



## Agenda

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

**NOVEMBER 19, 2024  
7:00 PM  
COMMUNITY FORUM**

**CALL TO ORDER** Pledge of Allegiance

**ROLL CALL**

**APPROVE MINUTES** November 5, 2024 City Council meeting draft minutes  
(located in the Appendix)

**MODIFICATION OF  
AGENDA**

**PROCLAMATIONS** World Pancreatic Cancer Day - Nov. 21

**CONSENT AGENDA** **Item Numbers 1 through 9**

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

1. Change Order No. 2 for the 2024 Pavement Management Program Ultra-Thin Bonded Asphalt Surface and Mill and Overlay Project

*This project treated approximately 24 residential lane-miles with an Ultra-Thin Bonded Asphalt Surface treatment and another 6.5 lane-miles of an asphalt mill and overlay. Work also included removing and replacing deteriorated curb and gutter, replacing sidewalk panels, and adding ADA ramps as needed. After two Change Orders, the total project cost was \$4,935,796.25.*

2. Approval of 29 Cereal Malt Beverage license renewals for 2025

*Licenses to sell Cereal Malt Beverages (CMB) in the city must be renewed annually. This is the annual license renewal request for 29 locations licensed to sell CMB.*

3. Approval of a banking services agreement with UMB Bank, N.A.

*Staff recommends continuing with UMB Bank as the provider of the City's banking services. UMB has provided excellent banking services to the City since 2009. UMB proposed to continue providing those services at a reasonable price, while providing adequate compensation for account balances.*

4. Approval of an interlocal agreement with the City of Overland Park for the replacement of 103rd Street bridge over Flat Rock Creek

*Lenexa and Overland Park share 103rd Street from Pflumm Road to Quivira Road. This area includes a bridge over Flat Rock Creek. This bridge is included in Lenexa's bridge inventory and Lenexa takes the lead on inspection and repairs with Overland Park sharing the cost. The estimated total cost of the project is \$1,348,889. Overland Park's share is \$674,444.50 and Lenexa's share is \$674,444.50.*

5. Approval of Amendment No. 10 to the Medical Services Agreement with Marathon Health, LLC to add a Behavioral Health Specialist to the LiveWell Health Center

*The City would like to add a Behavioral Health Specialist to the staffing of the LiveWell Health Center. The cost to add this provider will be \$12,318.75 per month in 2025 and \$12,935 per month in 2026.*

6. Approval of an insurance contract with Midwest Employers Casualty Company for fiscal years 2023 and 2024 workers' compensation excess insurance coverage

*The City's third party administrator for workers' compensation coverage requested proposals to provide excess insurance coverage for the self-funded workers' compensation fund. Based on the proposals received, staff recommends a two-year renewal with Midwest Employers Casualty. The annual quote for this coverage is \$182,599 each year.*

7. Approval and authorization of the execution of all documents necessary to secure specific stop-loss reinsurance from HM Insurance Group for the City's healthcare benefit plan for 2025

*The City's health benefits consultant and staff recommend entering into an agreement with HM Insurance Group for specific stop-loss coverage for the self-funded employee health care plan for 2025. The 2025 annual estimated premium is \$1,635,480 based on 440 employees.*

8. Resolution providing notice and calling for a public hearing to appear and

show cause why the fire damaged structure at 19430 W. 87th Lane should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure

*A fire occurred at 19430 W. 87th Lane on October 9, 2024, resulting in substantial damage to the structure. The proposed resolution sets a public hearing for December 17, 2024, should fire damage repairs not commence in a manner acceptable to the Building Codes Administrator prior to that date.*

9. Consideration of resolutions associated with the Vista Village development
  - a. Resolution authorizing the partial assignment and amendment of Resolution 2022-052 relating to the intent to issue up \$32.5 million in industrial revenue bonds (IRBs) for LUXE, LLC
  - b. Resolution of intent to issue up to \$2.5 million in IRBs for Central Trust Bank to finance, equip, and construct a 4,250 square foot office development

*The City received an application from Central Trust Bank requesting issuance of up to \$2.5 million in industrial revenue bonds (IRBs) to finance a portion of the construction of a 4,250 square foot office building ("Project") to be located in the Vista Village development at the southeast corner of Prairie Star Parkway & Ridgeview Road. The IRBs are requested to allow the applicant to take advantage of the sales tax exemption on construction materials. Financing for the Project was originally approved by Resolution 2022-052 ("Original Resolution") approving \$32.5 million in IRBs for the adjacent Villas at Vista Village project. A portion of the Original Resolution will now be assigned to the Project and the \$32.5 million in IRBs will be reduced to \$30 million.*

## END OF CONSENT AGENDA

### BOARD RECOMMENDATIONS

10. Ordinance approving a three-year special use permit for a personal instruction, general use for Shoot 360 located at 17255 College Boulevard in the BP-2, Planned Manufacturing District

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

11. Ordinance approving a three-year special use permit for a daycare, general use for Adventure Awaits located at 8132 Twilight Lane in the R-1, Residential Single-Family Zoning District

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

12. Consideration of a rezoning and preliminary plan known as Ross Canyon for a multifamily residential development on property located near 93rd Street between Mill Creek Road and Renner Boulevard

- a. Ordinance rezoning property from the AG, Agricultural and R-1, Single-Family Residential Districts to the RP-3, Planned Residential Medium-Density and RP-4, Planned Residential High-Density Districts

- b. Approval of a companion preliminary plan for Ross Canyon

*The applicant requests approval of a preliminary plan for a multifamily residential development containing 374 apartments and 90 townhomes.*

13. Consideration of a preliminary plan/plat and acceptance of drainage, utility, landscape, and sidewalk easements and right-of-way as shown on the final plat of Wheatley Point West on property located at the northwest corner of 99th Street & Clare Road

- a. Approval of a preliminary plan for a duplex residential development known as Wheatley Point West

- b. Acceptance of drainage, utility, landscape and sidewalk easements and right-of-way as shown on Wheatley Point West final plat

*The applicant proposes to construct a duplex development at the northwest corner of 99th Street and Clare Road. The proposal includes a preliminary plan for 22 dwelling units and a final plat for 11 lots, three tracts, and dedications of right-of-way on 9.5 acres.*

## **NEW BUSINESS**

14. Approval of an agreement with Finkle-Williams, Inc. for architectural and engineering services for the Lenexa Fire Station #6 and LiveWell Health Center Project

*Following an extensive Request for Qualifications process, City staff*

*recommends Finkle-Williams, Inc. be awarded the design and architectural services contract for the Lenexa Fire Station #6 and LiveWell Health Center Project for a fixed fee of \$485,580.*

**COUNCILMEMBER  
REPORTS**

**STAFF REPORTS**

**END OF RECORDED SESSION**

**BUSINESS FROM  
FLOOR**

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

**ADJOURN**

**APPENDIX**

15. November 5, 2024 City Council meeting draft minutes
16. World Pancreatic Cancer Day Proclamation

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

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

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



**ITEM 1**

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**SUBJECT:** Change Order No. 2 for the 2024 Pavement Management Program Ultra-Thin Bonded Asphalt Surface and Mill and Overlay Project

**CONTACT:** Nick Arena, Municipal Services Director  
Cody Wilbers, Assistant Municipal Services Director

**DATE:** November 19, 2024

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**ACTION NEEDED:**

Approve Change Order No. 2 for the 2024 Pavement Management Program (PMP) Ultra-Thin Bonded Asphalt Surface (UBAS) and Mill and Overlay Project ("Project").

**PROJECT BACKGROUND/DESCRIPTION:**

This Project initially treated about 24 residential lane-miles with a UBAS treatment and another 6.5 lane-miles with an asphalt mill and overlay. Work also included removing and replacing deteriorated curb and gutter, replacing sidewalk panels, and adding ADA ramps as needed.

Following cross-departmental discussions, the mill and overlay of Renner Boulevard from 84th Street to 87th Street Parkway was added to the Project. Staff received quotes from Superior Bowen Asphalt Company, LLC and McAnany Construction Inc. ("McAnany") to perform the extra work. McAnany was awarded the additional work as they had the lowest quote. This additional work, along with other minor contract overruns and under runs, added \$362,921.85 to the Project.

The Project treated the following neighborhoods with UBAS:

- Timbers at Clear Creek (Clare Road & 83rd Street)
- Brampton (95th Street & Monticello Road)
- Creekside Woods (92nd Street & Clare Road)
- Arbor Lake (Prairie Star Parkway & Clare Road)
- Brookwood (87th Street Parkway & Lackman Road)
- Twilight Acres (79th Street & Lackman Road)
- Lackman Place (79th Street & Lackman Road)
- Wyldwood Hills (77th Terrace & Lackman Road)

The Project treated the following industrial and park locations with a 2-inch asphalt mill and overlay:

- Renner Boulevard (84th Street to 87th Street Parkway)
- Brookhollow East (Industrial)
- Electric Park Parking Lot (95th Street & Loiret Boulevard)
- Buffalo Meadows Parking Lot (Prairie Star Parkway & Lone Elm Road)

Per the City's purchasing policies and procedures, for an original or amended contract of more than \$3 million, change orders increasing the contract by more than \$150,000 require City Council approval.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The initial contract and Change Order No. 2 will be paid through the PMP, which is funded by a portion of the 3/8¢ Sales Tax, property tax revenue, and the City's share of gas tax revenue (Special Highway Fund). There are sufficient funds in the budget for this work.

Initial contract award	\$4,520,000.00
Change Order No. 1*	\$52,874.40
Change Order No. 2	\$362,921.85
Total Project Cost	\$4,935,796.25

\*Change Order No. 1 was an emergency stormwater repair in the Wyldwood Hills neighborhood and paid for through the Stormwater Fund.

**STAFF RECOMMENDATION:**

Approve the change order.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

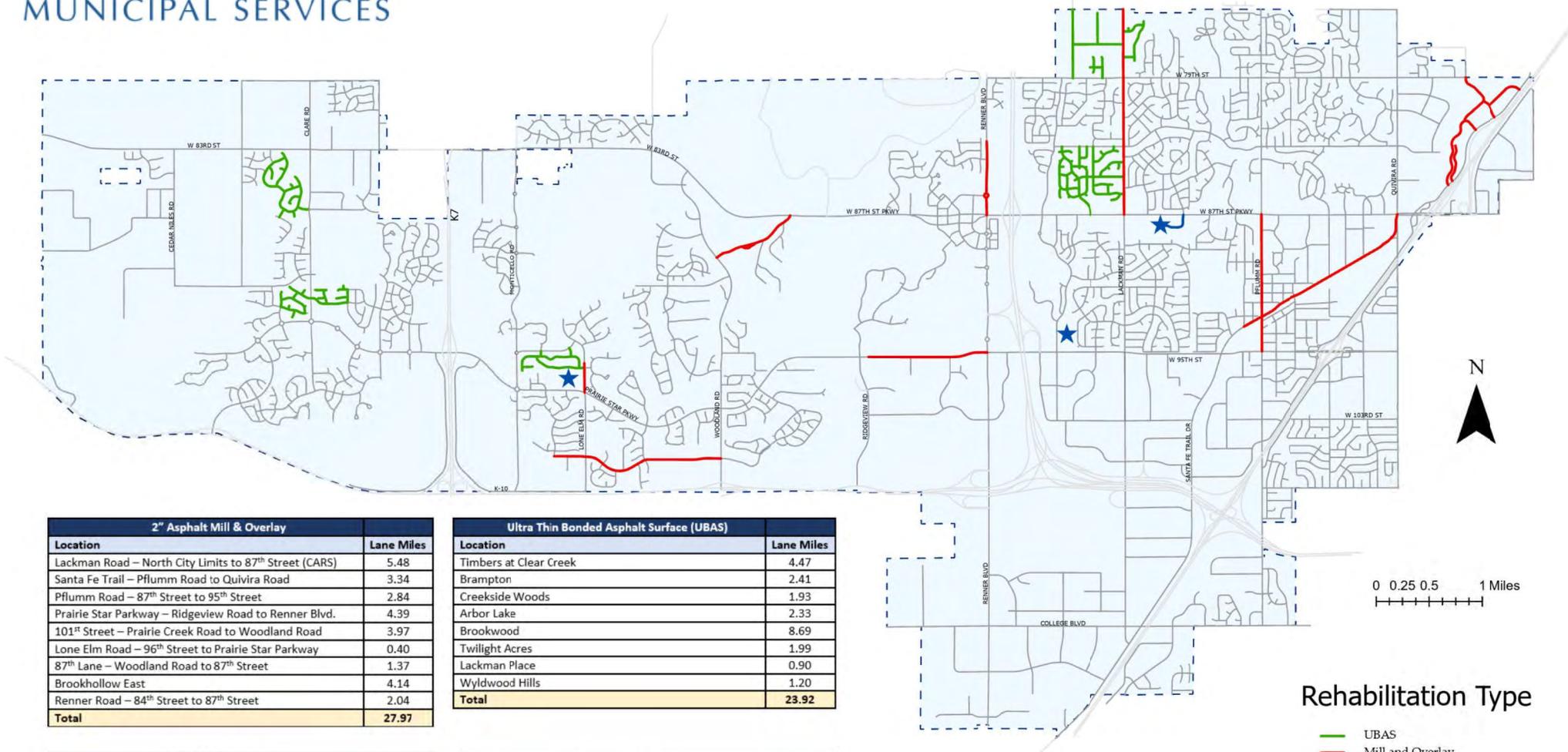
**Guiding Principles**

Strategic Community Investment

**ATTACHMENTS**

1. Map
2. Change Order

# 2024 Pavement Management Program Locations



2" Asphalt Mill & Overlay	
Location	Lane Miles
Lackman Road – North City Limits to 87 <sup>th</sup> Street (CARS)	5.48
Santa Fe Trail – Pflumm Road to Quivira Road	3.34
Pflumm Road – 87 <sup>th</sup> Street to 95 <sup>th</sup> Street	2.84
Prairie Star Parkway – Ridgeview Road to Renner Blvd.	4.39
101 <sup>st</sup> Street – Prairie Creek Road to Woodland Road	3.97
Lone Elm Road – 96 <sup>th</sup> Street to Prairie Star Parkway	0.40
87 <sup>th</sup> Lane – Woodland Road to 87 <sup>th</sup> Street	1.37
Brookhollow East	4.14
Renner Road – 84 <sup>th</sup> Street to 87 <sup>th</sup> Street	2.04
<b>Total</b>	<b>27.97</b>

Ultra Thin Bonded Asphalt Surface (UBAS)	
Location	Lane Miles
Timbers at Clear Creek	4.47
Brampton	2.41
Creekside Woods	1.93
Arbor Lake	2.33
Brookwood	8.69
Twilight Acres	1.99
Lackman Place	0.90
Wylwood Hills	1.20
<b>Total</b>	<b>23.92</b>

Park Maintenance	
Location	Lane Miles
Electric Park (Parking Lot)	0.34
Buffalo Meadows Park (Parking Lot)	0.44
Sar-Ko Par (Parking Lot)	0.91
<b>Total</b>	<b>1.69</b>

Total Lane Miles	
Location	Lane Miles
<b>Total</b>	<b>53.58</b>

**Rehabilitation Type**

- UBAS
- Mill and Overlay
- ★ Parking Lot Maintenance

Digitized From: L:\GIS\Map\PM\2024\2024\_PMP\_Streets  
Data Saved: 08/21/2024  
Prepared by Julia Moore, Municipal Services



**CONSTRUCTION  
CHANGE ORDER FORM**

PO: 2400117

7700 COTTONWOOD STREET · LENEXA, KANSAS 66216 · PH. (913) 477-7500 FAX (913) 477-7730 · WWW.LENEXA.COM

Date: 11/5/2024 Change Order Request # 2  
 Project Manager: Kyle Rodenhouse  
 Project Number: 68012  
 Project Name and Location: 2024 PMP UBAS & Overlay  
 Contractor Name: McAnany Construction (14012)

**Reason for change order (Check all that apply):**

- |   |  |
|---|--|
| <input type="checkbox"/> Unforeseen Conditions                    | <input type="checkbox"/> Utility Conflict                    |
| <input type="checkbox"/> Design Omission                          | <input type="checkbox"/> Work to accommodate another project |
| <input checked="" type="checkbox"/> Scope Change (City Initiated) | <input type="checkbox"/> Scope Change (Contractor Initiated) |
| <input type="checkbox"/> Other                                    | <input type="checkbox"/> Quantity Error                      |

**Urgency of Change Order:**

- Contractor cannot proceed with any project work until change order is approved.
- Contractor cannot proceed with major project work, but can continue work.
- Contractor can proceed with all work except the immediate portion affected by the change order.
- Contractor must proceed with work before the change order can be approved.
- Change order is desirable, but not absolutely necessary to complete the project.

**Contract Summary:**

The original Contract Sum was:	\$4,520,000.00
Net change by previously authorized Change Orders:	\$52,874.40
The Contract Sum prior to this Change Order was:	\$4,572,874.40
The Contract Sum will be modified by this Change Order in the amount of:	\$362,921.85
The new Contract Sum will be:	\$4,935,796.25
% Increase (decrease) from current contract amount:	7.94%
The Contract Time will be increased (decreased) by:	0

Sufficient budget available to cover the requested change order?  YES  NO

**Additional Required Approval:**

City Administrator Approval Required:  YES  NO

*≥ \$20,000 < \$75,000) and not requiring Governing Body approval*

Governing Body Approval Required:  YES  NO

*Contracts \$0 to \$1,000,000: Change Orders greater than or equal to \$50,000*

*Contracts \$1,000,000 to \$3,000,000: Change Order increases contract by greater than 5%*

*Contracts greater than \$3,000,000: Change Order greater than or equal to \$150,000*

**Description of work to accomplish the change order:**

(Attach appropriate backup material necessary to document the requested change order)

**ITEM NO. 1**

Overages/Underages for project closeout (see attached) \$362,921.85

**Total Change Order Amount:** **\$362,921.85**

Approved:

\_\_\_\_\_  
McAnany Construction

\_\_\_\_\_  
Date

\_\_\_\_\_  
Nick Arena, Municipal Services Director

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date



**ITEM 2**

**SUBJECT:** Approval of 29 Cereal Malt Beverage license renewals for 2025  
**CONTACT:** Scott McCullough, Community Development Director  
**DATE:** November 19, 2024

**ACTION NEEDED:**  
 Approve the 29 Cereal Malt Beverage (CMB) license renewals for 2025.

**PROJECT BACKGROUND/DESCRIPTION:**

A CMB License is required for any individual or entity to sell cereal malt beverages or up to 6% beer in the city. The license is issued on a calendar year basis, January 1 through December 31 of each year.

The following 29 businesses have applied for renewal of their license to sell CMB and are qualified as provided by law:

ALDI #53	15751 W 87th St Pkwy
BP Service LLC	10700 W 87th St Pkwy
Casey's General Store #3233	7875 Quivira Rd
Casey's General Store #3672	9990 Woodland Rd
Casey's General Store #3947	23450 Prairie Star Pkwy
Casey's General Store #4202	9350 Renner Blvd
Casey's General Store #4349	8633 Quivira Rd
COSTCO Wholesale #349	9350 Marshall Dr
El Rinconcito Salvadoreno 2 LLC	7936 Quivira Rd
Express Stop	13094 W 95th St
Hen House 19	15000 W 87th St Pkwy
Hy-Vee	13400 W 87th St Pkwy
Hy-Vee Gas	13080 W 87th St Pkwy
Kwik Shop #350782	10111 Woodland Rd
Lenexa Smoke Shop	13500 Santa Fe Trail Dr
MAVS, LLC	16501 W 116th St

McKeever's Market	8800 Maurer Rd
Minit Mart #600771	15855 W 87th St Pkwy
Monkey King	9518 Marshall Dr
Price Chopper #300	19601 W 101st St
Quik Trip #235	11070 Pflumm Rd
Quik Trip #242	15100 W 101st St
Quik Trip #253	11200 W 87th St Pkwy
Quik Trip #296	12355 W 95th St
Sam's Club #8208	12200 W 95th St
Smiley's Golf Complex	10195 Monticello Ter
Sprout's Farmers Market #174	8550 Maurer Rd
Thai Chili Cuisine	8611 Hauser Ct
Walgreens #04186	15100 W 87th St Pkwy

**STAFF RECOMMENDATION:**

Approve the license renewals.

**ATTACHMENTS**

None



**ITEM 3**

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**SUBJECT:** Approval of a banking services agreement with UMB Bank, N.A.

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

**DATE:** November 19, 2024

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**ACTION NEEDED:**

Approve a banking services agreement with UMB Bank, N.A. ("UMB").

**PROJECT BACKGROUND/DESCRIPTION:**

On July 18, 2024, the City issued a request for proposals (RFP) for banking services covering general banking, investment, and safekeeping services. The City received responses from five banking institutions.

Columbia Capital Management, LLC (the City's investment advisor) and City Finance Department staff reviewed the responses, focusing on each bank's financial strength, ability to provide the required services, banking fees, and compensation for account balances through interest paid on balances and/or earnings credit to offset banking fees.

Based on the review of the proposals, staff recommends continuing with UMB as the provider of the City's banking services. UMB has provided excellent banking services to the City since 2009. UMB proposed to continue providing those services at a reasonable price, while providing adequate compensation for account balances.

The proposed agreement with UMB is for five years. It is available for review in the City Clerk's office.

**STAFF RECOMMENDATION:**

Approve the agreement.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

Vision 2040

Guiding Principles

Prudent Financial Management

**ATTACHMENTS**

None



**ITEM 4**

**SUBJECT:** Approval of an interlocal agreement with the City of Overland Park for the replacement of 103rd Street bridge over Flat Rock Creek

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

**DATE:** November 19, 2024

**ACTION NEEDED:**

Approve an interlocal agreement with the City of Overland Park for the replacement of 103rd Street bridge over Flat Rock Creek.

**PROJECT BACKGROUND/DESCRIPTION:**

This project includes replacement of an existing triple bridge culvert with a larger precast structure. The existing bridge is the lowest rated bridge of Lenexa's 29 bridges as identified by biennial inspections. The new bridge will provide a wider driving surface and sidewalks on both sides of the bridge.

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

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

City of Lenexa	\$674,444.50
City of Overland Park	\$674,444.50
<b>Total</b>	<b>\$1,348,889.00</b>

**STAFF RECOMMENDATION:**

Adopt the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Integrated Infrastructure & Transportation

**Guiding Principles**

Strategic Community Investment

**ATTACHMENTS**

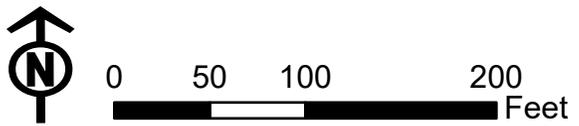
1. Map



Document Path: U:\TomStormwater\MyProject\MyProject.aprx

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

# 103rd Street Bridge over Flat Rock Creek Bridge Replacement





**ITEM 5**

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**SUBJECT:** Approval of Amendment No. 10 to the Medical Services Agreement with Marathon Health, LLC to add a Behavioral Health Specialist to the LiveWell Health Center

**CONTACT:** Jim Bowers, Human Resources Director  
Kristin Crow, Human Resources Manager

**DATE:** November 19, 2024

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**ACTION NEEDED:**

Approve Amendment No.10 to the Medical Services Agreement with Marathon Health, LLC ("Marathon") to add a Behavioral Health Specialist to the LiveWell Health Center.

**PROJECT BACKGROUND/DESCRIPTION:**

Having a values-based organizational culture is one of the City's guiding principles and represents the importance of ensuring that our professional staff has access to the resources necessary to ensure their physical and mental well-being. Consequently, all full- and part-time City employees and dependents who are covered by the City's medical plan have access to the LiveWell Health Center. Marathon currently operates the health center pursuant to a contract that extends to December 31, 2026.

A recent analysis of Lenexa employees' and dependents' health condition data indicates that mental and behavioral health conditions have increased in prevalence over the past 12 months. In order to more effectively manage these conditions, the City wishes to add the services of a Behavioral Health Specialist to the LiveWell Health Center. This additional resource will allow employees and their covered dependents easier and more cost-effective access to this care and remove barriers for employees who may need such care but are unable or unwilling to access it. Moreover, the anticipated usage of such services is projected to generate savings to the City's medical plan which exceed the cost of adding it.

This proposed amendment will facilitate the addition of this provider by Marathon to provide services in the LiveWell Health Center. The cost of a 24-hour per week Behavioral Health Specialist provider will be \$12,318.75 per month in 2025, and \$12,935 per month in 2026. In addition, there will be an implementation fee of \$7,478, payable immediately after the hire date of the provider.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The additional monthly fee to be paid to Marathon to add a Behavioral Health Specialist to the LiveWell Health Center in 2025 and 2026 is as shown in the following table:

	January 1, 2025 to December 31, 2025	January 1, 2026 to December 31, 2026
<b>Current Monthly Fee</b>	\$63,828.00	\$67,020.00
<b>Additional Monthly Fee for Behavioral Health Specialist</b>	\$12,318.75	\$12,935.00
<b>TOTAL New Monthly Fee</b>	<b>\$76,146.75</b>	<b>\$79,955.00</b>

These fees are paid from the City's Health Care Fund.

**STAFF RECOMMENDATION:**

Approve the amendment.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Healthy People

**Guiding Principles**

Values-based Organizational Culture

**ATTACHMENTS**

1. Amendment

**TENTH AMENDMENT TO MEDICAL SERVICES AGREEMENT**

This Tenth Amendment to the Medical Services Agreement (the " Amendment "), dated as of the date last signed by the Parties (the "Effective Date"), is made by and between City of Lenexa, KS ("Client") and Marathon Health, LLC ("Marathon").

**RECITALS**

**WHEREAS**, Client and Marathon are parties to that certain Medical Services Agreement dated August 16, 2013, as amended (the "Agreement");

**WHEREAS**, the Parties wish to amend the Agreement to reflect the addition of a Behavioral Health Specialist and the associated fees; and

**NOW, THEREFORE**, for good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, and intending to be legally bound, the Parties agree as follows:

1. **Monthly Fees.** Effective upon the hire date of the new Behavioral Health Specialist, the Parties agree to the following fees:

	<b>January 1, 2025 to December 31, 2025</b>	<b>January 1, 2026 to December 31, 2026</b>
<b>Current Monthly Fee</b>	\$63,828	\$67,020
<b>Additional Monthly Fee for Behavioral Health Specialist</b>	\$12,318.75	\$12,935
<b>Total New Monthly Fee</b>	\$76,146.75	\$79,955

2. **Implementation Fee.** The Parties agree Client shall pay the following Implementation Fee for the addition of the Behavioral Health Specialist: \$7,478. The Implementation Fee will be invoiced on or after the hire date of the new Behavioral Health Specialist and will be payable in accordance with the terms of the Agreement.
3. **Staffing.** Effective upon the hire date of the new Behavioral Health Specialist, the Parties confirm that the staffing for the Health Center shall be as follows:

<b>Staffing</b>	<b>FTE</b>
Supervising Physician is Included	0.1
NP/PA	0.9
Registered Nurse (RN)	1.0
Medical Assistant (MA)	1.0
Physical Therapist (PT)	0.6
Behavioral Health Specialist (BHS)	0.6
<b>Total Staffing</b>	<b>4.2</b>

\*The Marathon staffing model also assumes that each mid-level practitioner will have a Collaborating Physician who provides medical supervision, consultation, chart review, and quality assurance activities.

4. **Behavioral Health Specialist Extended Absence Credit.** The Parties agree that the following shall be added to Exhibit C of the Agreement:

If behavioral health services are unavailable in-person or virtually for an extended period due to an unexpected and extended absence of the Behavioral Health Specialist, then as Client's sole and exclusive remedy for such lack of availability, Client and Marathon will negotiate an appropriate fee credit in good faith.

5. **Miscellaneous.** This Amendment is made under and incorporates the terms and conditions of the Agreement. The terms and conditions set forth in this Amendment are in addition to and not in substitution of any terms or conditions set forth in the Agreement. Capitalized terms not otherwise defined in this Amendment shall have the meanings ascribed to them in the Agreement. Except as specifically modified by this Amendment, the terms and conditions of the Agreement remain in full force and effect.

[Signature Page Follows]

**IN WITNESS WHEREOF**, each of the parties hereto has executed this Amendment as of the Effective Date.

**CITY OF LENEXA, KS**

**MARATHON HEALTH, LLC**

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

**Reviewed & Approved  
City Legal Dept.**

November 7 20 24  
By Mackenzie Huns  
Title Deputy City Attorney



**ITEM 6**

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**SUBJECT:** Approval of an insurance contract with Midwest Employers Casualty Company for fiscal years 2023 and 2024 workers' compensation excess insurance coverage

**CONTACT:** Jim Bowers, Human Resources Director  
Kristin Crow, Human Resources Manager

**DATE:** November 19, 2024

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**ACTION NEEDED:**

Approve an insurance contract with Midwest Employers Casualty Company ("Midwest") for fiscal years (FY) 2025 and 2026 workers' compensation excess insurance coverage.

**PROJECT BACKGROUND/DESCRIPTION:**

The purpose of excess insurance is to provide financial protection for the City's self-funded workers' compensation program against large claims by placing a limit on costs associated with specific and aggregate claims. A specific claim is the maximum expenditure on a single claim, and the aggregate is the total maximum expenditure for all claims.

Midwest provided the excess insurance in FY 2023 and FY 2024. Thomas McGee Group, the City's third party administrator for workers' compensation coverage, requested proposals to provide excess insurance coverage for the self-funded workers' compensation fund.

Midwest was the only carrier willing to offer a self-insured retention (SIR) of less than \$750,000 for the upcoming two-year period. They are offering an SIR of \$500,000 for the general employee population and an SIR of \$700,000 for police and fire employees, the same as 2023 and 2024. Based on the favorable quote and Midwest's willingness to maintain SIRs for two years, staff recommends a two-year renewal.

This contract is available for review in the City Clerk's office.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

The quote from Midwest of \$0.487 per dollar of payroll is a \$0.010 increase over the rate charged in 2022. The quote of \$182,599 in premium for both 2025 and 2026 represents a 20% increase over last year's annual premium of \$151,951, due primarily to an estimated payroll increase of 18%. The costs of this coverage are funded through the Workers' Compensation Reserve Fund.

**STAFF RECOMMENDATION:**

Approve the contract.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**  
Healthy People

**Guiding Principles**  
Prudent Financial Management  
Values-based Organizational Culture

**ATTACHMENTS**

None



**ITEM 7**

**SUBJECT:** Approval and authorization of the execution of all documents necessary to secure specific stop-loss reinsurance from HM Insurance Group for the City's healthcare benefit plan for 2025

**CONTACT:** Jim Bowers, Human Resources Director  
Kristin Crow, Human Resources Manager

**DATE:** November 19, 2024

**ACTION NEEDED:**

Approve and authorize the execution of all documents necessary to secure specific stop-loss reinsurance from HM Insurance Group ("HM") for the City's healthcare benefit plan for 2025.

**PROJECT BACKGROUND/DESCRIPTION:**

The purpose of stop-loss insurance is to provide financial protection for the City's self-insured health insurance program against large claims experienced by placing a limit on costs associated with specific and aggregate claims costs. Currently, the specific stop-loss reinsurance (maximum claim exposure on each individual plan member) is provided by HM.

Lockton Companies, the City's broker for its health care plans, marketed the stop-loss product on behalf of the City. HM submitted a competitive quote. Five companies (Berkshire Hathaway, QBE, Swiss Re, Symetra, and Wellpoint) submitted less competitive quotes, which included either significantly higher premiums, greater exclusions, or both. After a detailed analysis of the quotes, and based upon staff's experience with HM in 2024, staff recommends selecting HM for 2025.

This proposal is available for review in the City Clerk's office.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

Staff recommends contracting with HM at a 42% increase for a total estimated premium of \$1,635,480 based on 440 employees. The costs are funded through the City's Health Care Fund and sufficient funds are available to fund this increase.

**STAFF RECOMMENDATION:**

Approve the proposal.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

Vision 2040  
Healthy People

Guiding Principles  
Values-based Organizational Culture

## **ATTACHMENTS**

None



**ITEM 8**

**SUBJECT:** Resolution providing notice and calling for a public hearing to appear and show cause why the fire damaged structure at 19430 W. 87th Lane should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure

**CONTACT:** Steven Shrout, Assistant City Attorney

**DATE:** November 19, 2024

**ACTION NEEDED:**

Adopt a resolution providing notice and calling for a public hearing to appear and show cause why the fire damaged structure at 19430 W. 87th Lane should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure.

**PROJECT BACKGROUND/DESCRIPTION:**

In order to ensure that a fire damaged property is not left in an unsafe or unsightly condition, Article 1-9-H of the City Code requires insurance companies to provide a portion of any claim paid for a fire damaged property to the City Treasurer when certain conditions are met. Specifically, when final settlement on a covered claim has been agreed to between the named insured(s) and the insurance company, the final settlement exceeds 75% of the face value of the policy, and the amounts due the first real estate mortgage against the structure have been paid, the insurance company is required to execute a draft payable to the City Treasurer in an amount equal to 15% of the covered claim payment.

A fire occurred at 19430 W. 87th Lane on October 9, 2024, resulting in substantial damage to the residence. The property is owned by the James Wheeler and Claudia Wight Revocable Trust.

On November 5, the City received a check in the amount of \$77,578.80 from State Farm. This amount represents 15% of the stated covered claim payment in compliance with Article 1-9-H. The City has 30 days after receiving payment from the insurance company to initiate proceedings pursuant to state law. A failure to timely initiate proceedings would require the City to return all such monies received, plus accrued interest, to the insured. Accordingly, proceedings must be initiated on or before December 4, 2024.

This resolution initiates proceedings pursuant to state law by setting a date for a hearing to determine whether the house located at 19430 West 87th Lane should be declared unsafe or dangerous. If such a finding is made, the City will set a time period in which the property owner must commence repair or removal of the structure. If the structure is declared unsafe or dangerous, and removal or repair of the building is not completed within the time required by the City, then the City may utilize the insurance proceeds paid to the City Treasurer for the purpose of completing the repair or removal.

Staff recommends a public hearing for December 17, 2024. If the work has commenced in a manner acceptable to the Building Codes Administrator prior to December 17, 2024, the hearing will be canceled, or rescheduled if necessary. If the hearing is canceled, the insurance proceeds will be returned.

**STAFF RECOMMENDATION:**

Adopt the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Vibrant Neighborhoods

**Guiding Principles**

Prudent Financial Management

**ATTACHMENTS**

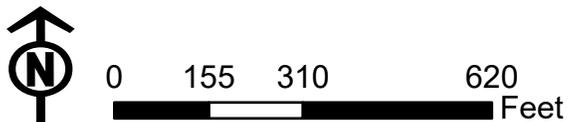
1. Map
2. Statement of Damage
3. Resolution



Document Path: C:\Users\lesteven\Documents\ArcGIS\Projects\WV\Projects\WVProject5.aprx

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

# 19430 West 87th Lane Fire Damaged Structure



TO: Governing Body

FROM: Matt Souders, Building Codes Administrator

DATE: November 13, 2024

RE: 19430 W 87<sup>th</sup> Lane – Unsafe and Dangerous Structure

On October 9, 2024, the residential structure at 19430 W 87<sup>th</sup> Lane was damaged by fire. The following morning, October 10, 2024, the house was significantly damaged by another or a recurring fire. The structure is owned by James Wheeler and Claudia Wight Revocable Trust. It is the City's determination that the structure located at 19430 W 87<sup>th</sup> Lane is unsafe and dangerous. Attached with this statement are photos of the structure. The structure is not secured at the time of the writing of this memo. The structure is currently in danger of further collapse.





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

**A RESOLUTION PROVIDING NOTICE AND CALLING FOR A PUBLIC HEARING TO APPEAR AND SHOW CAUSE WHY THE STRUCTURE AT 19430 WEST 87<sup>TH</sup> LANE SHOULD NOT BE CONDEMNED AND ORDERED REPAIRED OR DEMOLISHED AS AN UNSAFE OR DANGEROUS STRUCTURE IN ACCORDANCE WITH K.S.A. 12-1750 ET. SEQ.**

**WHEREAS**, on October 9, 2024, a fire damaged the structure located at 19430 West 87<sup>th</sup> Lane; and

**WHEREAS**, pursuant to K.S.A. 12-1750 et seq., the Governing Body has the power to cause the repair or removal of, or to remove any structure located within the City which is determined to be unsafe or dangerous; and

**WHEREAS**, if necessary, the City may recover costs for the repair and removal of an unsafe or dangerous structure in accordance with the Lenexa City Code Article 1-9-H and K.S.A. 12-1755; and

**WHEREAS**, pursuant to K.S.A. 12-1752, the City of Lenexa Building Codes Administrator has determined the structure located at 19430 West 87<sup>th</sup> Lane to be unsafe and dangerous and filed a written statement, of such determination with the Governing Body on November 19th, 2024; and

**WHEREAS**, Pursuant to K.S.A. 1752, the Governing Body shall provide notice and call for a public hearing for the owner, owner's agent and any lienholders of record to appear and show cause why the structure should not be condemned and ordered repaired or demolished as an unsafe or dangerous structure; and

**WHEREAS**, pursuant to this notice and in accordance with K.S.A. 12-1752 et seq., the City may ultimately repair or demolish such structure and the owner may lose any interest in the salvage proceeds of such structure and that any costs borne by the City in excess of the salvage value may be assessed against the real property.

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

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

SECTION TWO: This Resolution shall be published once each week for two consecutive weeks on the same day of each week in the official City newspaper.

SECTION THREE: The public hearing shall be held by the Lenexa Governing Body on December 17, 2024, at 7:00 p.m. or as soon thereafter as it can be heard, at Lenexa City Hall, 17101 West 87<sup>th</sup> Street Parkway, Lenexa, Kansas, 66219.

