

**LENEXA PLANNING COMMISSION
MEETING MINUTES
AUGUST 6, 2018**

Chairman Chris Poss called the regular meeting of the Lenexa Planning Commission to order at 7:00 p.m. on Monday, August 6, 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 Katterhenry
Commissioner Harper
Commissioner Snider
Vice-Chairman Hoye
Chairman Poss

The following member was absent:

Commissioner Harber

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: July 2, 2018

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

CONSENT AGENDA:

1. Final Plat for **Bradshaw Place, Second Plat**, located at the northwest corner of 93rd Street and Rosehill Road. **PT18-11F**
2. a. Final Plan for **The Yard - Lenexa City Center, East Village**, located at the southeast corner of 87th Street Parkway and Renner Boulevard. **PL18-15F**
b. Companion Final Plat for **Lenexa City Center, East Village, Fifth Plat**. **PT18-12F**
3. Sign deviation for **MISH Hospital & Clinic**, located at 10951 Lakeview Ave. **DV18-03**

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4. **THE APPLICANT REQUESTED THIS BE CONTINUED TO AUGUST 27, 2018**
Preliminary Plan for **Timber Apartments**, located at the 11700 West 77th Street. **PL18-12P**

MOTION:

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

END OF CONSENT AGENDA

REGULAR AGENDA

OLD BUSINESS

REMAND FROM THE JULY 3, 2018 CITY COUNCIL MEETING

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

APPLICANT PRESENTATION:

Shannon Marcano, Attorney with Local Law, LLC, addressed the Commission representing QuikTrip. She stated that with her were Eric Eckhart, QuikTrip Real Estate Manager and Jay O'Dell, Project Engineer with BHC Rhodes.

Last time they were here to present the project for a new QuikTrip at the northeast corner of Noland Road and 95th Street. They had a good discussion with the Planning Commission and the neighbors about the proposal. They have listened to all of the input received; good and bad. They went back to the drawing board. They have met with staff to discuss the changes and were able to accomplish everything staff asked for. They met with the neighbors again on August 2nd, and about twelve neighbors attended the meeting. Since August 2nd they have continued to work on this project. They believe what they are presenting at this meeting is immensely improved from what was presented the first time.

She stated she would highlight the improvements that they have made. Then they will talk about the neighbor's concerns and will talk about the staff report and the Golden Factors.

Ms. Marcano continued saying the most significant change is that they were able to reorient the building so it now faces 95th Street. She presented the elevation. They were asked to do this by both the neighbors and city staff and they re-engineered the site to accomplish it. The change eliminates the impact on the neighbors to both the north and west. In re-engineering the site they lowered the store almost five feet and were able to install a retaining wall along with the landscaping. She presented the view from Noland Road along the north. She stated you can see the landscaping is really beefed up and the store actually sits five feet lower so it is not nearly as visible as it was before. They also increased the minimum open space required. She presented an overview of the

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site. You can see how it lays out from a bird's eye view. They now have exceeded the minimum open space required by the city. They are providing 31% of the open space as opposed to the 25% that is required. Because they re-oriented the building the setbacks from the properties have increased and the buffer on the north side was increased. They now exceed the required 50-feet, with a 69-foot buffer and on the northeast corner instead of a four-foot buffer; they have over 40-feet of buffer. Also on the northeast corner they replaced the wood fence with a six-foot masonry wall to eliminate noise. They also reduced the number of deviations that they asked for and have mitigated their impact as well. For example: along 95th Street they are asking for the width of the planting bed to remain the same. It currently does not meet code, but, in order to mitigate that they have increased the number of plantings from three trees to eleven trees and they are also providing a full screen row of shrubs to mitigate that setback.

The trash enclosure has been relocated from the east side of the project to the west side of the project therefore it moves further from the residential properties. They have also added additional landscaping and they now meet or exceed the minimum planting requirements. Lastly, they have relocated the signage so that it is no longer facing Noland Road, it is now on the main elevation facing 95th Street.

They have been in continual discussions with the neighbors and they have heard the same thing over and over again, traffic. Traffic is going to be an issue. They have asked them time and again why the city has not required them to do a traffic study. They let them know that this use will not generate additional traffic. They will capture the traffic that is already there. However, they still believe there will be issues. The city did a 95th Street Corridor study, not too long ago, and as a result the city's traffic professional thinks that adding additional stacking capacity to that left turn lane off of Noland Road to go eastbound on 95th Street will be sufficient to handle any additional traffic. Instead of comparing what QuikTrip thinks to what the neighbors think, it seems as though they should rely on the city's traffic professional. The city says this will not be an issue. Even so, they would like to offer to do a traffic study as a conditional of approval they would be happy to do a traffic study and work with the city to mitigate any issues that show up. They would do that before a final plan could be approved. They will even help by looking at the timing of the signal on Noland Road and 95th Street, maybe that is an issue. Remember, that when they were looking at the store across Noland Road on the west side, the neighbors actually signed a petition of support for that and traffic was not mentioned as an issue. Another issue they discussed with the neighbors was the concern about lighting. They have not been asked to prepare a photometric study yet. They usually come later in the process. They went ahead and did one to show that they will exceed the city's requirements on lighting. During the neighborhood meeting, the neighbors asked if they could install shorter light poles at the rear part of the store. QuikTrip would be happy to agree to a stipulation of approval that only light poles in the back of the store be 18-feet. For comparison their standard light pole is 22-feet tall. In addition, all of the lights on the site are LED lights, all lights will be shielded, and pointed down towards the lot.

One of the big issues they talked about last time and they continue to talk to the neighbors about is that northeast corner neighbor property. As a direct result of that neighbor's comments on the project they have increased the buffer between his property and QuikTrip's. They will agree to lower the light poles to the rear of the project; they have proposed a six-foot masonry wall that will eliminate noise and they have moved the building further from his property. In addition, because they are leaving a lot of the landscaping in place, they are able to leave the big, mature, existing trees which will help with screening. The views from his property they did schematics on, Ms.

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Marcano presented the views looking south from his property and looking west from his property.

The last time they did not go over QuikTrip's security features. She believes it is important to talk about. Those items did come up with the neighbors and they wanted to run through a list of items.

- QuikTrip does have a 100% lot coverage with HD cameras and audio;
- All of the stores are monitored by a security desk in Tulsa;
- All of their employees have beepers so they can be in direct contact with the security in Tulsa;
- All of the employees are trained on proper security protocol;
- All employees wear ID badges;
- Numerous alarms are located throughout the building;
- There are sensors located in employee only areas, that will contact the security desk if it is penetrated by a non-employee;
- There are pin-hole cameras located at all doors; and,
- QuikTrip participates in the "Safe-Place" Programs for at-risk youth.

As she is sure everyone knows QuikTrip has a fantastic partnership with local law enforcement.

Moving along to the staff report, one of the major points of the staff report this time around was talking about the encroachment into the neighborhood aspect. They are purchasing additional property on the north side of the store but it is not going to be an active part of the project. The property will be zoned CP-1, with the remainder of the property, but it will not be used as CP-1 property. The building now will operate in the same footprint that the current JB's does. She also pointed out the Future Land Use map shows the single-family neighborhood terminating at West 94th Terrace on the west side of Noland Road yet it terminates mid-block on the east side. It looks like and appears that the Future Land Use Map was drafted simply to show the existing condition today. It does not look like it shows what the city wants to have happen or what the city thinks will happen there. It is unfortunate because she believes it must represent what they are trying to do with this property; when you just look at it on paper. They are not trying to rezone the residential property that is a part of this collection of properties, to commercial to encroach into the neighborhood, they want it as part of their development so they can lessen the impact of the development and leave it as passive landscaped area. They have to rezone it to use it for greenspace is what staff told them. Honestly, they do not care what it is zoned. She stated they are willing to mitigate this claim by the city that the non-residential uses are encroaching into the neighborhood. They will agree to a stipulation of approval that they must place a landscape easement on the buffer property. Even though the buffer will be zoned CP-1 it can't be use as CP-1. In fact, she stated it will be used less intensely than it currently exists as. QuikTrip will be responsible for the maintenance of the landscape easement and since it is a planned zone, nothing can happen there until a new plan would come back through the public hearing process.

