

MINUTES OF THE PLANNING COMMISSION MEETING

September 27, 2021

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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, September 27, 2021. Members also present: Frank Bruce, Robin Dukelow, Stuart Braden, Charlie Troppito and Pete Christiansen (via Zoom). Burton Taylor and Brad Davidson were absent. Also in attendance: Brian Scott, Assistant City Administrator, and Audrey McClanahan, Secretary to the Planning Commission.

Chairman Lee: I'd like to call the meeting to order. The public is invited to participate. If you would like to make a comment, please raise your hand and stay seated. We will call on you to the lectern. Please make sure to 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.

Approval of Minutes from the July 26, 2021 Meeting

Chairman Lee: The first two items on the agenda tonight are approval of the minutes from our July 26th and August 23rd meetings.

Comm. Dukelow: Mr. Chairman, I have a couple of comments on the July 26th minutes, if I may. Page 2, paragraph 2, references the Phoenix Building, and it says it's in Roeland Park. In fact, that building is in Overland Park. Page 9, paragraph 3, references a 25-cent sales tax, and I believe that should read either quarter-cent or one-fourth cent. Thank you. That's all I had, Mr. Chairman. I don't have any comments on the August 23rd minutes.

Comm. Dukelow moved and Comm. Braden seconded a motion to approve the minutes of the July 26, 2021, Planning Commission meeting, with corrections as noted.

The vote was taken (6-0) The **motion carried.**

Approval of Minutes from the August 23, 2021 Meeting

Comm. Braden moved and Comm. Dukelow seconded a motion to approve the minutes of the August 23, 2021, Planning Commission meeting.

The vote was taken (6-0) The **motion carried.**

New Business

A. Case # 21-06 Approval of Application for Site Plan Improvements at 6101 Johnson Drive – The Bar, Applicant

An application for approval of a site plan improvement for a 550 square foot addition at the rear of the structure at 6101 Johnson Drive

Mr. Scott: Thank you, Mr. Chair. This is Case 21-06, an application for a site plan approval, an addition to an existing structure located at 6101 Johnson Drive. The applicant is Nick Ewing at Sullivan Palmer Architects, and the property owner is Johnson 6101, LLC, c/o RH Johnson Co. The structure at 6101 Johnson Drive was built in 1960's. It's been a gas station up until about the early 2000's when it was obtained by RH Johnson and converted over to a bar and restaurant/grill. In 2004, they made an addition to the west side of the building. They are now wanting to fill out the back of the building if you will. You can see from the site plan, the additions to the building over the years have

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created a little bit of an empty void or space at the back, essentially where their kitchen is at. They have some outdoor storage in that area behind the gate. They essentially want to fill in that outdoor storage area by expanding the kitchen. It's about a 500-square-foot addition. What they will do at that point is wrap the entire back of the building with wood cladding that is similar to what is on the addition on the left side. You can see that in the photograph in the packet. That goes around the west side of the building and goes around the corner of that addition and they would just continue that along the back.

This meets the Johnson Drive Design Guidelines. It still fulfills the intent of the MS1. There is no additional parking needed of that nature. That's the request in a nutshell. Mr. Sullivan, of Sullivan Architects, is here tonight if you have any questions.

Chairman Lee: Would you like to step forward?

Jim Sullivan, Sullivan Architects, appeared before the Zoning Board and made the following comments:

Mr. Sullivan: Good evening, Members of the Commission. I'm happy to be here tonight. I really have no presentation other than the bar has sort of been an ongoing project for us. The major design element in all the development of this in the additions so far has been the fact that we have a ten-ton mechanical unit that's been sitting on the ground, and we've just been building around that through the years. This eventually was sort of the last straw, where he said, "All right, let's get this mechanical unit up on the roof and build an addition where it is." So that's essentially what we have before you. We knew that the kitchen was small to begin with. With the business that we've had, it was time to do it. That's my presentation. I'd be happy to field any questions.

Chairman Lee: Questions?

Comm. Braden: First of all, it appears that there are a couple walk-in, maybe a walk-in refrigerator, maybe a walk-in freezer, and I was just curious if the condensing units are mounted on top of the units inside the building or [inaudible].

Mr. Sullivan: I'm really not sure on the walk-in's where the mechanical units are this time. I know that there is a parapet around three sides of the building right now, and the mechanical unit and exhaust fans and that sort of thing are up on the roof, of course. They're shielded by the parapet.

Comm. Braden: The reason I ask is, if they're not mounted inside, like on top of the unit, and they're mounted outside, if they're hidden from view or if they're on the ground. I was just curious to make sure that wherever they're located they're hidden. Whatever meets current rules for it.

Mr. Sullivan: As you can see from the elevation at the top of the sheet, essentially on the three sides, the north, east and west, the mechanical unit and all other devices up on the roof are screened. It is open to the parking structure to the south of it. It meets all the design guidelines.

Comm. Braden: That was my second question. That mechanical unit was on the ground. Now it's moving to the roof. Is it going to serve the new addition also, or will there be a separate unit for the new addition?

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Mr. Sullivan: Yes, it will serve as part of the mechanical units for the –

Comm. Braden: Okay, so it will serve the addition also. Okay. Thank you.

Comm. Dukelow: Mr. Chairman, I have some comments. I think I'll stick with the equipment right now, and the mechanical screening, since that was the question that Stuart had. It's my understanding from the Mission Design Guidelines that all of the sides of that parapet need to be screened. All of that roof needs to be screened. Because that applies to the Downtown and East Gateway. It also is item number 7, Section 415.30 of the Mission Design Guidelines. With that in mind, would you be willing to run a screen from the top of the existing parapet across the back to meet the current west addition?

Mr. Sullivan: I know that I haven't, but my associate, Nick, has been working with staff through this process, and had said staff was comfortable with the screening that we have at this point.