SECTION FOUR: The Building Codes Administrator is hereby directed to mail a copy of this resolution by mail to the owner, owner's agent, any lienholders and occupants of record within three days following the first publication hereof, all in accordance with K.S.A. 12-1752.

**ADOPTED** by the Lenexa City Council this 19th day of November, 2024.

**SIGNED** by the Mayor this 19<sup>th</sup> day of November, 2024.

CITY OF LENEXA, KANSAS

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

[SEAL]

Attest:

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

Approved As To Form:

\_\_\_\_\_  
Steven D. Shrout, Assistant City Attorney



**ITEM 9**

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**SUBJECT:** Consideration of resolutions associated with the Vista Village development

**CONTACT:** Sean McLaughlin, City Attorney

**DATE:** November 19, 2024

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**ACTION NEEDED:**

- a. Adopt resolution authorizing the partial assignment and amendment of Resolution 2022-052 relating to the intent to issue up to \$32.5 million in industrial revenue bonds (IRBs) for LUXE, LLC ("LUXE") associated with Villas at Vista Village development; and
- b. Adopt resolution of intent to issue up to \$2.5 million in IRBs for Central Trust Bank to finance, equip, and construct a 4,250 square foot office development in the Vista Village development.

**PROJECT BACKGROUND/DESCRIPTION:**

Central Trust Bank ("Central Trust") has submitted an IRB application in order to receive a sales tax exemption on construction of a 4,250 square foot office development ("Central Trust Project") in the Vista Village development ("Vista Village") at the southeast corner of Prairie Star Parkway & Ridgeview Road.

The City previously approved Resolution 2022-052 ("Original Resolution"), which determined the City's intent to issue up to \$32.5 million in IRBs to LUXE for the Villas at Vista Village project. LUXE wishes to assign a portion of its rights under the Original Resolution to the developer of the Central Trust Project.

The proposed resolutions modify the Original Resolution to accommodate separate ownerships. First, the Original Resolution will be amended to reduce the authorized IRBs issuance from \$32.5 million to \$30 million for LUXE. Second, the City will adopt a new resolution of intent declaring the intent of the City to issue its taxable IRBs for the benefit of Central Trust, in an amount not-to-exceed \$2.5 million for the Central Trust Project. The Central Trust Project IRBs will be privately placed by the applicant. The applicant cannot receive a tax abatement because this project is located in the Ridgeview Mining tax increment financing (TIF) district. The project is a phase of Project Plan 10 in the Ridgeview Mining TIF approved in June 2022.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

IRBs are not backed by the full faith and credit of the City. The applicant is responsible for repayment of the IRBs and all fees related to the bond issue.

**STAFF RECOMMENDATION:**

Adopt the resolutions.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Thriving Economy

**Guiding Principles**

Responsible Economic Development

**ATTACHMENTS**

1. Resolution - Villas at Vista Village
2. Resolution - Central Bank Project

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

**A RESOLUTION AUTHORIZING A PARTIAL ASSIGNMENT OF AND AMENDMENT TO RESOLUTION NO. 2022-052 OF THE CITY OF LENEXA, KANSAS, RELATING TO THE INTENT OF THE CITY TO ISSUE ITS INDUSTRIAL REVENUE BONDS TO FINANCE THE COSTS OF ACQUIRING AND EQUIPPING CONSTRUCTION MATERIALS FOR A MIXED-USE PROJECT FOR THE BENEFIT OF LUXE, LLC (VILLAS AT VISTA VILLAGE).**

**WHEREAS**, the City of Lenexa, Kansas (the “City”), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and to further promote, stimulate and develop the general welfare and economic prosperity of the state of Kansas; and

**WHEREAS**, the City is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease such facilities to private persons, firms or corporations; and

**WHEREAS**, pursuant to Resolution No. 2022-052 (the “Resolution”), adopted by the Governing Body of the City on June 7, 2022, the Governing Body of the City determined its intent to issue its taxable industrial revenue bonds in the aggregate principal amount of approximately \$32,500,000 for the purpose of financing the cost of acquiring and equipping construction materials for a mixed-use development consisting of multi-family villa units and a retail building as well as associated infrastructure located at the southwest corner of Prairie Star Parkway and Valhalla Road (the “Project”), and continue to lease the Project to Luxe LLC, a Kansas limited liability company (the “Company”), or its successors and assigns, subject to City consent and all pursuant to the Act; and

**WHEREAS**, the Company desires to assign a portion of its rights and benefits under the Resolution to Central Trust Bank, a state chartered trust company (“Central Bank”), in order for Central Bank to construct and equip an approximately 4,500 square foot bank building (the “Central Bank Project”), and pursuant to the Resolution, the City may, upon approval of the City Council, assign the Company’s interest in the Resolution to another entity, and such assignee will be entitled to the benefits of the Resolution assigned and the proceedings related thereto; and

**WHEREAS**, the Company has requested that the Resolution be modified and bifurcated to accommodate separate ownerships of the Project being constructed by the Company (the “Luxe Project”) with the Central Bank Project by amending the Resolution to authorize the issuance of bonds in an amount not to exceed \$30,000,000 for the Luxe Project (the “Luxe Bonds”), and that the City adopt a new resolution of intent declaring the intent of the City to issue its taxable industrial revenue bonds for the benefit of Central Bank, in an amount not to exceed \$2,500,000 for the Central Bank Project; and

**WHEREAS**, in order to assist in the economic development of the City, the Governing Body of the City finds it desirable and in the best interest of the City to amend the Resolution to decrease the total principal amount of the Luxe Bonds to \$30,000,000 for the purpose of financing the costs of the Luxe Project; and

**WHEREAS**, the Luxe Bonds shall be payable solely out of the rentals, revenues and receipts derived from the lease of the Luxe Project by the City to the Company;

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

**Section 1. Authorization of Partial Assignment of the Resolution.** A partial assignment of Resolution No. 2022-052 from the Company to Central Bank is hereby approved.

**Section 2. Amendment to the Resolution.**

(a) The term “Project” in Sections 1 through 10 of Resolution No. 2022-052 shall be amended to mean the Luxe Project; and

(b) The term “Bonds” in Sections 1 through 10 of Resolution No. 2022-052 shall be amended to mean the City’s taxable industrial revenue bonds issued in the principal amount not to exceed \$30,000,000 issued for the purpose of financing the cost of the Luxe Project.

**Section 3. Further Action.** The Mayor, City Council, City Manager, Deputy City Manager, City Attorney and Kutak Rock LLP, Bond Counsel of the City, are hereby directed to take such action as they deem necessary in cooperation with all persons involved with the financing of the Project in order to present the necessary documents to the Governing Body of the City for final action. In connection therewith, Bond Counsel for the City is directed to work with the Company, Company’s counsel and all others necessary, to accomplish the purposes as set forth herein.

**Section 4.** This Resolution shall take effect and be in full force immediately after its adoption.

*[Remainder of Page Intentionally Left Blank]*

**ADOPTED** by the Lenexa City Council on November 19, 2024.

**SIGNED** by the Mayor on November 19, 2024.

**CITY OF LENEXA, KANSAS**

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

[SEAL]

ATTEST:

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

APPROVED AS TO FORM:

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

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

**A RESOLUTION DETERMINING THE INTENT OF THE CITY OF LENEXA, KANSAS, TO ISSUE ITS INDUSTRIAL REVENUE BONDS IN THE APPROXIMATE PRINCIPAL AMOUNT OF \$2,500,000 TO FINANCE THE COSTS OF CONSTRUCTING AND EQUIPPING A RETAIL PROJECT FOR THE BENEFIT OF THE CENTRAL TRUST BANK (CENTRAL BANK PROJECT).**

**WHEREAS**, the City of Lenexa, Kansas (the “City”), desires to promote, stimulate and develop the general welfare and economic prosperity of the City and its inhabitants and to further promote, stimulate and develop the general welfare and economic prosperity of the state of Kansas; and

**WHEREAS**, the City is authorized and empowered under the provisions of K.S.A. 12-1740 to 12-1749d, inclusive (the “Act”), to issue industrial revenue bonds to pay the cost of certain facilities (as defined in the Act) for the purposes set forth in the Act and to lease such facilities to private persons, firms or corporations; and

**WHEREAS**, Central Trust Bank, a state chartered trust company (the “Company”), made an application requesting the City issue its taxable industrial revenue bonds in the principal amount of approximately \$2,500,000 (the “Bonds”) for the purpose of financing the cost of constructing and equipping an approximately 4,500 square foot bank building (the “Project”) located at the southwest corner of Prairie Star Parkway and Valhalla Road within the City, and continue to lease the Project to the Company or its successors and assigns, subject to City consent and all pursuant to the Act; and

**WHEREAS**, it is found and determined to be advisable and in the interest and for the welfare of the City and its inhabitants that the City finance the costs of the Project by the issuance of Bonds under the Act in an approximate principal amount of \$2,500,000, such Bonds to be payable solely out of rentals, revenues and receipts derived from the lease of the Project by the City to the Company or its successors and assigns.

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

**Section 1. Approval of Project.** The Governing Body of the City finds and determines that the acquisition and equipping construction materials for the Project will promote, stimulate and develop the general welfare and economic prosperity of the City through the promotion and advancement of physical or mental health, industrial, commercial, agricultural, natural resources or recreation development of the City and the issuance of the City’s Bonds to pay such costs will be in furtherance of the public purposes set forth in the Act.

**Section 2. Intent to Issue Bonds.** The Governing Body of the City determines and declares the intent of the City to acquire and equip the Project using the proceeds of the Bonds to be issued and used in accordance with the Act.

**Section 3. Provision for the Bonds.** Subject to the conditions of this Resolution, the City expresses its intent to: (i) issue its Bonds to pay the costs of acquiring, constructing and equipping the Project, with such maturities, interest rates, redemption terms and other provisions as may be determined by ordinance of the City; (ii) provide for the base lease from the Company to the City and a lease (with an option to purchase) of the Project from the City to the Company; and (iii) to effect the foregoing, adopt such resolutions and ordinances and authorize the execution and delivery of such instruments and the taking of such action as may be necessary or advisable for the authorization and issuance of the Bonds by the City and take or cause to be taken such other action as may be required to implement the aforesaid.

**Section 4. Conditions to Issuance.** Issuance of the Bonds and the execution and delivery of any documents related to the Bonds are subject to (i) passage and publication of an ordinance authorizing the Bonds and obtaining any other necessary governmental approvals; (ii) agreement by the City, the Company and the purchaser of the Bonds upon (a) mutually acceptable terms for the Bonds and for the sale and delivery thereof; and (b) mutually acceptable terms and conditions of any documents related to the issuance of the Bonds and the Project, including, but not limited to, provisions relating to the security for the payment of the Bonds, and provisions relating to the maintenance of the Project; (iii) the Company's compliance with the City's policies relating to the issuance of industrial revenue bonds, including payment of the City's origination fee and all costs of issuance; and (iv) delivery of an opinion of Bond Counsel with respect to the validity of the Bonds in a form acceptable to the City and the purchaser of the Bonds and delivery of an opinion from counsel to the Company for the benefit of the city in a form acceptable to the City.

**Section 5. Sale of the Bonds/Authority to Proceed.** The sale of the Bonds shall be the responsibility of the Company and shall be privately place with the Company, an affiliate of the Company or Company's lender; provided, however, all arrangements for the sale of the Bonds shall be acceptable to the City. The Company is authorized to proceed with the acquiring and equipping of construction materials for the Project, including the necessary planning and engineering for the Project and entering into contracts and purchase orders in connection therewith and to advance such funds as may be necessary to accomplish such purposes, and to the extent permitted by law, the Company may be reimbursed for such expenditures out of the proceeds of the Bonds, when and if issued, to the extent permitted by law. Notwithstanding such authorization, the Company proceeds at its own risk and if for any reason, the Bonds are not issued, the City shall have no liability to the Company for any reason, including the repayment to the Kansas Department of Revenue of any retailers' sales tax exemption utilized by the Company for which the Company shall indemnify and hold the City harmless.

**Section 6. Limited Obligations of the City.** The Bonds and the interest thereon shall be special, limited obligations of the City payable solely out of the amounts derived by the City under a Lease Agreement with respect to the Bonds and as provided herein and are secured by a transfer, pledge and assignment of and a grant of a security interest in the Trust Estate to the Trustee and in favor of the owners of such Bonds, as provided in the Indenture. The Bonds shall not constitute a general obligation of the

City, the State or of any other political subdivision thereof within the meaning of any State constitutional provision or statutory limitation and shall not constitute a pledge of the full faith and credit of the City, the State or of any other political subdivision thereof and shall not be payable in any manner by taxation, but shall be payable solely from the funds provided for as provided in the Indenture. The issuance of the Bonds shall not, directly, indirectly or contingently, obligate the City, the State or any other political subdivision thereof to levy any form of taxation therefor or to make any appropriation for their payment.

**Section 7. Required Disclosure.** Any disclosure document prepared in connection with the private placement of the Bonds shall contain substantially the following disclaimer:

NONE OF THE INFORMATION IN THIS OFFICIAL STATEMENT, OTHER THAN WITH RESPECT TO INFORMATION CONCERNING THE CITY CONTAINED UNDER THE CAPTIONS "THE CITY" AND "LITIGATION - THE CITY" HEREIN, HAS BEEN SUPPLIED OR VERIFIED BY THE CITY, AND THE CITY MAKES NO REPRESENTATION OR WARRANTY, EXPRESS OR IMPLIED, AS TO THE ACCURACY OR COMPLETENESS OF SUCH INFORMATION.

**Section 8. Benefit of Resolution.** This Resolution will inure to the benefit of the City and the Company. The City may, at the written request of the Company and approval of the City Counsel, assign the Company's interest in this Resolution to another entity, and such assignee will be entitled to the benefits of this Resolution assigned and the proceedings related thereto.

**Section 9. Further Action.** The City's Bond Counsel, the City's Financial Advisor, together with the officers and employees of the City, are authorized to work with the purchaser of the Bonds, the Company, their respective counsel and others, to prepare for submission to and final action by the City all documents necessary to effect the authorization, issuance and sale of the Bonds and other actions contemplated hereunder.

**Section 10. Effective Date.** This Resolution shall take effect and be in full force immediately after its passage by the City Council of the City and remain in effect until November 19, 2025, unless (i) the Bonds have been issued by the City or (ii) the Company has obtained from the City a building permit for the Project and is diligently pursuing construction to completion.

*[Remainder of Page Intentionally Left Blank]*

**ADOPTED** by the Lenexa City Council on November 19, 2024.

**SIGNED** by the Mayor on November 19, 2024.

**CITY OF LENEXA, KANSAS**

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

[SEAL]

ATTEST:

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

APPROVED AS TO FORM:

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



**CITY COUNCIL  
MEMORANDUM**

**ITEM 10**

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**SUBJECT:** Ordinance approving a three-year special use permit for a personal instruction, general use for Shoot 360 located at 17255 College Boulevard in the BP-2, Planned Manufacturing District

**CONTACT:** Stephanie Sullivan, Planning Manager

**DATE:** November 19, 2024

---

**ACTION NEEDED:**

Pass an ordinance approving a three-year special use permit (SUP) for a personal instruction, general use for Shoot 360 located at 17255 College Boulevard in the BP-2, Planned Manufacturing District.

**APPLICANT:**

Ellen Hailey Trakas

**OWNER:**

LLCS Building 8 Investors LLC

**PROPERTY LOCATION/ADDRESS:**

17255 College Boulevard

**PROJECT BACKGROUND/DESCRIPTION:**

The applicant is requesting approval of a three-year SUP for a personal instruction, general use in the BP-2, Planned Manufacturing District. Shoot 360 is a youth basketball training facility offering indoor basketball training through instruction as well as machine simulators. The facility contains 12 single-use stations that help track data and analytics for individuals. The building will also contain a full basketball court and half basketball court for group instruction. The proposed location is a 19,391 square foot tenant space in a multi-tenant industrial building located at 17255 College Boulevard. The supplementary use regulations for personal instruction, general uses allow a maximum initial SUP timeframe of three years and subsequent renewals may be approved for up to 10 years.

**STAFF RECOMMENDATION:**

Passage of the ordinance.

**PLANNING COMMISSION ACTION:**

This item was considered as Regular Agenda Item 7 at the November 4, 2024 Planning Commission meeting. A public hearing was held. No one from the public spoke during the public hearing. Chairman Poss remarked that these types of uses are common and seem to function well within business parks. There was no further discussion.

Chairperson Poss entertained a motion to recommend **APPROVAL** for a three-year SUP for Shoot 360 located at 17255 College Boulevard in the BP-2 Zoning District. Moved by Commissioner Harber, seconded by Commissioner Burson, and carried by a unanimous voice vote.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Thriving Economy

**Guiding Principles**

Responsible Economic Development

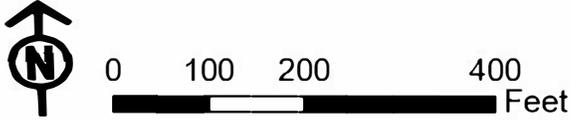
**ATTACHMENTS**

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



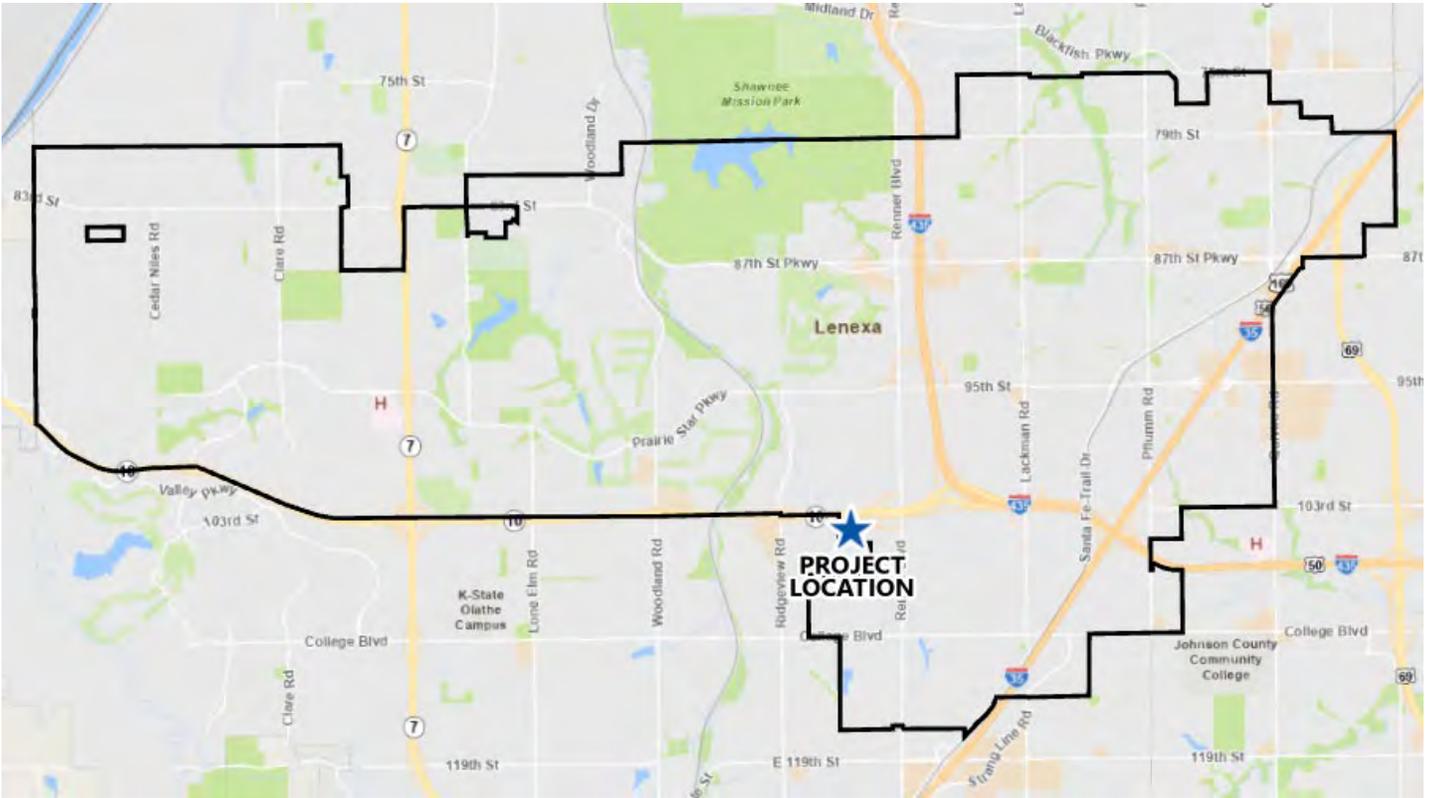
Data Source: City of Lenexa and Johnson County Kansas  
For further information, please call 913-477-7500

# Shoot 360 Special Use Permit



# SHOOT 360

<b>Project #:</b>	SU24-12	<b>Location:</b>	17255 College Boulevard
<b>Applicant:</b>	Ellen Hailey-Trakas, Trakas + Trakas	<b>Project Type:</b>	Special Use Permit
<b>Staff Planner:</b>	Noah Vaughan, Kim Portillo AICP	<b>Proposed Use:</b>	Personal Instruction, General



## PROJECT SUMMARY

The applicant is requesting approval of a special use permit (SUP) for a personal instruction, general use in the BP-2, Planned Manufacturing District. Shoot 360 is a basketball training facility offering indoor basketball training through instruction as well as machine simulators. The facility contains 12 single-use stations that help track data and analytics for individuals. The building will also contain a full court and half court for group instruction. The proposed location is a 19,391 SF tenant space in a multitenant building located at 17255 College Boulevard. This project requires a Public Hearing.

**STAFF RECOMMENDATION: APPROVAL FOR THREE YEARS**

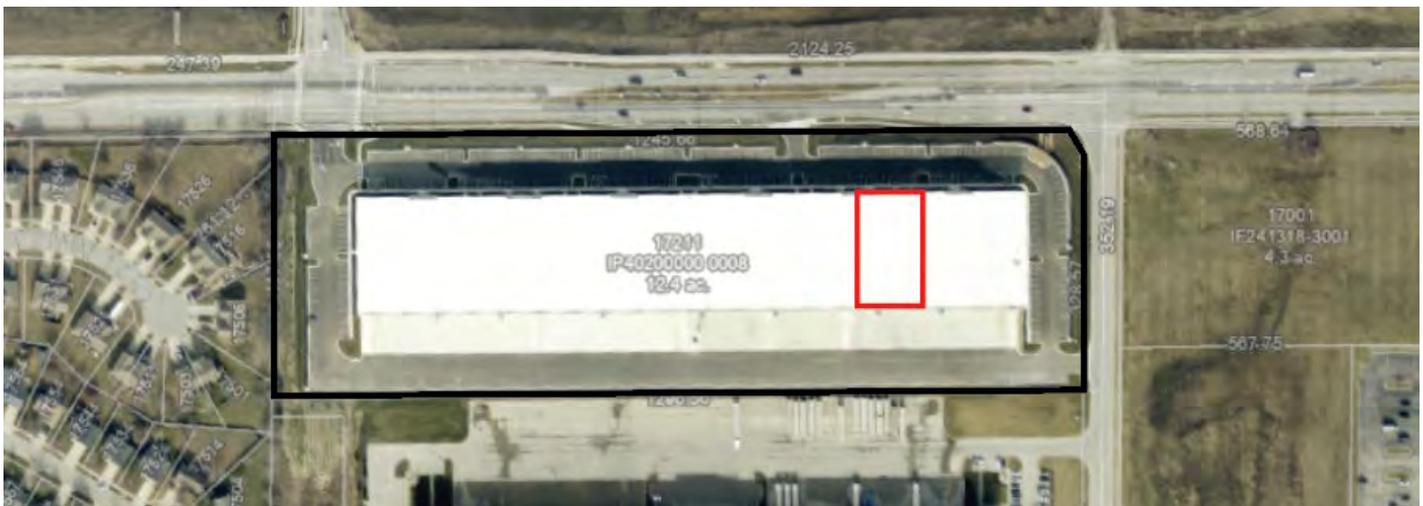
## SITE INFORMATION

The subject property was part of a larger rezoning and preliminary plan for Lenexa Logistics Centre in 2013. At that time, RZ13-02 rezoned the property from AG, Agricultural Zoning District to BP-2, Planned Business Park District and PL13-02P provided a companion preliminary plan for the development of ten buildings on a 120-acre site.

In 2016, the property was included as part of a revised preliminary plan application, PL16-03PR, to grant setback deviations for a different lot in the overall development. The subject property was not modified from the 2013 preliminary plan approval with the revised preliminary plan.

A one-lot final plat, called Lenexa Logistics Centre, Seventh Plat, was approved for this site by the Planning Commission on June 6, 2022 (PT22-12F). The plat was accepted by the Governing Body on June 21, 2022. A staff review final plan (PL22-10F) for office and warehouse space was also approved in 2022 and the building construction began the same year and was completed in 2024.

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
12.4 ac	19,391 SF	BP-2	Business Park



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



**Exhibit 2: Street View of Subject Site**

## LAND USE REVIEW

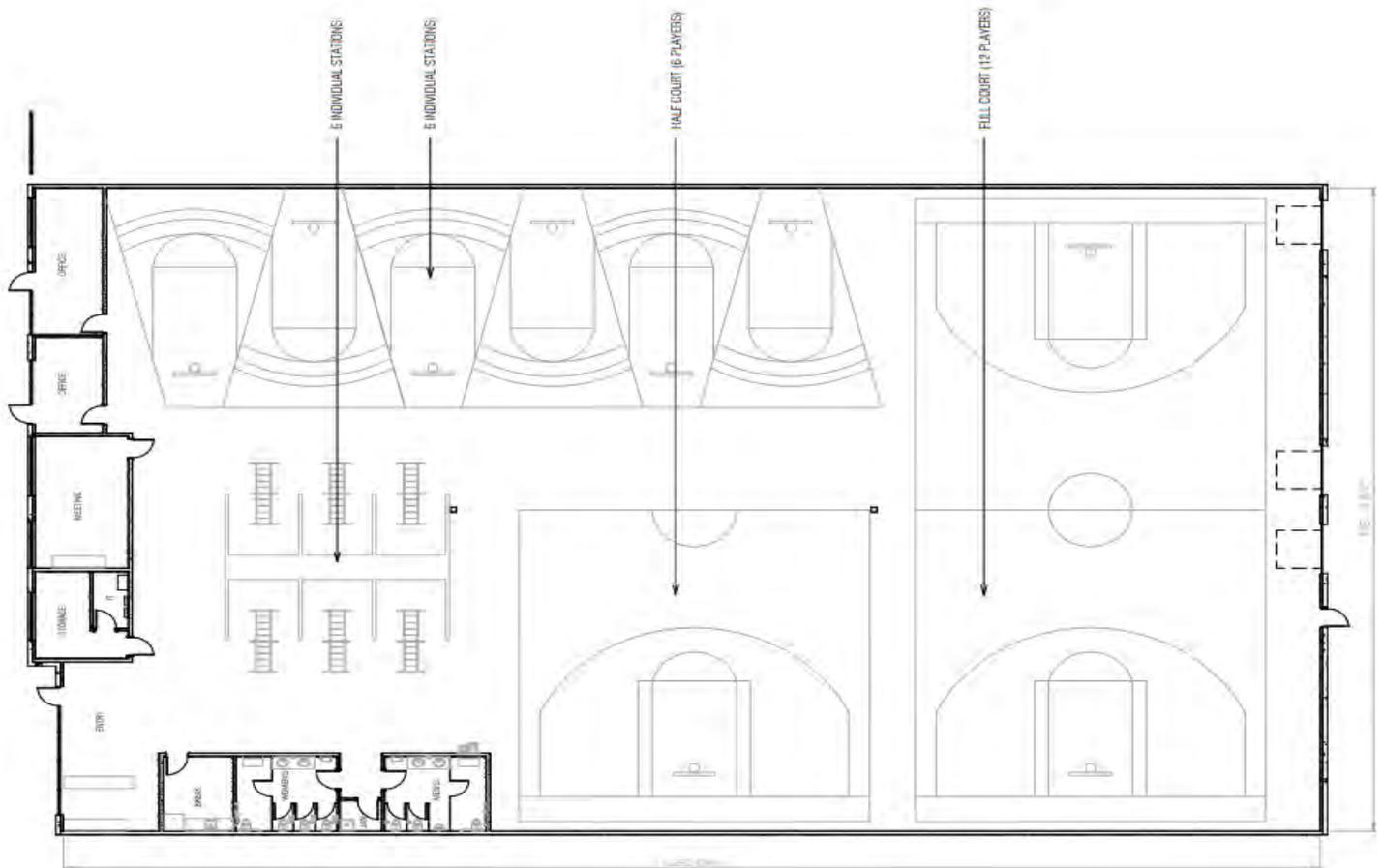
The proposed tenant is Shoot 360, a youth basketball training center. This use is classified as *personal instruction, general*, by the Unified Development Code (UDC).

The UDC specifies two classifications of personal instruction: limited and general.

*Personal instruction, limited* is permitted by right in the BP-2 Zoning District. To be considered as “limited”, the use must not exceed to 5,000 SF or 20 percent of the total floor area of the building, whichever is greater. If either of these thresholds is surpassed, the use is categorized as *personal instruction, general*, and requires a special use permit in the BP-2 Zoning District.

The proposed use, at 19,578 SF, exceeds the 5,000 SF threshold for limited use, thereby classifying it as *personal instruction, general* and requiring a special use permit.

Shoot 360’s hours of operation will vary depending on season and demand. The business will operate from 2:00 PM to 9:00 PM during the school year, with peak hours between 5:30 PM – 6:00 PM. During the summer, the business will be open from 9:00 AM – 9:00 PM. This also means the facility will be operating at a lower capacity throughout the day as the hours of operation would be longer in the summer. The applicant states that the business plans to operate with 5 employees.



**Exhibit 3: Floor Plan**

The facility itself is comprised of 12 training stations, a half-court station that could accommodate 1-3 trainees at a time, and a full-court station that could accommodate 6-20 trainees at one time. It is likely that larger groups would be using the full court outside of peak hours which may reduce potential impacts to parking and traffic at the property. The business plans for approximately 35 trainees and five employees for a peak occupancy of 40 people within the facility.



**TABLE 1: COMPARISON OF SURROUNDING PROPERTIES**

Vicinity	Land Use Designation	Zoning	Current Use
<b>Subject Property</b>	Business Park	BP-2, Planned Manufacturing District	Unoccupied, Warehouse/Office
<b>North</b>	Business Park	BP-2, Planned Manufacturing District	Vacant
<b>South</b>	Business Park	BP-2, Planned Manufacturing District	Warehouse
<b>East</b>	Business Park	AG, Agricultural District	Vacant
<b>West</b>	Property outside of Lenexa	N/A	Single-Family Residential

## SUPPLEMENTARY USE REGULATIONS

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

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

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

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

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

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

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

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

All functions will be located within the building.

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

Several tenant spaces in the building are unoccupied, leaving their hours unknown. The one space with a known tenant will be a light industrial use, with typical business hours. The proposed facility will generally operate in the late afternoon and evening during the school year, with peak hours between 5:30 PM and 6:00 PM. During the summer, the facility will operate extended hours from morning to evening but anticipate operating at approximately 50% capacity during those times because hours are twice as long and clients will be spread out throughout the day. It is Staff's opinion that the proposed facility's hours of operation will not adversely impact adjoining properties.

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

See the traffic and parking analysis further in this report.

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

The subject site is a tenant space situated in a middle unit of a multitenant building. The proposed use is not of greater intensity than adjoining uses in the building. This is a new construction building that received plan approval in 2022. Appropriate buffers for the entire building, as a warehouse and office use, were required at that time. Staff does not believe the proposed facility will increase the likelihood of potential loss of use or diminishment of land value; therefore, no additional land use buffers are required.

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

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

Staff does not anticipate undue traffic congestion or accident potential. There are three drive entrances that serve the multitenant building, one on Britton Street and two along College Boulevard. The easternmost drive from College Boulevard is closest to this tenant space and would likely become the primary entrance for visitor traffic once users become familiar with the location, as it aligns with the front entrance to the building. Vehicles from this use will not be in conflict with truck traffic for other uses to the building, which will park on the south side of the building.

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

The proposed facility is not near other existing *personal instruction* uses but does have direct access and visibility to the major roadway, College Boulevard.

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

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

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

The proposed location will not conflict with existing heavy industrial and distribution uses. Expected users of this building are smaller to medium industrial or office tenant that can operate within a multitenant space of approximately 10,000 to 20,000 SF.

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

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

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

Multiple tenant spaces in the building are vacant. These tenant spaces could potentially house warehouse or office uses. If warehousing uses were to occur, truck traffic would be directed to the south side of the building while users of this space would park and access from the north side of the building.

Truck traffic would most likely use the western entrance along College Boulevard or the entrance from Britton Street, which provide the most direct access to the loading dock area of the building. Users of the proposed personal instruction, general use would most likely use the eastern entrance along College Boulevard, as it is the most direct to the tenant space.

## SPECIAL USE PERMIT REVIEW

The *personal instruction* use is classified either as *limited* or *general*. The distinguishing feature between the two classifications is primarily the size and proportion of the facility to the multitenant building it occupies. Shoot 360 is classified as a *personal instruction, general* use because the proposed 19,578 SF facility exceeds the 5,000 SF threshold that would apply to *personal instruction, general* rather than *personal instruction, limited*. Due to this threshold, a special use permit is required. In the BP-2 Zoning District, *personal instruction, limited* uses are allowed by right while *personal instruction, general* uses require a special use permit.

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

### 1. The character of the neighborhood.

The surrounding properties are mostly warehousing and office space, or vacant space that is zoned for additional warehousing and office space. The agriculturally zoned property to the east is determined by the Future Land Use map to be utilized for Business Park and could be used similarly to the rest of the surrounding properties. To the west is an adjacent residential neighborhood that is within the city of Olathe. Given these surrounding uses, no conflicts with the proposed use are anticipated to impact the character of the area.

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

Table 1 addresses the zoning of the surrounding properties. No issues with zoning compatibility are anticipated with the proposed special use.

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

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

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

Only one other tenant space in the building is occupied and is currently utilized for primarily warehousing with accessory offices. Staff does not anticipate that there will be significant impacts with noise or traffic with the proposed special use, given the maximum occupancy that would be in the building at any one time. In addition, the peak hours of operation and staggered training times will reduce any of these potential impacts.

The rear side of the building will not be utilized as this is a loading area and Shoot 360 would not use this space to operate their proposed use. All activities related to the proposed use will be indoors. The special use permit may be revoked if it is found that the use causes adverse effects on surrounding property.

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

A final plan (PL22-10F) and a final plat (PT22-12F) were both approved in 2022, and the building construction was completed in 2024. The other tenant, Bode Technologies, currently has a Temporary Certificate of Occupancy at the site and is working on an active building permit for their tenant space. The remaining tenant spaces in the building are currently unoccupied.

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

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

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

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

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

Approval of this Special Use Permit would align with Goal 13, Strategy 13.1 of Lenexa's Comprehensive Plan: "*Continue to reinvest in high quality parks, recreational facilities, programming, and cultural opportunities*". Approval of Shoot 360 would add another unique, recreational asset to the City of Lenexa per the objective of Goal 13 in this Comprehensive Plan.

The property is also designated by the Future Land Use map within the Business Park category. While this is primarily intended for commercial and industrial uses, the current zoning allows for *personal instruction* uses subject to the supplementary regulations of [Section 4-1-B-23-AC](#).

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

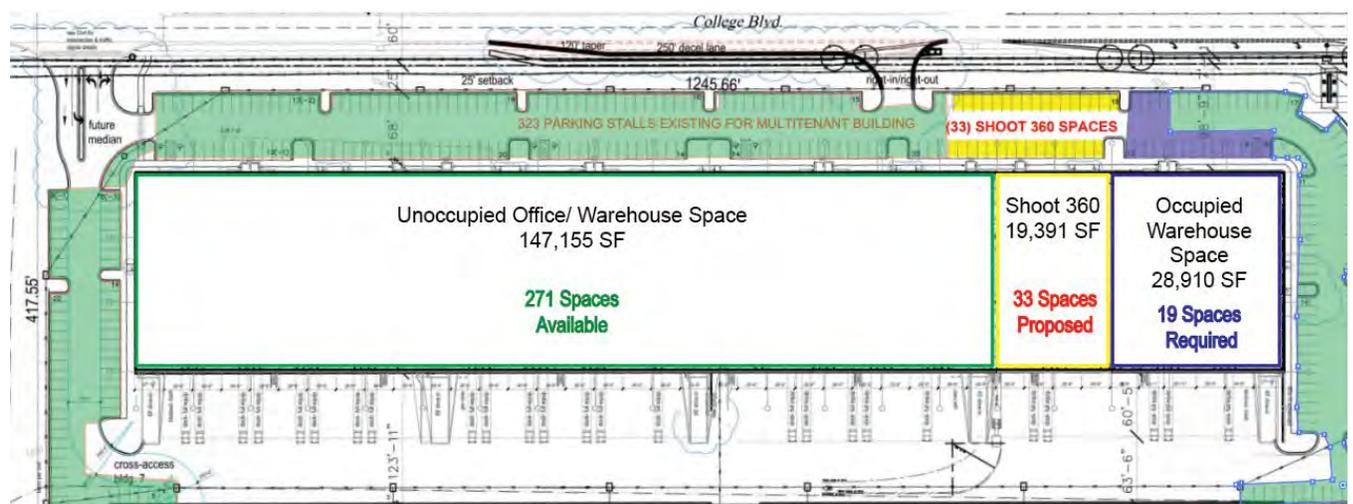
Utilities are available to the site. It is not anticipated that the proposed use would generate additional need for city services.

