheduled to review the request on February 18, 2025.

### 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 Woolf, seconded by Commissioner Wagner, and carried by a unanimous voice vote.

### COMMISSION DISCUSSION

Chairman Poss asked if the applicant was currently operating under a special use permit at its current location and if so, was staff aware of any issues. Mr. Vaughan responded that the applicant is currently operating under a special use permit at its current location and upon staff's research, no issues were found at that location.

### MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of SU25-01 - a special use permit for a *church or place of worship* use for **Real Church** at 15602-15618 College Boulevard, for five years with no conditions.

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

**SU 25-01**

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

**AN ORDINANCE GRANTING A 5-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED AT 15602-15618 COLLEGE BOULEVARD, IN LENEXA, KANSAS.**

**WHEREAS**, on November 25, 2024, Danny Slavens, pastor for Real Church KC, filed a request for a special use permit to allow for operation of the church / place of worship use, on property located at 15602-15618 Boulevard, Lenexa, KS (the “Property”), in the BP-1, Planned Business Park Zoning District; and

**WHEREAS**, on February 3, 2025, 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 5-Year special use permit to allow operation of the church / place of worship use, in the BP-1, Planned Business Park Zoning District, as reflected in the minute record for said meeting; and

**WHEREAS**, on February 18, 2025, 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 5-Year special use permit in the Planned Business Park Zoning District, for the real estate described as:

All of Tract T, Tract S, Tract R, Tract Q, Tract P, Tract O, Tract N, Tract M, and Tract L, COLLEGE WEST BUSINESS CENTER, in the City of Lenexa, Johnson County, Kansas,

More commonly known as 15602-15618 College Boulevard, 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 five-year Special Use Permit in accordance with the above and foregoing change including notation upon the City's official land use map.

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

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

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

**PASSED** by the Governing Body February 18, 2025.

**SIGNED** by the Mayor February 18, 2025.

CITY OF LENEXA, KANSAS

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Julie Sayers, Mayor

ATTEST:

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Jennifer Martin, City Clerk

APPROVED AS TO FORM:

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Steven D. Shrout, Assistant City Attorney



**ITEM 11**

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**SUBJECT:** Ordinance approving amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship

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

**DATE:** February 18, 2025

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**ACTION NEEDED:**

Pass an ordinance approving amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship.

**PROJECT BACKGROUND/DESCRIPTION:**

Project 1020, the operator of a cold weather homeless shelter functioning as an accessory use to the Shawnee Mission Unitarian Universalist Church located at 9400 Pflumm (an established church/place of worship in the city), submitted a request for the Governing Body to consider an amendment to the Unified Development Code ("UDC") to increase guest occupancy for its cold weather accessory homeless shelter from 30 to 50 people and modify the number of staff/volunteers required to be present in the facility during shelter operational hours.

Staff presented Project 1020's request to the City Council for review and feedback at its January 14, 2025, Committee of the Whole meeting. Pursuant to that discussion, staff drafted proposed amendments to the UDC for consideration by the Planning Commission at its February 3, 2025, meeting.

The proposed ordinance incorporates the following:

- Increasing the occupancy limit for certain homeless shelters operated during cold weather months in churches or places of worship from 30 to 50 people in facilities that meet the size and location restrictions currently set forth in City Code.
- Adjust staffing requirements to provide appropriate management and oversight during operational hours.
- Establish occupancy violations as a civil penalty against the shelter operator and/or property owner with the ability for staff to revoke occupancy for up to one year for multiple violations within a 12-month rolling period; and for longer periods should violations continue after a first occupancy revocation.

- Create an administrative hearing process through Municipal Court to consider appeals of a revocation decision and provide for the assessment of a fine or revocation of the Certificate of Occupancy for the facility.

The UDC would also continue to require a new Certificate of Occupancy and compliance with all building and fire codes prior to allowing a homeless shelter as an accessory use to churches or places of worship. The applicable building and fire code requirements would be specific to each church or place of worship but may include modifying fire suppression and warning systems, adding or modifying restrooms and bathing facilities, emergency egress paths, etc.

The Planning Commission conducted a public hearing on February 3, 2025, and discussed several considerations, including:

- That the Code applies citywide and not just to Project 1020.
- Maintaining an appropriate occupancy for this accessory use to ensure compatibility with other uses permitted in each zoning district where homeless shelters are allowed.
- Ensuring that the maximum occupancy of a homeless shelter as an accessory use remains small enough to be truly accessory to the primary land use of a church or place of worship.
- That homelessness is a regional issue, and solutions should be disbursed to where the need is found throughout the region to not create a concentration of services and impacts solely in Lenexa.
- Maintaining the requirement to meet building and fire codes.
- The importance of complying with an occupancy limit:
  - Situational awareness for emergency responders and safety of shelter occupants and staff.
  - Impacts to surrounding land uses and neighborhoods.
  - Compels others to participate in addressing homelessness in Johnson County (currently, Project 1020 is viewed as the county's only shelter).

After the public hearing, the Planning Commission recommended approval of the UDC amendments with a stipulation that occupancy in such cold weather homeless shelters be restricted to a combined total of 250 guests across all eligible churches or places of worship. It is staff's opinion that the Planning Commission stipulation could amount to a potentially unlawful restriction on the religious exercises of certain churches or places of worship. Further, enforcement of such a stipulation would be difficult as occupancy at homeless shelters can vary from day to day.

**STAFF RECOMMENDATION:**

Pass the ordinance as originally proposed and override the Planning Commission's recommendation.

**PLANNING COMMISSION ACTION:**

The Planning Commission considered this as Regular Agenda Item 10 at its February 3, 2025, meeting and held a public hearing where members of the public spoke both in support of and opposition to the proposed UDC amendments.

After conducting the public hearing and discussing the request and proposed UDC amendments, Chairman Poss entertained a motion to recommend **APPROVAL** of the proposed UDC amendments related to the supplementary use regulations that apply to certain homeless shelters operated as an accessory use to a church or place of worship with the following stipulation:

1. Restricting the total number of guests across all eligible churches or places of worship that meet the size and location criteria to 250 people.

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

## **ATTACHMENTS**

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

## **UDC AMENDMENT: HOMELESS SHELTER REGULATIONS**

<b>Project #:</b>	UDC25-01	<b>Location:</b>	City-wide
<b>Applicant:</b>	City of Lenexa, Kansas	<b>Project Type:</b>	Text Amendment
<b>Staff Planner:</b>	Scott McCullough, AICP	<b>Code Sections:</b>	4-1-B-23-AK

### **PROJECT SUMMARY**

Project 1020, the City’s only cold-weather homeless shelter operating accessory to a *church or place of worship*, submitted a request for the Governing Body to consider an amendment to the Unified Development Code (“UDC”) to increase guest occupancy for accessory homeless shelters from 30 to 50 and modify the required staffing/volunteers during shelter operational hours.

Staff submitted Project 1020’s request to the City Council for review and feedback at their January 14, 2025, Council of the Whole meeting and is now moving forward with the code text amendment process to amend Section 4-1-B-23-AK of the UDC.

The proposed draft accounts for City Council feedback and incorporates the following:

- Raise the occupancy limit for accessory homeless shelters from 30 to 50 for *church or place of worship* uses that meet the existing size and location restrictions set forth in the code.
- Adjust staffing requirements to provide appropriate management during operational hours.
- Establish occupancy violations as a civil penalty against the shelter operator and/or property owner with the ability to revoke occupancy for up to one year for multiple violations within a 12-month rolling period and then for longer periods should violations continue after the first revocation.
- Provide an opportunity for an administrative hearing in Municipal Court should the violator wish to appeal Staff’s decision to assess a fine or revoke the Certificate of Occupancy for the facility.

A Public Hearing is required for consideration of this request.

### **STAFF RECOMMENDATION: APPROVAL**



## BACKGROUND

In 2021, the City amended the UDC to add *homeless shelter* as an accessory use to the *church or place of worship* land use. A tiered approach of increasing the shelter's occupancy size relative to church size was used to strike a balance between addressing the need for those churches desiring to serve as a shelter and mitigating impacts for surrounding uses. *Homeless shelter* is included in the code as an accessory use to a *church or place of worship* to balance intensities with other land uses in the code, especially in single-family residential districts.

The code allows any church in any location the ability to operate a 10-person shelter. When a *church or place of worship* meets certain building size, transportation, staffing and building code requirements, a *homeless shelter* may operate with a maximum occupancy of 30 individuals from November 1 through April 1 each year. Shelters with occupancies beyond 30 must seek a special use permit and must be located within a commercial zoning district.

## CURRENT CODE

The current applicable code section for *homeless shelters* that are accessory to a *church or place of worship* reads as follows:

### Section 4-1-B-23-AK

AK. **Homeless Shelter:** The following supplementary use standards shall apply to homeless shelter uses, as indicated (see Section 4-3-C-2 for definitions):

1. **Accessory Use:** Homeless shelters shall be considered as accessory uses to the primary use of the property when located in a church or place of worship building. As an accessory use, a church or place of worship may operate:
  - i. A homeless shelter serving up to ten (10) homeless individuals subject to the following criteria:
    1. The homeless shelter shall have at least two (2) employees and/or volunteers on the premises during all operational hours;
    2. Prior to establishing a homeless shelter as an accessory use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.
  - ii. A homeless shelter serving up to thirty (30) homeless individuals subject to the following criteria:
    1. The building housing the homeless shelter must be at least 30,000 square feet in size;
    2. The property where the homeless shelter is located must be within one-half (1/2) mile of a public transportation stop, or the homeless shelter must have reliable access to transportation;
    3. The homeless shelter shall have at least two (2) employees and/or volunteers on the premises during all operational hours for the first ten (10) guests and one (1) additional employee and/or volunteer for every ten (10) additional guests, or any portion thereof;
    4. A homeless shelter exceeding ten (10) individuals may only be operated from November 1 through April 1;
    5. Prior to establishing a homeless shelter as an accessory use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.



To date, the City has issued a Certificate of Occupancy to only one *homeless shelter*, Project 1020, which operates as an accessory *homeless shelter* use within the Shawnee Mission Unitarian Universalist Church at 9400 Pflumm Road. Project 1020 submitted a letter to City Staff in August 2024 requesting that the City consider increasing the maximum occupancy from 30 to 50 and adjusting the staffing requirements in the code (letter attached).

One issue of significance related to this request is that it is Staff's experience that Project 1020 regularly exceeds the maximum occupancy of 30 and there are impacts related to the safety of occupants, the neighborhood, and first responders when this limit is exceeded. The City has pursued enforcement of such violations when over-occupancy is observed. However, the enforcement mechanisms currently in place are unwieldy and do not allow for timely resolution. Project 1020's seasonal operation has, in the previous instances, ceased operation before the City's enforcement process was able to run its course, thus remedying the violation without the City taking further action.

## PROPOSED UDC AMENDMENT CONSIDERATIONS

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In their request, Project 1020 cites the need and their ability, with a large building, to serve additional individuals seeking emergency shelter. There are several considerations when analyzing this request, including:

- That the code is applied City-wide and not just for Project 1020.
- Maintaining an appropriate occupancy for this accessory use to maintain its compatibility with other uses permitted in each zoning district.
- Ensuring that the maximum occupancy of a *homeless shelter* accessory use remains small enough to truly be accessory to the primary land use of a *church or place of worship*.
- That homelessness is a regional issue and impacts should be disbursed to where the need is found throughout the region so as to not create a concentration of services and impacts solely in Lenexa.
- Maintaining the requirement to meet building and fire codes.
- The importance of complying with an occupancy limit:
  - Situational awareness for emergency responders and safety of shelter occupants and staff.
  - Impacts to surrounding uses and neighborhoods.
  - Compels others to participate in addressing homelessness in the County (currently Project 1020 is viewed as the County's only shelter).

Staff acknowledges the community need and believes consideration for increasing the occupancy per the request should be made. The increase from 30 to 50 occupants is modest and can be absorbed with existing first responder resources and, in Staff's opinion based on experience with higher noncompliant occupancies at Project 1020, should not significantly impact the surrounding neighborhoods any more than a limit of 30 occupants already does.

However, if occupancy is increased, it should only be allowed under a framework with more efficient enforcement so that a maximum of 50 occupants is not exceeded and there are clear, timely, and easily applicable consequences for occupancy violations. It is also important to consider that any increase in occupancy is modest, so that the *homeless shelter* continues to operate only as an accessory to the primary *church or place of worship* use and does not become the primary use of the property.

## PROPOSED CODE AMENDMENT LANGUAGE

Staff believes the following elements of a code amendment should be included in accommodating the request:

- Raise the occupancy limit from 30 to 50 for accessory *homeless shelters* within *church or place of worship* uses that meet the existing size and location restrictions set forth in the code.
- Adjust staffing requirements to provide appropriate management during the shelter’s operational hours.
- Establish occupancy violations as a civil penalty against the shelter operator and/or property owner with the ability to revoke occupancy for up to one year for multiple violations within a 12-month rolling period and then for longer periods should violations continue after the first revocation.
- Provide an opportunity for an administrative hearing in Municipal Court should the violator wish to appeal Staff’s decision to assess a fine or revoke the Certificate of Occupancy for the facility.

Below is Staff’s recommended code language for Section 4-1-B-23-AK of the UDC (insertions are underlined and deletions are ~~struckthrough~~):

**AK. Homeless Shelter:** The following supplementary use standards shall apply to homeless shelter uses, as indicated (see [Section 4-3-C-2](#) for definitions):

1. **Accessory Use:** Homeless shelters shall be considered as an accessory usesuse to the primary use of the property when located in a church or place or worship building. As an accessory use, a church or place of worship may operate:
  - a. A homeless shelter serving up to ten (10) homeless individuals subject to the following criteria:
    1. The homeless shelter shall have at least two (2) employees and/or volunteers on the premises during all operational hours;
    2. Prior to establishing a homeless shelter as an accessory use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.
  - b. A homeless ~~sheltershelter~~ serving up to ~~thirty (30)~~fifty (50) homeless individuals subject to the following criteria:
    1. The building housing the homeless shelter must be at least 30,000 square feet in size;
    2. The property where the homeless shelter is located must be within one-half (1/2) mile of a public transportation stop, or the homeless shelter must have reliable access to transportation;
    3. The homeless shelter shall ~~have at least two (2) employees and/or volunteers on staff~~ the premises during all operational hours for the first ten (10) guests and one (1) additional employee and/or volunteer for every ten (10) additional guests, or any portion thereof, as follows:

<u>Number of Guests</u>	<u>Minimum Number of Employees and/or Volunteers</u>
<u>1-10</u>	<u>2</u>
<u>11-30</u>	<u>3</u>
<u>31-50</u>	<u>4</u>

4. A homeless shelter exceeding ten (10) individuals may only be operated from November 1 through April 1;
5. Prior to establishing or expanding a homeless shelter as an accessory use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.

2. **Special Use Permit:** When only allowed in a zoning district by a special use permit, a homeless shelter shall be subject to the following supplementary standards:
- a. **Management Plan:** A management plan that contains/addresses the following items shall be submitted with any application to establish the homeless shelter use and be approved prior to commencing the use. The management plan shall be integral to the operation of the facility and binding on the operator. Failure of the operator to comply with the approved management plan shall be considered a violation of this code.
    - 1. A narrative description of the nature and characteristics of the use and descriptions of all supportive services provided.
    - 2. A transportation plan describing how guests will be transported to and from the site.
    - 3. An interior floor plan showing sleeping areas, common areas, kitchen and bathroom facilities, and emergency exits.
    - 4. An emergency / security plan that addresses security for staff, volunteers and guests as well as how responses to medical and other emergencies will be handled.
    - 5. An outline of the "Rules of Conduct" for guests.
    - 6. A communication plan that establishes how the shelter will regularly communicate with neighbors and the police.
    - 7. A staffing plan noting the number of employees per guest during daytime and nighttime operating hours and a statement of staff qualifications.
  - b. **Number of Guests:** When establishing the maximum number of homeless individuals served under the special use permit the City Council shall consider various factors, including but not limited to:
    - 1. The operational characteristics of the proposed shelter as outlined in the Management Plan;
    - 2. The size of the building housing the homeless shelter;
    - 3. The character of the area, including but not limited to proximity to residences, commercial businesses, schools, and public transportation.
  - c. **Duration of Special Use Permit:** The initial special use permit for a Homeless Shelter shall be valid for a maximum of 5 years from the date of approval and shall expire automatically unless a renewal is approved. All renewals of a special use permit may be approved for a period of up to 5 years.
  - d. **Number of Employees:** The homeless shelter shall have at least two (2) employees and/or volunteers on the premises during all operational hours for the first ten (10) guests and one (1) additional employee and/or volunteer for every ten (10) additional guests, or any portion thereof.
  - e. **Revocation of Permits:** The special use permit for the operation of a homeless shelter may be revoked at any time by the Governing Body upon a determination that it is in violation of the standards of this Section or ~~an other~~another City Code requirement.
  - f. **Certificate of Occupancy:** Prior to establishing a homeless shelter as a use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.

3. Violations:

- a. Right to Inspection: City representatives may from time to time make an inspection for the purpose of determining that the provisions of this Section are complied with. Such inspections shall be made at reasonable times during operational hours and in a reasonable manner. Prior notice of the City's intention to conduct such inspections is not required. It shall be unlawful for any property owner, operator of the shelter, and/or party responsible for overseeing shelter operations to fail to allow immediate access to the premises or to hinder an inspection in any manner, and any such behavior may result in revocation or suspension of the Certificate of Occupancy.
- b. Over Occupancy:

1. If a homeless shelter is found to be over occupancy the owner of the property, the operator of the shelter, and/or the party responsible for overseeing shelter operations will be issued a written warning and provided 24 hours to bring total occupancy under the occupancy limits as listed in this section.
  2. No further notice or warning is required to be given for an over occupancy violation in the event the property is again in violation within the following 12 months.
  3. If the property is again over occupancy upon inspection by the City, the owner of the property, the operator of the homeless shelter, and/or the party responsible for overseeing homeless shelter operations shall be assessed a civil penalty. For a first violation, the civil penalty shall not exceed \$750. For a second violation, the civil penalty shall not exceed \$1,500. For a third or subsequent violation, the civil penalty shall not exceed \$2,500. Payment of the civil penalty must occur within 14 days after issuance. It shall be unlawful to fail to pay any civil penalty assessed and may be punishable as set forth in 1-1-C-3.
  4. Upon a third or subsequent violation of this section within a rolling twelve (12) month period, in addition to any civil penalty imposed, the Certificate of Occupancy may be revoked by the Community Development Director or their designee for a specified period not to exceed one year. Upon a second or subsequent revocation of the Certificate of Occupancy, the Community Development Director or their designee may revoke the Certificate of Occupancy for a specified period not to exceed five years.
  5. Any property owner, operator of the homeless shelter, and/or party responsible for overseeing homeless shelter operations subject to revocation under this Section shall be ineligible for a Certificate of Occupancy to operate a homeless shelter during the term of revocation.
- c. Right to a Hearing: The owner of the property, the operator of the shelter, and/or the party responsible for overseeing shelter operations who has been assessed a civil penalty or had their Certificate of Occupancy revoked may, within ten (10) days thereafter, file a written notice of appeal from said decision, ruling, action or finding to the Lenexa Municipal Court for an administrative hearing thereon.
1. An administrative filing fee established through an administrative order by the Municipal Judge shall be paid to the Lenexa Municipal Court and is required for an appeal to the Lenexa Municipal Court. No appeal shall be set for hearing until such fee has been paid.
  2. The filing of an appeal under this Subsection shall not stay any action taken pursuant to this Chapter.
  3. The hearing on the appeal shall be conducted by a Municipal Judge who will sit as an administrative judge for purposes of this Title. The sole issue for determination shall be whether the decisions, rulings, actions, or findings of the Community Development Director or their designee were within the scope of their authority, supported by substantial evidence, and not arbitrary nor capricious in nature. The Court shall make specific findings of fact and conclusions of law in each case.
  4. The decision of the Municipal Judge shall be final.

## REVIEW PROCESS

- This project requires a recommendation from the Planning Commission and final approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration by the City Council on February 18, 2025.

## RECOMMENDATION FROM PROFESSIONAL STAFF

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- ★ **Conduct a Public Hearing.**
- ★ **Staff recommends approval of the proposed Text Amendment to Section 4-1-B-23-AK of the UDC.**
  - The project is consistent with Lenexa's goals by providing *Superior Quality Services* and *Sustainable Policies and Practices* to create *Healthy People*.

### TEXT AMENDMENT

Staff recommends **approval** of a **Text Amendment to Section 4-1-B-23-AK of the Unified Development Code** relating to regulations for homeless shelters as drafted within the Staff Report.



Project 10 20, Inc.  
15621 W. 87<sup>th</sup> St. Pkwy., #439  
Lenexa, KS 66219

Shawnee Mission Unitarian Universalist Church  
9400 Pflumm Road  
Lenexa, KS 66215

August 15, 2024

Mayor Julie Sayers  
17101 W. 87th St. Pkwy.  
Lenexa, KS 66219

RE: Lenexa Zoning Ordinance Concerning Homeless Shelters as an Accessory Use to a Church

Dear Mayor Sayers:

As you know, Shawnee Mission Unitarian Universalist Church (SMUUCH) has been successfully hosting Project 10 20, Inc. (Project 10 ♥ 20) as an overnight winter warming shelter for individuals experiencing homelessness since 2019. This letter is a request to the City to revisit the portions of the current zoning code that relate to homeless shelters that are allowed as an accessory use in large churches (such as SMUUCH) that meet certain requirements.

### **Background**

Project 10 ♥ 20 began in 2015 and operated in Olathe churches for four years. They purchased a building in Olathe to operate independently, but the City subsequently passed new regulations requiring a Special Use Permit. When Project 10 ♥ 20 failed to obtain such a permit (due to neighbor opposition), the City purchased the building from Project 10 ♥ 20. This forced them to seek an alternative location. They then approached SMUUCH to operate the shelter in its large building in the winter of 2019-2020. The church requested approval of the shelter from the City of Lenexa in the fall of 2019 but was denied due to the fact that Lenexa had no regulations that pertained to homeless shelters as an allowed use in the City.



Letter to Mayor Sayers, continued

Feeling the moral duty to serve Project 10 ❤️ 20's needs, SMUUCH filed a lawsuit in Federal District Court under the Religious Land Use and Institutionalized Persons Act to compel the City to allow this use. The federal judge ordered that the City and SMUUCH work out an agreement to allow Project 10 ❤️ 20 to open that winter. During negotiations, the City insisted that the shelter be limited to housing no more than 30 individuals even though the church facility could accommodate many more. The settlement allowed Project 10 ❤️ 20 to operate for the earlier of three winters or until the City enacted new Zoning regulations, at which time Project 10 ❤️ 20 would comply with the new requirements.

SMUUCH and Project 10 ❤️ 20 participated in the public process of developing the new regulations by offering comments at a Committee of the Whole meeting where Community Development Department staff provided the Council with information regarding homeless shelters, at the public hearing before the Planning Commission on the proposed regulations, and at the Council meeting where they were adopted into the Zoning Code. During the process we advocated to increase the capacity of the shelter to 50 individuals since SMUUCH's facility could easily accommodate that number. In addition, we pointed out that the ratio of volunteers to shelter guests seemed excessive during the quiet period when everyone was sleeping (i.e., 10:00 pm to 6:00 am). However, the final code did not include those changes.

SMUUCH allowed Project 10 ❤️ 20 to make modifications to its building to satisfy the City's Building Codes regarding fire, security, and personal hygiene (at a value of over \$150,000), after the completion of which Project 10 ❤️ 20 has been operating its shelter successfully for the last three winters.

### **Project 10 ❤️ 20 Experience Since 2019**

#### Operations and Staffing:

Project 10 ❤️ 20 transports guests to and from the shelter in two large vans. There are a number of volunteers serving the guests in the evenings. These services include meals donated and served by volunteers; showers; supplying clothing, footwear, and personal supplies; on-site haircuts, eye exams, vaccinations and other medical services, music therapy, and movies; assistance with long-distance transportation to reunite with family; connections to other agencies' services; and, extremely importantly, relational support to guests otherwise quite socially isolated.

The shelter utilizes five former classrooms in the SMUUCH building for sleeping with cots, blankets, and pillows. The cots are separated by dividers, and each guest is provided a storage locker. Volunteer groups are also involved in weekly off-site laundering of bedding materials. Project 10 ❤️ 20 has developed and enforces rules prohibiting alcohol and drugs on the property. A full-time security guard at Project 10 ❤️ 20's expense is present from 5:00 pm (one hour before the shelter opens) to 8:00 am. Security measures also include

Letter to Mayor Sayers, continued

monitoring cameras that Project 10 ❤️ 20 has installed covering interior hallways and exterior areas near the Project 10 ❤️ 20 entrance. Project 10 ❤️ 20 also employs a full-time, year-round case manager to assist guests in their needs for documentation, VAT assessments (Vulnerability Assessment Tool), and other services to move toward housing stability.

Statistics:

Project 10 ❤️ 20 has seen an increase in the number of individuals requesting shelter year over year. There have been needs for police, fire, and ambulance services from the City during shelter hours, but these have been infrequent and in part are offset by services that would otherwise have been required to serve the individuals out in the community. In fact, law enforcement, including Lenexa and other jurisdictions, have frequently dropped off individuals at the shelter, often without even calling ahead to check space availability.

**Request for Reconsideration of Applicable Zoning Code**

Shawnee Mission Unitarian Universalist Church and Project 10 ❤️ 20 jointly request that the Council reconsider two of the zoning ordinance requirements that Project 10 ❤️ 20 feels are unnecessarily restrictive based on their experience in operating the shelter.

The first is related to the maximum number of individuals Project 10 ❤️ 20 can house each night. Currently the ordinance limits us to sheltering 30 homeless individuals. We would respectfully request that this be raised to 50. Each year, within the first week of opening the shelter, Project 10 ❤️ 20 has been overwhelmed by the number of requests for shelter and has had to turn away individuals based on this limit. We feel that the church can easily accommodate as many as 50 individuals, which would keep safe an additional 20 people that otherwise would not have shelter from the harsh winter weather.

At this time five of the original classrooms within the SMUUCH facility are dedicated to Project 10 ❤️ 20 as sleeping rooms, two as dining rooms, and one as a storage room. With the building code limit of ten individuals per sleeping room, the building, as currently configured, can easily accommodate the 50 individuals requested.

The second requested change relates to the number of staff (employees and/or volunteers) that are required to be present. Currently the ordinance requires two staff to be present for the first ten guests and one additional for each additional ten guests. However, in the experience of Project 10 ❤️ 20, this is excessive and we would request that the requirement be revisited especially during the quiet hours of 10:00 pm to 6:00 am. There is very little activity during that time since nearly all of the guests are sleeping. We are respectfully requesting only one additional staff person be required during the hours of 10:00 pm and 6:00 am, making a total of three staff for more than ten guests. This is more than sufficient to maintain safety and order.

Letter to Mayor Sayers, continued

Our requested changes to Section 4-1-B-23-AK of the Unified Development Code, as discussed above, are marked up in the attached document.

