

CITY OF MISSION PLANNING COMMISSION

November 28, 2022

7:00 PM

Powell Community Center, 6200 Martway

DRAFT

I. Call to Order

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

Chairman Lee: It is 7p.m. and I'd like to call this meeting to order. If you would like to make a comment about an item on the agenda, please do so when that item comes up. Please raise your hand but stay seated and I will call on you to come to lectern. Speak slowly and clearly and identify yourself. If I need to confirm something that may have been difficult to hear, I will ask for clarification and make sure to be conscientious of others trying to speak. Ms. Steffens, would you please take the roll call?

II. Approval of Minutes from the October 24, 2022, Planning Commission meeting and Minutes from the October 18, 2022, Special Planning Commission meeting.

Chairman Lee: We have two sets of minutes to approve this evening. The first is approval of the minutes from our Special Planning Commission meeting on October 18, 2022. Is there anyone who would like to make any changes? If not, I'll entertain a motion to approve.

Vice Chair Dukelow: Mr. Chair, just a clarification – that's October 18th, rather than October 21?

Chairman Lee: October 18th, correct.

Vice Chair Dukelow moved and Commissioner Braden seconded a motion to approve the minutes of the October 18, 2022 Special Planning Commission meeting.

The vote was taken (8-0-1). **The motion carried.**

Chairman Lee: The second set is the approval of the minutes from our regular Planning Commission meeting held on October 24, 2022. Is there anyone who wants to make any changes to that one?

Vice Chair Dukelow: Mr. Chairman, I'd like to offer a clarification. On page 15, the paragraph is continued from page 14. I'd like to clarify the dialogue that, since Johnson Drive will likely be rebuilt in the near future, that it doesn't make sense to add the streetscape to that stretch of road at this time, thus providing the required landscaping adjacent to the building could be considered a tradeoff.

Mr. Scott: Correct.

Chairman Lee: Are there any other adjustments? If not, then I'd entertain a motion to approve.

Mr. Scott: Do you want to make the amendment that Commissioner Troppito noted?

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Comm. Troppito: I'll second the amendment.

Mr. Scott: You had an amendment regarding the...Between the October 21st meeting and the October 18th meeting.

Vice Chair Dukelow: That's a clarification to the minutes.

Ms. Kneller: I'm sorry. Commissioner Dukelow made that clarification.

Mr. Scott: Okay.

Comm. Troppito: Well, if it was just a clarification, I'll withdraw the second, if it's not a motion. I thought she was making a motion.

Vice Chair Dukelow moved and Comm. Troppito seconded Mr. Chair I would like to make a motion to approve the minutes of the Planning Commission meeting of October 24, 2022, with amendments as stated.

The vote was taken (8-0-1). **The motion carried.**

III. New Business

Chairman Lee: We have seven items under New Business for tonight's meeting. The first three pertain to the Nelson Wastewater Treatment facility at 4800 Nall Avenue. We will have a separate public hearing for each of those items. Item number 8 on our agenda is Case #22-35. This is a zoning amendment for drinking establishments. This should be a public hearing as well. It was not labeled as such on the agenda, but when we go to that item, we will treat it as a public hearing.

1. Public Hearing – Case #22-31 – Nelson Wastewater Treatment Facility Preliminary Development Plan

Chairman Lee: The first item is the public hearing for Case 22-31, an application for Preliminary Development Plan for the reconstruction of the Nelson Wastewater Treatment Facility at 4800 Nall. At this time, I'd like to open the public meeting. We will first a presentation from the applicant about the proposed development project. We will then hear the staff report. After staff has completed their report, we will take a testimony from any parties interested in this application. If you are interested in speaking, again, please raise your hand and I will recognize you. Go to the lecture and state your name and address for the record. Please speak slowly and clearly so that everyone can hear. Once we have heard from everyone, those that want to speak again may do so. We will try to keep your comments to three minutes or less. Again, please keep your comments concise and to the point. Please be quiet and courteous to those that are speaking. Mr. Scott?

Mr. Scott: Thank you, Mr. Chair. This item is regarding the Nelson Wastewater Treatment Facility at 4800 Nall Avenue. It is at the very northeast corner of Mission, all the way at the end of Nall Avenue, right at the county line between Johnson County and Wyandotte County. The plant was first constructed in the mid-40's and has just been kind of added onto and scaled up as the area has grown over the years. The plant is nearing the end of its useful life. Johnson County Wastewater, who operates the plant is at a point now where they need to reconstruct the plant to bring some components of it into compliance with modern wastewater treatment standards. This is really part of an overall system-wide improvements that they're making. If you're familiar with the improvements that were made at the Tomahawk plant, Leawood, Mission Road and I-435, a few years ago, this

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is kind of a similar type of operation. So it will be a massive undertaking. It will last several years. I won't say it won't be painful, but it will definitely be an improvement to our community and to the entire Johnson County area when completed. We have with us tonight Patrick Denning with Johnson County Wastewater as well as several of his staff and engineering consultants. I'm not going to steal too much more of Patrick's thunder here. He has a very good presentation that goes over all of the improvements that are proposed, the process that's led up to this point. So, I'm going to hand it off to him, and then when he's finished, we'll follow up with a staff report from Karie Kneller, our City Planner, and then we'll open up for public comment. We do have a sign-up sheet. If anybody does speak, if you could please provide your name and address and email address, we'd appreciate that. Thank you.

Patrick Denning, Johnson County Wastewater, appeared before the Planning Commission and made the following comments:

Mr. Denning: Good evening. I'm the Assistant Chief Engineer of Existing Infrastructure with Johnson County Wastewater. With me tonight is Mike Calis and Ron Hardy from our design team, the HDR Black and Veatch design team, and Chad Wolf From McCarthy Building companies? Who is our contractor on the project. And Susan Pekarek who is the general manager of JCW. We appreciate your time tonight. I will keep this relatively short. We have additional slides, if you have questions that maybe I can explain something better with an additional slide. I'll pull that up later.

The purpose of our meeting tonight is three things. One is to present the Preliminary Development Plan for the project. The second is a Preliminary Plat for the project, and the third is a Special Use Permit. The presentation outline is going to be as follows: Give a little bit of background on the project, a little bit of the public outreach efforts to date; proposed improvements, a little bit about that; the construction; and the impacts during construction; and the phasing and schedule. Another little bit of background is the City Council of Mission has approved an interlocal agreement with Johnson County. What this interlocal agreement does is it allows Johnson County to participate in the City's process, this process tonight, for example, to get feedback on the project and so forth, and allows us to voluntarily take part in the process. This project is part of a friendly consent order to give us time to build this project between Johnson County and the State of Kansas. So, we do have to comply with that. So I just wanted everybody to be aware that that was out there.

The Nelson Wastewater Facility serves a large part of northeast Johnson County. The top line there, the north line, is the county line. That's the Wyandotte County line. To the east we have the state line, and then to the south is roughly 87th Street. To the west is roughly Quivira Road. So it serves that whole area. The red area is the City of Mission. It definitely serves all of Mission, but it also serves a lot of other cities as well.

The reasons for the project are, like Brian mentioned, the plant was initially constructed in the 1940's to deal with growth across state line post-WWII, and then it's been expanded to keep up with growth ever since. In the 60's there was a whole lot of growth in the area, and it was expanded. Again in the 70's, and it's been maintained since, but the technologies that were built in the 40's and 50's and 60's are still the same technologies that we're using today. The State has new water quality criteria that they're going to be implementing, and this technology cannot meet that criteria, so it's time for us, we've got

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an aging plant. We've got new water quality criteria. It's time to upgrade the facility. This will also be our first step in providing greater wet weather treatment capacity at the facility.

A little bit of our public outreach efforts to date. We've conducted two open houses at the plant for people to come to the facility and learn more about the project. The first was in September of '21, and really what we wanted to do there, we didn't have a lot done yet. We want to hear what was important to people about the project, so we did a survey. We got their input. I'll share more about that in a minute. The second one, we just conducted October 6th, where we presented a lot of the same information that we're presenting tonight based off of our 30-percent design. I'll be sharing more about that tonight and some of the feedback we got from that. We also have a project website – jcwnelson.com – that has all the information presented at the public meetings. A lot of what I'm going to show tonight is already up on that website, so that can be seen as well. For the open houses, we shared that information with anyone who lived within 2,000 feet of the facility, and then for tonight we did the standard 200 feet from the [inaudible].

For public input, as I mentioned before, we conducted some surveys to see what was important to people. The top left is what was important to people for the completed facility. They noted water quality, odor control, sustainability, were the top three. Concerns during construction were odors, construction traffic and noise. Then on the right, that was from October 6th, and what we asked people was, "How well did we answer your questions and your concerns?" We were able to address a lot of what people thought was most important. We'll focus on the bottom, because that's what there are still questions about, obviously what the most questions were about. Those were greenspace, noise, and light pollution. I'll talk a little bit about noise tonight. We didn't present a lot of information on that in the public meeting, and we are requesting to defer the lighting study to the final development plan. Again, similar responses during construction – noise, connecting to the project team and light pollution.

Here is an aerial view from the southwest of the existing facility. It's a 40-acre site, roughly, and we've got a mix of administration facilities, treatment facilities and it takes up pretty much the entire footprint. This is the proposed facility at 30 percent. Again, the same southwest view. Here we've been able to consolidate the treatment facilities a bit more. I'll talk a little bit more later on why they're in the location they are. Up along the top there you see Nall Avenue, to the left, Foxridge Drive, to the right is 49th Street, so we're looking from the southwest.

This is an example of what one of the new facilities is going to look like. This is the administration facility for treatment facility staff. This is the general architectural approach that we'd like to use – the blond brick with contrast. We'd like to get some natural light into this building to save on lighting costs and so forth.

The most prominent facility that we're going to save and reuse is this facility, which is in the middle of the site. It's our de-watering facility. The reason I bring it up – and I'll show it to you. We have an animation later, and I'll show you more then – but it's very prominent. It's in the middle of the site, and since we're going to re-use it, we save a lot of money re-using it, we want to match that blond brick, because that building is going to stay. So that's going to kind of set the architectural tone for the facility.

This is the landscaping plan that we presented at the October 6th open house. A couple things to note. One is, overall the facility is going to sit a little lower than it does today,

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after construction. That's to get us as much flat space as we can. This is a very hilly site, if you've never been there, it really comes down from Nall to Foxridge Drive is quite a fall. The second is that we're going to add berms, fencing and trees along Nall Avenue and 49th Street. So we're going to build earthen berms. There's going to be wrought iron fencing along that, on the top of that berm, and trees on top to help screen the facility. So, we'll show a couple screen shots here on the next slide. For instance, there are a couple of shots off of Nall from just a street view. The left is the initial planting. So when the trees are pretty small – and this is a rendering so take it for what you want – and then mature growth on the right when the trees have filled in.

One thing we learned through this process is initially just planting trees is going to be too sparse, so that helps us going forward. We'll need to plant some shrubs and some grass in there to help obstruct that view better after the initial planting. We don't want to put a bunch more trees in there, because as they mature, they will fill that area in. But that's one thing we learned from the 30 percent rendering that we have here, and then a few more off of 49th Street. Again, if you focus on the two on the bottom, again, you kind of see that same thing. The plantings start small, eventually fill in the space. We'll need to put in some grasses or shrubs to grow and fill that area as the trees mature.

The next slide is on odor control. The current facility is on the left. The proposed facility is on the right. The red areas are our trickling filters, which are the old technology, and they have to be exposed to the air, but they do emit odors from time to time. The green are facilities that we have odor controlled. They emit odor, but we control that. We capture it and treat it. Then the blue facilities are just administration facilities. They're offices, storage sheds, those kinds of things. What we tried to do with our proposed facility is to try to consolidate as much as we can the wastewater processes to one spot. We also tried to, we're re-using two of the administration buildings in blue, and then the new one will also be along the south edge of the site. The idea there is if there's any odor generated locally, we're going to buffer that to the extent possible by putting those administration facilities on the south side where residences are. So that will help consolidate the facilities to the one end and buffer with the administration buildings. There are other construction reasons why we need to be on that kind of upper plateau. That's the flat part up top that I'll get into more in a minute.