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

The building has a total of 323 parking spaces, with 33 spaces dedicated to this tenant space by the building owner. The code required minimum is 23 spaces based on maximum attendance and number of employees.

Multiple tenant spaces in the building are still unoccupied, but anticipated uses include office and warehouse. The previous final plan was approved with a parking count that assumed 30% of the building as office space and 70% of the building as warehouse. Individual tenant spaces were not designated for a specific use. In calculating the required need of the entire building, Staff kept the ratio for the remainder of the building at 30% office and 70% warehouse. There is sufficient parking to meet the need of the proposed use and other tenants in the building, with acknowledgement that uses may change within the building and parking may be shared between tenants.

The required spaces for this use are located at north side of the building near the front entrance and are separate from truck traffic and dock loading areas which are located on the south side of the building. Staff does not have concerns about the parking or traffic generated by the proposed use.



**Exhibit 4: Parking**

**TABLE 2: PARKING ANALYSIS**

Land Use	Parking Formula	Required Parking	Proposed Parking	Difference
Warehouse/Office 52,819 SF Office 123,245 SF Warehouse	1 space per 250 SF 1 space per 1500 SF	211 82	290	- 3
Personal Instruction, General 19,391 SF 35 attendees max 5 employees max	.5 Spaces per person in the largest class. If multiple classes are going on at the same time, .5 spaces per person for each class + 1 space per employee	23	33	+ 10
<b>Total</b> <b>195,456 SF</b>	n/a	<b>316</b>	<b>323</b>	<b>+ 7</b>

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

It is not anticipated that the proposed use will generate excessive stormwater runoff, water pollution, noise pollution, nighttime lighting, or other environmental harm. No additional exterior lighting will be added. The tenant finish for the space will include acoustical batt insulation, to prevent any noise disruption to adjacent tenant spaces.

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

The proposed personal instruction use will be located within an existing industrial and office building. No site improvements are planned. There will be no adverse effects on the capacity or water quality of the stormwater system or natural assets.

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

The applicant is capable of meeting the zoning requirements and supplementary use regulations for a *personal instruction*, *general special use permit*.

## DEVIATIONS

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

## NEXT STEPS

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- This project requires a recommendation from the Planning Commission and final approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration from the City Council on November 19, 2024.
- The applicant must receive permit(s) prior to commencing construction.
- The applicant must obtain a Certificate of Occupancy before opening for business.
- The applicant must obtain a Business License prior to opening for business.
- The applicant should inquire about additional City requirements and development fees.

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## RECOMMENDATION FROM PROFESSIONAL STAFF

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★ **Conduct a Public Hearing.**

★ **Staff recommends approval of the proposed Special Use Permit for Shoot 360.**

- This is a request for a special use permit for a *personal instruction, general* use within the BP-2, Planned Manufacturing Zoning District for a youth basketball training facility.
- The project is consistent with Lenexa's goals through **Responsible Economic Development** to create **Vibrant Neighborhoods**.
- The initial duration of this special use permit is limited to three years as required by [Section 4-1-B-23-AC-1](#) of the UDC, after which it may be extended for up to ten years for subsequent renewals.

### SPECIAL USE PERMIT

Staff recommends **approval** of SU24-12 - a special use permit for a personal instruction, general use for **Shoot 360** at 17255 College Boulevard for a period of three years.

7. **Shoot 360 - Consideration of a special use permit to allow a personal instruction, general use on property located at 17255 College Boulevard within the BP-2, Planned Manufacturing District. SU24-12 (Public Hearing)**

### APPLICANT PRESENTATION

Ellen Hailey-Trakas, applicant and architect with Trakas + Trakas, introduced herself along with Chad Grossenkemper, franchise owner for Shoot 360. Ms. Hailey-Trakas stated that they have applied for a special use permit for Shoot 360, a virtual basketball training facility. Located in Lenexa Logistics Center near College Boulevard and Renner Boulevard, Shoot 360 will occupy 19,000 square feet (10%) of a larger 195,000 square foot building. The facility provides data-driven basketball training, similar to golf simulators, tracking dribbling and shooting analytics. Proposed hours of operation are from 2:00pm to 9:00pm during the school year, targeting school-aged children, with a peak at 5:30 p.m. In the summer, they have plans to extend hours from 9:00 a.m. to 9:00 p.m. but with reduced capacity. They project up to 40 occupants in the facility, including a maximum of 35 trainees and five staff members. The layout includes personal training stations, a half-court, and a full court for group sessions. She discussed the parking requirements of 23 parking spaces but stated that they have access to 33 spots, acknowledging that 10% of the 323 parking spaces at the logistics center aligns with the City Code. She assured them that the off-peak hours aim to avoid impacting neighboring tenants.

### STAFF PRESENTATION

Kimberly Portillo presented the Staff Report for a special use permit requesting a personal instruction general use for Shoot 360, a basketball training facility. Ms. Portillo explained that the facility exceeds the 5,000-square-foot limit for "personal instruction limited" use, thus requiring a "general use" classification. Located in a newly developed business park, the site has convenient access from College Boulevard and Britton Street and is surrounded by compatible business park uses, with residential zoning buffered to the west. She said that Shoot 360 plans to operate between 9 a.m. and 9 p.m. year-round, with individual training stations, a half-court, and a full court. She said there is adequate parking to accommodate 35 trainees and five staff members, with designated parking spaces available directly in front of the facility. She said that industrial vehicles are minimal, as truck traffic is directed to entrances away from the tenant area. She stated that staff is recommending a three-year approval, which is the maximum duration for an initial permit of this type.

### PUBLIC HEARING

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

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

### COMMISSION DISCUSSION

Commissioner Katterhenry commented that the proposed special use permit for Shoot 360 was a good fit and a good use of the space within Lenexa Logistics Centre.

### MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of SU24-12 – **Shoot 360** a special use permit for a personal instruction, general use for a period of three years.

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

**SU 24-12**

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

**AN ORDINANCE GRANTING A THREE-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED AT 17255 COLLEGE BOULEVARD IN LENEXA, KANSAS.**

**WHEREAS**, on September 30, 2024, Ellen Hailey Trakas, agent for LLCs Building 8 Investors LLC, owner of record, filed a request for a special use permit to allow for a personal instruction, general use, on property located at 17255 College Boulevard, Lenexa, KS (the “Property”), in the BP-2 Planned Manufacturing Zoning District; and

**WHEREAS**, on November 4, 2024, the Lenexa Planning Commission held a public hearing to hear the request for said special use permit. Notice for the public hearing was provided in accordance with K.S.A. 12-757, and

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

**WHEREAS**, on November 19, 2024, the Governing Body considered the request and Planning Commission recommendation, as reflected in the minute record for said meeting;

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

**SECTION ONE:** The Governing Body hereby approves the issuance of a Three-Year special use permit in the BP-2, Planned Manufacturing Zoning District, for the real estate described as:

Lenexa Logistics Centre Seventh Plat, Lot 8.

More commonly known as 17255 College Boulevard, Lenexa, Kansas.

Hereinafter referred to as (the “Property”).

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

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

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

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

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

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

**PASSED** by the Governing Body November 19, 2024.

**SIGNED** by the Mayor November 19, 2024.

CITY OF LENEXA, KANSAS

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven D. Shrout, Assistant City Attorney



**ITEM 11**

**SUBJECT:** Ordinance approving a three-year special use permit for a daycare, general use for Adventure Awaits located at 8132 Twilight Lane in the R-1, Residential Single-Family Zoning District

**CONTACT:** Stephanie Sullivan, Planning Manager

**DATE:** November 19, 2024

**ACTION NEEDED:**

Pass an ordinance approving a three-year special use permit (SUP) for a daycare, general use for Adventure Awaits located at 8132 Twilight Lane in the R-1 Residential Single-Family District.

**APPLICANT/PROPERTY OWNER:**

Joanna Orellana

**PROPERTY LOCATION/ADDRESS:**

8132 Twilight Lane

**PROJECT BACKGROUND/DESCRIPTION:**

The applicant requests approval of a three-year SUP for a daycare, general use in the R-1, Single-Family Residential Zoning District. Per the Unified Development Code (UDC) Section 4-1-B-6, an SUP is required to operate a daycare, general use within the R-1 Zoning District. The applicant is currently operating as a daycare, limited use with a valid license from the City and State and will be allowed to increase the occupancy from a maximum of 6 children to a maximum of 12 children. According to the applicant, Adventure Awaits proposes to continue to operate as an in-home daycare between the hours of 7:30 AM and 5:30 PM Monday through Friday, with staggered drop-offs and pick-ups from parents. The daycare will provide care for up to 12 children and maintain required City and State licensing. The daycare includes one employee that does not reside at the home and one recommended condition of the SUP is that the employee must legally park close to the property to mitigate any potential parking issues in the vicinity.

**STAFF RECOMMENDATION:**

Pass the ordinance.

**PLANNING COMMISSION ACTION:**

This item was considered as a Regular Agenda Item 6 at the November 4, 2024 Planning Commission meeting. A public hearing was held. One member of the public spoke. The audience member identified themselves as a neighboring resident. They commended the applicant's diligent efforts in clearing their garage and utilizing it to house their vehicles, thereby facilitating smoother pick-up and drop-off for children. She expressed support for the daycare, stating that it is a valuable and needed service in the community. No one else from the audience spoke.

Chairman Poss entertained a motion to recommend **APPROVAL** for a three-year SUP for Adventure Awaits located at 8132 Twilight Lane in the R-1, Residential Single-Family District, for three years with one condition: The daycare employee that does not live on-premise shall legally park their vehicle as close to the home as possible to mitigate any potential parking issues in the neighborhood. Moved by Commissioner Handley, seconded by Commissioner Wagner, and carried by a unanimous voice vote.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Vibrant Neighborhoods

**Guiding Principles**

Strategic Community Investment

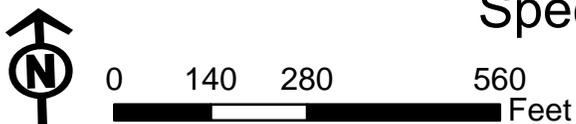
**ATTACHMENTS**

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



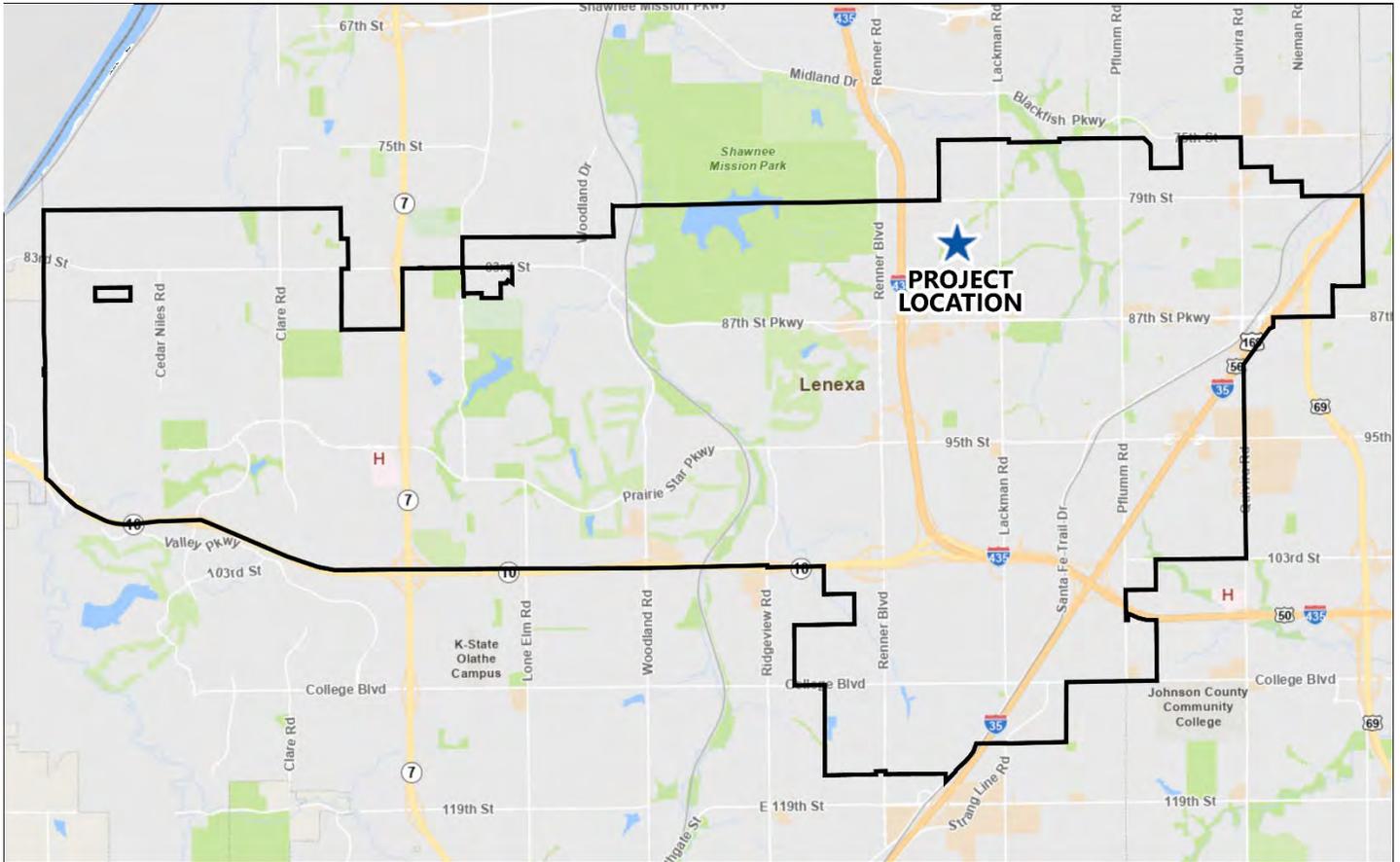
Data Source: City of Lenexa and Johnson County Kansas  
For further information, please call 913-477-7500

## Adventure Awaits Special Use Permit



## ADVENTURE AWAITS

<b>Project #:</b>	SU24-11	<b>Location:</b>	8132 Twilight Lane
<b>Applicant:</b>	JoAnna Orellana, Property Owner	<b>Project Type:</b>	Special Use Permit
<b>Staff Planner:</b>	Logan Strasburger	<b>Proposed Use:</b>	Daycare, general



### PROJECT SUMMARY

The applicant requests approval of a special use permit (SUP) for a *daycare, general* use in the R-1, Single-Family Residential Zoning District. Per the Unified Development Code (UDC) [Section 4-1-B-6](#), an SUP is required to operate a *daycare, general* use within the R-1 Zoning District. According to the applicant, Adventure Awaits proposes to operate as an in-home daycare between the hours of 7:30 AM and 5:30 PM Monday through Friday, with staggered drop-offs and pick-ups from parents. The daycare will provide care for up to 12 children. This request requires a Public Hearing at the Planning Commission meeting and final consideration by the Governing Body.

**STAFF RECOMMENDATION: APPROVAL FOR THREE YEARS WITH ONE CONDITION**

## SITE INFORMATION

The subject property is a single-family home located on a 0.20-acre lot in the Lackman Estates residential subdivision. The Lackman Estates, Third Plat final plat was approved by the Governing Body on October 15, 1981. The home was constructed in 1983 and has been used for single-family residential purposes.

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
0.20	1,110	R-1	Suburban Density Residential



*Exhibit 1: Aerial Image of Subject Site*



*Exhibit 2: Picture of front yard and driveway of subject site.*

## LAND USE REVIEW

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

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

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

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

The proposed hours of operation are Monday through Friday, 7:30 AM to 5:30 PM, with staggered drop offs and pick-ups to ensure minimal traffic disturbance in the surrounding neighborhood. Adventure Awaits will have two employees, one who lives at the residence and the other who does not live at the home.

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



**TABLE 1: COMPARISON OF SURROUNDING PROPERTIES**

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

**SUPPLEMENTARY USE REGULATIONS**

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

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

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

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

Staff recommends initial approval for three years, which is consistent with the initial duration recommendation that Staff provided to previous SUP applicants that were similar to this application.

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

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

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

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

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

The applicant should take note of this provision.

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

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

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

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

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

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

## SPECIAL USE PERMIT REVIEW

The UDC states that the initial SUP requests for *daycare, general* uses shall be valid for a maximum of 10 years from the date of approval.

A neighbor expressed concerns to Staff regarding the potential for drop-offs and pick-ups of children to cause traffic issues. Parents will be encouraged to park in the driveway for pick-ups and drop-offs and will have staggered schedules to limit the number of vehicles present for pick-up and drop-off at any given time. See additional information in item number 10 in the analysis of the review criteria.

Based on these considerations, Staff concludes the requested use would not create undue hardship or generate negative impacts on the surrounding properties. However, Staff believes that because the use is new in the neighborhood that a three-year initial SUP period is appropriate to monitor impacts and ensure the use is appropriate for the area.

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

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

The surrounding area is comprised of low-density, single family residential uses. Additionally, there is an Elementary school nearby.

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

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

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

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

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

It is Staff’s opinion that the proposed use will not adversely affect surrounding properties. If any concerns emerge regarding excessive noise, parking, traffic flow, or other impacts on nearby property owners while the SUP is active, Staff may undertake a review of these concerns and consider initiating the process to revoke the SUP.

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

This property has been occupied, by various families since it’s construction in 1983. The applicant moved to the subject site within the last year.

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

There would be no substantial gain to the public health, safety, and welfare if the SUP were to be denied. The applicant would be limited to a maximum of six (6) children within the daycare if the SUP were denied. The overall impact to the public primarily stems from additional traffic, which is minimal considering the context of the area.

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

See the Staff Recommendation at the end of this report.

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

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

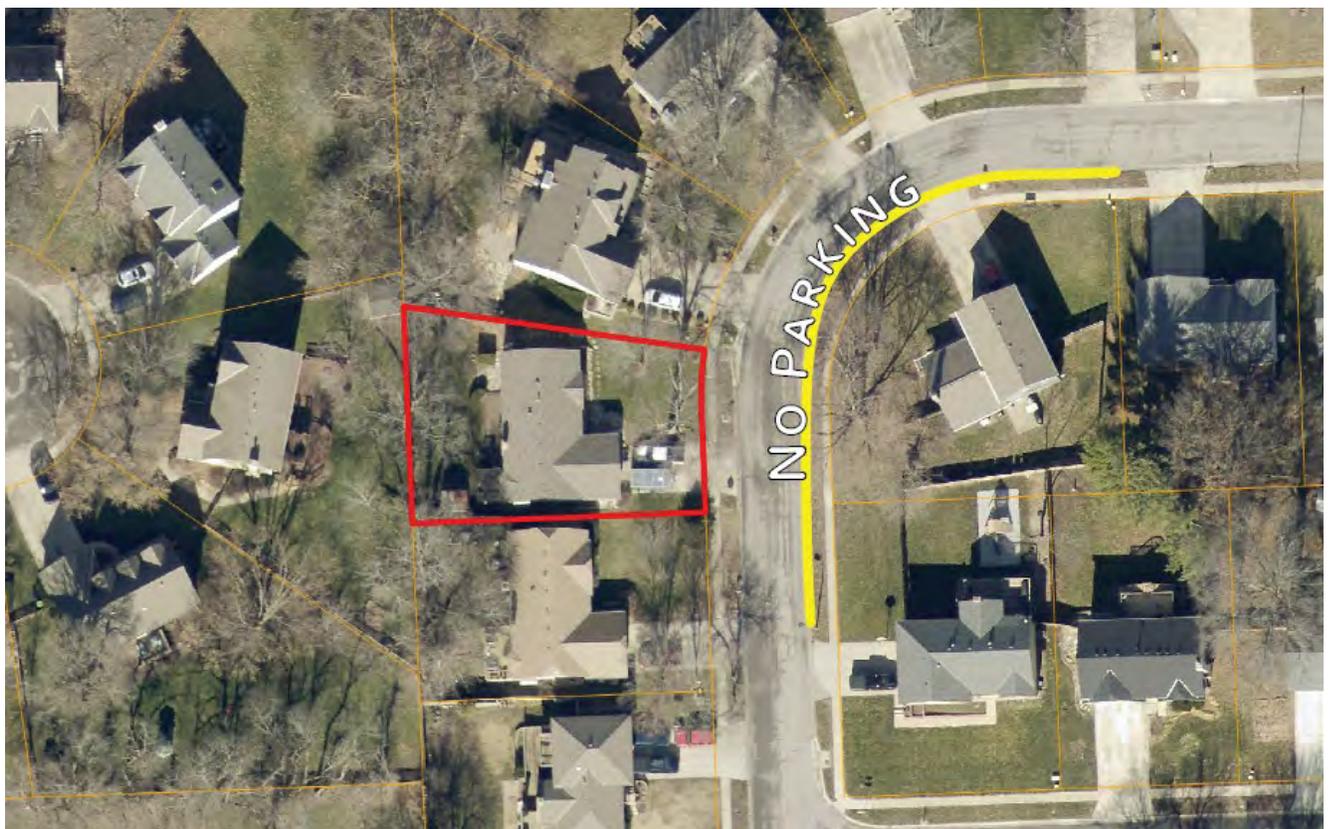
**9. The availability and adequacy of required utilities and services to serve the proposed use. These utilities and services include, but are not limited to, sanitary and storm sewers, water and electrical service, police and fire protection, schools, parks and recreation facilities, etc.**

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

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

The subject property features a two-car garage and a driveway capable of accommodating four vehicles. The applicant has stated that they own two vehicles, both of which will be parked in the garage. Additionally, the applicant stated that they occasionally have visitors that require accessibility accommodations and must utilize the driveway to simplify access to the residence. The applicant encourages parents to use the driveway for drop-offs and pick-ups and plans to maintain this practice. An employee, who does not reside at the home, has been directed to park their vehicle in front of the daycare to ensure that parents can make full use of the driveway during peak times. Furthermore, the applicant has indicated that pick-ups and drop-offs occur at staggered intervals in the mornings and evenings to reduce the number of vehicles on-site at any one time. Based on these planned operational practices, there should be no impact to parking on the street outside the bounds of the applicant’s frontage.

Staff notes that some areas near the applicant’s home are designated as “No Parking” along the east side of Twilight Lane. The applicant, the employee, and all clients will need to abide by all parking restrictions.



*Exhibit 3: An aerial view of the subject site is illustrated as a red polygon, with the no parking area along Twilight Lane indicated by a yellow line.*

Although Staff does not foresee parking issues arising from this use, Staff recommends a condition of approval requiring the daycare employee traveling to the site to park their vehicle as close to the home as possible to minimize any potential impact on neighborhood parking concerns. Staff does not expect any adverse effects on the capacity or safety of the existing street network.

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

Staff does not anticipate the proposed daycare generating excessive stormwater runoff, water pollution, air pollution, noise pollution, excessive nighttime lighting, or other environmental harm.

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

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

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

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

## DEVIATIONS

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

## NEXT STEPS

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- This project requires a recommendation from the Planning Commission and final approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration by the City Council on November 19, 2024.
- The applicant should inquire about additional City requirements and fees.
- The applicant must obtain an updated Business License prior to opening for business.

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## RECOMMENDATION FROM PROFESSIONAL STAFF

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★ **Conduct a Public Hearing.**

★ **Staff recommends approval of the proposed Special Use Permit for Adventure Awaits.**

- The recommended duration of the SUP approval is three years to ensure the use does not create parking issues and is compatible with the neighborhood.
- The requested special use permit is for an in-home daycare for up to 12 children (*daycare, general use*) in the R-1, Single Family Zoning District.
- The project is consistent with Lenexa's goals through **Strategic Community Investment** to create **Vibrant Neighborhoods**.

### SPECIAL USE PERMIT

Staff recommends **APPROVAL** of SU24-11 - a special use permit for a *daycare, general use* for **Adventure Awaits** at 8132 Twilight Lane, for three years with one condition:

- 1) The daycare employee that does not live on-premise shall legally park their vehicle as close to the home as possible to mitigate any potential parking issues in the neighborhood.

## REGULAR AGENDA

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6. **Adventure Awaits - Consideration of a special use permit to allow a daycare, general use on property located at 8132 Twilight Lane within the R-1, Single-Family Residential District. SU24-11 (Public Hearing)**

### APPLICANT PRESENTATION

Joanna Orellana, owner of Adventure Awaits Daycare at 8132 Twilight Lane, explained her daycare business. Ms. Orellana stated that her business operated for five years in Overland Park, but she relocated in July after updates to the new property. She said her mission is to provide a safe and nurturing environment for young children to learn and grow, adhering to all City and State regulations. She has been licensed for five years and successfully passed inspections at her former address. However, upon moving to Lenexa, she learned that the City required a special use permit, which she promptly began to address. During the permit process, parking concerns arose, especially around drop-off and pick-up times. The area allows parking only on the west side of the street, and initially, the family's garage was used for storage after the move. To resolve this, she said she cleared the garage to accommodate family vehicles, freeing up space for nearby on-street parking. She said that her employee now parks strategically to avoid blocking the mailbox, and Ms. Orellana coordinated with parents to stagger drop-off and pick-up times and to use the driveway more efficiently. A Ring camera helps her monitor traffic, and overall, these adjustments have successfully minimized traffic congestion.

### STAFF PRESENTATION

Logan Strasburger presented the Staff Report. Ms. Strasburger explained that Ms. Orellana was seeking approval through a special use permit to expand her current daycare from a maximum of six children to twelve children. Ms. Strasburger displayed a location map and pointed out 8132 Twilight Lane, where Ms. Orellana resides and conducts her daycare business. She provided zoning and Comprehensive Plan information for the property. Ms. Strasburger stated that Ms. Orellana operates her daycare Monday through Friday from 7:30 a.m. to 5:30 p.m. and has one employee who lives off-site. She said that the daycare has implemented staggered pick-up and drop-off times to manage traffic, and all family vehicles will be parked in the garage, with one vehicle in the driveway for ease of access. She further explained that the off-site employee will park on the west side of the street, avoiding the no-parking zone. She displayed the criteria by which the application was reviewed by Staff and explained that each of the criteria was discussed in detail within the Staff Report. She said she would elaborate on Criteria Number 10, traffic impact. She reiterated what Ms. Orellana earlier stated, that pick-up and drop-offs would be staggered and she planned to continue that practice with the increase to 12 children. She said the parking of the vehicle in the garage and the employee parking on the west side of the street would mitigate any potential parking issues in the neighborhood.

### PUBLIC HEARING

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

Jean Sims, a nearby neighbor said recently retired in December and has become a bit of a neighborhood watch. Ms. Sims confirmed that the applicant had cleared their garage and now keep their vehicles inside and that there is only one car typically in the driveway. She expressed support for the daycare saying that it is a valuable and needed service for the community.

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

### COMMISSION DISCUSSION

There was no discussion.

### MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of SU24-11 - a special use permit for a *daycare, general* use for **Adventure Awaits** at 8132 Twilight Lane, for three years with one condition:

- 1) The daycare employee that does not live on-premise shall legally park their vehicle as close to the home as possible to mitigate any potential parking issues in the neighborhood.

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

DRAFT

**SU 24-11**

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

**AN ORDINANCE GRANTING A THREE-YEAR SPECIAL USE PERMIT ON PROPERTY LOCATED AT 8132 TWILIGHT LANE, IN LENEXA, KANSAS.**

**WHEREAS**, on September 20, 2024, Joanna Orellana, owner of record, filed a request for a special use permit to allow for a daycare, general use on property located at 8132 Twilight Lane (the "Property"), in the R-1, Single-Family Residential Zoning District; and

**WHEREAS**, on November 4, 2024, the Lenexa Planning Commission held a public hearing to hear the request for said special use permit. Notice for the public hearing was provided in accordance with K.S.A. 12-757, and

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

**WHEREAS**, on November 19, 2024, the Governing Body considered the request and Planning Commission recommendation, as reflected in the minute record for said meeting;

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

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

Lot 92, LACKMAN ESTATES, THIRD PLAT, a subdivision in the City of Lenexa, Johnson County, Kansas, according to the recorded plat thereof.

More commonly known as 8132 Twilight Lane, Lenexa, KS.

Hereinafter referred to as (the "Property").

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

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

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

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

**PASSED** by the Governing Body November 19, 2024.

**SIGNED** by the Mayor November 19, 2024.

CITY OF LENEXA, KANSAS

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven D. Shrout, Assistant City Attorney



**ITEM 12**

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**SUBJECT:** Consideration of a rezoning and preliminary plan known as Ross Canyon for a multifamily residential development on property located near 93rd Street between Mill Creek Road and Renner Boulevard

**CONTACT:** Stephanie Sullivan, Planning Manager

**DATE:** November 19, 2024

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**ACTION NEEDED:**

- a. Pass an ordinance rezoning property located near 93rd Street between Mill Creek Road and Renner Boulevard from the AG, Agricultural and R-1, Single-Family Residential Districts to the RP-3, Planned Residential Medium-Density and RP-4, Planned Residential High-Density Districts; and
- b. Approve the companion preliminary plan for Ross Canyon.

**APPLICANT:**  
Tyler Burks, Petra

**OWNER:**  
Ross Morris Venture Group, Inc.

**PROPERTY LOCATION/ADDRESS:**  
Near 93rd Street between Mill Creek Road and Renner Boulevard

**PROJECT BACKGROUND/DESCRIPTION:**  
The applicant requests rezoning of property near 93rd Street between Mill Creek Road and Renner Boulevard from the AG, Agricultural and R-1, Single-Family Residential Districts to the RP-3, Planned Residential Medium-Density and RP-4, Planned Residential High-Density Districts to allow a multifamily residential development composed of attached townhomes and apartments.

The rezoning request includes a companion preliminary plan. The proposed development includes 44.1 acres of undeveloped land between the Reflections mixed-use development and Canyon Farms Golf Club and Cottonwood Canyon neighborhood. The companion preliminary plan shows apartments on the east side of the site and townhomes and apartments on the west side of the site. Public streets will extend into the site to provide access to the different components of the development and to connect to the existing developments to the east and west. The plan includes a total of 469 dwelling units comprised of 95 townhomes and 374 apartments. The housing types and overall density of 10.6 units per acre comply with the Comprehensive Plan designation of High-Density Residential for the property, which reflects a maximum density of 16 units per acre. The project also employs a transition from lower density on the west to higher density on the east through the use of RP-3 and RP-4 zoning districts.

The applicant requests a deviation from the Unified Development Code related to the height of the seven apartment buildings, all varying in proposed height above the allowable maximum height of 35 feet. The townhome buildings do not require a deviation. The apartment building heights range from 43.25 feet to

64.25 feet due primarily to grade changes throughout the site and the design approach to cluster the density on land outside the stream setback areas. The building closest to the Cottonwood Canyon neighborhood is the shortest of the apartment buildings with a deviation of just over eight feet of increased height. The two apartment buildings on the west portion, closest to Cottonwood Canyon, are three stories and the five buildings on the east portion, adjacent to the Reflections development, are four and five stories. The deviation request is described in detail in the Planning Commission Staff Report. Staff and the Planning Commission were supportive of the proposed deviation request.

**STAFF RECOMMENDATION:**

Pass the ordinance and approve the companion preliminary plan.

**PLANNING COMMISSION ACTION:**

This item was considered as Regular Agenda Item 8 at the September 30, 2024, Planning Commission meeting. A public hearing was held at this meeting. The Planning Commission considered several discussion topics and voted to continue the Rezoning and Preliminary Plan for Ross Canyon to November 4, 2024.

Comments from the public hearing at the September 30th meeting included concerns about the proximity of the apartment building to Cottonwood Canyon homes, the buildings' aesthetics, noise, and lights. The Planning Commission closed the public hearing and discussed these items among the Commissioners. Several commissioners commented on the building design and about landscape buffering and timing of the different components of the project. Several Planning Commissioners stated concerns about approving the project with the requested deviations while not accepting the building design as submitted. The Planning Commission continued the item for one month to the November 4, 2024, meeting.

This item, in its revised form, was considered as Regular Agenda Item 8 at the November 4, 2024, Planning Commission meeting. Chairman Poss allowed for additional public comment. The comments from the public reflected a positive reaction to the revisions to the plan. The apartment buildings have been moved farther away from the west property line, which will allow for additional space for landscaping. The applicant commits to relocating the surface parking, replacing it with a townhome building to better screen lighting. The plan also includes traffic-calming features on the street going westerly into the Cottonwood Canyon and Fairway Villas duplex developments. The traffic-calming features are intended to direct traffic to go east to Renner Boulevard.

Each Commissioner provided comments regarding the rezoning and the preliminary plan. The Commissioners supported the request to rezone the site to the RP-3 and RP-4 Zoning Districts, basing their support on the criteria for review and the design of the overall development.

Chairman Poss entertained a motion to recommend **APPROVAL** to rezone property from AG and R-1 to RP-3 and RP-4 Zoning Districts for a multifamily project containing townhomes and apartments located near 93rd Street between Mill Creek Road and Renner Boulevard. Moved by Commissioner Woolf, seconded by Commissioner Burson, and carried by a vote of 7 to 0. Commissioners Horine and Macke were absent.

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan for Ross Canyon. Moved by Commissioner Handley, seconded by Commissioner Wagner, and carried by a vote of 7 to 0. Commissioners Horine and Macke were absent.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

Vibrant Neighborhoods  
Thriving Economy

**Guiding Principles**

Responsible Economic Development

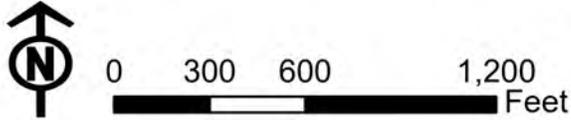
**ATTACHMENTS**

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



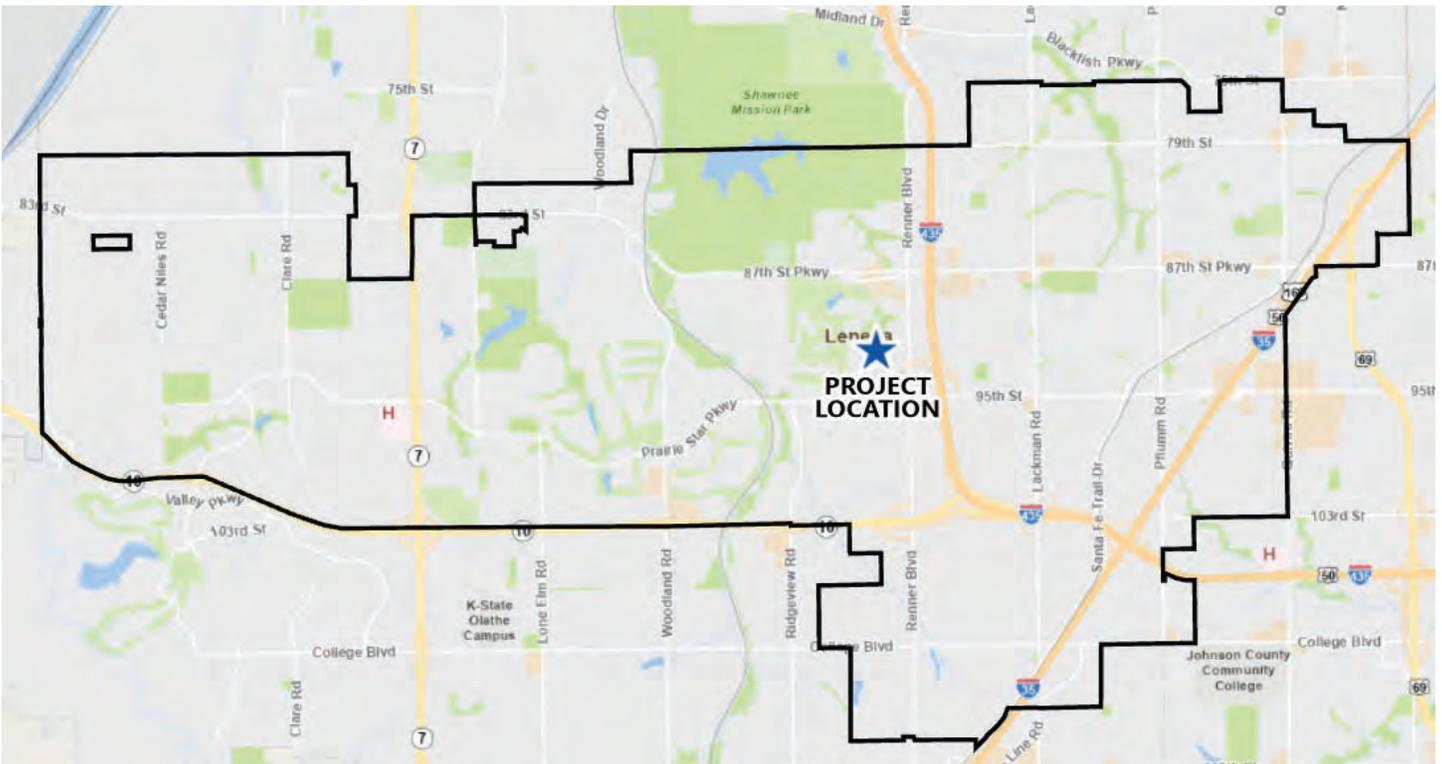
Data Source: City of Lenexa and Johnson County Kansas  
 For further information, please call 913-477-7500

# Rezoning and Preliminary Plan Ross Canyon



# ROSS CANYON

<b>Project #:</b>	RZ24-02 & PL24-06P	<b>Location:</b>	Near 93 <sup>rd</sup> Street between Mill Creek Road and Renner Boulevard
<b>Applicant:</b>	Tyler Burks, Petra	<b>Project Type:</b>	Rezoning & Preliminary Plan/Plat
<b>Staff Planner:</b>	Dave Dalecky	<b>Proposed Use:</b>	Multifamily Residential



## PROJECT SUMMARY

The applicant requests approval to rezone property near 93<sup>rd</sup> Street between Mill Creek Road and Renner Boulevard from the AG, Agricultural and R-1, Single-Family Residential Districts to the RP-3, Planned Residential Medium-Density and RP-4, Planned Residential High-Density Districts to allow multifamily residential development comprised of attached townhomes and apartments. The companion preliminary plan shows apartments on the east part of the site and townhomes and apartments on the west side of the site. Public streets will extend into the site to provide access to the different components of the development and to connect to existing developments to the east and west. The applicant requests a deviation from the Unified Development Code (UDC) for building height increases for the seven apartment buildings. A Public Hearing was completed for the rezoning request at the September 30, 2024 Planning Commission meeting. Staff encourages the Planning Commission to accept public comment at the November 4, 2024 meeting. The applicant made revisions to the plans based on discussion at the September 30, 2024 Planning Commission meeting.

