

**LENEXA PLANNING COMMISSION  
MEETING MINUTES  
April 30, 2018**

Chairman Chris Poss called the regular meeting of the Lenexa Planning Commission to order at 7:00 p.m. on Monday, April 30, 2018. The meeting was held in the Community Forum at Lenexa City Hall at 17101 W. 87th Street Parkway, Lenexa, Kansas.

**Roll call was taken with the following members present:**

Commissioner Horine  
Commissioner Leib  
Commissioner Burson  
Commissioner Harber  
Commissioner Katterhenry  
Commissioner Snider  
Vice-Chairman Hoye  
Chairman Poss

**Roll call was taken with the following member absent:**

Commissioner Harper

**Staff members attending were:**

Magi Tilton, Development Review Administrator  
Tim Collins, Engineering Construction Services Administrator  
James Kraatz, Planner  
Karen Gable, Planner  
Dave Dalecky, Planner  
Sean McLaughlin, Assistant City Attorney  
Peter Simonsen, Assistant City Attorney  
Andrew Diekemper, Fire Division Chief

**APPROVAL OF MINUTES: April 2, 2018**

The minutes of the April 2, 2018 meeting were presented for approval. Hearing no changes or corrections to the minutes of the regular meeting, Chairman Poss entertained a motion to **APPROVE** the minutes as written. Moved by Commissioner Horine, seconded by Commissioner Harper, and **APPROVED** by a majority voice vote.

**CONSENT AGENDA:**

1. Final Plat for **Falcon Ridge Estates Replat of Lots 16 & 17**, located at 9723 & 9725 Sunset Circle. **PT18-08F**
2. Revised Final Plan for **Bradshaw Place, 2<sup>nd</sup> Plat**, located at 12706 & 12806 West 93<sup>rd</sup> Street. **PL18-02FR**
3. Revised Final Plan deviation request for **Power Sales**, located at 9909 Lakeview Avenue. **PL18-03FS**
4. Revised Final Plan deviation request for **FDA Lenexa**, located at 10749 West 84<sup>th</sup> Terrace. **PL18-04FS**

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**MOTION:**

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Item Numbers 1 thru 4. Moved by Commissioner Harper, seconded by Commissioner Burson, and carried by a majority voice vote

**END OF CONSENT AGENDA**

**REGULAR AGENDA:**

**WITHDRAWN BY THE APPLICANT**

1. Special Use Permit for **Limitless Brewing**, located at 12620 West 92<sup>nd</sup> Street, to allow "Basic Industry" in the BP-2, Planned Manufacturing Zoning District. **SU18-04**

**REMAND FROM CITY COUNCIL – CONTINUED TO JUNE 4, 2018**

2. a. Rezoning for **Southern Star Central Gas**, located 19600 West 87<sup>th</sup> Lane, from the existing AG, Agricultural Zoning District to NP-O, Planned Neighborhood Office Zoning District. **RZ18-01**
- b. Concept Plan for **Southern Star Central Gas**. **PL18-01CP**

**PUBLIC HEARING - CONTINUED TO JUNE 4, 2018**

3. a. Rezoning for **Cottonwood Canyon South Office Park**, located at the northeast corner of Prairie Star Parkway and Ridgeview Road, request to rezone from the existing AG, Agricultural Zoning District to NP-O, Planned Neighborhood Office Zoning District. **RZ18-04**
- b. Concept Plan for **Cottonwood Canyon South Office Park**. **PL18-01CPR**

**PUBLIC HEARING - CONTINUED TO JUNE 4, 2018**

4. a. Rezoning for **QuikTrip #0295**, located at the northeast corner of 95<sup>th</sup> and Noland Road from the existing R-1, Residential Single Family, NP-O, Planned Neighborhood Office and CP-2, Planned Community Commercial Zoning Districts to CP-1, Planned Neighborhood Commercial Zoning District. **RZ18-03**
- b. Special Use Permit for **QuikTrip #0295**. **SU18-06**
- . Concept Plan for **QuikTrip #0295**. **PL18-02CP**

