

CITY OF MISSION PLANNING COMMISSION

AGENDA

December 28, 2020

7:00 PM

Virtual Through Zoom

1. Call to Order
2. Approval of Minutes from the November 23, 2020 meeting
3. New Business

Case #20-08 Preliminary and Final Plat of Mainstreet Credit Union

- a. Staff Report
- b. Proposed Preliminary Plat
- c. Proposed Final Plat

Case #20-09 Revised Preliminary Development Plan for 5438 Johnson Drive

- d. Staff Report
- e. Proposed Site Plan
- f. Proposed Building Elevations
- g. Letter from Applicant

1. Old Business
2. PC Comments
3. Staff Updates

*Questions concerning this meeting may be addressed to staff contact,
Kaitlyn Service at (913) 676-8366 or kservice@missionks.org*

MINUTES OF THE PLANNING COMMISSION MEETING

November 23, 2020

Virtual Through Zoom

DRAFT

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, November 23, 2020. Members also present: Charlie Troppito, Frank Bruce, Jordon McGee, Robin Dukelow, Pete Christiansen, Stuart Braden and Burton Taylor. Brad Davidson was absent. Also in attendance: Brian Scott, Assistant City Administrator, Kaitlyn Service, Community Development Planner, and Audrey McClanahan, Secretary to the Planning Commission.

Chairman Lee: I'll call the meeting to order. Because of the COVID-19 social distancing recommendations our meeting tonight is being held virtually, via Zoom. Commissioners, staff and the applicant are all joining remotely. The meeting is being recorded. The public is invited to participate by using the instructions include in the Planning Commission calendar item listed on the front page of missionks.org. Public participants will be allowed to make public comments through the comments feature. Please note that comments are visible by all participants. If you wish to make a public comment, please state your name and the city of residence for the record. Please be conscientious of others trying to speak and speak slowly and clearly. If I need to confirm something that may have been difficult to hear, I will ask for clarification. With that, we will start the meeting.

Approval of Minutes from the October 26, 2020 Meeting

Comm. Dukelow moved and Comm. Braden seconded a motion to approve the minutes of the October 26, 2020, Planning Commission meeting.

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

New Business

Case #20-07 Final Plat of Mission Mart Second Plat

Consideration of a replat of lots 2, 3, and 4 of The Final Plat of Mission Mart

Chair Lee: Kaitlyn, if you want to provide us with an update on that.

Ms. Service: The subject property is at 5399 Martway, located near the southeast corner of Nall and Martway Street. We all know it as the site of the former Mission Bowl bowling alley and mini golf course, which was damaged by the fire in 2015. Ridgeview North, which is the owner of the Mission Mart Shopping Center across the street, owns this property as well. They have a contract pending to sell what is proposed to be Lot 6 of this plat. They have it under contract to sell to Mission Bowl, LLC. Earlier this year, Mission Bowl, LLC, presented a Preliminary Development Plan application to the City for construction of an apartment building on what is proposed as Lot 6, shown here. The Planning Commission and the City Council approved that Preliminary Development Plan, with conditions, at the Planning Commission meeting on August 24th and the City Council meeting on September 16th. At this time, the owner of this property is requesting approval

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of this replat to allow the legal transfer of ownership of Lot 6 of the proposed plat, because they would like to close on the property by the end of the year.

What's shown here has no easements or changes from what's in place currently. They are just requesting, with this application, to consolidate two of the lots. You might recall, when the Mission Bowl Apartment project was in front of this Planning Commission that the conditions of approval required new or adjusted easements for Johnson County Wastewater, moving of sanitary sewer lines. It also required satisfaction of all comments from Johnson County Wastewater, which owns this parcel down here. When the applicant submits their final development plan application, that's the time that they will be required to satisfy these conditions of approval, and this will ensure that when the site is redeveloped and has formal final approval for the apartment building to be built, that when the site is redeveloped it will be functional for Johnson County Wastewater and the sanitary easements you're seeing running through the property.

The applicant is aware of these requirements, but before moving forward to put these elements permanently within the plat, they are waiting on the City's determination of the project's TIF application. They also indicated that further project development engineering would be required before they knew what the ideal location is for moving these easements and adjusting the easements within the site, so they wanted to see how their current conversations around TIF and other things end up before they put more investment into the project development and engineering to tweak these site elements. So, for now, we're just considering the application that was submitted to us, the one that we have before us tonight, wanting to adjust the lot lines within the Mission Mart plat. However, if the apartment project progresses to the final development plan application, that's when we're going to start to see the conditions come into effect on the property, before anything is approved for the final development plan application.

Looking at the plat, I'll show you, this is the plat that was approved for the property in 2015. You can see there are three lots here in this section that we're working with tonight – Lot 2, Lot 3 and Lot 4 – with the same easements shown with the application, they are proposing to consolidate two of the lots and adjust that western-most lot line here. The site is zoned MS2, Main Street 2, which does not require front, side or rear setbacks, except when it's adjacent to residentially zoned property. The current buildings meet the required setback. The proposed building also meets the required setback to the residential properties to the south of the property. Under the conventional MS2 zoning, the minimum lot area per multi-family dwelling is 1,245 square feet per unit, or 35 units per acre. We talked about, in our August 24th Planning Commission meeting, this would permit 111 units on what's shown as Lot 6, which is 3.17 acres. However, in the approval of the Preliminary Development Plan, the Planning Commission and the City Council approved the density deviation in accordance with the standards for planned zoning districts to allow up to 168 units on the 3.17-acre property that's shown here. Considering this, the proposed plat, what we're seeing before us today, is in conformance with the City Code. Both the current and the possible future uses of the site would be in conformance with the City Code if the lot lines were adjusted to how we're seeing them in the proposed

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plat. With that, staff does recommend approval of this plat, which is Case No. 20-07. The final plat of Mission Mart Second Plat, Replat of Lots 2, 3 and 4.

Charlie emailed an hour ago, or pretty recently – if you haven't checked your email within the past couple hours – that this site plan digital version doesn't have a registered surveyor's stamp on it. We do have a paper copy that was submitted that has a surveyor's stamp on it. When I uploaded everything to the Planning Commission I added a digital that doesn't have it, but Charlie suggested to the group in the email today to require that as a condition of approval, to make sure that the survey is stamped. Charlie, please feel free to jump in and clarify your statements as well. With that, I'm open to any questions or discussion.

Comm. Troppito: I'll jump in real quick. It was the stamp and the signature, and showing the expiration date of the license. If you scroll down to the previous plat that you showed that was approved in 2015, it'll be more clear what I was talking about. Can you do that, Kaitlyn?

Ms. Service: Yes.

Comm. Troppito: That's all I have to say.

Ms. Service: Yeah, before we get any of the City signatures from Planning Commission or anyone else, we would make sure that we would have that stamp on the version that is signed by the City.

Mr. Scott: The County won't accept its recording without that stamp, too.

Comm. Troppito: The point of the question to begin with was, is Mr. Pruitt still a Kansas licensed surveyor? Because it changed, on what you're looking at here, then it expired in 2016, I believe. That's what really prompted the question.

Ms. Service: My understanding is that he has renewed his certification and is a currently-licensed surveyor.

Comm. Troppito: Okay, thank you.

Chair Lee: Other comments?

Comm. Troppito: If there's no other comments, I'll propose a motion if it's acceptable to the Chair.

Chair Lee: Yes.

Comm. Troppito: Mr. Chair, I move that the Planning Commission approve the final plat for Case No. 20-07, which is a plat of land known as the Final Plat of Mission Mart Second Plat, a Replat of Lots 2, 3 and 4, subject to and conditioned on submission of a Kansas licensed surveyor stamp and signature on the final plat drawing as submitted for approval at tonight's meeting.

Comm. Dukelow: Second.

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

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Old Business

Chair Lee: Do we have any old business this evening?

Mr. Scott: I don't believe we do, Mr. Chair.

Staff Updates

Mr. Scott: We were approached a couple months ago by the owner of the Headless Hands Tattoo Shop, here in the city of Mission. The shop is located at the corner of Broadmoor and Johnson Drive. I believe it's actually the old historic courthouse from way back in the day. That building was owned by Johnson County and used as kind of an annex back in the 1930s and 40s. Anyway, he was interested in painting this mastodon skull on the side of his building here. He had hired an artist to do the work. Due to the pandemic, that got pushed off until the fall, and he wanted to get the work done before the weather set in, so he was in a bit of a timeline to get this done. Kind of last minute, he called us and asked me, for forgiveness more than permission.

We kind of struggled a little bit with this. There are some guidelines in the Sign Ordinance. We have a definition that speaks to wall murals. I had reached out to Pete Heaven, our land use attorney. He was working with Danielle Sitzman. She was updating the sign ordinance several years ago. I asked him what the thought was behind a definition of a mural, and he said there was some thought to allowing murals in the city. It was more scenes from Mission in days gone by, with something kind of artistic reflective of the City of Mission itself. Not necessarily a mastodon skull.

We did some further research on this, and this is a growing trend in cities around the country. Here are some examples of wall murals from around the Kansas City area. This one up here in the upper left corner is 39th Street, near KU Medical Center. This one in the lower center, I believe, is downtown Overland Park. Here are some other examples. This one on top is, I think, the Crossroads District. Obviously, this one is Shawnee, the one here in the middle. These are, finally, two examples that Kaitlyn found back in the fall when we were working on putting together a Comp website. That is actually one of the survey questions that we have on the website – "Is there an interest in seeing things like this around our community?" It's kind of an effort to create some place-making, if you will, to brighten up some corridors and create some focal points of interest for the community. The survey results so far have shown a very high interest in having wall murals.

