

**LENEXA PLANNING COMMISSION
MEETING MINUTES
JUNE 4, 2018**

Chairman Poss called the regular meeting of the Lenexa Planning Commission to order at 7:00 p.m. on Monday, June 4, 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 Harper
Commissioner Snider
Vice-Chairman Hoye
Chairman Poss

Staff members attending were:

Beccy Yocham, Director of Community Development
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 30, 2018

The minutes of the April 30, 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 Harper, seconded by Commissioner Horine, and **APPROVED** by a majority voice vote.

CONSENT AGENDA:

1. Final Plan for **Academy Bank ATM w/Enclosure**, located 13218 West 87th Street Parkway. PL18-04F
2. a. Final Plan for **Home2 Suites**, located at southwest corner of 96th Terrace and Rosehill Road. PL18-13F
b. Companion Final Plat for **Stag's Pass Lenexa**. PT18-09F
3. Final Plan Deviation for a deck at the **Degenhardt House** located at 20411 Mill Road. DV18-02

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4. Final Plat for **Lenexa Logistics Centre, Sixth Plat**, located at the southwest corner of Renner Boulevard and 116th Street. PT18-10F

MOTION:

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

END OF CONSENT AGENDA

REGULAR AGENDA:

PUBLIC HEARING - CONTINUED FROM APRIL 30, 2018

1. Special Use Permit for **Limitless Brewing**, located at 9765 Widmer, to allow "Basic Industry" in the BP-2, Planned Manufacturing Zoning District. SU18-04

APPLICANT PRESENTATION:

Emily Mobley of Limitless Brewery addressed the Commission. She stated they are a local company creating a beer-centered community focused in Lenexa. The goal is to be a part of the community rather than just a business owner. Some of the actions they have already taken to do this is that they appeared at the UtePils event at the City Market. They were able to interact with the community members and introduce themselves. They have another date set for June 16 to be at the Lenexa Farmers Market. They have created a following for their business by hosting beer-judging events in their driveway. At the last taste testing, they had over 250 people. They collaborated with two small Lenexa businesses and they were able to sell some of their products, The Yummylicious Cookie Company and Maps Coffee. They have interacted with Lanmarx Graphics to make their T-shirts. The part that they are most proud of is they have donated over \$1,100 to local non-profits, the Johnson County Suicide Prevention Coalition and the Kansas Adoption Center. That was part of their goals to be able to give back. They are applying for a permit for 9765 Widmer. Production hours will be Monday-Friday, 8:00 to 5:00. They will have four employees at maximum capacity. The taproom will be open 4:00 to 10:00 p.m., Monday-Friday, Saturday 11:00 to 11:00 and Sunday Noon to 7:00. The space is for 4,800 square feet; 1,100 will be for the taproom, and the remainder will be production brewing, housing a ten barrel, 3-vessel brew house. Ms. Mobley presented a plan of the space and pointed out the taproom the bar that will be serving at the taproom, and the restrooms, which are ADA compliant. The back will be a separate area with the brew-house production equipment and storage. She thanked everyone from Limitless Brewing throughout the entire process; and she stated the staff has been wonderful to work with and they appreciate that.

STAFF RECOMMENDATION:

Planner Gable addressed the Commission. She stated Limitless Brewing is proposing to locate at the northeast corner of Widmer and Industrial Boulevard. This is a 44,800 square foot, multi-tenant building of which Limitless will be leasing 4,800 square feet.

Microbreweries are not a land use classification specifically identified in the Unified Development Code. Based on the business description and information provided by the applicant, it is staff's

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opinion the microbrewery, as described, fits within the definition of “basic industry” due to the finished product starting out as raw materials.

As part of the review of this land use, staff looked at off-street parking requirements. The UDC’s off-street parking schedule does not include a specific land use classification for a microbrewery. The basic industry classification used for the brew room portion of the building (which code requires one space per 1,000 square feet) and the drinking establishment classification was used for computing the parking requirements for the taproom portion of the business (which per code is one space per 75 square feet).

The parking table provided under criteria # 10 of the staff report indicates the site has 77 spaces. Staff then calculated required parking for each individual tenant within the building arriving at a required 70 parking spaces. The food truck will occupy five spaces leaving 72 available spaces during the time a food truck is on site.

The applicant has requested a 10-year special use permit (SUP) to coincide with the lease agreement. While the UDC imposes SUP approval terms for several other land uses, it does not for “basic Industry”. For reference, Union Horse Distilling, previously known as Dark Horse Distillery, was classified as “basic industry”. The SUP for Dark Horse was initially approved for a three-year duration and later renewed for a 20-year period.

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 Hoyer, and carried by a majority voice vote.

PLANNING COMMISSION DISCUSSION:

Commissioner Horine asked if there would be any odor due to the brewing operation.

Ms. Mobley stated there is a slight odor when you are creating the wort; it would be limited to a time a day and just a few times a week in which that would occur. Nothing that would be harmful to the environment.

Commissioner Horine asked if it would be harmful or offensive to the neighbors.

Ms. Mobley stated she walked around to the neighboring businesses and talked with them as well as held a neighborhood meeting and invited all the business owners within the park to see if they had any questions or concerns about the process and what they are doing. She stated there were no objections.

Commissioner Leib asked if they would be venting out of the top or is the boil kettle reclaiming the steam.

Ms. Mobley stated they would be venting out the top.

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Commissioner Leib asked whose decision it was to where the food truck would be located.

Ms. Mobley stated the only item stipulated in the lease was that it could not be parked in the back parking area. She said she only placed it on the plan and can place it wherever the Commission or staff would like it placed.

Commissioner Leib asked if the food would go inside the building or would the people get the food directly from the truck.

She said there would be some of that until the process is down; there will be a remote point of sale in the food truck for each vendor. Then one of the staff members will go out or the food truck vendor will bring it in.

Commissioner Leib stated as someone who worked on a similar project in Lenexa for a couple of years and were not successful finding a suitable location, he congratulated Ms. Mobley on finding a space that works for them. He knows it was not their first time that they had made an effort in getting a building in Lenexa. He is looking forward to the project and has no issues of it going into an industrial area.

MOTION:

Chairman Poss entertained a motion to recommend **APPROVAL** of a ten year Special Use Permit for **Limitless Brewing**, located at 9765 Widmer, to allow "Basic Industry". Moved by Commissioner Hoye, seconded by Commissioner Katterhenry, and carried by a majority voice vote.

PUBLIC HEARING - CONTINUED FROM APRIL 30, 2018

2. a. Rezoning for **QuikTrip #0295**, located at the northeast corner of 95th 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. Companion Special Use Permit for **QuikTrip #0295** to allow "Gasoline Sales, General," in the proposed CP-1, Planned Neighborhood Commercial Zoning District. SU18-06

c. Companion Preliminary Plan for **QuikTrip #0295**. PL18-02CP

APPLICANT PRESENTATION:

Shannon Marcano addressed the Commission representing QuikTrip. Ms. Marcano stated the project team was with her consisting of: Erik Eckhart, the QuikTrip Real Estate Project Manager, and Jay Odell, the Project Engineer.

She stated they originally started exploring locating the project on the NWC of 95th Street and Noland Road. An application was filed with the city and they began discussions with staff. The city even received a letter of support from neighbors regarding the project on the NWC. However, working with staff it became evident that the preferred location for this project was on the NEC of 95th Street and

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Noland Road. They backed up and started to pursue those properties. After many months of working with staff, they are excited to bring this proposal to the Commission.

They met with the neighbors on April 23 and had many neighbors attend the meeting. They were able to discuss the project and hear their concerns and continued to communicate with the neighbors through both telephone and emails.

She stated the project size is 1.37 acres, taking three properties and combining them to create the site. The existing uses are JB's One Stop and two residential homes on the other two properties. The current zoning for JB's is CP-2, which is a commercial zoning district. One of the other lots is NP-O, which is office and the remaining, is R-1, residential. They are requesting to rezone these properties to CP-1, which is a planned commercial zoning district. The proposed store is to be 4,840 square feet. For comparison, the current JB's is a little under 4,000 square feet. They are asking for seven fuel pumps, JB's has four. They are asking for a 24-hour operation, which is the same as JB's today. The required public improvements only include the lengthening of the left turn lane on Noland Road, which will require a bit of widening as well.