**PUBLIC HEARING:**

5. Special Use Permit for **Perception Dance Studio**, located at 10610 Summit Street, to allow "Personal Instruction, General" in the BP-2, Planned Manufacturing Zoning District. **SU18-07**

**APPLICANT PRESENTATION:**

Jay Fine of Perception Dance Studio addressed the Commission. Mr. Fine stated that they have been in the current location for the past three years and are in the great position of having outgrown the space. They started with 6,300 square feet and quickly expanded to 8,400 square feet. The

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problem with their current location is the space is not contiguous. Their lease is up in July and the new space is a 10,000 square foot space with no columns to interrupt the floor space. He stated this location is approximately 1.4 miles from their current location.

**STAFF RECOMMENDATION:**

Planner Gable addressed the Commission. She stated Perception Dance Studio is requesting a 10-year special use permit to allow for Personal Instruction, General in a BP-2 zoning district. Currently located at 11221 Strang Line Road they have been operating since 2015 when an initial 10-year special use permit for Personal Instruction, General was approved.

Currently, there is an opportunity to purchase a condominium unit at 10610 Summit Street requiring a new special use permit. Proposed hours of operation are from 4:30 p.m. to 10:30 p.m. Monday through Thursday and weekends from 9:00 a.m. to 9:00 p.m. At any given time, there is the potential of four classes being conducted with an average of 15 students per class. The maximum number of teachers/coaches within the building at one time will be five. No recitals or competitions are to be held at this site, this location is for instruction only.

As part of the review of the golden criteria, staff believes the hours of operation would not affect the adjoining properties in regards to parking and traffic since classes start at 4:30 p.m. on weekdays.

Given the applicant has not received any complaints at the current location, staff is supportive of the longer duration and is recommending an initial ten-year special use permit for the new location.

**PUBLIC HEARING:** Chairman Poss opened the public hearing.

Hearing no comments from the public, Chairman Poss entertained a motion to **CLOSE** the public hearing. Moved by Commissioner Horine, seconded by Commissioner Burson, and carried by a majority voice vote.

**PLANNING COMMISSION DISCUSSION:**

Commissioner Katterhenry stated these typically have worked out really well over the years and he has no problem with it.

Commissioner Leib stated the parking only has a single point of entry and does not circulate the building. He stated his experience for drop off at dance class is it is just the start of class time that there are issues. Most times parents are dropping off, he asked if the classes are staggered.

Mr. Fine stated it depends. Some nights they are staggered and almost never do the four classes end at the same time. There could be the potential where people are dropping off at the same time. When you look at the other tenants, they are not there at the same time as the dance classes. There is a turn-around at the end of the parking aisle and he does not see a problem with the cars.

Commissioner Horine stated it is a good use for the spot. He asked when a special use permit is approved as the previous one for Mr. Fine still has seven years remaining on the permit, can the next tenant use the remainder of the permit?

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Planner Gable stated another personal instruction use could go into the tenant space and use the remainder of the permit approved. The permit pertains to the land use and stays with the property, as long as it is another personal instruction that moves in.

**MOTION:**

Chairman Poss entertained a motion to recommend **APPROVAL** of a ten-year special use permit for **Perception Dance Studio**, located at 10610 Summit Street, to allow "Personal Instruction, General" in the BP-2, Planned Manufacturing Zoning District. Moved by Commissioner Hoye, seconded by Commissioner Horine, and carried by a majority voice vote.

