
CALL TO ORDER

Chairman Poss called the regular meeting of the Lenexa Planning Commission to order at 7:00 p.m. on Monday, August 28, 2023. The meeting was held in the Community Forum at Lenexa City Hall at 17101 W. 87th Street Parkway, Lenexa, Kansas.

ROLL CALL

COMMISSIONERS PRESENT

Chairman Chris Poss
Vice-Chairman Mike Burson
Commissioner Ben Harber
Commissioner Don Horine
Commissioner David Woolf
Commissioner John Handley
Commissioner Brenda Macke
Commissioner Cara Wagner

COMMISSIONERS ABSENT

Commissioner Curt Katterhenry

STAFF PRESENT

Scott McCullough, Director of Community Development
Stephanie Kisler, Planning Manager
Tim Collins, Engineering Construction Services Administrator
Andrew Diekemper, Assistant Chief – Fire Prevention
Steven Shrout, Assistant City Attorney
Dave Dalecky, Planner II
Kim Portillo, Planner III
Logan Strasburger, Planner I
Will Sharp, Planning Intern
Gloria Lambert, Senior Administrative Assistant

APPROVAL OF MINUTES

The minutes of the July 31, 2023 meeting were presented for approval. Chairman Poss entertained a motion to **APPROVE** the minutes. Moved by Commissioner Handley, seconded by Commissioner Horine, and **APPROVED** by a majority voice vote.

CONSENT AGENDA

- 1. Silverleaf, Second Plat - Consideration of a final plat for a single-family residential subdivision located at the northeast corner of 95th Street and Monticello Road within the RP-2, Residential Planned (Intermediate Density) District. PT22-21F**
- 2. Silverleaf, Third Plat - Consideration of a final plat for the replat of a single-family lot located at 9345 Aurora Street within the RP-1, Planned Residential (Low Density) District. PT23-17F**
- 3. Meddy's Restaurant No. 8 - Consideration of a final plan for a multi-tenant commercial building with restaurant and retail uses located near the southwest corner of W. 88th Street and Maurer Road within the PUD, Planned Unit Development District. PL23-17F**

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1-3. Moved by Commissioner Woolf, seconded by Commissioner Macke, and carried by a unanimous voice vote.

REGULAR AGENDA

4. Headache Relief Center - Consideration of a special use permit for a medical clinic use located at 8807 Long Street within the NP-O, Planned Neighborhood Office District. SU23-07

APPLICANT PRESENTATION

Scott Chorny, owner of Headache Relief Center, said he founded Headache Relief Center just over 30 years ago. His office in Lenexa has been in existence for about seven years. Although he is a trained chiropractor, his practice has been headache and migraine disorders for the last 28 ½ years. His patient base is in Lenexa, Kansas City, and some even travel from Nebraska and Oklahoma. The day-to-day practice involves consultation services, examinations, spinal alignment, theory, and rehabilitation. Their business network also includes a neurologist, pain specialist and physical therapist. He is requesting a special use permit to move to 8807 Long Street because their old location is outdated and does not fit their current image.

STAFF PRESENTATION

Logan Strasburger presented the Staff Report. She displayed an aerial image showing the site location and talked about the zoning and future land use. She noted that a special use permit is required for chiropractic use in an NP-O, Planned Neighborhood Office District. The building has 20 other tenants including medical offices, attorneys, and other general office uses. Two of the medical offices are non-conforming because they do not have a special use permit. There is also a driving school with an existing special use permit. She displayed an aerial street view of the building and its location noting there are similar uses in that area. Staff believes it is an appropriate use in that location. She explained the special use permit criteria and noted that full responses for each of the criteria were in the Staff Report. Staff recommends approval of the special use permit for a medical clinic use for Headache Relief Center for a period of five years.

PUBLIC HEARING

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

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

PLANNING COMMISSION DISCUSSION

Chairman Poss said in reviewing staff's report it seemed pretty straight forward and, in his opinion, all 13 special use permit criteria have been met.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of a special use permit for a medical clinic known as **Headache Relief Center** at 8807 Long Street for a period of five years.