Ms. Marcano stated that on 95th Street there is a right in, right out which is the same as the current condition. As you turn the corner onto Noland Road heading north, is a right in only on Noland Road, this is the closest to the 95th Street Intersection. They actually shifted this access a bit for access management as per staff's recommendation. They originally showed a full access there, but reduced as per staff. Heading further on Noland Road there is a full access. Again, at the request of staff they aligned the access with 94th Terrace. According to Access Management Guidelines, this is the preferred situation, to have the access points across from each other. They worked with property owners to the east to reach an access agreement so that they could provide a drive that goes all the way around the building, which improves the site circulation. This was a recommendation by staff. This does however; result in their asking for a buffer deviation. They will be widening Noland Road and lengthening the left turn lane to provide for greater stacking ability for cars on Noland Road turning left onto 95th Street.

There are three entrances to the building. There is one on the north side, one on the west and one on the south side. The main entrance is located on the west side and faces property across the street that is zoned office. The building is one story, 20 feet tall, which is well below the CP-1 height limitation of 35 feet. Lighting and signage will meet the city's code requirements with the exception of the monument sign; they are still working on the details. Landscaping will meet code requirements with the exception of the requested deviations, which they also continue to review to further mitigate. The buffer along the north property line between the CP-1 and the R-1 zonings exceeds the code requirements with the exception of the NEC. The need for a deviation on the NEC is a result of adding the access drive that goes all around the building.

She stated they are excited to be at the meeting and they have worked very hard to bring this to the Commission and staff has been wonderful to work with. This area has incredible redevelopment potential. She also mentioned the city made an extensive investment in the Johnson County Gateway project, which improved the I-35 and 95th Street Interchange. This improvement was intended to help facilitate new development along the I-35 and I-435 corridors in Johnson County. 95th Street is the gateway into Lenexa. Redevelopment already started on the east side of the interchange. This QuikTrip project will be the first step in jumping the redevelopment focus along 95th

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Street from the east side of I-35 to the west side. This level of development will also help to set the tone for the high quality that is expected and embraced by the city. It is important to point out that QuikTrip is not requesting any tax incentives for this project.

As exciting as this all is, infill development is always challenging. They believe they have put together a nice project for the citizens and the city that will make everyone proud. The current JB's property is non-conforming. Nothing can be done with that property with the current zoning of CP-2 because that zoning and the property size does not meet the city requirements. This is why they are adding additional property to the project site and rezoning all the property to CP-1 so they meet as many of the code requirements as possible. They are requesting some deviations, which the Planning Commission does have the authority to grant. Because of the give and take, they have worked through the process with staff to make it the best project that it can be.

Another challenge they have is that the current JB's is located near a residential neighborhood. They believe that this type of infill development, where you are replacing a familiar use with another familiar use, is the best type of redevelopment. The neighbors have lived with the JB's operation, which occurs on a smaller site and has similar operations being 24/7 just like the new QuikTrip proposal. The new QuikTrip however, will not only continue these operations the neighborhood is used to it will increase the land area, increase the landscaping and provide a fresh modern look to the property and the operation itself.

Change is hard, they know that change is hard and they heard the concerns of the neighbors at the neighborhood meeting held in April. They continue to communicate with the neighbors via telephone and email. They also know that QuikTrip is a good neighbor and a good corporate citizen as well as a good property owner. Of all of the unknown possibilities with properties, QuikTrip presents an exciting opportunity for both the city and the neighbors.

Another challenge to redevelop this site is the mitigation of the aged fuel tanks and potential environmental issues. JB's has been in the community and a good member of the community since 1978. During that time, they have provided fuel services. Redevelopment of property, which contains aged fuel tanks, poses specific issues that QuikTrip is familiar with and has significant experience. QuikTrip's experienced redevelopment of this site will minimize any risk associated with the aged fuel tanks.

Ms. Marcano stated there is a point made in the staff report regarding the adjacent property to the east. She stated there is a statement that QuikTrip has chosen not to pursue the purchase of adjacent properties, which is inaccurate. They have been in conversations with property owners and the property to the east is simply not for sale. She stated this is infill development, which occurs differently than green fill development. QuikTrip does not control which properties are available or not. Staff's suggestion that the proposed QuikTrip be placed on properties that does not and cannot control is a little misleading.

The orientation of the building, the staff report states that the building faces properties zoned residential and office. The property directly facing the west entrance to QuikTrip is zoned office; it does not directly face residential property. They believe it is important to let the Commission know that QuikTrip is committed to keeping the area safe and supplying the necessary traffic studies and resulting modifications to minimize any impacts of the project.

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Ms. Marcano went on to say the Future Land Use Plan, which is in the Comprehensive Plan, reflects the current zoning of the site, which implies that this is the preferred state of the property. Remember that the JB's site is non-conforming and cannot continue if new development is to occur in this

location. Any rezoning of this site, which must occur for redevelopment, will not meet the Future Land Use Plan, so the Future Land Use Plan will be updated, as this property is rezoned and redeveloped in the future.

Staff is not supportive of the deviations requested by QuikTrip. Some of the deviations are a result of working with staff to provide the requested site circulation. They do intend to work through the items and mitigate some of those deviations requested as they move forward past this first step in the process. Staff has provided some stipulations for a recommendation for approval.

Ms. Marcano stated she would like to address the stipulations:

- The proposed red polycarbonate bands on the entrance canopies and gasoline canopy shall not be illuminated. *QuikTrip agrees to the stipulation.*
- The façade sign shown on the left, or north, elevation shall be removed from the drawing and may not be installed. *QuikTrip agrees to the stipulation.*
- If a reduction in the minimum open space requirement and/or depth of the landscape and buffer areas is going to be considered, the landscaping plan shall exceed the minimum requirements for perimeter planting and land use intensity buffer in order to mitigate the reduced planting depth. *QuikTrip agrees to the stipulation. They would ask the stipulation be worded to allow QuikTrip to work with staff to define the appropriate mitigation.*
- The monument sign shall comply with the minimum setback requirement. *QuikTrip asked to be allowed to continue to review this item with staff and the item be determined at final plan review.*
- Noland Road shall be widened to 94th Terrace in order to extend the left turn lane. *QuikTrip agrees to the stipulation.*
- Additional information as outlined in the context of the preliminary plan staff report shall be provided with any final plan application. *QuikTrip agrees to the stipulation.*

Ms. Marcano thanked the Commission for the opportunity to present this exciting project. They appreciate all the hard work of staff. They have been in numerous meeting with them and have had numerous conversations, phone calls, and staff has been great to work with.

They ask the Commission to recommend approval of this rezoning, special use permit and preliminary plan as described; they agree to staff stipulations with the exception of the two they would like to continue to work through with staff.

STAFF RECOMMENDATION:

Administrator Tilton addressed the Commission. As the applicant presented, this is a request to rezone three parcels, consideration of a permanent special use permit to allow gasoline sales, general and approval of a preliminary plan to construct a QuikTrip with seven fuel pumps or 14 fueling

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positions. The property is located on the NEC of Noland and 95th Street. Staff has had some discussions in the past of the opposite side of the street on the other side of Noland.

She stated the applicant did a nice job of explaining what the actual proposal is. She relayed that staff did originally see a concept plan, based on the level of detail that was provided it is being considered a preliminary plan as opposed to a concept plan. Staff is recommending denial of the

rezoning, the recommendation is based on the potential impact to the surrounding neighborhood. Specifically, based on non-residential uses encroaching into the neighborhood. The proposed zoning not in conformance with the Future Land Use plan and the potential increase of traffic due to the intensity of the use facing Noland Road. One of the recommendations that staff relayed to the applicant was to consider additional property to the north or to the east. As the applicant stated they did pursue that option and it did not come to fruition. Both JB's One Stop and the proposed QuikTrip are classified as gasoline sales, general, based on the number of fuel pumps and gasoline sales, general, is allowed by right in the CP-2 zoning district; however, it is a special use in a CP-1 zoning district, thus the three applications.

In looking at the zoning map, you see a variety of colors and the different zoning classifications in the area. A portion of the property is zoned CP-2, to the south opposite of 95th Street there is a large area of CP-1 zoning. The applicants are requesting that each of the parcels be zoned to CP-1. On the east side of Noland, further north there will be one remaining parcel that is zoned residential and the house faces Noland Road. There are parcels along 94th Street that are zoned residential however, they do not face Noland Road, and they will be backing diagonally from the property proposed to be QuikTrip. On the west side of Noland Road there is property that is currently zoned for office as well as residential, 94th Terrace dead ends further to the west.

She stated the Future Land Use Map is very similar to the Zoning Map. There are suburban residential land use designations further north and that is still a strong line of demarcation between the residential and non-residential. The Future Land Use Plan does recognize 95th Street for redevelopment and both sides on the north and south going west are designated for office/employment center uses.