This is the noise mitigation. This is post construction. The facility is built. The colored areas are what has the potential to generate noise. So we have odor control fans. This odor control is activated carbon, big giant canisters of activated carbon. And you have to draw air through those, so they require fans. Now those fans are in acoustical enclosures, so they're pretty quiet, but still, they can generate noise. So we're trying to consolidate those to the middle of the facility. There's also blowers that bubble air into the system to give the bacteria oxygen to degrade the wastewater. Those will be located in a building. There's a gas flare. We do generate methane gas and have to flare some of that. That's in the middle of the site. And then there will be trucks coming in and out of the facility as well. It is an industrial type of facility, so we've tried to keep that off of the property lines and towards the center of the site to the extent possible.

The surrounding area is zoned R-1, and as such, the City ordinance is 50 decibels at the property line. We've done some preliminary noise analysis, where we don't have that final noise study tonight. We'll submit that with the final development plan. However, we're seeing our background noise in the 50 to 60-decibel range, which surprised us a little bit,

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because we don't feel the plant is extremely noisy. We're not sure if we're picking up traffic from the interstate, or what that noise is, but nevertheless the information came back in the 50 to 60 decibel range. We did some construction modeling. I'll show the construction site in just a second, but we do anticipate that there are going to be periods where we could be generating decibels of the 50 to 70 range. We're on top of a big rock hill. We've got to break some rock. We've got to demolish facilities, and those activities do generate noise.

I just wanted everybody to be aware because already now there are some offsite improvements as well. There is the interstate. The big line is the interstate there. The wastewater facility is on the right. We've worked with the City of Mission quite a bit on this because we have a 36-inch pipe that we're going to install under Foxridge Drive. We broke that part of our project out and did it quicker. We'll be starting that project this week. Our goal is to get out of the way by March so that the City of Mission can do their reconstruction project on Foxridge Drive from 51st to Lamar. We've worked with them very closely to make sure that we can be out of the way in time for them to do their project. So it's been a good partnership.

The construction entrance is the pink line from the interstate where our truck traffic will come, to Lamar Avenue, and then into the plant. That's that pink line. And then this summer we will also be installing permanent traffic signals at the Lamar interchange at I-35. We worked with Unified Government, City of Mission, KDOT, and Wastewater and KDOT are funding the capital to install those traffic signals. Those will be permanent, so it will assist us during construction, getting our materials in and out like we need to, but they will remain afterwards for the public benefit.

Commissioner Schmid: Can I ask a real quick question about [Inaudible]

Mr. Denning: Yeah, that was part of the model. They modeled the train going through, so the timing of the lights will take into account the train traffic from time to time. They're not directly connected, but it will be accounted for.

This isn't really part of the PDP or anything. It's buried infrastructure that we're working with City staff on, but I just wanted to bring it up, because there will be traffic impacts to Foxridge Drive during this construction project. This is the phasing of the site improvements. As you can see here, we've got a long project, so the challenge here is we have to continue to treat wastewater on the facility while we build the new facility. We can't just knock it all down and tell everybody not to use water and then start a new one up. So we have to phase this, and because of the phasing this is going to take a fair amount of time. The main construction of the facility is from 2023 through 2027. At that point we can start the new facility. The old facility will still be partially running, the facility that we're building around, and at that point once we start up the new facility, we can remove the old facility. That's the primary parts that are going on through '28, '29 and 2030.

One of the first steps is, in the teal colors, we're building some facilities down there towards the left towards Foxridge Drive. That opens up kind of the upper site for us. Those two facilities take the place of a lot of infrastructure up on top of the facility, or up on top of the site, which is our oldest infrastructure. We can take that offline and really start using the upper site to build while we maintain those lower treatment facilities to continue to treat wastewater during the process. So that's kind of how the buildout plan will go. We'll

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start low and then that will allow us to get to the upper site where we can build a lot of the remaining infrastructure and then finish with some additions to our administration facilities – berms, landscaping, and those types of things.

Okay, we have an animation, and I'll talk a little bit about this.

[preparing video]

So, what you're seeing here is the new entrance off of Foxridge Drive. Those two facilities right there, that's the facilities that will be built to allow us to use, to clear the upper site for construction. I'll fly around here for a minute. That building that kind of looks like a big staircase, that's the building that's going to remain, that's there now, that's going to remain to set the architectural features of the facility. You see those round basins. They're called clarifiers. That wastewater is almost totally treated, so it does not need to be covered. It's almost clean. It just needs to be disinfected. The other circles up here, that's dirty wastewater and clarifiers, so those are covered with odor control. We're going to dive down now and go street view along Nall. This is the look as if you were on Nall, looking into the facility here. There's your berm, the wrought iron fence out in front with the trees behind it. This is what I mean. We're going to have to fill in the gaps a little bit until these trees mature here. This will take a minute as we go along Nall.

[Unidentified Speaker, off mic] [inaudible]

Mr. Denning: Six feet. Now we're coming along 49th Street. So this is 49th Street. That's the new administration facility right there, the existing administration facility and the berm. Now we'll be zooming out, looking from the southwest again, which is kind of where we started on that still shot earlier. So that's my last slide. I don't if Karie's going to give her staff report, or if there's questions now I can take them, either way.

Ms. Kneller: What would you like? Okay. So this is Case #22-31, the Nelson Wastewater Treatment Facility Preliminary Development Plan. This property is located between Nall and Lamar on approximately 52 acres abutting the northernmost border of Mission and Kansas City, Kansas. It is on the easternmost border of Mission as well, with Roeland Park. This is the site of the existing water treatment facility and adjacent properties or industrial uses to the north and just south of I-35 in Wyandotte County there is Nall Park to the east and Roeland Park and single family uses to the south and west. The project site is served by gas, water, sewer, electric and stormwater utilities.

I won't go through the history because you've already heard from a representative of Johnson County. But the current proposal...I'm actually going to exit out of this really quickly and bring up the other. Here's the project site as a whole. There is vacant land to the south, to the northwest and currently the facility is located mostly to the northeast, but also portions of it to the southwest portion of the property as well.

Uses and zoning – this is a little overlay of the road network. You can see the underlayment on the bottom layer there of the existing road network and where the facilities are currently, and then overlaid over that in the turquoise and red you can see the new facilities and internal road circulation. I wanted to mention, too, that as stated before, the County is really immune to the regulations and guidelines of the City and the Municipal Code, but the County intends to comply with the Regulations and Guidelines to the extent possible without it being burdensome to the authority of the County. JCW intends to be responsive to suggestions and recommendations of the City and the public

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for the intended use of the subject property. The architectural goals of the project include the functional and aesthetically pleasing administrative buildings, functional buildings for the treatment process in consistency with the style and structures that will remain, integration of the treatment facilities with architectural aesthetics and to serve as a good neighbor to adjacent landowners. Based on these criteria, the plan proposes that new structure will be faced with limestone cladding and brick veneer to match the remaining structures.

Factors such as minimizing the impacts to existing operations during construction, locating the treatment facilities on the north side of the site to minimize nuisance to neighbors, convenient truck and staff access, minimal tree removal and planting additional trees for screening and minimizing large expanses of pipe were all part of the site design. JCW also plans to construct a new five-foot sidewalk for pedestrian connection along Lamar Avenue and extending the length of the JCW property, including an ADA ramp at the intersection of Foxridge Drive.

The eastern half of the site is at a higher grade than the west, and liquid treatment facilities will be located on higher ground, while secondary solids facilities will be on the west along with the renovated de-watering building. New facilities will be located on the west as well, and the new digester complex is centrally located, consisting of three new digestors and a digester control building. I can go back to that too, actually. Additionally, Foxridge Drive will undergo partial reconstruction from Lamar Avenue to just past the existing facility entrance. JCW partnered with the City to reduce the impact to the area, as was mentioned, so that we can get on with our road construction along Foxridge Drive and to minimize conflicts there.

Okay, with stormwater, the site was designed to meet the City of Mission stormwater rules and regulations. The screening elements, the existing trees along the north, south and west will remain to the extent possible, and a landscaping berm will be constructed on both sides, on the east and the south side, and a new seven-foot black metal fence will be placed along Nall, Foxridge, and along a portion of 49th Street. The remainder of the fencing will be chain link, as it is currently, with barbed wire for security purposes.

Traffic – traffic improvements like you saw on the slide previously to help mitigate some of the traffic impacts during construction and then after will also be added, and noise will be mitigated from indoor and outdoor operations, such as the fans aeration and backwash blowers. A noise study will be conducted with the final development plan. All of the structures will be built in accordance with applicable building and fire codes, and the facility will operate 24 hours a day, which will be lighted from dusk until dawn. Roadway lighting will be provided for access roads, and all lighting in and around the site will be specified LED fixtures. A photometric study will be provided with the final development plan, and staff has asked that, where possible, that dark sky standards are utilized.

For sustainability, the water quality is the primary driver of this project. In addition, the following features will be incorporated as well: premium efficiency motors and load matching variable frequency drives to minimize electricity consumption; treated wastewater reuse; LED light fixtures; aeration process automated control to reduce electricity consumption; onsite methane gas reuse in lieu of natural gas; reduced vehicle idle time due to traffic signal improvements and reduced organic material, ammonia, nitrogen and phosphorous discharge will improve local waterways and downstream

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waterways. As mentioned as well, construction will be done in phases, basically seven steps here as outlined in the staff report, and the phasing runs through now, present, until about 2029 to early 2030.

For the Municipal Code, Section 440.170 states that offsite runoff generated by the 100-year storm shall not exceed existing conditions, and downstream impacts shall be taken into account. As the wastewater treatment facility is an established and continuous use that will continue to operate throughout the redevelopment process, the zoning designation need not change from R-1, single-family. As such, staff considered the regulations set forth in MP zoning districts for general industrial, but didn't require a zoning change with this, since this is an existing use. Section 440.175(b) states that a preliminary development plan without a zoning change requires a public hearing before the Planning Commission, and the Planning Commission shall determine the appropriateness of the proposed preliminary development plan according to the three criteria you see there. The capability of the site to accommodate the building, parking and drives with appropriate greens and open space, safe and easy ingress and egress, an appropriate degree of harmony for architectural quality, and the appropriateness of the minimum dimensions and the areas of lots and yards for the applicable zoning district. This does state as part of the Code that the Planning Commission may approve the application, disapprove the application, or approve the application subject to modifications being made. Again, the County does have jurisdiction over this site.

Section 445.180 requires a Special Use Permit for pump stations in all districts, and that is part of the case you will hear Case # 22-34 this evening. Under Section 415.110 of the Municipal Code it states that not less than six percent of the interior parking lot shall be landscaped, and one tree per 50 feet of street frontage shall be provided. Existing trees that are conserved are credited toward that amount.

Staff's analysis is that the proposed structures, parking, and drives provide appropriate open space and safe, easy circulation. Odor and noise are mitigated, and methane gasses are captured and are reused onsite. Front setback on Nall Avenue is at least 100 feet; the side setback is at least 62; and the rear setback is at least 80, and 199 parking spaces are proposed on the site. A total of 1,727 evergreen and deciduous trees are credited toward the 147 total number required. So staff concurs that the Comprehensive Plan indicates the area is designated for public use, and this plan conforms with the Comprehensive Plan. Staff concludes that the project generally meets the goals of the Johnson Drive Guidelines as outlined previously. Staff concludes that the existing trees that were already onsite and the proposed landscaping is sufficient to screen operations from nearby neighborhoods and public uses and conforms with the Municipal Code. Staff concurs with the finding of the traffic impact study conducted by Kimley-Horn. Traffic signalization at major intersections near the project site will improve vehicle flow and safety, especially during construction while construction during the peak three-year time is expected increase vehicle traffic significantly, signalized with time-staggered intervals will improve queues. The study should consider mitigating site distance issues in the future.

