

# CITY OF MISSION PLANNING COMMISSION

September 26, 2022

7:00 PM

Powell Community Center, 6200 Martway

## I. Call to Order

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, September 26, 2022. Members also present: Brian Schmid, Amy Richards, Robin Dukelow, Megan Cullinane, Cynthia Smith, Wayne Snyder, Stuart Braden and Charlie Troppito. Also in attendance: Brian Scott, Deputy City Administrator, Kimberly Steffens, Secretary, and Karie Kneller, City Planner.

## II. Approval of Minutes from the August 22, 2022, Meeting.

**Chairman Lee:** The first item tonight is the approval of the minutes from our August 22, 2022, meeting. Is there anyone who would like to make any changes to the minutes? If not, then I would entertain a motion to approve.

**Vice Chair Dukelow moved, and Commissioner Cullinane seconded**, a motion to approve the minutes of the August 22, 2022, Planning Commission meeting as presented.

The vote was taken (7-2) **7 Aye's and 2 Abstains. The motion carries.**

## III. New Business

**Chairman Lee:** We have seven items under New Business for tonight's meeting. Item Number 5 is a public hearing for a revised preliminary and final development plan for the Gateway project. Staff received a request from the developer on Friday that this item be postponed, and we need to open up to the public hearing and set it for a date certain in the future. That date will be a special meeting of the Planning Commission on October 18th at 7:00 p.m. So that no one is waiting on this item to discuss it's best to go ahead and open the public hearing now and table the item for a special meeting on October 18<sup>th</sup>, then we can move on with the rest of the items on tonight's agenda.

### 5. Public Hearing – Case #22-27 – Revised Preliminary and Final Development Plan for Gateway Development Project – 4801 Johnson Drive – GFI Realty, Applicant.

**Chairman Lee:** We will now open the public hearing for Case #22-27, public hearing for the Revised Preliminary and Final Plan of the Gateway Development Project at 4801 Johnson Drive. Is there a motion to respond to the date of October 18<sup>th</sup> to reschedule the hearing?

**Commissioner Smith moved and Commissioner Schmid seconded** a motion to reschedule the public hearing for Case #22-27 for the Revised Preliminary and Final Development Plan for Gateway Development Project – 4801 Johnson Drive, to a date of October 18<sup>th</sup>.

Mr. Lee: Can I get a Second.

Commissioner Schmid: Second.

**Chairman Lee:** The next item is a public hearing for Case #22-20.

**Brian Scott:** Roll call

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**Ms. Steffens**: We didn't do roll call or vote on that one.

**Ms. Steffens**: Okay, we'll do roll call real quick.

**Chairman Lee**: I am sorry.

**Comm. Braden**: Aye.

**Vice Chair Dukelow**: Aye.

**Comm. Richards**: Aye.

**Comm. Troppito**: Aye

**Comm. Schmid**: That's my anniversary, Aye

**Ms. Kneller**: Sorry

Audience member: Excuse me did I hear you say the Gateway project has been postponed. There are several of us here [inaudible].

**Mr. Scott**: Yeah, if you'll come back on the 18<sup>th</sup> and provide your testimony at that time.

**Comm. Smith**: Aye.

**Chairman Lee**: Aye.

**Comm. Snyder**: Aye.

**Comm. Cullinane**: Aye

**Ms. Steffens**: Did I not get you? I think that's when they interrupted. Sorry.

Comm. Cullinane: Aye

**Ms. Steffens**: Okay now we'll vote on the Gateway to be postponed, right?

**Ms. Kneller**: That's what that was.

**Ms. Steffens**: Okay, now I will do roll call. All planning board Commissioners are present.

**Commissioner Lee**: The next item is a public hearing on Case #22-20.

1. **Public Hearing – Case #22-20 – On Application for Rezoning of properties at W. 58th Terrace and Nall Avenue MS2 – Koenig Building + Restoration, Applicant – Rescheduled from August 22<sup>nd</sup>, 2022.**

**Chairman Lee**: The next item is a public hearing, Case #22-20, an application for rezoning five parcels of property at the southeast corner of W. 58<sup>th</sup> Terrace and Nall Avenue from MS-2 and PBP zoning districts to DND zoning district. This hearing was rescheduled from the August 22<sup>nd</sup> meeting. At this time, I would like to open the public hearing. We will first hear the staff report. After the staff has completed their report, we will take testimony from any party interested in this application. If you are interested in speaking, please raise your hand and I will recognize you. At that time, you will go to the

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lectern and state your name and address for the record. Again, please speak slowly and clearly so that everyone can hear. Please keep your comments to 3 minutes or less. Once we have heard from everyone, those that want to speak again may do so. Again, please keep your comments concise and to the point, and please be quiet and courteous to those that are speaking. Staff report please.

**Ms. Kneller:** Okay, I'll go through the staff report, and then the applicant is here, so we'll ask him to come up and say a few words shortly after that. Okay, so this is Case #22-20, a rezoning of properties at West 58<sup>th</sup> Terrace and Nall Avenue. Applicant, Koenig Building + Restoration. The applicant, Koenig Building + Restoration submitted a Preliminary Development Plan for a 19-unit townhome development for properties located generally in the southeast corner of West 58<sup>th</sup> Terrace and Nall Avenue. At the same time, the applicant submitted a request for rezoning the properties. The applicant identified the following criteria for choosing the location and housing type: 1. To revitalize a previously vacant section of land close to the downtown. 2. To promote a pedestrian-oriented environment. 3. To attract a stable renter base, and 4. respond to market demands.

The project site consists of five parcels all on one acre of land area. Three of the parcels have been vacant for over five years, and the other two properties contained structures that were recently demolished in 2022. The properties are currently zoned "PBP" Planned Business District and "MS-2" Main Street District 2. The developer is requesting that the properties be rezoned to "DND" Downtown Neighborhood District. The district regulations per Mission Municipal Code are provided in a summary table. All adjacent properties are zoned PBP, MS-2, or MS-1. The site also falls in the East Gateway Overlay District. The subject property is half-block to the north of Johnson Drive and the downtown commercial corridor.

The Comprehensive Plan of 2007 classifies future land use for the property as "Downtown District" and the draft Comprehensive Plan Update of 2022 classifies the future land use for the property as "Mixed-Use Downtown." The Comprehensive Plan designates the subject property within the East Gateway District and part of the East Gateway Redevelopment plan. The plan establishes a guiding framework which includes a desire for more urban housing types, the desire to sustain existing and local businesses and residents, the need for increased tax base, and the desire to attain quality redevelopment. The East Gateway Redevelopment plan envisions 475 residential units in addition to the Gateway Development that is still under development review. This Plan calls for medium-density residential housing. The City of Mission adopted the Climate Action KC Plan of 2019 and identifies recommendations that government agencies can implement to achieve net zero carbon emissions. *[inaudible]* The Climate Action plan encourages transit-orientated development, increased mass transit ridership, and bike-ability. Staff recommends that the Planning Commission recommend approval to the City Council of Case #22-20 for rezoning the property on the southeast corner of 58<sup>th</sup> Terrace and Nall to "DND" Downtown Neighborhood District.

