

# PLANNING COMMISSION

## AGENDA

August 27, 2018

7:00 PM

Mission City Hall - 6090 Woodson

### Council Chambers

1. Call to Order
2. Approval of Minutes from the July 30, 2018 Meeting
3. New Business
  - A. **Public Hearing** - Case # 18-09 Preliminary Site Development Plan for 5438 Johnson Drive

An application for consideration of a preliminary site development plan for property located at 5438 Johnson Drive in the City of Mission.

    - a. Staff Report
    - b. Application
    - c. Submittal Material
    - d. Notice of Public Hearing
4. Old Business
5. PC Comments/CIP Committee Update
6. Staff Updates

*Questions concerning this meeting may be addressed to staff contact, Brian Scott, Assistant City Administrator at (913) 676-8353 or [bscott@missionks.org](mailto:bscott@missionks.org).*

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The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, July 30, 2018. Members also present: Stuart Braden, Brad Davidson, Robin Dukelow, Burton Taylor, Charlie Troppito, Pete Christiansen and Frank Bruce. Also in attendance: Brian Scott, Assistant City Administrator, and Ashley Elmore, Secretary to the Planning Commission.

**Approval of Minutes from the June 25, 2018 Meeting**

**Comm. Dukelow moved and Comm. Bruce seconded** a motion to approve the minutes of the June 25, 2018, Planning Commission meeting, with correction on page 9 per Comm. Bruce.

The vote was taken (8-0). The **motion carried**.

**Case # 18-06 Special Use Permit for Operation of a Drinking Establishment**

**5612 Johnson Drive**

Mr. Scott: This is a special use permit for the operation of a drinking establishment at 5612 Johnson Drive. The applicant is Jonathan Williamson of Sandhills Brewing Company, and the property owner is Betty Benson of Benson Living Trust. The property is an approximately 1,700 square foot tenant space within a larger building located on the north side of Johnson Drive, mid-block between Reeds Road and Maple Street. [Putting up map] It's a section of building at the corner of Maple and Johnson Drive. It's not the building that's next door that was originally in the public notice. That was the wrong building, which is why there is a re-notice. It's actually next door to what is now Mission Board Games and the same building as the former Twisted Sisters coffee shop. This space was actually Sue's Accessories and was closed last winter. It has been vacant since that time.

The zoning to the north is PBP Planned Business Park, and that's ScriptPro corporate campus. To the east and the west is Main Street District 1 and includes Salon Berde, Brian's Bakery and Melange Studio to the west, and to the east would be Mission Board Games and the former Twisted Sisters. To the south is Main Street District 1 as well, and that is city park land and the site of Mission Market.

As I stated, the applicant is Sandhills Brewing Company. They currently have a nano-brewery in Hutchinson, Kansas, and are interested in reproducing that concept at this location. They intend to produce about 150 barrels of craft beer a year on premises for consumption in a tap room that will also be on premises. They may sell the product over the counter in the form of growlers or packaged beer, but there will be no distribution of the beer from this location. They will not be manufacturing and distributing to your local markets or anything like that. The hours of production will be during normal business hours and the applicant intends to receive deliveries of products once or twice a week through a back door behind the subject property. Waste byproducts will be primarily spent grains, which the applicant will keep in a sealed container inside the premises until time of disposal. Disposal will be through donations to local farmers as animal feed or compost.

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Other waste products (generally trash) will be disposed of in dumpsters provided by the landlord behind the building. Rinse water will be deposited in floor drains that connect to the sanitary sewer. I asked about odors when the applicant submitted his application, so he was kind enough to make a comment about that in his letter. He says that the odors will create an aroma similar to that of baking bread. So, for any of those who home brew, you know that it can sometimes get a little smelly.

The taproom is intended to accommodate approximately 50 patrons and will be open to the public in the afternoon and early evening hours on Thursdays, Fridays, and Saturdays. I don't know if they've actually set specific times yet, but that's their intended time of operation. They intend to have as many as three employees on site at any one time. There are no parking requirements in the MS-1 zoning district. There are 38 on-street parking spaces in this block of Johnson Drive.

Section 41.102 of the Kansas state statutes defines microbreweries as a brewery licensed by the Director of Alcoholic Beverage Control, to manufacture, store and sell domestic beer and hard cider. A microbrewery is not considered to be a retailer and a microbrewery is not considered to be a manufacturer. There is no specific definition for nano-breweries, which is the reason we're defining this as a microbrewery in our public notice. Section 41-308b of the Kansas state statutes that a microbrewery may sell domestic beer and other alcoholic liquor for consumption on the licensed premise as authorized by the Club and Drinking Establishment Act. Section (a)(6) of the Kansas state statute 41-308b states that such sales to consumers shall only take place during times when clubs and drinking establishments are authorized to serve and sell alcohol, which is 9:00 a.m. to 2:00 a.m. of the following day. The applicant will be required to obtain a license from both the State of Kansas and the City of Mission to operate a drinking establishment in order to comply with the SUP. It must also comply with state statutes.

The statute further stipulates that in certain counties, Johnson County being one of them, food must be offered in addition to domestic beer and alcoholic liquor, and that the food sales must be at least 30% of the total gross sales for the drinking establishment. The applicant intends to accomplish this requirement by collaborating with local restaurants to offer a menu to patrons that is facilitated through the tap room. In addition, food trucks may be utilized on occasion to meet this requirement.

So, they are required to get a drinking establishment license. This is where the zoning codes kick in. Municipal Code Section 410, Article V stipulates zoning regulations for properties located in the Main Street District 1. In particular, Municipal Code Section 410.170 - Permitted Uses - Subsection (F) states clubs and drinking establishments shall be allowed after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180. And then, Section 410.20, stipulates development standards in the Main District 1. Subsection (H)(2) states, "Food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed where the sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment, provided that the exterior walls of clubs

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and drinking establishments are at least 200 feet from the nearest residentially zoned property line. A special use permit shall be required for clubs and drinking establishments within 200 feet of residentially zoned property." This particular property is not within 200 feet of a residentially zoned area. As mentioned before, we have PBP to the north, and MS-1 surrounding it on the east and west and south. However, there is still a stipulation of having a special use permit as stipulated in 445.180.

So, when we go to that section, it requires approval by the Planning Commission, as well as by the City Council, and there are a number of stipulations. In particular, Section 445.220 of the Municipal Code states that special use permits generally run through use of the property. Conditions placed must be clearly spelled out in the motion for approval; and, the City allows the termination of the SUP at any time, for several reasons. This includes non-compliance with any special conditions placed or if conditions in the neighborhood have changed to the extent that approval of the permit would be clearly unwarranted if being applied for at the time of revocation.

Then we go further on to Section 440.140.E, Criteria for Consideration SUP applications. And there's actually 14 criteria, of which we're supposed to consider findings of fact, if you will. I'm not going to read the details of all of these, but I'll quickly scan through them.

Criteria 1 is the character of the neighborhood. The subject property address for this proposed SUP is located along the Johnson Drive retail corridor. There is dance studio and hair salon to the west of the subject address and a retail game shop and former coffee shop to the east. Across the street to the south is a public park, to the north is the corporate campus of ScriptPro. Staff believes that the proposed special use permit for a drinking establishment would be within keeping of the retail nature of Johnson Drive and would not have an adverse impact on the character of the existing neighborhood.

Criteria 2: The zoning and uses of nearby properties, and the extent to which the proposed uses would be in harmony with such zoning and uses. Again, the area surrounding this particular location are MS-1 Main Street District 1 and PBP Planned Business Park District. There is no residential zoned area nearby, nor any schools or churches. Staff believes the proposed special use permit for a drinking establishment would be in harmony with the existing zoning districts and permitted uses.

Criteria 3 - The suitability of the property for the uses to which it has been restricted under the applicable zoning district. The property that this proposed SUP will be tied to is suitable for the proposed use as a drinking establishment. The entire building has three retail spaces, one of which had been a coffee shop at one time. There is currently a bakery in the building to the west. So, there has been, or is, other eating establishments in the area. Staff believes the existing property that is the subject of the proposed special use permit is suitable for the restricted use under the applicable MS-1 zoning district that would require a special use permit.

Criteria #4 - The extent to which approval of the application would detrimentally affect nearby properties. As stated above, the proposed use for the special use permit will be a

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family-friendly environment and will be open to the public for only limited hours. Staff believes the proposed special use permit will have no detrimental effects on nearby property.

Criteria #5, the length of time the property has remained vacant. As stated earlier, the property has been vacant for approximately six months. There are other retailers along Johnson Drive. Staff states that the property has been vacant for six months.

Criteria #6, the relative benefit to the public health, safety and welfare by retaining applicable restrictions on the property as compared to the destruction of the value of the property or hardship to the owner association with denying its request. The proposed SUP for a drinking establishment will have no detrimental impact on the surrounding properties. The hours of operation will be limited to the afternoon and early evening hours for a few days out of the week. In addition, the production of beer would not be any more detrimental than the production of other food products in a restaurant or bakery type setting, which is a permitted use in this zoning district. Consequently, the benefit to public health, safety and welfare by retaining the applicable restrictions is limited. The applicant, however, has undertaken a significant investment in time and financial resources to make this property useable as a nano-brewery and drinking establishment. This investment would be lost if the application for a SUP is not granted. In addition, the landlord of the subject property would be without a tenant and the space not readily usable for another retail tenant without considerable investment. Therefore, staff believes the relative benefit to the public health, safety and welfare by retaining the applicable restriction would be minimal as compared to the loss of economic value if the restrictions were to remain.

Criteria #7, compliance with the master plan or Comprehensive Plan. Section 410.160 Statement of Intent for the MS-1 Main Street District 1 states that the zoning of property as MS-1 Main Street District 1 is intended to provide development opportunities consistent with the existing character within the core of Downtown Mission. Downtown Mission is the original commercial district within the City. The majority of buildings in the core of downtown have been constructed to the public right-of-way. Public parking lots are available and on-street parking is present to serve the downtown businesses. The result is a character unique to downtown that is not found elsewhere in the City. The MS-1 District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. This district restricts automobile-oriented uses and does not allow offices on the ground floor level. The district is also intended to allow multi-story buildings with office and residential uses above the ground level. Multi-story buildings with top-floor setbacks are encouraged within this district as described in the Mission/Rock Creek Redevelopment Masterplan. In addition, the district is intended to allow flexibility from the normal development standards found elsewhere in the City. There are variety of permitted uses within this zoning including retail and specialty retail, prepared food, food for home, and entertainment.

The Comprehensive Plan and subsequent master plans and guiding documents speak to a pedestrian-oriented environment along Johnson Drive with a mix of uses and activities

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that provides for a lively downtown environment. This application for an SUP to operate a drinking establishment would be in keeping with that vision. This will be a unique retail experience in that patrons will be partaking in specialty craft beers not normally found in bars or restaurants in the area. The proposed use created a destination, in that those that are interested in craft beer will come from throughout the region. Patrons will most likely take advantage of their time in Mission and frequent other shops and restaurants while here. Therefore, staff believes that the proposed special use permit for a drinking establishment associated with a nano-brewery is compatible with the vision of the City of Mission's Comprehensive Plan and various master plans for the Johnson Drive corridor.

Criteria #8, the extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property. Again, the applicant is creating a tap room with a space that will accommodate upwards of 50 patrons at any given time. The number of potential patrons is not unusual and will not create an adverse impact on traffic patterns in the area. There are 38 on-street parking spaces along Johnson Drive in the block of the subject address of the proposed special use. There are more in the adjoining blocks, as well. Therefore, staff believes the proposed special use permit will not have any adverse impact on the capacity or safety of the surrounding network or present parking problems in the vicinity.

Criteria #9, the recommendation of the professional staff. The City's professional staff believes that the proposed application for a special use permit to operate a drinking establishment conforms with the intent of the MS-1 zoning district, the City of Mission's Comprehensive Plan, and master plans guidelines for this area.

Criteria #10, the extent to which utilities and services, including but not limited to sewers, water service, police and fire protection, and parks and recreation facilities, are available and adequate to serve the proposed use. The applicant is seeking an SUP to operate a drinking establishment that will be associated with a nano-brewery. The nano-brewery will produce a total of 150 or less barrels of beer a year in small batches. This production will have no negative impacts on existing utility services including electric, water and sanitary sewer. In addition, there will be no impact on existing public services including public safety services. Therefore, staff believes that the proposed special use permit will not have any impact on utility services or public safety services of the City.

Criteria #11, the extent to which the proposed use would create excessive stormwater runoff, air pollution, water pollution, noise pollution, or other environmental harm. Staff believes the proposed special use will not create any excessive stormwater runoff, air pollution, water pollution, noise pollution, or other environmental harm.

Criteria 12, the extent to which there is a need for the use in the community. There is no defined need for the proposed special use in the community. However, the proposed special use will have a positive economic impact on the community. Please see below.

Criteria #13, the economic impact of the proposed use on the community. As previously

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stated, the subject address is currently a vacant retail space along the Johnson Drive corridor. The proposed use for a drinking establishment will be associated with the operation of a nano-brewery. This is a unique use that plays into the makers movement, which has become a strong component of the post-recession economy. The makers movement emphasizes individual entrepreneurs utilizing their creativity and skills to produce products on a small scale for sale and consumption to the general public in the area. These types of entrepreneurs seek out inexpensive locations to establish their businesses and often become the fabric of a unique economic renaissance for the area. There is an application for a SUP currently in the process for consideration on tonight's agenda that supports another business very similar in concept to this application. If approved, both concepts can work in tandem to create an economic synergy of sorts for those who enjoy specialty craft beer. This could be an opportunity to attract visitors from areas beyond Mission to spend time and financial resources in the Mission community. In addition, there may be other opportunities that result from this synergy, including dining and unique retailing.

Finally, the completion of the Mission Trails apartment building at 6201 Johnson Drive and the Gateway apartment building at 4801 Johnson Drive will result in as many as 500 additional residents living in this corridor. These residents will mostly likely prefer to walk or bicycle to nearby shops and restaurants in the area. This will support the economic vibrancy that the City has been actively seeking for this corridor. And, this application for a proposed SUP for a drinking establishment associated with a nano-brewery will complement this environment. Therefore, the proposed application for a special use permit for a drinking establishment to be associated with a nano-brewery will support and enhance the economic environment of the Johnson Drive corridor and the Mission community.

