
CALL TO ORDER

Chairman Poss called the regular meeting of the Lenexa Planning Commission to order at 7:34 p.m. on Monday, November 6, 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

Stephanie Kisler, Planning Manager
Tim Green, Deputy Director of Community Development
Andrew Diekemper, Assistant Chief – Fire Prevention
Spencer Throssell, Assistant City Attorney II
Dave Dalecky, Planner II
Kim Portillo, Planner III
Logan Strasburger, Planner I
Will Sharp, Planning Intern
Colter Stevenson, Management Analyst
Gloria Lambert, Senior Administrative Assistant
Mike Nolan, Assistant City Manager

APPROVAL OF MINUTES

The minutes of the October 2, 2023 meeting were presented for approval. Chairman Poss entertained a motion to **APPROVE** the minutes. Moved by Commissioner Burson, seconded by Commissioner Horine, and **APPROVED** by a unanimous voice vote.

Chairman Poss asked staff if there were any changes to the agenda. Stephanie Kisler said there were no changes to the agenda but pointed out the two continued items (Cedar Canyon West Commercial and Towneplace Hotel at Ten Ridge), and the withdrawn application (Watercrest Landing South Apartments), stating there would be no discussion on those items.

CONSENT AGENDA

1. Resolution adopting the 2024 Planning Commission/Board of Zoning Appeals Schedule of meeting dates and submittal deadlines.
2. Copper Creek North and South Multifamily Development - Consideration of applicant's request to continue this item to the January 8, 2024 Planning Commission meeting. The item consists of two concept plans for a multifamily development located near the northwest corner of W 89th Street and Woodsonia Drive within the RP-3, Planned Residential (Medium-High) Density, RP-4, Planned Residential (High Density), and RP-5, Planned Residential (High Rise, High Density) Districts. PL23-04CP, PL23-05CP
3. Lenexa Baptist Church - Consideration of a revised final plan for construction of a private driveway between property located at 15320 W 87th Street Parkway and 15220 W 87th Street Parkway within the R-1, Planned Residential (Low Density) and CP-1, Planned Neighborhood Commercial Districts. PL23-05FR
4. Canyon Creek Apartment Homes - Consideration of a final plan for a multifamily residential development located east of the northeast corner of K-10 Highway and Canyon Creek Boulevard within the RP-2, Planned Residential (Intermediate Density) and RP-4, Planned Residential (High Density) Districts. PL23-20F
5. KC Bier at Vista Village - Consideration of a final plan for a restaurant with an accessory microbrewery located near the northwest corner of W 98th Street and Ambassador Street within the PUD, Planned Unit Development District. PL23-21F
6. Vista Village Lot 6 (Building 6) - Consideration of a final plan for a restaurant with a drive-thru located near the southeast corner of Prairie Star Parkway and Ridgeview Road within the PUD, Planned Unit Development District. PL23-22F
7. Lenexa Point, 2nd Plat - Consideration of a final plat for a commercial development located near the northwest corner of W 87th Street Parkway and Maurer Road in the CP-2, Planned Community Commercial District. PT23-24F
8. Viscek Estates - Consideration of a final plat for a single-family residential lot located at 25925 W 83rd Street within the RP-1, Planned Residential (Low Density) District. PT23-25F
9. Vista Ridge, 2nd Plat - Consideration of a final plat for a commercial development located near the northeast corner of K-10 Highway and Ridgeview Road in the CP-3, Planned Regional Commercial District. PT23-26F
10. Stoneridge North, Second Plat - Consideration of a final plat for a single-family subdivision located near the northeast corner of W 83rd Street and Cedar Niles Road in the RP-1, Residential Planned Single-Family (Low-Density) and RP-2, Residential Planned (Intermediate-Density) District. PT23-27F

Chairman Poss entertained a motion to **APPROVE** Consent Agenda Items 1-10. Moved by Commissioner Handley, seconded by Commissioner Horine, and carried by a unanimous voice vote.

REGULAR AGENDA

11. **FineLine Solutions - Consideration of a special use permit for medical clinic and personal services uses located at 13100 W 95th Street, Suite 2B within the NP-O, Planned Neighborhood Office District. SU23-10 (Public Hearing)**

APPLICANT PRESENTATION

Catherine Moss, Susanne Gun, and David Kimani are the prospective tenants and were all present to request a special use permit for medical clinic and personal service uses. Susanne Gun gave a presentation and stated the background, education, and services offered by all three business owners. She gave a breakdown of their potential hours of operation and office usage as it pertained to the type of services received. She displayed images of the building and parking lot, noting there is plenty of parking available. She showed pictures of the interior and how the rooms were set up for clients. The clients will receive services by appointment only. Ms. Gun displayed photos of the building and parking lot.

