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Laura Kelly, Governor

September 16, 2026

Laura Smith
City of Mission
6090 Woodson St
Mission, KS 66202

Dear Ms. Smith,

This letter follows our September 11, 2026, meeting with Block Real Estate Properties ("Block") regarding Block's multifamily residential development at 5665 Foxridge Drive (the "Development"). You have requested that KDOT provide a written explanation regarding the decision not to require an access permit for Block's Development. In this letter, I have addressed several of specific questions which you have presented to KDOT. I have drafted this letter in coordination with David Seitz and Matt Mackeprang, engineers for KDOT. Ultimately, KDOT has not determined that the traffic impacts of the revised 2026 study are congruent with a requirement that Block obtain an access permit.

1. Concept Approval Letter and 2022 TIS.

In our meeting on 9/11/26, there was significant discussion regarding a Concept Approval Letter submitted to Block in 2022.

In 2022, Block submitted a TIS analyzing the Development to KDOT. A Concept Approval letter was delivered to Block explaining the impacts of such a concept approval. At the time, this study was approved with the assumption that Block intended to go forward with the work. Regardless, as noted in the concept approval letter, this approval expired in 2024. No access permit was ever sought by Block, and no final plans were ever put forward to perform these improvements. You have specifically asked why this issue was not resolved when the 2022 TIS was submitted. However, KDOT cannot answer the question of why all parties had not reached an understanding. The 2022 proposal stopped and there were no remaining action items. The 2026 proposal is a separate access proposal and is the proposal upon which KDOT must base its decisions in this matter.

2. Safety and Operation of the Intersection.

You have requested that KDOT address the safety and operations of the intersection, and whether KDOT believes that "there are no safety or operational concerns at this intersection." KDOT acknowledges the data presented in the study, including the LOS F rating of the left turn movement at peak PM hours. However, by determining an access permit is not required for the Development, KDOT is not making a statement regarding safety or operational concerns. Rather, KDOT is acting based on a lack of evidence in the TIS that the Development will have a great

enough traffic impact to warrant an access permit, and the fact that Jeff Wilke has explained that there is a lack of evidence that the proposed mitigation measures would improve safety or performance of the 56th Street intersection.

Jeff Wilke's study was technically sufficient and KDOT defers to the data in the study regarding the technical operations of this intersection. KDOT has considered the following in assessing this question; Jeff Wilke has revised his study and provided explanations for why the highway mitigation measures are not necessary; there are no recommendations for mitigation of the intersection for the development or operational capacity of this intersection in the revised study; there is currently no applicant for a highway access permit. Based on these facts, there are currently no proposed permittable actions at the highway intersection. Without findings to these effects, KDOT cannot arbitrarily require Block to acquire an access permit for the Development. **This is not a statement on the safety or operational conditions of this intersection.**

Finally, the TIS does not contain enough information to make a decision regarding future improvements for this intersection. Jeff Wilke himself notes that to get an accurate understanding of what measures would be required to improve operational performance of this intersection, a larger study would have to be performed as this intersection does not exist in a vacuum. There is simply a lack of evidence necessitating KDOT move forward with requiring an access permit in this location.

3. Requirements For an Access Permit and the Effect of the Revised Study.

You have requested that KDOT explain how removal of the proposed mitigation measures affects the requirement for an access permit. KDOT's Access Management Policy 5.2 governs the circumstances in which an access permit is required. A permit is usually required when there is "improvement to an existing access..." or "change in access use."

An access permit will be required in almost any situation in which improvements to existing highway access are required for a development. In this case, the permit requirement was largely determinative on the need for a recommended improvement. If the study remains adequate without the recommendations, this eliminates a major reason that an access permit would be required.

You have also requested that KDOT explain whether this is a change in use that requires an access permit. A change in use may not always necessitate a permit. While technically this is a change of land use, a corporate headquarters and other mixed use transforming to a medium density residential, The Kimely-horn study revealed no actionable permittable items in the opinion of the engineer.

Having a technically acceptable study and no recommendations for improvements, we have no grounds to require an access permit and work on the highway.

4. KDOT's Determination.

For these reasons, KDOT is not requiring an access permit for Block to proceed with development. This decision was made based on the expertise of KDOT's engineers and KDOT policy. We understand that this decision follows significant history and is a departure from an initial position of requiring an access permit. However, based on the revised study containing no recommendations for mitigation, the lack of an applicant or application for an access permit, and the fact that the developer has made it explicitly clear that they have no intentions of performing improvements on the existing access, KDOT is certain that the facts have changed substantially in a manner that necessitates this course of action.

The Kimley-Horne study is technically sound and contains data that KDOT relied upon in its decision. KDOT maintains that the data does not show a need for an access permit based on the traffic impact of the Development. There is not enough evidence to suggest that any given traffic mitigation measure would improve traffic operations or safety at this intersection. While KDOT is not strictly required to follow recommendations within a study, it is the normal course of procedure that partners presenting a study would be responsible for recommended improvements.

KDOT is not overlooking Jeff Wilke's clarification that a larger study of the entire corridor could be done to find effective remedies for traffic operations and safety along the Metcalf corridor. If a future study were to proceed, KDOT would likely seek to coordinate with both Mission and Overland Park as half of Metcalf is within the city limits of Overland Park along this corridor.

KDOT will continue to work with the City of Mission on this issue. Please reach out to KDOT's Office of Chief Counsel with any further questions you may have.

Sincerely,

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