6. Preliminary Plan for **Broderson Manufacturing**, located at 14741 West 106<sup>th</sup> Street. **PL18-05P**

**APPLICANT PRESENTATION:**

Powell Minnis of Davidsonae addressed the Commission. Mr. Minnis stated his client has been wanting to make some improvements on the existing facility at 106<sup>th</sup> Street to the existing building on the south side of 106<sup>th</sup> Street. They also want to make improvements on the north side of 106<sup>th</sup> Street. They are not talking about any additional building area; the improvements for the south side of 16<sup>th</sup> Street is to add two concrete ramps to access the west side of the building. They would like to increase to five sectional doors on the building, increase the width and height to help with the operations. They also want to modestly increase the area of the storage lay down area on the east side of the building. It does not sound like much however, it will make of difference for the operation. On the north side of 106<sup>th</sup> Street they are proposing to add additional parking for staff. It will take them to the standard for office and manufacturing. This will help. Broderson makes cranes. Also, on the north side of 106<sup>th</sup> Street they are proposing to add a loading platform for a forklift loading dock. The loading platform will load cranes onto truck beds. On the north property there will be a drive along the east side of the property that will access the test pad. That area will be screened and fenced and the parking area will be landscaped to standards.

**STAFF PRESENTATION:**

Planner Kraatz addressed the Commission. He stated the applicant did a great job on explaining the project. He presented an exhibit of the site as it exists today. Next he presented an exhibit showing the proposed expansion and pointed out the areas which would be affected. He stated the loading dock is below grade, you will not see it from the street. The truck will back down the dock and the equipment will be at grade and will drive onto the truck. He pointed out the additional storage area and the testing facility area. He stated this is a preliminary plan. It is a BP-2 zoning district therefore the final plan will be reviewed and approved administratively.

**PLANNING COMMISSION DISCUSSION:**

Commissioner Leib asked if there was any actual markings or signage being done on the piece to the north of 106<sup>th</sup> Street.

Planner Kraatz stated they will be adding a pedestrian crossing so there will be pavement markings and signs posted.

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Commissioner Katterhenry stated the screening will not completely hid the vertical cranes, but he wonders how tall the cranes are and if they were to topple would they hit another building close by.

Mr. Minnis stated he did not know the exact height of the cranes, possibly at least 15-20 feet. He stated they would not hit another building and the reason they store them in the vertical position is that they are actually are safer to store that way. If they are lower it creates hazards to people walking around the area.

Commissioner Harper asked if there will be a light for the pedestrian crosswalk.

Mr. Minnis stated it would only be marked, no light.

Commissioner Leib asked if this is the ultimate use of the property or is it an interim step on the north side property.

Mr. Minnis stated he believes this may be the ultimate. Last fall they were working on an expansion into the area and was not pursued at this time. This is what they needed, there may be something else in the future.

Commissioner Leib stated he was picturing much taller cranes and it was a concern to him, however, since this property is in an industrial area and is surrounded by highways on two sides, he does not have a problem with it.

**MOTION:**

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan for **Broderson Manufacturing**, located at 14741 West 106<sup>th</sup> Street. Moved by Commissioner Leib, seconded by Commissioner Katterhenry, and carried by a majority voice vote.

7. A resolution finding Redevelopment (TIF) Project Plan 1H (**Kiewit Building 3**) in the City Center TIF District is consistent with the City's Comprehensive Plan for development.

**STAFF PRESENTATION:**

Sean McLaughlin, Assistant City Attorney, addressed the Commission. Mr. McLaughlin stated the City Council will consider a resolution giving notice of its intent to hold a public hearing on June 5, 2018 to consider approving Redevelopment (TIF) Project Plan 1H ("Project Plan 1H"). Project Plan 1H covers approximately 4 acres just off 89<sup>th</sup>/Penrose Lane and west of Renner Blvd. The costs associated with construction of a six story office building and a two story structured parking garage, office building will operate with the two previously constructed buildings better known as the Kiewit Building which came before the Commission last month. The Planning Commission is required by Kansas law to establish whether the project is consistent with the Comprehensive Plan.

Staff believes Project Plan 1H, as proposed, is consistent with the City's Comprehensive Plan for the reasons noted. Those being, Planning Commission recommended approval of the Final Plan for the Project Plan 1H development at its April 2, 2018 Planning Commission meeting. It is located within the City Center Core which allows for higher density development, such as retail, restaurant and

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mixed use residential development. The Project Plan is tailored to an urban environment, and thus will be of a greater intensity or density, with public open space and pedestrian-friendly streets. Staff recommends approval of a resolution which makes the finding of the TIF project plan consistent with the Comprehensive Plan.