STAFF PRESENTATION

Will Sharp presented the Staff Report. He explained that FineLine Solutions was one of three businesses proposing to share the tenant space and the other two businesses are Tivona Naturals and Parkway Direct Primary Care Clinic. He displayed a location map of the applicants' proposed site and provided zoning and Comprehensive Plan information of the property in question. He explained that a special use permit is required because neither a medical clinic nor personal service business is allowed in the NP-O, Planned Neighborhood Office District by right.

Mr. Sharp reminded the commissioners of the previous special use permit recipient, NeuroEdge Chiropractic, noting that this application is for space within the same building. Staff feels it is an appropriate location for low volume medical clinic and personal service businesses. He showed exterior photos the property. He explained as part of the conditions of the previously approved special use permit for NeuroEdge Chiropractic that several maintenance issues needed to be remedied. The property owner has made progress; however, the one remaining issue of screening the dumpster will need to be resolved by December 18, 2023. He reiterated there are no conditions of approval for the current special use permit application.

Mr. Sharp displayed the criteria by which the application was reviewed by Staff and that each of the criteria was discussed in detail within the Staff Report. Staff recommends approval of the special use permit for a period of three years. To clarify terms of the different special use permits he explained that City code has a specific duration for a first-time request of a special use permit. In cases where the code does not specially require a certain duration, it is up to Staff to determine a reasonable time limit. Staff determined that three years is an appropriate duration for the current applicant because of the combination of uses and the context of the building. In addition, the recently approved special use permit at the same location also carries a three-year duration.

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 Handley, and carried by a unanimous voice vote.

PLANNING COMMISSION DISCUSSION

Commissioner Handley asked why the conditions of screening the receptacle were placed on the previous approved special use permit and not on the current applicant. Stephanie Kisler responded that

since there is currently an active condition on the previous special use permit, it would be duplicative to place the condition on both special use permits and it would have to be tracked two ways. Also, the condition is related to the date that City Council approved the last special use permit. It is necessary that Staff go by the days left on the previous active condition. She noted Staff has the ability to review any special use permit if any concerns or code violations occur on the property. If there are any issues with NeuroEdge Chiropractic or the conditions on their special use permit, Staff will address it. Concerning code enforcement, NeuroEdge has shown good faith in making progress on the conditions of approval and Staff does not feel there should be additional conditions placed on the current applicant.

Commissioner Handley said the concern is if the receptacle is not screened by the deadline given to NeuroEdge and the current special use permit is approved. He asked if NeuroEdge would have to stop operating their business. Stephanie Kisler said there is a process to revoke special use permits that could be initiated for NeuroEdge if the conditions of the special use permit are not met by the required deadline.

Commissioner Handley said his intent is to ensure success to both special use permit applicants.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of a special use permit for medical clinic and personal services uses for **FineLine Solutions, Tivona Naturals, and Parkway Direct Primary Care Clinic** at 13100 W. 95th Street, Suite 2B, for a period of three years.

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

12. **Raw Health Company - Consideration of a special use permit for a medical clinic use located at 12760 W 87th Street Parkway, Suite 110 within the NP-O, Planned Neighborhood Office District. SU23-11 (Public Hearing)**

APPLICANT PRESENTATION

The applicant was not in attendance.

STAFF PRESENTATION

Stephanie Kisler presented the Staff Report. She displayed an aerial view of the applicant's building location and presented the Zoning Map and Future Land Use Map stating that the current zoning and medical clinic use are compatible with the Comprehensive Plan. She showed several street view angles of the subject site. She noted the criteria for review of the special use permit and reminded the commissioners the criteria were discussed in detail on the Staff Report. Staff recommends approval of the medical clinic use within the NP-O, Planned Neighborhood Office District 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 Woolf, and carried by a unanimous voice vote.

PLANNING COMMISSION DISCUSSION

Chairman Poss asked Staff if it was permissible for the commissioners to deliberate and go forward without the applicant being present. Stephanie Kisler asked Spencer Throssell, Assistant City Attorney, to confirm whether the Commission could advance the special use permit without the applicant present. Mr. Throssell responded that under Section 1 of the City code, it was up to the Planning Commission's discretion to proceed without the applicant's presence.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of a special use permit for a medical clinic known as Raw Health Company at 12760 W. 87th Street, Suite 110, for a period of five years.

