
CALL TO ORDER

Chairman Poss called the regular meeting of the Lenexa Planning Commission to order at 7:00 p.m. on Monday, February 5, 2024. 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 Cara Wagner
Commissioner Curt Katterhenry

COMMISSIONERS ABSENT

Commissioner Brenda Macke

STAFF PRESENT

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

APPROVAL OF MINUTES

The minutes of the January 8, 2024 meeting were presented for approval. Chairman Poss entertained a motion to **APPROVE** the minutes. Moved by Commissioner Handley seconded by Commissioner Burson and **APPROVED** by a unanimous voice vote.

CONSENT AGENDA

1. **Burg & Barrel - Consideration of a revised final plan for a new outdoor patio and a sign deviation for a monument sign for property located at 8725 Bourgade Avenue within the CP-1, Planned Neighborhood Commercial District. PL24-02FR**
2. **Sunflower MOB - Consideration of a revised final plan and a parking deviation on property located at 10950 West 86th Street within the CP-2, Planned Community Commercial District. PL24-01FR**
3. **Timber Rock, Fifth Plat - Consideration of a final plat to replat two single-family residential lots for properties located at 9374 Deer Run Street & 9392 Deer Run Street within the RP-1, Planned Residential (Low Density) District. PT24-03F**

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

REGULAR AGENDA

4. **Canyon Ridge Apartment Homes - Consideration of a rezoning and preliminary plan/plat for a mixed-use development including multifamily residential, nursing home, and convenience store/gasoline sales uses on property located near the northwest corner of K-10 Highway & Canyon Creek Boulevard. RZ23-07, PL23-12P**
 - a. **Consideration of a rezoning from the AG, Agricultural, CP-O, Planned General Office, and CP-2 Planned Community Commercial Districts to the PUD, Planned Unit Development District. RZ23-07**
 - b. **Consideration of a preliminary plan/plat for a mixed-use development. PL23-12P**

APPLICANT PRESENTATION

Curtis Holland, Polsinelli PC, introduced the members of the applicant's team. Mr. Holland said the project was comprised of multifamily homes, senior living or nursing facility, and convenience store uses.

Patrick Reuter, Klover Architects, presented the site location and talked about the surrounding areas as well as some of the previously approved projects in the area. Mr. Reuter discussed the site plan and described the access points into the site and pointed out each component associated with the project. He said the proposed mansion-style multifamily buildings resemble large homes and are smaller than some single-family homes in the area. He stated they are similar in height to a two-story single-family home with a walk out basement. He talked about the topography of the site and how the buildings are conformed to meet the difficulty of the topography. He talked about the landscaping and noted they are preserving as much as the natural landscaping as possible. He also stated that nothing would be constructed within the stream corridor. Their goal is to provide a cohesive and walkable community by providing a ten-foot walking trail with planned connections to future trails. Amenities include a clubhouse, pool, fitness facility, and several open green spaces. He showed the two main residential building types and gave a detailed list of the proposed materials. The nursing home will be two stories with a walk out and c-store that will have similar materials and color scheme as the apartments. He discussed the parking deviations and noted that to preserve green space and natural habitat they are deferring construction of

41 parking stalls that may be built in the future if needed. He said they hosted an informal neighborhood meeting with the adjacent residents to the north and northeast of the site. The primary concerns the residents voiced during the meeting were the possibility of obscured views and their desire to keep the native park land. He presented information that showed the distance from the single-family homes to the project site and commented that the distance was from 600 to 1,000 feet away. He showed images the architecture team captured from Zillow and Redfin of the single-family homes to show the distance in proximity to the apartments and stated that because they are keeping trees on both side of the site, the apartment buildings would be hidden from the single-family residents' view.