**Chairman Lee:** Thank you, Ms. Kneller, would the applicant like to make a presentation?

**Karie Kneller:** Scott, why don't you come up to the lectern and if you want to say anything about your project.

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*Scott Koenigsdorf, 4722 West 68<sup>th</sup> Street, Prairie Village, appeared before the Planning Commission and made the following comments:*

**Mr. Koenigsdorf:** I'm primarily a homebuilder locally. I do all infill, residential redevelopment. I just finished a similar project to this one just outside of downtown Overland Park last year. It is an 18-unit project of similar styling, massing, similar type units. More specifically about this project, it's 19 units, two-bedroom, two bath, 1,300 to 1,400 square feet. They all have one- or two-car garages, and they are all –rear-loaded garages except for a couple of the units on West 58<sup>th</sup> Terrace on the east side, since they back up to that office. The styling of the buildings would be like a little Cape Code style home. They're grouped together. There's lap siding, brick. Windows have traditional grille styling, timeless look with high-quality materials, fiber cement siding. They're low-rise, so they're basically two-story units, the maximum height. Every unit has a little front porch. The siding...We'll be adding sidewalks on all three sides, and a sidewalk to the south on Nall, in front of the Bryant's property down to Wing Stand for connectivity with that, and ADA accessibility. I've implemented a couple of pedestrian benches, lots of landscaping, lots of trees. All the garages will have EV, electric vehicle, charging stations.

We've met with the Sustainability Committee, and we have comments and feedback. So, if this approved, that will be addressed on the FDP submittal. The last project that was similar was built in under a year. It took about 11 months and rented very quickly. It attracted all various ages of renters. Typically, more stable renters that may have previously owned a home, or currently just want a maintenance-provide lifestyle. They're large enough units that the tenants typically don't move around too much, because you know they have lots of belongings. But on the other hand, they're only two-bedroom, so I don't think they'll be attracting a ton of extra vehicles besides our parking capacity. I guess and the last part, the rent will be around \$2,250 a month. That's pretty middle-of-the-road compared to comparable projects in rent per square foot near downtown Overland Park and downtown Mission. The project is all privately funded. We're not asking for any incentives or anything. I plan to keep this project as a long-term investment, and not sell it anytime soon.

**Ms. Kneller:** Does anyone have questions for Mr. Koenigsdorf?

**Chairman Lee:** Thank you.

**Mr. Koenigsdorf:** Thank you.

**Vice Chair Dukelow:** Mr. Chairman, I have a question[inaudible]. Just really out of curiosity, how do you manage your property, do you have a property manager or people you work with like a third-party firm etc.?

**Mr. Koenigsdorf:** I have a realtor that works for my building company, and she also manages my rental properties, so she's full time.

**Vice Chair Dukelow:** Thank you.

**Chairman Lee:** Any other questions? Okay, is there any member of the public who would like to speak to the application? Not seeing anyone, I will go ahead and close the public hearing. Are there any questions or comments?

**Comm. Troppito:** I have a question [inaudible]certain properties Case #22-20

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**Commissioner Troppito moved and Commissioner Cullinane seconded** a motion to approve Case #22-20, Rezoning for properties at 58th Terrace and Nall Avenue – Koenig Building + Restoration.

The vote was taken (9-0) Motion passes.

Amended to add “DND” Commissioner Braden Moved and Troppito seconded:

Vote was taken 9-0 Motion passes.

## **2. Public Hearing – Case #22-21 – Preliminary Development Plan for Townhome Development at 58th Terrace and Nall Avenue – Koenig Building + Restoration, Applicant – Rescheduled from August 22<sup>nd</sup>**

**Chairman Lee:** Item number two on the public hearing is Case #22-21. This is a Preliminary Development Plan for a Townhome Development at West 58<sup>th</sup> Terrace and Nall Avenue – Koenig Building + Restoration, Applicant. This public hearing was rescheduled from our August 22<sup>nd</sup> meeting. At this time, I’d like to open the public hearing. We will first hear the staff report. After staff has completed their report, we will take testimony from any party interested in this application. If you are interested in speaking, please raise your hand and I will recognize you. Please go to the lectern and state your name and address for the record. Again, please speak slowly and clearly so that everyone can hear you. Please keep your comments to three minutes or less. Once we have heard from everybody, those that want to speak again may do so. Again, please keep your comments concise and to the point. Please be quiet and courteous of those who are speaking. At this time, Ms. Kneller, will you please present your staff report.

**Ms. Kneller:** Case #22-21 is the Preliminary Development Plan-Mission Vale. Again, Subject property is located at West 58<sup>th</sup> Terrace and Nall Avenue. Subject property consists of 5 parcels. Two buildings on the property have already been removed recently. Sanitary Sewer Easement runs East to South. To the West of this property is Zoned “DND”, Currently Vacant Office, Commercial Parking Recently approved for Multi-Family, to the East is MS2-Commercial, To the North is MS2, Medical Office, Office, and Single-Family/Daycare. To the South is MS1 Restaurant/Retail.

Section 410.270-410-310 Permits Townhomes at a height of three Stories and 35’ Maximum. Front Setback is 10-20’. Side Setback is 10’ or greater and rear Setback is 18’ from shared drive. Area restrictions are 25 units per acre or less and two parking spaces per unit with one being a covered space.

Municipal code at 415-060, 415-090, and 415-110 stipulates that landscaping shall consist of 1 tree for every 50’ street frontage, 1 tree is required for every 20 parking spaces, and 6% of parking lots.

The rear setback would require a deviation from the code due to the shared drive. Under Section 405.090, an application for a deviation may only be granted if the following conditions have been met. One: no Adverse effect on adjacent property owners; Two” no

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adverse effect on public health, safety, morals, order, convenience, property, or general welfare; Three: granting of a deviation will not be opposed to the spirit of Title IV; and Four: the deviation will not result in public expense, nuisance, fraud, or victimization of public and it would not conflict with Federal or State Laws.

**Chairman Lee**: Thank you. Is there any member of the public that would like to speak to the Preliminary Development Plan for the proposed townhome development at the southeast corner of West 58<sup>th</sup> Terrace and Nall Avenue? Not seeing anyone and does one of the Planning Commissioners have a question?

**Comm. Troppito**: I have a question. On page 13 of the staff report it says, or mentions, Section 405.090 and a deviation may only be granted when All conditions are met. Who has to make that finding? Is it our job as a Planning Commission? If this is the case, should that not that be a motion before the motion occurs to approve this plan?

**Ms. Kneller**: Can you repeat the question?

**Mr. Scott**: He's saying the request for the deviation should be approved by the Planning Commission prior to the motion to approve or be part of the conditions when they make the motion.

**Comm. Troppito**: It should be a motion to approve the findings of fact for deviation then a motion to approve.

**Mr. Scott**: Yes, that would be an appropriate way to handle it.

**Comm. Troppito**: Thank you.

**Comm. Cullinane**: I have a question. It was mentioned 17 units? How come you decided to do 19 units?

*Scott Koenigsdorf, 4722 West 68<sup>th</sup> Street, Prairie Village, Kansas, appeared before the Planning Commission and made the following comments:*

**Mr. Koenigsdorf**: No, I was planning to do the entire area, but we had to kind of split up a couple of the units and move some things around. We, quite honestly, saw the opportunity for the other two over there.

Commissioner Cullinane I was just curious if it was just that property allowed for it or not [inaudible].

**Comm. Snyder**: I have a question. I just wanted to...I was reading this storm/rain analysis and on page 30. It talks about the runoff between two commercial buildings. Just want to make sure. Although there were some mitigation measures [inaudible] mentioned that we put it in the record that that is the case, and there's going to be mitigation measures to install 12-inch pipes, and that's going to be done prior to construction.