Comm. Dukelow: Okay. Well, again, in the Downtown and East Gateway, as part of the Johnson Drive and Corridor Guidelines – that would be page 4-7 and again on page 5-5, and then in the Mission Design Guidelines dated 2008 – that is stated. I'll let you work with City staff on that. The other comments that I have have to do with the grease receptacle and the proposal to move it into the corner between the trash dumpster and the back of the building. I'm wondering how that will be accessed and serviced if it's in that location with parking directly adjacent.

Mr. Sullivan: That's the grease container, yes, and that, of course, is picked up on a regular basis by a company and disposed of. [inaudible] that we've checked with them. It's accessible from their standpoint.

Comm. Dukelow: Can you tell me what the room is on the southwest corner? There's an existing door to go outside, but on these plans it shows the door to be demolished, and on the elevation it shows the door existing to remain.

Mr. Sullivan: Are you talking about the door that enters into the kitchen from the back?

Comm. Dukelow: The other side, on the west addition.

Mr. Sullivan: Yes. That has been there for a while.

Comm. Dukelow: I presume it came with the west addition.

Mr. Sullivan: It looks to me like it's actually kind of an intermediate space between the kitchen and the dining area, for possibly staging of food and that sort of thing.

Comm. Dukelow: Do you know where the outside storage will be relocated?

Mr. Sullivan: You mean for trash?

Comm. Dukelow: For all of the stuff that's in that space right now.

Mr. Sullivan: Based on this plan, I think that all of that stuff is going to be removed properly.

Comm. Dukelow: My concern is that all of that stuff will be at the back of the building.

Mr. Sullivan: Excuse me?

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Comm. Dukelow: My concern is that all of that stuff will be exposed and at the back of the building. And that would not be...

Mr. Sullivan: Obviously, that's an operational issue. It's not part of our scope of work. However, based on the development of this plan, it doesn't look like there is an "outdoor storage area."

Comm. Dukelow: Right, and that is exactly my concern, because there is a lot of miscellaneous things out there. And I understand that grease receptacle, then, will be accessible? The person who collects the grease is happy with that, and it will be built to match the trash enclosure?

Mr. Sullivan: That is correct.

Comm. Dukelow: That's all I have, Mr. Chairman. Thank you.

Mr. Scott: I had asked Mr. Ewing, the architect that was working on this project, about the materials that would be...that are currently kind of behind this gate in the back. He said most of that would just be removed. It's old chairs that are broken. Some of the items would be put inside in the storage. I think there's a little storage room that's behind or in the back of the addition, so some of those items would be put back there that are items they want to keep. But yeah, you can't have any items outside, sitting in the parking lot. That would be a code violation. Not permissible.

Chairman Lee: Questions for the applicant?

Unidentified Speaker: [inaudible]

Mr. Scott: Yeah, that's a good question.

Unidentified Speaker: [inaudible]

Mr. Scott: Yeah. The handicap parking spaces are on the drawing on the screen. They don't show up very well. They're very faint. I think this was an older rendition, so what you have in your packet is the final rendition that was sent to the City. I just gave Audrey the wrong rendition to put up tonight at the meeting. It's essentially the same. This rendition in your packet highlights the area that's going to be enclosed, the kitchen expansion, so everything is kind of hashed out. There's the existing space. That area that's not hashed out is the addition, and then it also shows the trash enclosure for the grease dumpster between the existing enclosure and the building. I don't think that's shown on what you see on the screen here.

[Unidentified Speaker: [inaudible]]

Mr. Scott: Right.

Unidentified Speaker: [inaudible]

Mr. Scott: I'm sorry, what?

Unidentified Speaker: [inaudible]

Mr. Scott: I believe so, yes. They've been there. They meet code.

Unidentified Speaker: [inaudible]

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Mr. Scott: I don't know if there's any more handicapped in the front. I think it's just those two spaces.

Unidentified Speaker: [inaudible]

Mr. Sullivan: I believe that those handicapped spaces are there at this time. To my knowledge, they do comply with handicap requirements. They're eight feet wide, van accessible, drop-off space, and then another eight-foot wide parking stall.

Unidentified Speaker: [inaudible]

Mr. Sullivan: I see.

Mr. Scott: Yeah, I believe that's adequate. I forgot how many parking spaces are on the lot. I want to say 24 seems to stick out in my mind.

Unidentified Speaker: [inaudible]

Mr. Sullivan: We have indicated here 29 spaces. I think at 20 you need two, and I believe at 50 it jumps up again.

Chairman Lee: All right. Thank you. Additional comments? Frank, do you have any? Okay, thank you.

Mr. Sullivan: Thank you very much.

Chairman Lee: Are we ready to make a motion?

Comm. Dukelow moved and Comm. Bruce seconded a motion to approve Case # 21-06 which is the site plan approval for an addition to the structure at 6101 Johnson Drive.

The vote was taken (6-0). **The motion passed.**

B. Public Hearing – Case# 21-07 Approval of an Application for Zoning, Preliminary Development Plan, and Special Use Permit for the Construction and Operation of a Sanitary Sewer Pump Station at 5701 Roe Avenue – Johnson County Wastewater, Applicant.

An application for approval of zoning property at 5701 Roe Avenue to "MP" Industrial Park, approval of a preliminary plat of the property, approval of a preliminary development plan, and approval of a special use permit all in association with the construction and operation of sanitary sewer pump station on the property.

Chairman Lee: Item B will be a public hearing. This is Case# 21-07, approval of an application for zoning, preliminary development plan and a special use permit for the construction and operation of a sanitary sewer pump station at 5701 Roe Avenue. The applicant is Johnson County Wastewater.