So with that, we created a set of guidelines to follow, along with an application. To quickly go through these guidelines, we have a definition of wall mural pulled from our Sign Code. We set forth some standards:

- The mural shall be an original work of art.
- Murals will be two-dimensional and three-dimensional.
- Murals shall be designed and constructed under the supervision of qualified artist, muralist or individual who has sufficient knowledge and experience in the design and execution of such projects, as well as the application of the selected medium.

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- The murals must exhibit the highest quality and design content, materials and application.
- The mural materials shall be durable and weather resistant to prevent premature deterioration or other unintended change in appearance.
- Mural materials must be appropriate for outdoor application with consideration to location, climate, weather conditions, longevity, and resistance to vandalism (including graffiti).
- Murals shall not contain a logo or trademark symbol, nor shall any mural include commercial text or products displaying, mimicking or construed as symbolizing a specific brand.
- Murals shall not incorporate recognized symbols of hatred or discrimination of discrimination against any race, color, sex, age, religion, national origin, ancestry, disability, marital status, familial status, gender identity or expression, or sexual orientation.
- Murals shall not incorporate anything obscene in nature or objectionable to the senses of a reasonable person.

Location of mural:

- Murals shall not be permitted in residentially zoned areas of the City or on the wall of a building that faces a residentially zoned parcel of property.
- Murals shall be located on either side of the building or the rear of the building. Consideration may be given to locating a mural on the front of the building so long as it complements the overall front facade of the building and does not completely overwhelm architectural details.
- Murals should avoid creating harsh edges where no architectural features are present to create a natural break in the facade. Mural designs that do not contain harsh edges may be proposed in place of architectural features.
- Murals may be placed on walls that serve to define the edge of a property or provide screening.
- Murals shall be limited in the amount of wall area utilized in proportion to the size of the building.
- Murals that are on buildings that are one-story in height may utilize the entire wall.
- Murals that are on buildings that are two-stories in height may utilize 50% of the wall.
- Murals that are on buildings that are three stories or taller may utilize 25% of the wall.
- Murals should be located and sized to engage and encourage pedestrian interaction.

Requirements for Mural Application:

- A completed Mural Application Form including written description of the proposed design, the location of the building, the location of the mural on the building, wall preparation, materials and processes to be used (including anti-graffiti treatment), individual/groups involved in the mural design, and/or preparation, and parties responsible for subsequent maintenance. A separate maintenance plan should be included as well.

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- If the mural is three-dimensional in nature, then information should be provided as to how the mural will be mounted to the wall including brackets, hardware, and other structural components.
- Lead artist's qualifications and examples of previous work.
- Written permission from the property owner (if different than the applicant) to proceed with the project, including any requirements that may be imposed by the property owner.
- One color scale rendering (no larger than 11" X 17") as well as a digital file of the proposed mural.
- Photographs of the proposed location and surrounding area.
- Timeline for completing the project.

Mr. Scott: We pulled that together, we did some research from other cities, kind of looking for those requirements. Overland Park has a Public Arts Commission, and they have a Public Arts Master Plan, but their plan speaks more to pieces of public art in the public settings, public property, right-of-way, etc. It doesn't really speak too much to murals on buildings and downtown. They took a slightly different approach with that, and they required a non-conforming situation permit, which sounds familiar, for those types of murals, and they required approval from the Planning Commission for that. We didn't quite take that direction, but we did pick up a lot of the thoughts about type of material that's used and how it's applied and how it's preserved and maintained, again, on things like anti-graffiti coating that would go over the mural once completed, so that any graffiti that does appear on the mural could be relatively easily cleaned up without damaging the mural itself. Again, for mounting for a three-dimensional type of artwork, if they're mounting it on the side of a building.

We shared this preliminarily with the City Council. There was no formal adoption of it. We did share this with the applicant, and he did submit the application in accordance with all the provisions of the guidelines, and we did approve it administratively. But, we kind of wanted to come back and revisit this, and we thought we'd start with the Planning Commission tonight. I have gotten a little bit of feedback on these guidelines. One comment was on, "Mural shall not incorporate anything obscene in nature or objectionable to the senses of a reasonable person." That can be up for debate, so is that something that we should include, or maybe leave out? There was another comment about the sizing of the mural on the side of the building. We put some provisions in here about reducing the size of the mural as the building gets bigger, so we don't have a three-story or four-story mural dominating an entire side of a building. Somebody said that they've seen examples of that in cities where there is a three- or four-story or taller building that has a mural on the entire wall, all stories. I have subsequently seen some examples as well, and it does look pretty neat. So, that may be something you want to visit a little further.

Then, we had somebody inquire about a mural on their garage door in a residential area, interested in maybe painting a mural on their garage door to reduce the blankness of that area. We specified no murals in residential areas or commercial property that abuts a

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residential area, just because a property owner could find that somewhat offensive and maybe even feel that it could reduce their property values, if you will. But that may be something you want to consider, too. I thought I'd bring it all to you tonight, just to open up for discussion and thought. We'll do likewise with City Council probably after the holidays, some time in January or February, one of those meetings.

Chair Lee: Brian, who do you think within staff is going to be responsible for this?

Mr. Scott: That would be probably Kaitlyn.

Chair Lee: So, she'll have to police it, and know how to do all of this stuff?

Mr. Scott: Yeah.

Comm. Troppito: I wonder if in your review of the cities, did you run across any environmental issues, or environmental-related issue? Why I'm bring that up – I'm looking at some of the murals that you just showed us, or Kaitlyn just showed us. It looks like there was a great deal of pigment used in some of the more vibrant colors. It just popped in my mind, I wonder about what's in those pigments. Any heavy metals? What about run-off? I don't know if that's even a concern with these types of paints that are used. I don't know that it's not a concern. I'm just posing the question of whether or not you've run across anything related to that, Brian.

Mr. Scott: The answer is no. I don't recall seeing any of that in the material we looked at from other cities, but I can definitely go back and review my notes again. If you have suggestions for maybe a particular type of paint that we should stay away from or something that should be encouraged, that would be helpful.

Comm. Troppito: Well, I really don't. I don't know what kind of paints they're even using or how paints for murals would differ from any other type of paint. But, like I said, the vibrancy of the colors made me wonder what was the composition of the pigments in that paint. That's something I've never looked into.

Comm. Dukelow: Most paints now do not contain any metals or leads, even your exterior paints, but there certainly are...And most of them are water-based anymore. I'm talking about from a building and construction perspective. For a mural specifically, I am not aware of what kind of paints they use, either.

Mr. Scott: Yeah, I'm just looking through my notes here again, and I don't see anything referencing paints. We can give that some thought.

Comm. Dukelow: Google it. I do have a question or a concern, which I know I raised the last time as well, with regards to maintenance. I don't know how exactly it should be addressed, but it seems to me that there should be a threshold at which the mural either needs to be replaced or removed in its entirety. We have one in the city now that is probably close to or at that critical point, which is why it's so ever-present in my mind.

Mr. Scott: That's a good point. We can give some thought to creating some language that speaks to ongoing maintenance and care.

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Comm. Dukelow: Maybe it has to do with the contrast. There's a fading. Of course, you'd have to have a hundred percent image to compare with the lesser, the faded, the flecked, the image that's not looking great anymore. It would be a judgment call, and I don't know what that threshold is, but certainly by the time half of it is gone or faded, it seems like there should be some kind of way to compare that and tell them. Because, I think that they might not all last the same length of time, depending upon the sealers and things that are applied, the protective coatings, so I don't think that a time limit, like every five years, might not be sufficient, but perhaps it's a percentage of the contrast.

Mr. Scott: Yeah, we have a section here. I didn't read it, but we do have a section, "Ongoing maintenance of mural. The applicant will be responsible for ensuring that a mural is maintained in good condition, repaired if there's vandalism or accidental destruction." It goes on to talk about repair. There probably should be a section. We should kind of beef it up a little bit to speak more to refreshing it as the sun fades or deterioration from the weather.

Comm. Christiansen: I think putting a time limit on it, at least for putting it up to review again, would be a good start, making them bring it to at least the Planning Commission or the City staff at a minimum, to have it up for approval every five years, ten years, whatever the time is, just so that there's some accountability on the owner to bring up that mural if it is deteriorating.

Chair Lee: You're going to have issues with what elevation it's on as much as you are with what kind of paint is used. Certain elevations are going to fade much, much quicker than others, depending on the sun exposure and so forth. The time frame is a good way to go, but I don't know if it should be a five-year timeframe. More like a two-and-a-half to three years.

Comm. Christiansen: Yeah, there is a difference between a north facing wall and a south facing wall, but just to hold them accountable to something, rather than having these lofty standards that seem to be maneuvered no matter what direction you want to go with it.

Comm. Dukelow: How long has the Mission Mart mural been in place? That's been at least ten years, if I remember correctly. Probably closer to 15, because they moved off of Johnson Drive with the reconstruction of the canal.

Mr. Scott: The Mission Pet Mart, yeah.

Comm. Dukelow: That one's been up there too long.

Mr. Scott: Yeah, it's probably been ten years. I drive by that building every morning when I come in to work, so yeah, it's become painfully obvious to me over the summer how bad it is. I was kind of waiting to get these sort of refined a little bit further, even reach out to the ownership and talk to them about, "It's time to do something with that. Here's the guidelines to follow."

Comm. Christiansen: Brian, is there something that we could mirror maybe the Sign Code? Is there some language in the Sign Code that has some type of deterioration on

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when it needs to be replaced, or is there some way we can have those two corollate with each other, basically treat this as a sign, in terms of maintenance?