**PLANNING COMMISSION DISCUSSION:**

Commissioner Leib stated when he looks at the maximum reimbursable costs it is \$18.3 million and when you look at the increased valuation it is \$16.6 million. He is trying to figure out how we can reimburse \$18.3 million with a tax increment of only \$16.6 million.

Mr. McLaughlin stated the Project Plan, when it is approved, it lists all the eligible costs that are eligible under the policy. Kiewit and the landowner will enter into a DDA in about a month at the Public Hearing on June 5 and it will actually set forth the terms. That actually presents the maximum amount as a pay as you go. They could get \$18 million if that puts off that amount of increment. This is an estimate, it could go above or below, it is based on the appraisal, the mill levy could also change at any time. Once this is done, it sets off the appraisal, this is a comfortable number that the City is okay with reimbursing and they are all eligible costs. Right now staff does not estimate them getting to \$18 million that is the maximum they could get to. They are not guaranteed that amount they only get what the project area puts off and whatever that may be.

Commissioner Leib asked if there was a primary reimbursement, assuming it only generates the \$16.6 would the city be at the front of the line on that or it just depends on who submits for reimbursable expenses first.

Mr. McLaughlin stated the DDA will set forth that. Usually it depends on percentage that the developer would get a certain percentage, maybe up to 100% during a certain period of time, if not the whole time. The city potential would be next in line. That can vary depending on the project. He stated that is a generic answer, he does not have the exact split rate in front of him. That is determined in that development agreement to be approved by the Council. So whatever that split ultimately ends up being, it is not a first come, first serve.

Commissioner Leib stated at the project that was approved last month the Planning Commission talked about parking and public accessibility. The way this is described it says a portion of the parking garage space will be available to the public for special events. Does that mean that the parking is restricted the rest of the time that it is not publicly accessible parking? It will only be a portion of it available on specific dates.

Mr. McLaughlin stated that is correct. A portion will be available at certain times. He believes it is all business hours and then associated with some special events like the art fair and whatnot, that there will be a greater opening. We do not actually have that arrangement with the former Lexmark building. We actually have to go out and get that agreement. This will be an expansion to what we currently have available.

Commissioner Leib stated he is a little bothered by that. The previous item also states that the parking be primarily on street or in structures integrated to the building architecture and site layout, it mentions the mixing of uses within a building and within the street, which we are not mixing uses in

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the building, we are not mixing uses in that entire street or in that campus. The parking is not integrated like we are seeing along the street. Between that and restricting the public parking in their parking garage, it may be outside the scope a little bit, but a \$29 million project and \$18 million being reimbursable he is not sure that seems to fit to the public partnership we are looking for; he has concerns with this particular one.

**MOTION:**

Chairman Poss entertained a motion **APPROVE** a resolution finding Redevelopment (TIF) Project Plan 1H (Kiewit Building 3) in the City Center TIF District is consistent with the City's Comprehensive Plan for development. Moved by Commissioner Burson, seconded by Commissioner Harper, and carried by a majority voice vote. 7, aye, 1, nay-Leib, 1-absent.

8. A resolution finding Redevelopment Project Plan 5A for the City Center TIF District (**Sonoma Pointe Multi-Family Project**) in the City Center TIF District is consistent with the City's Comprehensive Plan for development.

**STAFF PRESENTATION:**

Mr. McLaughlin stated the next TIF Project Plan 5A is also within the City Center TIF district. The area covers approximately 29 acres. The project plan will reimburse for eligible expenses associated with the construction of 322 unit multi-family development in multiple buildings. The Planning Commission is required by the Kansas TIF Act to find Project Plan 5A is consistent with the city's Comprehensive Plan. Those findings include the Planning Commission's approval of the final plan for this development. The project plan is part of a larger mixed use area near 87<sup>th</sup> Street Parkway and I-435 and will provide a transition from the higher density to City Center Core to the duplexes and single family homes to the east and south. The multi-family use is consistent with the Comprehensive Plan for this area. Staff recommends approval of the resolution in the packet which makes the findings of the TIF Project Plan 5A is consistent with the city's Comprehensive Plan.