Mr. Scott: Thank you, Mr. Chair. We do have some representatives tonight from Johnson County Wastewater as well as HDR, the engineering firm that they've hired to assist in this project. I'm not going to steal too much of their thunder, but this is an existing pump station on property at 5701 Roe Avenue. The pump station has been there since the late 1950s to 1960s. It is actually property that is owned by KDOT, Kansas Department of Transportation, right-of-way for Shawnee Mission Parkway, and exchange that existed

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there at one time and is still kind of there, branches off on Johnson Drive. Johnson County Wastewater is at a point right now where they're making a number of updates to facilities around the service area. One of the updates is going to be to the Nelson Treatment Plant, very far north into Mission. They're starting that process probably within the next couple of years. They're actually having an open house this Wednesday evening at the plant, 5pm to 7pm. It's kind of an introduction to the improvements they're going to be making at the plant, getting some initial feedback from the residents in that area. It's open to the public, 5-7 pm this Wednesday evening, at the Nelson Treatment Plant, 4800 Nall.

Before they can really begin that work, though, they need to focus their attention on the facilities that feed into that treatment plant. This pump station is one of those. [inaudible] to tear down the existing pump station and build a new pump station at the site. With that, they want to secure ownership from KDOT of that parcel. That's really what this is all about tonight. They do have a presentation, so Audrey can pull that up for us. I think Mr. Denning from Johnson County Wastewater that will give the presentation.

Patrick Denning, Assistant Chief Engineer, Johnson County Wastewater, appeared before the Zoning Board and made the following comments:

Mr. Denning: Thanks, Brian. And thanks for your time this evening. I'm in charge of our existing infrastructure for the Engineering Group. With me tonight is Mike Kallis [phonetic] from Engineering. He can help assist with questions if there are some at the end. Again, we appreciate your time.

The agenda for tonight, the purpose of this project. I want to give a little bit of history and talk about our Integrated Plan, which is part of our Consent Order with the State of Kansas. I want to talk a little bit about the Nelson Service Area, which is the plant at 4800 Nall, as Brian mentioned. Then I want to talk a little bit about this specific project, the Rock Creek pump station improvements, and finally, the schedule.

The purpose of our being here tonight is to ask for Planning Commission approval for a zoning change for this parcel, a preliminary plat, a preliminary development plan, and a special use permit. This slide is showing part of the investment that we're making through our Integrated Plan, which is a scheduling tool that we're using with a Consent Order through the State of Kansas. Johnson County Wastewater is going to make \$2 billion of improvements to our system over the next 25 years. This is driven by regulatory requirements, as well as just our need for renewing our infrastructure. We've negotiated a flexible long-term plan – that's why it's called an integrated plan – to manage rates by sequencing projects. A key part of the Integrated Plan is the Nelson improvements project at 4800 Nall. That will take place between 2024 and 2029. This will include needed improvements to the Rock Creek Pump Station, as Brian mentioned. It also includes the eventual decommissioning of our Martway pumping facility, which is behind the former Mission Bowl. That's a little further out in the future.

The purple outline here shows the Nelson Complex Service Area, so this treatment plant up at the north side of Mission serves quite an area, from County Line on the north, State Line on the east, approximately 87th Street to the south and Quivira Road to the west. The Rock Creek Pump Station is circled there in red, in there in red, in the middle of Mission. This shows the areas of service that the pump station includes. The pink area is

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the gravity system that goes to the pump station and then is pumped. The blue area is actually pumped by the facility known as the Brush Creek Pump Station shown down there in yellow. That pump station pumps to the Rock Creek Pump Station, which then pumps it again to the Nelson facility. So, all in all, that whole shaded area is served by the Rock Creek Pump Station.

As Brian mentioned, this facility has been there since about the late 1950's, and it's been expanded several times. It exists in its current location through a right-of-way agreement with KDOT. It currently can pump 12 million gallons per day. That's if it's raining, but on a given dry day like today, maybe 3 million gallons a day, which is about a quarter of the flow that the Nelson Treatment Plant processes. In the future it will need to be expanded to 24, up to 39 million gallons per day, depending on how tight of a system we can get through our future improvements. The new pump station will be constructed now for this higher flow scenario for the concrete. However, we may add some of the equipment at a later date.

We evaluated rehabilitation or replacing the existing facility. It was decided that the lowest long-term cost would be to construct a new facility and demolish the existing one. There is a building being constructed out there right now that is an electrical building. It will serve this facility for its remaining life, and then when the new facility is constructed, it will serve that facility.

Currently, KDOT owns the property in the red outline. JCW is working to acquire the area in blue. The new pump station is expected to cost approximately \$15 million. It is in the best interests of our rate-payers to own the property we'll be investing in. Otherwise, we are subject to KDOT right-of-way agreements, which are not really set up to accommodate facilities. This is the best location to keep it at, as all the gravity from the area flows to this location, the other pump stations pump to this location, and the pipe going to the treatment plant originates at this location. More offsite work would be required if we chose a different location. KDOT is agreeable to this area shown. We are keeping our distance from the bridge, so that they may maintain that if they're putting it back there, and maintain that bridge long-term.

Here is the site plan showing the future pump station. The future utility easement is there in pink. Future sidewalk is shown in yellow. The sidewalk would be probably constructed with a future Roe Avenue improvement. It would make more sense to do that with a street project. JCW would contribute a portion of the expense. We're working on a Memorandum of Understanding with the City to document that financial obligation.

This is the landscaping plan. Trees would be placed on the JCW property inside of the fence, except up there on the north. North of that culvert we'd have a few trees out there as well. North is actually to your left. Here are some proposed elevation views on the next slide. The new facility will match the brick color of the electrical building that we're currently constructing right now. That was matched to some of the other new buildings to the north of that intersection. There's that hospital and bank, I believe. That brick was intended to match that. The pump station will match both of those.

