

# MINUTES OF THE PLANNING COMMISSION MEETING

February 28, 2022

## **Call to Order**

The regular meeting of the Mission Planning Commission was called to order by Chairman Mike Lee at 7:00 PM Monday, February 28, 2022. Members also present: Brian Schmid, Charlie Troppito, Amy Richards, Robin Dukelow, Stuart Braden, Megan Cullinane, and Cynthia Smith. Wayne Snyder was absent. Also in attendance: Brian Scott, Assistant City Administrator, Kimberly Steffens, Recording Secretary, Karie Kneller, City Planner, and Audrey McClanahan, City Clerk.

**Chairman Lee:** I'd like to call the meeting to order. The public is invited to participate. If you would like to make a comment, please raise your hand and stay seated. We will call on you to go to the lectern. Please make sure to be conscientious of others trying to speak, and speak slowly and clearly. If I need to confirm something that may have been difficult to hear, I will ask for clarification.

## **Election of Officers**

**Chairman Lee:** The first item on the item on the agenda tonight is the election of officers. We will take first nominations for the Planning Commission Vice Chair and then Chair. At this time I will open the floor for nominations for the Planning Commission Vice Chair.

**Comm. Braden moved and Comm. Troppito seconded a motion to appoint Robin Dukelow as Planning Commission Vice Chair.**

Hearing no other nominations, Chairman Lee called for a vote.

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

**Chairman Lee:** At this time I will open and ask for nominations for the Chair. Same procedure. At this time, the floor is open.

**Comm. Dukelow moved and Comm. Troppito seconded a motion to appoint Mike Lee as Planning Commission Chairman.**

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

## **Approval of Minutes from the September 27, 2021 Meeting**

**Chairman Lee:** The next item tonight is the approval of the minutes from our September 27, 2021, meeting. If there is anyone that would like to make any changes to the minutes, we'll go ahead. If not, we'll entertain a motion.

**Vice Chair Dukelow:** Mr. Chairman, I have one correction to the minutes, on page 8, paragraph 7. We should eliminate the dollar sign in front of three million. That's three million gallons rather than dollars. Thank you.

**Chairman Lee:** Any other changes?

**Comm. Dukelow moved and Comm. Braden seconded a motion to approve the minutes of the September 27, 2021, Planning Commission meeting, with the correction as noted.**

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

## New Business

1. **Public Hearing – Case #22-01 – Consideration of a Preliminary Development Plan for a Multi-family Residential Development for Adults Aged 55+ to be known as Mission Preserve – Located at approximately 51<sup>st</sup> Street and Riggs Street – Stride DevCo LLC, Applicant**

**Chairman Lee:** Mr. Scott, would you provide us with your report?

**Mr. Scott:** Just as a point of housekeeping for those that are new, if you hit the button on your mic, there's a red light that will come on. That means the mic is on. Like, Stuart's mic is on right now, because you can see a little red light around there. If you want to leave it on, that's fine. If you kind of mumble to yourself you might want to turn it off. Just a little housekeeping item.

Okay, tonight's first item is a preliminary development plan for a project called The Mission Preserve. The subject property is a 9.6-acre undeveloped parcel located on the south side of West 51<sup>st</sup> Street, east of Foxridge Drive and west of Riggs Street. Riggs goes north and south. It almost goes up to 51<sup>st</sup>, but it doesn't connect with 51<sup>st</sup>. It kind of dead-ends right there. This is where the property is generally located, the southwest corner of 51<sup>st</sup> and Riggs Street. The property is zoned Residential Planned 5, RP-5, Planned Senior Adult Residential District. The zoning designation is intended to provide housing opportunities for independent seniors aged 55 years and older for assisted living and skilled nursing facilities.

The property is currently a moderately wooded property. It is undeveloped. There is a hill crest or ridge at the center of the property with some pretty steep slopes around that, even various rock outcroppings. The property to the north is R-6, High Rise Apartment District, that includes Wellington Club apartment complex, built in 1972, and Foxfire apartment complex, built in 1984. To the east is R-1, Single-Family Residential District. That consists of single-family homes along Riggs Street, built between 1920 to about 1980. To the south is R-4, Garden Apartment District, Bridges at Foxridge apartment complex, built in 1970. To the west is R-4, Garden Apartment District, Bridges and Foxridge apartment complex, built in the early 1970's.

The proposed comprehensive land use plan that is currently in draft form (Tomorrow Together, City of Mission Comprehensive Land Use Plan for 2040) indicates the subject property as High-Density Residential. This is consistent with the current comprehensive land use plan, adopted in 2007, and previous comprehensive land use plans dating back to 1968.

Stride Development purchased the property last summer. Stride is proposing to construct a 132-unit multi-family development on the site, marketed to individuals aged 55 years or older, who are seeking an active, independent lifestyle. The proposed development consists of two residential structures, which I will call an east building and a west building, connected in the middle by a single-story structure serving as a clubhouse, with entryway

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and lobby, leasing offices, shared workspace offices for residents, and a general seating and lounge area with a chef's kitchen.

The total square footage for the development is 186,140 square feet with an overall square-foot footprint, building-wise, of 57,490. There are 20 one-bedroom apartments and 112 two-bedroom apartments, for a total of 132. The exterior building materials include a ten-foot-high stone veneer base around each of the two residential buildings, the east and the west, with lap siding above that. Each building has two sections that project slightly from the façade, creating alternating wall panels that break up the façade to a more human scale and provide visual interest. Those projections are surfaced in cement fiber board with trim to cover the seam, creating something of a board and batten look. The roofs will have a 12/4 pitch covered in composition shingles.

The one-story clubhouse has a similar design and exterior elements - the portico at the front of the building over the driveway and a cupola on the roof with windows which provide natural lighting for the lobby and lounge area within.

The applicant is attempting to preserve many of the existing trees onsite around the building footprint. The largest area of preserved trees and vegetation will be in the northeast corner of the site. The trees around the entire perimeter of the site, especially on the south side, will be maintained.

With the site there will be a variety of ornamental trees, interior shade trees, evergreens and shrubs. Stride proposes two small ponds on the property, one on the north side at the entrance, and the other on the south side of the property. The ponds serve not only as an attractive landscape element, but will also serve as a stormwater detention basin.

Primary access to the development is a single point entrance at 51<sup>st</sup> Street, approximately midpoint of the property's north frontage. A secondary western access aligns with a dedicated easement that runs through the apartment complex west of Foxridge Drive. In other words, on the west property line there is a dedicated easement that goes through the Foxridge apartment complex to Foxridge. So you can kind of put the two apartment buildings on the other side of that easement, and that's the dedicated easement that connects Foxridge back to this property. It's a little difficult to visualize that.

Code review and analysis – as I stated earlier, the permitted use for the RP-5, Planned Senior Adult Residential District, is apartment structures designated for occupancy by persons of retirement age, primarily 55 years and older, who do not require continuing or intensive healthcare or congregate living facilities for persons of retirement age. I have a correction to the staff report. The analysis states that proposed project is a multi-family residential development project for individuals aged 55 and older who seek an independent lifestyle. It states there will be congregate living facilities. That is incorrect. There will be no congregate living facilities. I dropped a very important word, the word no. We'll correct that before we send it to the City Council. There will be no congregate living facilities as part of this project.

3

Height and Area Regulations – the minimum lot area per occupant. Minimum lot and yard dimensions and building height shall generally conform to the following guidelines:  
For a

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2-bedroom, 1,400 square feet. For one-bedroom, 1,100 square feet. The total lot area required for the number and type of units on the east building is 107,200 square feet, or 4,400 square feet greater than the actual building size of 102,800 square feet. The total lot area required for the number and type of units in the west building is 71,600, or 1,100 square feet greater than actual building size. In calculating the lot area of one- or two-bedroom units, common areas of the building area included in the calculation. The zoning stipulation of 1,100 square feet of lot area does not necessarily mean that the unit itself must be 1,100 square feet. Rather, a portion of the common area of the building is included in that 1,100 square feet requirement. The actual size for a one-bedroom is 1,040 square feet. There are two alternate sizes for two-bedrooms. The first one is 1,072 square feet. The second one is 1,144 square feet. Furthermore, the total square footage of the project, all three buildings combined, is equal to approximately 186,140 square feet, while the entire site itself is 434,598 square feet, or a ratio of building to land of approximately 43 percent.

It is the desire of the applicant and the City, also, to preserve open space on the property. Therefore, a slightly lesser lot area per unit is acceptable to provide more open space on the property. The requirement for yards is that no building shall be located closer than 25 feet to the property line. In this case, the three buildings are grouped together in the center of the property. Both the west and the east apartment buildings are set back approximately 100 feet from the property lines. There is no minimum or maximum height requirement in this particular zoning category. The two residential buildings are proposed to be four stories in height, which is acceptable in the RP-5.

Parking – The zoning requirement for parking is, for multi-family residential building hereafter constructed, reconstructed or converted for the exclusive use of persons fifty-five years of age or older, one parking space shall be provided on the premises for each one-bedroom, but one space for each three bedrooms need to be improved and paved until such time as parking demand, as determined by the City Council, requires the pavement of additional space. There are 244 bedrooms, total, for the proposed development. A literal interpretation of the zoning would require only 73 parking spaces. However, there are 132 units, one- and two-bedrooms, so a minimum of 132 parking spaces are needed. That's assuming that every unit has at least one driver. Stride is proposing 184 parking spaces. The additional parking spaces are provided for employees of the development and visiting family or guests. There will also be a certain percentage of both one-bedroom and two-bedroom units that have two drivers per unit. Staff believes that the proposed number of 184 parking spaces is adequate for the proposed development.

Landscaping – Section 415.090 of the Mission Municipal Code stipulates that in all zones one tree is required for each 50 feet of street frontage or portion thereof. Said trees shall be planted within the landscape setback abutting said street frontage. Trees may be clustered or arranged within the setback and need not be paced evenly at fifty-foot intervals. Because much of the natural wooded area, especially along 51<sup>st</sup> Street, will be maintained, Stride believes that they have met this requirement. In addition, there are also a number of obstacles which prevent additional landscaping along the street

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frontage, including overhead power lines, the proposed sidewalk, and the existing hillside, which is fairly close to the street itself. The staff is supportive of this position, but recommends that landscaping is added in the future if the powerlines are ever buried.

The portion of the developed site will include new trees. New trees shown on the plan include ornamental trees, such as Serviceberries, Redbuds, Dogwoods; shade trees such as Red Oak and Silver Lindens; and evergreens such as Red Cedar and Norway Spruce. The Code stipulates that one tree is provided for every 3,000 square feet of open space. There are 222,963 square feet of open space on the site, which equates to 74 trees, which are provided in addition to the existing woodlands, according to the landscape plan.

Section 415.110 of the Municipal Code stipulates that all parking lots with more than 25 parking spaces shall include at least six percent of landscaping per lot. Parking lot landscaping, island space throughout the parking area, contain shade trees and ground coverings. Based on the number of parking spaces, nine parking lot trees are required. The plan proposes 13 trees within the parking lot. In reviewing the packet before the meeting this evening, I realized we did not include a landscape plan in there, so we will update the packet to include that, but what I just described to you is in the landscape plan.

Sidewalks – Section 515.360 of the Mission Municipal Code stipulates sidewalks shall be installed by the developer on both sides of all primary and secondary thoroughfares and collector streets and on one side of all local residential streets. Stride proposes to construct a five-foot-wide sidewalk in the City's right-of-way from the development's entrance point toward the west, to Foxridge, to connect with the existing sidewalk on Foxridge Drive. We have asked that Stride work with staff in planning a way where we can connect to the sidewalk from the north side, which goes to both Foxridge and Lamar. We will work on that as part of our Final Development Plan.

Stormwater – As stated earlier, Stride proposes that site runoff is conveyed underground from storm sewer and drainage flumes to two proposed detention basins – one on the north side and one on the south side of the site. The overall drainage patterns will generally remain the same on the site. The northern portion of the site drains to a north-central detention basin and the southern portion of the site drains southward to a southwest detention basin. The proposed detention basins are designed for the 1-year, 10-year and 100-year storm projections, at release rates that are less than existing conditions. Final details on stormwater and detention basin design will be provided in the Final Stormwater Management Report to be submitted with the Final Development Plan.

