

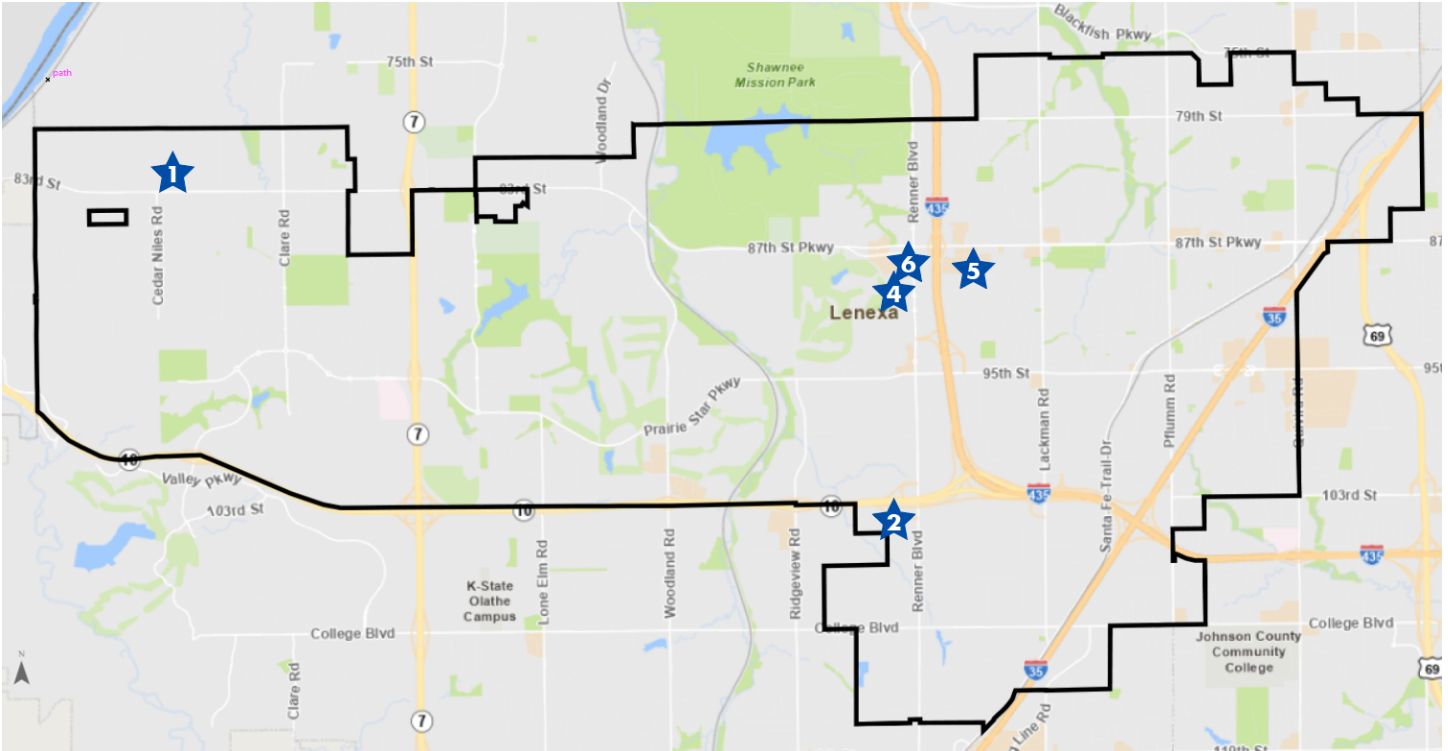
PLANNING COMMISSION AGENDA

JUNE 3, 2024 at 7:00 PM

Community Forum at City Hall
17101 W. 87th Street Parkway
Lenexa, KS 66219



AGENDA MAP



CALL TO ORDER

ROLL CALL

APPROVE MINUTES FROM THE MAY 6, 2024 MEETING

CONSENT AGENDA

All matters listed within the consent agenda have been distributed to each member of the Planning Commission for review, are considered to be routine, and will be enacted by one motion with no separate discussion. If a member of the Planning Commission or audience desires separate discussion on an item, that item may be removed from the consent agenda and placed on the regular agenda.

- 1. Stoneridge North, Second Plat - Consideration of a revised final plat for 80 single-family residential lots located approximately at the northeast corner of 83rd Street & Cedar Niles Road within the RP-1, Planned Residential (Low Density) District. PT24-04FR**
- 2. Mining and Quarry Reclamation Operation - Consideration of a final plan for a mining/quarry operation on an undeveloped site located approximately at the southwest corner of K-10 Highway & Renner Boulevard within the BP-2, Planned Manufacturing and AG, Agricultural Districts. PL24-05F**

REGULAR AGENDA

3. Consider adopting the new [Lenexa Comprehensive Plan](#) - Conduct a Public Hearing and consider adopting the City's new Comprehensive Plan.

CONTINUED APPLICATIONS (NO DISCUSSION)

4. AT&T Generator - Continued to the July 1, 2024 Meeting. Consideration of a special use permit for a new equipment shelter and generator adjacent to the existing cell tower located at 9100 Renner Boulevard within the CP-O, Planned General Office District. SU24-05
5. Sonoma Plaza Phase 3 Apartments - Continued to the July 1, 2024 Meeting. Consideration of a revised preliminary plan and final plat for a four-story, multifamily residential development located approximately east of 88th Street & Maurer Road within the PUD, Planned Unit Development District. PL24-01PR, PT24-07F
6. Tupelo Honey - Continued to the July 1, 2024 Meeting. Consideration of a revised final plan to add a new patio canopy and cover for a new restaurant located at 16720 City Center Drive within the CC, Planned City Center District. PL24-06FR

STAFF REPORTS

7. Staff presentation of the [2023 Community Development Annual Report](#).

ADJOURN

APPENDIX

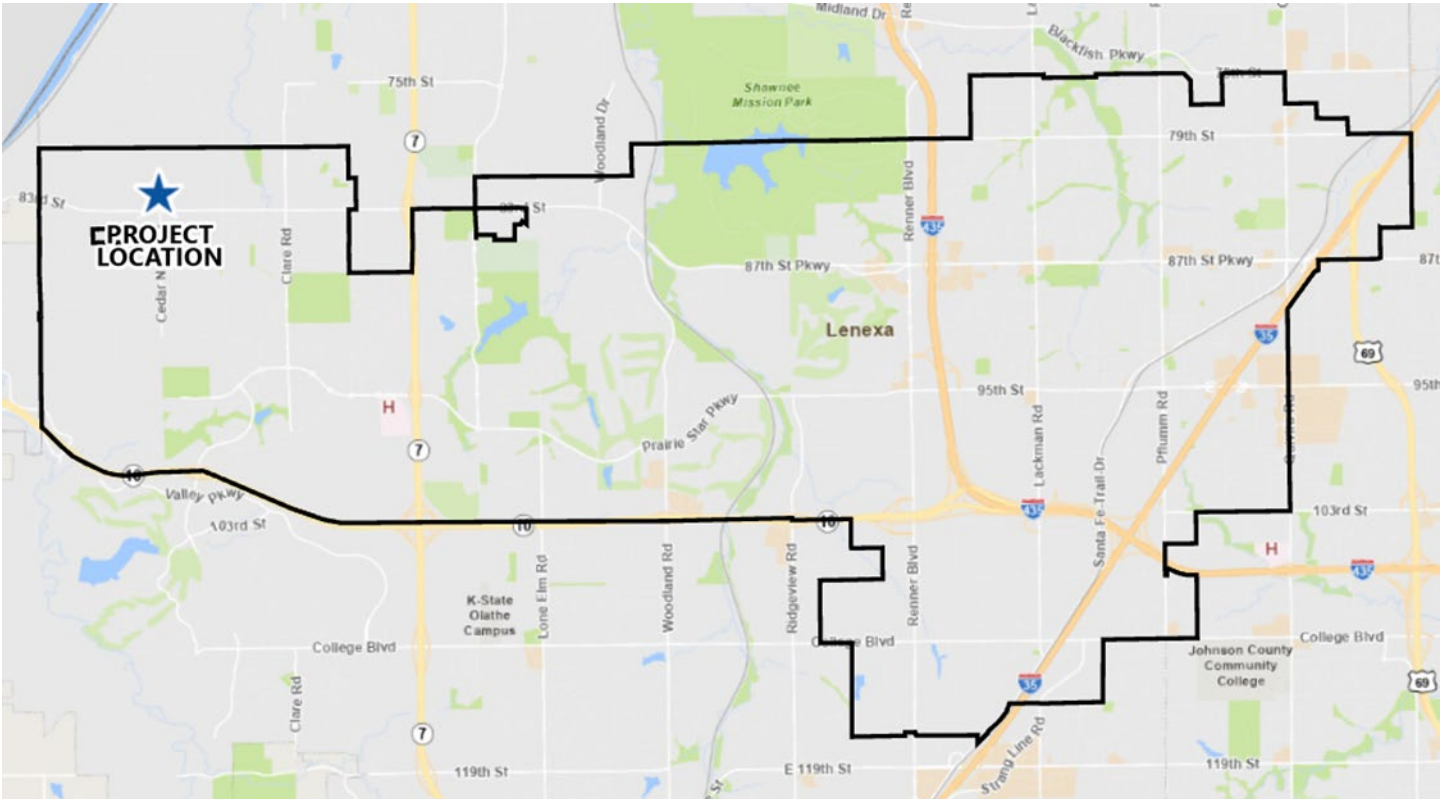
If you have any questions about this agenda, please contact Stephanie Kisler, Planning Manager, at skisler@lenexa.com.

*If you need any accommodations for the meeting, please contact the City ADA Coordinator at 913-477-7550 at least 48 hours prior to the meeting.
Kansas Relay Service: 800-766-3777*

Assistive Listening Devices are available for use in the Community Forum by request.

STONERIDGE NORTH, SECOND PLAT

Project #:	PT24-04FR	Location:	NEC of 83 rd St & Cedar Niles Rd
Applicant:	David Rinne, Schlagel Associates	Project Type:	Final Plat
Staff Planner:	Kim Portillo, AICP	Proposed Use:	Single-Family Residential



PROJECT SUMMARY

The applicant requests approval of revised final plat for Stoneridge North, Second Plat, a single-family residential subdivision containing 80 lots, six tracts, and rights-of-way on 40.7 acres. This is a revision to PT23-27F, final plat of Stoneridge North, Second Plat, which was approved by the Planning Commission on November 6, 2023 and accepted by the Governing Body on November 21, 2023, but has not yet been recorded. The plat has been revised to change the approved dwelling classification for minimum floor area from E to F to allow smaller homes to be constructed. The applicant also requests an exception to allow a maximum floor area greater than 25% of the minimum floor area in the dwelling classification in some instances. This project does not require a Public Hearing.

STAFF RECOMMENDATION: APPROVAL

SITE INFORMATION

This site was annexed into the City of Lenexa in November of 1986, at which time it was zoned and used as agricultural. It was subsequently rezoned to NP-O, RP-1, and AG in 2009 as part of the larger Cedar Niles Estates rezoning and concept plan (RZ09-02 and PL09-01CP), which included a total of 278.63 acres north of 83rd Street and west of Mize Boulevard. The 2009 plan did not progress beyond plan approvals.

Arise Homes rezoned 168 acres from AG, RP-1, NP-O, and CP-1 to RP-1 and RP-2 in 2023 as part of a new residential subdivision known as Stoneridge North. The subject site is a portion of the area that was rezoned to RP-1. A preliminary plat (PT22-01P) was also approved at the same time as the rezoning (RZ22-05). The preliminary plat included approved deviations in the RP-1 Zoning District for minimum lot area, minimum lot width, and front yard setback. The preliminary plat included five phases, each of which will have a separate final plat. Phase 1 multifamily and phase 1 single-family have received final plat approval but have not yet been recorded. The current application is to revise the approved plat for the phase 1 single-family portion. The remaining phases have not yet been submitted for final plat approval.

LAND AREA (AC) 40.7	BUILDING AREA (SF) N/A	CURRENT ZONING RP-1, RP-2	COMP. PLAN Suburban Residential
-------------------------------	----------------------------------	-------------------------------------	---

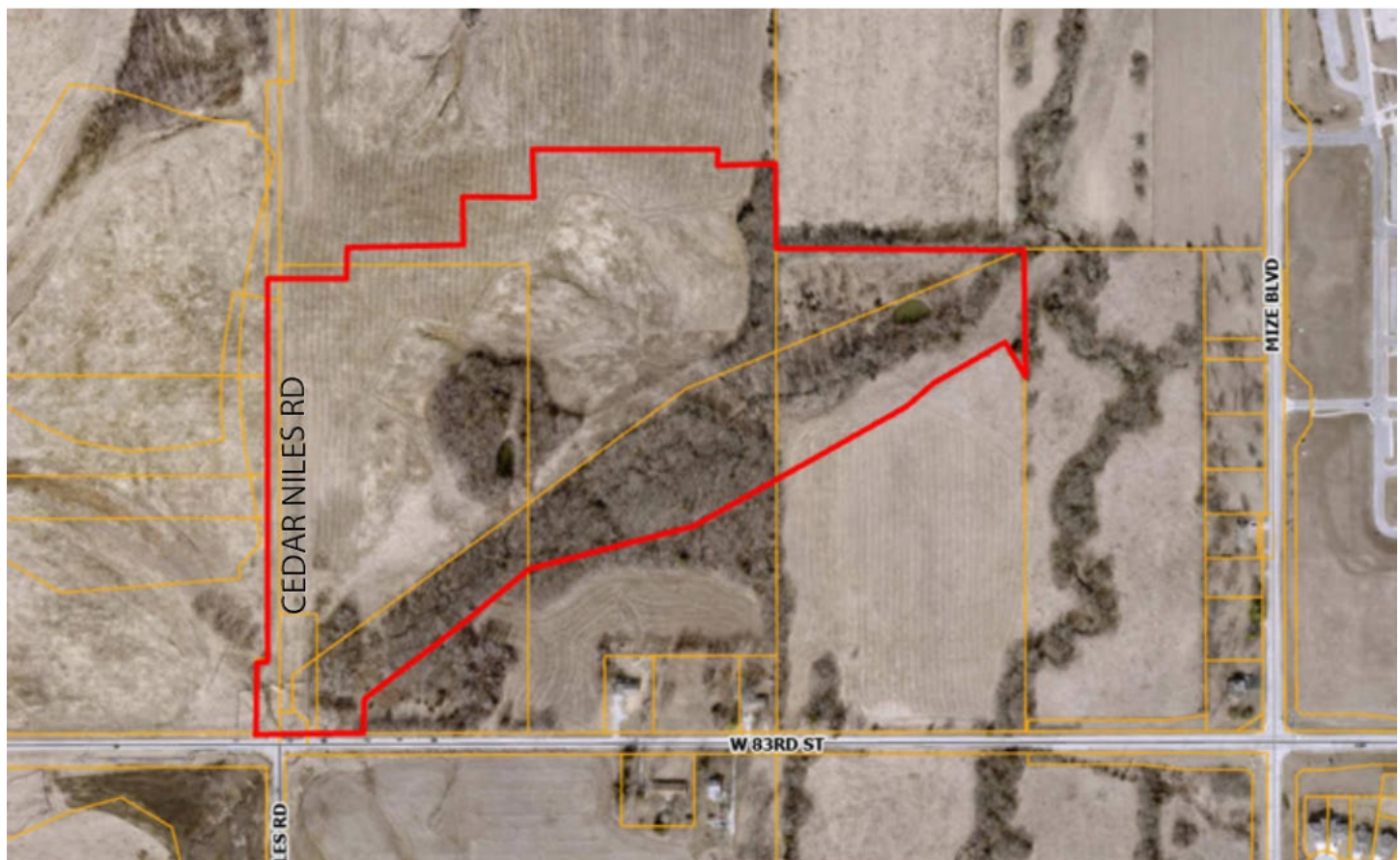


Exhibit 1: Aerial Image of Subject Site

LAND USE REVIEW

The proposed use is a residential subdivision. Stoneridge North is planned to include both single-family and two-family lots. This final plat includes only single-family lots but does include a portion of land, Tract G, which is within the RP-2 Zoning District boundary. The Future Land Use designation is Suburban Residential. Single-family homes are an allowable use within the RP-1 Zoning District. The proposed use is similar to recent approvals in the area, including the Stoneridge development on the south side of W. 83rd Street. Other uses in the area include a nearby school (Mill Creek Middle School) and additional planned residential development.

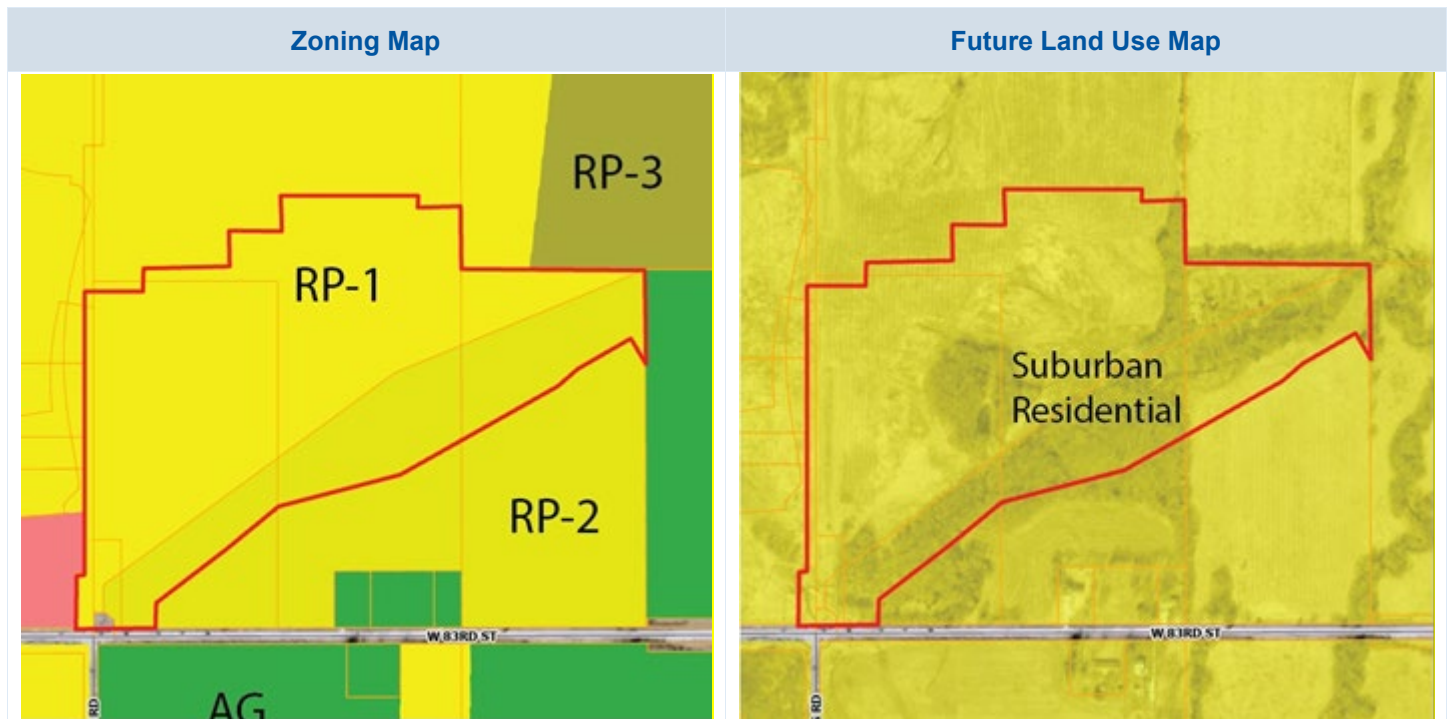


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Suburban Residential	RP-1, Planned Residential Single-Family (Low-Density) & RP-2, Residential Planned (Intermediate-Density)	Undeveloped
North	Suburban Residential	RP-1, Planned Residential Single-Family (Low-Density) & RP-3, Residential Planned (Medium High-Density)	Undeveloped
South	Suburban Residential	RP-2, Residential Planned (Intermediate-Density) & AG, Agricultural	Single-Family Residential and Agricultural
East	Suburban Residential	RP-1, Planned Residential Single-Family (Low-Density) & AG, Agricultural	Undeveloped
West	Suburban Residential	RP-1, Planned Residential Single-Family (Low-Density) & CP-1, Planned Neighborhood Commercial	Undeveloped

FINAL PLAT REVIEW

This is a revision to a final plat of 80 single-family residential lots on 40.7 acres and is the second plat of Stoneridge North subdivision, for which a preliminary plan/plat was approved in February 2023.

The applicant requests to modify the approved final plat to change the minimum dwelling size classification from a classification of E to F to allow for smaller homes to be constructed. The dwelling classification designates a minimum floor area for all homes built on lots within the plat and allows ground floor area within a range between the minimum and 25% above the minimum per code. Minimum ground floor requirements for each classification are shown in Table 2.