Finally, Criteria #14, the ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to the zoning district regulations. Staff believes the applicant will be able to satisfy the requirements that are applicable to the specific use imposed pursuant to the zoning district regulations.

And, finally, staff recommendations. Staff recommends the Planning Commission recommend approval of Case #18-06 to the City Council for a special use permit for the use of 5612 Johnson Drive as a drinking establishment. The proposed special use permit would run with the use of the property with the following conditions:

1. The holder(s) of this special use permit for a drinking establishment, and any future assignees, will maintain in good standing all licensures for a drinking establishment as required by the State of Kansas and the City of Mission.
2. The holder(s) of this special use permit will be required to meet the stipulation of a drinking establishment in that sales of food for consumption on the premises exceeds 30% of the annual gross income for the establishment.
3. The subject address of the special use permit will be kept in a clean and orderly

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manner and not present or cause to be presented any nuisances and/or violations of the Municipal codes of the City of Mission.

4. Hours of operation for the drinking establishment will be limited to 40 hours or less a week.

So, I included the original application, a letter from Mr. Williamson, as well as the notice. Mr. Williamson and his business partners are here tonight. If they have anything to add or speak to, this would be the time to do so.

Chair Lee: Could you identify yourself?

*John Williamson, Applicant, appeared before the Planning Commission and made the following comments:*

Mr. Williamson: I'm John Williamson, I am the applicant, and my business partner, Joe. We're doing Sandhills Brewing. We have been doing this as a project for about two years now. We actually started as a brewery in Hutchinson, Kansas, with my brother there, and that is a small tap room and nano-brewery that is a very similar in concept, but obviously in a very different location. And from Day 1, our aim has simply been to have a very family-friendly, local craft-driven environment. Sometimes the best way to describe what we're trying to do is to say what we're not trying to do, in that we're not interested in being a party scene. We're not trying to mimic Westport, or anything like that. Nothing against those environments, but that's not what we're trying to create. What we're trying to do is to follow similar to what Mission Board Games has done and the other area coffee shops and create a very family-friendly location that brings people together, ideally over a pint of beer, for our sake. And it's a point of conversation for people, while also being a local business that can bring in business for the surrounding businesses, for ourselves, and also has a creative outlet for ourselves. Joe?

*Mr. Joe Cizek, Sandhills Brewing Company, appeared before the Planning Commission and made the following comments:*

Mr. Cizek: I recently joined Jonathan and his brother in this about a year ago. I've been a local chef here for a little while. I work for a hotel down on the Plaza currently and I'm really excited to meet up with everyone here in this community. I've had nothing but warm welcomes and I feel that we would mesh with all the other community aspects going on here, everything from the Farmers Market, to the board games near us, the coffee shops. Even the other brewery that's proposing to come in. We're actually really excited. For us, that's not competition. It's friendly, and as you can see, what happens downtown in Kansas City, they have three breweries all within walking distance, and in the same night, you can go to all three of them. Make an evening of it. You drive down, you Uber down, so it does bring people from outside areas into different locations, having more than one, or just a destination. I just feel that we're fitting of the community.

Chair Lee: Questions?

Comm. Braden: I have a question. I've read a little about how you're going to do your

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food, but could you explain how you're going to meet your 30 percent?

Mr. Cizek: Yeah. We've discussed with other businesses around us and near us. If you can imagine, there are several different ways that you could meet the criteria, doing it without a kitchen of your own. Our friends at Mission Board Games, they're getting ready to reestablish their coffee shop and have a small kitchen there. Basically, you would order from us, any food you want. We can do this with any restaurant that would want to participate with us, and as I said, we've started talking to others. The coffee shop is a perfect example of how this works, and the first one that we've secured. You would order off their menu, we would place the order and go get the food for you and bring it to your table. It would be seamless in your transaction. You would never know that it was coming from somewhere. We would be willing to offer several different restaurants and different things. So, as long as it goes through us and comes to your table from us. It's not for off-site. You're not getting a to-go menu from us, or anything like that. It's to eat while you're at our facility. Say it's a cheese plate you want to have with your beer. You would come to whoever is serving and say you'd like to order the cheese plate. We would order it, call the coffee shop, they would put it together, have it wrapped in a to-go container so it's safe, just like you would be taking it home. We would bring it to your table and share it with you. So, the transaction would go through us.

Mr. Williamson: This exact same model has actually already worked with Red Crow Brewing in Spring Hill. They have been doing that for the last year or so. Now, they're currently in the process of moving to a new location where they plan to continue that model. It's a common way and very effective way for small businesses - such as we are - to not only bring in more community-driven aspects with the menu, and also to help other area residents, but also to reduce our start-up burden. Breweries are very expensive to start. We have a lot of equipment we have to purchase. Everything is stainless steel. It's a very investment-heavy business, and by working with area residents and area businesses who own restaurants and food trucks, it not only gives us a leg up, but also gives them a leg up.

Comm. Troppito: To staff. When you were reading the staff report, you said there would be no negative environmental impact in terms of water pollution or noise pollution. Conspicuously absent is any reference to air pollution. This makes me wonder, how did you determine that it would not be adverse to the environment? Be it air, water or stormwater.

Mr. Scott: Well, there's no outside activity, so there wouldn't be an impact to stormwater. It's an existing building, so there's no additional impervious surface being added to create more stormwater. In terms of noise and air pollution, I really didn't see this as being any different than maybe the bakery that's next door, or the coffee shop that was a few doors down until recently. We did talk about aromas. Just going from my own personal experience with home brewing, it does create an aroma, but the applicant feels that that will not be an issue. Given the space that they are in, I don't really see that aroma traveling much outside the building.

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Comm. Troppito: So this is all personal opinion.

Mr. Scott: Yeah. I didn't have an engineer look at this or anything like that.

Comm. Troppito: That's my next question. No professional engineer has looked at this.

Mr. Scott: No.

Comm. Troppito: Any professional engineer looked at whether an air construction permit would be required for the emissions coming from this? Or whether or not it would not be required?

Mr. Scott: No. We did meet with our third-party building official on site a few weeks ago. He went over the proposed plans and didn't feel there would be a need for an air handling system or anything different than what's already there now.

Comm. Troppito: The reason I ask these questions, I have a little background in this. I looked up what the primary pollutants are for breweries. They consist of particulate matter, nitrogen dioxide, sulfur dioxide. And (inaudible) where nitrogen dioxide can interact with the other components and compounds and affect the respiratory system, damaging lung tissue and other respiratory issues. Particulate matters is a health reason because the small particulates can travel down into the respiratory system. It can also affect the environment (inaudible) reduced visibility and aesthetic (inaudible). The (inaudible) health concerns include affects on breathing, respiratory illnesses, and aggravation of existing cardiovascular diseases. Again, all this depends on the outputs. Somebody (inaudible). But it is a requirement that it doesn't (inaudible) make a determination before they begin construction. If they don't, one of the negative impacts to the business would be you put in all this investment, KDHE comes around and says, well, where is your air permit? And you don't have one. You're in trouble. Cease and desist. So, I think this is not just a side issue here. (inaudible) sprays (inaudible), leading this in the direction of not worth (inaudible) by focusing on other things like stormwater and other environmental issues that are really not key. Where are you in terms of (inaudible) business, or (inaudible).

Mr. Williamson: A couple of things. First of all, on the particulates, the particulates is primarily going to come through the milling of our grain. All the grain we produce the beer from, similar to a bakery, we will get in raw, malted form. And then, we'll use a series of grinders to actually crush that grain and add that to our hot liquor, in order to start the brewing process. Those particulates from the grain mill can indeed, just like any other particulate, cause health concerns, like you mentioned. In our case, that will be completely separated from any public space in a dedicated mill room. On our floor plan, you can see the little protrusion in the back of the building. That will have a separated room that will be exclusively the mill room, which is where we are crushing grains and putting those particulates into the air. That will be physically closed off from the building so that there are no public concern as far as adding particulates to the common air space.

As far as the additional byproducts, our primary byproducts are CO2 and water. Most of

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the water is coming from the cooling process, going from boiling the product down to a room temperature product. In that case, it's literally straight tap water that we're running through a bypass filter, where the hot liquor goes through one side and the water goes to the other side. It goes in clean water, comes out clean water. The only difference is that it is a few degrees warmer.

On the CO<sub>2</sub> side, we are producing some CO<sub>2</sub> emissions through the act of fermentation. We will be taking steps as much as we can to reduce those because part of the process of producing beer is, of course, carbonating beer. Carbonating beer uses CO<sub>2</sub>. So, one of the ways that we reduce CO<sub>2</sub> emissions is actually while the beer is still partially fermenting and producing that CO<sub>2</sub>, we actually close off the tank entirely so the CO<sub>2</sub> can no longer continue emitting, and force that CO<sub>2</sub> into the beer, so that we actually naturally carbonate. So, while I can't speak to any specific measure of volumes as far as how much CO<sub>2</sub> is captured versus how much is lost, we are very, very small scale so, frankly, I don't have access to those numbers, but I can say, to the best of my knowledge, I'm not aware of a single brewery anywhere in the state that has an air permit. If that's not the case, we're happy to take whatever steps we need to. But, from our understanding, it's pretty straightforward.

Comm. Troppito: Have you had a professional engineer give you that opinion? Or did you derive that on your own?

Mr. Williamson: Well, mostly on my own as far as what is actually being produced. But, as far as the impact, I've not had any external input. We are already working with KDHE in Hutchinson as far as meeting all health department issues. As part of a food establishment and drink establishment, we will have to go through the health department and get all the proper licenses, making sure everything is proper as far food handling and what-not. Even though beer is not typically considered food by most people, it still goes through the same health department. I don't know if that is directly related to your concerns.

Comm. Troppito: It's sort of tangential. Another question. On staff recommendation number 1, it reads: "...will maintain in good standing all licensures..." which I think you should include license and (inaudible) permits "... for a drinking establishment as required by the State of Kansas and City of Mission." Why would it not say it's required for a drinking and brewing establishment? And it's related to number 3, too. It talks about hours of operation for the drinking establishment, that it be limited to 40 hours or less a week. Is that the same for a brewing house?

Mr. Williamson: No. It would just be the operation of the tavern itself.

Comm. Troppito: And the brewing part, how many hours a week is that? What hours will they be -?

Mr. Williamson: The brewing part is pretty intensive and it's long and labored. But, it's slow. As far as specific hours, these would not be open to the public, so it would be strictly staff on site during those times. We have not set specific hours when that would be. Both

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of us currently hold full time jobs, so we would be working primarily in the evenings, early mornings and weekends. Most of that, with the exception of the drinking establishment, it would all be outside of public hours. Per the State of Kansas, the license to operate the drink establishment and the license to operate are actually separate, but of course there is a lot of overlap between those two.

Comm. Troppito: So, mostly evenings and weekends.

Mr. Williamson: Yes. The SUP really speaks to the drinking establishment of the tavern itself, not so much to the making of the beer.

Comm. Troppito: Well, I understand that, but if you don't make it, you can't sell it to people to drink it. So, it's (inaudible) and probably (inaudible) impact on the surrounding area. That's all the questions I had. Thank you.

Chair Lee: Any additional questions of the applicant?

Comm. Christiansen: How long has your operation been going on in Hutchinson?

Joe: We got our state licensing back in February, we opened to the public in April, and we've been working on it for two years, give or take.

Comm. Christiansen: Have you had issues at your Hutchinson -?

Joe: We have not.

Comm. Christiansen: Do you keep the same hours at the Hutchinson establishment, or for the tavern at least?

Mr. Cizek: Give or take. The intention with both of them, as Brian mentioned, is basically Thursday, Friday, Saturday, mostly evening hours.

Comm. Dukelow: I have one quick question. I notice it says hours of operation open to the public is limited to 40 hours or less per week. I guess that's the business model that you've got currently in Hutchinson...

Mr. Cizek: Yeah.

Comm. Dukelow: ...and when I think about going out and having a beer, I realize that most businesses are open more than 40 hours a week. So, my question is, is that consistent with your desires, with the business model?

Mr. Williamson: It's pretty consistent. Long term, if everything works out, we would like to revisit the limitation with the City. Early on, that's not a concern for us. The 40 hours is right about what we were already planning on, so that limitation is not a problem for us starting out. It's pretty consistent with similar businesses in our model. The closest one that we can look at here in the Kansas City area would be Brookside Artisan Ales. For them, I believe they just expanded their hours. Initially, it was Saturdays only; now it's Saturday, Sunday, and maybe the occasional Friday. And the primary reason for that is simply that we're a very small-scale producer. Unlike Boulevard, who is producing very large amounts of beer at any given time, we're producing very small batches. Everything

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will be made on site here or in Hutchinson. So, just by the nature of our volume, we can't be open that much. Whether we would like to or not is a different question. Ultimately, we would like to be able to do what we need to to make the business a success.

Comm. Davidson: Part of my question was what Robin touched on, about 40 hours a week. I guess that is, like you said, the business model that you're projecting. I respect entrepreneurs working another job and all the money that's invested. I understand that. I'm a little familiar with the Boulevard tap room downtown. They have certain hours that they close by. I can't tell you if it's 7:00, or 8:00, or 7:30, but they do not stay open until 11:00 or midnight. So, my question is, through the special use permit, are there restricted hours that they can stay open in the late evening?

Mr. Scott: There's nothing stipulated in these recommendations. If the Planning Commission would like to put those stipulations in, this would be the time to do that. It was my intent in drafting that to leave it a little open, give some flexibility with the hours they want to operate.

Comm. Davidson: So, if they wanted to stay open, say, they have some home brews and they can't make enough of it, and a lot of customers and they didn't stay open - Basically, it would fall to the City business hours, evening hours, sensitive to a drinking establishment?

Mr. Scott: Right.

Comm. Davidson: Right. That was one question for discussion, or what-have-you. Also, are you going to do anything to the façade of the existing building, or is it just going to be signage that's going to be -?

Mr. Williamson: We would like to update the façade a little bit, particularly within the Johnson Drive plan. Those ideas and renderings are still in the works. When they are ready, we would like to present them for potentially updating it. The primary work we're doing, of course, is the interior of the space.