The efficiency of the site design, staff thinks that this design is less efficient than the previous design. She stated they have to remember that this is infill development and are working with existing constraints. QuikTrip knows this site design will work, they have done it in other places. In addition, this design meets and exceeds more of the city requirements than the previous one did. The results in the new design has less of an impact on the neighborhood. While staff believes this site is less efficient than the previous site, it is much better than the current condition that exists there today. JB's full access has a couple of 90 degree bends that makes circulation extremely

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difficult. QuikTrip is resolving that and also resolving potential traffic conflicts. Really, there is no one better suited to figure out this site and to make it work well than QuikTrip.

She stated she will move on to the Golden Factors. Staff refers to their previous evaluation under the Golden Factors, they did not go back through and evaluate based on the new design. There are a few things she wants to point out. Generally, she wants to refresh everybody's memory and remind ourselves that the Golden Factors are not a checklist. They came from a court case decided in 1978 in which the court felt it would be a good idea to have some specific standards on what can and cannot be reviewed in considering a zoning case. Makes sure zoning decisions are not arbitrary. It is not necessary that the findings from all the factors be favorable to approve a rezoning or that they be unfavorable to deny a rezoning. In addition, not all the factors carry the same weight and the weight may vary from case to case. The Lenexa UDC says the same thing, Section 4-1-G-5, lists the Golden Factors and the city has added a few more things to consider. The ordinance also states that the Planning Commission and Governing Body's review may include those factors and that the criteria are not all inclusive and each may not be applicable to every application. She stated as painful as it might be, she is going to run down the list. Some of them are applicable and some of them not, and some of them had changed based on the change to the project.

1. *The character of the neighborhood.*

This neighborhood is a mix of uses. The QuikTrip is the same use as the JB's.

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

It is a similar factor to the first one, the neighborhood is a mix of uses and this use already exists on the property. The neighbors to the east are an auto use and a food use, which are complementary to QuikTrip.

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

The property is suitable for JB's and it is also suitable for QuikTrip. Staff's evaluation of this zoning factor should be a little bit different based on the new design of the project. The negative finding previously was based on the orientation of the building and the lack of adequate buffering. Both of those items have changed. The activity related to the use will remain on the same property it occurs on now. She restated that they will agree to impose the landscape easement to make sure it stays that way.

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

The evaluation on this zoning factor should also be different. The changes to the project have eliminated any potential impacts on nearby property. Regardless of how far north the rezoning extends less property will be actively used. The building has been re-oriented to face 95th Street. The building itself, will be completely contained within the existing JB's property.

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

It is occupied currently so this one is not as big of a deal to consider.

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

Staff said in the previous evaluation that there would be a gain to the public health, safety and welfare by denying the rezoning and preventing non-residential uses from moving north. It also refers to a lack of adequate buffering. Neither of these things apply with the revised plan. The buffer area will not be used at all so the use is not moving north and there is an adequate buffer.

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

They know city staff is recommending denial of this but they also know this is one factor to be considered in the balancing of the Golden Factors.

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

While the rezoning request changes what is shown on the Future Land Use map, but the buffering and mitigation QuikTrip is willing to do, the net result and actual active use of the property meets the intent of the master plan. The Future Land Use map shows what is there today, but it does not show the uses. Consider this, the property that they are including in the project that is currently zoned residential will be used as green space. The property they are including that is zoned for office will be used for parking and the property that is being used for a gas station today, will be used for a gas station. There is no net change when you look at the actual uses. It is less intense when you look to the north. They will agree to a stipulation of approval that requires a landscape easement in the buffer area.

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

This is not an issue as they are already in the area.

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

This has been talked about earlier when they talked about the neighbor's concerns. The staff report based on the review of the city's traffic engineer and the 95th Street Corridor Study indicates there will likely be more activity at the intersection of Noland Road and 95th Street as a result of this project. They have already agreed to widen Noland Road to lengthen the turn lane from Noland Road that turns onto eastbound 95th Street as requested by the city. They have also redesigned the access and the alignment of drives to resolve existing access and site circulation issues. They are exceeding the city's required dimensions on drive aisles to ensure the safe circulation on the site. They have been hearing from the neighbors, traffic. Although QuikTrip knows they will capture the existing traffic, again, throw out QuikTrip's opinion and throw out the neighbor's opinion and let's rely on the city's expert traffic professional. The city's expert does not think traffic will be an issue.

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Again, while the city has not requested or required a traffic study, they are happy to do one as a condition of approval and perform additional mitigation that would be required by it.

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

The environmental impacts of this project will be positive. They are going to do a complete remediation of the site. It is entirely possible that the existing old gasoline tanks which have been in place for years, could be leaking. The site was designed so long ago they do not know what kind of runoff is happening. The site will be developed to the latest high-end technology available for everything. Stormwater, water pollution, air and noise and lighting. QuikTrip exceeds the standard regulations for fuel systems. Their gas design system is maximized leak prevention and protection and they monitor all of their stores in real time. They do daily inventory management and regular site inspections. In addition, QuikTrip maintains a 24/7 emergency response system. It is well known that QuikTrip takes good care of its properties. Stormwater management will exceed the city's requirements, the lighting, as described earlier, is designed to prevent any off site issues. They are using landscaping, fencing, masonry to prevent any noise issues. Even the most minor things make a difference. QuikTrip picks up trash, they sweep their sidewalks multiple times a day. They are a good neighbor.

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

This site meets and exceeds the majority of their requirements imposed by the zoning regulations.

She thanked the Commission for letting them walk back through the improved project. They have responded to every suggestion and comment they have heard. They do think the city's position on encroachment into the neighborhood and an efficient site design are based on how things look on paper. They are not an issue when you look at the impacts of how the property is actually used, where activity will occur and the amount of property they want to use for greenspace. In addition, they also believe that the balancing of the Golden Factors result in a recommendation of approval for this project. They are happy to answer any questions and provide clarification or additional information to the staff report or any comments made by the neighbors.

STAFF RECOMMENDATION:

Development Administrator Tilton addressed the Commission. She stated the applicant has gone through all of the changes so she is going to touch on just a few of them. The rezoning request has not changed in terms of the request for CP-1 and the Special Use Permit. She presented the zoning map showing the properties are in three different zoning designations. With respect to the re-orientation the applicant went through those changes so she will focus on a few of the specifics that impacts the recommendation that staff is making as well as the deviations being necessary with this site plan.

Access to the site from public streets has not changed. The full ability to get out of the site and go east on 95th Street still has all of the traffic going to Noland Road as previously on the site plan the

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Commission saw in June. With respect to circulation it continues to be throughout the site, they are sharing the drive on the east side with the property owner to the east.

Ms. Tilton stated the modified site plan does continue to comply with the off-street parking requirements. Staff did add a round of conversation though parking for vehicles with trailers is not something that the UDC requires however, it is common for those type vehicles to frequent not only QuikTrip but other similar uses. One of the concerns staff has with the site plan is where such vehicles with trailers may park. They would probably either be impacting several parking spaces or the access drive or maybe on street parking within the residential neighborhood.

It is staff's opinion that the revised layout is less sufficient based on almost half of the parking being relocated at the rear of the building. They do provide entrances to the building on both of the sides as well as the front. There is also a single path to circulate this building. On the previous site plan you were able to get in front of the building along Noland Road as well as to the rear of the building, in this site plan all of the traffic to get onto Noland Road would be going around the side and the rear of the site.

Lastly, delivery trucks would park where the fuel trucks would also stop to refill the gas tanks underground and having to hand truck deliveries across the fuel pump area and to enter the building also makes this site plan less efficient.

Ms. Tilton stated that with respect to the potential traffic impacts, traffic generated for a convenience store or gas station are typically proportional to the number of fueling stations and what the QuikTrip is proposing is additional fueling stations from what JB's currently has. Staff would expect the site traffic associated with the proposed QuikTrip to be greater than the existing traffic associated with the current convenience store, however, having said that, it is important to recognize that a substantial portion of the traffic for gas stations is what is called pass-by traffic. It is already on the adjacent streets and it is not new traffic to the area.

The intersection of 95th Street and Noland Road has sufficient capacity to handle the anticipated increase in site traffic, however, there is one potential operational issue and that relate to left turning movements. If the preliminary plan is to be approved the applicant would be required to extend the turn lane on Noland Road all the way to 94th Terrace. That would then give additional stacking room for vehicles making that left to go eastbound on 95th Street.

