



**REGULAR MEETING AGENDA**  
**Wednesday, December 21, 2022 at 7:00 p.m.**

**POWELL COMMUNITY CENTER**  
**6200 MARTWAY**

**Meeting In Person and Virtually via Zoom**

*This meeting will be held in person at the time and date shown above. In consideration of the COVID-19 social distancing recommendations, this meeting will also be available virtually via Zoom (<https://zoom.us/join>). Information will be posted, prior to the meeting, on how to join at <https://www.missionks.org/calendar.aspx>.*

*If you require any accommodations (i.e. qualified interpreter, large print, reader, hearing assistance) in order to attend this meeting, please notify the Administrative Office at 913-676-8350 no later than 24 hours prior to the beginning of the meeting.*

**CALL TO ORDER AND PLEDGE OF ALLEGIANCE**

**ROLL CALL**

**1. PUBLIC HEARINGS**

1a. Public Hearing on 2022 Budget Amendments

**2. SPECIAL PRESENTATIONS**

**3. ISSUANCE OF NOTES AND BONDS**

**4. CONSENT AGENDA**

*NOTE: Information on consent agenda items has been provided to the Governing Body. These items are determined to be routine enough to be acted on in a single motion; however, this does not preclude discussion. **If a councilmember or member of the public requests, an item may be removed from the consent agenda for further consideration and separate motion.***

**CONSENT AGENDA - GENERAL**

4a. Minutes of the November 16, 2022 City Council Meeting, November 21, 2022 Special City Council Meeting, November 30, 2022 Special City Council Meeting and December 14, 2022 Special City Council Meeting

## **CONSENT AGENDA - Finance & Administration Committee**

[Finance & Administration Committee Meeting Packet December 14, 2022](#)

Finance & Administration Committee Meeting Minutes December 14, 2022

- 4b. 2023 Legislative Priorities
- 4c. KERIT Renewal
- 4d. Property Casualty/General Liability Insurance Renewal
- 4e. DTI Renewal
- 4f. DAC Recommendations
- 4g. 2023 Cereal Malt Beverage (CMB) License Renewals

## **CONSENT AGENDA - Community Development Committee**

[Community Development Committee Meeting Packet December 14, 2022](#)

Community Development Committee Meeting Minutes December 14, 2022

- 4h. Mowing Services Contract
- 4i. Turf Management/Chemical Application Contract
- 4j. Water Works Park Joint Use Agreement
- 4k. Street Light Extension Policy
- 4l. Street Light Installation Contract Award

## **5. PUBLIC COMMENTS**

## **6. ACTION ITEMS** **Planning Commission**

- 6a. [Preliminary Development Plan - Nelson Treatment Facility Reconstruction](#), 4800 Nall Ave. – Planning Commission Case #22-31, Johnson County Wastewater District, Applicant ([page 5](#))
- 6b. Preliminary Plat - Nelson Wastewater Treatment Facility, 4800 Nall Ave., Planning Commission Case #22-32, Johnson County Wastewater District, Applicant ([page 12](#))
- 6c. Special Use Permit - Nelson Wastewater Treatment Facility, 4800 Nall Ave., Planning Commission Case #22-33, Johnson County Wastewater District, Applicant ([page 21](#))
- 6d. Preliminary and Final Plat – Shops of Benson, 5600 Johnson Drive, Planning Commission Case #22-36, Benson Living Trust, Applicant ([page 30](#))
- 6e. Preliminary and Final Plat – Azura Credit Union, 6751 Johnson Drive, Planning Commission Case #22-38, Azura Credit Union, Applicant ([page 53](#))
- 6f. Drinking Establishment Amendment, Case #22-35, City of Mission, Applicant ([page 63](#))



## **Miscellaneous**

### **7. COMMITTEE REPORTS**

#### **Finance & Administration, Trent Boultinghouse**

[Finance & Administration Committee Meeting Packet December 14, 2022](#)

Finance & Administration Committee Meeting Minutes December 14, 2022

- 7a. 2023 Budget Adoption ([page 89](#))
- 7b. Resolution to Spend According to 2023 Budget ([page 91](#))
- 7c. 2022 Budget Amendments ([page 93](#))

#### **Community Development, Ben Chociej**

[Community Development Committee Meeting Packet December 14, 2022](#)

Community Development Committee Meeting Minutes December 14, 2022

- 7d. 2018 Building Code Adoption ([page 96](#))
- 7e. Greenhouse Gas Inventory Contract Award ([page 287](#))

### **8. UNFINISHED BUSINESS**

### **9. NEW BUSINESS**

### **10. COMMENTS FROM THE CITY COUNCIL**

### **11. COUNCIL COMMITTEE LIAISON REPORTS**

- Sustainability Commission (Kring/Thomas)
- Parks, Recreation + Tree Commission (Loudon/Ryherd)
- Mission Magazine Editorial Board (Boultinghouse)
- Family Adoption Committee (Chociej)

### **12. MAYOR'S REPORT Appointments**

[Planning Commission](#) (all terms expiring 12/31/24)

- Stuart Braden, Ward I
- Robin Dukelow, Ward IV
- Mike Lee, Ward IV
- Wayne Snyder, Ward I
- Charlie Troppito, Ward III

Sustainability Commission (all terms expiring 12/31/24)

- Lynn Bain, Ward II
- Andy Hyland, Ward III
- Ellen Parker, Ward III
- Josh Thede, Ward IV

Parks, Recreation and Tree Commission (all terms expiring 12/31/24)

- Sarah Grittman, Ward II
- Kim Weir, Ward III
- Angela Vandegrift, Ward II

**13. CITY ADMINISTRATOR'S REPORT**

13a. [November Interim Financial Reports](#) (page 289)

**14. EXECUTIVE SESSION**

**ADJOURNMENT**

<b>City of Mission</b>	Item Number:	6a.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Community Development</b>	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

**RE:** Preliminary Development Plan - Nelson Treatment Facility Reconstruction, 4800 Nall Ave. – Planning Commission Case #22-31, Johnson County Wastewater District, Applicant

**RECOMMENDATION:** Adopt an ordinance with stipulations approving a preliminary development plan for the construction of wastewater treatment facility at 4800 Nall Avenue.

**DETAILS:** The Nelson Wastewater Treatment Facility is located in the very northeast corner of Mission at 4800 Nall Avenue. The facility was first constructed in the 1940's and has been in use ever since, expanding in operational scale as Johnson County has become more developed. The facility treats wastewater generated within the Turkey Creek and Mission Main basins which includes all or portions of Lenexa, Shawnee, Merriam, Overland Park, Mission, Roeland Park, Fairway, and Prairie Village. The facility is nearing the end of its operational life and is no longer compliant with wastewater treatment standards.

Improvements to the Nelson Wastewater Treatment Facility are expected to begin in early 2023 and be completed by 2029. Improvements will entail constructing new components of the treatment process (basins, clarifiers, buildings, piping, etc.) in the very northeast corner of the facility complex, and then decommissioning and removing the old components once the new components are up and running. This will allow the facility to remain operational during the reconstruction process.

A new administrative office will be built in the southeast portion of the facility complex closer to Nall Avenue. Construction of other offices and operational facilities within the complex will also occur.

The overall operation of the facility and the treatment components are beyond the scope of the City's ability to regulate. Rather, the preliminary development plan will focus on the general location of the treatment components on the site, location of the administrative office and other operational buildings on the site, design and materials of the buildings, overall access to the site, stormwater management, and screening of the complex. Staff has been working with JCW and their design professionals throughout the summer on these items and believes that the preliminary development plan is in a good position to be approved by the City Council.

The Planning Commission held a public hearing at its November 28, 2022 meeting to

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	
Available Budget:	

<b>City of Mission</b>	Item Number:	6a.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Community Development</b>	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

take testimony from any interested party regarding the preliminary development plan for the reconstruction of the Nelson Wastewater Treatment Plant. Three individuals had questions, but there was no serious concerns or issues raised. Minutes of the meeting are provided with this packet.

At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend to the City Council approval of the Preliminary Development Plan for the construction of a Wastewater Treatment Facility at 4800 Nall Avenue.

**CFAA CONSIDERATIONS/IMPACTS:** N/A

Attachments:

- Ordinance Approving a Preliminary Development Plan for Construction of a Wastewater Treatment Facility at 4800 Nall Avenue (PC Case #22-31)
- Staff Report (PC Case #22-31)
- Minutes of the November 28, 2022 Planning Commission Meeting

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	
Available Budget:	

**CITY OF MISSION, KANSAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE APPROVING A PRELIMINARY DEVELOPMENT PLAN WITH STIPULATIONS FOR THE CONSTRUCTION OF A WASTEWATER TREATMENT FACILITY AT 4800 NALL AVENUE, CITY OF MISSION, JOHNSON COUNTY, KANSAS (PLANNING COMMISSION CASE #22-31)**

**WHEREAS**, an application was submitted to the Community Development Department of the City of Mission by Mr. Patrick Denning on behalf of the Johnson County Unified Wastewater District (JCW) for a Preliminary Development Plan to construct a wastewater treatment facility on a 52-acre site at 4800 Nall Avenue; and

**WHEREAS**, said application (Case #22-31) for the Preliminary Development Plan was presented to the Mission Planning Commission on November 28, 2022, at which time a public hearing was held by the Commission so that all interested parties may present their comments concerning the application; and

**WHEREAS**, notice of the public hearing was published in The Legal Record on November 8, 2022, and sent by certified mail to property owners and occupants within 200 feet of the subject property; and

**WHEREAS**, at the conclusion of the public hearing for Case #22-31, the Planning Commission took the application under consideration and voted 8-0 (one absent) to recommend approval of the application for a Preliminary Development Plan for the construction of a wastewater treatment facility at 4800 Nall Avenue to the Mission City Council.

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:**

**Section 1. Approval of Preliminary Development Plan Granted** – Pursuant to Section 440.175 of the Mission Municipal Code, the Preliminary Development Plan (Planning Commission Case # 22-31) on file with the Community Development Department of the City of Mission, 6090 Woodson, Mission, KS 66202 is hereby approved for the subject property as described below, and in accordance with Section 410.010 et. seq. and Section 440.170 et. seq. of the Mission Municipal Code, subject to the stipulations set forth in Section 2 of this Ordinance and subject to all other laws and regulations:

A tract of land being all of Lots 1 through 53 inclusive, and all of 47th Street Terrace, 48th Street Terrace, Maple Avenue, Woodson Road, and Nall Avenue all in OAKWOOD subdivision, and all of Lots 2 through 10 inclusive, of WALNUT VIEW subdivision, and all of Lots 9 through 15 inclusive, and adjacent vacated Right-of-Way of 47th Street Terrace (platted as Horseshoe Avenue), and all of Woodson Road, all in JESSUP'S 2ND SUBDIVISION, all in the Northeast

Quarter of Section 5, Township 12 South, Range 25 East of the Sixth Principal Meridian, in the City of Mission, Johnson County, Kansas, as prepared by Michael Dean Lay, LS 1612, on September 8, 2022, and all together being more particularly described as follows:

Beginning at the Northeast Corner of said Northeast Quarter; thence South  $02^{\circ}46'43''$  East, along the East line of said Northeast Quarter, a distance of 1314.29 feet (1314.32 Platted); thence South  $88^{\circ}11'03''$  West, departing said East line, along the South line of said OAKWOOD subdivision, a distance of 140.14 feet, to the Northeast corner of Lot 2, of said WALNUT VIEW subdivision; thence South  $02^{\circ}18'18''$  East, departing the South line of said OAKWOOD subdivision, along the East line of said Lot 2, a distance of 111.30 feet, to a point on the North Right-of-Way line of West 49th Street, as now established, said point also being the Southeast Corner of said Lot 2; thence South  $88^{\circ}02'14''$  West, departing said East line of Lot 2, along said North Right-of-Way line, a distance of 545.89 feet, to a point of curvature; thence Southwesterly, continuing along said North Right-of-Way line, and along said curve to the left, having a radius of 425.00 feet, and a central angle of  $22^{\circ}23'04''$ , a distance of 166.04 feet, to the Southwest Corner of Lot 10, of said WALNUT VIEW subdivision; thence North  $23^{\circ}49'08''$  West, departing said North Right-of-Way line, along the Westerly line of said Lot 10, a distance of 156.53 feet, to the Northwest Corner of said Lot 10, said Corner being on the South line of said OAKWOOD subdivision; thence South  $88^{\circ}11'03''$  West, departing said Westerly line of Lot 10, along the South line of said OAKWOOD subdivision, a distance of 421.42 feet, to the Southwest Corner of said OAKWOOD subdivision, said Corner being on the East line of Lot 9, of said JESSUP'S 2ND SUBDIVISION; thence South  $02^{\circ}32'34''$  East, departing said South line of OAKWOOD subdivision, along said East line of Lot 9, a distance of 54.10 feet, to the Southeast Corner of said Lot 9; thence South  $88^{\circ}15'15''$  West, departing said East line of Lot 9, along the South Line of said Lot 9, a distance of 79.87 feet, to the Southwest Corner of said Lot 9; thence North  $34^{\circ}15'02''$  West, departing said South line of Lot 9, along the West line of said Lot 9, a distance of 220.20 feet; thence North  $19^{\circ}44'05''$  West, continuing along said West line of Lot 9, a distance of 200.40 feet; thence North  $03^{\circ}38'28''$  East, continuing along said West line of Lot 9, a distance of 187.36 feet, to the Northwest Corner of said Lot 9; thence North  $89^{\circ}01'32''$  East, along the North line of said Lot 9, a distance of 66.52 feet, to the Southwest Corner of Lot 10, of said JESSUP'S 2ND SUBDIVISION; thence North  $04^{\circ}31'37''$  East, departing said North line of Lot 9, along the West line of said Lot 10, a distance of 196.50 feet, to the Southwest Corner of Lot 11, of said JESSUP'S 2ND SUBDIVISION; thence North  $25^{\circ}26'47''$  West, departing said West line of Lot 10, along the West line of said Lot 11, a distance of 132.50 feet, to the Southmost Corner of Lot 12, of said JESSUP'S 2ND SUBDIVISION; thence North  $46^{\circ}55'08''$  West, departing the West line of said Lot 11, along the Southerly line of said Lot 12, a distance of 113.36 feet, to the Southeast Corner of Lot 15, of said JESSUP'S 2ND SUBDIVISION; thence North  $89^{\circ}25'25''$  West, departing said Southerly line of Lot 12, along the Southerly line of said Lot 15, a distance of 80.23 feet; thence South  $40^{\circ}07'37''$  West, continuing along said Southerly line of Lot 15, a distance of 102.52 feet, to the Southmost Corner of said Lot 15; thence North  $37^{\circ}04'45''$  West, departing said Southerly line of Lot 15, along the Westerly line of said Lot 15, and its extension, a distance of 144.51 feet, to a point on the centerline of vacated 47th Street Terrace (platted as

Horseshoe Avenue), per Ordinance No. 656, recorded in Volume 2091, Page 21; thence South 50°51'55" West, along the centerline of said vacated 47th Street Terrace, a distance of 100.79 feet; thence South 48°33'05" West, continuing along the centerline of said vacated 47th Terrace, a distance of 125.61 feet, to a point on the East Right-of-Way line of Lamar Avenue, as now established; thence North 41°28'26" West, departing the centerline of said Vacated 47th Street Terrace, along said East Right-of-Way line, a distance of 0.34 feet; thence North 19°29'03" East, continuing along said East Right-of-Way line, a distance of 21.70 feet; thence North 02°06'59" West, continuing along said East Right-of-Way line, a distance of 28.99 feet, to a point on a non-tangent curve; thence Northerly, continuing along said East Right-of-Way line, and along said curve to the left, having a radius of 803.87 feet, a central angle of 20°49'19", and whose initial tangent bearing is North 17°31'51" East, a distance of 292.14 feet; thence North 03°17'28" West, continuing along said East Right-of-Way line, a distance of 5.01 feet, to a point on the West line of a tract of land, as described in a Kansas Warranty Deed, recorded in Book 570, Page 644, said point being on the Southerly Right-of-Way line of Interstate 35, as now established; thence North 32°33'12" East, departing said East Right-of-Way line, along the West line of said tract of land, a distance of 191.21 feet, to a point on the North line said Northeast Quarter, said point also being on the North line of said JESSUP'S 2<sup>ND</sup> SUBDIVISION; thence North 87°59'32" East, departing the West line of said tract of land, along the North line of said Northeast Quarter, and along the North line of said JESSUP'S 2<sup>ND</sup> SUBDIVISION, and along the North line of said OAKWOOD subdivision, a distance of 1,839.70 feet, to the Point of Beginning, containing 2,260,646.82 square feet, or 51.90 acres, more or less.

**Section 2. Stipulations of the Preliminary Development Plan - The Preliminary Development Plan referenced in Section 1 of this Ordinance is hereby approved and adopted subject to the following stipulations:**

1. A Final Development Plan will be submitted to the City and approved by the Planning Commission prior to the issuance of any building permits.
2. Final details of the perimeter sidewalk and pedestrian connections will be submitted with the Final Development Plan.
3. Landscaping plans for the undeveloped ground at the southeast corner of Foxridge Drive and Lamar Avenue shall be submitted with the Final Development Plan.
4. A Final Stormwater Management Report will be required with the Final Development Plan submittal. The stormwater report will document stormwater infrastructure and detention basin design details, subject to review and approval by Public Works staff.
5. An application for a Land Disturbance Permit shall be submitted to, and issued by, the City before any clearing, grading, or digging occurs on the site.
6. The applicant shall submit a Final Site Plan and construction documents to the City for review and approval prior to building permit issuance.
7. Consolidated Fire District No. 2 shall approve plans prior to building permit issuance.



8. The applicant shall obtain all approvals from Johnson County Wastewater and Johnson County Water District #1 prior to building permit issuance.
9. The applicant shall be responsible for all damage to existing City infrastructure, including roads, curbs, and sidewalks. Repairs shall be of a quality like or better than existing conditions before final Certificate of Occupancy issuance.
10. The applicant shall provide a two (2) year warranty bond on all public infrastructure (not associated with the facilities operations) installed as part of this Preliminary Development Plan; bond(s) will be placed on file with the City of Mission Community Development Department.
11. This Preliminary Development Plan approval shall lapse in five (5) years from its effective date if construction on the project has not begun, or if such construction is not being diligently pursued; provided, however, that the applicant may request a hearing before the City Council to request an extension of this time period. The City Council may grant an extension for a maximum of 12 months for good cause.

**Section 3. Effective Date** – This ordinance shall take effect and be in force from and after its publication as required by law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION** on this 21st day of December 2022.

**APPROVED BY THE MAYOR** on this 21st day of December 2022.

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**Solana Flora, Mayor**

**ATTEST:**

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**Robyn L. Fulks, City Clerk**

**APPROVED AS TO FORM:**

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**David Martin, City Attorney**

Payne & Jones, Chartered  
King 2 Building  
11000 King Street  
Overland Park, Kansas 66210

<b>City of Mission</b>	Item Number:	6b.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Community Development</b>	From:	Brian Scott

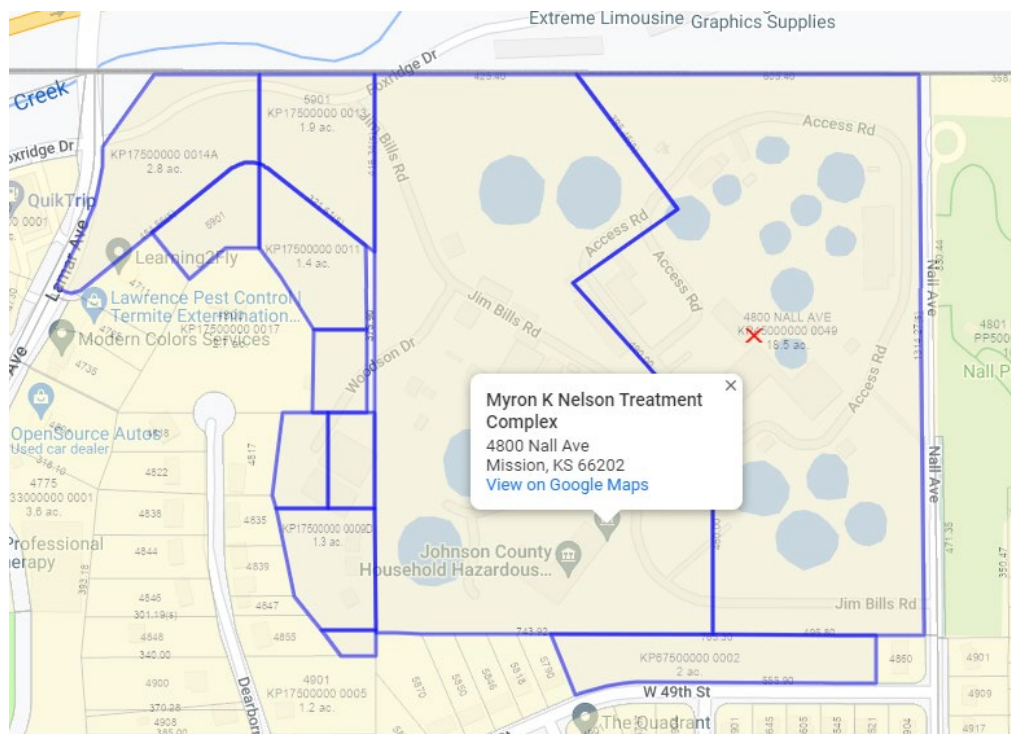
Action items require a vote to recommend the item to the full City Council for further action.

**RE:** Preliminary Plat - Nelson Wastewater Treatment Facility, 4800 Nall Ave., Planning Commission Case #22-32, Johnson County Wastewater District, Applicant

**RECOMMENDATION:** Adopt the Resolution approving the Preliminary Plat of Nelson Wastewater Treatment Facility with stipulations.

**DETAILS:** The Planning Commission met on Monday, November 28, 2022. At this meeting a public hearing was held to take public testimony regarding PC Case #22-32, application for approval of a preliminary plat for the Nelson Wastewater Treatment Facility. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend approval to the City Council of the Preliminary Plat of Nelson Wastewater Treatment Facility.

The plat is being created for two purposes, first is to combine twelve (12) separate parcels (see map below) that have been acquired over the years by Johnson County Wastewater, and secondly is to dedicate right-of-way along Nall Avenue. The actual dedication of right-of-way will be satisfied when the final plat is submitted next year.



Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A

<b>City of Mission</b>	Item Number:	6b.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Community Development</b>	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

**CFAA CONSIDERATIONS/IMPACTS:** N/A

Attachments:

- Staff Report for Case# 22-32 Approval of a Preliminary Plat
- Preliminary Plat of Nelson Wastewater Treatment Facility
- Minutes of the November 28, 2022 Planning Commission Meeting

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A

**CITY OF MISSION, KANSAS**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING A PRELIMINARY PLAT WITH STIPULATIONS TO BE KNOWN AS PRELIMINARY PLAT OF NELSON WASTEWATER TREATMENT FACILITY (PLANNING COMMISSION CASE #22-32)**

**WHEREAS**, the subject property located at 4800 Nall Avenue in the City of Mission, Johnson County, Kansas comprises the following twelve (12) parcels KP45000000 0001, KP45000000 0049, KP67500000 0002, KP17500000 0009A, KP17500000 0009B, KP17500000 0009C, KP17500000 0009D, KP17500000 0010, KP17500000 0011, KP17500000 0013, KP17500000 0013, and KP17500000 0014A; and

**WHEREAS**, Johnson County Wastewater presented an application to the Community Development Department of the City of Mission on September 19, 2022 for a preliminary plat combining the subject parcels into one lot; and

**WHEREAS**, the application was presented to the Mission Planning Commission on Monday, November 28, 2022 as PC Case #22-32, at which time a public hearing was held by the Commission so that all interested parties may present their comments concerning the application; and

**WHEREAS**, notice of said public hearing was published in The Legal Record on November 8, 2022, and sent certified mail to property owners and occupants within 200 feet of the subject property; and

**WHEREAS**, at the conclusion of the public hearing for PC Case #22-32, the Planning Commission, after due consideration, voted 8-0 (one absent) to recommend approval of the application to the Mission City Council, and

**NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:**

**Section 1. Approval of a Preliminary Plat Granted** – Pursuant to Section 440.210 through Section 44.230 of the Mission Municipal Code, approval of the Preliminary Plat of Nelson Wastewater Treatment Facility (PC Case #22-32) on file with the Community Development Department of the City of Mission, 6090 Woodson, Mission, Kansas 66202, is hereby granted subject to the stipulations in Section 2 and all other laws and regulations.

**Section 2. Conditions and Stipulations** – The preliminary plat referenced in Section 1 above is hereby approved and adopted subject to the following stipulations:

1. A final plat, will be submitted to the Planning Commission for approval prior to the issuance of any building permits.

2. Said final plat, upon all required approvals, shall be filed with the Johnson County Register of Deeds.

**Section 3. Effective Date** - This resolution shall take effect and be in force upon the approval of the Mayor.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION** on this 21st day of December 2022.

**APPROVED BY THE MAYOR** on this 21st day of December 2022.

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Solana Flora, Mayor

ATTEST:

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Robyn L. Fulks, City Clerk



# PRELIMINARY PLAT OF NELSON WASTEWATER TREATMENT FACILITY

Part of the Northeast Quarter of Section 5, Township 12 South, Range 25 East, and replat of part of OAKWOOD subdivision, and part of WALNUT VIEW subdivision, and part of JESSUP'S 2ND SUBDIVISION, all in the City of Mission, Johnson County, Kansas)

**DESCRIPTION:**

A tract of land being all of Lots 1 through 53 inclusive, and all of 47th Street Terrace, 48th Street Terrace, Maple Avenue, Woodson Road, and Nail Avenue all in OAKWOOD subdivision, and all of Lots 2 through 10 inclusive, of WALNUT VIEW subdivision, and all of Lots 9 through 15 inclusive, and adjacent vacated Right-of-Way of 47th Street Terrace (platted as Horseshoe Avenue), and all of Woodson Road, all in JESSUP'S 2ND SUBDIVISION, all in the Northeast Quarter of Section 5, Township 12 South, Range 25 East of the Sixth Principal Meridian, in the City of Mission, Johnson County, Kansas, as prepared by Michael Dean Lay, LS 1612, on September 8, 2022, and all together being more particularly described as follows:

Beginning at the Northeast Corner of said Northeast Quarter; thence South 02°46'43" East, along the East line of said Northeast Quarter, a distance of 1314.29 feet (1314.32 Platted); thence South 88°11'03" West, departing said East line, along the South line of said OAKWOOD subdivision, a distance of 140.14 feet, to the Northeast corner of Lot 2, of said WALNUT VIEW subdivision; thence South 02°18'18" East, departing the South line of said OAKWOOD subdivision, along the East line of said Lot 2, a distance of 111.30 feet, to a point on the North Right-of-Way line of West 49th Street, as now established, said point also being the Southeast Corner of said Lot 2; thence South 88°02'14" West, departing said East line of Lot 2, along said North Right-of-Way line, a distance of 545.89 feet, to a point of curvature; thence Southwesterly, continuing along said North Right-of-Way line, and along said curve to the left, having a radius of 425.00 feet, and a central angle of 22°23'04", a distance of 166.04 feet, to the Southwest Corner of Lot 10, of said WALNUT VIEW subdivision; thence North 23°49'08" West, departing said North Right-of-Way line, along the Westerly line of said Lot 10, a distance of 156.53 feet, to the Northwest Corner of said Lot 10, said Corner being on the South line of said OAKWOOD subdivision; thence South 88°11'03" West, departing said Westerly line of Lot 10, along the South line of said OAKWOOD subdivision, a distance of 421.42 feet, to the Southwest Corner of said OAKWOOD subdivision, said Corner being on the East line of Lot 9, of said JESSUP'S 2ND SUBDIVISION; thence South 02°32'34" East, departing said South line of OAKWOOD subdivision, along said East line of Lot 9, a distance of 54.10 feet, to the Southeast Corner of said Lot 9; thence South 88°15'15" West, departing said East line of Lot 9, along the South line of said Lot 9, a distance of 79.87 feet, to the Southwest Corner of said Lot 9; thence North 34°15'02" West, departing said South line of Lot 9, along the West line of said Lot 9, a distance of 220.20 feet; thence North 19°44'05" West, continuing along said West line of Lot 9, a distance of 200.40 feet; thence North 03°38'28" East, continuing along said West line of Lot 9, a distance of 187.36 feet, to the Northwest Corner of said Lot 9; thence North 89°01'32" East, along the North line of said Lot 9, a distance of 66.52 feet, to the Southwest Corner of Lot 10, of said JESSUP'S 2ND SUBDIVISION; thence North 04°31'37" East, departing said North line of Lot 9, along the West line of said Lot 10, a distance of 196.50 feet, to the Southwest Corner of Lot 11, of said JESSUP'S 2ND SUBDIVISION; thence North 25°26'47" West, departing said West line of Lot 10, along the West line of said Lot 11, a distance of 132.50 feet, to the Southwest Corner of Lot 12, of said JESSUP'S 2ND SUBDIVISION; thence North 46°55'08" West, departing the West line of said Lot 11, along the Southerly line of said Lot 12, a distance of 113.36 feet, to the Southeast Corner of Lot 15, of said JESSUP'S 2ND SUBDIVISION; thence North 89°25'25" West, departing said Southerly line of Lot 12, along the Southerly line of said Lot 15, a distance of 80.23 feet; thence South 40°07'37" West, continuing along said Southerly line of Lot 15, a distance of 102.52 feet, to the Southwest Corner of said Lot 15; thence North 37°04'45" West, departing said Southerly line of Lot 15, along the Westerly line of said Lot 15, and its extension, a distance of 144.51 feet, to a point on the centerline of vacated 47th Street Terrace (platted as Horseshoe Avenue), per Ordinance No. 656, recorded in Volume 2091, Page 21; thence South 50°51'55" West, along the centerline of said vacated 47th Street Terrace, a distance of 100.79 feet; thence South 48°33'05" West, continuing along the centerline of said vacated 47th Terrace, a distance of 125.61 feet, to a point on the East Right-of-Way line of Lamar Avenue, as now established; thence North 41°28'26" West, departing the centerline of said Vacated 47th Street Terrace, along said East Right-of-Way line, a distance of 0.34 feet; thence North 19°29'03" East, continuing along said East Right-of-Way line, a distance of 21.70 feet; thence North 02°06'59" West, continuing along said East Right-of-Way line, a distance of 28.99 feet, to a point on a non-tangent curve; thence Northerly, continuing along said East Right-of-Way line, and along said curve to the left, having a radius of 803.87 feet, a central angle of 20°49'19", and whose initial tangent bearing is North 17°31'51" East, a distance of 292.14 feet; thence North 03°17'28" West, continuing along said East Right-of-Way line, a distance of 5.01 feet, to a point on the West line of a tract of land, as described in a Kansas Warranty Deed, recorded in Book 570, Page 644, said point being on the Southerly Right-of-Way line of Interstate 35, as now established; thence North 32°33'12" East, departing said East Right-of-Way line, along the West line of said tract of land, a distance of 191.21 feet, to a point on the North line of said Northeast Quarter, said point also being on the North line of said JESSUP'S 2ND SUBDIVISION; thence North 87°59'32" East, departing the West line of said tract of land, along the North line of said Northeast Quarter, and along the North line of said JESSUP'S 2ND SUBDIVISION, and along the North line of said OAKWOOD subdivision, a distance of 1,839.70 feet, to the Point of Beginning, containing 2,260,646.82 square feet, or 51.90 acres, more or less.

The undersigned proprietors of the above described tract of land having caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "NELSON WASTEWATER TREATMENT FACILITY", a subdivision of land in the City of Mission, Johnson County, Kansas.

The proprietors, successors and assigns of property described on this plat hereby dedicate for public use all land described on the plat as streets or public ways not heretofore dedicated. Acceptance for the dedication of land for public right-of-way purposes described in this plat is for the sole purpose of maintaining right-of-way, and does not constitute acceptance of any terms or conditions set forth in any agreement not shown on this plat.

In accordance with KSA 12-512B, all rights, obligations, reservations, easements or interest not shown on this plat shall be vacated as to use and as to title, upon filing and recording of this plat. The proprietors, successors and assigns of property shown on this plat hereby absolve and agree, jointly and severally, to indemnify the City of Mission, Kansas of any expense incident with the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with the proposed improvements described in this plat.

A non-exclusive easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction, maintenance or use of conduits, surface drainage facilities, subsurface drainage facilities, and similar facilities, upon, over and under these areas outlined and designated on this plat as "Storm Sewer Easement" or "Drainage Easement" or "D/E" is hereby granted to the City of Mission, Kansas. Storm Sewer Easements end at grade.

The undersigned proprietor of the above described land hereby consents and agrees that the governing body of any special assessment district shall have the power to release such land proposed to be dedicated for streets and roads, or parts thereof, for public use, from the lien and effect of any special assessments and that the amount of unpaid special assessments on such land dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on said dedicated road or street.

IN TESTIMONY WHEREOF: The undersigned owner of the property described herein, has hereunto set their hand this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Johnson County Board of Commissioners, Owner of record of described property.

By: \_\_\_\_\_

Ed Eiert

STATE OF KANSAS )

COUNTY OF JOHNSON ) SS

BE IT REMEMBERED that on this \_\_\_\_\_ day of \_\_\_\_\_, 2022, before me, the undersigned, a Notary Public in and for said County and State, personally appeared Ed Eiert, of Johnson County, Board of Commissioners, to me personally acknowledged the execution of the same to be the free act and deed of said County.

IN WITNESS WHEREOF: I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

Print Name: \_\_\_\_\_

APPROVED by the Planning Commission of the City of Mission, Johnson County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

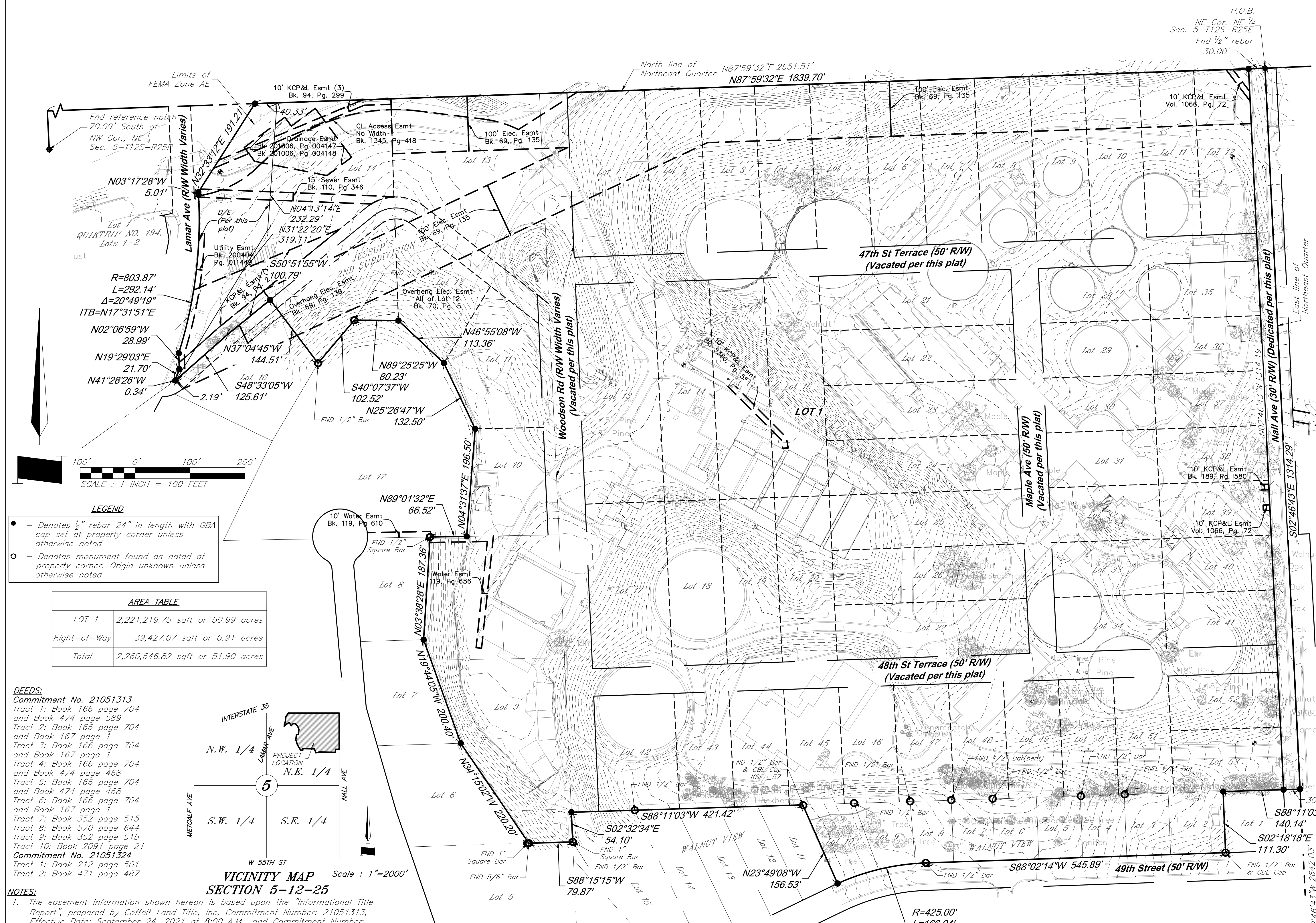
By: \_\_\_\_\_ Attest: \_\_\_\_\_

By: Mike Lee, Chairperson Attest: Kimberly Steffens, Secretary

APPROVED by the City Council of the City of Mission, Johnson County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

By: \_\_\_\_\_ Attest: \_\_\_\_\_

By: Solana Flora, Mayor Attest: Robyn Fulks, City Clerk

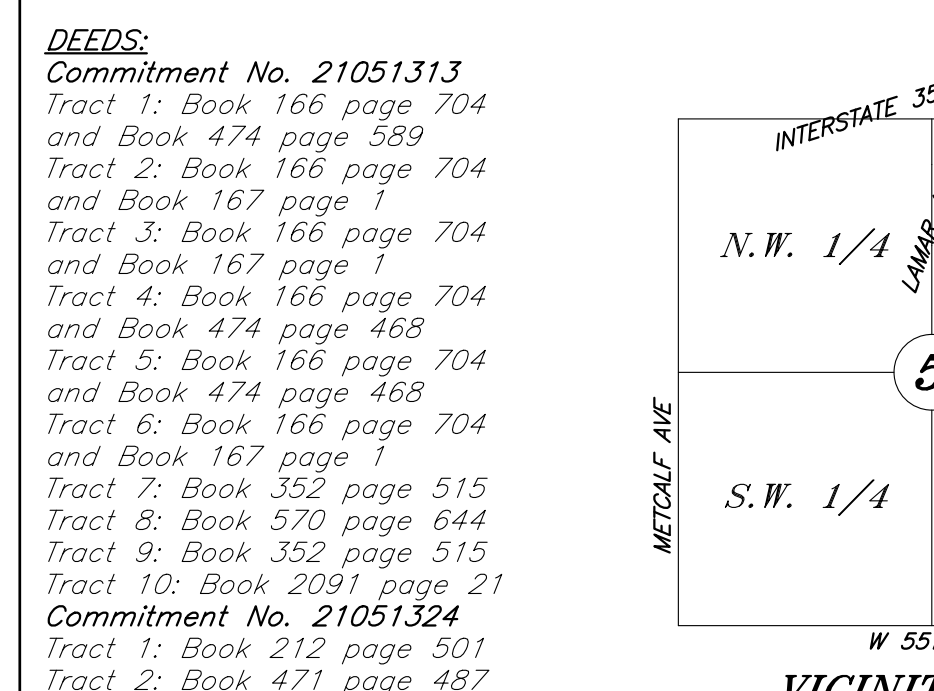


**LEGEND**

- - Denotes 1/2" rebar 24" in length with GBA cap set at property corner unless otherwise noted
- - Denotes monument found as noted at property corner. Origin unknown unless otherwise noted

**AREA TABLE**

LOT 1	2,221,219.75 sqft or 50.99 acres
Right-of-Way	39,427.07 sqft or 0.91 acres
Total	2,260,646.82 sqft or 51.90 acres



- NOTES:**
- The easement information shown hereon is based upon the "Informational Title Report", prepared by Coffelt Land Title, Inc, Commitment Number: 21051313, Effective Date: September 24, 2021 at 8:00 A.M., and Commitment Number: 21051324, Effective Date: March 16, 2022 at 8:00 A.M.
  - According to FEMA Flood Insurance Rate Map, Panel 9 of 161, Community-Panel Number 200170 0009 G, Map Revised August 3 2009, the surveyed premises lies partially within Zone X, Areas determined to be outside the 0.2% annual chance floodplain, and partially within Flood Zone AE, Base Flood Elevation 844, Flooding Effects from Turkey Creek.
  - According to the Johnson County AIMS GIS website, the property is zoned R-1.
  - Proposed Use: Wastewater treatment facility.
  - Waste water to be handled by public sanitary sewer system.
  - See Preliminary Development Plan Submittal for drainage calculations.
  - Pursuit to KSA 12-512b all of 47th St Terrace, 48th St Terrace, Maple Ave, and Woodson Rd Right-of-Ways shown hereon are hereby vacated.

**THEORY OF LOCATION:**

Monuments found at the lot corners of OAKWOOD, WALNUT VIEW, AND JESSUP'S 2ND SUBDIVISION, and monuments found at Section Corners were used to establish the boundary of this subdivision.

**DEVELOPER:**  
Johnson County Wastewater  
11811 S Sunset Dr #2500  
Olathe, KS 66061

**CLOSURE SUMMARY PLAT BOUNDARY:**  
Precision, 1 part in: 771,801.758'  
Error distance: 0.009'  
Error direction: S32°39'36"W

**CERTIFICATION:**  
I, Michael D. Lay, hereby certify that during the month of September 2022, I or someone under my direct supervision have made a survey of the above described tract of land and the results of said survey are correctly represented on this plat. The field work was completed on 05/19/2022.



Michael D. Lay  
Kansas Land Surveyor No. 1612

Rev. October 27, 2022 Rev. November 17, 2022  
Job No. 14852.00 September 14, 2022 Drawn By: MAP

CONSULTING ENGINEERS / ARCHITECTS / LANDSCAPE ARCHITECTS / PLANNERS  
ONE RENNER RIDGE, 9801 RENNER BLVD, LENEXA, KS 66219 / (913)492-0400  
Surveyor Email: mlay@gbatam.com



PRELIMINARY PLAT OF NELSON WASTEWATER  
TREATMENT FACILITY, a subdivision in  
Section 5, Township 12, Range 25,  
City of Mission, Johnson County, Kansas



**NEW BUSINESS AGENDA ITEM:** 2

**PROJECT NUMBER / TITLE:** Case #22-32 – Nelson Wastewater Treatment Facility Preliminary Plat  
**REQUEST:** Consideration of a Preliminary Development Plan for the Redevelopment of the Nelson Wastewater Treatment Facility

**LOCATION:** 4800 Nall Avenue  
Mission, KS 66202  
Property IDs: KP17500000 0014A; KP17500000 0013; KP45000000 0049;  
KP45000000 0001; KP17500000 0009A,B,C,D; KP17500000 0010; KP17500000 0011;  
KD17500000 0005; KP17500000 0013; KP67500000 0002

**APPLICANT:** Johnson County Unified Wastewater  
11811 South Sunset Drive #2500  
Olathe, KS 66061

**STAFF CONTACT:** Karie Kneller, City Planner

**PUBLIC HEARING:** November 28, 2022

**LEGAL NOTICE:** September 6, 2022 – The Legal Record



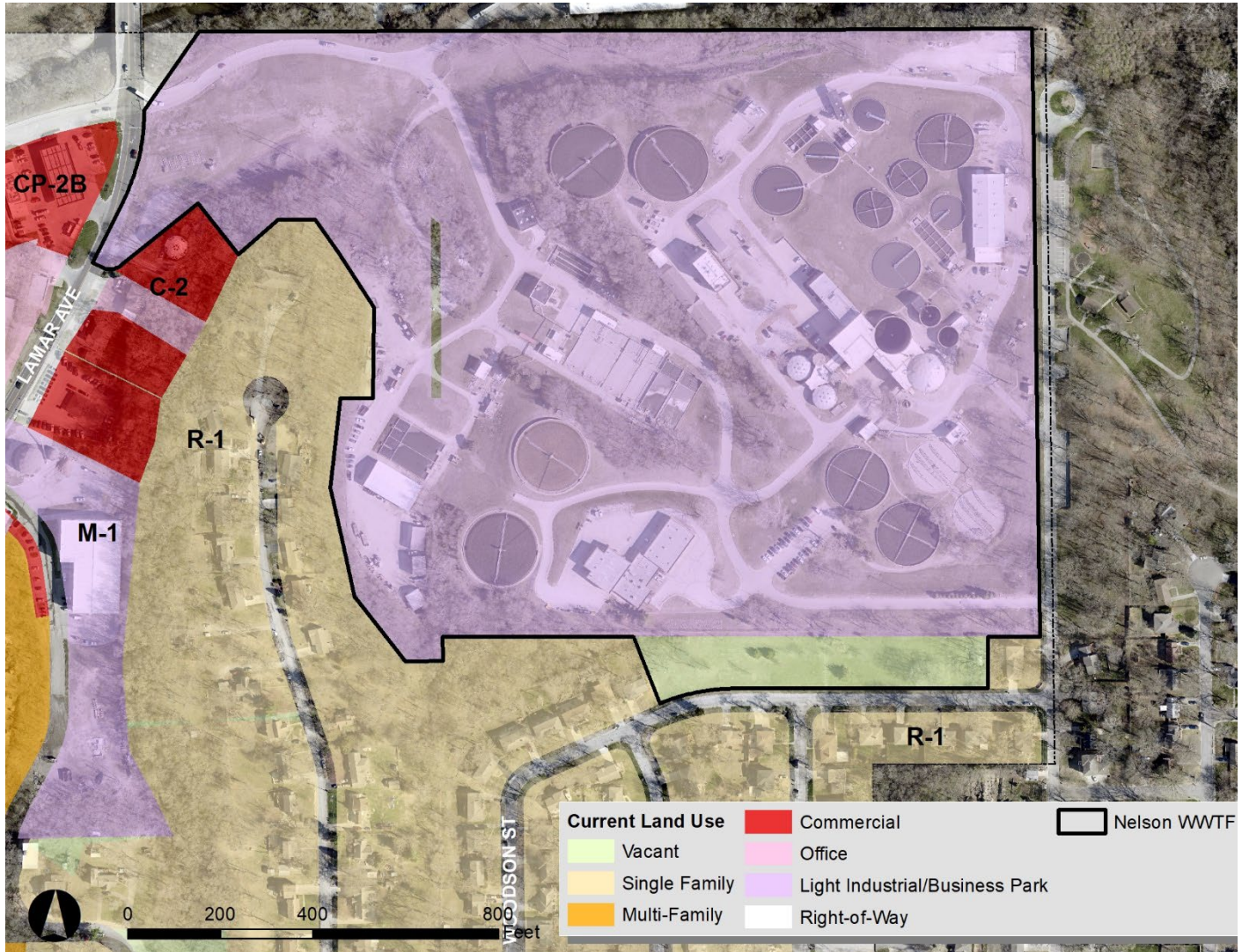


**Property Information and Existing Conditions**

The subject property is located between Lamar and Nall, abutting the northernmost border of Mission and Kansas City, KS and the easternmost border of Mission and Roeland Park. This is the site of the existing wastewater treatment facility built from the 1940s to 2009. It is in the northeast quarter of Section 5, Township 12S, Range 25E – a replat of part of Oakwood subdivision, part of Walnut View subdivision, and part of Jessup’s 2<sup>nd</sup> Subdivision, in the City of Mission, Kansas.

**Zoning and Use of Surrounding Property:**

Adjacent properties are industrial uses to the north and just south of Interstate 35 in Wyandotte County, a park (Nall Park) to the east in Roeland Park, and single family uses to the south and west.





## Utilities

The property is served by stormwater, electric, sewer, and water utilities throughout the site:



## Proposal

The subject property currently consists of 13 parcels that will be consolidated with this plat, which will become one lot (Lot 1). Lot 1 consists of approximately 51 acres, with .91 acres of public right-of-way, for a total of 51.90 acres. The property boundaries are not being expanded beyond its current boundaries and configuration.

The Oakwood plat, previously recorded in 1946, is the largest portion of the subject property area. The previous plat allowed for rights-of-way for 47<sup>th</sup> Terrace, 48<sup>th</sup> Terrace, Woodson Road, and Maple Avenue that are not part of the current build-out of the wastewater treatment facility. These rights-of-way will be vacated with the proposed plat. Other easements for utilities that currently exist are included in the re-plat, and a 30-foot right-of-way will be dedicated to the City along Nall Avenue.

The Walnut View subdivision plat was previously recorded in 1955 and is part of the vacant property on the south side of the property, abutting 49<sup>th</sup> Street to the north. Lots 2-10 of the previous plat will now become part of Lot 1 for this plat.

Jessup's 2<sup>nd</sup> Subdivision plat was recorded in 1924, and the proposal will incorporate the northeastern portion of the previous plat labeled Lots 9-14 into Lot 1.

## **Code Review and Analysis: Preliminary Plats Section 440.220 of the Municipal Code**

Section 440.220 of the Mission Municipal Code provides that preliminary plats shall be approved by the Planning Commission if it determines that:

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

**It is Staff's determination that the proposed plat is in conformance with Mission's Municipal Code.**

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

**It is Staff's determination that the plat represents a development pattern already established and supported by the Comprehensive Plan.**

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

**It is Staff's determination that the plat supports good land planning and allows for future redevelopment in compliance with adopted standards.**

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

**It is Staff's determination that the plat is consistent with good traffic engineering and safety standards.**

5. All submission requirements have been satisfied.

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

### **Recommendation:**

Staff recommends that the Planning Commission recommend to the City Council approval of Case #22-32 – Consideration of a Preliminary Plat known as Nelson Wastewater Treatment Facility.

**Planning Commission Action:** The Planning Commission held a public hearing to take public testimony on this application at their November 28th meeting. At the conclusion of the public hearing, and after due consideration, they voted 8-0 (one absent) to recommend approval of Case #22-32 - Preliminary Plat of Nelson Wastewater Treatment Facility.

**City Council Action:** To be considered by the City Council on December 21, 2022.



<b>City of Mission</b>	Item Number:	6c.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Community Development</b>	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

**RE:** Special Use Permit - Nelson Wastewater Treatment Facility, 4800 Nall Ave., Planning Commission Case #22-33, Johnson County Wastewater District, Applicant

**RECOMMENDATION:** Adopt an ordinance granting a special use permit for the operation of a wastewater treatment facility at 4800 Nall Avenue.

**DETAILS:** The Nelson Wastewater Treatment Facility is located in the very northeast corner of Mission at 4800 Nall Avenue. The facility was first constructed in the 1940's and has been in use ever since, expanding in operational scale as Johnson County has developed. The facility treats wastewater generated within the Turkey Creek and Mission Main basins which includes all or portions of Lenexa, Shawnee, Merriam, Overland Park, Mission, Roeland Park, Fairway, and Prairie Village. The facility is nearing the end of its operational life and is no longer compliant with wastewater treatment standards. Johnson County Wastewater (JCW) is proposing to reconstruct the entire facility to bring it into compliance with modern wastewater treatment standards.

Improvements to the Nelson Wastewater Treatment facility are expected to begin in early 2023 and be completed by 2029. Improvements will entail constructing new components of the treatment process (basins, clarifiers, buildings, piping, etc.) in the very northeast corner of the facility complex, and then decommissioning and removing the old components once the new components are up and running. This will allow the facility to remain operational during the reconstruction process.

A new administrative office will be built in the southeast portion of the facility complex closer to Nall Avenue. Construction of other offices and operational facilities within the complex will also occur.

The property is located in the Single-Family Residential ("R-1") zoning district. Section 445.180 of the Mission Municipal Code requires a special use permit for the operation of a "Sewage Pump Station" (wastewater treatment facility) in any zoning district of the City. The proposed special use permit will allow JCW to operate the treatment facility indefinitely. It will also require JCW to maintain all licenses required by state and federal agencies and to maintain all order control mechanisms.

The Planning Commission held a public hearing at its November 28, 2022 meeting to take testimony from any interested party regarding the special use permit for the operation of a wastewater treatment facility. No comment was received.

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A

<b>City of Mission</b>	Item Number:	6c.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Community Development</b>	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

At the conclusion the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend to the City Council approval of a special use permit to operate a wastewater treatment facility at 4800 Nall Avenue.

**CFAA CONSIDERATIONS/IMPACTS: N/A**

Attachments:

- Ordinance Approving a Special Use Permit to Operate a Wastewater Treatment Facility at 4800 Nall Avenue (PC Case #22-33)
- Staff Report (PC Case #22-33)
- Minutes of the November 28, 2022 Planning Commission Meeting

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A

**CITY OF MISSION, KANSAS**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AUTHORIZING CERTAIN PROPERTY WITHIN THE CITY OF MISSION, KANSAS TO BE USED FOR OR OCCUPIED BY A SPECIAL USE.**

**WHEREAS**, an application for the establishment of a Special Use Permit has heretofore been made to occupy or use property located at 4800 Nall Avenue for the following use or uses: Wastewater Treatment Facility; and

**WHEREAS**, said property is currently zoned “R-1” Residential Single-Family wherein such uses are not permitted without a Special Use Permit; and

**WHEREAS**, Johnson County Wastewater presented an application to the Community Development Department of the City of Mission on September 19, 2022 for a special use permit to operate a wastewater treatment facility on the subject property; and

**WHEREAS**, the application was presented to the Mission Planning Commission on Monday, November 28, 2022 as PC Case #22-33, at which time a public hearing was held by the Commission so that all interested parties may present their comments concerning the application; and

**WHEREAS**, Notice of said public hearing was published in The Legal Record on November 8, 2022, and sent certified mail to property owners and occupants within 200 feet of the subject property; and

**WHEREAS**, At the conclusion of the public hearing for PC Case #22-33, the Planning Commission, after due consideration, voted 8-0 (one absent) to recommend approval of the application to the Mission City Council, and

**NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:**

**Section 1. Special Use Permit Granted** - Pursuant to Section 44.180 et seq. of the Mission Municipal Code, a Special Use Permit to Operate A Wastewater Treatment Facility in accordance with the application (PC Case #22-33) on file with the Community Development Department of the City of Mission, 6090 Woodson, Mission, Kansas 66202, is hereby granted for the subject property as described below subject to the stipulations in Section 2 and all other laws and regulations.