In looking at the proposed site plan, north is on the left and 95th Street is on the right. The primary entrance is on Noland Road with the gasoline pumps being adjacent to 95th Street. Access to 95th Street will continue to be a shared access with the property to the east, which is the auto repair and restaurant. There are two points of access off Noland Road. One being the right in only, more on the corner and further north there is a full access drive. All traffic that would then want to proceed east on 95th Street would have to come out the northern most access turning left to go southbound on Noland Road in order to take another left onto 95th Street. That is the current situation for JB's as well. There was some discussion about circulation within and around the site. The applicant is providing this driveway along the east side, which is the rear of the property, in order to improve circulation through the site. That does cause a problem with the land use buffer on the north side.

The greatest deviation is on the northeast corner. Based on intense gasoline sales, outdoor activity use and the adjacent residential, a 50-foot buffer is required along that property line. On the northern side of the site adjacent to Noland Road, there is 51-feet of buffer. Whereas, on the remainder of the site going easterly, because of the access drive, the buffer drops down to four-feet. That is

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immediately adjacent to the rear property line of residential property. Staff appreciates the large buffer being provided on a portion of the property. They also are requesting deviations along the street frontages, relative to the perimeter-planting requirement. They are trying to balance many of the buffer requirements and from what is there today with the JB's One Stop. It is actually less perimeter planting area than what is currently there.

They are proposing the monument sign on 95th Street be at the property line with no setback. The open space requirement which is required for this district at 25%; the applicant is proposing 19.5%. Often times when staff sees the deviation for open space they are trying to compensate by planting additional landscape material. That is not so much the case with this so they are trying to balance the need for the buffer with something that provides for more plant material.

Administrator Tilton presented a graphic showing the architecture. It is very consistent with other QuikTrip's in the area. Staff does not take issue with the proposed materials. Relative to some of the illumination and the signage on the proposed building. In consideration for approval, there are the stipulations.

She reminded the Commission that three separate votes would be needed, one for the rezoning, one for the special use permit and one for the preliminary plan. Staff is recommending denial of the rezoning, which then would cause the special use permit and preliminary plan null. You could not approve the special use permit without having the appropriate zoning in place. Staff's recommendation is based on the impact to the surrounding neighborhood, the orientation of the building and the potential increase in traffic that the QuikTrip would create. With respect to the existing JB's One Stop, it exists, if the QuikTrip is not approved, that use could continue in its current state. Ms. Marcano was correct when she said JB's was developed in the 1970's prior to a lot of the development regulations coming into existence so there are several non-conformities with the existing site as it sits today.

PUBLIC HEARING: Chairman Poss opened the public hearing.

Joe Quint of 13015 West 94th Place addressed the Commission. His property is on the northeast corner of the QuikTrip site. He presented a slide of his family stating they are an owner occupied property. He stated they do like to spend time outside. They also like QuikTrip, they do frequent there, they just do not want it in their back and side yard. He presented a slide and stated his property is in the. He presented a picture of his house. The concerns they have are vehicular noise and light concerns. As it is today with this, plan cars will travel around the site, it will shine light into the back of his house where all the bedrooms are. It will be extremely annoying. His son and daughter have both commented on that. In today's world, there is some vegetation cover so you hardly get to see it. In their plan, they would see that directly, it would not be good. Additionally, it is a 24/7 store so cars will be doing that all night long, all week long, it would be very frustrating. Next is the building light concerns, QuikTrip does have many great lights. He agrees it improves the safety of their property. They have light pollution from all the lights; he presented photos from the 101st and Lackman property that clearly shows what it looks like. You can see any QuikTrip from a mile away. He used a light meter at the 101st and Lackman property and this is what it would look like from the back of his house. It is daylight at night. That is what it is, its daylight. It is bright. The last thing is Stranger Danger at the store. With these kinds of facilities, you notice there are congregation points, where there is food and parking. There is going to be loud talking, lurking, there is going to be a

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substantially higher possibility for fights, foul language, etc. His kids enjoy playing outside with their friends. Things go over the fence. Kick ball's, Frisbee's, whatnot. If there is going to be a road four feet from his fence, and a Frisbee goes over, he has a child that could be hit. He does not think anybody would want that, or abducted. It is a six-foot fence and he would not be able to see if that happens. He does not think anybody wants that. He presented a view from his backyard. He stated you could see there is a lot of vegetation cover. It looks as though there is more vegetation cover because the trees are fully-grown. He presented a slide with QuikTrip on the proposed site from his backyard. He does not know anybody that would want it in his or her backyard. He asked for any questions.

Scott Johnson of 13117 West 94th Terrace addressed the Commission. He stated his residence is directly west of the proposed site. He thanked Administrator Tilton on her fine presentation. She has made his job a lot easier with what she spoke to where he was going to point out the zoning and the future plan, the 2030 Comprehensive Plan. He wants to talk to a couple of other points being that the traffic increase with a QuikTrip and the Noland Road currently being a collector road designed for 2,500 to 5,000 vehicles in a 24 hour period. In 2010, a study was done with approximately 3,000 vehicles and with a QuikTrip, we all know that they are a draw; they are a very popular location. With the extending of the left turn lane on Noland Road, they do not feel all the traffic that will exit from the west onto Noland Road will be able to be collected without backing up past 94th Terrace. It will become a four-way intersection with their main entrance. With the increased backed up traffic there will be issues with exiting his street. People that live beyond on Noland Road will have issues getting out of their driveways as well as the one way in off of Noland. With the increased traffic and back-ups, they already have situations now with JB's and they are a lighter flow of traffic with people that try to avoid the light. His street is a dead end as well as the streets behind it. They have dead-ended with the interchange at Gillette and Bradshaw was dead-ended with the Costco. They constantly have people trying to go around the light and coming down the dead end roads as well as on the west side. The northwest corner is the commercial area with a parking lot and just recently, they had an accident because someone was trying to avoid that intersection and hit a parked car within the parking lot. The traffic increase and the possibility for emergency vehicles to be blocked should there be any situations in any of the residential areas. Those are his points in opposition.

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

PLANNING COMMISSION DISCUSSION:

Commissioner Burson asked if there was a traffic study to determine the need to widen the turn lane and if it will handle the trip count.

Engineering Administrator Collins stated that stipulation came from the Traffic Manager, Steve Schooley. He analyzed it and determined it would need widened to 94th Terrace.

Commissioner Burson stated there was mention of a previous traffic study and asked if it was done for redevelopment or overall or for Noland, itself to see if Noland would be able to handle the traffic.

Administrator Collins stated he believed it was for the 95th Street Corridor Study.

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Commissioner Burson asked if the statement Mr. Johnson made was an accurate statement.

Administrator Collins stated to his knowledge, yes.

Commissioner Hoye stated by examining the Golden Criteria that the Commission uses to review a request such as this, the character of the neighborhood the recommendation of city's professional staff, and the need for the deviation and making such a minimal buffer and encroaching upon the residential neighborhood; for the reasons she is going to take staff's recommendation on this project.

Commissioner Leib asked if the NP-O zoning on the northwest corner is currently being used as such.

Administrator Tilton stated the property directly north of this, it is her understanding it is a single-family rental residence.

Commissioner Leib stated he wondered if there was any traffic generation there or if it was a residential use.

Commissioner Leib asked about the empty lot directly west of MiniMaids; is it an empty lot and does it then turn into residential. What are they looking at going west from this property?

Administrator Tilton stated on the west side of Noland, the southwest corner of 94th Terrace and Noland is a vacant lot, immediately west of Mr. Johnson's lot is residential.

Commissioner Leib asked if Noland is widened, will it come from the east or west side.

Administrator Collins stated it would come from the west side of Noland.

Commissioner Horine stated according to the zoning map in the Comprehensive Plan the property on both sides of the street is either CP-2 or NP-O, the only encroachment into R-1 is one lot.

Administrator Tilton stated the three properties considered for rezoning the northern most is currently zoned R-1, across the street on the northwest side of Noland and 94th Terrace is zoned R-1.

Commissioner Horine stated on the Future Land Use Plan, everything on the west side of Noland up to 94th Terrace is office and everything on the east side also up to 94th Terrace is retail or office, so there is only one piece of R-1 that is changing zoning. He noticed the QuikTrip plan all faces Noland which essentially facing office district. He gathers at some point if someone came in and redid that, they could do the entire corner up to 94th Terrace in retail or office and it would be the same thing across the street. He feels this as only about one lot and that has been his concern looking at this. He does not know how accurate this is, the first person that presented raised issues about headlights and lighting, maybe it could be mitigated, maybe not. His backyard is too close to that use, unless something can change there, that is the one main item that is perplexing.