Ms. Tilton made an exhibit pointing out the deviations being asked for. There were five deviations previously being considered, the new site plan has several of the same. They have made them slightly better or in some cases they no longer needed a deviation for the minimum open space. There is a new deviation related to the trash enclosure. The enclosure is now proposed to be located along Noland Road and trash receptacles are required to be outside of the buffer setback which along Noland Road is 20 feet. In this case the enclosure is 10 feet, however, as was described by the applicant in terms of some of the grade changes the trash enclosure is actually about eight feet below street level, so it won't be visible driving by, one would be looking down to it instead.

The biggest change with re-orienting the building is with the land use intensity buffer along the north and northeast portion of the site. It is required to be 50-feet and for the majority of the site it is greater than the 50-feet actually closer to 69 feet. In the far corner previously there was a four-foot

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buffer between the circulation, parking and the property line; that is now at 40 feet. It is obviously an improvement does not completely comply. If the staff report there was talk on how to mitigate that reduction in the landscape buffer is to increase the amount of landscaping provided in that area and extend some of it along to the east to the adjacent property. She presented the driveway to give an idea of vehicle moving northward and taking a left to leave the site onto Noland Road.

She ended the presentation by stating the re-orientation of the building does help by focusing the commercial use towards 95th Street and increases the buffer adjacent to the residential uses to the north. However, the encroachment, coupled with what is staff's opinion, is a less efficient site design affecting the circulation and potentially parking is likely to have an impact on the neighborhood. For those reasons staff is recommending denial of the rezoning. If denial is recommended for the rezoning staff also recommends denial of the special use permit and the preliminary plan.

Commissioner Poss stated that this item is not a public hearing, however, public comment will be allowed. Same rules apply for a public hearing.

PUBLIC COMMENT:

Joe Quint of 13015 West 94th Place addressed the Commission. He presented a slide of his family and his home. It is the northeast corner of the site that is being impacted by their application. He stated 100% of the traffic will be seen by his house. That is an awful lot. Before it was not 100% but now it is. It does not seem to be as good of a plan. Second to that is the vehicle light and noise concerns. Since he is going to be seeing 100% of the traffic he will get to see 100% of the lights as well. Unfortunately, 40 feet versus 4 feet, he said he appreciates the extra 39 feet, however it is not enough. There is lots of light and there will be lots of noise if you are around a gas station. He stated a driver's headlight is seen 500-600 feet and at 40 feet that is extremely intense. A six-foot masonry wall is not going to block that, not even close. He presented a picture showing glare at 40 feet. It will blind you. That is what his house will be every single day for all X number of thousands of cars that come through there. Additionally, there will be building light concerns, he knows they had a fancy map up there of what the light levels look like, he would like to remind the Commission that you can see a QuikTrip awning from about a mile away. To give an idea, he presented a picture of what it looks like at night. He showed this slide before because it is still reasonable. He stated it looks like daylight to him. He appreciates the nice bright lights when he is at QuikTrip, he frequents them often, but he does not want that in his backyard. He stated awning deception, they say the front is the front but he says if half the parking is in back then really the back is the front. It seems odd, he does not know if you have ever been to Best Buy or the grocery store, usually they have all the parking in front and not in back. This is where he challenges them to say, wait a minute that does not seem to make sense. As a result there is a lot of crime vector, where you have people is where you have crime. You have no people you have no crime. What is here is a case of cars driving and people lurking. What he asks the Commission to think about is would you let your children come play in his backyard with kick ball's and Frisbee's flying over the fence. Would you want that, or jumping on the trampoline and all these thousands of cars would see your children or your grandchildren jumping up and down. Again, there is a 40 foot variance here, or a 40 foot difference and is a 10 foot variance. If you actually draw it out, the reason they did not do that is because the site does not work, that is why they did not make it 50 feet. Sure you cut off an extra parking spot but there is no way to get cars around at that point. It is already less efficient now and it just becomes impossible if that is the way it is. He stated we talked about in field (infill) instruction, they have brought that out a lot. What he would like to do is provide two examples, one of which is

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in Lenexa, and they did an amazing job on that, another is in Overland Park. Let's look at Costco in Lenexa. This is in this neighborhood as well. They take walks around the neighborhood so he has seen it many, many, times. It is very close to his house. With Costco there is about an 80-90 foot buffer there and none of the neighbors...they don't really care that Costco is there. He kind of likes it. He goes there. Also, 93rd Street, he was really thankful that it was blocked off because they do not have traffic going there and sometimes people try to go through their neighborhood but they get stopped, right, because it does not go through. So let's take another example here, this is QuikTrip, same company as what was talked about before, this is at 77th and Metcalf. This is another new store that they put together, he has been there before, you can actually see where the QuikTrip Store is and where the awning is and where the houses are. So this is almost identical situation to what is going on at his house. He presented an aerial view, this looks a little bit different than what they showed, much like the Best Buy or grocery store example all the parking is in front all the traffic is in front. There is actually about a 90-foot buffer between the back of the store which is not being used as an entrance or parking to the residential. There is very little or minimal impact to those residential properties in this case to the east. What he would recommend is that you guys just hopefully follow suit with what Overland Park has done and what we have done in Lenexa with Costco. Maybe you can find a spot where QuikTrip can put their store and orient it the right way.

Scott Johnson of 13117 West 94th Terrace address the Commission. He stated he did not bring a presentation and will try not to be repetitious to what has been spoken. Although they do appreciate what QuikTrip has done as far as trying to talk to them as neighbors, their true efforts have been a little lack luster and the scheduling has been at such times where a lot of neighbors could not attend. They have touched on some of their concerns, not all. He stated they are capturing the traffic not creating any new, the point to that is there is a 75% increase in pumps that are going to be here. The capturing of the traffic, sure there is existing traffic on 95th Street, but given this destination of QuikTrip that traffic flow is going to be coming into there and back out on Noland Road. The existing facility does not have the flow that this actually will. The traffic study they would ask that the city take up the offer of a study before any kind of approval is even considered. The parking overflow from the way they have kind of shoe horned onto this lot is going to end up on the side streets. It is going to end up flowing out from that. That is the main point to get across, the parking and the traffic study, do the right thing for the neighbors.

Michael Woods of 9420 Gillette Street addressed the Commission. He stated one thing he wants to bring up in the proposal for the two houses to the north that are greenspace and now it is all concrete. What is going to slow the rain water coming off of Noland Road going east down to MiRanchito. With a typical one inch rain, the parking lot will flood because there is one 24-inch drain down there. That is something to factor, how are they going to slow the rain. Also, there is mention of extending the left turn lane, right now the light is timed in the morning for three cars to go through and he has talked to the traffic engineer and also Mandy Stuke, the Councilperson, and the quote was "it is what it is and that's the way it's going to be". So you can make the left turn lane as long as you want but for only three cars can get through so why does it matter.

PLANNING COMMISSION DISCUSSION:

Commissioner Horine stated he does not have a concern with a QuikTrip going in there, he did have a concern on the Quint home and how close it was to that house. That is why he did not like it. In the case now as Mr. Quint gave his comments, he commented that Costco is okay because the road is closed. Costco went in, all those people on the were in attendance complaining about how bad it

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was, so it was not any different in who likes it, it is just how near it is to your house as opposed to somebody else. He is not sure if there was a 50-foot buffer there that all of the issues he brought up traffic, lighting, etc., would change one way or another. He believes that QuikTrip has adjusted their site and has tried to make the changes. He believes with the greenspace across from the one residential zoned lot on the west side of Noland, the rest of the property fronts against office or commercial on the west side. He believes it is something that is going to work there. He appreciates the traffic study, it would be interesting to see the results of that. QuikTrip does generate more traffic than a standard c-store. It is a good offer on their part. He thinks it is a good thing and he could support it.

Commissioner Leib wanted staff and the applicant to address the stipulations. The applicant did not touch on if staff's recommendations or stipulations were approved of. He asked if QuikTrip was amenable to the stipulations listed in the staff report as they currently exist.