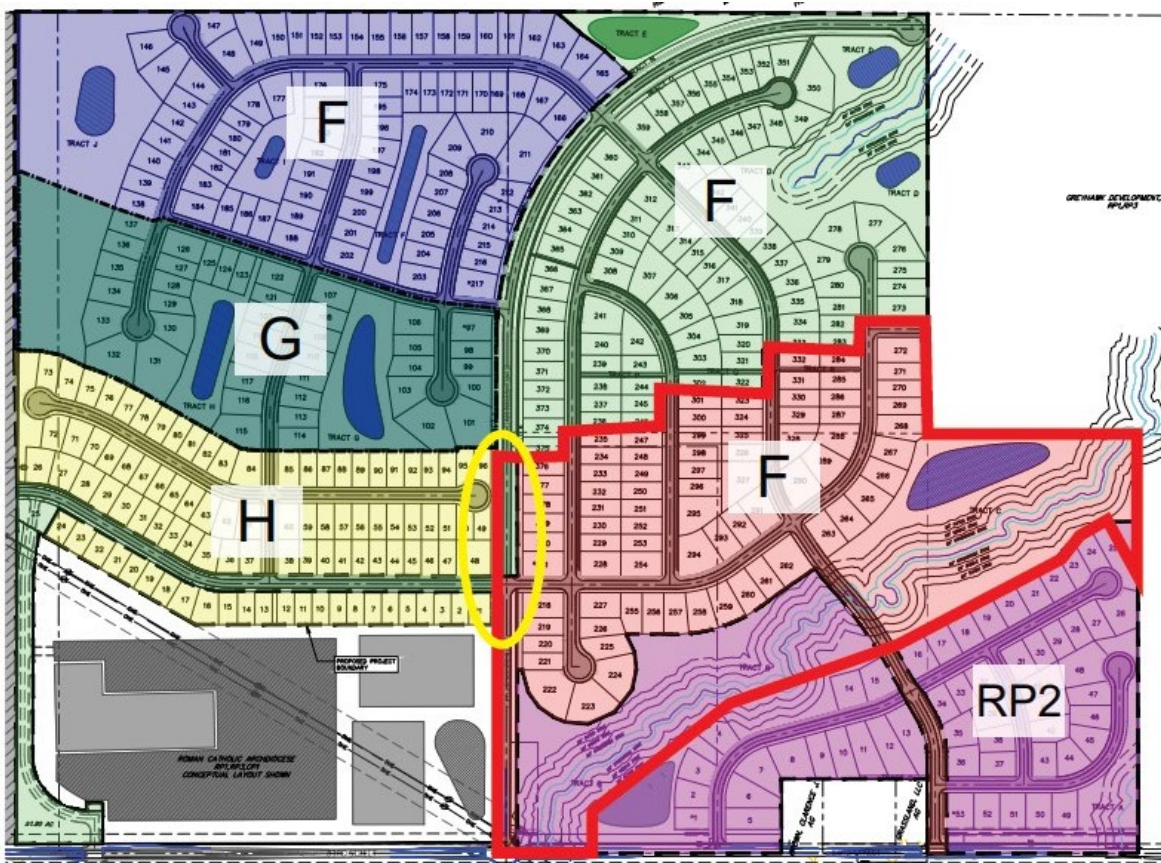


Exhibit 2: Anticipated dwelling classifications of current and future phases. The boundary of this final plat is outlined in red.

TABLE 2: MINIMUM GROUND FLOOR AREA BY CLASSIFICATION

Classification	1 Story and Split Level	1 and ½ Story	2 Story
E (former classification)	1,400 SF	1,000 SF	750 SF
F (current final plat)	1,200 SF	850 SF	650 SF
G (future phase classification)	1,100 SF	800 SF	600 SF
H (future phase classification)	1,000 SF	750 SF	550 SF

The applicant requests the Planning Commission grant an exception from Section 4-2-C-6-E of the Unified Development Code (UDC) which states that no building permit shall be issued for construction of a dwelling that will result in a dwelling more than 25% greater than the minimum floor area specified by the classification. The applicant would like to allow a floor area up to 2,660 square feet for some of the lots in Stoneridge North, Second Plat, which is an increase of 121% for this final plat, and would be an increase of 45-141% for future final plats, where 25% is the maximum allowable increase in ground floor area. The applicant proposes to provide a variety of floorplans within the subdivision and seeks the exception to offer a wider range of options. Granting the requested exception will allow for a greater diversity of housing product within the subdivision, which has been considered a unique development by offering a less traditional neighborhood product with some smaller lot homes with reduced setbacks mixed in with more typical single-family lots. Staff has been supportive of the concept and supports this change to allow the mixed floor area sizing and variety of housing products.

All the floorplans that Arise Homes has available for the Stoneridge subdivision are one-story. Table 3 shows the minimum and maximum ground floor areas for each classification based on single-story construction.

TABLE 3: ARISE HOMES' PROPOSED MINIMUM AND MAXIMUM GROUND FLOOR AREA FOR SINGLE-STORY			
Classification	1 Story Minimum	1 Story Maximum (25% greater than min)	Requested Exception from the 1 Story Maximum
E (former classification)	1,400 SF	1,750 SF	N/A- Final plats are no longer intended to be "E"
F (current final plat)	1,200 SF	1,500 SF	2,660 SF (+121%)
G (future phase classification)	1,100 SF	1,375 SF	2,660 SF (+141%)
H (future phase classification)	1,000 SF	1,250 SF	1,450 SF (+45%)

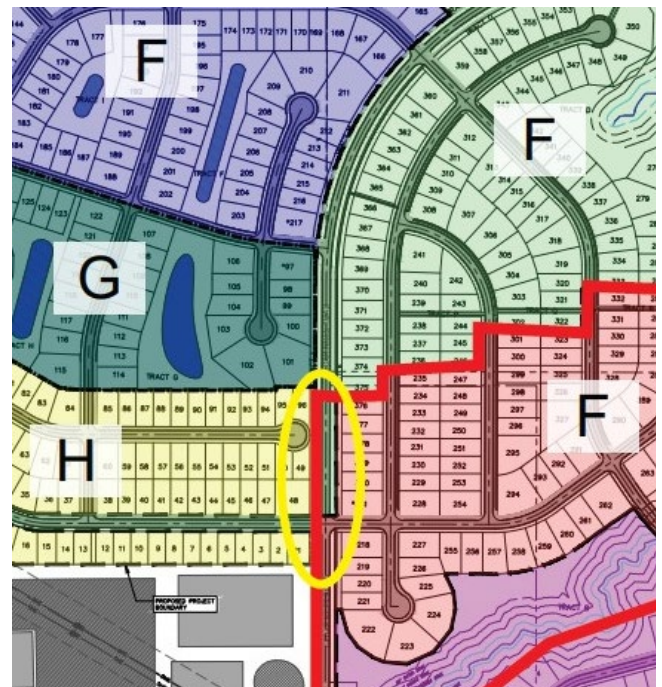
The Planning Commission has the authority to grant exceptions to sections of Article 4-2-C Subdivision Design Standards. There are four criteria that must be considered by the Planning Commission when determining to make an exception. The criteria and Staff's evaluation is provided below.

1. The exception will not increase the intensity of use of the land above that permitted by the applicable zoning code.
 - a. Staff finds that allowing a larger range of floor plans would not increase the intensity of land use, as development will be limited to the established number of lots within the subdivision which is not changing from the previously approved final plat. Unit density will not increase, and each individual lot must still meet open space requirements of the zoning district at the time of building permit review.
2. The exception will not affect the design of a freeway or arterial street.
 - a. The exception is not related to design of streets and will only impact individual lots.
3. The exception is appropriate to deal with unusual problems of topography or design or protection of unique environmental features and is not intended primarily to reduce the costs to the developer while still enabling the applicant to comply with any applicable requirements contained in the Stormwater Management Regulations (Article 4-5-E) and the Land Disturbance Provisions (Article 4-1-N).

- a. The subdivision has been designed so as to protect the natural stream corridors that run through the site. These areas are being retained as amenity areas. The exception is appropriate to deal with unique design of the subdivision, providing a diversity of housing types on what are already approved lots.
4. The exception is consistent with the Comprehensive Plan and with the general purposes of Chapter 4-1 (Zoning), 4-2 (Subdivision), and 4-3 (Definitions and Interpretations) of the Unified Development Code.
- a. Staff finds that the overall diversity of housing provided by this subdivision is aligned with the new Comprehensive plan, which is scheduled to be approved by the Planning Commission at the June 3, 2024 meeting. The updated Comprehensive Plan has a goal to “*Support a diverse range of housing to support residents of all backgrounds and stages of life*” and a subgoal to “*Promote attainable housing through diverse housing choices and creative housing types.*”

The applicant also included an updated preliminary plat document for the overall Stoneridge North subdivision. This updated plat shows the intent to designate future final plats within the Stoneridge North subdivision as a dwelling classification of either F, G, or H. Exhibit 2 shows the proposed classifications of future phases.

Section 4-2-C-6-B states that land directly on opposite sides of the street may not have a classification difference greater than one classification level, but that the Planning Commission may make an allowance for a greater difference if it is determined to be in harmony with the neighborhood. To allow the classifications for future phases as proposed, the Planning Commission must find that the proposal would not create disharmony where the area to be designated as H is directly across future Cedar Niles Road from the currently proposed area to be dedicated F, a difference of two levels. This area is shown by the yellow circle in Exhibit 3. Cedar Niles Road will be an arterial road with 70 feet of right-of-way. Additionally, there is a 15-foot landscape tract on each side of Cedar Niles Road, making the separation between actual lot lines 100 feet. Staff supports this exception given the extensive separation between lots and the unique nature of the development from the mixture of home and lot sizes.



At right: Exhibit 3: Classification difference requiring an exception.

Future right-of-way for the plat has been accepted by the Governing Body; however, Staff is requesting an additional 30 feet of right-of-way along 83rd Street where it has been determined additional area will be needed for future expansion of the street. The plat includes this additional right-of-way to be dedicated to the City.

Lastly, as discussed with the applicant, UDC requires cul-de-sacs on any dead-end street. Given that these cul-de-sacs will be temporary (until the next phase moves forward), public access rights to them will be via a temporary public access easement instead of right-of-way in order to keep the plat clean and uncluttered.

DEVIATIONS

The deviations reflected in this section were approved with final plat application PT23-27F, Stoneridge North, Second Plat. The plat is now being revised but the deviations remain the same.

The preliminary plan/plat (PT22-01P) was approved with deviations from the RP-1 standards for minimum lot width, minimum lot area, and front yard setback. Due to slight changes within the plan/plat from preliminary to final stage, slightly fewer lots need deviations for these dimensional aspects than originally requested.

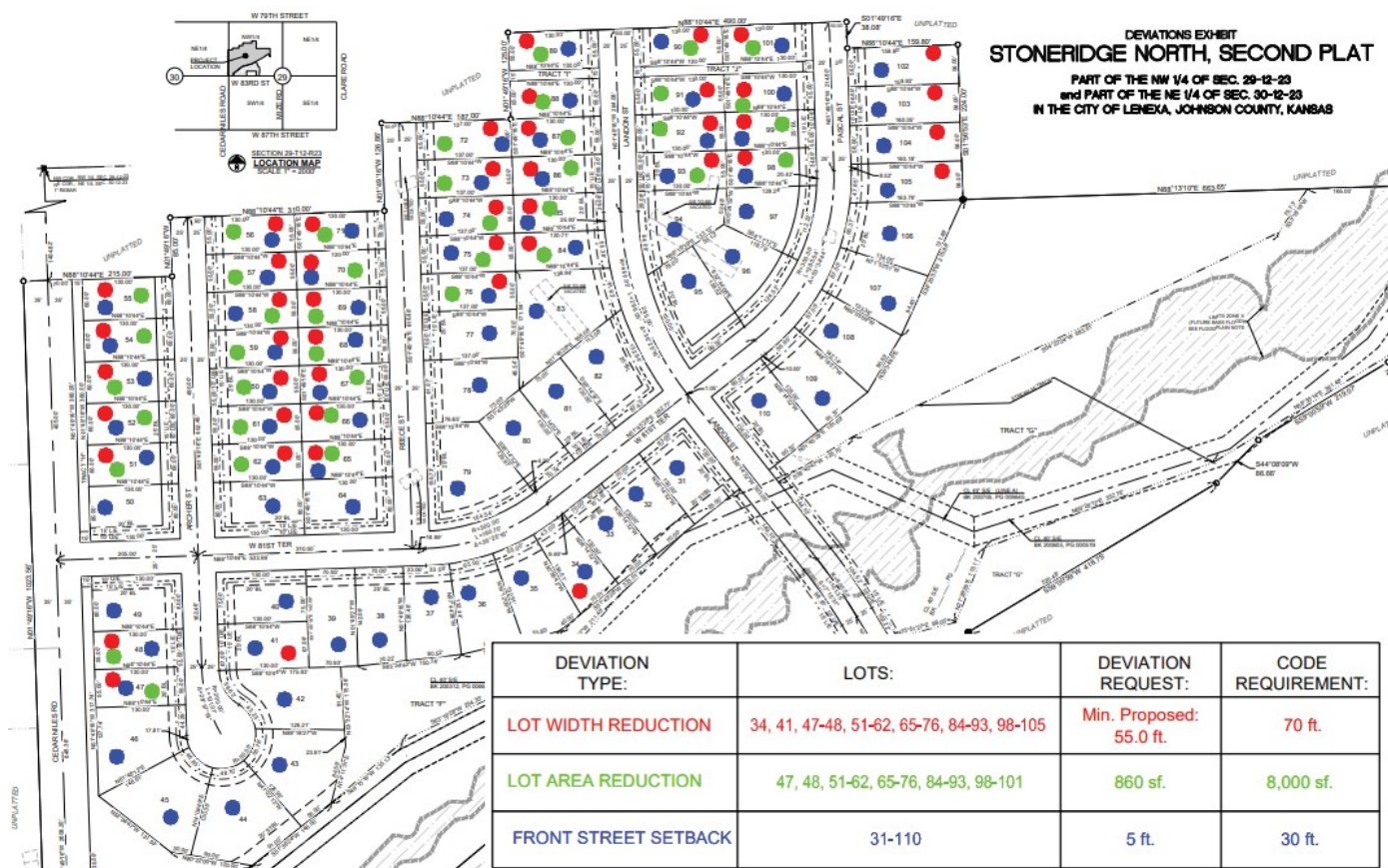


Exhibit 4: RP-1 Deviations Requested with Final Plat

TABLE 4: COMPARISON OF DEVIATIONS FROM PRELIMINARY TO FINAL

Deviation	Amount Requested	# of Lots at Preliminary	# of Lots at Final
Lot Width	-15 FT (Min. 55 FT)	59	46
Lot Area	-860 SF* (Min 1,740 SF)	42	40
Front Yard Setback	-5 FT (Min 25 FT)	80	80

* The deviation approved with the preliminary plat was for a lot area reduction of 850 SF, resulting in a minimum lot area of 7,150 SF. All lots on the final plat have a lot area of 7,150 SF or greater except for Lot 98 which has a lot area of 7,144 SF.

NEXT STEPS

- This project requires approval by the Planning Commission and acceptance of dedications by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration from the City Council on June 18, 2024.
- The final plat must be recorded with Johnson County prior to permit(s) being released.
- The applicant must receive permit(s) prior to commencing construction.
- The applicant should inquire about additional City requirements and development fees.

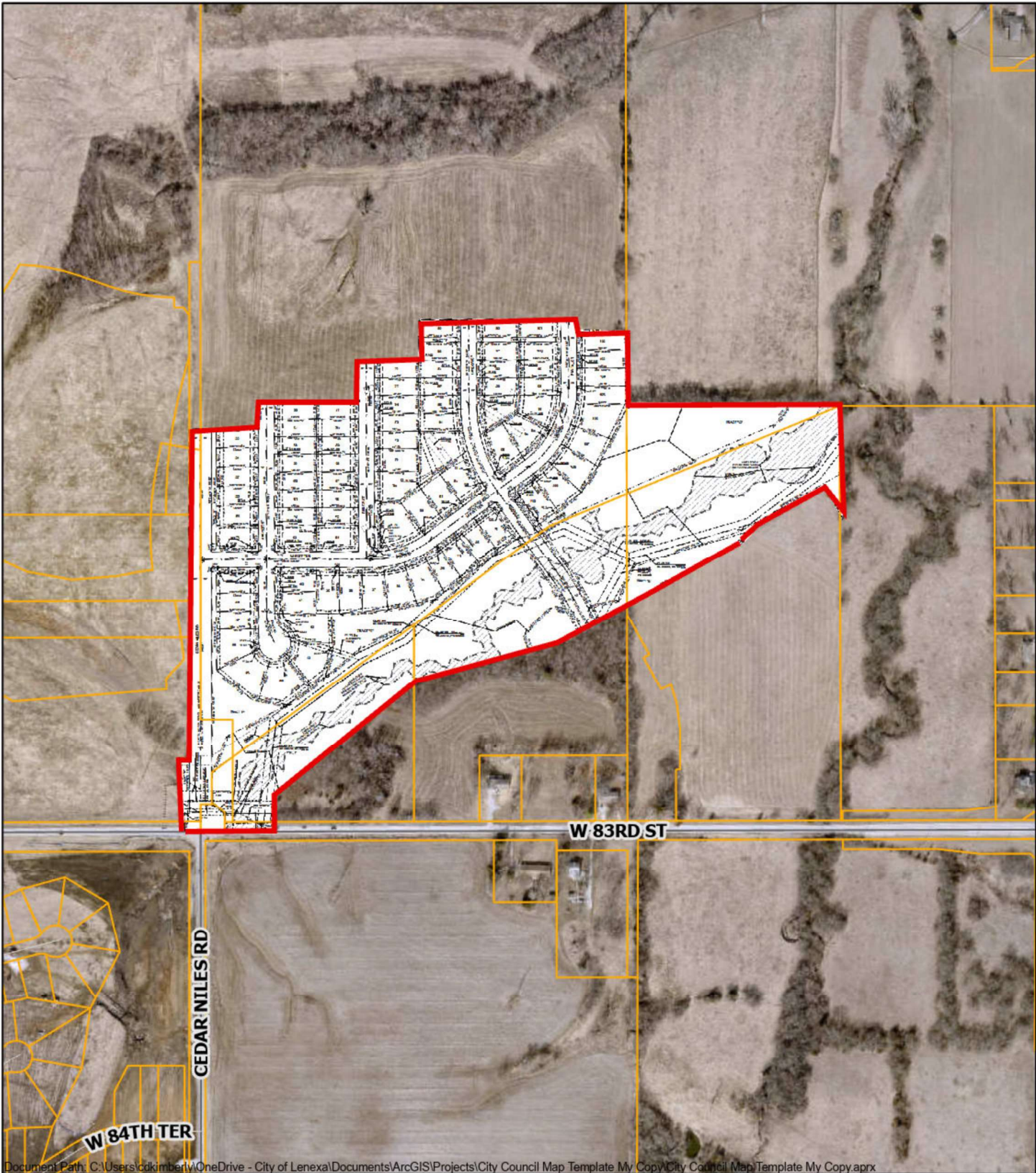
RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Staff recommends approval of the proposed Final Plat for Stoneridge North, Second Plat.**

- This is a final plat of 80 single-family lots and 6 tracts in the RP-1 and RP-2 Zoning District, with deviations for lot width, lot area, and front yard setback and an exception from Section 4-2-C-6-E of the Unified Development Code which states that no building permit shall be issued for construction of a dwelling that will result in a dwelling more than 25 percent greater than the minimum floor area specified by the classification.. This is the second plat of the planned Stoneridge North single-family and two-family residential development.
- The project is consistent with Lenexa's goals through *Responsible Economic Development* and *Strategic Community Investment* to create *Vibrant Neighborhoods*.

FINAL PLAT

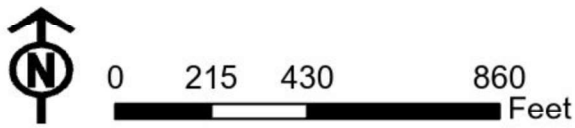
Staff recommends **approval** of the final plat for PT23-27F – **Stoneridge North, Second Plat** near the northeast corner of W. 83rd Street and Cedar Niles Road, for a single-family residential subdivision with deviations as approved on the preliminary plat and revised within this Staff Report and exceptions from Section 4-2-C-6-E and Section 4-2-C-6-B of the UDC as noted within this Staff Report.



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

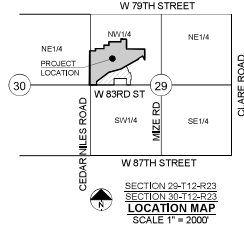
Data Source: City of Lenexa and Johnson County Kanzas
For further information, please call 913-477-7500

Stoneridge North, Second Plat

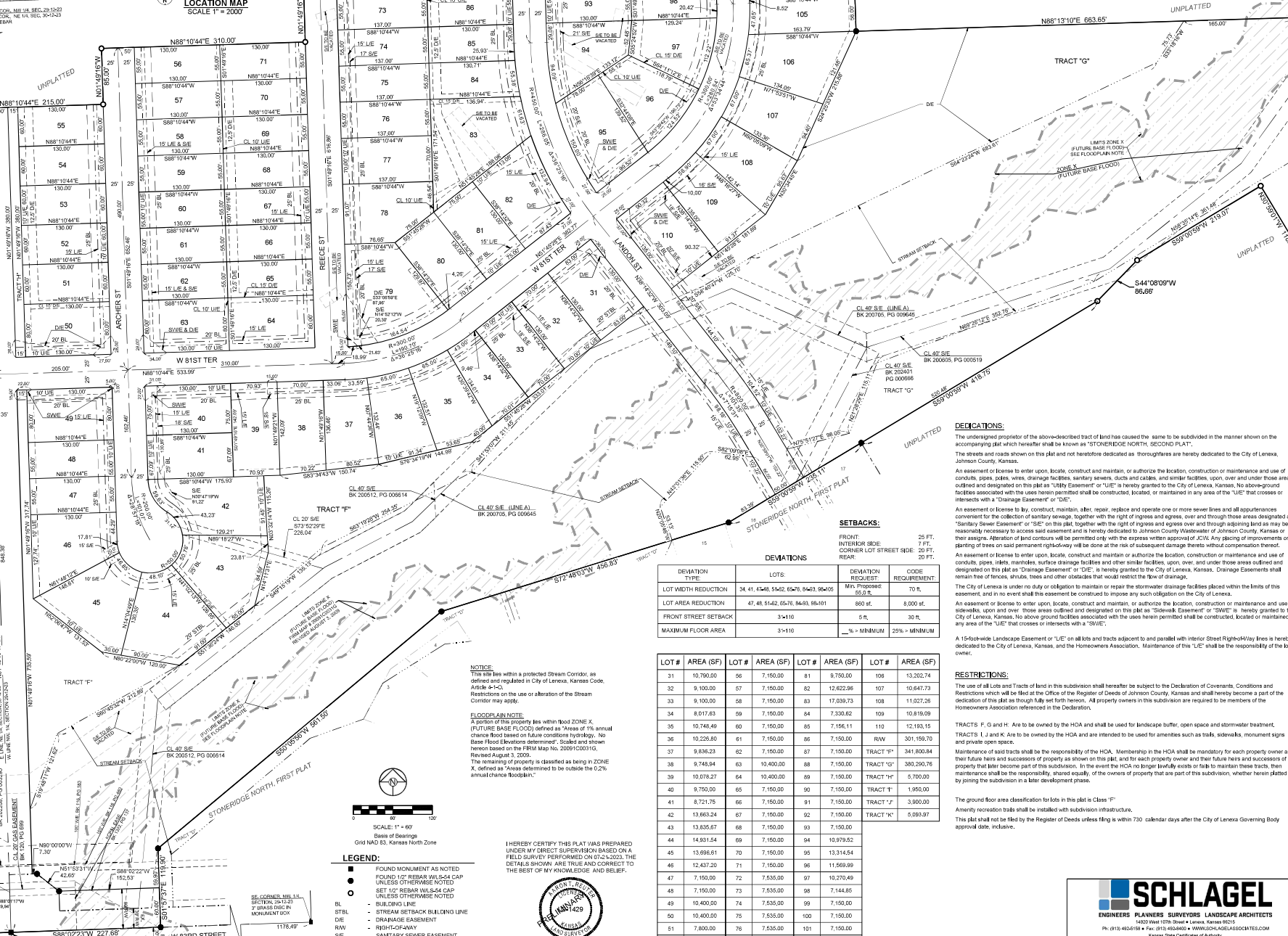


FINAL PLAT OF STONERIDGE NORTH, SECOND PLAT

PART OF THE NW 1/4 OF SEC. 29-12-23 and PART OF THE NE 1/4 OF SEC. 30-12-23 IN THE CITY OF LENEXA, JOHNSON COUNTY, KANSAS



SECTION 29-12-23 SECTION 30-12-23 LOCATION MAP SCALE 1" = 2000'



DEDICATIONS:
The undersigned proprietor of the above-described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat which hereafter shall be known as "STONERIDGE NORTH, SECOND PLAT".
The streets and roads shown on this plat and not heretofore dedicated as thoroughfares are hereby dedicated to the City of Lenexa, Johnson County, Kansas.
An easement or license to enter upon, locate, construct and maintain, or authorize the location, construction or maintenance and use of conduits, pipes, wires, drainage facilities, sanitary sewers, ducts and cables, and similar facilities, upon, over and under those areas outlined and designated on this plat as "Drainage Easement" or "DE" is hereby granted to the City of Lenexa, Kansas. No above-ground facilities associated with the uses herein permitted shall be constructed, located or maintained in any area of the "DE" that crosses or intersects with a "Drainage Easement" or "DE".
An easement or license to enter upon, locate, construct and maintain, or authorize the location, construction or maintenance and use of conduits, pipes, wires, drainage facilities, sanitary sewers, ducts and cables, and similar facilities, upon, over and under those areas designated as "Sanitary Sewer Easement" or "SSE" on this plat, together with the right of ingress and egress over and through those areas designated as "Sanitary Sewer Easement" or "SSE" is hereby granted to the City of Lenexa, Kansas. No above-ground facilities associated with the uses herein permitted shall be constructed, located or maintained in any area of the "SSE" that crosses or intersects with a "Sanitary Sewer Easement" or "SSE".
The City of Lenexa is under no duty or obligation to maintain or repair the stormwater drainage facilities placed within the limits of this easement, and in no event shall this easement be construed to impose any such obligation on the City of Lenexa.
An easement or license to enter upon, locate, construct and maintain, or authorize the location, construction or maintenance and use of sidewalks, upon and over, those areas outlined and designated on this plat as "Sidewalk Easement" or "SWE" is hereby granted to the City of Lenexa, Kansas. No above ground facilities associated with the uses herein permitted shall be constructed, located or maintained in any area of the "SWE" that crosses or intersects with a "SWE".