A tract of land being all of Lots 1 through 53 inclusive, and all of 47th Street



Terrace, 48th Street Terrace, Maple Avenue, Woodson Road, and Nall Avenue all in OAKWOOD subdivision, and all of Lots 2 through 10 inclusive, of WALNUT VIEW subdivision, and all of Lots 9 through 15 inclusive, and adjacent vacated Right-of-Way of 47th Street Terrace (platted as Horseshoe Avenue), and all of Woodson Road, all in JESSUP'S 2ND SUBDIVISION, all in the Northeast Quarter of Section 5, Township 12 South, Range 25 East of the Sixth Principal Meridian, in the City of Mission, Johnson County, Kansas, as prepared by Michael Dean Lay, LS 1612, on September 8, 2022, and all together being more particularly described as follows:

Beginning at the Northeast Corner of said Northeast Quarter; thence South  $02^{\circ}46'43''$  East, along the East line of said Northeast Quarter, a distance of 1314.29 feet (1314.32 Platted); thence South  $88^{\circ}11'03''$  West, departing said East line, along the South line of said OAKWOOD subdivision, a distance of 140.14 feet, to the Northeast corner of Lot 2, of said WALNUT VIEW subdivision; thence South  $02^{\circ}18'18''$  East, departing the South line of said OAKWOOD subdivision, along the East line of said Lot 2, a distance of 111.30 feet, to a point on the North Right-of-Way line of West 49th Street, as now established, said point also being the Southeast Corner of said Lot 2; thence South  $88^{\circ}02'14''$  West, departing said East line of Lot 2, along said North Right-of-Way line, a distance of 545.89 feet, to a point of curvature; thence Southwesterly, continuing along said North Right-of-Way line, and along said curve to the left, having a radius of 425.00 feet, and a central angle of  $22^{\circ}23'04''$ , a distance of 166.04 feet, to the Southwest Corner of Lot 10, of said WALNUT VIEW subdivision; thence North  $23^{\circ}49'08''$  West, departing said North Right-of-Way line, along the Westerly line of said Lot 10, a distance of 156.53 feet, to the Northwest Corner of said Lot 10, said Corner being on the South line of said OAKWOOD subdivision; thence South  $88^{\circ}11'03''$  West, departing said Westerly line of Lot 10, along the South line of said OAKWOOD subdivision, a distance of 421.42 feet, to the Southwest Corner of said OAKWOOD subdivision, said Corner being on the East line of Lot 9, of said JESSUP'S 2ND SUBDIVISION; thence South  $02^{\circ}32'34''$  East, departing said South line of OAKWOOD subdivision, along said East line of Lot 9, a distance of 54.10 feet, to the Southeast Corner of said Lot 9; thence South  $88^{\circ}15'15''$  West, departing said East line of Lot 9, along the South Line of said Lot 9, a distance of 79.87 feet, to the Southwest Corner of said Lot 9; thence North  $34^{\circ}15'02''$  West, departing said South line of Lot 9, along the West line of said Lot 9, a distance of 220.20 feet; thence North  $19^{\circ}44'05''$  West, continuing along said West line of Lot 9, a distance of 200.40 feet; thence North  $03^{\circ}38'28''$  East, continuing along said West line of Lot 9, a distance of 187.36 feet, to the Northwest Corner of said Lot 9; thence North  $89^{\circ}01'32''$  East, along the North line of said Lot 9, a distance of 66.52 feet, to the Southwest Corner of Lot 10, of said JESSUP'S 2ND SUBDIVISION; thence North  $04^{\circ}31'37''$  East, departing said North line of Lot 9, along the West line of said Lot 10, a distance of 196.50 feet, to the Southwest Corner of Lot 11, of said JESSUP'S 2ND SUBDIVISION; thence North  $25^{\circ}26'47''$  West, departing said West line of Lot 10, along the West line of said Lot 11, a distance of 132.50 feet, to the Southmost Corner of Lot 12, of said JESSUP'S 2ND

SUBDIVISION; thence North 46°55'08" West, departing the West line of said Lot 11, along the Southerly line of said Lot 12, a distance of 113.36 feet, to the Southeast Corner of Lot 15, of said JESSUP'S 2ND SUBDIVISION; thence North 89°25'25" West, departing said Southerly line of Lot 12, along the Southerly line of said Lot 15, a distance of 80.23 feet; thence South 40°07'37" West, continuing along said Southerly line of Lot 15, a distance of 102.52 feet, to the Southmost Corner of said Lot 15; thence North 37°04'45" West, departing said Southerly line of Lot 15, along the Westerly line of said Lot 15, and its extension, a distance of 144.51 feet, to a point on the centerline of vacated 47th Street Terrace (platted as Horseshoe Avenue), per Ordinance No. 656, recorded in Volume 2091, Page 21; thence South 50°51'55" West, along the centerline of said vacated 47th Street Terrace, a distance of 100.79 feet; thence South 48°33'05" West, continuing along the centerline of said vacated 47th Terrace, a distance of 125.61 feet, to a point on the East Right-of-Way line of Lamar Avenue, as now established; thence North 41°28'26" West, departing the centerline of said Vacated 47th Street Terrace, along said East Right-of-Way line, a distance of 0.34 feet; thence North 19°29'03" East, continuing along said East Right-of-Way line, a distance of 21.70 feet; thence North 02°06'59" West, continuing along said East Right-of-Way line, a distance of 28.99 feet, to a point on a non-tangent curve; thence Northerly, continuing along said East Right-of-Way line, and along said curve to the left, having a radius of 803.87 feet, a central angle of 20°49'19", and whose initial tangent bearing is North 17°31'51" East, a distance of 292.14 feet; thence North 03°17'28" West, continuing along said East Right-of-Way line, a distance of 5.01 feet, to a point on the West line of a tract of land, as described in a Kansas Warranty Deed, recorded in Book 570, Page 644, said point being on the Southerly Right-of-Way line of Interstate 35, as now established; thence North 32°33'12" East, departing said East Right-of-Way line, along the West line of said tract of land, a distance of 191.21 feet, to a point on the North line said Northeast Quarter, said point also being on the North line of said JESSUP'S 2<sup>ND</sup> SUBDIVISION; thence North 87°59'32" East, departing the West line of said tract of land, along the North line of said Northeast Quarter, and along the North line of said JESSUP'S 2<sup>ND</sup> SUBDIVISION, and along the North line of said OAKWOOD subdivision, a distance of 1,839.70 feet, to the Point of Beginning, containing 2,260,646.82 square feet, or 51.90 acres, more or less.

**Section 2. Stipulations of the Special Use Permit** - The Special Use Permit referenced in Section 1 of this Ordinance is hereby granted subject to the following stipulations:

- A. The Special Use Permit shall be in effect indefinitely until such time that the use is no longer required for public benefit, or the use is discontinued by a period of time of more than six months.
- B. Johnson County Wastewater, or its assignees or successors, shall maintain odor control measures for as long as the treatment facility is operational.

C. Johnson County Wastewater, or its assignees or successors, shall maintain the treatment facility in good working order and stay in good standing with licenses and permits issued by state and/or federal regulatory agencies for the operation of the treatment facility for as long as the facility is operational.

**Section 3. Zoning Remains** - The approval of this Special Use Permit shall not change the zoning currently assigned to the property by the Official Zoning Map.

**Section 4. Effective Date** - This Ordinance shall take effect and be in force from and after its adoption and publication according to law.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION** on this 21st day of December 2022.

**APPROVED BY THE MAYOR** on this 21st day of December 2022.

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**Solana Flora, Mayor**

**ATTEST:**

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**Robyn Fulks, City Clerk**

**APPROVED AS TO FORM:**

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**David Martin, City Attorney**  
Payne & Jones, Chartered  
King 2 Building  
11000 King Street  
Overland Park, Kansas 66210



**NEW BUSINESS AGENDA ITEM:** 3

**PROJECT NUMBER / TITLE:** Case #22-33 – Nelson Wastewater Treatment Facility Special Use Permit

**REQUEST:** Consideration of a Special Use Permit for Nelson Wastewater Treatment Facility

**LOCATION:** 4800 Nall Avenue  
Mission, KS 66202  
Property IDs: KP17500000 0014A; KP17500000 0013; KP45000000 0049; KP45000000 0001; KP17500000 0009A,B,C,D; KP17500000 0010; KP17500000 0011; KD17500000 0005; KP17500000 0013; KP67500000 0002

**APPLICANT:** Johnson County Unified Wastewater  
11811 South Sunset Drive #2500  
Olathe, KS 66061

**STAFF CONTACT:** Karie Kneller, City Planner

**PUBLIC HEARING:** November 28, 2022

**LEGAL NOTICE:** November 8, 2022 – The Legal Record



## Property Information:

The subject property, a currently operating wastewater treatment facility, is located at 4800 Nall Avenue in the northeast corner of Mission along the western boundary of Roeland Park and the southern boundary of Kansas City, Kansas in Wyandotte County. Primary vehicular ingress and egress is from Foxridge Drive just east of Lamar Avenue.

Currently, the wastewater treatment facility, which has been operating on the site since the 1940's with several upgrades and expansion over time, sits on nine properties and is zoned "R-1" Single-family Residential District. Surrounding properties in Mission are also zoned R-1. Nall Park, in Roeland Park to the east of the subject property, is zoned "PUB" Public Services, Institutions, and Churches.

Per Mission's municipal code at Section 440.175 (B) *Plans For Non-Residential Uses in Residential District*, consideration of plans require a public hearing by the Planning Commission. Additionally, Section 445.180 *Designated Use*, states that "Sewage pumping stations" may be located in any district with the issuance of a special use permit. A new pump station will be built on the site with the redevelopment of new facilities as proposed in a Preliminary Development Plan (Case #22-31). Per municipal code at Section [440.140](#), a public hearing is required for Special Use Permit applications. The criteria for considering special use applications are as follows:

1. The character of the neighborhood.
2. The zoning and uses of nearby properties and the extent to which the proposed use would be in harmony with such zoning and uses.
3. The suitability of the property for the uses to which it has been restricted under the applicable zoning district regulations.
4. The extent to which approval of the application would detrimentally affect nearby properties.
5. The length of time the property has remained vacant as zoned.
6. The relative benefit to the public health, safety and welfare by retaining applicable restrictions on the property as compared to the destruction of the value of the property or hardship to the owner association with denying its request.
7. The Master Plan or Comprehensive Plan.
8. The extent to which the proposed use would adversely affect the capacity or safety of that portion of the road network influenced by the use or present parking problems in the vicinity of the property.
9. The recommendation of the professional staff.
10. The extent to which utilities and services, including, but not limited to, sewers, water service, Police and fire protection and parks and recreation facilities, are available and adequate to serve the proposed use.
11. The extent to which the proposed use would create excessive stormwater runoff, air pollution, water pollution, noise pollution or other environmental harm.
12. The extent to which there is a need for the use in the community.
13. The economic impact of the proposed use on the community.
14. The ability of the applicant to satisfy any requirements applicable to the specific use imposed pursuant to the zoning district regulations.

## Analysis:

The facility and its surrounding property is harmonious with nearby properties and does not detrimentally affect public health or property values. The use is consistent with the Comprehensive Plan. Excessive pollution or environmental harm have not been reported to Staff's knowledge, and the operation has not negatively impacted the community economically, nor is the continued use as a wastewater treatment facility expected to impact nearby property values. The applicant has thus far met all requirements imposed by the City and other regulatory



bodies. The wastewater treatment facility is a benefit to public welfare. According to FEMA Flood Insurance Rate Maps (FIRMs), proposed structures are not in the 100-year flood plain. The site has access to all necessary utilities to continue operations.

Under §445.210 of the City's municipal code, Special Use Permits may be for a specified time period or continual except as provided in §445.230, which states the following:

If a use is discontinued for more than six months, the special use permit shall expire.

**It is Staff's interpretation that a Special Use Permit for the pump station meets all applicable criteria in Article III, §440.140.**

**Recommendation:**

Staff recommends that the Planning Commission recommend approval to the City Council of Case #22-33 for issuance of a Special Use Permit to Johnson County Wastewater for the operation of a wastewater treatment facility at 4800 Nall Ave with the following provisions:

1. The Special Use Permit shall be in effect indefinitely until such time that the use is no longer required for public benefit, or the use is discontinued by a period of time of more than six months.
2. Johnson County Wastewater, or its assignees or successors, shall maintain odor control measures for as long as the treatment facility is operational.
3. Johnson County Wastewater, or its assignees or successors, shall maintain the treatment facility in good working order and stay in good standing with licenses and permits issued by state and/or federal regulatory agencies for the operation of the treatment facility for as long as the facility is operational.

**Planning Commission Action:**

The Planning Commission held a public hearing at their November 28, 2022 meeting to take public testimony on this application. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend to the City Council approval of Case #22-33 a Special Use Permit to operate a wastewater treatment facility in the City of Mission with the stipulations as outlined in the staff report.

**City Council Action:**

This item will be considered by the City Council at their December 21, 2022 meeting.

<b>City of Mission</b>	Item Number:	6d.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Community Development</b>	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

**RE:** Preliminary and Final Plat – Shops of Benson, 5600 Johnson Drive, Planning Commission Case #22-36, Benson Living Trust, Applicant

**RECOMMENDATION:** Adopt a Resolution approving the Preliminary and Final Plat of the Shops of Benson, Planning Commission Case #22-36.

**DETAILS:** The Planning Commission met on Monday, November 28, 2022. At this meeting a public hearing was held to take public testimony regarding PC Case #22-36, application for approval of a preliminary plat for Shops of Benson. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend approval to the City Council of the Preliminary Plat of Shops of Benson.

With the same action, the Planning Commission also voted to recommend approval to the City Council for the Final Plat of Shops of Benson.

The City Council is required to only approve preliminary plats. Final plats can be approved by the Planning Commission. The exception to this is when there is a dedication of right-of-way or specific easement to City, then the final plat must be approved by the City Council as well indicating acceptance of the dedication.

In this case, there is a dedication of approximately ten (10) feet along the south property line as a sidewalk easement and dedication of another approximately twenty-five (25) of right-of-way for parking. Both of these have been previously done and recorded with the County. This final plat further affirms the dedications.

In addition to the plat itself, there is a right-of-way maintenance agreement associated with the plat for the Council’s consideration. There are six (6) off-street parking stalls along the east side of the property on Maple. A portion of the stalls are located in the City’s right-of-way. Staff requested that the owner enter into a maintenance agreement that reflects their responsibility for maintaining these parking stalls in the City’s right-of-way.

The plat is being created because the owner intends to sell the individual lots.

**CFAA CONSIDERATIONS/IMPACTS:** N/A

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A



<b>City of Mission</b>	Item Number:	6d.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Community Development</b>	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

Attachments:

- Staff Report for Case #22-36 Approval of a Preliminary and Final Plat
- Preliminary Plat of Shops of Benson
- Final Plat of Shops of Benson / ROW Maintenance Agreement
- Minutes of the November 28, 2022 Planning Commission Meeting

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A

**CITY OF MISSION, KANSAS**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT TO BE KNOWN AS SHOPS OF BENSON (PLANNING COMISSION CASE #22-36)**

**WHEREAS**, the subject property located at 5600 Johnson Drive (Parcel ID: KP27500000 0081) is currently one lot plated as Lot 81 of Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas; and

**WHEREAS**, the applicant wishes to subdivide the subject property into three individual lots for the purpose of selling the lots: and

**WHEREAS**, the applicant, Benson Living Trust, submitted an application to the Community Development Department on September 21, 2022 for a preliminary and final plat that subdivides the subject parcel of property into three lots; and

**WHEREAS**, the Planning Commission held a public hearing at their meeting on Monday, November 28, 2022 to take public testimony on the proposed plat (PC Case #22-36); and

**WHEREAS**, notice of the Public Hearing was published in The Legal Record on November 8, 2022 and sent certified mail to property owners and occupants within 200 feet of the subject property; and

**WHEREAS**, at the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend to the City Council approval of the Preliminary and Final Plat of Shops of Benson.

**NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MISSION:**

**Section 1. Approval of Preliminary Plat** – Pursuant to Section 440.210 through Section 440.230 of the Mission Municipal Code, approval of the Preliminary Plat of Shops of Benson (PC Case #22-36) on file with the Community Development of the City of Mission, 6090 Woodson, Mission, Kansas is hereby granted subject to all other laws and regulations.

**Section 2. Approval of Final Plat** – Pursuant to Section 440.240 through Section 440.260 of the Mission Municipal Code, approval of the Final Plat of Shops of Benson is hereby granted subject to all other laws and regulations.

**Section 3. Acceptance of Permanent Right-of-way and Sidewalk Easement** – In

accepting the final plat, the City of Mission accepts dedication of right-of-way and a permanent sidewalk easement along Johnson Drive as more clearly depicted on the Final Plat of Shops of Benson as “Permanent Right-of-Way” and “Permanent Sidewalk Easement.”

**Section 4.** The Mayor shall affix her signature to the Final Plat of Shops of Benson attesting to the acceptance.

**Section 5.** Said Plat shall be recorded with the Johnson County Register of Deeds.

**Section 6.** In conjunction with this plat, a Party Wall Declaration associated with Lots 1 and 2 of the Final Plat of Shops of Benson shall also be signed by the appropriate parties and recorded with the Johnson County Register of Deeds.

**Section 7.** In conjunction with this plat, a Maintenance Agreement associated with Lot 3 of the Final Plat of Shops of Benson shall be signed by the purchaser of Lot 3 and the Mayor and recorded with the Johnson County Register of Deeds.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION** on this 21st day of December 2022.

**APPROVED BY THE MAYOR** on this 21st day of December 2022.

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Solana Flora, Mayor

ATTEST:

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Robyn L. Fulks, City Clerk



**FINAL PLAT OF**  
**SHOPS OF BENSON**  
 A REPLAT OF PART OF LOT 81, MISSIONHILL ACRES, A SUBDIVISION IN  
 THE CITY OF MISSION, JOHNSON COUNTY, KANSAS  
 November 15, 2022

**OWNER/DEVELOPER:**

Herman A. Benson and Betty L. Benson, Trustee(s) of the Benson Living Trust dated April 14, 2000

**APPLICANT:**

Maurin & Sons Land Surveying and Consulting Services, LLC

**LEGAL DESCRIPTION:**

A tract of land lying in Lot 81, Missionhill Acres, a subdivision of land in the City of Mission, Johnson County, Kansas, more particularly described as follows:

Commencing at the Northeast corner of Lot 80, said point being monumented by a 1/2" iron bar with an illegible yellow plastic ID cap; Thence South 01° 43' 19" East along the east line of said Lot 80 and Lot 81, a distance of 88.45 feet to the Point of Beginning of the tract herein described as monumented by a found 1/2" iron bar;  
 Thence continuing South 01° 43' 19" East, a distance of 33.66 feet to the north right of way of Johnson Drive as it now exists;  
 Thence South 88° 42' 42" West, a distance of 5.93 feet along said Johnson Drive right of way;  
 Thence South 01° 17' 18" East, a distance of 8.10 feet along said Johnson Drive right of way;  
 Thence South 88° 42' 42" West, a distance of 134.00 feet along said Johnson Drive right of way to the West line of Lot 81;  
 Thence North 01° 43' 19" West, a distance of 73.45 feet;  
 Thence North 88° 12' 30" East, a distance of 29.54 feet;  
 Thence South 01° 41' 01" East, a distance of 12.92 feet;  
 Thence North 88° 12' 30" East, a distance of 110.46 feet to the point of beginning of the tract herein described.

**DEDICATION**

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "SHOPS OF BENSON".

The undersigned proprietor of said property shown on this plat does hereby dedicate those portions of the streets and roadways shown hereon as Johnson Drive and Maple Street, together with all other parcels and parts of land indicated on this plat, and not heretofore dedicated, as streets, terraces, roads, drives, lanes, avenues, courts, places, etc., for public use as public ways or thoroughfares; subject to the right hereby reserved to the present owner and its successors and assigns for the location, construction and maintenance of conduits, water, gas and sewer pipes, poles and wires under, over and along said roadways.

The undersigned proprietor of the above tract of land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Mission, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public way or thoroughfare.

An easement or license to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "S/E" on this plat, together with the right of ingress and egress to and from the Property over and through adjoining land as may be reasonably necessary to access said easement and is hereby dedicated to the Consolidated Main Sewer District of Johnson County, Kansas or their assigns. Alteration of land contours will be permitted only with the express written approval of JCW. Any placing of improvements or planting of trees on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation thereof. Cantilevered structures shall not obstruct a minimum clearance of 14 feet in height.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as a "Utility Easement" or "U/E" is hereby granted to the City of Mission, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. This easement shall not prevent Grantor from installing cantilevered structures over the easement area so long as such structures do not interfere with Grantee's ability to construct and maintain its improvements installed within the easement area.

The undersigned proprietor, for itself, and its successors and assigns, hereby agrees that the respective owner(s), of buildings on the above described tract of land shall be responsible for the maintenance and repair of all building plumbing and sanitary sewer service lines common to more than one unit, and service lines from the point of connection at the building to the point of connection at the main. Individual unit tenants shall allow access to the units by the property owner and associates as needed for proper maintenance, repair and/or replacement of plumbing lines that are common to more than one unit. In the event the property is replotted to allow the sale of individual units within the building(s), the undersigned proprietor, its successors and assigns shall establish an owners association and record a restrictive covenant obligating such association to repair and maintain all building plumbing common to more than one unit including the aforesaid service lines from such building(s) to the main prior to sale of an individual unit within such building(s).

**CONSENT TO LEVY**

The undersigned proprietors of the above described land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Mission, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated, shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public way or thoroughfare.

**EXECUTION**

IN TESTIMONY WHEREOF, undersigned proprietors has caused this instrument to be executed on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Herman A. Benson and Betty L. Benson, Trustee(s) of the Benson Living Trust dated April 14, 2000

By: \_\_\_\_\_  
 Betty L. Benson

**ACKNOWLEDGEMENT**

STATE OF KANSAS )  
 ) SS  
 COUNTY OF JOHNSON )

BE IT REMEMBERED that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, before me, the undersigned, a Notary Public in and for said County and State, came Betty L. Benson, who is personally known to me to be such person who executed, as such officer, the within instrument on behalf of said company, and such person duly acknowledged the execution of the same to be the act and deed of the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public: \_\_\_\_\_ My Appointment Expires: \_\_\_\_\_

Print Name: \_\_\_\_\_

**APPROVALS**

Approved by the Planning Commission of the City of Mission, Johnson County, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Mike Lee, Planning Commission Chair      Kimberly Steffens, Planning Commission Secretary

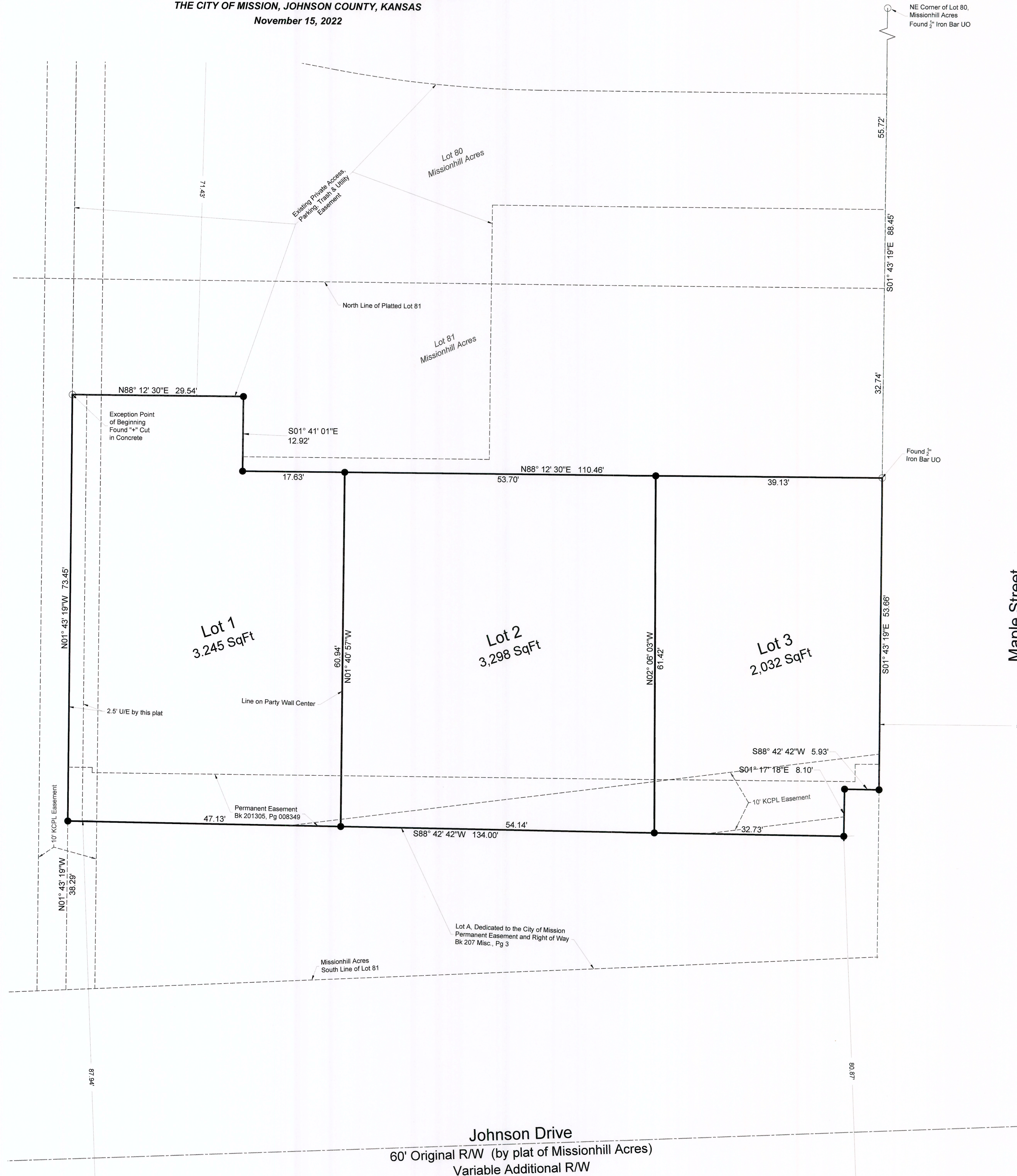
Approved by the Governing Body of the City of Mission, Kansas, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

Solana Flora, Mayor      Attest:  
 Robyn Fulks, City Clerk

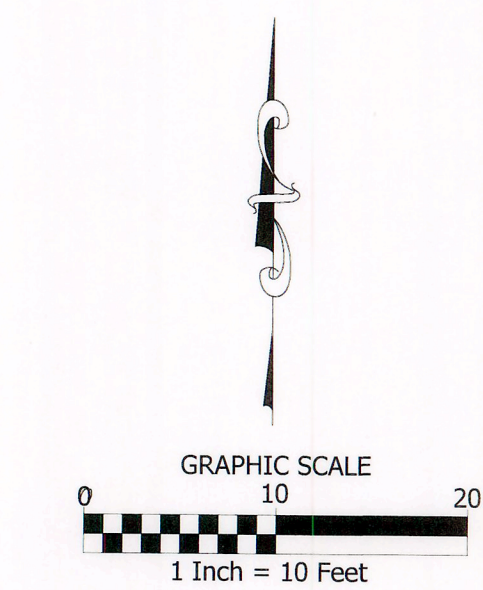
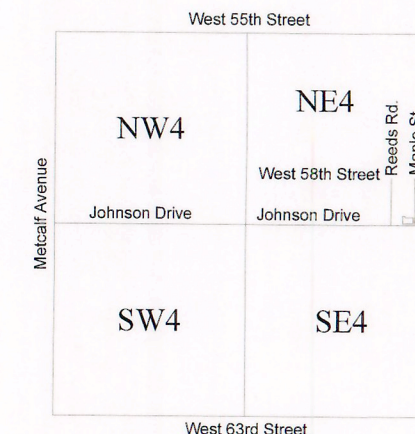
**GENERAL NOTES:**

- All bearings are based on Kansas State Plane North NAD83.
- The following prior surveys were used in retracement of this survey:  
 - The Plat of Missionhill Acres

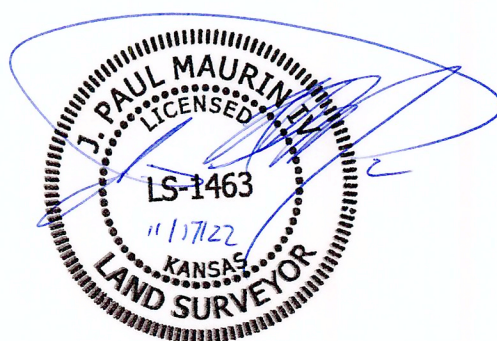
I, J. PAUL MAURIN, HEREBY CERTIFY THAT ON OCTOBER 4, 2022 I OR SOMEONE UNDER MY DIRECT SUPERVISION HAVE MADE A SURVEY OF THE ABOVE DESCRIBED TRACT OF LAND AND THE RESULTS OF SAID SURVEY ARE CORRECTLY REPRESENTED ON THIS PLAT.



**LOCATION MAP**  
 SCALE 2"= 1 Mile  
**SECTION 08**  
 TWP 12S - RNG 25E  
 JOHNSON COUNTY, KANSAS



**LEGEND:**  
 ● Set "x" Chiseled in Concrete  
 ○ Found 1/2" Monument Unknown Origin Unless Noted



**Johnson Drive**  
 60' Original R/W (by plat of Missionhill Acres)  
 Variable Additional R/W



**PRELIMINARY PLAT OF  
SHOPS OF BENSON**  
A REPLAT OF PART OF LOT 81, MISSIONHILL ACRES, A SUBDIVISION IN  
THE CITY OF MISSION, JOHNSON COUNTY, KANSAS

**PROPOSED DEDICATION:**

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner as shown on the accompanying plat, which subdivision and plat shall hereafter be known as "SHOPS OF BENSON".

The undersigned proprietor of said property shown on this plat does hereby dedicate those portions of the streets and roadways shown hereon as Johnson Drive and Maple Street, together with all other parcels and parts of land indicated on this plat, and not heretofore dedicated, as streets, terraces, roads, drives, lanes, avenues, courts, places, etc., for public use as public ways or thoroughfares; subject to the right hereby reserved to the present owner and its successors and assigns for the location, construction and maintenance of conduits, water, gas and sewer pipes, poles and wires under, over and along said roadways.

The undersigned proprietor of the above tract of land hereby agrees and consents that the Board of County Commissioners of Johnson County, Kansas, and the City of Mission, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public ways and thoroughfares, or parts thereof, for public use, from the lien and effect of any special assessment, and that the amount of unpaid special assessments on such land so dedicated shall become and remain a lien on the remainder of this land fronting or abutting on such dedicated public way or thoroughfare.

An easement or license to lay, construct, maintain, alter, repair, replace and operate one or more sewer lines and all appurtenances convenient for the collection of sanitary sewage, together with the right of ingress and egress, over and through those areas designated as "Sanitary Sewer Easement" or "S/E" on this plat, together with the right of ingress and egress to and from the Property over and through adjoining land as may be reasonably necessary to access said easement and is hereby dedicated to the Consolidated Main Sewer District of Johnson County, Kansas or their assigns. Alteration of land contours will be permitted only with the express written approval of JCW. Any placing of improvements or planting of trees on said permanent right-of-way will be done at the risk of subsequent damage thereto without compensation thereof. Cantilevered structures shall not obstruct a minimum clearance of 14 feet in height.

An easement or license to enter upon, locate, construct, use and maintain or authorize the location, construction or maintenance and use of conduits, water, gas, sewer pipes, poles, wires, drainage facilities, irrigation systems, ducts and cables, and similar facilities, upon, over and under these areas outlined and designated on this plat as a "Utility Easement" or "U/E" is hereby granted to the City of Mission, Kansas with subordinate use of the same by other governmental entities and public utilities as may be authorized by state law to use such easement for said purposes. This easement shall not prevent Grantor from installing cantilevered structures over the easement area so long as such structures do not interfere with Grantee's ability to construct and maintain its improvements installed within the easement area.

The undersigned proprietor, for itself, and its successors and assigns, hereby agrees that the respective owner(s), of buildings on the above described tract of land shall be responsible for the maintenance and repair of all building plumbing and sanitary sewer service lines to more than one unit, and service lines from the point of connection at the building to the point of connection at the main. Individual unit tenants shall allow access to the units by the property owner and associates as needed for proper maintenance, repair and/or replacement of plumbing lines that are common to more than one unit. In the event the property is replatted to allow the sale of individual units within the building(s), the undersigned proprietor, its successors and assigns shall establish an owners association and record a restrictive covenant obligating such association to repair and maintain all building plumbing common to more than one unit including the aforesaid service lines from such building(s) to the main prior to sale of an individual unit within such building(s).

**ALTA COMMITMENT FOR TITLE INSURANCE:**

This survey is reliant on a commitment for title insurance by Chicago Title Insurance Company KCC222303, dated October 6, 2022 at 8:00 AM. The following information is as provided therein. No further title search has been performed by this surveyor.

**OWNER/DEVELOPER:**

Herman A. Benson and Betty L. Benson, Trustee(s) of the Benson Living Trust dated April 14, 2000

**APPLICANT:**

Maurin & Sons Land Surveying and Consulting Services, LLC

**VESTING LEGAL DESCRIPTION:**

Lot 81, MISSIONHILL ACRES, a subdivision of land now in the City of Mission, Johnson County, Kansas, except that part described as follows:  
All that part of the South 55 feet of Lot 80 and all that part of Lot 81, MISSIONHILL ACRES, a subdivision of land now in the City of Mission, Johnson County, Kansas, more particularly described as follows:  
Commencing at the Southwest corner of said Lot 81; thence North 0 degrees 08 minutes 04 seconds East, along the West line of said Lot 81, a distance of 102.32 feet, to the true point of beginning of subject tract; thence South 89 degrees 58 minutes 25 seconds East, along a line parallel with the North line of said Lot 81, a distance of 29.54 feet; thence South 0 degrees 08 minutes 04 seconds West, along a line parallel with the West line of said Lot 81, a distance of 12.92 feet; thence South 89 degrees 58 minutes 25 seconds East, along a line parallel to the North line of said Lot 81, a distance of 110.39 feet, to a point on the East line thereof; thence North 0 degrees 08 minutes 04 seconds East, along the East line of said Lot 81 and along the East line of said Lot 80, a distance of 82.32 feet; thence North 88 degrees 59 minutes 15 seconds West, a distance of 139.95 feet to a point on the West line of said Lot 80; thence South 0 degrees 08 minutes 04 seconds West, along the West line of said Lot 80 and along the West line of said Lot 81, a distance of 71.81 feet, to the true point of beginning of subject tract.

**SURVEYOR'S LEGAL DESCRIPTION:**

A tract of land lying in Lot 81, Missionhill Acres, a subdivision of land in the City of Mission, Johnson County, Kansas, more particularly described as follows:  
Commencing at the Northeast corner of Lot 80, said point being monumented by a 1/2" iron bar with an illegible yellow plastic ID cap; Thence South 01° 43' 19" East along the east line of said Lot 80 and Lot 81, a distance of 88.45 feet to the Point of Beginning of the tract herein described as monumented by a found 1/2" iron bar;  
Thence continuing South 01° 43' 19" East, a distance of 53.66 feet to the north right of way of Johnson Drive as it now exists;  
Thence South 88° 42' 42" West, a distance of 5.93 feet along said Johnson Drive right of way;  
Thence South 01° 17' 18" East, a distance of 8.10 feet along said Johnson Drive right of way;  
Thence South 88° 42' 42" West, a distance of 134.00 feet along said Johnson Drive right of way to the West line of Lot 81;  
Thence North 01° 43' 19" West, a distance of 73.45 feet;  
Thence North 88° 12' 30" East, a distance of 29.54 feet;  
Thence South 01° 41' 01" East, a distance of 12.92 feet;  
Thence North 88° 12' 30" East, a distance of 110.46 feet to the point of beginning of the tract herein described.

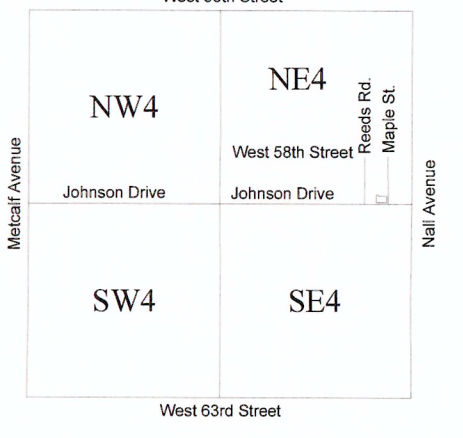
**GENERAL NOTES:**

- All bearings are based on Kansas State Plane North NAD83.
- The following prior surveys were used in retracement of this survey:  
- The Plat of Missionhill Acres
- Only visible utilities and visible evidence of underground utilities were located for this survey. Additional underground utilities may exist on the premises. It is the excavator's responsibility to have any utilities located before digging.
- The entire property lies in Zone X - Areas of Minimal Flooding as shown based on the graphical plotting of FEMA Flood Map 20091C0024G, as revised on 8/3/2009 and 2/8/2012.
- Shared walls will have party wall agreements for each common wall.

**SITE DATA TABLE:**

Overall area	8,893 square feet
Existing Zoning	
Proposed Zoning	
Proposed Number of Lots	3
Proposed Land Use	Commercial
Density	Approx. 17 Lots per Acres
Housing Classification	N/A
Proposed Lot Areas	Lot 1 = 2,845 Square Feet Lot 2 = 2,825 Square Feet Lot 3 = 2,032 Square Feet Tract A = 3,538 Square Feet

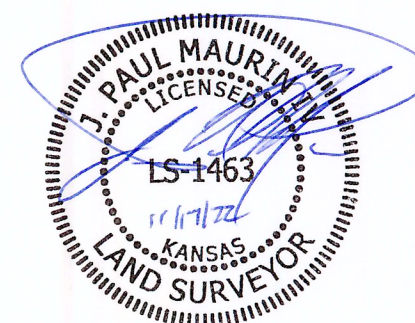
**LOCATION MAP**  
SCALE 2" = 1 Mile  
SECTION 08  
TWP 12S - RNG 25E  
JOHNSON COUNTY, KANSAS



- LEGEND:**
- Set "+\*" Chiseled in Concrete
  - Found 1/2" Monument Unknown Origin
  - Unless Noted
  - ⊙ Traffic Signal
  - ⊙ Light Pole
  - ⊙ Tree
  - ⊙ AC Air Conditioner
  - ⊙ EM Electric Meter
  - ⊙ GM Gas Meter
  - ⊙ Power Pole
  - ⊙ Manhole
  - ⊙ Water Meter
  - ⊙ Sign

**SURVEYORS CERTIFICATION:**

THIS IS TO CERTIFY that on 07-09-2021 - 07-29-2021 this survey was made by me or under my direct supervision and that said survey meets or exceeds the "KANSAS MINIMUM STANDARDS" for boundary surveys pursuant to K.S.A. 74-7013(d).



**MAURIN & SONS**  
LAND SURVEYING & CONSULTING SERVICES, LLC  
1402 HENLOCK STREET  
OVERLAND PARK, KANSAS 66203  
P. 913-698-1760  
WWW.MAURINANDSONS.COM | EMAIL: INFO@MAURINANDSONS.COM

REV. #	DATE	DESCRIPTION
1	11/15/2022	Revised per City Review

**Betty L. Benson**  
6511 Benson  
Mission Kansas 66202

**Preliminary Plat**  
5600-5612, Johnson Drive  
Mission, Kansas 66202



## PARTY WALL DECLARATION

THIS AGREEMENT entered into this 22nd day of November, 2022, by and between BETTY BENSON, TRUSTEE OF THE BENSON LIVING TRUST (“Trustee”), SANDHILLS BREWING KC, LLC (“Sandhills”) and HENRY MILLARD CAPITAL, LLC, (“Henry Millard”), collectively “the Parties”;

WHEREAS the Trustee owns real property more particularly described in Exhibit “A” attached hereto; and

WHEREAS the Trustee intends to seek approval to subdivide said real property into three lots and the subdivision shall be known as “Shops of Benson” as reflected on Exhibit “A”; and

WHEREAS Sandhills has entered into a contract to purchase the real property that is proposed to be Lot 1 of Shops of Benson as reflected on Exhibit “A” and commonly known as 5610 and 5612 Johnson Drive, Mission, Kansas (hereinafter “Lot 1”) from the Trustee; and

WHEREAS Henry Millard has entered into a contract to purchase the real property that is proposed to be Lot 2 of Shops of Benson as reflected on Exhibit “A” and commonly known as 5606 and 5608 Johnson Drive, Mission, Kansas (hereinafter “Lot 2”) from the Trustee; and

WHEREAS there is a center wall as a part of the original construction of the building placed on the common property line between Lot 1 and Lot 2 as shown in Exhibit “A”; and

WHEREAS the parties desire that said center wall will become and remain a party wall upon closing of the purchase of either Lot 1 or Lot 2.

NOW, THEREFORE, in consideration of the mutual covenants contained herein, the parties agree as follows:

Section 1. Party Wall. Upon the closing of the purchase of Lot 1 by Sandhills or the closing of the purchase of Lot 2 by Henry Millard, the center wall as a part of the original construction of the

building as placed on the dividing lines between Lot 1 and Lot 2 shall constitute a party wall and the portion of the roof of the building to the extent required to protect the party wall or, in the future, a roof divider constructed on top of said wall shall also be part of such party wall (collectively the "Party Wall").

Section 2. Governing Law. This Party Wall Declaration ("Agreement") shall govern the entire relationship of the Parties pertaining to the Party Wall. Any matters concerning the Party Wall not covered by the terms of this Agreement shall be governed by the general rules of law, construed and enforced in accordance with the laws of the State of Kansas, regarding party walls and roofs and property damage due to negligence or willful acts or omissions.

Section 3. Restrictions on Use. Neither the owner of Lot 1 nor the owner of Lot 2 shall have the right to destroy, remove, or make any structural changes to the Party Wall without the prior written consent of the other. Nor shall the owner of Lot 1 nor the owner of Lot 2 insert or place timber, beams, pipes, conduit or other materials into the Party Wall in a manner that affects the structural integrity of the Party Wall without the prior written consent of the other. Neither the owner of Lot 1 nor the owner of Lot 2 may make or provide openings in the wall of any nature whatever without the written consent of the other.

Section 4. Allocation of Repair and Maintenance. The owner of Lot 1 and the owner of Lot 2 shall keep all exterior walls of their respective properties in good condition and repair those exterior portions of the Party Wall exclusively reserved for their use and enjoyment and at their own cost and expense. The cost of reasonable inspection, repair and maintenance of the structural integrity of the Party Wall shall be borne equally by the owners of the units on either side of the Party Wall. In the event of damage or destruction to the structural integrity of the Party Wall is caused by intentional or negligent act or omission of one of the owners, the owner who is deemed to have intentionally or negligently caused such damage or destruction shall compensate the other owner in full for all direct damages, but excluding consequential damages, sustained as a result and shall promptly cause the Party Wall to be repaired or restored in a manner described in Section 5. In the event of damage or destruction to the structural integrity of the Party Wall is caused by intentional or negligent act or omission of both of the owners, each owner shall compensate the other owner in proportion to their relative fault for all direct damages, but excluding consequential damages, sustained as a result and shall promptly cause the Party Wall to be repaired or restored in a manner described in Section 5 by bearing the cost of such repair or restoration in proportion to their relative fault.

Section 5. Standard of Repair. Unless otherwise agreed in writing by the owner of Lot 1 and the owner of Lot 2, any repair, or restoration of the Party Wall shall be done so as to restore the Party Wall to substantially the same condition in which it existed prior to the damage or destruction, including the use of the same or similar materials, in the same proportions and the same quality, and in the same size and location.

Section 6. Destruction by fire or other casualty. If the Party Wall is destroyed or damaged by fire or other casualty which is not the fault of any of the owners, the owner of Lot 1 and the owner of Lot 2 shall promptly repair or restore it in a manner described in Section 5 and the owners shall contribute to the cost of repair or restoration equally.

Section 7. Roof Divider. The owner of Lot 1 and the owner of Lot 2 will cause a roof divider to be installed directly above and attached to the party wall within one year of the date hereof and will share equally in the cost. Once the roof divider is installed, the roof divider will be deemed part of the Party Wall and each owner will thereafter be responsible for the portion of the roof over their respective lot.

Section 8. Non-Payment. If an owner neglects or refuses to pay the amounts owed under sections 4, 6, or 7, the other owner shall be entitled to pay the nonpaying owner's portion to complete repair or restoration of the Party Wall and shall also be entitled to a mechanic's lien on the neglecting or refusing owner's parcel in the amount of the unpaid costs and expenses, plus interest at the maximum rate allowable by law, provided that the mechanics' lien must be properly filed in the real property records of the county where the property is located, in such form and content as otherwise required by law with regard to such liens;

Section 9. Run With Land. This Declaration, along with the right of any owner to contribution from any other owner under this article shall run with the land, and shall pass to such owner's successors in title.

Section 10. Grant of Easement. The owner of Lot 1 and the owner of Lot 2 grant to one another a license to enter upon the other's parcel to the extent necessary, and upon reasonable advance notice and in a mutually coordinated manner, to perform all necessary repairs, reconstruction and maintenance of the Party Wall in accordance with the provisions herein, for so long as the Party Wall exists. Upon the agreed destruction or removal, or damage to the building which makes repair unreasonable, this easement shall be void and of no further effect.

Section 11. Covenants and Warranties. Each owner covenants and warrants that it will take no act that interferes with the equal use and enjoyment of the Party Wall by the other Owner.

Section 12. Dispute Resolution. In the event of any dispute arising concerning the Party Wall, such dispute shall be submitted to an impartial mediator. To initiate dispute resolution, the aggrieved owner shall provide notice to the other owner of his/her intent to exercise rights under this provision and agree to meet within ninety (90) days of such a demand with an impartial mediator. In the event the owners cannot agree on a mediator, they shall each select one independent nominator, who shall agree on and appoint the mediator. If the parties have not agreed on a resolution of the dispute within one hundred twenty (120) days after said notice, either party may proceed to litigation. Nothing in this provision shall preclude any owner from seeking equitable or injunctive relief in a court of competent jurisdiction to prevent immediate and irreparable harm.

Section 13. Repairs and Maintenance. In the event that repairs or restoration are required on the Common Wall, those repairs shall be carried out in accordance with rules and regulations required by the City of Mission, Kansas.

Section 14. Attorney's Fees. In the event an owner initiates suit to enforce provisions of this Agreement, the prevailing party shall be entitled to recover a reasonable allowance for attorney's fees and expense.



Section 15. Authority to Execute. Each of the signatories below represents and warrants that they have been granted authority from the party for whom they are signing to execute this agreement on behalf of the party for whom they are signing.

Section 16. Effective Upon Closing. This declaration shall become effective only upon the earlier of the closing of the purchase of Lot 1 by Sandhills or the closing of the purchase of the Lot 2 by Henry Millard, and this declaration shall be filed in the public land records at that time.

WITNESS our hands and seals the day and year first above written.

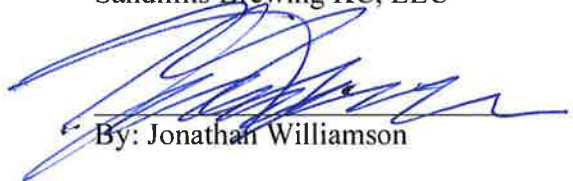
Signed, sealed and delivered in the presence of:

WITNESS WHEREOF, the parties hereto have sealed and executed this Party Wall Declaration as of the day and year first above written.

Betty Benson, Trustee of the  
Benson Living Trust

  
By: Betty Benson 11-21-22  
DATE

Sandhills Brewing KC, LLC

  
By: Jonathan Williamson 11-21-2022  
DATE

Henry Millard Capital LLC

  
By: Jason M. Hans 11-21-2022  
DATE

BETTY BENSON, TRUSTEE OF  
THE BENSON LIVING TRUST

By: *Betty L Benson*  
Betty Benson

STATE OF KANSAS

COUNTY OF JOHNSON

On this 21 day of November 2022, before me the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared Betty Benson, Trustee of the Benson Living Trust to me known to be the person who executed the foregoing instrument in my presence and acknowledged to me that she executed the same as her free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

*Jessica Myers*  
NOTARY PUBLIC

My Commission Expires: 2-26-2023



SANHILLS BREWING KC, LLC

By:   
Jonathan Williamson

STATE OF KANSAS

COUNTY OF JOHNSON

On this 21 day of November 2022, before me the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared Jonathan Williamson, Managing Member of Sandhills Brewing KC, LLC to me known to be the person who executed the foregoing instrument in my presence and acknowledged to me that he executed the same as his free act and deed.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.

  
NOTARY PUBLIC

My Commission Expires: 2-26-2023



HENRY MILLARD CAPITAL, LLC

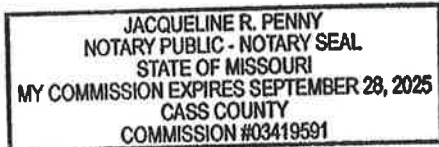
By:   
Jason Hans

STATE OF ~~KANSAS~~  
MISSOURI

COUNTY OF ~~JOHNSON~~  
JACKSON

On this 21<sup>st</sup> day of November 2022, before me the undersigned, a Notary Public, in and for the County and State aforesaid, personally appeared Jason Hans, Managing Member of Henry Millard Capital, LLC to me known to be the person who executed the foregoing instrument in my presence and acknowledged to me that he executed the same as his free act and deed

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed my official seal the day and year last above written.



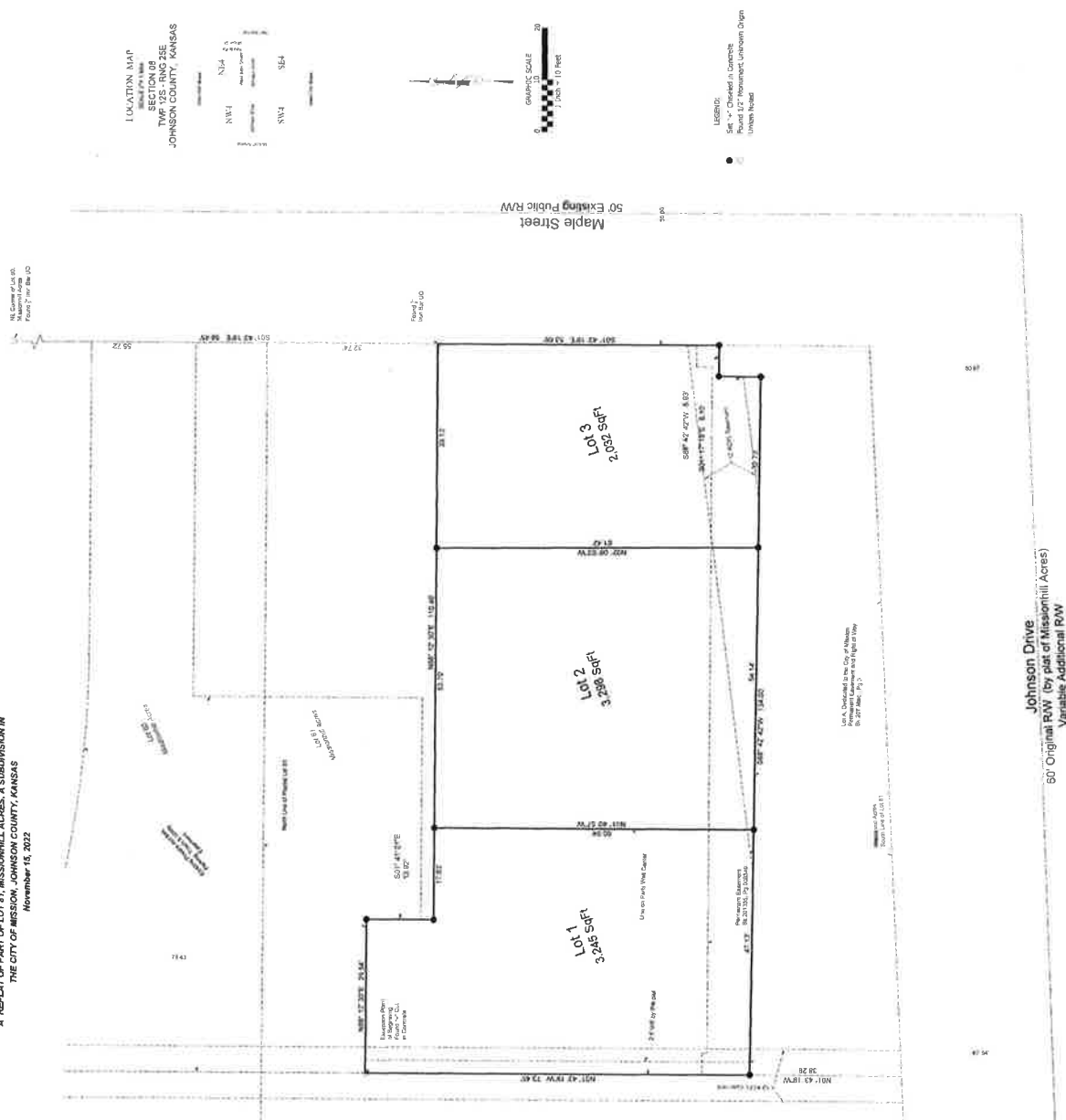
  
NOTARY PUBLIC

My Commission Expires: 9/28/2025



# EXHIBIT A

## FINAL PLAT OF SHOPS OF BENSON A REPLAT OF PART OF LOT 31, MISSIONHILL ACRES, A SUBDIVISION IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS November 15, 2022



**GENERAL NOTES:**  
1. All monuments are to be set as shown on the accompanying plat.  
2. The plat is subject to the provisions of the Kansas Surveying Act.  
3. The plat is subject to the provisions of the Kansas Land Surveying Act.  
4. The plat is subject to the provisions of the Kansas Surveying Act.

**APPLICANT:**  
Maurin & Sons Land Surveying and Consulting Services, LLC  
13800 South 100th East, Suite 100, Omaha, Nebraska 68134

**LEGAL DESCRIPTION:**  
A part of and lying in Lot 31, Missionhill Acres, a subdivision in the City of Mission, Johnson County, Kansas, more particularly described as follows:  
Lot 1, Lot 2 and Lot 3, as shown on the accompanying plat, together with all other places and parts of and adjacent to the same, as hereunto more particularly described in the plat hereto annexed and to be reconveyed to the applicant as hereinafter herein.  
There shall be 3.245 acres of land in Lot 1, 3.196 acres in Lot 2 and 2.951 acres in Lot 3, all of which shall be more particularly described in the plat hereto annexed.  
There shall be 50.00 feet of land in the existing public right-of-way to the West line of Lot 1.  
There shall be 50.00 feet of land in the existing public right-of-way to the West line of Lot 2.  
There shall be 50.00 feet of land in the existing public right-of-way to the West line of Lot 3.

**DESCRIPTION:**  
The undersigned, the authorized representative of the above named firm, being duly qualified to do so, do hereby certify that the above description is a true and correct description of the premises shown on the accompanying plat, and that the same are all in the possession and control of the applicant as hereinafter herein.

**AGREEMENT TO LEASE:**  
The undersigned, the authorized representative of the above named firm, being duly qualified to do so, do hereby certify that the above described premises are hereby leased to the applicant as hereinafter herein, and that the lease is for a term of years, to wit: Ten (10) years, commencing on this 15th day of November, 2022, and terminating on this 15th day of November, 2032.

**APPROVALS:**  
Approved by the Surveying Commission of the City of Mission, Johnson County, Kansas, this \_\_\_\_\_ day of \_\_\_\_\_, 2022.  
\_\_\_\_\_  
Surveyor

**GENERAL NOTES:**  
1. The plat is subject to the provisions of the Kansas Surveying Act.  
2. The plat is subject to the provisions of the Kansas Land Surveying Act.  
3. The plat is subject to the provisions of the Kansas Surveying Act.