Ms. Marcano stated she thinks they are generally in agreement with all of them. The only thing they want to continue to work through is the location of the monument sign. She does not think the stipulations anticipate a deviation there. She stated number 4 talks about the monument sign complying with the minimum setback requirement, they ask that they be allowed to continue to work with staff on that one going forward with final plan.

Commissioner Leib asked if the offer of traffic a study and he is not sure if the light pole being 18 foot instead of 22 foot is a preference or a code issue. Then the landscape easement offer work as well, if they are willing to do it and staff is not opposed to it, does it make any difference having those in there now since they were not in the original staff report.

Ms. Tilton stated if the Commission is going to recommend approval of the preliminary plan staff would ask that they stipulate them. She does not now if about the height of the poles, she believes it would help some by reducing the height, she does not know how significant it would be. Either the 18 or 22 would comply with code.

Commissioner Katterhenry asked if they were to have a traffic study done and it does come back with things that needed to be addressed what would be involved.

Ms. Marcano stated that is something they would want to look at, typically, when you do a traffic study certain improvements are required to mitigate the additional traffic and some cases it is the widening of the road or adding an extra turn lane, various things like that. They would offer that they be allowed if the traffic study showed any recommended improvements to be able to work with staff to go ahead and make them happen.

Commissioner Katterhenry stated as a follow up to that to staff, he heard from one of the local neighbors that the traffic light may not be changed, he would assume that based off the traffic it would be adjusted if needed.

Engineering Administrator Tim Collins, stated as far as the traffic at 95th and Noland, he does not know, the traffic manager handles that and it would certainly be looked at.

Ms. Marcano stated from what their experts have said it may be a signal timing issue. They are happy to participate with the city in reviewing that issue.

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Director of Community Development, Beccy Yocham, stated if there is a problem with the signal timing at 95th and Noland staff will address that whether it is related to QuikTrip or existing traffic or whatever. The concern that the neighbors often have about the timing associated with that light today is that 95th Street is in a progression mode which gives preference to the traffic on 95th Street because it has significantly more traffic; so the side streets on those thoroughfares that have the progression operating will often experience longer wait times. It is not an inappropriate wait time, it is just what people do not prefer. She stated if there is a problem the city will fix it, it may be that the way it is set up is not something that the neighbors think is ideal regardless.

Commissioner Katterhenry stated Commissioner Horine brought up the issue of the fact that QuikTrip's do have more traffic than a standard c-store and he agrees with him on that. In the report there was originally 33 parking spots and it has gone down to 32 but the requirement is only 20, was there any discussion in terms of less parking spaces and would that actually serve QuikTrip if there were less spaces or would it become less efficient. It appears in the back if there were less parking back there he thinks the setback could go away.

Ms. Marcano stated the way the sight will operate, it will be mostly employee parking to the rear. They could lose one or two more spaces for the efficiency of the operation of this site however, this amount of parking will work for this size store. She does not know that staff would want them to lose any more parking and they do not want to under park the store. She stated from experience in developing these stores, in these types of areas, they want to make sure they can park everybody that is there at that time and this is the number that will work for this site.

Commissioner Katterhenry stated it is better than what it was before but, he still has some reservation to the fact that there are still quite a few deviations needed for the site.

Commissioner Harper asked about the environmental impact on the tanks that are there now, do we know anything about the tanks, how long they have been there.

Andrew Smith of QuikTrip addressed the Commission. He stated he is the real estate manager on the project, he selected the site and signed it up from there. As they progress through their process they are going to conduct a full environmental investigation for both Phase One and Phase Two above and beyond what is required and then they will address it from there. As they go they will be required to.

Commissioner Harper asked what has been the history of buying places like this and having tanks come right out of the ground, Phase One and Phase Two reports are very expensive.

Mr. Smith stated that is correct and it is a cost that they are happy to spend the money on to make sure they have the best information possible before the site is developed. They did the exact same thing at 101st and Lackman and they are well prepared for it.

Commissioner Harper stated QuikTrip is a good neighbor, his concerns are the traffic, and it is a hurdle he is trying to get over.

Commissioner Snider stated she appreciates the changes that have been made. She would like to see improvements made to the entire corner. It is not traffic as much as it is on 95th it is the traffic

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flow. She sees people trying to go out to Noland Road on the entrance, just because they want out. Traffic will be backing up and going the wrong way and she has a problem with the traffic flow.

Commissioner Burson stated there was a statement from staff concerning trailer traffic, he frequents QuikTrip quite often and it happens to be a big concern of his because he has been blocked in and out of parking spots on numerous occasions and this site does not afford any spots that for that. You want to make a good environment for the patrons; can someone explain how the site will accommodate that.

Eric Eckhart, Real Estate Project Manager, addressed the Commission. With this site specifically, the fuel canopy has double stacked fuel pumps which allows for efficient space for trailers to park. They have six of those double stacked stations. QuikTrip is known for trailer parking.

Commissioner Burson stated the people who come in to get ice and breakfast, lunch and ice, and more ice all that kind of stuff, will there be traffic cops to make sure they are parking in the gas stalls.

Mr. Eckhart stated part of what their employees are trained to do is the efficiency of the store and turning those pumps and getting the customers in and out. As a result of that the situation pretty much takes care of itself. He stated he is a former store manager and he worked at sites that did not function anywhere near as well as he thinks this one will and they are able to deal with these issues without a problem.

Commissioner Burson stated when this first came before them his concern was the four-foot setback of the residential neighborhood. That has been improved, he believes Commissioner Horine said that making it 50 feet would not really change it and he tends to agree with that statement and echo's his comments. A few feet is not going to change it, 40 feet versus 4 feet is a big deal. There is an existing gas station there and it is an infill site and there needs to have a use there and this project does have its flaws, but he would support approval with the redesign that is shown.

Commissioner Hoye also sighted the four foot deviation as one of the main concerns of the previous plan. She feels that in order to get the 40 feet that we have also sacrificed efficiency of the site and how the traffic moves to get out to go eastbound on 95th Street. The customers back through so close to the neighborhood, she still feels it is encroaching on the neighborhood and still has a close impact. She is putting a lot of weight and is reasonable to do so, going with the recommendations of city's permanent and professional staff.

Chairman Poss stated when it first came through his first thoughts were that it was odd facing Noland Road and it would make the most sense to face it towards 95th Street. Seeing the redesign he thought that just flipping the building could make this whole thing work. Honestly, he thinks it made the site worse, he thinks it is tough to navigate the site. He also thinks that by eliminating the drive lane that was in front of Noland that we are pushing 100% of the traffic onto Noland Road and around the back of the store. He believes it will be a negative impact on the property to the northeast. His comments from the previous application still stand and he does not support this application mainly because of the traffic flow, he does not think it is efficient and he believes it will be very problematic.

Commissioner Leib stated that similar to other Commissioner's the setback was a big issue last time and the orientation of the building, the applicant has addressed both of the well. The additional

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screening with the fence and landscaping, he does not have an issue with those any more. In talking about the front and the back, count the spaces, but for MiRanchito the number of spaces on the back of that building and we do not consider that to be the front of the building. He thinks it makes it a little more efficient to have the back access, now when you come in it is a little bit of a wild west as people from the restaurant are crossing over coming in and out. He thinks the layout will help that to some degree. His concerns with traffic have been alleviated with the recommendations and with the offer of a traffic study he believes that staff and the Commission should have the opportunity to address that. He would be in support of this project with the stipulations of both the staff and the offers by the applicant.

Chairman Poss entertained a motion to recommend **APPROVAL** of a Rezoning for **QuikTrip #0295**, located at the northeast corner of 95th and Noland Road from the existing R-1, Residential Single Family, and NP-O, Planned Neighborhood Office Zoning Districts to CP-1, Planned Neighborhood Commercial Zoning District. Moved by Commissioner Horine, seconded by Commissioner Leib, and failed by a poll vote of 5/nay-3/aye-1/absent.

Chairman Poss entertained a motion to recommend **APPROVAL** of a Special Use Permit for **QuikTrip #0295**. Moved by Commissioner Leib, seconded by Commissioner Horine, and failed by a poll vote of 5/nay-3/aye-1/absent.

Chairman Poss entertained a motion to recommend **APPROVAL** of the Concept Plan for **QuikTrip #0295**. Moved by Commissioner Leib with the stipulations of staff and the offers of the applicant, seconded by Commissioner Horine, and failed by a poll vote of 5/nay-3/aye-1/absent.