Commissioner Katterhenry stated he went through the Golden Criteria and there are times the Commission question some of the items. A number of Criteria is not met. He believes this use will

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have an adverse effect on the properties. It is right in that backyard and he does not see this working.

Chairman Poss stated he does not have any questions, everyone has stated the facts of the Golden Criteria. He does not believe the Golden Criteria is being met. The demarcation between residential and non-residential is clear and the rezoning does put a non-residential use in the backyard of a resident. The use is more intense than is there currently. This is not in conformance with the Future Land Use Map.

Commissioner Leib stated plenty of times the Commission has looked at redevelopment or infill and have allowed deviations. This would be an opportunity to do that and would be an upgrade for the area, but he sees the same concerns the other Commissioner's do. It is unfortunate to have to increase the access going around the building; it worsens the situation by encroaching on the family behind it. Currently, everything takes place in front of JB's One Stop it is adjacent to 95th Street whereas, this would be surrounding the entire building. If there were a way to orient this facing 95th Street and everything happened on the 95th Street side, it would be more in keeping with what is currently there. He would be more amenable to some of the deviations requested. The way the layout is now, it just does not seem to fit the character of the neighborhood and he believes it would have a detrimental effect to the property owner.

Commissioner Burson stated he has been a proponent in the past of infill projects in the area. He has supported several projects with deviations but the one deviation that he cannot support is the landscape buffer between the residential. The 51 feet is adequate for a buffer, the four feet is too close and he cannot be in support of that deviation. He is supportive of suburban infill, this would be good for our community, but he cannot support the deviation. He would be willing to accept this project with the many other deviations but will not be supporting the landscape deviation.

MOTION:

Chairman Poss entertained a motion to recommend DENIAL of the Rezoning for QuikTrip #0295, located at the northeast corner of 95th 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. Moved by Commissioner Burson, seconded by Commissioner Harper, and carried by a majority voice vote.

MOTION:

Chairman Poss entertained a motion to recommend DENIAL of the Special Use Permit for QuikTrip #0295 to allow "Gasoline Sales, General," in the proposed CP-1, Planned Neighborhood Commercial Zoning District. Moved by Commissioner Burson, seconded by Commissioner Harper, and carried by a majority voice vote.

MOTION:

Chairman Poss entertained a motion to recommend DENIAL of the Companion Preliminary Plan for QuikTrip #0295. Moved by Commissioner Burson, seconded by Commissioner Leib, and carried by a majority voice vote.

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PUBLIC HEARING - CONTINUED FROM APRIL 30, 2018

3. a. Rezoning for Cottonwood Canyon South Office Park, located at the northeast corner of Prairie Star Parkway and Ridgeview Road, request to zone 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

APPLICANT PRESENTATION:

Dan Foster of Schlagel Associates addressed the Commission. Mr. Foster stated Steve Hughes, Owner and Developer of the property is with him tonight.

The application is to rezone a portion of the Cottonwood Canyon South Office Park. It is a small portion of the overall development. He stated he has been involved with the project since it began in 2004. This was the site of a former rock quarry; it was quite an endeavor for the client to come in and reclaim this site and turn it into the development that it is today. This office parcel has been a part of the development since 2004. After working two years with staff from 2004 to 2006, it took that long to come up with the alignment for Ridgeview Road as it is today and to work on the reclamation and golf course plans. They finally made an application to file for a rezoning in 2006. The original rezoning and concept plan included both the offices and residential lots and was approved in 2006. The construction of Ridgeview Road was part of the original plan approval of Cottonwood Canyon. What happened was with the relocation of Ridgeview Road in the current location it isolated this 0.7-acre parcel and put it on the other side of the road. This 0.7 piece was not included in the original 2006 rezoning because Mr. Hughes did not own it. It was on the original concept plan as part of this project as being part of the office; it was not under Mr. Hughes ownership therefore it could not be rezoned. They are trying to get this area cleaned up and get themselves in a position of being able to market the property more aggressively to get some office development on it. The completion of this will allow this project to move forward. His client in 2007 received a grading permit for this site; extensive grading has been done on the site. Mr. Hughes had made a significant investment on this property since it was approved in 2006. The plan was to expire in 2009 and they received an extension to finish some of the grading. What they have now are some different levels or some pad sites to where there is an upper portion and a building in the corner. The private drive is already graded through the site and the parcel that backs up to the golf course. They are kind of their own little sites and is already graded. One of the unique things about the site, it was a quarry; it has challenges. The rock is shallow and they are trying to work within the topography. There is over 54 feet of elevation change on the site. Some of the things they are doing is not because of where they want to put the buildings but it also has to do with working with the ground and the topography that was there when the plan was originally approved. The important facts to note are:

- This parcel has always been planned to be part of the approved office park;
- This subject parcel was included on the concept plan that was approved in 2006;
- The developer has made a significant investment in the grading of the site in compliance with the approved concept plan;

The client has been actively marketing the site since 2006 when it was approved.

That is the justification for this parcel being rezoned to the office zoning district and it is appropriate. The concept plan included in the packet tonight is nearly identical to the approved plan from 2006.

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Both of them had buildings located along the north boundary in the current location being shown. Both had buildings located along Prairie Star Parkway. There was a slight difference in how the road came north of Prairie Star Parkway; it went around the other side of the eastern building instead of the south side of it. As they were working through it, the grading was modified as it made more sense from a topography standpoint to grade the road as shown on the plan. Both plans had the same access plans, Prairie Star Parkway, Ridgeview and 94th Street. Both plans included the internal drive as shown on the plan and they both included the preservation of trees on the north boundary. In addition, both plans included all the stormwater BMP's that were required by the city. After filing the rezoning Mr. Hughes became aware of some concerns that, some of the homeowner's might have had within Cottonwood Canyon. Mr. Hughes provided some additional information to those neighbors and it is their understanding that the concerns mainly regard the preservation of trees along the northern boundary. He stated the previous plan and this plan do contemplate preserving some of those trees on the northern boundary. He also stated the closest home is 380 feet from the house to the building lot corner. Between the house and the building is another significant grouping of trees that separate the two golf holes. The trees protect golfers on each hole from being hit by golf balls. Another thing to note is that the homes he pointed out are 534 feet away from the proposed building. That is well over any of the blocks in City Center or any city block. A city block is usually about 300-400 feet. It is a significant distance away.

Another note is that per information they have through aerial mapping and field observation, the existing trees are 40 to 50 feet tall. Per zoning of the NP-O district, a building cannot exceed 30 feet in height. The building will not be as tall as the existing trees.

They are required to provide a buffer to consist of one shade tree, six evergreen trees and 20 shrubs per 100 feet. That will be provided between the tree protection area and the buildings. They believe the required buffer and the golf course and the existing tree height, the protection easement are all adequate screening in this vicinity for separation between residential and office uses.

There is a note in the staff report that relates to the internal sidewalk connection. One of the items they have been going back and forth with staff is providing sidewalk connections. The challenge is providing a sidewalk down a drive at a 10% grade does not meet ADA requirements. With 54 feet of elevation change across the site there is no way to provide an internal sidewalk from Ridgeview up to the top of the hill without significantly taking about 10 feet off the top of the hill through solid rock. It would be another quarry operation. They propose that the sidewalk connect to the trail that is along Prairie Star Parkway to the building entrance. It would be a lot better. As private development, they are held to different standards than the City is. Public streets and sidewalks can be steeper. When sidewalks installed with private development, they have to comply with ADA. They agree to work with staff regarding the sidewalks, they just have a concern they will not be able to provide it internally. They want to be able to use the public system as part of that connection from building entrance to building entrance that is required in the code.

Mr. Hughes intends on building an attractive project that fits this community and respectfully request approval of the rezoning and concept plan.

STAFF RECOMMENDATION:

Planner Kraatz addressed the Commission. He stated there are two applications, a rezoning and a concept plan. The applicant did a marvelous job explaining the history of this project. It is

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approximately a 0.7 acre being requested to be zoned. It is a small piece in the corner and is immediately adjacent to an approximately 14.8 acre parcel that is already zoned NP-O. In reviewing the request with the Golden Criteria, staff recommends approval of the rezoning.

The applicant also did a fantastic job discussing the components of the site plan. As indicated the grading of the site from the former mining activities resulted in a bluff, if you will, at the top, the east side of the development contains four buildings and associated parking. On the western portion, it is broken up to a north and south tract. You can see the grade change on the plans. There are a couple of different situations on the site, trying to work with the site as best they can.

