

# CITY OF MISSION PLANNING COMMISSION

March 27, 2023, 2022

7:00 PM

City Hall, 6090 Woodson Street

## 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, March 27, 2023, 2022. Members also present: Robin Dukelow, Stuart Braden, Amy Richards, Wayne Snyder, Megan Cullinane, Brian Schmid, Charlie Troppito and Cynthia Smith. Also in attendance: Brian Scott, Assistant City Administrator, Kimberly Steffens, Secretary, and Karie Kneller, City Planner.

## II. Roll Call

## III. Approval of Minutes from Planning Commission – February 27, 2022

**Chairman Lee:** The next item is approval of the minutes from the February 27, 2022.

**Vice Chair Dukelow:** Mr. Chairman, I have some comments, some clarifications to the minutes, which I've already shared via email with Secretary, Kimberly Steffens. However, I'll share them here with the other members of the Commission, simply for visibility. Looking at page three, item 18, regarding the modular wall, that was on page 27 of 130 in the pdf. Page four, regarding the fence, the scope of work, I had just a correction to the sheet number. That would be L3.00, page 40 of 130 in the packet. Page four, the last item regarding the trash enclosure, line 5 was to clarify that the back of the wall isn't going to be dry very often due to the adjacent fence. And on page six, Old Business, item 4, I noted that Casey's is in the old Hartman building. Page seven, Old Business, item regarding the trash enclosure that we had just reviewed that evening. I noted also that they had bollards in the back of the enclosures to protect the back of the wall, the windows, then shove that dumpster back in there. I appreciate Kim for already picking those up. That's it, Mr. Chairman.

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**Chairman Lee:** Thank you. Any other corrections? Not hearing any more I would entertain a motion.

**Vice Chair Dukelow moved and Comm. seconded** a motion to approve the minutes from February 27, 2023, with corrections as noted.

The vote was taken (7-0-2). **The motion carried.**

**IV. New Business**

- 1. Public Hearing – Case# 23-03 – Consideration of an Application for Preliminary Plat to be known as Preliminary Plat of Morrison Ridge Park – Klassen Construction, Applicant.**

**Ms. Kneller:** This is Case #23-03, Preliminary Plat of Morrison Ridge Park. The subject property is located at approximately Riggs Street, one-half block north of 53<sup>rd</sup> Street, and the rest of the property is on the west side of Riggs Street. Each of the properties in question are 0.47 acres, and the lots are zoned R-1, Single Family Residential, and are surrounded by RP-4, Garden Apartment District zoning on the west, and R-1 zoning on the east with multi-family and single-family uses surrounding.

The original 1913 plat of Morrison Ridge Park includes the lots on the north, which are labeled 357 through 362, and lots on the south labeled 351 through 356. These provide a 40-foot right-of-way for a public street called Florence Street that was not constructed. These lots are under ownership by the applicant, and the original plat does not provide for public utility easement. There is underground private stormwater infrastructure that runs between two single-family homes at 5230 Riggs and 5234 Riggs, which currently empties into a stormwater inlet at the back of the properties and then to a drainage ditch to the west. Additionally, sanitary sewer infrastructure is located in the public right-of-way, which is labeled "Florence Street" in the old plat and is labeled

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“Florence Street” in the new plat, and west of the subject properties.

This re-plat will consist of Lots 357-362 and Lots 351-356 of the original plat. These will be split and consolidated in the north and to the south for four lots. Lot 1 and Lot 2 are on the north side, and Lot 3 and Lot 4 are on the south side of the public right-of-way. The original 40-foot right-of-way will remain public, but a private driveway is proposed to be constructed that will be privately maintained, and public utility rights-of-way are also proposed.

The plat as proposed will accommodate single-family residential construction, and the applicant proposes four single-family dwellings on four lots. The proposal conforms with the Comprehensive Plan for single-family residential. It is also staff’s determination that the proposed plat is in conformance with Mission’s Municipal Code at Section 440.220 that provides for plats being approved by the Planning Commission if it determines that the proposed Preliminary Plat conforms to the requirements of that title, the applicable zoning district regulations, and other provisions of the Code in that Section. Lot sizes shall not be less than 6,000 square feet per dwelling unit. The proposed lot size is 10,065 square feet, and the lot width for split lots can be a minimum of 60 feet if it complements the surrounding neighborhood character. Adjacent lots to the south on the same block and adjacent lots across the street on Riggs range from 60-foot width to 150-foot width. The proposed plat indicates a minimum 67.21-foot width for Lots 1 and 2, and 67.1-foot width for Lots 3 and 4.

It is staff’s determination that the plat supports good land planning and allows for future redevelopment and compliance with adopted standards. The space, planning and design of proposed curb cuts and intersection locations is consistent with good traffic engineering and design and public safety considerations. All of

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the requirements of Section 440.220, submission of preliminary plats, have been satisfied.

Staff does recommend that the Planning Commission approve Case 23-03, with the following conditions, A through E, as part of your packet, and that's all I have for the staff report.

**Chairman Lee**: Thank you. At this time I would like to open the public hearing. If the applicant would like to speak.

Kevin Klaussen, Klaussen Construction, applicant, appeared before the Planning Commission and made the following comments:

**Mr. Klaussen**: I live just a short distance from the lots on Riggs Street. I live near 56<sup>th</sup> and Nall. I don't really have anything to add to the staff report. [inaudible 13:07] I can answer any questions].

**Chairman Lee**: Is there anyone in the public who like to speak [inaudible]?

**Ms. Kneller**: I can read through those conditions, too, if you'd like, because there were some questions about that, I think.

**Chairman Lee**: Go ahead.

**Ms. Kneller**: Okay. I'm going to read the conditions for this application as provided in the staff report in case anybody wasn't able to read through that earlier today. Condition A is that, prior to submittal of the final plat, the applicant is required to obtain a permanent drainage easement from the existing property to the east of Lot 4 in order to tie into existing stormwater infrastructure. That's at the back of the properties noted before, that are existing on the lots to the east.

Condition B is, "Prior to submittal of the Final Plat, the applicant is required to obtain a permanent drainage easement for the existing property to the west of Lot 3 in order to install rip-rap."

Condition C is, "Prior to submittal of the Final Plat, the applicant is required to submit a stormwater management study that

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documents existing versus proposed stormwater flow and analysis that shows that the additional stormwater flow does not have an adverse impact on downstream properties.”

Condition D is that the Final Plat shall note that the private drive shall be maintained in perpetuity by the property owner or owner’s agents of Lots 1 through 4.

E is a maintenance agreement that is recorded with the Johnson County Register of Deeds.

Those are the A through E.

**Chairman Lee**: Is there anyone who would like to make a statement? If so, please come forward, identify yourself.

*Debbie Coleman, 5230 Riggs, appeared before the Planning Commission and made the following comments:*

**Ms. Coleman**: I’m not for or against right now. I just have some questions, and this may not be the forum to do it. I’m not sure. I know I’ve heard her talking about the drainage things that would have to be addressed, but I want to make sure it’s also addressed, there is a natural stream that runs through there. We’ve had problems. It comes up on the other side of Riggs, runs right down and settles in front of our house and then runs back through there. We occasionally, when the water tables are normal and high, get a little inconvenienced with some water in our basement and concerned with landfill going in there that acts like a dam, and we could end up having bigger problems. That’s just something I would like to know if that can be looked into as well. And then I have a question on the access to the properties. Is that a two-lane road, or is that a single driveway? I’m confused as to what that is. Because my question would be if it’s a private access, single driveway for four houses, is it going to have/meet access for fire equipment, emergency vehicles, that kind of thing? Those are...Like I said, I’m not necessarily for or against this. I

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just have some concerns with it being in my backyard, what that could do to some of the water access back there.

**Chairman Lee**: Which is [inaudible]

Debbie: Okay.

**Chairman Lee**: Is there anyone else?

*Spencer McFall, 6604 West 53<sup>rd</sup>, appeared before the Planning Commission and made the following comments:*

**Mr. McFall**: I live on the corner. If I would just state for or against, I would say against. The house we live in was built in 1875. From my knowledge, it's the oldest house in that area. I personally have strong opinions about letting land rest, letting things that prior exist like within the natural order of nature of the area to continue to thrive. Something we love about the area is just the amount of wildlife that we see on a daily basis coming and going through those areas. Obviously, that's a lot different than anything that's cared about or really thought about when it comes to construction, but yeah, part of the reason we loved the neighborhood was because of the natural beauty it has. The previous owners lived there for 80 years, and we would love to say we did that, too. Me and my wife are living there. So yeah, part of the natural beauty and then what we see in our backyard every day is part of the reason why we love the area. We personally think that four additional lots built behind there would take away from that. That's just my opinion, but thanks for hearing me out.

**Chairman Lee**: Thank you. Anyone else?

Jim Seal [phonetic], no address given, appeared before the Planning Commission and made the following comments:

**Mr. Seal**: We own the house right [inaudible]. If they come in, are they going to just strip all that back there and start over from scratch? I mean will there be all the trees that are there? A lot of times when you see construction going on like they just strip everything off and start over. Is that what the plan is?