Traffic – Stride submitted a traffic impact study to document traffic and trip generation for the proposed development. The proposed trip generation for multi-family housing (mid-rise) estimates total 583 vehicles trips per day, with 46 a.m. peak hour trips and 52 p.m. peak hour trips. Based on the proposed trip generation, it is anticipated that there will be minimal impacts to existing traffic on surrounding arterials, including 51<sup>st</sup> Street and Foxridge.

Finally, Section 440.160 of the Mission Municipal Code provides the standards and criteria for consideration of site plans:

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1. The site is capable of accommodating the buildings, parking areas and drives with the appropriate open space. Staff's analysis is that the subject property is capable of accommodating the buildings, parking areas and drives as proposed.
2. The plan provides for safe, easy ingress, egress and internal traffic circulation. Staff analysis is that the proposed site plan provides for safe and easy ingress and egress to the development from 51<sup>st</sup> Street as well as Foxridge Drive through the Bridges at Foxridge apartment complex.
3. The plan is consistent with good land planning and site engineering design principles. Staff believes the proposed site plan is consistent with good land planning and site engineering.
4. An appropriate degree of harmony will prevail between the architectural quality of the proposed building(s) and the surrounding neighborhoods. Staff believes that the architectural quality of the proposed development is in keeping with other development projects that surround the site. The proposed materials are consistent with the City's Design Guidelines.
5. The planner presents an overall development pattern that is consistent with the Comprehensive Plan and other adopted planning policies. Staff believes the proposed development project is consistent with the type of development that has been identified in the City's Comprehensive Land Use Plans, dating back to 1968, as well as the proposed updated comprehensive land use plan. It is also consistent with zoning that was established for this property in the late 1980's.
6. Right-of-way for any abutting thoroughfare has been dedicated pursuant to the provisions of Chapter 455. Staff has determined that right-of-way has been identified in the site plan, and a sidewalk is proposed.

Staff recommendation is that the Planning Commission recommend to the City Council approval of Case #22-01, Consideration of a Preliminary Development Plan for a Multi-Family Residential Complex for Adults Aged 55+ with the following conditions. I'm not going to list them all off, but I'll highlight a few:

- The 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 the Public Works staff.
- An application for land disturbance permit shall be submitted to and issued by the City before any clearing, grading, digging or blasting occurs on the site.
- The applicant shall be responsible for all damage to existing infrastructure, including roads, curbs and sidewalks. Repairs shall be of a quality like or better than the existing conditions before final certificate of occupancy is issued.

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- The applicant shall provide a two-year warranty bond on all public infrastructure installed as part of this Preliminary Development Plan. Bonds will be placed on file with the City of Mission Community Development Department.

That is my report.

**Ms. Kneller:** I can share the landscape plan if you would like.

**Mr. Scott:** I think Audrey has an old landscape plan.

**Ms. Kneller:** I have the current, the second submittal one, if you'd like to see that.

**Mr. Scott:** That's the original and shows everything but the islands and the parking lot. So, we asked Frye to go back and add some islands in the parking areas, pretty much all parking areas around the property which they did, with trees and landscaping.

**Ms. Kneller:** Here, I can show you that. Here are the islands.

**Mr. Scott:** I should also note that they have carports proposed for the parking lot. The carports line the interior of the parking lots toward the building. I think there are some design drawings of the carports themselves in the packet. Mr. Jason Ferdig and his architect are here this evening with Stride, if they have any comments or anything else they'd like to add. They're here to answer any questions. Dave Mennenga, who is our traffic engineer at GBA is also present. He reviewed the traffic analysis, and I believe somebody on the staff reviewed the stormwater study, so he can speak to both of those.

*Mr. Ferdig, Applicant, appeared before the Planning Commission and made the following comments:*

**Mr. Ferdig:** Thank you guys for having me again. It was actually a pleasure working with staff. From our initial submittal they came back with quite a few comments, quite a few concerns. Obviously, from what the neighborhood might think as to what the effect might be on the project on the neighborhood and the town in general. It was probably hard to tell on some of the plans, not just adding some of the tree islands, but we actually even straightened out, moved our fire turnaround lane even further away to give even a larger buffer to the single-family, so maximizing everything we could to maintain both existing trees and kind of a buffer from any neighbors that potentially could be directly affected. Again, it's subtle, hard to tell, but it's about a ten-foot difference, so fairly significant. Truthfully, I'm here to answer any questions you folks might have about the project. We also have our civil engineer here as well if there are any specific questions about drainage and that effect, too.

**Chairman Lee:** Thank you. Questions?

**Comm. Troppito:** I have a few. Seventy-four trees are provided, according to the staff report, in addition to the existing, so what is the total when you throw in existing?

**Mr. Ferdig:** There's two-and-a-half acres of full trees, plus the 74, so 1,000? I don't honestly know the real answer there. What we're looking at here is, if you look at the diagram, any one of the individual trees that's outlined, those are trees we'd be planting

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back, where everything kind of up in the northeast area, everything along the perimeter, all the way around the site, as well as to the front, those are all existing trees that are being left in place.

**Comm. Troppito:** They get retained? Okay. Well, a concern was the statement that trees could be sacrificed for parking, but there was no limit placed on how many could be sacrificed.

**Mr. Ferdig:** Yeah, our intent, of course, was we limit the parking, because this is what we think we need. The only additional trees that would be removed, if City Council – I believe that’s how it’s written – if City Council comes back and says, “We feel that you need more parking.” Then, the parking comes from the land, and it would be basically...Every bit of land we’re not using for the building, we’re leaving treed.

**Comm. Troppito:** How about shading from the lighting from cars at night on this property and accessing it through the night on surrounding properties? How are you handling that, to minimize that?

**Mr. Ferdig:** Sure. Which is part of the Final Development Plan as well, is the lighting plan. The way we’re laid out here, too, and it’s really hard to tell. There’s so much topography here as well, but all of our LED lighting that we’d be using are considered downlighting. They’re dark sky type lighting, so they’re not shining up or out. The idea, too, is we’re putting them on the property line facing back into the property as well, so we’re lighting from the outside back in, versus shining out, away from the building structure itself.

**Comm. Troppito:** This is of staff. Why are the prior developments that were approved for this property not proceeding?

**Mr. Scott:** I noted in the staff report that this property is undeveloped and has been, obviously, for a long, long time. There were two previous development projects. One was called Gables of Mission, I believe. That was in the late 1980s, and then one a little bit more recently, called Mission Falls. Both were multi-family developments, primarily marketing to those 55 and older. Why they never came to fruition, I don’t know. I can speak to the one project was proposed in the early 2000s. That was Mission Falls, and that was approved, I think right about the time the recession hit, so I can only speculate that the recession is probably what did them in.

**Comm. Troppito:** Okay. Has there been an environmental review of any kind on this project? And what kind, and when?

**Mr. Ferdig:** Prior to purchasing the property we did an environmental review, which came up with nothing. In other words, there’s nothing within the radius –

**Comm. Troppito:** What kind of environmental review?

**Mr. Ferdig:** We hired an environmental engineer to do a Phase 1, and then if a Phase 1 came up with anything they’d go on to a Phase 2.

**Comm. Troppito:** And the lender has approved that?



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**Mr. Ferdig**: Yeah. The Phase 1 came up clean, which means there's nothing to hint at or require, or even suggest a Phase 2.

**Comm. Troppito**: So it was a very clean report?

**Mr. Ferdig**: Yes.

**Comm. Troppito**: It stipulated that no further action is required? That was the exact language?

**Mr. Ferdig**: No, no further action is a different thing. That's an EPA thing.

**Comm. Troppito**: That's why I'm wondering.

**Mr. Ferdig**: No, you wouldn't get to a "no further action" unless you had environmental and then you did cleanup on it, typically.

**Comm. Troppito**: Well, no further study. Phase 2 environmental site assessment was not necessary, correct?

**Mr. Ferdig**: That is correct. As to the exact language, I don't know what it said, other than the fact that Phase 2 was not required.

**Comm. Troppito**: I would be pretty similar to that.

**Mr. Ferdig**: Yes.

**Comm. Troppito**: Okay. Was the financing finalized and approved for this project?

**Mr. Ferdig**: No. There's no design yet on it. Until we have architectural and structural, especially today, we can't lock in total pricing, which would go to financing.

**Comm. Troppito**: So no lender has signed off on the environmental review yet?

**Mr. Ferdig**: Well, again –

**Comm. Troppito**: Well if you don't have a loan nobody has signed off on it.

**Mr. Ferdig**: Yes, that is correct.

**Comm. Troppito**: Okay. Thank you.

**Comm. Schmid**: I wanted to ask some questions about the parking specifically. Can you clarify for me, are the carpools in addition to the existing 184 spaces, or is that - ?

**Mr. Ferdig**: All-inclusive.

**Comm. Schmid**: Can you walk me through, I guess, the concept of the deferred parking then. Can you explain that a little bit?

**Mr. Ferdig**: Sure. Your Code ultimately, as we went through, requires one per bedroom, which would be 244 bedrooms. So, this being active adult 55 and over, we typically run through on these numbers, and it comes through in our statistics, too. We get anywhere from 40 to 60 percent of the people moving that are going to be single. That's a single wife who lost her husband, or a husband who lost his wife, either way, so a good chunk of our units are going to be single-car. The typical age group here, too – 72 to 74 – a lot

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of them also are down to a single car as well. If you looked at this, just as the numbers as I said, there's 112 two-bedroom units. That right there is going to tell you we need more car space than the 185, but this is just a different type of living. We think the 185 because, again, we're not trying to isolate people, so they're going to have family come over and friends come over, so you're going to have a lot of guest parking as well as staff parking. But we're trying to, again, the calculation we use is kind of based on the number of actual people living. So, if it's 60 percent are single and then the 20 percent that are married but only have one car and the other 20 percent that are married and have two cars, we end up at 172, roughly, parking spaces, and then we add in an additional ADA for visitors as well.

**Comm. Schmid:** Okay. And I just want to make sure I'm reading it correctly, the notion about the deferred parking construction, that not all of those spots are created initially and are just added as demand dictates? Or are all of those –

**Mr. Ferdig:** The initial, the 184, those would be built initially, so all 184 would be built initially. The deferred would be the balance from the 184 to 244 that would be technically required under Code.

**Comm. Schmid:** Got it. I seem to recall, I think from your original presentation, which was three or four weeks ago, the comment that it was more parking than we thought we needed, and that's what I want to revisit if parking is a relatively expensive and inefficient use of land. What I'm trying to get to, is it actually too much parking? [crosstalk]

**Mr. Ferdig:** I would love to say so, because not paying for new parking is great, but at the end of the day after we really dig back through and think, who do we think the tenant is going to be? We're kind of right on the mark. And we did have that conversation. We thought maybe we can eliminate some of these, but the numbers are what they are.

**Comm. Schmid:** Okay. Thank you.

**Comm. Dukelow:** Mr. Chairman, I have a couple of questions for the applicant. Or perhaps we could call these clarification. Based on what I'm hearing and what I've seen and what I've heard you say tonight, there is a 25-foot setback from the property line on the southeast corner, and in that 25 feet, the vegetation that exists today will not be disturbed?

**Mr. Ferdig:** Yes, so which corner are we looking at here? Sorry.

**Comm. Dukelow:** I'm sorry, I lied. No, I'm right, southeast.

**Mr. Ferdig:** The only thing that's going to disturb, again, that area – and that goes to more engineering than not...So our intention is we're not touching anything in that area. However, you see the row of trees there. Basically, directly in front of that row of trees is a retaining wall, so as you look at the topography here, it drops really fast and it drops again really fast, so to the extent we have to remove any of that brush in order to put engineering – which is setbacks and/or lags and/or geo-fabric, whatever they ultimately require for the engineering – that's where we end of clearing back, which is, again, is where this row of trees comes in. Those trees are planted after all of our walls are built

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and everything is disturbed and we plant new back in again. But the distance between the property line and the back retaining wall is 34 feet. So there's a 25-foot City-mandated setback. Our wall, we actually pulled forward about nine feet further into the property.