Staff concurs also with the findings of the drainage study, and staff concludes that the sustainability measures proposed with this plan increase long-term viability and efficiencies to promote sustainability and improve water quality. The County did hold public meetings, and in general the public was in favor of these improvements. Staff does

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recommend that the Planning Commission recommend approval of Case #22-31. That concludes my report.

Chairman Lee: This would be the time for any members who would like to speak to any questions on the construction of the site. If so please come forward, identify yourself, and try to keep your comments to three minutes or less.

[Unidentified Speaker]: Thank you to the County for finally getting us up to speed. Forty years, time to get us better quality water. We're all concerned about that. That's it. Thank you very much.

Chairman Lee: Anyone else?

Jan Faidley, Roeland Park City Council, Ward 1, appeared before the Planning Commission and made the following comments:

Ms. Faidley: I'm here on behalf of your neighbors to the east in Roeland Park. Just drawing attention to the fact that Nall Park is our largest park. It will be undergoing some significant improvements. We are very closely watching this project because there is great concern among the residents, partially in my ward, that this is going to impact usage of the park. So that's one thing that we would like to just bring up as a concern. I'm not saying that it hasn't been taken into consideration, but it's something that really needs to be considered. So, not sure very people realized that that is a park over there. It's kind of a hidden jewel.

Chairman Lee: Thank you.

Matt [no last name given], Walnut View, appeared before the Zoning Board and made the following comments:

Matt: About 15 years ago we had a massive flood that went through my basement. They did a bunch of construction that apparently made the slope more increased to the water treatment plant, in which case they were theoretically taking care of all the problems of the failed lift stations and massively old infrastructure from the sewage. Is this going to affect that? After losing my entire downstairs of my house, I was assured that no more construction would minimize what they did ten years ago.

Chairman Lee: We'll get you the answer.

Matt: Okay, thank you.

Chairman Lee: Anyone else? Okay, at this point then I will close the public hearing and ask the applicant to step back up and answer the questions. Do you want to answer those couple questions that they just brought up?

Mr. Denning: Okay, yeah, sure. As far as the usage at Nall Park – and Jan, thanks for taking part in our public meetings and the process. We appreciate that. That is a concern. We do want to make sure that the park remains open. That's why we're really trying to focus on keeping the construction entrance off of Foxridge Drive not utilizing Nall for the construction activities. We are looking at potentially working with the cities of Mission and Roeland Park on taking some of the parking spots for some temporary parking, but we're working with Mission and Roeland Park, as I stated before, to try to see if that's something that will be feasible for a portion of the work. As far as the offsite work from the Walnut View Area, that gravity system will still come to the plant as it does now, so I wouldn't

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anticipate that we would be modifying that gravity system at all. We do have an asset management collection system, asset management program, to make sure that we're keeping our lines up to speed and doing rehabilitation when needed. We certainly do have wet weather issues in this area of town, we're not going to say we don't. But this project will not affect the current flow of that area to the facility.

Chairman Lee: Thank you. Do any of the Commissioners have questions?

Comm. Troppito: I have several.

Chairman Lee: Go right ahead.

Comm. Troppito: I'll start first with on page 13 of the staff report, under sustainability. Under the analysis is staff concludes that the sustainability measures proposed for this plan increase long-term viabilities and efficiencies to promote sustainability and improved water quality. How did staff arrive at that conclusion? Did you bring in consultants? Are you relying on some environmental consultants?

Ms. Kneller: With the sustainability measures that I noted during my staff report, I would say that currently the treated water reuse, or, I'm sorry, the treated water is not back up to code at least, and with this it will be long-term more sustainable and viable long term. LED light fixtures are also energy saving and conserving, will reduce electricity consumption with the updated motors and materials that they're using and mechanical equipment, onsite methane gas reuse in lieu of using natural gas will also be a good reuse opportunity for sustainability, reducing idle time at the traffic signals will be an increased improvement as well. And reducing organic materials, such as ammonia, nitrogen, phosphorus, will also improve waterways for long-term sustainable efforts.

Comm. Troppito: So this was an administrative determination?

Ms. Kneller: I think those things that we just noted aren't currently part of the facility, so they will help improve sustainability. I'm not saying that it will be zero carbon, but –

Comm. Troppito: Did the Sustainability Commission review this? Did they come to the same conclusions?

Ms. Kneller: I don't think they have it.

Mr. Scott: Yeah, the Sustainability Commission has not seen the CO.

Comm. Troppito: Okay. Thank you. Another question – thank you for your answer. This is probably for...well it may be for the engineer too. The landscaping plan on page 12 and in your rendering shows quite a few evergreen trees, but you have a mix of trees, but some evergreen trees. I just want to comment that in driving around the city of Mission and over northeast Johnson County I see a lot of evergreen tree death from the different fungus. So I just wanted to caution you to be very careful of the types of evergreens that you include in your plan, because they aren't, what types aren't listed in your plan. Be sure that they're not subject to this kind of death from that fungus. A question for the engineer – odor control treatment details. That kind of odor control are you using? Is this chemical odor control, or what kind?

Mr. Denning: The proposed technology that we're going to use is basically a carbon filtration system, so there are special kinds of activated carbon that we purchase for our

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other facilities as well that are able to bind up the odorous compounds – hydrogen sulfite –

Comm. Troppito: So it's mostly filtration?

Mr. Denning: Yeah, it's a filtration system, and then you test it, and then you have to periodically replace that medium, that's right.

Comm. Troppito: Another question. You address noise control during construction but not during operation. I would think – I could be wrong – but I would think that what you have listed is basin blower for the oxygenation process would be one of the largest noise producers. Is that correct?

Mr. Denning: Yeah. The blower system does make noise, so that's one of the things that we're looking at is how to minimize the noise escape from that building. We're looking at, for instance, acoustical louvers and other things to buffer the noise from that building.

Comm. Troppito: What prompted me to ask that is that you were talking about decibel control limits subjective criteria during construction. I would suggest that come up with some subjective criteria for handling [inaudible] and operational noise control, too.

Mr. Denning: I believe that will be part of the noise study. Is that correct, Mike? The decibels during final operation will be part of the final noise study, yeah. So that will be submitted with the final development plan.

Comm. Troppito: Oh, okay, great. Thank you. That's all the questions I had, Mr. Chairman.

Chairman Lee: Others?

Vice Chair Dukelow: I have just a couple of questions regarding the landscaping, or lack thereof, along Lamar and Foxridge Drive and generally in that area. I acknowledge there's a lot of underground pipes, etcetera. I see the site has already started with [inaudible] and some pipes and the sitework already beginning, so my question is, is there any opportunity to provide landscape in any location of that massive area as well.

Mr. Denning: That's something we can look at, for sure. There is a fair amount of underground infrastructure there, so like you mentioned before, it's not as big as you think for the ability to put plantings out there, but that would be something that we could look at.

Vice Chair Dukelow: I understand that it may not be feasible or possible to have any kind of linear along on the street, but I mean even if we were able to have groupings of trees, vegetation, something on the site.

Mr. Denning: We can look into that.

Vice Chair Dukelow: Thank you.

Comm. Smith: I have a couple of questions; will more people be working at this facility once it's completed than [inaudible] currently?

Mr. Denning: Yeah, that's a good question. Right now we have about 25 staff that work there and then some engineering staff is there as well. Engineering staff is probably going to move offsite for construction, because we're afraid of the big machines. And so the operations staff may expand by like three to five. But our long-term plan doesn't have like

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a doubling of the staff there. Now, our collection staff also runs out of there, and there's about 60 to 75 staff members there. So that may go up again, five to ten over a long-term period, but we're not talking about like doubling staff.

Comm. Snyder: Thanks for your presentation. I live in that area just right off of Lamar around 50th, and I read that the traffic study, there's going to be approximately 300 construction workers going in and out of the site during the peak periods. I'm sure we certainly need a new facility. I'm just concerned about the traffic. I understand the signals that are going in on the freeway, the north and southbound. So with regard to the traffic study, is there...What are we looking at in terms of traffic? Can someone speak to that, with the 300 workers coming in there between 7a.m. and 4p.m.? With the lights. Because I'm going to come down Lamar, and there's going to be trucks and 300 workers going in there. What does that look like? What do you guys envision that looking like in terms of traffic?

Mr. Denning: Sure. Well, one of the things that we worked with the City on is that there will be a protected left arrow going into Foxridge Drive into the plant site as part of when they're replacing that light at that intersection so the traffic signals. We've had a lot of coordination with the City, but there will be protected left there, so when you're on Lamar coming, it would be south, you will get a protected left into the plant to start, and that will help clear the bridge of traffic, because you can turn left or go straight, and that will clear that queue out. That's the idea is to keep that bridge open. I'm not a traffic engineer. The traffic engineer, the modeling that you saw in the report, it showed that at this time of day we'll be able to get those people in at an acceptable level.

I think in addition, the parking area will be that area down in front there, where you're seeing the pipes now. So that will help when they're not going all the way around the site, and so forth. And then in addition – and Chad I don't know if you want to talk about this – but McCarthy has kind of a plan for getting trucks off of Foxridge Drive in an efficient manner so they're not queuing up along Foxridge Drive. Because they've got to get everybody checked in and into the plant. But they're going to expand some lanes, some temporary lanes, along Foxridge Drive to check in trucks and keep them off of the roads while they're getting them verified. We'll have two entrances. We'll have a plant entrance that JCW staff uses, and then there will be a dedicated construction entrance off that same Foxridge Drive to be able to try to facilitate that better.

START HERE[inaudible, off mic]

Ms. Kneller: We won't be able to hear you, actually, in the minutes. You can either take this with you or you can stand at the podium.

Chad Wolf, Project Director, McCarthy, appeared before the Planning Commission and made the following comments:

Mr. Wolf: The project will now kind of go through a different schedule. It will be a phased GMP approach, which means we'll kind of build more of the project over a larger window of time, so we won't have that big peak in manpower. So right now instead of the 300 we're looking closely to probably 175 to 200. It's a little less, but just over a longer duration of time, and then out in front we've developed a 40-foot-wide check-in lane, so as delivery trucks come on to Foxridge Drive, they can actually pull off of the traffic way and stage in there, and then we have security and laborers that check them in, and we get them into

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the site where they need to be going. So yeah, a couple things we've done out there to try to help mitigate the traffic congestion and just getting people in and out of the job every day safely. Thank you.

Comm. Snyder: I'd just like to support what Robin mentioned about the vegetation aesthetically speaking.

Chairman Lee: Other comments or questions? If there are none, I would entertain a motion.

Vice Chair Dukelow moved and Commissioner Smith seconded a motion to approve Case #22-31, Johnson Wastewater Treatment Facility Preliminary Development Plan, with the following determinations in accordance with Section 440.175(B) of the Mission Municipal Code: The Planning Commission finds that the site plan as presented is able to accommodate the building, parking and drives with appropriate open space and safe and easy ingress and egress. The Planning Commission finds there is an appropriate degree of harmony between the architectural quality of the proposed building and the surrounding neighborhood. I'd like to note [inaudible] like the applicant to address [inaudible] and that a noise study will be [inaudible] develop a plan [inaudible]

The vote was taken (8-0-1). **The motion carried.**

2. Public Hearing – Case #22-32 – Nelson Wastewater Treatment Facility Preliminary Plat

Chairman Lee: The second item tonight is public hearing Case #22-32. This is an application for Preliminary Plat for the Nelson Wastewater Treatment Facility at 4800 Nall to be known as the preliminary plat of Nelson Wastewater Treatment Facility. At this time I'd like to open the public hearing, and we will again hear the staff report. After staff has completed their report, we will take testimony from anyone in the public that would like to speak. Once again, please step forward and raise your hand. Speak slowly and try to keep your comments to three minutes or less. Karie?