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[inaudible comment]

*Cindy Coleman, 5230 Riggs, appeared before the Planning Commission and made the following comments:*

**Ms. Coleman:** I guess, is there going to be any kind of traffic study done? Because I know we're on a cul-de-sac, which would seem to be we probably didn't have a lot of traffic, but that's the busiest cul-de-sac I've ever been on, ever, so I'd be concerned about putting four more houses with potentially multiple vehicles back there. I'm not for or against, either, although I will second what the last gentleman – or the previous gentleman – said about the natural beauty and the wildlife. That's one of the reasons we bought the house, so it would be nice to be able to keep that. The other thing I just have a question about, I'm not sure when construction would start, but I know we just got our letter from the City of Mission about the road improvements that are going to be happening on Riggs this summer, and pretty much the road is going to be impassable or being worked on from May through October, so I'm concerned, if construction is trying to happen then, how that works. And if it's trying to happen afterwards and the road gets damaged because of all the construction equipment, do we have to start all over? So that would be my concerns.

**Chairman Lee:** Thank you. Any other remarks?

*Julie Betz, speaking for Tammy Betz, 5234 Riggs Street, appeared before the Planning Commission and made the following comments:*

**Ms. Betz:** The existing storm sewer there comes down to around the north side of her property. It comes down to the last 20 feet of the rear property and it shows here on the plot plan that he wants to go across her property there, 20 feet, and we were hoping that he would go straight down the property line and continue it for that 20 feet. Thank you.

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**Chairman Lee**: Thank you. Is there anyone else who would like to speak?

[inaudible] appeared *before the Planning Commission and made the following comments:*

**[Unidentified Speaker]**: Is this going to be a...makes the access to his property? Is that going to be a private drive? Is that going to be a city street, or how's that going to work out? I live at 5200 Riggs. I own property all through Riggs there so I was just kind of wondering, is this going to be private, or going to be a city street?

**Mr. Scott**: Private. It will be a private drive.

**[Unidentified Speaker]**: It's going to be a private drive? Just [inaudible]?

**Mr. Scott**: It's City right-of-way but he's not building it to City standards, so he's going to build a private drive, and he'll have a maintenance agreement with the City to maintain that. That's a stipulation.

**[Unidentified Speaker]**: On the guy that bought Franco's [phonetic] house, I like those animals, too.

**Chairman Lee**: Other comments?

**[Unidentified Speaker, off mic]**: On that private drive, does that allow for like fire trucks, ambulance, all of that? Or does that conform to all your standards?

**Ms. Kneller**: The Fire Marshal reviewed the plans and okayed them as designed.

**[Unidentified Speaker, off mic]**: Okay.

**Chairman Lee**: Okay, we'll get the applicant to come help us with some of these questions.

**Mr. Klaussen**: If I forget something, please let me know. First, to the Colemans at 5230. Concerning the water table, we certainly will need to be cognizant of the [inaudible] We've got to make

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sure we're not building up the basin too high where that might cause any sort of water backing up into the basin or somehow. The elevation drops off. [inaudible] see that being an issue. As far as for wildlife, I do love wildlife, too. I was born in the country [inaudible] from this area, and as much as I would like to maintain the trees as much as possible, I don't intend to clear cut. We will save the trees that we can, especially the larger ones that were already [inaudible] as well as the ones into the larger ones I would like to maintain. The road will be a private road technically, but anyone could use that. It's right-of-way by the City, so it will allow for potential future development if anyone wanted to develop the lots further to the north, they would be able to use that as well. [inaudible].

**[Unidentified Speaker, off mic]:** Storm sewers?

**Mr. Klaussen:** It should not be on your property. It's a mistake if that was the case.

**Mr. Scott:** It makes a little jog right here.

**Ms. Kneller:** It's right here on the screen. This is the inlet that you want to tie into. That's on their property, so you'll have to tie in across their property, but this is an easement that has never been platted before, at all, so we're basically showing this easement as it exists in the drainage pattern that is, I think, is existing. This would be a new inlet. Is that right? Or is that also the existing, Kevin?

**Mr. Klaussen:** No, that will be a new one.

**Ms. Kneller:** Right, and I think the angle here, I think you were talking about bringing this down here across the property, straight south instead of angling it? And I don't know that the stormwater pipe would do that and still be able to drain. Is that what?

**[Unidentified Speaker, off mic]:** We wanted it to go straight west.

**Mr. Scott:** Yeah.

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**Ms. Kneller**: Just straight west back behind the houses.

[**Unidentified Speaker, off mic**]: [inaudible].

**Ms. Kneller**: And then, I just don't know from an engineering perspective. We'll have to talk to the engineer if that's possible. Because of the angle of the pipe.

**Mr. Scott**: Can't make a right degree angle. So the water can't go right it's supposed to [inaudible] 90-degree angle like that.

[**Unidentified Speaker, off mic**]: Yeah, because I've [inaudible]

**Ms. Kneller**: And you can't take a pipe at a 90-degree angle is what he's saying. You have to have a reasonable angle if any angle at all.

**Mr. Scott**: We have pipes like that around town, and they get blocked and cause problems, and so any time we replace the pipe, we don't make it a 90-degree angle. We make it more –

[**Unidentified Speaker, off mic**]: [inaudible]

**Mr. Scott**: No, it's like a 45-degree angle, so it's going to the left, so it's going 45 degrees at a diagonal and then another 45 degrees.

[**Unidentified Speaker, off mic**]: I'm sorry. What is the reason for not taking it straight west? You can't do that?

**Ms. Kneller**: Well, we can't just bring it all the way straight...If you look at the screen ma'am, if you took it straight west, this is where the house will be, and there has to be a setback from right-of-way easement, or public utility easements.

**Mr. Scott**: So you do one right past the house, right into the house.

**Ms. Kneller**: You can't build the house there in that location.

[**Unidentified Speaker, off mic**]: [inaudible] that can't be off that property line? You can't move the house over just a little bit? And

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have 15 feet, because that's all...We have at 5234 Riggs is 15 feet off that?

**Ms. Kneller**: All of this will be underground, too, by the way. You won't see it in the back of the house. It'll just –

**[Unidentified Speaker, off mic]**: [inaudible] that manhole, though?

**Ms. Kneller**: There's an inlet that's already existing there. It will not change the backyard of your...Is it your daughter? I'm sorry.

**[Unidentified Speaker, off mic]**: Yeah.

**Ms. Kneller**: I didn't catch that. Yeah, so there's an inlet. This inlet right here is already existing. That's what's already there. And you won't see anything out here at all. This is all underground, so it won't change anything about her backyard.

**[Unidentified Speaker, off mic]** Okay, so what are you talking about a manhole thing?

**Ms. Kneller**: There's another inlet down here on Mr. Klaussen's property that he will be adding, and that's not on her property.

**[Unidentified Speaker, off mic]**: But on the plot plan it shows a manhole.

**Ms. Kneller**: It's an inlet. It's a stormwater inlet at the back of her property that is already there.

**[cross-talk]**

**Mr. Scott**: - manhole there. It should be connecting into that.

**Ms. Kneller**: There's no manhole or inlet that's constructed?

**Mr. Scott**: No, that would be new.

**[Unidentified Speaker, off mic]**: [inaudible] that is open.

**Ms. Kneller**: It's open? Oh, I see what you're saying.

**Mr. Scott**: Everything from here is all new.

**Ms. Kneller**: Yes. That would have to be covered, then.

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**Mr. Scott:** What they're wanting is to extend it to the west, so it just goes straight to the property line. But you can't do that because the house is in the way.

**Ms. Kneller:** And we have to connect to that inlet.

**Mr. Scott:** Have to make a 90-degree angle down to get around the houses. We'll take a further look at that, but yeah.

**[Unidentified Speaker, off mic]:** [inaudible] all the way around.

**Mr. Scott:** Mm-hmm. Yeah.

**Chairman Lee:** Thank you. [inaudible]

**Vice Chair Dukelow:** Mr. Chairman?

**Chairman Lee:** Yes.

**Vice Chair Dukelow:** There were no additional [inaudible] regarding the construction schedule and the relationships between that and [inaudible].

**Mr. Klaussen:** [inaudible, cross-talk]

**Comm. Snyder:** [inaudible] you have traffic studies?

**Mr. Scott:** Yes, we don't typically require traffic studies for such a small volume development. It's only four homes, so the additional traffic that would be generated is minimal. Probably just be a couple cars in the morning and a couple cars in the evening. That's how traffic studies are done. You always look at peak travel times, which is typically like 7:00 to 8:00 in the morning when people are leaving to go to work. And then, 4:00 to 6:00 in the evening when people are coming home. It's never a one-for-one relationship between the number of car drivers on the property and the number of traffic trips that are generated, so in this case it would probably just be an additional two or three trips during the peak times, at the most. And then for the coordination of the construction project, we are planning to essentially reconstruct Riggs and that entire block this summer, so the utility companies were out there last summer moving water lines and so

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forth. Then, this summer we're planning to go through and reconstruct an entire street, put in some additional stormwater. I don't know, we're going to have to work with the applicant on the timing of all that. Typically, with these types of projects when they do construction work, we ask that they do a warranty deed for any damage that's done. So if we get finished with our road project before he starts building homes, we'll take photographs, and then if we can show that there was damage done by the trucks that came in and out, he would be responsible for repairing that or making compensation to the City. That's typically what we do with projects like this. But we'll have to work with him in coordinating all of that if he's going to start construction this summer.