Mr. Scott: There's not much language, other than this has to be maintained in good condition. That's about it. It doesn't really get into a whole lot of detail.

Comm. Troppito: What about lighting? I would imagine that if somebody was really proud of their mural, they'd maybe want to light it up intensely at night. How would you regulate that?

Comm. Christiansen: There's building codes to answer to that. You can't have lighting spill onto other peoples' property, and there's minimums and maximums that you can have on the side of a building for up lighting. That's all in the building code. That's a standard code that the City has adopted.

Comm. Troppito: And that applies to murals that aren't facing the property, right?

Mr. Scott: Yeah. I think if they wanted to light it up, they'd have to bring a set of plans to us for approval. "How are you going to light it? Have a spotlight on the ground shining up on it? Are you going to have it backlit? Sort of reaching over from the top and backlighting it that way?"

Comm. Troppito: Then, if somebody applies, if they have the intent to provide lighting, you would remind them of that at the time?

Mr. Scott: Yeah.

Comm. Troppito: Okay. Thank you, both of you.

Comm. Taylor: I apologize if this was covered, but could we look at other municipalities and see how they're handling it? I just did a quick Google. San Diego, California, if you can imagine, they've got a mural or two. They have like a 20-page "Mural Toolkit" that they give to applicants, and it's kind of like a step-by-step instruction on how to move through the process. It includes things that address deterioration and maintenance. I don't know if we want to bite all that off, but –

Mr. Scott: The cities that we looked at do kind of the same thing. We did a Google search. We reached out to Overland Park and talked to them. We kind of did a national search. Oklahoma City, Boise, Idaho, City of Orlando. Those are three examples we looked at.

Comm. Taylor: Did they get to the issue of wear-and-tear that Robin - ?

Mr. Scott: Right, yes. A lot of this stuff I kind of pulled from their materials. I sort of picked and chose the best for these [distortion] from those three examples.

Comm. Taylor: Okay.

Mr. Scott: I'm not really sure we want to get...Oklahoma City had what you're kind of describing – a pretty thick packet and pretty lengthy process. You go here for the Arts Commission review. You go over there for the Planning Commission review. Certain sections of town where they're allowed or not allowed. Another city has a historical review, a board of some kind. I don't know that I want to get that in-depth with it, but there should

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be a set of standards, or a package to give to applicants. That's what led me to create this, kind of quick and dirty.

[Unidentified Speaker]: It looks like this is going to end up being an administrative nightmare.

Mr. Scott: It could be, yeah. We could have these all over town. I don't know. Any thought about the request to paint the garage door?

Comm. Christiansen: I would be highly against that.

Comm. Braden: I would also.

Comm. Dukelow: I'm not a fan of the idea.

Comm. Bruce: Nor am I.

Mr. Scott: An HOA would probably regulate that, but there's not very many HOAs in the city.

Comm. Christiansen: HOAs don't seem to have a lot of teeth in that matter, either.

Comm. Dukelow: I know that our HOA would love to regulate something like that, but they don't have any jurisdiction when it comes right down to it.

Comm. Troppito: Well, is it really more of a question of encouraging it, rather than discouraging it? Because, if there's nothing to prohibit it, what would stop anyone from going ahead and doing it now?

Mr. Scott: That's true, Charlie.

Comm. Troppito: In an unregulated way.

Mr. Scott: Yeah. You could paint your house pink tomorrow if you wanted to.

Comm. Troppito: Oh, thanks.

Mr. Scott: No City regulations on that. Feedback? [None] Thank you all.

Chair Lee: Very good. Anybody else have anything else tonight? [None]

ADJOURNMENT

With no other agenda items, **Comm. Bruce (no second) made a motion to adjourn.** (Vote was unanimous). The **motion carried.** The meeting adjourned at 7:42 P.M.

Mike Lee, Chair

ATTEST:

Audrey McClanahan, Secretary

STAFF REPORT
Planning Commission Meeting December 28, 2020

AGENDA ITEM NO.: 1

PROJECT NUMBER / TITLE: Case # 20-08

REQUEST: Preliminary & Final Plat of Main Street Credit Union

LOCATION: 6025 Lamar Avenue and 6219 Martway Street

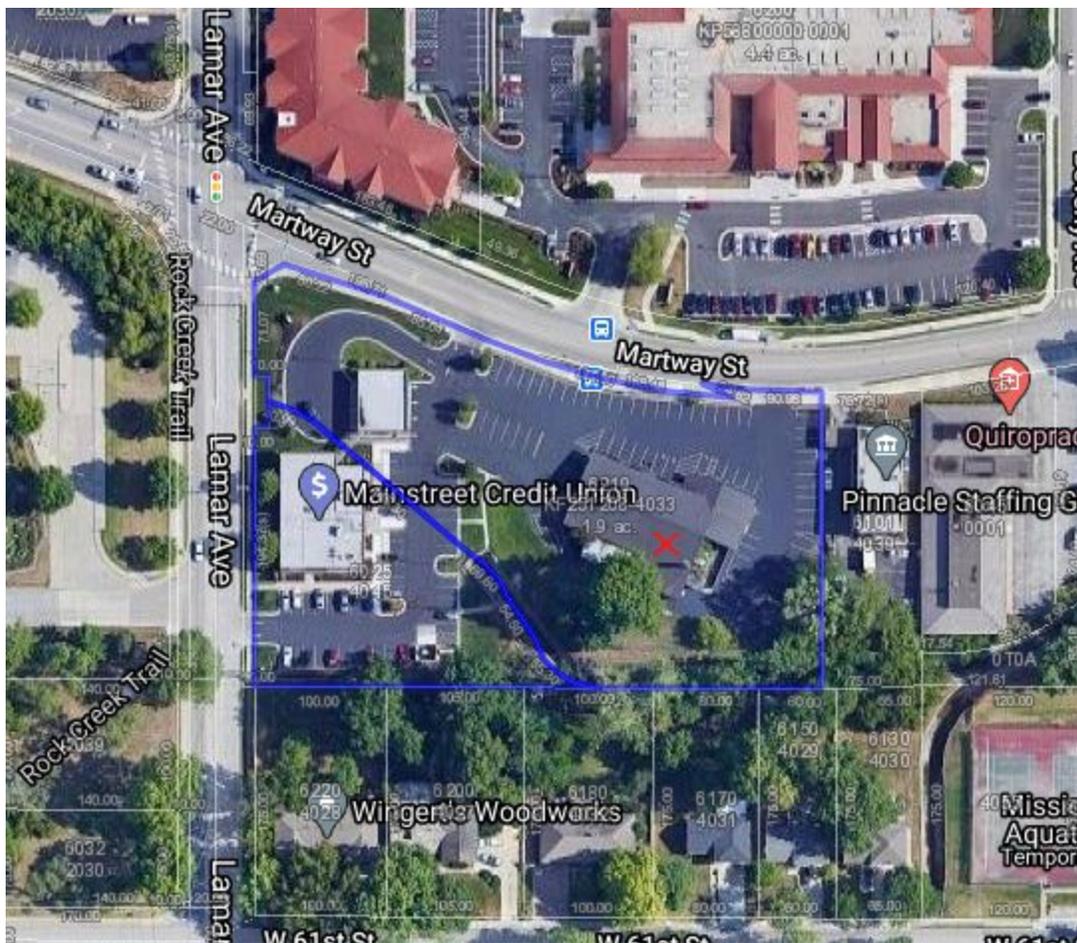
PROPERTY OWNER:
Main Street Credit Union
13001 W 95th St #200
Lenexa, KS 66215

APPLICANT:
Scott Confer
Phelps Engineering
1270 N Winchester
Olathe, KS 66061

STAFF CONTACT: Kaitlyn Service, Planner

ADVERTISEMENT: December 8, 2020-The Legal Record

PUBLIC HEARING: December 28, 2020 -Planning Commission



Property Information

The subject property includes parcels KF251208-4045 and KF251208-4033, which are addressed as 6025 Lamar Avenue and 6219 Martway Street respectively. The property at 6025 Lamar Avenue is currently developed with a two-story building, which is the Mission branch of the Mainstreet Credit Union. The property at 6219 Martway Street is developed with a one-story building, which was formerly used as the Mission Barn Players theater. The property also includes the drive-thru elements associated with the Mainstreet Credit Union. Both properties are currently zoned "MS2" (Main Street 2) District and Downtown District (DD) Overlay District. The property has never been platted.

Surrounding properties are zoned and used as follows:

West: Johnson County Northeast Offices - Zoned "C-O" Office Building

South: Single Family Homes - Zoned "R-1" Single-Family Residential

East: Pinnacle Staffing Group Offices- Zoned "MS2" Main Street 2

North: Powell Community Center and Mission Square Senior Apartments - Zoned "MS2" Main Street 2

Comprehensive Plan Future Land Use Recommendation for this area:

The property at 6025 Lamar Avenue (including the Main Street Credit Union building) is designated as "future commercial". The property at 6219 Martway Street (including the Barn Players building) is designated as "future public/ semi-public".

Project Background

As shown on the aerial image on page 1 of this staff report, the existing property lines separate the drive- thru from the Mainstreet Credit Union building. The applicant is requesting approval of the preliminary and final plat in order to correct this so that the drive-thru is on the same property as the Mainstreet building, rather than on the lot with the Barn Players building.

The sidewalk, bus stop, and Rock Creek Trail that border the property all lie within the public right-of-way so right-of-way was not requested with this plat.

Analysis:

Lots

The applicant is requesting approval of a plat for property that is currently not platted. Approval of the plat would reconfigure the division line between the two properties and bring the property into conformance with the city code by locating the accessory drive-thru on the same lot as the Mainstreet Credit Union building.