**STAFF RECOMMENDATION: APPROVAL WITH CONDITIONS**

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## REVISIONS TO PRELIMINARY PLAN

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The Planning Commission continued the application from the September 30, 2024 meeting with instructions for the applicant to address five items. The applicant and Staff presented a summary of the project at the September 30<sup>th</sup> Planning Commission meeting. The discussion for the November 4<sup>th</sup> meeting will focus on the changes to the project described as follows:

**1. Revise the building architecture to reflect the comments made in the Staff Report and during discussion from the Planning Commission.**

The building architecture is revised that include changes to the two westerly apartment buildings. Those two buildings now have similar design characteristics to the five apartment buildings on the east side of the site. The buildings incorporate gable elements and a mansard roof structure to conceal the roof-mounted mechanical equipment.

The revisions to the buildings on the east side of the site include more color variation among the wall planes and two different color palettes distributed among the five buildings. The buildings demonstrate more details and material changes among the wall planes.

The revisions to the townhome buildings are changes to the color of the units, variation in siding materials and patterns, and variations to window sizes and mullion patterns. These changes are more subtle in nature but create a sense of randomness from unit to unit within the same building and resolve the issue of a monotonous appearance of eleven very similar townhome buildings.

For comparison of the buildings, renderings of the original buildings and the revised design are provided in the Architecture section of the Staff Report. Exhibits have been labeled as **ORIGINAL SUBMITTAL** or **REVISED SUBMITTAL**.

**2. Reduce the height of Building 6 and Building 7 of Phase 2 and consider moving the westernmost building farther east.**

This revised building design of the two apartment buildings on the southwest part of the site result in an increase of the building heights by two and one-half to five feet taller than the previous submittal. The increase to the building height is due to the addition of a mansard pitched roof that will screen roof-mounted mechanical equipment. The buildings have been moved 60 feet farther from the west property line. The proposed height of these buildings will require a deviation. The request for the building height deviation is discussed in the Deviations section of the Staff Report.

The applicant intends to modify the plan by “swapping” the location of the surface parking lot with a townhome building. The revised layout will have a townhome building at the west side of the group of buildings. This design will help further screen views of the surface parking and lights from the Cottonwood Canyon residents to the west.

A sketch showing the relocation of the parking lot and townhome building is shown in Exhibit 1 with a comparison to the revised plan submittal.



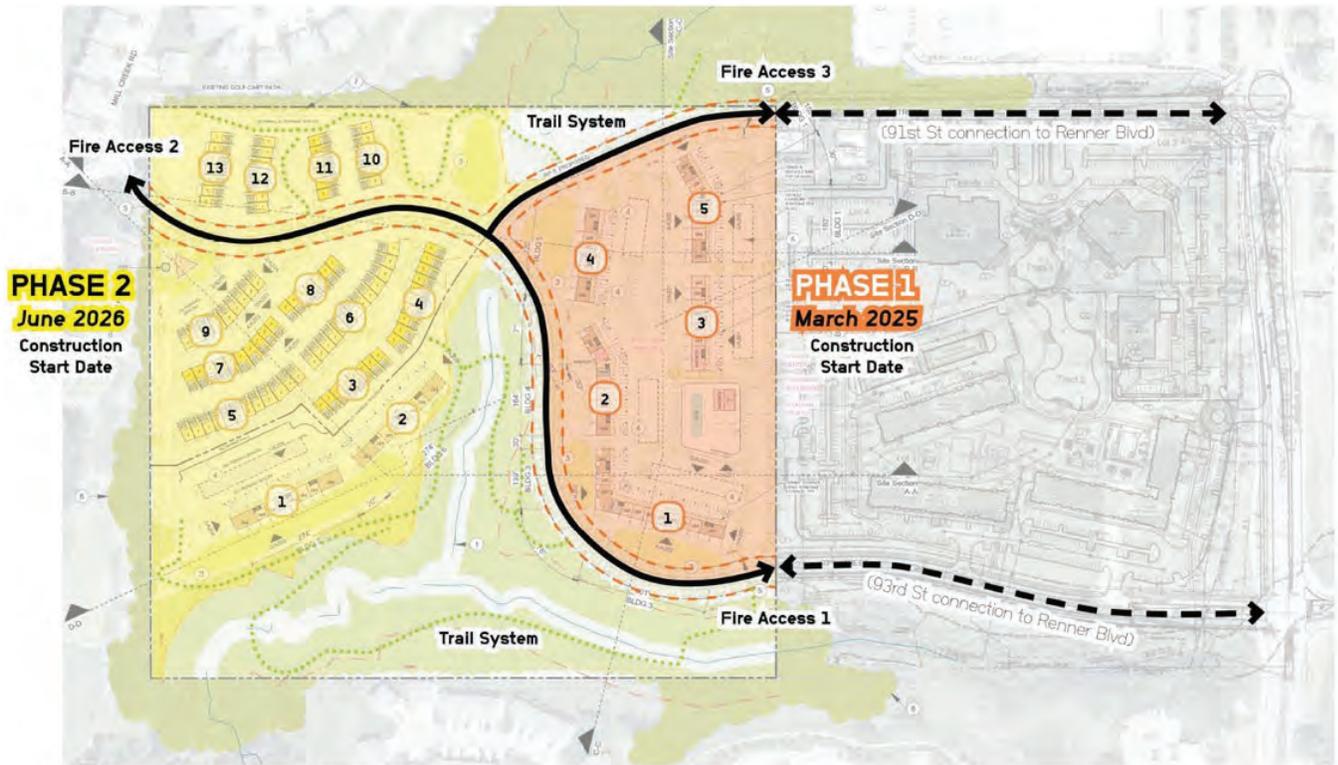
**Exhibit 1: Sketch of proposed change to southwest corner of the site moving the parking lot to the east (shown on the left) and the REVISED SUBMITTAL plan (shown on the right).**

3. Address concerns of landscape screening/buffer along west property boundary, specifically the southwesterly portion where cul-de-sac of Cottonwood Canyon is the closest single-family residential lots to the site.

The plan is revised to provide additional space between the property line and the drive. The sidewalk is now located on the east side of this drive to provide additional space to preserve existing trees and to provide additional trees where any gaps may be result in the construction activity.

4. Provide a phase plan showing the “timing of construction” to include the construction of the public streets.

A phasing plan showing the expected progression of building construction and the public streets to be built with the project has been provided by the applicant. The completion of 91<sup>st</sup> Street from the project’s east property line to Renner Boulevard will be required with the development of this site, but the timing of completion will be coordinated with the completion of the first three apartment buildings in Phase 1. Staff recommends a condition requiring 91<sup>st</sup> Street to be completed before the third apartment building of the project is occupied. The Phasing plan now shows the project is two phases.



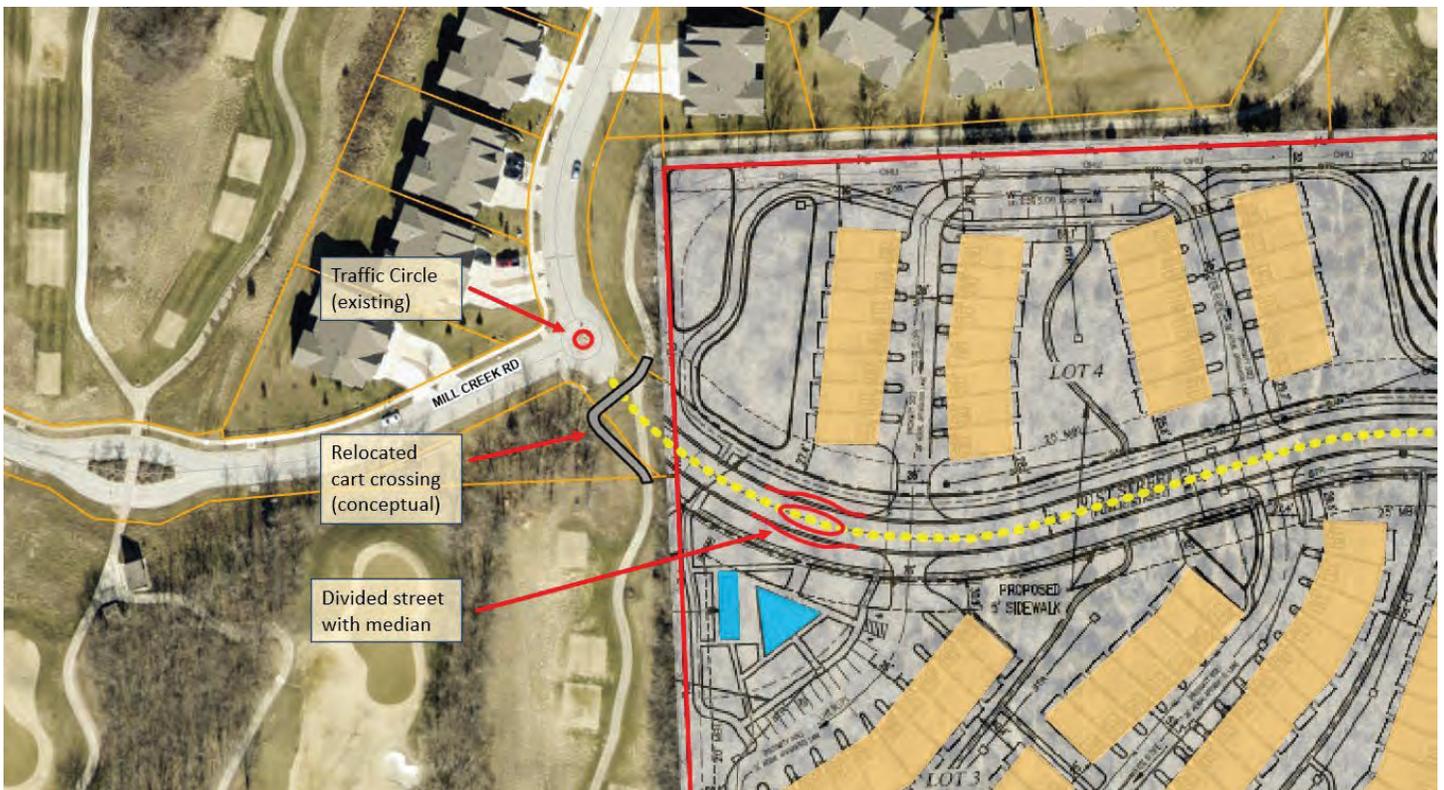
# = Proposed Construction Sequence  
**Exhibit 2: REVISED SUBMITTAL Phasing Plan.**

5. Confirm all retaining walls are compliant with the retaining wall height requirements of [Section 4-1-B-24-F-5](#) of the UDC which requires that any wall taller than 10 feet is to be tiered with landscaping between the wall sections.

The applicant has confirmed all retaining walls will comply with the UDC requirements. The issue with the graphic representation of the retaining walls appearing to be taller than the maximum allowed height is now resolved. All retaining walls will be less than 10 feet tall or will be a tiered wall with a landscape space between the wall sections.

Following the September 30 Planning Commission meeting some residents of Cottonwood Canyon have expressed concern with the potential for increased traffic through the subdivision with the development of both Ross Canyon and Reflections apartment developments when the connection is made for 91<sup>st</sup> Street and 93<sup>rd</sup> Street to Renner Boulevard. Staff suggests the insertion of traffic calming features located on the street section that will connect to Mill Creek Parkway prior to “crossing” the westerly extents of the Ross Canyon site.

Mill Creek Road currently uses traffic calming features. The recommended traffic calming feature is a divided section of the street with a raised median. The through lanes will have a slight curve to navigate around the median. The raised median may also have landscaping and pedestrian crosswalk. This section of the new street will also require a golf cart crossing. This street section will have a series of three traffic calming measures for vehicles traveling westbound from the development into the Fairways Villas and Cottonwood Canyon subdivision. The traffic calming features are to deter traffic from traveling using Mill Creek Road to access Ross Canyon and Reflections and to use Renner Boulevard to travel in and out of the development.



**Exhibit 3: Traffic Calming features (Staff's suggestion).**

The divided street section design will be a similar median design as the existing medians in the Fairway Villas duplex development and the Cottonwood Canyon Subdivision (as seen in this exhibit). The design of the street will be coordinated between Staff and applicant with the Public Improvement Permit submittal.

The plan includes a pedestrian trail and sidewalks throughout the development. The pedestrian crossing of the new public street intended for this location will be relocated to the divided median and be appropriately signed for safe crossing of the street.

## SITE INFORMATION

This site is a 44.1-acre undeveloped tract of land located at the northwesterly corner of where 93<sup>rd</sup> Street ends just west of Renner Boulevard. The site contains undermined areas, converging streams, and extensively sloped terrain varying in approximately 80 feet of grade change. The site abuts the Reflections multifamily and office development to the east and the Canyon Farms Golf Club on the north and west, The Villas of Fairway Woods duplexes are to the northwest and Prairie Creek Townhomes are to the south. The development will include new collector and local streets as part of the public street network.

The property was partially annexed into the incorporated limits of Lenexa in 1986 and was zoned AG. A part of the site was rezoned to R-1 in 2002 (RZ02-02). The rezoning included a concept plan (PL02-02CP) for a golf course. The golf course did develop to the west in 2006 but excluded this site. The site has remained undeveloped.

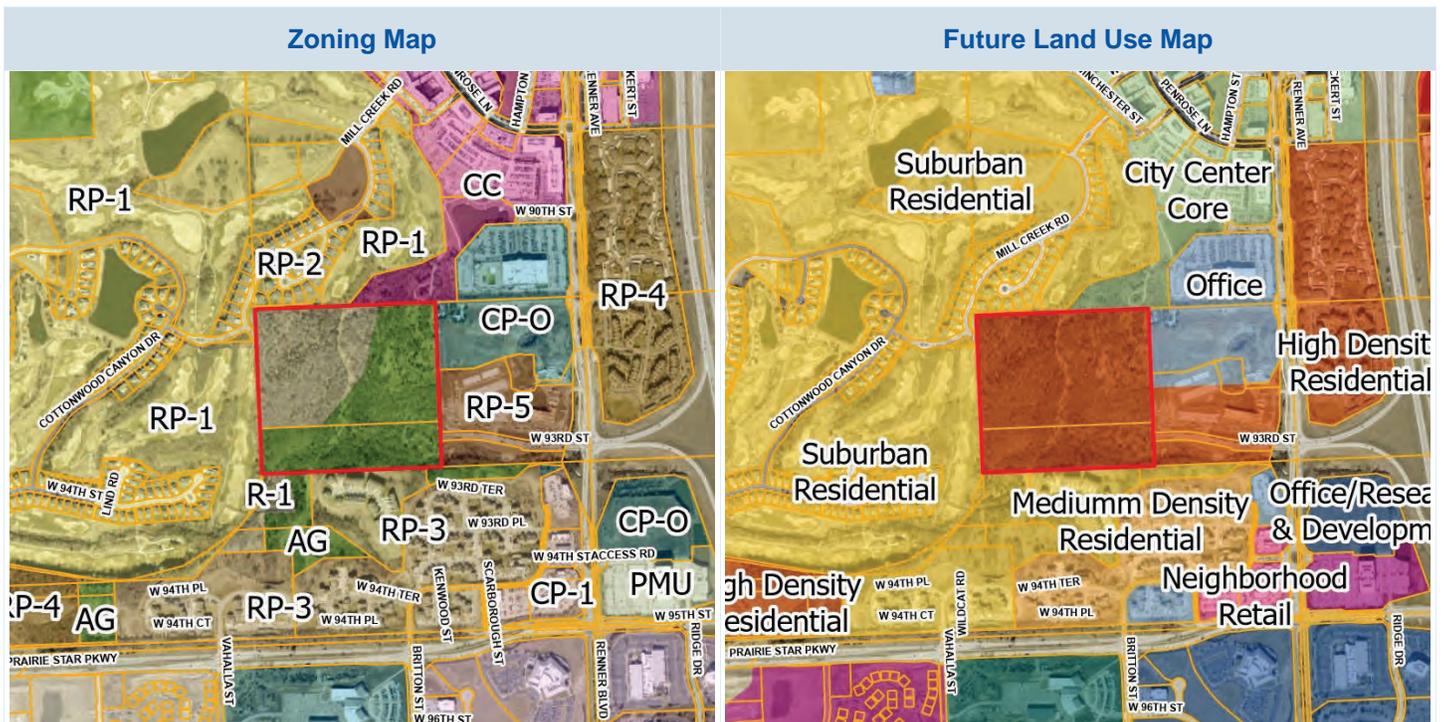
LAND AREA (AC)	UNITS	CURRENT ZONING	COMP. PLAN
44.1	RP-3 – 95 RP-4 – 374	AG, R-1	High-Density Residential



Exhibit 4: Aerial Image of Subject Site.

## LAND USE REVIEW

The proposed development is for multifamily uses including townhomes and apartment buildings. The recent update to the Comprehensive Plan included consideration the appropriate land use for this site. The Future Land Use Map of the Comprehensive Plan was revised from the designation of both Suburban Residential and Medium Density Residential designation to the High-Density Residential designation. The change was made based on the development pattern of the surrounding areas, the separation of the property from less intense development by the golf course and the limitations of the site due to the stream channels and excessive grade change of the site.



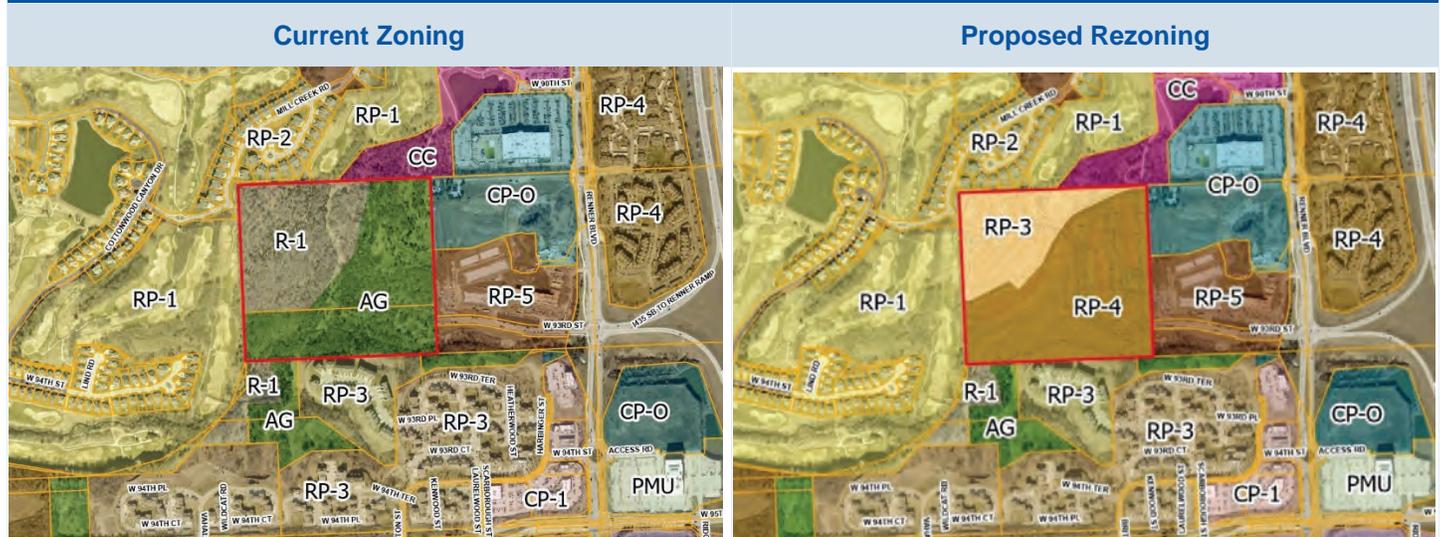
**TABLE 1: COMPARISON OF SURROUNDING PROPERTIES**

Vicinity	Land Use Designation	Zoning	Current Use
<b>Subject Property</b>	High-Density Residential	AG, Agricultural District and R-1, Residential Single-Family (Low-Density) District	Undeveloped land
<b>North</b>	Suburban-Density Residential and City Center Core	RP-1, Residential Planned Single-Family (Low-Density) District, RP-2, Residential Planned (Intermediate-Density) District, and CC, Planned City Center District	Duplex, Golf course, and Public park
<b>South</b>	Suburban-Density Residential	AG, Agricultural District, R-1, Residential Single-Family District and RP-3, Residential Planned (Medium High-Density) District	Multifamily
<b>East</b>	Office and High-Density Residential	RP-5, Planned Residential (High-Rise, High-Density) District, and CP-O, Planned General Office District	Undeveloped land and Multifamily
<b>West</b>	Suburban-Density Residential	AG, Agricultural District	Golf course

## REZONING REVIEW

The applicant proposes to rezone the subject site from the AG (Agricultural) and R-1, Residential Single-Family (Low-Density) Districts to the RP-3, Residential Planned (Medium High-Density) and RP-4, Residential Planned (High-Density) Districts.

**TABLE 2: REZONING ANALYSIS**



The following table lists specific requirements of each residential zoning district. The RP-3 and RP-4 Zoning Districts are highlighted.

Residential Property Development Regulations								
Zoning District	Minimum Lot Area (sf)	Maximum Density (UPA)	Minimum Lot Width (ft)	Minimum Setbacks (ft)			Maximum Height (ft)	Minimum Open Space (% of Lot)
				Streets	Rear	Other		
AG	20 Acres	1.0/20Ac	300	50	50	50	35 <sup>1</sup>	90
RE/RP-E	43,560	1.0	200	50 <sup>2</sup>	25 <sup>2</sup>	25 <sup>2</sup>	35	75
R-1/RP-1	8,000	3.5	70 <sup>3</sup>	30 <sup>4</sup>	20	7	35	60
RP-2	5,000 <sup>5</sup>	8.0	80 <sup>7</sup>	25	20	7	35	60
RP-3	3,630	12.0	-	25	20	7	35	60
RP-4	2,723	16.0	-	20	20	7	35	60
RP-5	1,210	36.0 <sup>6</sup>	-	30	20	7	48	40

*Exhibit 5: Residential Property Development Regulations Table (Section 4-1-B-26-A of the UDC).*

The applicant proposes 27.9% less density than the maximum that is allowed by the RP-3 and RP-4 Zoning Districts. The site will contain 65.7% open space. The applicant is requesting a deviation to allow building height that exceeds the 35-foot height standard for both the RP-3 and RP-4 zoned areas. The deviation request is discussed later in this report.

**TABLE 3: DENSITY DISTRIBUTION**

Phase	Zoning District	Acres	Proposed Dwelling Units	Proposed Density	Maximum Dwelling Units	Maximum Allowed Density
1 ( & partially Phase 2)	RP-4	30.5	374	12.27 units per acre	488	16 units per acre
2 (townhome buildings)	RP-3	13.6	95	6.97 units per acre	163	12 units per acre
<b>TOTAL</b>	-	<b>44.1</b>	<b>469 Dwelling Units</b>	-	<b>651 Dwelling Units</b>	-

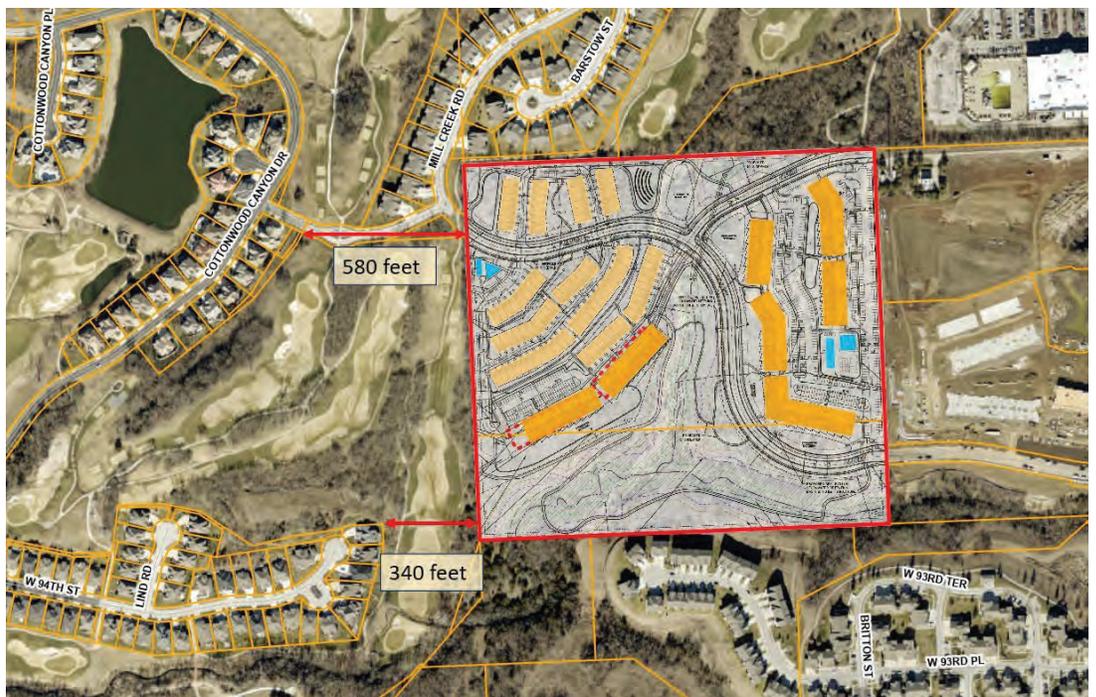
The dwelling units per acre may change slightly by a reduction of four units from the RP-3 part of the site and an addition of four units to the RP-4 part of the site per the change to the surface parking lot (shown in the sketch diagram of Exhibit 1). This potential change will not affect the development density. Both the RP-4 and the RP-3 parts of the project are significantly less dense than the allowed maximum density of the districts. The information in Table 3 is reflective of the most recent plan submittal. This data establishes a control standard of expectations for the number of units to be developed on the site.

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

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

The neighborhood is a mix of residential and nonresidential land uses. The site is south of and within walking distance of City Center, and adjacent to Reflections, an apartment and office building development, now under construction, to the east. Cottonwood Canyon Farms golf course is to the north and to the west of the site. Fairways at City Center, a rental duplex development, is northwest of the site. Cottonwood Canyon subdivision is integrated with the golf course. The closest single-family home is 340 feet from the west property line of the subject site, separated by golf course fairways. Prairie Creek townhomes and apartments are to the south.

*At Right: Exhibit 6: REVISED SUBMITTAL Neighborhood Character and separation from Cottonwood Canyon single-family homes. The red dash lines reflect the original apartment building footprint.*

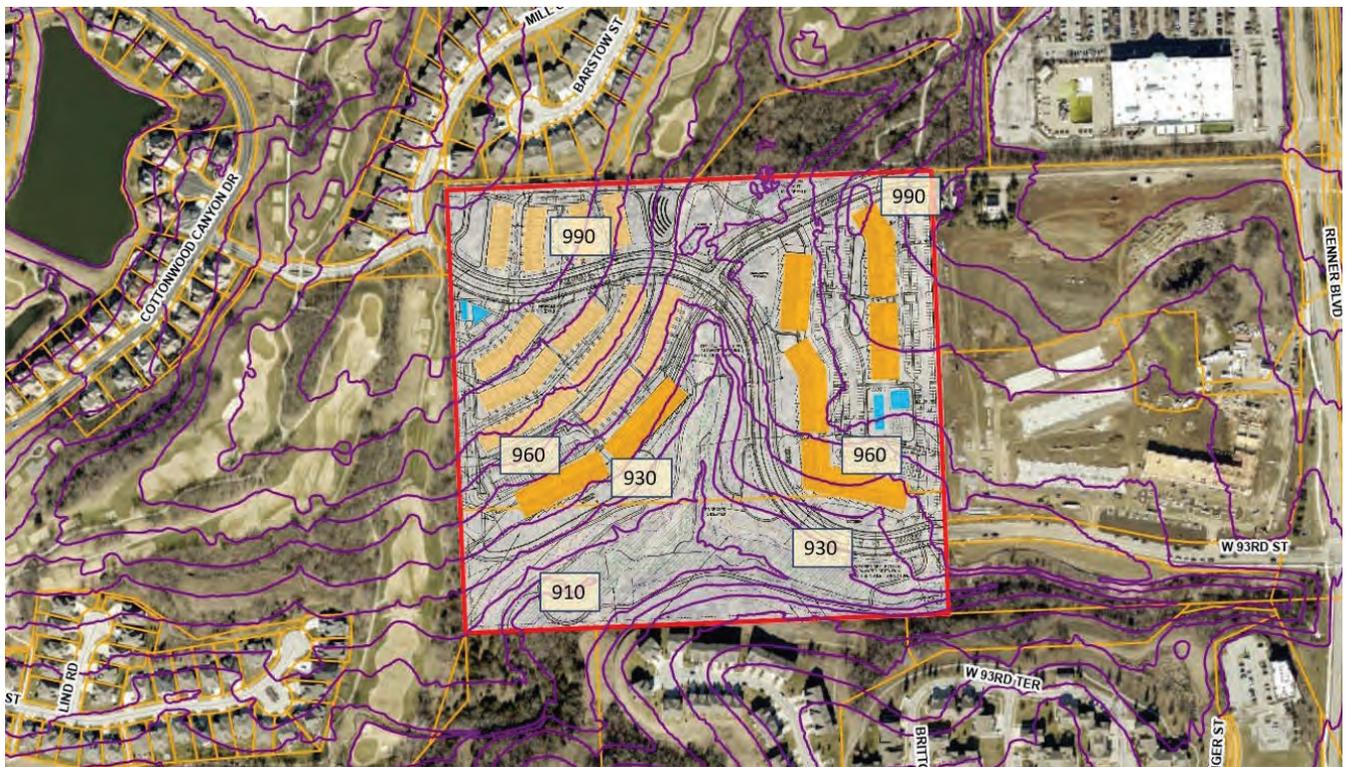


**2. The zoning and use of properties nearby.**

The zoning and uses of the adjacent properties vary. The zoning and land use of adjacent properties is noted in Table 1.

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

The property is currently restricted to low-density single-family and agricultural uses based on its current zoning. Agricultural uses in particular are not suitable within the influence of City Center and the other higher intensity uses in the area. The property is suited for various types of development ranging in density and intensity. The site has significant grade change from the northerly part of the site sloping down to the southerly part of the site, with two converging streams and areas of undermining. These factors limit the location of buildings and associated features to the areas with the higher elevation.



**Exhibit 7: REVISED SUBMITTAL** Contour map showing elevations and grade change from north to south.

The Comprehensive Plan designates the site for High-Density Residential development. Two public streets are required to be constructed with any development of the site. The two streets will connect 93<sup>rd</sup> Street to Mill Creek Road and create a connection to 91<sup>st</sup> Street.

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

The proposed uses will not detrimentally affect nearby properties to any greater extent than if the site were to be developed with uses of different density or intensity. It is Staff’s opinion the proposed uses are compatible with the existing and planned uses in the vicinity.

The street connections from the current terminus of Mill Creek Road to 93<sup>rd</sup> Street and then to Renner Boulevard have been reflected on the City’s Transportation Map for many years. The site is near City Center where development is more compact and denser than a typical suburban area.

The part of the site that is closest to the existing residential development to the northwest and west are townhome buildings. This part of the site is less dense, and the buildings are one and two stories. The west half of the site transitions from townhomes to apartment buildings as the grade lowers to the south. The east part of the site is apartment buildings, which are adjacent to the Reflections apartment and office building development.

Details regarding site lighting are not required with a preliminary plan. The site will include lighting. Lenexa has regulations that establishes a maximum level of light intensity internally and at the property boundaries for all development. All public streets will provide streetlight fixtures. These fixtures would be the tallest lights on the site. Any type of development of the site would include street lighting, therefore lighting would not impact adjacent properties any more than what is expected for any development.

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

The property is undeveloped land and was zoned AG since being annexed into the City in 1986. A part of the site was rezoned to R-1 in 2002 for a golf course. The golf course was developed on adjacent property and this site has remained undeveloped.

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

It is Staff’s opinion that denial of this rezoning would have no gain to public health, safety, or welfare since the proposed development’s density and uses are compatible with surrounding development and appropriate infrastructure is available to serve the site. Denial of the application would restrict the property to the existing zoning of R-1 and AG which are not as appropriate in this location.

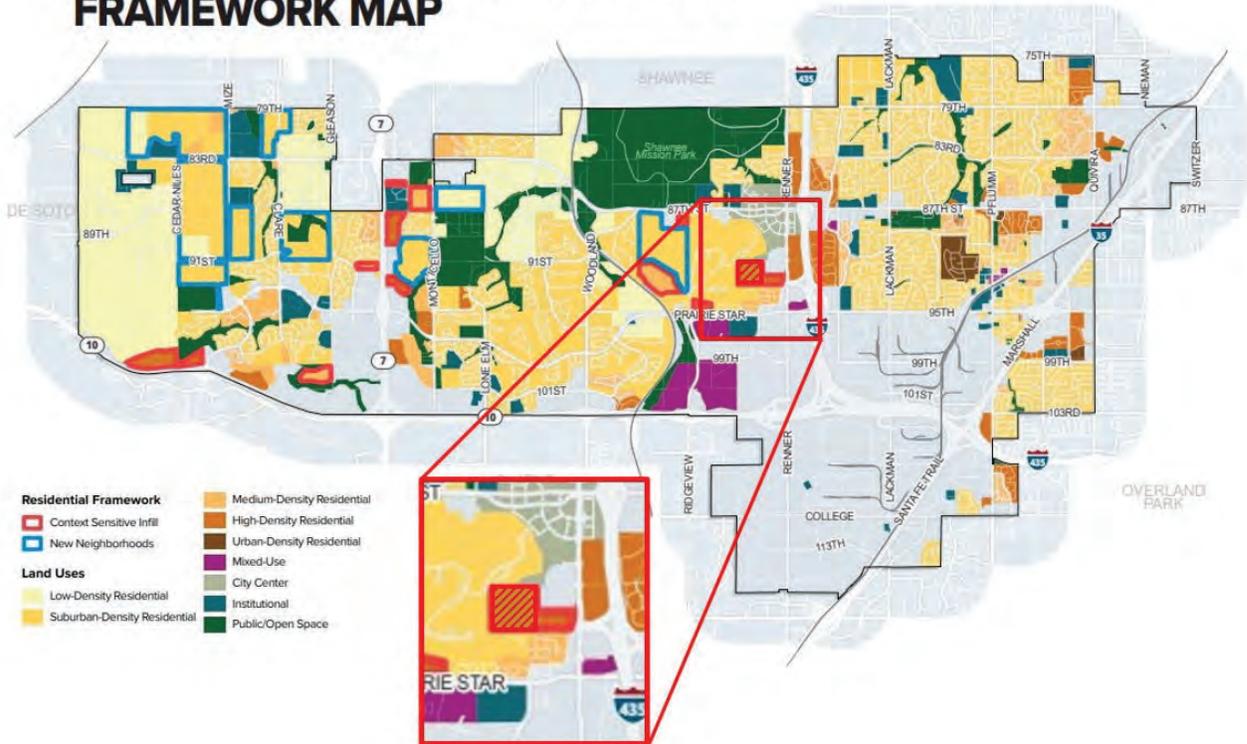
**7. Recommendation of City's permanent professional staff.**

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

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

The City adopted a major Comprehensive Plan update in July of this year. The Future Land Use (FLU) Map designation for the site is High-Density Residential, which allows for a maximum density of 16 units per acre.

## HOUSING AND NEIGHBORHOODS FRAMEWORK MAP



**Exhibit 8: Comprehensive Plan Housing and Neighborhoods Framework Map (contextually sensitive sites).**

This site is identified as a contextually sensitive site as it is considered infill and adjacent to duplex development, the Cottonwood Canyon Farms Golf Course, and the Cottonwood Canyon single-family subdivision to its north and west and higher density developments to its east and south. Considering the surrounding developments, the plan incorporates RP-3 zoning, at no more than 12 units per acre allowed, on the north and west sides of the property and RP-4, at no more than 16 units per acre as the plan moves east toward Reflections. The actual densities of the plan are 6.97 units per acre for the RP-3 area and 12.27 units per acre for the RP-4 area. The RP-3 area is within the Medium-Density Residential classification of the Comprehensive Plan. The proposed plan transitions from townhome buildings on the northwesterly part of the site to apartment buildings to the south and east.

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

The site is one a few remaining undeveloped sites in the area. The adjacent properties have developed or are now under construction. Adequate utilities and services are available to the subject property. The site is subject to the City’s stormwater management requirements which are applicable to all development in the City. The site is within the Olathe School District.

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

It is Staff’s opinion the proposed use will not adversely impact the capacity or the safety of the street network or present a parking problem in the vicinity of the site. A new collector street will be required to

cross the site to connect 93<sup>rd</sup> Street to Mill Creek Road, a new local street will be required to connect to 91<sup>st</sup> Street at the northeast corner of the site.

Off-street parking requirements are shown on Table 4. The development exceeds the minimum parking requirement by 94 parking spaces. The total number of parking spaces may be slightly reduced based on the change to the surface parking lot as shown in Exhibit 1.