**Chairman Lee**: Do we have other questions of the applicant?

**Comm. Troppito**: how many acres included with these four lots?

**Mr. Klaussen**: [inaudible, off mic] acres these four lots. [inaudible] is one acre. Each lot is .47 acres.

**Mr. Scott**: Thank you.

**Vice Chair Dukelow**: Mr. Chairman, I have a question, please. A question for staff. Maybe I've read this wrong. I was looking at page 3 in the packet, 3 of 238, and I understood it saying that that stormwater was private, but I am understanding that it's not, in fact, private. It is public?

**Ms. Kneller**: What is?

**Vice Chair Dukelow**: That stormwater infrastructure.

**Ms. Kneller**: The stormwater infrastructure currently is private, but I don't believe that the private property owners realize that. What we want to do is create a public infrastructure here with this easement, so that the City has the right to go in and maintain it, and so that the property owners do not.

**Vice Chair Dukelow**: So, you've told me that it's currently private

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**Ms. Kneller**: I think it's been... Yeah, it was constructed long enough ago that there was no public easement associated with it. So, unbeknownst to probably all people in Mission, it has been private. It has been private, and now we're wanting to be able to have the right to maintain that pipe in the future as needed. So that's why we're asking for this public utility easement as this replat is happening.

**Vice Chair Dukelow**: The inlet right there on the street that's public infrastructure and if it's not, if it hasn't been, it –

**Ms. Kneller**: Needs to be.

**Vice Chair Dukelow**: Needs to be.

**Mr. Scott**: Yeah, it needs to be recorded as public infrastructure. Yeah.

**Vice Chair Dukelow**: And [inaudible] reconstruction?

**Mr. Scott**: The inlet may be improved. I don't know the specifics of that, but there's examples of infrastructure like this in peoples' backyards all over town. It's not at all uncommon, and it seems about two or three times a year one of those will cave in. Just the old, corrugated metal pipe, and it just eventually rusts and gives out and somebody's got a sinkful in their backyard, and they look to the City to come in and fix. A lot of times we say, "Well, it's not ours." We do it anyway. But it's better to have that as an easement recorded so that we can go in and fix it.

**Chairman Lee**: Any other questions [inaudible]?

[Unidentified Speaker, off mic]: [inaudible] Know if we were going to get something besides talking about that easement?

**Mr. Scott**: Yeah. You have gotten a document, yeah.

[Unidentified Speaker, off mic]:

**Ms. Kneller**: We'll require it with the final plat submission.

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[Unidentified Speaker, off mic]: I have one of those drainage ditches on my property. You're welcome to come take care of it.

**Mr. Scott**: I'm sure you are, yeah.

[cross-talk]

**Chairman Lee**: At this time, I will close the public hearing [inaudible].

**Comm. Cullinane**: Who owns the Florence Street, future street, right now? Does the applicant own that? Or will that be [inaudible]?

**Mr. Scott**: That right now is public right-of-way. So, if you look in your packet, you'll see the original plat that was approved and recorded by Johnson County back in 1913, and it shows kind of there on the right, Florence Street. So that's what we call a paper street. It was recorded as a street, but it was never actually built. So, he's wanting to use that right-of-way to build his private drive to serve his four properties. So, we'll keep the right-of-way, but we'll have a maintenance agreement with him to maintain the drive.

**Comm. Troppito**: Question, so does that become taxes on the property?

**Mr. Scott**: Not the street, no.

**Comm. Troppito**: Why wouldn't be taxed?

**Mr. Scott**: It's still a public street. Just being privately maintained. It's public right-of-way, so we wouldn't tax the right-of-way. We wanted to give it away, frankly. When he first came to us we wanted to vacate it back to him, and City Attorney said, "No, don't vacate it. Don't give up...Don't ever give up public right-of-way because you may need it someday." Okay. So, we decided to keep it. We entered into an agreement with him that he can build on it.

**Chairman Lee**: Other questions?

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[Unidentified Speaker, off mic]: [inaudible]

**Chairman Lee**: We closed the public hearing.

[Unidentified Speaker, off mic]: Oh, okay. I'm sorry.

**Motion by Vice Chair Dukelow, seconded by Comm. Braden**, to approve Case No. 23-03, Preliminary Plat for Morrison Ridge Park, with the conditions noted in the staff report and the additional conditions or issues raised here tonight with the neighbors that the applicant will work with the neighbors, as a good neighbor would, since they are obviously willing to do so. Address the drainage conditions as cited. Maintain the tree canopy as much as possible, although it's hard with construction, but it's beautiful, and work with neighbors to adjust the stormwater connection, if at all possible, at the back of the house.

**Chairman Lee**: Call the roll, please.

**Ms. Steffens**: Lee?

**Chairman Lee**: Aye.

**Ms. Steffens**: Snyder?

**Comm. Snyder**: Aye.

**Ms. Steffens**: Braden?

**Comm. Braden**: Aye.

**Ms. Steffens**: Dukelow?

**Vice Chair Dukelow**: Aye.

**Ms. Steffens**: Richards?

**Comm. Richards**: Aye.

**Ms. Steffens**: Troppito?

**Comm. Troppito**: My stance on animals in that neighborhood in which I dwelt for over 30 years [inaudible], and for that reason, I'm voting no.

**Ms. Steffens**: Schmid?

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**Comm. Schmid**: Aye.

**Ms. Steffens**: Cullinane?

**Comm. Cullinane**: Aye.

**Ms. Steffens**: Smith?

**Comm. Smith**: Aye.

**Ms. Steffens**: On the last one on the vote for approval of the minutes, Braden, I didn't ask you. Sorry. Aye? Thank you. Just wanted to get that out of the way. Thank you. Sorry.

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

2. **Case #23-04 - Consideration of an Application for a Final Development Plan for 5665 Foxridge Drive Multi-family Development – Block Real Estate Services, Applicant.**

**Chairman Lee**: Case #23-04, consideration of an application for Final Development Plan for 5665 Foxridge Drive. It's a multi-family dwelling. Block Real Estate Services is the applicant. I'll let staff take it over.

**Ms. Kneller**: Thank you, Mr. Chair. This is Case 22-04, 5665 Foxridge, Final Development Plan. The applicant is requesting approval of the Final Development Plan for the multi-family development project at 5665 Foxridge. The Planning Commission recommended approval of the project at its July 25, 2022, meeting, and the City Council approved the Preliminary Development Plan and Non-Conforming Situation Permit at its September 21, 2022, meeting. The Preliminary and Final Plans have also been approved. The project is located at the southeast corner of 56<sup>th</sup> and Foxridge on approximately five acres in an industrial district. The underlying zoning code permits multi-family developments in industrial districts, but the project required a non-conforming situation permit for its deviation from the Form-Based Code regulations.

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It is a 307-unit, five-story, multi-family development with 466 parking spaces; 22 parking spaces are located in a surface lot on the west side, and the remaining 444 parking spaces are within a central parking garage. Accessible parking spaces are per ADA standards; 2 are provided in the surface lot, and 7 are provided in the garage. This project will increase the impervious surface of the existing conditions and decrease green space by ten percent overall.

Included with this Final Development Plan, the only changes were a photometric plan was submitted this time that shows zero foot-candles will impact the exterior offsite surrounding conditions. Exterior lighting is shielded and provides downlighting per International Dark Sky Standards and are certified IDA Dark Sky approved by the International Dark Sky Association. The landscape plan specifies native shade and ornamental trees that meet the number and placement as required by the Municipal Code. There are nine street trees; 13 trees are provided on 56<sup>th</sup> and nine on Broadmoor, equaling the number in the stipulations of the Code. There are seven trees provided in landscaped open space, two within surface parking, and six percent of parking areas are landscaped, as also stipulated in the Code. Other landscaping includes evergreens and deciduous shrubs, grasses, perennials; and annuals will be planted seasonally.

A traffic impact study – oh, and the plant beds are indicated as being irrigated. The traffic impact study was submitted with the Final Development Plan as well, and the recommendations are generally the same as the report that you saw with the Preliminary Development Plan that include lengthening the deceleration lane for the southbound left turn movement on Metcalf, and adding a deceleration for the northbound right turn movement from Metcalf to 56<sup>th</sup>, and adding an acceleration lane for the northbound movement from 56<sup>th</sup> to Metcalf. KDOT did express support for those recommendations. However, it should be noted that KDOT embarked on an initial study for the replacement of the Metcalf

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Bridge down on Johnson Drive, which may also have an impact here at 56<sup>th</sup> and 58<sup>th</sup> and Foxridge intersections, and the last recommendation that was in that initial report that was submitted with the PDP it omitted the recommendation to install a yield line pavement marking for the southbound left-turn movement.

Additionally, the report notes that the left-turn movement at 56<sup>th</sup> and Metcalf will not operate at acceptable level of service without a change in the form of intersection control light via partial traffic lights, partial signalization. The report recommends partial signalization at the intersection and this recommendation was discussed with KDOT which does have authority over the movement at that intersection, and KDOT does not support signalization at this time. They cite concerns over safety and speeds on Metcalf within close proximity to Foxridge Drive.

Additionally, with this final submittal, a drainage report was submitted, too, that shows impervious area has increased with the proposed plan, and peak flow rates within underground infrastructure will decrease to an altered drainage pattern, and a proposed underground stormwater detention facility. ADS underground isolator row will be installed for water treatment, and these water quality improvements meet the Mid-America Regional Council's Best Management Practice Manual water quality requirements.