The current MS2 zoning does not require front, side, or rear yard setbacks except when adjacent to "R-1" or "R-2" properties. The current and proposed buildings meet the required setback from the R-1 properties to the south of the subject property.

Parking regulations in the MS2 district require 4 parking spaces for each 1,000 square feet of floor area. The Mainstreet Credit Union building is approximately 9,271 square feet in building area. Therefore 37 parking spaces are required. Approval of the proposed plat would leave 42 parking spaces for Mainstreet Credit Union building.

The former Barn Players building is approximately 9,637 square feet in building area. Therefore 39 parking spaces are required. Approval of the proposed plat would leave 69 parking spaces for the former Barn Players building.

- Lot 1: 51,632 sq. ft. or 1.186 acres
- Lot 2: 55,258 sq. ft. or 1.268 acres

Right-of-way

Right-of-way was not requested in association with this plat because the existing sidewalk, bus stop, and Rock Creek Trail that border the property all lie within the public right-of-way. Along Martway, everything north of the parking lot curb in the public right-of-way.

Easements

No additional public easements are needed at this time.

Code Review: Consideration of Preliminary Plats (440.220)

Preliminary plats shall be approved by the Planning Commission if it determines that:

1. The proposed preliminary plat conforms to the requirements of this Title, the applicable zoning district regulations and any other applicable provisions of this Code, subject only to acceptable rule exceptions.

-Code requirements are described above. The proposed plat is in conformance.

2. The subdivision or platting represents an overall development pattern that is consistent with the Master Plan and the Official Street Map.

-The plat represents a development pattern already established and supported by the Comprehensive Plan.

3. The plat contains a sound, well-conceived parcel and land subdivision layout which is consistent with good land planning and site engineering design principles.

-The plat supports good land planning and allows for future redevelopment in compliance with adopted standards.

4. The spacing and design of proposed curb cuts and intersection locations is consistent with good traffic engineering design and public safety considerations.

-The plat does not propose any changes to curb cuts or intersections.

5. All submission requirements have been satisfied.

-All of the requirements of 440.220-Submission of Preliminary Plats have been satisfied

Code Review: Consideration of Final Plats (440.260)

Final plats shall be approved by the Planning Commission if it determines that:

1. The final plat substantially conforms to the approved preliminary plat and rule exceptions granted thereto.

-A preliminary plat matching the final plat is under review with this application.

2. The plat conforms to all applicable requirements of this Code, subject only to approved rule exceptions.

-Code requirements are described above. The proposed plat is in conformance.

3. All submission requirements have been satisfied.

-All of the requirements of 440.250-Submission of Final Plats have been satisfied.

4. Approval of a final plat shall require the affirmative vote of a majority of the membership of the Planning Commission.

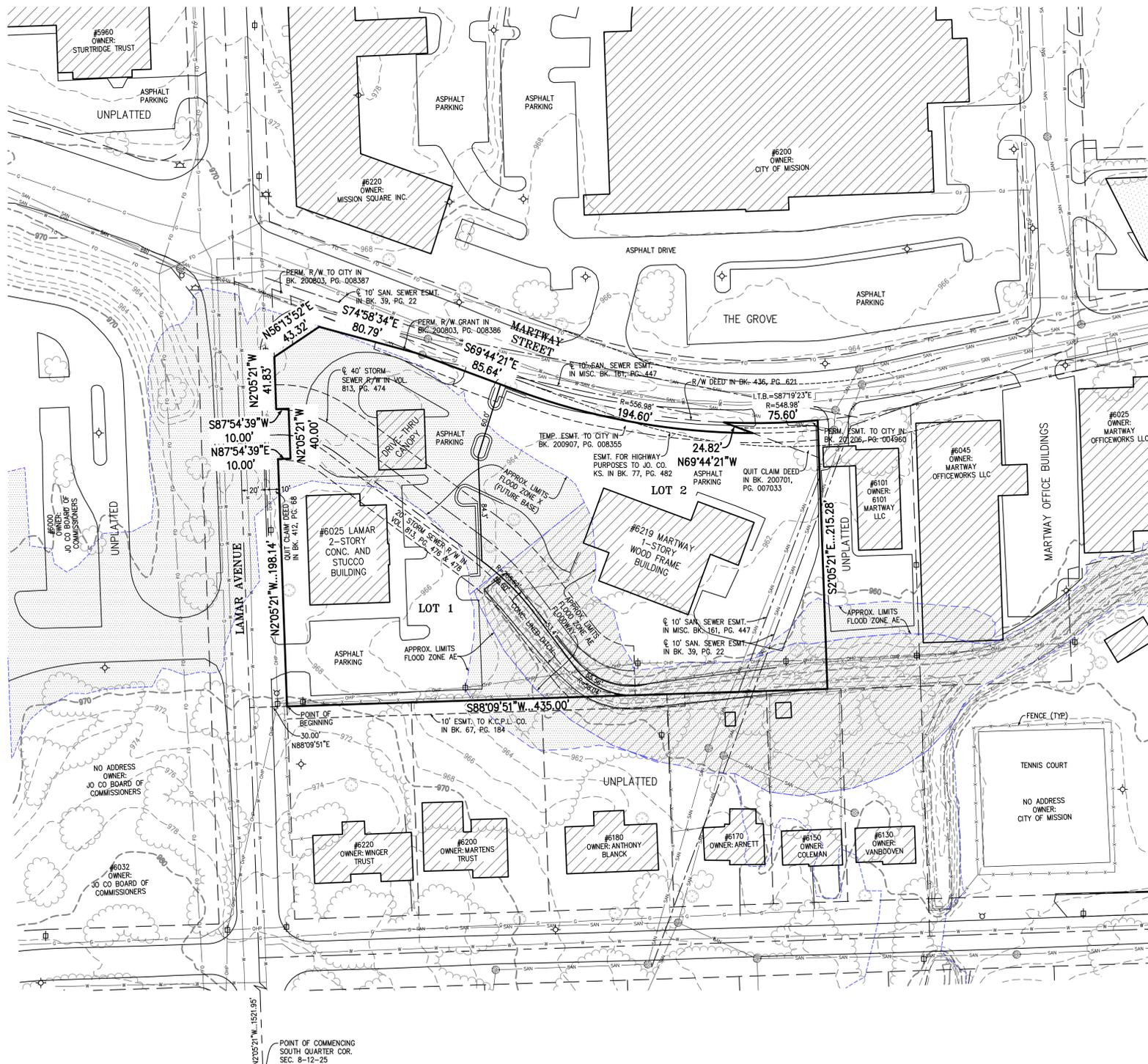
Staff Recommendation

Staff recommends the Planning Commission approve the preliminary and final plat for Case # 20-08 the plat of land to be known as "The Plat of Mainstreet Credity Union."

1. An ingress-egress easement shall connect the vehicle entrance/exit on Lot 1 along Martway Street to Lot 2.
2. The mayor and city clerk signature blocks shall be corrected to reflect the names of the people currently holding those positions.

PRELIMINARY PLAT OF MAINSTREET CREDIT UNION

A SUBDIVISION IN THE SE1/4 OF SECTION 8, TOWNSHIP 12, RANGE 25,
IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS



LEGAL DESCRIPTION:

All that part of the NW1/4 of the SE1/4 of Section 8, Township 12, Range 25, in the City of Mission, Johnson County, Kansas, more particularly described as follows:

Commencing at the South Quarter Corner of said Section 8; thence N 2° 05' 21" W, along the West line of the SE1/4 of said Section 8, a distance of 1521.95 feet, to a point on the North line of the South 200.00 feet of the NW1/4 of the SE1/4 of said Section 8; thence N 88° 09' 51" E, along the North line of the South 200 feet of the NW1/4 of the SE1/4 of said Section 8, a distance of 30.00 feet, to a point on the East right-of-way line of Lamar Avenue, as now established, said point also being the point of beginning; thence N 2° 05' 21" W, along the East right-of-way line of said Lamar Avenue, a distance of 198.14 feet; thence N 87° 54' 39" E, along the East right-of-way line of said Lamar Avenue, a distance of 10.00 feet; thence N 2° 05' 21" W, along the East right-of-way line of said Lamar Avenue, a distance of 40.00 feet; thence S 87° 54' 39" W, along the East right-of-way line of said Lamar Avenue, a distance of 10.00 feet; thence N 2° 05' 21" W, along the East right-of-way line of said Lamar Avenue, a distance of 418.83 feet, to a point on the South right-of-way line of Martway Street, as now established; thence N 56° 13' 52" E, along the South right-of-way line of said Martway Street, a distance of 43.32 feet; thence S 74° 58' 34" E, along the South right-of-way line of said Martway Street, a distance of 80.79 feet; thence S 69° 44' 21" E, along the South right-of-way line of said Martway Street, a distance of 85.64 feet, to a point of curvature; thence Southeastery and Easterly, along the South right-of-way line of said Martway Street, said line being a curve to the left having a radius of 556.98 feet, an arc distance of 194.60 feet; thence N 69° 44' 21" W, along the South right-of-way line of said Martway Street, a distance of 24.82 feet; thence Easterly, along the South right-of-way line of said Martway Street, said line being a curve to the left having a radius of 548.98 feet and whose initial tangent bearing is S 87° 19' 23" E, an arc distance of 75.60 feet, to a point on the East line of the West 465.00 feet of the NW1/4 of the SE1/4 of said Section 8; thence S 2° 05' 21" E, along the East line of the West 465.00 feet of the NW1/4 of the SE1/4 of said Section 8, a distance of 215.28 feet, to a point on the North line of the South 200.00 feet thereof; thence S 88° 09' 51" W, along the North line of the South 200.00 feet of the NW1/4 of the SE1/4 of said Section 8, a distance of 435.00 feet, to the point of beginning, containing 2.454 acres, more or less.