Comm. Davidson: Okay. The special use permit, is there an annual review or something, just to make sure T's are crossed and I's are dotted? Or is there any kind of review at all on a special use permit?

Mr. Scott: Typically, there is not a formal review of a special use permit, but if issues come up or you think something is not in compliance with the special use permit, we'll follow up on that.

Comm. Davidson: Or a complaint, or something.

Mr. Scott: Right. They will be required every few years to renew their license, so that would be a good time to assure (inaudible) all conditions of the special use permit.

Comm. Taylor: I have a question. I'm curious. I'm not very familiar with craft brewing. How many pints do you get out of a barrel?

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Mr. Williamson: You'll get 31 gallons out there, so you'd break that down to 16-ounce pints. I don't remember off the top of my head.

Mr. Cizek: Three or four hundred, something like that.

Comm. Taylor: What do you anticipate charging for a pint of beer?

Mr. Cizek: About \$4 to \$7. It may jump up to \$8 if it's something we really put a lot of time and effort into, and it was something special. We want to run our margins very affordable. We don't want to be outlandish. We want people to come in and enjoy themselves, and if you can't come in and hang out and enjoy yourself and worry about your wallet, then you're going to be worrying about what you're spending your money on.

Comm. Taylor: Okay. My concern was touched on, which is the 30 percent. As a small business owner myself, I know how hard you have to work to diversify from your main revenue streams. So, if those numbers, you know, if you're doing 18,000 pints a year on 150 barrels, that ends up being a good amount of cheese trays. But you all have confidence that through these food trucks and neighboring restaurants, that 30 percent is a number you can handle?

Mr. Cizek: Yeah. There are a few other ways we can do it, through, hey, if you guys want to come down and have a planning meeting, we can cater it, and (inaudible) take care of it (inaudible) pay us. So, all that revenue would come through us. Things like that. The small groups. Say ScriptPro wants to book a happy hour with us, we can do the food through them. So, there are a lot of little ways for us to chip away at that \$30,000, or whatever it needs to be. And, believe it or not, cheese trays add up real quick.

*[Chair Lee opened the public hearing at 7:45 p.m.]*

*David Harris, 5730 Beverly Lane, Mission, appeared before the Planning Commission and made the following comments:*

Mr. Harris: I am a resident of Mission for 10 years and also an avid home brewer. Have been in that community for quite some time. But, more importantly, my family lives here. We walk right past the location of the proposed site for the special use permit and we're very connected to downtown Mission, the central Mission corridor and the small business district, and we want to make sure that the types of business operators that are coming into our community are consistent with our values and vision for the future. Having interacted with Jonathan at several events in the past, having seen the approach that they take and their focus on quality and being centered around a family-friendly environment, I would feel confident bringing my wife and children in there. If we were walking to get ice cream, we could get a treat for the adults and the children. I have seen the benefits to the synergies that it's going to bring to other parts of our community. I know that leasing velocity is something - I'm a commercial real estate professional by day. We're going to have quite a few new units coming on line in the next few years, and when you look at young professionals that are going to be pushing rents in these luxury multifamily sections on each side of Johnson Drive that are going to be surrounding this space, you're going

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to want to look for sticky product or sticky components within that corridor. And I will tell you that young professionals, Millennials, as well as renters by choice that are more affluent, really tend to gravitate towards areas that have microbreweries.

I know it was mentioned earlier that other parts of the city have benefitted from some of the synergies by having multiple locations. I just see a lot of growth and positive development, and it really is a changing demographic in terms of how that beer is presented as a partner within the community. I hope that the committee sees it that way and approves this special use permit.

*Marty Hugo, P.O. Box 15083, Lenexa, appeared before the Planning Commission and made the following comments:*

Mr. Hugo: My company is Real Estate Dynamics. I am here on behalf of Betty Benson, the property owner. She has been a friend and client of mine for many years. I have to tell you, before we selected these gentlemen as tenants for the space, we interviewed a number of other people with business ideas. This is something that really got Betty and I excited. It's a neat, new concept for the city. These young gentlemen, we think they are going to have tremendous success down here, and we look forward to seeing their opening. Betty and (inaudible) and I, we really don't even drink, but we're excited to have them in the community. It's going to be great for the area and the businesses around us.

*Sheryl Vickers, 1209 Romany, Kansas City, MO, appeared before the Planning Commission and made the following comments:*

Ms. Vickers: I'm a commercial real estate broker in the Kansas City market for 23 years now. I represent tenants. I represent Jonathan and Joe in their efforts to find a site in the Kansas City market. We looked all over the metro area. They really wanted to find a tight-knit neighborhood with lots of families, where there is biking and pedestrian-friendly walkways, farmers market. So, we looked at Overland Park, toured several spaces there. I took them to Lenexa City Centre, looked up and down Johnson Drive. We've been out to Mission Gateway, and all over the Kansas side. They didn't want to go to the Missouri side for licensing reasons.

So, once they settled on this location and enjoyed working with Marty and Betty, we chose this site. I think it's important to say that after 23 years of working with small businesses and national chains, when I take the time to work with small businesses, it's real important to vet them first because I only make money when deals consummate. Entrepreneurs come and go, and many, many of them never open a location because it's a long, hard process, and it can take months, sometimes years, to get the right space, to negotiate a win/win situation. So, I can vouch for the fact that these guys know their stuff.

One of my favorite things about the brand, an aged beer is a different bird, and they have taken - I don't know if you know, the art behind Boulevard labels, or the (inaudible) wine labels, any time someone goes to the effort to have illustrations and art behind their brand tells you the level of expertise and standards that they have. They have a white label with a pencil illustration, and each different beer has a different bird. They are absolutely

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gorgeous. [Looking for illustrations?] All of their efforts are top-notch. They are buttoned up, and they have everything figured out. So, I think this is a great location. I think they are happy about their neighbors and their neighborhood. They are excited about working with the farmers market and having a lot of families and Mission people hanging out at their coffee shop-feeling tap room. So, I hope you can approve them. Thank you.

*Jason Hans, 5606-A Johnson Drive, appeared before the Planning Commission and made the following comments:*

Mr. Hans: My family and I own Mission Board Games. On August 1, we will also be the lessee of the former Twisted Sisters space. The coffee shop should be reopened by the end of August. We are very excited about Sandhills Brewery. We think it is great for our business, and we really hope to supply them with cheese trays from the coffee shop. Thank you.

*Kevin Fullerton, 5600 Johnson Drive, appeared before the Planning Commission and made the following comments:*

Mr. Fullerton: I'm a resident and business owner of Springboard Creative, just a few doors down from where the brewery will be. I'm also president of the Mission Business Partnership. One of our jobs at the Mission Business Partnership is to recruit businesses into downtown Mission, because ever since the renovation, we're trying to recapture what a small town can be. What will bring people down, what will build a community. So, we've been trying to recruit businesses, so we're looking for destination-type businesses. Mission Board Games is a good example. People come from all over to Mission Board Games. Mission Fresh, the new store that is coming in soon. The Running Well store. Where it brings people in who might not necessarily come to Mission. People ask me, what is my dream business? And I said a microbrewery. So, the idea of not just one, but possibly two microbreweries - You might say I cried when I heard this, but I might have cried a little bit.

The thing is, you look at microbreweries, and if you look at north Kansas City, it has exploded. If you haven't been down there lately, go down there. You won't believe how busy it is, what a huge community it is. You know what started it? Microbreweries. They got a couple in, and that's when they really started growing. This is one of those economic engines that can drive a business community like that. And with new apartments coming in, with Mission Trails, with Gateway, and with hopefully the one on Martway, this is all within walking distance. This will bring people downtown. It will help bring people to those apartments, as well. We will be able to bring them in because they are going to have places they can walk to and enjoy. Thank you.

*Sandi Russell, 6416 Millhaven Drive, appeared before the Planning Commission and made the following comments:*

Ms. Russell: As of August 1st, I will be the former owner of Twisted Sisters coffee shop. I am going to retire and am thrilled that the Hans family is going to be taking on the coffee shop and continuing on, because it really has become a community hub. I am very excited

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about the microbrewery. I had an opportunity to speak with Jonathan and Joe. What I think is wonderful about this is, you know, you may look at the 30 percent food as possibly unattainable, but it's an incredible opportunity for area businesses to collaborate with the new coffee shop that's coming in. Like Ad Astra, another small business that caters a lot, who does a lot of boxed pieces. We've got Oregano and Thyme. So, they have reached out and are working with area small businesses, and I think that's a really wonderful thing that happens in the city of Mission. Mission is a small town in a big city, and with all the opportunities that small businesses are going to have with construction of all the apartments, the different things that are going to be going on in Mission and surrounding areas, I think it's just an awesome thing. So, I hope you look on it favorably and will approve this.

*[There being no one else wishing to speak, Chair Lee closed the public hearing at 7:56 p.m.]*

Comm. Bruce: I happened to be in the Hartman's Hardware about a week ago, and Jonathan came in, introduced himself to the business owners. He was going down the street, doing that. I think that certainly speaks well for his community interest. Thank you.

Chair Lee: At this point, I would entertain a motion.

Comm. Troppito: I would just like to add that I did have some concerns here; in fact, I still do. There are the environmental issues I mentioned, but these are really things that the, not the City, per se, not use (inaudible). This is something that should be (inaudible) for their own benefit to look into. I would encourage them to do that, to get an environmental engineer to look at whether or not a construction permit is needed. Keep in mind that just because it's not perhaps required in Hutchinson or anywhere else, it may just mean that this has never come up before. And all it would take is a complaint from somebody to a regulatory agency, for whatever reason, to trigger a compliance investigation. At that point a determination would be made as to whether or not a permit was required. If it gets to a point where determination is that a permit is required, there would be a shut-down to the business. Again, it's something that is really the business' responsibility to determine. It's not up to me or the Planning Commission to impose that requirement. I would just encourage you to do it.

Chair Lee: Thank you. I would entertain a motion.

Comm. Dukelow: If there are no other comments, I would provide a motion: To recommend approval of Case #18-06 to City Council for a special use permit to use 5612 Johnson Drive as a brewing and drinking establishment. The special use permit would run with the use of the property, with the following conditions:

1. The holder(s) of this special use permit for a drinking **and brewing** establishment, and any future assignees, will maintain in good standing all licensures for a drinking establishment as required by the State of Kansas and the City of Mission.
2. The holder(s) of this special use permit will be required to meet the stipulation of a

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drinking establishment in that sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment.

3. The subject address of the special use permit will be kept in a clean and orderly manner and not present or cause to be presented any nuisances and/or violations of the Municipal codes of the City of Mission.
4. Hours of operation for the drinking establishment will be limited to 40 hours or less a week.

Comm. Bruce: Second.

*Motion passes 8-0.*

**Case # 18-07 Special Use Permit for Operation of a Drinking Establishment**  
**5880 Beverly**

Mr. Scott: I have actually talked to four separate parties within as many months that are interested in opening up a microbrewery, or nano-brewery - however you want to define that - in the city of Mission. It seems to be a very popular item right now. The second item tonight is the second applicant. This location is 5880 Beverly Avenue. The applicant is Ms. Sara Charlson. The current property owners are Greg and Kelli Pesch. The property currently is a 5,760 single-family building located one-half block north of Johnson Drive. The building is currently being utilized as an automotive repair shop, doing business as Run-Rite Automotive. The property is zoned MS-2 Main Street District 2.

The property immediately to the north is also zoned MS-2 Main Street District 2 and is the current site of the Brazilian Jiu Jitsu studio. The property further north is DND Downtown Neighborhood District, residential properties, single family. The property to the west is Mission Kitchen and Bath and the property to the east is Signature Logo Embroidery. Properties to the south are MS-1 Main Street District and include Dearborn Animal Clinic, Mission Fresh Fashion, and Flatlanders Ski Shop.

Again, the applicant is doing business as Rockcreek Brewing Company and they intend to purchase the property for the purpose of developing a nano-brewery or microbrewery at this location, with an associated tap room. The applicant intends to produce approximately 300 barrels of beer a year on premises for consumption in the tap room that will also be on premises. There may be limited retail sales of the product over the counter in the form of growlers and packaged beer.

Hours of production will be during normal business hours. The applicant intends to receive deliveries of products once or twice a week. Again, there will be no distribution of the product from this location. Waste byproducts will be similar to the last applicant - spent grains, which the applicant will keep in a sealed container inside the premises until time of disposal. General trash will be disposed in dumpsters located on the property. Rinse water will be deposited in floor drains that connect to the sanitary sewer. This applicant has given us specific proposed hours of operation: Wednesday, 4 p.m. to 9 p.m.;

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Thursday 4 p.m. to 9 p.m.; Friday 11 a.m. to 10 p.m.; Saturday 11 a.m. to 10 p.m.; and Sunday 12 a.m. to 7 p.m. As with the other applicant, they intend to have approximately 80 patrons accommodate their tap room at any given time, and they intend to have as many as five employees on site during peak operations.

As with the other applicant, there are a number of stipulations for drinking establishments under the state statutes. I won't repeat those again. They are also required to have 30 percent food sales of the total gross sales for the drinking establishment.

What is unique about this location is that it is an MS-2 zoning district. I will read this statement of intent for the MS-2 zoning district:

"The zoning of property as "MS2" Main Street District 2 is *intended to provide development opportunities consistent with the existing character surrounding the core of downtown Mission* (emphasis added). The objectives for this district are similar to MS1, except residential and office uses are permitted on the ground floor level of mixed-use buildings or complexes in order to support the businesses in the downtown area. This district promotes multi-story structures with top-floor setbacks as described by the Mission/Rock Creek Redevelopment Masterplan."

Section 410.220 (A) states, "No building, structure, land or premises shall be used, and no building or structure shall be hereafter erected, constructed, reconstructed, moved or altered, except for one (1) or more of the following uses, subject to the development and performance standards set forth in Section 410.260: 1) Any use permitted in District MS-1, subject to the applicable development and performance standards." So, essentially, MS-2 allows for any uses that are allowed in MS-1.