Per Municipal Code at 410.060, providing for parking regulations for high-rise apartments, the required stalls have been met for onsite parking. Per Municipal Code at 415.090 and 415.110, for required landscaping, the landscaping requirements per Municipal Code have been met as well. And then, the Preliminary Development Plan conditions of approval were A through G. All of these, A, C, E, F, G listed above have been met with the FDP submittal, and condition D of the PDP stipulated that private sign criteria should be submitted as part of the FDP. However, looking back to the Code, that is not part of the Municipal Code's regulations. So we eliminated that condition, but they need to

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submit a full sign package to staff for review as required per Municipal Code. Staff will review the signage at that time, prior to being installed.

Staff recommends approval of the Final Development Plan with condition A, that the developer will sign a binding agreement to maintain all improvements on the site, including landscaping prior to being issued a permit for construction, and B, all signage shall be submitted prior to installation. That's all I have for this application.

**Chairman Lee**: I believe the applicant is present, did you have any additional comments.

*Curtis Holland, Polsinelli, appeared before the Planning Commission and made the following comments:*

**Mr. Holland**: I'm an attorney with the Polsinelli firm, to represent the developer, owner of the property. Appreciate staff's report. Our team is here if you need to go over any questions regarding design, or what we're doing. You've seen this already. We spent a lot of time on it last summer. We're 100 percent in line with what we showed you last year, and so again, we appreciate your time and your review. We're in agreement with the stipulations and stand ready to answer any questions if you have any. Thank you.

**Chairman Lee**: Questions?

**Vice Chair Dukelow**: Mr. Chairman, I have just a couple questions, if I may. Just for clarification on the improvements to the road along Martway. Is that some kind of KDOT [inaudible]?

**Ms. Kneller**: On Martway?

**Vice Chair Dukelow**: I'm sorry.

**Ms. Kneller**: Metcalf. Okay, I was like...

**Vice Chair Dukelow**: Yeah, so just the deceleration lanes and that [inaudible] and acceleration lanes that are being

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recommended, is that part of the project, or is that something that KDOT [inaudible]?

**Mr. Scott:** We don't know. We actually did a traffic study. Those were the recommendations of the traffic study. The \$64,000 question becomes who's going to pay for it? Now, we had a meeting with KDOT a few weeks ago. Very preliminary, 60,000-foot view. The bridge that goes over Johnson Drive is nearing the end of its useful life, so that will have to be replaced probably sooner than later. How soon is soon? Is it next year? Is it next decade? I don't think any of us really know, including KDOT, but they're starting to work it into their planning. They've done some initial studies with the bridge and the approach to the bridge. One of the issues is the bridge as it sits today is too short, so we'll have to raise the bridge a little bit, and that's going to affect the profiles all up and down that corridor of Metcalf through Mission.

So I think probably at the end of the day, they're going to wind up having to do something at that interchange at 56<sup>th</sup> Street, and they'll probably take some of the recommendations that were done with the traffic study and implement those. So, we're also looking for federal funding. There's lots of federal dollars floating around out there. We've tried making application for some of those dollars, to kind of accelerate – no pun intended – the improvements, but so far, we've not been fortunate at getting that federal funding, but we still try to do that. In fact, the Mayor and some of the Council members are in Washington D.C. this week at the National League of cities, and they've taken all of this with them, and they're trying to work on our federal representatives to get some funding.

**Vice Chair Dukelow:** I don't know why they don't...they that are [inaudible] are still considering bringing that to grade.

**Mr. Scott:** Well, I don't want to let too much out of the bag, but that was one of the recommendations of our draft Comprehensive Plan, and it was a recommendation in our Form-Based Code

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Vision Plan that was adopted probably 15 years ago. They did look at that. They have an engineering study that has done some initial review of all of these. They looked at that. To bring it down to at-grade, to essentially wipe away the bridge and make it an at-grade intersection, it would be level of service F the day it opened. It just would not work, given the configuration of Broadmoor and Johnson Drive and the traffic, and everything else kind of going on around there. It just wouldn't work, so that's been kind of taken off the table.

**Vice Chair Dukelow**: [gap in recording]

**Ms. Kneller**: Per Code, there have been no significant changes from the PDP to the FDP now, and per Code, Planning Commission approves an FDP if there are no significant changes.

**Comm. Braden**: In the staff report it said that Conditions A, C, E, F and G have been met [inaudible]. Maybe I just didn't read this right, but there's no notation on condition B. Has that been met?

**Ms. Kneller**: My mistake, yes. B has also been met.

**Comm. Braden**: Okay. And then the last question for now is that in the traffic study it did say level of service southbound right turn [inaudible], and I'm not using the right term, but then without some form of signalization that KDOT does not want to do signalization, so is there a solution to what's fair]?

**Ms. Kneller**: So, again, with the reconfiguration of Johnson Drive and Metcalf, this will probably extend to that area. So, at that time when KDOT determines what is the best reconfiguration, either reconfiguring the bridge at some point and along that entire stretch will likely affect these intersections, so we'll have to look at those again at that time. Because it will be a different configuration, and the traffic study would show something else than what this traffic study shows currently.

**Comm. Braden**: So, I don't know what the timeline for this project is, so it's a chicken-and-the-egg –

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**Ms. Kneller**: Right.

**Comm. Braden**: Will the apartments initially be built with the unacceptable left turn lane, or will the bridge be built concurrently or before the apartments are built?

**Mr. Scott**: Yeah, I don't think any of us have an answer to that today. I think...I re-read the traffic study again. I don't know if the traffic engineer, Jeff Wilke, is here tonight or not, but the way I read it was the one movement that was identified as being Level F was that southbound on Metcalf left turn onto 56<sup>th</sup> Street, going eastbound. And although that's Level F, that can still be considered acceptable given today's traffic levels, which are practically nil. Nobody really...There's just not much activity in the area. Nobody really makes that movement too often. So even though it's a level of service F it can still be considered acceptable as it is today.

Now the question becomes, how much of an impact will a new apartment building have in that intersection in that particular movement? And I probably kind of gathered from the study, reading between the lines, probably not that much. And again, what we've seen with some of the other apartment complexes that have come before us, they just don't generate that much traffic during the peak hours that are shown in the study. We always kind of think of everybody leaving in the morning to go to work and coming home in the evening. That's not really the case anymore with a lot of folks that live in apartments, or just people in general. People work swing shifts, or people work from home. So even though the study shows there's 1,400 trips being generated a day, that's within a 24-hour cycle. There's only about 120 trips that are being generated during the peak times, and so is that really that much of an impact on the intersection? And I think the study kind of leaned to say maybe not as much. But with additional development in the area, then something would have to

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be done to address that left-turn movement. Any improvement is always better than nothing, but...

**Comm. Troppito**: The conditions of approval [inaudible] that waste station [inaudible] dog run in southwest [inaudible]. What do you mean by entity? Is this stipulation being backed by anything? Is there an agreement? [inaudible]

**Ms. Kneller**: Yeah.

**Comm. Troppito**: If there's an agreement, it ought to say so.

**Ms. Kneller**: Condition A, "The development shall sign a binding agreement to maintain improvements throughout the site, including landscaping prior to permit issuance. So before the permit to build is issued will require a maintenance agreement for everything onsite. All landscaping, all elements of improvements on the site." That's a condition of this FDP.

**Comm. Troppito**: Excuse me. That doesn't look like landscaping to me, but then -

**Ms. Kneller**: All improvements onsite, including landscaping.

**Comm. Troppito**: [inaudible]

**Mr. Scott**: I don't know if the engineer has an answer for that.

**Mr. Holland**: That waste contaminant will not be entering in the storm drain system. It will be picked up everyday?

**Comm. Troppito**: Is there something to back this up?

**Mr. Holland**: Excuse me, sir?

**Comm. Troppito**: Is there something to back this up? An agreement?

**Mr. Holland**: We understand the stipulation is to enter into an agreement we will be dealing with that. It's our expectation that we'll be dealing with an agreement with the city.

**Comm. Troppito**: If the partnership changes in two years?

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**Mr. Holland:** [inaudible]

**Comm. Troppito:** [inaudible]

**Mr. Holland:** Okay.

**Comm. Smith:** I have a question. Is the signage that's on the building, the four-foot-tall letters, going to be part of the signage? The middle? Or is that just included with the building?

**Ms. Kneller:** It will have to be a complete package for this submittal. Those are conceptual signs. Those are not what we have approved.

**Mr. Scott:** They will typically go work with a marketing firm to kind of come up with a snazzy name for the development and the theme. That's typically done towards the end of the project so at that point they'll submit a sign package to the city that we'll review.

**Comm. Smith:** It looks like those letters are only on the west elevation. Are they only going to be on the west elevation? Or both sides of the building.

**Ms. Kneller:** I believe, per Code, it can be on three facades.

**Mr. Holland:** We'll certainly comply with all the requirements of the sign ordinance with our submittal. The challenge on the east side is that there's no real visibility so it's likely not going to be on that side. You just can't see it.

**Comm. Smith:** That isn't something that will come before the Planning Commission?

**Ms. Kneller:** No.

**Comm. Smith:** The sign?

**Comm. Cullinane:** One comment on the signage. I think it would probably be better for the residents on the east side to not have the signage on the east side.