**Mr. Koenig**: That is correct. This entire project has large, buried holding tanks under the parking lot, and there are area collector drains all throughout that channel the runoff to those tanks, and then in a major storm event, if they get full, they will rise and slowly let water off across Nall, into the public storm sewer.

**Chairman Lee**: Anybody else have any questions? Comments?

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**Comm. Smith:** I have a question. A property that is on the southwest side, is that a house? Is that a residence or is it something else?

**Ms. Kneller:** It's a single-family residence. I believe, Scott, you approached them with a suggestion to buy, but they were not interested.

**Comm. Schmid:** I don't have a question here, just a comment. I drove by the, I want to say, 79<sup>th</sup> or 80<sup>th</sup> and Metcalf last week. They were in keeping with the rest of the construction that was already there. The only thing I'll call out – and I don't know if there's anything you can do about it in this case – but the only thing that really stood out was just the lack of tree cover, because I'm assuming they all had to come down. So if there's anything that can be done to retain the existing trees that would be great. Otherwise, I thought they looked very well-maintained, well-kept.

**Comm. Troppito:** I'd like to make a preliminary motion, not on the case itself, but on the finding pursuant to Section 405.090 The Planning Commission finds that all of the following conditions have been met as listed on page 13 of the staff report, beginning with the granting of the deviation will not adversely affect the right of the property's adjacent owners, and ending with number four, it's been determined that granting a deviation will not result in extraordinary public expense.

**Commissioner Troppito moved and Vice Chair Dukelow seconded** a motion that the Planning Commission finds that all the following conditions have been met as listed on page 13 of the staff report, beginning with the granting of the deviation will not adversely affect the right of the property's adjacent owners, and ending with number four, it's been determined that granting a deviation will not result in extraordinary public expense.

The vote was taken (9-0). **The motion carried.**

**Vice Chair Dukelow and Commissioner Richards seconded** a motion to approve the Preliminary Development Plan for the townhome development at 58<sup>th</sup> Terrace and Nall Avenue, Case #22-21, with the conditions in the staff report, A thru K. The vote was taken (9-0) **Motion carried**

### **3. Public Hearing – Case #22-25 – Preliminary Plat for 5819 Nall Townhomes – W. 58<sup>th</sup> Terrace and Nall Avenue – Koenig Building + Restoration, Applicant**

**Chairman Lee:** The next item this evening will be Case #22-25, Preliminary Plat for 5819 Nall, W. 58<sup>th</sup> Terrace and Nall Avenue, Koenig Building + Restoration.

**Ms. Kneller:** This is the same property as case is 22-20 and 22-21, same applicant, excuse me, and same property area. A sanitary sewer line runs north and south between the east and west parcel and the adjacent property to the west. A gas utility easement is located parallel to the southern property line, about 22 feet inside the property boundary and an overhead electrical line and water main run along the south property line. Stormwater drains into the property at Nall Avenue and then enters underground infrastructure via inlets at the northwest corner of the site. This pervious area is approximately 9,663 square feet, or 0.2 acres and the impervious area is approximately 32,017 square feet, or 0.8 acres. The property was formally platted in 1929, and the subject property is outside of the 100-year flood zone as determined by FEMA. All the

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requirements for Mission Municipal Code at 440.220 Submission of Preliminary Plats, has been satisfied according to staff analysis. There is an existing 50-foot right-of-way on Nall Avenue, and a 40-foot right-of-way on W. 58<sup>th</sup> Terrace. Both existing rights-of-way are sufficient for the proposed sidewalk. The 20-foot back lot utility easement is not impeded by the proposed building footprint and an existing 13.89 foot electrical and sewer that runs north and south between units 17 and 18 of the proposed development provide sufficient access. The dimensions and [inaudible] of this preliminary plat are in accordance with the stipulations set forth in the Mission Municipal Code and [inaudible] set forth by City staff. Staff recommends that the Planning Commission recommend approval of Case #22-25, Preliminary Plat to the City Council.

**Chairman Lee:** At this time, I will open the public hearing. We've heard the staff report, so we'll follow the same rules, would anybody like to speak to the application for the plat? Not hearing anyone. Questions from the Commissioners?

**Comm. Troppito:** I have a comment. I'd like to thank the staff and the developer for presenting us with a plat that's actually sealed by a surveyor.

**Vice Chair Dukelow moved, and Commissioner Braden seconded,** a motion to approve the Preliminary Plat for 5819 Nall, townhomes at 58<sup>th</sup> Terrace and Nall, Case #22-25.

The vote was taken (9-0). **The motion carried.**

#### 4. Public Hearing – Case #22-26 – Preliminary and Final Plat for Horizons High School – 5900 Lamar Avenue – Unified School District #512, Applicant

**Chairman Lee:** Now it's time for Case #22-26, Preliminary and Final Plat, Horizons High School at 5900 Lamar Avenue, Unified School District #512, Applicant. The fourth item is a public hearing as well. The plat is to be known as Final Plat SMSD Horizons. At this time, I will open the public hearing. We will first hear the staff report and when staff has completed their report, we will ask anyone who would like to step forward to speak.

**Ms. Kneller:** This is Case #22-26, Horizons High School, Preliminary and Final Plat. The applicant submitted construction drawings for renovation of the interior and exterior modifications to the courtyard area in the rear of the building in February of 2022. At that time staff requested the applicant also submit a plat for the three unplotted parcels. With this plat the site of the school and the parcels consisting of the west parking lot will become one parcel. The plat will be known as SMSD Horizons. The subject property, located at the southwest corner of Johnson Drive and Lamar Avenue currently consists of three parcels zoned C2B with an existing one-story high school. The facility built in 1999 on 4.6 acres. Surrounding the subject property are the following zones and uses. To the west, C2B and C2A, a service garage and shopping center. To the east, MS2, MS1, retirement housing and retail. To the north, C2B zoning, fast food restaurant. And to the south, C2A and MS2, [ pawn shop and fire station.

The site is outside the 100-year flood zone as determined by FEMA. The site is served by a water main in the public right-of-way on Johnson Drive, along with gas and



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stormwater utilities. Stormwater is collected onsite and directed toward the main line on the eastern property line. A ten-foot electrical easement enters the property on the southwestern property line. This plat dedicates an additional ten feet of right-of-way to the City of Mission at the northern property line as requested by City staff to allow future buildout of sidewalk infrastructure along Johnson Drive. A total of 45 feet from the center line of the street to the south of the existing sidewalk and from the west property line to approximately 30 feet east of the [inaudible] is outlined on the plat. The right-of-way jogs south by about seven feet and continues east to the corner to Johnson Drive, Lamar Avenue and at the northeast corner of the property the right-of-way continues south for the length of the entire property. All the requirements of 440.220 and 440.260 for Preliminary and Final plats have been satisfied according to staff analysis. This plat is in accordance with the stipulations set forth in the Mission Municipal Code and the requirements set forth by City staff. Staff recommends that the Planning Commission recommend approval of Case #22-26, Preliminary and Final, for SMSD Horizons to the City Council.

**Chairman Lee:** Thank you. Is there any member of the public that would like to speak to the Preliminary and Final Plat for Horizons High School at 5900 Lamar Avenue?

*Brian Hill, MKEC Engineering, appeared before the Planning Commission and made the following comments:*

**Mr. Hill:** I'm here representing Shawnee Mission School District. Karie did a great job with the summary on the preliminary plat, and it's just a good opportunity to pick up the property there with the existing school. I'd be happy to take any questions.