TABLE 4: PARKING ANALYSIS			
Use	Requirement	Required	Provided
Multifamily	1 space per efficiency unit, 1.5 spaces per 1-bedroom unit, 1.75 spaces per 2-bedroom unit, 2 spaces per 3+-bedroom units and 0.25 spaces per unit for visitor parking if parking spaces are located in common parking area	874	968
<b>TOTAL</b>		<b>874</b>	<b>968</b>

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

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

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

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

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

The preliminary plan is in compliance with the UDC requirements for RP-3 and RP-4 Zoning Districts. The applicant requests building height deviations for seven apartment buildings, summarized below and are discussed in more detail within the Deviations section of this report.

[Sections 4-1-B-8](#) and [4-1-B-9](#) of the UDC states the building height allowed for multifamily development. The applicant is requesting to increase building heights that exceed the 35-foot standard for the RP-4 Zoning District.

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

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## PRELIMINARY PLAN REVIEW

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The subject site is located at the northwest corner of the current terminus of 93rd Street west of Renner Boulevard. The site contains two converging streams and has significant grade change from the northwest corner sloping down to the south. The stream corridor effectively divides the site into two halves, east and west sides. The east side contains five apartment buildings, four carports, a pool and clubhouse amenity, and associated parking areas. The west side contains eleven townhome buildings, two apartment buildings, one carport, a second pool and clubhouse amenity, an amphitheater, and associated parking areas. Both halves of the development will include sidewalks and bicycle racks throughout the site.

The project is proposed to be two different zoning district designations, RP-3, and RP-4. The east side of the site is zoned the RP-4 Zoning District and is referred to as Phase 1 on the site plan. The west side is zoned both the RP-3 and RP-4 Zoning Districts. The two apartment buildings and the townhomes on the west side of the site are referred to as Phase 2.

Phase 1 contains 300 apartment units distributed among seven buildings. Phase 2 contains 74 apartment units in two buildings and 95 townhomes. The project has a lower density than the maximum allowed by the UDC.

The townhomes are located on the northwesterly part of the site which is closest to the Fairways at City Center duplexes and the golf course. The apartment buildings are on the east and southerly part of site. The site has limited areas that can be developed due to the stream corridor, undermined areas, and the requirement to build public streets to connect to the existing street network.

### DIMENSIONAL STANDARDS

The development complies with the setback and lot area requirements of the RP-3 and RP-4 Zoning District. The applicant is requesting a building height deviation for the apartment buildings. The deviation request for building height increase for the apartment buildings is discussed in the Deviation section of the Staff Report.

### PUBLIC IMPROVEMENTS

A new collector street, 93<sup>rd</sup> Street, and local street, 91<sup>st</sup> Street, provide access to the adjacent public streets. 93<sup>rd</sup> Street will cross the site from the current terminus at the southeasterly corner of the site and connect to the current terminus of Mill Creek Parkway at the northwesterly corner of the site. 91<sup>st</sup> Street will connect to the northeastern most corner of the site and intersect with 93<sup>rd</sup> Street. This street is currently unimproved (not paved) along the north boundary of the Reflections development.

The revised submittal includes a phase plan that shows the sequence of the construction of the buildings and the new streets that will be constructed with the development. Both 91<sup>st</sup> Street and 93<sup>rd</sup> Street that will cross this site will be built as part of the initial phase of construction and will be completed prior to any Certificate of Occupancy issued for any building. Construction of the section of 91<sup>st</sup> Street that is east of this site, between Lifetime Fitness and the north part of the Reflections development, is to be completed prior to the issuance of a Certificate of Occupancy for the third building of the development.

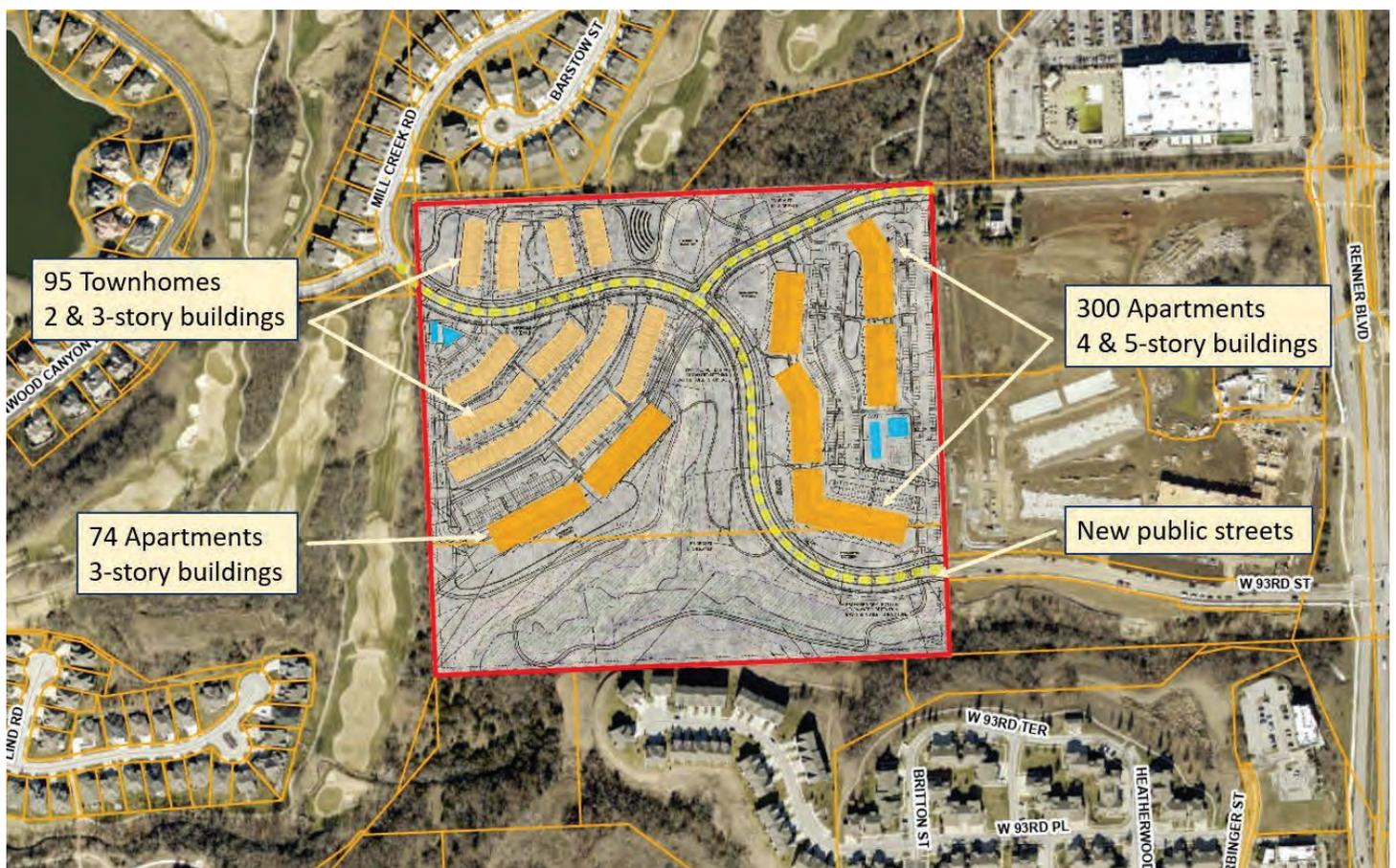
### ACCESS, TRAFFIC, AND PARKING

Multiple drives are provided from the new public streets into parking areas of the site. Three drives will access Phase 1 and five drives will access Phase 2. The location the drives are consistent with the regulations for access onto public streets.

The development has a combination of garages, carports, tuck-under, and surface parking. Each townhome will have a two-stall garage. Additional surface parking is provided in front of some of the garage doors and some

off-street parallel parking areas are provided. The depth of the space in front of the townhome garage doors vary from less than 10 feet to over 20 feet. Approximately half of the townhomes do not provide enough depth for a car to park in front of the garage door. The developer will need to establish requirements for the residents to avoid concerns of vehicles conflicting with the circulation through the interior drives of the site. This can be done by identifying the actual units that do not have sufficient depth for a vehicle to park. It may be possible to make minor adjustments to the building placement for some units to have adequate depth to park a vehicle.

The apartment buildings have carports, tuck-under spaces, and surface spaces. The tuck-under parking is a part of the ground floor of the buildings that are open for vehicles to park in a covered space. These spaces do not have garage doors; instead, they are open like a carport. The development provides parking in excess of the required UDC requirement for off-street parking.

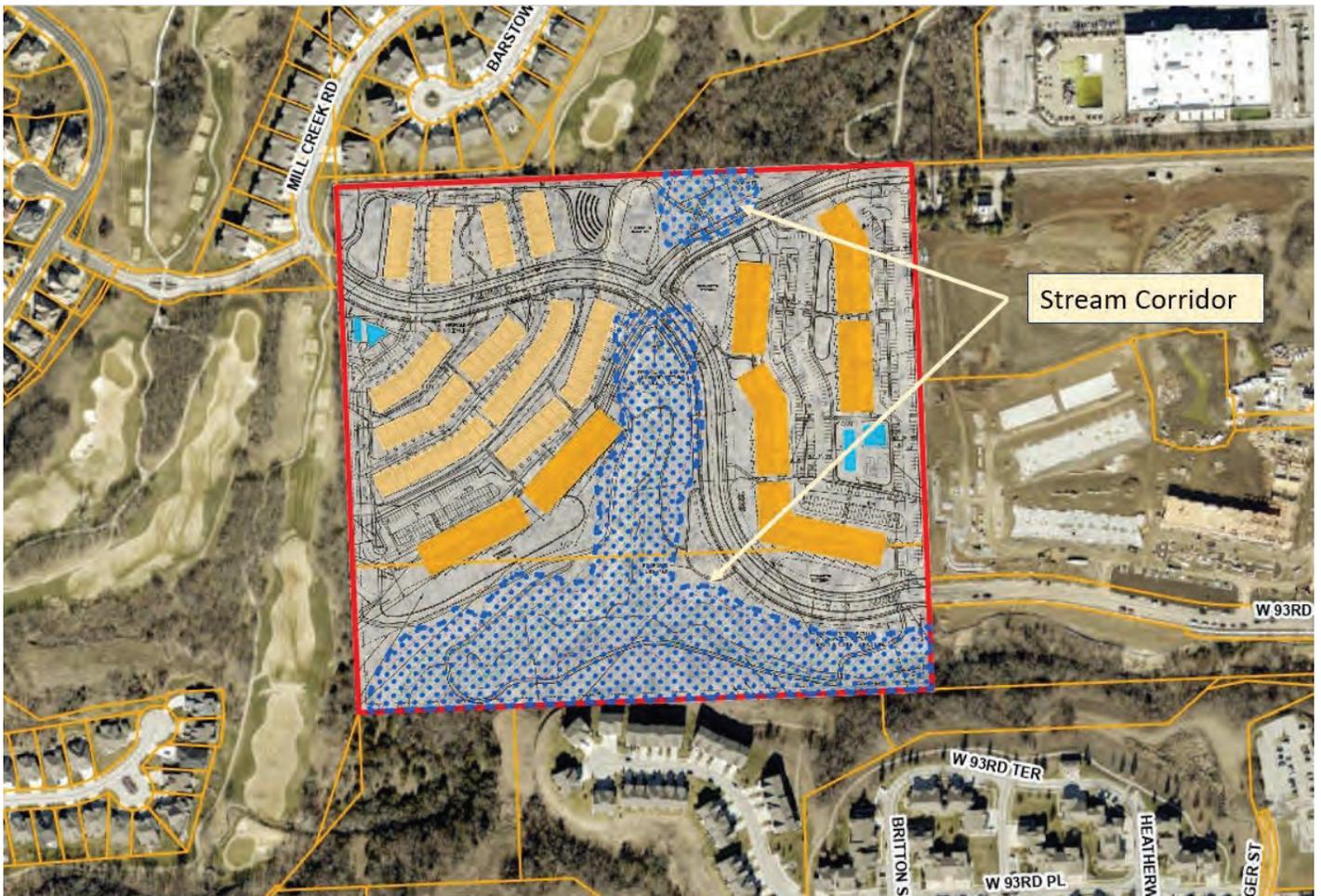


**Exhibit 9: REVISED SUBMITTAL Site Plan.**

**STORMWATER**

The applicant submitted a preliminary stormwater management study identifying the stormwater measures proposed to meet the City’s requirements. These measures include two extended dry detention basins, three extended wet detention basins, inserts for various curb inlets and catch basins, as well as preserved/established native vegetation. Although some minor technical refinement is still necessary to the report, Staff is comfortable moving forward as the general concept does appear to show the intent to meet the City’s requirements.

The site has approximately 11.3 acres of land area (approximately one-fourth of the overall site) that is stream corridor. The stream corridor is a part of the site that must remain undeveloped, other than street (or drive aisle) crossings for access as well as utility crossings. Most of the stream corridor area is at the south end of the site. Two streams converge and a stream channel section extends north-to-south and effectively bisect the site into an east and west half. The stream flows north to south and outflows from the site at the southwest corner continuing to Mill Creek to the west.



**Exhibit 10: REVISED SUBMITTAL Stream Corridor.**

The development will include sidewalks along the new public streets and a sidewalk network throughout the development for pedestrians to walk among the buildings and to the site amenities. The sidewalk network will connect to the City’s park trail system to the north of this site that connects into City Center. A sidewalk is shown connecting to the Reflections Apartments development to the east. Staff has no objection to this connection, but this will require the owner/developer agrees to make such a connection. The pedestrian network extends into the stream corridor and crosses the stream channel in multiple locations. The trails located in the stream buffer must be designed in accordance to, and comply with, the Stream Setbacks regulations in [Section 4-1-O](#) of the UDC.

**FIRE PREVENTION**

The Fire Department reviewed the documents based on the current adopted fire codes and local amendments. All general planning review comments have been acknowledged. There is one area that will need further

clarification at the time of the final plan. Although the latest plan submittal shows the fire hose reach on the plan, additional details about the fire hose reach requirement will need to be worked out to meet the Fire Department hose reach requirements at the final plan submittal time. A more detailed fire code review will be conducted based on the adopted codes at the time of final plan and building permit documentation submittal.

## LIGHTING

A photometric plan is not required with a preliminary plan. It is anticipated parking lot and site lighting will be provided with the development. The types of fixtures and the location of lights will be required with a final plan submittal. [Section 4-1-C-4-I](#) of the UDC states the requirements for exterior lighting. Light fixtures have a maximum height of 27 feet and will be required to be shielded to reduce glare from “spilling” onto adjacent property. The new public streets will have streetlight fixtures installed. Streetlight fixtures are typically taller than light fixtures of private development.

## LANDSCAPING

The landscape plan shows trees and shrubs installed around the site perimeter boundaries, street frontages, and the parking lot. The plan shows the required number of plant materials are provided for the development. A detailed landscape plan is typically not shown with the preliminary plan. The preliminary plan will show the applicant’s intent to meet the numerical quantity and placement requirements of the UDC. The landscape plan also does not show detailed plan for the landscaping around the apartment buildings and townhome buildings.

The site is currently extensively wooded. The landscape plan shows preservation of the areas of the site that do not contain buildings, parking, or grading. The applicant intends to apply this existing landscaping to the required perimeter planting requirements. The site is revised to provide additional space along the west property line for the ability to preserve as much of the existing tree line as possible and for additional space to install new landscaping.



**Exhibit 11: REVISED SUBMITTAL Landscape plan (showing tree preservations areas).**

The site does require an LUI Buffer along the north boundary and the west boundary of the site. The plan shows that existing trees are to be used to satisfy the LUI Buffer on the west property boundary. A tree survey will be required that shows the tree locations, species, and caliper size of the existing trees. If the existing trees do not qualify for the LUI requirement, additional landscaping will be required to make up any difference per the tree preservation and credit requirements per [Section 4-1-D-2-I](#) of the UDC.

## ARCHITECTURE

The buildings are a contemporary architectural style. The palette of exterior materials are stone, brick, wood siding, fiber cement, ribbed metal panel, and textured concrete. Both the townhome and apartment buildings have a modular characteristic with a consistent scale and form along the full building façade. The Phase 1 apartment buildings are four-story and four-five-story split buildings. The Phase 2 apartment buildings are three-story buildings. The applicant is requesting a building height deviation for each of the seven apartment buildings. The height deviation request is described in the Deviations section of the Staff Report. The townhome buildings are part of Phase 2. All the townhomes are two-story and two-three-story split level buildings depending on the grade where the buildings are located.

The apartment buildings use stone, horizontal lap siding, and stucco materials, which are all common materials for residential buildings. The Phase 1 apartment buildings use material changes and colors to create vertical interruptions. The buildings are revised from the original submittal. The revisions show several changes as recommended by Staff and noted in the previous Staff Report. The changes provide the variation that is required by [Section 4-1-C-5](#) of the UDC.

## CHANGES TO THE BUILDING DESIGN

The building design is revised to provide additional building details and more variation of the color palette for both apartments and townhome buildings. The Phase 1 apartment buildings will use the same materials but now use multiple colors and shades of colors to accentuate the plane changes throughout the façades of the buildings. Two color palette patterns, red and yellow, are used for the five apartment buildings on the easterly side of the site. The color changes on different wall planes effectively accentuate the different materials and coursing changes of the siding materials. An additional detail for the Phase 1 apartment buildings is larger windows for the top floor units. The detail is subtle but effectively alters the geometric pattern of the building facades.

The two apartment buildings within Phase 2 are substantially different from the original proposal. The buildings are now designed to resemble a three-story version of the Phase 1 buildings. The buildings use a pitched roof with a series of gable dormers on the south elevation. The buildings will also incorporate the red and yellow color palettes. The change to the roof design will result in an increase to the height of the apartment buildings. The buildings increase by 4 feet, 10 inches for one building and 2 feet, 6 inches for the other. The building height is discussed further in the Deviations section of the Staff Report.

The townhome buildings are revised to use a varied color palette from unit to unit. The color variations will reduce the monotonous appearance of the buildings. The townhomes also incorporate detail changes such as differing window mullion pattern and garage door design. The townhomes also use a mix of siding materials and patterns among each unit of a continuous building. The proposed changes from unit to unit will provide variety throughout the eleven buildings. Staff is supportive of the proposed changes to the building designs.

The following exhibits show both the original submittal and the revised building design for comparison.



Exhibit 12: ORIGINAL SUBMITTAL Phase 1 apartment building rendering (looking northeasterly).



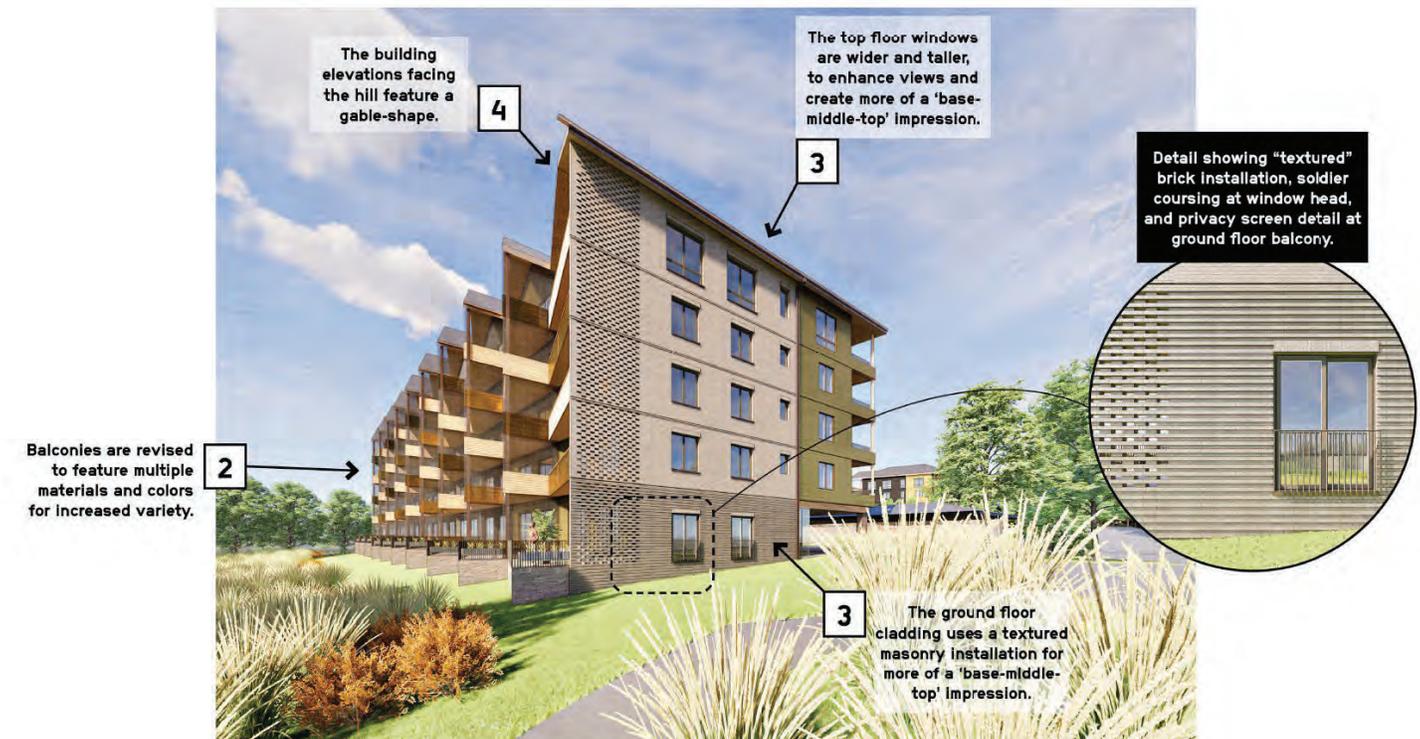
Exhibit 13: ORIGINAL SUBMITTAL Phase 1 apartment building rendering.



Exhibit 14: REVISED SUBMITTAL Phase 1 apartment building rendering.



**Exhibit 15: REVISED SUBMITTAL Phase 1 apartment building rendering.**



**Exhibit 16: REVISED SUBMITTAL Phase 1 apartment building rendering.**



Exhibit 17: ORIGINAL SUBMITTAL Phase 2 apartment building rendering.



Exhibit 18: ORIGINAL SUBMITTAL Phase 2 apartment building rendering.



Exhibit 19: ORIGINAL SUBMITTAL Phase 2 apartment building rendering (mechanical equipment screen technique).

**1** "The buildings will need to incorporate **additional facade articulations, material and color changes** to comply with Section 4-1-C-5-D of the UDC, specifically the requirement to avoid monotonous building design.

**2** The buildings will also require a **parapet wall** to screen the roof-mounted mechanical equipment.\*

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Multiple colors and materials are proposed to reinforce the structural bay rhythm similar to the phase 1 apartments. Balconies overhang the face of the building to create additional facade depth.

Exhibit 20 **REVISED SUBMITTAL** Phase 2 apartment building rendering.



Exhibit 21: **REVISED SUBMITTAL** Phase 2 apartment building rendering.



Exhibit 22: ORIGINAL SUBMITTAL Phase 2 Townhome building rendering.



Exhibit 23: ORIGINAL SUBMITTAL Phase 2 Townhome building rendering.



Exhibit 24: **REVISED SUBMITTAL** Phase 2 Townhome building rendering.



Exhibit 25: **REVISED SUBMITTAL** Phase 2 Townhome building rendering.

## PRELIMINARY PLAT

A preliminary plat was provided with the preliminary plan. The plat shows four lots, right-of-way dedication for public streets, and utility easements for existing utilities that cross the site. Additional easement dedications for storm sewers and utility services may be necessary at the time of final platting of any portion of the development. The preliminary plat complies with the subdivision requirements of [Section 4-2](#) of the UDC. The zoning district boundaries and the lots were not changed with the revised submittal.

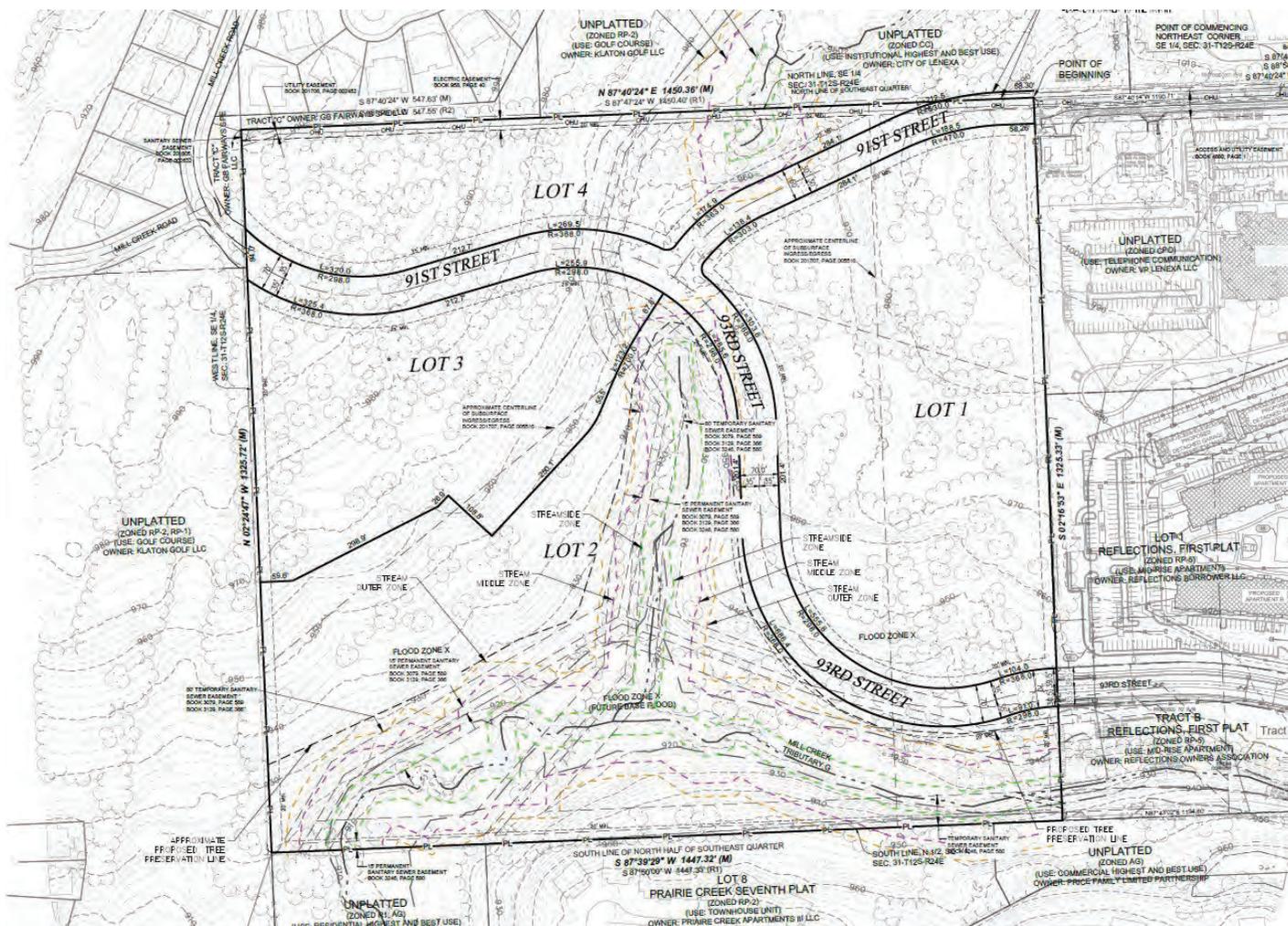


Exhibit 26: Preliminary Plat.

## DEVIATIONS

The applicant requests a deviation from [Sections 4-1-B-8-F](#) and [4-1-B-9-F](#) of the UDC related to the maximum allowed building height of 35 feet. The applicant is requesting that the seven apartment buildings be allowed to be taller than 35 feet. The Planning Commission has the authority to approve deviations provided the criteria from [Section 4-1-B-27-G-4](#) of the UDC are met. Buildings 6 and Building 7 are now taller buildings than what was shown in the original submittal.

The following table lists the building height deviation request for each of the seven buildings.

TABLE 5: REQUESTED DEVIATIONS				
Building and Phase	Stories	Proposed Building Height	Allowed Building Height	Difference
Building 1 – Phase 1	4	52.5 feet	35 feet	17.5 feet
Building 2 – Phase 1	4	53.08 feet	35 feet	18.08 feet
Building 3 – Phase 1	5	63.67 feet	35 feet	28.67 feet
Building 4 – Phase 1	5	64.25 feet	35 feet	29.25 feet
Building 5 – Phase 1	5	62.58 feet	35 feet	27.58 feet
Building 6 – Phase 2	3	46.58 feet	35 feet	11.58 feet
Building 7 – Phase 2	3	43.25 feet	35 feet	8.25 feet

[Section 4-1-B-27-G-4-d](#) of the UDC states that building height deviations may be granted for up to 35% of the building height of the zoning designation. The allowed building height of the RP-4 Zoning District is 35 feet which calculates to a deviation allowance of 47.25 feet. All five of the apartment buildings in Phase 1 of the development exceed the 35 percent allowance. The range of height deviations for Phase 1 is from 17.5 feet to 29.25 feet (50% to 84%).

The requested height is within the deviation allowance for the RP-5 Zoning District, which is a maximum of 48 feet. The maximum allowed deviation for a building in the RP-5 Zoning District is 64.8 feet tall. The applicant is not requesting rezoning to RP-5 but is instead requesting rezoning to the RP-3 and RP-4 Zoning Districts to be consistent with the density allowance for the zoning districts and elected to request a greater deviation for building height as a compromise based on the limitation of the placement of buildings on the site. A significant portion of the site is to remain open space, primarily due to the stream corridor that crosses the site and the undermined areas that are not suited for constructing a building. The remaining developable areas of the site will necessitate the buildings being taller to provide for the requested density, which is less than what the RP-3 and RP-4 Zoning District allow.



**Exhibit 27: REVISED SUBMITTAL Phase 1 typical building elevation (buildings 3, 4, 5 of Phase 1 are similar height).**

The two apartment buildings of Phase 2 request a lesser deviation than the 35% of the allowed 35-foot building height. The range of height deviations for Phase 2 is from 8.25 feet to 11.58 feet (24% to 33%). These buildings are flat roof buildings a mechanical equipment court used for screening roof-mounted equipment. The buildings are taller than the original submittal considered at the September 30, 2024, Planning Commission meeting. The Phase 2 apartment buildings now use a mansard roof to screen roof-mounted mechanical equipment.

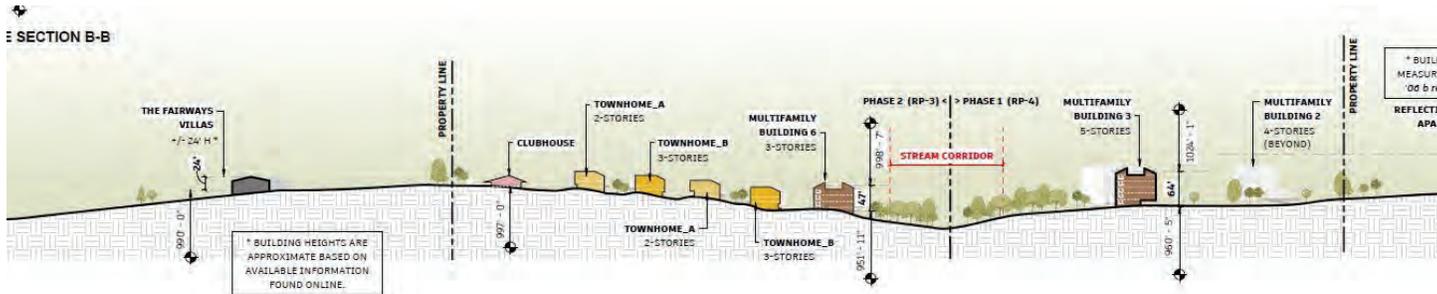


**Exhibit 28: REVISED SUBMITTAL Phase 2 typical apartment building elevation (buildings 6 and 7 of Phase 2 are similar height).**

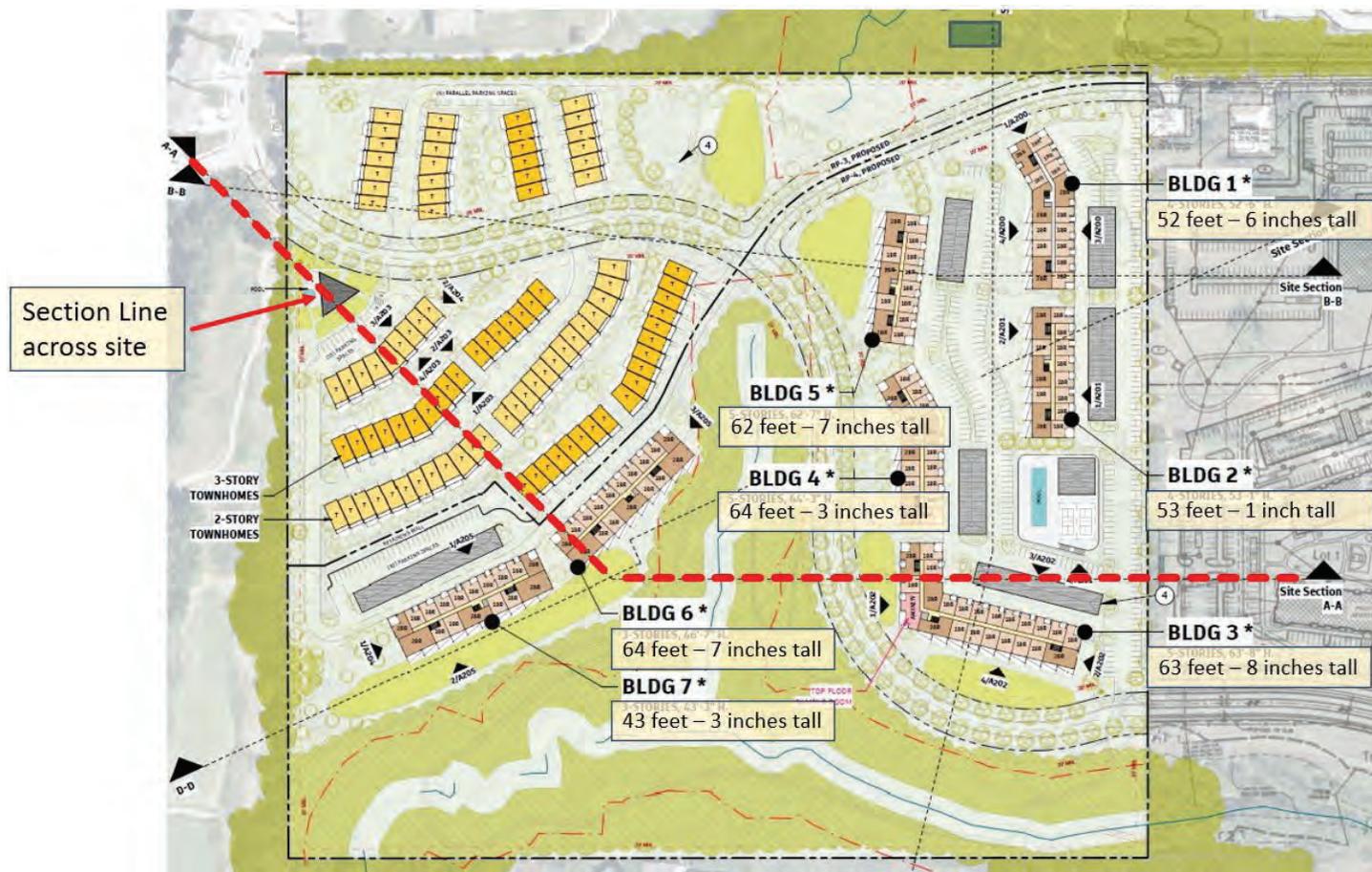
Staff supports the building height deviation request for increases to the height of the seven apartment buildings. The building heights of the two apartment buildings in Phase 2 are within the height of a typical three-story apartment building. The five apartment buildings in Phase 1 of the development are consistent with the RP-5 Zoning District. The adjacent development, Reflections Apartments, is zoned RP-5 and was granted a building height deviation for all three buildings. The building height deviation for two of the three Reflections Apartments buildings was approved for an average building height of 69.3 feet tall. The deviation approved for the Reflections Apartments exceeds the 35% provision of [Section 4-1-B-27-G-4-d](#) of the UDC. Allowing taller buildings on the east part of the site is a reasonable compromise for a site that has development limitations due to the stream corridor, the undermined areas, and the steep grades limiting the placement of the buildings.

The townhome buildings are all less than the 35-foot-tall height allowed by the UDC. The two apartment buildings in Phase 2 are within a reasonable height compared to a large single-family home, which is often a two-three-story building.

The buildings are shown in comparison to the surrounding development in the following site section diagram in Exhibit 29.



**Exhibit 29: REVISED SUBMITTAL Site section.**



**Exhibit 30: REVISED SUBMITTAL Section key plan and building height.**

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## REVIEW PROCESS

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- This project requires a recommendation from the Planning Commission and approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration by the City Council on November 19, 2024.
- An application for Final Plan Approval shall include further refinement of the building architecture per the Staff's comments in this report and additional information about fire hose reach.
- The applicant must submit a final plan/final plat application prior to applying for permit(s).
- 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, such as permits and development fees.

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## RECOMMENDATION FROM PROFESSIONAL STAFF

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★ **Staff recommends approval of the proposed rezoning and preliminary plan for Ross Canyon.**

- The revised plans address items discussed by Staff, the Planning Commission, and members of the public.
- The project is consistent with Lenexa's goals through *Responsible Economic Development* to create *Vibrant Neighborhoods* and a *Thriving Economy*.