PROJECT NOTE:

1. THE TOPOGRAPHY WAS SUPPLIED BY A.I.M.S. (AUTOMATED INFORMATION MAPPING SYSTEM) BASED ON NAVD88 DATUM.
2. ALL TRACTS AS SHOWN HEREON SHALL BE DEDICATED AS PRIVATE OPEN SPACE, COMMON AREAS AND MAY INCLUDE BUT NOT LIMITED TO LANDSCAPING, FENCING, SUBDIVISION MONUMENTS, STORM WATER DETENTION AND AMENITIES AND WILL BE OWNED AND MAINTAINED BY THE HOMES ASSOCIATION.

FLOOD NOTE:

A PORTION OF THIS PROPERTY LIES WITHIN ZONE AE, DEFINED AS SPECIAL FLOOD HAZARD AREAS (SFHAs) SUBJECT TO INUNDATION BY THE 1% ANNUAL CHANCE FLOOD WITH BASE FLOOD ELEVATIONS DETERMINED, AND WITHIN THE FLOODWAY AREAS IN ZONE AE.

A PORTION OF THIS PROPERTY LIES WITHIN ZONE X (FUTURE BASE FLOOD), DEFINED AS AREAS OF 1% ANNUAL CHANCE FLOOD BASED ON FUTURE CONDITIONS HYDROLOGY, NO BASE FLOOD ELEVATIONS DETERMINED.

THE REMAINDER OF THE PROPERTY LIES WITHIN ZONE X, DEFINED AS AREAS DETERMINED TO BE OUTSIDE THE 0.2% ANNUAL CHANCE FLOODPLAIN, AS SHOWN ON THE FLOOD INSURANCE RATE MAP PREPARED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY FOR THE CITY OF MISSION, COMMUNITY NO. 200170, JOHNSON COUNTY, KANSAS, PANEL NO. 20091C0023G, AND DATED AUGUST 3, 2009.

SITE DATA TABLE:

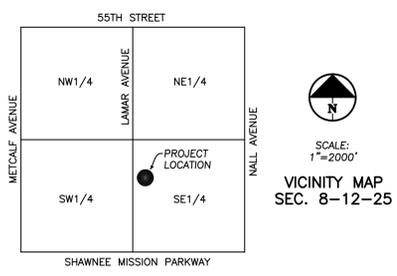
OVERALL AREA	2.45 ACRES
EXISTING ZONING	MS2, MAIN STREET DISTRICT 2
PROPOSED ZONING	N/A, NO CHANGE
PROPOSED NUMBER OF LOTS	2
PROPOSED LAND USE	COMMERCIAL
DENSITY	1.3 LOTS PER ACRE
HOUSING CLASSIFICATION	N/A
PROPOSED LOT AREAS:	LOT 1 = 1.194 ACRES LOT 2 = 1.264 ACRES

OWNER/DEVELOPER:
MAINSTREET CREDIT UNION
JOHN D. BEVERLIN, SR.
13001 W. 95TH STREET
LENEXA, KS 66215
(913) 599-1010
JBEVERLIN@MAINSTREETCU.ORG

ENGINEER/APPLICANT:
PHELPS ENGINEERING, INC.
JUDD D. CLAUSSEN, PE
1270 N. WINCHESTER
OLATHE, KS 66061
(913) 393-1155
(913) 393-1166 FAX
JCLAUSSEN@HELPSENGINEERING.COM

APPROVED BY:
CITY OF MISSION PLANNING COMMISSION

MIKE LEE, CHAIRMAN _____ DATE _____



\\PHELPS-SERVER\Projects\200915\Main\JMS.dwg Layout-PLAT Nov 11, 2020 - 11:03am Scott Carter

PHELPS ENGINEERING, INC
1270 N. Winchester
Olathe, Kansas 66061
(913) 393-1155
Fax (913) 393-1166

STAFF REPORT
Planning Commission Meeting December 28, 2020

AGENDA ITEM NO.: 2

PROJECT NUMBER / TITLE: Case # 20-09

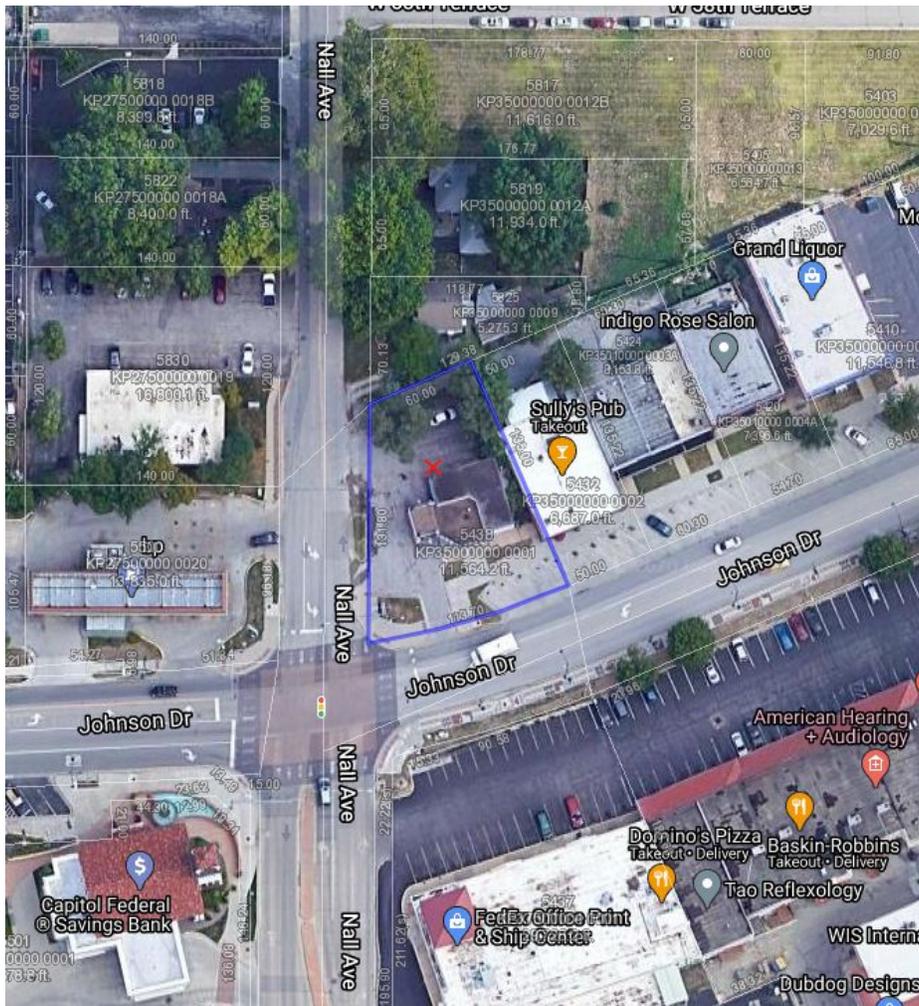
REQUEST: Revised Preliminary Development Plan for 5438 Johnson Drive

LOCATION: 5438 Johnson Drive

APPLICANT: Mark McPherson, Equity Ventures Commercial Development

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

STAFF CONTACT: Kaitlyn Service, Planner



Property Information:

The subject property is located at the northeast corner of Johnson Drive and Nall Avenue and is addressed as 5438 Johnson Drive. 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 in 2018.

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.

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. This district is targeted for retail, food, and entertainment. The proposal is in conformance with the intent of the Comprehensive 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.

Project Background:

At their meeting on August 27, 2018, the Planning Commission voted 9-0 to approve Case #18-09 Preliminary Site Development Plan for 5408 Johnson Drive with conditions. At their meeting on October 17, 2018, the City Council voted 8-0 to uphold the Planning Commission's recommendation. The approved site plan added on-street parking to Nall Avenue and replaced the existing building and drive-thru configuration with a small building designed to be pedestrian-oriented and blend with downtown Mission. The proposed amendment to the site plan includes the on-street parking on Nall Avenue, but proposes to retain the existing building and convert the remaining space into a pedestrian-friendly streetscape, rather than enlarging the building area.

The applicant would like to rehab the property and turn it into the first "Wing Stand by Jefferson's" restaurant. This will be a smaller, abbreviated version of the Jefferson's concept in downtown Lawrence, Kansas and downtown North Kansas City, Missouri.

The site plan proposal would convert the existing drive-thru configuration into a pedestrian-friendly area with patio dining, outdoor gathering space, sidewalks, landscaping, and art. The application proposes to repurpose the existing drive-thru awning by using it to provide shade for patrons who are dining outside. At the recommendation of the City Public Works Director, the application proposes to close two of the three existing vehicle exits, which are currently too close to the intersection at Johnson Drive and Nall Avenue. The creates space for the proposed outdoor "yard" with an interactive sculpture and outdoor seating. The proposal would also add patio seating to the underutilized alley between the building and Sully's.

Plan Review:

MS1 Main Street District 1

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. The "MS1" District provides for the majority of retail uses, while encouraging an active streetscape with a pedestrian friendly shopping environment.

Permitted Uses

The proposed restaurant use is permitted by right in the MS1 zoning district.

Height and Area

No changes are proposed to the existing building. The existing building conforms to the height and setback requirements of the MS1 district.

Parking

Parking is not required in the MS1 district. Businesses are served by the on-street parking on Johnson Drive.