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

5. NeuroEdge Chiropractic - Consideration of a special use permit for medical clinic use located at 13100 W. 95th Street, Suite 3A, within the NP-O, Planned Neighborhood Office District. SU23-08

APPLICANT PRESENTATION

Andrew Maloy, owner and operator of NeuroEdge Chiropractic has been in practice for about eight years. His practice specializes in pain management and optimal performance by specializing in therapeutic techniques, soft tissue, and rehabilitative exercises.

He noted that the property owner resurfaced, relined, and refinished the parking lot and are currently waiting on bids for tree trimming and masonry work on the trash receptacle. He expects to get a response by next week. He did some trash clean up at the site on his own today.

STAFF PRESENTATION

Logan Strasburger presented the Staff Report. The applicant applied for the special use permit only for Suite 3A and not the entire building at 13100 West 95th Street. There are twelve tenant spaces in the building. The medical clinic use aligns with the Future Land Use Map for Office and Employment Center, so the use is consistent with the Comprehensive Plan. She displayed a street view of the site, one from 95th Street looking north and the other from Noland Road looking west.

Of the 13 criteria used to review the special use permit request, Ms. Strasburger pointed out number 13 and stated there are property maintenance violations that must be remedied to comply with zoning requirements. To achieve compliance, screening of the waste receptacle, overgrown vegetation, and tree limbs in the parking lot will need to be removed. She displayed a photo of the parking lot before and after resurfacing. The applicant is working with contractors to get the remaining outstanding issues resolved. Staff recommends approval of the special use permit of a medical clinic for NeuroEdge Chiropractic for a period of five years with the conditions previously mentioned. The applicant will be given 90 days from approval of the special use permit to resolve all issues.

PUBLIC HEARING

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

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

PLANNING COMMISSION DISCUSSION

Commissioner Horine asked if the owner knows what will happen if all issues are not resolved within 90 days from approval of the special use permit. Andrew Maloy said that he was under the assumption that the City would revoke the special use permit. Stephanie Kisler responded that Staff would first look at it as a property maintenance issue before the revocation process. She noted the property owner is ultimately responsible for property maintenance, but Staff wanted to further incentivize property maintenance through the special use permit process.

Commissioner Horine said he wanted to make sure the applicant was aware of the repercussions if things do not get done. Andrew Maloy said he will continue to reach out to the office manager. Stephanie Kisler assured Commissioner Horine that the owner has been very communicative about the issues and has begun work on some of the items. There will be an update as this application proceeds to the Governing Body.

Chairman Poss said it looked as though the parking lot had not been resurfaced. It just looked as if potholes were patched, the lot was seal coated, and striping was redone. Logan Strasburger responded that they laid asphalt over the pavement, restriped it and the property looks significantly better.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of SU23-08, a special use permit for a medical clinic known as **NeuroEdge Chiropractic, LLC** at 13100 W. 95th Street, Suite 3A, for a period of five years with the following condition:

1. The applicant/property owner shall have 90 days from the date of approval of the SUP to:
 - a. screen the waste receptacle with masonry as required by Section 4-1-D-2-P-1;
 - b. remove overgrown vegetation; and
 - c. trim trees

Moved by Commissioner Horine, seconded by Commissioner Macke, and carried by a unanimous voice vote.

6. A Greater You - Consideration of a special use permit for personal instruction, general use located at 9900 Pflumm Road, Suite 44, within the BP-2, Planned Manufacturing District. SU23-09

APPLICANT PRESENTATION

Jason Belz, operator of A Greater You said the business has been operating for eight years, about half of that time in Lenexa at 9900 Pflumm Road in a 3,000 square foot space. They have worked with Christian Duke, a coach who has leased space alongside them. A Greater You has partnered with Mr. Duke for three years and because they share so many athletes, they felt it would be beneficial to look for a larger space to share. They found the space within Suite 44 of the same business park to continue that partnership.