**APPROVED BY THE GOVERNING BODY OF THE CITY OF MISSION, JOHNSON COUNTY, KANSAS:**  
\_\_\_\_\_  
Mayor

**APPROVED BY THE SURVEYING COMMISSION OF JOHNSON COUNTY, KANSAS:**  
\_\_\_\_\_  
Surveyor

**APPROVED BY THE APPLICANT:**  
\_\_\_\_\_  
Maurin & Sons Land Surveying and Consulting Services, LLC



**MAURIN & SONS**  
LAND SURVEYING & CONSULTING SERVICES, LLC  
13800 SOUTH 100TH EAST, SUITE 100  
OMAHA, NEBRASKA 68134  
954-385-9396  
WWW.MAURINANDSONS.COM | 13800SOUTH100TH.EAST.OMAHA.NE.KS

## MAINTENANCE AGREEMENT

THIS MAINTENANCE AGREEMENT is made January 17, 2023, between the CITY OF MISSION, KANSAS, a municipal corporation (“City”) and SPRINGBOARD PROPERTIES, LLC., a Kansas LLC (“Owner”), with respect to the following facts and objectives which are a material part of this Agreement:

A. Owner owns commercial property with an address at 5600, 5602 and 5604 Johnson Drive adjacent to a strip of parking providing for six parking stalls in the east Maple Street right-of-way owned by the City, Re: Exhibit “A” attached hereto (“Property”).

B. The City requires the Owner to agree to maintain and replace, as necessary, the strip of parking until otherwise agreed by the City.

THEREFORE, the parties intending to be legally bound, hereby agree as follows:

1. **Improvements.** Owner will maintain the pavement, provide striping and snow and debris removal. If Owner fails to maintain the east Maple Street right-of-way as above provided, City may, at its option, after giving Owner twenty (20) days prior written notice (unless within said 20-day period Owner proceeds and thereafter pursues with due diligence to maintain the pavement as required pursuant to this paragraph) undertake and perform the maintenance of the right-of-way. If City undertakes such improvements, Owner shall be responsible for the payment of all reasonable and necessary out-of-pocket costs incurred by City in performing such maintenance and, in addition, City may charge a supervisory fee in an amount not to exceed 15% of such out-of-pocket costs incurred by City. If such costs and fee are not paid within thirty (30) days after the receipt of City’s invoice, City may assess the Property and collect such costs and fee with Owner’s annual ad valorem taxes.

2. **Owner’s Right to Subcontract.** Owner may perform its maintenance obligations under this Agreement itself or through such agent or agents, including a managing agent, as it may from time to time designate, and may at the sole discretion of Owner subcontract all or any portion of such work. Owner reserves the right to place exclusive parking signs on the east face of the building to designate parking for Springboard Creative or any of the tenants in 5600, 5602 or 5604 Johnson Drive.

3. **Term.** Unless terminated as provided below, this Agreement shall continue in full force and effect for so long as the Property exists. Provided, however, that City reserves the absolute right to terminate this Agreement as to portions of the right of way on and around the Property, and in such event, Owner shall remove the Improvements with respect thereto. City reserves all rights in and to its right of way, anything in this Agreement to the contrary notwithstanding.

4. **Indemnity.** Owner agrees to indemnify, save harmless and protect City from any and all claims, losses, damages, judgments, expenses and costs of every kind and description, including attorneys' fees, on account of personal injury to or sickness, disease or death of any person or for damage or injury to or destruction of property (including loss of the use thereof) on or about the Property or right of way resulting from acts of Owner, its employees, agents and independent contractors in performing the maintenance of the Improvements.

5. **Binding Effect.** This Agreement shall be binding upon and inure to the benefit of City, Owner and their respective successors and assigns. This Agreement shall be subject to and interpreted under the laws of the State of Kansas.

Executed as of the 21 day of ~~Dec~~ November, 2022/2023.

Signature Pages to Follow

SPRINGBOARD PROPERTIES, LLC

By: Kevin Fullerton  
Title: owner

**ACKNOWLEDGMENT**

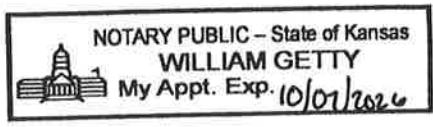
STATE OF KANSAS )  
 ) ss.  
COUNTY OF JOHNSON )

BE IT REMEMBERED, that on this 21<sup>st</sup> day of November, <sup>2023</sup>~~2023~~, before, the undersigned, a Notary Public in and for the County and State aforesaid Came Kevin Fullerton, of SPRINGBOARD PROPERTIES, LLC, who is personally known to me to be such officer of such company, and who is personally known to me to be the same person who executed within instrument on behalf of said company, and such person duly acknowledged the execution of the same to be the act and deed of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

William Getty  
Notary Public

My commission expires:





CITY OF MISSION, a Kansas municipal corporation

\_\_\_\_\_  
Solana Flora, Mayor

ATTEST:

\_\_\_\_\_  
City Clerk

**ACKNOWLEDGMENT**

STATE OF KANSAS            )  
  ) ss.  
COUNTY OF JOHNSON    )

BE IT REMEMBERED, that on this \_\_\_\_\_ day of \_\_\_\_\_, 2023, before, the undersigned, a Notary Public in and for the County and State aforesaid came Solana Flora, Mayor and \_\_\_\_\_, City Clerk, respectively, of the CITY OF MISSION, KANSAS, a municipal corporation, who is personally known to me to be such officers of such corporation, and who are personally known to me to be the same persons who executed the within instrument on behalf of said corporation, and such persons duly acknowledged the execution of the same to be the act and deed of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year last above written.

\_\_\_\_\_  
Notary Public

My commission expires:

**NEW BUSINESS AGENDA ITEM:** 4

**PROJECT NUMBER / TITLE:** Case #22-36 – 5600-5612 Johnson Drive Re-Plat

**REQUEST:** Approval of a Preliminary and Final Plat for Shops of Benson

**LOCATION:** 5600-5612 Johnson Drive  
Mission, KS 66202  
Property ID: KP27500000 0081

**APPLICANT:** Evergreen Real Estate, on behalf of Betty L. Benson, Property Owner  
7021 Johnson Drive  
Mission, KS 66202

**STAFF CONTACT:** Karie Kneller, City Planner

**PUBLIC HEARING:** November 28, 2022

**LEGAL NOTICE PUBLICATION:** November 8, 2022 - The Legal Record



## Property Information:

The subject property is located on the northwest corner of Johnson Drive and Maple Street. It is in the southwest quarter of Section 8, Township 12S, Range 25E, Lot 81 in the City of Mission, Johnson County, Kansas, Mission Hill Acres. The subject property consists of two structures built in 1940. The existing two-story structures have a total 3,152 square-foot footprint on a 12,453 square foot (.29 acre) parcel. Diagonal, on-street parking is located in front of the property on the south, and perpendicular parking on the east. The property and surrounding properties within 200 feet are zoned "PBP" Planned Business Park District or "MS1" Main Street District 1. The 100-year floodplain lies outside of the building area, but slightly encroaches on the property line at the southwest corner as determined by the Federal Emergency Management Agency (FEMA).





## Utilities:

The site is served by a water main that runs along Johnson Drive to the south. An abandoned water main is located on the west side of the property. Stormwater runoff generally flows from north to south. Two stormwater inlets are located on the east along Maple Street, and two inlets are located on Johnson Drive. The property is also served by underground and overhead electrical and a sewer main serves the property on the east.



## Project Background:

The property is currently platted for the property as one lot (81). The current property owner is subdividing the buildings and selling to the current tenants – Urban Prairie Coffee, Sandhills Brewery, and Springboard Creative. Urban Prairie Coffee and Sandhills Brewery share a common wall. The existing structure will remain, and the properties will be re-platted as three separate lots (1, 2 and 3). Currently, there are recorded easements that allow construction and public use of the parking spaces and sidewalk between Johnson Drive and the building frontage, and these rights-of-way will be recorded with the new plat.

Right-of-Way (ROW) and easements: Through previously recorded easements, the area from the centerline of Johnson Drive to the building frontage is an existing public right-of-way, and the right-of-way on Maple will remain, as well. A 10-foot utility easement exists on the west side of the property line.

### **Code Review and Analysis – Consideration of Preliminary Plats:**

Mission municipal code at §440.220 states that Preliminary Plats shall be approved by the Planning Commission if it determines that:

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

#### **It is Staff's determination that the proposed plat is in conformance with Mission's Municipal Code.**

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

#### **It is Staff's determination that the plat represents a development pattern already established and supported by the Comprehensive Plan.**

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

#### **It is Staff's determination that the plat supports good land planning and allows for future redevelopment in compliance with adopted standards.**

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

#### **It is Staff's determination that the plat is consistent with good traffic engineering and safety standards.**

5. All submission requirements have been satisfied.

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

### **Code Review and Analysis– Consideration of Final Plats:**

Mission municipal code at §440.260 states that Final Plats shall be approved by the Planning Commission if it determines that:

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

#### **The final plat matches the preliminary plat as submitted with this application.**

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

#### **Code requirements are described below. The proposed plat is in conformance.**

3. All submission requirements have been satisfied.

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

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

Generally, under §455.100 of the Mission Municipal Code, a typical subdivision at the time of an original plat shall exercise good design and layout, that good planning principles are followed, efficient use of land, and natural assets such as trees and topography be retained wherever practical.

**The above dimensions and designations are in accordance with the stipulations set forth in the Mission Municipal Code and requirements set forth by City Staff.**



**Staff Recommendation:**

Staff recommends that the Planning Commission recommend approval of Case #22-36 Preliminary and Final Plat for Shops of Benson.

**Planning Commission Action:**

The Planning Commission held a public hearing at their November 28, 2022 meeting to take testimony from any interested party on this plat. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend approval to the City Council the preliminary and final plat to be known as "Shops of Benson."

**City Council Action:**

This Preliminary Plat will be considered by the City Council at their December 21, 2022 meeting. Upon approval, the Final Plat will be signed by the Mayor, City Clerk, the Applicant, and Notary Public.

<b>City of Mission</b>	Item Number:	6e.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Community Development</b>	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

**RE:** Preliminary and Final Plat – Azura Credit Union, 6751 Johnson Drive, Planning Commission Case #22-38, Azura Credit Union, Applicant

**RECOMMENDATION:** Adopt the Resolution approving the Preliminary and Final Plats of Azura Credit Union, 6751 Johnson Drive, Planning Commission Case #22-38.

**DETAILS:** The Planning Commission met on Monday, November 28th, 2022. At this meeting a public hearing was held to take public testimony regarding PC Case #22-38, application for approval of a preliminary plat for Azura Credit Union – 6751 Johnson Drive. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend approval to the City Council of the Preliminary Plat of Azura Credit Union.

With the same action, the Planning Commission also voted to recommend approval to the City Council of the Final Plat of Azura Credit Union.

The City Council is required to only approve preliminary plats. Final plats can be approved by the Planning Commission. The exception to this is when there is a dedication of right-of-way or specific easement to City, then the final plat must be approved by the City Council as well indicating acceptance of the dedication.

In this case, there is a dedication of an additional seven (7) feet of right-way along the north property line. This is in addition to the existing thirty-five (35) feet of right-way, now creating a total of forty-two (42) feet of right-of-way. The additional seven feet will allow for installation of a wider sidewalk along Johnson Drive with future street improvements. The plat also combines two existing lots into one.

**CFAA CONSIDERATIONS/IMPACTS:** N/A

Attachments:

- Staff Report for Case# 22-38 Approval of a Preliminary and Final Plat
- Preliminary Plat of Azura Credit Union
- Final Plat of Azura Credit Union
- Minutes of the November 28, 2022 Planning Commission Meeting

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	
Available Budget:	

**CITY OF MISSION, KANSAS**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION APPROVING A PRELIMINARY AND FINAL PLAT TO BE KNOWN AS AZURA CREDIT UNION (PLANNING COMMISSION CASE #22-38)**

**WHEREAS**, the subject property located at 6751 Johnson Drive in the City of Mission, Johnson County, Kansas is currently plated as two separate lots (KP69500002 0001 and KF251208-2055); and

**WHEREAS**, Azura Credit Union has recently purchased the subject property for the purpose of utilizing it as a credit union branch office; and

**WHEREAS**, Azura Credit Union submitted an application to the Community Development Department on September 20, 2022 for a preliminary and final plat that combines the two lots into a single lot and donates a portion of the northern boundary of the lot along Johnson Drive for right-of-way; and

**WHEREAS**, said application was presented to the Planning Commission as PC Case #22-38 at their regular meeting on Monday, November 28, 2022 at which time a public hearing was held to take testimony on the proposed plat; and

**WHEREAS**, notice of said public hearing was published in The Legal Record on November 8, 2022, and sent certified mail to property owners and occupants within 200 feet of the subject property;

**WHEREAS**, at the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend to the City Council approval of the Preliminary and Final Plat to be known as Azura Credit Union.

**NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS;**

**Section 1. Approval of Preliminary Plat** – Pursuant to Section 440.210 through Section 440.230 of the Mission Municipal Code, approval of the Preliminary Plat of Azura Credit Union (Planning Commission Case #22-38) on file with the Community Development Department of the City of Mission, 6090 Woodson, Mission, Kansas is hereby granted subject to all laws and regulations.

**Section 2. Approval of Final Plat** – Pursuant to Section 440.240 through Section 440.260 of the Mission Municipal Code, approval of the Final Plat of Azura Credit Union is

hereby granted subject to all laws and regulations.

**Section 3. Acceptance of Public Right-of-way Dedication** – In accepting this final plat, the City of Mission accepts a dedication of an additional seven (7) feet public right-of-way along Johnson Drive and more clearly depicted on the Final Plat of Azura Credit Union as “Additional R/W.”

**Section 4.** The Mayor shall affix her signature to the Final Plat of Azura Credit Union attesting to the acceptance.

**Section 5.** Said plat shall be recorded with the Johnson County Register of Deeds.

**PASSED AND APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION** on this 21st day of December 2022.

**APPROVED BY THE MAYOR** on this 21st day of December 2022.

---

Solana Flora, Mayor

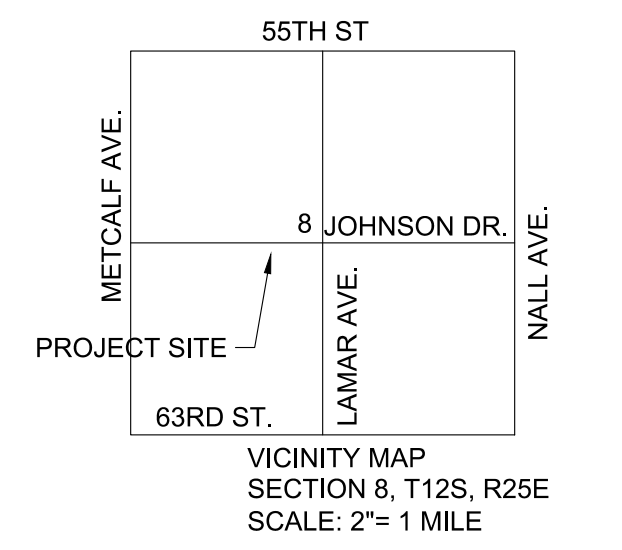
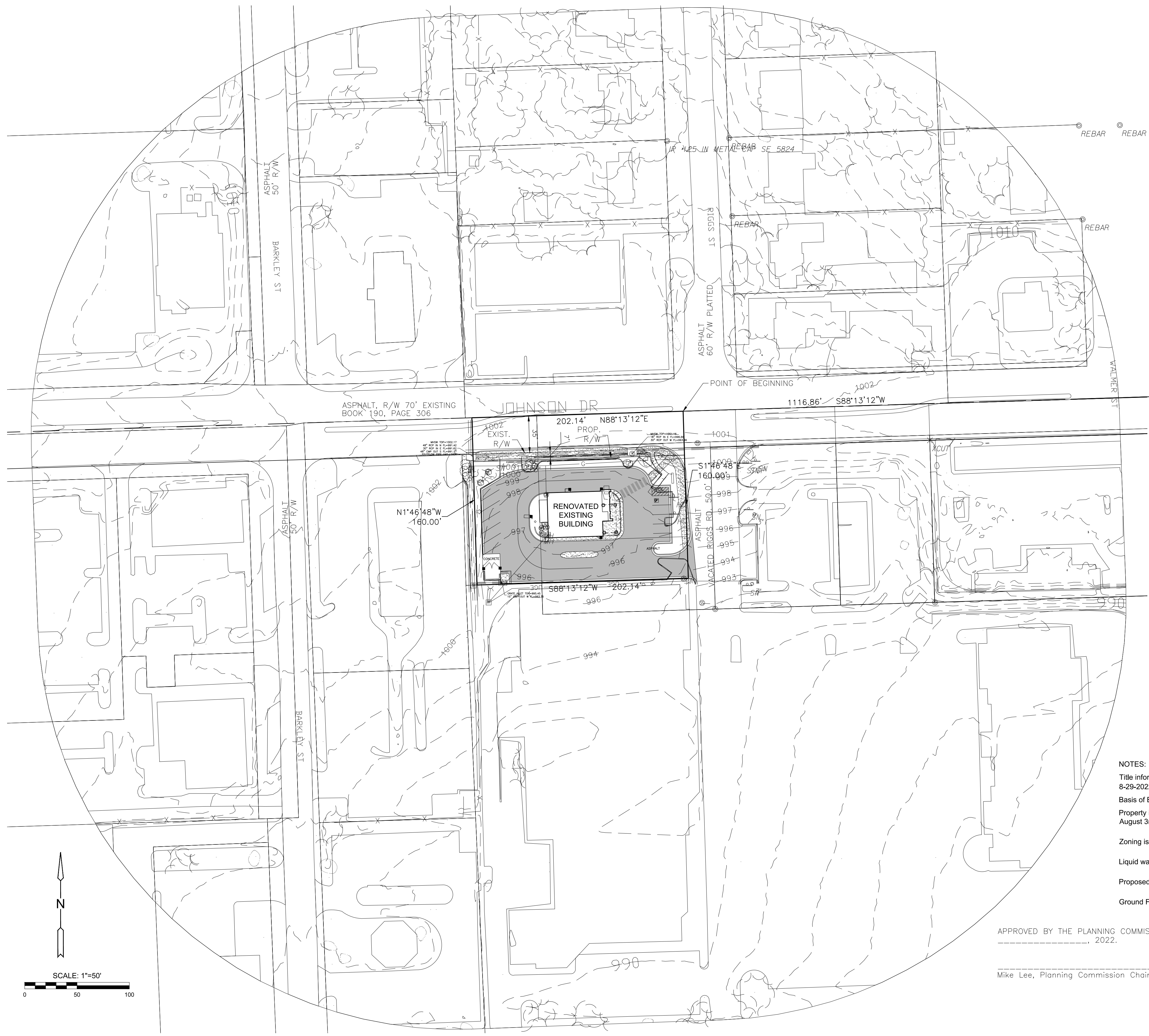
ATTEST:

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Robyn L. Fulks, City Clerk



P:\PROJECTS\2022\202010417\_HTK\_AZURA CREDIT UNION MISSION\04 SURVEY\DWG\PLAT\2020417\_PRELIM\PLAT CITY REVISION.DWG



**OWNER**  
 AZURA CREDIT UNION  
 610 SW 10TH AVENUE  
 TOPEKA, KS. 66612  
 785-233-5556

**ARCHITECT**  
 HTK ARCHITECTS  
 9300 W 110th St. #150  
 OVERLAND PARK, KS. 66210  
 913-663-5373

POINT OF COMMENCEMENT  
 NE CORNER OF THE SW QUARTER  
 SECTION 8, T12S R 25 E  
 FOUND 3" DISC IN MONUMENT BOX  
 LSRR 17880

Property Description:

All that part of the Southwest Quarter of Section 8, Township 12S, Range 25E of the 6th Principal Meridian in the City of Mission, Johnson County, Kansas, and a part of Lots 1 and 2, Block 2, WEST MISSION, a subdivision of land recorded at Book 13, Page 66, described as follows:

Commencing at the Northeast Corner of said Southwest Quarter of Section 8; thence along the North line thereof S88°13'12"W a distance of 1116.86' to the Point of Beginning; thence departing said Section line S1°46'48"E a distance of 160.00'; thence S88°13'12"W a distance of 202.14'; thence N1°46'48"W a distance of 160.00' to a point on North line; thence along said line N88°13'12"E a distance of 202.14' to the Point of Beginning, containing 23,650.54 square feet more or less or 0.543 acres, net of right of way, subject to easements and restrictions of record.

**NOTES:**

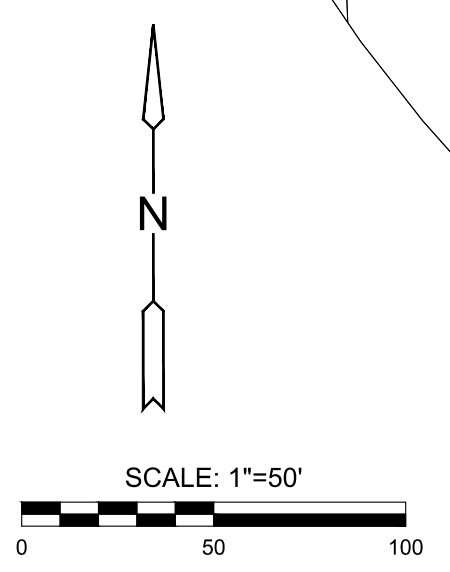
Title information taken from Warranty Deed recorded at Book 202208, Page 008205 in Johnson County, Kansas on 8-29-2022 and Thomson Affinity Title, LLC File No. 232941, effective June 23rd, 2022.  
 Basis of Bearings is Grid North, Kansas State Plane, North Zone, NAD '83 in U.S. Feet.  
 Property is listed as Zone X, outside the area of 0.2% annual chance of flooding per FIRM Panel 20091C0023G, revised August 3rd, 2009.

- Zoning is CP-2B Planned Retail and Service District.
- Liquid waste to be handled by existing sanitary sewer.
- Proposed land use is a credit union.
- Ground Floor Area 2,295 square ft. +/-

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MISSION, JOHNSON COUNTY, KANSAS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

Mike Lee, Planning Commission Chairperson

Kimberly Steffens, Planning Commission Secretary



PRELIMINARY PLAT  
**AZURA CREDIT UNION**  
 6751 JOHNSON DIVE

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**PRE-PLAT**

PROJECT NO.	2202010417	
DATE	9-21-21	
SCALE	1"=50'	
DESIGNED	DRAWN	CHECKED
JWS		MB

1	CITY COMMENTS	10-31-22
NO.	REVISION	DATE



# FINAL PLAT OF AZURA CREDIT UNION

A SUBDIVISION OF LAND IN THE SW QUARTER OF SECTION 8, TOWNSHIP 12 S, RANGE 25E  
IN THE CITY OF MISSION, JOHNSON COUNTY, KANSAS

**NOTES:**

Title information taken from Warranty Deed recorded at Book 202208, Page 008205 in Johnson County, Kansas on 8-29-2022 and Thomson Affinity Title, LLC File No. 232941, effective June 23rd, 2022.  
Existing right of way width for Johnson Drive established by easement to City of Mission, KS. recorded at Book 190, Page 306 in Johnson County, Kansas  
Basis of Bearings is Grid North, Kansas State Plane, North Zone, NAD '83 in U.S. Feet. Grid Factor 0.99996477  
Property is listed as Zone X, outside the area of 0.2% annual chance of flooding per FIRM Panel 20091C0023G, revised August 3rd, 2009.

Zoning is CP-2B Planned Retail and Service District.

3rd Order Survey Error of Closure 1:724,280,000

**CERTIFICATION:**

I, James W. Sincos, state that MKEC Engineering, Inc. has surveyed the property shown hereon under my direct supervision in accordance with the Kansas Minimum Standards for Boundary Surveys to the best of my knowledge and belief.

Field work performed June 21st, 2022.

James W. Sincos PLS 1234



**MONUMENTATION**

- △ SECTION CORNER MONUMENT AS NOTED
- SET 1/2" REBAR WITH CLS-39 CAP
- ◎ FOUND 1/2" REBAR PHELPS CAP
- SET 5/8" REBAR WITH CLS-39 CAP IN CONCRETE
- R/W RIGHT OF WAY
- R RECORD
- M MEASURED
- B/L BUILDING LINE
- U/E UTILITY EASEMENT

POINT OF COMMENCEMENT  
FOUND 3" ALUMINUM DISC  
IN MONUMENT BOX  
NE CORNER, SW QUARTER, SECTION 8  
T12S R25E  
LSRR 17880

**Property Description:**

All that part of the Southwest Quarter of Section 8, Township 12S, Range 25E of the 6th Principal Meridian in the City of Mission, Johnson County, Kansas, and a part of Lots 1 and 2, Block 2, WEST MISSION, a subdivision of land recorded at Book 13, Page 66, described as follows:

Commencing at the Northeast Corner of said Southwest Quarter of Section 8; thence along the North line thereof S88°13'12"W a distance of 1116.86' to the Point of Beginning; thence departing said Section line S1°46'48"E a distance of 160.00'; thence S88°13'12"W a distance of 202.14'; thence N1°46'48"W a distance of 160.00' to a point on North line; thence along said line N88°13'12"E a distance of 202.14' to the Point of Beginning, containing 23,650.54 square feet more or less or 0.543 acres, net of right of way, subject to easements and restrictions of record.

**Dedication:**

The undersigned proprietor of the above described tract of land has caused the same to be subdivided in the manner shown on the accompanying plat, hereafter shall be known as "AZURA CREDIT UNION".

The proprietors, successors and assigns of property described on this plat hereby dedicate for public use all land described on the plat as streets or public ways not heretofore dedicated. Acceptance for the dedication of land for public right-of-way purposes described in this plat is for the sole purpose of maintaining right-of-way, and does not constitute acceptance of any terms or conditions set forth in any agreement not shown on this plat. All prior existing easement rights to any person, utility or corporation have been absolved on the parcels to be dedicated to public use.

The proprietors, successors and assigns of property shown on this plat hereby absolve and agree, jointly and severally, to indemnify the City of Mission, Kansas of any expense incident with the relocation of any existing utility improvements heretofore installed and required to be relocated in accordance with the proposed improvements described in this plat.

An easement is granted to the City of Mission Kansas to enter upon, construct, maintain, use and authorize the location of conduits for providing water, gas, cable, electric, sewers and other utility services, including related facilities and appurtenances thereto, and drain facilities, upon, over, under and across those areas outlined and designated on this plat as "utility easement" or "U/E", and further, subject to administration and regulation by the City, the subordinate use of such areas by other governmental entities and utilities, franchised or authorized to do business in the City of Mission, Kansas.

**Consent to Levy:**

The undersigned proprietor of the above described tract of land hereby consents and agrees that the Board of County Commissioners and the City of Mission, Johnson County, Kansas, shall have the power to release such land proposed to be dedicated for public use from the lien and effect of any special assessments, and that the amount of unpaid special assessments on such land dedicated, shall become and remain a lien on the land fronting and abutting on such dedicated public way or thoroughfare.

IN TESTIMONY WHEREOF, the undersigned proprietor has caused these presents to be signed on this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

Azura Credit Union

Greg Winkler, President/CEO

**ACKNOWLEDGMENT**

STATE OF \_\_\_\_\_ )  
 ) SS  
COUNTY OF \_\_\_\_\_ )

On this \_\_\_\_\_ day of \_\_\_\_\_, in the year 2022, before me, a Notary Public in and for said County and State, personally appeared Greg Winkler, who being by me duly sworn did say that he is the President/CEO of Azura Credit Union, and acknowledged to me that he executed said instrument for purposes and considerations therein expressed in the capacity stated, and the act and deed of said entity.

IN WITNESS THEREOF: I have hereunto set my hand and affixed my official seal the day and year last above written.

Notary Public \_\_\_\_\_ Print Name \_\_\_\_\_

My Commission Expires: \_\_\_\_\_

APPROVED BY THE PLANNING COMMISSION OF THE CITY OF MISSION, JOHNSON COUNTY, KANSAS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

Mike Lee, Planning Commission Chairperson Kimberly Steffens, Planning Commission Secretary

APPROVED BY THE CITY COUNCIL OF THE CITY OF MISSION, JOHNSON COUNTY, KANSAS THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2022.

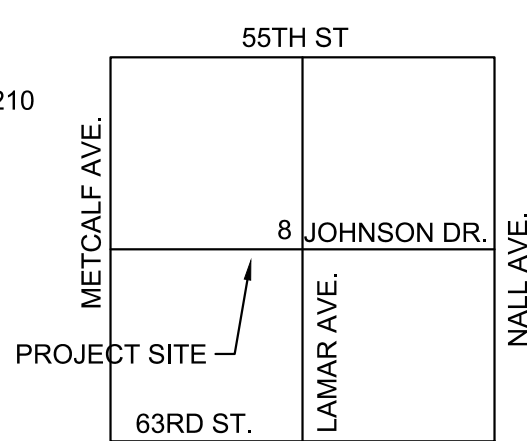
Solana Flora, Mayor Robyn Fulks, City Clerk

**OWNER**

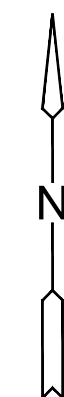
AZURA CREDIT UNION  
610 SW 10TH AVENUE  
TOPEKA, KS. 66612  
785-233-5556

**ARCHITECT**

HTK ARCHITECTS  
9300 W 110th St. #150  
OVERLAND PARK, KS. 66210  
913-663-5373



VICINITY MAP  
SECTION 8, T12S, R25E  
SCALE: 2"= 1 MILE



**FINAL PLAT**  
**AZURA CREDIT UNION**  
 6751 JOHNSON DRIVE

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**FINAL PLAT**

PROJECT NO. 2202010417

DATE 9-21-22

SCALE 1"=20'

DESIGNED JS DRAWN MB CHECKED MB

1 CITY COMMENTS 10-31-22  
NO. REVISION DATE

SHEET NO.



**NEW BUSINESS AGENDA ITEM:** 5

**PROJECT NUMBER / TITLE:** Case #22-38 – Azura Credit Union Plat

**REQUEST:** Approval of a Preliminary and Final Plat for Azura Credit Union

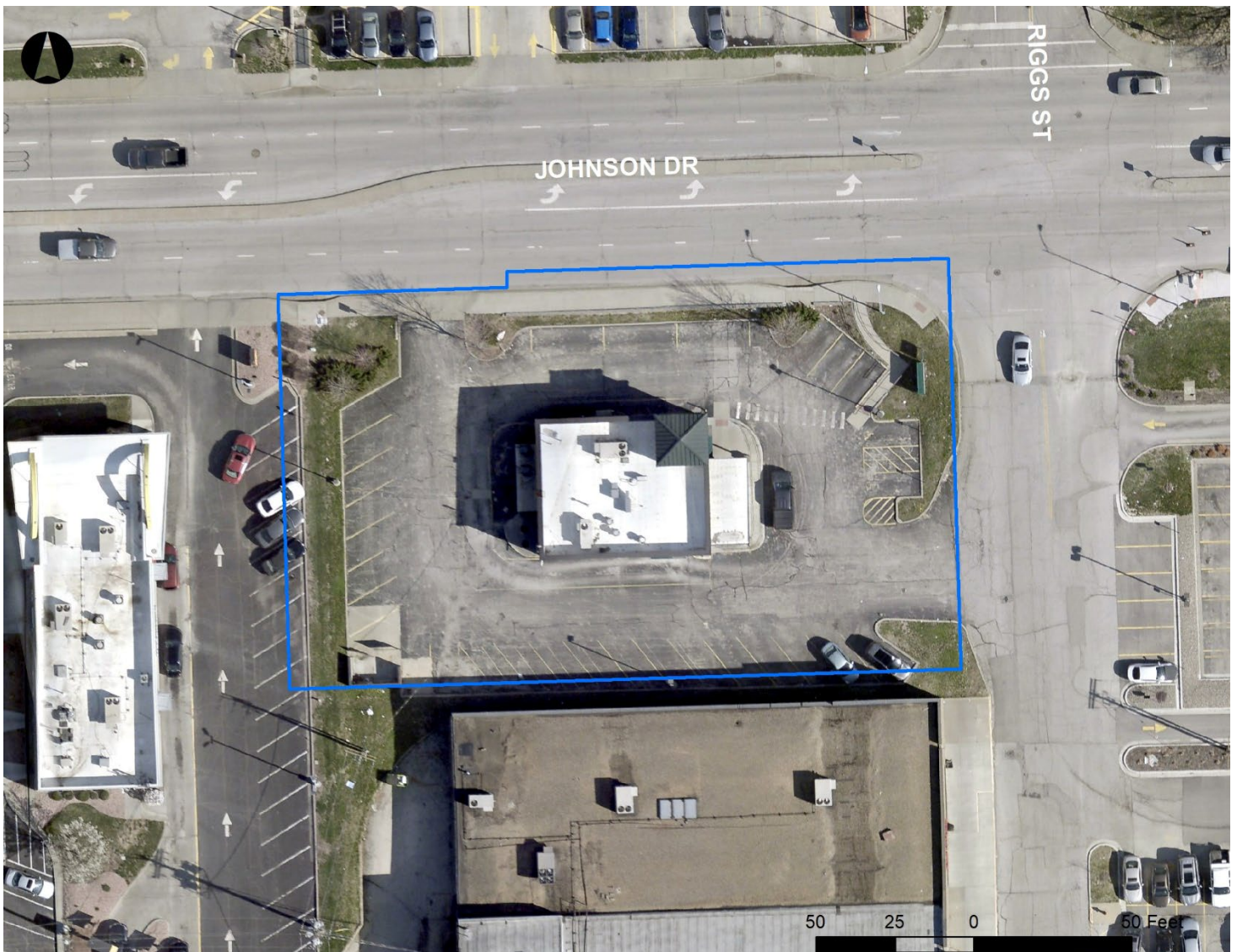
**LOCATION:** 6751 Johnson Drive  
Mission, KS 66202  
Property ID: KF251208-2055; KP69500002-0001

**APPLICANT:** Azura Credit Union  
610 SW 10<sup>th</sup> Avenue  
Topeka, KS 66612

**STAFF CONTACT:** Karie Kneller, City Planner

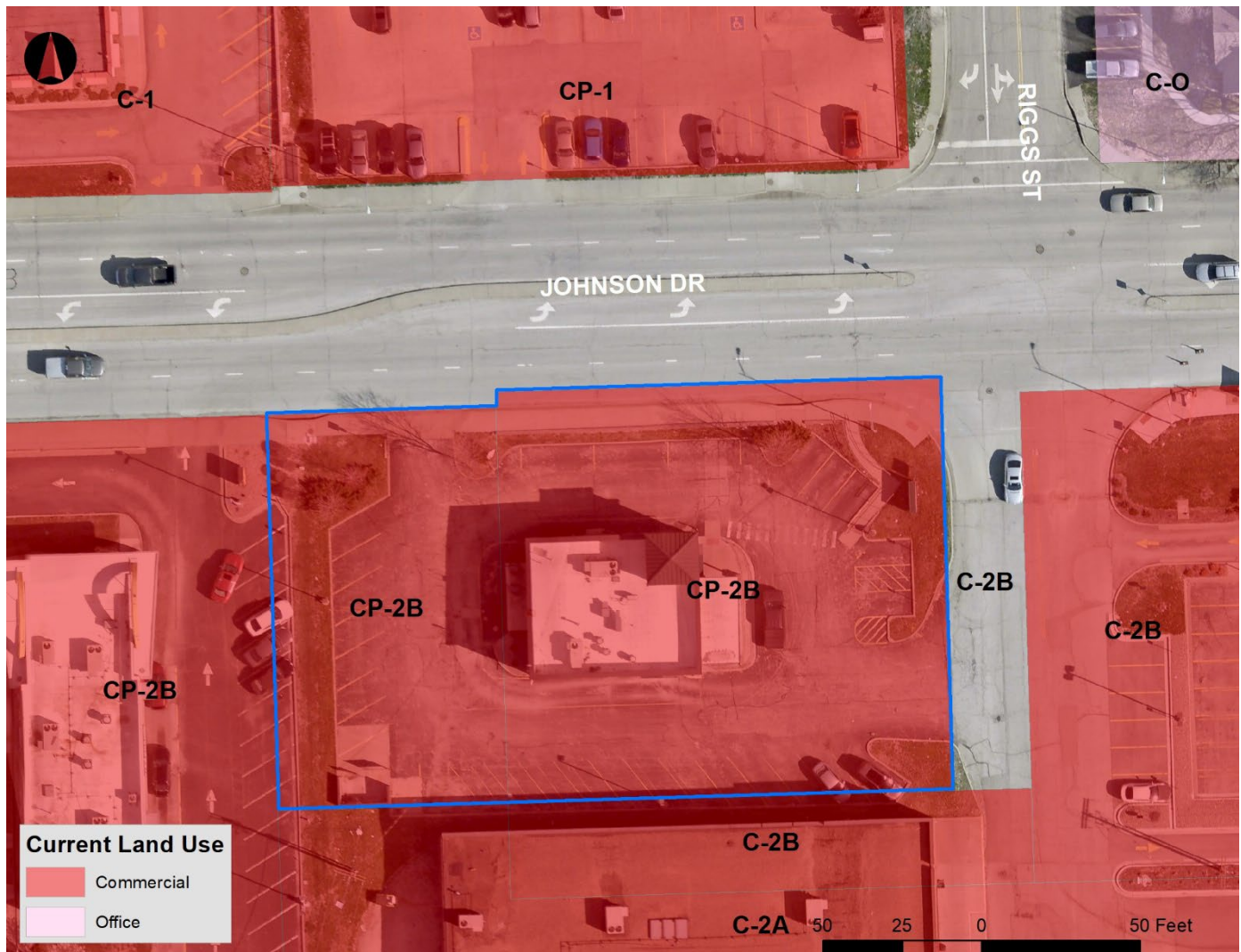
**PUBLIC HEARING:** November 28, 2022

**LEGAL NOTICE PUBLICATION:** November 8, 2022 - The Legal Record



## Property Information:

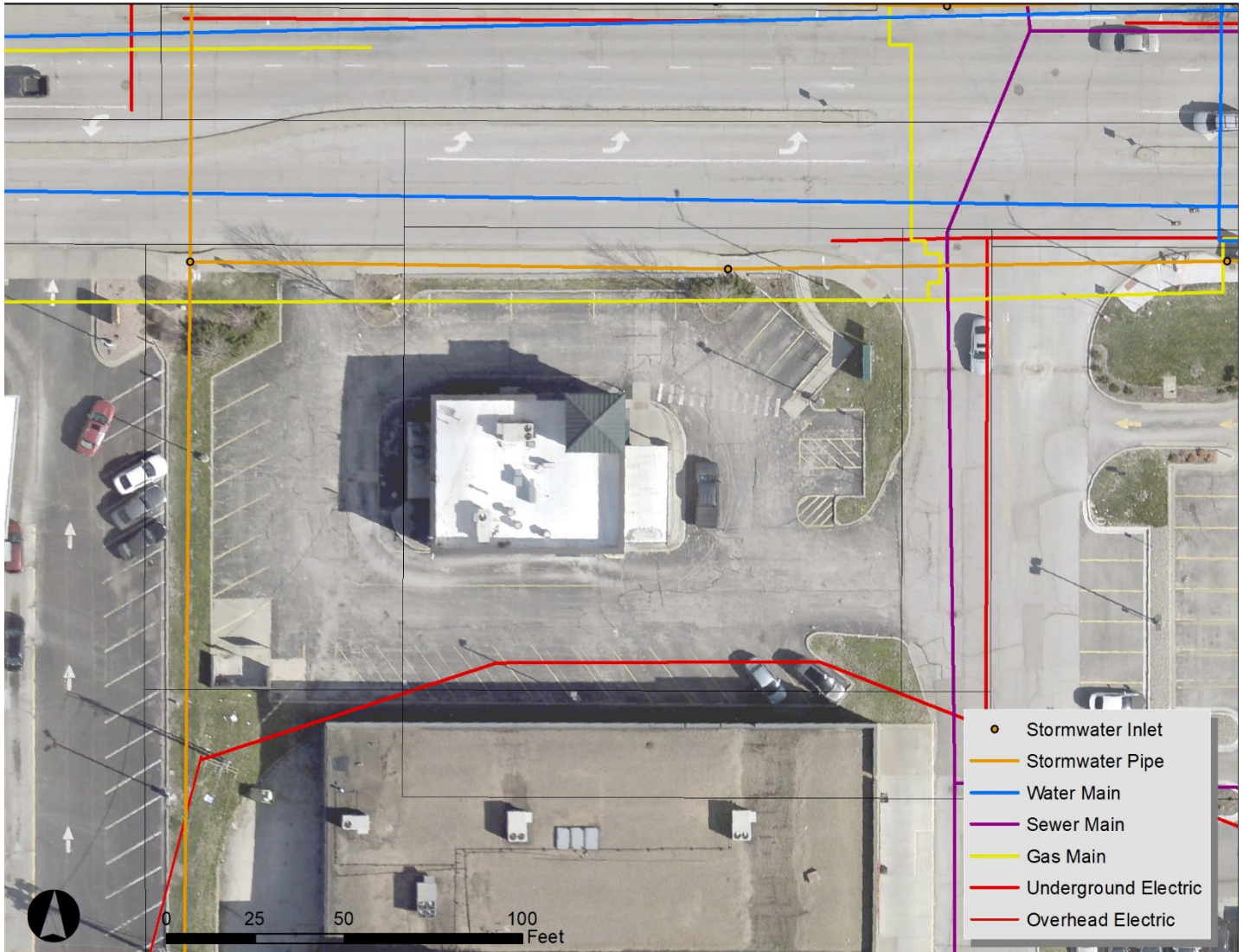
The subject property is located on the southwest corner of Johnson Drive and Riggs Avenue. It is in the southwest quarter of Section 8, Township 12S, Range 25E in the City of Mission, Johnson County, Kansas, and a part of Lots 1 and 2, Block 2, West Mission. The property is located in the southeast quarter of Township 25, Section 12, Range 05. The existing structure is 2,449 square feet on a 18,200 square foot (.42 acre) parcel. The adjacent parcel on the west is part of the property which consists of 9,065 square feet of surface parking. The property and surrounding properties within 200 feet are zoned "CP-2B" or "C2-B," retail and service districts. The project is outside the 100-year flood zone as determined by the Federal Emergency Management Agency (FEMA).





## Utilities:

The site is served by a water main that runs along Johnson Drive to the north. Stormwater runoff generally flows from north to south. Two stormwater inlets are located on Johnson Drive near the northern property line. The property is also served by underground and overhead electrical and a sewer main serves the property on the east. It should be noted that the Johnson County AIMS mapping program shows a slightly inaccurate underground electrical utility on the south that the survey confirmed is not located on the property.



## Project Background:

The property is currently platted for the property on the east (Lot 1). The western parcel (Lot 2) is not platted. The existing structure will remain with interior and exterior renovations as part of Case #22-34. Staff requested that the applicant replat the property and consolidate the two properties with additional right-of-way on Johnson Drive to widen the sidewalk per Johnson Drive design standards.

The Preliminary and Final Plats with this application consist of one lot. The total lot area is 32,342 square feet (.74 acres). The area is outside of the 100-year floodplain.

Right-of-Way (ROW) and easements: The existing ROW is 35 feet from the center line of Johnson Drive, and the proposed plat provides an additional seven feet of dedicated ROW. Riggs Avenue currently consists of an ingress/egress easement and will not change with this plat. The existing east parcel contains a five-foot utility easement.



### **Code Review and Analysis – Consideration of Preliminary Plats:**

Mission municipal code at §440.220 states that Preliminary Plats shall be approved by the Planning Commission if it determines that:

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

#### **It is Staff's determination that the proposed plat is in conformance with Mission's Municipal Code.**

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

#### **It is Staff's determination that the plat represents a development pattern already established and supported by the Comprehensive Plan.**

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

#### **It is Staff's determination that the plat supports good land planning and allows for future redevelopment in compliance with adopted standards.**

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

#### **It is Staff's determination that the plat is consistent with good traffic engineering and safety standards.**

5. All submission requirements have been satisfied.

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

### **Code Review and Analysis– Consideration of Final Plats:**

Mission municipal code at §440.260 states that Final Plats shall be approved by the Planning Commission if it determines that:

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

#### **The final plat matches the preliminary plat as submitted with this application.**

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

#### **Code requirements are described below. The proposed plat is in conformance.**

3. All submission requirements have been satisfied.

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

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

Generally, under §455.100 of the Mission Municipal Code, a typical subdivision at the time of an original plat shall exercise good design and layout, that good planning principles are followed, efficient use of land, and natural assets such as trees and topography be retained wherever practical.

**The above dimensions and designations are in accordance with the stipulations set forth in the Mission Municipal Code and requirements set forth by City Staff.**

**Staff Recommendation:**

Staff recommends that the Planning Commission recommend approval of Case #22-38 Preliminary and Final Plat of Azura Credit Union to the City Council.

**Planning Commission Action:**

The Planning Commission held a public hearing at their November 28, 2022 meeting at which time they took testimony from any interested party. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend approval of the preliminary and final plat to be known as "Azura" to the City Council - Case #22-38.

**City Council Action:**

This Preliminary and Final Plat will be considered by the City Council at their December 21, 2022 meeting. Upon approval, the Final Plat will be signed by the Mayor, City Clerk, the Applicant, and Notary Public.

<b>City of Mission</b>	Item Number:	6f.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Community Development</b>	From:	Brian Scott

Action items require a vote to recommend the item to the full City Council for further action.

**RE:** Amendment to the Main Street District 1 (“MS-1”) Zoning Regulations Pertaining to Drinking Establishments, (Cas #22-35), City of Mission, Applicant

**RECOMMENDATION:** Approve an ordinance amending Section 410.160 et seq. of Mission Municipal Code (Main Street District 1 zoning regulations) pertaining to clubs and drinking establishments.

**DETAILS:** Section 410.160 et. sq. of the Mission Municipal Code pertains to zoning regulations for the Main Street District 1 (“MS-1”) zoning district. Regulations pertain to permitted uses, height and set back restrictions, and general development standards for the “MS-1” zoning district.

The requirements of this section of the code allowing clubs and drinking establishments are conflicting and somewhat outdated in that they are not current with what is permitted in the County. Staff has proposed amendments to the “MS-1” zoning regulations that will address these issues. The attached staff report provides more in-depth analysis.

The Planning Commission held a public hearing at its regularly scheduled meeting on Monday, November 28, 2022 to take public testimony on the proposed amendments. At the conclusion of the public hearing, and after due consideration, the Planning Commission voted 8-0 (one absent) to recommend approval of the proposed amendments to the “MS-1” zoning regulations to the City Council.

This item will be on the City Council’s December 21, 2022 legislative agenda

**CFAA CONSIDERATIONS/IMPACTS:** N/A

Attachments:

- Ordinance Approving a Amendment to Main Street District 1 Zoning Regulations Pertaining to Drinking Establishments (PC Case #22-35)
- Staff Report (PC Case #22-35)
- Minutes of the November 28, 2022 Planning Commission Meeting

Related Statute/City Ordinance:	Chapter 400 of Mission Municipal Code (Land Use)
Line Item Code/Description:	N/A
Available Budget:	N/A

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING ARTICLE V, TITLE IV ("MS1", MAIN STREET DISTRICT 1); CHAPTER 445 OF TITLE IV (SPECIAL USE PERMITS); AND SECTION 600.202 OF CHAPTER 600 OF TITLE VI (RESTRICTION ON LOCATION) OF THE MUNICIPAL CODE OF THE CITY OF MISSION, KANSAS.

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

SECTION 1. Article V of Title IV of the Municipal Code of the City of Mission is hereby amended to read as follows:

**"MS1" Main Street District 1**

**Section 410.160 Statement of Intent.**

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

**Section 410.170 Permitted Uses.**

- A. *Prepared Food.* Restaurants (excluding those with drive-through facilities), sandwich shops, bistros, coffee houses, delis, bakeries, candy/ice cream/yogurt shops, and other establishments of similar character.
- B. *Food For Home.* Convenience store, green grocer, gourmet grocer, health foods, meat/fish market and wine/liquor shops and other establishments of similar character.
- C. *Entertainment.* Entertainment in restaurants (i.e., piano player, guitarist, small combos, dancing, etc.), movie theater and other establishments of similar character.
- D. *Specialty Retail.* Antiques; appliances; art galleries, framing and supplies; bike shop; books;



camera and photo supplies; casual apparel and accessories; children's apparel; computers/software; florist; gifts, stationary and cards; hardware; home decorating products and design services; men's apparel; music (recorded and sheet); newsstand; office and school supplies; optical products; radio/TV/electronics; sewing supplies; shoes, dress and casual; small variety store; sporting goods; tobacco shop; toys, games and crafts; traditional and costume jewelry; wall coverings and paint; women's casual apparel and accessories and other establishments of similar character.

- E. *Convenience Retail/Select Services.* Barbershops; cosmetologists, beauty shops; dance studio; dry cleaners and tailor shop; coin-operated laundry, locksmith service, pharmacy; physical fitness facility; shoe repair/shine; video rental, computer services and other establishments of similar character.
- F. Clubs and drinking establishments shall be allowed.
- G. Arcades, operated in conjunction with clubs or drinking establishments, shall be allowed.
- H. Entertainment or recreational uses.
- I. Publicly owned parking lots.
- J. Public parks and playgrounds, including public recreation or service buildings and publicly owned swimming pools.
- K. Publicly owned and operated community buildings, museums and libraries.
- L. Services limited to the practice of medicine, law, engineering, architecture, medical arts licensed by the State of Kansas, financial services, brokers, insurance and similar agents, consultants, counseling, photographers, printers and publishers, governmental activities, portal and parcel services, interior decorator, travel agencies and offices of all types are prohibited except under the following circumstances:
  - 1. Where the prior use of any building or tenant space was for an office use as indicated above, then the same building or tenant space may continue to be used for an office use regardless of the time the space was vacant.
  - 2. Where the prior use of the building or tenant space was for any permitted use in this Section except for offices or services, as outlined in 410.170(L), then a new office use shall only be permitted if the building or tenant space has been vacant for a minimum of three (3) months, and an administrative extension use permit has been approved by the Public Works Department. An application for an administrative extension use permit shall include a letter from the building owner indicating a desire to lease a tenant space to an office user, documentation including newspaper clippings of advertisements and evidence that signs

were posted in the windows of the tenant space for at least three (3) months prior to the application for the administrative extension use permit. The Public Works Department shall approve an administrative extension use permit if the submittal requirements outlined above have been satisfied, and it is determined that a good faith effort has been made to lease the tenant space to a retail tenant for at least three (3) months. Any denial of an application for an administrative extension use permit may be appealed by the building owner to the City Council.

- M. In addition to the uses listed above, the following uses are permitted above and below the ground floor level:
  - 1. Any use permitted in "C-O" with the exception of mortuaries.
  - 2. Residential units.
- N. Accessory uses customarily incident to the normal operation of these uses.

**Section 410.180 Height and Area Regulations.**

- A. The maximum height of buildings and provisions for yards shall be as follows, except as otherwise provided in Section **415.010**.
  - 1. Maximum height — not exceeding three (3) stories and/or forty-five (45) feet.
  - 2. Front build-to line — zero.
  - 3. *Side and rear yards.*
    - a. Where a side yard abuts a public street, the build-to line shall be zero.
    - b. For side yards not adjacent to a public street, the build-to line shall be zero at the front building line. Behind the front building line, there is no stated requirement.
    - c. No rear yard is required.

**Section 410.190 Parking Regulations.**

- A. No parking is required.
- B. No portion of any paved parking area that is hereafter constructed shall be permitted within six (6) feet of a street line or lot line.
- C. Any parking and loading provided on private property shall be paved, striped, contain landscaping and screening as required in Chapter **415**, Article **III**, Section **415.060** et seq., and surface water shall be handled in accordance with City standards.

- D. All parking setback areas shall be graded and planted with appropriate ground cover and landscaping. In addition, all parking setback areas adjacent to a public street shall include a low wall and/or hedge located at the right-of-way line for the entire length of the lot.
- E. On-street parking may be constructed where adequate right-of-way is available, subject to good traffic engineering design principles. Determination as to the appropriateness of on-street parking shall be determined at the time of downtown development plan approval.
- F. Section **425.020**, Minimum Space Requirements, does not apply to this zoning district.

**Section 410.200 Development Standards.**

- A. Drive-up, drive-through or drive-in service for any use is prohibited.
- B. The architectural style, materials and visual quality shall be in harmony with, but not necessarily the same as, adjacent existing buildings.
- C. Canopies extending over sidewalks and other pedestrian ways shall be provided where feasible and shall be designed as an integral part of the building and in keeping with any adjacent or nearby canopies to the end that continuous canopies throughout a block will eventually exist for the protection of the pedestrian public. Whether or not a canopy will be installed and its general design and dimensions shall be determined at the plan review stage.
- D. Where storefronts are aligned generally along or generally parallel to a street right-of-way line, no parking or other paved surface shall interrupt said building frontage except that pedestrian plazas, malls or walkways leading to the interior of block may be provided.
- E. All rooftop or ground-mounted mechanical equipment and any trash bins shall be permanently and securely screened by architectural materials harmonious with the building.
- F. Restaurants may have an outdoor service area that is accessory to the main restaurant function. The outdoor service area must be a well-defined space, designed and serviced to keep debris from blowing off the premises. Patrons must gain entrance through the main entrance to the restaurant, but at least one (1) exit must be provided for fire safety. The outdoor seating area may be located adjacent to the public street right-of-way, in which case the perimeter of the outdoor seating area shall be enclosed by a low wall and/or hedge located at the right-of-way line.
- G. The Planning Commission or City Council may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a non-public nature.
- H. Sales and consumption of cereal malt beverages or alcoholic liquor are prohibited except as follows:

1. Package liquor stores licensed with the State of Kansas and the City shall be allowed provided that the exterior walls of such establishment are at least two hundred (200) feet from the nearest property line of any hospital, school, church or library. For purposes of this Section, the term "*school*" shall mean any public, private or parochial learning facility for children in preschool through grade twelve (12) accredited by the State Board of Education or, where required, certified as a preschool by the Kansas Department of Health and Environment.
2. Food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed. A special use permit shall be required for clubs and drinking establishments within two hundred (200) feet of R-1, R-2, R-3, R-4, R-5, or R-6 zoned districts.
3. Package sales of cereal malt beverages not for consumption upon the premises shall be allowed.
4. All establishments listed above shall comply with the requirements contained in Chapters **600** and **605** of the Municipal Code, as applicable.
  - I. *Plan Approval.* Prior to the issuance of any building permit for development, redevelopment, alteration, replacement or repair site plan approval shall be obtained as provided for in Chapter **440**.

**Section 410.210 Performance Standards.**

- A. Establishment within this district shall be operated and maintained in conformance with the following standards:
  1. All buildings, signs and open spaces shall be continuously maintained in a clean, neat and uncluttered fashion.
  2. All merchandise or other products or equipment placed, displayed or kept outside a building shall not interfere or impede pedestrian traffic (including wheelchair traffic) and in no event extend into or on a street right-of-way.
  3. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
  4. All solid waste, trash or debris shall be kept in suitable covered containers until removed from the premises. Such containers shall be kept within the building or in an enclosure as required in Section **410.200(E)**.