## REZONING

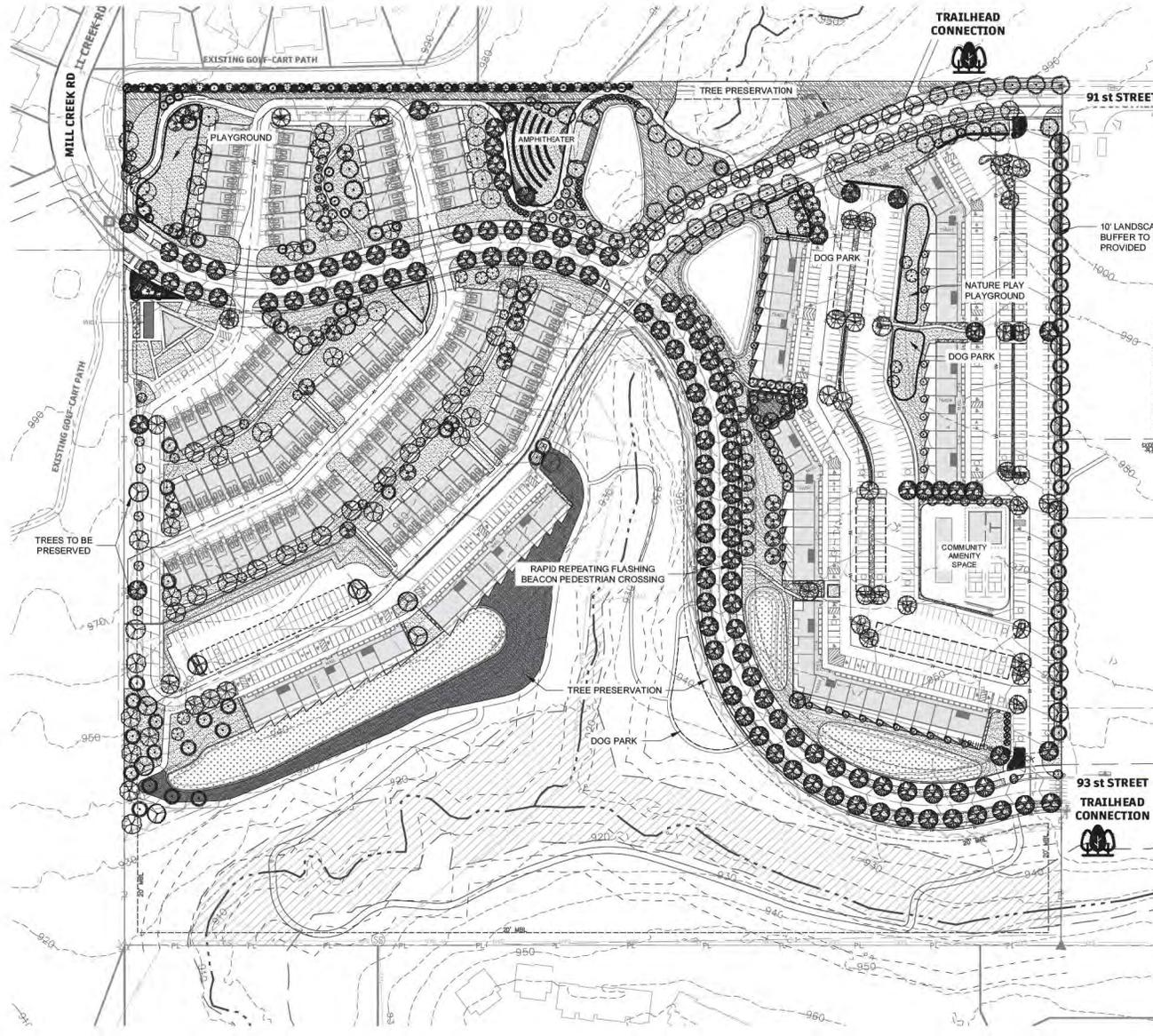
Staff recommends **APPROVAL** for rezoning property from AG and R-1 to RP-3 and RP-4 for **Ross Canyon** located near 93<sup>rd</sup> Street between Mill Creek Road and Renner Boulevard.

## PRELIMINARY PLAN/PLAT

Staff recommends **APPROVAL** of the preliminary plan/plat for **Ross Canyon** located near 93<sup>rd</sup> Street between Mill Creek Road and Renner Boulevard for a multifamily development with a deviation from Section 4-1-B-9-F of the UDC to allow the apartment buildings to exceed the 35-foot building height as noted within the Staff Report and with the following conditions:

1. The section of 91<sup>st</sup> Street from the northeast corner of the subject site to Renner Boulevard shall be constructed with this development. Using the Phasing Plan as a guide, the developer may be issued a Certificate of Occupancy for buildings one and two at the southeasterly part of the site (the buildings closest to 93<sup>rd</sup> Street) prior to the completion of this section of 91<sup>st</sup> Street. Prior to the issuance of a Certificate of Occupancy for a third building, 91<sup>st</sup> Street shall be completed from 93<sup>rd</sup> Street to Renner Boulevard.
2. The section of the new public street located at the northwest corner of the site shall include traffic calming features. The features shall be coordinated with Staff at the time of the Public Improvement Plan submittal for the public streets.





**PLANT SCHEDULE**

SYMBOL	CODE	QTY	BOTANICAL / COMMON NAME	CONT
<b>TREES</b>				
	BET NIG	52	Betula nigra / River Birch Multi-Trunk	B&B, 2" Cal.
	CAT SPE	10	Catalpa speciosa / Northern Catalpa	B&B, 2" Cal.
	CEL OCC	27	Celtis occidentalis / Common Hackberry	B&B, 2" Cal.
	CEL PRS	16	Celtis occidentalis 'JFS-KLU' / Prairie Sentinel® Hackberry	B&B, 1.5" Cal.
	GIN EPA	4	Ginkgo biloba 'Bagori' / Galdsire Maidenhair Tree	B&B, 1.5" Cal.
	GLE SKY	44	Gleditsia thacanthos inermis 'Skyline' / Skyline Honey Locust	B&B, 2" Cal.
	NYS SYL	36	Nyssa sylvatica / Tupelo	B&B, 2" Cal.
	PLA OCC	117	Platanus occidentalis / American Sycamore	B&B, 2" Cal.
	POP PRG	28	Populus tremuloides 'NE AB' / Prairie Gold® Quaking Aspen	B&B, 1.5" Cal.
	QUE BIC	20	Quercus bicolor / Swamp White Oak	B&B, 2" Cal.
	QUE EXM	17	Quercus x 'Crimschmidt' / Crimson Spire™ Oak	B&B, 1.5" Cal.
	TAX DIS	36	Taxodium distichum / Bald Cypress	B&B, 2" Cal.
	TAX LAB	29	Taxodium distichum imbricatum 'Prairie Sentinel' / Prairie Sentinel Pond Cypress	B&B, 2" Cal.
<b>EVERGREEN TREES</b>				
	MAG BRK	10	Magnolia grandiflora 'Brackens Brown Beauty' / Brackens's Beauty Southern Magnolia	6'-8' Ht.
	PIN STR	46	Pinus strobus / White Pine	6'-8' Ht.
	PIN FAS	38	Pinus strobus 'Fastigata' / Pyramidal White Pine	6'-8' Ht.
<b>ORNAMENTAL TREES</b>				
	CER CAN	54	Cercis canadensis / Eastern Redbud	B&B, 1.5" Cal.
	MAG SWE	21	Magnolia virginiana / Sweetbay Magnolia	B&B, 1.5" Cal.
<b>SHRUBS</b>				
	CAL INV	11	Callirhoe involucrata / Purple Poppymallow	1 gal
	CON SHR	52	Coniferous Shrub / 3' Evergreen Screen	5 gal
	COR LA2	95	Coreopsis lancoolata / Lanceloaf Tickseed	1 gal
	COR RES	66	Cornus sericea / Red Twig Dogwood	5 gal
	FOT GAR	30	Fothergilla gardenii / Dwarf Fothergilla	5 gal
	HYD TMR	50	Hydrangea paniculata 'Litts Lime' / Little Lime Hydrangea	5 gal
	HYD ALI	230	Hydrangea quercifolia 'Alia' / Alia Oakleaf Hydrangea	5 gal
	JUN BL3	5	Juniperus horizontalis 'Blue Chip' / Blue Chip Creeping Juniper	5 gal
	NEP WAL	57	Nepeta x flaszennil 'Walker's Low' / Walker's Low Catmint	5 gal
	PIN CO2	10	Pinus mugo 'Compacta' / Dwarf Mugo Pine	5 gal
	RHJ GRO	65	Rhus aromatica 'Gro-Low' / Gro-Low Fragrant Sumac	5 gal
	SAL NSY	27	Salvia yangii / Russian Sage	5 gal
<b>GROUND COVERS</b>				
	LS	2,017 sf	Decomposed Limestone / Decomposed Limestone Screening	SF
	DB	54,897 sf	Detention Basin Seed Mix / Detention Basin Seed Mix	SF
	FH	378,524 sf	Festuca var. / Heat-Tolerant Fescue Sod	SF
	FP	1,725	Foundation Plantings / Shrub/Perennial Mix	1 Gal. (18" H.)
	LP	1,808 sf	Limestone Pavers / Cut Limestone Pavers	SF
	NT	82,966 sf	Native Seed Mix / Native Seed Mix	SF
	RR	20,810 sf	Rock Mulch / Native Limestone Rock	SF
	WM	7,593 sf	Wood Mulch / Cedar Wood Mulch	SF

**1 SITE LANDSCAPE PLAN**  
SCALE: 1" = 40'-0"

<b>OWNER:</b> PETRA 251 S. WHITTIER ST. STE C MONTA, KS, 67207 TEL: 316.243.9929	<b>PROJECT TEAM:</b> <b>CIVIL / LANDSCAPE:</b> MCCLURE 1700 SWIFT ST. STE 100 NORTH KANSAS CITY, MO, 64116 TEL: 816.756.0444	<b>CONTRACTOR:</b> LUKE DRALY CONSTRUCTION 75 NW BUSINESS PARK LN RIVERSIDE, MO, 64150 TEL: 816.459.8531
--	---	--

ISSUE PACKAGE	REV. #	DATE
PRE APPLICATION/CONCEPT PLAN	1	05/31/2024
PRE APPLICATION/ CONCEPT PLAN_R1	2	07/03/2024
PRELIMINARY DEVELOPMENT PLAN	3	08/26/2024
PRELIMINARY DEVELOPMENT PLAN_R1	4	09/16/2024
PRELIMINARY DEVELOPMENT PLAN_R2	5	10/21/2024



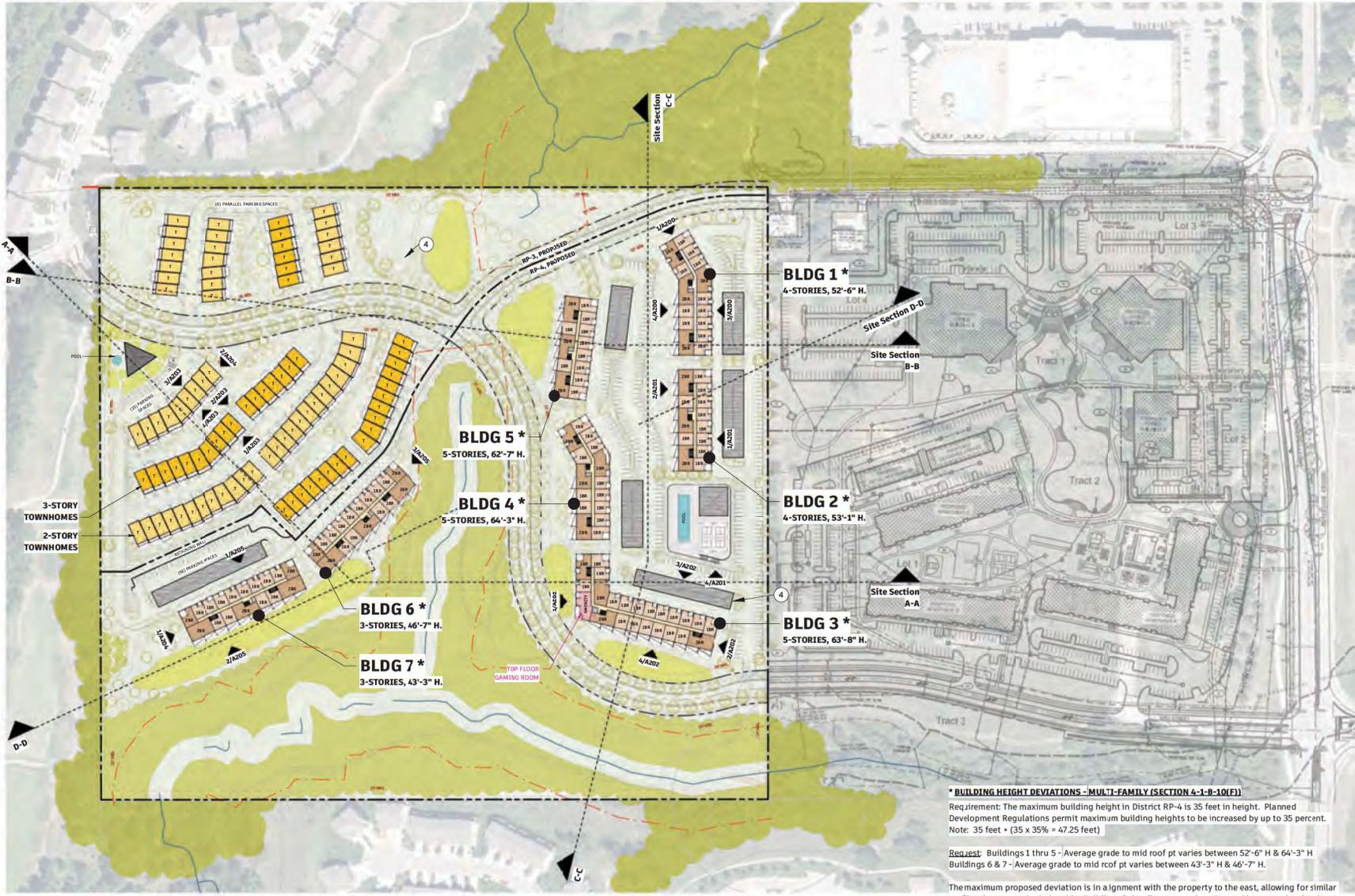
PRELIMINARY: NOT FOR CONSTRUCTION

**LANDSCAPE PLAN**

**PETRA / ROSS CANYON**

**L100**

3900 S. REINER BLVD  
PROJECT #: 2408  
DRAWN BY: ELDO  
CHECKED BY: ELDO  
**ELDORADO**  
510 oventide cesor e chovez canesa city missouri 64108 v 816 474 3838 f 816 474 3836  
www.eldo.us



- ### SITE PLAN KEYNOTES
- EXISTING STREAM CORRIDOR TO REMAIN.
  - FIRE TRUCK TURN-AROUND & OUTDOOR AMENITY.
  - STORM DRAINAGE BASIN. (RE: CIVIL & LANDSCAPE DWGS)
  - COVERED OUTDOOR PARKING.
  - LANDSCAPED SITE RETAINING WALL.
  - SCREENED ROOFTOP MECHANICAL EQUIPMENT.
  - LANDSCAPED BUFFER.
  - EXISTING SITE TREES & LANDSCAPE BUFFER
  - MONUMENT SIGNAGE TO COMPLY W/ DEVELOPMENT CODE SECTION 4-1-E-10.

### SITE DATA (RP-4)

**TOTAL SITE AREA:** 1,377,166 SF (31.47 ACRES)

**DENSITY:**  
 ALLOWED: 36 UNITS/ACRE + 487 TOTAL UNITS  
 PROPOSED: 12.27 UNITS/ACRE = 374 TOTAL UNITS

**HEIGHT:**  
 ALLOWED: 35'-0"  
 PROPOSED:  
 - BUILDING 1: 52'-0"  
 - BUILDING 2: 53'-1"  
 - BUILDING 4: 64'-3"  
 - BUILDING 5: 62'-7"  
 - BUILDING 6: 46'-7"  
 - BUILDING 7: 43'-3"

**SETBACKS:**  
 STREET: 20'-0" MIN.  
 REAR: 20'-0" MIN.  
 OTHER: 7'-0" MIN.

**OPEN SPACE:**  
 REQUIRED: 39,824 SF  
 PROVIDED: 543,522 SF

**TOTAL BUILDING TYPICAL FLOOR:** 97,764 SF

**TOTAL BUILDING AREA, PHASE 1:** 420,300 SF

**MULTI-FAMILY RESIDENTIAL UNIT COUNT, PHASE 1:**  
 1-BR: 250 (70%)  
 2-BR: 90 (26%)  
 TOTAL: 340 UNITS

**VEHICLE PARKING, PHASE 1:**  
 REQUIRED: 548 STALLS  
 PROVIDED:  
 - 1-BR: 150 UNIT: 150 STALLS  
 - 2-BR: 25 UNIT: 75 STALLS  
 - GUEST: 25 UNIT: 75 STALLS  
 - ACCESSIBLE PARKING: 100 STALLS  
 2% OF TOTAL - 12 STALLS PER IRC 2008, TABLE 106.1  
 ACCESSIBLE PARKING PROVIDED: 30 STALLS

**TOTAL BUILDING AREA, PHASE 2:** 313,550 SF

**MULTI-FAMILY RESIDENTIAL UNIT COUNT, PHASE 2:**  
 1-BR: 50 (68%)  
 2-BR: 24 (32%)  
 TOTAL: 74 UNITS

**VEHICLE PARKING, PHASE 2:**  
 REQUIRED: 136 STALLS  
 PROVIDED:  
 - 1-BR: 150 UNIT: 150 STALLS  
 - 2-BR: 25 UNIT: 42 STALLS  
 - GUEST: 25 UNIT: 19 STALLS  
 - ACCESSIBLE PARKING: 100 STALLS  
 5 STALLS PER IRC 2008, TABLE 106.1  
 ACCESSIBLE PARKING PROVIDED: 52 STALLS

### SITE DATA (RP-3)

**TOTAL SITE AREA:** 951,360 SF (21.62 ACRES)

**DENSITY:**  
 ALLOWED: 31 UNITS/ACRE = 663 TOTAL UNITS  
 PROPOSED: 6.97 UNITS/ACRE = 95 TOTAL UNITS

**HEIGHT:**  
 ALLOWED: 35'-0"  
 PROPOSED:  
 - TOWNHOMES: 35'-0" MAX

**SETBACKS:**  
 STREET: 25'-0" MIN.  
 REAR: 20'-0" MIN.  
 OTHER: 7'-0" MIN.

**TOTAL BUILDING AREA:** 325,050 SF

**OPEN SPACE:**  
 REQUIRED: 17,891 SF  
 PROVIDED: 61,316 SF

**2-STORY TOWNHOMES:** 95 (2-CAR GARAGE PROVIDED)

**VEHICLE PARKING, PHASE 1:**  
 REQUIRED: NONE \*  
 PROVIDED:  
 - GUEST: 25 UNIT: 24 STALLS  
 - ACCESSIBLE PARKING: 100 STALLS  
 ACCESSIBLE PARKING PROVIDED: 2 STALLS

\* EACH TOWNHOME IS PROVIDED WITH 2-CAR GARAGE

**\* BUILDING HEIGHT DEVIATIONS - MULTI-FAMILY (SECTION 4-1-R-10(F))**  
 Requirement: The maximum building height in District RP-4 is 35 feet in height. Planned Development Regulations permit maximum building heights to be increased by up to 35 percent. Note: 35 feet + (35 x 35% = 47.25 feet)

**Request:** Buildings 1 thru 5 - Average grade to mid roof pt varies between 52'-6" H & 64'-3" H  
 Buildings 6 & 7 - Average grade to mid roof pt varies between 43'-3" H & 46'-7" H.

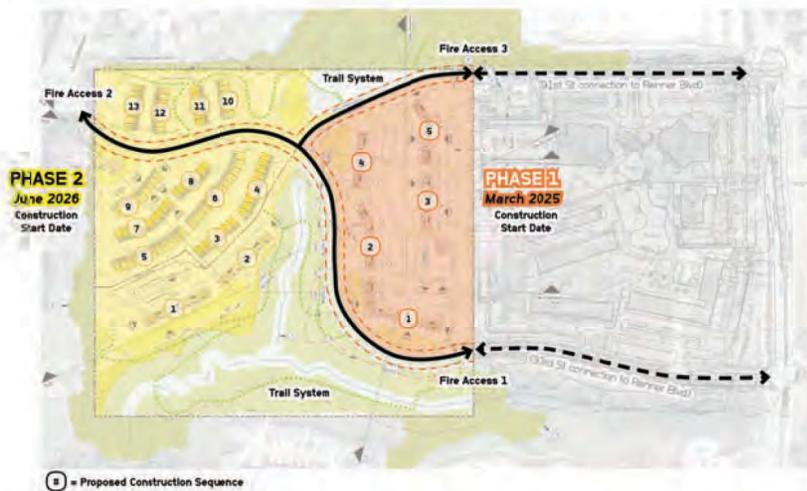
The maximum proposed deviation is in alignment with the property to the east, allowing for similar roofline / contextual relationship. Buildings 3 thru 7 occupy an elevation and leverage the site slope to diminish the presence of roofline as viewed from surrounding properties.

**1 OVERALL SITE PLAN - TYP. FLOOR**  
 SCALE: 1" = 100'-0"

10/10/2024 2:55:44 PM

<b>OWNER:</b> PETRA 251 S. WHITTIER ST. STE C WICHITA, KS. 67207 TEL. 316243.9829	<b>PROJECT TEAM:</b> <b>CIVIL / LANDSCAPE:</b> MCCLURE 1700 SWIFT ST. STE 100 NORTH KANSAS CITY, MO. 64116 TEL. 816.755.0444	<b>CONTRACTOR:</b> LUKE DRALY CONSTRUCTION 75 NW BUSINESS PARK LN RIVERSIDE, MO. 64150 TEL. 816.459.8531	<b>ISSUE PACKAGE</b>	<b>REV #</b>	<b>DATE</b>	<b>PRELIMINARY: NOT FOR CONSTRUCTION</b> All Work Product produced or conveyed by ELDORADO, including the copyrights therein, shall remain the property of ELDORADO and may not be used by any person or entity for any other project or modified without the prior written consent of ELDORADO.	<b>OVERALL SITE PLAN - TYP. FLOOR</b> PETRA / ROSS CANYON 3300 S. REINER BLVD PROJECT # 2400 DRAWN BY: ELDO CHECKED BY: ELDO <b>ELDORADO</b> 510 avenida cesar e chavez   kansas city   missouri   64108   816 474 3838   816 474 0836   www.eldorado.com
<b>PRE-APPLICATION / CONCEPT PLAN</b> 1 05/21/2024 <b>PRE-APPLICATION / CONCEPT PLAN_R1</b> 2 07/03/2024 <b>PRELIMINARY DEVELOPMENT PLAN</b> 3 08/26/2024 <b>PRELIMINARY DEVELOPMENT PLAN_R1</b> 4 08/16/2024 <b>PRELIMINARY DEVELOPMENT PLAN_R2</b> 5 10/10/2024							

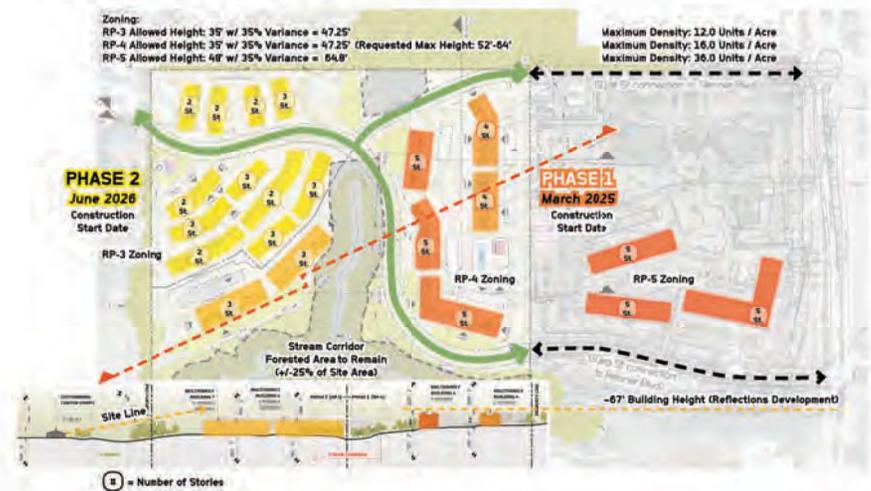
Phasing Plan



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PROGRESS UPDATE October 21, 2024 p35

Zoning & Building Heights Diagram



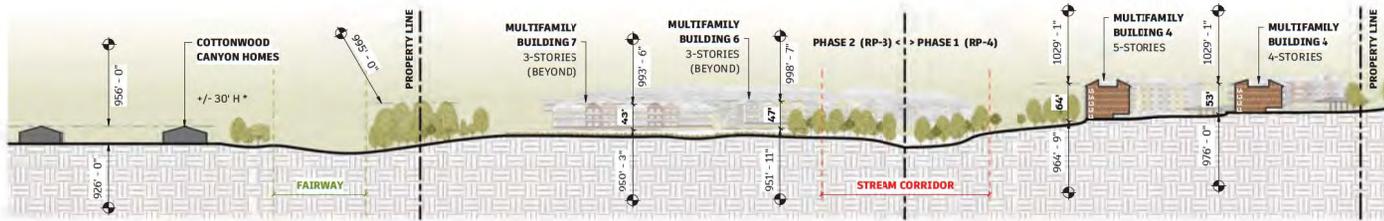
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PROGRESS UPDATE October 21, 2024 p36

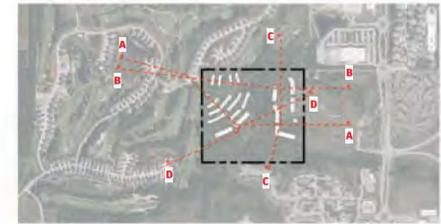
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<p>OWNER:                  PETRA                  251 S. WHITTIER ST. STE C                  WICHITA, KS. 67207                  TEL. 316243.9829</p>	<p>PROJECT TEAM:                  CIVIL / LANDSCAPE:                  MCCLURE                  1700 SWIFT ST. STE 100                  NORTH KANSAS CITY, MO, 64116                  TEL. 816.756.0444</p>	<p>CONTRACTOR:                  LUKE DRALY CONSTRUCTION                  75 NW BUSINESS PARK LN                  RIVERSIDE, MO, 64150                  TEL. 816.459.8531</p>	<p>ISSUE PACKAGE: PRELIMINARY DEVELOPMENT PLAN_R2                  REV #: 5                  DATE: 10/21/2024</p>	<p><b>PRELIMINARY: NOT FOR CONSTRUCTION</b>                  All Work Product produced or conveyed by ELDORADO, including the copyright therein, shall remain the property of ELDORADO and may not be used by any person or entity for any other project or modified without the prior written consent of ELDORADO.</p>	<p><b>PHASING PLAN &amp; ZONING / HEIGHT EXHIBIT</b>                  PETRA / ROSS CANYON                  5390 S. REINER BLVD                  PROJECT # 2406                  DRAWN BY: ELDO                  CHECKED BY: ELDO  <b>ELDORADO</b>                  510 avenida cesar e chavez / kansas city / missouri / 64108 v 816 474 3838 f 816 474 0836 www.eldo.us</p>
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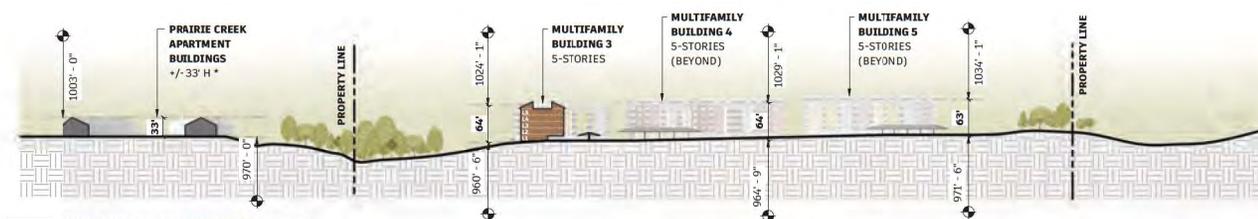
**A010**



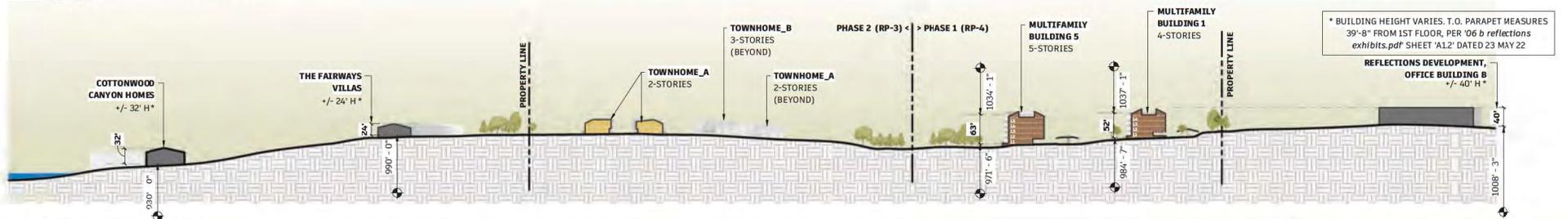
4 EAST-WEST SITE SECTION D-D  
SCALE: 1" = 100'-0"



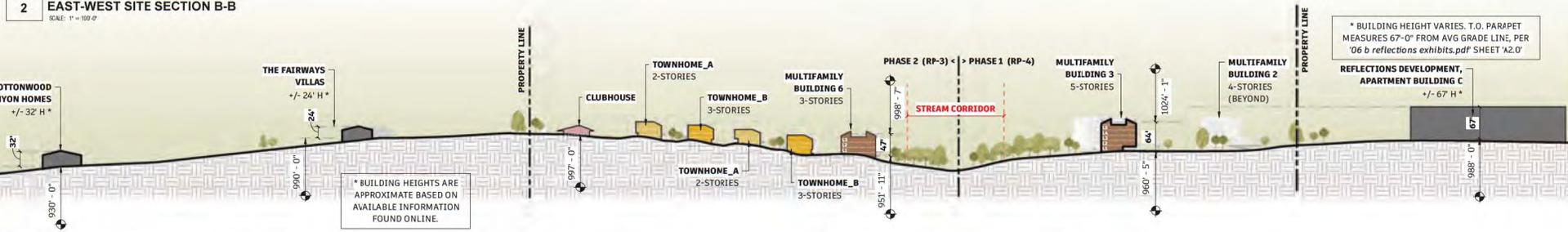
SITE SECTION KEY



3 NORTH-SOUTH SITE SECTION C-C  
SCALE: 1" = 100'-0"



2 EAST-WEST SITE SECTION B-B  
SCALE: 1" = 100'-0"



1 EAST-WEST SITE SECTION A-A  
SCALE: 1" = 100'-0"

\* BUILDING HEIGHT VARIES. T.O. PARAPET MEASURES 39'-8" FROM 1ST FLOOR, PER '06 b reflections exhibits.pdf SHEET 'A1.2' DATED 23 MAY 22

\* BUILDING HEIGHT VARIES. T.O. PARAPET MEASURES 67'-0" FROM AVG GRADE LINE, PER '06 b reflections exhibits.pdf SHEET 'A2.0'

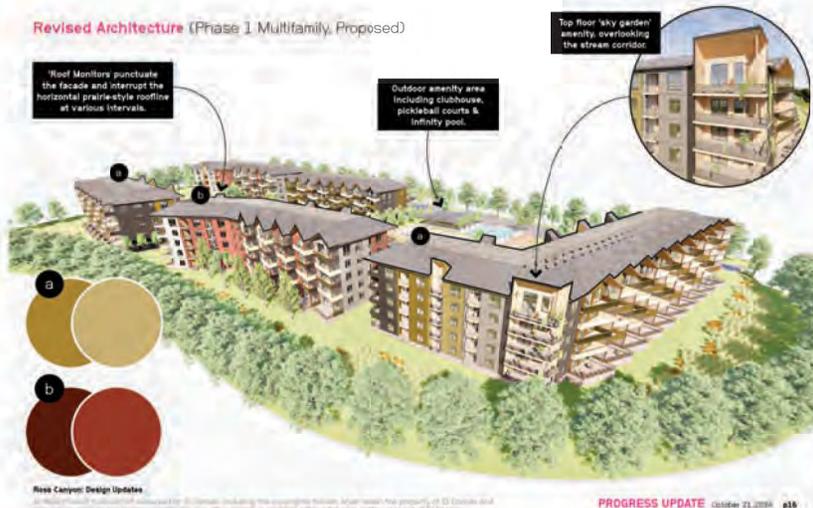
\* BUILDING HEIGHTS ARE APPROXIMATE BASED ON AVAILABLE INFORMATION FOUND ONLINE.

10/10/2024 3:03:14 PM

OWNER: PETRA 251 S. WHITTIER ST. STE C WICHITA, KS. 67207 TEL. 316243.9829	PROJECT TEAM: CIVIL / LANDSCAPE: MCCLURE 1700 SWIFT ST. STE 100 NORTH KANSAS CITY, MO, 64116 TEL. 816.755.0444	CONTRACTOR: LUKE DRALY CONSTRUCTION 75 NW BUSINESS PARK LN RIVERSIDE, MO, 64150 TEL. 816.459.8591	ISSUE PACKAGE	REV #	DATE	<p><b>PRELIMINARY: NOT FOR CONSTRUCTION</b></p> <p>All Work Product produced or conveyed by ELDORADO, including the copyrights therein, shall remain the property of ELDORADO and may not be used by any person or entity for any other project or modified without the prior written consent of ELDORADO.</p> <p><b>PETRA / ROSS CANYON</b> 3910 S. REINER BLVD PROJECT # 2406 DRAWN BY: ELDO CHECKED BY: ELDO <b>ELDORADO</b> 510 avenida cesar e chavez, kansas city missouri 64108 v 816 474 3838 f 816 474 0836 www.eldoradokc.com</p>
			PRE-APPLICATION / CONCEPT PLAN	1	05/21/2024	
			PRE-APPLICATION / CONCEPT PLAN_R1	2	07/03/2024	
			PRELIMINARY DEVELOPMENT PLAN	3	08/26/2024	
			PRELIMINARY DEVELOPMENT PLAN_R1	4	08/16/2024	
			PRELIMINARY DEVELOPMENT PLAN_R2	5	10/10/2024	

**SITE SECTIONS**  
**A300**

Revised Architecture (Phase 1 Multifamily, Proposed)



Revised Architecture (Phase 1 Multifamily, Proposed)



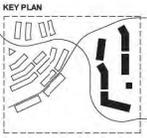
Revised Architecture (Phase 1 Multifamily, Proposed)



Revised Architecture (Phase 1 Multifamily, Proposed)



NOTE: RENDERINGS ARE INTENDED TO DEMONSTRATE CONCEPTUAL INTENT ONLY. REFER TO SITE PLAN & ELEVATIONS FOR DETAIL.