PUBLIC HEARING:

2. Special Use Permit for **Elite Sports**, located at 15546 West 108th Street. **SU18-10**

APPLICANT PRESENTATION:

Jason Bryson addressed the Commission. He stated they are taking the MAVS training facility and continuing to use it as a training facility. There will be no structural change, maybe new painting and lighting. They own KC Scott Gallagher, which is a soccer club based in Olathe and Lee's Summit. They have MAVS now based out of Olathe and they also have baseball and softball in the facility currently. They are going to turf this facility for soccer practice. It will be the first one of its kind in terms of 50,000 square feet of a full field inside. It is a clear span building and it is amazing. Elite Sports are putting \$25 million into the metro area, Lenexa being one of the properties being taken. For the use of this property it is exactly how it was used with MAVS.

STAFF RECOMMENDATION:

Planner Gable addressed the Commission. She stated Elite Sports is requesting a ten-year special use permit renewal to allow personal instruction in a BP-2 zoned district. As the applicant just shared, MAVS recently relocated to Olathe in May and Elite Sports wants to locate in this tenant space which is off of 108th Street directly south of the Penney's distribution center. Given Elite Sports is a personal instruction land use and the business operation is very similar to MAVS; the requested SUP is considered a renewal.

Hours of operation will be primarily between 5:00 p.m. and 9:30 p.m., Monday through Friday and

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Saturday/Sunday 8:00 a.m. to 6:00 p.m. At any given time, there is the potential of having 30 to 40 athletes with 5 to 7 coaches. Competition events will be held on the weekends, three to five times annually and will consist of approximately 20 teams per event. All competitions are anticipated to take place between December and March. To provide for more parking during these weekend competitions, the applicant has received off-site parking agreement letters.

Staff is not aware of any complaints with MAVS during the time they occupied the building and with Elite Sports having very similar hours, staff believes the hours of operation will not affect the adjoining properties.

Staff has reviewed the criteria within Section 4-1-G-5 of the UDC and recommends approval of a ten-year special use permit renewal for "Personal Instruction, General".

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 Leib, and carried by a majority voice vote.

PLANNING COMMISSION DISCUSSION:

Commissioner Leib asked if this request for a ten year because it is a renewal, if the previous company were presenting would they get a ten year or is the ten year timeframe specific to this applicant. Since the previous one was a five year.

Ms. Gable stated staff had went ahead and the ten years was the next level up and staff was recommending the ten year since it had gone well before.

MOTION:

Chairman Poss entertained a motion to recommend **APPROVAL** of a Special Use Permit for **Elite Sports**, located at 15546 West 108th Street. Moved by Commissioner Katterhenry, seconded by Commissioner Hoye, and carried by a majority voice vote.

PUBLIC HEARING:

3. a. Rezoning for **Vantage Point Lenexa Office Park**, located at 9300 Renner Boulevard, from AG, Agricultural and NP-O, Planned Neighborhood Office Zoning Districts to CP-O, Planned General Office and CP-2, Planned Community Commercial Zoning Districts. **RZ18-06**
- b. Preliminary Plan for **Vantage Point Lenexa Office Park**, located at 9300 Renner Boulevard. **PL18-14**

APPLICANT PRESENTATION:

Bob Johnson of Polsinelli Law Firm addressed the Commission. He stated he is here on behalf of Vantage Point Properties represented also by Paul Jackson and Randy Furstenberg. Also is Brad Sonner of Olsson Associates and Amy Grant from Polsinelli Law Firm.

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He stated he will quickly run through the site and highlight the uses and the characteristics of the site that make it unique. It is a mixed-use project fitting in the character of the nearby City Center planned area. It includes both office, retail, and restaurant uses. He pointed out the three office buildings, 315,000 square feet of office is planned and he pointed out to the southeast three restaurant pads totaling 19,000 square feet. In the middle of the plan is a central amenity area. Particularly it is focusing on a reflecting pool area in the middle as well as some sculpture and seating and pedestrian walking areas. It will be a nice amenity for the office users as well as the users of the restaurant tenants. They hope it will attract excellent high-end tenants for both the office and retail pads. He pointed out some of the access points to the site. They are building two public roads internal to the site and dedicating right-of-way to do so. On the north will be 91st Street and will come over east to west off of the existing roundabout and to the south of the site is 93rd Street will also go east to west. To also access the site there will be a right in, right out on Renner Boulevard.

The staff report is well written, they had quite a few meetings with staff and vetted through the project extensively with them and completely agree with everything in the staff report. As such, they will leave it to questions from the Commission.

STAFF RECOMMENDATION:

Planner Kraatz addressed the Commission. He stated that in addition to the rezoning this is also a preliminary plan. This is a 32-acre site that is located on the west side of Renner Boulevard approximately half way between 87th Street Parkway and Prairie Star Parkway. More specifically, it is located at the entrance and exit ramps of I-435. Staff has reviewed this and have a couple of items to discuss regarding the Golden Criteria. The character of the neighborhood, the area has been developing since 1998 when the apartment complex on the east side of Renner Boulevard was built. He showed the addition of other developments through the use of aerial maps up and through today, showing the development of Prairie Creek on the west side and the Block buildings on the east side. Along Renner Boulevard is the Lifetime Fitness Building and further north is City Center. There is a lot of development in this area and this will be adding more commercial and retail to the area.

The parcel is currently zoned AG, like most AG zoning in the city, we anticipate being rezoned to additional uses based on the mixes of surrounding use property. Staff does not anticipate any detrimental effects on the nearby properties; as indicated there is a two-story building to the north that backs up to this parcel and is about 356 feet long, to the east there is an apartment complex, to the south is residential and commercial buildings in addition to the south property line there is a stream corridor that will separate these two uses, to the west is undeveloped at this time. Staff does not see any gain to the public for recommending denial as this use is consistent with the existing development.

He presented a future land use map and while this development is not in full compliance, it is in keeping with the office and commercial uses in the area.

The applicant touched on the construction of 91st Street and 93rd Street. The constraints on 93rd Street on the south are that it is going to line up with the existing entrance and exit ramp to I-435 and the stream corridor so the location of 93rd Street is fixed. The location to 93rd Street is also fixed,

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there will be minor reconfiguration of the roundabout in order to construct 93rd Street and will also have an access point to the back side of Lifetime Fitness and the emergency access point will go away at the roundabout. There is also the right in/right out.

The most intriguing characteristic part of the development is the amenity zone in the middle. Staff is excited about the outdoor pools that are integrated into the outdoors tying in to the outdoor space of the buildings. It should be a very unique feature to the site.

There is about a 60 foot grade change to the south and an additional 20 feet once we get to the stream corridor from the streambank to the bottom of the streambank and there is about 10 feet of grade change east to west. Therefore, there will be the use of retaining walls along Renner Boulevard and along 93rd Street and some along the west property line and then the buildings will take up grade, the buildings are three stories on the east and four stories on the west to account for the grade change. There will also be grade changes in the amenity area, the water features will step.

Renner Boulevard will be higher than the parking lot by about 10-12 feet. None of the retaining walls are over about ten feet, there is a split where there will be two retaining walls, and the others are smaller on the site. The parking lot is graded at about a 2% slope, the west parking lot is a little steeper at 5%, a little steeper than would like but it is still acceptable maximum grade for parking lots.

The landscape and buffer plan indicates landscaping along the streets right of way and the parking lot islands, foundation plantings and plantings in the amenity area. The parking lots will be screened by the grade change along Renner Boulevard, there will also be landscaping on top of the retaining walls to help screen the views. Further south on Renner Boulevard there will be a berm and landscaping to screen the lot. 91st Street will also have a retaining wall and landscaping at the top to screen the view. On 91st Street there will be landscaping adjacent to the north side of the road. In addition to that the applicant is requesting some reduction in the setbacks for the landscaping along Renner Boulevard, 50-feet is required, and they are proposing 30-feet. Staff finds that acceptable, the right of way width for Renner Boulevard is a little wider than normal, on the south side of Renner Boulevard there is about 140 feet of right of way between the back of curb and the right of way line. Further north it reduces some in that location there is still the landscape and the retaining wall, staff is supportive of that configuration. There is also a reduced setback request along 93rd Street, 25-feet is required, they are requesting 15-feet and staff finds it acceptable as well. Again, we are tied into the location of the interchange and the steam corridor buffer so staff is trying to keep it pristine, you can't encroach into that area, which reduces the usable area on the site. There will be landscaping and on the final plan staff is asking for additional landscape material to be located along there to account for the reduction in area. Also, on the west side there is a request for a reduction in the 20-foot land use intensity buffer, they are requesting 15-feet, there will be a retaining wall and additional landscaping and staff is supportive of that as well.