One of the hard things reviewing this plan was that it is a concept plan even though it looks like there is a lot of detailed information, and there is, it still does not have grading or building elevations, landscaping as required as part of the preliminary plan submittal.

There are two points of access to the site, Prairie Star Parkway, which is a right in, right-out only, and a full access off Ridgeview Road. Staff notes that some point in the future Ridgeview will be reconfigured. That exact alignment is not determined yet, there will be an extension off 94th Street and will have a vacation of right-of way. There may be a right in, right-out on Ridgeview Road. When the preliminary plan is submitted, staff will work with the applicant on the additional information referenced earlier and the internal sidewalk connections. A public hearing is required for the rezoning. He stated there are a number of neighbors from Cottonwood Canyon in the audience.

PUBLIC HEARING: Chairman Poss opened the public hearing.

Jim Brandmeyer of 18065 West 94th Street addressed the Commission. He thanked the members of the Planning Commission for giving them this opportunity to provide comment on the rezoning request before the Commission.

As a Cottonwood Canyon resident, he is here tonight to speak on behalf of all Cottonwood Canyon residents. He asked all Cottonwood Canyon residents present to please stand.

He stated some background for Commission members would be helpful in understanding their position. At the last Cottonwood Canyon Homes Association meeting held on March 24, 2018 the developer was asked about plans for future development on the land at Prairie Star Parkway and Ridgeview Road zoned commercial. In fact, he has been asked this question every year for the last three years. He knows this to be true because he was the one that asked the question. Each year his response was "We would like to have something like a branch bank located there." It was also made clear each year to the developer by the residents that there was a concern over any building, that would alter the view the residents currently enjoy. Not once at any of those meetings was there ever a mention about a concept plan or an office park.

Two weeks after the March 24 HOA meeting signs were posted for a public hearing over the rezoning issue. After investigation, you can only imagine their dismay when they obtained the plot plan. As you know, there is more than just a branch bank located on this site. The neighbors were all disappointed in the response the developer had provided. That is when they came together as a group, a community, to discuss the situation.

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First, he said he wanted to make it perfectly clear that as residents of Cottonwood Canyon they are not against the rezoning of this 0.7 acre. In fact, they are not against commercial development on that site. What they are vehemently opposed to is any type of office park conceptual or otherwise that resembles that plot plan as part of the rezoning request. While the owner told them that construction of an office park is not imminent, they feel compelled to register their concerns now, tonight as a part of the permanent Planning Commission process and minutes.

They have identified a number of issues as a community. Foremost among those is the location of the three buildings situated near the edge of the bluff overlooking the residential community and golf course.

With the potential of these buildings being, he was told 35 feet in height, however, the person here mentioned 30, a five-foot difference, and with only a 16-foot setback from the edge of the bluff wall, this would severely be detrimental to the peaceful and tranquil character of their neighborhood. Those residents on 94th Street, who have made a significant investment in their homes, would be looking directly across at the proposed buildings.

All of the residents believed they were investing in, as the sign at their entrance claims "The best views in Kansas City." If the concept plan is approved as is, he suggested that sign be changed to "The best views in Kansas City of three buildings in an office park."

They feel the surrounding properties would also be detrimentally affected. That not only includes all of the homes in Cottonwood Canyon, but also the golf course property. With buildings looming over the 14th fairway, the entire look of that hole changes.

In addition, anyone who has been in the fairway below the bluff, and that is where surface mining has taken place, can see that from a geological standpoint the face of the limestone and slate wall has developed some minor instability. There are from time to time rocks that will come off the wall almost into the fairway of the 14th hole. Construction on or near the wall, and clearing of vegetation would only serve to weaken the integrity of that bluff wall. Before allowing any construction on that bluff they request that a geo-technical assessment of the impact construction would have on the bluff wall itself, be conducted to determine the stability of that wall.

Additionally they feel the three buildings would create an urban look to their neighborhood and would likely cause a decline in the property values.

They also have concerns about the potential for excessive noise from HVAC and direct or ambient lighting from the buildings and parking.

Mr. Brandmeyer stated the attachments in their packet also illustrate a change in the road configuration along Ridgeview Road. Once all the allowable square feet of space is built and occupied, and now that Mill Street is complete, there would undoubtedly be more traffic through Cottonwood Canyon throughout the day and evening, yet another detrimental impact on their quiet and peaceful neighborhood.

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In conclusion, he stated the Planning Commission members should know that prior to tonight's meeting, a group of residents met with the developer to discuss their concerns and were told that he has no immediate plans to develop the property himself, and that the property is for sale. In an attempt to ameliorate their concerns, he told them that when the land is sold he intends to add something similar to the following statement as a deed restriction to the ultimate buyer and this is what he said: "The land on the rear 20 feet wide adjacent to the golf course boundary is intended to

stay as is, a natural buffer. They expect it to say no live trees over four inches in caliper be cut or removed within this zone. They might allow clearings for one or more picnic areas, probably to the east or west where buildings are, but not directly behind the clearing."

This statement is not only unacceptable, to all of the residents, but it is rife with a vague guarantee that any protection or consideration would be given to current Cottonwood Canyon residents, should a buyer for this property be identified.

With these concerns and issues in mind, the residents propose three separate options that the Planning Commission consider:

A minimum setback from the bluffs edge for those three buildings of no less than 150 feet, and that all trees and underbrush remain undisturbed within that setback. This would be in effect, and serve as a condition for any developer who may appear now or in the future. He stated that is a concrete recommendation.

Since the land does not have mines underneath, the Commission could be open to changing the zoning of the entire plot to residential. This request would need to be made by a developer, it would allow for a far less invasive project. The setback they would ask for would also be less severe.

For the Commission to consider delaying approval of the concept plan to give the residents and the developer more time to work on an agreement on a setback or other arrangement that would work for all parties.

Again, Mr. Brandmeyer stated, he would like to thank the Planning Commission for the opportunity to speak. He is providing a written copy of these remarks for the minutes, so that the record may show their objections and recommendations.

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

PLANNING COMMISSION DISCUSSION:

Chairman Poss asked for a refresher on what code stated for tree preservation.

Planner Kraatz presented the plan submitted. It shows the setback, it does not indicate the actual dimension from the property line to the buildings. Again, this is a concept plan and does not require as much detail; it is showing a 20-foot buffer and a 15-foot setback and tree preservation area. It also has requirements on the land use intensity buffer to the north there is a setback difference because there is an open space that is greater than 150 feet, so it does require a 20-foot setback. The plan

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shows meeting the requirements that are there. Many of those details will be worked out with preliminary plan.

Chairman Poss stated he does not recall seeing a tree preservation easement on a plan. Is it something required?

Planner Kraatz stated it was not required by the staff, the developer provided it.

Mr. Foster stated that they recognize the trees are a valuable resource, not only to the homeowners, but they are to the office park as well. Obviously, trees add some value to property no matter which side they are on and well as the golf course. Therefore, the golf course is adding value to not only the homeowners but it will add value to the office buildings. They provided the 15-foot setback and the UDC is the guiding principal and the UDC states when you have an R-1 zoning adjacent to this scale of office building and you have this kind of open space between a residential use that 20 foot buffer with this landscaping, one shade tree, eight evergreens, and 20 shrubs per 100 feet is appropriate and adequate for a buffer.

Mr. Foster continued that they are showing the buildings set back a little further and they purposely designed the concept plan that way. What basically that did was took from the toe of the bluff and they did close to a 1:1 slope off the toe of the bluff to set the edge of the building to allow a factor of safety for any of the future sloughing or anything that may happen on that bluff. Obviously, they would do some geotech, they want to do that because they want to make sure the buildings are not going to collapse or have any problems down the road.

Chairman Poss asked if they have done the geo on it yet.

Mr. Foster stated they have been doing that on this site over the years. It is only about three feet to the rock, so there is only three feet of overburden. He said the first layer will be friable or stuff that can be easily excavated. Once they get into a real plan, they will get into very specific analysis of the rock bluff. They also have one that is in between the east and the west, there is also a bluff between those two that they would like to leave as a bluff and not have to build a retaining wall. They will have to do a geotechnical on that as well to make sure that somewhere down the road there is not going to be a failure.

Chairman Poss stated that whoever constructs the buildings will have geotech studies on them.

Mr. Foster stated that is correct.

Chairman Poss stated this lot has many grade changes on it and asked what the elevations are in the middle of #14 fairway.

Mr. Foster stated it is down around 12-14 feet below that building. They are actually up in the air, higher than that. In terms of the lighting and the noise. This site slopes from the north to the south therefore the parking lot is going further away and getting lower and lower. The buildings are shielding the parking lot lighting that may occur. They are also required when they submit a preliminary plan that a photometric study is included with the allowable foot-candles allowed at the property line. From that standpoint, there is many protections in terms of having no light spillage.