OWNER:  
PETRA  
251 S. WHITTIER ST. STE C  
WICHITA, KS 67207  
TEL 316243.9829

PROJECT TEAM:  
CIVIL / LANDSCAPE:  
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NORTH KANSAS CITY, MO 64116  
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CONTRACTOR:  
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75 NW BUSINESS PARK LN  
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ISSUE PACKAGE	REV #	DATE
PRE-APPLICATION / CONCEPT PLAN_R1	2	07/03/2024
PRELIMINARY DEVELOPMENT PLAN	3	08/05/2024
PRELIMINARY DEVELOPMENT PLAN_R1	4	09/16/2024
PRELIMINARY DEVELOPMENT PLAN_R2	5	10/21/2024

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PERSPECTIVE VIEWS (PHASE 1, MULTIFAMILY)

PETRA / ROSS CANYON

3903 S REMER BLVD  
PROJECT # 2400

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CHECKED BY: ELDO

ELDORADO

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A401

Revised Architecture (Phase 2 Townhomes, Proposed)



Rose Canyon: Design Updates

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PROGRESS UPDATE October 21, 2024 p31

Revised Architecture (Phase 2 Townhomes, Proposed)



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PROGRESS UPDATE October 21, 2024 p34

**NOTE:** RENDERINGS ARE INTENDED TO DEMONSTRATE CONCEPTUAL INTENT ONLY. REFER TO SITE PLAN & ELEVATIONS FOR DETAIL.

Revised Architecture (Phase 2 Townhomes, Proposed)



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PROGRESS UPDATE October 21, 2024 p35

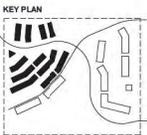
Revised Architecture (Phase 2 Townhomes, Proposed)



Rose Canyon: Design Updates

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PROGRESS UPDATE October 21, 2024 p32



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OWNER:  
**PETRA**  
 251 S. WHITTIER ST. STE C  
 WICHITA, KS 67207  
 TEL 316243.9829

PROJECT TEAM:  
**MCCLURE**  
 1700 SWIFT ST. STE 100  
 NORTH KANSAS CITY, MO 64116  
 TEL 816.756.0444

CONTRACTOR:  
**LUKE DRALY CONSTRUCTION**  
 75 NW BUSINESS PARK LN  
 RIVERSIDE, MO 64150  
 TEL 816.459.8531

ISSUE PACKAGE	REV #	DATE
PRE-APPLICATION / CONCEPT PLAN_R1	2	07/03/2024
PRELIMINARY DEVELOPMENT PLAN	3	08/05/2024
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PRELIMINARY DEVELOPMENT PLAN_R2	5	10/21/2024

**PRELIMINARY: NOT FOR CONSTRUCTION**

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PERSPECTIVE VIEWS (PHASE 2, TOWNHOMES)

**PETRA / ROSS CANYON**

33RD & REINER BLVD

PROJECT # 2406

DRAWN BY: ELDO

CHECKED BY: ELDO

**ELDORADO**

510 avenida cesar e chavez, kansas city missouri 64108 v 816 474 3838 f 816 474 0836 www.eldorado.com

**A402**

Revised Architecture (Phase 2 Multifamily, Proposed)

- 1 The buildings will need to incorporate **additional facade articulations, material and color changes** to comply with Section 4-1-C-S-D of the UDC, specifically the requirement to avoid monotonous building design.
- 2 The buildings will also require a **parapet wall** to screen the roof-mounted mechanical equipment."   
 Sept 30, 2024 / Staff Report pg. 18 & 19 of 23



Ross Canyon: Design Updates  
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**PROGRESS UPDATE** October 23, 2024 p24

Revised Architecture (Phase 2 Multifamily, Proposed)



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**NOTE: RENDERINGS ARE INTENDED TO DEMONSTRATE CONCEPTUAL INTENT ONLY. REFER TO SITE PLAN & ELEVATIONS FOR DETAIL.**

Revised Architecture (Phase 2 Multifamily, Proposed)

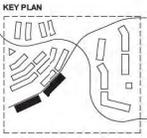


Ross Canyon: Design Updates  
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Revised Architecture (Phase 2 Multifamily, Proposed)



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**PROGRESS UPDATE** October 23, 2024 p27



10/10/2024 3:03:24 PM

<p><b>OWNER:</b>                  PETRA                  251 S. WHITTIER ST. STE C                  WICHITA, KS 67207                  TEL: 316243-9829</p>	<p><b>PROJECT TEAM:</b>                  CIVIL / LANDSCAPE:                  MCCLURE                  170 SWIFT ST. STE 100                  NORTH KANSAS CITY, MO 64116                  TEL: 816-756-0444</p>	<p><b>CONTRACTOR:</b>                  LUKE DRALY CONSTRUCTION                  75 NW BUSINESS PARK LN                  RIVERSIDE, MO 64150                  TEL: 816-459-8531</p>	<p><b>ISSUE PACKAGE</b></p> <table border="1"> <thead> <tr> <th>ISSUE PACKAGE</th> <th>REV #</th> <th>DATE</th> </tr> </thead> <tbody> <tr> <td>PRELIMINARY DEVELOPMENT PLAN</td> <td>3</td> <td>08/29/2024</td> </tr> <tr> <td>PRELIMINARY DEVELOPMENT PLAN_R1</td> <td>4</td> <td>09/16/2024</td> </tr> <tr> <td>PRELIMINARY DEVELOPMENT PLAN_R2</td> <td>5</td> <td>10/21/2024</td> </tr> </tbody> </table>	ISSUE PACKAGE	REV #	DATE	PRELIMINARY DEVELOPMENT PLAN	3	08/29/2024	PRELIMINARY DEVELOPMENT PLAN_R1	4	09/16/2024	PRELIMINARY DEVELOPMENT PLAN_R2	5	10/21/2024	<p><b>PRELIMINARY: NOT FOR CONSTRUCTION</b></p> <p>All Work Product produced or conveyed by ELDORADO, including the copyrights therein, shall remain the property of ELDORADO and may not be used by any person or entity for any other project or modified without the prior written consent of ELDORADO.</p>	<p><b>PERSPECTIVE VIEWS (PHASE 2, MULTIFAMILY)</b>                  PETRA / ROSS CANYON                  33RD &amp; REINER BLVD                  PROJECT # 2400                  DRAWN BY: ELDO                  CHECKED BY: ELDO  <b>ELDORADO</b>                  510 avenida cesar e chavez kansas city missouri 64108 v 816 474 3838 f 816 474 0836 www.eldo.us</p>
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PRELIMINARY DEVELOPMENT PLAN	3	08/29/2024															
PRELIMINARY DEVELOPMENT PLAN_R1	4	09/16/2024															
PRELIMINARY DEVELOPMENT PLAN_R2	5	10/21/2024															

**A403**

**From:** Jennifer Sourk <[jsourk@midwest-health.com](mailto:jsourk@midwest-health.com)>  
**Sent:** Monday, October 21, 2024 12:46 PM  
**To:** Stephanie Sullivan <[ssullivan@lenexa.com](mailto:ssullivan@lenexa.com)>  
**Cc:** Steve Specht <[steve.specht@greatlifegolf.com](mailto:steve.specht@greatlifegolf.com)>  
**Subject:** Ross Canyon Project

Good afternoon,

I am reaching out on behalf of the owners of Canyon Farms Golf Club in response to the project titled "Ross Canyon" that was on the planning commission agenda meeting on September 30, 2024. While I am unsure where the project is within the approval process, I wanted to share a few comments on behalf of Canyon Farms Golf Club.

1. This project is being built on the east side of hole 13 at Canyon Farms. On days of heavy rain, the golf course experiences a high level of rain runoff from the canyon wall area on hole 13 which then runs to hole 11 and then eventually off property. Canyon Farms would comment that any additional stormwater runoff should be directed away from the course during the construction of this project. The golf club has concerns that concrete and asphalt with the grade of the property may cause additional water towards the course, affecting the golf course property.
2. The course does require all adjacent property owners to have a 20 ft. set back in which trees are not allowed to be disturbed. It would request the same from Ross Canyon.
3. During the course of construction, the golf club expresses concerns about the mine and any underground disruption. As you are likely aware, there was a sink hole not far from this location several years ago. The course is concern that the developer should be required to take extra precaution and liability for any disruption of the mine as a result for the construction.

Thank you for your consideration. If you have any questions, please let me know.

Jennifer Sourk, General Counsel

[3024 SW Wanamaker Rd. Suite 300](#)

[Topeka, KS 66614](#)

[785.228.7916](tel:785.228.7916)

[jsourk@midwest-health.com](mailto:jsourk@midwest-health.com)

8. **Ross Canyon - Consideration of a rezoning and preliminary plan for a multifamily residential development on property located near 93rd Street between Mill Creek Road and Renner Boulevard.**
  - a. **Consideration of a rezoning from the AG, Agricultural and R-1, Single-Family Residential Districts to the RP-3, Planned Residential (Medium-High Density) and RP-4, Planned Residential (High Density) Districts. RZ24-02**
  - b. **Consideration of a preliminary plan for a multifamily residential development. PL24-06P**

### **APPLICANT PRESENTATION**

Tyler Burks, Petra Real Estate, thanked City Staff for their continued work and feedback on the project. Mr. Burks said significant progress was made. He provided an agenda for the presentation and noted that he and his team addressed several of the concerns that were brought up in the last Planning Commission meeting. He said they also communicated with Cottonwood Canyon's Homeowners Association (HOA) and addressed their concerns by implementing changes in the project. He gave the history and background of Petra Real Estate, El Dorado Architecture, and McClure Engineering, all firms that contributed on the project. Mr. Burks stated that the project aimed to respect the natural landscape, emphasizing preservation, especially the stream corridor that occupies 25% of the site. The design includes 300 market-rate, multifamily units on the east side, with amenities such as a pool, pickleball courts, a gym, and a work-from-home area. The west side will host two three-story buildings with 74 additional apartment units and 94 townhomes, featuring a mix of building heights to align with topography and zoning. Attention to neighbors' concerns about visibility led to enhancements in the west landscape buffer, road alignment, and lighting adjustments to reduce impact. Efforts to integrate natural elements are evident in the varied architectural style, color schemes inspired by nature, and staggered building heights. The team responded to feedback from City Staff, addressing issues with roofline monotony and incorporating distinct, layered architectural details. Enhanced landscaping, including tree preservation and a new golf cart path, was incorporated to improve the site's aesthetic and functionality. The final architectural design offers a unique, elevated look with materials and color contrasts and additional amenities like a fifth-floor sky lounge. Construction is targeted to begin in March 2025 with a phased approach due to the project's complexity.

### **STAFF PRESENTATION**

David Dalecky presented the Staff Report. Mr. Dalecky showed an aerial of the site location, gave an overview of the project, and provided the Comprehensive Plan information for the site in question. He displayed the criteria by which the application was reviewed by Staff and explained that each of the criteria was discussed in detail within the Staff Report. He said the site plan underwent several modifications to enhance aesthetics, landscaping, traffic flow, and adherence to development codes. Buildings 6 and 7 on the southwest side of the property were shifted roughly 60 feet east, creating additional space for landscaping along the western property boundary. Architecturally, two distinct color palettes were applied to the four- and five-story buildings to reduce visual uniformity, ensuring adjacent buildings have unique appearances. Additionally, the rooflines now feature monitors and fixed elements, with added parapets and mansards to screen rooftop equipment. This change in roof design increased the overall height of some buildings by 2 to 5 feet, necessitating deviation requests, which the planning team found appropriate. He said that parking and unit density adjustments were also made, with four units relocated from one zoning area to another. Although this results in a slight decrease in density, the overall unit count remains at 374 for phase one and part of phase two. Traffic flow modifications include three new traffic-calming measures, which aim to direct traffic eastward, discouraging routes through Cottonwood Canyon. The realigned cart path and an existing traffic circle are also support this flow. The phasing plan dictates that 91st Street must be constructed before Building 3 can receive a Certificate of Occupancy, though Buildings

1 and 2 may be occupied sooner. These modifications collectively aim to enhance visual diversity, landscaping, and community accessibility while maintaining compliance with development guidelines.

## PUBLIC MEETING

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

Chris Demetroulis a local resident and HOA board member, thanked the commissioners for postponing the decision, which allowed for productive discussions among all parties involved. Mr. Demetroulis expressed appreciation for Mr. Burks and his team for actively listening and addressing concerns, making modifications that his neighbors felt provided an effective buffer. He also acknowledged Scott McCullough and City Staff for their involvement and the ongoing discussions about managing increased traffic from nearby developments, like Ross Canyon and future use of Ridgeview Road. He noted that Mr. Burks team has made the development plans more acceptable and committed to ongoing collaboration to ensure the project serves the community's best interests.

## COMMISSION DISCUSSION

Commissioner Katterhenry supported the recent project improvements, saying the extra month led to a better outcome. Mr. Katterhenry approved of the increased building height due to the mansard roofs that hide rooftop equipment and also appreciated the wider buffer preserving more trees on the western side and commented that the architectural design has vastly improved.

Commissioner Woolf expressed gratitude to the neighbors, team, and staff for their collaboration on the project, saying it turned out fantastic. Mr. Woolf noted that this level of cooperation is ideal in such processes but does not always occur, commending everyone involved for their teamwork.

Commissioner Handley agreed with Katterhenry concerning the adjustment in building height. Mr. Handley noted that the gradual elevation changes from east to west make sense within the projects design. He commented that the elevation gradation and density adjustments contribute positively to the overall look of the project. He said the development had an "awesome" outcome.

Commissioner Burson praised the project as one of the best-looking he has seen in a while and appreciated the collaborative efforts between the staff and the applicant. Mr. Burson described the project as unique and attractive and felt excited for its addition to the community.

Chairman Poss agreed with many of the previous comments made by the Commissioners. Mr. Poss said that the rezoning plan aligns well with the area's future land use map and follows the golden criteria, enhancing the community. He praised the pause taken in the process, which helped refine expectations and allowed all parties to collaborate effectively. He appreciated the applicant and City Staff's efforts to finding common ground and by doing so achieved a positive outcome.

## MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** for rezoning property from AG and R-1 to RP-3 and RP-4 for **Ross Canyon** located near 93<sup>rd</sup> Street between Mill Creek Road and Renner Boulevard.

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

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan/plat for **Ross Canyon** located near 93<sup>rd</sup> Street between Mill Creek Road and Renner Boulevard for a multifamily development with a deviation from Section 4-1-B-9-F of the UDC to allow the apartment buildings to exceed the 35-foot building height as noted within the Staff Report and with the following conditions:

1. The section of 91<sup>st</sup> Street from the northeast corner of the subject site to Renner Boulevard shall be constructed with this development. Using the Phasing Plan as a guide, the developer may be issued a Certificate of Occupancy for buildings one and two at the southeasterly part of the site (the buildings closest to 93<sup>rd</sup> Street) prior to the completion of this section of 91<sup>st</sup> Street. Prior to the issuance of a Certificate of Occupancy for a third building, 91<sup>st</sup> Street shall be completed from 93<sup>rd</sup> Street to Renner Boulevard.
2. The section of the new public street located at the northwest corner of the site shall include traffic calming features. The features shall be coordinated with Staff at the time of the Public Improvement Plan submittal for the public streets.

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

DRAFT

**RZ 24-02**

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

**AN ORDINANCE REZONING PROPERTY LOCATED IN THE VICINITY OF THE 93<sup>RD</sup> STREET BETWEEN MILL CREEK ROAD AND RENNER BOULEVARD IN THE AG, AGRICULTURAL AND R-1, SINGLE-FAMILY RESIDENTIAL DISTRICTS TO RP-3, PLANNED RESIDENTIAL MEDIUM-DENSITY AND RP-4, PLANNED RESIDENTIAL HIGH-DENISTY DISTRICTS.**

**WHEREAS**, on August 27, 2024, Tyler Burks, agent for Ross Morris Venture Group Inc., owners of record, filed a request to rezone property located in the vicinity of 93<sup>rd</sup> Street between Mill Creek Road and Renner Boulevard in Lenexa, Kansas (the "Property") from the AG, Agricultural and R-1, Single-Family Residential Zoning Districts to RP-3, Planned Residential Medium-Density and RP-4, Planned Residential High-Density Zoning Districts; and

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

**WHEREAS**, on November 4, 2024, the Lenexa Planning Commission recommended approval of said rezoning, as reflected in the minute record for said meeting; and

**WHEREAS**, on November 19, 2024, the Governing Body considered the rezoning request and Planning Commission recommendation, as reflected in the minute record for said meeting; and

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

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

**RP-3 ZONING**

All that part of the Southeast Quarter of Section 31 Township 12 South, Range 24 East of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, with said part being originally described on this 20th day of August 2024 by me, Craig E. Chaney, Professional Surveyor, Kansas License No. 1141, and being more particularly described as follows:

BEGINNING at the Northwest Corner of the Southeast Quarter of Section 31, Township 12 South, Range 24 East; thence North 87°40'24" East, along the North Line of said Southeast Quarter of Section 31, a distance of 1450.36 feet to a point of intersection on said North Line of the Southeast Quarter of Section 31 with the northerly prolongation of the West Line of REFLECTIONS, FIRST PLAT, a platted subdivision of land in the City of Lenexa, Johnson County, Kansas; thence departing said North Line of the Southeast Quarter of Section 31, South 02°16'53" East, along said northerly prolongation of said West Line of said REFLECTIONS, FIRST PLAT, a distance of 17.46 feet; thence departing said northerly prolongation of the West line of said REFLECTIONS, FIRST PLAT, South 87°40'16" West, a distance of 58.29 feet to a point of curvature; thence westerly and southwesterly along a curve the left, said curve being tangent to the last described course and having a radius of 500.00 feet, a delta angle of 22°58'27" and an arc length of 200.49 feet to a point of tangency; thence South 64°41'49" West, a distance of 284.09 feet to a point of curvature; thence southwesterly along a curve to the left, said curve being tangent to the last described course and having a radius of 333.00 feet, a delta angle of 31°51'22" and an arc length of 185.15 feet to a point of tangency; thence South 32°50'26" West, a distance of 126.39 feet to a point of curvature; thence

southwesterly along a curve to the left, said curve being tangent to the last described course and having a radius of 700.00 feet, a delta angle of 10°04'54" and an arc length of 123.17 feet to a point of tangency; thence South 22°45'32" West, a distance of 55.53 feet to a point of curvature; thence southwesterly along a curve to the right, said curve being tangent to the last described course and having a radius of 150.00 feet, a delta angle of 20°00'00" and an arc length of 52.36 feet to a point of tangency; thence South 42°45'32" West, a distance of 250.07 feet; thence North 47°14'28" West, a distance of 108.85 feet; thence South 42°45'32" West, a distance of 26.90 feet; thence South 62°51'09" West, a distance of 298.92 feet; thence South 87°35'09" West, a distance of 59.55 feet to a point of the West Line of said Southeast Quarter of Section 31; thence North 02°24'47" West along said West Line, a distance of 829.49 feet to the place of beginning;

Containing 593,360 square feet or 13.622 acres, more or less.

#### RP-4 ZONING

All that part of the Southeast Quarter of Section 31 Township 12 South, Range 24 East of the Sixth Principal Meridian in the City of Lenexa, Johnson County, Kansas, with said part being originally described on this 20th day of August 2024 by me, Craig E. Chaney, Professional Surveyor, Kansas License No. 1141, and being more particularly described as follows: COMMENCING at the Northwest Corner of the Southeast Quarter of Section 31, Township 12 South, Range 24 East; thence North 87°40'24" East, along the North Line of said Southeast Quarter of Section 31, a distance of 1450.36 feet to a point of intersection on said North Line of the Southeast Quarter of Section 31 with the northerly prolongation of the West Line of REFLECTIONS, FIRST PLAT, a platted subdivision of land in the City of Lenexa, Johnson County, Kansas; thence departing said North Line of the Southeast Quarter of Section 31, South 02°16'53" East, along said northerly prolongation of said West Line of said REFLECTIONS, FIRST PLAT, a distance of 17.46 feet to the true POINT OF BEGINNING of land being described; thence continuing South 02°16'53" East, along said northerly prolongation of the West Line of said REFLECTIONS, FIRST PLAT and along the West Line of said REFLECTIONS, FIRST PLAT, a distance of 1307.87 feet to the Southwest Corner of said REFLECTIONS, FIRST PLAT, said point also being on the South Line of the North One-half of the Southeast Quarter of said Section 31; thence South 87°39'29" West, along the said South Line of the North One-half of the Southeast Quarter of Section 31, a distance of 1447.32 feet to the Southwest Corner of said North One-half of the Southeast Quarter of Section 31; thence North 02°24'47" West, along the West Line of the Southeast Quarter of Section 31, a distance of 496.23 feet; thence departing said West Line, North 87°35'09" East, a distance of 59.55 feet; thence North 62°51'09" East, a distance of 298.92 feet; thence North 42°45'32" East, a distance of 26.90 feet; thence South 47°14'28" East, a distance of 108.85 feet; thence North 42°45'32" East. A distance of 250.07 feet to a point of curvature; thence northeasterly along a curve to the left, said curve being tangent to the last described course and having a radius of 150.00 feet, a delta angle of 20°00'00" and an arc length of 52.36 feet to a point of tangency; thence North 22°45'32" East, a distance of 55.53 feet to a point of curvature; thence northeasterly along a curve to the right, said curve being tangent to the last described course and having a radius of 700.00 feet, a delta angle of 10°04'54" and an arc length of 123.17 feet to a point of tangency; thence North 32°50'26" East, a distance of 126.39 feet to a point of curvature; thence northeasterly along a curve to the right, said curve being tangent to the last described course and having a radius of 333.00 feet, a delta angle of 31°51'22" and an arc length of 185.15 feet to a point of tangency; thence North 64°41'49" East, a distance of 284.09 feet to a point of curvature; thence northeasterly and easterly along a curve to the right, said curve being tangent to the last described course and having a radius of 500.00 feet, a delta angle of 22°58'28" and an arc length of 200.49 feet to a point of tangency; thence North 87°40'16" East, a distance of 58.29 feet to the place of beginning;

Containing 1,327,115 square feet or 30.466 acres, more or less.

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

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

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

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

**PASSED** by the Governing Body November 19, 2024.

**SIGNED** by the Mayor November 19, 2024.

CITY OF LENEXA, KANSAS

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

ATTEST:

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

APPROVED AS TO FORM:

\_\_\_\_\_  
Steven Shrout, Assistant City Attorney



**ITEM 13**

**SUBJECT:** Consideration of a preliminary plan/plat and acceptance of drainage, utility, landscape, and sidewalk easements and right-of-way as shown on the final plat of Wheatley Point West on property located at the northwest corner of 99th Street & Clare Road

**CONTACT:** Stephanie Sullivan, Planning Manager

**DATE:** November 19, 2024

**ACTION NEEDED:**

- a. Approve the preliminary plan/plat for Wheatley Point West; and
- b. Accept the drainage, utility, landscape, and sidewalk easements and right-of-way.

**APPLICANT:**

Michael Menghini, Prairie Star Partners, Inc.

**OWNER:**

Prairie Star Partners, Inc.

**PROPERTY LOCATION/ADDRESS:**

Northwest corner of 99th Street & Clare Road

**PROJECT BACKGROUND/DESCRIPTION:**

The applicant proposes to construct a duplex development at the northwest corner of 99th Street & Clare Road. The proposal includes a preliminary plan/plat for 22 dwelling units and a final plat for 11 lots, three tracts, and dedications of easements and right-of-way on 9.5 acres. The development includes construction of new public streets and related infrastructure improvements.

A preliminary plan/plat for the same use was approved on April 19, 2022 and expired on April 18, 2024.

Although the plan has not changed significantly, the proposed preliminary plan/plat and final plat are consistent with the expired preliminary plan. The final plat was paired with this submittal of the preliminary plan/plat and requires acceptance of drainage, utility, landscape, and sidewalk easements and right-of-way.

**STAFF RECOMMENDATION:**

Approve the preliminary plan and accept the easements and right-of-way.

**PLANNING COMMISSION ACTION:**

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

Chairman Poss entertained a motion to recommend **APPROVAL** of Consent Agenda Items 1-5. Moved by Commissioner Harber, seconded by Commissioner Burson, and carried by a unanimous voice vote.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**

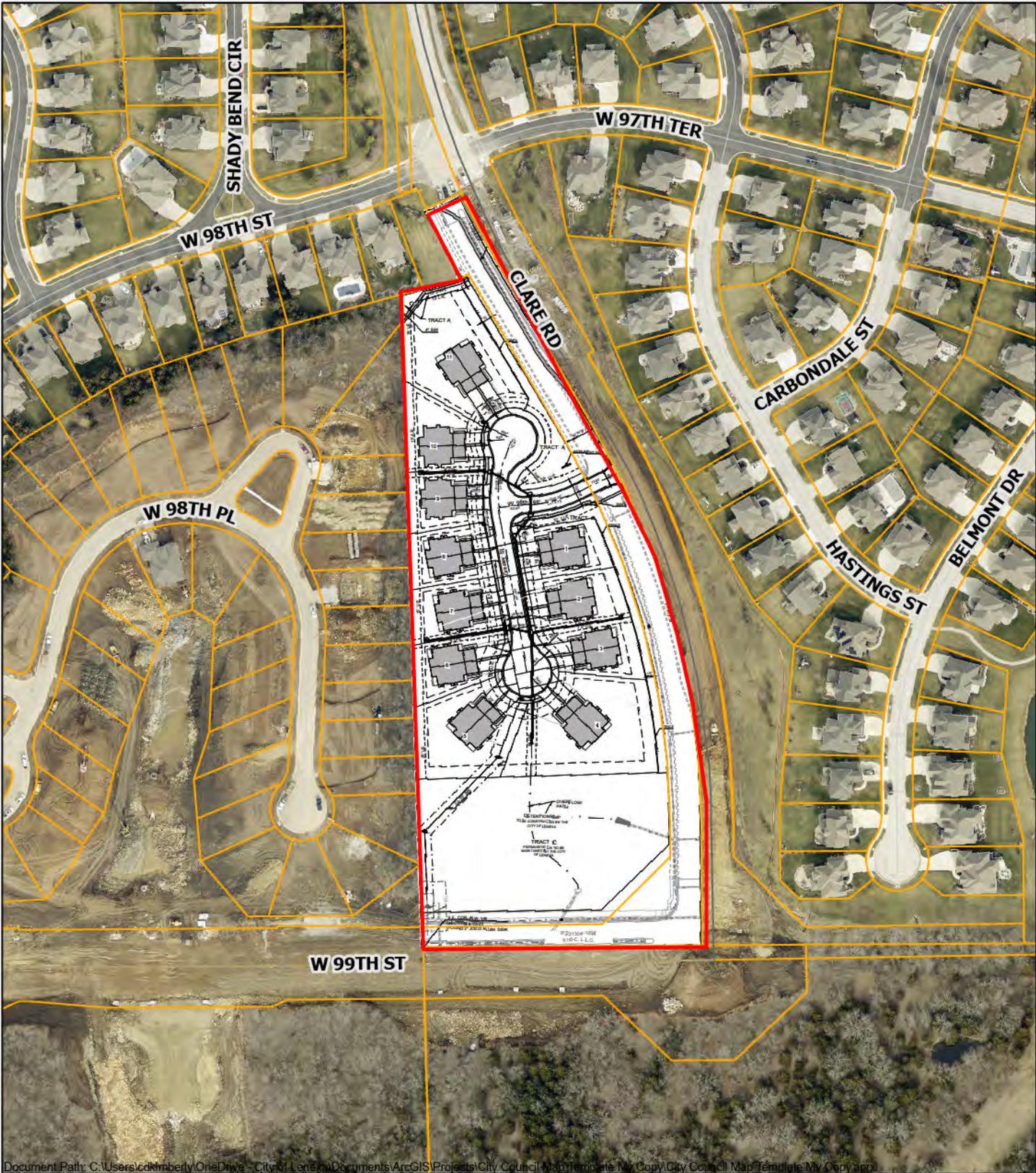
Vibrant Neighborhoods

**Guiding Principles**

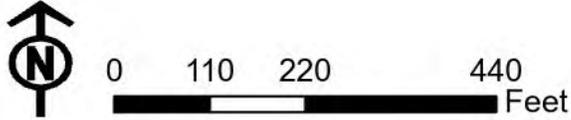
Responsible Economic Development

**ATTACHMENTS**

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



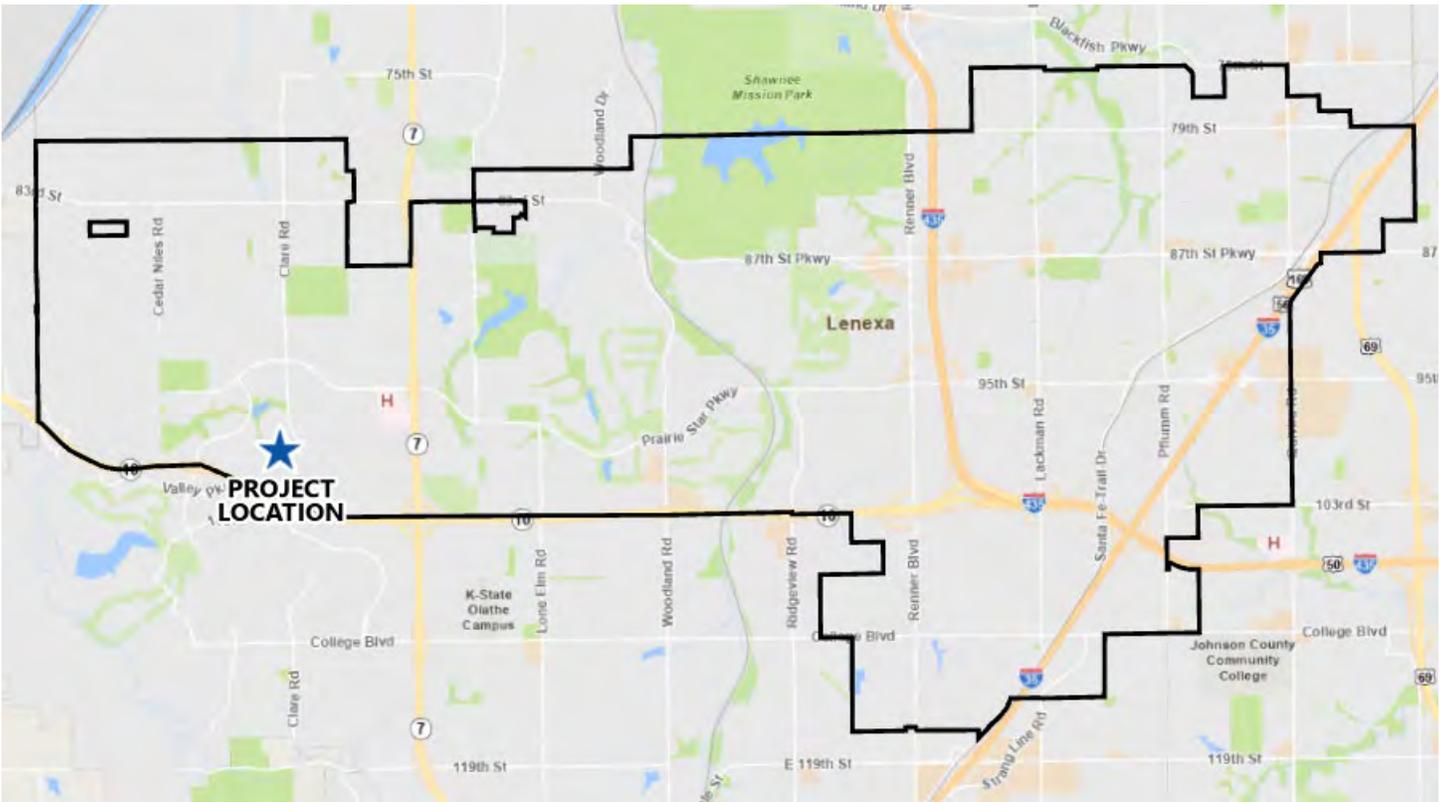
# Wheatley Point West





## WHEATLEY POINT WEST

<b>Project #:</b>	PL24-07P & PT24-15F	<b>Location:</b>	Northwest corner of 99 <sup>th</sup> Street & Clare Road
<b>Applicant:</b>	Michael Menghini, Prairie Star Partners Inc.	<b>Project Type:</b>	Preliminary Plan/Plat, Final Plat
<b>Staff Planner:</b>	Kim Portillo, AICP	<b>Proposed Use:</b>	Two-Family Residential



### PROJECT SUMMARY

The applicant proposes to construct a duplex development at the northwest corner of 99<sup>th</sup> Street and Clare Road. The proposal includes a preliminary plan for 22 dwelling units and a final plat for 11 lots, three tracts, and dedications of right-of-way on 9.5 acres. The preliminary plan is serving as the preliminary plat. A preliminary plan/plat for the same use was approved on April 19, 2022. Although the plan has not changed significantly, it is required that the applicant resubmit due to expiration of the preliminary plan/plat on April 18, 2024. The development includes construction of new public streets and related infrastructure improvements. The proposed preliminary plan/plat and final plat are consistent with the expired preliminary plan (PL22-04P), which was approved by the Governing Body on April 19, 2022, thus Staff recommends processing the preliminary plan/plat and final plat applications simultaneously. This project does not require a Public Hearing.

**STAFF RECOMMENDATION: APPROVAL**

## SITE INFORMATION

This site is located at the northwest corner of 99<sup>th</sup> Street and Clare Road, both of which are currently under construction. The site is located just east of the Canyon Creek Forest single-family subdivision and across Clare Road from the Canyon Creek Highlands single-family subdivision.

The site was zoned to RP-2, Residential Planned (Intermediate-Density) District in 2001 as part of the Canyon Creek mixed-use development (RZ01-07, PL01-01CP, PT01-02P).

A preliminary plan/plat for 11 two-family (duplex) lots, three tracts, and rights-of-way was approved by the Governing Body on April 19, 2022 and expired on April 18, 2024 (PL22-04P).

LAND AREA (AC)	BUILDING AREA (SF)	CURRENT ZONING	COMP. PLAN
9.5	N/A	RP-2	Medium Density Residential

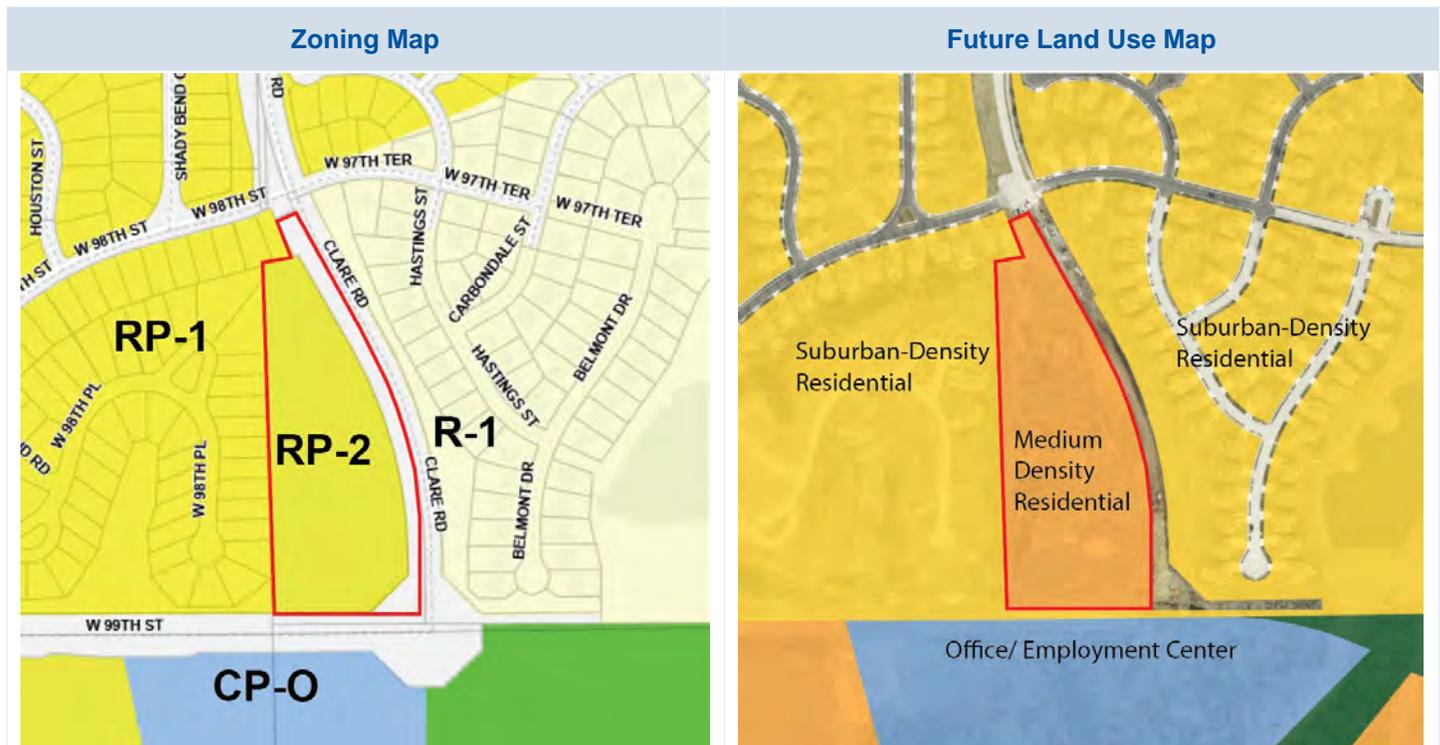


**Exhibit 1: Aerial Image of Subject Site**

## LAND USE REVIEW

The proposed use is a duplex development on a gross area of 9.5 acres. The zoning of RP-2, Residential Planned Intermediate-Density District and future land use classification of Medium-Density Residential are appropriate for this proposed use.

Surrounding uses include single-family residential to the north, east and west, with planned commercial to the south. A townhome development is an appropriate land use to be located adjacent to the existing uses.



**TABLE 1: COMPARISON OF SURROUNDING PROPERTIES**

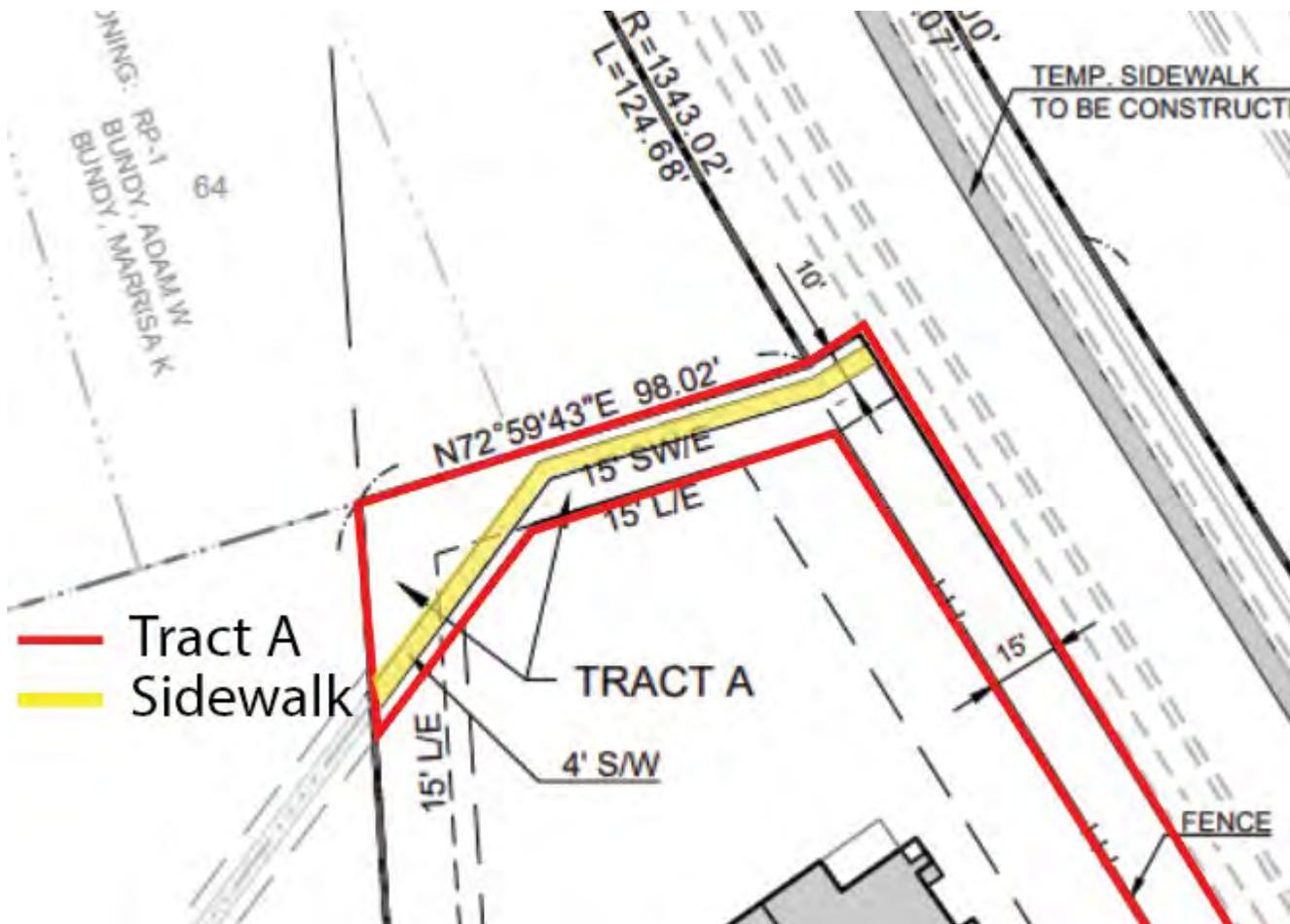
Vicinity	Land Use Designation	Zoning	Current Use
<b>Subject Property</b>	Medium-Density Residential	RP-2, Residential Planned (Intermediate-Density)	Undeveloped
<b>North</b>	Suburban-Density Residential	RP-1, Planned Residential Single-Family (Low-Density)	Single-family residential
<b>South</b>	Office/Employment Center	CP-O, Planned General Office District	Undeveloped
<b>East</b>	Suburban-Density Residential	R-1, Residential Single-Family	Single-family residential
<b>West</b>	Suburban-Density Residential	RP-1, Planned Residential Single-Family (Low-Density)	Single-family residential

## PRELIMINARY PLAN/PLAT REVIEW

This is a proposed subdivision containing 11 lots for 22 dwelling units on approximately 9.5 acres between the Canyon Creek Forest single-family subdivision and Clare Road.