The proposal includes 7 new privately-maintained on-street parking spaces on Nall Avenue. On-street parking may be constructed where adequate right-of-way is available, subject to good traffic engineering design principles. The U.S. Department of Transportation Federal Highway Administration Manual on Uniform Traffic Control Devices (MUTCD) requires the on-street parking spaces to be at least 20 feet from the existing crosswalk. The MUTCD is the law governing all traffic control devices. The MUTCD contains the national standards governing all traffic control devices. All public agencies across the nation, including the City of Mission, rely on the MUTCD to bring uniformity to the roadway. The site plan complies with this standard by separating the crosswalk and the parking spaces by 23 feet and 1 inch.

The site plan proposes to repair and restripe the existing off-street asphalt parking lot, which includes 4 parking stalls. Parking lots and drives leading thereto shall have curbs and drainage facilities approved by the City Engineer.

Development Standards

Drive-thrus are prohibited in the MS1 district. The site plan proposes to repurpose the existing drive-thru awning by using it to provide shade for patrons in the patio dining area.

The architectural style, materials and visual quality of the site is in harmony with adjacent existing buildings.

Off-street parking is not permitted to front on Johnson Drive. The proposal complies with this requirement by locating the off-street parking behind the building.

All mechanical equipment and trash bins are required to be permanently and securely screened by architectural materials harmonious with the building. A 6-foot wood mechanical screen is proposed for the ground mounted mechanical equipment. A 6-foot tall concrete masonry unit (CMU) trash enclosure with metal gate is proposed to screen the trash bins.

Restaurants may have an outdoor service area that is accessory to the main restaurant function. The proposed outdoor service area is a well-defined space, enclosed by a low wall. The additional space proposed for outdoor seating would function as a waiting area, plaza, and

gathering space.

Johnson Drive Design Guidelines:

Site Plan

The applicant proposes to replace the existing drive-thru configuration with patio dining, outdoor gathering space, sidewalks, landscaping, and art. The proposed yard and patio areas would enhance the pedestrian environment.

Parking and Landscaping

The proposed off-street parking is located behind the building with access from Nall Avenue. Three-foot tall evergreen shrubs provide screening between the new sidewalk and the off-street parking.

New sidewalks are proposed to provide a clear, direct path between the parking areas and the business destination. Bicycle parking is included in the parking lot.

The proposal maintains the required ratio of parking to green space. On-street parking is required to have 100 square feet of green space for every 10 parking spaces. The site includes 4 city-maintained parking spaces on Johnson Drive and 7 proposed privately-maintained parking spaces on Nall Avenue for a total of 11 on-street parking spaces. Therefore 110 square feet of green space is required in association with the on-street parking.

Parking lots are required to provide a minimum of 6% green space. The parking lot contains 4 parking spaces and will be approximately 600 square feet. Therefore 36 square feet of green space is required in association with the off-street parking.

In total, 146 square feet of green space is required. A total of 1,451 square feet of landscaped area is proposed, including:

- Sod: 918 square feet
- Shrubs: 102 square feet
- Native Plants: 43 square feet
- Mulch: 393 square feet

A small area of artificial turf is proposed to make the “yard” concept possible. This area is anticipated to have high pedestrian traffic as people interact with the sculpture and use the outdoor seating. Because of the heavy foot traffic, it is anticipated that real grass would not fare well here.

Site Access

The proposal provides for safer movement of both pedestrian and vehicular traffic. The current site has three vehicle drives. At the recommendation of the City Public Works Director, the applicant proposes to close the two vehicle drives closest to the intersection of Nall and Johnson Drive. This will reduce conflict between vehicles at the intersection and vehicles attempting to enter or exit the site. This will also reduce potential conflict between vehicles and pedestrians walking along Johnson Drive.

The proposal offers vehicle access off of Nall Avenue further North of the intersection. The current site has a shared alley drive and a separate drive for the building site, making the vehicle ingress/ egress approximately 60 feet wide. At the recommendation of the City Public Works Director, the applicant proposes to reduce this to approximately 21 feet. The site plan consolidates the alleyway access with the ingress/ egress for the 4 off-street parking stalls. The vehicle ingress/ egress shown on the site plan has been designed to allow truck deliveries to the restaurant and allow for vehicles and trash trucks to access the adjacent properties via the shared alley.

The proposal incorporates amenities such as outdoor seating and a pet waste station while providing a sufficient clear walkway for pedestrians. The proposed sidewalks on Nall range from 5' 10" in width to 5' in width.

Screening

The site plan proposes to screen the trash bins by enclosing them in a 6-foot tall concrete masonry unit (CMU) enclosure with metal gate.

The site plan shows a horizontal-slatted wood privacy fence between the subject property and the neighboring single-family residence. The fence is designed to reflect the architectural style of the proposed building and incorporate similar materials to that of the proposed building. Existing flowering bushes on the residence side of the property line will be preserved.

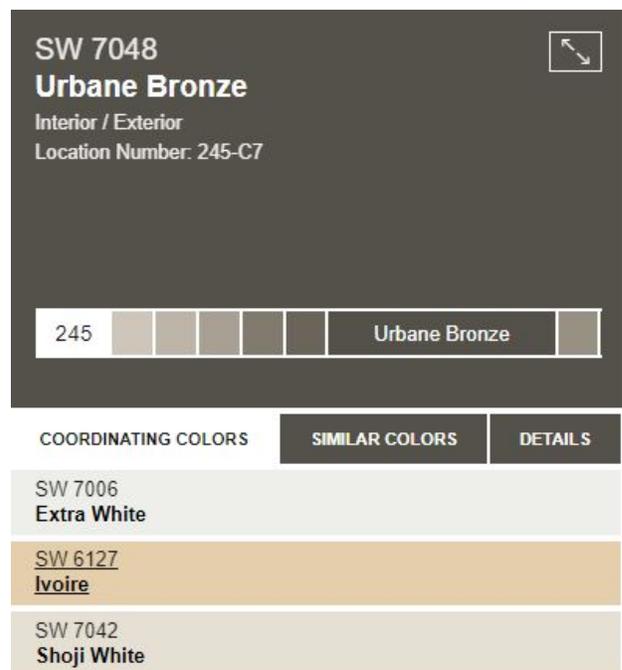
Building Materials

The existing stucco will be patched and repaired. Wood composite accent panels will be added to the building.

Colors

The Design Guidelines call for a subtle, neutral, and natural color that matches or complements the natural yellow, pale tan, brick, beige, brown and terra cotta tones existing throughout the Johnson Drive Corridor.

Exterior paint color Urbane Bronze (Sherwin Williams 7048) is proposed to be the predominant color of the building. This is a neutral, earthy, dark color that straddles the line between brown and gray. Depending on the lighting, Urbane Bronze can look like a dark brown, or like a murky gray. The Sherwin Williams website indicates that Urbane Bronze coordinates well with other warm neutrals, such as white and beige.



A mural is proposed on a small portion of the South facade (facing Johnson Drive) and will wrap around the building to cover the entire east wall, which is the outdoor dining alleyway between the existing building and Sully's pub. A mural is also proposed for the west elevation (facing Nall Avenue).

Windows

The proposal expands the windows of the current building by enlarging existing windows and adding new windows. The existing highly-tinted windows would be replaced with windows with a clear glazing.

Street-facing facades

Because the building is on a corner lot, the design addresses both Johnson Drive and Nall Avenue. The proposal shows consistent façade treatments with respect to materials and detailing.

Visual Unity

The Design Guidelines emphasize visual unity and creating the feeling of a singular downtown district. Many sidewalks and intersections in this area incorporate decorative pavers. To harmonize with the surrounding area, the proposal includes colored concrete design near the intersection of Johnson Drive and Nall.

Stormwater

A stormwater management plan is required. There is a standing water drainage issue along Nall, which will be corrected through this process.

Environmental

Given the Planning Commission's expressed previous concerns with the environmental history of the site, the applicant provided the attached letter.

Consideration of Site Plans (440.175 & 440.160)

Once preliminary development plan approval has been granted, changes in the preliminary development plan may be made only after approval of a revised preliminary development plan. Changes in the revised preliminary development plan which are not significant may be approved by the Planning Commission without a rehearing by the Planning Commission and City Council.

The City Code defines "significant changes" to mean increases in density, increases in the total floor area, increase of lot coverage, increases in building height, decreases of setbacks, decreases of areas devoted to open space, and changes of traffic patterns. Because the proposal decreases the intensity of development, it does not meet the criteria for "significant change" and therefore can be approved by the Planning Commission if it determines that:

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 existing structure, proposed parking areas, and drives with appropriate open space.

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

The plan follows the recommendations of the Public Works Department to provide for safe and easy ingress, egress, and internal traffic circulation.

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

The proposed project is in conformance with the Johnson Drive design guidelines and follow the recommendations of Public Works.

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 is complementary 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 project contributes to the small businesses feel of Johnson drive and positively contributes to a pedestrian oriented environment. The proposal provides food and entertainment uses and is consistent with the intent of the Comprehensive Plan.

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 will be addressed with the final site development plan.

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 440.175 & 440.160. Therefore, Staff recommends the Planning Commission recommend approval of the Revised Preliminary Site Development Plan for Case # 20-09 - 5438 Johnson Drive.