The next slide shows a rendering of the future facility, showing the landscaping, as well as the old facility being demolished. You can see that we're leaving space for KDOT to

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maintain the elevated roadway there, and it shows the future sidewalk as well. The next slide is the schedule. Right now we're working to acquire the site. The electrical building will be finished next year, just to continue to serve the existing facility. We will be designing a new pump station from now through 2023. Construction will take place in 2024 to 2028. Although the construction will not take four years, it's going to be in that window. We're getting a contractor onboard now to help us figure out how to sequence the pump station project with the plant project, so it won't take four years, but it would happen in that window. That's the basic presentation. We'll be happy to answer any questions.

Chairman Lee: Questions?

Comm. Dukelow: Mr. Chairman, I have a few questions, if I may. Can we go back to the site plan where it shows the channel that goes under? That's good. Maybe even the next one that shows the subterrain. That will do. Thank you. I have a question. What is the dash that goes all the way around the building? Is that some subsurface pump infrastructure? It goes around the east, the south and the west sides?

Mr. Denning: That's a storm sewer that we'll have to reroute around the new facility. There's storm sewer infrastructure from offsite that goes through this facility that's heading for the drainageway there. I believe you're talking about the storm sewer there.

Comm. Dukelow: It's heading towards Brush Creek?

Mr. Denning: Yeah, it's going towards the creek, yes.

Comm. Dukelow: Where is the line that this 3 million or however many million gallons goes up to the other facility? Where is that line located?

Mr. Denning: It's in Roe Avenue.

Comm. Dukelow: It's in Roe Avenue?

Mr. Denning: It is. It's under Roe, in the northbound lanes of Roe. That pipe is under the roadway there.

Comm. Dukelow: Okay, thank you. I have a couple more comments, if I may. I understand in the staff report and in the analysis there is a recommendation to approve this with a little bit of a modification to the setbacks, the deviation of 25 feet from the required minimum front yard setback of 50 feet. I'm mentioning that because I noticed that, and it was one of my questions, so I just wanted to acknowledge that before I go on. So, the question that I have, really – and I know there was something in the proposal and in the report – they talked about the trees and how difficult it is to plant trees around the existing storm culvert. In conjunction with that, I also see that we have said in one case it says there are no employees, and then in the written report it says that crews will come for routine maintenance and it also says that the proposed plan increases onsite parking and access with a paved area. With all that in mind, I see there is, in fact, a large, paved area, and my suggestion is that even though we don't want to call it a parking lot, I guess that means we don't want to stripe it, because it's for heavy trucks delivering chemicals, et cetera. I still think, feel strongly, that that paved area should be considered a parking area and that trees should be provided per the area that would be typically... If that square footage right there represents the area that it would take to park 20 cars, then I think we

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should be providing a tree for 20 cars. Because that's how our parking requirements, our landscape requirements are currently written. I think that we're selling ourselves short if we just say, "Oh, well they don't have any people working there, so we don't have any parking." Well, we still have all of this hardscape, and I think it would be prudent of us to require trees to help mitigate the impacts of that hardscape. Does that make sense? Then, my other question is regarding waste receptacles. I saw in the plan that it looks like a waste receptacle that's inside an enclosed space. Is that a dumpster, in fact?

Mr. Denning: That's correct.

Comm. Dukelow: And is that to accommodate chemical containers, or lunch, or everything?

Mr. Denning: No. We have some mechanical screening devices that are at this pump station. They're at the existing pump station as well, and they remove material that gets flushed or into the sewer system that cannot be pumped, and that is just put into the dumpster and removed by our waste management company.

Comm. Dukelow: Interesting. Okay, thank you for that.

Mr. Denning: Yeah, it's to protect our pumping –

Comm. Dukelow: So there's no need for a trash enclosure onsite in addition to that because it will all go in there?

Mr. Denning: It will be in the facility. Yeah, because we want to control any odors.

Chairman Lee: [inaudible]

Unidentified Speaker: [inaudible] talking about a consent agreement. Can you explain why [inaudible].

Mr. Denning: Sure.

Unidentified Speaker: Also, the life expectancy of this project once it's completed [inaudible] dollars invested.

Mr. Denning: Sure. I'll start with your first question on the Consent Agreement. The Nelson Complex, the treatment facility, is not able to meet the future permit limits that are required for ammonia and nutrients. Those are the main ones. So, when the state needs us to upgrade our treatment plant, it's required to be within a five-year permit cycle. For a project of this nature – and we currently are also reconstructing another wastewater facility in Leawood – five years is not enough time. So we entered a consent order with them to give us more time on this project and get it done. Also, to address our other needs throughout the system. We don't want to stop repairing things, replacing other things needed, so we worked out this integrated plan to allow us a 25-year planning period to be able to phase the projects and the things that need to happen to maintain our level of service. So really, the consent order just references our integrated plan, and really what it does is gives us time and allows us to stretch out those needs over a longer period, which helps us control our rates, and gives us more regulatory certainty.

The lifetime of the project – Wastewater equipment has a 15- to 20-year life. It lives a pretty rough life, and we replace that without modifying the architecture and so forth. The

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architecture could have a 50-plus-year life. It will be concrete with mason and brick, so it could have a 50- to 100-year life. The structure that is there now was originally built in the 1950's.

Comm. Braden: In the rezoning, does that that runs forever, or with just this space, or how does that work? [inaudible] would ever move and abandon that space, but I'm just curious if for some reason that would happen, what would happen to the site for the zoning of that space, that area?

Mr. Scott: The land is zoned. That will be in placed until it's changed. It's changed by you all, so it could be two years. It could be 200 years.

Comm. Braden: That's what I thought.