Curtis Holland addressed the Commission and said he would begin by focusing on some of the residents' concerns. Mr. Holland said the greatest concern of the residents seemed to be the rezoning and land use component of the application. He also said that a detailed response letter, which was included in the Planning Commission packet, was put together by the development team to address the residents' major concerns. He commended Staff on the thorough analysis that was done on the rezoning portion of the Staff Report. He stated the property is currently zoned for office and the request is to rezone the property to PUD, Planned Unit Development District. He said that rezoning from office to PUD lessens the intensity of the project. He said traffic is significantly lower for multifamily residential than office, especially at peak times. He noted another difference in the zoning districts is the amount of required open space. He stated that the code requirement of open space for the office district is 35% and they are proposing 60% of open space for the multifamily development, which is a significant increase. He talked about the views and said that the mansion-style apartments would resemble a large home. He said the topography on the site was very challenging with steep grades, making it difficult for an office footprint. He displayed the Future Land Use Map and said the traffic volume generated by multifamily would be the best option. He talked about the differences between the Vistas at Canyon Creek project that was proposed on the same site in 2018 in relation to the current project. He stated that the density and height is currently lower than the 2018 plans, the current design is more suitable for the area, and the current design blends well with the single-family homes in the area. He gave examples of other multifamily projects the City had previously approved, pointing out WaterCrest and EdgeWater at City Center, which are zoned RP-5, Planned Residential (High Rise, High Density) District. The projects were opposed in the beginning by the residents that lived at nearby single-family residential subdivisions. The residents later complimented the apartments and ended up being great projects within the City of Lenexa. He also mentioned Copper Creek Apartments and said that project was opposed by residents of Watercrest Landing subdivision. Their development team compromised and changed the apartments across the street from the single-family homes to RP-3, Planned Residential (Medium-High Density) Zoning District. In fact, the mansion-style homes planned for the RP-3 area of Copper Creek is the same style proposed for this current project. He commented that the future update to the Comprehensive Plan will probably recommend RP-4, Planned Residential (High Density) and RP-5, Planned Residential (High Rise, High Density) Zoning Districts for the site, but they are requesting a lesser density. To address the concerns of property value negatively impacting the nearby residents, he said there is no evidence that single-family home property values decline when located close to multifamily developments.

STAFF PRESENTATION

David Dalecky presented the Staff Report. Mr. Dalecky provided the history and background information for the site. The property was partially annexed into Lenexa in 1988 and zoned AG, Agricultural with the remaining portion annexed in 1999. In 2001, the property was rezoned from AG, Agricultural to CP-O, Planned General Office and CP-2, Planned Community Commercial Districts. In 2018 a rezoning, concept plan, and preliminary plan proposal was presented. The request was to rezone the property to RP-4, Planned Residential (High Density) and CP-2, Planned Community Commercial to develop a retail, and apartment, development, but was denied by City Council. He presented a detailed explanation of each the following rezoning criteria that Staff evaluated for this application:

1. Character of the Neighborhood
2. Nearby Zoning
3. Suitability of the Use
4. Potential Detrimental Effects
5. How long Property has Been Vacant
6. Potential Gain to the Public by Denial
7. Staff Recommendation
8. Conformance with Comprehensive Plan
9. Utilities Available to the Site
10. Traffic Impact
11. Environmental Impact
12. Stormwater Impact
13. Meeting Zoning Requirements

Mr. Dalecky described the site plan and the three components that included 22 apartment buildings, an 80-bed nursing home and a 6,100 square foot convenience store. Mr. Dalecky stated the nursing home is a three-story building as shown on the plan before the Commission. He stated that the applicant is requesting four deviations. The first deviation request was 28 fewer parking spaces for the multifamily component. The second deviation request was to allow 1,100 additional square feet for the convenience store. The third deviation requested was for the gas pump island. The applicant is requesting 25 feet of queuing space from each pump island instead of the required 50 feet. The last deviation request is a freeway special setback. The applicant is requesting a 28-foot setback from freeway right-of-way instead of the 100-foot requirement.

PUBLIC HEARING

Chairman Poss **OPENED** the Public Hearing and asked if anyone wished to speak on this item.

Tracy Thomas of 26197 West 96th Terrace said that his home would be of the closest proximity to the proposed site and that he was speaking in opposition of the project. Mr. Thomas said there were several residents in the audience that he was speaking on behalf of, and they were all wearing red as a sign of solidarity. He talked about their concern of the removal of trees and the disturbance of wildlife that included timber rattlesnakes, an endangered species. He stated that he and his neighbors have studied the zoning and read the City's Vision 2020, 2030, and current 2040 plan. He noted the petition of opposition that was previously presented to the Commissioners that was comprised of more than 600 signatures. He said there were better answers than what was being proposed and asked the Commission to decline the rezoning and development being presented.