WING STAND - JOHNSON DRIVE



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HIVE DESIGN COLLABORATIVE, INC.
1617 WALNUT ST., KANSAS CITY, MO 64108
816.581.6363



WING STAND - JOHNSON DRIVE

5438 JOHNSON DRIVE
MISSION, KS 66205
HIVE DESIGN COLLABORATIVE, INC.
1617 WALNUT STREET, KANSAS CITY, MO 64108
816.581.6363

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seal/signature

project number 2020-065

date 12.17.2020

issued for PC REVIEW

rev date description

SITE INFORMATION:

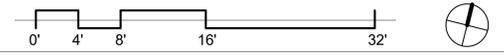
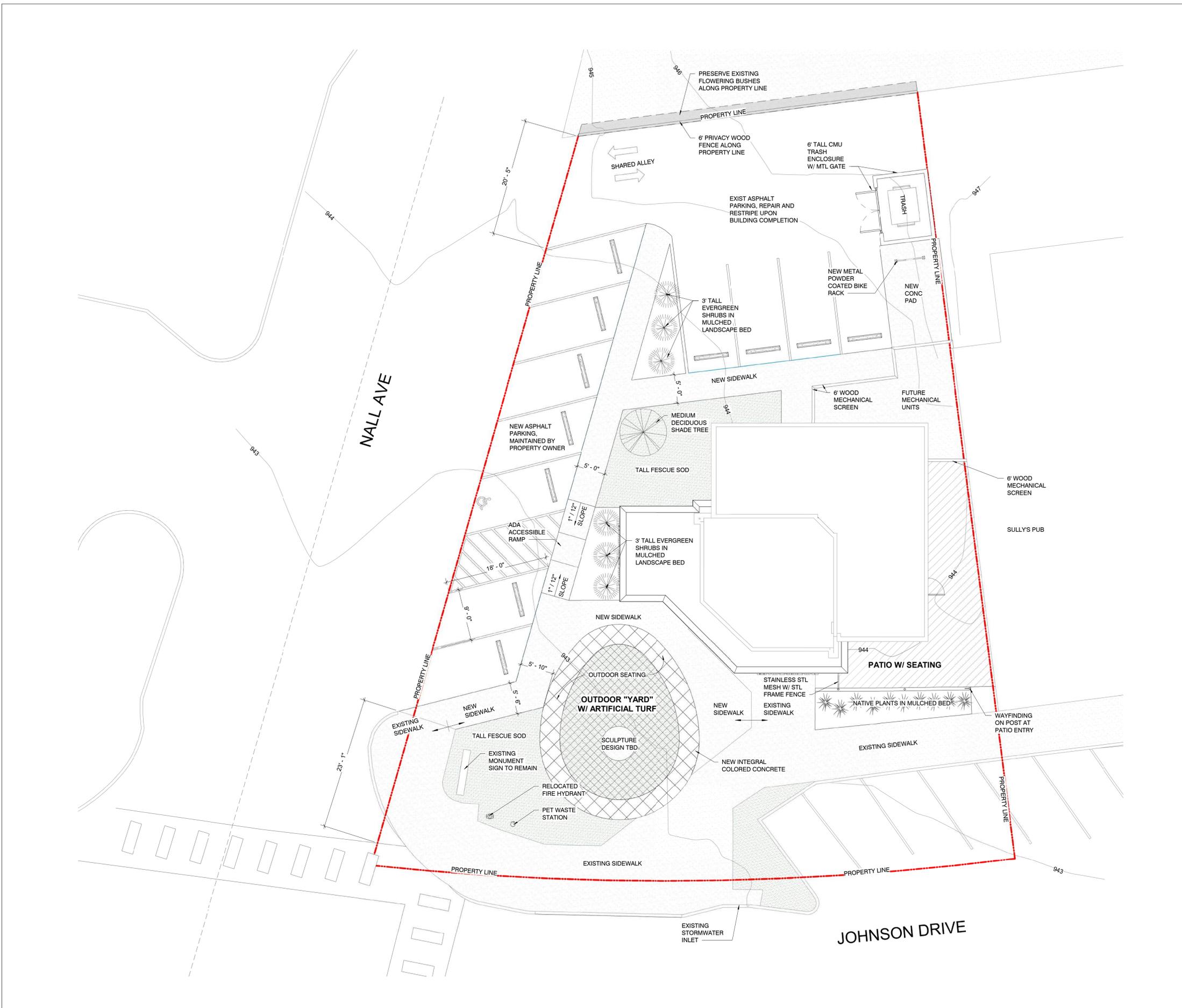
Property ID: KP35000000 0001
Site Address: 5438 JOHNSON DR
MISSION, KS 66205
Legal Description: MISSION VALE LT 1 MIC-0470
Block/Lot: 0000/0001
Subdivision: MISSION VALE
Plat: MISSION VALE
KS Uniform Parcel Num.: 0460620902024007000
Quick Ref: R77865
Zoning: MS-1
Owner: JKM EQUITIES LLC
444 W 58TH TER
KANSAS CITY, MO 64113

Landscaped Areas:
Sod: 918 SF
Shrubs: 102 SF
Native Plants: 43 SF
Mulch: 393 SF
Artificial Turf: 355 SF

ARCHITECTURAL SITE PLAN

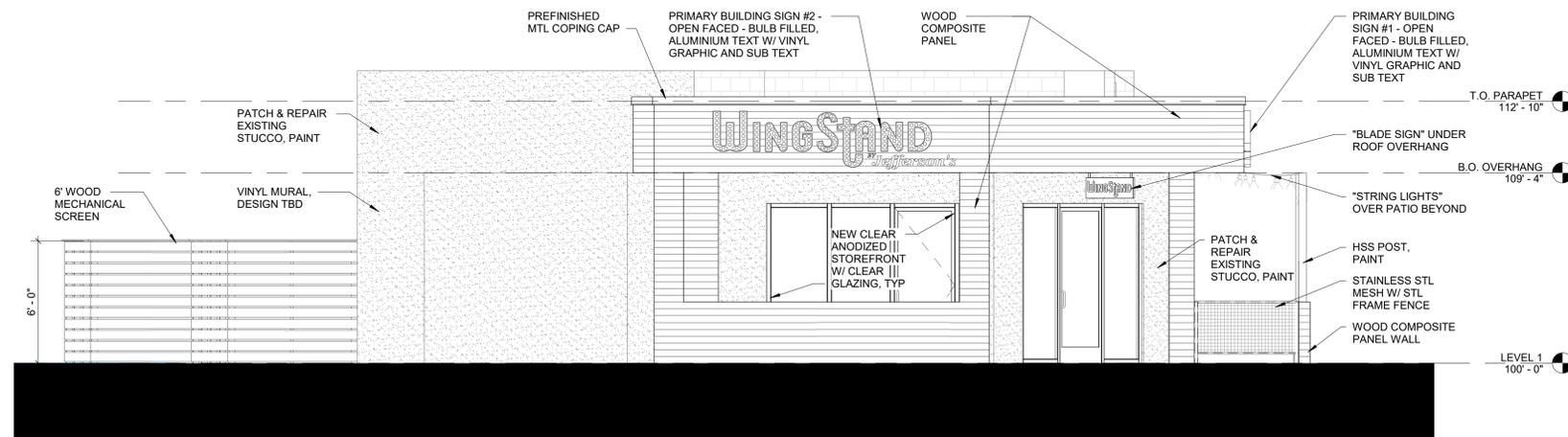
sheet number

AS111



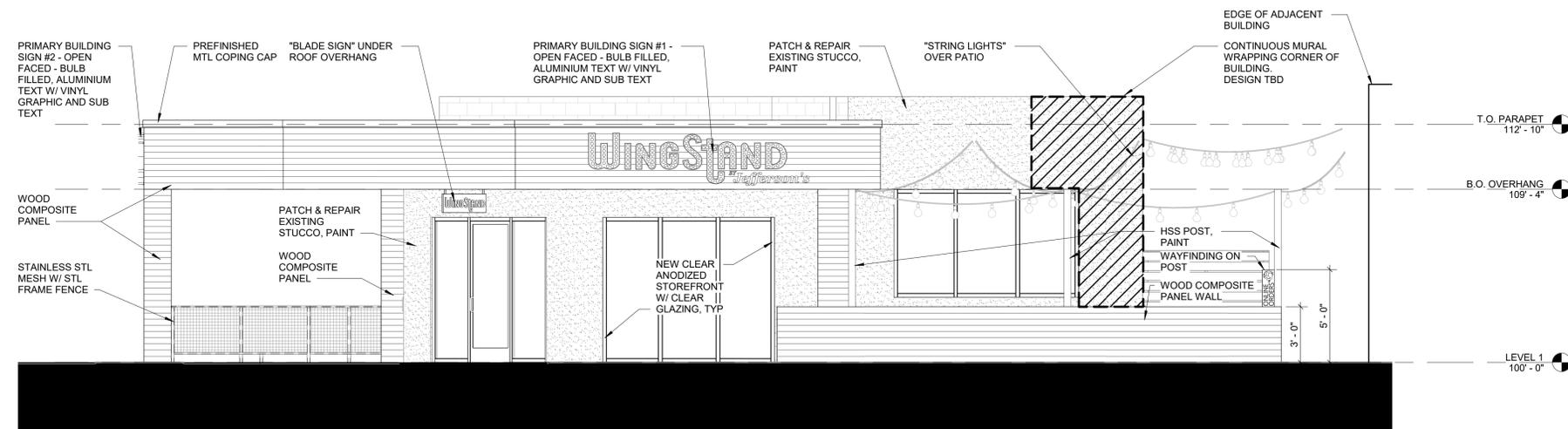
1 SITE PLAN

1/8" = 1'-0"



2 WEST ELEVATION

1/4" = 1'-0"



1 SOUTH ELEVATION

1/4" = 1'-0"

WING STAND - JOHNSON DRIVE

5438 JOHNSON DRIVE
MISSION, KS 66205

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rev date description

GENERAL NOTES - EXTERIOR ELEVATIONS:

ALL SIGNAGE AND BUILDING GRAPHICS SHOWN IN ELEVATIONS ARE A REPRESENTATION OF DESIGN INTENT AND ARE SUBJECT TO CHANGE.