**Comm. Dukelow:** And I understand there's no utilities or sanitary connections along that edge to the north?

**Mr. Ferdig:** No, all of our connections are actually on the very...so it cuts through the city. There's that 30-foot, I believe, City right-of-way that runs along the property to the southwest and then cuts straight south. Basically, we're actually backed up to City right-of-way through that whole area, so in that area there is a sanitary that kind of zig zags through there up into our property and across. That's what we'll be tying into for sanitary.

**Ms. Kneller:** I was going to pull that up.

**Mr. Ferdig:** Right? Civil engineer is standing behind me. But the sanitary is on the south edge, but it's in this little wedge down here that cuts through.

**Comm. Dukelow:** Okay, the sanitary does not run along the southeast corner of the site, correct? That's what I'm trying to get to.

**Mr. Ferdig:** Not on the strip. It runs across the south edge of our property, bumps up into our property and down through. There's a couple manholes already in place.

**Comm. Dukelow:** Do we have a drawing that could help?

**Mr. Ferdig:** I don't know, Pat. Can you describe it better than I can?

**Ms. Kneller:** I can share that. Here you go.

**Unidentified Speaker:** The sewer main runs along what I would call the south boundary. There it is. There's the green. So we'll just come out and go south. That green line is the sewer main, so we'll come out of our building, head straight south there and we won't have to insert kind of narrow strip along the southeast that we would [inaudible]. That's not where we'll need to be connecting the utilities.

**Comm. Dukelow:** Okay, so what is the relationship...? Okay, there's what we need.

**Ms. Kneller:** There's the property in blue.

**Comm. Dukelow:** The property line and the sanitary sewer line together. Okay, that's great. All right. So, you're going to have to get to the sewer line, so there are parts of that 25 feet, or whatever that –

**Mr. Ferdig:** Yeah, we'll be –

**Comm. Dukelow:** You're going to connect straight to the south?

**Mr. Ferdig:** Yeah, we'll be going straight south.

**Comm. Dukelow:** Thank you.

**Mr. Ferdig:** Right about where that center "X" is there.

**Comm. Dukelow:** All right, thank you.

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**Comm. Cullinane:** I have a question. For clarification, so it was 25 feet that you'll be leaving between the property line on the southeast and then an additional six feet, so a total of 31 feet that you'll have between resident's line to the new wall that you'll be building?

**Mr. Ferdig:** It's 25 feet and it's actually nine, so we're about 34 feet to a retaining wall, which drops off. The building itself is at 100 feet from property line.

**Comm. Cullinane:** Okay, and then also, for the new landscaping that you'll be putting in, that will be on top of the wall, not in front of the wall, right?

**Mr. Ferdig:** Correct, on top.

**Comm. Cullinane:** And then another question is, has it been evaluated, any of the impacts to the construction and having that wall be built to the existing residences? I noticed that in the report it says that you'll be responsible for damage to existing City infrastructure, roads, curbs, but I wasn't sure about for damages of residents along that side as well.

**Mr. Ferdig:** I guess I'm not sure –

**Comm. Cullinane:** So it's hilly, right? You're going to be blowing stuff –

**Mr. Ferdig:** We're down below everybody, right.

**Comm. Cullinane:** Yeah, so I'm curious how that has impacts to those residences that are there, with basements and things like that, if there's any movement, I guess, of the ground. Because you're taking ground out. Has it been evaluated, I guess?

**Mr. Ferdig:** The only time I would think that that would get evaluated would be under blasting, which the City has a specific guideline for that that we have to follow through the permitting process. That goes to distance. It goes to evaluation. That definitely affects the neighbors and that's all taken care of through that. As far as digging, I'm not aware of any specific guidelines. Obviously, our project is insured to the extent that if anything were to happen or the project caused any damage, it's taken care of.

**Comm. Cullinane:** Okay.

**Comm. Troppito:** My colleague, in a way, beat me to it. I was going to ask about the blasting, my Board colleague. Can you describe the blasting plan, or do you have a plan? How many days will it be, and what kind of explosives will be used? What's the yield? How is it going to affect the geology of the area, the blast force being focused through the ground, through the rock structure that could affect basements in the area? Anything you can add to that?

**Mr. Ferdig:** No, unfortunately I'm not an expert in that. I will say this, the way the project is designed – and again, we actually kind of copied and kind of jumped over the last project that was approved. So those guys went through a lot of time, spent a lot of money doing geo testing to see where that rock ledge came through, so we copied their building. We lopped off big chunks, so there was a whole other wing that was up against the property line on the northeast side that we've eliminated. There was another wing coming

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to the south, to the property line, that we eliminated, again, to push ourselves further away from neighbors. That said, the reason it's laid out the way it is, is because it follows that rock ridge route. So we've got, I don't know, 40 or 50 test holes across that site, but it started in the, I think, 1980s originally. They've done test drills. They've done potholes to see where the rock is. Our layout is designed to work around those.

So our whole goal...because blasting is crazy expensive, digging with an excavator is crazy expensive, once you start to get refusal, so we've lifted buildings, moved buildings, we've slid buildings around, pulled them up a hill, from what the original design was, even, in order to pull ourselves as much as possible out of the rock. Now, that doesn't mean that we don't get into it and all of a sudden we've dug here and it's ten feet deep and you dig two feet further over and it's just below the surface. So I can't guarantee that we don't run into blasting. That's Kansas building, but again, to the extent that we do, the guys that do that stuff, they're licensed professionals, right? It takes a special license. There's a special process. There's a whole thing we'd have to go through. Again, anything we can possibly do to not have to blast we will, because it's expensive.

**Comm. Troppito**: Could you repeat your last sentence a little louder?

**Mr. Ferdig**: To save money and not have to blast, yes, we will do anything we can to not have to blast.

**Comm. Troppito**: Okay.

**Comm. Braden**: The west entrance, is that a public street, or how is that working?

**Mr. Ferdig**: It's a private right-of-way, so that right-of-way was placed in the easement. It's a 30-foot pedestrian and vehicular easement that was put in place back in the 70s. the owner of the property to the west, these apartments to the west, ultimately at that time owned all of this land as well, so when they broke out all of this piece, they put the easement in place. It's a pedestrian and vehicular easement. So with that easement that's recorded there is a cost-sharing. So once we get into it and start building, there's a cost sharing built in as well.

**Comm. Braden**: Okay.

**Chairman Lee**: Additional questions?

**Comm. Troppito**: I imagine the total acreage there's quite a bit of wildlife. What's the plans for dealing with relocating that wildlife?

**Mr. Ferdig**: I've not seen any, but again, I've been on the site four times, so I can't tell you what's there or not.

**Comm. Troppito**: Thank you.

**Comm. Smith**: I guess I'm not sure who this question would be directed at exactly, but the northeast corner of the property, under the site configuration paragraph, it talks about how it crosses Riggs up there and goes into another property, 5101 Riggs Street. I guess, what's going on there?

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**Mr. Scott:** So you can see that odd-shaped triangular, Stride's property actually crosses over Riggs. That's where Riggs dead-ends and there's a terminus, kind of a half-semicircle at that location. And then there's somebody's front yard. We talk a little bit more about this in the next topic, which will be a plat plan but we're asking Stride to dedicate that terminus to the City as right-of-way to just give that odd-shaped parcel of property that's in this guy's front yard to him.

**Comm. Smith:** Okay. And one other question. And this goes back to the parking issue. If in the future there would potentially be a need for more parking spaces, is there a future plan or a future solution that you have created?

**Mr. Ferdig:** Where the additional parking would come from is, at the end there's the bulb that's the fire turnaround. Basically, the parking would then continue to the northwest, so basically along the edge of the buildings we would cut back in and then turn and, pretty much that dog park, that's the sliver right there. That's the ridge. It falls off in both directions from there, fairly steeply, so that ridge there is basically our only opportunity for additional flat space, so that's where the additional parking would have to go.

**Chairman Lee:** Any additional questions? Thank you.

**Mr. Ferdig:** Thank you guys.

**Chairman Lee:** This is a public hearing tonight, so we will have an opportunity for everyone to get up and speak, both for and against. In a few moments we will ask anyone who wants to get up and speak, either for or against the project to get up, and limit their conversation to about three minutes or so, so we can get through everything. That will be in just a couple minutes. Any more questions for the applicant? Okay, it's a public hearing, so anyone wishing to speak either for or against is invited to come up to the lectern and try to keep your statements to about three minutes. When you introduce yourself, if you would give us your name and your address as well.

*Sue Thompson, 6537 West 49<sup>th</sup> Street, Mission, Kansas, appeared before the Planning Commission and made the following comments:*

**Ms. Thompson:** I live in Apollo Gardens. I'm not against the project, but I'm concerned about the traffic on 51<sup>st</sup>. In the last three weeks, as I come...I live on the North Court of Apollo Gardens, behind, north of me, is 4900 West condos. They have 42 condos/townhomes, and in our North Court we have 42, and many of those have more than one vehicle. Then you have the Foxfire Apartments that enter onto Riggs. We all, the only way we can get out is on Riggs. In the last three weeks, I've had to wait, I was the eighth car trying to exit out on 51<sup>st</sup>. That's just normal traffic, and then you're adding what did he say, 500-some cars a day? I think that it's going to create an issue, and I don't know whether the City puts stop signs at the north end of 49<sup>th</sup> Street, which doesn't affect the Foxfire Apartments, but does 4900 and us trying to get onto Riggs. So, whether there's going to have to be a three-way stop sign, a stop light, something to allow access for us to get out of our neighborhood. My other concern is blasting. The last people that tried to build there, the blasts they were driving, I don't know whether you call it...Do they still call that blasting? And I live at the north end of Apollo, and I could still feel and hear

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the vibrations. Afterwards, some of our patios separated from our houses. Not mine, but on the east side. So there's such rock underneath, All of us that getting into it affects everybody on the same rock heap, if we could call it that. Those are my main concerns is the blasting and the...Oh, do you all have a garage for snow removal? I didn't notice that. How do you plan on - ? [inaudible, off mic] because you've got a huge, big hill. [inaudible remarks, off mic] Okay, thank you.

*Cheryl Johnson, 6527 West 49<sup>th</sup> Street, Apollo Gardens, appeared before the Planning Commission and made the following comments:*

**Ms. Johnson:** My hearing is not the best, and with the mask and everything I missed a lot of what's going on. So you're saying that the only entrance and exit to this new complex is on Riggs? I mean, 51<sup>st</sup>. Is that correct? Where are the people entering and exiting this new complex? Are they going to be on the south and the north side?

**Mr. Scott:** There will be second entrance/exit point on the west side of the property. It will go through the existing apartment complex on the west side – the Bridges at Foxridge – and will connect with Foxridge.

**Ms. Johnson:** On the west side, where Foxridge is?

**Mr. Scott:** Yes.

**Ms. Johnson:** Okay, so the City is going to have to put in a streetlight. A stop sign is not going to do it. There's too many people at Apollo Gardens who work, who take kids to daycare. We have seniors who do the daycare for their adult children, and you just have to put in a light there. That's not going to work. Then my second question is, along 51<sup>st</sup>, are you going to have additional lighting? A lot of these residents will have pets and they'll be out walking their pets, maybe along where it's nicer along 51<sup>st</sup>, an additional walkway? I understand that the lighting is not going to be up. It's going to be down, but for safety are you going to have additional streetlights along 51<sup>st</sup>? My concern is 51<sup>st</sup> and Riggs, where I live.

**Mr. Scott:** ...some streetlights. I should say that City is planning to make improvements to 51<sup>st</sup> Street sometime in the near future. We don't have that in our CIP planning yet. We're intending to work it in to our CIP planning [inaudible], so probably in the next five to seven years you might see improvements. Hopefully sooner than that [inaudible].