Evangelos Brisimitzakis of 24612 West 96th Street stated he was there to support the Commission's rezoning goals. Mr. Brisimitzakis said he moved to Lenexa in 2013 because he saw a lot of potential in the growth of west Lenexa. He was excited to see more homes and commercial development in that area. He encouraged the Commission to move forward with the project being presented. He said there was a gas station south of K-10 Highway that previously failed and wanted to make sure if the proposed gas station fails, can the land be used productively.

Ann Rogish of 25110 West 114th Court in Olathe said she was there to oppose the Canyon Ridge project the applicant presented. Ms. Rogish said she believes if approved it will have a large negative impact on Lenexa and Johnson County. She talked about the lack of safety associated with the project if approved. She mentioned the Kansas Department of Transportation (KDOT) 2005 study that pointed out the projected expansion needed west of K-10 Highway. She said it was slated to begin in 2010 and commented there has been no movement on the expansion. She said the area on K-10 and Canyon

Creek Boulevard is considered a high crash location and without the expansion of K-10 and infrastructure in place for Canyon Creek Boulevard there will be more accidents, a decrease to safety and overall, a negative impact for the community.

Brad Krehbiel of 26009 West 96th Street commented that Tracy Thomas did a great job of speaking on behalf of all the residents. Mr. Krehbiel said he hopes that if the project is approved that the Commissioners will place stipulations on the applicants to minimize dust, noise, and blasting in the area. He said that as the land begins development the limestone underneath will bring more dust. He pointed out page 101 in the Planning Commission packet and said the sight lines are misleading because they are showing the lower homes and not the upper homes. He also mentioned the impact that the new development would have on the Olathe School District because of the 900+ projected residential units proposed within this development and other nearby developments that will bring a significant number of kids into the district.

Steve Bennett of 25891 West 96th Street agreed that the applicant's presentation of the sight line view was misleading and shown incorrectly. Mr. Bennett also disagreed with the applicant's presentation of two-story apartments, saying they are actually three-story because they include walkout basements. He said the assisted living building going from two-stories to three-stories is a huge change and the third story will block their view. He stated that he was speaking from over 35 years of experience because of his work in development with one of the largest developers in the Midwest. He said he has done the development and construction for QuikTrip Corporation. He teaches construction and development at Johnson County Community College so he can speak from his knowledge and experience to address the variances being requested by the applicant. He commented that parking on the street and traffic in that area will be a huge issue.

Paul LaForge of 9858 Garden Street commented that none the issues discussed in his letter to the Planning Commission have been addressed. He stated that he was a licensed engineer and that the zoning was wrong because going from Agricultural to apartments is increasing not decreasing the zoning use. He said he has looked at the project proposal and it does not state the number of bedrooms per apartment therefore the number of parking stalls cannot be determined. He stated that because of the freeway setback request, there will not be a landscape buffer from the highway traffic. He also disagrees with the deviation request to expand the square footage of the convenience store and the queuing space for pumps at the gas station. He feels the area for the site is not designed for the proposed development and should not be allowed.

Steve Bennett of 25891 West 96th Street approached the podium again to address the comment concerning the circulation of traffic around the gas pump. He talked about the stormwater going to the creek and stated that amount of water will overwhelm wildlife.

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

COMMISSION DISCUSSION

Chairman Poss asked the applicant to give an overview of the traffic study that was conducted. The traffic engineer, Matthew Parker of TranSystems, said the traffic study was based on the zoning district Canyon Creek Boulevard was zoned when constructed which was office use. The traffic study conducted took into account what was already built as well as accounted for the future development in the area. It was determined that the intersection received a level of service of "C", which is acceptable.