SECTION 2. Chapter 445 of Title IV of the Municipal Code of the City of Mission is hereby amended to read as follows:

### Special Use Permits

#### Section 445.180 Designated Use.

A. The following uses may be located in any district with the issuance of a special use permit, except in those districts listed after each use, after a public hearing and upon recommendation of the Planning Commission and approval of the City Council and subject to such regulations, restrictions and conditions within the district and any other conditions of zoning or use so stipulated or imposed:

Use	Use To Be Excluded From Following Districts
Automobile parking lot properly landscaped, surfaced, drained and screened	Residential districts
Billboard signs	Residential districts
Cemeteries	"C-2A," "MS1," "MS2," "DND"
Dog kennel — veterinary	None
Electric power substations	None
Discount store or superstore	Residential districts
Hospital	Residential districts, "C-2A," "MS1," "MS2"
Motels and hotels	Residential districts
Nurseries	Residential districts
Nursing homes	None
Radio, television and microwave towers and antennae, and in cases where such devices cannot conform to height, area or other standards of Chapter 415	None
Refuse dump or land fill	Residential districts, "C-2A," "MS1," "MS2"
Reservoirs — underground	None
Sewage pumping stations	None
Water tanks	None

B. In addition, temporary use of land or building for a use that is not otherwise permitted for that premises provided such temporary use shall conform to the following conditions:

1. The use is temporary in nature and will not require major change or addition to an existing building or structure.

2. The use will not be offensive or damaging to surrounding properties by way of noise, traffic generation, commotion, storage of materials or equipment, or visual effects which are in contrast to and not in harmony with the surrounding neighborhood.
  3. The use can readily be terminated and any equipment, appurtenances and materials removed immediately upon expiration or repeal of the special use permit.
  4. No special use permit for a temporary use shall be valid for more than six (6) months but may be renewed by the same process as the original special use permit.
- C. The Planning Commission and City Council may designate such other uses as appropriate for a special use permit upon a finding that the use is appropriate in a certain location but is not listed as allowed in any district or is only allowed in a district which contains other uses inappropriate in this subject location.

**Section 445.190 Procedure For Special Use Permit Approval.**

- A. The procedure for applying for and approving a special use permit shall be as provided in Sections **440.010** through **440.140**.
- B. In considering any application for a special use permit, the Planning Commission and City Council may give consideration to the criteria listed in Section **440.140(E)** to the extent they are pertinent to the particular application.
- C. Special uses may be approved by action of the City Council after recommendation from the Planning Commission. Special uses may be approved with conditions including, but not limited to, the following:
  1. Requirements for special yards, open spaces, density, buffers, fences, walls and screening.
  2. The installation of landscaping and maintenance.
  3. Provisions for erosion control.
  4. Limitations on ingress and egress movements into and out of the site and traffic circulation.
  5. Limitation on signage.
  6. Limitation on hours of operation and other characteristics of operation.
  7. Conditions specifically listed under the individual special use.
  8. Other conditions deemed necessary to ensure compatibility with surrounding land uses.

Section 445.200 **(Reserved)**

Section 445.210 **Time.**

Special use permits may be for a specified period of time or continual except as provided in Section **445.230**.

Section 445.220 **Permits To Run With Use.**

Special use permits generally run with the use of the property, however, in certain instances, conditions may be added providing that the permit is valid only for a particular user or tenant. In such cases, said requirement must be clearly spelled out in the motion for approval.

Section 445.230 **Termination of Special Uses.**

- A. If a use allowed by a special use permit is discontinued by a period of time of more than six (6) months, then the special use permit shall expire.
- B. *Revocation Of Special Use Permits.* Any special use permit granted under the authority of this Chapter is subject to revocation for any or all of the following reasons:
  1. Non-compliance with any applicable requirement set forth in Section **445.190**.
  2. Non-compliance with any special conditions imposed at the time of approval of the special use permit.
  3. Violation of any provisions of the Code pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permittee or agents of the permittee.
  4. Where conditions in the neighborhood have changed to the extent that approval of the permit would be clearly unwarranted if being applied for at the time of revocation.
  5. Violation of any other applicable Code provisions or any State or Federal law or regulation by the permittee or agents of the permittee, provided that such violations relate to the conduct or activity authorized by the special use permit or the qualifications of the permittee or its agents to engage in such conduct or activity.
- C. *Procedure For Revocation.*
  1. Revocation proceedings may be initiated by a majority vote of the Governing Body.
  2. Unless the permittee and landowner agree in writing that the permit may be revoked, the Governing Body shall hold a public hearing to consider the revocation of the special use permit.

3. The City shall give the permittee and landowner notice of the scheduled revocation hearing at least five (5) days prior to the date scheduled for such hearing. If the permittee and landowner are present at the meeting of the Governing Body at which the revocation proceedings are initiated, no further notice shall be required; otherwise, notice shall be given by personal service or certified mail, return receipt requested. If the notice cannot be delivered or is not accepted, notice may be given by publishing a notice of hearing in the official City newspaper and by posting a notice of hearing on the property at least five (5) days prior to the date scheduled for the hearing.
4. At the hearing, City staff shall present the evidence known to the City which may justify revocation of the special use permit. Testimony may be presented by members of the City staff, Planning Commission or Governing Body, or by such other witnesses as may be called. Following the presentation of evidence, any person having relevant evidence may present such evidence to the Governing Body. The permittee, landowner or their attorney may pose questions to any person giving evidence under such conditions as may be imposed by the Mayor or Presiding Officer. Following the presentation of evidence by the City and any other persons, the permittee and landowner shall be entitled to present evidence or testimony of witnesses. Members of the Governing Body and City staff shall be allowed to pose questions to the permittee, landowner and any witnesses called on their behalf. Following the receipt of their evidence, the public hearing shall be closed. After closing the public hearing, the Governing Body may hear closing statements from the City staff and the permittee and landowner or their attorney. The Governing Body may render its decision following such closing statements or may take the matter under advisement.
5. No special use permit shall be revoked unless a majority of the Governing Body is satisfied by a preponderance of the evidence that grounds for revocation exist. Any motion for the revocation of a special use permit shall clearly state the grounds for revocation. In addition, where the basis for revocation is "changed conditions" pursuant to Subsection **(B)(4)** of this Section, revocation may only occur upon an explicit finding that revocation is necessary for the protection of the public health, safety and welfare. Adoption of any motion to revoke a special use permit may be made subject to subsequent adoption of written findings of fact and conclusions of law at the discretion of the Governing Body.
6. An appeal of any decision of the Governing Body to revoke a special use permit may be filed in the District Court of Johnson County, Kansas. Any appeal taken shall not suspend the order of revocation during the pendency of the appeal unless so ordered by the District Court.

SECTION 3. Section 600.020 of Chapter 600 of Title VI of the Municipal Code of the City of Mission is hereby amended to read as follows:

Section 600.020 Restriction On Location.

A. No alcoholic liquor or cereal malt beverage shall be sold or served by a person holding a license or permit from the City whose place of business or other premises are located within two hundred (200) feet of any public or parochial school, college, church, nursing home, library or hospital except that if any such school, college, church, nursing home, library or hospital is established within two (200) feet of any licensed premises after the premises have been licensed, the premises shall be an eligible location for retail licensing; said distance to be measured from the nearest property line of such church, school, nursing home, library or hospital to the nearest portion of the building occupied by the premises.

B. No license or permit shall be issued for the sale of alcoholic liquor or cereal malt beverage if the building or use does not meet the zoning ordinance requirements of the City or conflicts with other City laws, including Building and Health Codes.

C. No alcoholic liquor shall be sold at retail upon any premises which have an inside entrance or opening which connects with any other place of business.

SECTION 4. This Ordinance shall take effect and be in force from and after its publication in the official City newspaper.

PASSED by the City Council this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

APPROVED by the Mayor this \_\_\_\_ day of \_\_\_\_\_, 202\_\_.

\_\_\_\_\_  
Solana Flora, Mayor

\_\_\_\_\_  
Robyn Fulks, City Clerk

APPROVED AS TO FORM ONLY:

\_\_\_\_\_  
David K. Martin, City Attorney



Article V  
"MS1" Main Street District 1

Section 410.160 **Statement of Intent.**

[Ord. No. 1091 §§1 — 3(App. A §410.160), 9-24-2003; Ord. No. 1188 §2, 12-14-2005]

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

Section 410.170 **Permitted Uses.**

[Ord. No. 1091 §§1 — 3(App. A §410.170), 9-24-2003; Ord. No. 1188 §3, 12-14-2005]

- A. *Prepared Food.* Restaurants (excluding those with drive-through facilities), sandwich shops, bistros, coffee houses, delis, bakeries, candy/ice cream/yogurt shops, ~~ethnic foods (i.e. Italian, Greek, Chinese, Mexican, etc.)~~ and other establishments of similar character.
- B. *Food For Home.* Convenience store, green grocer, gourmet grocer, health foods, meat/fish market and wine/liquor shops and other establishments of similar character.
- C. *Entertainment.* Entertainment in restaurants (i.e., piano player, guitarist, small combos, dancing, etc.), movie theater and other establishments of similar character.
- D. *Specialty Retail.* Antiques; appliances; art galleries, framing and supplies; bike shop; books; camera and photo supplies; casual apparel and accessories; children's apparel; computers/software; florist; gifts, stationary and cards; hardware; home decorating products and design services; men's apparel; music (recorded and sheet); newsstand; office and school supplies; optical products; radio/TV/electronics; sewing supplies; shoes, dress and casual; small variety store; sporting goods; tobacco shop; toys, games and crafts; traditional and costume jewelry; wall coverings and paint; women's casual apparel and accessories and other establishments of similar character.
- E. *Convenience Retail/Select Services.* Barbershops; cosmetologists, beauty shops; dance studio; dry cleaners and tailor shop; coin-operated laundry, locksmith service, pharmacy;

physical fitness facility; shoe repair/shine; video rental, computer services and other establishments of similar character.

- F. Clubs and drinking establishments shall be allowed ~~after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq.~~
- G. Arcades, operated in conjunction with clubs or drinking establishments, shall be allowed ~~after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq.~~
- H. Entertainment or recreational uses, ~~but excluding those that require a special use permit.~~
- I. Publicly owned parking lots.
- J. Public parks and playgrounds, including public recreation or service buildings and publicly owned swimming pools.
- K. Publicly owned and operated community buildings, museums and libraries.
- L. Services limited to the practice of medicine, law, engineering, architecture, medical arts licensed by the State of Kansas, financial services, brokers, insurance and similar agents, consultants, counseling, photographers, printers and publishers, governmental activities, portal and parcel services, interior decorator, travel agencies and offices of all types are prohibited except under the following circumstances:
  - 1. Where the prior use of any building or tenant space was for an office use as indicated above, then the same building or tenant space may continue to be used for an office use regardless of the time the space was vacant.
  - 2. Where the prior use of the building or tenant space was for any permitted use in this Section except for offices or services, as outlined in 410.170(L), then a new office use shall only be permitted if the building or tenant space has been vacant for a minimum of three (3) months, and an administrative extension use permit has been approved by the Public Works Department. An application for an administrative extension use permit shall include a letter from the building owner indicating a desire to lease a tenant space to an office user, documentation including newspaper clippings of advertisements and evidence that signs were posted in the windows of the tenant space for at least three (3) months prior to the application for the administrative extension use permit. The Public Works Department shall approve an administrative extension use permit if the submittal requirements outlined above have been satisfied, and it is determined that a good faith effort has been made to lease the tenant space to a retail tenant for at least three (3) months. Any denial of an application for an administrative extension use permit may be appealed by the building owner to the City Council.

M. In addition to the uses listed above, the following uses are permitted above and below the ground floor level:

1. Any use permitted in "C-O" with the exception of mortuaries.
2. Residential units.

N. Accessory uses customarily incident to the normal operation of these uses.

**Section 410.180 Height and Area Regulations.**

**[Ord. No. 1091 §§1 — 3(App. A §410.180), 9-24-2003; Ord. No. 1188 §4, 12-14-2005]**

A. The maximum height of buildings and provisions for yards shall be as follows, except as otherwise provided in Section **415.010**.

1. Maximum height — not exceeding three (3) stories and/or forty-five (45) feet.
2. Front build-to line — zero.
3. *Side and rear yards.*
  - a. Where a side yard abuts a public street, the build-to line shall be zero.
  - b. For side yards not adjacent to a public street, the build-to line shall be zero at the front building line. Behind the front building line, there is no stated requirement.
  - c. No rear yard is required.

**Section 410.190 Parking Regulations.**

**[Ord. No. 1091 §§1 — 3(App. A §410.190), 9-24-2003; Ord. No. 1188 §5, 12-14-2005]**

- A. No parking is required.
- B. No portion of any paved parking area that is hereafter constructed shall be permitted within six (6) feet of a street line or lot line.
- C. Any parking and loading provided on private property shall be paved, striped, contain landscaping and screening as required in Chapter **415**, Article **III**, Section **415.060** et seq., and surface water shall be handled in accordance with City standards.
- D. All parking setback areas shall be graded and planted with appropriate ground cover and landscaping. In addition, all parking setback areas adjacent to a public street shall include a low wall and/or hedge located at the right-of-way line for the entire length of the lot.
- E. On-street parking may be constructed where adequate right-of-way is available, subject to good traffic engineering design principles. Determination as to the appropriateness of on-

street parking shall be determined at the time of downtown development plan approval.

- F. Section **425.020**, Minimum Space Requirements, does not apply to this zoning district.

Section 410.200 **Development Standards.**

**[Ord. No. 1091 §§1 — 3(App. A §410.200), 9-24-2003; Ord. No. 1304 §15, 10-21-2009]**

- A. Drive-up, drive-through or drive-in service for any use is prohibited.
- B. The architectural style, materials and visual quality shall be in harmony with, but not necessarily the same as, adjacent existing buildings.
- C. Canopies extending over sidewalks and other pedestrian ways shall be provided where feasible and shall be designed as an integral part of the building and in keeping with any adjacent or nearby canopies to the end that continuous canopies throughout a block will eventually exist for the protection of the pedestrian public. Whether or not a canopy will be installed and its general design and dimensions shall be determined at the plan review stage.
- D. Where storefronts are aligned generally along or generally parallel to a street right-of-way line, no parking or other paved surface shall interrupt said building frontage except that pedestrian plazas, malls or walkways leading to the interior of block may be provided.
- E. All rooftop or ground-mounted mechanical equipment and any trash bins shall be permanently and securely screened by architectural materials harmonious with the building.
- F. Restaurants may have an outdoor service area that is accessory to the main restaurant function. The outdoor service area must be a well-defined space, designed and serviced to keep debris from blowing off the premises. Patrons must gain entrance through the main entrance to the restaurant, but at least one (1) exit must be provided for fire safety. The outdoor seating area may be located adjacent to the public street right-of-way, in which case the perimeter of the outdoor seating area shall be enclosed by a low wall and/or hedge located at the right-of-way line.
- G. The Planning Commission or City Council may require assurance of the financial and administrative ability of any agency created by a developer for the purpose of maintaining common open space and facilities of a non-public nature.
- H. Sales and consumption of cereal malt beverages or alcoholic liquor are prohibited except as follows:
  - 1. Package liquor stores licensed with the State of Kansas and the City shall be allowed provided that the exterior walls of such establishment are at least two hundred (200) feet from the nearest property line of any hospital, school, church or library. For purposes of this Section, the term "*school*" shall mean any public, private or parochial learning facility for

children in preschool through grade twelve (12) accredited by the State Board of Education or, where required, certified as a preschool by the Kansas Department of Health and Environment.

2. Food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed ~~where the sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment, provided that the exterior walls of clubs and drinking establishments are at least two hundred (200) feet from the nearest residentially zoned property line.~~ A special use permit shall be required for clubs and drinking establishments within two hundred (200) feet of R-1, R-2, R-3, R-4, R-5, R-6 residentially zoned property districts.
3. Package sales of cereal malt beverages not for consumption upon the premises shall be allowed.
4. All establishments listed above shall comply with the requirements contained in Chapters **600** and **605** of the Municipal Code, as applicable.
  - I. *Plan Approval.* Prior to the issuance of any building permit for development, redevelopment, alteration, replacement or repair site plan approval shall be obtained as provided for in Chapter **440**.

**Section 410.210 Performance Standards.**

**[Ord. No. 1091 §§1 — 3(App. A §410.210), 9-24-2003; Ord. No. 1188 §6, 12-14-2005]**

- A. Establishment within this district shall be operated and maintained in conformance with the following standards:
  1. All buildings, signs and open spaces shall be continuously maintained in a clean, neat and uncluttered fashion.
  2. All merchandise or other products or equipment placed, displayed or kept outside a building shall not interfere or impede pedestrian traffic (including wheelchair traffic) and in no event extend into or on a street right-of-way.
  3. No smoke, radiation, vibration or concussion, heat or glare shall be produced that is perceptible outside a building, and no dust, fly ash or gas that is toxic, caustic or obviously injurious to humans or property shall be produced.
  4. All solid waste, trash or debris shall be kept in suitable covered containers until removed from the premises. Such containers shall be kept within the building or in an enclosure as required in Section **410.200(E)**.



# Chapter 445

## Building Permits, Special Use Permits and Certificate of Occupancy

Article I  
(Reserved)

Article II  
(Reserved)

Section 445.010 through Section 445.170. (Reserved)

### Article III Special Use Permits

Section 445.180 Designated Use.

**[Ord. No. 1007 §16-220.01, 1-24-2001; Ord. No. 1013 §1, 6-27-2001; Ord. No. 1045 §16-220.01, 8-14-2002; Ord. No. 1091 §§1 — 3(App. A §445.180), 9-24-2003; Ord. No. 1124 §26, 8-25-2004; Ord. No. 1456 § 15, 4-19-2017]**

- A. The following uses may be located in any district with the issuance of a special use permit, except in those districts listed after each use, after a public hearing and upon recommendation of the Planning Commission and approval of the City Council and subject to such regulations, restrictions and conditions within the district and any other conditions of zoning or use so stipulated or imposed:

**Commented [1]:** Editor's Note — Ord. no. 1304 §132, adopted October 21, 2009, repealed sections 445.010 — 445.080 of art. I dealing with "building or land use permit" and sections 445.090 — 445.170 of art. II "building permits" in their entirety. Former sections 445.010 — 445.170 derived from ord. no. 1007 §§16-230.01 — 16-230.04, 16-230.06 — 16-230.09, 16-401 — 16-409, 1-24-01; ord. no. 1091 §§1 — 3(App. A §§445.010 — 445.170), 9-24-03; ord. no. 1124 §§16 — 23, 25, 8-25-04; ord. no. 1146 §§1 — 4, 1-12-05; ord. no. 1260 §§17 — 18, 5-21-08. At the editor's discretion, these sections have been reserved for the city's future use.

Use	Use To Be Excluded From Following Districts
Automobile parking lot properly landscaped, surfaced, drained and screened	Residential districts
Billboard signs	Residential districts
Cemeteries	"C-2A," "MS1," "MS2," "DND"
Dog kennel — veterinary	None
Electric power substations	None
Discount store or superstore	Residential districts
Hospital	Residential districts, "C-2A," "MS1," "MS2"
Motels and hotels	Residential districts
Nurseries	Residential districts
Nursing homes	None
Radio, television and microwave towers and antennae,	None

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Use	Use To Be Excluded From Following Districts
and in cases where such devices cannot conform to height, area or other standards of Chapter 415	
<del>Clubs, private where alcoholic beverages are consumed on the premises. These include taverns, beer halls, discotheques, dance clubs and the like</del>	<del>Residential districts</del>
Refuse dump or land fill	Residential districts, "C-2A," "MS1," "MS2"
Reservoirs — underground	None
Sewage pumping stations	None
Water tanks	None

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- B. In addition, temporary use of land or building for a use that is not otherwise permitted for that premises provided such temporary use shall conform to the following conditions:
1. The use is temporary in nature and will not require major change or addition to an existing building or structure.
  2. The use will not be offensive or damaging to surrounding properties by way of noise, traffic generation, commotion, storage of materials or equipment, or visual effects which are in contrast to and not in harmony with the surrounding neighborhood.
  3. The use can readily be terminated and any equipment, appurtenances and materials removed immediately upon expiration or repeal of the special use permit.
  4. No special use permit for a temporary use shall be valid for more than six (6) months but may be renewed by the same process as the original special use permit.
- C. The Planning Commission and City Council may designate such other uses as appropriate for a special use permit upon a finding that the use is appropriate in a certain location but is not listed as allowed in any district or is only allowed in a district which contains other uses inappropriate in this subject location.

**Section 445.190 Procedure For Special Use Permit Approval.**  
**[Ord. No. 1091 §§1 — 3(App. A §445.190), 9-24-2003; Ord. No. 1124 §27, 8-25-2004]**

- A. The procedure for applying for and approving a special use permit shall be as provided in Sections 440.010 through 440.140.
- B. In considering any application for a special use permit, the Planning Commission and City Council may give consideration to the criteria listed in Section 440.140(E) to the extent they are pertinent to the particular application.

C. Special uses may be approved by action of the City Council after recommendation from the Planning Commission. Special uses may be approved with conditions including, but not limited to, the following:

1. Requirements for special yards, open spaces, density, buffers, fences, walls and screening.
2. The installation of landscaping and maintenance.
3. Provisions for erosion control.
4. Limitations on ingress and egress movements into and out of the site and traffic circulation.
5. Limitation on signage.
6. Limitation on hours of operation and other characteristics of operation.
7. Conditions specifically listed under the individual special use.
8. Other conditions deemed necessary to ensure compatibility with surrounding land uses.

Section 445.200 (Reserved)

Section 445.210 Time.

[Ord. No. 1007 §16-220.04, 1-24-2001; Ord. No. 1045 §16-220.04, 8-14-2002; Ord. No. 1091 §§1 — 3(App. A §445.210), 9-24-2003; Ord. No. 1124 §28, 8-25-2004]

Special use permits may be for a specified period of time or continual except as provided in Section 445.230.

Section 445.220 Permits To Run With Use.

[Ord. No. 1007 §16-220.05, 1-24-2001; Ord. No. 1045 §16-220.05, 8-14-2002; Ord. No. 1091 §§1 — 3(App. A §445.220), 9-24-2003]

Special use permits generally run with the use of the property, however, in certain instances, conditions may be added providing that the permit is valid only for a particular user or tenant. In such cases, said requirement must be clearly spelled out in the motion for approval.

Section 445.230 Termination of Special Uses.

[Ord. No. 1091 §§1 — 3(App. A §445.230), 9-24-2003]

- A. If a use allowed by a special use permit is discontinued by a period of time of more than six (6) months, then the special use permit shall expire.
- B. *Revocation Of Special Use Permits.* Any special use permit granted under the authority of this Chapter is subject to revocation for any or all of the following reasons:
  1. Non-compliance with any applicable requirement set forth in Section 445.190.

**Commented [2]:** Editor's Note — Ord. no. 1188 §18, adopted December 14, 2005, repealed section 445.200 "short-term special use permits". Former section 445.200 derived from ord. no. 1007 §16-220.03, 1-24-01; ord. no. 1045 § 16-220.03, 8-14-02; ord. no. 1091 §§1 — 3(app. a §445.200), 9-24-03. A new chapter 611 "temporary event permit" was enacted by ord. no. 1187 §1, 12-14-05.

2. Non-compliance with any special conditions imposed at the time of approval of the special use permit.
3. Violation of any provisions of the Code pertaining to the use of the land, construction or uses of buildings or structures or activities conducted on the premises by the permittee or agents of the permittee.
4. Where conditions in the neighborhood have changed to the extent that approval of the permit would be clearly unwarranted if being applied for at the time of revocation.
5. Violation of any other applicable Code provisions or any State or Federal law or regulation by the permittee or agents of the permittee, provided that such violations relate to the conduct or activity authorized by the special use permit or the qualifications of the permittee or its agents to engage in such conduct or activity.

C. *Procedure For Revocation.*

1. Revocation proceedings may be initiated by a majority vote of the Governing Body.
2. Unless the permittee and landowner agree in writing that the permit may be revoked, the Governing Body shall hold a public hearing to consider the revocation of the special use permit.
3. The City shall give the permittee and landowner notice of the scheduled revocation hearing at least five (5) days prior to the date scheduled for such hearing. If the permittee and landowner are present at the meeting of the Governing Body at which the revocation proceedings are initiated, no further notice shall be required; otherwise, notice shall be given by personal service or certified mail, return receipt requested. If the notice cannot be delivered or is not accepted, notice may be given by publishing a notice of hearing in the official City newspaper and by posting a notice of hearing on the property at least five (5) days prior to the date scheduled for the hearing.
4. At the hearing, City staff shall present the evidence known to the City which may justify revocation of the special use permit. Testimony may be presented by members of the City staff, Planning Commission or Governing Body, or by such other witnesses as may be called. Following the presentation of evidence, any person having relevant evidence may present such evidence to the Governing Body. The permittee, landowner or their attorney may pose questions to any person giving evidence under such conditions as may be imposed by the Mayor or Presiding Officer. Following the presentation of evidence by the City and any other persons, the permittee and landowner shall be entitled to present evidence or testimony of witnesses. Members of the Governing Body and City staff shall be allowed to pose questions to the permittee, landowner and any witnesses called on their behalf.

Following the receipt of their evidence, the public hearing shall be closed. After closing the public hearing, the Governing Body may hear closing statements from the City staff and the permittee and landowner or their attorney. The Governing Body may render its decision following such closing statements or may take the matter under advisement.

5. No special use permit shall be revoked unless a majority of the Governing Body is satisfied by a preponderance of the evidence that grounds for revocation exist. Any motion for the revocation of a special use permit shall clearly state the grounds for revocation. In addition, where the basis for revocation is "changed conditions" pursuant to Subsection **(B)(4)** of this Section, revocation may only occur upon an explicit finding that revocation is necessary for the protection of the public health, safety and welfare. Adoption of any motion to revoke a special use permit may be made subject to subsequent adoption of written findings of fact and conclusions of law at the discretion of the Governing Body.
6. An appeal of any decision of the Governing Body to revoke a special use permit may be filed in the District Court of Johnson County, Kansas. Any appeal taken shall not suspend the order of revocation during the pendency of the appeal unless so ordered by the District Court.



**NEW BUSINESS AGENDA ITEM:** X

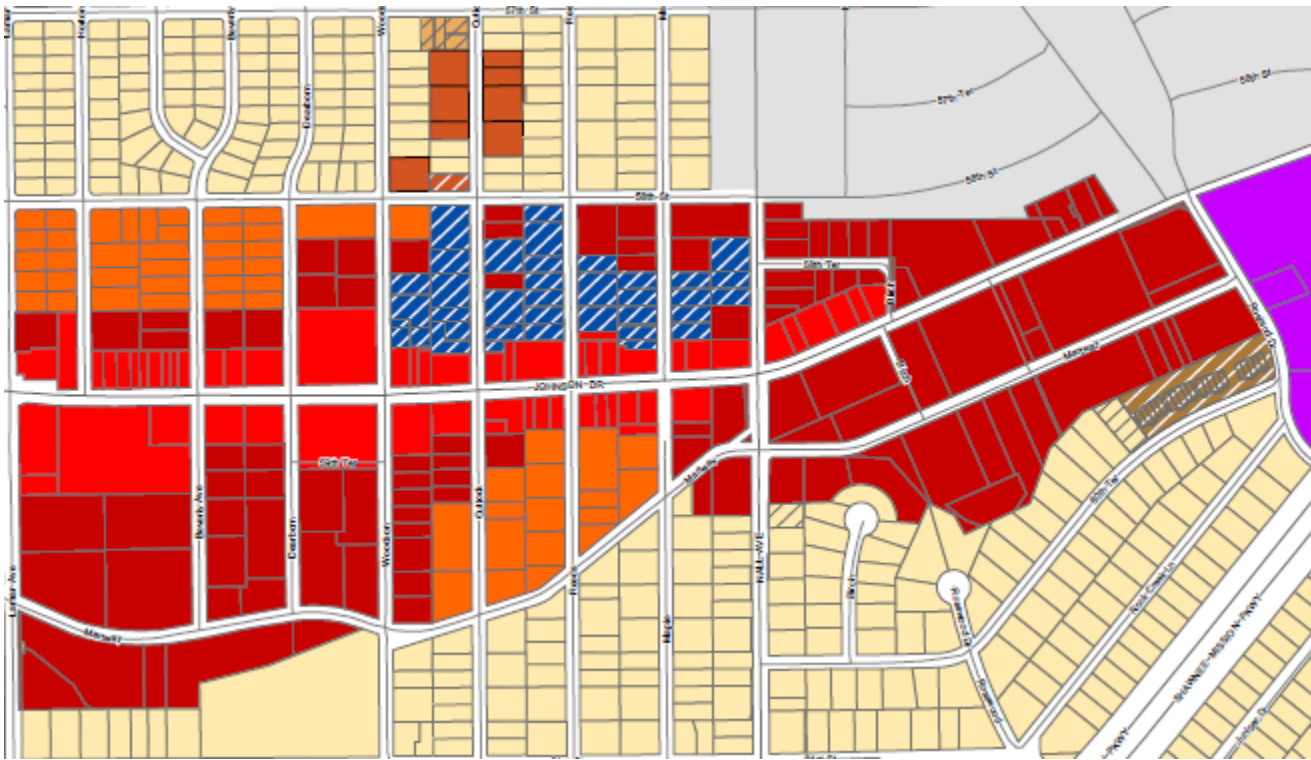
**PROJECT NUMBER / TITLE:** Case #22-35

**REQUEST:** Amendment to Current Provisions of the MS-1 Zoning District as They Pertain to Special Use Permits for Clubs and Drinking Establishments

**LOCATION:** MS-1 Zoned Properties Along Johnson Drive

**APPLICANT:** City of Mission  
6090 Woodson  
Mission, KS 66202

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



MS-1 Zoning District is Indicated by the Bright Red Highlighted Parcels.

**Background:**

The Main Street 1 (“MS-1”) zoning district includes those properties that front Johnson Drive from Lamar Avenue east to Birch Street; what is essentially the Johnson Drive downtown corridor. The intent of the “MS-1” zoning as stated in Section 410.160 of Mission Municipal Code is:

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

Permitted uses within the "MS-1" zoning district include, but are not limited to:

- **Restaurants** (excluding those with drive-through facilities), sandwich shops, bistros, coffee houses, delis, bakeries, candy/ice cream/yogurt shops, ethnic foods (i.e. Italian, Greek, Chinese, Mexican, etc.) and other establishments of similar character.
- **Entertainment in restaurants** (i.e., piano player, guitarist, small combos, dancing, etc.), movie theater and other establishments of similar character.
- **Clubs and drinking establishments** shall be allowed after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq. (emphasis added).
- **Arcades** operated in conjunction with clubs or drinking establishments, shall be allowed after issuance of a special use permit as prescribed in Chapter 445, Article III, Section 445.180 et seq.(emphasis added).

(Section 410.170 of the Mission Municipal Code)

Development standards within the "MS-1" zoning district dictate:

Sales and consumption of cereal malt beverages or alcoholic liquor are prohibited except as follows:

1. Package liquor stores licensed with the State of Kansas and the City shall be allowed provided that the exterior walls of such establishment are at least two hundred (200) feet from the nearest property line of any hospital, school, church or library. For purposes of this Section, the term "school" shall mean any public, private or parochial learning facility for children in preschool through grade twelve (12) accredited by the State Board of Education or, where required, certified as a preschool by the Kansas Department of Health and Environment.
2. Food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed where the sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income for the establishment, provided that the exterior walls of clubs and drinking establishments are at least two hundred (200) feet from the nearest residentially zoned property line. A special use permit shall be required for clubs and



drinking establishments within two hundred (200) feet of residentially zoned property (emphasis added).

3. Package sales of cereal malt beverages not for consumption upon the premises shall be allowed.
4. All establishments listed above shall comply with the requirements contained in Chapters **600** and **605** of the Municipal Code, as applicable.  
(Section 410.200 of the Mission Municipal Code)

### **Analysis:**

The language in these sections is conflicting and has led to some confusion amongst staff in the application of the zoning code. Section 410.170 states that clubs and drinking establishments are only permitted in the “MS-1” zoning district after a special use permit has been issued, while Section 410.200 states that a special use permit is only required if a club or drinking establishment is within 200 feet of residentially zoned property. The Section 445.180 of the code pertaining to special use permits states only clubs need a special use permit. It is silent to drinking establishments.

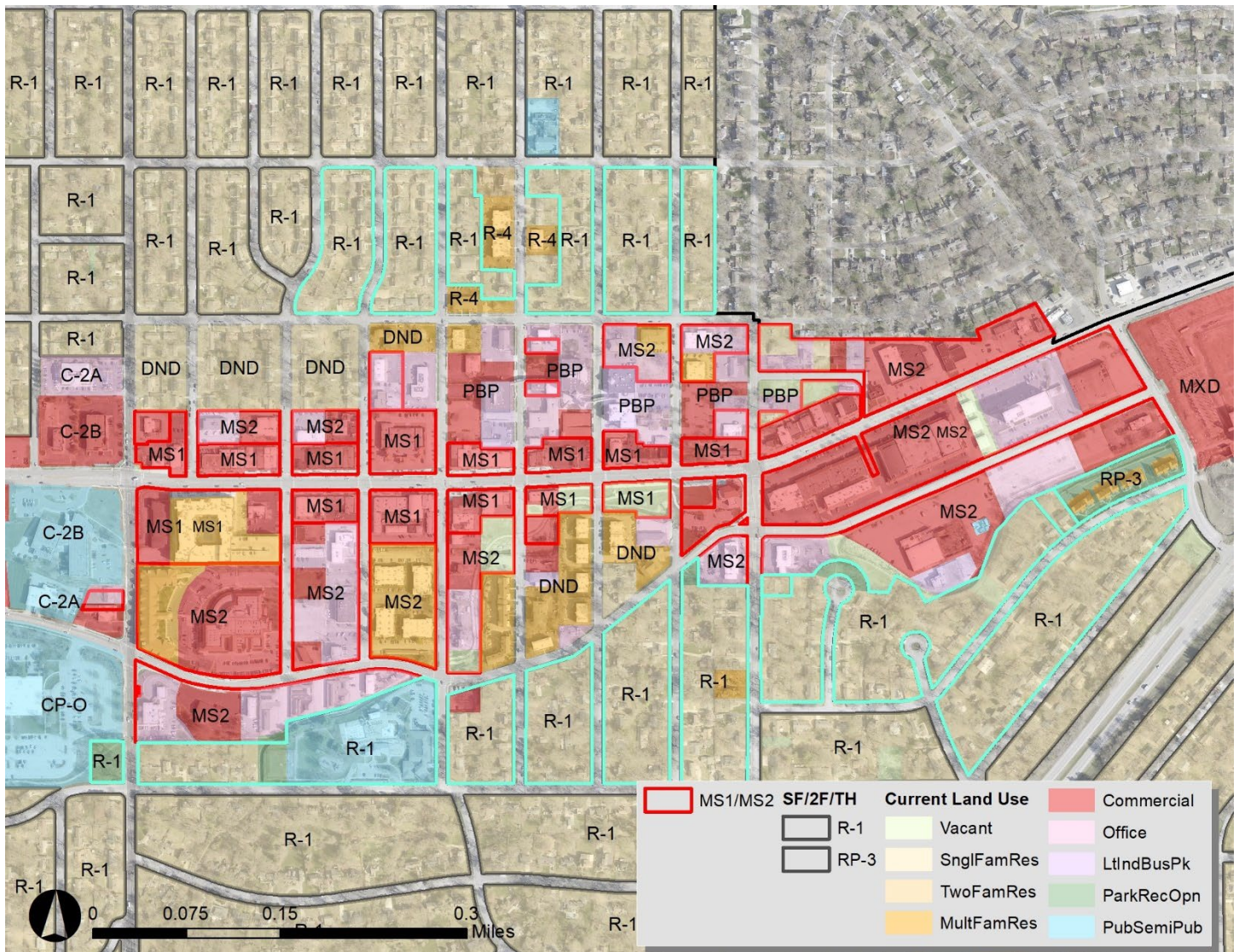
In addition, if a special use permit is required for a club or drinking establishments within 200 feet of a residentially zoned property, would one be required if within 200 feet of The Locale or other apartment buildings located in downtown?

Furthermore, the language pertaining to “food service establishments serving cereal malt beverages and clubs or drinking establishments serving alcoholic liquor shall be allowed where the sales of food for consumption on the premises exceeds thirty percent (30%) of the annual gross income” ties back to a requirement of Johnson County that was repealed by the voters a few years ago.

Staff is proposing an amendment to the zoning code that would eliminate the requirement for clubs and drinking establishments to have a special use permit unless they are within 200 feet of specifically designated residential zones, those being R-1 through R-6. This will preserve the original intent for a special use permit for drinking establishments near residential property, that being to control some of the disruptive and disorderly activity that is sometimes associated with such uses. By clearly defining which residentially zoned district, we take away some of the ambiguity around apartment buildings and residential property within the MS-1 or MS-2 zoning districts.

It should be noted that staff has specifically not included the Downtown Neighborhood District (“DND”) zoning district in the list of residential zoned districts where a special use permit would be required if within 200 feet. The reasoning for this is that the “DND” zoning is intended to be a transition zone from the more active MS-1 and MS-2 zoning districts in the downtown area to the less active residential areas further away. By its very nature, it is expected that a club or drinking establishment may be within 200 feet of a “DND” zoned property.

It should also be noted that because the Main Street 2 (“MS-2”) zoning district mirrors many of the same permitted uses and standards as the “MS-1”, these proposed changes will also be applicable to the “MS-2” zoning district.



The map above shows the downtown area of Mission with the MS-1 and MS-2 zoning. Where the MS-1 and MS-2 zoning districts abuts an R-1 or RP-3 (Roeland Drive Townhomes) zoning district, a special use permit would be required if within 200 feet of that residentially zoned area. However, where the MS-1 or MS-2 zoning district abuts a DND zoned district, a special use permit would not be required.

The proposed amendment will also remove the requirement that at least 30% of gross income be derived from food sales. This will place the city in-line with Johnson County requirements.

A public hearing has been scheduled for the Planning Commission at their November 28th meeting to take any public comment on the proposed amendment change. After the public hearing, the Planning Commission will vote on the proposed zoning code amendment. If recommended for approval, then it will appear on the December 21st City Council agenda as a Planning Commission Action Item for consideration.



There are two special use permits currently in place for drinking establishments. If the proposed zoning amendments are approved, these special use permits will become null and void. Action may be taken up by the Council at a later date to revoke these permits.

**Recommendation:**

Staff recommends that the Planning Commission recommend to the City Council approval of the proposed amendments to the MS-1 zoning as they pertain to the drinking establishments. Case #22-35

**Planning Commission Action:**

This item will be considered by the Planning Commission at their November 28, 2022 meeting.

**City Council Action:**

This item will be considered by the City Council at their December 21, 2022 meeting

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<b>City of Mission</b>	Item Number:	7a.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Administration</b>	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

**RE:** Ordinance Adopting the 2023 Budget for the City of Mission, Kansas

**RECOMMENDATION:** Approve an ordinance adopting the 2023 Budget of the City of Mission, Kansas.

**DETAILS:** As part of the annual budget process, the City takes formal action to adopt the 2023 Budget by ordinance. This ordinance represents one of two ordinances that are considered each December to finalize the City's annual budget and to provide expenditure authority.

There are no changes to the 2023 Budget approved by the City Council in September 2022.

**CFAA CONSIDERATIONS/IMPACTS:** N/A

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA



**CITY OF MISSION**

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE ADOPTING THE 2023 BUDGET OF THE CITY OF MISSION, KANSAS.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

SECTION 1. Adoption of Budget. The City of Mission hereby adopts its budget for the year 2023. Copies of said budget shall be open for inspection in the office of the City Clerk during business hours. Upon filing of the budget with the County Clerk of Johnson County, Kansas, said budget shall constitute an appropriation for each fund, and the appropriation thus made shall not be used for any other purpose, pursuant to K.S.A. 79-2934.

SECTION 2. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval, and publication in the official City newspaper, all as provided by law.

PASSED BY THE CITY COUNCIL this 21st day of December 2022.

APPROVED BY THE MAYOR this 21st day of December 2022.

\_\_\_\_\_  
Solana Flora, Mayor

(SEAL)

Attest:

\_\_\_\_\_  
Robyn L. Fulks, City Clerk

<b>City of Mission</b>	Item Number:	7b.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Administration</b>	From:	Laura Smith

Action items require a vote to recommend the item to full City Council for further action.

**RE:** Authorization to Spend According to the Approved 2023 Annual Budget.

**RECOMMENDATION:** Approve an ordinance authorizing the City Administrator to make expenditures in accordance with the adopted 2023 Annual Budget.

**DETAILS:** As part of the annual budget process, the City Council takes formal action in December to authorize and direct the City Administrator to spend according to the adopted budget and in compliance with City Council Policy 102.

The attached ordinance will authorize the City Administrator to spend in accordance with the approved annual budget.

**CFAA CONSIDERATIONS/IMPACTS:** N/A

Related Statute/City Ordinance:	City Council Policy 102
Line Item Code/Description:	NA
Available Budget:	NA



**CITY OF MISSION**

**ORDINANCE NO. \_\_\_\_**

**AN ORDINANCE AUTHORIZING EXPENDITURES BY THE CITY ADMINISTRATOR FROM THE 2023 BUDGET.**

BE IT ORDAINED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

SECTION 1. Grant of Authority. The City Administrator is hereby authorized to make expenditures from the 2023 City Budget as adopted by Resolution Numbers 1123, 1126 and 1132 pursuant to and in accordance with City Council Policy Number 102, as from time to time amended. Copies of said Policy shall be open for inspection in the office of the City Clerk during business hours.

SECTION 2. Take Effect. This Ordinance shall be in full force and effect from and after its passage, approval and publication in the official City newspaper, all as provided by law.

PASSED BY THE CITY COUNCIL this 21st day of December 2022.

APPROVED BY THE MAYOR this 21st day of December 2022.

\_\_\_\_\_  
Solana Flora, Mayor

(SEAL)

Attest:

\_\_\_\_\_  
Robyn L. Fulks, City Clerk

<b>City of Mission</b>	Item Number:	7c.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Administration</b>	From:	Brian Scott

Action items require a vote to recommend the item to full City Council for further action.

**RE:** Amendment to the 2022 Adopted Budget

**RECOMMENDATION:** Approve the resolution to amend the maximum budget authority for expenditures in the Tax Increment Financing (TIF) Fund and the Street Sales Tax Fund for the 2022 Budget.

**DETAILS:** The adopted annual budget establishes the maximum, authorized budget expenditure for each fund for that particular fiscal year. Exceeding these expenditures without formally amending the budget is a violation of the Kansas statutes pertaining to municipal budgeting (K.S.A. 79-2929(a)). Furthermore, state laws require that a public hearing be held when amending the budget. A public hearing has been scheduled for the City Council legislative meeting on December 21st, and the attached notice was published in The Legal Record on December 6, 2022.

The budget amendment is not the result of unanticipated or unauthorized expenditures, but rather results from additional revenues realized and increased costs for capital projects.

Property tax increment received was higher than what had been budgeted in the TIF Fund. The increment is contractually due to the developer to help reimburse for certain development costs. The additional expenditure is offset by the additional revenues.

Bids for the 2022 street preservation program, funded from the Street Sales Tax Fund, were higher than initially anticipated. This was due to the rising cost of construction that is being experienced across the nation. The City was able to offset these costs by utilizing additional fund balance and taking advantage of the higher sales tax (3/8-cent versus 1/4-cent) that was renewed by Mission voters in September of 2021 (effective March of 2022).

The budget amendment is established through the attached resolution and will increase the expenditure authority in the 2022 Budget for the TIF Fund from \$716,000 to \$785,000, a difference of \$69,000. The budget authority for the Street Sales Tax Fund will increase from \$1,524,300 to \$1,700,000, a difference of approximately \$175,000.

**CFAA:** N/A

Related Statute/City Ordinance:	K.S.A. 79-2929(a)
Line Item Code/Description:	TIF Fund and Street Sales Tax Fund
Available Budget:	TIF Fund - \$785,000 and Street Sales Tax Fund - \$1,700,000

**CITY OF MISSION**

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY OF MISSION, KANSAS AMENDING THE MAXIMUM BUDGET EXPENDITURE AUTHORITY FOR THE 2022 BUDGET FOR THE TAX INCREMENT FINANCING (TIF) FUND AND THE STREET SALES TAX FUND**

**WHEREAS**, the Tax Increment Financing (TIF) Fund is used to account for property and sales tax increment generated from the development projects that is contractually due to the developer to reimburse for certain development and construction costs; and

**WHEREAS**, the Street Sales Tax Fund is used to account for funds expended for major street projects (infrastructure) in the city; and

**WHEREAS**, revenues and expenditures can be difficult to anticipate when the original budget is adopted; and

**WHEREAS**, the proposed amendments are not the result of any unexpected or unauthorized expenditures, and expenditures will not exceed the funds available to pay for the expenditures; and

**WHEREAS**, in accordance with state law, the City of Mission conducted a public hearing and has prepared the necessary documents to amend the 2022 Budget to increase the maximum expenditure limits in the Capital Improvement Fund.

**NOW THEREFORE BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MISSION:**

**Section 1.** That the maximum expenditure authority in the 2022 Budget for the following fund has been established as:

TIF Fund:	\$ 785,000
Street Sales Tax Fund	\$1,700.000

**PASSED AND APPROVED BY THE CITY COUNCIL** this 21st day of December 2022.

**APPROVED BY THE MAYOR** this 21st day of December 2022.

\_\_\_\_\_  
Solana Flora, Mayor

ATTEST:

\_\_\_\_\_  
Robyn L. Fulks, City Clerk



**Notice of Budget Hearing for Amending the  
2022 Budget**

The governing body of

**City of Mission**

will meet on the day of December 21, 2022 at 7:00 at Powell Community Center, 6200 Martway for the purpose of hearing and answering objections of taxpayers relating to the proposed amended use of funds.

Detailed budget information is available at City Clerk's Office, Mission City Hall, 6090 Woodson and will be available at this hearing.

**Summary of Amendments**

<b>Fund</b>	2022 Adopted Budget			2022 Proposed Amended Expenditures
	Actual Tax Rate	Amount of Tax that was Levied	Expenditures	
TIF Fund			716,000	785,000
Street Sales Tax Fund			1,524,300	1,700,000
			0	0
			0	0
			0	0
			0	0

Brian Scott

Official Title: Deputy City Administrator/Finance Dir.

<b>City of Mission</b>	Item Number:	7d.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Community Development</b>	From:	Brian Scott / Jim Brown

Action items require a vote to recommend the item to the full City Council for further action.

**RE:** Adoption of the 2018 Edition of the International Codes for Building Construction and the 2017 Edition of the National Electrical Code

**RECOMMENDATION:** Staff recommends that the City Council adopt the following set of building codes for the City of Mission

- 2018 International Building Code (IBC)
- 2018 International Fire Code (IFC)
- 2018 International Residential Code (IRC)
- 2018 International Plumbing Code (IPC)
- 2018 International Mechanical Code (IMC)
- 2018 International Fuel Gas Code (IFGC)
- 2018 International Energy Conservation Code (IECC)
- 2018 International Property Maintenance Code (IPMC)
- 2017 National Electrical Code (NEC- NFPA70)

**DETAILS:** The International Code Council represents a diverse family of codes, providing minimum life/safety requirements for the construction and maintenance of both commercial and residential buildings. The various disciplines in the construction industry are governed by separate codes which specifically address that discipline. However, the codes work together to ensure that a requirement in one discipline area does not conflict with a requirement in another discipline area. For that reason, codes are introduced as a complete set.

The International Code Council continuously reviews and implements revised codes on a three (3) year cycle. Changes to codes are presented to and input is received from various stakeholders on a national level including the Home Builders Association, architects, design professionals and numerous product vendors and testing agencies. These changes and input from various stakeholders are presented to voting members of the ICC through a series of code hearings and are typically finalized at the ICC Annual Convention with input and votes from the thousands of code officials from the United States and the international community (in person and on-line voting).

Once adopted, ICC issues the codes as a complete set for adoption by local governments. Local governments (be it states, counties, or cities) will adopt the codes with amendments that are particular to regional building practices or adopted policies. The long-standing practice in the Kansas City metro area has been that cities will adopt the same set of building codes with the same, agreed upon amendments. This allows for uniformity across jurisdictions, so design professionals and builders are not having to interpret

Related Statute/City Ordinance:	Chapter 500 of the Municipal Codes of the City of Mission
Line Item Code/Description:	N/A
Available Budget:	N/A

<b>City of Mission</b>	Item Number:	8.
<b>ACTION ITEM SUMMARY</b>	Date:	December 14, 2022
<b>Community Development</b>	From:	Brian Scott / Jim Brown

Action items require a vote to recommend the item to the full City Council for further action.

changes from one jurisdiction to the next. It also reduces the opportunity for favoritism if one city is more lenient than another.

At the local level, a three-year code adoption cycle has been determined as being too aggressive for most jurisdictions to accommodate, due to limited staff and resources; and the time that it takes to review the codes, develop amendments, and receive legal review. Therefore, it is a common practice in the Kansas City metro area for jurisdictions to proceed with a code adoption process every six (6) years. The current set of codes that has been adopted across the region is the 2018 ICC codes.

In May of 2018, building officials from around the metro area formed a code adoption committee tasked with preparation of a metro wide 2018 code adoption packet. This committee was well represented by building officials and fire department officials from across the greater Kansas City Metro to include; Olathe, KS; Overland Park, KS; Lenexa, KS, Shawnee, KS, Belton, MO; Grandview, MO; Independence, MO; Lees Summit, MO; Gladstone, MO; Kansas City, MO; Kearney, MO; and Raytown, MO.

The committee met on several occasions from May through December of 2018 to compare current and proposed amendments from the different jurisdictions. These amendments were discussed, analyzed and condensed into the final action item entitled 2018 KC Metro Code Adoption.

The body of work was presented to the following stakeholders, construction professionals and design professionals to include; Home Builders Association (HBA), Business Owners and Managers Association (BOMA), Mid-America Regional Council (MARC), Association of General Contractors (AGA) and the American Institute of Architects (AIA) to obtain feedback and discussion on the proposed code changes.

Once comments and input were received a final set of the 2018 ICC codes, with the agreed upon amendments, was approved by the committee and individual communities began adopting the codes accordingly. Mission has not yet adopted this set of codes. Almost all the construction documents that are received and reviewed by the City, however, are being prepared to the 2018 ICC codes.

The 2018 ICC codes were presented to the City Council two years ago, in September of 2020 for adoption. At that time, there was general discussion among design professionals, construction industry leaders, code officials, sustainability advocates, and elected officials about the newly released 2021 Energy Conservation Code. Council

Related Statute/City Ordinance:	Chapter 500 of the Municipal Codes of the City of Mission
Line Item Code/Description:	N/A
Available Budget:	N/A



<b>City of Mission</b>	Item Number:	8.
<b>ACTION ITEM SUMMARY</b>	Date:	December 14, 2022
<b>Community Development</b>	From:	Brian Scott / Jim Brown

Action items require a vote to recommend the item to the full City Council for further action.

requested that staff research this further, and adoption of the 2018 ICC Codes was delayed.

The initial 2021 Energy Conservation Code that was adopted and released by the ICC in 2020 was deemed by many in the construction industry as being “too far ahead” for general construction standards. The code was ultimately repealed by ICC and replaced with a new code that was more in line with energy conservation practices that were being adopted throughout the industry. Kansas City Missouri just recently adopted the modified 2021 Energy Conservation Code.

Staff is continuing to research and explore the action taken by KCMO and will continue discussions with the Council regarding goals related to the Energy Conservation Code. As that evaluation continues, staff recommends adopting the 2018 codes as presented. During the Committee meeting, Jeremy Knoll, a member of the Executive Board with Climate Action KC will be available to make a brief presentation on the 2021 Energy Codes. Additionally, staff has prepared a resolution for Council consideration outlining and communicating Mission’s commitment to evaluating the 2021 Energy Code in a timely manner.

Attached to this action item staff report are the proposed Code Adoption Ordinances which reflect the consensus of the 2018 code adoption packet as recommended by the metro wide code adoption committee. Although the codes are adopted as a “set,” each must be incorporated via a separate ordinance. The relevant codes from this effort which are adopted by the City of Mission, Kansas include the following:

- International Building Code (IBC):**
- International Fire Code (IFC)**
- International Residential Code (IRC)**
- International Plumbing Code (IPC)**
- International Mechanical Code (IMC)**
- International Fuel Gas Code (IFGC)**
- International Energy Conservation Code (IECC)**
- International Property Maintenance Code (IPMC)**
- National Electric Code (NEC)**

It should be noted that all the Codes above pertain to commercial development projects with the exception of the IRC. The IRC is a standalone Code that pertains only to one- and two-family dwellings and incorporates all disciplines within the body of the code.

Related Statute/City Ordinance:	Chapter 500 of the Municipal Codes of the City of Mission
Line Item Code/Description:	N/A
Available Budget:	N/A

<b>City of Mission</b>	Item Number:	8.
<b>ACTION ITEM SUMMARY</b>	Date:	December 14, 2022
<b>Community Development</b>	From:	Brian Scott / Jim Brown

Action items require a vote to recommend the item to the full City Council for further action.

The Codes regulate building construction only. Site development, utilities, streets, zoning, etc., are governed by subdivision regulations and other sections of the Mission Municipal Code and certain sections of the International Fire Code (IFC).

If this item is approved by the City Council during the regularly scheduled meeting on November 16th, staff recommends the new Codes become effective March 1st, 2023. This will allow for time to notify the building community and coincides with the beginning of the building season for 2023.

Staff will also begin the process of establishing a Board of Code Appeals in order to hear and decide appeals of decisions or determinations made by the building official relative to the interpretation and application of the code.

**CFAA CONSIDERATIONS/IMPACTS:** The adoption of current codes helps to assure a safe-built, accessible and energy efficient environment for all residents and business owners in the city.

Related Statute/City Ordinance:	Chapter 500 of the Municipal Codes of the City of Mission
Line Item Code/Description:	N/A
Available Budget:	N/A

AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL BUILDING CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE II OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL BUILDING CODE 2018 EDITION.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article II and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions**  
**Article II International Building Code**

**Section 500.030 Adoption.**

- (a) There is hereby adopted the International Building Code 2018, to include Appendices C, F, G, H, I, and J, published by the International Code Council, for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Mission, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Building Code, 2018 edition, on file in the office of the building official are hereby referred to as the IBC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.
  
- (b) Wherever the word "jurisdiction" is used in the International Building Code, adopted hereby, said term shall mean the City of Mission.

**Section 500.031 Violation.**

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

**Section 500.032 Definitions**

The term "*approved certified sprinkler system*" shall mean one that has been designed by an engineer who is licensed in the State of Kansas, and installed by a contractor licensed to do so by the Johnson County Contractor Licensing Program, and approved by the Building Code Official.