**Unidentified Speaker:** That's why we also ask if the electrical lines are buried [inaudible] so some lighting could be added to that.

**Ms. Johnson:** Okay, the only thing I have to say, I moved here in June, from Colorado. I had a heck of a time trying to find a place to live, so Mission needs new housing. You've got to do housing somewhere. Many of the houses in Mission were built in the 60's, the 70's. If you are going to buy or lease, there's a lot of updates that have to be done, and then you're talking about the sewer and the plumbing and everything like that. It's an older community, right? So this new, multi-family and some senior housing would be great for the area. I think that we just have to be careful for the existing, like Apollo Gardens, and make sure that the traffic can go smoothly.

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**Chairman Lee**: Thank you.

*Sally A Enevoldson, 5128 Riggs, appeared before the Planning Commission and made the following comments:*

**Ms. Enevoldson**: I don't know if any of you have noticed this fine four-story apartment building right here? Imagine looking at that day in and day out for the rest of your life, because there aren't enough trees to cover that up in 20 or 30 years. The residents that actually live in the houses around here are very unhappy about that. I don't know how many are here, but the ones in my neighborhood are not happy about this, and I can tell you this is the worst news that I've had in a long time as a resident there. I want to clear up the fact about the wildlife. We have seen coyotes. We have seen deer. We have seen bobcats. We have seen raccoons and possums and just about anything you could imagine, and the birds are just beautiful. I feed the birds when the snow comes, and it makes it hard. It's just devastating to me to lose this beautiful space and to know that my house will be facing this four-story building. You can't imagine. Just put yourself in our place and imagine looking at this building for the rest of your life. I appreciate your consideration. Thank you.

**Chairman Lee**: Thank you.

**Jan Huzicky** [phonetic], 6556 West 51<sup>st</sup> Street, Mission, Kansas, appeared before the Planning Commission and made the following comments:

**Ms. Hudzicky** [phonetic]: I am very concerned about the traffic. 51<sup>st</sup> Street is not wide enough to enlarge, because you have a steep hill from where the Strider [phonetic] House starts, all the way to where the entrance road is going to be. So you don't have room to make a sidewalk, let alone expand the road for maybe three lanes to allow a turning lane. And I agree that there is a lot of wildlife up in that part. I've seen deer. I get up early in the morning, 5:00 or 6:00. There's deer that run across there, so you're going to displace a lot of wildlife. It's one little patch of nature that we can look at out our windows. I'm also not clear about your sidewalk plan. I couldn't hear very well as to where... Are there going to be sidewalks along the south side of 51<sup>st</sup> Street? How? It's a hill. They're going to recess the hill and then put a retaining wall?

**Mr. Scott**: The City is requesting that the applicant build a sidewalk from the entrance point to the development west to Foxridge along the south side 51<sup>st</sup> Street.

**Ms. Hudzicky**: Okay, you're not going to go east then?

**Mr. Scott**: Correct. There is not enough space for a sidewalk going east with the retaining wall ....

**Ms. Hudzicky**: Yeah, which is falling down as it is right now.

**Mr. Scott**: Yes, as stated earlier, the City realizes that improvements need to be made to 51<sup>st</sup> Street and is currently looking at how those improvements can be worked into the capital improvement program in the next few years. When improvements are made, that retaining wall will mostly likely be replaced.



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**Ms. Hudzicky**: I am not enthused about this project, especially since I heard that you have approved building another set of apartments over by Broadmoor Park, so it's like all of a sudden we're taking all of the little green space and making it into residential. Just my opinion. Thank you.

**Chairman Lee**: Thank you. Anyone else wishing to speak? Okay, with that said, we will close the public part of the meeting and we'll go back to anymore comments or questions?

**Vice Chair Dukelow**: Mr. Chairman, I do have a question. There have been a lot of residents expressing concern about traffic. I know that there was a traffic study done, and there are several pages of traffic study but to be honest, I'm not a traffic engineer, and I didn't go into detail in it. I wonder if that scope included 51<sup>st</sup> and Riggs, of course, to the north side.

**Mr. Scott**: Our on-call traffic engineer is present tonight and he can speak to the traffic study.

**Vice Chair Dukelow**: That may be valuable. Thank you.

**Mr. David Mennenga**: If I heard you from back there, your question is about the scope of the traffic study?

**Vice Chair Dukelow**: Yes, that's correct.

**Mr. Mennenga**: So, what was required by the City, based on the standards that we currently have is an analysis of the trip generation. I know that everybody seemed to pick up on the number that was about 583 trips per day, but I think the key point that Brian mentioned is that the trip generation in the morning and evening peak hours is actually right around 50 or less. I think it's 46 in the morning, and 52...and that's in and out of the site, so typically from the apartment complex obviously you'll have more people leaving in the morning to go to their job or wherever they might be headed, 36 out and 10 in is the estimate during the a.m. peak hour. And then when they are returning home it's closer to 50/50, but 32 into the apartment complex and 20 out. So with the multiple connections to both 51<sup>st</sup> Street and to Foxridge to the west, there's going to be a pretty good dispersion of that traffic, via both routes, depending on what their downstream origins and destinations might be. There wasn't actually any traffic counts or any analysis performed based on the scope that was required at this time. So, specifically, I guess I'm hearing a lot of concerns, also, about 51<sup>st</sup> and Riggs. That's on the fringe, the northeast corner of the site. That's actually not the intersection where they're proposing access, but I understand there could be some related concerns as people are trying to go to I-35 via 51<sup>st</sup> and Lamar.

**Vice Chair Dukelow**: Okay, so what I understand is that the areas north of the property were not part of the scope of work.

**Mr. Mennenga**: Well again, there were no traffic counts at that intersection or any analysis performed. Frankly, I doubt that the applicant or maybe even the City staff had any knowledge of the issues that people are reporting this evening, so there might need to be some additional analysis, I guess. That's certainly on the table.

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**Vice Chair Dukelow:** Thank you.

**Comm. Troppito:** How many cubic yards of concrete is it going to take to build this development?

**Mr. Mennenga:** That's certainly not my question to answer.

**Comm. Troppito:** Somebody should have that. That'll be Ready Mix concrete.

**Mr. Ferdig:** Sure. To the extent we have an approved FDP and an approved set of plans that we can get out to bid, I'll be more than happy to give you that information.

**Comm. Troppito:** Do you have a guess as to how many cubic yards?

**Mr. Ferdig:** No.

**Comm. Troppito:** Well, my question is based on the premise that there's a lot of CO2 emissions involved in Ready Mix concrete production. So, what are you going to do to offset that amount of CO2 emissions?

**Mr. Ferdig:** Sure. That's one of the things that hopefully we've got coming up here fairly soon is a meeting with your Sustainability Group as well. The one thing I can just throw out there that's probably the top level which trickles down to a million other things, is we have committed to making this an electric building, so no natural gas in the building, which does a whole bunch of different things, but ultimately to make an electric building efficient enough to pay for the cost of electricity versus, again, that's the trickle down of all the different things that we ultimately have to get into from an efficiency standpoint, but just that offset as well is a fairly significant thing. Understanding that right now a lot of the electricity produced in Kansas is from coal, so there's the odd offset there, too, but the wind power is increasing. There's a bit of solar coming online, too, so I think Evergy over the next, I think, ten years or so here through 2030 or 2040 has a pretty good plan in place for decreasing coal and increasing renewables.

**Comm. Troppito:** I understand. My question is what are you going to do about it? And that's what I want to hear before I consider this for my final consideration.

**Mr. Ferdig:** Yeah, like I said, without getting into too terrible detail, going all electric says a lot. Like I said, it affects every system that we do – how we insulate, how we heat, how we cool. It's a lot easier to put in gas, I'll tell you that much.

**Comm. Troppito:** That's good, but I'd still like to know how much CO2 from your concrete. That's going to be the major source involved with construction. Thank you.

**Mr. Ferdig:** I will say this, also, from the previous thing. The last design as well, what we did do was by going with surface parking, which isn't a terribly great alternative but it does eliminate a whole lot of concrete versus doing structured parking underneath, doing all that, again, as you know, that type of construction is really, really heavy. And, if forces us to dig further down into the rock as well.

**Comm. Troppito:** That's good to hear. Thank you.

**Comm. Cullinane:** I just had a question. When was the traffic study completed?

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**Mr. Scott:** January 2, 2022

**Comm. Schmid:** Since you're up here, I have another traffic-related question. I ask because so many of the residents did voice some concerns about it. I know for me when we talk about 50 cars in and out at peak time, I don't really have a point of reference for that. Can you provide some context? I guess the real question is, is that a lot? Is it a small amount?

**Mr. Mennenga:** In our way of thinking it is a relatively small amount. I do represent other cities like Parkville and other on-call situations, and actually the national board that we kind of follow for all of our trip generation – and that's what this study followed is the Institute of Transportation Engineers – and they have a general threshold of 100 vehicles per hour before you do any kind of comprehensive traffic study. So I believe that's where the City standards kind of lie, that it's above or below 100, and since this one was below based on the number of units – which is the independent variable for trip generation for a site like this – since that was under 50, it was clearly under 100 and therefore, didn't require that threshold study. Now, based on the comments that are out there, that might be the intersection of 51<sup>st</sup> and Riggs as a special location that the City might want additional analysis carrying forward, or maybe the applicant can be involved in that analysis as well.

**Comm. Schmid:** Thank you.

**Mr Mennenga:** There were actually no traffic counts taken at the intersections. It's just a trip generation estimate process.

**Vice Chair Dukelow:** I have another comment, Mr. Chairman, if I may. I want to acknowledge that this is difficult. And unfortunately we do not own the property. And that...I guess that's where I'm at with it. It's difficult, and we don't own the property, and unfortunately because we don't own the property we can't protect the critters.

[inaudible, of mic]

**Vice Chair Dukelow:** I'm sorry. It's a difficult decision, but unfortunately because we don't own the property, we can't protect the critters. If the proposed project complies with the Comprehensive Plan and other guidelines that are already in place.

**Comm. Cullinane:** Yeah, I definitely think I'm interested more into the traffic study, too. Because hearing about if we could expand it a little bit more to have it at the intersection to hear more about what that traffic looks like and maybe have it on a day, like a workday rather than a Sunday, that could make a difference, too, with people traveling to and from work.

**Comm. Troppito:** Mr. Chairman, at this point normally we would have had a motion on the floor. I hear no motions, but I just can't support approval of this at this time anyway, so I'll not be making the motion, or a second.

**Comm. Schmid:** I think my comment is that based on the recommendation from staff and based on the report that we have seen, it does meet the zoning requirements. It does seem in keeping with the Comprehensive Plan, which is to increase accessibility to high

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density housing. I don't love the number of parking spaces, but if it's determined that it meets the need I do appreciate that it's not going over and above and adding unnecessary parking. So based on that, I will go ahead and move that we approve Case #22-01.

**Comm. Schmid moved to approve Case #22-01.**

**Vice Chair Dukelow:** May I offer a friendly amendment?

**Chairman Lee:** You may.

**Vice Chair Dukelow:** Thank you. We will want to address the list of items that staff has included in the report, and we will also, I believe, want to consider a separate and independent, or separate traffic to address the concerns at 51<sup>st</sup> and Riggs, which seem to be existing.