Mr. Scott: Yeah. When we rezone that to the MP, Industrial Park, which is suggested in the staff report, that will be in place as long as that facility is there. If for some strange reason they were to sell the facility and somebody wants to do something else with that property, at that point we would revisit the zoning, and it might have to be a different type of zoning, so it would be rezoned.

Comm. Braden: I mean, I don't ever see anything happening, but I was just thinking if for some reason they would abandon it in 10 to 15 years, would we be open to the chance of something going in there that we [inaudible]?

Mr. Scott: The same with the special use permit. The special use permit will run with the land, so if Johnson County Wastewater ever morphs into some other kind of entity, whether it be a true standalone wastewater district or an agency of the state, or whatever the case may be, they're still operating that pump station on that site or whatever that new entity is, that special use permit will still apply.

Chairman Lee: Additional questions?

Comm. Dukelow: Thank you, Mr. Chairman. I have one more comment. It's regarding the fencing that is shown on the preliminary development plan, and I know there was, again, there was some dialog about it in the report, but I understand it to be chain link on one side and iron on another side. Can you elaborate the areas of those two types of fencing material with the site plan, please?

Mr. Denning: Yeah. Brian, you might need to help me a little bit here, but didn't we decide...? Could you pull up the site plan again? The iron fence was to run, did we decide along Johnson Drive, the north side? Or the roadside, and then the other sides were going to be the...? Go back to the one you were just at. That was going to be along Roe, and then there was going to be chain link along the remainder of the facility.

Comm. Dukelow: I'm sorry. Did you say that the iron fence would be along Roe and Johnson Drive?

Mr. Denning: I believe it's just Roe. I think I misspoke. It's just along Roe, which is the bottom [inaudible].

Comm. Dukelow: Okay. Well, again I'm going to cite the Mission Design Guidelines, page 3-6, which prohibits chain link fencing. Now, I'm also going to say that this may be a

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slippery slope, because in 2008 that particular triangle wasn't included in the map, so I guess we have to decide if this is or is not part of the Johnson Drive Corridor and required to follow the Mission Design Guidelines, which I believe would have been the intent at that time. So, I guess that's just a detail they'd have to work out with City staff and through the final development plan, et cetera.

Mr. Denning: Yes. We'll work that out.

Comm. Dukelow: I just wanted to bring that to your attention, or to everyone's attention, really, tonight. Thank you.

Mr. Denning: Thank you.

Chairman Lee: Okay, at this time we'll open the meeting to the public, so if anyone would like to step forward and speak?

Mr. Denning: Could I just do one more thing before?

Chairman Lee: Sure.

Mr. Denning: Could you go to the slide right after the questions slide. I'd just like to bring up the open house slide again if anybody's interested. We are having an open house for the Nelson project to gather public input. We're not really going to show layouts and stuff yet. We're not that far along, but we do want to gather input on what is important to the residents. So, on September 29th, which is Wednesday, it's just a come-and-go at the plant, from 5:00 to 7:00. There will be people at the gates to direct people where to go, and that will be at the wastewater plant. On the 30th, there's a virtual Zoom option at 7p.m. for people that would prefer that. You do have to sign up for that because we have to send a link out. It's jcnelson.com, and a little snippet of the website is right there. You just click on the red button and it walks you through that process. I appreciate the extra time, but if anybody's interested, we'd like to hear what everybody has got to [inaudible]. Thank you.

Chairman Lee: Great. Thank you.

Mr. Scott: That invitation is on the City's website as well. So anybody who missed that it's on the City's website.

Chairman Lee: If you would identify yourself and your residence.

Kim Donaway, Mission, Kansas, appeared before the Zoning Board and made the following comments:

Ms. Donaway: I'm a resident of Mission, Kansas, yet I own property that abuts – that's why I got the letter – that butts right back up to the proposed expansion. So I came here to see what was happening, because I wanted to address things to remember. And that's about odor. I was reading in that packet saying that it's not going to increase. I'm hoping it doesn't so it doesn't smell like the north side of Mission, which smells like sewer, which devalues everything down there. Longtime people know about that. The other is the aesthetics, because chain link is like looking at a heavy duty industrial, and we are in prime property location. Wrought iron is more aesthetically pleasing to look at when you're driving, even though it's a ramp. And then on the back side, I've never noticed the pump

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station before, because I butt up there. I'm not sure how high it will go to see from the back side. If it's going to be a whole lot higher, we're in the back yards now, and we would see that, so my main things are aesthetics, the odor. And then I saw the semi-trucks because I believe they're moving from where the bowling alley was, because they're having issues and talking about trucks before, and moving the stuff over there. So if those semi-trucks are coming in – that's why I assume they are – when are they coming in about noise? If it's in the middle of the night and you're going vroom, vroom, vroom, that thing going on, then that disrupts all of the residents of Fairway. So I'm addressing those things to consider that usually don't get addressed. I've never noticed lights on it in the evening because I've been taking up light pollution and light trespass. I do believe that the property needs to be protected by fencing to keep people out. That's it.

Chairman Lee: Thank you. Anyone else? Not seeing anyone, so we'll close the public portion of the meeting. Comments?

Comm. Dukelow: I do have a question regarding the odors, if I may, Mr. Chairman. And this is probably a question for the applicant. I know that odor is addressed in the staff report. So, I know that at the north site - Nelson station, forgive me – doesn't smell great up there. There's an area where it doesn't smell great, but I wasn't aware of any odors associated with this pump station that we are addressing tonight. Is that a concern? Because there aren't the open – I don't even know what they're called – areas? How is that addressed?