SETBACKS:
FRONT 25 FT.
INTERIOR 7 FT.
CORNER LOT SIDE 20 FT.
REAR 20 FT.

DEVIATIONS				
DEVIATION TYPE	LOTS	DEVIATION REQUEST	MIN. PROPOSED	CODE REQUIREMENT
LOT WIDTH REDUCTION	34, 41, 67-68, 94-95, 98-99, 104-105	55.0 ft.	55.0 ft.	70 ft.
LOT AREA REDUCTION	47, 48, 51-52, 55-56, 84-85, 89-91	660 sq. ft.	660 sq. ft.	8,000 sq. ft.
FRONT STREET SETBACK	3-1+10	5 ft.	5 ft.	30 ft.
MAXIMUM FLOOR AREA	3-1+10	%	MINIMUM	25% + MINIMUM

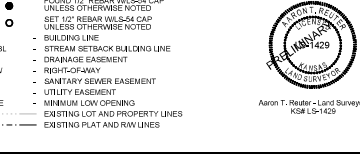
LOT #	AREA (SF)	LOT #	AREA (SF)	LOT #	AREA (SF)	LOT #	AREA (SF)
31	10,790.00	56	7,150.00	81	9,750.00	106	13,202.74
32	9,100.57	57	7,150.00	82	12,622.36	107	10,647.73
33	9,100.00	58	7,150.00	83	17,038.73	108	11,027.26
34	8,017.63	59	7,150.00	84	4,330.62	109	10,816.69
35	10,746.49	60	7,150.00	85	7,150.00	110	12,193.15
36	10,226.80	61	7,150.00	86	7,150.00	RAW	501,156.70
37	8,834.23	62	7,150.00	87	7,150.00	TRACT "F"	341,800.84
38	9,745.94	63	10,400.00	88	7,150.00	TRACT "G"	389,206.76
39	10,078.27	64	10,400.00	89	7,150.00	TRACT "H"	5,700.00
40	9,750.00	65	7,150.00	90	7,150.00	TRACT "I"	1,950.00
41	8,721.75	66	7,150.00	91	7,150.00	TRACT "J"	3,900.00
42	13,663.24	67	7,150.00	92	7,150.00	TRACT "K"	5,093.97
43	13,835.67	68	7,150.00	93	7,150.00		
44	14,931.54	69	7,150.00	94	10,979.52		
45	13,898.61	70	7,150.00	95	13,314.54		
46	12,437.20	71	7,150.00	96	11,568.99		
47	7,150.00	72	7,535.00	97	19,270.49		
48	7,150.00	73	7,535.00	98	7,144.85		
49	10,400.00	74	7,535.00	99	7,150.00		
50	10,400.00	75	7,535.00	100	7,150.00		
51	7,800.00	76	7,535.00	101	7,150.00		
52	7,800.00	77	9,900.00	102	8,602.45		
53	7,800.00	78	11,133.04	103	8,959.39		
54	7,800.00	79	17,310.18	104	8,866.33		
55	7,800.00	80	9,749.95	105	9,028.33		

NOTICE: This plat lies within a protected Stream Corridor, as defined and regulated in City of Lenexa, Kansas Code, Article 4-10. Restrictions on the use or alteration of the Stream Corridor may apply.

FLOODPLAIN NOTE: A portion of the property lies within flood ZONE X (FUTURE BASE FLOOD) defined as "Areas of the annual chance flood based on future conditions hydrology. No Base Flood Elevations determined". Scaled and shown hereon based on the FEMA Map No. 2209-C0001G, Revised August 3, 2009. The remaining of property is classified as being in ZONE X, defined as "Areas determined to be outside the 0.2% annual chance floodplain".

I HEREBY CERTIFY THIS PLAT WAS PREPARED UNDER MY DIRECT SUPERVISION BASED ON A FIELD SURVEY PERFORMED ON 07-21-2023. THE DETAILS SHOWN ARE TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE AND BELIEF.

Aaron T. Reuter - Land Surveyor
KSR 181-926



LEGEND:
● FOUND MONUMENT AS NOTED
○ FOUND 1/2" REBAR W/LS-4 CAP UNLESS OTHERWISE NOTED
□ SET 1/2" REBAR W/LS-4 CAP UNLESS OTHERWISE NOTED
--- BUILDING LINE
--- STREAM SETBACK BUILDING LINE
--- DRAINAGE EASEMENT
--- RIGHT-OF-WAY
--- SANITARY SEWER EASEMENT
--- UTILITY EASEMENT
--- MINIMUM LOT AND PROPERTY LINES
--- EXISTING LOT AND PROPERTY LINES
--- EXISTING PLAT AND RAW LINES

A 15'-50'-wide Landscape Easement or "LE" on all lots and tracts adjacent to and parallel with Interior Street Right-of-Way Lines is hereby dedicated to the City of Lenexa, Kansas, and the Homeowners Association. Maintenance of the "LE" shall be the responsibility of the lot owner.

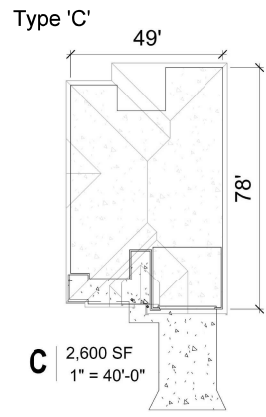
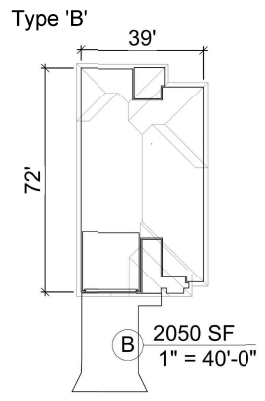
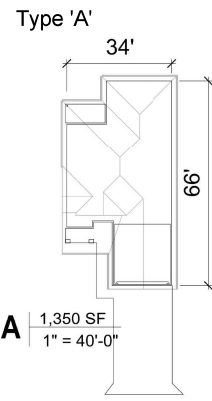
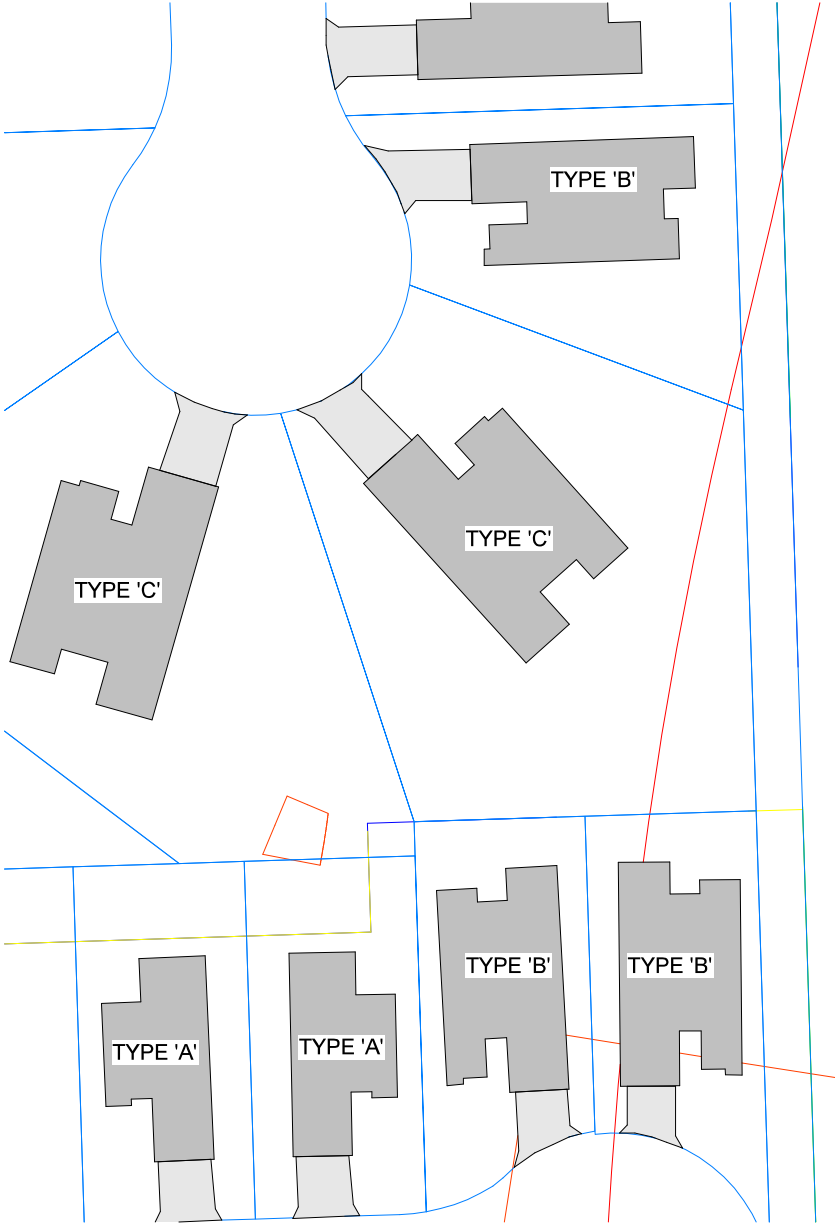
RESTRICTIONS:
The use of all Lots and Tracts of land in this subdivision shall hereafter be subject to the Declaration of Covenants, Conditions and Restrictions which will be filed at the Office of the Register of Deeds of Johnson County, Kansas and shall hereby become a part of the dedication of the plat as though fully set forth herein. All property owners in this subdivision are required to be members of the Homeowners Association referenced in the Declaration.

TRACTS F, G and H: Are to be owned by the HOA and shall be used for landscape buffer, open space and stormwater treatment.
TRACTS I, J and K: Are to be owned by the HOA and are intended to be used for amenities such as trails, sidewalks, monument signs and private open space.
Maintenance of said tracts shall be the responsibility of the HOA. Membership in the HOA shall be mandatory for each property owner and their future heirs and successors of property as shown on this plat, and for each property owner and their future heirs and successors of property that later become part of the subdivision. In the event the HOA no longer lawfully exists or fails to maintain these tracts, then maintenance shall be the responsibility, shared equally, of the owners of property that are part of the subdivision, whether herein platted or by joining the subdivision in a later development phase.

The ground floor area classification for lots in this plat is Class "F".
Aerially recorded tracts shall be recorded with subdivision infrastructure.
This plat shall not be filed by the Register of Deeds unless filing is within 720 calendar days after the City of Lenexa Governing Body approval date, inclusive.

DATE 10/25/2023
DRAWN BY JMT
CHECKED BY SCM
PROJ. NO. 23-179
FINAL PLAT OF STONERIDGE NORTH SECOND PLAT
SHEET NO. 1 of 2

REFERENCE PLAN ONLY - NOT FOR CONSTRUCTION USE

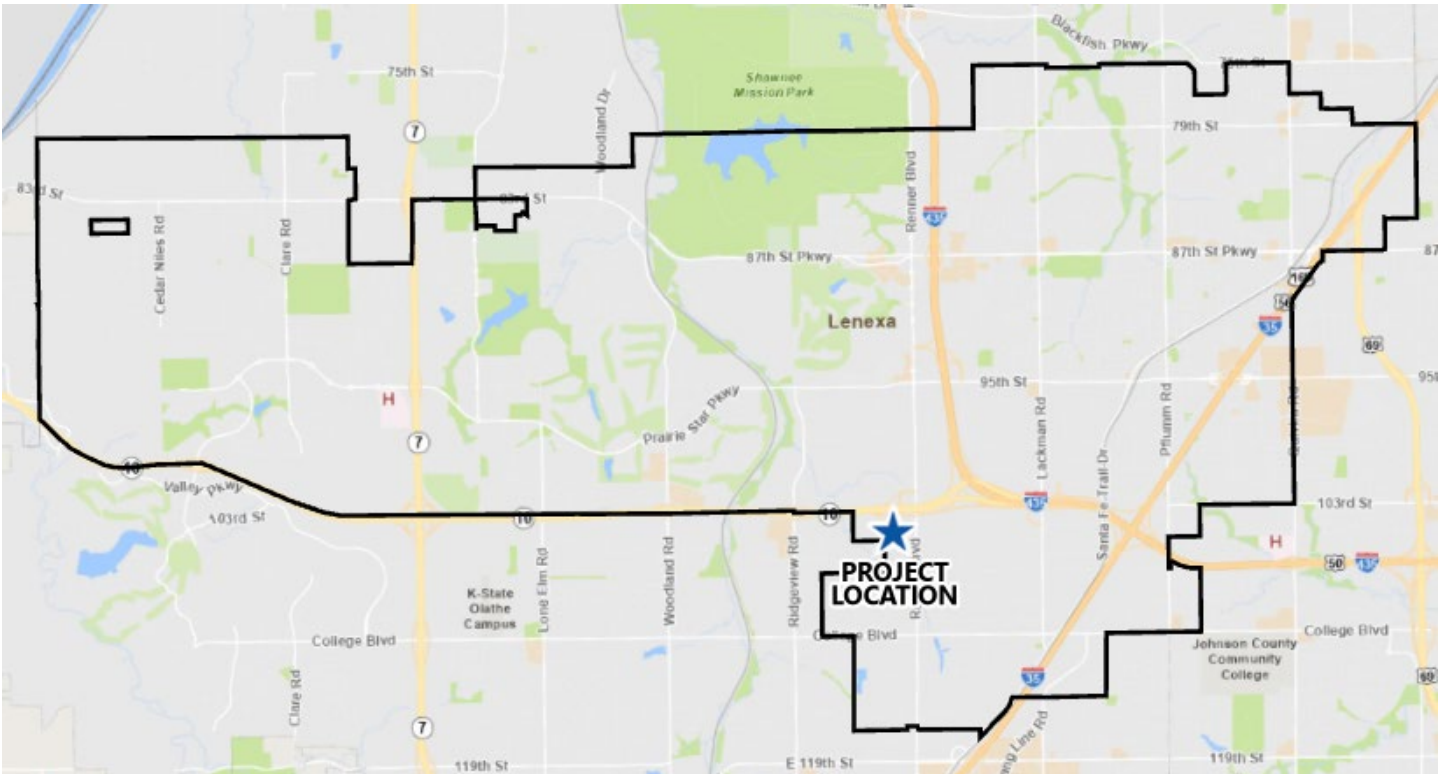


① Site - Callout
1" = 40'-0"

A-1	
CLASSIFICATION PLAN	VERSION: 1
DATE: 5/14/24	
<p>This plan has been produced for the purpose of construction only. Any unauthorized use is prohibited by law without the express written consent of Arisc Homes.</p>	
<p>PLAN: STONE RIDGE</p> <p>ADDRESS: Enter address here</p> <p>CUSTOMER: Owner</p> <p>Plans, specifications and pricing subject to change without notification. Plans must be printed at 11"x17" for accurate scale.</p> <p style="text-align: right; font-size: small;">© Copyright Arisc Homes, LLC</p>	

MINING & QUARRY RECLAMATION

Project #:	PL24-05F	Location:	Southwest Corner of K-10 Highway and Renner Boulevard
Applicant:	Cole Anderson, Bettis Asphalt	Project Type:	Final Plan
Staff Planner:	Kim Portillo, AICP	Proposed Use:	Mining & Quarry



PROJECT SUMMARY

The applicant requests approval of a final plan for a mining and quarrying operation at the southwest corner of K-10 Highway and Renner Boulevard. The purpose of this operation is to stabilize and reclaim an undermined area of approximately 80 acres located within the South Mining TIF District. Reclamation of the site is necessary before the surface of the site can be developed. The plans include construction of turn lanes along Renner Boulevard. The proposed final plan is consistent with the approved preliminary plan (PL22-09P) and special use permit (SU22-07) which were approved by the Governing Body on April 16, 2022. This project does not require a Public Hearing.

STAFF RECOMMENDATION: APPROVAL

SITE INFORMATION

The site area includes five parcels and 80 acres of undermined land in the AG, Agricultural and BP-2, Planned Manufacturing Zoning Districts. Mining of what was known as Holland Mine No. 1 began on the subject properties in 1976. The mine progressed east as tunnels were excavated under Renner Boulevard (formerly Renner Road) and operations on this site ceased in 1987.

The applicant received approval by the Governing Body for a preliminary plan and special use permit for mining and quarrying on August 16, 2022 (PL22-09P, SU22-07). The special use permit did not include use of the site as an asphalt plant. All fill brought into the site will be comprised of suitable fill material. The special use permit is valid for five years and will expire in August 2027, at which time the applicant can file an application to renew the special use permit, if necessary. The special use permit and preliminary plan were approved with conditions discussed under the *Final Plan Review* section of this staff report.

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
80.2	N/A	AG, BP-2	Business Park



Exhibit 1: Aerial Image of Subject Site

LAND USE REVIEW

The site includes five parcels within two zoning districts, the AG Agricultural District and the BP-2, Planning Manufacturing District. The proposed use is *mining and quarrying*, which is allowed with the approved special use permit. The site is currently limited in productive uses because it is an unstable undermined area. Reclamation activity is one of a limited number of suitable uses for the site in its current state. The parcels immediately adjacent to the property are undeveloped and thus would not be negatively affected by the proposed reclamation project.

Mid-States Materials, LLC/Bettis Asphalt (“Mid-States”) will be the operator of the mine and quarry and has provided the following operational details:

- Mid-States estimates there will be five to seven employees on-site.
- Proposed hours of operation are:
 - Sale, production, and removal of rock: Monday – Friday 6 AM to 6 PM
 - Blasting: Monday – Friday subject to Fire Department approval, within Lenexa’s typical blasting hours of 8 AM and 4 PM.
 - No weekend activity.
- Operations will include:
 - Topsoil Stripping and Overburden
 - Topsoil will be stripped away and used to berm the perimeter of the property. The berms will be seeded to provide screening of operations.
 - Overburden material, including clay and shale, will be excavated to be used as fill to flatten the area of the crushing plant in the initial phase.
 - Blasting
 - Blasting of the site will occur to break rock. Mid-States will follow the requirements of Section 3-6-B-3 (Blasting). This includes monitoring the vibration and noise performance standards of the explosive energy expended during all quarry operations with calibrated seismographs to ensure compliance with blasting regulations. Mid-States has experience blasting at multiple other quarry sites using a blasting method that documents hole patterns to yield the best breakage with least vibration.
 - Processing
 - After blasting, the broken limestone is processed to different sizes by the crushing plant. The material is run through a crusher, conveyed to a screen, crushed a second time, and added to the stockpile area. The processing plant and stockpile area will remain in the same location (at the southwest corner of the site) during the duration of operations.
 - Airborne dust is controlled at the plant with a water suppression system consisting of pumps spraying water at various points along the crushing equipment.
 - Rock Sales
 - Processed materials will be offered for sale to support the costs of the mining operation. Rock will be loaded onto trucks and weighed at the scale. Purchasers of rock will remain in their vehicles as material is loaded by quarry workers. Material will be sold wholesale to cities, counties, and private contractors or companies.
 - Reclamation
 - Reclamation will begin in an area as soon as quarrying is complete, with the path of reclamation following the path of mining and quarrying. Overburden material, in the form of clay and shale, excavated from the subsequent phase will be used for reclamation fill as operations move to the next area.