**Chairman Lee:** Do you want to go back and change the motion?

**Vice Chair Dukelow:** Any discussion on the amendment. Is he okay with it? Are you okay with that?

**Comm. Schmid:** Yes.

**Chairman Lee:** Is there a second?

**Vice Chair Dukelow** seconded the motion.

**Comm. Braden seconded the amendment.**

The vote was taken on the motion. The motion passed (7-1)

The vote was taken on the amendment. The motion passed (7-1)

**2. Preliminary Plat – Case #22-02 – Consideration of a Preliminary Plat Mission Preserve, Lot 1, Tracts 1 & 2 – Located at approximately 51<sup>st</sup> Street and Riggs Street – Stride DevCo LLC, Applicant**

**Chairman Lee:** Staff?

**Mr. Scott:** Okay, if it's all the same with you, I'll just speak without my mask so everybody can hear me and we're picking it up on the mic and recording. This is consideration of a Preliminary Plat for a multi-family residential complex for adults 55 and older. The location is the 9.6-acre site at approximately the southwest corner of 51<sup>st</sup> Street and Riggs. This is the parcel of property we were just talking about in the previous case that was presented tonight. I'm going to skip through all of the stuff that I already talked about and go right to the actual plat itself. According to Section 440.220 of the Mission Municipal Code, the following has to be determined when considering a plat:

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

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2. The subdivision or platting represents an overall development pattern that is consistent with the Master Plan and the Official Street Map. In this case the property is of an unusual shape, with the north and west property lines forming a 90-degree angle. This is what Commissioner Smith was asking about. And the northwest corner and the east property line forming a 45-degree angle at the northeast corner. At the northeast corner the property line returns in a southwesterly direction. The northeast corner of the property crosses the north end of Riggs Street and cuts into a portion of the front yard of the property at 5101 Riggs Street. City staff requested a dedicated right of way to the city for the northern terminus of Riggs Street and to provide the remaining portion in fee simple to the owner of 5101 Riggs. This dedication and language will be further addressed in the final plat. So what we need to do is draft some legal language, a legal description that actually describes that city's terminus and that gentleman's portion of his property and the property that he'll receive. We'll present that when we present the final plat for consideration.
3. The plat contains a sound, well-conceived parcel and land subdivision layout consistent with good land planning and site engineering design principles. The plat is one lot with two tracts. We inquired of the applicant as to why they had two tracts. That's the way they actually received it in the survey when they purchased the property. As best we can tell, tract number two on the north side was created to allow for dedication of utility easements. It's pretty easy from a surveyor's perspective just to create two tracts. One tract is the actual property and then a second tract in the north was just dedicated for those utility easements, and it was easy to be able to identify that, and any utility easements that are written up for utility companies. That's fine by us. We don't really have any concern with that.
4. The spacing and design of proposed curb cuts and intersection locations is consistent with good traffic engineering design and public safety considerations. As we discussed, there are two proposed entrances and exits, one on 51<sup>st</sup> Street and then one on the west side of the property through the apartment complex on the west, to Foxridge. Utility easements on the plat are consistent with good engineering practices and are acceptable to the City.
5. All submission requirements have been satisfied. The City will require the following for the final plat:
  - a. Dedication of the turnaround at the north terminus of Riggs Street to the City and dedication of a portion of the property cutting into

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the yard of 5101 Riggs. Such dedication will require approval by the City Council.

- b. The plat itself will need to be sealed by a surveyor licensed in the state of Kansas and signed over the seal by such surveyor.
- c. The appropriate dedications and assignment clauses to be agreed upon between applicant and the City shall be included in the Final Plat.

So, staff's recommendation is to approve Case #22-02, Consideration of a Preliminary Plat known as Mission Preserve, with the conditions just outlined. I'm available for any questions. I'm available for any questions.

**Comm. Troppito:** I have a question. What if this plat isn't approved? What's the effect on the project if this plat is not approved?

**Mr. Scott:** I don't really know if it has a direct effect on the project, per se. I assume they could probably go ahead and build it without the plat. We always prefer to have a plat for building, but they do have a survey in place already at the site.

**Comm. Troppito:** So this isn't consequential.

**Mr. Scott:** Not necessarily, no.

**Comm. Troppito:** Thank you.

**Comm. Schmid:** As someone whose house in on three plats, I can appreciate for the person at 5101 Riggs that this may simplify things a little bit down the road for them, so it's nice for that person.

**Vice Chair Dukelow:** Mr. Chairman, may I comment please? Thank you. Could we get the site plan up here on the screen, please, so we have something a little easier to dig our feet into?

[pulling up plat]

**Vice Chair Dukelow:** Thank you. I have a question regarding the northeast corner. I understand part of the Lot 1 is to be dedicated to the City of Mission, and part of it runs across the front of someone's house and into their yard. When is the appropriate time to address those items?

**Mr. Scott:** Tonight.

**Vice Chair Dukelow:** And is that included in this plat? Am I looking at the right document?

**Mr. Scott:** That's our recommendation. We have to develop legal descriptions to describe the City's right-of-way and that portion that will be in that gentleman's yard. Those legal descriptions will be in the final plat as presented to you all, and the final plat really needs to be approved before we issue a building permit. So no, the two don't necessarily go together, but it really helps to have that final plat in order to move the project and make it all copacetic and work together.

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**Comm. Troppito**: Excuse me, but that sounds consequential to me, and earlier you said that this was not consequential. So, no building permit without approval of this plan?

**Mr. Scott**: That was the recommendation in the last...The Preliminary Development Plan was that a building permit not be issued until the Final Plat is approved. Now, is there anything in the Code that specifically says that a final plat has to be approved to issue a building permit? No, not necessarily, but we like to require that as part of the process.

**Comm. Troppito**: So it would be an anomaly if you did allow it to go through without a approval.

**Mr. Scott**: Right.

**Comm. Troppito**: Okay. Thank you.

**Vice Chair Dukelow**: All right, so I understand that the issues that I mentioned, or that I was asking about will be addressed within the final plat.

**Mr. Scott**: Correct.

**Vice Chair Dukelow**: Thank you. Mr. Chairman, if there are no further questions or discussion about this preliminary plat, I'd like to make a motion.

**Comm. Troppito**: I do have.

**Vice Chair Dukelow**: Sorry, Charlie, go right ahead.

**Comm. Troppito**: Thank you. So this being consequential, I'm going to say – let me go back to my list I was looking at earlier assuming I can find it now – and I think there's just too many questions open at this point to proceed with approval. There's questions about how many trees there's going to be sacrificed. No real answer why prior approved developments didn't proceed. It makes you wonder why they didn't, if there's an environmental cause for that. There has been an environmental review, but financing hasn't been finalized, which means no lender has accepted whatever environmental report has been done at this point. There's questions about the blasting and what effects that will have on the surrounding areas that aren't answered. I just don't feel comfortable without answers to vote for this, as I didn't feel comfortable to vote for the preliminary plan. The effect of the wildlife and the traffic issue on Riggs and 51<sup>st</sup> Street, those need to be answered. Those are priorities to be answered in my mind. Going back to the wildlife, I think we just take that too lightly. This is one of the few areas in the city in Mission...and I'm familiar with this area because we do in our neighborhood in Morrison Ridge, enjoy the wildlife that comes from this area. Deer that's been mentioned, foxes, raccoons, the different varieties of bird life. It makes our whole area I think vastly improved over just an urban area. And that adds to the quality of life of an area. That's important to me and anybody else that lives in the whole area. For those reasons I don't think we have enough answers to proceed with this, and I just can't vote for it. Thank you.

**Chairman Lee**: Other comments?

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**Mr. Scott:** Mr. Chair, this is also a public hearing and is noticed as such, so we should provide an opportunity for any comments from the public.

**Chairman Lee:** Any other comments at this point? If that's the case, we'll go ahead and open up the public hearing, so anyone, again, wishing to speak either for or against please step forward and identify yourself. Okay, not seeing anyone, we'll close that portion of the meeting, and go back, are there any questions or comments?

I do have one comment, Charlie. I'm sympathetic to the wildlife but I think you can find many areas of Mission, the countryside certainly being one, where there are foxes, there are bobcats, there are all the other animals mentioned. My comment was I'm sympathetic to the wildlife. However, I think there are many parts of Mission – my neighborhood one, the Countryside area – that does have spottings all the time of foxes, and most of the other animals that were mentioned tonight, so I don't think by doing that... Ultimately, that property is most likely going to be developed one way or the other, and the longer it's put off just for that specific reason, I don't know that we really gain anything. It meets the zoning. It meets the Plan, so we vote on it.

**Comm. Troppito:** Thank you. We just have to agree to disagree.

**Comm. Schmid moved and Vice Chair Dukelow seconded a motion to approve Case #22-02, with the conditions as outlined in the staff report.**

The vote was taken (7-1). **The motion passed.**

### **3. Final Plat – Case #22-03 – Consideration of Final Plat Rock Creek Pump Station, Lot – 5701 Roe – Johnson County Wastewater, Applicant**

**Mr. Scott:** Okay, the last item was a preliminary plat. This item is a final plat. This is for the Johnson County Wastewater Rock Creek Pump Station, Lot 1, which is addressed as 5701 Roe Avenue. For those who are not familiar with the area, this is essentially on the far east boundary of Mission. It's a little bit of a no-man's-land, if you will. It's bounded by Roe on the west, Shawnee Mission Parkway kind of on the southeast, sort of bisecting the property, and then the exit ramp and on ramp to Shawnee Mission Parkway. The entire parcel, that area that you see, is actually right-of-way owned by the Kansas Department of Transportation. That little square in the middle is the existing pump station that's operated by Johnson County Wastewater. They are making a number of improvements systemwide to the sanitary sewer collection. They will be making some very significant improvements to the Nelson Treatment Plant, which is in our community on the very north side. They will be presenting those in probably the next year or so to the Planning Commission, but before they can do all of that, they need to upgrade their pump station.

That pump station is about 60 years old and so they are in the process of designing a new pump station. So all of those plans were presented to you back in September, I believe, and approved, and then ultimately approved by the City Council. So they are now here tonight for the Final Plat. That will allow them to record the portion of property that they actually want to purchase from the Kansas Department of Transportation.



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They'd like to have control over the parcel if they're going to spend money developing a new pump station. So that's the portion of property within that larger parcel that I just showed you that will actually be purchased from KDOT and owned by Johnson County Wastewater, really Johnson County Board of County Commissioners.

There are some dedications in this plat. The one that affects us the most is dedication of drainage easements on the north side of that plat, kind of along that curved line is the Rock Creek Storm Channel. It kind of comes out from underneath Roe, hits daylight and then sort of meanders through Fairway and eventually goes to Mission Hills. That is controlled by the City. We wanted to have a dedication of easement for that. There's a dedication of drainage easement here, and there's another one...I can't quite see. I think that's all electrical. I think those two dedication easements will be to the City, and then the easements will be for electrical that goes through the site. Other than that, everything else is in accordance with the zoning requirements. The City has requested dedication of drainage easements as described and then is shown on the Final Plat.

The Final Plat of the Rock Creek Pump Station is in conformance with the Preliminary Plat of Rock Creek Pump Station and all the conditions placed upon that Preliminary Plat were approved. The Final Plat is also in conformance with all City codes and submission requirements. Finally, upon the Planning Commission's recommendation the Final Plat will be submitted to the City Council for their review and consideration and acceptance of the drainage easements. That's a requirement with the final plat when there's a dedication of drainage easements or any kind of easements of right-of-way to the City that the City Council approve the final plat. That is my report. We do have some representatives tonight from Johnson County Wastewater if you have any questions for them or myself.

**Comm. Troppito**: Mr. Chairman, I'd like to make a motion. Were you going to make a motion?

**Comm. Schmid**: Yes.

**Comm. Troppito**: Oh, go ahead.

**Comm. Schmid**: Sorry about that.

**Comm. Braden moved and Comm. Troppito seconded a motion that the Planning Commission recommend approval to the City Council of Case #22-03, which is the Final Plat of Rock Creek Pump Station, Lot 1, applicant, Johnson County Wastewater.**

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

**Chairman Lee**: Thank you.

- 4. Site Plan – Case #2204 – Consideration of Site Improvements and a Non-Conforming Situaton Permit – 5918 Broadmoor – Unleashed Pet Rescue, Applicant**

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**Chairman Lee:** The fourth item is the consideration of site improvements and a Non-Conforming Situation Permit for 5918 Broadmoor, which is the Unleashed Pet Rescue. Staff?

**Ms. Kneller:** Chairman Lee and members of the Planning Commission, I'm presenting to you Agenda Item 4, Case #22-04, for Unleashed Pet Rescue. Items for consideration are the site plan for exterior improvements and a nonconforming situation permit in the West Gateway Form-Based Code Overlay District. The subject property is located at 5918 Broadmoor Street, approximately mid-block between Johnson Drive and Martway. The existing structure is a one-story building constructed in 1951 that is an animal rescue shelter with boarding kennels and outdoor fenced yards utilized by both staff and animals.