STAFF PRESENTATION

Will Sharp presented the Staff Report for the request of a special use permit for a personal instruction, general use in BP-2, Planned Manufacturing District. A Greater You is a sport performing gym that trains youth and college athletes, while partnering with Runningmate KC and Soccer Trainr KC at 9900 Pflumm Road, Suite 44. A special use permit is required because the 7,700 square foot space exceeds the 5,000 square-foot threshold for personal instruction uses that are allowed by right in BP-2, Planned Manufacturing District. He displayed the Future Land Use and Zoning Maps showing that the site was surrounded by business park uses. He shared exterior and interior photos of the site. A Greater You received no complaints from neighbors while at their previous location in the same business park. He displayed the 13 criteria used to review the special use permit and said they were detailed in the Staff Report. Staff recommends approval of the special use permit for personal instruction general use for A Greater You and its partnering businesses for a period of three years.

PUBLIC HEARING

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

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

PLANNING COMMISSION DISCUSSION

Commissioner Handley asked if the period of three years is something that is set in the Code and is that why we are recommending it or why aren't we recommending five years like the other two previous applicants? Will Sharp replied that three years is the maximum for a first special use permit request.

Commissioner Burson commented that the Staff Report states the recommendations of "a personal instruction, general use for A Greater You and its partnering businesses for three years" is very broad and vague when mentioning "partnering businesses". Who is the special use permit for? Stephanie Kisler replied the special use permit is for A Greater You, Runningmate KC, and Soccer Trainr KC. Because all three businesses share the same space, Staff wanted the special use permit to encompass all three rather than having them seek individual special use permits.

Chairman Poss told Staff he appreciated the analysis of the special use permit criteria with respect to movement in a business park, especially when it involves children in the parking lot.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of SU23-09, a special use permit for a personal instruction, general use for **A Greater You** and its partnering businesses at 9900 Pflumm Road, Suite 44 for a period of 3 years.

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

7. Raman 101st Street Single-Family (also known as Falcon Farms) - Consideration of a preliminary plat for a single-family residential subdivision located near the northeast corner of W. 101st Street and Lone Elm Road within the R-1, Single-Family Residential District. PT23-03P

APPLICANT PRESENTATION

Mason Olson, with Olsson Engineering, spoke on behalf of the applicant. He explained the proposed development is zoned single-family residential and has a large transmission line going through the center as well as a detention pond that facilitates stormwater runoff from nearby residential homeowners. The site will include 66 single-family lots ranging from a quarter to a half-acre in size. They will be 1,600+ square feet and the building materials will be determined at final plan stage. They are providing two new detention ponds to help mitigate stormwater runoff. They also plan to preserve a large portion of the native plants on site. The developer will provide a trail easement and connectivity with the City's trail system.

STAFF PRESENTATION

Kim Portillo presented the Staff Report. She acknowledged that the notification signs listed the project name as "Raman 101st Street", but going forward the project will be known as Falcon Farms. She gave an overview of the site location and explained the previously approved plan, Stoneview Estates, Third Plat, expired in 2010. The Falcon Farms layout is similar to the expired Stoneview plan but there are some changes within the proposed site plan. Staff concluded that the Falcon Farms application is in compliance with zoning and Future Land Use. The applicant will provide a connection from 101st Street to Lone Elm Road and 99th Street will connect into the existing subdivision. There will be four cul-de-sacs coming off those main roads. She showed a comparison of the previously approved plat pointing out the buffer areas adjacent to Lone Elm Road and noted a condition that the applicant must revise the fence to a 15-foot buffer requirement at the time of final plat. There will be a city-wide trail system and the applicant will dedicate a trail easement with the plat including language for trail maintenance. She noted five revisions necessary for final plat stage, which relate to a 20-foot trail easement, housing classification, maintenance of tracts and easements, and the landscape buffer along Lone Elm Road. Staff recommends approval of the preliminary plat for Falcon Farms.

PLANNING COMMISSION DISCUSSION

Commissioner Horine asked if the 1,600 square-foot homes will require any deviations. He said that seems small for the R-1 Zoning District. Kim Portillo believes the homes would fit on the lots. She said the applicant indicated a housing classification of "A" within their revision responses so there needs to be further discussion on that topic. Stephanie Kisler noted housing classification information from the code.