**Chairman Lee:** Does anyone from the public want to speak? If not, then we'll close the public hearing at this point. Do you have questions or comments?

**Vice Chair Dukelow:** I have a question, and I know it's not related cleaning up the plat, but I do question the landscaping, or lack thereof, and I don't know if there is any intent to...Of course, they've come forth with an application, and they've been permitted, so I guess at this point it's a general question as to whether or not there's any additional plans to add landscaping for that area.

**Ms. Kneller:** Staff did talk with the applicant when they submitted plans for the interior renovations. Most of the construction will be happening inside of the building, but there were some courtyard improvements at the back of the building, some minor improvements there. I took the opportunity to ask the applicant, if the school district was able to provide some additional landscaping, some improvements to the rest of the site at that time, and they did not think so. I think they acquiesced to one or two additional trees, but outside of that, they were mostly keeping the renovations to the inside, the interior of the building and did not have a budget for site improvements to the exterior. That would be something that could take place at another time.

**Vice Chair Dukelow:** Thank you and thanks for the easement of the perimeter. Hopefully we'll be able to fill that in eventually. I have no further comments or questions. Thank you.

**Chairman Lee:** Any others?

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**Comm. Troppito:** I have a question. This is similar to the one before, on page 88, there's a whole listing of findings that has to be made by the Planning Commission. It looks to me like that needs to be done before a motion to approve either of this, Preliminary or Final plat. Is that correct?

**Ms. Kneller:** I believe that would be part of whether you approve it or not, it's that you have determined that you would vote yes to approve based on the findings. I don't think we need a separate motion for that.

**Mr. Scott:** You could include all of that in the motion.

**Comm. Troppito:** [inaudible]

**Mr. Scott:** Yeah. Mr. Chair, I move to accept the findings cited in the staff report.

**Comm. Troppito:** It's easier to say that way. The Planning Commission makes the findings listed on page 88, by reference.

**Mr. Scott:** Yeah, that's fine.

**Comm. Troppito:** Thank you. [inaudible]

**Chairman Lee:** Any additional comments?

**Commissioner Braden made a motion** to approve Case #22-26 – Preliminary and Final Plat for Horizons High School – 5900 Lamar Avenue – Unified School District #512, Applicant.

**Comm. Troppito:** Don't we need to make the finding first?

**Mr. Scott:** Yeah.

**Comm. Troppito proposed and Vice Chair Dukelow seconded** an amendment to the motion to include the findings listed that the Planning Commission is asked to make, as listed on page 88 of the staff report.

**Mr. Scott:** Amendment and second to the amendment, so now we vote on the amendment.

The vote was taken (9-0). **The amendment passed.**

**Mr. Scott:** The amendment has been approved. Now we've got to vote on the motion. We need a second to the motion.

**Commissioner Schmid seconded the motion.**

**Ms. Kneller:** So now we're voting on the motion. Please call the roll.

The vote was taken (9-0). **The motion carried.**

**6. Public Hearing – Case #22-29 – Final Development Plan for Mission Preserve Development - W. 51<sup>st</sup> Street and Riggs Avenue – Stride Development, Applicant**

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**Chairman Lee:** The next case is 22-29. This is the Final Development Plan for the Mission Preserve Development, W. 51<sup>st</sup> Street and Riggs Avenue. Stride Development is the applicant.

**Mr. Scott:** Mr. Chair, I'm going to stop you right here, because I think I thought saw somebody sneak in earlier. The hearing for Gateway has been postponed until October 18. So, if anybody is here for the Gateway Public Hearing tonight, that has been postponed until October 18<sup>th</sup>. Sorry.

**Chairman Lee:** No problem. Thank you. This is not a public hearing. If anyone would like to comment, please just raise your hand. We'll hear a presentation from the applicant and the staff report, so at this time if the applicant would step forward.

*Mr. Jason Ferdig with StrideDevCo, appeared before the Planning Commission and made the following comments:*

**Mr. Ferdig:** We'll kind of walk through the FDP for the most part you saw the PDP here just a few months ago. Very few changes. To the extent we have changes, the footprints shrank slightly. That was just through modeling as it went through the Community Center itself, laying out that floor plan and losing a little bit of space here and there. The other point, adding the stairwells helped to reduce the footprint a bit. Unit count stayed the same, 113 units. The 132 on the PDP is 112 two-bedroom and 20 one-bedroom. The FDP, that's changed now to 100 two-bedroom and 32 one-bedroom. So we've actually reduced the number of parking spaces on the site. The parking, we left the same. Parking, technical requirement is one per bed, in this case actually we laid out the site for 183 spaces, which was less than the overall required. However, we do show [inaudible] onsite. [inaudible] but because it is a [inaudible] I think it's one per bedroom is the requirement but we if we actually did that it would be 132. Again, all of that is to maximize the number of trees. Beyond that, we did program the lower level. We're finally able to, again, identify [inaudible]. And [inaudible] will still underground, so only a portion of that left building will actually be [inaudible] and/or [inaudible] area. A lot of that is designated to self-storage type area as well as [inaudible] Other than that, we did initially program in the common area to show the pool deck, community garden and [inaudible]. The landscaping remains the same, all parking, all drive aisles, all sidewalks remain the same [inaudible] utilities. So, any questions?

**Comm. Snyder:** I reviewed your plan and I really like the landscape. I live right around the corner from it. But I did have one question with regard to the traffic study here. There was a sentence that said, on page 513, it talks about some cues are expected to increase by approximately five feet during peak hours at the intersection of 51<sup>st</sup> and Lamar Avenue. Could you define that?

**Mr. Ferdig:** A cue is the waiting time. As a car pulls out onto 51<sup>st</sup> they're either going to go left, right or go straight. The cue would basically be you [inaudible] five feet of distance to [inaudible] vehicle flow. So you're adding potentially up to five feet, so any given car that's currently going there today, it could be five feet back [inaudible]. The original traffic actually put us [inaudible] but there is nothing [inaudible] in the neighborhood or in that traffic study [inaudible].

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**Comm Cullinane:** There are a couple of entrances, right? One on the north side, one on the west side? Mr. Ferdig: Yes.

**Chairman Lee:** Any other questions?

**Comm. Troppito:** Yes, I have a question. On page 549, it says, "Planning Commission action. The Final Plat shall be stamped by a licensed professional surveyor who will be considered by the Planning Commission at the September 26, 2022, meeting." The next page is the plat, and I don't see that it's stamped. It doesn't look like this plat has been stamped.

**Comm. Troppito:** What's that?

**Mr. Ferdig:** Sorry. This is Pat behind me. He's the civil engineer.

**Comm. Troppito:** I'm just reading what it says in the report, and it's not stamped.

*Pat Colbert, civil engineer, appeared before the Planning Commission and made the following comments:*

**Mr. Colbert:** We prepared the plat, and it will be stamped prior to recording.

**Mr. Ferdig:** To answer your question, the preliminary development plan is the item on the agenda we are discussing, currently. The plat is the next one on the list.

**Comm. Troppito:** I understand, but that's not what it says in the report.

**Mr. Scott:** Probably the next item on the agenda.

**Comm. Troppito:** It's a variance of what the report says.

**Ms. Kneller:** That's for case 20-24. I'm sorry, Charlie. Commissioners, #22-24 is Mission Preserve Final Plat. You referenced page 549. That's for that case for the plat, for that FDP which is this case #22-29

**Comm. Troppito:** What case is the plat on –

**Ms. Kneller:** That case starts on page 547 and continues on through you're referenced page 549. We're currently on the FDP. We haven't gotten to that part yet. We haven't gotten to the staff report yet. And that would be for Case #22-29 that starts on page 512.