The need in the County will only increase year over year. Project 10 ❤️ 20 is the only facility in Johnson County for adults without accompanying minor children experiencing homelessness. There is no guarantee that the La Quinta project will be operational in the coming years and most definitely not for this upcoming winter. You will note that none of those that spoke out at the City Council meeting on July 16 had anything critical to say of Project 10 ❤️ 20. Most Lenexans are not even aware that Project 10 ❤️ 20 exists. We had originally intended to make this request at the July 16 City Council meeting, but decided not to, based on the hostile nature of the audience that night.

Many issues they raised are completely irrelevant to Project 10 ❤️ 20 (finances, renovations, planning and success model, etc.). They made allegations about the persons who might be served at La Quinta as characteristic of all homeless people, including those served by Project 10 ❤️ 20, which are simply not true, such as, as a group or "class" of people, being dangerous, violent, and scary, bringing drugs to Lenexa, etc. Most certainly, these are not characteristic of the persons served at Project 10 ❤️ 20, whether 10, 30, or 50 per night, as those from the City government who have been at Project 10 ❤️ 20 during its hours of operation, including police officers who volunteer, can attest.

Our requested change to 50, while still not sufficient to meet the needs of the county, would be manageable. This past March, due to unprecedented demand for our services, we temporarily exceeded our allowed capacity, with, it should be noted, little to no additional impact to the need for City services. We subsequently met with the Director of Community Development, the City Attorney, and the Chief of Police, and to discuss actions we could take to reduce the number while we worked to relocate guests as the weather warmed and the Project 10 ❤️ 20 season wound down. We demonstrated that we could operate with expanded numbers without any difficulty or burden to the City and surrounding neighborhoods.

Although other churches in the County have provided volunteers and resources to Project 10 ❤️ 20, none have offered to take overflow individuals when Project 10 ❤️ 20 reaches capacity. However, we are currently in the process of re-contacting them to ask for that assistance with responses expected no later than September 15.

### **In Conclusion**

We also want to note that we need to have a coordinated action plan in place between all involved parties, including the City and County, for the predicament we will no doubt face when we reach our allowed capacity. We have reached out to the County for assistance in that effort. We would also like to discuss that possibility with Lenexa officials sometime this fall. Of course, we would be happy to meet with or provide additional information to the City regarding our situation, including an on-site tour of the shelter, if you so desire.

Letter to Mayor Sayers, continued

Thank you for the opportunity to bring this request for your consideration. We hope you will be able to address this issue in a timely manner since the cold weather season will soon be upon us.

Sincerely,

DocuSigned by:




FE575DF502DD466...

**Barb McEver**

*President and Co-Founder, Project 10 ♥ 20*

(913) 226-1614

Signed by:



**Susan McWilliam-Warren**

*President, SMUUCH Board of Trustees*

(913) 381-3336

Encl. Proposed Changes to Zoning Ordinance Redlined

cc: Scott McCullough, Lenexa Community Development Director  
Beccy Yocham, Lenexa City Manager  
Rev. Rose Maldonado Schwab, Minister, SMUUCH  
Phil Hannon, SMUUCH Past President  
Dale Trott, SMUUCH member  
Jim Schmidt, Project 10 ♥ 20 Board Member and Vice President  
Cyndi White, Project 10 ♥ 20 Board Member and Treasurer

## TITLE 4 UNIFIED DEVELOPMENT CODE

### CHAPTER 4-1 ZONING

#### Article 4-1-B ZONING DISTRICT REGULATIONS

##### Section 4-1-B-23 SUPPLEMENTARY USE REGULATIONS.

No zoning permit shall be issued for any development or use of land unless the activity is in compliance with all applicable supplementary use regulations specified in this Section. In the case of conflict with zoning district dimensional regulations or other regulations of this Zoning Code, the more restrictive requirement shall apply unless otherwise specifically provided or clearly intended.

AK. **Homeless Shelter:** The following supplementary use standards shall apply to homeless shelter uses, as indicated (see [Section 4-3-C-2](#) for definitions):

1. **Accessory Use:** Homeless shelters shall be considered as accessory uses to the primary use of the property when located in a church or place of worship building. As an accessory use, a church or place of worship may operate:
  - a. A homeless shelter serving up to ten (10) homeless individuals subject to the following criteria:
    1. The homeless shelter shall have at least two (2) employees and/or volunteers on the premises during all operational hours;
    2. Prior to establishing a homeless shelter as an accessory use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.
  - b. A homeless shelter serving up to ~~thirty (30)~~ fifty (50) homeless individuals subject to the following criteria:
    1. The building housing the homeless shelter must be at least 30,000 square feet in size;
    2. The property where the homeless shelter is located must be within one-half (1/2) mile of a public transportation stop, or the homeless shelter must have reliable access to transportation;
    3. The homeless shelter shall have at least two (2) employees and/or volunteers on the premises during all operational hours for the first ten (10) guests and one (1) additional employee and/or volunteer for every ten (10) additional guests, or any portion thereof, except that between the hours of 11:00 pm and 6:00 am, the homeless shelter shall have at least two (2) employees and/or volunteers on the premises during all operational hours for the first ten (10) guests and one (1) additional employee and/or volunteer for any additional guests;
    4. A homeless shelter exceeding ten (10) individuals may only be operated from November 1 through April 1;

5. Prior to establishing a homeless shelter as an accessory use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.
2. **Special Use Permit:** When only allowed in a zoning district by a special use permit, a homeless shelter shall be subject to the following supplementary standards:
    - a. **Management Plan:** A management plan that contains/addresses the following items shall be submitted with any application to establish the homeless shelter use and be approved prior to commencing the use. The management plan shall be integral to the operation of the facility and binding on the operator. Failure of the operator to comply with the approved management plan shall be considered a violation of this code.
      1. A narrative description of the nature and characteristics of the use and descriptions of all supportive services provided.
      2. A transportation plan describing how guests will be transported to and from the site.
      3. An interior floor plan showing sleeping areas, common areas, kitchen and bathroom facilities, and emergency exits.
      4. An emergency / security plan that addresses security for staff, volunteers and guests as well as how responses to medical and other emergencies will be handled.
      5. An outline of the "Rules of Conduct" for guests.
      6. A communication plan that establishes how the shelter will regularly communicate with neighbors and the police.
      7. A staffing plan noting the number of employees per guest during daytime and nighttime operating hours and a statement of staff qualifications.
    - b. **Number of Guests:** When establishing the maximum number of homeless individuals served under the special use permit the City Council shall consider various factors, including but not limited to:
      1. The operational characteristics of the proposed shelter as outlined in the Management Plan;
      2. The size of the building housing the homeless shelter;
      3. The character of the area, including but not limited to proximity to residences, commercial businesses, schools, and public transportation.
    - c. **Duration of Special Use Permit:** The initial special use permit for a Homeless Shelter shall be valid for a maximum of 5 years from the date of approval and shall expire automatically unless a renewal is approved. All renewals of a special use permit may be approved for a period of up to 5 years.
    - d. **Number of Employees:** The homeless shelter shall have at least two (2) employees and/or volunteers on the premises during all operational hours for the first ten (10) guests and one (1) additional employee and/or volunteer for every ten (10) additional guests, or any portion thereof.
    - e. **Revocation of Permits:** The special use permit for the operation of a homeless shelter may be revoked at any time by the Governing Body upon a determination that it is in violation of the standards of this Section or an other City Code requirement.
    - f. **Certificate of Occupancy:** Prior to establishing a homeless shelter as a use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.

## 10. Proposed Amendment to the Unified Development Code - Regulations related to homeless shelters. UDC25-01 (Public Hearing)

### STAFF PRESENTATION

Scott McCullough, Community Development Director, presented a request to amend the city's Unified Development Code, specifically regarding the occupancy limits for shelters accessory to churches. Currently, the code allows churches to host shelters with up to 10 occupants, and those that meet certain criteria (its size, location near transit, and meeting safety standards) can host up to 30 guests. The proposal is to increase this limit to 50 guests, which is the subject of the request. The goal of the code is to balance the need for churches to serve as shelters while mitigating impacts on surrounding areas. Project 1020 has requested the increase, citing the growing need for shelter space. The city has issued one certificate of occupancy for a shelter to date, and more churches could qualify if they meet the criteria. Mr. McCullough noted that homelessness is a regional issue, and the proposed change would help address it in Lenexa while encouraging broader participation. The recommendation is to increase the occupancy from 30 to 50 guests while maintaining the eligibility criteria for churches to establish shelters. The staffing requirements would be adjusted to require at least four staff members for shelters with 50 guests. Additionally, a stronger enforcement mechanism is being proposed, including civil penalties for exceeding occupancy limits, the ability to revoke a shelter's certificate of occupancy for violations, and the possibility of appealing decisions in municipal court. The recommendation will be heard by the governing body on February 18th, and Mr. McCullough was available for questions.

### PUBLIC HEARING

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

Philip Hannon, a past president and executive committee member of Shawnee Mission Unitarian Universalist Church, expressed support for the proposed changes to increase the occupancy limit for shelters at churches. Mr. Hannon shared that their church has had positive experiences with Project 1020, which operates as a winter shelter. He mentioned that many volunteers, including church members and city staff, help with the shelter's needs. He emphasized that Project 1020 is currently the only shelter of its kind in Johnson County, and with no other organizations stepping up, increasing the occupancy limit would help house more people, benefiting both the individuals in need and the community. It would also align with the church's mission.

Laura Owen, a resident of Lenexa, urged the commission to vote against the proposed change, arguing it was an extension of a previous initiative by County Commission Chair Mike Kelly. Ms. Owen expressed concern that increasing the shelter's capacity could make Lenexa a central hub for homelessness in Johnson County, potentially drawing more people from outside the city. She emphasized that while she supports helping the homeless, the current 30-bed capacity is sufficient, with excess only on extreme cold nights. She also worried about the long-term impacts on community resources, including public safety, and opposed expanding shelter capacity in other churches in Lenexa.

Kelly Campbell, an attorney representing Smith and Loveless, opposed the proposed amendment to increase shelter capacity, arguing it would negatively impact local business development. Ms. Campbell highlighted that the area has undergone 18 years of planning to transform it into a key business corridor and adding more homeless shelters would hinder further development. She cited minor criminal activity near Project 1020's location as an issue, requiring Smith and Loveless to increase security. She also disagreed with reducing staffing levels as part of the proposal, believing that existing churches should be able to meet the shelter needs without increasing capacity at this one location. She urged the commission to keep the existing limit of 30 beds and focus on improving enforcement rather than expanding shelter capacity.

Barbara McEver, co-founder and president of Project 1020, advocated for increasing the shelter's capacity to 50 people, explaining that the shelter has been successfully operating for over 10 years, with 6 years in Lenexa.

Ms. McEver emphasized that the need for shelter exceeds 30 beds, and if other churches were stepping up, the issue would not exist. She clarified that the shelter provides transportation, security, and minimal issues, with neighborhood residents volunteering. She also pointed out that Johnson County lacks alternative shelters, forcing people to seek help outside the county. McEver argued that increasing the capacity to 50 is necessary to address the growing need and urged city officials to act before the problem worsens.

Jordan Schmeidler, a Lenexa resident, urged the council to support increasing the bed limit at the Shawnee Mission Unitarian Universalist Church shelter from 30 to 50. Mr. Schmeidler argued that how a city cares for its vulnerable citizens reflects its values, stressing that homelessness is a real issue in Lenexa due to rising housing costs, job instability, and unforeseen life events. He praised the shelter for offering safety and compassion where others have not and criticized the punitive measures against shelter operators. He called for a practical, humane response to the growing need, advocating for collaboration to ensure safe operations and the well-being of those in need.

Mark McEver, husband of Project 1020 co-founder Barbara McEver, praised her dedication and the work of Project 1020, which has been helping homeless individuals in Johnson County for over 10 years. Mr. McEver emphasized that the shelter operates with the support of over 150 volunteers and provides transportation across multiple cities in the county. He noted that Lenexa has not financially contributed to the project and highlighted the small amount of funding Project 1020 has received. He urged the board to approve the increase in bed capacity from 30 to 50, stressing the positive impact the shelter has on the community by keeping streets safer and offering a well-run, compassionate service.

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

## COMMISSION DISCUSSION

Commissioner Harber expressed that it is no surprise that the community is full of caring people who want to help. Commissioner Harber mentioned the issue of homelessness as a broader Johnson County concern. He also referenced his involvement in the Johnson County Commission on Aging, highlighting the growing senior population and the need for more adult daycare services in the region, urging for collaboration beyond Lenexa to tackle countywide challenges. He asked what is being done to engage other cities in addressing this issue of homelessness. Scott McCullough responded by explaining that addressing homelessness in Lenexa was challenging because other cities in Johnson County lacked the proper land use codes to allow shelters. While Lenexa was proactive in creating a code to accommodate shelters, other cities have not yet done the same. Mr. McCullough emphasized that Lenexa was the "easy button" for homeless shelters due to its established code, but there has been no strong push for other cities to implement similar codes. He noted that the city continues to engage with peers and the county about the issue but that more action is needed from other cities. Commissioner Harber commented that he visited Project 1020 during peak service hours and was impressed by how well it was run. He noted the staff, volunteers, and leadership were all very organized, and after spending over an hour there, his concerns were alleviated.

Chairman Poss expressed concern about two issues. First, by the unhoused problem in Johnson County, with Lenexa being the only city taking action to address it. Second, for the request to increase the capacity of a facility that has consistently exceeded its current capacity limit, as outlined in the city code. Chairman Poss is worried that the request for an increase is based on the facility's overcapacity, which could give the impression that rules are not being followed. He emphasized that the board's role is to enforce rules, and he is struggling with the idea of approving a change that seems to go against the rules. Chairman Poss asked Scott McCullough if public services, particularly fire and police, have been briefed and are comfortable with the situation. Mr. McCullough addressed the concern about exceeding occupancy limits by noting that it is not uncommon for any development to go beyond their original approvals, and the typical solution is to seek a plan revision, which often comes through the board for approval. Regarding emergency services, he assured the board that they have been in close discussions with the police and fire departments to ensure they can handle the situation. These discussions



followed a detailed review of the county's special use permit application, making them familiar with how the homeless shelter operates. He believes the police and fire departments are equipped to manage the increase in capacity. McCullough said that from a land use perspective, the key issue is whether increasing the capacity from 30 to 50 is an appropriate balance between meeting the need for services and minimizing the impact on surrounding areas and neighbors. He believes this is the central question that needs to be addressed when considering the land use implications of the request.

Commissioner Burson questioned whether the proposed changes to the Unified Development Code (UDC) would allow for the potential of up to 400 unhoused individuals across eight locations, given that each church could now potentially serve 50 people. Commissioner Burson noted that when the plan originally involved four locations, the capacity was 120, but with eight locations and the increase to 50 people per location, the total could reach 400 unhoused individuals. He asked if city staff believed this would have a manageable impact on emergency services and other city services. Scott McCullough explained that the city is approaching the issue based on current knowledge, including data from point-in-time counts and discussions with the Project 1020 organization about how many people they turn away or exceed their capacity. While they understand the potential for more unhoused individuals, they do not anticipate reaching the 400 homeless across the city but would respond if that need arose. He also mentioned that the connection to churches or places of worship brings in additional considerations, particularly related to the Religious Land Use and Institutional Persons Act (RLUIPA), which influenced the original code. However, Commissioner Burson points out that these considerations are not codified in the UDC, to which Mr. McCullough acknowledges that is correct.

Chairman Poss raised the concern of potential consequences of the code change. He pointed out that there are currently eight locations in Lenexa that meet the existing criteria in the UDC, meaning, by right, these locations could operate as 30-bed shelters. With the proposed code change, the capacity for these shelters can increase, which could mean an additional 160 people in the city. He questioned whether city staff, including fire and public safety services, believe that the city can handle this increased capacity, especially if other churches, which have shown no interest so far, decide to participate in the future. He stated that this change would open the door for more shelters to be established, and he wants to be sure everyone is clear about the implications of the code change. Scott McCullough responded that, in the hypothetical scenario where the city sees a significant increase in shelters, they would likely need to reassess and potentially increase service levels. Mr. McCullough pointed out that this kind of planning happens every year during the budget process, where the city evaluates which services may need adjustments based on evolving needs. He noted that government must be both proactive in planning and reactive to unexpected changes.

Commissioner Woolf noted that the current code does not have a clear mechanism to enforce capacity limits, meaning that the number of 240 or even 400 individuals does not necessarily stop there. He explained that if a facility exceeds the limit, there is no system in place to penalize them or risk losing their ability to operate. He argued that it is crucial for the UDC to include enforcement measures to ensure compliance, even if the hypothetical situation of reaching full capacity does not materialize. He stressed that having a complete and enforceable UDC is important to address potential violations. Chairman Poss agreed and emphasized that the enforcement mechanism is a crucial aspect of the code amendment. He feels that the most important change is the incorporation of a more efficient enforcement process. Chairman Poss highlights that the inclusion of enforcement gives the code "teeth," which he sees as a significant improvement in the overall amendment. Commissioner Woolf mentioned that after consultations with the police chief, the recommendation shifted to a total of four staff. He stated that the success of Project 1020 is due in part to the presence of staff at the site which include security personnel and volunteers. He supports increasing the capacity from 30 to 50 people per location but suggests keeping the current structure of two staff or volunteers for the first 10 people and one for each additional group of 40, totaling six people per site. He also supports the inclusion of the proposed enforcement language to ensure compliance.

Commissioner Burson questioned what the adequate staffing number for the homeless shelters should be. Chairman Poss asked Barbara McEver, president of Project 1020, to provide them with their staffing numbers.

Ms. Mc Ever explained that between 6 p.m. and 9 p.m., there are about 10 volunteers present every night, with different shifts covering the evening and overnight hours. During the late-night shift from 9 p.m. to 1 a.m., at least four volunteers are on duty, and another shift from 1 a.m. to 5 or 6 a.m. is also staffed with a minimum of four people. In the morning, from 6 a.m. to 8 a.m., there are at least six people involved in the shelter's operations, including preparing breakfast. She said that the hours between 11 p.m. and 6 a.m. are relatively quiet, with volunteers mainly on standby, and that it is difficult to find people willing to volunteer during this time when not much is happening. She felt that the current staffing levels were sufficient, especially with security and a range of other roles filled throughout the shelter, ensuring it remains a safe and well-staffed environment. Commissioner Woolf asked if the UDC require security. Scott McCullough replied that the UDC does not require bona fide security officers. Mr. McCullough reminded the commissioners that a different analysis and filter were applied for the special use permit for 50 occupants for the county, based on their operations. He mentioned that through the process of reviewing that specific permit, they learned a lot and ultimately recommended a staffing level of four people overnight for the shelter.

Commissioner Wagner expressed her concerns of the citywide revision being applied across all potential locations, rather than just the one facility currently operating. While she acknowledged that increasing the capacity from 30 to 50 at the existing shelter seemed reasonable, she is apprehensive about the idea of applying the maximum capacity across multiple locations in the future. She said she would consider it if the shelters were considered on a case-by-case basis, with each location requiring a special use permit. Overall, she is struggling with the idea of a citywide allowance that could lead to a significant increase in shelter capacity across the entire city.

Chairman Poss asked Scott McCullough to walk everyone through the process by which a church would request to shelter the homeless population. Mr. McCullough explained that the process for a new shelter at a church would begin with submitting a certificate of occupancy application. The city would review the location to ensure it meets the necessary criteria, such as being on a transit line or providing transportation services. They would also assess the floor plan and ensure the shelter meets building and fire codes. If any modifications are needed, the church would have to pull building permits. Once inspections are completed and the space is approved, the city would issue a certificate of occupancy up to the maximum allowed by the code. He gave the example of Project 1020, that already has a certificate of occupancy for up to 30 unhoused individuals, separate from the church's own certificate.

Commissioner Woolf suggested adding language to the staffing requirements, proposing that for the first 30 individuals at a shelter, security personnel should be employed. For any number exceeding 30, he recommended an additional security guard. This would help ensure that the shelter has appropriate protection while avoiding the need for volunteers to sit idle during overnight hours. He said this would balance staffing needs while increasing capacity, ensuring security for the potential doubling of the shelter's occupancy.

Chairman Poss asked Barbara McEver to explain how they generally handle the number of intakes on a typical day. Ms. McEver shared her concern about the challenges of managing shelter capacity, particularly during extreme weather conditions. She explained that when the shelter is full, they have had to spend significant money—over \$15,000 on motel rooms—to house individuals, which she feels is an inefficient use of funds. She believes that with the capacity to serve 50 people, the money could be better spent on essentials like clothing, food, medical supplies, or even helping people secure permanent housing. She raised the difficult issue of what to do when the shelter is at capacity and a new person needs a place to stay, particularly someone without an ID, as hotels will not accept them. She argued that in such extreme cold, denying someone shelter is inhumane. She also stated that when individuals leave the shelter in the mornings, they are not dropped off in Lenexa. Instead, they are taken to various other places. She explained that the security for the shelter consists of two security guards. The first guard arrives at 5 p.m. and stays until midnight, while the second guard comes in at around 11:30 p.m. and stays until 8 a.m. The security staff is responsible for patrolling both inside and outside the building throughout the night. The total cost for this security service is over \$50,000 for a four-month period.

Commissioner Burson stated that he was in support of the initial UDC changes and that they were necessary to help the population in need across Johnson County, including Lenexa. Commissioner Burson noted that the UDC changes were proposed by staff and reviewed by the Planning Commission, with consideration given to whether it would be an accessory use and the potential impact on surrounding areas. He raised concerns about the implications the UDC changes could have on the surrounding communities. He questioned whether the changes would be fair and reasonable, and how they might impact the people in those areas. He stated that as a Lenexa board member he could not solve the issue that all of Johnson County and many other counties and many people in the world have decided to not put a homeless shelter in their communities. He commented, that is not what they were there to hear that night. He stated he is not heartless, and the speaker's speech moved him, and he would not want to turn anyone away. He further stated that if you come before a governing body and you agree to rules and you do not follow those rules, then you are breaking the law. As board members, they are directed to set ordinances and make sure they are being followed, and staff is directed to do the same. He said they can call him heartless or that he is inhumane but that is probably not the way to get him to vote in their favor. As a Planning Commission member his duty is to consider the entire community and what they have invested also, what they have determined to do with their property. As board members they are being asked to modify the Unified Development Code for what is currently 400 beds (if it meets building code) and eight churches could go into the community and have 50 people brought in. He stated that they were not being asked if a homeless shelter was a good idea or having people not be cold or freezing to death is a good idea. He said it is not what they were being asked to determine because that is not the Planning Commission's job. He stated it was a public hearing and the public could say what they wanted, and he did not disagree with what was being said. The board must look at the impact throughout the entire community so he would base his opinion on what they were being asked to do. He said the Planning Commission offers an opinion to the City Council and the City Council evaluates everything being discussed. His opinion is that he is not comfortable raising it to 50 by right for eight current churches and anyone else that could become 50 if they can provide a path. Commissioner Burson voiced concern about the increasing burden being placed on the Lenexa community, feeling that they were gradually taking on more responsibilities that others might not be willing to handle. He warned that by continuously allowing more and more for a specific situation, it could eventually come back to have negative consequences for them. He said that everyone who came forward to speak focused solely on their own needs and interests, rather than considering the broader purpose of the meeting. In his personal opinion, he did not think raising the number to 50 was a good idea. He is in support of the idea of adding more enforcement because some people are not following through on the commitments they made when the changes were approved. He does not condone or reward this behavior and it is not acceptable to let them continue without consequences. Commissioner Burson stated that if the proposal must stand as it is, he would be against raising the number to 50. If the proposal were to be modified to include stronger enforcement, he would be in favor of it.

Chairman Poss asked Scott McCullough how they arrived at the number 50. Mr. McCullough replied that the discussion and decision were in response to the request made by Project 1020. He said they reviewed the request and based on the limits of what could be supported, they recommended that to the board. Commissioner Woolf wanted to clarify if staff recommends increasing occupancy from 30 to 50, with staffing at 4 including the violations and enforcement. Mr. McCullough clarified that those were indeed staff's recommendations. Commissioner Woolf expressed concerns about rewarding behavior that may not fully comply with zoning district regulations, especially when the number exceeds 30. However, he acknowledged that this issue arises partly because the existing code lacks a strong enforcement mechanism. He suggested that adding such a mechanism would make sense and that, with the appropriate staffing, he could support the proposal of 50 as the capacity.

Commissioner Harber noted that the discussion had been important and enlightening as they navigate the situation. He agreed with his fellow commissioners and acknowledged they were at a crossroads where they had already pressure-tested the issue over the years. He pointed out that the assumption that every church would open a homeless shelter is unrealistic, likening it to the hypothetical situation of allowing a pool in every backyard. He agreed that there is a need to strengthen enforcement and protection and leaned towards Commissioner Woolf's consideration as well.

Commissioner Wagner agreed with the concerns raised about setting a precedent by increasing the number from 30 to 50. She acknowledged that the increase would not solve everything and that not every church would participate, but she was still hesitant about the broader impact. She emphasized the importance of setting a clear standard for the city and expressed support for the idea of added enforcement. However, she remained uncomfortable with the proposed increase in the number of shelters from 30 to 50 across the city.

Chairman Poss recognized that homelessness is a problem that exists and Lenexa seems to be the only community that is helping, but looking at it from the entire city's perspective, he did not have an issue with allowing 50 as it relates to one operator, Project 1020. However, if it is being evaluated and allowable across the board, that becomes a different conversation. He stated that with a decision a recommendation is going to have consequences in the future as Commissioner Burson earlier indicated, that could be problematic for Lenexa in the future. Chairman Poss asked who would like to formulate a motion based on the discussion. Commissioner Burson stated that because the board is making a rare recommendation to the City County to amend the UDC he needed clarification of the process. He asked if he were to propose a motion to vote on staff's proposal and it was struck down, would that be the final decision. He wanted to know if there would still be an opportunity to present a modified version of the proposal later, considering that the full discussion would be recorded in the meeting minutes. Scott McCullough replied that the board has a lot of flexibility in recommending portions or revisions to the Governing Body as long as it is a majority consensus but once a vote is taken on a motion, that would end their action. Chairman Poss asked Steven ShROUT, Assistant City Attorney, that once a vote is conducted and a motion is approved is that motion affirmed. Mr. ShROUT explained that there are various actions that can be taken, such as recommending approval, recommending denial, or tabling the decision. If a vote results in a tie, which is unlikely, it is considered a failure to make a recommendation. In that case, the matter will still be forwarded to City Council for their decision, and they might either accept the recommendation or send it back for further discussion. The board can also modify the recommendation through stipulations. If stipulations are added, they will be forwarded along with the recommendation to City Council for their consideration. Commissioner Burson asked if City Council would discuss only what the board recommended, or would they discuss the staff's recommendation as well? Mr. ShROUT replied that he was unsure and would need to look into the Commissioner's question but could get that answer to them at a later time.