Mr. Parker said that most Kansas Department of Transportation (KDOT) projects have been deferred because of the 2008 recession and Governor Sam Brownback drained funds out of the State highway system. They are now trying to catch up with those projects. He said the traffic engineers do a very thorough job when conducting studies. They consider the vacant and proposed development along the corridor as well as undeveloped land, projecting traffic assuming it will get developed with highest and best land uses.

Chairman Poss acknowledged that KDOT is working on the highway system and asked Tim Collins to share where KDOT stands regarding the further development of K-10 Highway. Mr. Collins responded that they are in the process of conducting their study and agrees that they are very thorough. It is his understanding that improvements to the interchange will be a part of the K-10 corridor improvements. He said the City currently has an approved Capital Improvement Plan (CIP) Project for interim improvements to the interchange should KDOT's timing for work be extended. In response to what are interim improvements, he indicated improvements such as additional lanes on the ramp.

Commissioner Burson asked Tim Collins about the ground water issue that was pointed out earlier by the resident. Mr. Collins replied that he was unaware of any such issue, but that constructing a brand-new section of public street would be a great opportunity to fix the problem if one exists.

Chairman Poss addressed the issue of parking on the streets. Rick Oddo, Oddo Development, said they use hard-back curbs as well as "no parking" signs. Mr. Oddo said there is enough parking in the garages, and through a lease agreement they require the tenants to use them for parking and not for storage.

Butch Diekemper spoke on behalf of the Fire Department and said the plans have been reviewed very extensively and the applicant is meeting all fire-related code requirements at this time and he has no concerns at their current developments.

Chairman Poss addressed Scott McCullough concerning the noise, blasting, and dust control. Mr. McCullough said some construction will impact the project but will be regulated by City requirements. They will continue to work with all contractors to mitigate the impacts of construction.

Chairman Poss spoke about the Olathe School District, saying they are similar to KDOT and are their own entity. Mr. Poss said when a request to rezone comes before the Commission the school district is aware and adjusting as needed to keep balance in the community.

Commissioner Burson asked Tim Collins where the stormwater will go and asked if the creek could handle it. Mr. Burson also asked if the term "wetland" is defined by the Federal government. Mr. Collins replied that to his knowledge there is no wetland on the property but will verify during final plan stage since it was stated. He said if a wetland exists on the City property it will remain and not be impacted. Mr. Collins addressed the stormwater issue indicating that the purpose of stormwater detention to protect the stream from damaging conditions.

Scott McCullough said it would be appropriate that the Planning Commissioners declare any ex-parte communication that Commissioners may have had with a resident or anyone on the developer's team. Mr. McCullough explained that the intent to declare is if one learned something in the process that was not in the staff report or discussed this evening, and that knowledge is shared openly. Each Planning Commissioner individually responded that they did not have any ex-parte communication with anyone concerning the current project under review.

Commissioner Horine stated that the staff report provides the number of apartment bedrooms and a parking analysis based on the defined number of bedrooms. Mr. Horine also appreciated Mr. Thomas' PowerPoint presentation and said it was very clear and well-presented. He commented that the applicant

also presented a clear message, and it was good to see City Staff go through the Golden Criteria. He believes the proposed development is a good use of the property and that traffic will not be an issue.

Commissioner Harber echoed that both sides of the presentations were very well done and thoughtful. Mr. Harber also appreciated the comparison of the 2018 plans to the current project.

Commissioner Wagner asked if there are any similar projects that have recently been approved with the 100-foot setback deviation. Stephanie Kisler replied that the most recent project is within the Cedar Canyon West area. The Canyon Creek Apartments project is zoned RP-4, Planned Residential (High Density) District and was granted a deviation, along with the Cedar Canyon West Commercial component. Ms. Kisler said the setback deviation allowed for trash and parking within the required 100-foot setback. Scott McCullough noted that when the City looks at these types of deviations, noise impact for residential projects is considered. Ms. Wagner asked if there is an alternative to the development of the gas station. Patrick Reuter replied that the PUD, Planned Unit Development District allows for a variety of uses and the site design criteria list a number of uses that can be developed on the site.