**PLANNING COMMISSION DISCUSSION:**

Commissioner Burson said he was surprised to see this was in the City Center TIF district area. He tried to find where it was delineated. He asked where the boundaries of the area are.

Mr. McLaughlin stated if you look at 87<sup>th</sup> Street Parkway and Renner Boulevard you have the four corners, all four corners are in there of varying degrees south and east and west of there. The essentially there is a portion (he highlighted the area on the exhibit) this undeveloped portion of land that is 106 additional acres that was amended in by resolution to be included in the City Center TIF district. The TIF district is 424 acres in total, including the areas bounded to the southwest by the golf course, Lifetime is the southern edge, City Center East being Grand Street and the hotel and the multifamily building on City Center northeast along the highway and then the undeveloped portion in the northwest corner and the apartments and the new building going up represent the north side. Short of bringing up a map that is the best way he can describe. Approximately 424 acres in and around. He agrees, the Commission has not seen this as it is 5A, the first plan outside of what has generally been associated in the City Center TIF District.

Commissioner Burson stated he did not know it were being added. He believes it is in line with the

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Comprehensive Plan and what we are looking to do with this district. He is in support of it.

Commissioner Katterhenry stated the north portion of this is up for TIF tonight and he wondered why the two are not combined.

Mr. McLaughlin stated they are two different development plans. You have the multi-family that will come in as one plan and the north side is the retail project. On the back side they are being reimbursed in different methods. That is why they have two project plans with different performance standards. The clocks also run a bit differently.

**MOTION:**

Chairman Poss entertained a motion **APPROVE** a resolution finding Project Plan 5A for the City Center TIF District (**Sonoma Pointe Multi-Family Project**) in the City Center TIF District is consistent with the City's Comprehensive Plan for development. Moved by Commissioner Harper, seconded by Commissioner Burson, and carried by a majority voice vote.

9. A resolution finding Redevelopment Project Plan 5B for the City Center TIF District (**Sonoma Plaza Retail Center**) in the City Center TIF District is consistent with the City's Comprehensive Plan for development.

**STAFF PRESENTATION:**

Mr. McLaughlin addressed the Commission. He stated Project Plan 5B is shown on the map that is just south of 87<sup>th</sup> Street Parkway in the southwest corner of 87<sup>th</sup> Street Parkway and Loiret. The project Plan covers approximately 25 acres. Eligible costs associated with the cost of construction of approximately 143,000 square feet of retail in multiple buildings. The Planning Commission is required to find that the Project Plan 5B is consistent with the Comprehensive Plan. Some of the findings include, the Planning Commission's previous approval of the preliminary plan for this development. The Commission will also see the final plans come in for the individual buildings. The Project Plans area is designated as community retail, the project plan is part of a larger mixed use area near 87<sup>th</sup> Street Parkway and I-435 and will provide a great transition from the high-density of City Center to the lower density of traditional suburban retail to the east. Staff recommends approval of the resolution finding Project Plan 5B consistent with the Comprehensive Plan.

**PLANNING COMMISSION DISCUSSION:**

Commissioner Horine asked with the small piece was left out of 5A and/or 5b. What is going to go in that area?

Mr. McLaughlin stated it is anticipated that small piece will be multi-family development on that piece. TIF project plans have clocks that start, so you do not generally start them or approve them until a plan is in place so staff knows what they are incentivizing. That will remain until the project is ready to go if and when.

**MOTION:**

Chairman Poss entertained a motion **APPROVE** a resolution finding Redevelopment Project Plan 5B



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for the City Center TIF District (**Sonoma Plaza Retail Center**) in the City Center TIF District is consistent with the City's Comprehensive Plan for development. Moved by Commissioner Horine, seconded by Commissioner Katterhenry, and carried by a majority voice vote.

The meeting adjourned at 7:45 p.m.

/s/

**Lu Anne Johnson , Recording Secretary**

/s/

**Beccy Yocham, Director of Community Development**

APPROVED