

**Members Present:** John Altevogt, Tim Sweeten, Robert Niffen, Ian Abbott, Mickey Schwartzkopf, Camila Adcox

**Members Absent:** Erin Harves

**Staff Present:** Michael Webb, City Manager  
Bradley Hocevar, City Planner

### **PLANNING COMMISSION**

The regular meeting was called to order by Chairman Altevogt at 6:01 p.m.

#### **Minutes from February 16, 2022**

Chairman Altevogt made the motion to defer the February 16, 2022 minutes until the next regular scheduled meeting in order to address concerns regarding the motion, as presented, for case number 2022-01-SUP. Commissioner Niffen seconded the motion. The motion passed 6-0.

#### **New Business**

**a. PUBLIC HEARING – 92301 / 9233 / 9247 Woodend Road (2022-01-FPT / 2022-01-PPN) – CIMI, LLC, a Kansas Limited Liability Company (Owners) / Les Hamilton – BHC (Applicant)**

City Manager Michael Webb outlined the components of the application and made procedural recommendations on how each component should be addressed – noting that only the development plan would require a public hearing. City Planner Bradley Hocevar introduced the item. The 14.72 acres of the property is proposed to be replatted as five individual lots in the I-1 Non-Hazard Zoning District with a dedication of ROW to extend S 93<sup>rd</sup> Street and sanitary sewer expansion. The owner intends to develop all of lot 2 for the purpose of constructing an office building and distribution center. Michael Webb described the existing lot formation and that a land trade between the owners of exiting lot 3 and 7 would create the opportunity to extend 93<sup>rd</sup> Street.

City Planner Bradley Hocevar explained the purpose of the subdivision ordinance and factors that are deemed appropriate in analyzing the merits of any preliminary or plat. The resulting lots would be capable of meeting all existing zoning ordinance requirements, address future impacts on existing public facilities and would not have a detrimental effect on nearby property. The staff recommendation and conditions for approval were reviewed. Conditions 1-3 were noted to be standard conditions placed on any plat application. Conditions 4-6 are meant to address aspects related to the development agreement, TIFF requirements and requests by the county.

Vice Chairman Niffen asked about existing conditions of 93<sup>rd</sup> Street and its future expansion. City Manager Michael Webb described the existing conditions, the future expansion, road design and funding mechanisms that will be used for the proposed improvements.

Commissioner Schwartzkopf asked if there was any consideration for a temporary turnaround for 93<sup>rd</sup> Street. Michael Webb summarized conversations with members of staff regarding the matter concluding that the proposed development on lot 2 would provide adequate room for trucks and or emergency vehicles to turn around. Additionally, it is anticipated that this area will develop once improvements have been completed and the road would continue south.

Vice Chairman Niffen made a motion to accept the replat / final plat with staff recommendations. The motion was seconded by Chairman Altevogt. The motion was approved 6-0.

City Planner Bradley Hocevar introduced the application for the preliminary development plan for lot 2. The proposed development concerns the 3.02 acres of future lot 2 that primarily addresses the construction of a new 6,250 square foot building to be used as an office building and distribution center, as well as improved parking areas to be used for tractor trailer and vehicular parking. Deviations requested by the applicant were explained and discussion regarding the requests ensued.

Vice Chairman Niffen made the motion to open the public hearing which Commissioner Abbott seconded. The motion passed 6-0.

The applicant Les Hamilton took the podium. He introduced his role in the project and elaborated on the request to deviate from the standards outlined in the landscape requirements. He explained the challenges in meeting the requirements due to use and site restraints.

The owner and developer Mike Kincaid took to the podium. He introduced his role in the project and challenges regarding development in the area and meeting landscape requirements. He elaborated on the requested deviations regarding rear yard setback requirements. Discussion related to deviations ensued.

Commissioner Sweeten made the motion to close the public hearing which Commissioner Adcox seconded. The motion passed 6-0.

City Planner Bradley Hocevar presented the staff recommendations including the applicants requested deviations 1-2 and modifications to requested deviations 3-5. Chairman Altevogt asked the applicant to clarify his request to deviate from the I-1 rear yard setbacks. He explained his reasoning resulting in further discussion on the subject.

Commissioner Schwartzkopf asked if there was a minimum lot size requirement in the I-1 zoning district. City Manager stated that there was none. Commissioner Schwartzkopf expressed concerns regarding the lack of greenspace and explored solution by increasing the size of the lot.

Vice Chairman Niffen made a motion to approve the preliminary development plan with all requested deviations and staff recommendations 1-3. Chairman Alevogt seconded the motion. The motion passed 5-1.

**a. Workshop – Special Use Permits**

City Manager Michael Webb discussed the numerous inquiries staff has received regarding “reasonable uses” that may not be appropriate for long-term development, but may be temporarily acceptable in undeveloped areas. Several examples were presented to the Planning Commission.

Staff requested direction and input regarding the matter. Suggestions were made regarding modifications to the SUP process and Land Use Schedule.

A member of the public requested to speak. Eric Frauenknecht, owner of Affordable Treefellers operating out of an accessory structure 501 Kaw Drive within the C-2 Zoning District, took to the podium. He discussed the challenges he has faced related to the topic. Further discussion ensued.

The Planning Commission directed staff to explore solutions and present options to consider at a future meeting.

**Staff Reports**

Chairman Altevogt asked for an update on the status of Evergy, Inc.’s SUP application status. City Manger stated that they are moving forward with their application and discussed aspects related to the item.

**Adjournment**

Commissioner Altevogt made the motion to adjourn the meeting. Commissioner Sweeten seconded the motion which passed 6-0.

Minutes submitted by Bradley Hocevar, City Planner.