City staff has been aware of complaints from the public regarding noxious odors and illicit runoff coming from the site for some time, and has been working with the business owner to mitigate public health violations due to the washing out of kennels and outdoor yard enclosures on the site. Animal waste from the fenced areas has been flowing into the property's front yard, across the sidewalk along Broadmoor, and out to the street, traveling southward to the stormwater inlet located south on Broadmoor, in front of the Pride Cleaners business next door. This is, of course, not allowed by the EPA or local public health code. The yard enclosures are located over a Johnson County Wastewater easement. The easement runs along here, and this is where the yard enclosure on the north side of the building is. The building being this footprint here. The yard enclosure also is beneath an overhead electrical line, which became a challenge for Unleashed when determining the best course of action to mitigate the health code violations.

Another separate issue for Unleashed has been the location of its trash dumpster, which is currently located in the front of the building, right about here. City code stipulates that trash dumpsters shall be enclosed by a permanent structure, such as masonry or CMU, and Unleashed would like to move the dumpster to a location at the back of the property. The challenge with this project has been to find a solution by which the animal waste does not co-mingle with stormwater infrastructure while also preventing stormwater runoff from entering the sanitary sewer system. A valve at the sanitary sewer drain site would have been the most obvious solution; however, that would be problematic if an employee forgot to close the valve after washing animal waste into the drain. With the valve open and no structure preventing rainwater from infiltrating the yard enclosures, stormwater could potentially enter the sanitary sewer system.

Johnson County Wastewater does not allow stormwater to infiltrate the sewer system, as it would overwhelm the sanitary sewer treatment facility. Additionally, JCW would not grant a permit for sanitary sewer connection onsite without assurance that no permanent structure including support structures, like columns for the cantilevered roof, would be built in the easement, and that overhead structures were built at a height so that JCW's equipment could enter the property for any necessary sewer repairs.

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Unleashed has developed an exterior site improvement that addresses all of these issues. The solution is a cantilevered roof system, shown here, over the yard enclosures, one over the north side yard and one over the west back yard. These roofs and gutters will greatly reduce stormwater from entering the yard enclosures and thereby largely prevent sanitary sewer infiltration of stormwater at the site of the sewer drains.

An open air fenced storage area as part of the proposal is located between the two fenced yards, right about here. So if you can see the gray here on the screen is one of the fenced yards with the cantilevered roof. The other is over here on the back side of the property, and this open air storage area is right here. This is part of the proposal. It's located between the two yard enclosures, and it contains a stormwater drain. The stormwater drain will be directly connected to the stormwater system and kept completely separate from the sanitary sewer drains by installing curbing as well as fencing. Animals and their waste products will be kept from entering the storage area and consequently kept from the stormwater system. The cantilevered roof system will be at an appropriate height to allow JCW to conduct repairs as needed, and the supporting structures are not located within the sanitary sewer easement, so the columns are just outside of the easement on this property. JCW has consequently issued and leased a permit to connect to the sanitary sewer system already. A solid metal fence surrounding the outdoor storage area serves to screen the area from view offsite per Municipal code.

Unleashed is also proposing new landscaping in front of the property to soften hard edges, and will move the dumpster from the front to a staff-approved temporary location on City property in the back of the property. Staff worked with Unleashed to determine the best temporary location for the dumpster until a permanent dumpster enclosure location can be coordinated with adjacent property owners at a central location for all properties' dumpsters.

Unleashed has submitted a nonconforming situation permit with this plan as the improvements will not meet the Form-Based Code for the district. Staff recommends that the Planning Commission approve the site plan and non-conforming situation permit for Case #22-04, with conditions 1 through 4 per the staff report included in your packet. I can go over those if you'd like. There's only four of them. The conditions for approval are that no animal waste is allowed in the City's Municipal separate storm sewer system, per the Municipal Code and therefore, no animals or animal waste are allowed in the northwest storage area where the proposed storm sewer drain is located. We've asked that the yards are permanently separated from the enclosures and the storage stormwater area to ensure that animals cannot enter the northwest storage area. We also, under this condition, ask that staff post a sign made of durable material, like metal, in a prominent location within the storage area that states, "No Animals Allowed," and to submit specifications to staff for the final site plan. That's condition one.

Condition two, Landscaping shall be installed during the next appropriate seasonal cycle upon final approval and to submit specifications of species and locations to staff

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for final staff site review. All landscaping shall be maintained by the property owner or owner's agent and replaced as soon as possible if disease or death occurs.

Condition three is the dumpster location shall be coordinated between adjacent back lot property owners and managers. Staff will coordinate the desired location and placement, including materials at the appropriate time. If coordination is for whatever reason not possible between adjacent back lot property owners and managers in a timely manner, staff reserves the right to singularly coordinate the placement and enclosure materials with Unleashed at staff's discretion. The dumpster enclosures shall be installed as soon as coordination efforts and approved location has been established.

Condition four, following improvements to the site, continued operations are contingent upon the approval of JCW after inspections are conducted. I'm open to questions. We have Ms. Bratton, representative of Unleashed is here to answer questions as well.

**Ms. Bratton:** Unleashed asked if I would come and talk about the project. We know a little bit more on our side, discussing everything with the civil engineer, the structural engineer and all the proposed parts and pieces that need to go together, as well as the meetings with the City throughout the last year as we've been trying to get this figured out for them. Do you have any questions?

**Vice Chair Dukelow:** I'm sorry. I didn't understand. Are you the owner or a representative of Unleashed? Is that accurate?

**Ms. Bratton:** My company that I work for is the company that is contracting and arranging everything, basically the general contractor on the project.

**Vice Chair Dukelow:** Okay, so you represent the general contractor.

**Ms. Bratton:** Correct. And I spoke with the owner of Unleashed. She couldn't be here tonight, so she just asked if we would represent her. She said if there are any questions, that I could ask on their behalf. We've discussed the range of everything with her, and some of the potential you may have, I may be able to answer on her behalf.

**Vice Chair Dukelow:** Thank you.

**Comm. Schmid:** I have one question. It's hard for me to tell from the photo. Where is the water runoff going from that cover? Where is that being directed?

**Ms. Bratton:** The roof structure?

**Comm. Schmid:** Yeah.

**Ms. Kneller:** I can actually pull it up.

[inaudible, off mic]: Talking about the [inaudible] runoff?

**Comm. Schmid:** Yeah, so if we're adding a roof essentially over the yard that's purpose is to divert water away from the sanitary, where's it being diverted to? Where's the water being collected and pushed to?

[pulling up photo]

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**Ms. Kneller:** I think we included the site plan but not the sanitary plan in here, but this does show...

**Ms. Bratton:** So, you're talking about the roof structure, correct?

**Comm. Schmid:** Yeah.

**Ms. Bratton:** The rainwater on the roof structure?

**Comm. Schmid:** Yeah, where's it being diverted to? The whole reason I'm asking is, is it just pouring off the side in sheets?

**Ms. Bratton:** No, it's going to divert towards the pillars, which are within the area that we can actually build the pillars within, which is within five feet of the building itself, before we run into all of the other easements that we're having to deal with, with this particular project. They run into where the peak meets in the middle, and then there's downspouts there. They will run and all connect together and then go into the stormwater drain in the other open area section.

**Ms. Kneller:** You can see here the arrows on this site plan and where the drains are, the black dots. So the stormwater is collected on the roof and diverted to those drains and connected to the stormwater system.

**Comm. Schmid:** Okay, cool. Thank you.

**Comm. Braden:** [off mic] On the roof drain, is the way the canopy is designed, the large part faces north and it's quite an angle, so is there somewhat of stormwater allowed in the sanitary system because you get a driving north rain, there's no way that you're going to stop all stormwater from the [inaudible]

**Ms. Bratton:** Right, and we had given this design to... That was one of the concerns initially was how we would build a structure that Johnson County Wastewater would approve for what their system can handle and their system was okay with. They had seen this design, and then they approved the permit based off of that, and they said that is acceptable for them, as far as what they were requiring.

**Comm. Braden:** [off mic] Is the concrete, or whatever the surface of the area underneath the canopy, does it slope away from the building? Or is there a curb or a retaining wall –

**Ms. Bratton:** There is a retaining wall in that north yard, the whole way.

**Comm. Braden:** Okay. That was my main concern. How are you going to keep the surface water [inaudible].

**Ms. Bratton:** And the yard currently, it's concrete. It's a mixture of concrete and asphalt right now, but it pours towards the middle, and that's the route that the drain will actually be in, so the pillars are to the inside of that, where it grades towards the middle, and all the water that they're washing into the sewer will run into that middle section.

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**Comm. Braden**: Right. I was concerned. Like I said surface water from the parking lot getting under the canopy, but I do see it looks like there's a retaining wall there to stop that. Okay.

**Ms. Bratton**: Correct. And then the front part doesn't have a retaining wall, so we're going to build a curb on the front to keep the sewer water that we're washing from going into the street, so basically that will be a barrier there.

**Comm. Cullinane**: So the dumpster. I guess, who are we thinking for...Like, I notice that they are going to pair up with a neighbor. Is that going to be with the dry cleaners, or do you know?

**Ms. Kneller**: So, we're looking at this back lot area here, and approximately right here in this location for the temporary location of the dumpster. Right now, Don Chilitos has been purchased and we're waiting to see what happens with that business before we do a coordination effort with all the owners that are adjacent to this back portion of the property so that we can find a central location that's amenable to all the property owners, and we can have all their dumpsters enclosed at that time.

**Comm. Cullinane**: Okay. I was just wondering how it's done today, like dump truck in the front, taking out the dumpsters, versus in the future with it all behind, which would seem more efficient.

**Mr. Scott**: The dumpster right now in front of the building in the driveway is not acceptable. Everybody sitting in the ownership would like to see the dumpster relocated somewhere else. The question becomes where is the somewhere else? The ideal location would be in back of the property. You can see that green octagonal space there. That's a little deceiving.

**Ms. Kneller**: The topography there is –

**Mr. Scott**: It's not as big as it looks. The topography is lousy, and you have all these utility lines going through there, so to put a dumpster there wouldn't work, so they talked with the about temporarily locating the dumpster on City property, which is behind Pride Cleaners, maybe having an opportunity to kind of team up with Pride Cleaners and get one giant corral for both dumpsters to serve the properties. As Karie was saying, the new tenant moving into Don Chilitos, there might be an opportunity there to team up with that tenant and agree to some kind of joint dumpster location on their property that's accessible to the –

**Ms. Kneller**: Ideally, we would try to get coordination efforts with anyone who doesn't have an enclosed dumpster that's adjacent to this site, on the back, so that we could have that, per Municipal Code, all dumpsters are supposed to be enclosed on business property. So, we're going to try to coordinate that as soon as possible.

**Comm. Cullinane**: Yeah, because driving around there, seeing everything, I guess I never noticed. I always see the dumpsters out. I never see them enclosed, so that's why I'm like, I don't think anyone follows...No one follows that around there.

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**Mr. Scott:** [off mic] Technically, by enclosed dumpster which means [inaudible] an enclosed structure but it's kind of hit or miss all over town.

**Comm. Cullinane:** Yes, and that is a very open area, too. You have a lot of cars driving by on Johnson and Broadmoor, so they're definitely visible.

**Vice Chair Dukelow:** All right, I'm ready.

**Chairman Lee:** Okay, Robin.

**Vice Chair Dukelow:** Thank you, Mr. Chairman. I have several questions and comments. The canopy, number one, is really elegant, a nice solution. Karie, could you put up canopy number two, please?

**Ms. Kneller:** Do you want to see this one?

**Vice Chair Dukelow:** Yes.

**Ms. Kneller:** We don't have a rendering of that one.

**Vice Chair Dukelow:** Sheet A2?

**Mr. Scott:** It should be in the packet.

**Vice Chair Dukelow:** Okay, so if you could zoom in there on that center image on your left, that right there is canopy number two, which is at the back of the building. Is that correct? [inaudible] Yes. Okay, so the canopies aren't both the same.