- Clean rubble material may be brought into the site for reclamation fill purposes. Rubble used for fill must be visibly free of trash and debris but may include dirt, sand, shale, topsoil, rock, stone, brick, and concrete free of rebar.
 - Upon completion of the mining, the topsoil kept in berms will be redistributed over reclaimed areas for final grading and seeding of the site.
 - Oversight
 - City Staff will conduct periodic inspections to monitor fill materials and operations to ensure compliance with the stated operations.
 - Additional monitoring will be performed by the following government oversight agencies in accordance with their own policies:
 - United States Department of Homeland Security Bureau of Alcohol, Tobacco and Firearms;
 - United States Department of Mine Safety and Health Administration, United States Environmental Protection Agency;
 - Kansas Department of Health and Environment- Bureau of Water;
 - Kansas Department of Health and Environment- Bureau of Air;
 - Kansas Department of Agriculture; and
 - Kansas State Conservation Commission.
 - This site is not approved for use as an asphalt plant.

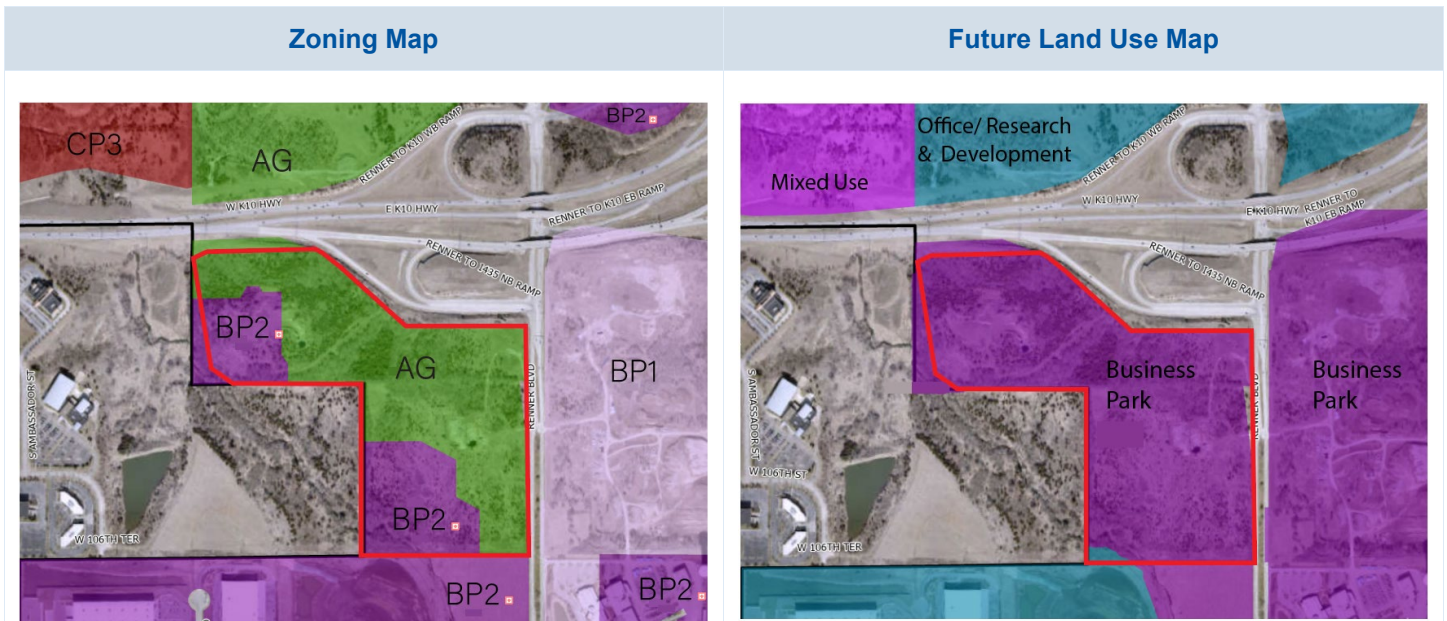


TABLE 1: COMPARISON OF SURROUNDING PROPERTIES

Vicinity	Land Use Designation	Zoning	Current Use
Subject Property	Business Park	AG, Agricultural District, BP-2, Planned Manufacturing District	Undermined Vacant
North	K-10 Highway	K-10 Highway	K-10 Highway
South	Business Park & Office/Research & Development	BP-2, Planned Manufacturing District	Vacant Industrial
East	Business Park	BP-1 Planned Business Park (Across Renner Blvd)	WaterOne (Across Renner Blvd)
West	Employment Area (Olathe)	BP Planned Business Park (Olathe) & R-4 Medium Density Multifamily (Olathe)	Vacant Business Park and Vacant Multifamily

FINAL PLAN REVIEW

The intent of this application is to reclaim undermined property that is not developable in its current unstable state due to the condition of the mine and ongoing mine failures. Removal of the material from the surface to the floor of the existing mine will remove the underground cavities and void spaces. The removed material will subsequently be processed so that it can be compacted back into the excavated area to provide a stable ground surface that will then have the potential for future surface development.

The intent of the quarry component and rock sales operations is to provide a form of revenue stream to assist with and offset some of the high costs of remediation by selling the remaining limestone. The roof slab, room columns, and floor slab of the mine all consist of limestone which was the material the mine was originally created to extract.

The anticipated duration of site operations is 7.5 years.

Exhibit 2 (at right): Proposed operational timeline.

Site Prep	3-Months	Restoration/Mining Operations	5 years	Remediation/Reclamation	2.5 years
Clear and Grub site	2 weeks	Mine south site	2-years	Begin processing berm material for an engineered fill to bring site up	1.5 year
Install erosion and sediment control measures and remove overburden	6 weeks	Adjust operations as necessary, mine mid-site	1.5 years	Complete fill/leveling of site to final grades	6 months
Prepare Site Operations	4 weeks	Adjust operations as necessary, mine north site	1.5 years	Remove site operations	3 months
Complete Renner turn lanes	6 weeks			Cover with topsoil/vegetate site	3 months
				Total Duration	7.5 years

The conditions of approval from the special use permit and preliminary plan will be upheld with the final plan.

SPECIAL USE PERMIT SU22-07 CONDITIONS OF APPROVAL

1. Hours of operation shall be limited to Monday through Friday, 6:00 a.m. to 6:00 p.m. Rock crushing equipment shall not be used before 7:00 a.m.
2. Blasting shall be limited to Monday through Friday, 8:00 a.m. to 4:00 p.m. and shall only occur with an approved permit from the Fire Department.
3. Land use buffers shall be maintained as listed below. No quarry/mining operations, blasting, parking, structures or uses shall be permitted within the land use buffers and existing vegetation shall be preserved.
 - a. A buffer of 100 feet in depth be preserved along the northern property line abutting K-10 Highway.
 - b. A buffer of 25 feet in depth be preserved along the southern and western portions of the property line abutting residentially zoned areas of Olathe. This is a deviation from the required 400 feet.
 - c. A buffer of 25 feet in depth be preserved along the eastern property line abutting Renner Boulevard and all other property lines.
4. All public improvements to Renner Boulevard must be completed prior to operations commencing.
5. Reclaimed portions of the site shall be graded to no more than a 3:1 slope and shall be seeded and maintained with appropriate vegetation.

PRELIMINARY PLAN PL22-09P CONDITIONS OF APPROVAL

1. A final plan shall be submitted and approved prior to commencement of the mining/quarrying operations. The final plan shall address the following:
 - a. The required stormwater study, addressing Lenexa's stormwater requirements;
 - b. The stream buffer on-site appropriately identified and means of protection identified;
 - c. Submittal of a final grading plan, depicting how the site will be graded upon completion of the special use permit/reclamation activity; and
 - d. Submittal of a final vegetation plan, depicting how the site will be appropriately vegetated upon completion of the special use permit/reclamation activity.
2. Public improvement plans for Renner Boulevard shall be submitted and approved, with the infrastructure constructed prior to commencement of mining/quarrying operations.

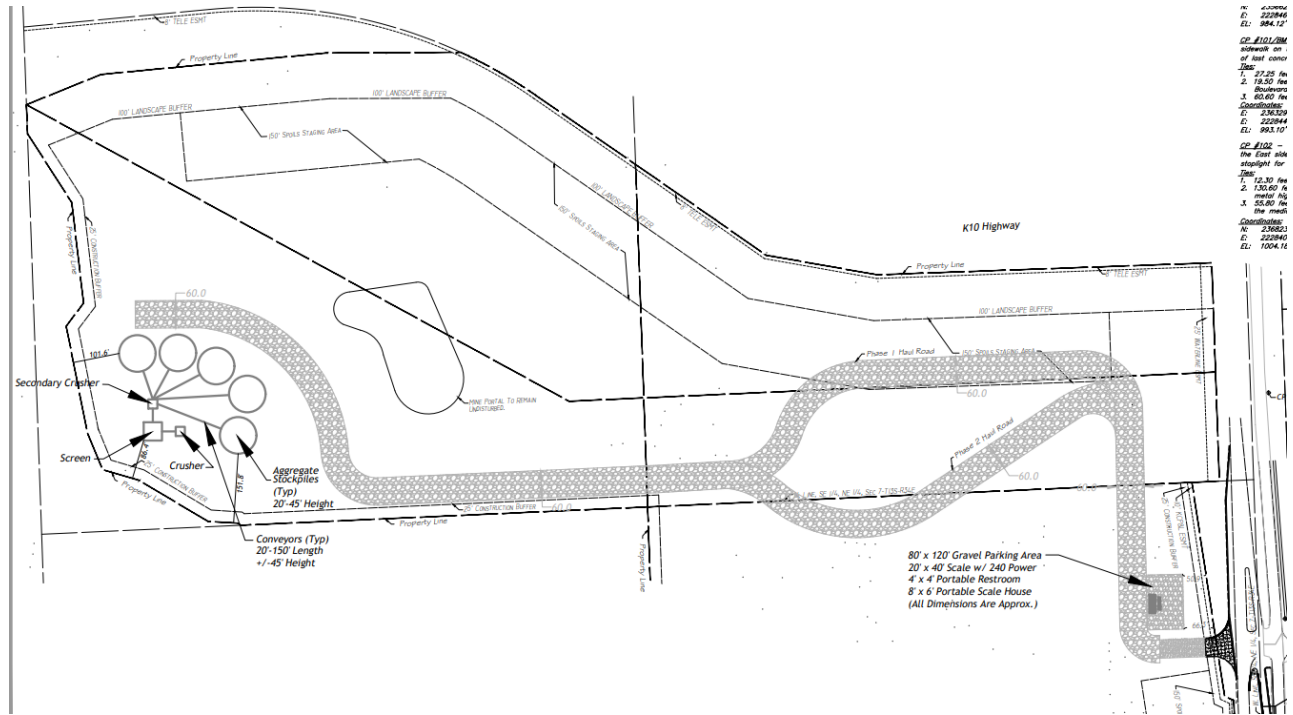


Exhibit 3: Operational site plan, northern portion.

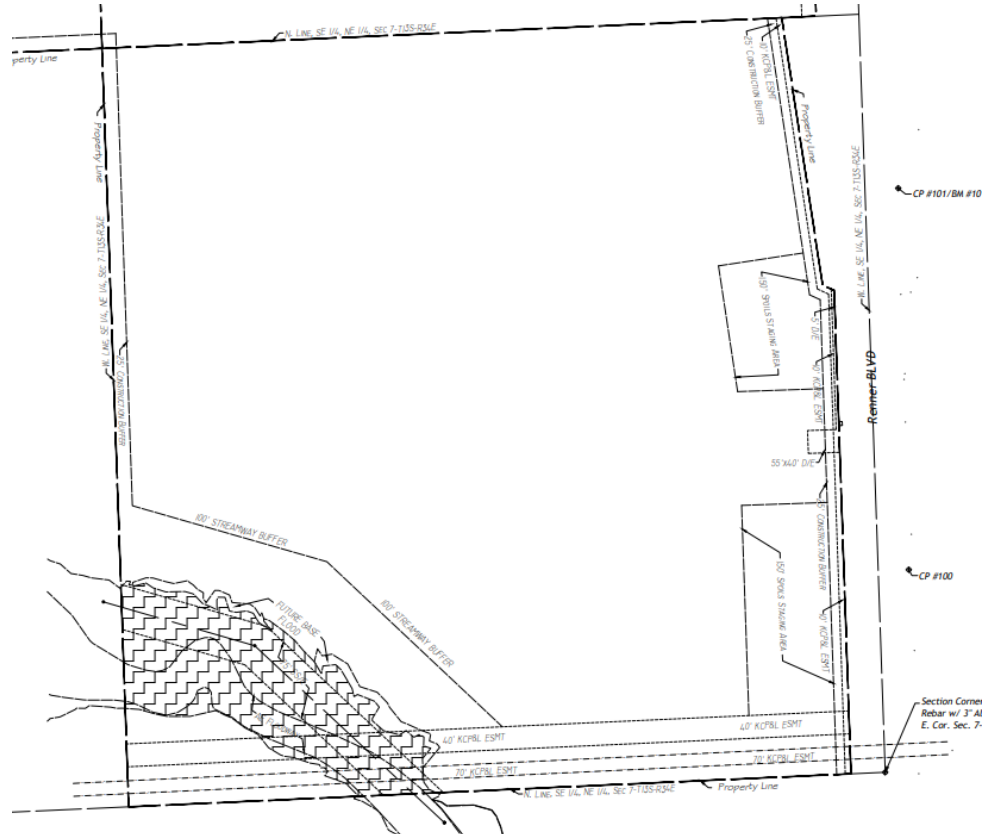


Exhibit 4: Operational site plan, southern portion

DIMENSIONAL STANDARDS

There are no permanent structures existing or proposed on the site. All equipment, temporary office buildings, haul roads, and parking will remain outside of the required buffers.

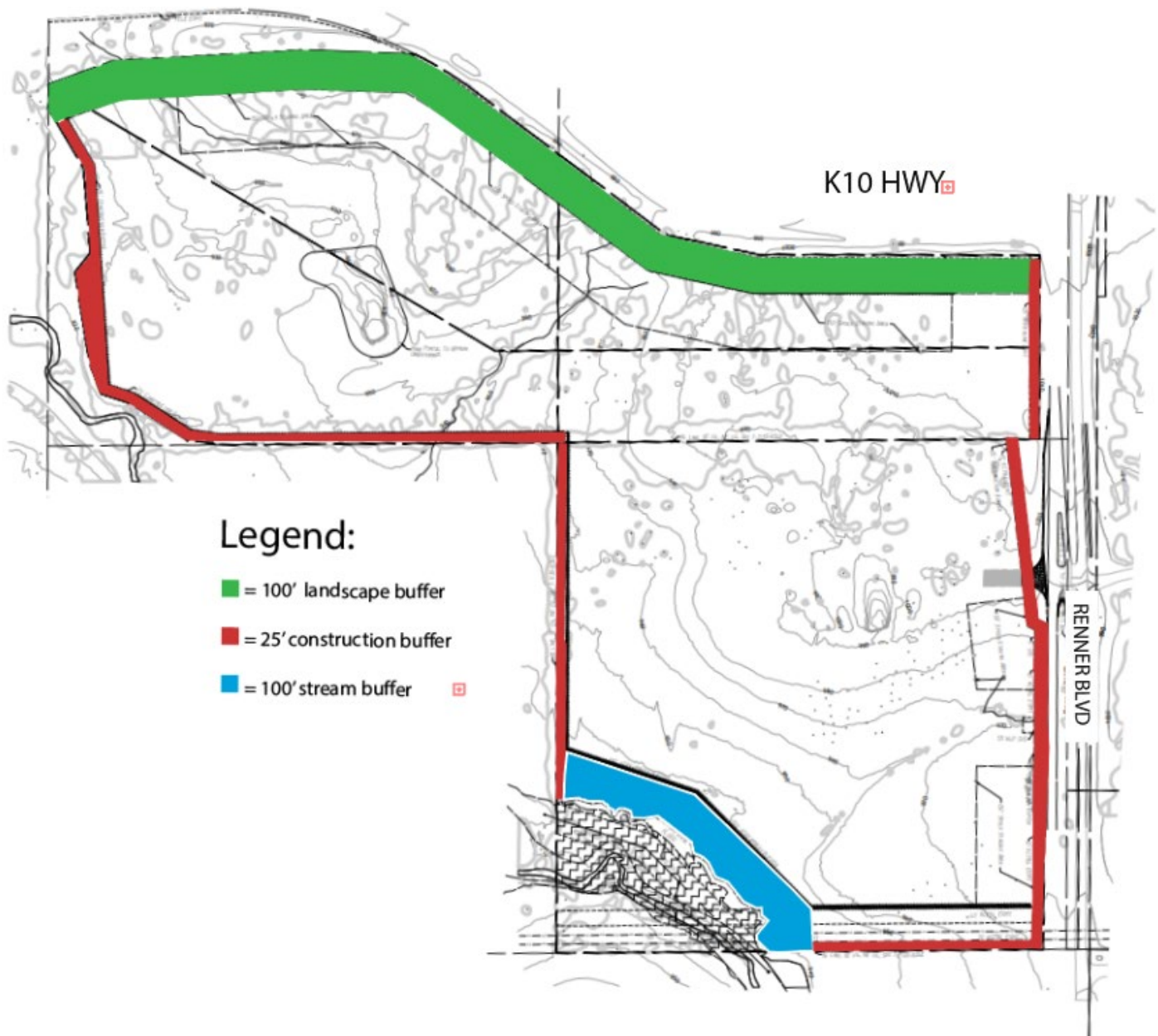


Exhibit 5: Buffer areas

PUBLIC IMPROVEMENTS

The plan requires improvements to Renner Boulevard to include a southbound right turn lane and a northbound left turn lane. The applicant is responsible for the public improvements and has currently started construction of said lanes. The required turn lanes will mitigate adverse impacts of traffic turning onto and from Renner Boulevard.

ACCESS, TRAFFIC, AND PARKING

The site will be accessed from Renner Boulevard with the use of new turn lanes to be installed. Renner Boulevard is an arterial road. The site will be required to have proper vehicle exiting areas to remove rocks and dirt from tires before exiting onto Renner Boulevard, which will be designed and installed with the project's Site Development Permit.

Commercial circulation within the site will be on a designated gravel haul road.

The Unified Development Code does not identify a specific parking requirement for mining and quarrying use but rather notes that parking requirements shall be determined by the City. Staff review of proposed parking was based on site-specific considerations such as the number of employees and the type of operation. The operational characteristics of this site as a mine and quarry are distinctive from typical development which would require a permanent parking lot. The temporary parking area for this operation will resemble that of a construction site with a gravel parking area located near the site entrance. The proposed parking is adequate per Staff's review of the plans and operations.

STORMWATER

The applicant provided a stormwater study as required with the preliminary and special use approvals in 2022. This study identifies how the applicant intends to protect the nearby stream resources (stream and stream buffer) during the operational life of this project. This will be done with sediment basins in each of the three site drainage areas along with all other appropriate erosion and sediment control measures (silt fence, etc.) necessary to minimize the movement of sediment off-site and into the streamway.

FIRE PREVENTION

The Fire Department reviewed the plans based on the current adopted fire codes and local amendments. Based on the Lenexa Fire Department Blasting Permit Policy, a blasting permit is valid for the specified thirty-day period. Extensions will be considered on a case-by-case basis. Extensions will not be approved if delays are avoidable or manageable by the permit holder.

LANDSCAPING

A landscape area of 100-feet will be preserved along the north property line buffering the quarry from K-10 Highway. Topsoil berms around the perimeter of the site with a maximum height of 35-feet will be seeded during operation of the mine. The topsoil berms will be deconstructed and redistributed among the site following completion of mining and refilling. The overall site will be seeded once final grades are achieved.



Exhibit 6: Vegetation shown within red outline to be preserved.

ARCHITECTURE

There are no permanent structures being proposed as part of this final plan. There will be a temporary trailer used for office operations and equipment kept on site. The equipment includes a portable scale, conveyor belt, and crusher. These items are necessary and standard for a mining and quarrying site. The temporary buildings and equipment will be removed upon expiration of the special use permit and/or completion of the site remediation. The temporary trailer and equipment are located outside of the required buffer areas.

DEVIATIONS

The applicant is not requesting any new deviations from the Unified Development Code (UDC) with this final plan application. A deviation to reduce a portion of the south and west buffer from 400 feet to 25 feet was approved with the preliminary plan, to allow a greater portion of the site to be remediated.

NEXT STEPS

- The Planning Commission is the final authority for approval of this project.
- The applicant must apply for and receive all appropriate permit(s) prior to commencing quarry development and beginning operations. Potential permits include but are not limited to: a Site Development Permit, a Blasting Permit, an EPA NPDES Permit, etc.
- The applicant must obtain a Business License prior to opening for business.
- The applicant will be responsible for all pertinent State and Federal requirements and permits required for this project.
- The applicant should inquire about additional City requirements and development fees.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ Staff recommends approval of the proposed Final Plan for Mining & Quarry Reclamation.

- This is a final plan application following approval of a preliminary plan and special use permit for a mining and quarrying site to remediate a portion of undermined area located at the southwest corner of K-10 Highway and Renner Boulevard. The intent of this application is to mine the remaining materials from the site and reclaim the land as a developable site.
- The project is consistent with Lenexa's goals through *Responsible Economic Development* to create a *Thriving Economy*.

FINAL PLAN

Staff recommends **approval** of the final plan for PL24-05F – **Mining & Quarry Reclamation** at the southwest corner of K-10 Highway and Renner Boulevard, for a mining and quarrying use in compliance with special use permit SU22-07.