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**Comm. Smith:** Yeah, I would personally prefer less signage, but if so, if it were to remain just on the west side.

**Comm. Snyder:** Hate to beat a dead horse with regard to the traffic. Because I live around the area, and Brian, I'll push back on you with regards to traffic during peak hours. I mean, trying to make that left turn is, can be a bit taxing, and with the additional residents...I really like the project. I really do. I'm just really concerned about the traffic. I know KDOT vetoed the signalization of it all. And staff, is there any way we could make sure that once the project is being constructed, is there any way that we could get a level of additional traffic study to make sure that we could possibly get some signalization?

**Mr. Scott:** Possibly, yeah, we could go back to visit that. That might be...I think with any kind of improvements –

**Comm. Snyder:** Can we get something in with our current developers to possibly assist with that traffic study down the road?

**Mr. Holland:** If I may, we've studied the traffic issue, twice now. I think we've done our share. We recognize there's an issue there. It's been a longstanding issue, not being caused by us; not being exacerbated [inaudible]. From our viewpoint it's a KDOT issue. Not to say that we're not going to be impacted by what happens there or not going to have a say-so or a view, but it's really sort of out of our control and it's really more something KDOT has to fix and solve. I know the states been talking to them. We have been to several of their inspections. I can't give you a timetable on when it will get done. [inaudible]

**Mr. Scott:** Again, KDOT is going to study the entire corridor when they consider replacement of that bridge. So, they'll be studying that intersection again.

**Comm. Cullinane:** So will they take that into consideration [inaudible] the apartments being built yet?

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**Mr. Scott:** Yes. That's something obviously they're going to look at as part of their study is any approved development, so though the apartment building may not have started yet with construction, that's a project that's essentially there waiting to be developed. So, they'll have to factor that into their analysis. And they're aware of that. We mentioned this project, so they're aware it is coming.

**Comm. Braden:** So, according to the traffic report [inaudible] to help with that left-hand turn. Is that not going to happen either, or is that KDOT's responsibility also?

**Mr. Scott:** At this point that would be KDOT's responsibility, yeah.

**Comm. Snyder:** I was looking at this letter from KDOT, and it talks about a concept acceptance. What does that define? How is the concept of acceptance defined? Anybody know?

**Mr. Scott:** I think conceptually this traffic study, based on this proposed project and the existing conditions, they conceptually prove the recommendations that are put forward, but before they actually formally approve any recommendations and implement them as such, they're going to probably want further study of their own, especially in light of the bridge happening. So as of today, they could conceptually approve these recommendations, but there would have to be further study done before anything is actually implemented. So, it's not like the final say. That's KDOT typically go back with their engineers, re-evaluate the recommendations, further analyze them and maybe refine them a little bit before they would say, "Yes, we sign off on actual construction of these recommendations."

**Comm. Snyder:** It also says that concept acceptance does not supersede any requirement of local authorities [inaudible].

**Comm. Troppito:** I haven't given up on this [inaudible] waste station. [inaudible] on Broadmoor it's been a problem for years with animal waste [inaudible] out on the street, and, you

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know...So who on City staff is going to policing this to be sure that kind of thing doesn't happen?

**Mr. Scott:** Well, we have a neighborhood services officer who I guess could go by there periodically and check to make sure they're compliant.

**Ms. Kneller:** If there are complaints is probably when our enforcement officer would be called out there to evaluate. So, it would be basically incumbent on the residents there. If they're seeing an issue, that's usually when we'll find out about it.

**Mr. Scott:** The Public Works Department has to file with the State about the Department of Natural Resources. It's the Kansas Department of Health. Statistics on the number of stations like this we have around town, and it's part of their MDS permit for the stormwater system.

**Comm. Troppito:** What it has to do is to be proactive on this instead of reactive. Because I think by being proactive will avert situations like [inaudible] and make clear they don't want it to happen, no matter who's in charge of this [inaudible].

**Mr. Scott:** Right. Yeah, that's why we're putting it into the agreement.

**Comm. Troppito:** It's the same, anything about somebody being forced. That's why I'm following up on this.

**Mr. Scott:** Yeah.

**Comm. Troppito:** All right, well thanks Brian. Appreciate it.

**Vice Chair Dukelow:** Mr. Chairman, I have just [gap] looking at the sheet 21 and 238, the entry courtyard...When I reference to 238 I mean in the packet. So it's the sheet that has the four elevations [inaudible].

**Ms. Kneller:** 21?

**Vice Chair Dukelow:** 21, okay. So, I'm looking at the entry courtyard, and I'm looking at the west elevation, and in both of

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those instances I'm seeing stucco at grade, and I'd like to know if the applicant would be agreeable to using another material at those locations. It's the only instances on these whole buildings where it almost feels like it's been addressed, but maybe just adjust those elevations back.

**Ms. Kneller**: You're talking about the EIFS in this area?

**Vice Chair Dukelow**: Yes. West elevation, entry courtyard, along the angular sides. We're facing west, and then like on those 45-degree angles, there is EIFS, or stucco, whatever you choose to call it. And then also on the west elevation. What other materials to choose from.

**Ms. Kneller**: West elevation of the –

**Vice Chair Dukelow**: Sheet 24. I'm sorry, page 24. Yeah, there are two pages. It's one –

**Ms. Kneller**: I see what you're saying here. I believe it's stone. Are you talking about...? Oh, you're talking about this part.

**Vice Chair Dukelow**: [inaudible]

**Ms. Kneller**: It's stone except for, yes, this area right here would be the EIFS. Stone and brick all the way across the rest of it. And then –

**Vice Chair Dukelow**: Talking about the west elevation.

**Ms. Kneller**: Uh-huh. Right. This is EIFS right here, this kind of burnt orange.

**Vice Chair Dukelow**: Correct.

**Ms. Kneller**: Yeah.

**Vice Chair Dukelow**: And then on the other...It's symmetrical. So, on the other side as well. And then, in the courtyard.

**Ms. Kneller**: On the other side being the east elevation.

**Vice Chair Dukelow**: The other side of the [inaudible].

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**Ms. Kneller**: On the west.

**Vice Chair Dukelow**: On the west elevation.

**Ms. Kneller**: Yes. Here and here. Yes. Okay. Gottcha.

**Vice Chair Dukelow**: Sorry for [inaudible]

**Ms. Kneller**: Mm-hmm, right here.

**Vice Chair Dukelow**: The very next on all of the other elevations.

[gap in recording?]

**Mr. Holland**: Could you repeat the question?

**Vice Chair Dukelow**: Replace the material with [inaudible].

**Mr. Scott**: This area right here, that's EIFS, and the preference is that EIFS doesn't go all the way to the ground or to the flat elevation that –

**Mr. Holland**: We'll certainly, we can certainly deal with that at the base, not have stucco we can certainly take a look at that.

**Vice Chair Dukelow**: [inaudible] and I see that that's the only places that that occurs, so I thought perhaps it had been addressed [inaudible].

**Mr. Holland**: Yeah, I think we can have some masonry down at that level.

**Comm. Snyder**: Do you have an estimate on when construction could start?

[inaudible, off mic]

**Comm. Snyder**: A year? Two years? Five years? Ten years?

**Mr. Holland**: As soon as the feds quit playing with the interest rates and the markets get a little healthier, we'll have a better answer for you.

**Comm. Snyder**: Is there a timeline when it has to be built staff? Can it go on perpetuity?

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**Mr. Scott**: Well, no. The Preliminary Development Plan that was approved by the City Council had a timeline. I can't remember if it was two years or five years. If construction doesn't begin within that time period, the developer has an opportunity to come back and ask for an extension. But there is a drop-dead date. I can't remember exactly when it was.

**Comm. Snyder**: Five years?

**Mr. Scott**: Yeah, I can't remember if it was two or five. I think it might have been five. Two years seems a little short. Five, yeah. And that clock started ticking when the Preliminary Development Plan was approved back in September.

**Chairman Lee**: Any other comments?

**Comm. Schmid**: I've got one. Really more of a comment than a question. I really like some of the other comments [inaudible] what's currently there. The only real [inaudible] comment that I have is [inaudible] 1,500 square feet, so it's basically [inaudible] ability to gain back some of that green space. [inaudible] So there are other opportunities asphalt [inaudible] the parking spaces. That said, it's not [inaudible] obviously [inaudible] in favor of it but I still think it's a great [inaudible] but that [inaudible] at this point [inaudible] when you were talking about it last time. I think for staff, it's clear that I would be interested in [inaudible] parking feasibly [inaudible] parking maximums as opposed to parking minimums to avoid situations like that in the future. That's my comment. Thank you.

**Chairman Lee**: Anyone else?

**Comm. Cullinane**: I did read some comments from a submitted resident last time. You had met briefly before the meeting. You know, the concerns were around the privacy wall between residents and the proposed apartments and then also to try to keep as many trees as possible between that space as well. Kind

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of those [inaudible] green space, too, so try to preserve as much of the green space as

we can. I don't think we're able to do anything with the wall, [inaudible] the same height [inaudible] but if there's anything we can do to preserve that would help additional privacy.

**Mr. Scott**: Yeah, that's the resident on the south side of Broadmoor.

**Vice Chair Dukelow**: Mr. Chairman, if there are no further questions or comments, I'll attempt a motion.

**Motion by Vice Chair Dukelow, seconded by Comm. Troppito**, to approve Case #23-04, Application for Final Development Plan for 5665 Foxridge Drive multi-family development with the conditions noted in the staff report and additionally, the masonry materials [inaudible].