Ms. Kneller: Okay, so this is a replat, actually, of three previous plats – the Oakwood Subdivision, part of the Walnut View Subdivision and part of Jessup's Second Subdivision. There are currently 13 parcels. This will be replatted into one lot – Lot 1. It's approximately 52 acres total. The project boundaries are not being expanded beyond its current boundaries and configuration. The Oakwood Plat vacates...Part of the Oakwood Plat had allowed for rights of way for 47th Terrace, 48th Terrace, Woodson Road, Maple Avenue. Those will be vacated with this plat, and the 30-foot right-of-way on Nall will be dedicated to the City with this plat as well.

For Code review, the Preliminary Plat for Section 440.220 of the Mission Municipal Code, states that preliminary plats shall be approved by the Planning Commission if it determines that proposed plat is in conformance with the Mission Municipal Code at 440.220, if the plat represents a development pattern already established and support by the Comprehensive Plan, if the plat supports good land planning and allows for future redevelopment in compliance with adopted standards, and if the plat is consistent with good traffic engineering and safety standards.

Staff has determined that the requirements have been met for this, and it is our recommendation that the Planning Commission recommend to the City Council approval

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of Case 22-32. The consideration for the Preliminary Plat known as Nelson Wastewater Treatment Facility. Also, the City Council will consider this case on December 21st.

Chairman Lee: [inaudible] not seeing anyone, we will close the public hearing at this point. Do any of the Commissioners have questions or comments?

Comm. Troppito: I do. Once again, we have an unsigned plat. I've made this comment several times, the point being that we're being put in the position to approve something that hasn't been certified and could be changed tomorrow, and we're relying on what? No certifications to rely on the accuracy of the legal opinion here. End of comment.

[inaudible]

Ms. Kneller: As part of the packet. It's on the lower –

Mr. Scott: Lower center.

Ms. Kneller: As part of the packet, it should be on there. It's in the lower center, next to the GBA logo. I'll see if I can share this on the screen. Do you see it?

Comm. Troppito: It's wonderful, and thank you for pointing that out, because I just did not see that. That's great to see. I'm glad that staff is being assured that we're getting that certification on there.

Mr. Scott: We worked extra hard with the applicant to get that.

Comm. Troppito: Well, thank you.

Ms. Kneller: I made sure, by god.

Comm. Troppito: Well, thank you, because it is important. I mean, it's the only thing that we have to lay our reliance on. Otherwise, if it's not sealed, it's not signed, we have no way to actually know what we're approving.

Chairman Lee: Additional comments, questions? Not seeing any, I would –

Commissioner Braden moved and Commissioner Troppito seconded a motion to approve Case No. 22-32, Nelson Wastewater Treatment Facility Preliminary Plat.

The vote was taken (8-0-1). **The motion carried.**

3. Public Hearing – Case #22-33 – Nelson Wastewater Treatment Facility Special Use Permit

Chairman Lee: The third item is a public hearing for Case No. 22-33, an application for a Special Use Permit for the Nelson Wastewater Treatment Facility at 4800 Nall Avenue. At this time I would open the public hearing. We will first hear the staff report again. After staff has completed their report, we will take testimony from anyone interested in this application. Follow the same rules as before. Ms. Kneller, would you like to make your report?

Ms. Kneller: Thank you, Mr. Chair. I'll make this brief as well. The Municipal Code at Section 441.80, Designated Uses, states that sewage pumping stations may be located in any district with the issuance of a Special Use Permit. A new pump station will be built on the site with the redevelopment of new facilities as proposed in the Preliminary Development Plan for Case No. 22-31. The criteria for considering Special Use Applications are as follows. I won't read them all off, but some significant ones are the

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character of the neighborhood; the suitability of the property for the uses to which it has been restricted under the zoning district regulations; the extent to which the approval of the application would detrimentally affect nearby properties; the relative benefit to public health, safety and welfare, the Master Plan or Comprehensive Plan; the extent to which there is a need for the use in the community; and the economic impact of the proposed use on the community. There are 14 criteria in all.

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

According to FEMA flood insurance rate maps, the proposed structures are not within the 100-year flood plain. There is one tiny section about 700 square feet up in the very northwest portion that is actually across Foxridge Drive that does fall within that 100-year flood plain. But none of the existing structures or proposed structures fall within that area. The site has access to all necessary utilities to continue operations. It's staff's interpretation that the Special Use Permit for the pump station meets all the applicable material in Article 3, Section 441.440. Staff does recommend that the Planning Commission recommend approval to the City Council for Case No. 22-33 for the issuance of the Special Use Permit, with the following provisions: That the Special Use Permit shall be in effect indefinitely until such time it is no longer required for public benefit, or the use is discontinued. Also that Johnson County Wastewater or its assignees or successors shall maintain odor control measures for as long as the treatment facility is operational; and Johnson County Wastewater, it's assignees or successors shall maintain the treatment facility in good working order and stay in good standing with license and permits. This item will be considered by the City Council upon Planning Commission recommendation of approval on December 21st.

Chairman Lee: Thank you. Is there anyone that would like to speak? Not seeing anyone I will close the public hearing. Questions or comments from the Commissioners? Not seeing any, I'll entertain a motion.

Vice Chair Dukelow moved and Commissioner Schmid seconded a motion to approve Case No. 22-33, Nelson Wastewater Treatment Facility Special Use Permit with stipulations as presented in the staff report.

The vote was taken (8-0-1). **The motion carried.**

4. Public Hearing – Case #22-36 – Replat of Properties at 5600–5612 Johnson Drive

Chairman Lee: The fourth item this evening is a public hearing for Case No. 22-36, an application of preliminary and final plat of property in the 5600 block of Johnson Drive, to be known as the Shops of Benson. At this time I'd like to open the public hearing. We will first hear the staff report and after staff has completed their report, we will take testimony

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from anyone interested in this application. We'll take testimony from anyone interested in this application. We will follow the same rules as before. Karrie?

Ms. Kneller: Okay, this is Case No. 22-36, Preliminary and Final Plat of the properties at 5600-5612 Johnson Drive. This is the northwest corner of Johnson Drive and Maple Street. The subject property consists of two structures built in 1940. There is diagonal on street parking located in the front of the property on the south and perpendicular parking on the east. The property is surrounded by zone PBP or MS-1, Mainstreet 1 District zoning districts. The 100-year flood plain lies outside the building area, but it does slightly encroach on the property line at the southwest corner as determined by FEMA.

The site is served by a water main that runs along Johnson Drive to the south. An abandoned water main is located on the west side of the property, and stormwater runoff generally flows from north to south. It is also served by underground and overheard electrical, and a sewer main serves the property on the east. The property is currently platted for the property as one lot, Lot 1, and the current property owner is subdividing the buildings and selling to the current tenants. Urban Prairie Coffee, Sandhills Brewery and Springboard Creative. Urban Prairie Coffee and Sandhills Brewery share a common wall. The existing structure will remain, and the properties will be replatted as three separate lots – 1, 2 and 3. Currently there are recorded easements that allow construction and public use of parking spaces and sidewalk between Johnson Drive and the building frontage, and these rights of way will be officially recorded with this new plat.

The Mission Municipal Code at 440.220 states that a Preliminary Plat shall be approved by the Planning Commission if it determines that the proposed plat is in conformance with the Mission Municipal Code, that the plat represents a development pattern already established and supported by the Comprehensive Plan; that the plat supports good land planning and allows for future redevelopment and compliance with adopted standards; and the plat is consistent with good traffic engineering and safety standards. Staff does concur with these elements of the Code. Consideration for final plats in under Section 442.60 and states that final plats shall be approved by the Planning Commission if it determines that the final plat matches the preliminary plat as submitted, that the plat conforms with all applicable requirements of the Code, and all submission requirements have been satisfied. Staff does concur that the final plat has satisfied the regulations of this section of the Code. Staff recommends that the Planning Commission recommend approval of Case No. 22-36, the Preliminary and Final Plat for Shops at Benson with this plat staff require a party wall that has been signed by the business owners with a shared wall, and staff required a maintenance agreement that will be part of the City Council packet if this goes to the City Council with your recommended approval. That concludes my staff report.

Chairman Lee: Thank you. Is there anyone in the public who would like to speak?

Ms. Kneller: Do you want to come up, Pat?

Pat Murphy, Evergreen Real Estate Services, appeared before the Planning Commission and made the following comments:

Mr. Murphy: This is so simple compared to a wastewater facility, building another wastewater facility. There's no construction. There's no traffic impact. There's no anything

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for the adjacent owners. It's simply taking a single plat and dividing it into three plats so that the owner can sell it to her three tenants. If you have any questions, let me know.

Chairman Lee: Questions?

Mr. Murphy: This is such a neat deal. Betty is 101. I think you probably know her, and she loves her tenants, and they want to buy the property, and it's all just fallen together.

Chairman Lee: Thank you.

Mr. Murphy: Thank you.

Chairman Lee: Anyone else who would like to speak? Not seeing anyone, I will close the public hearing at this point. Commissioners have any questions or comments?

Comm. Schmid: I have one. The business owners there, Urban Prairie Coffee, is that also the Mission Board Game?

Ms. Kneller: Yes.

Comm. Schmid: So they're just considered as one owner in this case? Okay.

Comm. Troppito: I'm wondering, what's the benefit of doing this?

Ms. Kneller: Currently it's owned by one owner. Is that a question for staff? I'm sorry. I didn't want to speak out of turn.

Comm. Troppito: For anybody who wants to answer. Why would it need to be platted any differently than it is now?

Ms. Kneller: It's currently platted under one ownership, and the current owner is selling to the tenants that are there now, and she, as such, the property needs to be replatted to show that those are separate lots, I guess. Because there's a shared wall, that's particularly important on this, to show that shared wall between the two properties that are actually in the same building. And we had an issue with this not being recorded with the easements in the plat itself, so we wanted to clean that up and have it replatted with the appropriate rights of way for the sidewalk and parking.

Comm. Troppito: All right, well that last rationale makes sense. The first one I'm a little dubious about because I don't see anything that would prevent anyone from transferring title based on legal description of the square footage of the different buildings and the parcels, but if they want to do it, that's fine. I don't have any problem with it, but I was just curious really what the benefit was. Thank you.

Ms. Kneller: Do you want to say something Pat?

Mr. Murphy: Currently it's one plat. It's two buildings, but it's one plat, one legal description and to make it viable to sell we have to...we've already done it. We've hired a civil engineer and created a new legal description, new lots for Urban Prairie, Sandhills and for Springboard, and they will be buying their lot of that existing legal description. So there will be three new legal descriptions. And then we'll transfer title.

Comm. Troppito: I see what you're saying, but still, I mean, you could just as easily say that the east 150 feet of current Lot 1 –

Ms. Kneller: We could do that through a deed, I think.

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[inaudible, crosstalk]

Comm. Troppito: - when they sell the west 50 feet of the property to somebody else without it being replatted. But if you want to replat it, that's fine. If you think it makes it simpler, that's fine with me.

Mr. Scott: The County would require a replat for taxing purposes. Each of those lots will become individual properties, individually taxed by the County –

Comm. Troppito: So it's a County requirement?

Mr. Scott: Yeah.

[inaudible, crosstalk]

Comm. Troppito: Well, okay, great. That answers my question. Thank you.

Mr. Murphy: And these original documents that have all been signed and notarized by all parties will be recorded with the County. The County requires them to be original, and after the City signs off on them, we'll record them all and new legals, and new tax.

Comm. Smith: I have a question. Is the party wall declaration part of the final plat, or where does that -?