Commissioner Katterhenry said he previously had concerns about parking, setbacks, and queuing at the convenience store and those issues have been discussed. Going forward Mr. Katterhenry would like to see a large amount of vegetation in the front areas where the setbacks exist. He shared that he was concerned in the past when an RP-5, Planned Residential (High Rise, High Density) District apartment project was being constructed near his residence. The apartments near his residence have been in place for several years now and he has had no problems. They have had no impact on their subdivision. He said Staff did a good job of addressing the Golden Criteria and it meets the criteria guidelines. The project could also be a lot denser and have potentially become a five- or six-story office building with the current zoning.

Commissioner Woolf stated that the project in review is lower than the original plan that was previously proposed and he likes the way the applicant is using the topography as a natural buffer between the distances. Mr. Woolf also likes that they are deferring some of the parking and keeping the open area.

Commissioner Handley asked about the westward connectivity of public street the residents of the apartment will exit onto. Stephanie Kisler said the public street does terminate on the west end of a cul-de-sac bulb and is specifically designed so the right-a-way is accessible to the next parcel that is privately owned to the west, so there is potential to link it to future development to the west, on the north side of K-10 Highway.

Commissioner Burson said if a real estate agent makes false promises, he apologizes that anyone would use that as a marketing ploy. Mr. Burson stated that the City of Lenexa's website has always shown that the site to be zoned as office and the applicants could have elected to build a seven- or eight-story office building, and he would not want to see that. He said he likes the proposed plan and reminded the residents that the City will continue to grow and expand. He addressed those that previously spoke about AG, Agricultural and said that AG zoning is a placeholder in our city until the land is rezoned for development. The property in question is a popular site and single-family residential would not be built there; the City would not allow it.

Chairman Poss inquired about the additional parking for the convenience store and nursing home. Rick Oddo said they were talking to a specific user for the convenience store that requested that specific layout for parking. Patrick Reuter said the nursing facility is currently 80 one-bed units and there may be two-bed units, so they wanted to allow for flexibility. If they do not need the parking, they will not build it.

Chairman Poss stated that he supported the applicant's requested deviations and also supports Staff's analysis of the Golden Criteria in the Staff Report.

Commissioner Katterhenry encouraged the applicant to save as many trees as possible through the planning process.

Chairman Poss commented that the City will continue to develop to the west and whoever has ownership of a piece of property will have the right to develop that property.

MOTION

Chairman Poss entertained a motion to recommend **APPROVAL** of rezoning property from AG, CP-O and CP-2 to PUD for RZ23-07– **Canyon Ridge Apartment Homes** at the northwest corner of K-10 Highway and Canyon Creek Boulevard.

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

Chairman Poss entertained a motion to recommend **APPROVAL** of the preliminary plan/plat for PL23-12P – **Canyon Ridge Apartment Homes** at the northwest corner of K-10 Highway and Canyon Creek Boulevard, for multifamily residential, nursing home, and convenience store with gasoline sales uses, with the following deviations:

1. A deviation from Section 4-1-D-1-C of the UDC to allow a reduction in the total number of parking spaces of 28 parking spaces from the minimum required 635 spaces for the apartment component of the PUD.
2. A deviation to from Section 4-3-C-3 of the UDC to allow a convenience store of 6,100 square feet in area, exceeding the maximum allowed 5,000 square-foot floor area.
3. A deviation from Sections 4-1-B-26-C-1 and 4-1-D-2-L of the UDC to allow a setback of 28 feet, a reduction of 72 feet from the 100-foot freeway special setback and the 100-foot landscape buffer along K-10 Highway.
4. A deviation from Section 4-1-D-1-N-1 of the UDC to allow a vehicle queue area of 25 feet, a reduction of 25 feet from the 50-foot queue area from the ends of a gas pump island.

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

STAFF REPORT

Stephanie Kisler asked the Planning Commissioners if they were interested in attending the American Planning Association's national conference and if so, to reach out to her.

Scott McCullough said if any of the Commissioners had any questions concerning the email about the Comprehensive Plan update to please reach out to him.

ADJOURNMENT

Chairman Poss ended the regular meeting of the Lenexa Planning Commission at 9:29 p.m. on Monday, February 5, 2024.