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

13. **Ceva Animal Health - Consideration of a preliminary plan/plat for a manufacturing facility at 8940 Long Street in the BP-2, Planned Manufacturing District. PL23-09P**

APPLICANT PRESENTATION

Jay Healy, George Butler Associates (GBA), and members of his team were present on behalf of the project. Brian Warf, Ceva, said they are requesting approval to move forward with a new manufacturing facility on their property.

STAFF PRESENTATION

Kimberly Portillo presented the Staff Report and began by clarifying that the project does not require a public hearing as stated on the Staff Report. The application submitted is for a new manufacturing and office building as part of the Ceva Animal Health campus. She displayed an aerial view of the project location and explained that there are two separate parcels with the intent to combine the two parcels and have one building with two separate parking lots. She showed an image outlining the Ceva campus in the vicinity, highlighting the subject property. She stated the surrounding zoning and Future Land Use designation. She displayed a drawing of the access points available to the site. The overall design of the new building is anticipated to match the materials and colors of the existing buildings on the Ceva campus. She explained the applicant's proposed landscape plan, detailing their requested landscape deviations and site setbacks. Staff will continue to work with the applicant to refine the entire landscape plan as it moves to final plan stage. She displayed another landscape exhibit that showed greater detail with the specific numbers for setback deviation requests. She noted the reason for some of staff's deviation approvals was due to the uniqueness of the site. It was also noted that the proposed sidewalk along Santa Fe Drive is intended to be a trail in the future and the trail design may have an impact on the requested deviation at final plan stage. Staff recommends approval of the preliminary plan/plat for Ceva Animal Health with the applicant's requested deviations.

PLANNING COMMISSION DISCUSSION

Commissioner Horine gave the applicant kudos for continuing their expansion in Lenexa.

Commissioner Burson praised Staff for doing a good job of making the record of why they are in support of the deviations and setbacks for Ceva. He stated that because we are improving an area of the City where the lot is not currently in compliance with the setback, he understands and supports approval of the requested deviations for that site.

Commissioner Handley commented that the applicant is dealing with a unique site with a lot of very unique constraints. He also asked about what happens if there are ever different owners of the two parcels. He requested that the applicant make sure there are clear internal crossings to the site because it is a campus with pedestrians and traffic.

Chairman Poss echoed everyone's comments and said he appreciates Ceva's continued investment in the City of Lenexa.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan and deviations for **Ceva Animal Health** at 8940 Long Street, for a manufacturing and office building.

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

14. Consideration of the recommended 2024-2028 Capital Improvement Program (CIP) for conformance with the Comprehensive Plan.

STAFF PRESENTATION

Tim Green, Deputy Director of Community Development/City Engineer, presented the annual Capital Improvement Program proposal. He explained that a capital improvement project was a project that exceeds \$300,000 in cost and must have a useful life of at least five years. The project proposals that are listed below \$300,000 are anticipated to lead to larger projects. There are 48 total projects with expenditures of \$275.2 million, 18 new capital project request and 30 existing. He stated they always plan for the possibility of a recession or downturn by keeping extra finances available and transfer funds if needed. He listed several maintenance projects noting that maintenance projects were highly focused on the funding proposal. The funding sources will come from the Debt Service Fund, General Fund, Stormwater revenue and a General Funds transfer approved by City Council. He went in detail for five of the new projects. The biggest road project is 83rd Street from Greason Road to Clare Road because of the significant increase of traffic flow that is projected with the future Panasonic project coming to Lenexa. The project will include widening 83rd Street to a four-lane, divided arterial roadway. Construction is slated to begin in 2027 and is budgeted at \$13 million. The Old Town North Parking Lot Reconstruction project will reconfigure and improve the layout of the parking lot. As part of the improvement there will be a new drive connection from the north parking lot to the south parking lot.

Chairman Poss asked Tim Green if the City owned the parking lot north of Old Town. Tim Green responded that the city does own and maintains that parking lot.

Mr. Green said more than anywhere else in the city, 83rd Street and Lackman Road is the most requested intersection for a signalization. This traffic signalization project was prompted because of the Ad Astra Pool reconstruction that will increase pedestrian traffic on Lackman Road. There is currently a study being conducted for Old City Hall/Fire Station 6 to determine if it is the best location to house Fire Station 6. Upon completion of the study, funding for the project will be added into the Capital Improvement Program. Four new stormwater infrastructure replacement projects are included in the proposal and work will include replacing and/or lining deteriorated corrugated metal pipe to improve the City's drainage system. The two maintenance projects proposed are Quivira Road bridge over I-35 and sidewalk/trail repair. The Quivira Road bridge over I-35 has not had any work done on it since it was constructed over twenty years ago. Although there are no structural issues, it will receive aesthetic improvements. The City does not have a dedicated fund for sidewalk and trail repairs so this will add \$300,000 annually to the budget for repairs.