**Section 500.033 Omissions**

- 1. Section 101.4.7 Existing Buildings
- 2. Section 103.2 Appointment
- 3. Section 113 Board of Appeals



## Section 500.034 **Amendments and Additions**

a) Amend Section 101.4.3 of the IBC to read as follows:

*101.4.3 Plumbing* - The provisions of the International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances, and where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the Johnson County Environmental Department shall apply to private sewage disposal systems.

b) Amend the IBC by adding a new Section 101.4.7 to read as follows:

*101.4.7 Existing Building* - The provisions of the International Building Code, International Fire Code, International Plumbing Code, International Mechanical Code, International Fuel Gas Code, International Residential Code, International Energy Conservation Code and NFPA 70 (NEC) shall apply to matters governing the repair, alteration, change of occupancy, addition to and relocation of existing buildings. Alterations to any building or structure shall comply with the requirements of the code for new construction. Alterations shall be such that the existing building or structure is no less complying with the provisions of this code than the existing building or structure was prior to the alteration.

Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by this code shall be maintained in conformance with the code edition under which installed. The owner or owner's designated agent shall be responsible for the maintenance of the buildings and structures. To determine compliance with this subsection, the Building Official shall have the authority to require a building or structure to be re-inspected. The requirements of this section shall not provide the basis for removal or abrogation of the fire protection and safety systems and devices in existing structures.

The provisions of this code related to the construction, repair, alteration, restoration and movement of structures, and changes of occupancy shall not be mandatory for historic buildings where such buildings are determined by the Building Official to not constitute a distinct life safety hazard.

No change shall be made in the use or occupancy of any building that would place the building in a different division of the same group of occupancies or in a different group of occupancies, unless such building is made to comply with the requirements of this code for such division or group of occupancies. Subject to the approval of the Building Official, the use or occupancy of existing buildings shall be permitted to be changed and the building is allowed to be occupied for the purpose in other groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use. A certificate of occupancy shall be issued where it has been determined that the requirements for the new occupancy classification have been met.

c) Amend the IBC by adding a new Section 101.4.8 to read as follows:

*101.4.8 Electrical.* The provisions of the NFPA 70 National Electrical Code, 2017 Edition, shall apply to the installation of electrical systems, including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto.

d) Amend the IBC by omitting Section 103 Department of Building Safety in its entirety.

e) Amend Section 104.3 of the IBC to read as follows:

*104.3 Notices, Orders and Work Hours* - The Building Official shall issue necessary notices or orders to ensure compliance with this code. Construction work on residential, commercial and industrial projects involving earth-moving equipment, trucking, concrete work, exterior carpentry and masonry, exterior plumbing, exterior painting, exterior electrical work shall be permitted during the following hours only:

Monday through Friday - 7:00 A.M. to 6:00 P.M.

Saturday - 8:00 A.M. to 6:00 P.M.

Sunday - All Work Prohibited

Exceptions:

- 1) Repair and remodeling work performed by the owner or occupant of one- and two-family residential buildings.
- 2) Repair work performed on an emergency basis.
- 3) An extended construction work hours permit approved by the Community Development Department.

Penalty:

Violation of the provisions of this Article shall be punishable by a fine not to exceed five hundred dollars (\$500.00) per violation and/or revocation of the building permit.

f) Amend Section 105.3 of the IBC by adding items 8 through 12 to read as follows:

*105.3 Application for Permit.*

A permit shall not be issued until evidence is presented to the Building Code Official certifying the availability of satisfactory potable water. Applicants within areas under the jurisdiction of a duly constituted water district shall submit a connection permit or notice of intent to supply water service from the water district.

- 1) A permit for construction shall not be issued until evidence is presented to the Building Code Official verifying the availability of satisfactory hydrant locations. Applicants for areas under the jurisdiction of a duly constituted water district shall submit a statement from the district verifying that the proposed fire protection system conforms to Article 10 of this Code.
- 2) No building permit for any structure or building to be located within a legally created sewer district in the City in which sanitary sewage will, or may, originate shall be issued until the applicant, or the applicant's agent, has previously applied for and received from the sewer district an outside sanitary sewer construction and

connection permit as required by the rules and regulations of the Johnson County Wastewater District.

- 3) Include a right-of-way permit application from the City.
- 4) Include proof that the permit applicant has a valid contractor license, in the appropriate class with Johnson County Contractor Licensing.

**g)** Amend the IBC by adding a new Section 105.3.1.1 to read as follows:

*105.3.1.1 Denial of Permits* - The Building Official is authorized to deny a permit to any applicant not meeting the provisions of this code on any open permits. The Building Official may also stop construction on any permit if the contractor fails to maintain oversight of a project or fails to maintain insurance as required by the Johnson County Contractor Licensing Regulations.

**h)** Amend the IBC by adding a new Section 105.3.3 to read as follows:

*105.3.3 Moving Buildings or Structures* - A permit for a foundation, or a new single-family or a remodel permit shall be secured prior to the issuance of a permit to move a building or structure. The foundation shall be constructed prior to the building or structure being moved. All applications for permits to move buildings or structures shall include the following information:

1. The dimensions of the building or structure as to length, width, and height at its highest point when loaded for moving.
2. A letter verifying that all utilities have been disconnected, i.e. gas, electric, water, sewer. A verbal or electronic communication from the utility company is acceptable in lieu of a letter.
3. A letter or electronic communication from any utility company having overhead lines along the proposed route indicating that they have approved the route.
4. Letters from the Police Department and the Public Works Department approving the date, time and route of the move.
5. A letter indicating the day and hour when the move is to start; the length of time required for the move; and the number and type of escort vehicles.
6. A map showing the route of the move.
7. A copy of the State highway move permit, if applicable.
8. Copies of written notices to the owners of adjacent lots along the route who may be affected by utility disconnects. The letter will give the date and time of the move.
9. Written permission from the private property owner to trim any trees on private property necessary to provide clearance for the move along the proposed route.
10. Written permission to trim trees in the public right-of-way necessary to provide clearance for the move along the proposed route.
11. Sewer permit from Johnson County Wastewater District.
12. Letter from the appropriate water district certifying the availability of the water supply.
13. Verification from the water district of a satisfactory fire hydrant location.
14. Verification that the building or structure meets current adopted codes and standards.



15. A plot plan showing the property or lot where the building or structure is to be moved. A legal description of the property shall be included.

**i)** Amend Section 105.5 of the IBC to read as follows:

*105.5 Expiration* - Every permit issued by the Building Code Official under the provisions of this code shall expire by limitation and become null and void if:

- 1) The building or work authorized by such permit is not commenced within 180 days from the date of such permit; or
- 2) The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

The Building Code Official is authorized to grant, in writing, one or more extensions of time. The extension shall be requested in writing and justifiable cause demonstrated.

**j)** Amend the IBC by adding a new Section 105.8 to read as follows:

*105.8 Responsibility* - The permit applicant of record shall complete, and be responsible for, all work for which the building permit was issued, in full compliance with applicable laws and ordinances. The permit applicant of record shall complete, and be responsible for, all sidewalks, drive approaches, grading, erosion control, installation of landscaping, and culvert drains in the right-of-way abutting the property described by the building permit. The construction of sidewalks, drive approaches and other public improvements shall comply with all technical specifications adopted by the City and as directed by the Public Works Director or his/her representative.

**k)** Amend Section 109.2 of the IBC to read as follows:

*109.2 Schedule of Permit Fees* - On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. The fee for each building permit shall be as set forth by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged. Applications shall be considered inactive and/or abandoned thereby becoming null and void by expiration of the following:

- 1) The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
- 2) The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee. The Building Code Official is authorized to grant, in writing, one (1) extension of time, for a period not to exceed 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

**l) Amend Section 109.4 of the IBC to read as follows:**

*109.4 Work Commencing Before Permit Issuance* - Work commencing before permit issuance. Any person or company that commences any work on a building, structure electrical, gas, plumbing or mechanical system before obtaining the necessary permits shall be subject to a fee double the original permit fee as established by the City of Mission.

**m) Amend Section 109.6 of the IBC to read as follows:**

*109.6 Refunds* - The Building Official is authorized to refund a permit fee which was erroneously paid or collected. The Building Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under the permit issued. The Building Official may authorize refunding of not more than eighty percent (80%) of the plan review paid when no plan review work has been performed. The Building Official shall not authorize refunding of any fee paid except on written application filed by the original permittee, not later than one-hundred eighty (180) days after the date of fee payment.

**n) Amend Section 111.3 of the IBC to read as follows:**

*111.3 Temporary Certificates of Occupancy* - The Building Official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The Building Official shall set a time period during which the temporary certificate of occupancy is valid. A 60- day temporary certificate may be issued for interior items and a 90-day temporary certificate may be issued for exterior items upon request from the owner or contractor, subject to the approval of the Building Code Official. Additional time may be granted by the Building Code Official upon written request and for a fee of \$100.00. Contemporaneously with the issuance of a Temporary Certificate of Occupancy, the

Building Code Official shall provide a list of deficiencies, if any, that require correction to any building or portion thereof. The failure of the permit holder to correct the deficiencies, to the satisfaction of the Building Code Official, prior to the expiration of the Temporary Certificate of Occupancy, shall be an unlawful act.

**o)** Amend Section 113 of the IBC to read as follows:

*Section 113 Board of Appeals* - The Board of Appeals shall mean the Board of Code Review as established in Chapter 500, Article XI-A of the Mission Municipal Code and shall hear and decide appeals of orders, decisions, or determinations made by the building code official relative to the application and interpretation of this code.

**p)** Amend Section 114.3 of the IBC to read as follows:

*114.3 Prosecution of Violation* - Any person failing to comply with a notice of violation or order shall be deemed guilty of an unlawful act. If the notice of violation is not complied with, the Building Code Official may request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

**q)** Amend Section 114.4 of the IBC to read as follows:

*114.4 Violation Penalties* - Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

**r)** Amend Section 115 of the IBC by as follows:

*115 Stop Work Orders* - In addition to Sections 115.1, 115.2 and 115.3, no building permit or permits will be issued to any person engaged in doing or causing such work to be done by such persons in the City of Mission until any and all stop work orders or any other restrictions have been cancelled or have been lifted by the Building Official.

**s)** Amend Section 305.2 of the IBC to read as follows:

*305.2 Group E, Day Care Facilities* - This group includes buildings and structures and portions thereof occupied by more than five (5) children older the 2 ½ years of age who receive educational, supervision, or personal care services for fewer than 24 hours per day.

*Exception:*



Daycare that is an accessory use for the dwelling unit principal residents, when conducted in compliance with applicable state and local regulations, shall comply with applicable requirements of the International residential Code.

t) Amend the IBC by omitting Section 305.2.3 Five or Fewer Children in a Dwelling Unit in its entirety.

u) Amend the IBC by omitting Section 310.4.1 Care Facilities within a Dwelling in its entirety.

v) Amend Section 903.3.1.2.1 of the IBC as follows:

*Section 903.3.1.2.1 Balconies and decks* - Sprinkler protection shall be provided for exterior balconies, decks, and ground floor patios of dwelling units and sleeping units. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

w) Amend Section 904.3.5 of the IBC as follows:

*Section 904.3.5 Monitoring* - Where a building fire alarm system is installed, automatic fire-extinguishing systems, to include kitchen hood suppression systems, shall be monitored by the building fire alarm system in accordance with NFPA 72.

x) Amend Section 906.1 of the IBC as follows:

*Section 906.1 - Where required.* Portable fire extinguishers shall be installed in all of the following locations:

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies;
2. In all new and existing laundry rooms.

y) Amend Section 912.4 of the IBC as follows:

*912.4 Access.* Immediate access to fire department connections shall be no less than 3 feet in width, maintained at all times and without obstruction by fences, bushes, trees, walls or any other fixed or movable object. Access to fire department connections shall be approved by the fire code official.

z) Amend Section 1015.2 of the IBC as follows:

*Section 1015.2 Where required.* Provide the additional text: Guards are required at retaining walls over 30 inches above grade when walking surfaces are within 10 feet of the high side of the retaining wall.

aa) Amend the IBC by omitting Chapter 11 and adding in lieu thereof the following:

*Chapter 11- Accessibility.* The architect/design professional is responsible for all ADA design elements and requirements in accordance with ICC A117.1-2017 Standard for Accessible and Usable Buildings and Facilities or the 2010 ADA Standards for Accessible Design (at a minimum). Modifications to existing buildings or sites, and construction of new buildings shall comply with all applicable Federal and State laws governing ADA access and usability. The architect/design professional shall provide certification that the entire scope of the construction documents and the finished construction project shall be in full compliance with all applicable ADA regulations.

**bb)** Amend Section 1202.1 of the IBC to read as follows:

*1202.1 General.* - Buildings shall be provided with natural ventilation in accordance with Section 1203.5, or mechanical ventilation in accordance with the International Mechanical Code.

**cc)** Amend Section 1612.3 of the IBC to read as follows:

*1612.3 Establishment of Flood Hazard Areas* - To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Johnson County, Kansas and Incorporated Areas", dated July 17, 1997, as amended or revised with the accompanying current Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this Section.

**dd)** Amend Section 2901.1 of the IBC to read as follows:

*2901.1 Scope* - The provisions of the International Plumbing Code shall govern the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing equipment and systems. Toilet and bathing rooms shall be constructed in accordance with Section 1209 of the International Building Code.

**ee)** Amend Section 3307 of the IBC to read as follows:

*3307 Protection of Adjoining Property* - Adjoining public and private property shall be protected from damage during construction, remodeling and demolition work. Protection shall be provided for footings, foundations, party walls, chimneys, skylights, and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. The person making or causing an excavation to be made shall provide written notice to the owners of adjoining buildings advising them that the excavation is to be made and that the adjoining buildings should be protected.

Said notification shall be delivered not less than 10 days prior to the scheduled starting date of the excavation. A copy of the notice shall be delivered to the Building Official prior to the commencing of excavation. All construction sites shall be maintained in a good, clean, and safe condition, including, but not limited to, the following minimum requirements:

1. Construction materials shall be stored, maintained and secured so as to prevent safety risk or danger. Accumulated construction debris shall be hauled away and disposed of at an approved landfill. Dumpsters shall be emptied or removed when full and may be used only for construction debris. Construction materials shall not be stored in a public right-of-way.
2. All mud, dirt, or debris deposited on any street, crosswalk, sidewalk, or other public property as a result of excavation, construction, or demolition shall be immediately broom cleaned to the extent possible and disposed of in an acceptable manner.
3. It shall be unlawful to intentionally place, deposit, or otherwise dispose of construction debris in any public or private sewer.
4. Airborne particles shall be controlled at the property at all times during work by means of a water truck and/or spraying equipment, or other water sources capable of spraying and thoroughly saturating all portions of the structure and surrounding property affected by the work. Spraying shall be undertaken at all times necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust, from the subject property.
5. No person shall operate or cause to be operated any radio, media player, telecommunications device or other such object at such a volume, or in any other manner that would cause a nuisance or disturbance to any person.
6. Every contractor shall be responsible for all actions of their employees, agents, and subcontractors under this Subsection, and shall be responsible for all violations of the provisions of this Subsection committed by such employees, agents, or subcontractors.

SECTION 2. That existing Chapter 500 Article II of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article II as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.



PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas,  
this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November,  
2022.

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Solana P. Flora, Mayor

ATTEST:

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Robyn Fulks, City Clerk

APPROVED AS TO FORM:

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David K. Martin, City Attorney



**AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL FIRE CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE X OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL FIRE CODE 2018 EDITION.**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article X and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions  
Article X International Fire Code**

**Section 500.108 Adoption**

- (a) There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion that certain code known as the International Fire Code, published by the International Code Council, Inc., including Appendices A, B, C, D, H and I, being particular the 2018 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "IFC" or "fire code".
- (b) Wherever the word "jurisdiction" is used in the International Fire Code, adopted hereby, said term shall mean the City of Mission.

**Section 500.109 Violation**

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

**Section 500.110 Definitions**

For the purposes of the International Fire Code, 2018 edition, as adopted, the following words and phrases shall have the following meanings:

- a) The "fire chief" shall mean the Fire Chief of Consolidated Fire District #2.
- b) The "fire code official" shall be appointed by the Fire Chief of Consolidated Fire District #2.

**Section 500.111 Deletions.**

The following provisions of the International Fire Code, as adopted, shall be deleted and not applicable under this code:

- a) Section 108 Board of Appeals.
- b) The Board of Appeals shall mean the Board of Code Review as established in Chapter 500, Article XI-A of the Mission Municipal Code and shall hear and decide appeals of orders, decisions, or determinations made by the building code official relative to the application and interpretation of this code.



**Section 500.112 Amendments and Additions**

**a)** Amend Section 101.1 of the IFC to read as follows:

*101.1 Title:* These regulations shall be known as the Fire Code of Mission, Kansas, hereinafter referred to the “IFC” or “this code”

**b)** Amend Section 102, Applicability, of the IFC by adding a new Section 102.13 to read as follows:

*102.13 Home Daycares* - Home Daycares that meet the requirement of the Johnson County, Kansas Home Daycare Handbook 2019 edition shall be viewed as meeting the equivalent of the requirements of the IFC.

**c)** Amend Section 104.11.2 of the IFC to read as follows:

*104.11.2 Obstructing Operations* - No person shall obstruct the operations of the fire district in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the Fire Chief or Fire Code Official of the fire district who may be in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire district. Any person who obstructs the operations of the fire district in connection with extinguishing any fire, or other emergency, or disobeys any lawful command of the applicable Fire Chief or Fire Code Official of the fire district who may be in charge at such a scene, or any part thereof, or any police officer assisting the fire district, shall be guilty of an unlawful act.

**d)** Amend Section 105.1 of the IFC to read as follows:

*105.1 General* - Permits shall be in accordance with Section 105. Where permits are required elsewhere in this code, the Fire Code Official shall be permitted to waive the requirements for issuance of a permit provided public safety and welfare is maintained. Operational permits are specifically required for the following:

1. Explosives. (105.6.14)
2. Pyrotechnic special effects material. (105.6.40)

**e)** Amend Section 105.6.14 of the IFC to read as follows:

*105.6.14 Explosives, Fireworks and Blasting* - An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive material, fireworks, or pyrotechnic special effects within the scope of this code, or Chapter 505, Article IV, Blasting Regulations of the Mission Municipal Code.

**f)** Amend Section 105.6.40 of the IFC to read as follows:

*105.6.40 Pyrotechnic Special Effects Materials* - An operational permit is required for use and handling of pyrotechnic special effects material.

**g)** Amend Section 106.2 of the IFC to read as follows:

*106.2 Schedule of permit fees* - On buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority.

The fee for each fire alarm, fire sprinkler, building and other permits shall be as set forth by Consolidated Fire District #2. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.1, an additional plan review fee may be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Fire Code Official. The Fire Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

**h)** Amend Section 106.5 of the IFC to read as follows:

*106.6 Refunds* - The Fire Code Official is authorized to refund a permit fee which was erroneously paid or collected. The Fire Code Official may authorize refunding of not more than eighty percent (80%) of the permit fee paid when no work has been done under the permit issued. The Fire Code Official may authorize refunding of not more than eighty percent (80%) of the plan review paid when no plan review work has been performed.

**i)** Amend Section 109 of the IFC as follows:

*109 Board of appeals* - The Board of Appeals shall mean the Board of Code Review as established in Chapter 500, Article XI-A of the Mission Municipal Code and shall hear and decide appeals of orders, decisions, or determinations made by the building code official relative to the application and interpretation of this code.

**j)** Amend Section 110.4 of the IFC as follows:

*110.4 Violation Penalties* - It shall be unlawful for any person, firm or corporation to violate any of the provisions of this code or fail to comply therewith, or to violate or fail to comply with any order made thereunder, or to build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder. Violation of any provision of this code shall be subject to penalties as prescribed by law. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense, and shall be punishable as herein provided. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.

**k)** Amend Section 112.4 of the IFC as follows:

*112.4 Failure to Comply* - Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall be deemed to constitute a separate offense, and shall be punishable as herein provided.

**l)** Amend Section 310.7 of the IFC by adding Section 310.7.1 to read as follows:

*310.7.1 Smoking receptacles required.* Owners of commercial and multi-family properties, where smoking is permitted, shall be responsible for providing approved receptacles for discarding smoking material in locations approved by the Fire Code Official.

**m)** Amend Table 315.7.6(1) of the IFC to read as follows:

*Table 315.7.6(1) Under the heading "Wood Pallet Separation Distance"- "51-200 Pallets"* the 5 foot separation distance reflected in the table is in error and should be revised to read 15 feet.

**n)** Amend Section 503.4 of the IFC to read as follows:

*503.4 Obstruction of fire apparatus access roads.* Fire apparatus access roads shall not be obstructed in any manner including the parking of vehicles. The Fire Code Official is authorized to have towed, at the owner's expense, any vehicle obstructing the fire apparatus access road. The minimum widths and clearances established in Sections 503.2.1 and 503.2.2 shall be maintained at all times.

**o)** Amend Section 503.6 of the IFC to read as follows:

*503.6 Security Gates* - The installation of security gates across a fire apparatus access road shall first be approved by the Fire Code Official in writing prior to installation. Where security gates are installed, they shall have an approved means of emergency



operation with a manual secondary means of emergency operation in the event of failure of the primary emergency operation. The security gates and emergency operations shall be maintained operational at all times. Electric gate operators, where provided, shall be listed in accordance with UL325. Gates intended for automatic operation shall be designed, constructed, and installed to comply with the requirements of ASTM F2200.

**p)** Amend Section 505.1 of the IFC to read as follows:

*Exceptions:*

1. If more than one entry door is installed on a facade, only one door needs to be marked (entry doors defined as overhead or cargo doors and normal passage doors).
2. Further exceptions shall be permitted by the Fire Code Official.

*505.1.2 Additional identification.* - Where identification of additional exits would be of benefit to emergency response personnel, a sequential numbering system may be required by the Fire Code Official whereby the interior and exterior surfaces of each exit is marked in an approved manner.

**q)** Amend Section 506.1 of the IFC to read as follows:

*506.1 Where Required* - Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for lifesaving or fire-fighting purposes, a key box shall be installed in an approved location as required by the Fire Chief or designated Fire Code Official. The key box shall be an approved type listed in accordance with UL 1037, and shall contain keys or access cards to gain necessary access as required by the Fire Chief or designated Fire Code Official.

**r)** Amend Section 506.2 of the IFC to read as follows:

*506.2 Key Box Maintenance* - The operator of the building shall immediately notify the Fire Code Official of Consolidated Fire District #2 and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the key box. The key box shall be maintained in working order by the operator/owner/occupant of the building.

**s)** Amend the IFC by adding Section 507.1.1 to read as follows:

*507.1.1 Water Distribution System Failures* - Water districts serving areas within the City shall notify the Emergency Communications Center of any failure in their water distribution system; hydrant repair, main breaks, pump failures, or other interruptions of water supply that may affect water supply for fire control purposes.

**t)** Amend Section 507.5.1.1 of the IFC to read as follows:

*507.5.1.1 Hydrant for Fire Sprinkler and Standpipe Systems* - Buildings equipped with a fire sprinkler or standpipe system that is installed in accordance with Section 903 or 905 shall have a fire hydrant within 100 feet of the fire department connections.

*507.5.2.1 Line and Hydrant tests* - Private hydrants and supply piping shall be tested as specified in NFPA 24. Hydrants shall comply with AWWA standards adopted by the Johnson County Water District and maintained to AWWA-M17 standard.

*507.5.2.1 Hydrants- Color* - All fire hydrants shall be painted and highly visible. Private fire hydrants shall be painted red.

**u)** Amend Section 901.6 of the IFC to read as follows:

*901.6 Inspection, Testing and Maintenance* - Fire detection, alarm and extinguishing systems shall be maintained in an operative condition at all times, and shall be replaced or repaired where defective. Non-required fire protection systems and equipment shall be inspected, tested and maintained, or removed. The inspection, testing and maintenance of fire protection systems and equipment shall be performed by a fire protection engineer who is licensed in the State of Kansas, or a contractor with National Institute for Certification in Engineering Technologies (NICET), Level II technicians in the applicable discipline (automatic sprinkler systems, fire alarm systems or inspection and testing of water-based system), licensed to do so by the Kansas State Fire Marshal, and approved by the Fire Code Official.

**v)** Amend Section 903.3.1.2.1 of the IFC to read as follows:

*903.3.1.2.1 Balconies and decks* - Sprinkler protection shall be provided for exterior balconies, decks, and ground floor patios of dwelling units and sleeping units. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members and a maximum distance of 14 inches below the deck of the exterior balconies and decks that are constructed of open wood joist construction.

**w)** Amend Section 903.4.2 of the IFC to read as follows:

*903.4.2 Alarms* - An approved audio/visual device shall be connected to each automatic sprinkler system. Such sprinkler system water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building directly above the fire department connection or in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

**x)** Amend Section 912.3 of the IFC to read as follows:

*912.3 Fire Hose Threads* - The fire department connection shall be fitted with a five (5) inch Storz quick coupling connector.

y) Amend Section 1023.9 of the IFC to read as follows:

*1023.9 Stairway Identification Signs* - A sign shall be provided at each floor landing in an interior exit stairway and ramp connecting more than three stories designating the floor level, the terminus of the top and bottom of the interior exit stairway and ramp, and the identification of the stairway or ramp. The signage shall state the story of, and the direction to, the exit discharge and the availability of roof access from the interior exit stairway and ramp for the fire department.

The sign shall be located five (5) feet above the floor landing in a position that is readily visible when the doors are in the open and closed position. In addition to the stairway identification sign, a floor level sign in visual characters, raised characters and braille complying with ICC A117.1 shall be located at each floor level landing adjacent to the door leading from the interior exit stairway and ramp into the corridor to identify the floor level.

The signs shall be color coded, or have colored borders that are identified as follows: red shall be used for the primary exit enclosure, blue for the third stairwell, white for the fourth, and green for the fifth.

z) Amend Chapter 11 of the IFC to read as follows:

*Chapter 11- Construction Requirements for Existing Buildings.*  
Omit Chapter 11 of the IFC except for Sections 1103.8 through 1103.9.

aa) Amend Section 5601.2 of the IFC to read as follows:

*5601.2 Permit Required* - A permit application shall be made to the Consolidated Fire District #2 office who shall issue the same only if the Fire Chief or his or her designated Fire Code Official shall after inspection approve the issuance of the permit. There shall be a fee of one-hundred dollars (\$100.00) for making such application. Permits shall expire 30 days after date of issuance. Permits shall be obtained for the following:

1. To manufacture, possess, store, sell, display, or otherwise dispose of explosive materials.
2. To use explosive materials.
3. To operate a terminal for handling explosive materials.

*5601.2.1 Residential Uses* -No person shall keep or store, nor shall any permit be issued to keep or store, any explosives at any place of habitation, or within one-hundred (100) feet thereof.

*Exceptions:*



The storage of smokeless propellant, black powder and small arms primers for personal use and not for resale in accordance with Section 5606.

*5601.2.2 Sale and Retail Display* - No person shall construct a retail display or offer for sale explosives, explosive materials or fireworks upon highways, sidewalks, public property or in Group A or Group E occupancies.

*5601.2.3 Permit Restrictions* - The fire code official is authorized to limit the quantity of explosives, explosive materials or fireworks permitted at a given location. No person possessing a permit for storage of explosives at any place shall keep or store an amount greater than authorized in such permit. Only the kind of explosive specified in such permit shall be kept or stored.

*5601.2.4 Financial Responsibility* - Before a permit is issued, as required by Section 5601.2, the applicant shall file with the jurisdiction a corporate surety bond in the principal sum of one-million dollars (\$1,000,000) or a public liability insurance policy for the same amount, for the purpose of the payment of all damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. The fire code official is authorized to specify a greater or lesser amount when in his or her opinion, conditions at the location of use indicate a greater or lesser amount is required. Government entities shall be exempt from this bond requirement.

*5601.2.4.1 Blasting* - Before approval to perform blasting is issued, the applicant for approval shall file a bond or submit a certificate of insurance in such form, amount and coverage as determined by the legal department of the jurisdiction to be adequate in each case to indemnify the jurisdiction against any and all damages arising from permitted blasting. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive material, fireworks, or pyrotechnic special effects within the scope of this code, or Chapter 505, Article IV, Blasting Regulations of the Mission Municipal Code.

*5601.2.4.2 Fireworks Display* - The permit holder shall furnish a bond or certificate of insurance in an amount deemed adequate by the Fire Code Official for the payment of all potential damages to a person or persons or to property by reason of the permitted display, and arising from any acts of the permit holder, the agent, employees or subcontractors.

**bb)** Amend Section 5601.4 of the IFC to read as follows:

*5601.4 Qualifications* - Persons in charge of magazines, blasting, fireworks display or pyrotechnic special effect operations shall not be under the influence of alcohol or drugs which impair sensory or motor skills, shall be at least 21 years of age and shall demonstrate knowledge of all safety precautions related to the storage, handling or use of explosives, explosive materials or fireworks, possess a valid Blaster's Certificate issued

by the State of Kansas Fire Marshal's Office, ATF&E Notice of Clearance, and valid photo identification.

**cc)** Amend Section 5607.4 of the IFC to read as follows:

*5607.4 Hours of Operation* - Blasting operations shall be conducted Monday through Friday only, between the hours of 8:30 a.m. and 4:30 p.m.

*Exceptions:*

- 1) When other times are approved in writing in advance by the Fire Chief or his/her designated Fire Code Official.

**dd)** Amend the IFC by adding a new Section 5607.16 to read as follows:

*5607.16 Pre-blast Survey and Notification* - At least 15 days before initiation of blasting, the surveyor shall notify, in writing, all residents or owners of dwellings or other structures located within five-hundred (500) feet of the blasting area of the location and date of the proposed blasting and the intent to conduct a pre-blast survey. The Fire Code Official may identify alternate re-blast survey distances.

The surveyor shall promptly conduct a pre-blast survey of the dwelling(s) or structure(s) and promptly prepare a written report of the survey. An updated survey of any additions, modifications or renovations shall be performed by the surveyor if requested by the contractor or the Fire Code Official.

The surveyor shall determine the condition of the dwelling(s) or structure(s) and shall document any existing damage and other physical factors that could reasonably be affected by the blasting. The surveyor shall examine the interior as well as the exterior structure and shall document any damage by means of digital photographic or digital video methods. Structures such as pipelines, cables, transmission lines, cisterns, wells, and other water systems warrant special attention; however, the assessment of these structures may be limited to surface conditions and other readily available data.

The written report of the survey shall be signed by the person who conducted the survey. Copies of the report shall be promptly provided to the contractor and made available to the Fire Code Official. All surveys shall be completed by the surveyor before the initiation of blasting. All surveys shall be conducted by an independent third party, regularly engaged in performing pre-blast surveys.

The contractor shall notify the owners of all gas, water, sanitary and petroleum pipelines in an area where blasting will be utilized. A representative of the pipeline(s) shall be allowed to be present to observe preparations and blasting.

**ee)** Amend the IFC by adding a new Section 5607.17 to read as follows:

*5607.17 Ground Vibration* - Regardless to the distance of nearby facilities, building or other structures, the blasting operations shall be carried out in such a manner that they will not cause flyrock damage from airblast overpressure or ground vibration. The contractor or operator shall conduct seismic monitoring of all blasts. The seismic recording site shall be located at the nearest structure or building within five-hundred (500) feet of the blast site. The maximum peak particle velocity at any such recording site shall not exceed one inch per second in any of three mutually perpendicular directions.

**ff)** Amend the IFC by adding a new Section 5607.18 to read as follows:

*5607.18 Distance from Structures* - There shall be no blasting within one-hundred (100) feet of any structure or building.

**gg)** Amend the IFC by adding a new Section 5607.19 to read as follows:

*5607.19 Blasting Records* - The contractor shall retain a record of all blasts for at least three (3) years. Upon request, copies of these records shall be made available to the Fire Code Official and to the public for inspection. Such records shall contain the following data:

1. Name of contractor conducting the blast.
2. Location, date and time of blast.
3. Name, signature and certificate number of blaster conducting the blast.
4. Identification, direction and distance, in feet, from the nearest blast hole to the nearest dwelling, public building, school, church, community or institutional building outside the permit area, except those described herein.
5. Weather conditions, including those which may cause possible adverse blasting effects.
6. Type of material blasted.
7. Sketches of the blast pattern including number of holes, burden, spacing, decks and delay patterns.
8. Diameter and depth of holes.
9. Types of explosives used.
10. Total weight of explosives detonated in an 8-millisecond period.
11. Initiation system.
12. Type and length of stemming.
13. Mats or other protections used.

Seismographic and airblast records shall include:

1. Type of instrument, sensitivity, and calibration signal, or certification of annual calibration.
2. Exact location of instrument and the date, time and distance from the blast.
3. Name of the person or firm taking the reading.
4. Name of the person and firm analyzing the seismographic record.
5. The vibration and/or airblast level recorded.

**hh)** Amend the IFC by adding a new Section 5704.2.01 to read as follows:



5704.2.01 *Above-Ground Storage* - The storage of Class I and Class II liquids in outside aboveground tanks shall be prohibited within the city limits of the City of Mission, Kansas except in a designated M-1 & M-P district insofar as the same may be relevant to the proposed stationary aboveground tank.

SECTION 2. That existing Chapter 500 Article II of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article II as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November, 2022.

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Solana Flora, Mayor

ATTEST:

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Robyn Fulks, City Clerk

APPROVED AS TO FORM:

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David K. Martin, City Attorney

**AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL RESIDENTIAL CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE III OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL RESIDENTIAL CODE 2018 EDITION.**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article III and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions  
Article III International Residential Code**

**Section 500-040 Adoption.**

- (a) There is hereby adopted the International Residential Code 2018, to include Appendices E, H, J, K, and P, published by the International Code Council, for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings or structures in the City of Mission, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, 2018 edition, on file in the office of the building official are hereby referred to as the IRC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.
- (b) Wherever the word "jurisdiction" is used in the International Building Code, adopted hereby, said term shall mean the City of Mission.

**Section 500-041 Violation.**

Any person violation any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

**Section 500-042 Definitions.**

For the purposes of the International Residential Code, 2018 Edition, as adopted, the following words and phrases shall have the following meanings:

The term "*approved certified sprinkler system*" shall mean one that has been designed by an engineer who is licensed in the State of Kansas, and installed by a contractor licensed to do so by the Kansas State Fire Marshal, and approved by the Building Code Official.

**Section 500.043 Omissions.**

The following provisions of the International Residential Code, as adopted, shall be omitted and not applicable under this code unless amended:

- a) Section R112 Board of Appeals.
- b) Section R303.4 Mechanical Ventilation



- c) Section R309.5 Fire Sprinklers.
- d) Section R313 Automatic Fire Sprinkler Systems
- e) Section R314.2.2 Alterations, Repairs and Additions
- f) Section R402.1 Wood Foundations
- g) Section R404.1.1 Design Required
- h) Section R404.4 Retaining Walls
- i) Section R405.1 Concrete or Masonry Foundations
- j) Section R502.6.2 Joist Framing
- k) Section R703.2 Water-Resistive Barrier
- l) Section N1101.5 Information on Construction Documents
- m) Section N1101.13 Compliance
- n) Table N1102.1.2 Insulation and Fenestration Requirements by Component
- o) Section N1102.4.1.2 Testing
- p) Section N1102.4.4 Rooms Containing Fuel Burning Appliances
- q) Section N1103.3.2.1 Sealed Air Handler
- r) Section N1103.3.3 Duct Testing
- s) Section N1103.3.5 Building Cavities
- t) Section N1104 Electrical Power and Lighting Systems
- u) Section N1106.2 Mandatory Requirements
- v) Table N1106.4 Maximum Energy Rating Index

**Section 500-044 Amendments.**

The following amendments shall be made:

- a) Amend the IRC by omitting Sections R103 through R114 and adding a new Section R103 to read as follows:

*R103.1 Administrative Provisions.* The administrative provisions of the 2018 International Building Code, Chapter 1 and as amended in the Mission Municipal Code, along with Sections R101 and R102 of the IRC shall govern all matters within the scope of this code.

- b) Amend Section R108.2 of the IRC to read as follows:

*Section R108.2 Schedule of Permit Fees.* On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as set forth by resolution of the City Council. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged. Applications shall be considered inactive and/or abandoned thereby becoming null and void by expiration of the following:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year.

In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee. The Building Code Official is authorized to grant, in writing, one (1) extension of time, for a period not to exceed 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

- c) Amend Section R113.4 of the IRC to read as follows:

*Section R113.4 Violation Penalties.* At the end of the paragraph add the following language: Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

- d) Amend Table R301.2 (1) of the IRC to read as follows:

Table R301.2 (1); The following values shall be inserted into the table:

Ground snow load (psf): 20;

Wind design speed (mph):115;

Topographical effects: No;

Windborne debris zone: No;

Special wind region: No;

Seismic Design Category: A;

Weathering: Severe;

Frost Line Depth: 36 inches;

Termite: Moderate to Heavy;

Winter Design Temp: 6 degrees F;

Ice Barrier required – Yes;

Air freezing Index – 1000;

Mean Annual Temp: 54.7 degrees F.

Flood Hazard: Current FIRM

- e) Amend the IRC by adding a new Section 303.4 to read as follows:

*R303.4 Mechanical Ventilation.* Where the air infiltration rate of a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch w.c.(50 Pa) in accordance with Section N 1102.4.1.2, the dwelling unit shall be provided with whole-house ventilation in accordance with Section M1507.3.

- f) Amend the IRC by adding a new Section R306.5 to read as follows:

*R306.5 New single-family dwellings toilet facilities.* Toilet facilities shall be provided within 500 feet (measured from the property line adjacent to the street for platted subdivisions along the public way) for all new single-family dwellings starting from the time of the first footing inspection until facilities are available in the dwelling. If the facilities are not located on the job site, the location of the required facilities shall be posted on the job site or other certification provided to the Building Code Official to verify the availability of toilet facilities. The facilities on the site shall be removed prior to issuance of a Temporary Certificate of Occupancy.

**g)** Amend the IRC by adding a new Section R306.6 to read as follows:

*R306.6 New single-family dwellings construction site maintenance.* All construction sites shall be maintained in a good, clean, and safe condition, including, but not limited to, the following minimum requirements:

- A) Construction materials shall be stored, maintained and secured so as to prevent safety risk or danger. Accumulated construction debris shall be hauled away and disposed of at an approved landfill. Dumpsters shall be emptied or removed when full and may be used only for construction debris. Construction materials shall not be stored in a public right-of-way.
- B) All mud, dirt, or debris deposited on any street, crosswalk, sidewalk, or other public property as a result of excavation, construction, or demolition shall be immediately broom cleaned to the extent possible and disposed of in an acceptable manner.
- C) It shall be unlawful to intentionally place, deposit, or otherwise dispose of construction debris in any public or private sewer.
- D) Airborne particles shall be controlled on the property at all times during work by means of a water truck and/or spraying equipment, or other water sources capable of spraying and thoroughly saturating all portions of the structure and surrounding property affected by the work. Spraying shall be undertaken at all times necessary to thoroughly control the creation and migration of airborne particles, including, without limitation, dust, from the subject property.
- E) No person shall operate or cause to be operated any radio, media player, telecommunications device or other such object at such a volume or in any other manner that would cause a nuisance or disturbance to any person.
- F) Every contractor shall be responsible for all actions of their employees, agents, and subcontractors under this Subsection, and shall be responsible for all violations of the provisions of this Subsection committed by such employees, agents, or subcontractors.

**h)** Amend the IRC by adding a new Section R309.6 to read as follows:

*R309.6 Residential driveways.* Residential concrete and asphalt driveway slabs shall be a minimum of 4-inches thick. The driveway shall have a constant slope so as to avoid ponding of water. The slope shall be away from the house or building or drain by means approved by the City.



**i)** Amend the IRC by adding a new Section R313 to read as follows:

*R313 Automatic Fire Sprinkler Systems.*

*R313.1 General.* An automatic fire sprinkler system shall be provided throughout all structures that contain four (4) or more townhouses.

*R313.2 Design and Installation.* Automatic sprinkler systems required by this code shall be designed and installed in accordance with Section P2904 or NFPA 13D.

**j)** Amend the IRC by adding a new Section R314.2.2 to read as follows:

*R314.2.2 Alterations, Repairs and Additions.* Where alterations, repairs or additions requiring a permit occur, the individual dwelling unit shall be equipped with smoke alarms and carbon monoxide alarms as required for new dwellings.

*Exceptions:*

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing, mechanical or electrical systems are exempt from the requirements of this section.

**k)** Amend the IRC by adding a new Section R314.8 to read as follows:

*R314.8 Heat Detectors.* Any integral or attached garage to the principal dwelling shall be provided with a single heat detector. Heat detectors shall be hard wired and interconnected with the household smoke alarm system, such that the activation of the heat detector will activate all the audible alarms of the required household smoke alarm system. The heat detector is not required to incorporate audible alarm notification nor is any audible notification device required in the garage. The heat detector shall be listed for the ambient environment and installed per the manufacturer's installation instructions.

*Exceptions:*

1. Work involving the exterior surfaces of dwellings, such as the replacement of roofing or siding, or the addition or replacement of windows or doors, or the addition of a porch or deck, are exempt from the requirements of this section.
2. Installation, alteration or repairs of plumbing, mechanical or electrical systems are exempt from the requirements of this section.

**l)** Amend Section 401.3 to read as follows:

*R401.3 Drainage.* Surface drainage from lots shall be diverted to a storm sewer conveyance or other point of collection as approved by the Public Works Director. The surface drainage shall not create a hazard or nuisance onto adjacent properties, sidewalks, driveways or streets. Lots shall be graded to drain water away from foundation walls. The grade shall fall a minimum of six (6) inches within the first ten (10) feet.

Where lot lines, walls, slopes, or other physical barriers prohibit six (6) inches of fall within ten (10) feet, drains or swales shall be constructed to ensure drainage away from the structure. The grade shall not alter any existing drainage course or re-route excessive surface drainage onto adjacent properties.

Downspouts shall not discharge closer than five (5) feet to any side property line, nor closer than ten (10) feet to any front or rear property line. In most cases, these setbacks will allow the discharge water from downspouts to percolate naturally through the soil on private property without adversely affecting or altering drainage onto adjacent properties.

These requirements are not intended to address seasonal extreme weather events and discharges associated with same. The Director of Public Works retains the authority to waive or modify elements or conditions of this policy when it is determined that unique conditions exist and such waiver or modification would be in the best interest to the City and/or adjacent properties.

**m)** Amend the IRC by adding a new Section R401.4.3 to read as follows:

*R401.4.3 Soils report required.* Foundation designs for new dwellings using the standards referenced in Subsection R404.1.2 shall submit a report from a registered design professional specifying the properties of the soil based on Table 405.1 prior the inspection of footings, if deemed necessary by the Building Code Official.

**n)** Amend the IRC by adding a new Section R401.4.4 to read as follows:

*R401.4.4 Johnson County Residential Foundation Guideline.* Foundation designs for one- and two-family dwellings may use the approved standard design provided in the Johnson County Residential Foundation Guidelines in lieu of the prescriptive requirements of the 2018 International Residential Code as approved by the Building Code Official.

**o)** Amend the IRC by adding a new Section R402.1 to read as follows:

*R402.1 Wood Foundations.* Wood foundation systems are not allowed. All other references in this code to wood foundation systems are null and void.

**p)** Amend the IRC by adding a new Section R403.1.1.1 to read as follows:

*R403.1.1.1 Continuous footing reinforcement.* Continuous footings for basement foundation walls shall have minimum reinforcement consisting of not less than two No. 4 bars, uniformly spaced, located a minimum 3 inches (3") clear from the bottom of the footing.

**q)** Amend the IRC by adding a new Section R403.1.1.2 to read as follows:

*R403.1.1.2 Column pads.* Column pads shall be a minimum of 24 inches by 24 inches

and 8 inches deep (24" x 24" x 8"). Reinforcement shall consist of a minimum of three No. 4 bars each way, uniformly spaced.

r) Amend the IRC by adding a new Section R404.1.1 to read as follows:

*R404.1.1 Design required.* A design in accordance with accepted engineering practice shall be provided for concrete or masonry foundation walls when any of the conditions listed below exist:

- 1) Walls are subject to hydrostatic pressure from ground water.
- 2) Walls supporting more than 48 inches (48") of unbalanced backfill that do not have permanent lateral support at the top and bottom.
- 3) Sites containing CH, MH, OL, or OH soils as identified in Table R405.1.
- 4) Foundation walls nine feet (9 ft.) or greater in height, measured from the top of the wall to the bottom of the slab.
- 5) Lots identified on the subdivision grading plan as having more than six feet (6ft.) of fill or having a finished slope steeper than 4 horizontal to 1 vertical before grading.
- 6) Footings and foundations with existing fill soils below the footing level.
- 7) Sloping lots steeper than 4 to 1 before grading.
- 8) Lots where some footings will bear on soil and others will bear on a different soil type, including rock.
- 9) Areas where problems have historically occurred.
- 10) Stepped footing and foundation walls.
- 11) Concrete floor slabs supported on more than twenty four inches (24 in.) of clean sand or gravel fill or eight inches (8 in.) of earth fill.

s) Amend the IRC by adding a new Section R404.4 to read as follows:

*R404.4 Retaining Walls.* Retaining walls that are not laterally supported at the top and that retain in excess of forty eight inches (48") of unbalanced fill shall be designed by a professional engineer to ensure stability against overturning, sliding, excessive foundation pressure and water uplift. Retaining walls shall be designed for a safety factor of 1.5 times against lateral sliding and overturning.

t) Amend the IRC by adding a new Section R405.1 to read as follows:

*R405.1 Concrete or Masonry Foundations.* Drains shall be provided around all concrete or masonry foundations that retain earth and enclose habitable or usable spaces located below grade. Drainage tiles, gravel or crushed stone drains, perforated pipe or other approved systems or material shall be installed at or below the area to be protected and shall discharge by gravity or mechanical means into an approved drainage system. Gravel or crushed stone drains shall extend at least one foot (1ft) beyond the outside edge of the footing and six inches (6") above the top of the footing and be covered with an approved filter membrane material. The top of open joints of drain tiles shall be protected with strips of building paper. Perforated drains shall be surrounded with an approved filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering



the drain. Drainage tiles or perforated pipe shall be placed on a minimum of two inches (2in) of washed gravel or crushed rock at least one sieve size larger than the tile joint opening or perforation and covered with not less than six inches (6") of the same material.

*Exceptions:*

1. A drainage system is not required when the foundation is installed on well drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group I Soils, as detailed in Table R405.1.
2. A filter membrane is not required where perforated drains are covered with a minimum of eighteen inches (18in) of washed gravel or crushed rock.
3. For gravel or crushed stone drains a filter membrane is not required when the gravel or crushed stone extends at least eighteen inches (18") above the top of the footing.

u) Amend the IRC by adding a new Section R502.6.2 to read as follows:

*R502.6.2 Joist Framing.* Joist framing into the side of a wood girder shall be supported by approved framing anchors or on a ledger strip not less than nominal two inches by 2 inches (2" x 2"). Where joists run parallel to foundation walls, solid blocking fo a minimum of three (3) joist spaces shall be provided at a maximum of three feet (3') on center to transfer lateral loads on the wall to the floor diaphragm. Each piece of blocking shall be securely nailed to joists, sill plate and flooring with not less than three (3) eight penny nails at each connection. Where applicable, a standard design approved by the City and shown on the approved plans may be used in lieu of this requirement.

v) Amend the IRC by adding a new Section R506.3 to read as follows:

*R506.2.5 Basement floor slab isolation.* Basement floor slabs shall be isolated from column pads, interior columns and interior bearing walls to facilitate differential movement. Interior columns and bearing walls shall be supported on a separate interior footing, not on top of the floor slab. Non-bearing walls supported on basement floor slabs shall be provided with a minimum one inch (1") expansion joint to facilitate differential movement between the floor slab and the floor framing above. Two layers of fifteen (15) pound asphalt- impregnated felt will be considered adequate to act as a bond-breaker between the basement floor slab, columns, column footings and interior bearing walls.

w) Amend the IRC by adding a new Section R602.6.1 to read as follows:

*R602.6.1 Drilling and Notching of Top Plate.* When piping or ductwork is placed in or partly in an exterior wall or interior load-bearing wall, necessitating cutting, drilling or notching of the top plate by more than 50 percent of its width, a galvanized metal tie not less than 0.054 inch thick (1.37 mm) (16 ga) and 1½ inches (38 mm) wide shall be fastened across and to the plate not less than four 10d (0.148 inch diameter) nails having a minimum length of 1½ inches (38 mm) at each side or equivalent. The metal tie must extend a minimum of 6 inches past the opening. See Figure R602.6.1.

x) Amend the IRC by adding a new Section R703.2 to read as follows:

*R703.2 Water Resistive Barrier.* One (1) layer of 15 pound felt, free from holes, tears or breaks, complying with ASTM D226 for Type 1 felt or other approved water resistive barrier shall be applied over studs or sheathing of all exterior walls. Such felt or material shall be applied horizontally, with the upper layer overlapping the lower layer not less than two (2) inches. Where joints occur such felt or material shall be lapped not less than six (6) inches. The felt or other approved material shall be continuous to the top of walls and terminated at penetrations and building appendages in a manner to meet the requirements of exterior wall envelope as described in Section R703.1.

*Exceptions:*

Omission of the water-resistive barrier is permitted in the following situations:

1. In detached accessory buildings.

y) Amend the IRC by omitting Section N1101.5 (R103.2) Information on Construction Documents.

z) Amend the IRC by adding a new Section N1101.33 (R401.2) to read as follows:

*N1101.13 (R401.2) Compliance.* Projects may comply with one of the following:

1. Sections N1104.14 through N1104.
2. Section N1105 and the provisions of Sections N1101.14 through N1104 indicated as mandatory.
3. The energy rating index (ERI) approach in Section N1106.

The permit applicant of record must elect which compliance option will be followed at the time the permit application is made.

As an alternative to the provisions of Chapter 11 of this code, structures validated by an energy rater accredited by the Residential Energy Services Network (RESNET) to meet a HERS rating score of 80 or less shall be deemed to meet this code. A preliminary HERS Certificate with 'Draft' watermark or a copy of a REM/rate compliance report with 'Draft' watermark must be submitted with building permit plans. The 'Draft' HERS certificate or report shall identify the project address, and include the HERS raters name and contact information.

The HERS rater is required to perform a blower door test, duct blaster test, pre-drywall inspection and final inspection as part of the standard HERS Index rating process. The final HERS Index score must be posted on the Certificate required by Section N1101.14 (R401.3). The final HERS certificate which indicates the dwelling unit achieved a compliant HERS score must be submitted to the City before issuance of the Certificate of Occupancy. The final HERS Certificate shall identify the project address and include the HERS raters name and contact information.

aa) Amend the IRC by adding a new Table N1102.1.2 (R402.1.2) to read as follows:

Table N1102.1.2 (R402.1.2) Insulation and Fenestration Requirements by Component (a)

Climat e Zone	Fenestrati on U- factor (b)	Skylig ht U- factor (b)	Glazed Fenestrati on SHGC (b)	Ceilin g R- value	Woo d fram e wall R- valu e	Mas s wall R- valu e (e)	Floo r R- valu e (c)	Baseme nt wall R-value (c)	Slab R- valu e & dept h (d)	Cra wl spac e wall R- valu e (c)
4	0.32	0.55	0.40	49	13	8/13	19	10/13	NR	10/13

(a) R- values are minimums. U-factors and SHGC are maximums.

(b) The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

(c) “10/13” means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation on the interior of the basement walls.

(d) NR shall mean “no requirement”.

(e) The second R-value applies when more than half the insulation is on the interior of the mass wall.

**bb)** Amend the IRC by adding a new Section N1102.4.1.2 (R402.1.2) to read as follows:

*N1102.4.1.2 (R402.1.2) Testing (Mandatory).* The building or dwelling unit shall be tested and verified as having an air leakage rate of not exceeding 5 air changes per hour. Testing shall be conducted with a blower door at a pressure of 0.2 inches w.g. (50 Pascals). Where required by the Building Official, testing shall be conducted by an approved third party. A written report of the results of the test shall be signed by the party conducting the test and provided to the Building Official. Testing shall be performed at any time after creation of all penetrations of the building thermal envelope.

During testing:

- 1) Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed, beyond the intended weather stripping or other infiltration control measures;
- 2) Dampers including exhaust, intake, makeup air, backdraft and flue dampers shall be closed, but not sealed beyond intended infiltration control measures;
- 3) Interior doors, if installed at the time of the test, shall be open;
- 4) Exterior doors for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
- 5) Heating and cooling systems, if installed at the time of the test, shall be turned off; and
- 6) Supply and return registers, if installed at the time of the test, shall be fully open.



**cc)** Amend the IRC by omitting Section N1102.4.4 (R402.4.4) Rooms Containing Fuel Burning Appliances.

**dd)** Amend the IRC by omitting Section N1103.3.2.1 (R403.3.2.1) Sealed Air Handler.

**ee)** Amend the IRC by adding a new Section N1103.3.3 (R403.3.3) to read as follows: *N1103.3.3 (R403.3.3) Duct Testing (Mandatory)*. Where required by the Building Official, duct tightness shall be verified by either of the following:

1. Post construction test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.
2. Rough-in test: Total leakage shall be less than or equal to 4 cfm per 100 square feet of conditioned floor area when tested at a pressure differential of 0.1 w.g. (25 Pa) across the system, including the manufacturer's air handler enclosure. All registers shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 3 cfm per 100 square feet of conditioned floor area.

*Exceptions:*

- 1) The total leakage test is not required for ducts and air handlers located entirely within the building thermal envelope.
- 2) On the post construction test, it is permissible to test for "leakage to the outdoors" versus "total leakage. Leakage to the outdoors shall be less than or equal to 8 cfm per 100 square feet of conditioned floor area.

**ff)** Amend the IRC by omitting Section N1103.3.5 (R403.3.5 Building Cavities.

**gg)** Amend the IRC by omitting Section N1103.3.5 (R403.3.5) Building Cavities.

**hh)** Amend the IRC by omitting Section N1104 Electrical Power and Lighting Systems.

**ii)** Amend the IRC by adding a new Section N1106.2 (R406.2 to read as follows:

*N1106.2 (R406.2) Mandatory Requirements*. Compliance with this section requires that the provisions identified in Section 1101.13 through N1104 indicated as "mandatory" be met. The building thermal envelope shall be greater than or equal to the levels of efficiency and Solar Heat Gain Coefficients in Table N1102.1.2 (R402.1.2) and N 1102.1.4 (R402.1.4).

*Exceptions:*

1. Supply and return ducts not completely inside the building thermal envelope shall be insulated to an R-value of not less than R-6.
2. Section N1103.5.1 (R403.5.1) shall not be "mandatory".

**jj)** Amend the IRC by adding a new Table N1106.4 (R406.4) to read as follows:

*N1106.4 (R406.4) Maximum Energy Rating Index*

<b>Climate Zone</b>	<b>Energy Rating Index</b>
4	80

Where on-site renewable energy is included for compliance using the ERI analysis of Section N1106.4, the building shall meet the mandatory requirements of Section N1106.2 and the building thermal envelope shall be greater than or equal to the levels of efficiency and SHGC in Table N1102.1.2 or Table N1102.1.4.