Commissioner Wagner asked if there is a general level of coordination with the Olathe School District when developing large subdivisions. Kim Portillo replied that Staff currently does not have a specific process in coordinating with the public schools. She mentioned that is taken into consideration at time of rezoning of the property.

Chairman Poss asked the applicant if they will be requesting any setbacks or deviations. He commented on the layout of the lots and asked if everything will fit without deviations on the corner lots. Mason Olson said they have gone through several iterations and revised some of the lot lines so yes, they homes will fit without deviations.

Commissioner Burson asked the applicant if they will ask for deviations from requirements for rear and side yard setbacks. Mason Olson said they will not be requesting deviations.

Commissioner Macke asked who would be providing maintenance on the detention tracts. Mason Olson said he was not sure, either the developer will enter into an agreement, or it will be maintained by the HOA. It will be decided at final plat stage.

Commissioner Macke emphasized the importance of getting the vegetation areas established. She would like to see native vegetation because she feels that will be appealing.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plat/plan for PT23-03P – **Raman 101st Street Single Family (Falcon Farms)** at the northeast corner of W. 101st Street and Lone Elm Road, for a single-family residential development, with a condition that the plat be revised to address Staff's recommended changes at final plat stage.

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

8. Canyon Creek Apartments - Consideration of a preliminary plan for a multi-family residential development located near the northeast corner of Canyon Creek Boulevard and K-10 Highway within the RP-2 Residential Planned (Intermediate-Density) and the RP-4, Residential Planned (High-Density) Districts. PL23-06P

APPLICANT PRESENTATION

Jake Mooney, Company, spoke on behalf of the developer, Andy Cope. He said there were several members of the team that were involved in the project present. He has worked with the developer for many years and is excited to see the project go forward in Lenexa.

Daniel Sailler, MRE Capital, said the site was a beautiful location and will invite nature into the future homes.

Dan Foster, Schlagel Engineering, said the site was made up of RP-2, Planned Residential (Intermediate Density) and RP-4, Planned Residential (High Density) Zoning Districts. The proposed density is less than what was previously proposed. The project consists of five buildings and several amenities including a dog park, playground feature, and game plaza. He discussed the building setbacks and pedestrian network within the site. He pointed out some differences between the concept plan and the preliminary plan. The preliminary plan stepped the buildings to go with the terrain and added a parking lot for the necessary hose reach for the Fire Department and added parking for lower-level dwelling units. A trail will connect to future Clare Road. He discussed preserving an area of landscape along K-10 and adding a significant amount of shade trees. They are requesting a setback deviation from the freeway setback and building height requirements.

Daniel Sailler spoke about the architecture. The project consists of 212 total units with 35% one bedroom, 35% two bedrooms and 30% three-bedroom units. It is a flat roof system with a parapet top to reduce the height of the building. He displayed renderings of the proposed site, the building materials, and the proposed amenities. The buildings will be a three-story or a three/four-story split.

STAFF PRESENTATION

Kim Portillo presented the Staff Report and noted the preliminary plan for Canyon Creek Apartments will serve as the preliminary plat. She showed an aerial of the location of the site and said there will be access off future West 99th Street. It is currently undeveloped and was recently approved as part of a concept plan for Cedar Canyon West. The Future Land Use is currently designated as Office, but Staff expects that will change with the forthcoming update of the Comprehensive Plan. She talked about the proposed site plan noting that the density has lessened from the previously approved concept plan.

Ms. Portillo pointed out that they will be hearing a preliminary and final plat application for 100th Street next on the agenda.

Ms. Portillo described some of the architectural materials that will be used. On the architectural rendering, there are two types of buildings, a three-story and a three/four split with four stories on the eastern side. A large portion of the applicant's landscape plan will be preserved or re-established plantings. She discussed the applicant's deviation request for a maximum height of 48 feet for building height or four-stories. She displayed a site line drawing provided by the applicant showing what the existing single-family residential homeowner from the north would see for building height. There is a significant distance from the single-family subdivision to the surrounding existing and future arterial roads. Staff supports the height deviations requested by the applicant. Staff is also in support of the requested 58-foot freeway setback deviation where a 100' setback is required from K-10 Highway right-of-way. The applicant is providing landscaping beyond the minimum requirements. Staff recommends approval of Canyon Creek Apartments as presented.