Mr. Green summarized the following projects that are actively underway:

- Lenexa Justice Center
- Indian Trails Aquatic Center Improvements
- Cedar Station Park Development
- Pavement Reconstruction Program
- 99th Street & Clare Road Construction
- K-10 & Lone Elm Interchange
- Santa Fe Trail Drive from 95th Street to Park Street
- Stormwater Infrastructure Replacement

Mr. Green gave an update of the CIP Calendar and announced that the Governing Body conducted a work session on October 10th and there were no comments or recommendations at that meeting. Tonight, is Planning Commission review and tomorrow, November 7th, the Committee of the Whole will meet to discuss the CIP. Consideration for adoption of the program will be held at the November 21st Governing

Body meeting. He stated he would answer any questions the Commissioners had. Before starting questions, he noted the status of signalization at Prairie Star Parkway & Lone Elm Road. He said the contractor had not been responsible in getting things done and the City is also waiting for signal equipment. There was also an issue with a retaining wall.

PLANNING COMMISSION DISCUSSION

Commissioner Horine asked about the medians that were mentioned in the report. Tim Green responded that a lot of people still do not understand how to drive a roundabout. They are looking at modifying the roundabouts to make it easier for drivers.

Commissioner Burson asked why the budget has doubled for Old Town Lenexa Activity Center. Tim Green said there were three reasons. The first reason is due to inflation, the second is that they decided to skin the upper part of the building and get rid of the metal, and the last reason is that they are adding a youth room to the interior. Commissioner Burson asked if that was the reason for the delay. Mr. Green said it was probably due to design development as well as working with the users to get something that worked. Stephanie Kisler noted that Assistant City Manager Mike Nolan was in the audience and said he could provide more information. Mike Nolan responded that the budget increased because the scope of the project increased.

Commissioner Wagner asked the timeline for the 95th & Loiret project. Tim Green responded that they are currently in the bid process and the bid opening is scheduled for December 5th. Because it is KDOT funded, that process will take a couple of months and the project should begin in the spring. The project should be complete by summer.

Chairman Poss asked what drives tolls. Tim Green replied that it is a question of whether it will generate the funds to pay for itself. The issue with K-10 is the traffic is not bad enough that people will pay for toll. For a toll to be put in place the KTA and each adjacent City must approve it.

Chairman Poss asked if a bike lane or sidewalk will ever be constructed along Prairie Star Parkway over K-7? Tim Green said the plan is to include those improvements with the nearby K-10 project. Improvements for that project will include four lanes and a trail.

Commissioner Horine asked who makes the decision about what goes into the roundabouts. Tim Green responded that the Parks Department makes those decisions but will consult with the Engineering Division of the Community Development Department. Commissioner Horine said he would like to see the Parks Department use some of the funds to improve the interior of the roundabouts along Renner Boulevard. Mr. Green said he would pass that message along to the Parks Department.

Chairman Poss and Tim Green talked about the height of the plantings within roundabouts and ways to make it safer.

MOTION

Chairman Poss entertained a motion to **CONFIRM** that the recommended 2024-2028 Capital Improvement Program for the City of Lenexa is in conformity with the Comprehensive Plan.

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

CONTINUED APPLICATIONS (NO DISCUSSION)

- 15. Cedar Canyon West Commercial - Consideration of a preliminary plan/plat for a commercial development located near the northeast corner of K-10 Highway and Canyon Creek Boulevard in the CP-2, Planned Community Commercial District. PL23-08P**
- 16. Towneplace Hotel at Ten Ridge - Consideration of a final plan for a hotel near the northeast corner of K-10 Highway and Ridgeview Road in the CP-3, Planned Regional Commercial District. PL23-23F**

WITHDRAWN APPLICATIONS (NO DISCUSSION)

- 17. Watercrest Landing South Apartments - Consideration of a preliminary plan for a multifamily residential development located near the northeast corner of K-7 and Prairie Star Parkway within the RP-4, Planned Residential (High Density) District. PL23-07P -- *Withdrawn by Applicant***

STAFF REPORT

Stephanie Kisler showed a final version of the new public hearing sign and noted that it is currently being used.

ADJOURNMENT

Chairman Poss ended the regular meeting of the Lenexa Planning Commission at 8:46 p.m. on Monday, November 6, 2023.