Commissioner Woolf raised the question of whether it would be possible to amend the Unified Development Code as staff proposed but also impose a limitation on the number of certificates of occupancy issued. Specifically, the idea would be to set a cap, such as limiting the total number of beds in Lenexa to 250. His concern was the potential number of beds to grow beyond the current projection of 240, possibly reaching 400, but wanted the option of limiting the number of beds to address that concern. Scott McCullough responded that they were introducing issues that would need a lot more study against RLUIPA and the city code for consistency concerns and that approach might be considered beyond the scope of the current focus. Mr. ShROUT responded that more research would need to go into that matter because that is outside the scope of what is currently recommended.

Commissioner Burson raised the question of whether the commission has the authority to make the recommendation that would limit the number of beds through allowed by right in Lenexa to 240. Would that be out of the board's scope. Commissioner Burson said a maximum number of beds because it is not a special use, it is all by right, but it would be limiting the total beds by right. Mr. ShROUT responded that he did not have an immediate answer to the question, especially in relation to RLUIPA and how it might apply to uses like churches. He pointed out that there are usage limitations on certain types of uses, but he would need to do more research to understand how those limitations would interact with the legal framework, particularly in this case. There are complicating factors that would require further investigation before making a definitive recommendation or decision. Commissioner Burson asked if that could be looked in to and brought to the Governing Body. Chairman Poss asked if the board were to approve staff's recommendation but include a stipulation for City Council with a cap, what number should be set as the limit. He asked if that was possible. Mr. McCullough clarified that, process-wise, the board has a legislative role tonight, as they are working on a citywide code. This gives them more

flexibility, as there are not as many restrictions or immediate consequences tied to this decision. He encouraged the board to either approve the code amendment as presented or to suggest modifications, but to clearly articulate their intentions. The message will then be forwarded to the City Council, which will consider it after further research is conducted. Mr. McCullough emphasized that placing an overall cap on the number of occupants in churches, which may be protected by RLUIPA, requires careful consideration and research due to the complex legal factors involved.

Chairman Poss asked Mr. McCullough if the board needs to vote on the proposal as presented, with the option to modify it, but whether he is suggesting that the board cannot add a cap on the number of occupants in churches at this stage. Mr. McCullough said that he believes they can add a stipulation for a cap on the number of occupants in churches, but it would require more research. He is not sure if it is going to be supportable when it gets researched against RLUIPA and other factors but at the end of the day, they are making a recommendation to the City Council, and they will have final jurisdiction on the decision.

### **MOTION**

Chairman Poss entertained a motion to recommend the amendment of the Unified Development Code (UDC) related to homeless shelters as drafted with a stipulation to limit the total number of sheltered individuals in all eligible churches combined to 250. This would allow individual shelters to accommodate up to 50 people, but the total number of beds citywide would not exceed 250.

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



**CITY COUNCIL  
MEMORANDUM**

**ITEM 12**

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**SUBJECT:** Public hearing to appear and show cause why the fire damaged structure at 19430 W. 87th Lane should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure - **CANCELED AT THE REQUEST OF STAFF**

**CONTACT:** Scott McCullough, Community Development Director

**DATE:** February 18, 2025

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**PROJECT BACKGROUND/DESCRIPTION:**

On November 19, 2024, the City adopted Resolution 2024-070 calling for a public hearing to be held on December 17, 2024 regarding the condemnation and repair or removal of a fire damaged structure located at 19430 W. 87th Lane. Staff requested a continuance of the public hearing to February 18, 2025 to provide the property owner with additional time to complete the repair or removal of the fire-damaged structure.

The hearing is no longer needed as the Building Codes Administrator has determined that the property owner has completed the work in an acceptable manner.

# APPENDIX



**MINUTES OF THE  
FEBRUARY 4, 2025  
LENEXA CITY COUNCIL MEETING  
COMMUNITY FORUM, 17101 W 87<sup>th</sup> STREET PARKWAY  
LENEXA, KS 66219**

**CALL TO ORDER**

Mayor Sayers called the meeting to order at 7 PM.

**ROLL CALL**

Councilmembers Handley, 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/Acting City Clerk; Scott McCullough, Community Development Director; Sean McLaughlin, City Attorney; and other City staff.

**APPROVE MINUTES**

*Councilmember Denny made a motion to approve the January 21, 2025 City Council meeting draft minutes and Councilmember Williamson seconded the motion. Motion passed unanimously.*

**MODIFICATION OF AGENDA**

There were no modifications to the agenda.

**PROCLAMATIONS**

National Black History Month  
Engineer's Week

**PRESENTATIONS**

Julie Steiner presented the Convention & Visitors Bureau mid-year report.

Ashley Sherard presented the Lenexa Economic Development Council mid-year report.

**CONSENT AGENDA**

1. Approval of a Conduit Purchase Agreement authorizing the sale of a conduit along 86th Street and Scarborough Street in Lenexa City Center to Southwestern Bell Telephone Company, LLC d/b/a AT&T Kansas  
*AT&T Kansas is interested in purchasing a conduit along 86th Street and Scarborough Street in Lenexa City Center from the City for \$28,883.92.*
2. Approval of an agreement with Wilson & Company, Inc., Engineers & Architects for design services for the Monticello Road Infrastructure Improvements Project



*This project will consist of heavy preventative maintenance, including replacing the existing asphalt roundabouts with concrete, along Monticello Road between 83rd Street and Prairie Star Parkway. The design services contract is for \$366,525. The construction project is estimated to be \$6,050,000.*

3. Resolution consenting to the enlargement of the Consolidated Main Sewer District of Johnson County, Kansas to include property located southwest of the intersection at 83rd Street & Clare Road (Clear Creek Landing)  
*The Consolidated Main Sewer District of Johnson County, Kansas has requested consent to enlarge its sanitary sewer system to serve property located southwest of the intersection at 83rd Street & Clare Road (Clear Creek Landing).*

### **END OF CONSENT AGENDA**

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

### **NEW BUSINESS**

There was no new business.

### **COUNCILMEMBER REPORTS**

### **STAFF REPORTS**

4. 2025 Pavement Management Program and 2025 Sidewalk Repair Program  
Beccy Yocham, City Manager, reminded the Governing Body of the retreat on Friday, February 7th and Saturday, February 8th and also of the joint meeting with the Arts Council on Tuesday, February 11th.  
  
Cody Wilbers, Assistant Municipal Services Director, thanked the different groups involved in the Pavement Management and Sidewalk Repair programs. He talked about how the Streets Division does an excellent job maintaining road conditions and preventing small issues from becoming major problems; how they handle tasks like pothole filling, crack sealing, and pavement patching on both residential and arterial streets. He said the Community Development Team focuses on larger infrastructure projects, often integrating pavement management work into their efforts, for example the 83rd Street & Monticello Road signal project and future projects like Santa Fe Trail Drive (95th Street to Quivira Road) and 95th Street (Renner Boulevard to Noland Road). He added that the Pavement Reconstruction Program is another key part of pavement management, addressing more extensive road repairs. Recent projects include the Deer Run Subdivision (northeast of Lone Elm Road & Prairie Star Parkway); Falcon Valley Drive (off Prairie Star Parkway & Woodland Road); and Penny Green Subdivision (southeast of 95th St & Pflumm). Lastly, he said the Pavement Management Team oversees large-scale assessments of the city's road network evaluating road conditions, prioritizing repair needs, gathering data, and managing contracts with contractors to ensure effective roadway improvements across the city.

Mr. Wilbers said Over the past six years the City has maintained approximately 50% of its arterial and collector roads, a standard to uphold to keep heavily trafficked roads in good condition. Additionally, as part of pavement management, maintenance work extends to curbs, sidewalks, trails, and ADA ramps. The goal is to ensure proper stormwater drainage, preventing road deterioration, and to maintain safe, accessible pedestrian pathways.

Mr. Wilbers presented the pavement condition index (PCI) map and said it is a nationally recognized system used by federal, state, and local governments to rate road conditions with 100 being excellent and 0 being very poor or failed. He said recent data collected shows that 75% of Lenexa's streets are in excellent, good, or fair condition and 80% of arterial and collector roads fall into these categories. However, he said, inside the I-435 loop there is a noticeable increase in fair and poor roads, which staff is prioritizing for improvements in the coming years.

Mr. Wilbers said the proposed 2025 Pavement Management Program includes several key projects to maintain and improve road conditions. This includes more than 20 lane-miles of mill and overlay work, primarily on arterial roads, with some work in industrial areas and the City Center area, and more than 33 lane-miles of ultra-thin bonded asphalt surfacing (UBAS). He said the goal is to repair damaged sections, prevent water infiltration, and improve ride quality. Additionally, he said the 2025 Pavement Reconstruction Program will focus on the Green Prairie and Summit Street area, located northwest of 95th Street, Santa Fe Trail Drive, and Pflumm Road.

A brief discussion took place regarding the Summit Street reconstruction project not including upgrading to curb and gutter streets. Mr. Wilbers said doing so would create additional storm sewer complications and increase costs, which was evaluated but ultimately not pursued. He said past stormwater assessments on Summit Street revealed little to no drainage issues, so upgrading was deemed unnecessary. He acknowledged there was a separate drainage concern involving a resident near 90th Place, but said it is unrelated to the Summit Street project.

Mr. Wilbers talked about the Sidewalk Repair Program map, which highlights projects from 2020-2025. He said 2024 was a lighter year due to staff focusing on the Little Mill Creek Trail project, but work included Falcon Point and a small gap on 77th Street, northeast of Quivira Road and 79th Street. He said that the 2025 program will be much larger, covering four subdivisions west of Lackman Road between 79th Street and 95th Street.

Councilmember Herron asked about the different categories and Mr. Wilbers explained that an excellent street would not need any action any time soon and would be reassessed in a few years; good means planning needs to start; fair is when the UBAS treatment on residential streets or mill and overlay on arterial streets needs to be done; poor would be when reconstruction needs to be considered. He talked about how the road conditions change and deteriorate over time.

Councilmember Herron asked how reports of potholes are addressed and Mr. Wilbers explained how the service request system works and said staff goes out and fills potholes when the weather is good for that.

Councilmember Arroyo talked about a 2021 repavement project in Greystone Estates South where some utility lines were damaged and asked how those types of situations are handled and if the homeowner is responsible. Mr. Wilbers responded that he would need to know more about that specific situation, but that in general it would be the utility company's responsibility if the utility was not located properly or the contractor's responsibility if it hit a properly located utility.

Tim Green, City Engineer, said that One Call locates mail lines, typically not service lines. Service lines from the gas pipe to the house or the sanitary sewer get hit often because they are not locatable. He said he could not think of a time when the resident has been made to pay for a hit.

Sean McLaughlin, City Attorney, said that all contracts require the contractors to fix those problems they caused and that situation sounds out of the ordinary. He said he would get the information and follow-up.

Councilmember Nicks asked if the program had more money if the roads inside the I-435 loop could be brought up to better standards or if it is more a matter of having too much to do and getting to it. Mr. Wilbers said there is too much to do, but having more money would help.

Councilmember Herron asked if the plans for 2026 would include more of the fair and poor roads when planning the budget.

Nick Arena, Municipal Services Director, talked about knowing this would happen since that whole area was done all at once in 2017, which is why the rating is fair or poor in that area now. He talked about having to work through it a little at a time to get them all back up to the good or excellent level.

Mayor Sayers said this is a good time to mention the 3/8¢ sales tax renewal that will contribute to funding the pavement management program.

Councilmember Nicks asked how long it will take to bring them up to that level and Mr. Arena said that in 2026 they would be staying off of the arterials because of the World Cup and the main focus of the PMP would be the residential streets in 2026-2027.

Councilmember Eiterich talked about resurfacing Woodland Road and the need for a sidewalk along that road. She said it was not included in the CIP, but including one when the road is being done makes sense and she would like to figure out how to make that happen.

Councilmember Nicks asked about the missing section of trail along the east side of Woodland Road, south of 95<sup>th</sup> Street, and said it needs to be worked into the plan at some time. Mr. Wilbers said sidewalk gaps are being tracked, there are several

throughout the city, and they are usually a little complex. He said they are proactively trying to take care of them as much as they can within the budget.

Mayor Sayers thanked staff for the detailed emails regarding updates for street construction.

### **END OF RECORDED SESSION**

### **BUSINESS FROM FLOOR**

Greg Hack, 9715 Millridge Drive, spoke regarding the Lone Elm overpass.

### **ADJOURN**

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

The meeting adjourned at 7:54 PM.

# Johnson County Transit

## Airport Transit Service for World Cup

February 18, 2025

**Aaron Otto**  
Assistant County Manager

**Brian Pietig**  
Director, Public Works

**Josh Powers**  
Director, Transit Division



# Board of County Commissioners Actions to Date

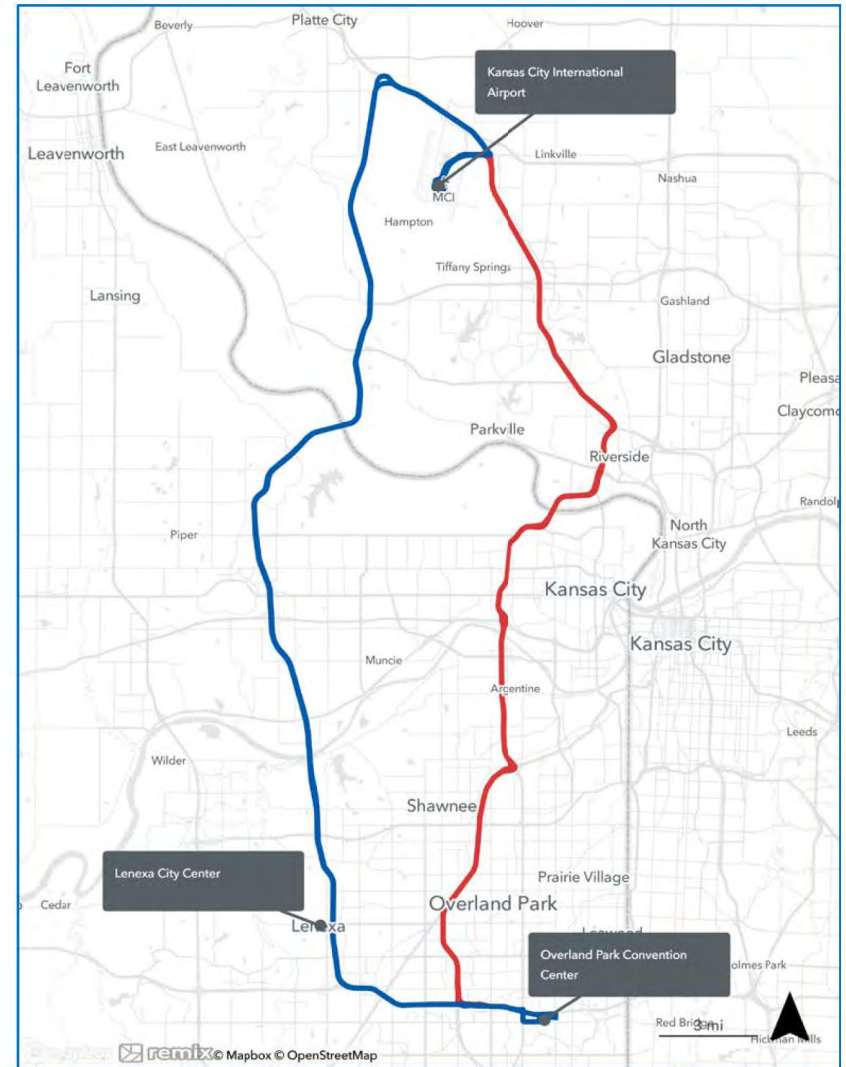
- On August 15, 2024, the BOCC authorized the lease of up to fifty (50) 35-passenger vehicles for use for any transit services for the 2026 FIFA World Cup that the BOCC may want to be provided:
  - \$1.5M total cost, 10% refundable deposit before Jan. 1, 2026
  - \$8k per unit, per month of lease

# Actions to Date

- Transit staff has created and costed out potential services for the World Cup
  - Airport Service (FIFA/Pilot) - transit service from KCI to the Overland Park Convention Center and Lenexa City Center
- First Transit prepared to provide operators, agreement in development for housing operators during the event

# Potential Airport Pilot

- The Mid-American Regional Council (MARC) identified the Overland Park Convention Center and Lenexa City Center as key connections for potential transit service to the Kansas City International Airport (KCI)  
(“Kansas City International Airport Public Transit Services Action Plan”)
- Four buses in operation per hour, six required total, using existing fleet
- 20-minute headways with 18 hours of service (5AM - 11PM)
- Cost of operation is approximately \$10K/day
- Funded by MARC grant award as well as \$600K of local match shared equally between Lenexa, Overland Park and Johnson County for approximately 260 days of service





# Airport Transit Service - Available Funding

MARC Funding (requires local match)	\$2.0M
Lenexa Local Match	\$200K
Overland Park Local Match	\$200K
Johnson County Transit Local Match	\$200K
Total Cost of Operation:	<b>\$2.6M</b>

\$2.6M will provide approximately 260 days of transit service

# Current Actions

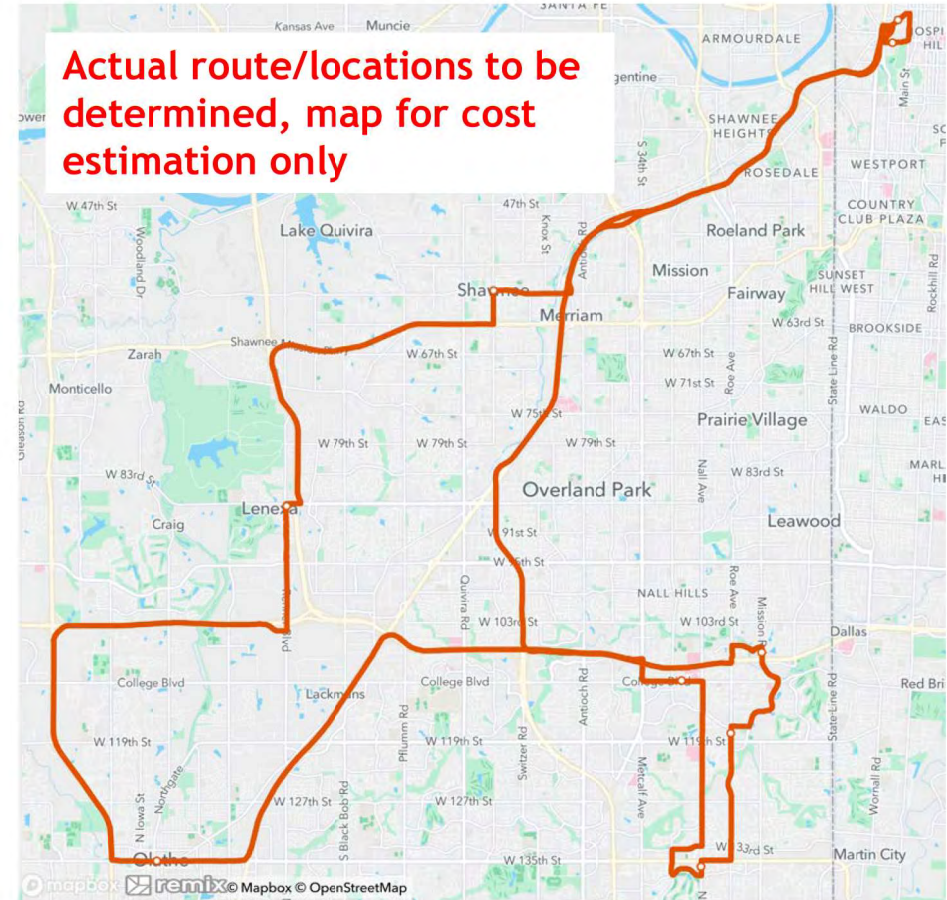
- BOCC voted to accept the \$2M MARC grant to support the airport shuttle pilot on February 13, 2025
- Presentation to the Lenexa Governing Body on February 18.
- Presentation to the City of Overland Park TBD.

# Next Steps

- MOU defining and memorializing partnership
- Explore additional funding possibilities
- Continue to define and cost potential transit services for World Cup including a “circulator” route to connect locations in Johnson County with the FIFA Fan Fest site at the WWI Memorial in KCMO

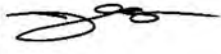
# Potential Fan Fest Circulator Route

- Connects various locations in Johnson County to FIFA Fan Fest at the WWI Memorial in KCMO
- 30-minute headways using six (6) vehicles
- 61 days of service (6/1 - 7/31)
- Service seven days a week
- \$1.72M total cost (\$1.55M labor, \$96K vehicle leases, \$80K staff housing)



# Questions / Discussion



**DATE:** February 18, 2024  
**TO:** Lenexa City Council  
**FROM:** Mayor Sayers   
**RE:** Annual Appointments/Re-Appointments

Lenexa has been blessed with a dedicated group of citizens who provide countless hours of time volunteering to make Lenexa one of the most desirable places to live, raise a family, and do business. Again this year, we are fortunate that so many qualified, passionate citizens step up to serve our community, or continue their dedication to our work.

It is with great pleasure and pride that I place before you the following individuals for your consideration and approval for appointment and reappointment to our commissions, boards, and councils: recognizing their hours of commitment to keeping Lenexa a leader in delivery of exceptional public service.

**Planning Commission: [3-year term expiring 2/28/28]**

**Re-Appointment:**

Chris Poss (Chair)  
David Woolf

**Appointment:**

Jermaine Jamison

**Planning Commission: [1-year unexpired term expiring 2/28/26]**

*\*seat vacated by John Michael Handley, term unexpired*

**Appointment:**

Sunny Dharod



**Parks & Recreation Advisory Board: [3-year term expiring 2/28/28]**

**Re-Appointment:**

Wanda Kiewiet  
Patrick Thomas  
Sarah Hanson

**Arts Council: [3-year term expiring 2/28/28]**

**Re-Appointment:**

Judy Tuckness  
Wayne Dothage  
Sarah Homan

**Code Board of Appeals: [3-year term expiring 2/28/28]**

**Re-Appointment:**

Chris Culp  
Ellen Foster

# Apply to Serve on a Volunteer Board, Council or Commission



Submitted on 18 December 2024, 2:30PM  
Receipt number BOARD29  
Related form version 5

## Select board, council or commission

For which board, council or commission do you wish to apply? Planning Commission / Board of Zoning Appeals

## Personal information

First name Jermaine  
Middle initial  
Last name Jamison  
Street address 21611 West 96th Street  
Street address line 2  
City jjamison@partner3e.com  
State Kansas  
ZIP code 66220  
How many years have you lived in Lenexa? 22  
What cities, other than Lenexa, have you lived in? Olathe, Prairie Village

## Applicant's contact information

Email jjamison@partner3e.com  
Cell phone number 19132084853  
Home phone number  
Work phone number 19132322647  
Preferred method of contact Cell phone



## Employment

Are you currently employed?

Yes

Job title / occupation

Co-founder and Manager Partner

Place of employment

Jamison Perry, LLC

Employer's address

13000 West 87th St. Pkwy Ste. 106 Lenexa KS 66215

## Interest / experience

Have you ever served on a board, council or commission?

Yes

Please list the board, council or commission; the organization; the dates of service; as well as any positions held.

Lenexa Chamber of Commerce Board of Directors (2019 - 2022)  
Chairman of the Board Lenexa Chamber of Commerce (2022)  
SHRM-KC Board of Directors (2022-2023)  
Sleepyhead Beds Board of Directors (2023 - Current)  
Lenexa Chamber of Commerce Legislative and Governmental Affairs (2024, Chair)

Explain why you are interested in serving as a member of this board, council or commission and why you would be a good addition.

Serving as a member of the Lenexa Planning Commission offers an opportunity to contribute meaningfully to the strategic growth and development of a community I am deeply passionate about. My interest stems from a strong commitment to creating vibrant, inclusive spaces where businesses thrive, families flourish, and residents enjoy a high quality of life. Being part of the Commission would allow me to leverage my professional expertise and community involvement to help shape a City that reflects the needs and aspirations of Lenexa's citizens.

List your related experience and expertise.

As a small business owner in Lenexa, I have a great understanding of strategies for attracting businesses, creating jobs, workforce development and leveraging Lenexa as a destination for individuals and businesses.

List any professional associations or special honors you hold.

2018 Lenexa Chamber of Commerce Member of the Year

List your civic involvement and activities.

Youth sports coach in Lenexa for over 20 years  
2017 Leadership Lenexa Graduate  
2018-2019 Co-Chair Leadership Lenexa  
2023 Ward 2 Lenexa City Council Candidate - Loss by 27 votes  
Chairman's Ambassador 2017 - 2021

## Potential conflicts of interest

Have you ever been involved with an application considered by the Planning Commission or Board of Zoning Appeals, as an applicant, neighbor or concerned citizen?

No

Do you have any current or prior involvement with the Lenexa Police Department that could present a conflict of interest in serving on the Police Community Advisory Board?

Please explain your involvement.

## Application materials

# Jermaine L. Jamison

## Summary

Dynamic, humble, and collaborative executive leader and mentor with a synergistic approach to building and enhancing organizations and individuals. Proven success in pioneering value-added internal and external relationships to ensure an understanding of objectives and goals to capture untapped growth opportunities. I leverage entrepreneurial spirit, creativity, and multifaceted experience to make a positive impact on those I am fortunate to serve.

## Areas of Expertise

Strategic Planning & Execution

Executive Leadership Coaching & Mentoring

Crisis & Turnaround Management

Budget Planning, Development & Control

Staff Development & Turnover Reduction

Key Partnership Development

Career Coaching & Development Strategies

Global Strategic Alliances

Continuous Improvement

Life Coaching

## Professional Experience

**3E, LLC (Emerge.Evolve.Excel)**

**December 2019 - Current**

**President & CEO**

- Deliver management consulting and organizational strategy development to drive change management and improve communication, strategic execution, talent engagement, and talent development.
- Spearhead the strategic vision and operational leadership of a consulting company specializing in DEIB, leadership development, and organizational training.
- Cultivate partnerships with Fortune 500 companies, non-profits, and educational institutions, leading transformative human engagement initiatives.
- Deliver keynote speeches at industry-leading events, establishing the company as a thought leader in human engagement and organizational transformation.
- Provide clients with coaching to identify and achieve goals for life betterment and personal improvement strategies.
- Partner with corporate clients to identify areas of leadership that may be improved through shifted processes, strategized approaches, and ideas that may improve leadership within the company and overall team performance.

**Jamison Perry, LLC**

**May 2015 – Current**

**Co-founder & Managing Partner**

- Execute strategic prioritization and decision-making around recruiting, staffing, RPO, and consulting services
- Drive year-over-year business growth while leading operations, strategic vision, and long-range planning with full responsibility for bottom-line factors
- Create new revenue streams by identifying new markets and generating new net income
- Responsible for overall strategic planning for sales, recruiting, and operations teams.
- Responsible for producing sustained revenue and EBITA growth in dynamic and changing markets
- Visit all client sites personally and organize meetings with key leadership to ensure an understanding of partnership expectations and gain buy-in for new business opportunities.