Mr. Denning: Yeah, so odor is always a concern when you've got raw sewage. That's just the nature of it. What we do right now and what we plan to do here is we actually add some chemicals into the system to suppress the odor from developing. That's actually added at the Brush Creek facility and at the current Martway facility. We've done that more over the last couple years, and I believe that's helped. There's also a carbon scrubber that exhausts through the pump station now to try to limit the foul air that's coming out of the pump station if there is any. The chemicals work pretty well to eliminate a lot of it, but there's a carbon scrubber there if needed. That's the [inaudible].

Comm. Braden: First of all, Robin, to address your issue, I don't notice odor there much, or at all, recently, but I know there has been in the past. I don't know if there was something that was not working correctly at the time, or whatever. It's been a long time.

Mr. Denning: In the last five years or so we've invested more in the chemical suppression, so hopefully that's helping. I'll say, even the odor control systems are mechanical systems, and mechanical systems will fail. We try to maintain our things as best we can, but I can't say there will never be an odor from a wastewater pump station. We do our best to keep up with that.

Comm. Braden: I just have one more question. Maybe it would help alleviate our citizen's concern. Will this plant be operated any different from the current plant, as far as trucks moving in and out, lighting and that type of thing?

Mr. Denning: The intent is no. They would be very similar to what's there now. Hopefully less maintenance with a new facility. We monitor all of our offsite stations via computer system, so we can tell what's going on from our main plant. But we've got to keep wastewater going so we'll go out there when needed.

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Comm. Braden: Thank you.

Mr. Scott: Mr. Chair, I'll draw your attention to item number 3, the special use permit, one of the conditions is "Odor control systems sufficient to eliminate any odors detectable from outside of the pump station shall be in place and operational for as long as a sanitary sewer pump station is operational." That's one of the conditions of the special use permit that's being proposed.

Chairman Lee: Thank you. Additional comments? [none]

Comm. Braden moved and Comm. Bruce seconded a motion that the Planning Commission recommend approval to the City Council of Case # 21-07 which is the approval of an application for rezoning, preliminary plat, preliminary development plan, and special use permit to operate a sanitary sewer pump station on the property addressed as 5701 Roe Avenue, in the City of Mission, with the conditions outlined in the staff report, and the stipulation that the fencing material is reviewed with City staff to make sure it conforms with the applicable design guidelines.

Comm. Dukelow: May I make a friendly amendment that we provide trees and/or landscape screening to mitigate the impacts of the hardscape drive and parking areas?

Comm. Troppito: I'll second that.

Chairman Lee: Call the role, please.

The vote was taken (6-0). **The motion passed.**

Chairman Lee: Thank you.

Old Business

Chair Lee: Any old business tonight? [none]

Planning Commission Comments

Chairman Lee: How about comments? [none]

Staff Updates

Mr. Scott: I do have some updates. We are filling positions in the Community Development Department. We had an office assistant position for a long time. Audrey was our last office assistant, and she was promoted to the position of City Clerk about a year-and-a-half ago. She was kind of set in that position during COVID. We've gone ahead and kind of reclassified that position, if you will, to a permanent tech. This would be an individual at the front counter that is accepting applications as they come in for us to review, making sure that the applications are complete and all the necessary material, the payment, possibly going through Building Official and Planner for review, following up with any requests for additional information, scheduling inspections for the Building Inspector. A little bit more of a technical position that can actually approve some permits over the counter, like fence permits, things that are pretty straightforward and easy.

We have hired somebody for that position, and they are going to start next Monday. We're excited about that opportunity. Today we held interviews for a planner. We had four really good applicants. We'll check references on a couple of them in the next couple days and

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hope to extend an offer to one of them by the end of the week. Hopefully by the next Planning Commission meeting we'll have somebody sitting next to me as the Planner.

We're also in the process of reviewing proposals for permitting software. We do everything by pencil and paper, spreadsheets, extremely antiquated. The City Council was gracious enough to leave some funding in last year's budget to purchase software. Actually, it will alleviate some of the responsibility of the permit tech because now a lot of this can be done online. A contractor or engineer, somebody can sit at home in the evenings, go to the City's website, pull up the application, complete it, submit all the materials, actually make payment online. We get it the next morning. We route it around electronically, online review, send questions back to the applicant for feedback and [inaudible], get our Public Works director involved in the process, reviewing things that are applicable for infrastructure and roads and so forth.

It will be a much slicker process, and we can use that not only for building permits and land use applications, but for business licenses, which is what Audrey is doing, the City Clerk's Office. Fees, and chicken permits that we issue, farms, businesses, a wide variety of applications, really anything that pertains to a piece of property in the city of Mission. We did an RFP. We issued that about a month, or two months ago. We got nine proposals back from software firms about three or four weeks ago, and we've been plowing through and reading those when we can find the time in schedules. We're hoping to wrap that up here in the next week or so, select three or four firms to actually invite to the city to do demos for us, to see how the software works and ask questions, and make a selection and present it to the City Council to [inaudible]. Things are moving along in the Community Development Department. Things are up to date in Kansas City, and things are up to date in Mission Community Development Department.

Commissioner Dukelow sent me an email a couple weeks ago. "Hey there, Brian. Cruising by the other day, and I was astonished to see this building in its renovated condition, so I did a bit of quick research." The building she's referring to is 5916 Dearborn. "I did a little bit of research. I have a few questions and comments about the referenced project as part of the Downtown District. I was shocked to see the entire building was clad in EFIS." She references the Mission Design Guidelines, page 4-5. "I understand the owner is a 501(c)3. Are they under our jurisdiction? Between 2020 and 2021, the appraised value increased by \$323," or maybe that's \$323,000, almost double. "They have made a significant investment. Did I miss a meeting or something?"