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

Mining & Quarry Reclamation





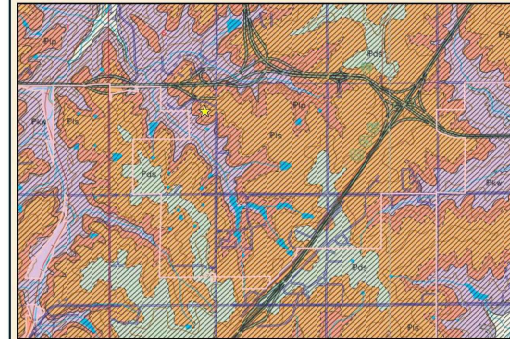
GEOLOGIC MAP OF JOHNSON COUNTY,
KANSAS
2000



KANSAS GEOLOGICAL SURVEY
THE UNIVERSITY OF KANSAS
MAP M-92

Geology mapped by Howard C. O'Connor in 1954-1961

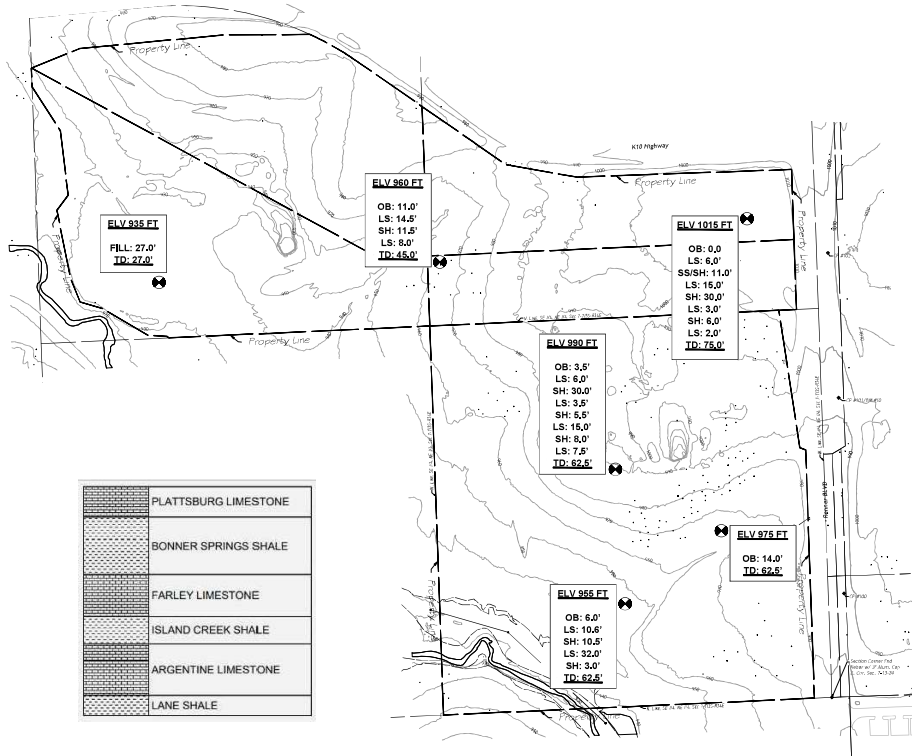
Computer compilation
and cartography by
Joseph A. Hines
Kim S. Hap
Hans Oles
E. C. Cross



EXPLANATION

- Siltstone
- Shale with concretions
- Cherty limestone
- Coal or lignite
- Sand and gravel, conglomerate, or "medial wash"
- Limestone
- Shale or claystone
- Unconformity
- Sandstone or sand
- Crinoidal limestone

Unit	Stratigraphic Column	Geographic Column
Fis	South Bend Ls	Stanton Ls
	Rocky Ford Sh	Stanton Ls
	Stanton Ls	Stanton Ls
Fip	Stanton Ls	Vice Sh
	Stanton Ls	Vice Sh
	Stanton Ls	Vice Sh
Flw	Spring Hill Ls	Plattsburg Ls
	Victory Creek Sh	Plattsburg Ls
	Merrim Ls	Plattsburg Ls
Flc	Bonner Springs Sh	Lane Sh
	Fairly Ls	Lane Sh
	Wood Creek Sh	Lane Sh
Flk	Argentine Ls	Wyanotte Ls
	Argentine Ls	Wyanotte Ls
	Argentine Ls	Wyanotte Ls
Flid	Liberty Memorial Sh	Liberty Memorial Sh
	Liberty Memorial Sh	Liberty Memorial Sh
	Liberty Memorial Sh	Liberty Memorial Sh
Flidc	Raplan Ls	Iola Ls
	Juneau Creek Sh	Iola Ls
	Juneau Creek Sh	Iola Ls
Flidc	College Grove Sh	Chanute Sh
	College Grove Sh	Chanute Sh
	College Grove Sh	Chanute Sh
Flidc	Nine Sh	Dewey Ls
	Nine Sh	Dewey Ls
	Nine Sh	Dewey Ls
Flidc	Westerville (Drum) Ls	Nella (By Fr)
	Westerville (Drum) Ls	Nella (By Fr)
	Westerville (Drum) Ls	Nella (By Fr)
Flidc	Wes Sh	Cherryvale Sh
	Wes Sh	Cherryvale Sh
	Wes Sh	Cherryvale Sh
Flidc	Winterset Ls	Dennis Ls
	Winterset Ls	Dennis Ls
	Winterset Ls	Dennis Ls
Flidc	Stook Sh	Stook Sh
	Stook Sh	Stook Sh
	Stook Sh	Stook Sh
Flidc	Bethany Falls Ls	Bethany Falls Ls
	Bethany Falls Ls	Bethany Falls Ls
	Bethany Falls Ls	Bethany Falls Ls



	PLATTSBURG LIMESTONE
	BONNER SPRINGS SHALE
	FARLEY LIMESTONE
	ISLAND CREEK SHALE
	ARGENTINE LIMESTONE
	LANE SHALE

ELV 980 FT
OB: 11.0'
LS: 14.5'
SH: 11.5'
ID: 8.0'
TD: 45.0'

ELV 1015 FT
OB: 0.0'
LS: 6.0'
SS/SH: 11.0'
LS: 15.0'
SH: 30.0'
SH: 3.0'
SH: 6.0'
LS: 2.0'
ID: 75.0'

ELV 990 FT
OB: 3.5'
LS: 6.0'
SH: 30.0'
LS: 3.5'
SH: 5.5'
LS: 15.0'
SH: 8.0'
LS: 7.5'
ID: 62.5'

ELV 975 FT
OB: 14.0'
ID: 62.5'

ELV 955 FT
OB: 6.0'
LS: 10.6'
SH: 10.5'
LS: 32.0'
SH: 3.0'
ID: 62.5'

LEGEND

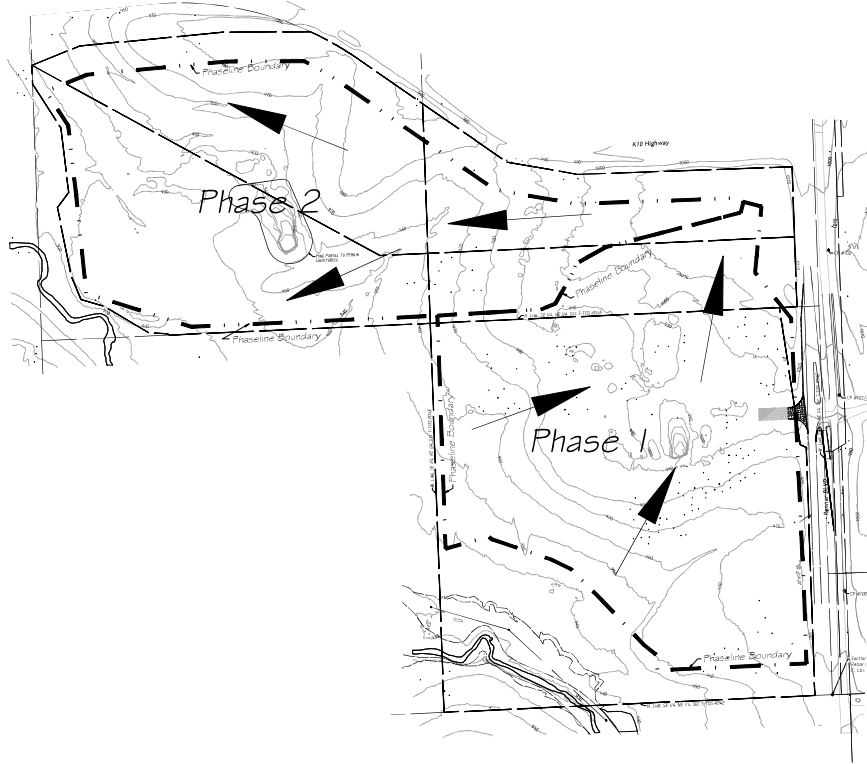
- OB OVERBURDEN
- LS LIMESTONE
- SH SHALE

Date of Preparation:
5/3/2024

NO.	BY	DATE	REVISION
1	DWR	5/17/24	Per City Comments

LENEXA QUARRY
10510 RENNER BLVD
LENEXA, KS 66219
COMPOSITE

Certificate of
Authorization:
KANSAS
ENGINEER - E-205
ENGINEER - 2017006824



▲ Denotes Mining Direction

LEGEND

- OB OVERBURDEN
- LS LIMESTONE
- SH SHALE

Date of Preparation:
5/3/2024

NO.	BY	DATE	REVISION

Hometown
15720 S Keeler St, Ste 100 Olathe, KS, 66062 | 913-256-5296





PROJECT BENCHMARKS

Modified State Plane (Project Ground Coordinates), NAD83
1501 - Kansas North, U.S. Feet
Vertical = NAVD83, U.S. Feet

CAF = 0.9999292
To get to State Plane:
Coordinates x CAF = State Plane

CP #102 - Set "x" cut Northwest corner of concrete entrance to field of East side of Renner Boulevard, North of Water One property.

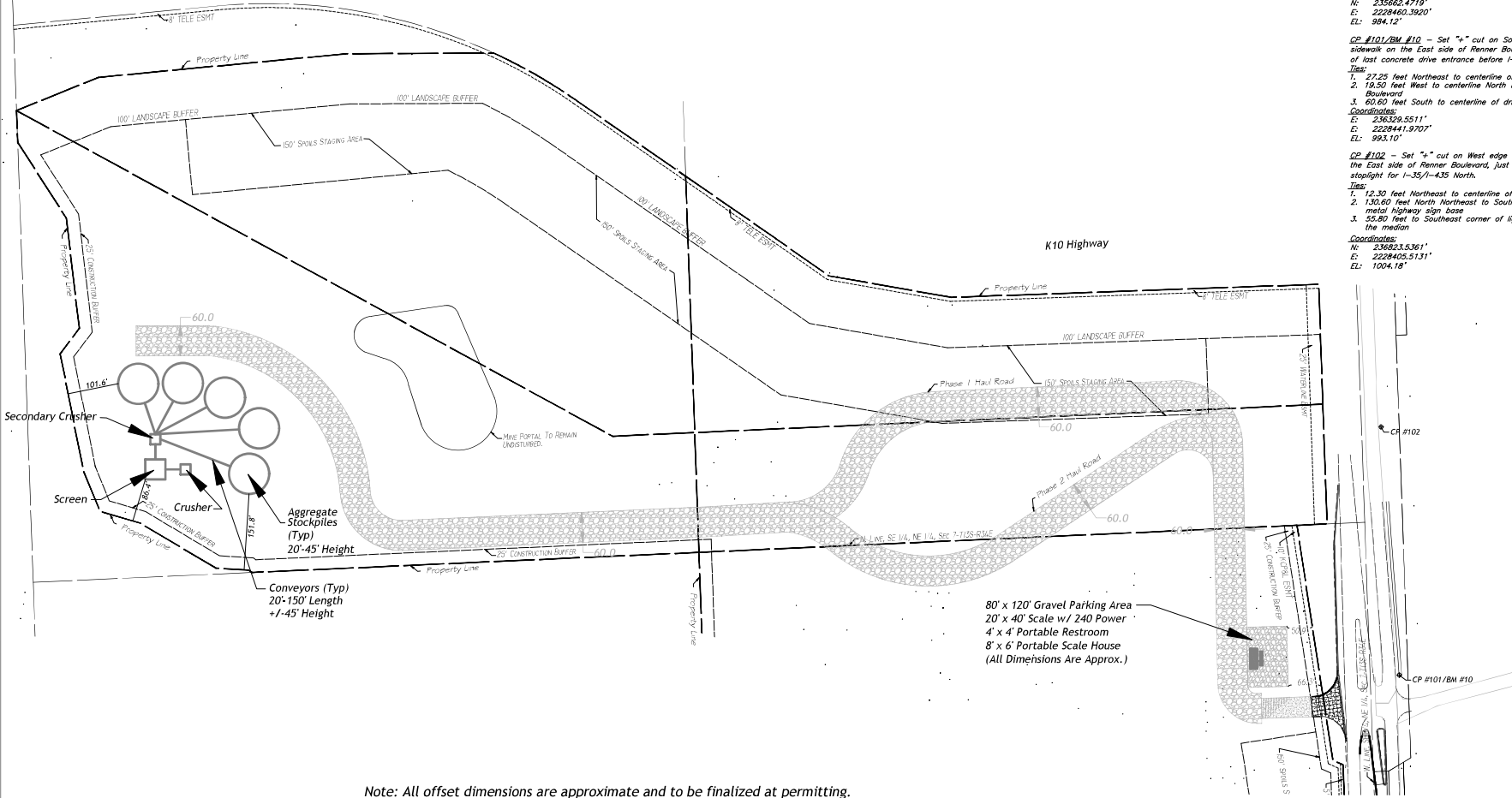
- Tics:
1. 14.80 feet West to centerline of Renner Boulevard
 2. 25.30 feet West Northwest to Southeast corner of light pole
 3. 68.60 feet Northeast to South face of power pole
- Coordinates:
N: 235582.4719'
E: 2228460.3920'
EL: 984.12'

CP #101/BM #10 - Set "x" cut on Southwest corner of sidewalk on the East side of Renner Boulevard, just North of last concrete drive entrance before I-435/I-35 signal.

- Tics:
1. 27.25 feet Northeast to centerline of fiber vault
 2. 18.20 feet West to centerline North bound of Renner Boulevard
 3. 60.60 feet South to centerline of drive entrance
- Coordinates:
E: 236329.5511'
E: 2228441.9707'
EL: 993.10'

CP #102 - Set "x" cut on West edge of sidewalk on the East side of Renner Boulevard, just South of stoplight for I-35/I-435 North.

- Tics:
1. 12.30 feet Northeast to centerline of fiber vault
 2. 130.60 feet North Northeast to Southwest cap on metal highway sign base
 3. 55.60 feet to Southeast corner of lightpole base in the median
- Coordinates:
N: 236821.5361'
E: 2228405.5131'
EL: 1004.18'



Note: All offset dimensions are approximate and to be finalized at permitting.

Legend
Denotes Gravel Drive

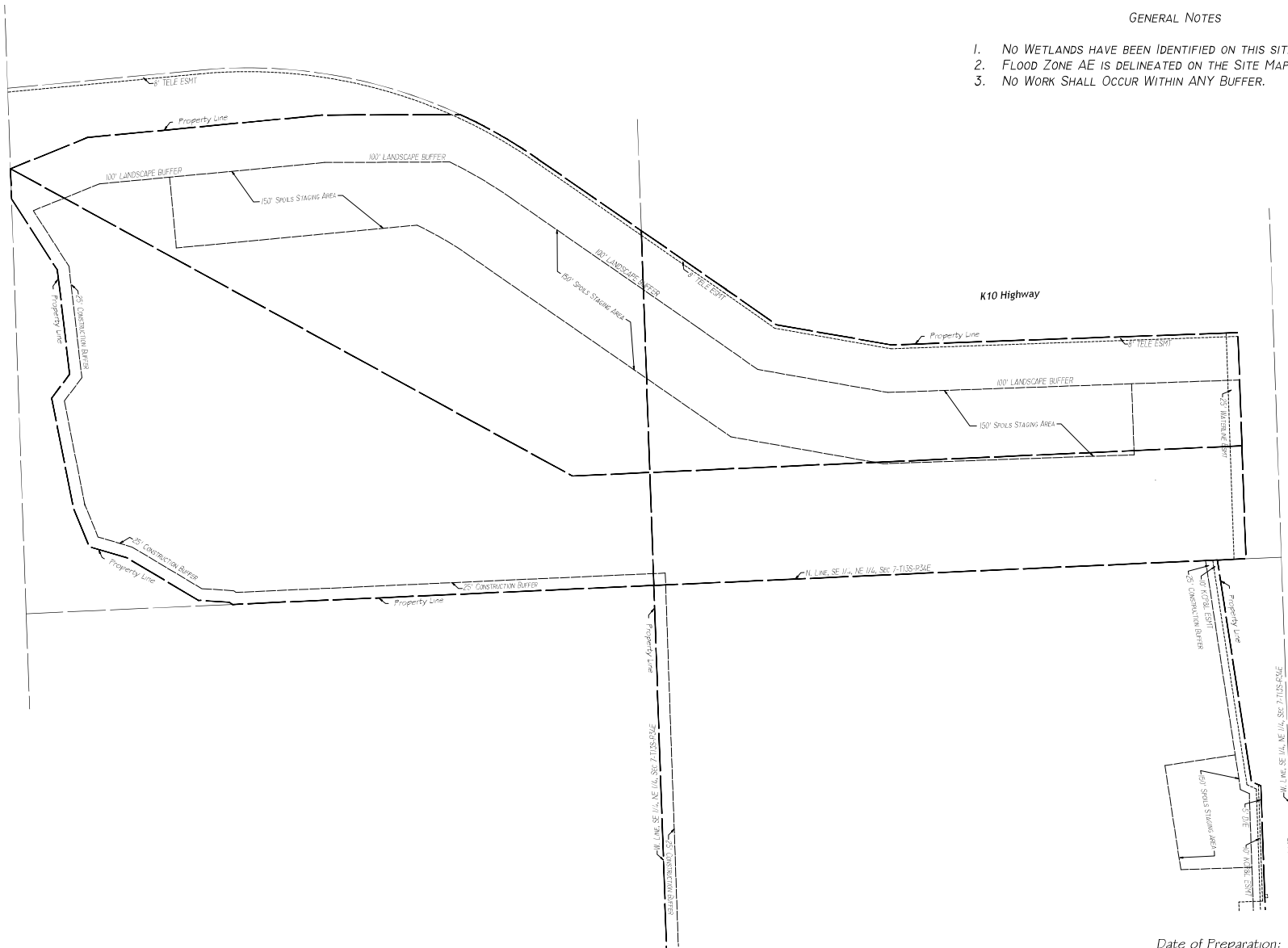
Date of Preparation:
5/3/2024

NO.	BY	DATE	REVISION
1.	WBW	5/17/24	Per City Comments



GENERAL NOTES

1. NO WETLANDS HAVE BEEN IDENTIFIED ON THIS SITE.
2. FLOOD ZONE AE IS DELINEATED ON THE SITE MAP.
3. NO WORK SHALL OCCUR WITHIN ANY BUFFER.



Date of Preparation:
5/3/2024

NO.	BY	DATE	REVISION



GENERAL NOTES

1. NO WETLANDS HAVE BEEN IDENTIFIED ON THIS SITE.
2. FLOOD ZONE AE IS DELINEATED ON THE SITE MAP.
3. NO WORK SHALL OCCUR WITHIN ANY BUFFER.

PROJECT BENCHMARKS

Modified State Plane (Project Ground Coordinates), NAD83
1501 - Kansas North, U.S. Feet
Vertical - NAVD83, U.S. Feet

CAF = 0.99999292
To get to State Plane:
Coordinates x CAF = State Plane

CP #100 - Set "u" cut Northwest corner of concrete entrance to field of East side of Renner Boulevard, North of Water One property.

Ties:

1. 14.60 feet West to centerline of Renner Boulevard
2. 58.30 feet West Northwest to Southeast corner of light pole
3. 68.60 feet Northeast to South face of power pole

Coordinates:
N: 235662.4719'
E: 2228400.3920'
EL: 984.12'

CP #101/BM #10 - Set "u" cut on Southwest corner of sidewalk on the East side of Renner Boulevard, just North of last concrete drive entrance before I-435/I-35 signal.

Ties:

1. 27.25 feet Northeast to centerline of fiber vault
2. 19.50 feet West to centerline North bound of Renner Boulevard
3. 60.60 feet South to centerline of drive entrance

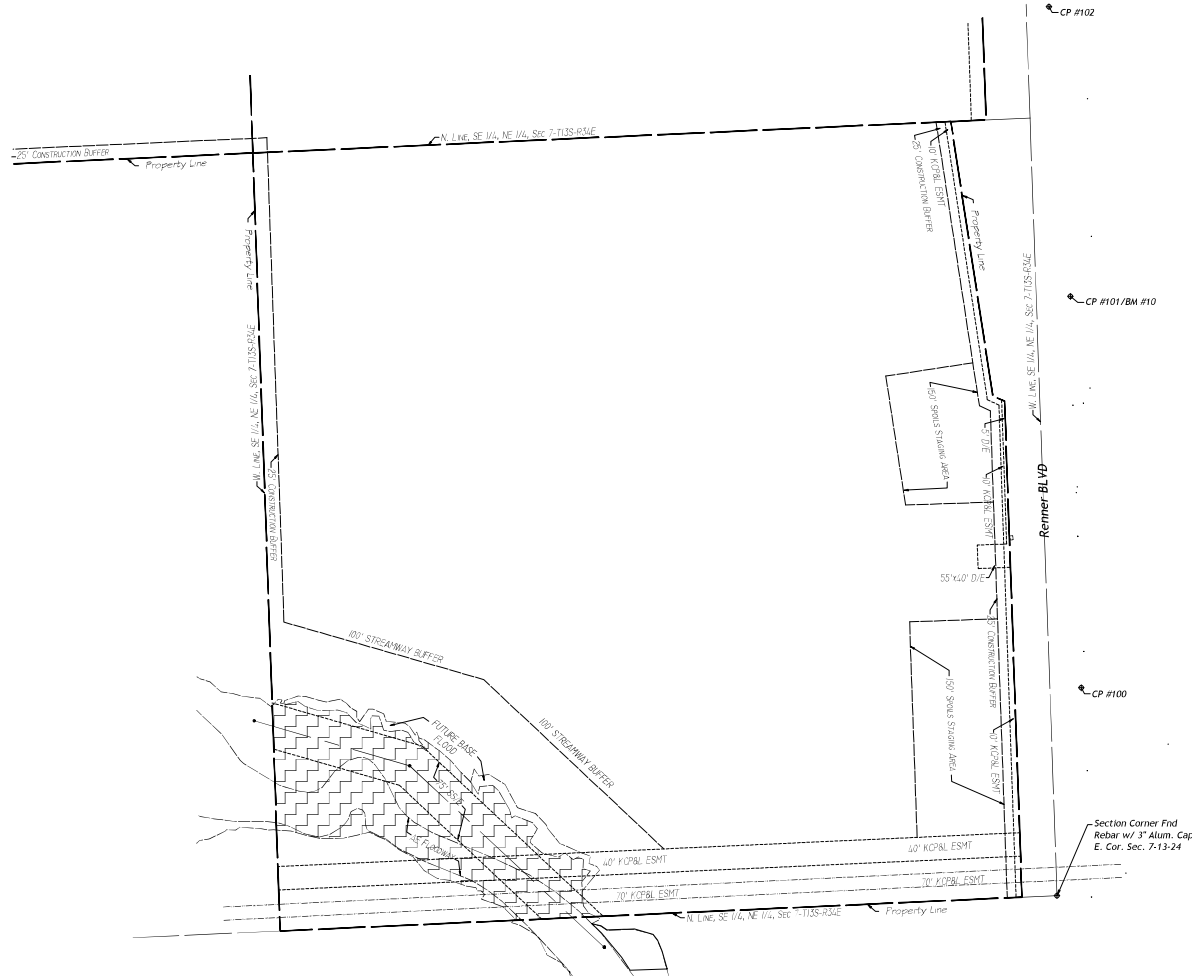
Coordinates:
E: 236359.5511'
E: 2228441.9707'
EL: 993.10'

CP #102 - Set "u" cut on West edge of sidewalk on the East side of Renner Boulevard, just South of stoplight for I-35/I-435 North.