Municipal Code Section 410, Article V stipulates zoning regulations for properties, same as the last applicant. Subsection (F) states, "clubs and drinking establishments shall be allowed after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180." Section 410.200 - Development Standards - Subsection (H)(2) further states, "Food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed where the sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment, provided that the exterior walls of clubs and drinking establishments are at least two hundred (200) feet from the nearest residentially zoned property line. A special use permit shall be required for clubs and drinking establishments within two hundred (200) feet of residentially zoned property." This would be within 200 feet of a residentially-zoned property, the DND Downtown Neighborhood District.

Again, there are 14 requirements for a special use permit. They are very similar to the last set. I'll quickly read through these:

Criteria #1, the character of the neighborhood. The subject property for this proposed SUP is located just off the Johnson Drive retail corridor and within the area designated as the downtown core. There is a kitchen and bath business to the west of the subject property and a embroidery shop to the east. To the south are various retail and services-oriented

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businesses along Johnson Drive. To the immediate north is a Jiu Jitsu studio. Further north are single-family homes within a DND zoned district. Staff believes that the proposed special use permit for a drinking establishment would be within keeping of the retail nature of this area and would not have any adverse impact on the character of the existing neighborhood.

Criteria #2. The zoning and uses of nearby properties, and the extent to which the proposed use would be in harmony with such zoning and uses. Properties that surround the subject address are all either MS-1 Main Street District 1 or MS-2 Main Street District 2. There is a residential zoned area further north that is zoned "DND" Downtown Neighborhood District and is intended to serve as a transition area between the downtown core and more traditional, single-family residentially zoned areas. There are no schools or churches in the area. The proposed special use permit for a drinking establishment would be in harmony with the existing zoning districts and permitted uses. Furthermore, the proposed SUP is in keeping with the vision for the Johnson Drive corridor and downtown core as envisioned by the City of Mission's Comprehensive Plan, the Johnson Drive Guidelines and other master plans for this district. The proposed use associated with the SUP will add to the retail and economic viability of the corridor by attracting visitors to the area. The applicant has described the proposed use as a family/neighborhood friendly environment with limited hours, not open past 10 p.m.

Staff concludes that the zoning and uses of nearby properties are in harmony with the proposed special use permit and will not be adversely impacted by the proposed special use permit.

Criteria #3. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations. The subject property of this special use permit is suitable for the proposed use as a drinking establishment. It is currently an automotive repair shop and has been for several years. With a moderate conversion, it will offer the space needed to operate a nano-brewery/microbrewery producing 300 barrels a year and associated tap room.

Staff concludes that the existing property that is the subject of the proposed special use permit is suitable for the restricted use under the MS-2 zoning district that would require a special use permit.

Criteria #4. The extent to which approval of the application would detrimentally affect nearby properties. As stated above, the proposed use for the special use permit will be a family friendly environment and will be open to the public for only limited hours. It should not have any negative impact on nearby property. The proposed use of the property will not be any more intensive than the existing use. There may be an occasional food truck parked on the property, but this will be on the south side of the building.

Staff concludes the proposed special use permit will have no detrimental effects on nearby property.

Criteria #5. The length of time the property has remained vacant as zoned. The subject property is not currently vacant.

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Criteria #6. The relative benefit to the public health, safety and welfare by retaining applicable restrictions on the property as compared to the destruction of the value of the property or hardship to the owner associated with denying its request. The proposed SUP for a drinking establishment will have minimal impact on the surrounding properties. The hours of operation will be limited to the afternoon and evening hours for a few days out of the week. In addition, the production of beer would not be any more detrimental than the production of other food products in a restaurant or bakery type setting, which is a permitted use in this zoning district, nor the existing automotive repair shop. Consequently, the benefit to public health, safety and welfare by retaining the applicable restrictions is limited. The owner of the property is interested in selling the property, and it has been on the market for several months. If the proposed application for a special use permit is denied, the property could remain on the market for several more months. As an automotive repair shop, it is a unique property to sell and one that will require considerable investment to be made ready for another type of use.

Therefore, staff concludes the relative benefit to the public health, safety and welfare by retaining the applicable restriction would be minimal as compared to the lost economic value if the subject property is not sold.

Criteria #7. The master plan or comprehensive plan. Municipal Code Section 410.220, Statement of Intent for the MS-2 Main Street District 1 states, "The zoning of property as MS-2 Main Street District 2 is intended to provide development opportunities consistent with the existing character surrounding the core of downtown Mission. The objectives for this district are similar to MS1, except residential and office uses are permitted on the ground floor level of mixed-use buildings or complexes in order to support the businesses in the downtown area." The statement of intent for the MS-1 zoning district states: "The zoning of property as MS1 Main Street District 1 is intended to provide development opportunities consistent with the existing character within the core of Downtown Mission. Downtown Mission is the original commercial district within the City. The majority of buildings in the core of downtown have been constructed to the public right-of-way. Public parking lots are available and on-street parking is present to serve the downtown businesses. The result is a character unique to downtown that is not found elsewhere in the City. The MS1 District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. In addition, the district is intended to allow flexibility from the normal development standards found elsewhere in the City." There are variety of permitted uses within this zoning including retail and specialty retail, prepared food, food for home, and entertainment.

The Comprehensive Plan, and subsequent master plans and guiding documents speak to a pedestrian oriented environment along Johnson Drive with a mix of uses and activities that provides for a lively downtown environment. This application for a SUP to operate a drinking establishment would be in keeping with that vision. This will be a unique retail experience in that patrons will be partaking in specialty craft beers not normally found in bars or restaurants in the area. This will be something of a destination use in that those

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that are interested in craft beer will come from throughout the region. Patrons will most likely take advantage of their time in Mission and frequent other shops and restaurants while here.

Therefore, staff concludes the proposed special use permit for a drinking establishment associated with a nano-brewery/microbrewery is compatible with the vision of the City of Mission's Comprehensive Plan and various master plans for the Johnson Drive corridor and downtown core.

Criteria 8. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use, or present parking problems in the vicinity of the property. Again, the applicant is proposing that the tap room would accommodate upwards of 50 patrons. This number of potential patrons is not unusual and will not create an adverse impact on traffic patterns in the area. There are approximately 30 on-street parking spaces along Johnson Drive within 150 feet of the subject property of the proposed special use permit. Fifty spaces of public parking will be available in the parking structure one block south of this property, on the south side of Johnson Drive, once the Mission Trails project is complete. The proposed use will be open primarily in the evening hours when other surrounding uses may be closed. Thus, there should not be a high demand for on street parking.

Staff concludes that the proposed special use permit will not have any adverse impact on the capacity or safety of the surrounding network or present parking problems in the vicinity.

Criteria #9. The recommendation of the professional staff. The City's professional staff believes that the proposed application for a special use permit to operate a drinking establishment conforms with the intent of the MS-2 zoning district, the City of Mission's Comprehensive Plan, and master plans guidelines for this area.

Criteria #10. The extent to which utilities and services, including but not limited to, sewers, water service, police and fire protection, and parks and recreation facilities, are available and adequate to serve the proposed use. Staff concludes that the proposed special use permit will not have any impact on utility services or public safety services of the City.

Criteria #11. The extent to which the proposed use would create excessive stormwater runoff, air pollution, water pollution, noise pollution or other environmental harm. Again, staff believes the proposed special use permit will not create any excessive stormwater runoff, air pollution, water pollution, noise pollution, or other environmental harm, as duly noted with comments from Commissioner Troppito at the last application.

Criteria #12. The extent to which there is a need for the use in the community. There is no defined "need" for the proposed special use in the community. However, the proposed special use will have a positive economic impact on the community. Please see Criteria #13.

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Criteria #13. The economic impact of the proposed use on the community. The proposed SUP for a drinking establishment will be associated with the operation of a nano-brewery. This is a unique use that plays into the “makers” movement, which has become a strong component of the post-recession economy. The makers movement emphasizes individual entrepreneurs utilizing their creativity and skills to produce products on a small scale for sale and consumption to the general public in the immediate area. These types of entrepreneurs seek out inexpensive locations to establish their businesses and often become the fabric of a unique economic renaissance for the area. There is an application for a SUP - which you just heard - currently in the process of consideration, that is very similar in concept to this application. If approved, both concepts can work in tandem to create an economic synergy of sorts for those that like to partake in specialty craft beer. This could be an opportunity to attract visitors from areas beyond Mission to spend time and financial resources in the Mission community. In addition, there may be other unique opportunities that result from this synergy, including dining and unique retailing.

Therefore, staff believes the proposed application for a special use permit for a drinking establishment to be associated with a nano-brewery will support and enhance the economic environment of the Johnson Drive corridor and the Mission community.

Finally, Criteria #14. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to the zoning district regulations. Staff believes that the applicant will be able to satisfy the requirements that are applicable to the specific use imposed pursuant to the zoning district regulations.

Now, there is one peculiar requirement for parking associated with the MS2 zoning district. The MS-2 zoning district stipulates that four (4) off-street parking spaces shall be provided on the premises for each 1,000 square feet of gross floor area; provided, however, that properties whose nearest property line is within 200 feet of the nearest public off-street parking lot, two and one-half off-street parking spaces shall be provided on the premises for each one thousand square feet of gross floor area. So, the requirement for four off-street parking spaces would equate to 23 parking spaces required on site. I'm looking at the aerial of the proposed location. It looks like you could probably squeeze 15-18 vehicles to be parked on the property. There are approximately 30 on-street parking spaces along Johnson Drive within 150 feet of the subject property. As stated earlier, the Mission Trails complex will have a parking garage that will provide 50 public parking spaces for general public parking.

Therefore, staff would recommend that the stipulation of off-street public parking lot be waived in lieu of public on-street parking. That would allow for that reduction in parking actually on site, so you'd be able to get the 15-18 parking spaces on the property.

So, staff's recommendation is that the Planning Commission recommend approval of Case #18-07 to the City Council for special use permit for the use of 5880 Beverly Avenue as a drinking establishment. The special use permit would run with the use of the property with the following conditions:

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1. The holder(s) of this special use permit for a drinking establishment, and any future assignees, will maintain in good standing all licensures for a drinking establishment as required by the State of Kansas and the City of Mission.
2. The holder(s) of this special use permit will be required to meet the stipulation of a drinking establishment in that sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment.
3. Hours of operation for the drinking establishment will be limited to 40 hours or less a week.
4. The subject property of the special use permit will be kept in a clean and orderly manner and not present or cause to be presented any nuisances and/or violations of the Municipal codes of the City of Mission.

Staff further recommends that a waiver be granted to the stipulation that properties whose nearest property line is within 200 feet of the nearest public off-street parking lot, be reduced to allow the required parking to two and one-half off-street parking spaces for each 1,000 square feet of gross floor area. Specifically, such waiver would allow the applicant to count public on-street parking within 200 feet of the property in order to meet this provision.

Ms. Charlson and her business partners are here this evening. I believe they have a presentation they would like to give to you.

*Sara Charlson, Applicant, 411 West 46th Terrace, Suite 304, Kansas City, MO, appeared before the Planning Commission and made the following comments:*

Ms. Charlson: I'm with Rockcreek Brewing Company, and the other ownership members here with me tonight are Mark Schonhoff, Chris Murrish and Craig Reed. Thank you.

A little bit about us. All four of us worked together at Cerner Corporation in North Kansas City for many years. Three of us no longer work there, and one is still holding firm. So, we've spent a lot of time in North Kansas City, we've spent a lot of time in the area up there that was mentioned, and that got us excited about small communities like North Kansas City and Mission.

To echo what Sandhills said, we're very similar. We want to create a family-friendly environment. We're excited about a small community where there would be a lot of foot traffic and people are able to walk. We don't want to be a Boulevard brewing company, so we're also on a very small scale.

With the accommodation of a microbrewery and a brew pub, our goal the first year is to brew between 200 and 300 barrels. We plan to sell pints in the tap room, as well as some to-go beer for those who are looking for that option. Our tap room, we want to keep it on a small scale, so when it was mentioned that the building itself was 5,000 square foot, we intend for only 1,000 square foot of that to be for the tap room. The rest of the building is divided into a basement and a first floor, and the 5,000 square foot includes the basement.

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We don't have all the plans firmed up, but we intend for the basement to be for storage, refrigeration, and things like that. And then, the brewing equipment will be upstairs, as well as a 1,000 square foot tap room is planned. We're thinking 40-50 patrons' size, and with that, for parking, there are four spaces in front of the building that are already established. Then there is ample room to the south side of the building to add additional spaces as needed. Brian elaborated that, you know, that maybe 10 to 15 spaces could be there, but we're not worried about it because the tap room would be 1,000 square feet and not larger than that.

Unidentified: And employee parking to the west of the building.

Ms. Charlson: Yes. And then, for the food component, the 30 percent requirement, we do plan to have a small on-site kitchen. Nothing elaborate, but enough for us to make small plates and have snacks and other bar-type things that you would find if you were in a brew pub. And then, supplement with food trucks part time. We would see the food trucks helping us maybe supplement on a Saturday or Sunday, but we would have a kitchen to help us get to that 30 percent.

Brian mentioned our planned tap room hours, which are just under the allotted 40 hours required. Closed on Monday and Tuesday; Wednesday and Thursday 4:00 to 9:00; Friday and Saturday we're saying 11:00 a.m. to 10:00 p.m., but we're not sure we would really start at 11:00 a.m. Those are just proposals. We will see how the traffic leads us. And then, Sunday 12:00 to 7:00.

From an employee standpoint, a maximum of five people at one time. Of our ownership group, two of us would be full time, getting it up and running, and also be working in the tap room. We'd have one part-time member from our ownership group as well, and then we will hire supplementals. Obviously, none of us are brewers, so we would be hiring a head brewer, and then, part time employees. Two or three, most likely.

In summary, just like Sandhills, we don't view the brewing community as competitive, so we're really excited if we're both in the same area, able to walk, have the family-friendly environment. We want to make superior craft beer that attracts a lot of folks into the community. Again, like Sandhills, we don't want to have the Westport environment going on. Nothing against Westport, but we're older and we want to go to bed earlier. We would like to be the place where people start their evening, not necessarily where they finish it. At least in our brew pub. Our target opening is March 2019 if all goes well. We'll take any questions you have.

Comm. Braden: You say your target opening date is March 2019. Are you making improvements to the building other than the interior for your tap room and the brew room?