**Volt Workforce Solutions, Overland Park, KS  
Manager (KS, MO, CO, TX)**

**May 2012 - November 2015 Regional Sales**

- Managed and mentored regional sales force to achieve sales and profit goals within assigned region.
- Responsible for overall strategic planning for sales, recruiting, and operations teams.
- Successfully sold IT, Engineering, Accounting, Finance & Manufacturing staffing & recruiting solutions.
- Responsible for management functions: hiring, coaching, counseling & employee terminations.
- Responsible for P&L management of technical and non-technical business units in multiple branches & states.
- Partner with prospects and active clients to develop Enterprise-wide SOW, outsourcing, and talent acquisition solutions.
- Provided oversight, along with the Executive Leadership Team, in establishing annual revenue streams along with budgetary direction to ensure adequate control over operating costs
- Coordinates with the Executive Leadership Team to review the organization scorecard to determine any required changes to maximize performance results.

**CoSentry, LLC., Kansas City, MO  
Solutions Consultant**

**January 2011-May 2012**

- Sold Data Center services and Business Continuity solutions and managed a strong funnel of consulting sales prospects and opportunities.
- Prospect, qualify, and make sales presentations to potential customers.
- Oversaw and researched market opportunities that fit CoSentry's solution offerings.
- Perform pre-sales problem analysis/resolution for LightEdge Solutions products.

**DCT Solutions Group, Kansas City, MO  
Territory Sales Manager (KS, MO, OK, IA, NE, NC)**

**January 2006-January 2011**

- Successfully marketed and sold Enterprise Mobility Software /Hardware Solutions, consulting, hosting & support services.
- Sold custom .Net, PHP and SQL Server based applications and system integration services.
- Directly managed all aspects of assigned sales territory & inside sales team.
- Created DCT Professional/Managed Services business unit.
- Lead acquisitions of new business relationships.
- Managed VAR hardware & software partnerships with Motorola, Intermec, Datalogic, Honeywell, Motion Computing, Ingram Micro, Scan Source & GPS providers.
- Developed and deployed account plans aligned with DCT's critical success factors.
- Performed regional/national competitive analysis to support territory sales planning.

**Education & Professional Development**

Bachelor of Science, Sociology Human Development & Family Studies - Emporia State University  
Certified Expert Coach; Career Development ACECC Designation  
Professional Life Coach Certification & Guide (Accredited)  
Certified Talent Management Consultant

**Community Involvement & Associations**

Lenexa Chamber of Commerce Board of Directors  
Chairman of the Board Lenexa Chamber of Commerce  
SHRM-KC Board of Directors  
Sleepyhead Beds Board of Directors  
Lenexa Chamber of Commerce Legislative and Governmental Affairs

# Apply to Serve on a Volunteer Board, Council or Commission



Submitted on 1 February 2025, 4:55PM  
Receipt number BOARD42  
Related form version 5

## Select board, council or commission

For which board, council or commission do you wish to apply? Planning Commission / Board of Zoning Appeals

## Personal information

First name Sunny  
Middle initial  
Last name Dharod  
Street address 8516 Candlelight Lane  
Street address line 2  
City Lenexa  
State Kansas  
ZIP code 66215  
How many years have you lived in Lenexa? 18  
What cities, other than Lenexa, have you lived in? Dallas, TX (1994-1998)  
Overland Park, KS (1998-1999)  
Ann Arbor, MI (2012-2016, excluding school breaks, which were spent in Lenexa)  
Washington, D.C. (2016-2020, excluding school breaks, which were spent in Lenexa)  
Wichita, KS (2020-2021)

## Applicant's contact information

Email sundharod@gmail.com  
Cell phone number 913-284-6435  
Home phone number

Work phone number

Preferred method of contact

Email

## Employment

Are you currently employed?

Yes

Job title / occupation

Director of Real Estate

Place of employment

Genesh, Inc.

Employer's address

8831 Long St, Lenexa, KS 66215

## Interest / experience

Have you ever served on a board, council or commission?

Yes

Please list the board, council or commission; the organization; the dates of service; as well as any positions held.

1. First-Generation Adult Committee, Hindu Temple & Cultural Center of Kansas City, 2024-Present, Representative

2. Young Lawyers Section, Kansas Bar Association, 2021-2022, Publications Chair

3. Young Jains of America, Federation of the Jain Associations in North America, 2013-2014 Director of Fundraising / 2015-2016 Co-Chair

Explain why you are interested in serving as a member of this board, council or commission and why you would be a good addition.

PART I: EXPLAIN WHY YOU ARE INTERESTED IN SERVING AS A MEMBER OF THE PLANNING COMMISSION.

I became interested in the concept of planning in the fall of 2017, at which point I was in my second year of the JD/MBA program at Georgetown University. Studying law and business in our nation's capital had not only sparked my interest in economic development but also helped me appreciate the extensive processes by which communities are built in the United States.

Curious as to how these dynamics played out in my hometown of Lenexa, I did some research and learned about the City Council. On my next visit back home, I attended a meeting and introduced myself to Mayor Boehm. I explained that I was eager to learn more about economic development in Lenexa, and he graciously connected me with several key figures ((i) Denise Rendina (Communications Director); (ii) Magi Brewster (Planning & Development Review Administrator); and (iii) Cindy Harmison (City Attorney)), each of whom I got the opportunity to shadow over the following winter break and better understand their roles in Lenexa's development. Through it all, I discovered the many ways in which I could contribute toward citywide projects and stay plugged in on all things Lenexa.

My journey over the next seven years solidified my interest in not only serving Lenexa but also doing so on the Planning Commission. In the summer of 2018, I participated in all the Vision 2040 Citizen Task Force meetings. During my final year at Georgetown, I completed an international capstone project where my classmates and I consulted Topaz Real Estate (based in Monterrey, Mexico), to whom we pitched community-development and revitalization strategies. After graduating and passing the Bar Exam, I have practiced law as a real estate attorney, one of my favorite parts of which has included reviewing surveys, plats, and recorded documents in order to learn and demonstrate to clients the history behind their properties of interest, as well as resolve any existing issues prior to closing on transactions involving such properties. All of these experiences have given

me a strong appreciation for the administrative complexities of urban development. Joining the Planning Commission would be a great next step for me to tap into this growing interest, as it would be an opportunity to build upon my passions and skill sets to ensure the continued growth and development of the community that shaped me.

**PART II: EXPLAIN WHY YOU WOULD BE A GOOD ADDITION TO THE PLANNING COMMISSION.**

My strongest asset is my familiarity with Lenexa's geography, topography, and diversity of its land usages, which I have obtained since having moved here with my family in the summer of 1999. At the time, I was five years old and beginning kindergarten at Rising Star Elementary, located just a few houses down the street from my home on Candlelight Lane. Throughout my childhood, I participated in youth activities at the Lenexa Community Center, took swimming lessons at the Indian Trails Aquatic Center, studied and received after-school tutoring at the Lackman Library, and so much more. In high school, I participated in cross country and track and field for Shawnee Mission Northwest and even during adulthood have spent so much time outside training for full and half marathons that I have become familiar with Lenexa's many streets, trails, parks, etc. My ability to visualize the various pockets of Lenexa will help me register information that is presented to the Planning Commission and analyze whether any proposed development would fit the existing character of our community.

I also believe my educational and professional experiences would provide good value to the Planning Commission. I earned my undergraduate degree in Economics in 2016, followed by a JD/MBA in 2020. Since then, I have practiced real estate law and have recently become involved with my father's fast-food franchise (Lenexa-based Genesh, Inc.). The constant exposure to business, contracts, and property development has given me a basic understanding of some of the concepts that a Planning Commissioner may encounter. Additionally, my training has instilled in me a methodical approach to my work and strong attention to detail, allowing me to identify and address gaps or inconsistencies before they escalate into larger issues.

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**List your related experience and expertise.**

1. Three (3) years of law firm experience, through which I have gained knowledge of and exposure to the following aspects of real estate transactions: drafting/revising leases and purchase and sale agreements; reviewing title policies and corresponding surveys, plats, and recorded documents; preparing/recording deeds, easements, memoranda of leases, etc.
2. Fifteen years of long-distance running experience, through which I have become familiar with Lenexa's many streets, trails, parks, etc.

---

**List any professional associations or special honors you hold.**

1. Lenexa Economic Development Council, general member on behalf of family's business (The Dharod Group)

---

**List your civic involvement and activities.**

1. Habitat for Humanity of Kansas City, Lenexa ReStore Volunteer
2. Kansas City Jain Sangh (religious community group), Sunday School Teacher

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## **Potential conflicts of interest**

---

Have you ever been involved with an application considered by the Planning Commission or Board of Zoning Appeals, as an applicant, neighbor or concerned citizen?

No

---

Do you have any current or prior involvement with the Lenexa Police Department that could present a conflict of interest in serving on the Police Community Advisory Board?

# Sunny Dharod

8516 Candlelight Lane • Lenexa, KS 66215 • 913-284-6435 • [sundharod@gmail.com](mailto:sundharod@gmail.com)

## PROFESSIONAL EXPERIENCES

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### **Genesh, Inc.**

*Lenexa, KS*

#### **Director of Real Estate**

*January 2025 – Present*

- Support real estate development for Burger King franchise comprising 51 restaurants in Kansas and Missouri.
- Advise on legal matters pertaining to real estate diligence, government approvals, and recorded documents.
- Prepare and update reports on lease conditions, base and percentage rates, and remodeling deadlines.

### **Polsinelli PC**

*Kansas City, MO*

#### **Associate Attorney, Real Estate Practice Group**

*November 2021 – December 2024*

- Counseled franchises nationwide from drafting to closing stages of lease and purchase and sale agreements.
- Advised Corporate attorneys on real estate diligence matters for healthcare acquisitions and equity purchases.
- Provided over 50 hours of pro bono services on annual basis to local housing and neighborhood associations.

### **Hinkle Law Firm LLC**

*Wichita, KS*

#### **Associate Attorney**

*August 2020 – November 2021*

- Prepared transactional documents, such as lease agreements and assignments, consent agreements, and deeds.
- Assisted bankruptcy, tax, employment, and litigation teams with research, contracts, and court pleadings.
- Conducted legal research to help property owners avoid conflicts with neighbors, tenants, and buyers.

## EDUCATION

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### **Georgetown University (*Juris Doctor / Master of Business Administration*)**

*Washington, D.C.*

Cumulative GPA: 3.2

*August 2016 – May 2020*

- Georgetown Law Journal of Legal Ethics – Mentoring & Notes Editor, 2019-2020
- South Asian Law Students Association – Vice President, 2018-2019
- Georgetown Real Estate Society – Junior Board Member, 2017-2018

### **University of Michigan (*Bachelor of Arts, Economics*)**

*Ann Arbor, MI*

Cumulative GPA: 3.7

*September 2012 – April 2016*

- UC 170 – Making the Most of Michigan – Course Instructor, 2015-2016
- Housing & Residence Education – Resident Advisor, 2014-2016
- Jain Students Association – Founder & President, 2013-2016

## COMMUNITY INVOLVEMENT & ACTIVITIES

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### **Organizational Memberships**

*April 2021 – Present*

- Habitat for Humanity of Kansas City – Lenexa ReStore Volunteer, 2024-Present
- Lenexa Economic Development Council – Member, 2023 / 2025-Present
- Kansas Bar Association – Publications Chair for Young Lawyers Section, 2021-2022

### **Religious Community Groups**

*October 2013 – Present*

- Hindu Temple & Cultural Center of Kansas City – First-Generation Adult Committee, 2024-Present
- Kansas City Jain Sangh – Sunday School Teacher, 2022-Present
- Young Jains of America – Board Member, 2013-2014 (Director of Fundraising) / 2015-2016 (Co-Chair)

### **Sports & Fitness Activities**

*March 2010 – Present*

- Lenexa Rec Center – Member, 2018-Present
- Distance Running – 5x Marathon Finisher, 2013-2015 / 2023 (qualified for and ran Boston Marathon in 2015)
- SMNW Cross Country and Track & Field – JV Team Member, 2010-2012 (broke 5-minute mile in 2012)

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Jennifer Weipert <jenniferweipert@yahoo.com>

**Date:** February 7, 2025 at 5:14:17 PM CST

**To:** Julie Sayers <jsayers@lenexa.com>, Melanie Arroyo <marroyo@lenexa.com>, Chelsea Williamson <cwilliamson@lenexa.com>

**Subject:** Vote Yes on Unified Development Code

**Reply-To:** Jennifer Weipert <jenniferweipert@yahoo.com>

Mayor and Councilwomen,

Please vote Yes to approve the increase of capacity of homeless churches can host overnight.

Thank you for serving our community.

Jennifer Baltuska

7731 Acuff Lane

Lenexa, KS 66216

Yahoo Mail - Email Simplified



**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Evie Craig <[agirlcould@gmail.com](mailto:agirlcould@gmail.com)>

**Date:** February 13, 2025 at 12:42:44 PM CST

**To:** Julie Sayers <[jsayers@lenexa.com](mailto:jsayers@lenexa.com)>

**Subject:** Support for proposed amendment to Unified Development Code UDC 25-01

Dear Mayor Sayers

I am writing to express my support for the above-referenced amendment that will be heard at the Feb 18 City Council meeting.

My primary concern is that the daily capacity census at Project 1020's Cold Weather Shelter can be set at a maximum of 50 (as I understand it) as opposed to the current 30.

Over the past five years, Project 1020 and its partnership with Shawnee Mission Unitarian Universalist Church, has proven itself to be a compassionate, effective and safe provider to homeless adults. Their security protocols have been effective and the shelter, which operates for four months each year, has not unduly increased the City's resources.

Thank you for your time and consideration and for all you do!

Evie Craig

20907 Whispering Dr, Lenexa, KS 66220

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Evie Craig she/her

[agirlcould@gmail.com](mailto:agirlcould@gmail.com)

913.706.1469

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Rosario Gambino <r.gambino@icloud.com>  
**Sent:** Wednesday, December 11, 2024 12:32 PM  
**To:** Julie Sayers <jsayers@lenexa.com>  
**Subject:** Project 1020

Mayor Sayers and Lenexa City Council members,

Thank you for the good work you continue to do in Lenexa. I have been a resident of Lenexa (change to Shawnee etc.) for 14 years. I attend St. Paul's United Methodist Church, (near 79th and Lackman). Recently, some members of my church visited with Barb McEver about how we can help support and participate with Project 1020 this winter.

As you know, it's the only location for people without a home location to get a warm meal and bed during the winter months in Johnson County. Barb has requested an increase in her occupancy rate from 30 to 50 beds. I believe it's a well-run program. The facility can easily accommodate those numbers and the need is great.

I strongly support this request and ask that you consider this as soon as possible so plans can be made as the weather has changed and the 1020 facility is opening.

Please let me know what the status is for this request, and when a decision will be made.

Thank you!

Rosario Gambino

Sent from my iPad

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Emily Goodwin <emilye726@gmail.com>

**Sent:** Sunday, February 9, 2025 11:53 AM

**Subject:** No Metro Wide Homeless Shelter

I see the homeless shelter is being pushed yet again. Having lived in Springfield MO for 4 years, I can tell you, the more services they offered, the more homeless people the city attracts, is this what we want?

If Mr Kelly would be willing to stipulate who could be there, such as giving priority to Lenexa residents and only allowing JOCO residents to fill the rest of the spots, I would support this move.

The majority of homeless people in Lenexa are not from this area, they don't have anything to do or anywhere to be during the day, which is why making the shelter only for locals makes more sense.

Please do not support this unless necessary restrictions are made,

Emily Goodwin of Lenexa.

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Jack and Marilyn Gregory <jmdgregory@gmail.com>

**Sent:** Friday, November 1, 2024 7:16 AM

**To:** Julie Sayers <jsayers@lenexa.com>; Craig Denny <CraigKDenny@gmail.com>

**Subject:** Project 1020

Mayor Sayers and Councilman Denny,

This week several persons from St. Paul's UMC visited Project 1020, visited with Barb and and will be volunteering at the Center this winter. But, we need your help to allow more assistance to a growing need in our city. Below is a note I wrote a few weeks ago.

Marilyn and I worship at St. Paul's United Methodist in Lenexa. We are exploring volunteering with Project 1020 this season. I understand you also volunteer there, so I know you understand the needs of unhoused persons in our city. In Conversation with Director Barb McEver, I understand that she has requested that she be allowed to revise the number of persons being served from 30 to 50 and is awaiting approval by the City. With no other viable options the numbers being served this winter could far exceed 50 but she is asking that she be approved for 50.

With your first hand knowledge of the project I would hope you would be an advocate for Project 1020's desire to serve as many unhoused people as possible.

On another note I read where the County Commission is allocating resources to a number of worthy affordable housing options that could address the growing number of unhoused persons in Johnson County. As per our previous conversation, I know you are vitally interested in how we may better address this need in Lenexa and throughout the county.

Thanks so much for your leadership,

Jack Gregory

Lakeview Village

913-620-3683

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Financial Secretary <giving@stpaulslenexa.org>

**Date:** November 25, 2024 at 10:46:36 AM CST

**Subject:** Project 10 20 Support

Mayor Sayers and Lenexa City Council members,

Thank you for the good work you continue to do in Lenexa. I attend St. Paul's United Methodist Church located at 7740 Lackman in Lenexa. Our congregation plans to offer food and other support for Project 1020 this winter.

As you know, Project 10 20 is the only location for people without a home location to get a warm meal and bed during the winter months in Johnson County. I know Barb McEver has requested an increase in Project 1020's occupancy rate from 30 to 50 beds. Project 1020 is a well-run program. The facility can easily accommodate those numbers and the need is great. Supporting individuals and families in need is the right thing for our community to support.

I strongly support this request and ask that you consider raising Project 1020's occupancy as soon as possible, as the shelter opens December 1.

Please let me know what the status is for this request, and when a decision will be made.

Thank you!

Lisa Groth

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Anne Healy <thisisanneh@yahoo.com>  
**Sent:** Friday, December 13, 2024 7:41 AM  
**To:** Julie Sayers <jsayers@lenexa.com>  
**Subject:** Project 1020

Dear Mayor Sayers,

Thank you for the good work you continue to do in Lenexa. I have been a resident of Lenexa for 8 years. Recently I became aware that Barb McEver with Project 1020 is working to increase the occupancy rate from 30 to 50 beds.

As you know, it's the only location for people without a home location to get a warm meal and bed during the winter months in Johnson County. I believe it's a well-run program. The facility can easily accommodate those numbers and the need is great.

I strongly support this request and ask that you consider this as soon as possible so plans can be made as the weather has changed and the 1020 facility is opening.

Please let me know what the status is for this request, and when a decision will be made.

Sincerely,

Anne Healy

Sent from my iPhone

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Ken Jackson <kjopks20@yahoo.com>

**Date:** February 8, 2025 at 10:15:58 AM CST

**To:** Courtney Eiterich <ceiterich@lenexa.com>, Bill Nicks <bnicks@lenexa.com>, Mark Charlton <mcharlton@lenexa.com>, Melanie Arroyo <marroyo@lenexa.com>, Chelsea Williamson <cwilliamson@lenexa.com>, Craig Denny <cdenny@lenexa.com>, Chris Herron <cherron@lenexa.com>, Julie Sayers <jsayers@lenexa.com>

**Subject: Opposed to Lenexa Amendment for Church Shelters**

Lenexa City Council:

Please consider this my formal statement opposing the back-door crooked Mike Kelly's attempt once again for Lenexa to be the homeless shelter of Johnson County -- NOT for Johnson County residents but for the world! We already spoke our voice about converting the LaQuinta Inn to his grand homeless shelter and we still feel the same way about any 2nd attempt via the new amendment you are considering.

I am aware of your amendment to Lenexa's city code that is being pushed through with vague language that would allow "churches" to operate homeless shelters. This is nothing more than a loophole for Mike Kelly to turn Lenexa into the homeless hub of Johnson County.

Despite spending two hours acknowledging the potential disaster this amendment could create, the Planning Commission still recommended its adoption. Their only modification was to reduce the maximum number of homeless beds from 450 to 250.

The most critical point? The director of 1020 openly admitted at this week's meeting—on a live mic—that NONE of their residents are from Lenexa. They send out a van every evening across Johnson County, picking up the homeless and transporting them to their shelter. As a taxpayer of Johnson County I OPPOSE this amendment.

Regards,

Kenneth C Jackson

12819 W 173rd Ter

Overland Park, KS 66221

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Ken Jackson

kjopks20@yahoo.com

913-221-5547

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Patti Kettler <pkettler54@gmail.com>

**Sent:** Friday, February 7, 2025 2:26 PM

**To:** John Handley <jhandley@lenexa.com>; Courtney Eiterich <ceiterich@lenexa.com>

**Cc:** Jack Kettler <jwkett44@gmail.com>

**Subject:** Recent discussions between JoCo Commission and Lenexa City Council Re: Homeless Shelters

Good Afternoon: Mr. Handley, congratulations on your recent appointment.

My husband and I would like to register our opposition to ANY efforts by the Johnson County Commissioners to locate/support/promote homeless shelters in our Lenexa community. (We are also strongly opposed to any movement to make Johnson County a "sanctuary county".) The basis for our opposition is represented by the list of issues and problems presented by Lenexa staff and citizens to the Lenexa City Council when they last considered Mike Kelly's initiative to place a homeless shelter along I-35.

We are not at all opposed to helping the homeless. I contribute a lot of time, effort and money to shelters and food kitchens, etc which support the citizens of our regional communities. So many government programs like this start out as a "well intentioned" idea. But government has proven to be a poor manager of functions or programs that are not a part of their charter, e.g. public safety, fire, municipal infrastructure maintenance, etc. Small community groups and churches who can manage the efforts directly, without a bureaucracy, are better suited.

I had a nephew, an American citizen, who was homeless for many years. He was homeless in large part due to mental illness and drug use which made it very difficult for him to hold down a job or to live in any "group" situation for more than a few days. My nephew tried services such as those Mr. Kelly envisioned at the La Quinta Building last September, but he couldn't handle it. And, as my nephew explained to me, that is the story of most people that "live under the bridge". He had to go into a shelter last spring due to health issues, and he ended up hanging himself. So, who is Mike Kelly really going to house, especially when he references "sanctuary city" ???

Lenexa does not have the manpower or infrastructure to support any such idea, as found by the Lenexa Planning Commission last fall. Clearly, we are already struggling with an increase in crime. Citizens I have spoken with are experiencing increases in car insurance due in part to the increase in hit and runs and car thefts. Our schools are already struggling to educate our children, as evidenced by the recent testing results/scorecards. And I could go on.

I would like for the Lenexa City Council to tell Mr. Kelly "NO WAY". And, I am requesting complete transparency between the Lenexa City council and the citizens of Lenexa.

Best Regards,  
Patti Kettler  
913-620-5930



**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Jeffrey Lysaught <jeffrey.lysaught@gmail.com>

**Date:** February 4, 2025 at 4:10:22 PM CST

**To:** Laura Owen <lowen@oellc.com>

**Cc:** Julie Sayers <jsayers@lenexa.com>, Courtney Eiterich <ceiterich@lenexa.com>, Bill Nicks <bnicks@lenexa.com>, Mark Charlton <mcharlton@lenexa.com>, Melanie Arroyo <marroyo@lenexa.com>, Chelsea Williamson <cwilliamson@lenexa.com>, Craig Denny <cdenny@lenexa.com>, Chris Herron <cherron@lenexa.com>

**Subject: Re: Urgent: Vote NO on the Proposed Amendment to the UDC – Protect Lenexa’s Future!**

Dear Lenexa City Council Members,

We concur with Laura's observations and position on this matter.

Please placet our names on this matter. We urge you to vote NO.

Jeff and Kathy Lysaught

9226 Cottonwood Canyon Drive

Lenexa, KS 66219

Jeff Lysaught

*He who walks among wise men, shall be wise*

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

From: Cathy Matlack <cjmatlack@gmail.com>

Sent: Saturday, November 2, 2024 2:03 PM

To: Julie Sayers <jsayers@lenexa.com>; Courtney Eiterich <ceiterich@lenexa.com>; Mark Charlton <mcharlton@lenexa.com>; Joe Karlin <jkarlin@lenexa.com>; Bill Nicks <bnicks@lenexa.com>; Melanie Arroyo <marroyo@lenexa.com>; Chelsea Williamson <cwilliamson@lenexa.com>; Craig Denny <cdenny@lenexa.com>; Chris Herron <cherron@lenexa.com>

Subject: Project 1020

Mayor Sayers and Lenexa City Council members,

Thank you for the good work you continue to do in Lenexa. I now live in Leawood but I'm in Lenexa almost daily because I have family there, along with many friends and also my church of 38 years. A few of us from St. Paul's UMC, (near 79th and Lackman), visited with Barb McEver a few days ago about how we can help support and participate with Project 1020 this winter.

As you know, it's the only location for people without a home location to get a warm meal and bed during the winter months in Johnson County. I know Barb has requested an increase in her occupancy rate from 30 to 50 beds. I believe it's a well-run program. The facility can easily accommodate those numbers and the need is great.

I strongly support this request and ask that you consider this as soon as possible so plans can be made this next month for the December 1st opening. Please let me know what the status is for this request, and when a decision will be made.

Thank you!

Cathy Matlack  
2140 West 89th Terrace  
Leawood, KS 66206

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** nebku@aol.com <nebku@aol.com>

**Sent:** Monday, November 25, 2024 4:30 PM

**To:** Julie Sayers <jsayers@lenexa.com>; Courtney Eiterich <ceiterich@lenexa.com>; Bill Nicks <bnicks@lenexa.com>

**Cc:** Mark Charlton <mcharlton@lenexa.com>; Melanie Arroyo <marroyo@lenexa.com>; Chelsea Williamson <cwilliamson@lenexa.com>; Craig Denny <cdenny@lenexa.com>; Chris Herron <cherron@lenexa.com>

**Subject:** Re: [Advocacy Action Alert] Supporting Project 1020 and our unhoused neighbors

- Mayor Sayers and Lenexa City Council members,

Thank you for the good work you continue to do in Lenexa. I attend St. Paul's United Methodist Church located at 7740 Lackman in Lenexa. Our congregation plans to offer food and other support for Project 1020 this winter.

As you know, it's the only location for people without a home location to get a warm meal and bed during the winter months in Johnson County. I know Barb McEver has requested an increase in Project 1020's occupancy rate from 30 to 50 beds. Project 1020 is a well-run program. The facility can easily accommodate those numbers and the need is great.

I strongly support this request and ask that you consider raising Project 1020's occupancy as soon as possible, as the shelter opens December 1.

Please let me know what the status is for this request, and when a decision will be made.

Thank you!

[Manage Email Preferences](#)

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Leslie Nord <lesnord1023@yahoo.com>  
**Sent:** Wednesday, December 11, 2024 10:59 AM  
**To:** Julie Sayers <jsayers@lenexa.com>  
**Subject:** Project 1020 request

Mayor Sayers and Lenexa City Council members,

Thank you for the good work you continue to do in Lenexa. I was a resident of Lenexa for 20+years and now live just across the border on 79th Street in Shawnee. I attend St. Paul's United Methodist Church, (near 79th and Lackman). Recently, some members of my church visited with Barb McEver about how we can help support and participate with Project 1020 this winter.