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Chairman Poss asked if the trees are on top of the hill.

Mr. Foster stated they are on their property. A number of years ago this property had the actual bluff, there were land swaps that happen with the golf course, and now the bluff is on the golf course property.

Commissioner Leib stated the intent of the rezoning to him is just a technical clean up. He stated only the piece of rezoning was the public hearing portion. He stated he appreciates the residents being at the meeting, it gave them an opportunity to address the concept plan, for which there is not typically a public hearing. He appreciates hearing the comments but as far as the rezoning itself specifically, it is an addition to what is already there and zoned. He does not see any issues with the rezoning. As the spokesperson said, they do not have an issue with that piece either. As far as the concept plan, some of the questions that came up do need to be addressed the Commission at preliminary plan regarding setbacks and those types of things. He does not have an issue with the concept plan at this stage. The property is zoned for office and the Future Land Use indicates office. He questions why having office space there seems to be a surprise to the residents as it has been that way for 12 years, which is longer than that neighborhood. He has no issue with the zoning or the concept plan.

Commissioner Katterhenry stated he has been out there and it is a significant bluff. He does not know how tall the trees are out there, the trees are mature. The buildings are only 30 feet, he wonders if the trees are that tall. It is beyond what would be required there.

Mr. Foster stated they have an aerial photography agency in which they subscribe. One of the things that they can do, they are the people who provide the aerials for Johnson County AIMS. When they fly the plan view they also fly oblique's and they are all data entered and the pixels are data entered and one of the unique things they can do is measure heights of buildings and heights of trees, utility poles, etc. His experience has been dead one. When he measured the trees, they are in the 40-50 foot range. From his experience from standing out there looking up, he can tell you that is probably pretty accurate. Some of the buildings they were looking at, example buildings, had some trees that were at the 30 foot level and they were nowhere near as tall as the trees there today. He is positive that is an accurate height on the trees.

Commissioner Katterhenry asked what the intent is.

Mr. Foster stated it is to keep the first row of them obviously, they cannot keep them all. To take off a 150-foot wide swath is not feasible from the standpoint that this plan has been out there since 2006 and it is a significant investment on his client's part towards this office park. Yes, they will keep some along the northern boundary but they cannot keep 100% of them.

Commissioner Katterhenry stated he is curious from staff's standpoint about the altering of the walkway to the point of using the public way.

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Planner Kraatz stated when the grading and preliminary plan are submitted, they will work with them. Staff understands and the intent is that there is a sidewalk connection. Once they know how it is going to be graded then they can make adjustments from there as necessary.

Commissioner Katterhenry stated in the past when a lot of these have come forth, especially those that have been in place for a while, like this. Usually, there have been many discussions between the developer and the adjacent landowners and it sounds like there have been some but it sounds as though the residents were surprised. He would encourage some dialogue between the two, if this moves forward. He does not see an issue with the rezoning; he has a few concerns with the development, mainly having the buildings pushed back as far as they are. It has been zoned this for quite some time. It seems to be more of a clean up to him as well.

Chairman Poss stated basically, the rezoning is the public hearing piece of this. It is a 0.7 piece and he believes with the NP-O already on the remainder of the site that this is a cleanup of the rezoning. As far as the concept plan, what is shown is typical for a concept plan. These things are constantly evolving. He encouraged them to come back when the preliminary plan comes forward.

MOTION:

Chairman Poss entertained a motion to recommend **APPROVAL** of the Rezoning for **Cottonwood Canyon South Office Park**, located at the northeast corner of Prairie Star Parkway and Ridgeview Road, request to zone from the existing AG, Agricultural Zoning District to NP-O, Planned Neighborhood Office Zoning District. Moved by Commissioner Leib, seconded by Commissioner Harper, and carried by a majority voice vote.

MOTION:

Chairman Poss entertained a motion to recommend **APPROVAL** of the Concept Plan for **Cottonwood Canyon South Office Park**. Moved by Commissioner Leib, seconded by Commissioner Harper, and carried by a majority voice vote.

4. Preliminary Plan for **Lenexa City Center, East Village**, located at the southeast corner of 87th Street Parkway and Renner Boulevard. PL18-08P

APPLICANT PRESENTATION:

Scott Anderson, representative of the developer addressed the Commission. He stated this is a preliminary plan for the north half of City Center East Village and a concept plan for the south half of Lot 1 of East Village City Center. On the north, half they are proposing a development that they call "The Yard". The Yard consists of the following, a four-story building, the first two levels are a parking garage and the second two levels are office space. Approximately 11,000 square foot footprint of that building so there will be approximately 22, 000 square feet of office space. Next to the office, building will be an event center, more appropriately an activity room. It will be approximately 3,500 square feet. They propose to have games, activities, golf simulators, etc. There will be a room for private events and meetings. They are hopeful some of the businesses in the area will use that room to hold events.

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There will be a restaurant of approximately 6,000 square feet on the first floor. The concept is to be determined, something they are still working on. The second floor will be a rooftop patio and bar. It is a part of the restaurant. The patio will provide excellent views of City Center. There will be an activity area, a few pickle ball courts a shuffleboard area for bags, a large fire pit outdoor in the center of the development. There will also be an outdoor building that they could use as outdoor service for The Yard area and a large screen where they can hold watch parties and such.

He presented a view from 87th Street Parkway and I-435. They would like to have some large signage that would differentiate from other entities, something iconic in nature. He stated that side of the building would provide great signage for tenants for interstate view.

The first two levels of the building are garage parking. He stated he knows one of the concerns and they are still working with staff, was the dead in parking in the parking garage. There will be a garage counter so you will know when the garage is full.

Another thing he pointed out, the first level of the parking garage does wrap around under the event center to provide approximately 30 additional stalls. There was some concern about those parking spaces being that deep into the parking garage. He stated they do have counters, which will help with that, and he envisions those being parking spaces for staff. People prefer surface parking, so one thing they want to do is direct staff to be in that parking under the event center. They usually arrive around 3:00 pm, well before the 5:00 hour when customers start to arrive. They should be able to use those spaces before others do.

On the south half, it is only a concept plan. They do not have any renderings for it. A separate developer is developing it. What they are proposing is a four-story loft type development with retail on the first floor. There will be a surface parking lot for the retail and structured parking for the lofts that will park the residents 100%. He stated the developer is here and he can speak to that.

Hal Shapiro addressed the Commission. Mr. Shapiro stated his company is Real Property Group located at 2601 Truman Road in KC, MO. He stated they got involved in this project in April and put the south end of Lot 1 under contract, so they are well behind in the planning stages, however, making fast progress. He noticed in the staff report at the street location it will be five-story building. They are still revising the plan, right now it looks like it will have 65 rental units, approximately 100 reserved parking spaces, and approximately 10,000-11,000 square feet on the first floor. They are very close; they plan to make the preliminary submittal in early July.

Mr. Anderson stated they settled on the L-shaped area with the event center and the restaurant facing 87th Street Parkway. They did it for several reasons. He stated it creates an area of synergy. As the owner of Ignite Restaurant, one of the things he did not want to do was block Ignite. The street that runs through the middle lines up with the parking lot where you pull into Ignite. The other thing was when you are sitting on the patio at Ignite it gives you views into the area and the TV. It is positioned in such a way that you might even be able to catch some of the large screen TV. The third thing was the sun. They wanted the position in such a way that they want to block the evening sun from the inside of the yard area. You will be looking away from the sun instead of into it.

He stated 87th Street really sits down from the area. He hopes that as people drive by they will get a nice view of the patio rooftop. They also have a separate first floor patio for the restaurant. You will

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also see people on the first and second floors. The city wants to see activity on that corner. He stated they do as well and this layout is going to make that happen. The development gives the area a sense of community.

STAFF RECOMMENDATION:

Planner Dalecky addressed the Commission. He stated staff supports this project and are encouraged by it. It will be a good addition to City Center.

He stated the first slide was a bird's eye view of the site. It is currently the undeveloped lawn area and a parking field that is used by the city for various functions. Most frequently the Food Truck Frenzy.

The site is bordered by public right of way on all sides. The streets that bound the site are public streets. As the applicant mentioned the site does have an elevation change from 87th Street Parkway to the north. The plan is two projects within the development proposal, the north half is the preliminary plan and the south being the retail and lofts is a concept plan.

The project is modeled after the InterUrban Lofts in downtown Overland Park. It is similar to what is expected for this development to the south.