**Comm. Troppito:** Well, excuse me making mess of something here, but aren't we just reviewing the Final Plat?

**Ms. Kneller:** No. we haven't gotten to the staff report for the FDP yet. We're trying to get to that, and then we'll move on to the -

**Mr. Scott:** We're on Item six on the agenda.

**Comm. Troppito:** Pardon me?

**Mr. Scott:** Six. Item six.

**Comm. Troppito:** Okay. Well, my comments will stand when we get to it. Thank you.

**Ms. Kneller:** I thought for a minute, Charlie, that I put the stuff about the plat in that place, so...

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**Ms. Kneller:** Okay, you'd like for me to continue the staff report? Thank you, Mr. Chair. This is Case #22-29, Final Development Plan for Mission Preserve. I'm going to share my slides. Just one moment. The applicant, Stride Development, submitted a Final Development Plan for a 132-unit multi-family dwelling for adults aged 55-plus, located at the southwest corner of 51<sup>st</sup> Street and Riggs Road. The City Council approved the Preliminary Development Plan for the project on March 9, 2022. The site is currently undeveloped and heavily wooded. [inaudible] preserving the majority of the existing tree cover around the perimeter of the site constructing a centrally located, four-story structure with a one-story clubhouse. The proposal consists of leasing offices, workspace, lounge and chef's demonstration kitchen, pet washroom, [inaudible] storage, lower-level storage pods and guest quarters for [inaudible]. Exterior amenities include a pool with hot tub and sundeck, a fire pit, community garden, pickle ball court, dog park and walking paths with extensive landscaping. The Final Development Plan contains the following minor modifications to the Preliminary Development Plan. Floor plans were included for the lower level, levels 1A, 1B, 2A, 4A, 2B, 4B, 3A and 3B. The total building footprint has been reduced from 57,490 square feet in the Preliminary Development Plan to 56,843 square feet in the Final Development Plan. Detailed elevations are included in the Final Development Plan that provide callouts from [inaudible] specifications and [inaudible]. These materials include stone, lap siding, board and batten sided siding, shingle roof, metal roof and [inaudible]. A wall section details mechanical equipment screening. Outdoor amenity spaces have been reconfigured on the south side of the structure that include a main walking path which connects to the parking perimeter sidewalk. The revised traffic impact study addresses items 1 through 12 of the Mission traffic impact study guidelines. This includes additional items not provided in the Preliminary Development Plan, including trip generation, [inaudible] capacity analysis and recommendations. The addition of the site traffic shows minimal impact to the existing roadway system and traffic operations. Some cues are expected to increase by approximately five feet during peak hours at the intersection of 51<sup>st</sup> Street and Lamar Avenue. Level surface, [inaudible] indicators change from Level A to Level B with the expected increase in traffic generated by the development. These are all acceptable parameters according to GBA, George Butler Associates, our on-call consulting engineer. The stormwater detention that was proposed and approved with the Preliminary Development Plan on the southwestern corner of the property and at the northern entry include retaining walls in the Final Development Plan as well. The landscape provides specific plant schedule and locations consisting of a total of 91 trees and seven different varieties, 298 deciduous shrubs along with perennials and groundcover. Much of the perimeter of existing trees remain, and the east and west perimeter wall include additional evergreens to screen the parking lots from nearby residences. The dog park is a high traffic area that will contain artificial turf. The landscape [inaudible] of the Municipal Code. Photo metrics indicate that zero lumens will be detected offsite due to exterior lighting. The highest level of lighting estimated at 13.6 lumens occurs in the immediate area of the pool. All lighting specifications meet the International Dark Sky standards.

On May 2, 2022, the Scorecard Commission provided a recommendation to award the project a silver rating for the sustainability [inaudible], a silver rating with 62 points. Once the project is completed, the Commission requests that the development team re-

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evaluate the project against the score, and the Commission will provide a final score. A [inaudible] may be awarded, and the project can be highlighted in the Mission Magazine and on social media with an adequate final score. Staff recommends that the applicant continue to work with the Sustainability Commission. Staff recommends that the Planning Commission vote to approve the Final Development Plan for a multi-family development known as Mission Preserve.

**Chairman Lee:** Thank you. As we said this is not a public hearing. If anyone would like to speak from the public, now would be the time to do so. Hearing none, any questions or comments? Hearing none, I would entertain a motion.

**Commissioner Cullinane moved, Commissioner Braden seconded,** a motion to approve the Final Development Plan for Mission Preserve Development - W. 51st Street and Riggs Avenue, Case #22-29.

The vote was taken (8-1). **The motion carried. Commissioner Troppito, Nay.**

### 7. Public Hearing – Case #22-24 – Final Plat for Mission Preserve Development – W. 51<sup>st</sup> Street and Riggs Avenue – Stride Development, Applicant

**Chairman Lee:** Okay, Case #22-24. This is the Final Plat for the Mission Preserve Development, W. 51<sup>st</sup> Street and Riggs Avenue, Stride Development, Applicant. This is the last item on tonight's agenda, the Final Plat. It's for the Mission Preserve Development located approximately W. 51<sup>st</sup> Street and Riggs Avenue. This plat is to be known as the Final Plat, Mission Preserve. Again, this is not a public hearing, but we will hear the staff report and then open it up for any questions or comments. Karie?

**Ms. Kneller:** This is Case #22-24, Mission Preserve, Final Plat. The total lot area 424,134 square feet, or 9.7 acres. Within the existing property, an area of approximately one-quarter acre in the northeast corner will be dedicated to the City of Mission with this plat. The dedicated area consists of a partially paved dead-end turnaround at the northern terminus of Riggs Avenue, just south of 51<sup>st</sup> Street. The Preliminary Plat was approved by the Planning Commission in February of 2022, and the City Council approved the Preliminary Plat in March of 2022. This case is the Final Plat for the Mission Preserve Development, which establishes the same utility easements from the preliminary plat with the additional portion of the existing property at the northeast corner now dedicated to the City of Mission. all easements included with this Final Plat at Mission Preserve are sufficient to grant pedestrian, bicycle, and automobile access onsite and to grant access to designated utility agencies for repairs and maintenance. The applicant will be donating a portion of the property in the northeast corner to the City of Mission for right-of-way for Riggs Avenue. The City will, in turn, donate the very northeast corner to the property owner at 5101 Riggs. The Final Plat meets the requirements according to staff analysis of Section 440.260 and generally Section 455.100 of the Mission Municipal Code. Dimensions and [inaudible] are in accordance with the Mission Municipal Code and requirements set forth by City staff. Staff recommends that the Planning Commission recommend approval of the Final Plat for Mission Preserve to the City Council.

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**Chairman Lee**: Thank you. Is there anyone from the public that would like to speak? Okay, open it up for comments and questions from Commissioners.

**Comm. Troppito**: I comment again on page 549, now that we're on the right case. Since staff recommends the Planning Commission recommend approval of the Final Plat as I was going to say, Planning Commission action, this Final Plat stamped by a licensed professional [inaudible] to the September 26, 2022, meeting. On the next page is a plat that isn't stamped, it's one of those two things [inaudible]. That's my point.