Typically, staff receives a little more detailed drawings on a preliminary plan, usually multiple elevations, in this case there was one building elevation. There was included inspirational renderings of the site. Staff is supportive of the architecture shown. They do not have end users for any of the uses. None of the buildings will be identically the same, however, similar. The detail provided does address the information to meet the requirements of the UDC.

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Staff will work with the applicant as final plans are submitted to ensure it is a harmonious development and ensure the buildings comply with the UDC.

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 Harper, seconded by Commissioner Burson, and carried by a majority voice vote.

PLANNING COMMISSION DISCUSSION:

Commissioner Katterhenry asked if this was any of the undermined land.

Mr. Kraatz stated it is above the underground mined area.

Commissioner Katterhenry asked if they would have structural analysis.

Mr. Kraatz state they submitted preliminary information and will evolve with final plan.

Commissioner Katterhenry asked if this was outside of the boundaries of City Center.

Mr. Kraatz stated it is.

Commissioner Katterhenry state he is in favor of this development and thinks it is a great use for the piece of the property. He would like to see the restaurants be unique restaurants.

Commissioner Horine asked how much square footage the three buildings would have.

Mr. Johnson stated the buildings would have a combined total of 315,000 square feet.

Commissioner Horine asked what Tracts C and D are.

Mr. Johnson stated they are two telecommunication facilities and they will stay.

Commissioner Horine asked if 91st Street is currently a public street.

Mr. Johnson stated it is a private access drive for Lifetime.

Commissioner Horine asked if the public right of way would just go beyond the entrance to the development.

Mr. Johnson stated the public right of way goes just past the access point however, there will continue to be the private access for the telecommunication facilities.

Commissioner Horine asked if the parking lot grade for a maximum of 5% was a code requirement.

Mr. Kraatz stated it is a general engineering practice, anywhere from 2-3% is typically normal, 5% is a maximum slope for parking lot grades, and it is not a city requirement.

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Commissioner Horine said he is glad to see something happening there. It is a good development and plan.

Commissioner Hoye asked if the best way for the pedestrian access points to get into the whole development here.

Mr. Kraatz stated they are showing a public sidewalk on Renner Boulevard, the sidewalk will come in to the amenity area. There will also be a sidewalk on 91st Street and the sidewalk on 93rd Street.

Commissioner Hoye said the one she can't tell for sure goes all the way up into the development, it is not like you are walking all the way through the parking lot, there is a pedestrian path.

Planner Kraatz stated, right, there are a number of sidewalks internally that connect all the buildings to the amenity area so you will be able to walk from building to building and to the restaurants.

Commissioner Hoye stated she greatly appreciates that it looks really well thought out, because sometimes you get the whole parking lots all around and then it is hard to get on foot to where ever you were going. It looks like a destination place for people who are working and living in the area. She is very supportive of this.

Chairman Poss stated when he first saw the plan he thought it was a lot of parking. Especially being this close to City Center. Looking at the staff report it appears that this is what we require for this type of development. He believes it is a good project and a great use of the property.

MOTION:

Chairman Poss entertained a motion to recommend **APPROVAL** of the Rezoning for **Vantage Point Lenexa Office Park**, located at 9300 Renner Boulevard, from AG, Agricultural and NP-O, Planned Neighborhood Office Zoning Districts to CP-O, Planned General Office and CP-2, Planned Community Commercial Zoning Districts. Moved by Commissioner Leib, seconded by Commissioner Burson, and carried by a majority voice vote.

MOTION:

Chairman Poss entertained a motion to recommend **APPROVAL** of the Preliminary Plan for **Vantage Point Lenexa Office Park**, located at 9300 Renner Boulevard. Moved by Commissioner Burson, seconded by Commissioner Leib, and carried by a majority voice vote.

4. Preliminary Plan for **Widmer Industrial Building**, located at 96th Terrace and Widmer Road. **PL18-15P**

APPLICANT PRESENTATION:

Grant Harrison with Van Trust Real Estate LLC, addressed the Commission and will be the developer and owner of this property. He stated the site is generally located on the northwest corner of I-35/435 Interchange. It is an 11-acre site and is one of the remaining infill sites in the Lenexa

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Industrial Park. They are on the northwest corner of Widmer Road and 96th Street, they are bound by Widmer to the east, Widmer to the south which turns into Industrial Boulevard and then a rail spur to the west. It is a tight site to work with. Van Trust Real Estate will be the developer, Miller Stauch will be the general contractor, Phelps Engineering will be the Civil and GBA will be architecture and landscape designer will be Opperman Land Design.

The building will be a 140,000 square foot spec building/warehouse. It will be a multi-tenant layout, it would be great if they could have one tenant, but it will be tailored to accommodate three-to-four tenants. The auto parking will be to the north, east and south ends. Service, dock doors and drive-in doors will be on the west side and there is a future phase to accommodate trailer storage on the far north.

He presented the landscape plan of which they do meet the UDC requirements, tailored to protect the south and east sides as well as the loading on the far west. He presented a color plan of the building footprint. Access will be located on the northeast corner of Widmer and the southwest corner. This will be a concrete tile wall build with 28 foot clear with textured paint and three main entry points, clerestory windows and glass entries to break up the length of the building. The east side will be the primary entrance for office and the west side will be for service and the north and south will be the end caps.

They are hoping for approval of the preliminary plan and they have had a great experience with staff and hopefully this will go the City Council at the end of August and be in a position to start breaking ground this fall with delivery next spring.

STAFF RECOMMENDATION:

Planner Kraatz addressed the Commission. He stated this is a preliminary plan for a 140,000 square foot building on one lot. Staff would like to point out that it appears at some point in the past that this site may have been used as a spoils area. There is a lot of existing soils on the site. In order to minimize cost on the site they are proposing to reposition that soil on site. As a result there are some grades that will need to be dealt with. There will be a ramp up with the grade change as one goes up into the site. The building will sit a little above the road and will have slopes coming down off the parking lot to the road and right of way surface. The grades vary from 13-33%, a little steeper than staff would like but trying to haul off this much soil from the site would be pretty expensive and the grades that are resulting are within engineering standards.

The landscaping will be nicest landscaped building out there. The standards in this development have changed over the years. The landscape being shown meets the requirements.

Staff suggested additional recesses or offsets on the building façade to create some additional shadow lines. Per the plan the rhythm of the building is a long building and staff is generally supportive of the architecture on it however, think it needs some minor adjustments here and there. After this preliminary plan has approval the final plan will come through and it will be an administrative review by staff only, so the Planning Commission will not see it again.

PLANNING COMMISSION DISCUSSION:

Commissioner Katterhenry stated he would like to see more architectural features on the building as

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well.

Commissioner Harber asked if there would be any signs on the building.

Mr. Harrison stated there would be signage but at this time they do not know who the tenants will be. There would be signage above the three entry points and there will be a monument sign planned on the southeast corner. They will wait to see how it leases before they commit to the signage.

Chairman Poss stated it looks to be a good use of the property and fits with the surrounding development.

Chairman Poss entertained a motion to recommend **APPROVAL** of the Preliminary Plan for **Widmer Industrial Building**, located at 96th Terrace and Widmer Road. Moved by Commissioner Harper, seconded by Commissioner Leib, and carried by a majority voice vote.

5. Preliminary Plan for **Lenexa Fleet Maintenance Building**, located at 7700 Cottonwood. **PL18-13P**

APPLICANT PRESENTATION:

Charlie Love, Assistant Director of Municipal Services addressed the Commission. Mr. Love stated the current facility that the men work in is a facility that is over 40 years. It is very challenging for them over the years. The equipment and vehicles keep getting larger every year and a lot of those vehicles are still able to get into the facility, however, they have a fair amount of pieces of equipment that are challenging to get into it. Anything from the fire apparatus to the snow plows are difficult to get in through the widths of the doors. They have a lot of limitations in the facility as far as the height and being able to raise some of the equipment to work on it. They are very excited about this new building.