Mr. Murphy: It will be recorded also, yes. That's the direct answer to the question, and I wanted to notice...I should have noticed this earlier. We coordinated with the City Engineer.

Ms. Kneller: Celia?

Mr. Murphy: Yeah. And it's a concrete block masonry wall, and it's also been stuccoed on either side, so it's already a two-hour wall. It's not even required to be a two-hour wall. He was like, "This is great. You're fine." So then we went ahead and hired an attorney to draft the common wall agreement. And then one of the guys in the group is an attorney, so he hired another attorney, so it's all [inaudible] up. I think you'll find this is pretty good shape.

Ms. Kneller: To answer your question, it's not as part of the plat, but it will be recorded with the County in part of the legal documentation, to be technical.

Mr. Murphy: A lot simpler than a wastewater plant. Thank you for your time.

Chairman Lee: Thank you. If there are no other comments, I'd entertain a motion.

Commissioner Richards moved and Commissioner Smith seconded a motion to approve Case No. 22-36, the replat of properties at 5600-5612 Johnson Drive.

The vote was taken (8-0-1). **The motion carried.**

5. Public Hearing – Case #22-38 – Preliminary and Final Plat of Property at 6751 Johnson Drive.

Chairman Lee: The fifth item tonight is the public hearing for Case No. 22-38. This is an application for a Preliminary and Final Plat of the property located at 6751 Johnson Drive to be known as Azura Credit Union. At this time I'd like to open the public hearing. We will first hear the staff report. After the staff has completed their report, we will then take testimony from anyone interested in the public. Follow the same rules as before. Karie?

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Ms. Kneller: Thank you, Mr. Chair. This is Case No. 22-28, the Preliminary and Final Plat of property at 6751 Johnson Drive, located at the southwest corner of Johnson Drive and Riggs Avenue. The existing structure is on 0.42 acres, and the adjacent parcel on the west... So there's one parcel that the existing structure is on, and then a parcel to the west of the property consists of about 9,000 square feet of surface parking. The property and surrounding properties within 200 feet are zoned CP-2B and C-2B, retail and service districts. The project is outside the 100-year flood plain. The site is served by a water main that runs along Johnson Drive to the north. Stormwater runoff generally flows from north to south. It should be noted that on this image here you see an underground electric utility that is actually not accurate as noted on the Johnson County AIMS website according to the survey which was confirmed. The property is currently platted for the east lot on Lot 1, and the western parcel, Lot 2, is not platted.

The existing structure will remain with the interior and exterior renovations that are a part of Case No. 22-34, which we will hear next, and staff requests that the applicant replat the property to consolidate the two properties with additional right-of-way on Johnson Drive to widen the sidewalk during future improvements. The existing right-of-way is 35 feet from center of Johnson Drive, and the proposed plat provides an additional seven feet of dedicated right-of-way on Johnson Drive. Riggs Avenue currently consists of an ingress/egress easement and will not change with this plat, and the existing east parcel contains a five-foot utility easement on the west side of the parcel.

According to Mission Municipal Code at 440.220, preliminary plats should be approved by the Planning Commission if it determines that the preliminary plat conforms with the requirements of this Title and the applicable zoning district regulations and any other applicable provisions of the Code; that the subdivision or platting represents an overall development pattern that is consistent with the Comprehensive Plan and the street map; the plat contains a sound, well-conceived parcel and land subdivision layout which is consistent with good land planning and site engineering design principals; and the spacing and design of proposed curb cuts and intersection locations is consistent with good traffic engineering design and public safety considerations. Staff has determined that the submission for Preliminary Plats has been satisfied for Section 440.220 and for consideration of final plats, Mission Municipal Code at 440.260 states that final plats shall be approved if the Planning Commission determines that the final plat substantially conforms with the approved Preliminary Plat, that the plat conforms with all applicable requirements of this Code and all submission requirements have been satisfied. Staff does concur that the Code at 440.250 has been satisfied and approval of the Final Plat shall require an affirmative vote of a majority of the membership of the Planning Commission.

Staff has determined that the above dimensions and designations just mentioned are in accordance with the stipulations set forth in the Mission Municipal Code and requirements set forth by staff. Staff recommends that the Planning Commission recommend approval of Case No. 22-38, Preliminary and Final Plat of Azura Credit Union to the City Council, and upon recommended approval, this Preliminary and Final Plat will be considered by the City Council at the December 21st meeting.

Chairman Lee: Does the applicant have anything to add? Additional comments you'd like to make?

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

Mr. Hill: Good evening. I'm here on behalf of Azura Credit Union. Karie did a great job covering the plat, the update needed to combine two parcels and clean up right-of-way on Johnson Drive to promote some of the Johnson Drive improvements to the sidewalk. I'd be happy to take any additional questions.

Chairman Lee: Any questions or comments? Very good. Thank you. As I said this is not a public hearing, but if anyone does wish to speak, now would be the time. Not seeing anyone, then I will go ahead and turn it back over to the Commissioners. Are there any questions or comments?

Vice Chair Dukelow move and Commissioner Richards seconded a motion to approve the Preliminary and Final Plat of property at 6751 Johnson Drive.

The vote was taken (8-0-1). **The motion carried.**

6. Case #22-34 – Site Plan for Azura Credit Union

Chairman Lee: Case No. 22-34. This is item number six on our agenda. It's for non-conforming situation permit for Azura Credit Union located at 6751 Johnson Drive. Again, this is not a public hearing, but we will hear first the staff report.

Ms. Kneller: Case No. 22-34, the Site Plan for Azura Credit Union, a non-conforming situation permit. The subject property is the former Runza drive-through, a food establishment that has been vacant since 2018. The applicant, Azura Credit Union, applied for the interior and exterior renovations with site improvements. The property is zoned CP-2B, Planning Retail and Service District, and it lies within the West Gateway Form Based Code Overlay. The property currently consists of two parcels, with the plat will become one, and the building frontage is oriented to the north on Johnson Drive and has two access drives, one on Johnson Drive and one on Riggs Avenue. Parking consists of 28 stalls currently including two ADA stalls and is dispersed around all four sides of the building. Pedestrian access exists via an ADA-accessible ramp to Johnson Drive.

The applicant proposes several improvements to meet the standards set forth in the Comprehensive Plan, the Municipal Code, Johnson Drive Guidelines, and the Form Based Code, although it will not meet all stipulations of the Form Based Code and the applicant intends to close off the Johnson Drive entrance to the site and add landscaping in the northwest corner in that area. A new sidewalk widened to eight feet will be constructed abutting Johnson Drive and rounding the corner to continue along the length of the property on Riggs Avenue. The retaining wall will be set back on the property and rebuilt with an additional six feet of landscaping that replaces three parallel parking spaces on the Johnson Drive frontage.

The pedestrian ramp will be realigned, and new ADA-compliant warning detectors will be constructed. Three parking stalls that are currently located on the northwest side of the pedestrian ramp will be relocated on the east side with an ADA stall. Parking spaces in the rear will be replaced with a second drive-through lane and the number of total parking spaces will be reduced from 28 stalls to 11. New landscaping consists of native deciduous shade trees and evergreen shrubs. There are currently four trees with some evergreen shrubbery on the site, and the new landscaping plan indicates there will be 11 trees with

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the onsite existing trees to remain and 27 new shrubs. Exterior façade will be designed with a reconfigured entrance facing Riggs. Most of the existing brick façade will remain along Johnson Drive and the existing cupola will be removed. The entrance will be raised three feet above the existing roofline to 17 feet, and extended two-thirds of the east façade to the south for a more prominent entrance. Drive-through canopies on the south side of the structure, and a teller apparatus will be added to the same side.

We will evaluate the following plans: the Comprehensive Plan, the Form Based Code, the Johnson Drive Design Guidelines, along with landscaping, traffic impact and drainage next here. The Comprehensive Plan – it meets the intent of the block configuration for the Form Based Code. The frontage, parking, and access of the Form Based Code as well. Frontage is still transparent from Johnson Drive. The entrance is not necessarily facing Johnson Drive anymore. It's now facing Riggs, so that is non-conforming with the Form Based Code in this instance. The parking on the west and east is also conforming with the Form Based Code, Johnson Drive Design Guidelines and eliminating the parking on Johnson Drive is part of that as well as the screening. Eliminating the curb cut on Johnson Drive is also part of this Form Based Code and providing access from Riggs as that secondary street is also part of the Form Based Code. This meets the intent of the architectural guidelines of the FBC and the Design Guidelines with stone and brick façade configurations and materials and roofline. The colors are primarily neutral but also with an allowance for branding for the business itself.

Landscaping – the four trees that are there currently will remain and 11 trees are proposed with 27 shrubs. They will be native to northeast Kansas species and disease resistant. A park bench and bike racks for the improvements along Johnson Drive, that will be something that comes out administratively. This was one of the last comments that we made to the applicant before this came to us in their final site plan, so that's not indicated actually on the site plan, but we take your recommendations on the placement of those. They have conceded that they would allow for a bike rack and park bench.

The stormwater has been improved with increased landscaping here and the decreased surface parking. Existing lighting, the lighting fixtures will remain, but the bulbs will be replaced with LEDs. Traffic and circulation proposed consists of access via Riggs, counterclockwise striping as you enter from Riggs that creates a one-sided flow, and vehicle stacking in double lanes on the south side for 13 cars, total.

The City will be improving the roadway and installing pedestrian lighting at a later date where indicated. Other elements of the proposal conform with or exceed the screening and landscaping requirements of the Municipal Code and the Johnson Drive Design Guidelines. The applicant stated security concerns regarding awnings that may block the view for surrounding exterior areas when staff recommended that awnings be placed on the exterior windows. So they prefer to avoid awning installation at this time. Staff concludes that the lighting as proposed is sufficient for access areas and does not impact surrounding properties. The proposed redesign is expected to be sufficient for the observed vehicle traffic and circulation, and closing the entrance on Johnson Drive is expected to improve traffic throughout the site as well as pedestrian traffic and on Johnson Drive as well.

Staff has determined that these elements of the proposal significantly improve the site and are appropriate in the context of the drive-through improvements. Staff concludes

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that site improvements are consistent with the Municipal Code and Design Guidelines. Staff recommends that the Planning Commission approve the site improvements for Case No. 22-34 at 6751 Johnson Drive with the following conditions: that new and existing light fixtures shall be LED and meet International Dark Sky standards and that all onsite landscaping will be maintained in perpetuity by the property owner or owner's agent. That concludes my staff report.

Chairman Lee: Thank you. Applicant have anything additional to add?

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

Mr. Hill: Also here this evening are representatives from Azura Credit Union as well as HTK Architects, architect of record for the project. Again, Karie did a great job going over the project and the improvements to the site. Just a few things to highlight. The renovation to the building will be a significant improvement to the Johnson Drive corridor, improving a vacant building right now, to become a credit union, really bringing an older vacant building back to life. Transparency being added along the north side as well as significant entrance improvements to the building that will be very visible and noticeable from Johnson Drive as you drive by the site. Just a few other things to highlight, too, just some of the site improvements. Removal of the drive on Johnson Drive there, that northwest drive, will really help traffic flow there. I don't if you've ever seen that site. The drive is pretty steep. It's pretty hard to navigate, so that will be removed from the site, as well as significant sidewalk improvements, landscaping along Johnson Drive, adding of the bench and the bike rack as well as removal of the parking stalls that face Johnson Drive now are going to be removed, so that will help the aesthetic of that corridor quite a bit. With that, Azura is excited to be part of the community here and bring business and improvements to Mission. With that, I'd be happy to answer any questions.

Chairman Lee: Any questions for the applicant?

Comm. Richards: Did you say the drive will be removed? Can you clarify?