For years I managed the Lenexa Library and was so disheartened by the lack of facilities or help for homeless people. Often I had to help them out of my own money to find transportation to them for a shelter far away in KCMO. We even had homeless people on our sidewalks and camping in the back from time to time.

As you know, Project 1020 is the only location for people without a home location to get a warm meal and bed during the winter months in Johnson County. Barb has requested an increase in her occupancy rate from 30 to 50 beds. I believe it's a well-run program. The facility can easily accommodate those numbers and the need is great.

I strongly support this request and ask that you consider this as soon as possible so plans can be made as the weather has changed and the 1020 facility is opening.

Please let me know what the status is for this request, and when a decision will be made.

Thank you!

Leslie Nord  
7593 Schweiger St  
Shawnee

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Jill O'Connor <joconnor@pcpartners.net>

**Date:** February 8, 2025 at 3:30:08 PM CST

**To:** CD Planning <Planning@lenexa.com>, Bill Nicks <bnicks@lenexa.com>, Chelsea Williamson <cwilliamson@lenexa.com>, Chris Herron <cherron@lenexa.com>, Courtney Eiterich <ceiterich@lenexa.com>, Craig Denny <cdenny@lenexa.com>, Joe Karlin <jkarlin@lenexa.com>, Julie Sayers <jsayers@lenexa.com>, Mark Charlton <mcharlton@lenexa.com>, Melanie Arroyo <marroyo@lenexa.com>

**Cc:** Jill O'Connor <joconnor@pcpartners.net>

**Subject:** More attempts to house the homeless in Lenexa

Respected Planning Commission, Respected Mayor and Respected Council Members,

It is my understanding the Johnson County BOCC is making another run at housing the homeless, and not the Lenexa homeless or even the Johnson County homeless and likely not even American homeless, in your nice city.

I was very active last fall in fighting the homeless shelter that JoCo Chairman Mike Kelly and Mike Kelly alone as one of his pet projects tried to push through. He forced your planning commission to do countless hours of research and report preparation, attend meetings, then Lenexa City Council meetings all under his phony guise of being a "do-gooder" to get a homeless shelter put in Lenexa that would have very little vetting and would not even guarantee it would house sober American citizens who had fallen on hard times.

I attended your meetings and spoke at 2 or 3 of them, and stayed until the wee hours of the morning when the City Council voted this project down in spades on August 26. The Mayor, had she needed to vote in the event of a tie which it was not, not even close, made it very clear she was adamantly opposed to such a shelter in Lenexa.

Please do not fall for this ploy by our BOCC. The question I raised time and time again was this:

What good things does this shelter bring to Lenexa? The answer was "There were no good things", only bad things: crime, drug and alcohol use, risks to kids and neighbors and businesses, and there would be ZERO economic attributes brought your way. Actually, La Quinta would no longer be producing any revenue for Lenexa.

LENEXA FIRST needs to always be your first consideration.

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

No, this was a bad thing then and it's a bad thing now. Stay strong. I know the Planning Commission has caved to approve an amendment that would create a loophole of some kind to allow churches to house the homeless. City Council, last time you went along with your Planning Commission because they made the right decision. This time you do not have to. Who knows why they changed their decision from last fall to this spring but something did. If it were wrong for Lenexa then, it's wrong for Lenexa now. You have your Lenexa residents to think about and you have all of Johnson County to consider. Please do NOT ALLOW Mike Kelly to force this on you. You are the ones in charge. Just say no.

LENEXA FIRST!

Jill O'Connor

Kansas Precinct Committee Woman, 5-18

Overland Park, Kansas 66209

913-220-4925

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Pam Overman <overmanpam@gmail.com>

**Sent:** Thursday, December 12, 2024 10:20 AM

**To:** Julie Sayers <jsayers@lenexa.com>

**Subject:**

Mayor Sayers and Lenexa City Council members,

Thank you for the good work you continue to do in Lenexa. I have been a resident of Lenexa for 24 years. I attend St. Paul's United Methodist Church, (near 79th and Lackman). Recently, some members of my church visited with Barb McEver about how we can help support and participate with Project 1020 this winter.

As you know, it's the only location for people without a home location to get a warm meal and bed during the winter months in Johnson County. Barb has requested an increase in her occupancy rate from 30 to 50 beds. I believe it's a well-run program. The facility can easily accommodate those numbers and the need is great.

I strongly support this request and ask that you consider this as soon as possible so plans can be made as the weather has changed and the 1020 facility is opening.

Please let me know what the status is for this request, and when a decision will be made.

Thank you!

Pamela Overman

overmanpam@gmail.com

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Laura Owen <lowen@oelc.com>

**Date:** February 4, 2025 at 3:30:29 PM CST

**To:** Julie Sayers <jsayers@lenexa.com>, Courtney Eiterich <ceiterich@lenexa.com>, Bill Nicks <bnicks@lenexa.com>, Mark Charlton <mcharlton@lenexa.com>, Melanie Arroyo <marroyo@lenexa.com>, Chelsea Williamson <cwilliamson@lenexa.com>, Craig Denny <cdenny@lenexa.com>, Chris Herron <cherron@lenexa.com>

**Subject:** Urgent: Vote NO on the Proposed Amendment to the UDC – Protect Lenexa’s Future!

**To:** Honorable Members of the Lenexa City Council

**Re:** Urgent: Vote NO on the Proposed Amendment to the UDC – Protect Lenexa’s Future!

I urge you to vote **NO** on the amendment to the code pertaining to the expansion of homeless beds in Lenexa!

Changes to the Unified Development Code (UDC) are extremely rare, and they should remain that way - because the UDC is the foundation upon which our city stands. Allowing these proposed changes could open the floodgates to other changes, and could bring homeless individuals from across Johnson County, who knows where, into Lenexa.

**If homelessness is a problem in Johnson County but the Director of the Homeless Shelter 1020 herself stated at the Planning Commission meeting on February 3, 2025, that “*NONE of the people they pick up at night are from Lenexa*”, then *WHY should Lenexa shoulder the burden of the entire county?* This is the responsibility of the Johnson County Board of County Commissioners - NOT Lenexa! Why should our police, fire, and emergency services be stretched to deal with this issue when it's not even ours to solve?**

**You, our City Councilmen, are elected to serve your constituents in Lenexa, NOT Johnson County at large.**

This proposal reeks of a continuation of Chairman Mike Kelly’s misguided effort to turn Lenexa into the homeless shelter hub for all of Johnson County - and beyond. His previous attempt, which cost Johnson County taxpayers over \$500K, failed spectacularly, and now he's working behind the scenes to get this code changed so he can try again – to build his political resume on the backs of Lenexa residents.

Why is Lenexa the ONLY city in Johnson County with a code specifically for caring for the homeless? What’s the justification for this? How does it serve the citizens and taxpayers of Lenexa to expand this capacity?



**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

If you haven't visited a homeless shelter, I strongly encourage you to do so. Their residents are not families struggling to get by, as they would have you believe. They are predominantly individuals dealing with severe mental illness and substance abuse. This presents a clear and serious public safety risk to Lenexa businesses and citizens.

I have two friends who volunteer at the 1020 shelter, and while they both agree it's well-run, they confirm that it only exceeds its limit of 30 beds on extremely cold nights. Even then, they've had as many as 100 people on-site at one time. The police have looked the other way on those rare nights. The need is met as is. There is NO compelling need to approve more beds. Why reward a shelter that has already acknowledged breaking the rules under the current 30-bed limit?

The most alarming aspect of this proposal is allowing "places of worship" (many of which are questionable) to house the homeless. Eight of these organizations in Lenexa are eligible under this proposed change, and that's just the start. If this code passes, we could see an explosion of homeless shelters throughout our community. Is this really the future we want for Lenexa?

The Lenexa Planning Commission's discussion on February 3rd was spot on. They strongly opposed this code change. Please, take the time to read their full discussion, not just the rushed conclusion that came in the final two minutes of this agenda item – as they were eager to get to other agenda items. The recommendation that followed is not in the best interest of Lenexa. Expanding the homeless bed capacity to 250 is a dangerous move. We will see 250 homeless individuals flooding into Lenexa from across Johnson County, and beyond.

An attorney representing Smith and Loveless shared at the Planning Commission meeting that crime around their facility has increased due to the 1020 shelter, requiring Smith and Loveless to hire private security and causing serious staffing problems – and that is with just with 30 beds. Imagine the chaos if that number increased to 50 beds, or more. If 1020 is willing to break the rules now, they will undoubtedly break them again if allowed to expand further.

What's more, the proposed UDC change does NOT require security measures. This is a grave oversight that could have disastrous consequences. This is a risk Lenexa should not be willing to take.

**Please vote NO on this amendment! Lenexa deserves better.**

Thank you.

Respectfully,

Laura Owen

9036 Barstow Street

Lenexa, KS 66219

M: 913.653.9617

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Jill Quigley <jill.j.quigley@gmail.com>

**Date:** January 11, 2025 at 5:28:42 AM CST

**To:** Chelsea Williamson <cwilliamson@lenexa.com>, Melanie Arroyo <marroyo@lenexa.com>, Julie Sayers <jsayers@lenexa.com>

**Subject:** Lenexa shelter

Mayor and Councilwomen, I commend you for continuing your support of this temporary shelter. It is so important (as the article below demonstrates) but more is needed.

I continue to be disappointed with the council's decision against establishing the multi service shelter at the La Quinta. What is Plan B? What are you doing to make those supportive services available and to educate the public about those in need in our community? Melanie, I appreciate your vote in support of the project. Chelsea, you explained your no vote saying it didn't go far enough; okay, so now what? Mayor, how are you leading on this issue?

My heart goes out to those mentioned in the article. All people deserve to have their basic needs of food, clothing, and shelter met. Lenexa can and should serve its citizen's basic needs. We can do better.

Lenexa shelter one of few places open during historic blizzard.

<https://johnsoncountypost.com/2025/01/10/project-1020-inclement-weather-250635/>

Thanks for your service and for your attention to this matter.

Jill Quigley

Greystone South

Ward 3

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

From: Jill Quigley <jill.j.quigley@gmail.com>

Sent: Friday, November 22, 2024 10:56 AM

To: Melanie Arroyo <marroyo@lenexa.com>; Chelsea Williamson <cwilliamson@lenexa.com>

Cc: Julie Sayers <jsayers@lenexa.com>

Subject: Unhoused residents

Councilwomen and Mayor, I'm a resident of Ward 3. I am concerned about those without shelter in our community. I continue to be disappointed in the council's decision to block the homeless services center. That comprehensive approach to housing people is more likely to move folks into a stable situation than simply providing overnight beds. We failed our community by turning down that opportunity to lead.

That said, I urge you to support the expansion of the 1020 seasonal shelter in Lenexa. While this is the most basic of services, surely we owe unhoused people a warm safe place to stay during the winter months. If need is outpacing the available beds, why wouldn't we support an entity willing to do the hard work of providing for our fellow residents?

I urge you to support these unhoused neighbors and approve the request to expand the number of beds needed for the 1020 project.

Thanks for you consideration,

Jill Quigley

Ward 3

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** RON RATKEY <rratkey@aol.com>

**Sent:** Friday, December 13, 2024 9:51 AM

**To:** Julie Sayers <jsayers@lenexa.com>; Bill Nicks <bnicks@lenexa.com>

**Subject:** Project 1020

Mayor Sayers and Lenexa City Council members,

Thank you for the good work you continue to do in Lenexa. I have been a resident of Lenexa for 10 years. Recently I became aware that Barb McEver with Project 1020 is working to increase the occupancy rate from 30 to 50 beds.

As you know, it's the only location for people without a home location to get a warm meal and bed during the winter months in Johnson County. I believe it's a well-run program. The facility can easily accommodate those numbers and the need is great.

I strongly support this request and ask that you consider this as soon as possible so plans can be made as the weather has changed and the 1020 facility is opening.

Please let me know what the status is for this request, and when a decision will be made.

Thank you!

Cindy Ratkey

Sent from my iPhone

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Amy Rhodes <amy\_rhodes@live.com>

**Date:** November 11, 2024 at 1:20:38 PM CST

**Subject: Supporting Project 10/20 and increasing their capacity to serve those in need**

Good afternoon Mayor Sayers and City Council members,

I am concerned about the unhoused population in our community and ask you to please take action to address this issue. I support Project 10/20, and the vital and dignified services they provide to our neighbors without a safe place to sleep. As winter approaches, I know that Project 10/20 will be unduly hampered by the capacity limit they currently have and that they are waiting on your action to change that. If you haven't already, I encourage you to connect with Project 10/20, see their space, and learn about the robust support they receive from volunteers. They are not only changing lives, they are saving lives. I urge you to increase their capacity and find additional ways to support their good work. Serving others is an important part of my faith and I pray that you will take the next right step, respond to their request, and affirm the work they are doing each and every winter night.

Thank you,

Amy Rhodes

14626 W. 79<sup>th</sup> Terrace

Lenexa

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Cheryl Scott <cdscottks@gmail.com>

**Sent:** Wednesday, December 11, 2024 5:53 PM

**To:** Julie Sayers <jsayers@lenexa.com>; Craig Denny <cdenny@lenexa.com>; Melanie Arroyo <marroyo@lenexa.com>; Bill Nicks <bnicks@lenexa.com>

**Subject:** Project 1020 Occupancy Rate Increase

**CAUTION:** This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Mayor Sayers and Lenexa City Council members,

Thank you for the good work you continue to do in Lenexa. I have been a resident of Lenexa for 34 years and have always appreciated our city services. I attend St. Paul's United Methodist Church (near 79th and Lackman). Recently some members of my church visited with Barb McEver about how we can help support and participate with Project 1020 this winter.

As you know, it's the only location for people without a home location to get a warm meal and bed during the winter months in Johnson County. Barb has requested an increase in her occupancy rate from 30 to 50 beds. I believe it's a well-run program. The facility can easily accommodate those numbers and the need is great.

I strongly support this request and ask that you consider this as soon as possible so plans can be made as the weather has changed and the 1020 facility is opening.

Please let me know what the status is for this request, and when a decision will be made.

Thank you!

--

Cheryl Scott

9757 Shady Bend Circle

Lenexa KS 66227

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** sscott4@kc.rr.com <sscott4@kc.rr.com>  
**Sent:** Tuesday, February 11, 2025 7:13:50 AM  
**To:** Melanie Arroyo <marroyo@lenexa.com>  
**Subject:** Increase in Homeless Shelter CApacity

Ma. Arroyo

I would like to encourage you to vote "No" on Feb 19, 2025 for a proposal to increase the homeless shelter capacity from 30 to 50.

I volunteer at City Union Mission. It is a "joke" there when they are at capacity to "send them to Lenexa."

Lenexa is becoming a haven for homeless, and it is unfair to the neighborhoods that surround those shelters, and unfair for the city, to have to shoulder that burden.

Please contact me for any questions or concerns.

Stephen M. Scott

12308 West 100th Street

Lenexa, Kansas 66215-1948

[sscott4@kc.rr.com](mailto:sscott4@kc.rr.com)

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Don Taylor <007dtt@gmail.com>

**Sent:** Tuesday, February 4, 2025 6:30 PM

**To:** Julie Sayers <jsayers@lenexa.com>; Craig Denny <cdenny@lenexa.com>; Chris Herron <cherron@lenexa.com>; CD Planning <Planning@lenexa.com>; askxomdevel@lenexa.com

**Subject:** : project 1020 Capacity ordinance

Hello,

We are 100% opposed to approving the request to increase in capacity for project 1020 that is scheduled to be discussed on February 3rd

They have already proven they could not comply with the existing ordinance and are becoming a magnet for additional problems.

We need to enforce the limits already set or close it down.

This property is close to our neighborhoods, schools and businesses and any increase in capacity would increase the harm and endanger the safety of the citizens of Lenexa and their children as well as increase the costs of our Police department to provide security when problems arise.

Our property taxes in Lenexa are already rising faster than the rate of inflation so we need to not spend money on projects for the county that will raise the cost of living for those of us who on a fixed income so we can afford to stay in our own homes.

We are 28 year residents of Lenexa and live here for the smart and methodical way our city has been run and the way it listens to its citizens whether it be how City Center was planned or the denial of the larger homeless shelter last year..

We urge our Mayor and our Representatives on the city council to vote this plan down when it comes up for discussion and enforce the existing ordinance. Please keep our children and citizens safe.

Sincerely,

Don and Susan Taylor

14902 West 93rd Street

Lenexa, KS 66215

Sent from my iPad



**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** vanhorn269@icloud.com

**Date:** February 13, 2025 at 2:16:29 PM CST

**To:** Julie Sayers <jsayers@lenexa.com>, Courtney Eiterich <ceiterich@lenexa.com>, Bill Nicks <bnicks@lenexa.com>, Mark Charlton <mcharlton@lenexa.com>, Melanie Arroyo <marroyo@lenexa.com>, Chelsea Williamson <cwilliamson@lenexa.com>, Craig Denny <cdenny@lenexa.com>, Chris Herron <cherron@lenexa.com>, John Handley <jhandley@lenexa.com>

**Cc:** Beccy Yocham <byocham@lenexa.com>, Scott McCullough <smccullough@lenexa.com>

**Subject:** Homeless Shelter Expansion -- February 18

Gaylene Van Horn  
8131 Rosehill Rd  
Lenexa, KS 66215

1

February 13, 2025

Dear Mayor Sayers, Commissioners

RE: Homeless Shelter Expansion – February 18 – **VOTE NO**

I have numerous concerns and questions pertaining to the expansion request from Project 10 20 as to the number of available “low barrier” beds for homeless individuals. Due to this request, Lenexa’s Planning Commission has recommended to “offer” space to 250 homeless within the city of Lenexa **IF** the additional (7) potential churches apply to be a homeless shelter. However, at this point none of the other churches have applied for to the City.

The Johnson County Chairman and its commissioners are pushing their agenda for homeless on Lenexa! If the County sees need for additional space, then they need to put pressure on the other cities in Johnson County to offer care for the homeless. We do not want Lenexa to be the mecca of homelessness for Johnson County.

The Planning Commission made their recommendation on February 3. *Note: I have received and reviewed the AI Generated minutes.* However, minutes for this meeting won’t be distributed until late this week! This is inadequate time for residents to review the minutes and truly have a clear understanding of the Planning Commission’s recommendation!

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

Based my review of the Planning Commission discussion (*AI generated*), the commission may have been running out of time threw out an option and voted on it.

Further complicating this issue, is that some “eligible” churches appear to be in Lenexa’s P1 district, which I understand is Lenexa’s predominant single-family district.

Seriously, do you really think that families want to have a homeless shelter which according to Project 10 20 houses mostly mental ill individuals in their neighborhood with small children? Are residents in P1 district aware of this change?

As a reminder, you report to residents – residents do NOT report to you. Residents of Lenexa need time to review, consider and ask in-depth questions about this recommendation. We desperately need clearly thought-out reasonable guidelines for residents whose housing options have failed for various reasons.

2

If many homeless individuals are affected with mental illness and/or drug addiction, and if Johnson County has a budget of nearly \$70 MILLION for 2025 and 487 FTEs, why aren’t these individuals receiving appropriate treatment? If these individuals cannot be treated, then we are only treating a symptom, homelessness, and not the real problem will not be resolved. Then, this begs the bigger question – how can their underlying problem be addressed?

I am sad to read that Johnson County has NOT “Paid” Project 10 20 the promised \$137,000. Certainly, this calls in to question the trustworthiness of Johnson County’s leadership.

Finally, do **NOT** allow Mike Kelly and the Johnson County Commissioners to manipulate Lenexa into making bad decisions for the residents of Lenexa.

Lenexa Mayor and City Council: We do not want to become a sanctuary city. Vote NO on the Planning Commissions recommendation of opening Lenexa to 250 homeless.

Gaylene Van Horn  
8131 Rosehill Rd  
Lenexa, KS 661215

**Correspondence received through 2/13/25 regarding Amendments to City Code Section 4-1-B-23-AK pertaining to the supplementary use regulations applied to certain homeless shelters operated as an accessory use to a church or place of worship**

**From:** Mary Warner <m.warner1229@gmail.com>

**Sent:** Tuesday, February 11, 2025 2:52 PM

**To:** Julie Sayers <jsayers@lenexa.com>

**Subject:** Homeless housing

Dear Mayor Sayers;

I have lived in Lenexa for 44 of my almost 80 years. We choose this city for a variety of reasons including its forward thinking elected officials. We knew there was a range of housing from million dollar homes to subsidized housing within the city. We were ok with that.

I am writing you about the proposal for more housing for the homeless in Lenexa. I have a heart for those who have to spend the winter months outside and have had experience working with agencies that provide such housing. I believe cities should provide for those families in THEIR communities who find themselves without housing.

That said, I don't think Lenexa should be the sole hub for homeless sheltering for Johnson County nor should we provide for those outside our county. Let Overland Park, Leawood, Prairie Village and others carry their part of this burden with increased taxes, police presence etc.

I ask that you consider this with the current proposal and ask Mr. Kelly to find additional means within the county.

Mary Warner

13123 W 83rd Terrace, Lenexa, KS 66215

AK. **Homeless Shelter:** The following supplementary use standards shall apply to homeless shelter uses, as indicated (see [Section 4-3-C-2](#) for definitions):

1. **Accessory Use:** Homeless shelters shall be considered as an accessory usesuse to the primary use of the property when located in a church or place of worship building. As an accessory use, a church or place of worship may operate:
  - a. A homeless shelter serving up to ten (10) homeless individuals subject to the following criteria:
    1. The homeless shelter shall have at least two (2) employees and/or volunteers on the premises during all operational hours;
    2. Prior to establishing a homeless shelter as an accessory use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.
  - b. A homeless ~~sheltershelter~~ serving up to ~~thirty (30)~~fifty (50) homeless individuals subject to the following criteria:
    1. The building housing the homeless shelter must be at least 30,000 square feet in size;
    2. The property where the homeless shelter is located must be within one-half (1/2) mile of a public transportation stop, or the homeless shelter must have reliable access to transportation;
    3. ~~The homeless shelter shall have at least two (2) employees and/or volunteers on staff the premises during all operational hours for the first ten (10) guests and one (1) additional employee and/or volunteer for every ten (10) additional guests, or any portion thereof; as follows:~~

<u>Number of Guests</u>	<u>Minimum Number of Employees and/or Volunteers</u>
<u>1-10</u>	<u>2</u>
<u>11-30</u>	<u>3</u>
<u>31-50</u>	<u>4</u>

3.4. A homeless shelter exceeding ten (10) individuals may only be operated from November 1 through April 1;

4.5. Prior to establishing or expanding a homeless shelter as an accessory use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.

2. **Special Use Permit:** When only allowed in a zoning district by a special use permit, a homeless shelter shall be subject to the following supplementary standards:
  - a. **Management Plan:** A management plan that contains/addresses the following items shall be submitted with any application to establish the homeless shelter use and be approved prior to commencing the use. The management plan shall be integral to the operation of the facility and binding on the operator. Failure of the operator to

comply with the approved management plan shall be considered a violation of this code.

1. A narrative description of the nature and characteristics of the use and descriptions of all supportive services provided.
  2. A transportation plan describing how guests will be transported to and from the site.
  3. An interior floor plan showing sleeping areas, common areas, kitchen and bathroom facilities, and emergency exits.
  4. An emergency / security plan that addresses security for staff, volunteers and guests as well as how responses to medical and other emergencies will be handled.
  5. An outline of the "Rules of Conduct" for guests.
  6. A communication plan that establishes how the shelter will regularly communicate with neighbors and the police.
  7. A staffing plan noting the number of employees per guest during daytime and nighttime operating hours and a statement of staff qualifications.
- b. **Number of Guests:** When establishing the maximum number of homeless individuals served under the special use permit the City Council shall consider various factors, including but not limited to:
1. The operational characteristics of the proposed shelter as outlined in the Management Plan;
  2. The size of the building housing the homeless shelter;
  3. The character of the area, including but not limited to proximity to residences, commercial businesses, schools, and public transportation.
- c. **Duration of Special Use Permit:** The initial special use permit for a Homeless Shelter shall be valid for a maximum of 5 years from the date of approval and shall expire automatically unless a renewal is approved. All renewals of a special use permit may be approved for a period of up to 5 years.
- d. **Number of Employees:** The homeless shelter shall have at least two (2) employees and/or volunteers on the premises during all operational hours for the first ten (10) guests and one (1) additional employee and/or volunteer for every ten (10) additional guests, or any portion thereof.
- e. **Revocation of Permits:** The special use permit for the operation of a homeless shelter may be revoked at any time by the Governing Body upon a determination that it is in violation of the standards of this Section or ~~an other~~ another City Code requirement.
- f. **Certificate of Occupancy:** Prior to establishing a homeless shelter as a use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.

### 3. Violations:

- a. Right to Inspection: City representatives may from time to time make an inspection for the purpose of determining that the provisions of this Section are complied with. Such inspections shall be made at reasonable times during operational hours and in

a reasonable manner. Prior notice of the City's intention to conduct such inspections is not required. It shall be unlawful for any property owner, operator of the shelter, and/or party responsible for overseeing shelter operations to fail to allow immediate access to the premises or to hinder an inspection in any manner, and any such behavior may result in revocation or suspension of the Certificate of Occupancy.

b. Over Occupancy:

1. If a homeless shelter is found to be over occupancy the owner of the property, the operator of the shelter, and/or the party responsible for overseeing shelter operations will be issued a written warning and provided 24 hours to bring total occupancy under the occupancy limits as listed in this section.
2. No further notice or warning is required to be given for an over occupancy violation in the event the property is again in violation within the following 12 months.
3. If the property is again over occupancy upon inspection by the City, the owner of the property, the operator of the homeless shelter, and/or the party responsible for overseeing homeless shelter operations shall be assessed a civil penalty. For a first violation, the civil penalty shall not exceed \$750. For a second violation, the civil penalty shall not exceed \$1,500. For a third or subsequent violation, the civil penalty shall not exceed \$2,500. Payment of the civil penalty must occur within 14 days after issuance. It shall be unlawful to fail to pay any civil penalty assessed and may be punishable as set forth in 1-1-C-3.
4. Upon a third or subsequent violation of this section within a rolling twelve (12) month period, in addition to any civil penalty imposed, the Certificate of Occupancy may be revoked by the Community Development Director or their designee for a specified period not to exceed one year. Upon a second or subsequent revocation of the Certificate of Occupancy, the Community Development Director or their designee may revoke the Certificate of Occupancy for a specified period not to exceed five years.
5. Any property owner, operator of the homeless shelter, and/or party responsible for overseeing homeless shelter operations subject to revocation under this Section shall be ineligible for a Certificate of Occupancy to operate a homeless shelter during the term of revocation.

c. Right to a Hearing: The owner of the property, the operator of the shelter, and/or the party responsible for overseeing shelter operations who has been assessed a civil penalty or had their Certificate of Occupancy revoked may, within ten (10) days thereafter, file a written notice of appeal from said decision, ruling, action or finding to the Lenexa Municipal Court for an administrative hearing thereon.

- a. An administrative filing fee established through an administrative order by the Lenexa Municipal Court Judge shall be paid to the Lenexa Municipal Court and is required for an appeal to the Lenexa Municipal Court. No appeal shall be set for hearing until such fee has been paid.
- b. The filing of an appeal under this Subsection shall not stay any action taken pursuant to this Chapter.