**kk)** Amend Section G2414.5.3 of the IRC to read as follows:

*G2414.5.3 Copper or copper-alloy tubing.* Copper tubing shall comply with Standard Type K or L of ASTM B88 or ASTM B280. Copper and brass tubing shall not be utilized to distribute natural gas, nor shall it be utilized to distribute any other fuel gas within a building or structure.

**ll)** Amend Section G2417.4.1 of the IRC to read as follows:

*G2417.4.1 Test pressure.* The test pressure to be used shall not be less than one and one half times the proposed maximum working pressure, but in no case less than 10 psig regardless of design pressure. For welded piping and for piping carrying gas at pressure in excess of 14 inches water column, the test pressure shall not be less than 60 psig.

**mm)** Amend Section P2603.5 of the IRC to read as follows:

*P2603.5 Freezing.* Water, soil, or waste pipe shall not be installed outside of a building, in exterior walls, in attics or crawl spaces, or in any other place subject to freezing temperature unless adequate provision is made to protect it from freezing by insulation or heat or both. Water service pipe shall be installed not less than 42 inches in depth below grade.

**nn)** Amend Section P2503.2 of the IRC to read as follows:

*P2503.2 Concealment.* A plumbing or drainage system, or part thereof, shall not be covered, concealed or put into use until it has been inspected and approved by the Building Official, or his/her authorized representative. A plumbing or drainage system, or part thereof, shall not be covered, concealed or put into use until it has been tested by the permittee, or his/her designated representative. The Building Official may require that any test of the plumbing or drainage system be witnessed by the Building Official or his/her designated representative.

**oo)** Amend Section P2603.5.1 of the IRC to read as follows:

*P2603.5.1 Sewer depth.* Building sewers shall not be less than 12 inches below grade.

**pp)** Amend Section P2604.5 of the IRC to read as follows:

*P2604.5 Inspection.* Excavations required for the installation of the building sewer system shall be open trench work and shall be kept open until the piping has been inspected and approved to cover.

**qq)** Amend Section P2902.5.3 of the IRC to read as follows:

*P2902.5.3 Lawn irrigation systems.* The potable water supply to lawn irrigation systems shall be protected against backflow by an approved device. Backflow devices within structures shall be installed between 12 inches and 48 inches above the floor and shall be accessible.

**rr)** Amend Section P2902.6.2 of the IRC to read as follows:

*P2902.6.2 Protection of backflow preventers.* Backflow preventers shall not be located in areas subject to freezing except where they can be removed by means of unions, or are protected by heat, insulation or both. EXCEPTION: In-ground backflow preventers installed for lawn irrigation systems.

**ss)** Amend Section P2902.6.2 of the IRC to read as follows:

*P3005.4.2 Building sewer size.* The minimum size of a building sewer serving a dwelling unit shall be 4 inches.

**tt)** Amend Section P3008.1 of the IRC to read as follows:

*P3008.1 Where required.* All sewer connections require a backwater valve which shall be provided with access.

**uu)** Amend Section P3114.3 of the IRC to read as follows:

*P3114.3 Where permitted.* Individual vents, branch vents, circuit vents, and stack vents shall be permitted to terminate with a connection to an air admittance valve only when approved by the Authority Having Jurisdiction (AHJ).

**vv)** Amend Section P3303.2 of the IRC to read as follows:

*P3303.2 Sump pump.* Whenever a sump pit is installed, a sump pump and piping for discharge must also be provided. The sump pump discharge must be day-lighted and shall not be discharged into the public sewer system or onto adjacent properties.

**ww)** Amend Section E3601.6.2 of the IRC to read as follows:

*E3601.6.2 Service disconnect location.* The service disconnecting means shall be installed at a readily accessible location either outside of a building or inside nearest the point of entrance of the service conductors. When service conductors are more than 10 feet in length from the point of entry to the service panel, a separate means of disconnect shall be installed at the service cable entrance to the building or structure. Service disconnecting means shall not be installed in bathrooms. Each occupant shall have access to the disconnect servicing the dwelling unit in which they reside,

**xx)** Amend Section E3902.2 of the IRC to read as follows:

*E3902.2 Garage, Unfinished Basements and Accessory Building Receptacles.* All 125-volt, single phase, 15 or 20 ampere receptacles installed in garages and grade level portions of unfinished accessory buildings used for storage or work areas shall have ground-fault circuit-interrupter protection for personnel.

*Exceptions:*

1. A dedicated single receptacle for a garage door opener.
2. A dedicated single receptacle on a dedicated circuit that is specifically identified for cord and plug connected use of an appliance such as a refrigerator or freezer.
3. A dedicated single receptacle for a sump pump.
4. A dedicated receptacle supplying a permanently installed fire alarm or security alarm system.

**yy)** Amend the IRC by adding a new Chapter 45 to read as follows:

*CHAPTER 45  
SWIMMING POOLS, SPAS AND HOT TUBS*

SECTION 4501-GENERAL

*4501.1 General.* The provisions of Chapter 505 Article IX of the Mission Municipal Code and Chapter 42 of the 2012 International Residential Code shall control the design and construction of swimming pools, spas and hot tubs installed in or on the lot of one or two family dwellings.

SECTION 4502-DEFINITIONS

*Above-ground Pool.* See “swimming pool.”

*Barrier.* A fence, wall, building wall, or combination thereof which completely surrounds the swimming pool and obstructs access to the swimming pool, hot tub, or spa. The term ‘permanent’ shall mean not being able to be removed, lifted, or relocated without the use of a tool.

*Hot Tub.* See “swimming pool”.

*In-ground Pool.* See “swimming pool”.



On-ground Pool. A pool than can be disassembled for storage or transport. This includes portable pools with flexible or non-rigid walls that achieve their structural integrity by means of uniform shape, a support frame, or a combination thereof, and that can be disassembled for storage or relocation.

Residential. That which is situated on the premises of a detached one-or-two family dwelling, or a one family townhouse not more than three (3) stories in height.

Spa, Non-portable. See “swimming pool”.

Spa, Portable. A nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product.

Swimming Pool. Any structure intended for swimming or recreational bathing that contains water more than twenty four (24) inches deep. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

Swimming Pool, Indoor. A swimming pool which is totally contained within a structure and surrounded on all four sides by the walls of the enclosing structure.

Swimming Pool, Outdoor. Any swimming pool which is not an indoor pool.

SECTION 2. That existing Chapter 500 Article III of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article III as presented of the Mission Municipal Code is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November, 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November, 2022.

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Solana Flora, Mayor

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ATTEST:

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Robyn Fulk, City Clerk

APPROVED AS TO FORM:

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David K. Martin, City Attorney

**AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL PLUMBING CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE V OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL PLUMBING CODE 2018 EDITION**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article V and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions  
Article V International Plumbing Code**

**Section 500.060 Adoption.**

- (a) There is hereby adopted the International Plumbing Code 2018, published by the International Code Council, for regulating the erection, construction, enlargement, alteration, repair, and maintenance of all plumbing systems in the City of Mission, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 2018 edition, on file in the office of the building official are hereby referred to as the IPC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.
- (b) Wherever the word "jurisdiction" is used in the International Building Code, adopted hereby, said term shall mean the City of Mission.

**Section 500.061 Violation.**

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

**Section 500.062 Definitions.**

For the purposes of the International Plumbing Code, 2018 Edition, as adopted, the following words and phrases shall have the following meanings:

- a) The term "Building Official" shall also be known as the "Code Official" or "Administrative Authority" and shall have the duty of enforcing all provisions of this code.

**Section 500.063 Deletions.**

The following provisions shall be deleted:

- a) *Section 103. Department of Plumbing Inspection.*
- b) *Section 312.10. Inspection and testing of backflow prevention assemblies.*
- c) *Section 312.6. Gravity sewer test.*
- d) *Section 312.7. Forced sewer test.*
- e) *Section 312.10.1. Inspections.*
- f) *Section 109 Means of Appeal.*

**Section 500.064 Amendments and Additions.**

**a) Amend Section 101.1 of the IPC to read as follows:**

*Section 101.1 Title.* These regulations shall be known as the International Plumbing Code of the City of Mission, hereinafter referred to as "this code" or "IPC".

**b) Amend section 106.6.2 of the IPC to read as follows:**

*Section 106.6.2 Fee Schedule.* The fees for work requiring a permit shall be paid as adopted by resolution of the City Council. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged. Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

**c) Amend Section 106.6.3 of the IPC to read as follows:**

*Section 106.6.3 Fee Refunds.* The code official shall authorize the refunding of fees as follows:

1. The full amount of any fee paid hereunder that was erroneously paid or collected.
2. Not more than 80% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
3. Not more than 80% of the plan review fee paid when an application for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of the fee payment.

**d) Amend Section 108.4 of the IPC to read as follows:**

*Section 108.4 Violation Penalties.* It shall be unlawful for any person, firm or corporation to violate a provision of this code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this code. Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during



which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

e) Amend Section 108.5 of the IPC to read as follows:

*Section 108.5 Stop Work Orders.* Upon notice from the Building Code Official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.

f) Amend Section 305.4.1 of the IPC to read as follows:

*Section 305.4.1 Sewer depth.* Building sewers that connect to private sewage disposal systems shall comply with the Johnson County Sanitary Code, adopted by Johnson County, Kansas. Building sewer pipe connecting to the public sewer shall comply with the regulations of the Johnson County Wastewater District.

g) Amend Section 312.3 of the IPC to read as follows:

*Section 312.3 Drainage and Vent Air Test.* An air test shall be made by forcing air into the system until there is a uniform gauge pressure of 5 psi (34.5kPa) or sufficient to balance a 10 inch column of mercury. This pressure shall be held for a period not less than 15 minutes. Any adjustments to the test pressure because of changes in ambient temperature or the seating of gaskets shall be made prior to the beginning of the test period.

i) Amend Section 410.4 of the IPC to read as follows:

*Section 410.4 Substitution.* In occupancies where drinking fountains are required, water coolers or bottled water dispensers are permitted to be substituted for the required drinking fountains.

j) Amend Section 608.15.2 of the IPC as follows:

*Section 608.15.2 Protection of backflow preventers.* Backflow preventers shall not be located in areas subject to freezing except where they can be removed by means of a union or are protected from freezing by heat, insulation or both. *Exception:* In-ground backflow devices for lawn-irrigation systems.

**k)** Amend Section 903.1 of the IPC to read as follows:

*Section 903.1 Roof extension.* Open vent pipes that extend through a roof shall be terminated not less than 6 inches above the roof. Where a roof is to be used for assembly or as a promenade, observation deck, sunbathing deck, or similar purposes, open vent pipes shall terminate not less than 7 feet above the roof.

**l)** Amend Section 918.1 of the IPC to read as follows:

*Section 918.1 General.* Air admittance valves are not allowed unless approved by the Authority Having Jurisdiction (AHJ). Vent systems utilizing air admittance valves shall comply with this section. Stack type air admittance valves shall conform to ASSE 1050. Individual and branch-type air admittance valves shall conform to ASSE 1051.

**k)** Amend Section 1103.3 of the IPC to read as follows:

*Section 1103.3 Prohibited drainage.* Storm water systems, to include connections of sump pumps, foundation drains, yard drains, gutters, downspouts and any other stormwater conveyance or system are prohibited from connecting to the sanitary sewer system. Storm water systems shall not be installed so as to cause a nuisance onto adjacent properties or to alter any existing drainage course.

**l)** Amend Section 1113.1.4 of the IPC to read as follows:

*Section 1113.1.4 Piping.* Discharge piping shall meet the requirements of Sections P3002.1, P3002.2, P3002.3, and P3003. Discharge piping shall include an accessible full flow check valve. Pipe and fittings shall be the same size as or larger than the pump discharge piping. Discharge shall be day-lighted so as not to cause a nuisance onto adjacent properties or alter any existing drainage course and shall not be discharged into the public sewer system.

**SECTION 2.** That existing Chapter 500 Article V of the Mission Municipal Code is hereby repealed in its entirety:

**SECTION 3.** That the new Chapter 500 Article V as presented, of the Mission Municipal Code, is hereby adopted.

**SECTION 4.** That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

**SECTION 5.** That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

**APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November 2022.**

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Solana P. Flora, Mayor

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ATTEST:

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Robyn Fulks, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David K. Martin, City Attorney





**AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL MECHANICAL CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE VI OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL MECHANICAL CODE 2018 EDITION.**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article VI and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions  
Article VI International Mechanical Code**

**Section 500.108 Adoption**

(a) There is hereby adopted for the purpose of prescribing regulations for the erection, construction, enlargement, alteration, repair and maintenance of all mechanical systems in the City, that certain code known as the International Mechanical Code, published by the International Code Council, Inc., being particular the 2018 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "IMC" or "mechanical code".

(b) Wherever the word "jurisdiction" is used in the International Mechanical Code, adopted hereby, said term shall mean the City of Mission.

**Section 500.071 Violation**

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

**Section 500.072 Deletions**

The following provisions shall be deleted:

- a) Section 109: Means of Appeal.

**Section 500.073 Additions**

The following provisions shall be added:

- a) The following Subsection shall be added at the end of Section 102 of the International Mechanical Code, as adopted: *102.12 State Boiler Inspector*. Where permits are issued and portions of the work require inspection and approval of boilers and pressure vessels by the state of Kansas, those portions of the work will comply with the state requirements in lieu of compliance with the technical provisions of this code. Contact the State Boiler Inspector at the State Department of Human Resources for complete information

regarding state requirements. State approval is generally required for all boilers that require permits.

*Exceptions:*

1. Boilers serving individual dwelling units and their accessory structures.
2. Boilers serving apartment houses with less than five (5) families.
3. Pressure vessels that do not exceed 15 cubic feet and 250 psi.

### Section 500.073 **Amendments**

The following amendments shall be made:

- a) Section 101.1 of the International Mechanical Code, as adopted, shall be amended to read: *Section 101.1 Title*. These regulations shall be known as the Mechanical Code of Mission, Kansas, hereinafter referred to as "this code".
- b) Section 106.4.3 of the International Mechanical Code, as adopted, shall be amended to read: *106.4.3 Expiration*. "Every permit issued by the Building Code Official under the provisions of this code shall expire by limitation and become null and void if:
  - i) The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
  - ii) The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

- c) Section 106.5.2 of the International Mechanical Code, as adopted, shall be amended to read: *106.5.2 Fee Schedule*. The fees for work requiring a permit shall be paid as adopted by resolution of the City Council. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

- d) Section 106.5.3 of the International Mechanical Code, as adopted, shall have sentences 2 and 3 amended to read:

- 2) Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
  - 3) Not more than 100% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.
- e) Section 108.4 of the International Mechanical Code, as adopted, shall be amended to read: *108.4 Violation Penalties*. It shall be unlawful for any person, firm or corporation to violate a provision of this code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this code.

Violation of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

- f) Section 108.5 of the International Mechanical Code, as adopted, shall be amended to read: *108.5 Stop work orders*. Upon notice from the Building Code Official, work on any mechanical system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to penalties as prescribed by law.
- g) Section 401.2 of the International mechanical Code, as adopted, shall be amended to read:
- 401.2 Ventilation required*. Every occupied space shall be ventilated by natural means in accordance with Section 402 or by mechanical means in accordance with Section 403. Where the air infiltration rate in a dwelling unit is less than three (3) air changes per hour when tested with a blower door at a pressure of 0.2 inch water column (50 Pa) in accordance with Section R402.4.1.2 of the International Energy Conservation Code, the dwelling unit shall be ventilated by mechanical means in accordance with Section 403.

SECTION 2. That existing Chapter 500 Article VI of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article VI as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November 2022.

\_\_\_\_\_  
Solana Flora, Mayor

ATTEST:

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Robyn Fulks, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David K. Martin, City Attorney



**AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL FUEL GAS CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE IV OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL FUEL GAS CODE 2018 EDITION.**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article IV and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions  
Article IV International Fuel Gas Code**

**Section 500.050 Adoption**

(a) There is hereby adopted for the purpose of prescribing regulations governing conditions for the erection, construction, enlargement, alteration, repair and maintenance of water heaters, fuel gas piping and heating systems in the City, the code known as the International Fuel Gas Code, published by the International Code Council, Inc., being particular the 2018 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "IFGC" or "fuel gas code".

(b) Wherever the word "jurisdiction" is used in the International Fuel Gas Code, adopted hereby, said term shall mean the City of Mission.

**Section 500.051 Violation**

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

**Section 500.052 Reserved**

**Section 500.053 Deletions**

The following provisions shall be deleted:

a) *Section 109: Means of Appeal.*

**Section 500.054 Reserved**

**Section 500.055 Amendments**

The following amendments shall be made:

a) *Section 101.1 Title.* Amend the paragraph to read: These regulations shall be known as the Fuel Gas Code of Mission, Kansas, hereinafter referred to as "IFGC" or "fuel gas code".

b) Section 106.4.3 of the International Fuel Gas Code, as adopted, shall be amended to read: *106.4.3 Expiration*: "Every permit issued by the Building Code Official under the provisions of this code shall expire by limitation and become null and void if:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee.

c) Section 106.6.2 of the International Fuel Code, as adopted, shall be amended to read: *Section 106.6.2 Schedule of permit fees*. Amend the paragraph to read: The fees for work requiring a permit shall be paid as adopted by resolution of the City Council.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

d) Section 106.6.3 of the International Fuel Gas Code, as adopted, shall have sentences 2 and 3 amended to read: *106.6.3 Fee Refunds*.

- 1) Not more than 100% of the permit fee paid when no work has been done under a permit issued in accordance with this code.
- 2) Not more than 100% of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.

e) Section 108.4 of the International Fuel Gas Code, as adopted, shall be amended to read: *108.4 Violation penalties*. It shall be unlawful for any person, firm or corporation to violate a provision of the code or who shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair fuel gas work in violation of the approved construction documents or directive of the Building Code Official, or of a permit or certificate issued under the provisions of this code. Violation of any provision of this code shall be unlawful, punishable upon conviction as provided by law.

Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided in Municipal Code Section 100.100.

f) Section 108.5 of the International Fuel Gas Code, as adopted, shall be amended to read:  
*108.5 Stop work orders.* Upon notice from the Building Code Official, work on any plumbing or gas system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work.  
The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the Building Code Official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe conditions, shall be subject to penalties as prescribed by law.

SECTION 2. That existing Chapter 500 Article IV of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article IV as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas,  
this \_\_\_\_ day of \_\_\_\_\_, 2019.

**APPROVED BY THE MAYOR of the City of Mission, Kansas, this \_\_\_ day of \_\_\_\_\_,  
2019**

\_\_\_\_\_

\_\_\_\_\_  
Solana P. Flora, Mayor

ATTEST:

\_\_\_\_\_  
Robyn Fulks, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David K. Martin, City Attorney



**AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL ENERGY CONSERVATION CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE XI OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL ENERGY CONSERVATION CODE 2018 EDITION.**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article XI and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions  
Article XI International Energy Conservation Code**

**Section 500.115 Adoption.**

- (a) There is hereby adopted the International Energy Conservation Code 2018, published by the International Code Council, for regulating the energy efficiency of building envelopes and the installation of energy efficient mechanical, lighting and power systems in the City of Mission, providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Energy Conservation Code, 2018 edition, on file in the office of the building official are hereby referred to as the IECC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.
- (b) Wherever the word "jurisdiction" is used in the International Energy Conservation Code, adopted hereby, said term shall mean the City of Mission.

**Section 500.116 Violation.**

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

**Section 500.117 Definitions.**

For the purposes of the International Energy Conservation Code, 2012 Edition, as adopted, the following words and phrases shall have the following meanings:

- a) The term "code official" shall mean the Building Official.

**Section 500.118 Deletions.**

The following provisions of the International Energy Conservation Code, as adopted, shall be deleted and not applicable under this code:

- a) Section C109, R109 Board of Appeals.
- b) Section R402.4.4 Rooms containing fuel burning appliances.
- c) Section R403.3.3 Duct testing.
- d) Section R403.3.2.1 Sealed air handler.
- e) Section R403.3.5 Building cavities.
- f) Section R403.3.5.1.1 Circulation systems.
- g) Section R404 Electrical power and lighting systems.

- h) Section C406 Additional Efficiency Package Options.
- i) Section C408 Maintenance Information and System Commissioning

**Section 500.119 Amendments and Additions.**

- a) Amend Section C101.1, R101.1 of the IECC as follows:**

*Section C101.1, R101.1 Title:* These regulations shall be known as the Energy Conservation Code of the City of Mission, hereinafter referred to as "this code or the IECC."

- b) Amend by adding a new Section C101.4.2 of the IECC as follows:**

*C101.4.2 Additions, Alterations, Renovations and Repairs.* Additions, alterations, renovations and repairs to existing buildings, building systems or portions thereof shall perform to the provisions of this code as they relate to new construction without requiring the unaltered portions of the existing building or building system to comply with this code. Additions, alterations, renovations, or repairs shall not create an unsafe or hazardous condition or overload existing building systems. An addition shall be deemed to comply with this code if the addition alone complies or if the existing building and addition comply with this code as a single building.

*Exception:* The following need not comply provided the energy use of the building is not increased.

1. Storm windows installed over existing fenestration.
2. Glass only replacements in an existing sash and frame.
3. Existing ceiling, wall or floor cavities exposed during construction provided that these cavities are filled with insulation.

- c) Amend Sections C104.2 and R104.2 of the IECC as follows:**

*C104.2 and R104.2 Schedule of Permit Fees.* The fee for each building permit shall be as set forth by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review. The plan review fees specified in this Subsection are separate fees from the permit fees specified in Sections C107.2 or R107.2 and are in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred or amended submittal items as defined in Section C103.4 or R103.4, an additional plan review fee may be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

d) Amend by adding new Sections C110, R110 of the IECC as follows:

*C110, R110 Violation Penalties.* Violations of any provision of this code shall be an unlawful act. Each separate day or any portion thereof, during which any violation of this code occurs or continues, shall also be deemed to constitute a separate offense, and shall be punishable as provided Municipal Code Section 100.100.

*C110.1, R110.1 Prosecution of violation.* Any person failing to comply with a notice of violation or order shall be deemed guilty of an unlawful act. If the notice of violation is not complied with, the Building Code Official may request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

e) Amend Table C402.1.3 of the IECC as follows:

*Table C402.1.3 Opaque Thermal Envelope Requirements*

**Roofs**

<b>Component</b>	<b>All other</b>	<b>Group R</b>
Insulation entirely above deck	R-20 ci	R-20ci
Metal building roofs w/ R-5 thermal blocks (a,b)	R-19 + R-11 LS	R-19 + R-11 LS
Attic and other	R-38	R-38

**Walls Above Grade**

<b>Component</b>	<b>All Other</b>	<b>Group R</b>
Mass	R-9.5 ci	R-11.4 ci
Metal Building	R-13 + R-13 ci	R-13 + R-13 ci
Metal Framed	R-13 + R-7.5 ci	R-13 + R-7.5 ci
Wood Framed and Other	R-13	R-13

**Walls Below Grade**

<b>Component</b>	<b>All other</b>	<b>Group R</b>
Below Grade Wall (d)	R-7.5 ci	R-7.5 ci

**Floors**

<b>Component</b>	<b>All other</b>	<b>Group R</b>
Mass	R-10 ci	R-10.4 ci
Joist/Framing	R-30	R-30

**Slab-on-Grade Floors**

<b>Component</b>	<b>All other</b>	<b>Group R</b>
Unheated slabs	R-10 for 24 inches below	R-10 for 24 inches below
Heated slabs	R-15 for 24 inches below	R-15 for 24 inches below

### Opaque Doors

Component	All other	Group R
Swinging	U-0.61	U-0.61
Roll-up or Sliding	U-0.61	U-0.61

ci= continuous insulation. LS=Liner system- a continuous membrane installed below the purlins and uninterrupted by framing members. Uncompressed, un-faced insulation rests on top of the membrane between the purlins.

- a. Assembly descriptions can be found in ANSI/ASHRAE/IESNA Appendix A.
- b. Where using R-value compliance method, a thermal space block shall be provided, otherwise use the U-factor compliance method in Table C402.1.2.
- d. Where heated slabs are below grade, below grade walls shall comply with the exterior insulation requirements for heated slabs.

f) Amend Table R402.1.2 of the IECC as follows:

*Table R402.1.2 Insulation and Fenestration Requirements by Component. (a)*

Climate zone: 4

Fenestration U- factor (b): 0.32

Skylight U-factor (b): 0.55

Glazed Fenestration SHGC (b): 0.40

Ceiling R-value: 49

Wood frame wall R-value: 13

Mass wall R-value (i): 8/13

Floor R-value: 19

Basement wall R-value(c): 10/13

Slab R-value and Depth: NR (d)

Crawl space R-value(c): 10/13

(a) R values are minimums. U-factors and SHGC are maximums.

(b) The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.

(c) "10/13" means R-10 continuous insulation on the interior or exterior of the home or R-13 cavity insulation on the interior of the basement walls.

(d) NR shall mean no requirement

(i) Mass walls shall be in accordance with Section N1102.2.5. The second R-value applies where more than half the insulation is on the interior of the mass wall.

g) Amend Section R402.4.1.2 of the IECC as follows:

*Section R402.4.1.2 Testing.* When required by the code official, the building or dwelling unit shall be tested and verified by an approved third party as having an air leakage rate of not exceeding five (5) air changes per hour. A written report of the results of the test shall be signed by the party conducting the test and provided to the code official.

Amend Section R402.4.2 as follows:



*Section R402.4.2 Fireplaces.* New wood-burning fireplaces shall have tight- fitting flue dampers or doors and outdoor combustion air.

Delete Section R402.4.4 Rooms containing fuel burning appliances.

Delete Section R403.3.3 Duct testing.

Delete Section R403.3.2.1 Sealed air handler.

Delete Section R403.3.5 Building cavities.

Delete Section R403.3.5.1.1 Circulation systems.

Delete Section R404 Electrical power and lighting systems.

Amend Table R406.4 as follows:

Table R406.4 Energy Rating Index. Climate zone 4: Energy rating index: 70

SECTION 2. That existing Chapter 500 Article XI of the Mission Municipal Code is hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article XI as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

**APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November 2022.**

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Solana P. Flora, Mayor

ATTEST:

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Robyn Fulks, City Clerk

APPROVED AS TO FORM:

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David K. Martin, City Attorney

**AN ORDINANCE ADOPTING THE 2018 INTERNATIONAL PROPERTY MAINTENANCE CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE IX OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF THE INTERNATIONAL PROPERTY MAINTENANCE CODE 2018 EDITION.**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article IX and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions  
Article IX International Property Maintenance Code**

**Section 500-100 Adoption.**

- a) There is hereby adopted the International Property Maintenance Code 2018, to include Appendix A, published by the International Code Council, for regulating minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, a reasonable level of safety from fire and other hazards and for a reasonable level of sanitary maintenance of all buildings or structures in the City of Mission, and each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code, 2018 edition, on file in the office of the building official are hereby referred to as the IPMC, adopted and made a part hereof as if fully set out in this chapter, subject only to the express amendments and deletions provided herein.
  
- b) Wherever the word "jurisdiction" is used in the International Property Maintenance Code, adopted hereby, said term shall mean the City of Mission.

**Section 500-101 Violation.**

Any person violation any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

**Section 500-102 Definitions.**

For the purposes of the International Property Maintenance Code, 2018 Edition, as adopted, the following words and phrases shall have the following meanings:

*Section 201.3 Terms defined in other codes.* Where terms are not defined in this code and are defined in the International Building Code, International Fire Code, International Zoning Code, International Existing Building Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, National Electrical Code or the International Residential Code, those terms shall have the meanings ascribed to them as stated in those codes.

*Section 202 General definitions - Definitions Added.*

Accessory Structure - A building, the use of which is incidental to that of the main building, and which is located on the same lot.

Approved - Approved by the code official.

Blighted - Any structure or premises, which by reason of dilapidation, overcrowding, lack of ventilation, light or sanitary facilities, or any combination of these factors are detrimental to safety, health, and morals.

Board - The “Board of Appeals” shall in all instances mean the Board of Code Review.

Building - Any structure used or intended for supporting or sheltering any use or occupancy.

Building Official - The official who is charged with the administration and enforcement of this code, or any duly authorized representative.

Bus - A self-propelled motor vehicle designed for or used for the transportation of passengers exceeding any of the following:

1. 25 feet in overall length;
2. Eight feet in height; or
3. A gross weight of 3,000 pounds per axle.

City - The City of Mission, Kansas.

Cellar - The portion of a building which is partly or completely below grade.

Condemn - To adjudge unfit for occupancy.

Crawl Space - A space provided in a building in order to enable access to plumbing, wiring, and other equipment.

Debris - Discarded waste and/or the remains of something broken down or destroyed.

Driveway - A private road, constructed of materials approved by the city, giving access from a public thoroughfare to a building or buildings on abutting grounds.

Driveway Approach - The portion of the driveway that is located within the city right-of-way.

Dumpster - A large container used for storage of refuse and/or debris until next scheduled pickup. Generally used for commercial occupancy, but may be used for temporary residential projects.

Dumpster, Temporary - A large container used for the storage of refuse and/or debris for a period of time corresponding to a particular task or project.



Dwelling - Any building that contains one or two dwelling units used, intended, or designed to be built, used, rented, leased, let or hired out to be occupied, or that are occupied for living purposes.

Enclosed Area - Any area, which is inaccessible to the public view.

Exterior Screened Area - An area separated by a permanent nonflexible device to completely conceal an element of a property from other elements or from adjacent or contiguous property, i.e., fencing constructed so that one cannot see the elements to be concealed.

Extermination - The control and elimination of insects, rats, or other pests by eliminating their harborage places; by removing or making inaccessible materials that serve as their food; by poison spraying, fumigating, trapping or by any other approved pest elimination methods.

Labeled - Devices, equipment, appliances, or materials to which has been affixed a label, seal, symbol, or other identifying mark of a nationally recognized testing laboratory, inspection agency or other organization concerned with product evaluation that maintains periodic inspection of the production of above-labeled items and by whose labe the manufacture attests to compliance with applicable nationally recognized standards.

Lot Line - A line dividing one lot from another, or from a street or any public place.

Motor Vehicle - Every vehicle which is self-propelled, and every vehicle which is propelled by electric power obtained from overhead trolley wires but not operated upon rails, except vehicles moved solely by human power and motorized wheelchairs. [KSA 8-2,128 (r)]

Motor Vehicle, Commercial (State of Kansas- Definition) Means a motor vehicle designed or used to transport passengers or property, if:

1. The vehicle has a gross vehicle weight ratio of 26,001 or more pounds or such lesser rating, as determined by rules and regulations adopted by the secretary but shall not be more restrictive than the federal regulations.
2. The vehicle is designed to transport 16 or more passengers, including the driver; or
3. The vehicle is transporting hazardous materials and is required to be placarded in accordance with C.F.R. § 172, subpart F. [KSA 8-2,128 (f) 1-3]

Motor vehicle, Commercial (Federal regulations; 49 CFR§390.5- Definition.) Means any self-propelled or towed motor vehicle used on a highway in interstate commerce to transport passengers or property when the vehicle

1. Has a gross vehicle weight rating or gross combination weight rating, or gross vehicle weight or gross combination weight, of 4,536 kg (10,001 pounds) or more, whichever is greater; or
2. Is designed or used to transport more than 8 passengers (including the driver) for compensation; or
3. Is designed or used to transport more than 15 passengers, including the driver, and is not used to transport passengers for compensation; or

4. Is used in transporting material found by the Secretary of Transportation to be hazardous under 49 U.S.C. 5103 and transported in a quantity requiring placarding under regulations prescribed by the Secretary under 49 CFR, subtitle B, chapter I, subchapter C.

Motor Vehicle, Inoperable - A vehicle which cannot be driven upon the public streets for reason including, but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, or incapable of being moved under its own power.

Motor Vehicle, Unlicensed - A motor vehicle, as defined herein, which is required by the state to have proper and current registration for movement upon the public right-of-way that is maintained in an open parking area on private property without displaying a current license from the state.

Parking Area - An approved paved area located on the premises of a lot used or intended for the use of maintaining motor vehicles which are used in the daily routine.

Parking Area, Commercial - An approved paved area, which is connected to the driveway approach and is used or intended for the use of temporary and transient parking of motor vehicles. Any public or private area, under or outside, of a building or structure, designed and used for the parking of motor vehicles including parking lots, garages, and legally designated areas of public streets.

Parking Area, Residential - An approved paved area, which is connected to the driveway approach and is used or intended for the use of overnight storage of motor vehicles.

Parking Pad - An approved paved area located on the premises of a lot used or intended for the use of maintaining motor vehicles which are not used in the daily routine.

Paved Area - An area constructed of concrete or asphalt as approved by the city, for the purpose of parking motor vehicles.

Perennial Violator - Shall mean any person who shows an annual pattern of failing to comply with any provision of the municipal code, which is demonstrated by repeated notices of violation and orders to abate, notices sent, or previous violations of the municipal code.

Swimming Pool - Any structure intended for swimming or recreational bathing that contains water over 24 inches deep. This includes in-ground, above-ground, and on-ground swimming pools, hot tubs, and spas.

Trailer - A vehicle without motor power designed or used for, but not limited to, the carrying of property, freight, or merchandise, which is pulled by a motor vehicle.

Weeds - All grasses, annual plants and vegetation, other than trees or shrubs, provided; however, this term shall not include cultivated flowers and gardens.

Weeds, Noxious - Poison ivy, poison oak, poison sumac, and plants containing thistles or other vegetation that may raise lesions upon brief contact by a person with the plant material or secretion from the weed or plant.

**Section 500.103 Deletions.**

The following provisions of the International Residential Code, as adopted, shall be omitted and not applicable under this code unless amended:

a) *Section 103.2 Appointments*

**Section 500.104 Additions.**

The following additions shall be made:

- a) Section 101.5 of the 2012 International Property Maintenance Code is hereby added to read as follows: *101.5 General.* The Code Official or, where appropriate, the City Council is authorized, subject to any adopted policies or administrative rules or regulations, to take the following actions to bring the subject property into compliance with this code or other resolutions of the City.
- b) Those actions include, without being limited to, abatement of the violation, vacation of the premises until the violation is corrected, prohibition of occupancy of the premises until the violation is corrected, issuance of a Notice to Appear in Court, injunctive or other relief in court, suspension or revocation of any licenses pertaining to the premises that remain in violation, and any other necessary or appropriate actions authorized by any applicable law, resolution, statute, rule or regulation. If no public necessity is found for the immediate demolition of the structure or premises, the Code Official or City Council may take such other action, including, without limitation, causing the property to be cleaned, cleared, vacated, secured or otherwise repaired or any other action deemed necessary to promote the public health, safety or general welfare. The provisions of Chapter 500, Article XIII Enforcement, Violations And Penalties shall be made applicable to this Section and pursuant to those provisions and any other applicable laws, statutes, resolutions, rules or regulations, the property owner may be charged for the costs incurred by the City in taking any actions to abate or correct such unlawful conditions, including administrative fees, and a lien may be placed on the property for any such unpaid costs and fees. The Community Development Director shall designate the division, employee or agency of the City to enforce this code, and such designee shall, for the purposes of this code, be known as the "Code Official."

The following Section shall be added to the designated International Property Maintenance Code, as adopted:

*108.1.3 Posting structures unfit for human occupancy.* The Code Official shall cause any building or structure deemed unfit for human occupancy to be posted at each entrance thereto with a notice reading:

**BUILDING UNFIT FOR HUMAN OCCUPANCY  
DO NOT OCCUPY**

It is unlawful to occupy this building or to remove or  
deface this notice  
Code Official  
Mission, Kansas

New Section 302.8.2 is added to read as follows:

*302.8.2 Commercial vehicle.* No person shall park or allow to be parked a commercial vehicle upon any residential lot or premises, improved or unimproved, in the city.

Exceptions:

1. City-owned and operated vehicles; service vehicles owned by utility companies while in the process of providing services or maintenance; construction vehicles while being used in connection with construction or maintenance authorized by the city.
2. For the purpose of making delivery or pickup provided such vehicles are not left continuously parked between the hours of 6:00 p.m. and 6:00 a.m. local time.

New Section 302.8.3 is added to read as follows:

*302.8.3 Motor vehicles for sale.* Except as provided for herein no one with an ownership interest in a motor vehicle shall park or allow to be parked said motor vehicle on private or public property zoned residential, commercial, or manufacturing within view of a public street for the purpose of selling or advertising for sale, said motor vehicle.

Exceptions:

1. In residential zoned properties, one motor vehicle shall be allowed to be placed on a paved area for the purpose of selling said motor vehicle. No residential property shall be allowed more than four motor vehicles for sale in a calendar year.
2. In commercial and manufacturing zoned properties, if a person with an ownership interest in said motor vehicle is an employee of a business within said property and has written permission from the property owner to use the property for the purpose of selling, or has a valid occupational license from the city for the sale of motor vehicles and said occupational license designating the premises involved as the business location. Whether or not permission has been given to park on the property is an affirmation defense, and the showing of written permission and proof of employment meet the burden of proof.

New Section 302.8.3.1 is added to read as follows:

*302.8.3.1 Prima facie evidence.* The fact that a "For Sale" sign, telephone number(s), or other advertising appears on the motor vehicle shall be prima facie evidence that the motor vehicle is parked for the purpose of sale.



For the purpose of this section, if a motor vehicle has remained on commercial or manufacturing zoned properties for a period of more than eight hours, this shall be prima facie evidence that it was not parked for the purpose of using other facilities on the premises. However, other evidence may be used to establish it was not parked primarily for this purpose and it is not necessary that it be parked for a time exceeding eight hours.

New Section 302.8.4 is added to read as follows:

*302.8.4 Motor vehicle encroachment.* No motor vehicle shall block or partially block any portion of a city sidewalk, located within the city right-of-way.

New Section 302.8.5 is added to read as follows:

*302.8.5 Recreational vehicles.* Recreational vehicles shall not be used for storage of materials, goods or equipment, other than those items considered to be a part of the unit or essential to its immediate use, nor shall they be used as dwelling units while parked in any residential zoning district, and they shall only be connected to an electrical power outlet or water connection for maintenance purposes in any residential zoning district.

New Section 308.4.1 is added to read as follows:

*308.4.1 Deposition in streets, streams, etc.* No person shall cart, place, sweep, throw or deposit anywhere within the city any rubbish or garbage in any stream, lake, body of water, ravine, or in such a manner that it may be carried or deposited by the elements upon any street, sidewalk, alley, sewer, parkway, or other public place or upon any occupied premises within the city.

New Section 308.4.2 is added to read as follows:

*308.4.2 Refrigerator storage.* No refrigerator or similar equipment shall be stored outside the premises for more than 24 hours prior to pick up. All refrigerators or similar equipment must have all doors removed before placing for pick-up. Any refrigerator and/or freezer stored outside the premises which the doors are attached shall be deemed an immediate hazard and shall be immediately abated by the city. All costs associated with the abatement shall be assessed to the property owner.

New Section 308.4.3 is added to read as follows:

*308.4.3 Burning rubbish or garbage prohibited.* No person shall burn rubbish or garbage within the city limits.

New Section 308.4.4 is added to read as follows:

308.4.4 *Storage and screening of trash containers and dumpsters.* All trash containers shall be stored no closer to the public streets than the front building line; for corner lots all containers shall be stored no closer to the public streets than the front and side building line of the main building of any premises. In either case, no container shall be stored in front of the main building; in addition corner lots shall have no containers stored on the side of the main building adjacent to the street.

Trash, garbage or rubbish shall not be allowed to accumulate and shall be removed from the premises at a frequency no greater than every seven (7) days.

Exception: At 7:00 p.m. the day before scheduled pickup, during which contained rubbish and garbage may be temporarily placed near the public street for the purpose of pickup. Rubbish and garbage must be properly stored no later than 7:00 p.m. the scheduled day of collection.

All rubbish and garbage dumpsters serving commercial and multi-family residential properties, must be screened by a four-sided enclosure. Three-sides of which will be composed of the same material and color of the main building, with a wooden gate for access being the fourth side. Access gates must be kept closed at all time except when filling or emptying the dumpster.

New Section 308.4.5 is added to read as follows:

308.4.5 *Accelerated abatement.* Trash, debris, or any other discarded item deposited within the public right-of-way or upon the public sidewalk, which remains after a scheduled trash removal service shall be declared a public nuisance and must be removed within twenty –four (24) hours of placement.

Failure to remove the nuisance items within the twenty-four (24) hour period will result in the city taking action to abate the violation and assessing all costs associated with the abatement to the property owner.

New Section 308.4.6 is added to read as follows:

308.4.6 *Immediate abatement.* In cases where the code enforcement officer identifies and declares an immediate hazard to the general public or property, the city will take immediate action to abate the violation and assess all costs associated with the abatement to the property owner. Such hazards include but are not limited to trash, debris blowing into the street and /or onto adjacent property, downed tree limbs and/or trees across streets, sidewalks, rights-of-way or utilities.

New Section 310 is added to read as follows:

310 *Composting and yard waste.*

310.1 *General.* It shall be the responsibility of the occupant to place all yard cleanup waste, including, but not limited to, grass clippings, leaves and tree trimmings, in biodegradable kraft paper bags or other rigid containers not exceeding thirty-two (32) gallons in capacity or

appropriately bundled tree trimmings at the regular collection point for collection. Containers shall be maintained as to prevent the dispersal of waste placed therein upon the premises served, upon adjacent premises or upon adjacent public rights-of-way. Any composting of yard waste within the City shall be conducted behind the rear building setback line and in a manner so as not to create a nuisance, an offensive sight or offensive odors.

Tree trimmings less than two (2) inches in diameter shall be securely tied in bundles not larger than forty-eight (48) inches long and eighteen (18) inches in diameter when not placed in storage containers.

No person shall place or allow the accumulation of rubbish on their premises unless used specifically for composting as set forth in this section.

*310.2 Definitions.* For the purpose of this section, certain terms, words, and phrases are defined as follows:

Compost - A mixture consisting usually of decayed organic matter and used for fertilization and conditioning land, especially, such a mixture produced by decomposition in a compost pile.

Compost Bin - A structure specifically built to store compost. A compost bin may contain more than one contiguous compartment and may be constructed of a commercially available unit or a structure made of woven wire (such as hog wire, chicken wire, chainlink), wood slat fencing (such as snow fencing), cement blocks, bricks, or similar material.

Compost Pile - A stack of alternating layers of organic matter arranged so as to encourage conversion of the constituents into compost.

*310.4 Composting permitted.* A compost pile shall be permitted when located on a premise used for one and two-family residential purposes and shall comply with the requirements of sections 310.4.1 through 310.4.4.

*310.4.1 Location on premises.* Compost piles shall be located as follows:

1. A compost pile shall be located in the rear yard and shall be contained within an approved compost bin. No compost piles are allowed in front or side yards.
2. A compost pile shall not be located within five feet of any property line and shall be at least 60 feet from the center of a roadway. A compost pile shall be no less than five feet from any other building or structure on the premises.
3. A compost pile shall be placed in a well-drained area with no standing water.

*310.4.2 Compost bin requirements.* Only one compost bin is permitted on any residential premises. Compost bins shall meet the following requirements.

1. A compost bin shall be no larger than 600 cubic feet and shall not exceed four feet in height.
2. A compost bin shall be so constructed as not to allow the material within to be blown from the compost pile by wind.
3. All compost bins shall have a cover, which consists of wire mesh or similar material.

*310.4.3 Maintenance.* Compost piles and bins shall be maintained in accordance with the following:

1. All compost bins shall be maintained in good repair and structurally sound.
2. No odor emitted from a compost pile shall be detected more than five feet in any direction from such compost pile.

3. If odors are emitted and detectable greater than five feet in any direction, then action shall be taken by the person maintaining the compost pile to eliminate such odor. Such action may include, but not be limited to:
  - a. Adding lime to the compost pile,
  - b. Mixing or turning the compost pile more frequently, and/or
  - c. Regulating the moisture content of the compost pile.

*310.4.4 Contents of compost piles.* Compost piles may contain any or all of the following:

1. Grass clippings;
2. Leaves;
3. Dead limbs;
4. Brush;
5. Logs;
6. Wood chips;
7. Foliage;
8. Vegetation from gardens;
9. Shrub cuttings;
10. Sod;
11. Soil;
12. Hay;
13. Straw;
14. Weeds; and
15. Sawdust.

(d) Violations.

- i) Unlawful acts. It shall be unlawful for any person, firm or corporation to be in conflict with or in violation of any of the provisions of the property maintenance code adopted in this chapter.
- ii) Violation; penalties. Any person who violates a provision of the property maintenance code adopted in this chapter or fails to comply with any order made thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such order as affirmed or modified by the city council, or by a court of competent jurisdiction, within the time fixed herein, shall severally, for each and every such violation and noncompliance respectively, be guilty of a misdemeanor, punishable as provided in Section 100-100 of the Mission Municipal Code. The imposition of one penalty for any violation shall not excuse the violation, or permit it to continue; and all such persons shall be required to correct or remedy such violation or defect within a reasonable time; and, when not otherwise specified, each day that a prohibited condition is maintained shall constitute a separate offense. In the case of a “perennial violator”, a citation/summons to municipal court may accompany the initial violation notice and order to abate.

**Section 500-105 Amendments.**

The following amendments shall be made:

- a) Amend Section 101.1 of the IPMC to read as follows:



*101.1 Title.* These regulations shall be known as the Property Maintenance Code of the City of Mission, Kansas, hereinafter referred to as "this code" or "IPMC".

- b) Amend Section 102.3 of the IPMC to read as follows:

*102.3 Application of other codes.* Repairs, additions or alterations to a structure, or changes of occupancy, shall be done in accordance with the procedures and provisions of the 2018 International Building Code, 2018 International Residential Code, 2018 International Plumbing Code, 2018 International Mechanical Code, 2018 International Fuel Gas Code, and the NFPA 70 National Electrical Code, 2017 Edition. Where the term ICC Electrical Code is used in other portions of this code, the term shall be used synonymously with the term "NFPA 70 National Electrical Code, 2017 Edition".

- c) Amend Section 103.5 of the IPMC to read as follows:

*103.5 Fees.* The fees for activities and services performed by the department in carrying out its responsibilities under this code shall be in accordance with the fee schedule as adopted by the City Council.

- d) Amend Section 302.3 of the IPMC to read as follows:

*302.3 Sidewalks and driveways.* All sidewalks, walkways, stairs, driveways, parking spaces and similar areas shall be kept in a proper state of repair and maintained free from hazardous conditions. Existing gravel driveways and parking areas shall conform to the following standards:

1. Boundaries must be kept defined and provide means of maintaining gravel within Perimeters
2. Gravel must completely cover surface area of drive;
3. Acceptable gravel will be limited to crushed or naturally occurring rock of one (1) inch nominal diameter or less;
4. Grass and other vegetation growth must be eliminated;
5. Gravel drives or parking areas may not be expanded or newly built;
6. In the event a structure is demolished or destroyed and rebuilt, all drives and/or parking areas must be brought into compliance with all current zoning and development standards.

- e) Amend Section 304.14 of the IPMC as follows:

*304.14 Insect Screens.* During the period from March 1 to October 31, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

**f)** Amend Section 602.3 of the IPMC as follows:

*602.3 Heat supply.* Every owner and operator of any building who rents, leases or lets one or more dwelling units or sleeping units on terms, either expressed or implied, to furnish heat to the occupants thereof, shall supply heat during the period from October 1 to April 1 to maintain a temperature of not less than 68 degrees F (20 degrees C) in all habitable rooms, bathrooms, and toilet rooms.

*Exception:* When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.

**g)** Amend Section 602.4 of the IPMC as follows:

*602.4 Occupiable work spaces.* Indoor occupiable work spaces shall be supplied with heat during the period from October 1 to April 1 to maintain a temperature of not less than 65 degrees Fahrenheit (18 degrees Celsius) during the period the spaces are occupied.

*Exceptions:*

1. Processing, storage and operation areas that require cooling or special temperature conditions
2. Areas in which persons are primarily engaged in vigorous physical activities.

**h)** Amend Section 604.2 of the IPMC as follows:

*604.2 Service.* The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the National Electrical Code. Dwelling units shall be served by a three-wire, 120/240 volt, and single-phase electrical service having a rating of not less than 100 amperes. Alternate service configurations may be approved by the Code Official.

SECTION 2. That existing Chapter 500 Article IX of the Mission Municipal Code hereby repealed in its entirety:

SECTION 3. That the new Chapter 500 Article IX as presented, of the Mission Municipal Code is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November, 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16<sup>th</sup> day of November, 2022.

\_\_\_\_\_

\_\_\_\_\_  
Solana Flora, Mayor

ATTEST:

APPROVED AS TO FORM:

\_\_\_\_\_  
Robyn Fulks, City Clerk

\_\_\_\_\_  
David K. Martin, City Attorney

**AN ORDINANCE ADOPTING THE 2017 NATIONAL ELECTRIC CODE BY AMENDING EXISTING CHAPTER 500, ARTICLE VIII OF THE MISSION MUNICIPAL CODE, ENTITLED ADOPTION OF NATIONAL ELECTRIC CODE.**

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF MISSION, KANSAS:

SECTION 1. That the Mission Municipal Code is hereby amended by repealing the previously existing Chapter 500 Article VIII and providing in lieu thereof the following:

**Chapter 500 Model or Standard Code Adoptions  
Article VIII National Electrical Code**

**Section 500.090 Adoption.**

a) There is hereby adopted for the purpose of prescribing regulations governing conditions for the erection, construction, enlargement, alteration, repair and maintenance of electrical systems in the City, the code known as the National Electrical Code- NFPA 70, published by the National Fire Protection Association, being particular the 2017 edition thereof and the whole thereof, save and except such portions as are hereinafter deleted, modified or amended, of which code not less than one copy has been and is now filed in the office of the building official and the same are hereby adopted and incorporated as if fully set out at length herein. This code is hereafter referred to as the "NEC" or "electrical code".

(b) Wherever the word "jurisdiction" is used in the National Electrical Code hereby, said term shall mean the City of Mission.

**Section 500.091 Violation.**

Any person violating any provision of such code shall be punished as provided in Section 100.100 of the Mission City Code.

**Section 500.092 Definitions.**

For the purposes of the National Electrical Code, 2017 Edition, as adopted, the following words and phrases shall have the following meanings:

a) The term "*authority having jurisdiction*" shall in all instances mean the Building Code Official.

**Section 500.093 Deletions.**

The following provisions shall be deleted:

- a) Section 80.15. Electrical Board.
- b) Section 80.23(B)(3). Penalties.
- c) Section 80.25(C). Notification.
- d) Section 80.25(D). Other Territories.
- e) Section 80.27. Inspector's Qualifications.
- f) Section 80.33. Repeal of Conflicting Acts.
- g) Section 80.35. Effective Date.

**Section 500.094 Additions.**



The following additions shall be made:

a) Section 80.19(E) of the National Electrical Code, as adopted, shall have the following paragraph added to read:

*Section 80.19(E). Fees.* The fees or work requiring a permit shall be paid as adopted by resolution of the City Council. When permit fees are required, a plan review fee shall be paid at the time of submitting the submittal documents for plan review.

The plan review fee specified in this Subsection is a separate fee from the permit fees specified in Section 80.19(E) and is in addition to the permit fees. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items, an additional plan review fee shall be charged.

Applications for which no permit is issued within 180 days following the date of application shall expire by limitation, and plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Code Official. The Building Code Official may extend the time for action by the applicant for a period not exceeding 180 days on written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken. No application shall be extended more than once. In order to renew action on an application after expiration, the applicant shall resubmit plans and pay a new plan review fee.

b) Section 80.19(G)(7) of the National Electrical Code, as adopted, shall have the following paragraph added to read: Every permit issued by the Building Code Official under the provisions of this code shall expire by limitation and become null and void if:

1. The building or work authorized by such permit is not commenced within 180 days from the date of such permit, or
2. The building or work authorized by such permit has not progressed to the point of the next required inspection within 90 days of either the issuance of the permit, or from the date of the last inspection.

Before such work can be recommenced, a new permit shall be first obtained to do so, and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original plans and specifications for such work; and provided further that the untimely progress has not exceeded one year. In order to renew action on a permit that has expired for a period exceeding one year, the permittee shall pay a new full permit fee. The Building Code Official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

c) *Section 80.23. Notice of Violations, Penalties. (B) Penalties. (3).* A new paragraph shall be added to the Section as follows: Violation of any provision of this Electrical Code shall be an unlawful act. Each separate day or any portion thereof during which any violation of this Electrical Code continues shall be deemed to constitute a separate offense, and shall be punishable as provided for in Municipal Code Section 100.100.

d) Section 250.52 of the National Electrical Code, as adopted, shall have the following paragraph added to read: Where none of the electrodes specified in Section 250.52 is available, two or more of the electrodes specified in 250.52(5) shall be used. They shall be connected in the manner specified in Section 250.53 to a minimum of two separate grounding electrode conductors.

**Section 500.095 Amendments.**

The following amendments shall be made:

a) Section 80.2 of the National Electrical Code, as adopted, shall be amended to read: *80.2 Definitions.*

*Authority Having Jurisdiction.* The organization, office, or individual responsible for approving equipment, materials, an installation, or a procedure.

The Building Official is designated by the authority having jurisdiction and is responsible for administering the requirements of this code.

b) Section 80.13 of the National Electrical Code, as adopted, shall be amended to read: *80.13 Authority (13).* Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the authority having jurisdiction shall be permitted to require that such work be exposed for inspection. The authority having jurisdiction shall be notified when the installation is ready for inspections and shall conduct the inspection in a timely manner.

c) Section 80.19(F) (3) of the National Electrical Code, as adopted, shall be amended to read: *(F) Inspections and Approvals.* When any portion of the electrical installation within the jurisdiction of an Electrical Inspector is to be hidden from view by the permanent placement of the building, the person, firm, or corporation installing the equipment shall notify the Electrical Inspector, and such equipment shall not be concealed until it has been approved by the Electrical Inspector.

d) Section 80.29 of the National Electrical Code, as adopted, shall be amended to read: *80.29 Liability for Damages.* Article 80 shall not be construed to affect the responsibility or liability of any party owning, designing, operating, controlling, or installing any electric equipment for damages to persons or property caused by a defect therein, nor shall the City or any of its employees be held as assuming any such liability by reason of the inspection, reinspection, or other examination authorized.

e) Section 210.12(A) of the National Electrical Code, as adopted, shall be amended to read: *(A) Dwelling Units.* All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by a listed arc-fault circuit interrupter, combination type installed to provide protection of the branch circuit. For these purposes, a smoke alarm shall not be considered an outlet and shall not be included in the arc-fault circuit.

Exceptions no. 1, 2, and 3 apply.

Add exception 4 to read:

This Section will not apply where existing dwelling unit premises wiring circuits make the application of this Section impracticable, as determined by the Building Official.

f) Section 547.5(E) of the National Electrical Code, as adopted, shall be amended to read: *Section 547.5(E) Physical Protection.* All electrical wiring and equipment subject to physical damage shall be protected. All electrical wiring and equipment subject to physical damage by livestock shall be protected to a minimum height of 8 feet.