Ms. Charlson: Yes. We do have a signed contract with the current owner, so we are in our 90-day due diligence period from a contracting perspective. Some of that is, will we get our special use permit, can we get a liquor license, all of those things that would keep us from moving forward. We're also having the building inspected. And then, we worked

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with Brian and saw some of the Mission scapes for updating the building, and we definitely would like to make improvements, you know, to make it more up to date, if nothing else.

Comm. Davidson: As far as the renovation, I know the property and have driven by it. With the parking and the parking in the garage, or whatever, is there any renovation on the parking lot as far as curbs, gutters and landscape-type --?

Ms. Charlson: We've talked about that. The parking lot itself is in rough shape in general, if you drive back near the carport. So, we would have to resurface that, even some of it out, so that it is presentable, (A). (B) it would allow for us to have additional space for parking on the side.

Unidentified: If you haven't driven by it, there are about four spots right here, and then there's a fair amount of them right in here for some diagonal parking. And then, as Mark mentioned, it kind of goes down a slope. We mentioned employee parking back here behind. But this would definitely need some work, some curbing, etc., to make it so that it's presentable.

Comm. Davidson: Well, automotive facilities like The Bar on Johnson Drive, that sort of thing, those structures actually can give you some unique characteristics for a microbrewery. It falls right into place. Anyway, I'm just saying the building has a lot of character in itself that, when the parking, and the curbing, and everything, maybe it's not, re-generated, revitalized, or whatever, that when that is done with the building having its character in itself, it really makes an establishment more and more pleasing to customers that you're trying to drive toward your business. That was a question I had.

Last question I have - and this is to Brian - that residential property, what is the distance from, to the south property line of the residential area directly to the north? I know you said it's less than 200 feet.

Mr. Scott: Less than 100 feet.

Comm. Davidson: So, right where the white car is on the top of the slide, that line right there is the south property line of that residential home?

Mr. Scott: Correct. You can kind of see the trees right at the edge of the photo.

Comm. Davidson: All right. That's all I had.

Comm. Troppito: Brian, somewhere in the prior case, one thing I was picking on (inaudible). This requirement for, the statement on environmental harm (inaudible), where does that come from?

Mr. Scott: When you look at a lot of the uses under the zoning, where it requires a special use permit, these are more heavy uses, such as concrete plants.

Comm. Troppito: Well, what I'm asking is, is the (inaudible). Where is that coming from? Zoning code, or what?

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Mr. Scott: The criteria comes from the zoning code. Staff's summary of that is my interpretation, not any kind of engineering study or any kind of formal study of that.

Comm. Troppito: Just (inaudible). Second comment (inaudible)...I find not credible. When you get a report that takes a position and says that it doesn't have any effects, any environmental effects, then it's not based on technical review (inaudible)...should be making (inaudible)...just not persuasive. Just not persuasive to me. (inaudible) ...whatever you think it's worth.

Comm. Taylor: I read about your food and your kitchen, but describe a little more what your plan is for that 30 percent again. I'm curious, too. It's really impressive to know that you all are from Cerner, and that you're leaving that career to start a business. You say you're not brewers...?

Unidentified: We're home brewers. We're not trying to be a professional brewer of the scale or of this level.

Unidentified: And we have connections with other brewers that you could (inaudible) cinder block, so we know other brewers out there that have done this and succeeded.

Comm. Taylor: That's fantastic. I have friends at Cerner, so, again, I love the idea that your contributions to that company put you in this position. The kitchen, again.

Ms. Charlson: Yeah. We haven't fully designed the menu, but when you go into a brew pub, or even a small bar and grill, they might have just a small plates menu. If you think about sliders, pretzels, nachos, things like that. Things that would be easy to generate out of a smaller kitchen, where you wouldn't need a full-time chef. Those are the kind of bar snacks. Popcorn. Things like that.

Comm. Bruce: Mr. Scott, if I understand this correctly, she's saying the tap room is going to be 1,000 square feet, which would be interpreted to 2 1/2 parking spots?

Mr. Scott: Correct.

Comm. Bruce: Okay.

Comm. Dukelow: I have a question regarding limitation on the hours. I don't know where that came from or whether you're comfortable with that. From looking at your initial thought on how frequently you're open, it looks like you're pretty close to 40 hours with that.

Ms. Charlson: Correct.

Comm. Dukelow: So, I guess my question is, is that reasonable to restrict it to 40 hours or less a week? Because I don't know where that restriction is coming from. Maybe it's a combination of, a question of you running a business, and also maybe a question of staff, whether or not there's any reason why we'd want to include that.

Ms. Charlson: We are comfortable with it. Before Brian told us about that restriction, we had already created our hours, not knowing that restriction would be there. Like I said, we

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probably went long Friday and Saturday initially. I don't know that we will really be open at 11:00 a.m. I don't know if you guys want to weigh in. I don't think we have an issue with that.

Unidentified: It's fairly common in the microbrewery-type industry to have fairly limited hours. I hope that's not bad for us.

Comm. Dukelow: That answers my question. I mean, I don't want us to sit here and put on a restriction that's going to be...

[crosstalk]

Unidentified: But then, in combination with the fact that we're very close to residential areas, I think it makes good sense. And the fact of the matter is, our goal is to make really good craft beer. Like, these guys can be a destination where people maybe begin their night. They don't necessarily spend the whole night there, drinking until two in the morning type of thing. More like family-friendly, enjoy what you're here to do. We're not planning to be open that late.

Comm. Dukelow: Thank you. The other part of that, a question for Brian. Why do we have that limit to 40 hours in the criteria?

Mr. Scott: Again, with what the applicant is saying, to be respectful of the residential area. We're not up against the residential area, but very close. So, try to limit the hours of a drinking establishment to something that's reasonable. We have to remember, too, that this runs with the property, so if they were going to sell the business, or if someone else were to come in and run a drinking establishment, they could, under this existing SUP, that they wanted to change those hours, they would have to come back and amend that. It does provide some control for us. We don't want to be a party-type, late-night environment, either.

Chair Lee: Thank you.

*[Chair Lee opened the public hearing at 8:40 p.m.]*

*Dick Pedrotti, Pedrotti, LLC, appeared before the Planning Commission and made the following comments:*

Mr. Pedrotti: We own the property across the street with the big parking lot. We currently have a problem with the Jiu Jitsu that's in the building adjacent to this building, especially during the day. They're parking on both sides of the street of Beverly Avenue, which makes it restrictive. We just want to make sure there are improvements to their parking so that they can park on their side of the street, or in their parking lot. I heard 40 to 50 patrons. That's got to be four cars or so. So, that's my concern.

Unidentified: What are your business hours?

Mr. Pedrotti: Our business hours are normally 7:00 to 5:00, sometimes 5:30.

Unidentified: What days of the week?

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Mr. Pedrotti: Five days a week, Monday through Friday. We've had some problems with the Jiu Jitsu people parking there at nighttime. We're just concerned about the parking.

Comm. Dukelow: Regarding the parking, I want to make sure I understand your concern. So, people are double-loading the street, is what I'm understanding. They're parking on both sides of the street, and it's been your observation that there is not enough width there to have cars parked on both sides?

Mr. Pedrotti: They're double-loading the street, but they're also parking in our parking lot, and we're having to ask them to leave. We haven't had to tow anybody yet, but... We've got some cooperation out of the Jiu Jitsu owner, but we still have people parking there, you know, (inaudible) parking spaces.

Comm. Davidson: I see your concern, meaning that there is already an issue, and this is only going to add to it. So, what is the solution to achieve people either not parking in your parking lot, and/or some type of agreement, or whatever. That's out of our hands. I see that as being a concern because there's parking there...

Mr. Pedrotti: I mean, I think the building has other parking behind it, but nobody uses it. I don't know why. If they make improvements to it, that may solve the issue. I just know it's an issue now.

Comm. Davidson: Do the applicants, are they aware of that? Have any ideas of how to address that issue?

Unidentified: The gentleman that owns Run Right Automotive today also owns the building. He leases it out to the Jiu Jitsu. One of the things that we have talked to them about is doing some kind of a parking agreement, so that between us and the Jiu Jitsu location, that we basically have a shared parking lot between those two businesses.

Comm. Davidson: What kind of business is that?

Unidentified: It's Brazilian Jiu Jitsu.

[crosstalk]

Comm. Davidson: Martial arts. What are their hours when they have classes?

Mr. Pedrotti: They do have some days where they're heavily parked around 10 or 11 o'clock in the morning. And then, I think they're more heavily parked in the evening. Two or three o'clock in the afternoon, I don't think they're very busy (inaudible).

Comm. Davidson: Again, I understand your concern, and how to achieve, you know, how you're not being disrupted with your facility.

Chair Lee: Thank you. Anyone else who would like to speak? If not, we will close the public hearing.

*[Chair Lee closed the public hearing at 8:45 p.m.]*

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Chair Lee: My only concern with parking is what is going to stop people in the evening parking to the northern residential area.

Comm. Bruce: Mr. Chairman, I know that the owner of the building is apparently not here. It does appear that there's quite a bit of parking area to the west and to the north of what is currently the Jiu Jitsu building. But it doesn't appear to be organized parking. It's just area that would be available.

Ms. Charlson: And that's part of what we have been, in our contract for ownership of our half of the building, that is part of the negotiation, is that we would have shared parking for the entire building across our ownership side and the Jiu Jitsu side.

Unidentified: Also, I think the improvement to the actual parking lot itself will hopefully prevent this problem. Right now, it's uneven. Nobody goes back there because it's too uneven to drive. I think there's a lot of wasted space in parking today, so I think with the improvements to the parking lot itself, plus potentially a sign, you know, you can't park on this site, only for this business, that might help, too.

Comm. Bruce: Well, it would appear that there would be parking around the Jiu Jitsu building for at least 18 to 20 cars. And I would think that would relieve this gentleman's problem.

Comm. Davidson: But then, if they had classes that night, I mean, they could have, you know, 18 cars filling up those spaces in the evenings that they did have their evening classes. So, again, I could see this could be a potential problem, and signage can try to take care of the issues as far as no parking on one side of the street or the other. And then, just as ScriptPro has on all their properties, that it basically says that this is private parking for employees, and all others would be towed at the owners' expense. But, again, you always hate to tow people's cars, but again, if the issue is causing issues to the business person in a private parking lot, then so be it.

Chair Lee: Other comments or questions?

Unidentified: Is the public allowed to speak?

Chair Lee: We've already closed the public hearing.

Mr. Pedrotti: But they offered additional information. Can we request it be reopened?

Chair Lee: Okay (inaudible).

*Mary Horvatin, 6124 Johnson Drive, appeared before the Planning Commission and made the following comments:*

Ms. Horvatin: I own Yoga Fix, which is at the opposite end of the block from where they are proposing to go in. And I know that every time we have something new that might attract more customers, people get really upset about parking, and they get concerned about what's going to happen. It is the same thing when The Bar went in. Everybody thought that was the end of the world because we were going to have a restaurant, and

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how are we ever going to accommodate all those people. I know people were all upset when my studio came in - Oh, you're going to have all those yoga people, how are we going to handle this? I'm telling you, the problem I have with parking in Mission is the spaces aren't filled. I see that night after night. My customers don't have someone to draw them to the area and to stay, other than my studio. So, I do feel for what you're going through. You have private parking, which does need to be enforced, and I understand that because you pay for your parking lot, and you pay for the maintenance of it. You don't want other people parking in it, just like in my private area around my building. I would not be happy if I pulled up and see people who are not my customers in my lot, taking up my spots. But I think we need to get past that, and I think we need to welcome businesses that are going to bring revenue and customers into the area. It sounds like they are family-friendly, they're not trying to bring in a bar atmosphere, and I think we should work with parking as we get more and more occupancy, and figure that out as we go. We need more business down here. That's all.

Chair Lee: Thank you. Now we are officially closed.

Comm. Dukelow: I will comment that, I mean, obviously we talked about it enough, and the applicants concur that improvements will be made to the parking lot, that that will be addressed. So, it may be that we consider that as part of the stipulation. I mean, they're just in their due diligence period and they don't have any drawings yet. So, we need to make that a part of the, the parking lot being improved so it's actually useable by the patrons. A suggestion that we could add a stipulation #5, if we chose to do so.

If there's no further discussion, I'll make a motion. I'm going to make a motion to recommend approval of Case #18-07 to the City Council, for a special use permit for the use of 5880 Beverly Avenue as a brewing and drinking establishment. The special use permit would run with the use of the property with the following conditions:

1. The holder(s) of this special use permit for a drinking **and brewing** establishment, and any future assignees, will maintain in good standing all licensures for a drinking **and brewing** establishment as required by the State of Kansas and the City of Mission.
2. The holder(s) of this special use permit will be required to meet the stipulation of a drinking **and brewing** establishment in that sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment.
3. Hours of operation for the drinking **and brewing** establishment will be **open to the public** 40 hours or less a week.
4. The subject property of the special use permit will be kept in a clean and orderly manner and not present or cause to be presented any nuisances and/or violations of the Municipal codes of the City of Mission.

Comm. Dukelow: And then, to that I'm going to add a stipulation #5:

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5. The parking lot will be improved and made more serviceable and useable with the project improvement and the building project.

Comm. Dukelow: And then, additionally, I'm going to recommend, as suggested, that the waiver be granted to the stipulation that the property whose nearest property line is within 200 feet of the nearest public off-street parking lot be allowed to reduce their required parking to 2 1/2 off-street parking spaces for each 1,000 square feet of gross area, to allow the applicant to count public on-street parking within 200 feet of the property to meet the parking provision.

Comm. Troppito: I'll second that if Comm. Dukelow will accept, in stipulation #1, the word "licensures," which normally refers to professional licenses - CPA, etc. - is subject to (inaudible) licenses and permits.

Comm. Dukelow: Accepted.

The vote was taken (8-0). The **motion carried**.

**Case #18-08 - Designation of a Sign of Historic Significance**

**5710 Johnson Drive**

Mr. Scott: This is an application for designation of a sign of historic significance, located at 5710 Johnson Drive. The applicant is Mr. and Mrs. Carl and Cathy Casey. The building at this location was built in 1953. It has pretty much been an automobile-oriented use this entire time. The property was owned by Sinclair, and Casey Brothers, the operation of an auto repair business for 50 years or more; I'm not exactly sure. That business did close in 2015. Mr. and Mrs. Casey bought the business and are currently operating it as Casey's Auto Repair on the Drive.