- c. The hearing on the appeal shall be conducted by a Lenexa Municipal Court Judge who will sit as an administrative judge for purposes of this Title. The sole issue for determination shall be whether the decisions, rulings, actions, or findings of the Community Development Director or their designee were within the scope of their authority, supported by substantial evidence, and not arbitrary nor capricious in nature. The Court shall make specific findings of fact and conclusions of law in each case.
- d. The decision of the Lenexa Municipal Court Judge shall be final.

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

**AN ORDINANCE AMENDING LENEXA CITY CODE SECTION 4-1-B-23 REGARDING SUPPLEMENTARY USE REGULATIONS FOR HOMELESS SHELTERS.**

WHEREAS, Section 4-1-B-23 of the City Code sets forth certain supplementary use regulations, including regulations for homeless shelters, under the Unified Development Code; and

WHEREAS, it has been determined that revisions to Section 4-1-B-23 are necessary to update the supplementary use regulations relating to homeless shelters; and

WHEREAS, a public hearing was held by the Lenexa Planning Commission on February 3, 2025, and notice was provided in accordance with K.S.A. 12-757, to hear comments on the suggested changes; and

WHEREAS, on February 18, 2025, the Governing Body considered the proposed amendments.

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

**Section One:** Section 4-1-B-23 is hereby amended to read as follows:

**Section 4-1-B-23 SUPPLEMENTARY USE REGULATIONS.**

No zoning permit shall be issued for any development or use of land unless the activity is in compliance with all applicable supplementary use regulations specified in this Section. In the case of conflict with zoning district dimensional regulations or other regulations of this Zoning Code, the more restrictive requirement shall apply unless otherwise specifically provided or clearly intended.

A. **Adult Use:** (Rep. by Ord. 4211, 12-1-1998)

B. **Adult Business Establishments:** Adult business establishments shall be subject to the following supplementary use standards:

1. **Location And Distance Requirements:**

a. **Residential:** No permit shall be granted for an adult business within 2,000 feet of residential zoned property.

b. **Schools And Parks And Religious Institutions:** No permit shall be granted for any adult business establishment within 2,000 feet of any private or public school, park, childcare facility or religious institution or place of worship.



- c. **Other Adult Uses:** No permit may be granted for any adult business establishment within 2,000 feet of any other entertainment establishment.
- d. **Facility With A Liquor License:** No permit shall be granted for any adult business establishment within 1,000 feet of any business licensed to sell or serve alcoholic or cereal malt beverages, whether or not such business is also an adult business establishment.

2. **Measurement Of Distance:**

- a. The distance between any adult business establishment and any religious institution, school, public park or childcare facility or any property zoned for residential use shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of the adult entertainment establishment to the closest property line of the religious institution or place of worship, private or public school, park, childcare facility or property zoned for residential use.
- b. The distance between any 2 adult business establishments or between any adult use and adult business establishment shall be measured in a straight line, without regard to intervening structures, from the closest exterior structural wall of each business.

3. **Other Regulations:** Adult business establishments must also comply with all other regulations contained in the City Code, including, but not limited to, licensing and permitting regulations.\*

\*See Title 2, Chapter 2-1 of the City Code for business licensing regulations.\*

C. **Aviation Fields Or Airports:** Aviation fields, airports, landing strips and heliports not owned by the City or a hospital shall be subject to the following supplementary use standards:

- 1. **Airspace Analysis And Preliminary Airport License Report:** All private airports, landing strips and heliports shall demonstrate that an airspace analysis has been conducted by the Federal Aviation Administration (FAA). Any alteration in ground facilities or the addition of navigation aids designed to facilitate an instrument approach capability shall require a new application if the original approval was granted for visual flying rules (VFR).
- 2. **Minimum Area:** Heliports and helipads accessory to residential farm use shall be located on a minimum of 5 acres. Rural airplane landing strips

and hangars accessory to agricultural use shall be located on a minimum of 20 acres.

3. **Setbacks:** No structure or navigation aid shall be placed closer than 50 feet from the property line. In addition, there shall be a 100-foot setback between the edge of the runway surface and the property line.
4. **Building Height:** No structure shall exceed the height for the district in which the use is located unless otherwise required by Federal law or State statutes.
5. **Fencing:** Where deemed necessary to protect the general public, safety fences up to a height of 8 feet shall be required.

**D. Bars, Nightclubs, Drinking Establishments, Indoor Entertainment And**

**Commercial Arcades:** Bars, nightclubs, drinking establishments, indoor entertainment and commercial arcades shall comply with the following standards:

1. **Setback From Residential:** No permit shall be granted for a bar or nightclub unless the distance between the walls of the facility within which the operation is located and the nearest property used or zoned for residential purposes is greater than 200 feet.
2. **Setback From Schools:** No permit shall be granted for a bar or nightclub unless the distance between the walls of the facility within which the operation is located and the nearest private or public school property is over 1,000 feet.
3. **Duration Of Permits:** Where only permitted through the special use permit provisions, the initial permit may be granted for a period up to 12 months with renewals granted for up to 5 years thereafter, provided all standards of performance are being met.
4. **Noise:** In no case shall the noise generated by this operation or its patrons exceed 55 dB(A) at any point along or adjacent to a residential property line.
5. **Trash Receptacles:** All facilities shall provide their own enclosed trash and recycling receptacles, either inside or outside of the facility, of sufficient size to adequately and sanitarly contain all disposable trash and recyclable materials produced by the facility, subject to review and approval of the Fire Department. The management will be responsible for the policing of all trash and recyclable material associated with the operation of the facility.
6. **Outdoor Seating/Activity Areas:** 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 outdoor seating/activity areas. Outdoor seating / activity areas should be oriented away from residential areas except when located within a zoning district that allows both residential and non-residential uses.

7. **Revocation Of Permits:** Special use permits for these operations may be revoked at any time by the Governing Body upon determination that the standards of performance, attached stipulation, or any other City ordinance associated with the operation of these facilities is not being complied with.
  8. **Licensing:** All bars, nightclubs, drinking establishments and commercial arcades shall comply with applicable State and local licensing requirements.\*  
\*See Title 2 of the City Code.\*
  9. **Exceptions:** The Governing Body may grant exceptions to any of the supplementary use standards of this subsection when it finds that the granting of the proposed permit without such standard(s) will not create or cause substantial damage or hardship to the nearest residentially zoned property or public or private school property or other surrounding property.
- E. **Daycare:** The following supplementary use standards shall apply to daycare (limited, general and commercial) uses, as indicated (see Section 4-3-C-2 for definitions):
1. **Licensing:** Daycare shall:
    - a. Be licensed with the State;
    - b. Obtain required permits from the Department of Community Development; and
    - c. Obtain a City business license.
  2. **Duration Of Permits:** The initial special use permit for a general daycare located in residential or agricultural zoning districts shall be valid for a maximum of 10 years from the date of approval. All renewals of a permit may be approved for a period of up to 10 years. Special use permits for daycare located in nonresidential and nonagricultural zoning districts may be approved on a permanent basis.
  3. **Number Of Employees And On-Site Residency for In-home Daycare:** Limited daycare and general daycare shall have no more than 1 employee other than persons who reside on the premises. Limited daycare and general daycare providers shall reside on the premises.

4. **Outdoor Play Area:** If an outdoor play area, as defined by the State, is required by the State, it shall be provided on the same lot as the daycare and not located within the required front yard setback established by the front of the structure.
  5. **Revocation Of Permits:** The special use permit for the operation of a limited, general or commercial daycare may be revoked at any time by the Governing Body upon a determination that it is in violation of the standards of this Section or any other City Code requirement.
  6. **Accessory Uses:** Daycare, 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.
  7. **Landlord Consent:** Any person applying for a business license and/or a special use permit for a daycare that will take place within a residential rental property shall submit written consent signed by the owner of the rental property to the City.
  8. **Traffic:** Commercial Daycare, and daycares that are considered accessory uses, may be required to submit a traffic impact study to the Transportation Manager, for review and approval. No on-street parking of loading facilities shall be permitted in association with such activity.
- F. **Kennel, Commercial:** A commercial kennel use shall be subject to the following supplementary use standards:
1. **Limitations Of Use:** A commercial kennel use shall be limited to the raising, breeding, boarding and grooming of domesticated animals such as dogs and cats. Horses and farm animals such as pigs and chickens or exotic animals such as snakes shall not be raised, bred, boarded or groomed in a commercial kennel.
  2. **Minimum Lot Size:** The minimum lot size shall be 1 acre unless the zoning district in which the use is located requires a larger minimum lot size, in which case, the larger minimum lot size shall apply.
  3. **Frontage:** The minimum required frontage on a public road to be used for the primary point of access shall be 100 feet unless the zoning district in which the use is located requires a larger street frontage, in which case, the larger minimum frontage shall apply.
  4. **Setbacks:** No structure or outdoor run shall be closer than 50 feet from any property line.
  5. **Outdoor Runs:** Outdoor runs shall be hard surfaced or grassed with drains provided as necessary and shall be connected to an approved sanitary facility. Outdoor runs shall provide a chain-link material on the

walls and the top. 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 designated outdoor run areas.

6. **Contagious Disease:** No animal having a disease harmful to persons shall be boarded or maintained in a commercial kennel.
  7. **Plan Approval:** Preliminary and final development plans shall be approved by the City as outlined under Section 4-1-H-3 of this Chapter.
- G. Repealed by Ordinance No. 5079.
- H. **Mining And Quarrying:** Mining and quarrying activities shall be subject to the following supplementary use regulations:
1. **Performance Standards:** No mine or quarry operation may exceed the performance standards of Section 4-1-C-4 of this Chapter for vibration, dust and particulate emissions, odor and toxic materials, and noise and heat.
  2. **Location:** Mining and quarrying operations shall comply with the following location standards:
    - a. Mines or quarry operations shall have direct access to secondary or primary arterial streets capable of handling the expected highway loads of heavy truck vehicular traffic.
    - b. To minimize adverse impact upon surrounding properties, all above-ground activity shall be located at least 400 feet from the lot line of any site used or zoned for residential purposes.
  3. **Duration Of Special Use Permits:** The initial special use permit for mining and quarrying uses may be granted for a period not to exceed 5 years. Renewals or extensions of such permits shall not exceed a period of 10 years.
  4. **Revocation Of Permits:** In addition to any other remedies provided for by law, the special use permit for the operation of mining and quarrying facilities may be revoked at any time by the Governing Body when a violation of any of the provisions of this Code has occurred. Prior to revocation of the special use permit, the City shall give notice to the permit holder and a hearing before the Governing Body shall be held.
- I. **Mobile Home Dwelling:** In the AG District, placement of a mobile home shall be permitted on a temporary basis subject to the following standards:
1. The mobility of the mobile home shall be maintained.

2. A valid building permit for a single-family dwelling unit on the land shall have been approved by the Community Development Director.
3. The temporary permit shall be valid for a period of 2 years.
4. Requests for extensions of time beyond the initial 2-year period shall be made to the Community Development Director. In no case shall the total time exceed a maximum of 3 years for the initial approval and subsequent extension.
5. No additions shall be permitted to the mobile home, except awnings and demountable screen panels.

**J. Oil And Gas Drilling:**

1. **Application:** A special use permit application for oil or gas drilling shall be accompanied by the following information:
  - a. Legal description of the property on which drilling is to occur;
  - b. Proof of ownership;
  - c. A plan or map of the site on which drilling is to occur and adjacent property within 400 feet. The plan or map shall be prepared at a scale of not less than 1" = 400' and shall depict the following information:
    1. All existing and proposed wells in production or abandoned and all existing and proposed storage tanks and separation tanks; and
    2. Location of all structures, buildings and fences.
2. **Criteria For Approval Of Special Use Permit:** In reviewing an application for a special use permit for oil and gas drilling uses, the Planning Commission and Governing Body shall consider the following factors:
  - a. The length of time for which the permit is requested in light of the projected time for development of neighboring properties;
  - b. The existing and *Comprehensive Plan* projected land-use of the subject tract and neighboring properties; and
  - c. The ability of the oil and gas drilling operation to comply with the standards of subsection J3 and J4 of this Section.
3. **Performance And Site Development Standards:**

- a. The rules and regulations of the Kansas Corporation Commission shall govern the required setbacks from property lines.
  - b. A storage tank, boiler, fire heater, open flame device or other source of ignition shall not be located closer than 25 feet to any oil well head; except, that engines shall be exempt from this standard.
  - c. Oil wells shall not be drilled within 300 feet of any building designed for human occupancy.
  - d. Oil and gas wells shall not be permitted in any location that would decrease the economic value of adjacent properties.
  - e. In no case shall the provisions of this subsection be interpreted as permitting refineries or absorption plants nor shall they be interpreted as permitting storage tank farms that are not customary, incidental and subordinate to the use for which the special permit has been granted.
4. **Operational Standards:** Operation of oil and gas wells shall be regulated by the Kansas State Corporation Commission with no permit issued for individual wells by the City. Copies of the following approved applications shall be submitted to the Community Development Director:
- a. Notice of intent to drill.
  - b. Affidavit of production.
  - c. Affidavit of completion form.
  - d. Well plugging application.
  - e. Well plugging record.
5. **Special Use Permit Conditions:**
- a. **Time Period:** The initial special use permit and any renewal of a special use permit for oil and gas drilling may be granted for up to 10 years.
  - b. **Revocation:** In addition to other remedies provided by this Code, a special use permit may be revoked by the Governing Body upon notification that the permittee has:
    - 1. Made material misrepresentations or false statements in the application; or
    - 2. The permittee has violated the provisions of this Code, State statutes, Federal law or the conditions imposed upon granting of the special use permit.

- K. **Retail And Service Limited, Business Park:** The intent of this use is to allow for limited retail and service uses to serve the businesses, employees, and visitors to industrial areas and business parks, while discouraging the proliferation of general retail development in such settings. In order to assure conformance with the standards set below, all business park retail and service uses shall have preliminary plan approval from the Planning Commission and Governing Body.
1. **Site, Location And Orientation:** Business park retail and service uses shall be located, scaled and oriented to serve the surrounding business areas as their primary market. The following criteria shall be used in determining the size, type, and location of these uses:
    - a. Access to the target market area and vehicular access to the site itself.
    - b. Proximity to other existing and proposed retail uses.
    - c. Ability to protect surrounding uses from negative impacts of retail development.
  2. **Design:** Business park retail and service uses shall generally be located in centers or complexes of unified design, and shall incorporate the design characteristics of the adjacent or surrounding business areas. Traffic access and circulation patterns should be designed to accommodate the level of truck traffic reasonably anticipated at such a facility.
  3. **Plan Approval:** All limited use retail and service projects shall be reviewed and approved by the Planning Commission as part of the preliminary plan process. Approval of this limited use designation shall reflect that the submitted development plan is in keeping with the above supplementary use regulations.
- L. **Salvage Yard:** Salvage yards shall be subject to the following supplementary use regulations:
1. **Screening And Enclosures:** Salvage yards shall be permitted only within enclosed buildings or on sites that are completely screened from view by a landscape buffer strip with a minimum width of 50 feet and a solid wall or fence that is at least 7 feet but no more than 10 feet in height. Fences and walls used to provide screening shall be maintained in a neat, clean, safe and structurally sound condition, and materials stored within the enclosure shall not be permitted to exceed the height of the fence or wall. Fences and walls shall be painted unless constructed of masonry or rust-proof metals. No signs or advertising devices shall be placed upon fences or walls used to provide visual screening of salvage yards.



2. **Storage Of Material:** Salvaged parts, vehicles and all other material on the premises of the salvage yard shall be arranged to permit reasonable inspection and access to all parts of the premises by fire, police and City authorities. In no event shall materials be stored closer than 2 feet to any fence or wall providing screening of the site.
  3. **Safety:**
    - a. **Flammable Liquids:** All gasoline, oil and other flammable liquids shall be drained and removed from any vehicle (operable or inoperable) within 10 days.
    - b. **Other Materials:** The storage of parts, equipment or any other material which creates a health or fire hazard shall be expressly prohibited. The Fire Chief shall have the authority to prohibit unsafe storage practices and shall have review and approval authority of proposed storage plans.
  4. **Licensing And Registration:** Salvage yards shall be licensed or registered with the State and the City.\*  
\*See Title 2, Chapter 2-10 of the City Code.\*
- M. **Single-Family And Multi-Family Residential In HBD District:** Single-family and multi-family uses shall be permitted in the HBD District if they are located above the ground floor.
- N. **Stable, Commercial:** Commercial stables shall be subject to the following supplementary use regulations:
1. **Location:** Commercial stables shall be allowed only on lots with a minimum area of 3 acres unless the zoning district in which the use is located requires a larger acreage, in which case, the larger minimum shall apply. No commercial stable or corral shall be located within 100 feet of any dwelling unit on another lot, within 100 feet of the front lot line or within 50 feet of any side or rear property line.
  2. **Plan Approval:** Preliminary and final development plans shall be approved by the City as outlined under Section 4-1-H-3 of this Chapter.
- O. **Veterinary Hospital:** Veterinary hospitals shall be subject to the following supplementary use regulations:
1. **Types Of Animals:** A veterinary hospital in the NP-O, CP-O, CP-1, CP-2, CC and PMU zoning districts shall be limited to treatment of small domestic animals such as dogs and cats.

2. **Outdoor Runs:** Outdoor runs shall not be permitted as an accessory use to a veterinary hospital in any zoning district except AG. Where outdoor runs are permitted, they shall:
  - a. Not be located in the front yard; and
  - b. Be located a minimum of 50 feet from any property line, unless the zoning district in which the use is located required a greater setback, in which case, the larger minimum should apply; and
  - c. Be hard surfaced or grassed with drains provided, as necessary, and connected to an approved sanitary facility; and
  - d. Be allowed only on lots with a minimum area of 3 acres unless the zoning district in which the use is located requires a larger acreage, in which case, the larger minimum shall apply.

The Planning Commission may approve an increase of the land use buffer factor for designated outdoor run areas.

3. **On-site Dwelling Units:** In any district that allows Veterinary Hospitals, either by-right or with a Special Use Permit, subject to approval of a Special Use Permit, one on-site dwelling unit may be permitted in relation to the Veterinary Hospital. The on-site dwelling unit shall only be allowed in conjunction with a veterinary hospital providing overnight medical care for animals. The following items shall be considered as part of the Special Use Permit review:
  - a. On-site dwelling units shall be limited to one dwelling unit per veterinary hospital and/or property.
  - b. The dwelling unit shall meet all applicable codes.
  - c. The dwelling unit shall be located within the principle structure on the property.
  - d. The dwelling unit shall be an accessory use to the veterinary hospital.
  - e. The dwelling unit shall only be occupied by the owner or an employee of the veterinary hospital. The dwelling unit may only be used as a rental unit in the case of when the occupant is an employee of the veterinary hospital.
  - f. When a veterinary hospital is located in a multi-tenant building, on-site dwelling units shall not be allowed. In addition, on-site dwelling units shall not be allowed when the business owner is not the property owner.

P. **Underground Uses:** (Rep. Ord. 3914, 5/18/1995)

Q. **Mobile Home Parks:** Mobile home parks shall be subject to the following supplementary use regulations:

1. **Development Regulations:**

Feature	Regulations
Minimum park size	40 acres
Minimum lot size	4,000 square feet
Minimum lot width	40 feet, single wide/50 feet double wide
Minimum lot depth	100 feet
Minimum exterior street setback	30 feet
Minimum internal street setback	20 feet from property/easement line or 40 feet from center line, whichever is greater
Minimum peripheral, nonstreet setbacks	20 feet
Maximum height	35 feet
Minimum open space	60 percent

2. **Minimum Separation Requirements:** All mobile homes shall be located so as to maintain a clearance of not less than 20 feet from another mobile home or appurtenance thereto. No mobile home shall be located closer than 20 feet from any principal building within the park or 3 feet from any accessory building. Accessory buildings shall be located so as to comply with Section 4-1-B-24 of this Article, Accessory Uses And Structures, and Section 4-1-B-26-B-7-c of this Article, Accessory Buildings And Structures.

3. **Setbacks, Other:** Setback from streets other than those with a local or collector classification must comply with subsection Q1 of this Section.

All mobile homes shall maintain a minimum of 7 feet from all interior lot lines.

4. **Development And Performance Standards:**

a. **General Requirements:** No mobile home manufactured on or after September 1, 1973, shall be located in a mobile home park unless

such mobile home complies with the provisions of K.S.A. 75-1211 through 75-1234, as amended, and rules and regulations adopted thereunder. No mobile home manufactured prior to September 1, 1973, shall be placed, stored or parked within a mobile home park unless such mobile home is in compliance with applicable provisions of the Building Code.\* \*See Article 4-8-A of this Title.\*

- b. **Utilities:** New mobile home parks shall be permitted only when served by an approved sewer and water supply system. Within each mobile home park, all utility lines from the home to the source, including electricity and telephone lines, shall be placed under ground.
- c. **Drainage:** Mobile home parks shall comply with the City's Storm Water Management Code.\* \*See Article 4-5-E of this Title.\*
- d. **Density:** Mobile home park density shall not exceed 9 dwelling units per acre.
- e. **Recreation Area:** Each mobile home park shall provide recreational or open area based upon a minimum of 500 square feet per mobile home lot. This recreational area may be included in each mobile home space or may be developed separately as common area. Such common areas shall not be less than 4,000 square feet and must meet development regulations of this subsection. Roadways, rights-of-way and off-street parking may not be counted toward this requirement. Fifty percent of the recreational area must be improved when the park reaches 50 percent completion and 75 percent improved when the park reaches 75 percent completion.
- f. **Storm Shelters:** Each mobile home park must provide properly ventilated and constructed storm protection areas in a central or other convenient location. Shelters shall comply with Section 4-8-A-11 of this Code.
- g. **Stoops And Stairways:** Stoops and stairways shall be constructed of noncombustible materials and shall not be enclosed.
- h. **Carports And Garages:** Carports and garages shall be detached or constructed of noncombustible materials unless otherwise approved through the special use permit process. Carports shall be open on at least 2 sides.
- i. **Streets:** Streets within the park shall be provided in compliance with City standards for residential streets.\* Each park shall be provided with a minimum of 2 ingress/egress points in compliance

with the access management requirements of Section 4-1-C-6 of this Chapter.

\*See Section 4-6-F-6 of this Title.\*

- j. **Fire Protection:** The Fire Chief may designate certain internal streets within the park as fire lanes. Fire hydrants shall meet spacing and flow requirements of the codes of the City.\*

\*See Article 4-8-B of this Title.\*

- k. **Parking:** Parking shall be provided in accordance with Section 4-1-D-1 of this Chapter.
  - l. **Pedestrian Access:** A system of hard-surfaced walkways shall be provided connecting individual mobile home spaces with park streets and all community facilities provided for the park residents. These walkways shall be located so as to minimize conflicts between pedestrian and vehicular traffic.
  - m. **Lighting:** Street lighting shall be in compliance with standard residential street lighting requirements.\* Interior site lighting shall be part of the special use permit review. \*See Article 4-6-E of this Title.\*
  - n. **Landscaping:** Landscaping shall be provided in compliance with Section 4-1-D-2 of this Chapter. A minimum 25 foot buffer zone shall be provided in compliance with the aforementioned Section where a mobile home park abuts a public street or residential zoning district.
  - o. **Mobile Home Stands (Pad):** A stand shall be provided on every mobile home lot to accommodate the home and attached accessory structures. The stand shall consist of concrete ribbons or slabs a minimum of 18 inches wide and capable of carrying the weight of the home. Anchoring facilities for the placement and tie-down of the mobile home shall be installed in accordance with K.S.A. 75-1226 through 75-1232, as amended, before any home is occupied.
  - p. **Lot Identification:** Each mobile home lot shall be assigned an address by the Community Development Director. Address size and location shall comply with City Building Code requirements.\*
- \*See Article 4-8-A of this Title.\*
- q. **Storage Of Vehicles Or Goods:** Storage of boats, campers and recreational vehicles or other materials shall be within enclosed

buildings unless an area has been set aside on the plans for this use. Storage lots must be effectively screened so that stored items will not be readily visible from any public right-of-way or adjoining properties.

- r. **Temporary Dwellings:** The lease or sale of lots or parcels for temporary dwelling units such as, but not limited to, travel trailers, campers, recreational vehicles, etc., are prohibited.

R. **Cemeteries, Churches And Schools:** Cemeteries, churches and schools shall comply with the following supplementary use regulations:

1. **Access:** These uses shall be allowed only on lots with direct access to or within acceptable distances to a collector or arterial street.
2. **Plan Approval:** Preliminary and final development plans shall be approved by the City as outlined in Section 4-1-H-3 of this Chapter.

S. **Auto Service, Limited; Car Wash; Gasoline Sales, Limited; And General; Service Station; And Vehicle And Equipment Repair:** These uses shall comply with the following supplementary use regulations:

1. **Bays And Vehicular Use Areas:** Whenever possible, uses with service bays and other vehicular use areas should be designed so that these areas face away from streets and residential areas. Landscaping shall be provided in compliance with Section 4-1-D-2 of this Chapter. 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 outdoor vehicular use areas.
2. **Outside Storage:** Outside storage or keeping of parts is prohibited unless designated as part of approved development plans for vehicle and equipment repair facilities only.

T. **Construction Sales And Service:** Outdoor storage areas permitted under the definitions of construction sales and service, general and limited, shall be subject to the following supplementary use regulations:

1. **Screening And Enclosures:** Outdoor storage areas shall comply with the screening requirements of Section 4-1-D-2-P of this Chapter. Fences and walls used to provide screening shall be maintained in a neat, clean, safe and structurally sound condition. Materials stored within the enclosure shall not be permitted to exceed the height of the fence or wall. No signs or advertising devices shall be placed upon fences or walls used to provide visual screening of outside storage areas.

Outdoor storage areas permitted under the definition of construction sales and service, limited shall be ancillary to the primary use and may not exceed 15 percent of the main building floor area unless the screening method is an extension of the architecture of the main building.

2. **Storage Of Material:** All material on the premises of the outside storage area shall be arranged to permit reasonable inspection and access to all parts of the premises by fire, police and City authorities.

U. **Banking Services And Restaurant, Fast-Food:** Banking services and fast-food restaurants shall comply with the following supplementary use regulations:

1. **Vehicular And Outdoor Use Areas:** 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 outdoor use areas.
2. **Trash Receptacles:** All fast-food facilities shall provide their own enclosed trash and recycling receptacles, either inside or outside of the facility, of sufficient size to adequately and sanitarily contain all disposable trash and recyclable materials produced by the facility. The management will be responsible for the policing of all trash and recyclable material associated with the operation of this facility.