**SECTION 2.** That existing Chapter 500 Article VIII of the Mission Municipal Code is hereby repealed in its entirety.

SECTION 3. That the new Chapter 500 Article VIII as presented, of the Mission Municipal Code, is hereby adopted.

SECTION 4. That all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 5. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

SECTION 6. That this ordinance shall be in full force and effect sixty (60) days from and after its passage and publication in the official City Newspaper.

PASSED AND APPROVED BY THE GOVERNING BODY of the City of Mission, Kansas, this 16th day of November 2022.

APPROVED BY THE MAYOR of the City of Mission, Kansas, this 16th day of November 2022.

\_\_\_\_\_

\_\_\_\_\_  
Solana P. Flora, Mayor

ATTEST:

\_\_\_\_\_  
Robyn Fulks, City Clerk

APPROVED AS TO FORM:

\_\_\_\_\_  
David K. Martin, City Attorney



# **Community Development Committee 2018 Code Adoption Work Session November 2, 2022**

Significant Changes between the 2012/2018 Editions of the International Building Code, International Residential Code, International Fire Code, International Plumbing Code, International Fuel Gas Code, International Mechanical Code, International Energy Conservation Code and the 2011/2017 Edition of the National Electrical Code

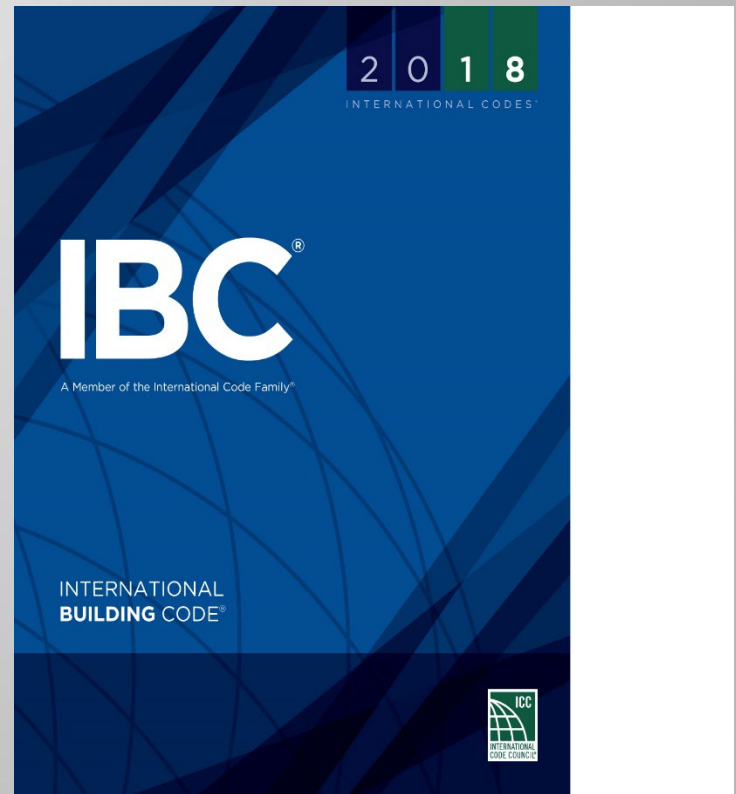


# 2012/2018 IBC

2012 IBC



2018 IBC



# International Building Code (IBC)

**Section 202 Definitions.** New definitions added:

**Sleeping unit.** A single unit that provides rooms or spaces for one or more persons, includes permanent provisions for sleeping and can include provisions for living, eating, and either sanitation or kitchen facilities but not both. Such rooms and spaces that are also part of a dwelling unit are not sleeping units.

# Sleeping unit



# International Building Code (IBC)

**Section 202 & 304.2 Definitions.** Definitions located in different sections of the code have been removed and are now consolidated in Chapter 2.

- ▣ **Section 302.1 Occupancy clarification.** This section has been revised to clarify that “occupied roofs” are to be classified in a manner consistent with the inside the building. For example, when a rooftop contains a restaurant, has dining seating for 50 or more persons, the occupied roof would be classified an A-2 occupancy.

# Rooftop dining area





# International Building Code (IBC)

**903.3.1.2.1 Balconies and decks.** This section clarifies that when non rated decks and balconies are permitted as projections in Type IIIA and VA construction fire sprinkler protection is required.

# Balconies and Decks



# International Building Code (IBC)

**904.13 Domestic cooking systems.** This section has been revised to clarify that domestic cooking operations in I-1( assisted living facility, group homes, halfway houses, etc), I-2 (hospitals, nursing homes, etc) and R-2 college dormitories shall be protected with a UL 300A fire extinguishing system.

# Domestic fire extinguishing system



# International Building Code (IBC)

## **Table 1008.2.3 Exit discharge.**

This section has been revised to now require illumination along the path of travel for the exit discharge from each exit to the public way/safe dispersal area. This means illumination of the entire exit discharge path.



# Exit discharge illumination



# International Building Code (IBC)

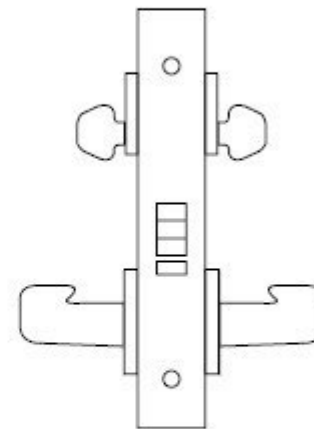
## **1010.1.4.4 Locking arrangements in educational occupancies.**

This section has been revised to provide enhanced security measures for educational occupancies. Egress doors from classrooms, offices and other occupied rooms are permitted to have locking arrangements to keep intruders from entering the room when all of the following conditions are met:

1. The door shall be capable of being unlocked from outside the room with a key or other approved means.
2. The door shall be openable from inside the room.
3. Modifications shall not be made to listed panic hardware, fire door hardware or door closers.

# 8200 Line

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**CLASSROOM  
SECURITY  
INTRUDER**

# ELECTROMAGNETIC LOCK



# International Building Code (IBC)

## **1013.2 Low level exit signs in Group R-1.**

Where exit signs are required in group R-1 occupancies (hotels, motels, boarding houses) additional low-level floor exit signs are now required in all areas serving guest rooms. This section has been expanded to now allow the bottom of such sign to be mounted 18 inches above the floor.

The 2012 IBC required the sign to be installed not less than 10 inches nor more than 12 inches above the floor level.



# FLOOR LEVEL EXIT SIGNS



# International Building Code (IBC)

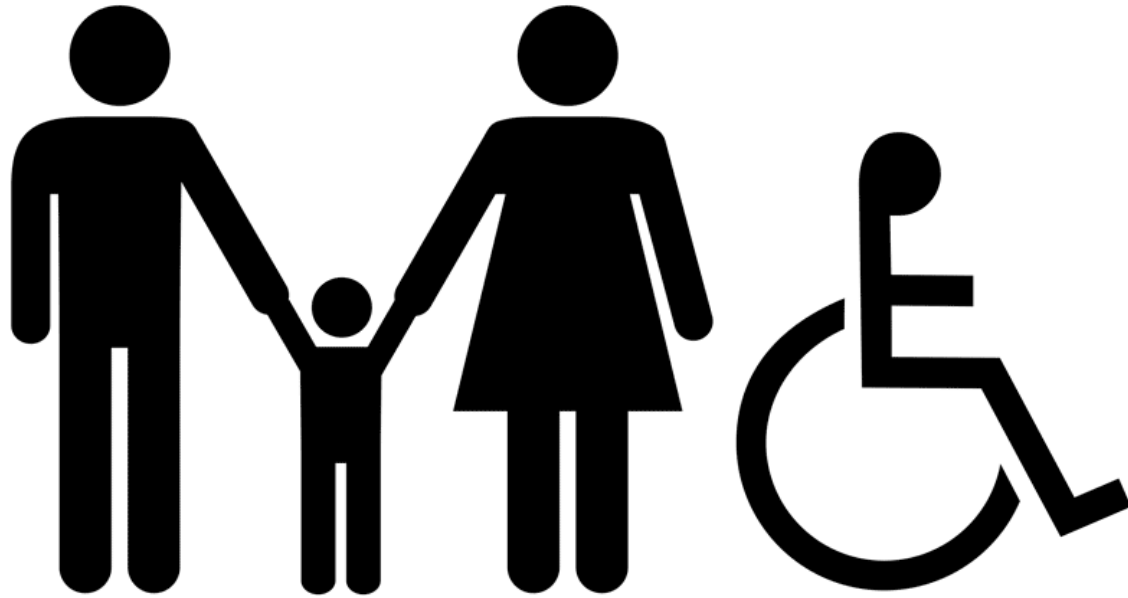
## **1109.2.1.2 Family or assisted-use toilet rooms.**

This section has been revised to allow the following additional fixtures in a family or assisted-use toilet room:

1. A urinal.
2. A child-height water closet.
3. A child height lavatory.

## **1110.4.13 Play areas.**

This section has been revised to specifically require access to children's play areas. Play areas must now be on an accessible route.



**FAMILY RESTROOM**

Reorder: RRE-7035-Black\_on\_White [www.ComplianceSigns.com](http://www.ComplianceSigns.com)



# International Building Code (IBC)

## **Table 1607.1 Minimum Uniformly Distributed Live Loads.**

Item 5. Balconies and decks has been revised to state as follows:  
“1.5 times the live load of the occupancy served, not required to exceed 100 psf.”

For example, a deck serving a private room of a multi-family dwelling must be designed for 60 psf. (1.5 times the private room served @ 40 psf equates to 60 psf)





# International Building Code (IBC)

## **3310.1 Stairways required.**

This section has been revised to require at least one temporary stairway for buildings under construction where the height above fire department vehicle access is 40 feet or more.



# International Building Code (IBC)

## **3314 Fire watch during construction.**

New provisions have been established to give the fire code official the authority to require a fire watch during construction. Since multi-floor wood construction (apartments, etc) are especially vulnerable to a fire event during construction, this becomes a valuable tool for the fire code official. The new section is as follows:

### **3314.1 Fire watch during construction.**

Where required by the fire code official, a fire watch shall be provided during non-working hours for construction that exceeds 40 feet in height above the lowest adjacent grade”.





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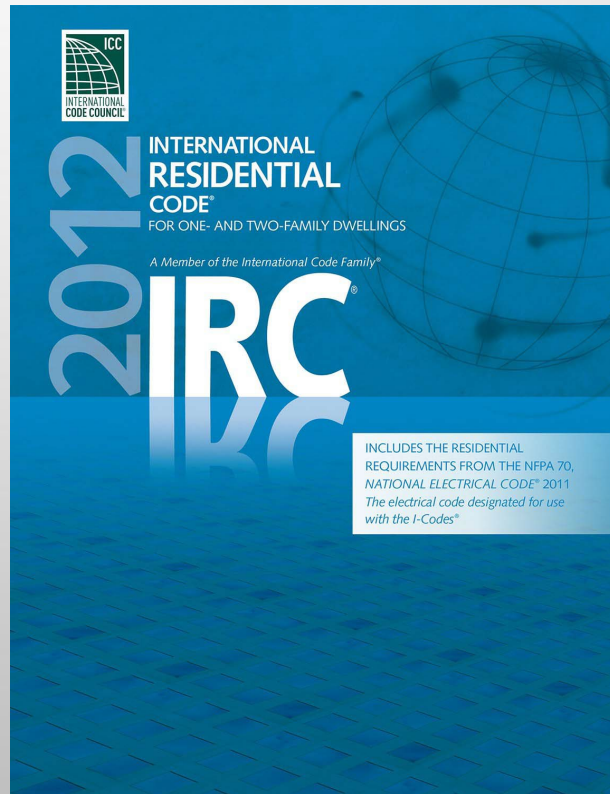


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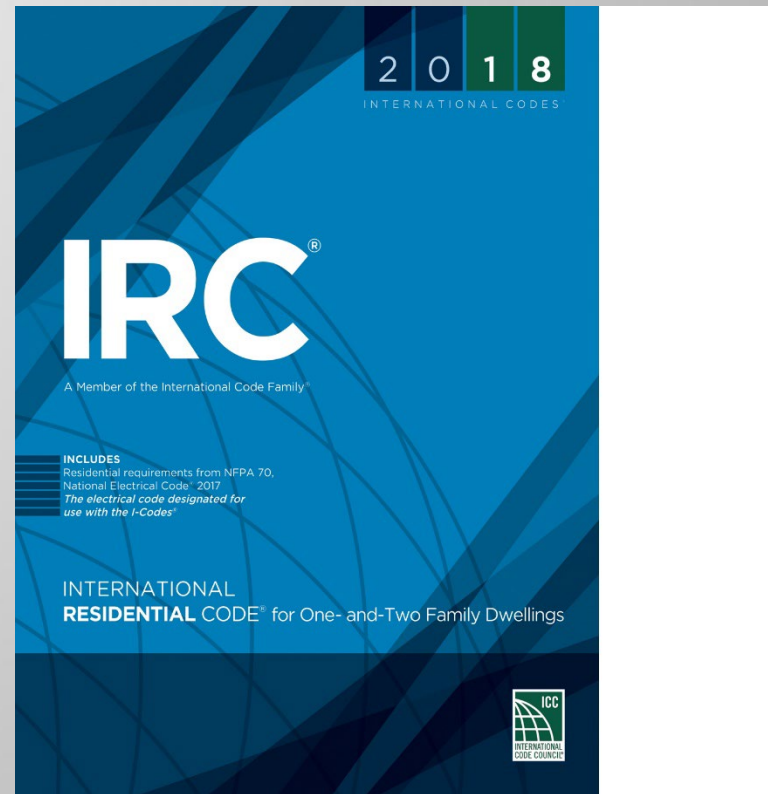
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# 2012/2018 IRC

## 2012 IRC



## 2018 IRC





# International Residential Code (IRC)

## **R101.2 Scope.**

Exceptions have been expanded as follows:

The following shall be permitted to be constructed in accordance with this code where provided with a residential fire sprinkler system complying with Section P2904:

1. Live/work units located in townhouses.
2. Owner-occupied lodging houses with five or fewer guestrooms.
3. A care facility with five or fewer persons receiving custodial care within a dwelling unit.
4. A care facility with five or fewer persons receiving medical care within a dwelling unit.
5. A care facility for five or fewer persons receiving care that are within a single-family dwelling.

# Live-work unit



# Owner-occupied lodging



# Custodial care facility



# Assisted living facility





# International Residential Code (IRC)

## R202 Definitions. (new)

**Access (to):** That which enables a device, appliance or equipment to be reached by ready access, or by a means that first requires the removal or movement of a panel, door, or similar obstruction.

**Crawl space:** An underfloor space that is not a basement.

**Carbon monoxide alarm.** A single or multi-station alarm intended to detect carbon monoxide gas and alert occupants by a distinct audible signal. It incorporates a sensor, control components and an alarm notification appliance in a single unit.

**Carbon monoxide detector:** A device with an integral sensor to detect carbon monoxide gas and transmit an alarm signal to a connected alarm control unit.

# Crawl space



# Carbon monoxide detector/alarm

## CARBON MONOXIDE DETECTOR



## CARBON MONOXIDE ALARM



# International Residential Code (IRC)

## **R302.5 Dwelling-garage opening and penetration protection.**

This section has been revised to allow another option for the self-closing fire door between the garage and residence. The door may be equipped with a self closing device or automatic closing device.

# Self closing device & Automatic closing device





# International Residential Code (IRC)

## **R302.13 Fire Protection of Floors.**

The 2012 IRC required installation of ½ inch gypsum board, 5/8 inch wood structural panel, or other approved material on the underside of floor assemblies consisting of i-joists, manufactured open web floor trusses, cold-formed steel framing and other materials and products considered most susceptible to collapse in a fire. The 2018 IRC expands the requirement to the underside of the floor assembly over a crawl space when fuel-fired or electric-powered heating equipment is installed in the crawl space.

# I-JOISTS





# OPEN-WEB FLOOR JOISTS



# Fire protection- Underside of Crawl Spaces



# International Residential Code (IRC)

## **R310.3 Emergency escape and rescue doors.**

The terminology for, “bulkhead enclosures” has been replaced with “area wells”. The revised sections are as follows:

**R310.3.2 Area wells.** Area wells shall have a width of not less than 36 inches. The area well shall be sized to allow the emergency escape and rescue door to be fully opened.

**R310.3.2.1 Ladders and steps.** Area wells with a vertical depth greater than 44 inches shall be equipped with a permanently affixed ladder or steps usable with the door in the fully open position.



# Basement area well



# International Residential Code (IRC)

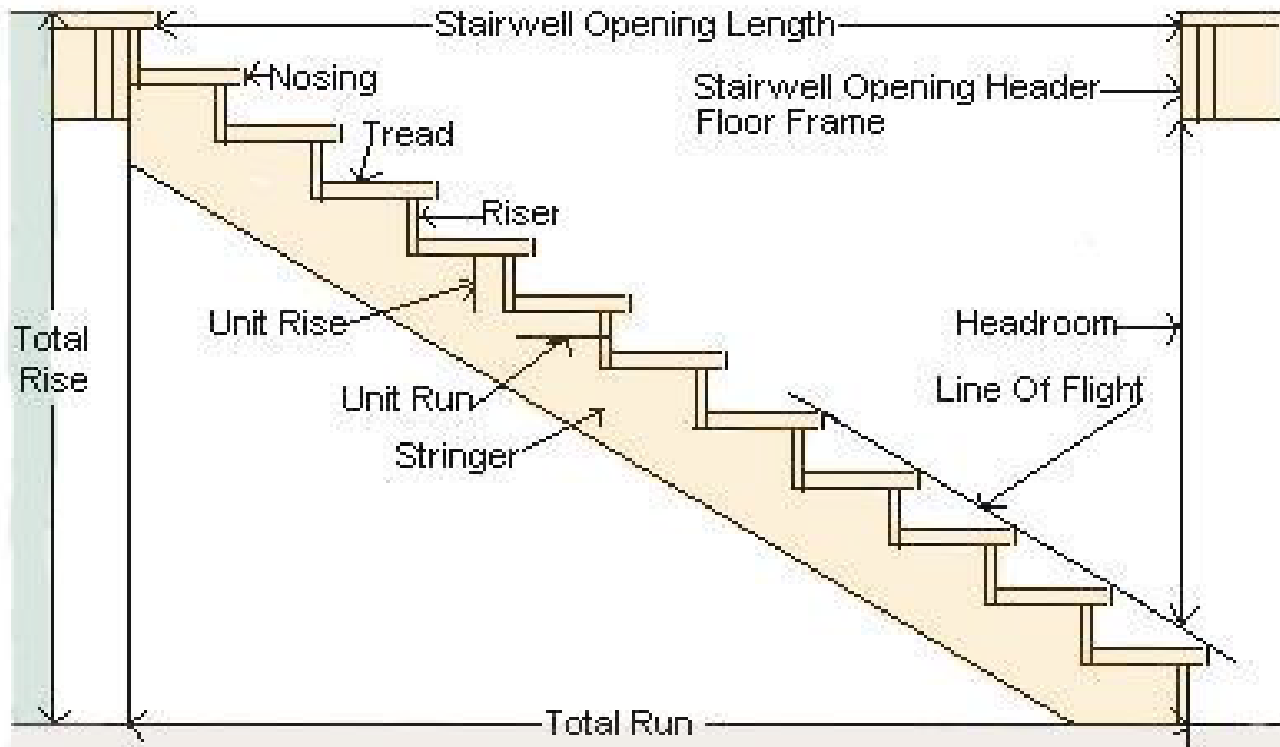
**R31.7.3 Vertical rise.** The maximum rise for a flight of stairs has increased from 147 to 151 inches (12 feet 3 inches to 12 feet 7 inches) This increase addresses the common 12 foot plus story height of modern home designs.

**R312.1 Guards.** This section has been revised to clarify the guard requirement only applies to that portion of the open-sided walking surface that exceeds 30 inches in height, measured vertically to the floor or grade below at any point within 36 inches horizontally to the edge of the open side.

**R314 Smoke alarms.** Wireless smoke alarms are now readily available and are affordable. With the advancement in this technology the exemption for interconnection of smoke alarms triggered by alterations, repairs or additions has been removed.

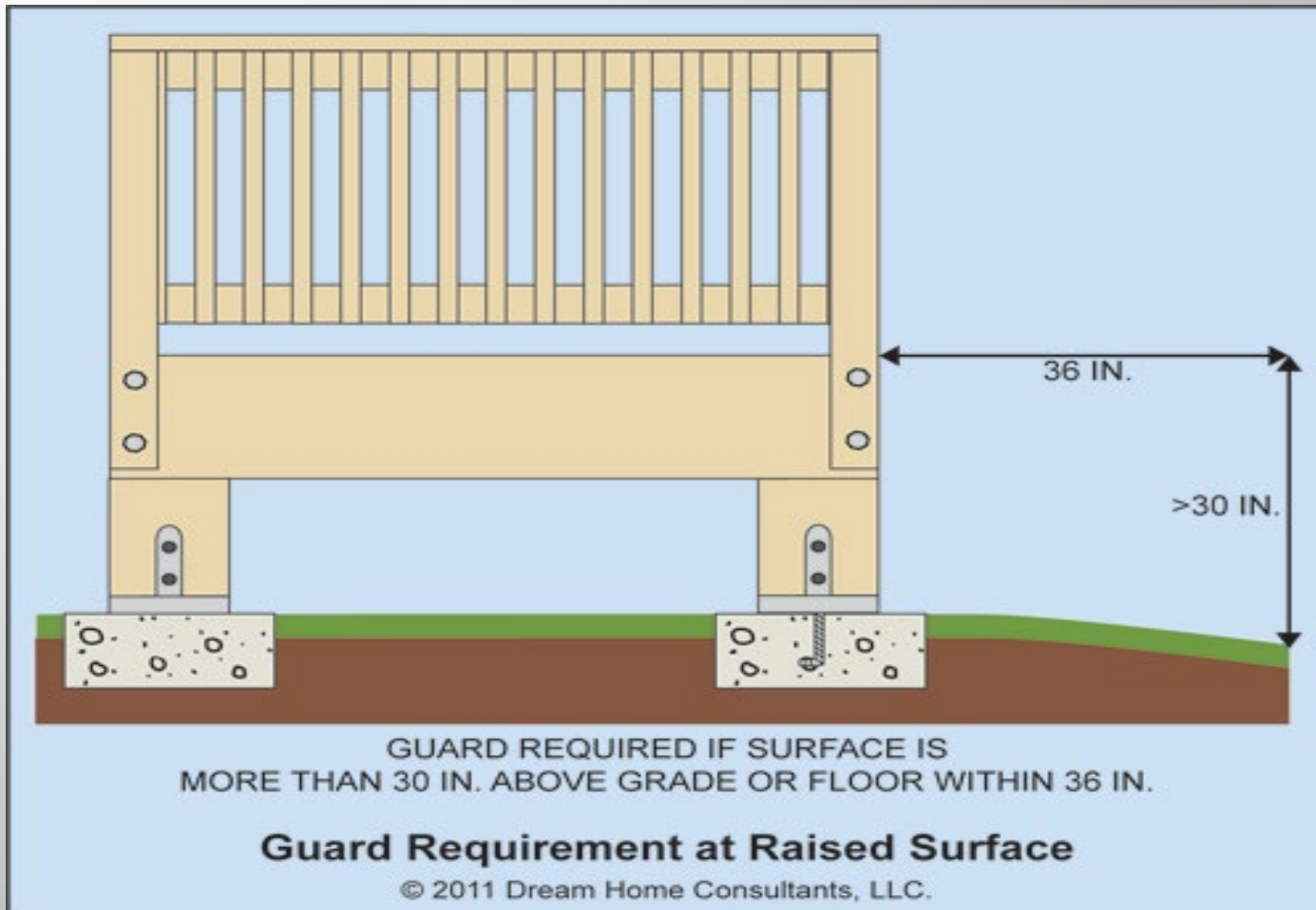
**R315 Carbon monoxide alarms.** Where more than one carbon monoxide alarm is required to be installed within an individual dwelling unit, the alarm devices are now required to be interconnected.

# Vertical rise



Newel Post, Balusters and Handrail are not shown.

# Guard



# Wireless smoke alarm





# Wireless combination smoke and carbon monoxide alarm



# International Residential Code (IRC)

## **Table R507.6 Deck joist spans for common lumber species.**

This table has been revised to include the maximum deck joist span and now includes the maximum cantilevered span also. The cantilever spans are controlled by one fourth the span length (measured from center of support to center of support) or the tabular cantilever value in the table, whichever is less.

**R703.2 Water- resistive barrier.** The exception for detached accessory buildings has been removed. A water-resistive barrier for the exterior walls of detached accessory structures is now required.

# Water-resistive barrier

## Residential Water Resistive Air Barriers and Accessories



# Cantilevered joists



# International Residential Code (IRC)

**N1101.6 Air barrier.** The definition of air barrier has been revised for clarification as follows: (Section R202)

**“Air Barrier.** One or more materials joined together in a continuous manner to restrict or prevent the passage of air through the building thermal envelope and its assemblies.

**N 1106.6 Building thermal envelope.** The definition of building thermal envelope has been revised to further clarify it is an assembly to provide a boundary between conditioned space and unconditioned space.

**R703.2 Water- resistive barrier.** The exception for detached accessory buildings has been removed. A water-resistive barrier for the exterior walls of detached accessory structures is now required.

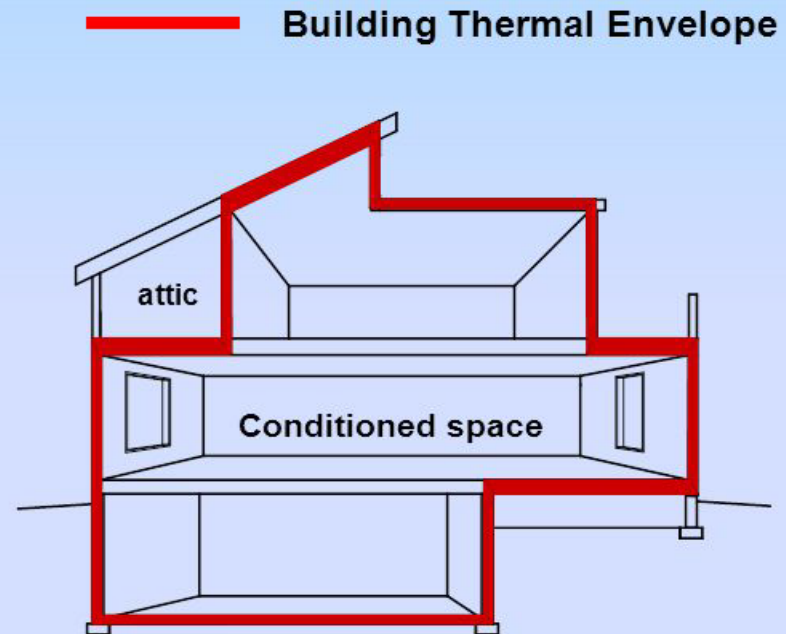


# Building Thermal Envelope

## Definitions

### Building Thermal Envelope:

The basement walls, exterior walls, floor, roof, and any other building element that enclose the conditioned space. This boundary also includes the boundary between conditioned space and any exempt or unconditioned space.



# Water resistive air barrier



# International Residential Code (IRC)

## **Tables N1102.1.2 & N1102.1.4 Insulation and fenestration**

**requirements.** The tables have been revised to reflect a lower fenestration U-factor for dwellings and townhouses which will result in improved energy efficiency. The U-factor has been reduced slightly from 0.35 to 0.32. This is due to the low cost for improving U-factors and the increasing number of windows and doors already meeting and exceeding the 0.32 U-factor.

A study by the American Council for Energy Efficient Economy shows that 80% of all windows and doors installed in Climate zones 4-8 have a average 0.27 U-factor. (this area is in Climate Zone 4)

# Energy Performance Window Label

## Low -E Argon Gas Filled Windows

Low-E refers to the mirroring coating on the inside panes of the glass that reflects the sun's heat rays and also blocks UV rays that damage carpet, hardwood floors, cabinets and furniture. Argon gas is pressurized at 30 PSI and is denser than natural air.

## U-FACTOR

the lower the U-Factor means less energy consumption, lower utility bills, and greater comfort in the living space

## Solar Heat Gain

Refers to the percent of the sun's heat and radiation that can pass through the windows glass. The Lower the number the better.

3/4" (19mm) Uncoated MFR#073

ATRIUM SERIES 150  
VINYL Continuous Head Tri  
Low-e Argon

ADW - A - 154 - 00522 - 00004

**ENERGY PERFORMANCE RATINGS**

U-Factor (U.S./I-P)	Solar Heat Gain Coefficient
<b>0.30</b>	<b>0.20</b>

**ADDITIONAL PERFORMANCE RATINGS**

Visible Transmittance	
<b>0.45</b>	—

Manufacturer stipulates that these ratings conform to applicable NFRC procedures for determining whole product performance. NFRC ratings are determined for a fixed set of environmental conditions and a specific product size. NFRC does not recommend any product and does not warrant the suitability of any product for any specific use. Consult manufacturer's literature for other product performance information. [www.nfrc.org](http://www.nfrc.org)

**ENERGY STAR PARTNER**

This product is ENERGY STAR Qualified in Highlighted Regions

This window has been tested in accordance with either ANSI/AAMA/WWDA 101/U.S.2-97, 101/U.S.200/2002 or AAMA/WWDA/CCA 101/2.00/02-02 and has a Design Pressure of 30" Applied to window's interior.

**DP30** 100" X 74" in size

UL Prod Approval: FT11334 DR: WIN - 747  
Glazing complies with ASTM E 1300 Lock Lite Glazing  
Single - Strength Annealed Single - Strength Annealed  
Inspace Inspace  
Single - Strength Annealed Single - Strength Annealed

SEQUENCE : 00097  
DEPT:028 S.O.:04914974 04914974 - 07 - 0001 - 0001  
LOAD:P8079 MOD:531  
Product Date: 06/23/2014

## V Transmittance

Refers to the visible light that is transmitted past the tinting of the window. The lower this number the more light shines through.

## Energy Star

The shading in the map shows that the window is Energy Star approved for the US states shaded in gray

**SIMPLE TEST  
FIND A WINDOW THAT IS FACING WEST AND  
ON A BRIGHT SUNNY DAY, FEEL THE GLASS.**



# International Residential Code (IRC)

**N1104.1 Lighting equipment (mandatory).** This section has been revised to now required 90% of all permanently installed lighting fixtures to have high efficacy bulbs (i.e., LED lamps) Previous requirement was 75%.





# 2012/2018 IFC

2012 IFC



2018 IFC



# International Fire Code (IFC)

## **807.2 Combustible decorative materials.**

This section has been clarified to define the limitations of combustible decorative materials in Groups A, B, E, I, M, & R-1 dormitories of R-2 occupancies. Such materials shall not exceed 10% of the specific wall or ceiling area to which such materials are attached. Note: the 10% limit does not apply to curtains, draperies and similar combustible materials used for window coverings.



# International Fire Code (IFC)

**903.3.1.1.2 Bathrooms.** This section has been revised to remove the fire sprinkler requirements from small bathrooms in R-4 occupancies. ( assisted living facility, group home, alcohol/drug centers, rehab facilities, etc)

**903.3.1.2.1 Balconies and decks.** This section clarifies that when non rated decks and balconies are permitted as projections in Type V construction fire sprinkler protection is required. Sidewall sprinklers that are used to protect such areas shall be permitted to be located such that their deflectors are within 1 inch to 6 inches below the structural members & a maximum of 14 inches below balconies and decks constructed of open wood joist construction.



# R-4 bathroom & Balcony/deck





# International Fire Code (IFC)

## **1010.1.10 Panic and fire exit hardware.**

This section has been revised to allow sensor release of electrically locked swinging doors equipped with panic or fire exit hardware. Activation of the panic or fire exit hardware will automatically release the electronic lock assembly for the door(s).

# ELECTROMAGNETIC LOCK



2018

INTERNATIONAL CODES

# IPC<sup>®</sup>

A Member of the International Code Family<sup>™</sup>

INTERNATIONAL  
PLUMBING CODE<sup>™</sup>



# International Plumbing Code (IPC)

## **412.10 Head shampoo sink faucets.**

This new section limits the hot water temperature to not more than 120 degrees F. In addition, each faucet shall have integral check valves to prevent crossover flow between the hot and cold water supply connections.

## **423.3 Footbaths and pedicure baths.**

This new section limits the hot water temperature to not more than 120 degrees F. The water-temperature-limiting device must conform to ASSE1070/ASME A112.1070/CSA B125.70 or CSA B125.3.

# Head shampoo station





# Footbaths and Pedicure baths



New

2 0 1 8

INTERNATIONAL CODE

# IFGC<sup>®</sup>

Member of the International Code Family

INTERNATIONAL  
FUEL GAS CODE<sup>™</sup>



# International Fuel Gas Code (IFGC)

**303.3.1 Fireplaces and decorative appliances in Group I-2, Condition 2 occupancies.** This section has been revised to allow a gas fireplace appliance or decorative gas appliance in Group I-2, Condition 2 occupancies where such appliances are direct-vent appliances installed in public lobby and waiting areas that are not within smoke compartments containing patient sleeping areas. The appliance controls shall be located where they can only be accessed by facility staff.

# Gas fireplace appliance



# International Fuel Gas Code (IFGC)

**614.4 Exhaust installation.** This section has been revised to clarify that clothes dryer exhaust ducts shall be sealed in accordance with Section 603.9 of the International Mechanical Code.

**614.4.1 Exhaust termination outlet and passageway.** This new section states as follows:

“ The passageway of dryer exhaust duct terminals shall be undiminished in size and shall provide an open area of not less than 12.5 square inches.”



# Dryer Exhaust





# International Mechanical Code (IMC)

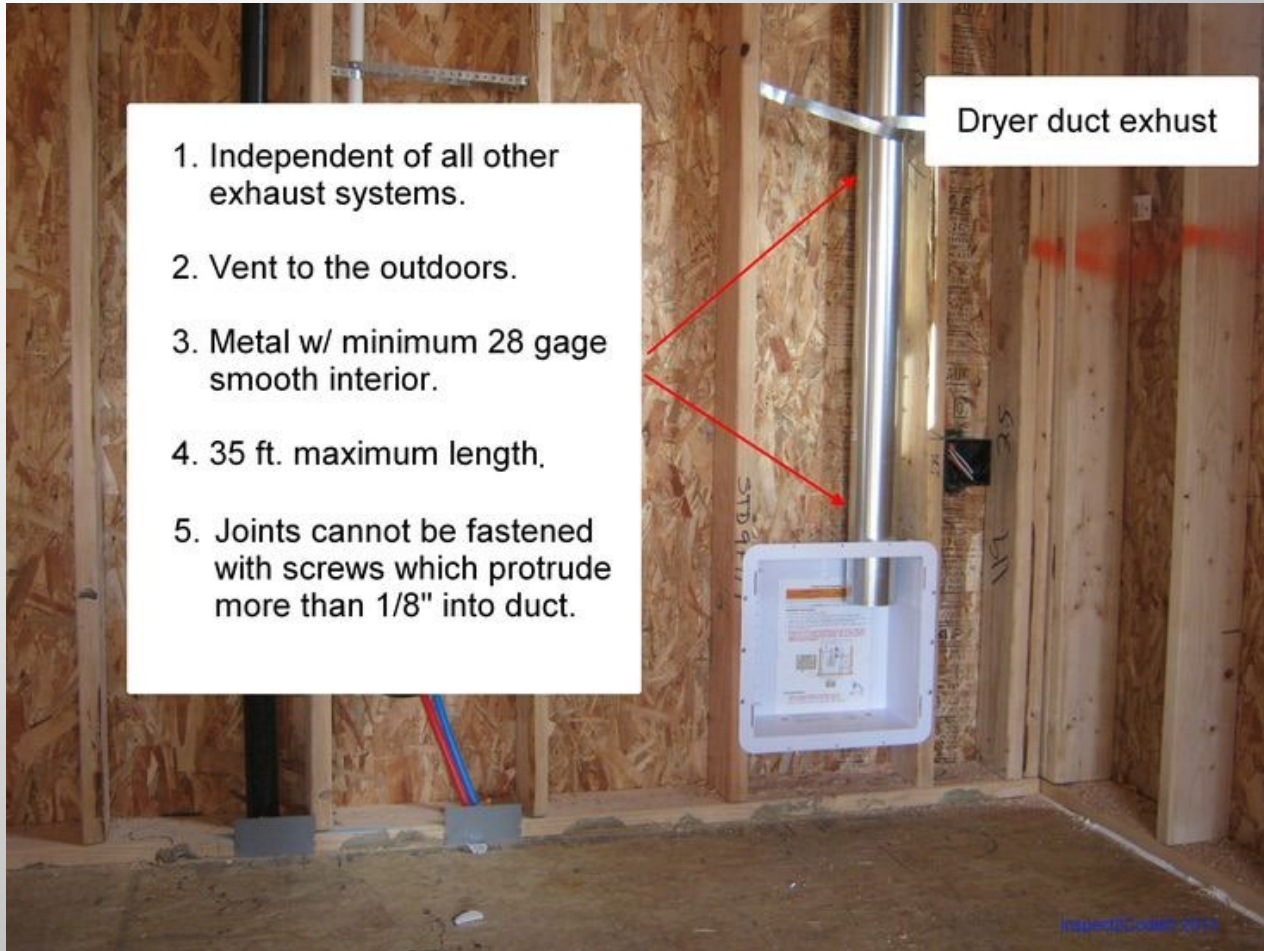
## **504.8.2 Duct installation.**

This section has been revised to allow clothes dryer ducts to be joined with screws or similar fasteners that protrude more than 1/8 inch into the inside of the duct. An additional requirement has been added which states: “Where dryer exhaust ducts are enclosed in wall or ceiling cavities, such cavities shall allow the installation of the duct without deformation”.

# Clothes dryer duct

1. Independent of all other exhaust systems.
2. Vent to the outdoors.
3. Metal w/ minimum 28 gage smooth interior.
4. 35 ft. maximum length.
5. Joints cannot be fastened with screws which protrude more than 1/8" into duct.

Dryer duct exhaust



2 0 1 8

INTERNATIONAL CODES™

# IECC®

A Member of the International Code Family®

INTERNATIONAL  
ENERGY CONSERVATION CODE®





# International Energy Conservation Code (IECC)

## **Table 402.1.1 Insulation and Fenestration Requirements by Components.**

This table has been modified to reflect the climatic conditions in this area. (Climate Zone 4)

### **R402.4.1.1 Installation.**

The components of the building envelope shall be installed in accordance with the manufacturer's instructions and the criteria of Table R402.4.1.1 as applicable to the method of construction. When required by the code official an approved third party shall inspect all components and verify compliance.

**TABLE R402.1.1  
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT (a)**

Climate Zone	Fenestration U-factor (b)	Skylight U-factor (b)	Glazed Fenestration SHGC (b)	Ceiling R-value (f)	Wood frame wall R-value	Mass wall R-value (e)	Floor R-value	Basement wall R-value (c)	Foundation perimeter R-value (d)	Crawl space wall R-value (c)
4	0.32	0.55	0.40	49	13	8/13	19	10/13	10, 2 ft	10/13

- (a). R-values are minimums. U-factors and SHGC are maximums. When insulation is installed in a cavity which is less than the label or design thickness of the insulation, the installed R-value shall not be less than the R-value specified in the table.
- (b). The fenestration U-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
- (c). 10/13 means R-10 continuous insulation on the interior or exterior, or R-13 cavity insulation at the interior of the finished basement walls only.
- (d). R-10, 2 ft. around perimeter of slab. R-5 shall be added to the required slab edge R-values for heated slabs.
- (e). The second R-value applies when more than half the insulation is on the interior of the wall mass.
- (f). Loose fill insulation shall be installed at the rate recommended by the manufacturer's statement "so many bags per 1000 square feet" Where the pitch of the roof restricts the "minimum thickness" at the exterior wall line, the insulation shall be blown into the cavity so as to achieve a greater compacted density to a point where the "minimum thickness" can be achieved. An alternate is to install high-density batts around the perimeter edge per N1102.2.

# Energy Requirements and Terminology

## What is R-value ?

It is the capacity of an insulating material to resist heat flow. The higher the R-value the greater the insulating power. Only resistance to heat flow is considered in the R-value and this is measured in a lab within a controlled environment. Unfortunately your home is built outdoors and subject to wind, storms, humidity and extreme temperature changes. In that regard, other elements of energy efficiency will come into play, such as thermal envelope to help assure comfort and savings.

# Energy Requirements and Terminology

How many inches of fiberglass/batt insulation equate to:

R-13 = 3 ½ to 3 5/8 inches thick pending manufacturer

R-19 = 6 ¼ to 6 ½ inches thick pending manufacturer

R-30 = 9 ½ to 10 ¼ inches thick pending manufacturer

R-38 = 12 to 12 ½ inches thick pending manufacturer

R-49 = 15 ½ to 16 inches thick pending manufacturer

# Energy Requirements and Terminology

## **What is U-factor ?**

The lower the U –factor, the greater a window’s resistance to heat flow and the better its insulating properties.

## **What is solar heat gain coefficient (SHGC) ?**

The SHGC measures the fraction of solar energy transmitted and tells you how well the product blocks heat caused by sunlight. Typical ranges are 0.25 to 0.80.



# Energy Requirements and Terminology

What is air leakage ?

Air leakage is also called infiltration, which is the unintentional or accidental introduction of outside air into a building, typically through cracks in the building envelope and through doors for passage. In the summer infiltration can bring humid outdoor air into the building. Whenever there is infiltration there is corresponding exfiltration elsewhere in the building. In the winter this can result in warm moist indoor air moving in cold envelope cavities. In either case, condensation can occur in the structure, resulting in mold, mildew, or rot. In testing for air leakage the rate shall not exceed 5 air changes per hour (ACH).

# Energy Requirements and Terminology

## What is air changes per hour (ACH) ?

ACH is a measure of the air volume added or removed from a space (normally a room or house) divided by the volume of the space. For example, a room 10 feet x 10 feet x 8 feet high = 800 cubic feet. The supply grill is 10 inches x 6 inches with a 6 inch flexible duct delivering 80 cfm. In this case, the  $ACH = 60 \times 80 / 800 = 6.0$  ACH. It may also be calculated as  $4800 \text{ cfh} / 800$  which also equates to 6.0 ACH. The minimum ACH rate for a typical room is 4.0, with the range being 4.0 to 10.

# Energy Requirements and Terminology

## What is the building thermal envelope ?

The building thermal envelope is the physical separator between the conditioned and unconditioned environment of a building including the resistance to air, water, heat, cold, light and noise transfer.

## ▣ What is RESNET and HERS Index ?

The Residential Services Network (RESNET) was founded in 1995 as an independent, non-profit organization to help homeowners reduce the cost of their utility bills by making their homes more energy efficient. The Home Energy Rating System (HERS) Index is the industry standard by which a home's energy efficiency is measured. It is also the nationally recognized system for inspecting and calculating a home's energy performance.

# Energy Requirements and Terminology

## How does the HERS Index work ?

A certified Home Energy Rater assesses the energy efficiency of the home, assigning it a relative performance score. (Note: The lower the number the more efficient the home). The U.S. Department of Energy has determined that a typical resale home scores 130 on the HERS Index, while a standard new home is awarded a rating of 100. For example, a home with a HERS Index score of 70 is 30% more efficient than a standard new home. A home with a HERS Index score of 130 is 30% less efficient than a standard new home. (Note: A standard new home with a HERS Index score of 100 is based upon compliance with the 2006 IECC).

# Energy Requirements and Terminology

## The Energy Codes keep raising the bar :

The 2009 IECC is 15% more stringent than the 2006 version.

The 2012 IECC is 30% more stringent than the 2006 version.

The 2015 IECC target is to be 50% more stringent than the 2006 IECC.

The 2018 IECC target is to be 70% more stringent than the 2006 IECC.

The bar continues to raise in conjunction with the U.S. Department of Energy's Building Energy Codes Program (BECP) which mandates increased energy efficiency in America's residential and commercial buildings. Established in 1991 the BECP is part of the DOE's Energy Efficiency and Renewable Energy programs.



# Energy Requirements and Terminology

## Model Code Development

Residential and commercial buildings use about 40% of the energy in the United States making them significant contributors to the energy problem. Building energy codes are a critical part of the energy solution. By continuing to improve the energy codes results in less energy is consumed by America's buildings resulting in less cost for consumers, less carbon added to the environment thereby reduced greenhouse gas emissions and a reduction in dependence on foreign energy sources. The Building Energy Codes Program (BECP) plays a key role in establishing more "stringent" baseline codes. A building constructed to meet a baseline code meets a minimum level of energy efficiency. BECP's reach does not stop at a minimum level. By increasing the stringency of baseline codes, above-code programs such as LEED and ENERGY STAR may be more readily achievable. The 2009 edition of the IECC marked the first milestone in BECP's goal of achieving a minimum 30% increase in energy efficiency.

# International Energy Conservation Code (IECC)

## **Table R402.1.1 Insulation and fenestration requirements.**

The table has been revised to reflect a lower fenestration U-factor for dwellings and townhouses which will result in improved energy efficiency. The U-factor has been reduced slightly from 0.35 to 0.32. This is due to the low cost for improving U-factors and the increasing number of windows and doors already meeting and exceeding the 0.32 U-factor.

A study by the American Council for Energy Efficient Economy shows that 80% of all windows and doors installed in Climate zones 4-8 have an average 0.27 U-factor. (Note: this area is in Climate Zone 4)

# Energy performance window label

## Low -E Argon Gas Filled Windows

Low-E refers to the mirroring coating on the inside panes of the glass that reflects the sun's heat rays and also blocks UV rays that damage carpet, hardwood floors, cabinets and furniture. Argon gas is pressurized at 30 PSI and is denser than natural air.

### U-FACTOR

the lower the U-Factor means less energy consumption, lower utility bills, and greater comfort in the living space

### Solar Heat Gain

Refers to the percent of the sun's heat and radiation that can pass through the windows glass. The Lower the number the better.

3/4" Dualglazed MFR#073

ATRIUM  
SERIES: 150  
VINYL Continuous Head Tri  
Low-e Argon

ADW - A - 154 - 00522 - 00004

**ENERGY PERFORMANCE RATINGS**

U-Factor (U.S./I-P) <b>0.30</b>	Solar Heat Gain Coefficient <b>0.20</b>
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**ADDITIONAL PERFORMANCE RATINGS**

Visible Transmittance <b>0.45</b>	—
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Manufacturer stipulates that these ratings conform to applicable NFRC procedures for determining whole product performance. NFRC ratings are determined for a fixed set of environmental conditions and a specific product size. NFRC does not recommend any product and does not warrant the suitability of any product for any specific use. Consult manufacturer's literature for other product performance information.  
www.nfrc.org

**ENERGY STAR PARTNER**

This product is ENERGY STAR Qualified in Highlighted Regions

This window has been tested in accordance with either ANSI/AAMA/NWDA 101/ULS2-97, 101/ULS2/NFRC-02 or AAMA/NWMA/CSA 101/ULS2/6640-02 and has a Design Pressure Pressure of 30. in size.

**DP30** 108" X 74"

UL PD Approval: F111834  
Glazing complies with ASTM E 1300  
Cooper Lite Glazing  
Single - Strength Annealed  
Airspace  
Single - Strength Annealed

UL PD Approval: F111834  
Glazing complies with ASTM E 1300  
Lock Lite Glazing  
Single - Strength Annealed  
Airspace  
Single - Strength Annealed

SEQUENCE : 00097  
DEPT:028 S.O.:04914974 04914974 - 07 - 0001 - 0001  
LOAD:P8079 MOD:S31  
Product Date: 06/23/2014

### V Transmittance

Refers to the visible light that is transmitted past the tinting of the window. The lower this number the more light shines through.

### Energy Star

The shading in the map shows that the window is Energy Star approved for the US states shaded in gray

**SIMPLE TEST  
FIND A WINDOW THAT IS FACING WEST AND  
ON A BRIGHT SUNNY DAY, FEEL THE GLASS.**

# International Energy Conservation Code (IECC)

## **Table 402.4.1.2 Testing.**

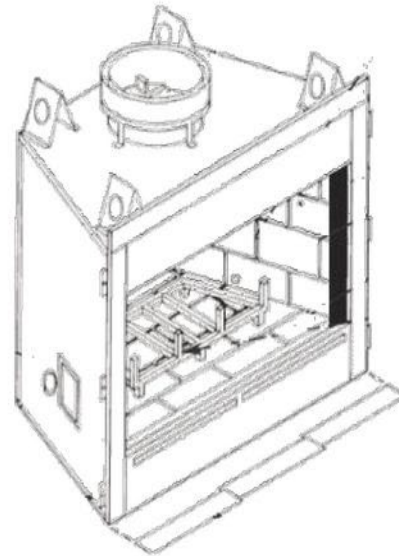
When required by the code official, the building or dwelling unit shall be tested and verified, by an approved third party, as having an approved air leakage rate. (5 air changes per hour)

## **R402.4.2 Fireplaces.**

New wood burning fireplaces shall have tight fitting flue dampers and outdoor combustion air. The doors shall be tested and listed for the fireplace in accordance with UL 127.

## UL 127 Factory Built Fireplaces

- Testing requirements for entire system
  - Fire chamber
  - Chimney
  - Roof assembly
  - Related components





# International Energy Conservation Code (IECC)

## **R402.4.4 Recessed Lighting.**

Recessed luminaires installed in the building thermal envelope shall be sealed to limit air leakage between the conditioned and unconditioned spaces. Recessed lighting shall be IC- rated and labeled as having an air leakage rate of not greater than 2.0 cfm. Recessed luminaires shall be sealed with a gasket or caulked between the housing and the interior wall or ceiling covering.

## **R403.2.2 Insulation.**

Supply and return ducts in attics shall be insulated to a minimum of R-8 for ducts 3 inches in diameter and larger. Supply and return ducts in other portions of the building shall be insulated to a minimum R-6 for ducts 3 inches in diameter and larger and not less than R4.2 for ducts smaller than 3 inches in diameter. Exception: Ducts located completely within the building thermal envelope.

**R404.1 Lighting equipment (mandatory).** This section has been revised to now required 90% of all permanently installed lighting fixtures to have high efficacy bulbs (i.e., LED lamps) Previous requirement was 75%.