GLAZING PERCENTAGE ON JOHNSON DRIVE:
TOTAL FACADE: 447 SF
PROPOSED GLAZING: 180 SF
(40% OF REQ. 75%)

SIGNAGE AREAS:
PRIMARY SIGN #1: 10 SF (10% FACADE OR 10 SF ALLOWED)
PRIMARY SIGN #2: 10 SF (10% FACADE OR 10 SF ALLOWED)
BLADE SIGN: 1.83 SF (3 SF ALLOWED)

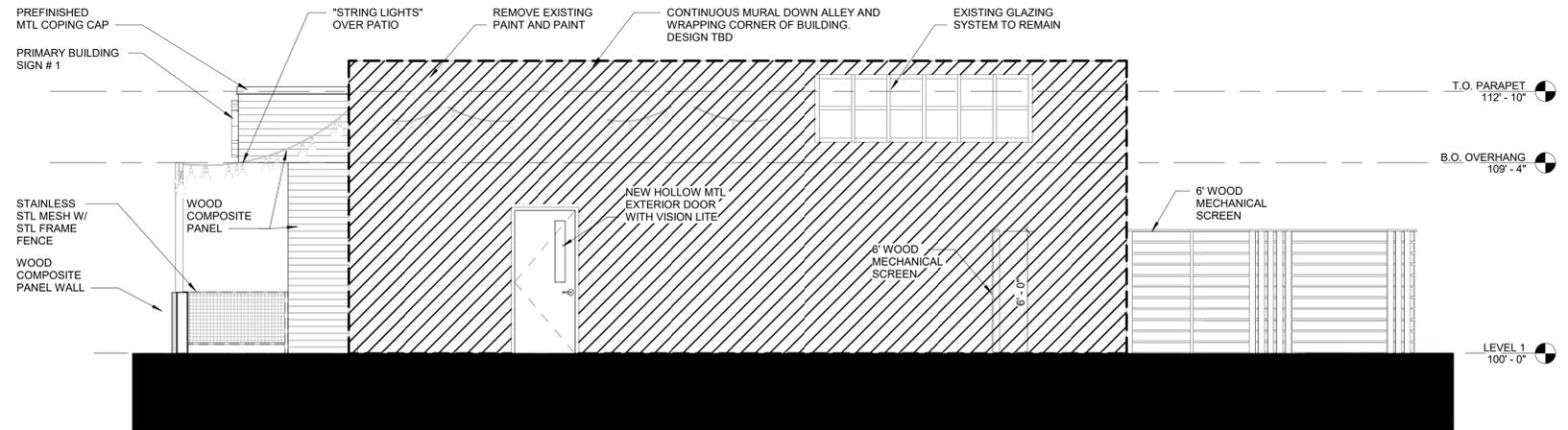
EXTERIOR ELEVATIONS

sheet number

A211

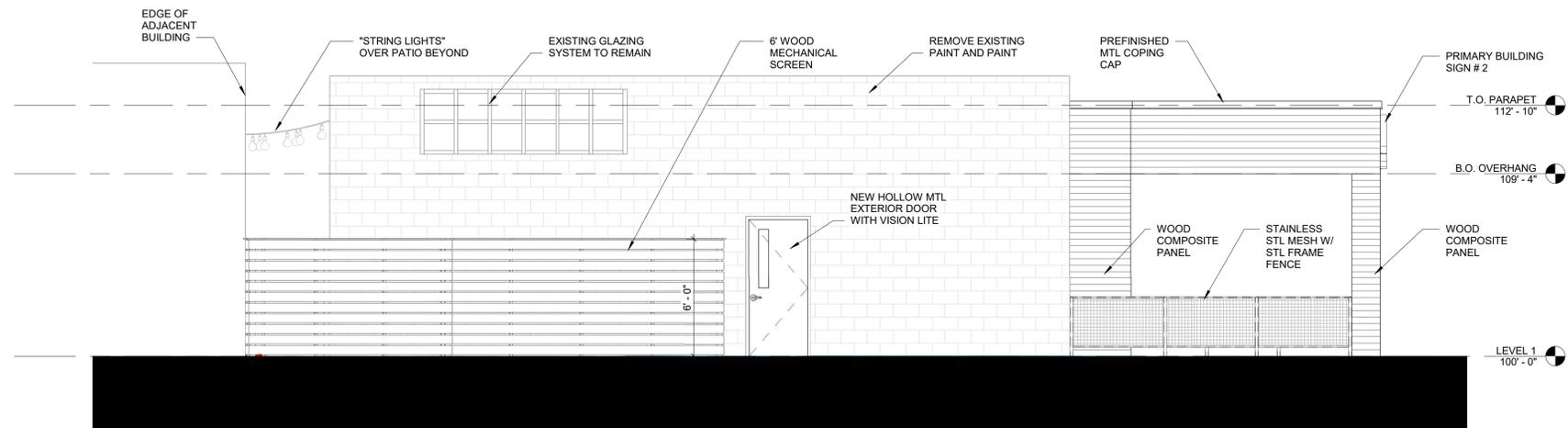
NOTES

1/4" = 1'-0"



2 EAST ELEVATION

1/4" = 1'-0"



1 NORTH ELEVATION

1/4" = 1'-0"

WING STAND - JOHNSON DRIVE

5438 JOHNSON DRIVE
MISSION, KS 66205

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seal/signature

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EXTERIOR ELEVATIONS

sheet number

A212

NOTES

1/4" = 1'-0"



EQUITY VENTURES

C O M M E R C I A L , I N C .

December 21, 2020

City of Mission
c/o Kaitlyn Service
6090 Woodson Street
Mission, Kansas 66202

RE: Narrative on Environmental Items for 5438 Johnson Drive

Ms. Service,

At your request, I am happy to put together our understanding of the environmental situation at the ex-Pride Cleaners property in Mission, Kansas, based on the environmental testing and communication that has occurred to date and our direct conversations with KDHE. I am a partner in the ownership group that will be purchasing and redeveloping this subject property. As a developer, we work throughout the country with numerous retailers and restaurants, and routinely develop and redevelop hard corner properties that used to be operated as a gas station or dry cleaner use historically. Many of these prior users were situated on great signalized intersections where we are actively redeveloping projects for today's highest and best users. We are also the developer and still the current owner of the Natural Grocers property on Johnson Drive, and continue to develop for Natural Grocers and others throughout the country as their exclusive developer.

This property has a few different environmental items we are working through, investigating, and discussing with KDHE. First off, the hazardous materials inspection/report (asbestos/lead) that was conducted a couple of years ago did not recognize any asbestos or lead remaining in the building. We will need to recertify this inspection report and make sure there are not any additional items to test prior to and during the reconstruction process of this building (if anything looks suspicious). We will include action plans for the various items that may be encountered during demolition and construction so that the consultants can take the appropriate precautions.

Secondly, the Pride Cleaners was once utilized as a dry-cleaning plant and during this time of operation it utilized a few chemicals that are no longer allowed to be utilized by that industry. Due to the historic use of the property, it has been accepted into the KDHE Dry Cleaning Facility Release Trust Fund and the \$5,000 deductible has been paid in full. As of September 14, 2020, KDHE acknowledges that all of the samples are below the applicable US EPA Maximum Contaminant Levels for Safe Drinking Water. Currently, this site is a low priority for KDHE. However, we will coordinate our construction activities with KDHE to see if there are any possible ways for them to further remediate this issue during our construction activities. We will also install a vapor mitigation system with perforated PVC pile along the foundations (similar to a drain tile or radon mitigation system) where we can let any vapors air out behind the parapet (above the building) to limit any vapor intrusion to the building.

In addition to the abovementioned items, the adjacent BP gas station is an active remediation project for petroleum in the subsurface. A Terracon Report dated April 5, 2019; reflects that Terracon installed/sampled the five (5) new ground water probes and sampled the four (4) existing monitoring



EQUITY VENTURES

C O M M E R C I A L , I N C .

wells per the KDHE approved work plan. A ground water probe in the Nall Ave right-of-way, adjacent to the east of the BP gas station reported five petroleum constituents above the laboratory reporting limits. None of the three (3) existing onsite monitoring wells along the Nall Ave (western) property line; any of the other onsite monitoring wells; or new KDHE push probes identified petroleum contaminants above the laboratory reporting limits. This gas station property has also been accepted into the KDHE state fund for Leaking Underground Storage Tanks (LUST Fund), which will provide potential funds for remediation of any petroleum contaminants that may come up as we work in the area directly adjacent to Nall Ave. We will discuss this possibility with KDHE once we fully understand the extent of our onsite construction. Further, we are open to providing KDHE access to remediate anything that we encounter as this would be an opportune time due to our construction activities. We will include an action plan with our general contractor to make sure the appropriate steps are taken if anything is encountered during our construction activities. Additionally, the vapor mitigation system mentioned above will also provide additional coverage if the petroleum vapors would ever migrate onto our property and closer to the existing structure.

I hope you find this letter summary covers the items you wanted us to further address. We will obviously need to have some additional conversations with KDHE once we have a full understanding of this retrofit with the new utility lines (including grease trap) and minor site work items. We will look for opportunities in the areas that we will impact from a construction perspective.

Please let me know if you have any additional questions or comments.

Sincerely,

A handwritten signature in black ink, appearing to be 'Mark R. McPherson', written over a horizontal line.

Mark R. McPherson
President/Founder