Ties:

1. 12.30 feet Northeast to centerline of fiber vault
2. 130.60 feet North Northeast to Southwest cap on metal highway sign base
3. 58.80 feet to Southeast corner of lightpole base in the median

Coordinates:
N: 236803.5361'
E: 2228405.5131'
EL: 1004.18'



Date of Preparation:
5/3/2024

NO.	BY	DATE	REVISION
1	OWB	5/17/24	Per City Comments

Response to Summary of Comments on Mining-Quarry Reclamation combined docs725714 (4).pdf

Please acknowledge that an asphalt plant is not part of the approved operations under the Special Use Permit.

Response: Mid-States Materials, LLC (Mid-States) acknowledges that an asphalt plant is not part of the operation under the Special Use Permit.

Any blasting on the site will require a blasting permit prior to the commencement of blasting or storage of explosives. Details on the blasting permit will need to be worked out prior to any blasting starting on site.

Response: Mid-States will get a blasting permit prior to blasting.

The plan set calls out a spoils staging area along the perimeter of the site. Provide an explanation of what this is. Include information about what spoils are, what the staging area is used for, how long this area will be used, maximum height, and other information that would explain exactly what this is to someone with no knowledge of mining. Include a sample image of a spoils staging area.

Response: “Spoils” is another name for overburden/topsoil. The maximum height for a spoil pile or stockpile berm is 35’. Overburden/topsoil was described in the operations section.

Topsoil that is stripped will be used to berm the perimeter of the current Phase. The berms are aesthetically shaped and seeded to provide screening of operations. Topsoil is then used at the end of mining for final grading and seeding. All other overburden material (clay and shale) are used to reclaim during the current mining process and used to fill in the mining pit behind the mining direction.

What is the maximum number of employees that will be on site at once? Will they park in the gravel area? Will there be enough parking to accommodate employees and potential buyers or other visitors to the site?

Response: We anticipate 5-7 employees on site. They will park in the gravel area. Potential customers will not be allowed to get out of their trucks. There will be additional parking in the gravel area.

Based on similar operations at other sites, what is the anticipated average number of trucks in/out per day for sale and removal of rock?

Response: This is a market driven question that is impossible to answer.

Provide an image of the crusher, secondary crusher, and conveyor as shown on the site plan.



The City of Lenexa is Currently under the 2018 ICC codes except for the energy code (2012) All building permits issued after April 1, 2019 shall follow the 2018 International Fire and Building codes and the City of Lenexa local amendments. Any future buildings will need to be designed and constructed according to the adopted fire code and amendments at the time of building permit. The City of Lenexa is looking to adopt the 2024 ICC codes with local amendments in early 2025.

Response: All buildings will be designed and constructed according to the adopted fire code and amendments at the time of the building permit.

LENEXA COMPREHENSIVE PLAN



PROJECT SUMMARY

The Comprehensive Plan represents the City’s official roadmap for the future, which is intended to guide Lenexa for the coming years. The Comprehensive Plan is a policy guide that outlines actions to work towards achieving the City’s vision. It will serve as an important decision-making tool for City officials, residents, business owners, developers, and other stakeholders within Lenexa. It is intentionally broad in nature, addressing issues relating to land use, growth, housing, economic development, transportation, community facilities, infrastructure, and other relevant topics.

In 2021, the City embarked on a major update to the Comprehensive Plan. Extensive staff, Steering Committee, and public engagement have occurred since 2021 and a draft of the Plan was prepared and shared with the public at an open house on March 27, 2024. A report reflecting the comments received at the open house and recommended revisions to the draft Plan was shared with the Planning Commission and City Council at a joint meeting on April 23, 2024. Feedback at the joint meeting was provided to Staff and a revised [draft Plan](#) was generated, which is the draft under consideration at this time. This project requires a Public Hearing.

STAFF RECOMMENDATION: APPROVAL

HIGHLIGHTS OF THE DRAFT PLAN

- A vision statement and 14 goals with associated policy statements
- Area of change map (reimagining areas to address changing market trends)
- Revised transportation network and recreation trail maps
- Incorporating policies for:
 - Complete neighborhoods (mixing housing types and amenities)
 - Missing middle housing (duplex, row houses, etc.)
 - Context-sensitive design
 - Vision 2040 values and nodes
 - Encouraging appropriate redevelopment of commercial areas
 - Expanding recreational trails
 - Strengthening policies that model sustainability throughout the plan
 - Annual reviews and implementation

JOINT PC/CC FEEDBACK

Feedback at the joint meeting was provided and a revised draft Plan was generated. The only change to the draft Plan was to revise the classification of a property located in the area west of K-7 and south of the 99th Street alignment per the maps below (Exhibits 1 and 2) from High-Density Residential to Medium-Density Residential (green dot). This was based on neighborhood feedback during the open house and acknowledgement that the High-Density Residential classification, often used as a buffer between a state highway and residential area, was less appropriate at the noted location. Instead, the Medium-Density Residential classification was viewed as more appropriate given the Suburban-Density Residential classification to the immediate north.

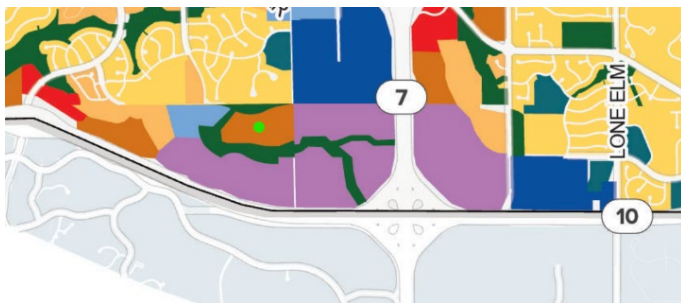


Exhibit 1: Original draft Plan reflecting High-Density Residential



Exhibit 2: Revised draft Plan reflecting Medium-Density Residential

POST JOINT PC/CC MEETING COMMUNICATIONS

After the joint Planning Commission/City Council meeting held April 23, 2024, Staff was approached by Greg Sieve, a resident of Canyon Creek Highlands neighborhood, which is located north of the property changed from High-Density Residential to Medium-Density Residential regarding the alignment of future 99th Street. Mr. Sieve requests two changes to the Plan as reflected in his attached email dated May 20, 2024, and as reflected in Exhibit 3 where the yellow line reflects the current planned alignment of future 99th Street and the green line reflects the desire of the neighborhood to push the alignment of future 99th Street to the south. The orange-hatched area reflects the requested change from Business Park to Medium-Density Residential classification.

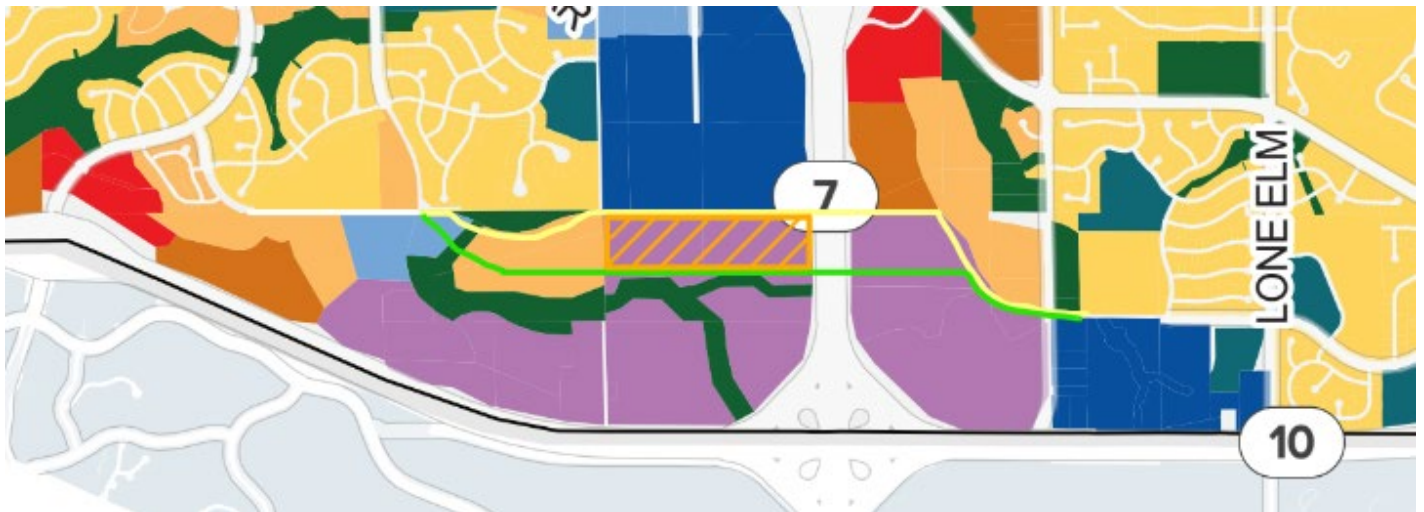


Exhibit 3: Canyon Creek Highlands neighborhood request to align future 99th Street to the south (green line) and reclassify the orange-hatched area from Business Park to Medium-Density Residential.

As noted previously, the Plan is broad in nature and many elements of development are worked out when an area becomes ripe for development. The draft Plan’s Transportation and Mobility Network Map (Exhibit 4) reflects a general alignment and expectation for an arterial street in this area as part of the overall street network.

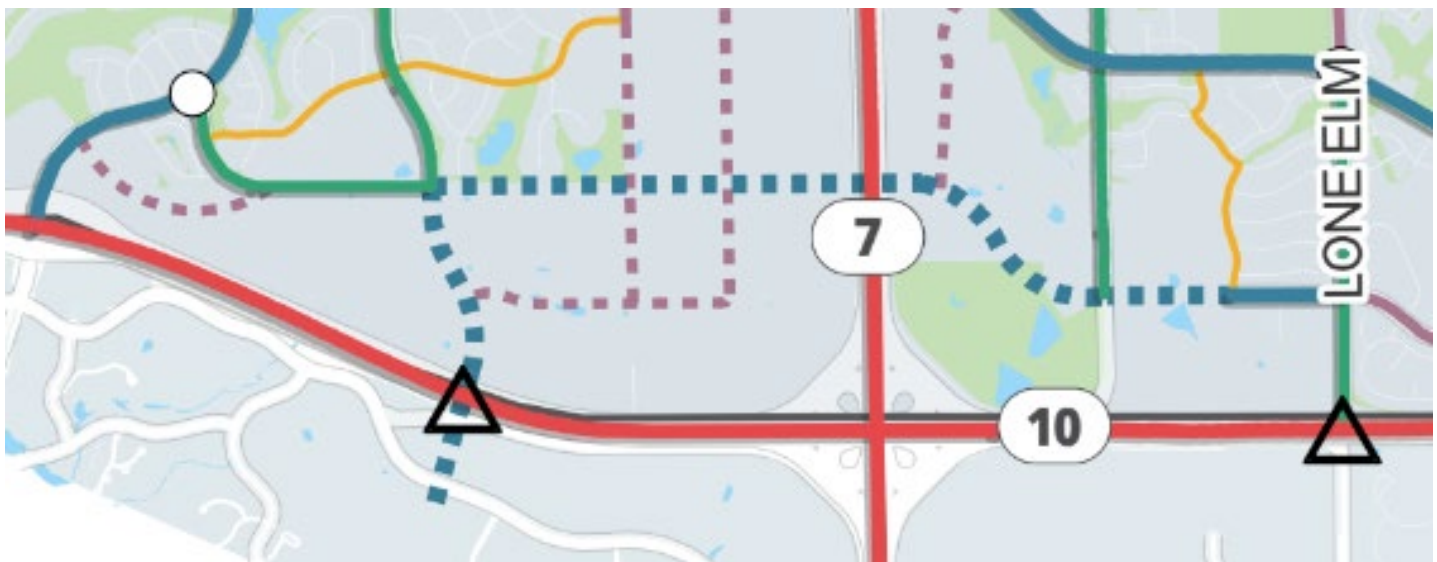


Exhibit 4: Draft Transportation Plan excerpt.

The City completed an alignment study of the subject street section circa 2006. It studied the impacts of the planned street relative to the streams, topography, flight over K-7 Highway, costs, effect on bifurcating development parcels, etc. The study provided two options for the alignment south of the Canyon Creek neighborhood (Exhibit 5 – Canyon Creek Highlands neighborhood outlined to the north of the street). Both options have the street bending south of the existing stream, but the study does not recommend alignments farther south due to significant challenges with crossing K-7 Highway, multiple stream crossings and their cost and impact to the environment, cost for retaining walls and earthwork, disruption in the continuity of travel along an arterial street, etc.

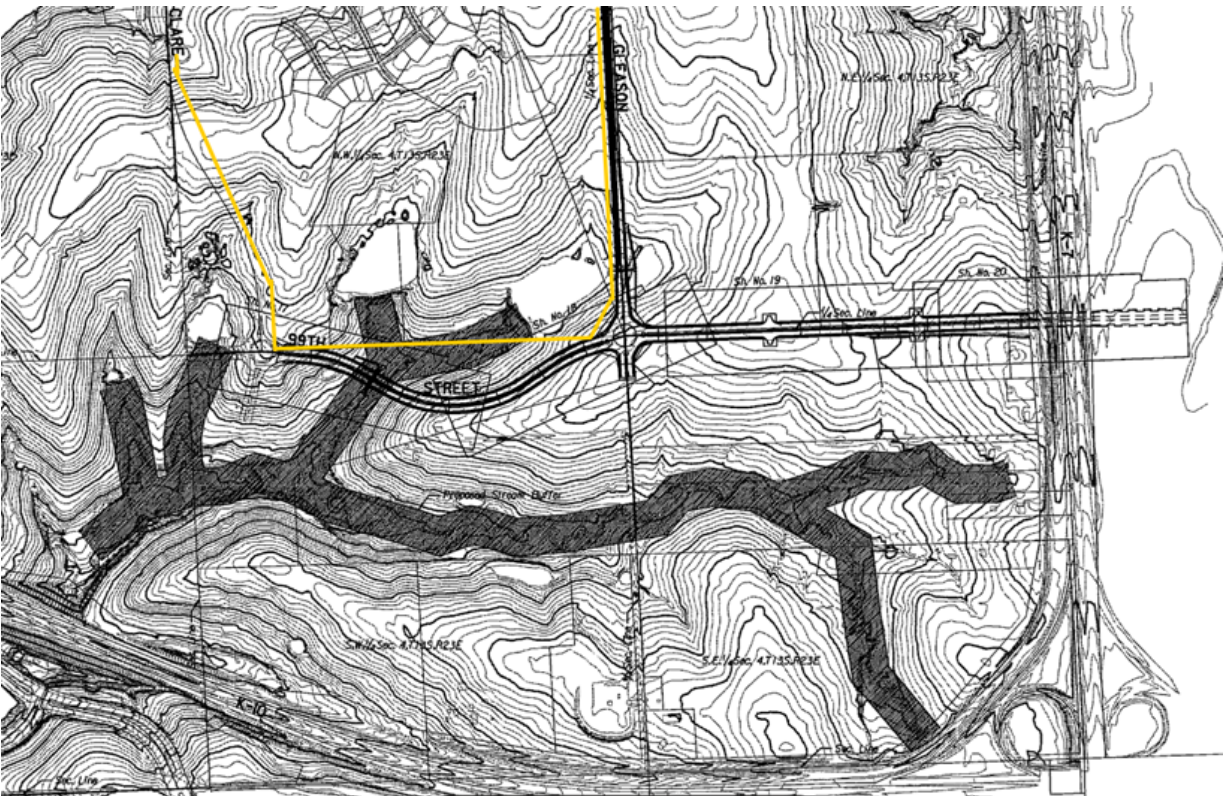


Exhibit 5: Alignment study of 2006.

It should be noted that arterial streets adjacent to single-family neighborhoods is a typical land use layout in Lenexa. Additionally, the preferred alignment is not new with this new Comprehensive Plan – it is included in the current Comprehensive Plan and the alignment study was completed in 2006.

The neighborhood would like the street pushed as far south as possible to avoid the impacts that an arterial street creates. For reasons noted, Staff believes the neighborhood will already enjoy some relief due to the stream pushing the street south. The alignment will need to be in the general location of that reflected in the 2006 study based on the reasons noted; however, the precise alignment and timing of constructing the street will be determined in the future and will take into account input from multiple stakeholders.

As for the request to reclassify the orange-hatched area from Business Park to Medium-Density Residential, Staff believes that because it is necessary to maintain the 99th Street alignment north to more efficiently fly-over K-7 Highway, classifying this area to residential would create a less-than-ideal land use pattern placing residential uses between nonresidential uses.

Staff shared the neighborhood's request with the owner of the property in question. Dan Foster with Schlager & Associates, representing the property owner, reviewed the request and offered a response in an email dated May 23, 2024 (attached).

If the street were able to locate to the south more efficiently and cost-effectively, the ideas expressed to alter its alignment and reclassify the orange-hatched area would garner greater consideration from Staff. All things considered, Staff's perspective is that the draft Plan reflects the most ideal street alignment and land use pattern based on what is known at this time. Staff believes the street alignment and Business Park classification in the draft Plan should be sustained, acknowledging that as the area becomes ripe for development the circumstances may change.

NEXT STEPS

- This project requires adoption by the Planning Commission and the City Council. Pending action from the Planning Commission, the project is tentatively scheduled for consideration by the City Council on June 18, 2024.

RECOMMENDATION FROM PROFESSIONAL STAFF

★ **Conduct a Public Hearing.**

★ **Staff recommends approval of the Lenexa Comprehensive Plan.**

- The Comprehensive Plan is consistent with Lenexa's goals through ***Strategic Community Investment, Inclusive Community Building, Responsible Economic Development, and Sustainable Policies and Practices*** to create ***Healthy People, Inviting Places, Vibrant Neighborhoods, Integrated Infrastructure and Transportation, and Thriving Economy***.

COMPREHENSIVE PLAN

Staff recommends adoption of the Lenexa Comprehensive Plan as presented.

From: Greg Sieve <gregcv106@gmail.com>
Sent: Monday, May 20, 2024 1:48 PM
To: Scott McCullough <smccullough@lenexa.com>
Cc: Bill Nicks <bnicks@lenexa.com>; Mark Charlton <mcharlton@lenexa.com>
Subject: Comprehensive Plan Update

Scott, I wanted to share with you the consensus that a group of residents of Canyon Creek Highlands arrived at after discussing the proposed changes to the Comprehensive Plan. We met as a group last Wednesday and invited Council Member, Bill Nicks, who attended the meeting, listening to our conversations and concerns first hand.

First we support the proposal to change zoning for the residential area bordering Canyon Creek Highlands to the south from high density to a maximum of medium density.

We support extending the medium residential density area beyond Gleason Road to the east to Highway 7 and bounded by the streamway to the south. This is a change from Business Park zoning to medium density residential zoning represented as the yellow cross hatch in the map below.



We discussed that by expanding this zoning it would:

***Align with conversations that multiple citizens, members of the council, and the planning and zoning committee expressed about the need for more moderately priced homes.

***Have less touch points between residential and Business Park zoning that were not buffered by existing streamways and the recommended move of 99th Street.

***It is aligned with stated requirements from the Comprehensive Plan for Business Parks bordering residential areas to have significant buffers including physical distance and opaque landscaping.

***It is aligned with Housing and Neighborhood goals #2, #2.3 and #2.5 listed below.

It is our understanding that new medium residential areas will adhere to all of the stated goals / objectives / practices in the Comprehensive Plan including those related to adjacency to established suburban density including:

***Housing and Neighborhoods Goal #2

Support a wide range of housing to support residents of all backgrounds and stages of life.

***Goal #2.3

Accommodate infill developments and consider moderate density increases in established neighborhoods where increased density is determined to be appropriate based on the context of the area.

***Context sensitive infill is defined as creating cohesive and connected neighborhoods bringing people closer to amenities and mitigate traffic congestion. Ensure that denser development is a net benefit to the community and does not detract from existing residents to utilize and enjoy their homes. Including transitions with landscape buffers, stepping back building heights, preserving existing trees and natural topography. Design higher density residential buildings to resemble and complement existing single family homes.

***Goal #2.5

Consider higher density multi family housing in areas that provide well planned transition to lower density housing.

We support modifying the 99th Street extension, proposed in 2006, to be moved to the south border of the proposed medium residential development from Clare Road to Highway 7 in a way that minimizes environmental, logistical, and economic concerns. Reference the green line versus the yellow line in the above map as a starting point for consideration.

Moving the 99th Street extension to the south would create the following outcomes:

***Joins the medium residential area with Canyon Creek Highlands aesthetically without a four lane divided road barrier.

***Enables graduated density increases starting with lower densities for homes with better aesthetic views next to green areas and retention ponds, then increased density as it progresses toward Business Park zoning boundaries and Highway 7. (Goal 2.3 and 2.5)

*** Reduces visual and noise nuisances from truck traffic

***Most importantly, it eliminates the potential of a very dangerous School Crossing zone across 99th Street if it remains where the 2006 plan places the roadway. We also have concerns for how Gleason Road may be used for truck traffic as the Canyon Creek Elementary School is bordering at 97th Street.

There was much conversation regarding the Business Park zoning to the north and west of Highway 10 and Highway 7. We are very concerned about having the possibility of a facility like an Amazon distribution center, operating 24 hours a day with heavy traffic of semi-trucks operating on 99th Street extension and Gleason Road (and extension), as their path to the highway.

If this were to happen it would make the move of 99th Street to the south an imperative for residents of

Canyon Creek Highlands and speaking for future residents of the new medium density residential area an imperative for them also.

We support the exploration of other zoning designations for the area including a return to Office/ Research, Mixed Use or some level of residential.

Scott from our conversations, we realize the Comprehensive Plan is a live document subject to change with many options that may occur based on market conditions. We also recognize that developers / investors look at the proposed zoning and may choose to invest large sums of money based on the zoning type presented. We wanted to provide you and staff with our perspectives upfront and early in the process.