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

**3. Case #23-05 - Consideration of an Application for a Wall Mural at 6620 Martway – American Honey Salon, Applicant.**

**Ms. Kneller**: Thank you, Mr. Chair. This is Case #23-05, Application for a mural at the American Honey Salon located at 6620 Martway Street. This is a new business in Mission. They opened, I believe, last month, and you may have noticed some painting that has happened prior to this mural going up, but we have an application for a mural in that space at this time. They would like to include a mural on that south façade of the building and would add some art to the streetscape on Martway. A local painter, Whitney Kerr, has been contracted by American Honey Hair Salon to paint a mural that depicts a rider on horseback with a landscaped scene. Colors are terra cotta and neutral beiges with white space on the lefthand side of the wall for a possible wall sign if the business chooses to add it at a later date.

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Section 430.020 of the Municipal Code defines wall murals as any mosaic, painting or graphic art, or combination thereof, which is professionally applied to a building, and which does not convey a commercial message. Section 430.050 further provides that certain signs are excluded from the City's Sign Code, including integral, decorative, and architectural features of buildings or works of arts so long as the features or works do not contain letters, trademarks, moving parts or lights.

Staff's determination is that the mural as proposed meets stipulations of the Municipal Code. We also have Mural Guidelines, and these Mural Guidelines state that it should be work of art, original work of art, two-dimensional or three-dimensional are possibilities. Murals should be designed and constructed under the supervision of a qualified artist or muralist. Murals exhibit the highest quality design, content, materials, and application. Materials should be durable and weather-resistant. Mural materials must be appropriate for outdoor application, shall not contain a logo or a trademark symbol. No commercial text or anything construed as symbolizing a specific brand. They shall not contain material that's protected under copyright. Murals should not incorporate recognized symbols of hatred, discrimination of any kind, and murals shall not incorporate anything that would be considered inappropriate or indecent. And it is staff's determination that the mural as proposed meets the design standards as stipulated in the Mural Guidelines. Further, the Guidelines state that murals should be located on the side or rear of the building and may be placed on the front façade if it complements the overall façade and does not compete with architectural details. Murals should also avoid creating harsh edges where there are no present architectural features. Murals can be placed on walls to define the edge of a property, and they should be located and sized to encourage pedestrian engagement.

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You see the mural on the screen right now. I did consider at first with this mural that that diagonal line is sort of a harsh...could be considered a harsh line for this mural, and it doesn't follow the architectural details of the building. However, it does mimic a motif that could be considered western, like a mountain or a mesa type of motif. So, I kind of retracted that statement. I thought it looked really nice and could add some kind of dynamic interest that isn't just a flat wall façade. So that's kind of why I go ahead and recommend this mural despite the line as part of the Guidelines.

Staff does recommend approval that the Planning Commission approve the installation of the mural with consideration of the following conditions: A through C, that they maintain the work, that there's a maintenance agreement before work begins. That's condition A. Condition B, that the white space that is primer paint, there's additional white space on the eastern side of the building as well that has been primed, and that it should also be painted with a base coat over that primer. And C, that applied topcoat, superficial layers and graffiti coats do not compromise the painting after it's complete. That's all I had for this applicant.

**Chairman Lee:** [inaudible]

*Sadie Rucker, applicant, appeared before the Planning Commission and made the following comments:*

**Ms. Rucker:** I own American Honey Hair Salon. I don't have much to say. I really like it. I think Whitney did a really good job in making...When you see the picture bigger, the awning of the building, I like that he did do the line, because it kind of just, you know, visually it looks really cool. But yeah, I like it. That's all I had to say.

**Chairman Lee:** I have a question for you. Prior to your starting the mural, are you going to change [inaudible]?

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**Ms. Rucker**: Well – Whitney, you can chime in here – but he hadn't done a second coat yet, because they didn't get the mural approved yet. The second coat would be the lady when you look on the west side of the building there is a second coat, but closer to the windows we don't have a second coat, because we were waiting for you guys to approve if we were going to have her up there or not.

**Chairman Lee**: Will the second coat [inaudible]?

**Ms. Rucker**: Yes.

**Comm. Snyder**: What is the concept behind the horse and cowboy?

**Ms. Rucker**: Well, American Honey, we're kind of a western vibe in my salon, and Whitney drew up a couple ideas, and this is the one that spoke to us. I mean, we're not like a hundred percent cowboy in there, but I really like this one. I liked that it's a classic, vintage kind of photo. I don't think it will get dated too soon. I don't feel like it's pitchy. I think it's [inaudible] and classic. I think it will last longer.

**Comm. Troppito**: Staff recommends the Planning Commission approve the installation with the following condition – property owner shall sign a maintenance agreement with the City before work may begin. [inaudible] stipulations but [inaudible]

**Mr. Scott**: [inaudible]

**Comm. Troppito**: What do these words mean?

**Ms. Kneller**: If there's wear and tear for one that would be something where we would need them to go in and repair the painting and re-topcoat it. I believe Whitney said that this would last...How long did you say it would last in your application?

**Whitney Kerr**: Twenty-five years.

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**Ms. Kneller**: I was going to say 20, but okay. So 20, 25 years it should last. If it doesn't last that long or we see issues with it, they'll have to go in and repair it.

**Comm. Troppito**: What if they decide to move [inaudible] occasion. What happens then with the mural?

**Ms. Kneller**: Any new tenant that doesn't like the mural would paint over it.

**Comm. Troppito**: Is that part of the agreement?

**Ms. Kneller**: No. I mean, the new tenant would be the one to paint over it, not these folks.

**Comm. Troppito**: Who owns the property?

**Ms. Rucker**: David Block owns it. He's my landlord.

**Comm. Troppito**: Okay, so when will you stipulate this maintenance agreement be prepared?.

**Ms. Kneller**: After your approval we'll draw one up.

**Whitney Kerr**: I was hoping to start painting tomorrow.

**Mr. Scott**: It's going to rain tomorrow, so...

**Comm. Troppito**: [inaudible]

**Ms. Kneller**: You didn't tell me that.

[cross-talk]

**Comm. Braden**: Didn't we have similar stipulations on the –

**Ms. Kneller**: Wingstand?

**Mr. Scott**: Wingstand and the tattoo, Headless Tattoo.

[inaudible]

**Ms. Kneller**: Yeah. It won't be...It'll be quick.

**Comm. Troppito**: Has it been written? The maintenance agreement for the [inaudible]

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**Ms. Kneller**: There's a basic template that we used for Wingstand that we'll use again for this one.

**Comm. Troppito**: Email it to me, would you please?

**Ms. Kneller**: Sure.

**Comm. Troppito**: Thank you.

**Comm. Cullinane**: This one doesn't seem as extravagant as the tattoo one. What happens if it does get [inaudible] if it does get partially done? Like, what happens then? Would he have to [inaudible] long-term for murals that aren't completed? Like the [inaudible] completed. What happens if you only do the head? Is there something to say like the completion of it, you know?

**Mr. Scott**: Part of the maintenance agreement is stipulating a timeframe for the completion of the mural, then what would happen if the mural is not completed. The City is not going to come in and complete it, but we may have to paint over it just to get the wall back to the way it was, yeah.

[inaudible]

**Mr. Scott**: Yeah, that would probably be one of the stipulations in the agreement. Yeah, we're fortunate that we're coming up on painting weather, as opposed to that last one with the tattoo place was kind of in the fall, right before winter was supposed to hit, so they were in a little time crunch.

**Comm. Cullinane**: I do really like the mural idea. I think turn onto that road. I [inaudible] [inaudible] times I actually looked at the building because it was painted white, and I was like, "Oh, there's something going in there." So I think it's exciting. It draws the eyes to it and I think it's good to have something there.

**Mr. Scott**: That space has been vacant as long as I've been working with the City, so it's been eight years, yeah.

**Ms. Kneller**: I do love your cactuses in the window.

[cross-talk]

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**Ms. Rucker**: [inaudible] completely and renovated it, and yeah, I [inaudible].

**Comm. Schmid**: I have a question. [inaudible] I love the idea of murals. [inaudible] A very specific question, really more for staff. This is just for my own clarification. When you talk about two and three dimensional. Does three dimensional, to mean just the style representing [inaudible] or is it literally a third dimension?

**Ms. Kneller**: I think you can actually add to it with material to create three dimensions.

**Mr. Scott**: It's almost like a sculpture as opposed to a mural.

**Comm. Schmid**: Okay, so it is more broadly defined. Okay, that's good to know. No, that was all.

**Chairman Lee**: Anyone else?

**Motion by Comm. Richards, seconded by Comm. Snyder**, to approve Case #23-05, the wall mural at 6620 Martway-American Honey Salon, with the conditions noted in the staff report.

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

## V. Old Business

**Chairman Lee**: Old business?

**Ms. Kneller**: I'll get you that maintenance agreement by tomorrow.

**Comm. Troppito**: Okay.

[inaudible comments]

**Mr. Scott**: No old business now.

[inaudible comments]

**Ms. Kneller**: Oh, really?

[inaudible comments]

**Ms. Kneller**: Is that what they've done? Is that what was there existing before?

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**Vice Chair Dukelow**: [inaudible].