V. **Produce Stand:** Produce stands shall comply with the following supplementary use regulations:

1. **Traffic Circulation And Parking:** Adequate off-street parking shall be provided to meet the needs of a produce stand. A produce stand shall not cause undue traffic congestion or accident potential given anticipated business and the design of adjacent streets, intersections and traffic controls. Paving and other parking area design standards of Section 4-1-D-1-O of this Chapter may be waived for seasonal produce stands.
2. **Removal Of Seasonal Stands:** For seasonal produce stands, all temporary structures and materials may be required to be removed upon cessation of seasonal sales. This requirement includes the removal of all signage, attention attracting devices or other evidence of the produce stand.
3. **Setback From Residential:** No permit shall be granted for a produce stand unless the distance between the produce stand and any residential building (other than the residence of the farm on which the produce stand is located) is at least 100 feet.

4. **Compliance With Other Regulations:** A building permit or temporary certificate of occupancy may be required before any structure used in conjunction with a produce stand is constructed or modified. All produce stand structures on the site, as a whole, may be required to meet all applicable Building Code,\* zoning district and Fire Code\*\* standards. \*See Article 4-8-A of this Title.\* \*\*See Article 4-8-B of this Title.\*
  5. **Signage:** Seasonal produce stands shall be allowed 1 nonilluminated freestanding sign of up to 24 square feet in area and 8 feet in height maximum. All signage for permanent produce stands must comply with the regulations set forth in Article 4-1-E of this Chapter.
  6. **Plan Approval:** Preliminary and final development plans shall be approved by the City as outlined under Section 4-1-H-3 of this Chapter.
- W. **Vehicle And Equipment Sales/Rental:** Vehicle and equipment sales/rental shall comply with the following supplementary use regulations:
1. **Limitations Of Use:** Service and maintenance incidental to these uses shall be within enclosed buildings. Service and maintenance of vehicles and equipment in the Business Park Zoning Districts may occur in approved designated outdoor areas.
  2. **Signage:** All signage must comply with the regulations set forth in Article 4-1-E of this Chapter. In addition, no signs or attention attracting devices shall be displayed on any vehicle or equipment for sale.
  3. **Outdoor Sales/Display Areas:** All outdoor sales/display areas shall be paved in accordance with the standards of Section 4-1-D-1-O-5 of this Chapter. 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 outdoor use areas.
  4. **Plan Approval:** The number and location of vehicles and equipment displayed and stored on a site shall be approved as part of the final plan.
- X. **Public Park; Golf Course; And Nursery, Wholesale:** Preliminary and final development plans shall be approved by the City for these uses as outlined under Section 4-1-H-3 of this Chapter.
- Y. **Commercial Use Of Residential Property:** The intent of these supplementary use regulations for commercial use of residential property is to allow for the preservation and adaptive re-use of a limited number of existing older homes and accessory buildings in the AG and R-1 Zoning Districts that were built prior to



Lenexa's urban development and which no longer fit within the context of the surrounding land uses. This special use permit would provide these isolated properties the option for commercial use without creating inconsistencies in the City's zoning pattern by spot zoning. The following supplementary use standards shall apply:

1. **Location:** The property shall be located in an urbanized area of the City that is zoned AG, Agricultural, or R-1, Single Family. The site shall front on and have access to an arterial road and shall be physically and functionally isolated from other low and intermediate density residential uses.
2. **Type Of Business:** The proposed business shall be a low intensity, low impact use and shall operate in a manner that is compatible with neighboring land uses. Outward business functions, including delivery and loading activities, shall be in keeping with this intent. The appearance of the building(s) and site shall remain in character with the existing agricultural or residential use except for the improvements allowed or required by this Section. Typical uses may include a bed and breakfast facility, boarding house, office, commercial daycare, consumer repair services, maintenance services, medical or dental clinic, personal instruction, personal services, retail, and small-scale manufacturing.
3. **Accessory Buildings:** The business activities may be located in approved accessory buildings.
4. **Traffic:** Restrictions may be placed on the commercial use that limit 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.
5. **Hours Of Operation:** Hours of operation, including delivery and loading activities, may be restricted to minimize the impact of the commercial use on adjoining properties.
6. **Signs:** Commercial use of residential property is subject to the following sign regulations and compliance with Article 4-1-E of this Chapter, as applicable:
  - a. Each commercial use shall be allowed 1 wall sign of up to 24 square feet, subject to obtaining a sign permit.
  - b. A property with over 200 feet of arterial frontage may be allowed 1 monument sign of up to 24 square feet, in lieu of the wall sign, subject to obtaining a sign permit. Monument signs shall be landscaped in accordance with the requirements of Section 4-1-D-2-O of this Chapter, Landscaping of Monument Signs.

- c. In addition, the following window signs may be permitted: 1 “open” sign and 1 “hours of operation” sign of no more than 2 square feet each, and up to 2 square feet of signs or decals of credit cards accepted, check verification services, and business affiliations.
  - d. Permitted signs shall be compatible in materials and colors with the residence.
  - e. Temporary signs shall be permitted in conformance with Section 4-1-E-13 of this Chapter, Permitted Miscellaneous Temporary Signs.
  - f. Directional/instructional signs, as well as other signs and devices not requiring permits, shall be permitted in conformance with Section 4-1-E-4 of this Chapter.
7. **Parking:** Commercial uses shall provide on-site paved parking for the total area dedicated to the business as required by this Code for that type of business. The parking shall be in compliance with Section 4-1-D-1 of this Chapter, Off-Street Parking And Loading, and shall be provided without encroaching into any required front yard, or any required rear yard adjacent to a residential zoning district.
8. **Landscaping And Buffering:** Parking areas shall be fully screened from any right-of-way or adjacent residential property by berms or plantings with a minimum height of 3 feet. Additional screening and buffering may be required for loading and delivery areas.
9. **Outside Storage/Trash:** Outdoor storage for the business may be allowed, subject to final plan review and approval. Trash must be deposited in appropriately sized receptacles, and the receptacles shall be screened from view by walls or fences which are 6 feet in height and shall provide complete visual screening and be compatible in material and color with the principal structure on the lot.
10. **Procedural Requirements:** Commercial use of residential property is subject to a final plan review and approval and, unless otherwise provided in this Section, must comply with all regulations in the City Code. This shall include, but is not limited to, compliance with ADA standards and the adopted building codes. The special use permit for a commercial use of residential property may be approved subject to renewal for limited periods for those uses which are determined to require monitoring and further review. The special use permit may be revoked at any time by the Governing Body upon a determination that the business is in violation of the stipulations of approval or any applicable Code requirements.
- Z. **Self-Service Storage:** Self-service storage facilities shall comply with the following supplementary use regulations as indicated:

1. **BP-S:** Self-service storage facilities in this zoning district are governed by the regulations set forth in Section 4-1-B-21.
2. **NP-O, CP-O, CP-1, CP-2, CP-3, CP-4, BP-1, BP-2:** Self-service storage facilities in these zoning districts shall comply with the following supplementary use regulations:
  - a. **Permitted Uses Include:**
    1. Dead-storage of goods and personal property, unless otherwise prohibited in this Section, within enclosed storage units.
    2. Manager's office and storage unit rental.
    3. Living quarters for resident manager.
  - b. **Prohibited Uses Include:**
    1. Use of storage units as living quarters.
    2. Storage of pesticides, chemicals, explosives, and other hazardous materials.
    3. Storage of loose construction materials.
    4. Servicing, repair, or fabrication activities.
  - c. **General Requirements Include:**
    1. Door openings for rental units shall not face public streets unless effectively screened.
    2. Outdoor lighting shall be shielded and focused to direct light and glare away from adjoining property
3. **NP-O, CP-O, CP-1, CP-2, BP-1:** Self-service storage facilities in these zoning districts shall comply with the following additional supplementary use regulations:
  - a. **Additional Prohibited Uses:**
    1. Outside storage, including rental trucks and trailers.
    2. Loading docks.
  - b. **Additional General Requirements:**
    1. Rental unit door openings shall face toward the interior of the development, except that outward orientation may be allowed if it can be demonstrated that the adjoining land use is such that it will not be impacted.

2. Buildings shall have architectural design treatment on all sides. The architectural style shall be compatible with the predominant area land uses.
  3. When proposed, fencing and walls shall be constructed with materials and design elements that are compatible with the neighborhood character. Fencing and walls shall be opaque, except that limited use of materials such as wrought iron may be permitted where berming and/or landscape planting provide effective screening of the storage facilities.
  4. Self-service storage facilities shall have a Land Use Intensity Factor of 7. The Community Development Director may recommend, and the Planning Commission may approve an increase of the land use buffer factor where site characteristics or orientation of existing adjacent development is more susceptible to impacts of the self-storage facilities.
4. **CC:** Self-service storage facilities in the CC, Planned City Center Zoning District shall be designed as fully enclosed buildings compatible in material and design with surrounding structures.
5. **Additional Requirements for Self-Service Storage Facilities That Are Adjacent to Residential Development:**
- a. Extent and scale of self-service storage facilities shall be compatible with that of surrounding land uses.
  - b. Buildings shall have residential design elements and roof pitch that are compatible with adjacent residential development. Building height shall not exceed 18 feet when adjacent to RE, RP-E, R-1, RP-1, and RP-2 zoning districts.
  - c. Screening adjacent to RE, RP-E, R-1, RP-1, and RP-2 zoning districts shall include a minimum 6-foot high masonry wall. Use of the buildings as part of the screening element adjacent to residential development is encouraged.
  - d. Outdoor lighting fixtures on storage facility properties that are adjacent to RE, RP-E, R-1, RP-1, and RP-2 zoning districts shall not exceed a height of 20 feet.
  - e. Hours of operation may be restricted to minimize the impact on adjoining properties.

AA. **Temporary Banking Facilities:** Temporary banking facilities may be considered in all zoning districts where banking services are a permitted use, and

in the BP-1 zone where a freestanding banking facility has been approved as part of a limited retail/service development, subject to the following:

1. A preliminary plan must be approved for the ultimate permanent bank facility prior to or simultaneous with approval for a temporary facility. A final plan for the temporary facility must be approved in compliance with Code requirements for a permanent bank facility. Deviations from Code may be considered in light of the temporary construction, within the overall intent of the Code.
2. The temporary facility shall be approved for no more than 24 months of use, and a building permit must be secured for the permanent facility no later than 16 months after the temporary facility is occupied.
3. Based on extenuating circumstances during construction, an administrative extension of the approval may be granted for up to 60 days. Any extension beyond 60 days requires a new approval by the Planning Commission and Governing Body.
4. The temporary facility's portable building must be certified by an architect or engineer licensed in Kansas as meeting the City's adopted building codes, and the proposed installation details shall be submitted for approval by the City's Building Code Administrator.
5. The facility's site shall be constructed to utilize permanent pavement, landscaping, and other improvements to the greatest extent possible, while still allowing for construction of the permanent facility and dismantling of the temporary facility.
6. The structure should utilize awnings, canopies, and temporary architectural treatments to soften the appearance of the temporary building.
7. Screening of mechanical units, dumpsters and other improvements required by code should still be accomplished, with either landscaping or architectural elements consistent with the temporary site development.

**AB. Crematorium Facilities:** Human crematorium facilities may be considered as a special use in all zoning districts where funeral home services are a permitted or special use. Likewise pet cremation services may also be considered as a special use in all zoning districts where commercial kennels are a permitted or special use except when located in the BP-2 zoning district where they are permitted by right. All facilities must be ancillary to the primary funeral home or kennel operation and are subject to the following:

1. The cremation unit shall be within a fully enclosed permanent structure. All exterior venting stack(s) must be screened or designed as an integral part of the building roofline.
2. The crematorium must be so operated so as not to produce hazardous, objectionable or offensive conditions at or beyond the property line boundaries by reason of odor, dust, lint, smoke, cinders, fumes, noise, vibration, heat, solid and liquid wastes, fire or explosion. Performance standards of Section 4-1-C-4 shall apply.
3. The cremation unit (and operation of the unit) must conform to all state and federal regulations pertaining to environmental quality and any other health and public safety requirements.
4. Restrictions may be placed on amount of traffic and hours of operation of the facility in order to ensure compatibility and minimize impacts with surrounding land uses.
5. Preliminary and final development plans shall be approved by the City as outlined under Section 4-1-H-3 of this Chapter.

**AC. Personal Instruction, General:** The following supplementary use standards shall apply to personal instruction uses, as indicated:

1. **Duration of Permits:** 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.
2. **Compliance With Other Regulations:** All uses are required to meet all applicable Building Code\*, zoning district, and Fire Code\*\* standards for public occupancy. \*See Chapter 4-8 of this Title for additional information.
3. **Revocation Of Permits:** 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.
4. **Limitations of Use:** 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.
5. **Hours of Operation:** Hours of operation may be restricted to minimize the impact of the commercial use on adjoining properties.
6. **Traffic Circulation And Parking:** 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.

7. **Land Use Buffers:** 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.
8. **Site, Locations Within BP:** 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.
  - 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.
  - c. **Provisions of adequate evening hour illumination of the surrounding area.**
  - d. **Proximity to existing heavy industrial and distribution uses necessary to minimize conflicts with the general public entering the area.**
  - e. **Ability to protect surrounding business park uses from any negative impacts from the use.**
  - 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.**

**AD. Entertainment, Outdoor:** Entertainment, outdoor uses in the CP-2 zoning district shall be subject to the following supplementary use standards:

1. **Setback from Residential:** No permit shall be granted for an entertainment, outdoor use unless the distance between the building in which the deck or outdoor event is located and the nearest property line used or zoned for residential purposes is greater than 400 feet.

2. Duration of Permits: Where only permitted through the special use permit provisions, the initial permit may be granted for a maximum of 1 year from the date of approval. The first renewal of a permit may be approved for a period of up to 3 years. All subsequent renewals may be approved for up to 5 years thereafter, provided all standards of performance are being met.
3. Noise: In no case shall the noise generated by the operation of its patrons exceed 55dB(A) at any point along or adjacent to a residential property line.
4. Hours of Operation: Hours of operation may be restricted to minimize the impact of the commercial use on adjoining properties.
5. Outdoor Seating/Activity Areas: To protect neighboring property an increase of the land use buffer factor may be required for approved outdoor seating/activity areas.
6. Traffic Circulation and Parking: Adequate off-street parking shall be provided to meet the needs of the outdoor entertainment. No on-street parking 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.
7. Revocation of Permits: Special use permits for these operations may be revoked at any time by the Governing Body upon determination that the standards of performance, attached stipulation, or any other City ordinance associated with the operation of these facilities in not being complied with.
8. Exceptions: The Governing Body may grant exceptions to any of the supplementary use standards of this subsection when it finds that the granting of the proposed permit without such standard(s) will not create or cause substantial damage or hardship to the nearest residentially zoned property or other surrounding property.

**AE. Wireless Communication Facility:**

1. **Purpose And Intent:** The purpose and intent of this subsection is:
  - a. To establish clear regulations for the placement, construction, modification and design of Wireless Communication Facilities consistent with state and federal regulations;
  - b. To promote the health, safety and general welfare of the City by providing for the safe and effective placement, construction, modification, and operation of Wireless Communication Facilities;
  - c. To place reasonable location, design, structural integrity and compatibility standards on the placement, construction, modification



and operation of Wireless Communication Facilities in order to minimize their visual, aesthetic, safety, and environmental impacts;

- d. To encourage the use of stealth technology and collocation of wireless communication equipment, on existing structures;
  - e. To accommodate the growing need and demand for wireless communication services by providing a fair and efficient review and approval of Wireless Communication Facility applications; and
  - f. To protect the unique aesthetics of the City while meeting the needs of its citizens and businesses to enjoy the benefits of wireless communications.
2. **Applicability:** All applications for installation, construction, modification or operation of Wireless Communication Facilities shall be governed by the standards of this subsection.
3. **Residential Districts:** Notwithstanding any other provision of this Section, the following shall apply to the installation, construction, modification or operation of Wireless Communication Facilities located in residential zoning districts outside of the public right-of-way:
- a. All new Wireless Communication Facilities; substantial changes of Wireless Communication Facilities, as defined by 47 CFR § 1.6100; or any other installation, construction or modification of equipment not associated with an existing Wireless Communication Facility shall require a Special Use Permit with review and approval pursuant to the standards of Article 4-1-G.
  - b. All other applications for the installation, construction, modification or operation of Wireless Communication Facilities shall be subject to approval by the Community Development Director or designee.
4. **Nonresidential Districts:** Notwithstanding any other provision of this Section, the following shall apply to the installation, construction, modification or operation of Wireless Communication Facilities located in nonresidential zoning districts outside of the public right-of-way:
- a. All new Wireless Communication Facilities; substantial changes of Wireless Communication Facilities, as defined by 47 CFR § 1.6100; or any other installation, construction or modification of equipment not associated with existing Wireless Communication Facilities shall require a Special Use Permit with review and approval pursuant to the standards of Article 4-1-G; or
  - b. Any new Wireless Communication Facilities; substantial changes of Wireless Communication Facilities, as defined by 47 CFR § 1.6100,

or any other installation, construction or modification of equipment not associated with an existing Wireless Communication Facility installed on a building or other base structure or on supports installed on a building or other base structure with a height of no more than 12 feet above the building main roof, shall be considered a permitted accessory use.

- c. All other applications for the installation, construction, modification or operation of Wireless Communications Facilities shall be subject to approval by the Community Development Director or designee.

**5. Small Cell Facilities and Distributed Antenna Systems in Public**

**Rights-of-Way:** The installation, construction, modification or operation of Small Cell Facilities and Distributed Antenna Systems and associated equipment, structures, base stations and accessory equipment located in public right-of-way shall be subject to approval by the Community Development Director, or designee. In addition to all other applicable provisions of this Section, such facilities shall be subject to the following requirements:

- a. The facilities shall comply with all applicable sections of the Lenexa City Code, including but not limited to, the City's Right-of-Way Management provisions codified at Article 4-6-I of the Lenexa City Code, and amendments thereto.
- b. The facilities shall comply with the most recently adopted Wireless Facilities Guidelines.
- c. An applicant may submit a consolidated application for a Small Cell Network with Small Cell Facilities of a substantially similar design. Notwithstanding, the City may require a separate application for any Small Cell Facilities that are not of a substantially similar design.
- d. No person or entity shall install, construct, modify or operate a facility in the public right-of-way without entering into a valid, non-exclusive right-of-way, deployment or license agreement with the City.

**6. Application Decisions:** The City shall consider and decide on all applications within the applicable timeframe. A final decision shall consider the application in light of the applicable zoning, the information provided by the applicant, compliance with provisions of the City's Code, compliance with technical and engineering standards, and compliance with state and federal regulations and shall be based upon substantial evidence. In the event of a denial, the City shall notify the applicant in

writing of the City's final decision, supported by substantial evidence contained in a written record and issued contemporaneously.

7. **Application Timeframe:** The City shall comply with applicable federal, state and local law concerning the time period for review following receipt of a completed application to install or modify a Wireless Communications Facility. Specific timeframes shall be described in the Wireless Facilities Guidelines.
8. **Applications Process:** All applications for installation, construction, modification or operation of all Wireless Communication Facilities shall be accompanied by the applicable non-refundable fee. An application shall not be deemed submitted unless the applicable fee is paid. Furthermore, all applications shall be subject to the following requirements.
  - a. As applicable, complete a Special Use Permit application as set forth in Section 4-1-G and, as required, provide a set of plans, including site, landscape, grading, stormwater management, erosion control, lighting, utility plans, and any other plans that may be required by the City Engineer. All plans shall comply with all requirements of the City code.
  - b. A written statement describing the proposed Wireless Communications Facility including the capacity of the structure and the number and type of antennas the facility can accommodate.
  - c. Elevation drawings of the proposed Wireless Communications Facility showing all towers, base stations, antennas, transmission equipment, accessory equipment, cabinets, fencing, screening, landscaping, lighting and other improvements related to the facility. The drawings shall show the construction material and color for all exterior surfaces and the height of the structure.
  - d. Photo simulations of the Wireless Communication Facility and site demonstrating the visual impact of the proposed facility, including both before and after views.
  - e. A report from a licensed professional engineer which describes the Wireless Communications Facility's structural capacity, including a statement to the effect that the Wireless Communications Facility can safely accommodate all antennas, transmission equipment and accessory equipment. This may include structural calculations, geotechnical foundation studies, and other data as determined by the City Engineer, as applicable, and in compliance with all City codes. In the event an existing Wireless Communications Facility is to be used, the report shall describe the condition of the existing

Wireless Communications Facility based on a physical inspection and its ability to accommodate any additional accessory equipment and antennas.

- f. If an emergency power system will be utilized, the Applicant will provide: sufficient details showing the location and proposed use of the same; a proposed plan for any intended non-emergency use (e.g. testing); and certification that the system will not violate local health and safety requirements and local noise control ordinances.
  - g. An affidavit from the applicant stating that it conducted a thorough analysis of available collocation opportunities within the applicable search ring.
  - h. An engineer's certification that the proposed Wireless Communications Facility and the cumulative effect of all Wireless Communications Facilities on the site comply with all FCC standards, including but not limited to, certifying that all facilities meet all provisions and regulations for radio frequency (RF) emissions or exposure, and that anticipated levels of electromagnetic radiation to be generated by all facilities on the site, including the effective radiated power (ERP) of the transmission equipment shall be within the guidelines established by the FCC.
  - i. Applicants for facilities in the right-of-way shall provide notice by certified mail to the owners of record of all property within 200 feet of the proposed location. The notice shall provide: (1) a description of the proposed facility; (2) the location of the proposed facility; (3) a plan sheet showing the proposed location and the facility improvements. Each facility location shall be provided with its own notice; and (4) the expected date of installation; notices for multiple locations may not be provided in a single letter. No application will be approved until the applicant submits an affidavit affirming that the required notice was sent.
  - j. Any other information as determined by the City Engineer that will assist the review and approval process for Wireless Communications Facilities, including but not limited to the requirements set forth in the Public Right-of-Way Wireless Facilities Guidelines and Public Right-of-Way Wireless Facilities Application.
9. **Location:** It is the express intent of the City to encourage the location of new Wireless Communication Facilities on existing structures, including buildings, utility poles, and equipment, and wireless communication towers designed for co-location so that the new Wireless Communication

Facilities may be integrated into the existing structures, existing landscape and adjacent properties using all reasonable means, including architecture, landscape, siting and stealth concealment solutions, to conceal or minimize the visual impact, Site for Wireless Communications Facilities are encouraged to be as compatible as possible with surrounding land uses by avoiding locations in or near residential areas and instead locating near public and nonresidential buildings or in rear service areas, or other low visibility areas of business parks and intensely commercialized areas whenever possible. The City's siting preference for all new Wireless Communication Facilities is in accordance with the following hierarchy, with (1) being the most preferable site and (5) being the least preferable site:

- a. On existing legally established Wireless Communication Facilities.
- b. On existing buildings, towers, signs, or other structures in nonresidential zoning districts.
- c. On new Wireless Communications Facilities in nonresidential zoning districts.
- d. On existing buildings, towers, signs, or other structures in residential zoning districts.
- e. On new Wireless Communication Facilities in residential zoning districts.

10. **Setbacks and Height:** All Wireless Communication Facilities shall comply with these standards which shall be reflected on the drawings for all relevant approvals.

- a. **Setbacks:** All Wireless Communication Facilities, including all elements or parts thereof, shall conform to the minimum yard setback standards of the district in which it is to be located unless the City reasonably finds that a greater setback is required in the interest of the public health, safety and welfare. Small Cell and Distributed Antenna System Facilities in the public right-of-way shall not be subject to setback requirements.
- b. **Additional Setback from Certain Facilities and Structures:** In addition to complying with the district setback standards, Wireless Communication Facilities shall be located on the property so as to provide a minimum distance equal to 50 percent of the height of the structure from any residential structure or any aboveground utility power lines other than applicant's service lines or a distance equal to that from the top of the support structure to a break point certified by a professional engineer or as evidenced by the manufacturer's

specifications. In addition, no Wireless Communication Facilities shall be located in a front yard.

- c. **Setback from Streets:** All Wireless Communication Facilities, small cell facilities and distributed antennas systems located along or adjacent to any street shall be setback from the street a minimum of 6 feet as measured from the edge of the facility to the face of curb or edge of street on non-curbed streets and shall be breakaway or shall be installed on a breakaway base.
- d. **Height:** The maximum height which may be approved for all Wireless Communication Facilities that are not designed and built for collocation is 120 feet, which includes all equipment related to wireless services. The maximum height which may be approved for all Wireless Communication Facilities that are designed and built for collocation is 180 feet, which includes all equipment related to wireless services. A lightning rod, 10 feet in height or less, shall not be included in height limitations. Notwithstanding, all Wireless Communication Facilities, small cell facilities and distributed antenna systems located in the public right-of-way shall be subject to the following height restrictions.
  - 1. A maximum height of 20 feet in residential areas on local residential or local collector streets.
  - 2. A maximum height of 40 feet on local streets in non-residential areas and on Collector and Minor Arterial Streets.
  - 3. A maximum height of 50 feet on all streets that are within or adjacent to areas zoned BP-1 or BP-2, or on Arterial Streets.
- e. **Separation Requirements in Right-of-Way:** In order to maintain good visual separation and avoid clutter in the right-of-way, all new Wireless Communication Facilities and new towers, poles or structures for small cell facilities or distributed antenna systems shall be located a minimum of 150 feet from existing Wireless Communication Facilities or towers, poles or structures supporting small cell facilities or distributed antenna systems. This requirement may be partially or completely waived by the Community Development Director or designee if it is determined that the strict adherence to the standards will create unreasonable hardship. Such waivers, however, shall be granted only after the submission of a design plan that demonstrates that the requested waiver will not create a serious detriment to the safety and/or operation of traffic on the street or roadway. The requirements for the design plan may be waived by the Community Development

Director if it is determined that such an analysis is unnecessary in rendering a competent decision on the requested waiver.

**11. Design and Aesthetics:** In order to protect the aesthetics of the City while meeting the needs of its citizens and businesses, installations of all Wireless Communication Facilities shall meet the following standards, which shall be reflected on the drawings and photo simulations submitted for all relevant approvals.

- a. **Structures:** All tower structures shall be of monopole design or of some other stealth or concealment design that is architecturally compatible with the surrounding development to reduce the visual impacts as much as possible and not be readily apparent to a casual observer. All tower structures must be designed in compliance with all current applicable technical, safety, and safety related codes adopted by the City or other applicable regulatory authority. No guy or lattice towers are permitted.
- b. **Antennas:** All anticipated antennas and mounting hardware should be shown on drawings for initial approval. All cable runs should be through tower portals and within the tower itself. Mounting details for similar types of antennas should be visually consistent, and mounting locations for multiple antennas on a single support structure should be coordinated in design, and spaced and balanced to give a planned and uncluttered appearance. Installation of additional antennas beyond those reflected in initial approvals may be administratively approved if they meet these design guidelines.
- c. **Equipment Cabinets and Other Ground-Level Equipment:** To reduce the visual impact as much as possible, Ground-level equipment shall either be fully enclosed in a building meeting architectural compatibility standards with surrounding properties, or adequately screened based on site specific location and adjacent land uses. At a minimum, ground level compounds shall be enclosed with a 3/8" non-climbable, black vinyl, chain link fence with a variety of upright evergreens planted in a staggered spacing necessary to achieve the desired screening. In residential settings or where a ground compound is readily visible from public areas of surrounding properties or from any public rights of way a solid screen wall, of height at least equal to the maximum height of the equipment may be required. The screen wall shall be architecturally compatible with adjacent development. Screening of the equipment compound may be waived provided that the ground level equipment is screened by other property boundary enclosures

or other structures so as not to be visible from surrounding properties or public ways.