That is a good question, and I thought it would be good to have a discussion with you all tonight. The building that she is referencing the Down Syndrome Guild building which is really just a block over that way. The Down Syndrome Guild has been in our community for a long time. They've been leasing space in a two-story office building at 5919 Dearborn. They had the opportunity about a year or so ago to acquire the building immediately to the north, which I think had been a number of different offices. I remember an insurance office being in there. They purchased that building. They have an architect whose child has Down Syndrome and is kind of a part of that community that they operate in. He provided some pro bono work to basically redesign the building for them to meet their needs. We found out about it through a Facebook posting about a year-and-a-half

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ago. They were doing a fundraiser and got a bunch of money from the Sutherland Foundation and said, "Look, we got a great big donation to finally do our building."

Here's a picture of it. That was right at the beginning of COVID. So, I reached out to the Executive Director and said, "We didn't know anything about this," so he promptly gave me the name of the architect, and I wound up having a phone call with the architect. What they wanted to do was, essentially, I call it a reskin. It's to take off all of the existing skin of the building and put on a new skin. I kind of remember that building. It was a stucco building, kind of a tan stucco building. It had a Mansard roof. It was actually the building to the north with an addition to the south that was put on at a later date, so the original building I think was built back in the 1950's. The addition was put on sometime in the 60's or 70's. It had kind of an odd shape to it. There was off-street parking and some parking around the building. They didn't want to expand the size of the building. They didn't want to expand the height of the building. They just essentially wanted to reskin it. And then they wanted to gut the entire interior and put in a whole new interior with various meeting rooms for parents and children with Down Syndrome. Activity rooms, educational type rooms. They had done a nice job with it when it was complete.

So we went ahead and said it was okay, the staff. We did kind of an administrative review on it. Our only pushback, if you will, with some of the elements, for one thing, the original color of building would have portions of the building that were bright green, lime green. So that's not going to work. That's just not appropriate for our community. The wainscoting around the base of the building was stone. You see that in a lot of buildings today, the stone elements ring around pillars. We asked them to change that to brick. We asked them for more brick on the building, because again, pointing back to the Johnson Drive Design Guidelines, we wanted to complement the brick that's in other buildings, especially along Johnson Drive. They pushed back because of cost. Masonry can get very expensive. We kind of settled on, "If you change out the stone wainscoting for brick wainscoting around the building." "We just kind of comped them with that. And "Can you not have the lime green? Can you come up with a different color scheme for the building?" So they came up with that kind of dark navy blue [inaudible].

It is a lot of EFIS. I think what we learned since then...and this is why you're starting to see more and more projects come to you, like the bar tonight. When I look through the Zoning Code and I look at each zoning district, for example, the MS1, Main Street District, there are permitted uses. There are height and area regulations, parking regulations, development standards, performance standards, and I get so excited looking at an application that sometimes I don't always read the very...The very last sentence of every zoning district, under performance standards, reads, "Plan approval prior to the issuance of any building permit for development or redevelopment, alteration, replacement or repair, site plan approval shall be obtained and provided in Chapter 440." So that seems pretty straightforward. It should be coming to the Planning Commission that any kind of alteration, like tonight, the addition to the back of the bar.

I go to 440, though, and I think this is what's happened in the past. Under 400.190, Consideration of Final Development Plans, "Revisions to approve final development plans which do not include significant changes may be approved administratively by the Community Development Director or his designee." It could say his or her. "Existing

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structures or developments being altered, replaced or repaired that do not contain significant changes may be approved administratively by the Community Development Director, regardless of whether approval for site plans apply.” That was something I used to rely on. That was something Danielle relied on. When I started doing this work after Danielle left I realized there were a lot of building alterations that were being done around the city that I don’t think you ever saw. A prime example of that would be the Starbucks. It used to be a Taco Bell. It sat vacant for a long time. Starbucks was interested in buying it and bidding it. She kind of relied on this provision to say, “Well, it’s not really a significant change to the building. We’re not changing the footprint of the building. We’re not increasing the height or density, not adding additional residential units. It’s essentially the same building, just kind of changing the use. That probably is a significant enough change that is should be brought to you all [inaudible].

I guess I kind of ask for some guidance. I’m not really sure what the history is of the Planning Commission and [inaudible, background noise] where I guess go ahead and do these administratively or...We run into challenges, too, with [inaudible, background noise] Johnson County Wastewater. They don’t want to spend the money on a wrought iron fence. That’s expensive. So we’re compromising with them saying, “Can you do a wrought iron fence on the primary road that faces the community, that being Roe, and you can do chain link fence in the back where it’s not as apparent to those that are sitting there [inaudible]?” So there’s always that kind of negotiation with an applicant about cost and what can be done, and us pointing to the Design Guidelines and pointing to the Zoning Code, and then that [inaudible]. Probably if we brought more of these applications to the Planning Commission we might get a little bit more leverage to have some higher standards in place. Any kind of statement or questions?

Chairman Lee: In the past, as I recall, it’s primarily whoever was making the decision of how much of a change it really was. I think there was a magic number they would pull out of the hat every time as to what that percentage should be. Probably for the most part it probably wasn’t bad. But if you’re using the Starbucks example, where yes, the building plan didn’t really change, but the whole look of the place changed, the use really changed, that probably is one we should see, even though it may not be a huge ticket item.

Comm. Braden: I would say reskinning their entire building would be a significant [inaudible].

Comm. Dukelow: Can’t hear you, Stuart.

Comm. Braden: Oh, I’m sorry. I would say [inaudible].

Comm. Dukelow: So, we mentioned Starbucks, but the other one that I would...Starbucks used to be Taco Bell and all of this, so we didn’t see that, but we saw the Taco Bell when they moved back. And that was, if I remember correctly, that was based on their dollar amount of investment.