**Ms. Bratton:** They're both the same. Basically, the back one, the design is all the same. It would basically be like this.

**Vice Chair Dukelow:** Yes, which is different than the –

**Ms. Bratton:** It's slightly different. Yeah, it's a flat plane on the top of it, and it will slant back, but the higher part of it will kind of mimic the other, it will go towards the other yard.

**Vice Chair Dukelow:** I understand, but I want to be clear that the canopy in the rendering, which is very sexy-looking and very easy to make friends with is not the same as the one that's on the west side of the building.

**Ms. Bratton:** They're not identical in design, yes.

**Vice Chair Dukelow:** Correct, okay, thank you. So I just want to say that, because I just want everybody to be aware of it, because it took me probably a second pass at it and I'm going, well now wait a minute. I don't have everything. Something's not clicking here, but okay. I got it. I just wanted to share that. A couple of items. I'm just going to run through them. There's an old box sign on the side of the building, on the north side.

**Ms. Bratton:** Yes.

**Vice Chair Dukelow:** That should be removed.

**Ms. Bratton:** Okay.

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**Vice Chair Dukelow:** The retaining wall that we see, again, in the rendering looks way better than what is actually there as you continue on around the property. There are areas where, as I look at the drawings here, the retaining wall appears, from the perimeter of the property, that it will only extend past about the first three bays of the...I understand there to be six bays on the north side?

**Ms. Bratton:** Yes.

**Vice Chair Dukelow:** And the retaining wall is flush with the ground as shown in the elevations and as you can see if you drive on around by the, about the third one, the third bay, is my point. So, I guess what I'm saying is those retaining walls aren't maybe quite as complete as this might indicate.

**Ms. Bratton:** There's one small spot which is right behind the trash, that I believe is the trash can for Planet Sub. There's a small section where the ground currently touches near it. However, most of it was just like leaves and other stuff that's piled in there and when you pull it away, there is a little barrier there that won't allow it to go over, necessarily. When we had our topographic survey done, he had said that's one area he went over. He's like, "If we just clean this section up..." and part of it is it's still Unleashed. They have like a foot on that side where there's a little bit of discrepancy, like is this tall enough? So we can clean that are right there out, so there is more of a barrier between the runoff that's coming off the parking lots.

**Vice Chair Dukelow:** Okay, understand. The other thing I wanted to say, can you clarify the surface are of that northwest storage? Or the surface material, is that concrete?

**Ms. Bratton:** Concrete.

**Vice Chair Dukelow:** So it's all concrete around the perimeter?

**Ms. Bratton:** Yes.

**Vice Chair Dukelow:** Okay, great. There is a lot of...There's seems to be uncertainty about the fence and what that height will be and what that material will be. It doesn't seem real clear to me in the documents.

**Ms. Bratton:** Okay, so the fence that does not have the retaining wall, we were talking with Brian about, could it be eight feet? For a variety of different reasons. One, the people throw animals over the fencing regularly, and if it's over six...Like the fencing that's with the retaining wall, it's over six feet with the retaining wall there, so it's harder for people to get it over there. They throw it up over the front section, and then the back corner regularly. So, we're like if we could put those up to eight feet, that would prevent that, but it also helps keep the animals inside, because there's a couple every once in a while that can get over a six-foot fence. So in areas without the retaining wall, if the fence could be eight feet, then we would eliminate, or ideally decrease both of those issues that are going on.

**Vice Chair Dukelow:** Okay. So, that would entail a variety of fence heights, but would that data be constant across the top?



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**Ms. Bratton**: If it's constant across the top, they would be significantly different heights. There are some sections that would be like 12 feet, because where the retaining wall is at its tallest, that's only a six-foot fence right now, which is fine for those sections, but it runs like this, and then the retaining wall is actually up a little higher, because of how it's done on the inside. So, it's not quite uniform all the way through. So, we wanted to use more updated material and switch it to a black fence so it looked a little sleeker than just aluminum-coated fencing. And then we were talking about if we could do a solid metal fence wherever there is visual...Like, with the enclosure area where all the storage would be, to make sure people can't see in there. So whether that's with a solid screening, or whether we're able to do that with a metal, we would do that on those areas.

**Vice Chair Dukelow**: So, is the proposal to enclose that northwest storage area with a metal panel that is similar to the panel that is on the Broadmoor elevation?

**Ms. Bratton**: Ideally, that's potentially possible. One of the things I did just notice while I was looking at the outside of the building, when you're standing across the street you have a pretty – because the yard goes up a little – you have a viewpoint of the back of the fence, so if we did it in the solid metal that matched the front, you'd actually see the back of the fence. It's not like decorative inside. So, what we were wondering as well is we could use a solid screening that you can't see through, and you'd have the black background back there, which will blend in, versus having the back of a metal fence that's like a white or a light gray, usually. So there's just been a little of back-and-forth on the specifics of exactly what that enclosed area would exactly look like.

**Vice Chair Dukelow**: Yeah, it's very complex. That's for sure.

**Ms. Bratton**: Our ultimate goal is for it all to look nice, and have a story that works with it, so it doesn't look out of place.

**Vice Chair Dukelow**: Okay. A couple more. I guess I'll stick on fence for right now. The fence that runs between the bays, is that the black powder-coated...or rather the black vinyl chain link type fence?

**Ms. Bratton**: That would be a black fencing, yes.

**Vice Chair Dukelow**: Okay, and then the fencing that is proposed for the perimeter, is that the fence detail that is on A5?

**Ms. Kneller**: I'd have to pull that up separately. Are you talking about the rendering of the fence?

**Vice Chair Dukelow**: I'm talking about the details on sheet A5.

**Ms. Bratton**: No, that's not the current...That's that old wrought iron one.

**Ms. Kneller**: Right. I think she was asking about the fence between the bays, right here.

**Vice Chair Dukelow**: She said that that would be the black, like chain link that would have the black vinyl, or whatever they call it, on it.

**Ms. Bratton**: Right.

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**Vice Chair Dukelow**: Now the question is regarding the perimeter fence, where there are open enclosures. The fence across the north side – T106 is what the note says.

**Ms. Bratton**: That strip, okay. That would be like a chain link open fence, and we can do a small mesh on that if preferred to be not a wider chain link as well. But that would be an open chain linked black fence.

**Vice Chair Dukelow**: And the fencing that goes across the back outdoor area around the corner there where it also says T106 in the red, that's also to be the black chain link fence?

**Ms. Bratton**: Yes.

**Vice Chair Dukelow**: Okay, and then at the south side, T106, is that also a solid panel?

**Ms. Bratton**: No, that would be chain link that would match the other, the rest of it back there.

**Vice Chair Dukelow**: Thank you. I have no more questions. I've got to figure out where I'm at though. Okay, so I'm not sure how we're looking at all of this but it's a non-conforming use the way I understand it for the site. But since we have this building, it is a low rise building, right? In Form-Based Code.

**Ms. Kneller**: Yeah. It was built prior to the Form-Based Code.

**Vice Chair Dukelow**: Yeah, the 50's. It's an art deco. It's a deco building.

**Ms. Kneller**: Yeah.

**[Unidentified, off-mic]**: Is this the original skating rink building?

**Vice Chair Dukelow**: You're thinking of the furniture store, I think.

**Mr. Scott**: [off mic] It's been an animal rescue shelter for a long time.

**[Unidentified, off-mic]**: Right.

**Vice Chair Dukelow**: I'm trying to think what it was before it was Anderson Rental, but it was Anderson Rental for a while.

**[Unidentified, off-mic]**: [inaudible] it was a garage.

**Ms. Kneller**: The whole area is zoned General Industrial, so it could have been a lot of things.

**Vice Chair Dukelow**: Right. Yeah, it was a lot of things, especially with Herb Jones over there. Okay, that all set aside. So, in looking at the requirements for low-rise in the Form-Based Code, there is a...Well, it says, "Shop front awning required." That's Chapter 3, page 1. I was wondering if this has been considered.

**Ms. Kneller**: So, when we were looking at the Form-Based Code and this particular building, there is nothing that they can do to meet all the requirements of the Form-Based Code. They would have to get 90 points, according to the Form-Based Code, and the improvements that they are doing at this site right now will never meet the Form-Based Code to gain that 90 points, so we suggested that they submit a Non-

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Conforming permit for the existing building, to be able to add on hazard mitigation measures on the exterior.

**Vice Chair Dukelow:** Understood. Chapter 3, page 1, recommends awnings for the low-rise buildings as part of the Form-Based Code. They also state that the service, security, garage doors may not be placed at frontages. That's Chapter 5, page 3. And with that in mind, I'd like to ask, once the dumpster is gone, what is the plan for that alcove where we see two doors and a garage door?

**Ms. Bratton:** Well, the plan that we had discussed was those doors stay there, and when they get deliveries, instead of loading them in the front parking area, they can actually drive them into the garage door and load straight into there, so they can eliminate that pile-up of donations that ends up happening a couple times a month.

**Vice Chair Dukelow:** Thank you. I understand that the landscape plan is not yet been fully determined.

**Ms. Bratton:** Yeah, we're going to do two trees, one in front of one window, one in front of the other window, and then right in front of the front decorative fence, doing three larger bushes that will be along that fence line as well. And then we would have to redo the sod that's out there because it needs to be refreshed at this point. Just with going in and out with different vehicles that we'll be having anyway, the rest that's remaining there will need to be fixed as well.

**Vice Chair Dukelow:** Is there any plan for a bike rack?

**Ms. Bratton:** We are happy to put a bike rack wherever you want the bike rack.

**Vice Chair Dukelow:** Out front would be nice.

**Ms. Bratton:** Do you have a preference on location?

**Vice Chair Dukelow:** City staff should be able to work with you on that.

**Ms. Bratton:** Perfect.

**Vice Chair Dukelow:** Location, and also I believe we have some in the Design Guidelines that they can recommend.

**Ms. Bratton:** Great.

**Vice Chair Dukelow:** Okay. Thank you. That's all I have.

**Comm. Troppito:** Regarding the landscape you've been discussing, the timeline for that looks pretty nebulous here. Probably end up the next appropriate seasonal cycle upon approval. When do you expect to actually begin doing any landscaping improvements there?

**Ms. Bratton:** We would want to wait to do the landscaping until the structure is built, because –

**Comm. Troppito:** And how many days is that?

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**Ms. Bratton**: All the concrete work or any pillars, all of that, they said their work is about a span of a month. The steel structure company that we have discussed, the building of both structures, they said that would take them about two weeks to get the whole structure put up. The fencing company has also said they're a couple weeks, roughly, with their project as well, so we were thinking like we could do it within a couple months once we start the project, as long as everybody is able to coordinate at the right time.

**Comm. Troppito**: Okay, thank you.

**Comm. Cullinane**: I did have one other question. You mentioned that the fencing is going to be two feet taller all around, I think, right?

**Ms. Bratton**: I'm sorry, what?

**Comm. Cullinane**: I think you said the fencing is going to be two feet taller than what it is now, right?

**Ms. Bratton**: Just in some areas. On the north side, by the parking lot, where the Planet Sub is, that side would stay basically the same height. The current height of where that is, is about roughly where that would be going forward. The front that's lower would actually come up two more feet. So in some areas, they will match up better than they currently are, because they're just at drastically different –

**Comm. Cullinane**: Because that's what I was wondering, too, because I know some of the cement there now, you would replace that cement, right? Along the north side?

**Ms. Bratton**: The north side is currently as is. It's just a retaining wall that runs on that whole side.

**Comm. Cullinane**: Okay.

**Comm. Richards**: I have a question. Can you clarify, because we talked about a lot of walls, so can you clarify the north wall where there's a retaining wall, how tall that mesh will be?

**Ms. Bratton**: It will be six feet from the top of the retaining wall, up. So, six feet from that based and up would be that fence.

**Comm. Richards**: So maybe a total of eight feet tall then?

**Ms. Bratton**: Well when you're on...maximum. Because on some of that side, the retaining wall isn't two feet above. When you're on the inside of the fence, it's different.