They are requesting consideration that the existing pole sign on the property be considered of historical significance. There are four criteria for this consideration:

1. The sign shall have been installed at least forty years prior to the date of the application.

Mr. Scott: According to the minutes of the Mission City Council, this sign was originally approved in June of 1970, making it approximately 48 years old. This has met the age requirement included in the ordinance. Criteria #2:

2. The sign is structurally safe or can be made safe without substantially altering its historical appearance.

Mr. Scott: The application included a report from Norton & Schmidt, assessing the structural safety of the existing sign base, pole and cabinet, and finding no defects which would require substantial alteration to the historical appearance. Criteria #3:

3. The sign retains the majority of its character defining features, materials, technologies, structure, colors, shapes, symbols, text and/or art that have historical significance, are integral to the overall sign design, or convey historical or regional

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context.

Mr. Scott: Based on the information provided in the application, the sign will retain or maintain, at a minimum, materials, technologies, structure, and shape. This results in achieving four of the seven criteria outlined in the ordinance.

4. The sign exemplifies the cultural, economic and historic heritage of the City.

Mr. Scott: The most subjective of this criteria outlined in the ordinance, the applicant has provided information which is intended to frame the historical context of the building, the sign, and its relationship to the Johnson Drive corridor. The application packet would therefore demonstrate compliance with items 2, 3 and 4, and is proceeding for consideration by the Planning Commission in accordance with the City of Mission's sign code.

Commented [RE1]: Did not say 1.

Staff recommends the Planning Commission approve Case #18-08 and designate the existing pole sign located at 5710 Johnson Drive as a sign of historic significance, thereby making all future modifications subject to the requirements outlined in Section 430.130 of the City of Mission municipal code.

The Casey's did provide a rather extensive application and background material, included in your packet. They are here this evening, as well.

Chair Lee: Would the applicant like to speak?

*Cathy Casey appeared before the Planning Commission and made the following comments:*

Ms. Casey: Yes. The sign was approved in 1970 to have the canopy brought over, and the sign would go through the canopy. But, as you can see the history of Mission, the sign was there back in the 50's. So, in the 70's, they just wanted to add an additional (inaudible) and bring the canopy out. So, that's how that happened. All I'd like to say is that this has been a very, very long haul. We were given four criteria to meet. I feel that we have met every single one of them. I would appreciate if you would vote tonight. That's all I have to say. Thank you.

Chair Lee: Thank you. Questions?

Comm. Troppito: Question. I'm looking at the pictures on page 4 of the sign base. (inaudible) And I suppose this is an engineering opinion, (inaudible) pictures of the sign, basically stating that it's structurally sound. Is that correct?

Mr. Scott: Correct.

Comm. Troppito: Okay. It doesn't mention how (inaudible). That's all the questions I had.

Ms. Casey: This was (inaudible) to, and it was \$500 to obtain that report. And I do have a return check that they cashed it, if you'd like to see it. It wasn't somebody that we just had come in and do it. We had no idea who they were. We just knew they were a structural engineer, we called them, they came out, and we paid their fines.

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Comm. Braden: I'm familiar with Norton & Schmidt engineers, they're a reputable company.

Ms. Casey: I might just add that we anticipate that those bolts (inaudible) attached to the rebar, which extends down into the base of the concrete there, and that the cracking and (inaudible) at the top is something that can be easily repaired.

Comm. Troppito: Well, (inaudible)...

Ms. Casey: The structural engineer did say it was sound. We will be painting once we get everything done. It will look much nicer at that time.

Comm. Bruce: Mr. Chairman, I'd like to move that the Planning Commission approve Case #18-08 and designate the existing pole sign located at 5710 Johnson Drive as a sign of historical significance, thereby making all future modifications subject to the requirements outlined in Section 430.130 of City of Mission Municipal Code.

Comm. Troppito: Second.

The vote was taken (7-1). The **motion carried**. Chairman Lee voted in opposition to the motion to approve.

**Staff Update**

Staff provided an update on designation of historical markers within the City of Mission, as well as current and upcoming projects and events.

**ADJOURNMENT**

With no other agenda items, **Comm. Dukelow moved and Comm. Braden seconded a motion to adjourn**. (Vote was unanimous). The **motion carried**. The meeting adjourned at \_\_\_\_\_ P.M.

\_\_\_\_\_  
Mike Lee, Chair

**ATTEST:**

\_\_\_\_\_  
Ashley Elmore, Secretary

**STAFF REPORT**  
**Planning Commission Meeting August 27, 2018**

**AGENDA ITEM NO.:**

**PROJECT NUMBER / TITLE:** Case # 18-09

**REQUEST:** Preliminary Site Development Plan

**LOCATION:** 5438 Johnson Drive

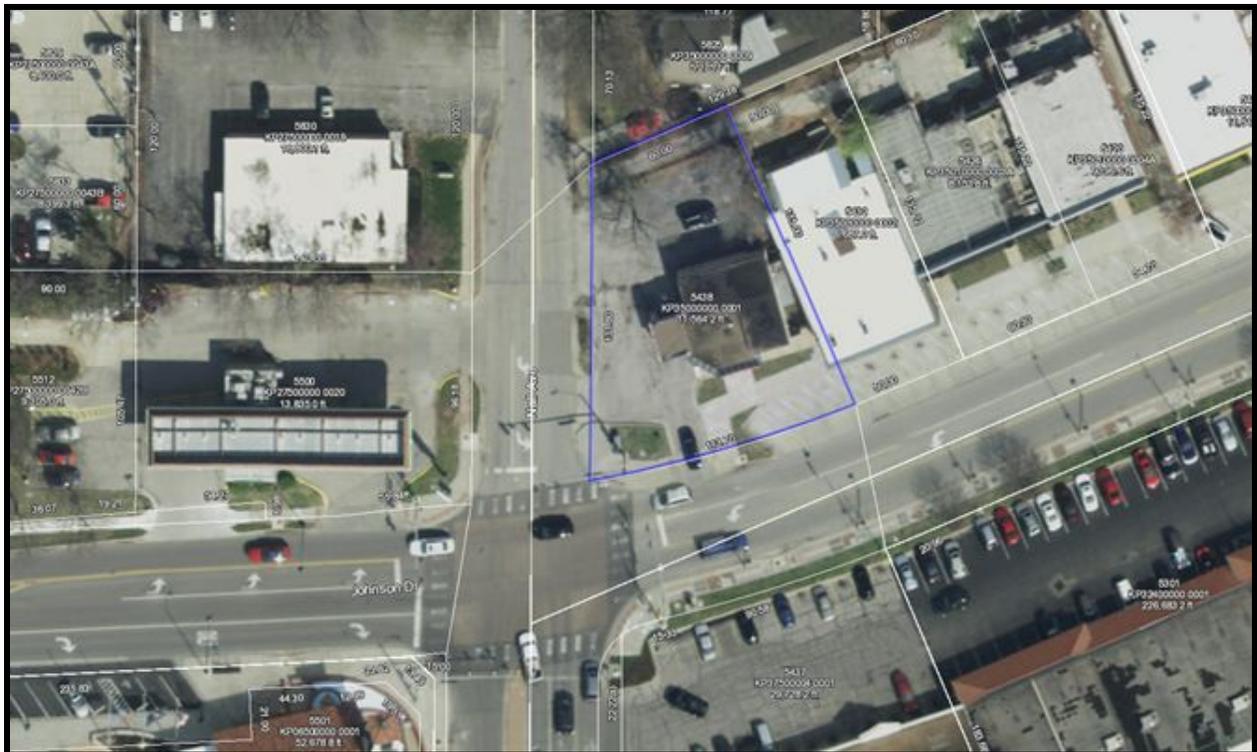
**APPLICANT:** Mike Schwaller, KEM Studio

**PROPERTY OWNER:** JKM Equities, LLC  
444 W. 58th Terr.  
Kansas City, MO 64113

**STAFF CONTACT:** Brian Scott, Assistant City Administrator

**ADVERTISEMENT:** 8/7/18-The Legal Record newspaper

**PUBLIC HEARING:** 8/27/18 Planning Commission meeting



**Property Information:**

The subject property is located at 5438 Johnson Drive, and is the site of a former Pride Cleaners retail outlet. The property is zoned Main Street District 1 “MS1.” It is located in the East Gateway Overlay District and is subject to the Mission, Kansas *Design Guidelines* for the Johnson Drive Corridor. “MS1” was assigned to this property at the time of the city initiated rezoning of the entire downtown in 2006. The District was designed to reinforce and encourage the existing character within the core of the downtown.

**Surrounding properties are zoned and developed as follows:**

North: “MS2” Main Street District 2 - single-family home  
West: “MS1” Main Street District 1- BP, convenience store/gas station/car wash  
South: “MS2” Main Street District 2 - Mission Mart, general retail center  
East: “MS1” Main Street District 1 - Sully’s Pub, restaurant

**Comprehensive Plan Future Land Use Recommendation for this area:**

The Comprehensive Plan indicates this area is appropriate for the Downtown District to maintain the historic community characterized by small businesses and a pedestrian oriented environment. The ground floor is appropriate for retail with upper floors including housing units or office uses. The proposed project is in conformance with the intent of the Comprehensive Plan.

**Project Background:**

The subject property is located at the northeast corner of Johnson Drive and Nall Avenue. The total land area of the property is 11,564 square feet (.27 acres). The current structure on the property is a one-story building 1,412 square feet in size. The structure was built in 1950.

Pride Cleaners closed this retail outlet sometime in the past year. The property is owned by JKM Equities, LLC, which is affiliated with Pride Cleaners. The ownership is interested in demolishing the current structure and building a new structure on the site as an investment opportunity. They have engaged KEM Studio, an architectural firm, to design a new structure that maximizes the area of the site while still keeping within the design guidelines of the Johnson Drive corridor and the East Gateway Redevelopment Plan. No tenant or specific use has been identified for the new structure at this time.

**Plan Review**

The applicant is proposing to build a structure on the property with an approximate footprint of 4,420 square feet and a proposed height of 28 feet. Though a building of 28 feet in height would typically be two stories, it has not yet been determined whether the proposed structure would be an actual two-story building or a tall, one-story building. Given the limited size of the property, code requirements, and development costs, it may be cost prohibitive to construct an actual two-story structure. Nevertheless, the intent of the design is to construct a structure that would be in keeping with the massing of existing buildings in the immediate area and provide a “presence” at an important

crossroads in the community.

The proposed design indicates a structure that will be built to the sidewalk along both Johnson Drive and Nall Avenue with on-street parking on both streets. The structure would be built at the lot line, and adjoining the building to the east (site of Sully's Pub).

	<b>Use</b>	<b>Approx. Area</b>
Retail (1st Floor)	Restaurant/Retail/Service	4,420 Sq Ft
Residential or Office (Possible 2nd Floor)	Lease Apartments/Office	4,420 Sq Ft
	<b>Total</b>	<b>8,840 Sq Ft</b>
<b>Parking Provided</b>	<b>Surface (inc on-street)</b>	<b>14</b>

### MS1 Main Street District 1

The intent of the MS1 zoning district is expressed in Section 410.160 of the Mission Municipal Code as follows:

The zoning of property as "MS1" Main Street District 1 is intended to provide development opportunities consistent with the existing character within the core of Downtown Mission. Downtown Mission is the original commercial district within the City. The majority of buildings in the core of downtown have been constructed to the public right-of-way. Public parking lots are available and on-street parking is present to serve the downtown businesses. The result is a character unique to downtown that is not found elsewhere in the City. The "MS1" District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment. This district restricts automobile oriented uses and does not allow offices on the ground floor level. The district is also intended to allow multi-story buildings with office and residential uses above the ground floor level. Multi-story buildings with top-floor setbacks are encouraged within this district as described in the Mission/Rock Creek Redevelopment Masterplan. In addition, the district is intended to allow flexibility from the normal development standards found elsewhere in the City.

MS1 zoning provides for a variety of permitted uses on the ground floor of buildings including prepared food and food for home establishments, entertainment (including drinking establishments with an SUP), speciality retail/convenient retail and select services. Residential or office use is permitted on the upper floors of buildings within the MS1 zoning district.

The maximum height of buildings in the MS1 zoning district is three stories and/or forty-five (45) feet. The front build-to line is zero (0). The side yard build-to line is also zero (0) where the side yard abuts a public street. No rear yard setback is required.

There are no parking requirements in the MS1 zoning district. On street parking may be constructed where adequate right-of-way is available, subject to good traffic-engineering design principles. No portion of any paved parking area that is hereafter constructed shall be permitted within six (6) feet of a street line or lot line. Any parking and loading provided on private property shall be paved, stripped, contain landscaping and

screening as required in Chapter 415, Article III, Section 415.060.

**Staff Comments - Zoning:** The proposed structure meets the intent of the MS1 zoning district in that the proposed structure will be positioned to sit at the sidewalk along Johnson Drive and Nall Avenue. This will provide an interaction with the sidewalk and streetscape, complimenting the pedestrian oriented design of the Johnson Drive corridor. The height of the proposed structure is in keeping with the pedestrian scale for this area. The intended use is retail on the ground floor with a possible second floor for office or residential uses. Parking would be limited to on-street parking with four (4) off-street parking spaces on site at the rear of the building.

The proposed twenty-eight (28) foot height of the building is within the height limitation of the MS1 zoning district and will provide a “human scale” to the building while complimenting the height and massing of other buildings in the area. Though the building may not actually be two stories, the vertical and horizontal lines with widows below and above the main horizontal beam provide the look of a two-story building.

Ten (10) on street parking stalls will be provided, three (3) on Johnson Drive and seven (7) on Nall Avenue. Four (4) on-street parking spaces in front of the property along Johnson Drive already exist. Four (4) off-street parking spaces will be provided at the rear of the building. Requirements of Chapter 415 for off-street parking landscape are not applicable here given that there is less than 25 parking spaces.

	<b>Permitted</b>	<b>Proposed</b>
Building Height	3 Stories or 45 Feet	2 Stories / 28.8 Feet
Front Setback	Zero Build Line (ROW)	Zero Build Line
Side Yard Setback	Zero Build Line (ROW)	Zero Build Line
Rear Yard Setback	None	32 Feet

Because of the site’s use as a dry cleaner it may be a possible brownfield due to contaminants from the dry cleaning process. A Phase I Environmental Site Assessment will need to be completed and report submitted with the Final Site Development Plan.