**Ms. Kneller**: That was my fault Commissioner Troppito. That was a hold-over from copy-and-paste, so that's the story behind the final plat for this one. We will make sure that it's stamped, and the surveyor has signed it before it's recorded.

**Comm. Troppito**: Okay. Well, hope you understand I'm not trying to point out or find fault [inaudible]. This keeps coming up, and developers submit these plats, and they aren't stamped, and we're supposed to sit here. What he said is what the case should be. They should be stamp when we review them, and they just oftentimes aren't. So always get assured that, well that's okay. Nothing is going to happen. It'll be stamped tomorrow. Well, we don't know that. We don't know that there could be some slight little change in the legal description that somebody finds tomorrow, or not. We just don't know yet. So, I've always been uncomfortable. It's not just with this case. It's with any case where we're supposed to approve something that's been stamped, and we approve it whether it's stamped or not. That just, to me, is not right.

**Mr. Scott**: I think we're probably the exception to the norm. I don't think most cities have that requirement. So, when the surveyor presents this, he just presents a preliminary non-stamped plat.

**Comm. Troppito**: Maybe we ought to change the requirement. We ought to be consistent.

**Mr. Scott**: What I've learned is that we are not the final authority on the plats. It's the County. The surveyor submits to the County, and they will go over it with a fine-toothed comb, make sure that the legal description is correct, all the boundaries are correct and everything else. We have gotten some plats back, that just doesn't meet their requirements.-

**Ms. Kneller**: So sometimes they do have to change them. If someone here at the Planning Commission would have a condition of "You know what? No. I think that we shouldn't dedicate this area," or whatever it happens to be, or it changes at City Council, for instance, then that would have to go back and be scanned and surveyed anyway. Just to save time, because we get the hard copies and the digital, oftentimes the hard copies come in after approval or during that final set of approval, and then they can go straight to record and there are no other conditions, but sometimes there are conditions and some changes. So, I think that's why some cities don't require the stamp and signature on the final one until it has been approved. Until [inaudible]

**Comm. Troppito**: I'm fairly familiar with the procedure. What I'm not familiar with is why we're able to say one thing and do another.

**Ms. Kneller**: It was my mistake on this staff report.

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**Comm. Troppito:** Well, this is a consistent issue, and consistently before you were [inaudible], so this is not a reflection on you. It's a reflection on our procedure that I never felt comfortable looking at approving stuff that isn't stamped and changed tomorrow, and I never will be comfortable doing that, as long as we're [inaudible] shouldn't do that. Change the rules, well that's fine. Thank you.

**Comm. Snyder:** So, Brian, how do we change the rules to make it consistent? How does that work?

**Mr. Scott:** That's kind of the next topic I talk about here. You have to do a zoning amendment, because that's part of our Zoning regulations, that's language for our Zoning Regulations that actually require an amendment to our Zoning Code, which requires a public hearing. I will say there is a lot of language in our Zoning Code that needs to be cleaned up, and we had actually put funds into the 2023 budget to hire a consultant to help us get through that process. My goal at this time next year will be bringing a series of changes to our Zoning Codes, that updates language and so forth.

**Comm. Snyder:** Thank you.

**Chairman Lee:** Any other comments?

**Vice Chair Dukelow moved, and Commissioner Richards seconded,** a motion to approve the Final Plat for Mission Preserve Development Plan at W. 51st Street and Riggs Avenue, Case #22-24.

The vote was taken (8-1). **The motion passed.** **Commissioner Troppito,** Nay

## IV. Old Business

**Chairman Lee:** We don't have any old business tonight, so moving into the Planning Commission comments.

## V. Planning Commission Comments

**Vice Chair Dukelow:** I have a comment. I have a question regarding the...Are there rules and ordinances – and I probably could go through that big book, but you two probably know it – what are the rules and the ordinance surrounding construction activity in residentially zoned areas? Is it time of day? Is it...? I mean, I know that there will be [inaudible] control and all those things that are standard, but it just occurred to me that we've got a couple projects here that are kicking off that are going to be right in [inaudible] neighborhoods. I mean, this isn't Mission Bowl. This is right in the middle of – well, three of them now – right in the middle of residential zoning, so I just wondered how that works, how the City manages that.

**Mr. Scott:** So a lot of that is managed through our Building Official. We do have some codes in place regarding hours of operation. I believe the hours are from 7:00 in the morning until 5:00 in the evening. There will be times, especially during summer months when it's really hot, that the contractor might ask, "Hey, can I get started earlier than 7:00 and kick off around 3:00 or so. They actually put that in writing and request to myself. I have to approve that. But normally 7:00 to 5:00, and then we have some Code restrictions about tracking mud into the street, can't do that. Soil erosion at the site, controlling that. There are a number of stipulations throughout the codes. Our building official is the one



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going out and doing inspections on the site, and he's noticing those things and addressing them.

**Vice Chair Dukelow:** Thank you. Any update on Casey's?

**Mr. Scott:** I reached out to...I finally made contact with somebody at Casey's corporate office, believe it or not. I found a way through the corporate maze and made contact with somebody that's responsible for new store development. So, I reached out to him about three weeks ago now, and that store has moved up on their list for opening. So, they told me at that time they would submitting some revised construction drawings and some very minor modifications they need to make to the construction drawings for their interior improvements, having those submitted by early October. We haven't seen them yet. We just hope it gets started sooner than later. I think they were kind of shooting to have the store open by the holidays.

**Vice Chair Dukelow:** So, they are in contract agreement with the owner?

**Mr. Scott:** They own it. They've owned it since spring or late winter.

**Ms. Kneller:** We did see the preliminary construction drawings and they just had some minor revisions, like the bar height and some things inside.

**Comm. Troppito:** I think I read something that this is unique and it's one of a very few stores that will not be selling any gasoline

**Mr. Scott:** Yeah, there's no gas. There are no gas sales allowed in that zoning district, and they never intend to have gas sales.

**Ms. Kneller:** There's one like it on Metcalf and 80<sup>th</sup> Street if you go see that one. It's pretty hopping when I drive by.

**Mr. Scott:** Kind of a unique concept to the company, so they haven't done stores like this too much anywhere else.

Comm. Dukelow: I have another question on top of that. Any updates on the Don Chilitos, other than I also saw recently about the Old Italian Delight.

**Ms. Kneller:** So Big Biscuit is going to be on the agenda for next month, for October. You'll hear their site plan, along with, I think, Rushton is the other one on the agenda for now. And then Gateway is going to be earlier than that, on the 18<sup>th</sup>. So those will be the two on the October agenda.

**Mr. Scott:** So Big Biscuit owns Don Chilitos and we've been working with them throughout the summer on their site development, preparing to submit plans and we have them on the agenda for next month.

**Ms. Kneller:** They have submitted plans that we're reviewing now.

**Comm. Troppito:** Before we get too far off cases, since they're not going to be selling gas, it might be forward-looking for the City of Mission and Casey's too, as part of their plan, have EV charging stations there. Just something to suggest you maybe might discuss. I don't know if it would help with [inaudible].

**Mr. Scott:** A quick charge as you race in to get your coffee.

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**Comm. Troppito**: Fast pizza -

**Ms. Kneller**: I think basically what they had submitted for review was construction drawings, so that doesn't necessarily fall under our purview for site development recommendations as they submit those construction drawing.