# IC Rated Light Fixture

**Non IC Rated: Not used with insulated ceilings**



**IC Rated: Used for insulated ceilings**



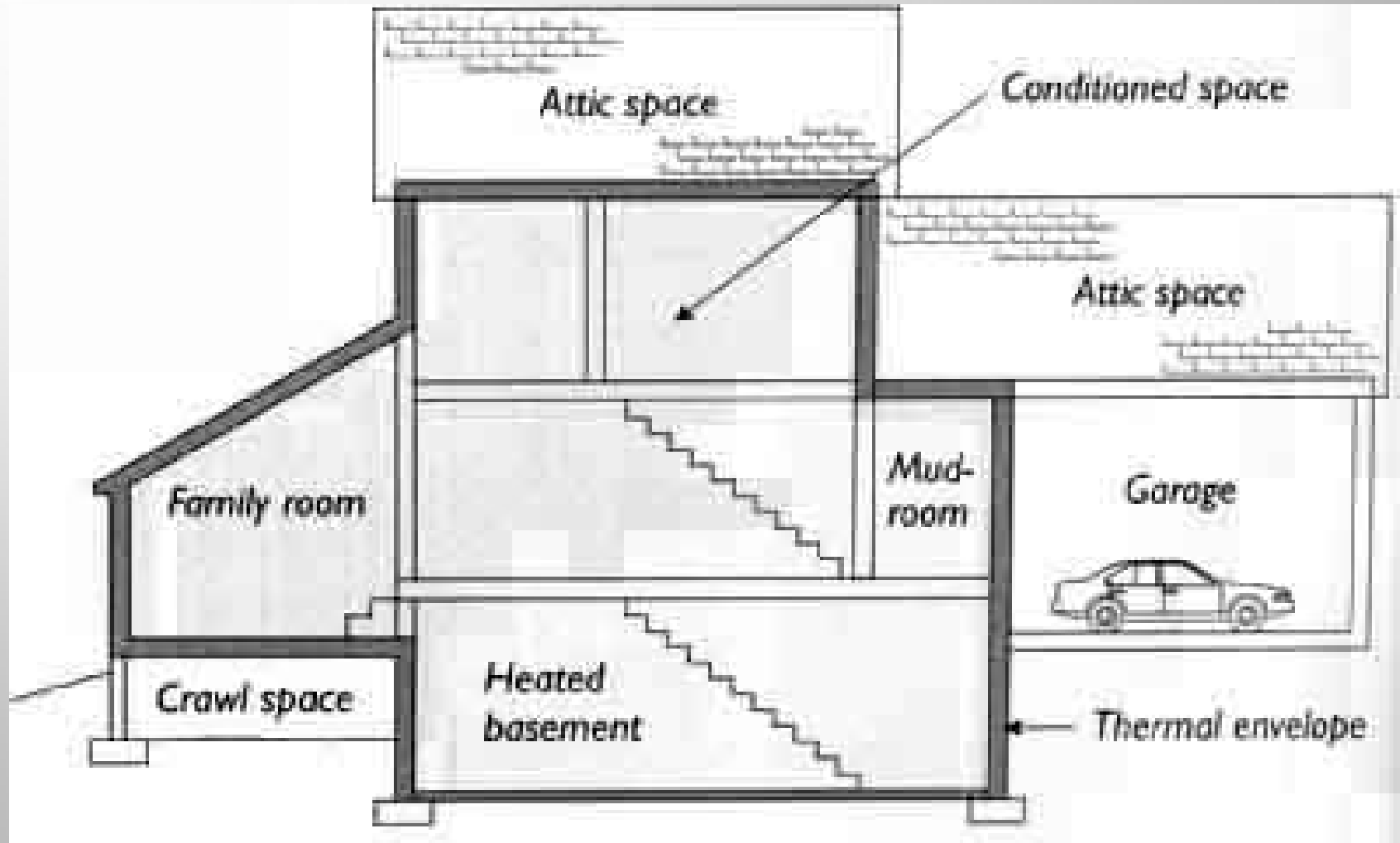
# Insulated Duct



# High efficacy bulbs

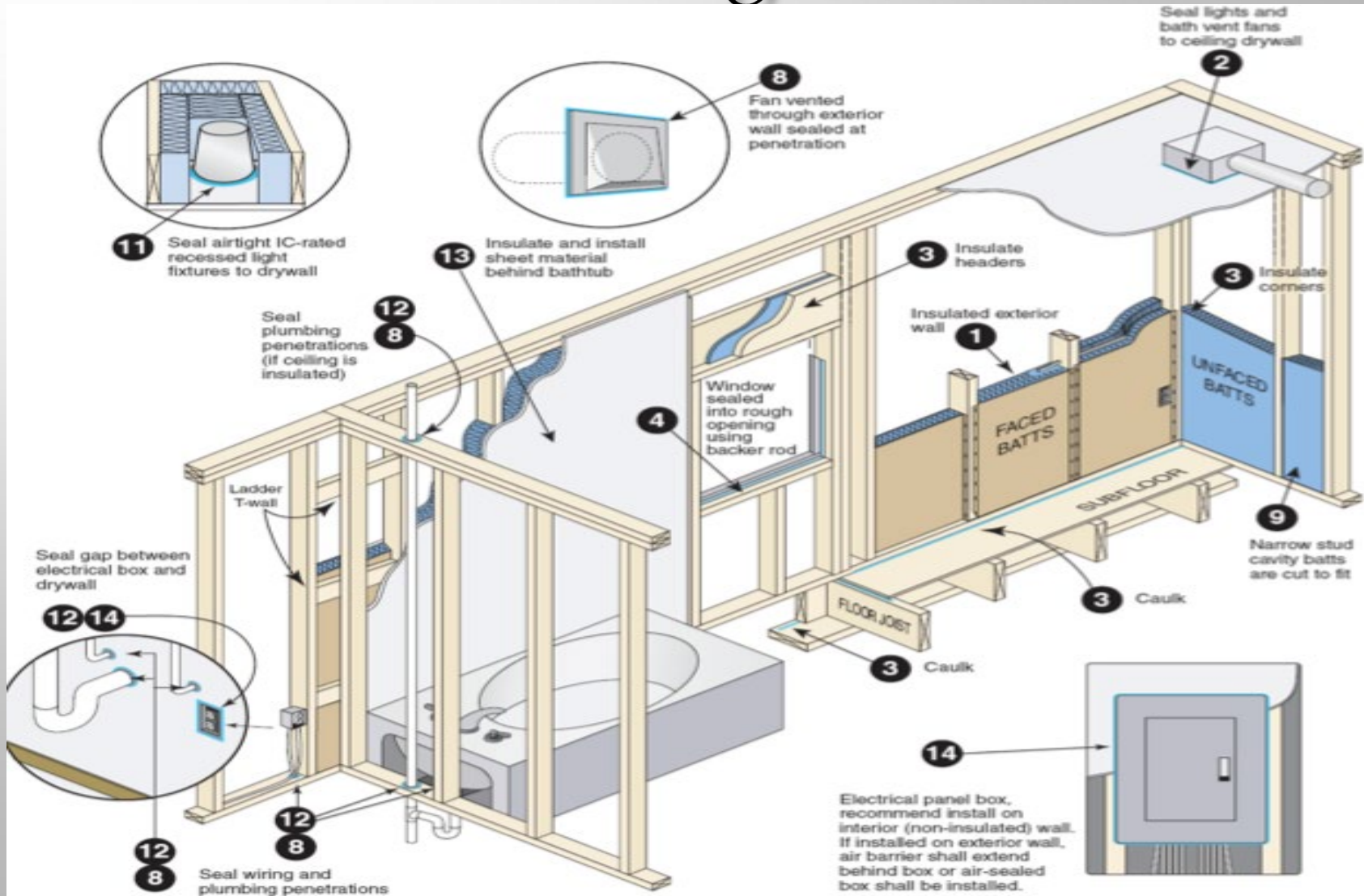


# Building Thermal Envelope





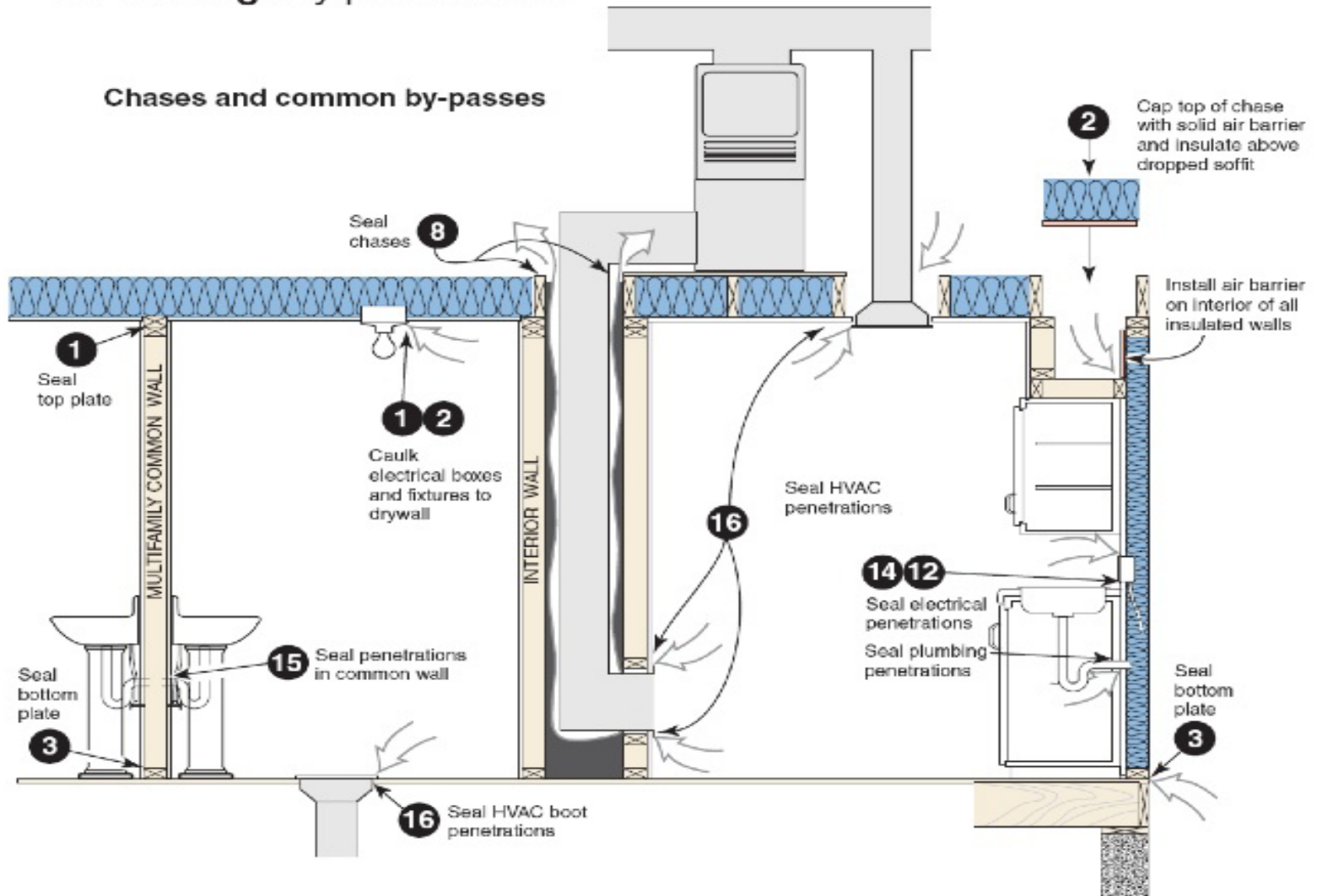
# Air Sealing General



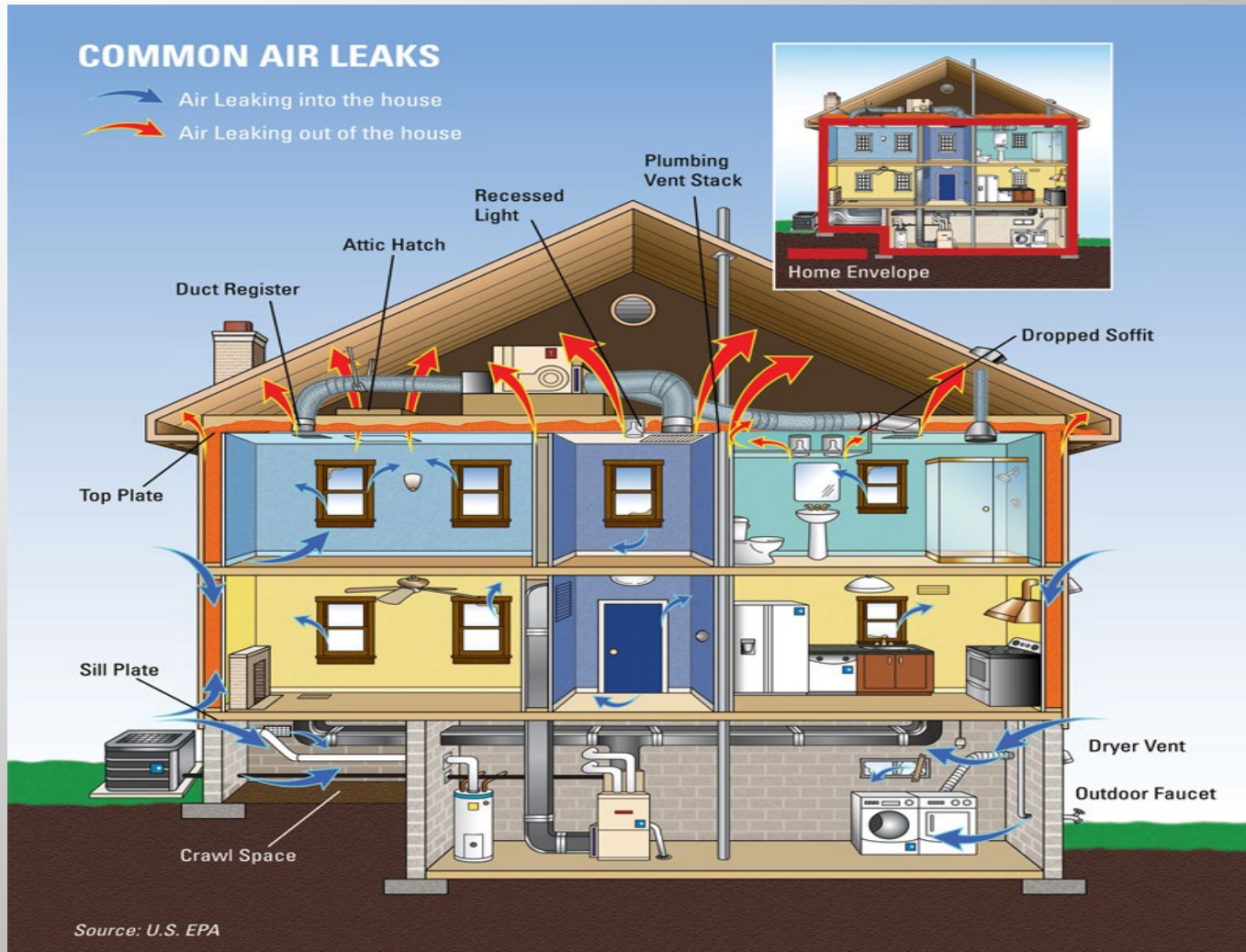
# Air Sealing (Cont.)

## Air sealing key points *continued*

### Chases and common by-passes



# Air Leakage





# NFPA 70<sup>®</sup>

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## National Electrical Code<sup>®</sup>

International Electrical Code<sup>®</sup> Series

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# 2017

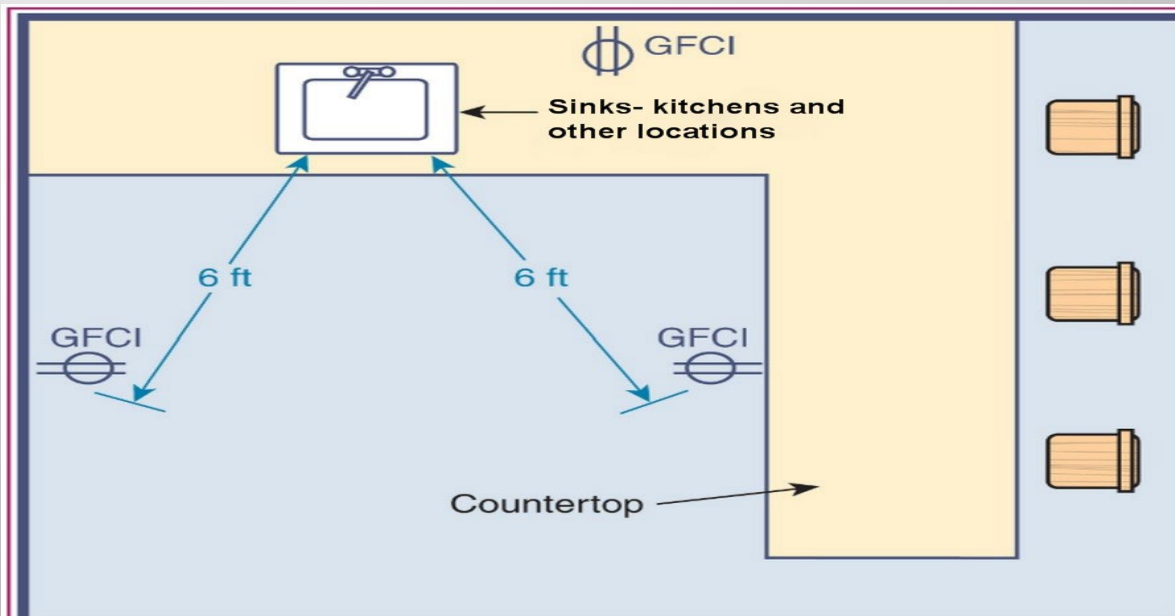


# National Electrical Code (NEC)

## Article 210- 210.8 Ground-fault Circuit Interrupter Protection for Personnel; (B) Dwelling Units. (7) Sinks.

This section has been revised as follows:

“Sinks- where receptacles are installed within 6 feet from the top inside edge of the bowl of the sink.” (The 2011 edition stated “within 6 feet of the outside edge of the sink”).



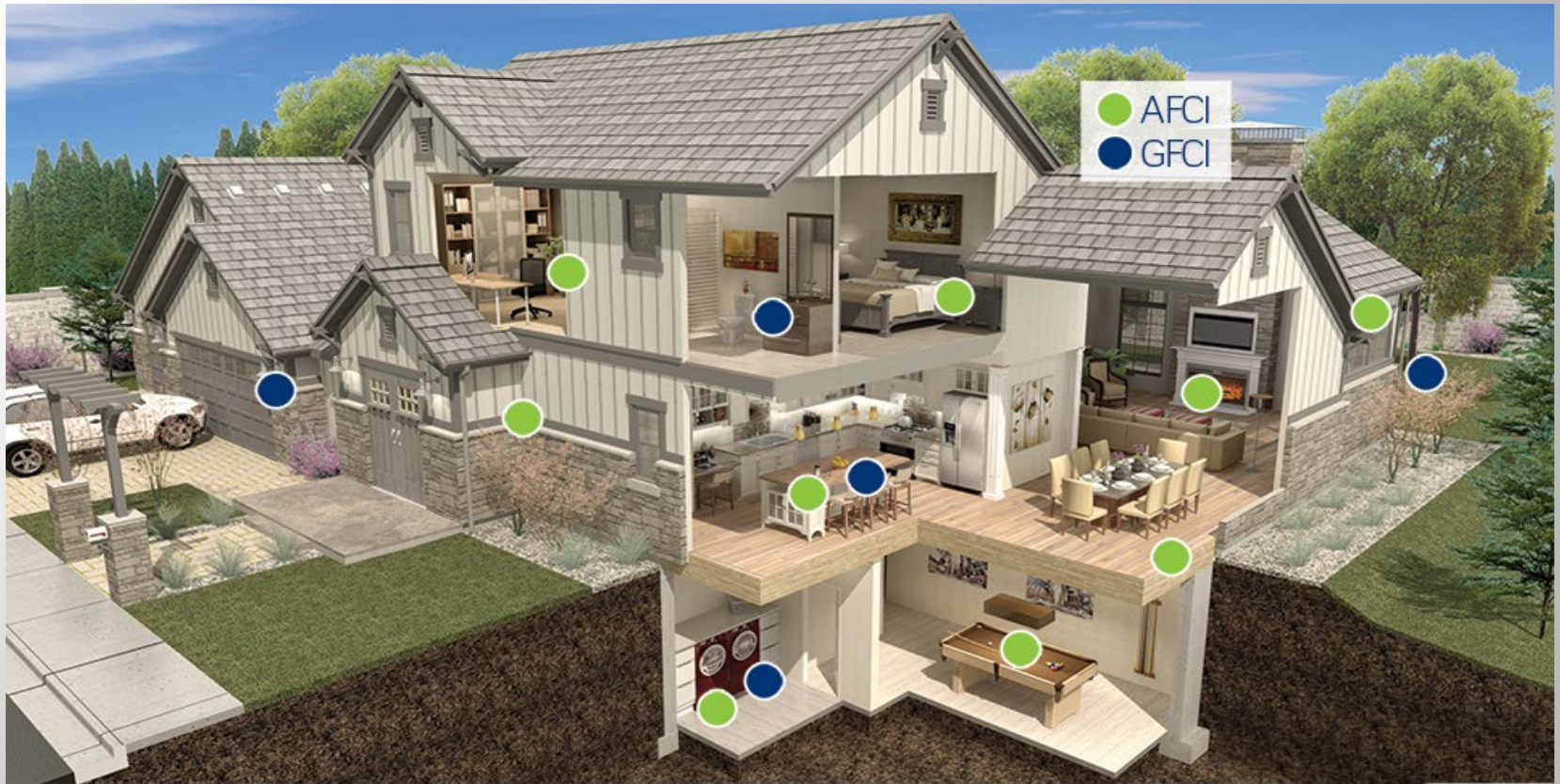


# National Electrical Code (NEC)

## **Article 210- 210.12 Arc-fault Circuit Interrupter Protection; (A) Dwelling Units.**

All 120 volt, single phase, 15 and 20 amp circuits supplying outlets installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, laundry areas or similar rooms or areas shall be protected by any listed arc-fault circuit interrupter installed to provide protection of the branch circuit.

# AFCI AND GFCI LOCATIONS



## AFCI

Family Room  
Dining Room  
Living Room  
Bedroom  
Sunroom  
Library  
Kitchen

Den  
Office  
Hallways  
Closets  
Rec Rooms  
Laundry Rooms  
Similar Areas

## GFCI

Kitchen  
Bathroom  
Garage  
Porch  
Pool Area  
Laundry Rooms

\*AFCI technology is also required in college dormitories

# National Electrical Code (NEC)

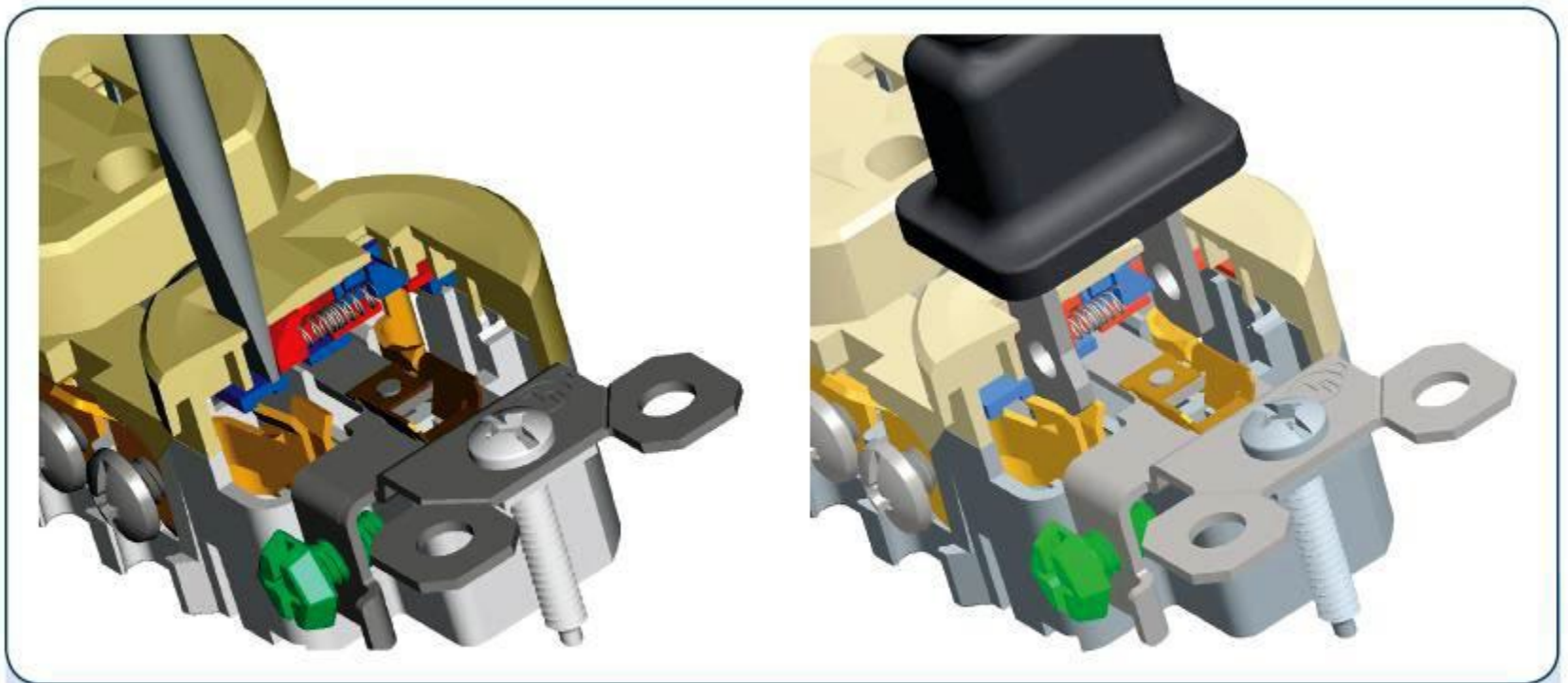
## **Article 406- 406.12 Tamper- Resistant Receptacles in Dwelling Units.**

This section requires that all non-locking type 125volt, 15 and 20 ampere receptacles specified in 406.12 (1) through(7) shall be listed tamper-resistant receptacles: (1) dwelling units; (2) Guest rooms and guest suites of hotels; (3) child care facilities; (4) preschools and elementary education facilities; (5) business offices, corridors, waiting rooms and the like; (6) subsets of assembly occupancies such as transportation waiting areas, gymnasiums, skating rinks, auditoriums; (7) Dormitories.

There are 4 exceptions, which include:

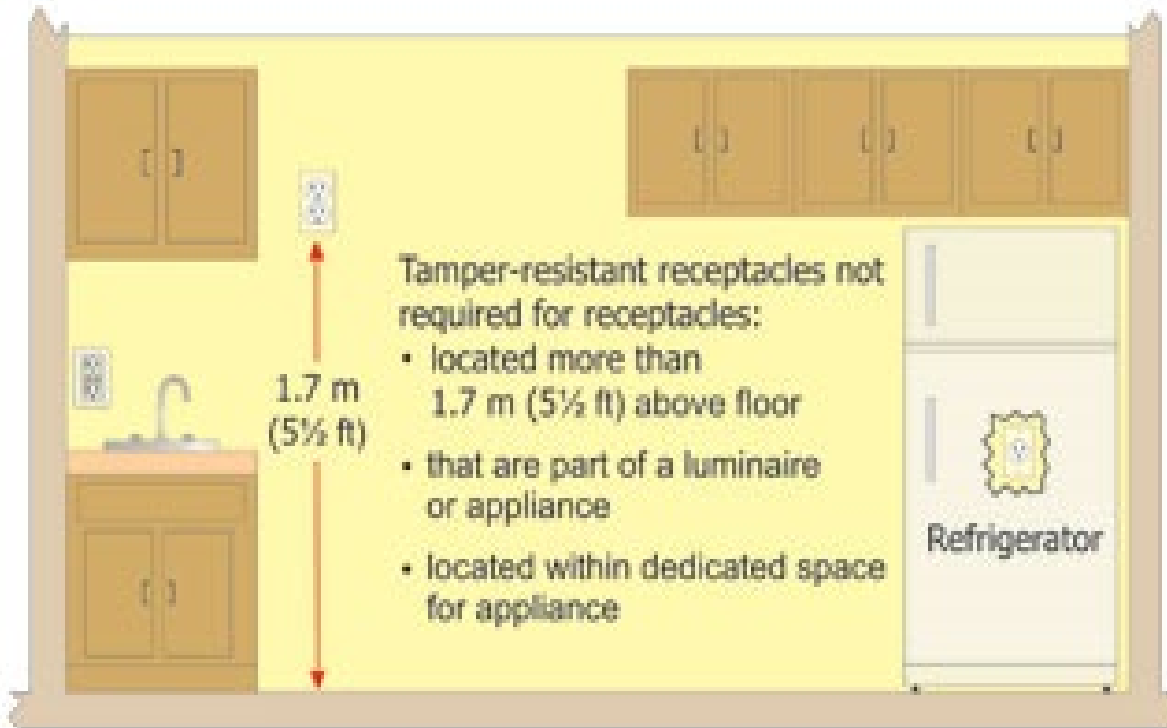
1. Receptacles located more than 5 ½ feet above the floor.
2. Receptacles that are part of a luminaire or appliance.
3. A single receptacle or duplex receptacle for two appliances located within a dedicated space for each appliance that, in normal use, is not easily moved from one place to another and that is cord-and-plug connected. (i.e., stackable washer and dryer)
4. Nongrounding receptacles used as replacements.

# Tamper Resistant Receptacles



**EXHIBIT 406.6** Tamper-resistant receptacle. Insertion of an object in any one side does not open the shutter (left), but a two-bladed plug or grounding plug compresses the spring and simultaneously opens both shutters (right). (Courtesy of Legrand/Pass & Seymour®)

## 406.12 Tamper-Resistant Receptacles



Copyright © IAEI 2009

In all areas specified in 210.52, all nonlocking type 125-volt, 15- and 20-ampere receptacles required to be listed tamper-resistant receptacles



# QUESTIONS AND COMMENTS

CITY OF MISSION  
RESOLUTION \_\_\_\_\_

WHEREAS, the 2018 ICC codes were originally presented to the City Council in September of 2020 for adoption; and,

WHEREAS, there was general discussion at the time among design professionals, construction industry leaders, code officials, sustainability advocates, and elected officials about the newly released 2021 International Energy Conservation Code and Council requested that staff conduct further research, resulting in delayed adoption of the 2018 ICC Codes; and,

WHEREAS, the initial 2021 Energy Conservation Code adopted and released by the ICC in 2020 was ultimately repealed by ICC and replaced with a new code that was more in line with energy conservation practices being adopted throughout the industry; and,

WHEREAS, on October 20, 2021, the Governing Body adopted a Resolution endorsing the KC Regional Climate Action Plan developed by Climate Action KC and the Mid-America Regional Council and recognizing the KC Regional Climate Action Plan's goal of a Net-Zero metropolitan region by 2050; and,

WHEREAS, the Greenhouse Gas Inventory relied upon in the formulation of the KC Regional Climate Action Plan concluded that Residential Buildings represent 29% of greenhouse gas emissions in the Kansas City metropolitan area and Commercial and Industrial Buildings represent an additional 32% of greenhouse gas emissions in the Kansas City metropolitan area; and,

WHEREAS, the KC Regional Climate Action Plan's Work Plan calls for "form[ing] a collaborative regional energy working group to focus on renewable energy and energy efficiency" and "[d]evelop[ing] and adopt[ing] [a] new suite of local government energy policies"; and,

WHEREAS, the KC Regional Climate Action Plan's Policy Recommendations for Local Government include "[a]dopt[ion] [of] IECC 2021"; and,

WHEREAS, on February 16, 2022, Mayor Sollie Flora established a Climate Action Plan Task Force to recommend 1-, 3-, and 5-year strategies to advance the goals of the KC Regional Climate Action Plan in Mission; and,

WHEREAS, on October 13, 2022 the City of Kansas City, Missouri adopted the 2021 IECC with strengthening amendments, including a voluntary ZERO Code provision; and,

WHEREAS, the City of Mission did not have the technical expertise or staff capacity to effectively evaluate the 2021 IECC Codes on its own and was waiting to see how the actions of the City of Kansas City, Missouri aligned with the 2018 Body of Codes; and

WHEREAS, recognizing that review and adoption of more aggressive energy code standards is an important goal of the Governing Body,

NOW, THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF MISSION, KANSAS:

**Section 1.** Beginning in January 2023, Staff and Council will engage in conversations with the City of Kansas City, MO, and any other communities within the metropolitan area operating under the 2021 IECC (either in connection with the 2018 Body of ICC Codes or the 2021 Body of ICC Codes) in order to understand any potential conflicts, if any, between the 2021 IECC and the 2018 Body of ICC Codes, and the feasibility of adopting the 2021 IECC.

**Section 2.** Staff will explore partnership opportunities with Climate Action KC, the Building Energy Exchange KC (an initiative of Climate Action KC), the Mid-America Regional Council (MARC), the Metropolitan Energy Center, and/or other affiliated groups to review and discuss the pros and cons of the historical six-year review cycle used by most cities throughout the region for assessing and adopting the applicable Body of ICC Codes and to explore options that may better align with the Governing Body's goals regarding sustainability while recognizing the varying expertise and capacity available in smaller organizations.

**Section 3.** No later than \_\_\_\_\_ 2023, staff will present findings and recommendations to the Community Development Committee for review, discussion, and potential action regarding the 2021 IECC and related matters.

**PASSED AND APPROVED BY THE CITY COUNCIL** this 21st day of December 2022.

**APPROVED BY THE MAYOR** this 21st day of December 2022.

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Solana Flora, Mayor

ATTEST:

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Robyn L. Fulks, City Clerk

<b>City of Mission</b>	Item Number:	7e.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Administration</b>	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

**RE:** Greenhouse Gas Inventory Update Contract Award

**RECOMMENDATION:** Approve the proposal from Lotus Engineering and Sustainability in an amount not to exceed \$33,171 for a update to the greenhouse gas inventory for both municipal operations and at the community level.

**DETAILS:** In 2008, Mission completed a Greenhouse Gas Emission Inventory. The City Council approved \$15,000 funding for an update to the inventory in 2020 anticipation of the 2020 goal of a 20% reduction in carbon emissions set out in the initial Climate Action Plan following the 2008 inventory. The inventory update was postponed due to staff transition and the COVID-19 pandemic. Those original funds are still available to be combined with the funds approved for sustainability work in 2023. Staff issued a request for proposals in October of this year.

Four firms submitted proposals:

- Black & Veatch (\$37,915)
- Lotus Engineering and Sustainability (\$33,171)
- Dynamhex (\$15,000, plus \$10,000 annual software subscription)
- AET Group, Inc. (\$13,200)

A selection committee including Councilmember Ben Chocie, Sustainability Commission Chair Josh Thede, City Planner Karie Kneller and Assistant City Administrator Emily Randel interviewed the firms and recommend Lotus Engineering and Sustainability. The firm, based in Denver, provided a strong proposal supported by their interview and references. In particular, the steering committee valued the fact that Lotus is a small and nimble firm that specializes in this work. They explained how they evaluate the data and provide full transparency and training for City staff for updates in future years. They also provided strong options in how they can help Mission tell the story of the final report to community stakeholders and they keep an open door policy for questions beyond the proposal scope.

The initial proposal cost was \$29,990, but staff requested an expanded proposal that took advantage of some of the communication opportunities highlighted in the interview including an in-person presentation to the community. That increased the total proposal amount to \$33,171. If the contract is approved, Lotus is prepared to begin the work in January as suggested in the proposal and will complete the work in May.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	N/A
Available Budget:	\$15,000 (2020 budget) and \$135,000 Sustainability funds (2023 budget)



<b>City of Mission</b>	Item Number:	7e.
<b>ACTION ITEM SUMMARY</b>	Date:	December 21, 2022
<b>Administration</b>	From:	Emily Randel

Action items require a vote to recommend the item to full City Council for further action.

**CFAA CONSIDERATIONS/IMPACTS:** Many of the actions recommended to reduce greenhouse gas emissions also improve quality of life for all residents, including those with relatively fragile health such as air quality improvements, or transit options for those who may no longer drive, and more.

Related Statute/City Ordinance:	N/A
Line Item Code/Description:	N/A
Available Budget:	\$15,000 (2020 budget) and \$135,000 Sustainability funds (2023 budget)

<b>City of Mission</b>	Item Number:	13a.
<b>INFORMATIONAL ITEM</b>	Date:	December 21, 2022
<b>ADMINISTRATION</b>	From:	Laura Smith

Informational items are intended to provide updates on items where limited or no discussion is anticipated by the Committee.

**RE:** November 2022 Monthly Interim Financial Report

**DETAILS:** The monthly interim financial reports are provided as a part of the Council's legislative meeting packets and will be reviewed and considered under the City Administrator's Report section of the agenda.

If appropriate, high level information will be provided during the meeting, and Council will have the opportunity to ask any questions they might have at this time. Following the review at the Council meeting, the reports will be posted on the website.

The Summary Report is included in the packet with a link to the full November 2022 Interim Financial Report found [here](#).

**CFAA CONSIDERATIONS/IMPACTS: NA**

Related Statute/City Ordinance:	NA
Line Item Code/Description:	NA
Available Budget:	NA



# MONTHLY FINANCIAL REPORT

NOVEMBER 2022

**MISSION**  
*Kansas*



# Mission, Kansas

## Monthly Financial Report – Executive Summary

### November 2022

#### General Fund Revenue Summary by Category as of 11/30/22

	2022 Adopted Budget	2022 Est Budget	MTD Collections	YTD Collections	% of Est Budget Collected
<b>Taxes</b>					
Property Tax - General	1,760,000	1,700,000	0	1,665,679	98%
Property Tax - Streets	1,120,000	1,120,000	0	1,127,106	101%
Delinquent Property Tax	20,300	30,000	0	22,068	74%
Motor Vehicle Tax	262,800	251,950	0	231,002	92%
City Sales and Use Tax	4,150,000	4,125,000	381,883	3,759,882	91%
County Sales and Use Tax	893,200	945,000	95,389	986,341	104%
County Sales and Use Tax - Jail	224,000	241,500	23,722	245,307	102%
County Sales and Use Tax - Public Safety	224,000	241,500	23,722	245,307	102%
County Sales and Use Tax - Court	224,000	241,500	23,722	245,305	102%
Franchise Tax	1,022,000	1,098,500	28,205	983,907	90%
Alcohol Tax	90,000	90,000	0	84,631	94%
Intergovernmental Revenue	5,000	122,000	18,000	139,399	
Mission Square Pilot	47,250	47,250	0	24,106	51%
Licenses and Permits	154,000	155,000	4,808	145,569	94%
Jo Co Plan Review/Inspection Fees	200,000	630,000	16,975	299,158	47%
Police Fines	743,500	623,450	38,679	386,144	62%
Charges for Services	141,500	106,000	2,050	26,941	25%
Interest	5,000	2,250	11,811	56,138	2495%
Miscellaneous and other	89,360	320,000	1,158	28,752	9%
Pool Revenues	132,000	159,500	0	154,002	97%
Parks Special Event Revenues	215,000	170,000	0	164,952	97%
Community Center Revenues	730,700	802,200	159,063	866,931	108%
Bond Proceeds	0	0	0	0	0%
Transfers In (ARPA Funds)	751,782	751,782	0	0	0%
<b>Total Revenues</b>	<b>13,205,392</b>	<b>13,974,382</b>	<b>829,187</b>	<b>11,888,626</b>	<b>85%</b>

#### General City Sales Tax :

Total Estimated Budget:  
\$2,625,000

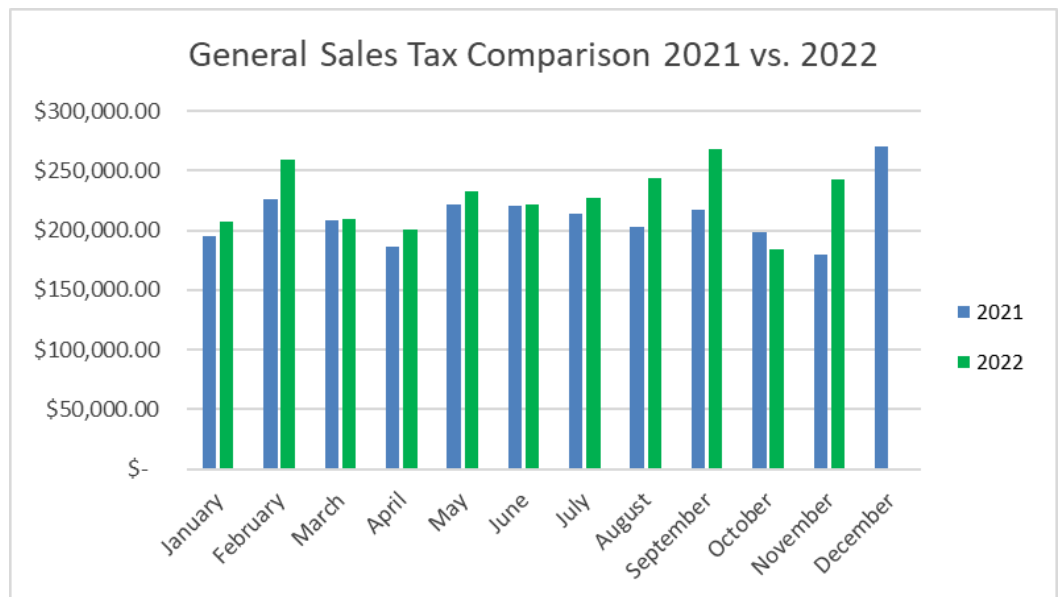
Total City Sales Tax collected YTD:  
\$2,495,593

% of Estimated Budget collected:  
95%

% of Year Expended:  
92%

% change yr over yr = **34.76%**

% change 5 yr avg = **-7.35%**



# Mission, Kansas

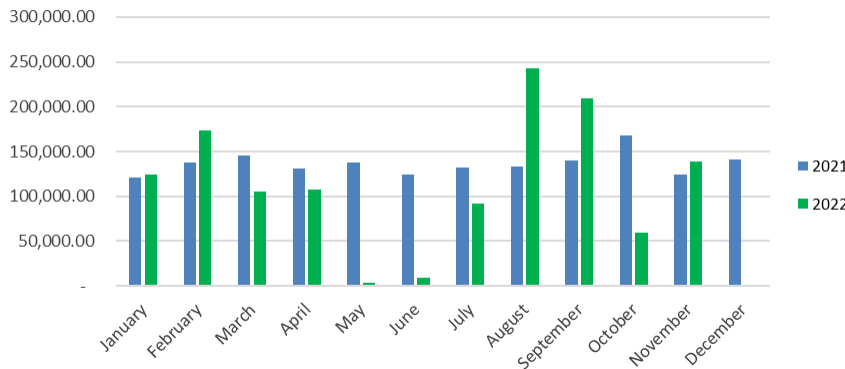
## Monthly Financial Report – Executive Summary

### November 2022

**Comments/Highlights:**

- City general sales and use tax revenues are performing in line with 2022 Revised Budget Estimates, despite \$311,000 in use tax re-funds taken by the Kansas Department of Revenue earlier this year and fluctuations in distributions between Aug/Sept/Oct resulting from timing of submissions to the State.
- County sales tax and use tax revenues are trending slightly higher than budget estimates. Total General County Sales and Use tax collected YTD totaled \$984,450 or 104% of total Estimated Revenues for 2022.

General Use Tax Comparison 2021 vs. 2022



Total Estimated Budget: \$1,500,000    Total City Use Tax collected YTD: \$1,264,489    % of Total Estimated Budget collected: 84%

% of Year Expended: 92%

% change yr over yr = **11.60%**

% change 5 yr avg = **41.88%**

Fund	Revenue Budget			Expenditure Budget			Current Cash, MIP and Investments Balance
	Revenue YTD	Uncollected Revenue	Expense YTD	Unencumb. Balance			
01 General	\$ 13,974,382.00	\$ 11,888,625.51	\$ 2,085,756.49	\$ 15,312,635.00	\$ 14,566,885.41	\$ 745,749.59	\$ 3,841,571.92
02 IRS 125 Plan	\$ -	\$ 53,257.36	\$ (53,257.36)	\$ -	\$ 52,327.08	\$ (52,327.08)	\$ 42,775.92
03 Special Highway	\$ 275,100.00	\$ 272,487.69	\$ 2,612.31	\$ 807,720.00	\$ 701,116.71	\$ 106,603.29	\$ 152,602.25
08 Court - Bonds	\$ -	\$ 51,449.00	\$ (51,449.00)	\$ -	\$ 67,082.00	\$ (67,082.00)	\$ 39,529.00
09 Special Alcohol	\$ 110,000.00	\$ 84,630.89	\$ 25,369.11	\$ 90,000.00	\$ 55,949.78	\$ 34,050.22	\$ 165,147.51
10 Special Park & Recreation	\$ 110,050.00	\$ 112,870.03	\$ (2,820.03)	\$ 133,500.00	\$ 61,738.75	\$ 71,761.25	\$ 188,829.32
14 Court - ADSAP	\$ -	\$ -	\$ -	\$ -	\$ 150.00	\$ (150.00)	\$ 11,286.17
15 Court - Reinstatement	\$ -	\$ 17,632.00	\$ (17,632.00)	\$ -	\$ 18,491.00	\$ (18,491.00)	\$ 565.09
16 Special Law Enforcement	\$ -	\$ 6,350.00	\$ (6,350.00)	\$ -	\$ -	\$ -	\$ 24,266.95
17 Restricted	\$ -	\$ 20,000.00	\$ (20,000.00)	\$ -	\$ 64,295.60	\$ (64,295.60)	\$ 62,295.68
18 Jo Co School District Sales Tax	\$ -	\$ 144.84	\$ (144.84)	\$ -	\$ -	\$ -	\$ 18,307.81
19 MBDC	\$ 130,050.00	\$ 69,834.99	\$ 60,215.01	\$ 93,000.00	\$ 97,770.79	\$ (4,770.79)	\$ 12,599.47
22 Storm Drain Utility	\$ 3,399,995.00	\$ 3,304,948.99	\$ 95,046.01	\$ 3,491,193.00	\$ 3,201,361.04	\$ 289,831.96	\$ 1,392,464.12
24 Equipment Reserve Fund	\$ 80,500.00	\$ 24,451.14	\$ 56,048.86	\$ 335,142.00	\$ 128,267.82	\$ 206,874.18	\$ 263,854.93
25 Capital Improvement Fund	\$ 2,414,953.00	\$ 2,061,603.31	\$ 353,349.69	\$ 2,675,348.00	\$ 2,104,111.15	\$ 571,236.85	\$ 229,396.27
26 Rock Creek Drainage Dist #1	\$ 11,010.00	\$ 22,198.38	\$ (11,188.38)	\$ 11,000.00	\$ 25,000.00	\$ (14,000.00)	\$ 2,659.01
27 Rock Creek Drainage Dist #2	\$ 66,100.00	\$ 63,043.26	\$ 3,056.74	\$ 65,000.00	\$ 80,000.00	\$ (15,000.00)	\$ 4,767.08
30 Solid Waste Utility Fund	\$ 631,000.00	\$ 657,166.30	\$ (26,166.30)	\$ 599,540.00	\$ 545,955.07	\$ 53,584.93	\$ 115,805.38
31 ARPA Fund	\$ 751,782.00	\$ 756,254.66	\$ (4,472.66)	\$ -	\$ -	\$ -	\$ 1,512,509.32
32 Opioid Fund	\$ -	\$ 2,426.26	\$ (2,426.26)	\$ -	\$ -	\$ -	\$ 2,426.26
33 Family Adoption Fund	\$ 10,000.00	\$ 404.00	\$ 9,596.00	\$ 10,000.00	\$ 415.33	\$ 9,584.67	\$ (11.33)
35 Transportation Fund	\$ -	\$ 128.14	\$ (128.14)	\$ -	\$ -	\$ -	\$ 13,526.82
40 Street Sales Tax	\$ 957,005.00	\$ 910,563.87	\$ 46,441.13	\$ 1,592,465.00	\$ 1,663,136.35	\$ (70,671.35)	\$ (171,705.25)
45 Parks & Rec Sales Tax	\$ 1,395,050.00	\$ 1,055,299.63	\$ 339,750.37	\$ 2,691,762.69	\$ 1,706,391.52	\$ 985,371.17	\$ 673,247.16
50 Mission Trails TIF	\$ 350,285.00	\$ 350,285.88	\$ (0.88)	\$ 286,000.00	\$ 350,285.88	\$ (64,285.88)	\$ -
55 Silvercrest at Broadmoor	\$ -	\$ 5,958.97	\$ (5,958.97)	\$ -	\$ -	\$ -	\$ 12,561.35
60 Mission Crossing TIF Fund	\$ 421,500.00	\$ 415,890.25	\$ 5,609.75	\$ 416,000.00	\$ 433,411.97	\$ (17,411.97)	\$ 19,020.72
64 Rock Creek TIF Dist #2	\$ -	\$ 9,662.01	\$ (9,662.01)	\$ -	\$ -	\$ -	\$ 9,662.01
65 Cornerstone Commons Fund	\$ 69,000.00	\$ 61,082.80	\$ 7,917.20	\$ 67,500.00	\$ 66,800.94	\$ 699.06	\$ 6,389.99
66 Capitol Federal TIF Fund	\$ 21,000.00	\$ 20,028.00	\$ 972.00	\$ 18,000.00	\$ -	\$ 18,000.00	\$ 41,056.18
67 Mission Bowl TIF Fund	\$ -	\$ 32,881.61	\$ (32,881.61)	\$ -	\$ -	\$ -	\$ 32,881.61
68 Rock Creek TIF Fund #3	\$ -	\$ 50,756.34	\$ (50,756.34)	\$ -	\$ -	\$ -	\$ 119,662.82
69 Rock Creek TIF Fund #4	\$ -	\$ 42,426.85	\$ (42,426.85)	\$ -	\$ -	\$ -	\$ 82,366.62
70 Mission Farm and Flower Market	\$ -	\$ 16,458.08	\$ (16,458.08)	\$ -	\$ 25,332.21	\$ (25,332.21)	\$ 15,828.24
	\$ 25,178,762.00	\$ 22,441,201.04	\$ 2,737,560.96	\$ 28,695,805.69	\$ 26,016,276.40	\$ 2,679,529.29	\$ 8,938,146.40
						MIP Statement	7,838,676.60
						Treasury Bills	-
						Cash balances	1,099,469.80
						Total	8,938,146.40
						Difference	-



# Mission, Kansas

## Monthly Financial Report – Executive Summary

### November 2022

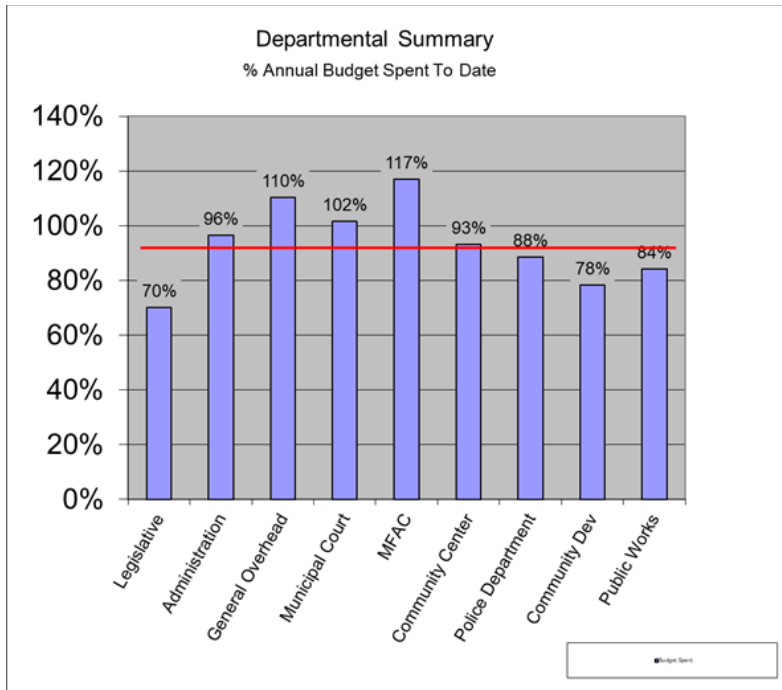
#### General Fund Expenditures by Department as of 11/30/22:

DEPARTMENT	2022 Budget	2022 Estimated	Monthly Expenditure	YTD Expenditure	Amount Remaining	Expenditure Rate
<b>Legislative</b>						
Personnel Services	57,010	57,010	4,376	48,424	8,586	85%
Contractual Services	126,200	136,700	3,816	86,075	50,625	63%
Commodities	1,200	1,200	-	2,282	(1,082)	190%
Capital Outlay	-	-	-	-	-	0%
<b>Total</b>	<b>184,410</b>	<b>194,910</b>	<b>8,192</b>	<b>136,781</b>	<b>58,129</b>	<b>70%</b>
<b>Administration</b>						
Personnel Services	885,000	904,800	76,459	869,478	35,322	96%
Contractual Services	35,350	35,050	1,317	34,080	970	97%
Commodities	900	2,200	55	4,159	(1,959)	189%
Capital Outlay	-	250	-	1,075	(825)	430%
Debt Service	-	-	-	-	-	0%
<b>Total</b>	<b>921,250</b>	<b>942,300</b>	<b>77,831</b>	<b>908,792</b>	<b>33,508</b>	<b>96%</b>
<b>General Overhead</b>						
Personnel Services	-	75,000	-	-	-	0%
Contractual Services	372,000	294,420	64,790	301,368	(6,947.52)	102%
Commodities	51,500	53,000	4,786	30,205	22,795.50	57%
Capital Outlay	1,958,840	1,920,500	326,382	2,367,176	(446,676.08)	123%
Debt Service	326,538	329,538	-	249,574	79,963.83	76%
<b>Total</b>	<b>2,708,878</b>	<b>2,672,458</b>	<b>395,959</b>	<b>2,948,322</b>	<b>(350,864)</b>	<b>110%</b>
<b>Municipal Court</b>						
Personnel Services	280,450	292,800	24,193	265,975	26,825	91%
Contractual Services	22,000	22,000	19,972	27,473	(5,473)	125%
Commodities	6,750	6,750	3,140	7,778	(1,028)	115%
Capital Outlay	2,000	2,000	2,500	27,208	(25,208)	1360%
<b>Total</b>	<b>311,200</b>	<b>323,550</b>	<b>49,805</b>	<b>328,433</b>	<b>(4,883)</b>	<b>102%</b>
<b>Parks and Recreation</b>						
<b>Mission Family Aquatic Center (MFAC)</b>						
Personnel Services	166,900	159,100	2,828	160,406	(1,306)	101%
Contractual Services	77,000	76,000	5,930	99,582	(23,582)	131%
Commodities	48,450	44,000	-	65,867	(21,867)	150%
Capital Outlay	-	-	-	822	(822)	0%
<b>Total</b>	<b>292,350</b>	<b>279,100</b>	<b>8,758</b>	<b>326,677</b>	<b>(47,577)</b>	<b>117%</b>
<b>Community Center</b>						
Personnel Services	1,643,000	1,550,750	100,862	1,370,302	180,448	88%
Contractual Services	762,250	739,650	87,391	754,526	(14,876)	102%
Commodities	107,400	101,900	12,598	105,986	(4,086)	104%
Capital Outlay	-	-	-	-	-	0%
<b>Total</b>	<b>2,512,650</b>	<b>2,392,300</b>	<b>200,851</b>	<b>2,230,814</b>	<b>161,486</b>	<b>93%</b>
<b>Police Department</b>						
Personnel Services	3,507,100	3,434,750	275,209	3,188,514	246,236	93%
Contractual Services	378,500	378,500	31,186	297,243	81,257	79%
Commodities	144,250	144,250	8,002	121,646	22,604	84%
Capital Outlay	11,700	11,700	-	-	11,700	0%
Debt Service/Lease	106,000	110,000	-	-	110,000	0%
<b>Total</b>	<b>4,147,550</b>	<b>4,079,200</b>	<b>314,396</b>	<b>3,607,403</b>	<b>471,797</b>	<b>88%</b>
<b>Community Development</b>						
Personnel Services	457,000	399,800	33,160	370,825	28,975	93%
Contractual Services	222,887	295,885	23,560	173,342	122,543	59%
Commodities	4,000	5,000	964	3,728	1,273	75%
Capital Outlay	-	300	-	246	54	82%
<b>Total</b>	<b>683,887</b>	<b>700,985</b>	<b>57,684</b>	<b>548,141</b>	<b>152,844</b>	<b>78%</b>
<b>Public Works</b>						
Personnel Services	1,119,800	1,146,500	77,929	1,016,590	129,910	89%
Contractual Services	1,139,500	1,116,500	64,812	870,417	246,083	78%
Commodities	253,832	232,700	7,203	242,997	(10,297)	104%
Capital Outlay	16,000	37,132	-	-	37,132	0%
<b>Total</b>	<b>2,529,132</b>	<b>2,532,832</b>	<b>149,943</b>	<b>2,130,003</b>	<b>402,829</b>	<b>84%</b>
<b>Other General Fund</b>						
	1,220,575	1,195,000	-	1,401,519	(206,519)	117%
<b>General Fund Total</b>	<b>15,511,882</b>	<b>15,312,635</b>	<b>1,263,419</b>	<b>14,566,885</b>	<b>670,750</b>	<b>95%</b>

# Mission, Kansas

## Monthly Financial Report – Executive Summary

### November 2022



Additional highlights/comments:

- The City's cash balance position is strong with an ending cash balance across all funds of \$8.94 million at November 30, 2022. Major expenditures in November included 2022 Street Preservation Program, Mohawk Park Improvements, pavement markings, and Foxridge Phase II design.
- Street Sales Tax collections YTD in 2022 total \$906,365 and Parks + Recreation Sales Tax collections are \$1,049,824 which represents a combined increase of **32%** YTD over 2021 collections.

In an effort to address questions surrounding revenues and expenses for the Powell Community Center (PCC), including cost recovery rates, historical and YTD revenue and expense information is included in the monthly interim financial report. The table below illustrates actual revenues and expenses from 2015 through 2021 showing the difference in total dollars (subsidy for operations). YTD information for 2022 is also included. The cost recovery or self-sufficiency rate for each year is also shown in the table. A feasibility study for the PCC is currently underway to aid in assessing the center's long-term feasibility and highest and best use.

	2015	2016	2017	2018	2019	2020	2021	2022 YTD
Revenues	\$ 1,780,144	\$ 1,817,753	\$ 1,758,157	\$ 1,675,697	\$ 1,698,878	\$ 710,775	\$ 706,254	\$ 1,200,472
Expenses	\$ 2,089,988	\$ 2,225,928	\$ 2,284,283	\$ 2,342,798	\$ 2,425,932	\$ 2,062,448	\$ 2,267,738	\$ 2,230,812
Difference (\$)	\$ (309,845)	\$ (408,175)	\$ (526,127)	\$ (667,101)	\$ (727,054)	\$ (1,351,673)	\$ (1,561,484)	\$ (1,030,340)
Cost Recovery %	85%	82%	77%	72%	70%	34%	31%	54%

Following passage of the American Rescue Plan Act (ARPA), the City is slated to receive a direct disbursement of funds (\$1,503,565) to address COVID-19 impacts. The first half payment was received in July 2021 and the balance was distributed in June 2022. ARPA funds are currently shown as a transfer into the General Fund to address COVID-19 related revenue shortages. During the recent budget process, it was recommended to take the standard \$10 million revenue loss deduction. This allowed the Council to consider and approve a number of other high priority projects which had been deferred because of pandemic-related revenue losses.

The reports that follow provide line item detail level summaries of revenues and expenditures for all funds, and are generated through the City's financial management software, Governmentor. In addition to information on the current budget/fiscal year, the reports will contain information on the prior year actuals.

In addition to these summary reports, a summary claims report detailing expenditures for the month by fund is provided along with a report that details all payments made in the current month by vendor (listed alphabetically).