Thank you for your consideration of the collective ideas of the residents of Canyon Creek Highlands.

Greg Sieve

From: Dan Foster <df@schlagelassociates.com>
Sent: Thursday, May 23, 2024 10:47 AM
To: Scott McCullough <smccullough@lenexa.com>
Cc: Andrew M Cope <andy@jocoland.com>
Subject: 20-207 RE: Comprehensive Plan Update

Thanks for the opportunity to provide input to the discussion on the alignment of 99th Street.

We appreciate the adjacent resident support of a residential land use south of Canyon Creek Highlands. We understand their concern about business park uses adjacent to single family and we support the high density residential use proposed on the reimaged comprehensive plan. We reviewed the alignment proposed by the residents but applied City standards for curves and tangents. We also reviewed the comments regarding the suggest change to 99th Street alignment. The residents had provided similar comments regarding truck traffic during the approval of the Cedar Canyon West project so we are aware of and acknowledge their concerns. After reviewing the information provided, we feel there are significant issues and challenges with changing the 99th Street alignment. Our client does not support moving 99th Street south as proposed by adjacent residents for the reasons below.

1. A preliminary alignment study was prepared for 99th Street. The alignment for the road has been established for many years and with the recent construction of 99th west of Clare, changing the alignment it not as simple as indicated on the plan provided by the residents. The intersection of 99th and Clare is under construction so that cannot move. Using the minimum City standard for tangents and curves, the alignment proposed by the residents is not possible on the west end. See comments 4 and 5.
2. 99th Street cannot move south to the location proposed by the adjacent resident because it would locate the road in an area with steeper cross slopes than the current location. It would require significant more grading resulting in removal of the stream corridor south of 99th and the City would have to acquire more property to construct the road.
3. The location of 99th Street proposed by the adjacent resident would put the multifamily and industrial uses right adjacent to Canyon Creek Highlands(sharing a common property line) instead of using the road to be part of the buffer separation between uses.
4. The location of 99th Street proposed by the adjacent resident would leave small undevelopable slivers of property between 99th and the stream corridor(that are not in the stream corridor and the right of way) so the City would have to purchase/acquire more property than just the right of way. Using the City minimum curve and tangents, 99th cannot be aligned further south without creating a small 5 acre parcel that is not really developable. This does not include the sliver that is only 100' wide between the stream corridor and 99th that is needed to transition grade from the right of way to the stream corridor.
5. Relocating 99th reduces the size of the remaining residential parcel west of Gleason so that it would also be a difficult parcel to develop.

6. Per the City street plan, there would be a commercial collector south of the stream corridor south of 99th to serve the business park uses. If 99th is moved south then the stream corridor would be sandwiched between 99th and the commercial collector which does not seem to align with the goals of the City.
7. The future interchange improvements for K-7 and K-10 interchange do not work at the location of 99th Street proposed by the adjacent resident because of the flyover ramp configuration . See attached. Moving 99th south along the adjacent single family and then curving back up to the original alignment also causes damages to the remainder business park parcels. It makes them less rectangular and creates more small slivers that are not developable.
8. The current alignment allows for the Office Research and Development parcels north of 99th to have direct access to 99th. If 99th street is moved south those parcels would no longer have direct access to 99th as shown on the original alignment study. Now those parcels would have to use Gleason and Dunraven for access.
9. The current alignment is curved along the residential to minimize impact on the stream corridor north of 99th. This creates a landscape buffer between the road and single family residential.
10. The current alignment crossing the pipeline at nearly 90 degrees which is the typical pipeline standard. Changing the alignment would change the crossing to be more angled and may not be feasible given the topography and pipeline standards.
11. Gleasons has long been the division between residential and more commercial/office uses. There might be some potential for multifamily east of Gleason, however it would need to be high density because of the context of having office, research, development and warehouse uses north and south. How far multifamily could be extended would depend on the Clare Road interchange. With no Clare Road interchange then truck would have to go north to 99th and through multifamily residential if the land use was changed. Multifamily might be extended to Dunraven, as I have seen plans from the City where Gleason terminates at 99th and does not cross the stream corridor south of 99th. It would need to be high density residential because the land use to the north, east and south would be office warehouse uses.
12. We would prefer to keep the high density designation on the future land use plan. With the topography of the current parcel shown as high density residential on the draft comprehensive plan, an RP-3 building that can step down the grade (ie 2/3 split) would fit the topography better than a medium density residential building. Ultimately any plan for that area would be a planned district that the adjacent owners can provide input and eventually need to be reviewed and require approval of the City.
13. The plan as proposed has typical and appropriate land use transitions. The business park is next to K-10 highway, then a stream corridor, then high density residential, then a typical arterial road, then a stream buffer and finally the single family.
14. As discussed at the Planning Commission and/or City Council meeting, the City has enforcement control for truck routes. When the City is able to get the Clare Road and K-10 interchange constructed most of the truck traffic from the business park uses will use the commercial collector (100th Street) south of 99th Street to access the interchange. If the Lone Elm and K-10

interchange is constructed first and 99th is extended over K-7 then truck traffic from the business park uses would go east over K-7 to that interchange or may use Dunraven to access the Prairie Star Parkway and K-7 interchange. The City will approve plans and access to Gleason from the proposed Office Research and Development uses.

We recommend keeping the alignment of 99th Street in the location currently shown. It matches the alignment study the City prepared, works with the future K-7 and K-10 interchange improvements, and works with the proposed land use plan. Please feel free to contact us if you have any questions or want to discuss our comments.

Daniel G. Foster, PLA

Principal / Landscape Architect

Direct 913-322-7142




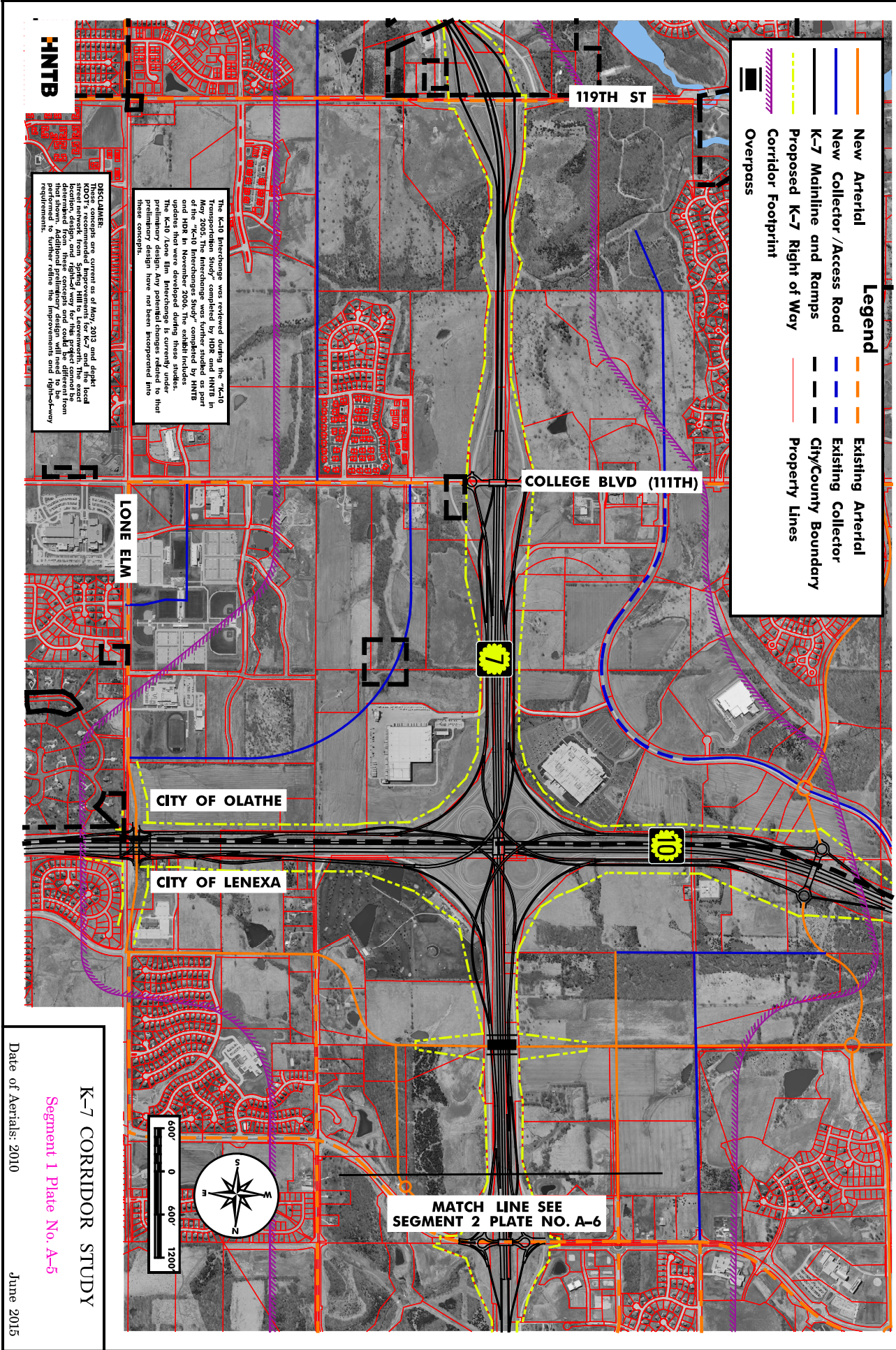
14920 W. 107th Street, Lenexa, Kansas 66215-4018

(913) 492-5158 Main

www.schlagelassociates.com

Legend

	New Arterial		Existing Arterial
	New Collector / Access Road		Existing Collector
	K-7 Mainline and Ramps		City/County Boundary
	Proposed K-7 Right of Way		Property Lines
	Corridor Footprint		Overpass



The K-7 Interchange was reviewed during the K-7-10 study. The K-7-10 study was completed in May 2005. The Interchange was further studied as part of the "K-7-10 Interchanges Study" completed by HNTB and HDR in November 2006. The exhibit includes updates that were developed during these studies. The exhibit shows the K-7-10 Interchange as a preliminary design. Any potential changes related to this preliminary design have not been incorporated into these concepts.

DISCLAIMER:
 These concepts are current as of May, 2013 and depict HNTB's recommended improvements for K-7 and the local roadway network. The K-7-10 Interchange is a preliminary location, design, and right-of-way for the project cannot be guaranteed. Additional preliminary design will need to be performed to further refine the improvements and right-of-way requirements.

K-7 CORRIDOR STUDY
 Segment 1 Plate No. A-5
 Date of Aerials: 2010
 June 2015

HNTB

MATCH LINE SEE SEGMENT 2 PLATE NO. A-6

From: Waters, David E. <dwaters@spencerfane.com>
Sent: Wednesday, May 29, 2024 9:19 AM
To: Scott McCullough <smccullough@lenexa.com>
Cc: Julie Sayers <jsayers@lenexa.com>; Beccy Yocham <byocham@lenexa.com>; Bill Nicks <bnicks@lenexa.com>; Mark Charlton <mcharlton@lenexa.com>
Subject: RE: Lenexa Comprehensive Plan--Comments for Joint Council and Planning Commission Meeting

Scott,

In advance of the June 3 Planning Commission meeting, please find attached an updated letter on behalf of my client, Mr. Andy Cope. Again, we appreciate your receiving this and giving these thoughts good consideration prior to finalization of the updated Comprehensive Plan. Thank you.

David E. Waters Partner
Spencer Fane LLP
Office Managing Partner, Overland Park, Kansas

6201 College Boulevard, Suite 500 | Overland Park, KS 66211
O 913.327.5189
dwaters@spencerfane.com | spencerfane.com

From: Waters, David E.
Sent: Friday, April 19, 2024 11:06 AM
To: smccullough@lenexa.com
Cc: Julie Sayers <jsayers@lenexa.com>; Beccy Yocham <byocham@lenexa.com>; bnicks@lenexa.com; mcharlton@lenexa.com
Subject: Lenexa Comprehensive Plan--Comments for Joint Council and Planning Commission Meeting

Scott,

In advance of the City's upcoming joint City Council and Planning Commission meeting regarding the 2024 Comprehensive Plan, please find attached to this email a letter I have prepared providing additional comments regarding the City's plan as my client, Mr. Andy Cope, and his property. We greatly appreciate your consideration. Thank you.

David E. Waters Partner
Spencer Fane LLP
Office Managing Partner, Overland Park, Kansas

6201 College Boulevard, Suite 500 | Overland Park, KS 66211
O 913.327.5189
dwaters@spencerfane.com | spencerfane.com

DAVID E. WATERS
DIRECT DIAL: 913-327-5189
dwaters@spencerfane.com

May 29, 2024

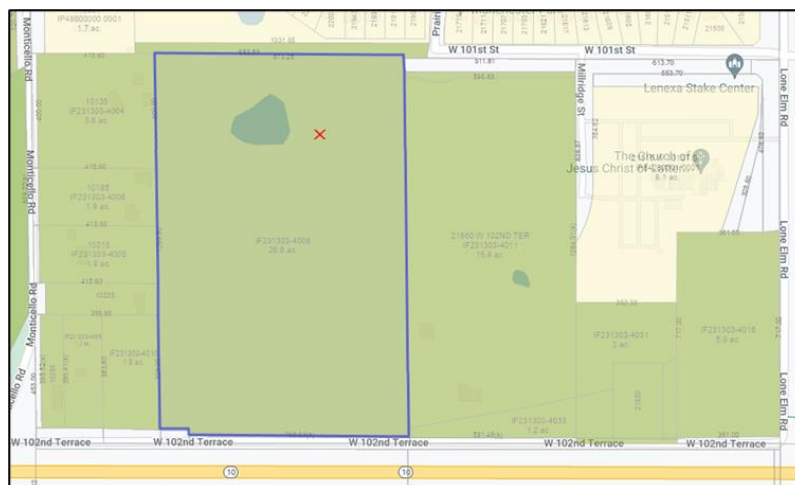
VIA EMAIL TO SMCCULLOUGH@LENEXA.COM

Mr. Scott McCullough, AICP
Community Development Director
City of Lenexa, Kansas
17101 West 87th St. Parkway
Lenexa, Kansas 66219

Re: Lenexa Comprehensive Plan Updates

Dear Mr. McCullough:

As you know, our firm represents Mr. Andrew M. Cope and certain businesses of his, including K10-A, LLC, in regard to certain property he owns in Ward 2 in the City of Lenexa. On April 19, 2024, we wrote to you and other City officials specifically regarding his property located near 102nd Terrace and Monticello Road in the City of Lenexa, as shown below:



Our April 19 letter was in regard to the City's consideration of a new Comprehensive Plan. We have not seen any drafts of a revised Comprehensive Plan following the City Council's and Planning Commission's April 23, 2024, joint work session. However, we understand that the City may still be holding out on an unrealistic expectation (or hope) that this area will develop for business or office purposes, notwithstanding that—throughout years now of this designation—it simply is not happening.

Nevertheless, we understand that the Planning Commission will again consider the Comprehensive Plan on June 3, 2024. Accordingly, for purposes of that meeting, and on behalf of Mr. Cope, we would resubmit our previous thoughts and concerns (see attached a copy of the original April 19 letter) and ask

that this letter—together with the original letter—be submitted to and included in the June 3 Planning Commission packet materials.

To summarize our previous letter, we believe it would be clear that, under the “Golden” factors, this property is most appropriate to be rezoned for mid- to high-density residential uses. As one example only, the character of the neighborhood is predominantly residential, and even the non-residential uses are ones that are compatible with—and indeed allowed in—residentially-zoned areas (churches and schools). We do not believe that an “island” of office use, in the middle of the surrounding uses, would be compatible with the character of the neighborhood. It is also unreasonable to hope that the all of the surrounding residential homes could be taken down for office uses, rendering a Comprehensive Plan that still sees the “middle” (our client’s property) as suitable for office simply unrealistic. We further daresay that the surrounding residents would not appreciate the City’s apparent plan to build office or research parks adjacent to their homes.

To that discussion, we would provide an example of a higher-density residential plan that would be appropriate for the site, one that is indicative of where the actual market is, and one that reflects the actual types of applications the City could plan on receiving:

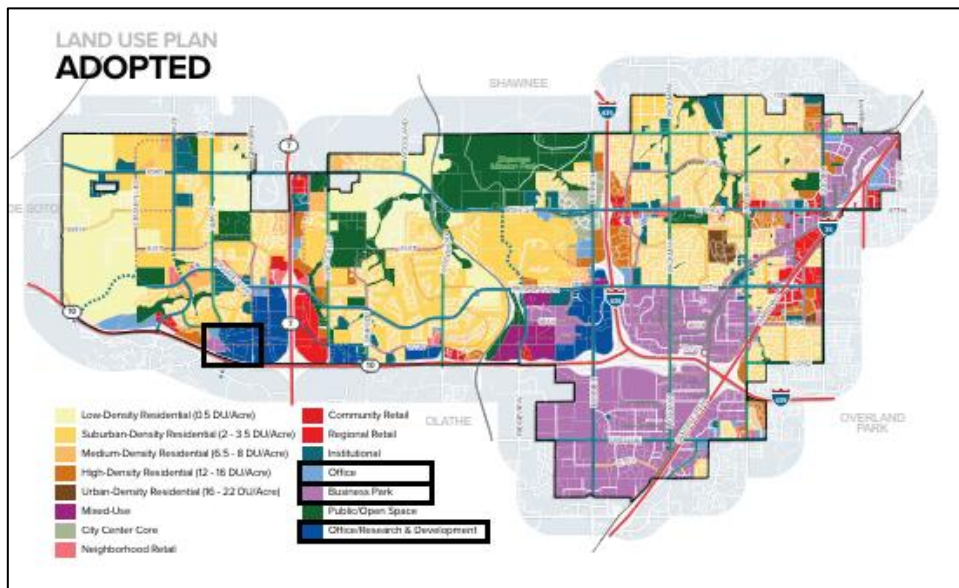


We ask that City staff, the Planning Commission, and the City Council strongly consider the knowledge and experience which Mr. Cope and his other planning professionals—who are in regular contact with the City—and move on from its insistence that office or business park uses will find success in this area of the City. This is especially true given all of the surrounding residential uses.

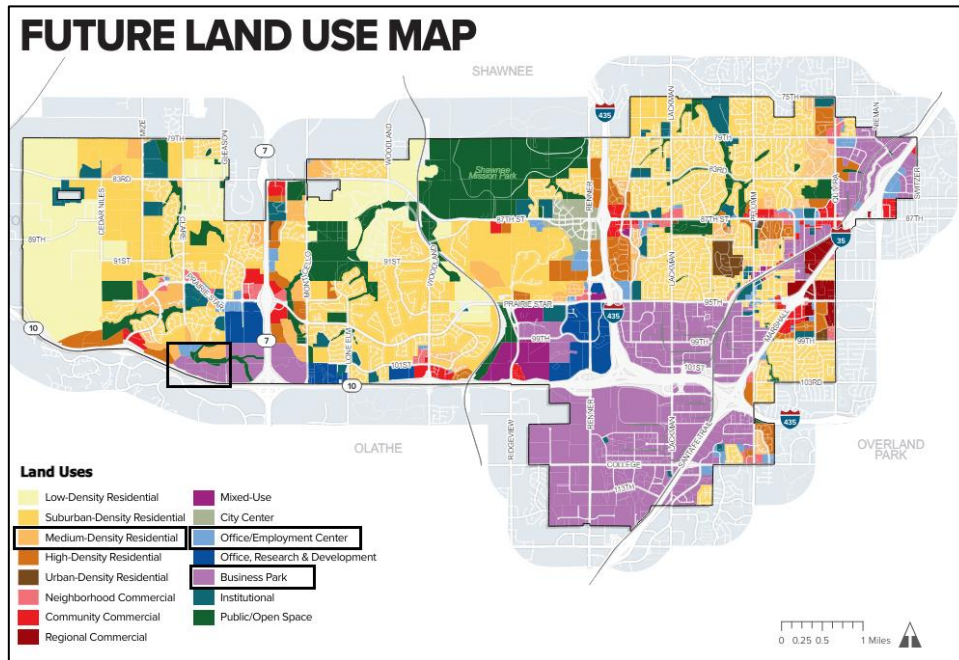
In addition, and since our last letter, we understand that other changes to the Comprehensive Plan are being proposed that would impact other of Mr. Cope's property (through K10-C, LLC), as shown outlined in blue below:



Under the current Comprehensive Plan, these properties also appear to be planned for a mix of Office/Research and Development, Office, and Business Park:



However, and notwithstanding the Comprehensive Plan, the area has not developed for office, business, or research purposes, and no interest in such uses has been shown. In perhaps partial recognition of this, the latest version of the draft revised Comprehensive Plan appears to show this area with at least some Medium-Density Residential, yet still with much Business Park and Office/Employment Center uses:



For many of the same reasons set forth in our April 19 letter, we do not believe that Lenexa’s current approach toward development of this area reflects the market (past, present, and future) and the actual likelihood of future development.

Rather, we believe that—in line with the updated Comprehensive Plan areas directly west of this area, but also adjoining K-10 highway—these areas should also allow for High- to Mid-Density Residential uses. Accordingly, Mr. Cope would request that the Planning Commission—at this time—and the City Council—when the Plan comes before it—recommend and approve such higher residential uses. We understand that City staff has supported higher residential uses for at least a portion of this area and, in further support of our position, we would offer the following comments from Mr. Daniel G. Foster, PLA, with the Schlagel firm (which comments we understand have previously been provided to you) (emphasis added below):

Gleasons has long been the division between residential and more commercial/office uses. There might be some potential for multifamily east of Gleason, however **it would need to be high density because of the context of having office, research, development and warehouse uses north and south.** How far multifamily could be extended would depend on the Clare Road interchange. With no Clare Road interchange then truck would have to go north to 99th and through multifamily residential if the land use was changed. Multifamily might be extended to Dunraven, as I have seen plans from the City where Gleason terminates at 99th and does not cross the stream corridor south of 99th. **It would need to be high density residential because the land use to the north, east and south would be office warehouse uses.**

We would prefer to keep the high density designation on the future land use plan. With the topography of the current parcel shown as high density residential on the draft comprehensive plan, an RP-3 building that can step down the grade (ie 2/3 split) would fit the topography better than a medium density residential building. Ultimately any plan for that area would be a planned district that the adjacent owners can provide input and eventually need to be reviewed and require approval of the City.