**Mr. Scott**: They're not really planning to make any exterior improvements other than new signage.

**Ms. Kneller**: And I worked with the applicant to preserve the outside of the building since there are historic motifs on that building, so they wouldn't cover them or alter them in any way, so we worked together pretty extensively for about a week, trying to get that settled to preserve those historic motifs – the diamond glass blocks and things like that.

**Comm. Troppito**: So is that a yes or a no?

**Ms. Kneller**: It's a no. We hadn't asked for EV charging [inaudible].

**Mr. Scott**: Thanks for that.

**Comm. Troppito**: All right, thanks.

**Comm Braden**: Not that this really has any major bearing on anything, but Sand Hills Brewery had asked to replace their windows with garage doors?

**Mr. Scott**: Replace their windows with garage doors?

**Ms. Kneller**: That was an old topic, before I started, right? Before I was here?

**Mr. Scott**: Is that the old True Value store? Are you thinking about Sand Hills down the street?

**Mr. Scott**: I don't about the True Value store. I never heard of that. But Sand Hills down the street kind of postponed that idea. I didn't think the landlord was in favor of that, and I've heard some rumors that the landlord is now selling the building. So they may want to come back and want to do that. I don't know.

**Ms. Kneller**: Another application that just came in for that whole building to separate and re-plot the three properties, the Sandhills, the graphic design firm on the end, and –

[Unidentified Speaker]: Coffee shop?

**Ms. Kneller**: Yes.

[Unidentified Speaker]: Is that as a result of the sale?

**Ms. Kneller**: Yeah. And the sale is not final yet. They're trying to get a jump on it, and you may also be hearing that in October. We haven't received documents. We have even received the application but not the surveyed plat yet, so that's [inaudible].

**Mr. Scott**: That's not going to happen in October.

**Ms. Kneller**: November maybe. We're trying to shoot for November.

**Chairman Lee**: Other comments?

**Vice Chair Dukelow**: Just one more. I really just want to say that I appreciate you guys and everybody you work with, everything you're doing, because I feel like we're getting

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really consistent and complete information in your reports, and I do appreciate that. Thank you.

**Mr. Scott:** Even though we leave sections out.

**Vice Chair Dukelow:** Sorry?

**Mr. Scott:** Even though we miss sections.

**Ms. Kneller:** [inaudible]

**Vice Chair Dukelow:** It was obvious that it was just an oversight.

**Mr. Scott:** It happens to the best of us.

[crosstalk]

**Comm. Troppito:** I appreciate the way you summarize it.

**Ms. Kneller:** Thank you.

**Comm. Snyder:** I did hear on NPR they talked about the new apartments that replaced Mission Bowl. It was real positive.

**Mr. Scott:** KCUR?

[inaudible]

**Mr. Scott:** I'll have to go find that.

**Comm. Snyder:** It was a good plug for Mission.

## IV. Staff Updates

1. Potential Amendment to Section 410.200 (H) of the Mission Municipal Code – Sales and consumption of cereal malt beverages or alcoholic liquor in the MS-1 Zoning District

**Chairman Lee:** Staff updates?

**Mr. Scott:** I do have an item that I want to discuss with you all. This pertains to a zoning code change. Main Street 1 zoning district is essentially all of those land uses that are right along Johnson Drive and primarily for retail and entertainment. That's kind of the intent of the zoning code. There's a couple of provisions in there that pertain to drinking establishments and clubs, particular to development standards. I'll just read this. [inaudible] to develop the standards for drinking establishments. One is packaged liquor stores licensed in the state of Kansas in cities shall be allowed to provide [inaudible], provided that the exterior walls of such establishments are at least 200 feet from the nearest property line, of any hospital, school, church or library. That's part of our state statute. The other provision is more of our own. Food service establishments serving cereal malt beverages in clubs or drinking establishments serving alcoholic shall be allowed with the sale of food for consumption on the premises exceeds 30 percent of the annual gross income of the establishment. That was a long-held provision by Johnson County. In fact, it dates back to the days when Kansas was a dry state and eventually started to allow alcoholic consumption, and they allowed some counties in the state to

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adopt provisions around the sale of alcohol in association with food. That was actually repealed by the voters a couple years ago. So, that is no longer a provision in the county. We actually are now more strict than the County is.

So, my first recommendation to put us in sync with the County is to remove that from the Zoning Code. That's kind of tripping us up a little bit with some of the establishments like Sandhills and Rock Creek Brewing. The other provision is that drinking establishments and clubs that are at least 200 feet from the nearest residentially zoned property line will require a Special Use Permit. So, again, that's kind of tripping us up when we get applications like Sandhills or Rock Creek, where we measure the distance to make sure they're not within 200 feet, and I think that's been a little bit confusing and hard to sync with that section of the Zoning Code that pertains to special uses. So, I'm wanting to kind of clean all that up and place some more clarity around them by defining what is a residentially zoned district? And actually identifying the six different residential zoning districts we have, R1 through R6, which is single-family through high-rise zoning districts. What I'm not specifying is downtown neighborhood districts. Again, the downtown neighborhood that we were talking about earlier tonight, Mission [inaudible], that's kind of a transition from activity along Johnson Drive to single-family neighborhoods to the interior of the community. I think there's kind of been an expectation that when one rents an apartment and they purchase a home in the downtown neighborhood district and they see activity along Johnson Drive that they can kind of expect that, as opposed to maybe areas that include north, a little further south, where it's more of a traditional single-family, R2 or R3, Residential zoned neighborhood.

I also wanted to clean up the language that's in the Special Use Permit part of the Zoning Code to more clearly clarify what is a Class A, Class B club, or drinking establishment. They talk about discotheques. It's like from the 1980's or something. That's just a little confusing. Anyway, I'd like to bring this as a zoning amendment at a future date, maybe in November or January, if that all works for you. Give you some time to think about that and mull it over and email me with your thoughts, or comments, concerns that you have. I still need to run this through legal, our attorney, make sure that it's going to work from a legal standpoint. But that's kind of my intent. What I'll need to do is actually have it at a public hearing, so I'll need to give published notice and legal record in our paper for doing that here in Johnson County. I'll probably put a notice on our website, then we'll actually hold a public hearing on our amendment.

Comm. Richards: I just have a comment about that. I don't know if you all know it, but Sandhills in Hutchinson, Kansas is facing closure because a provision just like this requiring 30 percent of their annual gross income be from food sales. So I didn't know if everyone was aware of that, but –

Ms. Kneller: And on that note, If I could add, too, I don't know if you mentioned it. The County was the one who was enforcing that, and when the County got rid of it, we have no means to enforce it. We don't staff or have resources to go around and count how much they have in those sales for each establishment, so we wouldn't be enforcing it anyway. To have that in our Code is sort of extraneous.

[Unidentified Speaker]: I was wondering that, because especially their Special Use Permit was 2018.

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**Ms. Kneller:** I think we kept it because the County had it as well, and we were following the County's lead, but once they got rid of it there was just no reason to have [inaudible].

**Mr. Scott:** Sandhill's is not [inaudible] its own district. For Special Use Permit right now it kind of limits their hours and [inaudible] hours of operation. Kind of looking at all of this, I'm thinking we don't really even have a Special Use Permit anymore. This was all approved by the City Council, and we have just simply waived the Special Use Permit.

[Unidentified Speaker]: So that would be essentially like they were grandfathered into this.

**Mr. Scott:** Yeah, they've just been treated like any other business.

**Vice Chair Dukelow:** So there's one property that comes to mind which is the one adjacent to Wing Stand. And that one is R1.