PLANNING COMMISSION DISCUSSION

Commissioner Woolf asked if there will be sufficient distance between the dog park and the single-family homes at Canyon Creek Forest and to the future two-family homes in Tract 3. Dan Foster showed an image on the screen and explained that the distance is adequate.

Commissioner Woolf asked if the dog park had hours. Jake Mooney said they do have hours and restrictions on the number of dogs allowed. Residents will not leave their dogs unattended. Commissioner Woolf talked about his experience with the noise level of dog parks. Jake Mooney mentioned the retaining wall by the grass pad and said the dog park site will sit low. Commissioner Woolf said the project was a nice design that fits well with the rest of the topography.

Commissioner Handley asked which of the buildings will house the business office within the complex? Jake Mooney replied that the entire first floor of Building 1 will house the offices.

Commissioner Burson asked if the applicants will be building 100th Street. Dan Foster replied yes, they will build 100th Street. They anticipate 99th Street to be completed by the time they begin work on 100th Street. Commissioner Burson talked about the height of the buildings and supports the requested deviations.

Commissioner Horine commented that he liked the architectural renderings and is also in support of the requested deviations. He asked the applicant if they own the property to the west and if will they develop it. Jake Mooney said no, they do not own that property. The applicant discussed the purchase of the property.

Commissioner Harber asked about the length of the trail connection. Dan Foster responded that they are limited due to topography.

Commissioner Wagner asked if there has been any consideration for electric vehicle charging stations. Jake Mooney said they have not but will look into it. She is in favor of the building height deviation.

Commissioner Macke complimented the applicant on their project design and how well it fits with the topography.

Chairman Poss asked about the screening on the roof and Jake Mooney responded that the equipment will not be seen. Chairman Poss supports the height deviations and setbacks.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan for PL23-06P – **Canyon Creek Apartment Homes** located near the northeast corner of Canyon Creek Boulevard and K-10 Highway.

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

9. Canyon Creek 100th Street - Consideration of a preliminary plat and final plat for a public street to connect W. 99th Street southwesterly to Canyon Creek Boulevard within the CP-2, Planned Community Commercial, RP-2, Planned Residential (Intermediate Density), and RP-4, Planned Residential (High Density) Districts. PT23-04P & PT23-18F

APPLICANT PRESENTATION

Dan Foster said they are requesting a preliminary plat for the right-of-way and Tract A, which is a detention basin. They are building it with this project to contain any additional runoff coming from the street. There may be minor adjustments because of the curb type and median.

STAFF PRESENTATION

Logan Strasburger presented the Staff Report. She said this will be a public street that connects Canyon Creek Boulevard to West 99th Street. There is a total of 5.6 acres utilized for the entire road and Tract A. She described the surrounding uses. The future owner will maintain Tract A but the City of Lenexa will have an easement for stormwater BMPs. Staff recommends approval of the preliminary and final plat for Canyon Creek 100th Street.

PUBLIC SPEAKER

John Marshal, 9884 Hollis Lane, asked if 100th Street will be completed prior to construction commencing for the adjacent multi-family residential development. Chairman Poss responded that based on information provided for the multi-family residential development, the developer will complete 100th Street before they start building that development vertically.

PLANNING COMMISSION DISCUSSION

Commissioner Horine said upon reading the Staff Report he saw there are easements. He wasn't sure if we dedicate easements for rights-of-way. Dan Foster said the waterline will not be in the easement so it will be dedicated by a separate instrument. The applicant is still in design for the sanitary sewer, and it will also be dedicated outside of the right-of-way by a separate instrument. There will be drainage easements at the intersections.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plat, PT23-04F and final plat, PT23-18F for **Canyon Creek 100th Street**, a new public street between Canyon Creek Boulevard and W. 99th Street.

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

Stephanie Kisler announced that there will be a Board of Appeals meeting on October 2nd prior to Planning Commission.

ADJOURNMENT

Chairman Poss ended the regular meeting of the Lenexa Planning Commission at 8:39 p.m. on Monday, August 31, 2023