East Gateway Overlay District.

The property falls within the East Gateway Overlay District. The overlay district generally prohibits any automotive related uses including sale or repair of vehicles. Though a specific tenant for this building has not yet been identified, the design of the proposed structure does not lend itself to such uses. Structures built in the East Gateway Overlay District must conform to the principles of the Johnson Drive Guidelines, please see below.

Johnson Drive Design Guidelines

The Johnson Drive Design Guidelines provide a wide range of recommended and required design elements applicable to the development. These include streetscaping and the relationship of buildings and their exterior facades to public streets as well as building materials and screening. Many of these details are not required at the time of preliminary site development plan review, but will be fully evaluated with the final site

development plan.

**Staff Comments - Johnson Drive Design Guidelines:** The proposed structure is shown filling in the corner at the intersection of two public streets, with a small amount of parking behind the structure. Sidewalk width has been identified as eight (8) feet, which is in keeping with the design guidelines and Johnson Drive infrastructure improvements in place already. Room is limited for trees and other landscape elements that are called out in the Johnson Drive guidelines. Landscaping can be provided with planter boxes strategically placed around the building.

A more modern architectural theme is proposed for the structure with strong horizontal and vertical lines that partition the two street facades of the buildings. Inset, full-length windows are proposed on both facades providing views into the building and allowing for a visual interplay between the interior of the building and the streetscape. The entrance to the structure will be at the corner of Johnson Drive and Nall Avenue providing a focal point at the intersection. An inset courtyard is proposed along the Nall Avenue side of the building, which will further enhance the pedestrian orientation of the building and provide for activity along the sidewalk. The proposed building materials and architectural style are reflected in the design sketch shown on page seven of the applicant's submittal. A beige brick is proposed for the facade.

Specific details of design elements and compliance with Johnson Drive Design Guidelines will be reviewed at the time of final site development plan submittal.

#### On Site/Off-Site Public Improvements

The owner is responsible for installation of on-street parking and streetscaping (sidewalk, street trees, benches, bike racks, street lights, etc) around the perimeter of the development. Off-site improvements identified in review of the final traffic and stormwater studies will also be the responsibility of the owner.

**Staff Notes - Public Improvements:** A minimum 8-foot wide sidewalk clear zone along Johnson Drive and Nall Avenue has been provided. Space for any streetscape amenity zone (street trees, tree wells, street lights, signage, etc.) is limited to the area immediately at the intersection of Johnson Drive and Nall Avenue. Additional details are needed with the final site development plan to ensure the Johnson Drive frontage provides adequate sidewalk dimensions and a comfortable pedestrian environment for a successful retail and walking atmosphere. Street right-of-way dedication will be required with the final site development plan and plat.

An existing fire hydrant along Nall Avenue, in front of the building, is proposed to be relocated to the north within acceptable standards provided by the Consolidated Fire District #2 and Johnson County Water One.

The existing alleyway behind the building is approximately twelve (12) feet wide. The applicant is proposing to widen this alley to approximately twenty-five (25) feet. The brush that currently exists in this area will need to be cleared away, and an access agreement with the property owners to the east completed in order to accomplish this.

Evidence of the access agreement will be required at the time the building permit is issued. A privacy fence along the back of the alley where the property adjoins a residential property will also be required.

A sanitary sewer line currently exists to the west of the property within the Nall Avenue right-of-way. It is proposed that this development will connect to this line with the appropriate permits from Johnson County Wastewater.

A detailed site survey will be required with the final site development plan showing all dimensions of the site, utilities and easements, and proposed improvements.

### Signs

As a mixed-use development, the subject property is encouraged to establish a private sign criteria as an alternative to the specific sign requirements of this district.

**Staff Notes-Signs:** The city's sign code indicates criteria shall be for the purpose of ensuring harmony and visual quality throughout the development. The size, colors, materials, styles of lettering, appearance of logos, types of illumination and location of signs must be set out in such criteria. Signs may wait to be addressed in this manner until the final site development plan is submitted.

### Stormwater Management

The Manual of Best Management Practices (BMP) for Stormwater Control, developed by the Kansas City chapter of the American Public Works Association, suggests regional stormwater management goals and, in conjunction with APWA Section 5600, provides a package of technical tools for meeting these goals and NPDES Phase II requirements. The stormwater management goals address both water quantity and water quality. A basic goal for any new development is to maintain or improve pre-development peak flows, runoff volumes and water quality. In other words, development should not increase the velocity or quantity of runoff, or the amount of pollutants leaving the site.

**Staff Notes- Stormwater:** The subject property generally drains southeasterly. There is an existing storm sewer along Johnson Drive. There is currently a storm sewer inlet in front of the property along Johnson Drive. The amount of overall impervious surface that is currently present will change little with the proposed development. A stormwater study will need to be completed, and final design plans will need to indicate proper storm water management in accordance with the BMP.

### Sustainable design and construction practices

The Mission Sustainability Commission has developed a rating and certification system for development projects.

**Staff Notes - Sustainability:** The proposed plans will need to be reviewed by the Sustainability Commission and a final scoring completed prior to the Planning Commission's consideration of the final site development plan.

**Code Review: Consideration of Site Plans (440.160)**

Site plans shall be approved upon determination of the following criteria:

1. The site is capable of accommodating the building(s), parking areas and drives with appropriate open space.

*The site is capable of accommodating the proposed structure, parking areas, and drives.*

2. The plan provides for safe and easy ingress, egress and internal traffic circulation.

*There is adequate space on the site to allow for circulation of residents, customers, and the public with no impact to traffic on adjacent public streets. A traffic/trip generation study will need to be submitted for review at the time of the final site development plan.*

3. The plan is consistent with good land planning and site engineering design principles.

*The proposed project is in preliminary conformance with the Johnson Drive design guidelines for building placement and massing.*

4. An appropriate degree of harmony will prevail between the architectural quality of the proposed building(s) and the surrounding neighborhood.

*The proposed project is subject to the design guidelines for the Johnson Drive corridor, which will ensure architectural harmony as the final site plan is prepared. The design concept expressed at preliminary site plan indicates a modern style architecture with brick facade, which is complimentary with other buildings in the area and conforms with the design guidelines.*

5. The plan represents an overall development pattern that is consistent with the Comprehensive Plan and other adopted planning policies.

*The proposed mixed use building is consistent with the intent of the Comprehensive Plan to encourage greater density and mix of uses in the East Gateway District.*

6. Right-of-way for any abutting thoroughfare has been dedicated pursuant to the provisions of Chapter 455.

*Any required right-of-way changes for this site to accommodate such things as public sidewalks and on-street parking will be addressed with the final site development plan preparation of a revised final plat.*

**Staff Recommendation**

The proposed development conforms with the Comprehensive plan, meets the overall intent of the “MS1” zoning district, and complies with the required findings for Section 405.090 and 440.160. Therefore, Staff recommends the Planning Commission recommend approval of the Preliminary Site Development Plan for Case # 18-09 - 5438 Johnson Drive to the City Council with the following stipulations:

1. Detailed site survey will be required with the final site development plan indicating site dimensions; building dimensions; on-street and off-street parking dimensions; dimensions of interior traffic ways; sidewalk width; placement and dimensions for all off-site, public improvements, landscape and streetscape improvements; and dedication of public-right-of way.
2. Detailed building drawings will be required with the final site development plan indicating dimensions, number of stories, materials, and finishings.
3. Private sign criteria plan will be required with the final site development plan.
4. A final traffic study and final stormwater drainage design plan must be submitted for review with the final site development plan. The appropriate text, maps, drawings and tables must be included.
5. Staff reserves the right to provide additional comments or stipulations on development plans until all traffic or storm drainage related concerns have been addressed.
6. A Phase I Environmental Site Assessment will need to be completed and report submitted with the Final Site Development Plan.

#### **Planning Commission Recommendation**

The Planning Commission will consider this application at its regularly scheduled meeting August 27, 2018.

#### **City Council Action**

If approved by the Planning Commission for recommendation to the City Council, the City Council will consider this application at its regularly scheduled meeting on September 19, 2018.



Community Development Department  
 6090 Woodson Street  
 Mission, KS 66202  
 Phone: (913) 676-8360  
 Fax: (913) 722-1415

Permit # \_\_\_\_ - \_\_\_\_

**Development Application**

Applicant Name: MIKE SCHWALLER		Company: KEM STUDIO	
Address: 1515 GENESSEE ST. SUITE 11			
City/State/Zip: KANSAS CITY, MO 64102			
Telephone: 816-756-1808			
Email: mschwaller@kemstudio.com			
Property Owner Name: JEFF AND ANGELA ROUSE		Company: JKM EQUITIES, LLC	
Address: 444 W 58TH TERR			
City/State/Zip: KANSAS CITY, MO 64113			
Telephone: 816-916-5533			
Email: jrouse5533@gmail.com			
Firm Preparing Application: KEM STUDIO		Company: KEM STUDIO	
Address: 1515 GENESSEE ST. SUITE 11			
City/State/Zip: KANSAS CITY, MO 64102			
Telephone: 816-756-1808			
Email: mschwaller@kemstudio.com			
*All correspondence on this application should be sent to (check one) <input checked="" type="checkbox"/> Applicant <input type="checkbox"/> Owner <input type="checkbox"/> Firm			
<b>Application Type</b>			
Rezoning <input type="checkbox"/>	Plat <input type="checkbox"/>	Site Plan <input checked="" type="checkbox"/>	SUP <input type="checkbox"/> Lot Split <input type="checkbox"/> Other (Specify): _____
<b>Description of Request</b>			
Please provide a brief description of the request: DEMOLITION OF EXISTING ONE-STORY COMMERCIAL BUILDING AND PRELIMINARY DEVELOPMENT PLAN FOR NEW COMMERCIAL BUILDING AT THE CORNER OF			
NALL AVENUE AND JOHNSON DRIVE. BUILDING TO BE ONE TO TWO STORIES.			



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BETTER DESIGN  
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# PROJECT INFO

THE WHAT

- PROJECT INFO
- CONTEXT
- SITE ANALYSIS
- VISUALIZATION

## OWNER:

Jeff and Angela Rouse  
JKM Equities, LLC  
444 W. 58th Terr  
Kansas City, MO 64113  
(816) 916-5533  
jrouse@hopkinsappraisal.com

## ARCHITECT:

KEM STUDIO  
1515 Genessee St - Suite 11  
Kansas City, MO 64102  
Contact : Mike Schwaller, NCARB  
(816) 756-1808  
mschwaller@kemstudio.com

*The following proposed project adheres to the guidelines stipulated below per the 'Mission, Kansas Design Guidelines for the Johnson Drive Corridor':*

### COMMERCIAL CORRIDOR IN MISSION

- District: Downtown District, Subdistrict: East Gateway District

### POTENTIAL USES:

- Retail
- Food, entertainment
- Housing, office

### GOALS

- Promote architecture that is compatible in form and proportion with neighboring buildings.
- Incorporate a variety of forms, materials, and colors in the design of buildings and groups of buildings, while maintaining a composition that results in a unified appearance.
- Create buildings that are located and designed to provide visual interest and create enjoyable human scaled space.
- No planned landscaping, however if designed; features and screening to minimize the impact of surface parking.
- Replace marginal buildings with memorable ones.
- Facilitate recruitment of additional retail businesses.

### ARCHITECTURAL CHARACTER

- The Mission Style Architectural Character has informed the design of many buildings within the District. Mission, however, is a collection of building types and architectural styles and benefits from this diversity. These guidelines inform development and redevelopment that is compatible in form and proportion with neighboring buildings.
- It is important that new development be authentic to today's building technologies and user needs. Contrived or unnatural styles should be avoided.
- Humanize the Street.

### DENSITY

- Realizing opportunities to increase building heights would increase density, make properties better utilized, and be an aesthetic improvement. A change such as this would also increase the opportunity to incorporate more mixed-use developments with second story office or residential uses.

### BUILDING PROPORTION AND SCALE

- Buildings should be designed to be compatible in scale and proportion to buildings within their immediate context on Johnson Drive. Designs should incorporate architectural elements that relate to the human scale.

### BUILDING ORIENTATION

- All buildings must be oriented parallel or perpendicular to public streets within the entire Johnson Drive Corridor.
- New construction and infill buildings shall be oriented to primary streets and must be built to the "build-to" line. Grade level retail or commercial uses shall have a minimum 75% of the street frontage built to the build to line.
- Buildings on corner lots shall incorporate a form that addresses both streets of the intersection. (Refer to Guidelines for Buildings – Building Facades, Entrances, for additional requirements).

### PARKING

- Parking lots and on-street parking shall be designed in such a way to provide a clear, direct path between the parking areas and the business destination. 90 degree stalls are not allowed at on-street parking areas on Johnson Drive.
- On-street parallel or angled parking shall be provided on Johnson Drive.

### BUILDING MATERIALS

- Designers, property owners, and developers are encouraged to creatively blend new construction with existing in ways consistent with a singular district. The selection of quality building materials is paramount to achieving this goal.
- Stucco plaster shall not be used for more than 25% of the façade area of any one story.
- Materials should not artificially simulate other materials. If brick is proposed, it shall be real brick – not Z-brick or other such imitation material.
- Predominant colors for building facades in Mission should match or complement the natural yellow, pale tan, brick, beige, brown and terra cotta tones existing throughout the Corridor.
- Never exceed a total of four colors on the building façade.

### BUILDING ROOFS

- No exposed scuppers, gutters or downspouts on the facades facing major streets.
- False roofs, including mansard roofs, are prohibited.
- Exposed gable or hip roofs are prohibited.
- Roof mounted mechanical equipment shall be hidden from pedestrian view by roof parapet walls.
- Roofing or infill development should not introduce a new roof form to the area.