Mr. Hill: Yeah, currently there are two drives on the site. There's a drive off of Johnson Drive on the northwest side. There's also an access off of Riggs to the east. So the Riggs access will be maintained and the drive on Johnson Drive will be removed. So that will help traffic circulation. It will eliminate...right now there's a lot of driveways along Johnson Drive there, so a lot of cars turning in and out in many different places, so that will help that traffic flow on Johnson Drive as well as help streamline access to the site from Riggs.

Comm. Richards: Thanks.

Vice Chair Dukelow: I have a couple of questions. So we see everything but the west side of the building. Is it the intent to remove the, what appears to be a walk-in cooler?

Mr. Hill: Yes, the walk-in cooler.

Vice Chair Dukelow: And the chairs to the west side of the building.

Mr. Hill: Brick similar to the brick shown on the north side of the building will be similar on the west end.

Vice Chair Dukelow: And the door on the west side of the building is to remain or to be relocated?

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Mr. Hill: Cassandra?

Cassandra Taylor, HDK Architect, appeared before the Planning Commission and made the following comments:

Ms. Taylor: The door will remain on the west side. That will be the staff entrance.

Vice Chair Dukelow: In its current location?

Ms. Taylor: In its current location.

Vice Chair Dukelow: Question. Maybe somebody has the answer. What is the height of that trash enclosure? It looks like it's [inaudible] and it's really [inaudible] I mean, there's like this opening and like the doors are standing from the enclosure itself. It's an alcove with a door that's [inaudible, distortion] so is that something that would be addressed as a part of this renovation?

Ms. Taylor: It could be. We were trying to reuse the existing, but if it needs to be addressed, it's something we can do.

Vice Chair Dukelow: So the applicant would be willing with City staff to ensure that that meets the requirements of the City of Mission?

Ms. Taylor: Yes.

Chairman Lee: Additional comments?

Vice Chair Dukelow: That's all I have, Mr. Chair.

Chairman Lee: Okay.

Comm. Braden: I have a question on the landscaping plan. On L100 it says the original plant schedule, and I noticed there was some recommendations to use more native species. I don't understand what original planned schedule means. Does that mean there's a different plant schedule somewhere else?

Mr. Hill: No, the plant schedule shown on L100 is the proposed schedule, and those plants are native to this area, can be maintained. They don't need excessive amounts of water and things of that nature.

Chairman Lee: Any other comments or questions? Not seeing any, I will entertain a motion.

Comm. Troppito: Is the plat signed?

Ms. Kneller: Yes.

Comm. Troppito: Okay, good. Thank you.

Vice Chair Dukelow moved and Commissioner Troppito seconded a motion to approve Case No. 22-34, the Site Plan for Azura Credit Union.

Comm. Snyder: Question here. Would what Commissioner, Robin, discussed with regard to the modification need to be a part of the motion? Would that need to be part of the motion?

Ms. Kneller: You can just add the condition, I think, to that, and just say added condition for the dumpster improvements.

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Vice Chair Dukelow amended the motion to add [inaudible] City staff trash enclosure to ensure compliance with [inaudible]. **Commissioner Troppito seconded the amendment.**

Chairman Lee: We will vote on the amendment and then we'll vote on the original motion.

The vote was taken (8-0-1). **The amendment passed.**

[inaudible, off mic]

Ms. Kneller: For the original motion.

The vote was taken (8-0-1). **The motion carried.**

[inaudible]

7. Case #22-22 – Site Plan for Chik-fil-A

Chairman Lee: The next item will be Case No. 22-22. This is the site plan for the Chik-fil-A, an application for a non-conforming situation permit for Chik-fil-A restaurant located at 6039 Metcalf Avenue. This is not a public hearing, but we will first hear the staff report. Karie?

Ms. Kneller: This is Case No. 22-22, Chik-fil-A site plan. Here is the site layout as overlayed over the existing aerial. Chik-fil-A submitted an application for drive-through canopies originally to improve the customer and to help alleviate long queues. Staff had noted at the time that traffic circulation and stacking for the business would at times interfere with the other businesses on the block and suggested that the site access or configuration of the drive-through should be reconsidered at the time that the canopies are considered. That's why this site plan is a significant improvement or change to what is existing. Staff also requested a traffic study and stormwater analysis with this. The site has been re-evaluated and reconfigured. Certain screening elements would also be included to conform with the Municipal Code and Johnson Drive Design Guidelines. The site currently has extensive landscaping throughout the site and adequate pedestrian connections, awnings, bike racks and park benches that were included when the development was built in 2012 under the Form Based Code stipulations. The Comprehensive Plan doesn't indicate that this is in the Form Based Code, and Form Based Code stipulates that when improvements exceed 10 percent of the appraised property value that those come up to conformance with the Form Based Code or it would require a non-conforming use permit. In this case the project proposal is that the site include extensive landscaping screening. I'm sorry, step back, that the site plan proposed includes new canopies over the drive-through area with under canopy lighting, widening of the drive-through to allow more vehicle stacking and new landscaping and a screen wall that will mitigate impacts within the view shed from offsite and replace dead and diseased plant species currently onsite. The dumpster location is reoriented to face west about ten feet to the northeast from where it is currently.

Staff does conclude that the new canopies as proposed, drive-through lanes, landscaping and screening elements generally conform with the Johnson Drive Design Guidelines and Municipal Code. The property is not being redeveloped at this time and the original buildout meets key elements and the intent of the Form Based Code.

Native landscaping is proposed to replace the diseased landscaping. The total landscaping will be reduced by about 2.8 percent of the total site and that's due to the

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widening of the drive-through stacking lanes. The canopy lights requested are LED, 3,000 kelvins and Dark Sky compliant. One sustainability element that improves environmental concerns is low embodied carbon concrete mix for the pavement materials that are added onsite. These should reduce the carbon by about 10 to 30 percent over conventional applications according to the applicant.

Currently there is enough room for 20 vehicles stacking on the site, and the proposed improvements will allow for 28 vehicles to stack. Staff is working with the applicant to evaluate traffic operations in addition to what is internal on this site with what is on 61st Street at the private drive. We are aware that there are some turn lane issues, some stacking and sight line issues that we're going to work with the applicant on. We have a meeting tomorrow to discuss those with our Public Works engineer.

For drainage, four-percent increase in impervious surface will have a minimal impact according to the drainage study. Staff concurs with the stormwater memo provided Kimley-Horn, and staff has determined that these elements of the proposal significantly improve the site and are appropriate in the context of the drive-through improvements. Since the proposal does not include improvements to the existing parking lot, staff did not require additional parking lot landscaping, nor did we evaluate at this time whether more parking lot landscaping was required by Code. The proposal does add landscaping and a low wall on the east side, between the diagonal parking and the drive-through lanes to help screen that parking lot and drive-through area from the residential apartments across the street. One other thing. The proposed redesign is expected to be sufficient for the observed vehicle traffic during peak times, and while the applicant will not be introducing traffic control measures right now with this application, staff is working with them to explore mitigation measures.

Staff does recommend that the Planning Commission approve the site improvements for Case No. 22-22 with a Non-conforming Use Permit of Chik-fil-A restaurant at 6930 Metcalf Avenue. That's concludes my staff report.

Chairman Lee: Thank you. Does the applicant have anything to add to it?

Jeff Wilke, Kimley-Horn, appeared before the Planning Commission and made the following comments:

Mr. Horn: No, I don't have anything to add.

Chairman Lee: Okay, any questions or comments?

[inaudible, off mic]

Ms. Kneller: And the window. The window will remain, but there is going to be a canopy over the drive-through window and the menu, so there will be two locations of new canopies. We can go back to that slide.

Mr. Scott: [inaudible]

Ms. Kneller: Oh, there is going to be a door there, yes. I'm sorry.

Mr. Scott: We received a number of issues about the queuing, especially during COVID. It got really bad during COVID. We reached out to the store owner, and the store owner said, "Yes, I'm aware of this. In fact, I'm working with Corporate to come up with a solution." They've got a special team that's working on these issues, corporatewide. I did

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some research on it, and sure enough, peeling is not unique to our particular store location. It's a corporate-wide problem for Chik-fil-A, and they have developed a special A-team, if you will, Q-team, that's come up with solutions for it. One of the solutions that seems to work for them is to actually have attendants in the queue line, with an iPad, so as you drive into the Q-line they will approach the car, greet you, go over the menu, take our order, and your order is ready by the time you get up to the window. You can simply pay and hand you your food and you drive on.

That has been very successful for them. So they have incorporated this design. You see it in all of their new buildings. You see the Chik-fil-A that was just built on Metcalf at 95th Street right where the Lowe's and the Home Depot, the Old South Metcalf Mall site, and there's also a new Chik-fil-A on Nall just a little bit north of College Blvd. Both of those have these canopy drive-through concepts. It's becoming standard. They wanted to incorporate that into this site. They actually submitted an application a year ago, and the developer who owns a small strip center just to the north said no, they can't do that because it's a violation of some restrictions that we have with the property owners in the area. So they kind of stepped back and re-grouped, got together with the developer, figured out what the issues were, and they re-submitted this application this summer. We did get an okay from the developer that, "Yes, I have met with Chik-fil-A, and I approve of these improvements." So they are now adding the canopy. They are also widening the lanes. There are two lanes right now it narrows down into one lane as it goes around the curve, we're going to have a second lane. It's going to be two lanes all the way through. They're taking out the window and they're adding a door, and somebody actually walks out the door and hands the food to you in both lanes, and then they're going to have to re-position the existing trash enclosures there to allow for that second lane. It's not as easy to understand when you look at the site plans for this particular one. That's what they're trying to do.

Comm. Troppito: I have a comment. Page two of their application on page 484 is corrupted, so you may want to change that, correct that, before, for the public record.

Ms. Kneller: Sorry. Oh, it is. Interesting. I wonder if that was just... I think that it was okay, and I wonder if that was a product of a combination of the PDF here. I'll check back. I had to compress the document to get it to be able to even go on on the website since it was 559 pages long. So that might have happened during.

Comm. Troppito: Compression can create some crazy things. Right. Whatever the reason, it needs to be corrected for the public record, because this will be part of the minutes, right? So I just wanted to bring that to your attention. It's easy to get lost.

[Unidentified Speaker]: I think it's just a missing font in the document. They asked me if I... they could not get it back [inaudible].

Chairman Lee: Any additional questions or comments?

Vice Chair Dukelow: I have a few questions, Mr. Chairman. The planting strip between [inaudible] and inside of the drive-through lane is not very big. By not very big, I mean –

Ms. Kneller: It's like two feet. That one?

Vice Chair Dukelow: My question is where exactly is this new?

Ms. Kneller: In place of those plants that are dead or dying.

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Vice Chair Dukelow: So the proposal is to remove the plants and to put the footing there and build a wall?

Ms. Kneller: Yes. That was our...because that planting strip, like you said, is so narrow, that may be why they're not doing well there without irrigation. So we felt like it was part of the Johnson Drive Design Guidelines, a screen wall or planting are part of the recommendations out of that document, so we felt like it was probably more durable, long-lasting to have a wall there instead that actually matches the wall on the south side.

Vice Chair Dukelow: And then I also have questions for the site plan. Sheet L100 would indicate that there are several living trees in the parking lot and along Metcalf? However, a site visit might make one question.

Ms. Kneller: You're saying that there are dead trees, landscaping?

Vice Chair Dukelow: Or no trees.

Ms. Kneller: Or no trees? Okay.

Vice Chair Dukelow: So I would suggest this landscape be reviewed and replaced as needed so that the actual landscaping installation reflects that of sheet L100. That's all I had. Thank you.

Chairman Lee: If there are no further questions or comments –

Comm. Schmid: I've got one. Clarification I guess, more than anything. Brian, you had said that this had been implemented successfully at other locations. What I'm trying to kind of wrap my head around with this queuing issue is instead of 20 cars backing up into the street, are we just going to see 28 cars backing up into the street? Or is it actually serving to reduce the length of the line that backs up? Yeah, that's kind of what I'm trying to understand.