**Ms. Kneller**: Yeah, so they're still working through their parking access agreement with both of the neighbors. It sounds like everybody is very amenable. Both neighbors, or at least one neighbor is asking for some compensation for some signage to put up that states that it's only for their parking. It's not for Big Biscuit parking, which is, for us, it's reasonable that they would want that signage there, and I believe Big Biscuit is going to help them with the cost of the signage. Otherwise, the neighbor to the west and south, the Stag Realty, is allowing them to park in his lots, and so they're still working out what that legal agreement looks like. But yeah, we should be rolling soon on that. I don't believe that they have submitted actual construction drawings yet, Kim?

**Ms. Steffens**: Yeah, I think they're in.

**Ms. Kneller**: Did they? They're in? So, they'll probably be able to be ready to roll before too long, once they get those agreements established. Yeah? Sorry.

**Whitney Kerr**: Returning to signage, in the original design we had American Honey to the left in like a brownish color. I know that that's a different process from –

**Ms. Kneller**: Yeah, so that's –

**Mr. Scott**: Murals can't include any like painted signage like an advertisement.

**Whitney Kerr**: Even if I applied for a sign, I couldn't put it on –

**Ms. Kneller**: No, because the sign has to be of durable material like a wall sign, like the rest of sign –

[inaudible, cross-talk]

**Ms. Kneller**: No, it can't be painted. I can work with you offline about it.

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**Mr. Scott**: Talk to Karie tomorrow about the sign ordinance and what's required for that.

**Vice Chair Dukelow**: [inaudible]

**Ms. Kneller**: Azura Credit Union? To my knowledge, yes. I don't know if they're delaying construction due to costs right now. I'm not sure.

**Mr. Scott**: I would imagine the market. Think they're probably...I'm speculating, but they're probably feeling a little skittish right now with the economy and everything that's happening with banks. But they do own the property. They bought it outright.

**Vice Chair Dukelow**: [Inaudible, recording gap]

**Ms. Kneller**: I was just talking to a building official.

**Vice Chair Dukelow**: [inaudible]

**Comm. Snyder**: Yes.

**Ms. Kneller**: He thinks it's the Fire Marshal that put up the tape. Might be able to talk to them about either repairing that tape or taking it down and just...I don't know who would be responsible for putting up a sign. I know it's going through insurance right now, and that's a long process.

**Vice Chair Dukelow**: Right and we know [inaudible]

[Unidentified Speaker]: [inaudible]

**Ms. Kneller**: It's still open?

[gap in recording]

**Ms. Kneller**: They don't have it boarded up? That seems like it would be...We'll look into that.

**Comm. Braden**: I have a quick question on [inaudible].

**Ms. Kneller**: Yeah, what's going on with that?

**Mr. Scott**: I'm sorry. What was the question?

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**Comm. Braden**: Improvements to the project at 51<sup>st</sup> & Lamar, The Retreat.

**Mr. Scott**: There's been so many projects. 51<sup>st</sup> and Lamar.

**Ms. Kneller**: That's where they were going to take those garages in the back that are wooden and reconstruct those, but then they like changed their mind a couple times.

**Comm. Braden**: [inaudible]

**Vice Chair Dukelow**: They seem to have just stopped on all other things that they [inaudible].

**Mr. Scott**: Yeah, so they made improvements to the buildings which included replacing the roof and the mansard on the siding and kind of updating as much as they can. We asked them to tear down the garages because the garages were not in the best shape. But really the issue is the garage doors. So they took off all of the garage doors. They refaced the garages themselves, and then just kind of left it at that. Again, I'm speculating but I think they probably just flat out ran out of money. So, I need to kind of go back with... Somebody else asked recently, too. So, I need to sit down with their management and figure out what their future plans are for finishing up with the back side of the garages, kind of facing to that neighborhood, and then the trash enclosures that are on the side. But that seems to be the case. You just have limited funds, and you can only do so much, and, yeah.

**Comm. Braden**: I was just curious.

**Mr. Scott**: Yeah, I drove through there the other day, and oddly enough, there's no one parking in the garages, which I find kind of interesting. You would think that the tenants would want to park in the garage.

[inaudible speaker]

**Mr. Scott**: That thought crossed my mind, honestly. That's probably true.

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**Comm. Cullinane**: [inaudible].

**Vice Chair Dukelow**: If memory serves me they were going to convert those to a carport –

**Mr. Scott**: Right.

**Vice Chair Dukelow**: [inaudible] thought maybe [inaudible] that they could put that money into some landscape.

**Mr. Scott**: Well, that was the initial. Tear down the garages and build the carports. One of the issues with the carport, when we got to looking at the actual construction documents, is that there's water lines all around the building. So, if you're building a carport over a water line and that water line breaks, guess what's coming out? The carport. To fix the water line.

**Vice Chair Dukelow**: [inaudible]

**Mr. Scott**: No. The water line comes in off of 51<sup>st</sup> Street, and just does basically a big circle around the building. So, it's kind of like, "Okay, let's scrap the idea of the carports and then again, I think they kind of ran into cost and maybe the least expensive option is just to remove the garage doors, kind of clean out all this junk, because a lot of people were using those garages for storage and you know, kind of sideline businesses and whatever else, and so was clean all that out, open it up, so it's still available for someone to park if they want to get their car out of the weather, but you can't really clutter it up too much. But you know, Megan's right, there probably is an additional charge for that, so those people are a little bit reluctant to pay that.

**Comm. Snyder**: Brian, do they...like the trash bin. Somebody moves out and there's like beds and couches I mean, it's right there on the lawn. Is there any way we could like negotiate [inaudible] their trash and put it in the back somewhere as opposed to right there on the lawn? I mean –

**Mr. Scott**: You know, honestly, you've got somebody moving out of an apartment, they're going to walk to the closest enclosure

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they can find, place that stuff in there, and it's usually on a Saturday or Sunday when management is not there. You know how that is. We've all lived in apartments before, and we're moving out, and take it to the nearest enclosure over there.

**Comm. Snyder**: [inaudible]

**Mr. Scott**: Yeah, part of it is building a new enclosure that's made out of masonry, something big enough to hold some of that stuff until someone can come and pick it up.

**Comm. Troppito**: What's the status of that senior apartment complex on Riggs Road that we approved like six months ago or so.

**Ms. Kneller**: The Preserve

**Mr. Scott**: She's not taking any action at this time. Yeah, I think it was just

[inaudible]

**Mr. Scott**: Yeah, I think it's just...Yeah, again, it's –

**Ms. Kneller** : Interest rates.

**Mr. Scott**: Yeah, the market has just gone sideways in the last 6 or 9 months, and a lot of people have kind of just sort of stepped back and said, "I'm going to reevaluate this before I dive in."

[inaudible]

**Comm. Troppito**: I presume the same, so [inaudible].

**Mr. Scott**: Yeah, so we talk to them once a week, and as far as we know they're still negotiating with their lenders and trying to work out an arrangement where they can get a loan and get the equity they need –

**Ms. Kneller**: And the bonds are still in process. They still haven't closed that 90-day window yet, right?

**Mr. Scott**: Yeah. Step 1 and 2 is to work with their lenders and their equity partners to get the upfront money they need, and

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once that's in place they can come back to the City and say, "Okay, we're ready to have the City sell bonds," then the City would sell the bonds. But everything has just gotten topsy turvy in the last few months, you know. The interest rates going up and now you've got some of these bank foreclosures and concern about regional banks, and everything's just kind of...people are just kind of stepping back a little bit. But yet we still have developers coming in wanting to do new projects. I don't know. [gap in recording?]

**Ms. Kneller**: And I am cued up, I guess.

**Comm. Snyder**: Is the State going to close the Unleashed property you were talking about state regulations being violated.

**Mr. Scott**: The State stepped in and revoked their license to operate the animal shelter there. I don't know if they're still open or not, but they shouldn't be taking in animals or adopting out animals anymore. As far as I know there's no animals in the building anymore.

[inaudible, recording gap?]

**Mr. Scott**: Yeah. That could be.

**Vice Chair Dukelow**: How did the meeting last week go with the Urban Planning students from [inaudible] KC? Did they get to try out information?

**Ms. Kneller**: We had some Council members come to the meeting, and some folks from the Tree Board, Parks and Rec and Tree Board Committee. The Mayor attended as well. I don't know, we had what? Ten people maybe that came to that meeting. There's also a survey that we just posted on social media today, this evening, right before five o'clock that you can go in and just do the survey online. So, check that out and let me know if you don't see that on social media. There is on our website a link to the survey on the current project's webpage under their project. The next step for them is that they will do their final

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recommendations and give those as a final presentation. And that will be in, I believe, the first week of May, if I'm remembering correctly. They graduate like the 13<sup>th</sup>, so I think they give their final presentation either the last week of April or the first week of May. They haven't established that just yet.

**Comm. Cullinane**: [Inaudible] came to the Commission, but the other guy, or the older guy, provided it.

**Ms. Kneller**: The other place.

**Comm. Cullinane**: The other place. [inaudible]

**Ms. Kneller**: Yeah, so they came to us to ask about extending the patio. They want to do an outdoor patio there. That would not necessarily be something that goes to Planning Commission because it's not a significant enough project for that, to trigger that, but they are basically drawing up plans for that, and our development review committee is looking at those plans once they submit them. So we'll have our Engineer, and our Building Official and myself making sure that it's all tied up and conforms with Code. So yeah, on the outside it seems like they want to, I guess, remove a couple of parking spaces, and extend that outdoor sidewalk to provide a patio outside with I believe it's like a pergola the last time I saw some concept drawings. But they haven't submitted to us yet.