**Comm. Richards**: And the front wall, the east wall, how tall is that again?

**Ms. Bratton**: Eight feet. Because the only thing between that and the grass in the front, it's even right there, so we would build a curb there to keep the sanitary water routing back into the sanitary drain, and then put an eight-foot fence there. And that would be a decorative, good-looking fence.

**Comm. Richards**: Thanks.

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**Comm. Cullinane**: I'm just curious how you're going to deal with, if the fence is taller, people dropping over dogs over the fence when it's even taller. You know? Like, if you have it now, thinking from your perspective.

**Ms. Bratton**: It's usually in the six-foot sections. It never happens over the eight-foot sections. The yards are divided off inside, and they're closed at night, so sometimes staff will come in in the morning, and there's a dog in the one of the middle yards. The only way the dog could have gotten there is over that six-foot area, so in the areas where it's only six feet accessible, they proposed an eight-foot fence there.

**Comm. Cullinane**: Right, so it will just be taller, which sucks for the dogs, I guess. I mean if you're throwing them over two more feet.

**Ms. Bratton**: I know. They'll just tie them to the door. But it's a safety thing, too, because if there's dogs already in there, and a dog gets... Sometimes it happens during the day, too. Or cats and things like that. People drop over the edges and if there's dogs out there and something like that happens, so we're just trying to keep the people as separated from the inside of the fence and the dogs on the inside of the fence staying inside the fence.

**Comm. Richards**: I have a follow-up question on that wall, the north wall. Is there any space between the retaining wall and the fence, or is the fence on top of the retaining wall? How does that spacing work there?

**Ms. Bratton**: So, it's not going to go...and Structural is working a little bit of these details out specifically. The fence is technically going to be...so the retaining wall is here. The fence is actually going to be attached to this side of the retaining wall, and the base of the fence will start at the top. Currently, the fencing is drilled through the retaining wall, and we wouldn't want to go back with that, because it doesn't stay straight up. It's a much better plan, and sturdiness-wise, to brace it on the inside of that wall.

**Chairman Lee**: Any additional questions?

**Vice Chair Dukelow**: I do have a question. I'm going to go back to the awnings, because I just think that that would be...I don't know. I think it would be cool. It would look good there, honestly, above the front windows. Is there any money in the budget that we could consider that?

**Ms. Bratton**: I can definitely talk to her about that.

**Vice Chair Dukelow**: Thank you.

**Ms. Bratton**: Yeah, that would be great.

**Vice Chair Dukelow**: Mr. Chairman, if there is no further discussion, I would be glad to make a motion.

**Comm. Dukelow moved and Comm. Troppito seconded a motion to approve Case #22-04, which are the Site Plan and Non-Conforming Situation permit to be granted to Unleashed Pet Rescue at 5918 Broadmoor with the conditions 1**

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through 4 as outlined in the staff report, along with consideration for awnings at the front of the building and also a bike rack at the front of the building, design and location to be coordinated with staff.

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

### **5. Appointment of a Recording Secretary – Appointment of Kimberly Steffens as Recording Secretary for the Mission Planning Commission**

**Comm. Troppito moved and Comm. Schmid seconded to appoint Ms. Kimberly Steffens as Planning Commission Secretary for City of Mission, Kansas, effective immediately.**

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

**Mr. Scott:** That's Kimberly, by the way, if you haven't figured it out by now.

**Vice Chair Dukelow:** Approved retroactively, right?

**Mr. Scott:** Yeah. Kimberly is just kind of riding shotgun tonight with Audrey. Audrey is going to be with us a little bit longer, just to kind of train Kimberly and get her acclimated, so we may see her one or two more Planning Commission meetings, as she's gracious enough to give up a Monday night with us. She is taking on responsibilities of our City Clerk and that's pretty time-consuming.

**Chairman Lee:** Ms. Steffens has been a great asset to the Community Development Department and the City, so we look forward to working with her on the Planning Commission as well. Thank you.

### **6. National Planning Conference – American Planning Association's National Planning Conference for 2022 – April 30<sup>th</sup> through May 3<sup>rd</sup> in San Diego, CA**

**Chairman Lee:** The last item on our agenda tonight is the National Planning Conference.

**Mr. Scott:** Yes, so Commissioner Dukelow reminded me that the American Planning Association's National Planning Conference is rapidly coming upon us. It will be April 30<sup>th</sup> through May 3<sup>rd</sup> of this year in San Diego, California. I think it will be in-person. Probably the first time in a couple years that it's been in-person. In the past, we've typically sent one or two commissioners. Commissioner Dukelow has gone a few times. Commissioner Christiansen went once, and I think somebody else. I can't remember. Was it you, Stuart, that went? Did you go to the conference one year? Okay.

**Chairman Lee:** I've gone a couple times.

**Vice Chair Dukelow:** Jim Brown went.

**Mr. Scott:** Jim Brown, okay. Karie is already signed up, so she will be attending. If any of you are interested, I think I sent you an email over the weekend with a link to the website. You can look at it and sort of get a feel for what it's all about. Karie knows a lot more about it. She's been a few times already, so she can speak to it, but if any of you are interested, feel free to let one of us know, and we'll try to get you registered.

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**Vice Chair Dukelow:** Brian, is there a deadline for that?

**Mr. Scott:** ASAP. If you'd let us know in the next couple weeks, that would be great.

**Vice Chair Dukelow:** As I've said, the good things fill up.

**Mr. Scott:** Yeah. There's kind of a catalog of sessions that you can go to during the day at the conference on a variety of topics, everything from planning to zoning to sustainability to transportation, guest speakers from all over the nation, both in the public sector – people like Karie and I – then the private sector – like Dave, consultants, even real estate developers like Mr. Ferdig who was here earlier. They're all presenting on new and emerging concepts in planning. There are also field trips. Those are the ones that kind of fill up quickly, where they put everybody on a bus and take them out to a demonstration of good practices and planning. There might be a tour of a neighboring community that's got a really neat downtown area, or some kind of interesting sustainability type project that's interesting to see. Those field trips are usually the ones that fill up pretty quickly.

**Comm. Cullinane:** I have a question on that. Whoever goes, do they come back and share their findings with us?

**Mr. Scott:** We typically ask that the individual report back to the group on what they learned. Of course, the City will pay for it. That's probably obvious, but I'll clarify that.

### **Planning Commission Comments**

**Chairman Lee:** Does anyone have any comments?

**Vice Chair Dukelow:** I have a question. I'm wondering where we ended up with the final landscape and fencing plans for the Rock Creek pump station.

**Mr. Scott:** They're going to do the wrought iron/aluminum type fencing all around the site. And then, once they submit construction drawings, we'll find a location for a couple more trees in the parking area. The parking is pretty small to begin with. We can probably find a location for a tree around the perimeter.

**Vice Chair Dukelow:** If memory serves me, they didn't want us to call it a parking area, because they can technically park there, but there's a lot of hardscape.

**Mr. Scott:** Yeah. There's not going to be any employees working there on a regular basis. There will be folks that come in the middle of the night to check on a pump that maybe has gone down, or something like that. There's some routine maintenance that happens now and then. The challenge with that particular lot is there is deliveries of chemicals on a weekly basis. Those deliveries are done in an 18-wheel truck, so getting that truck off of Rowe into that site, making its deposit into the tank and then back out onto Rowe, that's the challenging aspect of that project and site.

### **Staff Updates**

**Chairman Lee:** Do we have any staff updates?

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**Mr. Scott:** No, sir. Busy, as usual. A couple folks kind of alluded to tonight, and I'm sure you've read about it in the paper, we have some development projects that will be coming before the Planning Commission I would anticipate probably sometime this summer. Maybe late spring, but probably more like this summer. One is the block development. They are proposing an approximately 300-unit apartment complex on the site of the old JCPenney call center on 5665 Foxridge. Then the other one is the Gateway Development. Pre-development agreements were approved by the City Council at their meeting last month. That pre-development agreement simply says that, yes, the City is going to sit down and negotiate incentives with the developers, and then come up with some kind of re-development agreement on how to use those incentives. That will be presented to the City Council. In doing that, we're obviously using consultants. We use Bruce Kimmel from Ehlers, who is our financial adviser. He reviews the performa and the numbers on the projects, and then we use Pete Heaven, who you met last month. He's our land use attorney, and some folks from Gilmore and Bell, who are bond counsel, and they're pretty familiar with how the incentive tools will work, to do CID on some of those. So that pre-development agreement stipulates that the developer will pay the City \$10,000 to cover those costs. That's all that really was, but now at this point we're engaged to sit down and talk with them. So in doing that, kind of parallel with that task will be reviewing the actual development plans themselves. At some point, those will probably be submitted to you all for consideration.

[Unidentified, inaudible, off-mic]

**Mr. Scott:** Yes, we do. We have another non-conforming situation permit on the agenda. It's for Arby's restaurant on Johnson Drive. They are wanting to make some improvements to the building, kind of a new corporate branding, so an opportunity to review those improvements and landscape and some other things. What else?

**Ms. Kneller:** Casey's on Johnson Drive. It's a Casey's that's not a gas station. It's a convenience store, and then a special use permit for Bickford, who is a retirement, assisted living place on Rock Creek Lane.

**Mr. Scott:** So, Bickford is going through either a refinancing or a sale, and in doing that they ask for a zoning verification letter from the City. In reviewing the file we realized the Special Use Permit expired.

**Ms. Kneller:** And we're asking for them to also plat the property. It's unplatted currently.

**Mr. Scott:** We'll review and renew the Special Permit and the Preliminary Plat. Casey's is the Casey's we all know and love, where you go get the great pizzas while you're getting your gas, but they're doing a new concept. This is more, I would call it a pagoda, a little store.

**Ms. Kneller:** Like a bodega.

**Mr. Scott:** A bodega, that's the word I'm thinking of. Thank you. A bodega. And they are considering the Hartman Hardware property on Johnson Drive for their bodega. So, no gas. It's just strictly retail.



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**Ms. Kneller:** It's the old Yoga Fit studio. Is that right? I think that's right. The old Yoga Fit.

**Vice Chair Dukelow:** Did you say Casey's is considering the old Hartman Building. Is that right? For a bodega or something?

**Mr. Scott:** No, they're considering the Hartman's hardware store on Johnson Drive.

**Vice Chair Dukelow:** Right.

**Ms. Kneller:** Oh, maybe I'm thinking of a different...Hartman's hardware?

**Mr. Scott:** Hartman's hardware, yeah.

**Ms. Kneller:** Okay. Sorry for the confusion.

**Vice Chair Dukelow:** Okay, but then something else is going to the old Yoga studio? Is that what you're saying, Karie?

**Mr. Scott:** No, there was –

**Ms. Kneller:** I might be thinking of something else.

**Mr. Scott:** There was a store that recently opened up in the old Yoga studio.

**Ms. Kneller:** Oh, that's what it is.

**Mr. Scott:** That is –

**Ms. Kneller:** Mitsy's Resin store?

**Mr. Scott:** Yeah.

**Vice Chair Dukelow:** Right.

**Ms. Kneller:** She does her own jewelry type of things, and then also –

**Mr. Scott:** Kind of a place maker space. Yeah.

**Ms. Kneller:** Sorry, I pulled that one out of somewhere.

**Vice Chair Dukelow:** Yeah, I didn't see the turn signal. Thank you.

**Mr. Scott:** Yeah, so we have those three, and then I don't think we're going to have a meeting in April. It's looking like probably not, but then in May I think we'll have Rushton. Rushton Elementary School will probably be with us in May, and maybe one of those two development projects, although that seems pretty aggressive. I'm thinking probably more like June for those. A busy few months ahead.

**ADJOURNMENT**

**Chairman Lee:** If there's nothing else, I would entertain a motion.

**Vice Chair Dukelow, seconded by Comm. Schmid made a motion to adjourn.**

The **motion carried unanimously.**

The meeting adjourned at 9:41 P.M.

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Mike Lee, Chair

**ATTEST:**

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Audrey McClanahan, Secretary