The new facility is proposed to be located about 400 feet from the current fleet facility that is on site. It will include new maintenance bays, office area, a breakroom, parts storage and a mezzanine space and will serve a lot of the uses similar to what is already on site.

Three weeks ago they sent out invites to the neighbors surrounding the facility, about 100 invitations went out for a meeting to discuss the new facility and answer any questions or concerns they might have. The Open House was on August 1st, and the turnout was small but they got to show them what the plans are for the facility. Most of them were intrigued by what staff is doing and get a better understanding of the proposal. Surprisingly the biggest concern was about the ongoing operations that they have. Back up alarms on the vehicles and unfortunately the 24 hour operations during snow and ice events. Those were the biggest concerns that they talked about.

John Gaar of Finkle Williams addressed the Commission. He also introduced Erin Foxworthy with Finkle Williams and Grant Irvine with McClure Engineering. He stated he is here on behalf of Municipal Services for the City of Lenexa.

The site illustrates the existing use of the service center. They have a main admin building, he presented a site plan of the existing facilities and pointed out several of the metal buildings that house storage of their vehicles and parts, the salt dome and other various buildings that serve the

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municipal service's needs. There is also bulk storage and material items. He pointed out where the new facility would be placed and is currently an active spot for storage and is just south of an open area that is being utilized by the Police Department for dog training and boarding facility. There is also a telecommunications facility to the north on the property.

They are not changing the operations, this is just a new facility that will be relocated and increased in size to accommodate the needs of this over 40 year old structure that is there. The existing facility will remain intact and will be used for storage.

Mr. Gaar presented a rendering of the total site bordered by residential on the east, north and west sides and 79th Street on the south. There is a park as one enters off of Cottonwood Street. This is located in the Mill Creek Valley area and there is a watershed that comes down the west side and is a very treed environment and they will not be disturbed with this project.

There will be offices for the staff on the west end of the building, drive through service bays to service all of the vehicles, a welding bay and a body shop. The width of the drives are to allow for large vehicles that are flatbed trailers and the very large tiller on the fire truck. A normal operation a vehicle would come into the facility and determine which bay and then access the bays in a clock ways motion. There is parking for staff along the west edge and additional parking of vehicles on the east edge.

He showed a layout of the existing vegetation and they will have to do some grading to level off the site. They are looking at different ways to reduce the effect on the property without costing too much money. There is an access point to the south that provides for secondary emergency access for fire vehicles and the staff will utilize it for getting back and forth across the drainage area to the area of other buildings within the site. He presented the floor plan to give an idea of the office space, parts service area and they will have vehicles delivering parts as well as the drive-through bays for the servicing of the vehicles.

There is a mezzanine, the building is about 20,000 square foot and a footprint of 2,000 square feet for the mezzanine. He presented true elevations of the building, the north elevation illustrating the primary entrance for the staff, the overhead doors for the service bays. The height of the building is nearly 34 feet, again driven by a function of the overhead cranes that service the vehicles as well as the height of the tallest equipment they will work on. This building will be a great asset for the employees to be able to work inside the building instead of out in the inclement weather year around. He presented the two end elevations. The building is a metal building with a concrete base to keep the metal away from the corrosive elements.

STAFF RECOMMENDATION:

Planner Kraatz addressed the Commission. This is the City of Lenexa, Municipal Services Department request for a new maintenance building located on 79th Street at Cottonwood Street. The site is 75 acres in size, the south side is a soccer site, Little Mill Creek North Park, owned by the city. The municipal services site sits on about 47 acres. The northeast corner is where the proposed building will sit. In addition, staff also includes an additional salt dome that will be located centrally on the site. It will be about a 9,000 square foot hoop structure with a metal frame and fabric over the top of it. Once it is completed the existing salt dome will be removed.

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Mr. Kraatz presented aerials of the site from 1991 through today how it developed around the site with residential. Municipal Services has been located at this site since 1978.

The applicant did an excellent job of discussing the ramifications of the site and the plan. They are still working on the modification of the internal drive, it needs some improvements. Right now it is about a 16-foot wide drive. It will need to be resurfaced and possibly widened. On the east side of the site most of the trees will remain, there will be some that will have to be removed with the grading. The building will be located about 240 feet from the existing residential property lines. The parking will be 140 feet and the vegetation will remain and be about 99 feet to 130 feet.

The land use intensity buffer would require a buffer of 70 feet.

It is a metal building and all the other maintenance buildings are metal, staff is acceptable with the materials and the design of the building.

PLANNING COMMISSION DISCUSSION:

Commissioner Horine asked what the use is on the site to the west of the new building.

Mr. Kraatz stated it is police storage lot.

Mr. Love stated it is police and miscellaneous storage, also a shelter that is the dead animal freezer. As far as encroaching that property there is also some pallet storage and old equipment that they actually need to re-purpose and get rid of. They do have the space to widen the road.

Commissioner Horine stated there was no discussion about lighting on the building.

Mr. Kraatz stated the staff report indicates there will be lights above each of the garage doors.

Commissioner Horine stated it will run 24 hours a day when the snow is going on and there is only light above the doors.

Mr. Kraatz stated this is the maintenance facility; if there is a snow emergency, they are not storing equipment in this building that will need to be used during a snow emergency. Maintenance will occur during normal business hours for them.

Mr. Love stated the typical hours of the facility in the summer months 6:30 to 3:00 and then from Labor Day to Memorial Day they are 7:30 to 4:00. Those are the typical hours, the only other hours would be during emergency hours to include snow and ice. They may need to give some consideration to site lighting.

Commissioner Horine stated his concern was that if the snow trucks break down, when they are brought back to fix them, do they go right to this building and if they do it appears there should be more light. That raises the question of how bright the site is going to be.

Mr. Kraatz stated that staff had asked the question earlier in discussions on the site. They want to keep light to a minimum, they don't have any lights there now, and the lights would be above the garage doors and shine down. There should be enough light out there that if a vehicle has to come

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in after hours in an emergency situation they have headlights and can get where they are going, but they don't need a bunch more lights.

Commissioner Leib asked if they could elaborate on the south side access point. The drawing has the thick black line across it and it appears to go into another building.

Mr. Kraatz stated that is a storm sewer that runs underneath it and there is a draw that runs on the property.

Commissioner Leib stated he thought there was a second access point.

Mr. Kraatz stated that is the second access point. He presented a grading plan and pointed out the driveway connecting the two sites.

Commissioner Burson stated the aerial of the area seems like it has not been very well planned and this is the Planning Commission and it has been there since 1978. There is a new administration building, there are other buildings placed here and there. He stated it does not look like what the Commission normally sees and asked if there is a master plan for the facility. A lot of the buildings are older and are going to need replaced. Is there a master plan or is this a site by site development.

Mr. Kraatz stated he did not know if there is a master plan.

Nick Arena, Municipal Services Director, addressed the Commission. He stated Commissioner Burson is absolutely correct, it is a hodge-podge of buildings. He stated in the 1970's when this became more of a municipal services setting he does not think there was a master plan. He stated there was not one done when the administrative building was done, when that was put in they also put in two T-sheds where the old white house building was, but, there is no master plan to speak of.

Commissioner Burson asked if there were plans to replace the other buildings or does this complete the plans.

Mr. Arena stated at this time there are no other plans other than the salt dome structure.

Chairman Poss asked what the boxes are on the northeast portion of the site.

Mr. Kraatz stated that is the dog training area and those are kennels to board the dogs. If the officer has to go out of town or anything, the dogs are not allowed to stay with the family, they have to be boarded until the officer is back home.

Chairman Poss stated that he appreciated the aerials going back in time and to see how the area developed around the Municipal Services Complex. He also thinks that maybe in the future a master plan should be done of the area. He thinks this is about the best neighbor those residents could have.

Chairman Poss entertained a motion to recommend **APPROVAL** of the Preliminary Plan for **Lenexa Fleet Maintenance Building**, located at 7700 Cottonwood. Moved by Commissioner Horine, seconded by Commissioner Burson, and carried by a majority voice vote.