Mr. Scott: I think the traffic engineer would be best to answer that.

Comm. Schmid: Yeah.

[Unidentified Speaker]: So we collected some queuing data as part of this study at both the existing restaurant at this shopping center at Mission Crossing. We also looked at 95th and Metcalf location. The Metcalf location does have the dual lane drive through. It was built that way, and we found the customer numbers were very similar at both locations. So I know that's just a few data points there and not a comprehensive study, but I don't believe there's been any conclusive evidence that the additional drive-through lanes drives more drive-through customers necessarily to the store. Does that answer a little bit of what you're -?

Comm. Schmid: It does. Yeah, what I'm really just trying to verify is does adding another lane just attract more traffic there, so that the queuing problem remains. It's just now it's more vehicles. But if we're saying that based on the data that we have, volume of customers will remain consistent, and this will just get them through faster, then that would solve the problem.

[Unidentified Speaker]: That would be the data that we have available right now that suggest that, yeah. That second [inaudible] does help if a customer is waiting in line for a long period of time, that second lane really does help get that other customer around that waiting vehicle. As the servers are able to take the food and the orders directly to the cars

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in line and bypass that waiting vehicle. So hopefully that will help address some of the issue.

Comm. Schmid: Okay, thank you.

Chairman Lee: Anyone else. If not, then I'd entertain a motion.

Vice Chair Dukelow moved and Commissioner Braden seconded a motion to approve Case No. 22-22, the site plan for Chik-fil-A with the understanding that the landscape will be reviewed and replaced as needed so that the final installation reflects that proposed and those existing on sheet L100.

The vote was taken (8-0-1). **The motion carried.**

8. Case #22-35 Zoning Amendment for Drinking Establishments

Chairman Lee: The last item on tonight's agenda under New Business is Case 22-35. This is an application for an amendment to the City's Zoning Regulations pertaining to clubs and drinking establishments in the Main Street District, MS-1 zoning district. As stated previously, this item was noticed as a public hearing. At this time I'd like to open the public hearing. We will first hear the staff report. After staff has completed their report, we will then take testimony from any party interested in this application. The same rules will apply as before. Mr. Scott?

Mr. Scott: Thank you, Mr. Chair. This is an amendment to the correct revisions to the MS-1 zoning district, the Main Street 1 Zoning District, as they pertain to Special Use Permits for clubs and drinking establishments. The MS-1 zoning is essentially those properties that are along Johnson Drive from Lamar to Nall, a little bit past Nall to Birch on the north side of Johnson Drive. The intent originally of the MS-1 zoning was essentially to create that feeling of a downtown with businesses that are unique to downtown that can't find anywhere else in the city. Kind of active streetscape with pedestrian-friendly shopping environment. The district does restrict automobile-oriented uses and does not allow offices on the ground floor level. The district is also intended to allow multi-story buildings with office and residential uses above the ground floor. The permitted uses include restaurants, entertainment in restaurants, clubs and drinking establishments, arcades. There are also a number of other similar types of uses. Clubs and drinking establishments shall be allowed – and I quote the Code – after issuance of a Special Use Permit as prescribed in Chapter 445. Likewise, arcades operating in conjunction with clubs and drinking establishments shall be allowed after issuance of a Special Use Permit as described in Chapter 45.

Further standards for the MS-1 zoning in particular pertaining sale and consumption of cereal malt beverages or alcoholic liquor are prohibited except as follows: package liquor stores licensed with the State of Kansas and the City; food service establishments serving cereal malt beverage in clubs or drinking establishments serving alcoholic liquor shall be allowed for the sales of food for consumption on the premises exceeds 30 percent of the annual gross income of the establishment, provided that the exterior walls of the clubs and drinking establishments are at least 200 feet from the nearest residentially zoned line.

A special use permit shall be required for clubs and drinking establishments within 200 feet of residentially zoned property. So right there there's a bit of a conflict in the language

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and it creates a consternation among staff. We've had application for like Sand Hill Brewery or more recently Penrose, which is the new cocktail bar that opened up on Johnson Drive. So, we decided that it might be best to actually clean up the language. In addition, the provision for the 30-percent annual gross food sales is a requirements of Johnson County that was recently repealed by the voters. So we kind of wanted to go back and revisit all of this and sort of bring things into line with what's required by the County, so we are proposing some amendments to the MS-1 zoning. In particular we're proposing that we strike out any reference to clubs and drinking establishments having a special use permit under permitted uses. So it should just read, "Permitted uses, clubs and drinking establishments shall be allowed. Arcades operating in conjunction with clubs or drinking establishments shall be allowed." Then, under the performance standards, Section 410.200 development standards H2, "Food service establishments serving central cereal malt beverages in clubs or drinking establishments serving alcoholic liquor shall be allowed. A special use permit shall be required for clubs or drinking establishments within 200 feet of R-1, R-2, R-3, R-4, R-5 and R-6 zoned districts."

Our thought process with that is that sometimes drinking establishments, especially those that stay open late do attract a certain crowd that can be a bit of a nuisance, especially for residential areas. Of those drinking establishments that apply within 200 feet of residentially zoned areas, would need to have a special use permit, still. We specifically define what are residentially zoned districts so there's no confusion with if it is within 200 of an apartment building that's in the MS-1 or MS-2. So we're clearly defining those residential districts as being R-1 through R-6. I will note that we left out the Downtown Neighborhood District. The Down Neighborhood District is considered to be a residentially zoned district. But as we've described in some of the applications for rezoning that we had earlier this summer, that Downtown Neighborhood District is a transition zoning between those active uses in the MS-1 or MS-2 along Johnson Drive and the more inactive, quieter uses in the R-1 zoning district that's further away from Johnson Drive.

So I think there's something of an expectation that when one is looking for residential property in a Downtown Neighborhood District, they can see that they're close to Johnson Drive or some commercial properties in MS-2, there can be an expectation that there might be some activity associated with drinking establishment or club. So that's the reason why we purposely left that out. We also made a modification to Chapter 445, which pertains to special use permits. In particular under Section A, which is the designated uses that require a special use permit we struck the requirement for clubs, private where alcohol beverages are consumed on the premises. These include taverns, beer halls, discotechs, dance clubs and the like. Discotechs, that's dated. So we entirely struck that, because that's a little bit of confusion among staff. Do we need a special use permit or not? But we think that the language we're proposing, the amendments to it will be much clearer for those who are applying for a liquor license or establishment in an MS-1 as well as staff that has to administer this.

That concludes my report. If the City Council were to recommend approval this would be considered by the City Council at their December 21st meeting. We know we have a crowd that's anxious to speak tonight at the public hearing.

Vice Chair Dukelow: [inaudible]

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Mr. Scott: Did you not get a red line? There should be a packet...537. I provided a red-line version as well as the final ordinance. Doing this a little bit...yeah. Not my first show at the rodeo. I did have one other comment, talking about striking things out. Going back to permitted uses under MS-1, item A, prepared foods, restaurants excluding those with dining drive-through facilities, sandwich shops, bistros, coffee houses, delis, bakeries, candy, ice cream, yogurt shops, ethnic food, Italian, Greek, Chinese, Mexican, I struck all of that. That, again, is kind of dated arcane language, probably not appropriate in the 21st century, so we just said restaurants and left it at that. There's lots of language like that in the Zoning Code throughout.

Comm. Troppito: I agree with what you're doing. I understand moving some things into needing a special permit, but at the same time it also puts the onus on the Planning Commission to approve those special permits, and over the time I've been on the Planning Commission I can't remember more than maybe one special permit not being granted. So it's not really going to have much effect, but...

Mr. Scott: A special use permit – another rule – if we have a drinking establishment that proves to be a problem, getting lots of complaints about noise and disorderly conduct, the police are going to respond. Obviously, we're going to talk to management, but if there's no action it starts to elevate to the next level. Of course, the City Council can revoke their liquor license. That's the ultimate kind of hammer if you will. The City Council could also revoke the special use permit. That's kind of the other hammer. Without those two items, they're effectively put out of business. I've always been used to that. I worked in cities where every liquor license was approved by the City Council. I can remember one particular alderman when I was in Grandview years ago that didn't like liquor licenses, and she never approved them. Every time it came to the City Council, she would say no. and she went so far as to actually propose an amendment to the code that was approved by the City Council that limited the number of liquor license that were issued. If you had an applicant, you said, "Sorry, there's a quota and that quota has been met. You cannot have a liquor license." So for some communities the issue of liquor license is a very hot button issue. They're very concerned about disorderly conduct or what can come with issuing too many liquor licenses. It doesn't really seem to be an issue here with this kind of community culture, but I think it probably is beneficial to at least have that special use requirement for those locations within 200 feet of residential areas.

Ms. Kneller: I think it was also confusing a little bit, too, with how it's written, what constituted when it was needed for a special use permit. So we wanted to clean up that language so that we could evaluate more easily when an establishment actually needed to have one. For instance, in this this case Sand Hills will no longer need to have a special use permit to operate a drinking establishment. With this new language there's no 30-percent food requirement to, so that kind of eliminated all the clutter also that we didn't need in there, since that's a County enforcement issue. We wouldn't even be able to enforce that 30-percent food sales requirement. And now Sand Hills will not need a special use permit to operate there.

Comm. Troppito: Thank you. That clears it up.

[inaudible, off mic]

Mr. Scott: You had to have properties all owned by one ownership group, so I would imagine that the ownership group is going to address the issue with the owner of the bar.

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They were getting complaints from our residents upstairs about behavior, loud noise, whatever the case may be, I'm sure the police will be at some or another making calls at that location, so they'll have a conversation with the owner of the bar. Yeah, and ultimately there's no recourse. The City could threaten to remove their liquor license. That would be the hammer. Yeah, revoking the liquor license.

Ms. Kneller: I think the other thing we discussed with that, too, which was a big reason that we didn't include the DND zoning in this is because a lot of multi-family uses, they would as they transition to neighborhoods, but specifically on MS-1, DND, you would expect with sort of your more dense urban areas and along a commercial corridor, you would expect some of those uses, so when you go to a locale and you see that there's a restaurant or a bar there, you would expect that you would have some of the associated uses with a bar along with it. So that's why we excluded the DND and made that more clear in the amendment that it's just R-1 through R-6, not just all residential zones, which would include DND.

[inaudible, off mic]

Mr. Scott: Yes. So, our City Attorney added that last section so that this section of the liquor license, alcohol troll section of the City Codes ties back to the Zoning Code. The alcohol control component of the City Code is not a zoning code.

Chairman Lee: Okay, if there's no other comments or questions, I'd entertain a motion.

Comm. Schmid moved and Commissioner Snyder seconded a motion to approve Case No. 22-35, Zoning Amendment for Drinking Establishments.

The vote was taken (8-0-1). **The motion carried.**

IV. Old Business

Chairman Lee: We don't have any tonight, so we'll move into Planning Commission comments.

V. Planning Commission Comments

Chairman Lee: Anyone have any comments?

Comm. Schmid: It's too late. I can't take it back, but if I could redo it, I would have voted no on the Chik-fil-A case. Thinking it through more, there's a lot of empirical evidence that expanding lanes doesn't reduce traffic or reduce congestion, which is what I was trying to get to, is that when you add lanes more traffic just comes. So instead of 20 cars backing up, in this case you would get 28. I should have stuck to my guns on that one, and didn't, but just wanted to mention it in case like things come up. There's not a lot of evidence – and he did say it – to support theories like that, but there's a lot when you look at adding highway lanes, when you look at adding traffic lanes in other scenarios that support the opposite – that adding those lanes just causes increased congestion. So just wanted to say my piece on that.

Chairman Lee: Anyone else?