# CONTEXT

THE SURROUNDING NEIGHBORHOOD

PROJECT INFO  
 CONTEXT  
 SITE ANALYSIS  
 VISUALIZATION

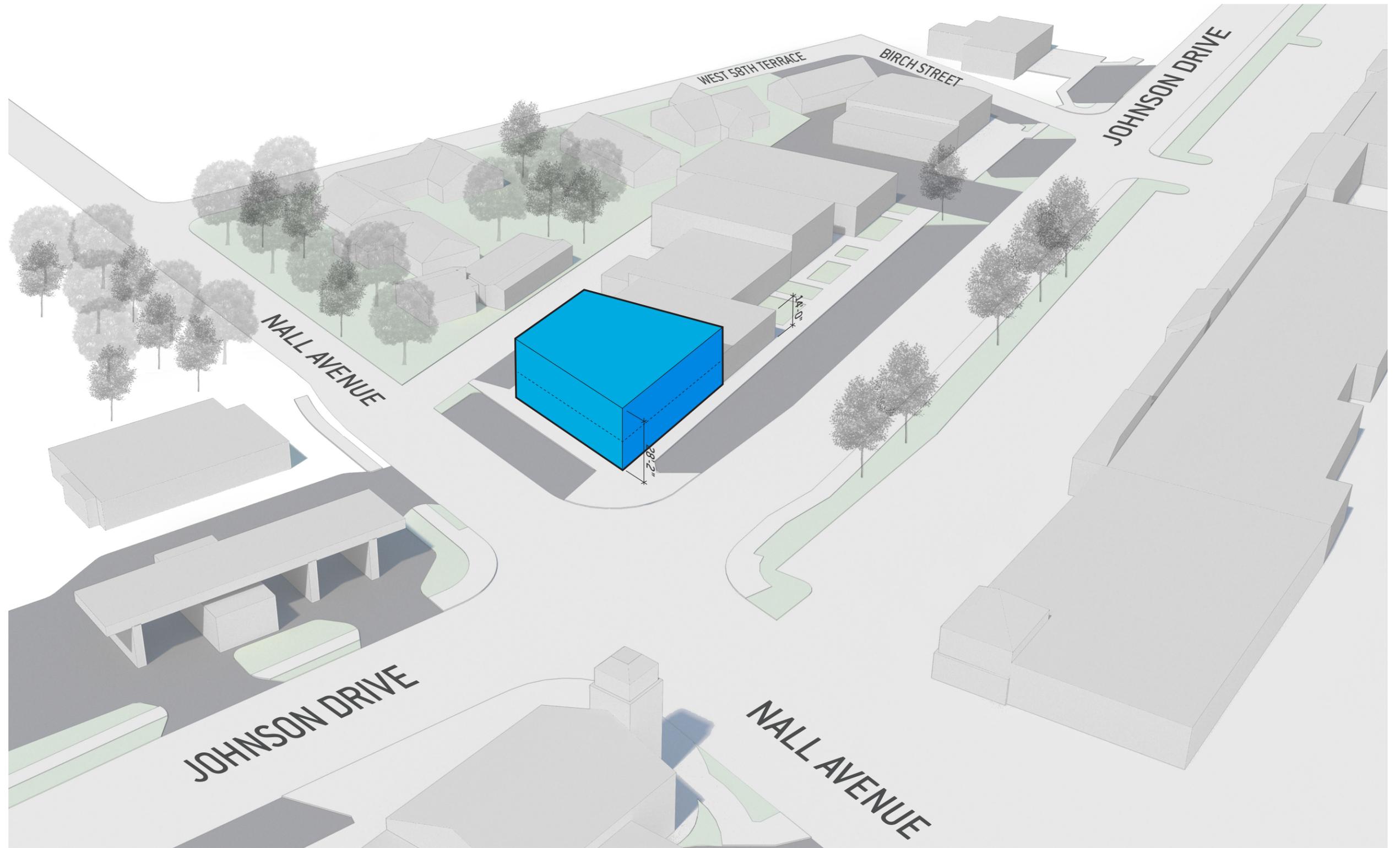
- 1 SULLY'S PUB
- 2 HEALTH SOURCE
- 3 PARAMI PETS
- 4 GRAND LIQUOR
- 5 MOSS PRINTING
- 6 LEND NATION
- 7 UPS STORE
- 8 RESIDENCE
- 9 RESIDENCE
- 10 OFFICE
- 11 BP GAS STATION
- 12 SPRINGBOARD CREATIVE / MISSION REPAIR
- 13 SCRIPT PRO
- 14 DOWNTOWN ROW STORE
- 15 CAPITOL FEDERAL
- 16 FED-EX OFFICE
- 17 MISSION MART SHOPPING CENTER
- EXISTING MANHOLE
- ▽ EXISTING INLET / STORM SEWER
- ▽ PROPOSED SURFACE INLET / STORM SEWER
- EXISTING FIRE HYDRANT
- PROPOSED FIRE HYDRANT



# CONTEXT

AXON LOOKING NORTHEAST

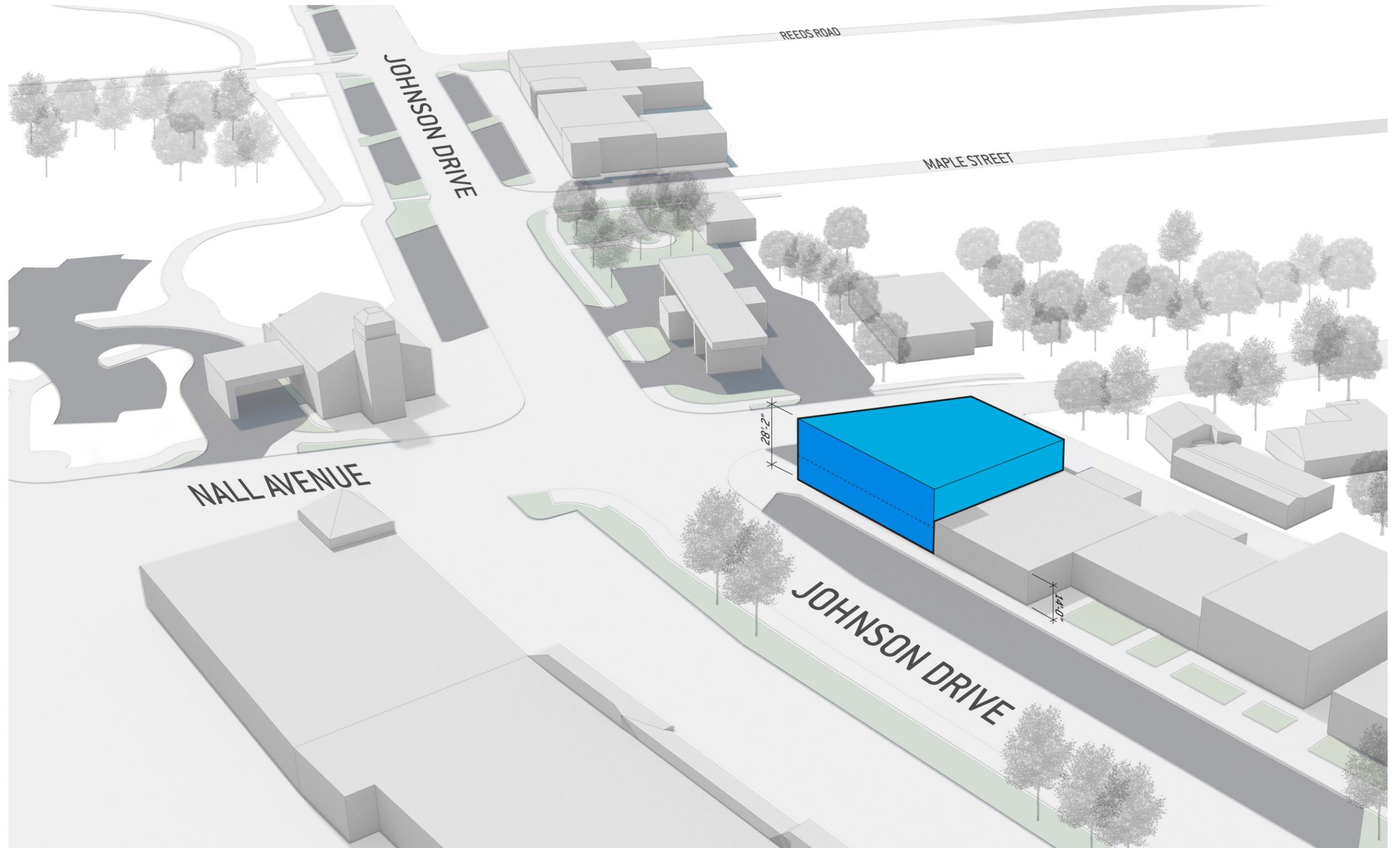
- PROJECT INFO
- CONTEXT
- SITE ANALYSIS
- VISUALIZATION



# CONTEXT

AXON LOOKING NORTHWEST

- PROJECT INFO
- CONTEXT
- SITE ANALYSIS
- VISUALIZATION

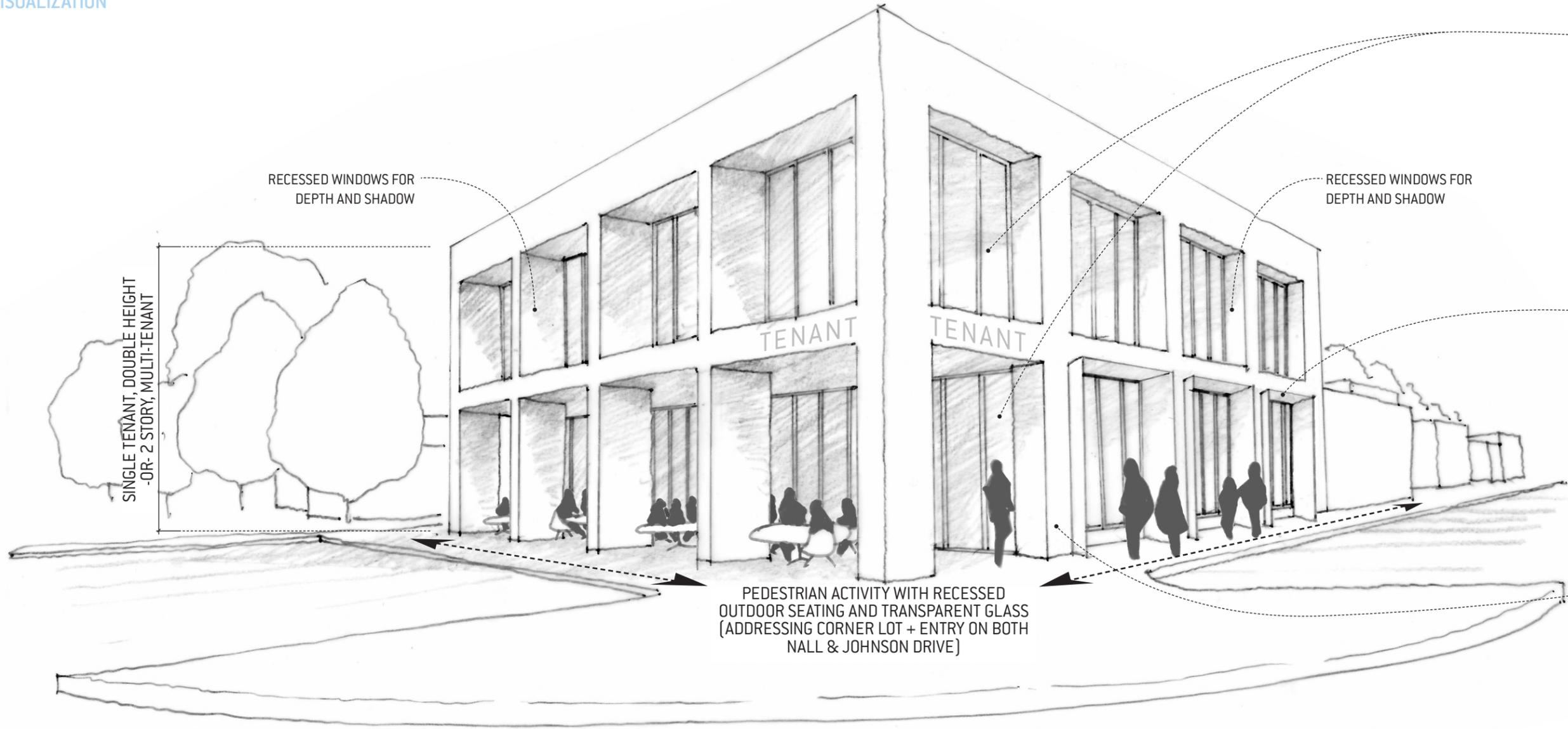




# VISUALIZATION

VIEW LOOKING NORTHEAST

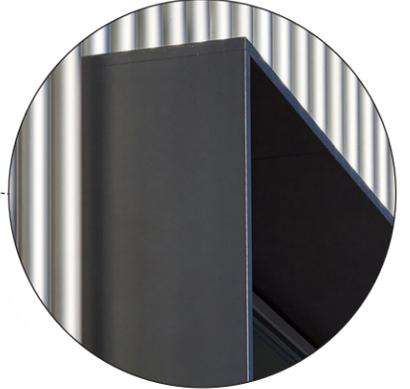
- PROJECT INFO
- CONTEXT
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- VISUALIZATION



ANODIZED STOREFRONT



STEEL TRIM



PALE BRICK



**NOTICE OF HEARING**  
**BEFORE THE CITY OF MISSION**  
**PLANNING COMMISSION**

**YOU ARE HEREBY NOTIFIED THAT** a preliminary site development plan application #18-09 has been filed in the City of Mission Community Development Department by Mike Schwaller representing KEM Studio, for the property located at 5438 Johnson Drive, Mission, Kansas. The applicant is requesting approval of a preliminary site development plan.

**LEGAL DESCRIPTION (Abbreviated)**

MISSION VALE LT 1 MIC-0470  
More specifically identified as Johnson County parcel  
ID#: KP35000000 0001

There will be a Planning Commission Meeting to consider the application on **Monday August 27, 2018 at 7:00 p.m.** at Mission City Hall, 6090 Woodson St, Mission, Kansas, at which time all interested persons will be heard.

Kansas State Statute requires that the City of Mission notify property owners within 200 feet of the subject property regarding this proposed change in land use. The application and complete legal description are on file and available for public inspection in the Community Development office at 6090 Woodson St, Mission, Kansas.



Brian Scott,  
Assistant City Administrator