The applicant mentioned that it is an L-shaped building, four stories or 3.5 as the grades change along the east and north facing facades. There are two parking ramps both are dead end circulation that is not necessarily objected to, however, if there were full circulation, it would be ideal.

He presented a slide showing the grade transition of the property. The east part of the site was in the background so one could see across the parking lot that is there. There is about a ten-foot grade difference. The westerly side of the site, which is called Renner Avenue, is in the foreground.

The next slide was looking westerly standing on 87th Terrace. The reason he showed the images is that the block is separate from the rest of City Center in the sense that you do not have mixed use and storefronts on the opposite side of the streets. It is a difference sense of activity along the streets. He stated the city would like to see activity on all street spaces; however, the context of this block is that it is not going to be as active as other streets. There is an impact to that and staff does not expect both sides of the building facing west and north be loaded with storefront and have that same expectation that there will be a series of stores and activity that pedestrians would jump from business to business to business. There will be activity, there is an outdoor seating patio at the corner of the buildings, the proposed rooftop function of the restaurant and bar, there is an outdoor patio that is associated that was referred to as the event space. That will certainly draw activity and there will be functions going on but, that kind of connection that will be made from one side of the street to the other really does not exist on the north facing street.

A significant part of this project is the outdoor patio, which will be referred as a destination type of attraction. There is really not much like this in Johnson County. It is a neat space. There will

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be a lot of outdoor functions and games. They will have tailgate type activities, the washer toss, and bag toss, pickle ball and shuffle board. He stated if you are doing that you are having a better time than he does.

There will be the surface-parking link that is going to go from the east side to the west side with 20+ parking stalls. He presented the section of building, four stories, two of which will be office on the easterly side and the restaurant bar space, which may have multiple themes for the restaurant, but will be served by a single kitchen. Roof top bar and other activities that may happen on the first level.

Planner Dalecky stated the building materials are brick, stone, architectural metal panels, and composite wood, which is consistent with other buildings in City Center. Staff has no issues with the building architecture. He presented renderings from the intersection of 87th and 435 looking southwest of the building. He pointed out the signs the applicant eluded to. They are kind of a nod to nostalgic roof signs supported by the metal trail framing. They are unique and staff finds them “pretty darn cool” to put it bluntly. They are an element of place making which the design guidelines encourage. There is a degree of dimension to them. They will be ionic.

He presented elevations of the smaller building that is part of the patio, which will have restrooms and a counter service function to obtain materials to play the games, order drinks, etc. Embellish one of the issues that staff would like to see the side of the building that faces the street with a bit more detail. Whatever that detail is he believes it can be a work in progress and work toward resolving it to a mutually agreeable level come time for final plan. The patio space accommodates some of the grade changes. You will walk down a small incline to get to different levels, there are stairs and retaining walls, which are complemented with the planters and adjust to grade slightly. All of this is accommodating that ten feet of grade change shown earlier on one of the images. He presented a rendering of the side of the building that faces north towards 87th Street; so again, it is going to be at a higher level than the street. As you round 87th Terrace you will find either a parking stall or loop around the block, or walk across the side of the building.

Staff has an issue of the location of the trash enclosure. A second issue is somewhat related, it is where truck deliveries are made. The trash enclosure is shown on the north side of 87th Terrace and it would be in the right of way. Staff is not supportive of locating the trash enclosure where it is and will work with the applicant to come up with a better solution. There are other locations on the site that would be more service oriented to the building. The issue with the delivery drive that staff has is the sleeve should really look like it is integrated with the pedestrian amenity zone. It should be camouflaged with the sidewalk and decorative brick features. Therefore, you do not see a lane for vehicles. One other item is a sidewalk or space to exit the passenger side of the vehicle when parked in the parallel stalls. On Renner Avenue looking northbound, if you have people with you and your parallel park they are going to swing their door out into the bushes and will not have a place to unload the vehicle. Staff is requesting the applicant look to some kind of paved space as someone enters or exits the vehicle they are not walking on dirt or into the landscaping.

Another is additional parallel parking would be constructed on the north side of 87th Terrace. Some of the landscaping will need to be removed. The same issue about a place to unload or exit the vehicle applies as well.

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Staff would like to see some more brick detail or some other type of feature along the façade of the building that would face north. Staff is not asking for a full wall of windows or anything elaborate, just something to break up the façade as a pedestrian walks past this building wall. There is less amount of detail or pedestrian scale that staff believes to be important along all sides. One option was brick relief that would repeat the rhythm that the brick columns for the perimeter fencing have around the side of the building. Just some additional detail.

That there be a connecting sidewalk that goes from Renner Boulevard through the landscape bed and onto Renner Ave and then into the perimeter sidewalk around the site. There is a bit of a grade change but there is opportunity to provide that kind of connection. That is an important thing about City Center, once you are a pedestrian in City Center you should be able to go anywhere you want to go without going back to the car.

The applicant did coordinate with the Fire Department regarding the acknowledgement of the comments.

PLANNING COMMISSION DISCUSSION:

Chairman Poss asked the applicant if they agree with the report and the comments.

Mr. Johnson stated he agrees with everything that was said. The trash is certainly not going where it is shown now; he does not know how it ended up there. The other thing is they do not need a driveway for service. Everyone just pulls their trucks along the street and run their product up the sidewalk, so that drive will go away. In the small building, he is all for discussing it, he is more than happy to talk to staff with how it lays out, etc. They are close, but as staff pointed out, they have a few issues to hammer out. He agrees with everything.

He thinks the trash needs to go next to the garage, build some sort of structure. He does not know if the patio on the north side of the event center works. He will discuss it with staff. It does not have much of a view. If they are going to do golf simulators along the back wall they may need that space. This is an area where they have struggled and are open to discussing it with staff. You cannot see the patio from 87th Street with the grade change, he does not know if he would want to sit out there if he were a customer. They will work with staff.

Commissioner Katterhenry stated the signage on the roof is exciting and would draw people in. One of the premises of City Center is to bring people in and to have some excitement. This project certainly does it. He agrees about the trash enclosure, it needs hidden. He asked if there is parking under the event space.

Mr. Johnson stated that is correct. When you pull in you will be on the second floor of the building. It is all one level of parking. The first floor has parking where you pull in, go all the way down, and wrap back around underneath the event center. It provides about 30 parking spaces and they want the employees to use that area. There is a hammerhead turn around.

Commissioner Katterhenry stated this space has a lot of activity and event space has the parking been taken into consideration.

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Mr. Johnson stated from his standpoint he would always take more parking. They are pushing the envelope, did parking counts, and did an internal parking study. Numbers that they thought they would need. He believes most of the time they will be fine. They are optimistic that they can use any of the parking areas in City Center East. The unfortunate thing is they are all south of the Hyatt. Everyone wishes they can pull up to the front door and go in. That is not going to happen.

Commissioner Harper stated this place has a pretty cool vibe to it and will attract a lot of attention and people. He agrees the sign is pretty darn cool. It sets it off and will be an attention getter.

Commissioner Leib asked about the lot immediately north of Ignite, would it always be a parking lot.

Mr. Johnson stated yes, it would always be a parking lot.

Commissioner Leib stated he agrees with the parking statements. You are always going to walk on Friday or Saturday nights. He asked about the two entry areas that are not through the buildings. Is access available directly to the activity area?

Mr. Johnson stated that they have customers coming from three directions. From the south, the west and from the parking garage. They could park further south and would presume they would walk down the sidewalk and then into the building. It is intended to have multiple entrances to make it inviting from any direction they are coming from. With alcohol service, they want to limit the points of access. The bartenders are trained to ID. They could have certain events where security could be posted at the gates of the activity center. With the fencing and the somewhat limited access, you feel a little more comfortable letting the younger kids roam.

Commissioner Leib asked if the entire development would be under one ownership.

Mr. Johnson stated now it is only one ownership group that will be leased to tenants. He will be the tenant for The Yard, the restaurant rooftop bar, and the event center. He stated he is comfortable he has one floor of the office occupied with good prospects for tenants on the second floor. They would be leased.

Commissioner Leib stated the reason he asked is if alcohol consumption can move in and out of the various restaurants is it an opportunity for another common consumption area or something along those lines.

Mr. Johnson stated in order to allow people to roam freely; it has to be one ownership. All this will be under one liquor license.

Commissioner Leib stated this is his favorite project so far in City Center. Looks fantastic, he thinks it will be full every time the weather allows, which is hopefully frequently. He had a convention across the street and he wishes this were here when he had that, he would have brought 150 people over and rented out the space. He believes it is a fantastic addition to the area. He is glad to see something on the east side of Renner Boulevard.