Vice Chair Dukelow: [Inaudible] and then I had a question about in the report for the wastewater treatment Johnson Drive Design Guidelines were mentioned [inaudible]

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Ms. Kneller: So any kind of commercial/industrial/retail type of development we try to look at the Design Guidelines to stay consistent across...because originally they were called the Citywide Design Guidelines and they're still called that in the Code since we haven't really updated the Code to eliminate that in some sections –

Mr. Scott: Interim Citywide Design Guidelines.

Ms. Kneller: Yeah, interim at the time, even, so...but we do try to match in all cases just to be consistent with material selections, neutral applications of color and color waves where possible. So it was just basically a nod to that we were considering that when we were talking with them about the considerations for the site and that they were willing to comply with some of those stipulations from the Guidelines.

[inaudible]

Ms. Kneller: Even when it's way off of Johnson Drive and we get that with other development proposals, too. They're like, "but it's not on Johnson Drive." And we say, "We don't care. We want to be consistent throughout the city."

[inaudible, off mic]

Vice Chair Dukelow: [inaudible]

Ms. Kneller: Oh, so online? Okay, well one way that you can help is to download that, to download the document. You can always erase it off of your desktop after you're done looking at it, but to be able to look at it and zoom in and all of the things that you want to do easily, I just download it.

Vice Chair Dukelow: Well, I just zoom in and I [inaudible]

Ms. Kneller: Yeah, so if you download the document, you'll be able to whatever screen you're using you'll be able to actually zoom in to the full extent of your screen, whatever screen you're using.

Comm. Troppito: Tell me what you're talking about after the meeting.

Vice Chair Dukelow: Recent history.

Comm. Troppito: Show me next time.

Vice Chair Dukelow: Just curious. Why did we change the order of the roll call? Is that something legal or some [inaudible] so that we make sure that the person is not following the vote of a person before them or something like that? I just wondered.

Mr. Scott: Yep.

Ms. Kneller: I think it's so that the same people don't get to like set the stage for the vote each time, so that different people are first.

Mr. Scott: There's no legal requirement, but it's a process by which you don't know –

Ms. Kneller: When you're coming up.

Mr. Scott: You can't necessarily count votes, "If that person's going to say no, then I'll say yes," that kind of thing.

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Vice Chair Dukelow: Thank you. Oh, I have one more. How does building maintenances work when you have shared owners under one. Is there any kind of contract [inaudible]. For example, the [inaudible]?

Ms. Kneller: Yeah, that's why we got that party law agreement. That's really the only thing. Like if you had a condo, for instance, that's usually you have ownership of your unit in a condo, and you shared walls with others, there has to be an agreement on who's going to maintain the plumbing in there, the electricity. If something goes wrong, if there's a leak in that wall, what happens and who owns it and who's responsible for it.

Mr. Scott: They will usually... This was the case with Mission Crossing. The developer original owner filed a restriction, covenants, and easements document with the County that everybody signed off on, and it stipulates who's responsible for landscaping, snow removal, taking care of the parking lots, who can do what, hours of operation of the stores. That was the developer of Mission Crossing was saying that Chik-fil-A can't do what they want to do. It's a violation of that restrictions, covenants, and easements document. I stumbled across it by accident and read through it and was like, yeah, I can see his point. Now I've kind of signed off with that on Chik-fil-A, but that's common with a lot of properties like that where you have multiple tenants or ownership that are all kind of sharing similar facilities or the same facilities.

Comm. Richards: I have a question. How are we following up on some of these things, like for instance, the unleashed project? Remember when you propose their bike, them to consider a bike rack in front and something like that and their position of their trash. I've been by there a couple of times and was wondering what's going on.

Ms. Kneller: I was just there with the representative to go over where that bike rack would be, where we're actually going to place the dumpster, so I do follow-up like outside of this

—

Comm. Richards: Right. I guess that's my question. How are we following up?

Ms. Kneller: So I contacted them about the dumpster enclosure and proposed a location for it. We met onsite. We looked at the site and then we also considered the bike rack at that time and then when they submit permitting construction drawings, I evaluate that at that time against what we decided in Planning Commission, any conditions that come out that, I pull all of that up and new permitting drawings that they submit to us. I review that another time, even after you all have approved whatever you've approved, and City Council has approved. I re-look at that and make sure that everything is in accordance with what we've decided here. And then the Building Official also double checks those things too. And some of this, because we didn't find a great dumpster location at the time that we came and brought it here, it's an administrative approval thing. Like, I'll say, "Hey, Brian, does this look where we're putting this?" and Brian will say, "Yeah," As the Community Development Director, I'm going to say, "We got it." So once we decide that we need to have that and we need to come up with a location for it and we evaluate that against the Municipal Code at that time, too. Make sure it's screened, make sure the materials and all of that are up to code.

[inaudible, distortion] we talked about that at the last part of our discussion for Gateway what could be done to conceal that right there? I just feel like that is something that's —

[Unidentified Speaker]: That tilt up [inaudible]?

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[Unidentified Speaker]: So I don't know.

Comm. Snyder: Some of these amendments [distortion] is not [inaudible]

Mr. Scott: [inaudible] honestly, we can remember, we can probably put together a report but a lot of it is just, like Karie said there's a process we go through, but take it to the next level so now we've got to report it back to the Planning Commission, and –

Ms. Kneller: And it is our responsibility as staff to follow up and make sure that this stuff is done correctly. That's what I do. So yeah, so that's part of my job to follow up, make sure the everything that we have approved with Planning Commission and City Council is indeed... I go out to the site when they landscaped at Target, I went out with our Building Official and with Celia, our Public Works Director, and we walked the site and counted the trees and looked at the placement and had the site plan in front of us, so that's part of my job, to ensure that what we do here is translated in real life. And I thought I looked at the landscaping for Chik-fil-A and looked at all the trees around the site. Granted, I looked at street view. I didn't actually walk the site at that time, but once the permitting drawings come up and if I go there and the landscaping doesn't fit with what's onsite, I would tell them they have to plant more trees, or they have to conform with what they submitted as their site plan. That has to be done. So even if it's something, a dead tree that has died in the meantime, I would tell them, "Okay, before you're done here, you have to replant this tree." I've done that at the [inaudible]. There were some site improvements there and landscaping, and I was – she hated me – I was a bulldog about, "Okay, no, you've got to have one more tree." So, I mean, we're the regulating body. As the Commission and City Council is the regulating body, we enforce it as staff. So we're the, like, enforcers, all the time.

Mr. Scott: Oh, yeah.

[inaudible, off mic]

Mr. Scott: Nothing per se, no. There's not, "Thou shalt get his work done by this date."

Ms. Kneller: They have some issues that they have to clean up on their end before they can submit for...they just have some issues that they have to take care of first, bigger than just City –

Chairman Lee: But don't they have some issues that they're in violation of the way it sits today? That in turn, you could enforce them?

Mr. Scott: Yeah. They have a...We've closed out the court case with them, but they still have a fine they owe us. We can always kind of open up that court case again if they're not doing the work. It's just been a slow process for them. They have a contractor that's doing a lot of the work pro bono, and the contractor was busy this summer with other work that was paying, and I think they it was kind of a ma and pop operation. Mom got COVID and dad got COVID, and they had some contractors lined up for this project. They lost those contractors. They moved on to other projects, and it's just been kind of one thing after another with them. We kind of lower the boom on them a little bit like, "Hey, you need to get going on this." We've been prodding and pushing them all summer. "Get plans in to use so we can review them." Got comments back to them. There are still things that are not complete in the set of construction documents that they presented to us. That's kind of where it's at now.

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[inaudible, off mic]

Mr. Scott: Setting inside, unleashed – and I've said this before – we've had a lot of projects that have gone through this summer. We had a heavy workload for all of us. Some of these projects may never come to fruition. Already starting to see that, where I'm getting calls from developers and projects that we approved back in the spring, early summer, and now working on 70 percent construction documents and taking them out to my contractors for bidding, and costs are coming in a lot higher than I thought they would. I wasn't expecting interest rates to be double what they were a year ago. I'm starting to get a sense that some people are getting a little cold feet, so I don't know what's going to happen with all of those projects. We heard about Gateway the other night. Their financing is still not solid, so they need to come up with their \$20 million. I'm not sure how they're going to do that. So it's a challenge. What we do here is just kind of one step in a long process.

VI. Staff Updates

Mr. Scott: If there are no other questions, I'll just quickly go through staff updates. Karie and I are working on the Planning Sustainable Places request for proposals. We have a meeting next week with the folks at Mid-America Regional Council to finalize that, and it should be out on the street by the end of this month. Is that right?

Ms. Kneller: The RFP should be out today.

Mr. Scott: Okay, the RFP is out today.

Ms. Kneller: Should be.

Mr. Scott: That's a Planning Sustainable Places grant. It's a grant we applied for through Mid-America Regional Council, and it's going to be studying the Rock Creek Corridor from essentially Woodson all the way to Roland Drive, kind of that area, where it goes past the Farmer's Market and past the bank and kind of down Martway. We'll be looking at potentially opportunities for complete streets that need grading, better use of pedestrian and bike pad and all that kind of activity.

Ms. Kneller: Possibly EV charging. We're looking at EV charging along the corridor and vacant lots along there, too. A slew of just things that the public will be very engaged in, and we'll have public meetings and stakeholder meetings and steering committee and a whole plan.

[inaudible, off mic]

Mr. Scott: We have a grant. Yeah, we've received the grant. Mark is kind of the one that's administering the grant on our behalf, so they've developed a request for proposals. We've reviewed that, signed off on it. Like Karie said, it's been issued today. We'll receive proposals to do the study from various consulting firms. We'll review those, do an interview process, select a firm and then we'll get start. We'll probably hit the ground running sometime this spring, I would imagine.

Ms. Kneller: A workshop where potential consultants who may propose for the project. We'll have a workshop next week at MARC so that they can ask questions at that time. It's \$80,000 plus a \$20,000 match on our part, for a total of \$100,000 for the fees for the plan. So this is a development plan. PSP has three different types of plans. This would be a development plan and then next would be an implementation plan if this is

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something...whatever comes out of this we would then in the next round of PSP a call for proposals, we would propose for an implementation plan at that time, possibly.

Mr. Scott: The other item is meeting agenda. We have no meeting in December. Wish you all a happy holiday. We did not receive any applications for the January meeting. We don't really have a need to meet in January. We've been talking internally about proposing some bylaws. I don't know if we've ever done bylaws before. We thought that might be beneficial so we may present those to you at a future meeting. I don't if there's really a need to have a meeting in January just to talk about bylaws. There's no urgency for that, so we can bring that to you when we meet again.

We are working on the Comp Plan. We've been plowing through the draft that we got, making updates to that. Karie and I have been working on it individually and we've started having a series of meetings with a leadership team, which is Laura and Emily and all of the department directors and going through that document again, just making sure we're catching everything. Not only the typos and the grammatical errors, but also the context of it, redoing the mark on that. So my hope is to get that back to the consultants. I was hoping by the end of this month, but that's not going to happen. It will probably be more like mid-December. They can do a file cleanup of that, and then we can get that out to everybody. It will probably be after the new year. No sense in bogging everybody down over the holidays, trying to read through a comp plan. We'll try to get it out after the new year and then we need to kind of reintroduce to everybody, so maybe a meeting with you all and then a joint meeting with the Planning Commission and City Council sometime in the winter and try to get this wrapped up before the spring. When we do have a meeting next time, we're not planning to have it here. We'll go back to City Hall.

Ms. Kneller: Maybe a [inaudible].

Mr. Scott: Yeah. Acknowledge that we'll be better over there, and we'll be just [inaudible] everybody.

Ms. Kneller: In theory. Now that I have it figured out, we're going to change everything up.

Mr. Scott: That's all I have from staff.

VI. ADJOURNMENT

Comm. Troppito moved and Commissioner Snyder seconded, a motion to adjourn.

The meeting adjourned at 9:45 P.M.

Mike Lee, Chair

ATTEST:

Kimberly Steffens, Secretary