**Ms. Kneller:** No, that's MS-2.

**Vice Chair Dukelow:** Oh, it is? [inaudible] The single family behind Wing Stand?

**Mr. Scott:** Yeah.

**Vice Chair Dukelow:** The single-family residence is MS2?

**Mr. Scott:** That's right.

**Vice Chair Dukelow:** All right well, [crosstalk] –

**Ms. Kneller:** It must have been rezoned at some point.

**Vice Chair Dukelow:** Did anybody measure between that and –

**Mr. Scott:** Yeah, all of that is MS2. With the zoning change that was recommended by you all tonight, all those properties except that one would be deemed DND or Downtown Neighborhood District.

[Unidentified Speaker]: So, when does a Special Permit run out for Sandhills? Just if they ever vacate the property?

**Mr. Scott:** We have a time limit on a Special Use Permit, I want to say it's 10 years.

**Ms. Kneller:** It's written in the SUP. I'd have to look it up.

**Mr. Scott:** We're four years into it.

**Ms. Kneller:** It could be a range of times, I think, so whatever the SUP called for, but –  
[crosstalk]

[Unidentified Speaker]: I'm pretty sure it's the ten-year.

**Mr. Scott:** We did that because we wanted to see how that business did, see if there were any issues with it, and if not, 10 years they could renew it, and maybe renew it for a longer period at that time. Yeah, we kind of put a limit on it just to kind of see how it was going to work out for us.

[Unidentified Speaker]: Without looking at it, what is the zone for Rock Creek? Is it MS1?

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**Mr. Scott:** Rock Creek is MS-2 and then the residential neighborhood that's north of Rock Creek, that's all DND, Downtown Neighborhood District up to 58<sup>th</sup> Street.

[Unidentified Speaker]: So as part of this we would eliminate the need for a special use permit for Rock Creek?

[Unidentified Speaker]: Because it's in proximity to -

**Mr. Scott:** Yeah. Right. It's not in proximity to an R1, but it's close to the DND.

**Ms. Kneller:** I think the Code now states that residential zoned districts, and that would include DND, because it's all residential, whether it's Multi-family Townhome or whatever. So this exclude DND from that.

**Mr. Scott:** We've had questions about The Locale. It's an apartment building. Right there, it's MS1, and we're starting to kind of see this mix of uses, different zoning districts. We've got Residential, MS1 or MS2, so it gets a little confusing. That's why I want to specify the true residential districts by name. I think if there is a drinking establishment that wants to open up within 200 feet of a true residential zoning district, like an RN1, I think that would probably be good grounds for a Special Use Permit, just to kind of control some of the [inaudible] rather obnoxious behavior from those establishments.

[Unidentified Speaker]: For what it's worth, I think it makes sense to follow what the County did when they [inaudible].

**Mr. Scott:** I have a few other comments while I have the floor. So, we'll be having a Special Planning Commission meeting on Tuesday, October 18<sup>th</sup>. I'll send out an email, just a reminder. That will be at 7:00 p.m. here, and that will just be Gateway. I was expecting a much larger crowd for Gateway. Only had a few people, and that's been kind of the case with the series of meetings that we've had at the City Council level discussing the TIF and incentives that the developer is asking for. We have a meeting Wednesday night, a Special City Council meeting, this coming Wednesday night, the 28<sup>th</sup>, where we're going to discuss, we'll actually have a public hearing concerning the TIF and the CIP application. There's no recommendation from staff yet. There hasn't been an agreement with the developer on the development agreement, so it's going to be much like tonight. We're just going to open up the public hearings, maybe take some testimony if there's folks there, have the City Council ask questions of the developer. The developer and their team will be here. And then we're just going to continue to a date certain. I don't know if we've picked a date yet or not. But it's still cooking. It hasn't been fully cooked out yet, but anyway we'll have our meeting on the 18<sup>th</sup> of October.

There's going to be an open house at the Nelson Treatment Plant on Thursday, October 6<sup>th</sup>. It's from 5:00 to 7:00. They're going to be having a number of boards that kind of go through plans for redeveloping that treatment plant. So, if that's something that you find interesting – and I actually personally find it kind of interesting. We never think about what happens when we flush a toilet or it goes down the sink and they'll explain all of that to you in great detail. Those plans will be coming to the Planning Commission in November, so there will be a preliminary development plan and a preliminary plat.

# CITY OF MISSION PLANNING COMMISSION

September 26, 2022

7:00 PM

## Powell Community Center, 6200 Martway

Finally, kind of given the size, of lack of size, of crowds that we've had... In fact we're kind of working our way through the load of work that we're working through this summer, I suspect it will be a little slower pace next year, a little bit quieter. So, I'm proposing to go back to City Hall. January of 2023 or when we have our next meeting in 2023. That's if God forbid, we don't have another outbreak of COVID, but I think probably, given the situation, we can do that. If any of you have concerns about that, or would rather to just continue to meet here, let me know and I can discuss it with the Chair further, but I think it's probably time to go back to City Hall. That's all I have. I think Karie's got an update on

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**Ms. Kneller**: I think that was a hold-over, really.

**Mr. Scott**: Okay.

### 3. Planning Commissioner Essentials Training Registration (GTI)

**Mr. Scott**: Okay. Has everyone done the training, the GTI for the Planning Commission Essentials?

[Unidentified Speaker]: No.

**Mr. Scott**: Yeah, so I haven't even started yet, so I've got to lock myself in my office on a Friday afternoon and just go through, like Karie did. I think that was good through the end of the year.

**Ms. Kneller**: Through December.

**Mr. Scott**: Yeah, through December.

**Ms. Kneller**: I think it took maybe four hours, total. And I did actually did, like read through the material, I clicked on the links and watched the videos and did the stuff. So, I think it's probably really beneficial as to roles and responsibilities and just an overview. It's probably really simple for most of us, but it is good information, I thought, so just even as a refresher. If you already know what you're doing and everything, maybe it's probably just a lot of simple information, but I think it's good information anyway.

**Comm. Snyder**: Just one additional comment. So I know the agenda changed on Friday. What is the process to notify the public if there is a change on the agenda?

**Mr. Scott**: We probably should have posted a revised agenda and put that on the website. We didn't really think that far ahead. I hate to be presumptuous about that, until we've actually had a vote to move to a date certain, so I'm a little reluctant to do that at times. Usually if add something to the agenda we post a revised agenda. That's all we have, Mr. Chair.

## VI. ADJOURNMENT

**Comm. Troppito moved and Comm. Dukelow seconded, a motion to adjourn.**

**The motion carried unanimously.**

The meeting adjourned at 8:40 P.M.

**Chairman Lee**: We'll see everybody on the 18<sup>th</sup>.

**CITY OF MISSION PLANNING COMMISSION**

**September 26, 2022**

**7:00 PM**

**Powell Community Center, 6200 Martway**

**Mr. Scott:** Oh, I forgot to mention. I brought this photograph from City Hall. I've found it inside a closet. This is the original Mission Vale, so that is a development proposal that was planned for the north side of Johnson Drive, east of Nall that never actually materialized. The developers put in a plan. They were approved, but then the depression hit. It's a kind of crazy economic thing they called a depression. They weren't able to pull it off, but it's an interesting photograph of the developer and his family standing on what was basically the land we're considering tonight.

**Chairman Lee:** What year was this?

**Mr. Scott:** 1930's, yeah '33 or so.

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Mike Lee, Chair

**ATTEST:**

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Kimberly Steffens, Secretary