The proposed preliminary plan/plat does not have any significant changes from the 2022 approved preliminary plan/plat, which has expired and thus requires re-approval.

There have been some minor grading changes as the design has developed. Additionally, the sidewalk connection at the north end of the site has increased from four feet to five feet in width to comply with the latest code standard and the associated easement has increased from ten feet to 15 feet. Staff has also required the sidewalk easement be located within a tract rather than on a private lot to prevent future conflict of fences, maintenance, and other potential issues as the property is sold to a private owner in the future. This sidewalk provides connectivity for Canyon Creek Forest to the west, which is otherwise disconnected from a pedestrian standpoint to Clare Road and attractions to its east.



*Sidewalk Connection, Tract A.*

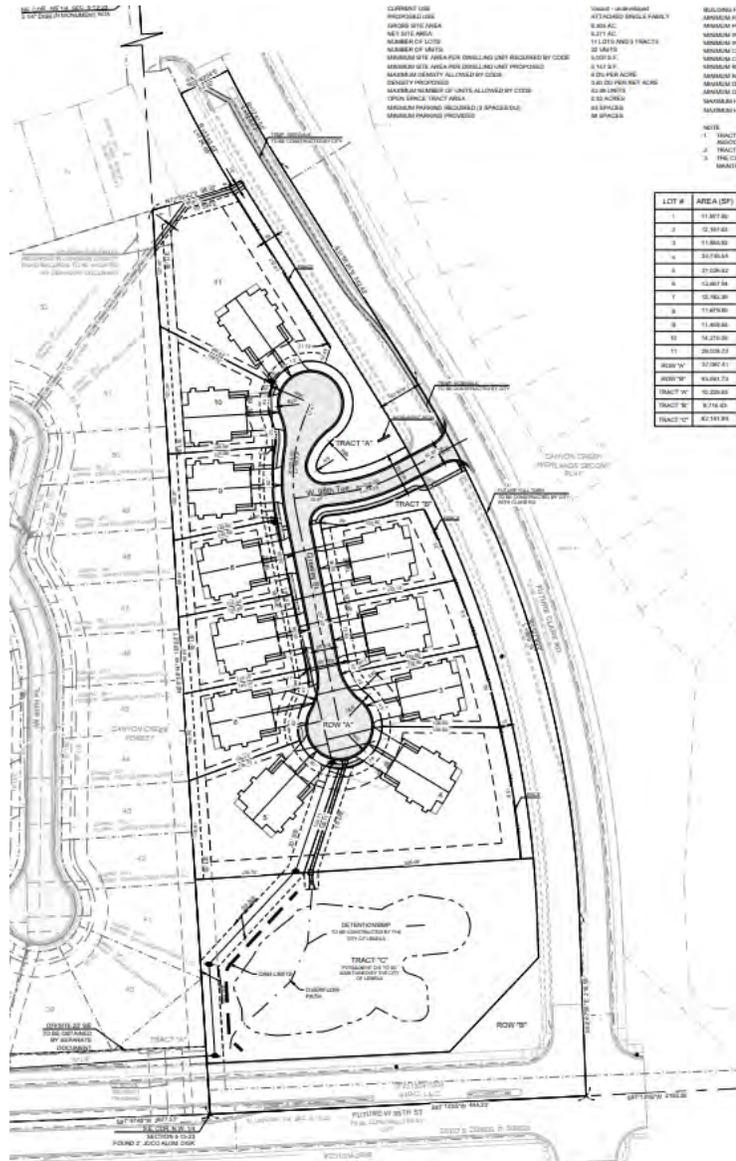


Exhibit 2: Preliminary Plan (2022)

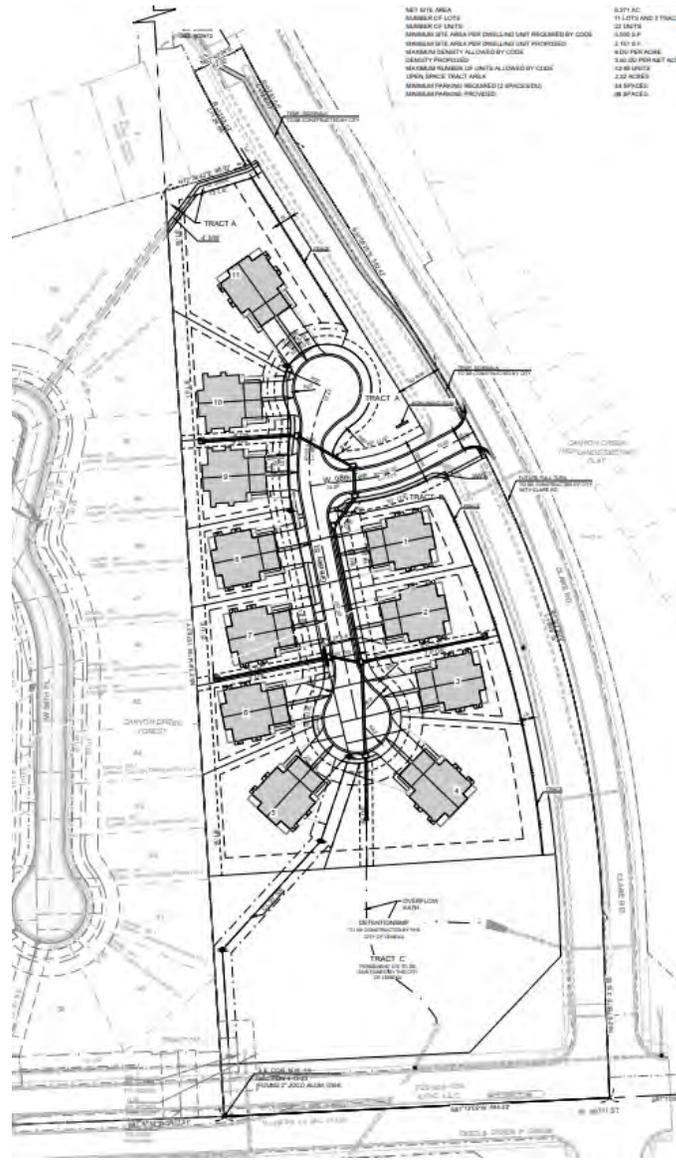


Exhibit 3: Preliminary Plan (2024)

**DIMENSIONAL STANDARDS**

Setback requirements for the RP-2, Residential Planned (Intermediate-Density) District are outlined in Table 2. The applicant is not requesting any modifications to the dimensional standards of the zoning district.

TABLE 2: SETBACK ANALYSIS			
Yard	Required Minimum Setback	Proposed Setback	Difference
Rear	20 feet	Min. 20 feet	0
Side	7 feet	Min. 7 feet	0
Street	25 feet	Min. feet	0

**PUBLIC IMPROVEMENTS**

Dedications include 50’ of right-of-way for future Clare Road and 60’ of right-of-way for 99<sup>th</sup> Street. Additional right-of-way is provided where the two streets intersect. Right-of-way is also proposed for 98<sup>th</sup> Terrace and Greeley Street, which will serve the lots within the subdivision. A 5’ wide sidewalk shall be located within Tract A along the north property line to connect to the Canyon Creek Forest subdivision and will be constructed with the public streets.

**ACCESS, TRAFFIC, AND PARKING**

Access to the subdivision will be from Clare Road. Clare Road will connect directly to 98<sup>th</sup> Street, which will link to Greeley Street in a T configuration. Lots will front onto Greeley Street. Public sidewalks will be installed on Greeley Street and 98<sup>th</sup> Terrace to connect to Clare Road. A separate sidewalk connection at the northernmost end of the site will connect the Canyon Creet Forest sidewalk to Clare Road. The proposed duplexes will have individual parking in compliance with the requirements of the code.

**STORMWATER**

There is an existing development agreement between the City and the applicant indicating that the City will design, construct, and maintain a stormwater facility on Tract C. This facility is to be designed such that it can provide/meet all of the subdivision’s stormwater management requirements.

The applicant submitted a preliminary stormwater management analysis that indicates that the site drains from north to south to Tract C and the constructed BMP such that it will provide the required stormwater management for the project as contemplated in the development agreement.

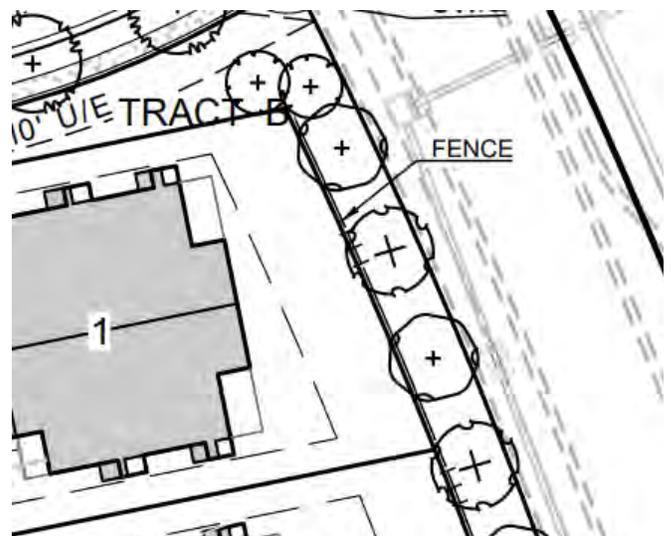
**FIRE PREVENTION**

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

**LANDSCAPING**

The landscaping plan matches the previously approved landscaping plan and includes perimeter and street tree plantings. Metal perimeter fencing will be located along Clare Road within the landscape easement. The fence shall be located at the edge of the easement closest to the lots.

There is a land use intensity (LUI) buffer requirement between the two-family homes on this site and the single-family homes in the Canyon Creek Forest subdivision to the west. Landscaping to meet the LUI buffer requirements of Section 4-1-D-2-N of the UDC is proposed along the west property line to provide screening.



*Exhibit 4: Fence location nearest to lot line.*

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## FINAL PLAT REVIEW

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This is a final plat of 11 lots, three tracts and right-of-way dedications on 9.5 acres in the RP-2, Residential Planned (Intermediate-Density) District. Utilities are available to the site.

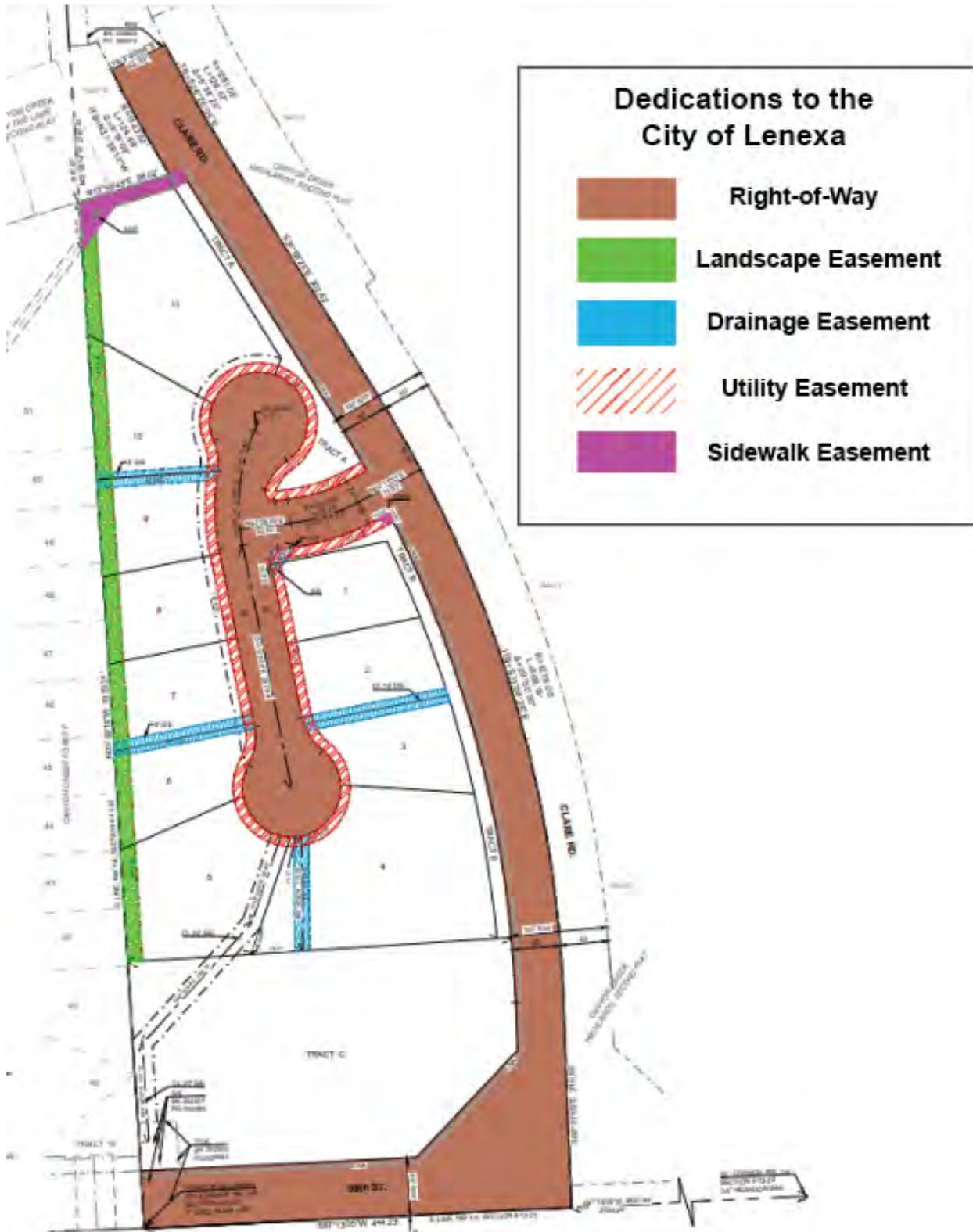
Tracts A and B are to be owned by the homeowner's association (HOA) and are to be used for open space and monument signs. Tract A will also contain a portion of sidewalk connecting from the Canyon Creek Forest Subdivision to Clare Road. Maintenance of the tracts shall be the responsibility of the HOA.

Tract C is to be owned by the HOA and is to be used for open space and BMPs. Maintenance of the BMP shall be the responsibility of the City of Lenexa, and maintenance of areas of Tract C not in the BMP shall be the responsibility of the HOA.

The lots in the subdivision will have access onto newly dedicated Greeley Street. The subdivision has access to Clare Road from 98<sup>th</sup> Terrace.

Dedications shown on the plat include:

- Right-of-way for Clare Road, 99<sup>th</sup> Street, 98<sup>th</sup> Terrace, and Greeley Street dedicated to the City of Lenexa. This requires acceptance by the Governing Body.
- Drainage easements dedicated to the City of Lenexa. These require acceptance by the Governing Body.
- A utility easement dedicated to the City of Lenexa. This requires acceptance by the Governing Body.
- A sanitary sewer easement dedicated to Johnson County Wastewater.
- A landscape easement dedicated to the City of Lenexa. This requires acceptance by the Governing Body.
- A sidewalk easement dedicated to the City of Lenexa. This requires acceptance by the Governing Body.
- A sanitary sewer easement dedicated to Johnson County Wastewater.



*Wheatley Point West, Final Plat with Dedications to the City of Lenexa.*

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## DEVIATIONS

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

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## NEXT STEPS

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- The preliminary plan/plat requires a recommendation from the Planning Commission and final approval by the City Council. Pending a recommendation from the Planning Commission, the project is tentatively scheduled for consideration from the City Council on November 19, 2024.
- The final plat requires approval by the Planning Commission and acceptance of dedications by the City Council. Pending approval from the Planning Commission, the project is tentatively scheduled for consideration from the City Council on November 19, 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.

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## RECOMMENDATION FROM PROFESSIONAL STAFF

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★ **Staff recommends approval of the proposed Preliminary Plan and Final Plat for Wheatley Point West.**

- This project includes approval of a preliminary plan/plat substantially similar to the expired preliminary plan/plat, for 22 dwelling units on 11 lots. The applicant is also requesting approval of a final plat for the same use.
- The proposed preliminary plan/plat and final plat are consistent with the expired preliminary plan (PL22-04P), which was approved by the Governing Body on April 19, 2022, thus Staff recommends processing the preliminary plan/plat and final plat applications simultaneously.
- The project is consistent with Lenexa's goals through **Responsible Economic Development** and **Strategic Community Investment** to create **Vibrant Neighborhoods**.

### PRELIMINARY PLAN/PLAT

Staff recommends **approval** of the preliminary plan/plat for PL24-07P – **Wheatley Point West** at the northwest corner of 99<sup>th</sup> Street and Clare Road, for a townhome development.

### FINAL PLAT

Staff recommends **approval** of the final plat for PT24-14F – **Wheatley Point West** at the northwest corner of 99<sup>th</sup> Street and Clare Road, for a townhome development.

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## CONSENT AGENDA

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1. Resolution adopting the 2025 Planning Commission/Board of Zoning Appeals Schedule of meeting dates and submittal deadlines.
2. Don Julian Sign Deviation - Consideration of a sign deviation related to a monument sign proposed on property located at 7805 Barton Street within the BP-1, Planned Business Park District. DV24-05
3. Sierra Sign Deviation - Consideration of a sign deviation related to a facade sign proposed on property located at 9656 Quivira Road within the CP-3, Planned Regional Commercial District. DV24-04
4. KC Bier Noise Deviation - Consideration of a revised final plan for a noise deviation proposed on property located near the southeast corner of Prairie Star Parkway & Ridgeview Road within the PUD, Planned Unit Development District. PL24-09FR
5. Wheatley Point West - Consideration of a preliminary plan/plat and final plat for a duplex residential development on property located near the northwest corner of 99th Street & Clare Road within the RP-2, Planned Residential (Intermediate-Density) District.
  - a. Consideration of a preliminary plan/plat for the development of duplexes. PL24-07P
  - b. Consideration of a final plat for the development of duplexes. PT24-15F

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1 - 5. Moved by Commissioner Harber seconded by Commissioner Burson and carried by a unanimous voice vote.



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**SUBJECT:** Approval of an agreement with Finkle-Williams, Inc. for architectural and engineering services for the Lenexa Fire Station #6 and LiveWell Health Center Project

**CONTACT:** Todd Pelham, Deputy City Manager

**DATE:** November 19, 2024

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**ACTION NEEDED:**

Approve an agreement with Finkle-Williams, Inc. ("Finkle-Williams") for architectural and engineering services for the Lenexa Fire Station #6 and LiveWell Health Center Project ("Project").

**PROJECT BACKGROUND/DESCRIPTION:**

During this year's annual Governing Body retreat and fiscal year (FY) 2025 budget discussions, staff briefed the City Council on a recommendation to move forward with the construction of the Project. The proposed Project includes two phases that will provide space and programming recommendations for the Lenexa Fire department, LiveWell Health Center, and the Information Technology department.

Pursuant to the City Council's direction to begin work on the Project, staff solicited a Request For Qualifications (RFQs) from architectural design firms. Staff received 10 proposals and reviewed all of them based on several documented criteria including:

- Past experience with this project type,
- Team member availability and experience,
- Project approach and creativity, and
- Recommendations and referrals

An internal review committee made up of representatives from the Fire, Human Resources, Information Technology, and Executive departments short-listed four design firms to formally interview. After formal interviews, background and recommendation checks, and the submittal of additional clarifying information from each firm, the review committee rated Finkle-Williams as the preferred design team. Staff then negotiated with Finkle-Williams regarding the proposed design fees, the scope of work, and the dedicated team members that the City desired to be contractually obligated to the Project for its duration.

Staff recommends Finkle-Williams be awarded the design and architectural services contract due to their project team experience and knowledge of public safety/fire facilities, medical office experience, project approach, architectural creativity, and recommendations from previous clients, as well as the City's own positive work history with Finkle-Williams.

Finkle-Williams, which is a Lenexa business, will be the lead designer for the Project. They have teamed with TCA Architecture + Planning ("TCA"), located in Seattle, Washington, to provide additional expertise in the area of fire station design. TCA specializes in municipal architecture, specifically fire and EMS stations. TCA has completed over 325 public safety facilities, and several of the firm's key team members

are committed to the Lenexa Fire Station #6 project.

Finkle-Williams has also teamed with several other consultants for this Project including:

- Henderson Engineers,
- Renaissance Infrastructure Consulting,
- BSE Structural Engineering, and
- Landworks Landscape Architecture.

Staff negotiated a fixed fee of \$485,580 for the architectural and engineering services component of the Project. The first phase of the Project will be the design of the employee LiveWell Health Center. The second phase will be the programming and master plan for Fire Station #6. During the second phase of the Project, the design team will develop options for the City to consider regarding the site layout, total size, and possible phasing options for Fire Station #6, and analysis of the old City Hall building and possible options to reuse components of the old City Hall building for the programming for Fire and Information Technology. The budget for programming, design, and construction for the LiveWell Health Center contract are included in the recommended 2025-2029 Capital Improvement Program (CIP).

After consideration of the options and site recommendations for the master plan, staff will bring forward a recommendation and projected budget to the City Council for Fire Station #6. At that time, staff will negotiate a fixed fee for design services for the recommended option and amend this contract for the new design fees with Finkle-Williams.

Additional information regarding the responsible parties for each task for the Project is documented in the Scope of Services attached to this memo. Further details may be found in the Agreement, which is available for review in the City Clerk's office.

**FINANCIAL IMPLICATIONS/FUNDING SOURCES:**

Fixed architectural and engineering services fee	\$485,580
Reimbursable expenses	\$38,950
<b>Total</b>	<b>\$524,530</b>

The total Project cost for the programming fees and master plan for the Lenexa Fire Station #6 and design fees and construction cost for the LiveWell Clinic relocation are **\$2 million** and will be included in the recommended 2025-2029 CIP (Project Nos. 80020 and 80004).

**STAFF RECOMMENDATION:**

Adopt the resolution.

**VISION / GUIDING PRINCIPLES ALIGNMENT:**

**Vision 2040**  
Healthy People  
Vibrant Neighborhoods

**Guiding Principles**  
Superior Quality Services  
Strategic Community Investment  
Values-based Organizational Culture

## **ATTACHMENTS**

1. Scope of Services
2. Exhibit

EXHIBIT A

## SCOPE OF SERVICES

*Project: City of Lenexa – LiveWell and Fire Station #6 Programming*

### Phase 1 - LiveWell Clinic:

The following services are included in the basic + supplemental services for the project.

**Architecture & Interiors (Finkle + Williams, TCA):**

Scope as defined in Prime Agreement for the following phases: Schematic Design, Design Development, Construction Documents and Construction Administration services. Programming services included as supplemental service.

**Mechanical (Henderson):**

Mechanical system design will include space conditioning, code required ventilation, and exhaust systems. Space conditioning shall be designed and built off the existing City Hall base building mechanical system. Existing building ventilation rate will be confirmed to handle new client needs however it is assumed that the base building system is sized appropriately for the new tenant space needs. Fee includes design of new exhaust needs as required.

If any base building system modifications are required to meet space heating or conditioning, or ventilation needs, this will result in additional services.

**Plumbing (Henderson):**

Plumbing system design shall include domestic water, sanitary, storm modifications as required, and natural gas design. All plumbing systems are assumed can be built off existing base building systems. Capacity, routing, and connection to existing plumbing systems will be confirmed. Additional water heating may be required and the design for this scope is included in this scope of services.

Any upgrades to existing base building plumbing services and entry points in the existing City Hall building will result in additional services.

**Electrical (Henderson):**

Electrical system design shall include power, lighting, and systems support infrastructure. The electrical system shall be designed and built off the existing base building systems. Capacity, routing, expansion, and connections to the existing electrical infrastructure will be confirmed.

It is assumed that the base building infrastructure will be able to support the addition of the LiveWell Clinic. The expansions of the existing electrical distribution system are included in the scope of work, however any upgrades that will be required at the building electrical system will result in additional services.

**Fire Protection (Henderson):**

Fire protection and fire alarm design performance specification and device layout is included. Refer to scope of services section for details.

It is assumed that the existing fire alarm and fire suppression system will be able to support the addition of the LiveWell Clinic. The expansion of the existing fire alarm and fire suppression systems are included in the scope of work, however any replacement of the existing building wide fire alarm system to meet code minimum needs or upgrades to the existing fire suppression service will result in additional services.

**Supplemental Services:****Programming:**

The Architect will work with the client and their clinic operator to evaluate space needs and will develop a program document for review and approval. Program document will be in table form and identify required spaces, adjacency requirements, efficiency and circulation factors, and documenting any special requirements for each space.

**Furniture, Furnishings and Equipment (FF&E):**

FF&E Design Services provided by the architect include the following:

- Work with the Owner and Operator to establish conceptual furniture layout
- Furniture selection, including all finishes & upholsteries.
- Furniture Specifications for bidding by Owner's preferred furniture vendors, including coded furniture plans.
- Organizing and managing Furniture RFP process including:
  - RFP responses
  - Compiling bid tabs for client review
- Coordination of furniture infrastructure requirements with design team
- Furniture punch list at installation

**Signage Design:**

The Architect will provide Design Intent documentation for basic signage as follows:

- Code-required signage
- Prototypical interior room signage
- Exterior building mounted signage, if required

**Telecom/Audio-Video/Security (Henderson):**

- Henderson will provide back box and empty conduit stub-up above the accessible ceiling for indicated location of devices as provided by the City of Lenexa. Equipment design and infrastructure cabling design is excluded.

Architectural Lighting, Energy Modeling, Audio-Visual, Technology, Security design is not included in this scope of work.

## Phase 2 – Fire Station #6 Programming and Masterplan Study:

All of the following services provided for Phase 2 of the project are considered Supplemental Services and are described below.

### **Programming (Finkle + Williams, TCA):**

Programming Services include:

- Facilitate visioning session with programming participants as identified by the Architect and Owner to include participants from the design team, Ownership team, end-users and other key stakeholders.
- Information Gathering: Architect shall compile and review available data on existing facilities, Owner's existing program and Facility design standards.
- Needs Assessment: Architect will gather information from user groups, with input from the Owner to inform design criteria.
- Data Analysis: The Architect shall make preliminary determination of space requirements, space relationships, and circulations, and consider special requirements as it relates to the unique nature of fire station design.
- Development of Program: The Architect shall develop a program document for review and approval by Owner.
  - The Program document shall determine specific space requirements for the Project by:
    - Identifying required spaces;
    - Establishing sizes and relationships;
    - Establishing efficiency factors; and
    - Documenting special requirements such as structural, mechanical, electrical, lighting, FF&E, technology, security, and/or site development.

### **Master Planning (Finkle + Williams, TCA):**

Master planning services include:

- Facilitating visioning session(s) with the Owner to establish project goals, Master Planning objectives and criteria for the site.
- Gathering stakeholder input
- Existing Site & Buildings:
  - Collect information about the physical characteristics and existing conditions of the site and surrounding area.
  - Collect information regarding the existing buildings and facilities on the Site, and coordinate the design team's collective facility condition assessment and make recommendations on the future of the existing building(s).
- Utilities:

- Research and document availability and capacity of utilities and infrastructure serving the Site, including electrical, communications, gas, water, sanitary, stormwater, and site drainage.
- Analysis, Assessment & Recommendations:
  - Analysis data collected, including site features, topography, utilities, zoning, access, parking, and existing buildings to make recommendations for best use of the site including building placement and potential future uses.
- Design Concepts:
  - Work with the Owner and design team to prepare up to (3) conceptual site development and building configuration plans for the site.
- Stakeholder Outreach and Presentation:
  - Includes up to (2) public meeting presentations.

**System Planning Study & Evaluation (Henderson):**

Henderson Engineers, Inc. (Henderson) will provide mechanical, electrical, plumbing, and fire protection (“M/E/P/F”) system analysis, participate in master planning efforts, and work alongside with the Civil engineering team for site utility reviews at the existing Lenexa owned building located at:

12350 W 87th St Pkwy, Lenexa, KS 66215

All findings and recommendations will be documented as a formal narrative to go along design team’s master planning documentation.

**Civil Engineering (RIC):**

Renaissance Infrastructure Consulting (RIC) will provide the following services:

- Utility Location and early coordination with design team and owner
- Conceptual Site Planning
- Conceptual Grading Plan
- Conceptual Utility Plan
- Master Planning Meetings (13 week schedule)

**Landscape / Planning (Landworks):**

Landworks Studio will provide the following services:

- Participation in Design Charrette with client
- Conceptual Site Layout Diagrams
- Rendered Color Site Master Plan

# TENTATIVE OUTLINE SCHEDULE



Project: City of Lenexa – LiveWell and Fire Station #6 Programming

November 8, 2024

	2024					2025										
Monday Start:	2-Dec	9-Dec	16-Dec	23-Dec	30-Dec	6-Jan	13-Jan	20-Jan	27-Jan	3-Feb	10-Feb	17-Feb	24-Feb	3-Mar	10-Mar	17-Mar
Week:	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16

**Phase 1 - LiveWell Clinic**

Kick-off																
Programming & Concept Planning																
Design Development																
Construction Documents																
Permitting & GMP																

**Phase 2 - Fire Station Program & Masterplan**

Kick-off																
Programming																
Site Investigation																
Concept Planning																
Concept Development																
Final Masterplan Concepts																

# APPENDIX



**MINUTES OF THE  
NOVEMBER 5, 2024  
LENEXA CITY COUNCIL MEETING  
COMMUNITY FORUM, 17101 W 87<sup>th</sup> STREET PARKWAY  
LENEXA, KS 66219**

**CALL TO ORDER**

Mayor Sayers called the meeting to order at 7 PM.

**ROLL CALL**

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

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

**APPROVE MINUTES**

*Councilmember Denny made a motion to approve the October 15, 2024 City Council meeting draft minutes and Councilmember Eiterich seconded the motion. Motion passed unanimously.*

**MODIFICATION OF AGENDA**

There were no modifications to the agenda.

**CONSENT AGENDA**

1. Acceptance of the Little Mill Creek Trail Replacement Project for maintenance  
*This project reconstructed 1.45 miles of trail from the northeast corner of 79th Street & Lackman Road to the middle of Little Mill Creek North Park. The work included removing the deteriorated asphalt trail and replacing it with a 10-foot-wide concrete trail. The total project cost was \$922,025.35.*
2. Encroachment agreement with Southern Star Central Gas Pipeline, Inc., for a sidewalk on 77th Street east of Quivira Road, as part of the 2024 Sidewalk and Trail Repair Program  
*Southern Star Central Gas Pipeline, Inc. has agreed to permit construction over its easement for this project. Improvements include constructing a new sidewalk on the north side of 77th Street from Quivira Road to Garnett Street. The total project cost is \$41,198.03.*
3. Interlocal agreement with Johnson County for partial reimbursement of construction costs for the 107th and 108th Streets West of Pflumm Stormwater System Renewal Project

*This agreement allows the City to be reimbursed for eligible costs including construction, inspection, and utility relocation costs for this project. The City will be awarded 50% of the project cost, up to a maximum of \$444,651. The total project cost is \$1,039,952.*

4. Agreement with Star Signs, LLC for the fabrication and installation of signage, wayfinding, and graphics for the Lenexa Old Town Activity Center and waiver of the sealed bid process  
*Star Signs, LLC has provided a price quote to fabricate and install exterior building identification, exterior/interior wayfinding, and interior environmental graphics for \$80,118.*
5. Agreement with Integrity Locating Services, Inc. for utility locating services  
*The City is required to locate its fiber optic lines, storm sewers, and underground electrical lines that operate streetlights and traffic signals. Due to the time and equipment required to locate these facilities, the City has elected to hire a third party to perform these services. Integrity Locating Services, Inc. will pay up to \$185,000 for this work.*
6. Resolution authorizing the Mayor to execute a subrecipient agreement with Johnson County, Kansas and an Authorized Signature Form for the Community Development Block Grant (CDBG) Project Number 2024-09  
*This agreement is for the acceptance of \$190,493.76 in funds for the 2024 Community Development Block Grant street lighting project for 96th Terrace & Monrovia Street. An Authorized Signature Form that certifies staff members who are authorized to sign reimbursement requests is also required.*
7. Resolution consenting to a mortgage and authorizing the execution of documents in connection with an industrial warehouse and office facility financed with the City's industrial revenue bonds Series 2022 (Lenexa Logistics Centre North Phase II - Building 5)  
*The developer wants to refinance the project and the existing mortgage and enter into a loan agreement with RGA Reinsurance Company and grant the new lender a leasehold mortgage for purposes of securing the loan. Pursuant to the industrial revenue bond documents, consent of the City is required for the developer to assign or mortgage its interest in the project and such consent shall not be unreasonably withheld. The refinancing and new leasehold mortgage do not release the developer of its liability to perform its duties and obligations under the Lease Agreement or under the payment in lieu of taxes agreement.*
8. Resolution authorizing amendments to the trust indenture, base lease, and lease relating to the City's not to exceed \$24 million in industrial revenue bonds, Series 2022 (Meritex Surface Buildings 3, 4 & 5 Project)  
*Meritex Lenexa Development II, LLC is requesting an extension to utilize the remaining industrial revenue bonds, and the associated sales tax exemption, to construct tenant finishes in its three light industrial/warehouse buildings located along 99th Street between Ridgeview Road and Britton Street.*
9. Ordinance amending Lenexa City Code Section 3-9-E-4 Regarding Disorderly Conduct

*Lenexa City Code contains language determined to be unconstitutional by the Kansas Supreme Court and this ordinance removes that language, as well as changes some verbiage regarding disorderly conduct.*

### **END OF CONSENT AGENDA**

*Councilmember Karlin made a motion to approve items 1 through 9 on the consent agenda and Councilmember Arroyo seconded the motion. Motion passed unanimously.*

### **STUDENT INTRODUCTIONS**

Graham Vanarsdale and Brooklyn Morrissey, Shawnee Mission West High School students, attended the meeting for American Government.

### **NEW BUSINESS**

There was no new business.

### **COUNCILMEMBER REPORTS**

There were no councilmember reports.

### **STAFF REPORTS**

#### 10. Quarterly Financial Report

Nate Blum, Chief Financial Officer, presented the third quarter financial report. He said that for revenue the City is positive overall for the first time this year in sales tax. He added that the revenue is down in franchise taxes, although that is slowly trending up.

Mr. Blum talked about the debt management indicators. He said the City has issued approximately \$11.2 million in debt for two stormwater projects, one street project, and the final piece of the Lenexa Justice Center project. He said the ratios are looking good and the AAA bond ratings had been maintained. He added that there were nine bids on the bond issuance, which is exceptional, with a true interest cost of about 3.4 percent.

### **END OF RECORDED SESSION**

### **BUSINESS FROM FLOOR**

There was no business from the floor.

### **ADJOURN**

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

The meeting adjourned at 7:05 PM.

# Proclamation

**WHEREAS**, there were an estimated 510,000 new pancreatic cancer cases diagnosed worldwide in 2023; and,

**WHEREAS**, pancreatic cancer is the third leading cause of cancer-related deaths in the United States with the lowest five-year survival rate of all major cancers; and

**WHEREAS**, of the more than 64,000 people in the United States diagnosed with the disease in 2023, more than 50,000 of them will die from it; and,

**WHEREAS**, pancreatic cancer can strike anyone, regardless of age, gender, or circumstances, and has a high mortality rate because there are no tools to detect it early and the symptoms can be subtle; and

**WHEREAS**, the good health and well-being of Lenexa residents are enhanced as a direct result of increased awareness about pancreatic cancer and research into its early detection, causes, and effective treatments.

**NOW, THEREFORE**, I, Julie Sayers, Mayor of Lenexa, Kansas do hereby proclaim November 21, 2024 in the City of Lenexa to be

## WORLD PANCREATIC CANCER DAY

**IN WITNESS WHEREOF**, I have hereunto set my hand this 19th day of November, 2024.



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Julie Sayers  
Mayor of Lenexa, Kansas