## **VI. Planning Commission Comments**

## **VII. Staff Updates**

**Mr. Scott**: I have a few updates, Mr. Chair. So, the end of this week Karie and Commissioner Richards and Commissioner Dukelow will be traveling to Philadelphia for the APA National Planning Conference. Encourage them to wear their Chiefs gear. Hopefully, they'll be able to drink the water, too. [inaudible] the water in Philadelphia.

**Ms. Kneller**: bring in some bottled water.

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**Vice Chair Dukelow**: [inaudible]

**Ms. Kneller**: It's about 22 minutes away.

**Comm. Cullinane**: [inaudible]

**Mr. Scott**: A Chiefs party where everybody knows your name, and yeah. So, we'll have a report for them next time at our April meeting. Then, at the April meeting we have one item on the agenda and that's the application for Swig. I mentioned that last time. That's at the corner of Martway and Barkley. It's the old Backyard Burger. We met with them last week and suggested some ideas for kind of enhancing that property that might help to at least try to conform a little bit more to the Form-Based Code. They were surprisingly kind of receptive to those ideas. So I'll be curious to see what they come back with.

**Ms. Kneller**: Still probably going to require a Nonconforming Situation Permit.

**Mr. Scott**: Yeah. It is what it is. It's not going to meet the Form-Based Code. At the main meeting we simply have scheduled the Mill House development which is a multi-family development project. Just kind of across the way here. It's basically Martway between Dearborn and Beverly. Both sides of Martway. So they're proposing 250 units and two buildings. One building is on the south of Martway. That will replace the old Pizza Hut buildings. And then the larger building – there's a three-story building – but a four-story building on the north side of Martway and that would be the balance. The majority of the units in that building can be structured parking, pool, those kind of things that we typically see in some of these development projects.

**Ms. Kneller**: With a retail component as well on that one.

[Unidentified Speaker]: Didn't Barkley –

**Ms. Kneller**: Yeah, the old bank.

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**Mr. Scott:** They're looking at the property that, it's essentially kind of going north to south. It would be the Beverly Park. It would be the office building of Dearborn, a two-story office building with a parking lot behind it on Beverly. The Motor bank. In that corner office building there at Martway and Dearborn, that square, two-story corner office building. Then the three office buildings – we call them Pizza Hut buildings – on Martway. Part of that, obviously, is if they're going to take Beverly Park, we want to see like compensation. We want to see an additional park in the neighborhood, and that would entail basically a land swap with them. So they're proposing that one of the...the far western building on Martway be demolished, and that would be the possible park space.

So if you could imagine, those three office buildings on Martway, that one that's furthest west would be demolished and that becomes green space for a new Beverly Park. This is all very tentative. It's not as easy as saying, "We're going to swap land." There's a process you actually have to go through. You have to put notice to the public that the City is going to do this, basically declare surplus property, and give up this land. Then there's an opportunity for the residents to file a petition or appeal on some format. I think there's a public hearing. So it's an involved process. It's not as simple as the City Council just giving a thumbs up and everyone moves on down the road. There's potentially a request for incentives tied in with all of this. The would be part of the negotiation of the incentives. So a lot going on, a lot of moving parts. That's why it's tentatively scheduled for May. It may wind up being pushed to June or even July if we get into negotiations with them and that kind of drags out a little bit longer. But that is on the radar screen. We had a neighborhood meeting with them last Monday night. We invited all of the residents from Countryside and the business owners in the area. We probably had about 30 or so that were there. I think it went relatively well. We're still waiting for comments back. They were supposed to

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have taken comment cards and kind of gather all those comments together and get them back to us.

[cross-talk]

**Ms. Kneller**: - my understanding, it was by and large very positive feedback. Some of the neighbors that live to the south that actually bought the property across the creek, they were actually very happy with the new development, and they brought up some of the old, former developments that had been proposed, and really, really like this one. I mean, there were no complaints from them about what it looked like.

**Mr. Scott**: Some of the more senior members of the Commission remember we had a rather contentious development project there a few years ago, and that property is on the south side of Martway. So I think generally the feedback that I got from residents was that this was much more favorable, but there's still a lot of things to be worked out there.

As I mentioned last time, we have a joint meeting with the Planning Commission and the City Council scheduled for Monday, April 10<sup>th</sup>. So we're working on a final draft of the Comprehensive Plan. We gave it back to the consultants with our final edits last week, and they're diligently working through that, and we're supposed to get it back from them on Wednesday. We're going to do one last review and then we're going to send it out to everybody, so everybody has some time to read through it and digest it. Then at that meeting we'll kind of do a high-level overview of the recommendations, and so we'll work through those recommendations. We'll most likely have a second meeting in May. I believe that's scheduled for May 2<sup>nd</sup>, which is a Tuesday evening. I'll send information out about those dates and times. Because of the size of the group, we'll be meeting over at the Community Center again, so we can kind of sit around and be comfortable and not all crammed in here.

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On the 17<sup>th</sup> of April, we have a Board of Zoning Appeals meeting. There's three of you that are on the BZA – Stuart, Mike and Robin – then we have a fourth resident, Aaron Wingert, who is on that. That's not a typical zoning appeal. What's going on with that is Johnson County Wastewater is making a number of improvements to their sanitary sewer collection system in northeast Johnson County. They submitted improvements a couple years ago for the Roe pump station on Roe Avenue, or Blvd. We recently approved plans to update their treatment plant at the north end of Nall, the Nelson treatment plant. They have a small pump station on Foxridge, right by Turkey Creek, and they need to make some improvements to that pump station, because that ties directly into the Nelson treatment plant. That pump station is actually in a 500-year flood plain, and we have a flood management ordinance that stipulates that no development can be done in a 500-year flood plain. So they're asking for a variance and that variance would require review and approval by an appeals board. The way it's structured, the BZA is the appeals board. So it's a little bit of a one-off. We'll provide all of the detail in the staff report about the Code and the requirements for the approval and all of that. But that will be on the 17<sup>th</sup> of April. It's a Monday night. It will be here in this room at 7:00.

[inaudible]

**Ms. Kneller**: The Public Works Director is the one overseeing the BZA, and she wrote the staff report, so she'll give me more information at that point.

**Mr. Scott**: I think that's all I have.

**Ms. Kneller**: I have something. So, the second Planning Sustainable Places grant that we –

**Mr. Scott**: Oh, yes.

**Ms. Kneller**: - that we wrote an application for scored very highly. In fact, I've heard from one of the committee members that it was

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highest ever score for an application for Planning Sustainable Places, which actually helped us when they were reviewing the applications for this second round of extra funding that was not spent in the first round. Because they had a couple different scenarios that they were determining who was going to get what portion of the money. The scenario that they went with, we were originally going to receive \$25,000 through that scenario, but there was \$28,000 left over in that pot. And because we had such a high score, they gave us the rest of the \$28. So we have \$53. We asked for \$55 originally. We came in just under that at \$53. So, with the committee, they voted to recommend approval to the Board, and now the Board will vote and it's not a sure thing, but it's a sure thing. So, hopefully we'll hear more about that definitively coming up soon.

**Comm. Cullinane**: Was that one like everyone put comments on?

**Ms. Kneller**: So the first round there were a lot of comments on that. We had something like 60 or 64 or something like that. This one we had like 40-something, I think, or close to 40. So we had a lot... This is the pedestrian, bike, and trail connection citywide.

**Mr. Scott**: There's two grants. One's for Rock Creek and one's for the bike pedestrian plan.

**Ms. Kneller**: And it's really great because, you know, the funding that the City is required to provide as a match on that, we already had in the budget to provide for a study. But this will give us a more robust study and plan so that we can really take a look at all of these trail connections with how they connect to parks and how we can prioritize sidewalks that I know has been a priority for a lot of residents for quite a while. We're going to start looking at actually how and where and when as priorities probably with this plan. So yeah, that will be a good kind of supplement to the Rock Creek, the east side of the Rock Creek Trail plan that will get started soon. I know the contract has been executed by MARC

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through the consultant that we chose, and so we should be able to get started soon on that.

**Mr. Scott**: Well, Megan, welcome back. How's Aspen?

[inaudible]

**Mr. Scott**: We have a gift for you. We have a belated baby shower gift for you. I'm not going to step around there with all those wires. Something appropriate for a Planning Commissioner and her daughter.

**Comm. Cullinane**: Like a bike?

**Mr. Scott**: It's *The Little House*, by Virginia Lee Burton. When you read through it you'll see at that point the relationship of planning and city building and...so enjoy that.

**Comm. Cullinane**: I'll read it. [inaudible] he says, "Where do you go every Monday?" [inaudible]

**Chairman Lee**: Okay, anything else?

**VI. ADJOURNMENT**

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

**Comm. Cullinane**: Thank you.

**Mr. Scott**: You're welcome. Thank you for coming.

The meeting adjourned at 8:57 P.M.

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Mike Lee, Chair

**ATTEST:**

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Kimberly Steffens, Secretary