Commissioner Horine likes the way it has evolved. He stated it looks big when you see it vacant but it sure looks different when it comes to fruition. He asked how many people could stand in the activity

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area if nobody was playing pickle ball or anything else. KC Power and Light always boasts about how many people they have at an event; he wondered how many people could be here.

Mr. Johnson stated he did not know. They struggled with the size. He has 15 restaurants with patios everywhere. The unfortunate part of being in the Midwest is you truly only have about 45 true patio days a year. This year nobody was outside on the patio until half way through May and now it is too hot. You have a lot of costs and a Yard that is phenomenal, and of those 45 days, 15 seem to fall on a Monday! From a business stand point it is hard to make the financials work when you go as large as Power & Light. The taxpayers of Kansas City pay for P & L. They have to pay for this out of their own pocket. Unless you put a roof and heat, you could operate more. When one looks at all the multi developments in Johnson County, there is many new ones. He believes a lot of them fail to incorporate the community aspect of it. The closet thing you have is the skating rink at Park Place. They want to create a sense of community. He would love for it to be bigger, but for 45 good days a year it is a lot of money.

Chairman Poss stated he could not add anything to it. It is a great, quality project, to take Planner Daleckys comment, "It is a cool project". The sign is very cool as well.

MOTION:

Chairman Poss entertained a motion to recommend APPROVAL of the Preliminary Plan for Lenexa City Center, East Village, located at the southeast corner of 87th Street Parkway and Renner Boulevard with stipulations 1 and 2 a thru e minus 3. Moved by Commissioner Hoye, seconded by Commissioner Katterhenry, and carried by a majority voice vote.

MOTION:

Chairman Poss entertained a motion to recommend APPROVAL of the Concept Plan for Lenexa City Center, East Village, Lot 1, for proposed building B, located at the southeast corner of 87th Street Parkway and Renner Boulevard. Moved by Commissioner Horine, seconded by Commissioner Katterhenry, and carried by a majority voice vote.

5. a. Preliminary Plan for 9801 Alden, located at 9801 Alden. PL18-09P
- b. Companion Preliminary Plat for Arthur's Alden Addition. PT18-01P

APPLICANT PRESENTATION:

Powell Minnis of Davidson Architecture addressed the Commission. He stated they are the architect and engineer on the project for the developer. He presented a site plan for 9801 Alden. He stated the project is an existing industrial warehouse building. The project is an expansion to the existing building located on the east side of the existing structure. Currently, the property is owned by K-Alden, LLC. It is a member of the Karbank Family. It was recently purchased from Belger.

The site is approximately 20 acres. It is currently undergoing the platting process to have two properties platted into one. Mr. Minnis stated where the expansion in going is a lot of paved surface so there is really no greenspace on that area. It is existing, which is paved. There is a new access

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proposed to the north. At this point, it will have two accesses off Alden and will have complete circular access around the building.

All adjacent properties are zoned BP-2, it is all similar uses in the vicinity. The proposed building will match the existing building in its materials. It will be metal building, steel structure. The lower portion of the exterior walls will be insulated concrete and the exterior walls will be an insulated metal panel, consistent with the existing building. The design of the building is a cross-dock type design so you can have trucks, overhead docks, and doors on the north side and overhead docks and doors on the south side. The primary purpose of the building is warehouse and distribution and that will help facilitate incoming and outgoing material.

There is proposed additional trailer storage on the north side. Adding more building requires additional parking. Most of the parking is a small parking lot on the west side and a small amount on the south side of the existing building. They will be increasing that. Based on the proposed use the parking will be approximately 253 stalls. They are asking for some of it to be deferred along the east side of the building until such time it is actually needed.

There will be on-site detention areas on each of the four corners of the property. They are proposing to run all of the stormwater that the roof will collect into piping along the north and south sides that will go directly to those detention basins.

The addition is approximately 216, 000 square feet so it is 432 feet by 500 feet. Landscaping will primarily be along the west side of the property and they will comply with city standards for number of trees, screening of the parking lots and islands within the parking lots will all have trees and landscaping.

There is one area of outdoor storage proposed, they do not know at this point, who the tenant will be, so they do not know exactly what storage is there but they are proposing to have a small outdoor storage area that will be continued with a six-foot chain link fence.

Mr. Minnis stated they are requesting approval of the preliminary plan to include a deviation to reduce the minimum open space to 18% and to allow the deferred parking along the east and approval of the preliminary plat.

STAFF RECOMMENDATION:

Planner Dalecky addressed the Commission. He stated before the Commission is the existing site and the building is a little over 100,000 square feet and much of the site is yard space, pavement, gravel and broken pavement existing on the easterly side of the site.

The preliminary plan would be the initial plan for the project and includes the larger addition of 216,000 square feet for the addition of the building. If the use of the building were all warehouse and distribution space then all the proposed parking to be constructed would meet the minimum requirement. Should those uses be something other than warehousing then the parking on the east side of the site would be necessary. Hence, it is being deferred.

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The preliminary landscape plan shows the landscaping to the site and throughout the new parking areas. The site is fairly devoid of landscaping, this will make a dramatic improvement.

The addition will look very consistent with the existing building and in the overall area.

Application for a preliminary plat, the plat will consolidate the parcel into a single parcel and include the spur that goes out to Santa Fe Trail Drive.

PLANNING COMMISSION DISCUSSION:

Commissioner Leib asked if the outdoor storage area was for oversized equipment or something that might not fit inside the warehouse. He also asked if the rail spur is still in use.

Mr. Minnis stated that is a potential. It is hard to say at this point, as they do not have a tenant in mind. They will be sensitive to what is stored in the area. He did not know if the rail spur is still in use or not.

Commissioner Leib asked if the roadway is to be constructed around the building even though the parking is deferred.

Mr. Minnis stated the road would be constructed and graded so the parking will be very easily added when necessary.

MOTION:

Chairman Poss entertained a motion to recommend APPROVAL of the Preliminary Plan for 9801 Alden, located at 9801 Alden. Moved by Commissioner Harper, seconded by Commissioner Katterhenry, and carried by a majority voice vote.

MOTION:

Chairman Poss entertained a motion to recommend APPROVAL of Preliminary Plat for Arthur's Alden Addition. Moved by Commissioner Leib, seconded by Commissioner Horine, and carried by a majority voice vote.

REMAND FROM CITY COUNCIL – THIS ITEM WAS WITHDRAWN

5. Rezoning for **Southern Star Central Gas**, located 19600 West 87th Lane, from the existing AG, Agricultural Zoning District to NP-O, Planned Neighborhood Office Zoning District. RZ18-01

Companion Concept Plan for **Southern Star Central Gas**. PL18-01CP

5. A resolution finding **Redevelopment Project Plan 1I in the City Center TIF District (The City Center Area E North Building Project)** is consistent with the City's Comprehensive Plan for development.

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STAFF PRESENTATION:

Sean McLaughlin, Attorney addressed the Commission. Mr. McLaughlin stated this is the City Center Project Plan 1I in the City Center TIF District. The project plan covers approximately 2.6 acres. Eligible TIF costs is for a two-story mixed-use building and associated infrastructure improvements. The Planning Commission is required by the Kansas TIF Act to make the findings that Project Plan 1I is consistent with the city Comprehensive Plan. The findings include the previous approval of the final plan on March 6, 2018; the development is in the City Center Core, which calls for unique mixed-use development. The Project Plan includes construction of sidewalks, landscaping, amenity zone area in creating pedestrian friendly areas, and the large number of multi-family units will drive the need for retail and restaurant uses in this area.

He clarified that there was a typo in the TIF Project Plan, Exhibit C that called for \$33 million in reimbursable expenses that should be \$3.3 million. The Planning Commission will be approving the \$3.3 million. If you added the numbers it would make sense however, he wanted to bring it to the Planning Commissions attention and put into the record.

Staff recommends approval of the resolution provided in the packet, which makes TIF Project Plan 1I, consistent with the city Comprehensive Plan. The developer is in the audience, if the Planning Commission has any specific questions to the development or see renderings, he has those.

PLANNING COMMISSION DISCUSSION:

There were no questions or comments by the Planning Commission.

MOTION:

Chairman Poss entertained a motion finding the **Redevelopment Project Plan 1I in the City Center TIF District (The City Center Area E North Building Project)** is consistent with the City's Comprehensive Plan for development. Moved by Commissioner Burson, seconded by Commissioner Horine, and carried by a majority voice vote.

The meeting adjourned at 9:30 p.m.

/s/
Lu Anne Johnson, Recording Secretary

/s/
Beccy Yocham, Director of Community Development