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6. Preliminary Plan for **City Center Residences**, located west of Renner Boulevard and north of Elmridge Street. **PL8-16P**

THIS ITEM WAS CONTINUED BY THE APPLICANT TO AUGUST 27, 2018.

7. Preliminary Plan for **The Lofts @ City Center East**, located at the southeast corner of 87th Street Parkway and Renner Boulevard. **PL18-17P**

APPLICANT PRESENTATION:

John Gaar addressed the Commission on behalf of Real Property Group and with him is David Shapiro and Jonathan DeLisle of Real Property Group. Real Property Group is a locally owned company that was established in 1992. Mr. Gaar presented a representation of a project they did in Overland Park, The InterUrban Lofts with office/retail on the bottom floor and lofts above. He presented the lobby area of the InterUrban Lofts showing that they are committed to art. The market that they are working towards is a boutique style apartment being smaller in scale. Real Property Group is a type of developer that holds their properties. They are a good developer to have in Lenexa and will develop a nice product.

He presented an overview of City Center East, they are just south of The Yard development. They will be very compatible to the block with The Yard and they are very excited about being in the development with the Ignite Restaurant and the new Convention Center as well as the office of the BE Smith building. It gives you a sense of where they fit within the overall development of City Center.

He presented a floor plan of the development and will have 67 apartments. It is a five story structure, four levels of apartments over office space. There is a parking structure. There will be about 8,400 square feet of usable office on the first floor. There is about 100 total parking spaces that will be controlled on site. Eleven of them are surface spaces that are out along the drive between the two developments. Approximately 53 of the parking spaces are within the controlled garage, secured within the area. There are 30 spaces that are on the upper deck that is accessible from the street and controlled as well mainly for the office space.

The first level has a main entrance for both the office and the apartment users. The office users will also have access from the storefront off of the sidewalk.

The trash collection is via a chute that is internal to the building and is underneath the structure that has gates that allow a service truck to come up and pull the trash out to dump it. The lobby from the backside that has an entrance for the residents that park within the parking structure.

He had an illustration of the grand staircase to invite one up into the first floor of residences. He presented a floor plan of the first floor of apartments. They are broken up into studios, one bedroom and two bedrooms. The studios range in size from 520 – 550 square feet. The one bedroom units are 775 square feet and two bedrooms are about 1,200-1,300 square feet. The two bedroom units generally are on the ends and the inside corners. At the first level of apartments there is an amenity terrace treated similar to the image of the InterUrban Lofts in Overland Park. There will be paving and potted plants to soften it and there could be a trellis and fire pits so people can go out and enjoy

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the evenings and prepare foods and entertain their guests.

He presented exhibits of all the views from the apartments showing the walkways, entrances and pedestrian environment.

There is a little bit of color in material to identify the apartment development however, there is clearly a base to the building representing the office users with a bit more glass for that function and then all of the apartments get balconies and they become the predominant feature within the architecture. The material is a brick and composite cement panels similar to a Hardie Board with a couple of different colors and the glazing on the end. The corners are raised for visibility, the upper apartments will benefit from that height enabling the upper apartments will have taller ceilings as well as a little more glass on the corner apartments.

He presented true elevations of the building and drive space with the surface parking and the amenity terrace center. The colors have not been chosen however, the materials have. They will have a manufactured stone product that looks like a natural stone and then accents of honed stone where one is in touch with, for instance the entrances that are illustrated for the apartments, and some detailing on caps, there will also be some clay brick and railings for the residential balconies.

STAFF RECOMMENDATION:

Planner Dave Dalecky addressed the Commission. The applicant did a very good job explaining the job so he will be brief with comments.

Before the Commission is an aerial image with the plan superimposed on the site. This is a block in what is known as City Center East Village. It is all the site that is east of Renner Boulevard and south of 87th Street Parkway. The Planning Commission approved the concept plan for this project along with The Yard a few meetings previous to tonight. This is the preliminary plan with more detail. As the applicant explained it is part of the block that has the other project called "The Yard" and staff finds these two uses complementary. There is the silhouette of "The Loft" project on the south half of the block. The site sits in kind of a horseshoe shaped footprint that is set upon City Center Drive, the southerly link between Renner Boulevard and the Hyatt Plaza Convention Center. Renner Avenue is the frontage road that is immediately east of Renner Boulevard. It is staff's opinion that these two buildings that have the same canted front as you look at the site looking easterly will be a real striking image with the B.E. Smith building having a symmetrical cant to it and will fit rather neatly on the block. There are also symmetrical planters with the star shape, one in the lower left of the exhibit. The plan is indicative of the landscaping around the site, there is consistent treatment of the pedestrian amenity zone along the public streets and then there will be the terraced space in the middle of the horseshoe. It is a bit more of a private space for the residents, screened well from the public street, it will be a nice intimate space for the residents to take advantage off should they want to be more active they will just walk on over to "The Yard".

There is about 10,000 gross square feet of non-residential uses, whether it is office or retail.

There are a couple of items that staff had comments on regarding the building architecture. There are no stipulations as they believe they can resolve the situations as the project progresses from preliminary to final plan. This issue is some detail to the building on the east facing side that faces Rykert Street or the Ignite restaurant and parking. The pedestrian space above the bold line at the

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bottom of the exhibit, it is a little modest in detail and is lacking some of the features that staff encourages to have on buildings in City Center. Staff will continue to work on it as it moves forward with the applicant and the consulting team.

PLANNING COMMISSION DISCUSSION:

Commissioner Horine stated the parking is controlled, it was said that parking on the roof is accessible from the street and asked if that was accessible to everyone, or is it a shared parking to be used by the people that go to "The Yard" when nobody is working in the office space.

Mr. Gaar stated it is on the private property of the development, it is intended to be controlled parking for this particular development and not for public use. It is accessible off of the drive that is between the two developments; someone could pull into that parking lot, but it will be reserved parking for the office users or there is a portion that is covered under the apartments and the thought is that may be more expensive parking and could be apartment covered parking. The developer intends to control those spaces and use them for the patrons of this development. There will be no gates or anything it will be controlled by signage. The lower parking to get into the garage itself will have access control in and out.

Commissioner Horine stated that it would be nice if it were made available to the public. One of these in City Center is when you build a parking garage it is available when it is not being used by the tenants for public to use as they wonder around City Center. If it is primarily there for office they may not be there after 5:00 p.m. then maybe it could be used in the evening.

Mr. Gaar stated the office use is a good shared partner with parking and it might be something that they would consider.

Chairman Poss stated this is a great project and he encourages the applicant to work with staff on the east façade and make adjustments to it.

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan for **The Lofts @ City Center East**, located at the southeast corner of 87th Street Parkway and Renner Boulevard. Moved by Commissioner Horine, seconded by Commissioner Hoye, and carried by a majority voice vote.

PUBLIC HEARING:

8. Consideration of amendments to the Unified Development Code ("UDC"). The Article for consideration is, Article 4-3-D-1 - Special Definitions of Terms and Uses for flood plains.

STAFF RECOMMENDATION:

Peter Simonsen, Assistant City Attorney addressed the Commission. He stated this is the definition section that applies to the city floodplain management regulations. The city's flood plain regulations have to be in line with the FEMA guidelines for participation in the National Flood Insurance Program and additional changes at the suggestion of the Kansas Department of Agriculture who is the intermediary between the local jurisdiction and FEMA. This is an additional revision we are making as part of our comprehensive stormwater code revisions. This was the only section we had not previously contemplated revisions to, now we are doing all of them. The main revision with this is the

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addition of the base flood elevation which is the specific definition for the elevation of the base flood. There were minor typographical changes to two other definitions, however, it was that specific definition that the Department of Agriculture suggest we make. These will all go the Governing Body later in August. They have held the one that we approved last month and will all go on August 21, 2018.

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:

There was no discussion on this item.

MOTION:

Chairman Poss entertained a motion to recommend **APPROVAL** of adopting amendments to the Unified Development Code, Article 4-3-D-1 - Special Definitions of Terms and Uses for flood plains. Moved by Commissioner Leib, seconded by Commissioner Katterhenry, and carried by a majority voice vote.

The meeting adjourned at 9:20 p.m.

/s/
Lu Anne Johnson , Recording Secretary

/s/
Beccy Yocham, Director of Community Development