- d. **Building and Roof Mounted Antennas Screening:** All communication antennas located on buildings or roof mounted must be architecturally compatible and integrated with the building or structure on which they are located so that the communication antennas are not readily apparent to a casual observer. For purposes of this section "architecturally compatible" is a design intended to convey a clean appearance and help minimize the visual impacts of the towers, antennas and their support structures. Associated rooftop equipment shall also be screened from public view with architectural treatment compatible with the building architecture. Painting of the equipment alone shall not satisfy this requirement. If not adequately screened by a roof parapet, rooftop screening of associated equipment shall be provided with the use of architectural panels, walls or building features of similar appearance and materials.
- e. **Color and Finish:** All Wireless Communication Facilities shall be colored and finished in a manner that is compatible with any surrounding elements so as to camouflage their appearance in a stealth manner and make such facilities as visually unobtrusive, and not readily apparent to the casual observer, as possible.
- f. **Wireless Facilities Guidelines:** Due to rapidly changing technology and regulatory requirements, the Community Development Director or designee is authorized to establish Wireless Facilities Guidelines pertaining to the use and regulation of Wireless Facilities located within the City. A copy of the guidelines shall be available at the office of the Community Development Director during regular business hours. If there is a conflict between the Wireless Facilities Guidelines and the regulations and standards set forth in this section or the Lenexa City Code, the more restrictive standard applies. Any violation of the guidelines shall be subject to the enforcement remedies and penalties provided by Article 4-1-L and by State law.

## 12. Miscellaneous:

- a. **Conformance with Lenexa City Code:** In addition to the standards set forth above, all Wireless Communications Facilities shall be subject and comply with all relevant sections of the Lenexa City Code, including but not limited to, the Lenexa Unified



Development Code, the Lenexa Building Code, and the Lenexa Right-of-Way Management Code.

- b. **Unsafe Communication Facilities:** Any Wireless Communication Facilities which are not maintained to a suitable degree and appearance (as determined by the City and any applicable code, statute, ordinance, law, regulations or standard) will be considered a nuisance and will be upgraded, repaired or removed at the wireless service provider's expense.
- c. **Conformance with Federal and State Regulations:** Wireless Communications Facilities shall comply with all minimum structural, height, radio frequency radiation and other operational standards set forth by the FCC, FAA, EPA and other applicable federal and state regulatory agencies. If such regulations change, then the Wireless Communications Facilities shall be brought into compliance with 6 months of the effective date of the applicable regulations. Failure to comply with any applicable standards or regulations shall be grounds for removal at the wireless services provider's expense.
- d. **Interference:** It is the responsibility of the wireless services provider to correct any interference with existing public safety services in the area, caused by their Wireless Communication Facilities.
- e. **Interpretation and Severability:** The provisions of this Section shall be construed in a manner consistent with all applicable federal, state and local laws and standards regulating Wireless Communications Facilities. In the event any federal or state law or standard is mandatory or is more stringent than provisions of this Section, then such provisions shall be revised accordingly. If any section, subsection, clause, phrase or portion of this Section is for any reason held invalid or unenforceable by any court or administrative agency of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions hereof.
- f. **Reservation of Authority:** The City at all time reserves the right to take any action it deems necessary, in its sole discretion, to repair, maintain, alter, or improve any Wireless Communications Facilities, or site, as may be necessary and in keeping with health, safety and general welfare of the City. Such actions may temporarily interfere with the operation of Wireless Communications Facilities. The City

will give thirty (30) days written notification to owner of any planned, non-emergency actions. In the event of an emergency, the City shall give notice within forty-eight (48) hours of such action.

13. **Definitions:** For purposes of this Section, the terms, phrases, words and abbreviations and their derivations shall be construed according to the common and approved usage of the language, but technical words and phrases and such others as may have acquired a peculiar and appropriate meaning in law shall be construed and understood according to such meaning. Notwithstanding, the terms and words listed below will have the following meanings:

- a. **Base Station:** A station that includes a structure that currently supports or houses an antenna, transceiver, coaxial cables, power cables or other accessory facilities at a specific site that enables FCC-licensed or authorized wireless service to mobile stations, generally consisting of radio transceivers, antennas, coaxial cables, power supplies and other associated electronics. The term does not mean a tower or equipment associated with a tower; and it does not include any structure that, at the time the relevant application is filed with the City, does not support or house equipment described in this paragraph or that was not previously approved under the applicable zoning or siting process.
- b. **Collocation:** The mounting or installation of transmission equipment on an eligible support structure for the purpose of transmitting and/or receiving radio frequency signals for Wireless Service.
- c. **Distributed Antenna System (DAS):** A network that distributes radio frequency signals and consisting of:
  1. Remote communications or antenna nodes deployed throughout a desired coverage area, each including at least one antenna for transmission and reception;
  2. A high capacity signal transport medium that is connected to a central communications hub site; and
  3. Radio transceivers located at the hub's site to process or control the communications signals transmitted and received through the antennas to provide wireless or mobile service within a geographic area or structure.
- d. **Modification or Modify:** The addition, removal or change of any of the physical and noticeably visible components or aspects of a wireless communication facility such as Antenna, cabling, radios,

equipment shelters, landscaping, fencing, utility feeds, changing the color or materials of any noticeably visible components, vehicular access, parking, upgrade or exchange of equipment for better or more modern equipment. Modification shall not include replacement of such components in kind. A collocation which changes the physical configuration of the existing facility or structure shall be considered a modification. The Community Development Director or designee shall determine when changes such as enlarging the ground-mounted equipment area, increasing the screen wall height or installing additional equipment changes the physical and noticeably visible aspects of a wireless communication facility.

- e. **Replacement:** Replacement of an existing facility on a previously approved site, utility easement, or an approved special use permit area, with a new facility of comparable proportions and of comparable height or such other height that would not constitute a substantial change to an existing structure to support a wireless communication facility or accommodate collocation. A replacement includes any associated removal of the pre-existing wireless communication facility. A replacement tower shall be within 15 feet, as measured horizontally along the ground, of an existing tower, and the existing tower shall be removed within 30 days from the installation of the replacement tower. The Community Development Director or designee may approve a separation greater than 15 feet.
- f. **Site:** For towers other than towers in the public rights-of-way, the current boundaries of the leased or owned property surrounding the tower and any access or utility easements currently related to the site, and, for other eligible support structures, further restricted to that area in proximity to the structure and to other transmission equipment already deployed on the ground.
- g. **Small Cell Facility:** A Wireless Communications Facility that meets both of the following qualifications:
  - 1. Each antenna is located inside an enclosure of no more than six (6) cubic feet in volume, or in the case of an Antenna that has exposed elements, the Antenna and all of the Antenna's exposed elements could fit within an imaginary enclosure of no more than six (6) cubic feet; and
  - 2. Primary equipment enclosure that are no larger than 17 cubic feet in volume, or facilities comprised of such higher

limits as the FCC has excluded from review pursuant to 54 U.S.C. § 306108. Accessory Facilities may be located outside the primary equipment, and if so located, are not to be included in the calculation of equipment volume. Accessory facilities includes, but is not limited to, any electric meter, concealment, telecommunications demarcation box, ground-based enclosures, back-up power systems, grounding equipment, power transfer switch, cut-off switch and vertical cable runs for the connection of power and other services.

- h. **Small Cell Network:** A collection of interrelated Small Cell Facilities designed to deliver wireless service.
- i. **Stealth or "Stealth Technology":** Using the least visually and physically intrusive facility by minimizing adverse aesthetic and visual impacts on the land, property, buildings and other facilities adjacent to, surrounding and generally in the same area as the requested location of a Wireless Communication Facility. Specifically, this means ensuring that all antenna arrays, cables, and other accessory facilities used for providing the Wireless Service are not obtrusive or noticeably visible from adjacent properties or adjacent right-of-ways. Any accessory facilities mounted onto a tower or structure shall not project greater than one (1) foot, as measured horizontally, from the surface of the tower or structure and shall be painted or screened with materials that are a complementary color as the tower or structure. Cables shall not be allowed to travel along the exterior of a Tower or structure. Understanding that new technologies are anticipated to change the components of a Wireless Communications Facility, the Community Development Director or designee may determine if a wireless communication facility or component of a wireless communication facility is designed to be stealth.
- j. **Tower:** Any structure built for the sole or primary purpose of supporting any FCC-licensed or authorized antennas and their accessory facilities, including structures that are constructed for wireless services including, but not limited to, private, broadcast, and public safety services, as well as unlicensed wireless services and fixed wireless services such as microwave backhaul, and the associated Site.
- k. **Wireless Communications Facility:** A structure, facility, or location designed, or intended to be used as, or used to support antennas or other transmission equipment used in wireless

services. This includes without limit, towers or all types, and base stations, including but not limited to buildings, church steeples, water towers, signs or other structures that can be used as a support structure for Antennas or the functional equivalent of such. It further includes all related accessory facilities associated with the site. It is a structure and facility intended for transmitting and/or receiving, wireless services, specialized mobile radio (SMR), personal communications services (PCS), commercial satellite services, microwave services, radio, television, and any commercial wireless service not licensed by the FCC.

**AF. Pay day Loan, Title Loan and Pawnbrokers:** Pay day and title loan businesses and pawnbrokers shall be subject to the following supplementary use standards:

1. Location and Distance Requirements:
  - a. Residential: No pay day loan or title loan business or pawnbroker shall locate within 200 feet of residentially zoned property.
  - b. Other Pay day Loan or Title Loan Businesses or Pawnbrokers: No pay day loan or title loan business or pawnbroker shall locate:
    1. within 1 mile of any other pay day loan or title loan business or pawnbroker located within the City limits; or
    2. within 1000 feet of pay day loan or title loan business or any pawnbroker located outside of the City limits.
2. Measurement of Distance: The separation distances shall be measured from or to the outer wall of the pay day loan business, title loan business or pawnbroker and from or to the property line of the residentially zoned property.
3. Other Regulations: Pay day loan and title loan businesses and pawnbrokers shall comply with all other regulations contained in the City Code, including, but not limited to, licensing and permitting regulations.

**AG. Auction Service, Limited and General:** Auction Service uses shall be subject to the following supplementary use standards:

1. **Plan Approval:** Preliminary and/or final development plans shall be approved by the City as outlined under Section 4-1-H-3 of this Chapter.
2. **Duration of Permits:** Where only permitted through the special use permit provisions, the initial permit may be granted for up to 12 months, with the first renewal period of up to 3 years. All subsequent renewals may be approved for up to 5 years thereafter, provided all standards of performance are being met.

3. **Compliance With Other Regulations:** All uses are required to meet all applicable Building Code\*, zoning district, and Fire Code\*\* standards for public occupancy. \*See Article 4-8-A of this Title.\* \*\*See Article 4-8-B of this Title.\*\*
4. **Revocation Of Permits:** Special use permits for these operations may be revoked at any time by the Governing Body upon a determination that the business is in violation of the stipulations of approval or any applicable Code requirements.
5. **Limitations Of Use:** All functions for Auction Services, Limited uses shall be within completely enclosed buildings. As a part of the Special Use Permit process, exceptions may be approved for temporary outdoor activity areas; however, no product storage may occur outdoors. Live assembly auctions are restricted to a maximum number of twenty-four (24) events per calendar year, and limited to specific days of the week and hours.
6. **Noise:** In no case shall the noise generated by the operation or its patrons exceed 55 dB(A) at any point along or adjacent to a residential property line.
7. **Hours Of Operation:** Hours of operation may be restricted to minimize the impact of the commercial use on adjoining properties.
8. **Access:** These uses shall be allowed only on lots with direct access to a collector or arterial street unless otherwise approved by the Transportation Manager.
9. **Traffic Circulation And Parking:** Adequate off-street parking shall be provided to meet the needs of the all business activities. 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.
10. **Land Use Buffers:** The Community Development Director may recommend and the Planning Commission may approve an increase of the land use buffer factor for approved vehicular or approved outside use areas.
11. **Site, Locations Within BP:** Auction Service general and limited uses located within business parks shall be located, scaled, and compatible within the surrounding business park. The following additional criteria shall be used in determining the size, type, and location of these uses in the BP zoning district:

- a. **Safe Vehicular Access:** Circulation patterns should be designed to accommodate the traffic reasonably anticipated at such a facility.
- b. **Proximity to other existing and proposed similar public uses:** Locations along the fringe of business parks and with direct access from major roadways are preferred.
- c. **Provisions of adequate evening hour illumination of any outdoor use areas.**
- d. **Proximity to existing heavy industrial and distribution uses necessary to minimize conflicts with the general public entering the area.**
- e. **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 Auction Service 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.**

**AH. Personal Instruction, Limited:** The following supplementary use standards shall apply to personal instruction uses, as indicated:

- 1. **Compliance with Other Regulations:** Personal instruction, limited, uses are required to meet all applicable Building Code, Fire Code and zoning district standards for public occupancy. See Chapter 4-8 of this Title for additional information.
- 2. **Limitations of Use:** All functions shall be within enclosed buildings.
- 3. **Parking:** Adequate off-street parking shall be provided on-site to meet the needs of the personal instruction use. No on-street parking or loading facilities shall be permitted in association with such activity.

**AI. Large Wind Energy Conservation Systems (WECS):**

- 1. **Location:**
  - a. **Residential Zoning Districts:** The Large WECS may not be located in any required or established front or side yard.
  - b. **Agricultural, Commercial, and Industrial Zoning Districts:** The Large WECS may not be located in any required front or side yard.
- 2. **Minimum Lot/Parcel Size:**

- a. Large WECS: There is no minimum lot size required for Large WECS
  - b. Wind Farms: A wind farm shall only be located on lots that are a minimum of 10 acres in size. This minimum lot size shall not include area within temporary easements, but shall include the area on which the WECS will be installed and any other related site improvements including but not limited to screening/buffering and drives
3. Blade Design: Any style of blade or collection system may be allowed subject to approval of a Special Use Permit
4. Setback: All Large WECS shall comply with the minimum property line setback requirements for the applicable zoning district or be set back from the property line a distance greater than or equal to the overall height of the Large WEC, including blades, whichever is greater. Setback requirements shall not apply for roof/building mounted Large WECS. The setback of the building shall be considered as satisfying the setback requirement for the Large WECS
5. Number of Units: Any request for more than one WECS to be located on a single property shall be subject to consideration and approval of a SUP. The exact number of WECS proposed to be installed shall be part of the SUP application information
6. Height: The maximum height of the Large WECS proposed to be installed shall be part of the SUP application information and subject to approval of the SUP
  - a. Ground Mounted: Height shall be measured from average grade at the tower base to the highest point of the Large WECS structure, including blades, if applicable.
  - b. Roof/building Mounted: Height shall be measured from the surface of the roof on which the Large WECS is mounted to the highest point of the Large WECS structure, including blades, if applicable.
7. Design and Aesthetics: Large WECS shall be painted a non-reflective, non-obtrusive color or a color that conforms to the environment and architecture of the community
8. Tower Design: All tower structures for Large WECS shall be of self-supporting, monopole construction unless attached to a structurally reinforced roof where such support is not warranted. No lattice or guyed monopole structures shall be permitted.



9. Minimum Blade Clearance: The blade tip clearance for any ground-mounted Large WECS shall, at its lowest point, be not less than 30 feet.
10. Lighting: Large WECS shall be lighted only if required by the Federal Aviation Administration (FAA) or other applicable authority. Lighting of other parts of the Large WECS facility, such as appurtenant structures, shall be limited to that required for safety and operational purposes and shall comply with all other requirements of this chapter
11. Noise: The noise emitted from any Large WECS shall not exceed the noise level limits outlined in Section 4-1-C-4.
12. Vibration: Vibration emitted from any Large WECS shall not exceed the limits outlined in Section 4-1-C-4
13. Signage: Any signage proposed in conjunction with a Large WECS shall comply with Article 4-1-E Signs.
14. Utility Connections: Reasonable efforts shall be made to locate utility connections from Large WECS underground, depending on appropriate soil conditions, shape and topography of the site, and any requirements of the utility provider. Electrical transformers for utility interconnections may be above ground if required by the utility provider. For electrical transformers with a footprint greater than two square feet in area, landscaping shall be provided to substantially screen the structure from public view and/or the view of adjacent homeowners. Maintenance of all landscaping shall be the responsibility of the property owner.
15. Compliance with Building Code: All Large WECS shall require a building permit for installation.
16. Removal of Inoperable Large WECS: Any Large WECS that is inoperable for twelve consecutive months shall be considered abandoned, and the owner of such Large WECS shall either restore the WECS to operating condition or remove the Large WECS, including all associated support structures and transmission lines, within ninety days of receipt of notice from the governing authority notifying the owner of such abandonment. If, after ninety days the Large WECS is not removed , the Large WECS and associated structures would be subject to the enforcement provisions as set forth in Article 3-5-H of the Municipal Code. For purposes of this section, inoperable shall be deemed to include, but shall not be limited to, the bladed of the Large WECS remaining stationary so that wind resources are not being converted into energy or the Large WECS is no longer connected to equipment to convert the wind into energy.
17. Miscellaneous

- a. Deviation: The Planning Commission or Governing Body shall have the ability to grant a deviation from any of these standards subject to the applicant submitting detailed information illustrating the need for the deviation and proposed mitigation to lessen the impact of the deviation.
- b. Application Information: Each application for a Special Use Permit for a Large WECS shall be accompanied by the following information:
  1. Turbine information, including type, model, size, height, rotor material, rated power output, performance, safety, noise, and vibration characteristics of each wind turbine being proposed, tower and electrical transmission equipment.
  2. Digital pictorial representation of “before” and “after” (photo simulation) views from key viewpoints.
  3. Information as required on the ‘Final Plan Application and Checklist’.
  4. Additional technical information and/or studies, including but not limited to a noise study, geotechnical report, wildlife impact study, or shadow/flicker model, as deemed necessary by the Community Development Director, Planning Commission, or Governing Body to fully evaluate the application.

**AJ. Hospitals:** Hospitals, both permitted by-right and with a Special Use Permit, shall be subject to the following supplementary use standards:

1. **Access:** Hospitals shall be allowed only on lots with direct access to or within an acceptable distance to a collector or arterial street. The acceptable distance shall be determined by the city’s Traffic Engineer based on the existing road network and adjacent land uses.
2. **Heliports or Helipads:** If a hospital proposes to include a heliport or helipad, such heliport or helipad shall be located a minimum of 500 feet from residentially zoned property. To protect neighboring property from potential impacts from a heliport or helipad use, the Community Development Director may recommend, and the Planning Commission may require an increase of the land use buffer factor for such areas.
3. **Noise:** The noise generated by the hospital shall comply with the requirements of Section 4-1-C-4 of the Unified Development Code and shall not exceed the decibel levels outlined therein unless specifically altered as part of an approved Special Use Permit.

4. **Lighting:** Outdoor lighting fixtures that are adjacent to residentially zoned property shall not exceed 20 feet in height. Lighting required by the Federal Aviation Administration for heliports or helipads is exempt from this requirement.
5. **Exceptions:** The Governing Body may grant exceptions to any of the supplementary use standards of this subsection when it finds that the granting of the proposed permit without such standard(s) will not create or cause substantial damage or hardship to adjacent properties.

**AK. Homeless Shelter:** The following supplementary use standards shall apply to homeless shelter uses, as indicated (see Section 4-3-C-2 for definitions):

1. **Accessory Use:** Homeless shelters shall be considered as an accessory use to the primary use of the property when located in a church or place of worship building. As an accessory use, a church or place of worship may operate:
  - a. A homeless shelter serving up to ten (10) homeless individuals subject to the following criteria:
    1. The homeless shelter shall have at least two (2) employees and/or volunteers on the premises during all operational hours;
    2. Prior to establishing a homeless shelter as an accessory use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.
  - b. A homeless shelter serving up to fifty (50) homeless individuals subject to the following criteria:
    1. The building housing the homeless shelter must be at least 30,000 square feet in size;
    2. The property where the homeless shelter is located must be within one-half (1/2) mile of a public transportation stop, or the homeless shelter must have reliable access to transportation;
    3. The homeless shelter shall staff the premises during all operational hours as follows:

Number of Guests	Minimum Number of Employees and/or Volunteers
1-10	2
11-30	3
31-50	4

4. A homeless shelter exceeding ten (10) individuals may only be operated from November 1 through April 1;
5. Prior to establishing or expanding a homeless shelter as an accessory use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.

2. **Special Use Permit:** When only allowed in a zoning district by a special use permit, a homeless shelter shall be subject to the following supplementary standards:
- a. **Management Plan:** A management plan that contains/addresses the following items shall be submitted with any application to establish the homeless shelter use and be approved prior to commencing the use. The management plan shall be integral to the operation of the facility and binding on the operator. Failure of the operator to comply with the approved management plan shall be considered a violation of this code.
    1. A narrative description of the nature and characteristics of the use and descriptions of all supportive services provided.
    2. A transportation plan describing how guests will be transported to and from the site.
    3. An interior floor plan showing sleeping areas, common areas, kitchen and bathroom facilities, and emergency exits.
    4. An emergency / security plan that addresses security for staff, volunteers and guests as well as how responses to medical and other emergencies will be handled.
    5. An outline of the "Rules of Conduct" for guests.
    6. A communication plan that establishes how the shelter will regularly communicate with neighbors and the police.
    7. A staffing plan noting the number of employees per guest during daytime and nighttime operating hours and a statement of staff qualifications.
  - b. **Number of Guests:** When establishing the maximum number of homeless individuals served under the special use permit the City Council shall consider various factors, including but not limited to:
    1. The operational characteristics of the proposed shelter as outlined in the Management Plan;
    2. The size of the building housing the homeless shelter;
    3. The character of the area, including but not limited to proximity to residences, commercial businesses, schools, and public transportation.
  - c. **Duration of Special Use Permit:** The initial special use permit for a Homeless Shelter shall be valid for a maximum of 5 years from the date of approval and shall expire automatically unless a renewal is approved. All renewals of a special use permit may be approved for a period of up to 5 years.
  - d. **Number of Employees:** The homeless shelter shall have at least two (2) employees and/or volunteers on the premises during all operational hours for the first ten (10) guests and one (1) additional employee and/or volunteer for every ten (10) additional guests, or any portion thereof.

- e. **Revocation of Permits:** The special use permit for the operation of a homeless shelter may be revoked at any time by the Governing Body upon a determination that it is in violation of the standards of this Section or another City Code requirement.
  - f. **Certificate of Occupancy:** Prior to establishing a homeless shelter as a use, an application for and approval of a new certificate of occupancy is required, including compliance with all building and fire codes.
3. Violations:
- a. **Right to Inspection:** City representatives may from time to time make an inspection for the purpose of determining that the provisions of this Section are complied with. Such inspections shall be made at reasonable times during operational hours and in a reasonable manner. Prior notice of the City's intention to conduct such inspections is not required. It shall be unlawful for any property owner, operator of the shelter, and/or party responsible for overseeing shelter operations to fail to allow immediate access to the premises or to hinder an inspection in any manner, and any such behavior may result in revocation or suspension of the Certificate of Occupancy.
  - b. **Over Occupancy:**
    - 1. If a homeless shelter is found to be over occupancy the owner of the property, the operator of the shelter, and/or the party responsible for overseeing shelter operations will be issued a written warning and provided 24 hours to bring total occupancy under the occupancy limits as listed in this section.
    - 2. No further notice or warning is required to be given for an over occupancy violation in the event the property is again in violation within the following 12 months.
    - 3. If the property is again over occupancy upon inspection by the City, the owner of the property, the operator of the homeless shelter, and/or the party responsible for overseeing homeless shelter operations shall be assessed a civil penalty. For a first violation, the civil penalty shall not exceed \$750. For a second violation, the civil penalty shall not exceed \$1,500. For a third or subsequent violation, the civil penalty shall not exceed \$2,500. Payment of the civil penalty must occur within 14 days after issuance. It shall be unlawful to fail to pay any civil penalty assessed and may be punishable as set forth in 1-1-C-3.
    - 4. Upon a third or subsequent violation of this section within a rolling twelve (12) month period, in addition to any civil penalty imposed, the Certificate of Occupancy may be revoked by the Community Development Director or their designee for a specified period not to exceed one year. Upon a second or subsequent revocation of the Certificate of Occupancy, the Community Development Director or

their designee may revoke the Certificate of Occupancy for a specified period not to exceed five years.

5. Any property owner, operator of the homeless shelter, and/or party responsible for overseeing homeless shelter operations subject to revocation under this Section shall be ineligible for a Certificate of Occupancy to operate a homeless shelter during the term of revocation.
  
- c. Right to a Hearing: The owner of the property, the operator of the shelter, and/or the party responsible for overseeing shelter operations who has been assessed a civil penalty or had their Certificate of Occupancy revoked may, within ten (10) days thereafter, file a written notice of appeal from said decision, ruling, action or finding to the Lenexa Municipal Court for an administrative hearing thereon.
  - a. An administrative filing fee established through an administrative order by the Lenexa Municipal Court Judge shall be paid to the Lenexa Municipal Court and is required for an appeal to the Lenexa Municipal Court. No appeal shall be set for hearing until such fee has been paid.
  - b. The filing of an appeal under this Subsection shall not stay any action taken pursuant to this Chapter.
  - c. The hearing on the appeal shall be conducted by a Lenexa Municipal Court Judge who will sit as an administrative judge for purposes of this Title. The sole issue for determination shall be whether the decisions, rulings, actions, or findings of the Community Development Director or their designee were within the scope of their authority, supported by substantial evidence, and not arbitrary nor capricious in nature. The Court shall make specific findings of fact and conclusions of law in each case.
  - d. The decision of the Lenexa Municipal Court Judge shall be final.

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

**Section Three:** Interpretation: This Ordinance shall be construed as follows:

A. **Liberal Construction:** The provisions of this Ordinance shall be liberally construed to effectively carry out its purposes which are hereby found and declared to be in furtherance of the public health, safety, welfare, and convenience.

B. **Savings Clause:** The repeal of any Ordinance or Code Section, as provided herein, shall not revive an Ordinance previously repealed, nor shall the repeal affect any

right which accrued, any duty imposed, any penalty incurred or any proceeding commenced, under or by virtue of the Ordinance repealed. Said Ordinance or Code repealed continues in force and effect after the passage, approval, and publication of this Ordinance for the purpose of pursuing such rights, duties, penalties, or 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, City Code or other ordinances.

**Section Four**: Repeal: The existing Code Section 4-1-B-23 hereby repealed.

**Section Five**: Effective Date: This Ordinance shall become effective upon passage and publication of the ordinance summary in the official City newspaper as provided by State law.

PASSED BY the City Council this 18<sup>th</sup> day of February, 2025.

SIGNED BY the Mayor this 18<sup>th</sup> day of February, 2025.

CITY OF LENEXA, KANSAS

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven D. Shrout, Assistant City Attorney