Mr. Scott: That’s the struggle I had, was the initial applicant that came shortly after Danielle left, we had a McDonald’s that wanted to essentially reskin their building. They wanted to update it with a new look like they’re doing across all the McDonalds. That was within the Form Based Code District. The question becomes how you make the applicant follow the Form Based Code. That’s when I looked back to another example that had

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been done in the Form Based Code, and I found the Starbucks. So how did staff treat that at that time? Staff did an administrative review and worked with the applicant to make some changes, and signed off on it. I didn't feel real warm and fuzzy about that, frankly. So I talked with Pete Heaven about it, who's our land use attorney. Pete suggested, "Look at that non-conforming situation permit." So that non-conforming situation permit, if you have anything in terms of improvement to a building that's greater than 10 percent of the value of the building then that would trigger going to the Planning Commission. So that's why we brought it to you for Starbucks, the old Taco Bell, which is now Slim Chickens. The old Jiffy Lube, whatever it was, that's now a Valvoline. Johnny's Bar-B-Q, which is now a Stem Salon. Qdoba, which is now the new Taco Bell. We've brought a series of those to you over the last several years, just for that reason. But this building of the Down Syndrome Guild is not in the Form Based Code District. It's outside of the Form Based Code District.

Comm. Dukelow: It's in the Johnson Drive Corridor.

Mr. Scott: Yeah, it would be the Johnson Drive Design Guidelines.

Comm. Dukelow: Governed by the Guidelines, and that's the snag. And also, ten percent. They increased the value of that building by \$300,000 in a year. That's got to be ten percent.

Mr. Scott: Yeah, well I'm looking at the value of the building at the time of the applicant, not after the application and work has been done. So, what I'm asking for is, what is the cost to the work to be done, and is that greater than ten percent of the value of the building? The Down Syndrome deal I probably should have asked for the value of the work to be done, then determine it against the value of the building. And that obviously would be greater than ten percent. This kind of an application of a, does that apply for the Form Based Code District, or does that apply for everything in all the commercial areas of the city? Basically Roe, all the way down Johnson Drive?

Comm. Dukelow: In response to that, we see several small changes along Johnson Drive, businesses coming and going. They've got to be getting licenses and some sort of permit to re-configure plumbing or do whatever they're doing in them. I mean, it's a continual thing down there. But [gap in recording, distortion] I think that [gap in recording] across the board.

Mr. Scott: We struggle with the Design Guidelines, frankly. The Design Guidelines stipulation, for example, the colors. The colors should be an earth tone, terra cotta, taupe, brown. We have people, "I want to paint my building gray." We go around with them, go around with them, to the point where you just kind of give in and say, "Fine, go paint your building gray." Sometimes they do it and they don't even consult us. We come back to work on Monday and there's a gray building there. When did that happen? It happened over the weekend. Go back and paint the building again? There's been a lot of change in ownership along Johnson Drive in the last few years. It would probably behoove staff to kind of re-educate folks on the Design Guidelines. One of the things I've been wanting to do with the Comprehensive Plan update is to re-evaluate the guidelines. Do they still make sense? I got a lot of pushback from the architects and contractors that were working on the Down Syndrome building. They wanted to build a building that they felt was more

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modern. They didn't really want something that would be reflective some of the older buildings along Johnson Drive, the brick, the colors. They wanted something that was distinct, unique, kind of spoke to their identity as an organization, to their community that they serve. Besides the art and architecture, it's a matter of taste, and what I may find attractive somebody else may not.

Comm. Dukelow: I agree that that's not our place. I don't think it's our place exactly. Well, I mean, you know, everybody would say that it's art. Part of it's art. Part of it's science, but there's a juggling act there. One of the reasons, though, that the EIFS is not supposed to go down to grade is because it's just going to get abused. It's not a sturdy, durable material to have below three feet. That was...And yes, they have a brick wainscot, but it's only at the playground, behind the fence.

Mr. Scott: It's all around the building. I'll have to go back and look, but it should have been all the way around the building.

Comm. Dukelow: I'll have to take a peek, drive around it. Okay. I don't know. I don't know what the answer is. Probably based on the value. What do you all think?

Comm. Braden: Value, but at the same time, if maybe you don't have whatever that number is, percentagewise, but if it's a total change to the exterior, you almost have to have a little of both.

Comm. Dukelow: It's a tough call. I mean, I'm sure you have to be able to just process some things. I have no idea how much comes through. Maybe that's what we all need to do – a day in the life of a city planner in the City of Mission.

Mr. Scott: If brought everything that came to us through you all, the balance between your time, staff time, preparing staff reports, the applicant's time...Time is money. [inaudible] ...tell them it's six to eight weeks to go to the Planning Commission [inaudible] and that's the amount of time it take to get the plans to us, the staff, for us to review those, get back to them with comments, a public hearing with to process [inaudible] period of time, go sign the papers, send letters to neighbors [inaudible].

Comm. Dukelow: Well I mean, we're not any slower than anybody else, are we?

Mr. Scott: Bigger cities have meetings more often. They have a bigger agenda.

Comm. Braden: Speaking of permits, I do have a question. I just noticed on Lamar somebody had poured concrete driveway in the front of their house. It looked to me like the whole front yard was basically concrete. I think they just did it last week or maybe the week before, and I don't remember what our percentage of impervious space versus grass or other type of hardscape is, but it looked like a lot more than I would have expected to see.

Mr. Scott: [inaudible] percent. [inaudible]

Comm. Braden: No. It's probably between 53rd and 59th or somewhere on the east side of the street.

Mr. Scott: [inaudible]

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ADJOURNMENT

With no other agenda items, **Comm. Troppito, seconded by Comm. Dukelow, made a motion to adjourn.**

The **motion carried unanimously.** The meeting adjourned at 8:26 P.M.

Mike Lee, Chair

ATTEST:

Audrey McClanahan, Secretary