The plan as proposed has typical and appropriate land use transitions. **The business park is next to K-10 highway, then a stream corridor, then high density residential, then a typical arterial road, then a stream buffer and finally the single family.**

We agree with Mr. Foster's analysis, and we believe that the City's own criteria for reviewing rezoning application would support revisions to the Comprehensive Plan—now, at this time—that reflect the market and actual likelihood for future development.

Much of the City's rationale—as best we can tell from correspondence we have reviewed—appears to be circular, suggesting that the Comprehensive Plan cannot be appropriately changed now because of what the Comprehensive Plans of the past say. Of course, the Comprehensive Plan is not a legally-binding document but rather serves as a basis or guide for coordinated and harmonious development or redevelopment. K.S.A. 12-747(c). We believe the City should look to how nearby areas have actually developed, the prospects for actual development (not merely wishful colors on a map), the applications which the City is actually receiving for rezonings or plan approvals, and the expertise of landowners, developers, and professional consultants (including that of Mr. Cope) in how harmonious development can occur.

We ask that you share this letter with the City Council and the Planning Commission in advance of the June 3 Planning Commission meeting. I plan on attending the meeting on behalf of Mr. Cope, and will provide these comments there as well, if public comment is to be received. I and Mr. Cope would welcome the opportunity to speak further with the City on these issues in advance of that meeting and, if possible, we would ask that you help schedule such a meeting.

Thank you in advance for your and the City's kind consideration of our and Mr. Cope's requests on revisions to Lenexa's updated Comprehensive Plan. Please do not hesitate to contact us if you have any questions or if we can be of further assistance.

Best regards,



David E. Waters

DEW/dew

cc: The Honorable Julie Sayers, Mayor (via email to jsayers@lenexa.com)
Beccy Yocham, City Manager (via email to byocham@lenexa.com)
Councilmember Bill Nicks, Ward 2 (via email to bnicks@lenexa.com)
Councilmember Mark Charlton, Ward 2 (via email to mcharlton@lenexa.com)
Dave Dalecky, Planner II (via email to ddalecky@lenexa.com)

Attachment

DAVID E. WATERS
DIRECT DIAL: 913-327-5189
dwaters@spencerfane.com

April 19, 2024

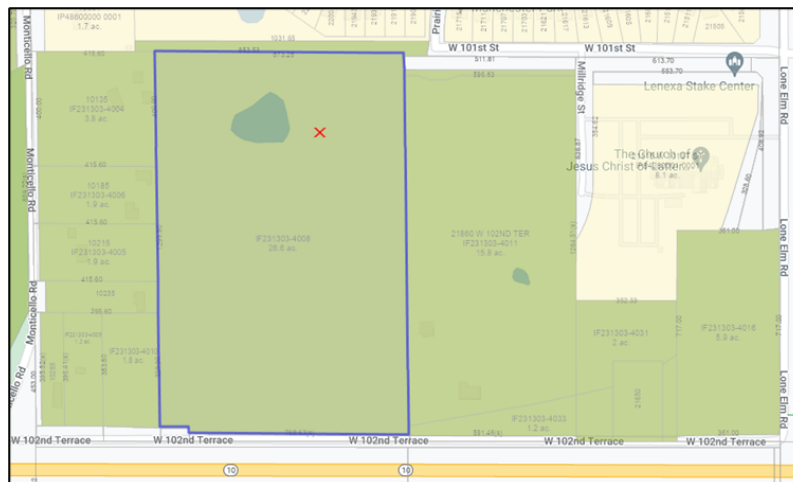
VIA EMAIL TO SMCCULLOUGH@LENEXA.COM

Mr. Scott McCullough, AICP
Community Development Director
City of Lenexa, Kansas
17101 West 87th St. Parkway
Lenexa, Kansas 66219

Re: Lenexa Comprehensive Plan Updates

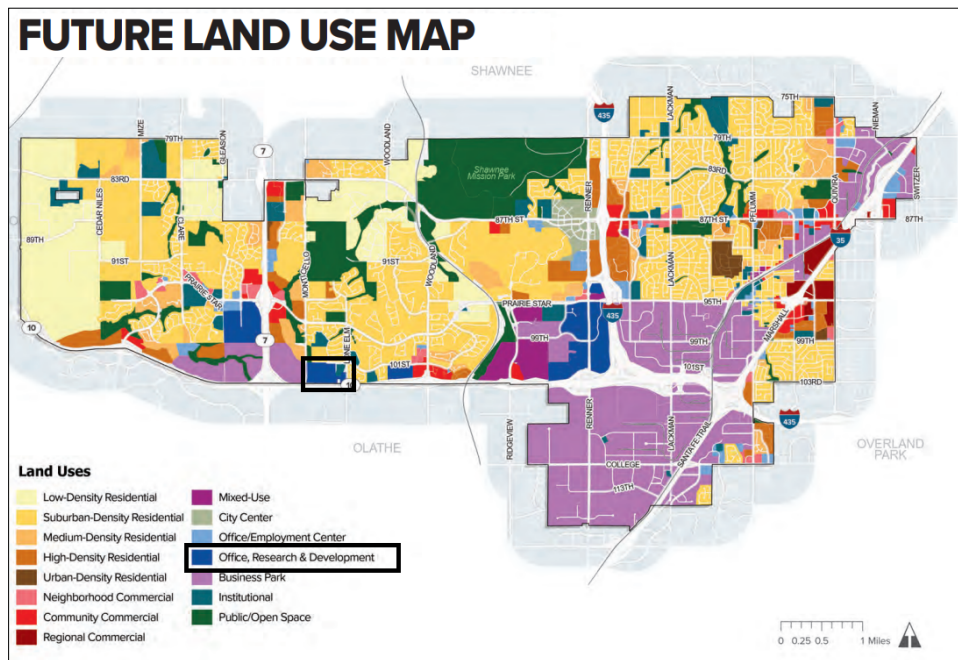
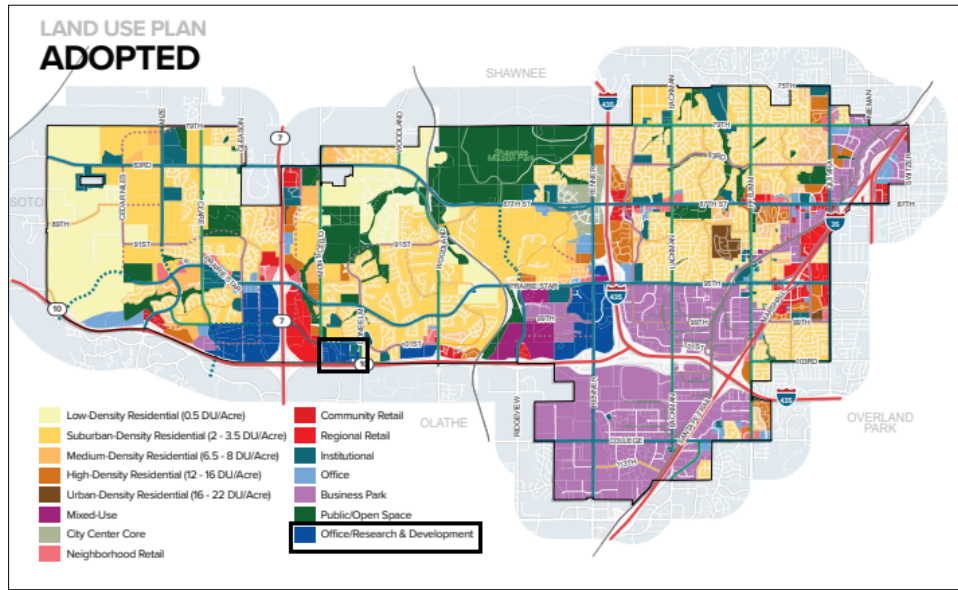
Dear Mr. McCullough:

Our firm represents Mr. Andrew M. Cope and certain businesses of his, including K10-A, LLC, in regard to certain property he owns located near 102nd Terrace and Monticello Road in the City of Lenexa, as shown below (which we will refer to in this letter as the “Property”):



We understand that the Lenexa City Council and Lenexa Planning Commission will hold a joint work session on Tuesday, April 23, 2024, to review an updated draft of Lenexa’s new Comprehensive Plan, which will directly impact our client’s Property. Accordingly, the purpose of this letter is to provide the City, the City Council, and the Planning Commission with our and Mr. Cope’s thoughts and comments on the Comprehensive Plan, and we would respectfully ask that the City consider these prior to making any final decisions.

The Property is currently zoned AG (agricultural). According to the City’s Comprehensive Plan (both the current version from 2016, and the draft update for this year), the City plans for the Property to be used in the future for “Office/Research & Development”:



However, and notwithstanding the Comprehensive Plan, the area has not developed for office or research purposes, and no interest in office uses has been shown. We have previously corresponded with you that the Property and the area would be more suitable for medium-density residential housing (or other residential uses), and that there is interest in development of that kind. We also understand that Mr. Dan Foster, with the Schlagel firm shared the following thoughts with your office:

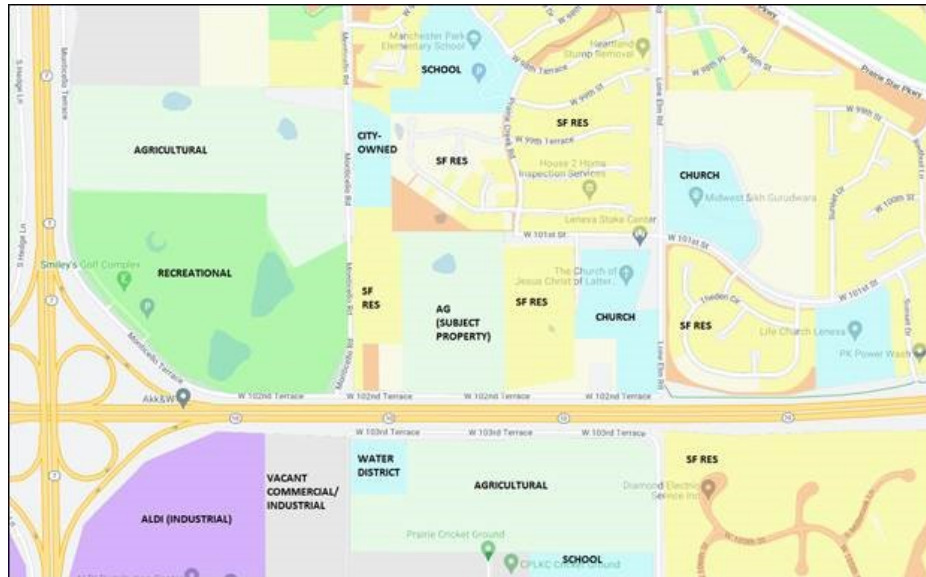
The previous and the new draft comprehensive plans show this parcel as an office use. It has been master planned for office forever and has no one has had any interest for an office use. He does have interest in a residential use. He would like to see this parcel shown as medium density residential. Parcels north and west are residential uses and there is a church to the east. With the change in the office market since 2020, office parcels this size (small offices to provide professional services) seek

locations near retail centers. While it adjacent to proposed BP land use, there is no mutually advantageous connection or compatibility of for business or resources. The office on the small parcel near the retail on Woodland has more mutually beneficial connection as does the office on Prairie Star adjacent to the hospital. Additionally a medium density residential use can work more with the existing conditions of the site (extensive stream corridor and topo) per goal 3.1 in housing and neighborhoods.

We agree with Mr. Foster’s analysis, and we believe that the City’s own criteria for review of a rezoning application (e.g., from AG to a residential zone) would support revisions to the Comprehensive Plan—now, at this time—that reflect the market and actual likelihood for future development. Below, we offer our initial analysis of Sec. 4-1-G-5 of the City’s zoning regulations as they would relate to Mr. Cope’s Property.

The character of the neighborhood.

The character of the neighborhood, on the north side of K-10, is predominantly agricultural and residential, with also a large recreational area, and some “governmental/public” areas which are a bit of a misnomer because they reflect churches and schools. The below is marked up from AIMS with the “Land Use” tag turned on.



Particularly north of K-10, the character of the neighborhood is, indeed, predominantly residential, and even the non-residential uses are ones that are compatible with—and indeed allowed in—residentially-zoned areas (churches and schools). We do not believe that an “island” of office use, in the middle of the surrounding uses, would be compatible with the character of the neighborhood.

The zoning and use of properties nearby.

The subject property is currently zoned AG. There is AG zoning to the east and west (with a few homes to the direct west), and northwest; R1 zoning is to the north; a little bit of CPO to the east (but used as a church—the Latter-Day Saints), with more R1 to the east of that. To the south is more AG and also some more R1, with some BP (business park) to the southwest. There is also an elementary school to the south, and a school to the north. Of course, immediately to the south is K-10.

In our previous correspondence, you had stated that the “adjacent proposed uses” south of new 101st Street would be “planned” office/industrial. It is unclear at this time whether there are actually any “planned” or proposed uses beyond what the City has suggested in the Comprehensive Plan. Obviously,

Mr. Cope's Property makes up the majority of the area that would be south of 101st St. and between Lone Elm and Monticello (north of K-10), so if Mr. Cope does not have a "planned" or proposed office/industrial use (and he does not), we would query what actual "planned" uses there really are outside of the City's Comprehensive Plan.

Furthermore, by our count, there are at least six homes to the west of the Property and one to the east. We believe it is incredibly unlikely that, in the near future, all of these residents would sell off their individual parcels to create a parcel that would be practically developable for office or research purposes. Furthermore, the only existing "office" use nearby is actually a church (which fits into a residential category just as well or better as into an office category).

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

This factor would speak to whether the Property is suitably zoned for agriculture. Both we, Mr. Cope, and the City would seem to agree that that the Property is not ultimately suitable for agricultural zoning, so this factor should weigh in favor that a rezoning is appropriate. The most likely rezoning options are what should actually be incorporated into the Comprehensive Plan.

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

Medium-density residential zoning could not reasonably be seen as detrimentally affecting nearby property (in fact, it would be a less intense use than office/research park) and would provide an appropriate transition from the single-family zoning north down to K-10 and adjacent to church property and a recreational area. The construction of 101st Street would also offer protection from adjacent single-family uses to the north.

We do not believe that the City could reasonably maintain a position that a change to medium-density residential zoning would detrimentally affect the City's own vision for nearby properties (which, again, are not actually being used for how the City sees it, at least as reflected in the current draft Comprehensive Plan). Such a position would essentially freeze Mr. Cope's use of his Property until such time as the City could convince all other single-family homeowners nearby to sell their properties for office uses. Given that Mr. Cope's parcel is the largest undeveloped parcel in that section, we believe it would be unreasonable for the City to lock him into a plan while it waits for smaller minority owners to sell. This is especially true where there simply has not been any viable market in this area for office/research uses.

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

The Property has never been developed. This factor speaks again to that the Property should be rezoned. Furthermore, it has never been developed for the City's planned office/research purposes and, as Mr. Foster pointed out, it has been master-planned for office for a significant amount of time and has seen no interest for an office use. In fact, Mr. Cope has owned the property since February 1998. During that time, there has been repeated interest in the property for medium- and even high-density residential uses, but the City has never embraced those proposals. Twenty-six years later, the situation remains the same.

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.

We believe this factor exposes the crux of the issue. Again, what the City appears to be asking for is that Mr. Cope "wait and see" how other properties develop into office/research first, which makes little to no sense given that his Property is the only one truly undeveloped—placing the burden on him to do nothing but wait and see whether other existing residential home sites can develop into office/research first. That

is unrealistic, to freeze development in this way. If any of this area would be developed for office/research first, it would be this one—our client’s Property—not the others, on which homes exist (and the one “office” use that is nearby is actually a church). This area has been shown as office/research on the Comprehensive Plan for a number of years and it simply has not developed that way. Asking that Mr. Cope wait for something to maybe happen is an undue hardship.

Recommendations of City's permanent professional staff.

We certainly understand that, at this time, you have stated that you would recommend against a rezoning for medium-density residential uses. We appreciate your consideration of this letter, and hope that the City will reconsider its current position.

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

We believe that now would be the appropriate time to revise the Comprehensive Plan in order to make it consistent with actual nearby land uses and the uses that are most likely to be proposed for the area in the future.

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.

There is certainly no information to suggest that a medium-density residential use would put pressure on available infrastructure. If anything, the use would be less intense than office/research, which would require significant surface parking (impacting drainage); furthermore, a medium-density residential use would be more consistent with the nearby schools and green space.

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.

A residential use that would be less-intense than office zoning would not adversely affect capacity of the street network and would actually provide less of an impact on traffic and parking. As pointed out by Mr. Foster, there are no mutually-advantageous connections for office/research businesses in the area (such as restaurants for employees).

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

There is zero indication that the proposed use (medium-density residential) would cause environmental impacts, etc., especially when compared to office/research purposes. Additionally, as stated by Mr. Foster, a medium-density residential use would work better given existing site conditions, such as the existing stream corridor and the general topography of the site.

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.

Similarly, there is zero indication that a medium-density residential use would adversely affect these issues, especially when compared to office/research uses.

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.

There could be no showing of any inability to satisfy these requirements at this time.

Accordingly, we believe that, if the City were to analyze an application for medium-density rezoning, it would need to find that its factors for consideration weigh in favor of recommending such an application for approval.

We ask that you share this letter with the City Council and the Planning Commission in advance of next week's joint meeting. As you know, I myself have been involved in comprehensive planning in several capacities, including as city attorney for several cities, and personally as a member of the Westwood Planning Commission for eight years, the Westwood City Council for four years, and now as the Mayor of Westwood, currently in my second four-year term. I would welcome the opportunity to speak further with the City on my own experiences in this area, even outside of legal considerations.

Thank you for your and the City's kind consideration of our and Mr. Cope's request on revisions to Lenexa's updated Comprehensive Plan, and please do not hesitate to contact us if you have any questions or if we can be of further assistance.

Best regards,



David E. Waters

DEW/dew

cc: The Honorable Julie Sayers, Mayor (via email to jsayers@lenexa.com)
Beccy Yocham, City Manager (via email to byocham@lenexa.com)
Councilmember Bill Nicks, Ward 2 (via email to bnicks@lenexa.com)
Councilmember Mark Charlton, Ward 2 (via email to mcharlton@lenexa.com)

RESOLUTION NO.

A RESOLUTION ADOPTING AND RECOMMENDING APPROVAL OF THE LENEXA COMPREHENSIVE PLAN.

WHEREAS, the Lenexa Planning Commission has consistently evaluated the Lenexa Comprehensive Plan in an effort to remain current with new development proposals, technology and changing Community goals and objectives; and

WHEREAS, on June 3, 2024, the Planning Commission evaluated and determined a need to enact a new comprehensive plan, known as the proposed “Lenexa Comprehensive Plan,” as set forth hereafter; and

WHEREAS, the Planning Commission has determined that the proposed Lenexa Comprehensive Plan will ensure the coordinated and harmonious development which will best provide for the health, safety, order, convenience, prosperity and general welfare of the City; and

WHEREAS, the proposed Lenexa Comprehensive Plan shows the Planning Commission’s recommendations for the development and redevelopment of the City as required by K.S.A. 12-747; and

WHEREAS, on June 3, 2024, the Lenexa Planning Commission held a public hearing on the proposed Lenexa Comprehensive Plan for the purpose of hearing and considering public comment thereon; and

WHEREAS, pursuant to the requirements of K.S.A. 12-747, notice of the public hearing was published at least once in the official City newspaper at least twenty (20) days prior to said public hearing.

NOW THEREFORE, BE IT RESOLVED BY THE LENEXA PLANNING COMMISSION:

SECTION ONE: That the Planning Commission does hereby adopt the Lenexa Comprehensive Plan and recommends approval of the same to the Lenexa Governing Body.

SECTION TWO: That a certified copy of the Lenexa Comprehensive Plan, together with a written summary of the public hearing thereon, and a copy of this Resolution shall be submitted to the Lenexa Governing Body for consideration and approval. The Proposed Amendment shall not become effective unless and until approved by said Governing Body by ordinance.

ADOPTED by the City of Lenexa Planning Commission this 3rd day of June, 2024.

Chris Poss, Chairman

ATTEST:

Scott McCullough , Secretary

APPROVED AS TO FORM:

Steven Shrout, Assistant City Attorney

CALL TO ORDER

Vice-Chairman Burson called the regular meeting of the Lenexa Planning Commission to order at 7:40 p.m. on Monday, May 6, 2024. The meeting was held in the Community Forum at Lenexa City Hall at 17101 W. 87th Street Parkway, Lenexa, Kansas.

ROLL CALL

COMMISSIONERS PRESENT

Vice-Chairman Mike Burson
Commissioner Ben Harber
Commissioner Brenda Macke
Commissioner David Woolf
Commissioner Don Horine
Commissioner John Handley
Commissioner Cara Wagner
Commissioner Curt Katterhenry

COMMISSIONERS ABSENT

Chairman Chris Poss

STAFF PRESENT

Scott McCullough, Director of Community Development
Steven Shrout, Assistant City Attorney II
Will Sharp, Planning Specialist I
Gloria Lambert, Senior Administrative Assistant

APPROVAL OF MINUTES

The minutes of the April 1, 2024 meeting were presented for approval. Vice-Chairman Burson entertained a motion to **APPROVE** the minutes. Moved by Commissioner Katterhenry, seconded by Commissioner Woolf, and **APPROVED** by a unanimous voice vote.

CONSENT AGENDA

1. **Central Bank - Consideration of a final plan for a new bank located approximately at the southeast corner of Prairie Star Parkway and Ambassador Drive within the PUD, Planned Unit Development District. PL24-06F**
2. **Reserve at Copper Creek - Consideration of a final plan and final plat for phase one of a multifamily residential development located approximately at the northwest corner of 89th Street and Woodsonia Drive within the RP-3, Residential Planned (Medium-High Density), RP-4, Residential Planned (High Density), and RP-5, Residential Planned (High-Rise, High Density) Districts. PL24-07F, PT24-06F**

3. **Watercrest Landing - Consideration of a final plan to revise private trail amenity plans within the subdivision located approximately at 90th Street between Woodsonia Drive & Monticello Road within the RP-1, Residential Planned (Low Density) District. PL24-05FR**

4. **Prairie View at Creekside Woods 4th Plat Revised Final Plat - Consideration of a revised final plat to replant three single-family residential lots located at 9341 Carbondale Street within the RP-1, Planned Residential (Low Density) District. PT24-03FR**

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

REGULAR AGENDA

None

STAFF REPORT

None

ADJOURNMENT

Vice-Chairman Burson ended the regular meeting of the Lenexa Planning Commission at 7:42 p.m. on Monday, May 6, 2024.